

Regular Workshop – March 20, 2013  
Agenda Item 7

**Agenda Item:** Proposed Resolution 2013-07, Amending the Comprehensive Plan, Future Land Use Element

**Presenter:** Town Manager

**Summary:** On March 16, 2008, a referendum was passed that allowed an additional 250 tourism units to restore the historic balance between residential and tourism uses.

The allocation and regulatory review process for the 250 additional tourism units warrants further revision to simplify the review process and provide greater certainty for applicants as a means to incentive economic redevelopment and achieve the goal of a more balanced allocation of residential and tourism units.

The proposed amendment encourages redevelopment in the TRC-6 land use category/zoning district by allowing an additional story and height when utilizing a site plan review process in Section 158.180 in addition to an Outline Development Plan or Planned Unit Development review for projects proposing to develop to five stories or in excess of 65 feet.

**Attachments:** 3-08-13 Memo, PZB Director to Manager;  
3-08-13 Memo, P&Z Board Chair to Commission;  
2-08-13 Staff Report, Planner to P&Z Board;  
2-19-13 Draft P&Z Board minutes;  
Proposed Resolution 2013-07; and  
PowerPoint presentation.

**Recommended**

**Action:** Pending discussion, provide direction to Manager.

## M E M O R A N D U M

**DATE:** March 8, 2013

**TO:** Dave Bullock, Town Manager

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

**SUBJECT:** Resolution 2013-07 Comprehensive Plan Amendment – Future Land Use Element

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At the February 19, 2013, Regular Meeting, the Planning and Zoning (P&Z) Board recommended approval of Resolution 2013-07, as amended, amending the Town's Comprehensive Plan to allow an increase in height for TRC-6 properties to be allowed as part of a site plan approval process in addition to the current process that allows an additional story and height through the Outline Development Plan (ODP) or Planned Unit Development (PUD). In addition the Resolution authorizes transmittal of these amendments to the Future Land Use Element of the Town's Comprehensive Plan to the Department of Economic Opportunity (DEO) and other required agencies for objections, recommendations, and comments.

During the public hearing, the P&Z Board voted to amend the resolution and remove references to amendments to Future Land Use Policies 1.1.10, 1.1.11, and 1.6.4 related to personal wireless service facilities, and move forward with the amendment to the TRC-6 changes only. The changes to the Future Land Use element regarding personal wireless service facilities were forwarded to the March 19, 2013, P&Z Board meeting.

Staff is recommending approval of Resolution 2013-07 to transmit the amendments to the Future Land Use Element of the Town's Comprehensive Plan.

# MEMORANDUM

**DATE:** March 8, 2013

**TO:** Honorable Mayor and Town Commission

**THROUGH:** Dave Bullock, Town Manager

**FROM:** BJ Webb, Chair  
Planning and Zoning Board

**SUBJECT:** RESOLUTION 2013-07, COMPREHENSIVE PLAN AMENDMENT,  
FUTURE LAND USE ELEMENT

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During the public hearing held on February 19, 2013, the Planning and Zoning Board recommended APPROVAL of Resolution 2013-07, as amended, amending the Town's Comprehensive Plan to allow an increase in height for TRC-6 properties.

Also during the public hearing, the P&Z Board voted to amend the resolution and remove references to amendments to Future Land Use Policies 1.1.10, 1.1.11, and 1.6.4 related to personal wireless service facilities, and move forward with the amendment to the TRC-6 changes only. The changes to the Future Land Use element regarding personal wireless service facilities were forwarded to the March 19, 2013, P&Z Board meeting. The specific motions from the February 19, 2013, meeting of the P&Z Board are as follows:

**MR. GARNER MOVED THE P&Z BOARD BRING BACK THE WIRELESS DISCUSSION AT THE MARCH 19, 2013, MEETING IN A SEPARATE RESOLUTION. MR. HACKETT SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

**MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF RESOLUTION 2013-07 AS AMENDED. MR. HIXON SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

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

1. Staff Report, dated 2-8-13, Director to P&Z Board;
2. Draft minutes from the 2-19-13 regular P&Z Board meeting on this issue; and
3. Proposed Ordinance 2013-07.

