PLANNING BOARD MINUTES

OCTOBER 18, 2016

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Linda Chaney, Member
Martin Lott, Member
Jack Ohlhaber, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Ian Wade, Project Manager
Mary Jo Murphy, Deputy City Clerk

1. **Changes to the Agenda**

Chairwoman Secka made an announcement that the Planning Board meeting dates and times for November and December had been changed to the following schedule:

- November 15, 2016 at 2:00 p.m.
- December 13, 2016 at 2:00 p.m.

2. **Audience Comments**

There were no audience comments.

3. **Agenda Items**

   a. Minutes for Acceptance: September 20th, 2016

Member Ohlhaber commented that three items were not included in the minutes and suggested adding the following items to the minutes:

1. Following Mr. Bogott's summary, one hour and fifty-six minutes into the video, Member Ohlhaber asked Mr. Bogott a question as to how the TradeWinds

could prevent the cost of additional sewage upgrades necessary to provide and meet the needs of the proposed project from falling onto the citizens as a cost.

Member Chaney made a motion to accept the amendment to the minutes as stated by Member Ohlhaber. The motion was seconded by Vice Chairman Lehman and unanimously approved by a roll call vote (4 yeses – 1 member abstained, Member Lott).

2. Mr. Bogott's reply - he stated that he agreed and welcomed the opportunity to lead a project in coordination with the City to accomplish just those objectives.

Member Chaney made a motion to accept Member Ohlhaber's recommendation that we put into the minutes Mr. Bogott's promise to work with the City to do sewer improvements regarding his project, understanding this is on record in the minutes only. The motion was seconded by Vice Chairman Lehman and unanimously approved by a roll call vote (4 yeses – 1 member abstained, Member Lott).

3. Two hours and fifty-nine minutes into the tape, Ms. Chaney questioned a unified site agreement and a reply was given. Mr. Bogott stated his understanding was that our City Attorney had reviewed it and approved it. City Attorney Dickman went on to discuss the Unity of Title.

At this time there was board discussion in regard to adding the above-mentioned item to the September 20, 2016 minutes. Member Ohlhaber suggested tabling the last item to be added to the minutes and addressing it during the October meeting.

City Attorney Dickman suggested postponing voting on these minutes and to bring the minutes back to the October meeting and have Member Ohlhaber meet with the Clerk about the additions to the minutes.

Member Lott made a motion to move the minutes of September 20th to the November 15th meeting. The motion was seconded by Member Chaney and unanimously approved by a roll call vote (5 yeses – 0 nos.)

b. Ordinance 2016-19

In regard to Ordinance 2016-19, Ms. Bryla updated the Planning Board that due to the information that was received from public comments, changes and refinements were being made to the ordinance. Ms. Bryla stated her goal was to present the ordinance to the Historic Preservation Board and ask for a recommendation, and then present it to the Planning Board and ask for a recommendation.

Ms. Bryla introduced Tara Salmieri from PlanActive Studio, and Ms. Salmieri gave a presentation to the Planning Board members in regard to the Pass-A-Grille Overlay Update.
At the completion of Ms. Salmieri's presentation, Ms. Bryla commented that as soon as a draft is completed, it will be loaded on the City website and St. Pete Beach Connect and sent to people that are on the newsletter list.

Chairwoman Secka asked for audience comments or input.

The following people spoke in regard to Ordinance 2016-19:

- Ralph Lickton, 1706 Pass-A-Grille Way
- Joe Caruso, 1301 Gulf Way
- Jim Anderson, 301 41st Avenue

Chairwoman Secka asked for public comment. Hearing none, Chairwoman Secka proceeded to Item C.

c. Conditional Use 2016-0015

City Attorney Dickman introduced Item C, the Conditional Use 2016-0015 application. Due to Item C being a Quasi-Judicial proceeding, City Attorney Dickman asked the Deputy City Clerk, Mary Jo Murphy, to swear in people that would be speaking or testifying. Deputy City Clerk Murphy complied with City Attorney Dickman's request.

City Attorney Dickman asked anyone having ex parte communications to disclose them at the present time. Having spoken with Member Lott, Attorney Dickman stated it was in the best interest for Member Lott to abstain because of a possible voting conflict. Furthermore, due to this being the last item on the agenda, Attorney Dickman asked the board to excuse Member Lott for the remainder of the meeting.

Member Lott stated he had a possible voting conflict and respectfully recused himself.

City Attorney Dickman stated he would be researching whether there is a continuing issue with this matter and will bring it back to the Planning Board. Attorney Dickman instructed Member Lott to complete and submit the voting conflict form to the Clerk and stated for the record that Member Lott would be excused for the remainder of the meeting. Chairwoman Secka agreed, and Member Lott exited the meeting.

Chairwoman Secka asked Planning Board members to disclose any ex parte communications at this time. The Planning Board members disclosed their ex parte communications.

Ms. Bryla gave a presentation in regard to the Conditional Use 2016-0015 to the Planning Board.

<u>Ian Wade, City Engineer, City of St. Pete Beach</u>, spoke in regard to the following items: number of units, number of people accounted for and the number of facilities provided;

stormwater exemption; Southwest Florida Water Management District; water quality; and underground storage vaults, sedimentation and a maintenance program.

Chairwoman Secka asked the applicant to come forward.

