

# MEMORANDUM

**DATE:** August 24, 2012

**TO:** Honorable Mayor and Town Commission

**THROUGH:** David Bullock, Town Manager

**FROM:** Allen Hixon, Vice Chair  
Planning and Zoning Board

**SUBJECT:** ORDINANCE 2012-10, COMPREHENSIVE PLAN AMENDMENT,  
FUTURE LAND USE AMENDMENTS, 4110 AND 5810 GULF OF  
MEXICO DRIVE

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During the public hearing held on June 19, 2012, the Planning and Zoning Board recommended APPROVAL of Ordinance 2012-10 as written. The specific motion of the P&Z Board is as follows:

**MR. WILD MADE A MOTION TO APPROVE ORDINANCE 2012-10 AS WRITTEN. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WILD, AYE.**

Enclosed, for your review and consideration, please find the following support documentation:

1. Ordinance 2012-10 with exhibits;
2. Staff Report, dated 6-14-12, Planner to Planning & Zoning Board; and
4. Draft minutes from the 6-19-12 regular P&Z Board meeting on this issue.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

/dmc

## ORDINANCE 2012-10

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF LONGBOAT KEY PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, AMENDING THE FUTURE LAND USE DESIGNATION FROM LIMITED COMMERCIAL (CL) TO OPEN SPACE – ACTIVE (OS-A) FOR TOWN-OWNED PROPERTY CONSISTING OF APPROXIMATELY 0.71 ACRES LOCATED AT 4110 GULF OF MEXICO DRIVE; AMENDING THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY SINGLE FAMILY/MIXED RESIDENTIAL (RM-3) TO OPEN SPACE – CONSERVATION (OS-C) FOR TOWN-OWNED PROPERTY CONSISTING OF APPROXIMATELY 3.81 ACRES LOCATED AT 5810 GULF OF MEXICO DRIVE; AMENDING THE FUTURE LAND USE ELEMENT SUPPLEMENTAL DATA AND ANALYSIS; AMENDING THE RECREATION AND OPEN SPACE ELEMENT SUPPLEMENTAL DATA AND ANALYSIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a goal of the Town of Longboat Key's Comprehensive Plan is to ensure the provision of adequate recreational facilities and open space areas to satisfy the health, safety and welfare of the Town; and

**WHEREAS**, the Town wishes to expand its inventory of open space areas at Bayfront Park Recreation Center by amending the future land use classifications of certain properties owned by the Town located at 4110 and 5810 Gulf of Mexico Drive; and

**WHEREAS**, the Town proposes to amend the Comprehensive Plan to designate the future land use of said properties as open space – active and open space – conservation, respectively; and

**WHEREAS**, the Community Planning Act (Sections 163.3161 through 163.32466, Florida Statutes), authorizes and requires the Town of Longboat Key to adopt and amend a Comprehensive Plan in accordance with the Act; and

**WHEREAS**, Section 163.3184, Florida Statutes, requires that the Town transmit adopted small scale comprehensive plan amendments to the state land planning agency, as well as other specified agencies and parties; and

**WHEREAS**, the Town has given due public notice of the Town Commission's workshops and public hearings which were conducted in a manner affording public participation to the fullest extent possible for transmittal of the amended Future Land Use Map, amended Future Land Use Element and Supplemental Data and Analysis, amended Recreation and Open Space Element and Supplemental Data and Analysis, and the amended Capital Improvement Element's Supplemental Data and Analysis report; and

**WHEREAS**, Section 163.3187, Florida Statutes, empowers local governments to adopt small scale development amendments that do not require review by the state land planning agency for compliance with the Act; and

**WHEREAS**, the proposed Comprehensive Plan amendments meet all criteria for adoption as a small scale development plan amendment under Section 163.3187, Florida Statutes; and

**WHEREAS**, the Town of Longboat Key has not exceeded the maximum number of acres provided in Section 163.3187, Florida Statutes, for small scale amendments; and

**WHEREAS**, the Town of Longboat Key Planning and Zoning Board, at a duly noticed public hearing on June 19, 2012, considered the proposed Comprehensive Plan amendments; and

**WHEREAS**, the Planning and Zoning Board voted to recommend approval of the proposed Comprehensive Plan amendments, forwarding the same to the Town Commission for their review and approval; and

**WHEREAS**, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on September 4, 2012, and October 1, 2012, considered the proposed Comprehensive Plan amendments as recommended by the Planning and Zoning Board; and

**WHEREAS**, the Town has received and considered comments from the public; and

**WHEREAS**, the Town Commission of the Town of Longboat Key after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Comprehensive Plan amendments are in the best interest of the health, safety, and welfare of the citizens of Longboat Key and are consistent with the Town's Comprehensive Plan.

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

**SECTION 1.** The Whereas clauses set forth above are hereby adopted as findings by the Town Commission for the adoption of this Ordinance.

**SECTION 2.** The Comprehensive Plan amendments attached hereto and incorporated herein are hereby adopted by the Town of Longboat Key.

