

ORDINANCE 2023-03

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING AN AMENDED PLANNED UNIT DEVELOPMENT (PUD)/OUTLINE DEVELOPMENT PLAN AMENDMENT (ODP) FOR PARCELS FORMERLY KNOWN AS “B-1 SOUTH,” “B-2,” “TRACT A,” AND “C” OF THE BAY ISLES PLANNED UNIT DEVELOPMENT, AND REASSIGNING A NEW PARCEL NAME OF “TOWN CENTER GREEN” TO THE CONSOLIDATED SITE, LOCATED AT 600 BAY ISLES ROAD; ASSIGNING PERMITTED USES TO THE SITE; AUTHORIZING THE DEVELOPMENT OF THE TOWN CENTER GREEN; PROVIDING FOR SEVERABILITY; REPEALING AND SUPERCEDING ALL PORTIONS OF ORDINANCES, RESOLUTIONS AND SITE DEVELOPMENT ORDERS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key (hereinafter the “Owner”) owns certain real property located at 600 Bay Isles Road (hereinafter “Property”); and

WHEREAS, the Property is zoned MUC-1 (Mixed Use Community - Bay Isles District); and

WHEREAS, on August, 6, 1975, the Town of Longboat Key adopted Resolution 75-27, approving an Outline Development Plan for Bay Isles in the PD zoning district; and

WHEREAS, on December 5, 1983, the Town of Longboat Key adopted Resolution 83-48, approving a Site Plan for Town Plaza, Phase II in the PD zoning district; and

WHEREAS, Town Plaza, Phase II, was originally constructed in 1984; and

WHEREAS, on February 6, 2012, the Town of Longboat Key adopted Ordinance 2012-03, approving an Outline Development Plan Amendment to delete all previously approved allowable uses for Parcel B-1 South; and

WHEREAS, on February 6, 2012, the Town of Longboat Key adopted Ordinance 2012-04, approving an Outline Development Plan Amendment to establish site area and setbacks for Parcels B-2 and C; and

WHEREAS, since the adoption of Resolution 83-48, the Owner has subsequently sought to develop a Town Center that would serve as a community meeting and gathering location for cultural, art, and park activities; and

WHEREAS, several surveys and public meetings were conducted in 2020 and 2021, which have provided positive feedback regarding the development of a Town Center Green; and

WHEREAS, the Town of Longboat Key adopted the 2022 Strategic Initiatives, which identifies a specific goal of advancing long-range plans to develop community facilities on the Town Center Green property; and

WHEREAS, from 2014 to 2017, the Owner purchased parcels B-1 South, B-2 and C to utilize for the Town Center Green development; and

WHEREAS, on January 3, 2023, the Town of Longboat Key approved a Lot Consolidation application for the Property, and consolidated parcels B-1 South, B-2, Tract A, and parcel C into one parcel, totaling 4.8 acres; and

WHEREAS, the Owner has filed an application to amend the Outline Development Plan/Planned Unit Development (ODP/PUD) to assign allowable uses to the Property that are consistent with the Town Center Green development; and

WHEREAS, the Owner has proposed the following allowable uses for the Property: government building, continuing education center, civic center, public park and recreation center, and cultural center; and

WHEREAS, the Planning and Zoning Official has accepted the Applicant's application in a timely fashion, and referred the same to the Planning and Zoning Board along with supporting documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board is authorized by the Land Development Code to recommend approval of the application as submitted, recommend approval of the application with changes or special conditions, or recommend disapproval of the application to the Town Commission, if the application meets or does not meet the applicable provisions of the Land Development Code; and

WHEREAS, the Planning and Zoning Board held a properly noticed public hearing on January 17, 2023, and heard evidence and testimony associated with the Owner's application; and

WHEREAS, the Planning and Zoning Board reviewed the application and after considering all of the competent substantial evidence in the record, recommended to the Town Commission that the proposed PUD/ODP application be approved with certain agreed upon conditions; and

WHEREAS, on February 6, 2023, the Town Commission conducted a duly noticed first public hearing on Ordinance 2023-03; and

WHEREAS, on March 6, 2023, the Town Commission conducted a duly noticed second public hearing on Ordinance 2023-03 and the Town Commission approved the Ordinance; and

WHEREAS, after considering all of the competent substantial evidence in the record, including the testimony and documents submitted into the record at the hearing, including but not limited to the findings and professional analysis of Town Staff in the staff report and presentation, the Town Commission makes these conclusions of law and findings of fact:

- A. Pursuant to Section 158.036 (C)(1) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP is consistent with the intent of a planned unit development as provided in Section 158.034.
- B. Pursuant to Section 158.036 (C)(2) of the Zoning Code, with the recommended conditions of approval, the Owner's s amended ODP is consistent with Future Land Use Policy 1.4.1 of the Town's Comprehensive Plan.
- C. Pursuant to Section 158.036 (C)(3) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP meets the zoning regulations applicable to the subject Property.

