

MEMORANDUM

TO: Tom Harmer, Town Manager

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

REPORT DATE: November 25, 2022

MEETING DATE: December 5, 2022

SUBJECT: Ordinance 2022-17, Amending the Comprehensive Plan Future Land Use Map for 5630 Gulf of Mexico Drive; and Ordinance 2022-18, Zoning Map Amendment (Rezoning) Application for 5630 Gulf of Mexico Drive

Recommended Action

Forward Ordinance 2022-17 to the January 9, 2023 Regular Meeting for second reading and public hearing; and Forward Ordinance 2022-08 to the January 9, 2023 Regular Meeting for second reading and public hearing as a quasi-judicial item.

Background

This request has four parts, it entails:

1. **Amending the Comprehensive Plan's Future Land Use Map (FLUM)** designation, from the CL (Limited Commercial) and RM-4 (Medium Density Single-Family Mixed Residential 4 units/acre) designations to the RM-4 designation;
2. A **Rezoning** of the property from the C-1 (Limited Commercial) and R-4SF (Single-Family Medium-Density Residential District 4 units/acre) Zoning Districts to the R-4MX (Medium Density Mixed Residential 4 units per acre) Zoning District;
3. A **Special Exception** for two enclosed elevator shafts to exceed the building's 35 feet maximum height limit; and
4. A **Site Development Plan** request to permit an 8-unit multi-family residential condominium.

The Planning & Zoning Board (P&Z Board) has approval authority and will be taking final action on the Special Exception and Site Development Plan requests if the Town Commission approves the Comprehensive Plan amendment and Rezoning requests. This later final action by P&Z Board is due to the P&Z Board not being able to make a finding of consistency with the proposed Comprehensive Plan-Future Land Use designation and the proposed Zoning District until Town Commission final action has been taken.

The bulk of the subject property¹ received referendum² approval from the Town's residents in an election held on March 12, 2019. The referendum approval was a necessary step to permit the property owner to seek an amendment to the Town's Comprehensive Plan and pursue Rezoning to add residential density to the commercially designated and zoned portion of the property. The referendum approval is a Charter precursor requirement that, in this case, allows for a potential density of up to four (4) units per acre. The referendum question before the Town's electors did not obligate subsequent approvals.

Staff Analysis

Site Development Plans for the property include a 3-story, over parking, newly constructed 8-unit residential condominium building. The plans depict 38 parking spaces, which include 12 guest and 2 handicapped/accessible van spaces outside of the building, and 24 under-story resident spaces within the building, along with a swimming pool, fitness center, and resident amenities areas. Vehicle access is proposed from both the Tarawitt Drive and Jungle Queen Way frontages. No vehicular access is proposed directly to Gulf of Mexico Drive. The plans also show a proposed expansion of the canal area, creating a small boat basin in the former 551 Tarawitt Drive property, to accommodate 8 boat slips for the project. Approval of the Dredging Permit for this boat basin will be subject to a separate application and consideration by Town Commission. The applicant could have filed this Dredging Permit application at the same time as these requests, but chose not to.

The subject property at 5630 Gulf of Mexico Drive is sandwiched between the side streets of Jungle Queen Way and Tarawitt Drive. Existing uses in this area consist of a Medical Office and vacant commercially zoned property to the North, a mixture of commercial shops and vacant commercially zoned property to the South, and Single-Family Residential properties further to the East.

Staff is of the opinion that these proposed changes (to the RM-4 Future Land Use designation and the R-4MX Zoning district) would be compatible with the primarily residential land use in this area. The proposed density is the same as the residential properties to the East (4 units per acre). In addition, the maximum height allowed by the proposed Zoning District is similar to the height allowed for the single-family residential properties to the east (35 ft. in the R-4MX proposed Zoning District compared to 30 ft. in the R-4SF single-family Zoning District) The subject property has been undeveloped for

¹ An additional property, with a previous address of 551 Tarawitt Drive, has been incorporated into the subject property with an address of 5630 Gulf of Mexico Drive. The former 551 Tarawitt Drive property is residentially zoned (currently R-4SF) and did not need referendum approval to apply density to it, as it currently has 1 unit of density.

² The Town's Charter requires the approval of the electors of Longboat Key (i.e. voters) for any increases in density above those provided for in the Town's Comprehensive Plan adopted on March 12, 1984. Commercially designated/zoned property does not (and did not in 1984) have any residential density associated with it.

an extended period of time and has been offered for sale for years with no development having taken place. A reasonable explanation is that there is an over-abundance of commercially zoned properties for the year-round demand.

