

Clearwater, Florida, October 12, 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 9:00 A.M. on this date with the following members present:

Present

Regina Kardash, Chairman
Gerald Figurski, Vice-Chairman
Steven Klar
Valerie Murray (Alternate)
Ronald Schultz

Not Present:

Bill Bucolo
Susan Reiter
Paul Wikle
Clint Herbic (non-voting School Board Representative)

Also Present:

Glenn Bailey, Planning Department Zoning Manager
Michael Schoderbock, Planning Department
Chelsea D. Hardy, Assistant County Attorney
Other interested individuals
Tony Fabrizio, 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 explained that the Board of County Commissioners (BCC) will make the final decisions on today's recommendations by the LPA on November 28, and any documents to be reviewed by the BCC should be submitted to staff by November 14.

MINUTES OF JULY 13, 2017 MEETING – APPROVED

Mr. Schultz moved, seconded by Mr. Figurski, that the minutes of the July 13, 2017 meeting be approved, and upon call for the vote, the motion carried unanimously.

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 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-CO, LIGHT MANUFACTURING AND INDUSTRY-CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE OF THE SUBJECT PROPERTY TO STORING AND PROCESSING VEHICLES FOR REPAIR AND RESTORATION OR DISPOSAL AFTER COLLISIONS; THE STORAGE OF INVENTORY AND MATERIALS NECESSARY TO EFFECT THAT REPAIR OR RESTORATION; AS STORAGE FOR VEHICLES UTILIZED FOR LAW ENFORCEMENT PURPOSES; FOR VEHICLES REMOVED FROM PROPERTIES UNDER CONTRACT; FOR VEHICLES REMOVED FROM ROADWAYS AFTER COLLISION; RESTORATION AND OUTDOOR STORAGE OF CUSTOMER VEHICLES; TRAILERS AND VESSELS OF ALL TYPES AND CLASSES TOWED ONTO OR DELIVERED TO THE SUBJECT PROPERTY FOR PUBLIC/GOVERNMENTAL PURPOSES; AND ON BEHALF OF PRIVATE PARTIES GENERALLY (Z/LU-03-02-17) – RECOMMEND APPROVAL WITH ADDITIONAL USE RESTRICTIONS
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Public hearing was held on the application of Clay and Pam, LLC through Jan T. Govan for the above changes in zoning and land use (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. One letter in support of and one letter in opposition to the application have been received. Three letters in opposition were received in connection with the February 8, 2017 hearing.

Mr. Bailey related that the Board considered a similar request from the applicant in February and recommended denial by a vote of 5 to 0; that the revised application adds the above referenced conditional overlay and associated use limitations; and that while the conditions address much of the concern over the wide range of potential uses that might become available without the overlay, they have not changed staff's overall opposition to the request.

Referring to photographs and the zoning and land use map, Mr. Bailey pointed out the location of the property, described surrounding land uses, and noted that the property is part of a two-acre parcel that has three different zoning designations and uses; that the primary business on the parcel is an auto collision center; and that the subject property is currently being used for storage and a staging area for vehicles in relation to the business, which is not a permissible use under the existing zoning. He related that the LPA also recommended denial for a similar request from the applicant in 2004, although the conditional overlay was not available at that time, and the BCC agreed and denied the request unanimously.

Mr. Bailey indicated that staff finds that the proposed changes would be incompatible with the properties to the south and west; and that they would be contrary to the trend of the general area away from industrial uses. He noted that an alternate option for the applicant is to apply to the Board of Adjustment for a special exception that would allow overflow parking on the site, which could free up other portions of the overall property for the staging of vehicles for processing; whereupon, he stated that staff recommends denial of the proposed land use and zoning amendments.

Upon the Chairman's call for the applicant, Jan T. Govan, Govan Law Group, Clearwater, appeared and distributed binders to the members containing various legal descriptions, photographs, historical background information, and 56 letters in support of the application, including the one letter cited previously. Referring to the information, he discussed the property's history as a lumber yard, visibility from adjacent properties, and suitability for the requested use; whereupon, he commented that the applicant has a right to use the property in an economically beneficial way.

Responding to query by Ms. Murray, Mr. Govan referred to an aerial photograph and pointed out the property owned by the individual who submitted a letter in opposition to the application, commenting that it is a vacant lot and two neighboring residents have expressed support for the application.

Upon the Chairman's call for proponents of the application, Clayton Miller, Palm Harbor, appeared and indicated that he is the owner of the subject property and the auto collision business. He discussed the founding of his business in 1953, relocating it to its current location, and the zoning issues he has encountered; whereupon, he related that the repair shop employs generations of families and provides business and income for the surrounding area.

Upon the Chairman's call for opponents, John Marrone, Palm Harbor, appeared and related that he is the property owner who submitted the letter in opposition to the application and expressed his concerns as to whether 9th Street will be improved to connect to Nebraska Avenue and the subject property being used as a junkyard.

