

Regular Workshop – September 26, 2016
Agenda Item 9

Agenda Item: Request for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

Presenter: Town Manager and Staff

Summary: Mr. Charles Whittall, representing Unicorp National Developments, Inc., and The Colony Beach and Tennis Club Association, has submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units on the property located at 1620 Gulf of Mexico Drive. Mr. Whittall requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter.

Attachments: 9-14-16 Memo, Planning, Zoning and Building Director to Manager;
PowerPoint Presentation;
7-28-2016 Letter, Mr. Charles Whittall to Mayor Jack Duncan;
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: September 15, 2016

TO: David Bullock, Town Manager

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

SUBJECT: Request for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

The Town has received a letter from Mr. Charles Whittall, representing Unicorp National Developments, Inc. and The Colony Beach and Tennis Club Association, has submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units on the property located at 1620 Gulf of Mexico Drive. Mr. Whittall requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter.

The Colony Beach and Tennis Club (the Colony) plot plan was approved by the Town Commission on November 21, 1972, for the development of a 237-unit tourism resort hotel on the land that consists of approximately 17.3 acres of land. The zoning of the property at the time of the plot plan approval was for an H-2 Zoning District, which allowed for a maximum density of 14 units per acre of land, which would have allowed a maximum of 242 tourism units. Building permits were issued by the Town on February 20, 1973, and the property was subsequently developed with the 237 approved tourism units (one unit was later allowed to be considered Residential). In 1985, the Town revised its Zoning Map and reduced the allowed density Town-wide, which reclassified the Colony property to a T-6 Zoning District with a maximum allowed density of 6 units per acre. This rendered the Colony nonconforming for density.

The Colony was closed on August 15, 2010, following a bankruptcy filing for the property. The nonconforming density could have been considered abandoned after August 15, 2011; however, the Town Commission has extended the nonconforming status multiple times as allowed per Section 158.38 of the Town's Land Development Code. The most recent extension, approved by Resolution 2016-18, granted an extension of the nonconforming density to June 30, 2018.

Mr. Whittall's stated intent for the property is development of a 180-room resort hotel, up to 180 whole-ownership residential condominiums, and up to 57 fractional-ownership timeshare units.



**REFERENDUM REQUEST:
UNICORP NATIONAL DEVELOPMENTS, INC.
THE COLONY BEACH AND TENNIS CLUB
1620 GULF OF MEXICO DRIVE**

**TOWN COMMISSION
REGULAR WORKSHOP
SEPTEMBER 26, 2016**





REFERENDUM REQUEST

- Property: 1620 Gulf of Mexico Drive
- Total Acreage: 17.3 acres
- Current Future Land Use Designation: High-Density Tourist Resort/Commercial (TRC-6)
- Current Zoning District: High-Density Tourist Resort/Commercial (T-6)
- 237 Existing Tourism Units (Legal Nonconforming)
- Requested Density: 180 Residential Units over and above the existing 237 Tourism Units



July 28, 2016

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

Re: The Colony Beach & Tennis Club 1620 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Mayor Duncan:

Unicorp National Developments, Inc., As Authorized Agent for The Colony Beach & Tennis Club located at 1620 Gulf of Mexico Drive, Longboat Key, FL 34228, hereby requests the following two items:

1. We request the extension of the existing 237 Tourist unit entitlements through June 30, 2018. Please consider this request of Town Code 158.138(B)(8)(b) and reasoning and logic for this petition is that the Developer is seeking to re-develop the subject property which will require a referendum and then go through a planned development process with the Town. This request provides for a reasonable amount of time to accomplish was is outline herein.
2. Next, 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 adding 180 residential condominiums to the property in conjunction with a 5-star hotel.

On our second request, we would like 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 the cost of the referendum will be at our 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 the number below.

Respectfully,



Charles Whittall,
Unicorp National Developments, Inc.



July 28, 2016

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

Re: The Colony Beach & Tennis Club 1620 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Mayor Duncan,

We are pleased to inform you that Unicorp National Developments, Inc. and its Affiliates have acquired the Colony Lender property located at The Colony Beach and Tennis Club. We look forward to working with the Town of Longboat Key.

Respectfully,

A handwritten signature in black ink, appearing to read 'Charles Whittall', is written over the word 'Respectfully,'.

Charles Whittall,
President
Unicorp National Developments, Inc.

THE COLONY BEACH AND TENNIS CLUB ASSOCIATION, INC.

A Florida Condominium Association

BOARD OF DIRECTORS
Jay R. Yablon, President
Bruce V. Pinsky, Vice President
Bob Erazmus, Treasurer
Brenda Joyce, Secretary

1620 Gulf of Mexico Drive
Longboat Key, Florida 34228

Blake Fleetwood
John McCarthy
Greg Rusovich
George Wehrlin
Sal Zizza

July 10, 2016

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

Re: Re-development of the Colony Beach and Tennis Club
1620 Gulf of Mexico Drive, Longboat Key, FL

Dear Mayor Duncan:

As resolved by the Board of Directors of the Colony beach and Tennis Club Association, Inc., please accept this letter as authorization for Unicorp National Developments, Inc. and Unicorp Acquisitions, LLC to act as the representative for the Colony Beach and Tennis Club Association, Inc. with respect to the re-development of the Colony Beach and Tennis Club located at 1620 Gulf of Mexico Drive, Longboat Key, FL 34228 to a Five Star resort inclusive of residential Condominiums and a hotel. This authorization will remain in effect until revoked, if ever, by action of the Association's Board of Directors and written notice of such revocation to the Town.

Very Truly Yours,



Jay R. Yablon
President

(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