

Regular Workshop – April 18, 2016
Agenda Item 10

Agenda Item: Proposed Ordinance 2016-17, Providing for Referendum for Certain Properties Located Along Gulf of Mexico Drive, (Whitney Plaza)

Presenter: Town Manager and Staff

Summary: Mr. Ryan Snyder, representative for Whitney Plaza, LLC., submitted a request for a referendum to be placed before the electors of the Town of Longboat Key to allow the Town to consider conversion of the property commonly known as Whitney Plaza to Residential Use with a maximum density not to exceed six (6) units per acre.

Attachments: 4-11-16 Memo, Planning, Zoning, and Building Director to Manager;
PowerPoint Presentation;
10-7-15 Letter, Mr. Ryan L. Snyder, Esq. to Mayor Jack Duncan;
Ordinance 2016-17;
Exhibit A;
Town Charter, Article II, Section 22;
Town Code Chapter 160.04;
Town Charter, Article VII, Section 2.

Recommended

Action: Pending discussion, provide direction to Manager.

M E M O R A N D U M

DATE: April 11, 2016

TO: David Bullock, Town Manager

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

SUBJECT: Proposed Ordinance 2016-17, Providing for Referendum for Certain Properties Located Along Gulf of Mexico Drive, (Whitney Plaza)

Mr. Ryan Snyder, representative for Whitney Plaza, LLC., submitted a request for a referendum to be placed before the electors of the Town of Longboat Key to allow the Town to consider conversion of the property commonly known as Whitney Plaza to Residential Use with a maximum density not to exceed six (6) units per acre.

The Town Commission considered the request at their November 9, 2015 Regular Workshop Meeting and requested staff to work with Mr. Snyder to develop an Ordinance and to bring the request back to a subsequent Workshop Meeting with additional information regarding a proposed project.

Mr. Snyder's original request included both tourism and residential uses, but he has decided to eliminate the request for tourism uses. Mr. Snyder intends to retain some commercial space on the property to accommodate a more sustainable amount of commercial uses.

Mr. Snyder requests that the Town Commission place the item before the electors on the November 8, 2016 ballot, rather than requiring Mr. Snyder to obtain the requisite number of signatures as provided for in the Town Charter.



