

MINUTES OF MEETING OF THE PLANNING AND ZONING BOARD HELD AT TOWN HALL, BELLEAIR, FLORIDA ON FEBRUARY 10, 2014 AT 5:30 PM

MEMBERS PRESENT: Bonnie Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Allen Acken
Rogers Haydon
Peter Marich (arrived at 5:40 pm)

MEMBERS ABSENT: Jim Millspaugh
Randy Ware

OTHERS PRESENT: JP Murphy, Assistant Town Manager
Dave Healey, Town Planning Consultant
Stephen R. Fowler, Commission Advisor

Quorum present with Mrs. Brandvik presiding; the meeting was called to order at 5:30 pm.

APPROVAL OF MINUTES – JANUARY 13, 2014

Mrs. Burton moved approval of the minutes for the January 13, 2014 meeting as submitted. Motion was seconded by Mr. Haydon and approved unanimously.

CITIZENS COMMENTS

There were no citizens' comments.

Mrs. Brandvik stated that the applicant for the variance request had asked to have his request be heard first on the agenda. It was the consensus of the board to hear the variance request next.

REQUEST FOR VARANCE – 10 S. PINE CIRCLE – TOM AND KAREN BLAKE

Mrs. Brandvik advised that persons with standing who were planning to speak at the meeting must sign in and be sworn in by the town clerk.

Mrs. Brandvik further asked if there had been any ex parte communications between any board member and the applicant.

There were no ex parte communications.

Those planning to speak regarding the request were sworn in by the deputy town clerk.

Mr. Murphy provided background on the property located at 10 S. Pine Circle; stated that the applicant was requesting a variance which would allow the construction of a proposed garage addition; stated that the garage addition would encroach into the required minimum 25 foot front yard setback by approximately 11 feet 5 inches, resulting in a 13 foot 5 inch front yard setback.

REQUEST FOR VARANCE – 10 S. PINE CIRCLE, continued

Mr. Tom Blake, 10 S. Pine Circle, expressed his gratitude to staff regarding the paving of S. Pine Circle; stated that the crew was very friendly and the street looked great; stated that they had been waiting for some time to add the addition to the undersized garage; that the shape of the yard and the challenges he had with the existing undersized garage and also because of having difficulties moving things in and out of his truck to his garage that he needed the addition; that his goal was to get the SUV out of the driveway have his materials in a safe location.

Mr. Hayden inquired as to whether the applicant would have to remove some of the driveway and pavers.

Mr. Blake stated that he would not have to take out any of the pavers; that the only thing that he would have to move was the three palm trees that he had planted; that he planned to replant them in the front yard as well.

Mr. Hayden asked the applicant if he had taken any consideration to sliding the new garage element to the north; stated that you would still have to encroach, but would be less intrusive.

Mr. Blake stated that it could be pushed back; that in talking to the architect, and others, that it could be done, but it change the look of the home and would make the garage the focal point, which he did not want to do; that it would not look very pleasing; stated that with the irregular lot, that there was actually a lot of green space left even after the addition.

Mr. Hayden asked if the applicant had a chance to speak with his neighbors and especially the person living to the north which would be the one that would be affected the most.

Mr. Blake stated that he had spoken to his neighbors and they were all in favor of the addition; stated that he had a note from a neighbor that lived across the street; provided a copy of the note to the board members.

Mr. Hayden stated that he was struggling with understanding what the hardship was concerning the variance request; stated that he would like to hear from the other board members.

Mrs. Brandvik inquired as to the reason for the garage; asked if the truck was a work truck.

Mr. Blake stated that his business was located at 6202 E. Broadway Ave., in Tampa; that he used his own personal vehicle for work; stated that he had provided for the board photographs showing that he kept some of his materials and samples in the garage; that it was heavy and he had to move it in and out of his garage; that he did not run a business out of his home; stated that his truck had been broken into so, for safety reasons and the fact that he had an undersized garage that he was asking for the variance.

Mr. Acken read for the record the letter from Mr. Jim Powell, 5 S. Pine circle; stated that he was in favor of the variance request.

REQUEST FOR VARNANCE – 10 S. PINE CIRCLE, continued

Discussion ensued regarding the design of the garage; regarding the number of doors; regarding the expansion of the garage area.

Mrs. Brandvik asked if there was anyone else that wished to speak in favor or against the request.

There was no one present to speak in favor or against the variance request.

Mrs. Brandvik closed the floor for the public hearing.

