

## RESOLUTION 2012-15

**A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING A SITE PLAN AMENDMENT APPLICATION FOR THE DRY DOCK WATERFRONT GRILL, 412 GULF OF MEXICO DRIVE, TO ALLOW FOR THE CONSTRUCTION OF AN 1,107 SQUARE FOOT ADDITION TO THEIR SECOND FLOOR DINING AREA ON THE SARASOTA BAY SIDE OF THE BUILDING; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Dry Dock Waterfront Grill, located at 412 Gulf of Mexico Drive, Longboat Key, Florida, was originally constructed in 1989 as a restaurant; and

**WHEREAS**, the Town Commission approved Resolution 2009-28 to allow for a covered outdoor dining area in the waterfront yard on June 30, 2009, at the Dry Dock Waterfront Grill; and

**WHEREAS**, the Town Commission approved Resolution 2009-42 to increase seating at the Dry Dock Waterfront Grill from 115 seats to 150 seats after 5:00 p.m. with a recorded shared parking agreement with the Boathouse on Longboat Association on December 7, 2009 at the Dry Dock Waterfront Grill; and

**WHEREAS**, the Dry Dock Waterfront Grill is desirous of constructing an addition to their second floor dining area for the convenience and protection of its restaurant patrons; and

**WHEREAS**, Dry Dock Enterprises, Inc. has submitted a site plan amendment to allow construction of an 1,107 square foot addition to their existing second floor dining area at 412 Gulf of Mexico Drive; and

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

**WHEREAS**, the Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission with its findings that the proposed development be approved with conditions; and

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

- a) With the recommended conditions of approval the plan is consistent with the comprehensive plan, and the purpose and intent of the zoning district in which it is located.
- b) With the recommended conditions of approval the plan is in conformance with all applicable regulations of the zoning district in which it is located.

- c) With the recommended conditions of approval the plan is in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy, utility facilities, and other essential services.
- 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 those adjoining the site.
- e) With the recommended conditions of approval the plan is in conformance with Town policy with respect to sufficiency of ownership, guarantees for completion of all required improvements, and continued maintenance.

**NOW, THEREFORE, BE IT ORDERED 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 site plan amendment application for the Dry Dock Waterfront Grill located at 412 Gulf of Mexico Drive, 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, Dry Dock Waterfront Grill, 412 Gulf of Mexico Drive, Longboat Key, Florida 34228, and dated concurrently with this Order.

SECTION 3. This Order shall become effective immediately upon adoption.

ADOPTED at a special meeting and public hearing of the Town Commission of the Town of Longboat Key on the 29th day of June, 2012.

\_\_\_\_\_  
James L. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Trish Granger, Town Clerk

Attachment: Exhibit "A": Conditions Requisite for Approval

EXHIBIT "A"

CONDITIONS REQUISITE FOR APPROVAL  
SITE PLAN REVIEW

Dry Dock Waterfront Grill  
412 Gulf of Mexico Drive

- 1) The provisions of the site plan application for the subject property, dated May 14, 2012, received May 15, 2012, 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.
- 2) The second floor addition shall be limited to 1,107 square feet covering the existing covered outdoor dining patio area as delineated on the submitted plans.
- 3) The second floor dining area shall be used only for food service, drink service, as a waiting area, and for casual seating.
- 4) Safe and convenient ingress and egress to the property shall be maintained.
- 5) The second floor dining area is an expansion of the restaurant. Accordingly, the expanded dining area shall be designed in such a manner that will maintain a free, unobstructed connection between the existing restaurant and the addition.
- 6) The hours of operation for the dining area shall be limited to 8:00 a.m. to 10:00 p.m.
- 7) All lighting used in conjunction with the second floor dining area expansion shall be designed and installed in a manner to avoid glare being directed toward a public or private right-of-way, adjacent property, and the Gulf of Mexico pursuant to Chapter 100 of the Town Code, Sea Turtles, as may be amended.
- 8) The site area shall be screened from all adjacent properties and rights-of-way. The required landscaped screening shall comply with the standards contained in Section 158.154(A)(1) and (2), except that the required screening in a street or waterfront yard shall have a maximum height of three feet and the required screening in the side, rear or non-required yards shall have a maximum height of six feet. In addition, the required screen shall be at least 80% opaque.
- 9) No signs, unless specifically exempted in the Town's Sign Code, shall be permitted within the second floor dining area.

- 10) All utilities shall be located underground.
- 11) Building plans shall include fire suppression systems, appropriate exit signage, portable fire extinguishers, fire alarm systems, and emergency lighting as approved by the Town Fire Marshal, prior to the issuance of any building permits.
- 12) In accordance with Section 158.099(F) of the Town Code, an approved site plan becomes null and void if:
  - a. The applicant shall abandon the site plan or the section thereof that has been finally approved, and shall so notify the Town Commission in writing; or
  - b. A complete application for a building permit has not been submitted to the Town and a building permit issued on or before June 30, 2014 (a complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline); or
  - c. A final inspection for the project has not been completed within three years from the date set for receipt of a complete application for building permit for the project.
- 13) The development/construction plans shall conform to the Florida Building Code and all other applicable codes and ordinances pertaining to, but not limited to, FEMA standards/regulations, accessibility, fire code, and life/safety.
- 14) 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 Resolution.
- 15) 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. A building permit application must include the approved site plan with staff's compliance review stamp of approval.
- 16) Except as herein modified and amended, the conditions of all previous resolutions and site plan exemptions for the site shall remain in full force and effect.
- 17) Approval of the proposed site plan shall be subject to payment of all staff review charges.