

Clearwater, Florida, July 14, 2016

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 9:15 A.M. on this date with the following members present:

Regina Kardash, Chairman
David Brandon, Vice-Chairman
Bill Bucolo
Steve Klar
Susan Reiter
Ronald Schultz
Lauralee G. Westine

Not Present:

Clint Herbic (non-voting School Board Representative)

Also Present:

Renea Vincent, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
Chelsea D. Hardy, Assistant County Attorney
David S. Sadowsky, Senior Assistant County Attorney
Other interested individuals
Michael P. Schmidt, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Kardash called the meeting to order at 9:15 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 August 23, and any documents to be reviewed by the Board should be submitted to staff by August 9.

MINUTES OF JUNE 9, 2016 MEETING – APPROVED

Mr. Schultz moved, seconded by Ms. Reiter and carried unanimously, that the minutes of the June 9, 2016 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 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 AND A CONDITIONAL USE

1. APPLICATION OF MARTIN ROSATO THROUGH CYNTHIA TARAPANI, REPRESENTATIVE, FOR A LAND USE CHANGE FROM RECREATION/OPEN SPACE TO RESIDENTIAL/OFFICE-LIMITED, AND A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, TO P-1A-CO, LIMITED OFFICE-CONDITIONAL OVERLAY, WITH THE CONDITIONAL OVERLAY LIMITING THE USE TO MEDICAL OFFICES (Z/LU-12-5-16) – CONTINUED

Public hearing was held on the application of Martin Rosato through Cynthia Tarapani, Florida Design Consultants, New Port Richey, for the above changes in zoning and land use designation (Z/LU-12-5-16), re approximately two acres located on the east side of McMullen Booth Road approximately 700 feet north of Curlew Road in Palm Harbor.

Noting the applicant's request for a continuance in the matter, Chairman Kardash invited the applicant to come forward; whereupon, Ms. Tarapani stated that her client wants to amend the application and revise the land use category to Institutional and the zoning district to Public/Semi-Public; that the request includes a Conditional Overlay to limit the use of the site to medical offices and also to limit the Floor Area Ratio; and that it is her understanding that the LPA hearing will need to be rescheduled due to the amended application.

Upon the Chairman's call for those wishing to address the request for a continuance, Jacqueline Man, Palm Harbor, stated that she represents 152 homeowners; that she is ready to speak to the issues at hand; that a continuation was granted at the June meeting; and that she does not feel a second one is warranted; whereupon, in response to queries by Ms. Westine, Mr. Bailey discussed the allowed uses in the A-E zoning district.

In rebuttal, Ms. Tarapani related that the previous continuance allowed the applicant to meet in good faith with the neighboring community and explain his plans for the parcel;

that the homeowners had requested information not required at this stage of the process; and that the updated application is more restrictive than what was to be presented today.

Ms. Westine moved, seconded by Mr. Brandon, that the item be continued to a date uncertain, pending a revised application. Upon call for the vote, the motion carried by a vote of 6 to 1, with Mr. Bucolo dissenting.

2. APPLICATION OF MICHAEL AND DAWN CLEMENTS FOR A LAND USE CHANGE FROM RESIDENTIAL LOW TO RESIDENTIAL/OFFICE-LIMITED, AND A ZONING CHANGE FROM R-3, SINGLE FAMILY RESIDENTIAL, TO P-1A, LIMITED OFFICE (Z/LU-15-6-16) – WITHDRAWN

Chairman Kardash referred to the application of Michael and Dawn Clements for the above changes in zoning and land use designation (Z/LU-15-6-16), re approximately 0.3 acre located at 9904 108th Street North in unincorporated Seminole, and reported that the application has been withdrawn.

3. APPLICATION OF DUKE ENERGY FLORIDA, INC. THROUGH JAMIE POULOS, P.E., REPRESENTATIVE, FOR A CONDITIONAL USE FOR THE EXPANSION OF A UTILITY SUBSTATION (CU-16-7-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Duke Energy Florida, Inc. through Jaime Poulos for the above conditional use (CU-16-7-16), re approximately 1.7 acres located at 6700 32nd Street North in Lealman.

