

**MICROFILMING INFORMATION SHEET**

TO: LASON  
4920 West Cypress Street, Suite 108  
Tampa Fl 34228

FROM: Town of Longboat Key  
Town Clerk Department  
501 Bay Isles Road  
Longboat Key Fl 34228

DATE: 06-11-01

SUBJECT: Microfilming

Please index the attached collection of records utilizing the following language and placing this language in the upper right hand corner of each image:

6350 Gulf of Mexico Dr.

The database should include the following three fields:

VAR 878  
Roll # 26  
Image # 165

This collection of records should be placed on the following film type:

16 mm  
 35 mm

Total number of pages in this collection: \_\_\_\_\_

If there are questions regarding the collection of records that are to be microfilmed please contact Jo Ann Dunay-Mixon, Deputy Clerk Records, at 841-316-1899.

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6350 Gulf of Mexico Drive

FILE



APPEAL OF DECISION OF AN ADMINISTRATIVE OFFICIAL  
Date Filed \_\_\_\_\_ Receipt # (\$93.75) PS11034 Petition No. 4-97

THE APPLICANT IS REQUIRED TO SUBMIT THE ORIGINAL PLUS ELEVEN (11) SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS.

H.F.I. REAL ESTATE COMPANY, INC.  
(1) (Name) d/b/a WEDEBROCK REAL ESTATE CO., INC. 6350 Gulf of Mexico Drive  
(Mailing Address)

Longboat Key, FL 34228 request that a determination be made by the Zoning Board of Adjustment of the Town of Longboat Key on the following appeal from the ruling of an Administrative Official made on March 13, 1997 and 158.097, 158.099 and April 9, 19 97. This Petition concerns Section(s) 158.100, Paragraphs \_\_\_\_\_ of the Town of Longboat

Key Zoning Ordinance. Subject property is located at 6350 Gulf of Mexico Dr., Longboat Key, FL: (Street Number)

The legal description is as follows \_\_\_\_\_ (Lot(s))  
Location) \_\_\_\_\_  
\*SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"  
(Lots) \_\_\_\_\_ (Block) \_\_\_\_\_ (Subdivision or Plat)  
or \_\_\_\_\_ (if otherwise legally described)

Lot Size 1.3 Acres Present Zoning Classification S-1  
Present Use Office Building with 2 Accessory Use Apartments  
Present Structures (type) and improvements upon the land \_\_\_\_\_

If this Petition is granted, the effect will be to Permit two (2) minor development changes to an approved Site Plan for a building addition.



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(I) (We) believe that the Board of Adjustment should grant this Petition because (State below the grounds for administrative review): The Administrative Official's interpretation and determination is clearly erroneous, not supported by the Town Code and treats the Applicant differently than the Town has treated other similarly situated property owners and thus discriminates against the Applicant. The Administrative Official's interpretation and determination is contrary to a prior interpretation and determination by the Administrative Official and is inconsistent with and violates a Settlement Agreement between the Applicant and the Town upon which the Applicant has relied at considerable cost and expense.

(Attach extra sheet, if necessary)

THE TOWN STAFF WILL PROVIDE THE LISTS AND LABELS FOR THOSE PROPERTY OWNERS WITHIN 300 FT. THAT WILL NEED TO BE NOTIFIED BY CERTIFIED MAIL OF THE APPEAL.

(I) (We) understand that this Petition becomes a part of the permanent records of the Zoning Board of Adjustment. (I) (We) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herewith are true to the best of (my) (our) knowledge and belief. H. E. I. REAL ESTATE COMPANY, INC. 6787 WOODBROOK REAL ESTATE COMPANY, INC.

BY: [Signature]  
(Signature of Owner)  
As Its: President

[Signature]  
MICHAEL J. FUREN, ESQ.

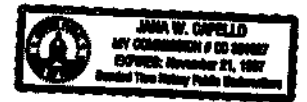
The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf).

Mailing address you wish information sent to and telephone number:

Michael J. Furen, Esq.  
ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.  
2033 Main Street, Suite 600  
Sarasota, FL 34237  
(941) 366-8100

The contents of this Petition are sworn and subscribed before me this 10<sup>th</sup> day of April, 19 97.

