M E M O R A N D U M

DATE: March 9, 2016

TO: David Bullock, Town Manager

FROM: Alaina Ray, AICP
Director – Planning, Zoning and Building Department

SUBJECT: Ordinance 2016-11, Providing for Referendum for Properties Located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive

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In November 2015, a letter was received from Floridays Development Co. requesting a referendum be placed before the electors of the Town of Longboat Key to increase the density of the properties located at 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive, (Properties) totaling approximately 1.54 acres, to six (6) units per acre.

The request was presented to the Town Commission at its Regular Workshop on December 14, 2015. During the Workshop, the Commission expressed to the Floridays representative, Mr. James Brearley, the desire to see additional property incorporated into the proposed development. Since that time, Floridays has successfully executed contracts to purchase property located at 6990 Gulf of Mexico Drive (vacant gas station) and 6960 Gulf of Mexico Drive (vacant bank building). Floridays has amended their referendum request to include these two properties. The proposed development site now encompasses all land bound by Gulf of Mexico Drive, Broadway Street, Palm Drive, and Cedar Drive, and consists of approximately 2.62 acres.

The request for increased density requires a referendum per Article II Section 22. (b) of the Town Charter. The referendum would allow the Town Commission to consider amending the Land Use and zoning from C-2 – General Commercial, C-3 – Highway Oriented Commercial, and OI – Office Institutional, to T-6, High-Density Tourist Resort/Commercial, which would allow tourism uses at six (6) units per acre. The Properties would then also become eligible for the Town Commission to consider granting additional tourism units, over and above six (6) units per acre, from a “pool” of tourism units previously approved by the Town’s electorate in a referendum on March 18, 2008.

At their March 7, 2016, Regular Meeting, the Town Commission requested revisions to the proposed ordinance to include a requirement that Floridays must, at its own expense, develop and disseminate an informational mailing and distribute such to the Town’s qualified voters at least two weeks prior to the election. Floridays agreed to this requirement. The Town Commission also requested that the referendum language be revised to clarify that, if a T-6 rezoning is approved, the property would thereby become eligible for Tourism Pool units. Proposed Ordinance 2016-11 has been revised to incorporate these revisions.

The specific referendum language would read as follows:

> **May the Town allow contiguous properties located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (collectively totaling approximately 2.62 acres of land), currently zoned as C-2, C-3, or O-I districts with no density, to increase density to T-6 tourism use (which allows a maximum of six [6] units per acre), and thereby become eligible to apply for tourism pool units?**

Floridays also requests that the Town Commission adopt an ordinance setting forth the full text of the proposed matter for vote by referendum, rather than proceeding by gathering petitions, per Town Code Section 160.04 and Town Charter Article VII, Section 1. (a). An ordinance has been drafted to set forth the referendum language and call for a density referendum election on August 30, 2016. The applicant would bear the full costs of the election.

The Town Commission held first reading of Ordinance 2016-11 at the March 7, 2016 Regular Meeting and forwarded the Ordinance for second reading, public hearing, and discussion to the April 4, 2016 Regular Meeting.

Attachments: November 20, 2015 Letter, James M. Brearley to Mayor Duncan
February 12, 2016 Letter, James M. Brearley to Alaina Ray
Marterie Owner Authorization
Saba Owner Authorization
Williams Oil Owner Authorization
PowerPoint Presentation
Ordinance 2016-11.

xc: Maggie Mooney-Portale, Town Attorney

ORDINANCE 2016-11: DENSITY REFERENDUM C-1, C2, and OI COMMERCIAL/OFFICE USE TO T-6 TOURISM USE

TOWN COMMISSION
REGULAR MEETING
APRIL 4, 2016

PROPERTY LOCATION

REFERENDUM REQUEST

- Properties: 6990, 6960, 6920, 6916 and 6910 Gulf of Mexico Drive; 6931, 6927 and 6919 Palm Drive
- Total Acreage: 2.62 acres
- Current Future Land Use Designation: General Commercial (CG), Highway Commercial (CH), and Office Institutional (OI)
- Current Zoning District: General Commercial (C-2), Highway Oriented Commercial (c-3) and Office Institutional (OI)
- There is currently **NO** Existing Density on the Properties
- Requested Density: 6 units/acre (T-6 Zoning District); would allow 15 units total, but would also be eligible for additional units from the Tourism Unit Pool, if rezoned to T-6

REFERENDUM LANGUAGE

May the Town allow contiguous properties located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (collectively totaling approximately 2.62 acres of land), currently zoned as C-2, C-3, or O-I districts with no density, to increase density to T-6 tourism use (which allows a maximum of six [6] units per acre), and thereby become eligible to apply for tourism pool units?

