

2016 REZONE PETITION #15-30 SUMMARY

June 23, 2016

TIMELINE

- SEPTEMBER 2015: Developer files Rezone Petition #15-30
- OCTOBER 19, 2015: Developer holds obligatory Neighborhood Workshop to describe their proposal for the property to the community
- NOVEMBER 2015 – MARCH 2016: County Planning Department reviews the Petition, works with the Developer to resolve any potential issues
- MAY 5, 2016: Hearing before the County Planning Commissioners is held
- JUNE 13, 2016 – GGCA Representatives met with Medallion Homes
- JULY 13, 2016: Hearing before the Board of County Commissioners is scheduled

PREVIOUS REZONE EFFORTS

The Gulf Gate Golf Course has been proposed for rezone on two other occasions. Leslie Gray purchased the property in late 2005 (at the height of a real estate boom) and immediately began an effort to have the property rezoned to accommodate significantly more units than the existing zoning allowed. The economy took a dramatic downturn and she tabled that effort, but resurrected it in 2009.

At the Board of County Commissioners (BCC) Hearing in 2010 that rezone request was denied, primarily to protect the existing neighborhood from incompatible development and because the prevailing opinion was that there was no need to change the zoning at a time when the economy did not support more development. The elected BCC at that time had a balance of “pro-development” and “pro-neighborhood” commissioners, and Gulf Gate was able to turn out large numbers of community members to the hearings, which undoubtedly influenced the decision.

The issue returned in 2015. (The statute of limitations on a Zoning decision is one year.)

SUMMARY OF ISSUE

In late September, 2015, the owner of Gulf Gate Golf Course, Leslie Gray, along with the contract purchaser of the property, Carlos Beruff, (Medallion Home), filed a request with Sarasota County Planning Department to change the zoning classification of the Course. The original classification permitted building at a density of 1 unit per 2 acres (RE-1). They sought a change to RSF-1/PUD, which allows for 2.5 units per acre, as well as the ability to cluster units together on small lots.

Unfortunately for the Gulf Gate neighborhoods, the Course was never zoned as a golf course – it was incorporated at its inception in the early 1960s with residential zoning. Plus, the Course was not permanently restricted as a Course. So, the Gulf Gate Community Association (GGCA) had no protection from this potential change.

Medallion Home held the obligatory Neighborhood Workshop on October 19, 2015 and unveiled their plan for the development of the 3 parcels of land that constitute the Course. They proposed what would be a complete denuding of the property, filling of existing Course ponds and waterways, and removal of all but 13 trees. Artificial stormwater ponds would be created, and would account for 75% of the proposed open space. Gates would be constructed on six entry/exit points creating an isolated development and traffic impacts. A total of 109 units with livable space at approximately 2000 sq. ft. would be constructed on 6600 sq. ft. lots, and were expected to be offered starting at \$350,000.

The GGCA immediately held a community meeting and began to plan a response to this Petition.

GGCA RESPONSE EFFORTS

Darrell Cox, GGCA President, organized a series of Committees comprised of community volunteers to research and prepare community objections. Groups worked on various issues such as Environmental, Traffic, Stormwater and Flooding Concerns, School Impact, and Compliance with the Comprehensive Plan, Future Land Use Plan and Zoning, which are the County's restrictions on land use.

Contact was made with each of the County departments that were responsible for signing off on the Petition in order to understand how each was evaluating the Petition. There were significant concerns in the community about traffic, flooding and the environmental impact (loss of habitat, degradation of green space). GGCA was advised that “because stormwater and flooding issues can be addressed with an engineering solution, stormwater and flooding would not disqualify the property from rezoning.”

GGCA sought out expert advice from the Sarasota County Council of Neighborhood Associations, from the Association’s legal representation and from our elected officials. Contact was made with the local press to publicize our plight. Members researched past rezone decisions and other golf course conversions. Hours of Board of County Commissioner and Planning Commissioner meetings on similar cases were viewed and analyzed.

After discussion with the County Planner assigned to this Petition, it became clear that the GGCA case would have to refute Medallion’s plan on the basis of its incompatibility with the County ordinances (Comprehensive Plan, Zoning). GGCA engaged Richard Smith, an attorney with expertise in this area, to direct our preparation for the County hearings. Publicity Committee members canvassed door-to-door to explain the Petition and seek input and donations to the cause from community members. Lawn signs were created to increase awareness and express our objection to the rezone. The website was updated to include information on the Rezone Petition. Committees met routinely; the Policy Committee (the steering committee of this effort) met at least weekly from late October, on. Community meetings were held regularly to inform and mobilize the community.

This was an “all hands on deck” effort that involved several hundred volunteers and man hours beyond tally.

PLANNING COMMISSIONER HEARING

The Planning Hearing was set for May 5, 2016.

The Planning Commissioners are appointed by the County Commissioners and are an advisory group. They hear planning and zoning issues and rule

based on their personal expertise and relative to the adherence to the Comprehensive Plan, Future Land Use Plan and Zoning. Their decision is not binding, but meant to help guide the Board of County Commissioners in the final determination.

The GGCA held a meeting to inform and rally the community for this hearing. Talking points were established, and carpools arranged. The community was urged to wear red to the hearing to show support for those who gave statements on the community's behalf.

