

## MEMORANDUM

DATE: October 9, 2009

TO: Planning and Zoning Board

THROUGH: Monica Simpson  
Planning, Zoning and Building Director

SUBJECT: Longboat Key Club & Resort – Islandside  
Outline Development Plan Amendment Request

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PROPERTY OWNER: Key Club Associates, Limited Partnership  
and Islandside Development, LLC

APPLICANT/AGENT: Brenda Patton, Esquire

ENGINEER: Mark A. Adler, P.E., George F. Young, Inc.

ARCHITECT: Bruce R. Brosch, R.A.

LANDSCAPE ARCHITECT: Rob W. Hutcheson, EDSA

SITE LOCATION: 301, 361 and 362 Longboat Club Road  
Longboat Key, Florida

EXISTING ZONING: GPD, Gulf Planned Development

EXISTING USE: Longboat Key Club & Resort

REQUEST: Request of Key Club Associates, Limited Partnership and Islandside Development, LLC to amend the Longboat Key Club Islandside Gulf Planned Development (GPD) Outline Development Plan (ODP) and associated Land Intensity Schedule (LIS) to redevelop the property located at 301, 361 and 362 Longboat Club Road, 146.31 acres, with a redeveloped golf course and golf clubhouse, rebuilt tennis courts, residential multifamily units, a resort hotel, spa and wellness center, single-family (villa) residential units, and a meeting center and administrative offices.

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## **BACKGROUND**

The subject property, located at 301, as well as 361 and 362 Longboat Club Road (known and referred to as North Parcel – Tract 1 and South Parcel – Parcel C-2/REC – 1, respectively) has a long and vast history, which is summarized with copies of the supporting documentation provided in the applicant's materials.

**Resolution 75-26** approved the "Site Plan for the Longboat Golf Club Tennis Addition," which allowed for the "expansion" of the Longboat Key Golf Club with the construction of 12 clustered tennis courts. As a condition of approval, Resolution 75-26 stated "no additional projects for further development within the GPD area be considered until the Outline Development Plan (ODP) for the entire GPD area is approved."

**Resolution 76-07** approved the overall ODP for the Longboat Key Club GPD, as conditioned in Resolution 75-26. The resolution established the amount of common open space, and stated that the applicant at that time was responsible for the maintenance and conservation of such open space. The resolution required "[a] land intensity map or table indicating the development intensity range for all of the non-residential and residential development." This map or table was to include building height approximations.

**Agreement** On March 5, 1979, Arvida and the Town of Longboat Key entered into an agreement that included, but was not limited to, the following:

1. Restricted as private open space the 18 hole-golf course (107.42 acres), which at that time comprised 35 percent of the total acreage of the Longboat Key Club;
2. Prohibited the elimination of the "...golf course area ...unless some other open space use or uses are subsequently permitted by the Town;"
3. Limited the allowable land uses on Tract I to "...a country club building, driving range and/or other recreational pursuits and activities including appurtenant buildings and parking area;"
4. Restricted the driving range on Tract I from being "...used for commercial, residential or parking area, unless subsequently approved by the Town Commission and subject to the Town code."

By virtue of the requested ODP amendment, if approved by the Town, the restriction on Tract I land uses will be lifted and the subject agreement will be technically "amended."

**Original Land Intensity Schedule** According to the Town records available, it appears that the first Land Intensity Schedule (LIS) was accepted by the Town of Longboat Key on December 14, 1979. An amendment to the original LIS was made in March 1980 to “add maximum density” on certain parcels, and to “...change the number, height and range of the buildings in parcel MF”C.”

**Resolution 80-21** approved an ODP amendment specifically for the property referred to as REC-1 that allowed for the addition of four tennis courts, expansion of the tennis pro shop, application for yacht club permits, relocation of one other off-site court to the REC-1 area.

**Resolution 85-12** revised the ODP for the approval of development to be located at 360 Gulf of Mexico Drive (GMD) (a.k.a. Tangerine Bay). The conditions of approval for the resolution allowed the construction of three mid-rise buildings not to exceed five living levels and 60 feet in height.

**Resolution 85-27** amended the Land Intensity Schedule for the Longboat Key Club, replacing all previous LISs.

**Recorded Plat** In March 1986, Arvida recorded the plat of the land area south of Longboat Club Road (South parcel), previously titled Unit No. 4. The plat divided Unit No. 4 into three adjacent parcels: Parcel C-1, and area containing the existing Inn on the Beach facility; Parcel C-2 of Tract Two, with the designation as “Restaurants and Shops;” and, Parcel REC-1 of Tract Two.

**Resolution 87-25** approved the site plan for the construction of four tennis courts for the use of Inn on the Beach guests on the property referred to as the Tennis Complex Addition on the REC-1 parcel.

**Resolution 87-26** amended the ODP and LIS of the REC-1 parcel to change the land use designation “Yacht Club” to the land use designation “Tennis Complex Addition.”

**Resolution 88-01** amended the ODP by which the Town relinquished right of first refusal to purchase the club facilities.

**Resolution 88-06** amended the ODP to include a provision that required the Key Club to provide golf and tennis membership information to the Town to assure the Town that memberships in the recreational facilities are available to GPD residents. Additionally, the resolution amended the LIS to include the land development regulations for Tract MF-B-1B later to be known as L’Ambiance. The resolution allowed for a mixture of four buildings with a total of 31 stories: two at nine stories; one at seven stories; and, one at six stories.

**Resolution 88-14** amended the LIS to include the land development regulations for Tract MF-B-1A, later to be known as The Sanctuary. The resolution allowed for a mixture of six buildings: one at two stories; two at five stories; one at six stories; one at eight stories; and, one at seven-to eight-stories.

**Resolution 89-22** amended the LIS for Tract MF-B-1A for The Sanctuary from that previously approved in Resolution 88-14. The resolution allowed for a mixture of six buildings: one at two stories; two at five stories; one at six stories; one at eight stories; and, one at seven-to eight-stories.

**Resolution 89-39** amended the LIS for Tract MF-E for Tangerine Bay from that previously approved in Resolution 85-12. The resolution allowed for the construction of five mid-rise buildings with four living levels over one parking level not to exceed 50 feet in height. The minimum setbacks were prescribed of 100 foot front yard, 40 foot side yard, 50 foot rear yard, and 50 foot waterfront yard. The amendment also reduced the number of units from 96 to 93. Previously approved were three mid-rise buildings not to exceed five living levels and 60 feet in height.

**Resolution 89-42** amended the LIS for Tract MF-B-1B for L'Ambiance from that previously approved in Resolution 88-06. The resolution allowed for the construction of two nine story buildings over two stories of parking, with one of the units to include a single manager's residence, with both buildings at 126 feet in height above grade. The amendment also reduced the number of units from 192 to 145. Previously approved were a mixture of four buildings with a total of 31 stories: two at nine stories; one at seven stories; and, one at six stories.

**Resolution 92-17** amended the ODP and associated LIS to allow the development of Regent Place, a 36 unit high-rise development, and Regent Court, a 10 unit single-family development on Tract MF-C. The resolution allowed for the construction of two 18 unit, nine story buildings above one level of parking at Regent Place. The amendment also reduced the number of permitted dwelling units on the parcel from 221 to 46 total. Additionally, consistent with Resolution 80-21, Resolution 92-17 allows "...off-site recreational facilities (golf and tennis) provided within the Longboat Key Club GPD..." on Tract REC-1 to satisfy 50 percent of the on-site recreation facilities requirement for Tract MF-C.

**Stipulation and Settlement Agreement** On July 16, 1992, the Town of Longboat Key, Key Club Associates, Limited Partnership, and the Inn on the Beach Association, Inc. entered into a stipulation and settlement agreement, which was accepted by the Circuit Court of the Twelfth Judicial Circuit Court of Florida. The agreement set out various requirements for the Key Club to maintain compliance with the membership requirements of Resolutions 80-21 and 81-13. The agreement also established that Resolutions 75-27, 76-7, 80-21, and 81-13

“...are valid, binding and enforceable...” and that the open space designations established will be maintained.

**Ordinance 94-04** amended the ODP approving the expansion of the Islandside Clubhouse (Tract 1) to only be used for Longboat Key Club administrative purposes.

**Resolution 94-04** approved the site plan for the renovations and expansion of the Islandside Clubhouse located on Tract 1.

**Ordinance 95-06** amended the ODP changing the deadline for the issuance of a building permit. The amendment also provided the Planning, Zoning and Building Department Director with the authority to require additional parking spaces upon notification that the parking facility for the expanded facility is inadequate.

### **PROJECT SUMMARY**

This subject property is located in the Gulf Planned Development (GPD) commonly known as Islandside. The property, located at 301, 361 and 362 Longboat Club Road, is approximately 146.31 acres, including the Golf Course Parcel. The existing land uses consists of a golf course, driving range, golf course club house, 18 tennis courts, pro shop, and off-street parking. The current Land Intensity Schedule for the Islandside Gulf Planned Development lists the permitted type of land use for the subject property as:

<b>Tract/Parcel Name</b>	<b>General Parcel Reference</b>
Parcel C-1 (1.16 acres)	South Parcel (most eastern portion)
Parcel REC-1 (9.28 acres)	South Parcel (most western portion)
Tract 1 (17.24 acres)	North Parcel
Golf Course Parcel (118.63 acres)	Golf Course Parcel

The subject property is within a planned development district that has been completely developed. There are no parcels within the GPD that have not received development approvals. All parcels and tracts have land uses assigned, with developments established. The applicant is requesting substantial modification to the subject property in order to complete the proposed project.

Staff views the proposal as a redevelopment of the subject property. As a redevelopment, there is land which currently has an approved and functioning land use, which is going to be removed and replaced with a new development. It is not a refurbishment, repair, or maintenance of an existing development.

The applicant proposes to redevelop and redesign the existing golf course. Redevelopment plans for the North Parcel include a golf clubhouse and parking structure, 132 residential units within two multifamily structures, and a resort meeting center with an administrative building and parking structure. The existing driving range will be removed, and a new driving range is not proposed.

In addition to the existing 4,101 square foot sales office, the South Parcel redevelopment plan includes a hotel with 196 tourism units, and an additional 34 units to be utilized either for tourism or residential dwellings, as well as a restaurant and lounge. The applicant is also proposing ten residential or tourism units in the villa development on the South Parcel. Additionally, the proposed South Parcel redevelopment includes a spa and fitness center.

The overall redevelopment plan, as requested, would require the relocation of the existing points of ingress and egress to the subject property along Longboat Club Road within the access easement. Modifications to or relocation of the existing gatehouse, on Longboat Club Road west of Gulf of Mexico Drive, are not proposed.

The Longboat Key Club provides a brief narrative within the application documentation regarding the declining utilization and need of the existing tennis courts within the Islandside GPD. The applicant contends that at the peak of the popularity of tennis on Longboat Key that the 38 total tennis courts provided by the Club at both Harbourside and Islandside tennis facilities provided more courts than needed for the number of club members and guests. Additionally, according to the applicant the play on the Islandside courts only makes up approximately ten percent of the overall play on the combined courts. Further, during the construction of the newly redeveloped Harbourside tennis complex (Tennis Gardens) that includes 20 tennis courts, the only courts available to the members were the 18 courts within the Islandside GPD. It has been determined by the Longboat Key Club that those limited number of courts were sufficient for the members and guests.

