

**TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
MAY 21, 2021**

Members Present: Chair David Green; Vice Chair David Lapovsky; Secretary Jay Plager;
Members Gary Coffin, Paul Hylbert, Margaret Nuzzo, Michael Warnstedt

Also Present: Maggie Mooney, Town Attorney; Allen Parsons, Planning, Zoning &
Building Director; Maika Arnold, Senior Town Planner; Savannah Cobb,
Deputy Town Clerk; Donna Chipman, Senior Office Manager

1. Pledge of Public Conduct

Chair Green noted the Town's Civility Policy and read the Pledge of Public Conduct.

2. Call to Order

The regular meeting of the Planning and Zoning Board was called to order at 9:15 AM by
Chair David Green.

3. Administration of Oath

Deputy Town Clerk, Savannah Cobb, administered the Oath of office to re-appointed
members Gary Coffin and Jay Plager, and new members Paul Hylbert, Margaret Nuzzo,
and Michael Warnstedt.

4. Roll Call

Senior Office Manager, Donna Chipman, called roll for attendance with all members
present.

5. Election of Officers

Chair

**MR. LAPOVSKY MOVED TO NOMINATE DAVID GREEN AS CHAIR OF THE
PLANNING & ZONING BOARD. MR. PLAGER SECONDED THE MOTION.**

There were no other nominations for Chair, and the nominations were closed.

**MOTION CARRIED ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT,
AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.**

Vice Chair

**MR. GREEN MOVED TO NOMINATE DAVID LAPOVSKY AS VICE CHAIR OF THE
PLANNING & ZONING BOARD. MR. PLAGER SECONDED THE MOTION.**

There were no other nominations for Vice Chair, and the nominations were closed.

**MOTION CARRIED ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT,
AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.**

Secretary

**MR. GREEN MOVED TO NOMINATE JAY PLAGER AS SECRETARY OF THE
PLANNING & ZONING BOARD. MR. WARNSTEDT SECONDED THE MOTION.**

There were no other nominations for Secretary, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT, AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.

6. Virtual Meeting Protocols and Process

Allen Parsons, Planning, Zoning & Building Director, reviewed the process and protocols for this hybrid meeting. Discussion was held on the length of time the “hybrid” meeting format would be utilized and consideration by the Town Commission to permit P&Z Board members participation by Zoom if unable to attend in person.

7. Public to be Heard

At each meeting, the Planning & Zoning Board sets aside time for the public to address issues not on the agenda. No one wished to address the board.

8. Consent Agenda

MR. LAPOVSKY MOVED APPROVAL OF THE MINUTES OF THE MARCH 16, 2021, REGULAR MEETING. MS. NUZZO SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

9. Public Hearings

A. 4120 Gulf of Mexico Drive (Buccaneer Restaurant), Special Exception (QUASI-JUDICIAL)

B. 4120 Gulf of Mexico Drive (Buccaneer Restaurant), Site Development Plan (QUASI-JUDICIAL)

Chair Green noted both Public Hearings (Agenda Items 9A and 9B) were related to the same project, and the Board would combine the hearings, in terms of the presentation by staff and the applicant; however, the board would vote on each application independently.

Pursuant to published notice, the public hearings were opened. All those testifying at these hearing have previously submitted a ‘*Request to Be Heard*’ form affirming their evidence or factual representation. Jeffrey Shannon, attorney representing the applicant, previously provided the Return Receipts to staff via FedEx.

Maggie Mooney, Town Attorney, reviewed the process for Quasi-Judicial hearings and inquired on ex parte communications, other disclosures, or a conflict of interest for the Commissioners. No ex parte communications or disclosures were made by Board members.

Maika Arnold, Senior Planner, gave a PowerPoint presentation reviewing proposed Special Exception Order 2021-01 and Site Development Plan Order 2021-03. Discussions were held on the following topics/issues:

- ‘Special Event’ permits and standards
- Location and number of parking spaces
- the concept of ‘Zoning in Progress’
- future applications, or modifications, subject to compliance with code in place at time of submittal
- Town code section 158.026, Exemptions, and its criteria
- utilization of existing docks
- landscape buffer
- accommodation for overflow parking, congestion, and enforcement

Ms. Arnold informed the Board that the fourth 'Whereas' clause in Special Exception Order 2021-01 should reference 15,161 square feet, which would include the vestibule area, and the same should be reflected in the Site Development Plan Order, along with 4,270 square feet of outdoor dining.

Richard Gonzmart, applicant/owner, Jeff Shannon, attorney representing the applicant, Howard Bruning, architect representing the applicant, and Matt Campo, engineer representing the applicant, discussed the following items:

- rebuilding the seawall on the property and utilization of 16 boat slips
- utilizing water taxis for off-site transportation for both patrons and employees
- FEMA elevation requirements
- the parking issues, including on-site, overflow and circulation, and allocation of the on-site parking spaces for only restaurant patrons
- height of the building
- parapet wall located on the top of the building for outdoor dining
- entrance drive off Gulf of Mexico Drive

Discussion ensued on the following topics/issues:

- how the applicant was addressing parking concerns, including providing a 26-foot entrance to prevent backup on Gulf of Mexico Drive
- utilization of boat slips
- considering conditions of approval for providing alternative water transportation from other parts of the island
- providing employee transportation to the site, which would prevent use of parking spaces on-site
- applicant providing an overflow parking plan
- installing a "cut-through" to the Harbor Square property

Following comments from the Board, the applicant's engineer, Matt Campo, advised that the applicant was in agreement to provide an overflow parking plan that would include multiple options.

