

M E M O R A N D U M

Date: March 12, 2015

TO: David Bullock, Town Manager

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

SUBJECT: Moore's Stone Crab Restaurant, 800 Broadway Street
Comprehensive Plan Amendment

The applicant, Moore-Hicks Limited Partnership, requests consideration of an application for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 800 Broadway Street, currently known as Moore's Stone Crab Restaurant, to amend the Future Land Use designation of the subject property from High Density Single Family/Mixed Residential (RH-6) to Limited Commercial (CL).

The Planning and Zoning Board recommended approval of the Comprehensive Plan Amendment at their February 17, 2015, meeting subject to 'Whereas' clauses being included to reference the reason for reverting back to a commercial designation.

The Town Commission is requested to hold a public hearing and first reading of Ordinance 2015-08, approving the Comprehensive Plan Amendment for the Moore's Stone Crab Restaurant, located at 800 Broadway Street, at their April 6, 2014, Regular Meeting.

Attachments: 3-12-15 Memo, P&Z Board Chair to Commission;
2-9-15 Staff Report, PZB Director to P&Z Board;
Applicant's Application Package;
PowerPoint Presentation;
Draft minutes from the 2-17-15 P&Z Board Regular Meeting;
Ordinance 2015-08

xc: Maggie Mooney-Portale, Town Attorney

M E M O R A N D U M

DATE: March 12, 2015

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: Allen Hixon, Chair
Planning and Zoning Board

SUBJECT: Moore's Stone Crab Restaurant, 800 Broadway Street,
Comprehensive Plan Amendment

During the public hearing held on February 17, 2015, the Planning and Zoning Board recommended APPROVAL of the Moore's Stone Crab Restaurant Comprehensive Plan Amendment application, subject to 'Whereas' clauses being included to reference the reason for reverting back to a commercial designation. The specific motion from the February 17, 2015, meeting of the P&Z Board is as follows:

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT FOR THE MOORE'S STONE CRAB RESTAURANT AS WRITTEN. MS. BISHOP SECONDED THE MOTION.

MR. SYMANSKI MOVED TO AMEND THE MOTION TO INCLUDE THE ADDITION OF TWO 'WHEREAS' CLAUSES AS FOLLOWS: 1) WHEREAS, IT WAS A MISTAKE TO CHANGE THE PLANNING IN 2010; AND 2) WHEREAS, SINCE THE CHANGE IN PLANNING IN 2010, THERE WAS A CHANGE IN CIRCUMSTANCES IN THAT THE TOWN VISION PLAN WAS ADOPTED. MS. BISHOP SECONDED THE AMENDMENT.

Motion on amendment:

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

Motion on original motion, as amended:

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

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

1. Staff Report, dated 2-9-15, PZB Director to P&Z Board;
2. Applicant's Application
3. PowerPoint presentation;
4. Draft minutes from the 2-17-15 regular P&Z Board meeting on this issue; and
5. Ordinance 2015-08.

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

AH/dmc

MEMORANDUM

DATE: February 9, 2015

TO: Planning and Zoning Board

FROM: Alaina Ray, AICP
Director - Planning, Zoning and Building Department

SUBJECT: Comprehensive Plan Amendment

PROPERTY OWNER: Moore–Hicks Limited Partnership, LLC

APPLICANT/AGENT: Peter Dailey, Dailey Designs, Inc., Agent

SITE LOCATION: 800 Broadway, Longboat Key, Florida

**EXISTING FUTURE
LAND USE:** High Density Single Family/Mixed Residential (RH-6)

EXISTING ZONING: Single Family High Density Residential (R-6SF)

EXISTING USE: Restaurant

REQUEST: The applicant requests consideration of an application for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 800 Broadway, currently known as Moore’s Stone Crab Restaurant, to amend the Future Land Use designation of the subject property from High Density Single Family/Mixed Residential (RH-6) to Limited Commercial (CL).

BACKGROUND

The subject property is a bayside waterfront lot located at 800 Broadway. The property is the site of the existing Moore’s Stone Crab Restaurant, constructed in 1967. The restaurant building is considered a grandfathered structure in non-compliance with the Federal Emergency Management Agency (FEMA), Florida Department of Environmental Protection (FDEP), and Florida Building Code.

The property is currently designated High Density Single Family/Mixed Residential (RH-6) in the Town’s Comprehensive Plan Future Land Use Element (FLU) and Single Family High Density Residential (R-6SF) in the Town’s Zoning Code. The applicant has

requested the FLU designation revert back to Commercial Limited (CL) and the zoning category be reverted back to Limited Commercial (C-1), which was the historic zoning designation until 2010.

In 2009, the property owner filed an application with the Town requesting the FLU and Zoning be changed from Commercial to Residential. The Planning and Zoning Board recommend denial of the change in September 2009. In February 2010, the Town Commission approved the land use change by a split vote of four (4) to three (3).

The principal justification provided by the property owner for the requested change was financial consideration. At the time, the applicant suggested that the land use change and rezoning of the property to residential would increase the credit-worthiness of the property to lending institutions, allowing the owners to refinance high-interest loans and continue to operate the restaurant, while also having a sound financial exit strategy in place in case the business became financially unviable.

Based on available information from the previous application and public hearings, it appears there was never any desire or intent, by the property owner, the deciding boards, or the community, for the restaurant to cease operations.

STAFF ASSESSMENT

Consistency with the Comprehensive Plan

The applicant cites Goal 1 of the Future Land Use Element of the Comprehensive Plan (Plan) as consistent with and in support of the proposed amendment:

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

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

- **Future Land Use Element, Policy 1.1.2:** The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which as a minimum will: (10) ensure that development orders and permits will not

result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.

- **The Plan amendment and rezone will not result in reduction of 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 Village area is an historic blend of residential, commercial, cultural, and recreational waterfront uses. Preservation of the historic restaurant use would protect the unique visual and aesthetic character of this vibrantly diverse area. Existing open space would be preserved and public's visual and physical access to the waterfront would be protected. Any improvements to the site, such as renovations/reconstruction of the building and installation of landscaping, would serve to enhance the visual and aesthetic character of the area.**
- **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 preservation or redevelopment of the restaurant on the property would not impact the demand for public facilities and services and would be consistent with the Town's concurrency management system.**
- **Future Land Element, 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 existing restaurant are already in place. Should additional facilities be required in the future, they will be consistent with the Policy.**
- **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 impacts on the Town's level of service traffic standards will not be affected by the plan amendment. No expansion of the existing restaurant is being requested. Pedestrian and bicycle access to the property will be preserved.**

- **Conservation and Coastal Element, 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 any new building permits. Stormwater improvements associated with any renovation/reconstruction will enhance the quality of the runoff into the Bay. Agency review and permitting will also be required for any change to solid waste systems.**

- **Conservation and Coastal Management Element, Policy 1.7.1:** The Town will enforce its tree and landscaping requirements.
 - **Any major renovation/reconstruction of the restaurant will include installation of landscaping that would both increase the landscape area on the site and increase the tree canopy in the area.**

- **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.
 - **Potential major renovation/reconstruction of the restaurant would require to comply with current building standards that typically utilize less potable water than outdated construction and facilities.**

- **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.
 - **Potential major renovation/reconstruction of the restaurant would require to comply with current building standards that typically produce less wastewater than outdated construction and facilities.**

- **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.
 - **Any future redevelopment of the restaurant 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. It is anticipated that any major renovation/reconstruction would include regarding and improvement of the existing parking area, which would provide improved treatment of stormwater.**

- **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	Gulf of Mexico Drive (GMD)/SR 789: LOS E. All intersections within the Town: Volume to Capacity Ratio of 1.08
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 existing restaurant us will meet the current impacts to the aforementioned level of service and concurrency standards. Any major renovation/reconstruction of the restaurant would require a reduction of the stormwater runoff by required improvements to drainage and additional open space in the parking area.**

Small Scale Development Activities

Staff has determined that the proposed Plan amendment meets Florida Department of Economic Opportunity (DEO) criteria for Small Scale Amendments. Florida Statute 163.3187(1)(c) 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 DEO and multiple other agencies and governments before adoption. Instead, the amendment and supporting documents are adopted and sent to DEO and

the local Regional Planning Council, in this case the SWRPC, to provide those agencies with notice of the amendment.

Site-specific Conditions

The property is one of two (2) historic waterfront restaurants located in the Longbeach Subdivision. The applicant requests to return the property to the historic commercial land use and zoning that existed before 2010. The 2010 land use and zoning changes isolated the neighboring Mar Vista Restaurant. If the restaurant use were to cease and residential uses were developed on the subject property, the long-term future and viability of the neighboring Mar Vista Restaurant could be jeopardized due to isolation and the encroachment of other uses. Both of these iconic waterfront restaurants have served as the historic commercial center and gathering place for the Longbeach Village area and provides waterfront access to the public, both residents and visitors.

Future Development Opportunities

Currently, the existing restaurant cannot be renovated or reconstructed. In the event of a natural disaster, fire, or other form of destruction, the use would be lost to the community. Changing the Future Land Use classification of the subject property back to commercial would allow this historic waterfront restaurant to renovate/reconstruct to the demands of today's market and allow the use to be replaced if destroyed.

Vision Plan

In addition to the Comprehensive Plan, the Town has an adopted Vision Plan that acts as a framework for the elected and appointed leaders to consider as they deliberate and decide the matters and policies affecting Longboat Key. The previous changes to the FLU and Zoning for the subject property were done shortly before the adoption of the Vision Plan.

The Vision Plan recognizes waterfront dining as one of the amenities that makes Longboat Key a special place. The Vision Plan also states that the Town will strive to support restaurants on the island, encouraging viability and diversification, as well as waterfront dining options.

The loss of waterfront restaurants in the region has been a continuing trend over the last two (2) decades, in large part due to the steep increase in waterfront residential real estate values during the late 1990's and early 2000's. Many popular waterfront restaurants converted to private residential development, eliminating options for public access to the region's waterfront. Moore's Stone Crab Restaurant has been an historic asset to the community since 1967, by maintaining waterfront and boating access to the public. Loss of this successful use would reduce the number of dining options on Longboat Key and could result in more residents and visitors travelling off-island for

their dining needs. Continuation of a successful restaurant use with waterfront access at this location is consistent with the Town's adopted Vision Plan.

STAFF RECOMMENDATION

Based upon the assessment established above, Staff recommends **APPROVAL** of the requested amendment to the Comprehensive Plan Future Land Use Map designating the property at 800 Broadway Street as Limited Commercial (CL).

ATTACHMENTS

Attached, please find a copy of the Moore's Restaurant Comprehensive Plan Amendment application upon which the staff assessment has been based.

