



## Staff Report

**File #:** 16-293A, **Version:** 1

**Agenda Date:** 3/29/2016

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### **Subject:**

Case No. Q DA-4-2-16 (GIB Properties, LLC)

A request for a modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance on approximately 1.6 acres located at 7770 128th Street in the unincorporated area of Seminole.

### **Recommended Action:**

Adoption of Case No. Q DA-4-2-16: A Resolution approving the application of GIB Properties, LLC for a modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance on approximately 1.6 acres located at 7770 128th Street.

### **Strategic Plan:**

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources

### **Summary:**

This is a request to modify an existing development agreement for an assisted living facility (ALF) located at the southwest corner of the intersection of Park Boulevard and 128th Street North in the unincorporated area of Seminole. The purpose behind the modification is to allow for an increase of 19 beds, from 39 beds to 58 beds. Along with that, the applicant seeks the flexibility of enlarging the current structure within the boundaries of the subject property. The enlargement would be horizontal only, as the proposed changes to the development agreement would restrict building height to 16 feet and one story. The existing 39 bed restriction reflects the maximum number of beds allowed on the property (25 beds per acre) at the time the current development agreement was approved. In August 2015, the Board amended the Land Development Code to allow up to 37.5 beds per acre in the Institutional Limited zoning district assigned to the property. The requested 58 beds reflect the maximum number allowed on the property based on its acreage. Essentially, the applicant is requesting that the development agreement be modified to reflect the increased maximum number of beds allowed that resulted from the code changes approved by the Board.

Additional modifications proposed to the existing development agreement include prohibiting commercial and delivery vehicles from using DeLong Way, from which the property has no direct access. The applicant is including this prohibition to help allay concerns that neighbors living along

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DeLong Way may have. The current development agreement also includes a parking variance that the applicant contends is no longer necessary. Last August the Board also amended the parking requirements for ALFs from one parking space per bed to one parking space per three beds. Per the applicant, all required parking for the proposed 58 beds can be accommodated on site. The current prohibition of mental health and drug rehabilitation services are proposed to remain in effect.

The subject property is within an area of larger lot single family home properties zoned E-1, Estate Residential, on the south side of Park Boulevard. While the subject property is largely surrounded by residential uses, there are office and retail commercial uses located on the south side of Park Boulevard approximately 500 feet to the west at the intersection of 131st Street N, and it is approximately 200 feet from a shopping center located diagonally to the northwest across Park Boulevard. There are also other Institutional uses in the area, including a place of worship approximately 360 feet to the northeast.

The ALF on the subject property has been in operation since 1996. Details regarding the amendment history of the site are included in the attached Local Planning Agency report. The Board denied the past two amendment requests from the applicant, which both involved the expansion of the use onto the adjacent property to the west. Much of the public opposition regarding these past requests seemed to correlate with the proposed expansion to the property to the west. The additional 19 beds, expanded building, and all other site improvements associated with the current request, including parking, would be confined to the subject parcel. The parcel to the west is not part of this application and may not be used for any purpose related to the ALF. Because of the existing mix of uses in the surrounding area, the 20-year history of the subject property as an ALF, its location along an arterial roadway, and the fact that proposed changes related to the modification of the development agreement would be consistent with recent Land Development Code amendments and confined to the existing parcel, it is staff's opinion that this current request is appropriate and would not detrimentally impact the area. An ALF is a quiet residential use that generates little traffic. The requested 19-bed increase will have minimal impact on Park Boulevard and other infrastructure serving the property.

**Background Information:**

The Local Planning Agency (LPA) unanimously recommended approval of the request during its February 11, 2016 public hearing (Vote 6-0).

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Gordon Beardslee, Director, Planning

**Partners:**

N/A

**Attachments:**

LPA Report

Maps

Development Agreement

Resolution

Correspondence

BCC Ad

Ad Map

Power Point Presentation

**Bachteler, James J**

*BCC 3-29-16*

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 10:53 AM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: DA-4-2-16\_Oak Tree Manor

James,

Please attached supporting correspondence to ID #16-293A (Case No.DA-4-2-16),

-----Original Message-----

**From:** Sheryl Haynes [<mailto:sherylp22@gmail.com>]  
**Sent:** Wednesday, March 23, 2016 10:21 AM  
**To:** Bailey, Glenn  
**Subject:** Oak Tree Manor

My name is Sheryl Haynes and I own property across the street from Oak Tree Manor at 12909 Park Blvd in Seminole. I can't believe they are still getting resistance from neighbors. Oak Tree Manor is a very quiet business with minimal traffic. The busiest times are with visitors at holidays and with social events for the clients. Otherwise the traffic flow is minimal. The clients are certainly not loud.

I have no problem with an expansion.

Sent from my iPad

RECEIVED  
CLERK OF  
2016 MAR 23 AM 11:32  
BOARD OF COUNTY  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA



Bachteler, James J

MAC 3-29-16

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 10:55 AM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: Supporting Correspondence for DA-4-2-16\_Oak Tree Manor

***Correspondence for ID 16-293A, Case DA-4-2-16, for March 29<sup>th</sup>***

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**From:** Leonard Krysko [<mailto:len.krysko@verizon.net>]  
**Sent:** Wednesday, March 23, 2016 10:39 AM  
**To:** Bailey, Glenn  
**Subject:** Oak Tree Manor

Len and Barbara Krysko -- we reside 3 houses away from Oak Tree Manor on 7575 128th St. The facility has been there for 20 years; we have been here since 1971. We have no issues with the expansion as explained to us. There has never been an issue with the traffic, or noise. If they have visitors, since they are located on the corner people drive in and then drive back out to the corner. The facility is well maintained. I plan on attending the meeting.

PS Glenn -- please respond that you received my email.

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WARD OF  
2016 MAR 23 AM 11:32  
CLERK OF COUNTY  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA

**Bachteler, James J**

*BCC 3-29-16*

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 11:02 AM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: DA-4-2-16\_Oak Tree Manor

For ID 16-293A, Case DA-4-2-16, March 29<sup>th</sup> mtg

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**From:** Joseph Raissi [<mailto:josephraissi@ymail.com>]  
**Sent:** Wednesday, March 23, 2016 10:57 AM  
**To:** Bailey, Glenn  
**Subject:** Oak Tree Manor

To whom it may concern,

I am one of the neighbors to above ALF , and they have not created any type of traffic in my street.

Regards,  
Joseph Raissi

RECEIVED  
BOARD OF  
2016 MAR 23 AM 11:32  
BOARD OF COUNTY  
COMMISSIONERS  
PINELAS COUNTY FLORIDA

**Bachteler, James J**

*BCC 3-29-16*

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 11:17 AM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: DA-4-2-16\_Oak Tree Manor Assisted Living

Correspondence for ID #16-293A, Case DA-4-2-16, March 29<sup>th</sup> mtg

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**From:** JENNIFER CAPPELLO SPAULDING [<mailto:cappello.co@icloud.com>]  
**Sent:** Wednesday, March 23, 2016 11:11 AM  
**To:** Bailey, Glenn  
**Subject:** Oak Tree Manor Assisted Living

Good Morning,

To whom this may concern, I'm sending this email this morning regarding Oak Tree Manor's proposal for the expansion of their residents. I am representing Cappello and Company Jewelry store across the street from their assisted living facility. Having been at this location for a year now I have noticed very little traffic going in and out of their facility and few cars in front of the building at any given time. Seeing how the senior residents don't drive, I see no issues with Oak Tree Manor adding more residents.

Joseph Cappello  
Cappello & Co.  
12941 Park Blvd  
Seminole, FL 33776.

RECEIVED  
BOARD OF  
2016 MAR 23 AM 11:32  
DADE COUNTY  
COMMISSIONERS  
#WELLS COUNTY FLORIDA

**Bachteler, James J**

BCC 3-29-16

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 2:31 PM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: DA-4-2-16\_Oak Tree Manor

Correspondence for DA-4-2-16, March 29th BCC

-----Original Message-----

**From:** Ellyn Klein [<mailto:myyenta@aol.com>]  
**Sent:** Wednesday, March 23, 2016 2:19 PM  
**To:** Bailey, Glenn  
**Subject:** Oak Tree Manor

My name is Ellyn Klein. My mom is a resident at Oak Tree Manor for over seven years now. I visit her on a daily basis. I have never had any problems with the parking. I attended the last meeting and still don't understand what people objected to. I've lived here over 42 years in the same house right off of Park Blvd and didn't realize it existed until I needed this facility. It is always quiet there. I have no objection if she wants to expand on this property. If I can be of anymore help please e-mail me at [myyenta@aol.com](mailto:myyenta@aol.com). Thanking you in advance for reading this message.

Sent from my iPhone

RECEIVED  
BOARD OF  
2016 MAR 23 PM 2:39  
BOARD OF COUNTY  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA

BCC 3-29-16

**Bachteler, James J**

**From:** Swinton, Tammy M  
**Sent:** Wednesday, March 23, 2016 5:41 PM  
**To:** Bachteler, James J  
**Cc:** Baxter, Kevin  
**Subject:** FW: Hearing 3/29/16 regarding Oak Tree Manor Assisted Living Facility

Correspondence for ID 16-293A, Case DA-4-2-16, March 29<sup>th</sup> mtg

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**From:** Todd Runkle [[mailto:todd\\_runkle@yahoo.com](mailto:todd_runkle@yahoo.com)]  
**Sent:** Wednesday, March 23, 2016 3:26 PM  
**To:** Bailey, Glenn  
**Subject:** Hearing 3/29/16 regarding Oak Tree Manor Assisted Living Facility

To whom it may concern:

I am writing this note to inform you of my intention to attend the hearing on Tuesday, March 29, 2016 at 6:00pm regarding and on behalf of the Oak Tree Manor Assisted Living facility located at 7770 128th St., Seminole, FL 3377.

My wife, 2 daughters (ages 15 and 6) and I reside at 7749 De Long Way, Seminole, FL 33776 which directly adjoins the back side of Oak Tree Manor. We have been renters for approximately 18 months and during our tenancy, have never had any disturbance of any kind from the tenants or staff of Oak Tree Manor. In fact, we have enjoyed living next to the property and hope to continue to extend our lease at the residence. Oak Tree Manor is always well maintained, quiet and secure and is a well managed property. We have even visited the facility on several occasions and have had an opportunity to meet and interact with some of the residents who were all quite charming and kind.

Please feel free to contact me directly on my mobile at 727-269-8147 if I can answer any questions related to this email.

Thank you for your consideration.