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

## M E M O R A N D U M

DATE: Feb 8, 2013

**TO:** Planning and Zoning Board

**FROM:** Robin Meyer, AICP, Director  
Planning, Zoning and Building Department

**RE :** Resolution 2013-07 Comprehensive Plan Amendments

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Attached for your review is Resolution 2013-07, transmitting proposed Comprehensive Plan amendments to the Future Land Use Elements Policies 1.1.10 and 1.1.11 regarding building heights for additional tourism units, including “ personal wireless service facilities” in Table 1, and amending Policy 1.6.4 regarding heights of personal wireless service facilities. In addition are the corresponding changes to the Supplemental Data and Analysis section of the Future Land Use Element supporting the proposed changes. The Board’s recommendation will be given to the Town Commission, which will determine if the amendments should be transmitted to the Florida Department of Economic Development (DOE) as provided by Florida Statutes 163.3187. The ODP and agencies will review the proposed amendments, and provide objection, recommendations and comments (“ORC”) to the Town. After receiving and considering the ORC, the Town may adopt the amendments after further Board review, commission workshop and public hearings. This is the first step in the process.

### **Proposed Changes**

The first paragraph of Future Land Use Element Policy 1.1.10 is hereby amended as follows:

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires. Height restrictions for these exceptions shall be addressed in but the Town’s land development regulations ~~shall limit their height.~~

Future Land Use Element Policy 1.1.10 is hereby amended as follows:

Tourist Resort Commercial. This category is intended to accommodate the unique land needs for resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of

amenities. Uses include multifamily dwelling units, time-share units, and tourism units. Associated resort amenities, such as restaurants, shops, and recreational facilities, may be permitted on the site in conjunction with a tourist resort commercial development. All commercially provided recreational activities requiring shoreline or near-shore water utilization shall be concentrated at the commercial hotel facilities. Additional tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. Lot coverage may exceed the standard lot coverage by up to 10%, and height may exceed the standard height by one story as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. The additional story as shown in Table 1, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. The two Tourist Resort Commercial categories are as follows:

a. Medium-Density Tourist Resort/Commercial (TRC-3). Density shall not exceed three units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 25%, and maximum height shall be 40 feet.

b. High-Density Tourist Resort Commercial (TRC-6). Density shall not exceed six units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 30%, and maximum height shall be 50 feet.

SECTION 4. Future Land Use Element Policy 1.1.11 is hereby amended as follows:

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units island wide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to units allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key shall provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. The additional story shown on Table 1, to allow the additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

**Table 1**  
**Land Use Densities and Intensities in the Town of Longboat Key**

Symbol	Category	Density	Intensities	
			Maximum Lot Coverage	Maximum Height (stories/feet)
OS	Open Space			
▪ OS-A	Open Space – Active		30%	
▪ OS-P	Open Space – Passive		15%	
▪ OS-C	Open Space – Conservation		See Policy 1.1.10	
IP	Island Preserve	1 du/5 ac		
RL-1	Low Density SF Residential	1 du/ac		
RL-2	Low Density SF Residential	2 du/ac		
RM-3	Medium Density SF/Mixed Residential	3 du/ac		
RM-4	Medium Density SF/Mixed Residential	4 du/ac		
RH-6	High Density SF/Mixed Residential	6 du/ac		
TRC-3	Medium Density Tourist Resort/Commercial	3 u/ac	25%*	3/40*
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%*	4/50* **
MUC-1	Mixed Use Community (Bay Isles)	3.26 u/ac	30%	
MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	
MUC-3	Mixed Use Community (Promenade/Water Club)	11.26 du/ac	30%	
INS	Institutional		30%	2/30
OI	Office-Institutional		30%	2/30
CL	Limited Commercial		30%	2/30
CG	General Commercial		30%	3/40
CH	Highway Commercial	3 tourism u/ac	40%	3/40
MCS	Marina Commercial Service	One accessory dwelling unit located on the same lot	40%	2/30

\* Tourism units

\*\* The additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations

Note: Dwelling units per acre (du/a) refers to residential units; units per acre (u/a) include both tourism units and residential units.

