

Opinion

The Density Dilemma

Alan Moore, the proprietor of Moore's Seafood Restaurant, has won the approval of the Town Commission to allow him to petition the voters for approval to up the density of his property from one unit to three. Although the commissioners were concerned about the precedent of rezoning by referendum rather than the normal channels where first the Planning and Zoning Board must approve and then the Commission must ratify, they felt it would be unfriendly to require Moore to go to the bother of collecting signatures.

To an unsophisticated viewer, the idea that a popular restaurant serving hundreds of people each evening with the accompanying traffic is a less intense use of a property than three private homes probably doesn't make much sense but you just have to understand that zoning codes don't always make sense.

Under our code, a commercial or office property carries an underlying density of one unit regardless of how many people it attracts and this is the nub of Moore's problem and the heart of a problem that has been bedeviling the Planning and Zoning Board for three years.

A major part of the quandary is philosophical. Commercial property with no chance of conversion to residential is for all intents and purposes worthless while residential property is worth more than its weight in gold. Are we correct in condemning a property owner to poverty when we could allow him to become wealthy? This is especially pertinent when no one can demonstrate that the commercial property carries a potential of public good.

The argument that we need additional tourist development to make our island livable is also not sustainable. During the winter season, our local restaurants and businesses do very well (try getting into Drydock or Blue Dolphin). During the quiet season when everyone is complaining, the currently available tourist beds are not fully occupied so any additional units would just make the winter season even more unbearable and do nothing to assist the slow times.

Our present situation came about back in the mid-80s. A group of citizens banded together to stop what they thought was going to be the construction of a string of high rise condominium that would stand cheek to jowl, from one end of the key to the other. It was reasonable to

GreenReport

By Al Green

assume this would occur since it was happening all over Florida. The East Coast was the early warning siren but we didn't have to look much further away than Siesta Key.

What they did was change our zoning codes so that we lowered the density of every piece of land to a maximum of six units per acre along with other checks like height restrictions and setback rules. However, these concerned citizens, who by this time had become the organization we now know as the Public Interest Committee, were also a bit paranoid. They didn't trust the future to an unknowable group of commissioners so they incorporated a rule in the Town Charter that said that this new density couldn't be changed unless the entire community approved in a referendum. With these laws on the books, we became the Longboat Key we know today. I am sure there are some who still will complain that we have too many residents but compared to the rest of Florida, we are remarkable.

What the PIC people didn't anticipate was the explosion of wealth that has created a demand for bigger and bigger homes and condos. Since the height and area rules haven't changed, it follows that a developer wanting to build the size his customers want has had to cut back on even this smaller allowed density. The Bay Isles community has about 1,000 less homes than they could have and the Islandside gated community also is about 900 homes short. You can go right down the line, the Water Club, Tangerine Bay, Vizcaya and others are all under allowable density.

In addition to seeing the new construction fall far under the limit, we now are seeing the tearing down of 'grandfathered' motels and hotels that were built to a higher density before the rules were changed. The Holiday Inn is just the most visible. Before we are through, you can expect to see most all of the old time high usage buildings fall under the wrecker's ball and be replaced with about one-fifth of the previous number of units.

If I have convinced you that the last thing we need is to continue to carry the density referendum requirement on our books than I have accomplished my goal. We are the

only municipality that will have less people living here in 10 years than we have today. This is in the heart of the fastest growing region in the fastest growing state in the union. However, when as a member of the Charter Review Board, I recommended we abolish this proviso, it wasn't considered an option. That is why Moore has a problem.

His problem is just one of a myriad of issues that we must consider and eventually resolve. We have 40 acres of commercially-zoned property. We probably could provide all of our needs with less than half but because of this density restriction, it is impossible for any planner to put together a workable solution. It is Alan Moore's misfortune that we haven't resolved the issues but it is also conceivable that his request will finally accelerate a final decision.

A few months back, I presented the Planning and Zoning Board with a proposal I think will give us a good start. I suggested we change our zoning code so that commercial property carries with it an underlying density of four units per acre instead of the one that is currently the case. This would increase the technical density of the key by 120 units and would require voter approval. Once the underlying density was raised, a property owner could petition the Town Commission for a change in zoning. This would allow the planners and the elected officials to consider each request separately and make the appropriate decision based on what constituted good planning. We would not get into any of the details that confused and consequently derailed the first proposal. We wouldn't be rezoning by referendum. We wouldn't be creating new zone designations like mixed use. All we would do is negate the onerous requirement of a referendum when the reason for this requirement is no longer necessary.

This would not happen in time to be of help to Mr. Moore who will have to fight his battle alone, but hopefully the voters will give him a break and not vote as if an affirmative vote on his behalf will start the bulldozers and turn Gulf of Mexico Drive into Collins Avenue.

