

**Local Planning Agency
Pinellas County
March 12, 2025 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

Mattaniah Jahn, Chairman
Rodney Collman, Vice-Chairman
Stanley Cataldo
Hoyt Hamilton
John Hendricks
Lari Johnson
Trish Johnson (non-voting School Board Representative)

Not Present

Carlos Brito

Others Present

Michael Schoderbock, Division Manager, Zoning and Project Management
Derrill McAteer, Senior Assistant County Attorney
Tammy Burgess, 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 April 22, 2025; and that any documents needing to be reviewed by the BCC should be submitted to the Planning Department 15 days prior to the BCC meeting.

QUASI-JUDICIAL STATEMENT

Attorney McAteer noted that the following hearings are quasi-judicial; and that only competent substantial fact-based testimony or evidence may be considered in the

decisions made by the Board; whereupon, he provided information regarding the types of evidence that are considered as such.

MINUTES FOR THE JANUARY 8, 2025, MEETING

In response to Chairman Jahn's call for a motion, Mr. Collman made a motion for approval. The motion was seconded by Ms. Johnson and carried unanimously.

PUBLIC HEARING ITEMS

Legal notice having been published for the items on the agenda, as evidenced by affidavit of publication filed with the Clerk, a 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 a Deputy Clerk.

PROPOSED ORDINANCE AMENDING THE FUTURE LAND USE MAP AND PROPOSED RESOLUTION AMENDING THE ZONING ATLAS

Case Nos. FLU-24-03 and ZON-24-05

APPLICATIONS OF DUSHYANT GULATI FOR THE FOLLOWING:

- (FLU-24-03) FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

and

- (ZON-24-05) ZONING ATLAS AMENDMENT FROM RURAL RESIDENTIAL (R-R) AND SINGLE FAMILY RESIDENTIAL WITH CONDITIONAL OVERLAY (R-3-CO) TO SINGLE FAMILY RESIDENTIAL WITH CONDITIONAL OVERLAY, AS MODIFIED (R-3-CO)

A public hearing was held for the above amendments regarding approximately 1.02 acres located at 2281 Kersey Road and approximately 3.2 acres located at 2281 Kersey Road and 1736 Winchester Road in unincorporated Largo.

Referring to a PowerPoint presentation containing photographs and maps, Mr. Schoderbock provided historical information regarding Case No. Z/LU-20-12, noting that it was a land use and zoning case for the subject property located at 1736 Winchester Road, which was previously brought before the LPA; whereupon, he indicated that the applicant is now seeking to modify conditions in the parcel's existing conditional overlay; and that the request also includes a future land use amendment for the parcel located at

2281 Kersey Road and a zoning atlas amendment that covers the parcels located at both Kersey Road and Winchester Road.

Mr. Schoderbock provided a comparison of the existing and proposed conditional overlay parameters and related that the proposed use is a single-family subdivision; that, if approved, the applicant would be responsible for making improvements to Winchester Road; and that the proposed changes would not impact the level of service on surrounding roadways.

Thereupon, Mr. Schoderbock indicated that staff recommends approval of the proposed land use and zoning amendments, finding them consistent with the Comprehensive Plan and the Countywide Plan Map; and that these items are scheduled to be heard by the BCC at its April 22 meeting.

Responding to queries by Messrs. Hamilton and Hendricks and Chairman Jahn, Mr. Schoderbock provided information regarding the calculation of traffic impacts, required drainage improvements to Winchester Road, and construction of landscape buffers and fencing.

Upon the Chairman's call for the applicant, Dushyant Gulati, Clearwater, appeared, introduced Juliana Lee-Gardiner, Largo, and indicated that she will be assisting him.

Referring to a document provided to the Clerk, Mr. Gulati provided additional information regarding the request; whereupon, citing excerpts of the transcript from the January 14, 2021, LPA meeting, Ms. Lee-Gardiner referenced discussions pertaining to competent substantial evidence and cumulative evidence.

Ms. Lee-Gardiner provided brief comments regarding efforts to conduct neighborhood outreach and indicated that, to address a neighbor's concerns related to traffic impacts on Lawton Drive, she would like to invite Don Skelton, Tampa, to present his expert testimony regarding traffic-related investigations; whereupon, Attorney McAteer provided information regarding the general process through which someone can be recognized as an expert by the Board.

Mr. Skelton noted his affiliation with WEY Engineering and indicated that he is a certified traffic engineer in the State of Florida, with approximately nine years of experience. Attorney McAteer noted that if the Board wishes to recognize Mr. Skelton as an expert, it may do so by consensus or by vote.

In response to a query by Chairman Jahn, Attorney McAteer provided additional information regarding expert testimony in quasi-judicial hearings; whereupon, hearing no

objections from the members, Chairman Jahn confirmed that Mr. Skelton is recognized as an expert.

Referring to a document titled *Kersey Road Residential Development Traffic Study Report*, Mr. Skelton, with input by Mr. Schoderbock, responded to queries by the members and provided details regarding roadways and intersections near the parcels, the section of Winchester Road requiring improvement, current and projected traffic volume, and historical crash data; whereupon, Mr. Skelton summarized that the results of the traffic study do not reflect any potential negative impacts; and that while there have been concerns expressed regarding increased traffic on Lawton Road, an increase in trips on the roadway is unlikely.