Elise Batsel, Phelps Dunbar, attorney for the applicant, gave a presentation to the Planning Board members in regard to the Conditional Use Case No. 2016-0015 and distributed books to the Deputy City Clerk and the Planning Board entitled "Conditional Use Case No.: 2016-0015, 6390 Gulf Boulevard."

Attorney Batsel asked Jerry Dabkowski to speak in regard to the traffic study. City Attorney Dickman stated for the record that Jerry Dabkowski is the City's expert, working for the City of St. Pete Beach, and that Mr. Dabkowski reviewed the applicant's plans.

Bob Sauerwine, 6300 Gulf Boulevard, St. Pete Beach, general manager of the Post Card Inn, spoke on behalf of the applicant.

City Attorney Dickman mentioned Attorney Timothy Weber was present and submitted a letter stating that he was representing Silver Sands Beach and Racquet Club Master Association and all constituent association members.

Jerry Dabkowski, George F. Young, traffic consultant for the City of St. Pete Beach, spoke in regard to Conditional Use 2016-0015.

Timothy Weber, Weber Crabb Wein, attorney representing Silver Sands Beach and Racquet Club Master Association spoke about the concerns with the conditional use application and project such as noise, the walkway, traffic on 64th and the parking structure.

Chairwoman Secka asked for public comment.

The following people spoke in regard to Conditional use 2016-0015:

- Fred Seis (phonetic), Silver Sands
- Ralph Lickton, 1706 Pass-A-Grille Way, Unit 3
- Jim Anderson, 301 41st Avenue
- Mark Davis, Silver Sands
- Julie Clarke, Silver Sands
- Bill Pyle, Silver Sands
- Joe Kody, B214, Silver Sands
- Bob South, Silver Sands
- Bob Sauerwine, General Manager of Post Card Inn
- Rich Underwood, Toasted Monkey Restaurant
- Edgar (inaudible), works in conjunction with the Post Card Inn
- Doug Izzo, Tampa Bay Beaches Chambers of Commerce
- Penny Davis, Silver Sands

Chairwoman Secka asked for Attorney Batsel's rebuttal.

Attorney Batsel gave her rebuttal at this time.
Cole Lane, Anderson Lane, engineer for the applicant, addressed the stormwater system, vaults and the 30-foot buffer.

Chairwoman Secka closed public comment at this time.

There was a five-minute recess taken at 7:00 p.m., and the meeting reconvened at 7:05 p.m.

Chairwoman Secka asked for board deliberation. There was board discussion between the Planning Board members and the following people:

- Cole Lane, Anderson Lane, engineer for the applicant
- Elise Batsel, Phelps Dunbar, attorney for the applicant
- Larry Nuzum, Chancey Design Partnership, Tampa, Florida, managing partner
- City Attorney Dickman, attorney for the City of St. Pete Beach

Timothy Weber, Weber Crabb Wein, attorney, asked Chairwoman Secka to be recognized for 30 seconds. Chairwoman Secka and City Attorney Dickman informed Mr. Weber that audience comments were closed.

Member Chaney requested to discuss recommendations.

Member Chaney made a motion that the recommendation, a condition of the permitting, is that they remove the four parking spaces on 64th as you turn right coming out of the garage.

City Attorney Dickman made a suggestion that the board compose a list of additional conditions that the board wants to recommend and make a motion based on the list of additional conditions.

The motion died due to lack of a second.

There was board discussion in regard to possible additional conditions.

Jerry Dabkowski, George F. Young, traffic consultant for the City of St. Pete Beach, spoke in regard to the flow of traffic, the subject parking garage and submitted a traffic circulation plan to the Planning Board members.

Further board deliberation continued in regard to composing a list of additional conditions.

After board deliberation, Chairwoman Secka stated the following recommendations as additional conditions:

1. Remove all of the parking meters on 64th Avenue along the block on the south side.

2. Landscape buffer to 30 feet in height and the full length of the garage.
3. Change the appearance of the parking sign to not look like a public parking garage.
4. Investigate ways to reduce noise.
5. File a routine maintenance plan for the vaults.
6. Investigate ways to reduce the amount of traffic that egresses to 64^{th}.
7. DOT working on the buffer; the board wants Ms. Bryla to continue to pursue.

Timothy Weber, Weber Crabb Wein, attorney, asked Chairwoman Secka to be recognized with respect to the new option as far as removing the ingress/egress from 64th. Chairwoman Secka informed Mr. Weber that audience comments were closed.

Chairwoman Secka asked for a motion.

> **Vice Chairman Lehman made a motion to approve with the list of additional conditions. The motion was seconded by Member Ohlhaber and failed by a roll call vote (2 yeses – Vice Chairman Lehman and Chairwoman Secka; 2 nos - Member Ohlhaber and Member Chaney).**

City Attorney Dickman stated the recommendation for approval with the added conditions failed.

> **Member Ohlhaber made a motion that these conditions be listened to by the applicant and that the board ask the applicant to return with better solutions and a clearer plan at a later time.**

City Attorney Dickman commented that procedurally the applicant can choose to go forward with the tie vote to the City Commission or could return to the Planning Board.

Deputy City Clerk asked for verification of the motion stated by Member Ohlhaber.

> **The motion died due to lack of a second.**

Elise Batsel, Phelps Dunbar, attorney for the applicant, stated she would like to go forward with the City Commission.

4. Other Items

There were no other items presented.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:55 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: 1/17/17