**SECTION 3.** The Town of Longboat Key Future Land Use Map is hereby amended for approximately 0.71 acres located at 4110 Gulf of Mexico Drive, Longboat Key, Sarasota County, Florida 34228, Parcel Identification No. 0002-04-0009, from Limited Commercial (CL) to Open Space – Active (OS-A).

SECTION 4. The Town of Longboat Key Future Land Use Map is hereby amended for approximately for approximately 3.81 acres located at 5810 Gulf of Mexico Drive, Longboat Key, Manatee County, Florida 34228, Parcel Identification No. 80028.0000/4, from Medium Density Single Family/Mixed Residential (RM-3) to Open Space – Conservation (OS-C) (hereinafter “Property”).

SECTION 5. If any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid or ineffective, the validity of the remaining portions of this Ordinance shall not be affected.

SECTION 6. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 7. This Ordinance shall become effective 31 days after the date of adoption in accordance with Section 163.3187, Florida Statutes.

Passed on the first reading and public hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Adopted on the second reading and public hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James L. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Trish Granger, Town Clerk

Attachments:

- Exhibit A-1: Amended Future Land Use Element, including Future Land Use Map, Legislative Version;
- Exhibit A-2: Amended Future Land Use Element, including Future Land Use Map, Clean Version;
- Exhibit B-1: Amended Recreation and Open Space Element, Legislative Version;
- Exhibit B-2: Amended Recreation and Open Space Element, Clean Version.

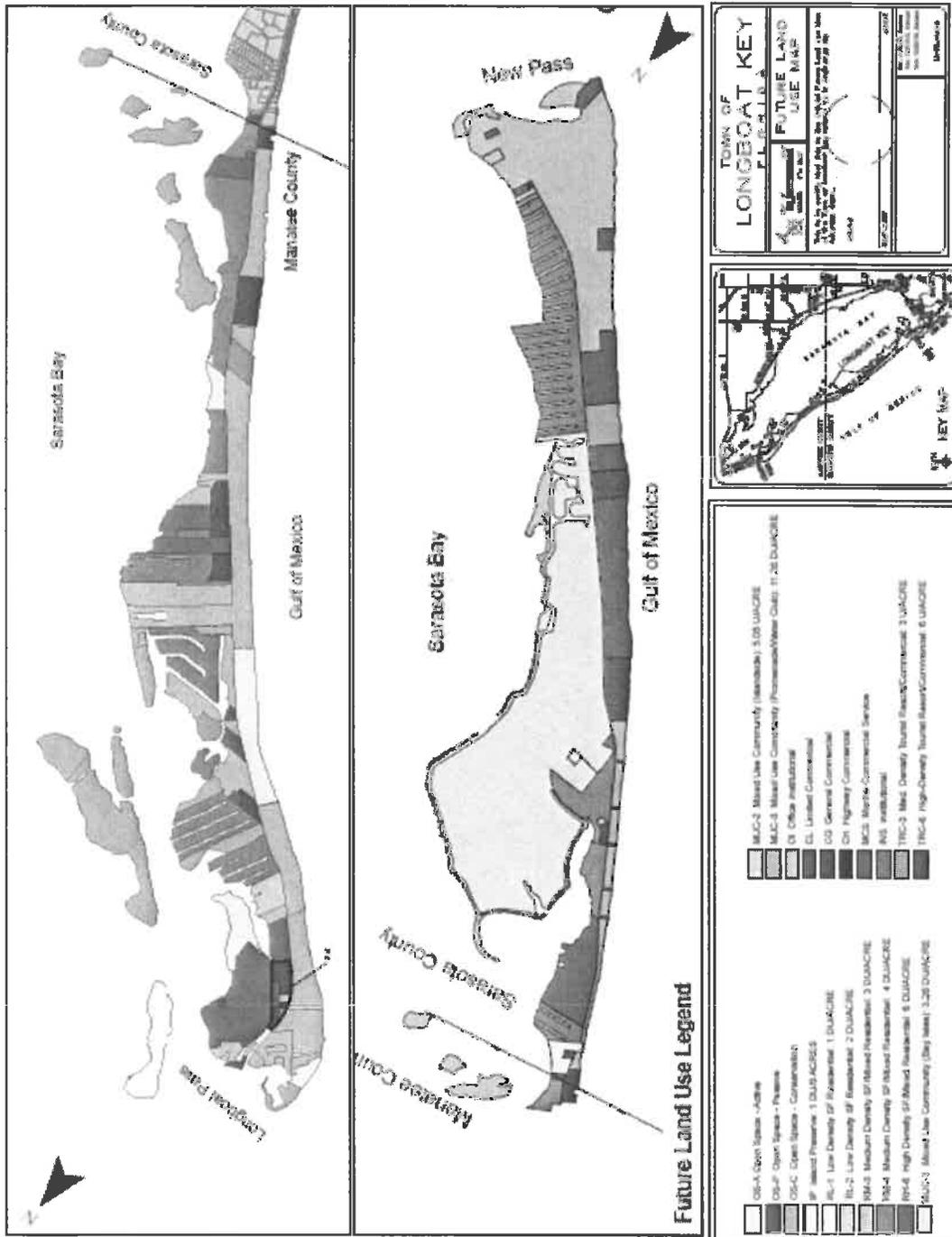
EXHIBIT "A-1"

