

Local Planning Agency  
Pinellas County  
September 13, 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 9:00 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  
Rodney Collman  
John Cueva  
Audrey Henson  
Lari Johnson  
Trish Johnson (non-voting School Board Representative)

Others Present

Glenn Bailey, Planning Department Zoning Manager  
Derrill McAteer, Senior Assistant County Attorney  
Shirley Westfall, Board Reporter, Deputy Clerk  
Other interested individuals

**CALL TO ORDER**

Chairman Jahn 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 October 31, 2023; that any documents needed to be reviewed by the BCC should be submitted to the Planning Department 15 days before the BCC meeting; and that the BCC meeting will be held in the Palm Room located at 333 Chestnut Street, Clearwater, until further notice.

**QUASI-JUDICIAL STATEMENT**

Later in the meeting, Attorney McAteer noted that the following rezoning hearings are quasi-judicial; and that only competent substantial fact-based testimony or evidence may be considered in the decisions by the Board; whereupon, he provided information regarding the types of evidence that are considered as such.

## **MINUTES OF JULY 12, 2023, MEETING**

Mr. Cooley made a motion, which was seconded by Ms. Johnson 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 an 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**

Case Nos. FLU-23-05 and ZON-23-06

APPLICATIONS OF CHRISTOPHER MITCHELL FOR THE FOLLOWING:

- (FLU-23-05) A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL URBAN (RU) TO COMMERCIAL GENERAL (CG)

and

- (ZON-23-06) A ZONING ATLAS AMENDMENT FROM ONE, TWO, AND THREE-FAMILY RESIDENTIAL DISTRICT (R-4) TO EMPLOYMENT (E-2)

A public hearing was held on the above amendments for a proposed RV and boat storage use regarding approximately 0.19 acre of a 1.58-acre parcel located at 4685 Park Street North in Lealman.

Referring to a PowerPoint presentation containing photographs and maps, Principal Planner Molly Cord provided information regarding the subject property's location, surrounding land uses, and history, noting that the site is currently vacant. She reviewed the traffic impacts and setback requirements, indicating that the parcel has a low flood risk and is not located in a Coastal High Hazard Area.

Ms. Cord related that the current land use is considered a scrivener's error, as no indication has been found as to why the 0.19-acre section of the parcel was zoned differently than the rest; that the proposed amendments would consolidate the entire parcel into one FLUM category and one zoning district; that the application is consistent

with the Comprehensive Plan; and that the Development Review Committee recommends approval.

Responding to queries by the members, Ms. Cord indicated that during the site plan review process, a buffer would be required on the east side of the subject property, with either a six-foot-high opaque fence or a 10-foot-wide landscape buffer; whereupon, she reiterated that after much research, it has been determined that the different zoning and FLUM category for that small section of the parcel must have been a technical error; and that approval of the amendments would rectify the inconsistencies.

Christopher Mitchell, St. Petersburg, appeared and indicated that he is the applicant.

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

Mr. Cueva made a motion, which was seconded by Mr. Coleman and carried unanimously, that the LPA recommend approval of Case No. FLU-23-05 to the BCC, as recommended in the staff report.

Mr. Cueva made a motion, which was seconded by Ms. Johnson and carried unanimously, that the LPA recommend approval of Case No. ZON-23-06 to the BCC, as recommended in the staff report.

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

APPLICATIONS OF COMMUNITY ASSISTED AND SUPPORT LIVING, INC. (CASL) THROUGH ANGELA RAUBER, KATIE COLE, AND ROBERT PERGOLIZZI, REPRESENTATIVES, FOR THE FOLLOWING:

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

and

- (ZON-23-03) A ZONING ATLAS AMENDMENT FROM RESIDENTIAL ESTATE (R-E) TO MULTI-FAMILY RESIDENTIAL-CONDITIONAL OVERLAY (RM-CO), WITH A CONDITIONAL OVERLAY AND A DEVELOPMENT AGREEMENT

A public hearing was held on the above amendments regarding approximately 2.79 acres located at 13000 Park Boulevard in unincorporated Seminole.

Mr. Cooley related that Attorney Brian Aungst, Jr. informed him that the party he represents regarding this case no longer has an issue with the above request based upon updated setbacks.

Referring to a PowerPoint presentation containing photographs and maps, Mr. Bailey presented information regarding the location of the subject property and provided background information, noting that the Board approved continuing these cases at the May meeting to allow the applicant time to submit a development agreement. He related that the FLUM amendment would increase density from 2.5 to 5 units per acre; that the existing use is a single-family home with accessory structures; and that the proposed use is multi-family residential for persons with developmental disabilities.

