

Clearwater, Florida, March 10, 2016

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 9:01 A.M. on this date with the following members present:

Regina Kardash, Chairman
Steve Klar
Ronald Schultz
Susan Reiter
Valerie Murray (Alternate)
Clint Herbic (non-voting School Board Representative)

Not Present:

David Brandon, Vice-Chairman
Lauralee Westine

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
Jenny Masinovsky, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Kardash 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 April 26, and any documents to be reviewed by the Board should be submitted to staff by April 12.

MINUTES OF THE JANUARY 14, 2016 MEETING – APPROVED; MINUTES OF THE FEBRUARY 11, 2016 MEETING – DEFERRED

Chairman Kardash presented the minutes of the January 14, 2016 meeting, indicating that the February 11, 2016 minutes are not available at this time; whereupon, Mr. Schultz moved, seconded by Mr. Klar and carried, that the minutes of the January 14, 2016 meeting be approved.

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 ZONING ATLAS AND
CONDITIONAL USE APPLICATION

1. APPLICATION OF C1 BANK, C/O TREVOR BURGESS, THROUGH RICK SCHAPPACHER, P.E., REPRESENTATIVE, FOR A ZONING CHANGE FROM R-2, SINGLE FAMILY RESIDENTIAL, AND R-3, SINGLE FAMILY RESIDENTIAL, TO RPD-5-CO, RESIDENTIAL PLANNED DEVELOPMENT, 5 UNITS PER ACRE – CONDITIONAL OVERLAY, WITH A CONDITIONAL OVERLAY LIMITING STRUCTURE HEIGHT TO 45 FEET (Z-6-3-16) – RECOMMEND DENIAL

Public hearing was held on the application of C1 Bank for the above change in zoning designation (Z-6-3-16), re approximately 6.7 acres located at the northeast corner of 49th Street North and 164th Avenue North in the unincorporated area of Largo.

Referring to a PowerPoint presentation, the zoning and land use map, and a concept plan, Mr. Bailey pointed out the location of the subject property, described surrounding land uses, and related that the site is currently vacant. He indicated that there is no request to change the current density of 5 units per acre; that the Conditional Overlay would keep the property height limit at the current 45 feet instead of 70 feet, allowed in an RPD-5 zone; that the only difference between the current and the proposed zoning would be the multi-family development permissible in an RPD-5 zone; and that issues such as drainage and distances from wetlands and roads are determined during the site plan review process.

Mr. Bailey presented historical background information about the property and compared previous and current development proposals, noting that the Bayside Reserves project approved in 2008 for RPD-5 and RPD-10 zoning designations was never carried out, causing the property to revert to the preceding designations of R-2 and R-3, pursuant to the Development Agreement; that the adjacent County property is not a part of the present request; that 30 multi-family units in six buildings are being requested, along with a manager's residence; that the preservation area, including mangroves and wetlands, is not proposed to be changed; and that concerns submitted by the citizens regarding the

March 10, 2016

proposed development are mostly site plan related, to be determined at the applicant's discretion, or are beyond the scope of the project; whereupon, he indicated that staff finds the zoning amendment appropriate and recommends approval of the application.

Responding to queries by Chairman Kardash, Mr. Bailey indicated that notices for the present hearing were sent to the property owners located in a 1,000-foot radius from the subject property on February 15.

In response to the Chairman's call for the applicant, Alan C. Sheppard, Jr., Esquire, Greenberg Traurig, P.A., indicated that he represents the applicant. Referring to an aerial photograph, he pointed out the location of the property and reviewed its history, noting that the current request is much scaled down from the previously approved but never developed multi-family apartment project involving 37 units on the subject property, as well as affordable housing, workforce housing, and a density bonus on the adjacent County-owned property. Referring to a map, he indicated that the surrounding areas are very densely populated; that the applicant is not requesting another Comprehensive Plan amendment, affordable housing, or a density bonus; that RPD-5 zoning would generate less traffic than the current R-2 and R-3; and that the portion of the land designated as "preservation area" will remain preserved; whereupon, Rick Schappacher, P.E., stating that he is the engineer for the applicant, referred to the concept plan and indicated that the wetland jurisdictional boundary determination for the proposed project was approved by the Southwest Florida Water Management District last July and may expire if the application is not moved forward; and that the applicant could accommodate residents' requests regarding traffic and preservation better under the proposed RPD-5 zoning.

