

DECEMBER 12, 2023

**REGULAR
CITY COMMISSION MEETING**

@ 6:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.indian-rocks-beach.com

AGENDA
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, DECEMBER 12, 2023 @ 6:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. PRESENTATIONS.

- A. REPORT OF** Pinellas County Sheriff's Office.
- B. REPORT OF** Pinellas Suncoast Fire & Rescue District.

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall occur between the speaker and the City Commission.)

3. REPORTS OF:

- A. City Attorney.**
- B. City Manager.**
- C. City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA:

- A. APPROVAL OF** the November 14, 2023, Special City Commission Meeting Minutes.
- B. APPROVAL OF** the November 14, 2023, Regular City Commission Meeting Minutes.

6. PUBLIC HEARINGS: None.

7. OTHER LEGISLATIVE MATTERS: None.

8. WORK SESSION: None.

9. OTHER BUSINESS. : None.

10. ADJOURNMENT.

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 lkornijtschuk@irbcity.com, no later than FIVE (5) days before the proceeding for assistance.

POSTED: December 8, 2023.

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 9, 2024 @ 6:00 P.M.**

AGENDA ITEM NO. 1A
REPORT OF
Pinellas County Sheriff's Office



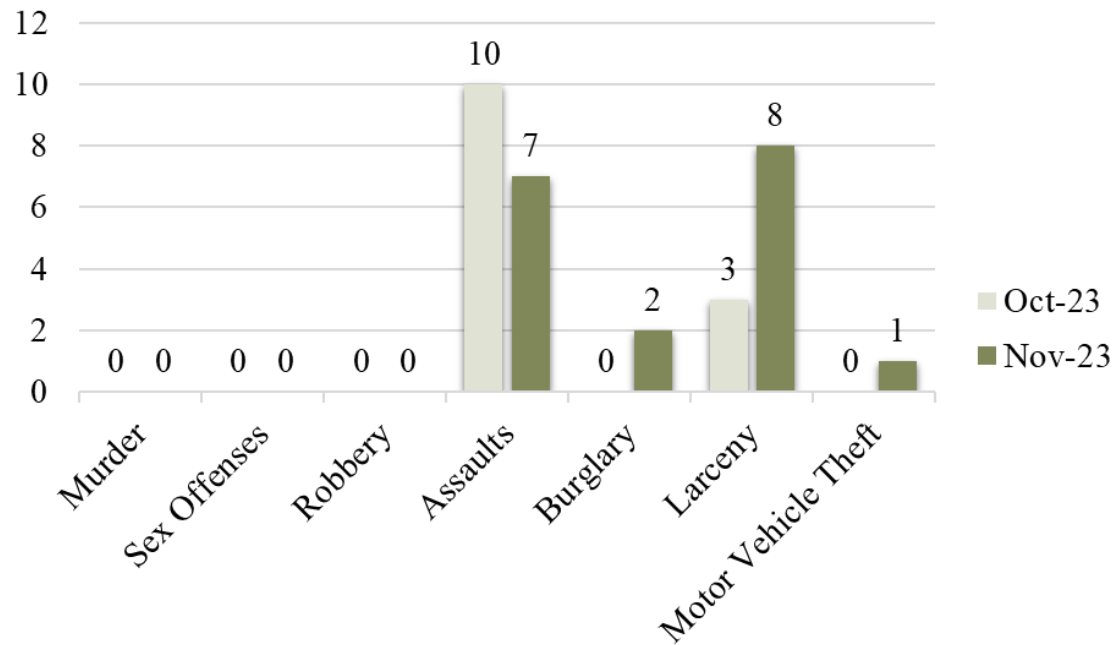
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

November 2023

Select UCR Property & Person Crimes	October 2023	November 2023	November 2022 YTD	November 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	3
Robbery	0	0	3	2
Assaults	10	7	44	66
Burglary	0	2	14	6
Larceny	3	8	59	89
Motor Vehicle Theft	0	1	5	8
GRAND TOTAL	13	18	126	174



Arrests

November 2023

There was a total of **17** people arrested in the City of Indian Rocks Beach during the month of November resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	8
Battery-65 Or Older	1
Battery On LEO	1
Felony Battery-Prior Convictions	1
Possession Of Controlled Substance	3
Resist LEO With Violence	1
Unlawful Possession Of Personal ID Of Another	1
Misdemeanor	12
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	1
Exposure Of Sex Organs-Adult	1
False Name Or ID By Person Arrested	1
Petit Theft-Shoplifting	1
Possession Of Certain Drugs Without Prescription Unlawful	1
Resist/Obstruct LEO Without Violence	1
Threat To Law Enforcement Officer	1
Trespass After Warning	2
Violation Of Probation/Community Control-Adult	1
Warrant	6
Warrant Arrest	6
Traffic Felony	2
Driver's License Suspended/Revoked-3rd Conviction	2
Traffic Misdemeanor	2
Driver's License Suspended/Revoked	1
Driving Under The Influence	1
Grand Total	30

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There was a total of **696** events in the City of Indian Rocks Beach during the month of November resulting in **942** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of November. **CAD data is filtered by problem type.*

November 2023

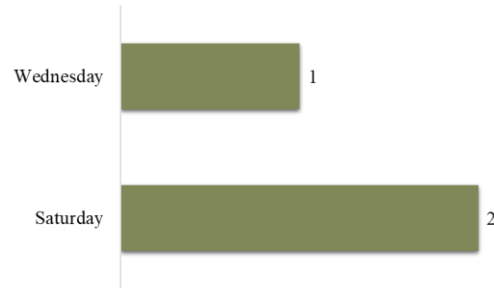
DEPUTY ACTIVITY	TOTAL
Traffic Stop	213
Directed Patrol	141
House Check	51
Suspicious Person	26
Vehicle Abandoned/Illegally Parked	23
Information/Other	17
Transport Prisoner	16
Warrant Service/Attempt	15
Assist Citizen	14
911 Hangup Or Open Line	13
Noise	11
Contact	11
Trespass	10
Surveillance	9
Supplement	9
Assist Other Agency	8
Alarm	8
Lost/Found/Abandoned Property	6
Area Check	6
Suspicious Vehicle	6
Civil Matter	6
Theft-Not In Progress	5
Community Contact	5
Ordinance Violation	5
Domestic-In Progress	5

