

ORDINANCE 2012-02

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING AN OUTLINE DEVELOPMENT PLAN AMENDMENT FOR SHOPPES OF BAY ISLES, 525 BAY ISLES PARKWAY, PARCEL "A" OF THE BAY ISLES PLANNED UNIT DEVELOPMENT, TO INCREASE THE SITE AREA FROM 9.71 ACRES TO 12.20 ACRES, AND TO ALLOW FOR A DECREASE IN THE REQUIRED SETBACK FOR PARKING IN A STREET YARD FROM 20 FEET TO 12.49 FEET; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

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, subject to the conditions attached thereto; and

WHEREAS, on October 11, 1978, the Town of Longboat Key adopted Resolution 78-24 approving an Site Plan for Phase I of the Bay Isles Civic-Commercial Center in the PD zoning district; and

WHEREAS, Town Plaza I, located at 525 Bay Isles Parkway, Longboat Key, Florida, was originally constructed in 1980 as a commercial center; and

WHEREAS, Avenue of the Flowers Acquisition Co., LLC, wishes to increase the size of Parcel "A" from 9.71 acres to 12.20 acres at 525 Bay Isles Parkway to help in the redevelopment of the site; and

WHEREAS, Avenue of the Flowers Acquisition Co., LLC, is desirous to rebuild the commercial and office center located on Parcel "A" at 525 Bay Isles Parkway to better serve the public; and

WHEREAS, Avenue of the Flowers Acquisition Co., LLC, requests approval of an Outline Development Plan amendment with a departure to reduce the required setback to allow existing parking in a street yard from 20 feet to 12.49 feet beginning at the north access driveway on adjacent to Bay Isles Parkway to the north property line; and

WHEREAS, the proposed Ordinance is consistent with the Comprehensive Plan for the Town and the zoning district in which it is located; and

WHEREAS, the Planning and Zoning Official has accepted the 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 held a properly noticed public hearing on December 13, 2011; and

WHEREAS, the Planning and Zoning Board reviewed the application and recommended to the Town Commission that the proposed amendment be approved with conditions; and

WHEREAS, the Town Commission makes these Conclusions and Findings of Fact:

- A. The Outline Development Plan amendment is consistent with the statement of objectives of the Outline Development Plan and the Town's Comprehensive Plan, and in compliance with the Zoning Code.
- B. The Outline Development Plan amendment is consistent with Policy 1.1.10, Subsection 7 a – Mixed Use Community – Bay Isles (MUC-1), of the Town's Comprehensive Plan, regarding the permitted land uses within the future land use category and geographic area of the town, by proposing commercial/office land uses not exceeding four percent of the total property within the MUC.
- C. The Outline Development Plan amendment is consistent with the land use densities and intensities adopted within Table 1 of the Future Land Use Element of the Town's Comprehensive Plan.
- D. With the adoption of Resolution 78-24, approving a site plan for Phase I of the Bay Isles Civic-Commercial Center, the commercial use of the subject property was established, constructed, and maintained.
- E. The original commercial area included the 9.70 acre tract located at 525 Bay Isles Parkway (Parcel "A"), as well as the 3.78 acres of the land located at 594 Bay Isles Road (Parcel "B-1 South").
- F. The inclusion of an additional 1.52 acres from Parcel "B-1 South", expanding the land area of Parcel "A", is consistent with the original intent of the Bay Isles Civic-Commercial Center.
- G. The Outline Development Plan amendment allows the redevelopment and rebuilding of the existing commercial/office area, with expansion onto land historically established as commercial land.
- H. The Outline Development Plan amendment does not impact public services, control over vehicular traffic and parking, the amenities of light, air, recreation, and visual enjoyment.
- I. The Outline Development Plan amendment does not adversely impact the immediate neighborhood, as the commercial center has existed harmoniously in the development for a number of years.
- J. The departure granted from Section 158.128 (H)(3)(c) of the Town Zoning Code, pertaining to the required setback for existing parking in a required

street yard, is consistent with the intent of the code including, but not limited to, the purpose of the Planned Unit Development regulations as described in Section 158.065 of the Zoning Code, as well as the best interest of the Town. As an existing parking condition, the additional landscape buffering will further mitigate any adverse impacts of the use of the required street yard for parking in this area.

