

**BOARD OF COUNTY COMMISSIONERS**

DATE: August 19, 2014

AGENDA ITEM NO. *326.*

Consent Agenda

Regular Agenda

Public Hearing

*LUH*  
County Administrator's Signature:

**Subject:**

Zoning Case No. (Q) Z/LU-8-5-14 (GIB Properties)

**Department:**

Planning and Development Services

**Staff Member Responsible:**

Jacob Stowers, Interim Executive Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONDUCT A PUBLIC HEARING AND AFTER RECEIVING COMMENTS, APPROVE THE ZONING AND LAND USE REQUEST WITH DEVELOPMENT AGREEMENT, PARKING VARIANCE (WITH ADDITIONAL RECOMMENDATION BY THE LOCAL PLANNING AGENCY (LPA), AND A VARIANCE TO THE SEPARATION DISTANCE REQUIRED BETWEEN ASSISTED LIVING FACILITIES.

**Summary Explanation/Background:**

The site received approval for a land use change to Institutional as well as a zoning change to Institutional Limited in 2007 to allow for the facility to house 39 Assisted Living Facility (ALF) beds for the elderly. The applicant has since acquired the adjacent parcel to the west to further add to the capacity of the existing facility, which would bring the total bed count to 71 beds if this request were approved. By adding the additional beds, the facility will need to be expanded to the west into a portion of the recently acquired parcel, which will also provide an additional nine (9) parking spaces for visitors (only the northern portion of that parcel is proposed for amendment). The site is also associated with a development agreement which limits the height of the ALF to 16 feet and limits the clientele to elderly only. The request also includes a request for a parking variance to allow 20 parking spaces (where 71 are required) and a variance from the separation requirements between licensed assisted living facilities to 950 feet (where 1,000 feet separation is required).

The LPA recommended approval of the case with an additional recommendation to locate the new parking area more northerly on the property, towards Park Boulevard, to provide an improved buffer to the nearby residential properties and to maximize the existing parking area.

**Fiscal Impact/Cost/Revenue Summary:**

N/A

**Exhibits/Attachments Attached:**

Staff Report with LPA Recommendation, Development Agreement, Maps, Resolution, Ordinance, Correspondence and Site Plan

**LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the  
BOARD OF COUNTY COMMISSIONERS**



**Regarding: Case No. Z/LU-8-5-14**

**May 7 LPA Recommendation:** At their May 7, 2014 hearing, the Local Planning Agency recommended the proposed zoning and land use request be continued to the July 10, 2014 LPA meeting. (The vote was 5-0, in favor)

**July 10 LPA Recommendation:** The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the zoning amendment, land use amendment and development agreement, as well as the variance to allow an assisted living facility within 950 feet of another facility (where 1,000 feet of separation is required), and the variance to allow 20 parking spaces (where 71 are required), **along with the following additional recommendation: that the parking area on De Long Way be oriented closer to Park Boulevard (i.e., more northerly on the site) and use of existing parking areas be maximized as much as possible.** (The vote was 4-2, in favor)

**LPA Public Hearing: May 7, 2014 and July 10, 2014**

**PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find that the proposed amendments to the Pinellas County Future Land Use Map and Zoning Atlas, and the proposed Development Agreement, are consistent with the Pinellas County Comprehensive Plan based on the findings in this Report.
- And further, Staff recommends that the LPA recommend approval of the proposed amendments, development agreement and variances to the Pinellas County Board of County Commissioners.

**CASE SUMMARY**

**APPLICANT'S NAME:** GIB Properties, LLC  
**DISCLOSURE:** N/A  
**REPRESENTED BY:** Steve Williamson

	<b>LAND USE CHANGE</b>	<b>ZONING CHANGE</b>
<b>FROM:</b>	Residential Suburban	E-1, Estate Residential
<b>TO:</b>	Institutional	IL, Institutional Limited
With a development agreement for an assisted living facility, not to exceed 16 feet in height, and a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an assisted living facility within 950 feet of another facility where 1,000 feet of separation are required.		

**PROPERTY DESCRIPTION:**

A 1.6 acre parcel located at the southwest corner of Park Blvd., and 128<sup>th</sup> St. N., street address being 7770 128<sup>th</sup> St N., and a portion of a 1.3 acre parcel located on the southeast corner of Park Blvd., and DeLong Way, street address being 7749 DeLong Way, in the unincorporated area of Seminole.

**PARCEL ID(S):** 29/30/15/20543/000/0020 (portion of) and 29/30/15/70794/400/0501

**PROPOSED BCC HEARING DATE:** August 19, 2014

**CORRESPONDENCE RECEIVED TO DATE:**

One letter received in favor. Five letters and a petition with 27 signatures received in opposition.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:**

Two persons appeared in favor. Ten persons appeared in opposition.

**SURROUNDING ZONING AND LAND USE FACTS:**

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Residential Suburban	E-1	Single Family
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low	R-2	Single Family
<b>East</b>	Institutional & Residential Suburban	IL & E-1	Institutional, Single Family
<b>South</b>	Residential Suburban	E-1	Single Family
<b>West</b>	Residential Suburban	E-1	Residential Suburban

**STAFF DISCUSSION AND ANALYSIS**

**OVERVIEW**

The applicant proposes to expand an existing Assisted Living Facility (Oak Tree Manor) onto a portion of the adjacent property to the immediate west. At build-out, with approval of this proposal, the facility is expected to have up to 71 beds. In addition to the land use and zoning request, the applicant is requesting a variance to the 1000 feet of separation required between ALFs, a parking variance, and a development agreement.

The eastern parcel associated with this application was before the Board of Adjustment in 1996 to allow a 20 bed Assisted Living Facility, and in 2004 the applicant requested an increase to 24 beds. In 2007 the applicant petitioned the Board of County Commissioners for a zoning change to *IL, Institutional Limited* and a Future Land Use Map amendment to *Institutional* in order to allow for an increase in beds to 34. In 2012, the applicant petitioned the Board of County Commissioners to allow for the increase in beds from 34 to 39 beds along with a parking variance to allow 9 parking spaces where 39 parking spaces are required. With approval of this current proposal, the applicant anticipates adding up to 32

additional beds, ultimately housing 71 beds on a combination of the existing site with a new addition on the northern portion of the adjacent (westernmost) parcel.

### **COMPATIBILITY WITH SURROUNDING LAND USES**

Residential uses are located to the north, south, west and east. The locational characteristics associated with the Institutional Future Land Use category indicate that institutional uses are “*generally appropriate to those locations where educational, health, public safety, civic, religious and like institutional uses are required to serve the community; and to recognize the special needs of these uses relative to their relationship with surrounding uses and transportation.*” The purpose of the Institutional Limited zoning district as described in the land development code is “*to regulate the location of essential and/or desirable public services compatible with neighboring residential uses....this district shall be so located as to recognize the special needs of these uses relative to surrounding uses and shall have adequate access to the transportation system.*” This facility is located along Park Boulevard, a major transportation arterial, meeting the expectation that institutional uses have adequate access to the transportation network. Additionally, the location of the use makes it accessible and able to serve the surrounding residential community. Little traffic should be generated by the proposal and parking areas will be largely buffered from neighboring properties. Overall, staff finds that the location of assisted living facilities such as these in proximity to residential areas is appropriate, and can serve a desired community purpose.

### **TRANSPORTATION AND INFRASTRUCTURE IMPACTS**

The proposal could increase demands on potable water supplies and wastewater treatment facilities by approximately 3200 gallons per day (gpd). The subject site is within the Pinellas County potable water supply service area and the Pinellas County wastewater treatment service area. In reference to solid waste, the proposal could increase the amount of solid waste generated by approximately 189 tons per year.

In reference to traffic impacts on the surrounding traffic circulation system, the potential average daily traffic within the vicinity of the subject area would increase by approximately 58 vehicle trips per day with approval of the amendments. Approval of the proposed amendments would not adversely impact traffic on the surrounding traffic circulation system. Deliveries would be restricted away from De Long Way, causing little impact within the actual neighborhood.

### **OTHER CONSIDERATIONS**

As part of the zoning and land use amendment, the amendment also includes a development agreement restricting the maximum number of beds on the two parcels, restricting the clientele to elderly only, and restricting the height of any development to 16 feet (i.e., one story). A variance to the parking requirements is also associated with this Agreement to require a total of 20 parking spaces, where 71 would normally be required. The applicant has stated that the clientele do not drive and the number of visitors is minimal. In the event additional parking is required, the applicant can relocate employee parking via an existing private agreement with the commercial shopping center to the northeast of the site. The distance variance to another ALF is not seen as a concern as the properties would still be approximately 950 feet apart (as opposed to the normal 1000 foot requirement).

