

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

DECEMBER 13, 2011

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

Members Present: Chair BJ Webb, Vice Chair Allen Hixon, Secretary John Wild, Members Phineas Alpers, Jack Daly, Leonard Garner, Laurin Goldner, Walter Hackett, George Symanski

Also Present: David Persson, Town Attorney; Steve Schield, Planner; Ric Hartman, Planner; Donna Chipman, Office Manager

All those testifying were sworn at this time.

Chair Webb informed the board that the order of the agenda would be reversed to allow the board to hear items 3 and 4 first.

AGENDA ITEM #3
PARCEL A, BAY ISLES (SHOPPES OF BAY ISLES), 525 BAY ISLES PARKWAY
OUTLINE DEVELOPMENT PLAN AMENDMENT

AGENDA ITEM #4
PARCEL A, BAY ISLES (SHOPPES OF BAY ISLES), 525 BAY ISLES PARKWAY
SITE PLAN AMENDMENT

Steve Schield, Planner, reviewed the staff report and the tracts that would be reviewed.

Chair Webb asked if there was any discussion related to a boundary line adjustment. She did not understand why the properties were "so fractured." Mr. Schield explained there was an issue with ownership, as there were three separate owners involved since there were three separate parcels. He continued with pointing out the three parcels in question.

Mr. Hackett referred to the Enclave tract and asked if the remaining tract disqualified its original intended use and design. Mr. Schield responded it would have to be adjusted as there was a density applied to the overall 3.5 acres, and now that it was being reduced by one acre, the approval for the 12 units went away. The request was to remove all allowable uses and keep the tract vacant. Mr. Wild understood that part of the residential tract was moving over, but asked if all the residential designation would

be removed. Mr. Schield noted the applicant was voluntarily requesting no uses be designated on the site at this time. Mr. Wild asked if there was a category "for nothing." Mr. Schield responded it was a vacant parcel, and would have to remain vacant until such time they applied for, and received approval for, an Outline Development Plan (ODP) amendment or new use. Mr. Hixon asked if that was part of the land that was being considered for a "vibrant new town center." Mr. Schield commented that was the direction of the discussion. Mr. Hackett asked if they were relinquishing the residential use. Mr. Schield replied yes, but there were comprehensive plan amendments that provided direction as to how the Town wished the property to be planned.

David Persson, Town Attorney, suggested the board hear the issues related to the Publix property, and not vote, and then hear the issues related to the remaining agenda items, and at the end of the discussion proceed with a vote on each item. **There was consensus to move forward as suggested by Attorney Persson.**

Mr. Schield continued with the staff report with providing an overview of Parcel 'A' noting it encompassed 9.71 acres and a total building area, including the portion of Parcel B-2, was 105,707 square feet. He explained that the applicant was requesting one departure for a parking setback in the street yard from 20 feet to 12.49 feet to accommodate existing parking along Bay Isles Parkway. Staff was recommending approval of the ODP amendment, but without approval of the requested departure. He pointed out that the proposed parking was in excess of the code and a large increase from the existing site. The Town Code required 247 parking spaces, but the applicant was proposing 407 spaces. He commented that if the applicant reduces the amount of parking, it would allow an increase to the buffer along Bay Isles Parkway.

Chair Webb addressed the parking issue and the primary ingress/egress points, which showed parking along both sides of the access points. She voiced concerned with safety in those areas, and also with the driveway area from the Bank of America site leading into the proposed loading docks. Mr. Schield explained that if the board denied the departure for the parking within the street setback that would eliminate the parking on both sides of the entry driveways; the east side was where the departure was being requested. He had requested that the applicant attempt to relocate the bank easement, and the applicant offered to pay to relocate the easement, but he understood Bank of America would not consider either option. He noted the Bay Isles Master Association wished to preserve the present location of the two access drives.

Mr. Garner discussed the main drive aisle (northernmost by the existing CVS), which went into a drive aisle. He noted that the plans indicated a two-way drive at that location, but the other aisles were one-way. He voiced concern over two-way vehicle movement and backing in two different directions. Mr. Schield noted that at one point staff had requested parking be eliminated in the east-west aisle. Mr. Garner suggested there should be a landscaped island in the middle of the two-way drive so that the directions would be separated.

Mr. Wild questioned staff as whether they were confident that the correct person at Bank of America was contacted about the proposal. Mr. Schield believed the Publix representative would address that issue. Mr. Wild asked about the Fire Department

turning radius. Mr. Schield responded there was a truck and fire route included in the plans. He mentioned the engineer for the applicant was available to discuss the traffic and parking, and the Town's consultant, William Roll of Tindale-Oliver, had reviewed the entire site and was in attendance.

Mr. Hixon commented there was significant amount of material to be addressed, and asked if the board could hear from the traffic consultant. Chair Webb noted the only departure that the board was allowed to grant dealt with transportation, so there were a lot of details, but the board was somewhat limited in terms of the code. Mr. Schield reviewed an illustration of the site layout with the board. He commented if the departure was not granted, and the parking was eliminated, it would eliminate most of the parking along the access drive from Bay Isles Parkway.

AGENDA ITEM #1
PARCEL B-1, BAY ISLES (MODA), 594 BAY ISLES ROAD
OUTLINE DEVELOPMENT PLAN AMENDMENT

Mr. Schield reviewed the staff report noting it was an existing vacant parcel and was approved for 12 multi-family residential units. There was a site plan that was approved for the site several years ago, but it had since expired. The applicant was requesting approval to reduce the site to 2.81 acres and remove all allowable uses at this time.

Mr. Garner asked if there was a plan that showed both the remaining property and the property being sold to get an idea of the impact of the area being separated from the overall parcel. Mr. Schield pointed out to the board that part of the parcel that was being sold off, and provided a brief history of the parcels (B-1 north and south).

Mr. Schield commented that staff was recommending approval of the request. Chair Webb asked if it was only the one acre that was being sold which would lose its zoning designation. Mr. Schield responded the entire parcel would lose its zoning designation. Mr. Hackett asked if the applicant could have retained the residential use for the remaining part. Mr. Schield responded the Town could ask him to adjust the density, and he might lose 3-4 units and reduce the residential use on the site, but he believed the owner did not feel residential was the "highest and best use of the property."

