MEMORANDUM

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 2014-19, Small Scale Comprehensive Plan Amendment, 521 Broadway Street

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First America Bank, through their agent Peter Dailey, requests consideration of a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway to amend the Future Land Use designation from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6), limited to two (2) dwelling units.

The Planning and Zoning Board recommended approval of the Small Scale Comprehensive Plan Amendment at their May 27, 2014 meeting.

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

Attachments:
Memo, P&Z Board Chair to Commission;
5-15-14 Staff Report, Planner to P&Z Board;
PowerPoint Presentation;
Draft minutes from the 5-27-14 P&Z Board Regular Meeting;
Ordinance 2014-17.

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 2014-19, 521 BROADWAY STREET, SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

During the public hearing held on May 27, 2014, the Planning and Zoning Board recommended APPROVAL of Ordinance 2014-19 to allow a Small-scale Comprehensive Plan amendment for 521 Broadway Street as requested. The specific motion from the May 27, 2014, meeting of the P&Z Board is as follows:

MR. DALY MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2014-19 ALLOWING A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR 521 BROADWAY STREET AS REQUESTED. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, NO; WILD, AYE.

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

1. Staff Report, dated 5-15-14, Planner to P&Z Board;
2. Ordinance 2014-19;
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 15, 2014

TO: Planning and Zoning Board

FROM: Briana Ozor, Planner

THROUGH: Alaina Ray, Planning, Zoning and Building Director

SUBJECT: **521 Broadway – Comprehensive Plan Amendment Ordinance 2014-19**

PROPERTY OWNER:	First America Bank
AGENT:	Peter Dailey
SITE LOCATION:	521 Broadway Street
EXISTING FLU:	CL – Limited Commercial
PROPOSED FLU:	RH-6 – High Density Single-Family/Mixed Residential
REQUEST:	The applicant requests consideration of a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway to amend the Future Land Use designation from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6), limited to two (2) dwelling units.

Summary

Staff recommends APPROVAL of Ordinance 2014-19 to designate the future land use of 521 Broadway Street as RH-6. This change will be consistent with the RH-6 future land use designation of the surrounding neighborhood.

Background

The Town adopted its first future land use map in 1984 in response to the state's first growth management act. This application is for a small area comprehensive plan amendment of 0.44 acres. The subject property consists of two (2) vacant commercial lots in the Longbeach Subdivision. The property owner seeks to convert their commercial property into a residential development with two (2) 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.

As noted by Mr. Dailey, nearby commercial businesses, such as the gas station and dental office, as well as many of the Whitney Beach Plaza shops have closed and remained closed.

The adjacent properties are mostly residential uses. A small real estate office is located west of the property at the corner of Gulf of Mexico Drive and Broadway Street. To the east is a six (6) unit apartment complex. A single family home is north of the property. Across Broadway Street to the south is a vacant gas station, a vacant Chamber of Commerce building, and single family residential homes. The overall character of the neighborhood is residential.

The Town's Charter contains a provision requiring approval by the electors of the Town in order for a request for increased density to be brought before the Town Commission. In November 2012, the electors of Longboat Key approved a referendum for the property at 521 Broadway Street to allow the property to be assigned residential density not to exceed six (6) units per acre.

During the 2013 Florida Legislative session, the Legislature approved a law prohibiting referendum for density increases, unless they affected more than five (5) parcels of land, and nullified any referenda for fewer than five (5) parcels of land that had occurred since June 1, 2011. As such, the referendum for the subject property was rendered null and void and the Town was left with no method for approving requests for density increases, based on the provision in the Town Charter.

In an effort to address the conflict between the Town's Charter provision and the Legislative action, the Town embarked on a two-pronged approach. First, the Town secured the support of representatives in both the Florida House and Senate to introduce bills to remove the five (5) or fewer parcel provision in the State Statutes, which would have the effect of reinstating the Town's Charter provision. The Town then worked with the owner of the subject property to file a "friendly" court action seeking a declaratory judgment regarding the Town's conflict between the Charter provision and the State Statute.

On April 23, 2014, Judge Janette Dunnigan entered a judgment in the Manatee County Circuit Court declaring that the Legislative action in 2013 did, in fact, render the referendum approval for the subject property null and void. However, Judge Dunnigan also ruled that Section 163.3167(8), Florida Statutes (2013), nullified the entirety of article II, section 22(b) the Town's Charter with respect to local comprehensive plan or map amendments that affect five (5) or fewer parcels. As such, Judge Dunnigan ruled that the Town Commission has the power to pass upon the density request for the subject property, without the need for a referendum.

The Florida Legislature has acted upon both the House and Senate bills and has forwarded the approved legislation to Governor Scott's desk for signature. Once the legislation is signed by the Governor, it will become law and will reinstate the Town's Charter provision concerning density increases. However, since the application regarding the subject property was received and deemed complete prior to the legislative action becoming law, the Town Commission retains the authority to act upon the request for increase in density, without a referendum.

Staff Assessment

Consistency with the Comprehensive Plan

Amendments to the Comprehensive Plan (Plan) must be consistent with the Plan and be in the best interest of the health, safety, and welfare of the citizens of Longboat Key. To facilitate the Planning and Zoning Board's review and consideration of the impact of the proposed

amendment on the Comprehensive Plan and on the health, safety, and welfare of the citizens of Longboat Key, staff provides the following assessment (in **bold**).

- **Future Land Use Element, Policy 1.1.2**: *The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which as a minimum will: (10) ensure that development orders and permits will not result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.*
    - **Development as a result of the proposed amendment will not reduce levels of service for affected public facilities.**

- **Future Land Use Element, Policy 1.1.7**: *In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.*
    - **The development of two (2) single-family residential units on the property is consistent with the surrounding neighborhood and will enhance and protect the visual and aesthetic character of the neighborhood.**

- **Future Land Use Element, Policy 1.3.1**: *The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.*
    - **The plan amendment and rezone allowing two (2) single-family residential units will meet all applicable level of service standards.**

- **Future Land Use Element, Policy 1.5.2**: *All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.*
    - **The plan amendment and change of zoning applications have followed all applicable rules and procedures.**

- **Transportation Element, Policy 1.1.1**: *The Town adopts the following peak-season, peak-hour LOS standards for each listed facility: 1) Local and collector roads – LOS C, and 2) Urban Collectors – LOS E. The peak-season adjustment factor will be determined annually through coordination with the Florida Department of Transportation (FDOT), District 1 Office.*
    - **The proposed two (2) single-family residences will not affect the adopted LOS standards. Compared to a commercial use of the property, the proposed residential use will likely contribute significantly less traffic.**

- **Transportation Element, Policy 1.1.3**: *The Town will monitor traffic growth to ensure that the adopted LOS standards are not exceeded before the approval of future additional development.*
    - **The future impacts on the Town's LOS traffic standards will likely be reduced by the plan amendment allowing for two (2) single-family residential units in place of a potential commercial structure.**

- **Conservation and Coastal Element, Objective 1.2**: *The Town will not allow wastewater, or additional direct discharges of untreated stormwater, into adjacent coastal waters from development.*

- **Permitting of wastewater and stormwater management by the proper agencies will be required in conjunction with review of building permits. Agency review and permitting will also be required for solid waste systems.**

- **Housing Element, Policy 1.3.1**: *Encourage the private sector to provide an adequate number of multi- and single-family housing units, for rental or for sale consistent with market demand and this Plan.*
  - **The plan amendment and change of zoning will allow the private sector to provide two (2) additional single-family housing units for sale or rent as the market demands.**

- **Recreation and Open Space Element, Policy 1.1.10**: *The Town will implement its parks and land acquisition regulations, as adopted in the Zoning Code, to require private land dedication or equivalent monetary value be deeded or paid to the Town for park and open space purposes.*
  - **The proposed development will be required to pay all monetary fees as part of the development approval process.**

- **Infrastructure Element, Potable Water Sub-element, Objective 1.1**: *To meet and further reduce the per-capita usage of potable water by implementing and expanding the Town's water conservation program.*
  - **The future construction of two (2) single-family residences will meet the LOS.**

- **Infrastructure Element, Wastewater Sub-element, Policy 1.1.1**: *Adopt and maintain a wastewater LOS of 109 gallons per capita per day (gpcd) in accordance with the Town's Concurrency Management System.*
  - **The future construction of two (2) single-family residences will meet the LOS.**

- **Infrastructure Element, Stormwater Sub-element, Policy 1.2.2**: *All new development will be required to incorporate stormwater management systems, consistent with applicable state, regional and local laws and regulations, into the site plan.*
  - **The future construction of two (2) single-family residences will be required to meet all applicable federal, state, and local regulations with regard to stormwater and all applicable stormwater permits will be required as part of the building permit process.**

- **Capital Improvements Element, Goal 1**: The Town adopts and maintains the following LOS standards in reviewing the impacts of development:

Wastewater	*109 gallons per capita per day (gpcd).*
Potable Water	*120 gallons per capita per day (gpcd).*
Solid Waste	*Landfill disposal rate of 4.5 pounds per day per capita compaction rate of 1200 pounds per cubic yard. The adopted LOS excludes recyclable material and yard waste.*
Stormwater	*Stormwater systems based on 25 year/24 hour frequency storms and the water quality standards*

	of Chapters 40D-4, 40 and 400, FAC of the Southwest Florida Water Management District.
Transportation	*Local and collector roads: LOS C.* *Intersections at local and collector roads: LOS D.* *Urban Collectors: LOS E.* *Intersections at Urban Collectors: LOS E.*
Recreation/Open Space	*12 acres per 1,000 peak season functional population.*
Public Transit	*Maintain transit service to the Town, at or better than levels in effect in January 2007. Public transit LOS will not be used for concurrency determinations.*

- **The proposed two (2) single-family residential units will meet all LOS standards listed above. The potential impacts to schools, transportation, recreation, and open space are di minimis (see Public Works letter). In comparison, a commercial use of the property would likely require more services, create more stormwater runoff, and have a greater impact on the transportation network.**

Compared to a commercial use of the property, a residential use with two (2) single family homes will create a much 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 Southwest Florida Regional Planning Council has written that an increase of two (2) dwelling units will have a negligible impact on the Town's hurricane evacuation times.

The proposed amendment will affect the Comprehensive Plan's Future Land Use Element Data & Analysis because the proposed reduction in commercial acreage and increase in residential acreage change the location, total acreage, and percentages designated for these uses in the Data & Analysis. Calculations will be run at the time of revision to determine if the percentages change with the gain or loss of 0.44 acres.

- **Subsection IV. B. Residential Single-Family Land Use**: This subsection currently states: "These land uses comprise approximately 605 acres* or 22.4 percent of the land area in the Town of Longboat Key."
  - The amount of acreage will need to be revised to acknowledge the additional 0.44 acres of residential property at the subject location, or "...approximately 605.5 acres..."

- **Subsection IV. D. Commercial Land Use**: This subsection currently states: "There currently are 263 acres* (approximately ten percent of total land area) of commercial land uses within the Town of Longboat Key. As described in Table 1, the majority of the commercial land uses are in the resort/tourist classification at 160.4 acres, or 5.9 percent, of the total land area. This leaves 103.5 acres*, or 3.9 percent, of the total land area remaining for general or limited commercial land uses, including office and marina uses."

