

**MINUTES
CITY OF INDIAN ROCKS BEACH
PLANNING AND ZONING BOARD**

The Regular Meeting of the Indian Rocks Beach Planning and Zoning Board was held on **Thursday, June 17, 2010**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

The meeting was called to order at 7:02 p.m.

Present: Chairperson Rick McFall
Vice Chairperson Patti Muneio
Board Member Nick DiCeglie
Board Member Larry King, Jr.
Board Member Gordon Obarski
1st Alternate Board Member Diane Flagg
2nd Alternate Board Member Gene DeLucia
Planning and Zoning Director Danny E. Taylor

Absent: Board Member Michael McGlaughlin
Board Member Rogers Quimby - Excused

1A. ELECTIONS - Chairperson.

Board Member King nominated Board Member Rick McFall as Chairperson, with Board Member Muneio seconding the nomination.

MOTION MADE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER MUNEIO, TO APPOINT BOARD MEMBER MCFALL AS CHAIRPERSON.

ROLL CALL:

MCFALL	YES
MUNEIO	YES
DICEGLIE	YES
KING	YES
OBARSKI	YES
FLAGG	YES
DELUCIA	YES

UNANIMOUS APPROVAL BY ACCLAMATION.

1B. ELECTIONS - Vice Chairperson.

Board Member King nominated Board Member Muneio as Vice Chair, with Board Member Flagg seconding the nomination.

Board Member Obarski nominated Board Member Flagg as Vice Chair, with no Board Member seconding the nomination.

MOTION MADE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER FLAGG, TO APPOINT BOARD MEMBER MUNEIO AS VICE CHAIRPERSON.

ROLL CALL:

MCFALL	YES
MUNEIO	YES
DICEGLIE	YES
KING	YES
OBARSKI	YES
FLAGG	YES
DELUCIA	YES

UNANIMOUS APPROVAL BY ACCLAMATION.

2. APPROVAL OF Minutes - May 20, 2010.

MOTION MADE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER MUNEIO, TO APPROVE THE MAY 20, 2010 MINUTES.

ROLL CALL:

MCFALL	YES
MUNEIO	YES
DICEGLIE	YES
KING	YES
OBARSKI	YES
FLAGG	YES
DELUCIA	YES

UNANIMOUS APPROVAL BY ACCLAMATION.

3. PRESENTATION - Renaissance Planning

Clarence Eng, Renaissance Planning Group, reviewed the focus on three areas of the City, the Narrows, Midtown and Uptown, with the analysis focusing on

the potential redevelopment of the commercial areas, identifying impediments and unlocking redevelopment potential.

Two pieces of analyses were done:

1. **Development Capacity Analysis** entailed looking at what is on the ground today, comparing that to the potential under current zoning and then comparing that to the USF Study.
2. **Market Analysis** identified the potential market and how potential customers can be aligned.

Mr. Eng reviewed the Development Capacity Analysis and highlighted key questions: What is the amount of development possible today? What amount of future development is possible? What is needed to capture the potential future market?

Mr. Eng stated a Development Capacity Analysis will address development regulations, density, intensity, FAR, and the "development envelope". A Market Analysis will address development potential, demand and capacity, parking, and stormwater requirements.

Mr. Eng stated all three areas (Narrows, Midtown and Uptown) are at roughly half of their development potential; however, the current regulations are, in all probability, constraining further development.

Mr. Eng stated the character of the district needs to be defined; currently it is primarily one-story, restaurants, some retail with surrounding residential, and some hotel. What is needed to create a draw and can it be fit in the area.

David Stamm, Renaissance Planning, reviewed the Development Capacity Analysis and a Demographic Profile. How are the creators and users of real estate going to look at Indian Rocks Beach in comparison to other places. A profile of Indian Rocks Beach was reviewed as well as those communities from St. Pete Beach to Clearwater Beach; what a 15 minute drive from Indian Rocks beach looks like.

Mr. Stamm summarized Indian Rocks Beach as a small town that is pretty much built out, not much population growth projected going forward, waterfront location creates the character and has constrained access, primarily a retirement/vacation lifestyle, generally older population, with higher income and better educated; workforce is generally locally oriented; employment base is small and is primarily oriented toward restaurants, accommodations, and retail; home values are higher than average with a significant amount of seasonal use; housing stock is 60% multi-family (condominiums, etc.).

