

Clearwater, Florida, March 9, 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 9:07 A.M. on this date with the following members present:

Gerald Figurski, Vice-Chairman
Bill Bucolo
Steven Klar
Susan M. Reiter
Ronald Schultz
Paul Wikle

Not Present:

Regina Kardash, Chairman
Clint Herbic (non-voting School Board Representative)

Also Present:

Scott Swaengen, Planning Section Manager
Chelsea Hardy, Assistant County Attorney
David Sadowsky, Senior Assistant County Attorney
Other interested individuals
Christopher Bartlett, Board Reporter, Deputy Clerk

CALL TO ORDER

Vice-Chairman Figurski called the meeting to order at 9:07 A.M. and reviewed the procedures for the public hearings; whereupon, he announced that today's cases will be heard by the Board of County Commissioners (BCC) on April 25, and any documents to be reviewed by the BCC should be submitted to staff by April 11.

MINUTES OF FEBRUARY 8, 2017 MEETING – APPROVED

Mr. Schultz moved, seconded by Ms. Reiter and carried unanimously, that the February 8, 2017 minutes be approved.

PUBLIC HEARING ITEMS

Legal notice having been published for the items on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearing was held on the following items. 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 AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF COUNTRY DAY WORLD SCHOOL, LLC THROUGH V. DEREK OBERSCHALL, CSC PROPERTIES, LLC, REPRESENTATIVE, FOR A ZONING CHANGE FROM C-1, NEIGHBORHOOD COMMERCIAL, TO C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES (Z-4-3-17) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Country Day World School, LLC through Derek Oberschall for the above change in zoning (Z-4-3-17), re approximately 0.5 acre located 185 feet east of the southeast corner of the Walsingham Road and 131st Street North intersection in the unincorporated area of Largo. No correspondence has been received.

Mr. Swarengen 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 proposed use is for a Dunkin Donuts to be built on the vacant property; that the proposed amendment is appropriate, is consistent with similar uses nearby, and is consistent with the County's Comprehensive Plan; and that staff recommends approval of the application.

Upon the Vice-Chairman's call for the applicant, Derek Oberschall, Tampa, stated that he was present to answer any questions from the Board.

No one appeared in response to the Vice-Chairman's call for persons wishing to be heard; whereupon, Mr. Wikle moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend approval of the application to the BCC in accordance with the staff recommendation.

2. APPLICATION OF ANCLOTE ROAD INDUSTRIAL PARK, INC. THROUGH GEORGE P. STAMAS OR PAUL J. WIKLE, AND KATIE E. COLE, REPRESENTATIVES, FOR A ZONING CHANGE FROM M-1, LIGHT MANUFACTURING AND INDUSTRY, TO R-5, URBAN RESIDENTIAL, AND A LAND USE CHANGE FROM EMPLOYMENT TO RESIDENTIAL LOW, WITH A DEVELOPMENT AGREEMENT LIMITING THE USE OF THE INDUSTRIAL PORTION OF THE SUBJECT PROPERTY (Z/LU-5-3-17) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Anclote Road Industrial Park, Inc. through George P. Stamas or Paul J. Wikle, and Katie E. Cole, for the above changes in zoning and land use (Z/LU-5-3-17), re approximately 36.09 acres located at 500 Anclote Road in the unincorporated area of Tarpon Springs. No correspondence has been received.

Mr. Swarengen referred to aerial photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses and zoning, and noted that structure separation requirements are included in the Development Agreement; that the Agreement ensures 24.86 acres will remain Employment; and that the developer shall substantially complete roads, sanitary sewer, and water for no less than 10 acres of the Employment parcel prior to the issuance of the first certificate of occupancy for a home built on the residential parcel, which has been added on page 3 of the Agreement by the County's Economic Development Department.

Mr. Swarengen indicated that the proposed use for the property is a mixed-use project; that the proposed amendments aim to provide a catalyst for the development of the property which has remained unutilized for decades; and that the Development Agreement ensures that a majority of the property remains dedicated to employment-based uses. He noted that the request is consistent with the Comprehensive Plan; and that the City of Tarpon Springs, Forward Pinellas, and Economic Development have all indicated support for the proposal; whereupon, he stated that staff recommends approval of the proposed amendments and Development Agreement.

Katie Cole, Clearwater, appeared and indicated that she represents the contract purchaser of the property; and that she concurs with the staff recommendation and is available to answer any questions from the Board.

