

Clearwater, Florida, April 9, 2015

The Pinellas County Local Planning Agency (LPA) (as established by Section 134-12 of the Pinellas County Land Development Code, as amended) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:01 A.M. on this date with the following members present:

Lauralee G. Westine, Chairman
Cathy Harrelson
Clint Herbic (non-voting School Board Representative)
Regina Kardash
Steve Klar
Valerie Murray (Alternate)
Ronald Schultz

Not Present:
Susan Reiter

Also Present:
Gordon R. Beardslee, Planning Department Director
John F. Cueva, Planning Department Zoning Manager
Glenn Bailey, Planning Department Zoning Manager
Chelsea Hardy, Assistant County Attorney
Other Interested Individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Westine called the meeting to order at 9:01 A.M. and welcomed new alternate member Valerie Murray. Later in the meeting, Chairman Westine reviewed the procedure for the public hearings; whereupon, she announced that any written documentation for consideration by the Board of County Commissioners (BCC) should be provided to Mr. Bailey by May 5, 2015.

MINUTES OF MARCH 12, 2015 MEETING – DEFERRED

Chairman Westine indicated that the March 12, 2015 minutes are not available at this time; whereupon, Ms. Kardash moved, seconded by Mr. Klar and carried unanimously, that the item be deferred to the next meeting.

PUBLIC HEARING ITEMS

Legal notice having been published for the items on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearing was held on the following items. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY ZONING ATLAS AND
CONDITIONAL USE APPLICATION

1. APPLICATION OF THE CITY OF SEMINOLE FOR A CONDITIONAL USE TO
ALLOW A FIRE STATION WITH ASSOCIATED PARKING AND RETENTION
AREAS (CU-6-4-15) – RECOMMEND APPROVAL AS PER STAFF
RECOMMENDATION

Public hearing was held on the application of the City of Seminole for a conditional use to allow a fire station with associated parking and retention areas (CU-6-4-15), re three parcels of land containing approximately 0.73 acre located on the southeast corner of 110th Avenue North and 108th Street North in the unincorporated area of Seminole.

Mr. Bailey referred to a zoning and land use map, an aerial photograph, and a schematic site plan; pointed out the location of the subject property; described surrounding land uses; and provided historical background information regarding the application, noting that the County granted a conditional use permit for a new fire station on the subject property in 2009, which expired after a year of inactivity. He stated that the new fire station will not further impact the surrounding properties because a fire station has existed on the site since 1970.

Mr. Bailey indicated that no correspondence relative to the application has been received; whereupon, he recommended that the LPA find that the proposed conditional use is consistent with the Pinellas County Comprehensive Plan, based on the findings of the staff report, which has been filed and made a part of the record, and further recommended approval of the proposed conditional use to the Board of County Commissioners subject to the following conditions, which will apply to the entire 0.73 acre associated with the conditional use:

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1. Full site plan review, to include a noise, lighting, landscaping, and screening plan as determined appropriate by staff.
2. Site development shall be in general conformance with the associated concept plan.
3. Emergency sirens shall not commence until the associated fire vehicle(s) reach Seminole Boulevard, unless the emergency is within the surrounding neighborhood or requires traversing the surrounding neighborhood.
4. Appropriate striping shall be required on 110th Avenue North in order to prevent queue blocking at the signaled intersection with Seminole Boulevard.
5. Outdoor lighting shall be focused upon the subject property and directed away from adjacent residential uses.
6. Any illuminated signage shall comply with the Pinellas County luminosity and message frequency standards.
7. No exterior storage of machinery or equipment.
8. Any changes to the conditions listed shall require approval of the Board of County Commissioners.
9. In the event any of the above conditions are not met, the Board of County Commissioners may rescind the conditional use permit.

In response to query by Ms. Kardash, City of Seminole Community Development Director Mark Ely indicated that the present application is identical to the previous request, noting that the original project had been put on hold because of the recession.

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No one appeared in response to Chairman Westine's call for citizens wishing to be heard; whereupon, she closed the public hearing. Ms. Harrelson moved, seconded by Mr. Klar and carried unanimously, that the LPA recommend approval of staff's recommendation to the BCC.

2. APPLICATION OF DOREEN E. SACCARDO FOR A ZONING CHANGE FROM C-2, GENERAL RETAIL COMMERCIAL & LIMITED SERVICES, TO C-3, COMMERCIAL, WHOLESALE, WAREHOUSING & INDUSTRIAL (Z-7-4-15) – CONTINUED FOR 60 DAYS

Public hearing was held on the application of Doreen E. Saccardo for a change in zoning from C-2 to C-3 (Z-7-4-15), re approximately 1.3 acres located on the west side of South Pinellas Avenue, 805 feet north of Terrace Road in the unincorporated area of Tarpon Springs (street address: 1750 South Pinellas Avenue).