Crash & Citation Analysis

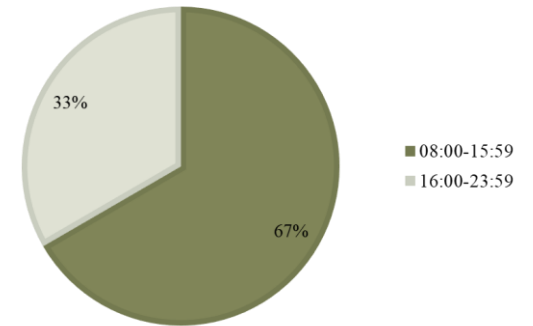
There were **3** crashes in the City of Indian Rocks Beach during November 2023. *Crash data is filtered by disposition type and may include “accident and hit and run” problem types.

CRASH LOCATIONS	TOTAL
23rd Ave/Gulf Blvd	1
Gulf Blvd/3rd Ave	1
213 Gulf Blvd	1

Crashes by Day of the Week



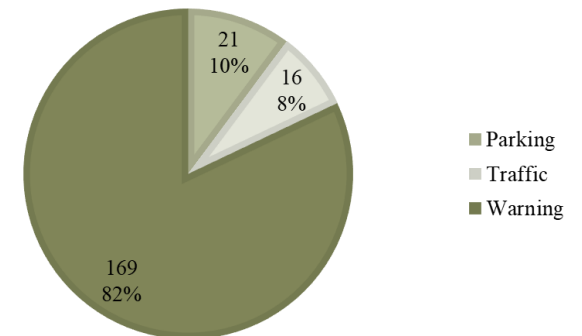
Crashes by Time of Day



There were a total of **206** citations and warnings issued in the City of Indian Rocks Beach during November 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
512 2nd St	2
23rd Ave & Gulf Blvd	2
5th Ave & Gulf Blvd	1
1st St & 4th Ave	1
Gulf Blvd & 8th Ave	1
210-212 21st Ave	1
5th Ave & 2nd St	1
800-822 Beach Trail	1
1st St & Miami Ave	1
Gulf Blvd & 27th Ave	1

Citations and Warnings



Arrests

November 2023

There was a total of **18** people arrested in the City of Indian Rocks Beach during the month of November resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	8
Battery-65 Or Older	1
Battery On LEO	1
Felony Battery-Prior Convictions	1
Possession Of Controlled Substance	3
Resist LEO With Violence	1
Unlawful Possession Of Personal ID Of Another	1
Misdemeanor	13
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	1
Exposure Of Sex Organs-Adult	2
False Name Or ID By Person Arrested	1
Petit Theft-Shoplifting	1
Possession Of Certain Drugs Without Prescription Unlawful	1
Resist/Obstruct LEO Without Violence	1
Threat To Law Enforcement Officer	1
Trespass After Warning	2
Violation Of Probation/Community Control-Adult	1
Warrant	6
Warrant Arrest	6
Traffic Felony	2
Driver's License Suspended/Revoked-3rd Conviction	2
Traffic Misdemeanor	2
Driver's License Suspended/Revoked	1
Driving Under The Influence	1
Grand Total	31

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

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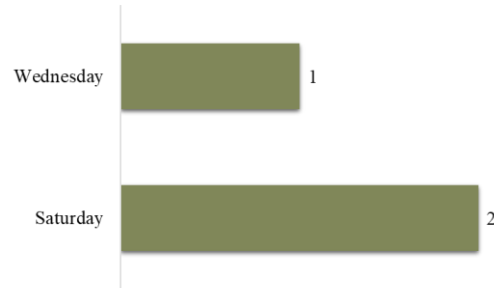
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Noise	11
Contact	11
Trespass	10
Surveillance	9
Supplement	9
Assist Other Agency	8
Alarm	8
Lost/Found/Abandoned Property	6
Area Check	6
Suspicious Vehicle	6
Civil Matter	6
Theft-Not In Progress	5
Community Contact	5
Ordinance Violation	5
Domestic-In Progress	5

Crash & Citation Analysis

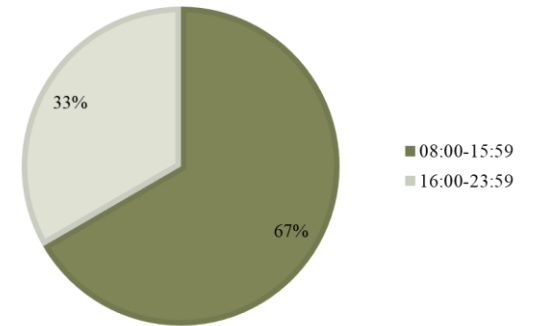
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213 Gulf Blvd	1

Crashes by Day of the Week



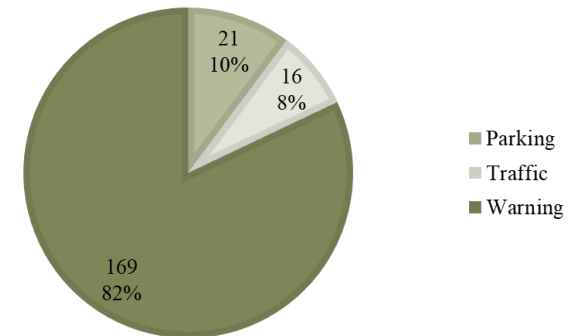
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5th Ave & 2nd St	1
800-822 Beach Trail	1
1st St & Miami Ave	1
Gulf Blvd & 27th Ave	1

