

Clearwater, Florida, November 12, 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 9:04 A.M. on this date with the following members present:

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

Not Present:

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

Also Present:

Gordon R. Beardslee, Planning Department Director  
Elizabeth S. Freeman, Planning Division Manager  
Glenn Bailey, Planning Department Zoning Manager  
David S. Sadowsky, Senior Assistant County Attorney  
Chelsea D. Hardy, Assistant County Attorney  
Other interested individuals  
Lynn M. Abbott, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:01 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 December 15, and any documents to be reviewed by the Board should be submitted to staff by December 1.

MINUTES OF SEPTEMBER 10, 2015 AND OCTOBER 8, 2015 – APPROVED

Mr. Schultz moved, seconded by Ms. Kardash and carried, that the minutes of the September 10, 2015 meeting and the October 8, 2015 meeting be approved.

RECOGNITION OF OUTGOING MEMBER

Chairman Westine related that former board member Cathy Harrelson is unable to attend today's meeting; and that a plaque commemorating her dedication and service to the LPA will be mailed to her.

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 KATHERINE AND LOUIS KOKKINAKOS FOR A LAND USE CHANGE FROM COMMERCIAL NEIGHBORHOOD AND RESIDENTIAL LOW TO COMMERCIAL GENERAL (LU-28-11-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Katherine and Louis Kokkinakos for the above change in land use designation (LU-28-11-15), re approximately 0.7 acre located at the southwest corner of the intersection of Seminole Boulevard and 20th Terrace Southwest in the unincorporated area of Largo.

Mr. Bailey referred to the zoning and land use map, pointed out the location of the subject property, and related that the site currently contains a restaurant and single family home, noting that the structures, built in 1935 and 1959, respectively, will likely be razed. Referring to aerial photographs, he indicated that the proposed use is a restaurant and office/retail units; that the C-2 zoning is inconsistent with the current Future Land Use Map category; and that the amendment will make the zoning and land use consistent.

Mr. Bailey described the surrounding land uses, stated that the land use change to Commercial General will fit well in the area, and indicated that minimal infrastructure impacts are expected; whereupon, he recommended approval of the proposed amendment.

In response to the Chairman's call for the applicant, Katherine and Louis Kokkinakos, Seminole, indicated that the parents of Ms. Kokkinakos have owned the property since 1978; and that the plan is to invest in and redevelop the dilapidated property to become an asset to Pinellas County.

No one appeared in response to the Chairman's call for persons wishing to be heard; whereupon, Chairman Westine closed the public hearing.

Mr. Brandon noted that the application is a perfect example of good redevelopment that brings consistency to the Future Land Use Map; whereupon, he moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend approval of the application to the BCC.

2. APPLICATION OF BARRY R. BERGER, TRE, JAMES J. DOWLING, TRE, AND HOLLY S. DOWLING, TRE, FOR A ZONING CHANGE FROM R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL, TO P-1A, LIMITED OFFICE, AND A LAND USE CHANGE FROM RESIDENTIAL LOW TO RESIDENTIAL/OFFICE-LIMITED (Z/LU-29-11-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Barry R. Berger, TRE, James J. Dowling TRE, and Holly S. Dowling, TRE, for the above changes in zoning and land use designation (Z/LU-29-11-15), re approximately 0.2 acre located 160 feet west of the southwest corner of the intersection of Tampa Road and County Road 1 in Palm Harbor.

Mr. Bailey referred to the zoning and land use map, pointed out the location of the subject property, and related that the site is currently vacant. He indicated that the applicants have no specific development plans; and that they would like to sell the property as office ready.

Referring to aerial photographs, Mr. Bailey discussed the surrounding land uses, indicated that Tampa Road is a Scenic/Non-Commercial Corridor though it is adjacent to existing offices and near a commercial intersection, and stated that the Corridor designation will require additional landscaping at the time the site is developed. He reported that the category change could generate an additional 26 trips on Tampa Road, which is minimal.

Mr. Bailey noted that the proposed changes fit the location; that the amendments are appropriate based on compatibility of surrounding uses; and that minimal infrastructure

impacts will allow low-intensity office uses; whereupon, he recommended approval of the proposed zoning and land use amendments.

Responding to query by Mr. Schultz, Mr. Bailey indicated that the adjacent parcels are currently occupied.

In response to the Chairman's call for the applicant, James J. Dowling, Palm Harbor, indicated that he concurs with the staff recommendation.

No one responded to the Chairman's call for persons wishing to be heard; whereupon, Chairman Westine closed the public hearing.

Mr. Klar noted that the applicants have been in the area for years; that he lives in the neighborhood; and that the application is consistent with previous requests; whereupon, he moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend approval of the proposed zoning and land use amendments to the BCC.

