

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

MEMBERS PRESENT: Gloria Burton, Vice Chairman
Allen Acken
Jim Millspaugh
Randy Ware

MEMBERS ABSENT: Bonnie Sue Brandvik
Rogers Haydon
Peter Marich

OTHERS PRESENT: JP Murphy, Assistant Town Manager
Stephen R. Fowler, Commission Advisor
Donna Carlen, Town Clerk

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

APPROVAL OF MINUTES – FEBRUARY 10, 2014

Mrs. Burton stated that the board had for consideration the minutes of the February 10, 2014 to consider for approval.

Mr. Ware stated that he was not in attendance at the February 10, 2014 meeting; stated that there was a vote taken regarding Ordinance No. 495; that there was an unanimous vote against the ordinance; stated that for the record, that he would have voted for the recommendation of Ordinance No. 495 and the sale of the requested acres to the Belleair Country Club; stated that he wanted to let the board know his opinion regarding the matter.

Mr. Murphy inquired as to whether Mr. Ware was a member of the executive board for the Belleair Country Club.

Mr. Ware stated that he was not an executive board member of the Belleair Country Club; stated that he was a member of the country club.

Mr. Acken moved approval of the minutes for the February 10, 2014 meeting as submitted. Motion was seconded by Mr. Ware and approved unanimously.

CITIZEN'S COMMENTS

Mrs. Burton stated that anyone who wished to speak regarding items not on the agenda could do so at this time.

Mr. Murphy provided a review of the procedures regarding citizen's comments.

CITIZEN'S COMMENTS, cont.

LaVonne Johnson, 222 Belleview Blvd., stated that the Belleview Biltmore Resort could be restored; spoke about the structure of hotel; provided documentation regarding the hotel along with photos; read for the record the information provided at the meeting; spoke in favor of saving the hotel.

Steve Johnson, 1717 Indian Rocks Rd., stated that the planning and zoning board had suggested to wait 6 months for the RM-10 designation; expressed his concerns regarding the commission going forward with the RM-10 designation; spoke about the art center property; inquired about the number of condominiums to be allowed on the hotel property; expressed his concerns regarding the deterioration of green space and how the town was changing.

DISCUSSION OF DUTIES AND RESPONSIBILITIES OF THE PLANNING AND ZONING BOARD

Mr. Murphy stated that in April the commission would be reviewing the roles of all of the advisory boards and seeking input from the board and the possibilities of changes to those roles; stated that the planning and zoning board did have some Charter language that designated roles for the board; that beyond that there was relatively large room of what items the board would like to take up and ones that the board could self-initiate; stated that number 4 under 66-93 of the Town Code stated the board was to conduct or obtain special studies; that those studies were things that the board wanted to undertake; stated that staff and the commission would like to hear some feed back to how the board felt its roll should be either expanded, contracted or left the same; reviewed Section 66-42 which covered the boards having administrative powers within land development.

Discussion ensued regarding the board of adjustment and appeals and their duties.

Mr. Murphy reviewed the primary duties listed in Chapter 66-93 of the Town Code; spoke about the board's ability to look at the code and study its effectiveness and make any recommendations to the commission on amendments that are believed necessary; stated that staff believed that the board could be the catalyst for an amendment if it so desired; that in some matters, the commission may want the board to review and make recommendations on certain issues.

Mr. Millspaugh stated that the board had many consistent exceptions that residents had come to the board; that the board usually grants those exceptions and variances; inquired as to whether there was some mechanism to change that issue; stated that at some point, if those same issues kept coming before the board for approval that maybe those rules should be changed to make those consistent requests be allowed.

Donna Carlen Town Clerk stated that there are criteria that should be considered by the board when a variance of some nature was presented to the board; that there were approximately 6 of those criteria that needed to be considered and met at the time of reviewing of the variance.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Mr. Murphy stated that the code forces staff to take strict construction of the code when looking at the items, that there were items that were approved by the board that had been generally denied by staff; that if the board wished to change the code to maybe mitigate some of those issue that came before the board, that the board could actually look at changing the land development code to add rules for irregularly shaped lots or other issues in that nature; that the ordinances would be constructed in such a way that staff, taking a strict view of the code, could approve it without the need for a variance.

Ms. Carlen stated that one of the criteria in the list for granting variances was that for a situation that was not a result or actions of the applicant; stated that for instance having an irregularly sized lot; that describing and determining the hardship was probably the most critical criteria for granting a variance.

Discussion ensued regarding hardships; regarding staff's interpretation of the code as it pertained to hardship criteria.

Mr. Ware inquired about the Comprehensive plan regarding land use changes.

Mr. Murphy stated that some land development code changes that were made would also need to be done as a comprehensive land use change; stated that the mixed use and R-10 changes for today's needs had a forward looking element to them; that if there was a concern for the town as being primary residential, that there would need to be some increase in light commercial and retail; that this was something that the board could be discussed; stated that there had been some amendments done less than a year ago; that the last comprehensive EAR based amendment process was in 2008; that in addition to the historic preservation ordinance which was a separate issue, there was amendments done through the EAR based amendment; that there were goals and objectives items and then the ordinances and land use changes would be done to address those items to the Comprehensive Plan.

