

FINAL MINUTES — AUGUST 13, 2019
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, AUGUST 13, 2019**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Mayor-Commissioner Kennedy stated ten seconds of silence will be dedicated to Alexander Brian Stratton who on Sunday, August 4, 2019, when the pain of his life brought him to the top of the Sunshine Skyway Bridge to die in the very water in which he lived near and loved to fish, swim, and go boating in. Alex was diagnosed with Asperger's Syndrome at the age of three and battled the tortures of depression his entire life. Despite years of effort from all who loved him, he lost the fight. His last words on earth spoken to just needing to stop the pain.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Nick Palomba, Commissioner Diane Flagg, Commissioner Phillip J. Hanna, and Commissioner Ed Hoofnagle.

OTHERS PRESENT: City Manager Brently Gregg Mims, City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, and Finance Director Daniel A. Carpenter, CGFO.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. REPORTS OF THE PINELLAS COUNTY SHERIFF'S OFFICE:

The Pinellas County Sheriff's Office (PCSO) presented the July 2019 Crime Analysis Report for the City of Indian Rocks Beach.

2. PUBLIC COMMENTS.

Rick Walker, Past President of the IRB Rotary Club, presented the City with a plaque which reads: *"The Rotary Club of Indian Rocks Beach thanks the City of Indian Rocks Beach for its generous support of the Rotary Run of the Beach Event on April 6, 2019."*

Kelly Cisarik, 448 Harbor Drive South, stated it appears there were some problems when the tentative millage rate was set on July 23, 2019. IRB property owners may be thinking they will pay the same amount of City tax this year as last year because the tentative millage rate was set at the same rate as last year. Unfortunately, most people do not know what the rollback rate is. She thinks it is especially important to distinguish between the millage rate and the rollback rate in those years when property values are climbing. She thinks that is why the State requires the rollback rate to be read aloud under certain

circumstances. It is her understanding that when the tentative millage rate will result in a citywide revenue increase of 6% or more, the rollback rate must be read at the meeting to set the tentative rate, which is located in Florida Statute 200.065, and that was not done this year.

Ms. Cisarik stated Charter Section 8.2, Ad valorem taxes, also had an additional safeguard when the City collects 6% or more in taxes over the prior year. The Charter requires that four out five City Commission Members vote to ratify that tax increase. Both of those safeguards protect the public when the tax increase is in the works.

Ms. Cisarik stated the July 23, 2019 Special City Commission Meeting only had three City Commission Members present. Hopefully, the City Commission can correct the tentative millage rate without re-advertising the meeting.

Ms. Cisarik stated the proposed minutes of the July 23, 2019 Special City Commission Meeting suggested that the rollback may have been read out loud by the Finance Director, and according to the audio recording it was not.

John Pfanstiehl, 448 Harbor Drive South, stated at the last public meeting with the press present, only the tentative millage rate was mentioned, the rollback rate was not mentioned, and the over 6% tax increase was not mentioned, and then people read headlines in the Beach Bee like this: “Indian Rocks Beach to Keep Property Tax Rate Flat,” and he thinks the City is not raising taxes. He would also note that because the vote was only three and not the required four, and the 35-day deadline had passed, the City might not be able to raise taxes this time. The City might have to go back to the rollback rate. This should not be a problem, though the City has over \$3 Million in Reserves.

Mr. Pfanstiehl stated it is only fair and honest to inform the public at each meeting when the City is substantially raising taxes, and he hopes this is done at the two meetings.

Don House, 2104 Beach Trail, stated he thinks John Pfanstiehl and Kelly Cisarik are correct if he read the City Code and has done the math correctly. He stated there should have been a vote of four to set the proposed millage rate if the increase was over 6%, and he feels it should be corrected.

3A. REPORTS OF THE CITY ATTORNEY:

City Attorney Mora stated there have been some public comments that were made that need to be addressed inasmuch as there have been some suggestions that the City’s legal team has not given the City Commission the advice they needed or the Finance Director has not done so.

City Attorney Mora stated what was discussed was the way the ad valorem process works and that is within “X” amount days of the Pinellas County Property Appraiser issuing its call for information, the City has to provide a proposed millage rate, from there that is often communicated as an administrative formality, and this City uniquely has a resolution as part of communicating that, which is not required. In fact, Florida Statutes are entirely silent as to the process for adopting that preliminary initial figure. Florida Statute 200.065 specifies

that municipalities must adopt a tentative and final millage rate and a tentative and final budget by resolutions or ordinances, and this City does that by ordinance.

City Attorney Mora stated with reference to Charter Section 8.2, Ad valorem taxes, everyone needs to understand that all provisions must read in pari materia, meaning in giving meaning to all of the language that is in the provision, and there is, in fact, a provision that specifies that when the ad valorem rate and rollback rate result in an increase of more than 6% that must be voted on by a supermajority, which is an accurate statement, and an accurate reading of the Charter. It is also a partial reading of the Charter because the subsequent sentence in that same Charter provision specifically makes reference to that vote taking place at the approval of the ordinance adopting the final budget. The City has two budget public hearings coming forward, and if the proposed millage rate that has been adopted moves forward, a supermajority vote would be required.

City Attorney Mora stated the interpretation is correct, but premature.

City Attorney Mora reviewed the Truth in Millage Act (TRIM) advertising requirements.

City Attorney Mora stated he has been meeting with the City Manager to discuss the revisions to the sign code and staff plans to bring it forward to the Planning and Zoning Board and to the City Commission in the next couple of months after the budget process.

3B. REPORTS OF THE CITY MANAGER:

City Manager Mims reported City Attorney Mora has been certified by the Florida Bar in City, County and Local Government Law, and he is only one of 291 attorneys in the State of Florida to hold that certification.

City Manager Mims inquired if there were any questions on the 3rd Quarter Financials.

Commissioner Hoofnagle inquired if it is possible to present the financials with a pro-forma, so the City Commission is able to compare quarter to date to a quarterly budget because it is very hard to look at an annual budget and a period based actual. The variances are very difficult to interpret.

3C. REPORTS OF THE CITY COMMISSION.

COMMISSIONER HOOFNAGLE:

- Assured the public there were extensive discussions about the rollback rate in their one-on-one conversations or at least he did with the City Manager and Finance Director, and he believes that came up as a discussion item in a great amount of detail when they went through the budget.

COMMISSIONER FLAGG:

- Stated she understands there is a growing concern in the community about coyotes in Indian Rocks Beach, and the City is in the process of scheduling a forum whereby experts will speak on the issue to educate the residents on wildlife issues.

VICE MAYOR-COMMISSIONER PALOMBA:

- Encouraged the residents to use SeeClickFix to report complaints, items in need of repair, broken items, or items of concerns.

