

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
WEDNESDAY, MAY 12, 2021 – 6:00 P.M.
MINUTES**

Present upon roll call: Commissioner Krouk, Commissioner Blackburn, Commissioner Krajewski, Vice Mayor Robinson, Mayor Henderson, and Attorney Denhardt.

APPROVAL OF MINUTES – Regular Meeting, April 14, 2021; Workshop Meeting, April 28, 2021

Vice Mayor Robinson moved to approve the minutes, seconded by Commissioner Krajewski. Roll call: all yes.

RATIFICATION OF BILLS – April/May 2021

Vice Mayor Robinson moved to ratify the bills, seconded by Commissioner Krouk. Roll call: all yes.

COMMISSION REPORTS

Mayor Henderson

Gulf Blvd. Beautification – working with other Redington's to produce an RFP for the West Side Undergrounding.

Mayor Henderson announced Mr. Ken Speed did finally return the \$5,000.00 deposit for the fireworks.

Mayor Henderson asked the Commission if they would like to continue the Hybrid meetings. The Commission discussed and concluded to continue with the Hybrid meetings until the CDC lifts restrictions.

Fire – Chief Burford introduced Chief Belk of the Madeira Beach Fire Department. Chief Belk addressed the Commission introducing himself, giving a brief background of himself.

Chief Burford gave the following report: There were two non-emergencies with a response time of eight minutes and two seconds and four emergency calls with an average response time of six minutes and two seconds.

EMS – there were ten non-emergency calls with an average response time of six minutes and nine seconds and thirty-six emergency calls with an average response time of four minutes and twenty-nine seconds.

Indian Shores Police Department – Chief Swann addressed the Commission regarding the purchase of a new warning siren system. The system the town and Indian Shores has is broken and is not repairable. After discussion Vice Mayor Robinson moved to support replacing the siren system in the amount of \$43,302.02, contingent upon our review and approval of the contract and the monies to be allocated from the One Cent Sales Tax Fund, seconded by Commissioner Krajewski. Roll call: all yes. This is a piggyback contract with another municipality.

Vice Mayor Robinson, Commissioner District No 3

Vice Mayor Robinson thanked all who attended and participated in the Hurricane Workshop. The workshop video is posted on the town's website for those who could not view it live. Vice Mayor Robinson stated he has been working with Chief Swann, Chief Burford revising the town's Emergency Operation Plan.

Vice Mayor Robinson reminded the Commission to be working on their budget numbers and if they need any help the Financial Advisory Committee is available.

Commissioner Krouk, Commissioner District No 2

Commissioner Krouk reported there were 79 permits issued in April and 102 inspections performed. Met with some one from the Fin adv committee and will have numbers for the budget shortly.

Commissioner Jennie Blackburn, District No 1

Commissioner Blackburn announced she attend a three-day conference, (IEMO) made some great connections with other elected officials.

Parks – the seawall at Del Bello Park is going to be repaired by Gibson Marine in the amount of \$500.00. The BBQ grills at Constitution Park will be replaced by town staff. Training for town maintenance staff will take place for NPDES. Town staff is working on weekends picking up trash on the beach. Still doing due diligence on the dog park. Commissioner Blackburn thanked resident, Mary Gerst regarding the town installing Lending Libraries, which Commissioner Blackburn is now working on.

Commissioner Krajewski, Commissioner District No 4

Commissioner Krajewski gave an update to the Commission regarding the sewer system update and stormwater update. A meeting has been set via Zoom with Pinellas County, on the proposal of purchasing the town's sewer system.

Gulf Beaches Library – the board has passed the budget for 21/22. There was a 10% reduction for each town and capital improvements are scheduled to be done.

OLD BUSINESS

Mayor Henderson Opened the Public Hearing

First Reading and Advertised Public Hearing – Ordinance 21-04 – Amending Land Use Plan Map

Mayor Henderson opened the public hearing. Attorney Denhardt read Ordinance 21-04 by title. Attorney Denhardt explained this ordinance on the land use map change is a companion to item number two on the agenda, relating to zoning map change. Both applications were submitted by Todd Pressman on behalf of the owner JERMC LTD. This has been heard by the zoning commission and a recommendation has been made. Town Clerk Palmer swore in all who would give testimony.

