

## MEMORANDUM

**TO:** Tom Harmer, Town Manager

**FROM:** Allen Parsons, AICP,  
Director, Planning, Zoning and Building Department

**REPORT DATE:** March 25, 2022

**MEETING DATE:** April 4, 2022

**SUBJECT:** Ordinance 2022-04, Amending the Comprehensive Plan Future Land Use Map for 597 Buttonwood Drive; and Ordinance 2022-05 Zoning Map Amendment (Rezoning) Application for 597 Buttonwood Drive

### **Recommended Action**

Forward Ordinance 2022-04 to the May 2, 2022, Regular Meeting for second reading and public hearing; and forward Ordinance 2022-05 to the May 2, 2022, Regular Meeting for second reading and public hearing as a quasi-judicial item.

### **Background**

This request includes two concurrent applications, the first is an amendment to the Comprehensive Plan's (Comp Plan) Future Land Use Map (FLUM), from the OI (Office Institutional) to RM-3 (Medium Density Single-Family Residential/3 units per acre) designation, and the second is a request for rezoning property to the R-3SF (Single-Family Low Medium Density Residential/3 units per acre) Zoning District from the Office Institutional Zoning District. Consideration of Ordinance 2022-05 is reliant on, and will only be heard, IF the Commission forwards Ordinance 2022-04 for second reading and public hearing.

The applicant intends to subdivide the property and construct two detached single-family residences instead of constructing an Office or an Institutional Use like a medical clinic or bank.

The subject property received referendum approval from the Town's residents in an election held on November 2, 2021. The referendum approval was required prior to seeking this amendment of the Town's Comp Plan and a rezoning to allow residential density on the property (at a proposed density of three (3) units per acre). It should be noted that the Town Commission's willingness to place the referendum question before the Town's electors was not an endorsement of the proposed land use and zoning change, nor the redevelopment of the property and does not obligate their approvals.

### **Staff Analysis**

This application proposes a RM-3/Medium Density Single-Family/Mixed Residential (3 units per acre) Future Land Use designation and a concurrent rezoning to the corresponding R-3SF Zoning District (3 units per acre). These changes would be less density than the residential densities in the surrounding neighborhoods of Buttonwood Harbor and Longboat Shores. Those are designated and zoned for densities of four (4) units per acre. R-3SF lots require 15,000 square feet lots, where the surrounding R-4SF zoning requires 10,000 square feet minimum lot sizes. Future plans for the property

include two (2) detached single-family homes on the 37,373 square foot property, or approximately 18,700 square feet per lot.

Nearby uses include single-family residential land uses and both vacant and developed commercially zoned properties to the North along Gulf of Mexico Drive.

As noted above, the site's Office Institutional Future Land Use designation and zoning allow uses such as office buildings, medical offices, or banks. These businesses are much more intense and would potentially generate much higher traffic volumes than the proposed single-family land use. A Future Land Use designation and zoning permitting single-family uses would be much less intensive than the existing Office Institutional zoning, and would be a compatible use within this single-family neighborhood.

In addition to reducing the land use density and intensity described above, the R-3SF zoning provides for a less intense development of the property. For instance, R-3SF zoning has an open space requirement of 50 percent of the lot area. This means that 50 percent of the property must remain as pervious, undeveloped area. In comparison, the existing OI zoning of the property permits only 20 percent of the lot area to remain as pervious, undeveloped open space area.

The applicant recognizes that during major storm events, and portions of the wet season, this property is subject to flooding and standing water. In addition, the site is lower than the surrounding properties and therefore collects runoff from them. The applicant has been working with owners of properties to the North of this site, Town staff, and other regulatory agencies to provide a comprehensive approach to the drainage issues in this area. The approach includes a drainage system incorporating swales and underdrains to collect the runoff and divert it through the system for the adjacent commercial site, also owned by the applicant. The ultimate goal is to reduce the current flooding issues in this area. This off-site master drainage plan will be part of a proposed Site Development Plan request for the adjacent commercial site and anticipated to be considered at the April 19, 2022, Planning & Zoning Board public hearing. Should this master drainage plan not be used, the applicant has provided information that appropriate stormwater/drainage will be provided on each residential lot of this site, with an independent on-site stormwater drainage system utilizing yard drains and on-site stormwater dry retention ponds to prevent negative impacts to adjacent properties. These will be addressed during building permit review and construction process. Consistency with the Comprehensive Plan

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

- **FLU 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.

