

Clearwater, Florida, December 10, 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
Valerie Murray (Alternate)

Not Present:

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

Also Present:

Gordon R. Beardslee, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
David S. Sadowsky, Senior Assistant County Attorney
Chelsea D. Hardy, Assistant County Attorney
Other interested individuals
Michael P. Schmidt, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:02 A.M. and confirmed the presence of a quorum.

MINUTES OF NOVEMBER 12, 2015 MEETING – DEFERRED

Chairman Westine indicated that the November 12, 2015 minutes were not available at this time; whereupon, Mr. Schultz moved, seconded by Mr. Brandon and carried, that the minutes be deferred to the next meeting.

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 RALPH M. WESCOTT THROUGH TERESA WESCOTT LAVRINC, REPRESENTATIVE, FOR A ZONING CHANGE FROM C-3, COMMERCIAL, WHOLESALE, WAREHOUSING, AND INDUSTRIAL SUPPORT, TO R-4-CO, ONE, TWO, AND THREE FAMILY RESIDENTIAL – CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE OF THE PROPERTY TO ONE SINGLE FAMILY HOME AND RELATED ACCESSORY USES; AND A LAND USE CHANGE FROM INDUSTRIAL LIMITED TO RESIDENTIAL LOW MEDIUM (Z/LU-25-10-15) – RECOMMEND APPROVAL
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Public hearing was held on the application of Ralph M. Wescott through Teresa Wescott Lavrinc for the above changes in zoning and land use designation (Z/LU-25-10-15), re approximately 1.1 acres located at the southwest corner of the intersection of 135th Place North and Palm Way in the unincorporated area of Largo.

Mr. Bailey referred to an aerial photograph 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, relating that the applicant wants to build a single family home on the vacant parcel. He reported that at the October 2015 LPA hearing, the members continued the case to allow the applicant an opportunity to include a Conditional Overlay as part of the amendment request; and that while the proposed overlay would limit the use of the property to one single family home and related accessory uses, the application still does not meet the criteria for the conversion of industrial land; whereupon, he presented staff's recommendation of denial.

In response to the Chairman's call for the applicant, Teresa Wescott Lavrinc, Clearwater, appeared and indicated that she is the daughter of Mr. Wescott and his only living child; and that because she travels many miles each day between their respective homes, she wishes to build a home on the adjacent vacant parcel to more easily provide for his daily care. Referring to ground-level photographs, she pointed out numerous oak trees

growing on the property and discussed where she proposes to build her new home, and stated that her father would never allow industrial uses on the property; whereupon, responding to a comment made at the last meeting, she related that her father's parcel does not have sufficient acreage to allow for the construction of a second home.

In response to the Chairman's call for persons wishing to be heard, Mike Luz, Seminole, appeared and expressed support for the application; whereupon, Mr. Bailey discussed the need for an administrative waiver or variance with respect to the roadway.

Chairman Westine closed the public hearing. Following brief discussion, Mr. Brandon moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend approval of the application to the Board of County Commissioners (BCC).

Following the vote, Chairman Westine indicated that the case will be heard by the BCC on January 26, 2016.

2. APPLICATION OF STEWART WITTEL FOR A ZONING CHANGE FROM R-3, SINGLE FAMILY RESIDENTIAL, TO M-1, LIGHT MANUFACTURING AND INDUSTRY (Z-32-12-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Stewart Wittel for the above change in zoning designation (Z-32-12-15), re approximately 0.6 acre located on the east side of Faxton Street, 500 feet south of Ulmerton Road in the unincorporated area of Largo.

Mr. Brinson referred to an aerial photograph 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, relating that the proposal seeks to eliminate a land use and zoning inconsistency and to allow for the future redevelopment of the property with light industrial uses; whereupon, he recommended that the LPA recommend approval of the proposed zoning amendment to the BCC.

Responding to the Chairman's call for the applicant, Stewart Wittel, Tarpon Springs, appeared and related that he concurs with the staff recommendation. During discussion and in response to query by Chairman Westine, Mr. Wittel indicated that he is the owner of the subject property; and that excessive Code Enforcement activities have been taking place on Faxton Street.

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

Mr. Schultz moved, seconded by Ms. Kardash and carried unanimously, that the LPA recommend approval of the application to the BCC in accordance with the staff recommendation.

Following the vote, Chairman Westine indicated that the case will be heard by the BCC on January 26, 2016.

