

Clearwater, Florida, June 11, 2015

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:

Lauralee G. Westine, Chairman
David Brandon, Vice-Chairman
Cathy Harrelson
Susan Reiter
Ronald Schultz
Valerie Murray (Alternate)

Not Present:

Regina Kardash
Steve Klar
Clint Herbic (non-voting School Board Representative)

Also Present:

Gordon R. Beardslee, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
Chelsea Hardy, Assistant County Attorney
David Sadowsky, Senior Assistant County Attorney
Other Interested Individuals
Christopher Bartlett, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:00 A.M. and reviewed the procedure for the public hearings; whereupon, she announced that any written documentation for consideration by the Board of County Commissioners (BCC) at their July 21, 2015 meeting should be provided to staff by July 7, 2015.

MINUTES OF APRIL 9, 2015 MEETING – APPROVED AS AMENDED

Upon presentation of the minutes of the meeting of April 9, 2015, Mr. Brandon noted that on Page 1, the minutes should reflect that he was not present; whereupon, Mr. Schultz

moved, seconded by Ms. Murray and carried unanimously, that the minutes be approved with the above-noted correction.

MINUTES OF MAY 14, 2015 MEETING – DEFERRED

Chairman Westine indicated that the May 14, 2015 minutes are not available at this time; whereupon, Mr. Brandon moved, seconded by Mr. Schultz and carried unanimously, that the item be deferred to the next meeting.

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 hearing was held on the following items. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY ZONING ATLAS AND FUTURE LAND USE MAP, AND CONDITIONAL USE APPLICATION

1. APPLICATION OF UNITED ASSET HOLDINGS COMMERCIAL, LLC THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E-W, AGRICULTURAL ESTATE RESIDENTIAL-WELLHEAD PROTECTION OVERLAY, TO IL-W, INSTITUTIONAL LIMITED-WELLHEAD PROTECTION OVERLAY (1.62 ACRES), AND P/C-W, PRESERVATION/CONSERVATION-WELLHEAD PROTECTION OVERLAY (0.84 ACRE); A LAND USE CHANGE FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL (1.62 ACRES) AND PRESERVATION (0.84 ACRES); AND TWO VARIANCES (Z/LU-11-5-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of United Asset Holdings Commercial, LLC through Todd Pressman for the above changes in zoning and land use designation with variances to allow an assisted living facility (ALF) approximately 506 feet away from an existing ALF where a distance of 1,200 feet is required, and to allow one parking space per three beds where one parking space per bed is required on approximately 2.46 acres of land (Z/LU-11-5-15), re property located at 721 East Lake Road in the unincorporated East Lake Tarpon community.

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Mr. Bailey referred to a zoning and land use map, an aerial photograph, an impact assessment, and a site plan and pointed out the location of the subject property while he described surrounding land uses. He stated that the proposed ALF will have minimal impact on traffic; that the request conforms to the intent of the East Lake Tarpon Community Overlay; and that 0.84 acre would be preserved for open space.

Referring to the requested variances, Mr. Bailey noted that studies have shown the current Code requirement for parking spaces is excessive; that one parking space per three beds is adequate; and that staff has proposed changing the parking requirement to one space per three beds in a separate request to amend the Code. He further related that the existing ALF is approximately 506 feet from the proposed site; and that they are separated by a four-lane divided roadway which includes a 200-foot right-of-way.

Mr. Bailey indicated that one letter and a petition with 30 signatures in opposition to the application have been received; whereupon, he recommended that the LPA recommend approval of the application to the BCC, subject to the following condition:

No drug rehabilitation or mental health services will be allowed.

Responding to query by Mr. Brandon as to whether the variances must go before the Board of Adjustment, Mr. Bailey related that the BCC can approve them as part of the zoning case.

In response to the Chairman's call for the applicant, Todd Pressman, Palm Harbor, appeared and related that he represents the applicants; that the applicants both hold Florida Core Assisted Living Administrator certificates; that they have had zero deficiencies in all survey areas of the Florida Agency for Health Care Administration; and that they have sold two previous ALF sites and are completing a new ALF in Largo.

Referring to the applicant's site and landscaping plans, Mr. Pressman indicated that the site's only road access will be on East Lake Road; and that the site currently contains two vacant structures that are in disrepair; whereupon, he displayed site and landscaping plans, described the proposed facility, and related that the preservation area will be increased beyond what is currently designated on the zoning map. He noted that several changes have been made to the plans as a result of meetings

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with County staff, the Council of North County Neighborhoods, and members of the community, and in response to query by Mr. Schultz, related that approximately 25 to 30 citizens attended the public meeting.

Cheryl Moore, Trinity, and Eric Moore, New Port Richey, appeared and indicated that they are the applicants; that the East Lake Tarpon area has a great need for assisted living services; and that they reached out to the community in order to understand the issues that could be addressed by a new facility.

