

M I N U T E S

SPECIAL COMMISSION MEETING
SOUTH PASADENA, FLORIDA

TUESDAY, OCTOBER 10, 2023
COMMISSION CHAMBERS 6:00 P.M.

CITY COMMISSION ACTING AS THE PLANNING & ZONING BOARD

MAYOR PENNY CALLED THE MEETING TO ORDER AT 6:05 P.M.

ROLL CALL: COMMISSIONERS GAIL NEIDINGER, BEN THOMAS, LYNDIA THOMPSON, VICE MAYOR THOMAS REID, AND MAYOR ARTHUR PENNY. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY JULIA MANDELL, FINANCE DIRECTOR JAMES GRAHAM, PUBLIC WORKS DIRECTOR SHAWN SHIMKO, PUBLIC SAFETY DIRECTOR DAVID MIXSON, COMMUNITY IMPROVEMENT DIRECTOR TERESA SULLIVAN, AND DEPUTY CITY CLERK MARY JO BOWMAN.

Mayor Penny stated that the City Commission is acting as the Planning & Zoning Board for the Special Commission Meeting.

HEARING

1. CONSIDERATION OF APPLICATION FOR AN AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTION FROM CAUSEWAY VILLAGE MHC, LLC FOR 1375 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

Mayor Penny opened the public hearing at 6:06 p.m.

City Attorney Mandell asked the City Commission to disclose all ex-parte communications regarding the pending case before the board. She informed the participants about the record of hearing process.

City Clerk Lewis administered the oath of testimony to those intending to give testimony.

City Attorney Mandell introduced the item. She reported that a special exception was previously approved with certain conditions and the applicant is requesting to amend those conditions. She reviewed the City Code requirements for docks within a mobile home district and noted that the underlying approval of the docks is not what is being considered today.

Mayor Penny called for the staff report to be presented.

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

Luis Serna, Calvin, Giordano & Associates, LLC, presented the staff report (attached to Minutes as Exhibit A). He stated the applicant is requesting to amend the 16 conditions that were included with the original approval. He spoke regarding review criteria for special exception use permits and nonprofit community uses. He reported that staff is recommending denial of the application.

At this time Mayor Penny invited the applicant to make a presentation.

Mark Ebelini, Knott, Ebelini, Hart, Attorneys at Law, presented the application (attached to Minutes as Exhibit B). He reviewed proposed amendments to the conditions for approval of the original special exception and distributed a handout (attached to Minutes as Exhibit C). He stated that the central tenets of the original approval are not changing. He spoke regarding property ownership, facility rules and regulations, and dock usage.

In response to Commissioner Thomas, Mr. Ebelini spoke regarding ownership and use of the dock facilities. He said that because there is a sole owner of the property, a nonprofit organization is not needed. He stated that an association is only needed when there are multiple owners and interests.

Discussion ensued regarding ownership and usage of the property and docks.

Vice Mayor Reid stated that the applicant agreed to the conditions when the item came before the Commission previously. He questioned why the applicant is coming forward now to change them.

Mr. Ebelini stated that at the time, the owners did not understand that they would have to give up ownership of the docks and submerged property and would not be able to make income from them.

In response to Commissioner Neidinger, Mr. Ebelini stated that if the City is concerned about the rates that will be charged, a condition could be included to tie the rental rates to the market rate.

Discussion ensued regarding nonprofit uses and dock rental regulations.

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

Chris Beam, Lakeshore Management, spoke regarding dock rental rates. He reported that the standard size dock is currently rented at a rate of \$275 which is less than other facilities. He stated that their business model aims to rent below 50% of market value. He further stated that the company is privately owned.

In response to Commissioner Thompson, Mr. Beam stated that there are 27 people on the waitlist for a boat slip.

City Attorney Mandell spoke regarding the background of the application and the conditions in question. She stated that the conditions were part of the record and were included in the staff report for the original special exception. She further stated that the conditions are directly related to the City Code which is very clear that special exceptions for such docks in this zoning district are to be private in nature and are limited to nonprofit community use. She said that it is for the applicant to demonstrate that they meet the criteria of the City Code.

In response to Commissioner Neidinger, City Attorney Mandell stated that she believes the existing eleven docks were approved under a prior process and were grandfathered. She noted that the issue could be researched and specified if needed.

Mr. Ebelini clarified that the stipulations listing ownership were intended to show that the owner of the docks would be the same entity as the owner of the mobile home park. He spoke regarding the criteria for special exceptions including compatibility and the public interest.

Commissioner Thompson stated that the existing docks are in disrepair. She questioned why more docks are planned when the current docks are not maintained.

In response to Commissioner Thompson, Mr. Beam stated that repairs are intended to be done when the new docks are built.

