



**Planning Board
155 Corey Avenue
4/19/2011**

4:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting

- 1. Acceptance of Minutes**
 - a. 12/2/2010**
 - b. 1/18/2011**

- 2. Action Items**

- a. Public Hearing on Ordinance 2011-03**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT OF DIVISIONS 3, 20, 26, AND 31 OF THE LAND DEVELOPMENT CODE AS THEY RELATE TO THE TRADITIONAL HOTEL DISTRICT; CHANGING THE VARIANCE AUTHORITY FROM THE BOARD OF ADJUSTMENT TO THE CITY COMMISSION; ESTABLISHING REGULATIONS RELATED TO SIGNAGE IN THE TRADITIONAL HOTEL DISTRICT; LOWERING THE MAXIMUM ALLOWABLE HEIGHT FOR TEMPORARY LODGING ESTABLISHMENTS IN THE TRADITIONAL HOTEL DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- b. **Case # 20100039-** (Ordinance No. 2010-35) Application by Joe Caruso, owner, for the property located at 113 11th Avenue and depicted in the attached map, and further described as Block 3, Lots 11 and 17, Morey Beach Subdivision, St. Pete Beach, Pinellas County Florida, for a change in Future Land Use Map designation from RLM to RH with the Resort Facilities Overlay.
- c. **Case # 20100034-** (Ordinance No. 2010-34) Application by Joe Caruso, owner, for the property located at 113 11th Avenue and depicted in the attached map, and further described as Block 3, Lots 11 and 17, Morey Beach Subdivision, St. Pete Beach, Pinellas County Florida, for a change in Zoning from RLM-2 to THD.

2. Discussion Items

a. General Discussion

3. Adjourn

APPEALS

If a person decides to appeal any decision made at this Meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of Meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) the city does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the Meeting. In accordance with the American's with disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this Meeting should contact Phil Christman at (727) 363-9243 no later than four (4) days prior to the Meeting for assistance.

PLANNING BOARD

**April 19, 2011
4:00 pm**

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

**Will Jacoby, Chairman
Sandi Lyman
Jay Anderson
Martin Lott**

NOT PRESENT:

Don Breitweiser

ALSO PRESENT:

**Susan Churuti, City Attorney
Pamala Prell, Acting City Clerk**

1. Acceptance of Minutes

- a. Minutes from Meeting on 12-02-10
- b. Minutes from Meeting on 01-18-11

Mr. Lott made a motion to approve the Minutes of 12-02-10 and the Minutes of 01-18-11 as submitted. The Motion was seconded by Sandi Lyman and approved by unanimous vote.

2. Action Items

- a. Public Hearing on Ordinance 2011-003

Karl Holley advised the Board that Catherine Hartley will speak to the matter.

Catherine Hartley briefly explained the Ordinance and reminded the Board that in the Meetings that were held with the Historic Preservation Board, several months ago, one of the matters discussed at length was height; and when the Ordinance was moved forward to the Commission, they decided to remove height from that Ordinance and hear it at a later date.

In this Ordinance, they are changing the height from 35 feet to 32 feet maximum with 28 feet at the mid-roof or 28 feet for a flat roof.

The second item the Commission requested be included in Ordinance 2011-31 was that variances for height, yard, fencing, etc., would go to them versus the Board of Adjustment. In this Ordinance, the language is changed to read that they are going to be the appropriate Board of authority to hear these types of cases.

In reviewing this with the Historic Preservation Board, they wanted it to read "the Historic Preservation Board shall review and make a recommendation to the Commission regarding any variance proposed for structures in the Traditional Hotel District". In essence, the Historic Preservation Board would like the opportunity to comment on these cases before it goes to the Commission.

Lastly, the City's Land Development Code assigns signage based on the zoning district. The Traditional Hotel District doesn't have any sign regulations. Therefore, Ms. Hartley put in some additions to the sign code.

After discussion regarding the recommendations of Ms. Hartley, Chairman Jacoby opened the Meeting to Public Comment.

Ralph Lickton, 1706 Pass-a-Grille Way, stated that his only comment is on signage. Ms. Hartley didn't mention directional signs which for small hotels are necessary.

Rosemary Manning, 200 1st Avenue, agreed with Mr. Lott and Mr. Anderson that two (2) signs for the smaller lots are sufficient.

Hearing no further comments, Chairman Jacoby closed the Meeting to Public Comments.

Mr. Anderson made a motion that in the Traditional Hotel District two (2) of the four (4) sign options listed be allowed. The motion was seconded by Mr. Lott.

A roll call vote was taken and the motion was defeated. Mr. Jacoby and Ms. Lyman voted no.

Mr. Anderson made a motion that the Board recommend to the Commission that two (2) signs be permitted on non-corner lots and three (3) signs be permitted on corner lots. Mr. Lott seconded the motion and the motion was approved by a 3 to 1 vote.

Martin Lott made a motion to recommend approval of Ordinance 2011-03, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Divisions 3, 20, 26 and 31 of the Land Development Code as they relate to the Traditional Hotel District; changing the variance authority from the Board of Adjustment to the City Commission; establishing regulations related to signage in the Traditional Hotel District; lowering the maximum allowable height for Temporary Lodging Establishments in the Traditional Hotel District; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date with the changes specified.