Citations and Warnings



AGENDA ITEM NO. 1B
REPORT OF
Pinellas Suncoast Fire & Rescue District

AGENDA ITEM NO. 2

PUBLIC COMMENTS

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

City Managers Report – December 2023

- Christmas Tree Lighting – The Christmas Tree Lighting was held on December 1, 2023. Thanks to A2K, Crabby Bills and our IRB Team for making this event such a great success. A special thank you to Mr. & Mrs. Santa Claus.
- Christmas Street Parade – The Christmas Street Parade was held on December 3, 2023. We experienced the largest group of participants we have had in years. Thanks to the PCSO and our team for providing a safe and fun parade.
- FY 2024 Street Reconstruction Project – 14th Avenue from Gulf to Bay Palm Boulevard. The project involves total replacement of the street including curb, base, paving. The project is scheduled to be completed by the end of January 2023.
- IRB Beach Accesses Reopening – Twenty-One of Twenty-Seven have reopened. We expect the remainder to open by the end of the year.
- Code Enforcement/Finance Department Report.

Memorandum

To: City Manager – Greg Mims

From: Code Enforcement & Finance Departments

Date: 12/06/2023

Re: Vacation Rental Registration Numbers ,
Code Violation & Ticket Totals Thru 12/05/2023

168 Total VRR #s Assigned
14 VRR's Pending in Finance
130 VRR's Inspections Completed
38 VRR's Pending Inspection
12 VRR's Inspections Scheduled

10 Parking Tickets
5 Violation Letters
5 Fines / Notice to Appear
287 Violation Letters to non-responsive Vacation Rental
Properties.

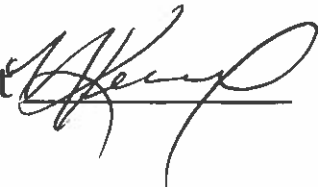
Finance

Dan Carpenter



Code Enforcement

Mike Kelley



- On behalf of the entire City of Indian Rocks Beach Team we wish the City Commission a Happy Holiday and a Merry Christmas.

AGENDA ITEM NO. 3C
REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

AGENDA ITEM NO. 5A

CONSENT AGENDA

**APPROVAL OF the
November 14, 2023
Special City Commission
Meeting Minutes.**

MINUTES
CITY OF INDIAN ROCKS BEACH
SPECIAL CITY COMMISSION MEETING
TUESDAY, NOVEMBER 14, 2023- 4:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785
(MEETING CAN BE VIEWED AT WWW.INDIAN-ROCKS-BEACH.COM)

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Joe McCall, Commissioner Denise Houseberg, and Commissioner Lan Vaughan.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen and City Clerk Lorin A. Kornijtschuk.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

1. INTERVIEW candidates to fill vacant City Commission seat for the remainder of the unexpired term, which will end in March 2024.

Five-Minute introduction by applicants followed by a Ten-Minute questions/answer by Commission to applicant.

John M. Bigelow, 45 Harbor Drive N.
Eric Frantz, 209 Bate Avenue #A.
Suzanne Gibson, 1206 Bay Shore Blvd.
Don House, 2104 Beach Trail.
Janet W. Wilson, 711 Hidden Harbour Drive.

2. PUBLIC COMMENTS.

Kelly Cisarik, 448 Harbor Drive South, stated the natural choice would be someone who has experience in the planning and zoning area, and the only person she knows has experience, is Don House.

John Pfanstiehl, 448 Harbor Drive South, stated applicant John Bigelow has been very committed to the community.

3. VOTE.

Commissioner Vaughan voted for John M. Bigelow
Commissioner Houseberg, Vice-Mayor Commissioner Bond and Mayor-Commissioner Kennedy voted for Janet W. Wilson.

Candidate with the most votes Janet W. Wilson with 3 to 1 vote.

10. ADJOURNMENT.

Motion was made by Commissioner Houseberg and seconded by Commissioner Vaughan to adjourn at 5:06 p.m. Unanimous approval by acclamation.

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk

AGENDA ITEM NO. 5B

CONSENT AGENDA

**APPROVAL OF the
November 14, 2023
Regular City Commission
Meeting Minutes.**

MINUTES

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, NOVEMBER 14, 2023- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785
(MEETING CAN BE VIEWED AT WWW.INDIAN-ROCKS-BEACH.COM)**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

City Clerk, Lorin Kornijtschuk, swore in the newly appointed City Commissioner, Janet Wilson.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Denise Houseberg, Commissioner Lan Vaughan and Commissioner Janet Wilson.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, Planning and Zoning Consultant Hetty Harmon and City Clerk Lorin A. Kornijtschuk.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

1 A. RECOGNITION of Nation's Veterans. Mayor-Commissioner Kennedy honored veterans with a City of Indian Rocks Beach lapel pin.

1 B. RECOGNITION of Joseph McCall. City of Indian Rocks Beach recognized Joseph McCall for his service for the City of Indian Rocks Beach.

1 C. REPORT OF Pinellas County Sheriff's Office.
A PCSO representative reviewed the monthly report.

1 D. REPORT OF Pinellas Suncoast Fire & Rescue District.
Fire Chief Jeffrey Davidson reviewed the fire district's monthly report.

1 E. PRESENTATION OF Emergency Beach Restoration Project by John Bishop from Pinellas County Emergency Management.

2. PUBLIC COMMENTS.

Lee Wilkerson, 490 Harbor Drive North, stated the dunes held up pretty well. He stated the short-term rental ordinance is having a good effect but some beach properties that had been operating commercially for a long time with a motel/transient license are being requested to comply with the Ordinance that should not have to. He asked the city commission to consider electronic parking like other beach communities around us have.

Beth McMullen, 480 Harbor Drive South, stated on October 25 at 3:30 am her ring camera picked up a car going by her mailbox and neighbor's mailbox. Mail was stolen from her neighbor's mailbox.