### **SUMMARY**

In summary, staff finds that this proposal, with the restrictions noted in the Development Agreement, would provide for expansion of a desired community use, but in a manner that does not impede traffic

flow or result in neighborhood disruption. Therefore, staff recommends approval of the zoning and land use change, the variances and the Development Agreement.

**IMPLEMENTATION OF  
THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendments are consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan.

**FUTURE LAND USE ELEMENT**

- Objective 1.2        Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.
  
- Policy 1.2.3.        Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
  
- Policy 1.2.6        Land development regulations that implement the Comprehensive Plan may be more restrictive than the land use standards contained within the Plan.
  
- Objective 1.11       Pinellas County shall implement its land use policies in a manner that clearly defines the future land use categories and the regulations pertaining to them that manage growth in Pinellas County.
  
- Policy 1.11.2       Zoning, signage, subdivision, and other existing County land development regulations that are discussed in any element of the *Pinellas County Comprehensive Plan* or have been approved by the Board of County Commissioners shall be consistent with the Plan and include additional regulations that are specified by and based upon the Plan.

**HOUSING ELEMENT**

- Objective 1.9        Provide for adequate sites in residential areas or areas of residential character for group homes and foster care facilities to meet identified or projected deficits.
  
- Policy 1.9.2        Pinellas County will continue to provide for development of community residential alternatives (i.e., group and foster homes), as provided for in the Comprehensive Plan and Zoning regulations.

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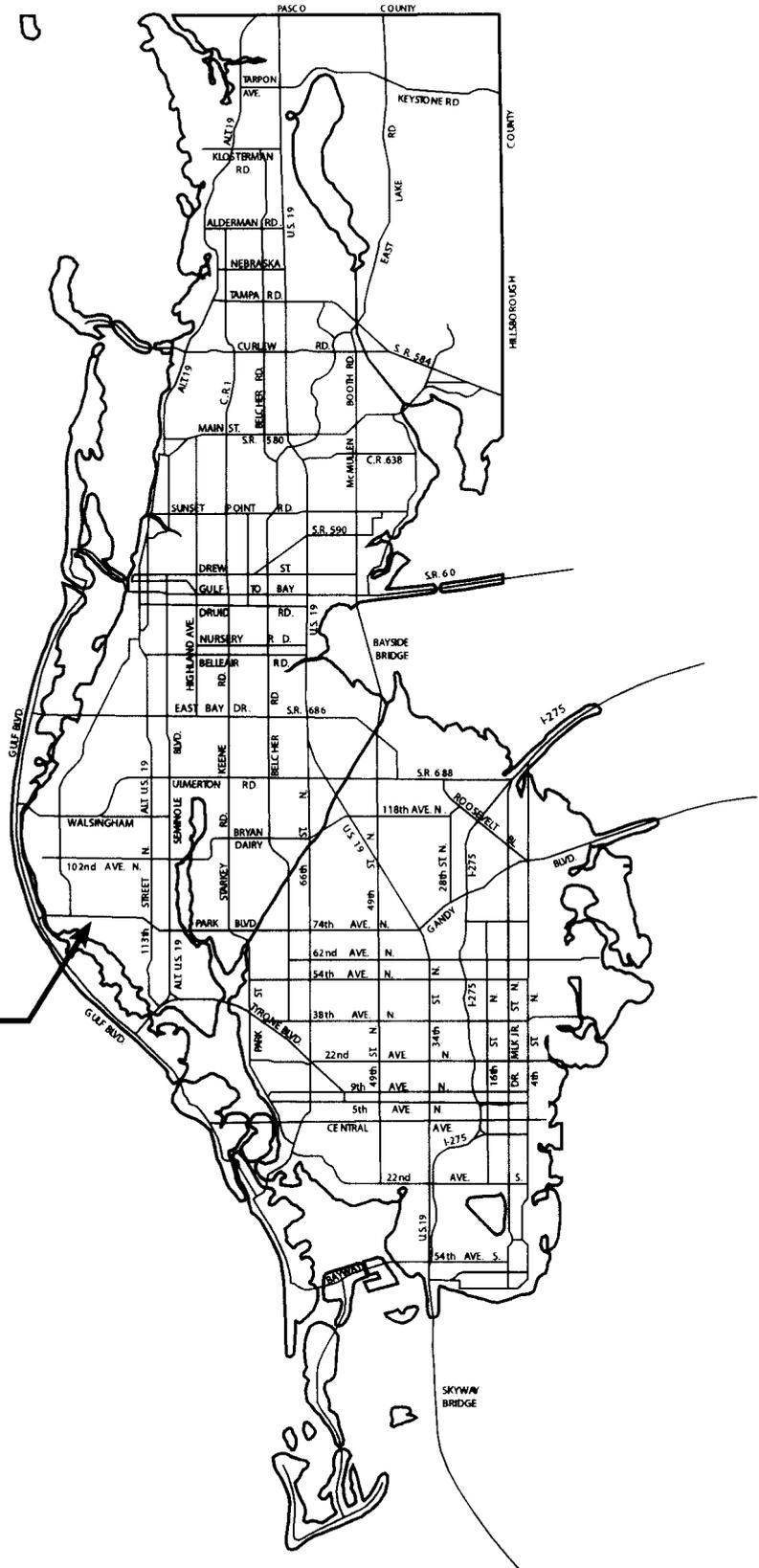
**COUNTY DEVELOPMENT REGULATIONS**

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

**LOCATION MAP**

**Z/LU-8-5-14**



**MAP-1**

**Z/LU-8-5-14**

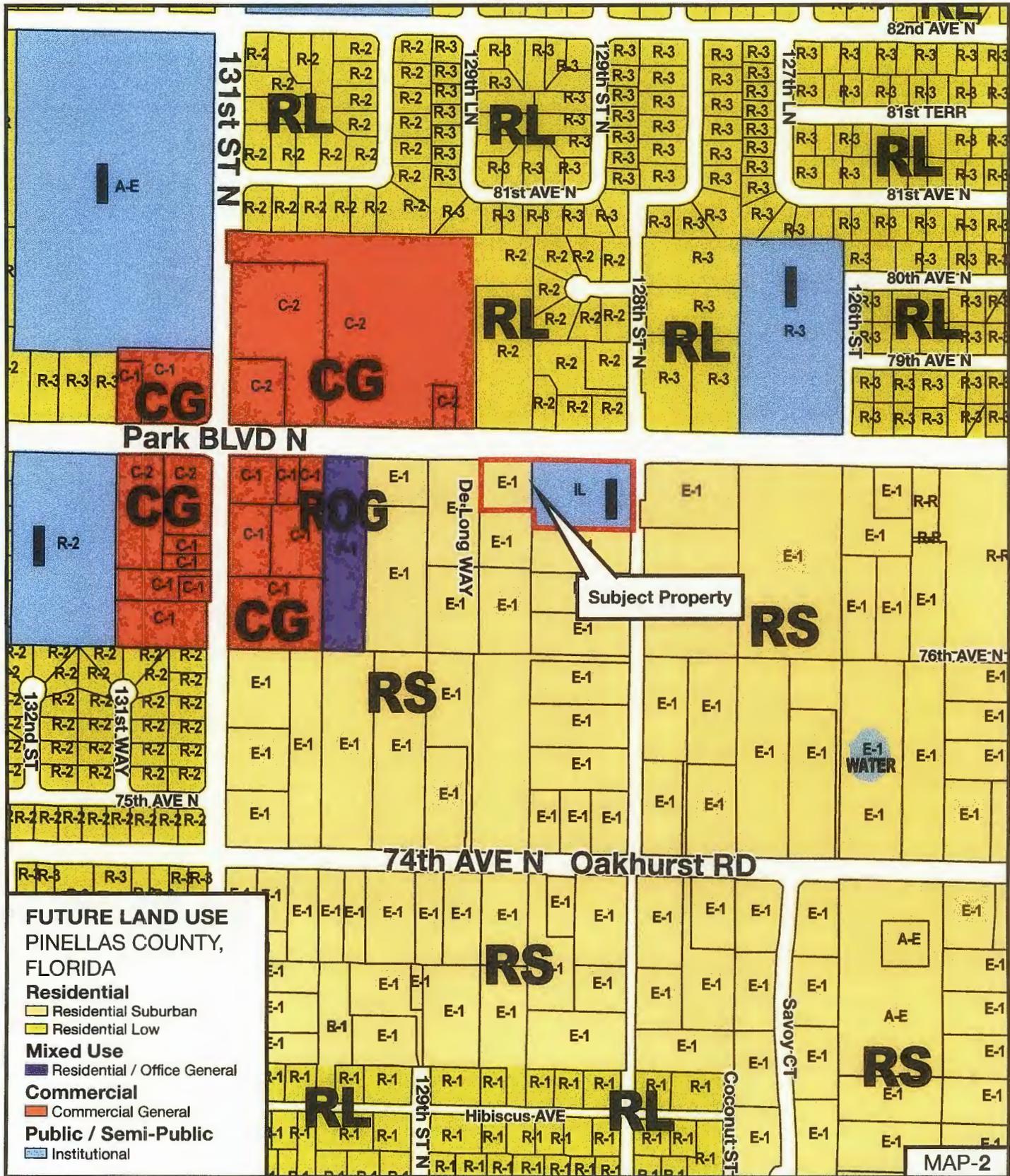
**Zone change**  
**Land Use change**

**From:** E-1, Estate Residential  
**To:** IL, Institutional Limited  
**From:** Residential Suburban  
**To:** Institutional

With a Development Agreement for an ALF, not to exceed 16 feet in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an ALF within 950 feet of another facility where 1,000 feet of separation are required.