**SMALL AREA COMPREHENSIVE
PLAN AMENDMENT
APPLICATION**

**MOORE’S STONE CRAB
RESTAURANT
TOWN LONGBOAT KEY**

**PREPARED FOR
MOORE’S STONE CRAB RESTAURANT
800 Broadway Street
Longboat Key, Florida**

**PREPARED BY
DAILEY DESIGN GROUP, INC.
3941 BUTLER AVE
SARASOTA, FLORIDA 34243**



January 16, 2015

INDEX

SMALL AREA COMPREHENSIVE PLAN APPLICATION	Page 3
NARRATIVE	5
● Small Area Plan Criteria Compliance	5
● History	5
● Attachment Checklist and Criteria	7
● Section R -Comprehensive Plan Consistency	11
● Section S- Consistency with Town Charter	20
● Section P -Supporting Documents	22
(a) Public Works Concurrency Letter	
Attachment 10	38
REVIEW CRITERIA COMPREHENSIVE PLAN AMENDMENTS	21
VERIFIED STATEMENT and CERTIFICATE OF OWNERSHIP/ PROPERTY OWNER AFFIDAVITS	23-27
MAPS	
● Attachment 2- Survey	28
● Attachment 3- Proposed Future Land Use Proposed Map- 500'	29
● Attachment 4- Existing Future Land Use Plan Map-500'	30
● Attachment 5- Current Land Use Plan Map Designation – 500'	31
● Attachment 6- Existing Zoning Map– 500'	32
● Attachment 7- Proposed Zoning Map– 500'	33
● Attachment 8- Aerial	34
Attachment 9-Minutes and Sign in sheet- Neighborhood Workshop	35-37
Attachment 10- Public Works Impact Letter	38



Planning, Zoning & Building Department (941) 316-1966
 501 Bay Isles Road
 Longboat Key, Florida 34228
 Fax Number: (941) 316-1970
 Web: <http://www.longboatkey.org>

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

Date Filed: NOVEMBER 25, 2014 Receipt # (\$3,000.00 deposit): _____

THE APPLICANT IS REQUIRED TO SUBMIT SEVENTEEN (17) (ORIGINAL PLUS SIXTEEN COPIES) INDIVIDUAL COLLATED SETS OF THIS APPLICATION SUPPORTING PLANS AND DOCUMENTS

(I) (We) MOORE'S-HICKS LIMITED PART OF MOORE'S STONE CRAB RESTAURANT
 (name) (mailing address)

800 BROADWAY ST LBK FL 34228 request a comprehensive plan amendment.

Subject property is located at 800 BROADWAY LBK FL 34228
 (street number location)

The legal description is as follows: 42, 3 1/2 4 1 LONG BEACH SUB.
 (Lot[s]) (Block) (Subdivision or Plat)

or _____
 (if otherwise legally described)

TOTAL ACREAGE/SQUARE FOOTAGE OF SUBJECT PROPERTY: _____

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

MAP AMENDMENT TO DESIGNATE MOORE'S STONE CRAB RESTAURANT AS CL COMMERCIAL LIMITED ON THE FUTURE LAND USE MAP - THE PARCEL IS .89 AC (38,809 SF) PARCEL ID 2766100007 CURRENT FLU DESIGNATION R14-6

Is this amendment being filed as a proposed "small scale" development activity, pursuant to Section 163-3187(1)(c), Florida Statutes? Yes No _____

(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.

AM
(Signature of Owner)

ALAN MOORE
(Please print or type Owner's Name)

Mailing address you wish information sent to and telephone number:

PETER M DAILEY
3941 BUTLER AVE
SARASOTA FL 34234

Phone (941) 302-1500

Fax () _____

E-Mail (Optional) DAILEYDESIGN1@GMAIL.COM

Peter M Dailey

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

PETER M. DAILEY
Print or type Agent Name

3941 BUTLER AVE
Agent Address
SARASOTA, FL 34234

Phone (941) 302-1500

Fax () _____

E-Mail (Optional) DAILEYDESIGN1@GMAIL.COM

CONTRACTOR PURCHASER'S CERTIFICATION

Notarization of Agent's Signature:

State of Florida

County of Manatee

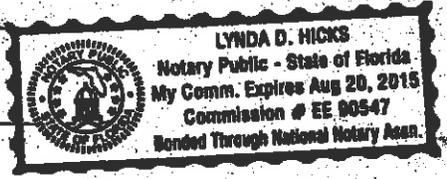
The foregoing instrument was acknowledged before me this 25th day of November, 2014

by Peter M Dailey

as Agent for for Moore-Hicks Limited Partnership
(type of authority) (name of party acting on behalf of)

Lynda D Hicks
Notary Public

Lynda D. Hicks
Name of Notary (print, typed or stamped)



Personally know OR produced identification Type of Identification _____

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). Applicants will be invoiced within 30 days of final determination.

NARRATIVE – MOORE’S STONE CRAB RESTAURANT

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

HISTORY

Moore’s Stone Crab Restaurant was opened in 1967 with ten tables by Pete and Hugh Moore. Through the years there have been several expansions to what the restaurant is today with the last major renovation/remodel in October of 1990.

When the restaurant was first opened, the neighborhood was mostly single family homes with many kids and animals. In the 1970’s there were a great many Mom and Pop type motel/hotels developed on the island. Additionally, the Holiday and Hilton Hotels were constructed. This created a climate with a great mix of tourist and residential customers. With the real estate booms in the eighties, nineties and early 2000’s the property values rose so dramatically that many of the motel/hotels were converted to Condominiums. The Holiday Inn closed and it too was converted to condominiums. The conversion to condominiums created a more seasonal trade for the island in general and specifically in the north end where Moore’s is located. The immediate neighborhood, called the “Village” changed from typical single family neighborhood to a non-family home area, (couples-no children).

The Moore’s Stone Crab Restaurant is one of the only restaurants on the island that is not in a plaza, marina or hotel. The restaurant can not be seen from Gulf of Mexico Drive.

The Mar Vista Restaurant adjacent to Moore's gets many of their patrons from the other two restaurants owned by the same group, namely the Sandbar and the Beach House.

1. In March of 2006 the Moore's were successful in having a referendum approved by the voters on Long Boat Key to allow consideration of changing the land use and zoning of the restaurant from Commercial Limited, (CL) and Commercial Zoning, (C-1) to residential with a density not to exceed 4 dwelling units per acre. The majority of the area surrounding the restaurant in the Long Beach Subdivision was platted at R-6SF or 6 dwelling units per acre. Moore's Restaurant occupies 3 ½ lots of the Long Beach Subdivision which was platted in January of 1914. The R-6SF zoning district was created in the first codified zoning Code for the island in 1955 when the Town of Longboat Key was created to reflect areas that were platted at 6 dwelling units per acre.
2. The Town Commission approved the change in Land Use and Zoning from commercial to residential in 2009.
3. The Moore Hicks Partnership required residential to achieve their goal financially to keep the restaurant due to plummeting commercial values in the north end of the island.
4. The Moore Hicks Partnership committed to continue to run the restaurant for ten years as a non conforming use.

PURPOSE FOR COMP PLAN AMENDMENT

The Carrjulo Group and Tom Leonard, who own several successful high end restaurants in Sarasota desire to partner with the Moore Hicks Partnership to invest in and renovate the current restaurant. In order to protect their investment they desire to return the restaurant to commercial Future Land Use in the Comp Plan and to rezone the property back to Commercial. (If a fire or Hurricane or other disaster should befall the restaurant the current restaurant could not be rebuilt or renovated under the current Residential Land Use and Zoning. With the commitment of substantial renovation monies the new partner group wants to be assured they can rebuild if a disaster occurs). The Town benefits by retaining a 60 year old waterfront restaurant on the island which could be renovated or be rebuilt should a disaster happen.

The Moore's Stone Crab Restaurant is one of the oldest waterfront dining facilities on Longboat Key. It began as a fish camp as part of the original fishing village on the north end of the Key. It has grown and changed into a 185 seat waterfront dining facility and the ownership group, along with the new investors desire to keep it as one of the premier waterfront facilities on the Island.

The CL Commercial Limited Land Use category is:
Limited Commercial (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category.

Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 30 feet.

ATTACHMENTS CHECK LIST AND CRITERIA

- A. *A proposed amendment involving text changes should include a copy of the currently adopted text with proposed additions underlined and proposed deletions struck through.*

There are no text changes only map amendments.

- 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 and principals executive officers will be sufficient. If the applicant is a contract purchaser, provide a copy of contract.*

Verified Statement and Certificate of Ownership' forms have been executed and are pages 23 through 27, ATTACHMENT 1.

- 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 recertified in Dec 2014 is ATTACHMENT 2, page 28.

- D. *Map or Maps showing:*

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

See ATTACHMENT 3, Proposed Land Use Map designation page 29.

Limited Commercial (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category.

Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 30 feet.

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

See Current Future Land Use Map ATTACHMENT 4, page 30. The current Future Land Use Plan Map Designation for the Restaurant is Residential RH-6.

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 a restaurant with dock facilities. ATTACHMENT 5 is an Existing Land Use Map page 31 with land uses identified for 500 feet radius from the site. On the site there is a single story, 6,600+/- s.f. restaurant with attached decks and a dock system which allows boats to access the restaurant. The parking is mainly on the north and west of the restaurant building on shell. There are three curb cuts onto Broadway Street. There is approximately 3,800 square feet of linked dock area over a State Land Lease along the south side of the building.

4. *Existing Zoning Districts for the subject parcel and all abutting properties.*
ATTACHMENT 6 is an Existing Zoning Map page 32. The existing zoning is R-6SF

5. *Proposed Zoning District for the subject parcel.*
The proposed Zoning is indicated on ATTACHMENT 7, page 33. The proposed zoning is to C-1 Commercial.

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 restaurant is located at the east end of Broadway Boulevard on the Bay front. There are three and one half platted lots which were platted in January of 1914. The physical address of the restaurant is 800 Broadway Boulevard. The land area to the south and east is Sarasota Bay. The land uses to the north are Broadway Boulevard and single family homes.

The land use to the west is the Pub at the MarVista Restaurant. The Moore's Stone crab Restaurant and the Mara Vista Restaurant comprise the Core of the commercial in the Village. Essentially, the Broadway Boulevard used to be Main Street of the Long Beach Subdivision and the Fishing Village. Over time since the Plat was approved the vast majority of the lots were constructed with single family homes. Several of the lots were constructed with non residential uses including the Mar Vista and Moore's Stone Crab restaurants at the east end and the Chamber of Commerce, Gas Station and Dentists office at the west end of the street adjacent to Gulf of Mexico Drive. See attached Existing Land Use Map ATTACHMENT 5, page 30.

7. *All existing and proposed curb cuts.*

The restaurant has three existing curb cuts on Broadway which are indicated in the attached Survey. The existing three curb cuts for the restaurant as operated today are proposed to remain.

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 with the waterfront area being hardened shore line with riprap and docking structures. The uplands or the entire site is 38,808 square feet or .89+/- acres. The total Dock area existing on the site is 3,816 square feet.

F. Describe the property and its characteristics.

The property is developed with a 6,600 s.f. restaurant built in 1967 on .89 acres of land. There is a dock system which is located on the south side of the parcel and adjacent to the restaurant. There are three curb cuts from Broadway Street. The shell parking lot is primarily located on the north and west side of the parcel. The existing elevation of the site is around 2 feet and the restaurant finished floor at approximately 5 feet.

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

There are no Species of concern on the subject site. The entire property is man made developed land.

H. Environment. Please check All Habitats found on the property.

<input type="checkbox"/> Canal Fresh Water	<input type="checkbox"/> Mangrove Swamp
<input type="checkbox"/> Canal Salt Water	<input type="checkbox"/> Marshes and Sloughs
<input type="checkbox"/> Coastal Hammock	<input type="checkbox"/> Coastal Streams
<input type="checkbox"/> Scrubby Flatwoods	<input checked="" type="checkbox"/> Other (explain)
<input type="checkbox"/> Indian Mounds	

There are none of the ecosystems listed above present on site. The site is a man altered developed property.