AGENDA ITEM #2
PARCEL B-2, BAY ISLES (TOWN PLAZA II), 545 BAY ISLES PARKWAY
OUTLINE DEVELOPMENT PLAN AMENDMENT

Mr. Schield reviewed the staff report providing an overview of the request and noting that the total land area was 3.53 acres and was commercial/office use. The back portion of the plaza would be demolished, but the restaurant building would remain.

Mr. Garner asked if there was anything in the original approval for the plan of the site that allowed for the parking to be non-conforming as to the parking setback. Mr. Schield commented that staff researched the issue, but could not find where any departures were granted at that time, but both departures were interior to the tract. Mr. Garner commented the sale of the part of the parcel was not what was causing the need for the

departure as it was an existing issue. Mr. Schield replied that was correct. Mr. Schield continued with the staff report reviewing the three departures being requested on the tract for the parking.

Attorney Persson asked if there were no departures resulting from the separation of the land or was there only one for the building. Mr. Schield pointed out there was a request for one departure for the building and two for the parking. Attorney Persson asked what departures were caused due to the subdivision of the property. Mr. Schield explained the three departures were the only departures. The applicant had applied for a subdivision of the three tracts that would be approved administratively, and they also applied for a site plan for the tract. He noted the applicant was informed they could not use the restaurant building until they obtained a revised site plan.

Mr. Alpers asked about the property line for Parcel B-2 and if it always existed. Mr. Schield replied no; and reviewed an illustration showing the property lines. Mr. Alpers asked if the parking departures had always existed on the site. Mr. Schield replied yes. Mr. Alpers noted the applicant had never applied for those departures. Mr. Schield responded yes, they had never applied for the departures, and as a result, were considered existing non-conforming.

Attorney Persson referred to the notation on the plans that indicated Parcel 'C', and questioned the notation to the left. Mr. Schield commented it was the zero building setback line for the building, which was allowed under C-2 and was the proposal with the resubdivision; the building on that side of the site would have a zero setback. Attorney Persson asked why the Town Code required a departure on one side of the building, but there was an allowance for a zero lot line on the other side. Mr. Schield explained because on the side property line they had flexibility from 0 to 15 feet; a lot of the site was commercial, which could abut each other.

Michael Leeds, RMC Development Services, representing the applicant, provided an overview of the project noting that Arvida had developed the center in the early 1980s, and much of the original construction existed at this time. There was a need for a major renovation, and the proposal was to include a new upscale grocery store that had features such as: a large selection of fresh prepared foods created by in-house culinary chefs; fresh salad bar with fresh soups and Pan-Asian specialties; European style coffee shop with pastries; an expanded food court with outdoor seating; larger organic fruit and vegetable selections; larger full-service meat and seafood departments; full-service cheese selection with more than 100 varieties; and, a wine specialist staff with expanded wine department. He noted that the development team held two public outreach events, one at the Federation of Condominium meeting in November and the other at the Temple Beth Israel on December 8, 2011.

Joel Freedman, Freedman Consulting, planning consultant representing the applicant, reviewed a PowerPoint outlining the existing facility, and the proposed building layout for the site. He discussed that the project would be oriented towards Bay Isles Parkway, and they would be constructing the new CVS building prior to closing and demolishing the existing pharmacy. The plan was to close Publix in April 2012 and reopen prior to Christmas 2012. He reviewed an illustration of the accesses noting that

an easement would be granted for a potential future access point on the southwest portion of the parking lot. He mentioned that an earlier submittal showed an access point with a "right in, right out" onto Bay Isles Parkway, but Bay Isles Association was not comfortable with that so it was not being proposed, but staff was requesting that the applicant grant an easement in case in the future it became desirable. He commented that the request for the departure was so that the existing parking could remain as it existed; the departure was for approximately 12 feet. They would be enhancing the buffer along Bay Isles Parkway, and he believed it would mitigate the concern for the view of the parking from the roadway. He pointed out that the departures requested for Town Plaza II parcel were not being created by the proposal, but currently existed. He also had researched past approvals and could not find where any requests were made for any departures.

Chair Webb questioned the request for 407 parking spaces. Mr. Freedman noted the parking field for Publix typically required five spaces per 1000, but their proposal was 4.3 spaces per 1000. The creation of a different shopping experience would result in customers staying longer at the facility; the outdoor dining area was unique to this Publix and the café would encroach into the building. The retail space was expected to be fully leased, and he believed the large number of parking spaces would be needed.

Matt Campo, Campo Engineering, representing the applicant, reviewed the functionality of the site. He addressed the access by the Fire Department, noting they had reviewed the proposal with the Fire Marshal. They attempted to keep the delivery truck path around the perimeter of the site so there was less impact with customer traffic/pedestrians. He pointed out that deliveries would occur during non-peak hours, and commented that the truck loading access would be along the Bay Isles Road side of the building. Concerning the two-way access with angled parking in opposing directions, he noted it was a very common means of configuration for access. He explained with the angled spaces, which were 60 degree spaces, the vehicle could back out and stay within its lane, which reduced the risk of accidents.

Mr. Hixon did not understand the reason for two different vehicle relationships on the plans (Fire and Semi Truck Route Plan-Sheet 5.1). Mr. Campo commented that with the particular software that was used, it was very accurate and modeled every single wheel of a truck. Mr. Hixon asked if it was possible to limit the deliveries to night time only when the stores were closed. Mr. Campo understood the deliveries would be the same as existed at this time, but referred the question to Mr. Leeds. Mr. Hixon voiced concern with asking older residents to compete with semi trucks delivering products as they would go into the opposing lane of traffic in order to negotiate the turn. Mr. Leeds responded that Publix would have the same delivery schedule as existed, which most were in the early morning and involved a variety of types of vehicles. He pointed out that the graphic illustrated the largest possible truck that could deliver, but noted it would be rare for that to occur. Mr. Hixon asked how his concern could be resolved. Mr. Leeds noted they work with their vendors on deliveries. Mr. Hixon also referenced the turn from the most northern entrance, noting he understood that Bay Isles Association did not want another access, but commented if they had straight access into the site, it would eliminate the two turns and the concerns.