Sincerely,

Todd J Runkle  
7749 De Long Way  
Seminole, FL 33776

RECEIVED  
BOARD OF  
2016 MAR 24 AM 10:27  
BRADY COUNTY  
COMMISSIONERS  
BRADY COUNTY FLORIDA



**Bachteler, James J**

BCC 3-29-16

**From:** Eggers, Dave  
**Sent:** Tuesday, March 22, 2016 8:30 AM  
**To:** Susan Koontz  
**Cc:** BoardRecords; bccassistants  
**Subject:** RE: DA 4-2-16

RECEIVED  
BOARD OF  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA  
2016 MAR 22 AM 9:11

Mrs. Koontz:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

**Kimberly H. Greenleaf**

Executive Aide to Commissioner Dave Eggers  
Pinellas Board of County Commissioners, District 4  
315 Court Street, Clearwater, FL 33756  
727-464-3276 office  
727-464-3022 fax  
[kgreenleaf@pinellascounty.org](mailto:kgreenleaf@pinellascounty.org)

[www.pinellascounty.org](http://www.pinellascounty.org)  
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**From:** Susan Koontz [<mailto:sskoontz@gmail.com>]  
**Sent:** Monday, March 21, 2016 10:50 PM  
**To:** Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>  
**Subject:** DA 4-2-16  
**Importance:** Low

Dear Mr. Eggers,

Here we are yet again....

My name is Susan Koontz and I have resided at 7580-128th Street (four houses South of Oak Tree Manor) for the past 29 years. My husband and I are both opposed to the above modification of existing Development Agreement for the ALF.

Oak Tree Manor has grown from 20 beds to 39 beds since they have been in business. That is 100% growth! Now, with the law change, they want to expand to 58 beds and they will be required to add an additional 11 parking places.

My understanding is that DeLong Way will not be used. That puts more traffic on 128th Street.

Well 128th Street is virtually a single lane road. Two cars are unable to pass without one pulling over in a driveway yielding to the other. There is a ditch on either side of the road.

GIB Properties constantly states that no one ever visits and their parking is never full. I have attached 5 pictures I took with my iphone (with dates) on a whim. That parking lot is full quite often and the overflow is on 128th Street. How 11 more spots will be added is unclear because they do not have a plan for it yet, per their attorney.

GIB's attorney said there would be no increase of traffic down our narrow road (128th Street) and DeLong Way won't be used either. I was also told delivery trucks would not use 128th Street. That is so unrealistic because they can't police that and it is untrue because the Zephyrhills Water truck almost hit me after making a delivery to them a while back. If you are going to allow a modification to the Development Agreement then their main entrance should be on Park Blvd, not 128th Street. The Commissioners at the time, when they first allowed the rezoning, envisioned Oak Tree Manor with a home like facade that could actually blend into the neighborhood. With each expansion, and there have been many, the facade has changed to a more commercial look.

We realize our society needs ALF's for our elderly. Well we have one on 128th Street (Oak Tree Manor) and one 950' away on 137th Street. I have nothing against ALF's or GIB Properties but where will this stop? Every time we have to come before you GIB Properties tells us this is the last one and 6-12 months later we are back yet again.

Oak Tree Manor (GIB Properties) is a thriving business. Good for them. But they want more. They want to grow yet again to the detriment of the neighbors.

We need you to stand up for our neighborhood and not allow this business to grow even larger. They have a Development Agreement in place, don't change it for one business owner. **Leave it as is please!**

Sincerely

--

*Rick and Susan Koontz*



**Bachteler, James J**

*BCC 3-21-16*

**From:** Greenleaf, Kim  
**Sent:** Tuesday, March 22, 2016 8:35 AM  
**To:** BoardRecords; bccassistants  
**Subject:** FW: case number is DA-4-2-16 (Oak Tree Manor ALF)

RECEIVED  
MAR 22 AM 9:11  
PINELLAS COUNTY FLORIDA

-----Original Message-----

**From:** Greenleaf, Kim  
**Sent:** Tuesday, March 22, 2016 8:33 AM  
**To:** 'drivea356@gmail.com' <drivea356@gmail.com>  
**Subject:** RE: case number is DA-4-2-16 (Oak Tree Manor ALF)

Mr. & Mrs. Getchell:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

Kimberly H. Greenleaf  
Executive Aide to Commissioner Dave Eggers Pinellas Board of County Commissioners, District 4  
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727-464-3276 office  
727-464-3022 fax  
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-----Original Message-----

**From:** Glen Getchell [<mailto:drivea356@gmail.com>]  
**Sent:** Tuesday, March 22, 2016 12:25 AM  
**To:** Morroni, John <[jmorroni@co.pinellas.fl.us](mailto:jmorroni@co.pinellas.fl.us)>; Long, Janet C <[JanetCLong@co.pinellas.fl.us](mailto:JanetCLong@co.pinellas.fl.us)>; Justice, Charlie <[cjustice@co.pinellas.fl.us](mailto:cjustice@co.pinellas.fl.us)>; Seel, Karen <[kseel@co.pinellas.fl.us](mailto:kseel@co.pinellas.fl.us)>; Welch, Kenneth <[kwelch@co.pinellas.fl.us](mailto:kwelch@co.pinellas.fl.us)>; Gerard, Pat <[pgerard@co.pinellas.fl.us](mailto:pgerard@co.pinellas.fl.us)>; Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>  
**Subject:** case number is DA-4-2-16 (Oak Tree Manor ALF)

Dear Commissioners,

This e-mail / letter is to formally notify you as to my opposition (in perpetuity) to the expansion of Oak Tree Manor ALF (case #DA-4-2-16) in any and "all" ways, be it physically, or just internal bedding or customer numbers (Please don't confuse Oak Tree Manor for anything other than what it is. A for profit business with customers surrounded by residential property with the exception of a road).

The last I spoke to the board about Oak Tree Manor I believe I made a comment to the effect that if Oak Tree Manor won or lost that evening, that I would still probably be talking to the Board again in 6 to 8 mos. It comes as no surprise to me that I was right on schedule, and that as expected I will be standing in front of you requesting you put another stop to



Oak Tree Manor's incessant attempts at expansion. Your records will show that this ALF has requested (and usually is granted) expansions over and over and over again. Finally most of you understood during the last hearing regarding this ALF that enough is enough. I am now asking you to again come to the same conclusion. Please don't be fooled, by this new request's some what innocuous details, which I'm sure will be presented to the Board by Oak Tree Manor's pricey smooth talking lawyer (of arguably questionable ethics). This is just an attempt at a "smaller" step to achieving their same expansionistic goals. Again I will state that regardless of the out come of this upcoming hearing, I will have to write another e-mail and take very valuable time in the future to stand in front of a future Board in an attempt to shut this endless expansion down. How do I know this? First is this business's history. Their expansion requests are never ending.

They will simply take what they can, then go back for more in 8 months or a year. They will not stop! Win or loose, they will not stop making these requests as long as the law allows. We know this. All we can do

is ask you to deny these requests. Second is the fact that during the community meeting held by Oak Tree Manor's attorney, he basically said that in the future when the Board's "make up changes" that they would likely again attempt to attach the adjacent site and expand westward to DeLong Way. What more needs to be said? Expansion is their unbridled goal (and if they have to do it in multiple small steps rather than large jumps, then that is what they will do). For them it is what ever will work to achieve their goal of a significant facility in our neighborhood. Little steps like this one is like boiling a frog in water by slowly turning up the heat. Poor frog never saw it coming. However, we the neighbors of this facility SEE IT COMING and are begging the Board to open their eyes to what this (and future) request truly are. I request that you protect our neighborhood and vote "NO" to Oak Tree Manor's most recent expansion effort. I look forward to seeing you all again on hearing night. Thank you!

Glen & Mary Getchell  
7840 128th Street  
Seminole, Fl 33776  
727-393-5559  
[drivea356@gmail.com](mailto:drivea356@gmail.com)

**Bachteler, James J**

*BCC 3-29-16*

**From:** Eggers, Dave  
**Sent:** Tuesday, March 22, 2016 8:28 AM  
**To:** flbarbk@aol.com  
**Cc:** BoardRecords; bccassistants  
**Subject:** RE: Ref case: DA-4-2-16/GIB Properties/ Todd Pressman,

RECEIVED  
BOARD OF  
2016 MAR 22 AM 9:11  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA

Mr. and Mrs. Krall:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

Kimberly H. Greenleaf  
Executive Aide to Commissioner Dave Eggers Pinellas Board of County Commissioners, District 4  
315 Court Street, Clearwater, FL 33756  
727-464-3276 office  
727-464-3022 fax  
kgreenleaf@pinellascounty.org

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-----Original Message-----

**From:** flbarbk@aol.com [mailto:flbarbk@aol.com]  
**Sent:** Wednesday, March 16, 2016 2:56 PM  
**To:** Eggers, Dave <deggers@co.pinellas.fl.us>  
**Subject:** Ref case: DA-4-2-16/GIB Properties/ Todd Pressman,

Ref case: DA-4-2-16/GIB Properties/ Todd Pressman, Representative  
Meeting: March 29, 2016

Dear Commissioner Eggers,

I, Barbara Krall, along with my husband, Tom, live at 7626 128th Street North, Seminole, FL. Our home (zoned E-1) since March, 1989 ( purchased land 1985), sits on the second acre south of the above GIB Property case being presented to you on March 29, 2016. We oppose any modification of the existing Development Agreement to increase the bed size as it now resides 39 beds into an enlarged facility of 58 beds. We understand the increase in bed numbers was recently changed by what was referred to as a "new ordinance" . However, from a local meeting held on January 14, 2016, between the neighborhood and Mr. Pressman, who represents GIB Properties, we learned that GIB Properties has what he referred to as a "contracted developer agreement with Pinellas County". Therefore GIB property is seeking a "private contract" to change the bed number. We are confused by any acceptance and change made to a contract. Furthermore, if you would look at an ariel view of the Gib Property now requesting this change, you would find it to be fairly maxed out, unless the line of oak trees are removed. There must be some easement, building codes this case fails. We oppose this change.

The grade rising up to Park Blvd., does not allow for much extended parking, even if every bed now equals three parking spaces, which is most likely not included in this current "private contract". Also please note a retention area sits on the south side of the Gib



Property. This fills from rain water that runs off of Park Blvd during any rain related times. Without modifying our street entrance off of Park Blvd, changing the road grade, even this parking space number would be difficult to meet. It has been verified during several Commission meetings, parking on the roadway is not legal.

