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LONGBOAT KEY, FL 34228



2012057849

RESOLUTION 2012-06

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INSTRUMENT # 2012057849 6 PGS
2012 MAY 07 09:16 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
RECEIVED Receipt#1496246

A RESOLUTION OF THE TOWN OF LONGBOAT KEY APPROVING A SITE PLAN AMENDMENT APPLICATION FOR TOWN PLAZA, PHASE II, 545 BAY ISLES PARKWAY, PARCEL "B-2" OF THE BAY ISLES PLANNED UNIT DEVELOPMENT, TO MAINTAIN A 6,206 SQUARE FOOT COMMERCIAL BUILDING AND 89 OFF-STREET PARKING SPACES ON THE 2.01 ACRE SITE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 6, 1975, the Town of Longboat Key adopted Resolution 75-27 approving an Outline Development Plan for Bay Isles in the PD zoning district; and

WHEREAS, on December 5, 1983, the Town of Longboat Key adopted Resolution 83-48 approving a Site Plan for Town Plaza, Phase II in the PD zoning district; and

WHEREAS, Town Plaza, Phase II, located at 545 Bay Isles Parkway, Longboat Key, Florida, was originally constructed in 1984 as a second phase of an existing commercial center; and

WHEREAS, the property owner, W. Howard Rooks, desires to sell a portion of Parcels "B-2" & "C" located at 545 Bay Isles Parkway to the adjoining property owner to the south and reducing Parcels "B-2" & "C" from 3.53 acres to 2.01 acres; and

WHEREAS, W. Howard Rooks, is desirous to maintain the existing restaurant building, with sufficient off-street parking located on the replatted Parcel "B-2" to continue to serve the public; and

WHEREAS, on February 6, 2012, the Town Commission approved Ordinance 2012-04 amending the Outline Development Plan for Parcels "B-2" & "C" with departures, to allow the existing structure and parking to remain on the site; and

WHEREAS, the departures granted in Ordinance 2012-04 reduced the required setbacks for the existing building from 25 feet to 21.80 feet in the rear yard, and for existing parking from seven feet to 2.88 feet in the rear yard and from seven feet to 4.98 feet in the side yard; and

WHEREAS, Ordinance 2012-04 was approved with the condition (Exhibit B Condition 5) that the existing commercial building on the site cannot be occupied until a site plan amendment application has been approved by the Town; and

WHEREAS, W. Howard Rooks has submitted a site plan amendment to maintain the 6,206 sq. ft. existing restaurant building and 89 off-street parking spaces on the site at 545 Bay Isles Parkway; and

WHEREAS, the Planning and Zoning Official has accepted the application in a timely fashion, and referred the same to the Planning and Zoning Board along with supporting documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board held a properly noticed public hearing on February 21, 2012; and

WHEREAS, the Planning and Zoning Board reviewed the application and recommended to the Town Commission that the proposed site plan amendment be approved with conditions; and

WHEREAS, the proposed Resolution is consistent with the Comprehensive Plan for the Town and the zoning district in which it is located; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- A. The proposed land uses and intensity of the site plan amendment is consistent with the Town's Comprehensive Plan.
- B. With the application of the approved departures, the site plan amendment is consistent with the Zoning Code.
- C. As an existing development and with the recommended conditions of approval, the purpose and intent of the regulations of the zoning code and the zoning district in which the development is located are ensured, while protecting the surrounding area.
- D. With the recommended conditions of approval, the plan is consistent with good design standards in respect to all external relationships, including but not limited to relationship to: adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space; provision of screening and buffering; and preservation of existing natural features, including trees; size and apparent bulk of structures; and, building arrangements both between buildings in the proposed development and with those buildings adjoining the site.
- E. With the recommended conditions of approval, the plan is in conformance with Town policy with respect to sufficiency of ownership, and guarantees for completion of all required improvements and continued maintenance.
- F. With the adoption of Resolution 75-27, approving an Outline Development Plan for Bay Isles, the commercial use of the subject property was established, constructed, and maintained.
- G. The site plan amendment continues to provide the land uses that have historically been maintained within the Bay Isles Planned Development.

TOWN CLERK
501 BAY ISLES ROAD
LONGBOAT KEY, FL 34228

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

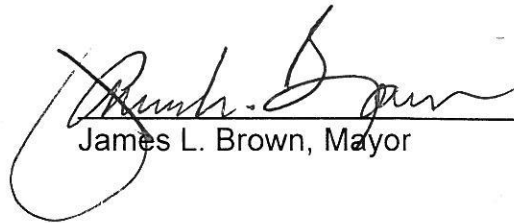
SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The site plan application for the Town Plaza, Phase II, located at 545 Bay Isles Parkway, Longboat Key, Florida, 34228 be and is hereby approved subject to the conditions attached hereto marked Exhibit "A", "Conditions Requisite for Approval", Site Plan Review, Town Plaza, Phase II, located at 545 Bay Isles Parkway, Longboat Key, Florida, 34228, and dated concurrently with this Order.

