

**Local Planning Agency
Pinellas County
May 10, 2023 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 9:05 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Mattaniah Jahn, Chairman
Duggan Cooley, Vice-Chairman
Stanley A. Cataldo
John Cueva
James Everett (alternate)
Audrey Henson
Lari Johnson
Trish Johnson (non-voting School Board Representative)

Not Present

Rodney Collman

Others Present

Glenn Bailey, Planning Department Zoning Manager
Derrill McAteer, Senior Assistant County Attorney
Scott Swearingen, Long Range Planning Manager
Jenny Masinovsky, Senior Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Jahn called the meeting to order and provided an overview of the hearing process, indicating that the Board of County Commissioners (BCC) will make the final decisions on today's recommendations at a separate public hearing.

MINUTES OF FEBRUARY 8, 2023 MEETING

Mr. Cueva made a motion, which was seconded by Mr. Cooley 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 ORDINANCES AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP AND LAND DEVELOPMENT CODE, AND PROPOSED RESOLUTIONS AMENDING THE ZONING ATLAS

Cases Nos. FLU-23-01 and ZON-23-01

APPLICATIONS OF LA MIRAGE BEAUTY SALON, INC. THROUGH TODD PRESSMAN, REPRESENTATIVE, FOR THE FOLLOWING:

- (FLU-23-01) A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL/OFFICE GENERAL (R/OG) TO EMPLOYMENT (E)

and

- (ZON-23-01) A ZONING ATLAS AMENDMENT FROM GENERAL OFFICE (GO) TO EMPLOYMENT-2 (E-2) WITH A DEVELOPMENT AGREEMENT ALLOWING UP TO 23,314 SQUARE FEET OF BUILDING AREA FOR THE USES PERMITTED IN THE E-2 ZONE, AND TERMINATING A 2014 DEED RESTRICTION THAT LIMITS BUILDING AREA TO 14,690 SQUARE FEET

A public hearing was held on the applications of La Mirage Beauty Salon, Inc., for the above amendments regarding two adjacent parcels totaling approximately 3.3 acres located along the south side of Tampa Road, approximately one-quarter mile west of McMullen Booth Road, at 3720 and 3730 Tampa Road in Palm Harbor. The subject property is currently developed with a beauty salon and an office.

Referring to a PowerPoint presentation containing photographs and maps, Mr. Bailey presented information regarding the location of the subject property and the surrounding land uses and zoning designations, indicating that the property is regulated by an existing development agreement and deed restrictions, involving use and size limitations.

Mr. Bailey provided information regarding the history of the subject property and the current and proposed land uses, noting that 76% of the development rights have been transferred to other parts of the master plan, leaving only 24% for potential development. He related that at 3.3 acres, the maximum allowed building area is limited to 14,690

square feet by a deed restriction recorded in 2014; and that if the FLUM amendment is approved, it would terminate the deed restrictions and allow for up to 23,314 square feet. He indicated that no specified future use is proposed at this time; and that the applicant is proposing to prohibit certain uses through the companion zoning atlas amendment application.

Mr. Bailey related that the Development Review Committee (DRC) recommends denial of the applications based on the subject property's location along a Scenic/Non-Commercial Corridor and the surrounding environmental and residential uses; that the existing R/OG land use designation, zoning, and deed restriction provide opportunities for reasonable uses of the land that are more appropriate with its locational characteristics; and that the request is inconsistent with the Pinellas County Comprehensive Plan.

Todd Pressman, St. Petersburg, appeared and provided information about the application, noting the challenges associated with the subject property, such as prior actions by the previous owners, neighboring properties, wetlands, land use category options, and a conservation easement limiting square footage allowed. He indicated that the proposed E-2 custom zoning would restrict inappropriate uses and allow for the needed general office category. Referring to a letter from RE/MAX Broker-Associate Mark Ganier, he related that over the last several years, four letters of intent have been generated for this redevelopment site, but to no avail, due to limited square footage allowed; and that the applicant would be willing to consider alternate use recommendations.

No one appeared in response to the Chairman's call for proponents or opponents of the application.

Responding to queries by the members, Mr. Bailey related that institutional zoning for assisted living and medical facilities was recommended, but the applicant denied that option since it does not allow or promote general office uses; that the nearest E-2 zoned property is 1.6 miles away; that the Code does not allow general office uses along scenic corridors unless they are in a node; and that residential/office general land use sets the maximum building size, noting that the 24% remaining development rights is the issue.

Mr. Cueva made a motion that the LPA recommend denial of Case No. FLU-23-01 to the BCC, noting that it appears to be a spot zoning situation; that similar to the proposed zoning is a mile and a half away; and that it could set an undesirable precedent for this area. The motion was seconded by Mr. Cooley and carried 6-1, with Ms. Henson dissenting.

