

**City of Gulfport Florida**  
**Planning and Zoning Board Meeting Minutes**  
**Wednesday, November 4, 2009**

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The Regular Meeting of the Planning and Zoning Board/Local Planning Agency was held on Wednesday, November 4, 2009, in the City Hall, City Council Chambers, 2401 - 53<sup>rd</sup> Street South, Gulfport, Florida.

Chairperson Reed called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

**Roll Call:**

Present were: Board Members Rudy Leopold, David Hastings, and Alternate Board Member Carol D'Alessandro; Vice Chairperson Marjory Milford, and Chairperson Jeri Reed. Board Member Bob Newcomb was not present.

City Staff Present: Community Development Director Fred Metcalf, Principal Planner Mike Taylor, Planner Myra Schwartz, Attorney Caitlin Sirico representing Interim City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

**1. Approval of Minutes – Planning and Zoning Board/Local Planning Agency Meeting of October 7, 2009.**

Motion by Vice Chairperson Milford, second by Board Member Hastings to approve the October 7, 2009 Minutes.

UNANIMOUS APPROVAL BY ACCLAMATION.

**2. Consider a recommendation to the City Council on Application #S09-03: A Site Plan Amendment for the coordination and construction of new, renovated, and remodeled facilities at Boca Ciega High School, 924 58<sup>th</sup> Street South, Gulfport, Florida 33707 (Parcel ID #'s 28/31/16/00000/220/0000, 21/31/16/00000/330/0300 and 28/31/16/00000/210/0700) and legally described as the Northwest ¼ of the Northwest ¼ of Section 28 less streets, not platted, the South ¼ of the Southwest ¼ of the Southwest ¼ less streets, not platted, and the Northwest corner of section running east 1339 feet, from point of beginning, then east 264 feet then south 659.8 feet then west 269.3 feet then north 660.7 feet to point of beginning, as recorded in the Public Records of Pinellas County, Florida.**

Planner Schwartz explained the request is for a site plan amendment by the Pinellas County School Board (PCSB) for Boca Ciega High School. Staff is recommending approval subject to the following conditions:

1. The project must begin within one year of City Council approval; otherwise the site plan would expire.
2. The application for a vacation of the right-of-way at 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South must be made.
3. No fencing is to be constructed across the 7<sup>th</sup> Avenue South access portion of the proposed baseball field.
4. Application must be made for future rezoning of the existing open space zoning district, to the site area north and northeast of the original zoning district of the site from open space to institutional.
5. The Pinellas County School Board must submit to the Southwest Florida Water Management District (SWFWMD) approval and permitting of the project to the City Building Department which has been received.
6. The Pinellas County School Board shall provide adequate maintenance of retention ponds and adequate mosquito abatement to ensure the comfort, safety and health of adjoining residents.

Planner Schwartz explained in December of 2007, application was made to the City and approved by City Council for a site plan for the remodel and renovation of the Boca Ciega High School. Since that time the PCSB has acquired the land that used to be the Southeastern Region Little League. The addition of the Little League site has necessitated modifications to the original site plan. Planner Schwartz reviewed the differences between the approved site plan (S07-06) and the site plan amendments (S09-03).

Board Member Hastings asked who would be responsible for mosquito control, and if there was anything the City could require beyond the "18-24 months as needed basis", because that was a long time to go between treatments. Planner Schwartz explained it is school property so it is the County's responsibility and that is why the condition is included that they shall do maintenance. The Planning and Zoning Board may recommend approval or denial based on any of the criteria. Board Member Hastings expressed his concern that even though the criteria says they shall provide maintenance, it does not say they shall do treatment. Board Member Milford pointed out that particularly in the rainy season it would be more adequate to come every three to six months. In response to Board Member Hastings questions regarding the current criteria the County is using in treating retention ponds, Planner Schwartz replied she would have to find out, but she was told SWFWMD requires maintenance every 18-24 months, and confirmed he was correct to assume that when a County resident calls to complain, the County usually sends someone out to check for mosquito larvae.

