

INDIAN SHORES

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PLANNING, ZONING AND BUILDING COMMITTEE MEETING MINUTES – JULY 17, 2018

THOSE PRESENT: Councilor-Chairperson Hackerson, Alternate Vice-Chairperson Mayor Soranno, Citizen Member Dr. Candiss Rinker, Alternate Citizen Members Carole Irelan and Mark Housman, and Attorney Kardash.

ALSO PRESENT: Councilor Petruccelli, Town Administrator Bonnie Dhonau, Personnel and Finance Director Susan Scrogam, Town Clerk Freddie Lozano, Chief Hughes, Building Official Stephen Tetlak, Town Engineer Bob Brotherton, Robert Lyons along with Steve Page from PL Gulf Development, LLC, 20001 Gulf Blvd., Andrew Deslandes from Deslandes Design and Build of Saint Petersburg, FL along with Albert Carrier from Deuel & Associates and residents; John Williams, Karl Olander, Pat Plumlee, Jo Simpson, Kent Stout, Darlene Yetta, Mark Delillo

The meeting convened at 3:00 P.M.

ITEM # AGENDA ITEM

1.0 Approval of Agenda for July 17, 2018.

Councilor Hackerson – entertained the motion to approve the agenda for July 17, 2018.

Motion by Dr. Candiss Rinker – seconded by **Mayor Soranno** to approve the Agenda for July 17, 2018. **Motion carried 3-0.**

Councilor Hackerson read the Quasi-Judicial Proceedings as defined in Section 2-111 of the Town's Code of Ordinances. The two Council members, Mayor Soranno and Councilor Hackerson recused themselves from the Committee leaving Citizen Member Dr. Candiss Rinker as the acting Chairperson for the Planning, Zoning, and Building Committee (PZB) along with Alternate Citizen Members Carole Irelan and Mark Housman.

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Freddie G. Lozano
Town Clerk

Steve Tetlak
Building Official

Regina Kardash, Esq.
Town Attorney

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2.0 Comments from the public on any agenda item.

Dr. Rinker began the meeting and there were no comments from the public or the Committee on any agenda item.
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3.0 The site plan review request for the 18840 Gulf Blvd. property will not be addressed at this meeting per the owners' request. Additional time is needed to review the plans to ensure for a more complete site plan package for review at a future date.

Dr. Rinker read the agenda item for 18840 Gulf Blvd and there were no comments from the public or the Committee.

4.0 PUBLIC HEARING: Quasi-Judicial

Palazzo del Sol

Consideration for a Site Plan Review, and recommendation to Council, from P.L. Gulf Development, LLC, to construct a 7 unit – 4 floor multi-family condominium over parking. Demolition of existing structure. Location: 18800 Gulf Blvd. Indian Shores, Florida 33785 parcel number 30-30-15-42822-002-0120.

Attorney Kardash reviewed Section 2-110 of the Town's Code of Ordinances that the PZB Committee will follow to decide on the approval or denial of the site plan applications. She proceeded with the Quasi-Judicial announcement after which she administered the Oath to all who wished to speak at the hearing.

Dr. Rinker began the hearing by reading the Palazzo del Sol site plan review for consideration.

Mr. Tetlak presented the Town's file for the Palazzo Project to the Committee.

Mr. Robert Lyons described the Palazzo del Sol Project beginning with the demolition of the existing structures at 18800 Gulf Blvd. There will be seven units over parking, six are 3,000 square feet identical units and one larger penthouse. Provisions have been made for waste pick up. Also included are landscaping and a spa and pool on the Gulf side. The building will have a minimum of four colors which Dr. Rinker confirmed is the Town's minimum number of colors required.

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Councilor

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Building Official

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Town Attorney

Dr. Rinker asked if there were any opponents or proponents of the project which there were none.

Ms. Irelan asked Mr. Brotherton for his input on the project.

Mr. Brotherton stated that two power poles remained standing after the undergrounding project. The Palazzo del Sol Project will remove one of the poles which will help with the Town's goal of having no power poles.

Mr. Housman asked Mr. Brotherton if the 24-foot wide access point from Gulf Blvd. will provide adequate space for garbage pickup and for delivery trucks.

Mr. Brotherton replied the width is adequate for delivery trucks. Garbage pickup will not be an issue as it is picked up from Gulf Blvd. He also recommended that a permit must be obtained to construct the driveway prior to issuing the building permit.