In response to queries by the members, Mr. Moore stated the proposed ALF will employ three shifts of up to 13 employees per shift; that Medicaid beds would be provided under Florida's Long-Term Care Program; and that their facilities provide a large unit mix to serve a range of income levels. He related that their previous facilities were sold in order to expand the business; that they have no plans to sell the proposed facility; and that it will be larger to accommodate more diversity.

Responding to the Chairman's call for public comment, Paul Peluso, Tarpon Springs, appeared and noted that initially he was undecided; but that after hearing the discussion, he now supports the application; whereupon, Chairman Westine thanked him for his input and closed the public hearing.

Mr. Schultz moved, seconded by Mr. Brandon, that the LPA recommend approval of staff's recommendation to the BCC. During discussion and responding to queries by Ms. Harrelson, Mr. Beardslee discussed County Code provisions, policies, and efforts to reduce water and natural resource consumption and use, as well as options being developed for treatment of stormwater.

Upon the Chairman's call for the vote, the motion carried unanimously.

2. APPLICATION OF 106TH AVENUE TOWNHOMES, LLC THROUGH SEMINOLE FIRE CHIEF HEATHER BURFORD, REPRESENTATIVE, FOR A CONDITIONAL USE PERMIT (CU-12-6-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of 106th Avenue Townhomes, LLC through Seminole Fire Chief Heather Burford for a conditional use permit to allow temporary modular housing for fire station staff, a storage shed for gear, and a carport for parking fire trucks (CU-12-6-15), re approximately 2.44 acres on the north side of 106th

Avenue North, 448 feet east of Seminole Boulevard in the unincorporated area of Seminole.

Referring to the zoning and land use maps and aerial photographs, Mr. Bailey pointed out the location of the subject property, described the surrounding land uses, and indicated that no correspondence has been received relative to the application; whereupon, he recommended that the LPA recommend approval of the proposed conditional use permit to the BCC, subject to the following conditions:

1. Full site plan review to include noise, lighting, landscaping, and screening as determined appropriate by staff.
2. Site development shall be in general conformance with the associated concept plan.
3. Emergency sirens shall not commence until the associated vehicle(s) reach Seminole Boulevard, unless the emergency is within or requires traversing the surrounding neighborhood.
4. Appropriate striping shall be required on 106th Avenue North in order to prevent queue blocking at the intersection with Seminole Boulevard.
5. Outdoor lighting shall be focused upon the subject property and directed away from adjacent residential uses.
6. Any illuminated signage shall comply with the Pinellas County luminosity and message frequency standards.
7. No exterior storage of machinery or equipment.
8. The conditional use will expire 90 days after the issuance of Certificate of Occupancy for the new Seminole Fire Station 32 located at 10780 110th Avenue North.

9. Any changes to the conditions listed shall require approval of the Board of County Commissioners.
10. In the event any of the above conditions are not met, the Board of County Commissioners may rescind the conditional use permit.

Responding to query by Ms. Harrelson, Mr. Bailey stated that the property will be restored when the conditional use expires; whereupon, Mr. Brandon stated that there should be a means to expedite the approval of these types of emergency-related requests; and that municipal services should be accommodated quickly for temporary solutions to their concerns.

Representing the applicant, Seminole Fire Chief Heather Burford reviewed the goals of the request, stating that the temporary facility will be located within a quarter-mile of the existing fire house. She related that construction time is estimated at nine months, and responding to queries by the members, indicated that utility connections are available on the proposed site; that the conditional use permit will expire 90 days after receipt of the Certificate of Occupancy; that the new fire station will include solar-powered lights and air-conditioning; and that the city is not seeking LEED certification at this time due to cost concerns.

Chairman Westine called for citizens wishing to be heard; and receiving no response, closed the public hearing.

Mr. Brandon moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend approval of staff's recommendation to the BCC.

3. APPLICATION OF GUSTAVO LOPEZ FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES, TO C-3, COMMERCIAL, WHOLESALE, WAREHOUSING, AND INDUSTRIAL SUPPORT (Z-14-6-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Gustavo Lopez for the above change in zoning (Z-14-6-15), re approximately 0.5 acre located at the northwest corner of the intersection of Walsingham Road and 117th Street North in the unincorporated area of Largo (street address: 11695 Walsingham Road).

Mr. Bailey referred to a zoning and land use map and pointed out the location of the subject property while he described surrounding land uses. He indicated that no correspondence relative to the application has been received, and recommended that the LPA recommend approval of the application to the BCC.

N. Burton Williams, Lithia, appeared and indicated that he represents the applicant; and that the subject property would be used for storage and a small showroom for the applicant's building and restoration business.

Chairman Westine called for citizens wishing to be heard; and receiving no response, closed the public hearing.

Ms. Murray moved, seconded by Mr. Brandon and carried unanimously, that the LPA recommend approval of staff's recommendation to the BCC.

