M E M O R A N D U M

DATE: May 25, 2016

TO: David Bullock, Town Manager

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

SUBJECT: 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.

The Town Commission considered Ordinance 2016-17 at their April 18, 2016 Regular Workshop and held first reading on May 2, 2016. A public hearing will be held on June 6, 2016 for second reading and adoption.

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

TOWN COMMISSION
REGULAR MEETING
JUNE 6, 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)?

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:

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 2nd day of May, 2016.

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

_____
Jack G. Duncan, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

EXHIBIT A

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

	Parcel ID ▲	Owner Name	Parcel Address	Roll
☐	7803800007	WHITNEY PLAZA LLC	NO ASSIGNED ADDRESS	RP
☐	7805000051	WHITNEY PLAZA LLC	6810 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6850 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6848 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6846 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6844 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6842 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6840 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6838 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6836 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6834 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6832 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6830 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6828 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6826 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6824 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6822 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6820 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6818 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6814 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6810 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6816 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6860 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6858 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6856 GULF OF MEXICO DR	RP

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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 26 - 32 of 32

	Parcel ID ▲	Owner Name	Parcel Address	Roll
☐	7818700059	WHITNEY PLAZA LLC	6854 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	6852 GULF OF MEXICO DR	RP
☐	7818700059	WHITNEY PLAZA LLC	520 CEDAR ST	RP
☐	7818700059	WHITNEY PLAZA LLC	516 CEDAR ST	RP
☐	7818700059	WHITNEY PLAZA LLC	522 CEDAR ST	RP
☐	7818700059	WHITNEY PLAZA LLC	6812 GULF OF MEXICO DR	RP
☐	90001206349	WHITNEY PLAZA LLC	6840 GULF OF MEXICO DR	PP

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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

Schappacher Engineering, LLC.
3604 53rd AVENUE EAST, BRADENTON, FL 34203
PHONE: (941) 748-8340 FAX: (941) 896-9938
WWW.SCHAPPACHERENG.COM

Whitney Plaza Concept Plan

Longboat Key, Florida

Apr 6, 2016

End of Agenda Item