Dave Healey, the town's Planning Consultant addressed the commission giving his report and recommendation. The two applications ask to amend the Future Land Use Map from R/OS to Residential High and to amend the Zoning Map from PP to RM-15. An addendum dated March 18, 2021, provided by Mr. Healey recognizes a strip of land north of JERMC, Ltd., property with ownership interest by owners of Gay Shores Subdivision and Gay Shores 1st Addition and was delivered to the Planning and Zoning Board.

The historical designation has been Recreation Open Space/Public Open Space since 1981. The current owner purchased the property in June 2000. The applicants proposed use is multi-family residential use, consistent with proposed RH & RM-15 designations. The applicant did choose not to submit a site plan which was encouraged to do so as it is a requirement in the town code. Mr. Healey reviewed the outline of the Amendment Process, stating we are now at Step #6, Town Commission Public Hearing, 1st Reading Initial Action.

Commissioner Krajewski stated the commission is being asked to take a vote without a site plan and asked if the Commission chooses not to approve, does the process continue. Mr. Healey stated the process stops, if approved it continues to step #7.

Mr. Healey continued reviewing the applicable criteria/considerations with the commission. There are two main areas for consideration, looking at the goals, objectives and policies in the town's comprehensive plan and the town zoning code. Healey referred to the town's comprehensive plan, stating the plan was last updated and adopted in 2018, it is complete and is a good plan. The three most pertinent elements in the comprehensive plan are Land Use, Coastal Management & Conservation and Recreation and Open Space. The function of the plan is to assist the Town in evaluating the extent to which the proposed amendments are consistent with, and further the overall purpose and intent of the comprehensive plan.

The other considerations include the town's zoning ordinances, which establish detailed standards governing use, density/intensity, building height, setbacks, etc. The RM-15 zoning allows a maximum of 15 units per acre and a height of 45 ft. above design flood elevation. Bonus provisions are allowed in the RM-15 District, but consideration requires a submission of a site plan and a public hearing by the Planning and Zoning Board and the Town Commissioner. The applicant has not applied for any bonus provisions, because he elected to not

submit a site plan.

Mr. Healey clarified and corrected some of the applicant's statements written by the applicants. One of the most important statement, the applicant states they have not asked for bonuses or variances. This is correct, but if approved this applicant or another applicant, in six months or six years from now can ask for bonuses and variances with a site plan submitted. Commissioner Blackburn asked so because they are not asking for these bonuses, this makes it cleaner, but with a site plan they could ask for the bonuses. Mr. Healey stated this is correct, and part of the consideration for the commission is how comfortable are you with this. How important is it to you to understand more precisely what could occur on this site as it relates to the guidance in the plan policies and the specifics in the zoning code?

The question of what a future project will consist of remains an issue and was an important factor in the Planning and Zoning Board's recommendation.

Mr. Healey stated in his original report there were two categories of findings and would like to emphasize both in fairness to the applicant. The current plan and zoning in both categories are consistent with each other. It is also very consistent with policies in the plan, there is nothing inconsistent or wrong with what is in place today. Mr. Healey stated; however he did recognize in his report, that there is a number of considerations that suggest the application does have merit and those include the fact the pier is gone, not to say it could not be replaced, but there has been a change in condition. They are consistent that the proposed plan and zoning categories are consistent with neighboring uses. However, there are two things that I cited in my original report, that led me to ultimately to recommend approval that are still in play. potential increase in density in a coastal high hazard area. He had said if limited to 15 units per acre, the maximum would be 10, which would probably be a minimal impact on a density standpoint, but if bonuses are requested in the future, the impact could be increased. Given the information in the application that he relied on in making my initial report and recommendation to the town, he did find that on balance the application had merit and recommended approval. Did recognize that both the P&Z and Commission have the prerogative based on their own evaluation of the facts, that substantial competent evidence has been presented to you to date and will be presented tonight, to make your own decision based on your findings and conclusions that you reach. That is exactly what the Planning and Zoning Board did. They debated, they challenged me with respect to my findings and recommended by a 3 to 2 vote to approve the future land use plan map amendment, part of the request and to deny the zoning map amendment unanimously pending a submission of a development agreement and site plan. This does create a potential procedural issue going forward if you were to follow the Planning and Zoning recommendation. I Understand why they did what they did, I think it was well founded and supported by the facts they had in front of them. The issue is if the plan map amendment were forwarded to the state and county and in the meantime if there is no action on the zoning amendment the plans would be in conflict, and they should not be.