Referring to the zoning and land use maps and aerial photographs, Mr. Bailey pointed out the location of the subject property and described the surrounding land uses. He indicated that no correspondence has been received relative to the application and stated that the proposed C-3 zoning allows more intensive development and permits a range of uses that could have detrimental impacts to the nearby residential districts and would be out of character with the surrounding area; whereupon, he recommended that the LPA find the proposed amendment inconsistent with the Pinellas County Comprehensive Plan and further recommended that the LPA recommend denial of the proposed amendment to the BCC.

Responding to queries by Mses. Kardash and Harrelson, Mr. Bailey indicated that a development agreement could be an alternative to a C-3 zoning change, setting certain parameters for vehicle, boat, and recreational vehicle storage to make the property more compatible and setting other restrictions such as additional setbacks and buffers; and that C-2 zoning allows indoor mini-storage as a permitted use, so the applicant is already allowed to build some sort of a structure for indoor storage. Mr. Cueva clarified that C-2 zoning allows outside storage only under certain circumstances, such as for a Home Depot or Lowes, and allows vehicle storage only for a car dealership; and that only C-3 zoning allows pure outdoor storage warehousing for unregistered vehicles, RVs, and boats.

In response to the Chairman's call for the applicant, Doreen E. Saccardo, Palm Harbor, appeared and indicated that she would prefer the C-3 zoning that would

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allow open-air storage buildings. Offering an alternative to staff's recommendation of denial, she suggested a temporary five-year zoning change to allow her to operate open-air storage with carport-type awnings to generate funds for a new building. She related that the residential zoning to the south and west is immaterial, as no residents reside there; that the area would benefit immensely by the change as there is a current shortage of marine storage; and that the environment would benefit by the landscaping of native trees and plants and the removal of overgrown non-native vegetation and weeds. Ms. Saccardo indicated that she understands her neighbor's concern of open storage of boats and trailers, though it is not inconsistent with the neighborhood; and that she intends to improve the property so it is safe, secure, aesthetically pleasing, environmentally friendly, and productive.

Responding to queries by the members, Ms. Saccardo stated that she would only provide storage; that neither repairs nor maintenance would be allowed; that there would be no utilities provided for cleaning or dumping, both prohibited; that trees and native plants would replace the castor bean and Brazilian pepper; and that the installation of a privacy fence along the property line would provide a sight and sound buffer.

In response to the Chairman's call for citizens wishing to be heard, John Mills, Tarpon Springs, appeared and indicated that he is the adjacent property owner to the south and west; that the view from his property would be damaged; that a six-foot fence would not provide adequate coverage to the junkyard the property would become; and that he would have no objection to a closed-building or inside storage.

During rebuttal, Ms. Saccardo reiterated her desire for well-manicured open storage with carport-type awnings; whereupon, Chairman Westine closed the public hearing.

During discussion and in response to queries by Ms. Harrelson, Mr. Bailey indicated that a development agreement could allow for a 20-foot setback from the property line for storage of the RVs, boats, and vehicles, allow an eight- to 15-foot height, and require that the building be canopied like an open carport with an awning; and confirmed that the current C-2 zoning allows for covered storage. Mr. Klar indicated that he would support an inclusion of buffers and enclosed storage, as it would benefit the community and provide public protection; whereupon, he suggested that the item be continued to allow the parties to come back with a development agreement.

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In response to queries by the members, Mr. Cueva clarified that the applicant would not be allowed to build an enclosed building for storage; that even though C-2 zoning allows for enclosed storage, the primary use building has to be 50 percent larger than the enclosed storage structure, or warehouse; that the permitted warehouse would be too small and, therefore, useless; and that a C-3 zoning change would be necessary to have a warehouse as a permitted use. He suggested scheduling a future LPA meeting to discuss a possible five-year temporary-use exterior storage agreement whereby, at the end of the five-year temporary agreement, contingent upon an approved development agreement, Ms. Saccardo would be required to submit a C-3 site plan for construction of a warehouse.

Mr. Klar indicated that he would prefer that the item be continued, and discussion ensued regarding the wording of the motion, about another property in the area that has a development agreement, and about a possible development agreement for this property.

