

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS SPECIAL WORKSHOP MINUTES
March 10, 2010**

The workshop was called to order at 6:04 p.m. by Mayor Minning.

I. DISCUSSION ITEMS:

1. Discussion of Proposed Parking LDR Recommendations to the P&Z/LPA

Mayor Minning explained that at the last Commission meeting the Commission agreed to amend the resolution changing the title, but did not vote to send it to the P&Z for their recommendation. They instead decided to discuss this further at tonight's workshop.

Commissioner Gayton explained the spreadsheet that he provided. It shows the recommendation of staff for each area of the city.

Commissioner Gayton stated that he keeps hearing from city staff that parking in residential districts is in harmony with our comprehensive plan. He disagrees. He read an excerpt from the plan. He doesn't feel that they should allow parking in residential areas. He asked that they have a vote on each section so that when they send this to the Planning Board it is clear.

Commissioner Coward stated that she would like to discuss where it is occurring in the RM15 district. She feels that they need more of an understanding of exactly what they mean. They should discuss where it is occurring, why it is occurring, and who would be affected if it is banned. Commissioner Gayton explained that he was only talking about residential areas.

Commissioner Gayton gave an example of when people parked on the street at Sunshine Beach for the gambling boats. He noted several properties that had a site plan review in 2006 for two year temporary parking. Even though it was not an approved use at that time, some of them were approved because the City Planner said that a parking lot was an allowed accessory use in that area. It was an administrative decision at that time. Commissioner Gayton stated that it was a disruption in that neighborhood for years. Commissioner Coward stated that she understands, but that isn't happening now. She wants to know who would be affected now. Commissioner Gayton stated that that was his example. Commissioner Coward asked if there are other areas in town that area affected. Commissioner Gayton stated that we are being sued by residents of another area of the city.

Commissioner Bildz stated that we are getting off track. The question is do we want to allow parking in residential neighborhoods. He feels that they should not, and no further discussion is necessary. Commissioner Collins stated that he agreed. He suggested that they add language to address Commissioner Coward's concern about a neighbor parking in someone's driveway. He feels that people in a residential area deserve quiet enjoyment of their property and doesn't feel that they should allow parking in residential areas just to placate a business. Commissioner Bildz clarified that they are not talking about people parking in a driveway, but a whole lot being used for parking. Commissioner Gayton stated that the definitions are very clear. Commissioner Collins stated that he doesn't feel that two years is temporary, and thinks that temporary parking should be for a maximum of one year.

Mr. Silverboard clarified that the addresses that Commissioner Gayton gave earlier were not residential areas. Those addresses were either RFM 30 or RFH 50. There are no RM 15

properties abutting Gulf Boulevard. One example would be in the area of Gator's. The Rice family has bought a number of properties there that are zoned RM 15. They are adjacent to his property. He has torn them down and has asked for permission to use them as temporary parking. That might be an example of where it would be appropriate to permit parking in the RM 15 district. Another example would be Caddy's valet parking. It is an example of a situation where it might be possible. There may be some other examples, but those are near the downtown. One other example would be the Island Inn. They have the Island Inn on one side of the road, and some of their parking on the other side. The Commission needs to clarify whether they are including the RF, or just the RM areas. The reason that we recommended that it be by special exception in the RM 15 is that they would have to meet the conditions of site plan approval as well as special exception. If it isn't permitted they can't even ask for a variance. If an occasion came up the Commission would have to go through a land use and map change at the city and county level to even consider it. It would be such a long time frame that any interest would likely evaporate. Commissioner Bildz asked if he was talking about a rezoning. Mr. Silverboard stated that it could be a rezoning or a text amendment. That process could take quite a while as it isn't only our maps that have to be changed; it is also the county's.

Commissioner Gayton stated that he is trying to stay away from the districts that we are having litigation in. It is his contention that no one that lives in an RM 15 district wants parking lots or temporary parking next to his house. He stated that the City Manager has not swayed him and he is not changing his opinion.

Commissioner Bildz clarified what the different areas meant.

Commissioner Coward clarified that if they say no parking in that area it would be very restrictive down the road. Mr. Silverboard stated that when the market turns around some people may want to make use of some of the RM 15 properties. They would either have to go through rezoning, or a special exception. With a special exception use they have more control. With a rezoning they do not have to go through site plan review. You can't condition the rezoning that it only applies if they build what they submit in a site plan.

Mayor Minning stated that the area around Gator's was really isolated from the homes in the area. He asked what would happen if parking is not allowed there. Mr. Silverboard stated that they have already been told that they can not use those properties for parking.