Mr. Bailey referred to an aerial photograph and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application; whereupon, he indicated that the staff recommendation is approval with the following conditions:

- Site plan review, as determined appropriate by staff.
- Site development shall be in general conformance with the associated concept plan.
- Substantial changes to the conditions listed shall require approval of the BCC.
- In the event any of the above conditions are not met or the conditional use becomes a nuisance, the BCC may rescind approval of the conditional use.

Responding to the Chairman's call for the applicant, Jaime Poulos, Orlando, indicated that he represents the applicant, and offered to answer questions.

No one appeared in response to the Chairman's call for persons wishing to be heard; whereupon, Mr. Schultz moved, seconded by Mr. Brandon and carried unanimously, that the application be approved as recommended by staff.

4. APPLICATION OF CHAPEL OF PINELLAS, INC. THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL, TO IL, INSTITUTIONAL LIMITED (6.6 ACRES), AND P/C, PRESERVATION CONSERVATION (4.4 ACRES) (Z-18-7-16) – DENIED

Public hearing was held on the application of Chapel of Pinellas, Inc. through Housh Ghovae for the above changes in zoning designation (Z-18-7-16), re approximately 11 acres located at 2795 Keystone Road in East Lake Tarpon.

Mr. Bailey referred to an aerial photograph and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application. He related that the proposal would allow site modifications to be permitted administratively, is appropriate for a long established use, and better recognizes the existing wetlands; whereupon, he reported that the parcel has access to an expanded arterial roadway; and that the amendment meets the purpose and intent of the IL zoning district and is consistent with the East Lake Tarpon Community Overlay and the Comprehensive Plan.

In response to queries by Chairman Kardash, Mr. Bailey related that the application is for a zoning change and is not connected to one submitted by the applicant last autumn and subsequently withdrawn. Responding to the Chairman's call for the applicant, Housh Ghovae, Northside Engineering, Clearwater, indicated that he represents the applicant; that staff had recommended that his client revise the parcel's zoning to make it consistent with the land use; and that the application seeks to modify the zoning and allow the church to no longer appear before the Board of Adjustment for minor changes; whereupon, he requested that the zoning change be approved.

In response to queries by the members, Mr. Ghovae referred to a sketch and pointed out the location for a proposed 2,500-square-foot school building, noting that it is not part of the current request; whereupon, he related that even though maintenance activities have been occurring at the site, no development activities are presently taking place.

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In response to the Chairman's call for persons wishing to be heard, Larry Crow, Bruce Wirth, and William E. Roach, Jr., Tarpon Springs, appeared, answered queries by the members, and presented the following concerns:

- Changing the zoning will allow the church to expand with less oversight.
- The church has taken a stance of non-compliance regarding a number of issues.
- No public notice occurs when applications go through an administrative process.
- Construction activities appear to be occurring at the site, which is already overbuilt.
- Certain departments will not see applications undergoing the administrative process.
- There are Southwest Florida Water Management District (SWFWMD) violations and Health Department issues relating to the site.

Responding to the concerns of the objectors, Mr. Ghovae reiterate that he is here today to revise the zoning designation to make it consistent with the land use as recommended by staff; whereupon, he related that the applicant will go through the special exception process if the change is not granted, and discussed issues relating to density, zoning, land use, landscaping requirements, wetland considerations, and site plan review.

In response to queries by Messrs. Brandon and Bucolo, Mr. Ghovae related that his firm is providing the engineering services; and that even though he cannot address the church not responding to SWFWMD notices, his firm will ensure that everything is consistent with the rules and regulations of Pinellas County; and that the applicant will also have to obtain SWFWMD approval with regard to the proposed school; whereupon, he reported that even though the general contractor is eager to begin work on the parking lot, no construction is presently taking place, and discussion ensued regarding the removal of exotic plant species and fill material that had been used at the site.

