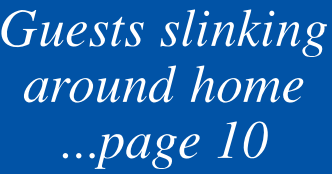
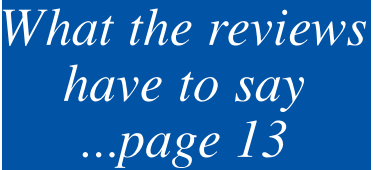
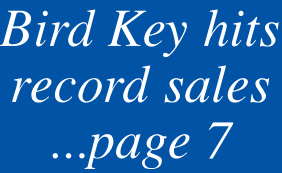
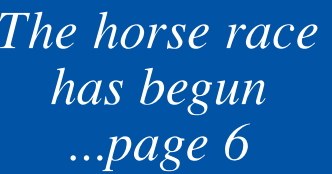


InsideLook



Residents write waves of letters demanding Town deny request. Developer says the garage makes a better plan.

Mote releases satellite tagged sea turtle off Lido Beach



Thursday morning, June 1, Mote Marine Laboratory released a male loggerhead sea turtle, nicknamed “Steve,” that has been outfitted with a satellite tag by Anna Maria Island Turtle Watch, which provides data critical for sea turtle conservation efforts.

“Steve” washed ashore on Captiva in Lee County on March 28, 2023, and was transported to Mote Marine Laboratory’s Sea Turtle Rehabilitation Hospital.

Upon arrival, the turtle was lethargic and initial observations suggested the turtle was affected by toxins from red tide. “Steve” was started on injectable antibiotics and subcutaneous fluids until red tide toxicity symptoms improved.

After just over two months of rehabilitative care, wildlife officials deemed “Steve” releasable.

Prior to the release, “Steve” was given a satellite tag by the Anna Maria Island Turtle Watch. Satellite tracking involves attaching a special piece of equipment to a sea turtle’s shell. The transmitter, or ‘tag,’ sends a message to a satellite each time the turtle comes to the surface to breathe. Researchers then know the location of the turtle and plot it onto a map, which can be found at mote.org/seaturtletracking.

“Rehabbing and releasing turtles is what we work for and strive for, and today’s release is just as rewarding as the first turtle I released with Mote 23 years ago,” said Lynn Byrd, Mote’s Rehabilitation and Medical Care Manager. “Steve” suffered from neurotoxicity due to red tide exposure, and had we not intervened, he would have died. With this second chance at life, ‘Steve’ is able to provide valuable research data for the conservation of his species as the Anna Maria Island Turtle Watch outfitted him with a satellite tag, which can be tracked on Mote’s website.”

Male sea turtles do not return to land after they leave the beach as hatchlings, unless they are injured or sick. Therefore, they are a more elusive group to study. By satellite tagging adult male loggerheads that stranded and received hospital care, scientists can learn more about post-release behavior of rehabilitated turtles as well as behavior, habitat, home range and migratory pathways of adult male loggerheads in the Gulf of Mexico.

These research efforts were made possible through a grant from the Animal Welfare Institute, and are in col-

*The way
through
Longboat's
parking
garage crisis*

This is an issue of principles vs. pragmatism. The parking garage will make a better hotel resort. Yet unfortunately, principles suffer wholeheartedly if the garage is simply approved.

Key Opinion

STEVE REID
Editor & Publisher
sreid@lbknews.com

Longboat Key is successful. Its residents are smart and savvy, real estate keeps appreciating and the beaches remain pristine.

When you have this formula, you know what the next smart move is: build a three-story parking garage along the main thoroughfare and tell everyone it is good for them.

And this time it is not Selby Gardens building a House of Cars and calling it a botanical sanctuary.

This time the garage is being built because guests at the future St. Regis Longboat Key events should not have to wait an additional three minutes to retrieve their car by valet. Their time is taking priority over the aesthetic of Longboat Key, the wishes of the community and the very integrity of an approval process that was years in the making. At least it feels this way for many in the Longboat Key community. But there is far more to this story.

Lifting spirits for approval

The St. Regis plan being built right now gained final approval by the Town Commission in the fall of 2021. But a last minute “oversight” by staff and developer Unicorp created the entire garage controversy we are now experiencing because of some collective bungling and apparent fast-tracking.

In the very meeting where Unicorp sought and gained approval for the St. Regis project, Town Staff said they and the developer made a mistake in the parking allocation between what was required at the hotel and what the residences required by Town Code. The Hotel was short about 68 parking spaces. That is when Unicorp President Chuck Whittall treated the community and the Town to the idea of parking lifts.

See Opinion, page 4

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Garage, from page 1

amenities in October 2021 with the required parking accommodated in a hotel parking garage with 62 mechanical lifts implemented to meet the requirements.

Now, Whittall wants to build a three-story parking garage spanning from the entrance north along Gulf of Mexico Drive, adding more than 15,000 square feet of building coverage to the 17.2 acre property.

The Planning and Zoning Board heard the matter in April and recommended approval to the Commission with a 5-2 vote.

Whittall asked if the commission could hold its first hearing on the garage in May because he will be on vacation for most of June. That request was unsuccessful.

The Commission decided on June 5 as the first hearing and June 20 for final consideration.

Opponents have written numerous letters to town leaders urging them to deny the request. The arguments include the idea that the entire development was a carefully negotiated process in which the developer did not have vested rights beyond town code.

Those who support the proposal argue that it is in the interest of the island to lean into what will make the project most successful and that there is adequate space on the site.

Turtle, from page 1

laboration between Mote Marine Laboratory and Anna Maria Island Turtle Watch.

The public can follow “Steve’s” track at mote.org/seaturtletracking.

Within Sarasota or Manatee county waters, if you see a stranded or dead sea turtle, dolphin or whale, please call Mote’s Stranding Investigations Program, a 24-hour response service, at 888-345-2335.

If you see a stranded or dead manatee anywhere in state waters or a stranded or dead sea turtle, dolphin or whale outside of Sarasota or Manatee counties, please call the FWC Wildlife Alert hotline at 1 (888) 404-FWCC (3922).

Mote’s sea turtle activities are conducted under Florida Fish and Wildlife Conservation Commission Marine Turtle Permits 155, 216, 027, 054, 070, 048, 126 and 028.

Fast Facts:

In 2022, Mote’s Sea Turtle Hospital rehabilitated and released 29 sea turtles

Since the Sea Turtle Hospital opened in 1995, Mote has released 841 sea turtles

Mote’s Sea Turtle Hospital currently has three more sea turtle patients, two of which have experienced some symptoms related to red tide exposure.

Including “Steve,” Mote’s Sea Turtle Hospital has released 19 sea turtles with satellite tags



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Currently under construction and scheduled to be ready Fall 2023, this breathtaking 8,964 AC/SF residence is one of a kind, designed by DSDG. Gulf front property on one acre and offers a 2,000 SF roof terrace. Separate guest house and 8-car garage. No expense spared on this remarkable home.



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KeyOpinion

Opinion, from page 1

In a rushed Power Point presentation, an expert consultant in the parking lift industry along with Whittall made the case that this is the preferred solution. The issue of how long to retrieve cars was raised and the answer was the additional three minutes to retrieve a car was diminimus and that they could stage and stack cars in a way to create seamless parking operations.

The Commission and others questioned the last minute “fix” to the parking plan, but staff recommended approval, as did the developer.

The commission approved the plan and over the next 18 months the buildings have gone vertical.