[Signature]  
Notary Public





6300 Gulf of Mexico Drive

**TOWN OF LONGBOAT KEY**  
**PLANNING, ZONING & BUILDING DEPARTMENT**  
610 General Harris Road Longboat Key, Florida 34228  
Phone (941) 316-1966 Fax (941) 316-1970

**Date:** March 13, 1997  
**Project:** Wedebrook Building Addition  
**Applicant:** William Houghton, Landry & Esber  
**Request:** Site Plan Exemption Approval for Development of Bank Drive-thru Connecting onto Wake Island Alley and Revision to Approved Roofed Concourse Structure  
**Reviewer:** Scott Pickett, <sup>SP</sup> Planner

Staff has reviewed the above referenced request, submitted March 5, 1997, and determined that the proposed revision to the approved site plan is not a minor development proposal and/or change of the approved site. As such, staff can not process your request as a site plan exemption application.

Accordingly, the proposed revisions to the approved site plan will need to be processed as a site plan amendment application in accordance with Town Code Section 158.099. The submission requirements for a site plan amendment application are specified in Town Code Section 158.097.

Please be aware that the "annual site and development plan season" for the Planning & Zoning Board and Town Commission includes the months September through June of each year. As such, both bodies can not review or act on any site plan amendment application after the end of June until September of this year.

The completeness deadline for the May 20, 1997 Planning & Zoning Board regular meeting is April 22, 1997. Staff will work with the applicant to facilitate an expeditious review and processing of the required site plan amendment application for the request described above.

cc: Jim Layfield  
Michael Furen  
Mark Wickersham  
Building File

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**TOWN OF LONGBOAT KEY**  
**PLANNING, ZONING & BUILDING DEPARTMENT**  
610 General Harris Road Longboat Key, Florida 34228  
Phone (941) 316-1966 Fax (941) 316-1970

**Date:** April 9, 1997

**Project:** Wedebrook Building Addition (Approved by Resolution 95-21)  
6350 Gulf of Mexico Drive

**Applicant:** William Houghton, Landry & Esber, Agent

**Request:** Site Plan Exemption Approval for Development of Bank Drive-  
thru Connecting onto Wake Island Road and Revisions to  
Approved Roofed Concourse Structure and Building Addition

**Reviewer:** Scott Pickett, Acting Planning & Zoning Director

As you will recall, staff responded to the above referenced request in the attached memorandum dated March 13, 1997. In the attached memo, staff determined that the proposed revisions to the approved site plan did not represent a minor development proposal and/or change of the approved site plan. Staff also determined that the request could not be processed as a site plan exemption, but would require a site plan amendment application in accordance with Town Code Section 158.099.

Staff met with several representatives for the subject project in an attempt to address their objections to staff's determination. At that meeting, in an attempt to minimize the scope of the development proposal, an alternative bank drive-thru design was identified. On April 3, 1997 staff received a revised site plan with the drive-thru contained within the subject property. To date, staff has not received building plans showing proposed revisions to the approved building addition.

Staff has reviewed the revised site plan and reaffirms its prior determination that the proposed revisions to the approved site plan do not represent a minor development proposal and/or change of the approved site plan. Aspects of the proposal which are considered major changes to the approved site plan include the use of Wake Island Road as an exit for the proposed bank drive-thru and the reported changes to the concourse roof separating the existing and proposed wings of the building.

Staff has determined that the proposed revisions to the approved site plan will need to be processed as a site plan amendment application in accordance with Town Code Section 158.099. The submission requirements for a site plan amendment application are specified in Town Code Section 158.097.

Please be aware that the "annual site and development plan season" for the Planning & Zoning Board and Town Commission includes the months September through June of each year. As such, both bodies can not review or act on



Site Plan Exemption Approval Request for Development of Bank Drive-thru  
Connecting onto Wake Island Road and Revisions to Approved Roofed Concourse  
Structure and Building Addition  
April 9, 1997  
Page 2

any site plan amendment application after the end of June until September  
of this year.

The completeness deadline for the May 20, 1997 Planning & Zoning Board  
regular meeting is April 22, 1997. Staff will work with the applicant to  
facilitate an expeditious review and processing of the required site plan  
amendment application for the request described above.

cc: Jim Layfield  
Michael Furen  
Mark Wickersham  
Building File

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EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING A PORTION OF LOTS 20A AND 21A, ACCORDING TO THE PLAT OF SLEEPY LAGOON, RECORDED IN PLAT BOOK 7, PAGE 14, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 21A; THENCE ALONG THE NORTH LINE OF SAID LOT, BEING THE SOUTH LINE OF A 20' ALLEY, S. 89°58'24" E., 883.68 FEET; THENCE LEAVING SAID NORTH LINE, S. 00°04'38" W., 116.38 FEET; THENCE ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 21A, N. 89°58'24" W., 413.23 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE (PLATTED AS JOHN RINGLING BOULEVARD - 100' RIGHT-OF-WAY); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, N. 82°12'00" W., 190.18 FEET TO THE POINT OF BEGINNING, CONTAINING 1.30 ACRES, MORE OR LESS.