Subsequent to comments on the parking concept and conditions required to obtain a building permit, the Board recessed.

RECESS: 11:46 a.m. - 12:08 p.m.

Attorney Mooney and staff proffered additional conditions of approval for the Board's review:

1. Any subsequent modifications to the approval provided within this Site Development Plan Order 2021-03 shall be subject to the applicable Town Code in effect at the time of such subsequent submittal.
2. Overflow Restaurant parking shall not create a nuisance or unsafe conditions to area property, including, but not limited to Town property. Prior to issuance of a Building Permit, the Owner shall submit an Overflow Parking Plan, acceptable to the Town, which addresses overflow and includes multiple mitigating approaches, which could include but not be limited to: water taxi, employee parking, valet, delivery and take out parking, patron parking, ride share, and other mobility solutions. The Owner shall have an ongoing obligation to coordinate with the Town and take remedial actions to address adverse or negative impacts to area property.

Ms. Arnold noted staff included the definition for 'Special Event' from Section 96.02(A) of the Town Code in the condition, and added language to the 'Whereas' clause to clarify there was an 836 square foot vestibule.

Upon inquiry, Mr. Campo advised that the inclusion of the additional conditions was acceptable. Ms. Arnold noted the conditions when a Temporary Use Permit would be required.

No one else wished to be heard, and the hearings were closed.

Motion on Special Exception Order 2020-01:

MR. HYLBERT MOVED TO APPROVE THE SPECIAL EXCEPTION FOR 4120 GULF OF MEXICO DRIVE, INCLUDING THE FINDINGS OF FACT IN THE STAFF REPORT AND CONDITIONS OF APPROVAL, AS AMENDED, WITHIN SPECIAL EXCEPTION ORDER 2021-01. MR. LAPOVSKY SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT, AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.

Site Development Plan:

Upon inquiry, Mr. Campo, on behalf of the applicant, noted agreement to the revisions to the Order.

Discussed ensued on the following topics/issues:

- The language in condition 11 which states, "*negative impacts to adjacent property owners*" and why it would be limited to only adjacent owners (the concern was addressed in Condition 4)
- The condition regarding 'overflow parking' was too narrow related to 'immediately adjacent property owners' and should be revised to state, "*shall not create a nuisance or unsafe condition to the area property owners, included, but not limited to, Town property*"

There was consensus to revise Condition 11 of Site Development Plan Order 2021-03 to state "Overflow Restaurant parking shall not create a nuisance or unsafe conditions to area property, including, but not limited to Town property", and remove the language, "to adjacent property owners" at the end of the paragraph.

Discussions were held on the following topics/issues:

- owner's ongoing obligation to coordinate the parking with the Town and if the Board should review
- that staff were the ones to review and accept based on the Town approval
- approved conditions are incorporated as part of the improvement entitlements and would be enforceable by the Town
- applicant still needs to meet the supplemental requirements for fire, traffic and other Town Codes

MR. HYLBERT MOVED TO APPROVE THE SITE DEVELOPMENT PLAN FOR 4120 GULF OF MEXICO DRIVE, INCLUDING THE FINDINGS OF FACT IN THE STAFF REPORT AND CONDITIONS OF APPROVAL, AS AMENDED, WITHIN SITE DEVELOPMENT PLAN ORDER 2021-03. MS. NUZZO SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL

VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT, AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.

10. Workshop Discussion Items

As a result of the length of this meeting, **there was consensus to continue discussion on Agenda Item 10 to the June meeting.**

11. New Business

Following discussion, it was determined there was no longer a need to reschedule the June regular meeting. Town Attorney Mooney noted she will not be in attendance; however, an attorney from her firm would be in attendance.

Discussion ensued on the following topics/issues:

- Mike Mailliard, MIC Insurance, was scheduled to provide a flood insurance update to the Board and is available for the June meeting
- Mr. Plager's memorandum regarding the future Comprehensive Plan amendments will be scheduled for the June meeting to discuss the process, role of P&Z Board, etc.
- future agendas will include a new agenda item, *Planning & Zoning Board Member Comments*, which is for anyone wishing to bring an issue to the full board's attention, in written form. The written document will be included, and noted, in the agenda packet, and following discussion, the Board will determine whether they wish to place it on a future agenda for further discussion.

There was consensus that the June 15th P&Z Board Regular Meeting be in a workshop only format.

12. Staff Update

Mr. Parsons provided a Staff Update to the Board noting the following projects were anticipated for the fall P&Z Board meetings:

- amendments to the St. Regis Hotel and Residences development application
- a CORD application for 551 Broadway
- a Special Exception application for a new restaurant in Village Plaza on Gulf of Mexico Drive and Tarawitt Drive
- review of the Town's Comprehensive Plan following the Town's consultant review and preparation of an Evaluation and Appraisal Report of the existing plan

13. Planning & Zoning Board Member Comments

Due to the length of this meeting, the Board continued discussion of Mr. Plager's memorandum until the next meeting.

14. Adjournment

The meeting was adjourned at 12:53 pm.

Jay Plager, Secretary
Planning and Zoning Board