

MICROFILMING INFORMATION SHEET

TO: VENDOR

FROM: Town of Longboat Key
Town Clerk Department
501 Bay Isles Road
Longboat Key, FL 34228

DATE: 07-19-2005

SUBJECT: Microfilming

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09-11-2001 P&Z MINUTES

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**Town of Longboat Key Planning & Zoning Board
- AGENDA -
REGULAR MEETING**

September 11, 2001, 9:00 AM

Roll Call

Public Hearings

1. LAGUNA YACHT VILLAGE, 6340 Gulf of Mexico Drive (QUASI-JUDICIAL)

Condition 24 of Resolution 95-06, as amended through Resolutions 96-01, 97-01, 99-03 and 99-06, required that construction of all buildings be completed on or before September 6, 2001. Due to conditions outlined by the applicant, they are requesting an extension of the construction deadline to September 6, 2003.

2. VERNON SUBDIVISION, 7031 Bayside Drive (QUASI-JUDICIAL)

Applicant is requesting preliminary and final plat approval to subdivide one lot into two lots and to reconfigure additional property between the principal parcel and Sarasota Bay. This is a replat of Lots 1, 2, 3 and 4, Block 2, Longbeach Subdivision. Lot 1 will have a lot area of 20,423 square feet, Lot 2 will have a lot area of 7,191 square feet, and Tract 'A' will be 10,134 square feet, not to be utilized for construction of a building.

3. ORDINANCE 01-15: Amendments to Chapter 157, Subdivision Regulations

Ordinance 01-15 provides for amendments to the Subdivision Regulations for the Town. Proposed amendments to the Town Subdivision Regulations include additions and amendments to definitions, submittal requirements, and the inclusion of changes to reflect State platting requirements. Substantive amendments include clarification of lot standards to require uniform lot widths between front and rear yard setbacks. As a result of recommendations made at previous meetings, language has been amended and illustrations have been added.

4. TEMPORARY MEETING FACILITIES – Approval of 2002-2003 Meeting Calendars

The Town Hall area in which the Commission Chambers is located will be demolished and rebuilt as part of the new Town Hall Facilities. The Town Commission has approved the SunTrust Bank meeting room, 510 Bay Isles Road, as a temporary Town meeting location during construction. SunTrust representatives have asked the Town to provide them with a list of meeting dates for the various boards for the years 2002-2003 in order to maintain their schedule for the room.

Planning & Zoning Board

Robert Diamant, Michael Drake, Robert Drohlich, Carl Karsh, Jerry G. Lee, Richard D. Levin,
Dr. Fred S. Rickard, Lee Rothenberg, J. Jeremy T. Whatmough

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

*****SEPTEMBER 11, 2001*****

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

Members Present: Chairman Lee, Vice-Chairman Rickard, Secretary Rothenberg, Members Diamant, Drake, Drohlich, Karsh, Levin (@ 9:02), Whatmough

Also Present: Bruce St. Denis, Town Manager; David Persson, Town Attorney; Jill Jeglie, Planning, Zoning & Building Director; Donna Chipman, Administrative Assistant I

AGENDA ITEM #1
PZB ORDER 2001-02, LAGUNA YACHT VILLAGE

Pursuant to published notice, the public hearing was opened. Mrs. Chipman swore all those testifying at this hearing at this time.

Jill Jeglie, Planning, Zoning & Building Director, informed the Board the applicant was requesting an amendment to the site plan approval for Laguna Yacht Village to extend the deadline for issuance of building permits from September 6, 2001 to September 6, 2003. She explained that the Town Code allowed the P&Z Board to extend the period of approval for a site plan if special conditions and circumstances existed, and if the Town would derive no material benefit by requesting the applicant to resubmit an application for approval. She commented that one building was completed and two were under construction, and the amendment would allow the applicant to continue with the site plan. She stated that a new company had purchased the property within the last year.