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**Turffs, Persson, Smith & Darnell**

Attorneys and Counselors At Law  
A Partnership of Professional Associations

2033 Main Street, Suite 406  
Sarasota, Florida 34237  
Telephone (941) 365-4990  
Facsimile (941) 365-3259  
April 28, 1997

Robert E. Turff  
David P. Persson  
Kevin P. Smith  
Robert W. Darnell  
Barbara B. Levin

David D. Davis  
Of Counsel

\*Based Certified C-9 Total

Mr. Scott Pickett  
Acting Director  
Planning & Zoning  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Florida 34228

Re: Wedebrook/HFI Appeal

Dear Scott:

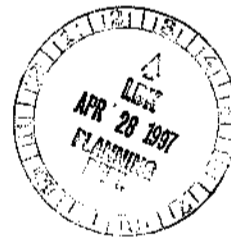
This letter is to confirm that I have no objection to the temporary abatement of the appeal of the administrative decision in the above matter.

Should you have any questions, please do not hesitate to call me.

Sincerely,

  
David P. Persson

DPP:avg50  
cc: Michael J. Furen, Esq.



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TO: PZB  
APR 24 1997 THU 13:58 TOWN OF LONGBOAT KEY TEL. NO: 941-311-556

6380 Gulf of Mexico Drive  
1100 PZB

**ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.**

ATTORNEYS AND COUNSELLORS  
8023 MAIN STREET, SUITE 800  
SARASOTA, FLORIDA 34237  
FACSIMILE (941) 398-8284  
TELEPHONE (941) 398-8100

TAMPA TELEPHONE  
18181 221-05  
REPLY TO:  
P.O. BOX 8188  
SARASOTA, FLORIDA 34230

MICHAEL J. FUREN

April 16, 1997

Mr. Scott Pickett, Acting Planning & Zoning Official  
Town of Longboat Key  
610 General Harris Street  
Longboat Key, FL 34228

Re: Appeals to the Town of Longboat Key Zoning Board of  
Adjustment by HFI Real Estate Company, Inc. and HFI  
Developments, Inc. (Wedbrock Building Addition)

Dear Scott:

Pursuant to our recent telephone conversation, in behalf of  
our clients, we would request that the above-referenced appeals be  
temporarily abated until further notice from our clients.

Thank you for your prompt attention to this matter.

Sincerely,

ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.

*Michael J. Furen*  
Michael J. Furen

MJF:jwc  
cc: Mr. Jim Layfield  
David P. Persson, Esq.



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**Turffs, Persson, Smith & Darnell**

Attorneys and Counselors At Law  
A Partnership of Professional Associations  
2033 Main Street, Suite 406  
Tampa, Florida 34617  
Telephone (813) 363-4950  
Facsimile (813) 363-3259

Robert E. Turff  
David P. Persson  
Kevin P. Smith  
Robert W. Darnell  
Barbara B. Levin

David D. Davis  
Of Counsel  
Land O' Lakes Civil Trial

April 15, 1997

Mr. Lewis S. Pollock,  
Chairman  
Zoning Board of Adjustment  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Petition No. 4-97 - M.F.I. Real Estate Company, Inc.  
d/b/a Wedebrock Real Estate Co. - 6380 Gulf of Mexico Dr.

Dear Chairman Pollock:

This is an appeal of an administrative decision from the ruling of an Administrative Official made on March 13, 1997 and April 9, 1997.

The Zoning Board of Adjustment has jurisdiction pursuant to Section 158.027(C) of the Longboat Key Zoning Code.

This opinion does not address the merits of the appeal which may be requested by the Zoning Board of Adjustment pursuant to the above section.

