

MEMORANDUM

DATE: October 13, 2014

TO: David Bullock, Town Manager

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

FROM: Steve Schield, ACIP, ASLA, CFM, Town Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2014-22: Rezoning of 5810 Gulf of Mexico Drive from Single-Family Low-Medium Density Mixed Residential District (R-3SF) to Open Space – Conservation (OS-C), and 4110 Gulf of Mexico Drive from Limited Commercial (C-1) to Open Space – Active (OS-A)

The 1988 settlement stipulation by which the Town acquired the 3.81-acre tract located at 5810 Gulf of Mexico Drive mandated that the property be used solely as open space. This was consistent with the property's long-established use as open space. The Future Land Use (FLU) designation was amended to Open Space – Conservation (OS-C) on October 1, 2012, by Ordinance 2012-10. The Future Land Use Map (FLUM) was also revised to reflect this change. However, the zoning designation for this Town-owned property was not amended to reflect the historic use and future intent for the property and is currently listed as Single-Family Low-Medium Density Residential (R-3SF). The requested change of zoning would make the zoning classification consistent with the FLU designation.

Similarly, the Town-owned property located at 4110 Gulf of Mexico Drive, consisting of .71 acres, was acquired on December 8, 2011, with the intent to eventually integrate this property into Bayfront Park. The zoning designation for the existing property at Bayfront Park is Open Space – Active (OS-A). The FLU designation for 4110 Gulf of Mexico Drive was amended to Open Space – Active (OS-A) on October 1, 2012, by Ordinance 2012-10. The FLUM was also revised to reflect this change. However, the zoning designation for the property was not amended to reflect the future intent for the property and is currently listed as Limited Commercial (C-1). The requested change of zoning to Open Space – Active (OS-A) would make the zoning classification consistent with the FLU designation.

The Planning and Zoning Board recommended approval of the rezoning of 5810 Gulf of Mexico Drive and 4110 Gulf of Mexico Drive at their September 16, 2014, meeting and forwarded Ordinance 2014-22 to the November 3, 2014, Regular Meeting of the Town Commission for first reading, public hearing and discussion.

5810 Gulf of Mexico Drive



4110 Gulf of Mexico Drive



Attachments: 10-13-14 Memo, P&Z Board Chair to Commission;
9-5-14 Staff Report, Planner to P&Z Board;
PowerPoint Presentation;
Draft minutes from the 9-16-14 P&Z Board Regular Meeting;
Ordinance 2014-22.

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

MEMORANDUM

DATE: October 13, 2014

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: Allen Hixon, Chair
Planning and Zoning Board

SUBJECT: ORDINANCE 2014-22, REZONING OF 5810 AND 4110 GULF OF MEXICO DRIVE

During the public hearing held on September 16, 2014, the Planning and Zoning Board recommended APPROVAL of Ordinance 2014-22, rezoning 5810 Gulf of Mexico Drive from R-3SF to OS-C; and, rezoning 4110 Gulf of Mexico Drive from C-1 to OS-A. The specific motion from the September 16, 2014, meeting of the P&Z Board is as follows:

Member Bishop moved the P&Z Board recommend approval of the application for rezoning Town-Owned properties at 5810 Gulf of Mexico Drive and 4110 Gulf of Mexico Drive. Member Wild seconded the motion. Motion carried unanimously on a roll call vote: Bishop, aye; Wild, aye; Aitken, aye; Symanski, aye; Daly, aye; Schneier, aye; Hixon, aye.

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

1. Staff Memo, dated 10-13-14, Director to Town Manager;
2. Staff Report, dated 9-5-14, Planner to P&Z Board;
3. PowerPoint presentation;
4. Draft minutes from the 9-16-14 regular P&Z Board meeting on this issue; and
5. Proposed Ordinance 2014-22.

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

AH/dmc

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
SEPTEMBER 16, 2014 - 9:00 A.M.

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

Members Present: Chairman Allen Hixon, Vice Chairman Jack Daly, Secretary John Wild, Members Andrew Aitken, Ken Schneier, George Symanski

Absent: Members Leonard Garner and Walter Hackett

Also Present: Assistant Town Attorney Kelly Fernandez, Planning Zoning and Building Director Alaina Ray, Planner Steve Schield, Deputy Town Clerk Jo Ann Mixon

All those testifying at this public hearing were sworn at this time.

