

RESOLUTION 2014-02

A RESOLUTION OF THE TOWN OF LONGBOAT KEY APPROVING A SITE PLAN AMENDMENT APPLICATION FOR THE LONGBOAT KEY HILTON HOTEL, 4711 GULF OF MEXICO DRIVE, TO ALLOCATE 85 ADDITIONAL TOURISM UNITS IN A NEW FIVE-STORY BUILDING; ALLOW RENOVATION OF AN EXISTING FIVE-STORY TOWER; CONSTRUCTION OF AN 150-SEAT RESTAURANT, 3,000 SQUARE FEET OF MEETING SPACE, ACCESSORY AREAS, SWIMMING POOL, AND OFF-STREET PARKING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 4, 2009, the Town of Longboat Key adopted Ordinance 2008-34, which established guidelines for distribution of an additional 250 tourism units to encourage development and redevelopment of tourism facilities; and

WHEREAS, on March 4, 2013, the Town of Longboat Key adopted Ordinance 2013-07, allowing the granting of additional tourism units on T-6 zoned properties through site plan approval; and

WHEREAS, Longboat Key Hilton Hotel, located at 4711 Gulf of Mexico Drive, Longboat Key, Florida, is zoned T-6 High-Density Tourist Resort/Commercial District; and

WHEREAS, OpRock Longboat Fee, LLC, is desirous to redevelop the hotel and increase the number of tourism units by 85 units for a total of 187 tourism units on the site, located at 4711 Gulf of Mexico Drive, to better serve the public; and

WHEREAS, OpRock Longboat Fee, LLC, has submitted a site plan amendment for the hotel to request 85 additional tourism units with off-street parking; renovate the existing five-story 102 room tower; construct a new five story 85 room tower for the additional tourism units with off-street parking, construct a 150 seat restaurant, 3,000 square feet of meeting space, lobby area, administrative areas, service areas, and swimming pool, with off-street parking, to be located at 4711 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 held a properly noticed public hearing on December 17, 2013; and

WHEREAS, the Planning and Zoning Board reviewed the application and 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) The proposed land uses and intensity of the site plan amendment is consistent with the Town's Comprehensive Plan.
- b) With the recommended conditions of approval, the purpose and intent of the regulations within the zoning code and the zoning district in which the redevelopment site is located is ensured, while protecting the surrounding area.
- 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 design, 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 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) The site plan meets all applicable standards for the T-6 zoning district and standards in Section 158.180 for the distribution of the 250 tourism units.
- g) The additional 85 tourism units assigned to the site is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

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 application for the Longboat Key Hilton Hotel located at 4711 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, Longboat Key Hilton Hotel located at 4711 Gulf of Mexico Drive, Longboat Key, Florida, 34228, and dated concurrently with this Order.

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

ADOPTED following a public hearing at a meeting of the Town Commission of the Town of Longboat Key on the ____ day of _____ 2014.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Attachment: Exhibit "A", Conditions Requisite for Approval

EXHIBIT "A"

