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02-18-1997 P&Z BOARD MEETING

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TOWN OF LONGBOAT KEY

PLANNING AND ZONING BOARD COMPREHENSIVE PLAN MEETING

*****TUESDAY, FEBRUARY 18, 1997 -- 9:00 A.M. *****

TOWN HALL COMMISSION CHAMBERS

AGENDA

1. Roll Call
2. Approval of Minutes: January 28, 1997: Comprehensive Plan
February 4, 1997: Special Meeting
February 11, 1997: Special Meeting
3. **COMPREHENSIVE PLAN PUBLIC HEARING:**
 - a. Capital Improvement Program Element
 - b. Future Land Use Element
4. Old Business
 - a. Discussion of Light and Air Ordinance
5. New Business
6. Staff Report
 - a. Site Plan Exemptions issued 11-12-96 through 2-10-97
7. Setting Future Meeting Dates:
 - a. **February 20, 1997:** Joint Workshop with Town Commission at 10:00 a.m.
 - b. **March, 25, 1997:** Regular Meeting (Date changed due to municipal election)
8. P&Z Board Member Comments
9. Comments from the Public and the Press
10. Adjournment

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

FEBRUARY 18, 1997

The regular meeting of the Planning and Zoning Board was called to order at 9:00 a.m.

Members Present: Chairman Rosenberg, Vice-Chairman
Diamant, Secretary Karsh, Members
Hamovit, Redgrave, Lee, Rothenberg,

Members Absent: Member Monroe, Serwatka

Also Present: Griff Roberts, Town Manager; Bruce St.
Denis, Assistant Town Manager; David
Persson, Town Attorney; Daniel Gaffney;
Scott Pickett, Planner; Donna Chipman,
Administrative Secretary

Mr. Monroe stated that the meeting would be to discuss the Future Land Use Element of the Comprehensive Plan. He said within the element would be discussion of the Longboat Key Cultural and Community Center's plan for a location within Joan M. Durante Community Park. He said he was on the board and an officer of the Longboat Key Art Center, and he was a trustee of the Cultural Community Center. He felt there was a question of conflict of interest, and he had written the Town's Ethics Committee requesting an opinion. He said the State of Florida law stated that a conflict of interest related to a financial conflict of interest. He said if a person did not have a conflict of interest, and they were on a public board and did not vote, then it was illegal under Florida law. He said the Ethics Committee had established a criteria of precedent which was beyond Florida State law, and that the appearance of a conflict of interest was sufficient to recommend that someone should not vote. He said he had received a letter of notification that the Ethics Committee recommended that Mr. Monroe abstain from voting on the proposed amendment to the Town's Comprehensive Plan to accommodate the location of the proposed Longboat Key Cultural and Community Center at the Joan M. Durante Community Park. He said the Ethics Committee had also stated that he should not lobby other commissioners or use the media. He said he had already decided to not vote, but concluded, because of the other comments that it would be better for him to declare himself absent from the meeting.

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Mr. Rothenberg stated he had a potential conflict, and the appearance of a conflict was sufficient to cause him to excuse himself from the portion of the meeting which considered the Joan M. Durante Community Park. He said he was a member of the PIC Board which took stands on Town issues. He said he would leave the dais when the subject was discussed; however, he wished to remain for the consideration of the Capital Improvement Element and those issues which did not affect the Joan M. Durante Community Park. Mr. Persson stated there was no conflict with Mr. Rothenberg remaining during discussion of the Capital Improvement Element.

Mr. Serwatka stated he had been following Mr. Monroe's request of the Ethics Committee, and he had a similar conflict as he was a director of the Longboat Key Cultural and Community Center. He felt it was appropriate for him to excuse himself from the discussions on this issue. He said he will declare himself absent from the meeting.

AGENDA ITEM #2
APPROVAL OF MINUTES

MR. REDGRAVE MOVED THE MINUTES OF THE 1-28-97 COMPREHENSIVE PLAN PUBLIC HEARING, 2-4-97 SPECIAL MEETING AND THE 2-11-97 SPECIAL MEETING BE APPROVED AS WRITTEN. MR. DIAMANT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

AGENDA ITEM #3
COMPREHENSIVE PLAN PUBLIC HEARING

Mr. Rosenberg explained that the hearing was a quasi-judicial hearing, particularly concerning the land use discussion. He commented that anyone that wished to speak would need to be sworn. Mr. Persson stated the approval of the amendments to the Comprehensive Plan were a legislative process. He said the Board would be considering at this meeting the modification of several properties which may be construed as being quasi-judicial. He said there were several cases that would indicate that the treatment of small parcels of land in the Comprehensive Plan and the Future Land Use Element were quasi-judicial. He explained the case law that was the basis for his decision. He also noted that ex parte communications between the Board and the public was discouraged and must be disclosed at a public hearing. He assumed that the Board had many communications

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concerning the Longboat Key Cultural and Community Center and the rezoning of Joan M. Durante Community Park. He felt there should be a disclosure of the communications and swearing in of witnesses.