- With the proposed reduction of 0.44 acres of limited commercial acreage, the first sentence will need to be revised to "approximately 262.5 acres" of commercial land uses and the third sentence will need to be revised to state "This leaves 103 acres..."

- **Table 3, Vacant Land Available For Future Dwelling Units** will need to be revised to reflect a change in the RH-6 Future Land Use category from 11.39 acres* to 11.83 acres. (Or, if Ordinance 2014-17 passes with a RM-4 designation, 10.35 to 10.79 acres.)

- **Table 4, Total Estimated Units** will need to be revised to reflect a change in the estimated single-family future units in Manatee County from 131* to 133, total future units from 136* to 138, and total estimated units 3,750* to 3,752.

- **Appendix**: **Figure 2: Existing Land Use Map** and **Figure 8: Future Land Use Map** will need to be revised to reflect the change in use from commercial to residential.

* Based on approval of Ordinance 2014-17, small area comprehensive plan amendment for 5440-5442 Gulf of Mexico Drive

Small-scale Development Activities

Staff determined that the proposed plan amendment met the criteria to be approved as a small scale development activity. Florida Statute 163.3187(1)(c)(1)(b) requires that a proposed site-specific small scale development plan amendment not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only may propose a land use change to the future land use map.

Small scale amendments provide for a shorter, less involved process than a typical comprehensive plan amendment. There is no requirement for transmittal, review, and comment by the DCA and multiple other agencies and governments before adoption. Instead, the amendment and supporting documents are adopted and sent to DCA and the local Regional Planning Council, in this case the Southwest Florida Regional Planning Council, to provide those agencies with notice of the amendment. Florida Statute 163.3187(1)(c) provides the criteria for small scale development plan amendments:

1. The proposed amendment involves 10 or fewer acres. The submitted survey showed that the property is approximately 0.44 acres.
2. The cumulative annual effect of the acreage for all small scale development amendments adopted by the town does not exceed:
    a. 120 acres of specific types of areas listed in F.S. 163.3187(1)(c)(1)(b)(I).
    b. A maximum of 80 acres in the town that does not contain any of the designated areas set forth in F.S. 163.3187(1)(c)(1.)(b.)(I).
    c. A maximum of 120 acres in a county established pursuant to s. 9, Art, VIII of the State Constitution.

3. The proposed amendment does not involve the same property granted a change within the prior 12 months.
4. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior twelve months.
5. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.
6. The property that is the subject of the proposed amendment is not located within an area of critical state concern.
7. The proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential allowable under the existing future land use category subject to certain specific types of land uses, which are not applicable to the proposed land use.

Site-specific Conditions

Staff finds that the proposed amendment meets the above criteria. The proposed amendment will maintain the character of the Town, have negligible impact on Town services and the environment, and be in harmony with the Town Code. The proposed change in future land use is consistent with the Comprehensive Plan and is not detrimental to public welfare. The proposed residential future land use is in keeping with the character of the surrounding neighborhood and will help promote infill of vacant, unproductive lots.

Future Development Opportunities

The applicant confirms and stipulates that the maximum number of single-family residential structures that would be built on the property is two (2). The ordinance, which will be recorded, limits the property to the development of a maximum of two (2) single-family dwelling units.

Staff Recommendation

Based on the above assessment, staff recommends APPROVAL of the request by the applicant for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway to amend the Future Land Use designation from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6), limited to two (2) dwelling units.

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 2014-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING THE PROPOSED AMENDMENT TO THE 2007 COMPREHENSIVE PLAN OF THE TOWN OF LONGBOAT KEY, AS AMENDED, PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM LIMITED COMMERCIAL (CL) TO HIGH DENSITY SINGLE-FAMILY/MIXED RESIDENTIAL (RH-6) FOR PROPERTY CONSISTING OF APPROXIMATELY 0.44 ACRES LOCATED AT 521 BROADWAY STREET PURSUANT TO THE REQUIREMENTS OF SECTION 163.3187(1)(C), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161 through 163.3215, Florida Statutes), authorizes and requires the Town of Longboat Key to adopt and maintain a Comprehensive Plan in accordance with the Act; and

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, titled "Process for adoption of comprehensive plan or plan amendment," and "Amendment of adopted comprehensive plan," respectively, empowers the local government to develop and adopt comprehensive plan amendments; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, empowers local governments to adopt small scale development amendments that do not require review by the state land planning agency for compliance with the Act; and

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

WHEREAS, the applicant, First America Bank, submitted an application for a small area comprehensive plan amendment to change the future land use designation of certain real property located at 521 Broadway Street (hereinafter the "Property"); and

WHEREAS, the applicant requests approval of its application to change the future land use designation of said Property from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6); and

WHEREAS, the Town of Longboat Key Planning and Zoning Board, at a duly noticed public hearing on May 27, 2014, considered the proposed comprehensive plan amendment relating to the above referenced Property; and

WHEREAS, the Planning and Zoning Board voted to recommend approval of the proposed comprehensive plan amendment relating to the above referenced Property, forwarding the same to the Town Commission for their review and approval; and

WHEREAS, the Town Commission of the Town of Longboat Key, at a duly noticed public hearing on _____, 2014, considered the proposed comprehensive plan amendment relating to the above referenced Property; and

WHEREAS, the Town Commission finds that the proposed comprehensive plan amendment for the Property meets all criteria for adoption as a small scale development plan amendment under Section 163.3187(1)(c), Florida Statutes; and

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

WHEREAS, the Town Commission of the Town of Longboat Key finds that the proposed comprehensive plan amendment is in the best interest of the Town and consistent with the Town's Comprehensive Plan.

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

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

SECTION 2. The Town of Longboat Key Future Land Use Map is hereby amended for approximately 0.44 located at 521 Broadway Street, Longboat Key, Florida 34228 (Lots 33 and 34, Block 22, Long Beach) from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6).

SECTION 3. The maximum allowed density of the Property shall be limited to six dwelling units per acre.

SECTION 4. 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 7, the validity of the remaining portions of this Ordinance shall not be affected.

SECTION 5. All ordinances and parts of ordinances in conflict herewith shall be and the same are herby repealed.

SECTION 6. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

SECTION 7. 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 2014-19

Small Area Comprehensive Plan Amendment

521 Broadway Street

Town Commission

Special Meeting

June 16, 2014

TOWN OF LONGBOAT KEY

Ordinance 2014-19

Proposes to change the future land use designation of 521 Broadway Street from Limited Commercial (CL) to High Density Single Family/Mixed Residential (RH-6).

TOWN OF LONGBOAT KEY

Location Map

Street view from Broadway

Street view from Broadway

Eastern property line

Street view from Palm Ave

TOWN OF LONGBOAT KEY

Street view from Palm Ave

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 3
ORDINANCE 2014-19, 521 BROADWAY STREET
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

Pursuant to published notice, the public hearing was opened.

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

- The applicant has been unable to utilize the commercial property and wished to build two single-family homes on the lot
- The request would be consistent with the Comprehensive Plan
- Would have negligible impact on Town services
- Was in keeping with the residential character of the surrounding area

Mr. Hixon discussed the waterway near Broadway Street noting that people used to be able to kayak under it and asked if anyone had looked at that issue. He commented that as long as there was no concern with quality of the water on each side, he did not have a problem. Ms. Ray responded the Public Works Department has looked at the area over the years, and there were no current discussions of opening the area; anything done would need to be done underground. Mr. Hixon asked if there was an advantage to opening up the area. Ms. Ray noted there were both advantages and disadvantages, but it was an issue for Public Works. Ms. Ray continued discussing the location and the surrounding facilities. Mr. Garner questioned if the request would interfere with the Whitney Beach Overlay District. Ms. Ray replied no.

Peter Dailey, agent representing First America Bank, explained that due to changing demographics and the economics, the commercial on the north end has not worked, and the conversion would add residences and Ad Valorem taxes for the community. He pointed out there was residential to the east, north, and south of the site, and the site was limited to two residences due to its size.

Patricia Zunz, Lands End Drive, discussed the Whitney Beach Overlay District, commenting that it was her recollection it was going to incorporate residential. She did not believe the request would have an impact on the overlay district.

MR. DALY MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2014-19 ALLOWING A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR 521 BROADWAY STREET AS REQUESTED. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, NO; WILD, AYE.

SMALL AREA COMPREHENSIVE PLAN AMENDMENT APPLICATION

521 BROADWAY STREET
TOWN LONGBOAT KEY

PREPARED FOR
First America Bank
Manatee Ave.
Bradenton, Florida

PREPARED BY
DAILEY DESIGN GROUP, INC.
1763 Riviera Circle
SARASOTA, FLORIDA 34232

April, 2013

RECEIVED
MAY 16 2013
Longboat Key
Planning & Zoning

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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

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

Date Filed: DECEMBER 2017 Receipt #($3000.00)

THE APPLICANT IS REQUIRED TO SUBMIT TWENTY-FIVE (25) ORIGINAL PLUS TWENTY-FOUR (24) COPIES) INDIVIDUAL, COLLATED SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS.

(I) (We) DANIEL S. HAGER, FIRST AMERICA BANK, 2811 MANATEE AVE W
(name) (mailing address)

BRADENTON, FLORIDA 34205 request a comprehensive plan amendment.

Subject property is located at 521 BROADWAY ST.
(street address of property)

The legal description is as follows: LOTS 33 & 34 ZZ LONG BEACH SUB.
(Lot[s]) (Block) (Subdivision or Plat)

or SEE ATTACHED FULL LEGAL
(if otherwise legally described)

Parcel Identification Number: 7801500005 / 7803300008

TOTAL ACREAGE/SQUARE FOOTAGE OF SUBJECT PROPERTY: .44 AC. (16,583 S.F.)

Existing Future Land Use Map designation: CL COMMERCIAL LIMITED

Proposed Future Land Use Map designation: RH-6 HIGH DENSITY SF/MIXED RES.

BRIEF DESCRIPTION OF THE PROPOSED AMENDMENT (INCLUDING WHETHER THE PROPOSED AMENDMENT IS A TEXT OR MAP OR TEXT/MAP AMENDMENT).

APPLICANTS ARE REQUESTING A MAP CHANGE TO THE FUTURE LAND USE MAP IN THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN FROM LIMITED COMMERCIAL TO RH-6 HIGH DENSITY SF/MIXED RESIDENTIAL

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 DEC 2012 (date), the following are all persons and/or entities having a legal ownership interest in the real property located at

521 BROADWAY STREET, LONGBOAT KEY, FLORIDA (legal address)

Property Owners and/or shareholders:

1. DANIEL S. HAGER, CHAIRMAN & CEO FIRST AMERICA BANK
2. _____
3. _____
4. _____

(Please attach additional sheets if necessary)

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

Daniel S Hager
Signature

DANIEL S. HAGER
Print Name

CHAIRMAN & CEO
Title

State of FLORIDA

County of MANATEE

The foregoing instrument was acknowledged before me this 11th December, 2012, by Daniel S Hager (name and title), who is personally known to me or who has produced _____ as identification.