**ORDINANCE 2016-17:
DENSITY REFERENDUM
C-2 COMMERCIAL USE TO
R-6MX RESIDENTIAL USE**

**TOWN COMMISSION
REGULAR MEETING
APRIL 18, 2016**



PROPERTY LOCATION



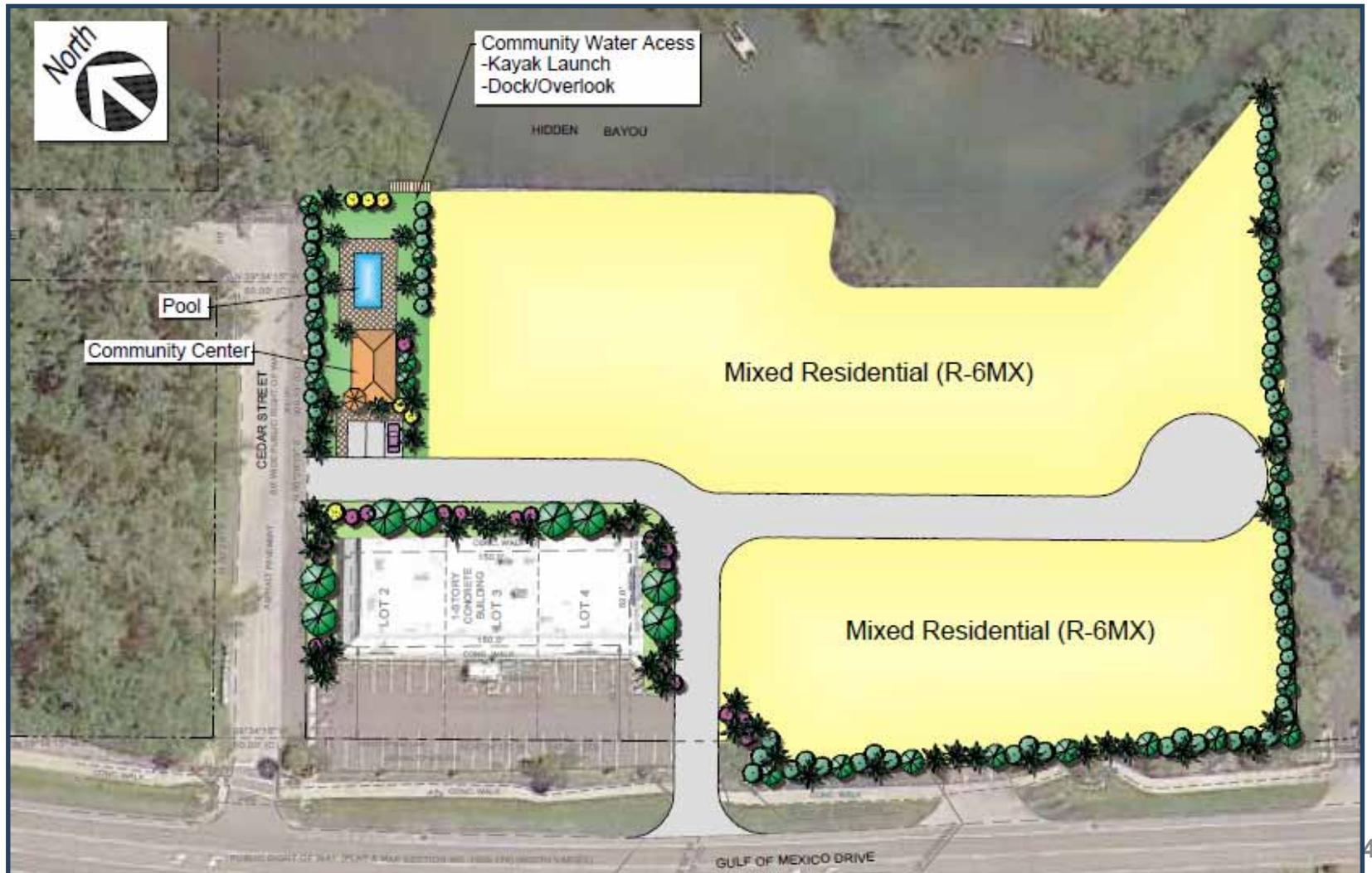


REFERENDUM REQUEST

- Properties: Manatee County Parcel ID numbers 7803800007, 7805000051, and 7818700059; more commonly known as Whitney Plaza
- Total Acreage: approximately five (5) acres (approx. 3.5 uplands)
- Current Future Land Use Designation: General Commercial (CG)
- Current Zoning District: General Commercial (C-2)
- Currently **NO** Existing Residential Density on the Properties
- Requested Density: 6 units/acre (R-6MX Zoning District); would allow approx. 21 units total, but would be reduced by the amount of retained Commercial Zoning area.



CONCEPT PLAN





POTENTIAL ARCHITECTURAL STYLES





REFERENDUM LANGUAGE

May the Town allow the contiguous properties known as Whitney Plaza as more fully identified and described in Manatee County Property Appraiser's parcel ID numbers 7803800007, 7805000051, and 7818700059 and comprising approximately five (5) acres (approximately 3.5 acres uplands), to increase density from C-2 commercial uses (which allows no density) to R-6MX residential use (which allows a maximum of six (6) units per acre)?

SNYDER LAW GROUP, P.A.

11031 Gatewood Drive
Bradenton, FL 34211
Phone: 941-747-3456
Fax: 941-747-6789
www.snyderlawgroup.com

Ryan L. Snyder, Esq.

October 7, 2015

SENT VIA UPS AND EMAIL

Town of Longboat Key
Attn: Mayor Jack Duncan
501 Bay Isles Road
Longboat Key, FL 34228

RE: Referendum

Dear Mayor Duncan:

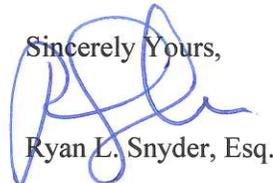
Please be advised the undersigned represents Whitney Plaza, LLC, which is the owner of the real property located 6810 Gulf of Mexico Drive, Longboat Key, FL 34228 (Manatee County Parcel ID Numbers 7818700059, 7803800007, and 7805000051). The real property is commonly referred to as "Whitney Beach Plaza."

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. Whitney Plaza, LLC wishes to redevelop Whitney Beach Plaza with a mix of uses including residential and tourism (a hotel, meeting center, and related facilities including a restaurant). The referendum will be to allow the Town to consider a conversion to tourism and/or residential use, with a maximum density not to exceed six (6) units per acre, for Whitney Beach Plaza.