Mr. Wild voiced concern there was not a drive aisle and asked what would be the impact if they extended the middle aisle from 24 feet to 26 feet; where would they be able to find two feet elsewhere on the site. Mr. Campo responded they would have to revisit that issue, but he did not believe the two feet would make a difference. Mr. Hackett suggested making Access 2 (as noted on the plans) a one-way entrance versus the two-way entrance that was shown. Mr. Garner commented it was what existed at this time, but if it was a one-way, 24 foot aisle, it would resolve the concern.

Mr. Campo discussed the stormwater noting there would be on-site attenuation and treatment. They would be reducing the flow and treating the pavement, which was not currently treated. He discussed the pedestrian access, noting there was a connection from Gulf of Mexico Drive (GMD) to the site (via sidewalk); there would be six and eight foot paths. Chair Webb questioned accommodations for bicycles. Mr. Campo noted there would be bicycle racks available on site.

Mr. Hackett referred to the Town's Comprehensive Plan (Policy 1.6.1 in Section 1, General Analysis) and asked if it would make sense to extend the pedestrian/bicycle route to connect to the tennis center. Mr. Campo pointed out on the plans a future connection from the rear access into the Wolfer parcel then into the tennis center. Mr. Schield commented that it was planned for all the parcels to be interconnected in the future. Mr. Hackett commented he was proposing an affirmative private easement for the connection, because the connection was "too beneficial to ignore." Mr. Leeds agreed and would be comfortable asking the owner if he would allow that. Mr. Hixon commented the connection would not only be for the tennis center, but for the new town center. He discussed that rather than having a six foot blacktop walk on the Publix site, there should be a significant paver quality walk up to their property line, which would set the theme for the future connections.

Mr. Wild commented there was a gas station that previously existed on the site, and asked if there were any plans to reconstruct that station. Mr. Leeds replied he did not believe there were plans for a gas station. He referred back to the pedestrian access noting the walkways would be a decorative type paving.

Mr. Hackett asked how much the existing facility would be increasing the grade. Mr. Campo replied the existing store was below base flood elevation (BFE); however, the new store would be elevated just above BFE as most of the perimeter was at grade.

Gary Hoyt, Hoyt Architects, representing the applicant, reviewed the proposed building and landscape renderings noting there would be an outdoor seating area with a trellis, along with landscaping and vines with a side access to the building (outdoor seating area side). There would also be a community board area near the outdoor dining area. Mr. Hackett questioned the seating capacity for the outside and inside seating areas. Mr. Leeds was unsure of the amount, but would find the information before the end of the meeting.

Mr. Hoyt continued reviewing the illustrations noting that every side would look like a store front. He noted that at the important entry areas, there were brick pavers incorporated. Chair Webb commented that in the renderings there was no access

shown for the Bank of America. Mr. Hoyt noted that it was not included on the renderings as they were only showing the applicant's property. Mr. Alpers questioned the structure on the roof. Mr. Hoyt responded it was a screen around the mechanical equipment, because there were concerns raised about seeing mechanical equipment. Mr. Alpers asked if there was a need for air to get to the facility. Mr. Hoyt noted it was set back far enough so there was sufficient air for the equipment.

Phil Smith, David Johnston & Associates, landscape architect representing the applicant, reviewed the site illustrations noting the existing buffers would be enhanced, and there would be several special paver areas provided for awareness and safety for pedestrians and vehicles. He explained that as part of the process, staff requested an analysis of the existing tree canopy, and approximately 29 percent of the open space area was covered with existing canopy at this time, but much of the existing canopy was not in good shape. The proposal would provide larger root areas as the existing site had very narrow islands. He pointed out that the proposed plan met the code requirement for one tree for every 12 parking spaces, and one tree for every five spaces. He reviewed other graphics that noted there was approximately 71,000 square feet of interior landscape area where 40,167 square feet was required by code. He pointed out that the amount of coverage expected over the parking area and open space area was approximately 41 percent after a ten year growth period. Mr. Smith reviewed the various types of trees for the buffer, including: palms, Black Olive, Live Oak, Southern Red Cedar and Gumbo Limbo.

Mr. Symanski commented there was a 29 percent canopy indicated, but the applicant was now proposing 21 percent, which he believed seemed short. Mr. Smith noted they were meeting the minimum requirements for tree size; there were 128 trees being removed, 47 of those were not allowed by Town Code, and 256 trees were required for replacement. They were providing 417 replacement trees. Mr. Symanski noted they were requesting a departure, and in exchange, could provide what presently existed at 29 percent. Mr. Hixon voiced his concern with a two inch caliper, which he believed was not a significant replacement plant and hoped that was not the minimum. Mr. Garner asked if the percentage being noted was based on the acquisition of the other sites. Mr. Smith responded that all the calculations were based on the Publix site only.

Mr. Smith continued reviewing the shrub materials that would be used, including Silver Buttonwood, Silver Palmetto, Sea Grape, Cardboard Palm and Coontie. Chair Webb questioned the use of Sea Grapes in the landscaping as they created a mess. Mr. Garner asked if the proposed landscaping shown was what would be planted initially or the result in the future. Mr. Smith noted it indicated plantings that were initially installed. Mr. Wild commented there were a number of trees mentioned that needed to be removed, but the pictures did not reflect the removal. Mr. Smith noted the trees in the perimeter buffers would remain. He pointed out that most were Cuban Laurels and were trees that were not to be planted, but were not required to be removed. Mr. Schield responded the actual trees that were required to be removed were Carrotwoods. Mr. Wild asked if the pictures shown were accurate. Mr. Schield replied correct.

Mr. Hixon asked about the view from the front of the Publix store to the right looking toward CVS and asked if they would be looking at the trash compactors for the store. Mr. Smith noted there was a screen wall and were plantings in that area so they would see landscaping. Mr. Hixon voiced concern and believed the area should be filled in to the maximum possible for the visual perception from the aisles, Bay Isles Parkway and Gulf of Mexico Drive (GMD). He pointed out that the CVS building would be moved closer to GMD and was not at the same elevation as the previous gas station. He was concerned about what they were seeing with particular plantings, and with a five or ten year plan. The earth berm was just below where it should be, but there was adequate space to raise the berm to a minimum elevation of six feet. He hoped that the applicant would include those solutions, along GMD and Bay Isles Parkway, when the final site plan was approved. Mr. Smith responded the existing berm would be retained and enhanced with the plantings. Discussion ensued on the concern with the use of Sea Grapes in the landscaping.

