



# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Minutes Planning & Zoning Board

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Monday, March 13, 2017

5:30 PM

Town Hall

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**Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.**

Meeting called to order at 5:30 PM with Chariman Brandvik presiding.

### ROLL CALL

Commissioner Shelly also in attendance filling in for Deputy Mayor Rettstatt as Commission Advisor.

**Present** 5 - Gloria Burton, Chairman Jim Millspaugh, Peter Marich, Marc Mariano, and Jerome Ciliento

### SCHEDULED PUBLIC HEARING

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they 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 Town Clerk swore in those who wished to speak regarding items on the public hearing portion of the agenda.

[17-0022](#) Request for Variance -20 Winston Drive

Chairman Brandvik stated item has been withdrawn by applicant.

[17-0024](#) Request for Variance - 3 Stonegate Drive

No exparte communications identified by board members.

JP Murphy-Assistant Town Manager-Provided existing conditions of property; first variance would allow construction of a dock outside center one third of property line, resulting in 35ft side yard setback; second variance would allow dock to be extended additional 35 ft outside the 50 ft maximum, resulting in and 85 ft dock. Micah Maxwell-Town Manager-Noted criteria for variance outlined in packet.

Joel Tew-Applicant's Attorney-Presented case; discussed specific location and configuration of the dock; discussed related code sections. Presentation exhibits included property survey, aerial and graphic photos; discussed dredge area in relation to dock as well as existence of mangroves and seagrass located on property. Mr. Tew further detailed each of the variance criteria in relation to case; possible environmental constraints; addressed board questions related to historical dredge, need for maintenance dredging and ownership of submerged lands.

Mr. Tarazski-Attorney for John Connelly-Presented argument against variance; discussed related code sections; riparian rights. Discussed zoning use of parcel for requested dock; presented related cases. Unreasonable encroachment into Mr. Connelly's view; discussed length of dock.

John Connelly-Applicant-Detailed the process of when he obtained his dock; commented on inability to obtain a new dredge permit; addressed questions from the board relating to permission and ownership of submerged land.

Mr. Tarazski discussed dredging; presented counter argument to hardships claimed by applicant relating to variance criteria; addressed board questions regarding trimming of mangroves and distinction of parcels.

Ciliento requested clarification on parcel; Mr. Maxwell stated approval can be conditional that the parcels be joined as the accessory use is not currently permitted.

#### **No public comments to be heard**

Letter received from John Hail in opposition; provided in packet.

Mr. Tew provided applicant rebuttal regarding property lines, silt and debris from roadway project and noticing. He further stated parcels are in process of being joined; applicant willing to accept a conditional variance. Addressed questions from the board related to mangroves and potential dock extension.

David Ottinger addressed question from Mr. Mariano regarding parcel and noticing; Mr. Tew stated that re-noticing will be done once the unity of title is obtained.

Discussion ensued regarding silt in area; potential impacts to outfall structure, no issues at this time.

Mr. Tew objects to request for surrebuttal; Chairman Brandvik will allow and objection noted.

Mr. Tarazski clarified previous comments regarding riparian corridor.

#### **Meeting closed to public**

Chairman Brandvik reviewed staff recommendations that approval be accompanied with following conditions: parcel deficiencies be made compliant with town development code; Town Attorney agrees to sign off on all questions related to the HOA common use of property or the original PDP.

**Mr. Mariano moved to recommend approval of the dock length exceeding 50ft in length and allowing the 85ft dock length, and including references to the town staff recommendations for the first variance; seconded by Mr. Marich.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millsaugh, Marich, Mariano, and Ciliento

**Mr. Mariano made a motion to approve the construction of a dock outside the center 1/3 of the property condition to including the references to the town staff recommendations; seconded by Mr. Marich.**

**Aye:** 3 - Burton, Marich, and Mariano

**Nay:** 4 - Brandvik, Acken, Chairman Millspaugh, and Ciliento

Meeting went into recess at 7:33 PM; meeting reconvened at 7:44 PM.

[17-0034](#)

Review of Preliminary Development Plan - Belleview Biltmore Golf Course

No exparte communications from the board.

Chris Brimo-Calvin Giordano and Associates, Planning Consultant-Presented staff report; requested variances are as follows: variance request #1 would allow for a perimeter wall and fence within the front yard setback, variance request #2 would allow for reducing the number of required off street loading docks from six to one; variance request #3, waiver request, would reduce the number of required parking spaces for mixed and joint uses, variance request #4 would allow applicant to remove trees without having to replace them all; variance request #5 would allow deviation from required landscape buffer. Mr. Brimo available for planning questions.

