PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, 12/13/2016
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

1. **Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.

2. **Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.

3. **Agenda Items**
   a. **Minutes for Acceptance:**
      September 20, 2016
      October 18, 2016
      November 15, 2016

   b. **Ordinance 2016-23**: Review and recommendation to the City Commission for acceptance of the proposed Capital Improvements Schedule.

c. **Discussion of Biodegradables –** At the November meeting the Board wanted to craft language to address biodegradables on the beach.

4. Other items

5. Adjournment

APPEAL

In accordance with Florida Statute 286.0105, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

AMERICANS WITH DISABILITIES ACT

In Accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than four days prior to the meeting for assistance. The public is cordially invited to attend. All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

SEPTEMBER 20, 2016

2:00 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
Bruce Cooper, Building Code Administrator
Chelsey Welden, Planner II
Mary Jo Murphy, Deputy City Clerk

1. **<u>Changes to the Agenda</u>**

Ms. Bryla announced the following topics to the board in regard to the Pass-A-Grille Form-Based Code:

- A public hearing will be held during the Historic Preservation Board meeting on October 6, 2016 at 3:30 p.m.
- A community meeting will be held at the Don Vista on October 13, 2016 at 6:00 p.m.

2. **<u>Audience Comments</u>**

<u>Brooke Anderson, 301 41st Avenue</u>, stated there were no agendas available for the public.

Ms. Bryla informed Ms. Anderson that the agendas were in the kiosk.

City Attorney Dickman stated the meeting was properly noticed in City Hall and in the Library. Ms. Bryla added that there had been two advertisements.

Chairwoman Secka asked for additional audience comments. Hearing none, Chairwoman Secka closed audience comments.

3. Agenda Items

a. Minutes for Acceptance: August 16, 2016

Ms. Bryla stated there was a misrepresentation for Ordinance 2016-08, the parking ordinance, and confirmed with the board that it should read as follows: "41st Avenue from Belle Vista Drive east to the end of the street."

Chairwoman Secka clarified that the Ordinance is 2016-13, not 2016-08.

Member Ohlhaber made a motion to approve the clarification as written. The motion was seconded by Member Lott.

Chairwoman Secka called for the vote.

The clarification was unanimously approved by a roll call vote (5 yeses – 0 nos).

Member Lott made a motion to approve the August 16, 2016 meeting minutes as amended. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (5 yeses – 0 nos).

b. Ordinance 2016-03

Ms. Bryla reviewed Ordinance 2016-03 with the Planning Board.

Bruce Cooper, Building Official, spoke in regard to Ordinance 2016-03.

Chairwoman Secka asked for public comments.

Harry Metz, 504 Pass-A-Grille Way, spoke in regard to property owners, tenants, leases and violations.

Chairwoman Secka asked for any additional audience comments. Hearing none, Chairwoman Secka closed audience comments.

Chairwoman Secka asked for board deliberation. The board thanked staff for their efforts.

Member Ohlhaber made a motion to approve Ordinance 2016-03 with the stipulation that a 30-day notice, stating Ordinance 2016-03 will be going into effect, be given to all affected and clarify the penalties and requirements. The motion was seconded by Member Chaney and unanimously approved by a roll call vote (5 yeses – 0 nos).

c. Comprehensive Plan Amendment 02-16

Ms. Bryla reviewed Comprehensive Plan Amendment 02-16 with the Planning Board.

Chairwoman Secka asked for the applicant to come forward.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson and representing the owners of the Plaza Beach Resort, asked the board to recommend approval to the City Commission.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, representing the applicant, gave an explanation of the request to the Planning Board members. Ms. Tarrapani reviewed the following documents and presented them to Mary Jo Murphy, Deputy City Clerk: a one-page letter to Ms. Bryla from Rodney Chatman, dated August 5, 2016, in regard to "RE: Proposed Amendment to the St. Pete Beach Community Redevelopment Plan" and four documents entitled "Palm Crest Beach Motel," "Long Key Beach Resort Motel," "Bon-Aire Resort Motel," and the "Under Tow Beach Bar," in regard to supporting the changes Robert Czyszczon requested to the Boutique Hotel/Condo Plan Category and Zoning District.

There was discussion between the board and Ms. Bryla.

Chairwoman Secka asked for public comment.

