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# Pinellas by Design

## An Economic Development and Redevelopment Plan for the Pinellas Community



PINELLAS  
COUNTY  
ECONOMIC DEVELOPMENT  
[WWW.SILICONBAY.ORG](http://WWW.SILICONBAY.ORG)



November 2005



# Acknowledgements

## Countywide Planning Authority

Commissioner John Morrone, Chairman  
Commissioner Kenneth T. Welch, Vice-Chairman  
Commissioner Ronnie Duncan  
Commissioner Calvin D. Harris  
Commissioner Susan Latvala  
Commissioner Karen Williams Seel  
Commissioner Robert B. Stewart

## Pinellas Planning Council

Councilmember Bill Foster, Chairman  
Councilmember Hoyt Hamilton, Vice-Chairman  
Councilmember Sandra Bradbury, Treasurer  
Mayor Jerry Beverland, Secretary  
Mayor Beverley Billiris  
Commissioner Robert Hackworth  
Mayor Dick Holmes  
Mayor Robert E. Jackson, Ph.D.  
Vice-Mayor Jerry Knight  
School Board Member Linda Lerner  
Vice-Mayor Deborah L. Martohue  
Commissioner John Morrone  
Commissioner Nadine S. Nickeson

## Steering Committee Members

Commissioner Karen Williams Seel, Chairman

Ed Armstrong, Johnson, Blakely, Pope, Bokor & Ruppel  
Charlie Attardo, City of Tarpon Springs  
Laron Barber, Leazon Technology Inc.  
Ron Barton, City of St. Petersburg  
Mary Berglund, League of Women Voters (SP)  
J.J. Beyrouti, Mayor, Town of Redington Shores  
Nancy Biesinger, Franklin Affiliates, Inc.  
Geraldine Campos, City of Clearwater  
Mike Cheezem, JMC Development Corp.  
John DeGelleke, Resident, Unincorporated Palm Harbor  
Rich Dutter, DUTTERealty.com  
Terry England, England Brothers Construction  
Rodney Fischer, Pinellas County Construction License Board  
Mayor Ward Friszolowski, City of St. Pete Beach  
Housh Ghovae, Northside Engineering  
Joel Giles, Carlton Fields  
Dianne Wheatley Giliotti, League of Women Voters  
Dave Goodwin, City of St. Petersburg  
Ann Guiberson, Pinellas Realtor Organization  
Roy Harrell, Holland & Knight  
Tina Harris, Coldwell Banker  
Bob Ironsmith, City of Dunedin  
Joe Jorgensen, Total Realty Services, Inc.  
Thomas F. Kennedy, Grubb & Ellis  
Jim King, George F. Young, Inc.  
Steve Klar, Klar & Klar Architects  
John Landon, Landon, Moree and Assoc., Inc.  
Nancy Loehr, Progress Energy  
Randall Luttenberg, Sierra Club Suncoast Group  
Mark D. Madison, Construction Business Services, LLC  
Julio Maggi, BVG, Inc.  
Bill Martin, Hawkins Construction  
Mike Mayo, Pinellas Realtor Organization  
Bob McIntyre, DITEK, Inc.  
Jill Melkonian, Re/Max Today  
Steve Meyers, Highwoods Properties, Inc.  
Judy Mitchell, Peter R. Brown Const., Inc.  
Nadine S. Nickeson, Pinellas Planning Council  
Toby Oldham, Rottlund Homes, Inc.  
Sallie Parks, Former Pinellas Co. Commissioner  
Todd Pressman, Pressman and Associates  
Bill Protz, Catalina Marketing  
Joanne Shrewsbury, League of Women Voters  
Pam Skyrme, Skyrme & Assoc. Inc.  
Russ Sloan, Florida Council of Economic Education  
Joe Smith, Walbridge Aldinger  
Bill Stokes, Sierra Club Suncoast Group  
Ralph Stone, City of Treasure Island  
Michael Van Butsel, Taylor Woodrow, Inc.  
Randy Wedding, Wedding Architects, Inc.  
Keith Zayac, Keith Zayac & Associates

## Consultant Team

PRIME Interests, Inc.  
HDR, Inc.  
POLICOM, Inc.  
Real Estate Research Consultants, Inc.

RESOLUTION NO. 04-70

RESOLUTION VACATING THAT PART OF INDIANA AVENUE, AN EIGHTY (80) FOOT WIDE STRIP LYING NORTH OF BLOCK 64, BEING BOUNDED ON THE WEST BY THE EAST LINE OF EIGHTH STREET AND BOUNDED ON THE EAST BY THE EAST LINE OF NINTH STREET; TOGETHER WITH THAT PART OF NINTH STREET, AN EIGHTY (80) FOOT WIDE STRIP, LYING EAST OF BLOCK 64, BEING BOUNDED ON THE NORTH BY THE SOUTH LINE OF INDIANA AVENUE AND BOUNDED ON THE SOUTH BY THE NORTH LINE OF NEBRASKA AVENUE; TOGETHER WITH ALL OF BLOCK 64, MAP OF SUTHERLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 15 EAST.

WHEREAS, Pinellas County, petitioned this Board of County Commissioners to vacate the following described property:

Lands described in legal description attached hereto and by this reference made a part hereof; and

WHEREAS, the Petitioner has shown that the requested vacation will not cause injury to surrounding property owners and is not needed for any public purpose; and

WHEREAS, Pinellas County is reserving a utility easement over vacated 9<sup>th</sup> Street; and

WHEREAS, the Publisher's Affidavit, showing compliance with the notice requirement of Chapter 336.10 of the Florida Statutes, has been received by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, in regular session duly assembled on this 27th day of April 2004 that the above described property be, and the same is hereby vacated insofar as this Board of County Commissioners has the authority to do so.

BE IT FURTHER RESOLVED that this resolution, the proof of publication of the notice of public hearing, and the proof of publication of the notice of adoption hereof, be recorded in the deed records of Pinellas County, Florida.

Commissioner Welch offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Morrone and upon roll call, the vote was:

AYES: Latvala, Morrone, Todd, Stewart, Harris, Seel, and Welch.

NAYS: None.

ABSENT AND NOT VOTING: None.

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL. this 14 day of MAY, A.D. 2004

KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio, Clerk of the Board of County Commissioners, Pinellas County, Florida  
By [Signature]  
Deputy Clerk

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By [Signature]  
Attorney



PINELLAS COUNTY PUBLIC WORKS  
 DIVISION OF SURVEY AND MAPPING  
 22211 U.S. HIGHWAY 19 N.  
 CLEARWATER, FLORIDA 33765-2347



**SECTION(S) 02, TOWNSHIP 28 SOUTH, RANGE 15 EAST**

Additions or deletions by other than the Professional Land Surveyor in responsible charge is prohibited.  
 Land Description is invalid without signature and/or embossed seal of the Professional Land Surveyor

**DESCRIPTION**

Two eighty (80) foot wide strips, being a portion of MAP OF SUTHERLAND Subdivision, according to plat thereof, as recorded in Plat Book 1, Page 1, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, lying within the Northeast 1/4 of Section 2, Township 28 South, Range 15 East, Pinellas County, being described as follows:

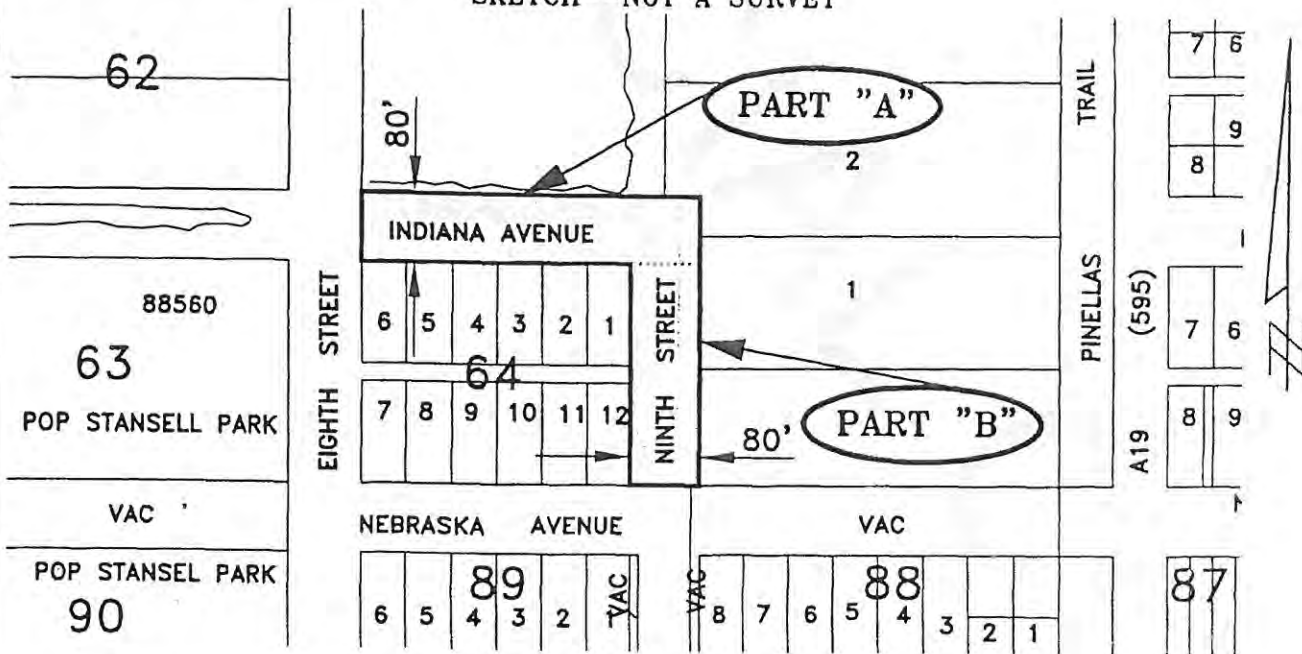
PART "A":

That part of Indiana Avenue, on eighty (80) foot wide strip, lying north of Block 64, said MAP OF SUTHERLAND Subdivision, being bounded on the west by the East line of Eighth Street, the same being the northerly extension of the West line of said Block 64; being bounded on the east by the East line of Ninth Street;

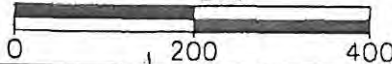
PART "B":

That part of Ninth Street, on eighty (80) foot wide strip, lying east of Block 64, said MAP OF SUTHERLAND Subdivision; being bounded on the north by the South line of Indiana Avenue; being bounded on the south by the easterly extension of the South line of said Block 64, the same being the North line of Nebraska Avenue.

**SKETCH--NOT A SURVEY**



SCALE IN FEET  
 1" = 200'



CALCULATED BY: dwb	The above Sketch and/or Land description was prepared under my supervision and is true and correct to the best of my knowledge and belief.
CHECKED BY: L.L.	
S.F.N.: 0501	By: <i>Danny Wells Burgess</i> DATE <u>02/26/04</u> DANNY WELLS BURGESS, PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER: 5993 STATE OF FLORIDA, PHONE # (727) 464-8904

SEAL

PINELLAS COUNTY PUBLIC WORKS  
 DIVISION OF SURVEY AND MAPPING  
 22211 U.S. HIGHWAY 19 N.  
 CLEARWATER, FLORIDA 33765-2347



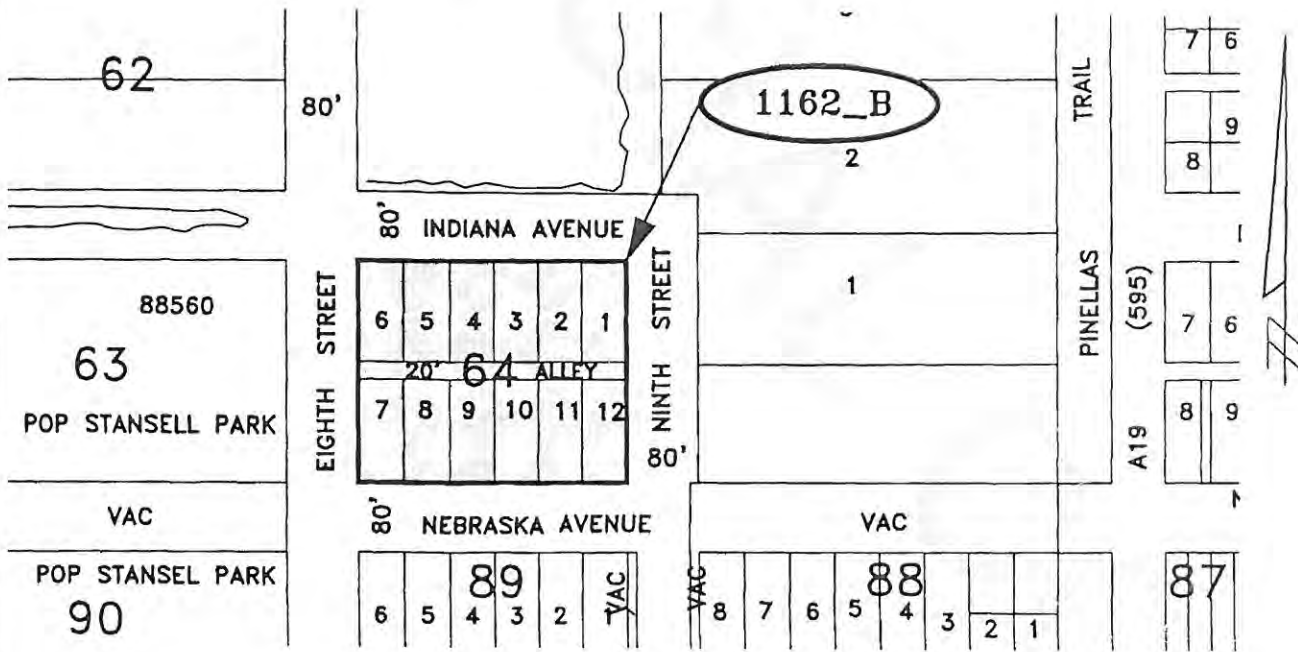
**SECTION(S) 02, TOWNSHIP 28 SOUTH, RANGE 15 EAST**

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 Land Description is invalid without signature and/or embossed seal of the Professional Land Surveyor

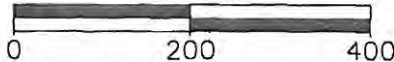
**DESCRIPTION**

All of Block 64, MAP OF SUTHERLAND Subdivision, according to plat thereof, as recorded in Plat Book 1, Page 1, public records of Hillsborough County, Florida, of which Pinellas County, was formerly a part, lying within the Northeast 1/4 of Section 2, Township 28 South, Range 15 East, Pinellas County.

