

**TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
OCTOBER 19, 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; Tate Taylor, Planner; 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. Roll Call

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

4. 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.

5. Consent Agenda

Mr. Plager commented he had previously discussed two minor corrections to the September 17, 2021 Special Meeting minutes with Ms. Chipman.

MR. LAPOVSKY MOVED TO REMOVE THE SEPTEMBER 17, 2021 P&Z BOARD SPECIAL MEETING MINUTES FROM THE 'CONSENT AGENDA' FOR FURTHER DISCUSSION. MR. WARNSTEDT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Plager noted two corrections to the September 17, 2021 Special Meeting minutes as follows:

- Page 1 of 5, first paragraph, insert the word 'that' before 'the three applications'
- Page 4 of 5, second paragraph, remove the apostrophe in Mr. Parsons name.

MR. LAPOVSKY MOVED TO AMEND THE SEPTEMBER 17, 2021 SPECIAL MEETING MINUTES AS NOTED BY MR. PLAGER. MR. HYLBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

MR. LAPOVSKY MOVED TO APPROVE THE CONSENT AGENDA APPROVING THE SEPTEMBER 17, 2021 SPECIAL MEETING, AS AMENDED; AND THE SEPTEMBER 21, 2021 REGULAR MEETING MINUTES. MOTION CARRIED UNANIMOUSLY.

6. Public Hearings

A. Ordinance 2021-16, Revising the Ancillary Equipment Standards for Personal Wireless Service Facilities

Pursuant to published notice, the public hearing was opened.

Tate Taylor, Planner, provided an overview of the ordinance with reviewing a PowerPoint presentation and discussing the recommended revisions.

Discussion ensued with staff regarding:

- Public Works Department review of the proposal
- status of the agreement with the vendor (Verizon) installing the poles
- that the vendor will need to go through the Special Exception process, along with receiving approvals from the Town and Florida Department of Transportation (FDOT)
- why the proposed language limited the facility to 5G
- definition of 'co-location'
- that the vendor will be paying for installation of the equipment and not the Town
- heights of poles
- the proposed ordinance changes and that it would encompass all vendors so there would not be a need to further amend the Town Code
- whether Verizon can prohibit the use of their facility for other vendors; the equipment is only for Verizon; however, AT&T has shown interest in co-locating on Town infrastructure, which is still being assessed
- suggestion to remove the reference to '5G' and changing the notation in Section 158.114(1) regarding 'feet' and 'foot'

Attorney Mooney informed the Board they should be cautious when discussing the specifics of an application that would be coming before them for review. She explained at this time, the Board is reviewing legislation that would apply town-wide; however, they need to be careful when discussing an application specific to Verizon.

No one else wished to be heard, and the hearing was closed.

MR. HYLBERT MOVED TO RECOMMEND APPROVAL, WITH AMENDMENTS, OF ORDINANCE 2021-16. MR. WARNSTEDT SECONDED THE MOTION. MOTION CARRIED (7-0) ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT, AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.

B. Ordinance 2021-11, Adding Buffering and Screening Requirements for Certain Single-Family Residential Structures

The public hearing was continued from the September 21, 2021 Planning & Zoning Board Regular Meeting.

Allen Parsons, Planning, Zoning & Building Director, provided an overview of the ordinance and reviewed a PowerPoint presentation, reviewing the background, and suggested revisions from the September 21, 2021 meeting.

Following staff's presentation, discussion was held on:

- Revising the six-foot height restriction, for foliage used for buffering, to eight feet in Section 158.103(A)(2) based on conversations with Florida Friendly Landscape
- Section 2 – the word 'modified' should be changed to 'amended' wherever it appeared in the ordinance
- Bottom of page 2, Section (A)(2), should include the word 'opacity' after '80 percent'

- If the ordinance was intended only for all new single-family dwellings, or also those multi-story dwellings adjacent to single-story
- Page 3, section (3), the use of 'and/or' phrase should not be used in a legal document; suggestion that wherever 'and/or' is utilized within the document that it be stricken
- Whether the ordinance would apply to structures being remodeled; it would depend on whether the construction exceeds the FEMA 50 percent requirement, which would require the entire structure to be brought up to standards
- At-grade homes versus FEMA-elevated (post 1975)
- Section 2, subsection (A)(5)(b), and that adjoining property owners should not be given the provision to waive privacy buffering requirements

No one else wished to be heard, and the hearing was closed.

Chair Green continued with summarizing the requested revisions raised by the Board. Mr. Plager suggested the buffer exemptions should be reviewed by the Planning & Zoning Board and not the Town Commission. Attorney Mooney explained the ordinance was a policy decision of the Town Commission, as they decide who they give authority, or delegate to. Chair Green suggested that staff could include the recommendation in their report to the Town Commission, or the Board could address it before the Town Commission.

THERE WAS CONSENSUS TO INCLUDE THAT THE P&Z BOARD HAS AUTHORITY TO REVIEW BUFFER EXEMPTIONS WITHIN THE ORDINANCE AND INFORM THE TOWN COMMISSION OF THE SUGGESTED REVISION.

Mr. Parsons noted the revision would also impact the table in the Town Code which outlines delegation.