Mr. Stamm stated in comparing Indian Rocks Beach to other beach towns, IRB is in the middle of total population size; population is younger; above average in income, and educational attainment; above average in home value; commutes are concentrated toward the Largo and Clearwater areas and Indian Rocks Beach itself.

Mr. Stamm continued with a review of the remaining aspects of the presentation:

Population: estimated a little over 5,000 people for 2009
Age: 60% is younger than 55; more of a younger, family-oriented population than some other beach communities; median age is 52;
Household income: upper middle income but not the highest;
Education: significantly above Florida and U.S. average;
Home values: includes only owner-occupied single family homes - on average;
Work commute: concentrated in the Largo/Clearwater areas;

Mr. Stamm stated this is one of the first steps in a market study; however, the demographics drive what the opportunities may be. There are three core land uses: development, residential, retail/office. The focus is likely to be multi-family as a result of the land limitations and the number of units a developer would need to realize a worthwhile return.

Mr. Stamm stated retail would include tourist-oriented and restaurants to supplement what is already in place; additional stores serving the locals are possible. However, half of the retail potential is lost as a result of fronting the Gulf of Mexico.

Mr. Stamm stated Indian Rocks Beach is not going to be a major office center for reasons of location, access, and character of the community; however, there may be opportunities for sole proprietors, accountants, architects, etc. who might be interested in working out of home or occupy a small office space.

Mr. Stamm stated residential is the seasonal profile and multi-family is significant with half of the units in larger building are seasonal; seasonal and tourist populations are projected to be flat through 2025. As people retire, the seasonal units may convert to permanent residences.

Mr. Stamm stated most of the multi-family residences now occupied are empty-nesters (45 - 64 years old).

Mr. Stamm stated larger retail stores will look primarily at arterial locations with lots of visibility and traffic which is not available in Indian Rocks Beach.

Mr. Stamm stated in summary, the waterfront defines the City's character as well as opportunities and any constraints; the scale of opportunities may not be large which is part of the character; figuring out the right mix along with the vision as well as what needs to be accomplished in the context of what the market and demographic profiles are will be key.

Mr. Stamm stated the potential next steps to move the process along would be a full-fledged market analysis, parking study, stakeholder input as well as a planning process.

Chairperson McFall inquired if any surveys have been done regarding parking constraints.

Mr. Stamm responded that Renaissance Planning is awaiting the Board's further direction on the Board's priorities.

Planning & Zoning Director Taylor asked Board Members if they wished to proceed and in what direction.

Chairperson McFall stated that more data will be needed as most of the analysis presented was of ten year old information adjusted by a firm that provides estimates.

Chairperson McFall inquired if funding has been spent.

Planning & Zoning Director Taylor stated some funding exists through this fiscal year; however, stressed the importance of addressing the parking question or moving forward with the focus group activity.

Chairperson McFall inquired if the focus group data input from the USF Study could be obtained.

Planning & Zoning Director Taylor responded the data collected was based on interviews which were conducted and then generalized and incorporated it into the USF Study.

Chairperson McFall stated that parking is a major constraint, and he would like some survey material validated by desire of businesses with the market analysis based on what does a business want or envision and then what actually is the hard data "out there" being collected?

Board Member DeLucia inquired if a parking study will be done for the businesses existing today or for what is envisioned for the future? He stated his preference is to find out from business owners what they want to do, what zoning regulations would the owners like to change, and what would they be

changed to? After that, a parking study could be done based on a change of zoning regulations to allow business owners to do what they want to do to determine any parking impact. He summarized that he would like to see a survey of business owners to identify what they want to do, what they want to build, and what kind of relief do they need?

Board Member Flagg stated the Planning & Zoning Board needs to set some goals to progress with some development in Indian Rocks Beach. What will bring people in to spend money and invest.

Board Member Obarski stated that if a "pedestrian mall" is developed in the Narrows, the next thing to be done is to build a four or five story parking lot; an area that could be utilized for parking is the area on the north side of the Walsingham Bridge, which FDOT may own.

Chairperson McFall stated the parking issue needs to be identified now as the current businesses are constrained by access to reasonable parking, and decisions need to be made on how to proceed.

Mr. Eng stated a parking analysis would identify who is impacted the most, where the parking locations are, parking signage, is shared parking possible, supply and demand.

Board Member DeLucia stated that one part of the study must deal with the existing businesses and what is being planned within the existing zoning regulations in conjunction with a parking study; the second part would be what would be planned for differently should the zoning code be changed; what would the parking impact be based on that expansion.