ORDINANCE 2012-10

AMENDED FUTURE LAND USE ELEMENT, INCLUDING PROPOSED  
AMENDED FUTURE LAND USE MAP

Legislative Format

**Figure 2: Future Land Use Map**



\* Increased densities and intensities for tourism uses may be available in the tourist resort commercial, commercial, office, and marina commercial service future land use categories under the land development regulations for utilization of no more than 250 tourism units islandwide, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.

\*\* Whitney Beach Overlay

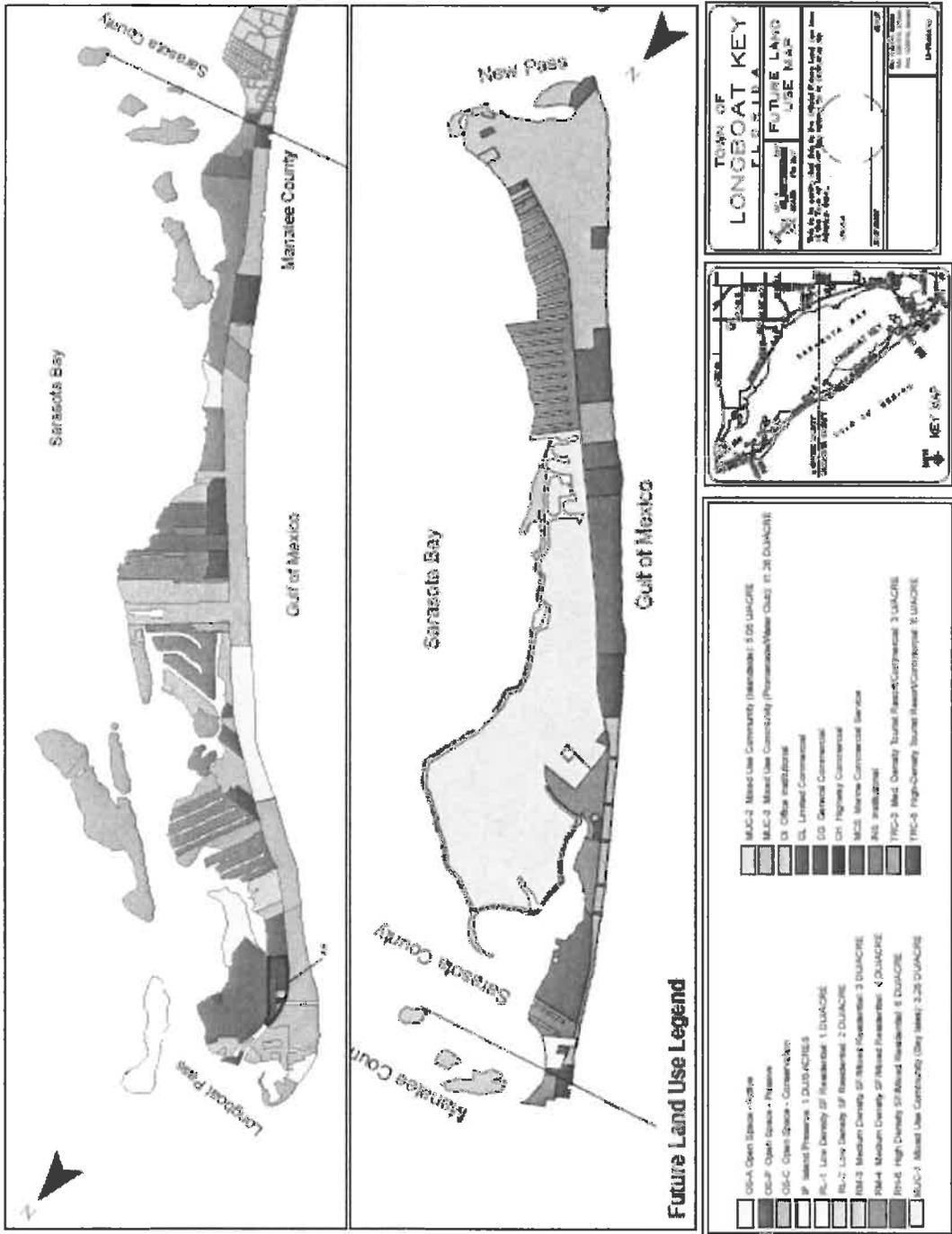
EXHIBIT "A-2"

ORDINANCE 2012-10

AMENDED FUTURE LAND USE ELEMENT, INCLUDING PROPOSED  
AMENDED FUTURE LAND USE MAP

Clean Format

**Figure 2: Future Land Use Map**



\* Increased densities and intensities for tourism uses may be available in the tourist resort commercial, commercial, office, and marina commercial service future land use categories under the land development regulations for utilization of no more than 250 tourism units islandwide, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.

