

**Board of Adjustment and Appeals  
Pinellas County  
March 2, 2022 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:00 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

**Present**

Cliff Gephart, Chairman  
Joe Burdette, Vice-Chairman  
Jose Bello  
Alan C. Bomstein  
John Doran  
Deborah J. White  
Pamela Kern, Alternate Member

**Not Present**

Vincent Cocks

**Others Present**

Glenn Bailey, Zoning Manager  
Anne Morris, Assistant County Attorney  
Gina Berutti, Code Enforcement Project Coordinator  
Shirley Westfall, Board Reporter, Deputy Clerk  
Other interested individuals

**CALL TO ORDER**

Chairman Gephart called the meeting to order at 9:00 AM and provided an overview of the hearing process.

**PUBLIC HEARING ITEMS**

Due notice having been given to interested persons pursuant to Comprehensive Zoning Ordinance No. 90-1, public hearings were held on the following applications. All persons planning to give testimony were duly sworn by a Deputy Clerk.

Case No. TY-22-01

APPLICATION OF LAO ARTS & CULTURAL FOUNDATION, INC. THROUGH SOMDETH INTHALANGSY, REPRESENTATIVE, FOR MODIFICATION OF A TYPE 2 USE AND VARIANCE

A public hearing was held on the application of Lao Arts & Cultural Foundation, Inc. through Somdeth Inthalangsy for a modification to a previously approved Type 2 use and variance request for the R-4 zoned properties located at 4070 and 4090 58th Avenue North in Lealman: 1) a Type 2 use to allow for a Community Assembly Facility and its accessory uses, including a cultural center, temple, offices, after school care, museum, activity fields, apartment, and storage; and 2) a variance to allow for a reduction in parking from 102 spaces to 77 spaces. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey introduced the case and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of these requests as they appear to meet the criteria for granting Type 2 uses and variances found in Sections 138-241 and 138-231, respectively, of the Pinellas County Land Development Code. The subject property formerly housed a place of worship for decades. The proposed use is similarly institutional in nature and will utilize the existing onsite buildings. Regarding the modification to the requested parking variance, the required parking is based on the square footage of all buildings and uses combined. The various uses will not regularly occur at the same time; therefore, the actual parking demand is expected to be lower. In addition, the main parking area is proposed in a new location along the western side of the property, swapping places with the proposed activity fields. Approval should be subject to the following conditions:

1. Appropriate site plan review.
2. The applicant shall obtain all required permits and pay all applicable fees.
3. The applicant shall provide a parking plan for overflow parking (above the 77 spaces) during occasional special events held onsite.

Mr. Bailey noted that the requested shift in parking location from the eastern side of the property to the west would help improve the site functionality.

Somdeth Inthalangsy, St. Petersburg, appeared and indicated that he represents the applicant.

No one appeared upon the Chairman's call for opponents or proponents; whereupon, Mr. Bomstein made a motion that the modification to the Type 2 use and the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Doran and carried unanimously.

Case No. VAR-21-19

APPLICATION OF WALSINGHAM COMMONS, LLC C/O NOBLE MANAGEMENT CO. THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Walsingham Commons, LLC c/o Noble Management Co. through Todd Pressman for a variance to allow for a medical marijuana treatment center to be located within 500 feet of a property that comprises a public or private elementary school, middle school, or secondary school, for the property located at 12887 Walsingham Road in unincorporated Largo. One letter in opposition to the case has been received by the Clerk.

Mr. Bailey introduced the case and presented the following staff recommendation:

Recommend Approval. Staff has no objection to the approval of this request, provided the Board determines that the proposed location of the medical marijuana treatment center (MMTC) meets the requirements of Florida Statutes Section 381.986(11)(c).

Mr. Bailey stated that it is important to note that this request is governed by Florida Statutes and not the Pinellas County Land Development Code; and that it is not subject to the Code's variance criteria normally reviewed by the BAA. He noted that the State preempts local governments from regulating MMTCs except for the potential reduction of the 500-foot separation requirement from school properties; and that in lieu of reviewing typical variance criteria, the Board must find that the location of the proposed MMTC meets the intent of the Statute; whereupon, he discussed the nature of the request and the surrounding uses in the area.

In response to queries by the members, Attorney Morris related that guidance from the State is limited to the language in the Statute; and that the Board's decision must be based on whether the proposed MMTC facility location promotes "public health, safety, and general welfare of the community", as stated in the Statute.

Todd Pressman, St. Petersburg, appeared and indicated that MMTC facilities are highly regulated by the State. Referring to a PowerPoint presentation containing maps, he discussed surrounding land uses and the distance and barriers between the school and the proposed MMTC facility location, noting that the request provides for six units or 200 feet of separation between the proposed facility and the thrift store, which is located on the parcel containing the school. He also referred to articles from the Mayo Clinic, AARP, National Library of Medicine, Harvard Medical Journal, and the American Journal of Medicine supporting the medical need for MMTC facilities.

Upon the Chairman's call for opponents, Walter Weller, Largo, appeared and stated his concerns. Mr. Doran indicated that an email in opposition to the application has been received from the City of Largo.

In rebuttal, Mr. Pressman reiterated that staff's recommendation is to approve the request; that the proposed facility location would be over 500 feet from the school building itself; and that MMTCs are highly regulated by the State and are no different than pharmacies that carry drugs and narcotics. He noted that, as it relates to the safety issue of having cash at the facility, a Wells Fargo Bank is located in the shopping center; whereupon, responding to a query by Ms. Kern, Mr. Pressman related that no targeted advertising would take place at the facility.

Discussion ensued, and Mr. Bomstein raised the opposition's concern regarding the proximity of the proposed facility to a thrift store, which is visited by the school students. Responding to his queries, Attorney Morris indicated that the Statute's distancing requirement pertains to the school itself; and that the requirement is similar to alcoholic establishments, and Mr. Bomstein noted that most requests regarding alcoholic establishments' distancing are approved by the Board.

Mr. Bomstein made a motion, which was seconded by Mr. Doran and carried unanimously, to approve the request in accordance with the staff recommendation.

## **MINUTES OF THE FEBRUARY 1, 2022 MEETING**

Mr. Doran made a motion to approve the minutes, and Ms. Kern related that her recollection was that she voted against the recommendation to approve Case No. APL-21-03; and that the final vote of the Board was 5 in favor and 2 in opposition. Attorney Morris requested that the Deputy Clerk review and verify the vote; whereupon, Mr. Bello made a motion, which was seconded by Ms. White and carried unanimously, to continue the Board action regarding the minutes to the following meeting.

## **ADJOURNMENT**

The meeting was adjourned at 9:39 AM.

Immediately following the meeting, Mr. Burdette informed the members that Ms. Berutti will be retiring and expressed appreciation for her service; whereupon, she indicated that Code Enforcement Supervisor Keith Vargus will be attending the future Board meetings.