

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JANUARY 21, 2014 AT 6:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto

Town Manager Micah Maxwell
Town Attorney David Ottinger

Mayor Katica led the Pledge of Allegiance.

The meeting was called to order at 6:30 PM with Mayor Katica presiding; quorum was present on roll call.

Mr. Ottinger provided procedures to be followed for the meeting based on established rules for conducting commission meetings.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 492 – VACATING RIGHT OF WAY – 303 SUNNY LANE

Mr. Maxwell stated that first reading was considered two weeks ago relating to 303 Sunny Lane; that the property owner had requested the vacation of the right of way; that staff recommended vacating a portion of the right of way to begin 15 feet behind the existing curb.

Mr. Ottinger stated that the town would continue to reserve a 15 foot right of way for future needs; that the remaining right of way was considered to be excess and was not needed; that the town would accommodate the property was vacating the easterly part of the right of way in excess of 15 feet from the easterly curb along Indian Rocks Road.

Commissioner Fowler moved approval of Ordinance No. 492 vacating right of way at 303 Sunny Lane on second and final reading. Motion seconded by Commissioner Wilkinson and carried unanimously.

Mr. Ottinger stated that the ordinance would need to be amended to indicate the actual area to be vacated.

AMENDING THE AGENDA

It was the consensus of the commission to move Item No. 4, Request for variance at 1357 Pinellas Road to Item No. 2 for consideration.

REQUEST FOR VARIANCE – 1357 PINELLAS ROAD – BRAND SHANK

Mr. Murphy state that Brand Shank owner of vacant property located at 1357 Pinellas Road submitted a request for variance; that the variance request was to allow the construction of a new structure on a non-complying lot with a width of 75 ft; that the property was zoned R-1 single family residential which requires a minimum lot width of 80 ft.; that the proposed structure would be a minimum square footage of 9,375 and the required minimum square footage was 10,000; that the owner was asking to have his previously expired variance reapproved to allow construction of the home on the property.

Mr. Murphy stated that the planning and zoning board did hear the item and unanimously recommended approval by the commission.

Persons speaking regarding the variance request were sworn in by the town clerk.

There was no one in the audience to speak either for or against the variance request.

Brand Shank, property owners, was available for questions from the commission.

Commissioner Piccarreto moved approval of the request for variance. Motion seconded by Commissioner Fowler and carried unanimously.

FIRST READING – ORDINANCE NO. 490 – AMENDING THE COMPREHENSIVE PLAN

Mr. Maxwell provided that the proposed Ordinance No. 490 had two purposes; that the first purpose was to change some language thought to be inappropriate in the current comprehensive plan as it related to a previous issue with Morton Plant Hospital; that Policies 1.1.1 and 1.1.2 of the future land use element were inconsistent with the town's code of ordinances; that Policy 1.1.2 needed to be updated to allowing categories for residential, mixed use, and public/semi-public use.

David Healey, Planning Consultant, stated that the request for amendment to the comp plan addressed several things which were mostly for housekeeping and clarification; that the item was to amend Policies 1.1.1 and 1.1.2 to clarify that the intent was to be consistent with rather than to include the uses in the corresponding countywide plan categories; that the point being that the town could be more restrictive that the countywide plan and needed to be consistent; that the second change was to clarify that the provision for consistency between the plans was further governed by specific provisions of the code of ordinances land development code as to details of where and how permitted uses were applied and regulated; that the point of the second change being that the code provided additional guidelines to broad policies in the plan as to how the plan was administered; that thirdly staff was clarifying in Policy 1.1.2 to provide for residential and other uses, mixed use, and public/semi-public use in the plan categories enumerated subject to the specific provisions of the code; that the point being that non-residential use and that language was already provide and had a category for residential/office limited in Policy 1.3.8 that did provide for residential use; that the inconsistency would allow for residential use.

