

M E M O R A N D U M

DATE: June 2, 2014

TO: Dave Bullock, Town Manager

THROUGH: Alaina Ray, AICP, Director
Planning, Zoning and Building Department

FROM: Briana Ozor, Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2014-18, Change of Zoning, 5440-5442 Gulf of Mexico Drive

Victor Levine, through his agent Peter Dailey, requests consideration of a Change of Zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4MX) and for the front fifty (50) feet of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to four (4) dwelling units.

The Planning and Zoning Board recommended approval of the Change of Zoning at their May 27, 2014, meeting.

The Town Commission is requested to hold a public hearing and first reading of Ordinance 2014-18, at their June 16, 2014, Special Meeting. A second reading and public hearing will take place on June 30, 2014.

Attachments: 6-9-14 Memo, P&Z Board Chair to Commission;
5-13-14 Staff Report, Planner to P&Z Board;
PowerPoint Presentation;
Draft minutes from the 5-27-14 P&Z Board Regular Meeting;
Ordinance 2014-18.

xc: Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Director – Planning, Building & Zoning

MEMORANDUM

DATE: June 9, 2014

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Bishop, Chair
Planning and Zoning Board

SUBJECT: Ordinance 2014-18, Change of Zoning, 5440-5442 Gulf of Mexico Drive

During the public hearing held on May 27, 2014, the Planning and Zoning Board recommended APPROVAL of Ordinance 2014-18, to allow rezoning of 5440 Gulf of Mexico Drive, and a portion of 5442 Gulf of Mexico Drive, as requested. The specific motion from the May 27, 2014, meeting of the P&Z Board is as follows:

MR. AITKEN MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2014-18, TO ALLOW REZONING OF 5440, AND A PORTION OF 5442, GULF OF MEXICO DRIVE, AS REQUESTED. MR. SCHNEIER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, NO; DALY, AYE; GARNER, NO; HACKETT, AYE; HIXON, NO; SCHNEIER, AYE; SYMANSKI, NO; WILD, AYE.

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

1. Staff Report, dated 5-13-14, Planner to P&Z Board;
2. Ordinance 2014-18;
3. PowerPoint presentation;
4. Draft minutes from the 5-27-14 regular P&Z Board meeting on this issue; and
5. Applicant's Application

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

BJB/dmc

MEMORANDUM

DATE: May 13, 2014

TO: Planning and Zoning Board

FROM: Briana Ozor, Planner

THROUGH: Alaina Ray, Planning, Zoning and Building Director

SUBJECT: **5440-5442 Gulf of Mexico Drive – Change of Zoning Ordinance 2014-18**

PROPERTY OWNER: Victor Levine

AGENT: Peter Dailey

SITE LOCATION: 5440 and a portion of 5442 Gulf of Mexico Drive

EXISTING ZONING: C1 – Limited Commercial and R-3MX – Low-Medium Density Mixed Residential

PROPOSED ZONING: R-4MX – Medium Density Mixed Residential

REQUEST: The applicant requests a change of zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4MX) and for a portion of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to four (4) dwelling units.

Summary

Due to the location of the subject property between a heavily trafficked commercial use (Center Shops) and a Fire and Police station, staff cannot provide a conclusive recommendation in favor of Ordinance 2014-18 to rezone 5440 and a portion of 5442 Gulf of Mexico Drive as Medium Density Mixed Residential (R-4MX). While designating the property as residential would not be entirely out of character with the surrounding neighborhood, this change would create a small residential pocket in between two non-residentially-zoned properties.

Background

The Town adopted its first Zoning Code and Zoning Map in 1955, the same year the Town incorporated. This application is for a small area comprehensive plan amendment of 1.04 acres. The property owner seeks to convert their commercial property into a residential development with four (4) single family homes. As stated in the application by Peter Dailey, applicant/agent, this change would benefit not only the property owner but also the Town by creating tax revenue.

The subject property at 5440 Gulf of Mexico Drive is a vacant commercial property. Mr. Dailey notes that this property was zoned residential in the 1960s and 1970s. A single family house, which was the residence of the first mayor of Longboat Key, was located on the property until February 2012 when it was demolished. According to Mr. Dailey, the house was used as a shop for several years in the 1990s and then became vacant in 1997. To the east of 5440 Gulf of Mexico Drive, 5442 Gulf of Mexico Drive adjoins the subject property and is comprised of two (2) lots. In addition to the property at 5440 Gulf of Mexico Drive, this application also pertains to the first fifty (50) feet of Tract "A" of 5442 Gulf of Mexico Drive, currently zoned R-3MX. The properties are located between the Center Shops to the south and the Fire and Police complex to the north, both zoned commercial. To the west across Gulf of Mexico Drive are residential properties zoned R-3MX. However, these properties are developed with condominium use (Longboat Terrace) and Tourism use (Sandpiper Inn, Arbors by the Sea).

The property owner has owned the subject properties since 1993. Mr. Dailey states in the application that the owner has been unable to market the property for commercial use. The various owners of the Center Shops, according to Mr. Dailey, have been uninterested in incorporating the property into the shopping center.

Staff Assessment

Consistency with the Comprehensive Plan

Compared to a commercial use of the property, a residential use with four (4) single family homes will create a smaller impact on the Town's services. The assessment of Public Works Director Juan Florensa is that the proposed change will have a "de minimis" impact on the Town's utility, stormwater, and transportation systems. Additionally, the applicant provides documentation from the Southwest Florida Regional Planning Council that the addition of four (4) single family homes at this property would have a negligible impact on the Town's hurricane evacuation.

Site-specific Conditions

Around the subject property are a mix of uses, including commercial, institutional, open space, and residential. Designating the property as residential would not be entirely out of character with the surrounding neighborhood. However, this change would create a small residential pocket in between two non-residentially-zoned properties.

Future Development Opportunities

The requested zoning designation allows for a maximum of four (4) dwelling units per acre. The applicant confirms and stipulates that the maximum number of single-family residential structures that would be built on the property is four (4). The ordinance, which will be recorded, limits the property to the development of a maximum of four (4) single-family dwelling units.

Staff Recommendation

Based on the above assessment, staff cannot conclusively recommend Ordinance 2014-18 to rezone 5440 and a portion of 5442 Gulf of Mexico Drive as Medium Density Mixed Residential (R-4MX).

ATTACHMENTS

Attached, please find a copy of the location map, surveys, Small Area Comprehensive Plan Amendment application and support documentation 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.

xc: Peter Dailey, Agent
Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Planning, Zoning and Building Director

ORDINANCE 2014-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING A CHANGE OF ZONING FROM LIMITED COMMERCIAL (C-1) TO MEDIUM DENSITY MIXED RESIDENTIAL (R-4MX) FOR PROPERTY CONSISTING OF APPROXIMATELY 0.92 ACRES LOCATED AT 5440 GULF OF MEXICO DRIVE AND FROM LOW-MEDIUM DENSITY MIXED RESIDENTIAL (R-3MX) TO MEDIUM DENSITY MIXED RESIDENTIAL (R-4MX) FOR APPROXIMATELY 0.12 ACRES OF PROPERTY LOCATED AT 5442 GULF OF MEXICO DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Victor Levine, submitted an application to change the zoning of certain real property located at 5440 Gulf of Mexico Drive and 5442 Gulf of Mexico Drive (collectively hereinafter the "Properties"); and

WHEREAS, the Town has amended the Comprehensive Plan to designate the future land use of said Properties as High Density Single-Family/Mixed Residential (RH-6); and

WHEREAS, the applicant requests approval of its application to change the zoning district of the 5440 Gulf of Mexico Drive property from Limited Commercial (C-1) to Medium Density Mixed Residential (R-4MX) and the 5442 Gulf of Mexico Drive property from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX) to be consistent with the Properties' future land use designation; and

WHEREAS, the Planning and Zoning Director has, in a timely fashion, accepted the rezoning application and referred the same to the Planning and Zoning Board along with the required documentation and staff recommendations; and

WHEREAS, the Town of Longboat Key Planning and Zoning Board, after due public notice, held a public hearing on May 27, 2014, concerning the requested change of zoning for the Properties; and

WHEREAS, following the public hearing before the Planning and Zoning Board, the Board recommended approval of the requested change of zoning, forwarding the same to the Town Commission for their review and approval; and

WHEREAS, the Town Commission of the Town of Longboat Key, after due public notice, held a public hearing on _____, 2014, on the proposed change of zoning as recommended by the Planning and Zoning Board; and

WHEREAS, the proposed zoning is consistent with the Town's Comprehensive Plan and Future Land Use Map; and

WHEREAS, the Town Commission of the Town of Longboat Key finds that the proposed change of zoning is in the best interest of the Town.

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 zoning district for approximately 0.92 acres located at 5440 Gulf of Mexico Drive, Longboat Key, Manatee County, Florida 34228 (Lot C-1, Cedar Woodlands) from Limited Commercial (C-1) to Medium Density Mixed Residential (R-4MX) is hereby amended.

SECTION 3. The zoning district for approximately 0.12 acres located at 5442 Gulf of Mexico Drive, Longboat Key, Florida 34228 (a portion of Tract "A," Cedar Woodlands) from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX) is hereby amended.

SECTION 4. The maximum allowed density of the Properties shall be limited to four dwelling units per acre.

SECTION 5. If any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid or ineffective, except for the recording requirement in Section 8, 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 take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

SECTION 8. This Ordinance shall be recorded in the Official Records of Manatee County.

Passed on first reading and public hearing the ____ day of _____, 2014.