Dr. Rinker closed the discussion.

Motion by Mr. Housman – seconded by **Ms. Irelan** to approve the recommendation of Council approval of the Site Plan Application for Palazzo del Sol as presented. **Motion carried 3-0.**

5.0

PUBLIC HEARING: Quasi-Judicial

Aloha Bay

Consideration for a Site Plan Review, and recommendation to Council, from Aloha Bay Condominium Association Inc. and Preferred Equities Corp. c/o Celebrity Resorts, to construct a new pool deck, exterior stairwell, and additional driveway/parking. Location: 19607 Gulf Blvd. Indian Shores, Florida 33785 parcel numbers 24-30-14-00680-000-0000, 24-30-14-00680-000-0001, 24-30-14-00680-000-0002, 24-30-14-00680-000-0003, and 24-30-14-42912-006-0010.

Dr. Rinker read the Aloha Bay site plan review for consideration.

Mr. Tetlak presented the Town's file for the Aloha Bay Project for the Committee's approval.

Attorney Kardash asked Mr. Tetlak if the application has met all the requirements before being submitted and if he or Mr. Brotherton had any formal recommendation for the project.

Mr. Tetlak replied that there was a question regarding the water in the existing pool that must be neutralized and documented before proceeding with the permitting process.

Mr. Brotherton had no additional comments.

Mr. Andrew Deslandes introduced himself as the general contractor for the Legacy/Aloha Project. He hired Mr. Al Carrier to pursue the project's engineering requirements.

Mr. Al Carrier stated that the front drive will be reconstructed with three additional parking spaces to allow for better access to the front of the facility. Also planned is the addition of a handicapped parking space and an elevator to access the second story of the office. These changes would require relocating the pool closer to the check-in office from Gulf boulevard. A sidewalk will be added to connect the facility to Gulf Blvd. A dry pond will be installed to meet the Town's storm water requirements. A permit application will be submitted to South-West Florida Water Management District (SWIFTMUD) after Council approval of the site plan application.

Ms. Irelan asked if the dry water pond is considered as a holding pond. She suggested visiting the Dolphin Key Condominiums to look at what replaced their previous holding pond which has had no problems even with seven inches of rain.

Mr. Brotherton stated he had a conversation with the applicants regarding his concern with the drainage and the nearby seawall which may tend to hold water back more than what they expected. The applicants agreed that if that situation arises, they can install an under-draining system to improve the drainage. Mr. Brotherton added that the drainage will be part of the Town's ongoing inspection to ensure the pond is properly operating.

Mr. Housman asked if there will be changes to the signs to go along with the rerouting of the sidewalks.

Mr. Carrier replied that there will be a new sign.

Mr. Andrews added that they are representing a more modern multicolor feature of the main building with faux decorative wood that will be incorporated in the sign as well.

Dr. Rinker asked if there are any opponents.

John Williams, 19616 Gulf Blvd., President of the Condominium Association, along with the members of the Board, are opposed to the project. They feel that the site plan does not offer anything new and feel that it doesn't add to the beautification efforts of the Town. They have concerns with the proposed location of the pool equipment being visible, the retention pond that was never needed before and its closeness to the property line, the eliminated landscaping, and pedestrians being tempted to use the pool.

Pat Plumlee is opposed and is concerned with the view of the landscape being replaced by a pool view.

Karl Olander, 19616 Gulf Blvd., questioned if the pool will be lit and operate during the evening. He felt that the proposed landscaping appears sparse and should be more substantial.

Dr. Rinker asked if any other opponents would like to speak and there were none. She asked if proponents were present in support of the proposed changes which there were also none. She asked the Project's applicants to present their rebuttals.

Mr. Deslandes addressed the pool's hours of operation in the evening will be the standard hotel pool hours of 9pm – 9:30pm. The landscaping was based off the building code minimum requirements. He further added that they will work on the landscaping to coincide with the Gulf Boulevard Beautification.

Mr. Carrier addressed the parking concern. The drive isle where people currently park to access the front of the building is 18-foot wide and is substandard. The reason for relocating the parking is to provide the disabled ease of access elevator and the main entrance of the office. The access between the pool and the drive isle is tight. Installing two (2) 10-foot drive isles will eliminate that choke point allowing easier access to the facilities. A T-turnaround is also being added for emergency and solid waste vehicles to utilize. For the landscaping concerns, he stated that planting smaller trees will acclimate and grow better than if planting their older/larger versions.

