

BOARD OF COUNTY COMMISSIONERS

DATE: November 18, 2014

AGENDA ITEM NO. 3b.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Public Hearing for Conditional Use Case No. (Q) CU-17-9-14 (Rowland W. Milam)

Department:

Planning and Development Services

Staff Member Responsible:

Jacob Stowers, Executive Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC COMMENT AND APPROVE THE PROPOSED RESOLUTION FOR THE CONDITIONAL USE REQUEST WITH THE FOURTEEN CONDITIONS RECOMMENDED BY THE LOCAL PLANNING AGENCY AS LISTED IN THE ATTACHED STAFF REPORT.

Summary Explanation/Background:

This is a request to allow a conditional use permit for various agricultural uses as part of a community farm located near Sunset Point Road in Clearwater. This conditional use request is allowed within the site's current A-E, Agricultural Estate Residential zoning district. Staff has reviewed the request and has determined that the request is in compliance with the conditional use standards of the Zoning Code. Staff recommends approval with the 14 conditions listed in the attached staff report.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Maps, Proposed Resolution & Site Plan

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. CU-17-9-14

LPA Recommendation: The LPA finds that the request for a conditional use is consistent with the Pinellas County Comprehensive, and recommends Approval of the request with the conditions recommended by staff. (The vote was 6-0, in favor)

LPA Public Hearing: October 9, 2014

PLANNING STAFF RECOMMENDATION:

Staff recommends the LPA find the proposed conditional use is consistent with the Pinellas County Comprehensive Plan and that the Board of County Commissioners approve the proposed conditional use subject to the following conditions to allow the site to be used for general agricultural purposes, such as farming and the keeping of livestock with the following conditions:

1. Full site plan review. This shall include a plan for managing animal wastes.
2. Farming activity shall be allowed as proposed on the concept plan.
3. The following livestock shall be allowed on site, 5 goats, 5 sheep, and 5 pigs, and shall not be allowed in areas that drain to the creek.
4. The following number of fowl shall be allowed on site: 50 chickens and 1 rooster.
5. No slaughtering of any animals shall occur on this site.
6. The keeping of a beehive shall be permitted and its location shall be as shown on the concept plan.
7. Small tours and classes for education shall be permitted.
8. Non-wood agricultural plants may occur in the environmental buffer area and may be harvested from these areas.
9. Aquaculture shall be permitted.
10. The farm shall not be open to the general public.
11. Accessory buildings shall be allowed as shown on the concept plan.
12. No structures shall be allowed in the 100-year floodway.

13. Buffers shall be graded so they drain internal to the subject property and away from the Alligator Creek channel.
14. In the event the above conditions are not met, and or nuisance issues arise, the Board may rescind the conditional use permit.

CASE SUMMARY

APPLICANT'S NAME: Rowland W. Milam

DISCLOSURE: N/A

REPRESENTED BY: Brian Barker

CONDITIONAL USE

A conditional use to be used for general agricultural activities, such as farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential.

PROPERTY DESCRIPTION: A conditional use to allow a vacant site containing approximately 5.6 acres located on the east terminus of Woodring Drive, 260 ft. south of Sunset Point Road, Clearwater.

PARCEL ID(S): 05/29/16/00000/310/0100

PROPOSED BCC HEARING DATE: November 18, 2014

CORRESPONDENCE RECEIVED TO DATE:

No correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Low	A-E	Vacant
Adjacent Properties:			
North	Institutional	A-E	Church
East	Institutional	A-E	Cemetery
South	Residential Low	Clearwater	Single family dwellings
West	Residential Low	Clearwater	Single family dwellings

STAFF DISCUSSION AND ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USES

The subject site contains approximately 5.6 acres and is currently undeveloped; however, the site was given a conditional use permit in 2004 (CU-5-9-04) for the site to be used as a plant nursery, which has since ceased to operate. As the site lies adjacent to two large tracts of land which are also zoned A-E and are occupied with uses that required public hearings, i.e., church and cemetery, it is apparent the site is conducive to uses such as those that abut the site, or in this instance, a community farm with associated livestock.