Adopted on second reading and public hearing the ____ day of _____, 2014.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

TOWN OF LONGBOAT KEY



Ordinance 2014-18

Rezone of

5440/5442 Gulf of Mexico Drive

Town Commission

Special Meeting

June 16, 2014

TOWN OF LONGBOAT KEY



Ordinance 2014-18

Proposes to change the zoning of 5440 and a portion of 5442 Gulf of Mexico Drive from Limited Commercial (C1) and Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX).

TOWN OF LONGBOAT KEY



Location Map



TOWN OF LONGBOAT KEY



Street view from GMD



TOWN OF LONGBOAT KEY



Street view from GMD



TOWN OF LONGBOAT KEY



Street view from GMD



TOWN OF LONGBOAT KEY



Southeastern property line



TOWN OF LONGBOAT KEY



Northwestern property line



TOWN OF LONGBOAT KEY



P&Z Board Recommendation

At their May 27, 2014, meeting, the P&Z Board, after considering the application materials and testimony, recommended APPROVAL of the application.

AGENDA ITEM 2
ORDINANCE 2014-18, 5440 GULF OF MEXICO DRIVE
REZONING

Pursuant to published notice, the public hearing was opened.

Briana Ozor, Planner, provided an overview of the application noting:

- The applicant was requesting a change of zoning from C-1 (Limited Commercial) to R-4MX for 5440 Gulf of Mexico Drive, and R-3MX for a portion of 5442 Gulf of Mexico Drive
- That the change would create a small residential pocket in between two non-residentially zoned properties
- That a residential use with four single-family homes would create a smaller impact on the Town's services versus commercial use

Maggie Mooney-Portale, Town Attorney, was sworn. She explained this was a quasi-judicial hearing, and asked the board the following:

- If there had been Ex Parte communications to which Mr. Hixon, Mr. Hackett, Mr. Aitken, and Mr. Schneier noted for the record that they had visited the site, but did not speak to anyone
- If there were any conflicts of interest to which none were noted

Attorney Mooney-Portale noted that Mr. Dailey had provided testimony on the rezoning during the Comprehensive Plan hearing portion and asked if he and his client would stipulate his prior testimony into the record for this hearing. Mr. Dailey replied yes.

Chair Bishop questioned if there was a requirement, if a residential unit was being placed within a mile of an airport, or close proximity to a fire/police department, to stipulate, and require a notice in the deed be part of acquiring those residential properties within such an area. Kelly Fernandez, Town Attorney, commented it was not typically seen, or required, in Florida. Ms. Ray offered that staff could stipulate items during the site plan review, and they did review deeds and documents. Mr. Hackett commented that if the owner utilized a real estate agent, they were required to disclose. Mr. Symanski noted that the time to get a concession or agreement on the access was at this time. Mr. Aitken pointed out there was no beach access, so when it came to due diligence, there was a need to make the owners aware.

Mr. Symanski voiced concern with placement of single-family, without beach access, next to a fire station. Ms. Ray commented the concern was it would be between two different types of uses. Mr. Garner questioned if the site was large enough for four single-family lots that met zoning, or was it being offered as a land condominium because it could not meet the requirements. Ms. Ray explained it could not meet the requirements – they could not subdivide into four single-family lots, which was the reason for the land condominium. Mr. Garner reiterated his concern with compatibility.

Mr. Schneier commented there were not a lot of areas where one could walk to a commercial establishment

Mr. Hixon questioned if the applicant could also stipulate that previous comments from the previous hearing could also be incorporated into this hearing. Attorney Mooney-Portale noted the record would be clearer if the applicant was allowed to restate their comments.

Mr. Wild asked if the owner, Victor Levine, would be able to refute the stipulations. He understood that Mr. Dailey was Mr. Levine's agent, but wondered if the stipulations would be agreed to by the owner. Mr. Symanski noted that if Mr. Dailey made an oral representation, it was binding. Attorney Mooney-Portale explained that Mr. Dailey was representing Mr. Levine's interests, and if he had any concerns with stipulations agreed to by Mr. Dailey, his recourse would be against Mr. Dailey. Mr. Symanski questioned if the board should request it in writing. Attorney Mooney-Portale responded the board was rezoning a particular property and not dealing with a site plan, or stipulations for movement of access; those items were addressed during site plan review, which was not before the board. Mr. Wild pointed out that when they made the motion to allow RM-4 and Mr. Dailey agreed, Mr. Levine had applied for RM-6, and asked if RM-4 would be enforceable. Attorney Mooney-Portale replied yes.

Mr. Dailey commented that since the access seemed to be a concern, they would stipulate no direct access to any of the structures from Gulf of Mexico Drive. They were willing to covenant some form of acknowledgment of the location near a fire station be provided to any prospective purchasers of the properties. Ms. Ray informed the board that rezoning applications do not allow for stipulations, because if the property was sold, they did not carry over. This was not a planned development.

MR. AITKEN MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2014-18, TO ALLOW REZONING OF 5440, AND A PORTION OF 5442, GULF OF MEXICO DRIVE, AS REQUESTED. MR. SCHNEIER SECONDED THE MOTION.

Discussion ensued on:

- Providing Beach access
- Trespassing over surrounding properties
- The referendum approval the applicant received in 2012
- The recent laws passed by the legislature that nullified the referendum, and the request of the legislature to reconsider

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, NO; DALY, AYE; GARNER, NO; HACKETT, AYE; HIXON, NO; SCHNEIER, AYE; SYMANSKI, NO; WILD, AYE.

REZONE APPLICATION

**5440 GULF OF MEXICO DRIVE
PORTION OF 5442 GULF OF MEXICO
DRIVE
TOWN LONGBOAT KEY**

**PREPARED FOR
VICTOR LEVINE
5444 Gulf of Mexico Drive
Longboat Key, Florida**

**PREPARED BY
DAILEY DESIGN GROUP, INC.
1763 RIVIERA CIRCLE
SARASOTA, FLORIDA 34232**

March 2013



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Planning, Zoning & Building Department
501 Bay Isles Road
Longboat Key, Florida 34228
Fax Number: (941) 373-7938
Web: <http://www.longboatkey.org>

(941) 316-1966

APPLICATION FOR CHANGE OF ZONING

Date: Jan 15, 2013

A. Property information

Property Legal Description: 5440 GULF OF MEXICO DRIVE, Longboat Key FL 34228
Lot 61 CEDARWOOD LANDS SUBDIVISION + PORTION OF TRACT A (50') 5942.60M
Section: 25 Township: 35 S Range: 16 E
Subdivision Name: CEDARWOOD LANDS Lot: 1 + TRACT A PORTION Block:
Site Address: 5440 GULF OF MEXICO DRIVE 1BK, FL. 34228
Present Zoning Classification: C-1 Present Future Land Use Classification: CL
Proposed Zoning Classification: R-AMX Proposed Future Land Use Classification: RH-G
Property Size (to the nearest tenth of acre or square foot): 45,152 sq ft 1.04 ac.
Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.) VACANT
+ CLEARED

Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):

- a. North: POLICE, FIRE + RESERVE Complex c. East: SINGLE FAMILY RES
b. South: CENTRE SHOPS RETAIL/SC d. West: GOLF DRIVE + SINGLE FAM
RES. TOURIST / TRANSIENT
RENTAL UNITS

At a minimum all application submissions shall include the following supplemental materials and information:

- Description of the proposed activity or use and square footages shall be included with the application form.
- Analysis to substantiate the potential coastal/environmental impacts and constraints.
- Analysis of the consistency of the proposed zoning classification with the surrounding area and land uses.
- Description and itemization of existing non-conformities on the subject property.

B. Names/Addresses

List all person(s) having ownership in subject property

1. Name of Property Owner: VICTOR LEVINE
Address: 544 GULF OF MEXICO DRIVE
City, State & Zip: LONGBOAT KEY, FL. 34228
Telephone: 941-303-1234 Fax: _____
Telephone 2: _____ Mobile: 941-706-7712

AFTER USA MARCH
011 447714254005

2. Name of Property Owner: _____
Address: _____
City, State & Zip: _____
Telephone: _____ Fax: _____
Telephone 2: _____ Mobile: _____

3. Name of Property Owner: _____
Address: _____
City, State & Zip: _____
Telephone: _____ Fax: _____
Telephone 2: _____ Mobile: _____

4. Name of Agent: PEPPER M. DAIKIN
(Agent is person who has been appointed by the property owner to represent in processing of the application)
Name of Company: DAIKIN DESIGN GROUP, INC.
Address: 1763 RIVERDALE CIR.
City, State & Zip: SARASOTA, FL. 34232
Telephone: 941-302-1500 Fax: 941-423-5590
Telephone 2: _____ Mobile: 941-302-1500

5. Name of Engineer: _____
Name of Company: _____
Address: _____
City, State & Zip: _____
Telephone: _____ Fax: _____
Telephone 2: _____ Mobile: _____

6. Name of Architect: PETER M. DAYLEY
Name of Company: DAYLEY DESIGN GROUP, INC.
Address: 1763 PINECRAW CIRCLE
City, State & Zip: SARASOTA, FL 34232
Telephone: 941-302-1500 Fax: 941-923-5590
Telephone 2: _____ Mobile: 941-302-1500

7. Name of Landscape Architect: _____
Name of Company: _____
Address: _____
City, State & Zip: _____
Telephone: _____ Fax: _____
Telephone 2: _____ Mobile: _____

NOTE: UNLESS OTHERWISE NOTED, ALL WRITTEN CORRESPONDENCE WILL BE MAILED TO THE AGENT. IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER(S).

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing the subject type of development will be complied with whether specified herein or not, the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Applicant's Signature: Peter M. Dayley AGENT Date: 1/15/13
(if applicant is not the property owner, a property owner affidavit will be required)

PETER M. DAYLEY
(Please print or type name)

FOR STAFF USE ONLY	
Application Fee: \$ <u>3000.00</u> deposit* <small>(Application fee of \$900 will be deducted from deposit)</small>	Receipt # _____
Application and Plans Accepted By: _____	Date: _____
File Code/Number: _____	

*Deposit required at time of formal submission

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.