Imelda Hart
Signature of Notary

(seal of Notary)

Imelda Hart
Print Name of Notary

Notary Public State of Florida
Imelda Hart
My Commission DD996774
Expires 05/31/2014

Please print and fax or mail completed form

TOWN OF LONGBOAT KEY
PLANNING ZONING BUILDING
561 Bay Isles Road
Longboat Key, FL 34228
Phone: 941/316-1966 FAX: 941/316-1970

Property Owner Affidavit

Planning Department
Authorized Agent

(I)(We) DANIEL S. HAGER, as owner(s) of the property whose address and legal description is 521 BROADWAY ST LONGBOAT KEY FL, LOTS 33 + 34 BLOCK 22, PLUS SUBMERGED LANDS hereby appoint PETER M. DAILEY our AGENT agent(s) 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 COMP PLAN AMENDMENT (Variance, Zoning Determination, Special Exception, etc.)

DANIEL S. HAGER
Print or Type Property Owner's Name

Daniel S Hager
Signature of Property Owner

Print or Type Property Owner's Name

Signature of Property Owner

DANIEL S HAGER, CHAIRMAN & CEO

Mailing Address of Property Owner(s): FIRST AMERICA BANK, 2811 MANATEE AVE. W. BRADENTON, FL 34205

Telephone Number of Property Owner(s)

Fax Number of Property Owner(s)

Mailing Address of Agent(s): PETER M. DAILEY, 1763 RIVIERA CIRCLE SARASOTA, FL 34232

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

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

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 11th day of December, 2012, by Daniel S Hager, Owner(s) for and on behalf of whom this instrument was executed.

Notary Public State of FLORIDA
Typed Name: Imelda Hart
Commission Expires: 5/21/14
Commission No.: DD 996 774

Personally Known ✓
OR Produced Identification
Type of Identification Produced _____

Notary Public State of Florida
Imelda Hart
My Commission DD996774
Expires 05/31/2014

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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.

Daniel S Hager
(Signature of Owner)

DANIEL S. HAGER
(Please print or type Owner's Name)

Mailing address you wish information sent to and telephone number:
FIRST AMERICA BANK
ATTN DANIEL S HAGER
BRADENTON, FL. 34205

Phone (941)

Fax (941)

E-Mail (Optional)

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
SARASOTA, FL. 34232

Phone (941) 302-1500

Fax (941) 923-5590

E-Mail (Optional)

PDAILEY@DAILEYD.COM

Notarization of Agent's Signature:

State of FLORIDA
County of MANATEE

The foregoing instrument was acknowledged before me this 11th day of December 2012
by Daniel Hager and Peter M Dailey
as Agent for FIRST AMERICA BANK
(type of authority) (name of party acting on behalf of)

Notary Public

Imelda Hart
Name of Notary

Notary Public State of Florida
Imelda Hart
My Commission DD996774
Expires 05/31/2014

Personally know ✓ OR produced identification ___ Type of Identification ___

6. Name of Architect: _____

Name of Company: _____

Address: _____

City, State & Zip: _____

Telephone: _____ Fax: _____

Telephone 2: _____ Mobile: _____

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: Daniel S. Hager Date: 12.21.12
(If applicant is not the property owner, a property owner affidavit will be required)

Daniel S. Hager
(Please print or type name)

FOR STAFF USE ONLY

Application Fee: $ 3000.00 deposit* Receipt #_____
(Application fee of $900 will be deducted from deposit)

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.

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NARRATIVE – 521 Broadway Street

SMALL AREA COMPREHENSIVE PLAN COMPLIANCE

Is this amendment being filed as a proposed "small scale" development activity, pursuant to Section 163-3187 (1)(c), Florida Statutes (proposing a Future Land Use Map change only, for a parcel 10 acres or less in size, and where the residential density, if applicable, cannot exceed 10 dwelling units per acre)?

Yes X **No** _____

Does the proposed amendment involve a property owner's property that has received a comprehensive plan change in the prior 12 months, pursuant to Section 163-3187 (1)(c), F.S.?

Yes _____ **No** X

Does the proposed amendment involve the same property owner's property within 200 feet of property granted a comprehensive plan change within the prior 12 months, pursuant to Section 163-3187 (1)(c),

Yes _____ **No** X

Due to changing demographics and economies the commercial areas on the north end of Longboat Key have been struggling and many have gone out of business. Through significant changes on the Key many of the hotels and motels have been converted to condominiums. The north end of the Key has shifted from a tourist driven commercial and residential area and economy to a seasonal residential population and economy.

Many of the shops in the Whitney Beach Plaza have gone away. The BP Gas station and the dental office at the intersection of Broadway and Gulf of Mexico Drive have gone out of business. The Chamber of Commerce located at Broadway across from the subject property left and was consolidated with the St Armands and Lido Key Chambers.

The conversion of essentially non-productive commercial lands to a residential land use and zoning will add residents, and will add advalorem and sales tax base to those areas of the Island which are commercially viable.

The owners of 521 Broadway are desirous of changing the Future Land Use Plan Map (FLUP) designation from commercial to residential to allow 2 single family residential structures on the subject parcel.

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 convert a non performing commercial property into a viable residential development for two single family homes in an area of the Island which is almost exclusively residential in character. This will benefit the owner and create advalorem and Sales tax revenue benefitting the Town. Additionally the construction of the homes will create jobs.

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 completed in July of 2012 is attached.

D. *Map or Maps showing:*

1. *Proposed Land Use Map designation of the subject parcel.*

See attached Proposed Land Use Map designation.

2. *Current Future Land Use Map designation of the subject property and all abutting.*

A Current Land Use Map is attached.

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.

4. *Existing Zoning Districts for the subject parcel and all abutting properties.*

Attached is an Existing Zoning Map. The current zoning for the parcel is Commercial Limited (CL).

5. *Proposed Zoning District for the subject parcel.*

The proposed Zoning for the parcel is R-6SF High Density SF/Mixed residential 6du/ac and is indicated on the attached Map entitled Proposed Zoning.

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 parcel is located within a largely residentially built out area of the Island. There is a small real estate office located west of the subject at the corner of Gulf of Mexico Drive and Broadway Boulevard. This is separated from the subject by the vacant right of way of Palm Drive. The Land to the east of the subject is a six unit apartment complex. The parcel has single family development to the north with a portion also fronting a canal. The property across Broadway to the south is a vacant Gas station site a vacant Chamber of Commerce building and single family residential homes.
See attached Existing Land use Map

7. *All existing and proposed curb cuts.*

The parcel is vacant, however there is an existing curb cut located at the east end of the property along Broadway. The property enjoys a continuous curb cut along Palm Drive. The proposed residential homes could have curb cuts along both Broadway and Palm Drive.

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 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 all upland area except a small portion of the site in the northeast corner fronting the canal. This area slops down to the canal and has mangroves along the shore. The uplands or the entire site is 16,583 +/- s.f. or .36 acres. The area of slope to the water is approximately 1,300 s.f.

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).*

The area of the parcel where the ground slocs down to the canal, located in the northeast corner of the site has mangroves on it. This area is approximately 1,300 s.f. in area. There are no plant or animal species with special status, or rare threatened or endangered species of special concern on the upland portions of the site. The entire site had been a man altered developed site.

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

_____ *Canal (fresh water)*	_____ *Mangrove Swamp*
_____ *Canal (salt water)*	_____ *Marshes and Sloughs*
_____ *Coastal Hammock*	_____ *Coastal Streams*
_____ *Scubby Flatwoods*	__X__ *Other (explain)***Developed Site**
_____ *Indian Mounds*	

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

The mangroves will be protected with the exception of those that will be permitted for maintenance trimming and removal for construction of residential docks through the normal permitting process when the two proposed homes are constructed.

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 only support two residential single family homes will reduce impacts dramatically from the existing potential commercial designation and zoning. Although the impact reduction cannot be quantified water, sewer, and solid waste will be reduced from potential commercial uses. The traffic on Broadway and Gulf of Mexico Drive will be significantly reduced according to the ITE Trip Manual to approximately 20 daily trips with a peak hour impact of only 2 trips. Drainage will likely be improved with permitting of building plans to properly treat and discharge stormwaters.
There may be a slight impact to schools and recreation open space requirements as two 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.

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 two proposed single family homes for water, sewer, solid waste, and traffic.

2. *Fire Hydrant_____feet.*

There is an existing fire hydrant 130 feet east of the parcel located on the southwest corner of Longboat Drive S. and Broadway Street. There is also a Hydrant located in the southeast corner of GOM Drive and Broadway Street. This hydrant is approximately 180 feet from the parcel.

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 flooding for the subject parcel.

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

The restaurant 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 two proposed homes is not known at this time. According to Mr. Dan Trescott of the Southwest Florida Regional Planning Council, (SWFRPC), per Chapter 163-3173(12) the addition of two homes as input to the Evacuation Model that the SWFRPC maintains will have a DeMinimus affect on the Model outputs. However, there is not a DeMinimus impact clause in the Florida Statutes. (See attached Memo from Mr. Trescott, Planning Director at the Southwest Florida Regional Planning Council attached as Support Documents- page 32 in Section P).

COMPREHENSIVE PLAN CONSISTENCY

N. *Demonstrate consistency with all applicable policies of the Town's Comprehensive Plan goals, objectives and policies elements and sub-elements.*

FUTURE LAND USE ELEMENT

GOAL 1

To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and, 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.

OBJECTIVE 1.1

The Town will manage land development through the preparation, adoption, implementation, and enforcement of land development regulations.

Policy 1.1.2

The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which as a minimum will:

10) Ensure that development orders and permits will not result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.

The Plan amendment and rezone will not result in the reduction of levels of service for affected public facilities. This will promote the health safety and welfare of the residents and maintain the property values in the community.

Policy 1.1.7

In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.

By allowing two residential homes on the property the visual and aesthetic character of the neighborhood will be protected.

OBJECTIVE 1.3

All development orders and permits will be issued only if public or private facilities necessary to meet level of service (LOS) standards (which are adopted as part of the Capital Improvements Element of this Plan) are available concurrent with the impacts of the development.

Policy 1.3.1

The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.

The amendment and rezone allowing two single family homes will meet all applicable level of service standards for the provision of public facilities and services.

Policy 1.3.2

Public facilities and utilities will be located to best: a) maximize the efficiency of services provided; b) minimize costs; and c) minimize impacts on the natural environment. Where feasible, all utilities will be located underground.

All existing facilities necessary to serve the two proposed residences are already in place with services to the property.

OBJECTIVE 1.5
Planning activities within the Town will be governed by the Comprehensive Plan and the Town Code.
Policy 1.5.2
All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.
The amendment and rezone will follow all applicable rules and procedures established by Federal, State and Town Codes.

TRANSPORTATION ELEMENT
GOAL 1
To provide a safe, convenient, efficient, and operationally acceptable multi-modal transportation system for residents and visitors in the Town of Longboat Key.
OBJECTIVE 1.1
To maintain the adopted level of service (LOS) standards as indicated in Policy 1.1.1.
Policy 1.1.1
The Town adopts the following peak-season, peak-hour LOS standards for each listed facility:
1) Local and collector roads--LOS C
2) Urban Collectors--LOS E
The peak-season adjustment factor will be determined annually through coordination with the Florida Department of Transportation (FDOT), District 1 Office. The Town's Future.
The proposed two single family homes will not affect the adopted LOS standards for any of the roads on the Island.

Policy 1.1.2
All intersections on Gulf of Mexico Drive (GMD, SR 789), within the Town, will operate at LOS E or better in the peak season peak hour. All other intersections, within the Town, will operate at LOS D or better.
The proposed two single family homes will not affect the adopted LOS standards for any of the roads on the Island.