Another concern is the frequent referral to Park Blvd. and the commercial properties nearby. Our area became E-1 while all of these commercial properties were already in existence. The Commissioners noted this when they updated the land use plan in December, 1987. Of course, Winn Dixie is across the street and nearby. This being the same property someone might realize was the long ago Spoto Stockyard, a restaurant with real livestock on the property. Needless to say, the traffic has increased, it is a direct corridor to our Gulf Beaches. Yet, once you proceed perhaps some 100 feet off of Park Blvd onto 128th Street, the road becomes narrow and even deep ditched. However, it is lined with a beautiful canopy of oaks. This is a treasure, and one we want to keep. In any area with zoning there must be some line to stop and another to begin, a line of demarcation. Please do not allow yet more changes to come into our E-1 and residential zoning on both the north and south side of Park Blvd. Someone(s) has to say, this movement stops. Please do not forget just February, 2015, Christine Gibree requested a zoning change in case No Z/LU-2-1-15 to make changes to the E-1 property she owns behind and abutting properties on 128th Street and DeLong Way. This was denied.

Which brings us to our final point, the constant cases brought before the Pinellas County Commissioners from Christine Gibree/ Gib Properties. It was pointed out during the presentation on February 11, 2016, at the County zoning meeting just how many times requests have been made. In 1996, 20 beds; 2004, 24 beds; 2007, 32 beds; 2009, 34 beds; 2012, 38 beds; 2014, 71 beds denied; and 2015 land use change as noted above, denied. Our neighborhood has been consistent with opposing these changes at nearly each encounter. Mr. Pressman stated, "the current" Board of County Commissioners has denied the expansion and land residential changes on E-1 at 7749 DeLong Way, yet when a new Board reigns, Gib Properties can reconsider. We foresee a domino effect waiting in the future.

Please help our neighborhood and consider opposing this and needless to say making a statement to stop any further consideration of expansion. Somewhere, sometime a line must be drawn in the sand as that of demarcation. Your consideration is much appreciated.

Thomas A. Krall  
Barbara S. Krall  
March 16, 2016

Sent from my iPad

**Bachteler, James J**

*BCC 3-29-16*

**From:** Greenleaf, Kim  
**Sent:** Tuesday, March 22, 2016 9:24 AM  
**To:** BoardRecords  
**Subject:** RE: DA-4-2-16 - BCC 03-29-16 - Correspondence Received  
**Attachments:** DA-4-2-16 G Gaston.docx; DA-4-2-16 P Gaston.docx

I'm sorry .....I replied to his email. See attached.

*Kimberly H. Greenleaf*

Executive Aide to Commissioner Dave Eggers  
Pinellas Board of County Commissioners, District 4  
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727-464-3276 office  
727-464-3022 fax  
[kgreenleaf@pinellascounty.org](mailto:kgreenleaf@pinellascounty.org)

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**From:** Bachteler, James J On Behalf Of BoardRecords  
**Sent:** Tuesday, March 22, 2016 9:23 AM  
**To:** Greenleaf, Kim <[kgreenleaf@co.pinellas.fl.us](mailto:kgreenleaf@co.pinellas.fl.us)>  
**Subject:** RE: DA-4-2-16 - BCC 03-29-16 - Correspondence Received

*Good Morning, Kim.....*

Ms. Gaston makes reference to "attached letters in opposition."  
Your e-mail did not include an attachment containing the referenced letters.

*Thank You*

**Jim Bachteler**

Board Records Department / Finance Division  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court St., 5th Floor, Clearwater, FL 33756  
(727) 464-4334 | Fax (727) 464-4716  
[www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**From:** Greenleaf, Kim  
**Sent:** Tuesday, March 22, 2016 8:34 AM  
**To:** Patty Gaston  
**Cc:** BoardRecords; bccassistants  
**Subject:** RE: DA-4-2-16

Mr. & Mrs. Gaston:

RECEIVED  
BOARD OF  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA  
2016 MAR 22 AM 9:31

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

## **Kimberly H. Greenleaf**

Executive Aide to Commissioner Dave Eggers  
Pinellas Board of County Commissioners, District 4  
315 Court Street, Clearwater, FL 33756  
727-464-3276 office  
727-464-3022 fax  
[kgreenleaf@pinellascounty.org](mailto:kgreenleaf@pinellascounty.org)

[www.pinellascounty.org](http://www.pinellascounty.org)

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**From:** Patty Gaston [<mailto:pgaston776@gmail.com>]

**Sent:** Monday, March 21, 2016 4:58 PM

**To:** Justice, Charlie <[cjustice@co.pinellas.fl.us](mailto:cjustice@co.pinellas.fl.us)>; Morroni, John <[jmorroni@co.pinellas.fl.us](mailto:jmorroni@co.pinellas.fl.us)>; Long, Janet C <[JanetCLong@co.pinellas.fl.us](mailto:JanetCLong@co.pinellas.fl.us)>; Seel, Karen <[kseel@co.pinellas.fl.us](mailto:kseel@co.pinellas.fl.us)>; Welch, Kenneth <[kwelch@co.pinellas.fl.us](mailto:kwelch@co.pinellas.fl.us)>; Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>; Gerard, Pat <[pgerard@co.pinellas.fl.us](mailto:pgerard@co.pinellas.fl.us)>

**Subject:** DA-4-2-16

Please see the **attached letters in opposition**.

March 21, 2016

To: Pinellas County Commissioners

Re: DA-4-2-16

I am once again opposing a change in Oak Tree Manor that further increases the commercialization of our residential neighborhood.

As a neighborhood, we have fought and prevailed in front of the commission several times. The majority of commissioners have understood our desire to see our neighborhood survive.

I submit that these continual attacks on us by Mrs. Gibree are egregious and need to be stopped.

Sincerely,

Gary Gaston

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BOARD OF

2016 MAR 22 AM 9:32

BOARD OF  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA



March 21, 2016

To: Pinellas County Commissioners

Re: DA-4-2-16

I am in opposition to changing the Development Agreement for Oak Tree Manor. This is a legal document that should be adhered to. This additional increase would be a 66% increase from the original development agreement.

This facility is a for profit business in a residential neighborhood. Please don't allow this facility to continue to increase in size. When this facility was originally built it was noted that it looked like a residential home. If this facility is allowed to increase the total beds to 58, this will be a facility similar to any large ALF in Pinellas County.

The neighbors that have opposed this over the years are still opposed to it now. We should be allowed to keep the integrity of our residential neighborhood as it is.

Thank you for your consideration to this matter.

Patty Gaston

RECEIVED  
MAR 22 2016  
2016 MAR 22 AM 9:32  
PINELLAS COUNTY FLORIDA  
COMMISSIONERS

**Bachteler, James J**

*BCC 3-29-16*

**From:** Greenleaf, Kim  
**Sent:** Tuesday, March 22, 2016 11:07 AM  
**To:** Debbie Raines  
**Cc:** bccassistants; BoardRecords; Beardslee, Gordon R; Swinton, Tammy M; Bailey, Glenn  
**Subject:** FW: Case # DA 4-2-16  
**Attachments:** zoning ALF.docx

Mrs. Raines:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

*Kimberly H. Greenleaf*

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PINELLAS COUNTY FLORIDA  
2016 MAR 22 AM 11:51

**From:** Debbie Raines [<mailto:djraines@tampabay.rr.com>]  
**Sent:** Tuesday, March 22, 2016 10:20 AM  
**To:** Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>  
**Subject:** Case # DA 4-2-16

Good morning

I am writing to let you know my feelings on the issue of allowing Oak Tree Manor ALF expand their existing population/bed count. I do not believe that this modification is a benefit to this residential community. I have attached a letter that I submitted previously in regards to the rezoning of this land. I understand that this is not a rezoning issue today, but a modification to an existing development agreement. However, I do believe this is just the beginning of this owners' plan to apply for a rezoning again if the modification is approved.

Know that my feelings have not changed and in no way do I believe that an approved modification will stop this owner from applying for rezoning. In fact I believe that if this modification is approved this owner will have an easier time getting a rezoning of her property, which leads us to the original issue. I ask how many times the residents of this area should have to go through this. When is enough enough?

Please take my feelings on this matter into consideration when making your decision that will affect my family.



Sincerely,

Deborah Raines

February 20, 2015

Good morning to you,

First I would like to say that except for a few changes to the main body of the first paragraph and the addition of information after said paragraph this letter was sent August 2014. It pains me to think that we are confronted again with the same zoning issue.

My name is Debbie Raines and I live at 7925 128<sup>th</sup> Street North, Seminole, Florida. This has been my permanent residence for the past 20 years. There is an ALF (Oak Tree Manor) across the street (128<sup>th</sup> and Park Blvd) that has applied for rezoning in order to increase their bed size. I have lived in this neighborhood since 1968; first as a child with my parents then as an adult with my husband and two children. I am not in favor of granting the rezoning being requested by the owner of the ALF so they can expand for multiple reasons. I fear that once the rezoning process begins there is no end to rezoning other land in my neighborhood. It is my neighborhood. I came back to this neighborhood to raise my children and it saddens me to think my children will not have the opportunity to do the same. My property values will suffer along with possible noise of emergency vehicles and delivery trucks if the rezoning is approved. It seems that with all the vacant building in this area that are already zoned for this type of use I find it difficult to believe that rezoning this piece of property is the only alternative.

In addition there are some questions that I have about the intentions of the owner of Oak Tree Manor. It seems she owns other ALFs in the area and my understanding is that she does not have a waiting list for all of her facilities. These facts lead me to wonder whether her intent is to increase the bed size and then sell to a larger corporate type business.

I am also curious to how many times the residents of my neighborhood will have to fight this. I would like to know if there is a limit to the number of times and the frequency a person can apply for rezoning.

In closing, my feelings have not changed towards the rezoning of the property; I am still very much against the rezoning. I truly understand there is a need for ALFs and am happy that we have such places to turn when the time comes for the care of our parents and other loved ones. However, allowing the rezoning of this property takes it from a residential look and feel to more of a commercial look and feel.

Sincerely,  
Deborah J. Raines

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BOARD OF  
2016 MAR 22 AM 11:51  
BOARD OF COUNTY  
COMMISSIONERS  
HILLS COUNTY FLORIDA

**Bachteler, James J**

BCC 3-29-16

**From:** Bailey, Glenn  
**Sent:** Tuesday, March 22, 2016 2:58 PM  
**To:** Bachteler, James J  
**Subject:** FW: BCC 03-29-16 - Case DA-4-2-16 - Assisted Living Facility at 7770 128th Street - Correspondence Received

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Jim,

I will take care of this.

Thanks,

**Glenn Bailey, AICP**  
Pinellas County Planning Department  
(727) 464-5640  
[gbailey@pinellascounty.org](mailto:gbailey@pinellascounty.org)  
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**From:** Todd Pressman [<mailto:todd@pressmaninc.com>]  
**Sent:** Tuesday, March 22, 2016 2:13 PM  
**To:** Bailey, Glenn; Bachteler, James J  
**Subject:** Re: BCC 03-29-16 - Case DA-4-2-16 - Assisted Living Facility at 7770 128th Street - Correspondence Received

Guys, one of the letters refers to several pictures taken of cars parked - do you have those pictures? Thanks.