RESOLUTION # 2014-02

CONDITIONS REQUISITE FOR APPROVAL
SITE PLAN REVIEW

LONGBOAT KEY HILTON HOTEL
4711 GULF OF MEXICO DRIVE

- 1) The provisions of the site plan application for the subject property, dated October 23, 2013, received October 23, 2013, 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 T-6 High-Density Tourist Resort Commercial District of the Town Code.
- 2) The intensification of the existing tourism density of the site with the granting of the additional 85 tourism units and flexible regulatory standards, as allowed by Section 158.180, shall restrict the future use of the entire 187 tourism units to a tourism use only. Tourism units on Longboat Key shall provide transient lodging accommodations of less than 30 consecutive calendar days or one (1) entire calendar month, whichever is less, and are not to be used as dwelling units for permanent occupancy.
- 3) Prior to issuance of any certificate of occupancy or temporary certificate of occupancy, all on-site infrastructure, including but not limited to, utilities and landscaping, storm water systems and grading shall be completed.
 - a. Per Town of Longboat Key Code of Ordinances Section 55.05, a Landscape Certificate of Compliance and irrigation as-built must be completed to the satisfaction of the Public Works Department prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.
 - b. Prior to Certificate of Occupancy or Temporary Certificate of Occupancy for any phase, a set of Record Drawings signed and sealed by the Engineer of Record shall be completed to the satisfaction of the Public Works Department for that phase. Drawings shall show all improvements including but not limited to grading, drainage, utilities, landscape, etc. Such record drawings shall also include a signed and sealed statement by the engineer that the improvements are in substantial conformance with the approved plans or otherwise differences noted.
- 4) All utilities shall be located underground.
- 5) A six-foot tall construction fence shall be provided and maintained to secure the construction site with an opaque covering, acceptable to the Town Planning,

Zoning, and Building Department. The construction fence shall be removed from the site at the completion of construction.

- 6) The site plan shall indicate that all site excavation and grading shall conform to Section 158.156 of the Town Zoning Code. The slope of all graded areas on the site shall not exceed a ratio of 4:1 (four (4) feet horizontal for every one (1) foot vertical). Prior to the issuance of any certificate of occupancy or temporary certificate of occupancy for any phase, the applicant shall submit an "as-built" grading plan for approval by the Town Planning, Zoning, and Building Department for any phase.
- 7) 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 January 6, 2016 (a complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline); or
 - c. A final Certificate of Occupancy for all phases of the project has not been issued within three (3) years from the date set for receipt of a complete application for building permit for the final building or development phase of the project.
- 8) The development/construction plans shall conform to the Florida Building Code and all other applicable codes and ordinances pertaining to, but not limited to, Town Chapter 154 Flood Control, Federal ADA, and Florida Accessibility Codes.
- 9) All exterior lighting shall comply with Section 158.102(B)(5), arranging the lighting to shield or deflect the light from adjoining properties. All exterior lighting to be in compliance with Chapter 100 *Sea Turtles*, of the Town Code.
- 10) Parking of construction-related vehicles shall be prohibited along Gulf of Mexico Drive and on the Atlas Street Beach Access.
- 11) 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. Plans shall be submitted to the Fire Marshal at the time a building permit application is submitted.
- 12) 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.

- 13) 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.
- 14) Native and drought resistant plant species shall be used in the buffer and other common areas to reduce water requirements. No more than 25 percent of the site may be planted in sod or plant species that are not drought resistant. A detailed landscape plan shall be submitted to the Town and approved by the Planning, Zoning, and Building Department prior to the issuance of a building permit.
- 15) 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 (4) inches or greater must be removed, the applicant shall provide on-site replacement trees at a ratio of two (2) replacement trees for each one (1) tree removed. Replacement trees shall have a minimum of a four-inch dbh and a 12-foot height, when planted at grade.
- 16) Existing mature trees shall be preserved to the greatest extent possible in accordance with the submitted tree plan (Sheet C16), dated October 22, 2013, and received by the Town on October 23, 2013.
- 17) The approved landscaping, as presented to the Town on the plans, dated July 28, 2012, (revised October 18, 2013) and received by the Town on October 23, 2013, shall be maintained and replaced if necessary at an equivalent maturity level. The cost of maintenance and replacement shall be the responsibility of the property owner.
- 18) 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.
- 19) Three (3) sets of signed and sealed construction site plans along with a construction cost estimate including utilities, stormwater system, and site work shall be submitted to the Public Works Department for review and approval prior to the issuance of a building permit. The developer of the Hilton Hotel shall post a satisfactory performance bond, as approved by the Town's attorney, which must be received by the Public Works Department prior to the issuance of a building permit, and kept current during construction. Upon receipt of signed and sealed "as-built" plans the principal amount of the Bond may be reduced to 25 percent of its original amount for a one-year maintenance period

after issuance of the Certificate of Occupancy, at the end of which the bond shall be shall be released.