Parcel I.D. a portion of 29/30/15/20543/000/0020; AND 29/30/15/70794/400/0501 with a Development Agreement  
Prepared by: Pinellas County Department of Planning and Development Services June 2014





**FUTURE LAND USE**  
**PINELLAS COUNTY, FLORIDA**

**Residential**

- Residential Suburban
- Residential Low

**Mixed Use**

- Residential / Office General

**Commercial**

- Commercial General

**Public / Semi-Public**

- Institutional

**Z/LU-8-5-14**

**Zone change** From: E-1, Estate Residential  
 To: IL, Institutional Limited

**Land Use change** From: Residential Suburban  
 To: Institutional

With a Development Agreement for an ALF, not to exceed 16 feet in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an ALF within 950 feet of another facility where 1,000 feet of separation are required.

Parcel I.D. a portion of 29/30/15/20543/000/0020; AND 29/30/15/70794/400/0501 with a Development Agreement  
 Prepared by: Pinellas County Department of Planning and Development Services June 2014



MAP-2



**Z/LU-8-5-14**

**Zone change**

**From:** E-1, Estate Residential  
**To:** IL, Institutional Limited

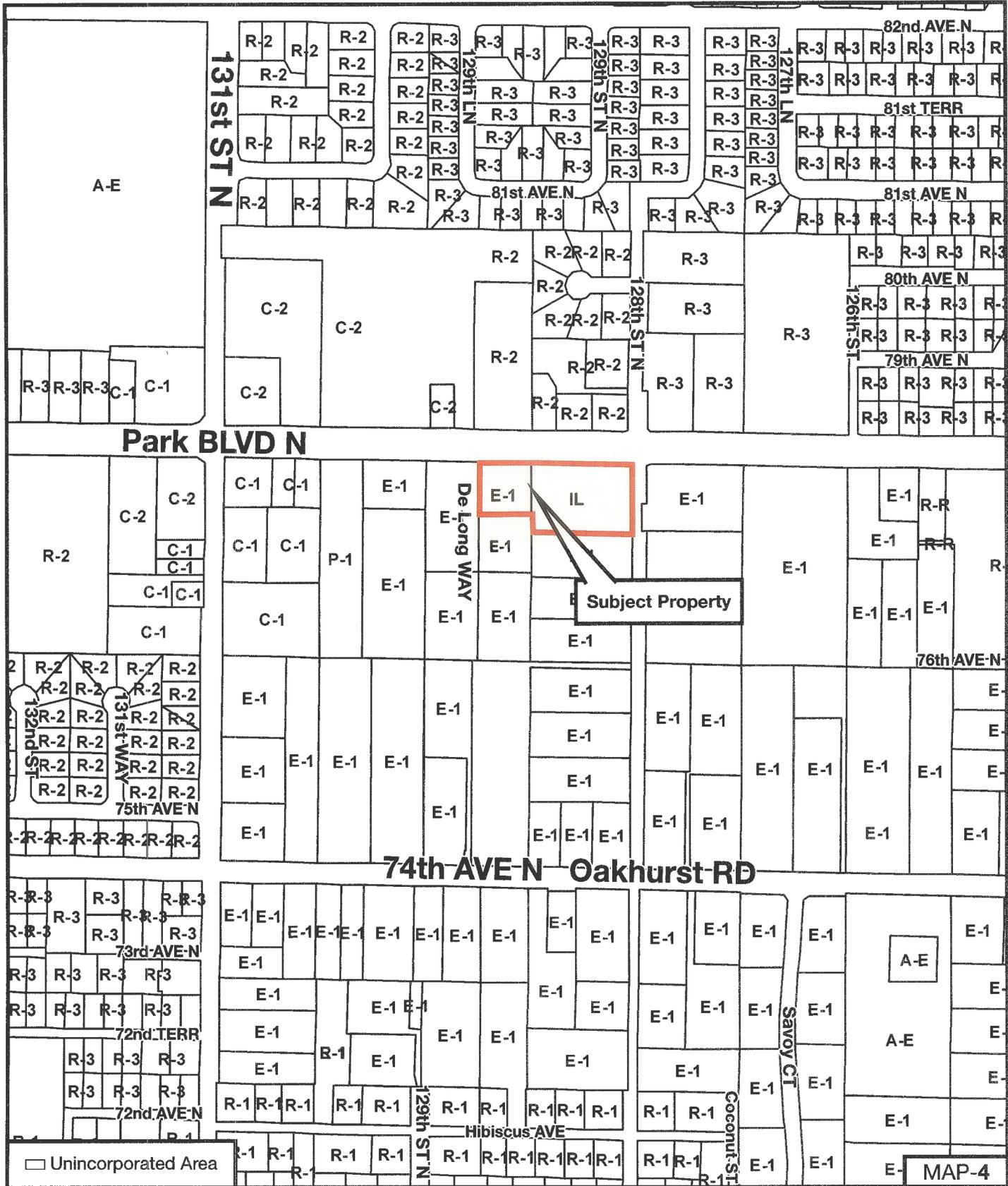
**Land Use change**

**From:** Residential Suburban  
**To:** Institutional

With a Development Agreement for an ALF, not to exceed 16 feet in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an ALF within 950 feet of another facility where 1,000 feet of separation are required.

Parcel I.D. a portion of 29/30/15/20543/000/0020; AND 29/30/15/70794/400/0501 with a Development Agreement  
 Prepared by: Pinellas County Department of Planning and Development Services June 2014





**Z/LU-8-5-14**

**Zone change**  
**Land Use change**  
**From:** E-1, Estate Residential  
**To:** IL, Institutional Limited  
**From:** Residential Suburban  
**To:** Institutional

With a Development Agreement for an ALF, not to exceed 16 feet in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an ALF within 950 feet of another facility where 1,000 feet of separation are required.

Parcel I.D. a portion of 29/30/15/20543/000/0020; AND 29/30/15/70794/400/0501 with a Development Agreement  
 Prepared by: Pinellas County Department of Planning and Development Services June 2014



MAP-4

**Prepared by and Return to:**  
Steven A. Williamson, Esq.  
Johnson, Pope, Bokor, Ruppel & Burns, LLP  
P. O. Box 1368  
Clearwater, Florida 33757-1368  
Telephone: 727-461-1818

### **THIRD AMENDMENT TO DEVELOPMENT AGREEMENT**

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT ("THIRD AMENDMENT") is dated July 21st, 2014, and entered into by and among GIB PROPERTIES, LLC, a Florida limited liability company ("OWNER"), and PINELLAS COUNTY, FLORIDA, a political subdivision of the State of Florida, acting through its Board of County Commissioners, the governing body thereof (the "COUNTY").

#### **Recitals**

A. On January 17, 2008, OWNER and the COUNTY entered into that certain Development Agreement, recorded in O.R. Book 16124, Page 1090, in the Public Records of Pinellas County, Florida, as amended by that certain First Amendment to Development Agreement dated October 20, 2009, recorded in O.R. Book 16735, Page 217, in the Public Records of Pinellas County, Florida, as amended by that certain Second Amendment to Development Agreement dated February 29, 2012, recorded in O.R. Book 17503, Page 1916, in the Public Records of Pinellas County, Florida (collectively, the "DEVELOPMENT AGREEMENT") concerning the real property more particularly described on Exhibit "A" attached hereto and incorporated herein ("ORIGINAL PROPERTY").

B. The DEVELOPMENT AGREEMENT sets forth the conditions and limitations, and development parameters for the development of the PROPERTY.

C. OWNER is the owner of the .55 acres of real property generally located at the southeast corner of DeLong Way and Park Boulevard, in unincorporated Pinellas County, and as more particularly described in Exhibit "B" attached hereto and incorporated herein ("ADDITIONAL PROPERTY"). The ORIGINAL PROPERTY and ADDITIONAL PROPERTY are referred to herein collectively as "PROPERTY."