### **DENSITY RESTRICTIONS**

In 2002, at the request of the Town of Longboat Key, William R. Pomeroy produced an analysis of the Gulf Planned Development establishing the general acreage of the land and the total number of dwelling and tourism units approved and eventually constructed. The analysis determined that 892 units were approved for development and that a total of 1602 allowable units would be allowable at the Zoning Code density cap of 5.05 units per acre.

In accordance with Sections 158.009 (L) and 158.070 (A) of the Town's Zoning Code, within the GPD the maximum allowable density is 5.05 units per acre. "Units" include both residential and tourism units. The total number of units proposed by the applicant

as part of the redevelopment plan is 372. Mr. Pomeroy established that the number of developed units within the GPD is 892. The additional requested units would result in a total of 1,264 units, or an overall GPD density of 4.02 units per acre.

The approved Outline Development Plan, as amended, for the Gulf Planned Development prohibits the transfer of density from one parcel to another. Section 158.071 (D) states:

*Once development rights, whether residential or non-residential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development. In no event shall the densities exceed the maximum densities set forth in this Code or the Comprehensive Plan.*

Requests for amendments to an Outline Development Plan can be made, including the removal of conditions or restrictions previously applied. In this submittal, the applicant is requesting that the approved ODP and Land Intensity Schedule be amended to allow a portion of the unused units within the GDP to be utilized on the subject property.

The redevelopment request meets the Zoning Code density criteria if the Town Commission agrees to amend the Outline Development Plan amendment and the LIS to allow for the increase of the “unused” density available under the GPD density cap. Please see the attached memorandum from Special Counsel for the Town of Longboat Key, Nancy Stroud, of Lewis, Stroud & Deutsch, PL, dated October 9, 2009.

## **PROPOSED DEVELOPMENT STANDARDS – REQUESTED DEPARTURES**

Due to the fact that the subject property is located within the Gulf Planned Development, the proposed Outline Development Plan Amendment and associated Land Intensity Schedule is reviewed for consistency with the zoning district most similar to the proposed use for the proposed project, in accordance with Section 158.067 (D)(3)(g). Similarly, requested departures from the land development regulations shall be from the requirements of that same zoning district.

It is staff’s opinion that the proposed redevelopment most similarly reflects that of the High-Density Tourist Resort Commercial District otherwise known as the T-6 zoning district. The T-6 zoning classification, utilizing the PUD process, has a maximum allowable density of 4.50 dwelling units per acre. The application materials also utilize the T-6 zoning classification land development requirements; thus, confirming that the applicant agrees with staff’s determination.

### **General Departures**

The applicant is requesting departures from the Town’s Zoning Code as permitted in Section 158.067. Two general departures are being requested:

1. Section 158.006 definition of “Building, Height of and Section 158.102 (L) as it relates to the point on the structure from which building height is measured.
2. Section 158.128 (A) to allow for stacked parking for valet use only.

The Zoning Code measures the height of a structure from the lowest habitable measurement of the structure required by law to “...the highest part of the building.” Section 158.153 allows for limited exceptions to the maximum height requirement for structural features such as limited mechanical equipment. The departure requested by the applicant, as seen on page 4.8 of the application materials, is to:

*Exclude architectural features up to 10’ above roof deck and roof top mechanical equipment from definition of height.*

The applicant provides very limited justification for the necessity for the departure.

Section 158.128 (N)(4) allows for stacked valet parking as a parking flexibility method within specific non-residential zoning districts, of which the GPD is not included. However, the concept of stacked parking for valet use is common, and is extremely common in hotel resort development.

### **North Parcel Departures**

Five departures from the Zoning Code are requested specifically for the North Parcel.

<b>Zoning Code Requirement</b>		<b>Required/Allowed</b>	<b>Requested</b>
Number of Stories and Maximum Height	Section 158.145	4 stories/50 feet	9 stories/91’11”
Maximum Lot Coverage	Section 158.145	15% if buildings are over 6 stories	24.20%
Maximum Floor Area Ratio (FAR)	Section 158.102 (C)(2)	0.27	0.46
Minimum Open Space Ratio	Section 158.102 (C)(2)	2.70	1.66
Minimum Living Space Ratio	Section 158.150 (D)(4)	1.70	1.42

**South Parcel Departures**

Seven departures from the Zoning Code are requested specifically for the South Parcel.

Zoning Code Requirement		Required/Allowed	Requested
Number of Stories and Maximum Height	Section 158.145	4 stories/50 feet	8 stories/75'0"
Maximum Lot Coverage	Section 158.145	15% if buildings are over 6 stories	22.90%
Maximum Floor Area Ratio (FAR)	Section 158.102 (C)(2)	0.27	0.49
Minimum Open Space Ratio	Section 158.102 (C)(2)	2.70	1.58
Minimum Living Space Ratio	Section 158.150 (D)(4)	1.70	1.13
Setback (Inn on the Pass)	Section 158.102 (L)(1)	2 x 82'10" or 165'8"	133'5"
Distance to site lot line (Inn on the Pass)	Section 159.102 (L)(2)	70% x 82'10" or 57.9'	30.85'

**Staff's Assessment of Requested Departures**

**Maximum Floor Area Ratio (FAR):** The Zoning Code establishes maximum Floor Area Ratios according to the maximum gross residential density of the site. In this case, the maximum gross residential density for the subject parcel is 5.05 units per acre. Section 158.102 (C), of the Zoning Code, states:

*The floor area shall be the sum of the areas for residential and tourism uses on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access, excluding parking garages.*

The applicant does not provide a strong basis for requesting a departure from the maximum FAR of 0.27 for both the North and South Parcels. Instead the application materials refer more to the purpose of a FAR. The applicant does refer to the financial feasibility of the redevelopment dependent upon, at least in part, the proposed departure from the FAR. Despite the applicant's lack of a sufficient basis for requesting the FAR departure, staff acknowledges that the resulting square footage of units utilizing the prescribed FARs can result in smaller units than may be desired in a market such as Longboat Key. Additionally, the other land development regulations such as maximum allowable lot coverage, minimum open space, and minimum required yards should be a more defining factor of the intensity and mass of a structure. A development complying with the applicable land development regulations can best determine how to utilize the provided square footage of a structure, within the limitations of the allowable density.

**Minimum Open Space Ratio:** The minimum allowable Open Space Ratio is calculated as a minimum square footage of the lot area not covered by buildings required for each square foot of floor area. The Open Space Ratio requirement results in the park-like atmosphere desired for the Key, while a reduction in open space could result in a development contrary to the character of the Town. The applicant does not provide a strong basis for requesting the departure from the minimum allowable Open Space Ratio for both the North and South Parcels. Land development regulations such as minimum open space ratios are utilized to not only ensure an adequate amount of open space, but also to control the bulk and mass of the buildings within a development.

**Minimum Living Space Ratio:** The minimum allowable Living Space Ratio is calculated as a minimum square footage of non-vehicular outdoor space required for each square foot of floor area. The applicant's explanation of the requested departure essentially describes the various "recreational" activities that will be provided on both the North and South Parcels. While the explanation does not adequately explain why the departure is essential for the development, the activities described can be considered an explanation of why the additional square footage of living space not necessary.

**Maximum Lot (Building) Coverage:** The departure requested is to increase the amount of Lot Coverage permitted on the subject property from 15 percent to 24.20 percent and 22.20 percent on the North Parcel and South Parcel, respectively. The lot, yard and bulk matrix provided in Section 158.145 includes footnote (e) that applies to buildings of six or more stories. This footnote limits the allowable ground coverage by all buildings or structures to 15% for the taller structures. The ground coverage is more commonly known in the Zoning Code as Lot Coverage. Within the T-6 zoning district, structures of five stories or less are provided with a maximum Lot Coverage of 30 percent. Consequently, the additional height proposed in the redevelopment causes the reduction in allowable Lot Coverage.

The applicant's reasoning for granting the departure relies greatly on the fact that the subject property is on the south end of Longboat Key, with portions directly abutting either the open land of the golf course or the open waters of the lagoon to the south.

Lot Coverage is typically a gauge of the "bulk" of the development, or if it is "over built." The character of Longboat Key, as it is viewed from its gateways along Gulf of Mexico Drive, is not one that is overbuilt. In this case, the use of a maximum lot coverage allowance that decreases with increased height is applied with the assumption that as a building becomes taller the footprint of the building should essentially decrease in square footage, with the implementation of all of the other remaining applicable land development regulations. All of these combined regulations work together to control the bulk and mass of a development.

**Maximum Building Height:** The departure requested is to increase the maximum allowable numbers of stories and the maximum height of the buildings from four stories/50 feet to nine stories/91'11" and eight stories/75'0" on the North Parcel and South Parcel, respectively. The lot, yard and bulk matrix provided in Section 158.145 includes footnote (g) that applies to the GPD zoning district. This footnote states that the maximum allowable building height and number of stories of a structure shall "...be determined at the time of outline development plan approval and site plan approval."

As noted further in staff's analysis, part of the process in reviewing and considering developments within the Gulf Planned Development through the Outline Development Plan process is to consider consistency and compatibility with the neighborhood and the policies of the Town. Several projects within the GPD were approved at heights at or above what is proposed for the redevelopment. However, as provided in staff's report there has not been a development approved with structures at these considerable heights since 1979, solidifying the original ODP established in 1976. Although there have been amendments to the original Land Intensity Schedule, the Town has not approved the concept of building heights above that allowed in the Zoning Code since the LIS's initial adoption.

**Minimum Setback:** The departure requested is to decrease the required front yard for the proposed Inn on the Pass structure from 165'8" to 133'5". The Zoning Code Section 158.102 (L)(1) states that:

*The distance measured perpendicularly from any front lot line to the nearest surface of a building shall not be less than twice the height of the building, which height shall be measured from the lowest visible elevation under the building to the highest part of the building.*

Section 158.102 (L) are the supplemental controls placed on multifamily and tourism uses of ten units or more, to avoid conflicts with abutting properties, nearby buildings, and ensures safe ingress/egress from structures to the parking areas. Within the subject section of the code it states that:

*...the Town Commission may waive one or more of these requirements where it deems a hardship exists or such waiver is necessary to ensure a more strict adherence to those performance standards...which are deemed most critical...*

The proposed Inn on the Pass structure include a traffic circulation system that leads to the building's porte cochere, which is where the distance of 133'5" is measured in accordance with Section 158. 102 (L)(1). Plan sheet SP-2 indicates that the distance from the front lot line to the actual face of the main portion of the hotel

structure is 186'11", exceeding the required setback distance. The more strict adherence to this code provision is being complied with by the main portion of the proposed hotel structure.

One of the intents of this provision of the code is to ensure that the height of the structure does not negatively impact the area immediately in front of the building. Additionally, it helps to protect the creation of a "canyon" effect along the roadway. Because of the height and limited span of the porte cochere, the requested departure is not adverse to the neighborhood or inconsistent with the development policies of the Town.

**Minimum Distance to Site Lot Line:** The departure requested is to decrease the required distance to the site lot line for the proposed Inn on the Pass structure from 57.9 feet to 30.85 feet. The Zoning Code Section 158.102 (L)(2) states that:

*...nor shall any structure be located closer to a site lot line than a distance equal to 70% of the building height (measured from the lowest visible elevation under the building)...*

As with the minimum setback departure request, Section 158.102 (L) provides that the Town Commission may waive this requirement.