MAYOR-COMMISSIONER KENNEDY:

- Announced the events and meetings of the City Commission and civic organizations.
- Advised she went on a tour of the Pinellas County Solid Waste/Recycling Facility, which she found very educational and interesting. Therefore, she has scheduled an IRB Residents' Tour on Monday, August 26, 2019, from 1:00 to 2:30 p.m., at the Pinellas County Solid Waste Facility.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL OF the July 9, 2019 Regular City Commission Meeting Minutes.**
- B. APPROVAL OF the July 23, 2019 Special City Commission Meeting Minutes.**
- C. CONFIRMING ACTION TAKEN during the July 23, 2019 Special City Commission Meeting.**
- D. APPROVAL OF Public Risk Management Health Insurance Renewal.**
- E. APPROVAL OF the FY2020 Law Enforcement Contract with the Pinellas County Sheriff's Office.**
- F. APPROVAL OF the July 23, 2019 City Commission Budget Work Session Minutes.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5F, by title only.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER PALOMBA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5F. UNANIMOUS APPROVAL BY ACCLAMATION.

- 6A. ORDINANCE NO. 2019-05. 2501 GULF BLVD PUD — PUBLIC READING/FIRST READING.** An ordinance of the City Commission of the City of Indian Rocks Beach to re-zone and re-classify lands owned by B C Indian Rocks LLC at 2501 Gulf Boulevard, in the City of Indian Rocks Beach, Pinellas County, Florida, legally described as Lots 1, 2, 3, 4, and 5, less the west 10.0 feet, together with Lots 6, 7, 8, 9, and 10, Block 8, Re-Revised Map of Indian Beach, together with a 10.0 foot vacated alley lying west of and adjacent to said Lots 6, 7, 8, 9, and 10 and Lots 1 and 2, Block 40, Re-Revised Map of Indian Beach, together with the west half of vacated alley lying east of and adjacent to said lots, and Lot 9, Block 40, Re-Revised Map of Indian Beach, together with the east half of vacated alley lying west of and adjacent to said lot, and Lot 10, Block 40, Re-Revised Map of Indian Beach, together with the east half of vacated alley lying west of and adjacent to said lot from its present zoning

classifications of Business (“B”) and Medium Density Residential (“RM-2”) to a planned unit development; providing for approval of a corresponding planned unit development agreement; and providing for an effective date.

[Beginning of Staffing Report]

SUBJECT: GULF BLVD. PUD ORDINANCE NO. 2019-05—FIRST READING

A request for a rezoning and Planned Unit Development approval of a 32-unit multi-family residential development on property legally described as Lots 1, 2, 3, 4, and 5, less the west 10.0 feet, together with Lots 6, 7, 8, 9, and 10, Block 8, Re-Revised Map of Indian Beach, together with a 10.0 foot vacated alley lying west of and adjacent to said Lots 6, 7, 8, 9, and 10 and Lots 1 and 2, Block 40, Re-Revised Map of Indian Beach, together with the west half of vacated alley lying east of and adjacent to said lots, and Lot 9, Block 40, Re-Revised Map of Indian Beach, together with the half of vacated alley lying west of and adjacent to said lot, and Lot 10, Block 40, Re-Revised Map of Indian Beach, together with the east half of vacated alley lying west of and adjacent to said lot located at 2501 Gulf Boulevard, Indian Rocks Beach, Florida. Parcel Numbers: 01-30-14-42030-008-0010, 01-30-14-42030-008-0030, 01-30-14-42030-008-0060, 01-30-14-42030-008-0070, 01-30-14-42030-008-0080, 01-30-14-42030-008-0090, 01-30-14-42030-008-0100, 01-30-14-42030-040-0010, 01-30-14-42030-040-0090, 01-30-14-42030-040-0100.

OWNER: B C Indian Rocks LLC
PROPERTY LOCATION: 2501 Gulf Boulevard
ZONING: “B” Business
 “RM-2” Medium Density Multifamily Residential

Direction	Existing Use	Zoning Category
North	Business/ Residential	“B”/ “RM-2”
East	Multi-Family /Residential	“RM-2”
South	Business/ Residential	“B”/”RM-2”
West	Multi-Family Residential	“CT”

BACKGROUND:

Taylor Morrison of Florida, Inc., has requested to rezone the 2.3 +/- acre property located at 2501 Gulf Boulevard from Business (“B”) and Medium Density Residential (“RM-2”) zoning districts to a Planned Unit Development (“PUD”). The PUD will allow for the development of 32 townhomes and amenities.

THE PURPOSE AND INTENT OF THE PLANNED UNIT DEVELOPMENT IS AS FOLLOWS:

Sec. 110-643. Planned Unit Development (PUD).

(1) Purpose and Intent of the PUD Zoning District:

- (a) It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which may not be provided for or allowed in the other zoning districts otherwise established by this Code. The PUD zoning district allows a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in one of the other listed districts, but that otherwise conform to the City of Indian Rocks Beach Comprehensive Plan.
- (b) The PUD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the City Commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility while retaining control by the City Commission, the PUD is designed to accomplish one or more of the following:
- (1) Permit innovative residential, nonresidential, and mixed-use developments provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design that encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as various street widths compatible with the type of development project proposed, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.
 - (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.
 - (3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.
 - (4) Lower development and building costs by permitting smaller networks of utilities, and the use of more economical development patterns and shared facilities.
 - (5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.
 - (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.
 - (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.

- (8) Provide an efficient public process for considering complex developments where the proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
- (c) All building code, housing code and other land use regulations of this Code are applicable to a PUD, unless otherwise approved within the PUD Ordinance.

AFTER ANALYZING THE PROPOSED REQUEST, STAFF FINDS THE PROPOSED PLANNED UNIT DEVELOPMENT CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE AND THE OVERALL CHARACTER OF THE SURROUNDING AREA. THE PROPOSED SITE PLAN DESIGN MEETS THE FLEXIBILITY TO ACCOMMODATE CHANGING NEEDS, TECHNOLOGIES, ECONOMICS, AND CONSUMER PREFERENCES, AND ACCOMMODATION OF CHANGING LIFESTYLES. THE PROPOSED DEVELOPMENT WILL PROVIDE A BUS SHELTER ALONG GULF BOULEVARD.

Sec 110-644. Justification and Minimum Requirements for Rezoning to Planned Unit Development.

- (1) An applicant for a PUD rezoning must present evidence in the PUD Narrative that the rezoning to PUD is justified by one or more of the following:
 - (a) The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
 - (b) The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.