Policy 1.1.3
The Town will monitor traffic growth to ensure that the adopted LOS standards are not exceeded before the approval of future additional development.
The traffic generated by the proposed two homes will be significantly less than the restaurant on the property now.

OBJECTIVE 1.10
Continue coordination between the transportation system and land development patterns within the Town.
Policy 1.10.1
Coordinate the transportation system with the Future Land Use Map to ensure that existing and proposed population densities, housing and employment patterns, and land

uses are consistent with the transportation modes and services proposed to serve these areas.
The additional of two homes in the Long Beach area of the island will reduce transportation impacts to the roadway network from the potential traffic impacts of a commercial retail business on the property.

OBJECTIVE 1.11
To maintain the adopted LOS on GMD, the Town will coordinate with adjacent local governments to determine potential development impacts of projects that are proposed or approved by adjacent local governments, including: City of Sarasota, City of Bradenton, Manatee County, City of Bradenton Beach, City of Holmes Beach and City of Anna Maria.
Policy 1.11.2
By January 2008, the Town will request in writing that the City of Holmes Beach, City of Bradenton Beach, City of Anna Maria, City of Sarasota, the City of Bradenton and Manatee County coordinate with the Town's Planning, Zoning and Building Department with regard to all proposed development petitions that may impact GMD. Specifically, the Town requests that it be notified if proposed trip generation and/or traffic distribution patterns impact GMD utilizing the following criteria. If GMD is negatively impacted, the Town will provide a written response. Impact Criteria: development proposals generating more than 75 p.m. Peak Hour trips on GMD for projects located within the following boundaries:
Sarasota area: Downtown Community Redevelopment Area Boundary, St. Armand's, City Island Manatee area: All projects west of 75th Street, including those located in municipal boundaries.
The proposed development will generate only 2 pm peak hour trips.

CONSERVATION AND COASTAL MANAGEMENT ELEMENT
GOAL 1
The Town will maintain the quality of its environmental features.
OBJECTIVE 1.2
The Town will not allow wastewater, or additional direct discharges of untreated stormwater, into adjacent coastal waters from development.
When building plans for the two homes are submitted to the Town for approval the quantity and quality of stormwater will be addressed and permitted through proper agency review.

Policy 1.2.1
All development will meet the Southwest Florida Water Management District's (SWFWMD) and the Florida Department of Environmental Protection's (FDEP) stormwater and wastewater discharge requirements.
When building plans for the two homes are submitted to the Town for approval the quantity and quality of stormwater will be addressed and permitted through proper agency review. Wastewater will be handled by public sewer service provided by the Town of longboat key and already available in Broadway Blvd.

All development will meet the Southwest Florida Water Management District's (SWFWMD) and the Florida Department of Environmental Protection's (FDEP) stormwater and wastewater discharge requirements.
When building plans for the two homes are submitted to the Town for approval the quantity and quality of stormwater will be addressed and permitted through proper agency review. Wastewater will be handled by public sewer service provided by the Town of longboat key and already available in Broadway Street.

Policy 1.2.4
The Town will not permit development activity that could have significant adverse impacts on adjacent coastal waters.
When building plans for the two homes are submitted to the Town for approval the quantity and quality of stormwater will be addressed and permitted through proper agency review. Any access to the canal and proposals for dock structures will have to go through review and approval by all federal, state, and local agencies.

OBJECTIVE 1.3
The Town will not approve any land development proposal that imperils the survival of wildlife, marine life, and plant life that are rare, endangered, threatened, or species of special concern or alters the natural processes of wetlands.
Policy 1.3.1
Specimens or habitat of terrestrial species on the US Fish and Wildlife Service (USFWS) lists, as amended, will not be adversely impacted by development unless appropriate mitigation is approved by the appropriate government agencies.
The redevelopment of the property in order to construct two single family homes will actually help the ecosystems by reducing runoff and by ensuring pre-treatment of runoff prior to discharge into the bay waters. No endangered or listed species will be affected by the Land use change or construction of two residential homes. A commercial development as allowed now would allow a much greater lot coverage and create significant potential discharge of parking lot related pollutants.

OBJECTIVE 1.7
The Town will maintain the community-wide vegetation cover.
Policy 1.7.1
The Town will enforce its tree and landscaping requirements.
The construction of two residential homes on the subject property will require the home owners to plant vegetation and maintain erosion control through the construction period.

HOUSING ELEMENT
This section of the Housing Element will identify goals, objectives and policies that establish the long-term end toward which housing programs and activities are ultimately directed. For each housing goal that is presented, there are accompanying objectives and policies by which the Town can achieve the state goal. These goals, objectives and

It is the goal of the Town to ensure that existing and future housing is safe and sanitary. **The two single family homes being proposed will when constructed have to meet all current building codes for the Town which will guarantee safe and sanitary structures.**

OBJECTIVE 1.3
To the extent allowable under this Plan, collaborate with the private sector to provide a broad range of housing, while recognizing that the Town is nearing build-out and has a very limited amount of undeveloped land.
Policy 1.3.1
Encourage the private sector to provide an adequate number of multi- and single-family housing units, for rental or for sale consistent with market demand and this Plan.
The construction of two single family homes will aid in providing adequate numbers of single family housing units on the island.

OBJECTIVE 1.4
To protect and preserve neighborhoods, while acknowledging that the Town is located in a Coastal High Hazard Area.
Policy 1.4.2
The Town will enforce applicable regulations of the Federal Emergency Management Agency (FEMA), the Florida Building Code (FBC), and the Town Code to ensure that the housing stock is structurally safe and sound.
Again, the two new homes when constructed will have had to go through building permit processes through all agencies which regulate new construction.

Policy 1.4.7
Ensure that all neighborhoods are adequately served with appropriate utilities including water, wastewater, stormwater facilities, and utilities provided by others.
All of these facilities already exist at the subject site.

RECREATION AND OPEN SPACE
GOAL 1
The Town will ensure the provision of appropriate recreational facilities and open space areas to satisfy the health, safety, and welfare of the Town.
OBJECTIVE 1.1
The Town will adopt a level of service (LOS) and coordinate efforts with the private sector to assure the continued provision of appropriate recreational opportunities.
Policy 1.1.1
The Town has adopted a level of service (LOS) of twelve (12) acres per 1,000 peak seasonal functional population (LOS 12/1000).
The addition of two residences on the island will create a very minimal impact for recreational activities and open space requirements.

The Town has adopted a level of service (LOS) of twelve (12) acres per 1,000 peak seasonal functional population (LOS 12/1000).
The addition of two residences on the island will create a very minimal impact for recreational activities and open space requirements.

Policy 1.1.10
The Town will implement its parks and land acquisition regulations, as adopted in the Zoning Code, to require private land dedication or equivalent monetary value be deeded or paid to the Town for park and open space purposes.
When the two residences are permitted for construction any dedications or monetary in lieu payments that are required will be paid.

INFRASTRUCTURE
POTABLE WATER SUB-ELEMENT
GOAL 1
The Town adopts a level of service (LOS) of 120 gallons per capita per day, in accordance with the Town's Concurrency Management System, based on functional population pursuant to the Town's most recent Southwest Florida Water Management District (SWFWMD) Consumptive Use Permit.
OBJECTIVE 1.1
To meet and further reduce the per-capita usage of potable water by implementing and expanding the Town's water conservation program.
The addition of two residences will meet the LOS standards.

Policy 1.1.3
Water-conserving plumbing fixtures are required in all new development by state law, and the replacement of old fixtures with new water-conserving fixtures will be encouraged.
The building permit process for the two homes being constructed will require water-conserving fixtures.

INFRASTRUCTURE
WASTEWATER SUB-ELEMENT
GOAL 1
The Town will provide efficient wastewater service that is compatible with conservation of natural resources.
OBJECTIVE 1.1
The Town establishes a level of service (LOS) for wastewater.
Policy 1.1.1

GOAL 3
The Town will maintain reliable sources of funding for wastewater facility improvements, repairs and maintenance.
OBJECTIVE 3.2
The Town will review wastewater connections fees during the annual budget process to ensure that the costs of serving new development are adequately reflected.
The costs to serve the new homes proposed will be less than the potential costs to serve commercial or office facilities.

INFRASTRUCTURE
STORMWATER SUB-ELEMENT
GOAL 1
The Town will provide an effective stormwater system to minimize property damage and prevent adverse environmental impacts in accordance with the adopted level of service.
OBJECTIVE 1.1
The Town establishes a level of service (LOS) for stormwater.
Policy 1.1.1
Adopt and maintain a 25-yr/24-hr frequency storm drainage system LOS and the water quality standards of Chapters 40D-4, 40 and 400, F.A.C., of the Southwest Florida Water Management District (SWFWMD), as amended, in accordance with the Town's Concurrency Management System.
During the building permit phase for the two proposed homes the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met.

Policy 1.2.2
All new development will be required to incorporate stormwater management systems, consistent with applicable state, regional and local laws and regulations, into the site plan.
During the building permit phase for the two proposed homes the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met.

GOAL 3
The Town will protect and maintain the water quality of adjacent coastal waters.
OBJECTIVE 3.1
The Town will promote detention and retention treatment of stormwater as a means of maintaining water quality.
Policy 3.1.2
The Town may develop local stormwater regulations to supplement those used by SWFWMD to further protect the adjacent coastal waters, and to reduce runoff rates from upland development.
During the building permit phase for the two proposed homes the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met.

OBJECTIVE 3.2
Before building permits are approved or issued, the Town will require applicants to submit stormwater plans consistent with applicable local and state law.
Policy 3.2.1
Required stormwater plans will include a hydrological survey of the site showing natural and manmade stormwater systems, a survey of stormwater systems on adjacent properties that may be impacted by the development, and the calculations used to estimate stormwater runoff.
Policy 3.2.2
The amount of stormwater discharged from the site after development will not exceed the amount discharged prior to development.
Policy 3.2.3
Stormwater from new development will not be discharged directly into the Town's adjacent coastal waters, including Sarasota Bay and the Gulf of Mexico unless it has been detained and treated onsite in accordance with local and state regulations.
Policy 3.2.4
All new development within the Town must comply with the applicable SWFWMD Stormwater Treatment and Storage Regulations.
During the building permit phase for the two proposed homes the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met.