CERTIFICATION

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing the subject type of development will be complied with whether specified herein or not. Furthermore, I acknowledge that the Town of Longboat Key has the right to inspect the subject property in conjunction with this Comprehensive Land Use Plan amendment application. (Please advise the Town of any restrictions or limitations on the inspections.)

(I) (WE) understand that this Petition becomes a part of the permanent records of the Planning, Zoning and Building Department. (I) (WE) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herein are true to the best of (my) (our) knowledge and belief.

* Victor Levine
(Signature of Owner)

VICTOR LEVINE
(Please print or type Owner's Name)

Mailing address you wish information sent to and telephone number:

MID ISLAND HOUSE

ALDERNEY

GY9-3YW, U.K.

Phone (Out) 1.011 441 681 822 622

Cell
Fax (Int) 011 447714 234 005

E-Mail (Optional) victorlevine@gmail.com

Peter M. Dailey
The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf.)

PETER M. DAILEY
Print or type Agent Name

DAILEY DESIGN GROUP, INC.
Agent Address

1763 RIVIERA CIRCLE, SE

SARASOTA, FL 34232

Phone (941) 302-1500

Fax (941) 923-5500

E-Mail (Optional)

Notarization of Agent's Signature:

State of Florida

County of Sarasota

The foregoing instrument was acknowledged before me this 28 day of February 2013

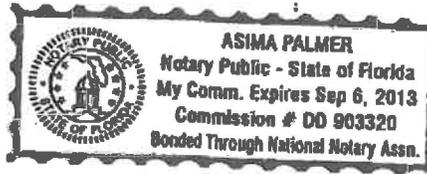
by PETER M. DAILEY

as President for DAILEY DESIGN GROUP
(type of authority) (name of party acting on behalf of)

Notary Public

ASIMA PALMER
Name of Notary

Personally knew OR produced identification Type of Identification FL DL D 400 673-50-294-0



Please print and fax or mail completed form

<p>TOWN OF LONGBOAT KEY PLANNING ZONING BUILDING 561 Bay Isles Road Longboat Key, FL 34228 Phone: 941/316-1966 FAX: 941/316-1970</p>	<p>Property Owner Affidavit Planning Department Authorized Agent</p>
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(I)(We) VICTOR LEVINE, as owner(s) of the property whose address and legal description is 340 GULF OF MEXICO DRIVE LONGBOAT KEY FL 34228, hereby appoint PETER M DALRY our (agent) to act on (my)(our) behalf for the request set forth below. (I)(we) understand that the agent may incur costs and expenses on our behalf in connection with (my)(our) request and agree to pay those fees and expenses in accordance with the Code of Ordinances of the Town of Longboat Key.

The nature of (my)(our) request is SMALL AREA CPA + RESUME (Variance, Zoning Determination, Special Exception, etc.)

VICTOR LEVINE
Print or Type Property Owner's Name

* OS Levin
Signature of Property Owner

Print or Type Property Owner's Name

Signature of Property Owner

Mailing Address of Property Owner(s):

MID ISLAND HOUSE, ALDERNEY, GY9 3YW, UK

FLORIDA

340 GULF OF MEXICO DRIVE LONGBOAT KEY FLORIDA

011 44 1481 822 622
Telephone Number of Property Owner(s)

Fax Number of Property Owner(s)

Mailing Address of Agent(s):

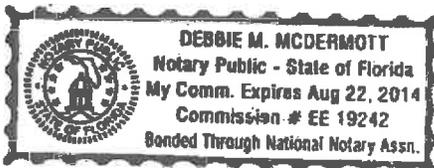
PETER M DALRY 1703 ZUIERA CIRCLE SARASOTA FLA. 34232

941-302-1500
Telephone Number of Agent(s)

941-923-5590
Fax Number of Agent(s)

STATE OF FL
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 27th day of Feb, 2013, by Victor Levine, Owner(s) for and on behalf of whom this instrument was executed.



Debbie M. McDermott
Notary Public State of FL
Typed Name: Debbie McDermott
Commission Expires: 08/22/14
Commission No.: EE 19242

Personally Known /
OR Produced Identification
Type of Identification Produced _____



Planning, Zoning & Building Department (941) 316-1966
501 Bay Isles Road
Longboat Key, Florida 34228
Fax Number: (941) 373-7938
Web: <http://www.longboatkey.org>

VERIFIED STATEMENT AND CERTIFICATE OF OWNERSHIP

Pursuant to Sections 158.095 and 158.097(C), Town of Longboat Key Town Code, I am submitting the following Verified Statement and Certificate of Ownership. This Verified Statement and Certificate of Ownership reflects each and every individual person having a legal ownership, interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

I hereby verify and certify that as of Jan 15, 2013 (date), the following are all persons and/or entities having a legal ownership interest in the real property located at

5440 GULF OF MEXICO DRIVE (legal address)

Property Owners and/or shareholders:

1. VICTOR LEVINE
 2. _____
 3. _____
 4. _____
- (Please attach additional sheets if necessary)

The undersigned does hereby state under oath that the foregoing information is true and correct.

USCensus
 Signature

V. G. LEVINE
 Print Name

MR.
 Title

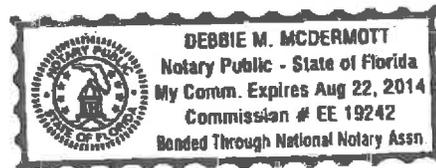
State of FL

County of Sarasota

The foregoing instrument was acknowledged before me this 27th Feb, 2013, by Victor Levine (name and title), who is personally known to me or who has produced _____ as identification.

[Signature]
 Signature of Notary

Debbie McDermott
 Print Name of Notary



NARRATIVE – 5440 Gulf Of Mexico Drive

REZONE-R-4MX

PURPOSE

The request is to rezone the property to R-4MX which is a consistent implementing Zoning District for the RH-6 Future Land Use Classification. (See the Attached Proposed Illustrative Subdivision Plan page 29).

HISTORY

The purpose of the Rezone for 5440 and portion of 5442 Gulf of Mexico Drive is to allow a property that has been designated as commercial in the Future Land Use Plan Map and zoned commercial for the past thirty years with a single family house structure on it to be converted to residential development at a density which is befitting the existing adjacent land uses.

The house, which was derelict and impossible to restore was subsequently demolished in February 2012, was the residence the first mayor of Longboat Key. The current owner who has owned the property since 1993, has unsuccessfully tried diligently to market the property for commercial use for the past 15 years. The house was used briefly as a clothing store for several years but that use went out in 1997, and the property sat vacant up until Feb 2012 when the structure was removed at the town's insistence.

There have been three different owners of the Center Shops which lie adjacent and southerly of the subject parcel have not once ever shown any interest in purchasing and combining the parcel into the shopping center. Mr. Victor Levine, the owner wishes to convert the parcel from Commercial to residential. The property is 100 feet wide by 400 feet long, and essentially runs east/west. Mr. Levine subdivided his holdings and recorded a plat which designates the commercial parcel as Cedar Woodlands Lot One. The commercial parcel is attached to two platted lots lying easterly in the Cedar Woodlands Plat. One of those lots is improved with a single family house structure. The other lot is vacant. These two easterly lots are accessed via private easement over the commercial lot along Gulf of Mexico Drive.

We are requesting a Small Area Comprehensive Plan Map change from CL

Commercial Limited and RM-3 to Residential R-6H. This will allow four lots on the parcel under a land condo. This density is reasonable considering that the parcel is surrounded by a Fire/Police and Emergency complex to the north and the Commercial Retail Center Shops to the south. We are proposing to add 5,020 s.f. of Tract A of the Cedar Woodlands Subdivision to the area being rezoned to meet bulk and density standards.

It should be noted that the eastern two thirds of the Cedar Woodlands subdivision Plat under the zoning in place for that acreage would have supported 5 residential units. Mr. Levine decided to only plat two lots for this land area. The addition of four residential units within the 100 x 450' frontage on GMD would yield a total of 6 residential units where at least 9 would have been allowed under the existing Comprehensive Plan Designation for all of the 3 ½ acres of land in the Cedar Woodlands Subdivision as R3MX.

ATTACHMENTS CHECK LIST AND CRITERIA

A. Provide the reason for the request to demonstrate how the change benefits the applicant and how the change benefits the town.

The main purpose for changing the land use and zoning is to allow the current owners to be able to develop four residential units on currently vacant commercial land. The addition of the houses will promote employment, increase advalorem taxes and increase sales tax revenue for the Island in those areas where commercial is viable. This land has no value as commercial land use as no offers have come forward on over ten years,

B. Verified statement, including a certificate of ownership, showing each and every individual person having a legal ownership, interest in the subject property except publically held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation principals executive officers will be sufficient. If the applicant is a contract purchaser, provide a copy of contract.

A Verified Statement and Certificate of Ownership' forms have been executed and are attached.

C. A land survey completed within the prior two years with a complete legal description prepared and certified by a registered surveyor, provided at a reasonable scale.

A signed sealed copy of the survey originally dated in 2006 is attached.

D. Map or Maps showing:

1. *Proposed Land Use Map designation of the subject parcel.*
See attached Proposed Land Use Map designation page 26.

2. *Current Future Land Use Map designation of the subject property and all abutting.*
A Current Land Use Map is attached page 25.

