

#5



## **SITE PLAN REVIEW**

*Applicant: Ugly Grouper Restaurant*

*Petition No.: LD16-000014*

*Scope: Replace Mobile Kitchen with Walk-In Cooler*

*DRAFT Staff Report for:*

*City Commission Work Session, Public Hearing,  
November 15, 2016*

## INTRODUCTION

The subject property, located at 5704 Marina Drive houses a restaurant and bar, formerly known as the Barefoot Tiki, which is under new ownership and is now named the Ugly Grouper.

The Building Official has accepted the site plan application and deemed it to be substantially complete. Currently per LDC sections 3.5.D and E, the site plan must first be reviewed by the City Commission at a work session and then at a public hearing.

## GENERAL CONTACT INFORMATION

Owner	Michael Ross The Marina Drive, LLC 5704 Marina Drive Holmes Beach FL 33917
Agent	Allison Engineering, Inc.
Site Address	5704 Marina Drive
Contact Person	Andrew Allison, P.E.
Contact Phone Number	941-708-5410
Contact Email Address	www.morriseengineering.net

## GENERAL INFORMATION

	Existing	Proposed
Future Land Use Map Classification	Commercial,	Commercial,
Zoning District	C-3	C-3 (same)
Use of Property	Restaurant	Same no change to existing use
Acreage	15,938 square feet (0.36 ac.)	15,938 square feet (0.36 ac.)

## SCOPE OF SITE PLAN REVIEW APPLICATION

The limited scope of the application proposes solely to replace an existing exterior mobile kitchen with an exterior walk-in cooler. The new walk-in cooler will store food for preparation in an interior commercial kitchen for on-site consumption. The cooler is an accessory use to the principal existing allowable restaurant use on the property. Additionally, the walk in cooler will be located in substantially the same location as the mobile kitchen it is replacing.

## COMPLIANCE WITH FLORIDA BUILDING CODE AND FIRE CODE STANDARDS

The application is for an unoccupied modular engineered structure to be used to store food as an accessory use to a commercial kitchen. As a result, there are no Building or Fire Code issues for the structure. Specific and detailed Building Code and Fire Code reviews will be performed at the time of application for a building permit to further confirm code compliance.

## COMPLIANCE WITH COMMERCIAL C-3 ZONING DISTRICT REGULATIONS

The subject property is located within the Commercial C-3 Zoning District which is the most intensive commercial district in the City. The application was reviewed for the C-3 Zoning District allowable uses and development standards as follows:

**1. Allowable Uses:** The principal use of a restaurant is an allowable use for the C-3 zoning district per the district regulations. The walk-in cooler is an unoccupied accessory use to this existing principal restaurant use and as a result is compliant with the purpose and intent of the district.

### **2. Development Standards:**

**a. Maximum height of buildings:** The proposed walk in cooler will not increase or exceed the height of the existing structures.

**b. Maximum lot coverage and impervious surface coverage:** The proposed walk in cooler will not increase lot coverage by buildings or impervious surfaces.

**c. Minimum yard requirements:** The proposed walk in cooler is compliant as to minimum required yards for the C-3 zoning district.

**d. Minimum floor area required for principal buildings:** Not applicable. The walk-in cooler is an accessory structure.

**e. Buffering:** Not applicable. No change of use or increase in intensity of use is proposed.

### **OTHER COMMENTS:**

The proposed replacement of a mobile kitchen with a walk-in cooler, which is a minor accessory structure to the principal use and structure of a restaurant, constitutes what many municipalities would consider as a minor site plan amendment. Minor site plan amendments are generally approved administratively by the building official or zoning administrator. The language of our LDC currently does not provide for minor site plan amendments. Presently the addition of a minor accessory structure requires full site plan submittal and review. It is recommended that our LDC be updated and criteria be developed which differentiates between minor and major site plan amendments and their respective approval paths.

Submitted by:



James P. McGuinness EI, CBO, CFM, LEED AP  
Building Official  
November 7, 2016

City Commission Workshop: November 15, 2016  
City Commission Public Hearing: Date still to be set

Attachments:

1. Project Narrative by Allison Engineering
2. Authorized Agent Letter
3. Land development Application
4. Site Plan review checklist
5. Site Plans Sheets 1- 3 by Allison Engineering, Inc.
6. Boundary Survey by James Clements Surveying dated 3-3-16
7. Engineered walk-in cooler details by Tarnowski Engineering

RECEIVED

NOV 04 2016

City of Holmes Beach

Narrative  
for  
Ugly Grouper Cooler Addition  
f.k.a. Island Flea/ Barefoot Tiki Bar

The last City approved site plan for the Ugly Grouper site was done when the site was operating as Island Flea/Barefoot Tiki Bar. The site plan for Island Flea/ Barefoot Tiki Bar was approved by the City of Holmes Beach under Resolution 14-04 in 2014. To accommodate some recent commercial kitchen upgrades, the new owner of the facility would like to install a walk in cooler/freezer. The location of the cooler/freezer would be in the approximate vicinity of the previous mobile kitchen, and the mobile kitchen would be removed from the site. The new cooler is intended to improve the facilities at the Ugly Grouper, which will benefit the experience of all patrons of the establishment, including permanent residents and visitors of the Holmes Beach community. This application request will not increase the existing density/intensity of the site as previously approved. Please refer to attached site plan for further detail.