Section 158.150 (D)(4) states that a required canal waterfront yard shall be a minimum of 30-feet, measured from the Mean High Water Line (MHWL) or wetland/mangrove jurisdictional line. The Zoning Code considers the canal waterfront yard to be applicable to lots abutting a canal or other waterway other than the Gulf of Mexico, Sarasota Bay or the passes to the aforementioned waterbody. The body of water abutting the rear of the South Parcel is a lagoon. Consequently, the 30-foot waterfront yard for the proposed Inn on the Pass hotel development applies.

Consequently, the proposed departure reducing the minimum distance to site lot line as required in Section 158.102 (L)(2) to 30.85 feet still brings the structure in compliance with the required waterfront yard. In staff's opinion the application of the required waterfront yard is more critical than the supplemental control.

## **COMPLIANCE WITH OTHER PROVISIONS OF THE TOWN CODE**

The following is an analysis/overview of several of the other applicable sections of the Zoning Code, as it relates to the proposed redevelopment.

1. **Section 158.067 (B)(1)(g) – Traffic Impact Analysis:** The applicant submitted a traffic impact analysis in December 2008 prepared by Grimail Crawford, Inc. (GCI). The Town of Longboat Key commissioned the professional traffic engineering services of Tindale-Oliver and Associates (TOA) as an independent consultant to review the analysis.

Upon review staff and TOA identified that the traffic counts utilized were not actual counts but rather counts taken in another community with a seasonal multiplier utilized to “adjust” the counts for projections on Longboat Key. It was requested that the application take actual traffic counts during the peak season for the Town. The count was completed by GCI the week before the Easter holiday and made part of a revised report dated June 10, 2009.

In addition to the seasonal parking count, GCI was asked to address several other issues in response to their original analysis, which were made part of their updated analysis received on June 10. In turn, TOA reviewed the new report and provided Town staff with comments dated October 6, 2009, with the following that still need to be adequately addressed by the applicant:

- a. Inconsistent utilization of the time calculated for the time of an “effective green” or the yellow light at a traffic signal at the intersection of Gulf of Mexico Drive and Longboat Club Road, which people continue to use as a green. The Town’s traffic consultant has identified that utilization of a consistent two second effective green, which is the default value in the Highway Capacity Manual, would cause two level of service failures. TOA notes that:

*...if the extension of the effective green is modified, this needs to be extensively justified especially in an environment where, in general, the driver’s population does not include a significant number of aggressive drivers.*

- b. Inconsistent utilization of signal timings for the intersection of Gulf of Mexico Drive and Longboat Club Road between the PM peak hour analysis originally provided and the special even scenario most recently submitted by GCI. The Town’s traffic consultant does not dispute that the different signal timing can be used, however, TOA does state that a signal timing plan needs to be developed and that the Town will need to be able and willing to change the signal timing patterns for special events. TOA also notes that the implementation of proposed “special traffic personnel” for special events was not explained in the revised analysis provided by GCI.
- c. In response to GCI’s original analysis, the Town’s traffic consultant requested that the report be amended to include a list of all committed Florida Department of Transportation (FDOT) projects, including, but not limited to proposed right

turn lanes at various locations on Gulf of Mexico Drive. This list was not provided in the updated analysis.

- d. The Town's consultant requested an analysis of the intersection at John Ringling Parkway and Ken Thompson Parkway, as well as the south end drawbridge operations. In the amended analysis by Grimail Crawford, Inc. it was determined that only on occasion was there a failure in the adopted level of service standard of E, as caused by traffic generated by a single-family home near the intersection. It is noted by GCI that this occurred only one-to two-times during peak hour. Additionally, an analysis of the impacts of the opening of New Pass Bridge was completed by the applicant's traffic consultant. According to the amended GCI report, "[t]he analysis shows that the nominal increase in queue will be for all practical purposes imperceptible and of no noticeable significance."

However, the Town's consultant found that GCI did not address the combined impacts of the signalized intersection and the bridge openings on the intersection of GMD and Longboat Club Road.

- e. The original traffic analysis completed by GCI was done with a proposed relocation of the gatehouse approximately 125 feet west of its current location. At that time, the Town's consultant commented that there was no documentation or analysis showing that the proposed relocation distance was adequate for providing the queuing storage and operations during special events and peak morning and evening periods. The applicant has since decided to keep the existing gatehouse at its current location. However, neither the original GCI report nor the amended report include an analysis of the potential queuing at the gatehouse, with the increased traffic during special events.

2. **Section 158.067 (B)(1)(k) and (m):** The Zoning Code clearly recognizes that the utilization of the PUD process may require information additional to those items specifically required within the applicable sections of the code. As such staff required, from the applicant, a binding concept plan. The applicant has supplied the plan in the form of "conceptual master plan" sheets labeled NP-2 and SP-2 in the applicant's materials.

The binding concept plan, as defined by the Town is:

*A general graphic and informational representation or depiction of the proposed development or development phase. The Plan shall in its entirety indicate the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development and as enumerated in Sections 158.067 and 158.102.*

The details provided on the binding concept plan must match that included on the proposed site plan during the Site Plan Review process. Any deviation from the binding concept plan may require the applicant to amend the Outline Development Plan of which the binding concept plan is a part.

3. **Section 158.128 – Off-Street Parking:** In accordance with Section 158.128 (D) of the Zoning Code, the following parking calculations shall be utilized when determining the minimum number of off-street parking spaces required for the proposed redevelopment:

<b>Land Use</b>	<b>Parking Requirement</b>
Multifamily dwellings	1.5 per dwelling unit plus 1 per each 5 units or portion thereof
Public/Private Recreation Uses	
Golf	6 per each hole of golf
Tennis	4 per each court
Buildings that do not serve food or sell goods or services	1 per 200 square feet
General Commercial	
Single structure of at least 10,000 square feet or in a multi-use center of less than 4 different uses	1 per 250 square feet
In stand alone structures of less than 10,000 square feet or in a multi-use center of at least 4 different uses	1 per 400 square feet
Offices	1 per 300 square feet
Tourism Units	1 per unit plus 50 percent of the parking spaces required for additional uses, including restaurants and shops

The applicant is approaching this redevelopment plan as a comprehensive project, where there is a tie between the resort on the South Parcel and the resort meeting center on the North Parcel. The parking calculations provided on sheet MP-5 indicate that 930 off-street parking spaces are required for the proposed redevelopment, with a total of 961 provided (825 self-parking and 136 valet parking). Utilizing the unified development approach, the applicant is applying the tourism unit parking flexibility of off-street parking required for 50 percent of the parking spaces for additional uses was intended for accessory uses within the tourism development itself. As a result the parking required for the tennis courts, meeting center, and administrative offices on the

North Parcel are being reduced in half. Staff has concerns with this approach given the number of estimated event attendees, the total number of tourism rooms proposed, and the number of guests that may have to have accommodations outside of the GPD under typical conference lodging scenarios.

The Town can grant a departure from the required number of off-street parking spaces required for the subject redevelopment or from limitations in off-street parking found elsewhere in the Zoning Code. The provisions of Section 158.128 (N) *Parking Flexibility* does not apply to the subject property as the flexibilities cannot be applied in the GPD as written. Consequently, departures from Section 158.128 would be required to allow for stacked valet parking on-site or on private off-site lots or shared parking.

### **COMPREHENSIVE PLAN CONSISTENCY**

The 2007 *Town of Longboat Key Comprehensive Plan*, adopted on December 3, 2007, includes several key elements, goals, objectives and policies that relate directly to the proposed redevelopment.

#### ***Element 1. 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.

**Policy 1.1.2** The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which as a minimum will:

- 1) Regulate the subdivision of land;
- 2) Regulate the use of land and surface waters;
- 3) Ensure the compatibility of adjacent land uses;
- 4) Protect the Conservation Lands designated in the Conservation and Coastal Management Element;
- 5) Manage areas subject to seasonal and periodic flooding and provide for appropriate stormwater management;
- 6) Regulate signage;
- 7) Regulate onsite traffic circulation, and parking demands;
- 8) Provide buffering and open space requirements;
- 9) Provide for water conservation principles in landscaping regulations, and;

- 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.

**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.

***Element 2. Transportation Element***

**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 Transportation network is identified on Figure 2.

**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.

**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.

**Policy 1.1.5** The Town will review all proposed development for consistency with Policies 1.1.1 and 1.1.2 and impacts upon the adopted LOS standards.

***Element 4. Housing Element***

**OBJECTIVE 1.3** To the extent allowable under this Plan, collaborate with the private sector to provide a broad range of housing, while recognizing that the Town is nearing build-out and has a very limited amount of undeveloped land.

**Policy 1.3.1** Encourage the private sector to provide an adequate number of multi- and single-family housing units, for rental or for sale consistent with market demand and this Plan.

***Element 5. Recreation and Open Space***

**Goal 1:** To ensure provision of appropriate recreation facilities and open space areas to satisfy the health, safety, and welfare of the Town.

**OBJECTIVE 1.1** The Town will adopt a level of service (LOS) and coordinate efforts with the private sector to assure the continued provision of appropriate recreational opportunities.

**Policy 1.1.2** The Town will coordinate efforts to provide and maintain recreational opportunities through public purchases and private cooperation.

**Policy 1.1.3** The Town will consider both public and private opportunities to improve and enhance cultural, educational, and recreational amenities for Town residents.

**Policy 1.1.5** The Town will require the provision of recreational and open space opportunities within future private developments.

**Policy 1.1.8** The Town will encourage private sector support to expand recreation facilities commensurate with needs and community desire.

Through the implementation and enforcement of the development standards, including, but not limited to, the minimum required yards, the minimum required Open Space Ratio, the maximum allowable Floor Area Ratio, etc., the Town is ensuring compatible development for the neighborhood that is directly impacted. Consistent with Policy 1.1.2, the Town Code and Comprehensive Plan regulates the use of land, parking demands, and open space requirements.

The ODP and Land Intensity Schedule for L'Ambiance was adopted April 25, 1988, (Resolution 88-06 amended by 89-42) allowing the construction of buildings of nine stories in height. On May 2, 1988, Resolution 88-14 permitted the construction of the Sanctuary at a maximum height of eight stories. Resolution 89-39 approved four living stories over parking for Tangerine Bay. In the 20 years following, the only development to be approved within the Town with building height greater than that permitted in Section 158.145 of four stories and 50 feet in height is Regent Place, which was approved by Resolution 92-17 at nine stories above one level of parking. However, the initial Land Intensity Schedule that permitted the future approval of all of these

developments was adopted in 1979, in response to the original Outline Development Plan for the GPD in 1976.

The proposed maximum building height for the North Parcel structures is 91'11" within nine stories and the proposed maximum building height for the South Parcel structures is 75'0" within eight stories. The proposed building height does not exceed that which is already present within the GPD. Therefore, in staff's opinion the proposed height is consistent with the heights of the structures currently existing within the GPD. However, the fact that it has been 30 years since the Town approved development of significant building heights, it is an important consideration for future Town policy decisions regarding building height.

In light of the traffic analysis provided by Grimail Crawford, Inc. and the comments/concerns raised by the Town's traffic consultant, it appears that the traffic impacts resulting from the proposed redevelopment are inconsistent with several policies of the Town's Comprehensive Plan. Specifically, the level of service (LOS) failures on Gulf of Mexico Drive (an urban collector) and the intersection issues are not consistent with Policies 1.1.1 and 1.1.2 of the Transportation Element. Additionally, Policy 1.1.3 requires that the Town monitor traffic growth to make sure that the LOS standards are not exceeded before approving future development. Lastly, Policy 1.1.5 re-emphasizes Policies 1.1.1 and 1.1.2 during the review of proposed developments.