The board recessed from 10:59 am – 11:09 am.

Mr. Freedman commented that one of the conditions recommended in the approval was to not occupy the building until the final Certificate of Occupancy (C.O.) was issued. He explained they would be filing a separate building permit for the CVS building, and would obtain the C.O. for that building before the remainder of the center was complete. They would also be providing continuous canopies along the front of the store. Mr. Leeds referred to the previous question related to the number of seats for the dining area and noted there would be nine tables outside the store for a total of 36 seats, and room for 20 seats inside the store.

Mr. Leeds noted the frontage of the store would have twice the walkway than a typical Publix, because people tend to gather and socialize in the front of the store. Mr. Wild asked if the interior aisles of the store would be wider. Mr. Leeds replied yes. Mr. Daly questioned the seating capacity for the area on the edge of the retail space. Mr. Freedman noted it was undefined, because when they leased the space to a tenant, the tenant would have to come back to the Town and apply to receive a special exception for the outdoor dining.

Mr. Symanski commented the building would be 14,000 square feet less than the existing space. Mr. Leeds replied yes. Mr. Symanski commented when the tourism facilities were operating again, there might be a need for a larger facility. Mr. Leeds responded there was a lot of competing demands and needs, and Publix was familiar with working in towns that were seasonal, and one of the things they attempted to balance were all those demands and needs. Mr. Symanski questioned if there would be a liquor store. Mr. Leeds noted Publix was talking with current tenants about their desires, and commented that, by law, they could not have more than beer and wine inside the Publix store.

Mr. Hixon commented that some of the parking could be eliminated to provide a solution to expanding the facility. He suggested the parking in front of the CVS could be removed as it was a very narrow "pedestrian unfriendly space." Mr. Alpers voiced concern about the retail/office space and asked if they were considering a tenant. Mr.

Leeds replied no; they were not focused on marketing the space that would not be occupied by existing tenants at this time. Chair Webb asked if there was a drive-thru and whether they would be required to request a special exception. Mr. Schield replied not if it was a bank, but if it was for a restaurant, there would be an issue.

Mr. Leeds discussed a proposal for a change in their position for the departure request. The departure related to the parking spaces along Bay Isles Parkway, which included an area with 19 spaces and an area with 20 spaces, and as staff pointed out, the Code required a 20 foot separation from right-of-way to parking spaces, and they were proposing 12.57 feet. They were proposing to convert a portion of the area near Access 1 and eliminate 20 spaces to make the buffer almost 33 feet, which was 13 feet in excess of the code requirement. They decided on that solution to create more buffer closer to the CVS building and increase the canopy percentage at installation. Mr. Leeds noted the spaces along the perimeter were typically where the employees parked. He continued with discussing the preservation of the 19 remaining spaces. Chair Webb noted her concern with the amount of parking. Mr. Garner believed Mr. Leeds's suggestion was valid and appreciated it as it would be eliminating the spaces near where most of the traffic would be entering. He referred to the north side of Access 2 and commented the buffer should be at least 20 feet and be landscaped on both sides of the access and then go into the parking. Mr. Leeds noted the parking was ten feet wide, and there was about 30-40 feet on the north side of the entrance where they could plant significant trees, which was part of their plan.

Mr. Hackett asked if they agreed that the main access should be a one-way entry. Mr. Leeds referred to the discussion of making it wider and part of the reason for the configuration was the dimension of the property and the need to maintain/retain a certain number of parking spaces, and accommodate preserving as many existing significant trees as possible. He pointed out the wide landscape island shown had a number of those significant trees, and if they could reduce the wide landscape island, then they could possibly accommodate making the aisle wider. Mr. Garner commented the two-way configuration created a dangerous and unacceptable situation. He noted that in reviewing the configuration, there would be approximately 10-12 spaces that could be accommodated by removal of the island; if the entire island was eliminated, they could create a grand entry way. Mr. Hixon believed removal of the large planting area was not a good option, because they would have to add fill which would impact the root system of the trees that were in good shape, but through deletion of ten spaces it would open the area and create a wide aisle. Mr. Garner suggested revisiting a one-way entry or widening the aisle so two-way traffic was a possible and safe method of ingress/egress.

Mr. Leeds commented that one of the things indicated in the staff report was that they were proposing replacement trees at a two inch caliper, but staff had requested four inches as the minimum, which was in excess of the code. He mentioned that Publix was requesting maintaining the two inches as shown in the plans, and reiterated Mr. Smith's comment that the landscaping plan was not minimal. He commented these were the most excessive plans that he had been involved in, and it was what the Town was requesting, and to which Publix has agreed; it was far above what was required, and Publix was respectfully requesting maintenance of what was in the application.

Mr. Schield reviewed the site plan and staff's recommendations on the site plan for Parcel 'A'; reviewed the comparison to the existing site; and, reviewed several of the conditions of approval in Resolution 2012-01. He agreed with Mr. Hixon's suggestion to plant the buffer initially and commented that the plantings at the Tangerine Bay site were a similar situation. The plantings at that site were planted at the commencement of construction and noted there was a wide buffer. Discussion ensued on whether a condition was included requiring the applicant to plant under Phase I of the construction. Mr. Schield replied the condition would need to be added to the resolution. He reviewed Condition 10 referencing an access easement and noted it would be included as part of the plat documents. Mr. Symanski asked if staff was stating they wished to include an access easement. Mr. Schield commented they were reserving the access easement on the easternmost drive to Bay Isles Parkway; if the Town wished in the future to utilize, it would be in place. Mr. Symanski believed the condition was stating if something happened, then they would need to provide an access easement. Mr. Symanski asked if staff wanted an access easement granted. Mr. Schield replied yes. Mr. Symanski believed the language did not state that and needed to be revised.