Board Member Hastings asked what criteria was used with regard to the trees, and Planner Schwartz responded that the Architect would be able to explain in more detail, who made the determinations; did the City go out and inspect to see if they were removable without replanting. But that the Code Inspector had been out once a permit was generated. Board Member Milford inquired about additional lighting and if there was a plan for that since they were moving the ball fields further east and closer to residential properties. Planner Schwartz deferred that question to the Architect. Board Member Hastings asked to have the new garbage collection area pointed out to him, which Planner Schwartz offered to request the school representative point this out on

a larger diagram. Questions about the chain link fence on the back retention pond which addressed the height and the maintenance of the vines that would prevent it from being opaque, creating a potential security issue were discussed.

Chairperson Reed asked Architect John Trecastelli, Manager of Facility Design and Construction for the Pinellas County Schools to come forward and speak about the proposed revisions to their site plan. Mr. Trecastelli introduced Mr. Bill Harvard, with Harvard Jolly Architects and Michael Rissman with George F. Young, Inc., Civil Engineers, Ginny Pannill who is with Real Estate and Concurrence Services with the District and Chris Hinecutt who is the Construction Manager of the project with Ajax.

They described the impact the changes would have on the District's ability to provide additional play space, parking and additional retention. Mr. Trecastelli acknowledged there were some issues the City had with the project and stated they appreciated the Board's time to allow them to answer any questions they may have and also said they have tried to work very closely with staff to be able to provide these revisions which hopefully will meet the Board's approval.

The representatives expounded on the report summary outlining the project, addressing more specifically, questions that were previously raised by Board Members.

Chairperson Reed opened the Public Hearing. Neither hearing nor seeing anyone who wanted to be acknowledged Chairperson Reed closed the Public Hearing.

Motion by Board Member Hastings, second by Vice Chairperson Milford to approve the site plan for the property located at 924 - 58<sup>th</sup> Street South, subject to the recommended conditions.

VOTE:	BOARD MEMBER. LEOPOLD	YES
	BOARD MEMBER HASTINGS	YES
	BOARD MEMBER D'ALESSANDRO	YES
	VICE CHAIRPERSON MILFORD	YES
	CHAIRPERSON REED	YES

MOTION CARRIED.

City Clerk DeMuth confirmed that the item would be scheduled for the City Council Meeting on November 17<sup>th</sup>.

3. **Consider a recommendation to the City Council on Application #S09-08: A Site Plan for the addition of outdoor seating, outdoor storage and outdoor entertainment to an existing restaurant at 2930 Beach Boulevard South, (Parcel #33/31/16/09612/001/0060) and legally described as Boca Ciega Park Block A, Lot 6 and the south half of Lot 5 as recorded in Plat Book 003, Page 024 of the Public Records of Pinellas County, Florida.**

Planner Schwartz explained the request was for a site plan amendment to an existing restaurant

for the addition of outdoor seating, storage and entertainment, at 2930 Beach Blvd. South. Staff recommends approval for the site plan amendment, subject to the following conditions.

1. The project must begin within one year of City Council approval; otherwise the site plan would expire.
2. Outdoor entertainment and patron seating will be located in the approved outside seating and entertainment area only.
3. Outdoor entertainment will conclude no later than 10:00 p.m. on any night.
4. All outdoor entertainment on the site that utilizes amplifies equipment must connect to a sound limiter to be provided on the site by the management that will automatically limit sound decibels to levels permitted by City Codes.
5. The refuse collection area must be buffered with six (6) foot opaque fencing that has six (6) foot gated access.

Staff would like to add an additional condition, which was recently brought to their attention because time limits are legally required in the City's Code:

6. There would be a time limit of 15 years for the outdoor seating which was determined by a recent precedent from another request to provide for a time limit to coincide with the Waterfront Redevelopment District, which is where the restaurant is located.

Planner Schwartz presented the background, proposal, traffic and financial impact as detailed in the agenda memo, also clarifying that this particular site plan is only addressing the outdoor seating. The applicant is proposing twenty-four (24) outdoor seats and that would require six (6) off-street parking spaces. The property has no adequate parking to provide that, therefore the applicant is requesting a Variance to be heard November 10, 2009, by the Board of Adjustment to reduce the required off-street parking from six (6) spaces to zero (0) space for the addition of twenty-four (24) outdoor seats.