Mr. Cueva made a motion that the LPA recommend denial of Case No. ZON-23-01 to the BCC, noting that it appears to be a spot zoning situation; that similar to the proposed zoning is a mile and half away; and that it could set an undesirable precedent for the area. The motion was seconded by Mr. Cooley and carried 6-1, with Ms. Henson dissenting.

Case Nos. FLU-23-02 and ZON-23-02

APPLICATION OF PINELLAS COUNTY/ST. PETE-CLEARWATER INTERNATIONAL AIRPORT THROUGH SCOTT YARLEY, REPRESENTATIVE, FOR THE FOLLOWING:

- (FLU-23-02) FUTURE LAND USE AMENDMENT FROM EMPLOYMENT (E) TO TRANSPORTATION UTILITY (T/U)

and

- (ZON-23-02) ZONING ATLAS AMENDMENT FROM EMPLOYMENT-1 (E-1) TO P.C. AIRPORT

A public hearing was held on the application of Pinellas County/St. Pete-Clearwater International Airport for the construction of a new airport taxiway within the amendment area that would provide access to future aviation uses, for approximately 18.5 acres located at 13690 Stoneybrook Drive in unincorporated Largo.

Referring to a PowerPoint presentation containing photographs and maps, Mr. Bailey provided information regarding the location, surrounding land uses, and history of the subject property, noting that it is the former Airco site. He related that the existing use is vacant and reviewed current and proposed land use designations. Responding to a query by Mr. Cueva, he indicated that the nearest residential unit is 1,800 feet away.

Mr. Bailey indicated that the Development Review Committee (DRC) recommends approval of the applications, noting they are consistent with the adopted St. Pete-Clearwater Airport Master Plan and the Comprehensive Plan; and that they are compatible with surrounding aviation-related uses and will facilitate the intended future uses of the airport.

St. Pete-Clearwater International Airport Director Tom Jewsbury appeared, provided background information on the subject property, and reviewed the proposed development plan. Responding to the Chairman's query regarding addressing noise concerns of the area's neighbors, he indicated that an environmental assessment was completed as required by the Federal Aviation Administration (FAA), which included considerations such as wildlife impact, noise and fuel emissions, and more; and that no significant impacts were determined regarding the airport development; whereupon, Chairman Jahn

recommended that the assessment be made part of the record. Mr. Jewsbury related that the assessment was approved as part of the Airport Master Plan; and that the information was provided at several community public hearings.

Responding to queries by the members, Mr. Jewsbury pointed out the large parcel of land that has been designated as a noise and visual buffer approved by the FAA and discussed the type of aircrafts that would be utilized. He related that the airlines are encouraged to halt traffic between the hours of 11:00 PM and 7:00 AM, but the airport has no control over that, as the FAA requires that it remain open 24/7.

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

Michael Schlensker, Clearwater
Steve Ochsner, Clearwater

In rebuttal, Mr. Jewsbury expressed his desire to move forward with the Airport Master Plan approved by the Board of County Commissioners (BCC) to develop the subject property as intended and approved by the FAA, noting that it is the largest piece of undeveloped land owned by the County; and that he will continue to advocate for the community to minimize the noise and impacts of the airport. Responding to queries by the members regarding noise, he related that the land between the Airco property and the Feather Sound community was planned as a buffer; that building a wall would have minimal impact due to the distance of the community; that future buildings, which may be proposed as part of the development, will be more beneficial in noise reduction; and that any future development would need to meet County Code requirements and FAA approval.

At the Chairman's request, Attorney McAteer reviewed the definition of competent substantial evidence and the difference between expert testimony versus layman testimony.

Ms. Johnson made a motion, which was seconded by Mr. Cueva and carried unanimously, that the LPA recommend approval of Case No. FLU-23-02 to the BCC.

Ms. Johnson made a motion, which was seconded by Mr. Cueva and carried unanimously, that the LPA recommend approval of Case No. ZON-23-02 to the BCC.

Case Nos. FLU-23-03 and ZON-23-03

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

- (FLU-23-03) FUTURE LAND USE AMENDMENT FROM RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

and

- (ZON-23-03) ZONING ATLAS AMENDMENT FROM RESIDENTIAL ESTATE (R-E) TO MULTI-FAMILY RESIDENTIAL-CONDITIONAL OVERLAY (RM-CO)

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

Responding to a query by Mr. Everett, Attorney McAteer indicated that Mr. Everett's family member attending a martial arts school in the proximity of the subject property does not present a conflict of interest in the cases.