And to anyone who drives along Gulf of Mexico Drive, one thing is apparent — the St. Regis is a massive project — much more imposing and impressive in scale and size than the former Colony.

The Developer as Hero

But to be fair to Chuck Whittall, Moss construction and the Town, the project is nothing short of a game-changer for the island and the region. Whittall spent years, millions of dollars, and most of his remaining non-grey hair making this project happen. In some strange way he is a developer hero by getting this done.

Whittall cajoled through enthusiasm, money and legal challenges more than one hundred unit owners and a town to all come together to build this project we should all be thrilled to see emerge.

It is a development approval, not a buffet

But the site plan, the actual thing to be built, was considered and approved in its entirety in 2021.

The Commission is now being asked, when all of the pieces to be built are in place on the ground and cannot be altered, to graft a parking garage onto the site.

This is not how it works. One does not gain approval to get the project started and then act like open space and surface parking lots are future development sites to be considered de facto independently in a vacuum. That is more akin to spot zoning and tacit approvals on the fly.

There is no simple zoning envelope at the Colony for what Whittall wanted to build. If you want to develop it the way Whittall has, you need numerous departures from code. A departure is a calculated violation of the rules that is allowed if the net result is superior. It is supposed to lead to better results. Therein lies the rub.

We need you on that wall...

This is not the first time Whittle asked for more and the community said, “No.”



REID

Originally he wanted far more density and six stories of height. Residents voted the density request down overwhelmingly in a referendum. The height was scaled back. The Community wanted more buffers, less departures, smaller ballroom spaces, less intensity. It took years to get to the approval in 2021 — the approval that is being built today.

It took so much time because of the immense value to the Town and the developer. Town staff had a massive unprecedented task in the shepherding of this process.

We and the Commission depend on Town staff. They are there to evaluate and push the developer within the confines of the code for the best outcome for our community.

We will be told when the matter goes before the Town Commission at 11 a.m. Monday, June 5 by the developer that a parking garage is a far superior solution. It will buffer the neighbors from the loading and unloading for the hotels will be part of the testimony. But using parking garages as aesthetic buffers on the site is concerning.

Then there is the issue of the parent company of St. Regis not liking parking lifts. At the lift meeting in 2021 that question was asked and answered and yet the mood has changed.

It appears that the desire in 2021 was to quickly gain approval for lifts to gain approval to start construction and that the garage could be dealt with down the road, which is now today.

Integrity vs. market prowess

This is an issue of principles vs. pragmatism.

The fact is the parking garage will make a better hotel resort.

Lifts are and were a bad idea in the first place. Also, the developer will landscape and buffer the entire site. I am sure guests and owners will not tolerate a slab of ugly concrete as their focal point from the balcony.

Adding to the above facts is the fact that we should all want this resort to be as successful as possible. Nobody wants the functionality diminished and the resort to lose any of its market prowess.

Yet unfortunately, principles suffer wholeheartedly if the garage is simply approved. The staff and Commission spent time in 2021 approving a poorly conceived parking plan that was augmented last minute with car lifts simply to gain approval and get built.

The developer knew then he could come back later and make this request. That means the community process and the staff process to evaluate the project and all the departures in their totality is a charade.

Longboat Key development rights should not be granted on an etch-a-sketch the developer can shake at any moment, redraw and come back to the trough for further approvals.

The Commission will have a tough time with this issue. It boils down to two incompatibilities:

Help the St. Regis and amend the plan for the garage so it can become the best plan possible.

Or, protect the residents, the aesthetics of the Key and the integrity of our development process and vote the plan down.

It is worth the wait...

My recommendation is in this case a middle road.

It is premature for the Commission to agree to a solution for which there is really no known problem. The St. Regis plan should stand as it was approved. Let the developer and hotel make a real time case that there is an empirical problem to solve. The land where they want to build a garage is not going anywhere. Build out your landscaping and buffering.

If the valet timing issue is a real-time issue, it can be addressed. I do not think the Commission, the community and the legal process we use for approvals needs to be tortured.

Maybe the guest waiting for his car the extra three minutes as the lift deploys can be proud that their 180 seconds of waiting led to one less parking garage along the prettiest road on the West Coast of Florida.

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EditorLetters



Longboat Key News and Sarasota City News encourages Letters to the Editor on timely issues. Please email to: letters@lbknews.com or mail to PO Box 8001, Longboat Key, FL 34228. We also print letters sent to Town Hall that address Longboat Key issues. We reserve the right to edit.

Mangrove Education

To: Longboat Key Mayor Ken Schneier
The suggestion about an educational role for the Town regarding mangrove maintenance (leaving enforcement to FDEP) is an idea worth developing. Staff will be working in the coming months (plates are pretty full at the moment) to pull together a brochure with FDEP and work to pull together a seminar (with FDEP presenting) that we can host next season. We'll work with Rusty's group to help get the information out.
Howard Tipton
Town Manager
Town of Longboat Key

St. Regis

To: Longboat Key Commission
This building will further detract from the ambiance and beauty of LBK. The monstrous presence on Gulf of Mexico Drive is bad enough. Please do no add to it.
Mr. and Mrs. Robert Hillman
Longboat Key

Site Plan

To: Longboat Key Town Clerk Trish Shinkle
For the hearing on amendments to the St. Regis PUD/ODP and site plan to be heard by the Town Commission on June 5, 2023, please add my attached resume to materials for the hearing. I will bring copies to the hearing to be added to the record.
Brenda L. Patten
Berlin | Patten |Ebling
Sarasota

Preliminary Valuation

To: Longboat Key Commission
Good news - the preliminary growth in value from the Property Appraisers (2) is 12.75 percent. This strong growth was expected and supports (funds) the budget items under discussion. More on this in our budget workshop on June 20.
Howard Tipton
Town Manager
Town of Longboat Key

Mangrove maintenance

To: Ken Schneier
The suggestion about an educational role for the Town regarding mangrove maintenance (leaving enforcement to FDEP) is an idea worth developing. Staff will be working in the coming months (plates are pretty full at the moment) to pull together a brochure with FDEP and work to pull together a seminar (with FDEP presenting) that we can host next season.
We'll work with Rusty's group to help get the information out.
Howard Tipton
Town Manager
Town of Longboat Key

St. Regis Garage Objection

To: Longboat Key Mayor Ken Schneier
I hope this finds you in good health and high spirits. I am writing to express my strong objection to the proposed two-story three-level parking garage in front of the new St Regis hotel on our beautiful Florida island. Its towering height and concrete façade next to GMD would be detrimental to the residential character of our lush foliage town, and it would become a permanent eyesore for both residents and visitors alike.
Our island is renowned for its breathtaking natural beauty, with its vibrant and diverse flora providing a picturesque backdrop for our residential community. The lush foliage contributes to the tranquil atmosphere that has drawn residents and visitors to this unique place. By allowing the construction of a three-level, two story parking garage, we risk disrupting the delicate balance between nature and development that makes our town so special.
The proposed parking garage, with its towering presence, would not blend harmoniously with the surrounding residential environment outside the hotel. The structure's height and bulk would dominate the skyline and obstruct the views of the natural beauty that defines our island. It would disrupt the aesthetic appeal of the area, eroding the residential character that we hold dear.
Moreover, the approval of such a parking garage sends the wrong message about our town's values. It conveys a preference for development at the expense of preserving the natural heritage that makes our island a haven for residents and visitors seeking respite from the concrete jungles. We should prioritize the preservation and enhancement of our island's unique natural resources, rather than compromising them for short-term gains.
I strongly urge the Town Commission not to approve the three-story parking garage.