3. *Existing Land Use (e.g. house, commercial, vacant) of subject parcel and all properties within 500' radius of subject parcel. Include a description of all structures on the property.*

The Existing Land Use for the land is vacant but improved. The lot had a two story residential structure on it which was demolished in Feb 2012, after deteriorating badly, being some 65 years old. The lot has been cleared and graded. Attached on page 29 is an Existing Land Use Map with land uses identified for 500 feet radius from the site.

4. *Existing Zoning Districts for the subject parcel and all abutting properties.*
Attached is an Existing Zoning Map page 23.

5. *Proposed Zoning District for the subject parcel.*
The proposed Zoning is indicated on the attached Map entitled Proposed Zoning page 24.

6. *Relation of the subject property to the surrounding area. Indicate a 500' radius from property boundary out. Label all roads, streets, alleys, neighborhoods, and other identifiable landmarks.*

The subject property has GMD and Tourist zoned rental cottages across GMD to the Gulf to the west. The land to the north has an existing police, fire and rescue complex developed on it. The property to the south is developed with the Center Shops a commercial retail complex. The land to the east is a vacant single family lot and a developed single family lot to the Sarasota Bay. (See attached Existing Land use Map page 22).

7. *All existing and proposed curb cuts.*

The parcel has two existing curb cuts on Gulf of Mexico Drive, both some 66 years old. The southern curb cut will provide access to the proposed western most unit. The northern curb cut is for an access drive easement to serve the existing Bay front home and vacant lot lying east of the subject. This drive will also act as the access for the three easternmost proposed units.

E. *Describe the property and its characteristics. Include:*

1. *Most recent aerial photograph of the site showing boundaries, adjacent land uses, roads, alleys, neighborhoods, and other identifiable landmarks.*

An aerial is attached page 27 indicating the surrounding land uses in the neighborhood.

2. *Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high water line. Additional related information should include the extent and type of wetlands in accordance with the town's Comprehensive Plan.*

The subject site is composed of the 40,132 s.f. being designated residential by referendum and will be added to 5,020 s.f. of already zoned residential R-3MX lands being included in the petition for rezone to RMX-4.

3. *Does the subject parcel contain any plant or animal species with special status, or rare threatened or endangered species of special concern? (e.g. Mangrove, Gopher Tortoise, Scrub Jay, Indigo Snake, Bald Eagle, Florida Coontie).*

There is no plant or animal species with special status, or rare threatened or endangered species of special concern. The entire site is a man altered developed site.

4. *Environment. Please check ALL habitats found on the property.*

<input type="checkbox"/> Canal (fresh water)	<input type="checkbox"/> Mangrove Swamp
<input type="checkbox"/> Canal (salt water)	<input type="checkbox"/> Marshes and Sloughs
<input type="checkbox"/> Coastal Hammock	<input type="checkbox"/> Coastal Streams
<input type="checkbox"/> Scubby Flatwoods	<input checked="" type="checkbox"/> Other (explain) Developed Site
<input type="checkbox"/> Indian Mounds	

5. *How will species or habitats be protected or managed?*

N/A

F. *Concurrency. An analysis of all applicable Level of Service (LOS) elements in the Town's Comprehensive Plan. Analysis shall indicate how the proposed development will impact the Town's Infrastructure. Analysis shall include, but not be limited to: Schools, Transportation, Potable Water, Sanitary Sewer, Solid Waste, Recreation and Open Space and Drainage.*

The Small Area Plan Amendment and Rezone from commercial to residential where the property is proposed to support four residential homes will likely reduce impacts from what could be developed commercially on the property if a commercial enterprise could be supported. Water and sewer will be reduced to approximately 1,000 gallons per day for water service and 800 gallons per day for sewer. The solid waste will be significantly reduced from a potential commercial business to residential service. The traffic on Gulf of Mexico Drive will be significantly reduced according to the ITE Trip Manual to approximately 40 daily trips with a peak hour impact of only 4 trips. Drainage will likely be improved with permitted drainage plans and landscaping for residential structures with far less impervious area than commercial parking

lots and buildings.

There may be a slight impact to schools and recreation open space requirements as four new residences may generate school age children. Longboat Key is largely a retirement community with many of the residents being seasonal empty-nesters. There will not be a restriction on the age for potential buyers and therefore full time families are a possibility, although a small likelihood, based on historical trends. However, the rest of this parcel of land within the Cedar Woodlands Subdivision is extremely low density with an acre of wetlands retained with only two dwellings in 2 and ½ acres.

G. Identification of any capital Improvements necessary to maintain the adopted LOS.

There will be no Capital Improvements necessary to maintain adopted LOS.

H. Utilities.

- 1. Provide a letter from the Public Works Department stating that there is adequate capacity to serve the property utilizing the most intense allowable land use under the proposed zoning district. If insufficient utility capacity is determined, describe how adequate capacity will be provided.*

Attached is a letter from the Utility Director Mr. Juan Florensa stating that there is sufficient capacity to serve the four proposed units for water sewer and solid waste.

- 2. Fire Hydrant _____ feet.*

There is an existing 8 inch back flow preventer 200 feet north of the property located along GMD. There is also a Hydrant located south along GMD Drive in front of the Center Shops, 285 feet from the site. There is a hydrant located 75 feet from the site on Sandhamn Place with a gate for fire access to the property.

- I. Is there any known Historical or Archeological sites on the property?*

There are no known Historical or Archeological sites on the property.

- J. In which FEMA flood zone is the property located.*

According to Community Panel No.125126 0001-0010, May 1992 the subject property is A-13 zone Base elevation 11 requiring a finished floor of 12 feet by the Town above mean high sea level to qualify for flood insurance.

- K. Is the property subject to localized flooding or standing water? If so, please describe the on-site and off site impacts.*

There is no record of structure flooding for the subject property based on review of Structure flood insurance reporting.

- L. What is the hurricane storm surge Category?*

The site is not located in a Storm surge category, however the entire Island is within a Coastal High Hazard Area Designation.

M. Hurricane evacuation information based on the proposed amendment, considering the number of persons requiring evacuation, availability of hurricane shelter spaces and evacuation routes.

The Hurricane evacuation route is Gulf of Mexico Drive to Cortez Road, (State Road 70) east to I-75. The residential homes being proposed would require shelter space or have to be evacuated in a hurricane event. The number of persons who would reside in the four proposed homes is not known at this time. Per Chapter 163-3173(12) the evacuation time for the addition of four units will not materially affect the model which the Southwest Florida Regional Planning Council, (SWFRPC), maintains for evacuation within 16 hours out of the County. Although the 9J Rules do not have a provision for DeMinimus impacts, according to Mr. Dan Trescott of the SWFRPC the outputs in the model for four residential units would be DeMinimus. (See Attachment III /Additional Information- page 23 from Mr. Dan Trescott, Planning Director of the Southwest Florida Regional Planning Council).

ADDITIONAL INFORMATION

- Attachment I is a copy of the Referendum language which was voted on in November, 6 2012 by the electors of the Town of Longboat Key.
- Attachment II is a copy of the Concurrency analysis by the Public Works Director for the proposed two residential units on the subject Parcel.
- Attachment III –Letter From Southwest Florida Regional Planning Council Hurricane Evacuation

ADDITIONAL ZONING INFORMATION

Description of Activity

The proposed rezoning is to allow single family residential development on Lot One and a portion of Tract A of Cedar Woodlands Subdivision, totaling 45,150 s.f.

The zoning request is R-4MX Residential Mixed with 4 DU/acre density limitation. The bulk requirements for R-4MX are as follows:

Minimum Lot Area	10,000 s.f.
Lot Minimum Width	100 feet
Lot Minimum Depth	100 feet
Maximum Gross Density	6 DU/AC
Minimum Street Yard	20 feet
Minimum Side Yard	20' combined/8' min.
Bulk Minimum Floor Area	1,600 s.f.

Minimum Rear Yard	20 feet
Bulk Maximum Height	2 story/30 feet above 9' elevation
Bulk Max coverage	30 %

The subject property is .9+/- acres or 40,130 square feet. Physically the C-1 converted lot can only support three residences meeting the density and bulk requirements under the requested zoning. We are requesting R-4MX zoning to be more consistent with existing land use patterns in the immediate area. This would allow four units on the subject site with addition of the 5,020 s.f. land area of Tract A already zoned residential included in the R-4MX rezone. See the attached Proposed Subdivision Map which is submitted only to indicate what the town will be considering for zoning is in fact possible to situate on the property, the four lots meet or exceed all of the bulk and density requirements listed above.

Analysis of Coastal Impacts

The rezone which will allow residential structures to occupy the property will actually aid in the quality of pre treated runoff from the area into the coastal drainage basin. The reason for this is that if the property were developed under commercial standards the impervious area would be far greater than four residential structures with landscaping and lawn areas and would have approved drainage plans at the time of building permit. When the lots are converted to residential structures the building coverage will be less, the impervious area will be less and the yard areas will likely be grassed which will help pre-treat and clean runoff prior to discharge.

By creating residential units on the island an analysis of Hurricane Evacuation is required. The Hurricane evacuation route is Gulf of Mexico Drive to Cortez Road, (State Road 70) east to I-75. The residential homes being proposed would require shelter space or have to be evacuated in a hurricane event. The number of persons who would reside in the four proposed units is not known at this time, but likely to be 10 or less with at least 2 or more of the units being vacation /seasonal residences.. Per Chapter 163-3173(12) the evacuation time for the addition of four homes will meet the 16 hour criteria. The SWFRPC maintains a model based on an evacuation Study and added the potential four homes into the model. The evacuation times were not significantly impacted. (See attached Memo from Mr. Dan Trescott at the Southwest Florida Regional Planning Council).

ZONING CONSISTENCY

As stated above the requested zoning is R-4MX which would be consistent with the intense zoning districts adjacent to the site north and south, plus the intensity of GMD

frontage. Three of the proposed four units for the subject parcel will be accessed from an access easement which runs along the north side of the property. The fourth will have direct access onto GMD. We have produced a potential Subdivision Plan based on four units which would meet the minimum bulk and density criteria under R-4MX zoning.