**SKETCH--NOT A SURVEY**



SCALE IN FEET  
 1" = 200'



CALCULATED BY: dwb	The above Sketch and/or Land description was prepared under my supervision and is true and correct to the best of my knowledge and belief.  By: Pinellas County Public Works  <i>Danny Wells Burgess</i> DATE <u>02/26/04</u> DANNY WELLS BURGESS, PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER: 5993 STATE OF FLORIDA, PHONE # (727) 464-8904
CHECKED BY: L.L.	
S.F.N.:	
0501	

SEAL

HOLDOVER BOARD RECORDS

EXHIBIT  
 SHEET 1 OF 1

Parcel No.: 1162\_B

# GULF COAST BUSINESS REVIEW

Published Weekly  
Clearwater, Pinellas County, Florida

COUNTY OF HILLSBOROUGH

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared         Matt Walsh          
who on oath says that he is Publisher of the Gulf Coast Business Review, a weekly  
newspaper published at Clearwater in Pinellas County, Florida; that the attached copy of  
advertisement,

being a                                 Notice of Public Hearing                                

in the matter of                                 Petition of Pinellas County                                

in the                          Court, was published in said newspaper in the  
issues of   April 9, 2004  

Affiant further says that the said Gulf Coast Business Review is a newspaper  
published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore  
been continuously published and has been entered as second-class matter at the Post Office  
in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the  
first publication of the attached copy of advertisement; and affiant further says that he has  
neither paid nor promised any person, firm or corporation any discount, rebate, commission  
or refund for the purpose of securing this advertisement for publication in said newspaper.

        Matt Walsh          
Matt Walsh

Sworn to and subscribed before me this

  9th   day of   April   A.D. 2004,

by Matt Walsh, who is personally known to me.

        Diana Campbell          
Diana Campbell, Notary Public, State of Florida  
My Commission DD243243 (SEAL)  
Expires December 04, 2007

### NOTICE OF PUBLIC HEARING

Notice is hereby given that on the 27th day of April, 2004, beginning  
a public hearing will be held by the Board of County Commis  
County Commission Assembly Room, Fifth Floor, Pinellas Count  
315 Court Street, Clearwater, Florida, to consider the petition of F  
to vacate the following:

A part of Indiana Avenue, an eighty (80) foot wide strip lying no  
64, being bound on the west by the east line of Eighth Street ar  
the east by the east line of Ninth Street; together with that p  
Street, an eighty (80) foot wide strip, lying east of Block 64, bei  
the north by the south line of Indiana Avenue and bound on the  
north line of Nebraska Avenue; together with all of Block  
Sutherland, according to the plat thereof, as recorded in Plat Bo  
Public Records of Hillsborough County, Florida, of which Plat  
was formerly a part, located in the Northeast Quarter of Section  
28 South, Range 15 East.

Persons are advised that, if they decide to appeal any decision mad  
ing/hearing, they will need to ensure that a verbatim record of the  
made, which record includes the testimony and evidence upon which  
to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY  
DATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU  
TLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN  
WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF TI  
PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. F  
AVE., STE 500, CLEARWATER, FLORIDA 33756. (727) 464-4062 (V  
KARLEEN F DeBLAKER, CLERK TO  
THE BOARD OF COUNTY COMMISSIONERS  
By Linda R. Reed, Deputy Clerk  
April 9, 2004



GULF COAST  
**BUSINESS REVIEW**

Published Weekly  
Clearwater, Pinellas County, Florida

COUNTY OF HILLSBOROUGH

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared Matt Walsh  
 who on oath says that he is Publisher of the Gulf Coast Business Review, a weekly  
 newspaper published at Clearwater in Pinellas County, Florida; that the attached copy of  
 advertisement,  
 being a Public Notice  
 in the matter of Petition by Pinellas County  
 \_\_\_\_\_  
 in the \_\_\_\_\_ Court, was published in said newspaper in the  
 issues of May 14, 2004

PUBLIC NOTICE

You will please take notice that the Board of County Commissioners of Pinellas County at its regular meeting of April 27, 2004, in the County Commission Assembly Room, Pinellas County Courthouse, Clearwater, Florida, adopted a resolution vacating the legally described property as petitioned by Pinellas County, re the following:

Part of Indiana Avenue, an eighty (80) foot wide strip lying north of Block 64, being bound on the west by the east line of Eighth Street and bound on the east by the east line of Ninth Street; together with that part of Ninth Street, an eighty (80) foot wide strip, lying east of block 64, being bound on the north by the south line of Indiana Avenue and bound on the south by the north line of Nebraska Avenue; together with all of Block 64, Map of Suberland, according to the plat thereof, as recorded in Plat Book 1, Page 1, Public Records of Hillsborough County, of which Pinellas County was formerly a part, located in the northeast quarter of Section 2, Township 28 South, Range 15 East.

KARLEEN E. DE BLAKER, CLERK TO  
 THE BOARD OF COUNTY COMMISSIONERS  
 By Linda R. Reed, Deputy Clerk  
 May 14, 2004

04-3711

Affiant further says that the said Gulf Coast Business Review is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as second-class matter at the Post Office in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Matt Walsh  
 Matt Walsh

Sworn to and subscribed before me this  
 14th day of May A.D. 2004,  
 by Matt Walsh, who is personally known to me.

Diana Campbell  
 Diana Campbell Notary Public, State of Florida  
 My Commission DD243243 (SEAL)  
 Expires December 04, 2007

PINELLAS COUNTY  
 CLERK OF COUNTY RECORDS

PINELLAS BY DESIGN: The Target Employment and Industrial Land Study for the Pinellas Community.

- Pinellas County remains a strong, attractive location for business growth. However, because the county is running out of developable vacant land, not all of this potential growth is being realized.
- In order to maintain its current level of economic vitality into the future, the county needs to add about 182,000 new jobs by 2025. About 25 percent of those new jobs need to be high-wage jobs (at least 30 percent above the countywide average) from "primary" employers, or those that import at least half of their revenue from outside of Pinellas County.
- It would take about 8,000 acres of land to accommodate these 182,000 jobs at the current average land development rate. But Pinellas County has fewer than 4,000 vacant acres with designations that can accommodate businesses-and some portion of this land is only partially vacant, containing retention ponds, borrow pits, utilities, rights-of-way, or other features that make it unusable for development.
- Industrial land remains a vital resource.

PINELLAS BY DESIGN An Economic Development and Redevelopment Plan for the Pinellas Community.

### **Page 11 Primary Employment**

The county's economy is no longer centered on tourism, but has a diversified base of primary employers in fields such as manufacturing, information systems, and medical technology.

### **Chapter 5: Real Estate Factors:**

#### **Introduction**

The availability of appropriate real estate is the second essential component of the *Economic Development and Redevelopment Plan for Pinellas County* (EDRP). As the county population continues to grow and more people of working age are added, future employment is also anticipated to increase. However, the businesses that provide jobs will require land for development and redevelopment. If the county cannot maintain a supply of available real estate for primary employers, they will move on to other counties where land is more plentiful.

The sale and purchase of real estate is driven by the principle of highest and best use. Simply stated, the highest and best use for any piece of real estate is that which produces the greatest financial return. This principle encourages landowners to sell or redevelop their properties for uses that offer the highest short-term monetary gain, usually retail or high-end residential.

Determining highest and best use relative to Pinellas County's future is more complex. While both retail and high-end residential uses are necessary and desirable, they contribute little to the long-term health of the local economy. Most retail uses pay relatively low wages, and with the exception of some tourist-oriented businesses, they do not import money into the county. Moreover, retail chains that are headquartered outside of the county may actually siphon money away. High-end residential uses, meanwhile, tend to attract residents who desire more public services than their property taxes alone can support.

From a broader economic perspective, for land with the proper locational characteristics, the highest and best use of land is often industrial or office. These uses can accommodate new or expanding primary employers who pay high wages, import money into the community, and require comparatively few public services. However, the short-term economic return to the landowner is usually lower than for other uses. These facts present a dilemma for land owners and buyers.