Board Member DeLucia continued that a market study should be done to identify how to bring in new businesses; what new businesses are likely to come in based on IRB's demographics and what would that do to that parking study.

Chairperson McFall inquired of the cost and the time involved.

Planning & Zoning Director Taylor suggested beginning with the existing market and asking resident businesses what they want to do.

Chairperson McFall requested previewing a survey form with a criteria and what other questions that could be asked. He continued that shared parking would need to be addressed by ordinance.

Board Member Flagg stated that parking concerns in the Narrows Business Triangle area need to be addressed, and stated the USF Study addressed both pedestrian and parking issues.

Board Member King suggested Renaissance provide a preview of the survey to the Planning & Zoning Board for the Board's input as the next step.

Chairperson McFall suggested that a survey preview be available for the next Board Meeting.

Planning & Zoning Director Taylor asked for a consensus that Board Members would like to review a survey instrument.

Mr. Eng stated that this method, in terms of efficiencies, has taken a bit longer and cost a bit more in certain respects as this is being done in pieces, whereas a demographic and market study would be done together.

Board Member King inquired what the next step in the process is.

Mr. Eng suggested conducting a parking and market analysis after which a special area plan would be developed.

Board Member Obarski inquired about the cost to do both.

Planning & Zoning Director Taylor stated he would need to look at the proposal.

Chairperson McFall inquired how does the City make people want to come to Indian Rocks Beach for something other than the beach.

Mr. Eng stated that it relates to character, diversity of services, the look and feel, having certain shops, restaurants and services, such as St. Armand's Key.

Planning & Zoning Director Taylor stated he will work with Mr. Eng using the Board's input to compile a proposal that will be most appropriate to take the Board to where the Board is going, and will e-mail Board Members prior to the next meeting (July).

4. REVIEW OF FUTURE LAND USE AND ZONING MAP AMENDMENTS.

- 1. 1200 Gulf Boulevard — Approximately 0.35 acres.**
 - (a) ORDINANCE NO. 2010-07 - Small Scale future Land Use Map Amendment. 1200 Gulf Boulevard; from Resort Facilities High to Recreation Open Space. This amendment reconciles the existing use, a park, to the**

correct Future Land Use Map Category. This property is owned by the City of Indian Rocks Beach.

- (b) ORDINANCE NO. 2010-08. Rezoning of 1200 Gulf Boulevard; fro Commercial Tourist to Recreation Open Space. This rezoning reconciles the existing use, a park, to the correct zoning district. This property is owned by the City of Indian Rocks Beach.**

2. Property located north of SR688 and south of and between 6th Avenue - 2.06 acres.

- (a) ORDINANCE NO. 2010-09. Small Scale Future Land Use Map Amendment. Property located north of SR688 and south of and between 6th Avenue, consisting of 2.06 acres; from Residential Urban to Preservation. This amendment reconciles the existing use, an undeveloped area adjacent to a bridge, to the correct Future Land Use Map Category. This property is owned by the Florida Department of Transportation.**

- (b) ORDINANCE NO. 2010-10. Rezoning of property located north of SR688 and south of an between 6th Avenue, consisting of 2.06 acres; from Single-Family to Preservation. This rezoning reconciles the existing use, an undeveloped area adjacent to a bridge, to a more appropriate zoning district. This property is owned by the Florida Department of Transportation.**

Planning & Zoning Director Taylor stated he contacted FDOT regarding development of the area, and it is a conservation easement and a mitigation area.

Board Member King stated he will provide a copy of the mitigation easement to Planning & Zoning Director Taylor. He continued that nothing can be done in that area.

BY CONSENSUS OF THE BOARD, CHAIRPERSON MCFALL STATED THAT ITEM 1, A & B, ITEM 2, A & B (ORDINANCE NOS. 2010-07, 2010-08, 2010-09 AND 2010-10) WILL BE PLACED ON THE JULY LPA AGENDA. UNANIMOUS APPROVAL BY ACCLAMATION.

3. State of Florida - Indian Rocks Beach - 64 acres.

- (a) ORDINANCE NO. 2010-11. Future Land Use Map Amendment for property described as: Beginning at the intersection of the Coastal Construction Line and**

the southernmost municipal boundary, the south line of Whitehurst Street, and running in a northerly direction parallel to the Coastal Construction Line and projecting west towards the Gulf of Mexico a distance of 200 feet and ending at the intersection of the Coastal Construction Control Line and the northernmost municipal boundary per the City of Indian Rocks Beach City charter Section 1.2, Territorial Boundaries, and according to the Map of Indian Rocks recorded in Plat Book 2, Page 97, Public Records of Hillsborough County and consisting of about 63 acres.