Future Land Use Element Policy 1.6.4 is hereby amended as follows:

~~Because adequate Town wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors. In addition Federal and State law place restrictions upon the Town's authority to regulate personal wireless service facilities. As a result when the Town is presented with a demonstrated need for modified or additional personal wireless service facilities, the Town will work to balance that need with the Town's need to minimize visual intrusiveness and other impacts. The Town will utilize the land development regulations to evaluate proposed personal wireless service facilities based on, at a minimum, heights, surrounding land use compatibility, aesthetics, and safety.~~

## **Analysis**

### **Proposed Personal Wireless Changes**

Federal and State laws require that all communities provide accommodation to personal wireless facilities. Because Longboat Key did not have a reference to personal wireless facilities in the Comprehensive Plan the Town was in violation with both Federal and State Law. In order to remedy that situation staff is proposing changes to Policy 1.1.10 and Policy 1.6.4 of the Future Land Use Element to the Longboat Key Comprehensive Plan. As part of this effort staff is also proposing changes to the Town's Land Development Code to strengthen the regulations and more clearly define the community's desires as to the location and development of wireless facilities. To this end the proposed regulations clearly delineate the hierarchy for community preference for the type of facilities and their location.

**Policy 1.1.10 Change:** The purpose of this proposed language change is to reintroduce "personal wireless service facilities" to the Comprehensive Plan and then to declare that the heights of the facilities would be controlled by the Town's Land Development Regulations. By reintroducing the "personal wireless service facilities" to the Comprehensive Plan the Town of Longboat Key will be in compliance with State and Federal Laws that require all jurisdictions adopt plans and regulations to allow personal wireless service. Secondly by stating the heights of said facilities will be controlled by the Land Development Code, the Comprehensive Plan will be clearly providing direction as to the rules that will address the development of personal wireless service facilities.

**Policy 1.6.4 Changes:** The language changes proposed for Policy 1.6.4 are proposed to more clearly articulate the Town of Longboat Key's intent as to how personal wireless service facilities should be reviewed and developed within the Town. This language addresses three major issues that the Land Development Regulations need to address; 1) That there is a demonstrated need for the personal wireless service facility being proposed; 2) In reviewing applications for personal wireless service facilities the Town

will balance the need for the facility with minimizing the visual intrusiveness and other impacts; and 3) the Land Use Regulations will evaluate the applications based on height surrounding land use, aesthetics and safety. These are minimums the actual regulations which will be scheduled for adoption at the same meeting that the Comprehensive Plan changes are adopted by the Commission.

**Staff Recommendation:** Staff recommends that the proposed changes to Policy 1.1.10 and Policy 1.6.4 related to personal wireless service facilities be adopted by the Planning and Zoning Board and forwarded to the Town Commission for their review and adoption.

### **Proposed TRC-6 Changes**

#### **Economic Conditions Supporting Tourism Redevelopment**

The allocation and regulatory review process for the 250 additional tourism units warrants further revision to simplify the review process and incentivize economic redevelopment within the Town. The Town referendum authorizing the additional 250 tourism units was approved in 2008 in recognition that a more appropriate balance of residential and tourism units should be achieved within the Town to support the Town's tax base and provide greater support for existing and future businesses within the Town. However, due to a number of contributing factors, the Town has not realized its economic redevelopment objectives. The economic recession officially ended in June 2009, but economic recovery has been slow. While economic conditions were a contributing factor early in the recovery, statewide and County-level data confirm that the hotel industry rebounded during the past couple of years. Sarasota County has experienced a strong rebound. Thus, while economic conditions confirm strong tourist demand and support hotel investment and redevelopment, Longboat Key has not yet successfully allocated any of the 250 tourism units to support its economic redevelopment objectives.

#### **Regulatory Constraints Inhibiting Tourism Redevelopment**

Two primary factors have impacted the ability of property owners to utilize the additional tourism units within the current economic recovery: the status/existing conditions of individual properties/ownership entities and the complexity of the Town regulations. While the Town has limited ability to address the first factor which relates to proprietary issues unique to each site, the Town does have the ability to streamline the regulatory process to provide greater certainty for applicants as a means to incentive economic redevelopment and achieve the goal of a more balanced allocation of residential and tourism units. Policy 1.1.11 currently requires that applicants proposing to develop to five stories or in excess of 50' submit an Outline Development Plan (ODP) application. This additional review process effectively acts as a disincentive for such projects to utilize the additional density authorized by the referendum. In addition, the ODP process was challenged and determined by court order to be legally insufficient. Thus, continuing to require ODP review for such projects discourages preferred

redevelopment that should be directed to the TRC-6 land use category, which staff considers the most appropriate land use category for such intensification based on the beachfront location and characteristics of such properties.