So what is that real estate dilemma? It is the fact that the short-term monetary value of real estate to its owners is inversely related to its long-term economic benefit to the community, a relationship that is illustrated below. Market forces will continue to drive landowners to position their properties for the highest possible monetary value. But if left unchecked, this trend could result in widespread conversion of industrial and office land to other uses, to the detriment of the local economy.

### **Real Estate Supply and Demand**

Land that is planned or zoned to accommodate primary employers is shrinking at an increasing rate. This is principally occurring through local government actions such as comprehensive plan or rezoning amendments, requested by property owners attempting to increase the monetary value of their land by changing its use. These conversions are beneficial, it is argued, because the changed land uses produce less impact on the surrounding environment, are less intense, and most importantly, are less objectionable to local residents.

Superficially, these arguments seem very convincing.

How could less impact be bad?

The problem is that the dwindling amount of land suitable for major primary employers also means fewer high-wage employment opportunities, both for current residents and for the next generation of workers, many of whom may choose to move out of the county as a result. It also means a shrinking tax base, which will lead to higher taxes and fewer public services. This erosion of economic health will lead directly to a decreased quality of life for the community.

The Board of Adjustment met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida on this date with the following members present: Stephen G. Watts, Chairman; Cliff Gephart, Vice-Chairman; Alan C. Bomstein; Joe C. Burdette; John Doran; Gregory R. Pierce; and Deborah J. White.

Also present: Chelsea D. Hardy, Assistant County Attorney; Glenn Bailey, Planning Department Zoning Manager; Todd F. Myers, Environmental Code Enforcement Director; other interested individuals; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

CALL TO ORDER

Chairman Watts called the meeting to order at 9:01 A.M.

PUBLIC HEARING ITEMS

Due notice having been given to interested persons pursuant to Comprehensive Zoning Ordinance No. 90-1, public hearings were held on the following applications. All persons planning to give testimony were duly sworn by the Deputy Clerk.

\* \* \* \*

Deviating from the agenda, Chairman Watts indicated that Item No. 10 would be heard at this time.

\* \* \* \*

#10 APPLICATION OF DAVID L. JACKAWAY THROUGH BRIAN O'CONNELL, REPRESENTATIVE, FOR A VARIANCE (BA-3-9-15) – WITHDRAWN

Mr. Bailey referred to the application of David L. Jackaway through Brian O'Connell for a variance to allow for the construction of a detached garage having a 15-foot setback from the property line along Florida Avenue where a 20-foot front setback is required, re property located at 1100 16th Street, Palm Harbor (BA-3-9-15), and reported that the application has been withdrawn.

# 1 APPLICATION OF KLOSTERMAN ROAD TRUST IN CARE OF LAWRENCE CROW THROUGH AHMAD KARAZOUN, REPRESENTATIVE, FOR A VARIANCE (BA-4-9-15) – WITHDRAWN

Mr. Bailey referred to the application of Klosterman Road Trust through Ahmad Karazoun for a variance to allow for the dispensing of alcoholic beverages within 200 feet of a school where 750 feet is required, re property located at 38652 U.S. Highway 19 North in the unincorporated area of Tarpon Springs (BA-4-9-15), and reported that the variance is no longer required due to changes in the County Code approved by the Board of County Commissioners on August 18; and that the application is being withdrawn by staff because the alcohol dispensing distance requirement no longer applies to colleges; whereupon, Mr. Watts related that the applicant can move forward without the approval of the Board of Adjustment.

# 2 APPLICATION OF SCHWARTZ REAL ESTATE HOLDINGS, LLC THROUGH GREG DEICHMAN, REPRESENTATIVE, FOR A VARIANCE (BA-11-9-15) – PORTION OF APPLICATION RE CHURCH WITHDRAWN; PORTION RE RESIDENTIAL ZONING DISTRICT BOUNDARY LINE GRANTED AS PER STAFF RECOMMENDATION

Mr. Bailey referred to the application of Schwartz Real Estate Holdings, LLC through Greg Deichman for a variance to allow for the dispensing of alcoholic beverages within 150 feet of a residential zoning district boundary line and within 750 feet of a church, re property located at 993 Florida Avenue, Palm Harbor (BA-11-9-15), and reported that because the distance requirement from the church no longer requires a variance, due to changes in the County Code, only the distance from the residential district boundary line is being considered.

Mr. Bailey indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The nearby residentially-zoned land is currently being used for commercial purposes. The request will pose no detrimental impact to the use. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.

2. The hours for alcohol service shall be as established in Chapter 6, Article II, of the Pinellas County Code, or as deemed appropriate by the Board.

In response to the Chairman's call for the applicant, Greg Deichman, Palm Harbor, and Benjamin Nichols, Dunedin, appeared. Mr. Deichman stated that he wishes to open a microbrewery at the subject location; and that while the main goal of the business is to brew and sell craft beer, there will be an onsite tasting bar for the patrons. He related that there will be no outdoor seating, amplified music, or food served; that the business will likely be open from 2:00 P.M to 1:00 A.M. six days a week; that he anticipates there will be no more than 50 people on the premises at any one time; that sufficient parking exists; and that he has a site permit.

In response to the Chairman's call for objectors to the application, Dennis Shiels, Palm Harbor, stated his concerns relating to parking and noise and responded to queries by the members. Mr. Bomstein pointed out that the members are not considering a parking variance or the site plan, only issues regarding the proximity of the business to the residential neighborhood; whereupon, he suggested that Mr. Shiels contact Code Enforcement if he continues to have problems regarding parking and noise.

Messrs. Diechman and Nichols responded to the concerns of the objector and queries by the members, relating that there are 41 parking spaces allotted for brewery patrons and employees; that the most recent use of the building was as a golf cart warehouse; and that Mr. Shiels can contact either of them regarding any problems.

Thereupon, Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

# 3 APPLICATION OF DAN R. HORNE, SR. AND SUSAN J. HORNE FOR A VARIANCE (BA-1-9-15) – GRANTED WITH ADDITIONAL CONDITION

Public hearing was held on the application of Dan R. Horne, Sr. and Susan J. Horne for a variance to allow three after-the-fact accessory structures (shed, pergola, and orchid house) to remain, all three with 1-foot side setbacks, the pergola with a 3.5-foot rear setback, and the shed with a 6-foot rear setback, where 6-foot side setbacks and 10-foot rear setbacks are required, re property located at 1659 Woodridge Drive in the unincorporated area of Clearwater (BA-1-9-15).

Select Year:  

## The 2016 Florida Statutes

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Title VI  
CIVIL PRACTICE AND  
PROCEDURE

Chapter 70  
RELIEF FROM BURDENS ON REAL  
PROPERTY RIGHTS

View Entire  
Chapter

### **70.51 Land use and environmental dispute resolution.—**

(1) This section may be cited as the “Florida Land Use and Environmental Dispute Resolution Act.”

(2) As used in this section, the term:

(a) “Development order” means any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, denying, or granting with conditions an application for a development permit, and includes the rezoning of a specific parcel. Actions by the state or a local government on comprehensive plan amendments are not development orders.

(b) “Development permit” means any building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other similar action of local government, as well as any permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property including, but not limited to, programs implementing chapters 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403.

(c) “Special magistrate” means a person selected by the parties to perform the duties prescribed in this section. The special magistrate must be a resident of the state and possess experience and expertise in mediation and at least one of the following disciplines and a working familiarity with the others: land use and environmental permitting, land planning, land economics, local and state government organization and powers, and the law governing the same.

(d) “Owner” means a person with a legal or equitable interest in real property who filed an application for a development permit for the property at the state, regional, or local level and who received a development order, or who holds legal title to real property that is subject to an enforcement action of a governmental entity.

(e) “Proposed use of the property” means the proposal filed by the owner to develop his or her real property.