Discussion ensued regarding reviewing the Comprehensive Plan; regarding the strategic plan document.

Ms. Carlen stated that in 2011 the Legislature changed the process for amending the Comprehensive Plan; stated that before, it could only be changed during certain times of the year; that now, it was on a fast track and can be done more often than in the past years and were not limited to those two specific times of the year.

Mr. Murphy stated that for purposes of reviewing and looking at the future goals of the town, this was something that the board could always do.

Mr. Ware asked Commissioner Fowler his views and recommendations as to reviewing the Comprehensive Plan.

Commissioner Fowler stated that the town had an excellent planner as a consultant and would strongly recommend that we have Dave Healey look at our Comprehensive Plan on an annual basis to see that we were dovetailing with what the County and State required.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Mr. Ware asked if staff could get a cost of the fee for Mr. Healey reviewing the plan on an annual basis.

Mr. Murphy stated that the comprehensive land use plan was more of a long range land use plan; that it did not give specific measureable goals; that it acted as the guiding document for how the commission, staff and the board went about identifying programs and policies; that this board had the opportunity to discuss more so than the practice and policy, to realistically look at the future vision for land use if it needed to be changed for reasons such as economic issues.

Mrs. Burton stated that certainly economics and other factors played a large role in what can be done today; that the town had put in writing the Comprehensive Plan as to what we are as a town, our heart and soul, and this was what we want to keep; that the heart and soul initially was a single family residential town and then over the years we had amended that because of different circumstances; that when something comes up before this board, for change, that we all need to look at how it would affect the town regarding the goals for the community; stated that the town had changed over the years; that the board needed to keep in mind what we are as a town and that if someone wanted to propose a change then we look at it very carefully.

Mrs. Carlen asked if everyone on the board had read the Comprehensive Plan.

Mr. Ware stated that he would like to have the board review the Comprehensive Plan chapter by chapter at a future meeting.

Mr. Acken stated that a few years ago the board reviewed the plan in its entirety; stated that with things that came before the board, that he always went back to what he thought the Town of Belleair should be; that it was a family orientated single family residential community, even though there were condominiums; spoke about the hotel property; stated that it would be good if we could save the hotel, but we have to go back to the family values we have in the town; stated that was why the Dimmitt Community Center was built.

Mr. Millspaugh stated he was one of the original members of the Planning and Zoning Association of Pinellas County; stated that David Healey was probably the best choice for planning; stated that it was just a few years ago that someone reviewed the codes to bring us to be consistent with the Countywide rules.

Mrs. Carlen stated that the Comprehensive Plan was something that was consistently being worked on and that she had worked with Mr. Healey when he was with the Pinellas County Planning Council in 2003 when they were amending the plan; that the PPC and the MOP are the ones that kept us apprised of things that we need to take into consideration when amending our plan.

Mr. Ware stated that some of the changes made in 2009 was where a lot of historic preservation verbiage was added to our Comprehensive Plan; stated that there may need to be some changes made to the plan; spoke about writing business plans.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Mr. Acken stated that some of the sections written in the plan regarding historic preservation were added for structures other than the hotel; stated that there was a number of historic buildings located in Belleair that were also protected by the plan.

Discussion ensued regarding the historic preservation section in the Comprehensive Plan; regarding the tax base and revenues.

Ms. Carlen stated that reviewing the Comprehensive Plan would give the board a better idea of the language; that there was language in the plan regarding historic preservation; that it did not speak only to the hotel.

Mr. Murphy stated that the board could take up this item as an issue; that staff could bring some of the elements and languages and staff interpretations; that the board did not have to look at the whole comprehensive plan.

Mr. Ware stated that maybe this was something that this board should look at and also have the commission review as well.

Mrs. Burton stated that in the future when a member of this board wanted to speak to the board with a matter of concern that they wanted the town to take up, that there should be an item on the agenda to hear those concerns such as a new business item.

Mr. Murphy stated that there could be an item for "New Business" or "Other Business"; stated that this item would be the perfect place to bring up those items that the members wished to discuss; that then that matter could be scheduled for a future date.

Mr. Ware inquired as to whether there had been a joint meeting of the planning and zoning and historic preservation boards; stated that if there was an extended dais together that it would a very interesting conversation regarding the comprehensive plan and historic preservation; that the boards overlap in a in a few ways.

Discussion ensued regarding the historic preservation board members; regarding members serving on more than one board; regarding historic preservation requirements for historically designated buildings.

Ms. Carlen stated that the duties and responsibilities of the historic preservation board are not the same as the planning and zoning board; stated that the planning and zoning board had a broader spectrum for amending the comprehensive plan and the land development code; that the historic preservation board did not.