D. OWNER desires to combine the ADDITIONAL PROPERTY with the ORIGINAL PROPERTY and use the combined PROPERTY as an assisted living facility, with such use being limited as described in the DEVELOPMENT AGREEMENT and this THIRD AMENDMENT.

E. The ADDITIONAL PROPERTY currently has a land use designation of Residential Suburban ("RS") and is zoned Estate Residential ("E-1").

F. The OWNER has requested that the COUNTY place a land use designation of Institutional ("I") and a zoning designation of Institutional Limited ("IL") on the ADDITIONAL PROPERTY and approve a parking variance for the PROPERTY to allow 20 parking spaces where 71 parking spaces are required by CODE;

G. The COUNTY supports this change in zoning and land use designation for the ADDITIONAL PROPERTY based upon the provisions of the DEVELOPMENT AGREEMENT and this THIRD AMENDMENT.

H. The COUNTY and OWNER have determined that it would be mutually beneficial to enter into this THIRD AMENDMENT and incorporate the ADDITIONAL PROPERTY into the DEVELOPMENT AGREEMENT governing the matters set forth herein and have negotiated this THIRD AMENDMENT in accordance with the CODE and the ACT.

I. The COUNTY has found that the terms of this THIRD AMENDMENT are consistent with the Pinellas County Comprehensive Plan and the CODE.

J. OWNER and COUNTY desire to amend the DEVELOPMENT AGREEMENT to incorporate the ADDITIONAL PROPERTY under the terms and conditions of the DEVELOPMENT AGREEMENT and as more particularly set forth herein below.

In consideration of and in reliance upon the promises, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound and in accordance with the Act, agree as follows:

1. Recitals. The above recitals are true and correct and are a part of this THIRD AMENDMENT.

2. Ratification and Reaffirmation of Development Agreement. Except as specifically modified herein, all terms and conditions of the DEVELOPMENT AGREEMENT are hereby ratified and reaffirmed by the parties hereto. In addition, any defined term in the DEVELOPMENT AGREEMENT shall have the same meaning in this THIRD AMENDMENT.

3. Effective Date. This THIRD AMENDMENT to DEVELOPMENT AGREEMENT shall become effective as provided for by the Act and shall be contingent upon obtaining final approval, and effectiveness of a land use designation of I, and a zoning designation of IL, as requested on the ADDITIONAL PROPERTY .

4. Duration of Development Agreement. The DEVELOPMENT AGREEMENT, as modified by this THIRD AMENDMENT, shall be extended and continue in effect until terminated as defined in the DEVELOPMENT AGREEMENT, but for a period not to exceed five (5) years from the Effective Date of this THIRD AMENDMENT.

5. Development Agreement and Additional Property. Except as specifically modified herein, the ADDITIONAL PROPERTY shall be deemed a part of the DEVELOPMENT AGREEMENT and its use restricted as set forth therein.

6. Development Restrictions. Section 6.1.3 of the DEVELOPMENT AGREEMENT shall be deleted and replaced in its entirety as follows:

The following restrictions shall apply to development of the PROPERTY:

6.1.3.1 Owner shall combine the ORIGINAL PROPERTY and ADDITIONAL PROPERTY into one parcel for the assisted living facility and a maximum of 71 beds shall be permitted on the combined PROPERTY and shall be developed substantially in conformance with the concept plan attached hereto as Exhibit "C" ("CONCEPT PLAN").

6.1.3.2 No structure related to the assisted living facility use on the PROPERTY shall exceed sixteen (16) feet or one (1) story in height.

6.1.3.3 The assisted living facility located on the PROPERTY shall only accept elderly residents and shall not accept residents with drug or alcohol dependency or operate as a mental health facility.

6.1.3.4 No commercial or delivery vehicles related to the assisted living facility on the PROPERTY shall make use of DeLong Way.

6.1.3.5 Recording of Deed Process Prior to the addition of any additional beds on the PROPERTY, OWNER shall record an amended deed restriction encumbering the PROPERTY, which deed restriction shall be approved as to form by the County Attorney (which approval shall not be unreasonably withheld) and which will generally describe the development limitations of this the DEVELOPMENT AGREEMENT and this THIRD AMENDMENT. The deed restriction shall be perpetual and may be amended or terminated only with the consent of the COUNTY, which consent shall not be unreasonably withheld.

7. Variances.

Section 6.2.4 of the DEVELOPMENT AGREEMENT shall be replaced in its entirety as follows:

6.2.4 The COUNTY hereby grants OWNER a variance from Code Section 138-1302(1)(c) to allow 20 parking spaces on the PROPERTY where 71 are required. It is understood by the parties hereto that parking requirements for the ORIGINAL PROPERTY and ADDITIONAL PROPERTY may be satisfied by allocating parking across the combined PROPERTY.

The following shall be added as a new Section 6.2.5 to the DEVELOPMENT AGREEMENT:

6.2.5 The COUNTY hereby grants OWNER a variance from Code Section 138-1 such that the distance between the facility located on the PROPERTY and another group home facility located nearby shall be reduced from 1,000 feet to 950 feet.

8. Notice. For purposes of notice, all correspondence directed to OWNER shall be delivered to OWNER at:

GIB Properties, LLC  
Attn: Christine Gibree  
1114 18<sup>th</sup> Street SW  
Largo, FL 33770

With a copy to: Johnson, Pope, Bokor, Ruppel & Burns, LLP  
ATTN: Steven A. Williamson, Esq.  
911 Chestnut Street  
Clearwater, FL 33756

[End of Substantive Provisions, Signature Page to Follow]

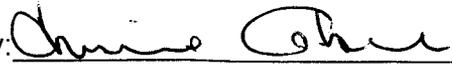
IN WITNESS WHEREOF, the parties have executed this THIRD AMENDMENT to DEVELOPMENT AGREEMENT the date and year first above written.

WITNESSES:

OWNER:

GIB PROPERTIES, LLC,  
a Florida limited liability company

  
Printed Name: ~~Destiny R. Stages~~

By:   
Christine Gibree, Manager

  
Printed Name: ~~Nancy Pickard~~  
Nancy Pickard

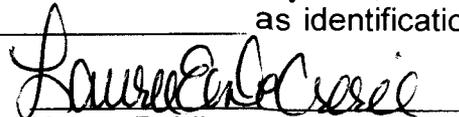
STATE OF FLORIDA )

COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this 21 day of July, 2014, by Christine Gibree, as Manager of GIB Properties, LLC, a Florida limited liability company, on behalf of the company. She  is personally known to me or  has produced \_\_\_\_\_ as identification.



Laurie E. DeCresie  
State of Florida  
MY COMMISSION # FF 87723  
Expires: January 30, 2018

  
Notary Public  
Laurie E. DeCresie  
Print Notary Name  
My Commission Expires:

KEN BURKE  
Clerk of the Circuit Court

PINELLAS COUNTY, FLORIDA, by and through its Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen Williams, Chair

(OFFICIAL SEAL)

APPROVED AS TO FORM BY  
OFFICE OF THE COUNTY ATTORNEY

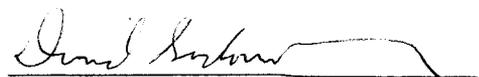
By:   
Assistant County Attorney

EXHIBIT "A"

Original Property Legal Description

Parcel I-A

The East 155 feet of the North 264 feet of Lot 5 in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, less that part lying within 50 feet of the Survey Deed filed February 9, 1956, Clerks Instrument No. 254480-A, Public Records of Pinellas County, Florida, LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as The South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30, South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

Parcel I-B:

The North 264 feet of Lot 5, Less the East 155 feet thereof, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, Pinellas Groves, Inc., according to the map or plat thereof as recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, LESS road right-of-way, AND LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as the South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc. recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

EXHIBIT "B"