FIRST READING – ORDINANCE NO. 490 (Continued)

Rae Claire Johnson, 1717 Indian Rocks Road, asked if the amendments allowed for residential property on the golf course.

Mr. Healey stated that it would allow the commission separately and in apart for any action tonight to entertain a request for rezoning to residential use to the hotel property or any other property in the town.

Mr. Maxwell stated that the question was on the golf course and currently was recreational/open space.

Mr. Healey stated that as to the hotel property, yes, and to the recreational/open space, no.

Commissioner Piccarreto moved approval of Ordinance No. 490, amending the Town of Belleair's Comprehensive Land Use Plan on first reading. Motion seconded by Commissioner Shelly.

Vote on the motion was: ayes, Commissioner Piccarreto, Commissioner Shelly, Commissioner Wilkinson, Mayor Katica; nays, Commissioner Fowler. Motion carried with a vote of 4-1.

FIRST READING – ORDINANCE NO. 491 – AMENDING LAND DEVELOPMENT CODE

Mr. Maxwell stated that staff was presenting to the commission for consideration a change to the land development code; that the change would create a new district to be known as RM-10; that it would be a residential multi-family, 10 units per acre district; that it would also introduce new height bonuses that could apply with the new zoning district should the commission decide to move forward with it; that currently there were two multi-family zoning options in the land development code; that one option was RM-15 allowing 15 units per acre; that the other was RPD-5 allowing 5 units per acre; that staff had concerns regarding the existing RM-15 would allow a use not necessarily in character of the town; that staff would like to look at adding the RM-10 that would offer incentives for property owners desiring to construct multi-family to give up some of the density and green space in exchange for height over the currently allowed height; that the proposed district did not constitute a zoning change for any particular property in town; that any changes for zoning would have to applied for would have to follow quasi-judicial procedures; that the discussion for tonight was for inclusion of additional zoning options within the land development code; that David Healey would provide an in depth discussion of RM-10.

David Healy, Planning Consultant, provided an in depth explanation for the proposed RM-10 zoning district; stated that there were two main provisions to the proposed change to the code; that the new multi-family zoning district RM-10 would allow a maximum of 10 dwelling units per acre; that it was categorized as a low medium density residential between the 5 and 15 units per acre; that it allows for both multi-family and single family use and accessory uses to residential; that it would require a minimum parcel size of 5 acres; that staff has recommended some additional standards that were above those of either of RPD or RM-15; that there be a minimum unit size of not less than 1200 square feet and an average unit size of 1800 square feet; that there had been some feedback regarding

FIRST READING – ORDINANCE NO. 491 (Continued)

the minimum unit size; that the current maximum building height was 32 feet for all multi-family areas; that staff's suggestion was that Section 74-83(a) which dealt RPD and RM-15 and now the proposed RM-10 provides for the potential of a height bonus; that there were three factors for consideration in order to receive the height bonus; that there were numerous potential opportunities and flexibility in the code; that there was also a provision in Section 74-155 that requires at least two points of access with certain conditions that could be waived for development of more than 75 units; that staff proposed clarification of that language so that could only occur with the approval of a site development plan by the commission; that that it was not a rezoning of any property.

Mr. Maxwell comment on the discussion about the proposed unit size as it related to the density for the development; commented on the recommendation submitted the residents of the RPD.

Commissioner Piccarreto asked if the proposed zoning district had been reviewed by the planning and zoning board.

Mr. Maxwell stated that the planning and zoning board did review the proposed ordinance; that the board recommended approval.

Mayor Katica stated that the floor would now be open for comment; that each speaker would be allowed three minutes to speak.

Jim White, 3 Seaside Lane, stated that he was President of the RPD Homeowners Association and would be speaking on behalf of the association; that the association did not endorse the demolition of the hotel but they did endorse the RM-10 with the condition of the 1500 square foot minimum unit size and the maximum of 160 units; expressed appreciation to staff for meeting with RPD residents and reviewing the proposed zoning district.