\*\* Whitney Beach Overlay

EXHIBIT "B-1"

ORDINANCE 2012-10

AMENDED RECREATION AND OPEN SPACE ELEMENT

Legislative Format

**TABLE 2**  
**TOWN OF LONGBOAT KEY**  
**OPEN SPACE AND RECREATION INVENTORY**  
**(Updated June 2010~~2~~)**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
1	Atlas Street ROW	4795 GMD	Manatee	Town	0.24	Gulf-40'	OS	Sandy beach with parking and dune walkover
2	Bayfront Park Recreation Center	4110, 4052 GMD	Sarasota	Town	4.87 4.16	Bay-800'	Active Recreation	Recreation building and community center, baseball, lighted tennis courts, basketball court, parking, fishing pier, and playground
3	Bayside Drive ROW	6930 Bayside Drive	Manatee	Town	0.50	Bay	OS	Mangrove
4	Bicentennial Park	2730 GMD	Sarasota	Town	1.00	-	OS	Picnic table, botanical garden, and trails
5	Broadway ROW	See Broadway	Manatee	Town	0.20	Bay-80'	OS	Fishing Pier
6	Broadway ROW	100 Broadway	Manatee	Town	0.82	Gulf-80'	OS	Parking, dune walkover, and sandy beach
7	Longboat Key Public Tennis Center	561/590 Bay Isles Road	Sarasota	Town	3.87	two parcels on Bay Isles Road	Active Recreation	10 tennis courts, bathrooms, and parking
8	Coral Avenue ROW	100 Coral Avenue	Manatee	Town	0.06	Gulf-50'	OS	Sandy beach
9	Emerald Harbor Lots 108, 136 through 140	821 Binnacle Point Drive	Manatee	Town	1.26	Bay-550'	OS	Mangrove
10	Emerald Harbor Lots 114 through 134	5945 Binnacle Point Drive	Manatee	Town	7.46	Bay-1,300'	OS	Mangrove
11	Gulfside Road	6399 Gulfside Road	Manatee	Town	0.41	Gulf-110'	OS	Sandy beach
12	Hibiscus Way ROW	695 Hibiscus Way	Manatee	Town	0.50	Bay-50'	OS	Mangrove
13	Hilton Place ROW	3210 GMD	Sarasota	Town	0.50	Bay-50'	OS	Australian Pine
14	Jackson Way ROW	755 Jackson Way	Manatee	Town	0.50	Bay-50'	OS	Mangrove
15	Joan M. Durante Park	5550 GMD	Manatee	Town	32.64	Bay-900'	OS	Gazebo, hiking trails, playground, botanical garden, bathrooms, fishing piers and parking
16	Joy Street ROW	7119 Joy Street	Manatee	Town	0.34	Pass-50'	OS	Mangrove
17	Linley Street ROW	755 Linley Street	Manatee	Town	0.20	Bay-60'	OS	Fishing pier, boat ramp and parking
18	Longview Drive ROW	3490 GMD	Sarasota	Town	0.50	Bay-50'	OS	Parking

**TABLE 2**  
*(continued)*  
**TOWN OF LONGBOAT KEY**  
**OPEN SPACE AND RECREATION INVENTORY**  
**(Updated June 2010~~2~~)**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
19	Longview Drive ROW	3495 GMD	Sarasota	Town	0.21	Gulf-50'	OS	Sandy beach, dune walkover, and parking
20	Lyons Lane Parcel	505 Lyons Lane	Manatee	Town	10.90	Bay-1,200'	OS	Mangrove
21	Magnolia Road ROW	755 Magnolia Road	Manatee	Town	0.50	Bay-50'	OS	Mangrove
22	Monroe (Mayfield) Street ROW	3175 GMD	Sarasota	Town	0.23	Gulf-50'	OS	Sandy beach and parking
23	North Shore Road ROW	100 North Shore Road	Manatee	Town	0.50	Gulf-50'	OS	Sandy beach and parking
24	Open Space	5810 GMD	Manatee	Town	3.90 <del>3.81</del>	-	OS	Mostly wetland
25	Pandora Street ROW	2825 GMD	Sarasota	Town	0.21	Gulf-50'	OS	Sandy beach
26	Quick Point Nature Park	100 GMD	Sarasota	Town	35.73	Pass-1,500' Bay-1,800'	OS	Mangrove, boardwalks, hiking trails, and fishing pier
27	Seabreeze Avenue ROW	7055 Seabreeze Avenue	Manatee	Town	0.50	Gulf-50'	OS	Sandy beach
28	Sister Keys	Sister Keys	Manatee	Town	64.80	-	OS	Island (boat access from Sarasota Bay)
29	Town Islands	4333 Sarasota Bay	Manatee	Town	18.78	Bay-107'	OS	Mangrove island (boat access from Sarasota Bay)
30	Westfield Street ROW	3410 GMD	Sarasota	Town	0.50	Bay-50'	OS	Australian Pine
31	Westfield Street ROW	3355 GMD	Sarasota	Town	0.28	Gulf-50'	OS	Sandy beach and parking
32	White Key	4555 Sarasota Bay	Manatee	Town	17.24	-	OS	Mangrove island (boat access from Sarasota Bay)