Chairman Westine indicated that she would support a continuance and outlined what the members have indicated a development agreement should address, including hours of operation, lighting, confirmation of no dump station, no changing of oil, no mechanical work other than basic maintenance, an increased south- and west-side buffer, and a staff-fashioned requirement of a shielded enclosure; and discussion ensued regarding possible zoning circumstances and scenarios.

Thereupon, Mr. Klar moved, seconded by Ms. Harrelson and carried, that the item be continued for 60 days.

3. APPLICATION OF SUSAN MCCANN THROUGH MICHELLE SERDYNSKI, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-1, SINGLE FAMILY RESIDENTIAL, TO R-R, RURAL RESIDENTIAL, AND A VARIANCE (Z-8-4-15) – RECOMMEND APPROVAL WITH ADDED CONDITION

Public hearing was held on the application of Susan McCann through Michelle Serdynski for a zoning change from R-1 to R-R and a variance to allow a four foot-high fence with a zero-foot front setback where a 25-foot front setback is required (Z-8-4-15), re approximately 2.3 acres located at the southeast corner of 74th Avenue North and 138th Street North in the unincorporated area of Seminole (street address: 13798 74th Avenue North).

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Mr. Cueva 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, noting that the owner may have kept horses on the property back in the 1960s, but proof could not be established; and that the request also includes a variance regarding a pre-existing four-foot-high fence; whereupon, he recommended that the LPA recommend approval of the proposed zoning amendment and the requested variance to the BCC, subject to the following conditions:

1. The fence on the north side of the subject site would be of the type that currently exists at this location (i.e., two planks between poles).
2. A fence for the livestock along the south side of the property set back 50 feet from the upland edge of the wetlands.

Mr. Cueva related that there is an unzoned portion of wetlands on the property next to Boca Ciega Bay that was mapped in the 1980s by the Property Appraiser's Office; that a riding ring has been located within this unzoned area; that the R-R zoning to the east is under development now; that additional setbacks are imposed when areas are developed; and that the proposed R-R zoning has more of a rural effect with a maximum of five single family homes allowed rather than the 12 allowed with R-1 zoning.

Mr. Cueva stated that the main reason staff supports the application is that R-R zoning has less of an impact for development in the community; and that the reduction in intensity of potential development, reduced traffic impacts, and minimized hurricane evacuation issues were all taken into account in supporting this request. Mr. Cueva advised that R-R zoning allows for livestock at three horses per acre; and that a fence must be installed 50 feet from the wetlands as a buffer to keep animals away from Boca Ciega Bay.

Discussion ensued, and in response to queries by Ms. Harrelson, Mr. Cueva reiterated that the fence will be required to be placed 50 feet from the determined start of the wetlands; and that the new Code provides that property zoned for livestock with wetlands sloping down to Boca Ciega Bay will require a swale and berm to redirect runoff, preventing contamination of the water.

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Upon the Chairman's call for the applicant, Michelle Serdynski, Madeira Beach, appeared and related that she represents the applicant; that her mother, Susan McCann, owns and resides at the subject property; and that aerial images were referred to that showed the existing fence line.

Michael Serdynski, Madeira Beach, indicated that he is the son-in-law of the applicant and the husband of Michelle Serdynski. In response to query by the Chairman, he stated that they reviewed the conditions of approval and have no objection to either.

Mr. Serdynski related that he constructs fences on the property; that the closest fence line to the water is approximately 120 feet; that the riding ring will be used only temporarily; that horse defecation is frequently cleaned up to avoid foot disease, composted very close to the road, and removed monthly or bi-monthly depending on the season; that the horses do not come out into the yard unless they are moved to the round pen; and that the horses cannot leave the back yard because it is fenced; whereupon, the Serdynskis reiterated that they have no objection to either of the conditions of approval and are agreeable to the swale and berm system, which will be installed by Mr. Serdynski.

Referring to two letters from the Property Appraiser's Office, Mrs. Serdynski related that the first letter indicates that the Property Appraiser plans to adjust the southerly boundary of Lot 53 in accord with the most recent aerial photograph; and that the second letter indicates that the Property Appraiser will soon undertake a county-wide project to trace new shorelines and advises, until that time, that the owner rely on the deed to confirm correct ownership.

Responding to query by Ms. Harrelson, Mrs. Serdynski stated that she intends to keep the horses.

In response to query by Chairman Westine regarding the Scott Jansen letter, Mr. Cueva assured the members that they were given the correct legal advice for rezoning; and indicated that at the time the first lot was sold for development, it was felt that the property was too overgrown to measure the shoreline; and that aerial photographs were not available at that time.