Mr. Maxwell stated for clarification the discussion was for RM-10 district and the height bonuses; that conversations for specific sites, the hotel for instance, would not necessarily be a part of the agenda item; that comments about the Biltmore could be included during the agenda item; that for clarification the discussion was about the change to the land development code and not necessarily the hotel; asked if the commission wanted to continue to hear comments regarding the hotel.

It was the consensus of the commission that all comments be heard.

Rae Claire John, 1717 Indian Rocks Road; commented on the hotel; commented on the proposed zoning change; commented on the action of the commission; spoke in opposition of the proposed RM-10 zoning district.

Mr. Maxwell stated for clarification, as previously stated, this agenda item had nothing to do with the Goal 1 of the comprehensive plan; that there was no land use or zoning change involved in what was being discussed that had anything to do with the Goal 1 of the comprehensive plan; that in response to Mrs. Johnson's comment regarding Commissioner Piccarreto, he was voted in as commissioner.

FIRST READING – ORDINANCE NO. 491 (Continued)

Commissioner Piccarreto stated for clarification he did not have a conversation with Mrs. Johnson regarding \$300,000 comment she made.

Karman Hayes, 220 Belleview Blvd., commented on the protection of the hotel; commented on the proposed ordinance; spoke in opposition to Ordinance No. 491.

Mr. Maxwell stated for clarification for the record on comments made regarding the hotel, that the provision was not for density but for less density than RM-15; that any change to the hotel would require a special certificate of appropriateness that have to applied for and it would be a quasi-judicial hearing for the consideration prior to any zoning change.

Discussions ensued regarding the decrease in density between RM-15 with 15 units per acre and RM-10 with 10 units per acre; regarding staff's belief that RM-15 would probably be applied for by a developer and staff would like to provide an option that would incentivize some development that would provide less density; regarding the possible number of units allowed with the RM-15 use as being approximately 150 unity; regarding the potential for the RM-10 to apply to other properties in town.

LaVonn Johnson, 220 Belleview Blvd., commented on the maintenance of the hotel; spoke in opposition to RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Louis Dale, 4 Belleview Blvd., provided background of his expertise; commented on condition of the hotel; commented on previous plans to restore the hotel; spoke favorably of the proposed RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Lou White, 220 Belleview Blvd., commented on the timing of the presentation for the RM-10 zoning; commented on the persons proposing restoration of the hotel; spoke in opposition to RM-10 zoning; commented on the recent article in the Tampa Bay Times newspaper.

Mr. Maxwell stated for clarification that the discussion of the RM-10 district began in August or September; that also in relation to changing of the zoning it would as a quasi-judicial hearing at a future meeting; that relating to the taxes, Hotel (H) versus RM-10, staff had no application for consideration and there was no way to identify the tax implications.

T.C. Hayes, 220 Belleview Blvd., commented on his tour of the hotel with a team of structural engineers and they determined that it was a structurally sound foundation; commented on the deterioration of the interior of the hotel; spoke in favor of restoring the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

FIRST READING – ORDINANCE NO. 491 (Continued)

Ed Shaughnessy, Belleair Country Club, stated that he was the general manager of the club and was present at the request of their board; spoke favorably of proposed RM-10 zoning district.

Kevin Connelly, 31 North Pine Circle, commented on the condition of the hotel; commented on the success and projects of the developer and proposed buyer of the hotel property; spoke favorably of the RM-10 zoning district.

Stephen Ross, 2902 52nd Street North, Gulfport, commented on the history of the casino in Gulfport; asked the commission to save the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Ann Peery, Executive Director of Historic Preservation; commented on the effect the proposed RM-10 zoning district would have on the Belleview Biltmore Hotel; stated that the town had two properties on the Historic Register one was the Belleview Biltmore Hotel and the other was the old Town Hall, now the Garden Club; commented on the closing of the hotel; commented on the viability of the hotel; commented on the benefit of historic heritage for tourism.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Anne Lobik, 12060 Indian Rocks Road, Largo, commented on the condition of the hotel; stated that the county did not need more condos; urged the commission to save the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

James Duncan, 648 Poinsettia, commented on the privilege of living in Belleair; commented on having a referendum to decide the fate of the hotel; urged the commission to listen to the voices of the majority.

