

RESOLUTION 2011-17

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, GRANTING THE COLONY BEACH AND TENNIS CLUB ASSOCIATION, INC., AN EXTENSION OF TIME TO COMPLY WITH THE REGULATIONS GOVERNING NONCONFORMING USES AND STRUCTURES FOR THE COLONY BEACH AND TENNIS CLUB, LOCATED AT 1620 GULF OF MEXICO DRIVE, ALLOWING THE ASSOCIATION ADDITIONAL TIME TO REOPEN THE TOURISM RESORT DEVELOPMENT IN ACCORDANCE WITH SECTION 158.138 (B)(8)(b) OF THE TOWN OF LONGBOAT KEY ZONING CODE; PROVIDING FOR SERVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 21, 1972, the Town of Longboat Key ("the Town") at a special meeting of the Town Commission approved the plot plan for the development of a 237 unit tourism resort hotel ("the Colony") on the land that consists of approximately 17.3 acres of land, located at 1620 Gulf of Mexico Drive; and,

WHEREAS, the zoning of the subject land at the time of the plot plan approval was H-2, which allowed for a maximum density of 14 units per acre of land; and,

WHEREAS, the Town issued a building permit for the construction of the tourism resort hotel on February 20, 1973; and,

WHEREAS, the Colony Beach and Tennis Club Association, Inc. ("Association") is a not-for-profit corporation formed in 1973; and,

WHEREAS, 232 of the 237 units were entered into and subject to a Certificate of Agreement of Limited Partnership dated December 27, 1973; and

WHEREAS, the Limited Partnership filed for Chapter 11 under Federal bankruptcy codes and was converted on August 9, 2010, to Chapter 7 liquidation; and,

WHEREAS, the Colony has been closed since August 15, 2010; and,

WHEREAS, the tourism units were deemed to be no longer physically suitable for occupancy; and,

WHEREAS, the Association Board and representatives from the Town met on October 7, 2010, to discuss the future of the tourism resort development; and,

WHEREAS, it was determined that Section 158.138 (B)(8)(a) of the Town's Zoning Code regarding the abandonment of a nonconforming use or structure applied to the Colony, with the period of one year ending on August 15, 2011; and,

WHEREAS, the Association Board of Directors has diligently worked with the Town in good faith for the past six months with the goal of reopening the Colony prior to August 15, 2011; and,

WHEREAS, the Association has received a number of professional proposals to redevelop the site or revive the existing development; and,

WHEREAS, the Association believes the tourism resort cannot be redeveloped or reopened in a manner fitting to the resort prior to August 15, 2011; and,

WHEREAS, on April 14, 2011, the Association submitted a request for an extension of time to comply with the regulations governing nonconforming uses and structures for the Colony Beach and Tennis Club, located at 1620 Gulf of Mexico Drive; and,

WHEREAS, all property owners within the Colony Beach and Tennis Resort have joined in this application; and

WHEREAS, the request for the extension is consistent with the provisions of the zoning code Section 158.138 (B)(8)(b), which allows the Town Commission to grant an extension of the period of time a nonconforming use or structure can remain unused or vacant if the nonuse or vacancy is caused by legal restraints upon the owner or lessee; and,

WHEREAS, the current underlying zoning of the subject property is Tourist Resort Commercial (T-6), which allows the development of a maximum of six (6) units per acre; and,

WHEREAS, under single control or ownership abandonment of the nonconforming use or structure would result in the loss of tourism units that could be redeveloped or reopened in the future to approximately 103 units, a loss of approximately 134 units, based on 17.3 acres of land; and,

WHEREAS, the Town Commission has determined that multiple legal constraints have prohibited the timely redevelopment or reopening of the Colony, and deems it in the public interest to extend the one year abandonment period to December 31, 2012, to provide the Association time to redevelop or reopen the Colony.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed.

SECTION 2. The Town Commission pursuant to 158.138 (B)(8)(b) of the Town's Zoning Code hereby grants the extension of the time until December 31, 2012, to redevelop or use the nonconforming uses and structures at the Colony without being deemed to have been abandoned in accordance with Section 158 (B)(8)(a).

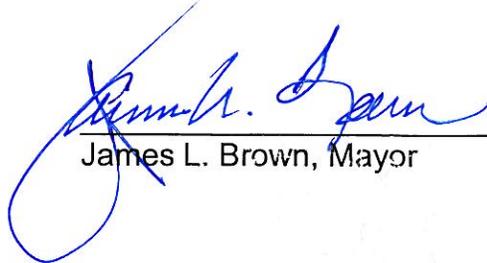
SECTION 3. In order to evaluate progress made and in recognition that an additional extension of time may be requested, a hearing shall be held at the regular meeting of the Town Commission in March 2012, or at a time mutually agreed upon to

examine and determine the status of the efforts to redevelop or reopen the Colony. Any additional extension must be acted upon prior to December 31, 2012.

SECTION 4. In accordance with the terms of this Resolution, the subject property may be redeveloped or maintained at the existing density of 237 tourism units as that term is defined by the zoning code, as may be amended.

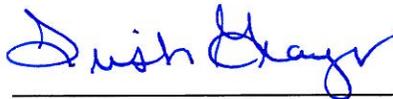
SECTION 5. Effective Date. This Resolution shall become effective immediately upon adoption.

Passed by the Town Commission of the Town of Longboat Key on the 2nd day of May, 2011.



James L. Brown, Mayor

ATTEST:



Trish Granger, Town Clerk