

**PLANNING & ZONING BOARD**

**DATE:**

**THURSDAY, APRIL 24, 2025**

**TIME:**

**6:00 P.M.**

**LOCATION:**

**HOLIDAY INN HARBORSIDE**

**401 2<sup>ND</sup> STREET**

**INDIAN ROCKS BEACH, FL 33785**

***PELICAN – SAND PIPER ROOM***

**AGENDA  
CITY OF INDIAN ROCKS BEACH  
CITY OF INDIAN ROCKS BEACH PLANNING & ZONING BOARD  
THURSDAY, APRIL 24 @ 6:00 P.M.  
CITY COMMISSION CHAMBERS  
HOLIDAY INN HARBORSIDE 401 2<sup>ND</sup> STREET- PELICAN-SAND PIPER ROOM  
INDIAN ROCKS BEACH, FLORIDA 33785**

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- 1. CALL TO ORDER.**
  - 2. ROLL CALL.**
  - 3. APPROVAL OF MINUTES: October 19, 2023.**
  - 4. DISCUSSION OF Sec 110-103 (b)-Time to apply for a permit.  
Discussion of stairways in a setback.**
  - 5. ADJOURNMENT.**
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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](mailto:lkornijtschuk@irbcity.com), no later than FIVE (5) days before the proceeding for assistance.

POSTED: APRIL 18, 2025

**AGENDA ITEM NO. 1**  
**CALL TO ORDER**

**AGENDA ITEM NO. 2**  
**ROLL CALL**

**AGENDA ITEM NO. 3**  
**APPROVAL OF OCTOBER 19, 2023**  
**MINUTES**

**MINUTES- OCTOBER 19, 2023  
CITY OF INDIAN ROCKS BEACH  
PLANNING AND ZONING BOARD**

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The Regular Meeting of the Indian Rocks Beach Planning and Zoning Board was held on **THURSDAY, OCTOBER 19, 2023**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

1. **CALL TO ORDER.** Chair McFall called the meeting to order at 6:00 p.m.
2. **ROLL CALL:**

**PRESENT:** Acting Chair Rick McFall, Board Member Adrienne Dausen, Board Member Scott Holmes, Board Member Herb Sylvester, Board Member Myra Warman, Board Member Peter Sawchyn, and Board Member Dave Mott.

**OTHERS PRESENT:** City Attorney Jay Daigneault, Planning Consultant Hetty C. Harmon, and City Clerk Lorin A. Kornijtschuk.

3. **APPROVAL OF MINUTES OF: July 27, 2023.**

**MOTION MADE BY MEMBER SYLVESTER AND SECONDED BY MEMBER HOLMES, TO APPROVE THE MAY 25, 2023, PLANNING AND ZONING BOARD MINUTES AS SUBMITTED.**

**AYES: McFall, Sylvester, Dausen, Warman, Sawchyn, Holmes, Mott**

**NAYS: None**

**MOTION CARRIED UNANIMOUS.**

City Attorney Daigneault read Ordinance No. 2023-07 and Ordinance No. 2023-08 by title only.

City Attorney Daigneault clarified that these items will be discussed together, Ordinance No. 2023-07 is a quasi-judicial item, The criteria under which that application proceeds are found in Section 110-802 of the City Land Development Code.

City Attorney Daigneault read Land Development Code Section 110-802.

Ordinance No. 2023-08 is a legislative matter and proceeds under Section 110-645 (1) (c) (1) of the Land Development Code.

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

4. **ORDINANCE NO. 2023-07- 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 2<sup>nd</sup> St. As described in Exhibit “A.”

[Beginning of Staff Report.]

**OWNER:** Gulf Coast Marina Limited Partnership  
**LOCATION of PROPERTY:** 401 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 5<sup>th</sup> Avenue and 1<sup>st</sup> 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 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 4<sup>th</sup> Avenue: thence along the South, East and North right-of-way lines of 4<sup>th</sup> 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 2<sup>nd</sup> Street North; thence

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Thursday, October 19, 2023

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 book 74, 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.]

5. **ORDINANCE NO 2023-08- 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 2<sup>nd</sup> Street, Indian Rocks Beach, Florida.