The use as shown on the concept plan proposes a membership only community supported agricultural system where members will come to the site to pick up vegetables or eggs on a weekly or bi-weekly arrangement. It is anticipated that there will be three pick-up days for members during the week. With regard to livestock, there may be up to 5 pigs, 5 goats and 5 sheep. The keeping of chickens will also be such that 50 chickens will be on site along with 4 roosters as requested by the applicant (although staff is recommending the keeping of only one rooster due to concerns regarding noise). There will be no slaughtering of any of the animals kept on site. The keeping of bees will be occurring on the site a considerable distance from nearby housing so as to reduce any issues regarding human contact.

Additionally, and most importantly, the proposed use meets the following standards for reviewing conditional use applications as set forth in the Pinellas County Zoning Code as follows (staff response is in **bold**):

General Standards:

- (1) All structures and uses shall be separated from adjacent and nearby uses by appropriate screening devices or landscaped open area. **The site is encompassed with both chain link and wood fencing where it abuts residential housing as well as other open areas.**
- (2) Excessive vehicular traffic is not generated on residential streets and no vehicular parking or other traffic problem is created. **Vehicular traffic will access the site via South Drive. This road has direct access to Sunset Point Road, which is the primary access to this site and as such excessive traffic will not be occurring on the residential streets in the area. Also, because of the infrequent visits to the site, traffic should be minimal.**
- (3) Appropriate drives, walks and parking areas are proposed so that no vehicular traffic or parking problems are created. **The site contains adequate areas for parking to insure parking problems on adjacent streets does not occur.**

- (4) Drainage problems will not be created on the subject property or adjacent properties. **The conditional use permit will require full site plan review to insure drainage is retained on site pursuant to code requirements. A branch of Alligator Creek is situated along the northern and western edges of the subject site. The concept plan associated with this application and the recommended conditions take specific steps to protect this channel and the water quality within this drainage basin.**
- (5) All provisions and requirements of the zoning district in which the project is located will be met. **All provisions of the A-E, Agricultural Estate Residential zoning district will be met as proposed on the concept plan.**
- (6) The conditional use shall be consistent with the county comprehensive plan adopted pursuant to state law and shall be in keeping with the purpose and intent of this chapter. **The proposed agricultural use is consistent with the comprehensive plan.**

<p style="text-align: center;">IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</p>
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Staff finds that the proposed amendment is consistent with the following adopted goal, objectives, policies, of the Pinellas County Comprehensive Plan:

Objective 1.2 Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

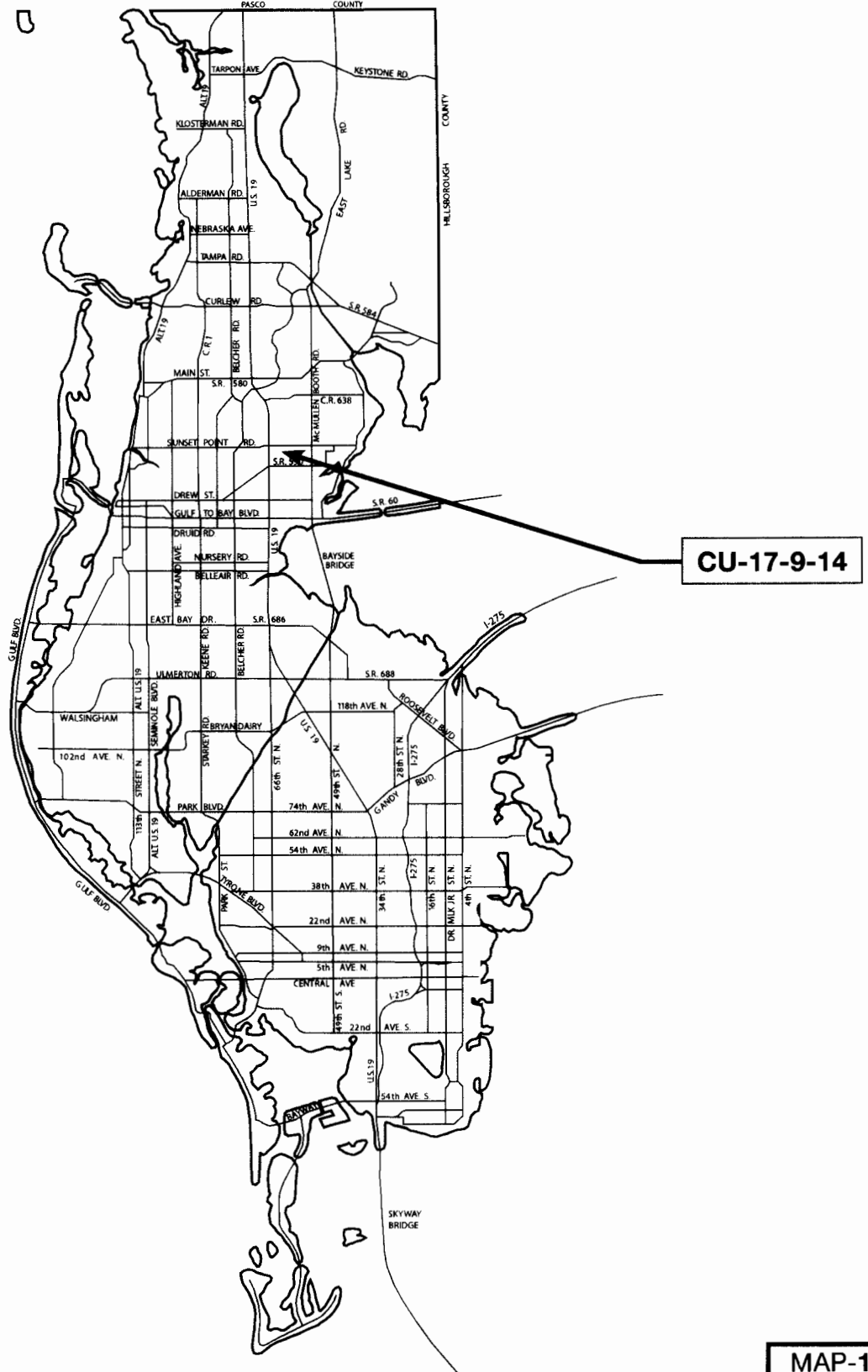
Policy 1.2.8 Conditional uses, when authorized by the Board of County Commissioners after a public hearing, shall be consistent with the Pinellas County Comprehensive Plan.

COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

LOCATION MAP



MAP-1

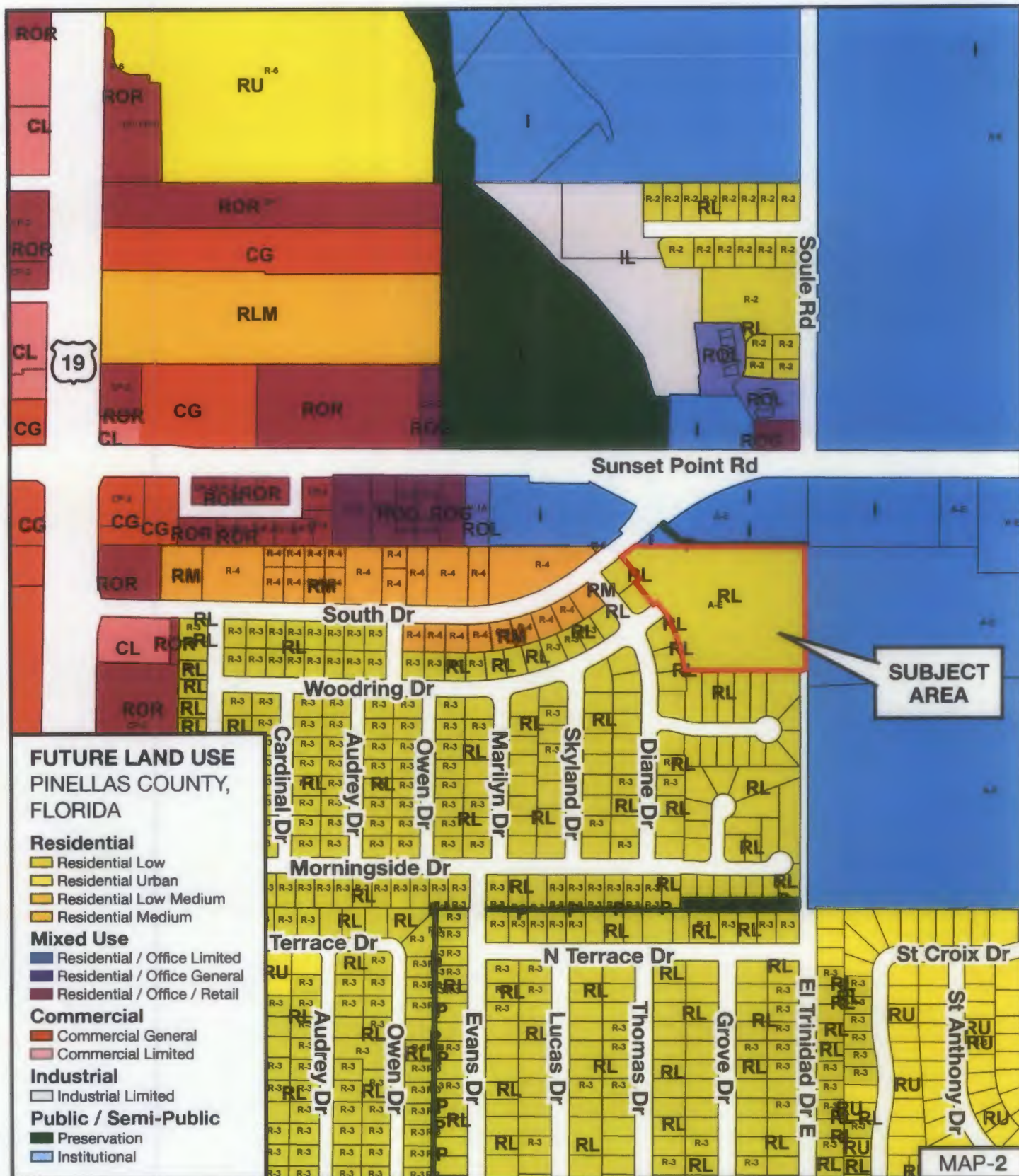
CU-17-9-14

A Conditional Use to be used for general agricultural activities such as farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential.

Parcel I.D. 05/29/16/00000/310/0100

Prepared by: Pinellas County Department of Planning and Development Services June 2014





CU-17-9-14

A Conditional Use to be used for general agricultural activities such as farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential.

Parcel I.D. 05/29/16/00000/310/0100

Prepared by: Pinellas County Department of Planning and Development Services June 2014





MAP-3

CU-17-9-14

A Conditional Use to be used for general agricultural activities such as farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential.

Parcel I.D. 05/29/16/00000/310/0100

Prepared by: Pinellas County Department of Planning and Development Services June 2014





CU-17-9-14

A Conditional Use to be used for general agricultural activities such as farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential.

Parcel I.D. 05/29/16/00000/310/0100

Prepared by: Pinellas County Department of Planning and Development Services June 2014



RESOLUTION NO. _____

