

**FINAL MINUTES — SEPTEMBER 10, 2019
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, SEPTEMBER 10, 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 and ten seconds of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, 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 Planning Consultant Hetty C. Harmon, AICP.

ABSENT: Vice Mayor-Commissioner Nick Palomba.

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

1A. REPORT OF Pinellas County Sheriff's Office.

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

1B. STATE REPRESENTATIVE Nick DiCeglie.

State Representative Nick DiCeglie, District 66, stated he has lived in Indian Rocks Beach for the past 22 years.

Representative DiCeglie provided a brief Legislative Summary: approval of a \$91 Billion budget reform, education, and health care reform.

Representative DiCeglie stated he serves on six committees: Civil Justice Subcommittee, Government Operations & Technology Appropriations Subcommittee, Health & Human Services Committee, Local, Federal & Veterans Affairs Subcommittee, PreK-12 Innovation Subcommittee, and State Affairs Committee.

Representative DiCeglie stated he sponsored HB 5, Ballot Measures, which spoke to surtax referendums in the State. Prior to the Bill being passed and signed by the Governor, anytime a local government, school board, or county commission was attempting to increase taxes via sales surtax, elections were being conducted anytime they wanted. HB 5 requires that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election in November.

Representative DiCeglie stated that here in Indian Rocks Beach, as well as in several other beach communities, the short-term rental issue is something that brings Mayor-Commissioner Kennedy up to Tallahassee to testify to Committee and that is a good thing. The issue did not go through the process last year. It tried to essentially create a regulatory framework for each and every municipality in the State. He spoke with the Bill sponsor, Representative Grant, who advised that Bill is going to come through the process again. He does not know what form it will be in, but he encourages the Mayor-Commissioner, any other City Commission Member, and any citizen, to come to Tallahassee and let him know their concerns. He does take his constituents' concerns very seriously.

Representative DiCeglie stated his message to the Florida League of Cities (FLC) is to be at the table at the very beginning. The FLC failed to come to the table throughout the whole process last year. It was very disappointing considering they are a very loud voice when it comes to this specific issue.

Representative DiCeglie stated he does know how important it is and how it has impacted Indian Rocks Beach, and he cannot stress enough how seriously he takes that, and so he looks forward to working with the City with not only short-term vacation rentals issues, but any issues that the City faces in the Legislature this coming session.

2. PUBLIC COMMENTS.

John Pfanstiehl, 448 Harbor Drive South, stated he is very concerned about the rest of the small scale character of the City. As everyone has seen in the over development that has occurred in Madeira Beach and has caused such trouble there, and asked if any of that sound familiar? Madeira Beach developed a new comprehensive plan. A comprehensive plan is now on IRB's agenda. Madeira Beach's Commission approved new ordinances to get around zoning laws through Planned Development (PDs). IRB's Commission made a Planned Unit Development (PUD) ordinance that gets around zoning laws. The City of Madeira Beach hired a consultant and paid for a study to justify their development ambitions. The City of IRB hired Forward Pinellas for visioning, and stated Forward Pinellas' study is titled "*Growth and Development*". He has talked to hundreds of residents earlier this year and not a single one said that they wanted more growth and development. Quite the contrary, they were very concerned about more growth and development. In every IRB election, every candidate talked about preserving the City's small town character. In the past dozen years, and despite repeated requests by residents, Commission Members have done nothing to preserve the small scale character of the City that the residents love. Commission Members have said that it cannot be done because of the Bert Harris Act. That is just not true. There is a lot that can be done.

Mr. Pfanstiehl gave a sample of just three things the City could do to help preserve IRB's character:

- Work to establish historic zones for small cottages, old motels, and businesses.
- Purchase development rights.
- Encourage extensive remodeling of single-story and two-story homes and businesses. Once the legacy businesses are extensively restored, it is far less likely for them to be demolished and replaced with the largest building possible.

Mr. Pfanstiehl stated there are a lot of other ideas. IRB residents have a wealth of ideas on how IRB can be protected. The loss of scale, the loss character of a town happens, foot by foot, and property by property. If the City Commission cares about the small scale character of the town, they should turn their efforts to preservation and protection instead of growth and development.

Kelly Cisarik, 448 Harbor Drive South, stated the Pinellas Suncoast Fire and Rescue District (Fire District) is in the process of receiving funds from Pinellas County to purchase a fire boat. Currently, the Fire District has a Zodiac that can be used from the beach, but they do not have a boat for the Intracoastal Waterways.

Ms. Cisarik encouraged the City to work with the Fire District in providing them with a boat slip at the Keegan Clair Boat Docks.

Peter Sawchyn, 1206 Gulf Boulevard, Unit F, spoke on bicycle safety on Gulf Boulevard, specifically bike lanes from 5th Avenue to 28th Avenue. He appeared before the City Commission on this same issue on May 14, 2019 and July 9, 2019. He stated he has been advised that Gulf Boulevard, from 5th Avenue to 28th Avenue, is a County Road and from 5th Avenue to Whitehurst Avenue is a State Road. However, he feels the initiative momentum should start at the City level and then move to the County and State levels.

John Thayer, 1819 Bay Boulevard, thanked the Public Services Department for repairing the crosswalk beacon flashing light. He suggested the crosswalk at the island between 20th and 21st Avenues be removed and just be a traffic calming island. He suggested that since no one uses it and it is very dangerous for pedestrians to move that crosswalk with the flashing beacons to 20th Avenue because that is where people are crossing.