(f) “Governmental entity” includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies.

(g) “Land” or “real property” means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the owner had a relevant interest.

(3) Any owner who believes that a development order, either separately or in conjunction with other development orders, or an enforcement action of a governmental entity, is unreasonable or unfairly burdens the use of the owner’s real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this section.

(4) To initiate a proceeding under this section, an owner must file a request for relief with the elected or appointed head of the governmental entity that issued the development order or orders, or that initiated the enforcement action. The head of the governmental entity may not charge the owner for the request for relief and must forward the request for relief to the special magistrate who is mutually agreed upon by the owner and the governmental entity within 10 days after receipt of the request.

(5) The governmental entity with whom a request has been filed shall also serve a copy of the request for relief by United States mail or by hand delivery to:

(a) Owners of real property contiguous to the owner's property at the address on the latest county tax roll.

(b) Any substantially affected party who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for any development order at issue or enforcement action at issue. Notice under this paragraph is required only if that party indicated a desire to receive notice of any subsequent special magistrate proceedings occurring on the development order or enforcement action. Each governmental entity must maintain in its files relating to particular development orders a mailing list of persons who have presented oral or written testimony and who have requested notice.

(6) The request for relief must contain:

(a) A brief statement of the owner's proposed use of the property.

(b) A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request.

(c) A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property.

(d) A certificate of service showing the parties, including the governmental entity, served.

(7) The special magistrate may require other information in the interest of gaining a complete understanding of the request for relief.

(8) The special magistrate may conduct a hearing on whether the request for relief should be dismissed for failing to include the information required in subsection (6). If the special magistrate dismisses the case, the special magistrate shall allow the owner to amend the request and refile. Failure to file an adequate amended request within the time specified shall result in a dismissal with prejudice as to this proceeding.

(9) By requesting relief under this section, the owner consents to grant the special magistrate and the parties reasonable access to the real property with advance notice at a time and in a manner acceptable to the owner of the real property.

(10)(a) Before initiating a special magistrate proceeding to review a local development order or local enforcement action, the owner must exhaust all nonjudicial local government administrative appeals if the appeals take no longer than 4 months. Once nonjudicial local administrative appeals are exhausted and the development order or enforcement action is final, or within 4 months after issuance of the development order or notice of the enforcement action if the owner has pursued local administrative appeals even if the appeals have not been concluded, the owner may initiate a proceeding under this section. Initiation of a proceeding tolls the time for seeking judicial review of a local government development order or enforcement action until the special magistrate's recommendation is acted upon by the local government. Election by the owner to file for judicial review



of a local government development order or enforcement action prior to initiating a proceeding under this section waives any right to a special magistrate proceeding.

(b) If an owner requests special magistrate relief from a development order or enforcement action issued by a state or regional agency, the time for challenging agency action under ss. 120.569 and 120.57 is tolled. If an owner chooses to bring a proceeding under ss. 120.569 and 120.57 before initiating a special magistrate proceeding, then the owner waives any right to a special magistrate proceeding unless all parties consent to proceeding to mediation.

(11) The initial party to the proceeding is the governmental entity that issues the development order to the owner or that is taking the enforcement action. In those instances when the development order or enforcement action is the culmination of a process involving more than one governmental entity or when a complete resolution of all relevant issues would require the active participation of more than one governmental entity, the special magistrate may, upon application of a party, join those governmental entities as parties to the proceeding if it will assist in effecting the purposes of this section, and those governmental entities so joined shall actively participate in the procedure.

(12) Within 21 days after receipt of the request for relief, any owner of land contiguous to the owner's property and any substantially affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the development order or enforcement action at issue may request to participate in the proceeding. Those persons may be permitted to participate in the hearing but shall not be granted party or intervenor status. The participation of such persons is limited to addressing issues raised regarding alternatives, variances, and other types of adjustment to the development order or enforcement action which may impact their substantial interests, including denial of the development order or application of an enforcement action.

(13) Each party must make efforts to assure that those persons qualified by training or experience necessary to address issues raised by the request or by the special magistrate and further qualified to address alternatives, variances, and other types of modifications to the development order or enforcement action are present at the hearing.

(14) The special magistrate may subpoena any nonparty witnesses in the state whom the special magistrate believes will aid in the disposition of the matter.

(15)(a) The special magistrate shall hold a hearing within 45 days after his or her receipt of the request for relief unless a different date is agreed to by all the parties. The hearing must be held in the county in which the property is located.

(b) The special magistrate must provide notice of the place, date, and time of the hearing to all parties and any other persons who have requested such notice at least 40 days prior to the hearing.

(16)(a) Fifteen days following the filing of a request for relief, the governmental entity that issued the development order or that is taking the enforcement action shall file a response to the request for relief with the special magistrate together with a copy to the owner. The response must set forth in reasonable detail the position of the governmental entity regarding the matters alleged by the owner. The response must include a brief statement explaining the public purpose of the regulations on which the development order or enforcement action is based.

(b) Any governmental entity that is added by the special magistrate as a party must file a response to the request for relief prior to the hearing but not later than 15 days following its admission.

(c) Any party may incorporate in the response to the request for relief a request to be dropped from the proceeding. The request to be dropped must set forth facts and circumstances relevant to aid the

special magistrate in ruling on the request. All requests to be dropped must be disposed of prior to conducting any hearings on the merits of the request for relief.

(17) In all respects, the hearing must be informal and open to the public and does not require the use of an attorney. The hearing must operate at the direction and under the supervision of the special magistrate. The object of the hearing is to focus attention on the impact of the governmental action giving rise to the request for relief and to explore alternatives to the development order or enforcement action and other regulatory efforts by the governmental entities in order to recommend relief, when appropriate, to the owner.

(a) The first responsibility of the special magistrate is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner's proposed use of the property or adjustment in the development order or enforcement action or regulatory efforts by one or more of the governmental parties may be reached. Accordingly, the special magistrate shall act as a facilitator or mediator between the parties in an effort to effect a mutually acceptable solution. The parties shall be represented at the mediation by persons with authority to bind their respective parties to a solution, or by persons with authority to recommend a solution directly to the persons with authority to bind their respective parties to a solution.

(b) If an acceptable solution is not reached by the parties after the special magistrate's attempt at mediation, the special magistrate shall consider the facts and circumstances set forth in the request for relief and any responses and any other information produced at the hearing in order to determine whether the action by the governmental entity or entities is unreasonable or unfairly burdens the real property.

(c) In conducting the hearing, the special magistrate may hear from all parties and witnesses that are necessary to an understanding of the matter. The special magistrate shall weigh all information offered at the hearing.

(18) The circumstances to be examined in determining whether the development order or enforcement action, or the development order or enforcement action in conjunction with regulatory efforts of other governmental parties, is unreasonable or unfairly burdens use of the property may include, but are not limited to:

(a) The history of the real property, including when it was purchased, how much was purchased, where it is located, the nature of the title, the composition of the property, and how it was initially used.

(b) The history or development and use of the real property, including what was developed on the property and by whom, if it was subdivided and how and to whom it was sold, whether plats were filed or recorded, and whether infrastructure and other public services or improvements may have been dedicated to the public.

(c) The history of environmental protection and land use controls and other regulations, including how and when the land was classified, how use was proscribed, and what changes in classifications occurred.

(d) The present nature and extent of the real property, including its natural and altered characteristics.

(e) The reasonable expectations of the owner at the time of acquisition, or immediately prior to the implementation of the regulation at issue, whichever is later, under the regulations then in effect and under common law.

