

M E M O R A N D U M

To: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report date: May 27, 2021

Meeting date: June 7, 2021

Subject: Ordinance 2021-07, Request for Referendum from for Property Located at 597 Buttonwood Drive

Recommended Action

Forward Ordinance 2021-07 to the July 2, 2021 Regular Meeting for second reading and public hearing.

Background

Mr. Bruce Franklin, representing American Momentum Bank, owner of property, and Brista Homes, Inc., contract purchaser of property located at 597 Buttonwood Drive (Sarasota County Parcel ID # 0005080027), has 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 to a residential use with a maximum density not to exceed three (3) units per acre.

The Town Commission considered the request at their May 18, 2021 Regular Workshop Meeting, and directed staff to develop Ordinance 2021-07 for consideration at the June 7, 2021 Regular Meeting at first reading.

The property consists of approximately 0.86 acres of land. The property currently carries a Future Land Use designation of Office Institutional (OI) and is in an Office Institutional (OI) Zoning District. The OI Zoning District does not have a residential density allowance. The undeveloped property has frontage on Buttonwood Drive, and is located near the intersection with Gulf of Mexico Drive. Mr. Franklin's stated intent for the property is development of up to two (2) single-family detached homes. The ballot language in the proposed ordinance references the requested zoning classification of either R-3MX or R-3SF to achieve this site density.

Ordinance 2021-07 provides that the property owner shall pay all costs associated with posing the density referendum question, including the costs and fees imposed by the Supervisors of Elections for both Sarasota and Manatee for conducting such an election, inclusive of early voting (which the applicant intends to request). The Ordinance also provides that 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 request is not an endorsement by the Town Commission of the property owner's future land use, rezoning or future development plans.

The Town Charter (Article II, Sec. 22) provides that the density limitations that were in the Comprehensive Plan as adopted on March 12, 1984, “shall not be increased without the referendum approval of the electors of Longboat Key.” Because the subject property did not have residential density assigned to it in the 1984 Comprehensive Plan, it is required to seek approval from the electors in order to add residential density.

Ordinance 2021-06 includes the following ballot question that, if approved, would be placed before the qualified electors on the November 2, 2021 ballot:

May the Town allow the property located at 597 Buttonwood Drive (Property ID# 0005080027) and comprising approximately 0.86 acres, to increase density from OI office-institutional uses (which allows no density) to either R-3MX or R-3SF residential use (which allow a maximum of three (3) residential units per acre), for a maximum total of 2 residential units on the property?

YES - IN FAVOR OF _____

NO - AGAINST _____

Staff has been informed that the Supervisor of Elections’ deadline for placement of items on the November 2, 2021 ballot is August 28, 2021.

Staff Recommendation

Forward Ordinance 2021-07 to the July 2, 2021 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2021-07
- B. May 3, 2021 Letter, Mr. Bruce Franklin to Mayor Ken Schneier (Available in Town Clerk’s Office)
- C. PowerPoint Presentation (Available in Town Clerk’s Office) (Available in Town Clerk’s Office)

ORDINANCE 2021-07

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 GENERAL ELECTION BALLOT OF NOVEMBER 2, 2021, 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 AMERICAN MOMENTUM BANK, WHICH IS LOCATED AT 597 BUTTONWOOD DRIVE; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR AN EFFECTIVE DATE FOR THE PROPOSED REFERENDUM IF APPROVED; PROVIDING FOR NOTICE OF THE REFERENDUM; PROVIDING FOR EARLY VOTING; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE SARASOTA AND MANATEE COUNTY SUPERVISORS OF ELECTIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; 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 597 Buttonwood Drive (with a Property ID of 0005080027 (hereinafter "Property"), is currently zoned OI, Office Institutional; and

WHEREAS, the Property is currently owned by American Momentum Bank (hereinafter "Property Owner") and Brista Homes, Inc. has a contract to purchase such Property (hereinafter "Contract Purchaser"); and

WHEREAS, the OI, Office Institutional, zoning district designation does not have assigned residential density; and

WHEREAS, Mr. Bruce Franklin, an authorized representative for the Property Owner and Contract Purchaser has indicated to the Town that the Property Owner is interested in rezoning the Property to allow residential uses; and