EXISTING NON-CONFORMITIES

The existing site has no non-conformities existing on it.

ORDINANCE 2012-14

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY AT THE NEXT GENERAL ELECTION FOR THE PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW FOR A CHANGE IN DENSITY AND INTENSITIES TO ALLOW FOR RESIDENTIAL USES WITH A MAXIMUM OF SIX (6) RESIDENTIAL DWELLING UNITS PER ACRE AT THE PROPERTY LOCATED AT 5440 GULF OF MEXICO DRIVE; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 22 (b), of the Town Charter, does not permit an increase in the allowable density, as established by the March 12, 1984, Comprehensive Plan, without the referendum approval of the electors of Longboat Key; and

WHEREAS, the property located at 5440 Gulf of Mexico Drive is currently zoned C-1, Limited Commercial; and

WHEREAS, the C-1, Limited Commercial, zoning designation does not have assigned residential density; and

WHEREAS, Peter M. Dailey, acting as the agent for the property owner of the property located at 5440 Gulf of Mexico Drive, appeared before the Town Commission at the May 24, 2012, Regular Workshop Meeting, requesting the Commission place a referendum question in November, 2012, before the electors of the Town, rather than obtain the requisite number of signatures to require such referendum, to allow residential density for the property not to exceed six (6) dwelling units per acre; and

WHEREAS, the Town Commission, as an accommodation to Mr. Dailey to put the question on the ballot and not as an endorsement of the proposal, wishes to place before the qualified electors of the Town of Longboat Key at the next General Election in November, 2012, the provision contained herein to allow the Town to consider a change in density to allow the property located at 5440 Gulf of Mexico Drive, currently zoned C-1, Limited Commercial, to be assigned residential density not to exceed six (6) dwelling units per acre.

WHEREAS, the Town will address the merits of this proposal at a later date.

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

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

SECTION 2. The proposed change in density shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on

November 6, 2012, or at such other time for the General Election of the Town of Longboat Key as established by law.

SECTION 3. A ballot question shall be placed before the qualified electors substantially in the following form, which shall be printed on the ballot:

**OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
DENSITY REFERENDUM
NOVEMBER 6, 2012
REFERENDUM QUESTION:**

May the Town allow conversion to residential use, with a maximum of six (6) dwelling units per acre, the property located at 5440 Gulf of Mexico Drive (currently zoned C-1, Limited Commercial), comprising approximately 0.76-acre legally described as Lot C-1 of Plat for Cedar Woodlands Subdivision, a replat of Lot 22, Subdivision on Longboat Key, as recorded in Plat Book 7, Page 16, Public Records of Manatee County, Florida.

_____ YES
_____ NO

SECTION 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote for adoption of the proposed modification to the Town's density, said modification shall become effective at 12:01 a.m. on the day following the day of the Commission's canvass of the referendum results. If a majority of the qualified electors of the Town of Longboat Key actually voting on said question vote against the adoption of the proposed modification, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density and Comprehensive Plan of the Town of Longboat Key shall remain in full force and effect.

SECTION 5. The laws and ordinances in effect in the Town of Longboat Key at the time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.

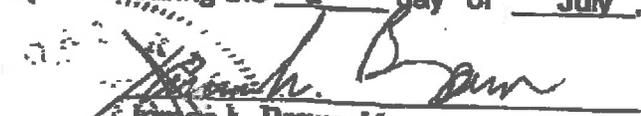
SECTION 6. This Ordinance shall take effect upon second reading and adoption.

Passed on the first reading the 4th day of June, 2012.

Adopted on the second reading and public hearing the 2nd day of July, 2012.

ATTEST:

Trish Granger, Town Clerk


James L. Brown, Mayor

COMMITTEE REPORTS AND COMMUNICATIONS - Continued

B. Planning, Zoning, and Building

Commr. Zunz noted a recent meeting with Mr. Mike Aldred representing the owner of the vacant Chevron gasoline station on the North end of Longboat Key and reviewed the issues discussed, noting that Mr. Aldred would get in touch with the Town on options for improvements. (See item later this meeting.)

C. Organizations

Vice Mayor Brenner noted attendance at the Sarasota County Tourist Development Council Strategic Planning Workshop on November 15, 2012, and reviewed the issues discussed and the future "mini" workshops to be held.

D. Organizations

Vice Mayor Brenner noted attendance, with Town Manager Dave Bullock, at the Manatee County Economic Development Corporation "Branding Kick-Off" event.

E. Organizations

Commr. Larson noted attendance at a Joint Management Board Meeting of the Sarasota Bay Estuary Program with the Tampa Bay Estuary Program and the Charlotte Harbor National Estuary Program organizations and reviewed the issues discussed relating to funding from the BP Oil Company fines.

F. Town Commission

Commr. Larson thanked the Commission and the community for their support of the recent Kiwanis sponsored event held in November 2012.

B. Planning, Zoning, and Building - Continued

Commr. Duncan commented on the efforts of Commr. Zunz and suggested that the Town Manager pursue meetings between property owners and Town staff that might not be specific Code violations but would improve the visual impact to the community.

Commr. Zunz noted that Vice Mayor Brenner made initial contact with the property owner's representative.

CONSENT AGENDA

3. Election Results of Special Referenda

On July 2, 2012, the Town Commission adopted Ordinances 2012-14 and 2012-15 to allow for the placement of two referendum questions on the November 6, 2012, General Election Ballot for the purpose of determining whether the Town's Comprehensive Plan may be amended to allow for changes in density and intensity for two properties. Ordinance 2012-14 provided for residential uses with a maximum of six residential dwelling units per acre at 5440 Gulf of Mexico Drive. Ordinance 2012-15 provided for residential uses with a maximum of six residential dwelling units per acre at 521 Broadway Street.

CONSENT AGENDA - Continued

3. Election Results of Special Referenda - Continued

Both Manatee and Sarasota County Supervisors of Election have certified the election results as follows: Referendum 1 for 5440 Gulf of Mexico Drive: In favor: 2,999 votes, Opposed: 1,559 votes; Referendum 2 for 521 Broadway Street: In favor: 3,039 votes, Opposed: 1,531 votes. Both referendum questions were passed by the registered electors who voted on the issues. Recommended Action: Approval of the Consent Agenda will confirm the Commission's canvassing of the returns and declaring the results of the election as submitted by the Supervisor of Elections offices.

There was consensus to approve the Consent Agenda in accordance with Staff's report and recommendation as presented.

ORDINANCES - FIRST READING

4. Ordinance 2012-23, Amending Chapter 30, Meetings

At the November 5, 2012, Regular Meeting, the Town Commission adopted the 2013 Town Commission Meeting Schedule. Ordinance 2012-23, amending Chapter 30 to provide for the change to scheduled workshop meetings was considered at the November 12, 2012, Regular Workshop Meeting and forwarded to the December 3, 2012, Regular Meeting for first reading. Ordinance 2012-23 also incorporates amendments to the agenda material preparation requirements and clarifies addressing the Commission. Recommended Action: Pending first reading, and discussion, forward to January 7, 2013, Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2012-23 on record by title only.

Commr. Zunz moved to pass Ordinance 2012-23 on first reading and to forward to the January 7, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger. Following comments, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Gans, aye; Larson, aye; Duncan, aye; Brenner, aye; Brown, aye.

ORDINANCES - SECOND READING AND PUBLIC HEARING

5. Ordinance 2012-28, Budget Transfer in the Amount of \$40,000 for Completion of Linley Street Boat Ramp

The Linley Street public boat ramp is a 30-year old Town-owned facility and is the only public boat ramp located within the Town. The Town submitted for, and received, \$31,000 in West Coast Inland Navigation District (WCIND) grant funding for the boat ramp replacement project. The lowest bid received was \$76,670. Staff requested and was granted, additional WCIND project funding assistance in the amount of \$20,000. Ordinance 2012-28 provides for the required budget transfer to amend the FY 2012-13 Budget and appropriately fund the boat ramp project. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2012-28.

Town Clerk Trish Granger placed Ordinance 2012-28 on record for second reading and public hearing by title only.

**Town Commission
Regular Meeting Minutes**

December 3, 2012

ADJOURNMENT

Mayor Brown adjourned the December 3, 2012, Regular Meeting at 8:54 p.m.

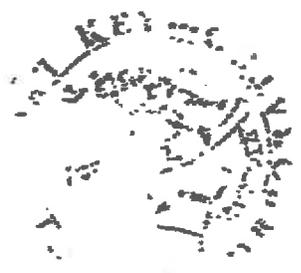


Trish Granger, Town Clerk



James L. Brown, Mayor

Minutes Approved: 1-1-13





TOWN OF
Longboat Key

Incorporated November 14, 1955

Public Works Department
600 General Harris Street
Longboat Key FL 34228
(941) 316-1988
FAX (941) 316-1984
www.longboatkey.org

April 4, 2013

Mr. Peter M. Dailey
Dailey Design Group, Inc.
1763 Riviera Circle
Sarasota FL 34232

Re: 5440 Gulf of Mexico Drive – Rezoning and Comprehensive Plan Amendment

Dear Mr. Dailey,

You have filed an application for a Rezoning and Comprehensive Plan Amendment for the referenced property. This application seeks to change the Future Land Use Map in the Town's Comprehensive Plan from *Limited Commercial* to *RH-6 High Density SF/Mixed Residential* to allow four 100' x 100' residential units on the subject parcel.

Please consider this letter as confirmation that the proposed change will have a "diminimus" impact on our utility, stormwater and transportation systems.

