

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

OCTOBER 20, 2015

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

Members Present: Chair Jim Brown; Vice Chair BJ Bishop; Secretary Ken Schneier; Members Andrew Aitken, Leonard Garner, Stephen Madva; George Symanski

Also Present: Maggie Mooney-Portale, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Steve Schield, Planner; Maika Arnold, Planner; Donna Chipman, Office Manager

PUBLIC TO BE HEARD
Opportunity for Public to Address Planning and Zoning Board

No one wished to address the board.

All those testifying were sworn at this time.

AGENDA ITEM 1
THE SHORE RESTAURANT
SPECIAL EXCEPTION APPLICATION

Pursuant to published notice, the public hearing was opened.

Maggie Mooney-Portale, Town Attorney, asked if anyone had Ex Parte communications with the applicant or their agents, or whether they had a conflict of interest, to please disclose for the record. None were noted.

Maika Arnold, Planner, reviewed the staff report noting:

- Request was to construct a new restaurant with outdoor dining and a dock that exceeds 500 square feet
- No increase in seats was being requested; remains at 185 seats
- Reviewed aerial photograph showing the current conditions of the site
- Reviewed the floor plan of the restaurant noting the area for outdoor dining was along Sarasota Bay
- Parking is proposed on site with adequate landscaping

- Since not increasing seats no need for additional parking; will be providing 55 additional spaces, where 47 are required
- Applicant has proposed to remove the existing dock and reconstruct the dock which will exceed 500 square feet, and would require a special exception
- The Zoning Board of Adjustment (ZBA) granted a variance for the new dock with conditions requiring railings for safety and signage
- Reviewed Findings of Fact with the board
- There were three driveways proposed – two for access to parking lot and one for the parking garage
- Off-street parking and loading provided with particular attention to the noise and impact to adjoining properties

Mr. Aitken referred to Item 6 concerning mechanical equipment on the roof, and suggested the applicant consider placing it on ground level behind a structure. Mr. Schneier asked how many parking spaces currently existed. Ms. Arnold replied the current restaurant did not have clearly marked spaces. Chair Brown asked if the new dock had any approval requirement from the Florida Department of Environmental Protection (FDEP). Ms. Arnold replied yes; the applicant has submitted to the State. Chair Brown commented on Mr. Aitken's comments stating he was not sure what the difference would be with the mechanical equipment on the roof or on the ground. Mr. Garner believed it was better on the roof.

Peter Dailey, Dailey Design Group, representing the applicant, explained the new owners wish to tear down and rebuild the restaurant. The applicant was requesting a one story restaurant over parking and would be retaining the 185 existing seats, with some located inside the restaurant and some outside the restaurant. The requested outdoor dining would be designated behind the restaurant on the water. The outdoor dining areas were screened from the adjacent residents with plantings, and screening materials will be installed to lessen the impact. He discussed the variance granted by the ZBA in February, and in October, which related to the restaurant setback and dock. Concerning the air conditioning system, there was a parapet wall proposed in front of it and which would block any impacts to neighbors.

Steve Kring, Broadway Street, asked if the outdoor dining would be part of the 185 seats. Chair Brown replied yes. Mr. Kring questioned overnight mooring at the docks. Alaina Ray, Planning, Zoning & Building Director, explained that overnight mooring was prohibited under the Town Code. Mr. Kring agreed most of the time that the air conditioning equipment was better located on the roof; however, the proposed plan shows the equipment would be right at "living height." He believed it would be better suited on the ground surrounded by a parapet wall.

Ruth Gray, Broadway Street, asked how far the new building started from the adjacent Mar Vista Restaurant, and what was the proposed height of the new structure. Ms. Ray responded the distance from the new structure to the Mar Vista property line was approximately 106 feet. The maximum height of the building was 30 feet from the FEMA base flood elevation.

Karen Feeney, Broadway Street, voiced concern with aesthetics asking if there was something the applicant could do so they were not looking at a “stark clean wall”; that she rents her home during season and would like to know when construction would begin; and, concerning lighting, that in the evenings it be turned off or very mild. Mr. Dailey explained the plans were preliminary and once they established the architecture of the building, there would be differences in what was shown in terms of elevations, but there would be lots of landscaping to buffer the area and screen it from neighbors. The actual height was the same as the rest of the building, and there would be no height added on the western portion of the building. He noted that no lighting would leave the site.

Mr. Madva questioned the construction dates. Mr. Dailey was not sure, but they were moving forward as quickly as possible. They have applied to FEMA for extension of the land lease, and it was the same area as currently existed, but just moving it out slightly in terms of where the new dock structure with fingers would be located. He anticipated they should have a response soon.

Carla Rowan, Broadway Street, voiced concern with the height of the building; the lighting; requested protection of the historic nature of the Village; and, requested the applicant design a building that fit within the quaint nature of the area.