Bob Hendrickson, attorney representing the applicant, presented the certified notice receipts to the Board. He stated that his client, Laguna Development Company, purchased the property in May of 2000 and at that time, the infrastructure was not completed. He said since the purchase they had completed the infrastructure and landscaping, along with the completion of one home. He said they were requesting a two-year extension in order to allow completion of the project.

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Mr. Whatmough referred to Condition 17 of Resolution 95-06, which discussed the requirement of cisterns for each residential unit, and asked if that was still a requirement. Mr. Hendrickson replied yes. Mr. Diamant asked if the applicant would be adhering to the original footprints. Mr. Hendrickson replied yes. Mr. Diamant stated there was considerable discussion during the review of the site plan about whether the buildings would be sprinklered. Mr. Hendrickson stated the buildings would be sprinklered. Mr. Drohlich questioned whether the Town required fire sprinklers in single-family homes. Mr. Persson explained that the fire sprinklers were a condition of the site plan due to the road layout and the turn radius for emergency vehicles.

Mr. Lee read a letter into the record from Mr. and Mrs. Samuel Hood who supported the application.

Mr. Levin asked what was staff's rationale for requesting a 3-year extension as opposed to a 2-year extension. Ms. Jeglie stated that the Town Zoning Code allowed 3-years for a site plan prior to its expiration. She said the original site plan condition was similar to the language for the 3-year period in the Code. She commented the request for allowing 3-years was so the applicant could avoid the possibility of having to request another extension.

Mr. Rothenberg stated he would favor a 2-year extension as opposed to a 3-year extension because the project had changed owners once. He saw no problem with an applicant requesting another extension in the future.

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

MR. LEVIN MOVED THE P&Z BOARD APPROVE PZB ORDER 2001-02 AMENDING CONDITION 24 OF RESOLUTION 95-06, AS AMENDED, ALLOWING AN EXTENSION OF THE DEADLINE FOR THE ISSUANCE OF BUILDING PERMITS FOR THE LAGUNA YACHT VILLAGE FROM SEPTEMBER 6, 2001 TO SEPTEMBER 6, 2004. MR. DIAMANT SECONDED THE MOTION.

Mr. Drohlich stated he would support a 2-year extension because he felt it would place pressure on the applicant to complete a project, which has been under construction for a long time. He felt the Board should also consider the people who were currently living in the area who would be subject to the construction for years. Mr. Diamant stated he understood Mr. Drohlich's point, but if the Board allowed only the 2-year extension, then the Board may need to address the issue again. Mr. Karsh agreed with granting a 3-year extension. He said that Mr. Drohlich had commented that the people living in the subdivision would be subject to the construction, but no one was living in the units at this time.

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MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DRAKE, AYE; DROHLICH, NO; KARSH, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, NO; WHATMOUGH, NO.

AGENDA ITEM #2
VERNON SUBDIVISION, 7031 Bayside Drive

Mr. Levin explained that he would need to excuse himself from this public hearing, as he was a friend of the applicants, Anthony and Jean Vernon. Mr. Persson asked Mr. Levin if he felt his friendship would render it impossible for him to make a fair and impartial decision. Mr. Levin responded that he did not believe so, but he wished to make it clear for the record. Mr. Persson asked if there were any objections to Mr. Levin participating in the public hearing. Since there were no objections, Mr. Persson stated that Mr. Levin could participate in the discussions.

Ms. Jeglie reviewed a PowerPoint presentation with the Board. She said the applicant was requesting the replatting of .87 acres into two single-family lots, with the remaining Tract 'A'. She commented that Tract 'A' would include an easement for access, and was not proposed for development. She stated there were conditions on the plat that would prohibit its use for construction. Staff's review had found the proposal consistent with the Town's regulations; however, there were four (4) conditions of approval contained in the staff report. She continued with reviewing the conditions with the Board.

Mr. Whatmough asked if the intent was to subdivide into two lots without affecting the existing home and swimming pool on Lot 1. Ms. Jeglie replied that was correct.