AGENDA ITEM 1
ORDINANCE 2014-22 REZONING OF TOWN OWNED PROPERTIES
5810 GULF OF MEXICO DRIVE AND 4110 GULF OF MEXICO DRIVE

Pursuant to published notice, the public hearing was opened.

Planner Steve Schield, duly sworn, provided an overview of the rezoning of Town-owned properties at 5810 Gulf of Mexico Drive and 4110 Gulf of Mexico Drive (GMD), and highlighting the following:

- 5810 Gulf of Mexico Drive 3.81 acres rezoned from R-3SF to OS-C
- Open Space Conservation zoning - deed restriction
- mangroves on two-thirds of the property (5810 GMD)
- 4110 Gulf of Mexico Drive .71 acres rezoned from C-1 to OS-A
- Open Space Active zoning

Discussion ensued on the following:

- maintenance on the property sites
- demolition of cottage at 4110 GMD

Member Bishop moved the P&Z Board recommend approval of the application for rezoning Town-Owned properties at 5810 Gulf of Mexico Drive and 4110 Gulf of Mexico Drive. Member Wild seconded the motion. Motion carried unanimously

on a roll call vote: Bishop, aye; Wild, aye; Aitken, aye; Symanski, aye; Daly, aye; Schneier, aye; Hixon, aye.

CONSENT AGENDA
MEETING MINUTES MAY 27, 2014, REGULAR MEETING
SETTING FUTURE MEETING DATE AS October 21, 2014, REGULAR MEETING

Following discussion there was consensus to approve the Consent Agenda as presented.

STAFF UPDATE

Planning Zoning, and Building (PZB) Director Alaina Ray discussed the upcoming joint meeting with the Town Commission (tentative date October 20, 2014) and requested Board Members provide agenda items for consideration.

Ms. Ray announced the mandatory Sunshine and Public Records Law seminar was scheduled for 1:30 p.m. on September 29, 2014, in the Commission Chamber, and requested Board Members confirm attendance with the Town Clerk's Office.

COMMENTS FROM THE PUBLIC AND PRESS - No items were presented.

BOARD COMMENTS

Member Daly discussed the Comprehensive Plan and Zoning Code reviews and requested an update on the status.

Ms. Ray explained the behind the scene efforts of staff to solidify the Scope of Work, Agreement with the University of Florida, the Town Center Request for Proposals, timeline schedule, and Kick-Off efforts.

Member Wild left the dais and meeting at 9:15 a.m.

Discussions were held on the following topics/issues:

- Board involvement in the review process
- schedule of events (in process)
- periodic updates and public meetings
- seating assignments at the dais

ADJOURNMENT

The meeting was adjourned at 9:25 a.m.