\*Includes public easements and rights-of-way

**Total Town Owned or Controlled Open Space/Recreation by Acreage: 210.15**  
~~209.35~~

**TABLE 2**  
*(continued)*  
**TOWN OF LONGBOAT KEY**  
**OPEN SPACE AND RECREATION INVENTORY**  
**(Updated June 20102)**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
33	Buttonwood Point	3655 Perimeter Canal	Sarasota	State	2.90	-	OS	Mangrove
34	Multi-purpose Pathway	100/4134 GMD	Sarasota	State	4.85	-	Active Recreation	8-foot wide, 5-mile long paved path, bicycling, jogging, and walking activities
35	Multi-purpose Pathway	4134/7300 GMD	Manatee	State	4.85	-	Active Recreation	8-foot wide, 5-mile long paved path, bicycling, jogging, and walking activities
36	Overlook Park Gulf of Mexico Drive ROW	111 GMD	Sarasota	State	1.50	Pass-600'	OS	Picnic, fishing, and parking (near Charthouse)
37	Perimeter Channel, south end	1666 Perimeter Channel	Sarasota	State	4.40	-	OS	Mangrove
38	Wake Island	875 Hideaway Bay Drive	Manatee	State	5.90	-	OS	Mangrove island (boat access from Sarasota Bay)
39	Whale Key	3999 Sarasota Bay	Manatee	State	1.40	-	OS	Mangrove island (boat access from Sarasota Bay)
40	Public Beach (beach seaward of the Town's Erosion Control Line (ECL))	Town-wide	Sarasota/ Manatee	State	17.10	Varies	OS	Beach access locations located throughout the Town on the Gulf of Mexico

**Total State Owned Open Space/Recreation by Acreage: 42.90**

**TABLE 2**  
*(continued)*  
**TOWN OF LONGBOAT KEY**  
**OPEN SPACE AND RECREATION INVENTORY**  
**(Updated June 2010)**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
41	Greer (Beer Can) Island Beach Park	111 North Shore Road	Manatee	County	22.40	Gulf-800' Pass-150' Bay-1,400'	OS	Sandy beach, mangrove, Australian Pine, and swimming/boating/fishing
42	Triton Street ROW	3055 GMD	Sarasota	County	0.17	Gulf-50'	OS	Sandy beach
43	Bayfront Park Recreation Center	4000, 4000A, 4001, 4016, 4100 GMD	Sarasota	County	3.18	Bay-100'	Active Recreation	Trails, lighted tennis courts, basketball court, parking, and playground

Total County Owned or Controlled Open Space/Recreation by Acreage: **25.75**  
Total Publicly Owned or Controlled Recreation/Open Space by Acreage: **278.80**  
**278.00**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
44	Harbourside Golf and Tennis	3000 Harbourside Drive	Sarasota	Private	257.00	-	Active Recreation	27-hole regulation golf course, 20 tennis courts and parking
45	Islandside Golf Course	301 GMD	Sarasota	Private	136.82	-	Active Recreation	18-hole regulation golf course
46	Islandside Tennis Courts	341 Longboat Club Road	Sarasota	Private	9.24	-	Active Recreation	18 courts, pro shop, and parking
47	Perimeter Channel ROW	3888 Perimeter Channel	Sarasota	Private	5.00	-	OS	Mangroves

Total Privately Owned Recreation/Open Space by Acreage: **408.06**  
Total Recreation/Open Space by Acreage: **686.86**  
**686.06**

EXHIBIT "B-2"

ORDINANCE 2012-10

AMENDED RECREATION AND OPEN SPACE ELEMENT

Clean Format

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**Total State Owned Open Space/Recreation by Acreage: 42.90**

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**OPEN SPACE AND RECREATION INVENTORY**  
(Updated June 2012)

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42	Triton Street ROW	3055 GMD	Sarasota	County	0.17	Gulf-50'	OS	Sandy beach
43	Bayfront Park Recreation Center	4000, 4000A, 4001, 4016, 4100 GMD	Sarasota	County	3.18	Bay-100'	Active Recreation	Trails, lighted tennis courts, basketball court, parking, and playground

**Total County Owned or Controlled Open Space/Recreation by Acreage: 25.75**  
**Total Publicly Owned or Controlled Recreation/Open Space by Acreage: 278.80**

	Name	Address	County	Owner	Acres	Waterfront Access (Width)	Principal Use Code	Description
44	Harbourside Golf and Tennis	3000 Harbourside Drive	Sarasota	Private	257.00	-	Active Recreation	27-hole regulation golf course, 20 tennis courts and parking
45	Islandside Golf Course	301 GMD	Sarasota	Private	136.82	-	Active Recreation	18-hole regulation golf course
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47	Perimeter Channel ROW	3888 Perimeter Channel	Sarasota	Private	5.00	-	OS	Mangroves