Marc Bodine, Cameron Cove, 2402 Gulf Boulevard, stated December 2019, he signed the easement for the Army Core of Engineers for the Beach Renourishment Project. He recently signed the new easement for the Emergency Beach Restoration Project but did not realize there would be a 10-foot dune, blocking the resort's view and access to the beach.

Don House, 2104 Beach Trail, stated he did not sign the Emergency Beach Restoration Project easement.

Jim Labadie, 316 10th Avenue, stated the sand being put on the beach is great. Mr. Labadie questioned the short-term rental fees and what he gets for it.

Diane Daniels, 309 10th Avenue, stated Pinellas County has new recycling labels available for the City's recycling bins and asked the City to look into using them. She stated the short-term rental process is overwhelming.

Bert Valery, 2113 Gulf Boulevard, stated his building is over 70 years old and is falling apart. He stated he would like to demolish the building and develop a mixed-use project but because of the FAR (Floor Area to Ratio) problem that prevents any Mixed-Use construction on Gulf Boulevard it is preventing him from doing so. He requested the City Commission to revisit the subject of mixed use.

Mary Wilkerson, 490 Harbor Drive North, stated she has a motel license, state license and a city license. She stated all motel owners who have been following the rules are now going to have to pay with the City's short-term rental ordinance. It needs to be tweaked.

Robert Pergolizzii, 2618 Gulf Blvd. #503, stated he was grateful for the sand and the vegetation with the Emergency Beach Nourishment Project but was not aware of the 10-foot-high mountain. It has destroyed his view.

Lynn Timberlake, 514 Gulf Boulevard, stated she has been here since 1972 with an all year long commercial rental vacation property. She stated that she pays state and local fees, and the county inspects it several times a year. She stated there are some properties similar to hers that are not being charged.

John Phanstiel, 448 Harbor Drive South, stated the Commission did a good job working to fill the vacancy.

RB Johnson, 1206 Beach Trail, stated the existing dunes with Hurricane Idalia got carved away badly and are continued to be beat up with people recreating along the dunes and children digging into them causing them to erode even more. The sea oats will come back if we give them time. He asked the Commission to think about posting and roping off the dunes at each beach access.

3 A. REPORT OF the City Attorney.

City Attorney Mora reported on the status of the (7) seven pending lawsuits against the City of Indian Rocks Beach in connection with the adoption of the short-term rental Ordinance. He stated the City has filed a motion to dismiss.

City Attorney Mora requested a Shade Meeting with the City Commission to discuss mediation and litigation strategy. **City Commission unanimously agreed.**

3 B. REPORT OF the City Manager.

City Manager Mims read his City Manager report.

3 C. REPORT OF the City Commission.

Commissioner Wilson introduced herself.

Commissioner Houseberg provided an update to the City's new website.

Commissioner Vaughan had nothing to report.

Vice-Mayor Commissioner Bond stated the Beach Art Center and IRB Home annual tour of homes is December 9, 2023.

Mayor – Commissioner Kennedy listed the City's Holiday Events.

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA.

A. APPROVAL of October 10, 2023, Regular City Commission Meeting Minutes.

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

MOTION was made by Commissioner Vaughan and seconded by Commissioner Houseberg to approve the Consent Agenda, consisting of Agenda item no. 5 A. **The Motion carried unanimously.**

6. PUBLIC HEARING.

A. BOA CASE NO. 2023-08 – 320 12th Avenue

Variance request from Sec.110-131(1) f.1 of the Code of Ordinances, of 10 feet into the required 25-foot front yard setback, resulting in a total setback of 15 feet for the extension of the garage.

City Attorney Mora read BOA Case 2023-08- 320 12th Avenue by title only.

City Attorney Mora stated the variance application before the board is a quasi-judicial matter.

City Attorney Mora inquired of the members if they had any ex-parte communications with the applicant or their agent in advance tonight concerning the application before them. All members have responded in the negative.

City Attorney Mora inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All members have responded in the negative.

City Attorney Mora duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon presented BOA Case NO. 2023-08 -320 12th Avenue with a PowerPoint Presentation depicting an aerial view of the property.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2023-08 – 320 12th Avenue

Variance request from Sec.110-131(1) f.1 of the Code of Ordinances, of 10 feet into the required 25 foot front yard setback, resulting in a total setback of 15 feet for the extension of the garage for property located at 320 12th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 3, Block 88, 1st Addition to Re-Revised Indian Beach Subdivision, recorded in Plat Book 23 Pages 11,12 and13, of the Public Records of Pinellas County, Florida & that part of Lot 4, Block 88, 1st Addition to Re-Revised Indian Beach Subdivision Described as Beg Most E'ly Cor of Lot 4 Thence S36D01'00"W 120FT Thence Cur RT RAD 285FT ARC 26.51FT CB N51D29'36"W 26.50FT Thence N47D46'33"E 22.63FT Thence N51D15'00"E 57.76FT Thence N45D17'36"E 41.42FT To POB (Map S-06-30-15)
Parcel # 01-30-14-42048088-0030

OWNER Earl Wertheim
LOCATION of PROPERTY: 32012th Ave
ZONING: S- Single- Family Residential

Direction	Existing Use	Zoning Category
North	Intracoastal	N/A
East	Residential	S
South	Residential	S
West	Residential	S

BACKGROUND:

The applicant is requesting a variance of 10 ft into the front yard to allow for an extension of the garage so that the owner can park his vehicle inside the garage. The house was constructed in 1957.

Sec. 2-152. - Variances.

- (a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on, and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The property is a pie-shaped lot located along a curved right of way.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to enlarge the garage to be able to park his car.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on October 2, 2023, (Sec. 2-149 of the Code of Ordinances.)

LEGAL NOTICE: A legal notice was published in the November 1, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for November 14, 2023, for BOA Case No. 2023-08.

CORRESPONDENCE: Neighbors at 322 12th Avenue and 323 12th Ave sent letters of approval on the proposed setback.