The motion was seconded by Ms. Lyman and approved by unanimous roll call vote.

Chairman Jacoby called upon City Attorney Churuti to review the rules of protocol pertaining to the following cases and quasi judicial proceedings.

Chairman Jacoby asked that anyone in the room who anticipates speaking to come forward and fill out a form listing their name and address for the record.

Karl Holley pointed out that there is a sign-in sheet on the City Clerk's desk for anyone who wishes to be advised by the Department of Community Affairs as to the status and outcome of their review. That contact information will be transmitted to the Department of Community Affairs as part of the record.

b. Case #20100039 – (Ordinance No. 2010-34) Application by Joe Caruso, owner for the property located at 113 11th Avenue and depicted in the attached map and further described as Block 3, Lots 11 and 17, Morey Beach Subdivision, St. Pete Beach, Pinellas County, Florida, for a change in Future Land Use Map designation from RLM to RH with the Resort Facilities Overlay.

Karl Holley briefly explained the Ordinance as it pertains to the application of Joe Caruso. Essentially, the Board is in the position of deciding which policies are preeminent and which outcome would best support the long term public interest.

From a policy perspective, he doesn't think they have clear guidance from the Comprehensive Plan as to which outcome is more consistent and therefore they should give due consideration to relevant public testimony, their understanding of the character of the area and their estimation of the long term impact or consequences of either approving or denying the request for the Land Use Change.

Mr. Holley went on to say that it is quite clear that there are policies in the Plan that state very clearly about trying to preserve the Tourist Lodging Infrastructure in the City and it is repeated several times within the Comp Plan. There are also policies that talk about preserving and protecting residential areas and doing things consistent with community's character. Staff observation is that they have policies that both support and oppose the application as submitted. It is up to this Board to determine which of those policies are more important or which outcome is going to be most supportive of the public interest in the long term.

Chairman Jacoby called upon the applicant.

Jackson Bowman, Attorney, 1780 102nd Avenue North, St. Petersburg, who is speaking on behalf of applicant Joe Caruso, addressed the Board. He explained that it is important to realize that this zoning request to THD is really part and parcel with the Land Use Change because the Ordinance that was created for the zoning change does not have any land use that would permit its existence south of 15th Avenue. So in order to get the zoning change you have to have the land use change.

The second important point is there are basically six (6) properties that are impacted by the THD zoning ordinance. Even more important is that in the recent past, since 2008, the Planning Board and the City Commission have permitted two (2) of those six (6) properties to receive a Land Use Changes and then concurrent with the land use change, receive the zoning change and get the THD zoning.

Joe Caruso, 1301 Gulf Way, Sable Palm, spoke to the Board in support of his application.

Chairman Jacoby invited audience members who are in favor of the application to speak first.

Edwin Rodriguez, 4580 Hannah Lane, an employee of Joe Caruso, spoke *in favor* of the application.

Janet Gustafson, 104 12th Avenue, spoke *against* the application.

Bob Fernandez, M.D., 110 12th Avenue, spoke *against* the application.

Lila Menendez, owner of 111 11th Avenue, spoke *against* the application.

Mary Fernandez, 110 12th Avenue, spoke *against* the application.

Rusty Ercius, 111 12th Avenue, spoke *against* the application.

Ron Holehouse, 109 14th Avenue, spoke *against* the application and read into the record a statement from his attorney.

Suzette Feinestein, 105 13th Avenue, spoke *against* the application.

Melinda Pletcher, 2281 East Vina del Mar, didn't speak for or against the application.

Beverly Garnett, 2504 Sunset Way, didn't speak for or against the application.

Chairman Jacoby asked for further comments. Hearing none, the Meeting was closed to public comments.

Chairman Jacoby then asked the Applicant for rebuttal remarks.

Mr. Bowman, Attorney for Joe Caruso, reminded the Board that his client is not asking to make any changes, he only wants to protect his investment in case of a catastrophic event.

Joe Caruso, 1301 Gulf Way, stated that the property needs to be zoned correctly so he can further beautify it.

Karl Holley addressed the issue of Mr. Caruso's prior application which was rejected by the Commission. According to the Code, there is a period of six months within which an application cannot be resubmitted unless it is materially different from the previously rejected application. Subsequent to the six months, they can make whatever application they choose; they can make application

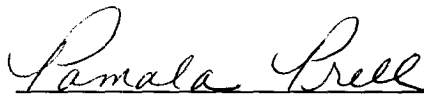
every six months for the rest of their life; there is nothing to prevent the property owner from doing so.

Each of the Board Members gave brief statements explaining their opinions of the application.

Sandie Lyman made a motion to deny Case No. 20100039. The motion was seconded by Jay Anderson and approved by 3 to 1 roll call vote. Chairman Will Jacoby voted no.

Ms. Churuti advised the Board that no further action was necessary on the application for rezoning. The Board's determination will go as a recommendation to the City Commission for their consideration and a simple majority vote.

A motion was made to adjourn the Meeting. The motion was seconded and unanimously approved. The Meeting was adjourned at 6:25 pm.


Pamala Prell, Acting City Clerk


Will Jacoby, Chairman

Minutes approved on: 6-21-11