

**MINUTES OF MEETING OF THE BELLEAIR PLANNING AND ZONING BOARD
HELD AT TOWN HALL, BELLEIR, FLORIDA ON DECEMBER 16, 2013 AT 5:30 PM**

MEMBERS PRESENT: Bonnie Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Rogers Haydon
Peter Marich
James Millspaugh
Randy Ware

MEMBERS ABSENT: Al Acken

OTHERS PRESENT: Micah Maxwell, Town Manager
JP Murphy, Assistant Town Manager
David Ottinger, Town Attorney
Tom Shelly, Commission Advisor
David Healey, Planning Consultant

There was a quorum present with Chairman Brandvik presiding; the meeting was called to order at 5:30 pm.

APPROVAL OF MINUTES

Mrs. Burton moved approval of the Minutes of the meeting held on November 18, 2013, as amended. Motion seconded by Mr. Haydon and carried unanimously.

CITIZENS' COMMENTS

There were no citizens' comments regarding items not on the agenda.

**REVIEW AND RECOMMENDATION OF ORDINANCE NO. 490 – AMENDING THE
COMPREHENSIVE LAND USE PLAN**

Mrs. Brandvik stated that the board had for review and recommendation proposed Ordinance No. 490 amending the comprehensive land use plan.

David Healey, Planning Consultant, stated that there were two ordinances on the agenda for consideration and recommendation; that the first ordinance dealt with a proposed amendment to the comprehensive plan; that the ordinance would address three specific points and he would speak to each one separately;

1. was to clarify in the town's plan in Policy 1.1.1 and 1.1.2 to be consistent with the countywide plan; that the term "consistent with" was being substituted with "including"; that the point being that the town plan must stay within the parameter of the countywide rules but could be more restrictive;

REVIEW AND RECOMMENDATION OF ORDINANCE NO. 490 (Continued)

2. that the provisions were first specific to the land development code suggesting that the provision for consistency was subject to further details and specific regulations in the land development code; that the plan was general and addresses the goals, policies and objectives in a more general terms; that the zoning regulations further set those details in more specific regulations;

3. that in Policy 1.1.2 provided for residential mixed use and public/semi-public uses pursuant to specific categories listed; that the current term said non-residential and was inconsistent internally with the present plan as listed in Policy 1.3.8 which provided for residential office limited use with specified density for residential use; that the terminology was unclear and also stated that residential use would be permitted in a commercial planned category.

Discussions ensued regarding the purpose of the proposed language as housekeeping measures; regarding the current zoning on the hotel property as commercial; regarding the proposed change to the comprehensive plan that would allow the town to entertain a request for residential use on the property; regarding the interpretation to allow residential use on commercial property; regarding the recommendation to making clear the intent of the provision; regarding the latest revision of the comprehensive plan.

Rae Claire Johnson, 1717 Indian Rocks Road, asked if the proposed ordinance would have any effect the town's historic preservation ordinance; if a caveat could be added that the ordinance would not be applied to the hotel property.

Mr. Healey stated that the ordinance would not have any effect on the hotel property as it did not apply to any specific property; that the issue regarding a new designation being applied to the hotel property and the historic designation on the hotel property was a separate decision; that the proposed amendment simply allows residential use in a commercially designation; that all measures in the historic preservation ordinance must be followed and would be considered at such time as an application would be submitted.

Mrs. Burton stated that it was necessary to bring the comprehensive plan up to date; complimented staff for their work on the proposed ordinance and making it understandable.

Mr. Haydon moved that the planning and zoning board recommend approval of proposed Ordinance No. 490. Motion seconded by Mrs. Burton. Vote on the motion was: ayes 5; nays 1; motion carried by a vote of 5 to 1.

REVIEW AND RECOMMENDATION OF ORDINANCE NO. 491 – AMENDING THE LAND DEVELOPMENT CODE

Mrs. Brandvik stated that the board had for review and recommendation proposed Ordinance No. 491 amending the land development code.

