

Local Planning Agency
Pinellas County
January 13, 2022 Meeting Minutes

The Pinellas County Local Planning Agency (LPA) met in regular session (pursuant to Section 134-12 of the Pinellas County Land Development Code, as amended) at 9:00 AM on this date in the Magnolia Room at the Pinellas County Extension Office, 12520 Ulmerton Road, Largo, Florida.

Present

Mattaniah Jahn, Chairman
Valerie Hibbard (alternate)
Steven Klar
Susan M. Reiter
Marshall Touchton (non-voting School Board Representative)

Not Present

Lari Johnson, Vice-Chairman
Rodney Collman
Ronald Schultz
Paul Wikle

Others Present

Glenn Bailey, Planning Department Zoning Manager
Anne Morris, Assistant County Attorney
Katie Poviones, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Jahn called the meeting to order, reviewed the procedure for public hearings, announced that today's cases will be heard by the Board of County Commissioners (BCC) on February 22, 2022, and related that any documents to be reviewed by the BCC should be submitted to staff prior to February 1, 2022.

MINUTES OF DECEMBER 9, 2021 MEETING

Ms. Hibbard made a motion, which was seconded by Ms. Reiter and carried unanimously, that the 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 hearings were 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 a Deputy Clerk.

PROPOSED RESOLUTIONS AMENDING THE ZONING ATLAS

Case No. ZON-21-08

APPLICATION OF PINELLAS COUNTY THROUGH HOUSING & COMMUNITY DEVELOPMENT, C/O MARK VAN LUE, REPRESENTATIVE, FOR A ZONING ATLAS AMENDMENT FROM RESIDENTIAL MOBILE/MANUFACTURED HOME (RMH) TO URBAN RESIDENTIAL-CONDITIONAL OVERLAY (R-5-CO)

Public hearing was held on the application of Pinellas County through Housing & Community Development and Mark Van Lue, for the above amendment, regarding approximately 1.55 acres located at 3901 46th Avenue North in Lealman.

Referring to a PowerPoint presentation containing maps and photographs, Principal Planner Michael Schoderbock pointed out the location of the subject property and discussed the surrounding land uses, indicating that the property is currently vacant; and that the intended use is an affordable housing residential development. He related that the case was continued from the LPA's October meeting to allow the applicant an opportunity to consider a conditional overlay and to address issues raised by residents and the Board; and that the proposed conditions limit the maximum building height to 35 feet and require minimum setback from the 46th Avenue North property line, excluding front porches, decks, and covered entryways, of 20 feet.

Mr. Schoderbock indicated that the amendment promotes flexible site design, which is ideal for the development given the irregular shape of the property; that the proposed zoning would provide a good transition between residential uses in the south and industrial uses in the northeast; and that it is consistent with the Lealman Community Redevelopment Agency Plan and the County Comprehensive Plan.

In response to queries by Ms. Hibbard, Mr. Schoderbock clarified that a conditional overlay cannot address parking; that it would be looked at as part of the site plan; and that a reduction in parking could be requested, but there would need to be a demonstration of other means of transportation in the area to allow it; whereupon, he provided information relating to the setbacks.

Upon the Chairman's call for the applicant, Mark Van Lue, Pinellas County Housing & Community Development, related that following recent conversations with the community, he requests that the conditional overlay be amended to include a minimum 15-foot setback requirement for the exempted front porches, decks, and covered entryways, and Attorney Morris advised the members that a motion regarding the application could reflect the requested change.

Upon the Chairman's call for proponents, David Lee, St. Petersburg, appeared and expressed his concerns regarding a potential sunset on the conditions applied in the overlay; whereupon, Mr. Schoderbock indicated that there is no time limit on the conditional overlay conditions, as it becomes part of the zoning; and that a new zoning request would need to be submitted and go through a public hearing process to amend the conditions.

Ms. Hibbard made a motion, which was seconded by Mr. Klar, that the LPA recommend approval of the application to the BCC based on the findings of fact contained in the staff report and evidence presented during the hearing, finding that the request is consistent with the Land Development Code and the Comprehensive Plan.

Upon clarification by Attorney Morris regarding the applicant's request, Ms. Hibbard amended her motion to include a 15-foot setback requirement for front porches, decks, and covered entryways, and Mr. Klar concurred. Upon call for the vote, the motion carried unanimously.

