

Clearwater, Florida, October 8, 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 9:04 A.M. on this date with the following members present:

Lauralee G. Westine, Chairman  
David Brandon, Vice-Chairman  
Cathy Harrelson  
Steve Klar  
Susan Reiter  
Ronald Schultz

Not Present:

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

Also Present:

Gordon R. Beardslee, Planning Department Director  
Elizabeth S. Freeman, Planning Division Manager  
Glenn Bailey, Planning Department Zoning Manager  
David S. Sadowsky, Senior Assistant County Attorney  
Chelsea D. Hardy, Assistant County Attorney  
Other interested individuals  
Michael P. Schmidt, Board Reporter, Deputy Clerk  
(Minutes by Laura M. Todd, Board Reporter, Deputy Clerk)

CALL TO ORDER

Chairman Westine called the meeting to order at 9:04 A.M. and reviewed the procedure for the public hearings; whereupon, she announced that today's cases will be heard by the Board of County Commissioners (BCC) on November 24, and any documents to be reviewed by the Board should be submitted to staff by November 10.

MINUTES OF SEPTEMBER 10, 2015 – DEFERRED

Chairman Westine indicated that the September 10, 2015 minutes were not available at this time; whereupon, Mr. Brandon moved, seconded by Mr. Schultz and carried, that the minutes 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 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 AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF RALPH M. WESCOTT THROUGH TERESA WESCOTT LAVRINC, REPRESENTATIVE, FOR A ZONING CHANGE FROM C-3, COMMERCIAL, WHOLESALE, WAREHOUSING, AND INDUSTRIAL SUPPORT, TO R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL; AND A LAND USE CHANGE FROM INDUSTRIAL LIMITED TO RESIDENTIAL LOW MEDIUM (Z/LU-25-10-15) – CONTINUED

Public hearing was held on the application of Ralph M. Wescott through Teresa Wescott Lavrinc for the above changes in zoning and land use designation (Z/LU-25-10-15), re approximately 1.1 acres located at the southwest corner of the intersection of 135th Place North and Palm Way in the unincorporated area of Largo.

Mr. Bailey referred to aerial photographs and the zoning and land use map and pointed out the location of the subject property. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, he discussed land uses in the surrounding area and indicated that the proposed site is currently vacant, noting that the applicant bought the site in 1978 and had it rezoned to C-3 in 1979, and has since combined the it with property to the east, where he currently resides, for tax saving purposes.

Mr. Bailey indicated that the proposed residential use would encroach upon and disrupt an established cohesive industrial area; that heavy commercial and industrial uses exist on three sides; that it could be used as a standalone industrial property or potentially

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combined with other adjacent industrial properties to create a project area suited for larger employment-based business; that there is inadequate public right-of-way frontage; and that while access is not ideal, local streets currently serve other industrial properties to the north.

Mr. Bailey expressed concern about the conversion of industrial land, and related that it is an important consideration because the county is built out, and there is a need to maintain the employment base and provide opportunity for economic vitality and job growth.

Referring to ground-level photographs and responding to queries by Chairman Westine and Mr. Brandon, Mr. Bailey pointed out the location of the applicant's home, described the shape of the property, and related that, to his knowledge, there has never been a permitted structure on the site; whereupon, he presented staff's recommendation of denial, noting that the property does not meet the criteria for conversion of industrial land.

In response to the Chairman's call for the applicant, Teresa Wescott Lavrinc, Clearwater, appeared and indicated that she grew up on the property; that as her father ages, she travels to assist him almost daily; and that over the past year, they discussed building a home for her family next door so she would be closer; whereupon, in response to queries by Chairman Westine, she indicated that it is her intent to build a house on the property, and not to place industrial or manufacturing uses on it.

Ralph M. Wescott, Largo, indicated that he has lived on his property and owned the adjoining property for 48 years; that he was led to believe the rezoning would be no problem; that he will not be building a shed or a duplex, but a home for his daughter and her family; that none of the neighbors are opposed to the changes; and that he would appreciate the Board's consideration.

In response to query by Ms. Reiter, Mr. Beardslee explained that R-4 zoning allows up to a 4-unit residential complex; and that what could be placed there would be based on the acreage.

Ms. Harrelson questioned the County's contention that the property could be used for an industrial park, noting that a developer would need a variance for the right-of-way frontage; and that the variances and adjustments that would need to be made to the property would further impact traffic on the small street.