As noted above, an accompanying Special Exception is being requested to allow 2 elevator shaft overrun locations on top of the condominium building to exceed the R-4MX Zoning district’s maximum 35 ft. height. Section 158.098(C)(2)(a) of the Zoning Code states that these rooftop features may be allowed by Special Exception and shall cumulatively not exceed 15 percent of the roof area and shall not exceed the height regulations by more than 10 feet. The 2 enclosed roof elevator shaft overruns are each 6 feet in height above the roof’s 35 ft. level and each comprise 87.5 square feet, for a total of 175 square feet or 1.5% of the total roof area. No other rooftop appurtenances, exceeding the maximum height are proposed. The elevator overruns are to be located in the center of the roof area, will not provide roof access, and will not be visible from the adjacent streets or neighboring properties. The elevator overruns have been set back from the building edges and will be out of the sightlines from adjacent properties and streets at grade level. Lastly, these appurtenances will have the same exterior finishes as the exterior finishes of the proposed residential building. The Applicant has provided a narrative, graphics, and responses to the Special Exception Findings demonstrating compliance with Section 158.098(C)(2)(a) of the Zoning Code, and affirmative findings of fact and conclusions. The P&Z Board will have final approval authority of this Special Exception request.

The Site Development Plan generally provides greater setbacks, open space, and parking than what is required, while providing a lesser amount of building coverage than what is permissible (see below table).

Table of Required and Proposed Zoning Standards:

	Required/Permissible	Proposed
Maximum Bldg. Coverage:	30 percent	24 percent
Minimum Open Space:	50 percent	52 percent
Minimum Street Yard Setback:	40 feet	40 to 43.7 feet
Minimum Rear Yard Setback:	25 feet	125 feet
Minimum Waterfront Yard Setback:	20 feet	74 feet
Parking Spaces	16 required	38 provided

Another design aspect that added to staff's finding of compatibility is the exceeded minimum required setback from the residential property to the East, which is 25 feet. The Site Development Plans for the project placed the building central to the property, which provides a minimum of 125 feet of separation from the nearest residential property to the East. This design provides a step-down in land use intensity from Gulf of Mexico Drive to the residential neighborhood to the East. In addition, a 20-foot wide landscaped buffer, along the east property line, has been provided to further buffer the proposed development from the residential properties to the East. As a result, the proposed project has provided several measures to mitigate its scale and more harmoniously fit with the surrounding developments and neighborhood, in addition to providing a compatible residential land use to the existing community in this area of the island, which is commercially and residentially developed.

Architectural Rendering - View from Tarawitt Drive



Parking, Internal Circulation, and Access

Off-street parking spaces provided will exceed the required number of parking spaces (38 spaces provided; 16 required), and access driveways to the structure are proposed from the North and South street fronts of Jungle Queen Way and Tarawitt Drive. Tarawitt Drive will be widened from 16 feet to 20 feet and a “T” turnaround will be provided at the far eastern portion of the site at the request of the Fire Department to allow for a turnaround on this narrow dead-end street, as part of this project.

Traffic Impact

No additional negative impacts on traffic are anticipated, as the project is reducing the number of trips that could be generated from the commercial zoning via the transition to the proposed R-4MX residential Zoning District. According to a submitted traffic analysis, development of the existing commercial zoning could generate 1,335 average

daily trips, while the proposed residential zoning, with 8-units, would generate 54 average daily trips, resulting in a potential reduction of 1,281 average daily traffic trips.

Open Space and Lot Coverage

Section 158.066(C) requires that properties in R-4MX Zoning Districts provide a minimum of 50% open space. Additionally, Section 158.066(C) limits R-4MX properties to a maximum lot (building) coverage of 30%. Project specific Lot Coverage and Open Space requirement figures are provided below, which exceed the requirements of the Zoning Code for the R-4MX Zoning District.

Proposed Project Open Space Data:

- Total Site Area: 91,161 square feet
- Total Lot (Building) Coverage: 24%
- Total Open Space: 52%

Stormwater

The Applicant submitted plans to the satisfaction of the Town Engineer outlining paving, grading and drainage details sufficient to demonstrate compliance with the Southwest Florida Water Management District and Town's regulations. Detailed stormwater drainage calculations will be required at the time of building permit/construction plan submittal to confirm the efficacy of the proposed stormwater management system.

Landscaping

The site development plan includes a landscape plan that provides for landscaping throughout the entire property. Existing trees and landscaping will also be incorporated into the landscape plan, particularly in the northeast corner of the property. Additionally, new landscaping will be of varieties that are native or Florida-friendly and provide a picturesque natural environment. Drought and salt tolerant vegetation will be prioritized as much as possible. There are no existing protected trees and neither are there any wetlands on this property. Exterior lighting will be so arranged as to shield the light from adjoining properties, public streets, and the Gulf of Mexico beachfront. A site lighting plan demonstrating compliance has been provided with the Site and Development Plans.

Landscaping Plan



The P&Z Board will have final approval authority of this Site Development Plan request.

Comprehensive Plan Amendment Staff Assessment

Consistency with the Comprehensive Plan

Amendments to the Comprehensive Plan (Plan) may be approved if, on balance, they are found to be consistent with the Goals, Objectives, Policies and Strategies of the Plan and 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 Plan and on the health, safety, and welfare of the citizens of Longboat Key, staff provides the following assessment (in **bold**).