Dr. Rinker asked the applicants to describe the proposed fence surrounding the pool.

Mr. Deslandes described it as a 6-foot, powder coated aluminum decorative fence.

Ms. Irelan asked Mr. Deslandes to bring the project's rendering to the dais to show the board where the fence will be installed.

Mr. Housman asked where the pool equipment will be.

Mr. Deslandes replied that the pool equipment will be on the pool deck.

Dr. Rinker asked if the fence will be visible.

Mr. Carrier replied that there will be heavy landscaping between the fence and Gulf Blvd.

Dr. Rinker asked how many feet will be between the fence and Gulf Blvd.

Mr. Housman replied 18-feet to the fence's edge according to the engineering drawings. He added that planting the smaller trees will take some time to grow to fully hide the fencing.

A **Resident** that currently has a view of the pool from her home above the first floor suggested covering the top of the pool equipment with lattice work.

Mr. Deslandes stated that they are limited with where they can place the pool equipment that is required to be installed outside of the required 10-foot side yard setback.

Ms. Irelan asked how many units and parking spaces there are in Legacy and why the need for the additional parking spaces.

Mr. Deslandes replied 32 units.

Mr. Carrier stated that units were not being added. Therefore, the number of parking spaces were not recalculated. The additional parking spaces are being added to provide ease of access to the front of the office.

Ms. Irelan noted that there are rules and fines in place regarding lights at night to protect the turtles.

Dr. Rinker re-opened the floor for public comments limited to two minutes.

John Williams feels that a portion of the area with grass is being paved over to widen the access. The handicapped parking space is next to the facility entrance door. If the project is approved, the people who use these handicapped spaces will have to park behind the pool area and walk around to access the front of the building. He feels that these changes will diminish the property's value.

Karl Olander objected to the project to relocate the pool to the front of the building. He feels that the pool will cause more of a distraction and noise.

Dr. Rinker asked if there were proponents.

Mr. Carrier responded to John Williams' statement regarding the current width of the choke point between the existing pool and curb being 11-feet. He added that the current parking situation does not meet the current ADA guidelines for accessibility.

Motion by Mr. Housman – seconded by **Ms. Irelan** to approve the recommendation of Council approval of the Site Plan Application for Aloha Bay subject to the installation of a solid fence with landscaping in front of the pool facing Gulf Blvd., enclosing the pool equipment's sides and top, and picket fencing with Viburnum hedges along the Tiki Gardens property line with the remaining northern and eastern sides picket fenced. **Motion carried 3-0.**

6.0 **PUBLIC HEARING: Quasi-Judicial**

Regatta Bay II

Consideration for a Site Plan Review, and recommendation to Council, from Anchorage of Indian Shores, to construct a 21 unit – 6 floor multi-family condominium over parking. Location: 20001 Gulf Blvd. Indian Shores, Florida 33785 parcel number 13-30-14-42930-000-0001.

Attorney Kardash asked if any member of the Board has received any type of communication regarding the Regatta Bay II Site Plan application and asked to disclose it for the record. She also asked those who have received communication if they are still able to render a fair and impartial decision on the matter.

Mr. Housman, Ms. Irelan, and Dr. Rinker replied they all received emails opposing the project and had no dialogue regarding the emails. They all replied yes to Attorney Kardash on being able to render a fair and impartial decision.

Dr. Rinker read the Regatta Bay II site plan review for consideration.

Mr. Tetlak stated that the site plans have been reviewed and meet the Town's Ordinance requirements. He entered the records as evidence for this hearing and presented them to the PZB Committee for approval.

Mr. Brotherton stated that the project includes a provision for six levels over parking in lieu of the typical four or five levels over parking. He cited Section 110-338, Incentive Program, of the Town's Code regarding the sidewall height of the building that can go up to six levels over parking with a 60-foot sidewall height if certain conditions are met. He asked the Committee to view the reference material containing four examples of existing buildings in the Town with six levels over parking. The Project meets all provisions in the Town code and meets and exceeds all provisions of the Town's Incentive Program. The building will have five colors. Its setback is 35-feet while the required is only 25-feet. The northside setbacks are in excess of 37.2-feet and the southside if 41.3-feet. Mr. Brotherton's expressed his opinion that the development exceeds the Town's code requirements and opened the floor for questions.

Dr. Rinker asked the applicant to speak.