- (b) ORDINANCE NO. 2010-12. Zoning for property described as: Beginning at the intersection of the Coastal Construction Line and the southernmost municipal boundary, the south line of Whitehurst Street, and running in a northerly direction parallel to the Coastal Construction Line and projecting west towards the Gulf of Mexico a distance of 200 feet and ending at the intersection of the Coastal Construction Control Line and the northernmost municipal boundary per the City of Indian Rocks Beach City charter Section 1.2, Territorial Boundaries, and according to the Map of Indian Rocks recorded in Plat Book 2, Page 97, Public Records of Hillsborough County and consisting of about 63 acres.**

Board Member King inquired if he owned property adjacent to the beach and owned property beyond the building line, would he be in conflict with voting on the issue.

Planning & Zoning Director Taylor stated there would be no conflict unless there was a financial interest in it.

Board Member King stated that he owns the property, and if the decision affects the value of his property, would that create a conflict of interest.

Chairperson McFall stated the requirement is merely to identify the conflict and it may not presuppose a Board Member from voting; however, there may be a requirement of notification that a Board Member has an interest in a particular issue.

Planning & Zoning Director Taylor stated since inventory is being taken of property owners adjacent to the beach, there is a concern about losing any other members such that a quorum of the Board would be affected.

Chairperson McFall restated the requirement of notification of interest. He suggested contacting the City Attorney for verification.

Planning & Zoning Director Taylor stated for the record that Board Members King and Obarski have identified themselves as owning property adjacent to the land indicated on the land use map and zoning district.

Planning & Zoning Director Taylor provided a brief review of Items 3 a & b.

Chairperson McFall inquired if a person, who has an open patch of sand now, can erect a shelter out there and have a party, are they restricted from having those types of activities by zoning the area as preservation.

Planning & Zoning Director Taylor stated that when it is zoned, it will be given principal uses according to the zoning ordinance. The principal uses in preservation include: wildlife preserves, freshwater and saltwater wetlands, coastal dunes, and conservation and recreation uses. Residents may continue to have the paths that are going through the dunes and sea oats; some residents store small sailing vessels in that area as long as they are registered with the City; and recreation can continue; however, building structures are not a permitted use. Tents are allowed to be erected, as a temporary use, but must be taken down in the same day; volleyball nets can be set up for one day only.

Chairperson McFall inquired if this strengthens the permitted uses.

Planning & Zoning Director Taylor stated, with respect to preservation, it provides protection for dunes and emphasizes conservation and defines the uses.

Board Member Obarski referred to a court case in the Florida panhandle where there are two types of rights; riparian and littoral rights - those that people have on the Gulf or ocean and in addition to the rights of the public, certain special rights with regard to the water and the seashore and include the right of access to the water, the right use to the water for certain purposes, the right to an unobstructed view of the water and the right to receive accretions and access to the littoral property which is the issue with the dunes. The dunes are now forming an obstructed view from ground level. He stated there may be a class action suit forming. He stated the Board should not promote anything that would jeopardize the City and place the City in a position for a lawsuit.

Board Member Obarski asked what can be done with the dunes now.

Planning & Zoning Director Taylor stated it is not zoned.

Board Member Obarski stated that if a dune is blocking the view, a resident can knock down the dune.

Board Member Obarski stated it can be done as long as the sea oats are not disturbed.

Planning & Zoning Director Taylor stated it may be governed by other regulations.

Board Member King inquired what regulations govern the sea oats.

Board Member Obarski stated Federal and State laws. He stated that accretion means that landowners own the land.

Planning & Zoning Director Taylor stated the deed establishes a property's boundaries and inquired if a landowner has rights beyond the property boundaries.

Board Member Obarski stated landowners have littoral rights all the way to the high water line of the Gulf of Mexico.

Chairperson McFall stated that there are riparian rights of use, but not ownership; a property owner owns the riparian rights of access, but does not own the physical property - the State owns it. Therefore, what is being restricted regarding use for the property owners on the beach. Some of this is derived from the Federal Emergency Management Agency (FEMA) and residents get federal flood insurance because of mitigating factors that stave off floods, such as dunes.