- K. The departure granted from Section 158.128 (H)(3)(c) of the Town Zoning Code, pertaining to the required setback for existing parking in a required street yard, is desirable in order to maintain the existing parking within the required street yard and to provide the number of off-street parking spaces necessary to reasonably accommodate and support the redevelopment.
- L. The departure granted from Section 158.128 (H)(3)(c) of the Town Zoning Code, allowing some of the existing parking to remain in the required setback for a required street yard, is desirable in order to provide additional parking necessitated by the increased length of time people will stay at the facility and thus promotes public safety and convenience in the use and occupancy of the buildings to be constructed.
- M. The Outline Development Plan amendment sufficiently addresses the terms and conditions intended to protect the interests of the public and of the owners of the Shoppes of Bay Isles in the integrity of the plan.
- N. The Planned Unit Development, through the approval of the Outline Development Plan amendment, satisfies all of the requirements set forth in Section 158.095 through 158.103, of the Town's Zoning Code, as found during the review of the Site Plan Amendment approved by Resolution 2012-01.
- O. The Planned Unit Development is consistent in all respects with the regulations governing planned unit developments as set forth in the Town's Zoning Code.
- P. The Planned Unit Development provides for an effective and unified treatment of the development possibilities on the project with making appropriate provisions for the preservation of scenic features and amenities of the site and the surrounding area, as the entire development site was reviewed and considered as a single redevelopment with multiple structures and phases. The Planned Unit Development, and related site plan, preserves the existing mature tree canopy, as well as enhances and expands landscape buffering area abutting adjacent property and rights-of-way.
- Q. The Planned Unit Development is planned and will be developed to harmonize with existing and proposed development in the area surrounding the site. In order to help ensure harmony between the existing surrounding developments, the Planned Unit Development utilizes landscape buffers

adjacent to the proposed development and the existing abutting developments. Additionally, pedestrian accesses are planned and will be constructed that connect the surrounding parcels, promoting walkability in the area.

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.

SECTION 2. Ordinance 2012-02 for the Shoppes of Bay Isles Outline Development Plan amendment, is hereby approved subject to the conditions contained in Exhibit "B" attached hereto as Shoppes of Bay Isles - Publix, located at 525 Bay Isles Parkway, Longboat Key, Florida 34228.

SECTION 3. Except as herein modified and amended, the conditions of Resolution 75-27, as amended, shall remain in full force and effect.

SECTION 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 5. All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith shall be and the same are hereby repealed.

SECTION 6. This Ordinance shall take effect upon adoption by the Town Commission and approval within 30 days by the property owner. If the Town Commission has not received notification of approval and acceptance of this Ordinance within 30 days after property owner's receipt, this Ordinance shall be deemed to have been denied.

Passed on the first reading and public hearing the 9th day of January 2012.

Adopted on the second reading and public hearing the 6th day of February, 2012.

/s/ James L. Brown
James L. Brown, Mayor

Attest:

/s/ Trish Granger
Trish Granger, Town Clerk

Attachments: Exhibit "A", Consent of Developer
Exhibit "B", Conditions Requisite for Approval
Exhibit "C", Parcels "A", "B-1 South" and "B-2" & "C" Map/Illustration
Exhibit "D", Land Intensity Schedule

EXHIBIT "A"

ATTACHMENT TO ORDINANCE 2012-02
CONSENT OF DEVELOPER

The undersigned, Avenue of the Flowers Acquisition Co., LLC, Property Owner, herein referred to as applicant, 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.

Avenue of the Flowers Acquisition Co., LLC, Property Owner and Purchasing/Agent for Parcel "A" as illustrated in Exhibit "C".

By: _____
Signature

Please print or type name

Title: _____

Dated: _____

ATTEST:

Signature

Please print or type name

Title: _____

EXHIBIT "B"

CONDITIONS REQUISITE FOR APPROVAL

SHOPPES OF BAY ISLES - PUBLIX

1. A departure from Zoning Code Section 158.128 (H)(3)(c) as it pertains to the minimum setback of parking area surfaces from abutting streets for properties zoned other than residential or tourism. The departure reduces the minimum setback from 20 feet to 12.49 feet along Bay Isles Parkway, beginning at the north access driveway to the north property line.

