

Local Planning Agency
Pinellas County
March 11, 2021

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 on this date at 9:00 AM using the Zoom virtual meeting platform and in person in the Magnolia Room at the Pinellas County Extension Office, 12520 Ulmerton Road, Largo, Florida.

Present

Steven Klar, Chairman
Lari Johnson, Vice-Chairman
Rodney Collman
Mattaniah Jahn
Susan M. Reiter
Ronald Schultz
Paul Wikle
Charlene Beyer (non-voting School Board Representative)

Others Present

Glenn Bailey, Planning Department Zoning Manager
Chelsea D. Hardy, Assistant County Attorney
Michael D. Schoderbock, Principal Planner
Christopher Young, Program Planner
Shirley Westfall, Board Reporter
Other interested individuals

CALL TO ORDER

Chairman Klar called the meeting to order at 9:00 AM; whereupon, he stated that he may need to excuse himself should he receive a specific phone call during the proceedings. He reviewed the procedure for the public hearings and announced that today's cases will be heard by the Board of County Commissioners (BCC) on April 27, 2021; and that any documents to be reviewed by the BCC should be submitted to staff prior to April 6, 2021.

MINUTES OF JANUARY 14, 2021 MEETING

Ms. Jahn moved, seconded by Ms. Reiter and carried unanimously, that the minutes of the January 14 meeting be approved.

PUBLIC HEARING ITEMS

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

PROPOSED ORDINANCE AND RESOLUTIONS AMENDING THE FUTURE LAND USE MAP, ZONING ATLAS, AND THE ESTABLISHMENT OF A DEVELOPMENT MASTER PLAN

Case No. ZON-21-02

APPLICATION OF VALENTIN MARKOV THROUGH DIMITAR MARKOV, REPRESENTATIVE, FOR A ZONING CHANGE FROM RMH, RESIDENTIAL MOBILE/MANUFACTURED HOME, TO R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL

Public hearing was held on the application of Valentin Markov through Dimitar Markov for the above zoning change, regarding approximately 0.28 acre located at 5172 68th Lane North in West Lealman.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Young provided information regarding the location of the subject property and the surrounding land uses, noting that the land use is residential urban, which allows 7.5 units per acre; that the existing use is a single-family residence; and that the applicant is proposing to build a duplex. He related that a duplex is an appropriate use of the property and is compatible with an R-4 zoning district and the County's Comprehensive Plan; and that staff recommends approval of the application.

Upon the Chairman's call for the applicant, Dimitar Markov, St. Petersburg, appeared and indicated that he represents the applicant.

No one appeared in response to the Chairman's call for proponents or opponents of the application; whereupon, Mr. Schultz moved, seconded by Ms. Reiter and carried unanimously, that the LPA recommend approval of the application to the BCC in accordance with the staff recommendation.

Case No. DMP-21-01

APPLICATION OF SYNCHRONOUS MEDIA GROUP, INC., THROUGH REED HAYDON, REPRESENTATIVE, FOR ESTABLISHMENT OF A DEVELOPMENT MASTER PLAN (DMP)

Public hearing was held on the application of Synchronous Media Group, Inc., through Reed Haydon to establish a DMP for a Residential Planned Development (RPD) zoned property on approximately 4.05 acres located at 2625 County Road 95 in Palm Harbor.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Schoderbock provided information regarding the location of the subject property and the surrounding land uses, noting that the intended use is a 30-unit single-family attached townhouse development with a mixture of four- and six-unit buildings. He indicated that the proposed DMP is appropriate and is consistent with the Future Land Use Map, the RPD zoning district, and the Comprehensive Plan; whereupon, he stated that staff recommends approval.

Upon the Chairman's call for the applicant, Reed Haydon, Clearwater, indicated that he agrees with the staff's assessment. Upon call for proponents, John Skicewicz, Clearwater, appeared and stated that he represents the current property owner, Mark Jorgensen of Synchronous Media Group; that the proposal is the best one received in ten years and would put the property into productive use; and that he encourages the LPA members to support the application.