Whitney Plaza, LLC wishes for this referendum to be held at a special election as soon as practical in accordance with the applicable provisions set forth in the Town Code and Town Charter. My client acknowledges and agrees that it will be responsible for all costs associated with the referendum. My client also requests that the Town Commission place the referendum question before the voters, rather than obtaining the requisite number of signatures.

Should you have any questions, please feel free to contact me. Thank you for your assistance with this matter.

Sincerely Yours,



Ryan L. Snyder, Esq.

cc. Town Commissioners
Alaina Ray
Trish Granger, Town Clerk

ORDINANCE 2016-17

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 NOVEMBER 8, 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 RESIDENTIAL USE WITH A TOTAL MAXIMUM DENSITY OF SIX (6) UNITS PER ACRE AT PROPERTIES OWNED BY WHITNEY PLAZA, LLC WHICH ARE LOCATED AT THE NORTH END OF THE TOWN OF LONGBOAT KEY AS MORE PARTICULARLY DESCRIBED BY THE MANATEE COUNTY PROPERTY APPRAISER'S OFFICE IN PARCEL ID 7803800007, 7805000051, AND 7818700059, AND MORE COMMONLY KNOWN AS WHITNEY PLAZA; 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 on the north end of Longboat Key as more particularly described on attached Exhibit A, which references the Manatee County parcel ID numbers owned by Whitney Plaza LLC (hereinafter "Property Owner") and the addresses assigned by the Manatee County Property Appraiser's office (hereinafter collectively referred to and commonly known as "Whitney Plaza"), are currently zoned C-2, General Commercial; and

WHEREAS, the C-2, General Commercial, zoning district designation does not have assigned residential density; and

WHEREAS, Ryan Snyder and Patricia A. Petruff, authorized representatives for the Property Owner have indicated to the Town that the Property Owner is interested in rezoning all or part of the Whitney Plaza property to allow residential uses; and

WHEREAS, the Property Owner has indicated to the Town a desire to pursue a rezoning of all or part of the Whitney Plaza property from C-2 to R-6MX, High-Density Mixed Residential District; and

WHEREAS, the R-6MX zoning district has a maximum assigned density of six (6) dwelling units per acre; and

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

WHEREAS, Property Owner's representatives appeared before the Town Commission at the November 9, 2015, Regular Workshop, requesting that the Commission place a referendum question to the Town's electors asking whether the Town Commission may consider a change in density to allow all or part of Whitney Plaza's current zoning within the C-2, General Commercial, zoning district to be increased to a density not to exceed six (6) units per acre; and

WHEREAS, at the above referenced Regular Workshop, the Town Commission directed Staff to work with the Property Owner to develop referendum language for the request; and

WHEREAS, the Property Owner requests that the proposed referendum question be placed on the November 8, 2016 ballot; and

WHEREAS, approval by the qualified electors of such a referendum question would enable the Town Commission to consider a proposal by the Property Owner to rezone all or part of the Whitney Plaza property to R-6MX, High-Density Mixed Residential District; however, such referendum does not require that the Town Commission grant approval of the Property Owner's rezoning request; and

WHEREAS, the Town Commission's willingness to accommodate the Property Owner's request to place the requested referendum question before the Town's electors relating to the density increase sought by the Property Owner for the Whitney Plaza property is not an endorsement by the Town Commission of the Property Owner's proposed future site plan application, potential rezoning request, nor of its ability to redevelop Whitney Plaza for the Property Owner's 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 November 8, 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:

(Remainder of page intentionally left blank.)

OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
DENSITY REFERENDUM
NOVEMBER 8, 2016
REFERENDUM QUESTION:

May the Town allow the contiguous properties known as Whitney Plaza as more fully identified and described in Manatee County Property Appraiser's parcel ID numbers 7803800007, 7805000051, and 7818700059 and comprising approximately five (5) acres (approximately 3.5 acres uplands), to increase density from C-2 commercial uses (which allows no density) to R-6MX residential use (which allows a maximum of six (6) units per acre)?

