

Clearwater, Florida, May 14, 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.

MINUTES OF MARCH 12, 2015 MEETING – APPROVED

Chairman Westine presented the minutes of the March 12 meeting, indicating that the April 9, 2015 minutes are not available at this time; whereupon, Mr. Schultz moved, seconded by Ms. Kardash and carried unanimously, that the minutes of the March 12, 2015 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 persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND/OR ZONING ATLAS AND REINSTATEMENT OF AN EXPIRED DEVELOPMENT AGREEMENT

1. APPLICATION OF Z&N, LLC THROUGH KATIE E. COLE, ESQUIRE, HILL WARD HENDERSON, AND TODD PRESSMAN, PRESSMAN & ASSOCIATES, REPRESENTATIVES, FOR REINSTATEMENT OF AN EXPIRED DEVELOPMENT AGREEMENT (DA-10-5-15) – RECOMMEND APPROVAL

Public hearing was held on the application of Z&N, LLC through Katie E. Cole and Todd Pressman for reinstatement of an expired development agreement on approximately 2.12 acres located on the east side of Belcher Road, 142 feet north of Perth Street (DA-10-5-15).

Referring to the zoning and land use map, Mr. Cueva pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application, noting that zoning and land use changes were approved ten years ago, subject to strict development restrictions as set forth in the development agreement. He indicated that the nearby residents had originally opposed the land use and zoning proposal; and that the development agreement was intended to address their concerns; whereupon, he briefly reviewed the Conditions, noting that access will be via Belcher Road only, and a landscape buffer will be installed along Sidney Street.

Mr. Cueva indicated that no correspondence has been received relative to the application, and related staff's opinion that the proposed development is more desirable than what could have been built under the previous zoning and land use designations; whereupon, he recommended that the LPA support reinstatement of the development agreement for an additional five-year term.

May 14, 2015

In response to query by Ms. Kardash, Mr. Cueva clarified that if the Board were to deny reinstatement of the agreement, the property would be returned to its original zoning and land use designations.

Upon the Chairman's call for the applicant, Ed Armstrong, Esquire, Hill Ward Henderson, appeared and indicated that he represents Dr. Bruce Levine, the contract buyer; that Dr. Levine is amenable to the restrictions contained in the development agreement; and that the intent is to develop the property in accordance with the previous proposal.

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 Ms. Kardash and carried unanimously, that the LPA recommend approval of the application in accordance with the staff recommendation.

2. APPLICATION OF UNITED ASSET HOLDINGS COMMERCIAL, LCC THROUGH TODD PRESSMAN, PRESSMAN & ASSOCIATES, REPRESENTATIVE, FOR A ZONING CHANGE FROM A-E-W, AGRICULTURAL ESTATE RESIDENTIAL-WELLHEAD PROTECTION OVERLAY, TO IL-W, INSTITUTIONAL LIMITED-WELLHEAD PROTECTION OVERLAY (2.03 ACRES) AND P/C, PRESERVATION/ CONSERVATION (.43 ACRE); A LAND USE CHANGE FROM RESIDENTIAL SURBURBAN TO INSTITUTIONAL (2.03 ACRES) AND PRESERVATION (.43 ACRE); AND TWO VARIANCES (Z/LU-11-5-15) – CONTINUED TO JUNE 11, 2015

Mr. Beardslee referred to the application of United Asset Holdings Commercial, LLC through Todd Pressman for the above changes in zoning and land use designation and variances to allow an assisted living facility (ALF) approximately 506 feet away from an existing ALF where a distance of 1,200 feet is required, and to allow one parking space per three beds where one parking space per bed is required on approximately 2.46 acres of land (Z/LU-11-5-15), re property located at 721 East Lake Road in the unincorporated East Lake Tarpon community, and related that the applicant has requested a continuation to the June meeting.

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

Ms. Harrelson moved, seconded by Mr. Schultz and carried unanimously, that the application be continued to the June 11, 2015 meeting.

3. APPLICATION OF CFC PASADENA GOLF, LLC THROUGH STEVEN A. WILLIAMSON, ESQUIRE, JOHNSON POPE BOKOR RUPPEL & BURNS, LLP, REPRESENTATIVE, FOR A ZONING CHANGE FROM RPD-5, RESIDENTIAL PLANNED DEVELOPMENT, FIVE UNITS PER ACRE, AND P-1, PROFESSIONAL OFFICES, TO RPD-5, RESIDENTIAL PLANNED DEVELOPMENT, FIVE UNITS PER ACRE; A LAND USE CHANGE FROM RESIDENTIAL/OFFICE GENERAL AND RECREATION/OPEN SPACE TO RESIDENTIAL LOW AND RECREATION/OPEN SPACE; AND A VARIANCE (Z/LU-4-3-15) – RECOMMEND DENIAL _____

Public hearing was held on the application of CFC Pasadena Golf, LLC through Steven A. Williamson for the above changes in zoning and land use designation and a variance for a ten-foot perimeter setback where a 25-foot perimeter setback is required (Z/LU-4-3-15), re approximately 3.46 acres located on the east side of Royal Palm Drive South and 400 feet west of Gulfport Boulevard South in the unincorporated area of Gulfport.