How will species (G above) or habitats (H above) be protected or managed?

N.A. No species or habitats exist on the site

I. 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.

There are no new proposed impacts from the existing land use on the property. There is a 185 seat restaurant in place currently and the ownership group is not proposing to add any more seating in the renovations for the restaurant. The impacts to water, sewer, solid waste, transportation, economy, environment, police fire and medical emergency will all remain

for the restaurant. The impacts to water, sewer, solid waste, transportation, economy, environment, police fire and medical emergency will all remain identical to the existing levels as they are today. (See letter from Public Works ATTACHMENT 10, page 38)

J. *Identification of any capital improvements necessary to maintain the adopted LOS.*
There are no anticipated Capital Improvements necessary to maintain current adopted levels of service.

K. *Utilities*

1. *Provide a letter from the Town's Public Works Department stating that there is adequate potable water capacity to serve the proposed development or describe how adequate capacity will be provided.*

See ATTACHMENT 10, Public Works letter, page 38 indicating no increased impacts from current condition. The restaurant as operated today will not have any increase in permitted seating and impacts will remain the same.

2. *Provide a letter from the Town's Public Works Department stating that there is adequate sanitary sewer service capacity to serve the proposed development or describe how adequate capacity will be provided.*

See ATTACHMENT 10, Public Works letter, page 38 indicating no increased impacts from current condition. The restaurant as operated today will not have any increase in permitted seating and impacts will remain the same.

3 *Fire hydrant _____ feet*

There is an existing fire hydrant 230 feet west of the restaurant property located on the northwest corner of Lois Street and Broadway Boulevard. There is also a Hydrant located in the south west corner of Bayside Street and Linley. This hydrant is approximately 280 feet from the restaurant site.

L. *Are there any known historical or Archeological sites on the property?*

There are no known historical or archeological sites on the property. The current restaurant itself in its present location has some historical significance as one of the older waterfront dining facility on the Key which began as a fishing camp as part of the original Fishing Village.

M. *In which Fema Flood zone is the property located?*

According to Community Panel No.1251260001-0010, April 1992 the subject property is A-13 zone Base elevation 10 requiring a finished floor of 9 feet by the Town above mean high sea level to qualify for flood insurance. Commercial uses are allowed to build below the Freeboard Level if flood-proofing is used. The manner in which the flood-proofing will be handled will be detailed in the Site Plan filed in February.

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

Structure flood insurance reporting. The property currently drains from the water edge to Broadway Street.

O. 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.

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

The existing restaurant creates no evacuation requirements as there are no residents located there. During a hurricane event the restaurant will not be open for service.

Q. Demonstrate why the change is needed or warranted.

As stated in the History and Purpose sections. The former change to residential was to allow the restaurant to remain in operation with sufficient underlying value to support finance obligations and have an exit strategy for the current owners. The current owners are bringing in an additional partner group to renovate and upgrade the restaurant to remain as a restaurant. There investment needs to be protected in the event of a catastrophe. Additionally, retaining the restaurant retains an iconic historical waterfront restaurant for Longboat Key which furthers the Urban Land Institute recognition of the northern portion of the Key as having an “Old Florida Character” and an “Identity of the Key”. By allowing the restaurant to continue in commercial use the commercial core of the Village along with the Mara Vista Restaurant will be preserved.

R. COMPREHENSIVE PLAN CONSISTENCY

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

The following indicates the Goals, Policies and Objectives of the Town of Longboat Key’s Comprehensive Plan that the proposed amendment and rezone shows consistency with or furthers the Town’s Comprehensive Plan:

FUTURE LAND USE ELEMENT

GOAL 1

To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring 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. The CPA and Rezone will ensure that one of the oldest waterfront restaurants will remain a viable entity on the Island helping to preserve the Old Florida Character and Identity of the Key.

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 continuation of the existing restaurant as commercial rather than as a non-conforming use it will continue to enhance the visual and aesthetic character of the neighborhood. It will continue to enhance mobility of bike and pedestrian access from the Village and maintain the neighborhood identity.

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 the restaurant to continue operation as a commercial use will meet all applicable level of service standards for the provision of public facilities and services as it does now. There will be no additional requirements for public facilities and all capital improvements are already in place.

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 existing and proposed renovated restaurant 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 commercial CPA and Rezone will not affect the adopted LOS standards for any of the roads on the Island as the transportation impacts are already included as background traffic and will not be increased. By maintaining the restaurant access from the village area via pedestrian and bike systems will continue to be enhanced and promoted. This furthers new urbanist concepts and mobility on the Key.

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 commercial CPA and Rezone will not affect the adopted LOS standards for any of the roads on the Island as the impacts of the 48 year old restaurant are already included in background traffic and no new impacts are proposed.

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.

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 proposed commercial CPA and Rezone will not affect the adopted LOS standards for any of the roads on the Island as the transportation impacts are already included as background traffic and will not be increased.

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 commercial CPA and Rezone will not affect the adopted LOS standards for any of the roads on the Island as the transportation impacts are already included as background traffic and will not be increased. There are no proposed increases in seating and therefore the traffic impacts will remain as they are currently.

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 the Site Plan is submitted there will be an attenuation area to prevent shell dust from discharging into the bay. The quantity and quality of stormwater will be addressed and permitted through proper agency review. The proposed stormwater facility will enhance the quality of the runoff into the Bay by limiting the siltation of the shell dust into the Bay.

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 the Site Plan is submitted to the Town for approval the quantity and quality of stormwater will be addressed and permitted through proper agency review furthering Policy 1.2.1.

Policy 1.2.4

The Town will not permit development activity that could have significant adverse impacts on adjacent coastal waters.

When the Site Plan is submitted there will be an attenuation area to prevent shell dust from discharging into the bay. The quantity and quality of stormwater will be addressed and permitted through proper agency review. The addition of the stormwater facility on site will enhance the quality of the runoff into the Bay from current runoff as it exists today.

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 renovation of the restaurant will include attenuation of runoff to reduce the shell dust from entering the bay and will actually help the ecosystems by ensuring pre-treatment of runoff prior to discharge into the bay waters. No endangered or listed species will be affected by the Comprehensive Land Plan change or rezone back to commercial or renovations of the existing restaurant.

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 renovation Plans for the restaurant will include landscaping. This will further this Objective and Policy by creating landscape areas which do not exist today.

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 existing and proposed renovated restaurant meets the LOS standards. Any future conservation efforts by the Town will be embraced by the ownership group and be included in any renovation efforts.

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 Site Plan and renovation permit process for the existing restaurant will require water-conserving fixtures if the rest rooms are upgraded.

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

Adopt and maintain a wastewater LOS of 109 gallons per capita per day (gpcd) in accordance with the Town's Concurrency Management System.

The existing restaurant and proposed renovated restaurant meet the LOS standards.

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 associated with the operation of the restaurant for wastewater facilities will not be affected by the CPA and Rezone request. The impacts and the improvements to serve are already in place.

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 Site Plan and renovation permit phases of the restaurant 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 Site Plan and renovation permit phases of the restaurant the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met. The renovation of the restaurant will include attenuation of runoff to reduce the shell dust from entering the bay and will actually help the ecosystems by ensuring pre-treatment of runoff prior to discharge into the bay waters.

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 Site Plan and renovation permit phases of the restaurant the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met. The Site Plan will require the addition of an attenuation area for the parking lot runoff to reduce shell dust from directly discharging to the storm drainage system and the bay.

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 Site Plan and renovation permit phases of the restaurant the compliance with all applicable federal, state, and local regulations with regard to stormwater will be met. The Site Plan will require the addition of an attenuation area for the parking lot runoff to reduce shell dust from directly discharging to the storm drainage system and the bay.

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.

The existing restaurant has sufficient solid waste disposal. The proposed renovated restaurant with Commercial Land Use and Zoning will not affect the existing LOS for solid waste since there will be no increase in seating.

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 existing restaurant and the proposed renovated restaurant under commercial land use and zoning will meet all LOS standards of the Comp Plan for the Town listed above. Additionally, the potential impacts of school age children, recreation, and open space are not at issue due to the commercial nature of the existing and proposed land use and zoning.

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.

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 impacts of the proposed renovated restaurant with Commercial Land use and Zoning will remain exactly as it is today.

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).

The impacts of the proposed CPA and Rezone will be identical to the existing impacts with the exception of reduced shell dust runoff into the drainage systems which will clean up the impacts to the Bay Waters.

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 Chapter 163.3180, 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
- 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)]

There will be no additional impacts from the requested CPA and Zoning of the restaurant back to commercial which it had been for almost 48 years.

S. CONSISTENCY WITH TOWN CHARTER

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. The restaurant was one of the first waterfront restaurants on the island. It is part of the original fishing village and represents the "Old Florida Character" and "Identity of the Key" as identified in the ULI Report for the Longboat.

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.*

No referendum is required to change the Comp Plan or to rezone a parcel from residential Future Land Use to commercial Future Land Use.

REVIEW CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

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

The unique character of the island is in part due to historic iconic water front dining facilities such as Moore's Stone Crab Restaurant. By allowing the property to go back to Commercial land use and zoning the Town will be ensuring such treasures remain part of the Island's character and uniqueness.

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

The proposed amendment will allow an existing amenity to the Town to remain in place. If a disaster should occur requiring rebuilding of the restaurant it would be possible under Commercial Land Use and Zoning but could not be done if the restaurant remains residential in zoning and Land Use.

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*

By allowing the restaurant to remain and be able to be re-built in the event of a disaster the Town's role is strengthened in the Comprehensive Planning Process. An iconic Waterfront Restaurant is assured to stay in place and promote walking and biking for the neighborhood under mobility and new urbanist concepts.

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 occupied by the restaurant is on platted lots located on Broadway (formerly Main Street for the Long Beach area of the Key. This street was intended to have a mix of residential and commercial uses. Retaining the restaurant is consistent with the overwhelming character of the Long Beach Subdivision and Village.

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 S. above

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

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 S. above

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

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

SUPPORTING DOCUMENTS

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

- **ATTACHMENT 2 Aerial, page 28.**
- **ATTACHMENT 10 page 38 is the Concurrency Letter from Public Works Director, Mr. Juan Florenza.**



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 Nov. 25th 2014, the following are all
(date)
 persons and/or entities having a legal ownership interest in the real property located at
800 Broadway St. Longboat Key, FL- 34228
(legal address)

Property Owners and/or shareholders:

- | | |
|-----------------------|-----------------------|
| 1. <u>[Signature]</u> | 2. <u>[Signature]</u> |
| 3. <u>[Signature]</u> | 4. <u>[Signature]</u> |
- (Please attach additional sheets if necessary)

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

[Signature]
 Signature
ALAN L MOORE
 Print Name
OWNER
 Title

State of FLORIDA
 County of MANATEE

The foregoing instrument was acknowledged before me this Nov. 25th, 2014, by ALAN L. Moore
ROBERT J. HICKS and MARY J. Moore (name and title), who is personally known to PAUL Moore
ARE
 me or who has produced _____ as identification.