WHEREAS, the Property Owner and Contract Purchaser have 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 apply for an amendment to the Town's Comprehensive Plan and file a rezone application for the Property, to comply with Section 22(b) of the Town's Charter, the Property Owner and Contract Purchaser must obtain referendum approval for such a density increase; and

WHEREAS, the Property Owner and Contract Purchaser's representative appeared before the Town Commission at the May 18, 2021, Regular Workshop Meeting, requesting that the Town 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, the Property Owner and Contract Purchaser's representative indicated at the May 18, 2021, Town Commission Regular Workshop Meeting, that the Property Owner and Contract Purchaser would agree to assume all costs associated with the placement of the Property Owner and Contract Purchaser's referendum question before the Town's voters; and

WHEREAS, the Property Owner and Contract Purchaser requests that a proposed referendum question be placed on November 2, 2021, general election ballot; and

WHEREAS, at the above referenced Regular Workshop Meeting, the Town Commission directed Staff to work with the Property Owner and Contract Purchaser to develop referendum language for the request; 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 and Contract Purchaser to amend the Town's Comprehensive Plan and rezone the Property to allow residential uses not to exceed six (6) units per acre; however, such referendum does not require that the Town Commission grant approval of the Property Owner and Contract Purchaser's requests; and

WHEREAS, the Town Commission's willingness to accommodate the Property Owner and Contract Purchaser's request to place the requested referendum question before the Town's electors relating to the density increase sought by the Property Owner and Contract Purchaser for the Property is not an endorsement by the Town Commission of the Property Owner and Contract Purchaser's proposed future site plan application, potential rezoning request, nor of its ability to redevelop the Property for the Property Owner and Contract Purchaser'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 Property Owner and Contract Purchaser's request for authorization to propose a change in density as established by the March 12, 1984, Comprehensive Plan for the Town shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on November 2, 2021, 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. The Property Owner and Contract Purchaser shall pay any and all fees and costs associated with posing the density referendum question relative to the Property to the qualified electors of the Town, including the costs and fees imposed by the Supervisors of Elections for both Sarasota and Manatee County for conducting such an election.

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 2, 2021 - GENERAL ELECTION
REFERENDUM QUESTION:**

May the Town allow the property located at 597 Buttonwood Drive (Property ID# 0005080027) and comprising approximately 0.86 acres, to increase density from OI office-institutional uses (which allows no density) to either R-3MX or R-3SF residential use (which allow a maximum of three (3) residential units per acre), for a maximum total of 2 residential units on the property?

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 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 to the Town's density, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density within the Comprehensive Plan of the Town of Longboat Key shall remain in full force and effect.

SECTION 5. Early voting shall be coordinated with the schedule established by the Sarasota and Manatee Supervisor of Elections offices as provided for in Florida Statutes.

SECTION 6. 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. To the extent required by law, the official ballot and notice of referendum shall be published in both the English and Spanish language.

SECTION 7. Pursuant to Article VII, Section 3 of the Town Charter, the entire text of referendum question, as set forth in Section 3 of this Ordinance, shall be published in a newspaper of general circulation in the Town not less than seven (7) nor more than sixty (60) days prior to the date of the referendum provided for in Section 2. The referendum shall also be published in accordance with Florida Statutes 100.342, in the fifth week and in the third week prior to the week in which the election or referendum is to be held. Additionally, full copies of this Ordinance hereto shall be available for inspection and copying at Town Hall, 501 Bay Isles Road, Longboat Key, Florida, or by calling the Town Clerk's office at (941) 316-1999 and requesting an electronic copy.

SECTION 8. The Town Clerk is hereby directed to forward a copy of this Ordinance to the Manatee and Sarasota Supervisors of Elections following adoption of this Ordinance by the Town Commission.

SECTION 9. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 10. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 11. This Ordinance shall take effect upon second reading and adoption.

Passed on the first reading the 7th day of June, 2021.

Adopted on the second reading and public hearing the ____ day of _____, 2021.

Attest:

Trish Shinkle, Town Clerk

Kenneth Schneier, Mayor

End of Agenda Item