

**CITY OF TREASURE ISLAND, FLORIDA  
PLANNING AND ZONING BOARD  
Sitting as the  
LOCAL PLANNING AGENCY  
Meeting and Public Hearing  
January 15, 2009**

**1. ROLL CALL:**

Lynn Dayvault	Present
Steve Ferguson	Present
Susan Givens	Present
Daniel Helton	Present
Heidi Horak (Chair)	Present
Kevin Johnson	Present
Pam MacIntyre	Present
Bill McAlduff	Present
Frank McConnell	Present
Kathy McCreary	Present
Susan Reiter	Present
Joe Roberts	Present
Robert Shogren	Absent
Christopher Sierra (Vice-Chair)	Absent
Ruthie Starkey	Absent

Chair Heidi Horak called the meeting to order at 2:05 pm and noted that the City Attorney, Maura Kiefer, the City Planner, Lynn Rosetti, and the Planning Associate, Steve DeMerritt were present.

It was noted that Mr.Shogren and Mr. Sierra phoned to report their absence,

**2. MINUTES**

Motion was made by Ms. MacIntyre and seconded by Ms. Givens to approve the minutes of the meeting of December 11, 2008 as printed. Motion was passed by unanimous consent.

The Chair requested that the minutes of the meeting of December 18, 2008 be amended to reflect that Mr. McAlduff and Ms. MacIntyre did e-mail the Chair to report their absence.

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Motion was made by Mr. Roberts and seconded by Ms. MacIntyre to approve the minutes of the meeting of December 18, 2008 as amended. Motion was passed by unanimous consent.

### **3. ITEMS OF BUSINESS**

#### **a. Continued Public Hearing from December 18, 2008 – Consideration of Land Development Revision to Dwelling Tourist Definition to include Multi-family.**

The City Attorney inquired if the Board members had an opportunity to read her memo of December 10, 2008 and also the Appeal from the Eleventh Circuit Court.

The City Attorney stated that this is a continuation of the public hearing that was started last month on the issue as to whether or not to revise the City Ordinance to amend the definition of Tourist Dwellings. Ms. Kiefer noted that multi-family dwelling is not included in the current definition.

The City Attorney began a discussion regarding the opinion of the Eleventh Circuit Court of Appeals as it pertains to the Matthew Schwarz case which is still in litigation. Ms. Kiefer noted that it has been requested that our revision of the definition of Tourist Dwellings also include Residential Treatment Facilities in RM-15.

The City Attorney stated that the issue today is whether the Board wished to recommend to the City Commission that the definition of "Tourist Dwelling" be amended to include multi-family dwellings. Ms. Kiefer requested that the Board make a substantial finding of fact to amend the definition with consideration given to reasons it was not included and the history of tourist dwelling.

Upon a question from Mr. Roberts regarding verbiage on the definition of Tourist Dwelling, the City Attorney referred him to the draft Ordinance that was included with her memo.

The City Attorney suggested that the Board begin review of the permitted uses in the RM-15 zones and then began a review of the Code and stated that she believes that the exclusion of multi-family dwelling from the definition of tourist dwelling was inadvertent and does not fit with the rest of the code.

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Mr. McConnell requested clarification regarding whether all commercial activity was specifically excluded unless otherwise specifically permitted.

The City Attorney stated that the City is divided into districts and that under Section 68-22.1 which prefaces all of the districts it states that no use shall be allowed in any land use district unless such use is specifically delineated as a permitted use, special exception use or accessory use which clarifies the statement that all commercial activity was specifically excluded unless otherwise specifically permitted.

The City Attorney referred to Section 68-261 which is Purpose and Intent and which states the purpose of RM-15 Residential Medium district is to delineate those areas as defined in the Cities Comprehensive Plan as suitable for residential development of a medium density character.

The City Attorney read the definition of a dwelling unit which states a dwelling unit means a single unit consisting of not less than 500 feet of living area providing complete independent living facilities for one family including permanent provision for living, sleeping, eating, cooking and sanitation but not including recreation vehicles, tents, hotels, motels or boarding houses. Ms. Kiefer stated that her argument in this case was that they were acting like a hotel which is not permitted in RM-15.

Mr. McConnell requested clarification regarding the 500 feet of living area in a dwelling unit.

The City Manager, Mr. Reid Silverboard addressed the Board and stated that the 500 square feet should not be included in the definition of dwelling unit and also stated that a unit is another flaw or weakness in the definition of dwelling because usually the more normal definition of a dwelling is a room or a group of rooms that constitutes a living unit containing living, sleeping and sanitary facilities.

The City Attorney requested that the Board prioritize their attention to focus on the definition of tourist dwelling.

Motion was made by Mr. Roberts and seconded by Mr. Johnson to continue the Public Hearing to the regularly scheduled LPA meeting to be held on February 19, 2009 immediately following the P & Z meeting. Motion was passed by unanimous consent.

**b. Downtown Redevelopment**

The City Planner informed the Board that Steve Schukraft of HDR will be presenting at the next meeting but that there were a few things she wished to point out to the Board. First was that the Special Area Plan is to document the carrying capacity of the downtown area. Ms. Rosetti stated that successful redevelopment involves the setting of overall general perimeters and maybe the creation of some more flexible rules and streamlining of development. The City Planner noted that whatever the rules are the Board should be as flexible as possible which makes redevelopment work.