[Signature]
 Signature of Notary
TERRIE A. PAQUIN
 Print Name of Notary

(seal of Notary)


 TERRIE A. PAQUIN
 MY COMMISSION # FF 094946
 EXPIRES: March 14, 2018
 Bonded Thru Budget Notary Services

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) Alan L Moore as owner(s) of the property whose address and legal description is 800 Broadway St. Longboat Key Fl. 34228 hereby appoint Peter M. Daley our (agent) to act on (my)(our) behalf for the request set forth below. (I)(we) understand that the agent may incur costs and expenses on our behalf in connection with (my)(our) request and agree to pay those fees and expenses in accordance with the Code of Ordinances of the Town of Longboat Key.

The nature of (my)(our) request is COMPREHENSIVE PDM (Variance, Zoning Determination, Special Exception, etc.)

Alan Moore
Print or Type Property Owner's Name

[Signature]
Signature of Property Owner

Print or Type Property Owner's Name

Signature of Property Owner

Mailing Address of Property Owner(s): 4536 60th St. Ct. W.
Bradenton, Fl. 34210

941-798-9215
Telephone Number of Property Owner(s)

941-383-7796
Fax Number of Property Owner(s)

Mailing Address of Agent(s): Peter M Daley AICP
~~#3941~~ 3941 Butler Ave. Sarasota, Fl. 34234

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

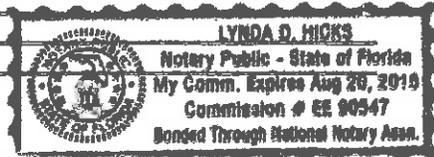
Fax Number of Agent(s)

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 25th day of Nov., 2014, by Alan L Moore, Owner(s) for and on behalf of whom this instrument was executed.

[Signature]
Notary Public State of _____
Typed Name: _____
Commission Expires: _____
Commission No.: _____

Personally Known
OR Produced Identification
Type of Identification Produced _____



Please print and fax or mail completed form

TOWN OF LONGBOAT KEY
PLANNING ZONING BUILDING
561 Bay Isles Road
Longboat Key, FL 34228

Phone: 941/316-1986 FAX: 941/316-1970

Property Owner Affidavit
Planning Department
Authorized Agent

(I)(We) Robert J. Hicks as owner(s) of the property whose address and legal description is 800 Broadway St. Longboat Key, FL 34228 hereby appoint Peter M. Dailey our 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 COMPREHENSIVE PLAN (Variance, Zoning Determination, Special Exception, etc.)

ROBERT Hicks
Print or Type Property Owner's Name

[Signature]
Signature of Property Owner

Print or Type Property Owner's Name

Signature of Property Owner

Mailing Address of Property Owner(s): 5302 36th Ave. Dr. W.
Bradenton, FL 34209

941-761-3280
Telephone Number of Property Owner(s)

941-383-7796
Fax Number of Property Owner(s)

Mailing Address of Agent(s): Peter M Dailey AICP
3941 Butler Ave. Sarasota, FL 34234

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

Fax Number of Agent(s)

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 25th day of Nov., 2014, by ROBERT HICKS, Owner(s) for and on behalf of whom this instrument was executed.



TERRIE A. PAQUIN
MY COMMISSION # FF 094946
EXPIRES: March 14, 2018
Bonded Thru Budget Notary Services

[Signature]
Notary Public State of _____
Typed Name: _____
Commission Expires: _____
Commission No.: _____

Personally Known Yes
OR Produced Identification
Type of Identification Produced _____

Please print and fax or mail completed form

TOWN OF LONGBOAT KEY
PLANNING ZONING BUILDING
561 Bay Isles Road
Longboat Key, FL 34228

Phone: 941/316-1988 FAX: 941/316-1970

Property Owner Affidavit
Planning Department
Authorized Agent

(I)(We) Mary J. Moore as owner(s) of the property whose address and legal description is 800 Broadway St. Longboat Key, FL 34228 hereby appoint Peter M. Dailey our (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 COMPREHENSIVE PLAN (variance, Zoning Determination, Special Exception, etc.)

Mary Moore
Print or Type Property Owner's Name

Mary J. Moore
Signature of Property Owner

Print or Type Property Owner's Name

Signature of Property Owner

Mailing Address of Property Owner(s): 6833 Pine St.
Longboat Key, FL 34228

941-383-4810
Telephone Number of Property Owner(s)

941-383-7796
Fax Number of Property Owner(s)

Mailing Address of Agent(s): Peter M. Dailey
3941 Butler Ave. Sarasota, FL 34234

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

Fax Number of Agent(s)

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 25th day of Nov., 2014, by Mary Moore, Owner(s) for and on behalf of whom this instrument was executed.

Lynne D. Hicks
Notary Public, State of Florida
My Comm. Expires Aug 20, 2015
Commission # EE 90947
Bonded Through National Notary Assn.

Personally Known
OR Produced Identification
Type of Identification Produced _____

Please print and fax or mail completed form

<p>TOWN OF LONGBOAT KEY PLANNING ZONING BUILDING 561 Bay Isles Road Longboat Key, FL 34228 Phone: 941/316-1966 FAX: 941/316-1970</p>	<p>Property Owner Affidavit Planning Department Authorized Agent</p>
---	---

(I)(We) Paul T Moore as owner(s) of the property whose address and legal description is 800 Broadway St. Longboat Key, FL 34228 hereby appoint Peter M Dailey our 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 COMPREHENSIVE PLAN (Variance, Zoning Determination, Special Exception, etc.)

<p><u>PAUL MOORE</u> Print or Type Property Owner's Name</p>	<p><u>Paul Moore</u> Signature of Property Owner</p>
<p>Print or Type Property Owner's Name</p>	<p>Signature of Property Owner</p>

Mailing Address of Property Owner(s): 6833 Pine St.
Longboat Key, FL 34228

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3941 Butler Ave. Sarasota, FL 34234

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Fax Number of Agent(s)

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 25th day of Nov., 2014, by Paul Moore, Owner(s) for and on behalf of whom this instrument was executed.

Lynda D. Hicks
Notary Public State of
Typed Name LYNDA D. HICKS
Commission Expires Aug 20, 2019
Commission # EE-90947
Bonded Through National Notary Assn.

Personality Known
OR Produced Identification
Type of Identification Produced _____

PROPOSED LAND USE

TOWNSHIP OF LONGBOAT PASS

DATE: _____

BY: _____

FOR: _____

PROJECT: _____

APPLICANT: _____

ADDRESS: _____

PHONE: _____

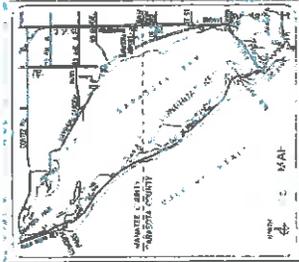
FAX: _____

EMAIL: _____

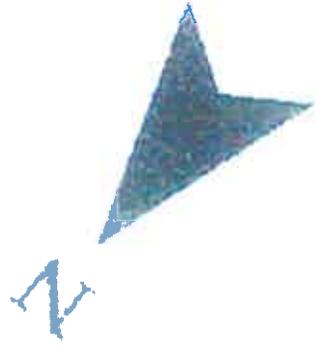
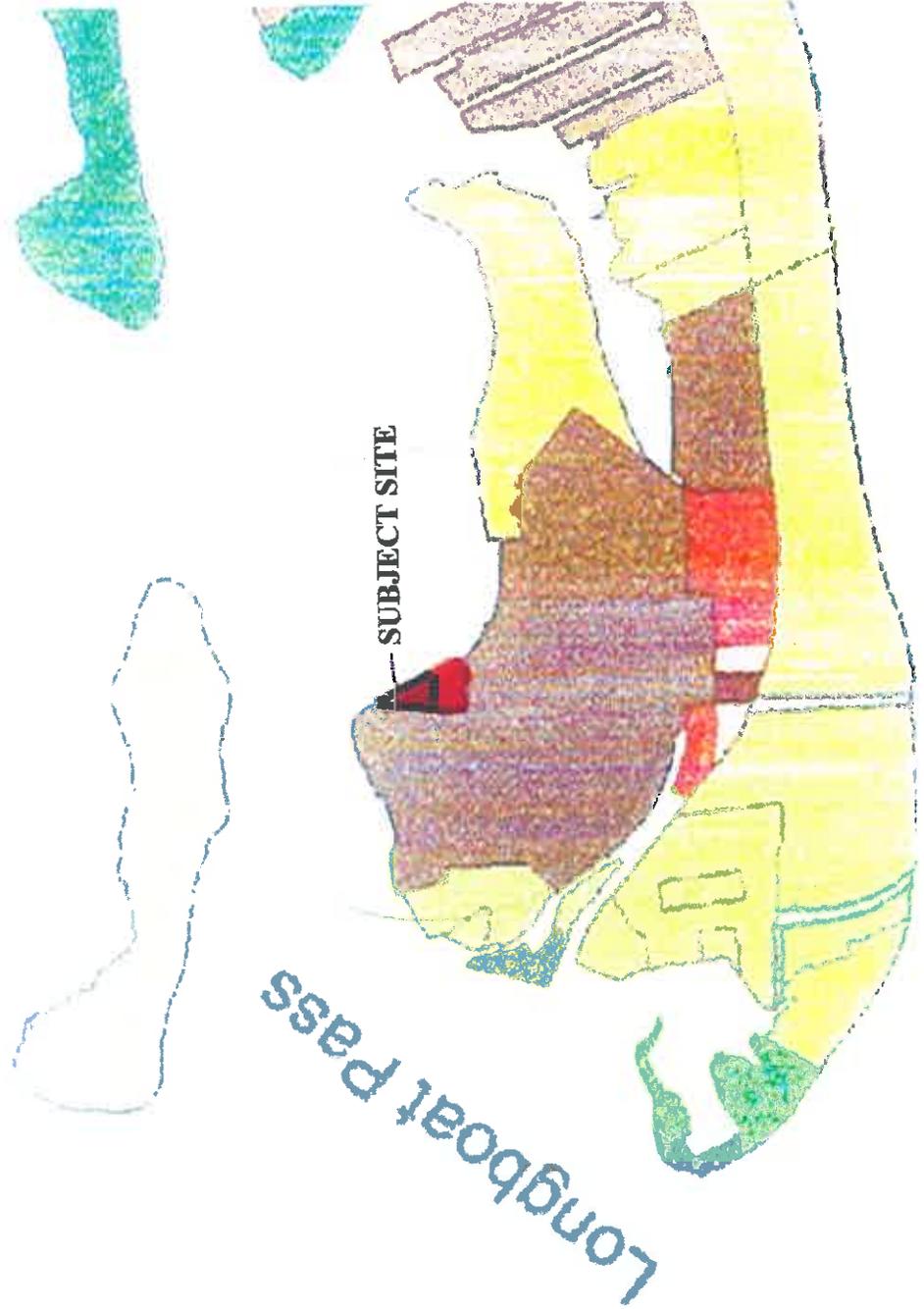
PREPARED BY: _____