Chairman Westine indicated that she would support the use of a Development Agreement for a single family home for the current owner or a blood relative, with an automatic reversion to the current land use and zoning should the property be used for rental purposes, and Attorney Sadowsky indicated that the County would probably not support a Development Agreement that does not run with the land. He noted that the applicant owns other residential properties in the neighborhood, and at the Chairman’s request, Ms. Lavrinc pointed out the properties on the map, indicating that they are all rental properties not large enough to meet her needs.

Ms. Lavrinc inquired about the possibility of constructing garages on the property for rental purposes, and responding to query by Ms. Harrelson, Mr. Beardslee stated that the property would not be ideally suited for mixed-use development.

No one appeared in response to the Chairman’s call for persons wishing to be heard; whereupon, Chairman Westine closed the public hearing.

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At this time, 9:34 A.M., Vice-Chairman Brandon assumed the gavel.

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Pointing out that she is no longer acting as Chairman, Ms. Westine moved that the application be approved, provided the owner enters into a Development Agreement that allows solely for one single-family home on the property, with an automatic reversion to the current land use and zoning if the property is used for any other purpose. She discussed her rationale, and responding to queries by Mr. Brandon and Ms. Harrelson, clarified the reversion clause and stated that rentals would be prohibited and a free standing garage would be allowed for the applicant’s use only; whereupon, Mr. Schultz seconded the motion.

Attorney Sadowsky, with input by Mr. Bailey, pointed out that the applicant would incur an additional cost for the Development Agreement of \$1,500; and that another option would be the use of a Conditional Overlay to limit the use to one single-family home, and discussion ensued wherein the applicant indicated he had no objections to a Conditional Overlay.

Ms. Westine amended her motion, to approve the land use and zoning changes with a Conditional Overlay limiting the use to a single-family home with no commercial or rental uses on the property, and the seconder concurred.

Mr. Beardslee noted that there is strong policy direction with regard to conversion of industrial land, and indicated that staff would likely maintain its recommendation for denial, although it would re-evaluate a revised application, and Mr. Bailey concurred.

Following clarification by Attorney Sadowsky that the application would have to come back through the process, Ms. Westine amended the motion to provide that the matter be continued in order for the applicant to work with staff to amend the current application by adding a Conditional Overlay as discussed. The seconder concurred, and upon call for the vote, the motion carried unanimously.

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Chairman Westine reassumed the gavel at 9:48 A.M.

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2. APPLICATION OF GGR OZONA, LLP THROUGH GEORGE STAMAS, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-4, ONE, TWO, AND THREE FAMILY RESIDENTIAL, TO RPD-5, RESIDENTIAL PLANNED DEVELOPMENT, 5 UNITS PER ACRE; AND THREE VARIANCES (Z-26-10-15) – RECOMMEND APPROVAL OF THE ZONING CHANGE, CONDITIONAL APPROVAL OF THE PORCH VARIANCE, AND DENIAL OF THE POOL AND CABANA VARIANCES

Public hearing was held on the application of GGR Ozona, LLP through George Stamas for the above change in zoning designation and variances for a 23-foot setback from residential porches to the edge of a private street where 35 feet is required, an 8-foot setback from the pool cabana to the edge of a private street where 35 feet is required, and an 18-foot setback from the pool cabana to the edge of a public right-of-way where 25 feet is required (Z-26-10-15), re approximately 5.6 acres located on the south side of Tampa Road, 100 feet west of Candy Lane and adjacent to the Pinellas Trail in Ozona.

Mr. Bailey referred to aerial photographs and the zoning and land use map and pointed out the location of the subject property. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, he discussed uses in the surrounding area and indicated that the proposed development is a 26-unit townhome

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subdivision with a pool and cabana accessed via a gated private road; that the site has a history of diverse mixed uses, including nonconforming uses; that the property consists of 11 different parcels; that the rights-of-way have been vacated; and that it is an odd-shaped triangular property adjacent to the Pinellas Trail.

Mr. Bailey related that in addition to the zoning request, the applicant is requesting three setback variances; that the main structures will meet the required setbacks; that the design is that of a traditional neighborhood of the 1980s; and that a 6-foot-high perimeter wall is proposed. He indicated that staff feels the variances will allow a creative front porch design; that the subject area is within the Ozona Community Overlay, and the development fits the pattern in Ozona; and that the applicant has met with the Ozona Village Improvement Society, which did not recommend support or denial of the request.

Mr. Bailey related that the site will require up to six feet of fill, which may cause drainage problems, noting that stormwater and other site-specific issues would be addressed during site plan review; and that staff is of the opinion that RPD-5 is appropriate for the location; whereupon, he presented staff's recommendation of approval of the zoning amendment and all of the requested variances, subject to the following conditions: (1) the porches shall not be enclosed; (2) the cabana shall be shielded from the adjacent public right-of-way by a 6-foot-high perimeter wall; and (3) the development shall maintain substantial conformance with the submitted concept plan.