Mr. Maxwell stated that the matter of the hotel would be a quasi-judicial issue and could not go to a referendum.

Ron Harn, 107 7th Avenue, SE, St. Petersburg, stated that he had been involved in the restoration of the Belleview Biltmore Hotel for seven years; that he was in the hotel yesterday; that the hotel has been damaged beyond believe by water damage; commented on his recent experience in historic preservation.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Doug Hasket, 4345 50th Place S., St. Petersburg, commented on saving the hotel; commented on the significance of history; spoke in opposition to RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

FIRST READING – ORDINANCE NO. 491 (Continued)

David Ritter, 1776 Pasadena Dr., Dunedin, commented on the town supporting the hotel; spoke in favor of RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Commissioner Fowler stated that his daughter's wedding reception was held at the hotel; that he and his wife did support the hotel.

Jay Steinberg, 415 Poinsettia Road, commented on the existing infrastructure and the impact of development.

Mr. Maxwell stated that the items discussed would be handled at the site planning stage of development; that the developer would be required to look at those items and discuss with the town; commented on the difference in the existing RM-15 and the proposed RM-10 zoning.

Sue Schecter, 2 Seaside Lane, read a letter into the record from residents at Seaside (a copy of the letter is part of the record); spoke favorably of the residents for RM-10 zoning; commented on the benefit of the RM-10 zoning.

Tom du Pont, 430 St. Andrews Dr., spoke as President of the Belleview Island HOA, spoke favorably for the RM-10 zoning; commented on the town moving forward to improve the area and a positive step forward for the town.

Rafel Perez, 31408 Cross Creek Lane, Wesley Chapel; stated that he was not a resident; that he had been involved with Mr. Heisenbottle on renovation of the hotel; that there was a standing offer to purchase the property and restore the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Peter Belmont, 102 Fareham Place N., St. Petersburg, commented on the restoration of the Vinoy Hotel; urged the commission to preserve the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Laurie Adams, 321 Overbrook Dr., commented on the comprehensive plan as it related to preserving the hotel; urged the commission not to approve the RM-10 zoning district.

Mr. Maxwell stated that no application had been for RM-10 or any land use change; commented on the procedure to be followed for special certificate of appropriateness.

Greg Butcher, 253 S. Garden Cir., spoke in opposition to RM-10 zoning.

FIRST READING – ORDINANCE NO. 491 (Continued)

Tom Nocera, 3173 Drew St. Clearwater, commented on proposed height in RM-10 zoning; commented on hotel being a national treasure; asked if a variance could be granted for height; stated that he did not think the commission should be voting on this matter now.

Mr. Maxwell stated that discussions were not specifically about the hotel; that in relation to a height variance, the code did not provide for a height variance unless there was a hardship and that economics was not a factor for consideration.

Mark Ellis, 2956 St. John Dr., Clearwater, commented on his support of the hotel in the past years; commented the restoration of Don Cesar and Vinoy Hotel in St. Petersburg; spoke in opposition of RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

June Shepard Hampton, 1032 Tallowood Drive, Largo, commented on saving the hotel; urged the commission to not to vote on RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Mike Sanders, 411 Orangeview Avenue, stated that the Clearwater Historical Society supported the preservation of the Belleview Biltmore Hotel; that the hotel was the heart and soul of Belleair; urged the commission to do the right thing for the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Petey Henning, 400 Ponce de Leon Blvd., commented on the zoning and density of the RPD; commented on the number of golf course communities in the state of Florida and another one was not needed.

Mr. Maxwell commented on the original RM-5 (RPD) and the changes that were made by the commission in 1990's.

