

PLANNING BOARD

MINUTES

July 15, 2009

The Meeting was called to order by Will Jacoby, Chairman.

Pledge of Allegiance

Roll Call

PRESENT

Linda Chaney
Will Jacoby, Chairman
Don Breitweiser
Martin Lott
Ron Holehouse

APPROVAL OF MINUTES

A motion was made by Linda Chaney, seconded and unanimously carried by voice roll call vote that the Minutes from the April 15, 2009 and May 20, 2009 were approved.

DISCUSSION

Chairman Will Jacoby announced that the original Agenda had been amended to move the ballot language to the top so that Attorney Ms. VanWyk could join in the discussion by telephone and the ROW discussion was moved to second place so that Steve Hallock could come over and join in.

The format of the discussion on the first item is that each Board Member will be given 5 minutes to discuss and/or ask questions of Ms. VanWyk, then audience members will be allotted 3 minutes to discuss and/or ask questions. After that, there will be open discussion by the Board.

a) Ballot Language for Comprehensive Plan Changes

Linda Chaney stated that residents want the ability to vote on height. Ms. Chaney likes the Plan but asked if there was a way to separate the height issue from the Comprehensive Plan? She feels that some residents may vote no on the Plan simply because of the height issue when all other language in the Plan is acceptable.

Ms. VanWyk responded that height could be written as a separate plan but didn't feel that the Commission wanted to pay for two separate plans. She can certainly draft some language to separate height and density.

Ms. Chaney asked Ms. VanWyk to note that the language on the ballot and in the ordinance on 3.15 is different. Please coordinate the two.

Ron Holthouse stated that there are eleven character districts in the City and there are ways to break them up and put on one ballot.

Ms. VanWyk suggested that if a builder fell within 11% of the height limitations, that matter wouldn't have to go on a ballot.

Don Breitweiser stated that he understood the amendment is intended to save time and money.

Ms. VanWyk stated that the intent of the amendment is to retain voters' right to change density, intensity, height and land-use categories. If an addition or change of a land-use category is made, it must be replaced by something.

Martin Lott stated that the Comprehensive Plan has height restrictions in certain areas but not in LDRs.

Will Jacoby confirmed that the amendment will simplify the process and eliminate costs. The Main purpose is to clarify height, density, intensity and land-use.

Should we change the definition of height; is the current language adequate? We may have to change that; the resident's don't want any "loopholes".

Linda Chaney – Is there a way to provide, somehow, for the process of a Comprehensive Plan Amendment to be created only by local government, followed by agency review then finalized by voters?

Ms. VanWyk stated that she believes that would be contrary to Florida Statute 163.

Ms. Chaney asked if a resident could propose Comprehensive Plan amendment to the City?

Ms. VanWyk said yes and she will be glad to provide more information on this topic to Ms. Chaney.

Audience Members:

Bill Pyle, 6600 Sunset Way – is opposed to changing the current Amendment. The words “changing” and “increasing” would indicate voting on a lot of things. If using the word “changing” would a decrease have to be voted on?

Debra Schechner, 710 Boca Ciega Isle - Residents really do care about height and density and may want to vote on these issues. 3.18 takes away our right to vote on height. There is no reason our right to vote should be taken away under any circumstances.

She also stated that the Commission keeps referring to the SOLV Plan, when, in fact, we have a Comprehensive Plan. We need to make it clear that we are operating under the Comprehensive Plan.

Ms. VanWyk stated that operating under the Comprehensive Plan “narrows” what voters will be approving by referendum and will “streamline” the Plan, particularly height, density, intensity and land-use, to prevent conflict.

Jim Anderson, 301 41st Avenue - Likes the language, it’s better than it was. It seems to be getting clearer but still needs work. However the average person may have trouble understanding it. It helps to have language very, very clear. It’s still not clear.

Brooke Anderson, 301 41st Avenue, Just three words – clarify, clarify, clarify.

Discussion by Board

Chairman, Will Jacoby, stated that he thinks the main intent of the Commission is do we agree with the concept of the wording here to preserve the rights of the citizens to be able to vote on the items that are what have been proven to be the most intense debate in this City, which is height, density, intensity and land-use. What they’re trying to do is every time we want a change, whether it be a word in here, we have to go to a vote. Every time we have to go to a vote, it’s going to cost the City about \$20,000.00 and we know we don’t have a lot of money. Simplify the process that we currently have for working on our Comp Plan, the LDR, and eliminate costs, basically being able to do housekeeping of the verbiage.

