

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindiashores.com

JOINT PLANNING, ZONING AND BUILDING COMMITTEE AND TOWN COUNCIL WORKSHOP MINUTES TUESDAY, MAY 11, 2021, BEGAN AT 3:00 PM INDIAN SHORES MUNICIPAL CENTER 4th FLOOR

The workshop convened at 3:00 p.m.

Those present: Mayor Patrick C. Soranno, Vice Mayor Mike Hackerson, Councilor Mike Petrucci, Councilor Diantha Schear, Councilor Bill Smith, Planning, Zoning and Building Committee Citizen Member Dr. Candiss Rinker, and Town Attorney Regina Kardash.

Also present: Town Administrator Bonnie Dhonau, Town Clerk Freddie Lozano, Chief Rick Swann, Captain Glen Smith, Town Engineer Larry Fluty, Building Official Darin Cushing, Fire Commissioner Larry Schear, Principal Planner Linda Fisher and Planning Analyst Nousheen Rahman of Forward Pinellas, PZB Citizen Alternate Roland Goerner, ISPOA President Art Newsome, Attorney Craig Taraszki of the Johnson Pope Law Firm.

Those absent: None

ITEM # AGENDA ITEM

1.0 Consideration of approving the Joint Planning, Zoning and Building Committee and Town Council Workshop agenda for May 11, 2021.

Motion by Councilor Smith – seconded by **Councilor Schear** to approve the Workshop agenda for May 11, 2021. **Motion carried 5-0.**

2.0 Comments from the public on any agenda item. None

Patrick C. Soranno
Mayor

Mike Hackerson
Vice Mayor

Diantha Schear
Councilor

Michael (Mike) Petrucci
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Richard (Rick) Swann
Chief of Police

Susan L. Scrogham
Director of Finance
and Personnel

Freddie G. Lozano
Town Clerk

Regina Kardash, Esq.
Town Attorney

3.0 Attorney Kardash to provide a review of the difference between quasi-judicial hearings and regular public hearings and procedures for both.

Attorney Kardash provided a review of Quasi-judicial proceedings mostly related to land use.

Land use laws help local governments in terms of community planning on how properties within their jurisdictions can be used. She noted the importance of processes and rules in place that help guide elected officials on their actions to make the best decisions for their constituents in a respectful and civilized manner.

Quasi-judicial determinations have the force and effect of law. The Council is the legislative body that sets and puts in place the rules, laws, policies, and procedures that help elected officials make decisions beneficial to residents. Procedural due process, applying the correct law, and substantial evidence all have a bearing on quasi-judicial decisions.

Attorney Kardash touched on ex parte communications that involve communication with decision makers prior to or outside of a hearing that may influence the decision maker's action on a matter. Any discussion regarding matters outside of a scheduled hearing will not be presumed prejudicial if any occurrence of ex parte communications are disclosed prior to or at the hearing.

She concluded her presentation by outlining the legislative process on public hearings.

4.0 Discussion on Comprehensive Plan and potential land use change policy revisions regarding density in the Coastal High Hazard Area.

Attorney Kardash noted a correction to her memorandum on Comprehensive Plan Policies noting that the statement, "the Town does allow for density increases," should be corrected to say, "the Town does not allow for density increases."

Ms. Rahman began her presentation by stating that an applicant submitted a request to amend the designated land use for the property located at 18455 Gulf Boulevard from Transportation/Utility (T/U) to Residential/Office/Retail (R/O/R). T/U does not allow for any residential density on the property. The proposed amendment allows for a maximum

density increase of 18 Units Per Acre (UPA). The Town's Comprehensive Plan restricts increases in densities for areas in Coastal High Hazard Areas (CHHA), which the entire Town of Indian Shores is under.

She outlined the required processes of amending local comprehensive plans to increase density in a CHHA that involve working with the Town's Local Planning Agency (Forward Pinellas) and the Florida Department of Economic Opportunity (DEO) for review and feedback of proposed amendments. The amendments must also meet countywide requirements. If the DEO approves, then the proposed amendment must be submitted to Forward Pinellas for a formal Consistency Review. The Town will need to approve any category changes to this specific property. She noted that the amendment would apply to the Town as a whole and not just to the specific property.

If the proposed amendments to allow densities in the CHHA successfully complete the comprehensive plan amendment process, the Town has the option to amend the parcel to the Institutional category, which would allow for a residential density of 12.5 UPA, and no county public hearings required. The other option is to amend the parcel to residential category, which requires public hearings by the Forward Pinellas Board and the Board of County Commissioners.

Attorney Taraszki represents the purchaser of the Duke property. He mentioned that they had discussions on revising their plans to be more consistent with the countywide density of 12.5 UPA and agreed with the streamlining of the process to avoid land use change hearings.

The Council reached a consensus for Forward Pinellas to begin the comprehensive plan amendment process for a land use change to the Town's Comprehensive Plan to add residential density of 12.5 UPA to Institutional zoning. The process could take four to six months. A land development code amendment will be needed for residential provisions.

5.0 Discussion regarding a proposed ordinance to limit curb cuts onto Gulf Boulevard between 193rd Avenue East and 191st Avenue East.

Mayor Soranno began the discussion on curb cuts between 193rd and 191st Avenue East noting the impact that additional curb cuts would have on the installation of raised sidewalks and pedestrian safety. He agreed that an ordinance is not needed to limit the curb cuts, but a policy should be in place that can be implemented moving forward.

Three out of the five Council members were not in favor of limiting the curb cuts at this location.

There will be more discussion on this subject at the Quasi-Judicial Hearing at the Town Council Meeting following this Workshop.

Council consensus was reached that an ordinance to limit curb cuts is not needed and that the properties involved are subject to the Florida Department of Transportation's review.

6.0 Workshop adjournment.

4:41 p.m.



Freddie Lozano
Town Clerk