

Clearwater, Florida, February 8, 2017

The Pinellas County Local Planning Agency (LPA) (as established by Section 134-12 of the Pinellas County Land Development Code, as amended) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:03 A.M. on this date with the following members present:

Regina Kardash, Chairman
Bill Bucolo
Susan Reiter
Ronald Schultz (late arrival)
Paul Wikle

Not Present:

Gerald Figurski, Vice Chairman
Steve Klar
Clint Herbic (non-voting School Board Representative)

Also Present:

Renea Vincent, Director, Planning Department
Glenn Bailey, Zoning Manager, Planning Department
Chelsea Hardy, Assistant County Attorney
Other interested individuals
Tony Fabrizio, Board Reporter, Deputy Clerk
Minutes by Christopher Bartlett, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Kardash called the meeting to order at 9:03 A.M. and reviewed the procedure for the public hearing; whereupon, she announced that today's case will be heard by the Board of County Commissioners (BCC) on March 21, and any documents to be reviewed by the Board should be submitted to staff by March 7.

MINUTES OF JANUARY 12, 2017 MEETING – APPROVED

Mr. Bucolo moved, seconded by Mr. Wikle and carried unanimously, that the January 12, 2017 minutes be approved.

PUBLIC HEARING ITEM

Legal notice having been published for the item on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearing was held on the following item. All correspondence provided to the Clerk's Office has been filed and made a part of the record. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENT TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF CLAY AND PAM, LLC THROUGH JAN T. GOVAN, REPRESENTATIVE, FOR A LAND USE CHANGE FROM RESIDENTIAL MEDIUM TO EMPLOYMENT AND A ZONING CHANGE FROM R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL, TO M-1, LIGHT MANUFACTURING AND INDUSTRY (Z/LU-3-2-17) – RECOMMEND DENIAL

Public hearing was held on the application of Clay and Pam, LLC through Jan T. Govan for the above changes in land use and zoning (Z/LU-3-2-17) re approximately 0.8 acre located 135 feet north of the northeast corner of the Florida Avenue and 9th Street intersection in Palm Harbor (a portion of parcel 01/28/15/88560/088/0300). Three letters in opposition to the application have been received.

Mr. Bailey referred to aerial photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and noted that the property is part of a parcel sectioned into three separate zones and land uses; that the primary business on the parcel is an auto collision center; and that the subject property is currently being used for parking and storage of vehicles in relation to the business, which is not a permissible use.

Mr. Bailey indicated that staff finds the proposed amendments inappropriate; that the proposed changes would be incompatible with surrounding properties; and that M-1 zoning would allow a broad range of more intense uses beyond the storage of cars. He noted that the request is contrary to the County's recent trend of transitioning away from industrial uses in the area; and that the BCC unanimously denied a similar request regarding the same property in 2004.

Mr. Bailey stated that an alternative option for the applicant is to apply for a Special Exception from the Board of Adjustment, which would allow for overflow and employee parking on the property, as long as parking on the primary parcel is in compliance with

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code. He noted that a similar Special Exception was granted in the 1980s for what was then a lumber yard on the property, but it has since expired; whereupon, he indicated that staff recommends denial of the proposed land use and zoning amendments.

Responding to queries by the members, Mr. Bailey indicated that Nebraska Avenue would not be affected by the proposed changes; that there is likely enough space for parking on the site although staff has not completed an official calculation; and that certain conditions may be placed when granting a Special Exception that are not allowed when re-zoning.

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Mr. Schulz joined the meeting at 9:13 A.M.

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Mr. Bailey indicated that granting the proposed changes could potentially change the surrounding neighborhood; that the M-1 zoning district permits a broad range of uses, including industrial processes; and that the property could be sold, allowing a future owner to develop any use allowed in M-1. He noted that there are existing buffers to the adjacent residential properties; that the residential homes are a mix of old and newer development; and that similar issues regarding buffering were considered as part of the BCC's denial in 2004.

Upon the Chairman's call for the applicant, Jan Govan, Govan Law Group, Clearwater, appeared and presented a report titled *Pinellas By Design: An Economic Development and Redevelopment Plan for the Pinellas Community (2005)*, a copy of which has been filed and made a part of the record; whereupon, he provided an overview of the report.