Respectfully,



David P. Persson

DPP:avg96  
cc: Mr. Bruce St. Denis  
Mr. Scott Pickatt



6380 Gulf of Mexico Drive

**ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.**

ATTORNEYS AND COUNSELLORS  
2033 MAIN STREET, SUITE 200  
SARASOTA, FLORIDA 34237  
FACSIMILE (841) 366-4384  
TELEPHONE (841) 366-6100

MICHAEL J. FUREN

TAMPA TELEPHONE  
(813) 281-6100  
REPLY TO:  
P.O. BOX 4188  
SARASOTA, FLORIDA 34230

March 25, 1997

VIA FACSIMILE & REGULAR MAIL

Mr. Scott Pickett, Planner  
Town of Longboat Key  
Planning, Zoning & Building Department  
610 General Harris Street  
Longboat Key, FL 34228

Re: Your Preliminary Determination Dated March 13, 1997  
Concerning Request by Wedebrook Realty Company for  
Approval of Site Plan Exemption for a Bank Drive-thru and  
Revision to Approved Roofed Concourse Structure in  
Connection With Wedebrook Building Addition.

Dear Scott:

As you are aware, our firm represents Wedebrook Realty  
Company.

We have reviewed your preliminary determination dated March  
13, 1997 determining that the proposed revisions to the approved  
site plan described above are not a minor development proposals  
and/or changes of the approved site plan and therefore, staff  
cannot process our client's request as a site plan exemption.  
Rather, you preliminarily determined that the proposed revisions to  
the approved site plan will need to go through the entire site plan  
amendment review process.

We respectfully disagree with your preliminary determination  
and would strongly suggest that the proposed revisions are clearly  
minor development proposals that could be and should be processed  
as site plan exemptions pursuant to Section 158.100 of the Town  
Zoning Code.

We are attaching as Schedule "A" to this letter a summary of  
certain site plan exemptions issued by the Town from September 14,  
1994 through March 18, 1997. The list of the various site plan  
exemptions issued by the Town set forth in this Schedule is not all  
inclusive, but are listed as examples of various site plan  
exemptions approved by the Town during the stated period. A fair

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March 25, 1997  
Page 2

and impartial review of Schedule "A" indicates that the Town has approved many development revisions and changes greater in scope than those proposed by our client as site plan exemptions. We believe the Town properly approved these development revisions and changes as site plan exemptions rather than requiring them to be subject to the full site plan review process. We believe that our client's proposed revisions that are of a lesser scope should also be approved by staff as site plan exemptions. Our client asks only that it be treated equally and fairly.

In behalf of our client, therefore, we would request that you reconsider your preliminary determination that our client's proposed revisions are subject to the full site plan review process and upon such reconsideration, determine that our client's proposed site plan revisions are minor development revisions that can be approved by the staff as site plan exemptions pursuant to Section 158.100 of the Town Zoning Code.

Thank you for your prompt attention to this request.

Sincerely,

ICARD, MERRILL, CULLIS, TIMM,  
FUREN & LINSBURG, P.A.



Michael J. Furen

MJF:jwc  
Enclosure

- cc: Mr. Jim Layfield
- Mr. Bob Marischen
- Mr. Bruce St. Denis, Assistant Town Manager
- David P. Persson, Esq., Town Attorney

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**SCHEDULE "A"**  
**TO LETTER FROM MICHAEL J. FUREN**  
**TO SCOTT PICKETT, PLANNER.**  
**DATED MARCH 25, 1997**

SP# #	LOCATION	DESCRIPTION
94-50	REGENT PLACE	Relocate a planned garage and install a portion of an access drive for the beaches of Longboat.
94-58	BEACHWALK	Construct swimming pool.
95-30	HARBOURSIDE CLUBHOUSE	Revise approved site plan regarding parking spaces and parking islands, relocate sidewalk and add planters.
95-46	2029 HARBOUR LINKS	Construct a 19'9" x 11'8" screen room on the second floor terrace of the six-plex condominium for Unit 2029. The height of the screen room does not exceed the height of the six-plex building and the screen room is located within the existing building footprint.
95-47	WATER CLUB	The addition of eight (8) additional on-grade parking spaces at the east end of the southern residential tower.
96-04	COLONY BEACH	Enlarge an existing tennis shop located within the mid-rise building designated as a hotel on the attached site plan. The enlargement of the tennis shop is to be accomplished by enclosing a 485 sq.ft. space located within the building's existing roof overhang. The ground floor area of the existing structure is 9,738 sq.ft. The 485 sq.ft. enlargement represents 4.98% of the floor area of the existing building.



