

MEMORANDUM

Date: December 19, 2013

TO: David Bullock, Town Manager

THROUGH: Alaina Ray, AICP, Acting Director
Planning, Zoning and Building Department

FROM: Steve Schield, AICP, ASLA, CFM, Planner
Planning, Zoning and Building Department

SUBJECT: Resolution 2014-02, Site Plan Amendment for Hilton Hotel, 4711
Gulf of Mexico Drive

OpRock Longboat FEE, LLC, property owner, is requesting to amend the Site Plan for property located at 4711 Gulf of Mexico Drive to redevelop the existing hotel and facilities and increase the number of tourism units by 85 units, which is allowed under Section 158.180 of the Town Code. The applicant will redevelop the existing site by renovating the existing 102-room tower and reconstructing the amenities on the site. This will result in a total of 187 tourism units on the site, with a 150 seat restaurant, 3,000 square feet of meeting space, lobby area, administrative areas, service areas, swimming pool, and off-street parking. The subject property is located in the T-6 High Density Tourist Resort/Commercial District.

The Planning and Zoning Board recommended approval of the amended Site Plan at their December 17, 2013, meeting subject to an additional condition that a deceleration/tapered lane be constructed at the southbound entrance of the hotel.

The Town Commission is requested to hold a public hearing and adopt Resolution 2014-02, approving the Site Plan Amendment for the Hilton Hotel, located at 4711 Gulf of Mexico Drive, at their January 6, 2014, Regular Meeting.

Attachments: 12-19-13 Memo, P&Z Board Chair to Commission;
12-5-13 Staff Report, Planner to P&Z Board;
PowerPoint Presentation;
Draft minutes from the 12-17-13 P&Z Board Regular Meeting;
Resolution 2014-02;

xc: Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Acting Director – Planning, Building & Zoning

MEMORANDUM

DATE: December 19, 2013

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Bishop, Chair
Planning and Zoning Board

SUBJECT: LONGBOAT KEY HILTON HOTEL – SITE PLAN AMENDMENT

During the public hearing held on December 17, 2013, the Planning and Zoning Board recommended APPROVAL of the site plan amendment for the Longboat Key Hilton Hotel, 4711 Gulf of Mexico Drive, subject to the inclusion of a new Condition 36, which addresses the addition of a deceleration/tapered lane. The motion from the December 17, 2013, meeting of the P&Z Board is as follows:

MR. HIXON MOVED TO RECOMMEND APPROVAL OF THE SITE PLAN AMENDMENT APPLICATION FOR THE LONGBOAT KEY HILTON HOTEL SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT, AND ALSO WITH THE ADDITION OF A NEW CONDITION 36, WHICH READS: "SUBJECT TO THE APPROVAL OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, THE APPLICANT SHALL INSTALL A TRAFFIC DECELERATION/TAPERED LANE FOR SOUTHBOUND VEHICLES TURNING INTO THE PROJECT ENTRANCE. PRIOR TO CONSTRUCTION OF THE DECELERATION LANE, THE APPLICANT SHALL PROVIDE COPIES OF THE APPLICATIONS AND APPROVED PERMITS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO THE TOWN." MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE

Enclosed, for your review and consideration, please find the following support documentation:

1. Staff Memo, dated 12-5-13, Planner to P&Z Board;
2. PowerPoint Presentation
3. Draft minutes from the 12-17-13 regular P&Z Board meeting on this issue;; and
4. Proposed Resolution 2014-02.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

BJB/dmc

MEMORANDUM

DATE: December 5, 2013

TO: Planning and Zoning Board

THROUGH: Alaina Ray, AICP
Planning, Zoning and Building Director

FROM: Steve Schield, ASLA, AICP, CFM
Town Planner

SUBJECT: Longboat Key Hilton Hotel Site Plan Amendment

PROPERTY OWNER: OpRock Longboat FEE, LLC

APPLICANT/AGENT: Ken Metcalf, AICP

ENGINEER: Mark Adler, George F. Young, Inc.

ARCHITECT: James Wurst, AIA, Nichols, Brosch, Wurst, Wolfe

LANDSCAPE ARCHITECT: Larry Washmuth, RLA, Stewart-Washmuth & Co., Inc.

SITE LOCATION: 4711 Gulf of Mexico Drive

EXISTING ZONING: T-6 High Density Tourist Resort/Commercial District

EXISTING USE: Tourism

REQUEST: Request of OpRock Longboat FEE, LLC, to amend the Site Plan to redevelop the hotel and increase the number of tourism units by 85 units for a total of 187 tourism units on the site, with a 150 seat restaurant, 3,000 square feet of meeting space, lobby area, administrative areas, service areas, and swimming pool, with off-street parking

BACKGROUND

The Longboat Key Hilton Hotel was completed in 1972. The site contained a five (5) story tower with 102 hotel rooms, restaurant building, meeting rooms, lobby building, service areas, swimming pool and off-street parking.

The registered voters of Longboat Key passed a referendum on March 18, 2008, establishing a pool of 250 tourism units to be available for development within existing tourism areas, including T-6 zoning districts. The Town Commission adopted Ordinance 2008-34 on April 4, 2009, creating Section 158.180 of the Town Code to implement the procedure and criteria for granting of the 250 tourism units. Section 158.180 was amended on March 4, 2013, by Ordinance 2013-07, to allow T-6 zoned properties to obtain development approval for the additional units through the site plan review process. Ordinance 2013-07 also allowed certain flexible development standards pertaining to setbacks, building separation and other regulatory standards for the purpose of encouraging the redevelopment of existing T-6 properties. The Town Commission also adopted Ordinance 2013-19 on June 17, 2013, to amend the Comprehensive Plan to allow approval of five (5) story tourist buildings in the TRC-6 land use district by site plan approval.