Steve LeVine, 306 Bahia Vista Drive, expressed his concern with the increase in short-term rentals. He stated more development will bring more crowding, decrease property values, and decrease the quality of life in IRB. He asked the City Commission not to ruin Indian Rocks Beach forever. He and his neighbors cannot get on Gulf Boulevard without risking getting into a wreck by the amount of people and cars that current development has already brought. As a resident that cherishes this town and has sacrificed to live here, he wants the over-commercialization of the town he loves to stop.

Earl Wesson, 617 Garland Circle, stated he is a member of the Action 2000 Visioning Committee, and he wanted to clear up a few things: (1) One of the main goals of the Visioning Committee is to preserve the character that is here in Indian Rocks Beach. (2) The Committee would like to find solutions to preserve the cottages in Indian Rocks Beach. (3) The Committee understands the supply and demand of existing land uses and what it can be used for and if it makes sense.

Mr. Wesson stated that is why Action 2000 teamed up with Forward Pinellas and are paying for a study to determine whether the current designations and future land uses make sense as to what the demand for those uses are. Can the City support more businesses, does mixed-use make sense? And no, this is not an effort to foster growth in the City. It is an

effort to foster smart growth in the City, it is an effort to foster smart redevelopment in the City, and that is the aim.

3A. REPORTS OF the City Attorney: No Report.

3B. REPORTS OF the City Manager:

- (1) **DISCUSS REQUEST from the Pinellas Suncoast Fire & Rescue District to moor a vessel at the City of Indian Rocks Beach Keegan Clair Docks.**

CONSENSUS OF THE CITY COMMISSION FOR STAFF TO PREPARE A DOCK LEASE AGREEMENT BETWEEN THE CITY AND THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT (FIRE DISTRICT) FOR THE FIRE DISTRICT TO MOOR A VESSEL AT THE CITY OF INDIAN ROCKS BEACH KEEGAN CLAIR DOCKS WITH ALL COSTS ASSOCIATED FOR THE INSTALLATION, MAINTENANCE, AND INSURANCE(S) BEING BOURNE BY THE FIRE DISTRICT.

City Manager Mims reviewed the following meeting dates:

- October 1, 2019: Gulf Boulevard Vision Session II from 5:00 - 7:00 P.M.
- October 8, 2019: City Commission Meeting at 7:00 P.M., as part of that agenda there will be a discussion on “fireworks”.
- November 12, 2019: Informational Meeting on Coyotes from 5:30 - 6:30 p.m.

City Manager Mims stated the City responded and was well prepared for the threat of Hurricane Dorian and did order sand and sandbags for the residents. The leftover sand has been secured.

City Manager Mims reviewed the zoning map concerning height limitations within the zoning districts:

- CT (west side of Gulf Boulevard) = Maximum height is 46 feet
- RM-2 = Maximum height is 46 feet
- Single-Family = Maximum height is 35 feet
- B - Business = Maximum height is 35 feet

3C. REPORTS OF the City Commission.

COMMISSIONER HOOFNAGLE:

- In 1979, his grandparents retired to Indian Rocks Beach, and the population of Florida was 9.5 million and the population of the United States was 227 million. Four years ago, the population of Florida was 18.8 million and the population of the United States was 333 million. So growth happens, it is an exogenous factor; it is not like the City is encouraging growth. The City is trying to plan for the growth that is going to happen. There is no way the City is going to stop growing, but what the City can do is put frameworks, policies, and procedures in place to help encourage the kind of growth that will keep the town maintaining its small town character. However, that does not mean it is going to be like it always was. In the 1930s, African Americans were not allowed on the beach. The City has come a long way.

So, the City does not want to go back, the City wants to move forward. The City wants to develop and have growth and evolve. It is a nice thing to hear that the City would like to establish historic zones, purchase development rights, encourage redevelopment, and protect historic structures, which is not done by the City, but rather by County. The City could declare an historic zone, but it has no impact. The single largest threat to the small town life in Indian Rocks Beach is not a townhome, it is the short-term rental epidemic, which has run rampant throughout the City's residential neighborhoods, and for which, the City, as a municipality, has no ability to act. The City relies on its State officials, the City and City Commission lobbies them, and the City relies on public participation to try to stop them. The City is not in a position to change or thwart short-term rentals. There will be a lot of discussion tonight about a few different feet on a project, and he welcomes the dialogue from the public. Some of the comments that have been tossed around on social media and even this evening about growth and development as a negative thing, he believes it should be understood that the City Commission, as a community, is trying to work together, so the City can plan for the growth and the development that is going to happen. That is what this is all about. The City needs public participation and then the City needs to turn that into ordinances that can be implemented and enforced through the City's Code Enforcement Division.

Commissioner Hoofnagle encouraged the public to continue to be involved after this meeting because there is a lot to go on between now and the final recodification of the zoning rules and laws in the City.

COMMISSIONER FLAGG:

- Stated unfortunately, more and more short-term rentals are infiltrating the residential areas that have always been zoned single-family and disturbing the quality of life for IRB residents. In these residential neighborhoods, families used to know each other, help each other, watch each other's children, and even establish neighborhood watches. That used to be the norm. Unfortunately, it is not becoming that any longer. She thinks that respecting the property rights of residential property owners should be protected and preserved. Local municipalities have to have the ability to regulate rentals to ensure balance and quality of life for all that is concerned. The City needs to pursue a solution for short-term rentals, and she knows in the past the City Commission has sent State Representative DeCeglie a letter asking him to support legislation that allows cities to regulate and control short-term rentals. She further stated Mayor-Commissioner Kennedy and City Manager Mims both testified in Tallahassee on the ongoing issues that the City is experiencing with short-term rentals. She recommended the City Commission draft a letter with the assistance of the City Attorney and the City Manager to the Governor and the Florida Legislature asking for the ability for municipalities to control short-term rentals, create some balance, and realistic expectations that will benefit everyone.

CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY AND THE CITY MANAGER TO DRAFT A LETTER TO THE GOVERNMENT AND THE FLORIDA LEGISLATURE ASKING FOR THE ABILITY FOR MUNICIPALITIES TO REGULATE AND CONTROL SHORT-TERM RENTALS.

COMMISSIONER HANNA:

- Stated the biggest concern for the City is short-term rentals. He stated his problem with short-term rentals is the number of people that are being packed into the short-term rental homes causing parking problems. He stated the problems with short-term rentals is not going to go away.
- Stated cities used to have more “home rule” powers, and slowly those powers are being stripped away by the Florida Legislature. In the past, cities used to be able to control what was happening in their cities by making rules and regulations, but over the past couple of years, the cities are losing that control, and he wished cities could go back to those days.

MAYOR-COMMISSIONER KENNEDY:

- Announced the events and meetings of the City Commission and civic organizations.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL of the August 13, 2019 Regular City Commission Meeting Minutes.**
- B. CONFIRMING ACTION taking during the September 3, 2019 Special City Commission Meeting.**
- C. APPROVAL of the September 3, 2019 Special City Commission Meeting Minutes.**
- D. AUTHORIZING the City Manager to sign and approve a one year Agreement for Property/Casualty/Workers’ Compensation and Flood Insurance Coverages with Public Risk Management of Florida for FY2019-20.**

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

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER FLAGG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5D. UNANIMOUS APPROVAL BY ACCLAMATION.

- 6A. ORDINANCE NO. 2019-05 — 2501 GULF BOULEVARD — PUBLIC READING/SECOND AND FINAL 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:

- *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.
- *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
- *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.

CITY COMMISSION ACTION ON FIRST READING: On August 13, 2019, the City Commission unanimously approved Ordinance No. 2019-05, on first reading, with the following consensuses to be added to the ordinance and/or development agreement:

- *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.

A notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on the subject property on August 26, 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.
- Email of opposition from Jeannie Mele.
- Email of opposition from Amber Preece, 11th Avenue.
- Email of opposition from Raymond Springer.
- Email of opposition form Terry Montcalm.
- Email of opposition from Mark and Anne Smith, 414 Harbor Drive North.
- Email of opposition from Heidi Wilkers, 312 Bahia Vista Drive.

Pursuant to a legal notice published in the August 30, 2019-edition, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on September 10, 2019, for Ordinance No. 2019-05.

[End of Staffing Report]

City Attorney Mora read Ordinance No. 2019-05 by title only for second and final reading.

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.

Mayor-Commissioner Kennedy opened the public hearing.

Planning Consultant Harmon stated the property is zoned "B" Business along Gulf Boulevard and "RM-2" Residential-Medium along 1st Street. The present zoning would allow for 34 units on this property, but the applicant is proposing 32 units.

Planning Consultant Harmon reviewed the deviations from the City Code and the amendments to the development agreement:

DEVIATIONS FROM THE CITY CODE:

- *SETBACK.* The buildings will be setback 60 feet from the sidewalk. (It should be noted that the lot line sets back an additional 10 feet from the existing sidewalk.)
- *LOCATION OF POOL.* The pool and amenity structures will be in the front yard, which would require a variance.
- *PARKING.* Stack parking in driveways. Each unit will have an attached garage providing for resident parking internal to the unit, along with tandem parking provided for in each unit's driveway. The project does not propose any individual driveways to back out into the adjacent public street network.
- *HEIGHT.* Maximum building height 42 feet. Maximum height for the "B" zoning district is 35 feet (lots fronting Gulf Boulevard) and the "RM-2" zoning district is 46 feet (lots abutting 1st Street).

ADDITIONS TO THE DEVELOPMENT AGREEMENT:

- *SIDEWALKS:* Sidewalks have been provided from Gulf Boulevard down to 1st Street on both sides of 25th Avenue and on the one side of 26th Avenue.
- *BIKE RACK:* A bike rack will be constructed by the developer proximate to the bus shelter as shown on the PUD Site Plan and language has been added to the development agreement.
- *NOISE:* Noise mitigation measures have been added to the development agreement.
- *PALETTE COLORS.* The City Commission was provided with three palette colors. Option A - Grey and Yellow, Option B - Coastal Grey and Blue, and Option C - Driftwood.

Commissioner Hoofnagle stated in the engineering diagrams, the building height is labeled as 39 feet, and the Planning Consultant is talking about 42 feet, and inquired what is the additional 3 feet.

Planning Consultant Harmon stated the project has not gone through the whole engineering design with SWFWMD [Southwest Florida Water Management District], and the applicant wants to make sure that SWFWMD agrees on all the drainage that could actually require some fill on the lot.

Commissioner Hoofnagle stated that would be 3 feet of land above the crown of Gulf Boulevard, is that what the Planning Consultant is saying?

Planning Consultant Harmon stated that would be fill on the lot itself. However, she does not think they would need that.

Commissioner Hoofnagle stated 42 feet is getting tossed around, and it has been a highly sensitive subject, so he is really wondering if it is really 42 feet. That means that 3-foot of landfill and that 3-foot would be over the crown of Gulf Boulevard, with Planning Consultant Harmon responding no.

Commissioner Hoofnagle asked where is zero at, with Planning Consultant Harmon responding zero is at the crown of the road.

Commissioner Hoofnagle stated which road, Gulf Boulevard.

Planning Consultant Harmon responded there are all different sides, and she does not know which road is the highest or it could be an average of them.