City Clerk Lewis spoke regarding written comments received from the public. She stated that the item was originally scheduled for consideration in August but was rescheduled due to Hurricane Idalia. She further stated that comments received prior to the August hearing date were resent to the City Commission and any new comments received have also

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

been provided to them. She said that due to the volume of comments received and the fact that the City Commission has already received them, she is recommending that the comments be accepted into the record for this meeting without being read aloud.

MOTION WAS MADE BY VICE MAYOR REID, SECONDED BY COMMISSIONER THOMPSON, TO RECEIVE AND FILE INTO THE RECORD THE PREVIOUSLY DISTRIBUTED WRITTEN COMMENTS (ATTACHED TO MINUTES AS EXHIBIT D).

UNANIMOUS APPROVAL BY ACCLAMATION

Mayor Penny invited members of the public who wished to speak in favor of the application to address the Commission.

Hearing no comments, Mayor Penny invited members of the public who wished to speak against the application to address the Commission.

Resident Felix Day Pretsch, Island Drive South, spoke in opposition to the application to amend the previously approved special exception.

Resident Edward Smith, 1375 Pasadena Avenue South, spoke in opposition to the application to amend the previously approved special exception.

Resident Robert Calvillo, 14th Avenue South, spoke in opposition to the application to amend the previously approved special exception.

Resident Marguerita Clausson, 1375 Pasadena Avenue South, spoke in opposition to the application to amend the previously approved special exception.

Resident Lisa Smith, 1375 Pasadena Avenue South, spoke in opposition to the application to amend the previously approved special exception.

Resident Kim Gardner, 1375 Pasadena Avenue South, spoke in opposition to the application to amend the previously approved special exception.

In response to cross examination from Mr. Ebelini, Ms. Gardner stated that she was told by Amy at a meeting with

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

residents about a year ago that boat slips would be rented to outside individuals. She noted that maintenance staff was present at the time.

Resident Kathleen Casey, 1375 Pasadena Avenue South, spoke regarding plans for kayak and canoe access at the new docks.

Resident David Wolfenbarger, 1375 Pasadena Avenue South, spoke regarding rent and management practices at Causeway Village.

City Attorney Mandell stated that comments need to relate to the item being considered. She reported that the applicant did comply with noticing requirements.

Resident Jamie Gibson, 1375 Pasadena Avenue South, spoke in opposition to the application to amend the previously approved special exception.

Hearing no further comments, Mayor Penny invited the applicant to deliver a rebuttal.

Mr. Beam spoke regarding questions and comments raised by the public. He stated that they are a for profit company so having to run part of their business as a nonprofit seems unfair. He further stated that the docks will not be rented to outside individuals. He discussed rental restrictions, dock project plans, and community meeting participation. He submitted resident comments in support of the application (attached to Minutes as Exhibit E).

Amy Danson, Causeway Village, stated that she never said the boat docks would be rented to individuals outside of Causeway Village. She further stated there were meetings and emails to share information about the project and she never discouraged anyone from attending meetings.

Mr. Ebelini spoke regarding dock rental rates and usage regulations.

In response to Commissioner Thomas, City Attorney Mandell stated that the City Code demands that such docks be associated with a nonprofit community use.

In response to Mayor Penny, Mr. Serna declined to give closing statements on behalf of staff.

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

In response to Mayor Penny, Mr. Ebelini gave closing statements on behalf of the applicant. He spoke regarding review criteria for special exceptions and stated that the proposed amendments to the conditions do not affect the criteria. He discussed for profit versus nonprofit organizations and the conveyance of property ownership.

There being no further comments, Mayor Penny closed the public hearing at 7:51 p.m.

City Attorney Mandell explained that the City Commission is acting as the Planning and Zoning Board and the City Code requires the Planning and Zoning Board to make a recommendation to the City Commission.

MOTION WAS MADE BY VICE MAYOR REID, SECONDED BY COMMISSIONER THOMAS, TO RECOMMEND DENIAL OF THE APPLICATION FOR AN AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTION FROM CAUSEWAY VILLAGE MHC, LLC FOR 1375 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707 BASED ON CITY CODE SECTION 130-10C(1).

VOTE:	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	VICE MAYOR REID	AYE
	MAYOR PENNY	AYE

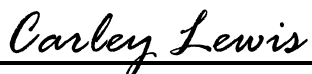
UNANIMOUSLY APPROVED

There being no further discussion, the meeting was adjourned at 7:55 p.m.



Arthur Penny, Mayor

ATTEST:



Carley Lewis, City Clerk
10-10.23 SCM

SPECIAL COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023 - 6:05 P.M.

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TO VIEW ORIGINAL SIGNED MINUTES,
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