4. APPLICATION OF DOREEN E. SACCARDO FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES, TO C-3, COMMERCIAL, WHOLESALE, WAREHOUSING, AND INDUSTRIAL SUPPORT (Z-7-4-15) – WITHDRAWN

Chairman Westine referred to the application of Doreen E. Saccardo for the above change in zoning (Z-7-4-15) re approximately 1.3 acres located on the west side of South Pinellas Avenue, 805 feet north of Terrace Road in the unincorporated area of Tarpon Springs (street address: 1705 South Pinellas Avenue), and related that the item has been withdrawn by the applicant.

PROPOSED AMENDMENT TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE

1. AN ORDINANCE OF PINELLAS COUNTY AMENDING PORTIONS OF CHAPTER 138, ZONING PROVISIONS, AND CHAPTER 154, SITE DEVELOPMENT AND PLATTING PROVISIONS, OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE (LDR-16-6-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Mr. Beardslee related that the amendments included in the ordinance are proposed as part of the Land Development Code update, currently in progress, and indicated that their implementation prior to completion of the overall package would benefit the community in its ongoing redevelopment efforts.

Referring to a PowerPoint presentation titled *Pinellas County Land Development Code Update, Strategic Amendment Package*, a copy of which has been filed and made a part of the record, Principal Planner Scott Swearngen provided background information pertaining to the Code update process and reviewed progress to date; whereupon, he reviewed the elements included in the Strategic Amendment Package, noting the following four intents:

To allow greater flexibility for infill and redevelopment of properties situated in constrained and urban contexts

- New R-5, Urban Residential District
- New Form Based Code District
- Residential Infill Development Standards
- Provisions for Accessory Dwelling Units
- Modifications to Roadway Frontage Requirements
- Conditional Zoning Overlay District

To provide more flexibility in administrative discretion to particular Code requirements and where relief is commonly granted through the issuance of waivers and variances

- Fences and Walls
- Congregate Care Facilities
- Alcoholic Beverage Dispensing

To clarify terms and reconcile inconsistencies in language and interpretation

- Definitions and Descriptions Added/Updated

To contribute to improving the organization, language, and readability of the Code

During discussion and in response to queries by the members, Mr. Swearngen, with input by Attorney Sadowsky, stated that the County is considering housing options that would include multiple dwellings on property in certain unincorporated areas; that homeowners with deed restrictions would have to comply with those restrictions in addition to any from the County; and that variance requests for lot width would be reduced by allowing an exception for parcels platted before the requirement was established.

Chairman Westine stated that she has strong concerns regarding limiting the exception as proposed; and that it should be expanded to provide the flexibility needed to address all parcels with similar hardships as long as the hardships are not self-

inflicted by their owners; whereupon responding to her queries, Mr. Swearengen, along with Attorney Sadowsky, stated that the Code must properly set a limit; that prospective buyers should continue to complete their due diligence before acquiring any property; and that the number of variance requests related to this exception should diminish over time.

Mr. Swearengen indicated that the Conditional Zoning Overlay District would reduce the need for development agreements to address neighborhood concerns when re-zoning property, and discussion ensued; whereupon, several members indicated their support for the proposed district.

Ms. Murray referred to amendments pertaining to alcoholic beverage dispensing, and expressed concern regarding removal of the separation requirement related to churches. Mr. Swearengen related that there is a state regulation for separation from schools, but no similar requirement exists with regard to religious institutions, and brief discussion ensued.

In conclusion and in response to query by the members, Mr. Swearengen stated that staff anticipates presenting the full update of the Code to the LPA by the end of the year for adoption in March 2016; that towards the end of 2016, staff will begin educating the public on how to apply changes in the Code; and that about a year after adoption, the Code will be revisited to discern any further adjustments that may be needed.

Thereupon, Mr. Brandon moved, seconded by Mr. Schultz, that the LPA recommend approval of staff's recommendation to the BCC.

Ms. Harrelson suggested inclusion of objectives pertaining to climate change and green space in the *Future Land Use* and *Quality Communities* Plan elements; and responding to her query regarding the Floodplain Management Code, Mr. Beardslee related that changes were recently reviewed by the LPA and an ordinance was adopted by the BCC.

Ms. Murray reiterated her concerns regarding amendments related to alcoholic beverage dispensing, and at her request, Mr. Beardslee agreed to note her concerns in the staff report to the BCC.

Upon the Chairman's call for the vote, the motion carried unanimously.

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OTHER ITEMS

Mr. Beardslee related that the BCC does not address LPA cases during the month of September due to its budget hearings; and that the past practice has been to continue the August LPA cases until September. Chairman Westine confirmed that cancellation of the August meeting will not harm any developer or applicant; whereupon, Ms. Harrelson moved, seconded by Mr. Brandon and carried unanimously, that the LPA cancel its August meeting.

ADJOURNMENT

There being no other business, the meeting was adjourned at 10:52 A.M.

Chairman