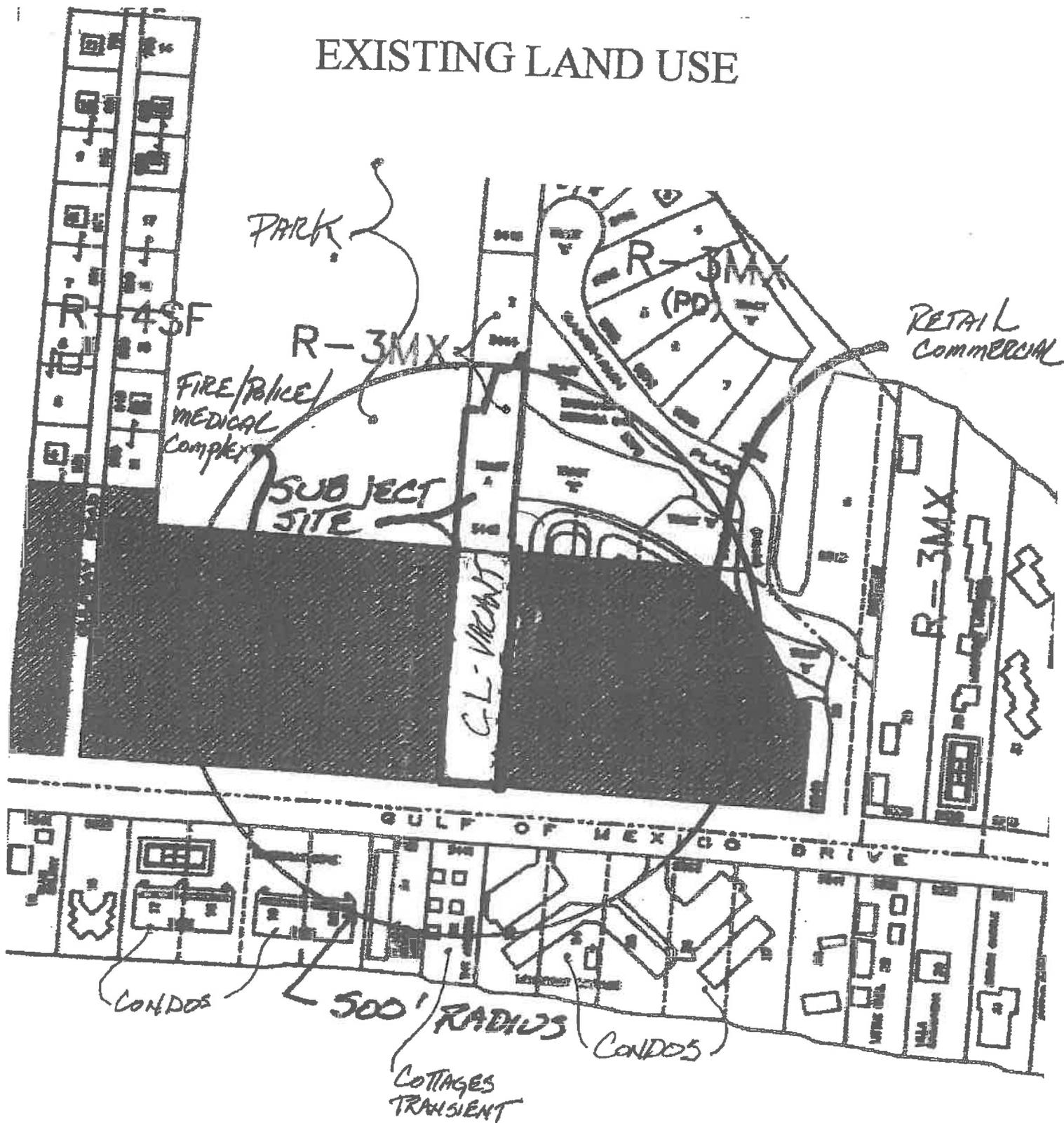
If you have any questions, please contact me.

Sincerely,

Juan J Florensa
Public Works Director

c. Robin D. Meyer, AICP, PZB Director

EXISTING LAND USE



- IP PLANNED DEVELOPMENT 1.00 TO 5.00 ACRES
- OS-A OPEN SPACE (SOME CITY LOCATIONS) (EXHIBITION)
- OS-B OPEN SPACE (SOME CITY LOCATIONS) (RECREATION)
- OS-C OPEN SPACE (CONSERVATION) (EXHIBITION)
- RL-1 LOW DENSITY RESIDENTIAL 1.00 TO 2.00 ACRES
- RL-2 LOW DENSITY RESIDENTIAL 2.00 TO 4.00 ACRES
- RM-3 MED. DENSITY MIXED RESIDENTIAL 3.00 TO 4.00 ACRES
- RM-4 MED. DENSITY MIXED RESIDENTIAL 4.00 TO 6.00 ACRES
- RH-6 HIGH DENSITY MIXED RESIDENTIAL 6.00 TO 10.00 ACRES
- PD PLANNED DEVELOPMENT 1.00 TO 5.00 ACRES

- CC COMMERCIAL CENTER 1.00 TO 5.00 ACRES
- CD COMMERCIAL DISTRICT 1.00 TO 5.00 ACRES
- CE COMMERCIAL EXHIBITION 1.00 TO 5.00 ACRES
- CF COMMERCIAL FINANCIAL 1.00 TO 5.00 ACRES
- CG COMMERCIAL GENERAL 1.00 TO 5.00 ACRES
- CH COMMERCIAL HIGH DENSITY 1.00 TO 5.00 ACRES
- CI COMMERCIAL INDUSTRIAL 1.00 TO 5.00 ACRES
- CJ COMMERCIAL JOURNALISM 1.00 TO 5.00 ACRES
- CK COMMERCIAL KITCHEN 1.00 TO 5.00 ACRES
- CL COMMERCIAL LEGAL 1.00 TO 5.00 ACRES
- CM COMMERCIAL MEDICAL 1.00 TO 5.00 ACRES
- CN COMMERCIAL NEWS 1.00 TO 5.00 ACRES
- CO COMMERCIAL OFFICE 1.00 TO 5.00 ACRES
- CP COMMERCIAL PUBLIC 1.00 TO 5.00 ACRES
- CQ COMMERCIAL QUARTERS 1.00 TO 5.00 ACRES
- CR COMMERCIAL RECREATION 1.00 TO 5.00 ACRES
- CS COMMERCIAL SERVICE 1.00 TO 5.00 ACRES
- CT COMMERCIAL TECHNICAL 1.00 TO 5.00 ACRES
- CU COMMERCIAL UNIVERSITY 1.00 TO 5.00 ACRES
- CV COMMERCIAL VENTURE 1.00 TO 5.00 ACRES
- CW COMMERCIAL WORK 1.00 TO 5.00 ACRES
- CX COMMERCIAL XMAS 1.00 TO 5.00 ACRES
- CY COMMERCIAL YOUTH 1.00 TO 5.00 ACRES
- CZ COMMERCIAL ZOO 1.00 TO 5.00 ACRES

EXISTING ZONING

C-1

TOWN OF LONGBOAT KEY FLORIDA

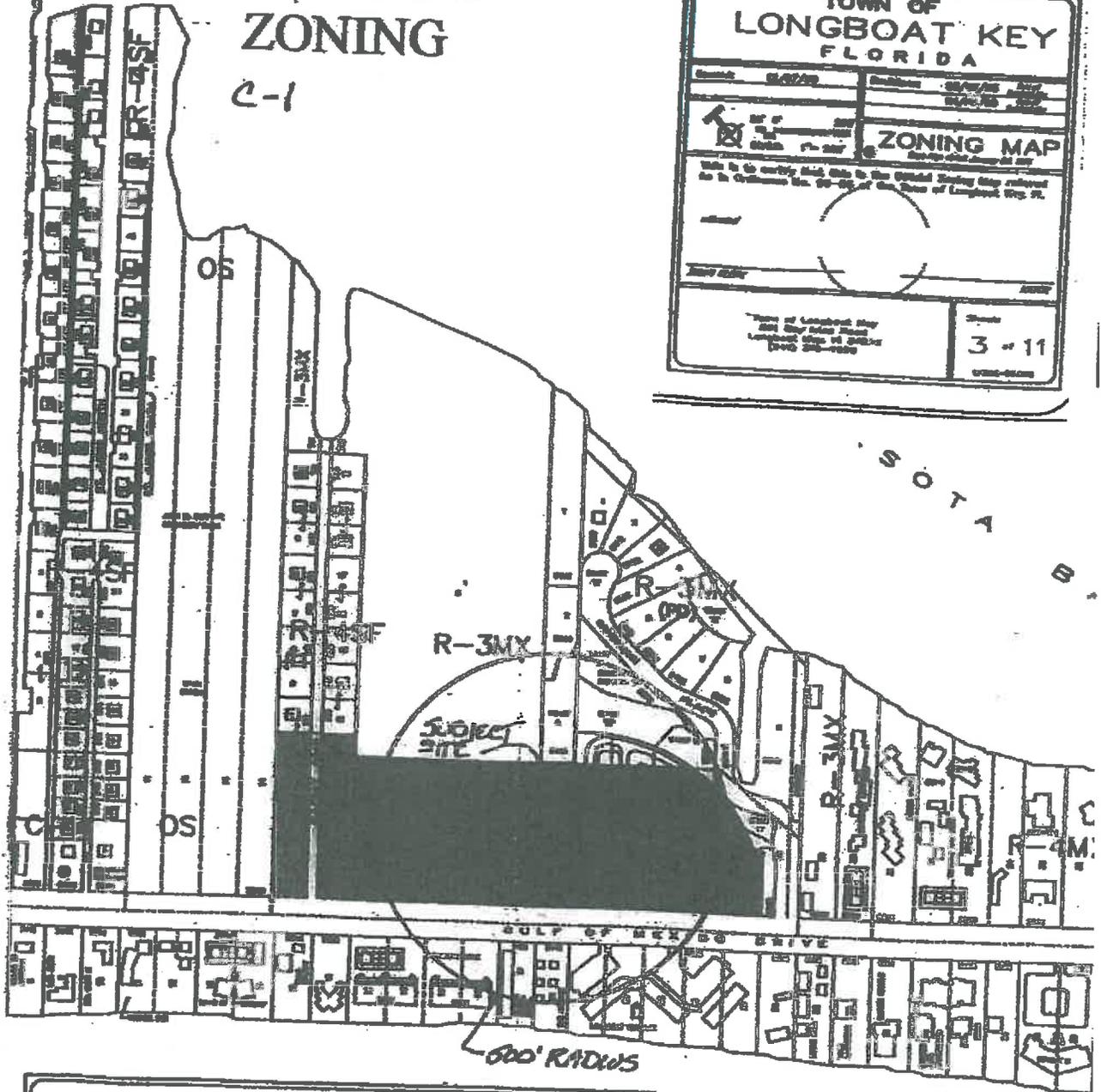
Date: 02/27/02 Title: ZONING MAP Prepared by: [Signature]	Revision: 02/27/02 Date: 02/27/02 Prepared by: [Signature]
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ZONING MAP
Map No. 02-02-00001