Mr. Schield referred to Condition 15 and noted there was concern about the size of the trees. Staff was recommending double caliper to four inches for replacement trees, which would double the canopy, and it would maintain the existing canopy at installation. He noted the trees would be expensive, and the town was asking a large commitment from the developer. Mr. Wild asked how long it took trees to reach from a two inch caliper to four inches. Mr. Smith noted at least 3 years. Mr. Schield noted it depended upon the type of trees. Chair Webb asked why Sea Grapes were included as part of the landscaping. Mr. Schield commented that one of the notes he took at this meeting was to replace all Sea Grapes with other appropriate species.

Mr. Schield continued reviewing the conditions and pointed out that Condition 29 related to the existing and/or future bus stops. Mr. Garner referred back to Condition 18 and noted it was referring to the plans, and it should state, "*the maintenance and replacement of all landscaping as installed shall be the responsibility of the property owner.*" Mr. Hackett asked if there would be a bus shelter. Mr. Schield noted the plans showed a bus area, and the idea was to have a shelter built similar to the architecture of the Publix building.

Mr. Symanski referred to page 3 of 7 and the notation related to the landscaping around the CVS store. He mentioned the objections raised by Mr. Hixon and asked if they could be addressed. He asked if the board could require something in the landscaping so in five years the CVS building would not be visible from the road. Mr. Schield noted that Mr. Hixon had suggested enhancing the berm areas. Chair Webb suggested inclusion of language in the conditions.

Mr. Symanski commented there was a proposal from the applicant to amend the departure request. Mr. Schield believed it was acceptable, and by eliminating the departure, it would eliminate all the departures from the site so there was not a problem. However, he was not sure it would change staff's recommendation.

Michael Furen, attorney representing the Bay Isles Association, Inc., who was the master community association for the Bay Isles community, explained that the association was the owner of all the common areas within Bay Isles, and part of the Bay Isles ownership included the connection from Harbourside Drive to Bay Isles Parkway. He pointed out that Bay Isles Parkway was not a public right-of-way; it was a private road. He supported staff's position with respect to the elimination of the spaces along Bay Isles Parkway, and was concerned with the visual impact from the redevelopment. He mentioned that while the association was in support of the redevelopment, there was concern with providing an adequate buffer and screening views from Bay Isles Parkway. He believed it was critical to the community that there be very intense and adequate screening and buffering along the perimeter, but especially along Bay Isles Parkway and GMD. He reiterated they supported the development, but believed the buffering could only be addressed by elimination of all the spaces along Bay Isles Parkway. He discussed continued maintenance of the buffer once it was installed, and suggested the Town impose a condition on the approval that would require a landscape maintenance bond to secure the future maintenance of the landscaping, particularly the buffer around the entire perimeter of the site. Mr. Furen pointed out that during construction there would be heavy use of Bay Isles Parkway by the construction vehicles, and there was concern about damage to Bay Isles Parkway. He asked that a condition be imposed that would require the applicant to promptly repair and restore Bay Isles Parkway due to any damages or destruction resulting from construction activity. He noted it would require a pre-commencement assessment and post-assessment of the road, and the applicant should bear the cost of that assessment. Mr. Furen noted that Mr. Leeds had indicated to him that he believed Publix would, in the future, be willing to bear a fair share of the maintenance and repair costs of Bay Isles Parkway. He commented that since Publix offered to participate in the maintenance of the road, he asked that such a condition be imposed for recommendation to the Town Commission. Concerning the condition related to the access easement to the Bay Isles right-of-way, while the association did not have a concern with the way the condition was drafted, because it basically stated while the easement would be granted, physically it could not be connected to Bay Isles Parkway without the association's consent, they would want that concept to be retained in the development conditions. He believed there would be safety concerns at the intersection with Bay Isles Parkway. He also requested consideration of a condition to ensure that all phases of the project would be completed, because it was clear that the first phase was the relocation of the CVS store. Chair Webb asked if that included the small retail/office building. Mr. Furen responded he did not believe that would be a concern.

Mr. Hixon asked if all of the parking along Bay Isles Parkway was replaced with a good berm and plantings, would the association be willing to grant access to create a safer access to the site. Mr. Furen explained that he could not respond to that request, because his directions came from the association board, and the board was not present; however, he would provide that request for them to review. He noted that issue was separate from their desire to see enhanced buffering.

Mr. Hackett asked if the property owners in the commercial area of the planned development (PD) had an on-going assessment, payable to Bay Isles, prior to this point. Mr. Furen replied no; there were some discussions years ago about turning over control

and making it a public road, but it never moved forward. Discussion ensued on the established formula for assessments in the association documents.

Bill Levine, president of the Bay Isles Master Association, spoke in support of the redevelopment, but also supported staff's recommendation of no parking along Bay Isles Parkway. Concerning the access easement, he would not recommend it to the Bay Isles Association board, because he believed it was a safety issue. He requested that some form of ongoing mutually shared expense for the maintenance of the roadway repair and sidewalk repair be shared with the Bay Isles Association. They had recently installed all new sidewalks along Bay Isles Parkway and along Weston Pointe, and requested that Publix be willing to consider sharing the maintenance costs.

George Spoll, Harbourside Drive, chair of the Revitalization Task Force, commented the committee had spent a great deal of time on the Publix proposal and had an opportunity to meet with their representatives, and he believed the proposal being reviewed included the suggestions raised by the committee. The issues that remained were addressed by staff. The committee completely supported the concerns raised by the Bay Isles Association and the need to completely screen the reoriented facility from Bay Isles Parkway.

Larry Grossman, St. Judes Drive North, noted that he had previously submitted comments for the record. He commented that Publix had done a great job in offering a better facility, but there should be a plan for a Town Center, not just the shopping center; the Town had not developed a vision for a Town Center. He discussed about the properties being re-subdivided; believed the issue of vehicles exiting from Bank of America should be addressed; thought as part of the application, the other property owners were obligated to submit a plan on how the other parcels would be integrated; asked why no information on how much parking would actually be required was provided; asked why the Town would want a dense 'jungle' along GMD to block the view of the development; and, believed there was not a good design for parking.