Capital Improvements Element

Mr. Gaffney stated the Capital Improvement Element differed from the Capital Improvement Program that was adopted by the Town Commission. He said the Element that was being discussed was strictly those projected expenditures necessary to maintain adopted levels of service within the Comprehensive Plan. He said there were six (6) different levels of service that were officially adopted as part of the Plan: drainage, road, water, sewer, solid waste, parks and recreation. He said the Town did not have any problems with their adopted levels of service, and there was not a need to expend additional monies or resources to maintain those levels of service, except for \$40,000 per year to provide continued maintenance for the sewer system. He said that amount would continue for at least another five (5) years before the maintenance was completed.

Mr. Gaffney stated it was the Town Commission's policy in 1993 to also address, not just levels of service, but as a local priority, to address the beach maintenance program. He said in 1993 there was a Town commitment of a maximum of \$300,000 per year that would be used for beach maintenance. He said there had been a request, and it was incorporated into this element, that amount be increased for an annual expenditure of \$600,000 per year.

Mr. Gaffney continued with reviewing the changes in the Capital Improvement Element.

Mr. Rothenberg referred to page 6(d), Current Status, where it listed the revenues and asked if it was appropriate to include the numbers from last year so that the public could see for comparison purposes which way it was going. Mr. Gaffney stated the State requirement was to identify existing balances and then show projections. He said it was a good suggestion and staff could show relative comparisons, but it did not need to be included in the Plan.

Mr. Gaffney continued reviewing the changes. He noted that on page 7, under Current Status of Special Revenue Sources, it discussed the Land Acquisition Fees and there was specific reference that the "Town has enacted Land

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Acquisition Fees which served to maintain adopted levels-of-service for Recreation and Open Space."

Mr. Gaffney continued reviewing the changes.

Mr. Redgrave referred to page 14 which stated that the capital expenditures were currently reviewed by an advisory committee appointed by the Mayor. He did not believe the committee existed anymore. Mr. Gaffney responded he believed the Town Commission served in that ex officio capacity. He said they met, not as a Town Commission, but as that sub-committee. He continued with reviewing the changes.

Mr. Redgrave asked if there were funds set aside for roads on an annual basis. Mr. Gaffney stated there had been funds set aside for resurfacing, and that was part of the Capital Improvement budget that was adopted annually. He said it was not needed to maintain the capacity or the level-of-service. He said it was mostly for the replacement of wearing surface. He reviewed page 17 which listed the levels of service that had been adopted for the Town.

Mr. Gaffney discussed drainage. He said the Southwest Florida Water Management District (SWFWMD) mandated that all future projects be designed for 25 year, 24 hour frequency storm. He said that was also required in the Town's zoning ordinance and the land development regulations. He said the post development conditions had to meet or exceed the pre-development conditions on any one site for drainage. He said all the water had to be retained and treated on-site prior to any discharge. He said any improvement to a property resulted in an enhancement to existing drainage problems. He said the last level of service the Town had adopted was for transportation. He said local roads had to have at least a level of service "C". He said the intersections had to be a level of service "D", and the arterial (Gulf of Mexico Drive) could not decrease beyond a level of service "E".

Mr. Gaffney stated on page 18 there was mention of the State's requirement for adoption of a "Adequate Facilities Ordinance" or concurrency management system. He said it meant that before the Town issued any permit for a development or single-family home, the Town had to go through an internal exercise to ensure they were able to accommodate for sewer, water, solid waste, drainage and transportation. He continued with page 19 which gave a current status of the land acquisition fees.

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Mr. Gaffney continued with reviewing the changes with the Board. He discussed the update on page 21 concerning the ad valorem taxes. Mr. Diamant commented that the number of units were running below projections. Mr. Gaffney replied yes. Mr. Diamant stated the previous Plan was projecting 9,091 and in 1999 it projected 250 less. Mr. Gaffney referred to page 22 and stated that the property value 5 years from now could be \$2.15 billion. He continued with reviewing the changes with the Board.

Mr. Rothenberg referred to Table 8 (page 33) and asked if the balances that were shown represent reserves or unexpended money which would go back into the general budget. Gene Engman, Adley, Brisson & Engman, stated the fiscal assessment was only in relationship to those items that were required in the Comprehensive Plan. He said capital costs were excluded out of the normal type of cost the Town would incur. Mr. Rothenberg asked what the balance represented in each. Mr. Engman responded they were expenditures that the Town would make in normal capital expenditures. He said when examining capital costs for the Comprehensive Plan, the capital costs were excluded from other areas that the Town would normally expend. Mr. Karsh stated he believed Mr. Engman was stating that there was a total of \$495,000 at the bottom which meant the funds were available for capital expenditures beyond those included in the Comprehensive Plan. Mr. Engman replied yes.