THE SITE PLAN PROPOSES ACCESS TO THE SITE FROM 25TH AND 26TH AVENUES AND NOT OFF OF GULF BOULEVARD, AND IS BELOW THE ALLOWABLE BUILDING HEIGHT FOR THE "RM-2" ZONING DISTRICT. STAFF HAS NEGOTIATED A 50-FOOT FRONT YARD SETBACK OR 60 FEET FROM THE PREVIOUS PROPERTY LINE DUE TO THE VACATION OF THE 10-FOOT ALLEY AND DESIGNATING 10 FEET OF THEIR PROPERTY AS RIGHT-OF-WAY ALONG GULF BOULEVARD.

- (2) The applicant for the PUD rezoning must further present evidence in the aforementioned PUD Narrative that the rezoning to PUD meets the following standards:

- (a) The density and/or intensity, character and type of development proposed in the development plan is consistent with the Comprehensive Plan, future land use map and the concurrency management system, and the development plan meets one or more of the objectives set forth in section 110-643 above.

THE PROJECT IS LOCATED IN THE "RM-2" AND THE "B" ZONING DISTRICTS AND WOULD ALLOW FOR UP TO 15 UNITS PER ACRE OR 34 UNITS, ONLY 32 UNITS ARE BEING PROPOSED.

- (b) An evaluation of the external compatibility of a PUD should be based on the following factors: (1) adjacent existing and proposed uses, (2) design of the development to avoid undue noise, odor, traffic or other nuisances and other nuisances and dangers to abutting property owners; (3) traffic circulation to ensure the transportation system and streets are of sufficient width and capacity to serve the demands created by the development; and (4) density and/or intensity including type and size of structures and/or units and height shall be considered to address compatibility.

THE PROPOSED PROJECT WOULD BE CONSISTENT WITH ADJACENT USES, WOULD AVOID NUISANCES AND DANGERS TO ADJACENT PROPERTIES, ACCESS WOULD BE OFF OF 25TH AND 26TH AVENUES AND AVOID DIRECT ACCESS TO GULF BOULEVARD, AND THE DENSITY AND HEIGHT OF THE PROPOSED PROJECT WOULD BE COMPATIBLE WITH ADJACENT USES.

THIS PROPOSED DEVELOPMENT HAS DEVIATED FROM THE LAND DEVELOPMENT REGULATIONS IN SECTION 110-644(2)(B), GENERAL STANDARDS FOR BUILDING HEIGHTS IN THE BUSINESS DISTRICT: FOR BUILDINGS CONSTRUCTED ON PILINGS, THE MAXIMUM HEIGHT OF PILINGS IS 10 FEET. THE MAXIMUM HEIGHT OF A BUILDING ABOVE PILINGS IS 25 FEET OR A TOTAL OF 35 FEET. THIS PROPOSAL IS REQUESTING BUILDING HEIGHTS TO BE 42 FEET IN THE BUSINESS ZONING DISTRICT AREA OF THE PROPERTY LOCATED ON THE WESTERN PORTION OF THE PROPERTY. THE EASTERN PORTION OF THE PROPERTY IS ZONED "RM-2" WHICH ALLOWS FOR A TOTAL OF 46 FEET AND THE APPLICANT IS PROPOSING THE BUILDING HEIGHT TO BE 42 FEET.

THIS PROPOSED DEVELOPMENT HAS DEVIATED FROM THE LAND DEVELOPMENT REGULATIONS IN SECTION 110-311, GENERAL STANDARDS FOR ACCESSORY STRUCTURES: NO ACCESSORY STRUCTURE MAY BE LOCATED IN FRONT YARDS, UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THIS DIVISION. THIS PROPOSAL IS REQUESTING FOR THE POOL ACCESSORY STRUCTURES TO BE LOCATED IN THE FRONT YARD.

- (c) Usable open spaces, and recreation areas provided within a PUD must provide appropriate recreational opportunities, protect sensitive environmental areas,

conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

THIS PROPOSED DEVELOPMENT HAS DEVIATED FROM THE LAND DEVELOPMENT REGULATIONS IN SECTION 110-344(4), GENERAL STANDARDS FOR A POOL: THE EDGE OF WATER FOR A SWIMMING POOL SHALL BE SET BACK TO COMPLY WITH THE SIDE AND REAR YARD SETBACKS FOR THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED. NO POOL SHALL BE PERMITTED IN A FRONT YARD.

A POOL IS PROPOSED IN THE FRONT YARD IN THIS PROPOSED PLANNED UNIT DEVELOPMENT.

- (d) Every dwelling unit or other use permitted in the PUD shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road, but at a minimum, private roads and other access ways shall be required to be constructed so as to ensure that they are safe and maintainable. To that end, all public roads within any PUD shall be constructed in accordance with the latest applicable FDOT specifications. The City further recommends that private roads be built to the latest applicable FDOT specifications Connection to existing or planned adjacent streets is required, where applicable and feasible to minimize adverse traffic impacts.

THE PROPOSED DEVELOPMENT HAS DIRECT ACCESS TO 25TH AND 26TH AVENUES FROM THE PRIVATE INTERIOR DRIVE AND SIDEWALKS WILL BE PROVIDED FOR ACCESS FROM THE VEHICLE ACCESS TO GULF BOULEVARD.

- (e) Sufficient off-street parking for bicycles, automobiles and other vehicles must be provided. Parking areas must be constructed in accordance with the standards outlined in the Land Development Regulations in the City's Code, and any deviations must be specifically identified and approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. The design of a PUD should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PUD is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development unless otherwise approved within the PUD Ordinance.

THIS PROPOSED DEVELOPMENT HAS DEVIATED FROM THE LAND DEVELOPMENT REGULATIONS IN SECTION 110-371, GENERAL STANDARDS FOR PARKING FACILITIES: THE PARKING PLAN MUST BE SO ARRANGED THAT EACH VEHICLE MAY BE PLACED AND REMOVED FROM THE PROPERTY WITHOUT THE NECESSITY OF MOVING ANY OTHER VEHICLE TO COMPLETE THE MANEUVER.

THE PROJECT CONSISTS OF THREE (3) BEDROOM UNITS, WHICH REQUIRES THREE (3) SPACES, THE THREE (3) SPACES ARE PROPOSED IN THE GARAGE AND DRIVEWAY, BUT VEHICLES WOULD HAVE TO BE MOVED TO ALLOW THE REAR SPACE TO BE ACCESSIBLE.

- (f) Utilities and essential public services, including but not limited to, sanitary sewer, potable water, fire abatement services or appurtenances, solid waste, and other services must be available and have capacity to serve the development.

THE PROPOSED DEVELOPMENT HAS ACCESS TO ALL SERVICES.

Sec. 110-646. Application requirements for preliminary review by City staff.

The City staff reviewed the preliminary application including the location map, description and conceptual plan and found it to be in compliance with the requirements of Section 110-646.

Sec. 110-647. Application requirements for rezoning to PUD.