Alternative solutions that are more compatible with the residential character of our town were discussed at numerous meetings of the zoning board and the Town commission. A surface lot was decided upon. One option would be remote parking areas connected by shuttle services.
No facts requiring the garage have been brought forward by the developer except that he and Marriot think it would be better.
In conclusion, I beseech the Town Commission to not approve of the three-story parking garage and carefully weigh the long-term consequences of such a project. Let us work together to preserve and enhance the unique residential character, lush foliage, and scenic beauty that define our town, ensuring a sustainable and harmonious future for generations to come.
Thank you for your attention to this matter. I trust that you will consider my objection with utmost sincerity and make a decision that reflects the best interests of our community.
Moreover, the construction of a parking garage of this scale raises concerns about increased traffic congestion, noise pollution, and potential safety hazards. It is essential to consider the impact on our already strained infrastructure and the potential strain on emergency services in case of an incident or evacuation.
Stanley and Jane Rodbell
Longboat Key

Public hearings

To: Longboat Key Town Clerk Trish Shinkle
I am a resident of Longboat Key and I reside at Longboat Drive South. I understand that there are public hearings on June 5 (11 a.m.) and June 20 (1 p.m.) to discuss the request from Unicorp and the St. Regis for construction of a parking garage. Unfortunately, I am unable to attend either meeting but through this written communication, I wish to express my objection to the construction of the St. Regis parking garage. I would like my statement to be read into the record during the hearing(s).
One of Longboat Key's strongest assets is that its buildings sit well off Gulf of Mexico Drive (GMD), and they are further shielded by generous amounts of landscaping. This blueprint has provided a spacious and residential feel to the island as opposed to an urban design. It is true that there are a few buildings that are closer to Gulf of Mexico Drive than others but those buildings are typically one or two story structures that possess mature landscaping making their proximity to Gulf of Mexico Drive incidental.
Longboat Key is very special and its spacious appeal is a huge differentiator when compared to other beach towns on the gulf. In fact, one of the main reasons I selected LBK as my home is the enjoyable drive up and down Gulf of Mexico Drive, largely due to the buildings sitting well off the road.
Please don't wreck the appeal of the island and please encourage St. Regis to adopt alternatives other than building a large parking garage in close proximity to Gulf of Mexico Drive. Finally let me close with a rhetorical question...how is it that St. Regis determined they needed this garage 75 percent through the project? I think they have other acceptable solutions and they have had them all along.
Randy Verdino
Longboat Key

Winter Festival

To: Sarasota City Commission, Longboat Key Commission

See Letters, page 8

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545 SANCTUARY DR Unit#A402	2,580	\$3,100,000	3	3	0	4	\$3,060,000
370 GULF OF MEXICO DR Unit#412	2,380	\$1,650,000	3	2	1	7	\$1,600,000
1945 GULF OF MEXICO DR Unit#M2-412	1,532	\$1,299,000	3	2	0	2	\$1,300,000
1701 GULF OF MEXICO DR Unit#505	1,615	\$1,100,000	2	2	0	0	\$1,100,000
5055 GULF OF MEXICO DR Unit#521	1,718	\$1,060,000	2	2	0	0	\$1,060,000
615 DREAM ISLAND RD Unit#101	1,813	\$1,375,000	2	2	0	36	\$1,050,000
770 RUSSELL ST	1,352	\$950,000	3	3	0	28	\$860,000
2045 GULF OF MEXICO DR Unit#310	928	\$699,000	2	2	0	0	\$699,000
4350 CHATHAM DR Unit#E304	747	\$399,000	1	1	0	29	\$370,000
2800 HARBOURSIDE DR Unit#F-01	N/A	\$310,000				14	\$310,000
626 S OWL DR	6,576	\$12,000,000	5	8	0		\$11,250,000
622 S OWL DR	5,635	\$9,950,000	4	4	1		\$9,750,000
150 MORNINGSIDE DR	6,843	\$8,900,000	6	6	2		\$7,500,000
408 WOOD DUCK DR	2,846	\$2,199,000	4	2	1		\$1,850,000



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BIRD KEY
526 BIRD KEY DRIVE
SOLD \$2,225,000



BIRD KEY
449 E ROYAL FLAMINGO DRIVE
SOLD \$5,600,000

EditorLetters



Letters, from page 5

I understand the City Council is looking for feedback on renewal of a permit to hold another carnival, aka Winter Festival, on St. Armands this winter.

I am writing to express my strong objections to creating another huge, unnecessary traffic jam in St. Armand’s Circle. I request that you deny the permit application. There is no benefit to the public or the residents of the barrier islands to this noisy, disruptive carnival. It does not belong on St. Armands.

I, in fact, highly enjoy taking my kids and grandkids to the Sarasota County Fair at Robard’s where they have the space, restroom facilities, parking and easy access for vehicles off Fruitville Road. None of these exist on St. Armand’s. Squeezing the carnival into St. Armand’s Circle makes no logical sense and I doubt it makes political sense.

The traffic last year inhibited Longboat Key residents from leaving the island through St. Armand’s to support commerce on St. Armand’s or on the City mainland. Instead, we drove north into Manatee County for our commercial needs. I expect the net commerce contribution to the City of Sarasota from Longboat Key residents during the carnival was lower than previous years without the carnival. This does not sound like a good public policy for the City of Sarasota. Please reject the permit. Thank you.

Don Stitzenberg
Longboat Key

Please, No More Departures VS. Code

To: Longboat Key Commission
Ladies and Gentlemen, as you know, a previous LBK Town Commission agonized over the approval of the St Regis project. After difficult and long negotiations with the Developer two years ago, the Commission approved the project granting many “departures” from the Longboat Key Code.

Now in 2023, with the project more than half way built, the Developer is coming back before the Commission with a revised expansion plan asking for many more new “departures”, one of which is to build a multi-level parking garage right on Gulf of Mexico Drive.

This begs the question why does LBK even have a Code if we are going to allow so many “departures” from our Code?

Respectfully, Please, NO More “departures” from Code on this project now. Let the already

approved plan, with many “departures”, open next Summer.
The Operator will adjust where and IF necessary and get some real-world operating experience with this particular Resort and location. Based on my operating experience in the Resort and Theme Park business the operator will be able to adjust, again if necessary, without building another large concrete structure right on Gulf of Mexico Drive. This approach is also just plain common sense.

If there are any significant operating issues the Developer can re-apply with an adjusted application based on factual, on-site operating experience, not conjecture and meet our Code requirements.

Please respect our Longboat Key Code that has protected Longboat Key since 1955, 68 years, from over development and has allowed our island home to continue to be a very special paradise. Thank you for your service.

Bob Gault
Longboat Key

Reported mangrove violations update

To: Rusty Chinnis
While the “tree people” are the experts, look to longboatkey.org; Charter and Code; Title 9 General Regs; Chapter 98 Trees to read along. Section 98.06 requires a permit to remove certain trees, but Section 98.05 exempts trees removed from developed single family sites. Generally, more restrictive (but not less restrictive) rules can be approved by HOA’s or condo associations. Hope this helps a little.