Ms. Harrelson expressed concern regarding potential flooding issues, and questioned the elevation of the surrounding area; whereupon, Mr. Brandon discussed Federal Emergency Management Agency (FEMA) requirements pertaining to fill and elevation, noting that the project would not generate any additional stormwater.

Chairman Westine called for the applicant, and responding to queries by Ms. Harrelson, George Stamas, Tarpon Springs, discussed storm drainage engineering and the retention of water on-site. Mr. Brandon discussed the use of stilts, or frangible walls, noting that they are not called for as the parcel is not located in a tidal surge area.

Responding to the Chairman's call for opponents, the following individuals appeared, expressed their concerns, and responded to questions by the members. Areas of concern included increased parking on the street; additional flooding and drainage in the area; increased traffic problems and speeding; removal of large oak trees; possible expansion of the road, which would reduce the frontage of neighboring properties; and construction of sidewalks on the northern property line of Tampa Road.

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Barry Berger, Palm Harbor  
Shelly Schellenberg, St. Petersburg, (representing John and Melody Staunton, Ozona)  
Tim Droncheff, Palm Harbor  
Karen Adam, Palm Harbor

In rebuttal, Mr. Stamas related that any drainage issues would be addressed during the site plan review. He discussed the setback as it relates to the garages and the front porches, which will be created in a neo-traditional design similar to the character of homes in Ozona. Noting that he resides in Ozona, Mr. Brandon indicated that flexibility with regard to the setbacks will be required to create the front porches, and related that the developer is attempting to be sensitive to the characteristics that the Ozona community has discussed for years.

Responding to queries by Chairman Westine, Mr. Stamas indicated that the fence which appears to encroach near a neighbor's property line to the west would be assessed by engineers during site plan review; and that it is his intention to save as many large oak trees as possible.

In response to queries by Ms. Reiter regarding drainage problems, Mr. Stamas related that he cannot take care of all the drainage problems in Ozona; that the Southwest Florida Water Management District requires that a developer not negatively impact drainage to another's property; and that a drainage engineer will determine drainage patterns during the site plan review, and discussion ensued.

Mr. Klar expressed concern regarding the monument wall and the six-foot-high fence on top of the wall; whereupon, Mr. Stamas indicated that the fence will not be mounted on top of the wall, but will be set back off the wall to give it a terraced affect. Ms. Harrelson restated her concern about the drainage, and Mr. Stamas reiterated that drainage issues would be addressed at the site plan review. Responding to query by Mr. Schultz, he indicated that the average unit size will be 2,300 to 2,500 square feet of living area with a two-car garage, with three or four bedrooms and two and one-half baths.

During discussion and in response to queries by Chairman Westine, Mr. Bailey indicated that Tampa Road would not be expanded; and that he does not know if sidewalks would be required on the north side of Tampa Road. Mr. Beardslee added that he does not know if there is a concurrency requirement, noting that concurrency issues are taken up at the site plan review. Chairman Westine stated that she does not want sidewalks that would impact neighbors' properties on Tampa Road, and Mr. Brandon noted that there

are many types of sidewalk improvement projects throughout the county that a developer can choose from for mitigation of concurrency; whereupon, Chairman Westine requested that speed limit signs be posted on Tampa Road.

In response to comments by Mr. Klar, Mr. Brandon indicated that it does not appear the retaining wall is all along Tampa Road, noting that it appears the developer is attempting to transition the wall down Tampa Road to the natural grade, and discussion ensued concerning the pond, the design of the proposed monument wall, and landscaping between the development and the Pinellas Trail.

Thereupon, Chairman Westine closed the public hearing and indicated that she supports the setback for the porches, but not the two variances for the pool and cabana. Ms. Harrelson commented that she does not support any of the setback variances, but she does support the neo-traditional design, and Mr. Schultz concurred with Chairman Westine, noting that the design will be a good addition to Ozona.

Thereupon, Mr. Brandon moved, seconded by Mr. Schultz, that the LPA recommend approval of the zoning change and the variance for the porches, and denial of the variances for the pool and cabana. Upon call for the vote, the motion carried 5 to 1, with Ms. Harrelson casting the dissenting vote.

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The meeting was recessed at 10:58 A.M. and reconvened at 11:09 A.M.