The Longboat Key Hilton Hotel Site Plan Amendment would be the first project to request the utilization of any of the 250 tourism units. This property is considered a preferred tourism location for the utilization of these units, as it is an established tourism resort and is surrounded by other tourism uses.

PROJECT SUMMARY

The subject property is located in the T-6 High Density Tourist Resort/Commercial District. The property, located at 4711 Gulf of Mexico Drive, is approximately 4.76 acres in size. As part of the Site Plan Amendment request (Resolution 2014-02), the applicant is requesting 85 additional tourism units allowed under Section 158.180, and to redevelop the existing site by renovating the existing 102 room tower and reconstructing the amenities on the site. The applicant is utilizing a number of the flexible development standards, as allowed in Section 158.180, to meet all zoning requirements for the site plan. No departures are being requested as part of the proposed amendment.

The applicant proposes to remove all of the existing accessory buildings and replace them with a new 150 seat restaurant, 3,000 square feet of meeting space, lobby area, administrative areas, service areas, and swimming pool. The applicant is proposing 215 parking spaces to be located on the site.

General Analysis

Proposed Tourism Units: The intent of Section 158.180 is to provide for the allocation of the 250 tourism units, authorized by the referendum election held on March 18, 2008. It is also the intent of this section that the quality and location of such units benefit the public interest of Longboat Key, while being compatible with and not detrimental to the

character of the area. The Hilton Hotel, located at 4711 Gulf of Mexico Drive, has been a destination beach resort since the 1970's. It is located in the center of numerous north end tourism properties and for many years, along with the nearby former Holiday Inn, served as one of the largest tourism areas on the island. It was the intent of Section 158.180 to restore the 250 tourism units lost over the last decade, which includes the nearby former Holiday Inn.

An existing beachfront resort with T-6 zoning is one of the best locations to consider for the allocation of additional tourism units. It will restore some of the tourism units lost in this area and would be in the best interest of the town and its citizens. Because of its location, adjacent to other tourism properties and across Gulf of Mexico Drive from a large residential open space area, the granting of the tourism units will not adversely impact or affect the public interest. The proposed site plan also meets all applicable zoning requirements. Rebuilding and enlarging the Hilton Hotel will greatly enhance and protect this major tourism property for many years to come. The intensification of the existing tourism density of the site, along with the granting of the additional 85 tourism units and use of the flexible regulatory standards as allowed by Section 158.180, would also restrict the future use of the site to a tourism-only use.

Proposed Site Conditions: The applicant is proposing to increase the site density from 21.42 tourism units per acre to 39.29 tourism units per acre, as allowed by Section 158.180 of the Town Code. The total proposed lot coverage will be 53,525 square feet or 26 percent. The T-6 zoning district allows a maximum of 40 percent lot coverage. The proposed open space coverage is 104,381 square feet, with a minimum of 103,750 square feet being required. The front setback is 110.8 feet; side setbacks are 84.8 feet on the north and 30 feet on the south; and 151.4 feet on the gulf side.

Proposed Buildings - Height: The maximum height of the new hotel tower will be 59.4 feet above finished grade. The existing tower is 49.8 feet above finished grade. The height of the new hotel tower will be 49.4 feet above the required base flood elevation. A maximum of 50 feet is allowed by site plan approval and 65 feet by the Outline Development Process (currently not available). The guest amenity building (restaurant, meeting rooms, service) will be 36 feet above finished grade and the lobby building will be 16.8 feet above finished grade.

Proposed Buildings – Architecture Style and Treatments: The existing hotel was designed by Architect John Nichols and completed in 1972. The applicant has hired Mr. Nichols' firm to redesign the resort and transform the aging hotel into a first class, destination beach resort for Longboat Key. The new south tower will be designed to complement the existing north tower. The restaurant building will be located to have a view between the two (2) tower buildings and over the pool area. This will concentrate the hotel activities between the buildings to buffer any noise from the neighboring sites. The new lobby building will be in the same location as the existing lobby, with a new pond feature to enhance the tropical feeling of the site.

Landscaping: The proposed buffering of the site along Gulf of Mexico Drive would be an increased from the existing buffer. The applicant plans to preserve the mature native trees located in the existing buffer areas and will plant additional vegetation that does not currently exist in the lower canopy. The landscape plan incorporates a mix of drought tolerant, salt tolerant, native vegetation with extensive ground cover. The applicant also proposes to provide substantial landscaping along the side property lines, although this is not required by the code. Most of the existing trees will be preserved or relocated on the site.

Traffic Circulation and Pedestrian/Bicycle Plan: One of staff's concerns regarding the proposed redevelopment plan, from a life/safety perspective, has been the internal pedestrian and vehicular traffic circulation design and plan. The applicant provided a traffic impact analysis by Grimail Crawford, Inc., indicating that the existing roadways and intersections will meet the adopted level of service standards under the total traffic conditions of the project. The new hotel utilizes the existing ingress and egress point along Gulf of Mexico Drive to access the site. The site has an existing left turn lane for northbound traffic. Staff recommends that consideration be given to a southbound deceleration lane at the Gulf of Mexico Drive entrance, which would help mitigate the impact of additional vehicular turns generated from the additional 85 tourism units. The deceleration lane is not recommended by the applicant's traffic study.

A pedestrian and bicycle circulation plan has been designed for the project that creates a new walkway connection from the existing transit stop on Gulf of Mexico Drive. The traffic stop at this location is consistently a high-usage stop by visitors. As such, staff has recommended a condition to Resolution 2014-02 for the enhancement of this transit stop to include a shelter conforming to any design standards that may be adopted by the Town.

The applicant also proposes to enhance the public beach access, located along the southern property line, which would be stabilized to also serve as an emergency access lane. This will ensure that the public access remains open and free from obstructions in the future.