REVIEW AND RECOMMENDATION OF ORDINANCE NO. 491 (Continued)

Mr. Healey stated that the amendment to the land development code that addressed two issues; that it is the proposed creation a new multi-family zoning district RM-10; that the RM-10 would allow a maximum of 10 dwelling units per acre; that the new category was designed to fit between current categories of single family, RM-5 and RM-15; that the proposed RM-10 would be classified as a low medium density; that the proposed uses of the property would be consistent with residential use; that the minimum parcel size would be five acres and would be consistent with minimum parcel size in the RPD; discussed the proposed dwelling sizes; discussed the maximum building height and proposed height bonus; stated that the proposed zoning designation would allow someone to apply for and use the RM-10 zoning district; discussed the consideration of having under-building parking allowing more open space; stated that no application had been submitted at this time but did provide some examples of calculations based on average unit sizes in the RPD; that it was the idea to provide some ability to vary height and achieve an average that would reasonably be in line with what was otherwise permitted; that there was one other housekeeping matter in Section 74-175 regarding the required points of ingress-egress for development of 75 units or more and that language be added to address the matter.

Rae Claire Johnson, 1717 Indian Rocks Road, asked if there were any other parcels except for the hotel property that could use the zoning change; asked how high the buildings could be.

Mr. Murphy stated that there several parcels that could use the proposed zoning designation and stated their locations.

Mr. Healey explained the building height calculations and the minimum and maximum building height.

Mrs. Johnson stated that she felt that the actions being taken were in consideration of the demolition of the hotel; commented on the letter sent from the National Trust regarding the hotel.

Mr. Ware asked Mrs. Johnson if she was a representative of the National Trust.

Mrs. Johnson stated that she was not a representative; that she felt certain people wanting the hotel to be demolished; that the building could be saved as it was in the same basic condition as when the Legg Mason was making plans to restore the building; that there would be a fight to save the building and any actions taken to undermine saving the building if viewed by the National Trust to be a step taken to develop the property would be challenged in court.

Doris Hanson, 6 Belleveiw Blvd., spoke in opposition of proposed Ordinance No. 491; stated that the hotel was the highest and best use of the property; urged the planning and zoning board not to move forward with the ordinance.

Lou White, 220 Belleview Blvd., urged the board to delay approval of the proposed ordinance; stated that it should be addressed after the sale of the property.

REVIEW AND RECOMMENDATION OF ORDINANCE NO. 491 (Continued)

Lavonne Johnson, 220 Belleview Blvd., spoke in opposition to the proposed ordinance.

Mr. Ottinger, town attorney, addressed comments made; that with respect to Mrs. Johnson's comments, he confirmed remarks made by Mr. Healey regarding zoning changes and did not affect the protection of the historic preservation ordinance; that the actions was prudent in the event the property should go to redevelopment, the only option currently on the property was for single family homes up to 15 units per acre; that , for clarification, a letter was received from the National Trust for Historic Preservation and it did not threaten any litigation against the town but did encourage thought be given to the hotel in connection with the passing of any land use changes.

Charlotte Dillion, 220 Belleview Blvd., stated that she was a recent resident to the RPD, spoke in opposition to the proposed ordinance; spoke to the proposed purchase of 2 acres of the property by the Belleair Country Club.

Mrs. Brandvik stated that the board members would now discuss the matter.

Mr. Marich stated that he had two issues with the ordinance; that 2 cars per unit should be allowed and the pervious calculations should be clearly defined.

Mr. Healey stated that there was no proposed change the parking formula from what it is currently; that parking calculations would be based on the number of bedrooms in then unit; that there was no proposed distinction between existing districts unless staff wanted to revisit the matter.

Discussions ensued regarding the definitions stated in the code.

Mr. Maxwell stated that Mr. Healey and he had met with a number of the HOA members in the PRD to discuss the hotel property; that there were various comments but no unanimous comments from the residents on the property.

Mrs. Burton stated that she felt the height bonus for the buildings could work; that she was concerned about the minimum square footage for unit size; that the town should do everything possible to protect the value of current home owners in the area.

Discussions ensued regarding the unit size for the proposed RM-10 designation; regarding the importance of specifying the minimum size of the units; regarding the calculations for the minimum square footage in the current RPD; regarding the town's desire not to become too involved in the project in order to allow the architects to design the structures; regarding increasing the proposed minimum unit size.