Commissioner Hoofnagle clarified that the building itself is 39 feet, and the building in the current City Code would be 35 feet without any change on the front lots, so it would be an increase of 4 feet in building height, and some additional subjectivity based upon the drainage requirements of SWFWMD.

Commissioner Hoofnagle stated it is a 4-foot increase on height on the front lots and a 4-foot decrease in height on the back lots.

Commissioner Hoofnagle recommended that language be added to the development agreement limiting the units to not exceed two-stories over parking.

CONSENSUS OF THE CITY COMMISSION FOR STAFF TO AMEND THE DEVELOPMENT AGREEMENT TO ADD LANGUAGE LIMITING THE UNITS TO NOT EXCEED TWO-STORIES OVER PARKING.

Alexis Crespo, ACIP, LEED AP, Senior Vice President-Planning, Waldrop Engineering, 9432 Camden Field Parkway, Tampa, Florida, representing Taylor/Morrison, stated today this project is approved for 34 townhome units. Taylor/Morrison is coming in with a lesser number than could be developed with 32 units.

Ms. Crespo stated the applicant is asking for a slight increase in height for what is permitted in the Business zoning district of about 4 feet of additional height. Those buildings will be set back 60 feet off of Gulf Boulevard whereas they could be 25 feet off the road in exchange for that 4 feet in height, and then on top of that, the applicant is going to make sure the buildings that front on First Street are going to be several feet below what could be built today by right, so when the City Commission takes the setback, the fact that the height is being reduced on First Street, the applicant feels that is a very fair compromise and the applicant will uphold what they agree is the small town character of Indian Rocks Beach, which they are trying to certainly uphold through this project.

Ms. Crespo stated in terms of Taylor/Morrison, they are a developer in town, who were the developers for The Cove Project. The City has had the opportunity to work with a

developer in Indian Rocks Beach that has demonstrated deed restrictions attached to another project that limit rental time frames that was set up with a six-month minimum rental time frame, two times per year. Certainly, condo associations can come back and amend those, but property owners typically want to keep those enforced in areas with deed restrictions.

Ms. Crespo stated this is a PUD with a binding PUD Agreement, and it will also have a homeowners' association, and recorded deed restrictions and covenants that run with the property.

Ms. Crespo stated additional plantings have been added mid-story, canopy trees, so that the project will be very densely vegetative in addition to the wall and that has been placed in the PUD Agreement.

Ms. Crespo reviewed the color palettes with the City Commission. Option A - Grey and Yellow, Option B - Coastal Grey and Blue, and Option C - Driftwood.

Commissioner Hanna stated it is very evident that he does not see a big box to the units; they have more of a Key West-styling.

Mayor-Commissioner Kennedy stated she preferred Option A, with Ms. Crespo stating these are the lighter blues.

Nancy Adani, Owner of 18 On The Rocks, 2405 Gulf Boulevard, stated she has no objection to the development as long as they can cooperate with them and is mostly concerned about the aesthetics. She stated living on the beach, she does think it is important to maintain the vibes of Indian Rocks Beach in the colors, the trees, and the shrubs. She knows they are considering a wall between her restaurant and the development, and stated she somewhat objects to that, but if it must be done, she would like to have shrubs and trees planted on her side because right now her view is greenery, trees, and grass. If it is just going to be a wall and they place the vegetation on their side, they will be left looking at cement, and she thinks that will take away from the aesthetics from her restaurant.

Ms. Adani stated as far as parking, she does not know where the excess parking is going to go. She stated her overflow parking parks on First Street, behind the restaurant, which would also be behind the new development, and as long as they can operate and come to some agreement, so that all her parking is not taken away, she has no problem.

Ms. Adani asked if the developer would be careful with the weed killers and possibly use natural weed killers, so that it does not harm or destroy the animals, bees, butterflies, birds, and etc.

Kelly Cisarik, 448 Harbor Drive South, spoke in opposition of the project. She stated her concerns are both the parking and the building height. This development does not have a hardship based on height. They can build three bedroom units with or without a height increase. She would like to know if with this roof line, if a loft could potentially be added in these units either by the developer during the building process or afterwards by future

owners. If the City Commission grants a PUD status tonight, the development can undergo minor modification with just staff approval afterwards and it will not come back before the City Commission. She does not think the City Commission has asked for any interior floor plans for this complex. There was only a half page interior drawing provided by the developer in the application packet and it had no details to identify what the rooms are, the room sizes, or identify the load-bearing walls. If she was a developer doing this project, she would minimize her ceiling heights and use the extra height that the City Commission is granting to design a loft area in each unit. A loft can be used as an office or as an extra sleeping area for guests. A loft, if it lacks either a closet or window, cannot technically be called a bedroom, but can be used as an extra bedroom after it is sold. That is a great way for a developer to get these units from the mid \$500,000 range to the mid \$600,000 as they have mentioned. It also makes the property very attractive to rent out short-term because the owner can potentially advertise three bedrooms plus an extra loft that sleeps two or maybe even four depending on its size. As she mentioned at the first public hearing, she would be very concerned about the parking situation and how much pressure that would put on the neighbors. She stated the City Commission has not done enough homework on this project, and she would ask the City Commission to vote down this project until the City Commission can get both interior drawings and the deed restrictions and the HOA docs the developer intends to use. She feels that is the only way to protect the public on this project.