Staff also placed a condition in Resolution 2014-02, in accordance with recommendations identified as part of the Urban Land Institute (ULI) study, and if agreed to by the Town Commission, that sidewalks shall be installed along the west side of Gulf of Mexico Drive. The proposed condition specifies that the applicant would be required to construct an eight-foot wide sidewalk for pedestrian safety along the full frontage of the property along Gulf of Mexico Drive for the subject property, within the Gulf of Mexico Drive right-of-way.

Off-Street Parking: The applicant is proposing to provide 215 parking spaces on the site, with 187 spaces reserved for valet and/or staff parking. The Code requires 214

spaces to be provided. The valet parking proposed under the new south tower will utilize stacked valet parking.

Construction Schedule: The applicant plans to close the existing hotel in the spring of 2014, with demolition and construction/renovations occurring immediately thereafter. Construction is expected to be completed and the new resort reopened in the fall of 2015.

Comprehensive Plan Consistency

The 2007 *Town of Longboat Key Comprehensive Plan*, adopted on December 3, 2007, as amended, includes key elements, goals, objectives, and policies that relate directly to the proposed Site Plan Amendment. In addition to the following specific examples of consistency with the town's Comprehensive Plan, staff did not find the proposed amendment to be inconsistent with any other elements of the town's Comprehensive Plan and their goals, objectives, and policies.

It is staff's opinion that, as currently proposed, the existing plan is consistent with the intent of Goal 1 of the Future Land Use Element, which is:

To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and, 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.

It is also the opinion of staff that the proposed tourism site is consistent with Policy 1.1.11, which states:

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units island wide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in

*residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key shall provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest. ** This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through Section 158.180 of the land development regulations.*

It is also the opinion of staff that the proposed tourism site is consistent with Table 1, *Land Use Densities and Intensities in the Town of Longboat Key*, including the following footnote **:

***This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through Section 158.180 of the land development regulations.*

STAFF RECOMMENDATION

Based upon an assessment of the site plan amendment application, as outlined in this report, staff recommends that Resolution 2014-02 be **approved** for a hotel at 4711 Gulf of Mexico Drive, with the conditions listed in Resolution 2014-02, *Exhibit "A": Conditions Requisite for Approval*. The analysis that leads to the recommendation is based on the Town's Comprehensive Plan, the Town's Zoning Code, and the established policies of the Town. Staff has also determined by competent substantial evidence that the Hilton project, incorporating an additional 85 tourism units per Section 158.180, is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

ATTACHMENTS

Attached, please find a copy of the location map, correspondence from applicant requesting the amendment, and support documentation upon which the staff assessment has been based. If you should have any questions, or desire any additional information, please do not hesitate to contact the Planning, Zoning & Building Department.

RESOLUTION 2014-02

A RESOLUTION OF THE TOWN COMMISSION 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; TO 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 Longboat Key Town Commission 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 Longboat Key Town Commission adopted Ordinance 2013-07, allowing the granting of additional tourism units on T-6 zoned properties through site plan approval; and

WHEREAS, the 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 of the Town Code, 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 of the Town Code 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 6th day of January, 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 in Chapter 158 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 of the Town Code, 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 Section 55.05 of the Town Code, 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 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's 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, Chapter 154 *Flood Control* of the Town Code, Federal ADA, and Florida Accessibility Codes.
- 9) All exterior lighting shall comply with Section 158.102(B)(5) of the Town Code, 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 Code.
- 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. Southwest Florida Water Management District (SWFWMD), FDEP, Florida Department of Transportation (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 District. 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 Sections 158.018 and 158.102(l) of the Town Code, 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 and wastewater 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 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 Section 158.017, *Parks and open space land acquisition*, of the Town Code, to be used for parks and open space according to the standards and formula set forth in the section.

- 36) Subject to approval by FDOT, prior to issuance of a final certificate of occupancy, the applicant shall install a traffic deceleration/tapered lane for southbound vehicles turning into the project entrance. Prior to construction of the deceleration/tapered lane, the applicant shall provide copies of the applications and approved permits from FDOT to the Town.