SCALE: _____

DATE: _____

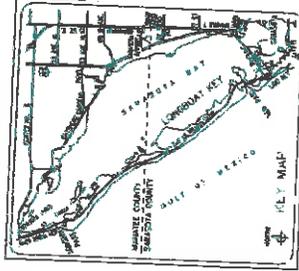


IP	Island Preserve	GP	General Planned Development
OS-A	Open Space - Active	NI	Negotiated Planned Development
OS-P	Open Space - Passive	CI	Office Institutional
OS-C	Open Space - Conservation	CL	Limited Commercial
RL-1	Low Density SF Residential	CG	General Commercial
RL-2	Low Density SF Residential	CH	Highway Commercial
RM-3	Medium Density SF/Mixed Residential	MCS	Marine Commercial Service
RM-4	Medium Density SF/Mixed Residential	NS	Institutional
RH-4	High Density SF/Mixed Residential	TRC-3	Med. Density Tourist Resort/Commercial
PD	Planned Development	TRC-4	High-Density Tourist Resort/Commercial

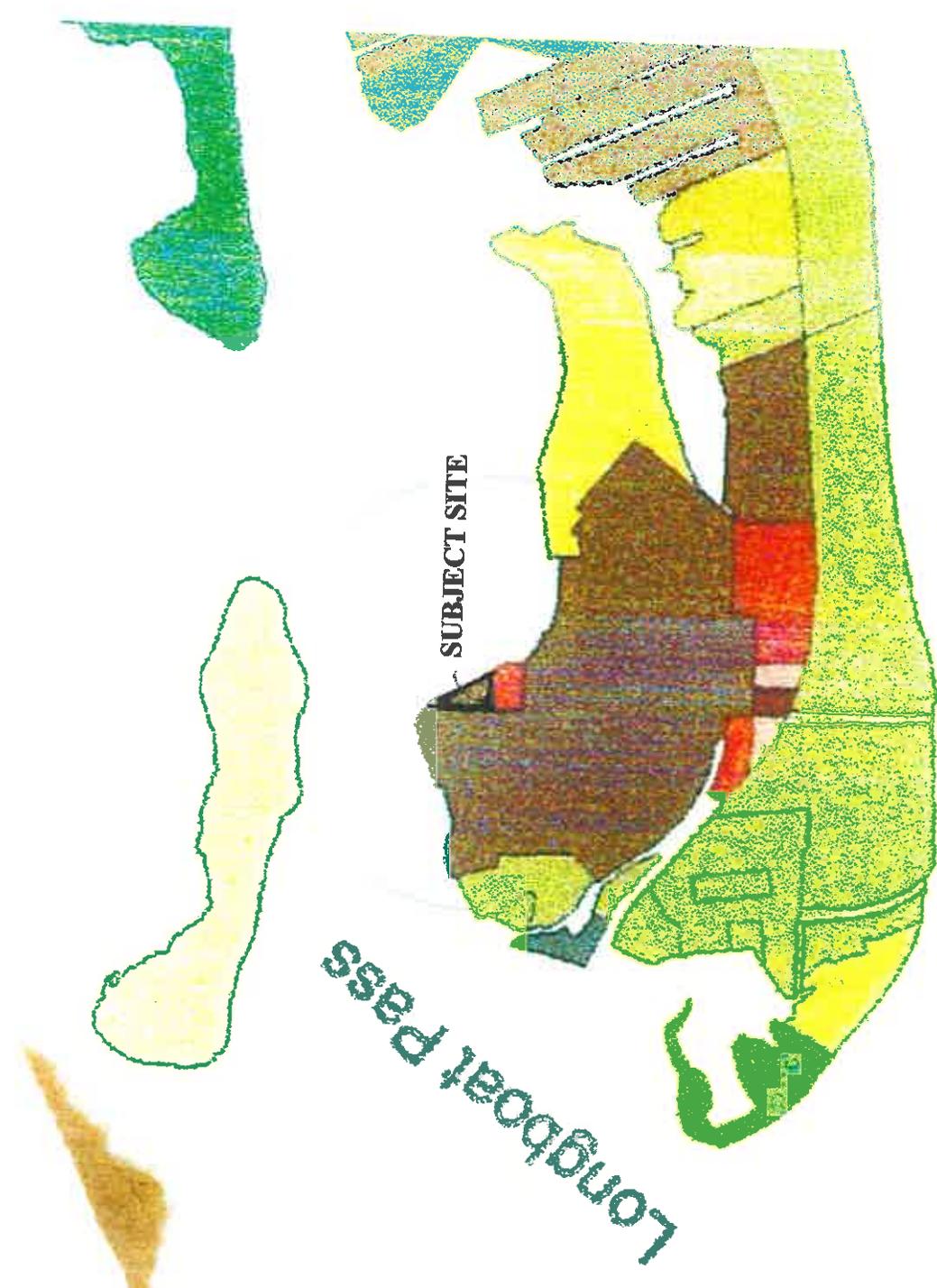


EXISTING FUTURE LAND USE

TOWN OF
LONGBOAT KEY
FLORIDA

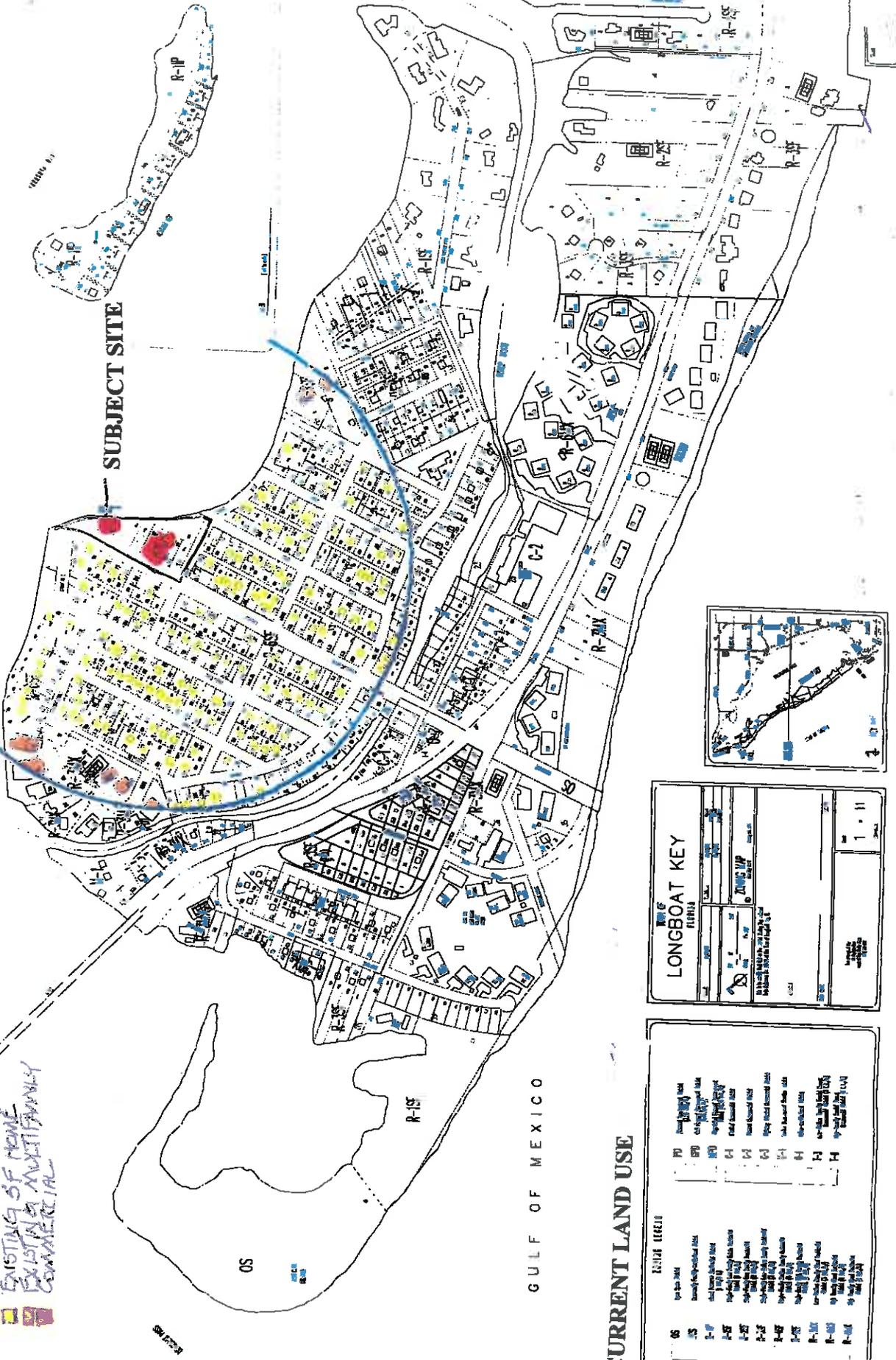


IP	Island Preserve	GPD	Golf Planned Development: 5.05 DU/ACRE
OSA	Open Space - Active	NPD	Negritified Planned Development
OSP	Open Space - Passive	OI	Office Institutional
OSC	Open Space - Conservation	CI	Limited Commercial
RL-1	Low Density SF Residential	CG	General Commercial
RL-2	Low Density SF Residential	DH	Highway Commercial
RM-3	Medium Density SF/Mixed Residential	MCS	Marine Commercial Service
RM-4	Medium Density SF/Mixed Residential	INS	Institutional
RM-6	High Density SF/Mixed Residential	TRC-3	Med. Density Tourist Resort/Commercial
PD	Planned Development	TRC-6	High-Density Tourist Resort/Commercial



LEGEND

EXISTING OF HOME
EXISTING MULTIFAMILY
COMMERCIAL



SUBJECT SITE

SARASOTA BAY

GULF OF MEXICO

LONGBOAT KEY
FLORIDA

DATE: 11-11-11

SCALE: 1" = 100'

PROJECT: [REDACTED]