Timothy Weber, attorney representing Bill Jacobs, Ronald Struthers, and DMC, LLC, spoke in regard to the following topics: amending the Comprehensive Plan, floor area ratio, density, sewer system, and suggested the applicant return to the board with data and analysis to amend the Comprehensive Plan.

Bill Pyle, 6600 Sunset Way, spoke in regard to the following items: Allure project, process objections, substantive objections, Comprehensive Plan, density study, and removal of a rear yard setback to the beach.

Chairwoman Secka asked for additional audience comments.

Jim Anderson, 301 41st Avenue, spoke in regard to the following topics: remedial action agreement, I&I study, stormwater facilities analysis, concurrency management system, capital improvement schedule, and the Comprehensive Plan. Mr. Anderson reviewed the following documents and presented them to the Deputy City Clerk: "Overflow Report," "Monthly Flows – FY13-15," "Agreement for Wholesale Wastewater Service," and "Exhibit B – Remedial Action."

Member Ohlhaber requested that the board be given copies of the documents Mr. Anderson reviewed during the 9/20/16 Planning Board meeting.

John Michael, Bay Waters Inn, Bay Street, spoke on the following topics: the Comprehensive Plan, infrastructure, hotels, neighbors, and consideration for the future.

Chairwoman Secka asked for additional audience comments.
Mr. Robert Czyszczon, 4506 Gulf Boulevard, St. Pete Beach, Florida 33706, applicant, spoke in regard to the following topics: hotels, resort destinations, floor area ratio, and the desire to build a hotel.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, spoke in regard to the following topics: recognizing points of tourism to the economic base, amending the Comprehensive Plan and asked the board to ratify their vote from the last meeting.

Chairwoman Secka asked for additional audience comments.

Timothy Weber, attorney representing Bill Jacobs, Ronald Struthers, and DMC, LLC, spoke in regard to the following topics: floor area ratio and the staff report.

Chairwoman Secka asked for additional public comments. Hearing none, Chairwoman Secka closed audience comments.

Chairwoman Secka asked for board deliberation, and there was discussion among the board members.

> **Member Lott made a motion to recommend approval of the Comprehensive Plan Amendment 02-16, an amendment to the Future Land Use Element amending the Boutique Hotel District of the City of St. Pete Beach Comprehensive Plan with the one change of the Floor Area Ratios, FAR, to 1.4 and the parapet language transparency. The motion was seconded by Member Ohlhaber and approved by a roll call vote (4 yeses – Member Lott, Vice Chairman Lehman, Member Ohlhaber, Chairwoman Secka; 1 no – Member Chaney).**

d. Conditional Use 2016-0045

Chairwoman Secka asked the Deputy City Clerk to swear in any person that would be speaking during the quasi-judicial hearing. Deputy City Clerk Murphy complied.

Chairwoman Secka asked for any ex parte communication that needed to be disclosed from any board member.

Member Lott stated he needed to recuse himself. Member Lott declared a voting conflict and submitted the form entitled “Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers” to the Deputy City Clerk.

Ms. Bryla reviewed Conditional Use 2016-0045 with the Planning Board.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, representing the TradeWinds, spoke in regard to the Condition Use Case 2016-0045 and introduced Mr. Tim Bogott with the TradeWinds.

Tim Bogott, St. Pete Beach, CEO of the TradeWinds, spoke in regard to the following topics: new development, tax base, transient occupancy, tourism, sewer system problems, improving drainage, improving amenities and facilities for guests, and asked for a recommendation for approval to the City Commission.

Timothy Weber, attorney representing James Anderson, spoke in regard to the following topics: conditional use approval process, utility infrastructure, Comprehensive Plan, studies, data and analysis.

Bill Pyle, 6600 Sunset Way, spoke in regard to the following topics: sewer study, I&I study, density study, and the conditional use approval.

Jim Anderson, 301 41st Avenue, spoke in regard to the following topics: capacity study, consent order, sea levels and sewers.

Chairwoman Secka asked for further audience comments. Hearing none, Chairwoman Secka asked for the attorneys' rebuttals.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson, spoke in regard to the following topics: criteria for review of conditional uses, concurrency ordinance, sewer systems, and conditions for the approval.

Chairwoman Secka closed audience comments and opened board deliberation.