Mayor Minning suggested that they take input from the public before they start voting on the issues.

Mr. Battaglia stated that today he received a letter from the Building Director who told him that the suit related to the parking areas is correct. In each instance, as it relates to the parcels that they have in the lawsuit, the city, through its Director, indicated clearly that they were not complying with the ordinance and ordered Mr. Amico to cease and desist. It has taken eight or nine years to get to this point. On the eve of the discussions that are taking place, after all the time and effort that has been made to talk about this matter, this letter specifically deals with the parcels noted in the map. In each instance, as it relates to those parcels, the Director provided that the matter in question is that you are violating this ordinance and he has asked them to cease and desist. We have been asking for that for the last eight or nine years. The density and intensity has grown from a family outing at Caddy's to a three ring circus by a massive invasion of bodies that the city has refused to control. The complaints have gone unanswered and ignored. Treasure Island City Hall has a black cloud hanging over it, and it will remain there. No action has ever been taken on any complaint. Caddy's has taken no action to correct them. The

black cloud gets bigger. It was the city's choice to not to enforce any of the Caddy's parking violations before March 4th. He suggested that the city enforce the present zoning laws. Don't start by sending a courtesy warning notice. He stated that the city sat down with Caddy's and Mr. Amico and agreed upon this. The cease and desist doesn't stop any of this. They should impose fines going back two or three years. You have to have hearings which will take months or years. Is the city and Caddy's trying to pacify the residents after years of no enforcement? The city is changing ordinances in favor of Caddy's. To go forward with this is a sham of the worst kind.

Mayor Minning stated that this was a special workshop to discuss the parking ordinance that they will forward to the P&Z and he asked that people restrict their comments to that subject.

Ray Green asked that the Commission use their logic when considering this. A parking lot does not belong in an RM 15 district. He asked that when they consider special exceptions they consider what impact it will have on the residents of Sunset Beach.

Mary Beth Becker stated that that piece of property was zoned residential for a reason. It should remain that way.

Julian Fant stated that he commented to the LPA today that he has not been contacted by anyone to appear and speak on this matter. He is there for the purpose of making some suggestions that would apply to all of the residents of all of the city of Treasure Island. He and his family have lived on the Isle of Palms for 49 years, and he served on the Commission for 25 of his 49 years. Prior to his election there were ordinances already on the books, ordinances passed during and since then, that address this situation. He doesn't think that expanding parking to an extensive degree lends itself to that purpose. If you extend the parking for one business you must extend it for every business that applies. You must consider seating capacity, and fire and police protection. You can't grant off site parking ad infinitum and expect that it will not increase business. He has not heard the word hardship yet.

Kathy McCreary stated that this situation has been agonized over for the last few years. We have gotten away from what the real situation is. We are blaming Caddy's for bringing in business, but not addressing the real reason. The real reason is because we allow beer on the beach. We are the only beach in Pinellas County that allows that, so it will be a party destination whether Caddy's is there or not. If you want drinking on the beach it will happen anywhere.

Larry Yost stated that Ms. McCreary is 100% right. They were surprised that the Commission didn't put this on the ballot and give the citizens the chance to vote. Part of the parking problem is people using their home lots for parking. They have people that commandeered an empty house and rented the driveway for beach parking. There are people selling parking spaces along Harrell Avenue. That should be addressed.

John Burns thanked the police for doing a good job of controlling things and Caddy's for trying to control things better. He asked that the Commission do a better job of enforcing the laws. He enjoys alcohol on the beach and doesn't want to restrict it. He feels that this is about elitists that don't want anyone on their beach. If you buy on the beach expect people to be on the beach. He doesn't want to keep people off the beach. We were at the beach in July when complaints were made. He went to Caddy's and found that about 1/3 of the people there were families. He goes to the beach often, and for the most part it is a well behaved group. He asked that they enforce the parking rules.

Tony Amico stated that this has not been a problem for eight to nine years. All of the parking lots that Caddy's uses, with the exception of the one lot in question, are zoned Commercial General. The one lot in question has never been a residential property. It was formerly a motel. It was a terrible place, and the City Manager at the time asked if he could do something about it. The police and fire departments were often called there for drug overdoses. He knocked it down, and asked the neighbors if they had a problem with him using it for parking. He has only used it for valet parking with the exception of the AA people that park there on Sunday mornings. If you have a house next to a commercial general neighborhood you have to expect that it will be utilized. It doesn't make sense to restrict parking in a commercial area. Regarding the one lot that he uses for valet parking, it doesn't make sense for it to be an issue since it keeps cars from going up and down the streets in the neighborhood.