On a personal note, Jill and I have lost one of our dearest friends and Longboat Key has lost one of the brightest stars in its orbit. The Reverend Downs Spittler, the Rector of All Angels died June 24. To say he will be missed does not even touch the magnitude of this loss. Downs was one of the world's great gentlemen.

We've Heard That Song Before

Richard L. Hershatter
Contributing Columnist

*It seems to me we've heard that song before;
It's from an old familiar score;
We know it well, that melody.
It's funny how a theme recalls a nightmare
scheme,
A scheme that leads to poverty.*
(apologies to Harry James)

As long ago as March and continuing into April, this space has devoted three columns to the problem of overzealous taxation levied against the inhabitants of this island by the two county governments sharing jurisdiction over us.

Alas, here we go again.

The tax appraisers in Sarasota and Manatee have reported their calculations for this fiscal year and lo and behold, values on this island paradise have mushroomed nearly 14 %, with the total appraised value for all properties approaching the \$6 billion mark.

Resale figures do not lie, and there is no denying that we are in an inflationary boom where real estate is concerned.

That is happy news for anyone thinking of cashing in their chips and moving to less expensive parts of the country - Death Valley, for example.

For the rest of us, however, basking in the warmth and beauty of Longboat and content to spend the rest of our years here, the actions of government may well lead down the path to the proverbial poorhouse.

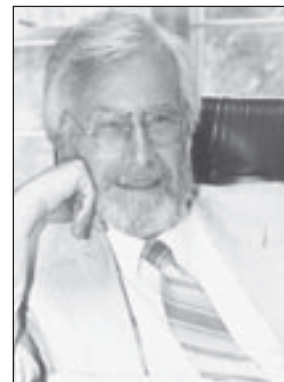
One can expect the cost of government to rise from year to year, whether it be on the local, state or national level. Inflationary factors mandate that result, and resentment on the part of the taxpaying citizenry is not warranted.

It is unacceptable and outrageous, however, when political leaders take advantage of the situation by setting a tax rate that is lower than the year before, but not low

enough to be in step with the new appraised values.

The result is an increase in the bottom line: the dollar figure actually due from the taxpayer to the town or county government.

And if history is to be believed, the counties will do it again when they adopt their budget later this year. Because nearly 90% of the taxes paid by Longboaters go to Sarasota and Manatee Counties and to their respective school districts, there is very little local control over the final impact.



Hopefully, Longboat Key's seven commissioners will follow through on their stated goal of finding ways to free the island from the greedy grasp of the two counties.

Resolving that problem will take time, of course, but in the meantime it would show good faith and be helpful if town government kept its own increases to a minimum.

It appears from recent budget meetings that local politicians are equating increased property valuations to new-found wealth and are looking for new ways to spend tax dollars, instead finding ways to save money.

We can understand increases in budget items caused by rising gasoline prices and insurance premiums. We can appreciate the need to make capital expenditures for such necessities as a new ambulance and updated equipment necessary for the smooth and efficient operation of town government.

What we do deplore, however, is the "money-is-burning-a-hole-in-the-town's-pocket" psychology that impels town leaders to send the town manager off on costly paths that are either expensive, unnecessary or impractical.

One such example came during the preliminary budget meeting when Vice-Mayor Joan Webster and

Commissioners Lee Rothenberg and George Spoll all weighed in with the notion of utilizing tax dollars for the purchase of land to be taken out of private hands and "set aside" for future public use.

What uses do they have in their collective minds? We already have all the modern public buildings needed for any foreseeable governmental usage.

Ah, but we have all this money ripe for the picking, and perhaps we can set aside land for parks or recreation. It would be, said one Commissioner, a means of conservation.

If "conservation" is the goal, that is best left to our planning and zoning bodies. As to parks and recreation, Longboat is already well endowed, and these facilities came largely from private donation and bequests, as well they should.

The fact is that Longboat Key is already pretty much built out, and land is consequently extremely valuable. Let the private sector develop what's left and add it to the tax base.

And if any philanthropist should elect to donate holdings to the town, such gifts should be gratefully acknowledged and accepted.

The town manager has enough to do managing the town, without sending him off on wild goose chases looking for land to buy, funds to facilitate purchases, and repetitions of failed reclaimed water schemes.

*It seems that we have heard it all before;
The lyrics say "Forever more."
Forever more's a memory.
Please let's not hear it again,
And we'll remember just when
It all became one great, big bore.*

(more apologies to Harry James)

Richard L. Hershatter is a retired Connecticut lawyer and novelist who writes a regular column in each issue of Longboat Key News. He can be reached at Banyan502@aol.com.