Al Carrier, Deuel & Associates, Civil Engineers and Land Surveyors, and Phillip Graham, Phil Graham Landscape Architecture, introduced themselves and were sworn in by the Deputy City Clerk.

Al Carrier, Deuel & Associates, spoke in regard to the following topics: stormwater, ponds, city criteria, roof drains, vault system, water quality treatment, and conceptual plans.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson, spoke in regard to the following topics: sites, separate ownerships, affiliated entities, and a unity of title.

Tim Bogott, St. Pete Beach, CEO of the TradeWinds, spoke in regard to the following topics: bank agreements, easement agreements, unified site agreement and sound barriers.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson, spoke in regard to the conditional use application.

Al Carrier, Deuel & Associates, spoke in regard to the footprint of the building and the vault system.

Vice Chairman Lehman made a motion to approve Conditional Use 2016-0045, 5750 Gulf Boulevard, for a temporary lodging use with building height

greater than 50 feet in density above 30 units per acre pursuant to Section 35.3(b)(1), Section 35.3(d)(2) & Section 39.6(p) of the Land Development Code. The motion was seconded by Member Chaney and approved by a roll call vote (3 yeses – Vice Chairman Lehman, Member Ohlhaber, Chairwoman Secka; 1 no - Member Chaney; 1 member abstained from voting – Member Lott).

4. Other Items

In regard to the Pass-A-Grille Form-Based Code, Ms. Bryla stated she would send the Planning Board members the revised draft on Friday, September 23, 2016.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:15 p.m.

Attest:

______________________________ ______________________________
Rebecca C. Haynes, City Clerk Tiffany Secka, Chairwoman

Minutes approved on: ____________

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 and the subject parking garage.

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: ____________

PLANNING BOARD MINUTES

NOVEMBER 15, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Linda Chaney, Member
Jack Ohlhaber, Member
Marvin Shavlan, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mike Clarke, Public Services Director
Mary Jo Murphy, Deputy City Clerk

1. **Changes to the Agenda**

Ms. Bryla, Community Development Director, asked that the following changes be made to the agenda:

- Item 3a, "Minutes for Acceptance," the 10/18/16 minutes and the 9/20/16 minutes were not included in the 11/15/16 agenda packet. The minutes are being reviewed by the City Clerk and the City Attorney and will be presented at the December 13, 2016 meeting.
- Item 3c, "Ordinance 2016-23," will be presented at the December 13, 2016 Planning Board meeting.

2. **Audience Comments**

Bill Pyle, 6600 Sunset Way, spoke in regard to the following items: Planning Board minutes and Member Shavlan.

3. **Agenda Items**

   a. ~~Minutes for Acceptance: October 18, 2016~~

Item 3a was pulled from the agenda during Item 1, “Changes to the Agenda.”

b. CPA 03-16: Amendment to the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan.

Ms. Bryla reviewed CPA 03-16 with the Planning Board, and there was board and staff discussion in regard to the Comprehensive Plan amendment.

City Attorney Dickman explained and reviewed the following items with the board: development orders, development agreements, and contractual agreements.

Member Chaney requested that the Planning Board make all the language consistent in regard to the time of impact of development and to reflect the language that is in Policy 1.3.4.

City Attorney Dickman suggested making a recommendation to search through the element to ensure that the intent is that facilities are in place concurrent with the impact and not necessarily the issuance of a development order to develop.

In regard to Policy 1.2.5, Vice Chairman Lehman asked for an explanation as to the 10 percent that is stated. Ms. Bryla replied and offered that she would contact the finance director, Elaine Edmunds, to speak about Policy 1.2.5 in the future.

At the conclusion of the board discussion, Chairwoman Secka asked for audience comments.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, representing the TradeWinds Resort, spoke in support of the plan amendments and the capital improvement schedule and discussed the following items: local governments taking schools, parks and recreation out of concurrency; 5-year schedule of capital improvements; plan amendments; concurrency; level of service; development orders; sanitary sewer, solid waste, drainage and roads.

Chairwoman Secka asked for any further audience comments. Hearing none, Chairwoman Secka closed audience comments

Chairwoman Secka asked for any additional board deliberation or a motion.