Fred Clark, Jr., 412 Oakmont Drive, Clearwater, commented on the hotel and that no one visiting the hotel; displayed a photo of the hotel with no one in that photo; commented on the lack of visitors to the hotel over the years.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

C. E. Saltarelli, President of the Harbor Oaks HOA, stated that it was a neighborhood to the north of Belleair; that residents of the Harbor Oaks neighborhood were concerned about the increase in traffic with any development at the hotel site; asked that the commission consider the impact on their neighborhood.

FIRST READING – ORDINANCE NO. 491 (Continued)

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Kristina Bucklew, 360 Woodlawn Avenue, commented on the ruination of historic areas; commented on the condition of the bridge going to the hotel; commented on the many reasons for preserving the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Barbara Walters Arnold, 1318 Ponce de Leon Blvd., asked for a no vote for RM-10 zoning; asked for enforcement of the codes for protection of the hotel; commented on the maintenance of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Jim Ingersoll, 1 Seaside Lane, commented on the position of the RPD residents regarding the RM-10 zoning; spoke in favor of the RM-10 zoning; commented on the cost for rehabilitating the hotel; commented on the lack of amenities for guests that would come to the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Norman Shornehauer, 4 Belleview Blvd., commented on the neglect of the hotel by the owners; asked why the town has not taken any action against the owners to prevent further deterioration of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Randy Ware, 723 Ponce de Leon Blvd., stated that he was a member of the planning and zoning board; commented on the negative remarks and comments by previous speakers; commented on the job well done by the commission and staff in their approach to the hotel; commented on the necessary financing for rehabilitating the hotel; stated that he supported the RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Ken Keating, 100 Oakmont Lane, stated that he was asked to read a statement but did not have the time to verify the content of the letter; that the letter insinuated that Florida Design Consultants were assisting the town in the preparation of the zoning language.

Mr. Maxwell stated that the zoning code was prepared by town staff in conjunction with Mr. Healey; that they have had conversation with Florida Design Consultants because of their survey work and the information they had on the site and recognize what RM-10 would look like; that there had been no contract with FDC and they did not contact the town about anything.

Scott Skyberg, 13531 Avista Drive, Tampa, commented on properties to be affected by RM-10; asked about excluding the hotel property from the RM-10 designation.

FIRST READING – ORDINANCE NO. 491 (Continued)

Rick Hardwick, 659 Poinsettia Road, commented favorably for the proposed RM-10 zoning; commented on the success of any litigation against the town regarding the hotel; commented on providing more time to Mr. Heisenbottle allowing him to finalize his plan; commented on the viability of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Spencer Connerat, 336 Carl Avenue, expressed appreciation to Mayor Katica and Commissioner Piccarreto for their services; provided a certified copy of suit filed Connerat vs. Obama

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Annette Ross, 2902 52nd St. S, Gulfport, commented on potential litigation if the commission voted to approve RM-10.

Ed Armstrong, representative for KAWA owners of the hotel, commented on the RM-10 zoning category; commented on the unfair treatment of his client; commented on attempt by Mr. Heisenbottle to have funds in place for the purchase of the hotel property; commented on the number of extensions granted to Mr. Heisenbottle; commented on letter sent to Mr. Heisenbottle from Daniel Ades (a copy of the letter was entered into record).

Michael Cheezem, President and CEO of JMC Community, commented on the proposed plan for the hotel property; commented on the quality of life and historic nature of the community; commented on the proposed plan for townhomes and condos; stated that the proposed plan would require removal of the hotel; that he plans to hold several meetings with major stake holders, town leaders and staff, as well as residents, neighbors, the country club and historical groups for discussion of the plans before submitting plans to the town; expressed appreciation for the consideration and support; stated that he would not be before the commission if he felt the hotel could be renovated and successfully sustainable; that any hotel required various elements to be sustainable and the Belleview Biltmore did not have those elements.