Ken Schneier
Mayor
Longboat Key

Reported mangrove violations update

To: Longboat Key Mayor Ken Schneier
Not this one but the public sign-in button at the Oculus page.
Rusty Chinnis
Longboat Key

Reported mangrove violations update

To: Rusty Chinnis
1. It’s not clear to me from these materials what happens next? 2. What is your view of the process and result of this investigation? 3. Do you think a better outcome would result from shifting responsibility from FDEP to Manatee County (or another party), assuming that’s possible? Happy to meet up and discuss.
Ken Schneier
Mayor
Longboat Key

Reported mangrove violations update

To: Longboat Key Mayor Ken Schneier
Thanks for the reply. It’s complicated and has been hard to track. We’re still working on how to address the issue, so I would like to have a meeting to discuss it. We’re documenting the cases we have reported and following the outcome so we can create a trail of evidence to support our contention. It has been our experience that the FDEP staff does a good job but does not have the resources to properly protect mangroves. We believe the solution is a combination of effective enforcement coupled with an educational component. Let’s find a time to meet and include Howard. Chris Kopp might have some insight as well. My schedule is open this coming week and next week except for Tuesdays and Thursdays after June 6 when I start PT. If this week works perhaps we can take the discussion to the Commission meeting on the 5th?
Rusty Chinnis
Longboat Key

Reported mangrove violations update

To: Rusty Chinnis
Tuesday and Friday this week work for me, and there are some gaps otherwise as well.
Ken Schneier
Mayor
Longboat Key

Reported mangrove violations update

To: Longboat Key Mayor Ken Schneier
I’m available Tuesday.
Rusty Chinnis
Longboat Key

Reported mangrove violations update

To: Rusty Chinnis
Pick a time for coffee at Whitney’s on Tuesday, and Howard will come if he can.
Ken Schneier
Mayor
Longboat Key

Reported mangrove violations update

To: Longboat Key Mayor Ken Schneier

See Letters, page 9



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EditorLetters

Letters, from page 8

I'm around all day and just a few blocks away. You guys pick a time and I'll be there.
Rusty Chinnis
Longboat Key

Reported mangrove violations update

To: Longboat Key Mayor Ken Schneier
I never heard back so you want to say 10 o'clock this morning coffee at Whitney's? If that doesn't work, I am available later in the day as well. Looking forward to hearing from you and talking with you.
Rusty Chinnis
Longboat Key

Golf Course question

To: Longboat Key Town Manager Howard Tipton
My question is: is the area on the Golf Course considered part of the zoned, single-family lot?
98.02 - Definitions. "Improved single-family lot." A lot zoned for single-family use containing an existing single dwelling unit.
98.05 - Exemption for improved single-family lots.
Improved single-family lots are exempt from the tree removal permit provisions as set forth in section 98.06, but not from the regulations for protected tree species under state

or federal law.
98.06 - Permits for tree removal or relocation.
Tree removal or relocation is prohibited unless the town manager or his designee has issued a tree permit based upon the requirements of this chapter.
(A) Review and approval procedure. A tree permit may be issued if the town manager finds that any one of the following conditions applies:
(1) The condition of the tree has significantly degraded or deteriorated because of disease or insect attack and is in danger of falling within the proximity of existing or proposed structures;
(2) The applicant cannot practically alter or revise the proposed development or improvement under all applicable laws and regulations to accommodate existing trees, including the tree or trees proposed to be impacted;
(3) Removal of the tree will enhance the ultimate tree canopy and removal will not result in erosion, or adversely affect the flow of surface waters; or
(4) The tree poses a significant safety hazard to life or property.
(B) Applications for tree removal or relocation shall provide a site plan including the shape and dimensions of the lot, together with existing and proposed driveways, structures, and improvements. The plan shall indicate the location, type, species, and size of existing trees and shall include:
(1) Those trees requested to be removed or relocated.

(2) A statement explaining why the trees are requested to be removed or relocated.
(3) A statement explaining how any remaining trees or trees proposed to be relocated are to be protected during construction.
(4) Any other material or information deemed necessary in reviewing the criteria as set out in subsection (A).
(C) Fees. The application fee for tree removal is \$50. This fee may be modified by resolution of the town commission. Additional costs, including staff time, may be incurred as necessary depending on the scope and complexity of the project.
(D) Permit conditions for tree removal, replacement or relocation.
(1) Generally, two mature replacement trees will be required for the removal of each tree; the site, size, and species of the trees being removed will be considered when determining the actual tree replacement ratio.
(2) Where feasible the applicant shall be required to relocate, rather than remove, the tree. Relocation shall depend upon the size, condition, and species of the tree to be relocated, as well as whether survival of the relocated tree may be reasonably anticipated. Replacement trees are not required for relocated trees.
(3) The applicant will be required to relocate or replace a tree being removed, at the applicant's expense, on the site, or with the concurrence of the town, on public land.
(4) When mature replacement trees cannot be planted on the applicant's land, or on public land, or relocation is not feasible, a tree replacement fee of \$300 per mature replacement tree, shall be paid to the town. These funds shall be kept in an account and used only for the designated replacement or planting of trees on public property.
Arthur Wood
Longboat Key

Trees at the St. Regis

To: Longboat Key Mayor Ken Schneier
Hope you and your family are enjoying the Memorial Day weekend and you don't read this piece of very minor administration until Tuesday or later.
We have had a flap here at Harbour Circle over a resident removing a healthy tree based on a meeting they had with the "tree people" at Planning and Zoning. We have no criticism of the Planning & Zoning people, or the resident. I have no doubt that the Planning & Zoning people were providing guidance based on what they were told by the resident.
To avoid this in the future, is there a written "tree policy" that is published for all to see at LBK that the Board can use the next time this arises which I am sure it will? I expect there is. Can you direct me to the right person or have a copy sent to me. Thanks again for all you do for LBK.
Don Stitzenberg
Longboat Key

Trees at the St. Regis

To: Don Stitzenberg
While the "tree people" are the experts, look to longboat-key.org; Charter and Code; Title 9 General Regs; Chapter 98 Trees to read along. Section 98.06 requires a permit to remove certain trees, but Section 98.05 exempts trees removed from developed single family sites. Generally, more restrictive (but

See Letters, page 12

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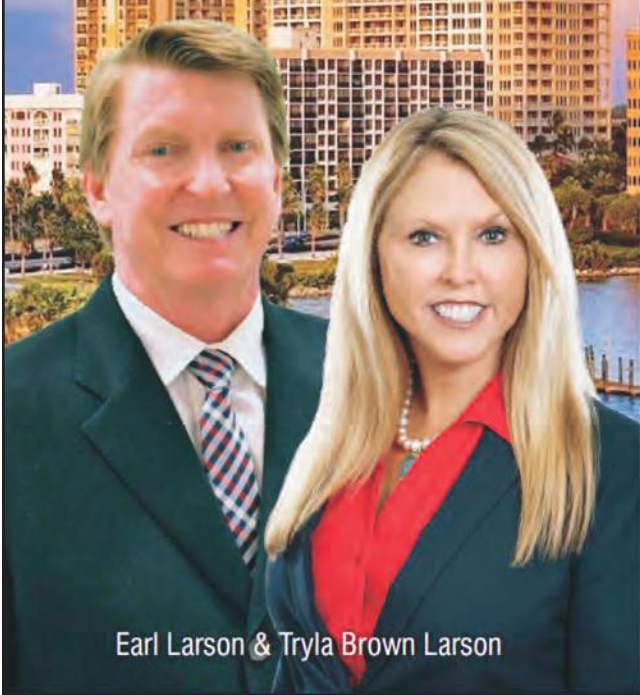
This rare first floor, end unit boasts over 1,600 square-feet and is meticulously updated in 2022, with gorgeous high-end finishes. Improvements include an all-new Chef's kitchen with new custom cabinets, exquisite quartz countertops, and professional grade stainless steel appliances. The fabulously updated baths include oversized showers, and primary shower with 6 spa like jets. The primary bedroom with en suite includes a huge updated closet and bonus office area. This residence also boasts luxury vinyl floors, recessed LED lighting, and two-panel solid wood doors. An oversized, private patio overlooks a nature preserve and was updated with new pavers. This dream home is move in ready.