Mrs. Brandvik stated that staff's recommendation stated that the submittal was not consistent with Section 66-253 of the town code; asked Mr. Murphy to explain.

Mr. Murphy stated that staff was not sure of what the hardship was for the variance request; spoke about the interpretation of the code regarding Section 66-253 concerning granting variances; stated that the special conditions and circumstances could not result from action of the applicant.

Mrs. Brandvik stated that the hardship was that the lot was odd shaped.

Mr. Blake stated that not only was the lot irregular, that there were other circumstances including the size of the existing garage.

Discussion ensued regarding property use and use of a garage.

Mr. Acken moved to recommend to the commission the approval of the variance request change. Motion was seconded by Mrs. Burton and was approved unanimously.

Mr. Haydon recommended to the applicant that he obtained letters from his neighbors stating that they had no objection and to provide those to town staff.

Mr. Haydon requested to move the request for vacating right of way to be heard next on the agenda.

RECOMMENDATION OF VACATING RIGHT-OF-WAY AT 955 INDIAN ROCKS ROAD

Mr. Murphy stated that the owner of 955 Indian Rocks Road had requested that the town vacate 35.75 feet of right-of-way abutting his property along Indian Rocks Road and 20 feet of right-of-way along Sunny Lane; stated that Mr. Maxwell had provided a diagram showing the existing easements; stated that the town was required to follow the requirements set forth in Section 74-152 regarding vacation of right-of-way easements and reviewed those requirements and recommendations by staff; stated that staff recommended that the town vacate the right-of-way adjacent to 955 Indian Rocks Road; that however, staff did not recommend the vacation along Sunny Lane; that they felt that there may be some roadway work in the future which may include a slight widening.

RECOMMENDATION OF VACATING RIGHT-OF-WAY, continued

Mrs. Brandvik inquired as to whether Mr. Becker, property owner of 955 Indian Rocks Road wished to speak regarding his request.

Mrs. Brandvik asked Mr. Becker to speak regarding his request; stated that he would have to be sworn in.

Mr. Becker was sworn in by the deputy town clerk.

David Becker, 951 Indian Rocks Road, stated that he lived directly adjacent to the subject property; stated that he had lived there for a long time and had acquired the adjacent property; provided history regarding the property; stated that it would be a direct benefit to him and to the town to vacate the easement; that if the board did not wish to vacate the easement along Sunny Lane that it would be agreeable to him; stated that he would be happy to answer any questions regarding the property.

Mrs. Brandvik inquired as to whether Mr. Becker had any plans to use the property if the vacation was approved.

Mr. Becker stated that he had originally thought about extending his wall from his property across where that easement was now; that he may come back and petition the commission to do so in the future; that he had no other plans for the property; that it would make it consistent with his property.

Mrs. Brandvik inquired as to whether the request was a type of clean up action regarding the right-of-way along Indian Rocks Road.

Discussion ensued regarding part of the easement was being used as a park.

Mrs. Brandvik inquired as to whether there was anyone who wanted to speaking regarding the matter; there being none, Mrs. Brandvik closed the floor to the public.

Discussion ensued regarding the right of way along Sunny Lane; regarding the easement being consistent with the other homes along Sunny Lane.

Mr. Haydon moved that the planning and zoning board recommend approval to the commission the vacation of the right-of-way along 955 Indian Rocks Road and not the vacation of the right of way along Sunny Lane. Motion was seconded by Mrs. Burton.

Discussion:

Mr. Haydon stated that this was the same vacation as was done earlier for the property along Sunny Lane and Indian Rocks Road.

Discussion ensued regarding moving the sidewalks in the future and possible widening of Indian Rocks Road.

RECOMMENDATION OF VACATING RIGHT-OF-WAY, continued

Mr. Maxwell stated that there would be 15 feet from the back of the curb; that within that 15 feet space it could be used for widening, utilities or for the sidewalk to be moved back; that all of those things have been taken into consideration.

Mrs. Brandvik restated the motion.

Donna Carlen town clerk stated that the board might need to clarify the area that was being vacated because what was being asked for and what the town was recommending was a little different for the Indian Rocks Road request.

Discussion ensued regarding the vacation of right-of-way easement along Indian Rocks Road; regarding amending the motion to identify the vacated portion.

Mr. Haydon withdrew his motion.