Meanwhile, individuals from the Board and Policy Committee were selected to deliver carefully crafted testimony against the rezone. GGCA felt confident that the best possible case was presented to show the incompatibility of the proposed development with the Comprehensive Plan and Zoning Code and the strength of the community's opposition.

Arguments were made highlighting the density, the negative impact on the existing Gulf Gate neighborhoods, the improper usage of a "Planned Unit Development" designation by Medallion, as well as commentary on traffic concerns, flooding issues and diminished quality of life/property values for existing owners. Our attorney spoke to the specific ordinances and codes to detail Medallion's lack of compliance and proposed an alternative, less dense rezoning classification that would both meet the County's ordinances and be more acceptable to Gulf Gate residents. Unfortunately, the Planning Commissioners rejected that suggestion out of hand.

Medallion adamantly insisted that they were within the County minimum requirements, and were unable to modify their plan in any way as it would harm their financial interests to do so.

Ultimately, the Planning Commissioners voted in favor of recommending the rezone by a vote of 4-3. Many of the Commissioners expressed their difficulty in making a decision, and urged GGCA and Medallion to meet prior to the County Commission hearing to try to negotiate a plan that would address GGCA concerns. It was their contention that the Board of County Commissioners would take their recommendations to do so very seriously when making their final decision.

DECISION TO NEGOTIATE

The GGCA weighed the options available to decide how to proceed. Either the group would continue to fight this rezone petition or would move forward with an attempt to modify the proposed plan.

Despite the Planning Commission's vote to recommend the Petition be approved, the fact that the vote was very close left some hope that the Board of County Commissioners might be dissuaded from approving the rezone petition.

However, the fact that the County Future Land Use map put Gulf Gate in a "moderate density" zoning category worked against GGCA. The current zoning is a low density designation, and the Planning Commissioners noted that this change would bring the property into compliance with the County Comprehensive Plan, an action they supported.

The study of similar cases before this BCC showed that, other than one case where the rezone was approved with some modifications of the original plan, virtually every other golf course conversion or neighborhood impingement case was approved by this Board of County Commissioners with **its** commonly acknowledged "pro-development" bent. (If you have followed the Whole Foods rezone issue where a developer sought to fill a protected wetland area, development of which had been rejected on numerous occasions at the urging of the County Environmental Department, you will know that THIS BCC voted in favor of filling the wetlands.....for Whole Foods' parking lot!! That informed GGCA about the leanings of the current BCC.)

In the interim, Mr. Beruff informed the GGCA that he was purchasing the property on May 9th. He planned to close the golf course, fence it for horses, and return yearly to the County with rezone petitions until he got the zoning he wanted.

GGCA considered what the future might bring if the rezone was denied. Mr. Beruff could change his plans, or even re-sell the property and GGCA would have no control over what would be built. Currently Medallion is bound to the plan they offered – they cannot change it. The current plan provides for 40% open space (roughly 20 acres, which includes the stormwater ponds). But, if a future attempt to rezone was successful, Gulf Gate Golf Course could become apartments and townhouses with less

open space or something even less compatible with the existing neighborhoods. And, if GGCA continued the fight and lost, there would be no opportunity to get any modification to the plan, which GGCA felt was too dense, was artificially separated from Gulf Gate and insensitive to the surrounding community. Eventually it was decided that GGCA should move forward with negotiations, as that represented the only opportunity to have input on behalf of the community.

GGCA CONSENSUS

GGCA held a community meeting on June 3, 2016 to present the proposal to negotiate with Medallion, and to detail the key points to be negotiated. The community voted by an overwhelming majority to move forward with negotiations.

NEGOTIATIONS

GGCA met with Medallion with the list of agreed-upon modifications: open pedestrian and vehicle access (no gates) to prevent the creation of an isolated neighborhood in the middle of Gulf Gate, the addition of a community park, improved landscape buffering, and maintenance of mature trees on the property. (Previous discussion with Medallion asking for a reduction in the number of units was met with the response that there would be no concessions on that point.)

The most significant demand was “open access/no gates”. By removing entry gates, the tone of the new construction would change. Traffic could flow more smoothly and stay within the development rather than intruding on existing residential streets. Gulf Gate residents could walk and drive through, making the new construction feel more integrated into Gulf Gate. The elimination of gates would take away the psychological separation of the communities and make the new owners feel more like part of Gulf Gate, which, in turn, would encourage them not to speed through Gulf Gate streets since they would be a part of the community – not a separate enclave.

After lengthy discussion, Medallion agreed to open access which it does not allow in any of its other developments. They also agreed to save any trees that already exist within 20’ of the property boundary and to retain other trees outside the buffer. The petitioner also agreed to consider a neighborhood common space near the Library. And they agreed to improved landscape buffers in select areas.

It was decided that these concessions would sufficiently maintain the tone and feel of Gulf Gate and guarantee a known impact, thereby protecting Gulf Gate neighborhoods from future, potentially more damaging projects. The GGCA Board voted to speak in favor of the modified agreement at the County Commission hearing on the basis of the guidance provided by the community at the June 3rd meeting.

We strenuously believe that we have reached a negotiated solution that protects the community's best interests. Therefore, the GGCA Board will be stating their acceptance of an amended 15-30 plan before the Board of County Commissioners at the hearing on July 13th, in line with the agreed position from the community vote. This decision was not made lightly and recognizes that not all owners agree. It has been a long, emotional fight. But, we remain one of Sarasota's best neighborhoods.

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