Ann Todia, 919 Harbour House Drive, spoke in support of the development. She stated she has lived in Indian Rocks Beach for almost 20 years, and lives in a PUD that has 30 units and not a condo complex. She stated her PUD works hard to have a uniform look and well-maintained properties. Their buildings are set back from Gulf Boulevard and their development is surrounded by well-maintained hedges. They own and maintain their own street. They have plenty of owner parking and parking has never been an issue. They do not have a lot of rentals. She is here to let the City Commission know that she supports this project. It seems to her in small towns, it is easy for rumors and misinformation to spread. The City Commission and City staff hear from the public repeatedly more often from those who are dissatisfied or unhappy. She wants to be a voice of support. She is here to say publicly how satisfied and happy she is with the hard work of both the City Manager, his staff, and the City Commission. She believes everyone works for the good of Indian Rocks Beach now and the future. The City Commission is forward thinking in their action, and yet the City Commission remains cognizant of the desire of the citizenry to keep the City's small beach community feel. She is saddened to hear of a trend by some in IRB who are dissatisfied and unhappy with the City Commission's action using social situations, social gatherings, and social media to embellish information, overstate and understate details, and twist facts, stirring up skepticism and distrust among residents who hear and read these distorted ideas. She offers her complete support and trust. She does not believe any member of the City Commission would intentionally do anything that was not good for Indian Rocks Beach, including the approval of this development.

Rod Baker, 364 Bahia Vista Drive, thanked the City Commission for doing a good job running the City and appreciate the hard work that the City Commission does. He stated it is not so much about the height or the number of units. It is the fact that the City is giving up mixed use zoning, and once it is given up, it is forever. He encourages mixed use zoning and encourages the City to keep as much as it can.

Lori Bohlen, 109 Haven Beach Drive, The Cove, spoke in support of the development. She and her husband live at the Cove, the Taylor/Morrison development built in 2014, at the corner 7th Avenue and Gulf Boulevard. Their experiences as residents have been nothing short of fantastic. It is an aesthetically beautiful community. It is well-maintained, well-built, and a safe and secure community. The floor plans and amenities were exactly what they needed. But, importantly what makes the Cove such a great place to live are the Cove residents. The Cove residents have exceptional pride of ownership in their homes and it shows in the consistently well maintained look and feel of the community. The Cove residents are a caring group, genuinely interested in the well-being of their fellow Cove and IRB neighbors. The Cove residents above all are a participatory group from almost a standing room only attendance of a Cove HOA Meeting to the resident-organized Cove cleanup days and social events to their participation in the greater IRB community, including the HOA, the Library, Action 2000, beach cleanup days, and other local IRB events. Anyone would be hard pressed to find a more committed group of residents who believe in helping IRB become one of the greatest beach communities in the area. Taylor/Morrison proposed development fills a void in housing options in IRB. If a person does not want a multimillion dollar beach home, a multibillion dollar beach cottage, or cannot afford one, and a person wants new construction and wants maintenance free, lock and leave living, what are the options in Indian Rocks Beach? For them and many other people like her, a development like the Cove filled that need, and if those who would purchase homes in the proposed development are anything like those who were attracted to the benefits and lifestyle of the Cove, the City should be proud to have them join this beloved community of IRB.

Bill Teufel, 110 12th Avenue, spoke in opposition of the development. He stated he has been a resident of IRB for 42 years and has been a real estate broker since 1972. He has seen a large amount of growth in Indian Rocks Beach over this time span. He believes ideally that being a green space would be much more attract, would increase the property values, and would make the IRB residents happier than seeing more condos. He believes the City has the money to maintain this property as open green space. He stated the Pinellas County beaches have been ruined by growth and development and Indian Rocks Beach is the last hold out, and he does not want to see IRB ruin. He stated he is totally against this project.

Don House, 2104 Beach Trail, spoke in support of development. He stated in lives in one of the last beach cottages that was built in 1948 and has been in his family for 60 years. He stated this is not a bad idea because this development has the least impact on Gulf Boulevard based on trips per day. He stated the owners have property rights and they can do what they want to do, and they can sell it to someone who wants to turn it into green space, which will have no impact on Gulf Boulevard and no impact on property taxes either. He stated this is a good project with minimal impact on Gulf Boulevard for what they could do. A mixed use development would probably cause ten times the traffic on Gulf Boulevard. He stated Gulf Boulevard is loud and busy.

Bill Synder, 18th Avenue, spoke in opposition of the height. He stated he does not think the City should grant another inch in height because what is going to happen next time a developer comes in and wants to increase the height to 52 feet. The City Commission needs to stand its ground and leave things the way they are.

John Pfanstiehl, 448 Harbor Drive South, spoke in opposition of the development. He stated it seems like a few comments might have been addressed to him in his *Next Door* posts. There is not a single post he made on *Next Door* that was inaccurate or distorted. People can reply to it. He continued on to explain his posts to *Next Door*.

Mr. Pfanstiehl stated there has been a lot of discussion regarding 42 feet, which is the City Code's measurement of the height of building (the height of building taken from the crown of the road) and 39 feet, which is the actual structural height. That is apple to oranges and what is confusing people.

Mr. Pfanstiehl stated the residents have heard that development is inevitable. There are wonderful places across the country where development had been limited, where changes in height and other changes in zoning were not allowed.

Mr. Pfanstiehl stated he does hope IRB works toward historic zones and many other things like St. Petersburg and other places have done.

Mr. Pfanstiehl stated it is a terrible precedent. It is one of first uses of the City's new PUD ordinance, and the City Commission is already increasing building heights along with other zoning giveaways. In the *Next Door* poll of IRB residents last month, he asked residents "Do you want building heights to be increased on Gulf Boulevard?" Ninety-six percent responded "No".

Mr. Pfanstiehl stated the additional building height is not necessary. There is no hardship. It only gives them taller ceilings. This PUD is for big box buildings, and there is no parking for all their guests.