TOWN OF LONGBOAT KEY



**Longboat Key Hilton Hotel
Site Plan Amendment
Resolution 2014-02**

January 6, 2014

Town Commission Meeting

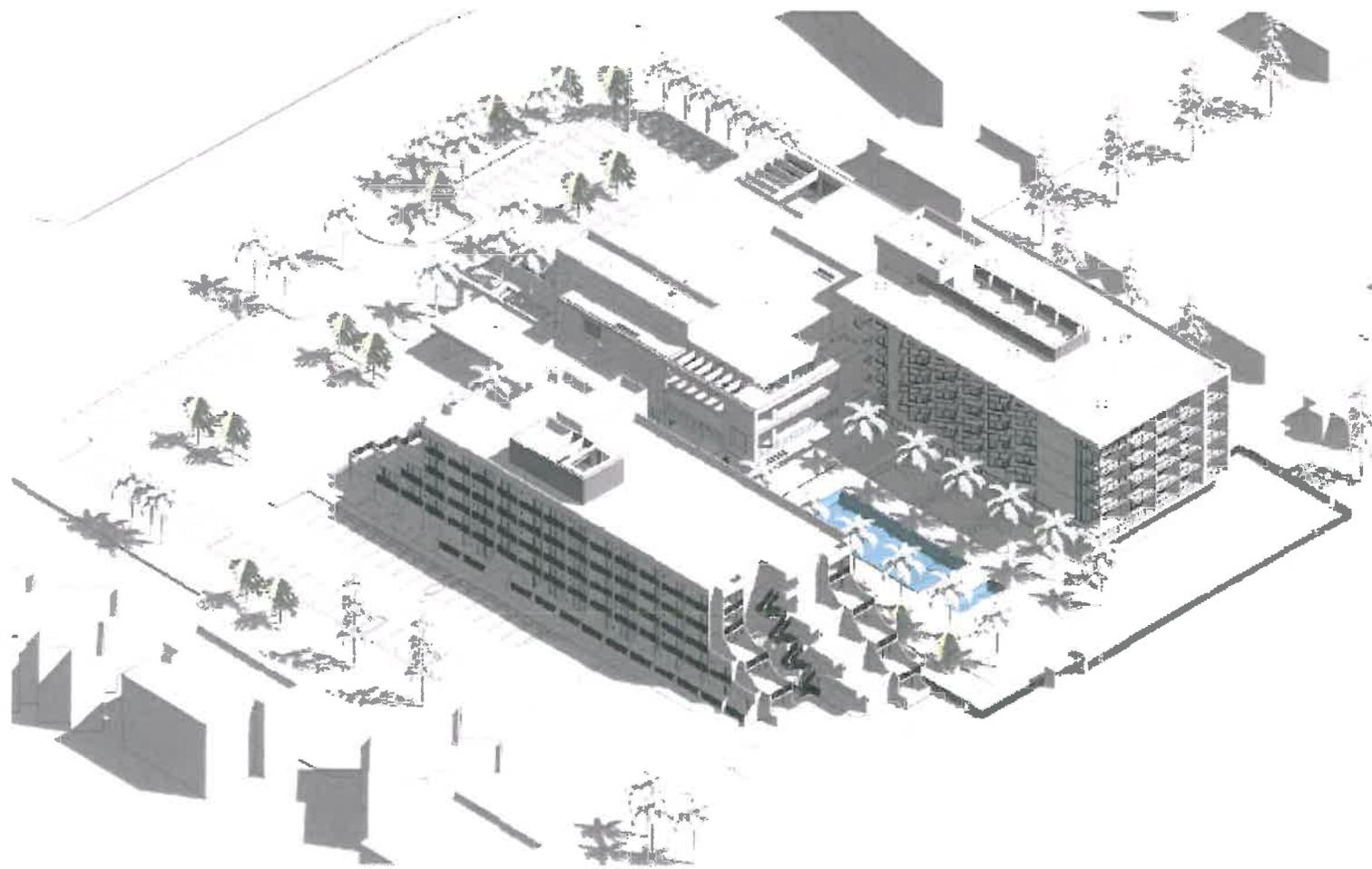


Proposed Hilton Hotel





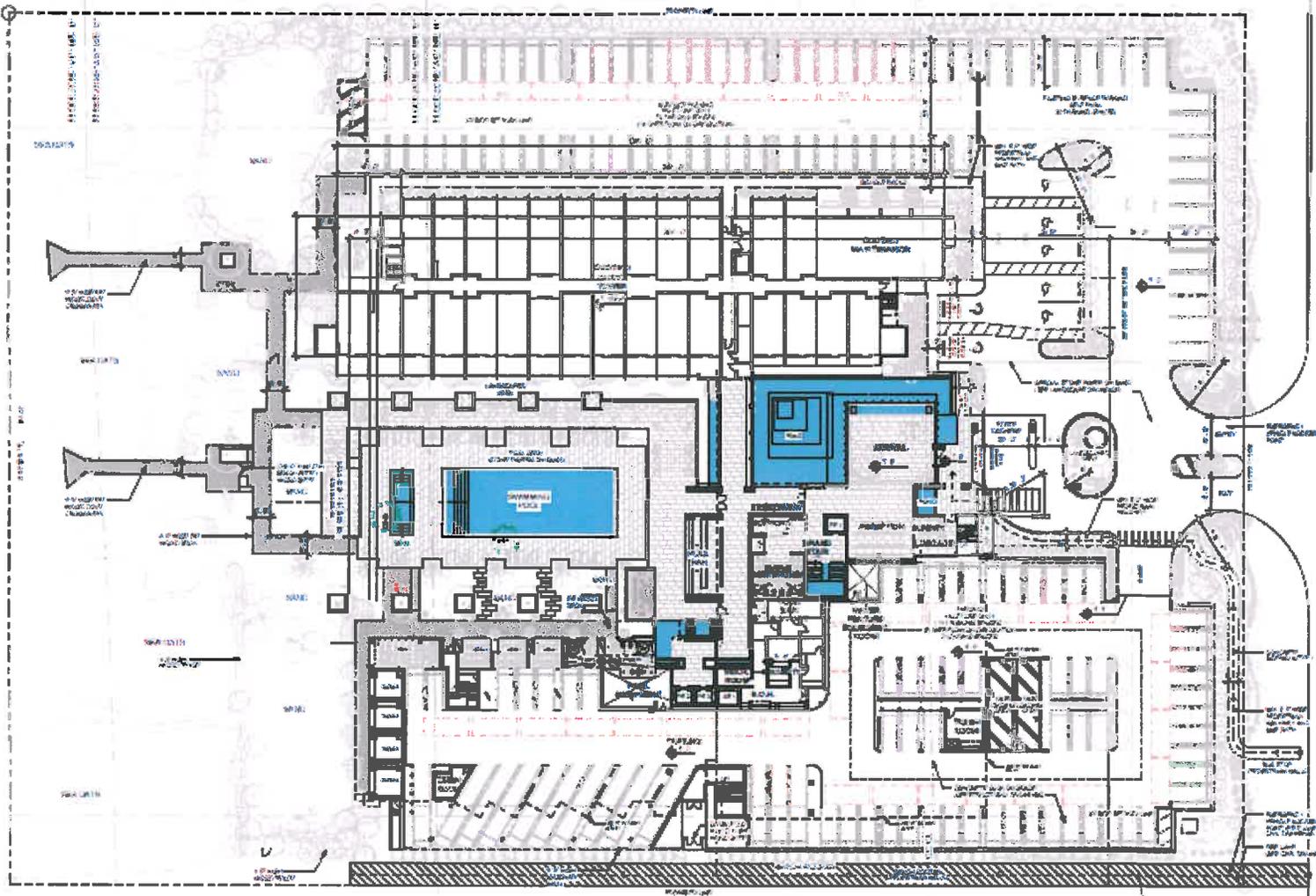
Beach View



TOWN OF LONGBOAT KEY



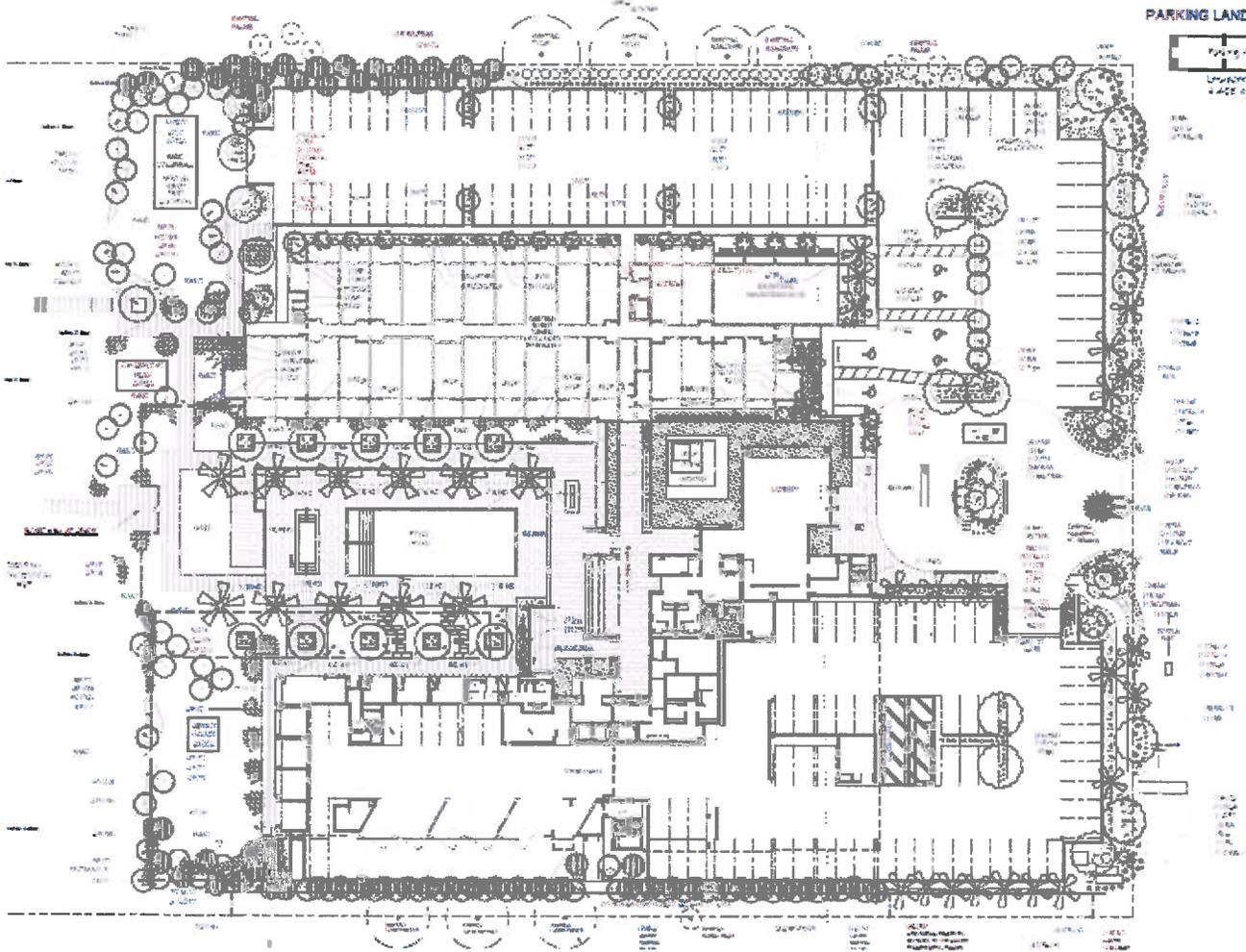
Parking Layout



TOWN OF LONGBOAT KEY



Landscaping Plan



TOWN OF LONGBOAT KEY



Hilton Entrance



TOWN OF LONGBOAT KEY



Hilton Hotel



TOWN OF LONGBOAT KEY



North Tower





Existing Site



TOWN OF LONGBOAT KEY



Sand Cay



TOWN OF LONGBOAT KEY



Northern Property Line



TOWN OF LONGBOAT KEY



Hilton Hotel



TOWN OF LONGBOAT KEY



Sun 'N Sea Motel



TOWN OF LONGBOAT KEY



Public Beach Access



TOWN OF LONGBOAT KEY



Public Beach Access



TOWN OF LONGBOAT KEY



Existing site





Additional Condition recommended by the Planning & Zoning Board

Subject to approval by Florida Department of Transportation (FDOT), prior to issuance of a final certificate of occupancy, the applicant shall install a traffic deceleration/tapered lane for southbound vehicles turning into the project entrance. Prior to construction of the deceleration/tapered lane, the applicant shall provide copies of the applications and approved permits from FDOT to the Town.



Recommendation

Based on the assessment of the site plan application petition, the Planning and Zoning Board recommended approval of the site plan with conditions as outlined in Resolution #2014-02

TOWN OF LONGBOAT KEY



Questions and Discussion?

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

DECEMBER 17, 2013

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Bishop, Vice Chair Jack Daly, Secretary John Wild
Members Andrew Aitken, Leonard Garner, Walter Hackett, Allen Hixon, Ken Schneier, George Symanski,

Also Present: Kelly Fernandez, Town Attorney; Alaina Ray, Acting Planning,
Zoning & Building Director; Steve Schield, Planner; Donna Chipman, Office Manager

All those testifying at the following hearings were sworn at this time.

