

**CITY OF TREASURE ISLAND, FLORIDA
PLANNING AND ZONING BOARD
January 17,, 2008**

1. ROLL CALL:

Ron DiBiase	Present
Susan Givens	Present
Daniel Helton	Present
Heidi Horak (Chair)	Present
Kevin Johnson	Present
Harry Long	Present
Pam MacIntyre	Present
Joel Manings	Absent
Kathy McCreary	Present
Frank McConnell	Present
Joe Roberts	Present
Robert Shogren	Absent (arrived 2:15 pm)
Christopher Sierra (Vice-Chair)	Absent (arrived 2:05 pm)

Chair Heidi Horak called the meeting to order at 2:03 pm and noted that the City Attorney, Maura Kiefer, the City Planner, Lynn Rosetti and the Planning Associate Steve DeMerritt were present.

The Chair noted that Mr. Manings phoned to report his absence.

2. APPROVAL OF MINUTES:

The minutes of the meeting of December 20, 2007 were approved as corrected and passed by unanimous consent.

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.

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Mr. Sierra arrived at 2:05 pm.
Mr. Shogren arrived at 2:15 pm

4. ITEMS OF BUSINESS:

[PZ-2008-01-SD – Preliminary and Final Plat] – Treasure Island Development, LLC, 119 99th Avenue, is requesting a subdivision of Sawyer and Harrell’s addition to Boca Ciega Pass Subdivision, Block 5, Lot 9, together all lands lying between the boundary of that lot and the high water line of Boca Ciega Bay, as recorded in Plat Book 3, Page 41, Public records of Pinellas County. This lot is proposed to be replatted into seven parcels (Lots 1 – 6, and Tract “A”) in a manner suitable for townhouse development (New legal description: Bella Casa Townhomes, Lots 1, 2, 3, 4, 5, 6, and Tract “A”. Lots 1 – 6 are proposed for townhouse development and Tract “A” is a common area. *Resort Facilities Medium (RFM-30)*

The City Planner offered a verbal and video presentation and answered questions of the Board.

Ms. Givens requested clarification regarding the paving of the alley and also the responsibility of the continued maintenance of the paved alley.

Ms. MacIntyre questioned the City Planner as to why Section 74-31 (Procedure for Securing Approval of Subdivision) (a) *Preliminary plat approved by Planning and Zoning Board* was edited in the staff report. Upon a reply from the City Planner indicating that she seldom prints the entire code in the staff report, Ms. MacIntyre suggested that she should and inquired if Ms. Rosetti has at least read Sec. 74-31.

Ms. MacIntyre then proceeded to read Sec. 74-31 and indicated that the 10 day requirement for presenting the proposed subdivision has not been met. Ms. MacIntyre then proceeded to (b) of Sec. 74-31 *Final plat approval by Planning and Zoning Board and City Commission* and questioned the City Planner for again editing the code and also the use of the word staff in place of Building Official in preparing reports for the Planning and Zoning Board for final approval. Ms. MacIntyre then inquired if the City Planner considered herself a Building Official and stated that since the Code stated Building Official the word staff should not have been used.

Mr. McConnell expressed a concern with paving any permeable areas.

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Ms. Horak expressed her concern with stormwater runoff and suggested that in lieu of paving there be an upgrade to the dirt and shell presently on the alley.

Mr. Sierra suggested the case be continued to next meeting in order to meet the code requirements.

Ms. Givens expressed a concern with the parking accommodations for the development.

The City Attorney stated that the subdivision request can be approved with contingencies as have other cases in the past and reminded the board that this is a preliminary approval to be forwarded to the City Commission and that the Board is acting in an advisory capacity.

Mr. Helton requested clarification regarding the paving of access roads in addition to the alley.

Ms. MacIntyre questioned the notification of abutting neighbors as to individual notices versus one notice to the condo association.

The City Planner stated that each owner, according to tax records, was noticed individually.

Mr. Ed Hooper of the Consus Group, a consulting firm representing Treasure Island Developers, addressed the Board. Mr. Hooper expressed his gratitude to Ms. Rosetti and staff for their efforts in helping to get to where they are today. Mr. Hooper stated that the plat application was submitted January 3rd with an understanding of the 10 day requirement. He stated that it was submitted, in his belief, per the City Code, 10 days prior to the January 17th meeting. Mr. Hooper also stated that the City requirement is to submit the preliminary and final plat together as one piece. Mr. Hooper indicated a willingness to upgrade the alley with whatever material the Board wishes.

The City Attorney explained the process for approval of the subdivision noting that the preliminary approval goes to the Commission and returns to the Board for another review and then back to the Commission for final approval.