(f) The public purpose sought to be achieved by the development order or enforcement action, including the nature and magnitude of the problem addressed by the underlying regulations on which

the development order or enforcement action is based; whether the development order or enforcement action is necessary to the achievement of the public purpose; and whether there are alternative development orders or enforcement action conditions that would achieve the public purpose and allow for reduced restrictions on the use of the property.

(g) Uses authorized for and restrictions placed on similar property.

(h) Any other information determined relevant by the special magistrate.

(19) Within 14 days after the conclusion of the hearing, the special magistrate shall prepare and file with all parties a written recommendation.

(a) If the special magistrate finds that the development order at issue, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is not unreasonable or does not unfairly burden the use of the owner's property, the special magistrate must recommend that the development order or enforcement action remain undisturbed and the proceeding shall end, subject to the owner's retention of all other available remedies.

(b) If the special magistrate finds that the development order or enforcement action, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is unreasonable or unfairly burdens use of the owner's property, the special magistrate, with the owner's consent to proceed, may recommend one or more alternatives that protect the public interest served by the development order or enforcement action and regulations at issue but allow for reduced restraints on the use of the owner's real property, including, but not limited to:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of development rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

9. Issuance of the development order, a variance, special exception, or other extraordinary relief, including withdrawal of the enforcement action.

10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.

(c) This subsection does not prohibit the owner and governmental entity from entering into an agreement as to the permissible use of the property prior to the special magistrate entering a recommendation. An agreement for a permissible use must be incorporated in the special magistrate's recommendation.

(20) The special magistrate's recommendation is a public record under chapter 119. However, actions or statements of all participants to the special magistrate proceeding are evidence of an offer to compromise and inadmissible in any proceeding, judicial or administrative.

(21) Within 45 days after receipt of the special magistrate's recommendation, the governmental entity responsible for the development order or enforcement action and other governmental entities participating in the proceeding must consult among themselves and each governmental entity must:

(a) Accept the recommendation of the special magistrate as submitted and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity. However, the decision of the

governmental entity to accept the recommendation of the special magistrate with respect to granting a modification, variance, or special exception to the application of statutes, rules, regulations, or ordinances as they would otherwise apply to the subject property does not require an owner to duplicate previous processes in which the owner has participated in order to effectuate the granting of the modification, variance, or special exception;

(b) Modify the recommendation as submitted by the special magistrate and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity; or

(c) Reject the recommendation as submitted by the special magistrate. Failure to act within 45 days is a rejection unless the period is extended by agreement of the owner and issuer of the development order or enforcement action.

(22) If a governmental entity accepts the special magistrate's recommendation or modifies it and the owner rejects the acceptance or modification, or if a governmental entity rejects the special magistrate's recommendation, the governmental entity must issue a written decision within 30 days that describes as specifically as possible the use or uses available to the subject real property.

(23) The procedure established by this section may not continue longer than 165 days, unless the period is extended by agreement of the parties. A decision describing available uses constitutes the last prerequisite to judicial action and the matter is ripe or final for subsequent judicial proceedings unless the owner initiates a proceeding under ss. 120.569 and 120.57. If the owner brings a proceeding under ss. 120.569 and 120.57, the matter is ripe when the proceeding culminates in a final order whether further appeal is available or not.

(24) The procedure created by this section is not itself, nor does it create, a judicial cause of action. Once the governmental entity acts on the special magistrate's recommendation, the owner may elect to file suit in a court of competent jurisdiction. Invoking the procedures of this section is not a condition precedent to filing a civil action.

(25) Regardless of the action the governmental entity takes on the special magistrate's recommendation, a recommendation that the development order or enforcement action, or the development order or enforcement action in combination with other governmental regulatory actions, is unreasonable or unfairly burdens use of the owner's real property may serve as an indication of sufficient hardship to support modification, variances, or special exceptions to the application of statutes, rules, regulations, or ordinances to the subject property.

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163.

(27) The special magistrate shall send a copy of the recommendation in each case to the Department of Legal Affairs. Each governmental entity, within 15 days after its action on the special magistrate's recommendation, shall notify the Department of Legal Affairs in writing as to what action the governmental entity took on the special magistrate's recommendation.

(28) Each governmental entity may establish procedural guidelines to govern the conduct of proceedings authorized by this section, which must include, but are not limited to, payment of special magistrate fees and expenses, including the costs of providing notice and effecting service of the request for relief under this section, which shall be borne equally by the governmental entities and the owner.

(29) This section shall be liberally construed to effect fully its obvious purposes and intent, and governmental entities shall direct all available resources and authorities to effect fully the obvious

purposes and intent of this section in resolving disputes. Governmental entities are encouraged to expedite notice and time-related provisions to implement resolution of disputes under this section. The procedure established by this section may be used to resolve disputes in pending judicial proceedings, with the agreement of the parties to the judicial proceedings, and subject to the approval of the court in which the judicial proceedings are pending. The provisions of this section are cumulative, and do not supplant other methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution.

(30) This section applies only to development orders issued, modified, or amended, or to enforcement actions issued, on or after October 1, 1995.

*History.*—s. 2, ch. 95-181; s. 7, ch. 96-410; s. 25, ch. 97-96; s. 58, ch. 2004-11; s. 1, ch. 2011-139.

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enjoined appellee from enforcing the most restrictive of the three classifications. The appellate court reversed the order of the trial court, finding no basis for denying appellants the zoning classification sought. The court held that to do otherwise would constitute spot zoning in reverse. In the absence of some physical barrier or other logical barrier, the court found no authority for the trial court's decision. The court remanded with directions to enter a final judgment enjoining appellee from enforcing against appellants any zoning classification more restrictive than commercial neighborhood.

### **Outcome**

The court reversed a judgment that enjoined appellee city from enforcing a zoning classification that was more restrictive than the classification sought by appellant homeowners. The court found that enforcement of a zoning classification more restrictive than that requested by appellant homeowners constituted **reverse spot zoning** in the absence of some physical or other logical barrier authorizing the more restrictive classification.

**Counsel:** [\[\\*\\*1\]](#) [Thomas W. Danaher](#) ▼, Haimowitz & Newton, Jacksonville, for Appellants.

[Harry L. Shorstein](#) ▼ and [William L. Coalson](#) ▼, Jacksonville, for Appellee.

**Judges:** Boyer, C.J., and Rawls and [Mills](#) ▼, JJ., concur.

**Opinion by:** PER CURIAM

## Opinion

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[\*854] The zoning regulations of the City of Jacksonville provide for various commercial classifications. Relevant here are CG (Commercial General), CN (Commercial Neighborhood) and CPO (Commercial, Professional and Offices). Of the three classifications, CG is the least restrictive and allows the most intensive commercial uses while CPO is the most restrictive and allows the least intensive uses.

In 1948, appellants purchased Lot 19, Hyde Grove Subdivision, Plat Book 18, page 76 of the Public Records of Duval County, Florida, and constructed thereon a single-family residence where they have since resided. At that time, the entire surrounding area was devoted to single-family residences and none of the roads were paved. With the passage of time the character of the neighborhood has changed and plaintiffs' property is now surrounded on three sides by property zoned CG. Fronting plaintiffs' property is a Hess Oil Station. To the rear is located a dairy store, [\[\\*\\*2\]](#) a hamburger restaurant, a drug store and a Standard Oil Gas Station. Also adjacent is a proposed shopping center and a Kentucky Fried Chicken restaurant. To the east is a single-family residence. One lot removed [\[\\*855\]](#) from plaintiffs' property is Lane Avenue, in 1948

a two-lane dirt road but now a four-lane arterial highway leading to Interstate 10. Contingent upon rezoning, appellants have contracted to sell Lot 19 to the owner of Lot 20. For clarity, we here reproduce a portion of plaintiffs' Exhibit II:

[SEE ILLUSTRATION IN ORIGINAL]

[\*856] Upon appellee denying appellants' petition to have their property rezoned to CN, appellants filed suit. Following a lengthy trial, the learned and able trial judge entered a final judgment in which he recited, inter alia:

"Since the plaintiffs' Lot 19 is now surrounded on three sides by property rezoned commercial general, and only on the east by property zoned residential, it is not possible to conclude that failing to rezone the plaintiffs' Lot 19 to a commercial classification of some sort would be defensible as 'fairly debatable'. It is not 'fairly debatable' but is unconstitutionally discriminatory and confiscatory."