ORDINANCE 2016-11

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, PROVIDING AND CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY ON THE PRIMARY ELECTION BALLOT OF AUGUST 30, 2016 FOR THE PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY'S COMPREHENSIVE PLAN AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW FOR A CHANGE IN DENSITY AND INTENSITIES TO ALLOW FOR TOURISM USE WITH A TOTAL MAXIMUM DENSITY OF SIX (6) UNITS PER ACRE AT CONTIGUOUS PROPERTIES LOCATED AT 6990, 6960, 6920, 6916, AND 6910 GULF OF MEXICO DRIVE AND 6931, 6927, AND 6919 PALM DRIVE; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 22 (b), of the Town Charter, does not permit an increase in the allowable density, as established by the March 12, 1984, Comprehensive Plan, without the referendum approval of the electors of Longboat Key; and

WHEREAS, the properties located at 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (hereinafter collectively referred to as the "Properties") are currently zoned C-2, General Commercial; and

WHEREAS, the property located at 6990 Gulf of Mexico Drive (also hereinafter collectively referred to as the "Properties") is currently zoned C-3, Highway Commercial; and

WHEREAS, the property located at 6960 Gulf of Mexico Drive (also hereinafter collectively referred to as the "Properties") is currently zoned O-I, Office Institutional; and

WHEREAS, the C-2 General Commercial, C-3 Highway Commercial, and O-I Office Institutional zoning district designations do not have assigned tourism and/or residential density; and

WHEREAS, James Brearley, an authorized representative for Floridays Development Co. (hereinafter "Floridays"), has indicated to the Town that Floridays is interested in redeveloping the Properties for a tourism use, and has a contract to purchase the Properties provided that Floridays is able to increase density and rezone the Properties to a tourism use; and

WHEREAS, Floridays has indicated to the Town a desire to pursue a rezoning of said Properties to T-6, High-Density Tourist Resort/Commercial, which would allow tourism uses; and

WHEREAS, as a condition precedent to being able to file a rezone application on behalf of the Properties, to comply with Section 22(b) of the Town's Charter Floridays must obtain referendum approval for such a density increase; and

WHEREAS, Floridays' representatives appeared before the Town Commission at

the December 14, 2015, Regular Workshop, requesting the Commission place a referendum question to the Town's electors asking whether the Town Commission may consider a change in density to allow the Properties currently zoned C-2 General Commercial to be assigned tourism density not to exceed six (6) units per acre; and

WHEREAS, Floridays' representatives indicated its intention to also pursue purchase contracts for the contiguous Properties currently zoned C-3 Highway Commercial and O-I Office Institutional and, if successful, include those properties in the referendum request; and

WHEREAS, at the above referenced Regular Workshop, the Town Commission indicated its desire to accommodate Floridays' request to place such a referendum question on the August 2016 ballot; and

WHEREAS, on March 7, 2016, the Town Commission considered on first reading Ordinance 2016-11, which places a density referendum question regarding the Properties to the Town's qualified electors; and

WHEREAS, at the March 7, 2016, meeting, the Town Commission requested further clarification be made to the referendum question presented in Ordinance 2016-11 to clarify that the T-6 zoning designation makes such zoned properties eligible to apply for the Town's "pool" of tourism units previously approved by the Town's electorate in a referendum on March 18, 2008; and

WHEREAS, at the March 7, 2016, meeting, the Town Commission also requested that Floridays develop and disseminate to the Town's qualified voters by U.S. Mail at least two weeks prior to the election informational materials regarding Floriday's density referendum request and, if affirmatively approved, eligibility to apply for the Town's tourism pool units; and

WHEREAS, at the March 7, 2016, meeting, Floridays indicated its consent and agreement to disseminate the information at its expense to the Town's qualified voters as requested by the Town Commission; and