**Total Privately Owned Recreation/Open Space by Acreage: 408.06**  
**Total Recreation/Open Space by Acreage: 686.86**

**MEMORANDUM**

**DATE:** June 14, 2012

**TO:** Planning and Zoning Board

**FROM:** Ric Hartman, Town Planner

**THROUGH:** Robin Meyer, Director  
Planning, Zoning and Building Department

**SUBJECT:** Ordinance 2012-10  
Comprehensive Plan Amendment – Future Land Use Amendments  
4110 and 5810 Gulf of Mexico Drive

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**PROPERTY OWNER:** Town of Longboat Key, Florida

**APPLICANT/AGENT:** Town of Longboat Key, Florida

**SITE LOCATIONS:** 4110 Gulf of Mexico Drive;  
5810 Gulf of Mexico Drive

**EXISTING FUTURE LAND USES:** 4110 - Limited Commercial (CL);  
5810 - Medium Density SF/Mixed Residential (RM-3)

**EXISTING ZONINGS** 4110 - Limited Commercial (C-1);  
5810 - Single-Family Low-Medium Density Mixed Residential District  
(R-3MX)

**EXISTING USES:** 4110 - Open space;  
5810 - Open space

**REQUEST:** The applicant requests consideration of an application for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the town-owned properties located at 4110 Gulf of Mexico Drive (approximately 0.71 acres) and 5810 Gulf of Mexico Drive (approximately 3.90 acres) to amend the Future Land Use designations of the subject properties from Limited Commercial (CL) to Open Space – Active (OS-A) and from Medium Density SF/Mixed Residential (RM-3) to Open Space – Conservation (OS-C), respectively.

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**BACKGROUND**

At the March 5, 2012, Town Commission meeting, a citizen requested that the Town change the future land use designation for a tract of town-owned property located at 5810 Gulf of Mexico Drive (GMD) to be consistent with its existing and required use as recreation and/or open space. The Commission directed staff to research and report on this property and others similarly situated.

At the March 15, 2012, Commission workshop, planner Steve Schield presented a memo and report identifying four properties that were used as open space but whose future land uses and zonings were not consistent with that use. The properties identified by Mr. Schield were 4110 GMD, 5810 GMD, 561 Bay Isles Road, and a portion of the Quick Point Nature Preserve.

The future land use category for the property at 4110 GMD was Limited Commercial (CL) and its zoning was Limited Commercial (C-1). The future land use category for the property at 5810 GMD was Medium Density SF/Mixed Residential (RM-3) and its zoning was Single-Family Low-Medium Density Residential (R-3SF). The town's recreation and open space inventory has shown that the area of the 5810 GMD property is 3.81 acres. However, the 1988 settlement stipulation by which the town acquired this property and the Manatee County Property Appraiser's website show the area to be 3.90 acres. As the town does not have a survey to verify the correct area and since the 3.90 acre area is from two reliable sources, the inventory has been amended to reflect the 3.90 acre area.

The other two properties, the Tennis Center annex at 561 Bay Isles Road and Quick Point Nature Preserve, were parts of the Planned Developments (PD) at Harbourside and Islandside, respectively. The Commission determined that the planned development properties should not be changed because the PDs allow for areas of open space and potential problems may arise in an effort to amend the underlying land uses and zonings within the overall PDs.

The applicant is requesting that the Town Commission amend the Future Land Use Map of the Comprehensive Plan to allow for the use of the property at 4110 GMD as Open Space-Active and for the use of the property at 5810 GMD as Open Space-Conservation. The current use of both properties is as open space. The zoning classifications for both properties will be proposed for amendment this fall in conjunction with amending the zoning classifications for other properties that are part of the Bayfront Park Recreation Center.

## **STAFF ASSESSMENT**

### **Consistency with the Comprehensive Plan**

- **Future Land Use Element, GOAL 1:** *To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring the location, density, intensity and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and, 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.*
  - **Amending the future land uses of these properties to accurately reflect their existing and future uses will provide greater clarity to the public as to their uses, ensure that the use of these properties as open space is protected in the future, and make their actual and intended use consistent with the Comprehensive Plan.**

Amendments to the Comprehensive Plan must be consistent with the Plan and be in the best interest of the health, safety, and welfare of the citizens of Longboat Key. To facilitate the Town Commission's review and consideration of the impact of the proposed amendment on the Comprehensive Plan and on the health, safety, and welfare of the citizens of Longboat Key, staff provides the following assessment (in bold):

- **Future Land Use Element, Policy 1.1.2:** *The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which as a minimum will: (10) ensure that development orders and permits will not result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.*
  - **Amending the future land use of 4110 GMD will increase the town's open space inventory and its ability to provide residents with the desired level of service for recreation and open space.**
  