Mr. Bailey related that the proposed changes to the cases include an increase in the rear setback from 120 feet to 200 feet and a conditional overlay with an associated development agreement, which include the following items:

- A maximum of 20 residential dwelling units, if the affordable housing density bonus is granted
- A combination of 1 and 2-bedroom units
- New single-story attached residential structures
- Independent housing for a maximum of 24 persons with developmental disabilities, as defined by Florida Statutes
- Supportive housing services for onsite residents only
- The existing 2-story single-family home will remain
- Required setbacks will meet or exceed those of the existing R-E district

Mr. Bailey presented information regarding the surrounding land uses and potential traffic impacts, noting 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 sole access will be from Park Boulevard; that the development agreement is subject to full site plan review and includes a concept plan that is binding in perpetuity; 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 include a development agreement that makes the conceptual plan binding with respect to access and all setbacks and imposes additional limitations on the proposed project, noting that the project would provide for an important community need for affordable housing that supports special needs individuals. She provided a copy of the Florida Statute relating to developmental disabilities for the record and remarked that it is not up

to the Board to determine who shall live in the proposed housing, reiterating that the project is consistent with the County's Comprehensive Plan.

Referring to photographs and maps, Robert Pergolizzi, Clearwater, appeared and further reviewed the surrounding area land uses, zoning, and the conditional overlay limitations, adding that a six-foot fence would be installed along the east and south property lines; that transportation impacts would be minimal; and that 75 percent of the parcel would be designated as green space; whereupon, Ms. Rauber indicated that a deed restriction would be required; and that the aforementioned property owner represented by Mr. Aungst lives directly to the south, abutting the subject parcel.

Responding to a query by Attorney McAteer, Ms. Rauber related that the Florida Statute she submitted into the record was not regarding the Fair Housing Act, but rather the definitions of developmental disabilities; whereupon, Attorney McAteer cautioned the members that under the Fair Housing Act, it is illegal to discriminate or otherwise deny housing based on race, color, national origin, sex, handicap, familial status, or religion.

Responding to a query by Mr. Cataldo, CASL Consultant Barbara Braun, Sarasota, appeared and stated that all individuals residing in the homes such as the proposed are enrolled with the Agency for Persons with Disabilities and the Home and Community Based Waiver Program (Medicaid), which requires each resident to have a support coordinator and a living coach who will assist with any emergency or disaster evacuations.

In response to further queries by the members, Ms. Rauber, with input from Ms. Braun and CASL CEO Scott Eller, provided information regarding security, maintenance, grants, subsidy requirements, and the need for independent housing for persons with intellectual and developmental disabilities.

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

Rob Healy, Seminole (spoke on behalf of others in attendance, submitted documents)  
Barbara Krall, Seminole  
Donna Chisholm, Seminole  
Wilda Healy, Seminole

In rebuttal, Ms. Rauber indicated that the proposed project is not an assisted living facility, but rather a duplex-triplex development with a conditional overlay that limits eligible individuals to those who are capable of living independently; and that under the existing Residential Estate zoning, five houses could be built on the subject property combined

with an adjacent parcel owned by the applicant; whereupon, she addressed a concern that the proposed density would alter the character of the neighborhood.

Mr. Pergolizzi related that other than Ms. Chisholm, none of the citizens who spoke today live adjacent to the property; and that the five houses allowed under the existing zoning could be built much closer to Ms. Chisholm's property.

Ms. Rauber pointed out that Mr. Cueva's comments made at a previous hearing and referenced by a citizen today should remain in his capacity as a board member and not as an expert; and that the applicant has provided experts and planning reports, which represent competent substantial evidence regarding the cases.

Responding to a query by Ms. Johnson, Ms. Rauber related that the Pinellas County Land Development Code allows six unrelated individuals to live in a house, which would total 30 residents for five houses under the existing zoning; and that the statute referenced by the opposition was in regard to community residential housing, assisted living facilities, and other types of housing that are licensed under a particular act and does not apply to the proposed application; whereupon, she, with input from Mr. Eller, provided additional information.

Following discussion, Chairman Jahn expressed that all those wishing to live in Pinellas County and abide by its laws should be welcomed; whereupon, she requested a motion for Case No. FLU-23-03.

Mr. Cueva made a motion to recommend denial of the request to the BCC, relating that it is inconsistent with other zoning patterns and the Board's previous policies in the area; that no other multi-family dwellings are located within one-third of a mile of the subject property; that it would change the character of the neighborhood; and that it could set a precedent for future similar requests. The motion was seconded by Mr. Cataldo.

During discussion, Mr. Cooley related that Pinellas County has very limited availability of affordable housing, especially for the proposed population; that the applicant has been very accommodating with the design and ensuring the least disruption to the nearby residents; and that the freedom of access for people with intellectual and developmental disabilities should not be restricted.

Upon the Chairman's request, the Clerk conducted a roll call, and the motion failed 5 to 2, with Mses. Jahn, Johnson, and Henson and Messrs. Cooley and Collman casting the dissenting votes.

Mr. Cooley made a motion to recommend approval of Case No. FLU-23-03 to the BCC, finding it consistent with the Comprehensive Plan. Ms. Johnson seconded the motion, and it carried 5 to 2, with Messrs. Cataldo and Cueva casting the dissenting votes.

Mr. Collman made a motion to recommend approval of Case No. ZON-23-03 to the BCC, finding it consistent with the Comprehensive Plan based on the staff report and subject to the FLU-23-03 case approval. The motion was seconded by Ms. Johnson and carried 5 to 2, with Messrs. Cataldo and Cueva casting the dissenting votes.

## **ADJOURNMENT**

The meeting was adjourned at 10:59 AM.