



AGENDA ITEM MEMORADUM

Development Services

Bud Bentley

Department

Assistant Town Manager

COMMISSION MEETING DATE - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> Sept 13, 2011	Sept 2 nd

- Presentation Reports Consent Ordinance
 Resolution Quasi-Judicial Old Business **New Business**

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Proposed Expansion of the Commercial Boulevard Sidewalk in front of the Athena Restaurant and adjoining Properties.

EXPLANATION: Fisherman’s Pier, Inc., owner of Athena By The Sea Restaurant, has offered to expand the Commercial Boulevard sidewalk in front of the restaurant, Kilwin’s, and one vacant store front. As you may be aware, the curb line on the north side of this block is not straight. The affected parking spaces would be reconfigured the same as the parking on the east end of the block with the exception noted in item 3 below.

An expanded sidewalk would qualify Athena’s to create a sidewalk café on their Commercial Boulevard frontage. The owner’s attached sidewalk café application (**Exhibit 1**) includes a site plan that shows the expanded sidewalk and the new café area. **Exhibit 2** is an enlargement of the sidewalk expansion area. We have included some pictures (**Exhibit 3**) of the current sidewalk. The Town’s Traffic Engineer, Molly Hughes, has provided input to the owner’s design professional. You may notice that the site plan also shows an expanded sidewalk café on the east side of Athena’s. We are still evaluating that part of their application and the sidewalk café is not part of this agenda item.

In our preliminary discussions with the owner, we agreed on the following points:

1. The expansion of the Commercial sidewalk would be at the expense of Fisherman’s Pier, Inc.
2. The owner is aware of the Town’s plan to improve this block of Commercial Boulevard and acknowledges that their improvement may likely have to be removed or modified by the construction of the Town’s improvement plan.
3. The tire stops in the expanded sidewalk area would be eliminated by increasing the width of the new sidewalk so the overhang of the vehicle bumper would not affect the required minimum 5 foot clear sidewalk width. (This will reduce trip and falls during special events.)

The owner of the properties to the east of the proposed sidewalk expansion area may be interested in also replacing the sidewalk in front of his properties. If that is finalized we would coordinate the additional work into one construction contract.

RECOMMENDATION: We recommend the Commission approve the expansion of the Commercial sidewalk in the 100 block of Commercial Boulevard and authorized the Town Manager to execute an agreement with Fisherman’s Pier, Inc. for them to do the work at their sole expense. Should other property owners within the 100 block of Commercial want to replace their sidewalks, the Town Manager is authorized to coordinate that work with the Athena expansion project. Prior to execution, the agreement would first be approved as to form by the Town Attorney.

EXHIBIT(S): Exhibit 1 – Application Exhibit 2: Expansion area enlargement
Reviewed by Town Attorney

Town Manager Initials CB

Yes No

File: 9-13-11 Agenda Athena Sidewalk Expansion



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
SIDEWALK CAFE' APPLICATION

LAUDERDALE-BY-THE-SEA
RECEIVED
APR 26 2011
DEVELOPMENT
SERVICES

PROPERTY INFORMATION

Date: 04/22/2011

Business Name: ATHENA BY THE SEA

Property Address: 4400 OCEAN DRIVE, LAUDERDALE-BY-THE SEA, FL 33308

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 2 TO 4, 5 W 19 BLK 13

Subdivision: LAUDERDALE - BY - THE - SEA

Zoning District: B 1

Property Owner's Name: FISHERMAN'S PIER INC.

Address: 4400 OCEAN DRIVE, LAUDERDALE-BY-THE SEA, FL 33308

Phone #: (954) 465-7934 Fax #: x 954 563 7359

Owner/Applicant's Name: x Elias Macheles

Phone #: (954) 465-7934 Fax #: x 954 563 7359

*Letter required from Owner if represented by Agent.

Signature of Applicant/Owner: x 

Print Name of Applicant/Owner: x Elias Macheles

Notary 

My Commission expires: 9/3/2014



SIDEWALK CAFE' PERMIT REQUIREMENTS

Refer to Town Code of Ordinances Chapter 17 Section 85 attached.

