

**CITY OF TREASURE ISLAND, FLORIDA
PLANNING AND ZONING BOARD
November 20, 2008**

1. ROLL CALL:

Lynn Dayvault	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	Absent
Susan Reiter	Present
Joe Roberts	Present
Robert Shogren	Present
Christopher Sierra (Vice-Chair)	Present
Ruthie Starkey	Present

Chair Heidi Horak called the meeting to order at 2:08 pm and noted that the City Attorney, Maura Kiefer, was absent and the City Planner, Lynn Rosetti and the Planning Associate Steve DeMerritt were present.

It was noted that Ms. McCreary phoned to report her absence.

2. APPROVAL OF MINUTES:

Motion was made by Ms. Givens and seconded by Mr. Sierra to approve the minutes of the meeting of October 16, 2008. The motion to approve was passed by unanimous consent.

3. EX-PARTE COMMUNICATION:

There was no Ex-Parte Communication reported by the Board.

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4. ADMINISTRATION OF OATH:

- . All applicants, witnesses, members of staff and other persons wishing to address any item before the Board of a quasi-judicial nature were duly sworn at this time.

5. ITEMS OF BUSINESS:

[PZ-2007-21-SR – Site Plan Review] – Pieces of Eight, A Condominium, 137 104th Avenue is requesting a one year extension relating to an approved site plan that expires on November 15, 2008. *Resort Facilities Medium (RFM-30)*

The City Planner offered a verbal and video presentation and explained that the reason for the extension request is an ongoing legal issue with the developer regarding the construction of a pool. Ms. Rosetti then answered questions of the Board.

Upon a question pertaining to the fee schedule for site plans and site plan modifications, the City Planner explained that a site plan fee is \$500 and a modification is \$250. Ms. Rosetti explained that the fees charged are only a percentage of the true cost and noted that there is no work required by staff with a request for an extension.

Upon a Board discussion regarding the cost of business when applying for an extension, the Chair suggested that a discussion related to a fee for an extension application be placed under new business on the LPA agenda.

Upon a question regarding the inclusion of a fee as a condition of approval along with the granting of the extension, the City Planner stated that typically the City Commission sets the fee schedule.

The President of the Pieces of Eight Condominium Association, Mr. Gary Cotter, addressed the Board. Mr. Cotter noted that Mr. Joseph Gayton is the attorney representing the Condo Association in their legal issue with the developer and that there is a lawsuit in progress. Mr. Cotter noted that Ms. Geraldine Farrel is the main defendant in the case.

Ms. Starkey expressed a concern that without legal advice there is no way of knowing if any motion made would be appropriate.

Mr. Sierra clarified that in his previous statement he suggested that a fee be added to any motion that was made but that he did not make a motion.

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There were no public comments.

ACTION:

Motion was made by Ms. Givens and seconded by Mr. Shogren to approve the one-year extension as requested.

Upon roll call the vote to approve was 12 ayes and 1 nay as follows:

Lynn Dayvault	aye	Frank McConnell	aye
Susan Givens	aye	Kathy McCreary	aye
Dan Helton	aye	Susan Reiter	aye
Heidi Horak	aye	Joe Roberts	aye
Kevin Johnson	nay	Robert Shogren	aye
Pam MacIntyreaye		Christopher Sierra	aye
Bill McAlduff	aye	Ruthie Starkey	aye

[PZ-2006-08-SR-M – Site Plan Modification] – Treasure Res, LLC 11908 Gulf Boulevard is requesting a Site Plan Modification relating to the addition of a driveway for an existing 96-unit hotel. *Resort Facilities High (RFH-50)*

The City Planner offered a verbal and video presentation and answered questions of the Board. Ms. Rosetti requested clarification from the Planning Associate regarding two corrections that would be on the new plans that were recently delivered. One was a correction in the ISR percentage changed to 64.4 instead of 84.4 and the other correction was the removal of the word condo from hotel. The Planning Associate confirmed that both corrections were made. Ms. Rosetti informed the Board of a letter from Ferguson Law Group dated 11/10/08 that will be distributed.