[End of Staff Report]

Commissioner Vaughan asked for confirmation that the extension of the driveway would not go past the sidewalk. Planning and Zoning Consultant Harmon responded affirmatively.

Vice-Mayor Commissioner Bond asked for confirmation of what the overall distance would be. Planning and Zoning Consultant responded 45 feet from the road to the front of the garage.

Lauren Rubenstein on behalf of the applicant, 2700 1st Avenue N. St. Petersburg, provided her power-point presentation.

City Attorney Mora stated the commission had a copy of the applicant's presentation.

Vice-Mayor Commissioner Bond what is the hardship for a special situation

Ms. Rubenstein responded it is an unusual shaped lot.

Mayor- Commissioner Kennedy opened the public comment section

City Attorney Mora duly swore in John Thayer during the quasi-judicial proceedings.

John Thayer, 1819 Bay Boulevard, stated he had lived on 12th Avenue and has been by this property several times. He stated he does not have any issue with extending the garage because there is plenty of property. He stated he had an issue with the height of the roof line which he thinks is out of character of the house and the rest of the houses in the area.

Mayor-Commissioner Kennedy closed the public comments.

Applicant Earl Wertheim, 320 12th Avenue, stated $\frac{3}{4}$ of the homes around 12th Avenue are 2 and 3 stories high. His home was built sometime in 1950 and it is not built for cars that we have now.

Planning and Zoning Consultant Harmon stated the building height is within the code and does conform to the rest of the neighborhood.

B. ORDINANCE NO. 2023-07-FIRST READING- SMALL SCALE FUTURE LAND USE MAP AMENDMENT: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 - Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit "A."

Attorney Mora read Ordinance No. 2023-07 by title only.

Mayor- Commissioner Kennedy recused herself from items B and C to avoid the appearance of any voting conflict due to the proximity of the mentioned property to hers.

Attorney Mora advised that Vice-Mayor Commissioner Bond will be presiding over these matters. Mayor – Commissioner Kennedy will resume the meeting after these two matters.

Planning Consultant Harmon provided a Power Point Presentation.

[Beginning of Staff Report]

SUBJECT: SMALL SCALE FUTURE LAND USE MAP AMENDMENT ORDINANCE NO. 2023—07: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 - Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit “A”

OWNER: Gulf Coast Marina Limited Partnership
LOCATION of PROPERTY: 401 2nd St
FUTURE LAND USE: Residential/Office/Retail
ZONING: PUD- Planned Unit Development

Direction	Existing Use	Future Land Use	Zoning Category
North	Preservation	Preservation	Preservation/Business
East	Intracoastal Waterway	N/A	N/A
South	Keegan Clair Park	Recreation/Open Space	Recreation/Open Space
West	Business/Chic-a Si Park	Commercial General/ Recreation/Open Space	Business/Recreation Open Space

I. BACKGROUND

Gulf Coast Marina Limited Partnership has requested to amend the Future Land Use Map for the 12.3 acre site for the property located at 401 2nd St. The Future Land Use Map amendment will allow for the development of an additional 112 2-Bedrooms with 92 of the units having lock off units for a total of 204 additional units. These additional 204 units would increase the existing site total to 568 units, with a density of 47 units per acre. Currently there are 364 units on site, with an existing density of 30 units per acre.

The current Future Land Use Category Residential/Office/Retail allows up to 15 units per acre. The proposed Future Land Use change to Commercial-General-Temp Lodging Density 50-Business District Triangle (CG-TLD50-BDT) would allow up to 50 units per acre. The CG-TLD50-BDT is subject to a development agreement and is required for temporary lodging densities greater than 15 units per acre.

II. REVIEW OF THE LAND USE AMENDMENT

The future Land Use Amendment was reviewed with compliance with the following:

1. City of Indian Rocks Beach Comprehensive Plan
2. Countywide Plan
3. City of Indian Rocks Beach Land Development Code -Business Triangle Overlay Zone regulations.

1. City of Indian Rocks Beach Comprehensive Plan

A. ALLOWABLE DENSITY

The Future Land Use change to Commercial-General-Temp Lodging Density 50- Business District Triangle (CG-TLD50-BDT) has been reviewed for compatibility with City of Indian Rocks Beach Comprehensive Plan. The CG-TLD50-BDT Land Use District would allow for up to 50 units per acre.

The City's Commercial-General-Temp Lodging Density 50- Business District Triangle (CG-TLD50-BDT) Future Land Use Category allows the increased density if the plan addresses Design Considerations. The purpose of the design considerations is to enable the local government to authorize the increased density and intensity.

In particular, design considerations applicable to the proposed use shall address the following in the Development Agreement so as to ensure compatibility in terms of context-sensitive design, and the scale and placement of the proposed use so as to achieve a harmonious relationship and fit relative to its location and surroundings:

- A. Building scale, including height, width, location, alignment, and spacing.
- B. Building design, including elevations, façade treatment, entrance and porch or balcony projections, window patterns and roof forms.
- C. Site improvements, including building and site coverage, accessory structures, service and amenity features, walkway and parking areas, open space, and view corridors.
- D. Adjoining property use, including density/intensity, and building location, setbacks, and height.

STAFF COMMENT: Review of the proposed development based on the above design criteria finds that the project does not meet the standard design criteria.

The proposed building height of the 54-unit building is 85'7" ft. This height is not in compliance with the City's Comprehensive Plan or Land Development Code and is not compatible with surroundings and the entrance into the City of Indian Rocks Beach. The adjacent buildings to the south are 52 ft. and the proposed building height of the other two buildings is 50 ft. The building height is measured from the crown of the road at 2nd St.

B. TRAFFIC IMPACTS

The traffic study indicates that the level of service will decrease from a Level of Service B to Level of Service C at the intersection of 5th Avenue and 1st Street.

The overall traffic impact if all of the lock off units were rented would be 1,110 daily trips and an additional 90 PM peak hour trips. The traffic study states that all affected intersections and roadway segments would continue to operate acceptable levels of service.

