

Clearwater, Florida, July 9, 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 9:01 A.M. on this date with the following members present:

Lauralee G. Westine, Chairman
David Brandon, Vice-Chairman
Cathy Harrelson
Regina Kardash
Steve Klar
Valerie Murray (Alternate)
Ronald Schultz

Not Present:

Susan Reiter
Clint Herbic (non-voting School Board Representative)

Also Present:

Gordon R. Beardslee, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
David S. Sadowsky, Senior Assistant County Attorney
Chelsea Hardy, Assistant County Attorney
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:01 A.M. and reviewed the procedure for the public hearings; whereupon, she reminded the public that today's cases will be heard by the Board of County Commissioners (BCC) on August 18, and any documents to be reviewed by the Board at that meeting should be submitted to staff by August 4.

MINUTES OF MAY 14 AND JUNE 9, 2015 MEETINGS – APPROVED

Mr. Brandon moved, seconded by Mr. Schultz and carried, that the minutes of the May 14 and June 9, 2015 meetings 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 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 FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF SERGIO HARITOS 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 (4.08 ACRES) AND P/C-W, PRESERVATION CONSERVATION-WELLHEAD PROTECTION OVERLAY (0.92 ACRE); A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL RURAL TO INSTITUTIONAL (4.08 ACRES) AND PRESERVATION (0.92 ACRE); A DEVELOPMENT AGREEMENT; AND A VARIANCE (Z/LU-13-6-15) – RECOMMEND APPROVAL OF THE AMENDMENTS AND DEVELOPMENT AGREEMENT, REVISED TO REFLECT DENIAL OF THE VARIANCE

Public hearing was held on the application of Sergio Haritos through Todd Pressman for the above changes in zoning and land use designation, a Development Agreement for an Assisted Living Facility (ALF) restricting the use of the property to 80 beds and prohibiting drug rehabilitation and mental health services, and a variance to allow one parking space per three beds where one parking space per bed is required (Z/LU-13-6-15), re approximately 5 acres located on the south side of Keystone Road, 1,960 feet east of East Lake Road in the unincorporated East Lake Tarpon area.

Planning Department Zoning Manager Glenn Bailey referred to aerial photographs and the zoning and land use map and pointed out the location of the subject property, noting that it is positioned along a Scenic Non-Commercial Corridor within the East Lake Tarpon Community Overlay and is currently vacant. He discussed uses in the surrounding area and indicated that the proposed land use and zoning amendments are in keeping with the intent of the Community Overlay; that the ALF will pose minimal traffic impact; that additional landscaping would be required and existing wetland will be protected; that the requested parking ratio of one space per three beds is consistent with the actual need and the anticipated Pinellas County Code amendment; and that the Development Agreement lowers density to 80 beds from the 153 permitted by the Code and prohibits drug rehabilitation and mental health services; whereupon, he stated that

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staff recommends approval of the application, reminding the members that a public hearing on this case will take place before the BCC on August 18.

Responding to queries by Ms. Harrelson, Planning Department Director Gordon R. Beardslee and Mr. Bailey explained that the traffic impact report provided by the applicant differs from staff's report because the applicant's consultant based his level of service analysis on a 90-bed facility and on vehicle trips during peak hours, while staff based its analysis on an 80-bed facility and average daily trips; and that the level of service D calculated by the applicant is within the acceptable level of service standard. Mr. Beardslee explained that water use appears to be higher in the Institutional category than in the Residential due to the broad range of Institutional uses, such as schools, ALFs, and churches; whereupon, Ms. Harrelson noted that the water use comparison involves different measurement units. She suggested using the color blue to better identify water bodies on staff zoning and land use maps, and discussion ensued.

Todd Pressman, Palm Harbor, indicated that he represents the applicants, Cheryl Moore, New Port Richey, and Eric Moore, Trinity, and discussed their training and experience in providing ALF care. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, he pointed out the location of the subject property on the map and aerial photographs, noting that the only access to the facility is from Keystone Road. He provided background information regarding the application and described the proposed ALF and the surrounding uses, indicating that it will be a memory care facility; that landscaping will be upgraded and the rear of the property will be designated preservation; and that the site is isolated from the residential subdivision to the south; whereupon, he related that the applicants met with the Council of North County Neighborhoods and with Woodfield residents to discuss the proposed facility.