### **Proposed Plan Amendments**

The proposed plan amendments encourage redevelopment in the TRC-6 land use category/zoning district by requiring final site plan review rather than ODP review for projects proposing to develop to five stories or in excess of 50'. This represents a shift in planning strategy in order to more effectively direct redevelopment to the TRC-6 land use category/zoning district. It should be noted that the comprehensive plan did not present a strategy for directing redevelopment based on the referendum, but instead relied primarily on the process set forth in Section 158.180, which anticipated a competitive review process whereby development applications utilizing a portion of the 250 additional units would be evaluated and ranked to determine how the allocations would be distributed. For the reasons discussed above, this process was not effective due to the lack of applications. The proposed strategy to prioritize redevelopment of the TRC-6 land use category/zoning district recognizes that it is inherently the most suitable district for such redevelopment and is proposed in lieu of the competitive application process. To implement this revised strategy, certain code amendments are also required.

### **Related Code Amendments**

Staff has proposed complementary code amendments to implement the additional flexibility for height in the TRC-6 zoning district. The implementing ordinance will be forthcoming and will amend Section 128-145 of the code with similar language to the plan amendment to require final site plan review for the additional one story in the TRC-6 zoning district.

It should be noted that Ordinance 07-2013, which the Town Commission heard on first reading on February 4, 2013, includes related code amendments to facilitate redevelopment in the TRC-6 zoning district. Section 158.180 defined development standards, such as floor area ratio, that predated the referendum and were not designed to accommodate the additional density authorized by the referendum. As a result, projects would be required typically to request numerous departures to accommodate the density. Ordinance 07-2013 amends Section 158.180 to incorporate modified development standards that allow for more intense redevelopment based on the additional density authorized by the referendum. These code changes are also intended to respond appropriately to the court order, which challenged both the ODP process and well as the process for granting departures. The proposed code amendments to Section 158.180 incorporate appropriate development standards so that departures would not typically be required for redevelopment within the TRC-6 zoning district. Thus, the code amendments work in conjunction with the plan amendments to encourage redevelopment in the TRC-6 zoning district by facilitating use of the density

authorized by the referendum and by avoiding legal risks associated with the departure process.

**Staff Recommendation;** Proposed Resolution 2013-07 amends the Comprehensive Plan to allow T-6 zoned properties to add an additional story from 4 stories to 5 stories if approved as part of a Site Plan process rather than the current process that allows the extra story through a ODP process. The proposed resolution and attached documents are presented to the Planning and Zoning Board for recommendation to the Town Commission. It is the recommendation of staff that the Planning and Zoning Commission approved the proposed changes to Policies 1.1.10, 1.1.11 and 1.6.4, and recommend them to the Town Commission for approval and transmittal to the State.

TOWN OF LONGBOAT KEY  
PLANNING AND ZONING BOARD  
MINUTES OF REGULAR MEETING

\*\*\*FEBRUARY 19, 2013\*\*\*

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Webb, Vice Chair Jack Daly, Secretary Lauren Goldner, Members Andrew Aitken, Leonard Garner, Walter Hackett, Allen Hixon, George Symanski, John Wild

Also Present: David Persson, Town Attorney; Robin Meyer, Planning, Zoning & Building Director; Steve Schield, Planner; Donna Chipman, Office Manager

AGENDA ITEM #1  
RESOLUTION 2013-07, COMPREHENSIVE PLAN AMENDMENT, FUTURE LAND  
USE ELEMENT OF THE COMPREHENSIVE PLAN

Pursuant to published notice, the public hearing was opened.

Robin Meyer, Planning, Zoning & Building Director, reviewed the staff report noting:

- the resolution related to two items: personal wireless facilities, and building heights in T-6 zones
- state and federal law require all communities provide accommodations for personal wireless service facilities
- required language is not currently included in the Town's Comprehensive Plan to reference wireless communication facility
- Policy 1.6.4 would eliminate current language and substituting for language to provide direction on how the application would be reviewed and viewed within the Town; there was an emphasis on compatibility and the impact on surrounding uses

Mr. Symanski noted several corrections that needed to be made to the resolution.

Gene Jaleski, Cedar Street, discussed that 'facilities' did not mean cell tower, it meant facilities; about not including the wording 'cell tower;' providing Wi-Fi; and, that he did not believe the Town was in violation of federal or state codes.