Board Member Obarski stated that if more specific language were inserted in the ordinance, regarding use, paths, etc., residents would not have a problem.

Board Member King stated that, in researching the City Code on preservation, there are no restrictions as to what a property owner can do, and raking is not defined in preservation. He inquired if the City wants 63 acres of the City to be unzoned, and if not, then how should it be zoned.

Planning & Zoning Director Taylor stated there is a prescribed zoning district in the Land Development Regulations and that prescribed zoning district is being used to apply to the beach. That prescribed zoning district includes the uses previously stated. In making that zoning district happen, the first thing is to approve the map amendment; however, if the Board wants to pull back from the map amendment and review that zoning district, there is no reason that another zoning district cannot be written for the beach, i.e. the beach

preservation, rather than preservation in general in order to ensure what the Board wants to do provided it is consistent with the Countywide Rules.

Board Member DeLucia stated his discomfort with leaving it unzoned.

Chairperson McFall inquired, based on the Florida legislature, if it strengthens the position of drilling just off shore where mineral rights are sold and a rig is sitting near the beach.

Planning & Zoning Director Taylor stated the City's authority does not extend that far. He continued that a new zoning district classification could be written that states prohibited uses includes drilling.

Board Member Obarski stated the Beach Management Plan appears to be coming through the "back door" through the Evaluation and Appraisal Report.

Chairperson McFall stated his preference for more data.

Board Member Flagg clarified that undesignated is to be classified as preservation, and inquired what benefit is associated with preservation.

Planning & Zoning Director Taylor stated that preservation provides protection for the dune system. He stated he does not know what the Federal regulations are regarding dune systems.

Chairperson McFall stated if no harm is caused to homeowners adjacent to that management area, it should be changed.

Board Member Obarski inquired if it can be zoned something else.

Chairperson McFall stated if a different zoning designation could be adopted which takes the positive elements of conservation and prevents it from becoming a contentious issue.

Board Member King stated that under the existing City Code, Recreation Open Spaces, one of the designated purposes states beach.

Planning & Zoning Director Taylor stated it is not zoned anything at present. He continued that a new zoning district can be written specifically for the beach which takes all things into consideration, as long as it remains within the parameters of, and is consistent with, the Countywide Rules.

CHAIRPERSON MCFALL STATED IT IS THE CONSENSUS OF THE BOARD TO TABLE THE VOTE UNTIL A FUTURE LPA MEETING UNDER A NEWLY CONSTRUCTED DESIGNATION.

Planning & Zoning Director Taylor stated a workshop needs to be scheduled, therefore, there will not be an LPA hearing on this item. He continued that the LPA Meeting will be scheduled for July 15, 2010, at 7:00 p.m., at which time the LPA will make a determination that the two amendments are consistent with the city's Comprehensive Plan, after which it will move to the City Commission for public hearings. At the Planning & Zoning Meeting scheduled for the same night and following the LPA Meeting, discussion on the contents of a new zoning district and how it can be written to accommodate the various concerns and then make a recommendation to establish that district, consistent with the Countywide Rules, and placed in the text of the Zoning Code and then subsequently implemented as a Map Amendment.

Board Member King requested a proposed beach ordinance for the next meeting.

Chairperson McFall suggested that Board Members bring a list of concerns to the next meeting.

Planning & Zoning Director Taylor stated that upon receiving that information, he will craft it into ordinance language, write the text, create a new zoning district after which the text amendment is passed and then the map amendment is passed.

CHAIRPERSON MCFALL STATED, BY CONSENSUS, ITEM 3 HAS BEEN TABLED FOR FURTHER DISCUSSION AFTER THE LPA MEETING IN JULY AND DIRECTED BOARD MEMBERS TO BRING THEIR CONCERNS AT THAT TIME.

Planning & Zoning Director Taylor restated the consensus of the Board is not to move forward with the LPA Hearing on beach preservation, but, instead to workshop it at the next Planning & Zoning Board Meeting in July.

5. OTHER BUSINESS. None.

6. ADJOURNMENT.

MOTION MADE BY BOARD MEMBER OBARSKI, SECONDED BY BOARD MEMBER DECEGLIE, TO ADJOURN THE MEETING.

UNANIMOUS APPROVAL.

THE MEETING ADJOURNED AT 9:10 P.M.

July 15, 2010
Date Approved

Rick McFall, Chairperson

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