After considerable discussion, a motion was made by Ron Holehouse, seconded and approved by a roll call vote of 4 to 1 that the Planning Board recommend approval of Sections 3.15 and 3.18 and that the Commission take into consideration clarity in the language of the Comprehensive Plan, as illustrated by Ms. VanWyk and if the Commission finds a use for continued discussion on the Comp Plan and the LDR, the Planning Board would welcome that discussion.

Linda Chaney made a motion to amend the original motion made by Ron Holehouse to include a specific request for a specific discussion on the possibility of separating height from the Comprehensive Plan. A second was made and the motion was approved by a roll call vote of 4 to 1.

The Chairman was asked to set a date for a Joint Meeting of the Planning Board and the Commission. After a brief recess, July 27, 2009, 10:00 am or 1:30 pm was offered as a date for the Joint Meeting, if the Commission is available. Those members who are away on vacation will join in the Meeting by telephone.

A motion was made, seconded and carried by voice roll call vote that the Joint Meeting will be scheduled for July 27, 2009 at 10:00 am or 1:30 pm, whichever time is agreeable with the Commission.

b) ROW discussion – minimum vehicular clearance

This item has to do with a right-of-way situation in Pass-A-Grill. Chairman, Will Jacoby, turned the discussion over to Catherine Hartley. Currently Section 74.31 prohibits anyone from obstructing an alley, right-of-way or street with anything, which includes landscaping. The City Commission has asked the Planning Board to discuss possibly allowing things like landscaping in the alleyways and Mr. Hallock was there to give staff's point of view.

There are currently 35 alleys that are rated poor or fair. Our goal is to get all of the alleys rated good within the next several years. A resident came forward with a substantial cash donation and we proceeded with the project. The problem arose when we went back and found that some of the landscaping encroached on the right-of-way.

The question the Commission wants the Board to consider is whether to allow citizens to make enhancements that encroach on the public right-of-way.

Martin Lott asked for a specific example. Steve Hallock said there were trees that encroached about six inches into the alley.

The sizes of the alleyways in Pass-A-Grille range from 10' to 15' to 18'. In order to allow sufficient right-of-way for vehicles, including emergency vehicles, Mr. Hallock said that a 12' lane from the centerline of the alley must be reserved. It is his intention to resurface all the alleyways with shell, using 12' as the standard rule. The 10' alleyway will be entirely resurfaced; the 15' alleyway will leave approximately 1 ½' on each side, while the 18' alleyway will leave 3' on each side for landscaping.

All vertical landscaping which is to be done by property owners at property owners' expense will require a permit, which will be issued by Mr. Hallock's Department. The

permit is free of charge and upon application the request will be reviewed. The property owner is advised that if the landscaping impedes, in any way, the right-of-way in the alleyway, it will be removed. The type of landscaping may be determined at a later date by the Planning Board and the Historical Board. Grass and ground cover are permitted without a permit.

Linda Chaney made a motion that the alley in Pass-A-Grille maintain a 12' traffic lane and landscaping outside that lane will be acceptable with a right-of-way permit. After a second, there was discussion regarding the 10' alleys and the motion was amended to say that the 10' alleyways will stay as platted and that the 15' and 18' alleyways will maintain a minimum 12' traffic lane. Upon unanimous voice roll call vote, the motion, as amended, was approved.

c) Land Development Regulations for each character district

Chairman, Will Jacoby, suggested that Workshops should be scheduled in the evenings so that more residents may attend, perhaps two meetings starting at 6 or 6:30 pm. Linda Chaney felt that these items should be put off until there are conclusions on pending litigation and when more of the winter residents are here to attend and voice their opinions.

Linda Chaney asked all technical issues for video and the web site be addressed prior to any meetings.

The Meetings were scheduled for September 10th and September 24th, to commence at 6:30 pm, starting with the northern districts first.

d) Date change for September Meeting

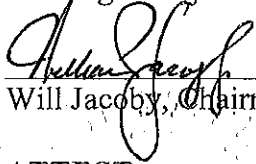
The September Meeting was changed to September 22, 2009 at 4:00 pm.

e) Ranking Work Plans

Put off until August 19th.

ADJOURNMENT

A motion was made, seconded and unanimously approved by voice roll call vote that the Meeting be adjourned.



Will Jacoby, Chairman

ATTEST:



Theresa McMaster, City Clerk