Additional Property Legal Description

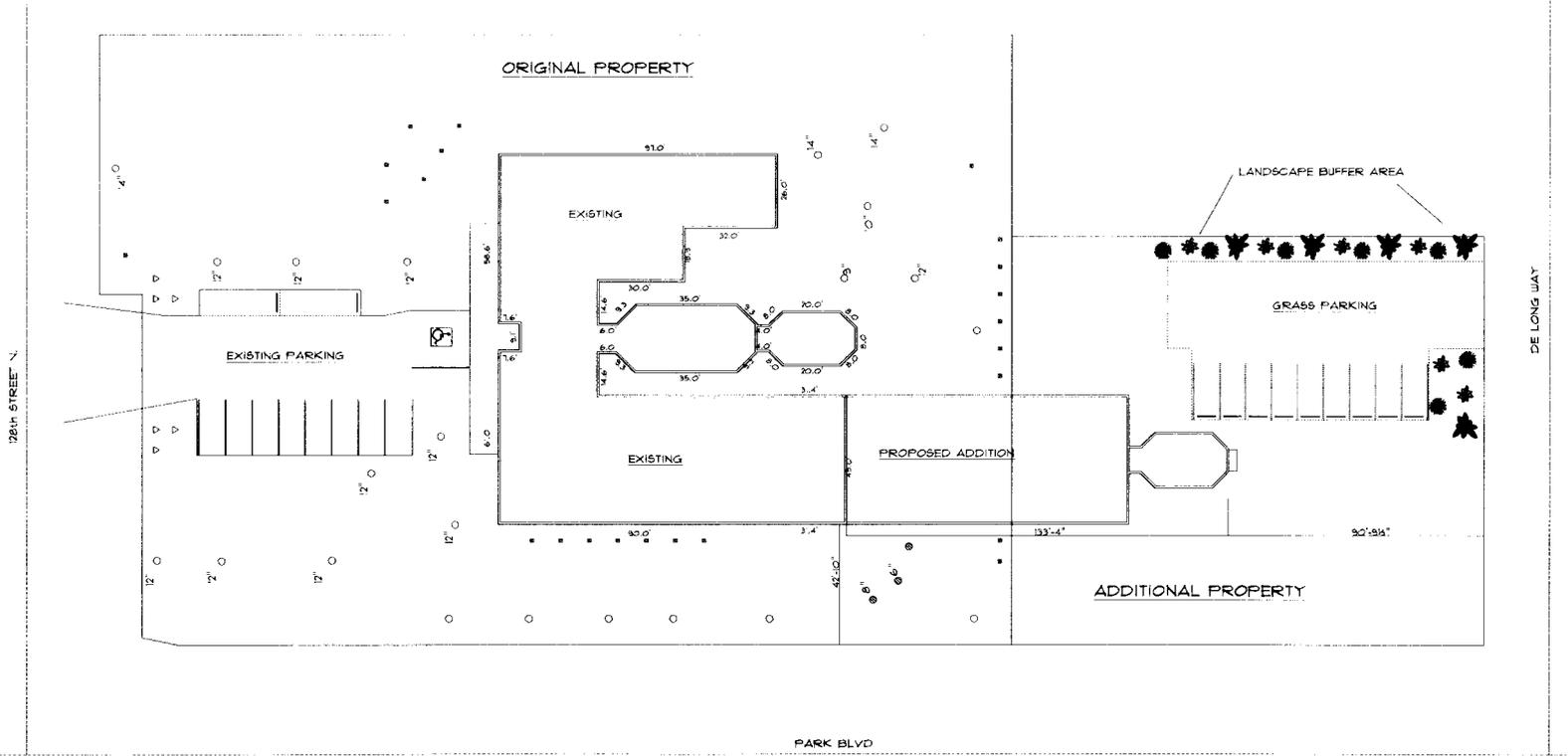
The North 143.00 feet of Lot 2, De Long Way Subdivision, according to the plat thereof, as recorded in Plat Book 118, Page 38 in the Public Records of Pinellas County, Florida.

EXHIBIT "C"

Concept Plan



- PALM ▽
- OAK ○
- LAUREL OAK ●
- CREPE MYRTLE •



CONCEPT PLAN  
SCALE: 1" = 10'

ADDITION FOR:  
OAK TREE MANOR  
1100 128th STREET N.  
SEMINOLE, FL. 33716

BALI DESIGN Inc.  
Tel: (727) 638-5125  
P.O. Box 1162  
Dunedin, FL 34691



REVISED  
5/22/14  
DATE: 4/30/14  
SHEET #:  
1  
OF 1 SHEETS

**This instrument prepared by**

**and to be returned to:**

Steven A. Williamson, Esq.  
Johnson, Pope, Bokor,  
Ruppel & Burns, LLP  
911 Chestnut Street  
Clearwater, FL 33756  
(727) 461-1818

**THIRD AMENDMENT TO DECLARATION OF RESTRICTIONS**

THIS THIRD AMENDMENT ("Third Amendment") is made on the date hereinafter set forth by GIB PROPERTIES, LLC, a Florida limited liability company, its successors or assigns ("Owner").

**WITNESSETH:**

WHEREAS, the Declaration of Restrictions for the property described on attached Exhibit "A" (the "Original Property") was recorded March 3, 2008, in Official Record Book 16169, Page 1857, as amended by that First Amendment to Declaration of Restrictions, recorded October 27, 2009, in Official Records Book 16736, Pages 1123-1129, all in the Public Records of Pinellas County, Florida, as further amended by that Second Amendment to Declaration of Restrictions, recorded March 1, 2012, in Official Records Book 17503, Page 2633, all in the Public Records of Pinellas County, Florida (collectively, "Declaration");

WHEREAS, Owner has entered into a Third Amendment to Development Agreement dated \_\_\_\_\_, 2014 ("Third Amendment to Development Agreement"), with Pinellas County, Florida ("County"), which is recorded in the public records of Pinellas County in O.R. Book \_\_\_\_\_, Page \_\_\_\_\_.

WHEREAS, the Third Amendment to Development Agreement was approved by Resolution/Ordinance dated \_\_\_\_\_, 2014, and is attached hereto as Exhibit "B", and is hereby incorporated herein.

WHEREAS, the Third Amendment to Development Agreement includes additional property, which is described on Exhibit "C" attached hereto and incorporated herein ("Additional Property"). The Original Property and Additional Property are sometimes referred to herein as "Property."

WHEREAS, Owner desires to amend the terms and conditions of the Declaration in accordance with the terms of this Third Amendment, and pursuant to the terms of the Third Amendment to Development Agreement, the County hereby consents to Owner amending the Declaration as set forth herein.

NOW, THEREFORE, the Declaration is hereby amended as follows:

The foregoing Recitals are true and correct and are incorporated into and form a part of these Restrictions.

## ARTICLE I

### RESTRICTIONS

The Restrictions set forth in the Declaration shall be deleted in their entirety and replaced with the following restrictions, and to the extent there is a conflict between the Declaration and this Third Amendment, this Third Amendment shall control and govern:

Section 1. A maximum of 39 beds shall be permitted on the Original Property.

Section 2. A maximum of 32 beds shall be permitted on the Additional Property.

Section 3. Owner shall have the right to use the Original Property and Additional Property for one facility and in such event, a maximum of 71 beds shall be permitted on the combined Property and allocated across the Property.

Section 4. The assisted living facility located on the Property shall only accept elderly residents and shall not accept residents with drug or alcohol dependency or operate as a mental health facility.

## ARTICLE II

### MISCELLANEOUS

Section 1. Covenant Running With the Land. These Restrictions shall be a covenant running with the land, as provided by law, and shall be binding upon the undersigned, and the heirs, successors, and assigns of the undersigned, and all parties claiming under them.

Section 2. Governing Law. Any claim shall be governed by and interpreted in accordance with the laws of the state of Florida.

Section 3. Venue. Any action regarding the enforcement of these Restrictions shall be brought in the Circuit Court in Pinellas County, Florida.

Section 4. Waiver. The waiver or invalidity of any part of these Restrictions shall not affect the validity or enforceability of the remaining portions.

Section 5. Enforcement. The County shall have the right to specifically enforce these Restrictions and shall be entitled to all remedies at law or in equity in the event of Owner's non-compliance with the same.

Section 6. Notices. All notices to be given to Owner pursuant to these Restrictions shall be delivered by regular U.S. mail as follows:

Owner: GIB Properties, LLC  
Attn: Christine Gibree  
1114 18<sup>th</sup> Street SW

Largo, FL 33770

With copy to: Steven A. Williamson, Esq.  
Johnson, Pope, Bokor, Ruppel & Burns, LLP  
911 Chestnut Street  
Clearwater, FL 33756

County: Pinellas County Board of County Commissioners  
c/o County Administrator  
315 Court Street  
Clearwater, FL 33756

Owner reserves the right to change its address by amendment to these Restrictions recorded in the Public Records of the County from time to time.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESSES:

GIB PROPERTIES, LLC, a Florida limited liability company

\_\_\_\_\_

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Print Name: Christine Gibree, Manager

Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014, by Christine Gibree, as Manager of GIB Properties, LLC, a Florida limited liability company, who  is personally known to me or who  produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

EXHIBIT "A"

ORIGINAL PROPERTY LEGAL DESCRIPTION

**Parcel I-A**

The East 155 feet of the North 264 feet of Lot 5 in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, less that part lying within 50 feet of the Survey Deed filed February 9, 1956, Clerks Instrument No. 254480-A, Public Records of Pinellas County, Florida, LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as The South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30, South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