[\*\*3]

Having so found, the trial court enjoined appellee from enforcing against the subject property any zoning classification more restrictive than CPO.

In holding not fairly debatable the constitutional necessity of rezoning appellants' property to a commercial classification the able trial judge was eminently correct. However, recognizing the ability of the trial judge and affording his findings and conclusions the presumption of correctness to which they are lawfully entitled, we nevertheless fail to understand the constitutional rationale for imposing upon appellants' property a classification more restrictive (CPO) than that sought by appellants (CN) and appreciably more restrictive than that imposed upon the surrounding properties (CG). We fully recognize that "a line must be drawn somewhere" (*Kugel v. City of Miami Beach*, Fla.App.3rd 1968, 206 So.2d 282). However, in the absence of some physical barrier or other logical boundary, we know of no authority for drawing the line as has been done sub judice. While imposition of CPO zoning classification upon appellants' property does not render it a "veritable island" as described in *Tollius v. City of Miami*, Sup.Ct.Fla.1957, [\*\*4] 96 So.2d 122, it does render the subject property a literal peninsula.

To deny appellants the zoning classification sought (which is more restrictive and permits a less intensive use than that to which they are entitled but did not request) would constitute spot zoning in reverse (*Kugel v. City of Miami Beach*, supra).

Closely analogous to the facts of this case are those appearing in *Stokes v. City of Jacksonville*, Fla.App.1st 1973, 276 So.2d 200, wherein the appellants' properties constituted a peninsula of residentially zoned lots surrounded by commercial classifications and usages. In that case, we said:

"These residents purchased their homes many years ago in a relatively quiet residential area. The sovereign, not the landowners, determined that it was in the public's welfare to expand a two-lane highway into a six-lane thoroughfare continuously traversed by noisy, smoke and fume emitting behemoths which rendered their residences almost uninhabitable. It was the sovereign, not the subject landowners, that granted to the property owners directly across Cassat Avenue the right to develop intense commercial usage of their property without regard to increased [\*\*5] vehicular traffic. And it was the sovereign, not the subject landowners, that permitted a service station to the north, and a service station to the northwest, and a service station to the west. These landowners are so surrounded by commercial activity that they must have an empathy with General Custer in his last stand. In short, the sovereign, by its past activities, has changed the character of this immediate neighborhood, and having done so, now refuses to recognize that which it created." (276 So.2d 204)

The law of Florida relative to zoning matters is thoroughly recited in this Court's opinion in Davis v. Sails, Fla.App.1st 1975, 318 So.2d 214, and no useful purpose will be accomplished by repetition here. Suffice to say, that upon application of those principles to the evidence revealed by the record in this case and the [\*857] findings of the able trial judge, we are forced to the inescapable conclusion that although the trial judge was eminently correct in prohibiting enforcement against appellants' property any classification more restrictive than commercial he should have enjoined any classification more restrictive than CN, the classification sought [\*\*6] by appellants.

Reversed and remanded with directions for the entry of a final judgment enjoining appellee, City of Jacksonville, from enforcing against appellants' property (hereinabove described) any zoning classification more restrictive than commercial neighborhood (CN).

BOYER, C.J., and RAWLS and MILLS ▼, JJ., concur.



# Untitled Map

Subject Property

Legend  
A

received  
10-18-17

Google Earth

© 2017 Google

600 ft





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OCT 12 2017

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BY: .....





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**From:** Bailey, Glenn  
**Sent:** Wednesday, September 13, 2017 2:44 PM  
**To:** Swinton, Tammy M  
**Subject:** Fw: C/LU-3-2-17 Pam and Clay LLC

For file and packets

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**From:** Todd Palmer <todd@fixmyquack.com>  
**Sent:** Wednesday, September 13, 2017 2:27:45 PM  
**To:** jangovan@govanlawgroup.com  
**Cc:** Bailey, Glenn; Rob Arnold  
**Subject:** C/LU-3-2-17 Pam and Clay LLC

Mr. Govan,

I have reviewed the plan that Pam and Clay LLC have revised and submitted to the county for use of the land in question. I now remove my objection to the change in land use. I have copied MR. Bailey with the County and go on record as now supporting the land use change.

Please extend my apologies to the County Land Use and Planning Board for my absence at the hearing but recent weather events have effected my business and can't make it.

Please feel free to contact me with any other needs you, MR. Bailey or the Board may need from me.

Respectfully,

Todd Palmer  
Managing Member  
Mobile Auto Glass Repair, LLC  
dba Mr. Auto Glass  
925 Florida Ave  
Palm Harbor, Fl 34683  
todd@fixmyquack.com  
813-802-2516



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**From:** Bailey, Glenn  
**Sent:** Thursday, September 14, 2017 9:33 AM  
**To:** John Marrone  
**Cc:** Swinton, Tammy M  
**Subject:** RE: Daily Attorney Call.

Mr. Marrone,

What they are trying to do with this updated request is limit the use of the subject area to pretty much what they have been (illegally) using it for. That being the holding of wrecked cars for processing, etc.. The updated request would not allow any other type of industrial level use. For staff, this doesn't address our primary concerns of incompatibility with the residential uses to the south and west, the fact that industrial uses in the area have been contracting over time, and the fact that there are other, less obtrusive options (one being a special exception that would allow employee parking in the R-4 area without having to change the zoning to industrial).

The case is now scheduled to be heard by the Local Planning Agency on October 12 at 9:00 AM. You will receive updated info regarding the schedule change. We received your letter of objection and it will be presented to the Board. You may also show up at the meeting to voice your concerns.

Thank you,

**Glenn Bailey**, AICP  
Pinellas County Planning Department  
(727) 464-5640  
[gbailey@pinellascounty.org](mailto:gbailey@pinellascounty.org)  
*All government correspondence is subject to the public records law.*

**From:** John Marrone [mailto:[jcm2376@gmail.com](mailto:jcm2376@gmail.com)]  
**Sent:** Wednesday, September 13, 2017 3:20 PM  
**To:** Bailey, Glenn <[gbailey@co.pinellas.fl.us](mailto:gbailey@co.pinellas.fl.us)>  
**Subject:** Fwd: Daily Attorney Call.

Please forward response to this email not the address it was originally sent from.

Sent from John Marrone's I-Phone  
"Overcome, Improve, Adapt"

Begin forwarded message:

**From:** John Marrone <[jcm2376@gmail.com](mailto:jcm2376@gmail.com)>  
**Date:** September 13, 2017 at 3:08:01 PM EDT  
**To:** [gbailey@co.pinellas.fl.us](mailto:gbailey@co.pinellas.fl.us)  
**Cc:** John Marrone <[jmarrone@fridays.com](mailto:jmarrone@fridays.com)>  
**Subject:** Daily Attorney Call.

My internet is down. Daily attorney called me and told me that since I was the only one who brought cause for no change in Zoning and that he'd try to make sense of the reason they wanted a Zoning change. Evidently all this request is centered around the County not allowing employees to park in this current R-4 zoned area.

Right now their are abandoned wrecked cars in this R-4 and our written objection to their now second attempt to revise the current Zoning still stands as it was presented to your office, earlier his year.