**City of Holmes Beach  
PLANNING, PERMITTING, & LAND USE DEPARTMENT  
AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION AFFIDAVIT**

Property Owner (Company or individual) (print): FLORIDA LANDBIZ, LLC on behalf of  
THE MARINA DRIVE, LLC

Mailing Address (print): 5704 Marina Drive, Holmes Beach, FL 34217  
Officer's Name and Title (print): Michael C. Ross, MGR

Being first duly sworn, depose(s) and say(s):

1. That I am (we are) the owner's and record title holder(s) of the following described property legal description, to wit: 5704 Marina Drive
2. That this property constitutes the property for which a request for: Site Plan Review for Cooler  
Is being applied for to Manatee County, Florida;
3. That the undersigned has (have) appointed and does (do) appoint Allison Engineering, Inc. as agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Manatee County, Florida to consider and act on the foregoing request;
5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.

*Michael C. Ross* , Co-Owner  
Owner's Signature/Print Title

STATE OF FLORIDA  
COUNTY OF **MANATEE**

The foregoing instrument was acknowledged before me this November 4, 2010 by  
Mike Ross (date)  
(name of person acknowledging) who is personally known to me or who

has produced Driver's License as identification.  
(type of identification)

My Commission Expires: 12/09/2010

*Jennifer Bruffett*  
Signature of Person Taking Acknowledgment  
Jennifer Bruffett  
Name  
Notary Public  
Title or Rank  
resident of Manroe Co



City of Holmes Beach  
NOV 04 2016  
RECEIVED

**City of Holmes Beach**  
**PLANNING, PERMITTING & INSPECTIONS DEPARTMENT**  
**Land Development Application**

<b>FOR STAFF USE ONLY</b>	
<b>Date:</b>	<b>File Number:</b>
<b>File Name:</b>	

This application shall be used for all land development applications, including but not limited to rezones, special exceptions, comprehensive plan amendment requests, site plans, & expansions of non-conforming uses.

**PLEASE ATTACH APPROPRIATE STANDARDS OR SUPPLEMENTARY INFORMATION, AS APPLICABLE.**

**TYPE OF APPROVAL DESIRED:** Site Plan Approval for Walk-In Cooler/Freezer

List of case numbers of previous approvals:

**PROPERTY INFORMATION**

1. Legal Description: See attached Survey.
2. D.P. #'s: 7222100054
3. Section: 20 Township: 34 Range: 16
4. Subdivision Name (If Platted): Holmes Beach 13th Unit
5. Lot: 7 Block: P
6. Address or location of Property:  
5704 Marina Drive
7. Present Zoning Classification: C-3
8. (If Rezone), Proposed Zoning Classification: n/a
9. (If Comprehensive Plan Map Amendment), Proposed Future Land Use Category:  
n/a
10. Future Land Use Category: Commercial
11. Flood Zone Category: "AE" Map Panel Numbers: 12081C0139E
12. Property Size (to the nearest tenth of acre or sq. ft.): ±16,839 sq. ft.
13. Existing Use (s) of Subject Property (i.e.: vacant, residence, commercial, etc.):  
Commercial - Ugly Grouper
14. Surrounding Land Use (s) (i.e.: vacant, residence, commercial, etc.):  
North: commercial East: municipal  
South: commercial West: Condominium

15. Description of Proposed Activity or Use:

Remove old "Mobile Kitchen" and replace with new walk in cooler/freezer. Cooler/freezer to be installed adjacent to existing structure.

16. How will this proposal affect the population of the City of Holmes Beach:

The new cooler is intended to improve the facilities at the existing Ugly Grouper property, which is intended to benefit the experience of both permanent residents and visitors of Holmes Beach using the establishment.

**NAMES/ ADDRESSES**

1. Name of Property Owner: The Marina Drive, LLC  
Address: 5704 Marina Drive  
City, State, Zip: Holmes Beach, FL 34217  
Phone #'s: 812-345-5615

2. Any other person having ownership in subject property?: YES \_\_\_\_\_ NO \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone #'s: \_\_\_\_\_

3. Agent's name: Allison Engineering, Inc.  
Address: 926 14th Street West  
City, State, Zip: Bradenton, FL 34205  
Phone #'s: 941-708-5410

CONTACT PERSON: M. Andrew Allison, P.E.  
4. Name of Engineer: Allison Engineering, Inc.  
Address: 926 14th Street West  
City, State, Zip: Bradenton, FL 34205  
Phone #'s: 941-708-5410  
CONTACT PERSON: M. Andrew Allison, P.E.