Case No. ZON-21-11

APPLICATION OF WILLIAM J. & JOAN KIMPTON THROUGH WILLIAM KIMPTON, REPRESENTATIVE, FOR A ZONING ATLAS AMENDMENT FROM RESIDENTIAL AGRICULTURE (R-A) TO RESIDENTIAL RURAL (R-R)

Public hearing was held on the application of William J. and Joan Kimpton through William Kimpton for the above amendment, regarding approximately 2.12 acres located at 1645 Chaplene Court in unincorporated Dunedin.

Referring to a PowerPoint presentation containing maps and photographs, Program Planner Corey Gray provided information regarding the location of the subject property and the surrounding land uses, relating that the property consists of two parcels with one single-family home; that while there is no proposed use, the applicant wishes to split one of the parcels to eventually build another house for potential family or to be sold; and that the R-R zoning would allow for detached single-family homes and accessory personal agricultural uses on lot sizes as small as 16,000 square feet.

Mr. Gray indicated that the current R-A zoning is technically non-conforming, as it typically requires a two-acre minimum, and the two parcels combined are 2.12 acres; that the Residential Suburban future land use map category would allow up to five residential units on the property; and that the actual number of allowable units on the property is subject to the site plan review, where challenges such as stormwater access and landscaping may arise. He related that the amendment is consistent with the Comprehensive Plan; and that the Development Review Committee recommended approval of the application.

Upon the Chairman's call for the applicant, William Kimpton, Dunedin, indicated that he did not realize that his property is non-conforming; and that he anticipates this zoning change would bring it back into conformity.

In response to the Chairman's call for opponents, the following individuals appeared and expressed their concerns regarding density, traffic, loss of wildlife, damage to the environment, property values, neighborhood access, and inadequate drainage leading to flooding:

Raymond Murtaugh, Dunedin
Kevin Jones, Dunedin
Karen Hunter, Dunedin
Kerry Cruzado, Dunedin
Pam Schultz, Dunedin
Neil Kirschman, Dunedin
Phyllis Tausend, Dunedin
Deborah Davis, Dunedin

In rebuttal to public comment and in response to queries by Ms. Hibbard, Mr. Kimpton related that he would be willing to cooperate with neighbors, the City of Dunedin, and the County to rectify the drainage issue; that building one additional house should not affect traffic; and that while the access to Brady Drive is currently being used by neighbors to park their truck, future use would be at the discretion of whoever purchases that portion of the property.

Responding to queries by the members, Mr. Bailey confirmed that drainage would be addressed during site plan review; that Brady Drive would not be directly accessible via a subdivision; that a 16,000-square-foot lot size minimum is larger than most surrounding lots; and that the requested zoning is consistent with other properties in the area.

Mr. Bailey reported that staff received a letter from an engineer at the City of Dunedin confirming that there are drainage issues in the area that would require an outfall to reroute the water into the city drainage system; and that the maximum density allowed is 2.5 units per acre, noting that it is based on land use, which is not requested to be

changed; whereupon, Attorney Morris reminded the members of the applicable evidentiary standard required in quasi-judicial proceedings.

During discussion and responding to queries by the members, Mr. Bailey indicated that the rezoning would allow the owner to build an additional house in the northeastern part of the subject property to lessen the drainage issues; and that building in the southwestern part, which is allowed by the current zoning, could be impossible due to the drainage. Mr. Schoderbock explained that the County's Engineering Department evaluates whether there are historical drainage flows in an area that need to be maintained by the property owner.

Mr. Klar made a motion that the LPA recommend approval of the application to the BCC based on the evidence contained in the staff report, the application record, and testimony presented today, finding it consistent with the Land Development Code and the Comprehensive and Countywide Plans. The motion died for lack of a second.

Upon request by Ms. Hibbard for additional discussion, Mr. Bailey, with input from Attorney Morris, provided information regarding a conditional overlay option. He indicated that it may be utilized to limit the number of units built; that if two additional houses were developed on the property, State-required subdivision rules would be triggered, requiring the site to be subdivided and platted, and stormwater would need to be maintained over the entire site; and that incorporating an overlay would require a review by the Development Review Committee before returning to the Board for another public hearing.