Mr. Healey stated he had taken the liberty to identify some considerations the commission could choose if they so desire, these considerations are not the only options, as the commission can also consider their own options. Mr. Healey reviewed with the commission the considerations. Mr. Healey ended his presentation and asked for any questions the commission may have. Commissioner Blackburn asked if having the pier gone makes this compatible. Mr. Healey, not necessary, but the fact that it is gone is a changed condition. That is one of the conditions, not the only one to consider per the code.

Mr. Todd Pressman, agent for the property owner. With him today, is Joe Lacky, Architect and Patricia Ortiz, Planner. Mr. Pressman reviewed with the commission the two applications submitted, Land Use Amendment to Residential High and Zoning Change to RM-15. It is especially important here to state the only uses allowed under the use request, is single family homes, multifamily homes. The owner's intent is for 10 condo units, which is restricted by code and no transit rentals are allowed in this zoning district. This is critical as to why it is not necessary, is an overreach and simply is not necessary to submit a site plan and development agreement. The town's comprehensive plan and code are extremely restricted, along with this being an exceedingly small site, so the use and density really give almost zero options. Mr. Pressman noted the future land use category only allows for 10 units. Mr. Pressman stated the entire town is in the Coastal High Hazard area, which is a consideration. Mr. Pressman stated he spoke with Mr. Jones, with the Pinellas County Emergency Office, as

did Mr. Healey and stated there is sufficient capacity for public emergencies, such as a hurricane. The past use is not economically feasible nor realistic by private property owner to carry the current use. Mr. Pressman stated they are asking for the same exact future land use category and zoning category as the abutting properties. Mr. Pressman shared with the commission, both the future land use map and zoning map, showing the property as is and with the change if approved, showing 18 acres continuous zoning. The situation now is spot zoning. Have spent much time talking with and meeting with the abutting property owners. Both properties on each side have more units per acre than what is being asked for. The pool, we are asking to be on the west side of the property. Mr. Pressman stated they asked their planner to do a deep review and reviewed with the commission her findings. Mr. Pressman referred and reviewed with the commission Mr. Healey's recommendation to the commission. Mr. Pressman stated he would like to respond to some comments Mr. Healey made. Regarding the bonuses, there are no bonuses presented here today and I explained why. The bonus criteria in your code requires to only be at the maximum of the future land use category is. The future land use category is not changing. I think the discussion of bonuses is over wrought, is not on the agenda tonight and will not be in the future in my opinion. We have made every effort to work with the neighboring properties. In conclusion we are asking simply what is compatible and cohesive with the immediate surrounding area and the entire town. We will be thrilled to move forward. Thank you to the Commission, town staff and attorney and we are here to answer any questions. Commissioner Krouk asked what the environmental impact proposed to be on this property. Mr. Pressman stated, this site will be reviewed and adjudged and regulated and restricted, by multiple local, state, and federal jurisdictions. This site will have to be SWFMD approved and there is only 10-units maximum allowed, which is minimal impact. Mr. Pressman stated a development cannot move forward if the infrastructure cannot support it. Commissioner Blackburn stated the owner purchased the property knowing the zoning and use and the property should remain the same. Commissioner Krajewski asked Mr. Pressman if the town's, county, and state Comprehensive Plans are in conformance. Mr. Pressman stated he is not qualified to answer this question and he is not familiar with the states comp plan. Commissioner Krajewski stated, as he understands, none of them can be incompatible. Vice Mayor Robinson asked why with the prior communication with Mr. Healey and Attorney Denhardt, who both encouraged you to submit a site plan and development agreement and the recommendation from the Planning and Zoning Board to deny the rezoning until a site plan and development agreement is submitted and reviewed, why would you decide to come before the commission without these items. Mr. Pressman stated the development agreement is not going to give you anything more that your code allows, to seek a site plan and development agreement is an overreach. The town has a clear focus what is going to go here if approved. Vice Mayor Robinson stated whether in your opinion it is an overreach, if it gave the Planning and Zoning and the commission a greater sense of confidence on what was going to be done, I would think you would submit these items. Mr. Pressman, I discussed in length with the property owner and the direction was to move forward and want decision tonight, to approve or deny. Mr. Pressman stated what has been given to you tonight is noticeably clear and focused. Mr. Pressman thanked the Commission for their time. At this time, Mayor Henderson called for a five-minute recess.