Vice Chairperson Milford asked why they can't utilize the three parking spaces in the indentation in the alley. Planner Schwartz responded that there were just three (3) spaces in the rear and I they were for the residents. Vice Chairperson Milford asked if they use the vendor pad to put tables on. Planner Schwartz said yes, that is the café seating; they have twenty-eight (28) seats there and were allowed by Code. Board Member Hastings asked what the decibel limiter was and what was the maximum decibel permitted up to 10:00 p.m. Planner Schwartz said the decibel limiter sets the decibel levels so they cannot go any higher; and said that it didn't address area.

In response to Board Member Hastings question regarding the boundary lines, Director Metcalf said that they currently measure at the property line.

Chairperson Reed opened the Public Hearing. Neither hearing nor seeing anyone who wanted to be acknowledged Chairperson Reed closed the Public Hearing.

Motion by Board Member Hastings, second by Vice Chairperson Milford to accept the addition of outdoor seating at Dominic's as subject to the stipulations by the City.

VOTE:	BOARD MEMBER. LEOPOLD	YES
	BOARD MEMBER HASTINGS	YES
	BOARD MEMBER D’ALESSANDRO	YES
	VICE CHAIRPERSON MILFORD	YES
	CHAIRPERSON REED	YES

MOTION CARRIED.

Chairperson Reed stated this would also go forward to the City Council.

**4. Consider a recommendation to the City Council on a proposed Bus Shelter Sign and Bus Bench Sign Ordinance.**

Director Metcalf explained that this particular ordinance before them for consideration was an amendment to the sign ordinance to provide for signage on bus benches and bus shelters. It was brought about as a result of a proposal by a third party vendor to provide benches and bus shelters at vendor’s costs with a provision that they are allowed to provide some kind of advertising on the said benches and shelters. That precipitated the need to consider a change in the sign ordinance to allow for these types of signs. The advantage was that the third party vendor would provide bus shelters and bus benches at places where they are not currently, with the incentive that they can provide some kind of advertising on it, and was consistent with what other communities that allow this type of thing have done. Director Metcalf added for the most part this ordinance was taken from the City of Pinellas Park.

Regarding the illuminated shelters, Board Member Hastings asked why the City needs a third party vendor to come into the City to put these in with lighted advertisements. Director Metcalf responded that was part of the proposal with no cost to the City. Board Member Hastings asked if they had identified certain spots that needed to have them and said he would assume they would be limited so as there would not be one on every corner. Director Metcalf said he could foresee the commercial areas either having a bench or shelter.

Chairperson Reed stated she has a business on 49<sup>th</sup> Street and when it rains, you usually cannot get in and out of the front door because everyone is trying to get out of the rain and are under the nearest canopy, waiting for a bus. Vice Chairperson Milford asked who is actually going to pay for the shelter. Director Metcalf reiterated that the vendor would pay for the advertising and for the shelter or bench, and confirmed that they would have to apply for a permit which would be approved on a case to case basis.

Board Member Hastings asked if they would come before the Planning and Zoning Board and Director Metcalf said no, it requires the City Manager or designee’s approval. In response to Board Member Hastings question regarding who would decide the type of advertising; Director Metcalf stated staff would determine that with the help of their legal assistance. Board Member Hastings asked who owned the existing shelters and provides maintenance for them. Director Metcalf stated PSTA (Pinellas County Transit Authority), and added; in this situation the vendor

who wanted to place a shelter or bench with advertising would be responsible for that equipment. Board Member Hastings said he had measured the sides of the bus shelters and determined that the advertising on the sides of the shelters would prevent people sitting down from seeing the bus coming. If the bus driver is coming towards the bus shelter he could not see anyone waiting for the bus and expressed concern over the potential for accidents caused by the bus driver stopping quickly. He didn't see the need for the signs on the shelters.