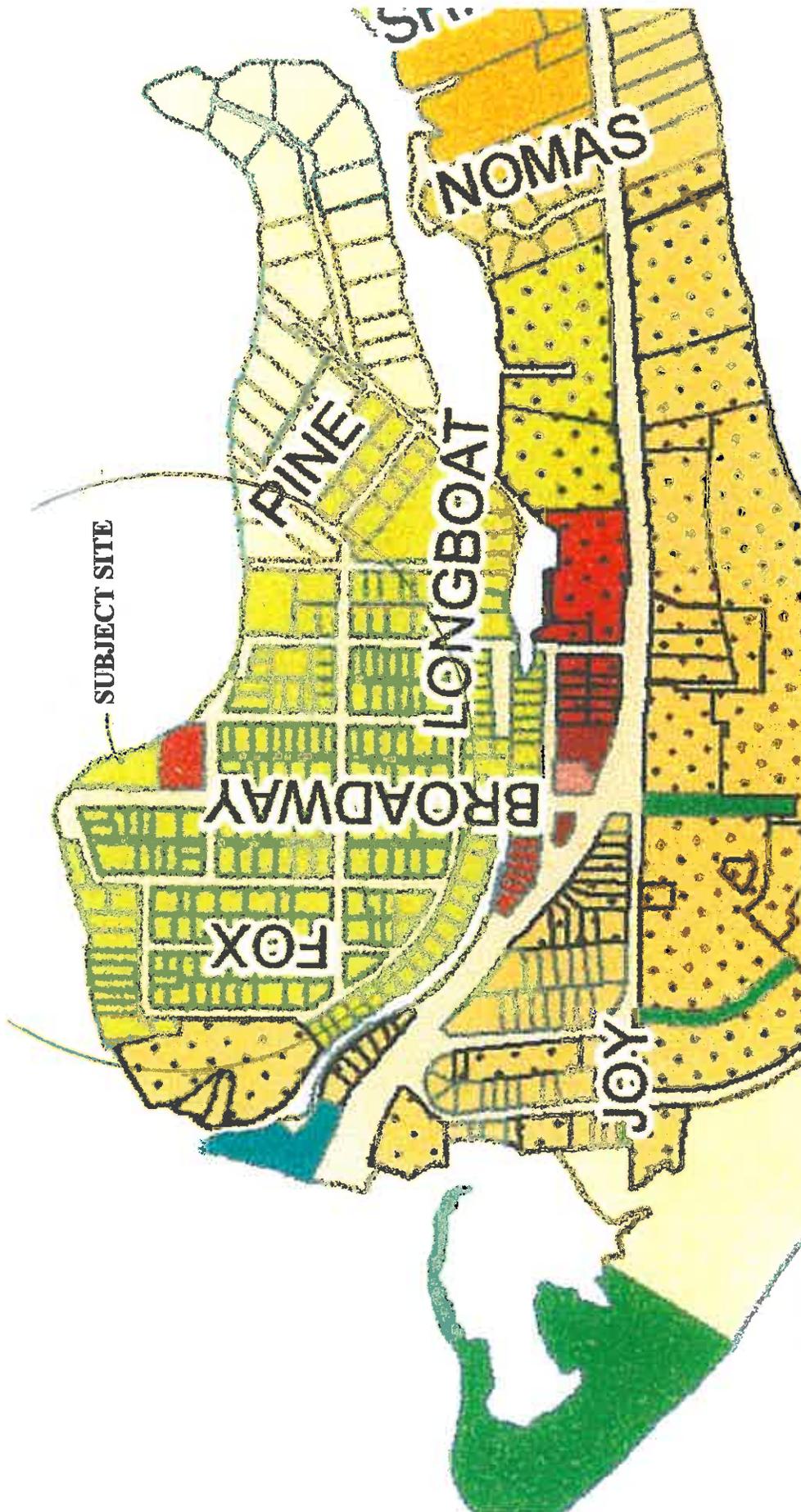
PREPARED BY: [REDACTED]

CHECKED BY: [REDACTED]

APPROVED BY: [REDACTED]

CURRENT LAND USE

Code	Description
OS	Office
R-1P	Single-Family Detached
R-1S	Single-Family Detached
R-2S	Single-Family Detached
R-3S	Single-Family Detached
R-4S	Single-Family Detached
R-5S	Single-Family Detached
R-6S	Single-Family Detached
R-7S	Single-Family Detached
R-8S	Single-Family Detached
R-9S	Single-Family Detached
R-10S	Single-Family Detached
R-11S	Single-Family Detached
R-12S	Single-Family Detached
R-13S	Single-Family Detached
R-14S	Single-Family Detached
R-15S	Single-Family Detached
R-16S	Single-Family Detached
R-17S	Single-Family Detached
R-18S	Single-Family Detached
R-19S	Single-Family Detached
R-20S	Single-Family Detached
R-21S	Single-Family Detached
R-22S	Single-Family Detached
R-23S	Single-Family Detached
R-24S	Single-Family Detached
R-25S	Single-Family Detached
R-26S	Single-Family Detached
R-27S	Single-Family Detached
R-28S	Single-Family Detached
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R-93S	Single-Family Detached
R-94S	Single-Family Detached
R-95S	Single-Family Detached
R-96S	Single-Family Detached
R-97S	Single-Family Detached
R-98S	Single-Family Detached
R-99S	Single-Family Detached
R-100S	Single-Family Detached



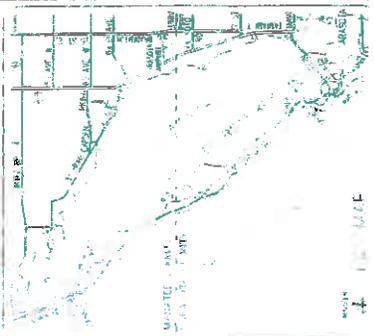
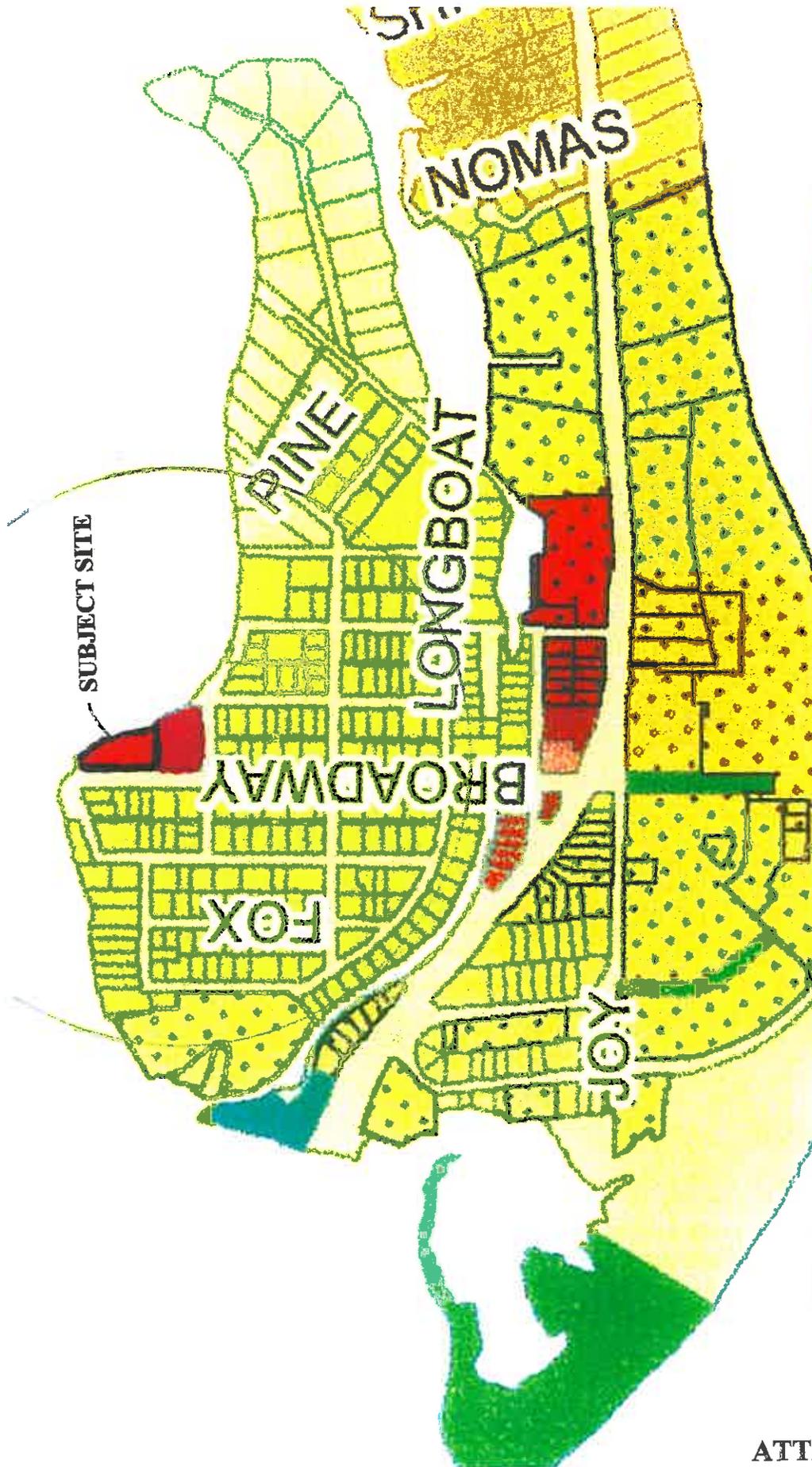
**TOWN OF
LONGBOAT KEY
FLORIDA**

EXISTING ZONING

ZONING LEGEND

	C-1 LIMITED COMMERCIAL		R-1SF SINGLE FAMILY LOW DENSITY ESTATE RESIDENTIAL (1 DU/A)
	C-2 GENERAL COMMERCIAL		R-2SF SINGLE FAMILY LOW DENSITY RESIDENTIAL (2 DU/A)
	C-3 HIGHWAY ORIENTED COMMERCIAL		R-3MX LOW MEDIUM DENSITY MIXED RESIDENTIAL (3 DU/A)
	INS INSTITUTIONAL		R-3SF SINGLE FAMILY LOW MEDIUM DENSITY (3 DU/A)
	M-1 MARINE COMMERCIAL SERVICE		R-4MX SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (4 DU/A)
	MUC-1 MIXED USE COMMUNITY BAY (SLES) (3.28 DU/A)		R-4SF SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (4 DU/A)
	MUC-2 MIXED USE COMMUNITY ISLANDSIDE (5.05 U/A)		R-6MX HIGH DENSITY MIXED RESIDENTIAL (6 DU/A)
	MUC-3 MIXED USE COMMUNITY PROMENADE/WATER CLUB (11.26 DU/A)		R-8SF SINGLE FAMILY HIGH DENSITY RESIDENTIAL (8 DU/A)
	O-1 OFFICE INSTITUTIONAL		R-IP ISLAND PRESERVE RESIDENTIAL (1 DU/A)
	OS-A OPEN SPACE ACTIVE		T-3 LOW MEDIUM DENSITY TOURIST RESORT/COMMERCIAL (3 TU/A)
	OS-C OPEN SPACE CONSERVATION		T-8 HIGH DENSITY TOURIST RESORT/COMMERCIAL (8 TU/A)
	OS-P OPEN SPACE PASSIVE		