Heidi Horak, Chair of the Planning Board, stated that they had a good meeting today. She urged the Commission to review the tape as they had some good suggestions from the City Planner, the public, and the board. As a Planning Agency they can only look towards the future. They can't do anything about what has happened in the past. They are very familiar with how the code works. They see special exceptions, variances, and site plan reviews every month. They can only act on what is brought before them. They can have discussions on anything, but their action is confined to what they are asked to do. Going forward she thinks that it is a very good idea to formalize the process for approval of any types of off street parking facilities. All these things can be addressed through the special exception and site plan review process. In the past these things have been addressed by staff. If you make temporary parking something that has to go through as a special exception then we will review it. This process has not been formalized in the past, and she feels that the city is taking the right steps in formalizing the process for any type of parking at all. She asked that they review the meeting before they send anything to the planning board.

Mr. Battaglia stated that he wanted to make it clear that Mr. Amico was not at the meeting that he addressed the Commission at previous to tonight. He asked the city to comply with the ordinance, and Mr. Amico to comply with the ordinance and he would have his parking. If you leave it the way it is he will be happy with it and they will too.

Mr. Amico stated that there was an oversight in the regulations. They allowed for someone to build a parking structure, but didn't allow for surface parking. It doesn't make sense that he can build a parking garage, but can't utilize his CG property for parking. It is an oversight in the rules and needs to be corrected.

Commissioner Collins asked for clarification on the lots in regards to Caddy's. The City Manager clarified which lots were zoned CG. The only lot that is in the RM 15 zone is lot 6. Lot 8 is zoned RFM 30. Lots 1, 2, 3, 4, 5, and 7 are in the Commercial General zone. Mr. Silverboard explained that the CG zone does not permit a surface parking lot, but does permit a parking garage. That is what Mr. Amico was referring to.

Mayor Minning asked Ms. Rosetti about the special exception uses. He asked Ms. Rosetti to comment on whether parking in the RM 15 district would be compatible with the comp plan. Ms. Rosetti read an excerpt from the code of ordinances, and some definitions from the Pinellas Countywide Plan rules. She stated that typically in a residential district it is talking about an ancillary or accessory use. In an area like Sunset Beach there are a lot of older, grandfathered, non-conforming uses. There are areas that don't have adequate parking, so the parking filters out onto the streets. She gave some examples of the types of parking that would be compatible.

Commissioner Gayton stated that he has heard the City Planner comment several times that parking in residential areas was compatible with the Comp Plan, and he would like to see where. He asked Ms. Rosetti to show him where it was in harmony with the plan. He stated that the policies as written in the plan are not in harmony with putting parking next to a residential property. Commissioner Bildz stated that if it is not compatible with the comprehensive plan then there is nothing to discuss.

The Mayor recessed the workshop at 7:15.

The workshop was reconvened at 7:29 p.m.

Ms. Rosetti explained that consistency goes right up through the Pinellas Countywide Plan rules. She read excerpts from Treasure Island's plan. Ancillary, non-residential use is noted in the codes and is allowable in residential areas. It is included under secondary uses. Ancillary, accessory use is allowed when it is connected to adjacent or contiguous non-residential usage. Commissioner Gayton stated that that was the countywide plan, but that isn't what our comp plan says. There is nothing in our plan that says parking lots would be consistent in the RM 15 District. Ms. Rosetti stated that there is a description of the types of uses, and one of the things it lists is a parking lot. Commissioner Gayton stated that one of their goals is to find ways to address more parking. There are other areas that it can be addressed. Unless someone can show it in the comp plan he is not in favor of it. Commissioner Bildz commented that if someone can show it in the comp plan then they should change the comp plan.

The Commission voted unanimously to recommend to the P&Z to not allow parking in the RM 15 area. Mayor Minning stated that he was glad to see the deliberation on this, and commented that it applied to the entire city and not just Sunset Beach.

Commissioner Gayton commented that Ms. Rosetti has changed her recommendation to have off site parking approved by the Planning and Zoning board. In the past this was the only one that was the responsibility of the Commission. This would make it consistent with the rest of the parking regulations. Mayor Minning suggested that they leave it to the P&Z with the right to appeal to the City Commission. Ms. Kiefer stated that there are several instances where that is the case now. It would not be inconsistent with some of their current procedures. Parking is a controversial issue, so they can probably count on some appeals. If you put in a provision that it is appealable to the City Commission it gives you more opportunity to fix a situation before it goes to court. She suggested that they may want to consider making the P&Z advisory but making the decision themselves.