Responding to queries by Chairman Kardash and Mr. Klar, Messrs. Sheppard and Schappacher explained that the requested zoning would allow clustering of the units, providing flexibility in buffering and preservation of green space, rather than spreading single family residences throughout the property under R-2 and R-3; and that the concept plan does not reflect preservation and other details which will be worked out with the County during the site plan development process.

No one appeared in response to the Chairman's call for proponents of the application.

In response to the Chairman's call for opponents, the following individuals appeared, expressed their concerns, and responded to queries by the members:

March 10, 2016

Richard N. Shott, Clearwater, Vice President, Pinellas Groves Hamlet Citizens Committee*

David S. Waddell, Clearwater*

Cathy Harrelson, St. Petersburg, Suncoast Sierra Club

Martin Worrel, Clearwater

John Garrett, Clearwater

**submitted documents*

Areas of concern addressed by the objectors included feeling misinformed by County staff with regard to the application and requesting a continuance in order to evaluate records; inability to receive definite information about green space preservation prior to the site plan process; protection of neighborhoods from increased flooding; declining property values; limited ingress/egress and increased traffic problems; appropriate property uses, including single family residential or recreational; and preservation of seagrass and mangroves.

During discussion and in response to queries by the members, Mr. Bailey confirmed that the proposed rezoning of the property would not change the current density of 5 units per acre or the maximum number of 34 units; that the Conditional Overlay, voluntarily included by the applicant, ensures the same height of 45 feet as is now allowed; that the alternative to a multi-family housing project proposal would be single family housing; and that the condition of the land is studied during the site plan development process. Attorney Sadowsky clarified that the applicant would have to meet all the stringent requirements of the County Code during the site plan process; that the density bonus and affordable housing components of the application approved in 2008 are not applicable to the current application; and that the plan presented today is a basic concept plan, not the site plan; whereupon, Ms. Reiter noted the difficulty in evaluating the application in the absence of a site plan.

In rebuttal, Messrs. Sheppard and Schappacher addressed the neighbors' concerns and responded to queries by the members, reiterating that the RPD-5 zoning is more appropriate for the property and consistent with an adjacent property, as well as with the Comprehensive Plan. Mr. Schappacher, with input by Ryan Brinson, Planning Department, explained how drainage and traffic issues would be improved by the rezoning. Mr. Sheppard indicated that the applicant would not have a developer or a detailed plan for the property until the rezoning takes place; and that C1 Bank Chief Executive Officer Trevor Burgess indicated to Mr. Waddell that he wished to communicate in writing to avoid ambiguity; whereupon, the bank's General Counsel,

Diane Morton, read e-mail correspondence between Messrs. Burgess and Waddell into the record.

Mr. Sheppard urged the members not to continue the case, noting that the applicant has followed the County Code in the application process; that the matter heard by the BCC in January was related to a Comprehensive Plan amendment, not zoning; and that there was nothing prejudicial towards the neighbors, and all the information submitted with the application is available for the public. Attorney Hardy stated that the neighborhood was properly notified of all the steps pertinent in the process, including the Planning Review Committee meeting, the current hearing, and the April BCC hearing; and that there is no requirement that the neighborhood be notified of the pre-application meeting between staff and the applicant.

Following discussion, Mr. Schultz stated that the proximity of the water is a concern; whereupon, he moved that the LPA recommend denial of the zoning amendment to the BCC. Mr. Klar seconded the motion, noting the dilemma in approving a zoning change for an area which is environmentally sensitive without seeing the proposed development on a site plan and the expense of developing the property with sensitivity to the land; whereupon, Attorney Hardy reminded the members that the site plan review, being based on the current zoning designation, has to come *after* the zoning atlas is amended, and reiterated that environmental and traffic issues are resolved pursuant to the County Code at the time.

Upon call for the vote, motion carried 4 to 1, with Ms. Reiter casting the dissenting vote.

