

Clearwater, Florida, May 10, 2017

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 9:00 A.M. on this date with the following members present:

Regina Kardash, Chairman
Gerald Figurski, Vice-Chairman
Bill Bucolo
Steve Klar
Susan Reiter
Ronald Schultz
Paul Wikle

Not Present:

Clint Herbic (non-voting School Board Representative)

Also Present:

Renea Vincent, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
Chelsea D. Hardy, Assistant County Attorney
David S. Sadowsky, Senior Assistant County Attorney
Other interested individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk
Minutes by Michael P. Schmidt, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Kardash called the meeting to order at 9:00 A.M. and reviewed the procedure for the public hearings; whereupon, she announced that today's cases will be heard by the Board of County Commissioners (BCC) on June 20, and any documents to be reviewed by the Board should be submitted to staff by June 6.

MINUTES OF APRIL 13, 2017 MEETING – APPROVED

Mr. Figurski moved, seconded by Mr. Bucolo and carried unanimously, that the minutes of the April 13, 2017 meeting 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 HEATHER HAVEN III, INC. THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, TO IL-CO, INSTITUTIONAL LIMITED-CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE TO AN ASSISTED LIVING FACILITY; A LAND USE CHANGE FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL; AND A VARIANCE (Z/LU-8-5-17) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Heather Haven III, Inc. through Todd Pressman for the above changes in zoning and land use designation and a variance to allow for the expansion of the existing assisted living facility to within approximately 635 feet of another assisted living facility, where 1,000 feet of separation is required (Z/LU-8-5-17), re approximately 1.75 acres located at 10476 131st Street North in the unincorporated area of Seminole.

Mr. Bailey referred to aerial and ground-level photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application. He related that the property contains an assisted living facility approved for 24 beds; that the request would allow for up to 65 beds; and that the zoning and land use designations must be amended in order for the increase to occur; whereupon, he discussed the variance request regarding the separation requirements between assisted living facilities and the minimal impacts to the surrounding neighborhood.

Mr. Bailey reported that staff finds the proposed amendments are appropriate based on the following factors:

- Historic and Current Use as an Assisted Living Facility
- Other Institutional Uses in General Area
- Minimal Infrastructure Impacts
- Consistent with the Comprehensive Plan
- Conditional Overlay Assures Future Use

Mr. Bailey indicated that staff recommends approval of the zoning and land use changes and the variance, subject to the following conditions:

1. Full site plan review.
2. The applicant shall obtain all required permits and pay all applicable fees.

In response to the Chairman's call for the applicant, Todd Pressman, Palm Harbor, related that he represents the owner, Donna Damiani, and referring to a PowerPoint presentation titled *Heather Haven III, Inc.*, discussed ownership/expansion of the facility, land use and zoning changes, the conditional use overlay and variance request, the total number of beds being sought, and the staff recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard. In response to comments and queries by Chairman Kardash, Mr. Bailey related that the conditional overlay would allow for a maximum of 65 beds based upon the acreage of the parcel; and that the separation distance between the facilities was measured structure to structure; whereupon, he provided information relating to State Statute, County Code, and permitting requirements, and brief discussion ensued.

Thereupon, Mr. Figurski 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 SYNCHRONOUS MEDIA GROUP, INC. THROUGH KATHERINE E. COLE, ESQUIRE, REPRESENTATIVE, FOR A ZONING CHANGE FROM RPD-7.5, RESIDENTIAL PLANNED DEVELOPMENT 7.5 UNITS PER ACRE, TO CP-1-CO, COMMERCIAL PARKWAY-CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE OF THE NORTH 100 FEET OF THE PROPERTY TO BUFFERS, WETLAND PROTECTION AND/OR DRAINAGE RETENTION AND THE REMAINING PORTION OF THE PROPERTY TO VEHICLE INVENTORY PARKING FOR STANDARD VEHICLES AND RELATED ACCESSORY USES; AND A LAND USE CHANGE FROM RESIDENTIAL URBAN TO RESIDENTIAL/OFFICE/RETAIL (Z/LU-9-5-17) – RECOMMEND APPROVAL AS AMENDED

Public hearing was held on the application of Synchronous Media Group, Inc. through Katherine E. Cole for the above changes in zoning and land use designation (Z/LU-9-5-17), re approximately 4.05 acres located at 2625 County Road 95 in Palm Harbor.