Mr. Gaffney continued with reviewing the changes with the Board. He commented there was no increase in operating costs necessary to continue with the Comprehensive Plan in maintaining the levels of service in the Plan. He said that did not mean there would not be continuous monitoring, evaluation and revisions to codes and ordinances emanating from the Plan. He continued with reviewing the issues and recommendations.

Mr. Karsh referred to page 39 which discussed the tax assessment base and asked what paragraph 2 meant. Mr. Gaffney explained that it did not give a good synopsis of what the Town's demand was for services and the total amount of population. He said staff could make the revision to relate it to total population.

Mr. Gaffney continued with reviewing the Goals, Objectives and Policies with the Board.

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**MR. LEE MOVED THE P&Z BOARD ADOPT THE CAPITAL IMPROVEMENT
ELEMENT AS PART OF THE COMPREHENSIVE PLAN FOR CONSIDERATION
BY THE TOWN COMMISSION SUBJECT TO THE CHANGE ON PAGE 39. MR.
KARSH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

The Board recessed for five minutes at this time.

Future Land Use Element

All those testifying at this hearing were sworn at this time
by Mrs. Chipman.

Mr. Gaffney stated the updated map of the Future Land Use
Element was partially completed. He said there was the
outstanding issue that would have substantial public input
within the next month. He said staff intended to begin the
discussion of the updates to the Future Land Use chapter and
staff would recommend that the discussions be continued
until the first week of April. He said the Future Land Use
element included a description of maps and existing land
uses, natural resources and a Future Land Use Map (FLUM). He
said the Element included updated population dwelling unit
projections and everything in the Comprehensive Plan was
driven by the population projections and the dwelling unit
projections. He commented that the changes reflected in the
Plan include all the updated data and the updated population
counts, and also the updated demographics taken from the
1990 census. He said the 1989 Plan relied upon the 1980
census, and the data was almost 10 years out of date. He
said it was anticipated there would be another 898 dwelling
units being built, and it was anticipated that by the year
2001, the Town would reach build-out. He said it was
expected there would be the continuation of redevelopment of
existing properties. He said because of the need to monitor
trends in redevelopment, staff had added four (4) new policy
statements to be considered by the Board and Town
Commission. He said beyond that there were only minor
changes to the text and policies in the Element.

Mr. Gaffney stated there was one substantive change that was
under consideration which involved the Future Land Use Map
and map designations. He said in particular was the issue of
whether to change the Future Land Use designation of the
Joan M. Durante Community Park to accommodate the Longboat
Key Cultural and Community Center. He said it could be
planned for depending upon the policy decision.

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Mr. Gaffney distributed a map from the Recreation and Open Space Element, and commented that it was a map and inventory of what the Town owned - Open Space and recreation, active and passive, along with a map which showed the location. He said the inventory was listed in chronological order. He said it also reflected that the Town owned 194 acres of recreation and open space, and of that acreage, 177 acres were designated Open Space and passive Open Space without any active recreation. He said the inventory also reflected an increase of almost 65 acres of additional open space. He said the additional open space was acquired with the purchase of Sister Keys and the designation and deeding of the property to remain perpetually in open space. He said there was an adopted level of service which stated that for every 1000 residents the Town would provide 12 acres of open space or parks. He said the level of service adopted referred both to active and passive open space and park/recreation properties. He noted that whether the Longboat Key Cultural and Community Center was accommodated at Joan M. Durante Community Park or any other property that was Town-owned, it would not effect the level of service for parks and open space. He said the parks and open space level of service standard was based on both passive and active. He said the educational, recreational and art amenities that would be provided would be classified as being consistent with the Town's Open Space and Recreation level of service. He said it could be accommodated through a map change.

Mr. Gaffney stated the overall proposal was to take a part of Joan M. Durante Community Park and redesignate it. He said at the present time it was completely open space zoning and most of the water bodies towards Gulf of Mexico Drive did not exist at this time, but were part of Phase III to provide tidal connections on the property. He said the proposal was that the center portion of the property would be utilized to accommodate the Cultural and Community Center. He said in addition there would be additional parking. He illustrated on the Board the properties known as Ansel North and Ansel South. He said the property behind the new fire station was zoned R-3MX. He said at one time the area was considered for the Town's tennis center, but that development was not being considered. He said the idea was to take the center portion of the property at Joan M. Durante Community Park and rezone it to INS (Institutional) to accommodate the Cultural and Community Center. He suggested it was not a good idea to do something which may be considered "spot-zoning", and only rezone a portion of an interior tract of land. He said it may be best to bring it

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all the way out to Gulf of Mexico Drive, and his Staff Report suggested that if there was going to be a swap, the Town could swap approximately 10 acres and redesignate it as Institutional, rather than Open Space. He said it could also be a "one for one" swap. He said if there was concern with the loss of open space, the Town could change the property to Institutional up to 13 acres, and in exchange, redesignate the property behind the fire station from R-3MX to Open Space. He said there would still be 65 acres more open space as a result of the acquisition of Sister Keys. He said the decision would not make a difference in the Town's level of service for parks, recreation and open space.