Mr. Ware stated that he felt there was too much concern about the minimum size for units; that he felt the proposed RM 10 would be a good compromise.

REVIEW AND RECOMMENDATION OF ORDINANCE NO. 491 (Continued)

Mrs. Brandik commented on the proposed RM 10 designation; spoke in opposition of the proposed ordinance 491; stated that she felt that creating the new designation would be an incentive for the owners to continue to market the property and would not be an incentive for preservation of the hotel; that she felt the primary purpose of the planning and zoning board was to protect the future of Belleair while protecting the town's heritage.

Mr. Haydon moved that the planning and zoning board recommend approval to the commission for Ordinance No. 491. Motion seconded by Mr. Ware. Chairman Brandvik asked for a roll call vote on the motion.

Discussion: Mrs. Burton asked if it would be appropriate for the board to make suggestions regarding the ordinance. Mr. Haydon stated that he did think it would be necessary to make suggestions; commented on comments made by the chairman as he felt she was bias in favor of the hotel; that if persons of interest and funds to purchase the hotel they would have already appeared; that he felt there was a huge gap in the zoning designations and he felt the proposed ordinance was appropriate. Mrs. Burton stated she was in favor of moving forward and amending the land development code to include a new zoning designation; that she was not in favor of everything in the ordinance; that she would hope the commission and the planning consultant take into consideration comments made by the board members.

Roll call vote on the motion was: ayes; Mr. Haydon, Mr. Millspough, Mrs. Burton, Mr. Ware; nays; Mr. Marich, Mrs. Brandvik. The motion carried by a vote of 4 to 2.

REQUEST FOR VACATION – 303 SUNNY LANE

Mr. Maxwell stated that the town received a vacation request from the owner of property located at 303 Sunny Lane; that the property was located at the corner of Sunny Lane and Indian Rocks Road; that there was a large right of way space in front of that home and the home located to the north of that property; that the right of way was not the same for any other property on Indian Rock Road; that there was certain criteria to be considered when such a request to vacate a right of way was received; that the request was for vacation of 34.6 feet; that it was staff's recommendation that 15 feet from the back of the curb be vacated; that currently there were no utilities located in that area there could be a future need for some sort on utility to be located in that area; that vacation of the 15 feet would have a positive impact on the property; that the town did expect and increase in the taxable value of the property.

Mr. Ware asked about the hedge located on the property; if the town would require removal of the hedge; if the improvements on the property were located within the proposed 15 ft. area; if the improvements would remain on the property.

Mr. Maxwell stated the improvements would remain should the vacation request be approved; that a portion of the improvements located on the Sunny Lane side of the property was located within the set back and a variance would be required for the secondary front property.

REQUEST FOR VACATION – 303 SUNNY LANE (Continued)

Discussions ensued regarding the existing easements; regarding maintenance of the easement area; regarding effect on the property to the north at the corner of Indian Rocks Road and Eastleigh; regarding the possible sale of the vacated property; regarding requiring payment for the property by placing a caveat on the approval of the vacation of easement as it should not just be a gift to the property owner; regarding the measurement of the easement and proposed area to be vacated; regarding the measurement to be taken from the center line of the roadway and not the back of the curb; regarding all expenses involved in the proposal to be passed to the property owner;

Mr. Millspaugh commented on historic establishment of easement; asked if staff had researched the history of the particular easement.

Mr. Haydon moved that the planning and zoning board recommend approval vacate of the request to vacate a portion of the easement for property located at 303 Sunny Lane and approve Ordinance No. 492. Motion seconded by Mr. Marich.

Vote on the motion was 4 to 1; motion carried.

COMMISSION ADVISOR'S REPORT

Commissioner Shelly was attending the board meeting in the absence of Commission Fowler; stated that he felt a better definition of pervious/impervious surface should be included in the land development code.

ADJOURNMENT

There being no further action to come before the board the meeting was adjourned in due form at 7:00 pm.

APPROVED:

Chairman