No one appeared in response to the Chairman's call for opponents of the application; whereupon Mr. Schultz moved, seconded by Ms. Jahn and carried unanimously, that the LPA recommend approval of the DMP to the BCC in accordance with the staff recommendation.

Case No. Z/LU-21-01

APPLICATION OF NOELL FAMILY, LLC THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-A, RESIDENTIAL AGRICULTURE, AND R-3, SINGLE FAMILY RESIDENTIAL, TO R-5-CO, URBAN RESIDENTIAL-CONDITIONAL OVERLAY, AND PC, PRESERVATION/ CONSERVATION; AND A LAND USE CHANGE FROM RESIDENTIAL SUBURBAN AND PRESERVATION TO RESIDENTIAL LOW AND PRESERVATION WITH A CONDITIONAL OVERLAY

Public hearing was held on the application of Noell Family, LLC through Robert Pergolizzi for the above zoning and land use changes regarding approximately 21.5 acres located at and to the south of 4706 Pleasant Avenue in Palm Harbor.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Schoderbock provided information regarding the location of the subject property and the surrounding land uses, indicating that the proposal is for a single-family attached subdivision with a conditional overlay that would limit the density and the use to either 70 one-story villas or 78 two-story townhomes; and that without the conditional overlay, 82 residential houses would be allowed.

Mr. Schoderbock related that an R-5 District was created a few years earlier to provide for flexible subdivision development; that as proposed, the project could generate additional traffic up to 49 daily trips; and that a transportation management plan could be required during site plan review, if the project is approved.

Mr. Schoderbock indicated that the request is consistent with the Comprehensive and Countywide Plans; that the current Residential Low Medium designation allows up to ten units an acre; and that, if approved, being a large-scale amendment would require two BCC hearings and subsequent submission to the State.

Responding to queries by the members regarding additional traffic, Mr. Schoderbock indicated that should the project generate over 50 daily trips, a level-one traffic study would be required; and that a transportation master plan would be required if the number of trips exceeds 150.

Upon the Chairman's call for the applicant, Robert Pergolizzi, Clearwater, provided information regarding the application, including the following:

- The project will be an upgrade to the surrounding area.
- The project will modify the current preservation designation of the property to be fully consistent with existing wetland limits and include a 25-foot wetland buffer.
- Public utilities are provided to the property line by Pinellas County and would need to be extended into the site at the applicant's cost.

Mr. Pergolizzi indicated that members of the applicant's consulting team are present to answer any questions from the Board relating to drainage, wetland, or utility issues.

No one appeared in response to the Chairman's call for proponents. Upon his call for opponents, the following citizens stated their concerns regarding traffic, the Suncoast Primate Sanctuary, pedestrian safety, and ownership of the subject property:

George Vavourakis, Palm Harbor
Richard Brunelle, Palm Harbor
Doug Adams, Palm Harbor
Dale Jacquay, Palm Harbor
Deborah Cobb, Palm Harbor

Chairman Klar left the meeting at 9:43 AM.

In rebuttal, Mr. Pergolizzi addressed the opponents' concerns as follows:

- The contract purchaser has agreed to disclose to any buyers the location and proximity of the Suncoast Primate Sanctuary.
- Current zoning allows up to ten units per acre, which would translate to 156 homes; the proposed change would allow for 82 homes, but the applicant is requesting a limit of no more than 78 units.
- A signed certificate of ownership and a title commitment declaring the proper owners of the property were submitted with the application.

In response to queries by Acting Chairman Johnson, Consultant for the applicant Michael Yates, Palm Traffic, Tampa, related that traffic counts were completed on Valley Street and showed very limited traffic during peak travel times. Mr. Pergolizzi stated that the project would include 50 feet of right-of-way throughout the subdivision and along the west side of the property; and that the County would provide direction during site plan review regarding making improvements to the road and sidewalks.