Mr. Haydon moved that the planning and zoning board recommend approval to the town commission the vacation of the easterly 25.75 feet abutting 955 Indian Rocks Road, along Indian Rocks Road and to deny any vacation along Sunny Lane abutting the same property. Motion seconded by Mrs. Burton and carried unanimously.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495 – AMENDMENT TO LAND DEVELOPMENT CODE

Micah Maxwell town manager stated that the town had a request from the Belleair Country Club requesting that the town adjust the minimum size of the H district of the Town of Belleair; stated that the purpose and second step, would be to apply for the reduction site of the current hotel property to something below 20 acres; that the town would not be able to approve that under the current rules because it would be non-conforming; that the Country Club was required to make this request; that Mr. Healey was present to talk about the planning and zoning related to the request.

Discussion ensued regarding the Belleair County Club being part of the RPD.

Discussion ensued regarding the Belleview Biltmore Hotel property.

Mr. Marich spoke about the data provided by staff as it pertained to size and having amenities; stated that if there were a few acres that were sold, that there may not be room for amenities that the hotel may require for survival.

Mrs. Brandvik stated that she shared some of Mr. Marich's concerns; stated that part of what we have to consider when talking about a hotel succeeding was the amenities that it had; stated that taking action might be premature and unnecessary; that she did not see why the town wanted to do this at this time.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495, continued

Mr. Maxwell stated that the application was made by the Country Club; that with the 15 acre number, staff looked at other resorts; that those numbers should include the amenities associated with them; that it was with a caveat that with the Vinoy, the golf club was not on site; that the number of those averages of acreage was around 11.94; that staff included an extra 3 acres for the property.

Mr. Haydon stated that staff did a good job in the analysis; that it would no longer be a part of the hotel property and no longer be an amenity property to the hotel regardless of what the zoning was; stated that as a point of order, he inquired as to being a member of the country club, and should he abstain from voting.

Mr. Maxwell stated that as long as a member of the planning and zoning board was not a board member of the country club, that there would not be a problem.

Mr. Murphy stated and for point of clarification, are any of the members of the Planning and zoning board a board member of the country club.

Mr. Haydon, Mrs. Brandvik and Mr. Marich all stated that they were not board members of the country club.

Mrs. Brandvik asked if there was anyone who wished to speak regarding this matter.

Christine Frazer, 295 Belleview Blvd., stated that she wanted to know if the Country Club purchased that piece of land were there any restrictions as to what they could do with the property; stated that she had heard that they wanted to put a parking lot in that location.

Mrs. Brandvik stated that any plans would have to come before the board for site review for approval; that the club did want to use that additional property for parking.

Doris Hanson, 6 Belleview Blvd., stated that she felt that it was premature at this time without a plan from either the future preservationists or a developer who might want to do something else with the property.

Mr. Maxwell stated for clarification, that the action today, would not split the property out; that it would allow them to apply for a site plan approval and a quasi judicial hearing would have to take place.

Mrs. Brandvik stated that the delaying of a decision on this matter could not cause any harm and it might encourage investors that were currently considering the property to move forward with the purchase and renovation of the hotel; that the golf course was already using the property for parking; that she was not in favor of taking action.

Mr. Acken stated that he thought it was too early to talk about splitting off the acreage from the hotel property.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495, continued

Mr. Acken moved that the planning and zoning board recommend to the commission to deny the application and Ordinance No. 495. Motion was seconded by Mr. Marich.

Discussion:

Mr. Haydon stated that he would support the motion because he also thought that it was premature; that he felt that the owner would probably sell the property and Country Club was going to own it one day; that his views differed with regard to the hotel.

Vote on Roll Call: Marich, yes; Hayden, yes; Burton yes, Acken yes; and Brandvik, yes. Motion carried unanimously.

COMMISSION ADVISOR'S REPORT

Commissioner Fowler stated that he did not participate in the discussion regarding the last request; inquired about the existing wall located along Indian Rocks Road should the road need to be widened.

Discussion ensued regarding the wall located along 951 Indian Rocks Road.

Commissioner Fowler asked that staff discuss with the town attorney any conflict of interest regarding board and commission members being a member of the Belleair Country Club; inquired about whether if the commission denied the request as was recommended by the planning and zoning board was there a time certain before any owner could reapply regarding Ordinance 495.

Mr. Maxwell stated he had conversations with David Ottinger about the conflict of interest regarding board members being a member of the country club; that he would have Mr. Ottinger provide a written opinion; that for the request on code amendments, he did not think that there was a time given before a applicant could come back with the request.

Discussion ensued regarding the Belleview Biltmore Hotel property; regarding the redevelopment of the property.

ADJOURNMENT

There being no further business to come before the board the meeting was adjourned in due form at 6:25 p.m.

Chairman