Mr. Leeds commented that he had attempted to speak with Bank of America representatives, but he was informed that the bank outsourced their real estate to a brokerage company, CB Richard Ellis, who were not supportive or responsive.

Chair Webb noted there was a question related to the repair and replacement agreement with Bay Isles Parkway, and believed that the Town would want that extended to Bay Isles Road if construction vehicles were also utilizing that access. Attorney Persson responded he believed the Town had the ability to impose repair and replacement of any damage caused by construction; however, the maintenance agreement was a different issue. The Board could encourage Publix to have a conversation with the Bay Isles Association on that issue.

Mr. Schield reviewed Condition 25, which addressed road damage, and noted it could include reference for Bay Isles Parkway. Mr. Garner suggested that the condition should not restrict the designation of where any damage may occur, but just in general, any damage to any public or private roadway, as determined by the Public Works Director, shall be repaired. Mr. Schield responded the only public road that would be

used, in conjunction with the site, would be Bay Isles Road. Chair Webb noted the vehicles would be utilizing GMD. Mr. Schield pointed out that GMD was a state road. Chair Webb noted there was consensus that the immediate roads surrounding the property be maintained and repaired from any damage caused by construction.

Mr. Schield reviewed his notes for suggested language changes and requested the board's consensus for each:

- Recommendation for a paver brick or decorative pavement on the walkways on the north side of the site connecting to a future walkway to Parcel B-1 -**There was consensus to include language.**
- Making the drive entering the site a one-way system –

Mr. Garner commented in the previous discussion he did not wish to restrict the applicant, because they had also discussed taking the adjacent aisle and integrating it into the entrance aisle. He suggested allowing the applicant to submit an alternative plan for staff to review and approve. Mr. Symanski voiced his concern with redesigning parking lot circulations and asked if the board should have an expert advise as to whether it was acceptable. Mr. Schield noted the Town's consultant, William Roll, was available. Chair Webb requested that Mr. Roll come back with a recommendation after the break.

- Addition to the berm along the GMD property line with a taller berm area.

Mr. Hixon discussed the site line coming around the corner from GMD onto Bay Isles Parkway noting there was room for a berm. He hoped everyone agreed it would help, and with the deletion of the parking between the two entrances, they would regain another area for berming and landscaping, so the concept would be extended up to the second entrance.

Chair Webb asked for consensus for berming and landscaping along the perimeter of GMD and coming down Bay Isles Parkway – **There was consensus to include language to address Mr. Hixon's suggestion.**

- Installation of the landscape buffer in April 2012 during the first phase of the project – **There was consensus to include language to require installation of the landscape buffer at commencement of the first phase.**
- Replacement of Sea Grapes shown on the landscape plan with other appropriate material – **There was consensus to replace the Sea Grapes with other appropriate material.**
- Removal of 1-2 parking spaces in front of the CVS to widen the pedestrian access at the entrance of the store – **There was consensus to not move forward with this suggestion.**

- Requiring a landscape maintenance bond –

Mr. Symanski commented if there was damage to the buffer, he believed the P&Z Board had recently recommended an ordinance for a code amendment to provide six months for an owner to repair. Mr. Schield noted that staff was requiring maintenance as a condition of approval; they would have to take code enforcement action to enforce.

There was consensus to not include language for bonding.

- Damage to Bay Isles Parkway with a pre-assessment and post-assessment – **There was consensus to include language addressing the damage.**
- Including a condition for a completion bond – **There was consensus that this was not to be included; it was an issue for the Building Department.**

Mr. Symanski discussed the canopy cover and the change from a two inch caliper to four inches and asked if it would not be better to require 29 percent in the beginning. Mr. Schield responded that it was easier to regulate four inches versus a canopy mix. Mr. Garner suggested the diameter be no less than four inches. Mr. Wild commented that it might be less of a financial burden to allow a percentage so the applicant could plant trees that might be less expensive, but come in larger calipers. **There was consensus to remain with a four inch caliper.**

The board recessed from 12:45 pm to 1:50 pm for lunch.

Resolution 2012-01, Site Plan Amendment:

Mr. Schield reviewed Exhibit 'A' of the resolution:

- Condition 10 related to the access easement and approval by Bay Isles Master Association.
- Condition 25 related to the damage to the roadways. Mr. Garner commented this was restricting it to active permits and would preclude upon completion of the work and final inspection. Mr. Schield responded it was common that the applicant would have to adhere to all the site plan conditions in order to receive their Certificate of Occupancy (C.O.). Mr. Garner voiced his concern with the distinction of active permits and did not see the benefit of including that language. He suggested it state, "*be done within 30 days of written notification from the Town,*" and eliminate the remaining language after 'Town.'

Chair Webb asked for consensus on removal of language stated above. **There was consensus to remove the language after the word 'Town.'**

Referring back to Condition 10 on page 5, Mr. Furen suggested after the word 'for access,' in the first line, the words 'to Bay Isles Parkway' be added. **There was consensus to add the suggested language.**

Referring to Condition 33, Mr. Schield noted that during the break the Town's traffic engineer discussed a possible resolution with the applicant. William Roll, traffic consultant with Tindale-Oliver, reviewed the issue of the two-way entry and the board's discussion of "swapping the access" to the parking spaces to be from the single direction aisle near the large landscape island, which would result in a loss of 2-3 parking spaces. There would not be any parking on the outbound, and while maintaining two way circulations, they would not have any of the spaces being accessed on the outbound. He would not make the recommendation to increase the aisle width, because it would encourage people to drive faster, which could possibly lead to more significant damage in a crash. The suggestion was to maintain the width, but reduce the amount of parking, and also the "nose" of the island would be adjusted so it lined up with the driveway.

Mr. Garner asked with the modification would it be one-way or two-way. Mr. Roll replied two-way. Mr. Garner questioned the benefit. Mr. Roll noted the benefits would be in terms of access to the site as they would consider this to be the primary exit driveway to Publix, and they did not want a condition where everyone would need to make a left turn across customers entering the site. Mr. Garner commented only because there was an existing shopping center where it only had one-way aisles, and 80-90 percent of people entering the site go down the one-way aisle around the perimeter. He noted it was fine when exiting the site, because they head toward the front of the store and make a right or left turn and exit the site. Mr. Roll believed the reorientation of the building to front Bay Isles Parkway was causing some of the change. Mr. Hackett commented if they eliminated going south toward the entrance, then it would reduce the congestion and potential accidents.