Mr. Bailey referred to a map and an aerial photograph, pointed out the location of the subject property, described surrounding zoning and land uses, and provided historical background information, noting that most of the golf course and Pasadena Yacht and Country Club property is located in the City of Gulfport; and that the master plan was originally approved in 1978 for 977 units, but only 573 units have been constructed.

Mr. Bailey indicated that multiple land use and zoning requests have been made over the years, noting that the latest successful request was in 2000, a land use change from Recreation/Open Space (R/OS) to Residential Low (RL) on 3.1 acres along Gulfport Boulevard to the east; and that the applicant was granted a 60-day continuance to address staff concerns pertaining to the loss of R/OS, which is discouraged but not prohibited by the Comprehensive Plan. He related that the current P-1 designation allows up to 9,990 square feet of office use; and that amending the area to RL and R/OS would increase its compatibility with the surrounding area, would not affect the operation of the golf course, and would not reduce any active recreation uses.

May 14, 2015

Mr. Bailey indicated that the original request involved conversion of 3.04 acres from R/OS to RL; that the current proposal reduces that amount to 2.61 acres; and that the applicant will remove any exotic vegetation and replant with native vegetation within the development area and the nearby open space, enhancing wildlife habitat and beautifying scenic vistas from the roadway; that the variance request for a ten-foot perimeter setback would allow structures to be built further from the adjacent residential properties, lessening encroachment on the R/OS land; and that the height of the structures would be limited to 35 feet.

Referring to the concept plan, Mr. Bailey stated that the proposed 13 townhomes equate to a density of five units per acre, less than the permitted density of 7.5 units on adjacent areas within Gulfport; that the potential number of daily vehicular trips will be reduced by 58; and that no significant effects to other types of infrastructure are expected. He presented additional information relating to the requested amendments and emphasized that the master plan envisions the subject area as part of a larger area comprised of offices and open space, but due to annexations and subsequent land use/zoning amendments, the surrounding area transitions to a mix of open space and residential uses, compatible with what the applicant is proposing.

Mr. Bailey indicated that correspondence received in opposition to the application includes six letters, two petitions containing 78 signatures, and resolutions from three home owner associations; whereupon, he recommended that the LPA recommend approval of the application to the Board of County Commissioners (BCC), including the zoning and land use amendments and variance, subject to the following conditions:

1. The placement of the proposed structures shall be restricted to the general area depicted on the concept plan included with the application and shall be no closer than ten feet from any property line.
2. The height of the proposed structures shall not exceed 35 feet.
3. Non-native vegetation shall be removed from those areas so depicted on the concept plan and re-established with native vegetation.

May 14, 2015

In response to queries by Ms. Harrelson, Mr. Bailey stated that the actual net loss of R/OS is 2.06 acres and confirmed that the property under discussion is located in the unincorporated area, and any Comprehensive Plan adopted by Gulfport subsequent to the original agreement is not part of the decision.

Craig Taraszki, Esquire, Johnson Pope Bokor Ruppel & Burns, LLC, appeared and indicated that he represents the applicant; whereupon, he provided a brief overview of the request, noting that the amended site plan reduces the number of units from 18 to 13 while enhancing the open space by removing exotic vegetation and replanting an approximately two-acre area with native species.

Pasadena Yacht and Country Club General Manager Joe Meyer appeared and referring to a recent *Tampa Bay Times* article, provided information regarding the challenges that golf courses are facing today, noting that several clubs in the area have closed. He reported that the club's golfing membership has significantly declined; that there is a need to find new revenue sources; and that bundling the proposed units with mandatory country club membership would help maintain its vitality.

Mr. Meyer explained that with another 30 to 40 memberships, the Pasadena Yacht and Country Club would be able to update the facility and address several issues such as failing seawalls and cart path cracking. He indicated that the area to be cleared is considered open space, but is overrun with Brazilian pepper and other non-native species, and there will actually be an uptick in the open space.

In response to queries by Ms. Harrelson, Mr. Meyer confirmed that the public can apply for membership at the country club, and indicated that 50 percent of its membership is from outside the community; that open play is offered on Mondays to generate revenue; that approximately 25 tournaments are hosted yearly, raising about \$2 million for charities; and that it is a middle-class golf course.

Discussion ensued, and referring to an aerial photograph, Messrs. Meyer and Taraszki responded to queries by the members with regard to the area to be cleared and surrounding residential developments.

