

Regular Workshop – December 12, 2016
Agenda Item 9

Agenda Item: Referendum Request for Certain Properties Located at 5810 Gulf of Mexico Drive (Whitney Beach 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: 12-3-16 Memo, PZB Director to Manager;
PowerPoint Presentation;
11-9-16 Letter Snyder to Mayor;
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: December 3, 2016

TO: David Bullock, Town Manager

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

SUBJECT: Referendum Request for Certain Properties Located at 5810 Gulf of Mexico Drive (Whitney Beach Plaza)

On November 9, 2016, a letter was received from Mr. Ryan Snyder, representative for Whitney Plaza, LLC., requesting 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 Beach Plaza to Residential Use with a maximum density not to exceed six (6) units per acre.

The Town Commission previously granted approval for an identical referendum for this property and the referendum question was placed before the electors of the Town of Longboat Key in the general election held on November 8, 2016. The referendum was rejected by the Town's voters, with 3,055 against the proposal and 2,088 in favor.

Mr. Snyder requests that the Town Commission waive the requirement for obtaining the requisite number of signatures as provided for in the Town Charter and place a referendum question before the electors in a Special Election as soon as practical. Mr. Snyder acknowledges and agrees that the applicant will bear all responsibility for costs associated with the referendum.



DENSITY REFERENDUM REQUEST: WHITNEY BEACH PLAZA

TOWN COMMISSION REGULAR WORKSHOP
DECEMBER 12, 2016



PROPERTY LOCATION





PROPERTY INFORMATION

- Properties: Manatee County Parcel ID numbers 7803800007, 7805000051, and 7818700059; more commonly known as Whitney Beach 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



RECENT REFERENDUM REQUEST

- The Town Commission previously granted approval for an identical referendum for this property
- Referendum question was placed before the electors of the Town of Longboat Key in the general election held on November 8, 2016
- The referendum was rejected by the Town's voters, with 3,055 against the proposal and 2,088 in favor.



NEW REFERENDUM REQUEST

- Requested Residential Density: 6 units per acre (would allow approx. 21 units total)
- Requests Town Commission waive the requirement for obtaining the requisite number of signatures as provided for in the Town Charter
- Requests a Special Election as soon as practical
- Acknowledges and agrees that the applicant will bear all responsibility for costs associated with the referendum

SNYDER LAW GROUP, P.A.

2025 Lakewood Ranch Blvd., Suite 102
Bradenton, FL 34211
Phone: 941-747-3456
Fax: 941-747-6789
www.snyderlawgroup.com

November 9, 2016

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:

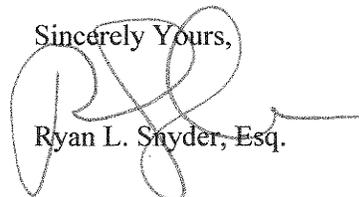
Please be advised the undersigned represents Whitney Plaza, LLC, which is the owner of the real property located at 6810 Gulf of Mexico Drive, Longboat Key, FL 34228 (Manatee County Parcel ID Numbers 7818700059, 7803800007, and 7805000051). The real property is commonly referred to as "Whitney Beach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

The Town Charter requires the approval of the electors of the Town be obtained through a referendum before adding residential uses in excess of the density limitations specified in the Comprehensive Plan. Whitney Plaza, LLC wishes to redevelop Whitney Beach Plaza into a residential subdivision. The referendum will be to allow the Town to consider a conversion to 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

(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