

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR 10502840

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R-32-96

PAGE 1

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

WHEREAS, Outback Steakhouse of Florida, Inc., having a mailing address of 550 N. Reo Street, Tampa, Florida 33609, has applied to the Brick Township Planning Board for preliminary and final site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51, and 60; and

WHEREAS, proof of service as required by law upon appropriate property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on April 24, 1996 in the Municipal Building, at which time testimony and exhibits were presented on behalf of the applicant, and all interested parties having been heard; and

WHEREAS, the Board makes the following factual findings and findings of law.

1. This property is designated as Block 670, Lots 4, 5, 8, 23 and 25 on the Municipal Tax Map.

2. The property is located in the B-3 Highway Business Zone.

3. The applicant proposes to construct a 6,115 sq.ft. Outback Restaurant on an out parcel which is contained within the Kennedy Mall Shopping Center and fronting on Hooper Avenue. In addition to the construction of the restaurant, the applicant proposes to reconstruct the exiting parking facilities in the vicinity of the pad site and, raze the abandoned Alan's Florist Building to construct additional parking stalls in that location.

4. Lynch, Giuliano & Associates prepared a report to

File -2
Outback
Pronounced
Alpha Con Eng
Ford
Cunley
Bldg
Eng; 2
Zoning
BFS
COAH

the Board dated April 10, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated April 24, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. Kenneth Baenziger, Traffic Safety Officer, prepared a report to the Board dated March 21, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. Kevin C. Batzel, Bureau Chief/Fire Official, prepared a report to the Board dated March 27, 1996. The Board adopts the findings in that report and incorporates that document in this Resolution by reference.

8. The following variances have been applied for:

<u>Bulk Requirement</u>	<u>Required</u>	<u>Provided</u>
Required Parking Stalls	897	720
Sign Height	25 Ft.	25 Ft.
Sign Setback (2)	25 Ft.	15 Ft. (Outback) (Mall)
Parking Stall Size	10 Ft. X 20 Ft.	9 Ft. X 18 Ft.
Parking Aisle Width	25 Ft.	20 Ft.
Parking Facility Setback	20 Ft.	12 Ft.
Front setback	75 Ft.	65 Ft. (Porch)

A Maximum sign area of 50 sq.ft. is permitted by Ordinance. The applicant proposes a sign area of 100 sq.ft.

9. The Board finds that the following variances are reasonable and should be granted because:

a. The variances needed in regard to required parking stalls, sign area, sign setback, parking stall size, parking aisle width, and parking facility setback are similar to prior variance approvals granted by the Planning Board in the prior application for preliminary and final site plan,

RESOLUTION R-32-96

PAGE 3

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

for the Kennedy Mall.

10. Accordingly, the Board finds that these variances are reasonable.

11. In regard to the variance for a maximum sign height of 100 sq.ft. and 50 sq.ft. as required by Ordinance, the Board finds that it is reasonable based upon the location of the site in that it will maximize visibility.

12. The applicant has complied with the requirements of the Site Plan Ordinance and the Overall Development Plan for this property constitutes a substantial upgrading of the Kennedy Mall and it consistent with the intent and purpose of the Municipal Development Ordinance. Accordingly, the Board finds that the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Township Zoning Ordinance or Master Plan.

13. Applicant is to re-stripe entire parking area in the mall.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 8th day of May, 1996 that this application be approved subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for site plan approval as set forth in Attachment "A."

2. The applicant shall comply with all representations and agreements made by the applicant or its attorney during the presentation of this case.

3. The applicant shall comply with all terms and conditions proposed in the report of Michael P. Fowler dated

April 24, 1996, except as follows:

Item IV.B. The applicant will provide landscaping in lieu of the berm.

Item IV.C. The applicant shall provide a 12 ft. setback between the Hooper Avenue right-of-way and the seven (7) parking stalls proposed perpendicular to Hooper Avenue, in that twelve (12) ft. currently exists.

Item IV.E. The applicant will be allowed a sign of 100 sq.ft.

Item IV.H. The applicant will provide two (2) parking stalls, all of a portion of which are within the site triangle easement and same are permitted in that it does not represent a safety hazard.

Item IV.I. The applicant shall provide shade trees along the property frontage adjacent to the proposed restaurant.

Item IV.K. The applicant will landscape on three (3) sides of the trash enclosure.

Item IV.L. The applicant will provide three (3) handicap parking stalls.

Item V.B. The applicant will realign the center ingress, egress drive within the driveway or aisle within the parking area in a manner to be agreed upon by the Township Engineer, the Planning Board Planner, and the applicant's Engineer.

Item V.F. The trash enclosure existing in the northwest corner of the mall site will be removed.

RESOLUTION R-32-96

PAGE 5

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

Item V.J. Previously approved mall sign fronting on Hooper Avenue will be reduced by 100 sq.ft. and shall be 25 ft. high, and said sign shall be 15 ft. from the right-of-way.

4. The applicant shall comply with all terms and conditions proposed in the report of Lynch, Giuliano & Associates dated April 10, 1996, except as follows:

Item 15. The applicant shall not be allowed any exterior dining.

Item 18. There is no drainage on the applicant's site.

Item E.1. on page 5, the applicant is to provide 18% landscaping, 12% building, and 70% pavement with 52,000 sq.ft. disturbed. The 18% landscaping requires a variance which is granted and deemed to be reasonable based upon the fact that the condition is currently existing.

5. The applicant shall comply with all conditions proposed in the report of the Traffic Safety Officer dated March 21, 1996.

6. The applicant shall comply with all conditions proposed in the report of the Bureau of Fire Safety dated March 27, 1996.

RESOLUTION: R-32-96

Page 6

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

MOVED BY Mrs. LaDuke

SECONDED BY: Mr. Petoia

VOTING IN THE AFFIRMATIVE: Councilman Cantillo Mrs. Fox

Mr. Heidrick Mrs. LaDuke Mr. Petoia Mr. Reo

Mr. Underwood Mr. Bruno

VOTING IN THE NEGATIVE: _____

INELIGIBLE TO VOTE: _____

ABSTAINING: _____

ABSENT: Mr. Scherer

CERTIFICATION

I, E. Joan Kull, Clerk of the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly ADOPTED by the said Planning Board of the Township of Brick at a regular meeting held on the 8th day of May, 1996.

IN WITNESS WHEREOF, I have set my hand this 14th day of May, 1996.

E. Joan Kull
E. JOAN KULL
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION R-32-96

PAGE 7

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

1. Applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the "Soil Erosion and Sediment Control Act."

2. All materials, methods of construction and details shall be in conformance with the current "Engineering Specifications and Construction Details" of the Township of Brick, which are on file in the office of the Township Engineer.

3. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Brick Township Planning Board for approval of that change.

4. Applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

5. Applicant shall provide a statement from the Brick Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

6. Prior to the issuance of a construction permit, the

RESOLUTION R-32-96

PAGE 8

CASE NO. 2188-APFSP-V-2/96

May 8, 1996

applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

7. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

8. No soil shall be removed from the site without the written approval of the Township Council.

9. The applicant shall comply with all provisions and pay all fees established under Article VB (Mandatory Development Fees) of Chapter 190 of the Code of the Township of Brick.