Mr. Lee asked for an explanation of Condition 3, which addressed Tract 'A'. Ms. Jeglie stated there was concern that if Lot 1 did not own it, then it could be sold and used independently for a dock by someone that did not have a related principal structure. Mr. Levin asked why Tract 'A' was not included in Lot 1. Ms. Jeglie stated it was part of Lot 1, but the applicant wished to make it certain they were not utilizing that lot, which was separated by a road, to increase density or coverage. Mr. Diamant asked if Tract 'A' would be a buildable lot. Ms. Jeglie replied no; it did not meet the minimum depth requirement. Mr. Rothenberg asked if a boat house or other out buildings could be constructed on Tract 'A'. Ms. Jeglie stated there was a note on the plat that was required, which stated it would not be allowed to be used for development purposes. Mr. Rickard asked if the condition would preclude a second boatlift. Ms. Jeglie replied that any changes made to the existing dock would have to meet the requirements of Section 158.155, Structures Over Water, which did not allow docking of more

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than two boats. She said it would not preclude a second boatlift on the dock, provided the applicant met all the other criteria in the Code.

Mr. Diamant questioned the note on the plat concerning "regrading of the pool". Ms. Jeglie explained there was a requirement that owners not exceed a 4:1 slope, and to ensure that the subdivision of the lot met the requirements, the owner was going to regrade the area.

Michael Furen, attorney representing the applicant, stated that they agreed with staff's determination that the application was consistent with the Town's requirements and urged the Board to approve the application. Mr. Karsh asked if Mr. Furen had additional information concerning Tract 'A'. Mr. Furen stated that he understood from his surveyor, Scott Britt, they could not make that tract part of Lot 1 because it was separated by a public right-of-way. It did not have 'free-standing' characteristics to comply with the Town Code for a "Lot". He said the owner intended to use it as an open space and dock area.

Mr. Rickard voiced concern with maintenance of Tract 'A', and he felt it would be in the interest of the owners to maintain the area as their view would be across that property.

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

MR. DROHLICH MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS CONTAINED IN THE STAFF REPORT, DATED 8-21-01, FOR THE PRELIMINARY AND FINAL PLAT FOR THE VERNON SUBDIVISION, LOCATED AT 7031 BAYSIDE DRIVE. MR. KARSH SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DRAKE, AYE; DROHLICH, AYE; KARSH, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, AYE; WHATMOUGH, AYE.

MR. KARSH MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR THE VERNON SUBDIVISION SUBJECT TO THE CONDITIONS FOR APPROVAL CONTAINED IN THE STAFF REPORT DATED 8-21-01. MR. ROTHENBERG SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DRAKE, AYE; DROHLICH, AYE; KARSH, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, AYE; WHATMOUGH, AYE.

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AGENDA ITEM #3
ORDINANCE 01-15: SUBDIVISION REGULATIONS

Ms. Jeglie stated Ordinance 01-15 was the result of several workshop discussions by the P&Z Board regarding the Subdivision Regulations, and commented there were revisions made to the language and graphics as a result of the last meeting. She noted that staff recommended the P&Z Board forward the ordinance for adoption by the Town Commission. She reviewed the revised graphics with the Board.

Mr. Rothenberg asked if there were any subdivision applications that were in process that would be affected by the revised ordinance. Ms. Jeglie replied no. The only subdivision application at this time was the Vernon Subdivision, which the Board had reviewed in the previous agenda item. She commented that the Vernon Subdivision met all the requirements and criteria of the Code. Mr. Rothenberg questioned the height limit in the 'sight triangle' so as not to block the view. Ms. Jeglie stated it was typically 3 feet, but on page 17 of the ordinance it described how to measure the height and the exceptions. Mr. Rothenberg asked if the ordinance would be retroactive, because there were areas within the Town that he felt violated the requirement. Ms. Jeglie stated the ordinance would apply to all future subdivision applications. She commented there was a section of the Zoning Code that dealt with 'sight triangles', and if there were a complaint, then staff would review the complaint against the Code section.