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Mr. Bailey referred to aerial and ground-level photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided background information regarding the application; whereupon, he reported that staff finds the proposed amendments are appropriate based on the following factors:

- Near U.S. Highway 19
- Mix of Uses in General Area
- Minimal Infrastructure Impacts
- Consistent with the Comprehensive Plan
- Conditional Overlay Assures Future Use and Buffer Areas

Thereupon, Mr. Bailey indicated that staff recommends approval of the land use and zoning amendments.

In response to queries by Mr. Bucolo, Mr. Bailey related that issues regarding drainage and the wetland area would be addressed during the site plan review process; that a sinkhole exists on an adjacent parcel; and that even though he has not spoken to the neighboring property owners, there are opponents in the audience.

In response to the Chairman's call for the applicant, Scott I. Steady, Burr & Foreman, Tampa, indicated that he is representing the property owner and the automobile dealership; that Courtesy Palm Harbor Honda wants to store excess inventory on the parcel; that part of the site would be paved with impervious materials; and that the proposed use would be consistent with the general area and a good transition between U.S. Highway 19 and the residential neighborhood.

Responding to comments and queries by the members, Mr. Steady related that the current site plan is conceptual; that the parking area would be able to accommodate 250 vehicles; that security measures would include fencing and lighting; that the lighting would not spill over onto neighboring properties; and that the site plan review would address landscaping and buffering; whereupon, he reiterated that the subject parcel would only be used for the storage of overflow inventory.

In response to the Chairman's call for persons wishing to be heard, the following persons stated their concerns and responded to comments and queries by the members:

Peter C. Krauser, Palm Harbor
Richard Gehring, Dunedin (submitted document)
John C. Landon, Palm Harbor
Bruce Danielson, Largo

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In response to comments and queries by Mr. Klar, Mr. Gehring discussed the prospect of the automobile dealership erecting a precast deck above its existing rear parking lot as a way to increase storage capacity, and presented information regarding buffering requirements, separation distances, and lighting considerations; whereupon, Mr. Landon provided information regarding a stormwater pump station located near the subject parcel and expressed his concerns regarding flooding and the costs associated with maintaining the pump, and Chairman Kardash and Ms. Reiter provided input.

In response to the concerns of the objectors, Mr. Steady related that the applicant is aware of the potential for flooding on the property; that the property will have a large buffer to deal with drainage issues; that the dealership would help to fund pump maintenance if required; that the proposed use is a good transition into the adjacent neighborhood; and that other uses could have a greater impact to the local area; whereupon, he requested that the members approve the application.

In response to queries by the members, Mr. Steady stated that the applicant would be willing to work with County staff and try to provide an enhanced buffer between the subject parcel and the adjacent property owner; whereupon, Ms. Vincent related that staff considers the request an acceptable use of the property; that flooding and drainage issues limit potential uses on the site; and that vehicle parking is less impactful than other uses. She discussed the site plan review process and the conditional overlay process, including the types of conditions that could be associated with a conditional overlay.

In response to comments and queries by the members, Mr. Bailey provided information regarding the conditional overlay with respect to wetland protection, drainage retention, buffering requirements, and setback considerations; whereupon, Mr. Krauser stated that his home is 65 feet from the lot line; that he would like to be able to develop his property with townhomes in the future; and that he does not want his development rights impacted by a zoning change, and discussion ensued.

Mr. Wikle discussed the possibility of creating a better buffer area, and Mr. Klar agreed; whereupon, Mr. Klar moved, seconded by Ms. Reiter, that the LPA recommend approval of the application to the BCC with an amendment to the conditional overlay as follows:

A Conditional Overlay limiting the use of the north 100 feet *and east 65 feet* of the property to buffers, wetland protection and/or drainage retention and the remaining portion of the property to vehicle inventory parking for standard vehicles and related accessory uses.

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Chairman Kardash pointed out that even though the subject parcel has serious drainage issues, the site plan review may be able to lessen those concerns; whereupon, Mr. Bucolo related that he is opposed to the request because it encroaches into a residential neighborhood, and Messrs. Schultz and Wikle agreed.

Upon call for the vote, the motion carried 4 to 3, with Messrs. Bucolo, Schulz, and Wikle casting the dissenting votes.

ADJOURNMENT

There being no further business and upon motion by Ms. Reiter, seconded by Mr. Bucolo and carried, Chairman Kardash adjourned the meeting at 10:06 A.M.

Chairman