C. COASTAL HIGH HAZARD AREA

The property is totally located in the Coastal High Hazard area and needs to be evaluated balancing criteria located in the Coastal Management & Conservation section of the City's Comprehensive Plan.

Objective 2.2 The City shall not increase densities or intensities above those established in this plan within the Coastal High Hazard Area (CHHA), except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment:

1. ACCESS TO EMERGENCY SHELTER SPACE AND EVACUATION ROUTES

Since the proposed amendment will not increase in permanent residential populations, adverse impacts to emergency shelter space capacity are not anticipated.

Walsingham Rd is a designated evacuation route and this project is located adjacent to Walsingham Rd.

2. UTILIZATION OF EXISTING AND PLANNED INFRASTRUCTURE

This project will be served by existing infrastructure.

3. UTILIZATION OF EXISTING DISTURBED AREAS –

The project will utilize the existing disturbed area within the Business Triangle and no natural areas that buffer existing storms will be altered as a result of the proposed development.

4. WATER DEPENDENT USE

The proposed project is adjacent to docks on the intracoastal that are part of the overall development.

5. PART OF COMMUNITY REDEVELOPMENT PLAN

This project is not in a community redevelopment plan but is an amendment to an existing Planned Unit Development.

6. OVERALL REDUCTION OF DENSITY OR INTENSITY

This proposal is to increase the density in the area, however the proposed land use is compatible with the County Wide Plan and the City's Comprehensive Plan.

7. CLUSTERING OF USES

The entire City is within the CHHA making it impossible to cluster uses outside of the CHHA.

8. INTEGRAL PART OF COMPREHENSIVE PLANNING PROCESS

The Harborside development has been a vital part of the Business Triangle for years.

2. COUNTYWIDE PLAN

The Future Land Use amendment has been reviewed for compatibility with the Countywide Map Plan, and specially the Coastal High Hazard Area requirements and the Alternative Temporary Lodging Use Standards. The Alternative Temporary Lodging Use Standards allow for increased density up to 50 units per acre.

The County's Alternative Temporary Lodging Use Standards allow the increased density if the plan addresses Design Considerations. The purpose of the design considerations is to enable the local government to authorize the increased density and intensity. Sec 5.2.2.2 of the County Wide Rules addresses the building height compatibility.

STAFF COMMENT: Review of the Countywide Plan will allow for the proposed density however, there are conditions not being met. The design considerations in the County's Alternative Temporary Lodging Use Standards are also included in the Commercial-General-Temp Lodging Density 50- Business District Triangle and were not met.

3. CITY OF INDIAN ROCKS BEACH LAND DEVELOPMENT CODE - BUSINESS TRIANGLE OVERLAY ZONE REGULATIONS.

The Business Triangle Overlay zone was reviewed for setbacks as discussed in the Design considerations in the Commercial-General-Temp Lodging Density 50- Business District Triangle. According to Section 110-135 (e) (1), a 5-foot setback would ordinarily be allowed with a city reviewed and approved landscaping plan. The plan is showing a 4-foot side setback along the north property line, resulting in a one-foot deviation from the ordinary standard.

STAFF COMMENT: Review of the Business triangle overlay zone in Section 110-135 (e) (1), a 5-foot setback would ordinarily be allowed with a city reviewed and approved landscaping plan. The proposed plans show a 4-ft setback along the north property line. The applicant believes that the landscape plan previously submitted and installed along 2nd St. covers the perimeter of the site. There is no additional landscape plan for the site at this time that would show additional landscaping along the north property line. This property does abut a preservation area and is very dense. A full landscape plan will be required before development

The Local Planning Agency shall review all materials, facts, documents and forward a recommendation to the City Commission.

After the first public hearing The Future Land Use Map Amendment will be sent to Forward Pinellas for their compliance review with the County Wide Plan.

EXHIBIT "A": LEGAL DESCRIPTION

A tract of land in Section 12, Township 30 South, Range 14 East, Pinellas County, Florida, including Lots 7 through 11, Block 14, and Lots 1 through 6 and a portion of Lots 7 through 9, Block 15 and a portion of vacated Blocks 17 and 18 and streets, according to plat of INDIAN ROCKS BEACH, as recorded in Plat Book 4, page 12, public record of Pinellas County, Florida, and including a portion of the vacated right-of-way for State Road 699 and being more particularly described as follows:

Commence at the Southeast corner of said Section 12; thence along the south boundary of said Section 12, N 89°07'59" W., 1442.50 feet, thence N. 02°07'65" W., 276.76 feet to the North right-of-way line of Miami Avenue; thence along said North right-of-way line, S.89°10'15" E., 140.00 feet to the East right-of-way line of 2nd Street North and the Point of Beginning; thence along said East right-of-way line, N.02°07'55"W., 442.85 feet to the South right-of-way line of 4th Avenue: thence along the South, East and North right-of-way lines of 4th Avenue the following three courses; S.89°14'51" E, 100.13 feet: thence N.02°07'55"W., 50.06 feet, thence N.89°14'51" W., 100.13 feet to the East right-of-way line of 2nd Street North; thence

along said East right-of-way line N.02°07'55"W., 246.96 feet; thence S.89°17'29" E., 287.39 feet; thence S. 81°59'15" E., 50.00 feet to a non-tangent curve concave to the West having a radius of 2884.93 feet (a radial line to said point bears S81°59'15" E.); thence along said curve Notherty 215.97 feet through a central angle of 04°19'09" to the south right-of-way line of S.R. S-694, also being the beginning of a non-tangent curve concave to the South having a radius of 3719.83 feet (a radial line to said point bears N.02°44'03" to a tangent compound curve concave to eh Southwest having a radius of 616.34 feet; thence along said curve Southeasterly 43.83 feet through a central angle of 40°02'59"; thence tangent from said curve S. 49°17'04" E, 25.94 feet; thence S. 40°48'01" W., 1085.71 feet; thence N. 87°14'52" W., 72.15 feet to a non-tangent curve concave to the Northwest having a radius of 2914.91 feet (a radial line to said point bears S. 67°14'58" E.); thence along said curve Southwesterly 5.61 feet through a central angle of 00°06'37"; thence non0tanget from said curve, N89°10'15"W., 158.30 feet to the Point of Beginning.