In response to the Chairman's call for persons wishing to be heard, Jack Soifer, Seminole, appeared and indicated that he is an adjacent property owner; that he

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opposes the rezoning and variance; that he has lived next door to the Serdynskis for 26 years; that the Serdynskis have been commercially boarding horses for two years; that neighborhood parking is an issue due to the large amount of traffic; that the Serdynskis' trailers are stored on the roadway near driveways for weeks at a time; that neighbors complain of the manure smell; and that a business is being operated in a residential community; whereupon, Mr. Soifer presented to the Board a letter from his wife, Nancy Soifer, in opposition to the application, a copy of which has been filed and made a part of the record.

Joe Soifer, Seminole, indicated that he opposes the rezoning and variance; that he has lived next door to the Serdynskis his entire life and grew up with Michelle and Michael Serdynski; that the roads are too narrow for horse and semi-trailer traffic; that the road is constructed of shell; that it is dangerous for small children living in the neighborhood to ride their bikes on the road due to the traffic; and that the Serdynskis do not clean up the horse manure.

Responding to query by Mr. Klar, Joe Soifer related that he sees three to five trailers on the property per week.

Referring to earlier testimony, Mr. Cueva related that the Serdynskis had received a violation for having more horses than the permitted number; that an occupant can board up to seven horses on an R-R-zoned property; that the zero-foot setback variance only applies to the subject fence; that Code does not contain a horse evacuation plan; that horses and traffic activity were the major neighborhood complaints; that Code does not address horse manure clean up; that all of the correspondence received has been in support of the horses; and that Code does not address semi-trailer traffic on residential roads or prohibit trailer parking on a public right-of-way.

In rebuttal and responding to queries by Chairman Westine, Mr. Serdynski related that excess traffic and parking on the street occurred at separate times, were only temporary, and happened once during the time his father-in-law was dying and another time when hay had to be trucked in because of a shortage; that Mr. McCann believed that he was grandfathered into the livestock code; and that they were temporarily boarding a friend's horses during the construction of their home.

In response to queries by the members, Mrs. Serdynski, with input from Mr. Serdynski, stated that since she was 12, her father, Mr. McCann, had given her horses; that livestock was there when her father bought the property; that there are several

properties nearby that keep horses and large stables; that they do not plan to board horses; that the horses are ridden maybe once a month; that Mr. McCann built a fence that separates the horses and the manure pile from the road; that the fence line had to be moved 200 feet from the road because people were carelessly feeding the horses; and that the manure is stored approximately 150 feet from the nearest neighbor, who sent a letter in support of the horses.

During discussion and in response to queries by Ms. Harrelson regarding access to the property, Mr. Serdyski confirmed that there is only one entrance to the property; and that the fence panels were temporarily removed for trailer ingress and egress when a swale was built and an acre of Brazilian pepper was removed along the waterline.

Chairman Westine indicated that she would support rezoning the property with a third condition requiring a swale and berm system and the parking of all equipment and trailers onsite and not in the right-of-way; whereupon, she closed the public hearing.

Ms. Harrelson moved, seconded by Mr. Klar and carried unanimously, that the application be approved as per staff recommendation, with the added conditions outlined by the Chairman.

3. PROPOSED AMENDMENT TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE

ORDINANCE AMENDING CHAPTER 158, FLOODPLAIN MANAGEMENT PROVISIONS, AND REPEALING ARTICLE III OF CHAPTER 170, FLOOD DAMAGE PREVENTION PROVISIONS, OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE (LDR-9-4-15) - RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on a proposed amendment to the Pinellas County Land Development Code.

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Rahim Harji, Floodplain Administrator, Public Works Department, presented an overview of the changes and explained how the ordinance was prepared.

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Discussion ensued, and in response to queries by the members, Mr. Harji provided examples of site plan requirement changes, explained the difference between a floodplain and a floodway, discussed the development of the one-foot-plus freeboard increase in the base flood elevation using FEMA maps that were last updated in 2002, and discussed fill issue provisions, impacts, and compensation in a floodplain.

Mr. Harji indicated that the County plans to review stormwater regulations for setting levels of service for different types of roadways, but as yet there are no corresponding road elevation requirements; and that the term “sea level rising” is not in the Ordinance at this point but may be added once more defined maps are available.

Following further discussion, Mr. Schultz moved, seconded by Mr. Klar and carried unanimously, that the staff recommendation be approved.

ADJOURNMENT

Upon motion by Ms. Kardash, seconded by Mr. Schultz and carried unanimously, that the meeting was adjourned at 11:02 A.M.

Chairman