

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) _____ (Block) _____ (Subdivision or Plat)
*SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"
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.

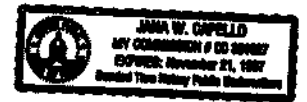
The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf).

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 10th 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, ^{SP} 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:

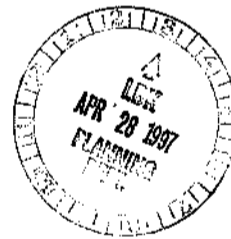
This letter is to confirm that I have no objection to the temporary abatement of the appeal of the administrative decision in the above matter.

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

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
813 221-9000
FACSIMILE
813 221-9188
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. (Wedebrook 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.



200/2002

ICARD MERRILL CULLIS

REC'D APR 24 1997 10:31

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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
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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 Pickett

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="1518 687 1847 895">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 data-bbox="1518 895 1847 1019">3. A reduction of the clubhouse footprint and a 114.9 square foot expansion of the clubhouse recreational patio.<li data-bbox="1518 1019 1847 1102">6. The redesign and reduction in scope of the fountain by the pool.<li data-bbox="1518 1102 1847 1185">7. The deletion of the approved tennis pavilion.<li data-bbox="1518 1185 1847 1288">8. The addition of three (3) additional exterior surface parking spaces for a total of seventeen (17) parking spaces.<li data-bbox="1518 1288 1847 1350">9. The deletion of the approved entrance colonnade.<li data-bbox="1518 1350 1847 1431">13. The reconfiguration of the entrance/exit driveway around the guardhouse.

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"> 1. Construction of an 7 ft. wide golf cart path south of the existing cart pavilion; 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; 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;
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	<p>Construct the following improvements to the existing recreation center/community building:</p> <ol style="list-style-type: none"> 1. Expand the existing meeting room through the enclosure of an existing second story open air deck area; 2. Construct a new first story storage area under the existing roof line.

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SP#	LOCATION	DESCRIPTION
97-06	LONGBOAT ISLAND CHAPEL	Develop a garden in the non-required yard consisting of: <ol style="list-style-type: none">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;2. The construction of 63.3 lineal feet of two (2) foot high concrete masonry wall;3. The construction of a 10 ft. x 2 ft. x 12 ft. high masonry pergola structure; and4. The construction of a 14 ft. x 14 ft. x 17 ft. high roofed pavilion.

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

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