Vice Chairman Lehman made a motion to approve CPA 03-16, the amendment to the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan. The motion was seconded by Member Shavlan and approved by a roll call vote (4 yeses; Vice Chairman Lehman, Member Shavlan, Member Chaney, Chairwoman Secka – 1 no, Member Ohlhaber).

c. ~~Ordinance 2016-23: Review and recommendation to the City Commission for acceptance of the proposed Capital Improvements Schedule~~.

Item 3c was pulled from the agenda during Item 1, "Changes to the Agenda," and moved to date certain of December 13, 2016.

d. Ordinance 2016-09: Review and recommendation to the City Commission regarding amendments to Chapter 6 – Alcoholic Beverages of the Code of Ordinances.

Ms. Bryla reviewed Ordinance 2016-09 with the Planning Board members.

There was board and staff discussion in regard to Ordinance 2016-09.

Chairwoman Secka asked for audience comments.

<u>Penny Davis, 6658 Sunset Way</u>, spoke against drinking at the cabanas on the beach.

<u>Tim Bogott, CEO of the TradeWinds organization</u>, commented in regard to the following items: cost of the beach requires some return on the amount invested, property rights, liquor license gives the owner of the liquor license the right to serve on the beach, TradeWinds employs over 1100 employees, biodegradables and it's the hotel's responsibility to keep the beach policed.

<u>Deborah Nicklaus, Sirata Beach Resort</u>, spoke in regard to the following items: business tax, cabana rental tax and definition of a cabana.

<u>Bill Pyle, 600 Sunset Way</u>, spoke against the ordinance in regard to the following items: large crowds of people, rowdy behavior, arm bands, sewer system, and the Technical Review Committee.

<u>Bob Sauerwine, general manager of the Postcard Inn</u>, spoke in regard to guest service, guest experience, increased security, taxpayers, and cabana rental process.

<u>Managing director of the Don CeSar Hotel</u>, spoke about making guests happy and that there is confusion among their guests and team members.

<u>Robert Steins, Attorney with Phelps Dunbar, representing the Carlyle Group, owner of the Postcard Inn</u>, spoke in favor of the ordinance with one concern being the 75 feet provision having a desperate impact on the business of the Postcard Inn.

<u>Missy Cradle (phonetic), Bon Aire</u>, posed questions in regard to her concern of the clarity of guests, alcohol and cabanas.

Chairwoman Secka asked for any further audience comments. Hearing none, Chairwoman Secka opened board discussion. The board discussed the following changes to be made to Ordinance 2016-09:

- Change "Only guests of the transient lodging facility may be served alcohol, ~~guests of the patron may not be served~~…" to "Only guests of the transient lodging facility may be served alcohol <u>or invitees of the guests which are registered at the transient lodging facility</u>…"
- Change "Cabana service area can be no closer than ~~75'~~…" to "Cabana service area can be no closer than <u>is consistent with the property line side setback</u>…"

- State the definition of "cabana."

Vice Chairman Lehman made a motion to approve Ordinance 2016-09, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending Chapter 6, Alcoholic Beverages, Article 1, in general of the City of St. Pete Beach Code of Ordinances by amending Section 6.5, public consumption or possession relating to restrictions and permitting of public alcohol consumption on sand beach areas; providing for publication in accordance with the requirements of law; and providing for an effective date and including the amendments stated. The motion was seconded by Member Shavlan and approved by a roll call vote (3 yeses; Member Shavlan, Vice Chairman Lehman, Chairwoman Secka – 2 nos, Member Ohlhaber, Member Chaney).

d. Ordinance 2016-24: Review and recommendation to the City Commission regarding amendments to Division 26 – Sign Ordinance of the Land Development Code.

Ms. Welden reviewed Ordinance 2016-24 with the Planning Board, and there was Staff and board discussion.

Chairwoman Secka opened audience comments. Hearing none, Chairwoman Secka closed audience comments and called for additional board deliberation.

Member Chaney made a motion to recommend to the Commission Division 26 of the Land Development Code. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (5 – 0).

4. **<u>Other Items</u>**

Mike Clarke, Public Services Director, updated the Planning Board on Pass-A-Grille Phase 1 and 2.

Member Chaney requested that a future agenda item be an ordinance addressing biodegradable serving materials on the sandy beach. Vice Chairman Lehman asked that the board make a recommendation to the City Commission to research the aforementioned subject matter.