- **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. (Bolded language begins) The proposed land use would be a reduction in the potential intensity (from commercial to residential) and would provide for a development that is consistent with both the character and density of the adjacent residential community. The site has ready access to be served by existing manmade systems of Town infrastructure such as roads, water, sewer, and fire services. (Bolded language ends)*

- **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.* **(Bolded language begins)** The existing land use of this property and the properties in this immediate area of Tarawitt Drive and Jungle Queen Way are presently designated as a mixture of Commercial, closer to Gulf of Mexico Drive and Medium Density Residential, further to the East and away from Gulf of Mexico Drive. Changing the Future Land Use and Zoning from Commercial to Residential will require that a minimum of 30 percent more open space be provided in any residential development compared to Commercial Development. The Applicant has submitted simultaneous Site Development Plans that demonstrate the architectural and aesthetic quality of the proposed residential development will enhance and protect the visual and aesthetic character of the area and nearby properties consistent with this Policy. **(Bolded language ends)**

- **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.* **(Bolded language begins)** The Applicant has provided documentation that water and sewer service exist along Tarawitt Drive and Jungle Queen Way. The proposed land use change will not negatively affect the adopted Level of Service (LOS) standards of the Town. **(Bolded language ends)**

- **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.* **(Bolded language begins)** The plan amendment has followed all applicable rules and procedures. **(Bolded language ends)**

- **Housing Strategy 1.1.1.1:** *Designate land areas suitable for a variety of housing types on the Future Land Use Map (FLUM).* **(Bolded language begins)** The Applicant has demonstrated that the proposed amendment from Commercial to Residential would provide for a land use that may be viewed as more compatible with the Residential character and development East of this area, while providing for productive use of this longstanding vacant commercial property. **(Bolded language ends)**

Rezoning Request: Consistency with the Comprehensive Plan

Changing the Zoning of the subject property to the R-4MX Medium Density Mixed Residential (4 units per acre) Zoning District would be consistent with the corresponding RM-4 Medium Density Single-Family Mixed Residential (4 units per acre) Comprehensive Plan Future Land Use Map designation that is the subject of the Applicant's jointly accompanying application. The proposed amendment can be found to maintain the primarily residential character of the Town, have a reduced impact on Town services and the environment, and be in harmony with the Town Code due to the reduction in land use intensity, in addition to being more compatible with other residential properties in this 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 of the Town of Longboat Key. 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 small-scale development Comprehensive Plan amendment, not involve a text change to the Goals, Policies, Strategies and Objectives of the local government's Comprehensive Plan, and 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. 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:

- *The proposed amendment involves 10 or fewer acres.* The submitted survey showed that the subject property is approximately 2.09 acres.
- *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.*
- *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 and is therefore being processed as a small-scale amendment.

Future Development Opportunities

Although the property could be developed under the existing zoning for a range of Office or Commercial Retail uses, the site has remained vacant. Demand for additional commercial and office development in the Town is limited as some existing commercially developed properties have struggled. The Site Development Plan, to permit an 8-unit multi-family residential condominium is similar in scale to nearby residential projects such as Cedars East, to the North of the subject property and similar in scale to the maximum heights allowed for single-family zoned properties to the East. The proposed residential development would comply with the underlying Zoning District standards (setbacks, height, parking, etc.) consistent with the proposed R-M4 Future Land Use classification and R-4MX Zoning proposed and would make productive use of this longstanding vacant property.

Recommendation

Based upon the above assessment, staff recommends APPROVAL of Comprehensive Plan Amendment Ordinance 2022-17, and Rezone Ordinance 2022-18 to change the designation of the Future Land Use Map from CL (Limited Commercial) and RM-4 (Medium Density Single-Family Mixed Residential 4 units/acre) to RM-4 (Medium Density Single-Family Mixed Residential, 4 units/acre), and to Rezone from the C-1 (Limited Commercial) and R-4SF (Single-Family Medium Density Residential 4 units/acre) Zoning Districts to the R-4MX (Medium Density Mixed Residential 4 units/acre) Zoning District for property located 5630 Gulf of Mexico Drive.

Note: The P&Z Board recommended approval of Ordinances 2022-17 and 2022-18 (7-0). The P&Z Board continued its deliberations and will be taking final action on the Special Exception and Site Development Plan after Town Commission action on the Comprehensive Plan Amendment and Rezoning. This later final action by P&Z Board is due to the fact that the P&Z Board has approval authority for the Special Exception and Site Development Plan applications and because a finding of consistency with the proposed Comprehensive Plan, Future Land Use designation and the proposed Zoning District would not occur until Town Commission final action.

Attachments

- A. Ordinance 2022-17, Comprehensive Plan Amendment (Available in Town Clerk's Office)
- B. Ordinance 2022-18, Rezoning (Available in Town Clerk's Office)
- C. Applicant's Application (Available in Town Clerk's Office)
- D. PowerPoint Presentation (Available in Town Clerk's Office)
- E. Plan Set of Site Development Plan and Special Exception (information only) (Available in Town Clerk's Office)

End of Agenda Item