

Clearwater, Florida, February 11, 2016

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:

Regina Kardash, Chairman
David Brandon, Vice-Chairman
Steve Klar
Ronald Schultz
Lauralee Westine
Valerie Murray (Alternate)

Not Present:

Susan Reiter
Clint Herbic (non-voting School Board Representative)

Also Present:

Gordon R. Beardslee, Planning Department Director
Glenn Bailey, Planning Department Zoning Manager
David S. Sadowsky, Senior Assistant County Attorney
Chelsea D. Hardy, Assistant County Attorney
Other interested individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Kardash called the meeting to order at 9:01 A.M. and reviewed the procedure for the public hearings; whereupon, she announced that today's cases will be heard by the Board of County Commissioners (BCC) on March 29, and any documents to be reviewed by the Board should be submitted to staff by March 15.

MINUTES OF NOVEMBER 12, 2015 AND DECEMBER 10, 2015 - APPROVED

Mr. Brandon moved, seconded by Ms. Westine and carried unanimously, that the November 12, 2015 and December 10, 2015 minutes be approved.

PUBLIC HEARING ITEMS

Legal notice having been published for the items on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearing was held on the following items. All correspondence provided to the Clerk's Office has been filed and made a part of the record. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

1. APPLICATION OF GIB PROPERTIES, LLC THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR A MODIFICATION OF AN EXISTING DEVELOPMENT AGREEMENT FOR AN ASSISTED LIVING FACILITY BY INCREASING THE MAXIMUM NUMBER OF BEDS FROM 39 TO 58, ALLOWING FOR THE ENLARGEMENT OF THE EXISTING BUILDING, LIMITING THE BUILDING HEIGHT TO 16 FEET AND ONE STORY, PROHIBITING THE USE OF DELONG WAY BY COMMERCIAL OR DELIVERY VEHICLES, AND REMOVING THE PARKING VARIANCE (DA-4-2-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of GIB Properties, LLC through Todd Pressman for a modification of an existing development agreement (DA-4-2-16), re approximately 1.56 acres located at 7770 128th Street in the unincorporated area of Seminole.

Mr. Beardslee reported that five letters have been received in support of the application.

Mr. Bailey referred to the zoning and land use map, pointed out the location of the subject property, and provided background information regarding the application. He indicated that the modification would allow for building enlargement, which is currently prohibited in the development agreement, and for expansion of the number of beds from 39 to 58; and that approval of the request would allow the development agreement to correctly reflect the amendments to the code that the Board approved in August of 2015, noting that the parking variance is no longer required.

Mr. Bailey related that the prohibitions regarding mental health and drug rehabilitation services, the exclusion of commercial vehicle usage on DeLong Way, and the building height cap of 16 feet and one story would remain in effect. Referring to aerial photographs, he discussed surrounding land uses, and stated that the subject property is surrounded by residential, commercial, and other uses. He provided historical

February 11, 2016

information about the property regarding approvals, amendments, and denials of zoning and land use designations since 1996, indicating that the request applies to the subject property containing the assisted living facility (ALF) only and does not include adjacent parcels owned by the applicant.

Mr. Bailey indicated that the proposed development agreement modification is appropriate; that the ALF has been operational since the 1990s; and that there would be minimal impacts to Park Boulevard; whereupon, he recommended approval of the proposed modification to the development agreement, noting that the case is scheduled to be heard by the BCC on March 29, 2016.

Responding to the Chairman's call for the applicant, Mr. Pressman presented an overview of the proposal, noting that the ALF received 100 percent approval at the last state inspection and currently has 11 Medicare and Medicaid residents. Referring to aerial and ground level photographs from the Property Appraiser's Office, he pointed out the site's structures and substantial buffering of forestation; confirmed that the applicant's property next door is not included in the proposal; and related that the modification of the existing development agreement would reflect the recent code changes approved by the BCC.