John Wild Secretary P&Z Board

Minutes approved: _____

M E M O R A N D U M

DATE: September 5, 2014

TO: Planning and Zoning Board

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

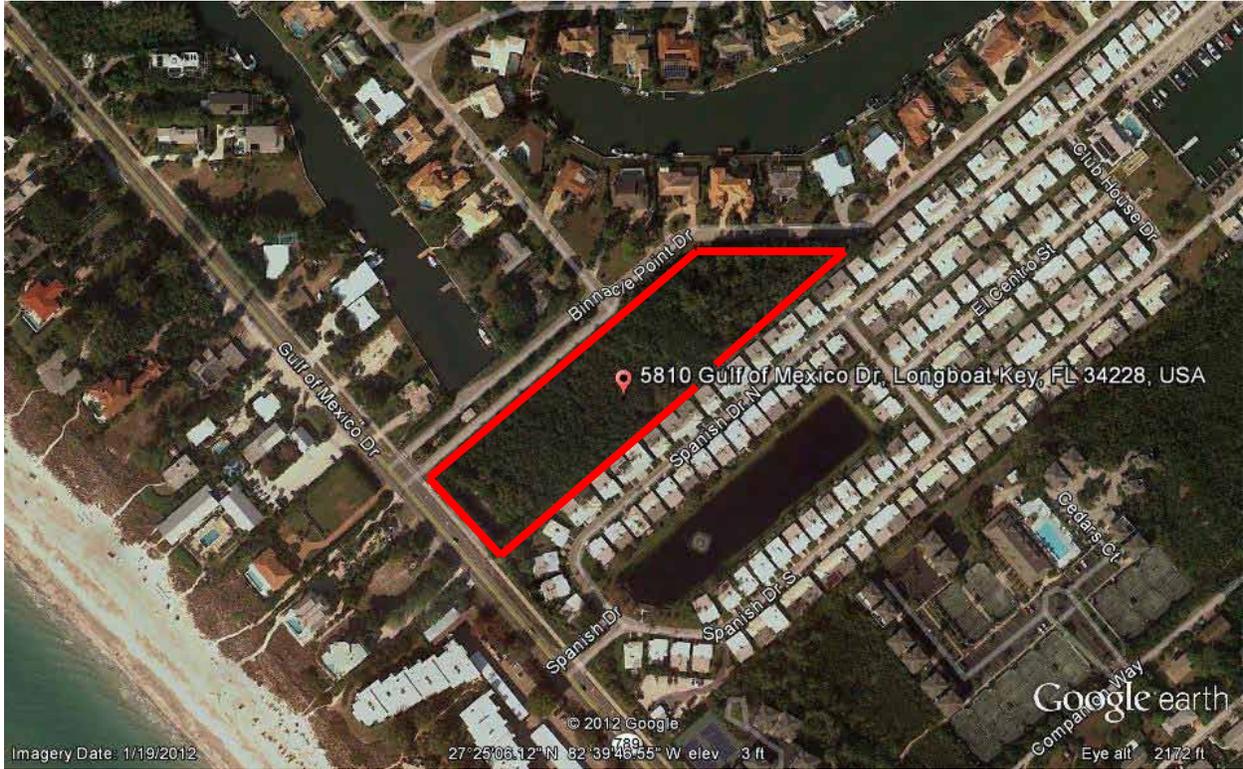
FROM: Steve Schield, ACIP, ASLA, CFM, Town Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2014-22: Rezoning of 5810 Gulf of Mexico Drive from Single-Family Low-Medium Density Mixed Residential District (R-3SF) to Open Space – Conservation (OS-C), and 4110 Gulf of Mexico Drive from Limited Commercial (C-1) to Open Space – Active (OS-A)

The 1988 settlement stipulation by which the town acquired the 3.81-acre tract located at 5810 Gulf of Mexico Drive mandated that the property be used solely as open space. This was consistent with the property's long-established use as open space. The future land use designation was amended to Open Space – Conservation (OS-C) on October 1, 2012, by Ordinance 2012-10. The Future Land Use Map (FLUM) was also revised to reflect this change. However, the zoning designation for this Town-owned property was not amended to reflect the historic use and future intent for the property and is currently listed as Single-Family Low-Medium Density Residential (R-3SF). The requested change of zoning would make the zoning classification consistent with the future land use designation.

Similarly, the Town-owned property located at 4110 Gulf of Mexico Drive, consisting of .71 acres, was acquired on December 8, 2011, with the intent to eventually integrate this property into Bayfront Park. The zoning designation for the existing property at Bayfront Park is Open Space – Active (OS-A). The future land use designation for 4110 Gulf of Mexico Drive was amended to Open Space – Active (OS-A) on October 1, 2012, by Ordinance 2012-10. The FLUM was also revised to reflect this change. However, the zoning designation for the property was not amended to reflect the future intent for the property and is currently listed as Limited Commercial (C-1). The requested change of zoning to Open Space – Active (OS-A) would make the zoning classification consistent with the future land use designation.

5810 Gulf of Mexico Drive



4110 Gulf of Mexico Drive



ORDINANCE 2014-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING A CHANGE OF ZONING FROM SINGLE-FAMILY LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3SF) TO OPEN SPACE-CONSERVATION (OS-C) FOR TOWN-OWNED PROPERTY LOCATED AT 5810 GULF OF MEXICO DRIVE; AND FROM LIMITED COMMERCIAL (C-1) TO OPEN SPACE-ACTIVE (OS-A) FOR TOWN-OWNED PROPERTY CONSISTING OF APPROXIMATELY 0.71 ACRES LOCATED AT 4110 GULF OF MEXICO DRIVE; AMENDING SECTION 158.007 OF THE TOWN CODE TO AMEND THE ZONING MAP TO SHOW CHANGE OF ZONING; 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 (Act) (Sections 163.3161 to 163.3243, Florida Statutes {F.S.}), directs the Town of Longboat Key to adopt an amended Comprehensive Plan in accordance with the Act and the applicable state regulations adopted pursuant to the authority granted in the Act; and