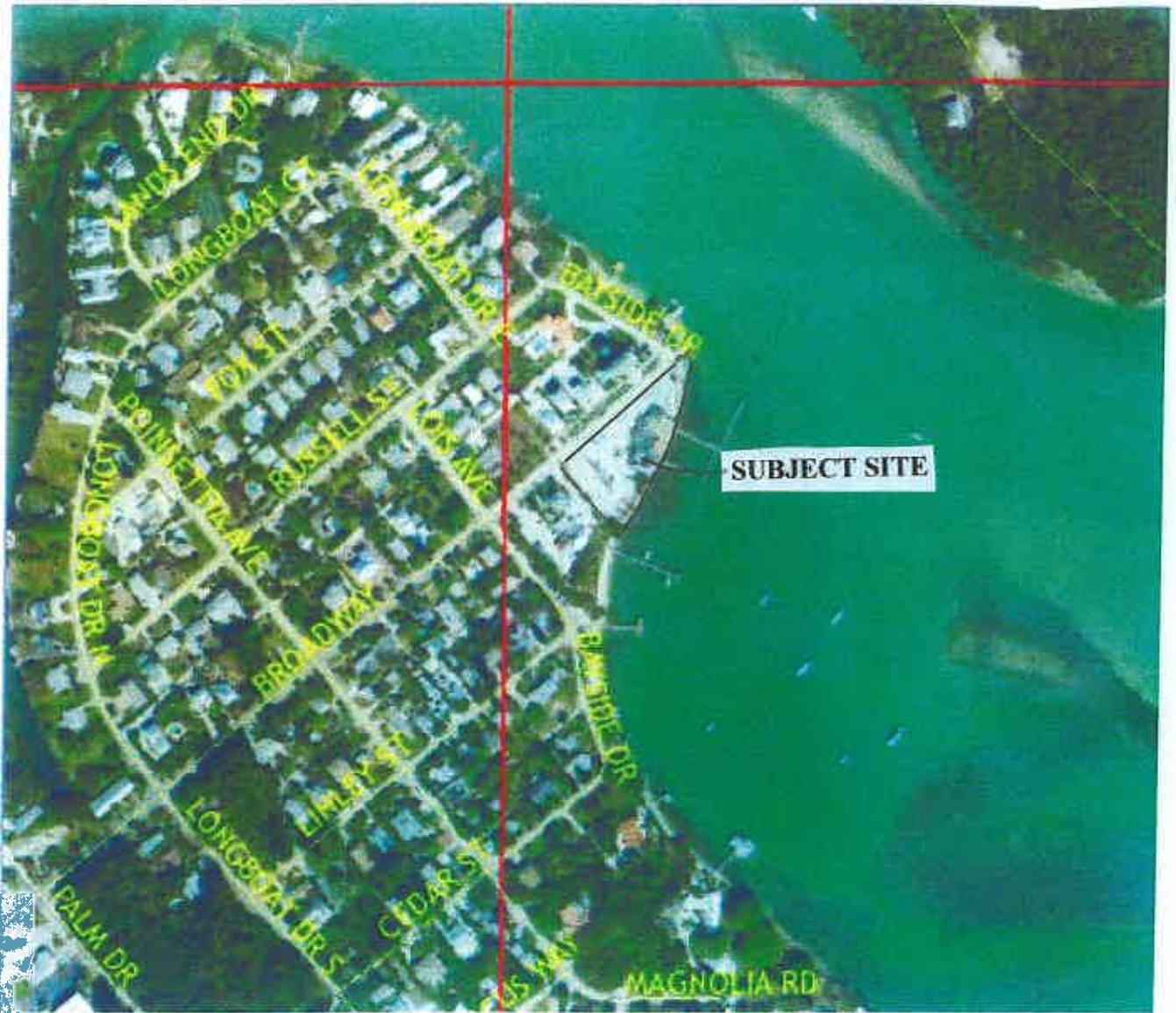




TOWN OF
LONGBOAT KEY
FLORIDA

PROPOSED ZONING

ZONING LEGEND	
	C-1 LIMITED COMMERCIAL
	C-2 GENERAL COMMERCIAL
	C-3 HIGHWAY ORIENTED COMMERCIAL
	INS INSTITUTIONAL
	M-1 MARINE COMMERCIAL SERVICE
	MUC-1 MIXED USE COMMUNITY BAY ISLES (3.25 DU/A)
	MUC-2 MIXED USE COMMUNITY ISLANDSIDE (5.05 U/A)
	MUC-3 MIXED USE COMMUNITY PROMENADE/WATER CLUB (11.25 DU/A)
	O-1 OFFICE INSTITUTIONAL
	OS-A OPEN SPACE ACTIVE
	OS-C OPEN SPACE CONSERVATION
	OS-P OPEN SPACE PASSIVE
	R-1SF SINGLE FAMILY LOW DENSITY ES/ATE RESIDENTIAL (1 DU/A)
	R-2SF SINGLE FAMILY LOW DENSITY RESIDENTIAL (2 DU/A)
	R-3MX LOW MEDIUM DENSITY MIXED RESIDENTIAL (3 DU/A)
	R-3SF SINGLE FAMILY LOW MEDIUM DENSITY (3 DU/A)
	R-4M7 MEDIUM DENSITY MIXED RESIDENTIAL (4 DU/A)
	R-4SF SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (4 DU/A)
	R-5MX HIGH DENSITY / MIXED RESIDENTIAL (6 DU/A)
	R-5SF SINGLE FAMILY HIGH DENSITY RESIDENTIAL (6 DU/A)
	R-IP ISLAND PRESERVE RESIDENTIAL (1 DU/5 A)
	T-3 LOW MEDIUM DENSITY TOURIST RESORT/COMMERCIAL (3 DU/A)
	T-6 HIGH DENSITY TOURIST RESORT/COMMERCIAL (6 DU/A)



Highlighted Feature	Palmetto	Interstates	Railroads
Sections	Longboat Key	U.S. Highways	Florida Counties
Parcels	Holmes Beach	State Roads	Aerial Photography 2009
Airports	Bradenton	County Roads	
	Bradenton Beach	Major Roads	
	Anna Maria	Residential Streets	

Owner	MOORE-HICKS LIMITED PARTNERSHIP	Parcel ID	7766100007
Sec Owner	NONE	LUC	2100
Address	800 BROADWAY LK	Acres	0.691
Sec Address	NONE	Watershed	NONE
Sub Lot/Blk	LONG BEACH PBA/306	Commissioner	John Chappie
Subdivision Lot	Lot 4 - Block I	Flood Map	308_C
Impact District	A - SW	Flood Zone	AE
Fire District	Longboat Key	Flood Way	N
Zoning	CITY	Historic	NONE
Future Land Use	CITY	Special Areas	NONE
Sec Twn Rng	S15 T35 R16	AFHD	URBAN-A
Evac Zone	A		
Overlays	NONE		
LUC Desc	RESTAURANTS, CAFETERIAS		

GIS
 This map was developed by the Manatee County Geographic Information System Division. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. Errors from non-coincidence of features from different sources may be present.
 Fri Feb 13 09:10:37 EST 2009

MINUTES- Neighborhood Workshop November 17, 2014 held at Moore's Stonecrab Restaurant, 800 Broadway Street 6:00 pm

All members of the Village Association were notified by email that a Neighborhood Workshop would be held.

Alan Moore opened the meeting at 6:00 pm. He stated that with new investment by the Carrijulo Group and Tom Leonard , owners of four upscale restaurants in Sarasota, the owners of the Moore's Restaurant were planning to renovate the restaurant and dock structure. In order to protect the investment in the event of a disaster such as a fire the investors need to be assured that they can rebuild. In order to guarantee that situation the Restaurant needs to be returned to Commercial land use in the FLUP Map for the Town and the zoning needs to be returned to C-1 commercial zoning. The Carrijulo Group and Leonard own Carrijulos, Owen's Fish Camp, Nancy's BBQ and the Shore.

Mr. Moore and Mr. Dailey stated that the Restaurant will stay at 185 seats which is the current permitted seating and that the renovations will stay within the footprint of the current building.

Q. Will the building go up?

A. There are no current plans to go up, but if required to meet minimum flood elevation the building may have to go up several feet or be totally flood proofed.

Q. Will you be seeking outside dining?

A. Yes, as part of the Site Plan process a Special Exception will be processed to allow outdoor dining, but again not increasing the seating.

Mr. Moore explained that the rationale for changing to residential was to frame a ten year exit strategy and to guarantee values to aid in financing to retain the Restaurant.

Several people stated that they were very glad to be informed of the plans for the Restaurant and the entire crowd present clapped.

The meeting adjourned at 6:30.

Guests From Village Who Joined Us
For Our Presentation Of Future Plans

MOORE'S STONE CRAB RESTAURANT

NAME	ADDRESS
Larry Grossman	723A ST JAMES DR. N LAK
Judy & Bill Carner	6901 Poinsettia Ave, LAK
Ruth + Bob Gray	791 Broadway
PAT & ED ZUNZ	677 LAMDS END DR WE LAK
PAUL & SHIRLEY MYERS	700 BROADWAY
Chris & Cheryl Tatrov	CTatrov @ VCA. com
Pete Walker	7061 LONGBOAT DR E
BUS Fischer	621 Linley Street
TOM BARNUM + JENIFER	660 RUSSELL
JOE + MARY MAZZA	6941 POINSETTA
Mary Jo Williams	601 Russell
Carla Rowan	601 BROADWAY
Pete Rowan	601 Broadway
Allan & Julie	6890 Longboat Dr S
Virginia & Sube	11 12 17
Chris & Frances Tunney	6900 Longboat Dr S
Linda Runk	6900 Poinsettia Ave
Mike & Patty McNeil	6925 Bayside Dr.
Craig + Georgia Walters	690 Hibiscus Way
Fred & Carol Kay	700 Russell St.
WINNIE NELSON	6515 BAYOU HAMMOCK RD
Ken Weiss	701 BWY
Romana Rowley	
Russell Pope	6940 Longboat Dr S

Village Guest Who Joined Us For
Our Presentation Of Future Plans

NAME	ADDRESS
Andrey Vang	595 Bay Lakes Road
Daniel Miller	6850 Pine St
Lacelle Miller	" " "
Virginia Pitt	7040 Longboat Dr N
Cheryl Fraser	7157 Longboat Dr. N.
Wayne Murray	7181 Longboat Dr. N.
Desaun Joseph Hephner	7164 LBR. N.
Bob/Marilyn Noyes	610 Fox Street
Steve Harris	6916 Longboat Dr. S
Scott + Cindy Anderson	6889 Poinsetta Ave.
Wm Ed Diem	6888 Poinsetta Ave.
Shan Opan	6997 Longboat Dr S
CRAIG + CATHY MEADALL	681 MAGNOLIA ROAD
STEPHEN GARROD + PATRICIA MACDONALD	750 Russell St Village
Michael + Amy Drake	6871 Longboat Dr. S. LBR.
Christopher Carman	6901 Poinsetta Ave Lbk 34228
Chantal Diem	6888 Poinsetta Ave.
Amy Drake	6821 Longboat Dr S Lbk 34228
Christine Tussey	6900 Longboat Dr. S. Lbk 34228
DAVID + LIZA Kroth	720 Russell St



TOWN OF
Longboat Key

Incorporated November 14, 1955

PUBLIC WORKS LETTER

Public Works Department

600 General Harris Street

Longboat Key FL 34228

(941) 316-1988

FAX (941) 316-1984

www.longboatkey.org

December 1, 2014

Peter M. Dailey, AICP
Dailey Design Group, Inc.
3941 Butler Avenue
Sarasota FL 34234

Re: Moore's Stonecrab Restaurant, 800 Broadway Street, Longboat Key, FL
Utility Capacity – Proposed Amendment to Land Use from RH-6 and RSF-6 to C-1

Dear Mr. Dailey:

This will serve to confirm that there exists sufficient utility capacity (potable water/wastewater and solid waste) for the requested uses.

The applicant has agreed to improve site stormwater drainage to handle current unattenuated/untreated run-off into Sarasota Bay as evidenced in paragraph "F" Concurrency of the application.

Questions regarding these comments should be directed to my office at (941) 316-1988.

Sincerely,


Juan J Florensa
Public Works Director

xc. **Alaina Ray, Planning, Zoning, & Building Director**
Susan L. Smith, Finance Director
Moore-Hicks Limited Partnership, LLC



Ordinance 2015-08

Comprehensive Plan Amendment 800 Broadway Street

Town Commission Regular Meeting

April 6, 2015



Land Use Request

The applicant requests a **Small Scale Comprehensive Plan Amendment** to the Future Land Use Map for the property located at **800 Broadway Street** to amend the Future Land Use designation from **High Density Single Family/Mixed Residential (RH-6)** to **Limited Commercial (CL)**.