- **Future Land Use Element, Policy 1.1.7:** *In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.*
  - **The amendment of the future land uses of these properties to open space categories supports this policy's goal to protect the visual and aesthetic character of Emerald Harbor, Spanish Main, neighborhoods around Bayfront Park, and enhance the key overall.**
  
- **Recreation and Open Space Element, Policy 1.1.2:** *The town will coordinate efforts to provide and maintain recreational opportunities through public purchases and private cooperation.*
  - **The town purchased the property at 4110 GMD to add to and enhance the adjacent Bayfront Park Recreation Center. The property at 5810 GMD is required to be used for recreation and open space by the stipulation agreement and the amendment of the future land use to reflect that designation will bring greater clarity to the public that it is available for public use and not for development.**
  
- **Capital Improvements Element, Goal 1:** The Town adopts and maintains the following LOS standards in reviewing the impacts of development:

<i>Recreation/Open Space</i>	<i>12 acres per 1,000 peak season functional population.</i>
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  - **Amending the future land use of 4110 GMD will increase the town's open space inventory and its ability to provide residents with the desired level of service for recreation and open space.**

The proposed amendment affects the Comprehensive Plan's Recreation and Open Space Element's supporting Data & Analysis because the proposed addition of 0.71 acres at 4110 GMD, as a result of the town's purchase of this property, will result in an increase in recreation and open space inventory.

### Small Scale Development Activities

Staff determined that the proposed plan amendments met the criteria to be approved as a small scale development activity. Florida Statutes require that a proposed site-specific small scale development plan amendment not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but may only propose a land use change to the future land use map.

Small scale amendments provide for a shorter, less involved process than a typical comprehensive plan amendment. There is no requirement for transmittal, review, and comment by the DCA and multiple other agencies and governments before adoption. Instead, the amendment and supporting documents are adopted and sent to DCA and the local Regional Planning Council, in this case the Southwest Florida Regional Planning Council (SWFRPC), to provide those agencies with notice of the amendment. The statutory criteria for small scale development plan amendments follow:

1. The proposed amendment involves 10 or fewer acres. The area of the combined properties is approximately 4.61 acres.
2. The cumulative annual effect of the acreage for all small scale development amendments adopted by the town does not exceed:
  - a. 120 acres of specific types of areas listed in F.S. 163.3187.
  - b. A maximum of 80 acres in the town that does not contain any of the designated areas set forth in F.S. 163.3187.
  - c. A maximum of 120 acres in a county established pursuant to s. 9, Article VIII of the State Constitution.
3. The proposed amendment does not involve the same property granted a change within the prior 12 months.
4. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior twelve months.
5. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.
6. The property that is the subject of the proposed amendment is not located within an area of critical state concern.
7. The proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential allowable under the existing future land use category subject to certain specific types of land uses, which are not applicable to the proposed land use.

### Site-specific Conditions

The property at 4110 Gulf of Mexico Drive is adjacent to the Bayfront Park Recreation Center. Its intended use will be as part of the redeveloped center. The future land use for all parcels that form the center is Open Space – Active.

The property at 5810 Gulf of Mexico Drive is adjacent to the Emerald Harbor subdivision. It consists of wetlands and uplands. The town acquired the property through a Settlement

Stipulation agreement in 1988. The agreement allowed a 2.2 acre parcel to be developed and transferred the 3.9 acre parcel to the town. At the time, the property's future land use designation was RM-3 and the zoning was R-3MX, the same designations that currently exist. Condition #6 of the settlement agreement stated:

*Independent of any development of the 2.2 acre parcel, the Partnership shall transfer for no consideration the 3.9 acre parcel to the Town for park and open space purposes; the transfer shall be the unencumbered fee simple interest (but subject to 1988 ad valorem taxes). (emphasis added)*