INFRASTRUCTURE
SOLID WASTE SUB-ELEMENT
GOAL 1
The Town will provide a safe and sanitary method of solid waste disposal, which will maintain public health.
OBJECTIVE 1.1
The Town establishes a level of service (LOS) for solid waste.
Policy 1.1.1
Adopt and maintain a solid waste LOS of landfill disposal rate of 4.5 pounds per day per capita compaction rate of 1200 pounds per cubic yard in accordance with the Town's Concurrency Management System. The adopted LOS excludes recyclable material and yard waste.
During the building permit phase for construction of the two proposed homes the solid waste LOS will be maintained and actual demand for solid waste collection and disposal will likely be less that the demand created by a commercial retail or office complex allowed today.
(See PUBLIC WORKS CONCURRENCY ANALYSIS LETTER – Supporting Documents page ____attached)

CAPITAL IMPROVEMENTS ELEMENT
GOAL 1
The Town will take actions to provide the public facilities and open space essential to

maintaining a level of service (LOS) consistent with the adopted Comprehensive Plan.
OBJECTIVE 1.3
The Town will plan for its capital needs to ensure that financial feasibility and adopted LOS are achieved and maintained.
Policy 1.3.1
The Town adopts and maintains the following LOS standards in reviewing the impacts of development:
Wastewater 109 gallons per capita per day (gpcd).
Potable Water 120 gallons per capita per day (gpcd).
Solid Waste Landfill disposal rate of 4.5 pounds per day per capita compaction rate of 1200 pounds per cubic yard. The adopted LOS excludes recyclable material and yard waste.
Stormwater Stormwater systems based on 25 year/24 hour frequency storms and the water quality standards of Chapters 40D-4, 40 and 400, FAC of the Southwest Florida Water Management District.
Transportation Local and collector roads: LOS C. Intersections at local and collector roads: LOS D. Urban Collectors: LOS E. Intersections at Urban Collectors: LOS E.
Recreation/Open Space 12 acres per 1,000 peak season functional population.
Public Transit Maintain transit service to the Town, at or better than levels in effect in January 2007. Public transit LOS will not be used for concurrency determinations.
The two proposed single family homes will meet all LOS standards of the Comp Plan for the Town listed above. The potential commercial retail or office facility would require more water, sewer, solid waste services, create more stormwater runoff due to the parking area, create more traffic and transportation impacts than two homes will demand or require. Additionally, the potential impacts of school age children, recreation, and open space are De Minimus. (See PUBLIC WORKS CONCURRENCY ANALYSIS LETTER -- Supporting Documents page____ attached).

Policy 1.3.2
Proposed comprehensive plan amendments and requests for development will be evaluated according to the following guidelines as to whether the proposed action would:
1) contribute to a detriment of public health, safety and welfare, as described in the goals, objectives and policies of this comprehensive plan;
2) exacerbate any existing public facility capacity deficits, as described in the goals, objectives and policies of this comprehensive plan;
3) generate public facility demands that may be accommodated by capacity increases planned in the Five Year Schedule of Capital Improvements;
4) conform with future land uses as shown on the Future Land Use Map of the Future Land Use Element;
5) ensure that developer-provided public facilities are consistent with adopted LOS standards;
6) demonstrate financial feasibility, subject to the requirements of this element; and
7) affect state or regional agencies' facilities plans.

21

Through response to the various Goals, Objectives and Policies of all of the Chapters of the Town's Comprehensive Plan above we have demonstrated compliance will all 7 standards listed above. The bottom line is that two residential structures will create far less demand for services and on public facilities than the potential for a commercial retail or office facility.

OBJECTIVE 1.4
Future development will bear a proportionate cost of facility improvements necessitated by the development in order to maintain adopted LOS standards.
Policy 1.4.1
The Town will charge land acquisition fees, as a condition for building permits, with the proceeds to be used for the acquisition of or improvements to parks and open space.
Policy 1.4.2
The Town will charge water and sewer connection fees, which reflect a proportionate share of facility costs.
Policy 1.4.3
The Town is at or near potable water capacity. A development project that requires additional potable water capacity will be required to pay the commensurate Facility Investment Fee for capacity improvements then in effect under the terms of the applicable water agreement between the Town and Manatee County or its successor.
Policy 1.4.4
A development project that requires additional wastewater capacity over and above the Town's current reserve capacity, will be required to pay the commensurate Facility Investment Fee for capacity,improvements then in effect under the terms of the wastewater agreement between the Town and Manatee or its successor.
Policy 1.4.5
The Town will implement the proportionate fair share mitigation requirements for transportation projects identified in Chapter 163.3180, Florida Statutes (FS).
During the building permit phase of construction for the two proposed residential homes, if after credits for existing impacts on all facilities listed above have been credited and additional impacts for the two residences are identified, the developer or home owner will then pay their fair share of those identified costs.

Policy 1.5.7
The Town will certify that all public facilities needed to serve the development upon which the development order is based, will meet or exceed the requirements enumerated in Chapter163.3180, FS, as stated below:
1) Concurrency determination for Wastewater, Solid Waste, and Stormwater: certification of occupancy or functional equivalent. [Ch. 163.3180 (2)(a)]
2) Concurrency determination for Potable Water: certification of occupancy or functional equivalent, after the appropriate water supplier or its functional equivalent has been consulted to determine if adequate water supplies will be available. [Ch. 163.3180(2)(a)]
3) Concurrency determination for Recreation and Open Space: Parks and recreation facilities will be in place or under actual construction no later than one year after the issuance of certificate of occupancy or its functional equivalent. Acreage required

certification of occupancy or functional equivalent. [Ch. 163.3180 (2)(a)]
2) Concurrency determination for Potable Water: certification of occupancy or functional equivalent, after the appropriate water supplier or its functional equivalent has been consulted to determine if adequate water supplies will be available. [Ch. 163.3180(2)(a)]
3) Concurrency determination for Recreation and Open Space: Parks and recreation facilities will be in place or under actual construction no later than one year after the issuance of certificate of occupancy or its functional equivalent. Acreage required for parks and recreation facilities will be dedicated or be acquired prior to issuance of the certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share will be committed no later than the building permit approval or its functional equivalent. [Ch. 163.3180 (2)(b)]
4) Concurrency determination for transportation facilities: facilities must be in place or under actual construction within three years from the issuance of the building permit or its functional equivalent. [Ch. 163.3180 (2)(c)]
During the building permit phase of construction for the two proposed residential homes, if after credits for existing impacts on all facilities listed above have been credited and additional impacts for the two residences are identified, they will then pay their fair share of those identified costs.

CONSISTENCY WITH TOWN CHARTER

O. *Demonstrate consistency with Article II, Section 22, of the Town Charter*

a. *The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.*

Again, in indicating consistency with the Goal, Objectives, and Policies of the Comprehensive Plan above, these elements are all furthered and protected by the proposed amendment.

b. *The present density limitations provided in the existing comprehensive plan adopted March 12, 1984, shall not be increased without the referendum approval of the electors of Longboat Key.*

The Electors of Longboat Key voted in November of 2012 to allow consideration of conversion of the 521 Broadway site from Commercial Limited, (CL) to Single Family Residential with a maximum of 6du/ac in the Future Land Use Plan Map for the Town along with a concurrent Rezone from Commercial General, (CI) to Residential Single Family. The applicant will proffer to stipulate only 6 dwelling units per acre in the rezone application, and due to the Parcel configuration only 2 homes can be built meeting the bulk and density standards in the Town Codes.

REVIEW CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

a. *Whether the proposed amendment maintains the unique island character of the Town*

The two proposed homes will <u>not</u> adversely affect the unique character of the island but will in fact further that character by allowing two canal front homes which comprise the largest component of Island Living.

b. *Whether the proposed amendment protects, promotes and improves public health, safety, comfort, order appearance, convenience, morals, and general welfare of the people*

By constructing two single family homes the potential impacts produced by a commercial retail or office facility will be vastly reduced including creating a minimal demand for water, sewer, solid waste, transportation facilities, and stormwater facilities. There are no negative environmental impacts.

c. *Whether the proposed amendment strengthens the Town's role in establishing and implementing the comprehensive planning process in order to protect natural and man-made resources*

Through the referendum process the people of the Island voted to allow consideration of the amendment and rezone. The application process for considering the amendment and rezone allows extensive review of the data and rationale for change which furthers the Town's role in establishing and implementing the comprehensive planning process.

d. *Whether the proposed amendment maintains, through orderly growth and development, the character and stability of present and future land use and community development*

The land area which is on platted residential lots which are consistent with the overwhelming character of the Long Beach Subdivision and Village. The construction of the two single family homes will further that character.

e. *Whether the proposed amendment is in harmony with the Town's code, including, but not limited to Article II, Section 22, of the Town Charter*

See response in Section O. above

e. *Whether the proposed amendment is consistent with the remaining portions of the adopted Comprehensive Plan*

See responses in Section N above which show how the proposed land use amendment and rezone is consistent with the Town's Comprehensive Plan.

SUPPORTING DOCUMENTS

P. *Attach any supporting documents not included in the requirements, but contribute to making the request clear.*

•Attached is the Concurrency Diminimus Impact Letter from Public Works Director, Mr. Juan Florenza.

•Attached is a copy of the Referendum language which was voted on in November 6, 2012 by the electors of the Town of Longboat Key.

•Attached is the Letter from Mr. Dan Trescott, Planning Director of the Southwest Florida Regional Planning Council addressing Hurricane Evacuation.

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: 521 Broadway Street – 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 two single family residential structures 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

ORDINANCE 2012-15

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 REGULAR 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 VACANT PROPERTY LOCATED AT 521 BROADWAY STREET; 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 521 Broadway Street 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, agent for the property owner located at 521 Broadway Street, appeared before the Town Commission at the May 24, 2012, Regular Workshop, 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 521 Broadway Street, 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 residential density not to exceed six (6) dwelling units per acre, for the property located at 521 Broadway Street, currently zoned C-1, Limited Commercial, comprising approximately 0.44 acres.

_____ 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 first reading and public hearing the 4th day of June, 2012.

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

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

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.

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: _____

Trescott Planning Solutions
Urban and Regional Planning

421 Norwood Court • Fort Myers, Florida 33919
Cell 239-850-7163 • Office 239-433-4067
Email: trescott@embarqmail.com

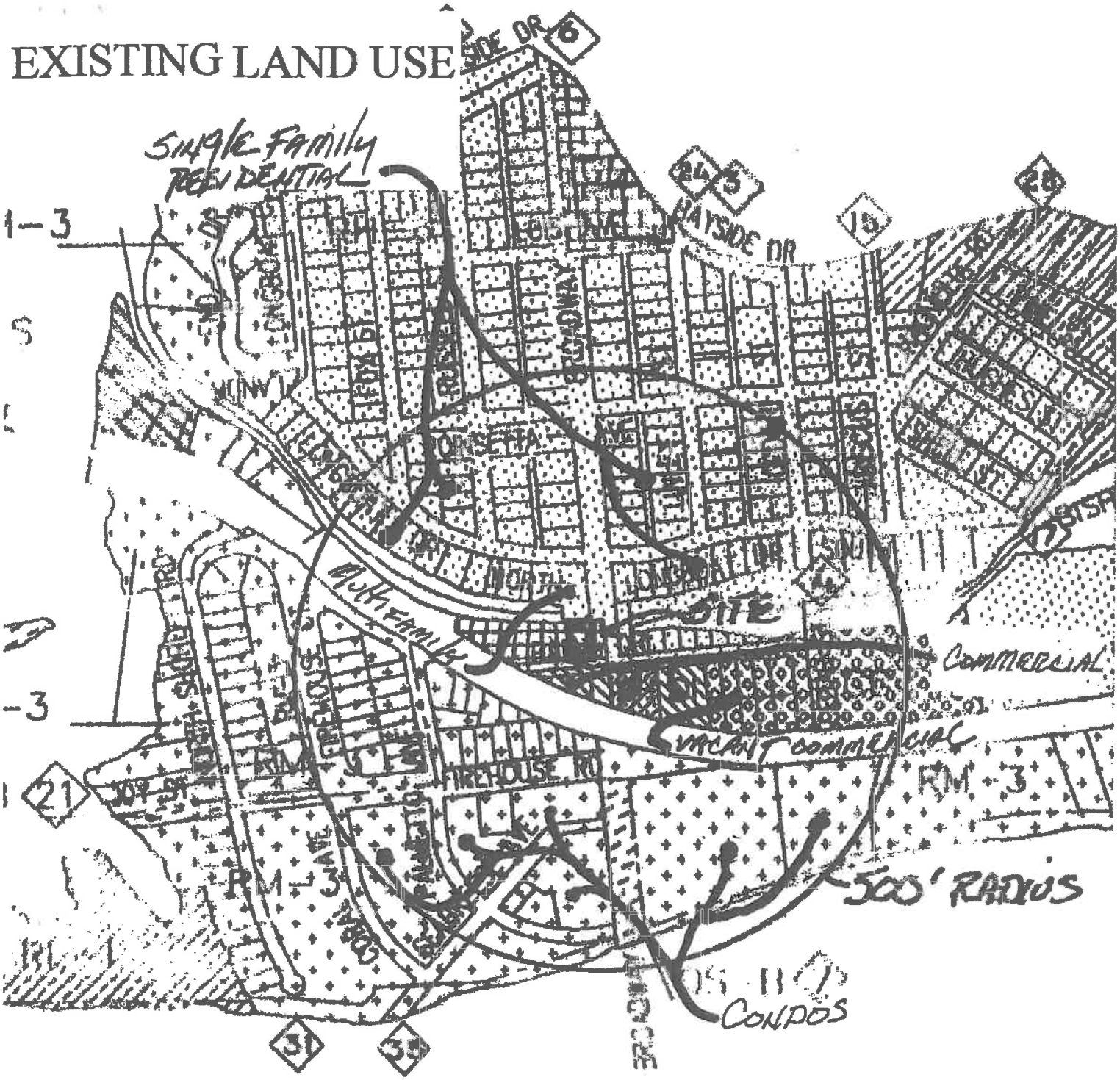
Dear Mr. Dailey:

You requested a determination of the hurricane evacuation clearance time increase caused by the change in land use from commercial to 2 residential units located on Broadway Street near the corner of Gulf of Mexico Drive, Longboat Key. I have determined based the 2010 Southwest Florida Region Evacuation Transportation Analysis, the 2010 operational scenario for evacuation level A out of county clearance time is 12.5 hours. Two residential units would add about 2.4 vehicles to the evacuation route. This minimal vehicle increase did not increase the clearance time when carried out one decimal place. Therefore, the clearance time increase is negligible. If you have any questions please let me know.

Sincerely,

Daniel L. Trescott, MSP
President

EXISTING LAND USE

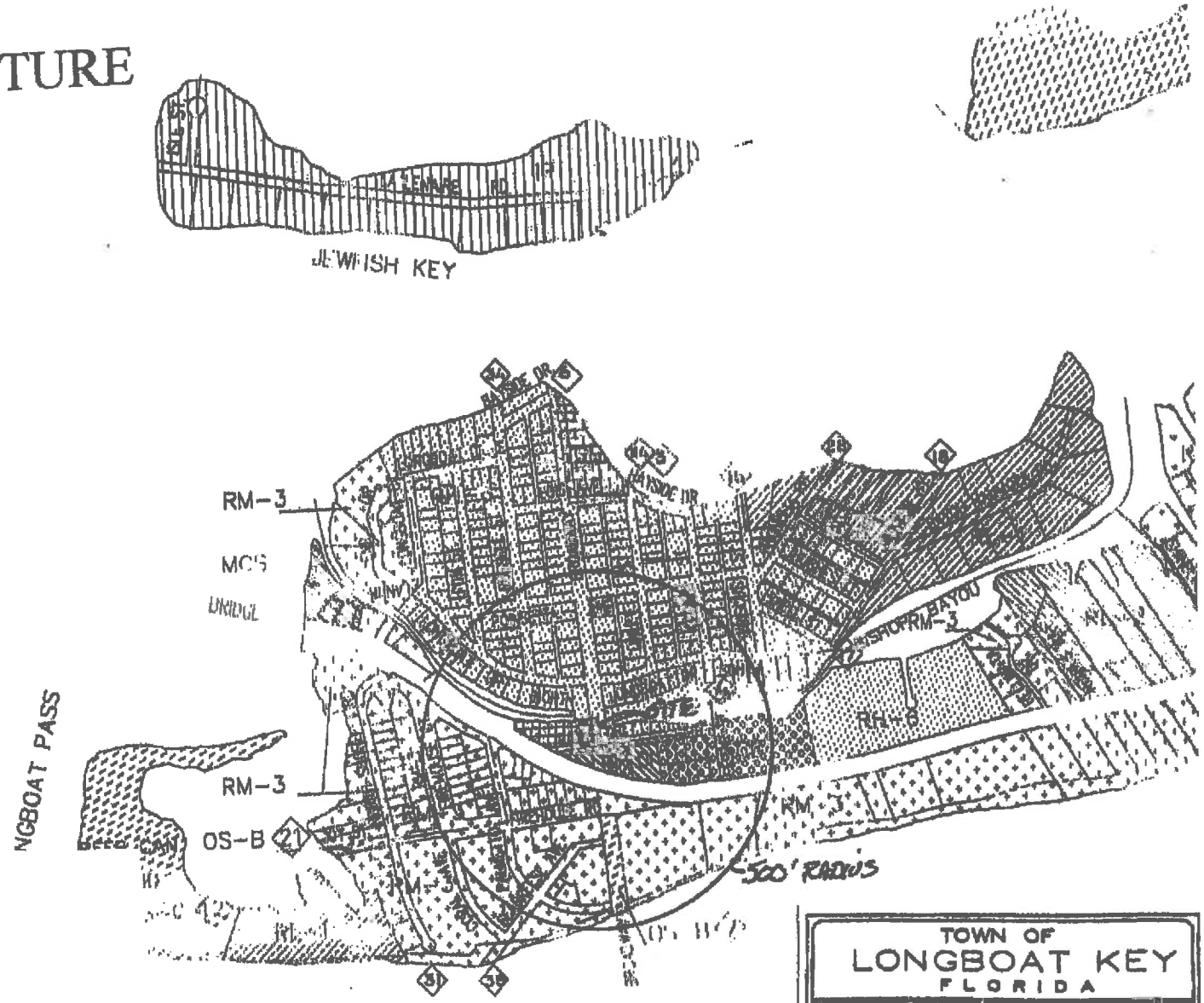


FUTURE LAND USE LEGEND

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

EXISTING FUTURE LAND USE PLAN

CL



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	6 DU/ACRE
PD	PLANNED DEVELOPMENT	3.28 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	
TRL	MED. DENSITY TOURIST RESORT/COMMERCIAL	5 DU/ACRE
TRL	HIGH DENSITY TOURIST RESORT/COMMERCIAL	8 DU/ACRE

TOWN OF
LONGBOAT KEY
FLORIDA

Future Land Use

This is to certify that this is the Official Zoning Map referred to in Ordinance No. 90-06 of the Town of Longboat Key, Fl.

Town of Longboat Key
501 Bay Isles Road
Longboat Key, Fl 34228
(941) 316-1999

Sheet 3 of 11

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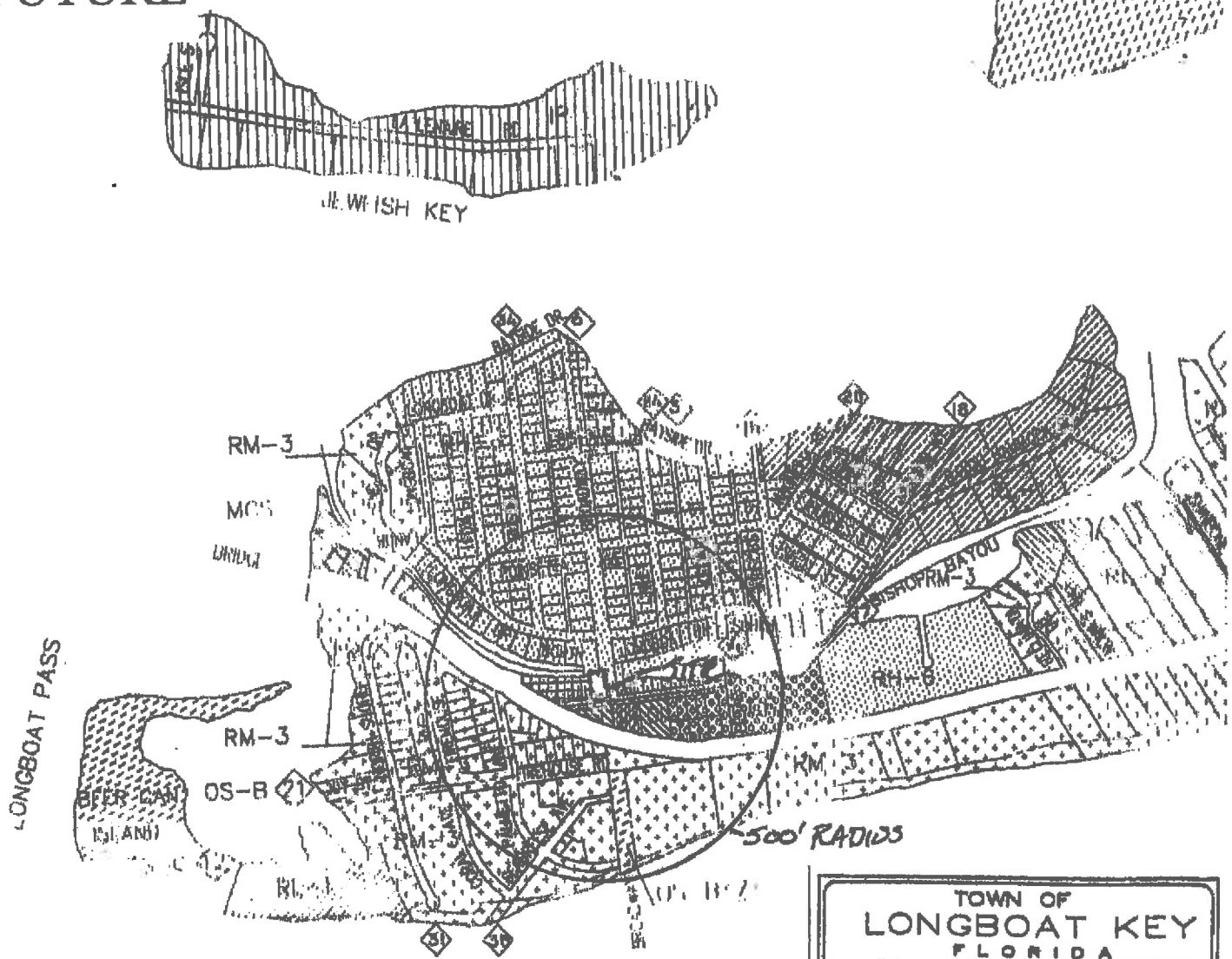
PROPOSED FUTURE LAND USE PLAN

RH-6



FUTURE LAND USE LEGEND

IP	ISLAND PRESERVE	1 DU/5 ACRES
OS-A	OPEN SPACE	ACTIVE (<1> LOCATIONS, SEE EXHIBIT "A")
OS-B	OPEN SPACE	PASSIVE (<1> LOCATIONS, SEE EXHIBIT "A")
OS-C	OPEN SPACE	CONSERVATION (<1> 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	6 DU/ACRE
[illegible]	[illegible]	[illegible]
GPD	GULF PLANNED DEVELOPMENT	7.05 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	5 MED. DENSITY TOURIST RESORT/COMMERCIAL	5 DU/ACRE
TRC	5 HIGH DENSITY TOURIST RESORT/COMMERCIAL	8 DU/ACRE

