

RESOLUTION 2014-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY APPROVING A SITE PLAN AMENDMENT APPLICATION FOR THE VILLAS AM MEER (ARIA), 2251 GULF OF MEXICO DRIVE, TO ALLOW CONSTRUCTION OF A 17 UNIT RESIDENTIAL, MULTI-FAMILY DEVELOPMENT, 16 UNITS LOCATED IN A NEW FOUR-STORY RESIDENTIAL BUILDING, AND ONE UNIT IN AN EXISTING HISTORIC STRUCTURE; COMMUNITY BUILDING, FITNESS CENTER, GENERATOR BUILDING, SWIMMING POOL, AND OFF-STREET PARKING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Villas Am Meer Condominiums (a.k.a. Aria), located at 2251 Gulf of Mexico Drive, Longboat Key, Florida, currently contains three (3) detached residences that were originally constructed in 1935; and

WHEREAS, the Villas Am Meer Condominiums property located at 2251 Gulf of Mexico Drive is currently zoned R-6MX, High Density Mixed Residential; and

WHEREAS, BBC Key, LLC, is the owner of the Villas Am Meer property, and has submitted a site plan to allow construction of a multi-family condominium development consisting of 17 dwelling units, with 67,423 square feet of residential floor area and associated amenities; 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 supporting documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board makes the following conclusions and findings of fact:

- (a) With the recommended conditions of approval, the plan is consistent with the purpose and intent of the Comprehensive Plan.
- (b) With the recommended conditions of approval, the plan is in conformance with all applicable regulations of the Town of Longboat Key Code of Ordinances and the zoning district in which it is located.
- (c) 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 the relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space; provision of screening and buffering; preservation of existing natural features, including

trees; size and apparent bulk of structures; and building arrangements, both between buildings in the proposed development and to those buildings adjoining the site.

- (d) With the recommended conditions of approval, the plan is in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

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

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

SECTION 2. The site plan application for the Villas Am Meer (a.k.a. Aria) Condominiums, located at 2251 Gulf of Mexico Drive, Longboat Key, Florida 34228, is hereby approved subject to the conditions attached hereto and marked Exhibit "A", "Conditions Requisite for Approval," Site Plan Review, Villas Am Meer, 2251 Gulf of Mexico Drive, Longboat Key, Florida 34228, and dated concurrently with this Resolution.

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 3rd day of March, 2014.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Attachment: Exhibit "A," Conditions Requisite for Approval

EXHIBIT "A"

RESOLUTION 2014-04

CONDITIONS REQUISITE FOR APPROVAL
SITE PLAN REVIEW

VILLAS AM MEER (a.k.a. Aria)
2251 GULF OF MEXICO DRIVE

- 1) The provisions of the site plan application for the subject property, dated November 4, 2013, and received January 6, 2014, 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 the High Density Mixed Residential District (R-6MX), as specified in Chapter 158 of the Town Code.
- 2) 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" plan 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 note the differences with such plans.
- 3) All utilities shall be located underground.
- 4) 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.

- 5) 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.
- 6) 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 March 3, 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.
- 7) The development/construction plans shall conform to the Florida Building Code and all other applicable codes and ordinances pertaining to, including but not limited to, Chapter 154 *Flood Control*, of the Town Code, Federal ADA, and Florida Accessibility Codes.
- 8) 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 shall be in compliance with Chapter 100 *Sea Turtles*, of the Town Code.
- 9) The height of all structures located on the roof of the four (4) story residential tower, including elevator shafts, enclosed stairwells and enclosed mechanical equipment shall not be more than 10 feet above the maximum 50-foot height of the building as per Section 158.153(B)(1) of the Town Code.
- 10) Parking of construction-related vehicles shall be prohibited along Gulf of Mexico Drive.
- 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 thereto, including 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 Resolution.
- 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 with 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) The approved landscaping, as presented to the Town on the plans, dated September 16, 2013, (revised December 23, 2013) and received by the Town on January 6, 2014, 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.
- 17) 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.
- 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 Villas Am Meer Condominiums (a.k.a. Aria) 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 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) Notwithstanding the language and/or notes provided in the plans and specifications, no potable water shall be utilized for irrigation purposes.
- 23) 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.
- 24) 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.
- 25) During construction, coordination with the Public Works Department shall be maintained during water, wastewater, and stormwater construction, connections, and phasing.
- 26) Water and wastewater utilities within the project area are the property and responsibility of the property owner.

- 27) The stormwater management system shall be designed and maintained in perpetuity in accordance with the applicable provisions of the FDEP, SWFWMD and the Sarasota County Mosquito Control. The applicant assumes full responsibility for operation and maintenance of the stormwater facilities located on their own property.
- 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) In accordance with Sections 158.018 and 158.102(I) 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.
- 31) The applicant shall pay a money fee at the issuance of a building permit for the additional 14 units being approved 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.
- 32) The existing fencing that runs parallel to the shoreline along the buried seawall lies wholly within the gulf waterfront yard and is, therefore, a grandfathered non-conforming fence that may be maintained and repaired, but shall not be replaced, per Town Code Sections 158.138(2) and 158.138(4). The approved site plan shall remove any reference to a replacement decorative fence in the gulf waterfront yard.
- 33) The existing side yard fencing that runs from the southern rear corner of the property landward lies partially within the gulf waterfront yard and that segment is, therefore, a grandfathered non-conforming fence that may be maintained and repaired, but shall not be replaced, per Town Code Sections 158.138(2) and 158.138(4).

- 34) The existing portion of the side yard fencing that runs from the northwestern rear corner of the property landward lies partially within the gulf waterfront yard and that segment is, therefore, a grandfathered non-conforming fence that may be maintained and repaired, but shall not be replaced, per Town Code Sections 158.138(2) and 158.138(4).
- 35) In order to improve pedestrian and bicyclist safety along the multi-purpose path that crosses the project's access driveway, the applicant shall:
 - a. Provide and maintain the same material composition of the adjacent sidewalk along the full extent of the access driveway;
 - b. Show a straight sidewalk across the access driveway on the approved site plan;
 - c. Provide bar-type striping along the edge of the sidewalk, consistent with the Florida Department of Transportation (FDOT) standards for crosswalk markings at intersections as required by the Town's Department of Public Works;
 - d. Install bike-crossing warning signs at the approach of the access driveway to Gulf of Mexico Drive;
 - e. Provide written confirmation from the Town's Public Works Department on the design and specifications of the improvements as listed above; and
 - f. Provide all required sidewalk-related improvements.
- 36) Final engineering plans and plat shall clearly identify the existence of stormwater chambers under the proposed building and the applicant shall disclose to future residents the location of the stormwater chambers.
- 37) 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.