Commissioner Collins stated that ultimately this falls on their shoulders, so he would like to get a recommendation from the P&Z and then have the Commission make the decision.

Commissioner Gayton stated that they have to send a recommendation to the P&Z on this. Do they want to leave this decision with the City Commission, or send it to the P&Z? Commissioner Collins asked what the difference would be. Commissioner Gayton explained that if the decision was left with the Commission the P&Z wouldn't see it.

Ms. Horak stated that they should look at all categories when making this decision. Make sure that it is all special exceptions related to parking, and then them which ones they want to come back to them. Currently many special exceptions are final decisions by the P&Z. She suggested that they make the recommendation to the P&Z and ask them what categories they think the Commission should have the final decision on.

Commissioner Gayton commented that he feels there was a misunderstanding between the City Planner and the Commission last week, and wants the P&Z to look at the entire Chapter 68. Ms. Kiefer was asked her opinion on that. It was agreed to ask them to review the entire chapter.

Mr. Silverboard suggested that if the Commission asks that the special exception come to them, they also review the site plan, since they go hand in hand. He feels that Ms. Horak had an excellent idea in suggesting that they ask for a recommendation as to what should go to the Commission.

It was agreed that they would get input from the P&Z as to what should go to the Commission and what should stay with the P&Z. It was agreed that regardless it should go to the P&Z first. They will be asked to decide where the appeal would be. Commissioner Bildz stated that he would like to see it go to the P&Z for their recommendation and have the final decision rest with the Commission. The P&Z will be asked for their recommendation on who will have the final decision.

Commissioner Gayton discussed the two year limit on temporary parking. Commissioner Collins stated that he feels that one year is enough. Commissioner Bildz stated that he likes 180 days. Commissioner Collins stated that 180 days isn't enough due to possible construction delays. Two years is too long, one year is enough. Commissioner Gayton stated that they would have the opportunity to ask for an extension. Commissioner Bildz stated that they needed a maximum amount of extensions to avoid temporary parking being made permanent.

Mr. Silverboard stated that an extension would have to go back to the P&Z for a decision. If you hit hard times like we are in now there may be instances where it is a good idea. If the Planning Board makes a recommendation that they make improvements they need to get enough use out of it to make it worthwhile for them to do that. He stated that he felt they are being overly restrictive and there are some built in stops. Ms. Horak stated that they didn't need to decide now; they should just send it to the P&Z for their recommendations. Commissioner Gayton stated that they are here to give them the Commission's recommendations. Ms. Horak stated that they are focusing on one thing and trying to decide limitations that could be addressed by the P&Z. Commissioner Gayton stated that they have recommendation from staff, and the Commission will give them their recommendations as well.

It was agreed by a 4-1 vote to recommend one year for temporary parking. It was noted that Ms. Rosetti handed out some information regarding temporary parking at the beginning of the meeting.

Commissioner Gayton asked what recommendation the Commission wanted to give on the RM 30 and RFH 50. It was agreed that special exceptions, site plans, 600' parking would go to the P&Z.

Commissioner Gayton stated that his problem with any permitted use in the CG area was that the P&Z or Commission had no say in it because it was a permitted use. His preference would be to continue the CG through a special exception and let the P&Z decide if it is in the right neighborhood. Mayor Minning stated that it has to be Commercial General. Commissioner Gayton stated that he wanted a special exception that goes before the P&Z. Don Taylor stated that this was the heaviest commercial use, and they would be taking property rights away from the owners, and inhibiting a commercial use in a commercial area. He asked if they were

addressing the residential side of this as well. He stated that if they were going to address parking, then they should require residential properties to add parking.

Commissioner Gayton stated that we allowed people to put homes in the CG area. There is a vacant lot between two houses at Sunset Beach in the CG zone. If someone wants to put in a parking garage between the two homes there is nothing we can do because it is an allowed use. Commissioner Coward asked if the special exception was given lot by lot. Ms. Horak explained that it was expired.

Commissioner Bildz stated that he agreed with Mr. Taylor in that if he owns it he should be allowed to park on it, but there should be a reason to park on it. He stated that he agrees with Commissioner Gayton regarding making parking a special exception.

Commissioner Collins stated that he agrees with Mr. Taylor. Commercial property should be allowed to be used for parking.

