

Local Planning Agency
Pinellas County
November 9, 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 9:01 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Lari Johnson, Vice-Chair
Stanley A. Cataldo
Rodney Collman
Duggan Cooley
Valerie Hibbard (alternate)
Trish Johnson (non-voting School Board Representative)

Not Present

Mattaniah Jahn, Chairman
Ronald Schultz

Others Present

Glenn Bailey, Planning Department Zoning Manager
Maria White, Assistant County Attorney
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Acting Chairman Johnson called the meeting to order and reviewed the procedure for public hearings, indicating that today's cases will be heard by the Board of County Commissioners (BCC) on December 13, 2022; and that any documents needed to be reviewed by the BCC should be submitted to staff prior to November 21.

MINUTES OF SEPTEMBER 7, 2022 MEETING

Mr. Cooley made a motion, which was seconded by Ms. Hibbard 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 ORDINANCE AND RESOLUTIONS AMENDING THE FUTURE LAND USE MAP AND ZONING ATLAS

Case No. FLU-22-05

APPLICATION OF M J H PROPERTIES, INC. THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL URBAN (RU) TO RESIDENTIAL LOW MEDIUM (RLM)

A public hearing was held on the application of M J H Properties, Inc., through Robert Pergolizzi, for the above amendment regarding approximately 2.33 acres located at 2231 Blanchard Court in unincorporated Largo.

Referring to a PowerPoint presentation containing photographs and maps, Long Range Planning Manager Scott Swearngen presented information regarding the location of the subject property, surrounding land uses, potential traffic impacts, and flood risks, indicating that the existing RU designation allows up to 17 dwelling units; and that the RLM would allow a maximum of 23 units, creating an overall increase of six units. He related that the applicant plans to keep some of the existing units, demolish some units, and redevelop a portion of the site with new multi-family dwelling units; and that the Development Review Committee recommends approval, finding the request consistent with the Pinellas County Comprehensive Plan.

Robert Pergolizzi, Clearwater, appeared and indicated that the site currently contains 12 multi-family units within 5 single-story buildings; and that the applicant plans to redevelop the site, improve its appearance, and bring it up to code. He related that the land use amendment would serve as a transition between Residential Low and Residential High land uses; that traffic impacts would be minimal; and that the subject property is within a non-hurricane evacuation zone, making it suitable for additional residential development.

Responding to queries by acting Chairman Johnson, Mr. Pergolizzi related that a full hearing was conducted on this application at the September LPA meeting, and at the end of the hearing, a member recused themselves which negated a quorum; that he has been in contact with the neighbors regarding concerns; and that the only entrance to the property would be Seminole Boulevard.

In response to the acting Chairman's call for opponents, the following individuals appeared and expressed their concerns:

Hamid Shoraka, Largo
Dale Henegar, Largo

In rebuttal, Mr. Pergolizzi indicated that during the site plan review process, the applicant would need to comply with Pinellas County drainage and fencing requirements; and that the applicant has offered to install offsite sidewalks in exchange for multimodal impact fee credits.

Mr. Collman made a motion, which was seconded by Mr. Cooley, that the LPA recommend approval of Case No. FLU-22-05 to the BCC. The motion was approved 3-2, with Mr. Cataldo and Ms. Hibbard dissenting.

Case No. ZON-22-07

APPLICATION OF JOEY K'S, LLC THROUGH MICHAEL R. COSTELLO, REPRESENTATIVE, FOR A ZONING ATLAS AMENDMENT FROM NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO GENERAL COMMERCIAL AND SERVICES DISTRICT- CONDITIONAL OVERLAY (C-2-CO)

A public hearing was held on the application of Joey K's, LLC through Michael Costello for the above zoning change with a conditional overlay regarding approximately 0.45 acre located at 530 US 19 Alternate in Palm Harbor.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Bailey provided information regarding the location of the subject property, discussed surrounding land uses, and related that the LPA continued this case in September 2022 to provide the applicant the opportunity to pursue a conditional overlay to address the neighbors' concerns by limiting the type of uses that could be allowed on the property.

Mr. Bailey related that the conditional overlay would limit uses of the property to motor vehicle sales in addition to all C-1 neighborhood commercial uses currently allowed; that the proposed use is golf cart sales; that the request is compatible with the current Future Land Use Map; and that the Development Review Committee recommends approval, finding the Zoning Atlas amendment consistent with the Pinellas County Comprehensive Plan.

Michael Costello, Tampa, appeared and indicated that the applicant amended the application with the conditional overlay to limit the uses in response to the neighbor's concerns, and related that two letters of support have been received.