RESOLUTION FOR A CONDITIONAL USE TO BE USED FOR GENERAL AGRICULTURAL ACTIVITIES, SUCH AS, FARMING OF VEGETABLES, KEEPING AND RAISING OF LIVESTOCK ON THE PROPERTY ZONED A-E, AGRICULTURAL ESTATE RESIDENTIAL ON A VACANT SITE CONTAINING APPROXIMATELY 5.6 ACRES LOCATED ON THE EAST TERMINUS OF WOODRING DRIVE, 260 FT. SOUTH OF SUNSET POINT ROAD, CLEARWATER; PAGE 654 OF THE ZONING ATLAS, AS BEING IN SECTION 05, TOWNSHIP 29, RANGE 16; UPON APPLICATION OF ROWLAND W. MILAM THROUGH BRIAN BARKER, DEUEL & ASSOCIATES, REPRESENTATIVE, CU-17-9-14

WHEREAS, Rowland W. Milam, Owner of the property at 2775 Woodring Drive, Clearwater, Florida, consisting of Parcel I.D. number 05/29/16/00000/310/0100, has petitioned the Board of County Commissioners of Pinellas County for a conditional use to allow for general agricultural activities, such as, farming of vegetables, keeping and raising of livestock on the property zoned A-E, Agricultural Estate Residential, on the parcel of real property described above; and

WHEREAS, legal notice of public hearing on such proposed conditional use was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the conditional use for said property should be granted.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 18th day of November 2014 that the conditional use for the above described real property in Pinellas County, Florida, is hereby granted in case #CU-17-9-14, with the following conditions:

1. Full site plan review. This shall include a plan for managing animal wastes.
2. Farming activity shall be allowed as proposed on the concept plan, as attached in Exhibit "A."
3. The following livestock shall be allowed on site, 5 goats, 5 sheep, and 5 pigs, and shall not be allowed in areas that drain to the creek.
4. The following number of fowl shall be allowed on site: 50 chickens and 1 rooster.
5. No slaughtering of any animals shall occur on this site.
6. The keeping of a beehive shall be permitted and its location shall be as shown on the concept plan.
7. Small tours and classes for education shall be permitted.
8. Non-wood agricultural plants may occur in the environmental buffer area and may be harvested from these areas.
9. Aquaculture shall be permitted.
10. The farm shall not be open to the general public.
11. Accessory buildings shall be allowed as shown on the concept plan.
12. No structures shall be allowed in the 100-year floodway.
13. Buffers shall be graded so they drain internal to the subject property and away from the Alligator Creek channel.
14. In the event the above conditions are not met, and or nuisance issues arise, the Board may rescind the conditional use permit.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:


Ayes:


Nays:


Absent and not voting:


Appendix


PROPOSED LEGEND


 DIRECTION OF FLOW


 EXISTING CULVERT


 IMPROVEMENTS ARE BASED ON 2000-01


 PROPOSED CULVERT

 ALL PROPOSED IMPROVEMENTS AT CULVERT ARE BASED ON THE EXISTING CULVERT. THESE CULVERTS FOR TOP OF CULVERT HEIGHT. (SEE = MATCH EXISTING DRAWING)

 IF DOWN LAKE FORCE

 SELF FENCE

 NUMBER OF PROPOSED PARALLEL SPACES

 REMOVE EXISTING TREE




LEGEND

A	ALBINO
B	BIRD
C	CAT
D	DOG
E	ELEPHANT
F	FISH
G	GOOSE
H	HORSE
I	INSECT
J	JACK
K	KITTEN
L	LION
M	Moose
N	NIGHT
O	OWL
P	PENGUIN
Q	QUAIL
R	RABBIT
S	SNAKE
T	TURTLE
V	VOLCANO
W	WOLF
X	X-RAY
Y	YACHT
Z	ZEPHYRUS

SURVEYOR'S LEGEND	
	WATER VALVE
	WELL
	UTILITY POLE
	TBM
	GOLDEN RAIN TREE
	ELM
	UNKNOWN
	EUCALYPTUS
	CAMPHER
	MAPLE
	PALM
	OAK

LINE	BEARING	DISTANCE
L1	S 89°41'19" E	180.55 (D)
L2	N 00°18'41" E	114.61 (D)
L3	N 04°44'14" W	81.28 (D)
L4	N 27°33'22" W	46.89 (D)
L5	N 66°36'23" W	27.67 (D)
L6	S 87°21'08" W	82.66 (D)
L7	S 48°56'22" W	33.86 (D)
L8	S 12°48'16" W	53.86 (D)
L9	S 27°32'10" W	23.07 (D)
L10	S 10°40'40" W	52.92 (D)
L11	S 30°53'43" E	38.27 (D)
L12	S 10°40'16" W	44.11 (D)

[illegible]

REV	DATE	REVISION	BY	CHECKED	APC	DESIGN	SAB	
1	09/26/14	REMOVED "ENVIRONMENTAL BUFFER" NOTE	P.A.	DRANK	P.A.			

CORR LENGTH

3"	62.94'	N 81°56'48" W
4"	42.07'	N 81°57'07" W
5"	23.23'	S 17°41'24" E
6"	210.58'	S 17°41'24" E
7"	144.86'	S 07°56'20" E
8"	144.41'	S 08°00'52" E

CORR BEARING

UNPLATTED

CONST. WALK-IN REFRIGERATOR

CONST. 8'x40' STORAGE SHED

GRACE BAPT CHURCH OF CLEARWATER INC.
3787 SUNSET POINT RD
CLEARWATER FL 33759-1508

PROPOSED CITRUS AND NUT TREES (TYP.)