Referring to a PowerPoint presentation containing photographs and maps, Mr. Swearngen presented information regarding the location of the subject property and surrounding land uses, indicating that the FLUM amendment would increase density from 2.5 to 5 units per acre; and that the existing use is a single-family home with accessory structures.

Mr. Swearngen related that a similar request by the applicant for the subject property was previously recommended for denial by the LPA and denied without prejudice by the BCC in January, allowing the applicant to resubmit another application without a waiting period. He indicated that the conditional overlay to the zoning request has been revised to limit the unit number to 20 single-story, one and two bedroom independent dwelling units for a maximum of 24 persons with developmental disabilities, as defined by Florida Statute; that the overlay provides assurances as to the future use; and that the applicant intends to seek an affordable housing density bonus.

Mr. Swearngen indicated that the subject property is in a transitional location between commercial and residential uses; that it has a low flood risk and is not within the Coastal High Hazard Area; that applicant provided a concept plan; and that the Development Review Committee recommends approval as the request is consistent with the Comprehensive Plan; whereupon, he responded to queries by the members.

Angela Rauber, Tampa, appeared and indicated that the application has been revised to reduce the number of units and the number of individuals allowed to reside on the property; that an increase to setbacks has been established to show respect to the residential areas to the east and south; that the existing single-family use on this property

no longer fits the surrounding area zoning changes; and that the individuals who would be residing at the proposed development are deemed capable of independent living.

Robert Pergolizzi, Clearwater, appeared and further reviewed the surrounding area land uses and zoning, noting that 75 percent of the parcel would be designated as green space; that a six-foot fence would be installed along the east and south property lines; that transportation impacts would be minimal; and that development in that area would serve as a transition between heavy commercial and lower density residential.

Responding to queries by the members, Mr. Bailey related that it was not clearly stated as to why the LPA denied the original request, and later in the meeting, Mr. Pergolizzi related that the original application did not have a conditional overlay concept plan; and that the setbacks have been increased to 25-foot front, 15-foot side, and 200-foot rear. Ms. Rauber indicated that the original request included 28 individuals living in 21 units.

Responding to queries by the members, Barbara Braun, Sarasota, appeared and stated that all potential residents would need to meet the criteria required by the Florida Statute and Medicaid waiver program; that they would be over the age of 18, have a higher level of functioning, and be able to live independently; that each resident would have personal support on a weekly and/or monthly basis; and that a majority of them will most likely be working within the community; whereupon, CASL CEO Scott Eller provided information regarding the types of disabilities pertaining to potential residents and whether that may change in time based on governmental guidelines.

Responding to a query by the members, Mr. Bailey related that the project could be built across the street from the subject property with the current zoning and land use designations; that conditional overlay was presented at the prior LPA meeting, but it did not have a concept plan; that a continuance was requested at the December BCC meeting in order to prepare the concept plan for the January BCC meeting; and that it has been changed since then, as the 120-foot rear setback was increased to 200, and the buildings locations have shifted.

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

Phil Lato, Seminole
Rob Healy, Seminole (spoke on behalf of others in attendance)
Patrick Spillman, Seminole
Joe Russo, Seminole
Amy Christiansen, Seminole
Patty Gaston, Seminole
Lloyd Hamilton, Seminole

Ric Martin, Largo
Donna Chisholm, Seminole
Michelle Whitfield, Seminole
Oscar Pineda, Seminole
Shaunn DeMuth, Seminole
Jon Jantomaso, Seminole
Cody Rockswold, Seminole
Kristin Silveira, Seminole
Ron Silveira, Seminole
Alyson Luttmann, Seminole
Nicole Harris, Seminole

During citizen discussion, Chairman Jahn confirmed with Mr. Healy that his concerns pertained to the types of individuals that would live and visit the facility; that staffing would not be made available 24/7; and that no services would be provided by the property owner.

During citizen comments, Attorney McAteer reiterated the standards of fact-based testimony and competent substantial evidence, noting that all evidence presented during the hearing must be in a tangible format for the record.

The meeting was recessed at 12:18 PM and was reconvened at 12:28 PM.

In rebuttal, Ms. Rauber related that CASL has limited who the residents of the development would be based on statutory definition; that a neighboring property owned by CASL has been in operation since 2017-18 with zero police calls; that the proposed development transitions nicely within the mixed use neighborhood; that setbacks have been increased and self-imposed development restrictions have been added to accommodate the residential neighbors; and that no competent substantial evidence has been provided contrary to the expert testimonies of Messrs. Swearngen and Pergolizzi, who opined that the request is compatible with the surrounding area.