Sent from my iPad  
Todd Pressman, President,  
Pressman & Associates, Inc.  
334 East Lake Road, #102  
Palm Harbor, Fl. 34685  
Ph. 727-804-1760, Fx. 1-888-977-1179  
Email: [Todd@Pressmaninc.com](mailto:Todd@Pressmaninc.com)  
[WWW.Pressmaninc.com](http://WWW.Pressmaninc.com)

On Mar 22, 2016, at 11:44 AM, Bailey, Glenn <[gbailey@co.pinellas.fl.us](mailto:gbailey@co.pinellas.fl.us)> wrote:

FYI

**Glenn Bailey, AICP**  
Pinellas County Planning Department  
(727) 464-5640  
[gbailey@pinellascounty.org](mailto:gbailey@pinellascounty.org)  
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---

**From:** Bachteler, James J  
**Sent:** Tuesday, March 22, 2016 9:52 AM  
**To:** Bailey, Glenn; Beardslee, Gordon R; Swearingen, Scott M; Swinton, Tammy M  
**Cc:** Eggers, Dave; Greenleaf, Kim; Loy, Norman; Young, Bernie C; Smitke, Arlene L

**Subject:** RE: BCC 03-29-16 - Case DA-4-2-16 - Assisted Living Facility at 7770 128th Street - Correspondence Received

*Good Morning.....*

The attached PDF file is a composite of e-mails received by Board Records from the office of Commissioner Dave Eggers in response to the scheduled Public Hearing for the **Development Agreement (DA-4-2-16)** to be discussed at the **29 March 2016** Meeting of the Board of County Commissioners.

This correspondence will also be uploaded to *Granicus Legistar* File **16-293A** for review by all *Legistar* users.

Any additional correspondence received by Board Records up to the time of the BCC meeting will be uploaded to the file as necessary.

(**NOTE:** This is correspondence received in addition to existing correspondence already uploaded to *Legistar* by the Planning Department.)

*Have A Pleasant Day*

**Jim Bachteler**

Board Records Department / Finance Division  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court St., 5th Floor, Clearwater, FL 33756  
(727) 464-4334 | Fax (727) 464-4716  
[www.mypinellasclerk.org](http://www.mypinellasclerk.org)

<DA-4-2-16\_Correspondence\_Opposition.pdf>

**Bachteler, James J**

*BCC 3-29-16*

**From:** Greenleaf, Kim  
**Sent:** Wednesday, March 23, 2016 2:05 PM  
**To:** donna chisholm  
**Cc:** BoardRecords; Bailey, Glenn; Beardslee, Gordon R; bccassistants  
**Subject:** RE: ALF on 128th st / DA-4-2-16

Donna:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

*Kimberly H. Greenleaf*

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**From:** donna chisholm [<mailto:dchiz132@tampabay.rr.com>]  
**Sent:** Tuesday, March 22, 2016 10:02 PM  
**To:** Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>  
**Subject:** ALF on 128th st / DA-4-2-16

Hi Commissioner Eggers,

My name is Donna Chisholm and I live at 7676 DeLong way. I oppose the expansion of the facility that Chris is requesting AGAIN! I know she'll try to keep going and make my street have a parking lot. These lots were sold as 1 acre single family homes. Let her move to more property if she wants to get that much bigger.

Thank you, Donna C.

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2016 MAR 23 PM 2:52



**Bachteler, James J**

BCC 3-29-16

**From:** Greenleaf, Kim  
**Sent:** Wednesday, March 23, 2016 2:08 PM  
**To:** Michele L  
**Cc:** BoardRecords; Bailey, Glenn; Beardslee, Gordon R; bccassistants  
**Subject:** RE: Oak Manor Expansion /DA-4-2-16

Michele:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

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COUNTY  
COMMISSIONERS  
PINELLAS COUNTY FLORIDA  
2016 MAR 23 PM 2:52

**From:** Michele L [<mailto:mitchisnails@gmail.com>]  
**Sent:** Tuesday, March 22, 2016 9:51 PM  
**To:** Justice, Charlie <[cjustice@co.pinellas.fl.us](mailto:cjustice@co.pinellas.fl.us)>; Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>; Morroni, John <[jmorroni@co.pinellas.fl.us](mailto:jmorroni@co.pinellas.fl.us)>; Long, Janet C <[JanetCLong@co.pinellas.fl.us](mailto:JanetCLong@co.pinellas.fl.us)>; Seel, Karen <[kseel@co.pinellas.fl.us](mailto:kseel@co.pinellas.fl.us)>; Welch, Kenneth <[kwelch@co.pinellas.fl.us](mailto:kwelch@co.pinellas.fl.us)>; Gerard, Pat <[pgerard@co.pinellas.fl.us](mailto:pgerard@co.pinellas.fl.us)>  
**Subject:** RE: Oak Manor Expansion

Good Evening,

This letter is to notify you that I am against the expansion. I live at 7550 128th Street. It appears this is an annual event for Christine. For her to try and make her facility bigger and bigger but ever so slowly that we hopefully won't notice.

I am tired of having to fight someone who at one time had a facility that actually blended in with our neighborhood.

At this time it no longer blends in with our beautiful country like setting. It looks more like some type of ward with the big metal gate around the property. I have had many friends ask what they do there because of the gate.

Again, I am definitely opposed and really wish you as "Our" commissioners will listen to "Us" the neighborhood. We are the ones having to live nearby. We have to deal with the extra vehicles parked on the street that she says never happens. I also would like to note that one evening as we were trying to leave there was a fire truck blocking the entire road and I had to turn around to go the other way.

These are things Christine says doesn't happen. Well, apparently they do when she's not looking.

Thank you for your time, it is greatly appreciated.

Michele Lovec

**Bachteler, James J**

BCC 3-29-16

**From:** Eggers, Dave  
**Sent:** Wednesday, March 23, 2016 2:08 PM  
**To:** OLIVER LOVEC  
**Cc:** BoardRecords; Bailey, Glenn; Beardslee, Gordon R; bccassistants  
**Subject:** RE: Oak Manor Expansion

Oliver:

On behalf of the BCC, thank you for sharing your thoughts regarding Development Agreement case DA-4-2-16 which comes before the BCC on 3/29/16. As you may or may not know, this is quasi-judicial case and the Commissioners cannot respond to your email. Your message has been sent to Board Records and is part of the official record for this case.

**Kimberly H. Greenleaf**

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PINELLAS COUNTY FLORIDA  
2016 MAR 23 PM 2:52

**From:** OLIVER LOVEC [<mailto:mvidmed@gmail.com>]  
**Sent:** Tuesday, March 22, 2016 9:59 PM  
**To:** Justice, Charlie <[cjustice@co.pinellas.fl.us](mailto:cjustice@co.pinellas.fl.us)>; Eggers, Dave <[deggers@co.pinellas.fl.us](mailto:deggers@co.pinellas.fl.us)>; Morroni, John <[jmorroni@co.pinellas.fl.us](mailto:jmorroni@co.pinellas.fl.us)>; Long, Janet C <[JanetCLong@co.pinellas.fl.us](mailto:JanetCLong@co.pinellas.fl.us)>; Seel, Karen <[kseel@co.pinellas.fl.us](mailto:kseel@co.pinellas.fl.us)>; Welch, Kenneth <[kwelch@co.pinellas.fl.us](mailto:kwelch@co.pinellas.fl.us)>; Gerard, Pat <[pgerard@co.pinellas.fl.us](mailto:pgerard@co.pinellas.fl.us)>  
**Subject:** RE: Oak Manor Expansion

Good Evening,

This letter is to notify you that I am against the expansion. I also live at 7550 128th Street. I am re-stating what my wife has already written to you because I also feel this way.

It appears this is an annual event for Christine. For her to try and make her facility bigger and bigger but ever so slowly that we hopefully won't notice.  
I am tired of having to fight someone who at one time had a facility that actually blended in with our neighborhood.

At this time it no longer blends in with our beautiful country like setting. It looks more like some type of ward with the big metal gate around the property. I have had many friends ask what they do there because of the gate.

Again, I am definitely opposed and really wish you as "Our" commissioners will listen to "Us" the neighborhood. We are the ones having to live nearby. We have to deal with the extra vehicles parked on the street that she says never happens. I also would like to note that one evening as we were trying to leave there was a fire truck blocking the entire road and I had to turn around to go the other way.



These are things Christine says doesn't happen. Well, apparently they do when she's not looking.

Thank you for your time, it is greatly appreciated.

Oliver Lovec

?

DA-4-2-16

Feb. 10, 2016

I currently own property  
at 12909 Park Blvd in Seminole  
which is across the street from  
Oak Tree Manor at 7770 128<sup>th</sup>  
St North, Seminole 33774.

I have no opposition to the  
proposed expansion of Oak Tree  
Manor Assisted Living -  
there has never been any  
adverse incidents with this  
facility.

Paul M. Wagner

ATTN:

Ammy

DA-4-2-16

2/8/2016

Christine Gibree

Oak Tree Manor

Seminole, FL

This is in response to your letter requesting an increase from 38 58 beds in your current existing location.

We have no problem with your expanding your bed count.

Sincerely,

Len Krysko

Len and Barbara Krysko

Barbara Krysko

7575 128<sup>th</sup> St. N

Seminole, FL

# **Chapel on the Hill**

**UNITED CHURCH of CHRIST**

12601 Park Blvd.  
Seminole, FL 33776

(727) 391-2919

Tammy,

We at Chapel on the Hill, 12601 Park Blvd, Seminole; have no objection to the Oak Tree expansion. We admire and support them and they are a blessing to the neighborhood .