Mr. Clarke continued to speak in regard to biodegradable materials on the beach and stated he would include the item of biodegradables in his staff update to the Beach Stewardship Committee during the November 16, 2016 meeting.

City Attorney Dickman reiterated to the board the following procedure for making a recommendation to the City Commission:

- Ask Staff to list a proposed ordinance addressing biodegradable serving materials on the sandy beach as an agenda item.
- Planning Board will formally craft some language for the proposed ordinance.

- Send the recommendation to the City Commission through the City Manager's designee, Jennifer Bryla.
- City Manager will present the recommendation from the Planning Board to the City Commission.
- Board members can individually discuss the subject item with their Commissioner.

Ms. Bryla stated she will list the topic of biodegradables as an agenda item for the December 13, 2016 Planning Board meeting.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:45 p.m.

Attest:

______________________________	______________________________
Rebecca C. Haynes, City Clerk	Tiffany Secka, Chairwoman

Minutes approved on: ____________

St. Pete Beach Planning Board

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

12/13/2016

Item Number
Ord #2016-23

Type of Application
Ordinance adopting the City's 5-year Capital Improvements Schedule consistent with the Capital Improvements Element of Comprehensive Plan

Applicant
City of St. Pete Beach

Location
City wide

Project Planner
Jennifer Bryla, AICP,

Requested Action
Recommendation of Approval to the City Commission for adoption.

Staff Recommendation
Approval

City Commission
First Reading (12/13/2016) anticipated

ITEM SUMMARY:

This is a Ordinance is a result of a City initiated amendment to the Capital Improvement Element to reflect Legislative changes in chapter 163 FS. The Ordinance is removing the five year Capital Improvements Schedule from the Element; which will then be updated annually to reflect changes in adding years to maintain the five year Schedule. A similar Ordinance will be reviewed and prioritized by the Finance and Budget Committee, who then makes a recommendation to the City Commission as a component of the budgeting process. This change in how we manage the Schedule is directed by Florida Statutes 163.3177(3)(b) that allows the Schedule to be heard separate from a Comprehensive Plan Amendment.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the changes to the Comprehensive Plan's Capital Improvements Element as recently

Second Reading (2/28/2016) **Findings** In its review of the proposed Ordinance, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the intent of the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	amended. The Ordinance is consistent with the intent strategies of the City's Land Development Code. Staff is concurrently updating Division 29, Concurrency to reflect changes resulting from the Capital Improvements Element changes. **FINANCE AND BUDGET COMMITTEE:** The Finance and Budget Committee will review and prioritize the five-year Capital Improvements Schedule on December 6th. The prioritization will be based on the criteria in the CIE Policy 1.1.4. There findings will be presented at the hearing. **STAFF RECOMMENDATION:** Upon review of the City's guiding documents and those of the County, staff recommends a recommendation of approval of 2016-0023.

Ordinance 2016-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, ADOPTING THE APPROVED CAPITAL IMPROVMENTS SCHEDULE AS PER CH. 163.3177(3)(b) F.S. PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City through the Finance and Budget committee reviewed and established priorities ranked Capital Improvement projects on July 14, 2016; and

WHEREAS, the City Commission approved and adopted the Capital Improvement Schedule through the public hearing process on September 20 for fiscal year 2017-21 as required by chapter 163 FS; and

WHEREAS, the City Commission of the City of St. Pete Beach believes that it is in the best interest of the City to update its Capital Improvements Schedule by Ordinance as provided by the Florida Statutes 163.3177(3)(b); and

WHEREAS, the City Commission believes careful planning of the five year Schedule is integral for understanding what infrastructure improvements are necessary to meet the basic needs of the citizens and visitors of St. Pete Beach; and

WHEREAS, the City Commission deems this ordinance is in the best interest, health, safety and welfare of the citizens and visitors of the City.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The Capital Improvement Schedule for 2016 shall be as shown:

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Underlined words constitute additions to the City of St. Pete Beach City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Publication**.** This Ordinance shall be published in accordance with the requirements of law.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

FIRST READING: ____________
PUBLISHED: ____________
SECOND READING: ____________
PUBLISHED: ____________

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Deborah Schechner, MAYOR

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ________ day of ________, 2016.

____
Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

____
City Attorney
Andrew Dickman, Esq.

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