[Beginning of Staff Report.]

**I. BACKGROUND**

Gulf Coast Marina Limited Partnership has requested to modify 4.0 +/- acres of the 12.13 acres of the 2002 Planned Unit Development (PUD) for the property located at 401 2<sup>nd</sup> St. If approved, the amended PUD would allow for the development of an additional 112 2-Bedroom units, with 92 of those units having lock off units, thereby creating 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.

To accommodate this increased density, the Property Owner is requesting a Future Land Use change that would allow for a higher density. 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 application, as a modification of the existing PUD along with the PDD district, which is required in the Commercial-General-Temp Lodging Density 50- Business District Triangle regulations, the district would ordinarily allow for construction of up to 50 feet in height, absent any variance or differing agreement in the PUD process building height is measured from crown of road at 2<sup>nd</sup> St. The business triangle overlay district regulations will be utilized for setbacks requirements.

The proposed building heights for the additional structures range from 42'9" ft on 2nd Street to 85'7" ft along the intra-coastal.

The setbacks comply with business triangle overlay district regulations except for the Project #1 structure located at the old restaurant site. The proposed side property setback for this structure is four (4) feet to the side property line. The business triangle overlay district ordinarily requires a five (5) foot setback from the side property line.

Presently, there are 461 existing parking spaces on the property, providing an estimated 1.27 parking spaces per unit. The proposal provides for 484 total parking spaces for the 568 units (if all the lock offs units were rented) which would be .85 parking spaces per unit. No spaces are designated for public parking.

## **II. APPLICABLE CITY CODE PROVISIONS**

### **A. 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 Commissioners 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.

**STAFF COMMENT: The proposed Planned Unit Development is inconsistent with the City's Comprehensive Plan and Land Development Code. The proposed building height of 85'7" feet is 35'7" feet higher than the allowed 50 feet on the old restaurant site. Also the north side yard setback is proposed at 4 feet and which is 1 foot less than the allowed 5 feet.**

**B. 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.

**STAFF COMMENT: The site plan proposes access to the site 2<sup>nd</sup> Street and will add 1,110 trips per day, per the applicant's enclosed traffic study.**

- (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.

**STAFF COMMENT: The project would be located in the Commercial-General-Temp Lodging Density 50- Business District Triangle future land use district which would allow for 50 units per acre.**

- (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.

**STAFF COMMENT: The proposed project would be consistent with adjacent uses, would avoid nuisances and dangers to adjacent properties, access would be off of 2<sup>nd</sup> Street which is a one way street. The building height of the proposed project would be incompatible with adjacent uses.**

**This proposed development has deviated from the Land Development Regulations in Section 110-131 (11) (g) Maximum building height. For buildings constructed on pilings, the maximum height of pilings is ten feet. The maximum height of a building above pilings is 40 feet. Otherwise, the maximum height of a building is 50 feet. This proposal is requesting building heights to be 85'7" ft.**

**This proposed development has deviated from the Land Development Regulations in Section 110-135(e)(1) A ten-foot minimum setback is required on other property boundaries abutting a right-of-way. The remaining boundary setbacks shall be five feet minimum with a city-reviewed and approved landscaping plan, which shall meet the overlay zone requirements regarding in-ground landscaping and irrigation. In addition to the additional 35'7" of height, this proposal is also requesting a four-foot setback on the north side of the building, as opposed to the ordinary five-foot setback restriction.**

- (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.

**STAFF COMMENT: This proposed development has maintained the wetland areas and there is an existing pool on-site.**

- (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.

**STAFF COMMENT: The proposed development has direct access to 2<sup>nd</sup> Street from the private interior drive. 2<sup>nd</sup> Street is a one-way street.**

- (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.

**STAFF COMMENT: This proposed development has deviated from the Land**

**Development Regulations in Section 110-372(2) Required number of parking spaces; (2)- Multifamily dwellings: Two spaces for one- and two-bedroom units; three spaces for three-bedroom units and above. The project consists of 2-bedroom units which ordinarily require 2 spaces per unit. Instead, the Property Owner is proposing an overall parking space to unit ratio of .85 spaces per unit.**

**The applicant has not provided any bike racks onsite.**

- (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.