WHEREAS, Section 163.3202, F.S., states that within one year after submission of its revised comprehensive plan for review pursuant to Section 163.3167(2), F.S., each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, the Town adopted Ordinance 2012-10 amending the Future Land Use of certain properties owned by the Town located at 5810 Gulf of Mexico Drive, Longboat Key, Florida 34228, as Open Space-Conservation, and at 4110 Gulf of Mexico Drive, Longboat Key, Florida 34228, as Open Space-Active and, amending the Future Land Use Map to accurately reflect the changes; and

WHEREAS, the Town requests approval of its application to change the zoning district of the above referenced Town properties from Single-Family Low-Medium Density Residential (R-3SF) to Open Space-Conservation, and Limited Commercial to Open Space-Active and to amend the Zoning Map to be consistent with the properties' future land use designation; and

WHEREAS, the Town wishes to amend Section 158.007 of the Zoning Code to reflect the ordinance adopting the most current Zoning Map; and

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

WHEREAS, the Town of Longboat Key Planning and Zoning Board ("Planning and Zoning Board"), after due public notice, held a public hearing on September 16, 2014, concerning the requested amendments to the Zoning Code, change of zoning, and revised Zoning Map; and

WHEREAS, following the public hearing before the Planning and Zoning Board, the Planning and Zoning Board recommended approval of the requested amendments to the Zoning Code, change of zoning, and revised Zoning Map, and recommended that the same be forwarded to the Town Commission for their review and approval; and

WHEREAS, the Town Commission of the Town of Longboat Key, after due public notice, held public hearing on November 3, 2014, and December 1, 2014, on the proposed changes as recommended by the Planning and Zoning Board; and

WHEREAS, the proposed amendments to the Zoning Code, change of zoning, and revised Zoning Map are consistent with the Town's Comprehensive Plan and Future Land Use Map; and

WHEREAS, the Town Commission of the Town of Longboat Key finds that the proposed amendments to the Zoning Code, change of zoning, and revised Zoning Map are in the best interest of the Town.

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

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

SECTION 2. The zoning district for approximately 3.81 acres located at 5810 Gulf of Mexico Drive, Longboat Key, Manatee County, Florida 34228, Parcel Identification No. 80028.00004 is hereby amended from Medium Density Single Family/Mixed Residential (R-3SF) to Open Space – Conservation (OS-C).

SECTION 3. The zoning for approximately .71 acres located at 4110 Gulf of Mexico Drive, Longboat Key, Sarasota County, Florida 34228, Parcel Identification No. 0002040009 is hereby amended from Limited Commercial (C-1) to Open Space – Active (OS-A).

SECTION 4. Chapter 158, Section 158.007(A), of the Town of Longboat Key Code of Ordinances is hereby amended as follows to adopt a new "Official Zoning Map" (Appendix 'A') by updating the reference to the adopting Ordinance as follows:

"The official zoning map of the town is hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the mayor, attested by the town clerk, and bearing the seal of the town under the following words: This is to certify that this is the Official Zoning Map referred to in Ordinance 2014-22 of the Town of Longboat Key, Florida."

SECTION 5. The Town of Longboat Key Zoning Map and legend is hereby amended, as depicted on Exhibit "A" attached hereto.

SECTION 6. All ordinances and parts of ordinances in conflict herewith shall be deemed repealed.

SECTION 7. This Ordinance shall become effective as provided for by law.

SECTION 8. This Ordinance shall be recorded in the Official Records of Manatee and Sarasota Counties.