Referring to consultant reports, Mr. Pressman indicated that the ALF would create minimal impact on traffic, noting that off-peak-hour staffing changes offset the adverse impact; that an acceptable level of service on Keystone Road would be maintained; that there is support in the development community to lower the ALF parking ratio to one space per three beds; that the ALF is compatible with the surrounding areas and supportive of the residential community; and that the proposal is consistent with the Comprehensive Plan.

In response to the Chairman's call for the applicants, Eric and Cheryl Moore discussed the reasons for choosing the site, described what their facility will offer to its residents, and stated that there is a real need for memory care facilities.

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Referring to a map and responding to queries by Ms. Harrelson and Mr. Schultz, Messrs. Pressman and Moore clarified the proposed location of the facility and its entryway; and related that the line of trees shown in the photographs is not on the subject property; and that the entrance into the Woodfield community from Keystone Road is not gated.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns, including a negative impact on the quality of life, changing the character of the neighborhood, and lowering the property values, as well as drainage, wellfield protection, noise from emergency vehicles, and safety concerns regarding the entrance.

Jessica Watts, Clearwater
Paul Carey, Tarpon Springs (provided list of concerns)
Ron Delp, Tarpon Springs
Joseph Smith, Tarpon Springs

Ms. Watts related that she is an attorney for David and Constance Petrantoni, the primary mortgage holders for the subject property, and provided background information regarding the property, indicating that it is currently the subject of a pending mortgage foreclosure; that the case will be heard in court on August 25, 2015, at which time they intend to acquire possession of the property through a foreclosure sale and build their home and a farm on it; and that they are requesting that the zoning and land use not be changed to Institutional. Responding to queries by the members, Senior Assistant County Attorney David S. Sadowsky stressed that the application at hand was made by the current owner and applicant Sergio Haritos; that the County does not get involved in third party litigation as to ownership; that if there is a change in ownership in the future, an application for a different zoning and land use designation could then be made and the present Development Agreement between the County and the current owner nullified; and that a possible change in property value resulting from approval of the current application should not be a part of the criteria considered by the members.

In rebuttal, Messrs. Pressman and Moore addressed the neighbors' concerns and responded to queries by the members, indicating that wellfield areas will be protected; that close proximity to a fire station may help avoid activation of sirens on emergency vehicles going to the ALF; that an additional green buffer improving quality of drainage and filtration will be provided; that the facility should bring value to the neighborhood; and that a site plan is currently being developed, contingent on the contract; whereupon,

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in response to query by the Chairman, he confirmed for the record that there is a contract pending on the property, and it should close in about 90 days.

Thereupon, Chairman Westine closed the public hearing, and discussion ensued. Ms. Harrelson provided historical information and related that environmentalists and the community came together a few years ago to prevent the School Board from parking buses in the neighborhood; and opined that perhaps single family development on the subject property might be more intrusive to the neighborhood than a single facility such as an ALF. Mr. Brandon concurred, adding that from past experiences with the applicants, they will exceed County landscaping requirements; whereupon, Mr. Klar and Ms. Kardash expressed concern that a site plan is not available for the members' review.

Mr. Brandon moved that the application be approved as presented, and the motion died for the lack of a second.

Thereupon, following discussion and clarification by Mr. Sadowsky as to the current legal owners of the property, Ms. Kardash moved, seconded by Mr. Schultz, that the application be approved for zoning and land use changes only; whereupon, in response to query by the Chairman, she amended her motion to include approval of the Development Agreement, revised to reflect denial of the parking variance, and the seconder concurred. Upon call for the vote, the motion carried 6-1, with Ms. Harrelson casting the dissenting vote.

2. APPLICATION OF MARY ELIZABETH McCRAANEY AND ROBERT AND BONNIE SHELL THROUGH C. REED HAYDON, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL TO RPD-2.5, RESIDENTIAL PLANNED DEVELOPMENT - 2.5 UNITS PER ACRE (Z-17-7-15) – CONTINUED TO SEPTEMBER 10, 2015

Mr. Beardslee related that the applicants requested that the hearing regarding the 8.32-acre property located on the south side of Virginia Street, 450 feet west of Keen Road in the unincorporated area of Dunedin be continued, as not all notices to surrounding property owners were generated timely; whereupon, C. Reed Haydon, Clearwater, appeared and expressed his disappointment in having to continue the case.