- 20) Prior to the issuance of a building permit, a Notice of Intent (NOI) for a Construction Generic Permit shall be required to be submitted to the Florida Department of Environmental Protection (FDEP), in accordance with the Town's Municipal Separate Stormwater System permit under the National Pollutant Discharge Elimination System (NPDES) program. The applicant shall submit evidence of application for the NPDES NOI, including a Stormwater Pollution Prevention Plan (SWPPP) and use of best management practices during construction for erosion and sedimentation controls for the entire project site.
- 21) All engineering construction plans pertaining to water, wastewater and drainage shall be approved by the Town prior to the issuance of a building permit.
- 22) Prior to the issuance of any building permit, all applications for permits submitted to any outside permitting agency (i.e. SWFWMD, FDEP, FDOT, etc.), and all applicable permits received and approved from such agencies, shall be submitted to the Planning, Zoning, and Building Department.
- 23) Prior to the commencement of any phase of construction, the owner shall submit to the Town a proposed construction management plan stating how construction traffic, noise, hours of construction, and other construction-related impacts on existing businesses and residents will be minimized.
- 24) During construction, coordination with the Public Works Department shall be maintained during water, wastewater, and stormwater construction, connections, and phasing.
- 25) Water and wastewater utilities within the project area are the property and responsibility of the property owner.
- 26) The stormwater management system shall be designed and maintained in perpetuity in accordance with the applicable provisions of the FDEP, SWFWMD and the Manatee County Mosquito Control. The applicant assumes full responsibility for operation and maintenance of the stormwater facilities located on their own property.
- 27) The applicant must coordinate with Manatee County Area Transit (MCAT) and Town staff for the placement or relocation of existing and/or future bus stops.
- 28) Subsequent to receiving site plan approval from the Town Commission, three (3) 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.

- 29) 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.
- 30) Approval of the proposed site plan shall be subject to payment of all staff review and consultant charges during the redevelopment process by the developer.
- 31) The applicant shall install all required landscape buffer vegetation along Gulf of Mexico Drive at the earliest point in the project, consistent with the landscape's long-term survival.
- 32) In accordance with Chapter 158 Sections 158.018 and 158.102(I) and the current Manatee County Facility Investment Fee (FIF) Ordinance, the applicant shall enter into a Development Agreement with the Town, which addresses the Developer's payment of the increased potable water reserve capacity which results from this development. The calculation of this reserve capacity increase shall be in a form acceptable to the Public Works Department. The Development Agreement shall be in effect prior to the issuance of a building permit.
- 33) In accordance with recommendations identified as part of the Urban Land Institute (ULI) study and, if agreed to by the Town Commission, sidewalks shall be installed along the west side of Gulf of Mexico Drive. The applicant shall, prior to obtaining a Certificate of Occupancy for the new five-story tower, at its expense, construct an eight-foot wide sidewalk along the full frontage of the property along Gulf of Mexico Drive of the subject property within the Gulf of Mexico Drive right-of-way for pedestrian safety. Applicant shall provide the Town with a copy of an approved permit from FDOT for work within the Gulf of Mexico Drive right-of-way.
- 34) The applicant must coordinate with Manatee County Area Transit (MCAT), FDOT, and the Town's Public Works and Planning staff for the placement of a transit shelter at the existing bus stop on Gulf of Mexico Drive located in front of the hotel. The transit shelter shall be consistent with any design standards adopted for the Gulf of Mexico Drive corridor. The contribution for the construction of the transit shelter shall not exceed \$20,000.00 by the applicant.
- 35) The applicant shall pay a money fee at the issuance of a building permit for the additional new 85 tourism units granted pursuant to Chapter 158 Section 158.017, *Parks and open space land acquisition*, to be used for parks and open space according to the standards and formula set forth in the section.