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3. APPLICATION OF PARC, INC. THROUGH TIMOTHY HUGHES, ESQUIRE, REPRESENTATIVE, FOR A LAND USE CHANGE FROM INSTITUTIONAL TO COMMERCIAL GENERAL (LU-27-10-15) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of PARC, Inc. through Timothy Hughes for the above change in land use designation (LU-27-10-15), re approximately 2.1 acres located at the northeast corner of the intersection of 66th Street North and 58th Avenue North in the unincorporated area of Pinellas Park.

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Mr. Bailey referred to aerial photographs and the zoning and land use map and pointed out the location of the subject property. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, he discussed land uses in the surrounding area and indicated that the site contains a thrift store and a congregate care facility; that there are no immediate plans to change the uses; that the applicant is proposing to split the property into two parcels to facilitate the potential sale of the store; that both uses are permitted in Commercial General and General Retail Commercial and Limited Services (C-2) zoning; and that C-2 zoning is inconsistent with the current Institutional land use, thus the amendment would correct any inconsistency between land use and zoning.

In response to queries by Chairman Westine, Mr. Bailey indicated that staff has received no objections to the proposed land use change.

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

Ms. Harrelson moved that the LPA recommend approval of the request to the BCC; whereupon, Mr. Brandon announced that he was a general contractor on a hardening project at the congregate care facility, noting that it was not related to the retail site, and requested clarification from Attorney Hardy as to any conflict of interest. She stated that as long as nothing today or moving forward would inure to any special benefit to him or his employer, he could vote on the item.

Mr. Brandon seconded the motion, and upon call for the vote, it carried unanimously.

#### PROPOSED AMENDMENTS TO THE PINELLAS COUNTY COMPREHENSIVE PLAN

#### AN ORDINANCE AMENDING THE GOALS, OBJECTIVES, AND POLICIES AND THE FUTURE LAND USE MAP CATEGORY DESCRIPTIONS AND RULES OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN, AND AMENDING THE PINELLAS COUNTY FUTURE LAND USE MAP AND THE MAP LEGEND – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Ms. Freeman indicated that staff is in the process of updating the Land Development Code; that the amendments to the Comprehensive Plan support the changes; and that the presentation will address the consistency requirements with the Countywide Plan.

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Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Planning Department Principal Planner Scott Swearingen provided an overview of the proposed ordinance. He discussed the amendments to the Future Land Use Element and the Future Land Use Map (FLUM) of the Pinellas County Comprehensive Plan, noting that the Pinellas Planning Council's Countywide Plan has been adopted with certain changes that need to be reflected in the Comprehensive Plan. He discussed two new FLUM categories, including the Activity Center category which depicts areas to be developed with a mix of land uses, and the Mixed-Use Corridor category which will be served by multiple modes of transportation, with building densities and land uses that support transit service.

Mr. Swearingen related that the Institutional Overlay category has been deleted, as the Conditional Overlay category serves the same purpose; and that the Industrial Limited category has been renamed to Employment primarily to better represent the range of employment-type uses permitted in the category. He indicated that uses in Activity Centers and Mixed-Use Corridors will be set forth in Specific Area Plans, discussed changes in permitted uses in various categories, and referring to a table on Page 3 of the staff report, explained changes in densities and intensities.

Mr. Swearingen indicated that there are new definitions for *Countywide Plan Map*, *Heavy* and *Medium Manufacturing*, and *Target Employment Centers*, and other definitions have been amended; that the list of compatible zoning districts for each FLUM category has been updated; that the map legend has been amended to reflect the new categories; and that properties designated Industrial Limited and Community Redevelopment District-Activity Center are now identified as Employment and Activity Center-Neighborhood, respectively; whereupon, he reviewed new and amended policies included in the Future Land Use and Quality Communities Element.

In response to queries by Ms. Harrelson regarding inclusion of a green element in the Activity Center designation, Mr. Swearingen indicated that because Activity Centers are identified as mixed use nodes of concentrated development with multiple modes of transportation, there may be less impact from automobile traffic and omissions, noting that there is no requirement in the ordinance for a green element, and discussion ensued wherein Ms. Harrelson suggested the inclusion of water corridors and affordable housing elements in future amendments.

Chairman Westine thanked staff for providing the development community with the flexibility needed for redevelopment, along with the standards that the LPA requested.

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Thereupon, Ms. Harrelson moved, seconded by Mr. Brandon and carried unanimously, that the LPA recommend that the BCC approve the proposed amendments following the required public hearings and agency reviews.

OTHER ITEMS

Ms. Harrelson announced that she would be tendering her resignation from the LPA to Commissioner Welch and may not be at the meeting next month; whereupon, Chairman Westine thanked her for her service.

ADJOURNMENT

Chairman Westine adjourned the meeting at 11:35 A.M.

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Chairman