Ms. Kiefer asked if they were just focused on free standing parking lots. Commissioner Gayton stated that they were focused on all parking types. Ms. Kiefer clarified that this does not include required parking for a business – this is additional parking that is currently not addressed in our Land Development Regulations. Mr. Silverboard stated that it can be required parking. Ms. Kiefer stated that if that is the case they will immediately have a multitude of non-conforming uses with existing businesses. Mr. Silverboard explained that if they had parking on one side of 108th and there is a vacant lot owned across the street, it is allowed to put some of their required parking across the street. Ms. Kiefer stated that when they are dealing with a special exception versus a permitted use, the whole reason is to give someone permission to do something that may not belong there. Here you are talking about parking in the CG area. You are making it “special” and an “exception”. Is that really what you want to do? Commissioner Bildz stated that unless you want to turn our island into a parking lot, parking is special, unless it is associated with a business. It should be tied to the business.

Mr. Amico stated that if he had the right before to build a parking garage without permission, and they take that right away, that is a taking, and he should be paid for that.

Mr. Taylor stated that at some point the free market is going to dictate this. Most owners of commercial property are not looking to be in the parking business on a long term basis, but in this economy with property sitting empty it could be used to make some money until the economy turns around. He suggested that they not be overly restrictive and let the free market dictate some of this.

Mayor Minning stated that they consider the downtown when thinking about this. Commissioner Bildz stated that it should be tied to a business. Mayor Minning stated that he feels that it should be allowed. Commissioner Collins stated that he agreed. Commissioner Coward asked about property across from the Fire Department. Mr. Silverboard stated that it is in the CG area, and it is illegal to sell parking spots. We do not permit parking lots in the CG. We do allow parking garages under the current code. Cars can not be parked there legally. Commissioner Gayton stated that under special exceptions he could park RV's for a charge, or if it was a permitted use he could do it without a special exception. Mr. Silverboard suggested that they tighten up the definitions of a parking lot that does not include an area for storage of recreational vehicles, boats and the like. Mayor Minning suggested that they recommend that to the P&Z. Commissioner Gayton stated that we have to be careful what would be allowed as a permitted use. Commissioner Bildz stated that that was why we have zoning laws. It was agreed by a 3-2

vote to recommend permitted use, along with Mr. Silverboard's recommendation to the P&Z. Mr. Silverboard stated that the minutes of the meeting would be provided to the P&Z so that they were aware of how each Commissioner feels. Commissioner Gayton stated that he wanted it made clear that this was their recommendation to go along with Ms. Rosetti's recommendation.

Mr. Silverboard explained that they will come back with a new resolution that will include the new title approved last week along with the recommendations that are agreed upon tonight. We will attach the minutes of this meeting along with Ms. Rosetti's staff report.

Commissioner Gayton stated that they still have two more topics to discuss. He asked if anyone could put up a temporary parking lot, or was it related to a specific business. Mr. Silverboard explained that an off site parking lot would be related to a specific business, but a temporary parking lot would not. The only one that is not tied to a business is a temporary parking lot, or a parking lot or structure. Commissioner Gayton asked if they had to be in the same land use category. Mr. Silverboard explained that it had to be in an area that permits that type of parking, or get permission by way of a special exception.

Commissioner Bildz asked to discuss people who sell parking spots. It was explained that that is a code enforcement issue.

Commissioner Gayton asked if they wanted to put something in about the way the two year temporary parking was addressed in the past. Mayor Minning stated that if what is put to them from the P&Z was enacted and administered in a reasonable manner it would not be necessary. There is nothing that has been put in front of us that gives authority for administrative approval.

Commissioner Coward stated that regarding temporary parking the circumstances of each project need to be considered.

Mr. Taylor commented that they have not mentioned grandfathered situations. He mentioned one property that is not commercially zoned but has off site parking. Mr. Silverboard stated that we have not done a complete inventory of all properties. We do not have complete records, so it is impossible in some cases to figure out if they had approval or not. We will ask the P&Z to address that as may be appropriate. We had no intention of recommending to the Commission that we shut those places down. We would like to have everybody treated equally.

Commissioner Bildz stated that a year or two ago the Commission allowed parking on the beach. Is parking allowed in a preservation zone? Mr. Silverboard stated that we have permission from the state to do it because it is considered a temporary use. It is under the control of the City Commission whether it is done or not. Commissioner Collins stated that it is only done about three times per year, and he thinks that it is a good idea.

II. ADJOURNMENT:

The workshop was adjourned by Mayor Minning at 8:40 p.m.

Robert Minning, Mayor

Phil Collins – District 1

Ed Gayton – District 2

Carol Coward – District 3

Alan Bildz – District 4

ATTEST:

Dawn M. Foss, City Clerk