Note: No application for use of the right-of-way shall be considered by the Town Commission until notice has been provided to all property owners within three hundred (300) feet of the proposed sidewalk cafe' site.

Applications shall be reviewed for compliance with Town Ordinances and must be approved by the Town Commission. (Ord. No. 342, & 1, 6-22-93; Ord. No. 03-520, & 2, 10-28-03)

Permit Application Information Required:

1. Name, address and telephone number of the applicant.
2. Name and address of restaurant.
- X 3. A copy of a valid Town of Lauderdale-By-The-Sea Occupational License to operate a restaurant adjacent to the sidewalk area which is the subject of the application.
- X 4. A copy of a valid certificate of use for the building frontage adjacent to the sidewalk and which is the subject of the application.
- X 5. Evidence of insurance containing terms required under Town Code section 17-90.
6. Five copies of an 8 ½ X 11 drawing to legible scale showing the layout and dimensions of the existing sidewalk area and adjacent private property, proposed location, size and number of tables, chairs, steps, trees, parking meter, bus shelters, sidewalk benches, trash receptacles, and any other items either existing or proposed within the pedestrian area. SEE ATTACHED
- X 7. Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk cafe'
- X 8. Written consent from the building owner as to the proposed use of the sidewalk and building frontage for a sidewalk cafe'.
9. A nonrefundable application fee of
 - i. One hundred fifty dollars (\$150.00) for sidewalk cafe's operated only on private property.
 - X ii. Five hundred fifty dollars (\$550.00), including the cost of notice, for sidewalk cafe's which operates on a portion of the right-of-way.

To be completed by Town

Date Application submitted: 4/20/2011

Date Application found complete: _____

Pre-Application meeting date: _____

Town Commission meeting date: _____

Non-refundable Application Fee: _____

NOTE: The Town Code provides for cost recovery of outside consultants, legal advertising costs, direct mail notice costs, etc. and depending on the scale of the project, an additional deposit may be required at the time of application submittal.

Client#: 58100

ATHBY

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 07/26/2010
PRODUCER Richard T. Thorogood Bateman, Gordon & Sands, Inc. P.O. Box 1270 Pompano Beach, FL 33061	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Athena by the Sea, Corp. 4400 N Ocean Drive Lauderdale-by-the-Sea, FL 33308	INSURERS AFFORDING COVERAGE	NAIC #
	INSURER A. Bridgefield Casualty Ins. Co. /	
	INSURER B.	
	INSURER C.	
	INSURER D.	
	INSURER E.	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR ADD'L TR	INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS								
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO PROPERTY \$ PREMISES (EA. OCCASION) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$								
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$								
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA ACC AGG \$								
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$								
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROHIBITION ON EMPLOYER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	019621991	07/22/10	07/22/11	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="font-size: x-small;">WC STATE/TORRY LIMITS</td> <td style="font-size: x-small;">OTH-ER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$100,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$100,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$500,000</td> </tr> </table>	WC STATE/TORRY LIMITS	OTH-ER	E.L. EACH ACCIDENT	\$100,000	E.L. DISEASE - EA EMPLOYEE	\$100,000	E.L. DISEASE - POLICY LIMIT	\$500,000
WC STATE/TORRY LIMITS	OTH-ER													
E.L. EACH ACCIDENT	\$100,000													
E.L. DISEASE - EA EMPLOYEE	\$100,000													
E.L. DISEASE - POLICY LIMIT	\$500,000													
		OTHER												

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
**** Workers Comp Information ****
Proprietors/Partners/Executive Officers/Members Excluded:
Spiro Marchelos, President
Elias Marchelos, Treasurer

CERTIFICATE HOLDER PROOF OF INSURANCE ONLY	CANCELLATION 10 Days for Non-Payment SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENT'S OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
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TOWN OF LAUDERDALE-BY-THE-SEA

Business Tax Receipt

4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308

License Expires September 30, 2011

No: 274

Date: 8/06/10

Address: 4400 N. Ocean Dr.
Lauderdale By The Sea, Fl. 33308
Activity: RESTURANTS (CAPACITY) (235)

BUS TAX 187.50
PENALTY
TRANSFER
SIGN 36.00
PRIOR BAL
Total Paid 223.50

Issued to: Athena By The Sea
Costas Marchelos
4400 Ocean Drive
Lauderdale By The Sea, Fl. 33308



Must be posted in a conspicuous place.