No one appeared in response to the Vice-Chairman's call for persons wishing to be heard.

Following brief discussion, Mr. Schultz moved, seconded by Mr. Klar, that the LPA recommend approval of the land use change, zoning amendment, and Development Agreement to the BCC. Upon call for the vote, the motion carried 5 to 0, with Mr. Wikle abstaining.

Mr. Wikle submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

PROPOSED ORDINANCE AMENDING THE LAND DEVELOPMENT CODE

1. PROPOSED ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE SECTIONS 138-1, 833, 857, AND 972 AND ADDING SECTION 138-1378; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR AUTHORITY; PROVIDING FOR LOCATION, ZONING, OPERATING CONDITIONS, AND NUMBER OF MEDICAL MARIJUANA DISPENSING FACILITIES AND TREATMENT CENTERS; PROVIDING FOR THE REPEAL OF PINELLAS COUNTY ORDINANCE NO. 17-05; PROVIDING FOR AREA EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Mr. Swearngen conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided background information regarding the proposed ordinance, noting that medical marijuana is currently limited to low tetrahydrocannabinol (THC) products and patients who are terminally ill; that the passing of Amendment 2 by the voters in November 2016 expands the operations of facilities and patient availability; and that the proposed ordinance addresses existing laws and anticipated new laws being drafted under Amendment 2; whereupon, he indicated that upon adoption of the proposed ordinance, the current 180-day moratorium on new or expanded facilities would be repealed.

Mr. Swearngen discussed the new definitions, zoning districts, distance separation requirements, and general performance standards established by the proposed ordinance, and related the following:

- Regulated facility types include medical marijuana dispensing facilities, treatment centers, and stand-alone retail.

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- Treatment centers and dispensing facilities will be permitted uses in the M-1, Light Industrial, and C-3, Commercial, Wholesale, Warehousing, and Industrial Support, zoning districts. Limited accessory retail sales will be permitted inside the primary building only.
- Stand-alone retail will be permitted as a Special Exception use in C-2, General Retail Commercial and Limited Services, and will require approval of the Board of Adjustment.
- Operators and facilities must be approved and registered at the State level.
- Drive-through services and mobile vending are prohibited.
- No on-site use or consumption will be permitted.
- Distance separation requirements include 500 feet from pre-existing K-12 schools, religious facilities, public parks, and libraries, and 1000 feet between other same-use facilities.
- Hours of operation will be limited to between 7:00 A.M. and 9:00 P.M.
- Facilities must be located in a free-standing building.
- A limitation of one dispensing or treatment center will be allowed per state-approved and registered entity, as well as one additional free-standing retail facility per entity.

Mr. Swearngen stated that staff finds the proposed amendments are necessary to appropriately respond to changing State Statute; that they are consistent with Goal One of the Future Land Use Comprehensive Plan Element; and that staff recommends approval of the proposed ordinance.

Responding to queries by Mr. Klar, Mr. Swearngen indicated that the 1000-foot separation requirement between same-use facilities is to ensure that facilities are located throughout the county to better serve residents; and that the 500-foot requirement is a measure to protect unsupervised youths; whereupon, he noted that a reference to daycare facilities will no longer be included in the separation requirements.

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In response to queries by the members, Mr. Swearngen related that the County does not want to deny access, but does want to limit excessive proliferation of the facilities; and that an entity cannot maintain separate buildings for each part of the process.

Attorney Sadowsky noted that there are currently seven companies approved by the State; that each company may set up only one facility for cultivation and processing which may include space for retail; and that each company could set up a second location for retail sales only.

Responding to query by Mr. Bucolo, Attorney Sadowsky indicated that the County can determine location, zoning, and certain parts of a facility's operation; and that the State and Federal governments preempt the County from most other aspects of medical marijuana. In response to query by Vice-Chairman Figurski, he indicated that the 500-foot separation requirement was modeled after a similar requirement relating to alcohol establishments.

No one appeared upon the Vice-Chairman's call for persons wishing to be heard.

Ms. Reiter moved, seconded by Mr. Bucolo and carried unanimously, that the LPA find the proposed ordinance consistent with the Pinellas County Comprehensive Plan and recommend its adoption to the BCC.

ADJOURNMENT

There being no further business and upon motion by Mr. Wikle, seconded by Mr. Schultz and carried, Vice-Chairman Figurski adjourned the meeting at 9:37 A.M.

Chairman