ASLO BEING DESCRIBED AS all of HAMLIN'S LANDING, according to the plat thereof recorded in Plat book74, page 24, public records of Pinellas County, Florida.

Parcel Numbers

12-30-14-35363-001-0000 -**HAMLIN'S LANDING PHASE I** rear parking and road north half of condos

12-30-14-35363-001-0010 -**HAMLIN'S LANDING PHASE I**, LOT 1 restaurant

12-30-14-35363-002-0100 **HAMLIN'S LANDING PHASE II**, TR A front parking lot

12-30-14-35363-002-0200- **HAMLIN'S LANDING PHASE II**, TR B- south half of condos

12-30-14-35854-000-2080 HARBOUR CLUB AT MARKER 33 COMMERCIAL CONDO UNIT 208

12-30-14-36411-000-6200 HARBOURSIDE AT MARKER 33 VACATION CONDO UNIT 620

12-30-14-35363-003-0000 **HAMLIN'S LANDING PHASE III** LESS HARBOURSIDE AT MARKER 33 VACATION CONDO PER O.R. 19182/1811 & LESS 43 UNIT BLDG DESC IN O.R. 19738/852 - Water park

[End of Staff Report]

Vice-Mayor Commissioner Bond asked if the applicant wanted to come forward.

Robert Williams, 102nd Suite 501 St. Petersburg, representing the applicant Jeff Keierleber, stated they are looking at the Comprehensive Plan Amendment not the design phase. This request for a Comprehensive Plan Amendment will allow us to further review what zoning, traffic, parking and the project will look like. He stated this is a unique area in the city Business Triangle district and the Holiday Inn is the largest single entity.

Mr. Williams stated the City had adopted a temporary lodging comprehensive plan category that is very specific to the business triangle, and this is the only place that the temporary lodging can go. Temporary lodging is just for transient rentals. He stated this is where you want your short-term lodgers, not in your neighborhoods. He stated that the first step is to the Comprehensive Plan Amendment and that they are willing to table the PUD Amendment so that they can respond to what the Planning and Zoning Board looked at.

Mr. Robert Pergolizzi presented his Planning Report for the Land Use Amendment and the PUD Amendment dated October 11, 2023, that was reviewed by City Staff and was available in the

City Commission Agenda Packet. He provided a PowerPoint. He stated that we cannot get to the PUD Amendment unless we have the proper land use classification. The Land Use Classification is imperative for us to move forward with discussion on the design and the height of the actual PUD.

Commissioner Houseberg asked where the cars were going to go.

Mr. Pergolizzi responded it is a design element in the PUD, parking will be available on site, most of it under the building, with some surface lot.

City Attorney Mora clarified that this is a legislative decision about land use designation and if this is an appropriate land use designation. It is not appropriate for the land use decision to be confined to design specifications that have not been finalized. City Attorney Mora read Sec. 110-802 (sub a) (sub-1).- Standards for review of proposed comprehensive plan amendments.

Commissioner Vaughan asked how old is the City Comprehensive Plan that the applicant is referring to.

Planning Consultant Harmon responded that the City Comprehensive Plan was updated 2 years ago, but this specific land use was added in 2010 or 2011.

Commissioner Vaughan asked if changing (ROR) Residential Office Retail to a Commercial General Temporary Lodging designation would allow for the items the applicant wants and does it allow for 85-foot-tall building.

City Attorney Mora responded not specifically. The current zoning would not allow it.

City Attorney Mora stated this Ordinance is predicated to the design proposal.

City Attorney Mora clarified the question being asked in this hearing is whether the proposed Temporary Lodging designation, which is in the City Comprehensive Plan is an appropriate designation for this project.

Commissioner Vaughan stated he drives up and down Gulf Boulevard and has sat traffic in the area of the proposed development while the draw bridge was open. He is concerned about the impact of traffic. He stated that development is good but thinks it needs to be measured. He stated that citizens are saying that they do not have beaches, if the designation is changed how will all the extra people fit on the beach. He also questioned what happened to the city designated parking spots.

Commissioner Houseberg stated she is not against the amendment, and something needs to happen to the restaurant and the only way that will happen is with the land use change.

Vice-Mayor Commissioner Bond asked if the applicant had looked extensively at current design options.

Mr. Williams responded based on what the density ,intensity and Residential Office Retail designation is now, it is not possible to do much of anything.

Applicant Jeffery Keierleber provided a brief history of how and when he purchased the property and the original plan. He stated they need this designation before they can design and address the height. He stated if the height were a deal breaker, they would work on it.

Vice-Mayor Commissioner Bond asked when approval was given years ago to do the new design with the higher elevation along the waterfront what the intended use of those 3 other lots.

Mr. Keierleber stated at the time they were not sure what the density would be.

City Attorney Mora clarified the transient designation was not a land use designation in the City Comprehensive plan 20 years ago. It is staff testimony and applicant statement that the designation that they seek tonight was put in place after that development.

Vice-Mayor Commissioner Bond opened public comment.

Beth McMullen, 481 Harbor Dr. South, stated she is concerned about traffic and the amount of people it will bring to the community. She disagrees with this Ordinance.

Kelly Cisarik, 448 Harbor Drive South, stated Indian Rocks Beach has a very generous PUD but this request does not comply with the city's codes. The density request at 50 units per acres is more like Clearwater. She asked the Commission to shoot down this proposal, have them reduce the height and density and then they could do a PUD. She also asked the City to address the situation of the designated parking spots the city was granted years ago.

RB Johnson, 1206 Beach Trail, stated there was no discussion on future phases on the parking lots when he was on the board. He encouraged the Commission to reconsider changing the land use designation, which would open the door to a much larger development than was ever considered in the past.