[Signature]
License Official

TOWN OF LAUDERDALE-BY-THE-SEA

Business Tax Receipt

4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308

License Expires September 30, 2011

No: 274

Date: 8/06/10

Address: 4400 N. Ocean Dr.
Lauderdale By The Sea, Fl. 33308
Activity: SIDEWALK CAFE

BUS TAX 150.00
PENALTY
TRANSFER
SIGN
PRIOR BAL
Total Paid 150.00

Issued to: Athena By The Sea
Costas Marchelos
4400 Ocean Drive
Lauderdale By The Sea, Fl. 33308



Must be posted in a conspicuous place.

[Signature]
License Official

TOWN OF LAUDERDALE-BY-THE-SEA

Business Tax Receipt

4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308

License Expires September 30, 2011

No: 274

Date: 8/06/10

Address: 4400 N. Ocean Dr.
Lauderdale By The Sea, Fl. 33308
Activity: ENTERTAINMENT (BAR) (114)

BUS TAX 50.00
PENALTY
TRANSFER
SIGN
PRIOR BAL
Total Paid 50.00

Issued to: Athena By The Sea
Costas Marchelos
4400 Ocean Drive
Lauderdale By The Sea, Fl. 33308



Must be posted in a conspicuous place.

[Signature]
License Official

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/29/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

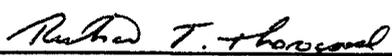
PRODUCER Richard T. Thorogood Bateman, Gordon & Sands, Inc. P.O. Box 1270 Pompano Beach, FL 33061	CONTACT NAME: PHONE (A/C, No, Ext): 954 941-0900 FAX (A/C, No): 954 941-2006	
	E-MAIL ADDRESS: PRODUCER CUSTOMER ID #:	
INSURED Athena by the Sea, Corp. 4400 N Ocean Drive Lauderdale-by-the-Sea, FL 33308	INSURER(S) AFFORDING COVERAGE NAIC #	
	INSURER A : Northfield Insurance	
	INSURER B : Bridgefield Casualty Ins. Co.	
	INSURER C :	
	INSURER D :	
	INSURER E :	