Ms. Ray discussed the height of the building noting it was almost in scale with what currently existed, maybe one to two feet higher. It measured 30 feet from FEMA base flood elevation, which was measured from the Mean High Water Line (MHWL). The applicant could not build the lot up and then raise the parking.

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

MR. GARNER MOVED THE P&Z BOARD APPROVE THE SPECIAL EXCEPTION FOR THE SHORE RESTAURANT SUBJECT TO THE CONDITIONS OUTLINED IN THE ORDER. MR. SYMANSKI SECONDED THE MOTION.

Mr. Schneier pointed out that in Exhibit ‘A’ of the special exception order, Condition 3, it referenced 185 ‘tables’ where it should say ‘seats.’ Mr. Garner and Mr. Symanski accepted the revision.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

AGENDA ITEM 2
THE SHORE RESTAURANT
SITE PLAN APPLICATION

Pursuant to published notice, the public hearing was opened.

Maggie Mooney-Portale, Town Attorney, asked if anyone had Ex Parte communications with the applicant or their agents, or whether they had a conflict of interest, to please disclose for the record. None were noted.

Maika Arnold, Planner, reviewed the staff report noting:

- The request was to demolish the existing restaurant and reconstruct a new restaurant
- Reviewed PowerPoint showing existing and proposed conditions
- Screening would be provided along Broadway within the 20 foot setback
- There would be three improved driveways on site – one for garage access and two for parking lot access
- Installation of directional arrows in the parking lot to direct traffic one way with parallel spaces along the restaurant site
- Will improve parking lot and install swales for improved drainage
- There would be no increase in seats; they would remain at 185 seats
- Reviewed Staff Analysis
- Will be providing 55 parking spaces; the existing restaurant had no designated spaces
- Proposed restaurant meets both waterfront and street setbacks
- Provides a buffer that would be planted within the 20 foot setback

Peter Dailey, agent representing the owners, commented the new owners entered into the project to assist Moore's with the restaurant. He discussed the site plan characteristics and noted they would be proposing bicycle racks and 16 slips to help reduce vehicular traffic; and, discussed having the utilities placed underground, including the electrical if financially feasible. Mr. Madva asked if the building would have an elevator. Mr. Dailey replied no.

Mr. Schneier asked if any existing vegetation will be removed and replaced. Mr. Dailey noted the existing vegetation was not healthy, so the applicant would probably replace it all. Mr. Schneier questioned the drainage. Mr. Dailey explained currently it was a shell parking lot, and the proposed driveway entrance and aprons will be concrete; in front of the building would be concrete; there would be pervious pavers between the building and the Mar Vista Restaurant; and the improvements would allow the surface water to drain into a vault structure. Mr. Schneier asked if it was expected there would be fewer drainage issues. Ms. Ray commented that staff had worked closely with the Town's Public Works Department and their storm water engineer. Currently, when there was a rain there was a "milky" runoff from the shell onto the street, which then runs back into the bay. The proposed parking lot will not be shell, but would be a pervious surface system which should prevent the type of runoff into the bay.

Michael Drake, Longboat Drive South, asked for clarification of where the measurement of 30 feet started. Ms. Ray explained the measurement was taken from the FEMA base flood elevation, which was measured from the MHWL. In this area, the base flood elevation was at ten feet. The first habitable floor has to be measured at ten feet above the MHWL (which is zero); the existing building was 4-5 feet above MHWL, and the first floor has to start at ten feet. Mr. Drake voiced his support of the testimony he has heard.

Steve Kring, Broadway Street, discussed the flooding on Broadway Street, noting there was not a lot that could be done to help that situation. He also discussed required parking and hoped that if it became a problem, that the surrounding residents could expect some relief with no parking on the side streets. He requested that the Town continue to work with the Village on the parking issues.

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

MR. GARNER MOVED THE P&Z BOARD APPROVE THE SITE PLAN APPLICATION FOR THE SHORE RESTAURANT SUBJECT TO THE CONDITIONS OUTLINED IN THE ORDER, AND WITH THE CORRECTION IN THE CONDITION TO STATE 'SEATS' VS. 'TABLES.' MR. SCHNEIER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

CONSENT AGENDA

MR. SYMANSKI MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2015, REGULAR MEETING AND SETTING THE FUTURE MEETING DATE FOR NOVEMBER 9, 2015, AS A JOINT WORKSHOP WITH THE TOWN COMMISSION, AND NOVEMBER 17, 2015, REGULAR MEETING BOTH BEGINNING AT 9:00 AM. MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; BROWN AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

ADJOURNMENT

The meeting was adjourned at 10:04 AM

Ken Schneier, Secretary
Planning and Zoning Board