**Parcel I-B:**

The North 264 feet of Lot 5, Less the East 155 feet thereof, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, Pinellas Groves, Inc., according to the map or plat thereof as recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, LESS road right-of-way, AND LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as the South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc. recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

EXHIBIT "B"

RESOLUTION/ORDINANCE

EXHIBIT C

ADDITIONAL PROPERTY LEGAL DESCRIPTION

Lot 2, De Long Way Subdivision, according to the plat thereof, as recorded in Plat Book 118, Page 38 of the Public Records of Pinellas County, Florida.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CHANGING THE ZONING CLASSIFICATION ON A PORTION OF A 1.3 ACRE PARCEL LOCATED AT 7749 DE LONG WAY IN THE UNINCORPORATED AREA OF SEMINOLE, PAGE 282 OF THE ZONING ATLAS, AS BEING IN SECTION 29, TOWNSHIP 30, RANGE 15, FROM E-1, ESTATE RESIDENTIAL TO IL, INSTITUTIONAL LIMITED, AND WITH A DEVELOPMENT AGREEMENT FOR AN ASSISTED LIVING FACILITY, NOT TO EXCEED 16 FEET IN HEIGHT, LOCATED ON A PORTION OF THE 1.3 ACRE PARCEL AND ON THE PARCEL IMMEDIATELY TO THE EAST LOCATED AT 7770 128<sup>TH</sup> STREET N., WITH A VARIANCE FOR PARKING TO ALLOW 20 SPACES WHERE 71 ARE REQUIRED, AND A VARIANCE TO ALLOW AN ASSISTED LIVING FACILITY WITHIN 950 OF ANOTHER FACILITY WHERE 1,000 FEET OF SEPARATION ARE REQUIRED, UPON APPLICATION OF GIB PROPERTIES, LLC THROUGH STEVE WILLIAMSON, JOHNSON, POPE, BOKOR, RUPPEL & BURNS, REPRESENTATIVE, Z/LU-8-5-14

WHEREAS, GIB Properties, LLC, Owner of the properties hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification on the north 143 feet of a 1.3 acre parcel for the real property located at 7749 De Long Way, Seminole, Florida, as described in Exhibit "B", from E-1, Estate Residential to IL, Institutional Limited, with a Development Agreement for an assisted living facility on both the above, said property and the parcel to the east of said property located at 7770 128<sup>th</sup> Street North, Seminole, Florida, as described in Exhibit "A", not to exceed 16 ft. in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an assisted living facility within 950 feet of another facility where 1,000 feet of separation are required; and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be

heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 19<sup>th</sup> day of August 2014 that the zone classification of the north 143 feet of the real property in Exhibit "B" be, and the same is hereby changed, from E-1, Estate Residential to IL, Institutional Limited, with a Development Agreement for an assisted living facility on the real property in Exhibit "A" and the north 143 feet of the real property in Exhibit "B", not to exceed 16 ft. in height, with a variance for parking to allow 20 spaces where 71 are required, and a variance to allow an assisted living facility within 950 feet of another facility where 1,000 feet of separation are required. all of which are subject to an amendment to the Pinellas County Future Land Use Map of the north 143 feet of the real property in Exhibit "B" from Residential Suburban to Institutional, Z/LU-8-5-14.

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

2/20-8-5-14

EXHIBIT "A"

ORIGINAL PROPERTY LEGAL DESCRIPTION

**Parcel I-A**

The East 155 feet of the North 264 feet of Lot 5 in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, less that part lying within 50 feet of the Survey Deed filed February 9, 1956, Clerk's Instrument No. 254480-A, Public Records of Pinellas County, Florida, LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as The South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30, South, Range 15 East, as shown by map of Pinellas Groves, Inc., recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

**Parcel I-B:**

The North 264 feet of Lot 5, Less the East 155 feet thereof, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, Pinellas Groves, Inc., according to the map or plat thereof as recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, LESS road right-of-way, AND LESS the South 15 feet thereof which was deeded out in O.R. Book 5150, Page 1112, more particularly described as the South 15 feet of the North 264 feet of Lot 5, in the Southeast 1/4 of Section 29, Township 30 South, Range 15 East, as shown by map of Pinellas Groves, Inc. recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida.

2/11-8-5-14

EXHIBIT B

ADDITIONAL PROPERTY LEGAL DESCRIPTION

Lot 2, De Long Way Subdivision, according to the plat thereof, as recorded in Plat Book 118, Page 38 of the Public Records of Pinellas County, Florida.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION ON A PORTION OF A PARCEL LOCATED AT 7749 DE LONG WAY IN THE UNINCORPORATED AREA OF SEMINOLE, LOCATED IN SECTION 29, TOWNSHIP 30, RANGE 15 FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL, PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the application for an amendment to the Future Land Use map of Pinellas County, Florida, hereinafter listed, has been presented to the Board of County Commissioners of Pinellas County; and

WHEREAS, notice of public hearings and advertisements have been given as required by Florida Law; and

WHEREAS, the comments and recommendation of the Local Planning Agency have been received and considered; and

WHEREAS, this is a small scale development amendment, as defined by Section 163.3187(1), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 19<sup>th</sup> day of August 2014 that:

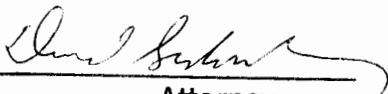
Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the north 143 feet of a 1.3 acre parcel of real property located at 7749 De Long Way, Seminole, Florida, as described in Exhibit "A" as Lot 2 of De Long Way Subdivision, as referenced in Case Z/LU-8-5-14, and owned by GIB Properties, LLC, from Residential Suburban to Institutional.

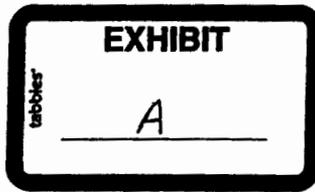
Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Suburban to Institutional to maintain consistency with the said Plan.

Section 3. This Ordinance shall take effect upon:

- a) Receipt of notice from the Secretary of State that the Ordinance has been filed is received; and
- b) Approval by the Countywide Planning Authority of the requisite amendment of the Countywide Future Land Use Plan submitted herein pursuant to Chapter 88-464, Laws of Florida, as amended.
- c) Pursuant to Section 163.3187(5)(c), Florida Statutes, this amendment shall become effective upon 31 days following its adoption. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining the adopted small scale amendment is in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney



2/11-8-5-14

ADDITIONAL PROPERTY LEGAL DESCRIPTION

Lot 2, De Long Way Subdivision, according to the plat thereof, as recorded in Plat Book 118, Page 38 of the Public Records of Pinellas County, Florida.

**Swinton, Tammy M**

---

**Subject:** FW: Gib ALF

Z/LU-8-5-14

**From:** Robyn Lista [mailto:Robyn.Lista@RaymondJames.com] **On Behalf Of** RaissiTeam

**Sent:** Thursday, May 08, 2014 3:25 PM

**To:** Cueva, John

**Subject:** RE: Gib ALF

Hi John,

I also want to clarify for the record, I have no issue with the addition as long as it is 1 story.

*Regards,*



**A WEALTH SOLUTIONS TEAM**

WITH EMPHASIS ON PROACTIVE INVESTMENT STRATEGIES AND COMMUNICATIONS

Raissi and Co.

An Independent Family Office

6500 Central Avenue St. Petersburg, FL 33707

2202 N Westshore Blvd Ste 200 Tampa, FL 33607

Phone: (727)384-9500 (813) 644-5956

Fax: (727)-384-3371

Visit us at [www.josephraissi.com](http://www.josephraissi.com)



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*Blessed is the man whose strength is in Christ (Ps. 84:5-7)*

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*7/24-8-5-14*

**From:** Robyn Lista **On Behalf Of** RaissiTeam  
**Sent:** Thursday, May 08, 2014 3:11 PM  
**To:** 'jcueva@pinellascounty.org'  
**Subject:** Gib ALF

Hi John

On behalf of Joseph Raissi (7651 128<sup>th</sup> St), I am in favor of the proposed addition.

I have no problem with the ALF addition and never had an issue with this neighbor.

Please let us know if you have any questions.

Have a great day!

*Raissi Team*



## A WEALTH SOLUTIONS TEAM

WITH EMPHASIS ON PROACTIVE INVESTMENT STRATEGIES AND COMMUNICATIONS

Raissi and Co.  
An Independent Family Office  
6500 Central Avenue St. Petersburg, FL 33707  
2202 N Westshore Blvd Ste 200 Tampa, FL 33607  
Phone: (727)384-9500 (813) 644-5956  
Fax: (727)-384-3371  
Visit us at [www.josephraissi.com](http://www.josephraissi.com)



Think Green - don't print this email unless you really need to!