Mr. Rosenberg questioned the location of the entry of the Cultural and Community Center. Mr. Gaffney responded that was the reason staff felt it would be more fair to designate not only the center portion of the property as Institutional, but the entire 13 acres because the entrance would be from Gulf of Mexico Drive. Mr. Diamant asked the actual acreage requirement of the Center. Mr. Gaffney stated staff was continuing to work with Bill Maddox, who was the architect for the project. He said they were requesting approximately 4.5 acres. Bill Maddox, Maddox & Associates, stated 4.5 acres was the proposed amount of land area that would be required for not only the buildings, but also the parking. Mr. Diamant stated staff was suggesting expanding the capacity of the new zoning from 4.5 acres to 10+ acres, and the potential of building on the 10+ acres. Mr. Gaffney stated he was not aware of the Center expanding beyond the 4.5 acres. He said staff would recommend that the remaining portion on the bayside remain in open space. He said there was a trail connection along the back side which would result in a nice continuation of the open space property. He said staff did not expect a need to use the front portion for Institutional purposes. Mr. Diamant stated the alternative was to have an easement going through it and leave the remaining portion. Mr. Gaffney stated in terms of land use, the active type of use would be the access to the Institutional property and the Phase III plans discussed the continuation of the park plantings and native species, along with the water courses.

Pursuant to published notice, the public hearing was opened.

Eileen Desselle, St. Judes Drive, stated that last night the residents of the area had a meeting, and Bob Wagner spoke to the residents. She said the residents left the meeting 100 percent against the Cultural Center. She felt the end result

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of the project would be increased traffic, and that would destroy the quality of their lives. She said there was presently a lot of traffic on the streets, and the streets flooded more since the park was constructed. She said the project would have parking lights and night lights, and if the residents were denied and the building constructed, what recourse would the residents have against the Town.

Joan Webster, Tides of Longboat, stated she lived directly across the street from the Joan M. Durante Community Park. She commented that she wished to request that the Board continue the status of the park in its present state - passive open space. She said they did not need increased traffic. She felt it was unconscionable to ask the Town to donate property to satisfy a private trust. She asked that the Board considered the neighbors on both sides of Gulf of Mexico Drive and keep the park as open space.

Milee Zack, 717 St. Judes Drive South, stated she represented one of the owners of the St. Judes Drive South Condominium Association, and she was also not in agreement with the proposal or the exchanging of open space. She said the reason was due to the problem with the drainage. She noted that the streets were designed so all the runoff and rainwater entered down St. Judes Drive and emptied into the canal. She said there were low areas near the canal. She said she lived directly adjacent to the park wetlands, and when there was a tide or storm, the area filled with water and overspilled onto the road. She felt with the change in grades and elevation at the park it would add to the drainage problem. She was concerned with the amount of buildings and elevated structures, along with the signage, and also with the increased traffic. She was also concerned with the impact of the construction on the existing wildlife.

Jim Wheeler, 757 St. Judes Drive, stated the meeting for the St. Judes Drive residents was held at his home. He said he had attended a Town Commission meeting several weeks ago and they were considering the approval of the Cultural Center, but Mr. Persson had raised the issue of legality of that decision prior to going through the process. He said the Cultural Center had not been approved, but the P&Z Board was discussing designating land for something that had not received the residents' approval. He read the list of items that could be constructed on the site if the property was rezoned.

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John Sandford, St. Judes Drive, stated he and his wife were members of the Art Center. He said the problem included two different items: the amount of buffer or the drainage of the land. He said what was considered the buffer area was not sufficient to protect the privacy of the residents on St. Judes Drive and to render the complex unobtrusive. He said the committee noted that 95% of the land was open space, which meant 3% of it was localized in the center. He said it was misleading to state that 97% of it was open space. He said the building heights required for floodplain would again impact the residents due to insufficient buffer. He said the size of the parking lots, lighting and noise would also have a negative impact on the residents, their quality of life and property values. He said residents on St. Judes Drive had previously experienced flooding with the development of Joan M. Durante Community Park with landfill and elevation changes. He said the bay water, which rose over the canal banks during the moderate flooding, could not runoff through the wetlands, and further development would aggravate the condition. He said there would be a problem with traffic, and also he felt it would prevent the churches and hotels from obtaining the revenue from rental of meeting rooms. He asked that the Board deny the zoning change and advise the Cultural and Community Center to seek other areas.