With regard to consistency with the Housing Element of the Comprehensive Plan, the Town encourages the private sector to provide an adequate number of multifamily units. However, it may be questionable as to whether the proposed units are consistent with the market demand. Several multifamily developments on Longboat Key approved within the last few years have either had difficulty selling all of the units, foreclosed upon or near construction completion, or foreclosed prior to the start of construction. The applicant has not provided sufficient evidence that the proposed multifamily units are consistent with the market demand.

The proposed redevelopment will remove the existing 18 tennis courts on the South Parcel, along with the construction of two new tennis courts on the North Parcel. The applicant maintains in the submitted documents that the tennis courts located at the newly constructed Tennis Gardens within the Harbourside planned development sufficiently serve the members of the Longboat Key Club. The policies of the Recreation and Open Space Element of the Comprehensive Plan and the proposed redevelopment appear to be consistent. However, the information provided by the applicant regarding tennis court usage is anecdotal at best as the necessary support data was not provided. Therefore, staff cannot definitively determine whether the two tennis courts proposed are sufficient for consistency with the Comprehensive Plan.

## **SITE PLAN REVIEW**

This application for an Outline Development Plan Amendment does not include an application for Site Plan Review. The applicant chose to submit the applications separately. Consequently, should the amendment to the ODP and Land Intensity Schedule be approved, a Site Plan Review application will be submitted to the Town for Planning and Zoning Board consideration and recommendation, and final review and consideration by the Town Commission. At that time, staff's review of other applicable sections of the Zoning Code will be reviewed for compliance. Additionally, other goals, policies, and objectives of the Town's Comprehensive Plan, which may not be appropriate for the subject application, will be considered for consistency.

## **PLANNED DEVELOPMENT REVIEW CRITERIA**

In accordance with Section 158.067 (B)(1) *Review and Approval Procedure*:

*The purpose of the outline development plan is to provide the town with information in respect to the type, character, scale, and intensity of development as well as time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development on the town.*

As stated in Section 158.067 (D)(3), of the Zoning Code:

*The grant of approval or disapproval by ordinance shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant of approval, with or without changes or special conditions, or for the disapproval, and the ordinance shall set forth with particularity in what respects the plan would not be in the public interest, including but not limited to findings of fact and conclusions as to the standards set forth in Section 158.102 and on the following:*

- (a) In what respects the plan is or is not consistent with the statement of objectives of the planned unit development and the town's Comprehensive Plan.*
- (b) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.*
- (c) The purpose, location, and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.*
- (d) The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate*

*control over vehicular traffic and parking, and further the amenities of light and air, recreation, and visual enjoyment.*

- (e) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.*
- (f) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.*
- (g) Departures from the code of ordinances which would otherwise be applicable to the planned unit development if the plan were not approved (or if in the PD, GPD or NPD district, departures from the requirement of a zoning district most similar to the use approved for the proposed project) and a statement of any existing hardship and/or a clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the planned unit development as set forth in Section 158.065.*

## **ADDITIONAL STAFF ANALYSIS**

### **Gatehouse**

According to the applicant, on page 1.3 of the application documentation, the function of the existing gatehouse is security or as a guard gate. The Key Club Associates provides personnel to man the gatehouse in order to control traffic and a point of initial contact at the main and public access to the GPD. It is staff's opinion that, as a point for traffic control given the amount of increased traffic that is anticipated through the gatehouse gates, it is vital that the queuing line and potential points of conflict and congestion are minimized. Additionally, although it is not technically a security gate, access to the multifamily and single-family residences by the visitors to the proposed resort and other tourism units is significantly increased. Staff recommends the relocation of the gatehouse west past the driveway to the proposed resort would be an appreciable improvement to the development, providing at minimum 125 linear feet for additional traffic, eliminating potential conflicts with the entrance/exit to the resort, and maintaining the effectiveness of the gatehouse as the first point of contact for those traveling to the existing developments.

### **Open Space Calculations**

Section 158.102 (F) *Open Space and Landscape* subsections (1) and (2) include open space calculation limitations as it applies to golf courses, wetlands, and landlocked waterbodies. Sheet GP-3 of the submitted application materials provides open space calculations, but does not include independent calculations showing compliance with the subject section of the Zoning Code. Consequently, staff cannot determine whether the

open space calculations were done correctly or meet the standards required in the code. Further it cannot be determined if a departure is required from this code provision.

### **FINDINGS OF FACT**

Staff reviewed the subject application and application documents, and provides the following findings of fact:

1. The proposed development plan is not consistent with the Comprehensive Plan as it pertains to traffic impacts and possibly recreation facilities with the removal of the tennis courts on the South Parcel. While the proposed heights of the structures are consistent with the heights established within the Gulf Planned Development 30 years ago, the heights are not consistent with the current policy of the Town.
2. The proposed redevelopment plan does not provide adequate control over vehicular traffic and parking. The proposal does not further the recreation amenities related to tennis. However, as planned the redeveloped golf course will further the golf amenity.
3. The proposed redevelopment clearly departs from the policy of the Town that established the south parcel as recreation land and the north parcel as a golf course accessory tract. The utilization of the gatehouse at its current location and the increased traffic flow of non-residents and potential non-guests of one of the tourism developments south of the gate are adverse to the neighborhood in which it is proposed. And, the traffic impacts onto Gulf of Mexico Drive are adverse to the key.
4. As a development to be completed over a period of years, to the degree possible the application sufficiently addresses the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan. Specific phasing conditions can be addressed during the site plan review process.
5. The applicant has not adequately justified the need for all of the requested departures, nor is there sufficient support documentation provided for the granting of all of the requested departures.
6. The requested departures from the maximum Floor Area Ratio, minimum setback – required front yard, and minimum distance to site lot line appear to be appropriate for the proposed development.
7. The requested departure from the maximum building height is consistent with the heights of the other developments within the GPD. However, it has been 30 years since such development height was considered by the Town.

8. The applicant did not provide sufficient evidence of any existing hardships nor did the applicant provide a sufficient statement of how the requested code departures are necessary or desirable to accomplish the stated purpose of the proposed GPD amendments as it relates to the minimum open space ratio, minimum living space ratio, and maximum lot (building) coverage.
9. There is not sufficient evidence that the proposed redevelopment and requested departures are for the public interest. The economics involved in the redevelopment of the golf course and the potential economic spin-offs are recognized but may not be considered in the public interest.
10. The physical design of the plan and the information provided in the application regarding anticipated participants in the meeting center, the number of tourism units, and the number of off-street parking spaces does not appear to be consistent. Consequently, it does not appear that the plan makes adequate provisions for off-street parking.
11. The applicant has not provided the necessary calculations to determine compliance with the open space regulations of Section 158.102 (F).
12. The applicant has not provided sufficient evidence that the four tennis courts provided for priority use by Inn on the Beach resident/members, which are proposed for removal, are not needed or required.
13. The applicant has not provided sufficient evidence that Regent Court's and Regent Place's reliance on the clustered recreation facility at the existing tennis courts on the South Parcel are no longer needed or required.

## **SUMMARY**

The applicant, in attempting to receive approval of the proposed redevelopment, has two basic approaches from which to choose. The applicant has chosen to file an Outline Development Plan Amendment, with requested departures. This approach requires the Town to examine the application utilizing existing Town policy. The applicant could seek an amendment to the zoning code requirements, prior to application, expressly changing the existing policy to one more favorable towards consideration of the proposed redevelopment. If successful, the application would then be measured against the new policy adopted by the Town.

In accordance with Section 158.067 (D)(3)(e), of the Town Zoning Code, the Town Commission shall consider if the relationship of the proposed planned unit development is beneficial or adverse to the neighborhood in which it is located. The applicant has not provided sufficient evidence that the proposed redevelopment will contribute to the public interest, nor has the applicant provided sufficient support for the requested departures.

The general concept of redeveloping the subject site, to include compatible multifamily residential units and tourism units, is not objectionable to staff. The inclusion of a meeting center is also not objectionable to staff. However, it is staff's opinion that the gatehouse should be moved to a location considerable further south on Longboat Club Road to provide for less potential conflict and delay as a result of the point of ingress/egress to the meeting center being located immediately east of the gatehouse.

The comments and concerns raised by the Town's traffic consultant were not adequately addressed by the applicant's consultant. It appears that there are potential adopted level of service failures as a result of the proposed development that must be addressed by the applicant. Without a consistent, full, and complete traffic analysis staff cannot determine the actual impact of proposed redevelopment.

The data provided in the application appears to be inconsistent as it relates to the number of tourism units provided, the number of estimated users of the meeting center for an event, the number of parking spaces, and the potential traffic impacts. Staff is concerned that there is a potential of insufficient off-street parking spaces, nearly half of the meeting attendees lodging off-site, and significant traffic impacts on Gulf of Mexico Drive, as well as the intersection of GMD and Longboat Club Road.

Consideration of the overall character and design of the proposed redevelopment should be considered and thoroughly analyzed. The intensity of the design is a concern to staff, as it directly impacts the Town, as well as the neighborhood.

### **STAFF RECOMMENDATION**

As proposed, staff cannot recommend approval of the request for an Outline Development Plan amendment, which also amends the existing Land Intensity Schedule.

The Planning and Zoning Board and the Town Commission are charged with determining if the proposed development is in compliance with the requirements of the Town Code, in compliance with prior adopted resolutions and ordinances, is in the public interest, as well as compatible with the neighborhood. The Board may consider a continuance of the case, in order to allow the applicant to meet the staff's outlined concerns and issues.

However, if the Board wishes to recommend approval of the proposed Outline Development Plan, staff recommends the following conditions for incorporation into the approval ordinance (draft Ordinance 09-25 attached) and the associated amended Land Intensity Schedule:

**Recommended Conditions of Approval**

1. Prior to final approval of this Ordinance, the Owners shall submit to the Town a proposed amendment to the agreement dated March 5, 1979, between the Arvida Corporation and the Town of Longboat Key, recorded in Official Records Book 1309, page 1207, Public Records of Sarasota County, revising the uses approved for Tract 1, Tract II, Tract III and Tract IV consistent with this Outline Development Plan amendment. The proposed amended agreement, once approved by the Town, shall be a condition of and attached to this Ordinance.
2. The following land development standards shall be adopted reflecting the requested departures from the Zoning Code:

<b>Development Standard</b>	<b>North Parcel Requirements</b>	<b>South Parcel Requirements</b>
Number of Stories and Maximum Height	9 stories/91'11"	8 stories/75'0"
Maximum Lot Coverage	24.20%	22.90%
Maximum Floor Area Ratio (FAR)	0.46	0.49
Minimum Open Space Ratio	1.66	1.58
Minimum Living Space Ratio	1.42	1.13
Setback (Inn on the Pass)	---	133'5"
Distance to site lot line (Inn on the Pass)	---	30.85'
Building Height Definition	Shall exclude architectural features up to 10' above roof deck and roof top mechanical equipment from definition of height	
Stacked Parking for Valet Use	Shall be permitted	

3. The amended Land Intensity Schedule shall be made an exhibit of Ordinance 2009-25.
4. Development shall comply with all land development regulations not explicitly listed in the Development Standards attached to Ordinance 2009-25 as Exhibit "B" as prescribed in the Town of Longboat Key Zoning Code, as well as any applicable standards as stated in the Town of Longboat Key, Florida Code of Ordinances.
5. Prior to the site plan application submittal, the applicant shall provide to the Town written documentation that it has the clear and legal right and authority to relocate the points of ingress/egress to the subject property into Longboat Club Road.
6. The plan submitted for site plan review consideration shall identically reflect the binding concept plans for the North and South Parcels (plan sheets NP-2 and SP-2).