Responding to a point raised by Attorney McAteer that not all content within the conceptual site plan is binding, Ms. Rauber related that the setbacks are binding, noting that the 15-foot side and the 25-foot front setbacks are consistent with the zoning standards, and the 200-foot rear setback is proposed due to the concerns raised by the residential neighbors.

Responding to a query by Mr. Cooley, Attorney McAteer indicated that the competent substantial evidence standard is required for the rezoning matter, but not the future land use amendment. In response to a query by Chairman Jahn, Attorney McAteer requested a short recess to research the matter.

The meeting was recessed at 12:44 PM and was reconvened at 12:51 PM.

Attorney McAteer related that small scale future land use amendments are legislative in nature. Discussion ensued regarding a development agreement option, criteria and assessment of residents, the number of units, building placement, community outreach, security concerns by the neighbors, on-site staff, density increase, and more.

Mr. Cueva informed the members that he worked for Pinellas County Planning Department for 35 years and updated them on the history of the subject property, noting that back in the 1980s, the area residents petitioned the BCC to protect their unique, large estate properties; therefore, believes that this request violates the BCC's intention and promise to the residents, adding that he does not feel the proposed development is consistent with surrounding uses.

Chairman Jahn stated that in the interest of due process, she is offering the applicant a rebuttal regarding the information provided by Mr. Cueva; whereupon, Katie Cole, Clearwater, appeared and pointed out that the Board has taken action to approve two Assisted Living Facilities nearby; and that it has enacted overlays in various areas, but chose not to do so in the area at hand, and Chairman Jahn suggested that the area residents consider requesting an overlay from the BCC.

Discussion ensued regarding what could be developed on the site if the applications are not approved, and Mr. Cooley noted that an alternative development could be larger and not limited by the conditional overlay.

Mr. Cueva made a motion to deny Case No. FLU-23-03 on the basis of inconsistency with the future land use map and zoning in the area. The motion to deny was seconded by Mr. Cataldo and carried 4-3, with Mses. Jahn and Henson and Mr. Cooley dissenting.

Mr. Cueva made a motion to deny Case No. ZON-23-03 based on the inconsistency with zoning in the area and incompatibility with zoning and the land use designations in the area. The motion was seconded by Mr. Cataldo. Upon the call for the vote, the motion failed 3-4, with Mses. Johnson, Jahn, and Henson and Mr. Cooley dissenting, and discussion ensued.

Mr. Cooley indicated that rezoning should be compatible with the future land use, which is not reflected in the above recommendation motions. Chairman Jahn related that the Board is looking for more specificity in the applicant's plan and asked whether the applicant wishes to request a continuance to revise the application, possibly including a development agreement addressing 24/7 security and other matters, noting that should the motion to deny rezoning be brought up again today, she would be inclined to vote for

the denial; whereupon, the applicant agreed to a continuance to figure out the best strategy with regard to the request.

Ms. Cole requested the Board to reconsider the above action on the land use case and continue it together with the zoning case, in order for the Board to review the revised request as a full package, and Attorney McAteer agreed to the suggestion; whereupon, Mr. Cooley made a motion to repeal the Board's decision to deny Case No. FLU-23-03. The motion was seconded by Ms. Henson and carried 4-3, with Messrs. Cataldo, Cueva, and Everett dissenting. Mr. Cooley made a motion that Case No. FLU-23-03 be continued to the LPA meeting on September 13. The motion was seconded by Ms. Johnson and carried 6-1, with Mr. Cueva dissenting.

Mr. Cooley made a motion that Case No. ZON-23-03 be continued to the LPA meeting on September 13. The motion was seconded by Ms. Johnson and carried 5-2, with Messrs. Cataldo and Cueva dissenting.

The meeting was recessed at 1:55 PM and reconvened at 2:35 PM; Mr. Cueva was not present.

Cases Nos. CP-23-01 and FLU-23-04 and LDR-23-01 and ZON-23-05

APPLICATIONS OF PINELLAS COUNTY/HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR THE FOLLOWING:

- (CP-23-01) AMENDMENT TO THE PINELLAS COUNTY COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT (FLUE), TO ADD THREE NEW MIXED USE CORRIDOR DESIGNATIONS: MIXED-USE-CORRIDOR-SUPPORTING-NEIGHBORHOOD PARK (MUC-SU-NP), MIXED-USE-CORRIDOR-SUPPORTING-LOCAL TRADE (MUC-SU-LT), AND MIXED USE-CORRIDOR-PRIMARY-COMMERCE (MUC-P-C)

and

- (FLU-23-04) AMENDMENT TO THE FUTURE LAND USE MAP AS FOLLOWS:
 1. FROM COMMERCIAL GENERAL (CG), EMPLOYMENT (E), RESIDENTIAL URBAN (RU), RESIDENTIAL MEDIUM (RM), RESIDENTIAL/OFFICE LIMITED (R/OL), RESIDENTIAL/OFFICE GENERAL (R/OG), INSTITUTIONAL (I), AND TRANSPORTATION/UTILITY (T/U) TO MIXED USE CORRIDOR-SUPPORTING-NEIGHBORHOOD PARK (MUC-SU-NP) ON APPROXIMATELY 36.5 ACRES