The City staff reviewed the application documents and site plan drawings, survey, landscape plan, traffic study and architectural renderings and found them to be consistent with the requirements in Section 110-647 (a) and (b).

STAFF RECOMMENDATION: Based on the planned unit development review criteria of Section 110-644, staff recommends approval of the request.

PLANNING AND ZONING BOARD RECOMMENDATION: The Board unanimously recommended the City Commission approve Ordinance No. 2019-05 with the following recommendations: (1) *Residential/Commercial*. General preference for language consisting of some kind of sound buffer on the south side to be negotiated and developed by the City in tandem with the developer, (2) *Bus Shelter*. Make sure that the agreement language ensures that the bus shelter contemplated is not similar but rather the same, and that the proposed agreement and ordinance reflect that, and (3) *1st Street Lighting Plan*. Encourage the City and the developer to consider a lighting plan on the specified area (between 25th and 26th Avenues along 1st Street) approximately three light poles.

A notice was mailed by first class mail to the property owners within 150 in any direction of the subject property and posted on the subject property on July 29, 2019. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED:

- Email of support was received from Peter Kapralos, aka Homestone Shoreclub Properties, owner of the following properties 2501 1st Street, 2503 1st Street 2505 1st Street, 2507 1st Street, 2509 1st Street, 2300 Bay Street, and 2504 Bay Street.
- Emails of opposition from Bert Valery, 447 18th Avenue.
- Email of opposition from Kelly Cisarik, 448 Harbor Drive South.
- Email of opposition from George and Beth Morris, 312 Harbor Drive.
- Email of support from Jo and Bert Nocera, 1209 Bayshore Boulevard.

- Email of opposition from Jerry Newton, 438 Harbor Drive North.
- Email of support from Lori Bohlen, resident of The Cove, 601 Gulf Boulevard.

Pursuant to a legal notice published in the August 2, 2019-edition, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on August 13, 2019, for Ordinance No. 2019-05.

[End of Staffing Report]

City Attorney Mora read Ordinance No. 2019-05 by title only for first reading.

City Attorney Mora stated as this is a rezoning it is incumbent upon him to remind the City Commission that this is a quasi-judicial hearing, and in a quasi-judicial hearing, the City Commission is not to make law, but rather applying facts to the law to determine if criteria is satisfied.

City Attorney Mora inquired if any City Commission Member needed to disclose any ex-parte communications or conducted any site visits for the limited purpose of evaluating this; to which all members of the City Commission responded in the negative.

All persons planning to give testimony during the quasi-judicial proceeding were duly sworn in by the City Attorney.

City Attorney Mora stated this agenda item is considering the rezoning of a property to a planned unit development (PUD), so the City Commission is taking the existing zoning districts of "B" and "RM-2" and changing them to the PUD zoning district.

City Attorney Mora stated under the PUD Code, Section 110-644, Justification and Minimum Requirements for Rezoning to Planned Unit Development, Subsection (1) sets forth the justification for rezoning to a PUD, and Subsection (2) sets forth the standards to be considered. These are the criteria the City Commission looks to as they go through this process. The ordinance goes on to set forth the process and otherwise.

City Attorney Mora stated as the City Commission considers this, the City Commission needs to be mindful the primary concern tonight is the rezoning. The idea behind a PUD is added flexibility in the site design process between the City and the developer.

Commissioner Hoofnagle stated he would like to clarify the title of the ordinance that was read by the City Attorney, the last sentence talks about first approving the conversion to a planned unit development and that aspect of yes/no, he does agree that is a quasi-judicial decision. However, the second aspect, which is providing for the approval of the corresponding planned unit development agreement, he is of the understanding that the City Commission approval of that agreement is not a quasi-judicial interpretation rather it is the City Commission's expression of policy, and he would like to confirm if that is correct.

City Attorney Mora stated that is, in fact, correct. The agreement by itself is a legislative decision and the rezoning, itself, is the quasi-judicial component.

Mayor-Commissioner Kennedy opened the public hearing.

Planning Consultant Harmon stated the applicant, TaylorMorrison, is requesting to rezone the subject property from “B” Business (the front half) and “RM-2” Residential Medium (the rear half), to a “PUD” Planned Unit Development. The property is located between Gulf Boulevard to the west, 26th Avenue to the north, 1st Street to the east, and 25th Avenue on the South.

HEIGHT:

The “B” zoning district allows for a building height of 35 feet. The City Code expresses building height as 25 feet above 10 foot pilings, which is usually the garage.

The “RM-2” zoning district allows for a building height of 46 feet. The City Code expresses building height as 35 feet above 10 foot pilings, which is usually the garage.

The building height is measured from the grade of the center line of the road.

Planning Consultant Harmon stated if the subject property was not rezoned and any developer came in and developed it, they could build up to 37 units and have a front setback of 25 feet from Gulf Boulevard.

Planning Consultant Harmon stated the alley was vacated in the center of the property giving an additional 10 feet to the front setback from Gulf Boulevard. Their property line is 10 feet behind everybody else’s along Gulf Boulevard.

The applicant will be setting back the building 50 feet from their property line or 60 feet from the previous property line that was established along Gulf Boulevard.

DEVIATIONS FROM THE CITY CODE:

The applicant is asking for a couple of variations:

- Forty-two (42) feet for the maximum building heights.
- Placing the pool in the front yard setback. The pool would be setback 15 feet from the property line along with the cabana and the accessory buildings for the pool.
- Stacked (tandem) parking for the 3-bedroom units. The applicant is proposing two parking spaces in the garage, tandem, and one space in the driveway. The City Code does not allow stacked parking.

LANDSCAPE PLAN:

The City has worked with the applicant extensively on the landscape plan and that plan is not final, but they have submitted different types of plants that they would like to use.

The applicant is proposing to save the large oak at the corner of Gulf Boulevard and 26th Avenue, which was previously requested by the City Commission.

SIDEWALKS:

The applicant will be installing sidewalks along 25th Avenue to the interior of the subject property to the access to the garage and to the private driveways through the middle of sites.

Sidewalks are not being proposed along 26th Avenue because of the oak tree as it would be difficult for a sidewalk to be built there.

ELEVATIONS:

The proposed elevations of these buildings would involve different textures, different heights of the buildings. They would fluctuate just a little bit to give the undulation that the City's Design Guidelines require.

FENCE:

The applicant proposed a 6-foot fence with extensive landscaping along Gulf Boulevard, and staff advised the City Code requires a 4-foot fence.

There is a 10-foot right-of-way between the fence and sidewalk along Gulf Boulevard, which will be maintained by the applicant. However, it will not be landscaped at this time because the City has future plans for the whole landscaping plan along Gulf Boulevard.