7. At the time of site plan review, the Owners shall be required to enter into a Development Agreement in accordance with section 158.102(I)(2) to insure that additional potable water capacity required by the development is purchased from the Manatee County Water Utility, pursuant to the terms and conditions of the Agreement between Manatee County and the Town of Longboat Key then in effect.
8. The plan submitted for site plan review consideration shall clearly include the following on the site plan sheet:
  - a. The approved Land Intensity Schedule, in its entirety.
  - b. The approved list of development standards.
9. It is required that the storm water management system be designed and maintained in perpetuity in accordance with the provisions of the SWFWMD and/or FDEP, and the Sarasota County Mosquito Control Department prior to issuance of any certificate of occupancy or temporary certificate of occupancy.
10. Evidence shall be provided that a Notice of Intent (NOI) has been or will be submitted to the Florida Department of Environmental Protection (FDEP), in accordance with the National Pollutant Discharge Elimination Systems (NPDES) Permit. A generic permit for storm water discharge from large and small construction activities, prior to the disturbance of the site, including demolition or construction activities, shall be obtained.
11. The submission, review, and approval of an application for final approval shall be subject to the procedures and provisions of a site plan review as set forth within Sections 158.097 through 158.103 and shall be bonded for performance and maintenance in a manner acceptable to the Town Attorney.
12. The development schedule, submitted on plan sheet MP-8 of the application materials, shall be developed as a conditioned phasing schedule for the site plan review process. As a condition of approval for the initial site plan, phasing deadline dates shall be established for all phases of the project. Conditioned deadlines shall include, but may not be limited to, dates for site plan review applications, building permit application submittals, and certificates of occupancy.
13. The Planning, Zoning and Building Department Director shall have the authority to require additional parking spaces upon notification that the parking facility for the development is inadequate.
14. Approval of the proposed Planned Development amendment shall be subject to payment of all staff review charges.

### **ATTACHMENTS**

Attached, please find a copy of a location map, the Outline Development Plan amendment application, the support documentation upon which the staff assessment has been based, and the draft adoption ordinance. Please do not hesitate to contact me regarding any procedural aspects of this matter.

## ORDINANCE 09-25

AN ORDINANCE AMENDING RESOLUTION 76-7, AS AMENDED BY SUBSEQUENT RESOLUTIONS AND ORDINANCES, APPROVING AN AMENDMENT OF THE OUTLINE DEVELOPMENT PLAN AND LAND INTENSITY SCHEDULE FOR THE LONGBOAT KEY CLUB GULF PLANNED DEVELOPMENT (GPD) WITH ADDRESSES OF 361 LONGBOAT CLUB ROAD AND 301 GULF OF MEXICO DRIVE TO CHANGE LAND USES ON CERTAIN PARCELS WITHIN THE GPD TO PROVIDE A REDEVELOPED GOLF COURSE AND GOLF CLUBHOUSE, REBUILT TENNIS COURTS, RESIDENTIAL MULTIFAMILY UNITS, A RESORT HOTEL, SPA AND WELLNESS CENTER, SINGLE-FAMILY (VILLA) RESIDENTIAL UNITS, AND A MEETING CENTER AND ADMINISTRATIVE OFFICES; APPROVING DEPARTURES FROM THE ZONING CODE; PROVIDING CONDITIONS REQUISITE FOR APPROVAL; PROVIDING A PHASING PLAN FOR DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on May 5, 1976, the Town of Longboat Key adopted Resolution 76-7 approving an Outline Development Plan for the Longboat Key Club in the Gulf Planned Development (GPD) District, subject to the conditions attached thereto; and

**WHEREAS**, according to the Town records available, it appears that the first Land Intensity Schedule (LIS) was accepted by the Town of Longboat Key on December 14, 1979. An amendment to the original LIS was made in March 1980 to “add maximum density” on certain parcels, and to “...change the number, height and range of the buildings in parcel MF”C”; and

**WHEREAS**, the Town approved Outline Development Plan amendments for the Longboat Key Club GPD by the adoption of Resolutions 80-21, 85-12, 86-18, 87-26, 88-01, 89-07, 89-15, 89-22, 89-35, 91-13, 92-17, 92-23, 94-04 and 95-06, and Ordinances 94-04 and 95-06; and

**WHEREAS**, Key Club Associates, Limited Partnership and Islandside Development LLC (together and separately the “Owners”) are the owners of several parcels within the Longboat Key Club GPD including Tract I (the “North Parcel”); Tract II, Tract III and Tract IV (the “Golf Course Parcel”); and Parcel C-1 and Parcel Rec-1 (the “South Parcel”), which property is 146.31 acres and legally described on Exhibit “A” attached hereto. The Golf Course Parcel and the North

Parcel have an address of 362 Longboat Club Road. The South Parcel has addresses of 361 Longboat Club Road and 301 Gulf of Mexico Drive; and

**WHEREAS**, the Owners have applied to the Town of Longboat Key for approval of an amendment to the Outline Development Plan and the Land Intensity Schedule for the Longboat Key Club GPD to include a redeveloped golf course and golf clubhouse, rebuilt tennis courts, residential multifamily units, a resort hotel, spa and wellness center, single-family (villa) residential units, and a meeting center and administrative offices; and

**WHEREAS**, the Planning and Zoning Official has found the application complete, which completeness determination has been upheld by the Zoning Board of Adjustment; and

**WHEREAS**, the Planning and Zoning Official has referred the application to the Planning and Zoning Board along with the documentation and staff recommendations; and

**WHEREAS**, the Planning and Zoning Board, at a duly noticed quasi-judicial public hearing held at a special meeting on October 21, 2009 and continued to October 22, 2009, has reviewed the application and has recommended to the Town Commission that the proposed application be approved with conditions; and

**WHEREAS**, pursuant to section 158.067(D)(3), the Town Commission makes these conclusions and findings of fact:

- A. The Outline Development Plan amendment, with the Conditions Requisite for Approval described in Exhibit "C", is consistent with the statement of objectives of the planned unit development and is consistent with the Town's Comprehensive Plan. The proposed Outline Development Plan provides an effective, unified use of the property as a mixed use resort development while making appropriate provision for recreational facilities and the preservation of open space, scenic features and amenities of the site and the surrounding areas.
- B. The Outline Development Plan amendment has been designed to comply with the requirements of the High Density Tourist Resort Commercial District, the T-6 zoning district, and subject to the Conditions Requisite for Approval described in Exhibit "C" and departures from the Zoning Code in the form of Development Standards described in Exhibit "B", complies with the requirements of the Zoning Code. The proposed density of 4.02 units per acre does not exceed the density of 5.05 units per acre permitted in the GPD district within a planned unit development as set forth in section 158.070(A) of the Zoning Code. It also does not exceed the allowable density in the

T-6 zoning district of 4.50 dwelling units per acre. The plan does not depart from the subdivision regulations otherwise applicable to the property.

- C. The Outline Development Plan amendment, subject to the departures from the Zoning Code in the form of Development Standards described in Exhibit "B", provides adequate open space on the Golf Course Parcel, the North Parcel and the South Parcel as required by the Zoning Code. The open space will be maintained and conserved by the Owners and the amount and purpose of the open space is adequate for the proposed density and type of development.
- D. The physical design of the Outline Development Plan amendment, subject to the Conditions Requisite for Approval described in Exhibit "C", makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and furthers the amenities of light, air, recreation, and visual enjoyment.
- E. The Outline Development Plan amendment, subject to the Conditions Requisite for Approval described in Exhibit "C", does not adversely impact the neighborhood in the Longboat Key Club GDP. The proposed residential and tourist unit development, resort and recreational facilities, and height and density are compatible with the types and intensities of existing development in the GDP.
- F. The Outline Development Plan amendment proposes development over a period of years and, subject to the Conditions Requisite for Approval set forth in Exhibit "C", provides sufficient terms and conditions to protect the interests of the public, and of the residents and owners of the planned unit development, in the integrity of the plan. Specific phasing conditions can be addressed during the site plan review process.
- G. The departures from the Zoning Code for the North Parcel and the South Parcel, as set forth in Exhibit "B" in the form of Development Standards, are sufficiently justified and together with the Conditions Requisite for Approval set forth in Exhibit "C", will provide a development design that promotes appropriate use, facilitates adequate provision of streets, utilities and public spaces, and preserves scenic qualities of open areas, consistent and compatible with existing development in the GDP and the surrounding area.
- H. The Outline Development Plan amendment, subject to the Conditions Requisite for Approval described in Exhibit "C", is consistent with the standards set forth in Section 158.102 of the Zoning Code.

**WHEREAS**, at the time of site plan review the proposed development will be reviewed for compliance with the Town Codes including traffic circulation, parking, adequacy of public services, landscaping, tree preservation, and public safety.

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

Section 1. The Whereas clauses above are ratified and confirmed.

Section 2. The Outline Development Plan amendment for the Longboat Key Club GPD, consisting of sheets MP-2, GP-1, GP-2, NP-1, NP-2, NP-3, SP-1, SP-2 and SP-3, as submitted and received by the Town of Longboat Key Planning, Zoning and Building Department on \_\_\_\_\_, 20XX; the departures from the code as set forth on Exhibit "B" in the form of Development Standards, and the Land Intensity Schedule attached hereto as Exhibit "D" are hereby incorporated by reference and adopted with the following provisions:

- a. The Land Intensity Schedule is amended to add two buildings with 132 multi-family residential units, a golf clubhouse, a resort meeting center and administrative offices building, two parking structures and recreational facilities to the North Parcel and to add one resort hotel with 196 tourist units and 34 residential or tourist units and restaurant and lounge, a spa and wellness center, two villa buildings with 10 residential or tourist units, recreational facilities and an existing sales office (existing on Gulf of Mexico Drive) to the South Parcel. The amended Land Use Intensity Schedule, also incorporating changes as approved showing these uses is attached as Exhibit "D".
- b. The Conditions Requisite for Approval are attached as Exhibit "C".
- c. The Site Plan Review application shall be made for the first phase of development within six months after final approval of this Outline Development Plan amendment.

Section 3. Except as herein modified and amended, the conditions of Resolution 76-7 as amended, remain in full force and effect.

Section 4. In 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 parts of ordinances 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 Owners, with the execution of

the Consent of Owners document, Exhibit "F". If the Town Commission has not received notification of approval and acceptance of this Ordinance within 30 days after Owners' receipt, this Ordinance shall be deemed to have been denied.

Passed on the first reading and public hearing this \_\_\_\_ day of \_\_\_\_\_, 2009.