Steve Moniz, 637 St. Judes Drive, stated Joan M. Durante Community Park was a park and was designated as a park, and it should remain in its current state. He said the question was not whether there should be a swap, but what would be the impact. He submitted letters of opposition from Kenneth Hansen, Bertlinson and himself and his wife, along with 75 signatures opposing the rezoning.

Barbara Frankel, 5555 Gulf of Mexico Drive, stated that Mr. Gaffney had mentioned "swap" of the land. She believed the site was a result of a swap - Mr. Ansel received higher density and the Town received the park. She asked if the park was going to be taken away, why did the Town not take away Mr. Ansel's higher density. She read a letter that her husband had prepared into the record which opposed the rezoning.

Betty Blair, Putter Lane, distributed maps which showed the area as it was 15 years ago and the other map showed what was proposed. She noted that she had marked all the parking spaces that were requested on the map. She said the object of open space was to "break up" the city-like look of mile

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after mile of buildings. She said there were other alternate, Town-owned sites where the Center could be located. She urged the Board to keep the Town zoning "intact" and keep Joan M. Durante Community Park as open space.

Ed Mallick, Longboat Harbour Tower, spoke in opposition to the rezoning as it would destroy the wildlife in the area.

Ruth Napolliello, 1050 Longboat Club Road, reviewed the history of the property and the transfer of density between the Town and Mr. Ansel. She voiced her opposition to the rezoning.

Claudia Vennell, 6 Winslow Place, stated some of the items that were not shown on the model, nor discussed, were items such as the air conditioners. She said the air conditioning unit for that size building would have a noise impact on the neighborhood. She said the ramps required for the buildings would add to the structure. She said the handicap impact on all buildings would "triple" the cost and square feet of usable space because of the bathroom facilities, ramps, elevators, and the doorways. She said when the buildings and parking lots were raised, they would be pointing towards the lagoons, but when the construction was complete the building and parking lots may be higher than the adjacent neighbors and it would impact the neighbors, along with the light and noise.

Claire Bell, Longboat Harbor, stated the Town could not build on open space. She said the building could be constructed on the residential portion of the property behind the fire station. She said the new fire station was built so high that one could look down upon the roofs on Gulf Bay Road. She stated that the same situation would result if the Cultural and Community Center was built at the proposed location.

Robert Garner, 3575 Mistletoe Lane, stated the people that were in favor of the project wished to hear the input of the residents and improve the project. He commented that he wished to find out about the park and the way it was developed, and he had talked with a Mr. Gardner who was an environmentalist in Sarasota County. He said Mr. Gardner had spoke highly of the development of Joan M. Durante Community Park. He said Mr. Gardner had spoke about the previous poor condition of the site prior to the park being developed. He commented he was in favor of the rezoning.

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Earl Pollock, 340 Gulf of Mexico Drive, stated he was speaking as vice-chairman of the Longboat Key Cultural and Community Center organization. He explained that the beginning of their organization was after the bequest of the late Leslie Weller, and one of the conditions of the bequest was that the land for the Cultural and Community Center must be provided by the Town. He said after extensive investigation it became very clear to the committee that Joan M. Durante Community Park was the only feasible Town-owned property on which the Center could be located. He said in December, 1994, the Town Commission and Mr. Durante executed an agreement concerning Joan M. Durante Community Park. He said the agreement, approved by the Commission, expressly and specifically provided that the park shall include a welcome center and potentially, a cultural and community center. He said the agreement also provided that the cultural and community center would be established for "the purposes of enhancing the quality of life of the citizens of the Town of Longboat Key". He said they realized that the Board was only discussing rezoning, and not a particular site plan. He said in addition, there had been no final site plan which was approved by their board, and at the time there was a final site plan it would be brought before the Town for their approval. He said the site model was for illustrative purposes and was prepared to indicate, not the way it was expected that the Center would look, but to indicate one possible concept. He said there was not a fixed plan as to the composition of the Center. He said it was their view that the way the details of the plan would be worked out would be through holding a variety of dialogue sessions with the community to determine what was in accordance with the community's wishes. He said the model, which he reiterated was for illustrative purposes, showed that the buildings would occupy approximately 3% of the park area (27,500 sq.ft.). He said two-thirds of the space would be occupied by two long standing and well established Longboat Key organizations - the Art Center and the Education Center. He said the remaining one-third (approximately 10,000 sq.ft.) would be used for the community center. He said the community center would consist of some meeting rooms for local clubs and organizations, it would have a resource center for senior citizens, and a small assembly hall. He said they would not propose anything that would compete with Asolo Theatre, Van Wezel, or any other organization of that type. He said this would be an assembly hall which would be limited to Longboat Key functions. He noted that the parking area would be similar to the parking area at Temple Beth Israel. He said the