Mr. Bailey responded to queries by the members; whereupon, Mr. Collman made a motion that the Board recommend approval of Case No. ZON-22-07 to the BCC. The motion was seconded by Mr. Cooley and approved 4-1, with Ms. Hibbard dissenting.

Case No. FLU-22-06

APPLICATION OF CYPRESS RUN OF FL, LLC THROUGH CYNTHIA H. TARAPANI, REPRESENTATIVE, FOR A FUTURE LAND USE MAP AMENDMENT FROM TRANSPORTATION UTILITY (TU) TO RESIDENTIAL RURAL (RR)

A public hearing was held on the application of Cypress Run of FL, LLC through Cynthia Tarapani for the above amendment regarding approximately 4.21 acres located on the east side of East Lake Drive across from the intersection of North Highland Avenue in East Lake.

Referring to a PowerPoint presentation containing photographs and maps, Long Range Planning Manager Scott Swarengen presented information regarding the location of the subject property, surrounding land uses, potential traffic impacts, and flood risks, indicating that the existing land use is a golf course maintenance facility, and that the intended Future Land Use Map (FLUM) is to include single-family residential units and recreation. He related that additional zoning amendments and Development Master Plan modifications would be required to accomplish the desired intent; and that staff recommends approval finding the request consistent with the Pinellas County Comprehensive Plan; whereupon, he and Mr. Bailey responded to queries by the members.

Cynthia Tarapani, Tarpon Springs, appeared and indicated that a continuance will be requested for the next agenda item, Case No. ZON-22-08, which will include the zoning and master plan changes for this parcel, as the applicant would like additional time to explore options to make it as consistent as possible with the existing neighborhood. She further reviewed the plan amendment request to RR and indicated that it has a low density of .5 units per acre; that it is the most predominant category in the East Lake and Tarpon Overlay; and that all development would be outside of the floodplain area; whereupon, she reviewed the future plan for the parcel and responded to queries by the members.

In response to the acting Chairman's call for opponents, the following individuals appeared and expressed their concerns:

Hayath Javeed, Tarpon Springs
Beverley Downing, Tarpon Springs

In rebuttal, Ms. Tarapani related that the opponent's concerns will be addressed during the site plan review; that the applicant is mindful of the neighbor's concerns, hence the

request for a continuance of the following agenda item; and that significant buffering will be utilized. In response to queries by the members, she indicated that a maximum of three single-family or townhouse units will be requested; that the recreation area will be lighted; and that no natural resources will be affected as the parcel is currently developed with a maintenance facility, paved parking lot, and a Duke Energy easement, and Mr. Bailey provided input.

Mr. Cooley made a motion, which was seconded by Mr. Collman and carried unanimously, that Case No. FLU-22-06 be approved.

Case No. ZON-22-08

APPLICATION OF CYPRESS RUN OF FL, LLC THROUGH CYNTHIA H. TARAPANI, REPRESENTATIVE, FOR A ZONING ATLAS AMENDMENT FROM RESIDENTIAL AGRICULTURE (RA) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH A DEVELOPMENT MASTER PLAN MODIFICATION

Mr. Bailey related that the applicant has requested a continuance to address issues with the power line easement and placement of structures; whereupon, Ms. Hibbard made a motion, seconded by Mr. Cooley and carried unanimously, that the case be continued to the LPA meeting on January 11, 2023.

Case Nos. FLU-22-04 and ZON-22-05

APPLICATION OF COMMUNITY ASSISTED AND SUPPORTED LIVING, INC. THROUGH KATIE COLE AND ANGELA RAUBER, REPRESENTATIVES, FOR THE FOLLOWING:

- (FLU-22-04) A FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

and

- (ZON-22-05) A ZONING ATLAS AMENDMENT FROM RESIDENTIAL ESTATE (RE) TO MULTI-FAMILY RESIDENTIAL-CONDITIONAL OVERLAY (RM-CO)

A public hearing was held on the applications of Community Assisted and Supported Living, Inc. (CASL) through Katie Cole and Angela Rauber for the above amendments regarding approximately 2.79 acres located at 13000 Park Boulevard in unincorporated Seminole.

Referring to a PowerPoint presentation containing maps and photographs, Mr. Bailey presented information regarding the location of the subject property, surrounding land uses, potential traffic impacts, and flood risks, indicating that the FLUM amendment would

increase density from 2.5 to 5 units per acre; and that the zoning amendment would allow 21 single-story residential dwelling units for independent housing for a maximum of 28 persons with development disabilities as defined by Florida Statute.

