

MINUTES, September 17, 2008: Manasota and Sandpiper Key Advisory Committee.

The meeting was called to order at 9:30AM by BJ Galberaith, Chairman. In attendance were Committee members Betty Sue Carroll, Randy Dahl, John Dubowik, BJ Galberaith, Steve Stump, and Norb Trohoski. Also in attendance were Tom Moore, County Commissioner for District 3, Roxann Read and Inga Williams from Growth Management, and members of the press and public.

#### Welcome

The Chairman introduced Tom Moore, Commissioner from our district, and welcomed the members of the press and public. She explained that in the process of reorganizing the Overlay Code, the County Attorney's office and planning staff had questioned several provisions in the Ordinance and had suggested changes. Two County Lawyers, Derek Rooney and Rich Brown would be here at 10:00AM to address those issues. (Roxann Read and Inga Williams later told the group that both lawyers had scheduling conflicts and were not able to attend.)

#### Secretary's Report

The minutes were read and accepted.

#### Citizen Input

None

#### Architectural Review Committee

1. Sept. 5: Preliminary review for 1080 Shoreview.
2. Sept. 19: 2406 N. Beach Rd. (Bougainvillea). Motel.
3. Sept. 19: 1080 Shoreview. Non-conforming hotel – reconstruction.
4. Sept. 19: 955 Gulf Blvd. Single family Variance and final review.
5. Sept. 19: 1465 Gulf Blvd. Single family preliminary.
6. Sept. 19: 1286 Shoreview. Single family.
7. Sept. 19: 4005 Bay Oaks Circle, room addition.
8. Sept. 19: White Elephant, 1855 Gulf Blvd., Review, request for variance, fabric cover for patio.

#### Old/New Business

The Chairman began the discussion by explaining a number of positive benefits that would be gained from the reorganized Overlay Code, which included combining elements common to all zoning districts, eliminating redundant wording, changing some wording that might be confusing, and correcting minor errors and typos.

She then turned the floor over to Roxann Read and Inga Williams from Growth Management for discussion of the changes from the Advisory Committee's recommended draft to the draft, dated 8.28.08, which County Staff and Legal had drafted.

The first issue was the removal of the Fire Hydrant provision, which Legal determined was no longer enforceable from a zoning point of view. It was suggested that the

Committee go to Englewood Water to see if they would require it. Steve Stump agreed to contact the Englewood Water District to discuss the situation.

Next, the prohibition of pounding pilings was addressed. According to the Growth Management representatives, the County Lawyers felt that our area could not dictate to the State Building Codes. BCS (Building Construction Services) suggested that this issue be handled by putting the prohibition in the deed restrictions of each neighborhood or housing area. A number of people felt this was not a practical solution and that a way must be found to avoid the damage to the structural integrity of adjacent buildings and loss of tourism revenue that another wave of construction could bring. It was pointed out that protection against excessive “Impulsive Sound” was in the Community Plan as well as a Sound Ordinance that had been drafted by the Advisory Committee and County Staff but had not been brought to the BCC.

As with the Fire Hydrant provision, the Advisory Committee and citizens felt strongly about the pilings issue and requested help from the Legal department in achieving these regulations, wherever they belonged.

Clarification of the Overlay Code’s relationship to the 2008 revision of the Waterfront Ordinance was then discussed.

Because a number of changes pertained to the MPD zoning district, a locally modified version of the County’s Planned Development district, Ms. Williams was asked whether that zoning district could be removed from those listed as applicable to the Islands. Ms. Williams replied that a re-zoning to a PD or MPD was not a property right and could not be construed a “taking”. Both citizens and Advisory Committee members expressed hesitancy to remove this potentially beneficial option, simply because of conflicting opinions over details.

Roxann Read explained that the Signage section had not been permanently removed from the Overlay, although it was being examined by Legal and compared with the revised County Sign Ordinance.

Another concern addressed was the Staff elimination of redundant portions of the Overlay Code (reiteration of provisions that can be found in the County Code). Several people were of the opinion that important issues needed to be stated in the local code because future changes in County Code could provide loopholes for development not appropriate to the area.

The question was raised as to whether it was possible to keep the existing Overlay Code, which is currently an Ordinance and thus retain a number of provisions that are threatened. Roxann Read and Inga Williams agreed that that was a question for Legal. Tom Moore suggested that one or more of the County Lawyers might be able to attend the next meeting.

Committee/Citizen/Advisory Input, Comments

A number of citizens expressed appreciation for all the work of the Advisory Committee and Staff as well as concern over possible loss of several important provisions. There were a number of technical questions and comments about the Legal Staff's determinations. The general feeling was that the provisions of the Community Plan were the desires of the residents, had been approved by the BCC, and that ways of implementing them need to be found.

Special Reports and Administration

Mike McClain reported that MSTU was proceeding with the drainage project for the South end of Manasota Key. Bids should be accepted for the first stage within about a month. DMK will have drawings for the second phase in the near future.

Steve Stump reported that proposed revision of the By-Laws will be brought to the November meeting for a vote. Nominations for new officers of that organization will be accepted, also. There will be a newsletter going out shortly and articles or information on issues of interest to residents and tourists are welcome.

As there was no further business, the meeting was adjourned at 11:30AM.  
The next meeting will be October 1, 2008.

Respectfully submitted,  
Betty Sue Carroll, Secretary