WHEREAS, affirmative approval by the qualified electors of the referendum question would enable the Town Commission to consider a proposal by Floridays to rezone the Properties to T-6, High-Density Tourist Resort/Commercial, however, such referendum does not require the Town Commission grant approval of a rezoning request; and

WHEREAS, should the Town Commission ultimately grant approval for a rezoning of the Properties to T-6, High-Density Tourist Resort/Commercial, the Properties would then also become eligible to request from the Town Commission and for the Town Commission to consider granting additional tourism units, over and above six (6) units per acre, from of the Town's tourism pool units; and

WHEREAS, if Floridays chose to apply for such an allocation of tourism pool units, the Town Commission's consideration of such a request for a distribution would occur after the August 2016 referendum, concurrently with a rezoning request; and

WHEREAS, the Town Commission's willingness to accommodate Floridays' request to place the requested referendum question before the Town's electors relating to the density increase sought by Floridays for the Properties is not as an endorsement by the Town Commission of Floridays' proposed future proposal, potential rezoning request, potential request for an allocation of the tourism pool units, nor ability to redevelop on the Properties for Floridays' intended use.

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

SECTION 1. The above Whereas clauses are hereby ratified and confirmed as true and correct.

SECTION 2. The request for authorization to propose a change in density shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on August 30, 2016, or at such other time for the General Election of the Town of Longboat Key or in conjunction with any County administered election as established by law.

SECTION 3. A ballot question shall be placed before the qualified electors substantially in the following form, which shall be printed on the ballot:

OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
DENSITY REFERENDUM
AUGUST 30, 2016
REFERENDUM QUESTION:

May the Town allow contiguous properties located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (collectively totaling approximately 2.62 acres of land), currently zoned as C-2, C-3, or O-I districts with no density, to increase density to T-6 tourism use (which allows a maximum of six [6] units per acre), and thereby become eligible to apply for tourism pool units?

_____ **YES – IN FAVOR OF**

_____ **NO – AGAINST**

SECTION 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote to grant authority to the Town to consider the proposed modification to the Town's density, said authority shall become effective at 12:01 a.m. on the day following the day of the Commission's canvass of the referendum results. If a majority of the qualified electors of the Town of Longboat Key actually voting on said question vote against granting the Town the authority to consider the proposed modification, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density and Comprehensive Plan of the Town of Longboat Key shall remain in full force and effect.

SECTION 5. The laws and ordinances in effect in the Town of Longboat Key at the

time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.

SECTION 6. This Ordinance shall take effect upon second reading and adoption.

Passed on the first reading the 7th day of March, 2016.

Adopted on the second reading and public hearing the ___ day of _____, 2016.

_____
Jack G. Duncan, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

Floridays
DEVELOPMENT CO.

Ms. Alaina Ray
Director of Planning, Zoning & Building
Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

February 12, 2016

Dear Alaina:

As a follow-up to our correspondence with Mayor Duncan on November 20, 2015, Floridays Development Company (Floridays) would like to respectfully request amending our site to include two additional parcels.

Floridays is now also representing the owners (Anthony Marterie and Roxanne Marterie) of the real property located at 6960 Gulf of Mexico Drive, Longboat Key, FL (Manatee County Parcel ID Number 7804300159) and the owners (JH Williams Oil Co Inc) of the real property located at 6990 Gulf of Mexico Drive, Longboat Key, FL (Manatee County Parcel ID Number 7804200009). The site now encompasses the entire rectangle bound by Palm Drive, Cedar Drive, Broadway Street, and Gulf of Mexico Drive that consists of approximately 2.62 acres.

Thank you in advance for your consideration of our request and if you have any questions, please do not hesitate to contact me at (813) 579-8006.

Respectfully,

James M. Brearley

T: 941.362.9377 F: 941.362.0467 783 South Orange Avenue, Suite 210, Sarasota, Florida 34236 www.FloridaysDevelopment.com

Floridays
DEVELOPMENT CO.