Mr. Bailey related that the subject property is in a transitional location; that the conditional overlay provides limits to the number and type of dwelling units and accessory structures allowed; and that the Development Review Committee recommends approval as the request is consistent with the Comprehensive Plan.

Angela Rauber, Tampa, appeared and commended County planning staff for their assistance with the project, read part of the statute indicating the range of persons who intend to occupy the housing, and noted that affordable housing requirements would need to be met to achieve the density being requested.

Responding to a query by Mr. Coleman, Katie Cole, Clearwater, indicated that support staff would not reside at the location; and that a total of 28 individuals would live in the 21 units being proposed.

In response to queries by the members, CASL Consultant Jim Whitaker, Fernandina Beach, indicated that all potential residents will have an assessment; that the majority of the residents will receive funding from the State of Florida Medicaid Waiver Program; that the applicant will receive affordable housing tax credit dollars which makes rent affordable; and that if the project is approved, it would be the eighth such community in Florida.

In response to concerns by the members, CASL CEO Scott Eller, Seminole, related that CASL is accredited with the Commission on Accreditation of Rehabilitation Facilities; that one of the required components is to have a comprehensive emergency management plan; and that most residents have a coordinator and a coach to assist during emergency situations.

In response to the Acting Chairman's call for opponents, the following individuals appeared and expressed their concerns:

Ileana Kwasniowski, Seminole
Barbara Krall, Seminole
Donna Chisholm, Seminole
Jon Jantomaso, Seminole
Paul Svabek, Seminole
Robert Lyons, Seminole
Kurt Nuffer, Seminole

In rebuttal, the following individuals addressed the citizens' concerns and responded to queries by the members:

- Ms. Rauber related that the infrastructure concerns would be addressed during the site plan review process; and that the bulk of the density will be developed along the Park Boulevard corridor.
- Mr. Eller related that multiple services and agencies are utilized for each facility to promote safety, quality housing, and quality care; that assessments are completed for each occupant to determine that they are able to live independently; and that each facility is monitored annually and are found to be in full compliance eliminating the possibility of over-occupancy.

CASL Attorney Steven Polin, Washington, DC., appeared and stated that his client advocates for persons with intellectual disabilities who are also protected under the Fair Housing Act and Americans with Disabilities Act. The Board's decision should not be based on fear of the neighbors to which there is no evidence; and that this type of issue is protected by the Fair Housing Act. He related that the Department of Children and Families has a program that places people with disabilities in nice, residential, community settings; that in a normal situation, individuals would not be allowed to choose their neighbors; and that this is an affordable housing project which is emphasized in the Master Plan.

Mr. Eller related that criteria for these communities must include access to amenities such as shopping, churches, restaurants, and medical care; and that he has been with CASL for 23 years with dozens of positive news articles on how lives are transformed.

Upon counsel recommendation, Acting Chairman Johnson allowed the following opponents to speak again:

Paul Svabek, Seminole
Barbara Krall, Seminole
Robert Lyons, Seminole
Ileana Kwasniowski, Seminole
Donna Chisholm, Seminole

Ms. Rauber reiterated that the future land use amendment would increase density from 2.5 to 5 units per acre; that there is a possibility for an affordable housing density bonus; that the request is not for 21 structures, but for 11 structures plus the existing building to house a total of 28 individuals; and that the conditional overlay is for single-story dwellings for persons with developmental disabilities.

Responding to a query by Acting Chairman Johnson, Mr. Bailey clarified that the project is considered an appropriate transitional use with residential units on two sides and commercial units on two sides; that the commercial land use category allows 15 units per acre; and that a nearby Winn-Dixie could be redeveloped into 192 apartment units without having to go through a change in land use or zoning.

Following discussion, Mr. Collman made a motion to approve Case No. FLU-22-04, which died for lack of a second.

Mr. Cooley made a motion to deny Case No. FLU-22-04, which was seconded by Mr. Cataldo. Upon call for the vote, the motion carried 4-1, with Mr. Collman dissenting.

Ms. Hibbard made a motion to deny Case No. ZON-22-05, which was seconded by Mr. Cataldo. Upon call for the vote, the motion carried 3-2, with Mr. Collman and acting Chairman Johnson dissenting.

OTHER BUSINESS

Acting Chairman Johnson expressed her appreciation for the public's participation and wished everyone a Happy Thanksgiving.

ADJOURNMENT

The meeting was adjourned at 11:50 AM.