In response to comments and queries by the members, Mr. Ghovae indicated that there is presently a set of plans with respect to the site plan review; that there is a County submittal process and a SWFWMD submittal process; that issues relating to the wetland area will be addressed; and that the site has an approximate floor area ratio of 0.25; whereupon, Mr. Bailey presented statistical information with regard to building heights and setbacks in the A-E and IL zoning districts, and related that a special exception requires an applicant to submit and follow a concept plan; and that he is not aware of any pending Health Department violations, and discussion ensued regarding floor area ratios, the administrative review process, non-compliance by the applicant, and oversight and enforcement issues.

Thereupon, Chairman Kardash closed the public hearing.

Ms. Westine indicated that even though the staff recommendation makes sense, she is concerned that less scrutiny will take place if the requirement for a special exception is removed; that the church has been playing “fast and loose” with regard to what has been occurring at the subject property; and that increasing the floor area ratio to 0.65 may be unrealistic, and Messrs. Brandon and Schultz agreed; whereupon, Mr. Bucolo remarked that unlike the average homeowner, a church or similar organization has the time and the financial resources to continue pursuing its goals, and Chairman Kardash and Ms. Reiter provided input.

Thereupon, Ms. Westine moved, seconded by Mr. Schultz and carried unanimously, that the application be denied.

PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY COMPREHENSIVE PLAN

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN TO ADOPT THE CRYSTAL BEACH COMMUNITY OVERLAY (CP-20-7-16) – RECOMMEND APPROVAL AS AMENDED

Christopher D. Moore, Planning Department, related that the proposal would amend the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan by adopting the Crystal Beach Community Overlay; whereupon, referring to a PowerPoint Presentation titled *Doing Things! Planning Department*, a copy of which has been filed and made a part of the record, he discussed the following:

Community Overlays

- Established in 2006 as a means of identifying and protecting community identity.
- Enable unincorporated communities to better participate in planning for their future.
- Based on the premise that policies applied uniformly throughout the County may not always recognize the diversity of the various unincorporated communities.
- Community Overlays have been adopted in the Alderman Rural Residential, Tierra Verde, Ozona, and East Lake Tarpon Communities.

Crystal Beach Community

- Seven character-defining policies.
- Sufficient community outreach conducted.

- Voting process was conducted between May 16 and June 13; nearly 50 percent participation rate with approximately 90 percent support.
- Staff recommendation is adoption of the proposed Comprehensive Plan Amendment.

Ms. Westine related that she is impressed by the community outreach undertaken, and Ms. Reiter and Messrs. Brandon and Shultz agreed; whereupon, responding to the Chairman's call for persons wishing to be heard, the following individuals presented their comments and concerns:

Dianne Fecteau, Crystal Beach – Support
Barbara Witlin, Crystal Beach – Support
Steven Soso, Crystal Beach – Support
Neil Valk, Crystal Beach – Undecided
Sue Conlon, Crystal Beach – Support

At the request of the Chairman, Mr. Moore discussed the purpose of the overlay, relating that while it allows members of the community to communicate what is important to them, only the BCC has the authority to revise the Comprehensive Plan. In response to queries by Mr. Bucolo, Ms. Vincent and Attorney Hardy provided information pertaining to easements and public rights-of-way, and Mr. Moore presented further information regarding the objectives and limitations of the overlay.

Mr. Schultz moved that the proposed amendment be approved as recommended by staff; whereupon, Ms. Westine suggested a friendly amendment that the language in Policy 1.24.4 be revised as follows:

“...County staff will work with the County's Historic Preservation Board, the Crystal Beach Community, **and the owners of private property along the coastal shoreline path** to explore preservation of the path as a landmark site as allowed under the County's historic preservation ordinance in recognition of its significance to the Community and the County. **It is not the intent of this policy to impact private property rights.**”

Mr. Schultz accepted the friendly amendment; whereupon, Ms. Westine seconded his motion. Upon call for the vote, the motion carried unanimously.

OTHER ITEMS

In response to query by Mr. Schultz, Chairman Kardash confirmed that the next LPA meeting will take place in September.

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ADJOURNMENT

Chairman Kardash adjourned the meeting at 10:59 A.M.

Chairman