

**CITY OF TREASURE ISLAND, FLORIDA
PLANNING AND ZONING BOARD
January 18, 2007**

1. ROLL CALL:

Ron DiBiase	Present
Stephen Gingrich	Absent
Susan Givens	Present
Daniel Helton	Present
Heidi Horak (Vice-Chair)	Present
Parker Lilya	Present
Harry Long	Absent
Pam MacIntyre	Present
Joel Manings	Present
Kathy McCreary	Absent
Frank McConnell (Chair)	Present
Joe Roberts	Present
Robert Shogren	Present
Christopher Sierra	Present
Ruthie Starkey	Present

Chair Frank McConnell called the meeting to order at 2:02 pm and noted that the City Attorney, Maura Kiefer, the City Planner, Lynn Rosetti and the Planning Associate Steve DeMerritt were present.

2. APPROVAL OF MINUTES:

Motion was made by Ms. Horak and seconded by Ms. Starkey to approve the minutes of the meeting of December 21, 2006 as printed. Motion passed by unanimous consent of those present.

3. EXPARTE DECLARATIONS & ADMINISTRATION OF OATH:

No Exparte Communication was reported. All applicants, witnesses, members of staff or other persons wishing to address any item before the Board of a quasi-judicial nature were duly sworn at this time.

4. ITEMS OF BUSINESS:

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[PZ-2006-02-SR -Site Plan Review] - Still Water Ventures, LLC – 8580 West Gulf Boulevard is requesting a three month extension relating to a previously approved site plan for a duplex that expires on January 19, 2007. Residential Medium (RM-15)

Mr. Sierra disclosed a possible conflict of interest as a noticed neighbor and agreed to abstain from voting on this case.

Mr. Helton disclosed he is also a neighbor and agreed to abstain from voting on this case.

The City Planner offered a verbal review of this case and answered questions of the Board.

Ms. Horak questioned if any new conditions would need to be included that were not included with the original site plan.

Mr. McConnell questioned temporary construction fencing.

ACTION:

Motion was made by Ms. Starkey and seconded by Mr. Roberts to approve the three month extension of the Site Plan. Upon a voice vote the motion passed by unanimous consent.

[PZ-2007-01-VR – Variance]– William and Barbara Forrester, 11085 5th Street East are requesting a variance to allow the addition of a new in-ground swimming pool that will encroach into the pool setback by five feet. Residential Urban (RU-75)

The Planning Associate offered a verbal and video presentation and answered questions of the Board.

The applicants' contractor addressed the Board.

Mr. Roberts questioned the engineering of the spam beam that was installed with

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the new seawall. The contractor distributed a document depicting the spam beam and seawall.

Mr. Sierra moved and Ms. Starkey seconded to close testimony and move on to Board comments.

Mr. Sierra stated his agreement with the staff recommendations.

Ms. Barbara Forrester, one of the applicants, was duly sworn in and addressed the Board. Ms. Forrester inquired if the Board would reconsider the variance if more engineering information was supplied supporting the concern of the seawall setback.

The City Planner informed the Board that the survey included with the original site plan indicated thirty-five feet from house to seawall. Ms. Rosetti stated that she is hearing for the first time today that there is only twenty-four feet from house to seawall. She also stated that the bolstering of the seawall is new information that came to light today.

Mr. Sierra stated that the application is invalid due to the incorrect information provided.

The applicants' pool contractor was duly sworn in and addressed the Board.

The City Attorney advised the Board that it is necessary to allow the applicants to make their presentation.

The City Planner suggested that a deferral would be the proper procedure to have the case heard in the future.

Mr. William Forrester, one of the applicants, addressed the Board. Mr. Forrester apologized to the Board for taking their time and for supplying incorrect information and requested that the request for variance be deferred.

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ACTION:

Motion was made by Mr. Sierra and seconded by Mr. Roberts to defer the variance request. Upon a voice vote the motion passed by unanimous consent.

5. RULES OF PROCEDURES ISSUES

The City Planner in her memo of January 12, 2007 suggested that it would be a good idea to review Board processes and responsibilities periodically. Ms. Rosetti included a copy of the Rules of Procedure and indicated that the City Attorney will lead the discussion.

The City Attorney began a review of the Rules of Procedure. Ms. Kiefer indicated that she planned to focus on certain sections but informed the Board that she will entertain questions pertaining to all sections. She informed the Board that they set their own rules of procedure so therefore if change is desired the Board has the prerogative to make the changes.

The City Attorney began discussion with Section 9 (Order of Business) and in particular Number 7 (Presentation of each agenda Item). Ms. Kiefer proceeded to identify the order of business to be followed leading up to Board Discussion. She emphasized the importance of the applicants' presentation. Other areas also emphasized by Ms. Kiefer were the public comment portion and the applicant's right to a rebuttal.

Discussion ensued regarding Section 9, number 7 and the City Attorney's recommendation of the procedure to be followed in the hearing process and the responsibilities of the Chair. It was suggested that when the process has reached Board Discussion it may be decided by the Chair to allow or not allow the applicant further rebuttal.

The Board discussed several hypothetical situations and the procedure to be followed.

The City Attorney moved on to Section 11, d (Interruptions) and emphasized the importance of allowing a member, once recognized, to complete his statement.

Ms. Horak called attention to Section 11, f and suggested the word *or* be added to the fourth sentence to read *in its original form or as amended*. She discussed the

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need to perhaps become a little more stringent after Board Discussion in allowing an applicant a rebuttal and also to not give an applicant false hope.

The City Planner explained the procedure followed when interviewing with an applicant regarding their request for a variance.

The Board continued discussion pertaining to situations that may arise in an applicants' presentation and dealing with answers to technical questions.

The City Attorney stated that in the instance that a specific problem is noted in the staff report regarding a structural problem or a technical engineering problem than the question is what to do with it and how to handle it. She suggested that if it is something not in the Board's purview then all the other criteria in the variance application should be reviewed and then the Board shall allow the problem to be handled by the appropriate department or include it as a condition of approval.

The City Planner explained that the burden of proof in seeking a variance falls on the applicant.

Ms Starkey stated that people have a right to know that what they have presented will be reviewed by the Board.

The City Attorney suggested that the Board make a full and complete recommendation on every point and that perhaps slowing things down just a little would help.

The City Planner requested the Board again refer to Section 9, (7) between applicant rebuttal and Board discussion and suggested that the Board follow the lead of the City Commission when involved in a quasi-judicial hearing. She indicated that the Mayor will, after she has heard the applicant and had public comments, quiet the room and again ask if there is anyone else wishing to speak, she will then smack the gavel and declare the public hearing closed. It is then up to the discretion of the Commission to allow or not allow further comment.

Mr. Sierra questioned the enforcement of having anyone other than the applicant fill out a card requesting to speak on a topic.

The City Planner discussed the upcoming EAR Report and Downtown Redevelopment Plan.

Mr. Lilya informed the Board of research he has done regarding the entire Island as well as the downtown and would like to present his findings to the Board.

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The Board discussed a possible refreshment budget.

The Board discussed the scheduling of an upcoming LPA meeting. It was suggested to hold the LPA meeting after the scheduled P & Z Meeting.

6. ADJOURNMENT:

Motion was made by Ms. Horak and seconded by Ms. Givens to adjourn the meeting.

The Chair declared the meeting adjourned at 3:57 pm.

The next meeting of the Planning and Zoning Board will be Thursday February 15, 2007 at 2:00 pm with an LPA meeting to follow.

A J. Sarko
Recording Secretary

Frank McConnell
Chair