

**TOWN OF REDINGTON SHORES
BOARD OF COMMISSIONERS
SPECIAL MEETING**

WEDNESDAY, SEPTEMBER 25, 2013 – 7:00 P.M.

Present Upon Roll Call: Commissioner Kapper, Vice Mayor Branch, Mayor Adams, Attorney Denhardt. Absent: Commissioner Wojcik, Commissioner Holmes

OPEN PUBLIC HEARING

1. Second Reading and Advertised Public Hearing – Ordinance 13-05 – Development Agreement – LaVistana, 17730 Gulf Blvd.

Attorney Denhardt read the Ordinance by Title. Deputy Clerk Patti Herr swore in all those who wished to speak. Steve Andrews, Building Official, reviewed the Planning & Zoning Hearing on August 21, and introduced the Town files for La Vistana I and II. Bob Lyons, developer for Jeffrey Miller, owner of the La Vistana II lot, explained that the original design for the condo showed 14 units at the time Mr. Miller obtained the property, and the commercial lots in the front were obtained in exchange for 2 lots in Redington Beach. When Mr. Miller decided to modify the plan to allow only 7 units, one per floor, 80% of the owners of La Vistana I units agreed to the change. Mr Lyons said that the agreement included more shared parking, shared maintenance of the pool and beach shower. Mr. Lyons said that because of the PUD ordinance created with the assistance of Pinellas Planning Council there is no need for a variance for the additional height to the second condo; the PUD can be negotiated for any changes. Mr. Lyons also explained that Mr. Miller wants to use the 2 front commercial parcels as park space. This decision was also agreed upon by 80% of La Vistana I owners. Mr. Miller would provide \$50,000 toward the construction of park land, which would be maintained by the condo association. Mr. Lyons showed renderings of the 2 condo's, indicating that the views from La Vistana I would not be blocked by the new building. After showing a timeline of events for construction of building II, Mr. Lyons referred to the condo documents showing that owners of La Vistana I units were aware of and agreed to the second building.

Kevin Correno, Attorney for Anthony Giampietro, who owns a unit in La Vistana I, cited FS 163.3231, indicating that development agreements must be in compliance with the Town's Comprehensive Plan. Mr. Correno also said that Town Code requires a variance for increase in height of a building. Mr. Correno said that his client intends to seek an injunction if the Ordinance is passed. Bob Seitz, President of La Vistana I Condo Association, said that all owners knew of the intent to build La Vistana II, and the owners agreed to the construction. Mr. Seitz expressed surprise that there are any objections.

Howard Ross, attorney representing the owner at #504 La Vistana I, said his client was also opposed. Mr. Ross claimed that many of the 80% of owners of consent votes were not owners of units. Mr. Ross also said that he believed the amended advertisement for the first reading of the Ordinance was not sent in a timely manner. Mr. Lyons disagreed that some of the owners that agreed to the construction were not really owners.

CLOSE PUBLIC HEARING

Commissioner Kapper made the following motion:

“Based on the testimony and evidence presented, I move that the Town Commission make detailed findings of fact as follows:

1. That on July 8, 2004, building permits were issued for the existing building at 17720 Gulf

Boulevard, Redington Shores, Florida, known as LaVistana I.

2. That on March 27, 2005, Ordinance No. 05-05 was enacted which rezoned both parcels at 17720 and 17730 Gulf Boulevard from "RM-15" to a Planned Unit Development, which also adopted a preliminary development plan for the parcels reflecting the existing LaVistana I building, and the proposed LaVistana II building, which at that time was proposed to extend 10 feet further toward the Gulf of Mexico and approximately 55 feet further toward Gulf Boulevard than the currently proposed LaVistana II building.
3. That on March 27, 2006, building permits were issued for such proposed LaVistana II building, and substantial construction commenced, including the driving of pilings for the building that was proposed at that time.
4. That on July 3, 2006, a Certificate of Occupancy was issued for the LaVistana I building.
5. That initially the two buildings were to be part of one condominium project, and the Declaration of Condominium documents provided to each purchaser of units in LaVistana I clearly showed that there was to be a second building constructed just north of the original building, which would somewhat block the view to the north of the occupants of LaVistana I.
6. That on February 28, 2007, Fred and Deanna Goad purchased Unit No. A504.
7. That on January 11, 2008, Anthony J. and Theresa Giampietro purchased Unit A804 from the original and current developer, Robert Lyons.
8. That all of the zoning to a Planned Unit Development, approval of the conceptual site plan and development orders pertaining to the originally proposed, larger LaVistana II building were already in place well prior to the Goads or the Giampietros purchasing their units in LaVistana I, and at the time of their purchase of such units, they were provided with condominium documents reflecting that there would be a building of similar size and length to their building, build just north of their building, LaVistana I.
9. That initially, the proposed LaVistana II building was to contain 14 residential units, and its length running from east to west was to be approximately 65 feet longer than the currently proposed building.
10. That the currently proposed building is for 7 living units, a 50 percent reduction in density, which is favored in a coastal, high hazard environment.
11. That since both buildings were originally permitted as a Planned Unit Development project, interior setbacks were not required, and that the currently proposed separation between the two buildings is now even larger than what was originally proposed.
12. That the additional variance of 7 feet in height for the new building is minor and insignificant, and would not impede air flow or safety concerns, and would not block any view of any occupant of LaVistana I toward the Gulf of Mexico or the sandy beach area, or north up Gulf Boulevard, or east across the Intercoastal Waterway.
13. In fact, with the new proposed LaVistana II building being set back 10 feet further from the

Gulf, the occupants of LaVistana I, as well as any properties to the north of the Gulf of Mexico and the vista views up and down the beach will be increased, rather than decreased.

14. With the newly constructed LaVistana II building being set back an additional 55 feet approximately from Gulf Boulevard from what was originally permitted, and with there only being open parking within that area, the views of the residents of the existing LaVistana I building to the north and to the east will be greatly improved over what was originally permitted.

15. That the 7 foot variance in height is reasonable, and more than justified by the other benefits received not only to the Town of Redington Shores but to the surrounding and adjacent property owners, and the Town Commission has the ultimate authority as to granting variances, and that such variance complies with the criteria of the Redington Shores Ordinance.

16. That since the currently proposed LaVistana II building is to be of a much less footprint than the originally proposed building, and to only be of 7 units versus the originally approved 14 units, the currently proposed building will be of much lesser impact to any property owners to the north or south, as opposed to what was previously authorized and for which construction has commenced.

17. That the condominium association of LaVistana I is actually the contiguous property owner to the south of the proposed LaVistana II building, and that such condominium association overwhelmingly voted for approval of the proposed project and that matters between the original condominium association and the proposed condominium association, such as shared parking, ingress/egress easements, etc. has already been worked out between the two condominium associations.

18. That three advertised public hearings have been held concerning this Developer's Agreement, the first being a hearing before the Town's Planning & Zoning Commission held on August 21st, the second being at first reading of the Ordinance before the Town Commission on September 11th, and the third being tonight, September 25, 2013, at second reading of the Ordinance before the Town Commission.

19. That the Town has exceeded all requirements as to Notice and public hearings.

Based upon the above findings of fact, I further move that the Town Commission pass Ordinance No. 13-05 on second and final reading."

Vice Mayor Branch seconded the motion. Roll call all yes.

Respectfully Submitted,

Patti Herr
Deputy Town Clerk