Mr. Pfanstiehl stated granting this PUD sends a clear signal to other developers that when it comes to increasing building heights, IRB is open for business. He urges the City Commission to vote no.

Don Bishop, 1907 Bay Boulevard, spoke in support of the development. He stated he is a Florida native, and has seen a tremendous amount of growth. He has seen some very serious growth in Indian Rocks Beach. He stated there are not many tall buildings in Indian Rocks Beach as there are in the other Pinellas County beach communities because of the City Commission, which has helped maintain the small town feel.

Mr. Bishop stated he supports the proposed development, and he appreciates the developer's efforts. He stated the setback from Gulf Boulevard is fantastic, the landscaping is phenomenal, and the amount of green space is wonderful. He stated this is the best use of the land now in this area of growth. Growth is going to happen, it cannot be stopped. He stated the City Commission has done a very good job at controlling the growth, and he applauded the City Commission for their calm, professional demeanor against what he considers a "BS" assault on social media. He thinks the City Commission has handled it very well, and he thinks there have been some outlandish charges. He thanked the City Commission for their service.

Robert Pergolizzi, Driftwood Sands, 2618 Gulf Boulevard, Unit 503, spoke in support of the development. He stated this project directly affects him as he lives directly across the street from the proposed development.

Mr. Pergolizzi stated despite a rumor about the PUD being an effort to circumvent the zoning ordinances, it is not that. A PUD is a tool that allows the City Commission to actually exert more control over the development. There is an increase in height with an extraordinary increase in setbacks from Gulf Boulevard. The increase in height is more than mitigated by the extra setback from 25 feet to 50 feet, and in exchange for this tradeoff, the City is getting more green space, sidewalks on 25th Avenue, on both sides, and on one side of 26th Avenue, a transit shelter, and the City Commission is able to choose the color of the buildings. He supports the development of this beautifully located property that is currently a blemish on Gulf Boulevard. He stated this is the right project, it is a good plan, and he believes it will be an asset to the area and will increase property values.

Mr. Pergolizzi urged the City Commission to reaffirm last month's vote for approval with another vote for approval.

David Ardman, 351 LaHacienda Drive, spoke in support of the development. He stated Taylor/Morrison did a terrific job with the Cove, and stated this is a good use of the land. He thinks the developer has offered some good concessions, and he applauded the City Commission's work and he thanks the City Commission.

Eric Meyer, 2316 Gulf Boulevard, spoke in support of the development. He stated it is a great idea, and he agrees with all of Ann Todia's remarks.

Laura Lindsey, 432 18th Avenue, stated she grew up in Tampa and has been coming here since she was three years old. She stated Indian Rocks Beach is becoming somewhat unrecognizable. She agrees that growth is inevitable, population is growing, and more people are moving to Florida. She appreciates that this is a planned unit development, so there will be some rules certainly initially that will come with it that addresses some of the concerns that the residents already have with it. She stated planning further for the population and speaking to the traffic on Gulf Boulevard there will come a time when the City will need to plan as a community to do less with cars and maybe look into some of the arrangements like easy bike rental-type things. To her this PUD is limiting mixed use, and she would really like to see mixed use on this property. She would really like to see shops in the bottom, an open air market, a produce market, a coffee shop, and etc., but parking would be the problem. The City needs to think about alternative methods of transportation. Most people love to come to IRB, park their cars and ride a bike the whole time they are here. Not everyone knows how to access a bike, and that is something the City might want to look into moving forward.

Ms. Lindsay stated her concern with this project is where are their guests going to park, and there needs to be an architectural review for the project to be more consistent with the beach-style, as this looks rather urban to her.

Hugh Burton, 1102 Beach Trail, spoke in opposition of the project. He stated with the guidance of the City, the City Commission, and the developer, he is sure the development will look very awesome, but he cannot support this development. He knows the City cannot stop growth, and he is not for stopping growth, but he does think there are other things that the City can be doing. He stated once this zoning is changed, it is gone forever. There is not much green space left on Indian Rocks Beach. One of the reasons he came to IRB was for its small town feel.

Julie Hoofnagle, 2 Fifth Avenue, spoke in support of the development. She stated she and her husband live in a small cottage that was built in 1919 and they love it. There has been a trend for more than 20 years with people working at keeping Indian Rocks Beach a small town community and that work continues through the upcoming Visioning Sessions. In fact, one of the organizations in town, Action 2000, got started through Visioning Sessions. Just because the City is having Visioning Sessions does not mean the City is going to allow developers to build big buildings that do not belong here. The residents really care about keeping the City's small town character and smart grown. The residents want to keep Indian Rocks Beach small and beautiful.

Ms. Hoofnagle stated she supports this project because the applicant has done a lot to pull the buildings back from Gulf Boulevard, 60 feet, and they have reduced the height of the buildings on the back lots from 46 feet to 42 feet.

Ms. Hoofnagle stated overall this is going to fit very well with the community, and it is beautiful. She has seen the Cove, and she sees how wonderful that is. She actually thinks this development will help businesses in the Up Town commercial node by having residents there and going out.

Earl Wesson, 617 Garland Circle, spoke in support of the development. He stated if the zoning was not changed, there could be a 35-foot commercial development in Business section. Theoretically, that could be a two-story bar or restaurant with parking underneath and look at the impacts that would have to the neighborhood, the surrounding community, and to Gulf Boulevard, and then there could be 15 residential units at 46 feet behind that.