Parcel "A" shall be described as parcel of land with a total of 12.20 acres.

3. The sale of 2.49 acres of Parcels "B-1 South" and "B-2" & "C" to the owner of Parcel "A" shall be completed and recorded as a condition of the Outline Development Plan amendment.
4. A final site plan order and building permit cannot be issued until a plat showing the revised property lines, acreage of Parcels "A", "B-1 South", "B-2 & C", as well as the location of a future third vehicular access to Bay Isles Road at the eastern end of the site within an area approximately 40-feet wide (if access is approved by the Bay Isles Master Association) has been approved by the Town and recorded with Sarasota County.
5. The provisions of the Outline Development Plan amendment application for the subject property dated, December 29, 2011, received December 29, 2011, shall be complied with unless waived or modified by the following conditions or by written agreement between the Town and the applicant, or amended pursuant to Code. Any and all improvements shall comply with Planned Development (PD) provisions of Town Code.
6. All prior restrictions and conditions of approval remain in full force and effect unless specifically amended herein.
7. The following uses are approved uses for Parcel "A":

Permitted Uses Without Site Plan Review by the Planning and Zoning Board and Approval by the Town Commission:

1. Essential Services

Permitted Uses With Site Plan Review by the Planning and Zoning Board and Approval by the Town Commission*:

1. Business and professional offices
2. Government building and services
3. Public parks and recreation areas

4. Grocery stores
5. Banks and other financial institutions
6. Worship centers
7. Medical and dental clinics
8. Neighborhood convenience store
9. Small limited-item shop and stores restricted to retail sales of convenience items and services including barber, beauty care and other personal services
10. Drugstores and specialty shops
11. Photography, art or music studios
12. Youth recreation centers
13. Florist shops
14. Dance and exercise studio or club solely for aerobic exercise, instruction in dance and/or use of exercise equipment. Retail sales of dance and exercise clothing and accessories
15. Laundry and dry cleaning pickup stations (drop-off and pick-up only, no processing)
16. Two restaurant locations not to exceed a combined total of 4,000 gross interior square feet.

Permitted Special Exception Uses:

1. More than two restaurant locations (but no drive-in restaurants) or additional restaurant square footage in excess of 4,000 gross interior square feet, including restaurants with lounges or outdoor dining (subject to the standards contained in §158.136)
2. Continuing education centers
3. Private noncommercial dish antennas

*Any change of use to the existing structures, when such change of use is a permitted use, may be approved by the Planning and Zoning Official unless the proposed use impacts existing parking or traffic conditions, or is a special exception use.

8. Approval of the proposed Outline Development Plan amendment shall be subject to payment of all staff review charges.

EXHIBIT "C"