3. APPLICATION OF PINELLAS COUNTY THROUGH GORDON BEARDSLEE, PINELLAS COUNTY PLANNING DEPARTMENT, AND SEAN GRIFFIN, PINELLAS COUNTY REAL ESTATE MANAGEMENT, REPRESENTATIVES, FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, TO P/SP, PUBLIC/SEMI-PUBLIC (Z-33-12-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Pinellas County through Gordon Beardslee and Sean Griffin for the above change in zoning designation (Z-33-12-15), re approximately 10.3 acres located at 29582 U.S. Highway 19 North in the unincorporated area of Dunedin.

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 reported that recycling drop-off bins, a communications tower, and a traffic court facility are currently located on the subject property; and that a Driver's License Test Course and a Household Electronics and Chemical Collection Center (HEC3) are two uses that have been proposed; whereupon, he indicated that the proposed zoning district is compatible with nearby land uses and the surrounding development pattern; that the subject area is easily accessible off of U.S. Highway 19; that there is a demonstrated public need for the proposed uses; and that the request is consistent with the Comprehensive Plan.

Mr. Bailey recommended that the LPA recommend approval of the proposed zoning amendment to the BCC, and related that the case will be heard by the BCC on January 26, 2016.

The following individuals appeared and expressed their support for the request:

Deb Bush, Pinellas County Solid Waste

William Pickrum, Division Director Solid Waste, City of Dunedin

Calvin Warren, Assistant Public Services Director, City of Indian Rocks Beach

Diana Hugg, Sanitation and Recycling Department, City of Tarpon Springs

Curt DeBrunner, U.S. Ecology (contractor)

In response to queries by the members, Ms. Bush presented information regarding HEC3 monthly events, and discussed topics relating to the collection, storage, transport, and disposal of collected materials, and stated that anticipated demand is driving the proposed once-a-month collection; whereupon, she discussed the challenges of operating mobile collection sites in Home Depot and high school parking lots, and provided statistical information regarding items dropped off by local residents.

In response to queries by Mr. Schultz, Mr. DeBrunner provided information regarding the disposal of computer equipment, relating that his firm operates and manages the collection of household chemicals and electronics for Pinellas County and, as part of its contract, destroys any computer equipment received.

In response to the Chairman's call for objectors to the application, Didier Malagies and Larry C. Buettner, Dunedin, appeared, stated their concerns, and responded to queries by the members.

Thereupon, Andrew Pupke, Director, Real Estate Management, Ms. Bush, and Messrs. Bailey and DeBrunner responded to the concerns of the objectors and queries by the members, relating that:

- A former gasoline station was razed and its underground tanks removed from the property. No contamination was found. The area was backfilled, and the required reports were filed.
- The Tax Collector and Property Appraiser currently lease space on the east side of U.S. Highway 19 across the street from the subject property.
- Construction of a driving course will allow individuals taking driving tests to do so in a safe, controlled environment rather than on U.S. Highway 19. Driving tests will be administered Monday through Friday; the collection center will operate one Saturday per month.

- Australian pine trees are an exotic species. While Pinellas County cannot remove trees located on the adjacent property, those trees located on the County-owned parcel will be removed per the site plan and replaced with appropriate buffering.
- The land use change would not allow for the construction of a permanent facility for collection center activities.
- All collected materials will be removed from the site that same day. The subject property is monitored throughout the week to ensure no illegal dumping takes place.
- Pinellas County does extensive public outreach regarding its recycling program.
- There will be no issues relating to traffic. Over 300 cars can queue onsite without impacting U.S. Highway 19.
- The communications tower is owned by a private entity that pays rent to the County.

Chairman Westine closed the public hearing. Mr. Brandon moved, seconded by Ms. Kardash and carried unanimously, that the LPA recommend approval of the application to the BCC.

4. APPLICATION OF KAMRAN AND DORI ROUHANI AND PARVIZ ROUHANI, A.E.C. 2159 LLC, AND EMERALD GARDEN REAL ESTATE, INC. THROUGH KAMRAN ROUHANI, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, AND 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 WITH A MAXIMUM OF 60 BEDS, INCLUSIVE OF SERVICES DEFINED BY THE STATE AS INDEPENDENT LIVING, ASSISTED LIVING CARE, SKILLED NURSING CARE, EXTENDED CONGREGATE CARE, LONG-TERM CARE AND/OR MEMORY CARE, AND INCLUDING REHABILITATIVE AND PHYSICIAN SUPPORT SERVICES FOR OCCUPANTS OF THE 60 BEDS OF THE FACILITY; PROVIDED, HOWEVER, THAT NO SUCH SERVICES SHALL BE PROVIDED FOR EXTERNAL PATIENTS WHO ARE NOT OCCUPANTS OF THE 60 BEDS OF THE FACILITY; AND A LAND USE CHANGE FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL (Z/LU-34-12-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Kamran and Dori Rouhani and Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, Inc. through Kamran Rouhani for the above changes in zoning and land use designation (Z/LU-34-12-15), re approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses: 2159, 2167, and 2175 McMullen Booth Road).