Responding to further queries by Acting Chairman Johnson, Consultant Carrie Kelly, Flatwood Consulting Group, stated that a delineation study was completed and a petition for formal determination of wetlands was submitted to the Southwest Florida Water Management District (SWFWMD); and that a permit was issued by SWFWMD approving the wetland limits as they currently exist on site, increasing the acreage of preservation. She noted that gopher tortoise burrows were found on the site; and that the applicant would follow Florida Fish and Wildlife Conservation Commission guidelines to obtain a permit to relocate the animals to an approved site, and discussion ensued.

In response to query by Ms. Jahn, Attorney Hardy provided input regarding quasi-judicial proceedings, stating that the Board's decision should be based on substantial competent evidence; whereupon, Ms. Jahn moved, seconded by Ms. Reiter and carried unanimously, that the LPA recommend approval of the application to the BCC based upon the findings of facts in accordance with the staff recommendation.

Case No. Z-31-12-19

APPLICATION OF MERCYNO, LLC THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-A, RESIDENTIAL AGRICULTURE, TO R-5, URBAN RESIDENTIAL, WITH A DEVELOPMENT AGREEMENT

Public hearing was held on the application of Mercyno, LLC through Todd Pressman for the above zoning change with a Development Agreement limiting the use on the property

to a maximum of ten single-family detached residential houses having a maximum height of 30 feet, along with window restrictions and additional setback and buffering requirements regarding approximately 2.56 acres located at 620 County Road 1 in Palm Harbor.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Bailey provided information regarding the location of the subject property, discussed surrounding land uses, and related that the LPA continued this case in November 2020 at the applicant's request to discuss the proposal with neighbors. He noted that the applicant is proposing a development agreement to help mitigate impacts to neighboring properties.

Mr. Bailey stated that the proposed changes are inconsistent with the Comprehensive Plan; and that due to additional concerns regarding the ability to fit all required components of a subdivision into the subject property's narrow width, the impacts on surrounding properties, and uncertainty regarding the development, staff is recommending denial of the application.

Upon call for the applicant, Todd Pressman, St. Petersburg, appeared and provided a summary of the plans for the property and the updated development agreement.

In response to queries by the members, Mr. Pressman related that buffering will include a fence along the property line where it is adjacent to residential properties and landscaping along the north and south of the property; that he has met many times with the residents' consultant; that he has met with neighbors online; and that a letter was mailed to several residents in the surrounding subdivisions.

Upon Acting Chairman Johnson's call for proponents, Amanda Gabro, Palm Harbor, provided input and Ash Farid, Tarpon Springs, stated that he is the owner and developer of the property and provided information regarding the project. Upon the Acting Chairman's call for opponents, the following citizens stated their concerns regarding inconsistency and inaccuracy of the application, traffic safety, harassment and dishonesty of the property owner, privacy, property views, and parking.

Laura Dangelo, Palm Harbor
Melanie Harvey, Palm Harbor
Robert Pergolizzi, Clearwater, opponents' consultant
McGregor Neilson, Palm Harbor
Patricia Reese, Palm Harbor
Pam Sprague, Palm Harbor
Mike Penu, Palm Harbor

In rebuttal, Mr. Pressman discussed the development agreement and how it addresses the neighbors' concerns, and the unusual shape of the property, and Mr. Farid provided input.

In response to a query by Ms. Jahn, Attorney Hardy discussed evidentiary standards for quasi-judicial hearings, and discussion ensued; whereupon, Mr. Wikle moved, seconded by Ms. Jahn, that the LPA recommend denial of the application to the BCC, finding the setback, height requirements, and other factors incompatible with the neighborhood and inconsistent with surrounding properties. Upon call for the vote, the motion carried unanimously.

MISCELLANEOUS DISCUSSION

Mr. Bailey stated that the next LPA meeting will be held on Tuesday, April 6, regarding Restoration Bay; and that he anticipates a lengthy meeting. Discussion ensued and the Board agreed that individuals wishing to speak will need to register to do so; whereupon, Attorney Hardy advised staff to advertise in advance so as to give ample time for individuals to complete the registration.

ADJOURNMENT

Upon motion by Mr. Schultz, seconded by Mr. Wikle, Acting Chairman Johnson adjourned the meeting at 11:28 AM.