Clearwater, Florida, March 8, 2018

The Pinellas County Local Planning Agency (LPA) (as established by Section 134-12 of the Pinellas County Land Development Code, as amended) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:00 A.M. on this date with the following members present:

Ronald Schultz, Chairman  
Steve Klar  
Paul Wikle  
Valerie Murray (alternate)  
Charlene Beyer, representing Clint Herbic (non-voting)

Not Present:  
Gerald Figurski, Vice-Chairman  
Bill Bucolo  
Regina Kardash  
Susan M. Reiter  
Clint Herbic (non-voting School Board Representative)

Also Present:  
Glenn Bailey, Planning Department Zoning Manager  
Carl Brody, Senior Assistant County Attorney  
Other interested individuals  
Chris Bartlett, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Schultz called the meeting to order at 9:00 A.M. and reviewed the procedure for the public hearings; whereupon, he explained that the Board of County Commissioners (BCC) will make the final decision on today’s recommendations by the LPA on April 24, 2018, and any documents to be reviewed by the BCC should be submitted to staff by April 10.

Chairman Schultz introduced Ms. Beyer and welcomed her to the Board; whereupon, Ms. Beyer indicated that she will likely replace Mr. Herbic as the Board’s School Board Representative due to an ongoing conflict in Mr. Herbic’s meeting schedule.
MINUTES OF FEBRUARY 8, 2018 MEETING – APPROVED

Ms. Murray moved, seconded by Mr. Klar and carried unanimously, that the minutes of the February 8 meeting be approved.

PUBLIC HEARING ITEM

Legal notice having been published for the item on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearing was held on the following item. All correspondence provided to the Clerk’s Office has been filed and made a part of the record. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENT TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF BERATI 2, LLC THROUGH RONALD MORGAN, REPRESENTATIVE, FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES, TO C-2-CO, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES – CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE TO OUTDOOR, INDOOR AND/OR COVERED STORAGE OF AUTOMOBILES, RECREATIONAL VEHICLES AND/OR BOATS; AND A LAND USE CHANGE FROM RESIDENTIAL LOW MEDIUM TO COMMERCIAL GENERAL (Z/LU-01-01-18) – RECOMMEND DENIAL

Public hearing was held on the application of Berati 2, LLC through Ronald Morgan for the above changes in zoning and land use (Z/LU-01-01-18), re approximately 1.5 acres located approximately 380 feet west of U.S. Highway 19 and 495 feet south of Central Avenue in unincorporated Largo.

Mr. Bailey stated that the Board had continued the case during last month’s meeting in order to provide an opportunity for the applicant to consider using a development agreement to address concerns regarding buffering and lighting; that the applicant has subsequently elected not to enter into a development agreement; and that the case is before the LPA unchanged.

Referring to photographs and the zoning and land use map, Mr. Bailey pointed out the location of the property, described surrounding land uses, and provided an overview of the request. He explained that the western third of the property would remain Residential Low Medium, which would act as a 350-foot-wide buffer to the west; that the amendment would
remove an inconsistency between the land use and zoning classifications and allow development of the property; and that should the zoning change be approved, a six-foot-high side wall or fence would be required along the adjacent residential property to the south and west.

Mr. Bailey noted that the conditional overlay would allow for storage of standard automobile passenger vehicles, boats, and recreational vehicles; that heavy equipment and salvage operations are forbidden; and that there would be limited impacts to water and sewer demands and traffic generation; whereupon, he stated that staff recommends approval.

Upon the Chairman’s call for the applicant, Ronald Morgan, Clearwater, stated that he has received nine letters of no opposition, which he presented to Mr. Bailey. He referred to the land use and zoning history of the property, stating that the owners purchased the property in September of 2006; and that it cannot be developed until the land use and zoning are compatible.

Mr. Morgan discussed the surrounding residential areas and related that 13 letters of objection were received out of 52 homes; that the owner would install a wooden fence and landscaping to create over 400 feet of buffer area between the subject parcel and the adjacent residential properties; and that there are higher-value homes abutting commercial property and the neighboring mobile home park. He indicated that property values would not be negatively affected by the proposed changes.

Referring to buffer and lighting concerns from the previous meeting, Mr. Morgan indicated that a new drawing has been engineered referencing new 6-foot-high fencing and trees; and that four lights, one in each corner of the property, will shine down and not out, which will help control the dispersion of light onto other properties.

Mr. Bailey indicated that while lighting cannot be addressed via the conditional overlay, the members could mandate that the south portion of the property remain as a buffer and nothing else, and Mr. Morgan stated that the applicant would allow that modification.

No one responded to the Chairman’s call for proponents. Upon his call for opponents, the following persons stated their concerns and responded to comments and queries by the members:
March 8, 2018

Richard Gehring, Dunedin (submitted document)
Representing Clearwater residents Deborah Andrews, Ayman Cheikelard, William and Margaret Elmhurst, Marcia Gassman, Paul Hicks, Marsha Lesser, Brian Lovellette, and Shellee Overton
Jason Lesser, Clearwater
Margaret Cheikelard, Clearwater
Marjorie Doty, Clearwater
Roberta Hosken, Clearwater

Concerns expressed by objectors included the following:

- Residential land use is better aligned with the Comprehensive Plan
- Allowing a change to commercial land use will lead to future commercial encroachment into residential areas
- Properties storing vehicles may raise summertime temperatures
- The area was clear cut with no permit on Thanksgiving Day 2016
- The applicant’s history in the county has demonstrated a lack of good faith
- Loss of wildlife in the area, including a bald eagle
- Bright security lights shining into neighboring residents’ bedrooms at night
- Decrease in property values

Responding to the concerns of the objectors, Mr. Morgan stated that the owners will not develop the back parcel and would likely use it for retention and drainage; that the owners have decided against a development agreement due to the time and expense it would take to execute; and that staff supports the proposed amendments. He restated that the applicant would agree to include a mandate in the conditional overlay to address the buffer, and noted that lighting can be addressed during the site plan review.