**STAFF COMMENT: The proposed development has access to all requisite services.**

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

**STAFF COMMENT:** 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.

**Section 110-647- Application requirements for rezoning to PUD.**

**STAFF COMMENT:** 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) In Section 110-647 (b) 5-we may require a detailed landscape plan meeting or exceeding the requirements of this Code for all new or existing uses;

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

**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 2<sup>nd</sup> 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 4<sup>th</sup> Avenue: thence along the South, East and North right-of-way lines of 4<sup>th</sup> 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 2<sup>nd</sup> 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 book 74, 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.]

Member Holmes asked about the architectural design standards from Section 110-822 (d). The approval of design standards, prior to execution and agreement.

Planning and Zoning Consultant Harmon stated those will be reviewed when we get to the architectural design standards and compatibility.

Member Mott stated after all 3 projects are completed the parking ratio would be .85 per unit.

Member McFall stated the West parking lot under the original PUD had an allowance for the city for 18 public parking spaces adjacent to 2<sup>nd</sup>. They do not appear in the drawings.

Member Sawchyn asked for clarification on the ordinance as it reads the developer planned on additional 112 units, but in staff's presentation it is 364 existing units.

Planning and Zoning Consultant Hamon replied 92 of those units have a lock off that the second bedroom could be rented out, it will be 204 extra units. It is similar to connecting rooms in a hotel.

Chairman McFall asked for further clarification under the Pinellas County Comprehensive Plan that this project would not comply with.

Planning and Zoning Consultant Harmon stated it does not comply for the same reason that it is stated in the City future land use that is being proposed on. The future land use comes from the exact language that comes from Forward Pinellas County Wide Plan. They are parallel.

Member Dauses asked if there are any improvements on the existing hotel with this project.

Planning and Zoning Consultant Harmon replied not that she is aware of.

Member Dauses asked if the number of rooms was current, because of the changes from the retail being converted into rooms.

Planning and Zoning Consultant Harmon replied that the number provided is what is at the site now, not what it was when originally built with retail.

Member McFall stated the parking study is based on July 2021, during Covid, these numbers are reduced to what we have present day, do we have updated numbers.

Planning and Zoning Consultant Harmon stated there is not an updated study.

Robert Williams, Lewis Longman & Walker, PA. 100 2<sup>nd</sup> Avenue South St Petersburg, representing the applicant Jeffrey Keierleber, stated the Holiday Inn Harbourside is a vital segment of the business district and a part the success of the city, and the Holiday Inn Harbourside would like to continue that. The three issues are parking, the height of the building and the setbacks. Mr. Williams provided five letters of support for Ordinance 2023-08.

Robert Pergulizzi, Gulfcoast Consulting, Clearwater, presented his planning report and traffic analysis which is a part of the agenda packet.

Jeffrey Keierleber, applicant, provided a history on the Holiday Inn Harbourside Phase 3 project.

Member Dauses asked if this building has the same concept as Harbor Side.

Mr. Keierleber responded affirmatively; with one change it will have a central check-in spot.

Member Dauses asked if the project would be a compound or open to the public.

Mr. Keierleber responded that it would not be a compound and it would be open to the public with a 5000 square foot area for a children's play area.

Chair McFall asked if there was anyone who wanted to speak against the project.

Robert Johnson, 1206 Beach Trail, provided a history to Holiday Inn Harbourside building phase 3.

Member Sawchyn asked with the increase in parking spaces where they are going to go.

Robert Pergulizzi stated the PUD plan shows parking going under the building, there will be parking spaces on the ground level and a second level deck, by 2<sup>nd</sup> street.

Chair McFall asked if the Holiday Inn plans on charging for parking.

Mr. Keierleber responded affirmatively and stated that the original 18 parking spaces allowed for the city will remain.

Chair McFall closed Public Comment.

Member Holmes stated the project's architectural design does not comply with the city's guidelines in Sec. 110-822.

Member Dauses stated that parking is difficult by the Harborside with the time share program. She stated she is disappointed with the architectural design presented. She stated that the Holiday Inn Harborside does provide guests with the chance to come and stay for a single night.