Doris Berry  
Chapel on the Hill, UCC

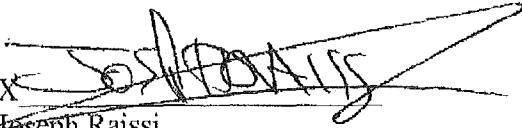
DA-4-2-16

I, Joseph Raissi, reside at:

7651 128<sup>th</sup> St  
Seminole FL 33776

I have no rejection to improvement of the following address:

Oak Tree Manor  
7770 128<sup>th</sup> St.  
Seminole FL 33776

x   
Joseph Raissi

727-384-9500

**NOTICE OF PUBLIC HEARING:  
PROPOSED ORDINANCES AND RESOLUTIONS  
AMENDING THE PINELLAS COUNTY COMPREHENSIVE  
PLAN, FUTURE LAND USE MAP, ZONING ATLAS, AND  
LAND DEVELOPMENT CODE, AND MODIFYING A  
DEVELOPMENT AGREEMENT**

The Pinellas County Board of County Commissioners proposes to adopt the following Ordinances and Resolutions amending the Pinellas County Comprehensive Plan, Future Land Use Map, Zoning Atlas, and the Land Development Code, and modifying a development agreement. A public hearing on the Resolutions and Ordinances will be held on Tuesday **March 29, 2016 at 6:00 p.m.** in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, FL 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Resolutions and Ordinances:

**A. PROPOSED RESOLUTIONS AND ORDINANCE AMENDING THE FUTURE LAND USE MAP AND ZONING ATLAS AND MODIFYING A DEVELOPMENT AGREEMENT**

1. (Q) DA-4-2-16

Resolution for a modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles and removing the parking variance for a parcel of land containing approximately 1.56 acres located at 7770 128th Street in the unincorporated area of Seminole; page 282 of the Zoning Atlas, as being in Section 29, Township 30, Range 15; upon application of GIB Properties, LLC through Todd Pressman, Pressman & Associates, Inc., Representative.

2. (Q) Z/LU-5-2-16

Resolution changing the Zoning classification of approximately 0.7 acre located at 1003 Virginia Avenue in Palm Harbor; Page 74 of the Zoning Atlas, as being in Section 01, Township 28, Range 15; from R-3, Single Family Residential to P-1, General Professional Offices; upon application of Janet O'Harrow through Stephen O'Harrow, Representative,  
and

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 0.7 acre located at 1003 Virginia Avenue in Palm Harbor, located in Section 01, Township 28, Range 15, from Residential Urban to Residential/Office-General, providing for other modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties and providing an effective date.

**B. PROPOSED ORDINANCES AMENDING THE PINELLAS COUNTY LAND DEVELOPMENT CODE**

1. AN ORDINANCE OF THE COUNTY OF PINELLAS UPDATING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND REPEALING TRANSPORTATION CONCURRENCY FROM CHAPTER 134 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, CONCURRENCY SYSTEM; REVISING SECTIONS 134-221, 134-223, 134-225 AND 134-226 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY; REPEALING SECTION 134-222 AND SECTIONS 134-227 THROUGH 134-231 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY AND MANAGEMENT PLANS; RENUMBERING SECTIONS 134-224, 134-233 AND 134-261; REVISING SECTION 134-232 TO REMOVE TRAFFIC CIRCULATION AND MASS TRANSIT AS PERTAINING TO LEVEL OF SERVICE STANDARDS; REVISING SECTION 134-234 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN REFERENCE TO THE BOARD OF ADJUSTMENT VARIANCE AND APPEALS REVIEW GUIDELINES; REVISING SECTION 134-256 TO REMOVE

LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN THE ANNUAL CONCURRENCY TEST STATEMENT; UPDATING SECTIONS 134-258 THROUGH 134-261 TO REFLECT CURRENT YEAR LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND TO REPEAL CONCURRENCY TEST STATEMENT LANGUAGE PERTAINING TO TRANSPORTATION, ROADWAY AND MASS TRANSIT LEVEL OF SERVICE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. AN ORDINANCE OF THE COUNTY OF PINELLAS ESTABLISHING A MOBILITY MANAGEMENT SYSTEM BY AMENDING CHAPTER 150, IMPACT FEES, OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, BY CHANGING THE NAME OF ARTICLE II FROM TRANSPORTATION IMPACT FEES TO MULTIMODAL IMPACT FEES; REVISING SECTIONS 150-36 THROUGH 150-47 TO REPEAL LANGUAGE REFERRING TO TRANSPORTATION IMPACT FEES AND CONCURRENCY AND REPLACING WITH MULTIMODAL IMPACT FEES AND MOBILITY MANAGEMENT RESPECTIVELY; REVISING SECTION 150-40, COMPUTATION OF AMOUNT, TO CORRECT UNIT RATE FOR ADULT CONGREGATE LIVING FACILITY AND ADDING FOOTNOTE RELATED TO GENERAL COMMERCIAL CATEGORY; ADDING SECTION 150-48 TO ESTABLISH A MOBILITY MANAGEMENT SYSTEM; RENUMBERING AND AMENDING SECTIONS 150-48 AND 150-49; REVISING EXHIBITS "A" THROUGH "J" TO REFLECT ARTICLE II NAME CHANGE AND ADDING EXHIBIT "K", DEFICIENT ROADS; MODIFYING IMPACT FEE DISTRICTS BOUNDARIES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
3. AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE, BE AMENDED BY REVISING SECTIONS 166-242 (DEFINITIONS) & 166-322 (DOCK REPAIR PERMITS); PROVIDING THAT THE DEFINITION OF "REPAIR PERMIT" BE REMOVED FROM SECTION 166-242 (DEFINITIONS); PROVIDING THAT SECTION 166-322 (DOCK REPAIR PERMITS) BE RENAMED "DOCK REPAIR AND RECONSTRUCTION" AND REVISING THE STANDARDS AND CRITERIA CONTAINED THEREIN; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **C. PROPOSED ORDINANCES AMENDING TO THE PINELLAS COUNTY COMPREHENSIVE PLAN**

1. AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE GOALS, OBJECTIVES AND POLICIES, AND THE FUTURE LAND USE MAP CATEGORY DESCRIPTIONS AND RULES, OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN TO SUPPORT PROPOSED AMENDMENTS TO THE ZONING PROVISIONS OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, TO INCLUDE SELECTED COUNTYWIDE PLAN PROVISIONS AND RETAIN CONSISTENCY WITH THE RECENTLY UPDATED COUNTYWIDE PLAN, TO SUPPORT IMPLEMENTATION OF THE PINELLAS COUNTY MOBILITY MANAGEMENT SYSTEM, AND TO DELETE REFERENCES TO TRANSPORTATION CONCURRENCY; TO AMEND THE LEGEND OF THE FUTURE LAND USE MAP AND TO AMEND THE FUTURE LAND USE MAP TO REFLECT THE AMENDMENTS TO THE MAP LEGEND; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.
2. AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN TO ESTABLISH A MOBILITY MANAGEMENT SYSTEM, TO DELETE TRANSPORTATION CONCURRENCY, TO UPDATE VARIOUS TERMS AND REFERENCES, AND TO REFLECT NEW

INFORMATION; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO RECOGNIZE THE COORDINATION REQUIRED TO IMPLEMENT THE COUNTYWIDE COMPONENTS OF A MOBILITY MANAGEMENT SYSTEM; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO SUPPORT ESTABLISHMENT OF A MOBILITY MANAGEMENT SYSTEM AND TO REFLECT IMPLEMENTATION OF A TEN-YEAR CAPITAL IMPROVEMENTS PROGRAM; AMENDING THE CONCURRENCY MANAGEMENT SYSTEM PROVISIONS OF THE COMPREHENSIVE PLAN TO ELIMINATE REFERENCES TO TRANSPORTATION CONCURRENCY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

Any written arguments, evidence, explanations, studies, reports, petitions or other documentation that an applicant, proponent or opponent wishes to be provided to the Board of County Commissioners for their consideration in support of, or in opposition to, any of the applications proposed above should be submitted to the attention of the Pinellas County Zoning Manager, 440 Court Street, Fourth Floor, Clearwater, Florida 33756. Materials must be submitted at least one week (7 days) in advance of the advertised hearing. Hard copy written comments must be submitted on 8½ × 11-inch paper.

The proposed Resolutions and Ordinance amending the Pinellas County Zoning Atlas and the Future Land Use Map and modifying a development agreement can be inspected by the public in the Pinellas County Planning Department; Land Use and Zoning Division, located at 440 Court Street, Fourth Floor, Clearwater, Florida 33756, or at the Pinellas County Board Records Department, located at 315 Court Street, Fifth Floor, Clearwater, Florida 33756. You can contact the Pinellas County Zoning Division at (727) 464-5047 or [zoning@pinellascounty.org](mailto:zoning@pinellascounty.org) with any questions.

The proposed Resolutions and Ordinances amending the Pinellas County Comprehensive Plan and the Land Development Code can be inspected at the Pinellas County Planning Department, located at 310 Court Street, First Floor, Clearwater, Florida 33756, or at the at Pinellas County Board Records Department, located at 315 Court Street, Fifth Floor, Clearwater, Florida, 33756. You can contact the Pinellas County Long Range Planning Division at (727) 464-8200 with any questions.

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

KEN BURKE, CLERK TO THE  
BOARD OF COUNTY COMMISSIONERS  
By Norman D. Loy, Deputy Clerk



REQUEST FOR ADVERTISING FORM

Phone No. 464-8200

Fax No. 464-8201

To: Board Records

FROM: Tammy Swinton, Planning Department (March 29, 2016 BCC Hearing)

DATE: March 8, 2016

---

AD COPY ATTACHED: Yes X No        WITH MAP

REQUIRES SPECIAL HANDLING: Yes        No X

NEWSPAPER: St. Petersburg Times X

DATE(S) TO APPEAR: March 18, 2016

SIZE OF AD: 2 COLUMN BY 10 INCH AD (or quarter-page ad if necessary for legibility)

SIZE OF HEADER: 18 Point Header

SIZE OF PRINT: N/A

SPECIAL INSTRUCTIONS: Do Not Print in Legal/Classified Section

cc: Glenn Bailey, Planning Department  
Gordon Beardslee, Planning Department  
Scott Swearengen, Planning Department  
Tammy Swinton, Planning Department  
Amber McGill, Planning Department

Prepared by and Return to:  
Brian J. Aungst, Jr., Esq.  
Macfarlane Ferguson & McMullen, P.A.  
P. O. Box 1669  
Clearwater, Florida 33756  
Telephone: 727-441-8966

### **THIRD AMENDMENT TO DEVELOPMENT AGREEMENT**

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT ("THIRD AMENDMENT") is dated \_\_\_\_\_, 201\_\_, and entered into by and between GIB PROPERTIES, LLC, a Florida limited liability company ("OWNER"), and PINELLAS COUNTY, FLORIDA, a political subdivision of the State of Florida, acting through its Board of County Commissioners, the governing body thereof (the "COUNTY").

#### **Recitals**

A. On January 17, 2008, OWNER and the COUNTY entered into that certain Development Agreement, recorded in O.R. Book 16124, Page 1090, in the Public Records of Pinellas County, Florida, as amended by that certain First Amendment to Development Agreement dated October 20, 2009, recorded in O.R. Book 16735, Page 217, in the Public Records of Pinellas County, Florida, as amended by that certain Second Amendment to Development Agreement dated February 29, 2012, recorded in O.R. Book 17503, Page 1916, in the Public Records of Pinellas County, Florida (collectively, the "DEVELOPMENT AGREEMENT") concerning the real property more particularly described in Exhibit "A" attached hereto and incorporated herein ("PROPERTY").