The Chair referred the Board to the Initial Draft District Regulations developed by HDR and stated that she would like to concentrate on Board comments regarding these regulations.

The City Planner explained that the Board has asked the City Commission to set this up in a two-phase project. The first in the next few months to be the development of the Special Area Plan and noted that there was no desire to look at the draft regulations but that the Board did request a copy of the draft. Ms. Rosetti noted that the draft was based on the idea that the code was going to be form based and it was stressed to HDR that the City was not sure that they wanted to have a true form based code but something that is between a true form based code and an Euclidian code. Ms. Rosetti noted that this was not being pursued at any time in the near future.

Mr. McConnell discussed the minimum and maximum perimeters and the economical viability for the Special Area Plan.

The City Planner will put together information regarding form based codes, including a sample of form base code, for the next meeting.

Ms. MacIntyre requested that she be allowed to read a letter that was presented to her from Mr. Parker Lilya and that he wishes the letter to be included in the records of the meeting.

Mr. Helton referred to specific items as noted in the minutes of December 18<sup>th</sup>, page 3 regarding Board members request to have these items addressed.

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The Board recessed at 3:30 pm.

The Board reconvened at 3:49 pm.

### **c. Historic Preservation**

The Chair explained that this will be an extension of the previous discussion on Historic Preservation and is mostly for the education of the Board. Ms. Horak noted that the City Planner has provided printouts of all properties in the City that are older than 1950 and proposed that each Board member select a property and then fill out the Master Site File which is the initial step in the process for Historic Preservation as an exercise to be returned at the next meeting.

The City Planner noted that she had prepared a small publication several years ago that gives instruction on how to fill out a Master Site Plan form and provides the basics of how to research a Historic property.

### **d. Density / Intensity Averaging**

The City Planner began a review of the Planner Advisory Committee meeting where density/intensity was discussed. Ms. Rosetti explained that the comments from the committee were forwarded to the Pinellas Planning Council where it was decided to completely nix any thing to do with changes to Transfer Development Rights and Density Averaging and that those items were taken out of the Ordinance with no interest in bringing them back in the foreseeable future.

The City Planner referred the Board to her two Memos that were provided in the packet dated January 9, 2009. Ms. Rosetti noted that one memo provides background material relating to Density Averaging and Transfer of Development Rights as requested by the LPA and the other memo provides an Update on Pinellas County's Proposed Amendments to the Pinellas Countywide Rules Pertaining to Density Averaging and Transfer of Development Rights (County Resolution No. 08-6).

The Chair questioned if a Special Area Plan is considered an approved redevelopment plan as indicated in 4.2.7.2.1. (B) of Transferable Development Rights.

Discussion ensued regarding the density and Transferable Development rights as they relate to Special Area Plans and Conservation Districts.

The Chair referred the Board to 4.2.7.2.1. Section D. and suggested that the

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language could be useful in creating TDR's for Treasure Island.

The Chair requested and was granted permission from the Board to go before the Commission to request that Commissioner Minning keep the interests of the LPA before the Pinellas Planning Council when he represents the City as the new Mayor.

**e. Transfer of Development Rights**

Mr. Helton continued discussion regarding the TDR's related to the Downtown and referred the Board to his handouts from the previous meeting, Collier County Code of Ordinance Beach Access TDR's and Legal Summary of TDR's Item V.

Mr. Helton noted that it is his understanding that a sending and receiving area must be identified to Transfer Development Rights and he also discussed what is termed a Conservation Area, such as a specific neighborhood that wished to be preserved, as perhaps a better term to be used rather than Historic District which seems to present some problems in understanding by residents.

The City Planner questioned the Chair as to her awareness of the feeling of the Hotel owners in regard to all of the ideas that are being discussed and if these ideas have been related to the business community and noted that this question was an inquiry from the City Commission.

**f. Attendance at Meetings**

The Chair began a discussion regarding people leaving the meetings early and the problems that arise with a limited amount of Board members present with one of the most important being lack of a quorum.

The Chair noted that this is a Board Procedure and requested input from Board members as to what constitutes full and partial attendance.

Motion was made by Mr. Ferguson and seconded by Ms. Givens to initiate as Board procedure a fifteen minute leeway after roll call before being marked as absent, that attendance until 5:00 pm be considered a full attendance and also that the minutes continue to reflect the times members have left the meeting. Motion was passed by unanimous consent.

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**4. Old Business**

There was no old business.

**5. New Business**

Mr. Helton requested a definitive answer as to sending and receiving areas for transfer of Development Agreements.

Ms. Reiter requested information on the North end of Treasure Island Special Area Plan.

Next LPA meeting is scheduled for **February 19, 2009 at 1:00 pm** with the HDR Consultant lasting for one hour. It was not determined if there would be any P & Z cases next month so the continuation of the **Public Hearing will be scheduled for 2:00 pm** if there is no P & Z and **after the P & Z meeting** if there are cases. Downtown Redevelopment discussion will continue as well as Historic Preservation or Conservation Area and also Density/Intensity and Development Agreements.

Mr. Roberts left the meeting at 4:40 pm.

Mr. McConnell requested that the City Planner secure available dates in March when a second meeting could be held and present them at the February meeting

**6. Adjournment**

Motion was made by Ms Givens and seconded by Mr. Ferguson to adjourn the meeting. The meeting was adjourned at 4:45 pm.

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A J. Sarko  
Recording Secretary

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Heidi Horak  
Chair