

Clearwater, Florida, February 08, 2018

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:

Gerald Figurski, Vice-Chairman
Bill Bucolo
Steve Klar
Valerie Murray
Paul Wikle

Not Present:

Ronald Schultz, Chairman
Regina Kardash
Susan M. Reiter
Clint Herbic (non-voting School Board Representative)

Also Present:

Glenn Bailey, Planning Department Zoning Manager
Chelsea D. Hardy, Assistant County Attorney
Other interested individuals
Amanda M. Napier, Board Reporter
Michael P. Schmidt, Board Reporter, Deputy Clerk

CALL TO ORDER

Vice-Chairman Figurski called the meeting to order at 9:00 A.M. and reviewed the procedure for the public hearings; whereupon, he explained that the Board of County Commissioners (BCC) will make the final decision on today's recommendations by the LPA on March 20, 2018, and any documents to be reviewed by the BCC should be submitted to staff by March 6.

MINUTES OF JANUARY 11, 2018 MEETING – APPROVED

Mr. Wikle moved, seconded by Mr. Bucolo, that the minutes of the January 11 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 BERATI 2, LLC THROUGH RONALD MORGAN, ALLIANCE DEVELOPMENT COORPORATION, REPRESENTATIVE, FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES, TO C-2-CO, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES – CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE TO OUTDOOR, INDOOR AND/OR COVERED STORAGE OF AUTOMOBILES, RECREATIONAL VEHICLES AND/OR BOATS; AND A LAND USE CHANGE FROM RESIDENTIAL LOW MEDIUM TO COMMERCIAL GENERAL (Z/LU-01-01-18) – CONTINUED

Public hearing was held on the application of Berati 2, LLC through Ronald Morgan for the above changes in zoning and land use (Z/LU-01-01-18), re approximately 1.5 acres located approximately 380 feet west of U.S. Highway 19 and 495 feet south of Central Avenue in unincorporated Largo.

Referring to photographs and the zoning and land use map, Mr. Bailey pointed out the location of the property, described surrounding land uses, and provided an overview of the request. He explained that the western third of the property would remain Residential Low Medium, which would act as a 350-foot-wide buffer to the west; that the amendment would remove an inconsistency between the land use and zoning classifications and allow development of the property; and that staff recommends approval.

Upon the Vice-Chairman's call for the applicant, Ronald Morgan, Dunedin, related that he has met with staff and modified the request in accordance with their recommendations; whereupon, Mr. Bailey provided background information regarding the adjacent property to the north.

Responding to the Vice-Chairman's call for proponents, John Landon, Palm Harbor, indicated that he is the applicant's engineer and offered to answer questions; whereupon, the introduced a letter of concurrence from the neighbor to the north of the subject property.

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Upon the Vice-Chairman's call for opponents, the following persons stated their concerns and responded to comments and queries by the members:

Roberta Hosken, Clearwater, representing Allen's Creek Property Owners Association
Margaret Cheikelard, Clearwater
Bill Morrow, Clearwater (not sworn)
Marjorie Doty, Clearwater, representing Southern Oak Circle Home Owners Association
Paul Hick, Clearwater
Brian Lovellette, Clearwater
Ayman Cheikelard, Clearwater

Concerns expressed by objectors included the following:

- The area was clear cut with no permit on Thanksgiving 2016 when County offices were closed
- Loss of wildlife in the area, including a bald eagle
- Habitats were destroyed while noise and erosion have increased
- Location of a commercial property in the middle of three residential areas that have existed for 40 years
- Changes that could take place once the property is zoned commercial
- Pollution and runoff into an adjacent ditch draining into Allen's Creek
- Bright security lights shining into the residents' bedrooms at night
- Department of Transportation access to the ditch once vehicles are stored on the property
- Existing State easement to provide for potential road widening
- Increased theft activity
- Decrease in property values

Clifford Still, Development Review Services Environmental Manager, confirmed that the area was cleared without a permit. He stated that the owner applied for a permit for hand removal of Brazilian peppers from the property; that the County learned about the clearing after returning from Thanksgiving break and his office had received calls and complaints from residents in the surrounding area; that a \$3,000 fine was issued; and that the County required some minimal tree planting.

Director of Development Review Services Blake Lyon related that any development of the site would require going through the site plan review process, which would identify the location of all easements.

In response to the concerns of the objectors, Mr. Morgan stated that the clearing of the property took place before he was hired by Berati 2; that the matters would be addressed

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during the site plan review; that the Department of Transportation has an easement to maintain the ditch; that no nesting eagles were observed within 600 feet; and that a substantial buffer will be provided.

Discussion ensued, and Mr. Morgan responded to queries by the members pertaining to property values, usability of the land, easements, and whether a development agreement could be required as a condition of approval, and Messrs. Bailey and Lyon provided input, noting that the issue at hand is whether the zoning itself is appropriate for this property, and other issues will be addressed as part of the development review process.

