

Clearwater, Florida, January 8, 2015

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 9:02 A.M. on this date with the following members present:

Lauralee G. Westine, Chairman
David Brandon, Vice-Chairman
Regina Kardash
Steve Klar
Ronald Schultz (Alternate)

Not Present:

Cathy Harrelson
Susan Reiter
Clint Herbic (non-voting School Board Representative)

Also Present:

John F. Cueva, Planning Department Zoning Manager
David S. Sadowsky, Senior Assistant County Attorney
Chelsea Hardy, Assistant County Attorney
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:02 A.M. and reviewed the procedure for the public hearings.

MINUTES OF NOVEMBER 13, 2014 MEETING – APPROVED

Mr. Schultz moved, seconded by Mr. Brandon and carried, that the minutes of the November 13, 2014 meeting be approved.

PUBLIC HEARING ITEM

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 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

APPLICATION OF GIB PROPERTIES, LLC, THROUGH STEVE WILLIAMSON, ESQUIRE, REPRESENTATIVE, FOR A ZONING CHANGE FROM E-1, ESTATE RESIDENTIAL, TO IL, INSTITUTIONAL LIMITED; A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL; A DEVELOPMENT AGREEMENT; AND TWO VARIANCES (Z/LU-2-1-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of GIB Properties, LLC through Steve Williamson for the above changes in zoning and land use designation and a Development Agreement for an Assisted Living Facility (ALF) not to exceed 16 feet in height, with variances to allow 22 parking spaces where 71 are required and to allow an ALF within 950 feet of another ALF where separation of 1,000 feet is required (Z/LU-2-1-15), re the northern 0.55-acre portion of a 1.3-acre parcel located at 7749 De Long Way and the parcel at 7770 128th Street North in the unincorporated area of Seminole.

Mr. Cueva referred to aerial photographs and the zoning and land use map, pointed out the location of the subject property, and discussed the uses in the surrounding area. He presented historical background information about the property, relating that a previous application was approved by this Agency, but subsequently denied by the Board of County Commissioners (BCC); that to allay the concerns of the BCC, the current application differs from the previous one in that the building layout has been changed, the height of the building is restricted to a maximum of 16 feet, and the .55-acre parcel may only be used for a parking lot.

Regarding the parking variance, Mr. Cueva related that based on his experience with variance cases heard by the Board of Adjustment, only a portion of the required number of parking spaces at ALF facilities is utilized; and that staff will be proposing that the BCC change the Pinellas County Code to reduce the parking ratio for an ALF from one to three per bed; whereupon, he indicated that staff is also supportive of the current application in terms of the maximum 16-foot building height and the distance to the nearest ALF being 50 feet less than required by Code.

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Responding to queries by the members, Mr. Cueva indicated that a single-family residence owned by the applicant and located south of the subject property will remain; that with the current parking proposal there is no longer a concern about parking at the nearby Winn-Dixie, as all the parking needs can be accommodated on the property; that the applicant's variance request for 3.2 parking spaces per bed is in line with the proposed amendment to the Code; and that the distance to the nearest ALF, measured building to building, is probably more than 950 feet.

Steve Williamson, Clearwater, indicated that he represents the owner and reviewed changes to the application made pursuant to the suggestions and concerns of the Board members at the July meeting. Referring to the current application and the land use map, Mr. Williamson described the proposed layout in further detail, pointing out that the current Development Agreement restricts the location of the total number of beds, 71, to the parent, or original, parcel, already zoned IL, which will be comprised of the existing building and an additional new wing; and that nothing else can be built on the subject property without a new application and approval of this Agency, as well as the Board of County Commissioners. He indicated that commercial vehicles are prohibited from using De Long Way; and that only elderly residents without drug abuse or mental health problems will be allowed.

Robert Pergolizzi, Gulf Coast Consulting, Inc., Clearwater, referred to an aerial photograph and indicated that he conducted the traffic/parking study for the ALF; that 32 additional beds would generate a minimal amount of traffic; that the current Code requirement of one parking space per bed is extremely high; that in analyzing the parking from 8 A.M. to 5 P.M., he found that the existing 39-bed facility used a maximum of five parking spaces, which translates into one parking space per seven beds; and that, based on that finding, 11 additional parking spaces would be needed to accommodate the parking needs of the expanded facility. In conclusion, Mr. Pergolizzi stated that the proposal for 22 parking spaces is in line with the anticipated Code amendment; that use of the subject property for grass parking with the appropriate landscape buffer would move the parking closer to Park Boulevard and is a much better plan than was proposed in previous applications; and that approval of the current application would be justified. In response to query by Mr. Klar, Mr. Pergolizzi indicated that only the existing parking lot was considered for the study.

Responding to the Vice-Chairman's call for persons wishing to speak with regard to the application, Bob Matthews, Seminole, expressed his support; while Donna Chisholm, Patty Gaston, and Delane Ward, Seminole, expressed concerns of possible negative impacts on the neighborhood and surrounding property values.

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During discussion regarding the neighbors' concerns about the possibility of the applicant converting the current facility to other uses that are allowed under the requested IL designation, Attorney Sadowsky pointed out clauses in the Development Agreement limiting the subject property to the development proposed today, discussed further limitations set by the deed restriction, and noted the requirement of this Board, as well as the Board of County Commissioners, that any changes must be approved at a public hearing.

In response to queries by the Chairman and the members, Mr. Williamson discussed how the revised Development Agreement limits the use of the subject property to a parking lot only and provided additional clarification as to the location of the property referred to as the "Additional Property" in the Development Agreement. Attorney Sadowsky addressed the impact of the application on the applicant's residential property; whereupon, Ms. Kardash commented that the language in the Development Agreement and the application is confusing as it relates to the two parcels.

Noting that the current application better addresses the layout and parking concerns, Mr. Brandon moved, seconded by Mr. Klar and carried 4-1, that the application be approved as per staff recommendation, with Mr. Schultz casting the dissenting vote.

Chairman Westine announced that the item will be heard at the Board of County Commissioners on February 24, 2015, and any petitions must be submitted to Mr. Cueva by February 10.

ADJOURNMENT

Chairman Westine adjourned the meeting at 9:39 A.M.

Chairman