AGENDA ITEM 1
555 BAY ISLES PARKWAY
SPECIAL EXCEPTION USE

Pursuant to published notice, the public hearing was opened.

Steve Schield, Planner, provided an overview of the request noting:

- the subject site was the previous Mattison's Restaurant
- the facility would be connected with the new Publix shopping center
- the owner proposes to provide outdoor dining (50 seats) in an existing 1,600 square foot paved area
- the proposed outdoor area has a separate access door to the existing restaurant building
- the applicant currently has 210 seats approved in the restaurant and proposes to add 50 additional seats to the proposed outdoor dining area. This would result in 260 total seats approved for the restaurant, with 81 existing parking spaces
- Town Code Section 158.128 requires one (1) parking space for every four (4) restaurant seats, which would require a minimum of 65 parking spaces
- an approval would be subject to the conditions outlined in Special Exception Order 2013-02

Mr. Aitken commented there was a great deal of rehab needed on the outside of the building, but asked if before the restaurant opened, the Town ensured its safety. Mr. Schield responded the Building Official would have to sign off on the re-opening of the

restaurant. Mr. Hackett questioned the overall condition of the improvements. Mr. Schneier noted the outdoor dining came up to the property line; was there no side yard setback. Mr. Schield explained there was no side yard setback required in a commercial zone; however, there would be additional setback conditions if adjacent to residential, which the property was not.

Howard Rooks, Property Owner, testified that the overall condition of the improvements included the applying for the customary permits, and there were a number of conditions that he would have to comply with. He was thinking of increasing the entranceway from the restaurant onto the patio, so people sitting in the restaurant could see the outdoor dining. He noted other improvements included: the removal of one booth and adding additional code-compliant glass doors; refurbishing and increasing the size of the bar inside and making it a 'horseshoe' shape in order to double the capacity and make it more appealing; and, replacing kitchen equipment.

Mr. Aitken pointed out that the light fixtures outside and the mechanical equipment were aging. Mr. Rooks responded they had not gotten to the point of replacing those items at this time, so he was not sure of their condition. He pointed out there were some parts of the walkway that needed to be replaced due to damage from tree roots. Mr. Wild voiced concern with the color of the paint and noted it should be painted a lighter color to enhance the architectural features and blend in with the new Publix shopping center.

Mr. Schneier questioned the timetable for completion of the project. Mr. Rooks commented he was not sure, but they were anticipating February or March 2014.

Larry Grossman, St. Judes Drive, suggested there be a sign on Gulf of Mexico Drive to direct customers to the restaurant.

No one else wished to be heard, and the hearing was closed.

MR. HIXON MOVED THE P&Z BOARD APPROVE SPECIAL EXCEPTION ORDER 2013-02 TO ALLOW A 50-SEAT OUTDOOR DINING AREA, SUBJECT TO THE CONDITIONS OUTLINED IN SPECIAL EXCEPTION ORDER 2013-02. MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

AGENDA ITEM 2
HILTON HOTEL

Pursuant to published notice, the public hearing was opened.

For the record, Mr. Hixon noted he had been employed by the Hilton Hotel for a number of years, and while he believed he could be fair and impartial, he asked if anyone objected to his participation. No one voiced any objections to Mr. Hixon participating in the hearings.

Mr. Hixon asked if the Board could legally hear the application. He explained that the Town legislated by density, and questioned whether the density requirements allowed

an increase in density of this type of percentage. Kelly Fernandez, Town Attorney, explained the 250 tourism units that were allowed by referendum were designed to be additional to any density tourism units currently allowed under the plan, and the project could exceed the maximum allowed density of the category where the units were being sought.

Steve Schield, Planner, reviewed the staff report and drawings noting:

- the existing hotel was built in the 1970s and had 102 hotel units
- the applicant was proposing to add an additional 85 tourism units
- all existing amenity buildings on-site would be demolished and rebuilt
- most parking will be valet parking
- conditions for approval were added requesting an enhanced shelter at the transit stop, and if the ULI Advisory Committee proposed a need for sidewalks on the west side of Gulf of Mexico Drive, at the time of Certificate of Occupancy (CO), the applicant would be requested to install sidewalks
- the beach access would be stabilized and enhanced to provide emergency access

Mr. Schield reviewed Condition 32, which was a last minute request from the Public Works Director, requesting the words, "and wastewater," be included in the condition.

Mr. Symanski commented that Condition 27 and 34 both discussed the bus shelter and asked if the two conditions could be combined into one. Mr. Schield commented that Condition 27 was a standard condition included in all resolutions, but it could be combined with Condition 34, which was specific to this approval. Mr. Symanski noted that in the body of the staff report it referenced there was an existing left turn lane for northbound traffic, but staff was also recommending a southbound deceleration lane at the Gulf of Mexico Drive entrance, but it did not include any conditions. The Board should focus on this issue, because it was one of the few times the Board had to improve conditions on Gulf of Mexico Drive. Chair Bishop agreed. She believed a condition should be drafted addressing a southbound turn lane.

Mr. Hackett asked if Windward Bay would still be able to utilize the beach access. John Patterson, attorney representing the applicant, replied yes. Mr. Hackett asked if a warning light should be installed at this point for safety. Mr. Schield responded he did not believe it would be warranted.

Mr. Wild questioned the deceleration lane asking if a sign could be installed announcing that the Hilton Hotel was ahead. Mr. Schield was not sure if it could be accomplished for a private entity. Mr. Wild asked how long the deceleration lane would be. Mr. Schield noted that there was not a recommendation for a deceleration lane, but any lane would have to be designed by a traffic engineer and approved by the Florida Department of Transportation (FDOT).