T.O.B. 30' +/- DITCH

FLOOD ZONE "AE"

MULCH PILE

CONST. MATERIAL STORAGE AREA

FLOOD LINE SCALE FROM FRONT BELOW REFERENCED PIEM N/AE WITH A SCALE OF 1"=500'

CONST. BEE HIVE AREA FLOOD ZONE "AE"

PARKING AREA

CONST. PLANTING BED AREA

CONST. 16'x30' GREENHOUSE

CONST. PLANTING BED AREA

PORTION THE S.W. 1/4 OF SECTION 5 (THOUGH 25 S. RANGE 15 E)

CONST. PLANTING BED AREA

FLOOD ZONE "AE"

18" ROUND CONC PIPE INVERT ELEV = 48.19

CONST. 2'x2'x2' BASE

FLOOD ZONE "AE"

18" ROUND CONC PIPE INVERT ELEV = 48.25

END OF FENCE

DIANE HEIGHTS REPLAT
PLAT BOOK 90, PAGE 5, PINELLAS COUNTY, FLORIDA

LOT 2 BLOCK 1

LOT 3 BLOCK 1

LOT 4 BLOCK 1

LOT 5 BLOCK 1

LOT 6 BLOCK 1

LOT 7 BLOCK 1

EL. TOWARD ONE LOT FROM ANOTHER

PLAT BOOK 90, PAGE 5

FOUND WAL & CRIP MESA PER FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD DOC # 098533

FOUND WAL & CRIP MESA PER FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD DOC # 098533

STYLIAN ARMY UNITED METHODIST CHURCH INC
2817 SUNSET POINT RD
CLEARWATER FL 33758-1808

POINT OF BEGINNING
THE N.E. CORNER OF THE S.E. 1/4
OF SECTION 5-29-15

APPROX. LIMITS OF FARM AREA (AT 25' ENHANCED ENVIRONMENTAL BUFFER)

UNPLATTED

STYLIAN ARMY MEMORIAL PARK
C/O STEPHEN INC INC
SHARPS CROSS ROVER
P O BOX 11100
NEW ORLEANS LA 70181-1250

T.O.B. 30' +/- DITCH

18" ROUND CONC PIPE

INVERT ELEV = 48.25

10 UTILITY EXHAUST (PS)

1" UTILITY EXHAUST (PS)

EL. TOWARD ONE LOT FROM ANOTHER

PLAT BOOK 90, PAGE 5

EXISTING CONDITIONS, AS DEPICTED, WERE TAKEN FROM A BOUNDARY, TREE AND TOPOGRAPHIC SURVEY PREPARED BY JOHN R. BEACH & ASSOCIATES, INC., SURVEYORS AND MAPPERS, OLDSMAR, FLORIDA, (813) 854-1276.
PROJECT NO. 29700

CU-17-9-14
Received 9-29-14



DEUEL ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

*LIFE FARMS
SITE PLAN*

I, JOHN BARNES, HEREBY CERTIFY AS A LICENSED PROFESSIONAL ENGINEER, REGISTERED IN ALABAMA WITH PLACING NUMBER 011 (001) THAT THE ABOVE PROJECT'S SITE AND/OR CONSTRUCTION PLANS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, WILL MEET APPLICABLE MINIMUM CRITERIA SPECIFIED BY CITY ORDINANCES, ORDINANCES, STATE AND FEDERAL ESTABLISHED STANDARDS. I UNDERSTAND THAT IT IS MY RESPONSIBILITY AS THE PROJECT'S PROFESSIONAL ENGINEER TO PERFORM A QUALITY ASSURANCE REVIEW OF THESE SUBMITTED PLANS.

WORK ORDER NO.	2014-56E
DATE:	May 15, 2014
SCALE:	1" = 40'
SHEET NO.	1 OF 1

6 November 2014

CU-17-9-14

Pinellas County Strategic Planning &
Initiatives Department, Zoning Division

Development Review Services Department
440 Court Street, 4th Floor
Clearwater, Florida 33756

Dear Board of County Commissioners,

This letter serves as notice that we, Jaimé L. Sanders and Daniel C. McNurlin, owners and residents of 2767 Diane Terrace, Clearwater, oppose Rowland W. Milam's request (CU-17-9-14) for a Conditional Use A-E zoning for his property located on the east terminus of Woodring Drive, 260 feet south of Sunset Point Road, Clearwater (Parcel I.D. 05/29/16/00000/310/0100).