INTERIOR PRIVATE ROAD:

The private road will be built to standard, so the development can have curbside garbage pick-up.

Planning Consultant Harmon showed several pictures of the subject property, an aerial view, the zoning, a survey, the landscape plan, the elevation plan, and several views of the concept plan.

City Manager Mims illustrated the height and size of the proposed building height and setbacks, 50 feet and 60 feet.

Alexis Crespo, ACIP, LEED AP, Senior Vice President-Planning, Waldrop Engineering, 9432 Camden Field Parkway, Tampa, Florida, representing Taylor/Morrison, explained the PUD project and specifically addressed some of the comments she received from the Planning and Zoning Board and how those issues have been addressed since that time, as well as some other comments they have heard since that meeting.

- *Sound.* The proposed development is next to 18 On The Rocks, an existing bar/gill, on the north, (Lot 1). The applicant is proposing a 6-foot tall pre-cast opaque wall placed in that location along with oak trees and shrubs to attenuate this sound. They are also looking to implement some mid-story trees just to fill in some of that area and also help to mitigate the noise. The applicant will include in the sales disclosure to the purchasers all of the adjacent uses and certainly those unit purchasers will be notified

of the existing use and their hours of operation and again full disclosure to protect Taylor/Morrison as well as the purchaser.

- *Windows/Glass.* The applicant will use hurricane impacted glass within all units, and that glass does a lot to mitigate noise impacts.
- *Upper Stories Frame.* The upper stories will be of frame and will have blown in insulation to provide that extra layer of noise protection.
- *Bus Shelter.* The bus shelter will be located on the northwestern portion of the property on Gulf Boulevard and the development agreement language will be amended to state the bus shelter will be a replica of the City's white bus shelters with the metal roofs.
- *1st Street Lighting.* The applicant is amenable if the City is seeking to install any street lighting program, but the applicant knows there are not any street lights in this area. However, the applicant does offer building lighting, coach lighting throughout the development, so just developing this site and having the units there with the on-site lighting will improve visibility in the area without intruding into the neighborhood. This was a concern of the Planning and Zoning Board.
- *Short-Term Rentals.* Taylor/Morrison of Florida has strict HOA documents that will come to the City as part of their plat submittal and they know the City is limited in what they can regulate at a zoning level on short-term rentals. But, she can assure the City that all Taylor/Morrison communities are limited to a minimum of six months rental, twice a year.
- *Color Palette.* The color palette, the grays and blues, selected is not as beachy as the residents and City would like, so they would like to come back before second reading with some optional color palettes.
- *On-Street Parking.* Each unit will have three spaces. If these were single-family units, they would not be required to have that much parking. Because the development will be 3-bedrooms, and they are not single-family detached, they have a higher parking requirement. They have found the parking works very well within the unit and on the driveway and they have been looking at different ways to provide additional parking. The site is very tight and water quality is very important — to have those green spaces on-site to catch the water and to have it cleaned before it leaves the site.

What they have worked out and what they can bring back in September is on-street parking to the south along 1st Street. It would not be solely for this development because it would be in the public right-of-way — it would be public parking.

- *Height.* The applicant would be going lower with the height in the "RM-2" zoning district from 46 feet to 42 feet in the back portion. To prevent any canyon-effect, the buildings would be set back 60 feet from Gulf Boulevard in the "B" zoning district (the front half) and a decorative fence, shrubs, and trees would front Gulf Boulevard.

Commissioner Flagg asked how Taylor/Morrison will finalize the purchase and will that be sole ownership or is Taylor/Morrison extending it to other partnerships upon the closing once this is approved.

Ms. Crespo stated upon issuance of permits, Taylor/Morrison will be the sole owner of the property.

Commissioner Flagg verified that the units would be sold as individual units and not as bulk sales, with Ms. Crespo responding in the affirmative.

Commissioner Flagg inquired if there would be a model center, with Ms. Crespo responding in the affirmative and that would be Unit 4.

Commissioner Flagg inquired what would be the total build out time, once permitting is received, with Ms. Crespo responding approximately two years.

Commissioner Flagg stated Ms. Crespo did address some of the parking concerns, but inquired if the driveways could be extended to fit a second car. However, she realizes that maybe by extending the driveway it would affect the landscaping requirement and stated Ms. Crespo did mention additional parking spaces on 1st Street.

Mr. Crespo stated she would love to designate them solely as the development use, but the City would not allow that because it is a public right-of-way.

Commissioner Flagg verified that, in the HOA documents, there would be a short-term rental clause limiting the owners to a minimum of a six month rental, twice a year, with Ms. Crespo responding in the affirmative.

Commissioner Flagg stated in reviewing the landscape plan, she noticed there are varying tree sizes that are very substantial, so is that the minimum the City can expect from these drawings.

Ms. Crespo stated the specifications are at the time of plantings, so at a good Florida growth season, the trees and vegetation can get large very quick, so the oaks would be between 12 and 14 feet at time of planting.

Commissioner Flagg stated the City is in the process of Visioning Sessions and a great deal of emphasis is on the coastal-theme, and asked if Taylor/Morrison could take a look at their renders, and, of course, color was brought up. She stated maybe a little extra detail to some design that would lend itself to a coastal-theme since the back of those units are going to be facing Gulf Boulevard.

Commissioner Flagg verified that the buildings have metal roofs and hardie board siding, with Ms. Crespo responding in the affirmative.

Commissioner Hanna stated relative to the six-month minimum rental that when Taylor/Morrison transfers things over to the individual buyers of this property, will that covenant stay in place and continue with the PUD Project or when Taylor/Morrison when Taylor/Morrison leaves, and the development can establish its own HOA, and the short-term rental provision may be amended.

Ms. Crespo stated an HOA would be able to revise the covenant at a later date.

Commissioner Hanna stated that is a concern of his.

Vice Mayor-Commissioner Palomba inquired what would the parking on 1st Street look like, Ms. Crespo responding the spaces would be located in the public right-of-way adjacent to the development with Taylor/Morrison maintaining the perimeter plantings.

Vice Mayor-Commissioner Palomba stated he feels there is really no buffer zone between the established bar/grill and the proposed PUDs, Units 1 and 32, that could turn into a noise compliant issue with those properties.

Commissioner Hanna asked if there is a possibility on the units next to 18 On The Rocks that the floor plans be swapped (the bedrooms and living room), with Ms. Crespo stating she would check into that.

Commissioner Hoofnagle stated the proposed off-street parking on 1st Street would become beach parking.

Commissioner Hoofnagle stated the absence of sidewalks is concerning to him from a pedestrian safety point of view. The City Commission should have discussions that are specific to the agreement rather than the actual rezoning and maybe discuss more about pedestrian safety by asking the planners to put in a sidewalk without exception.