Mr. Rickard stated he had suggestions for language revisions in the ordinance. He referred to page 2 and the definition for 'lot depth', and suggested that the words "The depth of a lot is..." be deleted. Referring to the definition of Permanent Control Point, Mr. Rickard stated the definition should state, "A reference monument which shall meet the". On page 3, the definition of "Lot", he said the third line was confusing. Ms. Jeglie stated the definition could be revised to state, "A lot is for the purpose of development conforming....". Mr. Rickard stated the word "or" should be inserted in the definition of "Right-of-Way" on page 4 after the words, "...utility service, and/or other similar uses...". He also referred to page 6, item E(2), and asked if the words "prior to date of application" should be inserted after "(six months or less)". On page 16, 15(C), the word 'site' should be changed to 'sight'.

MR. DIAMANT MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 01-15 AS AMENDED. MR. LEVIN SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DRAKE, AYE; DROHLICH, AYE; KARSH, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, AYE; WHATMOUGH, AYE.

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AGENDA ITEM #4
TEMPORARY MEETING FACILITIES

Ms. Jeglie stated the Board received copies of the Planning and Zoning Board meeting calendars for 2002-03. She explained that during the time Town Hall would be undergoing renovations, the meetings would be held at the SunTrust Bank meeting room at 510 Bay Isles Road. She commented that the SunTrust representatives had requested that the Town provide the meeting calendars for the various boards to ensure the room was scheduled for the Town.

MR. RICKARD MOVED THE P&Z BOARD APPROVE THE MEETING CALENDARS FOR 2002-03. MR. DRAKE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

AGENDA ITEM #5
CONSENT AGENDA

- a. Approval of Minutes: June 19, 2001
- b. Site Plan Exemptions issued 6-12-01 through 9-4-01
- c. Setting Future Meeting Dates: October 15, 2001

MR. RICKARD MOVED APPROVAL OF THE CONSENT AGENDA APPROVING THE MINUTES OF THE 6-19-01 REGULAR MEETING, ACKNOWLEDGING RECEIPT OF THE SITE PLAN EXEMPTION REPORT AND SETTING THE NEXT REGULAR MEETING FOR 10-16-01. MR. DROHLICH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

AGENDA ITEM #6
STAFF UPDATE

NEW PUBLIC WORKS FACILITY

Ms. Jeglie commented that the P&Z Board was sent invitations for a dedication ceremony for the new Public Works facility on 9-17-01.

SHANNON HOTEL GROUP

Mr. Drohlich asked if staff had information on the Shannon Group's plan to change the tennis court area into a spa and condominiums. Ms. Jeglie responded that she had received a call from Mr. Shane Eagan indicating they wished to meet with staff and the Town Attorney regarding their proposal.

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COMMERCIAL CORRIDOR STUDY

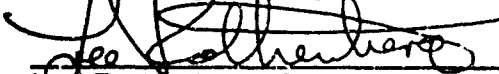
Mr. Rothenberg asked for an update on the Commercial Corridor Study. Mr. Diamant stated that during the 6-19-01 P&Z Board meeting, there was discussion on the process, and it was decided that members of the Board appear before the Town Commission to present the Board's concerns. He commented that the Town Commission had requested that the Chamber of Commerce present their report during the September workshop. Mr. St. Denis stated the Chamber of Commerce would be presenting their report at the Town Commission Workshop on 9-17-01.

ZONING CODE UPDATE

Ms. Jeglie stated staff had started reviewing revisions to the Zoning Code. She said previously there was a rewrite of the entire zoning code prepared by a consultant, and she had met with the Town Attorney and Town Manager to discuss the scope of the changes. She said it was felt that the consultant's report was beyond the changes staff was contemplating. Ms. Jeglie commented that staff would be preparing workshop items for the Board to review. Mr. Persson stated that if the Board had any comments concerning the codes prior to a public hearing, they could forward them to Ms. Jeglie or him.

AGENDA ITEM #7
ADJOURNMENT

The meeting was adjourned at 10:12 AM


Les Rothenberg, Secretary
Planning and Zoning Board