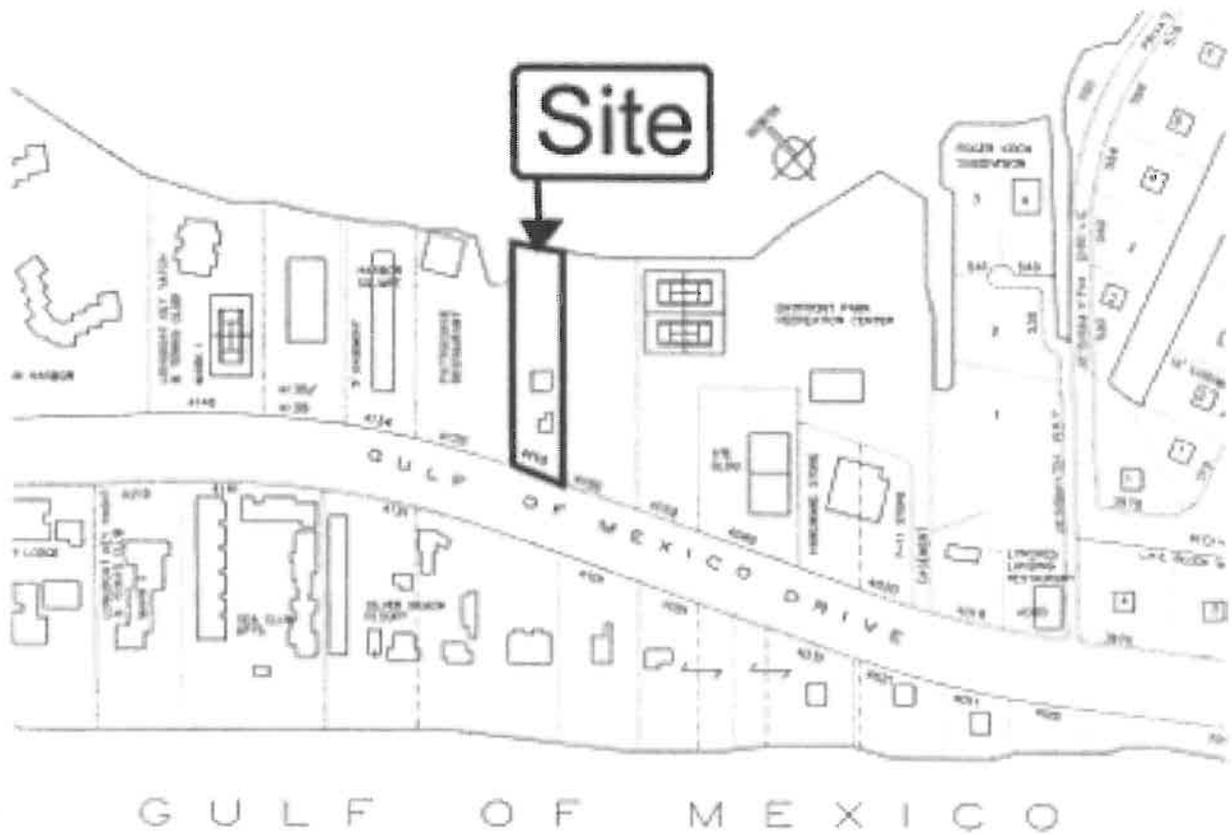
The property has been used by the public as open space and no development has been proposed. However, the future land use has not been amended to an open space designation.

### **STAFF RECOMMENDATION**

Based upon an assessment of the Comprehensive Plan Amendment application to amend the future land use of the properties, as outlined above, staff recommends approval of the requested amendment to the Future Land Use Map designating the property at 4110 Gulf of Mexico Drive as Open Space – Active (OS-A) and the property at 5810 Gulf of Mexico Drive as Open Space – Conservation (OS-C).

### **ATTACHMENTS**

Attached, please find a copy of the Town of Longboat Key's Comprehensive Plan Amendment application and supporting documents upon which the staff assessment has been based. If you should have any questions, or desire any additional information, please do not hesitate to contact the Planning, Zoning & Building Department.





AGENDA ITEM #2  
ORDINANCE 2012-10, FUTURE LAND USE MAP AMENDMENTS, 4110 AND 5810  
GULF OF MEXICO DRIVE

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, discussed the staff report noting:

- this was a small scale comprehensive plan amendment to change the Future Land Use (FLU) for property at 4110 Gulf of Mexico Drive from Limited Commercial to Open Space-Active
- it also amends the FLU for 5810 Gulf of Mexico Drive from Medium-density, Single-family, Mixed residential to Open Space-Conservation
- 4110 Gulf of Mexico Drive is adjacent to the Bayfront Park Recreation Center and is an open tract
- The 4110 Gulf of Mexico Drive property will be included in the plans for the future development of the recreation center
- 5810 Gulf of Mexico Drive is a heavily wooded tract adjacent to the Emerald Harbor Subdivision and will be changed to Open Space-Conservation
- 5810 Gulf of Mexico Drive had not been rezoned and will be brought back in September to be rezoned

Bob Craft, Binnacle Point Road, provided a brief history of the property and supported the amendment.

No one else wished to be heard, and the hearing was closed.

Discussion ensued on the following:

- Whether the nuisance species were removed since the property at 5810 Gulf of Mexico Drive was overgrown; the Town had removed the Brazilian Peppers and Australian Pines at the request of Spanish Main Yacht Club and Emerald Harbor
- Whether the Town had an obligation to maintain the property; the Town was currently under budget constraints; however, the maintenance would be an issue that would be addressed by the Public Works Department or Town Manager
- The settlement agreement for 5810 Gulf of Mexico Drive, for what was previously known as the Mason property, which was rezoned under the settlement, for two gulf front lots, one rear lot, with a 10 foot right-of-way going to the beach
- The status of the density across the street from 5810 Gulf of Mexico Drive; part of the stipulation agreement was they were allowed to retain 18 units of density
- What uses were allowed in an Open Space-Conservation zoning; allowances would be items such as walkways and boardwalks; however, no building structures were allowed

**MR. WILD MADE A MOTION TO APPROVE ORDINANCE 2012-10 AS WRITTEN. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WILD, AYE.**



**End of Agenda Item**