We, as well as the owners of several homes on Diane Drive and Diane Terrace, have the following concerns with Mr. Milam's request for rezoning and his intent to house chickens, a rooster, goats, sheep, pigs, and bees on his property. Our concern is not with how the livestock is used (personal or otherwise) but with the livestock itself. Our concerns with having livestock and bees on our neighboring property include, but are not limited to:

(1) Health and Safety Concerns:

(a) The possibility of livestock waste contaminating our properties, especially considering the marshy nature of the property in question and our Flood Zone Map, is of great concern. Light to heaving flooding could easily move waste into many of our yards and render our outdoor spaces unusable and unsafe for ourselves and our children;

(b) Diseases such as H5N1 Avian (Bird) Flu and H1N1 Swine Flu, if livestock is infected, will put residents, and particularly children, at risk. H1N1, in particular, is highly contagious, airborne, and can be contracted by contact with feces and "waste";

(c) The rodents, foxes, and "wild" animals that accompany housing and raising livestock increases residents' risk of their homes, garages, and yards being invaded by rats and mice, as well as fleas and ticks, and will increase the number of predators (such as stray cats and predatory birds) in the area, thus increasing the possibility of illnesses being passed from these "wild" animals to both family pets and humans;

(d) The keeping and raising of bees is also a concern due to both adults' and children's bee allergies, which can be deadly, as well the possibility of hives forming throughout the community on homes and in trees.

(2) Noise and Air Pollution:

(a) The odor that accompanies housing livestock, which can permeate a several mile radius and come into our homes via open windows, doors, and air/heating systems, will infringe upon residents' ability to enjoy good air quality both inside and outside our homes;

(b) The noise pollution, if it be called that, created by the chickens and one rooster alone, will infringe upon both our indoor and outdoor living spaces, especially since it is a myth that

roosters only crow at sunrise (they crow constantly at all hours, especially when housed with or near chickens).

(3) Real Market Values of Homes:

(a) Our property values on the real market (not according to the Property Appraiser and/or Taxing Authorities, though) will be effected by the resulting sounds, smells, and waste issues of living next to livestock and will limit the number of future potential buyers; we will have less offers, thus less potential to sell our homes for full market value because not everyone wants to live next to a "farm".

These Health and Safety, Noise and Air Pollution, and Home Value concerns are simply the facts that accompany owning and raising livestock and bees in close proximity to residential areas (that is why farmhouses not are positioned next to livestock housing). The possible "costs" to residents, including decreased home values, the cost of treating outdoor and indoor spaces for fleas, ticks, rodent, and/or bee removal, and the cost of treating human and domestic animal health issues could be both time consuming and financially costly for residents. Further, the ability of our families to continue to enjoy both the indoor and outdoor spaces of our homes freely and safely will be limited by the previously mentioned concerns, as well as sounds and smells of the livestock permeating our yards and homes.

I have one simple question for the Board. Have any of you ever driven by a farm with your windows up at 60 miles per hour? What is the first thing you do? Do you turn off the air conditioning to prevent the smell from overwhelming the passengers in the car? Or do you pinch your nose first and say "peeew"? We do not want to have to close our windows; we should not have to turn off the air conditioning; we should not have to worry that our children are safe from rodents, fleas, ticks, wild animals, waste, and foul smells in our own yards and homes. We should not have to tell our two year old that she can't go outside to play because we just chemically treated the yard for fleas and ticks, because there is rat poison and/or mouse traps in the yard, or because it smells too bad to go outside today.

We just purchased this home, our first "family" home, in April of this year (2014). This is the home we chose to raise our daughter in, and we would not have decided on this home had we known we would have a "farm" in our back yard. In fact, when we asked about the vacant property behind us (Mr. Milam's property), we were told that Mr. Milam was a Horticulturalist and his intent was to farm organic vegetables on the property, which we do not oppose. Further, according to our neighbors, Mr. Milam invited neighbors to his property and discussed only his intent to farm vegetables; he was seeking their support in the rezoning, although no mention of owning, housing, or raising livestock was mentioned at that time.

Because I am from a dairy farm town in upstate New York and the smells and sounds of the farm alone are well known to me, we would not have chosen this environment for ourselves or for our daughter. In fact, part of our requirements for finding the "perfect" home included being far enough from Water Sanitation/Waste Treatment Plants, Dumps, and Farmland due to the highly unpleasant odors that permeate miles from the source. The fact is, many of us in the

neighborhood would never have chosen to purchase a home next to a "farm", or at least not in such a close proximity to one. I, therefore, respectfully request the Board consider the impact Mr. Milam's livestock plan will have on the quality of life, health and safety, and home values of the neighboring residents. We hope you will think on this matter as if you were going to be living next to the "farm", yourselves.

Sincerely,

J'aimé L. Sanders

2767 Diane Ter.
Clearwater, FL 33759
(813) 781-6309
jaimeedanny1@gmail.com