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

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

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Attachments:

Exhibit "A": Revised Zoning Map



**5810 Gulf of Mexico Drive
4110 Gulf of Mexico Drive
Rezoning
Ordinance 2014-22**

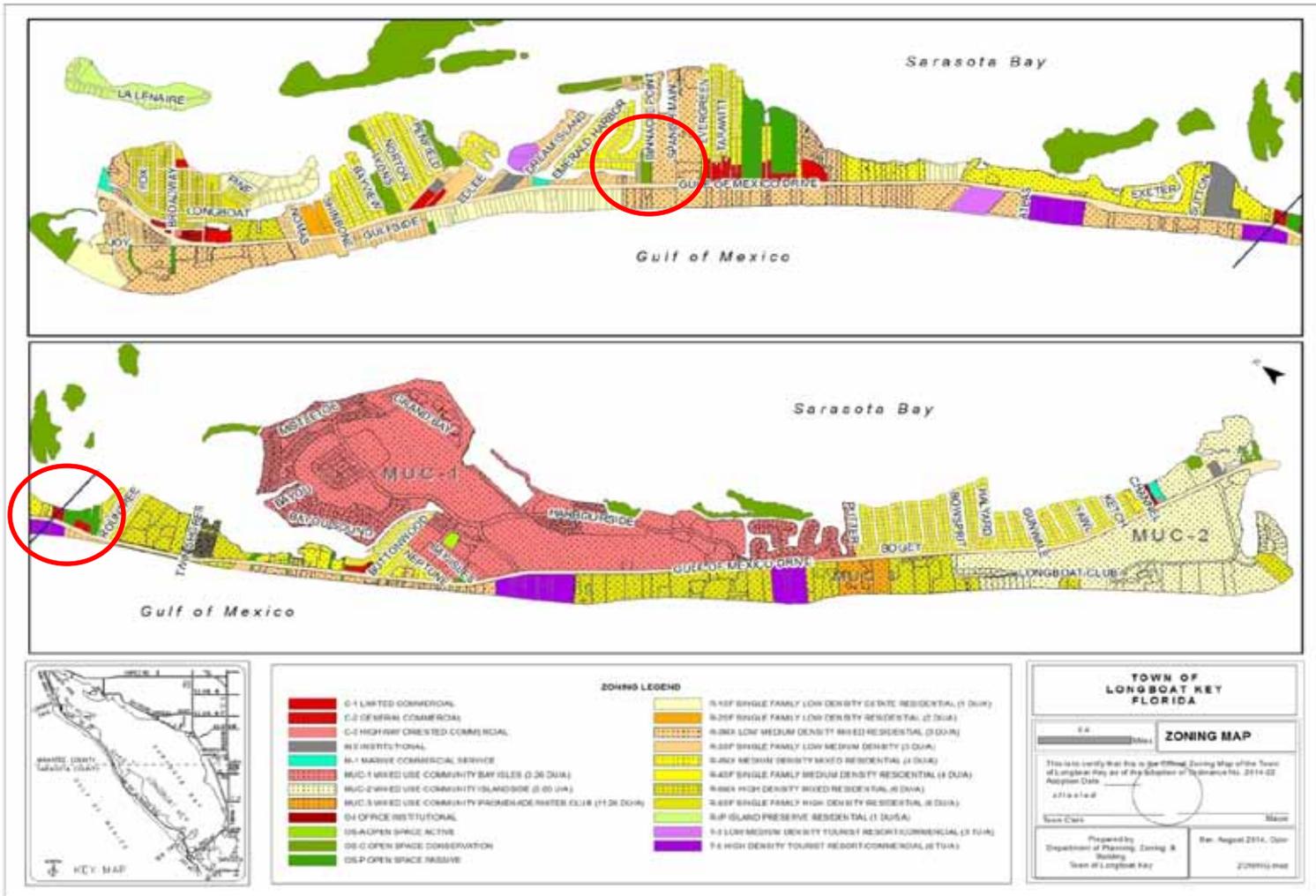
Town Commission

December 1, 2014

TOWN OF LONGBOAT KEY



Zoning Map





5810 Gulf of Mexico Drive

3.81 acres

**Future Land Use is OS-C, Open Space
– Conservation**

**The Town owned property is being
rezoned from R-3SF to OS-C**

TOWN OF LONGBOAT KEY



5810 Gulf of Mexico Drive