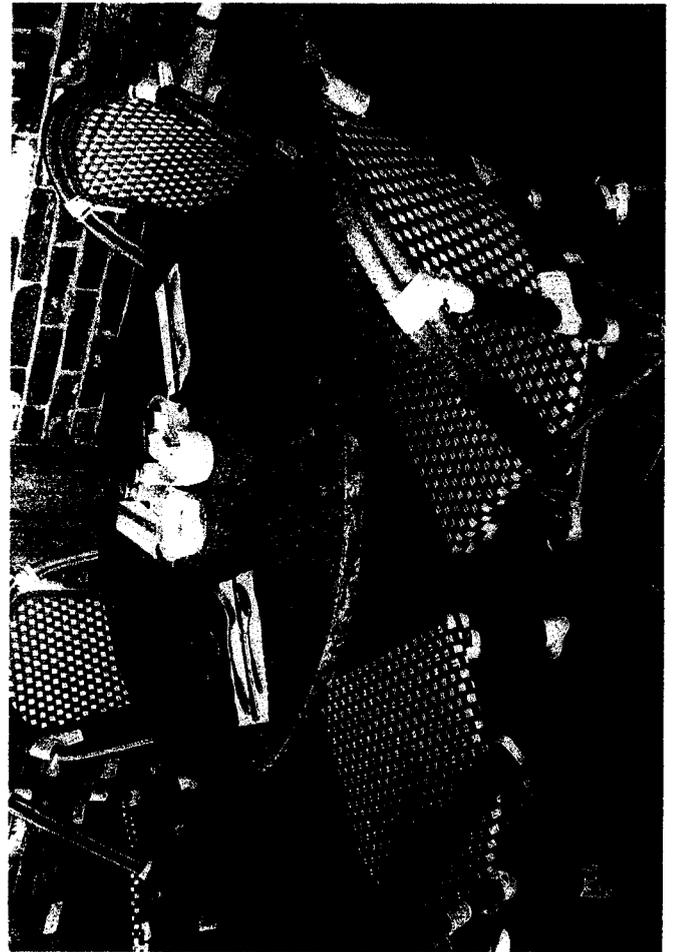
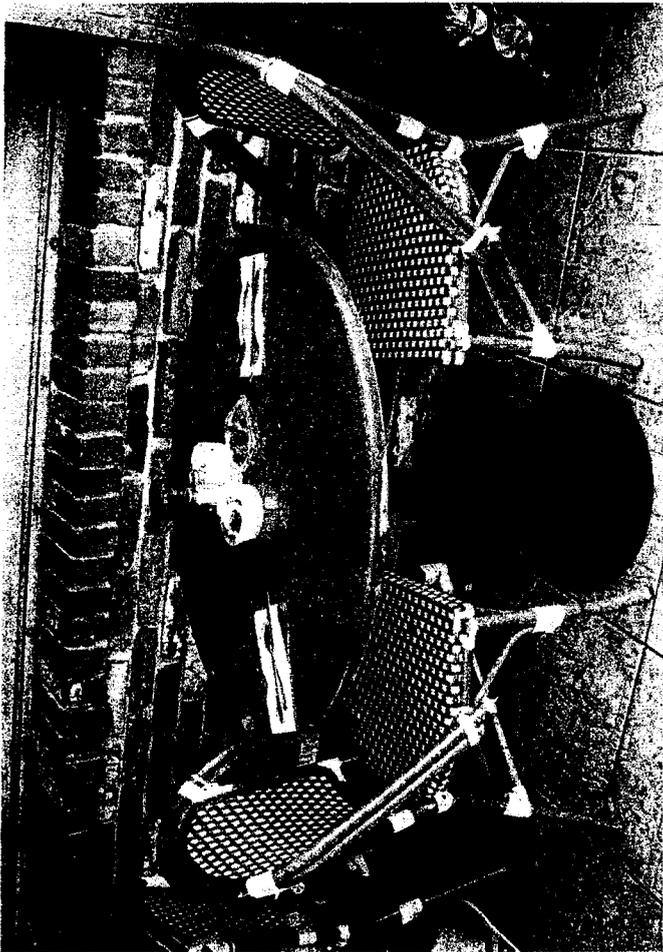
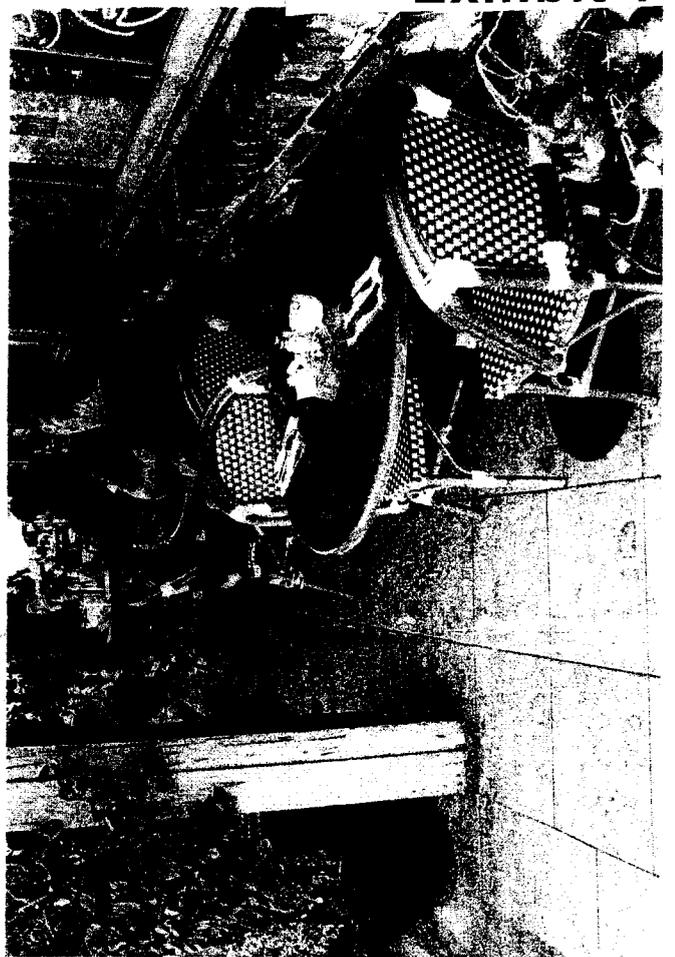
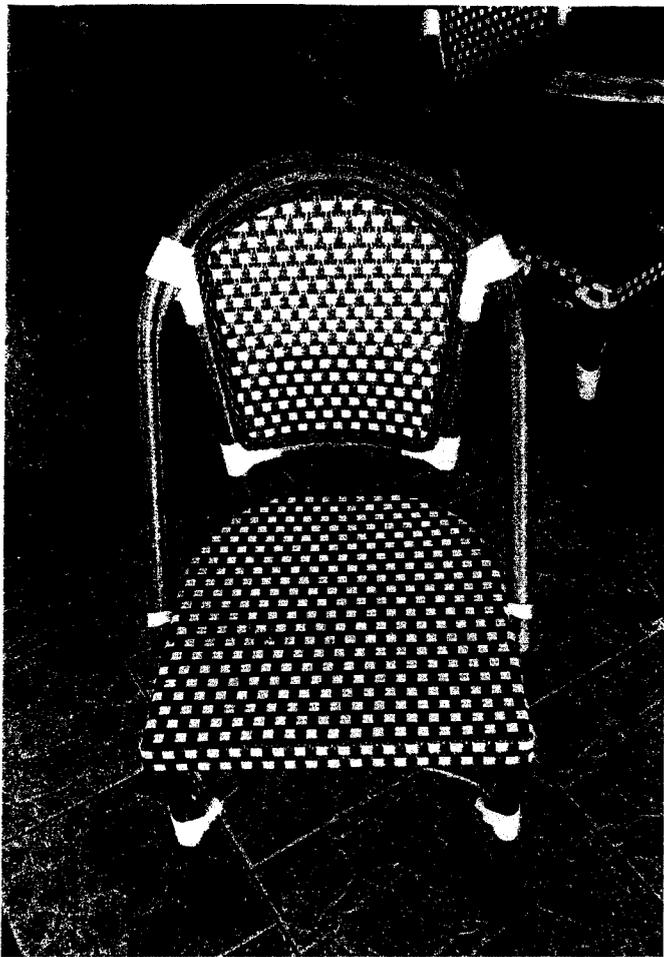
COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X		CP575908	12/08/2010	12/08/2011	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
								\$
								\$
								\$
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS							\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
								\$
								\$
								\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR						AGGREGATE	\$
	EXCESS LIAB							\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION \$							\$
								\$
								\$
								\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			19621991	07/22/2010	07/22/2011	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	TOT-TER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A				E.L. DISEASE - EA EMPLOYEE	\$100,000
							E.L. DISEASE - POLICY LIMIT	\$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate holder is listed as an additional insured on General Liability coverage only as their interest may appear when required by written contract.