After the recess, Mr. Pergolizzi owner and representative for Anglers Cove and a Professional Planner, addressed the Commission, handing out to them a summary of his experience. It was confirmed that Mr. Pergolizzi was sworn in. Mr. Pergolizzi stated If nothing happens to this property, it will go into disrepair as the pier did. We would love to see this property remain as open space. We are not trying to be difficult but need some clarity. The application states for 10 units, with no density bonus or variations for site development. A density bonus would allow up to 18 units and the height at 65 feet, instead of 45 feet. The town's staff report states must be stipulated in the record. One way to do this is through a development agreement which was recommended by the Planning and Zoning Board. Mr. Pressman met with owners from Anglers Cove providing graphics of the project. Based on his representation at the next board meeting held we voted to take a natural position. We presented 5 conditions that were given to his clients and four out of the five were rejected. Development Agreements are not overreach; it gives insurance. We are just looking for certainty, we ask that you please see a site plan and have a development agreement.

Sharon Dipple, owner at Anglers Cove and stated she has been sworn in. Ms. Dipple stated she purchased her condo in 2000, the same year the current owner purchased the pier property and has watched the deterioration of the pier since then. Ms. Dipple would like to propose the town seek grant money to purchase this property to

keep the property open space/recreational. Ms. Dipple stated she does not understand why the owners will not present a site plan and can only conclude the reason is they do not want to follow what is on the site plan. Shaun Hatfield, owner of the Sun Vista Hotel, located directly across from the property. Mr. Hatfield stated he was sworn in. Mr. Hatfield asked if the zoning is changed, can they ask for more? Mr. Healey stated if the zoning change was approved, someone can later down the line can submit a site plan and ask for bonuses and variations, etc. Mr. Hatfield stated he did call the realtor for the property, who stated to him once passed they had it under contract on a contingency for 40 or 60 units.

Attorney Denhardt asked Mr. Pressman if he had any rebuttal or cross examination. Mr. Pressman stated, no, but the only thing is, this bonus discussion, is way out of bounds. Mr. Pressman thanked the Commission for their time and stated he is here to answer any questions.

Attorney Denhardt asked Mr. Pergolizzi if he had any rebuttal or cross examination. Mr. Pergolizzi asked Mr. Healey to give an opinion on the statement made by Mr. Pressman, that a land use change would be needed to go over 15 units per acre if approved, as that is not what the town's comprehensive plan says.

Mr. Healey addressed the Commission stating he has several questions and or rebuttal/cross examination for Mr. Pressman, but will start with this question asked of himself. Mr. Healey stated that is not a correct statement made by Mr. Pressman. The comprehensive plan and zoning clearly allow for bonuses if a site plan is submitted. Slide number 9 in his presentation is inaccurate. What he showed you is an excerpt from the plan, but he did not show the whole page from the plan, where it shows and states how to achieve the bonuses and allows in the town's zoning code. Follow up question to Mr. Healey from Mr. Pergolizzi so under the 15 units per acre is it true they would be limited to 10 units? Mr. Healey stated yes, unless and until a site plan is submitted, that applies for and qualifies for the bonus. Mr. Pergolizzi asked if bonuses were achieved with 25 units per acre would equate to 18 units? Mr. Healey stated that is correct.