Gulf of Mexico Drive





North Side





North Side



TOWN OF LONGBOAT KEY



East Side





4110 Gulf of Mexico Drive

.71 acres

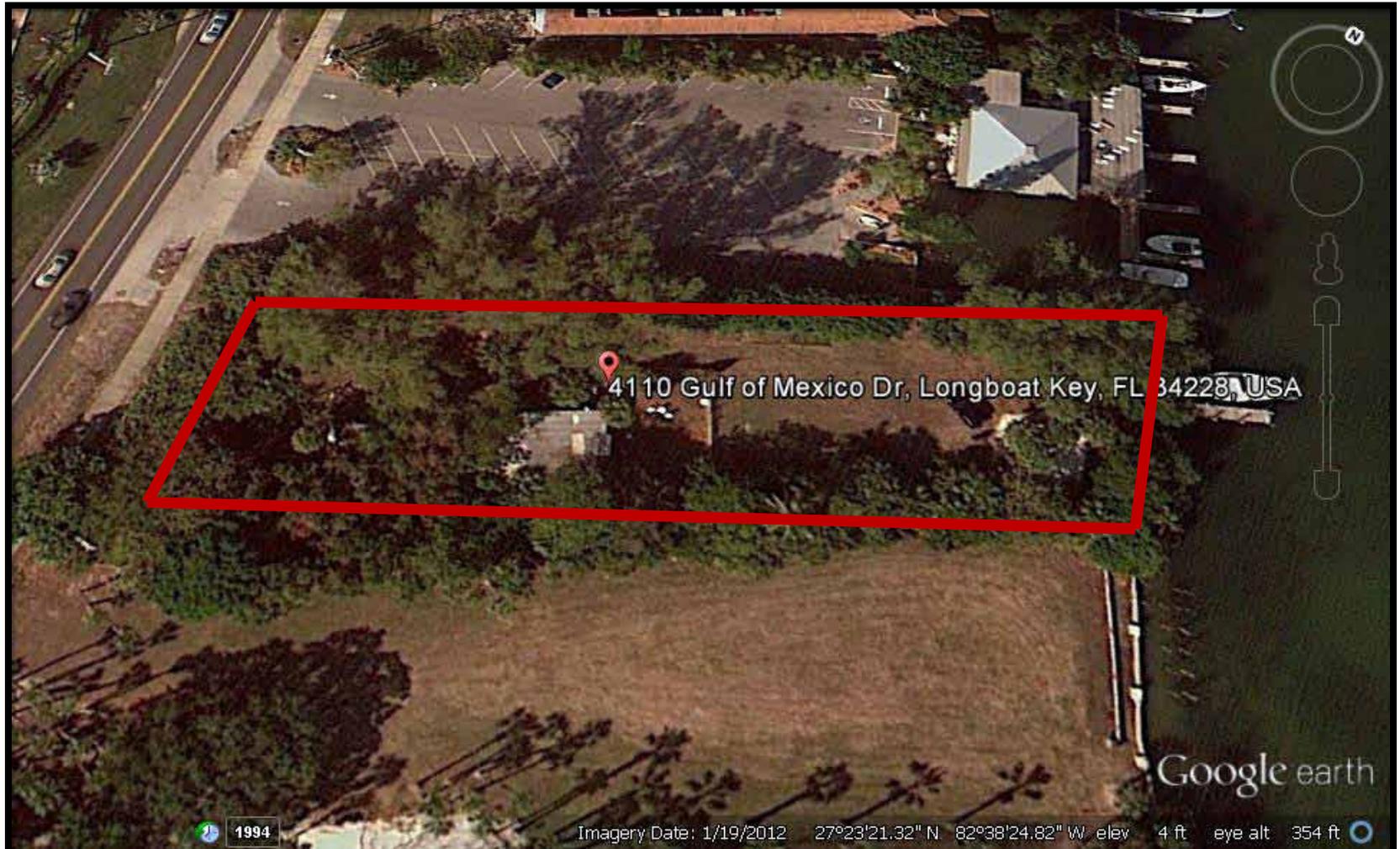
**Future Land Use is OS-A, Open Space –
Active**

**The Town owned property is being
rezoned from C-1 to OS-A**

TOWN OF LONGBOAT KEY



4110 Gulf of Mexico Drive





Gulf of Mexico Drive





North Side





South Side





Center of Lot





Recommendation

The Planning & Zoning Board recommends approval of the rezoning of 5810 Gulf of Mexico Drive and 4110 Gulf of Mexico Drive by Ordinance #2014-22.



End of Agenda Item