Hon. Jack Duncan
Mayor
Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

November 20, 2015

Dear Mayor Duncan:

Floridays Development Company (Floridays) is representing the owners (William Saba, Jennifer Saba, and Linda Firkins) of the real property located at 6920, 6916 & 6910 Gulf of Mexico Drive and 6931, 6927 & 6919 Palm Drive, Longboat Key, FL (Manatee County Parcel ID Numbers 7804700159, 7804810059, 7804800159, 7804800109, 7804800209, 7804700209). This raw land is located at the northeast corner of Gulf of Mexico Drive and Cedar Street. Floridays desires to seek approval to develop this property into a limited service hotel.

Article II, Section 22.(b) of the Town Charter requires the approval of the electors of the Town be obtained through a referendum before adding residential and/or tourism uses in excess of the density limitations specified in the Comprehensive Plan. The referendum for this project would seek to allow the Town Commission to consider conversion of the property from Commercial use to Tourism use, with a maximum density not to exceed six (6) units per acre.

We would like to request that the Town Commission adopt an ordinance setting forth the full text of the proposed matter for vote by referendum, rather than proceeding by gathering petitions, per Town Code Section 160.04 and Town Charter Article VII, Section 1. (a). We understand and agree that the cost of the referendum will be at Floridays expense.

We ask that this request be processed and a proposed ordinance be brought before the Town Commission as soon as practicable.

Thank you in advance for your consideration of our request and if you have any questions, please do not hesitate to contact me at (813) 579-8006.

Respectfully,

James M. Brearley

cc: Town Commissioners
Dave Bullock, Town Manager
Alaina Ray, Director of Planning, Zoning & Building
Trish Granger, Town Clerk

T: 941.362.9377 F: 941.362.0467 783 South Orange Avenue, Suite 210, Sarasota, Florida 34236 www.FloridaysDevelopment.com

February 15, 2016

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

RE: Manatee County Property Appraiser Parcel ID number: 7804300159 (street address of 6960 Gulf of Mexico Drive, Longboat Key, Florida)

To Whom It May Concern:

I hereby designate and authorize James M. Brearley and Floridays Development Co to act on my behalf, as the agent in the processing of the necessary Town of Longboat Key applications for the Voter Referendum and subsequent Rezone/Landuse for the abovementioned property.

Sincerely,

Anthony J Marterie

ANTHONY J. MARTERIE, as Trustee of the Marterie Family Trust utd March 15, 2010

Roxanne Marterie

ROXANNE MARTERIE, as Trustee of the Marterie Family Trust utd March 15, 2010

November 20, 2015

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

RE: Manatee County Property Appraiser Parcel ID numbers: 7804700159, 7804810059, 7804800159, 7804800109, 7804800209, and 7804700209 (street addresses of 6920, 6916 & 6910 Gulf of Mexico Drive and 6931, 6927 & 6919 Palm Drive, Longboat Key, Florida)

To Whom It May Concern:

I hereby designate and authorize James M. Brearley and Floridays Development Co to act on my behalf, as the agent in the processing of the necessary Town of Longboat Key applications for the Voter Referendum and subsequent Rezone/Landuse for the abovementioned property.

Sincerely,

Linda C Firkins

LINDA C. FIRKINS, AS TRUSTEE OF THE LINDA FIRKINS REVOCABLE TRUST

Will Saba

WILLIAM SABA, AS TRUSTEE OF THE WILLIAM SABA REVOCABLE TRUST

Jennifer Saba

JENNIFER SABA, AS TRUSTEE OF THE JENNIFER SABA REVOCABLE TRUST

J. H. Williams Oil Company, Inc.

1237 East Twiggs Street • P.O. Box 439 • Tampa, FL 33601 • (813) 228-7776 • Fax (813) 224-9413

Branch Office:
878 12th Street East
Bradenton, FL 34208
(941) 746-2125
Fax (941) 746-2128

February 15, 2016

Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

RE: Manatee County Property Appraiser Parcel ID number: 7804200009 (street address of 6990 Gulf of Mexico Drive, Longboat Key, Florida)

To Whom It May Concern:

I hereby designate and authorize James M. Brearley and Floridays Development Co to act on my behalf, as the agent in the processing of the necessary Town of Longboat Key applications for the Voter Referendum and subsequent Rezone/Landuse for the abovementioned property.

Sincerely,

J.H. WILLIAMS OIL CO, INC. President

End of Agenda Item