TOWN OF LONGBOAT KEY



Aerial



TOWN OF LONGBOAT KEY



Front of Restaurant



TOWN OF LONGBOAT KEY



Entrance



TOWN OF LONGBOAT KEY



Front Parking



TOWN OF LONGBOAT KEY



Westside Parking Area



TOWN OF LONGBOAT KEY



Westside parking area



TOWN OF LONGBOAT KEY



Waterside



TOWN OF LONGBOAT KEY



Waterside



TOWN OF LONGBOAT KEY



Waterside



TOWN OF LONGBOAT KEY



Waterside





P&Z Board Recommendation

At their February 17, 2015, meeting, the Planning and Zoning Board recommended APPROVAL of the requested amendment to the Comprehensive Plan Future Land Use Map designating the Property at 800 Broadway Street as Limited Commercial (CL), subject to 'Whereas' clauses being included to reference the reason for reverting back to a commercial designation.



P&Z Board Recommendation (Continued)

WHEREAS, the Town recognizes that a mistake was made in 2010 in allowing a Comprehensive Plan amendment to the Future Land Use Element to change the designation of the subject property from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6); and

WHEREAS, the Town's formal adoption of the Town's Vision Plan which encourages the Town's retention of waterfront dining establishments after the 2010 Comprehensive Plan amendment relating to the Property has resulted in a change of circumstances for the Town; and



Staff Recommendation

Staff recommends APPROVAL of the requested amendment to the Comprehensive Plan Future Land Use Map designating the Property at 800 Broadway Street as Limited Commercial (CL).

AGENDA ITEM 2
MOORE'S STONE CRAB RESTAURANT, 800 BROADWAY STREET,
COMPREHENSIVE PLAN AMENDMENT

Pursuant to published notice, the public hearing was opened.

Alaina Ray, Planning, Zoning & Building Director, reviewed the staff report noting:

- The restaurant has been in existence since 1957
- The land use was changed from commercial to residential in 2009
- Never a desire or intent of the property owner to cease restaurant operation
- Property was one of two historic waterfront restaurants in the Village
- The current restaurant could not be renovated or reconstructed if involuntary destroyed due to existing Future Land Use designation

Ms. Ray continued with reviewing a PowerPoint showing the existing conditions of the site.

Mr. Aitken referred to page 6, which discussed the 185 seats and asked if there was adequate parking. Ms. Ray replied yes. Mr. Aitken asked if there was any indication that the renovation would increase seating. Ms. Ray explained the applicant was not proposing to increase the seating, but they would be improving the parking along the waterfront. Mr. Daly pointed out the staff report indicated the basis for the change in 2009 was due to 'financial considerations,' and at that point in time, Moore's was proposing to change from commercial to residential. He questioned if that type of application was before staff today, would staff recommend approval. Ms. Ray replied staff would recommend denial.

Ms. Bishop noted that the P&Z Board had ruled against the previous request for residential classification. They recognized, at that time, that it would be impossible for someone to continue to maintain that facility as a restaurant and to improve the property once zoned residential, because it would then be a non-conforming use. The Board, at the time, acted appropriately; however, the Town Commission, and the voter referendum, decided to allow the requested change. Mr. Garner believed the application was a correction of what the board believed was an error by the Town, and pointed out 'commercial' was the proper zoning. Mr. Schneier asked if 'restaurant' was included in the Future Land Use category of C-L and the zoning district designation of C-1. Ms. Ray commented 'restaurant' was a special exception use, so it required an additional step of approval.

Mr. Symanski suggested additional 'Whereas' clauses be included as follows:

- 1) Whereas, it was a mistake to change the planning in 2010; and
- 2) Whereas, since the change in planning in 2010, there was a change in circumstances in that the Town Vision Plan was adopted.

Peter Dailey, Dailey Design Group, representing the applicant, reviewed the history of the site and the reason for the previous request. He discussed there were investors

that wished to have assurances that if the current facility was involuntarily destroyed, they would be able to rebuild the restaurant on the site. He noted that the Zoning Board of Adjustment (ZBA) granted variances from the street and waterfront yard setbacks. He continued with reviewing the site plan and illustrative drawings.

Mr. Hackett questioned if the seating area was still cantilevered over the water. Mr. Dailey responded they would be required to bring it back eight feet. Mr. Symanski asked what further procedural items will be needed following this application. Mr. Dailey noted they would need to file applications for a site plan, which will include a request for outdoor dining, along with a request for a Special Exception.

Alan Moore, Moore's Stone Crab Restaurant, commented he had invited the Village residents to a meeting at the restaurant to review and discuss the proposal, and he received no negative response from anyone. He also noted the parking situation was being addressed.

Ms. Bishop asked Mr. Moore how many residents attended the meeting held at the restaurant. Mr. Moore replied about 55 people. Mr. Hackett asked if the trolley stopped by the restaurants. Mr. Moore commented no, but they were hoping to work with the trolley system to have them stop at Broadway and Gulf of Mexico Drive.

Larry Grossman, St. Judes Drive, discussed Ordinance 2009-22, which approved the previous Moore's Stone Crab Restaurant Comprehensive Plan amendment, and pointed out that it stated changing to residential was consistent with the comprehensive plan. He commented that the applicant could not use 'financial need' to drive the request for amendment.

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

Mr. Symanski commented this was an unusual situation where it was amended and now the Town was changing it back. He believed it was important that, if someone was to challenge the approval, the judge be informed they believed a mistake was made. He further commented that even if correcting the mistake was not a valid basis in Florida, that there was a change of circumstances that happened after the original action in that the Town's Vision Plan was adopted, which strongly encouraged this property be rezoned back to commercial.

MR. SYMANSKI MOVED THE P&Z BOARD RECOMMEND THE ADDITION OF TWO 'WHEREAS' CLAUSES AS FOLLOWS: 1) WHEREAS, IT WAS A MISTAKE TO CHANGE THE PLANNING IN 2010; AND 2) WHEREAS, SINCE THE CHANGE IN PLANNING IN 2010, THERE WAS A CHANGE IN CIRCUMSTANCES IN THAT THE TOWN VISION PLAN WAS ADOPTED. MS. BISHOP SECONDED THE MOTION.

Mr. Garner did not see a benefit of including the 'Whereas' clauses. He believed it was an opinion and was irrelevant. He would support a motion to recommend approval if the 'Whereas' clauses were not included. Mr. Wild pointed out that he believed the proper procedure would be to move the ordinance as recommended by staff, and then consider any amendment to the ordinance.

Mr. Symanski and Ms. Bishop withdrew their motion and second.

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT FOR THE MOORE'S STONE CRAB RESTAURANT AS WRITTEN. MS. BISHOP SECONDED THE MOTION.

MR. SYMANSKI MOVED TO AMEND THE MOTION TO INCLUDE THE ADDITION OF TWO 'WHEREAS' CLAUSES AS FOLLOWS: 1) WHEREAS, IT WAS A MISTAKE TO CHANGE THE PLANNING IN 2010; AND 2) WHEREAS, SINCE THE CHANGE IN PLANNING IN 2010, THERE WAS A CHANGE IN CIRCUMSTANCES IN THAT THE TOWN VISION PLAN WAS ADOPTED. MS. BISHOP SECONDED THE AMENDMENT.

Mr. Symanski strongly recommended that the ordinance denote a mistake was made by granting the original approval to change to residential. Mr. Garner reiterated his disapproval of including additional 'Whereas' clauses. Attorney Mooney-Portale explained that she believed Mr. Symanski was suggesting there were legal arguments that should be incorporated into the ordinance to allow the Town to defend it against any possible future challenge. She commented that the decision to include or not fell within the purview of the Town Commission, but the board makes recommendations to the Town Commission.

Motion on amendment:

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

Motion on original motion, as amended:

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

ORDINANCE 2015-08

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 HIGH DENSITY SINGLE-FAMILY/MIXED RESIDENTIAL (RH-6) TO LIMITED COMMERCIAL (CL) FOR PROPERTY CONSISTING OF 0.89 ACRES LOCATED AT 800 BROADWAY (A.K.A. MOORE'S STONE CRAB RESTAURANT) 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, 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, 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, Moore-Hicks Limited Partnership LLC has proposed a Comprehensive Plan amendment providing for a small scale amendment to the future land use map from High Density Single-Family/Mixed Residential (RH-6) to Limited Commercial (CL) for property located at 800 Broadway (hereinafter "Property"); and

WHEREAS, Moore's Stone Crab Restaurant has been an historic asset to the community since 1967, by providing waterfront access to the public; and

WHEREAS, on February 1, 2010, the Property was the subject of a small scale Comprehensive plan amendment that changed the designation of the subject property from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6); and

WHEREAS, on February 7, 2011, the Town adopted the Town's Vision Plan and recognized waterfront dining as one of the amenities that makes Longboat Key a special place; and

WHEREAS, the Town's Vision Plan states that the Town will strive to support restaurants on the island, encouraging viability and diversification, as well as waterfront dining options; and

WHEREAS, the Town's Comprehensive Plan Objective 1.2 also provides that the Town will protect historic resources through periodic review of the resources and existing land development regulations; and

WHEREAS, the Town Commission recognizes the importance of preserving the historic use and public amenity provided at the subject property; and

WHEREAS, the owners of Moore's Restaurant have requested that the designation of the Property be returned to Limited Commercial (CL); and

WHEREAS, the Town recognizes that a mistake was made in 2010 in allowing a Comprehensive Plan amendment to the Future Land Use Element to change the designation of the subject property from Limited Commercial (CL) to High Density Single-Family/Mixed Residential (RH-6); and

WHEREAS, the Town's formal adoption of the Town's Vision Plan which encourages the Town's retention of waterfront dining establishments after the 2010 Comprehensive Plan amendment relating to the Property has resulted in a change of circumstances for the Town; and

WHEREAS, the proposed Comprehensive Plan amendment 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 Planning and Zoning Board, at a duly noticed public hearing on February 17, 2015, considered the proposed Comprehensive Plan amendment relating to the Property; and

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

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on April 6, 2015, and May 4, 2015, considered the proposed Comprehensive Plan amendment as recommended by the Planning and Zoning Board relating to the Property; 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 0.89 acres located at 800 Broadway Street, Longboat Key, Florida 34228 (Lots 1, 2, 3 and NE ½ of Lot 4, Block 1, Long Beach, Replat of Long Beach; also that part of Bayside Drive (vacated) adjacent to above lots bounded on the north by an extension of the southeasterly line of Broadway to Sarasota Bay and bounded on the south by an extension of the southeasterly line of Lot 4) from High Density Single-Family/Mixed Residential (RH-6) to Limited Commercial (CL)(hereinafter "Property").

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid or ineffective, the validity of the remaining portions of this Ordinance shall not be affected.

SECTION 4. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall become effective 31 days after the date of adoption in accordance with Section 163.3187, Florida Statutes.

Passed on the first reading and public hearing the _____ day of _____, 2015.

Adopted on the second reading and public hearing the _____ day of _____, 2015.

Jack G. Duncan, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item