Mr. Healey asked Mr. Pressman if the statement he made that, in his opinion there will be no bonuses coming before you, meaning the Commission and asked if that is a representation of the current owner and if you will stipulate that for the record. Mr. Pressman stated item E from the code, states you cannot ask for bonuses, in the zoning code for bonuses. Mr. Pressman stated I am directed in no way to restrict any future bonuses. Mr. Healey stated he is submitting for the record on what he thinks Mr. Pressman was referring to but did not completely cover the whole page; one page document regarding the Future Land Use Element of the Comprehensive Plan. Commissioner Krajewski asked Mr. Healey does the Redington Shores Comprehensive Plan in any way contradict the Pinellas County Plan or the State plan. Mr. Healey stated no.

Mayor Henderson asked for any comments from the audience.

Property owner Carol Muszik tried to address the Commission but was having technical difficulties on her end. Resident Jennifer Beasley addressed the Commission and was sworn in by the Town Clerk. Ms. Beasley stated this area means a lot to her and her family. Very sad when pier was torn down. It is important to have open space and important for the Town to maintain the character of the town.

Resident Chris Warren was sworn in by the Clerk and addressed the Commission stating she purchased her home in 2010. To see the pier, fall apart was sad and seeing this property build a condominium is also sad. This property was purchased knowing the zoning and would like to see this property remain the same.

Resident Lisa Foster was sworn in by the Clerk and addressed the Commission stating she is opposed to this land use change. Asked the Commission to say no and to look at other options for this property.

Carol Muszik again tried to address the Commission but was very garbled and extremely hard to understand. At time Mrs. Muszik could be heard saying the commission has been advised from the Planning and Zoning Board to approve the zoning change.

Mayor Henderson asked if any others wished to comment. There being none, Mayor Henderson closed the Public Hearing at this time.

Commissioner Blackburn stated there is no one at the meeting from Sea Oats and stated concerns that there is no site plan submitted and would like to do more research. Commissioner Blackburn moved to table until the July Commission meeting. Motion died for a lack of a second.

Vice Mayor Robinson stated he appreciates what Mr. Healey has advised the Commission. Vice Mayor Robinson stated he feels it is unacceptable for the applicant to come forward without a site plan or development plan and does not feel he wants to act on this.

After further discussion, Vice Mayor Robinson moved to deny the land use amendment, seconded by Commissioner Krajewski. Roll call: all yes.

Mr. Pressman asked for a vote on the zoning change. Attorney Denhardt stated the zoning cannot be changed if the land use is not changed and considers it moot at this time. Commissioner Blackburn stated she is comfortable with what the commission did.

First Reading and Advertised Public Hearing – Ordinance 21-05 – Amending Part 5-Zoning of the Land Development Code and Zoning Map

No action taken.

Mayor Henderson closed the Public Hearing.

NEW BUSINESS

Temporary Occupancy – Commissioner Krouk stated she has no discussion.

Interlocal Agreement for Distribution of Potential Additional 1-5 Cent Local Option Fuel Tax

The Commission discussed that with the economy the way it is, the pandemic upon us, now is not the time to add additional taxes. Vice Mayor Robinson moved that Mayor Henderson submit a letter back to the county that the commission disagrees with the additional tax, seconded by Commissioner Krouk. Roll call: all yes.

Interlocal Agreement for the Continued Funding of the Gulf Beaches Public Library, Inc.

Commissioner Krajewski briefed the commission regarding the Interlocal Agreement. Commissioner Krajewski moved to approve the Interlocal Agreement, seconded by Commissioner Blackburn. Roll call: all yes.

Proclamation designating May as “Older Americans Month”

Mayor Henderson Proclaimed May as Older Americans Month.

PUBLIC COMMENTS

Property owner Carol Muszik again tried to address the commission, but again was inaudible. The Commission suggested Mrs. Muszik send an email in with her comments.

MISCELLANEOUS

Mayor Henderson announced the following meeting dates:

Workshop Meeting – Wednesday, May 26, 2021 – 6:00 p.m.

Regular Meeting – Wednesday, June 9, 2021 – 6:00 p.m.

Respectfully submitted,

Mary F. Palmer, MMC
Town Clerk