Adopted on the second reading and public hearing this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lee Rothenberg, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Granger, Town Clerk

Attachment:

- Exhibit "A", Legal Description
- Exhibit "B", Development Standards
- Exhibit "C", Conditions Requisite for Approval
- Exhibit "D", Land Intensity Schedule
- Exhibit "E", Consent of Owners

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**1. Golf Course Parcel & North Parcel, more particularly described as:**

FOUR CONTIGUOUS TRACTS OF LAND, LYING IN SECTION 21, 22, AND 27, TOWNSHIP 6 SOUTH, RANGE 17 EAST, TOWN OF LONGBOAT KEY, SARASOTA COUNTY, FLORIDA, AND LYING BETWEEN GULF OF MEXICO DRIVE (100' WIDE) AND LONGBOAT CLUB DRIVE, AS SHOWN UN UNIT NO. 1, LONGBOAT KEY CLUB SUBDIVISION, RECORDED IN PLAT BOOK 18, PAGE 11 AND UNIT NO. 3, LONGBOAT BOAT KEY CLUB SUBDIVISION, RECORDED IN PLAT BOOK 24, PAGE 44, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED A FOLLOWS:

**TRACT I (CLUB HOUSE AREA)**

BEGIN AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABOVE DESCRIBED LONGBOAT CLUB ROAD IN UNIT NO. 1 (110' WIDE AT THE ENTRANCE), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE (100' WIDE) FOR THE POINT OF BEGINNING; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE OF LONGBOAT CLUB ROAD THE FOLLOWING CALLS AND DISTANCES, SOUTH 20°13'50" WEST, 314.76'; THENCE SOUTH 34°45'43" WEST, 1242.37'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN NORTH 55°14'17" WEST, 264'; THENCE NORTH 7°34'38" WEST, 454.33'; THENCE NORTH 34°45'43" EAST, 330'; THENCE NORTH 27°39'25" EAST, 275.77'; THENCE SOUTH 62°20'35" EAST, 150'; THENCE NORTH 27°39'25" EAST, 480' TO ITS INTERSECTION WITH THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE, THENCE RUN SOUTH 69°44'39" EAST, ALONG SAID RIGHT-OF-WAY LINE, 450' TO THE POINT OF BEGINNING AND CONTAINING 17.24 ACRES MORE OR LESS.

**TRACT II (MAINTENANCE AREA)**

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABOVE DESCRIBED LONGBOAT CLUB ROAD IN UNIT NO. 1 (110' WIDE AT THE ENTRANCE), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE (100' WIDE); THENCE RUN NORTH 69°44'39" WEST, ALONG SAID RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE, 1925.47' FOR THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN SOUTH 6°33'26" WEST, 242.54'; THENCE SOUTH 72°21'58" WEST, 270'; THENCE NORTH 62°44'00" WEST, 1050' THENCE NORTH 20°15'21" EAST, 40'; THENCE SOUTH 74°02'28" EAST, 930' THENCE NORTH 37°01'39" EAST, 170.89' TO ITS INTERSECTION WITH THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE; THENCE SUN SOUTH 36°44'39" EAST, ALONG SAID RIGHT-OF-WAY LINE 221.10' TO THE POINT OF BEGINNING AND CONTAINING 5.16 ACRES MORE OR LESS.

**TRACT III (HALF-WAY AREA)**

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABOVE DESCRIBED LONGBOAT CLUB ROAD IN UNIT NO. 1 (110' WIDE AT THE ENTRANCE), WITH THE SOUTHWESTERLY RIGHT-OF-WAY

LINE OF GULF OF MEXICO DRIVE (100' WIDE); THENCE RUN ALONG SAID RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE THE FOLLOWING CALLS AND DISTANCES, NORTH 69°44'39" WEST, 2917.99' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 3521.99' AND A CENTRAL ANGLE OF 7°23'42" 454.57'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN SOUTH 47°12'13" WEST, ALONG A NON-RADIAL LINE, 265.32' FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 47°12'13" WEST, 150'; THENCE NORTH 42°47'47" WEST, 120'; THENCE NORTH 47°12'13" EAST, 150'; THENCE SOUTH 42°47'47" EAST, 120' TO THE POINT OF BEGINNING AND CONTAINING 0.41 ACRES MORE OR LESS.

TRACT IV (18 HOLE GOLF COURSE)

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABOVE DESCRIBED LONGBOAT CLUB ROAD IN UNIT NO. 1 (110' WIDE AT THE ENTRANCE), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE (100' WIDE); THENCE RUN ALONG SAID RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE THE FOLLOWING CALLS AND DISTANCES, NORTH 69°44'39" WEST, 450' FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 69°44'39" WEST, 1475.47'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN SOUTH 6°33'26" WEST, 242.54'; THENCE SOUTH 72°21'58" EAST, 40'; THENCE SOUTH 74°02'28" EAST 930'; THENCE NORTH 37°01'39" EAST 170.89' TO ITS INTERSECTION WITH THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS AND DISTANCES, NORTH 69°44'39" WEST 771.42' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN NORTHWESTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3521.99' AND A CENTRAL ANGLE OF 23°55'16", 1470.44'; THENCE NORTH 45°34'48" WEST ALONG A NON-TANGENT LINE 1818.49' TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE ABOVE DESCRIBED LONGBOAT CLUB ROAD IN UNIT NO. 3 (100' WIDE AT THE ENTRANCE); THENCE RUN ALONG SAID RIGHT-OF-WAY LINE OF LONGBOAT CLUB ROAD IN UNIT NO. 3 THE FOLLOWING CALLS AND DISTANCES SOUTH 45°44'26" WEST 302.97'; THENCE NORTH 44°15'34" WEST, 20'; THENCE SOUTH 45°44'26" WEST, 62.85' TO ITS INTERSECTION WITH THE NORTHEASTERLY BOUNDARY LINE OF UNIT NO. 5 LONGBOAT KEY CLUB SUBDIVISION, RECORDED IN PLAT BOOK 31, PAGE 16, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN ALONG SAID BOUNDARY LINE THE FOLLOWING CALLS AND DISTANCES, SOUTH 44°45'17" EAST 743.89' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 550' AND A CENTRAL ANGLE OF 33°42'25", 323.56' TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 550' AND A CENTRAL ANGLE OF 0°56'32", 9.05' TO ITS INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED LONGBOAT CLUB ROAD IN UNIT NO. 3, SAID POINT LYING ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS SOUTH 46°55'37" WEST, 400'; THENCE RUN SOUTHEASTWARDLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS AND DISTANCES, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 400' AND A CENTRAL ANGLE OF 1°07'24", 7.84' TO THE POINT OF TANGENCY; THENCE SOUTH 41°56'59" EAST, 196.98' TO

THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 540' AND A CENTRAL ANGLE OF 13°20'32", 125.75' TO THE POINT OF TANGENCY; THENCE SOUTH 28°36'27" EAST 100' TO THE POINT OF CURVATURE OF A CURVE T TO THE LEFT; THENCE RUN SOUTH SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 366' AND A CENTRAL ANGLE OF 28°30'00", 182.06' TO THE POINT OF TANGENCY; THENCE SOUTH 57°06'27" EAST, 100' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 380' AND A CENTRAL ANGLE OF 5°22'12", 35.62' TO THE POINT OF TANGENCY; THENCE SOUTH 51°44'15" EAST 159.29' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 400' AND A CENTRAL ANGLE OF 18°30'49", 129.25' TO THE POINT OF TANGENCY; THENCE SOUTH 33°13'25" EAST, 151.70'; THENCE SOUTH 30-54'10" EAST, 115.86' TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 210' AND A CENTRAL ANGLE OF 11°53'37", 43.59'; THENCE SOUTH 47°12'13" WEST ALONG A RADIAL LINE, 5' TO ITS INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LONGBOAT CLUB ROAD AS SHOWN ON THE AFOREMENTIONED UNIT NO. I LONGBOAT KEY CLUB SUBDIVISION; THENCE RUN SOUTHEASTWARDLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS AND DISTANCES, SOUTH 42°47'47" EAST, 1219.49' TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 325' AND A CENTRAL ANGLE OF 42°22'10", 240.33' TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 875' AND A CENTRAL ANGLE OF 58°01'23", 886.11 TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 725' AND A CENTRAL ANGLE OF 19°45'00" EAST 666.20' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2025' AND A CENTRAL ANGLE OF 5°05'31", 179.96' TO THE POINT OF TANGENCY; THENCE SOUTH 41°39'29" EAST, 100'; THENCE NORTH 48°20'31" EAST, 8'; THENCE SOUTH 41°39'29" EAST, 200' TO THE POINT OF TANGENCY OF A CURVE TO THE LEFT; THENCE RUN SOUTHEASTWARDLY AND NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 242' AND A CENTRAL ANGLE OF 103°34'48", 437.49' TO THE POINT OF TANGENCY; NORTH 34°45'43" EAST, 170'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN NORTH 55°14'17" WEST, 264'; THENCE NORTH 7°34'38" WEST, 454.33'; THENCE NORTH 34°45'43' EAST, 330'; THENCE NORTH 27°39'25" EAST, 275.77'; THENCE SOUTH 62°20'35" EAST, 150'; THENCE NORTH 27°39'25" EAST, 480' TO THE POINT OF BEGINNING AND CONTAINING 113.47 ACRES MORE OR LESS.

LESS: THE ABOVE DESCRIBED TRACT III, CONTAINING 0.41 ACRES MORE OR LESS.

TRACT VI CONTAINS 113.06 ACRES MORE OR LESS.

ALL FOUR OF THE ABOVE DESCRIBED TRACTS CONTAIN 135.87 ACRES MORE OR LESS.

SUBJECT TO THE FOLLOWING:

1: ADDITIONAL RIGHT-OF-WAY LANDS FOR THE FUTURE WIDENING OF GULF OF MEXICO DRIVE AND LONGBOAT CLUB ROAD AND UTILITY EASEMENTS, AS PER THE RESOLUTION APPROVING THE OUTLINE DEVELOPMENT PLAN FOR ARVIDA'S LONGBOAT KEY CLUB; AND

**2. A portion of the South Parcel, more particularly described as:**

PARCEL "C-1" OF TRACT TWO, LONGBOAT KEY CLUB UNIT No. 4, AS RECORDED IN PLAT BOOK 30, PAGE 50 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. AND

**3. A portion of the South Parcel, more particularly described as:**

PARCEL "REC-1" OF TRACT TWO, LONGBOAT KEY CLUB UNIT No. 4, AS RECORDED IN PLAT BOOK 30, PAGE 50 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

**EXHIBIT “B”**

**DEVELOPMENT STANDARDS**

The following land development standards shall be adopted reflecting the requested departures from the Zoning Code:

<b>Development Standard</b>	<b>North Parcel Requirements</b>	<b>South Parcel Requirements</b>
Number of Stories and Maximum Height	9 stories/91'11"	8 stories/75'0"
Maximum Lot Coverage	24.20%	22.90%
Maximum Floor Area Ratio (FAR)	0.46	0.49
Minimum Open Space Ratio	1.66	1.58
Minimum Living Space Ratio	1.42	1.13
Setback (Inn on the Pass)	---	133'5"
Distance to site lot line (Inn on the Pass)	---	30.85'
Building Height Definition	Shall exclude architectural features up to 10' above roof deck and roof top mechanical equipment from definition of height	
Stacked Parking for Valet Use	Shall be permitted	