Mr. Pressman discussed the site plan and presented the conceptual parking plan, noting that he consulted a transportation engineer. He related that there has been no history of opposition to the site plan for the subject property; that previous requests generated strong opposition and were denied by the BCC mainly because they encompassed the adjacent lot; and that the prohibitions in the development agreement relating to the mental health facility, drug rehab services, maximum height, and commercial vehicle usage on DeLong Way would remain for the benefit of the neighbors.

Mr. Pressman indicated that he is unaware of any traffic or code enforcement complaints; that 15 neighbors attended a recent meeting regarding the project; and that the ALF has a good, solid track record of responsible business.

Responding to the Chairman's call for citizens wishing to speak in opposition to the application, Patty Gaston and Barbara Krall, Seminole, expressed concerns regarding neighborhood compatibility, commercial use, inadequate parking, emergency vehicle access, traffic, and noise.

In rebuttal, Mr. Pressman clarified that the photographs he displayed depicted the buffering on the rear lot. He related that the ALF has never encountered a problem in its

yearly inspections by the fire department and meets all County codes and requirements; and that the ALF contributes less traffic to the neighborhood than the commercial businesses and offices located on Park Boulevard, which is a major arterial divided highway, noting that Park Boulevard is the site's only access point.

Responding to queries by the members, Chris Gibree, owner and operator of the ALF, stated that the ALF operates to code and has never received any citations; that it is untrue that emergency vehicles have to honk for access; and that she was required by the fire department to install a siren-activated system for emergency vehicles, noting that perhaps twice a week unfamiliar elderly visitors honk to gain entrance because they do not own cell phones to call security for access.

Mr. Brandon clarified that the LPA does not approve site plans; and that site plan review is a very technical process that addresses issues such as grades, drainage, and modifications.

Ms. Westine moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend that the BCC approve the proposed modification of the development agreement.

2. APPLICATION OF JANET O'HARROW THROUGH STEPHEN O'HARROW, REPRESENTATIVE, FOR A ZONING CHANGE FROM R-3, SINGLE FAMILY RESIDENTIAL, TO P-1, GENERAL PROFESSIONAL OFFICE, AND A LAND USE CHANGE FROM RESIDENTIAL URBAN TO RESIDENTIAL/OFFICE-GENERAL (Z/LU-5-2-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Janet O'Harrow through Stephen O'Harrow for the above changes in zoning and land use designation (Z/LU-5-2-16), re approximately 0.7 acre located at 1003 Virginia Avenue in Palm Harbor.

Mr. Bailey referred to the zoning and land use map, pointed out the location of the subject property, and related that the site contains one single family home, noting that it is 100 years old and the last remaining residential property fronting Alternate U.S. Highway 19. He indicated that the applicant has no plans to develop the property and wants to sell the property as office-ready.

Referring to aerial photographs, Mr. Bailey discussed the surrounding land uses, indicating that the proposed amendments would blend well with the area's wide-ranging mixture of uses. He related that Alternate U.S. Highway 19 is operating at a Level of

Service F and subject to Concurrency Management requirements during site plan review; and that the proposed amendments are compatible with surrounding uses and appropriate and consistent with the Comprehensive Plan; whereupon, he recommended approval of the proposed amendments, noting that the case is scheduled to be heard by the BCC on March 29.

Upon the Chairman's call for the applicant, Stephen O'Harrow, Dunedin, appeared and offered to answer any questions the members might have.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Chairman Kardash closed the public hearing.

Ms. Westine moved, seconded by Mr. Schultz and carried unanimously, that the LPA recommend that the BCC approve the proposed amendments.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE

Mr. Beardslee announced that Items Nos. 1 and 2 are related, and that Mr. Swearingen will be addressing both items in his presentation.