2. APPLICATION OF SILVER MINE GIFTS, LLC, C/O RALPH W. GODDARD, FOR A CONDITIONAL USE TO ALLOW THE DISPENSING OF ALCOHOL BY A FRATERNAL ORGANIZATION FOR ON-PREMISES CONSUMPTION IN A P-1 ZONE (CU-11-3-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION
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Public hearing was held on the application of Silver Mine Gifts, LLC, Inc. for the above conditional use (CU-11-3-16), re approximately 1.5 acres located at 490 Alternate U.S. Highway 19 in Palm Harbor.

Referring to a PowerPoint presentation, the zoning and land use map, and an aerial photograph, Mr. Bailey pointed out the location of the subject property, discussed surrounding land uses, and related that the site is currently used as an office; that it is the

proposed new location of the Fraternal Order of Eagles, Palm Harbor Chapter; and that while alcohol dispensing is typically not permitted in a P-1, General Professional Office zone, fraternal organizations may dispense alcohol in any zoning district with conditional approval by the BCC.

Referring to the concept plan, Mr. Bailey indicated that the applicant is proposing closure of the access to Virginia Avenue in order to mitigate potential opposition from the neighbors, as well as additional parking. He stated that the applicant is supportive of staff's requests for traffic circulation and parking revisions; that the proposal is compatible with the surrounding uses and consistent with the Comprehensive Plan; and that staff recommends approval of the application, subject to the following conditions:

1. Site plan review, as determined appropriate by staff.
2. Site development shall be in general conformance with the associated concept plan.
3. Appropriate licensure by the State of Florida.
4. Approval shall be for the Fraternal Order of Eagles only. The approval is non-transferable; any subsequent change in tenant or ownership shall require additional review and approval by Pinellas County.
5. The site's access point on Virginia Avenue shall be closed, provided the appropriate waiver is obtained from the County.
6. Outdoor lighting shall be focused on the subject property and directed away from adjacent residential uses.
7. Any illuminated signage shall comply with the Pinellas County luminosity and message frequency standards.
8. Any special event held on the site shall comply fully with Section 138-1338 of the Pinellas County Land Development Code, as may be amended, pertaining to the permitting of temporary uses and structures.
9. No outdoor amplified music shall be allowed, unless associated with an approved temporary use permit.

10. Any changes to the conditions listed shall require approval by the Board of County Commissioners.
11. In the event any of the above conditions are not met or the conditional use becomes a nuisance, the Board of County Commissioners may rescind approval of the conditional use.

Responding to queries by the members, Mr. Bailey discussed the surrounding land uses and the issue of egress/ingress with regard to Virginia Avenue.

In response to the Chairman's call for the applicant, Ralph Goddard, Palm Harbor, indicated that his contract for sale of the subject property to the Fraternal Order of Eagles is contingent upon approval of the application; and that the majority of the neighbors living on Virginia Avenue, whose letters he has provided to staff, support the application, as does the Ozona Village Improvement Society, because he is proposing to address the neighbors' concerns by removing access to Virginia Avenue. Responding to queries by Mr. Schultz, he indicated that while he has discussed the application with the neighbor adjacent to his property, he has not been able to obtain his support; and that he has not discussed the matter with the owners of the shopping center behind the subject property; whereupon, in response to query by Ms. Reiter, Chairman Kardash confirmed that no letters of objection have been submitted with regard to the application.

Responding to queries by the members, Richard Porambo, Tarpon Springs, and Jerry Newman, Palm Harbor, appeared and indicated that they represent the Fraternal Order of Eagles, currently located on the corner of Klosterman Road and U.S. Highway 19, and discussed their charity fundraising activities for various causes and organizations, noting that they wish to participate in Palm Harbor downtown functions, encouraging more people to donate. They indicated that the proposed additional parking space will amount to approximately 2,000 square feet and discussed the number of members occupying the premises daily, as well as during meetings and events; whereupon, Mr. Newman confirmed that he has read the conditions and understands that violating them would result in revocation of the conditional use permit.

Mr. Schultz moved, seconded by Mr. Klar and carried unanimously, that the LPA recommend approval of the proposed conditional use application to the BCC in accordance with the staff recommendation, including all conditions.

March 10, 2016

OTHER ITEMS

None.

ADJOURNMENT

Chairman Kardash adjourned the meeting at 10:45 A.M.

Chairman