5. Name of Architect: Conner & Associates Architecture Inc.  
Address: 116 White Ave.  
City, State, Zip: Holmes Beach, FL 34217  
Phone #'s: 941-778-4617  
CONTACT PERSON: Jeffrey A. Conner

6. Name of Landscape Architect: Conner & Associates Architecture Inc.  
Address: 116 White Ave.  
City, State, Zip: Holmes Beach, FL 34217  
Phone #'s: 941-778-4617



**CITY OF HOLMES BEACH  
SITE PLAN REVIEW CHECKLIST**

<b>FOR STAFF USE ONLY</b>	
<i>Date:</i>	<i>File Number</i>
<i>File Name:</i>	

**ANY APPLICATION FOR SITE PLAN REVIEW SHALL INCLUDE THE FOLLOWING INFORMATION:**

- 1) The location and size of the site including its legal description and a current certified survey dated within 120 days;
- 2) The recorded ownership interests including liens and encumbrances and the nature of the developers interest if the developer is not the owner;
- 3) The relationship of the site to existing development in the area including streets, utilities, drainage and water retention, residential and commercial development, and any other pertinent physical feature of the land including soil suitability and relevant ecological features;
- 4) The density of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof;
- n/a 5) The location, size and character of any recreational open space and the form of the organization proposed for ownership and maintenance thereof if same is not to be dedicated to the public;
- 6) The use and approximate height, bulk, and location of all buildings and other structures; for nonexempt properties, provisions for accessibility to buildings by the handicapped;
- n/a 7) The substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- 8) The provisions for the parking of vehicles and the location and width of driveways and other vehicular and pedestrian ways, including, without limitation, handicapped access ways;
- n/a 9) The provisions for the disposition of open space, including recreational open space, which includes provisions for tree protection, a landscaping plan prepared in accordance with the provisions in this ordinance, which includes, without limitation, a plan for the use of native vegetation, and provisions for buffering, which comply with the requirements in this ordinance, including proof that the development is in compliance with all state and federal regulations pertaining to species of special status as required under the Florida Endangered and Threatened Species Act of 1977 and the Federal Endangered Species Act of 1973, where necessary as determined by the building official;
- n/a 10) Requirements of dedication or reservation of recreation / open space by developer: New residential developments or re-developments shall provide for the recreation / open space needs generated by said development, as required by the comprehensive plan and as set forth herein.
  - a) *Purpose and standards.* The purpose of this requirement is to provide adequate active recreational facilities and open space to serve the residents of the immediately surrounding neighborhood within the development. Each development shall satisfy this requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development and shall be subject to site plan review.

- b) **Amount.** All new residential development and redevelopments shall provide, through payment of a fee as outlined in paragraph 3 [(c)] below or dedication or reservation as outlined in paragraph 4 [(d)] below, recreational open space in an amount equal to 0.0025 acres (108.9 square feet) per person expected to reside in that development. For purposes of this section: one-bedroom dwelling units shall be deemed to house an average of 1.4 persons, two bedroom units shall be deemed to house an average of 2.2 persons, three-bedroom units shall be deemed to house an average of 3.2 persons, and units with four or more bedrooms shall be deemed to house an average of 4.0 persons.
- c) **Fee in lieu of dedication or reservation.** The city council recognizes that any such recreational/open space area must be of a certain minimum size to be usable and that any such designated area will not serve its intended purpose unless properly maintained. Therefore, for those residential developments and redevelopments that are small enough so that the amount of required recreational/open space area does not exceed 2,000 square feet, the city, at its discretion, may require the developer to pay a fee equal to the fair market value of the land which is required to be dedicated pursuant to this section. Any funds collected by the city pursuant to this section will be utilized to meet the recreational requirements of the comprehensive plan.
- d) **Public dedication or private reservation.** Any recreational/open space provided in compliance with this requirement which is dedicated to the public shall be rezoned as a REC-2 public recreation open space district. Also, any recreation/open space area so provided which is held by private reservation for the use of residents of a particular development shall be so designated on the site plan and may, at the option of the developer, be rezoned as a REC-1 private recreation open space district.

n/a \_\_\_\_\_ 11) In case of plans which provide for development over a period of years, a schedule showing the proposed times within which application for building permits are intended to be filed.

X \_\_\_\_\_ 12) Any additional data, plans or specifications which the applicant or building official believes is pertinent and will assist in clarifying the application.

\_\_\_\_\_ 12a) Application for Certificate of level of Service Compliance SUBMITTED with Site Plan.

X \_\_\_\_\_ 12b) Application for Certificate of Level of Service Compliance NOT submitted with Site Plan.

**(If application for Certificate of Level of Service Compliance is NOT included in Site Plan application then SITE PLAN APPROVAL MUST CONTAIN A STIPULATION indication that a building permit cannot be issued until an application has been submitted and approved.)**

X \_\_\_\_\_ 13) A required fee for site plan review in the amount of \$1,500 11-4-16  
Date of submission

n/a \_\_\_\_\_ 14) One copy of the Site Plan is to be furnished to the West Manatee Fire District..

**NOTE: IF A SITE PLAN APPLICATION IS FOUND TO BE INCOMPLETE. THE REASONS FOR THAT DETERMINATION ARE TO BE PLACED IN WRITING AND GIVEN TO THE APPLICANT.**