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parking would be available for visitors of both the park and the Center. He said most of the parking would be on grass and would not be elevated. He commented that there was approximately 20 acres of land that was scarcely being utilized. He said not only were there very few people that visited the park, but once people had visited the park, a very small number ever returned. He felt the property would be greatly enhanced by establishment of a Cultural and Community Center on the site. He said he understood the neighbors were concerned with drainage, but if the project proceeded, it would need to be approved by SWFWMD. He said the project would be in harmony with the adjacent buildings; it would be in harmony with the height and nature of those particular buildings. He said many of the suggestions that were raised related to problems that were non-issues. He said they were not adhering to any plan, they were not going to construct anything that would increase drainage, and they were very sensitive to the needs and desires of the community. He said they supported the proposal for the change in zoning.

James P. Durante, Sanctuary, stated he had listened to all the speakers. He said no matter what decision the Board made, they would be making someone unhappy. He said he hoped, after consideration, that the Board would do something more important - help to unite the good citizens of Longboat Key, rather than divide them. He said when he first looked at the site, he was appalled. He said the land was infested with rotting trees, snakes, vermin and raccoons, which made it impossible to walk from Gulf of Mexico Drive to the bay. He said now there was a beautiful park, and he described some of the scenes he had saw when visiting the park. He said there were many concerned citizens who had addressed the Board. He said it was up to the Board to assess those concerns and where recommendations could be made to alter whatever the grievances were, it should be done. He said the park would well be served if there was a community center and educational center on site.

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

Mr. Gaffney stated the population and dwelling unit projections were the "driving force" to the Future Land Use Element and the complete Comprehensive Plan. He said all the maps in the Plan remained the same, but the existing Land Use map was updated to reflect the lessening of vacant lands with the increased development over the years. He referred to page 20 which showed the new population estimates and

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projections. He said everything was designed for "functional population". He explained that functional population was a combination of permanent and seasonal population, and staff felt, for planning purposes, that all facilities should be designed to meet peak demands. He said the 12 acres per 1000 population for recreation and open space was based on 20,000 functional count. Mr. Karsh stated the permanent population were those residents that lived on the Key six months or more, and the seasonal residents were those that lived on the Key less than six months. He asked if those that lived on the Key less than six months owned residences. Mr. Gaffney replied yes. Mr. Karsh stated it included the renters, but only because it was counted in the number of people in the unit that was owned by the owner. Mr. Gaffney replied yes. He stated as an example, if the Holiday Inn had 10 dwelling units, it was counted in the seasonal counts. He said the assumption was that functional population assumed during the peak of the season that the Town was running at 95% occupancy with only a 5% vacancy rate. Mr. Karsh referred back to the Capital Improvement Element where it discussed the assessed value per resident, he did not believe it would include tourists in the assessed value. Mr. Gaffney stated those numbers were taken from separate, detached units, where the other staff had to group it.

Mr. Gaffney referred to page 27 of the Element. He said it began with mentioning redevelopment. He said it was important to note the Town did not have any blighted properties, in terms of substandard housing. He read the issues that the Town must address and their effects on the character of the community with regards to future redevelopment. Mr. Diamant suggested that in Item 1 there should be language inserted to state, "We can ensure the provision of light and air for health, safety, visual and aesthetic." Mr. Gaffney replied that could be inserted. Mr. Diamant referred to page 30 and stated that it may be beneficial to have the definition of open space, such as passive and active open space, defined. Mr. Gaffney stated that on page 44 there were four (4) additional policy statements that he had included. He said Policy 1.1.8 stated that, "by 1998, Longboat Key will consider including specific definitions in the Town's Land Development Regulations for the terms open space, conservation, preservation, passive recreation, and active recreation areas." He said that emanated from the Recreation and Open Space Element. He continued with reviewing the Goals, Objectives and Policies.

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Mr. Persson referred to page 36 and stated the State had changed the State law concerning when and how to complete the amendment process. He said the procedure allowed the Planning and Zoning Board to not consider an application to rezone. He said one of the policies for the Town the past several years was to allow people an opportunity to be heard, and then make a decision on that hearing. He said the new procedure allowed the Board to say no they would not hear the application, and they were not going to advertise it. He recommended that the Board allow someone to process an application. He said another issue was there was legislation approved concerning a referendum for increasing density. He said there was a provision in the Town Charter which stated in order to increase density, there shall be a referendum. He said there was an Attorney General opinion against his advice, and Chapter 163 was the procedure the legislature allowed for amending Comprehensive Plans. He commented there was also a State Statute that laid out the process for which they could increase density and could not have a referendum for "x" number of parcels. He would make the argument that the Town's Charter amendment pre-dated any State statutes and under home rule policy the Town had the powers. He said if the State approved the Town's Comprehensive Plan, then they approved the Town's procedure. Mr. Persson stated if the Board reviewed the magnitude of the changes, they were significant. He said the Board could never "lock something into concrete" in perpetuity in terms of zoning.