This is to certify that this is the Official Zoning Map referred to in Ordinance No. 02-02 of the Town of Longboat Key, FL.



Town of Longboat Key 200 Bay Vista Place Longboat Key, FL 34958 Phone: 339-236-1234	Date: 3-11 0200-0200
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ZONING LEGEND																																											
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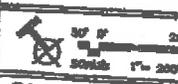
23

PROPOSED ZONING

R-4MX

**TOWN OF
LONGBOAT KEY
FLORIDA**

Adopted: 12/07/05	Revised: 03/07/06
	05/05/06



Scale: 1" = 200'

ZONING MAP

Map last revised 05/05/06

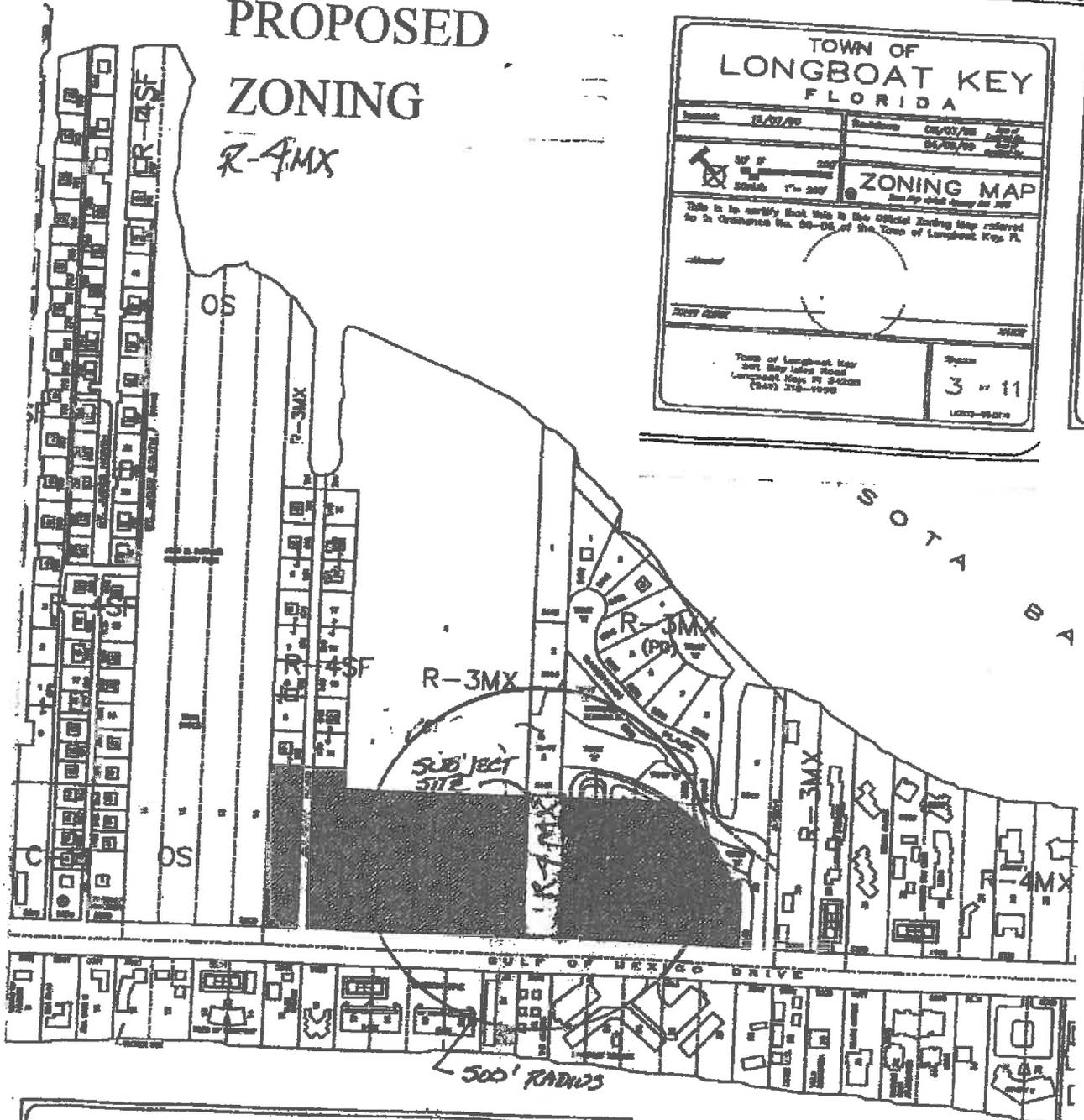
This is to certify that this is the Official Zoning Map referred to in Ordinance No. 05-06 of the Town of Longboat Key, FL.