Commissioner Hoofnagle stated in terms of short-term rentals, he does believe there is a strategy that the City can put in place to ensure that these units fall under the City's existing short-term rental ordinance, and that can be talked about during the right time as well.

Commissioner Flagg clarified the units next to 18 On The Rocks are also setback 60 feet, so only one unit is adjacent to that commercial property that might need some insulation or buffering.

Mayor-Commissioner Kennedy clarified that the PUD will have underground utilities throughout, with City Manager Mims replying that all new development is required to be underground per the City Code.

Mayor-Commissioner Kennedy stated she received an email from Peter Kaprolas, who owns several duplexes in the area and who also supports the project, stated he wanted to make sure the developer respects property boundaries and that his tenants have peaceful enjoyment of his properties during the construction process.

Commissioner Hoofnagle inquired what is the absolute height of the building (mid-roof to the bottom on the piling), ignoring the measurement.

Planning Consultant Harmon stated 42 feet minus the crown of the road being approximately 3.7 feet.

PUBLIC COMMENTS:

City Attorney Mora stated members of the public are reminded this is a quasi-judicial hearing where they are offering competent, substantial evidence through their testimony to this City Commission for their consideration of the rezoning.

Don House, 2104 Beach Trail, stated his understanding of a PUD is the developer gives something, the City gives something, and both sides win with a good development. When he looks at stuff on Gulf Boulevard, the first thing he always looks at are the trips per day. There has been no analysis of trips per day. He looks at this and if this was developed otherwise, the trips per day could be substantially more. By doing totally residential, Gulf Boulevard is considerably less impacted than what could be developed there, so the trade off of letting them build higher seems like a win/win. The City gets less impact on Gulf Boulevard, a higher tax base, and the developer gets something too. There does not seem to be a downside, except for short-term rentals.

Mr. House stated HOA docs can be changed, and deed restrictions cannot be changed.

City Attorney Mora stated the City's short-term rental ordinance governs in the "RM-1", "RM-2", and "S" zoning districts by definitions. Presently, the western portion of this property is "B", the eastern portion is "RM-2" and it is being rezoned to a "PUD". In doing so, the east out is taken out of the scope of that ordinance, and the west never in it to begin with. The use contemplated in this particular proposal is primarily residential, so his suggestion to the City Commission is to consider adding language in the rezoning ordinance stating that the City's short-term rental codes, ordinances, regulations shall apply within this zoning district in the event it is rezoned.

City Attorney Mora stated he is not presuming the results of this hearing, but to give that option for the City Commission to consider and address this in a manner that is within the City Commission's power as the City is not capable of mandating HOA restrictions, mandating deed restrictions, or mandating anything concerning duration or frequency or the prohibition of short-term rentals based on the preemption by the Florida Legislature.

Robert Pergolizzi, Driftwood Sands, 2618 Gulf Boulevard, #503, spoke in support of the project, and he is glad to see something positive happening on this site, stating the site has fallen into disrepair and is a blemish on Gulf Boulevard. He stated the units would be going for between \$400,000 and \$500,000 and that would be a great asset to the community and that would help the City's property values in this area.

Eric Meyer, 2316 Gulf Boulevard, spoke in support of the project, and thanked Taylor/Morrison for coming back to IRB to do this project.

Tricia Priest, 344 La Hacienda Drive, spoke in support of the project and stated Taylor/Morrison built The Cove, 601 Gulf Boulevard, which was a complete blighted area in the community and has made that into wonderful area. She is very happy when she drives by it. She stated if Taylor/Morrison can make it work with all of the things that people have to talk about, she thinks it would be a good way to use this property going forward and also the density of it is not so intense that it is going to restrict other things around it.

Kelly Cisarik, 448 Harbor Drive South, stated there are too many negatives and unanswered questions about this project. In 2017, the City Commission was generous in granting a special use exception to allow this project to go from commercial to condo, and she wished it had not. With that being said, she thinks it is better to allow this parcel to remain as a condo than to become a PUD. She thinks that would allow the City to retain

a little more control because of how the land is titled. The deed restrictions associated with condo projects maybe more protective. She had been following the short-term rental legislation very closely this year, and the Florida Legislature almost passed a bill that would have disarmed HOAs from enforcing short-term rental regulations, but they never tried to attack condominium docs, so she feels the deed restrictions of condominiums would be stronger.

Ms. Cisarik stated she does not like the height increase. She thinks both the height increase and the placement of the pool in the front of the parcel could be handled with special use exceptions, so she is not sure why they need to do a PUD. She thinks this could be kept as a condo. If PUD status is granted, the City would not know what this project would be used in a few years after it is completed. The verbal assurances about the intent of the owners are not sufficient. HOA docs could also later be changed by a majority of the owners.

Ms. Cisarik stated Taylor/Morrison has recently gone into the rental only market where they build residential structures and retain them themselves, so she does not know what Taylor/Morrison would decide to do a year down the line since that is the new current business model that they are employing.

Ms. Cisarik inquired if Taylor/Morrison would offer all the units for sale or retain them for use as rental property and would that be for short-term or annual rentals? Is there any extra parking to accommodate guests or short-term rentals? And would the owners try to retain control of the HOA?

Ms. Cisarik stated there are too many unanswered questions about how this project would be utilized and the City would likely not get enough guarantees in writing to know what this property would become two or three years from now.

Ms. Cisarik stated she does not see how granting PUD status is either necessary or beneficial to the City, and she would urge the City Commission to vote “no” on this ordinance, and by the way, she believes the height restriction requires a supermajority vote of the City Commission.

John Pfanstiehl, 448 Harbor Drive South, spoke in opposition of the ordinance, and stated approval of this ordinance would give the developer a huge gift by allowing them to build the structures facing Gulf Boulevard 7 feet taller than the zoning allows. The setbacks and buildings that were discussed in the rear do not alter that fact. The City Commission has already given a huge gift to a previous developer by allowing all residential in the “B” Business zoning district. IRB has a very limited amount of vacant land zoned “B” Business, and business structures are typically only one story instead of this PUD, and he would suggest the City to try to get it back to “B” Business in the lot that the City gave away. The current developer, among other troubling things, wants the City to allow them to build taller buildings than the zoning allows. The developer wants buildings that are 42 feet high facing Gulf Boulevard, 7 feet higher than the zoning maximum. Note that the business buildings next to this property on both sides which are 18 On The Rocks and the gas station are single stories, so in no way is this proposed complex compatible with the surrounding buildings. The City Commission should be aware that in the recent poll on *NextDoor Digest*,

over 150 IRB residents voted no to increased building heights on Gulf Boulevard. That is 150 voted no and 5 voted yes. He hopes the City Commission keeps this in mind when the City Commission is considering any other ordinances. He urges the City Commission to resoundingly vote no this ordinance; and frankly, shame on City Commission Member if she or he votes yes for building height increases in Indian Rocks Beach.