SPE #	LOCATION	DESCRIPTION
96-09	NORTH FIRE STATION	Request to: 1. Realign the entrance drive to the fire station; and 2. Redesign the parking lot for the fire station.
96-26	BAYFRONT PARK	Construct a 37 ft. x 30 ft. net structure over the existing tot lot area to protect this area from baseballs that are hit foul from the nearby baseball field. The structure is a sixteen (16) foot high wood frame with one (1) inch open netting over it.
96-28	SANDS POINT	Construct an eighty (80') foot long, six (6') foot high cement wall located in the non-required yard at the end of the driveway entrance, covered on the exterior with verte green stone matching the vertical walls at the entrance to the condominium.
96-29	VIZCAYA	1. A reconfiguration and enlargement of the stormwater pond located in the northeast corner of the parcel, the elimination of the previously proposed retaining wall at pond, and the placement of benches and exercise path around the pond.



EPE #	LOCATION	DESCRIPTION
96-29	VIZCAYA (CONTINUED)	<ul style="list-style-type: none"><li data-bbox="1515 683 1850 890">2. The relocation of the emergency generator/pump building from the entrance to a location adjacent to the clubhouse, resulting in a slight reduction of the size of the emergency generator/pump building.</li><li data-bbox="1515 890 1850 1015">3. A reduction of the clubhouse footprint and a 114.9 square foot expansion of the clubhouse recreational patio.</li><li data-bbox="1515 1015 1850 1098">6. The redesign and reduction in scope of the fountain by the pool.</li><li data-bbox="1515 1098 1850 1181">7. The deletion of the approved tennis pavilion.</li><li data-bbox="1515 1181 1850 1284">8. The addition of three (3) additional exterior surface parking spaces for a total of seventeen (17) parking spaces.</li><li data-bbox="1515 1284 1850 1346">9. The deletion of the approved entrance colonnade.</li><li data-bbox="1515 1346 1850 1433">13. The reconfiguration of the entrance/exit driveway around the guardhouse.</li></ul>



SPE #	LOCATION	DESCRIPTION
96-33	VILLAGE PLAZA	Add six (6) new parking spaces to the existing 26 spaces in compliance with Town Code section 158.100 (A) (2) which permits additional parking spaces not to exceed 20% of the existing number of spaces.
96-40	809 LONGBOAT CLUB ROAD	Construct a 6 ft. high privacy wall in the required side yard and a 12 ft. high entrance gate in the non-required yard.
96-42	VILLA DI LANCIA	4. Five (5) frangible landings have been modified to spiral stairs with approximately 50% reduction in coverage. 5. The construction of pool related bathrooms under the footprint of the building on the garage level.
96-46	COVERT I CONDOMINIUM	Construct a 450 sq. ft. single-story attached garage to existing single-family structure & sod over existing 600' parking area used for off-street parking.
96-57	CHEVRON GAS STATION	1. Construct a 32 ft. x 50 ft. canopy structure over the 2 existing gasoline pump islands.



SPE #	LOCATION	DESCRIPTION
96-58	HARBORSIDE CLUBHOUSE	<ol style="list-style-type: none"><li>1. Construction of an 7 ft. wide golf cart path south of the existing cart pavilion;</li><li>2. Relocate, to the south, the parking area between the cart pavilion and the main building, and the relocation of 6 parking spaces in this parking area to wooded parking area;</li><li>3. The construction of a turn-around facility located east of the parking area and cart pavilion, and slight redesign of a sidewalk located adjacent to the turn-around;</li></ol>
96-65	PELICAN HARBOR	Construct a twelve (12') foot extension to an existing eighteen (18') foot long boat dock, measured from the existing seawall.
96-67	BAYPORT BEACH & TENNIS CLUB	Construct the following improvements to the existing recreation center/community building: <ol style="list-style-type: none"><li>1. Expand the existing meeting room through the enclosure of an existing second story open air deck area;</li><li>2. Construct a new first story storage area under the existing roof line.</li></ol>



SP#	LOCATION	DESCRIPTION
97-06	LONGBOAT ISLAND CHAPEL	Develop a garden in the non-required yard consisting of: <ol style="list-style-type: none"><li>1. The construction of 350 lineal feet of five (5) foot wide concrete sidewalk for pedestrian circulation and a 150 sq. ft. paved area adjacent to the proposed pavilion;</li><li>2. The construction of 63.3 lineal feet of two (2) foot high concrete masonry wall;</li><li>3. The construction of a 10 ft. x 2 ft. x 12 ft. high masonry pergola structure; and</li><li>4. The construction of a 14 ft. x 14 ft. x 17 ft. high roofed pavilion.</li></ol>

7/1/99 12:00 PM (Schedule)

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