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OnPatrol

The following are actual police reports as written by Longboat Key Police Officers. They are edited for length, punctuation and to protect privacy.

May 26 Suspicious person

2:52 p.m.
Officer Ferrigine responded to the 4800 block of Gulf of Mexico Drive in reference to a group of people that were using beach chairs that did not belong to them. Upon his arrival, Officer Ferrigine spoke to one of the women and she advised she watched the group walk up and sit in the chairs that didn't belong to the condominium complex. The woman advised that she just wants them not to use them. Officer Ferrigine made contact with the group of people and advised they were sorry and put them back without any issue.

May 27 Traffic hazard

9:18 a.m.
Officer Martinez responded to Longboat Pass Bridge in regards to a traffic hazard. Dispatch advised that the vehicle had broken down on the south end of the bridge and the owner advised the vehicle would not start. Upon arrival, Officer Martinez activated his hazardous warning lights and began directing traffic. The owner said that he could not make contact with a towing company of his discretion. Officer Martinez a tow request via dispatch to which the towing company responded and recovered the vehicle. There were no injuries and no other vehicles were involved. Roadway was clear of any obstructions. Case clear.

Suspicious vehicle

9:30 a.m.
Sgt. Montfort was dispatched to a report of a suspicious vehicle in the parking lot of the Longboat Key Club. It was reported that a vehicle was damaged and was parked near the Human Resource Building. Sgt. Montfort arrived on scene and was greeted by the security director. The Director stated that he wanted to document that the vehicle was in the lot. Sgt. Montfort conducted a FCIC/NCIC check of the vehicles registration and observed that the vehicle was involved in a traffic crash on the evening of May 26 and handled by Officer Tillman. The Director requested the vehicle to be removed from the lot. Sgt. Montfort advised the Director that since the vehicle was on private property, it would be the responsibility of the Club to have it removed. Case clear.

Blue heron stuck in fishing line

12:00 p.m.
Officer Connors while on marine patrol, was dispatched to the area of Greer Island for a report of a blue heron entangled in a fishing line. Upon arrival, Officer Connors observed the heron perched approximately 15 feet high in the mangroves, entangled in fishing line and unable to fly. With the assistance of the boat hook, Officer Connors was able to remove the line from the heron. The heron flew away without further incident. Case clear.

Boating

4:08 p.m.
Officer Connors while on marine patrol in the area of the Shore Restaurant was flagged down by a teenager who advised that he and his dad were kayaking in the area of Jewfish Key



and his dad has not returned. Officer Connors checked the area and observed a man in the distance struggling to upright his overturned kayak, as he was caught in the tide. Upon arrival, the party appeared to be fatigued with his life jacket partially down. Officer Connors positioned the police boat alongside, brought the man to the nearby boat ramp without incident. Case clear.

Citizen dispute

6:26 p.m.
Officer Tillman responded to a citizen dispute at the beach access. Upon arrival, Officers spoke with both parties who had a disagreement about the wind blowing a tent into their area without being apologetic of the situation. A verbal argument ensued and parties were separated before arrival.

The incident was verbal only. Case clear.

May 28 Suspicious vehicle

3:12 a.m.
Officer Butler responded to Bayfront Park for a suspicious vehicle. The vehicle had its windows open and appeared to be occupied. Upon further investigation this supervisor found the driver, sleeping in the vehicle. Such vehicle and driver were in Bayfront Park after 11 p.m. and before 5 a.m., violating Town Ordinance 92.02(a)(2). The driver could not produce a valid insurance card. Warning issued. Case clear.

Boating citation

11:00 a.m.
Officer Connors while on marine patrol in the area of Jewfish Key, Officer Connors observed a personal watercraft operating on plane with an excessive wake in a posted "Slow Speed, Minimum Wake" zone. Officer Connors conducted a vessel stop and advised the operator of the violation. Officer Connors issued a citation. Case clear.

Suspicious person

4:55 p.m.
Officer Martinez was dispatched to Royal Road in regard to a suspicious person. The complainant advised that there were six people in vehicles parked in a driveway and two people walking around the house and not owners of the house. Upon arrival, Officer Martinez made contact with the owner of the residence who advised that the persons described were guests and had permission to be on the property. Case clear.

May 29 Boating citation

12:40 p.m.
Officer Connors while on patrol in the area of Jewfish Key, Officer Connors observed a boat operating on plane with an excessive wake in a posted, "Slow Speed, Minimum wake" zone. Officer Connors conducted a vessel stop and advised the operator of the violation. While on scene, Officer Connors conducted a vessel safety check in which the operator was unable to produce the required number of personal floatation devices for the parties on board, the operator was short three personal floatation devices. Officer Connors issued a citation. Case clear.

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Editor Letters



Letters, from page 9

not less restrictive) rules can be approved by HOA's or condo associations. Hope this helps a little.

Ken Schneider
Mayor
Longboat Key

Pave Paradise and put up a parking lot

To: Longboat Key Commission

Driving on to the island a few days ago I was struck by how much the St. Regis compound is beginning to look like a giant shopping center. I had been looking forward to a new five-star luxury resort rising on the grounds of the old Colony.

But now it seems like the project is so much more massive than was envisioned. No room for trees to soften the mass of what is there already, and now a parking garage is planned right on top of Gulf of Mexico Drive. With cars parked on the top level no less! Well, that's not in keeping with a luxury resort!

Every other important development on the island has lush grounds with beautiful plantings. But now there is no room for the thousand plus trees they said they would plant. They'll "mitigate" by planting them somewhere else! They're not needed anywhere else!

And I can't wait to listen to the valets revving engines and squealing tires around the turns to keep the customers from waiting an extra three minutes to get their Bentleys and BMW's.

In closing, I'm reminded of a line in an old Joanie Mitchell song: Pave Paradise and Put Up a Parking Lot. Let's not do that.

Shannon Gault
Longboat Key

St. Regis project

To: Longboat Key Commission

Our family has been a member of the Longboat Key community since 1976. Over those years, the Town Commission has carefully permitted development of the beachfront properties to impose the least impact on our community at large. None of those developments have constructed multi-story parking garages within 20 yards of Gulf of Mexico Drive.

Unicorp National Development, Inc. (Unicorp) has represented itself as "... a trusted leader in selecting, securing and developing properties that not only endure, but build stronger and more beautiful communities." <https://unicorp.com>

In 2018, Unicorp submitted its site plan for the St. Regis project. Over the following 3 years, the Town Planners and Commissioners presided over a careful, deliberative review process with concessions and compromises on both sides. To resolve final objections to its application, Unicorp proposed to modify the surface parking plan for hotel guests. On October 21, 2021, the Commissioners accepted that proposal and approved the Final Site Plan. Ordinance 2021-

12. Unicorp has now changed its mind and wishes to repeal and amend that Final Site Plan.

In Resolution 2023-12, Unicorp has requested the Commission to replace the previously approved surface parking lot with a 15,000 square foot, multi-level, commercial parking garage within 20 yards of Gulf of Mexico Drive. This proposed Resolution clearly demonstrates that Unicorp cannot be trusted and is more interested in the "bottom line" of its hotel operations than the strength and beauty of Longboat Key. If the proposed resolution is adopted, Unicorp will erect a commercial garage that will forever blight a long section of Gulf of Mexico Drive. The proposed vegetation screen will not hide that blight. More importantly, adoption of this resolution could establish a precedent requiring the Commission to authorize the inevitable erection of similar parking structures along Gulf of Mexico Drive.