SECTION 3. Except as herein modified and amended, the conditions of Resolution 75-27, as amended, shall remain in full force and effect.

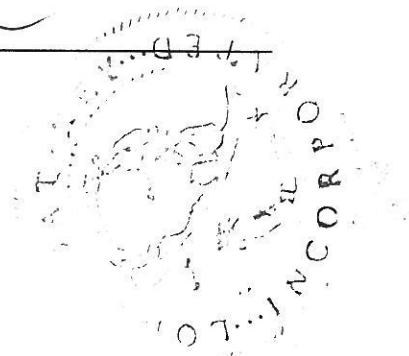
SECTION 4. This Resolution shall become effective immediately upon adoption.

Passed at a meeting and public hearing of the Longboat Key Town Commission on the 2nd day of April 2012.


James L. Brown, Mayor

ATTEST:


Trish Granger, Town Clerk



Attachments: Exhibit "A", Conditions Requisite for Approval
Exhibit "B", Parcels "A", "B-1 South" and "B-2" Map/Illustration

EXHIBIT "A"

RESOLUTION #2012-06

CONDITIONS REQUISITE FOR APPROVAL
SITE PLAN REVIEW

TOWN PLAZA PHASE II – PARCEL "B-2"
545 BAY ISLS PARKWAY

1. The provisions of the site plan application for the subject property, dated December 01, 2011, received December 05, 2011 shall be complied with unless waived or modified by the following conditions, or by written agreement between the Town and the applicant, or amended pursuant to Code. Any and all improvements shall comply with Planned Development (PD) provisions of Town Code.
2. In accordance with Section 158.099(F) of the Town Code, an approved site plan becomes null and void if the applicant abandons the site plan or the section thereof that has been finally approved, and shall so notify the Town Commission in writing.
3. All exterior lighting shall comply with Section 158.102(B)(5), arranging the light to shield or deflect the light from adjoining properties. All exterior lighting shall be in compliance with Chapter 100 *Sea Turtles*, of the Town Code.
4. A licensed surveyor or design professional shall verify the Lot Coverage and Non-Open Space calculations. Certification of the calculations shall be signed and sealed on the approved site plan, prior to the finalization of the Site Plan Order.
5. The development shall meet all of the applicable codes and requirements of the Fire Department regarding emergency vehicle access, and shall conform to all applicable codes and ordinances pertaining to, but not limited to, the fire code and life/safety codes.
6. All nuisance exotic species of trees on the entire site shall be removed including Australian Pine (*Casuarina* spp.), Carrotwood (*Cupianopsis anacardioides*), and Brazilian Pepper (*Schinus terebinthifolius*). All efforts shall be made to avoid the removal of native vegetation, however, whenever such native vegetation having a diameter breast height (dbh) of four inches or greater has to be removed, the applicant shall provide on-site replacement trees at a ratio of two (2) replacement trees for each one (1) tree removed.
7. All signage for the property shall meet the requirements of and be permitted in accordance with Chapter 156, *Sign Code*, of the Town of Longboat Key, Florida Code of Ordinances.

8. Water and wastewater utilities within the project area are the property and responsibility of the property owner.
9. The existing stormwater management system shall be maintained in perpetuity in accordance with the applicable provisions of the FDEP, SWFWMD and the Sarasota County Mosquito Control. The applicant assumes full responsibility for operation and maintenance of the stormwater facilities located on their own property.
10. A landscape berm of at least two and one half feet in height with vegetation that is a minimum of six feet in height and 80 percent opacity at installation shall be constructed along Bay Isles Road on the east property line prior to the existing vacant restaurant building being occupied. The berm shall taper down in height as it approaches each access driveway in order to achieve the required 4:1 slope. The berm may be lower than two and one half feet where necessary to protect the root system of existing vegetation. It shall not adversely impact the visibility triangle.
11. The final site plan order shall not be issued until an approved plat showing the revised property lines and acreage of Parcels "A", "B-1 South", and "B-2" has been approved by the Town and recorded with Sarasota County.
12. Subsequent to receiving site plan approval from the Town Commission, three sets of the approved site plan materials, with the necessary changes to meet all applicable conditions of the adopted resolution of approval, shall be submitted to the Planning, Zoning and Building Department for final compliance review. The site plan materials shall include all plan sheets included in the application packet and photocopies of all applicable outside agency permits.
13. The existing commercial structure shall not be occupied until final site plan compliance review and approval has been completed by the Planning, Zoning and Building Department.
14. Except as herein modified and amended, the conditions of all previous ordinances, resolutions, site plan amendments, and site plan exemptions for the site shall remain in full force and effect.
15. Approval of the proposed Site Plan amendment shall be subject to payment of all staff review charges.

EXHIBIT "B"

PARCELS "A", "B-1 SOUTH" AND "B-2" & "C" MAP/ILLUSTRATION