Mr. Diamant questioned the time frame for the amendment. Mr. Gaffney stated the issue was a referendum on the 3-18-97 election ballot, and staff would be scheduling a meeting for the first week of April. Mr. Diamant requested that staff provide a history of the property (Joan M. Durante Community Park) and the changes that had occurred. He said staff was requesting INS zoning, and he felt staff should provide a summary of what INS zoning provided. Mr. Gaffney responded staff could distribute the letter from Mr. Persson, and if needed, he would attach specifics on definitions from the zoning code. Mr. Hamovit asked if there would also be determinations that the Board should make prior to changing the zoning. Mr. Persson stated the Board was changing the Future Land Use map, and if the Board recommended the change and it was approved by the Commission and State, then it would be changed. He said then the Board would address the changes to the Zoning Map to address the Future Land Use issues.

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Mr. Diamant stated the Board should see what the conditions were with the agreement with Mr. Durante. Mr. Persson commented that if the Board agreed to change something in the park, then the agreement with Mr. Durante would need to be renegotiated.

Mr. Persson stated Sister Keys was zoned Island Preserve (IP) which meant it was zoned one residential unit per five (5) acres. He said the reason was because the zoning was changed prior to the Town's acquisition. He asked if the Board, regardless of their intentions with the Cultural and Community Center, still wished to change the zoning of Sister Keys to Open Space. Mr. Lee stated he believed the map that Mr. Gaffney provided showed Sister Keys as Open Space. Mr. Gaffney stated that was premature, because the site was still zoned IP; the Future Land Use Map had not been changed at this time. Mr. Persson stated the other issue was the property located behind the fire station was acquired through Land Acquisition Funds, and it was zoned residential. He said if the Board wished to change the zoning to Open Space, then the Board should discuss it at this time. Mr. Lee felt the referendum would have an impact. Mr. Diamant asked if the referendum was tied into the property. Mr. Persson replied yes. Mr. Diamant asked if the Board was sure they wished to rezone the property from residential to open space. He asked if the property should be zoned institutional. Mr. Persson stated he was asked several years, along with Mr. Gaffney, to respond to what needed to be completed to place the Cultural and Community Center on four (4) different parcels: Durante North, Durante South (rear), Durante South (front) and Civic Grove. He said the parcel with the least problems was the C-1 which was adjacent to the fire station. Mr. Gaffney stated Mr. Diamant raised a good point; if the Town was not sure there would be future needs and kept the property zoned residential, then they could still, under a special exception, utilize it for the development of something.

Mrs. Bell asked if the Board had the exact language for the referendum. She asked if it only referred to land use and not the Cultural and Community Center. Griff Roberts, Town Manager, stated the language had been approved by the Town Commission and he would be happy to provide a copy of the language. Mrs. Bell stated a number of people believed they would be voting for a Cultural and Community Center. Mr. Roberts replied no; just using the land for that purpose. He commented that the language in the referendum would not reference a Cultural and Community Center.

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The Board recessed for lunch at this time and reconvened at
 1:00 PM

AGENDA ITEM #4
OLD BUSINESS

a. Discussion of Light and Air Ordinance

Mr. Gaffney stated staff wished to clarify what flexibility remained on the lot after a daylight plane was imposed. He commented that Mr. Diamant had prepared excellent graphics that showed the flexibility, or the different examples of designs for a home on any particular lot.

Mr. Diamant stated that after the previous meeting, staff and Mr. Roberts had contacted him stating that some of the graphics were erroneous. He said that was correct; the error had come about when the Board had viewed the graphics the first time. He said a unit was placed in the middle of a lot and it was stated that was the footprint and it showed the flexible area. He noted that one of the Board members had asked to move it around, but that was not correct, it could not be moved around without changing the shape. He said the two-story part of a home was limited to the middle portion from the front to the back and could not go sideways, because it would encroach on the daylight plane.

Mr. Gaffney commented that staff had an opportunity to distribute a copy of the revised material to several contractors who spoke at the 2-11-97 meeting with the Chamber of Commerce. He said the contractors were satisfied, and staff clarified some of the misrepresentations from the meeting. He reviewed the graphics with the Board. He stated with a daylight plane imposed on a 80 ft. wide home, the daylight plane would continue to allow the owner to build "flush" up to the side yard setbacks for the first habitable floor, as well as the garage area below that. He said if someone chose to construct two stories over parking, that was the area that would need to be cut back on the second story. He continued reviewing the revised graphics.