Thereupon, Ms. Harrelson moved, seconded by Mr. Brandon and carried unanimously that the case be continued to the September meeting.

PROPOSED AMENDMENT TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE

1. PROPOSED ORDINANCE AMENDING PORTIONS OF CHAPTER 138, THE ZONING PROVISIONS, AND CHAPTER 154, SITE DEVELOPMENT AND PLATTING PROVISIONS, OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE – RECOMMEND APPROVAL

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Planning Department Principal Planner Scott Swearngen related that the Land Development Code amendments to Sections Nos. 138 and 154 will allow for greater flexibility for infill and redevelopment, help improve the land development process, and provide Code clarification and organization while the overall update to the Code is being completed; whereupon, he discussed the revisions to the amendments made based on recommendations by the LPA and the County Attorney's Office since the initial presentation of the amendment package to the LPA on June 11.

During discussion, Mr. Swearngen explained that the definition of a "variance" was revised for clarification purposes, and Messrs. Swearngen and Beardslee provided examples of properties of Countywide importance. Responding to query by Ms. Harrelson, Mr. Beardslee indicated that the County takes municipal codes into consideration and works with municipalities on some of the Code updates, such as the stormwater manual update.

Mr. Swearngen discussed the upcoming schedule of public hearings, noting that the amendment package discussed today will be presented to the Board of County Commissioners on July 21 for the first public hearing and on August 18 for adoption; that the draft of the entire update to the Land Development Code is expected to be ready for review in November; and that implementation training is anticipated for early 2016; whereupon, Chairman Westine recommended that training be conducted on a global level, with everyone receiving it at the same time.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Thereupon, Mr. Schultz moved, seconded by Mr. Brandon and carried unanimously, that the LPA recommend approval of the amendments as revised.

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The meeting was recessed at 10:25 a.m. and reconvened at 10:30 A.M. with all members present.

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OTHER ITEMS

UPDATE AND PRESENTATION ON PROPOSED STORMWATER MANUAL

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Natural Resources Division Watershed Manager Rahim Harji related that the Stormwater Manual is being updated in order to organize stormwater requirements and the mechanisms to meet them into one centralized location, allow for innovative designs, improve surface water protection and clean impaired waters, incentivize redevelopment, and provide compatibility with the Land Development Code; whereupon, he reported that 40 out of 55 watersheds in the County do not meet water quality standards.

Mr. Swearengen discussed how the proposed stormwater manual will be integrated into the updated Land Development Code and provided examples of how the integration allows for flexibility in redevelopment.

Mr. Harji outlined parts A through D of the manual and reviewed Performance Standards for *Quantity/Flood Control* and *Quality*, noting that major changes have been made under the *Quality* section; whereupon, he discussed the *Best Management Practices* as mechanisms to meet the quality standards, noting that Rainfall Interceptor Trees is a unique method practiced in very few places in the country.

Responding to queries by Ms. Harrelson, Mr. Harji indicated that reduction of either nitrogen or phosphorus is specific to a site; that long-term environmental cost could be considered in the evaluation of processes that would take place under the updated Stormwater Manual or under a separate effort; and that matters such as a gray water system will be open for discussion; whereupon, responding to query by Chairman Westine, he indicated that language providing for flexibility in the Code is being developed.

In discussing the upcoming schedule, Mr. Harji indicated that staff is in the process of making minor adjustments to the proposed manual based on the feedback received after the first meeting with the stakeholders; that the cost-analysis examples which are being developed by staff will be

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posted for the public upon completion; that during staff's meeting with the Southwest Florida Water Management District (SWFWMD) on June 9, SWFWMD indicated that a site developed under the updated manual would either meet or exceed their requirements; that the updated manual is posted on Planning Department's website for public comments; and that the second meeting with the stakeholders will be scheduled soon; whereupon, Ms. Harrelson requested an invitation to the meeting.

Mr. Beardslee reminded the members that the August meeting has been cancelled and the next meeting will be held in September.

ADJOURNMENT

Chairman Westine adjourned the meeting at 10:55 A.M.

Chairman