## **EXHIBIT “C”**

### **CONDITIONS REQUISITE FOR APPROVAL**

1. Prior to final approval of this Ordinance, the Owners shall submit to the Town a proposed amendment to the agreement dated March 5, 1979, between the Arvida Corporation and the Town of Longboat Key, recorded in Official Records Book 1309, page 1207, Public Records of Sarasota County, revising the uses approved for Tract 1, Tract II, Tract III and Tract IV consistent with this Outline Development Plan amendment. The proposed amended agreement, once approved by the Town, shall be a condition of and attached to this Ordinance.
2. Development shall comply with all land development regulations not explicitly listed in the Development Standards attached to Ordinance 2009-25 as Exhibit “B” as prescribed in the Town of Longboat Key Zoning Code, as well as any applicable standards as stated in the Town of Longboat Key, Florida Code of Ordinances.
3. Prior to the site plan application submittal, the applicant shall provide to the Town written documentation that it has the clear and legal right and authority to relocate the points of ingress/egress to the subject property into Longboat Club Road.
4. The plan submitted for site plan review consideration shall identically reflect the binding concept plans for the North and South Parcels (plan sheets NP-2 and SP-2).
5. At the time of site plan review, the Owners shall be required to enter into a Development Agreement in accordance with section 158.102(I)(2) to insure that additional potable water capacity required by the development is purchased from the Manatee County Water Utility, pursuant to the terms and conditions of the Agreement between Manatee County and the Town of Longboat Key then in effect.
6. The plan submitted for site plan review consideration shall clearly include the following on the site plan sheet:
  - a. The approved Land Intensity Schedule, in its entirety.
  - b. The approved list of development standards.
7. It is required that the storm water management system be designed and maintained in perpetuity in accordance with the provisions of the SWFWMD and/or FDEP, and the Sarasota County Mosquito Control

Department prior to issuance of any certificate of occupancy or temporary certificate of occupancy.

8. Evidence shall be provided that a Notice of Intent (NOI) had been or will be submitted to the Florida Department of Environmental Protection (FDEP), in accordance with the National Pollutant Discharge Elimination Systems (NPDES) Permit. A generic permit for a storm water discharge from large and small construction activities, prior to the disturbance of the site, including demolition or construction activities shall be obtained.
9. The submission, review, and approval of an application for Final Approval shall be subject to the procedures and provisions of site plan review as set forth in sections 158.095 through 158.103 and shall be bonded for performance and maintenance in a manner acceptable to the Town Attorney.
10. The development schedule, submitted on plan sheet MP-8 of the application materials, shall be developed as a conditioned phasing schedule for the site plan review process. As a condition of approval for the initial site plan, phasing deadline dates shall be established for all phases of the project. Conditioned deadlines shall include, but may not be limited to, dates for site plan review applications, building permit application submittals, and certificates of occupancy.
11. The Planning, Zoning and Building Department Director shall have the authority to require additional parking spaces upon notification that the parking facility for the development is inadequate.
12. Approval of the proposed Outline Development Plan amendment shall be subject to payment of all staff review charges.

**EXHIBIT "D"**

**LAND INTENSITY SCHEDULE  
FOR LONGBOAT KEY CLUB (GPD)**

<b>Tract</b>	<b>Possible Recreation Facilities</b>	<b>Area Acres</b>	<b>D.U./Acre</b>	<b>Max D.U.</b>	<b>Type Development</b>	<b>Type Bldg.</b>	<b>Number, Height &amp; Range of Buildings</b>
MF "A" Lighthouse Point	Boardwalk, greenways, open space, passive recreation, swimming pools, tennis courts	13.06	1.23	16	Single-family Residential	Low rise	Per Site Plan approval.
MF "B-1A" The Sanctuary	Greenways, swimming pools, open space, recreation center, tennis courts	17.55	10.37	182	Multi-family Residential	Garden Apts., Mid rise & High-rise	A mixture of six buildings, one 2 story, two 5 story, one 6 story, one 8 story and one stepped 7/8 story, all subject to site plan review.
MF "B-1B" Parcel "A" The Pierre	Greenways, swimming pools, open space, recreation center, tennis courts	7.0	9.57	67	Multi-family Residential	High rise or Mid rise	One building not exceeding 9 stories. Stories are maximum and contingent on meeting setbacks or having received waiver during site plan review per 158.157.
MF "B-1B" Parcel "B" L'Ambiance I & II	Greenways, swimming pools, open space, recreation center, tennis courts	17.19	8.44	145	Multi-family Residential	Mid rise and/or High rise	Two 9 story buildings over two parking levels per building and containing a total of 18 habitable stories, pool building, sun shelter and a gate house.
MF "B-2" Inn On the Beach	Boardwalk, greenways, swimming pools, open space, recreation center, conference facilities, restaurant & lounge, lobbies, public space, tennis courts	20.74	11.81	245	Hotel Resort	Garden Apts., Mid rise & High rise	A mixture of buildings, including one 1 story, one 2-3-4 story, two 4 story, one 6 story and two 10 story buildings.
MF "C" Parcel "A" Regent Court	Swimming pools, greenways, open space, tennis courts	12.21	0.82	10	Single Family Residential	Low rise	Two stories/ 30 feet above FEMA elevation or a maximum of 41.5 feet in height allowed.
MF "C" Parcel "B" Beaches of Longboat	Swimming pools, greenways, open space, tennis courts	5.4	13.70	74	Multi-family Residential	High rise	A mixture of four buildings, two of which to have stepped down heights of 10-9-8 stories and two of which to have stepped down heights of 9-8-7 stories, all subject to site plan review.
MF "C" Parcel "C" Regent Place I & II	Swimming pools, greenways, open space, tennis courts	3.77	9.55	36	Multi-family Residential	High rise	Two 18 unit, 9 story buildings above one level of parking, a pool building, beach structure, parking pavilions and a security gate
MF "D"	Swimming pools, greenways, open space, tennis courts	3.16	2.22	7	Single Family Residential	Low rise	Buildings to range from one to two stories in height.
MF "E" Tangerine Bay Club	Swimming pools, greenways, tennis courts, open space, boardwalk and one boat dock landing	11.10	9.91	110	Multi-family Residential	Mid rise	Three mid rise buildings with five living levels and sixty feet in height subject to Site Plan Review.
<u>North Parcel Tract I</u>	<u>Golf Clubhouse with private club restaurant, proshop and locker rooms, resort meeting center with ballroom, golf practice area with putting green, chipping green and golf practice cage, 2 tennis courts and a half tennis practice court/half basketball court, open space,</u>	<u>17.24</u>	<u>7.66</u>	<u>132</u>	<u>Multi-family Residential</u>	<u>High rise &amp; low rise</u>	<u>One story golf clubhouse over golf cart parking level; 3 story resort meeting center and administrative office bldg. over 1 level of parking; two 8 story condominium bldgs. over 1 level of parking; two parking garages.</u>

	<u>condominium swimming pools, pedestrian walkways and bike paths in landscaped walkable campus setting</u>						
South Parcel (Parcel C-1 and Parcel Rec-1)	Private Club Spa and fitness center with swimming pool, 2 private resort hotel swimming pools, private resort restaurant and lounge, open space, pedestrian walkways, bike paths, rooftop gardens, private beach on the lagoon.	10.44	22.99	240	Resort Hotel and Multi-family residential	High rise & low rise	One Resort Hotel bldg., 7 stories over 1 level of parking, with 196 hotel units and 34 upper level condominium units; one spa/fitness bldg. with 2 stories over parking; 2 villa bldgs., one 2 levels over parking and one 3 levels over parking with 10 units in both;
	Subtotals-Residential	<del>107.65</del> 138.86		<del>892</del> 1,264			
Parcel C-2	Commercial-Office (1.16 acre office site included in South Parcel)	<del>5.00</del> 3.00					[Note: Existing sales office site (Parcel C-1) was included in the South Parcel, above. Sales office current surveyed acreage is 1.16 acres.]
	Road Right-of-Way	15.60					
	Recreational Amenities (in addition to those noted above): Golf Course Open Space within Tract IV per Agreement recorded in OR Book 1309, page 1207 Golf Course Accessory use Additional Golf Course Area within Tract IV reserved for future R/W per Agreement recorded in OR Book 1309, page 1207. Golf Maintenance Area on Tract II Golf Half-Way Area on Tract III Tennis Complex Tennis Complex Addition	107.42 29.49  5.64 5.16 0.41 7.90 3.70					[Note: Golf Course Accessory uses consisting of Tracts I, II and III and additional golf course area in Tract IV are redistributed as noted. Tract I now included in North Parcel above.]  [Note: Tennis Complex and Tennis Complex Addition (REC-1) were included in South Parcel, above]
	Subtotal-Res. & Non-Res.	<del>276.57</del> 276.09					
	Land in G.P.D. without Outline Development Plan Approval: Nature Preserve & Wildlife Sanctuary	12.80					
	Land Deeded to the Town of Longboat Key per Resolution No. 86-1	7.90 10.20 7.60					
	Grand Total G.P.D.	<del>316.07</del> 314.59	<del>2.81</del> 4.02	<del>892</del> 1,264			[Note: 314.59 acres is the current, correct GPD acreage based on surveys and recorded plats. See surveyor note below.]

It is specifically understood and agreed 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.

GENERAL NOTES:

- A. The foregoing Land Intensity Schedule was approved by the Town Commission on \_\_\_\_\_, 2009 and this Land Intensity Schedule and Map shall be attached as Exhibit “\_\_” to Ordinance No. 2009- \_\_\_\_ . The adoption of this Land Intensity Schedule will supercede all previously approved Land Intensity Schedules for the GPD.
- B. The number of units (Max D.U.) which was approved by the Town Commission prior to the adoption of Ordinance No.2009-\_\_\_\_ for each tract in the above Land Intensity Schedule was taken from “Report on Density and Use Issues, Longboat Key Club GPD, Bay Isles PD, June 27, 2002” prepared by William R. Pomeroy, Special Counsel to the Town of Longboat Key.

ACREAGE NOTES:

- 1) Acreages shown on plan view and proposed Land Use Intensity Schedule are based on record plats for the following parcels: MF “A”, MF “B -1A”, MF “B-1B” Parcel “A”, MF “B-1B” Parcel “B”, MF “C” Parcel “A”, MF “C” Parcel “B”, MF “C” Parcel “C”, MF “D” and MF “E”.
- 2) Acreages shown on plan view and proposed Land Use Intensity Schedule are based on boundary surveys for the following parcels: Parcel “C-1”, Parcel “C-2”, “Rec-1”, Tract I, Tract II, Tract III, Tract IV and Unit 500 Parcel “A”.
- 3) Acreages shown on plan view and proposed Land Use Intensity Schedule are based on Town of Longboat Key Erosion Line for Parcel MF “B-2” Parcel B.

<u>RESOLUTION NO.</u>	<u>DATE</u>	<u>PARCEL REVISED</u>
76-07	May 5, 1976	Approved ODP
80-21	December 3, 1980	GPD
85-12	April 29, 1985	MF “E”
85-27	October 7, 1985	GPD
86-18	May 5, 1986	MF “D”
87-04	July 6, 1987	GPD
87-26	February 1, 1988	Tennis Addition
88-01	January 4, 1988	
88-06	April 25, 1988	MF “B-1B”
88-14	May 2, 1988	MF “B-1A”
89-07	May 1, 1989	MF “A”
89-15	May 17, 1989	
89-22	May 1, 1989	MF “B-1A”
89-35	September 21, 1989	MF “A”
89-39	November 6, 1989	MF “E”
89-42	November 6, 1989	MF “B-1B” Parcel “B”
91-13	May 6, 1991	
92-17	June 1, 1992	MF “C”
92-23	June 1, 1992	

**EXHIBIT "E"**

**CONSENT OF OWNERS**

The undersigned, Key Club Associates, Limited Partnership, a Florida limited partnership and Islandside Development LLC, a Delaware limited liability company, Owners, herein referred to as applicant, do hereby approve and assent to the terms, conditions, and provisions of the foregoing Ordinance and do further acknowledge that the same is binding upon them and their successors and assigns in the manner hereinabove set forth.

