

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 7, 2021

Meeting date: May 18, 2021

Subject: Request for Referendum from Mr. Bruce Franklin, Land Resource Strategies, LLC., for Property Located at 597 Buttonwood Drive

Recommended Action

Provide direction to Manager.

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. Mr. Franklin, who will be present, requests that the Town Commission place the item before the electors, rather than requiring Mr. Franklin to obtain the requisite number of signatures as provided for in the Town Charter.

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 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.

The next step, if the Town Commission were to accept the request for a referendum to be placed before the electors¹, would be to direct staff to work with the requestor to develop an ordinance, with a clear and concise statement describing the request that would cause a referendum to be held. The ordinance would include a provision that the requestor would be responsible for all costs associated with the referendum.

¹ The Town Commission has historically approved prior requests for referendums for residential density increases and has not required requestors to provide written petitions.

Staff would work to prepare such an ordinance for consideration at the June 7, 2021 Regular Meeting for first reading. If recommended for approval, second reading and public hearing could then be scheduled for the July 6, 2021 Regular Meeting. 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

Provide direction to Manager.

Attachments

- A. May 3, 2021 Letter, Mr. Bruce Franklin to Mayor Ken Schneier
- B. Town Charter, Article II, Section 22
- C. Town Code Chapter 160.04
- D. Town Charter, Article VII, Section 2



May 3, 2021

Honorable Ken Schneier, Mayor
Town of Longboat Key
501 Bay Isles Road
Longboat key, FL 34228

Re: 597 Buttonwood Drive – Referendum

Dear Mayor Schneier:

I am writing as agent for American Momentum Bank, Owner, and Brista Homes, Inc., Contract Purchaser, of the property located at 597 Buttonwood Drive (PID No. 0005-08-0027). The approximately .86 acre property is located at the north of the entry drive to the Buttonwood Harbour neighborhood and is zoned Office-Institutional (O-I). The purpose of this letter is to request that the Town Commission authorize an Ordinance for a Referendum to be placed on the November 2021 ballot which, if approved by the electors, would permit a change in the use of the property from Office/Institutional to Residential and permit a maximum of two (2) detached single family homes.

The Town Charter requires the approval of the electors of the Town be obtained through a referendum to increase residential use in excess of the density limitations specified in the Comprehensive Plan. The existing O-I zoning district does not permit residential use. Two (2) detached single family homes on the .86 acre property would equal 2.3 units per acre which, if the Referendum passes, would permit the Owner to submit applications to amend the Comprehensive Plan Future Land Use Map (FLUM) to change the land use classification from Office Institutional to RM-3 Medium Density Single Family/Mixed Residential and a Rezoning to the Residential R-3SF District which permits a maximum of three (3) units/acre. These procedures would be subject to all Code regulations and procedures, including additional Public Hearings. The Owner would then split the property by metes and bounds descriptions to permit 2 detached single family homes.

Given the limited visibility of the parcel from Gulf of Mexico Drive, development under the existing zoning is impractical and is reflected by the fact that it remains vacant, which is unproductive for the Town and the Owner. We believe the proposal for two (2) detached single family homes is more compatible with the existing

Honorable Ken Schneier, Mayor

May 3, 2021

Page 2

Buttonwood Harbour neighborhood and these lots will become part of the Association should they be accepted. We have met with representatives of the Association and believe they will support this request.

Once the proposed draft Ordinance is approved by the Commission, the referendum is to be on a scheduled ballot in November. We specifically request the Town Commission to request Town staff to prepare the Ordinance outlining the referendum question to be approved by the Commission in lieu of obtaining the requisite number of petition signatures.

Should you have any questions or I can provide additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Franklin", with a long horizontal flourish extending to the right.

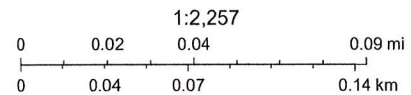
Bruce E. Franklin, President
Land Resource Strategies, LLC

Sarasota County Property Appraiser



4/22/2021, 3:04:44 PM

-  Override 1
-  Parcels



Town Charter. Article II. 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.

(Ord. 2017-23, adopted 12-4-17)

Town Code Chapter 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)

Town Code. Article VII. 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, as authorized by the Supervisor of Elections, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

(Ord. 2017-23, adopted 12-4-17)

End of Agenda Item