Larry Grossman, St. Judes Drive North, questioned if wireless facilities were going to be allowed in all zones or restricted to the institutional zones. Mr. Meyer responded no; staff was in the process of developing new regulations for cell towers.

Michael Furen, attorney representing Accursio Sclafani and Doreen Erickson, pointed out that the resolution was dealing with two separate issues and suggested moving forward that those two items be addressed in separate resolutions, because if one section of the resolution was to be a problem, then the T-6 provisions would not be held up. He provided suggested revisions to the Future Land Use (FLU) Policy 1.6.4. He did not believe the draft presented by staff reflected the Town Commission's consensus policy and suggested adding language and a definition for 'tower.'

Mr. Hackett agreed the items should be separated. Mr. Garner noted that the last paragraph and the definition of 'tower' provided by Mr. Furen were reflective of earlier conversations. Attorney Persson commented that bifurcation was the Board's decision, and if the Board felt the need to have additional discussion on one issue, then splitting the two issues would be an option. The Board could have discussion first, and if it was an issue that needs further consideration, they could be separated. Mr. Garner explained there was a comment that the two issues were totally unrelated and voiced concern that the time elements that applied were different. He suggested that the items be separated. Mr. Aitken and Mr. Hackett agreed.

There was consensus to separate the issues.

Mr. Symanski did not agree that the Town ordinances were in violation of state and federal law. Attorney Persson noted there was a significant issue that needed to be addressed as soon as possible. Mr. Symanski discussed the first and second 'Whereas' clauses and his concerns. Discussion ensued on the 'Whereas' clauses

There was a suggestion to redraft the language and bring back at the next meeting.

**MR. GARNER MOVED THE P&Z BOARD BRING BACK THE WIRELESS DISCUSSION AT THE MARCH 19, 2013, MEETING IN A SEPARATE RESOLUTION. MR. HACKETT SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

Mr. Meyer reviewed the second part of the resolution related to building height in T-6 zones. The language was consistent with the proposed changes before the Town Commission in Section 158.180, regarding allowing T-6 and T-3 to be developed with tourism units under the ordinance through site plan review. He noted it also added language to Policies 1.1.10 and 1.1.11 and continued with reviewing those changes.

Discussion ensued on the following:

- Relationship between the Comprehensive Plan and Town Code; if the codes were changed, was it policy to go back and change the Comprehensive Plan
- That having specific language in the Comprehensive Plan was somewhat unusual, because it "tied hands" significantly
- The reason for the modification was because staff realized, after reviewing previous changes to the T-6 zone, there were limitations on how they could use

the additional story, which was intended for those properties utilizing the 250 tourism units

- An exception for additional height for an additional story would be reviewed through the site plan process

Mr. Jaleski discussed the Conrad Beach project and the concern with an 80 foot height in the north end noting the changes were specifically for the Hilton Hotel project.

Mr. Grossman discussed amending the Comprehensive Plan based on height, but not including elements of zoning. He believed eliminating the height issue from the Outline Development Plan (ODP) process showed lack of concern.

Mr. Aitken commented that during the last meeting the Board voted for some changes that would assist the Hilton Hotel. He voiced concern that this moved beyond the Hilton Hotel and would impact the north end of the island and its 35 foot height limit. Mr. Meyer noted that the limitation was five stories and 65 feet; it was not going to be an 80 foot high building. Staff would include language that would preclude it from being automatic. He noted it took time to get changes processed through the State, but they would be adopted at the same time by the Town Commission. He mentioned there was nothing being done that was trying to hide anything or give someone an advantage.

Mr. Garner asked if there were any T-6 zoned property on the north end of the key. Steve Schield, Planner, responded that technically the Hilton Hotel was in the Manatee portion of the key, along with the Bleu Claire property; T-3 properties were Positano and Grand Mariner. Mr. Garner questioned which was the most northern. Mr. Schield replied the Grand Mariner.

The Board recessed from 10:10 am - 10:38 am to allow staff and the Town Attorney time to review the resolution.

Mr. Persson reviewed the revisions to the resolution, which included the removal of references to the wireless facilities.

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

**MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF RESOLUTION 2013-07 AS AMENDED. MR. HIXON SECONDED THE MOTION.**

Mr. Grossman and Mr. Jaleski discussed the feasibility of increasing units and increasing building heights.

Mr. Aitken questioned the process one would have to go through if they owned a property that was not zoned T-3 or T-6, but wished to change the zoning to take advantage of the regulations. Mr. Meyer explained the owner would be required to go through a zoning change, comprehensive plan amendment, and a referendum.

**MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

**RESOLUTION 2013-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING COMPREHENSIVE PLAN AMENDMENTS FOR TRANSMITTAL FOR INITIAL REVIEW AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES; AMENDING POLICIES 1.1.10 AND 1.1.11 OF THE FUTURE LAND USE ELEMENT AND SUPPLEMENTAL DATA AND ANALYSIS OF THE COMPREHENSIVE PLAN REGARDING BUILDING HEIGHTS FOR ADDITIONAL TOURISM UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission desires the authority to authorize an additional story of height provided for TRC-6 properties through the final site plan approval process for any TRC-6 property that has been granted approval for additional tourism units through Section 158.180 of the Town's land development regulations; and

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

**WHEREAS**, pursuant to the Act, Chapter 33 of the Town Code designates the Town of Longboat Key Planning and Zoning Board as the local planning agency responsible for the preparation of the Comprehensive Plan and amendments thereto; and

**WHEREAS**, the Town provided due public notice of the Planning and Zoning Board public hearing on February 19, 2013, which was conducted in a manner that afforded public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the Planning and Zoning Board reviewed the proposed comprehensive plan amendments at the February 19, 2013, public hearing and provided recommendations to the Town Commission as the local governing body; and

**WHEREAS**, the Town has given due public notice of the Town Commission's workshop and public hearing, which were conducted in a manner affording public participation to the fullest extent possible, for transmittal of the proposed Comprehensive Plan amendments; 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 consistent with the existing Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key; and

**WHEREAS**, the Town Commission of the Town of Longboat Key, after due public hearing, wishes to transmit the proposed Comprehensive Plan Amendments to the Florida Department of Economic Opportunity as the state planning agency, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, the Florida Department of Environmental Protection, the Florida Department of Transportation, the Southwest Florida

Water Management District, and the Florida Department of State for their review and comment pursuant to the Act.

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

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

SECTION 2. Future Land Use Element Policy 1.1.10 (6) is hereby amended as follows:

Tourist Resort Commercial. This category is intended to accommodate the unique land needs for resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of amenities. Uses include multifamily dwelling units, time-share units, and tourism units. Associated resort amenities, such as restaurants, shops, and recreational facilities, may be permitted on the site in conjunction with a tourist resort commercial development. All commercially provided recreational activities requiring shoreline or near-shore water utilization shall be concentrated at the commercial hotel facilities. Additional tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. Lot coverage may exceed the standard lot coverage by up to 10%, and height may exceed the standard height by one story as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. The additional story as shown in Table 1, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. The two Tourist Resort Commercial categories are as follows:

a. Medium-Density Tourist Resort/Commercial (TRC-3). Density shall not exceed three units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 25%, and maximum height shall be 40 feet.

b. High-Density Tourist Resort Commercial (TRC-6). Density shall not exceed six units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 30%, and maximum height shall be 50 feet.

SECTION 3. Future Land Use Element Policy 1.1.11 is hereby amended as follows:

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units islandwide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key shall provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for

permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. The additional story shown on Table 1, to allow the additional story for TRC-6 properties, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

**Table 1  
Land Use Densities and Intensities in the Town of Longboat Key**

Symbol	Category	Density	Nonresidential Intensities			
			Maximum Lot Coverage		Maximum Height (stories/feet)	
			Standard	PUD or ODP	Standard	PUD or ODP
OS	Open Space					
▪ OS-A	Open Space – Active		30%			
▪ OS-P	Open Space – Passive		15%			
▪ OS-C	Open Space – Conservation		See Policy 1.1.10			
IP	Island Preserve	1 du/5 ac				
RL-1	Low Density SF Residential	1 du/ac				
RL-2	Low Density SF Residential	2 du/ac				
RM-3	Medium Density SF/Mixed Residential	3 du/ac				
RM-4	Medium Density SF/Mixed Residential	4 du/ac				
RH-6	High Density SF/Mixed Residential	6 du/ac				
TRC-3	Medium Density Tourist Resort/Commercial	3 u/ac	25%	35%	3/40	4/55
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**
MUC-1	Mixed Use Community (Bay Isles)	3.26 du/ac	30%	40%	4/50	5/65
MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	40%	4/50	12/130 (tourism units) 8/87 (other)
MUC-3	Mixed Use Community (Promenade/Water Club)	11.26 du/ac				
INS	Institutional		30%	40%	2/30	
OI	Office-Institutional		30%	40%	2/30	
CL	Limited Commercial		30%	40%	2/30*	
CG	General Commercial		30%	40%	3/40*	
CH	Highway Commercial	3 tourism u/ac	40%	50%	3/40*	
MCS	Marina Commercial Service	1 accessory du located on the same lot	40%	50%	2/30*	

Note: Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) includes both tourism units and residential units.