B. The DEVELOPMENT AGREEMENT sets forth the conditions and limitations, and development parameters for the development of the PROPERTY.

C. OWNER has requested a revision of the development restrictions set forth in the Development Agreement, as more particularly described here in below.

D. OWNER and COUNTY desire to amend the Development Agreement as more particularly set forth herein below.

E. The COUNTY has found that the terms of this THIRD AMENDMENT are consistent with the Pinellas County Comprehensive Plan and the CODE.

In consideration of and in reliance upon the promises, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound and in accordance with the Act, agree as follows:

1. Recitals. The above recitals are true and correct and are a part of this THIRD AMENDMENT.

2. Ratification and Reaffirmation of Development Agreement. Except as specifically modified herein, all terms and conditions of the DEVELOPMENT AGREEMENT are hereby ratified and reaffirmed by the parties hereto. In addition, any defined term in the DEVELOPMENT AGREEMENT shall have the same meaning in this THIRD AMENDMENT.

3. Effective Date. This THIRD AMENDMENT to DEVELOPMENT AGREEMENT shall become effective as provided for by the Act.

4. Duration of Development Agreement. The DEVELOPMENT AGREEMENT, as modified by this THIRD AMENDMENT, shall be extended and continue in effect until terminated as defined in the DEVELOPMENT AGREEMENT, but for a period not to exceed five (5) years from the Effective Date of this THIRD AMENDMENT.

5. Development Restrictions. Section 6.1.3 of the DEVELOPMENT AGREEMENT shall be deleted and replaced in its entirety as follows:

6.1.3. Development Restriction. The following restrictions shall apply to development of the PROPERTY:

6.1.3.1 No structure related to the assisted living facility shall exceed sixteen (16) feet or one (1) story in height.

6.1.3.2 The assisted living facility located on the PROPERTY shall only accept elderly residents and shall not accept residents with drug or alcohol dependency.

6.1.3.3 The assisted living facility located on the PROPERTY shall neither operate as a mental health facility nor accept residents with severe mental illness.

6.1.3.4 The assisted living facility on the PROPERTY shall not make use of any commercial or delivery vehicles onto or through Delong Way.

6.1.3.5 A maximum of 58 beds shall be permitted on the PROPERTY.

6.1.3.6 Recording of Deed Process. Prior to the addition of any additional beds on the PROPERTY, OWNER shall record a deed restriction encumbering the PROPERTY, which deed restriction shall be approved as to form by the County Attorney (which approval shall not be unreasonably withheld) and which will generally describe the development limitations of the AGREEMENT. The deed restrictions shall be perpetual and may be amended or terminated only with the consent of the COUNTY, which consent shall not be reasonably withheld.

6. Section 6.2.4 of the DEVELOPMENT AGREEMENT is hereby deleted.

7. Notice. For purposes of notice, all correspondence directed to OWNER shall be delivered to OWNER at:

GIB Properties, LLC Attn: Christine Gibree  
1114 181  
Street SW  
Largo, FL 33770

With a copy to: Macfarlane Ferguson & McMullen, P.A.  
ATTN: Brian J. Aungst, Jr., Esq.  
625 Court Street, Suite 200  
Clearwater, FL 33756

IN WITNESS WHEREOF, the Parties have executed this Third Amendment to Development Agreement the date and year first above written.

WITNESSES:

OWNER:

GIB PROPERTIES, LLC,  
A Florida limited liability company

Evan Friday  
Printed Name: Evan Friday  
Kevin J. Burke  
Printed Name: Kevin Burke

By: Christine Gibree  
Christine Gibree, Manager

K  
STATE OF FLORIDA )

COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of January, 2016, by Christine Gibree, Manager of GIB Properties, LLC, a Florida limited liability company, on behalf of the company. She ✓ is personally known to me or        has produced        as identification.



Kris Sherwood  
Notary Public

Kris Sherwood  
Print Notary Name  
My Commission Expires:

KEN BURKE  
Clerk of the Circuit Court

PINELLAS COUNTY, FLORIDA by and  
through its Board of County

Commissioners

By: \_\_\_\_\_  
Deputy Clerk

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Charles R. Justice, Chairman

APPROVED AS TO FORM BY  
OFFICE OF THE COUNTY ATTORNEY

By:  \_\_\_\_\_  
Assistant County Attorney



RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR A MODIFICATION OF AN EXISTING DEVELOPMENT AGREEMENT BY INCREASING THE MAXIMUM NUMBER OF BEDS FROM 39 TO 58, ALLOWING FOR THE ENLARGEMENT OF THE EXISTING BUILDING, LIMITING THE BUILDING HEIGHT TO 16 FEET AND ONE STORY, PROHIBITING THE USE OF DELONG WAY BY COMMERCIAL OR DELIVERY VEHICLES, AND REMOVING THE PARKING VARIANCE FOR A PARCEL OF LAND CONTAINING APPROXIMATELY 1.56 ACRES LOCATED AT 7770 128TH STREET IN THE UNINCORPORATED AREA OF SEMINOLE; PAGE 282 OF THE ZONING ATLAS, AS BEING IN SECTION 29, TOWNSHIP 30, RANGE 15; UPON APPLICATION OF GIB PROPERTIES, LLC THROUGH TODD PRESSMAN, PRESSMAN & ASSOCIATES, INC., REPRESENTATIVE, DA-4-2-16

WHEREAS, GIB Properties, LLC, Owner of the property hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to modify an existing development agreement of the real property hereinafter described as Pinellas Groves SE ¼, N 249 feet of Lot 5 less N 35 feet for R/W, with the development agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance. The prohibition of mental health and drug rehabilitation services shall remain in effect; and

WHEREAS, legal notice of public hearing on such proposed change of the development agreement 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 development agreement of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 29<sup>th</sup> day of March 2016, that the development agreement of the real property located at 7770 128<sup>th</sup> Street, Seminole, FL with the development agreement for an assisted living facility is modified by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance for the following described real property in Pinellas County, Florida, to wit:

Pinellas Groves SE ¼, N 249 feet of Lot 5 less N 35 feet for R/W

be approved.

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:

APPROVED AS TO FORM

By:



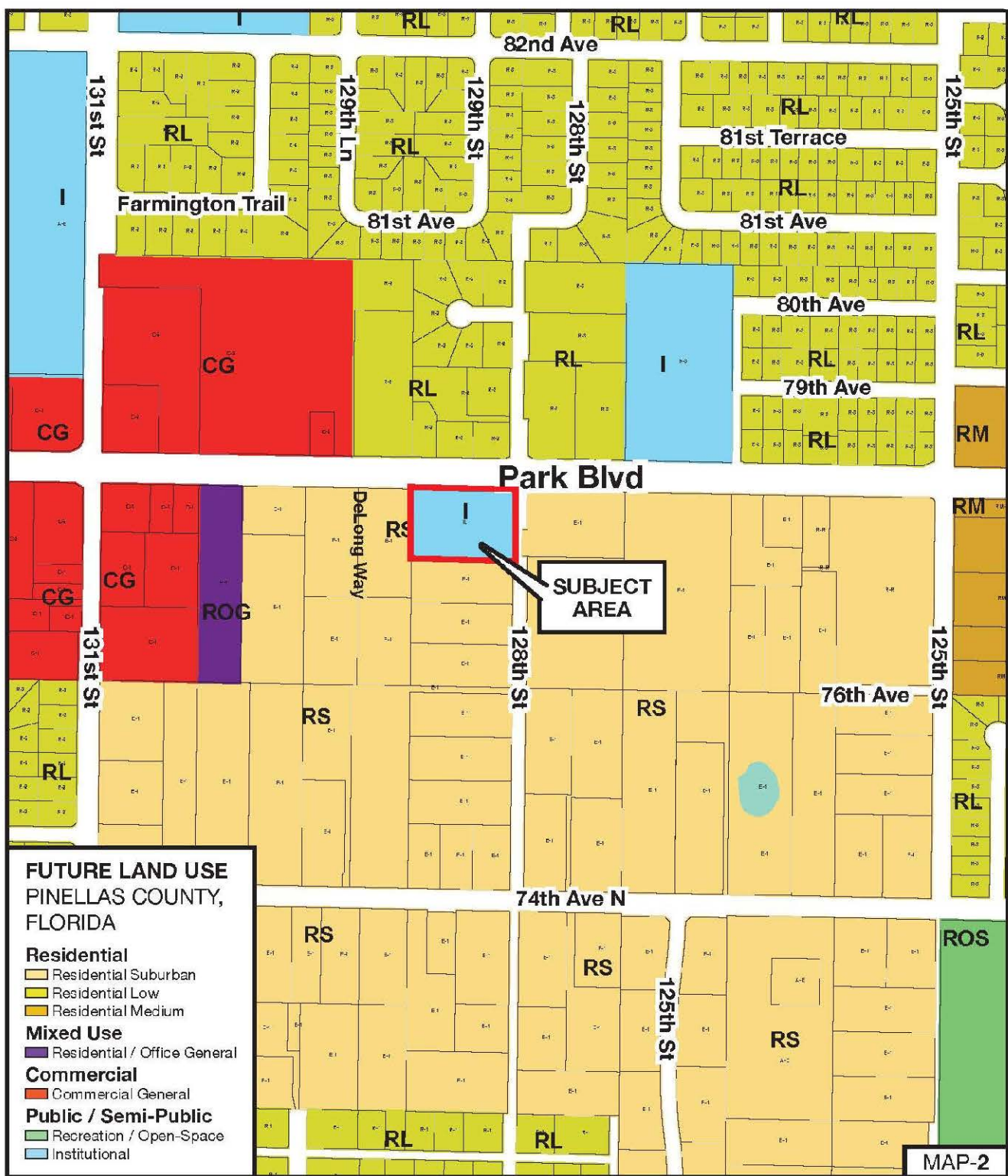
Office of the County Attorney

# Proposed Development Agreement Modification (DA-4-2-16)

Board of County Commissioners  
March 29, 2016

# Request

- Subject area
  - One parcel covering 1.6 acres
  - Southwest intersection of Park Boulevard & 128<sup>th</sup> Street in unincorporated Seminole
- Development Agreement Modification for an Assisted Living Facility (ALF)
  - From 39 to 58 beds
    - From 25 beds/acre to 37.5 beds/acre
  - Allow building enlargement
  - Limit building height to 16 feet & one story
  - Prohibit use of DeLong Way by commercial or delivery vehicles
  - Remove parking variance
    - From 1 space/bed to 3 spaces/bed
  - Prohibition of mental health and drug rehabilitation services to remain in effect



**DA-4-2-16**

Modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance.