CERTIFICATE HOLDER City of Lauderdale by the Sea 4501 Ocean Drive Lauderdale by the Sea, FL 33308	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



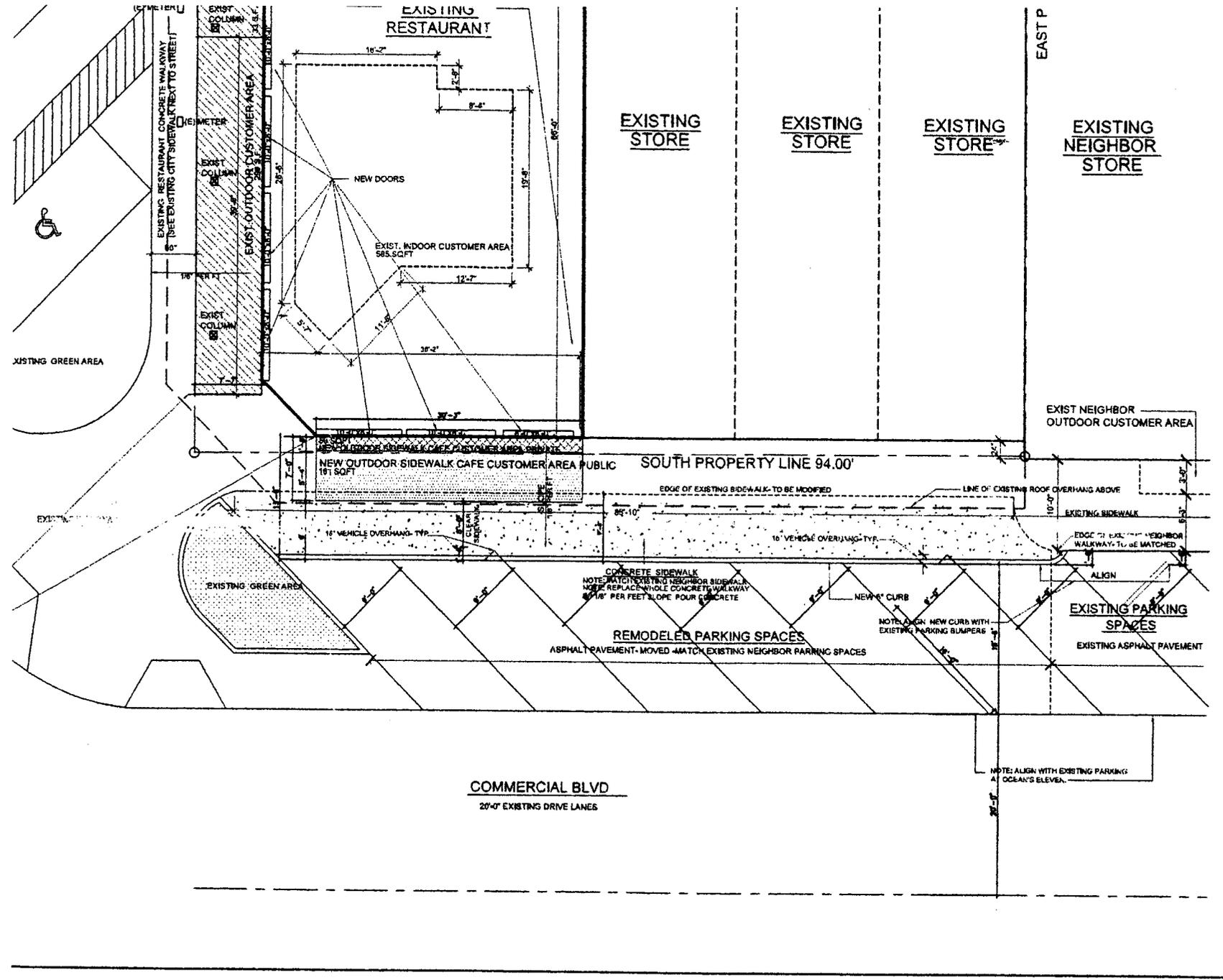
**RESTAURANT REMODELING
ATHENA RESTAURANT
4400 OCEAN DRIVE
LAUDERDALE BY THE SEA, FL 33308**

DESIGN	CWF
DESIGN DWG	BC
WORKING DWG	BC
BID REVIEW	DVM
PERMIT REVIEW	DVM
ISSUE DATE	09-06-11
SCALE	AS NOTED
JOB NO.	20110329

SHEET

A

Exhibit 2



EXISTING STORE

EXISTING STORE

EXISTING STORE

EXISTING NEIGHBOR STORE

EAST P

SOUTH PROPERTY LINE 94.00'

COMMERCIAL BLVD

20'-0" EXISTING DRIVE LANES



Exhibit 3



Exhibit 3