_____ 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 _____ day of _____, 2016.

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

Jack G. Duncan, Mayor

ATTEST:

Trish Granger, Town Clerk

EXHIBIT "A"



Home Property Search Contact Us
 Owner Address Parcel ID Advanced Search Map

Search by
 Owner Name Search

Owner Name * WHITNEY PLAZA

Type in: LastName FirstName

Options

Sort by: Parcel ID Ascending

Results/page: 25

Search

* required

Data Current as of 03/Mar/2016

Results

Click rows to view property details

Displaying 1 - 25 of 32

<input type="checkbox"/>	Parcel ID ▲	Owner Name	Parcel Address	Roll
<input type="checkbox"/>	7803800007	WHITNEY PLAZA LLC	NO ASSIGNED ADDRESS	RP
<input type="checkbox"/>	7805000051	WHITNEY PLAZA LLC	6810 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6850 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6848 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6846 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6844 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6842 GULF OF MEXICO DR	RP
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<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6858 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6856 GULF OF MEXICO DR	RP

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Search Manager

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Reports

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 Parcel Listing Report

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Search by
Owner Name Search

Owner Name * WHITNEY PLAZA
Type in: LastName FirstName

Options

Sort by:

Results/page:

* required

Data Current as of 03/Mar/2016

Results

Click rows to view property details

Displaying 26 - 32 of 32

<input type="checkbox"/>	Parcel ID ▲	Owner Name	Parcel Address	Roll
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6854 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	6852 GULF OF MEXICO DR	RP
<input type="checkbox"/>	7818700059	WHITNEY PLAZA LLC	520 CEDAR ST	RP
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<input type="checkbox"/>	90001206349	WHITNEY PLAZA LLC	6840 GULF OF MEXICO DR	PP

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(d) Codes, including the building code and other codes of the Town of Longboat Key, which are in printed form and are on file and available for public inspection at the office of the town clerk, need not be published in a newspaper in order to become effective, but may by reference be made a part of any town ordinance now or hereafter adopted.

Sec. 17. Emergency measures.

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 18. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

Sec. 19. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the

office of the town clerk. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. Appointment of advisory boards.

(a) The town commission shall establish permanent boards by ordinance and ad hoc committees by resolution. Members of such boards or committees shall serve without compensation at the pleasure of the town commission for such terms as it deems necessary and desirable. At a minimum, the permanent boards of the town shall be the Planning and Zoning Board, the Zoning Board of Adjustment and the Code Enforcement Board, the duties and responsibilities of which shall be established by ordinance.

(b) The town commission, at its discretion, shall appoint a Charter Review Committee to review the Charter but in no event shall such review be less than once in a ten (10) year period from the date of adoption of this Charter.

Sec. 21. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

***Sec. 22. Comprehensive plan for town.**

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(b) The present density limitations provided in the existing comprehensive plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.

Chapter 160 - COMPREHENSIVE PLAN

Sections:

160.01 - Elements.

The Town of Longboat Key 2007 Comprehensive Plan includes the following elements:

Future Land Use Element

Housing Element

Transportation Element

Infrastructure Element

Sanitary Sewer Subelement

Potable Water Subelement

Solid Waste Subelement

Drainage Subelement

Recreation and Open Space Element

Conservation and Coastal Management Element

Intergovernmental Coordination Element

Capital Improvement Element

Public School Facilities Element

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07; Amd. Ord. 08-13, passed 7-7-08; Ord. 02014-06, § 2, passed 4-7-14)

160.02 - Implementation.

Pursuant to F.S. §§ 163.3167, 163.3194 and 163.3201, the Town of Longboat Key 2007 Comprehensive Plan, as amended shall be implemented.

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07)

160.03 - Amendments.

In accordance with F.S. §§ 163.3184, 163.3187 and 163.3289, the Town of Longboat Key 2007 Comprehensive Plan may be amended. Application to amend the Town of Longboat Key Comprehensive Plan shall be submitted to the planning, zoning and building department. The application shall include full payment of an application fee as set forth by resolution of the town commission.

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07)

160.04 - Process for referendum.

* The process for referendum as required by article II, section 22(b) of the Charter regarding consideration of density increases shall be by the same methods and in the same manner as set forth in article VII of the Charter.

(Ord. 07-15, passed 4-9-07)

Sec. 1. - Proposal of amendments.

Amendments to this Charter may be framed and proposed:

- (a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or
- (b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten percent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.
- (c) Electors initiating a written petition or petitions to the town commission to amend the charter may, at their discretion, obtain review of the proposed text by the town attorney for legal correctness.



Sec. 2. - Methods of referendum.

Upon adoption of an ordinance by the town commission as provided in Section 1(a) of this Article or upon delivery to the town commission of a written petition as provided in Section 1(b) of this Article, the town commission shall, within six (6) months, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

Sec. 3. - Referendum on charter amendments.

- (a) Any proposed amendment to the Charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

For	
Against	

- (b) Before any proposed amendment to this Charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.



End of Agenda Item