Mr. Morgan related that in a meeting with residents of Donovan’s Mobile Home Park, there was great relief among the residents in knowing that constructing condominiums was not part of the proposed development. Regarding the removal of trees in 2016, he stated that the owners have paid a fine and complied with County requirements. He noted that upon visiting the site at night, he determined that excessive light comes from the nearby boat store and not from the applicant’s property.

In response to queries by the members, Mr. Bailey indicated that keeping C2 zoning on the back parcel would ensure the buffer remains in place; that up to 40 housing units would be allowed if the entire property was designated residential; and that the applicant would need to submit a new application or alter the current application to change the C2 zoning on the
back parcel. He noted that a proposed change to the Land Development Code could allow some residential uses in a C2 zone.

Responding to query by Mr. Wikle regarding whether the applicant would be willing to include residential zoning on the back parcel and/or remove its current C2 zoning, Mr. Morgan stated that he would need to address the matter with the property owners; that the owners have no intention of doing anything on the back portion of the property; and that they have other commercial property but have not owned or built condominiums or homes.

Mr. Wikle indicated that an outside storage business typically generates low traffic; that the property further buffers the adjacent residential properties from the existing commercial properties to the north and east; and that by utilizing a conditional overlay, staff is making a transition that is sensitive to the surrounding areas; whereupon, with input by Mr. Bailey, he moved that the LPA recommend approval of the application as recommended by staff; and that a requirement for an added buffer to the south be included in the conditional overlay, and the motion died for lack of a second.

Chairman Schultz moved, seconded by Mr. Klar, that the application for the land use and zoning changes be recommended for denial. Upon call for the vote, the motion carried 3 to 1, with Mr. Wikle dissenting.

DISCUSSION ON THE PINELLAS COUNTY LAND DEVELOPMENT CODE UPDATE COMPLETION STRATEGY

Long-Range Planning Section Manager Scott Swearengen conducted a PowerPoint presentation titled Land Development Code Update—The New Code, a copy of which has been made a part of the record, and discussed the primary objectives of the code. He highlighted the following:

- The last major update of the Land Development Code was nearly 30 years ago.
- The code is being transitioned from its Greenfield orientation to more of a redevelopment and infill environment.
- Regulations in the code are being modernized and will help to encourage economic investment.
- The code will be user-friendly and more easily understood by the applicants.

Noting that the Land Development Code is part of the overall County Code, Mr. Swearengen stated that it currently encompasses nearly 1,000 pages in ten chapters; and that the new code has been
pared down to eight chapters; whereupon, he discussed the process of updating the code, the input received from residents, developers, and other stakeholders, the current task of updating public boards and committees with the proposed changes to the code, and the path being taken toward adopting and implementing the new code in October.

Mr. Swearengen reviewed 13 noteworthy modifications to the code that include definitions, procedures, classifications, design standards, and other changes, and discussed the creation of a new Development Review Committee, which will help to shorten the review process needed for certain applications.

Acknowledging the assistance received from the County Attorney’s Office, Mr. Swearengen related that the language regarding quasi-judicial proceedings in Chapter 134 has been updated; and that the Development Master Plan requirements are now included with the development procedures in Chapter 138.

Mr. Swearengen highlighted the benefits of using a new Zoning/Land Use Matrix included in the update, noting that the matrix facilitates a quick search of zoning districts and allowable land uses and related review requirements; and that additional matrices have been created to help classify roadway standards and design elements. He indicated that the Roadways and Planning chapter has been updated with definitions and guidance, including the 3R process of resurfacing, restoration, and rehabilitation; and that drainage requirements within the code have been removed and are now included in the County’s Stormwater Manual.

Referring to Chapter 170 of the current code, Mr. Swearengen indicated that the chapter had been used a general catch-all repository for miscellaneous and minor updates received over the years; and that every article has been moved into a chapter better related to its contents, allowing Chapter 170 to be eliminated.

Mr. Swearengen related that the new code will be monitored closely after its adoption and implementation; that unforeseen issues and unintended consequences may come to light in the subsequent year; and that amendments to the new code will be presented 12 to 18 months after it is adopted to address issues and make corrections where needed.

Referring to the Comprehensive Plan update, Mr. Swearengen noted that the Plan is meant to empower regulations but should not contain regulations within it; and that staff is reviewing the Plan to identify any regulations that should be removed and incorporated into the Land Development Code, which will be included in the amendments after the code is adopted in October.
In response to query by Mr. Klar, Mr. Swearengen related that districts such as Mixed-Use, Institutional, and a few others have been identified; that the districts include design criteria that may relate to parking, building placement, street connections, and other concerns; and that the design criteria could become more robust in the future; whereupon, Mr. Klar cautioned that having too many design requirements could make development decisions more cumbersome; and that it would be better to have fewer requirements overall, and discussion ensued.

ADJOURNMENT

There being no further business and upon motion by Mr. Wikle, seconded by Mr. Klar and carried unanimously, Chairman Schultz adjourned the meeting at 10:22 A.M.

______________________________
Chairman