

MINUTES, March 4, 2009: 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, John Dubowik, Randy Dahl, BJ Galberaith, Betsy McCallum, and Norb Trohoski, as well as a number of residents and interested parties. Roxann Read from Growth Management was also present.

Secretary's Report

The minutes of the last meeting were read and accepted. There was a short discussion on changing the minutes procedure in order to distribute them in a more timely manner. The matter was tabled for discussion in the future.

Architectural Review Committee

BJ Galberaith reported that the 2/20/09 meeting had been cancelled. The next meeting will be March 6.

New Business

First on the agenda was a discussion of the Committee's By-Laws led by Roxann Read, who distributed copies of the BCC's 2004 Resolution establishing the Advisory Committee, the Advisory Committee By-Laws, and a section from the Community Plan from which the By-Laws were derived. Ms Read explained that there is no record of the By-Laws being accepted by the BCC and that the BCC had erroneously appointed three members to three year terms. Staff feels that the committee is functioning illegally. Prompted by people attending the most recent P&Z who objected to portions of the code, Staff would like consensus of the public in re-writing the By-Laws as well as revising the Overlay Code. There was considerable discussion about the By-Laws, with comments from Cliff Martinez, Elaine Miller, Madelene Basham, Judy Hoffstatter, David Basham, Mary Capecci, Troy Gills, and Jerry LeFave. Input ranged from requesting public meetings to redraft the By-Laws, to questioning the representation of interest groups, to demanding immediate dismissal of the Advisory Committee. Generally, many of those present felt the need for a public forum. Randy Dahl suggested SMKA, but the group was not receptive. Roxann Read suggested more open forums.

The Committee then turned to the scheduled presentations of interested parties who had requested to be on the agenda.

Phil Eason distributed copies of a detailed presentation he had prepared regarding problems in building single family homes under the Overlay Code, along with specific recommendations for changes. Generally, his comments dealt with six categories: Buffers, Redundant Ordinances, Contradictory Definitions, Counterproductive Design Criteria, Reconstruction of Damaged Structures, and Pile Driving. Lacking time to go into these issues in detail, he complimented the vision of the Community Plan and suggested that vision is again needed to take another look at some issues. He offered to return again to discuss his suggestions in more detail.

Madelene Basham ceded her time to Cliff Martinez, who showed the group a large color-coded chart of the Zoning Districts on the Keys. He pointed out that there were 313 lots of 50 feet or less in single family zoning districts and 173 multi-family lots of 50 feet or less. He said areas of the Code need to change because all of those lots would need costly Special Exceptions to rebuild after a hurricane. It was his belief that the County would potentially have 173 Bert Harris lawsuits if there were not a system to rebuild without so many expensive extra steps.

Elaine Miller said she understands the complexity of drafting concepts into code, and that the Overlay Code needed to be more flexible. She referenced the Community Plan's goal of avoiding boxy structures, and stated that costs from \$2000 to \$8000 could be incurred to get something as simple as overhangs and awnings in setbacks. She pointed out that at least one variance was needed to build a multi-family dwelling on a 50 foot lot.

Bill Stiver's concerns pertained mostly to multi-family projects. He felt that combined lots should measure density from the gross area, and objected to setback restrictions for awnings, overhangs, retention ponds, parking and driveways, and distance from water. He suggested that a percentage of the lot be set aside for greenspace. He felt that the MCG district needed greater height and said that the MPD restrictions defeated the concept. He also suggested measuring height as distance over FEMA.

Citizen Input on Presentations

Nelle Dreyer spoke of problems obtaining permission to build a fence for her dogs without having to go through a costly variance procedure. Roxann said that was one of the recommended changes to the Code and that the County would handle the problem, as ARC has to abide by the Code.

Bill Truex said that he wants to see change and improvement without impinging on other people's rights.

Becky Dexter also questioned having a wall in the front, rather than a fence.

David Basham said there was a chorus of voices who wanted to keep the Old Florida look, but something went wrong and the Overlay prompted Page-type construction.

Betty Ryan pointed out that the original Steering Committee was formed after and as a reaction to Page Development's plans.

Madeline Basham said the Overlay Code should be designed by professional architects, builders, and engineers. She requested that such professionals should meet with the group to rewrite the code.

Bill Miller strongly disagreed. He felt that turning the laws over to the developers would destroy the Keys. He felt it was the goal of developers to maximize their profits at the expense of the local character. He said it was essential to keep in mind the good of the

community, by looking at the Keys from the perspective of the people on the Keys rather than from that of a developer.

Becky Dexter felt that she would have to build a box were she to rebuild now, and Elaine Miller agreed that existing overhangs would be lost if a demolished structure were rebuilt on its old footprint.

Cliff Martinez added that nobody present wished to increase density.

Committee Members and Advisor's Comments

Randy Dahl agreed that professional advice might be helpful on some issues and stressed that the By-Laws problem needs to be the first priority.

Betty Sue Carroll commented that she did not feel that the group present represented a consensus of the Islands' residents. She felt that there were some good suggestions, but cautioned that there are people who feel just as strongly on the opposite side of every issue.

Betsy McCallum mentioned that many of the design standards had been written by a consultant hired by the County, while the Steering Committee favored an eclectic variety of building styles. She pointed out that builders had been represented on the Steering Committee and Advisory Committee.

Norb Trohoski said that he was a relatively new member and recognized that there may be concerns that needed to be addressed. He said that the By-Laws situation needed to be clarified quickly.

John Dubowik mentioned that he was a registered professional engineer and well understood developers' goals of maximizing profit. He added that many of the "Kleenex boxes" had been permitted or built before the Overlay Code was in effect.

BJ Galberaith said that she had done some research on the cost of pile driving, which ended up being about the same as auguring. She introduced Doug Wallace who had worked to draft the post-disaster section, primarily to protect non-conforming houses and Condos. She commented that requiring an "old Florida" or "Key West" look had been suggested by the consultants, but that the public had wanted variety in architectural styles. She said that the wording of "fences" as well as "walls" had been suggested by the Committee.

Roxann Read said that there needs to be a Community effort to put together a set of By-Laws that comes from consensus of the Community at Large.

Announcements

SMKA picnic is Saturday, March 7 at 11:30am, and the next SMKA meeting is Monday March 9, at 2:00pm at Gulf-To-Bay. MSTU will meet on March 11, at Englewood Beach Villas.

Staff has arranged for the Fire and Water authorities to attend the March 18 meeting, but subsequent meetings will continue with By-Laws and Code discussion.

The meeting was adjourned at 11:50AM. The next meeting will be March 18, 2009.

Respectfully submitted,
Betty Sue Carroll, Secretary