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 reported that the Board of Adjustment granted the existing Assisted Living Facility (ALF) a special exception in 1998; that a second special exception was granted in 2013 allowing for an ancillary building for physical therapy and doctors' offices in conjunction with the ALF; and that the current request is the appropriate mechanism for the intended use; whereupon, he related that the proposed skilled nursing, rehabilitation, and physician support services will only be for occupants of the ALF; and that the facility will not be a standalone medical office.

Mr. Bailey discussed the status of McMullen Booth Road as a Scenic/Non-Commercial Corridor, relating that the ALF is considered a quiet residential use; and that future site development will be subject to additional landscaping requirements, and provided information relating to traffic volume on McMullen Booth Road, reporting that the ALF will only add 64 trips to the overall traffic count; whereupon, he recommended that the LPA recommend approval of the proposed zoning and land use amendments to the BCC.

Responding to the Chairman's call for the applicant, Joel Tew, Esquire, Palm Harbor, stated that he is land use counsel for Emerald Garden Real Estate and the Rouhani family, and provided historical background information regarding the application. During discussion and in response to queries by Chairman Westine, Mr. Tew opined that the application is merely a housekeeping item, and clarified that the Conditional Overlay will limit the ALF to 60 beds; that only facility residents will receive rehabilitative services; and that those services are strictly for physical rehabilitation, not drug rehabilitation; whereupon, he introduced the applicant, Kamran Rouhani.

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In response to the Chairman's call for objectors to the application, Shirley Tregillus and Nicholas E. Petrarca, Clearwater, appeared, and expressed their concerns regarding local wildlife, mature trees, facility lighting, insufficient parking, traffic issues, commercial uses, neighborhood compatibility, biohazardous waste, and wandering patients.

In rebuttal, Mr. Tew pointed out that Ms. Tregillus is the owner and operator of a birthing center and also rents out part of her property for commercial uses; and that even though she stated that she would only hand down her property to her children and grandchildren, she has a contract to sell part of it to Mr. Petrarca; whereupon, responding to the concerns of the objectors and queries by the members, Mr. Rouhani, with input by Mr. Tew, related that the present facility has 20 beds and the application proposes an additional 40; that the dumpster is picked up once a week during the middle of the day; that directional lighting requirements will be addressed as part of the site plan review; and that dementia patients cannot exit the property from behind the facility due to a concrete wall and locked gate.

In response to comments and queries by Chairman Westine, Mr. Bailey related that even though the applicant will be required to go through the site plan process, Pinellas County Code contains no regulations relating to light spillage; whereupon, Mr. Tew stated for the record that the applicant will be happy to work with the County on directional lighting that does not shine onto adjacent properties, and Chairman Westine requested that when the staff report is updated and forwarded to the BCC, it reflect Mr. Tew's statement.

In response to comments and queries by Ms. Kardash regarding the application merely being a housekeeping item, Attorney Sadowsky provided detailed information regarding the 2013 special exception and how it relates to the current application with the Conditional Overlay, and stated that the present application replaces the old proposal, and lengthy discussion ensued; whereupon Chairman Westine closed the public hearing, expressed support for the item, and requested that the applicant be respectful of the concerns of the adjacent property owners.

Mr. Brandon 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.

Following the vote, Chairman Westine indicated that the case will be heard by the BCC on February 23, 2016.

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OTHER ITEMS

MS. KARDASH ELECTED CHAIRMAN AND MR. BRANDON ELECTED VICE-CHAIRMAN FOR 2016

Upon the Chairman's call for nominations, Mr. Klar moved, seconded by Mr. Brandon and carried, that Ms. Kardash be elected Chairman for 2016; whereupon, Ms. Kardash moved, seconded by Mr. Schultz and carried, that Mr. Brandon be elected Vice-Chairman.

ADJOURNMENT

Chairman Westine adjourned the meeting at 10:54 A.M.

Chairman