TOWN OF
LONGBOAT KEY
FLORIDA

Future Land Use

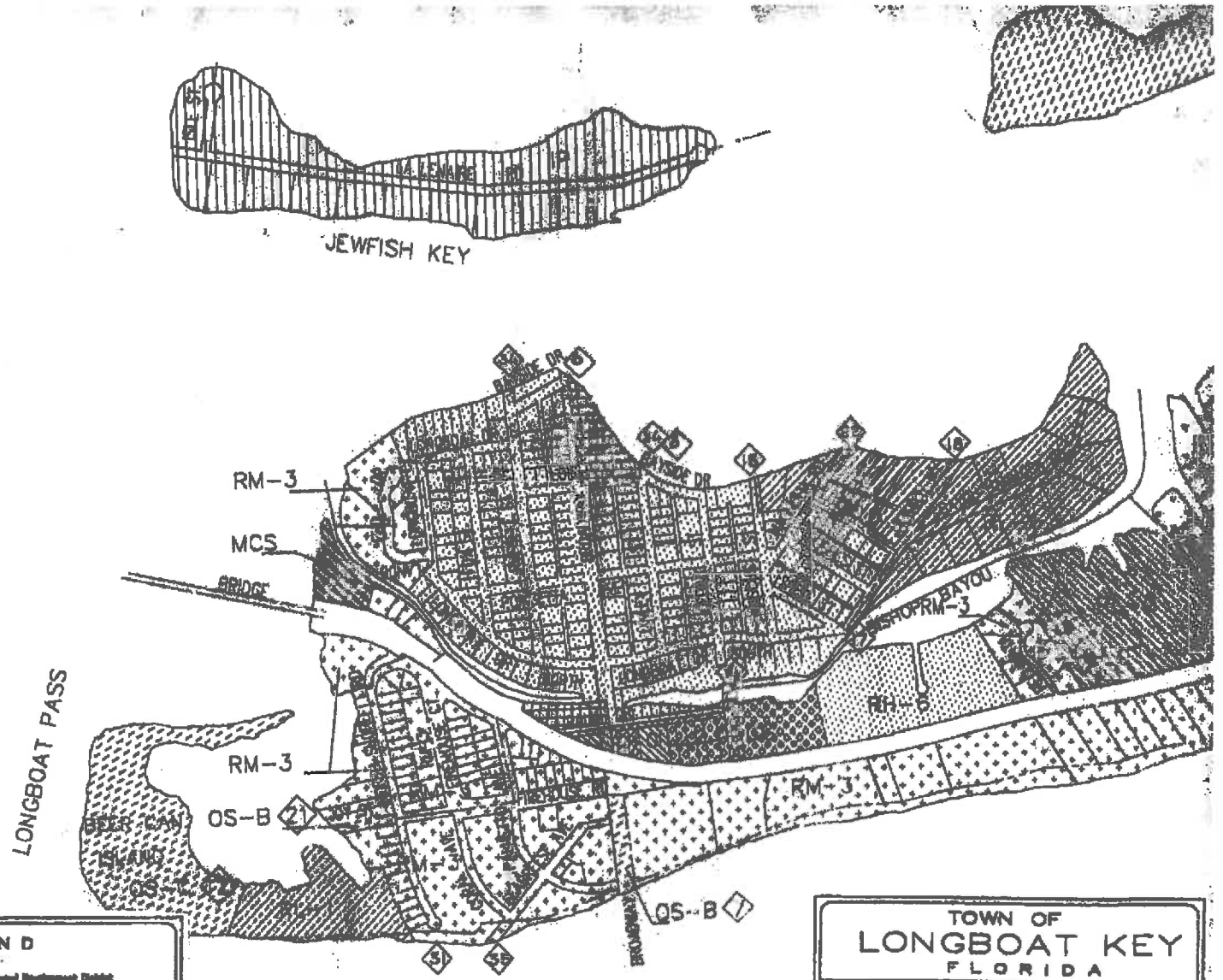
This is to certify that this is the Official Zoning Map referred to in Ordinance No. 95-08 of the Town of Longboat Key, FL.

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1999

Sheet 3 of 11

EXISTING ZONING

C-1



ZONING LEGEND

OS	Open Space District
INS	Community Facility-Institutional District
R-1/P	Island Preserve Residential District (1 DU/5 A)
R-1SF	Single-Family Low Density Estate Residential District (1 DU/A)
R-2SF	Single-Family Low Density Residential District (2 DU/A)
R-3SF	Single-Family Low-Medium Density Residential District (3 DU/A)
R-4SF	Single-Family Medium Density Residential District (4 DU/A)
R-6SF	Single-Family High Density Residential District (6 DU/A)
R-3MX	Low-Medium Density Mixed Residential District (3 DU/A)
R-4MX	High Density Mixed Residential District (4 DU/A)
R-6MX	High Density Mixed Residential District (6 DU/A)
PD	Planned Development District (0.01 DU/A)
GPD	Gulf Planned Development District (0.05 DU/A)
NPD	Neighborhood Planned Development District (0.05 DU/A)
C-1	Limited Commercial District
C-2	General Commercial District
C-3	Highway Oriented Commercial District
M-1	Marine Commercial Service District
O-1	Office-Institutional District
T-3	Low-Medium Density Tourist Resort Commercial District (5 TU/A)
T-6	High-Density Tourist Resort Commercial District (6 TU/A)

TOWN OF
LONGBOAT KEY
FLORIDA

Issued: 12/07/10

ZONING MAP

This is to certify that this is the Official Zoning Map referred to in Ordinance No. 90-06 of the Town of Longboat Key, FL

Attested

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1999

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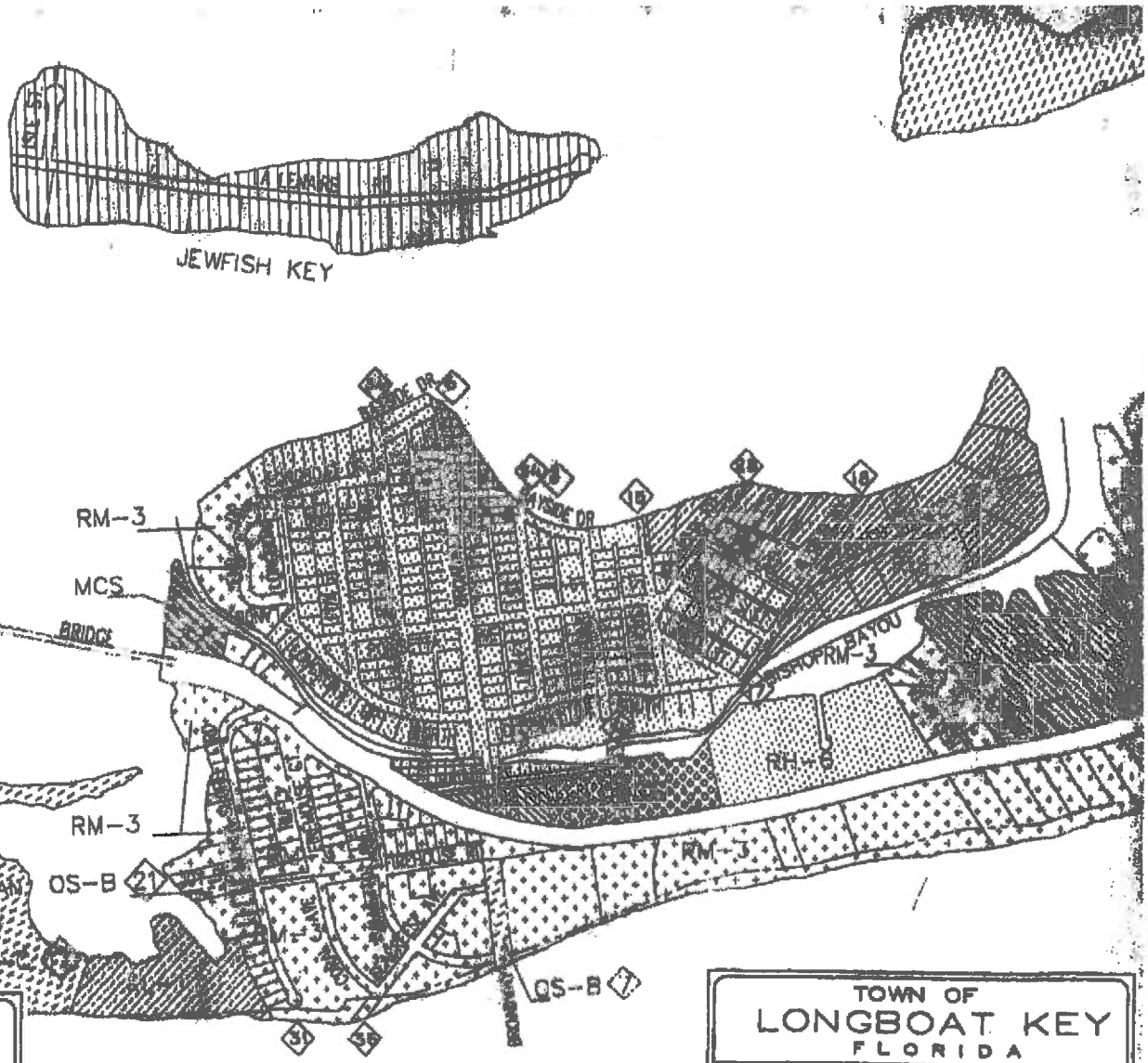
PROPOSED ZONING

R-6MX



ZONING LEGEND

OS	Open Space District
INS	Community Facility-Institutional District
R-1IP	Island Preserve Residential District (1 DU/5 A)
R-1SF	Single-Family Low Density Estate Residential District (1 DU/A)
R-2SF	Single-Family Low Density Residential District (2 DU/A)
R-3SF	Single-Family Low-Medium Density Residential District (3 DU/A)
R-4SF	Single-Family Medium Density Residential District (4 DU/A)
R-6SF	Single-Family High Density Residential District (6 DU/A)
R-3MX	Low-Medium Density Mixed Residential District (3 DU/A)
R-4MX	High Density Mixed Residential District (4 DU/A)
R-6MX	High Density Mixed Residential District (6 DU/A)
PD	Planned Development District (Max DU/A)
GPD	Golf Planned Development District (Max DU/A)
NPD	Neighborhood Planned Development District (Max DU/A)
C-1	Limited Commercial District
C-2	General Commercial District
C-3	Highway Oriented Commercial District
M-1	Marine Commercial Service District
O-1	Office-Institutional District
T-3	Low-Medium Density Tourist Resort Commercial District (3 TU/A)
T-6	High-Density Tourist Resort Commercial District (6 TU/A)

TOWN OF
LONGBOAT KEY
FLORIDA

ZONING MAP

This is to certify that this is the Official Zoning Map referred to in Ordinance No. 90-08 of the Town of Longboat Key, FL.