Mr. Maxwell stated that no application has been submitted by Mr. Cheezem or anyone else for special certificate or site plan; that nothing regarding the hotel property has been submitted for consideration.

Mayor Katica stated that floor was closed to comment from the audience; that commission members would discuss the matter.

Mr. Maxwell stated it would be the appropriate time for questions or comments to staff to any issues; that there were concerns prior to the meeting regarding the voting in the issue; that the charter did call for a super majority vote on the second reading of the proposed ordinance; that to move forward to second reading only a majority vote was required to move forward.

Commissioner Wilkinson stated for clarification the procedure to be followed for approval of the proposed ordinance.

FIRST READING – ORDINANCE NO. 491 (Continued)

Commissioner Piccarreto asked if the commission would discuss the proposed ordinance or if there were any amendments to the information provided in the commission packets.

Mr. Maxwell stated that Section 74-83 (a)(2) and (3); that (a)(2) discussed minimum living space; that there was a recommendation that the minimum be increased to 1500 square feet from 1200 square feet; that there was a recommendation to delete (a)(3) due to some concerns by staff that the town would be getting into the design side of the project.

Commissioner Piccarreto asked if the proposed ordinance was consistent with the current code.

Mr. Ottinger stated that the ordinance would be creating a new zoning district; that currently there was no RM-10 zoning designation; that the ordinance was patterned after other zoning districts and was consistent with allowable uses; that there was a change in density and a height bonus.

Mr. Healey stated that the ordinance was consistent; that it did amend the code to add a new district that did not current exist; that the format for which the uses and density follow other related provision of the code.

Commissioner Shelly asked if the ordinance was consistent with Pinellas County Development Code.

Mr. Healey stated that it would be consistent with the countywide plan and rules with respect to the residential low medium category and a maximum of ten units per acre.

Commissioner Wilkinson asked it the ordinance was not passed, what actions would be required by a potential buyer in order to demolish the hotel; asked what zoning options would be available under the current code.

Mr. Maxwell stated that it would depend on the developer; that if they wanted to develop multi-family the two options would be RM-15 and RPD-5; that both did have a height of 32 feet; that the concern was the existing density in the area.

Discussions ensued regarding the development options currently in place; regarding the difference between existing zoning districts and the proposed RM-10 district; regarding the height options with the RM-10 district; regarding any development on the site maintaining the town's park like atmosphere of the town and creating more green space.

Commissioner Fowler read a letter into the record from Belleview Biltmore Partners, LLC and Mr. Richard Heisenbottle received earlier today stating the position of the BBP; commented on the proposed zoning; commented on the historic preservation ordinance; suggested that the town pursue and injunction to prevent the sale of the hotel to anyone with the intention to demolish any or all of the hotel; stated that he did not support of the new zoning district.

Commissioner Piccarreto asked if the suggested injunction was action that the town could pursue

FIRST READING – ORDINANCE NO. 491 (Continued)

Mr. Ottinger stated that he could provide an opinion at this time.

Mayor Katica commented on the difficulty of the matter before the commission; commented on the negative financial impact imposed on the town by the hotel; commented on the impact on property values in the area surrounding the hotel; commented on the actions and presentations by Mr. Heisenbottle.

Commissioner Piccarreto asked Mr. Maxwell why this matter was before the commission at this time; asked why the RM-10 district was proposed.

Mr. Maxwell stated that the process started in September and this was the completion of the drafted ordinance that was presented to the planning and zoning board and commission in December; that it was something staff felt should move forward and was prior to any current proposals for the property; that staff felt the RM-10 district would allow some protection to that area from the existing RM-15 use; commented the requirements outlined in the historic preservation ordinance regarding the special certificate of appropriateness for removal of the hotel; that compatible zoning must be in place at the time of application should that happen.