Chair Green discussed with staff:

- Whether to include qualifying language and recommend that all remodels (that trigger going up), or new construction, would have to comply with privacy and landscaping requirements
- Recommendation that staff revisit and redraft the proposed ordinance to take into consideration the recommendations discussed by the Board
- The proposal to the Town Commission that the P&Z Board have the authority to grant waivers, or if the Town Commission wished to retain

Attorney Mooney reiterated Mr. Parson's notation that there is a separate section of the Town Code that would also need to be amended to reflect the correct authority. Chair Green recommended whatever additional amendments need to be made should be brought forward to the Board. **There was consensus from the Board to request staff bring back any amendments required in the Town Code to provide authority to the P&Z Board.**

Chair Green discussed whether the Board wished to include situations to eliminate the date of construction as criteria, and whether the house is at-grade or not. The suggestion was that an existing single-story home would have to comply with the ordinance. **There was consensus from the Board to revise the ordinance as noted by Chair Green.**

Mr. Parsons informed the Board the revised ordinance would be scheduled for review at the November 16, 2021 Planning & Zoning Board meeting.

7. Workshop Discussion Items

Comprehensive Plan Evaluation and Appraisal Report and Recommendations

Mr. Parsons introduced the Town's Comprehensive Plan consultants, Kelly Klepper and Colleen McGue of Kimley-Horn, and provided an overview of the process to-date, including a brief background on the Florida Department of Economic Opportunity (DEO) requirements for updating the plan.

Mr. Parsons noted that the Town was required to submit a letter to the Florida DEO by December 2021 indicating whether the Town intended to update the Comprehensive Plan. Once the letter was submitted, the Town has 12 months to amend their plan to meet the statutory requirements. Following discussion between the Board and staff on how to approach the review of the Evaluation and Appraisal Report (EAR) recommendations, it was suggested to recommend to the Town Commission that a letter be sent to the Florida DEO and that it be written as generic, and non-specific, as possible.

Ms. McGue provided an overview of the proposed revisions to the various elements of the Comprehensive Plan. Mr. Klepper discussed the proposed revisions to the Capital Improvements Element (CIE). Discussion took place on the timing of the CIE. It was noted that in the past the CIE would come before the board with tables within the element that were updated with new financial data; however, in recent years, the CIE is completed during the Town Commission's budget hearings.

Chair Green requested the Town's budget for Fiscal Year 2021-2022, along with the five-year plan, be provided to the Board during their review of the element.

The following items were discussed:

- The Board addressing the statutory required items prior to review of the various elements
- Sending a generic letter to the Florida DEO
- Scheduling a series of workshops to review each element

Chair Green noted he would discuss with the Town Manager the Board's review process for the Comprehensive Plan. He would also communicate the process to the Mayor. Attorney Mooney commented it was appropriate to communicate the scheduling of meetings, but should be contemplated based on availability of staff.

8. New Business

9. Staff Update

Mr. Parsons discussed with the Board:

- A 'Development Review Log' that was prepared by staff to provide updates to the P&Z Board on projects that were reviewed and approved, along with their current status (this will be provided periodically to the Board)
- The log will also be placed on the Town's website to provide information to the public on the status of projects

- The November meeting would include a Special Exception application for a telecommunications provider; a subdivision variance; and a revised Ordinance 2021-11

Mr. Hylbert questioned the status of the historical cottage located at 6920 Gulf of Mexico Drive. Mr. Parsons responded the site has requested building permits to install a handicap ramp; begin renovations to the structure; and update the electrical.

10. Planning & Zoning Board Member Comments

Chair Green explained to the members that at their September 27, 2021 Workshop, the Town Commission reconsidered the ability of advisory boards to utilize communications media technology if certain criteria were met. After discussion, the Town Commission chose to not change the requirement for in-person meetings for advisory boards, unless the State declared an emergency.

Mr. Coffin raised the issue of concrete dust from development (i.e., cutting of pavers, etc.) and that the Town should require use of wet saws to limit the amount of dust. He voiced concern with the impact from the concrete dust on those with respiratory issues.

Attorney Mooney noted whenever any board member sees a code violation the best contact is the Town's Code Enforcement Division. She explained if the violation was not within their responsibility, but was with another regulatory agency, the staff would direct the complaint to that agency. With respect to initiating another code regulation, which is not under the zoning regulations but within the building code, it would have to begin with the Town Commission. It was a policy decision of the Town Commission to decide whether they want to direct staff to pursue a code revision. She continued with discussing the Board's responsibilities and purview.

MR. COFFIN MOVED TO REQUEST STAFF REVIEW ADDRESSING DUST MITIGATION DURING CONSTRUCTION WHERE THERE IS CUTTING OF PAVERS AND CONCRETE. MR. HYLBERT SECONDED THE MOTION.

Mr. Warnstedt voiced concern there were projects that were recently approved, or being approved, where there would be a lot of construction during season.

MOTION CARRIED (7-0) ON ROLL CALL VOTE: COFFIN, AYE; GREEN, AYE; HYLBERT, AYE; LAPOVSKY, AYE; NUZZO, AYE; PLAGER, AYE; WARNSTEDT, AYE.

11. Adjournment

The meeting was adjourned at 12:15 pm.

Jay Plager, Secretary
Planning and Zoning Board