The members of our community cannot expect Unicorp to preserve the beauty of our island. We can, however, urge you to give the weight to your carefully considered 2021 Final Site Plan (Ordinance 2021-12) that it legally deserves, and reject this Proposed Resolution to repeal and amend that Plan. Thank you for your service and representation of the residents of Longboat Key.

John and Debbi Wilson
Longboat Key

Another Bite At The Apple

To: Longboat Key Commission

First a point of order, it is important to note that the Artist Rendering of the St. Regis multi-level garage presented to P & Z and depicted in this week's Observer on page 5 is misrepresenting what it is to be. Note there are no cars illustrated on the top level of this large parking garage and those cars will also be visible over top of the garage low side walls.

Why not? You can draw your own conclusions.

This compels bringing up the most important issue of inadequate communication to residents about this major Departure application to expand the St. Regis development. The Commission hearing dates of June 5 and June 20 fall in the Summer off season when half to two thirds of Longboat residents are not in residence.

The many departures requested in this application have not, nor cannot be properly communicated to constituents for consideration because they are not here.

You may recall a few years ago another important issue surfaced in the Summer when Florida Power presented a plan to replace all the power poles with hardened, larger and taller poles to withstand hurricanes.

That seemed, on the surface to be a reasonable thing to do. However, a few of us year rounders asked the Commission to slow down and do more homework on the real cost and figure out a plan to underground all power utilities, island wide, for consideration.

As a result of great work by the Town Staff and Commission we will now enjoy a drastically improved environment on our Key. No more unsightly utility poles, power lines and we will

See Letters, page 12



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SARASOTA, FLORIDA

Letters, from page 11

experience uninterrupted service.

Folks, that was a close call!

Important projects need proper vetting by all residents not just those who happen to be in Town during the Summer.

Respectfully, please do not fully consider this project until the late Fall for proper communication and vetting by all residents when they return or vote 'No' and the developer can resubmit AFTER the Resort opens and has some real world operating experience. Any necessary new Departures will be based on facts, not on revised, estimated projections and conjecture which is now before you.

As an aside, arguments about the importance of reducing valet wait times in the electric lift Departure should be completely ignored by you. This is not a Town problem or an unmanageable problem for the operator. They previously asked for approval on this which you did.

The operators can make adjustments without building more large concrete structures! They have a good plan, so work it.

As you well know, most of the letters you have been receiving oppose this garage on Gulf of Mexico Drive for obvious, common sense reasons. Please take heed and do not approve this garage, much less during the Summer months with so many residents away. That would be misguided.

The St. Regis will successfully open next Summer and will be a great asset to our community. Many thanks to the Town Staff for their hard and diligent work on this new Resort and to Chuck Whittal and Unicorp for their years of effort to make this Special Resort a reality. However, please do not mar this "Crown Jewel" Resort with an added multi-level parking garage at its entrance and right on Gulf of Mexico Drive. Thank You, as always, for your consideration and service.

Bob Gault
Longboat Key

Bobby Jones Clubhouse

To: Sarasota City Commission

Commissioner Trice is new to Commission therefore, it is imperative for her to know that Bobby Jones is the former county dump and landfill. Hundreds of documented pages are on file in M. Griggs office. A handbook for the touching and moving soil is set in stone and monitored by DEP. Bobby Jones is noted to be one very dangerous State of Florida site by Mr. Tedder in his recent GRE national environmental safety report.

New Clubhouse construction must include specially stressed concrete foundation, vapor barrier and methane collect and burn system per DEP court ordered restriction. - see County Dump and Landfill Engineer.

Please share DEP manual and Tedder restriction of land use info with Swift Project Manager...post haste.

Mr. Mandel was careful to observe restrictions because he was well informed by Citizen Input material. His design met with County, State, District and other Agency review and scrutiny. You must be sure that all other bidders comply with all required public safety measures.

Please take note that irrigation and restrooms could not be improved in the former 45-hole complex because of the known explosive nature of the soil. This is a most urgent matter for your immediate attention.

Kim Giaccardo
Sarasota

Bobby Jones Clubhouse

To: Sarasota City Manager Marlon Brown

Marlon, is this assertion of toxicity true? (Writer makes it sound worse than Marian Anderson property.) How does it affect the nature park at Bobby Jones?

Debbie Trice
City Commissioner
City of Sarasota

Bobby Jones Clubhouse

To: Sarasota City Commissioner Debbie Trice

I will have to brief you about Bobby Jones, the design and the landfill and Ms. Giaccardo in our one on ones or when next you are in the office. Thanks.

Marlon Brown
City Manager
City of Sarasota

Palm Garage Elevators Down Protocol

To: Sarasota City Manager Marlon Brown

Please see the attached the signage that the parking division posts at Palm Ave Garage whenever both elevators are down. We provide a shuttle service for any patron needing assistance or a ride complimentary. If both elevators are down, signage immediately goes out at all entrances and on all levels at the elevator bays. The signage has the phone number to the garage attendant that acts as our courtesy shuttle driver as well.

This means all calls go directly to the staff member that is responsible for transporting the guests. If the driver receives a ride request while already transporting a guest, once he drops off that patron on the lower level, he will immediately circle back to retrieve the next customer wherever they may be inside the garage. Let me know if you have any questions or concerns.

Broxton Harvey
Parking General Manager
City of Sarasota

See Letters, page 14

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On data from the San Francisco Chronicle’s 2023 Wine Judging Event

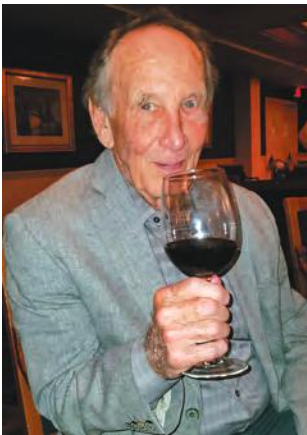
The brands compete in tiers within general categories (Classes) of varieties of wine and price levels.

S.W. and Rich Hermansen
Guest Writers
wine@lbknews.com

The San Francisco Chronicle’s annual wine judging event has posted its 2023 medal winners list on the web: https://winejudging.com/medal_winners_2023/awards_by_winery.php . Promoted as the “Largest Competition of North American Wines”, these prestigious awards go largely to California wines. California has by far the most entries, although wines from many other states in the USA appear among the winners. The primary list of medal winners has winners grouped by vineyard. The home web page has links to many subsets of the winning brands.

The brands compete in tiers within general categories (Classes) of varieties of wine and price levels: for instance “Cab Sauv – Up to \$12.99”, “Riesling - Dry <.99 RS” (residual sugar), a less well-represented varietal such as “Pinot Blanc”, or “All Other Red Blends; \$23.00 - \$34.99”. The awards range from Bronze to Double Gold and at the upper end, Best of Class.

A smart wine buyer may discover less well known brands with Gold, Double Gold, or Best of Class awards and look for them in wine shops and restaurants. To help with the task of searching the 5,000 award winners, we have used public use/domain data science programs to scrape the full 2023 wine awards table from the website and select smaller, interesting tables.



such prejudice. The fit of the Black Box wine in the “Pinot Noir - \$15.00 - \$19.99” category does seem problematic in that the box contains three liters, or the contents of four standard (750 ml) bottles. Did the bonus volume of wine figure into the judge’s rating?