Member Mott stated that there are some contradictions to what is proposed and what staff comments say.

Member McFall stated while the property on the north side does need help his concern is with intensity the actual use of the property and how it affects the surrounding area including Gulf Boulevard, Second Avenue, Third Avenue, and 4<sup>th</sup>.

Member McFall stated that this would nearly double the amount of traffic where it is a tremendous blockage now as you cross Walsingham going South.

Member McFall stated that this not 2002 and we must be consistent with what others are allowed in height. This is not Clearwater Beach.

McFall stated he did not see enough give on the development side to architectural standards, mitigating traffic and parking.

**MOTION MADE BY MEMBER SAWCHYN, SECONDED BY MEMBER SYLVESTER** to recommend to the City Commission **DENIAL OF FLU ORDINANCE NO. 2023—07**: Requesting 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 2<sup>nd</sup> St. As described in Exhibit "A."

**ROLL CALL VOTE:**

**AYES: McFall, Sylvester, Dauses, Warman, Sawchyn, Holmes, Mott**

**NAYS: None**

**MOTION CARRIED UNANIMOUS.**

**MOTION MADE BY MEMBER SAWCHYN, SECONDED BY MEMBER SYLVESTER** to recommend to the City Commission **DENIAL** of **PUD ORDINANCE NO. 2023—08**: Requesting 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, FL.

**ROLL CALL VOTE:**

**AYES: McFall, Sylvester, Dausen, Warman, Sawchyn, Holmes, Mott**

**NAYS: None**

**MOTION CARRIED UNANIMOUS.**

**9. OTHER BUSINESS. None**

**10. ADJOURNMENT.**

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**MOTION MADE BY MEMBER SAWCHYN, SECONDED BY MEMBER HOLMES TO  
ADJOURN THE MEETING AT 7:58 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

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Date Approved

Rick McFall, Acting Chairperson

/lak

**AGENDA ITEM NO. 4**  
**ORDINANCE NO. 2025-01**

**AGENDA MEMO  
INDIAN ROCKS BEACH LOCAL PLANNING AGENCY**

**MEETING OF:** April 24, 2025                      **AGENDA ITEM: 4**

**ORIGINATED BY:** Hetty C. Harmon, AICP, City Planner

**AUTHORIZED BY:** Brently Gregg Mims, City Manager

**SUBJECT:**                      **Discussion of Sec 110-103 (b) -Time to apply for a permit  
Discussion of Stairways in a setback**

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**BACKGROUND:**

One of the lessons learned from our recent hurricanes is the length of time to apply for a permit for a substantial damage should be amended from six months to one year. Property owners would be required to initiate the process during this updated period of time. Many factors led to this determination including lack of contractors, securing an appraisal, receiving approval of said appraisal, requirement of architectural/engineering drawings and other permitting documents.

Our City Team would appreciate a review of this matter by the P & Z and the consideration of forwarding a recommendation to the City of Indian Rocks Beach City Commission.

**Discussion of Stairways in yard setbacks:**

Elevating a structure comes with potential setback issues. Under or current Land Development Code if a property owner chooses to elevate an existing conforming or non-conforming structure in the same footprint stairs or elevators have to be within the existing footprint. It is requested that the P & Z discuss the pros & cons of allowing stairs in a setback and forward a recommendation to the City of Indian Rocks Beach City Commission.

**ORDINANCE NO. 2025-02**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER 110 – “ZONING”, ARTICLE II – “ADMINISTRATION”, DIVISION 3 – “SPECIAL EXCEPTION AND “NONCONFORMING USES”, SECTION 110-103 – “MODIFICATION, REPAIR OR CONVERSION OF NONCONFORMING USES AND STRUCTURES”, TO REVISE THE APPLICATION DEADLINE FOR PERMITS FOR THE RESTORATION OF UNSAFE OR UNUSABLE STRUCTURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the City of Indian Rocks Beach is authorized by the Florida Constitution, Florida Statutes, and the City Charter to regulate the use of lands within its corporate boundaries; and