\* An additional five feet in building height allowed for a waterfront restaurant.

\*\* This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations

SECTION 4. Section IV.D. of the Supplemental Data and Analysis for the Future Land Use Element is hereby amended in part as follows:

Distribution of the available tourism units is not a matter of right. ~~The standards of the underlying zoning district that apply to the subject property remain in effect. Projects are reviewed based on criteria established a hierarchy of factors in the land development regulations. , with those that meet current zoning requirements and requesting no departures receiving priority. Requests for departures from the standards of the zoning code must demonstrate by clear and convincing evidence that the project is so beneficial to the Town as to warrant the requested departure. Land development regulation restrictions on height, non-open space coverage, structural coverage, sufficiency of land area, parking, and setbacks, in conjunction with the criteria for Outline Development Plan and site plan review by the Planning and Zoning Board and the Town Commission, will allow the Town to control the intensity of development and maintain conformance with the character of the surrounding neighborhood. Site considerations and criteria for area compatibility are part of the review process.~~ The purpose for allowing the potential for an additional story in height, for the T-6 Zoned properties, is an acknowledgement that T-6 is the most intensive tourist zoning available in the Town of Longboat Key as well as the location of the majority of the existing tourism amenities. Because of these factors the Town anticipates that T-6 properties are the best suited to absorb the additional density. In order to grant approval or approval with conditions, the Town must find by competent substantial evidence that the project is in the best interest of the health, safety, and welfare of the Town and its citizens and does not adversely affect the public interest.

SECTION 5. If any section, subsection, sentence, clause or provision of this Resolution is held invalid, the remainder of the Resolution shall not be affected.

SECTION 6. This Resolution becomes effective upon adoption in accordance with Law and the Charter of the Town of Longboat Key.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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



# Comprehensive Plan Amendment to Allow an Additional Story and Height for TRC-6 Future Land Use

Town Commission  
Regular Workshop Meeting  
March 20, 2013

# TOWN OF LONGBOAT KEY



- Resolution 2013-07 amended Future Land Use Element Policy 1.1.11 Table 1 Excerpt of the existing Comprehensive Plan:

Symbol	Category	Density	Nonresidential Intensities				
			Maximum Lot Coverage		Maximum Height (stories/feet)		
			Standard	PUD or ODP	Standard	PUD or ODP	
OS	Open Space						
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65	



- Resolution 2013-07 amends Future Land Use Element

Policies 1.1.10 and 1.1.11:

- Comprehensive Plan and Land Development Code currently allow proposals utilizing 158.180 - Distribution of 250 tourism units an additional story and 15 feet to a maximum of 65 feet in additional height if they use the ODP or PUD processes.
- This amendment would extend that right to proposals using the Site Plan process approved by the Commission on March 4<sup>th</sup>.



- Resolution 2013-07 amended Future Land Use Element

Policy 1.1.10: Policy 1.1.10 is hereby amended as below:

Tourist Resort Commercial... The additional story as shown in Table 1, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations.



- Future Land Use Element Policy 1.1.11 is hereby amended as follows:

The additional story shown on Table 1, to allow the additional story for TRC-6 properties, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations.



- Resolution 2013-07: Future Land Use Element Policy

1.1.11 Table 1:

5/65\*\*

\*\* This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations

# TOWN OF LONGBOAT KEY



- Resolution 2013-07 amending Future Land Use Element Policy 1.1.11 Table 1:

Symbol	Category	Density	Nonresidential Intensities			
			Maximum Lot Coverage		Maximum Height (stories/feet)	
			Standard	PUD or ODP	Standard	PUD or ODP
OS	Open Space					
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**

\*\* This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.130 of the land development regulations



- Resolution 2013-07 amending Future Land Use Element Policy 1.1.10 and 1.1.11:

Questions?



**End of Agenda Item**