Parcel I.D. 29/30/15/70794/400/0501

Prepared by: Pinellas County Planning Department December 2015







**DA-4-2-16**

Modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance.

Parcel I.D. 29/30/15/70794/400/0501

Prepared by: Pinellas County Planning Department December 2015









## Background

- 1996: ALF granted a Special Exception by the Board of Adjustment (BOA)
  - 20 beds; E-1, Estate Residential zoning
- 2004: BOA approved modification
  - 24 beds, parking variance for 8 spaces
- 2007: BCC changed zoning and land use to Institutional designations and approved a Development Agreement (DA)
  - 32 beds, parking variance for 9 spaces, no structural enlargement, no mental health and drug rehab services
- 2009: BCC approved 1st DA amendment
  - 34 beds
- 2012: BCC approved 2nd DA amendment
  - 39 beds – currently in effect

## Background - continued

- 2014: BCC denied request to expand the ALF to the adjacent parcel to the west
  - 71 total beds requested
  - Z/LU amendments on west parcel needed – building expansion & parking proposed
- 2015: BCC denied amended request to expand to the adjacent parcel to the west
  - 71 total beds requested
  - Z/LU amendments on west parcel needed – parking only proposed there
- Current request: all expansions and site improvements would be confined to the existing ALF parcel

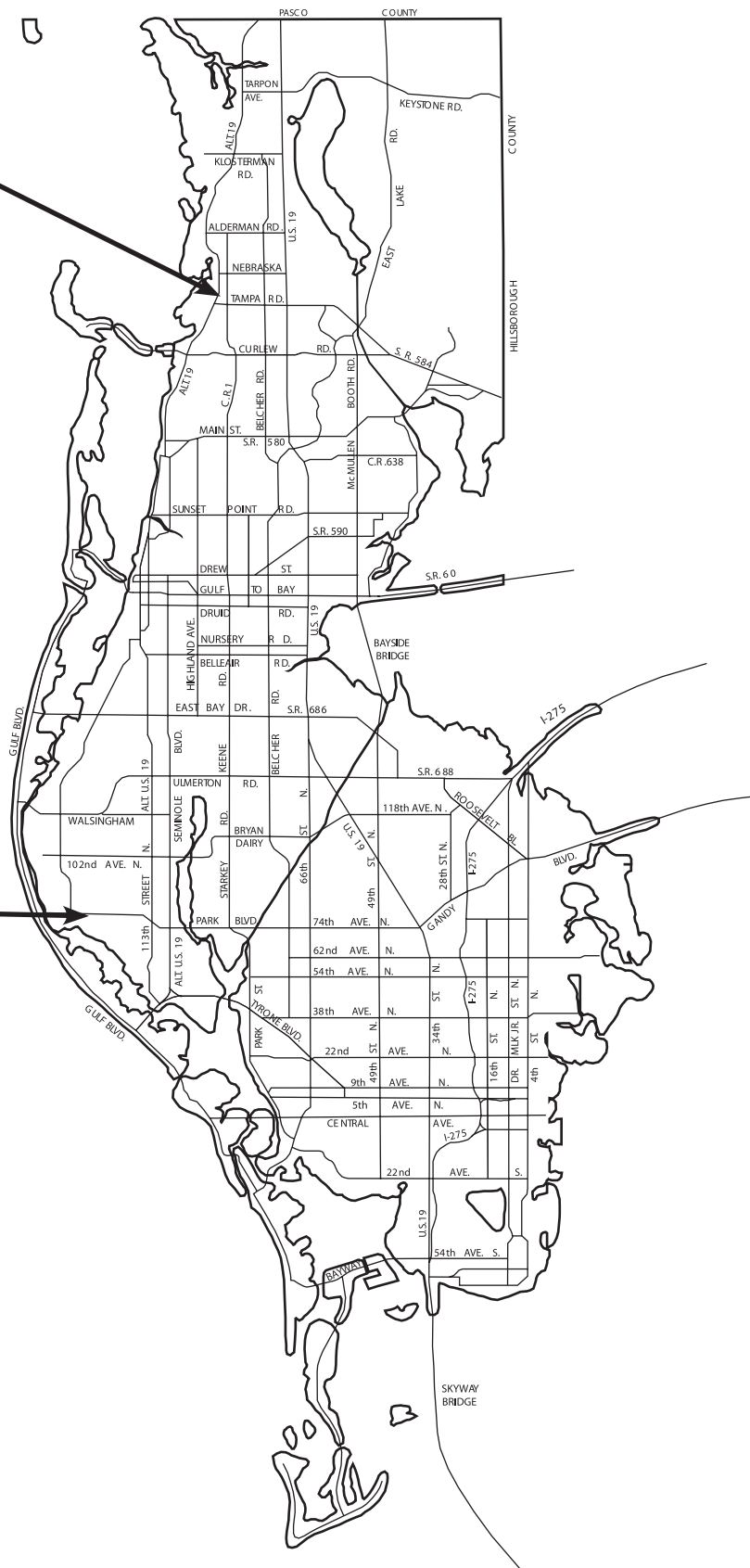
## Staff Findings & Recommendation

- The proposed Development Agreement modification is appropriate
  - ALF operational since the 1990s
  - Would not expand to adjacent properties
  - Other nonresidential uses nearby
  - Minimal impacts to Park Boulevard
  - Request reflects recent Code changes.
- Staff recommends approval
- Local Planning Agency Recommendation:
  - Approval (6-0 vote)



**Z/LU-5-2-16**

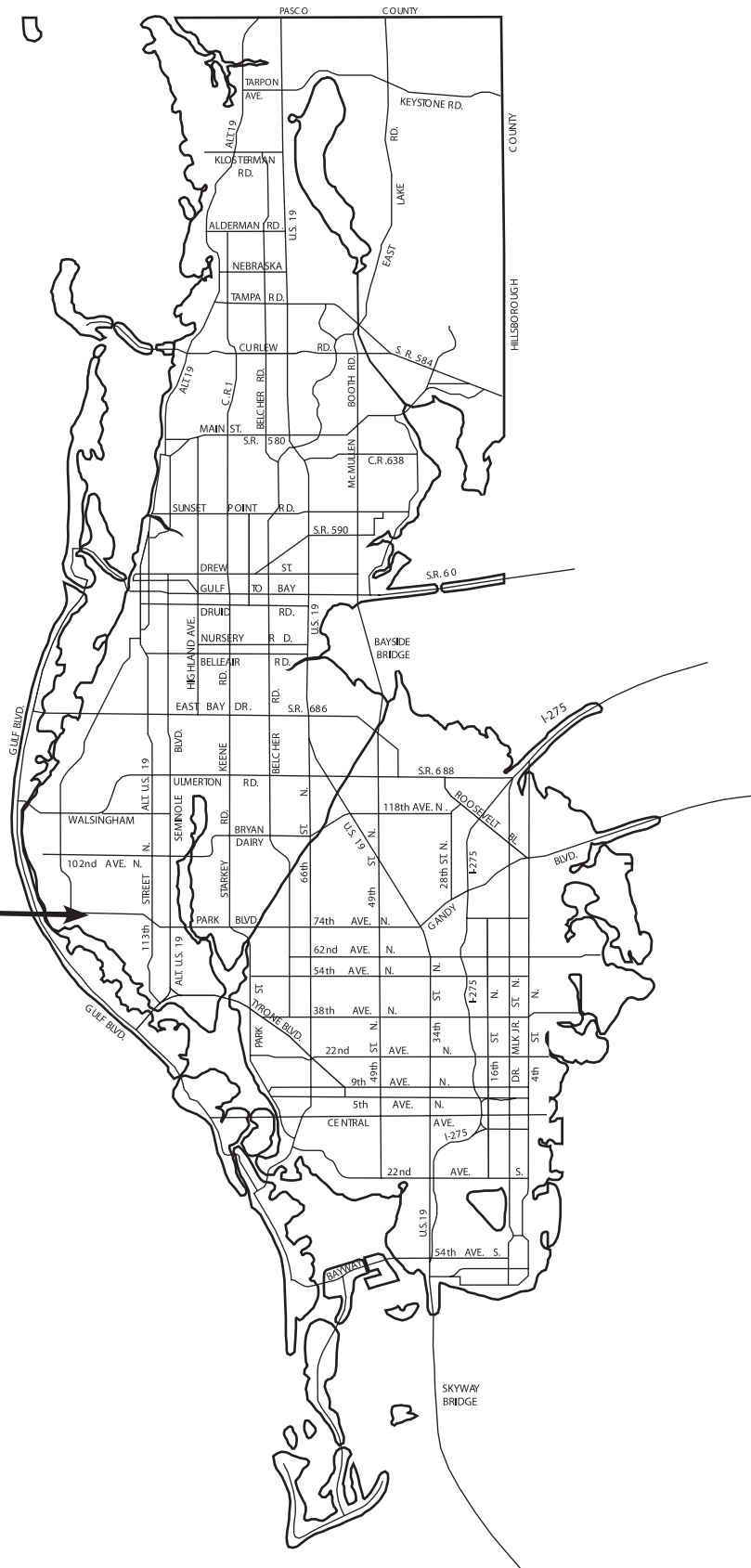
**DA-4-2-16**



PINELLAS COUNTY  
**PLANNING DEPARTMENT ZONING DIVISION**

# LOCATION MAP

DA-4-2-16



MAP-1

**DA-4-2-16**

Modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance.