The applicants' attorney, Mr. Tim Ferguson, addressed the Board. Mr. Ferguson clarified for the Board the circumstances related to the omission of the driveway on the site plan and the safety and welfare issue that is a result of not having a driveway. Mr. Ferguson suggested that the City not stipulate the condition of FDOT approval to avoid possible legal repercussions.

Upon a question regarding the placement of the pavers the City Planner stated that the asphalt has been removed and there will be an additional 2366 square feet of impervious surface which will result in a need for an additional 196 cubic feet of stormwater retention.

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The Chair expressed a concern with a proposed crosswalk that could possibly be in the area of the driveway egress and ingress. Ms. Hoarak also suggested the removal of the second southern curb cut.

The Planning Associate informed the Board that the proposed crosswalk will be located between 124th and 125th Streets.

There were no public comments.

Mr. Sierra requested that in the future when there is a request for a site plan modification that instead of an excerpt of staff recommendations he would like to have the minutes relating to that case.

ACTION:

Motion was made by Ms. Givens and seconded by Mr. Sierra to approve the site plan modification with staff recommendations and subject to FDOT approval.

The Chair requested an amendment to the motion to include the removal of the southern curb cut and restore the sidewalk subject to FDOT approval.

Ms. Givens agreed to amend her motion and Mr. Sierra agreed to amend his second. Upon roll call the vote to approve the amended motion was unanimous.

6. CITY PLANNER/CITY ATTORNEY REPORT/COMMENTS:

The City Planner explained that in regard to the litigation related to the Sunset Bay Hotel and the Board request for additional information that there are some pending issues with this lawsuit. Ms. Rosetti stated that the City Attorney recommended that a Board discussion of this case be postponed until January.

Mr. Roberts requested for his edification the obligations of the City Attorney's presence or a representative of her firm to attend the P & Z meetings.

Mr. Sierra responded that he felt it was a contractual matter between the City Commission and the Mayor.

7. OLD BUSINESS:

There was no old business.

8. NEW BUSINESS:

The Board is requesting that the City Commission perform a review of the fee schedule including a possible fee for a request for an extension of a case.

The City Planner explained her annual review of the Planning and Zoning fees and stated that the charges very seldom are in line with the actual costs and that if they were it would be very out of line with other communities.

The Board expressed a concern with legal matters that relate to cases that are presented in the absence of the City Attorney and requested feedback from the City Commission in this regard.

Mr. Sierra stated that he would like the request to be worded to ask what services the Board should expect from the City Attorney. Mr. Sierra noted that the tone seems to be that the City Attorney should be here for every meeting but that is an unknown as are the hours that are allocated to the City Commission and other Boards. Mr. Sierra indicated that he did not want to send a message implying that the City Attorney has been deficient in her advice because he thinks she has provided the Board competent legal advice.

Ms. Starkey wished to express to the City commission her concern that the Board does not have the proper legal representation. Ms. Starkey stated that her expectation is that as the Board is looking at matters that the City may be liable for in the future based on the Board making decisions without the proper legal representation puts them in a tough spot.

Ms. MacIntyre noted that as a quasi judicial body it is necessary to be represented and she agrees with Ms. Starkey.

Mr. McConnell stated that almost at every meeting there are legal issues and the City has faced lawsuits as a result and the Board needs to have proper advice.

Mr. Roberts expressed a concern regarding the liability of each Board member and suggested that no meeting should be held without legal representation.

The Chair suggested that the best way to get these concern to the City Commission is to forward the minutes. Ms. Horak suggested the Board members read the minutes and check for accuracy.

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Ms. MacIntyre suggested the Board choose a representative to approach the City Commission.

Mr. Sierra requested that the minutes reflect a specific request that the Board notify the City Commission as to what they need from the City Attorney and the City Commission notify the Board as to what they can actually expect from the City Attorney.

The Chair will prepare a cover sheet memo to the City Commission along with the excerpts from the minutes.

9. ADJOURNMENT:

Motion was made by Mr. Sierra and seconded by Ms. Givens to adjourn. The meeting was adjourned at 3:30 pm.

There will be no P & Z meeting for the month of December.

There will be an LPA meeting on December 18, 2008 at 2:00 pm.

A J. Sarko
Recording Secretary

Heidi Horak
Chair