



NEWSLETTER January 2010

Siesta Key Association Annual Breakfast

Saturday, March 20th, 2010 at 9 AM.

Breakfast Buffet \$10.00

St. Boniface Community Center, 5615 Midnight Pass Road.

The guest speaker will be Sarasota County Commissioner Nora Patterson who will discuss the future of Siesta Key including economic development, post disaster redevelopment and other Siesta Key issues that require our support.

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See our newly updated website:

www.siestakeyassociation.com



SKA's legal challenge

Siesta Key Association (SKA) has been active in local zoning and land use issues for over 60 years. It was the basis of our foundation in 1948. On behalf of our members we regularly stand up to Sarasota County or developers that attempt to develop or use land in conflict with our laws. We also work tirelessly to make sure that new local laws are to the benefit of our property owners and residents as well as ensure that they are properly enforced.

In that spirit, in 2007, SKA objected to a new village bar/restaurant's lack of parking as required in the zoning code. There is already a deficit of 400 parking spaces in the village which causes constant parking problems. According to the 2007 zoning code, new bars must provide a certain amount of parking for the amount of seats they are requesting. The SK Village Merchants Assn. and the SK Chamber of Commerce asked SKA to join with them in insisting the County enforce their parking requirements for this new business, the Hub Baja Grill (Hub).

SKA (along with Village Merchants and Chamber) pointed out that the County had issued a permit to the Hub that violated the zoning code. The County did offer the Hub the opportunity to open with 99

seats as per the zoning code (instead of the 151 seats they wanted). For some unknown reason the Hub did not reapply for the 99 seat permit until 3 months later and then sued the County in 2008 for delaying their opening even though it was their choice to wait 3 months. In March 2009, the County changed the zoning code to allow restaurants to expand their seating without a requirement for more parking. This allowed the Hub to expand from 99 to the 151 seats as they originally wanted. Then in August of 2009 the Hub added SKA as a defendant in their lawsuit against the County. They alleged that SKA also delayed their planned opening by 3 months in 2007 when we notified the County that the 1st permit violated the zoning code.

Even though SKA's Board of Directors knew we were within our first amendment rights to voice our concerns to the County regarding any type of development on Siesta Key that would adversely affect our residents and visitors, we were forced to defend this right in court. SKA's Directors are prepared and determined to insure that, now and in the future, any citizen or citizens' group will continue to have the right to speak up on issues that adversely impact their quality of life.

In November of 2009 the County's attorneys voluntarily offered to settle their lawsuit with the Hub by making major concessions to them including circumventing the zoning code to change their status to a nightclub which allows louder music later into the night, legalizing the patio they built on public land and monetary compensation. Nora Patterson was the only County Commissioner who voted against the settlement offered in November.

SKA has continually refused to concede to a settlement and in late November, days after our last refusal, the Hub notified SKA's attorneys that they will drop the lawsuit against our association. However, we still had to use some of our resources to defend this unjust court action and we appreciate any contribution to our legal fund to offset our current legal expenses and continue to have legal representation into the future.

Lourdes Ramirez—President



www.siestakeyassociation.com **Private or Public Beaches?**

Siesta Key Updates

- New lifeguard station at Turtle Beach
- Village beautification project completed
- Midnight Pass Road re-paved
- Siesta Key Public Beach improvements now in its planning stage
- New added picnic tables at Turtle Beach

The biggest controversy on Siesta Key this past year had been the status of Siesta's beaches. Many believed all of the dry sandy part of Siesta Key are public beaches but, as most beachfront owners know, the sandy beaches located in front of condos and homes on Siesta are private up to the wet sand. The true public beach is limited to the area with the life guards (Siesta Key Public and Turtle Beaches) and the numbered accesses (1-12). According to state and federal laws, the public has a right to walk along the beach on the wet sand. Fortunately, most of our beach front owners have been cooperative and allowed the public to use most of the beach for recreation. Unfortunately, a small number of visitors



Siesta Key beach

have abused that right by using the private homeowner's lawns, lawn chairs, grills, pools and other private property. There had been a couple of skirmishes between private owners and the public that led the Sarasota County Board of Commissioners (BCC) to ask the County Attorney to draft an ordinance to allow more public access on private lands. The County Attorney's proposed language, however, was deemed too imposing

on private property owners. Fortunately Commissioner Patterson took the lead and met with local condo owners and organizations, including SKA, to discuss our concerns. The final result was to keep the current standing and not impose additional restrictions on private beaches.

The SKA Board of Directors appreciates all of the private beach front owners including condominium complexes who have co-existed with the public to provide sandy beach areas for tourists and residents to enjoy. We also hope that the public will continue to respect the private owner's property and keep away from dunes and lawns. Together we can all enjoy Siesta Key.

Biking on Siesta

Biking is a popular activity on Siesta Key, for regulars, bike groups as well as tourists. On any given day one sees tricycles, couples on double bikes, serious road racers and regular riders. Many do not wear helmets and ride on the poorly delineated bike paths. Drivers whisk by cyclists so closely it can be frightening.

Speed limits vary throughout Siesta Key. They range from 20

mph in the Village to 40 mph north of Higel. Even on the same stretch of road such as Midnight Pass, it can be 40, 35 or even 25 mph depending on the location. This is a confusing and poorly arranged plan of speed limits.

In some areas of Siesta Key, the streets are narrow. Sometimes lawn care or construction contractors illegally park on the sidewalks, causing pedestrians and bicyclists to go out into the road-

way. On Midnight Pass, south of Stickney Point where speed limits reach 35 mph, its pretty dangerous.

Regardless of what the speed limit is, we need more speed signs. On almost two and a half miles of road south of Stickney Point, we have found no signs at all! Throughout most of the south end of the Key cars are going faster than the posted speed limit probably since they are not aware of what the limit is. This bodes ill for all bikers.

It is documented in bike safety literature that speed limits and bike safety signage plus the presence of deputies definitely reduce the number of accidents. Until we see improved signage, more consistent speed limits and more speed enforcement, we recommend to all our members to slow down when next to bikers. If we all pull together we can make Siesta Key a safer and happier place to ride our bikes.

Nancy Wilson — SKA Director