Chairperson Reed observed that bus drivers typically slow down as they near bus shelters, whether they see anyone or not. Vice Chairperson Milford asked what happens if someone sponsors one (*bench or shelter*) and pulls out. Director Metcalf stated they are required to maintain the equipment.

Director Metcalf stated the ordinance does not directly involve the vendors providing advertising, it simply allows that to happen. The mechanism that a vendor would have to come to the City with would probably be some kind of legal agreement between the City and the vendor which would spell out the specifics of who is responsible for what. There is a perceived need, and an opportunity for some revenues, but it is also an opportunity to have someone else provide an amenity that the City is not currently providing.

Board Member Hastings expressed his concern that this does not allow in it for a business owner having any say in whether or not this atrocity would sit out in front of their business and used his own business as an example with a shelter that may have objectionable advertising. Board Member Leopold stated if they were to allow this then they would have to allow real estate signs and so forth too. Director Metcalf stated they are regulated under the sign ordinance.

Chairperson Reed opened the Public Hearing. Neither hearing nor seeing anyone who wanted to be acknowledged Chairperson Reed closed the Public Hearing.

Motion by Board Member Hastings, second by Board Member Leopold to deny the request for the ordinance providing for an exemption to the sign ordinance for bus shelter signs and bus bench signs and providing for definitions and restrictions appropriate to such signs.

Vice Chairperson Milford stated she could understand the business owners concerns raised by Board Member Hastings, but she would also like to see people have a place to get out of the rain if they needed to.

Board Member Leopold said if the City felt the need for a shelter they (*the City*) could put it up. Chairperson Reed said the problem with that was the cost. The bottom line was if they could do that now they would, and said she agreed with Board Member Milford, because of the economy people are relying on bus service more and weather in Florida is unpredictable.

Board Member Hastings thought more pressure could be put on the bus company to put the shelter up rather than allow third party vendors to deal with the City Manager.

Chairperson Reed reiterated what Mr. Metcalf had said that this was simply about providing for

an exemption to the sign ordinance, they were not voting on shelters, and asked Attorney Sirico to clarify. Attorney Sirico stated the motion itself was specific to the sign ordinance to bus shelters and bus bench signs.

Board Member D'Alessandro asked if there was any input from the City regarding current bus stops. Director Metcalf explained the City does not dictate where bus stops go, PSTA does.

City Clerk DeMuth re-stated the original motion prior to the vote.

VOTE:	BOARD MEMBER. LEOPOLD	YES
	BOARD MEMBER HASTINGS	YES
	BOARD MEMBER D'ALESSANDRO	YES
	VICE CHAIRPERSON MILFORD	NO
	CHAIRPERSON REED	NO

MOTION CARRIED 3-2.

**5. Consider a recommendation to the City Council on the re-adoption of the Local Exemption for Dogs in Outdoor Dining Areas Ordinance.**

Director Metcalf explained the original ordinance was adopted February 2007. At that time the Statutes allowed for a three year pilot program. The Statutory Sunset language has been removed, and this change will bring the City's ordinance into compliance.

Board Member Hastings asked what "reasonable control" was, and Director Metcalf suggested it meant keeping the dog away from other patrons.

Chairperson Reed opened the Public Hearing. Neither hearing nor seeing anyone who wanted to be acknowledged Chairperson Reed closed the Public Hearing.

Motion by Vice Chairperson Milford, second by Board Member D'Alessandro to approve the re-adoption of the exemption to allow dogs within certain designated outdoor portions of public food service establishments.

Attorney Sirico recommended that since they were removing verbiage which designated the sunset date that they should include that in the motion.

VOTE:	BOARD MEMBER. LEOPOLD	YES
	BOARD MEMBER HASTINGS	YES
	BOARD MEMBER D'ALESSANDRO	YES
	VICE CHAIRPERSON MILFORD	YES
	CHAIRPERSON REED	YES

MOTION CARRIED.

6. Any other business. None

7. Adjournment.

On a motion by Board Member Hastings, the meeting was adjourned.

January 6, 2010  
Date Approved

Ginger Stilton  
Ginger Stilton, CMC  
Deputy City Clerk

Jeji Reed  
Jeji Reed, Chairperson