Mr. Robert Lyons believes the project will be a wonderful addition to the Town. They designed the project with the thought of exceeding the Town's requirements. He mentioned that Mr. Brotherton Bob was a great help with suggestions and provided contact information for landscape architects.

Dr. Rinker asked if Mr. Lyons has spoken to neighbors to gather input and feelings regarding the project.

Mr. Lyons replied that he did not hear from anyone opposing the project until the morning of the meeting.

Dr. Rinker opened the floor for opponents.

Mr. Todd Plumlee, 20001 Gulf Blvd., stated that many are concerned that their property value maybe lessened due to the project and that the project has affected sales at the Sand Castle. He suggested decreasing the building by one to two stories less. There was also concern over the potential increase with foot traffic to access the beach through the Sand Castle property.

Mr. Mark Delillo, 20000 Gulf Blvd. Unit #1002, stated that one of the attractions was the view of the intracoastal. The view will be obstructed with a six-story building. He added that he along with the Board at Sand Castle are not opposed to the development, but they are opposed to the six stories. Mr. Delillo also stated that traffic on Gulf Blvd. will be impacted by the development.

Ms. Darlene Yetta, Sand Castle 1, Unit #703, is opposed to the project due to the potential impact on the view of the intracoastal.

Ms. Pat Plumlee stated that several Sand Castle 1 owners are upset about the building being so high along with the traffic concerns.

Dr. Rinker asked everyone who has spoken if they were sworn in and all replied yes.

Ms. Jo Simpson, 20002 Gulf Blvd., is not concerned about the building, but is concerned about visitor parking overflowing into the Sand Castle properties due to increased traffic.

Mr. Kent Stout, 20000 Gulf Blvd., Unit #602. Mr. Stout asked about the rules regarding notification of abutting property owners regarding the site plan.

Attorney Kardash replied that the property owners were sent notice through their associations which is permissible.

Mr. Stout asked if that was sufficient. He did not believe that all property owners were properly notified.

Attorney Kardash replied yes and added that public notice was provided through the Town's website and notice was posted at Town Hall. Legal notice was also sent to the associations and their registered agents, and any known officers registered with the Town.

Mr. Stout objected to the development. He believes that the view is a property right and if it's diminished, so will his financial investment in his property. He also expressed the same concern with increased traffic.

Dr. Rinker asked if there were any more opponents or proponents which there were none and proceeded with the rebuttals.

Mr. Steve Page, 20001 Gulf Blvd. stated that they are not asking for a variance. They followed and exceeded the Town's requirements.

Dr. Rinker asked how many parking spaces and if there will be handicapped spaces available. She asked what the duration of the minimum rental is and the price range per unit.

Mr. Lyons replied forty-eight parking spaces including handicapped spaces and six guest parking spaces.

Mr. Page and **Mr. Lyons** replied a minimum of 30 days to rent with units in the \$700,000 range.

Mr. Page stated that there will be no impact on traffic as noted by the opposing property owners.

Dr. Rinker asked Mr. Page if a traffic study was performed or if that was his opinion.

Mr. Page replied no and that was his opinion.

Attorney Kardash added that trips measured per day in most traffic studies resulted in a decrease in traffic intensity as opposed to increasing in intensity when going from residential to commercial.

Mr. Lyons believes they have a right to build according to the Town's code. The development will have ample parking.

Ms. Irelan asked Attorney Kardash if the water view is a viable reason not to grant the development and if there are statements by the government saying that water view has any impact.

Attorney Kardash replied there is no recognized legal entitlement to a view and is not a legal consideration in the Town's code.

Ms. Irelan stated that FDOT makes the rules and will enforce them if they feel traffic is being impacted by the development. She further added that she does not see a problem with the development so long as the Town's codes are followed.

Dr. Rinker closed the public hearing and asked for a motion.

Motion by Ms. Irelan – seconded by **Mr. Housman** to approve the recommendation of Council approval the Site Plan Application for Regatta Bay II as presented. **Motion carried 3-0.**

Dr. Rinker asked Councilor Hackerson and Mayor Soranno to resume their seats at the dais.

7.0 Consideration for recommendation to Council the approval of Mr. Edward Fernandez's request to conduct business for Suncoast Auto & Marine located at 19005 Gulf Blvd., Indian Shores, FL 33785.

Councilor Hackerson resumed the meeting.