Robert Pergolizzi, Gulf Coast Consulting, appeared and, referring to a land use map, reviewed the current and proposed zoning and land use designations for the subject property, as well as those of adjacent properties, noting current and allowable uses and densities/intensities. He indicated that Gulfport Boulevard, in the area in

May 14, 2015

question, is currently operating at a Level of Service C, and presented Institute of Transportation Engineers trip generation figures for the 13 proposed townhomes, in contrast with those associated with various uses under the current P-1 designation, noting that the proposed development would be compatible with surrounding uses and have substantially less impact on the neighborhood. Referring to the proposed variance, he indicated that the ten-foot setback would be along the golf course portion of the property, noting that the plan was specifically crafted in response to anticipated opposition in order to locate the buildings farther away from the Villas Del Verde community.

Responding to queries by the members, Mr. Pergolizzi, with input by Mr. Taraszki, indicated that the height of the proposed townhomes would be limited to 35 feet, per the conditions of the variance; that the application was amended to address concerns and a plot plan was filed; that five units are proposed in the north building and eight in the south building; that access to the buildings would be via the existing driveway off of Gulfport Boulevard and the private road owned by the applicant; and that parking areas would be designated on the site plan.

Ms. Harrelson indicated that the property is in Emergency Evacuation Zone B, and responding to her queries, Mr. Beardslee related that evacuation level A is closer to Boca Ciega Bay; and that the evacuation zones are developed by Emergency Management, based on Sea, Lake and Overland Surges from Hurricanes (SLOSH) information, not Federal Emergency Management Agency maps.

Following discussion and in response to the Chairman's call for persons wishing to be heard, Todd Pressman, Pressman & Associates, appeared and related that he represents the opposing abutting neighbors living in Villas Del Verde. He distributed a document titled *Z/LU-4-3-15 – Items in Opposition*, a copy of which has been filed and made a part of the record, including signed petitions, Home Owner Association resolutions, and reports prepared by a professional planner and professional property appraiser; whereupon, he conducted a PowerPoint presentation noting the basis of opposition to the application and concerns regarding possible negative impacts of the proposed development. Responding to query by Ms. Kardash, Mr. Pressman referred to an aerial photograph of the subject property, pointed out the location of the two proposed buildings, and opined that the placement of both proposed buildings would be devastating.

In response to the Chairman's call for others wishing to be heard, the following individuals appeared, pointed out the location of their homes on a Google map,

May 14, 2015

and presented their concerns regarding the negative impact on adjacent homeowners and the environment if the property is rezoned, citing issues such as loss of open space, decreased property values, impeded views, demand on the water supply, flood management, traffic, removal of trees, and other related matters.

Judith Loft, Gulfport
Ralph Warmack, Gulfport
Shari Green, Gulfport
Ralph Mizrahi, Gulfport
Mike Frye, Gulfport
Peter Hofmann, Gulfport

In rebuttal, Mr. Taraszki maintained that Pasadena Yacht and Country Club is a private golf course, not dedicated public land; that private landowners have a reasonable right to develop their land without restrictions; that the two appraisals submitted by the opposition have little value; and that there is no legal right to a view.

In addition, Mr. Pergolizzi contended that there are people within the country club community that fully support the proposal; that the views being impacted are very limited; that the Villas Del Verde townhomes exist today because of a change to the master plan, which originally called for professional offices; and that the size of the proposed development has been reduced. He related that the backflow prevention devices can easily be moved and changed; that the access road is owned by the country club, and Pelican Creek is granted an easement; that the impacts to Villas Del Verde are limited to about five units; and that the zoning and land use are currently inconsistent; whereupon, he stated that generating revenue by the sale of townhomes would enhance the golf course and possibly save it from closing, which would be a detriment to the public.

Mr. Meyer displayed the concept plan and photographs depicting the view from various locations, indicating that it is just a tree line and not the scenic vista that the residents say it is; that he has reached out to both adjacent communities on previous occasions and found them to be uncooperative; that the residents speaking today contribute no funds within the gated community and are not part of the master association; and that the notion that the buildings could be located elsewhere on the property is false; whereupon, Mr. Taraszki displayed a rendering of a 35-foot-high maintenance building that would currently be permitted on the site.

May 14, 2015

Discussion ensued, and in response to queries by the members, Mr. Pergolizzi, with input by Messrs. Taraszki and Meyer, indicated that the concept plan displayed today was prepared by an architect, and the building locations could shift slightly on the engineer's plan; that a tree survey is necessary to locate existing trees and possibly preserve them, as well as a jurisdictional wetland survey; that he has talked to many club members who support the proposal but are not in attendance today; and that the country club has held various promotions to increase its membership.

Chairman Westine closed the public hearing; whereupon, at the request of Ms. Kardash, Attorney Hardy listed the nine criteria for granting variance requests, and discussion ensued. Noting that she lives directly adjacent to the area, Ms. Kardash indicated that certain incorrect factual representations were made with respect to accidents, traffic, and locales along Gulfport Boulevard, and clarified the inconsistencies.

Following further discussion during which Chairman Westine and Ms. Kardash summarized their respective thoughts and opinions regarding the case, Mr. Schultz moved, seconded by Ms. Harrelson and carried unanimously, that the LPA recommend denial of the application to the BCC.

ADJOURNMENT

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

Chairman