3. APPLICATION OF SENIOR DEVELOPMENT PARTNERS, LLC FOR A ZONING CHANGE FROM RPD-0.5-W, RESIDENTIAL PLANNED DEVELOPMENT, 0.5 UNIT PER ACRE-WELLHEAD PROTECTION OVERLAY, TO IL-CO-W, INSTITUTIONAL LIMITED - CONDITIONAL OVERLAY - WELLHEAD PROTECTION OVERLAY, WITH A CONDITIONAL OVERLAY RESTRICTING THE USE OF THE PROPERTY TO AN ASSISTED LIVING/MEMORY CARE FACILITY, LIMITING THE MAXIMUM NUMBER OF BEDS TO 64, AND LIMITING THE BUILDING TO ONE STORY AT A MAXIMUM HEIGHT TO 30 FEET AND A LAND USE CHANGE FROM RESIDENTIAL RURAL TO INSTITUTIONAL (Z/LU-30-11-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION
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Public hearing was held on the application of Senior Development Partners, LLC for the above changes in zoning and land use designation (Z/LU-30-11-15), re approximately 4.2 acres located at the northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon.

Referring to aerial photographs and the zoning and land use map, Mr. Bailey pointed out the location of the subject property, related the provisions of the Conditional Overlay, and discussed the surrounding land uses. He indicated that the applicant plans to build an assisted living facility (ALF); that the site currently has one single family home that will be razed; and that there are institutional uses throughout East Lake Road, including recently approved assisted living facilities and a church.

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Mr. Bailey provided background information on previous requests, noting that the BCC approved a Special Exception for a 5,000-square-foot medical office on the west parcel in 2013; that construction had never commenced; and that the Special Exception has since expired. He indicated that the BCC in February of 2015 denied a similar request for an ALF; that the Conditional Overlay was not an option at that time; and that a parking variance and other conditions were requested, noting that there was public opposition due to the incompatibility and intrusiveness to surrounding uses.

Mr. Bailey discussed the conditions of the East Lake Tarpon Community Overlay, related that East Lake Road is a Scenic/Non-Commercial Corridor, and asserted that site plan review will address the required additional landscaping, noting that the Wellhead Protection Overlay provides greater oversight with added requirements; and that the 64-bed ALF will pose minimal impacts to East Lake Road; whereupon, he recommended approval of the request, subject to the Conditional Overlay.

In response to the Chairman's call for the applicant, Joel Tew, Esquire, indicated that he represents the owner and provided a brief overview of the proposal, noting that previous requests were denied due to public opposition. He related that before reapplying, substantial community outreach had been performed, concerns and perceived impacts were addressed, and mitigation agreements had been reached supporting the proposal.

Referring to aerial photographs and the zoning and land use map, Mr. Tew reviewed differences between the present and prior applications, noting that the structure will resemble a residential design with minimal trip generation. He remarked that the population is growing older and related the need for convenient, high-quality facilities to care for elderly family members.

Mr. Tew indicated that there are five other institutional and business uses located in the immediate area; and that the surrounding community consists of commercial, public, and institutional uses that are consistent and compatible with the Comprehensive Plan. He provided a recap of the newly adopted Conditional Overlay and its protective limitations, emphasizing that the applicant has committed to work with the neighborhoods by providing substantial landscaped buffering of Cypress Run and agreeing to extend a wall buffering Foxwood Estates, and discussion ensued.

Responding to queries by Ms. Kardash, Mr. Tew clarified the location of the proposed wall, indicating that it will be six feet in height and will provide security for Foxwood

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Estates. He noted that large oak trees will provide a visual buffer; and that the retention pond will create substantial physical separation from the facility, and discussion ensued.

In response to the Chairman's call for proponents, Michael Boutzoukas, Cypress Run Property Owners Association, expressed support for the proposed development.

In response to the Chairman's call for opponents, the following residents of Foxwood Estates expressed their concerns and responded to questions by the members. Areas of concern included property values, close proximity to the subdivision, property buffers, traffic, security, drainage, noise, safety, land use compatibility, and removal of the residential buffer.

James Gribble, Tarpon Springs.

Joe Harrison, Tarpon Springs.

Jeanne Bailey, Tarpon Springs.

In response to comments made by Mr. Gribble, Mr. Brandon, with input by Ms. Kardash, assured him that any drainage issues will be addressed during site plan review; and that the Well-Head Protection Overlay has stringent requirements.

In rebuttal, Mr. Tew responded that the applicant is not the original developer of the subdivision; that it owns the two lots in front of Foxwood Estates, which were never intended to be part of the residential subdivision; and that it did not make a promise to anyone that the single family residence would stay a permanent fixture. He stated that the Foxwood Estates Homeowners Association president assured its support as long as the six-foot wall and buffering were provided; and that the previous approval of the 5,000-square-foot medical office facility had a more-intense use and would have generated more traffic.

During discussion and in response to queries by the members, Mr. Bailey discussed the potential impacts of the current and previously proposed facilities, and Attorney Sadowsky related that the Conditional Overlay does not cover site plan issues such as fences but can provide for increased setback requirements; and that a private agreement between two parties cannot be enforced by the LPA, although Mr. Tew's commitment to provide a wall is on the public record.

Thereupon, Mr. Brandon moved that the LPA recommend approval of the land use and zoning changes, noting that this is the third proposal to come before the LPA; and that the

property will eventually be developed. Mr. Schultz commented on the development issues that resulted in previous denials, and Ms. Kardash concurred; whereupon, she seconded the motion.