2. FROM COMMERCIAL GENERAL (CG), RESIDENTIAL LOW (RL), RESIDENTIAL URBAN (RU), RESIDENTIAL LOW MEDIUM (RLM), RESIDENTIAL MEDIUM (RM), RESIDENTIAL/OFFICE GENERAL (R/OG) TO MIXED USE CORRIDOR-SUPPORTING-LOCAL TRADE (MUC-SU-LT) ON APPROXIMATELY 38.71 ACRES
 3. FROM COMMERCIAL GENERAL (CG), EMPLOYMENT (E), RESIDENTIAL LOW (RL), RESIDENTIAL URBAN (RU), RESIDENTIAL LOW MEDIUM (RLM), RESIDENTIAL MEDIUM (RM), RESIDENTIAL/OFFICE GENERAL (R/OG) TO MIXED USE CORRIDOR-PRIMARY-COMMERCE (MUC-P-C) ON APPROXIMATELY 93.42 ACRES
- (LDR-23-01) AMENDMENTS TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE SECTION 138-2153 TO ADOPT THE LEALMAN FORM BASED CODE (L-FBC) AND ADDING ARTICLE XI – THE LEALMAN FORM BASED CODE TO CHAPTER 138 OF THE LAND DEVELOPMENT CODE
 - (ZON-23-05) ZONING ATLAS AMENDMENT FROM NEIGHBORHOOD COMMERCIAL (C-1), GENERAL COMMERCIAL AND SERVICES (C-2), EMPLOYMENT-1 (E-1), EMPLOYMENT-2 (E-2), HEAVY INDUSTRY (I), GENERAL OFFICE (GO), LIMITED OFFICE (LO), GENERAL INSTITUTIONAL (GI), SINGLE FAMILY RESIDENTIAL (R-3), ONE, TWO, AND THREE FAMILY RESIDENTIAL (R-4) TO LEALMAN FORM BASED CODE DISTRICT (L-FBC) ON APPROXIMATELY 168.63 ACRES

A public hearing was held on the application CP-23-01 of the Pinellas County/Housing and Community Development Department for the above amendments regarding 168.63 acres located in unincorporated Lealman. The three proposed designations under this application and companion FLUM amendment application (FLU-23-04) are intended to facilitate the adoption of the Lealman Form Based Code (L-FBC) (LDR-23-01) and Zoning Atlas amendment application (ZON-23-05) within the Lealman Community Redevelopment Area (CRA).

Referring to a PowerPoint presentation containing maps and photographs, Long Range Planning Manager Scott Swarengen presented information regarding the location, background, and initiatives relating to the subject property, including the goals established to implement the Lealman CRA Plan objectives. He related that the L-FBC is intended to promote development of major corridors and does not pertain to residential areas; that it also focuses on the relationship between buildings, sidewalks, and streets to improve

aesthetics and promote walkability; that it allows for development of quality housing options and mixed use; and that it is written and organized in a user-friendly manner.

Mr. Swearingen indicated that staff finds the proposed amendments consistent with the Pinellas County Comprehensive Plan and recommends approval; and that the Development Review Committee also recommended approval; whereupon, he responded to queries by the members regarding the public response to the proposal and public notice of the meeting.

Upon the Chairman's call for proponents, Jeremy Heath appeared virtually to express his support of the application.

Ms. Johnson made a motion that the LPA recommend approval of Case No. CP-23-01 to the BCC as recommended in the staff report. The motion was seconded by Mr. Cooley and carried unanimously.

Ms. Johnson made a motion that the LPA recommend approval of Case No. FLU-23-04 to the BCC as recommended in the staff report, finding it is consistent with the Comprehensive Plan. The motion was seconded by Mr. Cooley and carried unanimously.

Ms. Johnson made a motion that the LPA recommend approval of Case No. LDR-23-01 to the BCC as recommended in the staff report. The motion was seconded by Mr. Everett and carried unanimously.

Ms. Johnson made a motion that the LPA recommend approval of Case No. ZON-23-05 to the BCC as recommended in the staff report. The motion was seconded by Mr. Cataldo and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 3:14 PM.