Mr. Alpers disagreed with the logic. He commented when reviewing the parking plan every one of the other aisles were pulling out and going in the direction towards Bay Isles Parkway, and they had to make a left turn out. They would not go around the parking area until they came to the two-way aisle. Mr. Hixon agreed with Mr. Garner's point that the two-way aisle backing into both ways was a problem. He referred to item 3 and suggested a period be placed after "Access Point 2," and delete the words, "as depicted on the attached sketch," and allow the applicant to work it out when they submit the site plan. Mr. Garner requested that the board go on record that they did not approve of the plan and did not believe it was adequate traffic circulation. He commented that the existing store had one-way aisles for 25-30 years and people were accustomed to that and with the proposal, it was taking one aisle out of the entire parking lot and making it two-way, which he believed would cause confusion.

Chair Webb asked if there was consensus that the applicant be required to amend the site plan application prior to approval, and also include in the comments to the Town Commission that the P&Z Board did not agree with the current transportation plan as presented. Mr. Hackett wished to ensure that the Town Commission knew specifically that the concern was with the middle main entrance corridor. Mr. Schield commented that staff would note there was board opposition to the two-way corridor.

Five board members opposed the two-way corridor with four members supporting the two-way corridor.

Mr. Wild asked if one of the reasons for the two-way aisle was to allow for additional stacking. Mr. Roll commented the issue was the circulation of the vehicles exiting the site; if they could not go directly from the frontage aisle along the shops to an exit, then they would be required to make additional turning movements within the parking lot which created additional conflicts. He noted that from a traffic standpoint, what was most significant was what was happening at the intersections. Mr. Hackett commented if they removed the two-way aisle, then it would remove one of those conflicts. Mr. Garner pointed out that the parking was configured so when someone backed out of a parking space, they would have to move towards the collection road and the exit to Bay Isles Parkway, which would result in traffic coming from three directions versus two.

There was consensus to recommend changing the two-way aisle to a one-way aisle. Chair Webb requested that the discussion of the transportation plan concerns be included in the transmittal memorandum to the Town Commission.

Mr. Schield reviewed Condition 34 which addressed the sidewalk to the left entering from Bay Isles Road and that it be constructed with paver brick (the walkway that would eventually connect to the Town Tennis Center and the MODA site). Mr. Wild asked if the applicant was willing to use paver brick or decorative paving.

There was consensus to require use of decorative paving on the walkways.

Mr. Hixon suggested the walkways have an eight foot minimum width. Mr. Leeds pointed out that the plans showed a six foot path.

There was consensus to require a six foot pedestrian access with decorative paving.

Mr. Schield reviewed Condition 35 related to the landscape berms. Mr. Hixon requested a revision to require a six foot minimum berm. Mr. Garner suggested the word 'additional' landscape berm be changed to 'revised' landscape berm.

Attorney Persson noted that one of the issues that Mr. Furen was pointing out was there was no discussion about the landscape buffering in conjunction with the berm. He commented that Mr. Furen was recommending an additional requirement within Conditions 35 and 36, which stated, "*along with enhanced vegetative screening and buffer of at least 90 percent opacity at time of installation.*" He pointed out there needed to be some connection with the vegetative area. Mr. Wild mentioned the board's previous discussions related to code changes dealing with fencing and asked what was the percentage discussed at that time. Mr. Schield replied 80 percent. Mr. Wild and Chair Webb would like to see some consistency. Attorney Persson revised the language for Condition 35 to read, "*A revised landscape berm of at least six feet in height, along with an enhanced vegetative screening and buffer of at least 80 percent opacity at the time of installation shall be added along Gulf of Mexico Drive.*"

There was consensus to revise the language in Condition 35 as stated by Attorney Persson.

Referring to Condition 36, Attorney Persson noted that it would state the same as Condition 35, but would refer to a “landscape berm of at least three feet in height.” Mr. Hixon commented there was room in the “first vulnerable void” to allow six feet along Bay Isles Parkway; three feet for the remainder was fine. He suggested that the berm be six feet up to the site line of the first access point into the site; extending the six foot requirement around the corner and up to the required visual site line for the first access point would resolve the issue.

Chair Webb asked if there was consensus to revise the language in Condition 35 to include “*along Gulf of Mexico Drive to the first ingress on Bay Isles Parkway.*” **There was consensus to include that language in Condition 35.**

Referring to Condition 36, which dealt with the height of the berm on Bay Isles Parkway, there was discussion related to whether there was sufficient space. Mr. Schield noted the applicant was requesting the reduction of the setback to 12 feet. Chair Webb asked if the board wished to include the same opacity language as Condition 35. **There was consensus to include the language requiring 80 percent opacity on the berm, except for the site line on the ingress/egress, and a height of three feet.**

Concerning Condition 37, addressing road damage to Bay Isles Parkway, Mr. Wild asked who would conduct the assessment. Mr. Schield explained that the Town would initiate the assessment, but it would be at the applicant’s expense. Mr. Hackett commented it should refer to the Public Works Department. Mr. Schield replied correct. **There was consensus to accept Condition 37 as written.**

Mr. Leeds addressed the revised conditions noting that one of the issues was he was not in a position to be comfortable with the new conditions as he did not understand the ramifications at this time. He wished to ensure what was being discussed did not have a different impact as what was intended once it was drawn. Mr. Wild commented that some of the items did not deal with CAD drawings. Mr. Leeds reviewed each condition with the board:

Condition 10 – Mr. Leeds agreed with the amended language.

Condition 25 – Mr. Leeds noted the condition was fine, as amended, but with a caveat that it exclude Gulf of Mexico Drive (GMD). He explained that the Florida Department of Transportation (FDOT) did not allow improvements on GMD, but he offered that the developer, Publix Supermarkets, if they caused any damage to the roadway, they would repair the damage.

Mr. Wild agreed with the statement that SR789 (GMD) was not something they should be discussing and should remove inclusion of that roadway. He suggested it only refer to “including, but not limited to, Bay Isles Road and Bay Isles Parkway.” Mr. Hixon agreed.