April 24, 2014

To: Local Planning Agency  
Board of Pinellas County Commissioners  
(In care of John Cueva / jcueva@pinellascounty.org)

RE: Case # Z/LU-8-5-14 (Re-zoning of 7749 DeLong Way, Seminole)

To whom it may concern:

We are neighbors to the above referenced property, and STRONGLY object to it being re-zoned to allow for an assisted living facility (or re-zoned period). This is a flagrant attempt to circumvent the County's own rules regarding assisted living facilities (ALF's) in residential communities. GIB (the owner of the subject property) also owns the neighboring Oak Tree Manor ALF. Oak Tree Manor has been granted past variances allowing their facility to grow. To allow an established facility to expand within the confines of its own property is one thing. To attach additional property to further expand is quite another. To allow such expansion would clearly violate the intent of the County's own rules. #1 No ALF within 1,000ft of another (let's get around that by making it the same ALF). #2 Restricting the size of an ALF in a residential area (let's get around that by buying up neighboring properties). Allowing the further expansion of this ALF onto an additional 1.3 acre site is tantamount to allowing a private medical facility to be placed within a subdivision. Yes this property borders Park Blvd. And yes, other commercial property is in the vicinity. However, that does not take away from the fact that this area is also made up of estate type home on large acreage sites giving it a somewhat airy country feel (Exactly what the E-1 Zoning intended) and making this area a desirable place to live. To allow this current large residential site to become commercial (an ALF is a business despite a zoning called Institutional Limited or IL) and to become an extension of an ALF that already violates the original size and intent of its primary zoning, can only be a negative to the surrounding residential homes. And furthermore, could very well have a negative effect on marketability for those closest (such as us, as we are directly across the street). This last sentence is a "professional opinion" as I am a Real Estate Appraiser of nearly 25 years; therefore, I will reiterate. I do believe that an expanded Oak Tree Manor ALF will be detrimental to marketability due to the overwhelmingly large commercial view that it will almost certainly be developed as Oak Tree Manor encompasses an entire city block (yes a city block). Furthermore, history has shown that GIB is never satisfied, as they have requested the ability to enlarge numerous times already. Will we be required to fight requests for variances and re-zoning every year or so as they continue to single mindedly enlarge this facility (either through the number of beds allowed or building additional space)? The Oak Tree Manor is as big as it should ever be for its location. This is where we live. And 7749 DeLong Way is where another family should live. This property should not be allowed to

become an "Institution" (or part of another). If GIB wishes to build a bigger ALF, then I would suggest they move to an area where such a facility was always meant to be as opposed to purchasing a house then expecting the County and the neighbors to accommodate their business plan.

So in short, as tax paying home owners, we strongly request that the County deny this re-zoning application, and to keep the zoning for the subject property as E-1.

Thank you!



~~Mary Getchell~~ Duplicate name  
on petition

Sincerely

Glen & Mary Getchell

727-393-5559

7840 128<sup>th</sup> Street Seminole, FL 33776

**Swinton, Tammy M**

---

**Subject:** FW: Case No. Z/LU-8-5-14

---

**From:** [CBent79@aol.com](mailto:CBent79@aol.com) [mailto:CBent79@aol.com]

**Sent:** Wednesday, July 02, 2014 12:17 AM

**To:** Zoning

**Subject:** Case No. Z/LU-8-5-14

Dear Local Planning Agency official,

I am writing in opposition to the requests in Case No. Z/LU-8-5-14 for a zoning change, a land use change, a variance on parking, and a variance to allow an Assisted Living Facility within 1000 feet of another Assisted Living Facility.

I live immediately adjacent to the ALF in the case referenced above.

Please acknowledge to me receipt of this communication and forward it on to the Board of County Commissioners, so they too will know my position.

Thank You.

Chris Lydon  
7650 128<sup>th</sup> Street North  
Seminole, FL 33776

**Swinton, Tammy M**

---

**Subject:** FW: Case No. Z/LU-8-5-14

---

**From:** [michael3d@aol.com](mailto:michael3d@aol.com) [<mailto:michael3d@aol.com>]

**Sent:** Tuesday, July 01, 2014 11:37 PM

**To:** Zoning

**Subject:** Case No. Z/LU-8-5-14

Dear Local Planning Agency official,

We are writing in opposition to the requests in Case No. Z/LU-8-5-14 for a zoning change, a land use change, a variance on parking, and a variance to allow an Assisted Living Facility within 1000 feet of another Assisted Living Facility. Note that we have also signed a petition in opposition to these requests, which will be presented at the Planning Agency meeting on July 10<sup>th</sup>.

My wife and I live immediately adjacent to the ALF in the case referenced above.

Please acknowledge to us receipt of this communication and forward it on to the Board of County Commissioners, so they too will know our position.

Thank You.

Michael and Jan Lydon  
7650 128<sup>th</sup> Street North  
Seminole, FL 33776

*Duplicate name - on petition*

12801 80<sup>th</sup> Ave., N.  
Seminole, Fl 33776

June 27, 2014

Re: "Revised" Case No. Z/LU-8-5-14 GIB Properties, LLC,  
Applicant, Steve Williamson, Representative

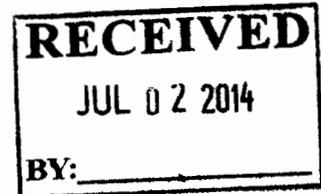
Dear Board of County Commissioners:

As homeowners at 12801 80<sup>th</sup> Ave., N., Seminole, please understand that it is our desire to express our views on this matter and wish to inform you that we oppose this use of land from Residential Suburban to Institutional to allow an Assisted Living Facility within 950 ft. of another Assisted Living Facility where 1,000 ft. separation is required, and having a maximum capacity of 71 beds. Please register this opposition.

Thank you,

*Richard & Carole Pope*  
Richard & Carole Pope

*Duplicate name on petition*



Re: Case #Z/LU-8-5-14  
GIB Properties, LLC, Applicant

JUL 03 2014

Petition

We are opposed to the zoning change on the property at 7749 DeLong Way.

Our family has lived at 12785 Park Blvd since 1970, in a residential neighborhood of 13 occupied homes. This area of Park Blvd. has always been zoned residential or Estate. A change in this zoning to Institutional will encroach on our rights to enjoyment of our residential status. This change in zoning will also adversely affect our property values. Our lifestyle and property values should not suffer to benefit a business' profits.

The change in zoning also allows for a 45ft. structure. The idea of a 4 story commercial building among our residences is ridiculous. This ALF (GIB Properties) continues to request expansions, while stating this is the last request. In order to get around a county statute prohibiting 2 ALFs to be within 1000ft., GIB Properties bought a property that backs up to their existing property. While wanting to appear to be one business, they are asking to expand to 2 lots, which were zoned Estate previously. If any other investor tried to get this property rezoned it would be a violation and disallowed. Why should this obvious ploy be allowed?

Parking spaces are required for all businesses in Pinellas County. GIB Properties is asking for an exemption to this existing rule. The ALF wants to increase the number of patients/beds while only providing 7 parking spaces on their property where 32 are required. A reciprocal agreement with Winn Dixie is supposedly to allow for this exemption by providing additional parking spaces if needed. Winn Dixie is on the opposite side of a very busy 4 lane road (Park Blvd.). How far away can parking be for a business? Who will be responsible when someone gets killed crossing this busy road?

We STRONGLY oppose the rezoning on this property.

Sincerely,

*Patricia Gaston*

Patricia Gaston

*Gary Gaston*

Gary Gaston

2 July 2014

Pinellas County Planning and Development Services Department  
Pinellas County Courthouse  
315 Court St.  
Clearwater, FL

Re: Case No Z/LU-8-5-14

GIB Properties, LLC, Applicant

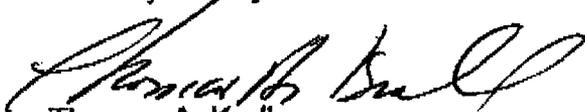
Dear Sirs:

I am writing to oppose the request for a zoning change from E-1, Estate residential to IL, Institutional Limited and the land use changes associated with this. The property under discussion is located at 7749 De Long Way and an adjacent property at 7770 128<sup>th</sup> St. N. The property I own with my wife is located at 7626 128<sup>th</sup> St. N.

I am opposing the zoning change for several reasons. First, the property is being successfully used as it is zoned to be used as a single family residence. It has not been vacant and has been well maintained since the home was built. I believe the County should continue to support this use for the property. Secondly, retaining the E1 zoning will preserve the essential character of the neighborhood. This rural character of the neighborhood is something that the local residents highly cherish and want to see maintained. A change to a more commercial use will seriously detract from this. Thirdly, there does not appear to be an economic burden on the applicant to justify the variance as the existing facility appears to be operating efficiently. Expanding the facility on to an adjacent property does not seem to be required for continued efficient operation. Lastly, 128<sup>th</sup> St. N. is not a paved road and is quite narrow. Cars have difficulty in passing each other when the street needs to be used as a 2 lane thoroughfare. The safety of the neighborhood will be impacted in a negative way when a larger facility brings more traffic on to 128<sup>th</sup> St. N. Anyone traveling on 128<sup>th</sup> St. N would verify this and traffic safety should continue to be a high priority for the county.