Mr. Wesson stated in 1986, the State of Florida passed the Growth Management Act and in that Act, it created planned unit developments (PUDs). The idea behind PUDs was to enable a property owner and a jurisdiction to work together collaboratively to come up with the best possible use for property that would be in keeping with the surrounding area.

Mr. Wesson stated the development is a good idea for that property. He has been involved with PUD Agreements in the past, and would recommend, and strongly urge, the City Commission to adopt in the ordinance/development agreement the site plan, elevations, color palette, possibly, if legal, rental limitations, signage, landscaping, and so forth. The City needs to protect the integrity of the project.

Ira Heshimati, 315 La Hacienda Drive, spoke in support of the development.

John Thayer, 1819 Bay Boulevard, stated everyone is for retaining the small town feel. He does not have a huge objection to the project. However, his objection is to the height

limits, and is also concerned with parking for guests. He stated Indian Rocks Beach is the only beach left that does not have the high rises on Gulf Boulevard.

Planning Consultant Harmon stated a special exception was approved two years ago to allow all residential use in the Business zoning district.

Planning Consultant Harmon stated the exhibits, the landscape, the elevations, and the site plan, are attached to the ordinance and are made part of the ordinance.

City Attorney Mora stated since the City is rezoning and this would change the rezoning for these two properties. Enclose in the ordinance for this particular rezoned area are all of the City's ordinances and regulations governing the operation of short-term rentals shall apply in this zoning district that has been added to the ordinance since first reading to make that more explicit and clear, so that has been done, and that is the intent to which the City is able to regulate short-term rentals.

City Attorney Mora noted in addition to the public comment this evening, there has been additional correspondence received throughout day and those have been submitted into the records and submitted to each City Commission Member as they evaluate this application.

City Attorney Mora stated there was a representation made concerning staff's ability to manipulate the terms of the agreements or the ordinances afterwards, and in Code Section 110-649, Minor adjustments to approved PUD, there is a provision for the City Manager or designee to make minor adjustments, but only in a manner that would decrease the intensity, the number of dwelling units is the same or less, the open space is in the same general location and in the same amount, or greater amount, the floor area of the buildings is the same or less, the streets follow approximately the same layout, access points for the project site are the same or less in number and in the same general location, and the extension time limits for development, there is a very specific provision governing that. Those are the manners in which staff make those minor adjustments reference.

City Attorney Mora stated in Code Section 110-647, Application requirement for rezoning to PUD, it specifies no fewer than 13 different things that must be submitted, which do include survey, site plans, traffic analysis, etc., so all that is part of the materials and incorporated into the agreement.

Ms. Crespo stated each unit will have two internal parking spaces as well as a third space in the driveway, so three parking spaces per unit. There will be the ability to park in that internal street for any of that occasional guest overflow parking. She stated the developer looked at inserting other guest spaces within the community, and they think that would ultimately take away from the green space.

Ms. Crespo stated the applicant is in agreement with City staff that this development is consistent with the City's comprehensive plan as this is actually less density than is allowed on this property per the comprehensive plan. It meets the City's Land Development Code criteria. The changes proposed will be an improvement to the project and the PUD zoning

district is not setting a negative precedent, but is setting a very high bar for the City to utilize in moving forward in terms in enhanced setbacks, shelters, sidewalks, etc.

Ms. Crespo stated the applicant would respectfully request the City Commission's approval of the project with all of the exhibits binding, attached to the development agreement.

The public hearing was closed.

Mayor Kennedy spoke on the *Next Door* posts and read a few statements that distorted the facts of the project.

Mayor-Commissioner Kennedy stated she would like to explain the process, some definitions, and share a few comments.

She stated this is a two-acre parcel with two different zoning designations. The front parcel on Gulf Boulevard is zoned Business and was granted a special exception in 2017 to be able to have residential in the front. A special exception is not a zoning change. This was determined because the back half of the property is zoned RM-2. The RM-2 designation stands for Medium Density, multi-family, residential zoning. The front has a 35 feet height and the back half has a 46 feet height allowance. The property could build 34 units. The front setback is 25 feet. These zoning codes have been in place for years.

The proposal is as follows: The back RM-2 property (46 feet) would be lowered to 42 feet, and the Business property (35 feet) would rise to 42 feet. The front setback would double to 50 feet, and there would be a decrease in amount of units from 34 to 32. Trees surrounding the project, sidewalks, and a bus stop designed to match all the coastal bus shelters throughout IRB. The facade has been changed to a Coastal Key West-style and colors.

There have been several posts concerning green space. She has lived in IRB for over 35 years. This property has been privately owned. The City has not owned this property at any time. The property there has been vacant for many years. No one has stepped forward to purchase the property to establish it for green space.

A PUD is a planned unit development. It is used on parcels of a half acre or more. A PUD is put in place for flexibility within a project and to add stronger control for the City while a project is developed. A PUD has absolutely nothing to do with rentals of condos, townhomes, or of any piece concerning duration of stay.

For the record, this project has stated the townhomes will have two times a year (6 months) rental or live year around.

It has been mentioned this is last parcel that the City has for mixed use. The truth is Casa Italia, 2699 Gulf Boulevard, Valery Insurance, 2113 Gulf Boulevard, 18 On The Rocks, 2405 Gulf Boulevard, and Laughing Lizard Bed and Breakfast, 2211 Gulf Boulevard, are all mixed use just to name a few.

The property at 2501 Gulf Boulevard had three previous attempts at mixed use. The City was told it was not economically feasible to construct mixed use after further investigation.

Mayor-Commissioner Kennedy stated she has been studying mixed use for over 30 years. She has presented numerous reports to Pinellas County cities, wrote an article published in the *Florida League Quality of Cities Magazine*, and put her money where her mouth is because she has owned and lived in a mixed used property for over 25 years.