PARCELS "A", "B-1 SOUTH" AND "B-2" & "C" MAP/ILLUSTRATION

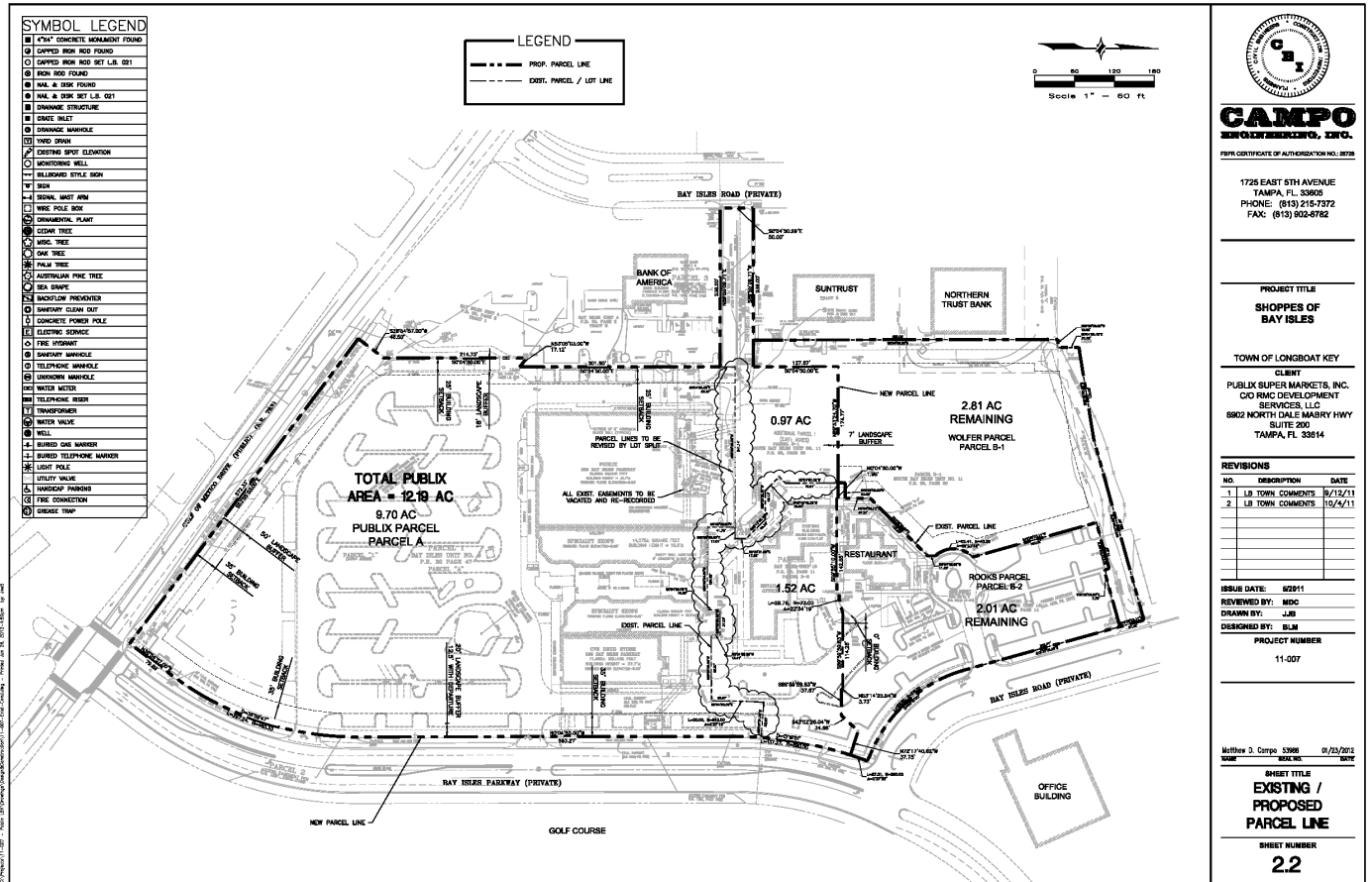


EXHIBIT "D"

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
MR "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 2 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				
Public Safety Building	1.00				
Subtotal Civic Area	9.70				

EXHIBIT "D" (Continued)

BAY ISLES PLANNED DEVELOPMENT
LAND INTENSITY SCHEDULE

Tract	Area in Acres	D.U./Acre	Maximum D.U.	Type of Development/Building	Building Details
COMMERCIAL AREA					
Offices	2.14				
Parcel B-1 North	2.38				
Parcel B-1 South	2.81			Vacant – No approved land uses	
Parcel B-2	1.65			Parking and Open Space for Parcel C	
Parcel C	0.35			Restaurant Building	
Parcel A Shoppes of Bay Isles	12.20			Commercial/Office Center	
Post Office	1.57				
Northern Trust	0.90				
Sun Trust	1.00				
Bank of America	2.70				
Marina Commercial Complex	2.80				
Subtotal Commercial	30.50				
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				
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		

It is specifically understood and agreed upon by the parties hereto that the setting of the aforesaid maximum densities will prohibit the transfer of units from any one said parcel to another.

FOOTNOTE: The acreage utilized in the Land Intensity Schedule are estimates. The individual approved site plans should be used for specific site acreage.