Commissioner Fowler moved to postpone approval of RM-10 zoning district for six months. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Shelly stated that he would like to look at ordinance later with the 1500 square foot minimum and maybe 64 feet maximum height on the RM-10; maybe look at a RM-7.5 at the same time; concerned about the height being above the existing condos.

Commissioner Piccarreto stated that he thought Commissioner Shelly had asked Mr. Maxwell to address the RM-10 zoning previously.

Commissioner Shelly stated that he did but he also felt there should be more options and more incentives with the 7.5 units per acre; commented on the need to protect the property.

Commissioner Fowler stated that he was also concerned about the minimum square footage per unit; that he felt an average of 2000 or 2400 square footage per unit should be considered.

Commissioner Piccarreto asked Commissioner Fowler if he would be supportive of the RM-10 zoning with those dimensions in place.

Commissioner Fowler stated that he would not in favor; that he did not feel the town needed a new zoning district.

Mr. Maxwell stated that staff did review the units in the RPD district and there were three distinct unit sizes in the area.

FIRST READING – ORDINANCE NO. 491 (Continued)

Vote on the motion was: ayes: Commissioner Shelly, Commissioner Fowler, Commissioner Wilkinson; nays; Commissioner Piccarreto, Mayor Katica. The motion carried with a vote of 3 to 4.

MOWING RESOLUTION NO. 350

There was no mowing resolution for consideration.

CITIZENS' COMMENTS

Dr. Alfonso Remedios, 100 Oakmont Lane, asked if the change in the code the only thing standing in the way of issuing a demolition permit.

Mr. Maxwell stated that it was not related to the demolition permit; that someone must apply for a special certificate of appropriateness; that the challenge would be in the site plan and move forward with an existing zoning designation.

Karman Hayes, 220 Belleview Blvd., asked about the vote by the commission regarding the RM-10 zoning.

Tom Nocera, 3173 Drew Street, Clearwater, asked what could be done in six months to preserve the hotel.

Mark Ellis, 2956 St. John Dr., Clearwater, commented on the condition of the hotel.

CONSENT AGENDA

Mayor Katica announced the following items on the Consent Agenda for consideration and approval.

1. Approval of Minutes – Special Meeting – December 3, 2013
Work Session – December 3, 2013
Regular Meeting –December 19, 2013

Commissioner Piccarreto moved the approval of the Consent Agenda. Motion seconded by Commissioner Wilkinson and carried unanimously.

GENERAL AGENDA

APPROVAL OF FRATERNAL ORDER OF POLICE CONTRACT

Mr. Murphy stated that the commission discussed the contract at the January 7 work session; that staff had successfully reached an agreement with FOP Union; that it was staff's recommendation that the commission approve the contract.

APPROVAL OF FRATERNAL ORDER OF POLICE CONTRACT (Continued)

Commissioner Fowler moved approval of the contract between the Town of Belleair and the Fraternal Order of Police for 2013-2016. Motion seconded by Commissioner Wilkinson and carried unanimously.

OTHER BUSINESS

Mr. Maxwell stated that he had one item to discuss with the commission regarding golf carts; that staff had received a number of emails about using golf carts in the community; that he would like to know if the commission would like to discuss the matter at an upcoming work session.

It was the consensus of the commission to discuss the issue of golf carts at the February work session.

Commissioner Fowler stated that at the February work session he would like to have discussion regarding the pros-cons for an injunction against the current owners of the Belleview Biltmore Hotel.

Commissioner Piccarreto asked Mr. Ottinger to make sure the town had standing for imposing such an injunction.

Commissioner Wilkinson asked that Mr. Ottinger research the possibility of any other fines or any other punitive action the town could take.

Mr. Ottinger stated that there were fines or injunctive ruling.

Mr. Maxwell stated that a summary of any possible action by the town would be presented at the next meeting providing staff had the time to research the issue.

Commissioner Piccarreto expressed appreciation to staff and the consultants for researching the issue.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 9:15 PM.

Town Clerk

APPROVED:

Mayor