Following further discussion and at the suggestion of Mr. Klar, Mr. Tew stipulated to providing a 20-foot landscaped buffer along the eastern property line. Chairman Westine requested that the motion reflect Mr. Tew's commitment, and the motioner and seconder concurred, noting the applicant's willingness to work with and solve the concerns of the adjacent property owners. Upon call for the vote, the motion carried unanimously.

4. APPLICATION OF PAUL W. AND NANCY J. GUILMETTE FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, TO RPD-7.5, RESIDENTIAL PLANNED DEVELOPMENT, 7.5 UNITS PER ACRE (Z-31-11-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Paul W. and Nancy J. Guilmette for the above change in zoning (Z-31-11-15), re approximately 2 acres located on the east side of Summerdale Drive, approximately 460 feet south of Hammock Pine Boulevard, in the unincorporated area of Clearwater.

Referring to an aerial photograph and the zoning and land use map, Mr. Bailey pointed out the location of the subject property, described its surrounding land uses, and indicated that the land use designation will remain Residential Urban and Transportation/Utility, noting that the proposed use is a subdivision with 12 to 14 single family homes, depending on site plan review. He indicated that one letter has been received in opposition to the application.

In response to query by Ms. Kardash, Mr. Bailey related that the Duke Energy power easement located parallel to the roadway will not impact the development of the 14 units, noting that nothing can be built on the easement.

In response to the Chairman's call for the applicant, Paul Guilmette, Clearwater, appeared and indicated that he is the owner; whereupon, Andrew Strong, Abbey Builders, clarified that the applicant is requesting the zoning change to allow 10 two-story units, not 12 to 14; that there is a subdivision located 260 feet to the south that is similar to the proposal, and the property size is comparable; and that a retention pond will act as a buffer along the transportation corridor.

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In response to the Chairman's call for proponents, the following persons expressed their support for the proposed development, noting a lack of new construction in the area.

Pete Kotsovolos, Palm Harbor.

Robin Wening, Palm Harbor.

Marla DiSalvatore, Palm Harbor.

In response to the Chairman's call for opponents, Adam Gurley, Esquire, and Robert J. Hugenschmidt, Engineer, appeared on behalf of the Hammock Pine Property Owners Association and expressed their concerns pertaining to sewer and sanitary line maintenance and repairs.

In response to queries by the members, Mr. Hugenschmidt indicated that gravity-fed sewer lines and sanitary and stormwater lines of Hammock Pine are a private system; that Hammock Pine residents are responsible and have paid for costly repair work, and additional work is anticipated; and that Mid-County Utilities owns the sewer lines in the area outside of Hammock Pine. He related that all roads in Hammock Pine are private and have no utility easement; that Pinellas County maintains Summerdale Drive; and that Mid-County Utilities owns the line under Summerdale Drive, which consists of PVC pipe.

Following discussion and in response to queries by the members, Mr. Beardslee stated that during site plan review, staff looks at sanitary lines and would have to determine that there is adequate sewer treatment and sewer collection, stating that he is unsure how they would determine that when part of the conveyance traverses through a private line.

Mr. Gurley, with input by Mr. Hugenschmidt, replied that Hammock Pine contains approximately 390 units; that there is over 22,000 gallons per day coming from the Summerdale area; and that Hammock Pine residents have paid \$500,000 for the repairs up to this point; whereupon, Mr. Brandon commented that Hammock Pine residents were burdened with the maintenance accrual responsibility due to a major mistake by the developer.

Responding to query by Chairman Westine, Mr. Gurley explained that the City was approached for assistance with the lines; that the City discussed the situation with Mid-County Utilities; and that Mid-County informed Hammock Pine by letter that they will not contribute toward the repairs. He remarked that Mid-County had been asked to



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provide records to investigate the scope of its agreement; and that no records have been received to date.

Acknowledging that there is a major problem that needs to be fixed, Chairman Westine commented that the applicant has followed procedure; that it will be difficult to prevent a private landowner from developing its own property in a manner consistent with the area; that the situation is no fault of the applicant; and that the rezoning will likely be supported, and the members concurred.

Mr. Guilmette noted that an impact fee of approximately \$1,600 will be paid to connect to Mid-County Utilities; that the fee is approximately \$500 more than what the Hammock Pine residents paid; and that Mid-County has indicated that there is no issue with the line along Summerdale Drive.

Thereupon, Mr. Schultz moved, seconded by Mr. Brandon, that the LPA recommend approval of the requested zoning change to the BCC. Upon call for the vote, the motion carried unanimously.

#### OTHER ITEMS

Chairman Westine referred to the proposed 2016 meeting schedule and stated that due to a conflict, the May meeting will be held on Wednesday, May 11, and no objections were noted.

Mr. Beardslee announced the retirement of Elizabeth Freeman after over 27 years in the Planning Department; whereupon, the members thanked her for her dedication and long service.

#### ADJOURNMENT

Upon motion by Mr. Brandon, seconded by Mr. Schultz and carried, the meeting was adjourned at 10:49 A.M.

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Chairman