Mr. Ed Fernandez, 402 161st Ave., Redington Beach, FL. Mr. Fernandez conducts his business at his father's house, Luis Fernandez, located at 19005 Gulf Blvd., where he leases the garage and backyard for boat repairs. Mr. Fernandez would like approval to continue with his business at 19005 Gulf Blvd.

Councilor Hackerson stated that there have been questions from residents asking why Mr. Fernandez is able to park the boats at his residence when they cannot do the same. The Town Ordinance states that parking of boats, RVS, or other equipment is not allowed at private residences.

Mayor Soranno asked Attorney Kardash if his understanding is correct with respect to the Town Ordinance that to run a residential business, the owner of the business should also occupy or live on the premises.

Attorney Kardash replied that is correct. She noted that Mr. Tetlak sent Mr. Fernandez a notice citing Section 110-173 of the Town's code regarding the Residential, Office, Retail (ROR) district. The criteria defined in the Section must be met to run the business which is for the owner to reside in the building.

Mr. Fernandez stated that his father lives at the building.

Attorney Kardash asked if his father owns an interest in the business and if he is a registered agent or president.

Mr. Fernandez replied yes that his father has interest in the business but is not a registered agent or president.

Attorney Kardash pointed that his father would have to be involved with the business.

Mr. Fernandez stated he does not store boats at the location. He repairs them and then they are removed from the premises when the job is completed usually in about a week. He added that the address is zoned ROR and has been licensed by the state of Florida since 2005.

Mayor Soranno noted that the issue is whether the business is considered as industrial use.

Mr. Fernandez stated the business is not industrial in that he does not build or take apart boats. The work is all electrical.

Councilor Hackerson asked if there is a way to meet citizen requests to block the view of the boats.

Mr. Fernandez replied that there is now landscaping that will grow in within 6 months.

Dr. Rinker asked if the number of boats on the property can be restricted.

Attorney Kardash replied restrictions can be imposed, but the issue at hand is the requirement for the business owner to occupy the building.

Dr. Rinker stated then Mr. Fernandez cannot continue his business at the property.

Mr. Fernandez stated that he is within the Town Square Planning area.

Attorney Kardash read the one provision in the Town's code regarding the Town Square Planning area which described the boundaries encompassing the area which supersede any prior description or depictions of the Town Square Planning area boundaries.

She also pointed out that the PZB Committee is the final determining decision maker of this matter and not Town Council.

Councilor Hackerson stated that the goal is to have a positive outcome and ensure that all are compliant with the Town's code without negatively impacting Mr. Fernandez's business.

Attorney Kardash advised that Mr. Fernandez's father needs to be a part of the corporation to qualify the business to continue on the property.

Mayor Soranno asked what can be done now to meet the requirements to run the business.

Attorney Kardash suggested at a minimum adding Mr. Fernandez's father's name to the business.

Dr. Rinker wanted clarification with respect to the owner being an active member of the business.

Councilor Hackerson replied that Mr. Fernandez stated that his father helps him.

Mr. Fernandez concurred.

Attorney Kardash suggested some evidence of ownership to the business should be provided.

Mr. Tetlak is concerned with the number of boats and the length of time they are on the property.

Mayor Soranno suggested Mr. Fernandez contact Attorney Kardash or Mr. Tetlak to work through the process.

Dr. Rinker asked if Mr. Fernandez may continue operating his business as it stands for now.

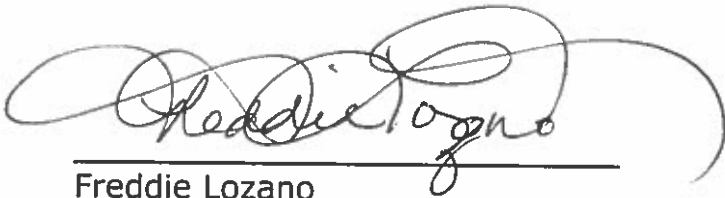
Attorney Kardash does not foresee a problem if the Committee allows him to continue.

Mayor Soranno stated the Committee was fine with Mr. Fernandez operating his business.

Motion by Dr. Rinker – seconded by **Mayor Soranno** to table Mr. Edward Fernandez’s request for approval to conduct his business at 19005 Gulf Blvd. **Motion carried 5-0.**

8.0 Open discussion.

Meeting adjourned at 4:47 p.m.

A handwritten signature in black ink, appearing to read "Freddie Lozano", written over a horizontal line. The signature is highly stylized with large loops and flourishes.

Freddie Lozano
Town Clerk