**Staff Assessment: The proposed land use would allow for a reduction in the density and intensity of the subject site's development potential and would provide for single-family home development that would be more consistent with the character of the adjacent single-family community. The site is currently served by existing manmade systems of Town infrastructure such as roads, water, sewer service, and public safety.**

- **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.

**Staff Assessment: The primary existing land use of properties in this immediate area of Buttonwood Drive are presently designated as Medium Density Residential (4 units per acre) and developed as such. The Applicant has submitted applications that would provide for development of the property at a lesser density (3 units per acre) that would allow for 2 detached single-family residences consistent with the adjacent single-family neighborhood.**

- **Future Land Use Element, Policy 1.3.1:** The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.

**Staff Assessment: The Applicant has provided documentation that water and sewer service exist along Buttonwood Drive. The proposed land use change will not affect the adopted Level of Service (LOS) standards of the Town.**

- **Future Land Use Element, Policy 1.5.2:** All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.

**Staff Assessment: The plan amendment has followed all applicable rules and procedures.**

### **Rezone Consistency with the Comprehensive Plan**

Changing the zoning of the subject property to the R-3SF/Single-Family Low Medium Density Residential (3 units per acre) zoning district is consistent with the corresponding RM-3/Medium Density Single-Family/Mixed Residential (3 units per acre) Comprehensive Plan Future Land Use Map designation that is the subject of the applicant's accompanying application. The proposed amendment can be found to maintain the character of the Town, have a reduced impact on Town services and the environment, be in harmony with the Town Code due to the reduction in land use intensity, and be more compatible with other single-family properties in the area. If the Future Land Use designation is changed, the proposed change in zoning may be found to be consistent

with the Comprehensive Plan and would not be detrimental to the public health, safety, or welfare. The proposed residential land use is in keeping with the character of the surrounding land uses and development and will help protect the visual and aesthetic character of the area.

### **Small-scale Development Activities**

Staff determined that the proposed plan amendment meets the criteria to be approved as a “small-scale” development activity. Florida Statute 163.3187(1)(c)(1)(b) requires that a proposed site-specific small-scale development plan amendment, not involve a text change to the goals, policies, and objectives of the local government’s Comp Plan, and may only propose a land use change to the future land use map. Small-scale amendments provide for a shorter, less involved process than a typical Comp Plan amendment. For example, there is no requirement for transmittal, review, and comment by the Department of Economic Opportunity (DEO) and multiple other agencies and governments before adoption. Instead, the amendment and supporting documents are adopted and sent to the DEO and the local Regional Planning Council, (in this case the Tampa Bay Regional Planning Council), to provide those agencies with notice of the amendment. Florida Statute 163.3187(1)(c) provides the criteria for small-scale development plan amendments:

1. The proposed amendment involves 10 or fewer acres. The submitted survey showed that the subject properties are approximately 0.86 acres.
2. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small-scale development activity.
3. The property that is the subject of the proposed amendment is not located within an area of critical State concern.

Staff finds that the proposed amendment meets the above criteria.

### **Planning & Zoning Board Recommendation**

The Planning & Zoning Board held a public hearing on March 15, 2022, and recommended approval (7-0) to the Town Commission of Comprehensive Plan Amendment Ordinance 2022-04, and approval (7-0) of Rezone Ordinance 2022-05.

### **Staff Recommendation**

Forward Ordinance 2022-04 to the May 2, 2022, Regular Meeting for second reading and public hearing; and forward Ordinance 2022-05 to the May 2, 2022, Regular Meeting for second reading and public hearing as a quasi-judicial item

### **Attachments**

- A. Ordinance 2022-04 (Available in Town Clerk’s Office)
- B. Ordinance 2022-05 (Available in Town Clerk’s Office)
- C. Applicant’s Applications (Available in Town Clerk’s Office)
- D. PowerPoint Presentation (Available in Town Clerk’s Office)

**End of Agenda Item**