Julie Hoofnagle, 2 Fifth Avenue, stated the project would improve the look, and she feels that Taylor/Morrison has gone a long way to say that they would look at paint and to look at different things to make it less boxy or more attractive along Gulf Boulevard. She does think the project is a good idea. However, she does believe the request from 35 feet to 42 feet in height sets a precedent for the City's future, and she could not say she is fully in support of that.

Bets Flynn, 914 Harbour House Drive, stated it would be nice to see something developed in that spot; however, she is concerned a little bit about the development. How long is the development going to take? What is it going to mean to Gulf Boulevard? She would like to see something a little bit beachy, a little bit more in line with what is around it. She is concerned about giving up any rights that the City has to keep the City the way it is. To keep it beachy, to keep it coastal, and to give something up that other people might see as a give up and allow other people to come in and to do something similar.

Randy Britz, 466 20th Avenue, stated the project looks great. His only concern is this is an investor's dream, \$400,000 to \$500,000 for those units — spells rentals.

PUBLIC COMMENTS CLOSED.

Mayor-Commissioner Kennedy requested the City Attorney or the City Manager to provide the City Commission and the public with the definition of what a planned unit development (PUD) is.

City Attorney Mora referred to Code Section 110-642, Definitions, and read into the record the definition of Planned Unit Development (PUD): *“Land under unified control, planned and constructed as a whole in a single unified development or in approved phases. PUDs may include a variety of land uses and types of dwelling units as well as related uses and facilities. There is no minimum acreage size required for a PUD. The PUD is allowed in every zoning district except the single family-residential zoning district.”*

City Attorney Mora reiterated the City does not have the ability to compel a private property owner in how they incorporate their private property whether that is by condominium, by a homeowner's association, or otherwise, and what restrictions they chose to put into them.

City Attorney Mora stated as it relates to short-term rentals, the City cannot regulate, through this special situation or otherwise, duration, frequency, or the prohibition of short-term rentals that goes beyond the scope of the City Commission's authority.

CLOSING COMMENTS:

There were no closing comments by City staff.

CLOSING COMMENTS BY THE APPLICANT:

Ms. Crespo stated the applicant thinks the PUD is additional protection to the City because not only would the development have deed restrictions and covenants, but there would be a recorded development agreement between the City and Taylor/Morrison.

Ms. Crespo stated whereas if the applicant came in under the zoning code, all the enhanced landscaping and proposed different features would not be bound to the property, so they do think the PUD is just an extra layer of protection for the City.

Ms. Crespo stated in terms of Taylor/Morrison of Florida, they do not do rental communities. However, anything they are doing is in the west coast of the United States and is a very different real estate and a different LLC entirely so.

Ms. Crespo stated in response to the height question, posed by Commissioner Hoofnagle, has been confirmed at 38 feet when it is measured from the bottom of the building and the elevation of the road is not taken into account. Thirty-eight (38) feet, 3 feet above what the City Code allows when the alternative measurement is used.

Commissioner Hoofnagle stated the 38-foot measurement is from the bottom of the piling to the midpoint of the roof, with Ms. Crespo responding in the affirmative.

Commissioner Hoofnagle stated from a human's point of view, he would see a 42-foot structure, with Ms. Crespo responding in the affirmative.

Ms. Crespo stated the setback from Gulf Boulevard is substantial. The City does not have another property this size that could achieve that additional setback to offset the height, the way the applicant can.

Ms. Crespo stated the height will give the units 9 and 10-foot high living floors and with the design options, these units are going to be well above the \$500,000 mark and probably closer to the \$600,000.

Ms. Crespo stated this will be a very high quality project that again would contribute to tax base and help to redevelop a blighted piece of property.

Ms. Crespo stated the applicant has heard loud and clear about the color palette and for the buildings to look beachy, and they look forwarded to coming back in September and addressing those concerns.

Ms. Crespo stated the applicant is in agreement with staff and believes this project is in full compliance with the City's comprehensive plan and land development code as set forth in the staffing report and applicant materials.

Mayor-Commissioner Kennedy closed the public hearing.

Commissioner Hoofnagle clarified that these units would be fee simple ownership of each lot, meaning each person who buys a townhome would own the land and the building.

Commissioner Hoofnagle stated he could have a PUD and build a condominium, and he is not restricted from building a condominium under a PUD.

City Attorney Mora stated Commissioner Hoofnagle is not restricted as a private property owner from doing this, and as the definition provides it contemplates a variety of land uses and types.

Commissioner Hoofnagle stated this is not about whether it is PUD or a condominium.

City Attorney Mora stated the rezoning to a PUD is not to accommodate the incorporation method, it is to accommodate the contemplated structural arrangement of the proposal, allowing both parties to negotiate on the terms without the need for a series of variances and special exception applications to accommodate each and every component.

Commissioner Hoofnagle stated he has a procedure question and asked if the development agreement and the rezoning request will be voted on separately or is the City Commission going to vote for them both in a single vote.

City Attorney Mora stated the ordinance is contemplating as incorporating the development agreement, so sometimes the City Commission will have this sort of duality of the hearing.

City Attorney Mora stated Commissioner Hoofnagle's concern is that the ordinance itself has a quasi-judicial posture, but incorporates an element that is Legislative.

City Attorney Mora suggested that since the public hearing is closed, the City Commission have the discussion as to all aspects and the final vote would be on the ordinance with the incorporated agreement.

Commissioner Hoofnagle stated if the City Commission were to propose additional criteria how is that criteria going to be reflected in the ordinance, such as sidewalks, coastal-themes . . . how is the City Commission going to incorporate that into this reading of this ordinance.

Planning Consultant Harmon stated the new criteria could be reflected on the site plan prior to second and final reading.

Planning Consultant Harmon stated the City does not require sidewalks, and the applicant was planning on bringing the existing sidewalk from Gulf Boulevard down to their site.

Commissioner Hoofnagle stated he wanted to pause that discussion until he understands how the City Commission is going to actually vote because from his personal point of view, he thinks this has to be boxed into a PUD. He just does not know where his and the City Commission opinions about other aspects are going to be reflected and how they are going to get voted upon.

City Manager Mims stated the way that would happen would be the City Commission would reach a consensus on items that the City Commission would like for them to address, and

prior to second and final reading all documents would reflect the consensuses of the City Commission.