D. Pursuant to Section 158.036 (C)(4) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP provides an adequate amount of common open space for maintenance and conservation and adequately meets the purposes of the common open space as related to the proposed location, density and type of development.

E. Pursuant to Section 158.036 (C)(5) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP provides adequate control over vehicular traffic and parking, and enhances the amenities of light and air, recreation and visual enjoyment.

F. Pursuant to Section 158.036 (C)(6) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP does not adversely impact the immediate neighborhood, as the Property is surrounded by commercial and recreational uses.

G. Pursuant to Section 158.036 (C)(8) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP provides for an effective and unified development on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.

H. Pursuant to Section 158.036 (C)(9) of the Zoning Code, with the recommended conditions of approval, the Owner's amended ODP is considered generally to be compatible uses in the MUC district based on the intent to encourage a mixture of uses including significant recreation and open space areas and clustering at varying scales and intensity.

I. Pursuant to Section 158.036 (F) of the Zoning Code, the Town Clerk, within seven days after the adoption of the ordinance, shall file a certified copy in the Clerk's office and shall mail a certified copy to the Owner. Upon approval of the ordinance, the Town Clerk shall file with the Clerk of the Circuit Court, to record in the official records of the county in which the property is located, the amended Outline Development Plan at Owner's expense.

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

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct, and are hereby incorporated fully by reference.

SECTION 2. The PUD/ODP application dated October 6, 2022, and amended on November 21, 2022, for the Town Center Green as described herein, is hereby approved subject to the conditions contained in Exhibit "B" attached hereto as Conditions Requisite for Approval, located at 600 Bay Isles Road, Longboat Key, Florida 34228. Exhibit "B" is incorporated fully herein.

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, resolutions, and site development orders relating to this Property and parts of such ordinances, resolutions and site development orders in conflict herewith shall be superseded and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon adoption by the Town Commission and approval within 30 days by the Owner. If the Town of Longboat Key has not received notification of approval and acceptance of this Ordinance within 30 days after the Owner's receipt, this Ordinance shall be deemed to have been denied. Notwithstanding the foregoing, the PUD/ODP approval provided for herein is contingent upon the Owner having also obtained approval of the Site Development Plan Amendment from the Town Commission through Site Development Plan Order 2023-01. For purposes of the required notice herein, the Town Manager is hereby delegated authority to provide notification required in this paragraph.

SECTION 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key upon adoption and acceptance by the Owner as provided in Section 5.

Passed on the first reading and public hearing the 6th day of February 2023.

Adopted on the second reading and public hearing this 6th day of March 2023.

/S/ Kenneth Schneier
Kenneth Schneier, Mayor

ATTEST:

/S/ Trish Shinkle
Trish Shinkle, Town Clerk

Attachment: Exhibit "A", Consent of Developer
Exhibit "B", Conditions of Requisite for Approval
Exhibit "C", Outline Development Plan
Exhibit "D", Land Intensity Schedule

EXHIBIT "A"

ORDINANCE 2023-03

CONSENT OF DEVELOPER

TOWN CENTER GREEN

600 BAY ISLES ROAD

The undersigned, Town Manager for the Town of Longboat Key, Property Owner, does hereby approve and assent to the terms, conditions, and provisions of the foregoing Ordinance and does further acknowledge that the same is binding upon them and their successors and assigns in the manner hereinabove set forth.

Town of Longboat Key, Property Owner

By: _____
Signature

Please print or type name

Title: _____
Town Manager

Dated: _____

ATTEST:

Signature

Please print or type name

Title: _____

EXHIBIT "B"
ORDINANCE 2023-03
CONDITIONS REQUISITE FOR APPROVAL
PLANNED UNIT DEVELOPMENT/OUTLINE DEVELOPMENT PLAN
TOWN CENTER GREEN
600 BAY ISLES ROAD

1. The provisions of the Planned Unit Development/Outline Development application for the above referenced subject Property, dated and received by the Town on October 6, 2022, and amended on November 21, 2022, shall be complied with unless waived, modified, or amended pursuant to Town Code.
2. Approval of this Planned Unit Development/Outline Development Plan (PUD/ODP) Amendment is subject to approval of Site Development Plan Order 2023-01.
3. The development/construction plans shall conform to all applicable Town codes and ordinances and all other applicable regulations, including but not limited to, FEMA standards/regulations, accessibility, fire code, and life/safety requirements.
4. In accordance with Section 158.029(E) of the Town Code, an approved Site Development Plan for the PUD becomes null and void if:
 - (1) The Owner shall abandon the plan or the Section thereof that has been finally approved, and shall so notify the Town; or
 - (2) Within 24 months of the date of approval of an application for Site Development Plan review, a complete application for Building Permit has not been submitted to the Town and a Building Permit issued; or
 - (3) A final Certificate of Occupancy or Final Building Permit for all phases of the project has not been issued within three years from the date set for receipt of a complete application for Building Permit for the final building or development phase of the project.
5. A licensed surveyor shall verify the Lot Coverage and Non-Open Space calculations upon completion of the project. Certification of the calculations shall be signed and sealed on an as-built survey and submitted to the Town prior to completion of a final building inspection related to the building permit for the project.
6. Approval of the proposed Site Development Plan shall be subject to payment of all staff review charges. Such charges shall be paid prior to issuance of Building Permit.
7. A Special Event Transportation Management Plan shall be required for special events on the site. The requirements of the plan will depend on the type and size of event. Some of the items that may be considered by the Town of Longboat Key in the plan are:
 - a. Site access and circulation
 - b. Parking management:

- i. Event parking pricing
 - ii. Off-site parking
 - iii. Other modes of transportation – to reduce vehicular trips to the site
 - iv. Valet locations and operations
 - v. Rideshare drop-off and pick-up locations
 - vi. Disabled passenger drop-off and pick-up areas
- c. Public information
- d. Police control at intersections
- e. Signage
- f. Pedestrian management

EXHIBIT "C"
ORDINANCE 2023-03
PLANNED UNIT DEVELOPMENT/OUTLINE DEVELOPMENT PLAN
TOWN CENTER GREEN
600 BAY ISLES ROAD

SEE ATTACHED

EXHIBIT "D"

ORDINANCE 2023-03

BAY ISLES PLANNED DEVELOPMENT

LAND INTENSITY SCHEDULE

Tract	Area in Acres	D.U./Acre	Maximum D.U.	Type of Development/Building	Building Details
RESIDENTIAL					
Harbor	30.60	2.60	80	Single Family	1 to 2 stories
MF "A" Fairway Bay	25.88	11.10	288	Multifamily Low Rise	2 to 5 stories
MF "B-1A" Harbour Court	5.00	3.60	18	Two-Family	1 to 2 stories
MF "B-1B" Marina Bay	7.39	8.12	60	Multifamily Mid Rise	Three Buildings 5 stories above parking
MF "B-2A" Harbour Oaks	11.19	5.00	56	Multifamily Low Rise	1 to 2 stories
MF "B-2B" Harbour Oaks II	8.92	4.70	42	Multifamily Low Rise	1 to 2 stories
MF "C-D" Harbour Links	10.16	4.13	42	Two Family and Multifamily Low Rise	1 to 2 stories
MF "H", MF "K", & HR "B" Manchester Bay	34.22	2.98	102	Single Family	1 to 2 stories
MF "I" Corey's Landing	22.10	3.30	72	One or Two Family	1 to 2 stories
MF "J" Winding Oaks	13.81	4.10	56	One or Two Family	1 to 2 stories
Bayou	41.21	2.60	109	Single Family	1 to 2 stories
Tract "A"	5.79	2.90	17		
HR "A" Grand Bay	23.89	11.38	272	Multifamily High Rise	Four buildings (10 stories over two levels of parking) Two buildings (four stories over two levels of parking)
HR "C" Sabal Cove	19.05	1.99	38	Single Family	1 to 2 stories
Tract "C" Weston Pointe	5.46	2.75	15	Single Family	1 to 2 stories
Subtotal Residential	264.67	4.79	1267		
CIVIC AREA					
Church Sites	8.70				

Tract	Area in Acres	D.U./Acre	Maximum D.U.	Type of Development/Building	Building Details
Public Safety Building	1.00				
<u>Town Center Green</u>	<u>4.81</u>				
Subtotal Civic Area	<u>9.70</u> <u>14.51</u>				
COMMERCIAL AREA					
Offices	2.14				
Parcel B-1 North	2.38				
Parcel B-1 South	2.81				
Parcel B-2	4.65				
Parcel C	0.35				
Parcel A Shoppes of Bay Isles	12.20				
Post Office	1.57				
Northern Trust <u>The Paradise Center</u>	0.90				
Sun Trust	1.00				
Bank of America	2.70				
Marina Commercial Complex	2.80				
Subtotal Commercial	<u>30.50</u> <u>25.69</u>				
ROAD RIGHTS-OF-WAY					
Subtotal Road Rights-of-Way	45.00				
RECREATION/OPEN SPACE					
Golf Course	269.56				
Boat Basin – Parcel O (Harbourside Moorings Marina)	32.68			291 Slips Harbour Master Building and Pool	
Small Craft Basin (West Boat Basin)	5.60				
Perimeter Channel	21.90				
Other Navigable Channels Inside Town Bulkhead Line	22.60				
Buffer	1.60				

Tract	Area in Acres	D.U./Acre	Maximum D.U.	Type of Development/Building	Building Details
Park	3.10				
Park	0.90				
Park – Buffer	5.80				
Sanctuary (Hidden Lake)	11.41				
Subtotal Recreation/Open Space	375.15				
SUBTOTAL NON- RESIDENTIAL	460.35				
GRAND TOTAL	725.02	4.79	1267		