Mr. Govan indicated that the applicant has owned the property since 2008; and that it is used by the auto collision center for staging vehicles that are towed to the establishment. He related that an adjacent property was acquired by a third party to be used for a brewery; that a dispute concerning a 15-foot easement arose between the owners of the brewery and the applicant; and that the dispute has since been resolved by the courts.

Mr. Govan noted that the owners of the brewery recently applied for a Special Exception from the Board of Adjustment; that during those proceedings, County staff acknowledged that the applicant's residential property was being used in a commercial manner; and that

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a precedent was set in relation to the applicant's current request. He indicated that M-1 zoning would allow the business to continue to store vehicles; that a 6-foot fence, a 10-foot buffer, and barrier plants already exist around the property; and that no repair work is being done outside of the workshop; whereupon, he discussed the types of work performed and the designation of the Old Palm Harbor area for future redevelopment.

In response to query by Mr. Bucolo, Mr. Govan indicated that the collision center employs 20 to 25 people; that it is an official storage site for the Florida Highway Patrol and Pinellas County Sheriff; and that it continues to utilize the site in the same manner it has since 2008.

Responding to query by Ms. Reiter, Mr. Bailey stated that if a Special Exception was granted by the Board of Adjustment for parking on the property, it would only allow standard vehicles in overflow-type parking; and that this would include employee and visitor automobiles, but not recreation vehicles, trailers, or wreckage for the business to process, and discussion ensued.

In response to queries by Mr. Wikle, Ms. Vincent related that an update to the Palm Harbor Master Plan is currently in the planning stage; and that it is unknown at this time how the update might affect the subject property. She noted that an option exists to include a development agreement with the zoning request that would associate specific requirements and conditions to the change; and that the option has not been discussed with the applicant; whereupon, Mr. Bailey explained differences between a developer agreement with a zoning change and a Special Exception from the Board of Adjustment.

Upon the Chairman's call for persons opposed to the application, Todd Palmer, Palm Harbor, appeared and stated his concerns. In rebuttal, Mr. Govan indicated that the applicant only wishes to continue using the site for vehicle storage for the business; and that the business has no plans to add jobs but expects to lose jobs if the proposed changes are denied. He noted that a development agreement could be a workable solution but would also take additional time, which might be a concern for the applicant.

Responding to queries by Ms. Reiter, Attorney Hardy clarified that no development agreement is associated with the proposed changes at this time; and that should the changes be approved, there would be no requirement for the applicant to agree to a development agreement or other restriction. She noted that another option would be to include a conditional overlay which would restrict the M-1 zoning to specific uses; and that a conditional overlay would remain attached to the property if it were sold.

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In response to queries by Mr. Wikle, Mr. Govan noted that the property was already zoned R-4 and used for parking when the applicant purchased it in 2008; that the applicant has no objection to including a conditional overlay; and that the applicant intends only to continue its current use of the property and has no plans for further development; whereupon, Attorney Hardy clarified that a conditional overlay is not part of today's proceedings, and Chairman Kardash closed the public hearing.

Mr. Bucolo indicated, and Chairman Kardash concurred, that the request seems reasonable but only if certain protections were to be included. In response, Mr. Govan stated that the applicant discussed the special exception and commercial zoning with staff without resolution; that a development agreement or conditional overlay were not discussed and he would desire to have that discussion immediately; that having to re-advertise and amend the request would be a step backwards; and that code violations concerning the property remain unresolved.

Upon the Chairman's call for a motion, Mr. Schultz moved, seconded by Mr. Wikle and carried unanimously, that the LPA recommend denial of the zoning change from R-1 to M-1 to the BCC in accordance with the staff recommendation.

Responding to query by Mr. Govan, Chairman Kardash stated that due to the possibility of significant changes and the need to re-advertise the application, it would be inappropriate to table the current decision at this time.

Attorney Hardy noted that the motion only included the zoning change and did not address the requested land use change; and that a motion is needed that addresses both the land use change and the rezoning change together.

Thereupon, Mr. Schultz moved, seconded by Mr. Wikle, that the LPA recommend denial of the land use change from Residential to Employment and the zoning change from R-1 to M-1 in accordance with the staff recommendation. Upon call for the vote, the motion carried unanimously.

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ADJOURNMENT

There being no further business and upon motion by Ms. Reiter, Chairman Kardash adjourned the meeting at 10:10 A.M.

Chairman