Referring to the aforementioned document provided to the Clerk, Mr. Gulati, with input by Ms. Lee-Gardiner, addressed concerns expressed by neighbors regarding drainage and impacts to wildlife. He also discussed the definition of “compatibility”, the compatibility of the proposed land use and zoning changes with the surrounding area, neighbor outreach, and other concerns expressed by neighbors; whereupon, Mr. Gulati presented several potential concept plans.

In response to comments and queries by Mr. Hamilton and Chairman Jahn, Attorney McAteer, with input by Mr. Schoderbock, confirmed that, at this stage, a binding concept plan would be possible only through a development agreement.

Thereupon, Mr. Gulati requested the removal of a 25-foot-wide buffer included in the proposed conditional overlay to allow for greater flexibility during site plan development. Following additional comments by Mr. Gulati regarding the purpose of his request to remove the buffer, Ms. Lee-Gardiner summarized the proposed amendments.

Responding to queries by Mr. Hendricks and Chairman Jahn, Mr. Gulati discussed the following topics:

- Proposed lot sizes
- Drainage improvements on Winchester Road
- Construction and maintenance of a privacy fence
- Landscape buffers

In response to queries by Chairman Jahn and Ms. Johnson, Mr. Schoderbock, with input by Attorney McAteer, provided information regarding the ability to include the applicant’s commitments pertaining to construction of a privacy fence in the conditional overlay, purview of the site plan process, and conditions related to minimum lot width.

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

Jamie O'Neill-Disanza, no address provided
Jessica Jurek, Clearwater (submitted documents)
Don Leibe, Clearwater
Keith Magruder, Clearwater
Frank DiBari, Clearwater
Mary Rush, Clearwater (submitted documents)
Kim Farrington, Clearwater
Remy DiBari, Clearwater

The meeting was recessed at 10:39 AM and reconvened at 10:50 AM.

In rebuttal, Mr. Skelton provided clarifying information related to the recency of the traffic study's data and nearby traffic patterns. In response to queries by Mr. Collman, he also discussed projected usage of an outlet from the development onto Winchester Road.

In further rebuttal, Mr. Gulati related that many of the concerns expressed by neighbors are issues that will be addressed during the site development process. He provided additional comments regarding the use of Winchester Road and the basis for the concerns expressed by neighbors; whereupon, at the request of Chairman Jahn, Mr. Gulati addressed a neighbor's concerns and discussed the orientation of the landscape buffers.

Responding to a request by Ms. Johnson, Mr. Schoderbock provided details related to the land use and zoning cases that are currently before the Board and discussed the site plan review process; whereupon, in response to queries by the members, he provided information regarding various topics, including current and proposed density, the non-binding nature of the presented concept plans, and the origin of the current and proposed conditional overlay conditions.

In response to comments and queries by Chairman Jahn, Attorney McAteer provided brief comments regarding continuances; whereupon, he confirmed that the Board may choose to impose access restriction from Winchester Road.

Following Chairman Jahn's call for a motion regarding Case No. FLU-24-03, Attorney McAteer clarified that the Board's first motion would be regarding the future land use; and that the next motion would be for zoning, which would include the conditional overlay and any modifications to the overlay conditions; whereupon, Mr. Hamilton made a motion to approve Case No. FLU-24-03.

At the request of Attorney McAteer, Mr. Hamilton confirmed that his motion includes recommending approval to the BCC. The motion was seconded by Ms. Johnson. Upon Chairman Jahn's call for the vote, the motion carried by a vote of 4 to 2, with Messrs. Hendricks and Cataldo dissenting.

Thereupon, Mr. Hamilton made a motion to recommend approval of Case No. ZON-24-05, with the removal of the 25-foot-wide buffer. The motion was seconded by Ms. Johnson; whereupon, brief discussion ensued. Upon Chairman Jahn's call for the vote, the motion failed by a vote of 3 to 3, with Chairman Jahn and Messrs. Cataldo and Hendricks dissenting.

Chairman Jahn called for another motion regarding Case No. ZON-24-05; whereupon, at Mr. Gulati's request to make a suggestion, he was invited to the podium and indicated that he would be willing to reduce the number of lots to 11. Responding to a query by Attorney McAteer, Mr. Schoderbock confirmed that changing the number of lots does not require adjustments to the formulaic details of the conditional overlay.

Ms. Johnson made a motion to approve Case No. ZON-24-05, including the conditional overlay, elimination of the minimum 25-foot landscape buffer on the western 125 feet of the south property line, and limitation of the number of homes on the property to not exceed 11. Upon Attorney McAteer's request for clarification, Ms. Johnson confirmed that her motion includes recommending approval to the BCC; whereupon, the motion was seconded by Mr. Hamilton. Upon Chairman Jahn's call for the vote, the motion carried by a vote of 5 to 1, with Mr. Cataldo dissenting.

OTHER BUSINESS

Mr. Schoderbock welcomed new Board member, Mr. Hamilton, and confirmed that the LPA will be meeting in April.

ADJOURNMENT

Upon the Chairman's request for a motion to adjourn the meeting, Ms. Johnson made a motion, which was seconded by Mr. Cataldo and carried unanimously; whereupon, the meeting was adjourned at 11:31 AM.