1. PROPOSED ORDINANCE OF THE COUNTY OF PINELLAS UPDATING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES, AND REPEALING TRANSPORTATION CONCURRENCY FROM CHAPTER 134 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE PERTAINING TO THE CONCURRENCY SYSTEM (LDR-8-2-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

and

2. PROPOSED ORDINANCE OF THE COUNTY OF PINELLAS ESTABLISHING A MOBILITY MANAGEMENT SYSTEM BY AMENDING CHAPTER 150, IMPACT FEES, OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, BY REPLACING TRANSPORTATION IMPACT FEES AND TRANSPORTATION CONCURRENCY WITH MULTIMODAL IMPACT FEES AND MOBILITY MANAGEMENT, AND OTHER RELATED CHANGES (LDR-9-2-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

February 11, 2016

Referring to a PowerPoint presentation, Planning Manager Scott Swearingen presented an overview of the proposed amendments, indicating that the ordinances reflect proposed changes to move from the traditional Transportation Concurrency System to a Mobility Management System and include the Annual Concurrency Test Statement updating the Level of Service conditions for public services and facilities.

Mr. Swearingen indicated that the amendments are consistent with the Pinellas County Comprehensive Plan and the Strategic Plan's *Foster Continual Economic Growth and Vitality* objectives to catalyze redevelopment through planning and regulatory programs, invest in infrastructure to meet current and future needs, and provide for safe and effective transportation systems. He provided background information, noting that revisions to the growth management legislation in Florida allowed for the removal of state-mandated transportation concurrency systems; and that, if removed, the state encourages the adoption of an alternative mobility funding system.

Mr. Swearingen discussed the benefits of changing to the Mobility Management System, and stated that it provides for a multi-modal emphasis and allows the County to address multiple modes of travel and flexibility for transportation-related improvements, including bicycle, pedestrian, and ancillary improvements; that changing from a floor-area-ratio-based evaluation to a trip-generation-based evaluation provides a more equitable approach to evaluating development impacts; and that the preparation of required Transportation Management Plans can be credited toward impact fees.

Referring to the Annual Concurrency Test Statement, Mr. Swearingen indicated that Level of Service conditions remain acceptable, and that there is adequate capacity to meet the existing and projected needs of the County facilities as part of the Concurrency Management System, and discussion ensued.

Referring to proposed changes to Chapter 150, Mr. Swearingen discussed the objectives of the Mobility Management System, indicating that the changes apply a consistent mobility approach countywide, further local mobility goals, provide a tool for integrating development and transportation goals, further emphasize multimodal transportation, and utilize a countywide impact fee program, noting that the impact fee dollars can be credited to the preparation of a Transportation Management Plan, which is an area-wide strategy of how to address the impacts of development on the transportation system.

Mr. Swearingen related that mobility improvements are based on local Comprehensive Plans and the County's Long-Range Transportation Plan, and could include capital

February 11, 2016

projects as well as other initiatives such as commuter assistance, noting that the system is not intended to fund operational costs. He discussed the criteria for determining the need for Transportation Management Plans and traffic studies in addition to the impact fee, explaining the requirements for deficient and non-deficient roads.

In response to queries by Mr. Brandon, Mr. Swearingen related that fees for engineering and offsite improvements are included in the creditable costs of the Transportation Management Plan; and that they are all inclusive and a direct dollar-for-dollar offset, noting that every dollar spent for the Transportation Management Plan is creditable toward the Multimodal Impact Fee; whereupon, Mr. Brandon stated that construction costs can change weekly and expressed concern that developers in some cases could spend more money on the transportation study than would be credited toward the Multimodal Impact Fee.

Mr. Swearingen indicated that Mr. Brandon's concerns are valid, noting that Development Review Services is considering applying a cost standard in order to evaluate impacts, and Messrs. Brandon and Schultz and Ms. Westine provided input; whereupon, Ms. Westine recommended that a cost standard be put in place. Senior Assistant County Attorney David Sadowsky clarified that the County will use Florida Department of Transportation standards and would be flexible in considering adjustments or changes to those standards during the course of business, and discussion ensued.