Discussion ensued, and Mr. Bailey responded to queries by the members as follows:

- There are no specific plans to connect 9th Street to Nebraska Avenue, but plans show a "paper road" that could be built if the property is ever developed for residential use, and the missing stretch of roadway is only a few hundred feet.
- The conditional overlay could be written more clearly to assure that recreational vehicles, boats, and other vehicles and vessels are not stored on the subject property.
- The conditional overlay would constrain the M-1-CO zoning such that all uses normally allowed in that district would be prohibited except for those outlined in the application.
- Although the M-1 zoning district allows the stacking of materials up to 75 feet in height, or 35 feet if the site is within 50 feet of a residential property, it is unclear whether the stacking of vehicles would be permitted.
- If the amendments are approved, the applicant would have to go through site-plan review, and drainage improvements may be required.
- Staff's primary objection is that the requested use is contrary the area's development trend west of Alternate U.S. Highway 19.

Mr. Govan provided input, relating that parts to be used in collision repairs would be temporarily placed in the open on the property; that vehicles would not be stacked; that there are no impervious surfaces on the property; and that since 2004, there has been a change in the Old Palm Harbor-Downtown District allowing for mixed uses. Following brief discussion, Mr. Figurski moved, seconded by Mr. Schultz, that the Board recommend denial of the application. Upon call for the vote, the motion failed, with Chairman Kardash, Ms. Murray and Mr. Klar dissenting.

Chairman Kardash indicated that she voted against the motion because she is satisfied that the conditional overlay addresses the concerns cited by the Board in February when

it voted to recommend denial; whereupon, she invited a new motion, and Mr. Klar moved that the LPA recommend approval of the zoning and land use changes to the BCC with the additional conditions that there be no stacking of vehicles or storage of recreational vehicles or boats on the property. Mr. Murray seconded the motion and questioned whether an additional condition could be added that limits the length of time vehicles can be stored on the property; whereupon, Attorney Hardy discussed the restrictions permitted by a conditional overlay and advised that a time limit is not listed. Ms. Murray withdrew her request for an additional restriction and seconded Mr. Klar's motion as stated, and upon call for the vote, the motion carried 3 to 2, with Messrs. Schultz and Figurski dissenting.

2. APPLICATION OF MIKE'S HAINES ROAD HOLDINGS, LLC AND DALE MASTRY, LLC THROUGH R. DONALD MASTRY, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL, TO C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES (0.31 ACRE), AND A LAND USE CHANGE FROM RESIDENTIAL LOW MEDIUM TO COMMERCIAL GENERAL (Z/LU-13-09-17) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Haines Road Holdings, LLC and Dale Mastry, LLC through R. Donald Mastry for the above changes in zoning and land use (Z/LU-13-09-17) re approximately 0.61 acre located at the southwest corner of 54th Avenue North and Haines Road North in Lealman.

Referring to the zoning and land use map and aerial and ground-level photographs, Mr. Schoderbock pointed out the location of the subject property, discussed surrounding land uses, and provided background information. He related that subject site consists of five parcels; that the applicant wishes to combine them with two other parcels for redevelopment as a retail commercial use; and that the properties are located in the Lealman Community Redevelopment Area (CRA), which recognizes both 54th Avenue and Haines Road as redevelopment corridors.

Mr. Schoderbock indicated that staff finds that the requested changes are appropriate based on their compatibility with the surrounding development pattern, the subject property's location on a major road intersection, acceptable infrastructure impacts, consistency with the Pinellas County Comprehensive Plan, and consistency with the Lealman CRA; whereupon, he stated that staff recommends approval of the application.

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Responding to queries by the members; Mr. Schoderbock related that roadway construction work has cut into the applicant's parcels to the east; that the combined parcels will be slightly larger than one acre; and that all of that land is usable.

Upon the Chairman's call for the applicant, R. Donald Mastry, St. Petersburg, appeared and indicated that he concurred with staff's findings; whereupon, he discussed the history of the property's ownership, businesses at the intersection, and new construction, commenting that it is unlikely any of the immediate area will be redeveloped as residential.

Responding to query by Ms. Murray, Mr. Mastry indicated that the property's neighbors on 53rd Avenue North received notice of today's hearing and that he has not had contact with any of them.

No one responded to the Chairman's call for proponents or opponents; whereupon, Mr. Schultz moved, seconded by Mr. Klar, that the LPA recommend approval of the application in accordance with staff's recommendation. Upon call for the vote, the motion carried 4 to 1, with Ms. Murray dissenting.

ADJOURNMENT

Upon motion by Mr. Klar, seconded by Mr. Schultz and carried unanimously, the meeting was adjourned at 9:58 A.M.

Chairman