Mr. Gaffney stated if an owner wished to construct two stories over parking and get 3000 sq.ft. on each floor, it could still be done. Mr. Diamant stated it could be moved from front to back, and it could be shaped differently. Mr. Gaffney stated staff wished to show that an owner could

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maximize their floor area on any one lot, even with the daylight plane being adopted.

Mr. Gaffney referred to the graphic concerning maximum building coverage for R4-SF and noted that it showed the ability to take the house and move it anywhere within the "yellow" flexible design area. He said the house was removed from the graphic, and the revised graphic showed there was flexibility, but only for one story over parking. He said whenever the home was situated against the side yard setback, they would be able to get the first story over parking, but the second story would need to be recessed or setback. Mr. Diamant stated it would be a combination; there would be a partial first floor and a partial second floor.

Mr. Gaffney continued reviewing the graphics. He commented the footprint of a one story building which contained habitable space over parking had flexibility, but as soon as a second story was constructed it lost the flexibility and would need to be redesigned or re-situated on the lot. Mr. Diamant stated he wished to emphasize it would work the same for a 50 ft. lot. He said with the degree on the 50 ft. lot, an owner could construct a two-story house with ample first and second floor before encroaching on the daylight plane. Mr. Gaffney stated the Board had discussed the size of the lots in the Village and the non-conforming lots in the Tarawitt area, and pointed out that the 50 ft. wide lot was representative of it. He said the graphic showed the owner would still be able to build the "Key West" style, two story over parking homes, but the square footage would be substantially less and there would not be any impact upon small lots.

Mr. Gaffney stated the diagrams prepared by Mr. Diamant showed that three out of the six designs could still construct 6000 sq.ft. Mr. Diamant stated the first diagram showed an 80 ft. wide lot, and the daylight plane entered on the side which meant the area on the right and left had to remain one story. He said this resulted in a partial second floor, and because of the footprint, it resulted in approximately 5400 sq.ft. He continued reviewing his diagrams with the Board.

Mr. Diamant stated Country Club Shores had a problem because their canal setback was 25 ft. Mr. Gaffney stated he believed they had recently started to enforce the setbacks within the last year. He said the Association had taken an owner to court, and the court upheld the deed restrictions.

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Mr. Redgrave suggested that Mr. Diamant's illustrations be included as part of the materials for the joint workshop with the Commission.

Mr. Karsh stated he had read the *Longboat Observer* article concerning the 2-11-97 meeting with the Chamber of Commerce and they had stated that the PUDs were exempt from the ordinance. He said staff should ensure that the ordinance included the vested right provision that applied to the PUDs.

Mr. Gaffney noted that it was staff's intent to clarify the ordinance not only for the Board, but also for the contractors that may have left the meeting with some misrepresentations. Mr. Redgrave asked if the models would be presented at the workshop, because the models were not to-scale. Mr. Roberts responded that the Town Commission should see the models. Mr. Redgrave asked if the models were to-scale. Mr. Diamant felt the models were confusing. He did not feel they could be called "architectural models". He said the last model with the mansard-type roof was not correct. Mr. Roberts stated the Commission should see the same material that was presented to the P&Z Board, and he did not feel there would be a problem. Mr. Diamant stated he did feel anyone would construct that volume. Bruce St. Denis, Assistant Town Manager, stated the model could be modified, but the only intent was to show what volume could be built within the daylight plane.

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Mr. Lee agreed with Mr. Diamant. He believed the overall impression was that the architect or designer was confined by the ordinance. He said Mr. Diamant's series of illustrations showed a tremendous amount of flexibility in the ordinance. Mr. Roberts stated they could eliminate the model being discussed, and construct a model that was similar to the houses. He said when it was illustrated on the screen, staff could show other possibilities. Mr. Karsh commented that during the meeting with the Chamber of Commerce the models were never addressed. Mr. Roberts stated that some of the Town Commissioners would request to see the models because they were aware they existed.

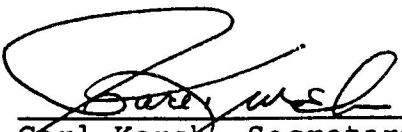
SETTING FUTURE MEETING DATES

The next meeting was scheduled for 2-20-97 which was a joint workshop with the Town Commission regarding the Light and Air Ordinance, and the next regular meeting was scheduled for 3-25-97.

AGENDA ITEM #10

ADJOURNMENT

The meeting was adjourned at 1:20 p.m.


Carl Karsh, Secretary
Planning and Zoning Board