Tom Nash-Attorney with Macfarlane, Ferguson and McMullen Law Firm-Representing applicant; briefly introduced representatives involved in the planning and design of the course.

Beau Welling-Owner, Beau Welling Design-Discussed historical Don Ross architectural style; detailed infrastructure upgrades needed.

Shane Robichaud-Beau Welling Design-Modifications to course presented; discussed location of parking and proposed clubhouse.

Nick Fullerton-Architect, Fullerton Architects-Presented design proposal for clubhouse; dining and conference areas included; elevation to hide service areas.

Mr. Nash stated variance approval needed to continue with proposed plan; spoke on requests 1-3; third variance is a waiver for parking; discussed study regarding anticipated parking, able to convert driving range to special event parking.

Mr. Robichaud commented on 4th variance; requesting replanting requirements be waived; conditions are inherited; trying to create a better engineered course.

Tim Nelner-Consulting Engineer, Cardno TBE-Addressed questions related to aquifer; engineering permitted through SWFWMD; no adverse effect to groundwater.

Mr. Robichaud discussed variance #5 relating to buffer zone; identified types designated in landscape plans; areas with little to no vegetation will get buffers; request pertains to areas of existing mature trees.

Mr. Nash addressed board questions relating to use and layout of proposed clubhouse; operational aspects and parking; control of special events and usage; event space.

Discussion ensued regarding event space; overflow parking; large tournaments. Mr. Maxwell commented clearer lines are needed as to when overflow parking to be activated; noted change from rendering to actual site plan.

#### **Public comments heard**

Frank Murphy-Resident-Spoke on height of building, events and noise.

Neil Palenzuela-Resident-Commented on overflow parking on poinsettia and drainage.

Mr. Maxwell discussed drainage outfall areas; conditional of final development plan.

Sam Hoskinson-Resident-Spoke on fence; seeking clarification of area.

#### **Closed to public comment**

Ms. Burton questioned landscape buffer and fence request; Mr. Brimo stated buffering related to variance is along golf course proper; separate fence and wall from buffer.

**Mr. Millspaugh moved to approve variance #1, approving perimeter fence wall be installed within the required front yard setback; seconded by Mr. Acken.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

**Mr. Mariano moved approval of variance #2 to reduce the number of required off street loading docks from six to one; seconded by Mr. Marich.**

**Aye:** 6 - Brandvik, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

**Nay:** 1 - Burton

Chairman Brandvik reviewed staff recommendation for approval of variance #3 accompanied by the following conditions: specific and enforceable language be incorporated into development agreement to ensure deviation from times of operation doesn't occur, the same is true for use of event area. Staff also suggest defining specific and enforceable trigger to define extreme special events.

**Mr. Millspaugh moved to approve variance #3 with the recommendations provided by staff; seconded by Mr. Acken.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

discussion regarding number of trees removed; 5281 caliper inches 2239 mitigated. 3042

unmitigated amount

**Mr. Marich moved approval of variance #4; seconded by Mr. Mariano.**

**Staff suggested clarification of motion; Ms. Burton moved to amend previous motion to include staff recommendation.**

**Motion amended to approve the variance request to remove 5,281 caliper inches of trees without replacing or paying a fine in lieu of replacing trees has been made.**

**Final amended motion: approval of the variance request to remove a number of trees without replacing them or paying a fine; allowing up to 3,042 caliper inches of trees be removed and not replaced without being assigned a fine in lieu of replacement.**

**Aye:** 6 - Brandvik, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

**Nay:** 1 - Burton

**Mr. Mariano moved approval of variance #5 which allows a deviation to the required landscape buffer standard; seconded by Ms. Burton.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

**Mr. Mariano moved approval of the preliminary development plan in accordance with variances addressed tonight; seconded by Mr. Marich.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

## **CITIZENS COMMENTS**

None to be heard

## **APPROVAL OF MINUTES**

[16-0262](#) Approval of December 19, 2016 Meeting Minutes

**Mr. Acken moved approval of the minutes; seconded by Ms. Burton.**

**Aye:** 7 - Brandvik, Burton, Acken, Chairman Millspaugh, Marich, Mariano, and Ciliento

## **GENERAL AGENDA**

No items.

## **OTHER BUSINESS**

Mr. Acken commented on signs on North Pine Circle; agreement with Belleair Bluffs for cleaning out basin on Bluffview Drive. Mr. Maxwell will look into both issues.

## **COMMISSION ADVISOR REPORT**

Commissioner Shelly had nothing to report.

**ADJOURNMENT**

No further business; meeting adjourned in due form at 9:16 PM.

**APPROVED:**

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**Chairman**