The attorney tried to convince me that the County had initially required these supposed park cars in the R-4 Area be relocated and all they wanted to achieve is changing the Zoning so they could park employee cars in this area and "promise" not build anything in this new attempt it call Light Manufactured, regardless.

Understand there is a meeting tomorrow regarding all this. Do we need to be a part of this meeting?

Sent from John Marrone's I-Phone  
"Overcome, Improve, Adapt"

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**From:** Todd Palmer <todd@fixmyquack.com>  
**Sent:** Tuesday, January 24, 2017 3:57 PM  
**To:** Zoning  
**Cc:** Rob Arnold; John Murrow  
**Subject:** Case No Z/LU-3-2-17 Clay & Pam LLC, Applicant

Pinellas County Planning & Department  
Zoning Division  
Development Review Services Department  
440 Court Street, 4th Floor  
Clearwater, Fl. 33756

Dear sir or Madam,

I am writing I'm objection to the above styled application for land use change.

My company, Mobile Auto Glass Repair, LLC, (Mobile) owns 2 Parcels directly adjacent to the subject property and abutts the current R-4 subsection of the applicants property. These would be parcels [01-28-15-88560-088-1300](#), and [01-28-15-88560-088-1200](#), also know respectivlely as 931 and 925 Florida Avenue, Palm Harbor. 931 is zoned single family and currently occupied. 925 is zone General Office and is also in use.

My concern is for the quiet enjoyment for the current and future occupants of the residents of 931 Florida Ave. This is a 888 square foot, 2 bedroom dwelling that was purchased as residential rental property and every intention is to keep it as such. The concern is that the applicants main business, an automobile body shop, is by nature a noisy business. Currently the noise from the business has not encroached upon either of the parcels that we own. This is because the current R-4 designation has served as a natural buffer for the resident of 931 Florida Ave. The concern is that if the zoning changes that this area could become an active part of the existing business and cause considerable noise and light pollution. (Note that the existing business starts work some days before dawn and past dusk in the winter.) These conditions would find the situation untenable for residents of this building, causing it to be un-rentable. In turn devaluing our property. This action the applicant is asking for, if granted, could be considered a form of inverse condemnation of our properties. Please refer to the Bert J. Harris Jr. Property Protection Act of 1995.

The **State of Florida** in 1995 enacted the Bert J. Harris Jr. Private Property Protection Act that created a new cause of action for aggrieved property owners. If property owners could demonstrate that a governmental action "inordinately burdens" their property, they would be entitled to some form of compensation.

I therefore ask to be heard at all public forums in which the above numbered application is to be discussed.

Thank you in advance for your consideration.

Todd Palmer  
Managing Member  
Mobile Auto Glass Repair, LLC

dba Mr. Auto Glass  
925 Florida Ave  
Palm Harbor, Fl 34683  
[todd@fixmyquack.com](mailto:todd@fixmyquack.com)  
813-802-2516

Copy Via US Mail

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**Subject:** FW: Proposed Land Use Change In Palm Harbor

Regarding Z/LU-3-2-17

**From:** [lisamariebaird@aol.com](mailto:lisamariebaird@aol.com) [<mailto:lisamariebaird@aol.com>]  
**Sent:** Thursday, February 02, 2017 6:45 PM  
**To:** Bailey, Glenn <[gbailey@co.pinellas.fl.us](mailto:gbailey@co.pinellas.fl.us)>  
**Subject:** Proposed Land Use Change In Palm Harbor

I will be out of town for work on February 8, 2017 during the hearing on the proposed zoning change from R-4 to M-1 for the parcel at the corner of Florida Ave. and 9th Street in our neighborhood in Palm Harbor.

This is a residential area, and all of the newly built homes are single-family new construction (including a house at the corner of Michigan Avenue and 9th Street that only recently was built). Changing the Zoning for this parcel when the rest of the neighborhood is residential (and improving in the quality of its residential housing), is contrary to the character of the neighborhood and should not be permitted.

The parcel in question also appears to connect up to a parcel on Georgia Avenue (one block over from our house on Michigan Avenue) so I am concerned that the variance will spread if it is permitted this one time.

Thank you in advance for considering these views.

Lisa Baird  
915 Michigan Ave.  
Palm Harbor, FL 34683  
(727) 786-6904

Sent from AOL Mobile Mail

Date: January 30, 2017  
Sent: Via same day Email  
[zoning@pinellascounty.org](mailto:zoning@pinellascounty.org)

Pinellas County Planning & Development  
Zoning Division  
440 Court St.  
Clearwater, Fl 22756  
Ref: Case No.: Z/LU-3-2-17

Zoning Officials;

We own property at 818 Nebraska Ave and have some immediate concerns regarding this request and how it will affect our current property value.

It is apparent that removing the R-4 carve out of the M-1 Light Manufacturing plot will result in the elimination of any current assumed buffer provided by the current R-4 Zoning inside this M-1 Plot. If this R-4 Zoning is removed then the only buffer available to the adjoining properties is the current South and West unkempt "Green Area ", an old wooden baton fence and what appears to be an abandoned 9<sup>th</sup> St. extension to the North of Florida Ave. that is currently a mess to say the least.

We would also add that this current R-4 zoning inside the current M-1 Plot may have been initially placed by the County to provide such a required "Buffer" between M-1 Plot and the R-4 properties to the West and South of this M-1 Plot. Removing the R-4 zoning from inside the M-1 Plot will only diminish property values that border to the West and South of this current M-1 Plot. That being said we are absolutely against the re-zoning agenda placed before us in the notice we received via US Mail on January 19, 2017.

In addition to our objection stated above, consideration of the following may be worthy of mention when the zoning staff is preparing their research for the upcoming Board of County Commissioners Meeting on March 21, 2017.

1. Regardless and in this areas current state, a well maintained "Green Area Buffer" should be considered to the West and South of the M-1 Plot (See attached Google Earth File).
  - a. In addition to the Green Area, a +8'-0" Tall Decorative Masonry Wall should be built around the entire West and South perimeter property line.
    - i. This wall would be similar to the present wall to the North where the Townhomes are presently located.
2. The abandoned 9<sup>th</sup> Street extension to the North of Florida Ave appears to impact and "Green Area" separation between the current R-4 properties and this M-1 Plot. This abandoned 9<sup>th</sup> St. Extension is currently being used as a drive access to apartments on the West and East side of this make shift drive isle and it is a mess.

3. What is the intent surrounding this removal of the R-4 zoning in the already plotted M-1 zoning?
4. If a building were to be built, what Type of Building is proposed?
  - a. Building should have certain material applications as to not appear to be a manufacturing facility.
  - b. There should be a height restriction in that only a one story structure may be built.
  - c. What kind of work is being done in the building?
    - i. No noise contributing manufacturing
    - ii. No Paint Booth Structure should be allowed in this area:
      1. Request that no Auto Painting be performed in this area, contributing toxic CVO's into the environment. These toxic fumes are apparent when walking the trail already, needless to mention more of a nuisance when originating from what may result with this requested R-4 zoning revision.
  - d. What are the hours of operation?
    - i. No work should be conducted after 5:00 PM or on Saturday, Sunday or Federal Holidays.

We appreciate your support in considering our objections to the re-zoning of the current R-4 portion of the current M-1 Daly Collision Plot.

Enclosures:

Google Earth Photo with comments

Pinellas County Letter dated January 19, 2017

Regards,



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John and Christine Marrone  
572 Ryan's Woods Lane  
Palm Harbor, FL. 34683  
602 918 1119

Property at:

Vacant Lot  
818 Nebraska Ave, Palm Harbor FL 34683