Mayor-Commissioner Kennedy stated she did a presentation to Forward Pinellas collaborating with USF Professor Green, who did the original study of IRB on Gulf Boulevard concerning mixed use, and together they researched many communities. She is a proponent of mixed use.

Mayor-Commissioner Kennedy stated City staff and the City Commission spent hours studying these plans, the parcels, and the odd two zoning codes of the project that the City Commission is discussing tonight. From the questions and the analysis of the City Commission, she is led to believe that they too spent considerable amounts of time.

Mayor-Commissioner Kennedy stated everyone has been a part of the visioning sessions where IRB extended family, HOA, A2K, and folks from the community came and listened, voiced opinions, and held discussions on how the community envisioned the City as everyone continues to live, work, and play in IRB, and the conversation will continue in the session where everyone is invited on October 1st.

Mayor-Commissioner Kennedy stated as an elected official each member of the City Commission takes an oath when they are sworn in. Each City Commission Member, during the first public hearing concerning the property at 2501 Gulf Boulevard, were questioned by the City Attorney if any member had any exparte communications with the applicant or associations, or site visit. All members acknowledged that they had not. The August Meeting was the first time she had met the individuals involved in this project.

Mayor-Commissioner Kennedy stated social media is a powerful tool. One can write slanderous comments. There is not a person on the City Commission that was born with a silver spoon in their mouth. All City Commission members work very hard, volunteer their time, energy, and love this community. They take their job very seriously. They don't get paid a lot of money. They are not padding their pockets, getting kick backs, or having private dealings with this developer.

Mayor-Commissioner Kennedy stated as the Mayor of IRB and someone born here and lived in this community most of my life, and when I see individuals making comments about City Commission Members or singling out a segment of the community who go to work every day to make a living and love IRB, just like everyone does, she believes it is her duty to set the record straight.

Mayor-Commissioner Kennedy wanted to thank everyone that reached out to her from the posts, came to her shop, and viewed the project, and gave input and suggestions.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2019-05, ON SECOND AND FINAL 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 WITH THE AMENDMENT THAT ALL UNITS ARE LIMITED TO TWO STORIES OVER PARKING.

Commissioner Hoofnagle stated the City will continue to build out the retail environment in this City. This is private property, not government property. Ten years ago, there was the ability to buy that lot and make it a green space, and approximately ten years, a Publix was proposed, and another mixed-use was proposed, they were great ideas and received approval from the City, but when they went to the bank, they could not get financing. It is really great to talk about what could be, but the City Commission has to deal with what comes to them for approval. He stated there could be some semblance of these townhomes without the PUD. They would be closer to the street, they would be higher in the back, and he feels they would be less attractive.

Commissioner Hoofnagle stated everyone talks about mixed use and retails. The only kind of retail that is going to proliferate in this small town is most likely going to be experiential-type retail. The reality is the kind of retail that is going to be here 10 to 15 years from now is going to be driven by property owners who take financial risks to build businesses that they think can survive.

Commissioner Hoofnagle stated one of the up and coming mixed use models is VRBO on the top and empty stores on the bottoms, so just be careful because he does not necessarily believe that having a quasi-hotel and a vacant retail space on the bottom is good for the City.

Commissioner Hoofnagle stated the developer has done a decent job of accommodating the City's requests. He stated this is a development in terms of density, which is two stories over parking, and by definition that is not a condo canyon, that is not building heights that are soaring over what is to be expected in a normal development. Ten foot ceilings, ten

foot ceilings in the garage, those are normal these days. People want high ceilings and garages to accommodate their vehicles (trucks). The building structure height is 39 feet versus 35 feet. There is a 3-foot differential, which has been added to accommodate potential changes in the ground level to support drainage requirements from SWFWMD.

Commissioner Hoofnagle stated he does think the set of compromises is ideal such as lowering the building heights in the back, having an increased setback in the front, having entrances and exits off of Gulf Boulevard for a safer and more pedestrian friendly development. He does not particularly like the backs of buildings facing Gulf Boulevard, but he would rather have that, than have cars backing out from 10 or 12 driveways.

Commissioner Hanna stated the City Commission is not going to do anything that is going to harm the City because it is going to harm them too. He stated Indian Rocks Beach will never become Sand Key.

Commissioner Hanna stated this project is not making Gulf Boulevard a condo canyon. The project will be set back 60 feet from Gulf Boulevard, and there will be a lot of green space abutting Gulf Boulevard. This property has sat on Gulf Boulevard for past 15 plus years.

Commissioner Hanna requested that residents bring their ideas to the City Commission prior to the meetings, not at the meetings or two days prior. He stated he is the peoples' City Commissioner and he is here for the residents.

Commissioner Flagg stated she would like for the applicant to consider some of 18 On The Rocks suggestions and requests.

Commissioner Flagg stated this is the best use for this property at this time. The 50-foot setback is a big deal because the City is always looking for green space and the City does not want the condo canyon that everyone refers to. This is a good step in allowing some of that visual that residents want on Gulf Boulevard. The trolley stop and the bike racks are keeping with the City's positive pedestrian theme that the City would like to see along Gulf Boulevard. This project will create less traffic on the road than any mixed use or commercial project.

ROLL CALL VOTE:

AYES: FLAGG, HANNA, HOOFNAGLE, KENNEDY.

NAYS: NONE.

ABSENT: PALOMBA

7. OTHER LEGISLATIVE MATTERS: None.

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

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOOFNAGLE, TO ADJOURN THE MEETING AT 9:15 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

October 8, 2019
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/dor