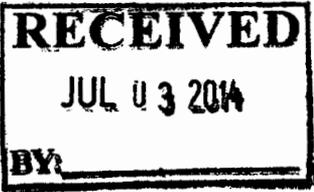
In closing, I am asking that you consider the reasons for opposition I have listed here and the reasons for opposition my neighbors have sent you and deny the request for a zoning change.

Thank you for your consideration.



Thomas A. Krall

7626 128<sup>th</sup> St. N  
Seminole, FL 33776



Re: Case #Z/LU-8-5-14  
GIB Properties, LLC, Applicant

We, the residential neighbors, of the above referenced property to be considered for rezoning from E-1 to IL are against the proposal. We feel that our residential status is being encroached upon and this rezoning will affect our property values and quality of life. We are very concerned about this ALF expanding to a possible 4 story business. We understand the County's responsibility to business in this county, but we believe in this case there is an overriding duty to established residential taxpayers.

We also have concerns about the parking exemption to allow for only 7 parking spaces where 32 are required. A reciprocal agreement with Winn Dixie, which is on the other side of a 4 lane major road (Park Blvd.) is a safety risk for any person that would be visiting someone in the ALF. There are no crosswalks close to this ALF and this would definitely create a traffic hazard and potential deaths.

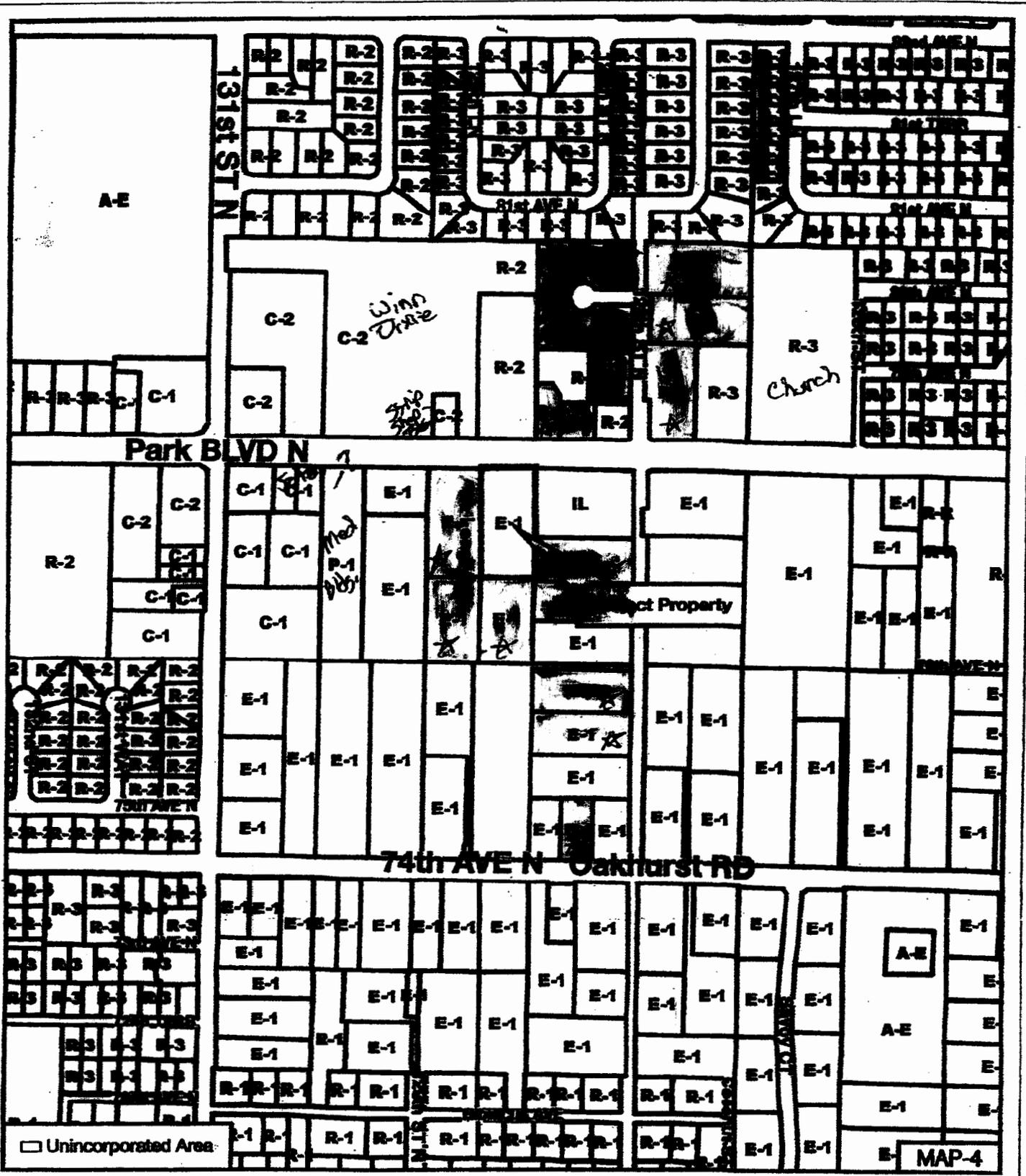
Name	Address	Signature
Patricia Gaston	12785 Park Blvd.	Patricia Gaston
Gary Gaston	12785 Park Blvd.	Gary Gaston
Sharon Cofer	12800 80th Ave	Sharon Cofer
<del>Michael Cofer</del>	<del>12800 80th Ave.</del>	<del>Michael Cofer</del>
<del>Carole Page</del>	<del>12801 80th Ave., N. Seminole</del>	<del>Carole Page</del>
<del>Richard Page</del>	<del>12801 80th Ave N Seminole</del>	<del>Richard Page</del>
<del>Gary Tellbuesen</del>	<del>12866 80th Ave</del>	<del>Gary Tellbuesen</del>
<del>Sharon DelChase</del>	<del>12800 80th Ave</del>	<del>Sharon DelChase</del>
<del>William</del>	<del>12823 80th Ave.</del>	<del>William</del>
<del>Susan Turner</del>	<del>12845 80th Ave. N. Seminole, FL</del>	<del>Susan Turner</del>
<del>Raymond C. Ross</del>	<del>7925 128th St N, Seminole, FL</del>	<del>Raymond C. Ross</del>
<del>Deborah J. Ross</del>	<del>7925 128th St N, Seminole, FL</del>	<del>Deborah J. Ross</del>
<del>Karen Babbitt</del>	<del>12822 80th Ave N Seminole FL</del>	<del>Karen Babbitt</del>
<del>ANITA DANNA</del>	<del>12844 80th Ave Seminole, FL</del>	<del>ANITA DANNA</del>
<del>ALFRED DANNA</del>	<del>12844 80th Ave SEMINOLE, FL</del>	<del>ALFRED DANNA</del>
<del>Genevieve Pettyjohn</del>	<del>7955 128th St. Seminole FL</del>	<del>Genevieve Pettyjohn</del>
<del>Charles Pettyjohn</del>	<del>7955 128th St. Seminole FL</del>	<del>Charles Pettyjohn</del>
<del>Mary Gatchell</del>	<del>7800 128th St N Seminole, FL</del>	<del>Mary Gatchell</del>
<del>Glen Gatchell</del>	<del>7810 128th St N Seminole, FL</del>	<del>Glen Gatchell</del>
<del>JOFA GIAN PADO</del>	<del>7878 118 St. N. SEMINOLE FL</del>	<del>JOFA GIAN PADO</del>
<del>JOFA Kevin</del>	<del>7878 128th St N Seminole FL</del>	<del>JOFA Kevin</del>
<del>Julia</del>	<del>7878 128th St N Seminole, FL</del>	<del>Julia</del>

Duplicate name

Duplicate name



This map shows all of the residences that have signed the petition and are against rezoning this property (indicated with stars).



**Z/LU-8-5-14**

Zone change From: E-1, Estate Residential To: IL, Institutional Limited  
 Land Use change From: Residential Suburban To: Institutional

With a variance for parking to allow 7 spaces where 32 are required and a Development Agreement for an Assisted Living Facility not to exceed 45 ft. in height.

Parcel LD. 29/30/15/20543/000/0020  
 Prepared by: Pinellas County Department of Planning and Development Services March 2014