Upon a question from Ms. MacIntyre regarding the title preliminary and final plat on the staff report, Mr. Hooper stated that it is his understanding that per City Code and also County Code the preliminary and final plat application should travel concurrently throughout the entire process.

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Public Comments:

Ms. Marjorie Linsley, a noticed neighbor, was duly sworn in and expressed her concern with parking and also the width of the alley.

Mr. Hooper again addressed the Board and stated that each unit has a two car parking garage and in units 1 through 4 there is an area of approximately 40 feet from the garage to the edge of the landscaping which provides ample room for parking and exiting/entering the development.

The City Planner referred the Board to staff recommendations presented in the Site Plan Review that require the applicant to prepare and present to the City Planner a parking plan for review and approval.

Mr. Helton suggested that any motion include improving all of the alley that surrounds the property and that an additional ingress be shown on the plat.

Mr. McConnell expressed a concern with late information from the City but stated that he would not like to see the applicant penalized because of it and also that he is not comfortable with the traffic flow.

Ms. MacIntyre upon reading from the Code 74-31 which states that the P & Z Board shall receive a report from the Building Official before approving preliminary and final plat, stated that she does not see any reports from a Building Official.

Ms. Horak suggested that since the Board is acting in an advisory capacity and since it is only preliminary approval and since the board did receive the site plan information on time, there is no reason to delay a recommendation to the Commission today. Ms. Horak stated she feels the dirt and shell shall be improved and maintained on the alley surface.

Ms. MacIntyre raised a question regarding the condition for approval of the preliminary plat in relation to a condition in the site plan review which indicated that the parking plan will be presented to the City Planner for review and approval.

ACTION:

Upon clarification of exactly what the motion refers to and stating that it refers to PZ-2008-01-SD, Mr. Roberts moved to accept the preliminary plat report with the stipulations on the alleyway that were suggested by the group.

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Mr. Sierra offered an amendment to the motion to state that the conditions specified by staff be included as part of the approval.

Mr. Roberts accepted the amendment to the motion.

The Board resumed discussion regarding the improvements suggested to the alleyway.

The City Planner stated that in the conditions of approval the Public Works Director will be responsible for the final approval of any improvements to the alleyway.

Upon a request by Mr. McConnell for clarification from the City Attorney regarding the authority to make a decision relating to the parking component, the City Planner explained that parking is part of site plan review and once the Board hears the site plan review they can make a decision on the condition of the parking plan.

Mr. Roberts withdrew his motion and allowed Mr. Sierra to make the motion.

Mr. Sierra moved to approve the subdivision subject to staff conditions and to modify the staff condition regarding the alley to delete pavement and substitute a permeable surface to be from the western boundary of the property through the parking lot at Blind Pass Lagoons and that all are subject to the Public Works Director approval. The motion was seconded by Mr. Roberts.

Upon roll call the vote to approve the motion was passed by unanimous consent.

[PZ-2008-01-SR – Site Plan Review] – Treasure Island Development, LLC, 119 99th Avenue, is requesting a site plan review to allow a six-unit residential townhouse development. *Resort Facilities Medium (RFM-30)*

The City Planner offered a verbal presentation and answered questions of the Board.

Ms. MacIntyre expressed a concern with item (4) on page 3 of the staff report and Sec. 70-92 stating that these items are like a blurb of what actually is in the code book and questioned why the entire code is not printed in the staff report.

The City Planner responded that what is on the staff report is the format that has been continually used and if this Board wishes to have the entire sections of the code printed in the staff report that is what will be done.

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The chair suggested that the issue of the request for detailed code be brought up under new business.

Mr. McConnell questioned the plans for solid waste collection.

The City Planner explained that solid waste collection is approved by the Public Works Director.

Ms. MacIntyre returned to Section 70-92 item (b) so she would be assured that everything that needed to be covered was covered since this was not an area of expertise for her, she felt she needed all the help she could receive utilizing the Board's knowledge.

At the request of the Chair, Ms. MacIntyre than read Section 70-92 Determination and Findings, item 4-b.

Mr. Sierra expressed a concern with outside consultants paid for by the applicants, even though they are retained by the City, making decisions.

Ms. MacIntyre referred the Board to Section 70-91 of the code, item 4 which addresses site plan approval.

The applicants' representative, Mr. Ed Hooper of the Consus Group, addressed the Board. Mr. Hooper stated that he is comfortable with conditions 1 through 15 as presented in the staff report and is in agreement with condition #12 being modified.

Ms. MacIntyre questioned the appearance of the side elevations as presented in the site review plans.

Mr. Michael Serano from Howard Engineering addressed the Board.

Ms. MacIntyre stated she is not comfortable approving a site plan when she is unable to have a clear picture of all sides of the planned structure.

Mr. McConnell expressed his concern with the end units having a tiny window on an otherwise blank wall.