Mr. Garner commented that a deceleration lane design would be dependent upon the highway speed, and he did not believe the design was a concern of the Board at this time, but the Board could request that a deceleration lane be incorporated into the

request. He was unsure if stop signs were included on the exit from the hotel, and if not, he would recommend they be installed. Mr. Garner suggested the access be covered with shell versus sod to be stabilized. Mr. Schield noted the easement would be maintained by the hotel. Mr. Hixon discussed the parking asking if the Town regulations have a provision for valet parking. Mr. Schield replied yes. Mr. Schneiier referred to the deceleration lane asking if there was room for both a northbound lane and a proposed sidewalk. Mr. Schield replied yes. Mr. Symanski referred to the shell access road asking if it was sufficient for emergency vehicles. Mr. Schield believed it was; they were stabilizing the areas out to Gulf of Mexico Drive. Mr. Hixon encouraged a stabilization system with turf.

Mr. Daly asked if the site plan process for the 250 tourism unit distribution was available for T-6 properties. Mr. Schield replied it was only for T-6 properties. Mr. Daly asked if, and when, the Colony Beach situation resolved itself, would they be eligible for the process. Mr. Schield replied yes.

Mr. Patterson discussed the deceleration lane, noting there was information needed from their traffic experts to address that issue. He noted the applicant agreed with the staff report and the conditions set forth within the report. He continued with reviewing the backgrounds of the development team.

Jim Wurst, architect for the project, reviewed the proposed design of the hotel noting the existing building was over 40 years old and needed to be updated. He reviewed the interior design of the rooms, along with the outside exterior and features.

Larry Washmuth, landscape architect for the project, was introduced. Mr. Symanski noted the Urban Land Institute (ULI) representatives recommended a planting scheme for along Gulf of Mexico Drive. He asked if the Town developed the plan in a timely fashion would the Hilton Hotel be flexible in adjusting their plan to take that into account. Mr. Patterson responded the applicant would take that into consideration.

Richard Stiles, traffic consultant for the project, reviewed the issue of a deceleration lane southbound into the project and whether it should be included as a requirement for the project. There were a number of parameters that come into the formulation as FDOT does provide solid guidance on their expert opinion on when to include a right turn lane into a project. He reviewed FDOT recommended guidelines for right turn lanes noting they also used the Institute of Transportation Engineers (ITE) manual with existing trip generation. For peak hour, based on existing distribution of trips into the site, they would expect about 10-12 right turns into the site. He commented that a right turn lane was not desired. He referenced the ULI report pointing out they had stated that Gulf of Mexico Drive was more a highway, but should be treated as a street. He explained that to install a deceleration lane they would have to run a "keyhole bicycle lane" that ran between the southbound through-lane and the southbound turn lane. He agreed that the length of the lane was determined by the speed of the roadway. He mentioned that the deceleration lane would go beyond the next drive, and believed there would be a conflict with bicycles and traffic turning into a drive. He reiterated that he did not believe the lane was needed or desirable.

Discussion ensued on:

- Whether there were statistics on the current actual southbound volume and what was expected for the area
- Southbound volume, at peak hour, was estimated at 337 trips (future); 423 for northbound volume
- The cost of adding a deceleration lane; it was difficult to determine due to other issues, such as drainage or the right-of-way
- Whether there would be another lane of pavement installed; there was a northbound pavement on the east of Gulf of Mexico Drive that served as a 'taper' lane for the driveway for the development across the street, but not sure if pavement could be utilized
- Concern with not taking into consideration people coming for meetings/events at the same time, which would warrant a deceleration lane
- That the trip generations used were based on studies
- The highest flow of traffic for peak season; 337 was the highest
- A deceleration lane was a contribution and would serve as a safety control; a sign at the north end of the property identifying the entrance to the facility for those traveling southbound
- That FDOT had approved the plan and issued a permit for what was designed
- How many cars would the length of the deceleration accommodate; the northbound lane would officially stack two cars, but could get four cars
- Increase/decrease of traffic on the island over the years
- How long the deceleration lane should be
- Concern that 3,000 square feet of conference facility would generate an increase of traffic

Mr. Patterson commented the issue of the deceleration lane had been raised for the first time in the staff report. He asked if there was a recommendation for a deceleration lane, that the Board allow them to work on it. He noted that if the project were approved, the applicant anticipated beginning construction in 2014 as timing was critical. Chair Bishop noted there was language proposed to address the deceleration lane.

The Board recessed from 10:34 am to 10:44 am to allow staff and the applicant to review the proposed language for new Condition 36.

Chair Bishop commented that when she received the agenda materials, she contacted staff who had informed her they had raised the issue of a deceleration lane with the applicant who responded no to the deceleration lane.

After reviewing proposed Condition 36, which read, *"Prior to issuance of a final certificate of occupancy, the applicant shall install a traffic deceleration lane for southbound vehicles turning into the project entrance. Prior to construction of the deceleration lane, the applicant shall provide copies of the applications and approved permits from the Florida Department of Transportation to the Town,"* there was consensus to revise the condition to include the word 'tapered' after deceleration lane (deceleration/tapered lane).

Mr. Garner referred to where it stated, "applicant shall *install*," and questioned whether it should state, "complete." He commented as long as it was underway and permits were issued for construction, he would not wish to delay their project. Mr. Patterson responded he had been informed by the engineer that if the applicant was able to obtain a permit for the lane, there would not be a problem with completing it by the time the building was completed. However, both the civil engineer and traffic engineer cautioned that it was a state road and whatever was done would have to be approved by FDOT. FDOT could deny installation of a lane, which was the reason the applicant did not wish to have the project dependent upon installing a lane. He recommended the condition be modified to state at the beginning, "*If approved by FDOT,...*". Attorney Fernandez commented that the Board could include the language suggested by Mr. Patterson to make it firm. Mr. Patterson noted the cost of adding a deceleration lane ranged from \$50,000 to \$150,000, or could be possibly more depending on the site conditions.