Mr. Swearingen related that the current Transportation Impact Fee is based on use and square-footage, and a Transportation Management Plan is only required when there are 51 or more additional trips on a deficient corridor, and Mr. Brandon expressed concerns with the Transportation Impact Fee and the requirement for offsite improvements, comparing it to double taxation; whereupon, Mr. Swearingen indicated that the inequity will disappear with the implementation of the new system, and discussion ensued.

Mr. Swearingen provided an overview of the Transportation Management Plan improvement strategies, including access management and intersection improvements, transit accommodations and amenities, bicycle and pedestrian accommodations, travel demand management programs, and Transit Oriented Development features.

Referring to actions required by the County and local municipalities, Mr. Swearingen indicated that the BCC authorized advertisement of a public hearing last month for the Land Development Code amendments; that changes to the Comprehensive Plan have been reviewed by the State and other reviewing agencies and favorable comments

received; and that hearings will be held for the adoption of all ordinances in March 2016; whereupon, he discussed the work entailed for local municipalities to amend their Comprehensive Plans and Land Development Codes, and responding to queries by the members, related that not all municipalities have come into compliance yet. Following brief discussion, Mr. Swearingen recommended that the LPA recommend approval of the proposed ordinances to the BCC.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Chairman Kardash closed the public hearing.

Ms. Westine moved, seconded by Mr. Brandon and carried unanimously, that the LPA find the proposed amendments to Chapter 134 of the Pinellas County Land Development Code to be consistent with the Pinellas County Comprehensive Plan and recommend that the BCC adopt the proposed amendments.

Thereupon, Ms. Westine moved, seconded by Mr. Schultz, that the LPA find the proposed amendments to Chapter 150 of the Pinellas County Land Development Code to be consistent with the Pinellas County Comprehensive Plan and recommend that the BCC adopt the proposed amendments. Upon call for the vote, the motion carried unanimously.

3. **PROPOSED ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE BE AMENDED BY REVISING SECTIONS 166-242 (DEFINITIONS) AND 166-322 (DOCK REPAIR PERMITS); PROVIDING THAT THE DEFINITION OF "REPAIR PERMIT" BE REMOVED FROM SECTION 166-242 (DEFINITIONS); PROVIDING THAT SECTION 166-322 (DOCK REPAIR PERMITS) BE RENAMED "DOCK REPAIR AND RECONSTRUCTION"; AND REVISING THE STANDARDS AND CRITERIA CONTAINED THEREIN (LDR-10-2-16) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION**
-

Environmental Program Manager David Walker provided an overview of the amendments to Chapter 166. He explained the current process to obtain a permit for dock repair or reconstruction when no new variances are required, and described scenarios where the proposed amendments would more clearly define the policies that would apply.

Mr. Walker provided background information, indicating that the state legislature in the 1950s created nine "findings of fact" that set forth the Board's responsibilities in the permit process and trigger certain requirements, noting that the current code was adopted

February 11, 2016

in 1990. He stated that the proposed amendments do not compromise any of the Board's responsibilities; and that the changes to the code provide clear, codified direction and remove the formal variance process, and discussion ensued.

In response to queries by Mr. Brandon, Mr. Walker related that the changes apply to situations where the impact to neighbors relative to the reconstruction or repair will be equal or less; that the changes will only affect the unincorporated areas; and that the proposed amendments do not affect the Florida Department of Environmental Protection rules, noting that the state 500-square-foot threshold would remain.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Chairman Kardash closed the public hearing.

Thereupon, Mr. Brandon moved, seconded by Mr. Schultz and carried unanimously, that the LPA find the proposed amendments to Chapter 166 of the Pinellas County Land Development Code to be consistent with the Pinellas County Comprehensive Plan and recommend that the BCC adopt the proposed amendments.

ADJOURNMENT

Upon motion by Mr. Brandon, seconded by Mr. Klar and carried, the meeting was adjourned at 10:14 A.M.

Chairman