Commissioner Flagg stated the City has an opportunity to transform an eyesore that so many people have talked about on Gulf Boulevard over the last 20 years, and in doing that, make a community that everyone would be proud of. The development is being built by the same developer, Taylor/Morrison, who built The Cove located at 601 Gulf Boulevard, and most of the homeowners in here are full-time and part-time residents and very civic organized. If the City can attract residents like that in a new community, like The Cove on the north end of town, the City would be very fortunate. She thinks everyone wants what is best for the City and with all the advantages, this new development does bring in increased tax value and increased business to the City. Those homeowners will spend money at the City's businesses. It will definitely be an aesthetic improvement to the Gulf Boulevard corridor, a lot more green space. What developer gives away 60 feet of frontage? This is an amazing amount of green space that will change the look of Gulf Boulevard in that location. The developer has agreed to put in a trolley station, but mostly that 60-foot of Gulf Boulevard eliminates the condo-canyon, which everyone is emphasizing on Gulf Boulevard and maximizes the City's green space.

Commissioner Flagg stated with a PUD, the City establishes a strong, trusting relationship with Taylor/Morrison. They have proven to have a track record in the City before in The Cove. She feels establishing a PUD and then working on some of these other areas that the City Commission has asked them to, and using the standardized height of 42 feet when the PUD project will be set back 60 feet from Gulf Boulevard instead having a 35-foot high short-term rental project that is set back 25 feet from Gulf Boulevard, and the back half with a 46-foot high short-term rental project. The look would not nearly be as cohesive as the City would see with this development that the applicant is recommending.

Commissioner Flagg stated all housing codes, building codes, and other land use regulations are still in place with this PUD going forward.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY VICE MAYOR-COMMISSIONER PALOMBA, TO APPROVE ORDINANCE NO. 2019-05, ON FIRST READING, THE REZONING AND RECLASSIFYING OF LANDS OWNED BY B C INDIAN ROCKS LLC AT 2501 GULF BOULEVARD, IN THE CITY OF INDIAN ROCKS BEACH, FLORIDA, LEGALLY DESCRIBED AS B C INDIAN ROCKS LLC AT 2501 GULF BOULEVARD, IN THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4, AND 5, LESS THE WEST 10.0 FEET, TOGETHER WITH LOTS 6, 7, 8, 9, AND 10, BLOCK 8, RE-REVISED MAP OF INDIAN BEACH, TOGETHER WITH A 10.0 FOOT VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOTS 6, 7, 8, 9, AND 10 AND LOTS 1 AND 2, BLOCK 40, RE-REVISED MAP OF INDIAN BEACH, TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EAST OF AND ADJACENT TO SAID LOTS, AND LOT 9, BLOCK 40, RE-REVISED MAP OF INDIAN BEACH, TOGETHER WITH THE EAST HALF OF VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOT, AND LOT 10, BLOCK 40, RE-REVISED MAP OF INDIAN BEACH, TOGETHER WITH THE EAST HALF OF VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOT FROM ITS PRESENT ZONING CLASSIFICATIONS OF BUSINESS ("B") AND MEDIUM DENSITY

RESIDENTIAL ("RM-2") TO A PLANNED UNIT DEVELOPMENT; PROVIDING FOR APPROVAL OF A CORRESPONDING PLANNED UNIT DEVELOPMENT AGREEMENT.

Commissioner Hanna stated the project will be an advantage to the City, but he is concerned with the height of the project. He stated the other issue that has been brought up was the loss of business when the City Commission granted a special exception to allow all residential on the front half of the property. He went on to say that the property has been sitting there vacant for 20 years.

Commissioner Hoofnagle stated the actual building measures 38 feet in height to the middle of the roof. He stated the definition of 35 feet (height) went to the middle of the roof not to the top of the roof. The fact is the City is talking about a few extra feet because of the grade. He encouraged everyone to look at 38 feet versus 42 feet.

Commissioner Hoofnagle stated the City has all these different zoning categories. There is no other normal way to develop these parcels without a PUD because there would have been a half a dozen variances. It would end up being an administrative mess. If this is not a candidate for a proper PUD, nothing is, so that is not an issue in his mind.

Commissioner Hoofnagle amended the motion to approve Ordinance No. 2019-05, on first reading, to include an explicit statement that this new rezoning would be subject to the City's short-term vacation rental ordinance (Ordinance No. 2017-15.)

City Attorney Mora asked Commissioner Flagg, the maker of the motion, if she was amenable to Commissioner Hoofnagle's proposal with Commissioner Flagg responding in the affirmative.

City Attorney Mora asked Commissioner Hanna, the seconder of the motion, if he was amenable to Commissioner Hoofnagle's proposal with Commissioner Hanna responding in the affirmative.

City Attorney Mora stated as the maker of the motion and the seconder are amenable to that proposed amendment to the motion, it is so moved, so the motion on the floor at the moment is to approve the rezoning of the subject property to a planned unit development subject to an amendment to the rezoning ordinance, including language applying the City's existing short-term rental restrictions to this rezoned district.

- Consensuses of the City Commission:
 - *Sidewalk Plan*. An overlay to the site plan identifying crosswalks and sidewalks on the site.
 - *Noise Plan Reduction*. In Between Unit 1 and 18 On The Rocks.
 - *Bus Shelter*. Add language in development agreement that the City will provide the developer with bus shelter plans.
 - *Color Palette/Architectural Themes*. To increase the coastal appearance of the PUD.
 - *Bicycle Racks*. Place bicycle racks in the 10-foot of Gulf Boulevard right-of-way until Phase II of Pinellas County Undergrounding of Utilities begins.

Vice Mayor-Commissioner Palomba inquired about the 1st Street parking, with City Manager Mims responding if it is placed in the right-of-way, it will become beach parking.

City Manager Mims stated ordinances are not perfect; single-family homes are only required to have two spaces, no matter how many bedrooms. The only other option the applicant has is to widen out some or all of the driveways, but the downside of that is that will affect the drainage plan.

Commissioner Flagg stated most townhome communities have the same parking layout.

Vice Mayor-Commissioner Palomba stated he would like to keep the short-term rental language in the HOA documents as long as possible or anything the City can do to mitigate short-term rentals.

City Manager Mims stated there must be no misconception that the City does not have the ability to regulate the duration or frequency of short-term vacation rentals.

City Attorney Mora stated private property rights are firmly entrenched in the State's Constitutional and statutory provisions, and the City does not have the ability to mandate what those documents look like. However, the City does have the ability to pass ordinances of general application.

ROLL CALL VOTE:

AYES: FLAGG, HANNA, HOOFNAGLE, PALOMBA, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

7. OTHER LEGISLATIVE MATTERS: None.

8. WORK SESSION ITEMS [DISCUSSION ONLY]: None.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY VICE MAYOR-COMMISSIONER PALOMBA, SECONDED BY COMMISSIONER HOOFNAGLE, TO ADJOURN THE MEETING AT 8:43 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

September 10, 2019

Date Approved

/dor