Mr. Ware stated that it was his understanding that the historic preservation board did have a say about the future of specific properties; stated that he would like to have both the historic preservation board and the planning and zoning board together in a joint meeting to discuss this issue; asked Commissioner

Fowler what his views would be on the subject.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Commissioner Fowler stated that it would be a good idea; stated that it would have to be a noticed meeting.

Mr. Ware expressed his concerns regarding the definition and of the role of commission advisors; stated that as a commission advisor, if there was something the board missed or talked about that the advisor should tell the board; that as from what he had been told that it really wasn't an advisory role; that it was more of a conduit to the commission to report back to their piers; that we should re-define the advisor's roles.

Mr. Murphy stated that the roles was listed under 95-13; that if the board and the commission have that conversation.

Mr. Ware stated that maybe Resolution No. 95-13 might need to be modified.

Mr. Murphy stated that a formal action by the commission would need to take place by resolution; stated that a board member or citizen could requested that the commission look at the issue as an item and then they would look at the issue; should they desire the change.

Mr. Murphy read Section No. 1, (l), to the board regarding the Commission Advisor; stated that the last part of that section might construe that the commission advisor would not be participating the board's discussion; that if a board member asked for the advisors opinion, he could decline.

Mr. Ware expressed his views regarding the commission advisor's roles; stated that he felt that paragraph l) should be rewritten; that he would study the resolution more.

Mr. Murphy asked the board if there were any other items that needed clarification for discussion; continued to review the roles of the board as shown on the summary under Section 66-93; spoke about the board's participation in the review of the development plans such as the 2008 redevelopment for the hotel; that those powers required in the Charter and Codes would be best to retain.

Mr. Murphy stated that what he heard from the board, was that the board would like to do a review in terms of structural changes and that the board wants to look at 95-13; stated that he did not hear any expansion or contraction, but rather there were a couple of items that the board had an opportunity to look and review as a result of the discussions.

Mrs. Burton stated that she did not feel that the board was obligated to make these decisions tonight.

Mr. Murphy stated that if there were specific items the board wanted to be changed in the advisory capacity of this board to let him know so that staff could draft those concerns and bring it to the commission for their meeting in April.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Mr. Ware made the motion to review Resolution No. 95-13 in terms of the role of the commission advisor in expanding and redefining their roles and responsibilities. There was no second to the motion. The motion died for a lack of a second.

Mr. Ware made the motion to take a close look at and study the historic preservation verbiage that was added to the Comprehensive Plan in 2009. There was no second to the motion. The motion died for a lack of a second to the motion.

Mr. Acken suggested that when there was a full board at a meeting, they could look at the Comprehensive Plan; stated that there was a lot of history with historic preservation and other items.

Mr. Millspaugh stated that since Mr. Ware had an interest in this issue, that Mr. Ware could review the plan and then maybe bring it up under new business at a future meeting; that the historic preservation ordinance had been in existence for many years.

Mrs. Burton stated that the original historic preservation ordinance was written in the 1990s'; stated that she was on the commission at the time and she was the one that worked with the town attorney's assistant to prepare that original draft; that it was originally written as an educational tool.

Mr. Ware stated that his concern was the language that was added to the Comprehensive Plan regarding historic preservation and then maybe the ordinance.

Mr. Murphy stated that the board could look at future changes and can review information at any time.

Discussion ensued regarding having a work session or special meeting to review the Comprehensive Plan.

Mrs. Burton stated that if there was no objection, the board could continue the subject until we hear from staff; stated that the planning and zoning board could then further discuss its interest regarding the Comprehensive Plan and zoning issues for the Town of Belleair.

Mr. Murphy stated that since the commission would be taking the item up in April, that after that meeting, staff would report back to the board as to the results of the commission conversation.

COMMISSION ADVISOR'S REPORT

Commissioner Fowler stated that he did not feel that it was the advisor's position to interject their thoughts where they may be contrary to what this board wants to do; stated that case and point was the RM-10 designation; that he firmly believed that the 80 foot limitations had huge unintended consequences; that he was meeting with Mr. Healey to discuss that issue as well as buffering and additional benefits that could be received from reducing it increasing green space and other items to make the RM-10 basically fit the Comprehensive plan as to the open green space, maintain the vistas

COMMISSION ADVISOR'S REPORT, cont.

and park like settings of the town; stated that he thought that having a joint meeting of the historic preservation board was a good idea; spoke about the insurance premium increase for historic properties; that there were some unintended consequences there as well.

Discussion ensued regarding the proposed purchase of the Belleview Biltmore Hotel.

Mr. Acken spoke about the rainwater debris pooling along Mehlenbacher.

Mr. Murphy inquired about the outfall and pollutants going into the bay along Sunset Bay and Winston; stated that the outfall was structured there to capture debris and does requires maintenances; that the stormwater department did go and clean those structures.

Discussion ensued regarding stormwater issues along Mehlenbacher, Sunset Bay and Winston; regarding debris being blown out into the street; regarding the infrastructure board.

ADJOURNMENT

There being no further business to come before the board the meeting was adjourned in due form at 6:50 p.m.

Chairman