At the request of Chairman Jahn for comment by the applicant, Mr. Kimpton reiterated that he would like to help solve the drainage problems and indicated that he would be willing to amend his application to add a conditional overlay; whereupon, Attorney Morris emphasized that while the overlay may specify the number of units, it cannot include any commitments associated with stormwater management. Chairman Jahn indicated that if the applicant works with the neighbors and the engineers regarding the drainage concerns, it may give the Board a better idea of the site plan and help his case at the next hearing.

Following discussion, Mr. Klar moved that the case be postponed for 90 days, to be heard at the April 14 Board meeting, in order to provide the applicant time to work with the County on the conditional overlay. The motion was seconded by Ms. Reiter and carried unanimously.

Case No. ZON-21-12

APPLICATION OF FIRST CAPITAL TRUSTS, LLC THROUGH JUSTYNA GALE, REPRESENTATIVE, FOR A ZONING ATLAS AMENDMENT FROM RESIDENTIAL AGRICULTURE (R-A) TO URBAN RESIDENTIAL (R-5)

Public hearing was held on the application of First Capital Trusts, LLC through Justyna Gale for the above amendment, regarding approximately 2.3 acres located on the west side of Starkey Road, approximately 483 feet north of 94th Avenue North in unincorporated Seminole.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Schoderbock pointed out the location of the subject property and discussed the surrounding land uses, relating that the property is currently vacant; that the intended use is a 29-unit townhome rental development; and that the townhomes and condominiums adjacent to the property to the north and across the street have a comparable number of units per acre.

Mr. Schoderbock indicated that the proposed medium density residential zoning provides a good transition from a minor arterial road; that the amendment is consistent with the Comprehensive Plan; and that the Development Review Committee recommended approval of the application.

Upon the Chairman's call for the applicant, Justyna Gale, Florida Design Consultants, Land O' Lakes, provided information regarding the application, indicating that the applicant proposes to build quality luxury townhomes with enhanced landscaping, buffering, and decorative fencing.

In response to the Chairman's call for opponents, the following individuals appeared and expressed their concerns regarding drainage, wildlife, density, buffering, light pollution, and loss of green space:

Charles De la Torre, Seminole
Michael Cousin, Seminole
Robert Brass, Seminole
Patricia Kirisits, Seminole
Jann Russell, Seminole

In rebuttal, Ms. Gale conveyed that the proposed ingress and egress off Starkey Boulevard are consistent with the development pattern of the area; that a wildlife study and tree survey will be conducted during site plan review; and that 10-foot setbacks are being proposed on all sides where only 5 feet are required under the R-5 zoning.

Robert Czyszczonek, St. Pete Beach, appeared and indicated he represents the applicant. He reiterated that the proposed development is consistent with other uses in the area; and that the applicant is willing to cooperate with neighbors to ensure there are no issues related to lighting, buffering, or fencing.

Responding to queries by the members, Mr. Czyszczonek related that the main entrance to the proposed development will be off Starkey Road; that the property's existing entrance will be used as a locked emergency entrance accessible only to the fire department and police; and that the storage facility on the proposed site plan will be used as a garage to allow residents to store their boats, trailers, and classic cars.

In response to queries by the members, Mr. Schoderbock explained that one residential unit could be built on the property under the existing zoning; that the zoning amendment would not impact density; that the Board has not recently recommended any single-family zoning changes for sites on Starkey Road; that the development would be required to comply with lighting standards in the Code; and that stormwater, traffic, access, and environmental concerns will be addressed during site plan review.

Upon request by Chairman Jahn, Attorney Morris reminded the members of the evidentiary standard for quasi-judicial hearings and clarified that citizen opposition to change is not sufficient evidence to recommend denial of an application; whereupon, Mr. Klar made a motion that the LPA recommend approval of the application to the BCC based on the findings of fact contained in the staff report and evidence presented by staff today, finding it consistent with the Land Development Code and the Comprehensive Plan. The motion was seconded by Ms. Reiter and carried unanimously.

ADJOURNMENT

Mr. Bailey reminded the members that beginning next month, the Board meetings will be held at 315 Court Street, 5th Floor Assembly Room, Clearwater, Florida, 33756.

Upon motion by Mr. Klar, seconded by Ms. Hibbard and carried unanimously, the meeting was adjourned at 10:54 AM.