

MEMORANDUM

Date: May 29, 2013

TO: Town Commission
FROM: Maggie Mooney-Portale, Assistant Town Attorney
SUBJECT: Resolution 2013-19, Rescinding Resolution 2013-12, Mar Vista Site Plan Amendment

At the May 6, 2013 Regular Meeting the Town Commission held a public hearing on Resolution 2013-12 and granted a site plan amendment for the Mar Vista Restaurant.

Due to procedural abnormalities and based upon a request from the applicant to refile a modified application, I am recommending that the Commission consider passing Resolution 2013-19 which rescinds the prior approval contained in Resolution 2013-12. To the extent the applicant refiles a modified application, the applicant will be required to appear before the Planning and Zoning Board, then the Town Commission, on the modified application as required by Section 158.099, Town Code.

RESOLUTION 2013-19

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA RESCINDING RESOLUTION 2013-12 FOR A SITE PLAN AMENDMENT APPLICATION FOR MAR VISTA RESTAURANT, 760 BROADWAY; RESTATING THE PROCESS PROVIDED FOR IN THE TOWN CODE FOR AN APPLICATION SUBMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mar Vista Restaurant, located at 760 Broadway, Longboat Key, Florida, was granted an amendment to its site plan by Resolution 2013-12 on May 6, 2013, hereby attached as Exhibit "A"; and

WHEREAS, it was subsequently discovered that there were abnormalities with the notice provided to property owners within 500 feet of the subject property; and

WHEREAS, Mr. Ed Chiles, owner of the Mar Vista Restaurant, has requested that the site plan application associated with the subject property be withdrawn so the applicant could resubmit a modified application for reconsideration by the Planning and Zoning Board and Town Commission.

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

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

SECTION 2. Resolution 2013-12, which approved the site plan amendment application for Mar Vista Restaurant located at 760 Broadway, Longboat Key, Florida 34228, is hereby rescinded.

SECTION 3. Any modification or refiling of the application for the Mar Vista Restaurant site plan amendment shall be forwarded to the Planning and Zoning Board and Town Commission for future consideration pursuant to the procedures contained in section 158.099, Town Code.

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

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the ____ day of _____ 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Attachment: Exhibit "A": Resolution #2013-12

EXHIBIT "A"
RESOLUTION 2013-12

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA APPROVING A SITE PLAN AMENDMENT APPLICATION FOR MAR VISTA RESTAURANT, 760 BROADWAY, FOR REVISIONS TO A SECOND STORY OUTDOOR DINING AREA OVER AN EXISTING RESTAURANT; TO INCREASE DINING SEATING BY 11 SEATS FOR A TOTAL OF 180 SEATS; FOR THE ADDITION OF A DECK ALONG WITH CONVERSION OF THE UPSTAIRS APARTMENT TO BE RENOVATED AND CONVERTED TO A PRIVATE MEETING ROOM IN THE EXISTING TWO-STORY OFFICE/STORAGE BUILDING; TO REDESIGN EXISTING PARKING AND ALTER THE SITE'S DESIGN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mar Vista Restaurant, located at 760 Broadway, Longboat Key, Florida, was granted approval for use as a restaurant in 1985; and

WHEREAS, Mar Vista Restaurant previously received approval of a second story addition thereon to provide outdoor dining through adoption of Resolution 2010-44; and

WHEREAS, Mar Vista Restaurant is desirous to make modifications to the second story covered outdoor dining area, add 11 dining seats, and add a second story deck to the existing two-story office/storage building, along with conversion of the upstairs apartment, to be renovated and converted to a private meeting room in the office/storage building located north of the main restaurant building; and

WHEREAS, Mar Vista Pub, Inc. has submitted a site plan amendment application to approve modifications to the second story outdoor dining area, new deck area, internal and external alterations, and the redesign of the site; and

WHEREAS, on April 16, 2013, the Planning and Zoning Board approved a Special Exception Order, to amend the outdoor dining in the proposed second story addition at Mar Vista Restaurant and for food service to be provided to the new deck attached to the proposed private meeting room at 760 Broadway contingent upon approval of an amended site plan; 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 RESOLVED BY THE TOWN COMMISSION OF 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 Mar Vista Restaurant located at 760 Broadway, 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, Mar Vista Restaurant, 760 Broadway, Longboat Key, Florida 34228, and dated concurrently with this resolution.

