

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP,
Director – Planning, Zoning and Building Department

REPORT DATE: November 16, 2022

MEETING DATE: December 5, 2022

SUBJECT: Ordinance 2022-10, and Site Development Plan Order 2022-02, 3000 Harbourside Drive, Harbourside Tennis Club Pickleball Courts

Recommended Action

Forward Ordinance 2022-10, and Site Development Plan Order 2022-02, to the January 9, 2023 Regular Meeting for second reading and public hearing.

Background

Michael Rissman of George F. Young, Inc. (Applicant) on behalf LB 500 LLC, is proposing to amend a previously approved Planned Unit Development/Outline Development Plan (PUD/ODP) and Final Site Development Plan to allow for the development of four pickleball courts and an additional parking area at the Harbourside Tennis Club, located at 3000 Harbourside Drive.

This application was initially presented to the Planning & Zoning Board (P&Z Board) at their June 21, 2022 Regular Meeting. Based upon the testimony heard at the meeting, the applicant requested to continue the hearing. In addition, to continuing the hearing, the applicant subsequently revised their plan and changed the location of the proposed pickleball courts, relocating them further South over a portion of the existing parking area West of the southernmost tennis courts. Additional parking is proposed in a portion of the area previously identified for development of the four proposed pickleball courts.

At the applicant's request the application was continued to the P&Z Board's November 15, 2022 Regular Meeting, where the P&Z Board considered Ordinance 2022-10 and Site Development Plan Order 2022-02, with the proposed changes. As noted in the attached P&Z Board Staff Report (Attachment A), Staff recommended approval of the applications and is supportive of subsequent amendments to conditions that were added during the P&Z Board hearing.

The P&Z Board discussed concerns regarding removal of some trees and the case being made about the lack of ability to replace those trees, as otherwise required by Town Code. The Applicant was proposing to pay into the Town's Tree Fund for a portion of the trees proposed to be removed, instead of replacing trees on the subject site. To address this concern and to address an agreed upon stipulation between the Longboat Key Club and the Winding Oaks neighborhood regarding the preservation of trees and maintaining a visual buffer into the future, the P&Z Board recommended including the following new condition to Ordinance 2022-10 and Site Development Plan Order 2022-02:

Condition #11: Prior to issuance of a building permit for the Project, the Applicant shall submit a revised Landscaping Plan that shows an increase of replacement trees, to the full extent practicable as determined by the Planning & Zoning Department, in compliance with Town Code Section 98.06(D). The replacement trees shall be located in the buffer area adjacent to the Harbourside Tennis Club. Any reduction to the buffer, as may be improved, to the North and West of the Tennis Club shall be considered a major amendment to the Site Development Plan.

Condition #11 contains three distinct, but related, components. The first sentence addresses the P&Z Board's concerns regarding the number of replacement trees, and provides the opportunity for the applicant to supplement their landscaping plan by increasing the number of trees to be replaced versus being mitigated by paying into the Town's Tree Fund. Approval of that revised plan would be done administratively. The second sentence specifies that the replacement trees will be placed in the existing buffer area next to the Harbourside Tennis Club, and not elsewhere. The third sentence addresses concern from Winding Oaks residents regarding the preservation of the buffer, and is referring to a future, post-development, circumstance where the buffer area has been improved and completed. In that post-development circumstance, any reductions to the northern or western buffer areas would require the property owner to seek Town Commission approval via an ODP and Site Development Plan process.

Staff recognizes that the third component of Condition #11 may be difficult for future readers to easily understand. The Commission may want to consider revising Condition #11 and creating an additional condition (#13) to read:

Condition #11: Prior to issuance of a building permit for the Project, the Applicant shall submit a revised Landscaping Plan that shows an increase of replacement trees, to the full extent practicable as determined by the Planning & Zoning Department, in compliance with Town Code Section 98.06(D). The replacement trees shall be located in the buffer area adjacent to the Harbourside Tennis Club.

Condition # 13: In an effort to preserve the buffer around the Harbourside Tennis Club, any future post-development reduction to the buffer, to the North and West of the Tennis Club, shall be considered a major amendment to the Site Development Plan.

Staff has been made aware that the applicant's attorney and the attorney for the Winding Oaks neighborhood may be proposing slight wording modifications to the language of Condition #11, as recommended by the P&Z Board. Staff will be coordinating with these parties and will be prepared to discuss any proposed revisions at the December 5, 2022 public hearing.

The P&Z Board also discussed sound mitigation recommendations found in a technical acoustic report that was presented to them at their November 15, 2022 public hearing by the applicant. The report included recommended mitigation strategies that could be utilized to lessen the sound of the pickleball courts. The P&Z Board recommended the following new condition:

Condition #12: Prior to issuance of a building permit for the Project, the Applicant shall submit a revised Site Development Plan that incorporates the mitigation strategies provided in the Noise Barrier section on page 6 of the technical acoustic report prepared by Keane Acoustics, dated November 14, 2022.

The applicant and representatives of the Winding Oaks association were supportive of these additional conditions.

P&Z Board Recommendation

Planned Unit Development/Outline Development Plan (Ordinance 2022-10) -

The P&Z Board voted 7-0 to recommend approval of the PUD and ODP, with 12 conditions, including new conditions 11 and 12.

Final Site Development Plan (Site Development Plan Order 2022-02)-The

P&Z Board voted 7-0 to recommend approval of the Final Site Plan, with the same 12 conditions, including new Conditions 11 and 12, that are found in Ordinance 2022-10.

A full copy of the materials distributed to the P&Z Board, including the applicant's materials can be found in Attachment C. Ordinance 2022-10 and Site Development Plan Order 2022-02, reflecting the P&Z Board's recommendations, are provided in Attachments A and B

Staff Recommendation

Forward Ordinance 2022-10 and Site Development Plan Order 2022-02 to the January 9, 2023 Regular Meeting for second reading and public hearing.

Attachments

- A. Proposed Ordinance 2022-10 (pursuant to P&Z Board recommendation) (Available in Town Clerk's Office);
- B. Proposed Site Development Plan Order 2022-02 (pursuant to P&Z Board recommendation) (Available in Town Clerk's Office);
- C. Materials Distributed to P&Z Board on November 15, 2022 (Available in Town Clerk's Office); and
- D. PowerPoint Presentation (Available in Town Clerk's Office).

End of Agenda Item