KEY CLUB ASSOCIATES, LIMITED PARTNERSHIP  
a Florida Limited Partnership

By:  
Key Club Hotel Management, LLC, a Delaware limited liability company, its General Partner

By: \_\_\_\_\_  
Joseph S. Lesser, President

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

Title: \_\_\_\_\_

ISLANDSIDE DEVELOPMENT LLC  
a Delaware Limited Liability Company

By:  
Islandside Manager LLC, a Delaware limited liability company, its General Partner

By: \_\_\_\_\_  
Joseph S. Lesser, President

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

Title: \_\_\_\_\_

*Lewis Stroud & Deutsch, P.L.*

INTEROFFICE MEMORANDUM

TO: Monica Simpson, Planning Zoning and Building Director  
Town of Longboat Key

FROM: Nancy E. Stroud  
Special Counsel

RE: Longboat Key Club GPD

DATE: October 9, 2009

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In connection with your review of the Longboat Key Club application for an amendment to the GPD Outline Development Plan, you have asked me to review the requirements of the Town of Longboat Key Zoning Code (Zoning Code) to advise you as to whether the Town Commission may amend the Outline Development Plan (ODP) to allow the redevelopment of the property for greater densities than currently allowed under the existing ODP and its Land Intensity Schedule. This is a question similar to that which we have addressed in prior redevelopment proposals for the GPD. We have reviewed the Zoning Code, the resolutions establishing and amending the ODP for the Longboat Key Club GPD District, minutes of various public meetings discussing the density issue, and various correspondence and memoranda related to the issue. As before, we are of the opinion that densities in the GPD can be increased, but not above the GPD District density cap of 5.05 units per acre, by amending the OPD and the Land Intensity Schedule.

Section 158.071 (D) of the Zoning Code provides the following:

Once development rights, whether residential or non-residential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development. In no event shall the densities exceed the maximum densities set forth in this Code or the Comprehensive Plan.

This provision of the Zoning Code was amended in 2002 by Ordinance 02-17. It sought to clarify the operation of the Zoning Code, in response to a concern about how additional densities could be approved within existing PUDs. Before the amendment, a particular project had proposed a change from a nonresidential to a residential designation within a PUD. It had been suggested that the conversion of the nonresidential intensities could be based on the residential densities of the overall PUD, and there was some confusion about whether such a change was a “transfer” of density between parcels that was prohibited by the ODP. The Town staff consistently opined that any change in density for any particular part of a PUD must be approved both as part of an amendment to the Outline Development Plan and as part of a site plan approval. The Zoning Code amendment was intended to confirm this requirement.

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An applicant may request approval for additional residential units for the GPD, up to an overall density of 5.05. The most recent and comprehensive analysis of the existing build residential units within the GPD was prepared in 2002 by Mr. William R. Pomeroy, which determines that 892 residential units have been approved and that there is remaining density available within the overall density of 5.05. Thus, additional density may be allocated from this residual density, but only upon approval of the Town Commission as an ODP amendment and not above the overall Zoning Code density of 5.05.<sup>1</sup>

In addition to the restrictions of the Zoning Code, the Gulf Planned Development District is governed in part by a Land Intensity Schedule that is incorporated as part of the ODP. The Land Intensity Schedule currently states in relevant part that:

It is specifically understood and agreed by the parties hereto that the setting of the aforementioned maximum densities will prohibit the transfer *from any one said parcels to another*. (Emphasis added).

Thus, if any one parcel does not build out to the density for that parcel as permitted under the Land Intensity Schedule, a developer cannot simply use at its own discretion those approved but unbuilt densities in another parcel. Instead, the developer must obtain approval from the Town Commission of a change of density for that parcel, by amending the Land Intensity Schedule through the ODP process.

In this case, where the proposal seeks to add density from the overall density allowable under the Zoning Code, the mechanism for change is an ODP amendment, including a change to the Land Intensity Schedule. The Town Commission always retains the authority to amend the ODP up to 5.05 units per acre if the substantial competent evidence demonstrates that the criteria of the Zoning Code are met.

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<sup>1</sup> Of course, the density of the Zoning Code may be exceeded if the density is approved by referendum as required by the Town Charter, and the Comprehensive Plan is amended.



October 6, 2009

Ms. Monica Simpson  
Town of Longboat Key  
Director  
Planning, Zoning and Building Department  
501 Bay Isles Road  
Longboat Key, FL 34228-3196

**Subject: Traffic Impact Study Review  
Longboat Key Club & Resort, Islandside**

Dear Ms. Daigle:

This letter summarizes our review of the Revised Traffic Impact Study (TIS) for the above-referenced Longboat Key Club & Resort development, prepared by Grimail Crawford, Inc (GCI). dated June 10, 2009. The review documented herein was undertaken at the request of the Town of Longboat Key and is consistent with the requirements outlined in its Land Development Code and in accordance with traffic engineering professional standards. Our review comments are listed below.

Several revisions have been made to the report pursuant to our review letter dated April 3, 2009. The applicant's consultant has opted for addressing our review comments within the revised report rather than in a separate response letter. To facilitate the understanding of this review letter we have included our original comments in bold and our revised report comments following.

- 1. In addition to the PM peak hour trip generation estimate, an AM peak hour trip generation estimate shall be provided. Additionally, if the proposed resort hotel will have ballroom or banquet facilities as part of the "meeting center," a trip generation estimate and site access analysis considering potential queue effects for such special event time periods shall also be provided.**

AM peak hour trip generation estimate has been provided. In addition, a special event scenario has been included in the revised report and a level of service (LOS) analysis at the Gulf of Mexico Drive (S.R.789) at Longboat Key Club & Resort south driveway has been provided. This analysis shows that the intersection is anticipated to operate acceptably with the exception of the eastbound right turn movement that is anticipated to operate at LOS F with an average delay of 119.4 seconds/vehicle. However, the following issues have been identified:

Ms. Monica Simpson

October 10, 2009

Page 2 of 4

- a. Extension of Effective Green: this value represents the amount of a traffic signal’s “yellow” phase that drivers use as “green”. An extension of effective green of 3 seconds has been used for this scenario. It is noted that all other time period analyzed used an extension of effective green of 2 seconds, which is the default value in the Highway Capacity Manual. The reduction of the extension of effective green from 3 seconds to 2 seconds would generate the following failures:

Movement	LOS	Average Delay [sec/veh]	v/c
EBL	F	83.1	0.78
EBR	F	139.6	1.02
SBT	E	65.2	1.01

It is noted that if the extension of effective green is modified, this needs to be extensively justified, especially in an environment where, in general, the driver’s population does not include a significant number of aggressive drivers.

- b. The signal timings use for the intersection analysis during the event scenario are significantly different than the ones used for the PM peak hour, peak season scenario analysis. Therefore, a special event signal timing plan needs to be developed and city staff will need to be able to change the signal timing pattern from “PM peak hour” to “Special event”. In addition, the report states that special traffic personnel will be used to facilitate the flow of traffic on special events; however, no explanation of how the implementation of this procedure at a signalized intersection will facilitate the intersection operation has been provided.

- 2. A list containing all committed improvements in the area shall be included. It is noted that the FDOT Five Year Work Program lists several right turn lanes at various locations, a list with these locations shall also be included with the committed projects in the area.**

Even though the report states that the first three years of the currently adopted Longboat Key Transportation Improvement Program, Sarasota County Transportation Improvement Program, and Florida Department of Transportation’s (FDOT) Work Program will be assumed as committed improvements, a list containing all committed improvements has not been provided.

- 3. The analysis needs to be revised to address how the S.R. 789 (John Ringling Parkway) at Ken Thompson Parkway intersection and the John Ringling Parkway draw bridge affect operations.**

Ms. Monica Simpson

October 10, 2009

Page 3 of 4

The analysis has been revised to address the S.R. 789 (John Ringling Parkway) at Ken Thompson Parkway intersection and the John Ringling Parkway draw bridge effect on operations. However, the review of this analysis has found the following:

- a. Even though the S.R. 789 (John Ringling Parkway) at Ken Thompson Parkway intersection and the John Ringling Parkway draw bridge have been analyzed separately, no analysis has been provided of the combined effect of the signalized intersection and the bridge opening will have on the Gulf of Mexico Drive (S.R.789) at Longboat Key Club & Resort south driveway intersection has been provided.
- b. Pursuant to the report, a simulation of the John Ringling Parkway draw bridge operation has been performed in order to determine its impacts. However, no information (or analysis files) regarding the simulation assumptions have been provided, for example:
  - Length (in time) of the opening
  - Number of openings per hour
  - Simulation calibration performed to ensure the validity of the simulation

Without this support, the appropriateness of the findings cannot be verified.

4. **Project traffic assignment should be revised to reflect the current northern driveway operation:**
  - **Residents: ingress and egress**
  - **Non-Residents: egress only**

**It is noted that this reassignment will require the driveways to be reanalyzed.**

The project traffic assignment has been revised and we have no further comments.

5. **Turning movement counts need to be collected at the Longboat Key Club & Resort driveways during the peak season (before Easter) to better reflect the peak season operation of the area. The volumes obtained from these counts will need to be compared against the volumes used in the report and coordination with Town of Longboat Key staff will be necessary to determine whether the volumes used in the report need to be revised.**

Turning movement counts have been collected during the 2009 peak season. A peak-season-conversion-factor (PSCF) of 1.03 should have been used; however since the count have been collected during the year 2009 and the project's build out year is 2014, only 5 years (2 percent annual growth) of growth should have been used. Instead, 6 years of growth have been used, offsetting the lack of adjustment to peak season conditions.

# Tindale-Oliver & Associates, Inc.

Planning and Engineering

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Ms. Monica Simpson

October 10, 2009

Page 4 of 4

6. **Level of service analysis during the PM peak hour shall be revised pursuant to the comments contained herein. AM peak hour analysis at the Longboat Key Club & Resort driveways shall be provided. Additionally, if the proposed resort hotel will have ballroom or banquet facilities as part of the "meeting center," that can generate a significant amount of traffic concentrated in a short period of time, an operational analysis of this time period shall be provided including a queue analysis at the S.R. 789 (Gulf of Mexico Drive)/Longboat Club Road southern intersection.**

Please refer to comment #1.

7. **The proposed relocation of the guard booth will be beneficial to access operations; however, no documentation or analysis supporting the proposed 125 foot relocation has been provided. An analysis showing that the proposed distance will provide for adequate queue storage and operation, considering peak event arrival time as well as the typical morning and evening peak periods, shall be provided.**

The requested analysis has not been provided.

If you should have any questions or require clarification on the above items, please feel free to contact me.

Sincerely,

**Tindale-Oliver and Associates, Inc.**



Fabricio A. Ponce, P.E.

Project Manager

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