Parcel I.D. 29/30/15/70794/400/0501

Prepared by: Pinellas County Planning Department December 2015









MAP-3

**DA-4-2-16**

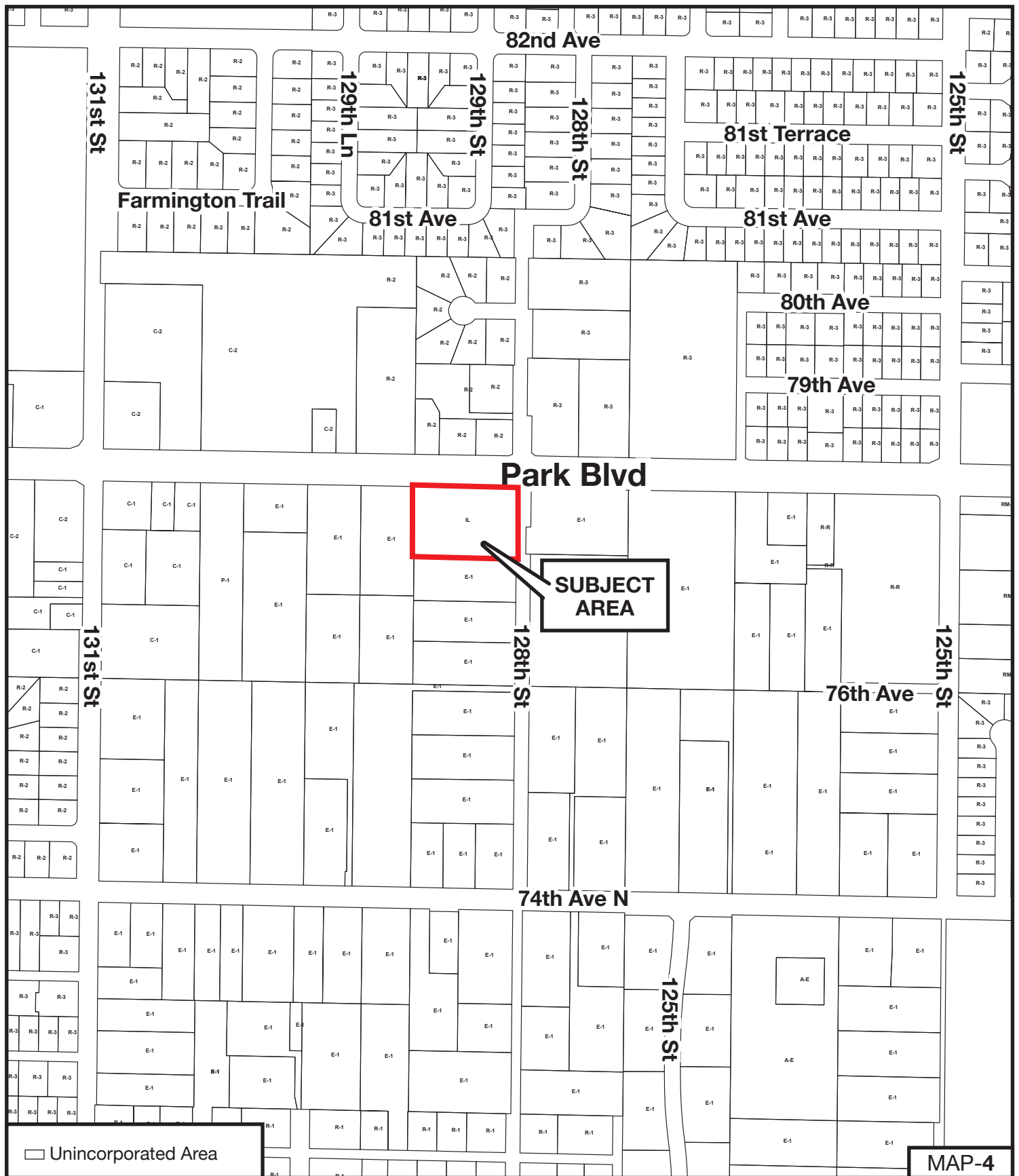
Modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance.

Parcel I.D. 29/30/15/70794/400/0501

Prepared by: Pinellas County Planning Department December 2015







**DA-4-2-16**

Modification of an existing Development Agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance.

Parcel I.D. 29/30/15/70794/400/0501

Prepared by: Pinellas County Planning Department December 2015





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



**Regarding: Case No. DA-4-2-16**

**LPA Recommendation:** The LPA finds that the proposed development agreement modification is consistent with the Pinellas County Comprehensive Plan, and recommends approval of the proposed modification. (The vote was 6-0, in favor)

***LPA Public Hearing: February 11, 2016***

**PLANNING STAFF RECOMMENDATION:**

- **Staff recommends** that the LPA find that the proposed development agreement modification is consistent with the Pinellas County Comprehensive Plan based on the findings in this report; and
- **Staff further recommends** that the LPA recommend approval of the proposed development agreement modification to the Pinellas County Board of County Commissioners.

**CASE SUMMARY**

**APPLICANT'S NAME:** GIB Properties, LLC

**DISCLOSURE:** N/A

**REPRESENTED BY:** Todd Pressman

**DEVELOPMENT AGREEMENT**

Modification of an existing development agreement for an assisted living facility by increasing the maximum number of beds from 39 to 58, allowing for the enlargement of the existing building, limiting the building height to 16 feet and one story, prohibiting the use of DeLong Way by commercial or delivery vehicles, and removing the parking variance. The prohibition of mental health and drug rehabilitation services shall remain in effect.

**PROPERTY DESCRIPTION:**

Approximately 1.56 acres located at 7770 128th Street in the unincorporated area of Seminole.

**PARCEL ID(S):** 29/30/15/70794/400/0501

**PROPOSED BCC HEARING DATE:** March 29, 2016

**CORRESPONDENCE RECEIVED TO DATE:**

Four letters received in favor.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:**

Two persons appeared in opposition.

**SURROUNDING ZONING AND LAND USE FACTS:**

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Institutional	IL	Assisted Living Facility
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low	R-2	Single Family
<b>East</b>	Residential Suburban	E-1	Single Family
<b>South</b>	Residential Suburban	E-1	Single Family
<b>West</b>	Residential Suburban	E-1	Single Family

**STAFF DISCUSSION AND ANALYSIS**

This is a request to modify an existing development agreement for an assisted living facility (ALF) located at the southwest corner of the intersection of Park Boulevard and 128th Street N in the unincorporated area of Seminole. The purpose behind the modification is essentially to allow for an increase of 19 beds, from 39 beds to 58 beds. Along with that, the applicant would like to have the flexibility of enlarging the current structure within the boundaries of the subject property. The enlargement would be horizontal only, as the proposed changes to the development agreement would restrict building height to 16 feet and one story. The existing 39 bed restriction reflects the maximum number of beds allowed on the property (25 beds per acre) at the time the current development agreement was approved. In August 2015, the Board amended the Land Development Code to allow for 3 beds per the permitted residential density of the Institutional Future Land Use Map (FLUM) category, consistent with how the number of ALF beds are calculated in residential FLUM categories. The Institutional FLUM category assigned to the property allows 12.5 residential units per acre. Therefore, ALFs within the Institutional category with the proper zoning are permitted 37.5 beds per acre. The requested 58 beds reflect the maximum number allowed on the property based on its acreage (1.56 acres x 37.5 beds/acre = 58 beds). Essentially, the applicant is requesting that the development agreement be modified to reflect the increased maximum number of beds allowed by the property's land use and zoning designations that resulted from the code changes approved by the Board last August.

Additional modifications proposed to the existing development agreement include prohibiting commercial and delivery vehicles from using DeLong Way, from which the property has no

direct access. The applicant is including this prohibition to help allay concerns that neighbors living along DeLong Way may have. The current development agreement also has a parking variance that the applicant contends is no longer necessary. In August 2015, the Board amended the parking requirements for ALFs from one parking space per bed to one parking space per three beds. Per the applicant, all required parking for the proposed 58 beds can be accommodated on site. The current prohibition of mental health and drug rehabilitation services are proposed to remain in effect.

## AMENDMENT HISTORY

The subject property has a history of amendments and requests:

- In 1996, the Board of Adjustment (BOA) approved a special exception for a category III group home that allowed a maximum of 20 beds. The property was zoned E-1, Estate Residential at the time. Nearby property owners objected to the use based on perceived traffic issues, effects on property value, future commercial expansions, etc. The BOA originally denied the request but reversed their decision based on appeal.
- In 2004, the BOA approved a variance that permitted 24 beds and reduced the required parking to eight spaces. Conditions of approval included no structural improvements. There was no documented public opposition.
- In 2007, the Board of County Commissioners unanimously approved a FLUM amendment to Institutional and a zoning amendment to Institutional Limited, along with a development agreement (original agreement) that allowed 32 beds, varied the parking requirement to nine required spaces, prohibited structural enlargement, and prohibited mental health and drug rehabilitation services. There was little public opposition.
- In 2009, the Board unanimously approved the first amendment to the development agreement that permitted an increase to 34 beds. There was no documented public opposition.
- In 2012, the Board unanimously approved the second amendment (which is currently in effect) to the development agreement that permitted an increase to 39 beds. There was no documented public opposition.
- In August 2014, the Board unanimously denied a request to expand the ALF to a portion of the adjacent parcel to the west, which would have required FLUM and zoning amendments to Institutional designations for that parcel. The development agreement that accompanied that application included requests for a maximum of 71 beds, a 16-foot building height limitation, a prohibition of delivery vehicles utilizing DeLong Way, and a variance for a parking reduction to 20 spaces. The parcel to the west was proposed to encompass a portion of the building expansion and nine parking spaces. There was notable public opposition based on concerns regarding neighborhood character, overflow parking along DeLong Way, too many ALFs in the area, a 'domino effect' of a proliferation of similar uses in the area, property value impacts, and commercial encroachment into the area.

- In February 2015, the Board denied (4-3 vote) an amended request that would have utilized the parcel to the west for required parking only. An amendment to Institutional designations was still required and requested. The proposed building expansion would have been restricted to the original parcel. The proposed development agreement carried over the previous requests for 71 beds, delivery restrictions on DeLong Way, variance for reduced parking, and 16-foot building height limitation. Public opposition was still notable, based largely on the same concerns previously mentioned, particularly with the change of FLUM and zoning designations, and the expansion of the use (i.e. parking) onto the adjacent parcel.

## **COMPATIBILITY WITH SURROUNDING LAND USES**

The subject property is within an area of larger lot single family home properties zoned E-1, Estate Residential, on the south side of Park Boulevard N, a four-lane arterial roadway in the unincorporated area of Seminole. While the subject property is largely surrounded by residential uses, there are office and retail commercial uses located on the south side of Park Boulevard approximately 500 feet to the west at the intersection of 131<sup>st</sup> Street N, and it is approximately 200 feet from a shopping center located diagonally to the northwest across Park Boulevard. There are also other Institutional uses in the area, including a place of worship approximately 360 feet to the northeast.

The ALF on the subject property has been in operation since 1996. The current proposal would not introduce new uses to the site. The strong opposition regarding some of the past amendment requests seemed to correlate with the proposed expansion to the property to the west. The additional 19 beds, expanded building, and all other site improvements, including parking, would be confined to the existing parcel. The parcel to the west is not part of this application and may not be used for any purpose related to the ALF. Because of the existing mix of uses in the surrounding area, the 20-year history of the subject property as an ALF, its location along an arterial roadway, and the fact that all proposed changes related to the modification of the development agreement would be confined to the existing parcel, it is staff's opinion that this current request is appropriate and would not detrimentally impact the area. An ALF is a quiet residential use that generates little traffic. The requested 19-bed increase will have minimal impact on Park Boulevard and other infrastructure serving the property.

## **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed development agreement modification is consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

### **FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT**

GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON

NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

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

1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.

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## 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)