These small but interesting questions aside, the San Francisco Chronicle’s data on awards proves to be a rich source of information and insights about wine. It does have stated and unstated limitations. It covers only North America. Even as data on North American wines, it is not a random or representative sample; that is, any statistics computed from these data represent the results of the competition and not North American wines in general. These major limitations aside, these data lead to fascinating insights. We will call back selections and summaries of these data in the future.

S. W. Hermansen has used his expertise in econometrics, data science and epidemiology to help develop research databases for the Pentagon, the National Institutes of Health, the Department of Agriculture, and Health Resources and Services. He has visited premier vineyards and taste wines from major appellations in California, Oregon, New York State, and internationally from Tuscany and the Piedmont in Italy, the Ribera del Duero in Spain, the Barossa Valley and McLaren Vale in Australia, and the Otago Valley in New Zealand. Currently he splits time between residences in Chevy Chase, Maryland and St. Armand’s Circle in Florida.

Rich Hermansen selected his first wine list for a restaurant shortly after graduating from college with a degree in Mathematics. He has extensive service and management experience in the food and wine industry. Family and friends rate him as their favorite chef, bartender, and wine steward. He lives in Severna Park, Maryland.

In the Cab category, limited to wines with prices under \$20

ID	Brand	State	Vintage	AVA	Vineyard / Other	Varietal	Price
43	The Collection	CA	2021	California	Bourbon Barrel	Cabernet Sauvignon	\$9.99
39	Round Hill	CA	2021	California	NA	Cabernet Sauvignon	\$14.00
30	Maddalena	CA	2020	Paso Robles	NA	Cabernet Sauvignon	\$18.00

The 2021 The Collection Cab, grapes grown and produced under sustainable farming practices by the major producer Delicato Family Vineyards, belongs to the burgeoning category of wines produced by vineyards and labelled by large retailers. California on the label names the region, meaning grapes likely sourced from Delicato vineyards in the geographically dispersed Monterey, Lodi, and Napa areas. The same California region appears on the Round Hill Cab label. The large Rutherford Wine Company has created Round Hill as a price mid-tier brand. Rutherford advertises its Napa headquarters, but California as the region on the label leaves the geographic sources of the 2021 Cab unspecified. Paso Robles on the label of the Maddalena Cab means that the Cab grapes come from that region and, in this case, certified sustainably farmed on the Riboli Family estate.

The same pattern repeats initially in the Chardonnay categories. The popular Barefoot brand has to draw on many sources of California grapes to keep up with the demand for wine in the lowest price tier, the “Chardonnay - Up to - \$10.99” category. The same goes for the Bogle brand in the “Chardonnay - \$11.00 - \$13.99” category. These mass-market brands rate highly with the competition judges relative to higher priced wines in the same categories. Does that imply that one should look for the lowest price when buying mass-market wines? Judging from the results of this competition, it seems so.

Smaller producers grow the Chardonnay grapes, make, and label the Monterey wines. The vintage has more importance in these wines. The Good Harbor Vineyards in the price tier in between the Monterey wines has an unlikely location: Northern Michigan. Yes, cool weather wines such as Chardonnay grow well in cold weather states, particularly when the lakes or oceans moderate the climate. The small producer wines cost more but have their own unique characters.

ID	Brand	State	Vintage	AVA	Vineyard / Other	Varietal	Price
3	Barefoot Cellars	CA	NV	California	NA	Chardonnay	\$6.99
7	Bogle Family Vineyards	CA	2021	California	NA	Chardonnay	\$11.00
19	Highlands 41	CA	2021	Monterey	NA	Chardonnay	\$15.00
15	Good Harbor Vineyards	MI	2021	Leelanau Peninsula	NA	Chardonnay	\$17.00
11	Diora	CA	2021	Monterey	La Splendeur du Soleil	Chardonnay	\$19.99

The Pinot Noir categories have only two Best of Class wines with prices less than \$20. The price ranges in the competition categories reflect both the gap in unit sales of the Pinot Noir varietal, relative to unit sales of Cabernet Sauvignon or Chardonnay, and increasing consumer demand for Pinot Noir. The \$9.99 price of the 2021 Forever Vineyards Pinot Noir, for example, has increased on-line and in larger wine retailers since the wine judging event. We would be shocked to see a highly rated Pinot Noir hold a price of \$9.99. Often the current vintage of these wines becomes unavailable.

ID	Brand	State	Vintage	AVA	Vineyard / Other	Varietal	Price
13	Forever Vineyards	CA	2021	California	Forever Vineyards	Pinot Noir	\$9.99
5	Black Box	CA	2021	California	NA	Pinot Noir	\$19.99

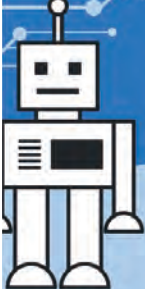
We were truly shocked to see a box wine win a competition in the USA. While packaging wine in a box with a collapsible bladder makes perfect sense to consumers in Europe, a large proportion of wine buyers in the USA have not taken to the idea. The judges obviously have no

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Letters, from page 12
Legal Questions Affordable Housing

To: Sarasota City Commissioner Jen Ahearn-Koch
Thank you, Jen. This is a spectacular building. Hopefully, this will inspire positive robust growth on the North Trail.
However, I am still unsure whether or not it would be a benchmark height for the expansion of affordable housing under the Live Local Act. My understanding, as per the analysis by the FL Senate, is that it will be.
“A county may not restrict the density of such development below the highest allowed density on any unincorporated land in the county where residential development is allowed. Additionally, a county may not restrict the height of such development below the highest allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.”
Pg 26, <https://www.flsenate.gov/Session/Bill/2023/102/Analyses/2023s00102.ap.PDF>
Should we now expect 6 story apartment buildings along the North Trail?
Richard Bona
Sarasota

Legal Questions Affordable Housing

To: Richard Bona
Thanks for the question per height. I have copied Mr. Fournier to respond to the specific Ringling proposed project. It is my understanding from a discussion with Mr. Fournier that “leap frogging” the one-mile radius to new sites would not be allowed (yet).
Also know that the Sarasota Bay Club height could also impact allowable heights on the Trail and elsewhere that are within one mile.

Attached are two pdfs. One has a pinpoint of The Sarasota Bay Club with a one-mile radius. The other has two pinpoints, one is US Recycling and the other is Alanari (to illustrate the proximity of USR as within a mile of Alanari).
Of equal concern is the potential allowable density which, right now in the City of Sarasota, is 50 units an acre. As you know, there is a ZTA that just passed Planning Board 4-1 that would allow the density to go up to 200 units an acre when providing 11.25% affordable housing. If this passes, then it is my understanding that the new highest density would be 200 units an acre and any development qualifying for the Live Local Act could seek 200 units an acre as well, but I will also request a response from Mr. Fournier. I do believe Mr. Fournier is attending a conference where he will learn more about the Live Local Act so he may wait to respond until after his conference.
I have requested from Mr. Brown an analysis of what the Live Local Act could look like for the City of Sarasota. While the Live Local Act may be beneficial for the City of Sarasota and some other communities around the State, and the intent is certainly laudable, the unintended consequences to the City’s infrastructure should be examined.
Jen Ahearn-Koch
City Commissioner, City of Sarasota

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Legal Questions Affordable Housing