Ms. Horak questioned the stormwater runoff provisions.

Mr. Sierra referred to condition #11 and questioned the board regarding any changes they would like to make to this condition.

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Upon a question from Mr. DeBiase regarding the drainage of stormwater, Mr. Serano explained that a trench will be installed along the seawall directing the runoff to the ponds.

Mr. McConnell questioned the slope of the stormwater runoff.

There were no public comments.

A discussion ensued regarding the Board's ability to request that the site plan return for another review after the stated conditions have been applied. There was some confusion as to whether this can be done or if the Board should table the site plan review.

Ms. Givens stated that when the conditions have been determined it is up to staff to see to it that the conditions have been applied and that there is no need to have the site plan return for another review.

Ms. MacIntyre read, for the purpose of informing the Board, Section 70-91 Site Plan Approval.

The Board continued discussion as to whether a continuance would be in order versus a request to return for another review after conditions have been met.

The City Attorney advised the Board that she is uncomfortable with a stipulation that the applicant return after the conditions have been met. Ms. Kiefer stated that either the approval is final or it is not and that by asking the applicant to return after conditions have been met is essentially tabling the site plan review.

The Board continued discussion regarding the proposed conditions.

ACTION:

Motion was made by Mr. Sierra and seconded by Ms. Givens to approve the site plan as presented with staff conditions modified as follows: Condition #11 to read *the traffic and parking pattern should be approved by the City Planner and Public Works Director*. Condition #12 paving of the alley should be deleted and alley should be consistent with the subdivision plan previously approved.

Condition #16 should be added to read *notwithstanding condition #8 above, end units showing side elevation must be improved with artistic and/or architectural changes such that there will be no blank walls visible to the neighbors and that said artistic and/or architectural changes are to be approved by the City Planner and the Public Works Director*. Condition #17 to be added to read *a trench drain along the*

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property line bordering Boca Ciega Bay draining into the retention ponds on the north and south sides of the property.

The City Planner requested that Condition #16 be modified to read *changes are to be approved by the City Planner and Building Official*. Mr. Sierra agreed to modify the motion and Ms. Givens agreed to modify her second.

Upon roll call the vote to approve was 8 ayes and 4 nays as follows:

Ron DeBiase	aye	Pam MacIntyre	nay
Susan Givens	aye	Kathy McCreary	aye
Dan Helton	aye	Frank McConnell	nay
Heidi Horak	nay	Joe Roberts	nay
Kevin Johnson	aye	Robert Shogren	aye
Harry Long	aye	Christopher Sierra	aye

The P & Z meeting adjourned briefly.

The meeting reconvened at 4:20 pm.

Ms. Horak introduced new member Lynn Dayvault who will be seated on the Board next month.

5. OLD BUSINESS:

The Chair expressed her discomfort with being the person who declares an excused absence when a member calls in to report their inability to attend.

Ms. McCreary explained some instances that may result in an absence.

Mr. McConnell suggested that the phone call simply be recorded and if a problem with attendance results it should be addressed by the Commissioner who made the appointment.

Mr. Roberts stated that he feels that 3 absences should result in a termination of the appointment.

Mr. Helton agreed with the 3 absences rule regardless of the reason.

Ms. MacIntyre stated that the Planning Associate receives the phone calls and maintains a record of the absences and if a problem arises he should call the person to inquire as to the reason for the absences and also call the Commissioner.

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Mr. Sierra recalled that the City Commission passed a resolution stating 3 unexcused absences and he felt that the Commission should present guidelines to the board as to what is an excused and unexcused absence.

The City Attorney stated that the problem in the past has been that Board members did not call in and that it was never a question of excused or unexcused. The City Attorney then read Resolution 07-81 which sets a policy for attendance for Board and Committee members.

Mr. Roberts left the meeting at 4:30 pm.
Mr. Long left the meeting at 4:35 pm.

The Chair again stated that she is not comfortable making the decision as to whether it is an excused or unexcused absence and that perhaps she needs to speak with the Commission to change the language in the Resolution.

Ms. McCreary stated that she felt that if a member calls to report the absence it should be excused but the failure to call which is inconsiderate would be considered unexcused.

The City Planner stated that the procedure is to call and that there are three people available to call in addition to the Chair.

The Chair suggested that the members speak to their Commissioners for clarification regarding the attendance resolution.

The City Attorney stated that she feels the intent of the Resolution is to leave it up to the individual board to make those policy determinations.

6. NEW BUSINESS

There was no new business.

8. ADJOURNMENT:

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

The Chair declared the meeting adjourned at 4:45 pm.

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The next meeting of the Planning and Zoning Board will be Thursday, February 21, 2008 at 2:00 pm.

A J. Sarko
Recording Secretary

Heidi Horak
Chair