Discussion ensued on if condominiums were removed as a use from T-6 zoning, that the Town would be sued for loss of right; requesting the applicant agree not to sue if the zoning ordinance were changed to provide a pure tourism zone; if staff was clarifying 'tourist use' in the definitions; that the code changes would clarify the use and referred to Condition 2; and, that a condominium was both a 'use' and a 'financial arrangement,' where the applicant could raise money for the hotel by selling units. Ms. Ray noted the tourism use was strictly for someone renting a room per night regardless of the ownership arrangement.

Andy Berger, vice president of Ocean Properties, noted the process had begun four years ago; they were hotel developers and did not develop condominiums; that the market was currently coming back and tourism was doing well in Florida; and, the project had been in development for some time. They were spending \$30,000,000 to build the resort. Mr. Daly referred to an ownership interest information chart noting that Ocean Properties was not showing on the chart. Mr. Patterson reviewed the chart. Mr. Daly asked if Ocean Properties would operate and manage the facilities. Mr. Patterson responded the company would enter into a management agreement with OpRock. He also noted for the record that the additional condition, as submitted by staff, was acceptable to the applicant.

Larry Grossman, St. Judes Drive, voiced opposition to the deceleration lane, especially as a bicyclist. He believed the lane would interfere with access to other driveways, and pointed out that the board and the applicant did not have jurisdiction over the road. He also discussed the easement/beach access for Windward Bay noting there were no sidewalks and the access was in poor condition. He questioned who owned the easement as an easement agreement should be executed between the owner and the Town so the appropriate person was responsible for maintenance and liability.

Gene Jaleski, Cedar Street, discussed that in 2008 the referendum approved the replacement of lost tourist capacity. He believed the Town should not move forward with the application until they determined how much tourism was lost.

No one else wished to be heard, and the hearing was closed.

MR. HIXON MOVED TO RECOMMEND APPROVAL OF THE SITE PLAN AMENDMENT APPLICATION FOR THE LONGBOAT KEY HILTON HOTEL SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT, AND ALSO WITH THE ADDITION OF A NEW CONDITION 36, WHICH READS: "SUBJECT TO THE APPROVAL OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, THE APPLICANT SHALL INSTALL A TRAFFIC DECELERATION LANE FOR SOUTHBOUND VEHICLES TURNING INTO THE PROJECT ENTRANCE. PRIOR TO CONSTRUCTION OF THE DECELERATION LANE, THE APPLICANT SHALL PROVIDE COPIES OF THE APPLICATIONS AND APPROVED PERMITS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO THE TOWN." MR. GARNER SECONDED THE MOTION.

Chair Bishop asked if Mr. Hixon and Mr. Garner would accept a friendly amendment to Condition 36 to add the word 'tapered' after 'deceleration'. Mr. Hixon and Mr. Garner accepted the amendment.

Discussion ensued on the following:

- Mr. Jaleski's comments and that the Town was trying to approve a legitimate short-term rental arrangement
- The need for additional code enforcement to avoid the personal rentals
- That the project would be a great asset to Longboat Key
- That Condition 36 was still ambiguous, and the first and second sentence were not consistent
- That the Hilton Hotel was the only full service public hotel on the island
- Concern with Condition 36, as a bicyclist, but others had no problem as long as the lane was well marked
- That with the deceleration lane, it would not be creating traffic, but was trying to control it; the right turn already exists, and they would only be creating a method to assist the turning
- Support for the motion, with the condition, as it was believed it would also provide an opportunity for the development of the properties to the south

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE

AGENDA ITEM 3
CONSENT AGENDA

MR. WILD MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 2013, MEETING AND SETTING THE FUTURE MEETING DATE FOR JANUARY 21, 2014. MR. HIXON SECONDED THE MOTION.

Mr. Aitken commented that at the end of the previous meeting there was an update on softening the impact of the flood insurance regulations. He believed there was some effort on behalf of Congressman Buchanan to turn the rule into a study. Chair Bishop

responded the Town would request an update from his office, and if provided, an update would be provided to the Board.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

The January 21, 2014, meeting would begin at 8:30 AM due to a conflict with the Town Commission Regular Workshop.

ADJOURNMENT

The meeting was adjourned at 11:25 AM

John Wild, Secretary
Planning and Zoning Board

RESOLUTION 2014-02

A RESOLUTION OF THE TOWN COMMISSION 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; TO 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 Longboat Key Town Commission 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 Longboat Key Town Commission adopted Ordinance 2013-07, allowing the granting of additional tourism units on T-6 zoned properties through site plan approval; and

WHEREAS, the 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 of the Town Code, 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 of the Town Code 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 6th day of January, 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 in Chapter 158 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 of the Town Code, 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 Section 55.05 of the Town Code, 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 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's 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, Chapter 154 *Flood Control* of the Town Code, Federal ADA, and Florida Accessibility Codes.
- 9) All exterior lighting shall comply with Section 158.102(B)(5) of the Town Code, 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 Code.
- 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. Southwest Florida Water Management District (SWFWMD), FDEP, Florida Department of Transportation (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 District. 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 Sections 158.018 and 158.102(l) of the Town Code, 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 and wastewater 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 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 Section 158.017, *Parks and open space land acquisition*, of the Town Code, to be used for parks and open space according to the standards and formula set forth in the section.

- 36) Subject to approval by FDOT, prior to issuance of a final certificate of occupancy, the applicant shall install a traffic deceleration/tapered lane for southbound vehicles turning into the project entrance. Prior to construction of the deceleration/tapered lane, the applicant shall provide copies of the applications and approved permits from FDOT to the Town.

Due to the voluminous nature of the Hilton Hotel Site Plan Application and Site Plan documents we are unable to publish them on iPad or Website.

Commissioners will be provided a copy of those documents in their mail drawer at Town Hall.

The Hilton Hotel Site Plan Application and Site Plan documents are available for public view in the Town Clerk's Office at 501 Bay Isles Road, Longboat Key, FL.



End of Agenda Item