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

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the ____ day of _____ 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Attachment: Exhibit "A": Resolution #2013-12 - Conditions Requisite for Approval

EXHIBIT "A"

RESOLUTION 2013-12

CONDITIONS REQUISITE FOR APPROVAL SITE PLAN REVIEW

Mar Vista Restaurant 760 Broadway

- 1) The provisions of the site plan application for the subject property, dated March 5, 2013, and received by the Town on March 5, 2013, shall be complied with unless expressly 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 story outdoor dining area located on the restaurant located at 760 Broadway with 1,978 square feet and a maximum of 60 seats shall be limited to the dimensions and location delineated on the submitted plans.
- 3) No more than 60 seats shall be placed in the second story covered outdoor dining area.
- 4) No more than 62 seats shall be placed in the first floor covered porch outdoor dining area.
- 5) No more than 46 seats shall be placed in the uncovered ground level outdoor dining area.
- 6) All outdoor dining areas shall be used only for food service and drink service, as a waiting area, and for casual seating.
- 7) All food and drink preparations shall take place within the confines of an enclosed restaurant building located on the same site as the second story outdoor dining area.
- 8) The approved second story covered outdoor dining area shall not have permanent climate control equipment, but portable space heaters and fans, including permanently installed ceiling fans, are permitted.
- 9) Safe and convenient ingress and egress to the property in compliance with the Florida Building Code and Life Safety Code shall be maintained.
- 10) The second story outdoor dining areas shall be considered an expansion of the restaurant. Accordingly, the outdoor dining area shall be designed in such a manner that will maintain a free, unobstructed connection between the restaurant and outdoor dining areas. All regulations that pertain to restaurant dining areas shall apply to outdoor dining areas.

- 11) The entire ground service area of the outdoor dining area shall have an improved walking surface.
- 12) The entire perimeter of the outdoor dining area shall be physically delineated by the improved walking surface, railing, fencing, a wall, landscaping, or similar device.
- 13) The private meeting room and second story deck on the existing office/storage building located north of the restaurant building cannot have dining seating and is not considered an outdoor dining area. It is restricted to private functions with limited service of hor d'oeuvres and drinks.
- 14) The hours of operation for the outdoor dining areas and private meeting room shall not be before or extend beyond the hours of operation of the associated indoor dining area. However, regardless of the hours of operation of the indoor dining area and because the restaurant property is within 250 feet of residential property, the hours of operation for the outdoor dining area shall not begin before 11:30 a.m. and extend beyond 10:00 p.m.
- 15) No music or amplified voices shall be allowed in the outdoor dining areas or private meeting room. Noise shall not be audible more than 50 feet from the property boundary and shall otherwise be in accordance with Section 130.02, Loud and Unnecessary Noise, of the Town Code, as may be amended.
- 16) All lighting used in conjunction with the outdoor dining areas and private meeting room 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.
- 17) The outdoor dining areas and private meeting room 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 above the finished floor of the outdoor dining area. In addition, the required screening shall be at least 80 percent opaque.
- 18) All furniture within the outdoor dining areas shall be portable, meaning that such furniture shall be easily removable from the outdoor dining area. Portable furniture may include tables and chairs. In the event of a tropical storm, the furniture shall be physically secured or stored within the restaurant building or other on-site enclosed storage area.
- 19) No signs, unless specifically exempted in the Town Sign Code, shall be permitted within the outdoor dining area.
- 20) Staff shall monitor the off-street parking needs of the property during all hours of operation and should the Planning and Zoning Official determine, in accordance

with 158.128 (M)(1)(a) of the Town Code, that the off-street parking for the land use is insufficient, then the Planning and Zoning Official may require sufficient additional off-street parking be obtained through an allowable means and may require that the outdoor dining seating be reduced to proportionately decrease parking demands. Any additional off-street parking and reduction in outdoor dining seats required shall be in effect within 90 days of the Planning and Zoning Official's determination. Failure to comply with the Planning and Zoning Official's determination within the 90-day period shall result in a review, revision, or revocation of the site plan amendment by the Planning and Zoning Board.

- 21) All utilities shall be located underground.
- 22) 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. within 24 months of the date of approval of an application for site plan review, a complete application for a building permit has not been submitted to the town and a building permit issued; or,
 - c. A final certificate of occupancy for all phases of the project has not been issued within three years from the date set for receipt of a complete application for building permit for the final building or development phase of the project.
- 23) The development/construction plans shall conform to all other applicable codes and ordinances pertaining to, but not limited to, FEMA standards/regulations, accessibility, fire code, and life/safety.
- 24) A licensed surveyor or design professional shall verify the Lot Coverage and Non-Open Space calculations upon completion of the project. Certification of the calculations shall be signed and sealed on the approved site plan.
- 25) 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.
- 26) Approval of the proposed site plan amendment shall be subject to payment of all staff review charges.
- 27) A landscape buffer approved by the Planning, Zoning, and Building Department staff with minimum heights up to 14 feet and 30% opacity at installation shall be added along western facade of the restaurant building, located between the parking lot and the building.



End of Agenda Item