DATE: _____

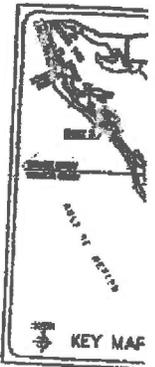
BY: _____

Scale: **3" = 11'**

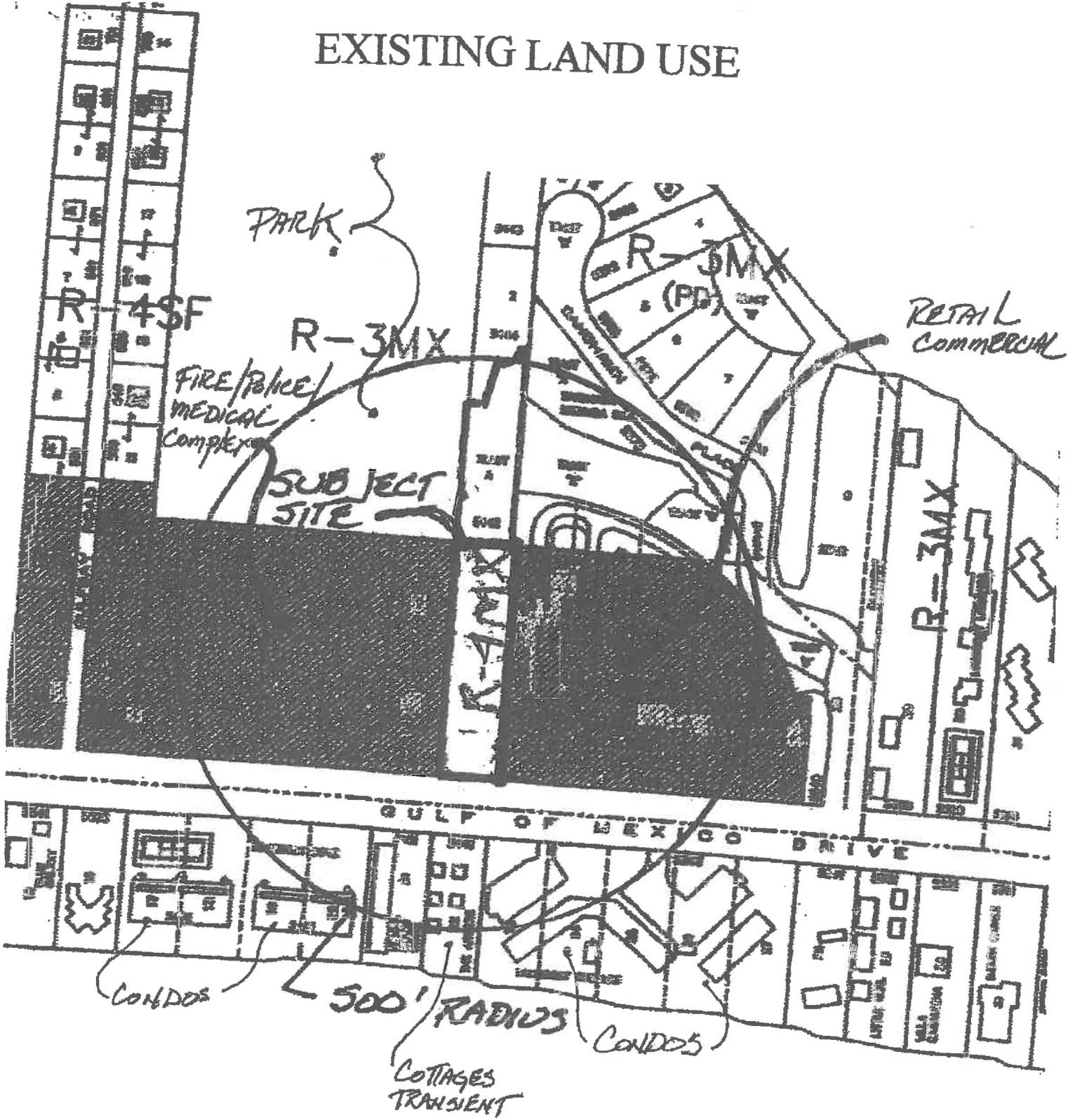
LD03-05070



ZONING LEGEND	
<p>OS Open Space District</p> <p>INS Community Facility Institutional District</p> <p>R-1IP Island Primary Residential District (1 D.U./A.)</p> <p>R-1SF Single-Family Low Density Single-Family District (1 D.U./A.)</p> <p>R-2SF Single-Family Low Density Residential District (2 D.U./A.)</p> <p>R-3SF Single-Family Low-Medium Density Residential District (3 D.U./A.)</p> <p>R-4SF Single-Family Medium Density Residential District (4 D.U./A.)</p> <p>R-6SF Single-Family High Density Residential District (6 D.U./A.)</p> <p>R-3MX Low-Medium Density Mixed Residential District (3 D.U./A.)</p> <p>R-4MX High Density Mixed Residential District (4 D.U./A.)</p> <p>R-6MX High Density Mixed Residential District (6 D.U./A.)</p>	<p>PD Planned Development District (1.5 D.U./A.)</p> <p>GPD Out Planned Development District (1.5 D.U./A.)</p> <p>NPD Neighbored Planned Development District (1.5 D.U./A.)</p> <p>C-1 Limited Commercial District</p> <p>C-2 General Commercial District</p> <p>C-3 Highway Oriented Commercial District</p> <p>M-1 Marina Commercial Drive District</p> <p>O-1 Office Institutional District</p> <p>T-3 Low-Medium Density Tourist Front Commercial District (3 D.U./A.)</p> <p>T-6 High-Density Tourist Front Commercial District (6 D.U./A.)</p>



EXISTING LAND USE



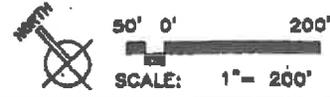
Symbol	LAND USE	DU/S ACRE	Symbol	LAND USE	DU/S ACRE
[IP]	PLANNED DEVELOPMENT	5.00 DU/S ACRE	[R-3MX]	RESIDENTIAL MEDIUM DENSITY	3.00 DU/S ACRE
[OS-A]	OPEN SPACE	0.50 DU/S ACRE	[R-4MX]	RESIDENTIAL MEDIUM DENSITY	4.00 DU/S ACRE
[OS-B]	OPEN SPACE	0.50 DU/S ACRE	[R-4SF]	RESIDENTIAL MEDIUM DENSITY	4.00 DU/S ACRE
[OS-C]	OPEN SPACE	CONSERVATION (1.00 DU/S ACRE)	[PD]	PLANNED DEVELOPMENT	5.00 DU/S ACRE
[RL-1]	LOW DENSITY RESIDENTIAL	1.00 DU/S ACRE	[COTTAGES TRANSIENT]	COTTAGES TRANSIENT	1.00 DU/S ACRE
[RL-2]	LOW DENSITY RESIDENTIAL	2.00 DU/S ACRE	[CONDOS]	CONDOS	1.00 DU/S ACRE
[RM-3]	MED DENSITY MIXED RESIDENTIAL	3.00 DU/S ACRE			
[RM-4]	MED DENSITY MIXED RESIDENTIAL	4.00 DU/S ACRE			
[RH-6]	HIGH DENSITY MIXED RESIDENTIAL	6.00 DU/S ACRE			
[PD]	PLANNED DEVELOPMENT	5.00 DU/S ACRE			

FUTURE LAND USE LEGEND

- IP ISLAND PRESERVE 1 DU/5 ACRES
- OS-A OPEN SPACE - ACTIVE (◊ LOCATIONS, SEE EXHIBIT "A")
- OS-B OPEN SPACE - PASSIVE (◊ LOCATIONS, SEE EXHIBIT "A")
- OS-C OPEN SPACE - CONSERVATION (◊ LOCATIONS, SEE EXHIBIT "A")
- RL-1 LOW DENSITY SF RESIDENTIAL: 1 DU/ACRE
- RL-2 LOW DENSITY SF RESIDENTIAL: 2 DU/ACRE
- RM-3 MED. DENSITY SF/MIXED RESIDENTIAL: 3 DU/ACRE
- RM-4 MED. DENSITY SF/MIXED RESIDENTIAL: 4 DU/ACRE
- RH-6 HIGH DENSITY SF/MIXED RESIDENTIAL: 8 DU/ACRE
- PD PLANNED DEVELOPMENT: 3.26 DU/ACRE
- GPD GULF PLANNED DEVELOPMENT 5.05 DU/ACRE
- NPD NEGOTIATED PLANNED DEVELOPMENT: 11.26 DU/ACRE
- OI OFFICE INSTITUTIONAL
- CL LIMITED COMMERCIAL
- CG GENERAL COMMERCIAL
- CH HIGHWAY COMMERCIAL
- MCS MARINE COMMERCIAL SERVICE
- INS INSTITUTIONAL
- TRC-3 MED. DENSITY TOURIST RESORT/COMMERCIAL: 3 TU/ACRE
- TRC-6 HIGH DENSITY TOURIST RESORT/COMMERCIAL: 6 TU/ACRE

A S O T A

TOWN OF
LONGBOAT KEY
FLORIDA



FUTURE LAND
USE MAP

This is to certify that this is the Official Future Land Use Map of the Town of Longboat Key referred to in Ordinance No. 93-30 Adoption date: 11/2/98.

attested

TOWN CLERK

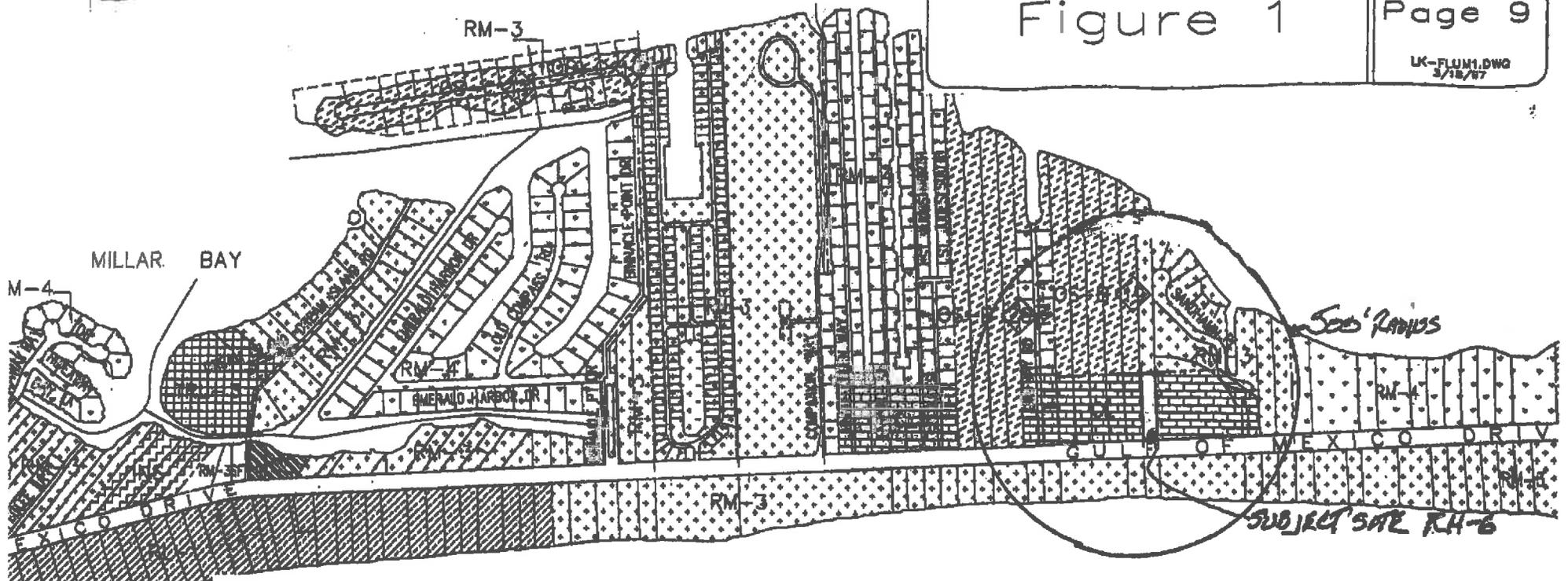
MAYOR

Figure 1

Rev. 8/17/08, Schield

Page 9

LK-FLUM1.DWG
3/18/07



PROPOSED FUTURE LAND USE PLAN

22



Manatee County

STING
CORETE
EWALK

GULF OF MEXICO DRIVE

SCALE: 1" = 50'

PROPOSED
R+MX

ASPHALT DRIVE
ON R.O.W.

25' DRIVEWAY
EASEMENT

LOT 1
110x100
ft. easement

LOT 2
100x100
LOT C-1

LOT 3
100x100
ft. easement

LOT 4
100x100
ft. easement

FRONT
20'

25' DRIVEWAY EASEMENT

8'

15' SHELL DRIVE

2'

SLOPE

6" COMPACTED SHELL

8" COMPACTED SUB-BASE
98% MODIFIED PROCTOR

SECTION A-A

DEVELOPER HAS OPTION
OF ADDING 1" ASPHALT ON 6"
COMPACTED SHELL BASE

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End of Agenda Item