**WHEREAS**, Hurricane Helene and Hurricane Milton have impacted the residents of the City of Indian Rocks Beach; and

**WHEREAS**, the amendments set forth in this Ordinance are made to reflect the impacts of Hurricane Helene and Hurricane Milton and to help residents navigate the permit process for restoring nonconforming structures; and

**WHEREAS**, the Planning and Zoning Board has held a hearing on this matter and has made a recommendation to the City Commission; and

**WHEREAS**, the City Commission has determined that the amendments to the Code of Ordinances are in the best interest of the public health, safety, and welfare; and

**WHEREAS**, the City Commission of the City of Indian Rocks Beach hereby determines that this Ordinance is consistent with and in accordance with the Comprehensive Plan of the City of Indian Rocks Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT THE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:**

**Section 1 - Findings of Fact.** The above recitals are true and correct and are incorporated herein by reference.

**Section 2 – Amendment.** Chapter 110 – “Zoning,” Article II – “Administration,” Division 3 – “Special Exception and Nonconforming Uses,” Section 110-103 – “Modification, repair or conversion of nonconforming uses and structures,” of the Code of Ordinances of the City of Indian Rocks Beach, Florida, is amended to read as follows:

**Sec. 110-103. - Modification, repair or conversion of nonconforming uses and structures.**

- (a) *Enlargement or reconstruction.* No existing structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use. When an existing nonconforming structure built prior to May 11, 1981, does not meet the minimum required side yard setback, an addition may be constructed on the same line as the exterior wall of the existing residential structure. Additions may extend into the required side yard setback up to the setback line formed by the nonconforming wall. The side yard setback between the extended wall of the residential wall and the property line shall not be less than five feet as long as lot coverage, height, front yard and rear yard setbacks and other requirements conform to the appropriate part of the schedules in sections 110-153 through 110-155 and a substantial improvement is not accomplished.
- (b) *Restoration of unsafe or unusable structure.* Any nonconforming structure made unsafe or unusable may be restored, reconstructed or used as before, provided it is rebuilt in the same footprint at grade with foundation or elevated with pilings and must comply with all FEMA requirements, if applicable, provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All required permits shall be applied for within **six twelve (12)** months after damage occurs or such use shall not be rebuilt, except as a conforming use.
- (c) *Normal maintenance, repair and incidental alteration.* Normal maintenance, repair, and/or incidental alteration to a structure containing a nonconforming use is permitted, provided it does not exceed the area or volume of space occupied by the nonconforming use or increase the degree of nonconformance. A building or other structure containing residential nonconforming uses may be altered to improve interior livability. No structural alterations shall be made which would increase the number of units. Repairs and/or incidental alterations may not be accomplished when the repairs equal or exceed 51 percent of the then physical value of the structure determined before repairs and/or alterations are begun. The burden of proof shall be placed on the property owner to show such damage or alteration at less than 51 percent.



- (d) *Conversion of use.* The kind or type of use to which the property was being put at the time it became nonconforming shall not be changed, modified or diversified in kind or type of use unless the building or structure is made to conform with the schedules set forth in this chapter, the schedules of off-street parking regulations and the flood regulations.

**Section 3 – Implementing Administrative Actions.** The City Manager is hereby authorized and directed to take such actions he deems necessary and appropriate to implement the provisions of this Ordinance. The City Manager may, in his discretion, delegate the powers of implementation as herein set forth to such City employees as the City Manager may deem necessary, appropriate, convenient, or prudent.

**Section 4 – Severability.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 5 – Conflicts.** Any and all ordinances and regulations in conflict herewith are hereby repealed and superseded to the extent of any conflict.

**Section 6 – Effective Date.** This Ordinance shall become effective immediately upon full and final adoption by the City Commission.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Indian Rocks Beach, Florida.

**ATTEST**

\_\_\_\_\_  
Lorin A. Kornijtschuk, City Clerk

\_\_\_\_\_  
Denise Houseberg  
Mayor-Commissioner

**APPROVED AS TO FORM**

\_\_\_\_\_  
Randy Mora, City Attorney

**AGENDA ITEM NO. 5**  
**ADJOURNMENT.**