To: Sarasota City Attorney Robert Fournier
I have several questions related to the upcoming ZTAs and also implications of the Live Local Act:
First, I want to confirm the Planning Department’s assertion that property owners’ development rights are limited to the “Base density” and that no additional rights will be conveyed with ZTAs offering “Bonus density” when a project includes a specified amount of affordable housing. I am concerned that we would be prevented from reducing the “Bonus density” and/or increasing the amount of affordable housing required in the future because that adjustment would be interpreted as a “taking.” If we would be restricted, will including an expiration date on the ZTA address my concern?
What density figure would the Live Local Act use as the “highest allowed density” in where residential buildings are permitted? Would it be the highest “Base density” in the City or the highest density possible with bonuses? (I suspect that it is too soon after the law’s passage to know how it will be interpreted, but we should consider the most likely interpretation with the new ZTAs.)
On a different subject, it will take time to bring new affordable units online, and there won’t be enough to satisfy the need anytime soon. It would be unfortunate if a significant percentage of them are filled by people with no prior connection to Sarasota. Is it possible (legal) to limit eligibility to households in which at least one individual has been a City of Sarasota resident for a specified period of time (e.g., 1 year) or is employed in the City of Sarasota? Thank you for your guidance on this topic.
Debbie Trice
City Commissioner
City of Sarasota

Legal Questions Affordable Housing

To: Sarasota City Commissioner Debbie Trice
My thoughts/responses to your questions below are as follows:
As to your first question, I would agree that if the ZTA provides for bonus density for a specified percentage of attainable housing, that that doesn’t mean that vested rights are created for every property owner in the City to have an entitlement to utilize that code provision in perpetuity. However, I have to say that once the ZTA is adopted that it becomes an “entitlement” insofar as it would enable anyone who qualifies to apply for the density bonus. This right would exist for those applicants who filed their applications for development approval during the time the code provision is in effect. I do not see any legal issues with a sunset provision, if the City Commission wants to include one, but I since I do not think that the City would be precluded from increasing the percentage threshold of attainable units in the future, I do not think that it’s necessary to add a sunset provision to be able to do this, as I think the Commission would be able to do it anyway. This is subject to the caveat that there might be some property owner/developers with plans to develop that are so far underway at the time a new regulation is adopted that it would be inequitable to subject them to a higher standard, that is to a higher threshold of attainability to get the density bonus.
Based on the language in the statute, it is my interpretation at the present time that the “highest allowed density” for purposes of the Live Local Act would be the highest density possible with bonuses, which at the present time would be 200 dwelling units per acre. However, I also agree that it might be too soon after the law’s passage to say with certainty how it will be interpreted, so for now anyway, we have to determine the most likely interpretation, which I think is the density cap with the bonus. I will be attending the annual Florida Municipal Attorneys’ Association seminar in early July and I am hoping that there will be some information/discussion about this issue during the portion of the session where they review legislation adopted in 2023 that impacts municipalities.
My initial, without any research, response is that it will not be legally possible to limit eligibility to households in which at least one individual has been a City resident for a minimum period of time. But this response is an educated guess at this time and I will spend a little more time to research this particular issue a little more to be certain that I am correct before the City Commission considers the issue as an agenda item at a regular meeting and I can follow up with you before then.
Robert M. Fournier
City Attorney
City of Sarasota

Legal Questions regarding Downtown Affordable Housing

To: Sarasota City Commission
I am sharing some good questions raised by Commissioner Trice and Mr. Fournier’s responses so that you too are aware.

Thanks.
Marlon Brown
City Manager
City of Sarasota

Legal Questions Affordable Housing

To: Sarasota City Attorney Robert Fournier
Thanks, Bob, for the quick response – and for the positive opinion regarding Base vs Bonus density. I will keep my fingers crossed on the 3rd item – that your research will enable us to limit eligibility or give preference for the affordable housing units generated by bonus density to people who already live or work in Sarasota.
I have a follow-up question on the 2nd item regarding the likely interpretation of the Live Local Act regarding the allowed maximum density. I suspect that the number 200 units/acre presupposes that the Commission approves a ZTA that utilizes the full 4-times-density documented in the Comprehensive Plan as “up to” 4x. If the Commission approves a ZTA that implements only a 3x bonus at this time, would you expect the Live Local Act to see 150 units/acre as the maximum? (What you learn from discussions with your colleagues at the seminar in July will be invaluable when the Commission addresses the Downtown ZTAs. I hope you can get an answer to this follow-up at the seminar.)
Debbie Trice
City Commissioner
City of Sarasota

Legal Questions Affordable Housing

To: Sarasota City Manager Marlon Brown
Yes, you are correct that I cited the number 200 based in part on my expectation that the City Commission will approve a Zoning Text Amendment with a density bonus of 4 times the maximum density in downtown zone districts which would be 4 x 50 = 200 in the DTB and DTC zones. However, I also cited the number 200 based on the fact that the City Commission has already approved Ordinance 22-5439 on October 17, 2022. This ordinance amended the text of the Future Land Use Chapter of the Comprehensive Plan to provide that bonus density of not greater than 4 times the base density would be allowed in the downtown zone districts. The ZTA would be the implementing land development regulation for this Comprehensive Plan amendment.
So, in the event that the City Commission should decide to adopt a ZTA providing for a maximum density bonus of three times the base density (as opposed to four times the base density) as you mention below; then I would have to recommend that the Comprehensive Plan should also be amended so as to eliminate the possibility of an argument that, notwithstanding the ZTA cap of 3 times the based density, the Comprehensive Plan authorizes four times the base density for purposes of the Live Local Act. But the bottom line answer to your question is that if the Comp Plan was amended to 3 times base density and the ZTA reflects 3 times base density, then my answer to the question in your first email would be 150 dwelling units per acre rather than 200.
Robert M. Fournier
City Attorney
City of Sarasota

Need advice-Dogs all over Lido Beach

To: Sarasota City Commissioner Jen Ahearn-Koch
Hope you are/have enjoyed your holiday weekend. Wonder if you could give me advice on how to perhaps get bigger and additional signs at Lido Beach regarding No Dogs Allowed, etc.
I frequent the beach and lately have seen more and more dogs on the beach. Some are on a leash and many are just let to run free! Not acceptable!
This is a concern of mine and feel we need more police presence until the issue is resolved or rules are at least tightened up. If people claim they are “service” animals I feel it’s extremely important for the owners to provide on-the-spot documentation stating what the “service” animal is trained for and not just have the owners “say” it’s a service animal and they have PTSD. This is not a legal or legitimate reason.
I just attended a meeting a few weeks ago where the discussion included the issues dogs create for the birds on Lido Beach. I was unaware of the devastation it causes the birds especially the eagles living on Lido and their young. People need to be educated and ultimately fined for allowing their dogs to be at Lido Beach.
I know there is a non-emergency phone # we can call but doesn’t always result in action being taken at the current time. Any advice or ideas you can provide would be more than appreciated. Thank you, in advance, for your help.
Karen & Bill Crowley
Sarasota

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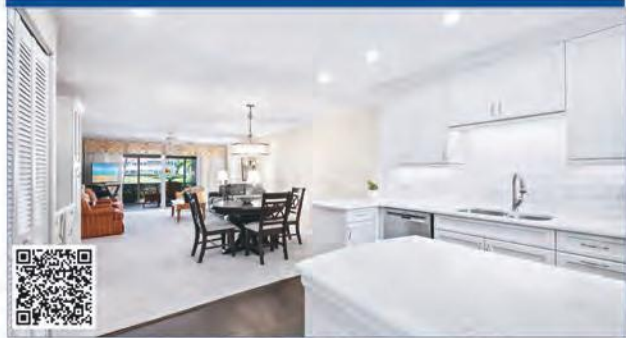
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