

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 2016-18, Request for Referendum from Mr. Charles H. Ball, Esq., for Property Located at 4134 Gulf of Mexico Drive

The Town has received a letter from Mr. Charles H. Ball, Esq., representing Mr. Oscar R. Parsons, Trustee and Owner of the Harbour Square Office Complex located at 4134 Gulf of Mexico Drive, requesting a referendum to allow the Town to consider conversion of property to allow residential density not to exceed three (3) units per acre. Mr. Ball requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter.

The Harbour Square Site Plan was approved in 1981, under the 1978 Comprehensive Plan, with a Future Land Use (FLU) Category of Limited Commercial. The complex was built in 1984. The development originally consisted of Commercial/Office space, a dock for the sole use of the owner and/or tenants of the building, and one (1) Residential Unit on the third floor. When the 1984 Comprehensive Plan was adopted, the property became nonconforming for density.

In 1998, the Town received and approved a request from Mr. Parsons to eliminate the Accessory Residential Unit and convert the third floor to Commercial/Office Use. Because the residential density was nonconforming under the 1984 Comprehensive Plan, once it was discontinued it could not be reinstated without a density referendum.

Mr. Parsons has attempted to market the property for sale, to no avail. Most of the interested potential purchasers desire to reestablish the Residential Unit as a penthouse dwelling. Therefore, Mr. Parson's seeks approval to request an increase in density with a maximum of three (3) units per acre. If approved, Mr. Parson's would seek a rezoning for the property, likely to a Planned Unit Development, which would allow a mix of Commercial/Office and Residential uses.

The Town Commission considered the request at their April 18, 2016 Regular Workshop and held first reading at the May 2, 2016 Regular Meeting. This item was forwarded to the June 6, 2016 Regular Meeting for Town Commission second reading and public hearing.

xc: Maggie Mooney-Portale, Town Attorney



**ORDINANCE 2016-18
HARBOUR SQUARE
DENSITY REFERENDUM**

**TOWN COMMISSION
REGULAR MEETING
JUNE 6, 2016**



HARBOUR SQUARE REFERENDUM REQUEST

- Property location: 4134 Gulf of Mexico Drive
- Total Acreage: .874 acres (38,074 square feet)
- Current Future Land Use Designation: Limited Commercial
- Current Zoning District: C-1 Limited Commercial
- No Existing Density on the Properties
- Requested Density: 3 units per acre (could result in a maximum of 2 units, based on square footage of the property; intent is to reestablish 1 penthouse unit)



HARBOUR SQUARE LOCATION MAP





HARBOUR SQUARE AERIAL





REFERENDUM LANGUAGE

May the Town allow the property located at 4134 Gulf of Mexico Drive and comprising approximately 0.874 acres, to increase residential density from zero (0) residential units per acre to a maximum of three (3) residential units per acre?

CHARLES H. BALL & ASSOCIATES, PA

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April 4, 2016

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



RE: Oscar R. Parsons – 4134 Gulf of Mexico Drive, Longboat Key

Dear Mayor Duncan:

I represent Oscar R. Parsons, Trustee, as owner of Harbour Square Office Complex located at 4134 Gulf of Mexico Drive, Longboat Key, Florida, Manatee County Parcel ID #8023800809 and Sarasota County Parcel ID#0002040007.

Mr. Parsons desires to seek approval to rezone this property to a mixed use office, residential and marina under a new zoning classification to be enacted by the Town.

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 office use to mixed use, with a maximum density not to exceed three (3) 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 my client's 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 941-952-1500.

Respectfully,

Charles H. Ball, Esq.
CHARLES H. BALL & ASSOCIATES. P.A.

CHB/km

Oscar R. Parsons
1100 Ben Franklin Drive
Unit 802
Sarasota FL 34236



April 5, 2016

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

RE: Rezone of 4134 Gulf of Mexico Drive, Longboat Key

Greetings:

Please accept this letter as authorization for my attorney, Charles H. Ball, to act as my representative in the rezoning of my property located at 4134 Gulf of Mexico Drive, Longboat Key, Florida, to a mixed use for office, residential and marine uses.

Respectfully,


Oscar R. Parsons, Trustee

ORDINANCE 2016-18

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 THREE (3) UNITS PER ACRE AT PROPERTY OWNED BY OSCAR R. PARSONS WHICH IS LOCATED AT 4134 GULF OF MEXICO 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 property located 4134 Gulf of Mexico Drive (hereinafter "Property") and owned by Oscar R. Parsons (hereinafter "Property Owner"), is currently zoned C-1, Limited Commercial; and

WHEREAS, the C-1, Limited Commercial, zoning district designation does not have assigned residential density; and

WHEREAS, Charles H. Ball, Esq., authorized representative for the Property Owner have indicated to the Town that the Property Owner is interested in rezoning the Property to allow both commercial and residential uses; and

WHEREAS, the Property Owner has indicated to the Town a desire to pursue a request to add residential density to the Property not to exceed three (3) units per acre; and

WHEREAS, as a condition precedent to being able to file a rezone application for the Property, 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 representative appeared before the Town Commission at the April 18, 2016, 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 residential density on the Property to increase from the current zero (0) units per acre to a maximum of three (3) 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 the Property to allow Residential uses not to exceed three (3) units per acre; 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 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 the Property 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 property located at 4134 Gulf of Mexico Drive and comprising approximately 0.874 acres, to increase residential density from zero (0) residential units per acre to a maximum of three (3) residential 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 second reading and public hearing the _____ day of _____, 2016.

Jack G. Duncan, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item