Mary Wilkerson, 490 Harbor Drive North, stated these 112 units will be 2- or 3-bedroom units with a minimum of 500-600 people and if they have guests 800 people. The beach is getting smaller, and we are packing more people on it.

Kathleen Majors, 439 Harbor Drive South, stated she has lived here for 28 years and in 2004 she voted in election against a Publix being built near 24th Avenue and restricting the heights of new construction.

Bill Snyder, 425 18th Avenue, stated the traffic has been backed up to 18th avenue from Walsingham Road. There is no room for cars or people, we do not need to let this happen.

Nancy Obarski, 708 Beach Trail, stated that she has the same concerns as everyone with traffic and density. She stated she knew RB Johnson when the Comprehensive Plan and the land use category was created. She stated there must have been a reason for the commission to create it. If it is not used, the commission should take it out of the Comprehensive Plan.

Beth Lynn, 914 Harbor House Drive, stated her concern is the density and the impact on the natural environment. She stated she would consider Mixed Use that was suggested by the Florida Pinellas Survey that was done a few years ago. She stated if (ROR) Residential Office Retail were the equivalent to mixed use, this would allow some development and bring some residential development to bring back renters who lost their places due to short-term rentals.

John Thayer, 1819 Bay Boulevard, stated he has been here 70 some odd years and knew the Holiday Inn when it was Hamlin's Landing. He asked the commission to stick to the height restrictions.

Rick McFall, 408 Harbor Drive North, Chairperson of the Planning and Zoning Board, stated why the Planning and Zoning Board came to the decision to deny this request. He stated the traffic study was done in July 2021, during Covid, and it should have been updated. The current plan to the designated 18 city parking spaces disappeared on the site plan. He stated the building height was an issue, though that was pertaining to the PUD, they saw a potential problem with density as it related to traffic. It was unanimously voted down by the Planning and Zoning Board.

John Phanstiel, 448 Habor Drive South, stated Indian Rocks Beach is overcrowded at the intersection of Walsingham and Gulf Boulevard. He stated what would be best for the city is more restaurants, and long-term rentals for people who work in the city or who want to become residents. He asked the Commission to vote no on this Ordinance.

Vice-Mayor Bond closed the public comment session.

Commissioner Wilson stated she has heard conversation regarding restaurants, but she did not see anything about restaurants in the presentation.

Mr. Williams stated she is correct, there are no restaurant plans.

MOTION made by Commissioner Vaughan, seconded by Commissioner Houseberg to extend the length of the meeting Unanimous Approval by Acclamation.

Commissioner Wilson asked staff what the applicant can do with the current designation.

Planning and Zoning Consultant stated they now have 30 units per acre, to get anything more they would have to change the land use designation. She stated you do not have to allow 50 units per acre, the land use district can be negotiated as a part of the PUD.

City Attorney Mora clarified it identifies maximum density; it is not entitlement.

Commissioner Vaughan stated we open the door for 50 units per acre.

Commissioner Vaughn stated we have heard from our citizens that are talking about density , they do not want it.

Commissioner Bond asked staff if right now it is 30 units per acre if they go shorter on the waterside, they could have more opportunity. Planning and Zoning Consultant Harmon stated the ROR (Residential Office Retail) only allows 15 units per units per acre.

City Attorney Mora clarified that what Holiday Inn has on the property now was legally held to be appropriate for that property through a series of proceedings. What they build is what they were granted.

MOTION was made by Commissioner Vaughan and seconded by Commissioner Wilson to DENY the passage of ORDINANCE NO. 2023-07-FIRST READING- SMALL SCALE FUTURE LAND USE MAP AMENDMENT: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 -

Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit “A”.

Roll Call Vote:

Ayes: Wilson, Vaughan, Bond

Nays : Houseberg

Absent: Kennedy

Motion Denied by a vote of 3 to 1, with Commissioner Houseberg casting the dissenting vote.

City Attorney Mora asked the Commission if there was any objection from pulling item C, 2023-08 from the Agenda given the failure of Ordinance No. 2023-07 which is necessary predicate to the First Reading of 2023-08. **Unanimous Approval by Acclamation.**

~~**C. — ORDINANCE NO 2023-08 – FIRST READING – PLANNED UNIT DEVELOPMENT:
Request for an amendment to the Holiday Inn Harborside (formerly known as Hamlin’s Landing) Planned Unit Development for an additional 112 units with 92 lock-off units for the Holiday Inn Harbourside site at 401 2nd Street, Indian Rocks Beach, Florida.
REMOVED FROM THE AGENDA DUE TO ORDINANCE NO. 2023-07 BEING DENIED.**~~

7. Ordinance No. 2023-06-Public Hearing /Second and Final Reading. An Ordinance of the City of Indian Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City’s coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City’s Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida’s Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

Attorney Mora read Ordinance No. 2023-06 by title only.

Mayor-Commissioner Kennedy opened the public hearing. Seeing/hearing no one wishing to speak, the public hearing was closed.

MOTION was made by the Vice-Mayor Commissioner Bond and seconded by Commissioner Vaughan to approve Ordinance No 2023-06-Public Hearing /Second Reading. An Ordinance of the City of Indian Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City’s coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City’s Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida’s Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

Roll Call Vote:

Ayes: Wilson, Houseberg, Vaughan, Bond, Kennedy

Nays: None

The Motion carried unanimously.

8. WORK SESSION ITEMS. None.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

Motion was made by Commissioner Houseberg and seconded by Commissioner Vaughan to adjourn at 9:43 p.m. Unanimous approval by acclamation.

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk

AGENDA ITEM NO. 6
PUBLIC HEARING

AGENDA ITEM NO. 7
OTHER LEGISLATIVE MATTERS

AGENDA ITEM NO. 8

**WORK SESSION ITEMS
DISCUSSION**

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10

ADJOURNMENT