There was consensus to remove reference to ‘Gulf of Mexico Drive’ from the condition.

Condition 33: Mr. Leeds noted they had a traffic engineer on their team that they would bring to the Town Commission meeting; however, in the meantime, they would work with staff to try to draft several different solutions to address the traffic concerns.

Chair Webb suggested that staff draft a 'White Paper' to the Town Commission expressing the concerns of the board members related to Condition 33 and the transportation study so the Town Commission would understand the extensive discussion that took place on the issue.

There was consensus to direct staff to draft a 'White Paper'.

Condition 34: Mr. Leeds agreed with the amended language.

Condition 35 and 36: Mr. Leeds noted these conditions addressed issues that he did not fully understand. He discussed visibility triangles, and noted that he was not comfortable with the conditions, but would look at ways to enhance the buffer for the project. He was not in a position to agree with the conditions at this time.

Chair Webb appreciated the concern with site distance at the intersections with the berm as it came around GMD onto Bay Isles Parkway, and she suggested it be an item addressed with the Town Commission. Mr. Leeds agreed with Chair Webb's comments, and noted that retailers like exposure, but the retailers and Publix understood what the Town wished to see, so they have agreed to buffer the area to accomplish the Town's objectives.

Mr. Furen noted he had spoken with Attorney Persson, and he would work with Mr. Persson and the applicant between this hearing and the Town Commission meeting to finalize the conditions concerning the enhanced screening and landscaping along Bay Isles Parkway with the berm.

Exhibit 'B':

Attorney Persson addressed Condition 4 noting they did a slight rewrite to ensure that it corresponds with Condition 10 of the site plan. The suggested modification would state, *"A final site plan order and building permit cannot be issued until a plat showing revised property lines, acreage of parcels A, B-1 South and B-2 and C, and a proposed future vehicular access to Bay Isles Parkway, approximately 40 feet wide at the eastern end of the site, has been approved."* Mr. Furen believed the language conflicted with the other provision that suggested Bay Isles Association approval was required prior to granting access to Bay Isles Parkway. Mr. Freedman believed where it referred to 'vehicular access,' it should refer to "vehicular access easement that is 40 feet in width." He did not believe the board wanted a 40 foot wide driveway. Attorney Persson responded the width of the road would be determined by the applicant's engineers.

Chair Webb asked if she was correct that the attorneys would work that issue out prior to the Town Commission hearing. Mr. Garner commented the language stated "vehicular access within a 40 foot area," which he believed provided flexibility.

Attorney Persson noted there was a list of uses that appeared in Exhibit 'B,' which needed to be updated as it was a list that was from the original approvals. Mr. Schield pointed out that it was a list that currently existed on the site, but staff felt a need to re-address that because there would be 2.5 acres added that had no assigned uses. Attorney Persson commented that he wanted to ensure that the uses were consistent with current time.

Parcel B-1 (Ordinance 2012-03):

MR. GARNER MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2012-03, APPROVING AN OUTLINE DEVELOPMENT PLAN AMENDMENT FOR PARCEL B-1, 594 BAY ISLES ROAD. MR. HIXON SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

Parcel B-2 (Ordinance 2012-04)

MS. GOLDNER MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2012-04, APPROVING AN OUTLINE DEVELOPMENT PLAN AMENDMENT FOR PARCEL B-2, 545 BAY ISLES PARKWAY, WITH THE CONDITION THAT ONLY THE DEPARTURE FOR THE BUILDING SETBACK BE GRANTED . MR. DALY SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

Parcel A, Shoppes of Bay Isles -Publix ODP (Ordinance 2012-02)

Mr. Schield noted that staff was recommending against the departure that was requested to reduce the parking setback from 20 feet to 12 feet along Bay Isles Parkway; however, the applicant had provided a modification at this hearing to grant the departure only for the parking located to the east of the second access to the property line near Bay Isles Road, but no departure would be granted between the accesses. Mr. Wild believed the applicant would retain 19 parking spaces, but would lose 20 spaces. Mr. Hixon asked staff to address the potential for screening at those spaces if they were retained the way the present motion was stated. Mr. Schield believed they could obtain the 80 percent opacity as they have 12 feet to work with.

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2012-02, APPROVING AN OUTLINE DEVELOPMENT PLAN AMENDMENT FOR PARCEL A, THE SHOPPES OF BAY ISLES (PUBLIX), 525 BAY ISLES PARKWAY, WITH THE AMENDED DEPARTURE AS REQUESTED BY THE APPLICANT. MR. GARNER SECONDED THE MOTION.

Mr. Symanski asked why it was good to have a significant amount of screening on the one section, but not on the second section. Mr. Wild explained because it was closer to

the CVS building, and there was concern that the building would be seen more as it would be taller; therefore, there would be more latitude to screen with more distance.

Mr. Furen noted that the Bay Isles Association was not in agreement with the proffered suggestion to just eliminate the one area of parking. The association believed it was important to maintain a highly screened and buffered area along the Bay Isles Parkway frontage, and they requested that the departure not be granted. Mr. Garner believed there would be no harm as the area suggested was not as significant, and there was a remaining 12 foot buffer where 80 percent opacity could be reached.

MOTION CARRIED ON ROLL CALL VOTE: ALPERS, NO; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, NO; WILD, AYE.

Parcel A, Shoppes of Bay Isles – Publix (Resolution 2012-01):

MR. GARNER MOVED THE P&Z BOARD RECOMMEND APPROVAL OF RESOLUTION 2012-01, AS AMENDED, APPROVING A SITE PLAN AMENDMENT FOR PARCEL A, THE SHOPPES OF BAY ISLES (PUBLIX), 525 BAY ISLES PARKWAY. MR. ALPERS SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #5
CONSENT AGENDA

MR. ALPERS MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2011, AND NOVEMBER 15, 2011 REGULAR MEETINGS, AND SETTING THE FUTURE MEETING DATE FOR JANUARY 17, 2012. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

ADJOURNMENT

The meeting was adjourned at 3:01 pm.

John Wild, Secretary
Planning and Zoning Board