Mayor

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1999

Sheet 3 of 11

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CLEMENTS SURVEYING, INC.
509 8th Avenue West, Ste. 140
Palmetto, Florida 34221
Phone: 729-6690 Fax: 729-7580

MEMBER OF:
Florida Society Of Professional Surveyors & Mappers
Manatee County Chamber of Commerce
Manatee County Home Builders Assoc.
Manasota Chapter Of Professional Surveyors & Mappers

BOUNDARY SURVEY OF LOT - BLOCK SUBDIVISION Longbeach - See Description Below
SECTION 15 TOWNSHIP 35 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 6 PAGES 66
OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA PARCEL ID # 7801500005/7803300008
PROPERTY ADDRESS: 521 BROADWAY, LONGBOAT KEY, FLORIDA 34228

SCALE 1"=30'

DESCRIPTION:

PARCEL I: LOTS 33 AND 34, BLOCK 22, LONGBEACH ON LONGBOAT KEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 66, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

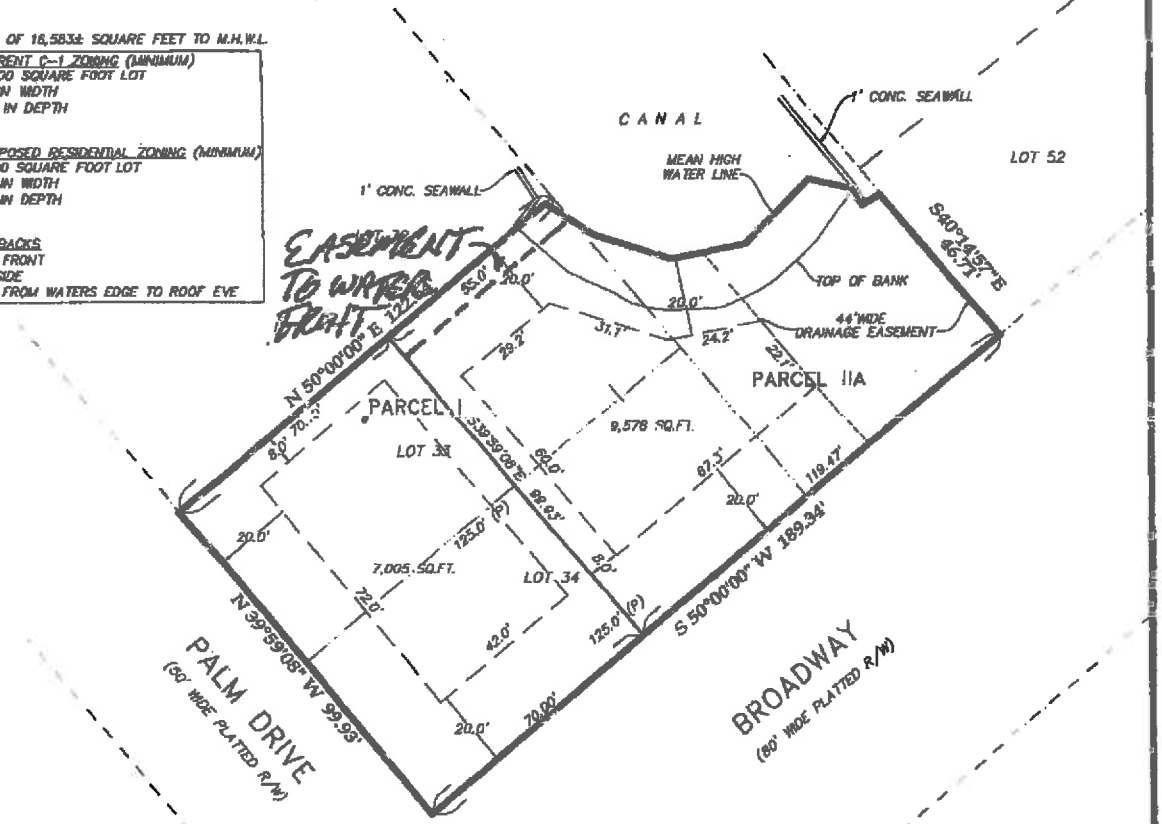
PARCEL II: A PARCEL OF FILLED, FORMERLY SOVEREIGNTY LAND LYING ADJACENT TO SECTION 15, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A GOVERNMENT MEANDER CORNER SITUATED ON THE SOUTH LINE OF SECTION 15, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA. SAID MEANDER CORNER LYING 1830 FEET, MORE OR LESS, WESTERLY OF THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF U.S. LOT 5 OF SAID SECTION 15, A DISTANCE OF 950 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BROADWAY, A PLATTED ROAD, AS SHOWN ON THE PLAT OF LONGBEACH AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 66, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE OF BROADWAY, 370 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 34, BLOCK 22, OF SAID LONGBEACH FOR THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE REAR LOT LINES OF SAID LOT 34 AND LOT 33, A DISTANCE OF 76 FEET TO THE APPROXIMATE MEAN HIGH WATER LINE OF AN EXISTING CANAL; THENCE EASTERLY ALONG SAID APPROXIMATE MEAN HIGH WATER LINE 65 FEET, MORE OR LESS, TO ITS INTERSECTION WITH AN EXISTING CONCRETE VERTICAL SLAB SEAWALL; THENCE SOUTHEASTERLY 4 FEET TO A POINT ON THE REAR LINE OF LOT 52, BLOCK 21, OF SAID LONGBEACH; THENCE SOUTHEASTERLY ALONG SAID REAR LOT LINE 46.80 FEET; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF BROADWAY, 84.74 FEET TO THE POINT OF BEGINNING. THE ABOVE LYING IN SECTION 15, TOWNSHIP 35 SOUTH, RANGE 16 EAST, TOWN OF LONGBOAT, COUNTY OF MANATEE, STATE OF FLORIDA.

TOTAL OF 16,583± SQUARE FEET TO M.H.W.L.

CURRENT C-1 ZONING (MINIMUM)
10,000 SQUARE FOOT LOT
75' IN WIDTH
125' IN DEPTH

PROPOSED RESIDENTIAL ZONING (MINIMUM)
7,000 SQUARE FOOT LOT
60' IN WIDTH
90' IN DEPTH

SETBACKS
20' FRONT
8' SIDE
20' FROM WATERS EDGE TO ROOF EVE



NOTES:

- BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF BROADWAY BEING ASSUMED S50°00'00"W.

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "A11", AS PER FLOOD INSURANCE RATE MAP PANEL NO. 125126 0005 C, DATED 11-1-83, (SUBJECT TO VERIFICATION).

NOT A BOUNDARY SURVEY. SKETCH TO SHOW PROPOSED LOT SPLIT.

Exclusive Use Of:
First America Bank

Job No. 12-117-2
Boundary FB PG Revisions:
Foundation FB PG Revisions:
Final FB PG Other: 6-7-12: Prepare Sketch
Update FB PG Other:
Drawn By KDH

CERTIFICATION OF SURVEYOR

BY: JAMES L. CLEMENTS, P.S.M. # 4091
Licensed Business No. 6667

DATE OF CERTIFICATION

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

LEGEND

(M)=Measured (D)=Deed R = Radial (P)=Plat PC=Point Of Curve ●=Iron Rod Found(IRF)
○=Iron Rod Set(IRS)#6667 ●=Iron Pipe Found (IPF) PCC=Point of Compound Curve ~~~=Water Flow PRC=Point of Reverse Curve
TBM=Temporary Bench Mark POB=Point Of Beginning CMF=Concrete Monument Found N&D=Nail and Disc POC=Point Of Commencement
CMS=Concrete Monument Set #6667 R/W=Right Of Way PRM=Permenent Reference Monument ○ =Proposed Elevation 0.0=Existing Elevation

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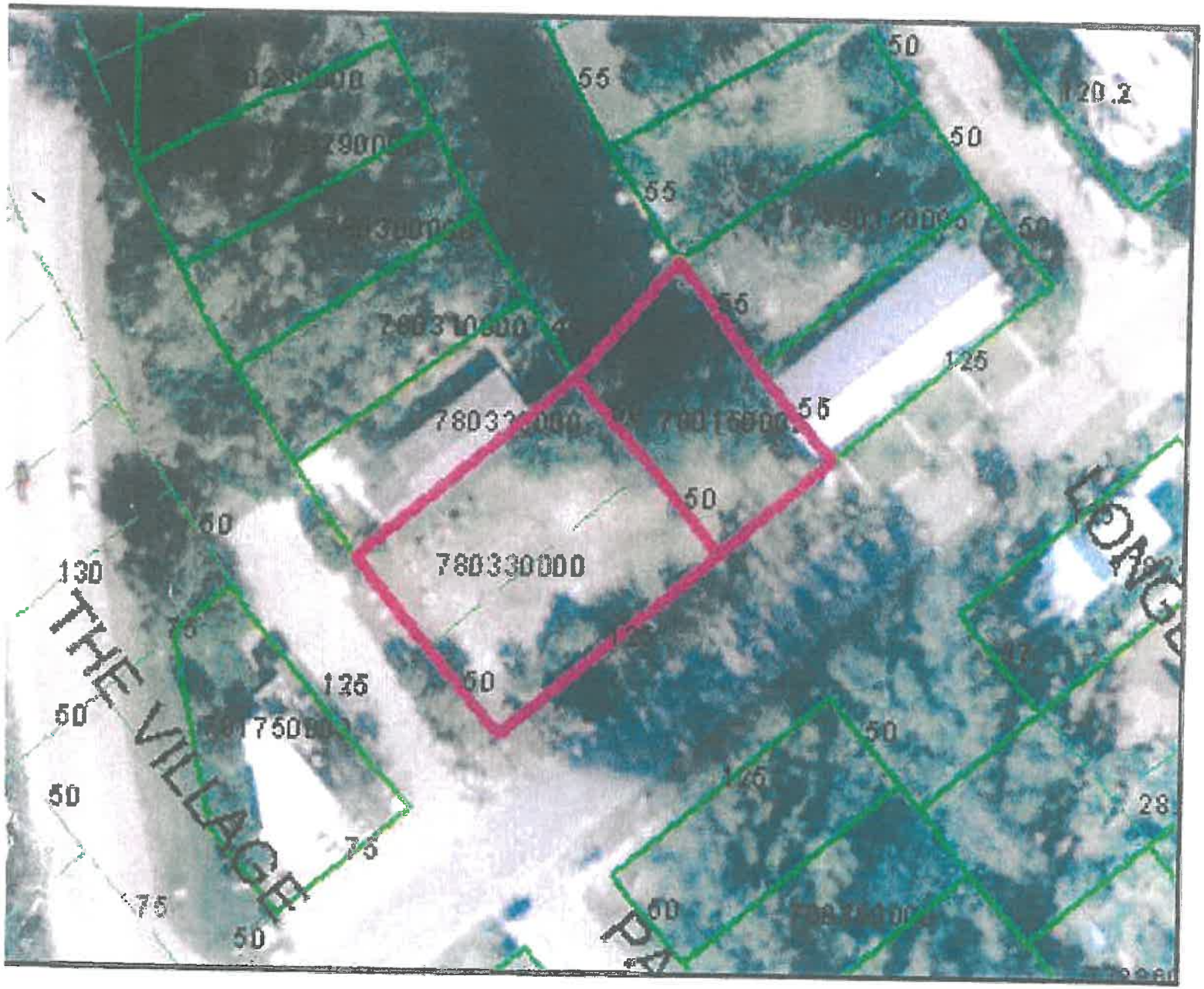
AERIAL 521 BROADWAY STREET



Manatee County

End of Agenda Item