The Vice-Chairman noted that he was hearing a great deal of concern from the questions that were asked by the Board members and inquired as to whether it would be possible to have a development agreement ready by the next meeting; whereupon, Attorney Hardy related that she does not believe a development agreement could be required; that it would have to be something the applicant was willing to engage in; and that the Board could continue the case, noting its preference for an agreement, or vote today to recommend denial, and Senior Assistant County Attorney David Sadowsky concurred and provided input.

Addressing the applicant, Mr. Klar stated that he would be more receptive of an approval if there were a greater buffer around the property to appease the neighbors that included a combination of fencing and trees and reduced lighting, but as of right now, he was not in favor of approval; whereupon, Mr. Morgan noted that a development agreement was considered during initial discussions with County staff, but a determination was made to proceed with the conditional overlay; and that his client is prepared to do whatever is necessary to address the issues during site plan review, and Mr. Klar reiterated his request for a guarantee with regard to the buffering and lighting issues.

Mr. Bailey related that a development agreement is an in-depth legal document that would need to go back through the Planning Review Committee, requiring a continuance of at least three months, and responding to query by Mr. Morgan, explained limitations on what can be mandated in a conditional overlay, noting that its main purpose is to restrict the use itself. Indicating reluctance to extend the process, Mr. Morgan offered to incorporate certain conditions as part of the conditional overlay.

Following further discussion with input by Mr. Bailey and Attorney Hardy, Mr. Klar moved, seconded by Mr. Bucolo, that the LPA continue Case No. Z/LU-01-01-18 pending finalization of a development agreement including the western 350 feet of the property, or

until such time as the applicant wishes to proceed without an agreement. Following brief discussion and upon call for the vote, the motion carried unanimously.

2. APPLICATION OF PINELLAS COUNTY THROUGH ANDREW W. PUPKE, REAL ESTATE MANAGEMENT, FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES, TO M-1, LIGHT MANUFACTURING AND INDUSTRY (Z-03-02-18) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Pinellas County through Andrew W. Pupke for the above change in zoning (Z-03-02-18), re 1.95 acres located on the west side of 58th Street North, approximately 1,500 feet south of Ulmerton Road in unincorporated Largo.

Principal Planner Michael Schoderbock referred to photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided an overview of the request, indicating that staff recommends approval.

Responding to queries by Ms. Murray, Mr. Pupke related that the property was once a privately owned landfill that escheated to the County in 2012; and that the County has been cleaning up the area for the past couple of years for redevelopment, including removal of surface and subsurface debris and addressing water quality issues; and that the body of water on the property will remain.

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

3. APPLICATION OF J J KILLINGSWORTH THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-R, RURAL RESIDENTIAL, TO IL-CO, INSTITUTIONAL LIMITED – CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE OF THE PROPERTY TO AN ASSISTED LIVING FACILITY; AND A LAND USE CHANGE FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL (Z/LU-04-02-18) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of J J Killingsworth through Todd Pressman for the above changes in zoning and land use (Z/LU-04-02-18), re approximately 1.9 acres located at 10380 131st Street North (Vonn Road) in unincorporated Seminole.

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Mr. Schoderbock referred to photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided an overview of the case, noting that the proposed assisted living facility would expand upon another facility located directly to the north; and that the staff recommends approval.

Responding to query by Mr. Wikle, Mr. Schoderbock stated that with the two properties combined, the potential density is 137 beds.

Upon the Vice-Chairman's call for the applicant, Todd Pressman, Palm Harbor, appeared and provided a brief overview of the area. He noted that there has been no opposition to the proposed change; that he does not expect the property to be at maximum capacity; and that the company he represents has a number of sites in Pinellas County that maintain high ratings on their inspections.

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

4. APPLICATION OF EDUCATIONAL PARTNERSHIP OF ST. PETERSBURG, LP THROUGH JACOB STOWERS, CONTEMPORARY HOUSING ALTERNATIVES OF FLORIDA, INC., REPRESENTATIVE, FOR A ZONING CHANGE FROM R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL, TO RM-12.5, RESIDENTIAL MULTIPLE FAMILY, 12.5 UNITS PER ACRE, AND A LAND USE CHANGE FROM INSTITUTIONAL AND RESIDENTIAL URBAN TO RESIDENTIAL MEDIUM (Z/LU-05-02-18) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Educational Partnership of St. Petersburg, LP through Jacobs Stowers for the above changes in zoning and land use (Z/LU-05-02-18), re approximately 1.34 acres located at 4500 43rd Street North and 4312 46th Avenue North in Lealman.

Mr. Bailey referred to 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 currently used as a private education facility, which has been in place since the early 1970s; and that staff recommends approval. He explained that the land use change will allow the construction of multi-family apartments at 12.5 units per acre, which is allowed under Institutional but not under Residential Urban.

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Upon the Vice-Chairman's call for the applicant, Jacob Stowers, St. Petersburg, appeared and distributed copies of the Lealman Community Redevelopment Area Plan to the members, explaining that the project will be a mixed use of townhomes and courtyard-style apartments.

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

OTHER BUSINESS

Mr. Bailey informed the Board that staff will be providing an overview of the Land Development Code update at the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:41 A.M.

Vice-Chairman