

**LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT
SPECIAL MAGISTRATE
REQUEST FOR RELIEF § 70.51 and § 163.3181(4)**

DUSHYANT GULATI,
Petitioner,

Case No.: Z/LU-20-12

v.

PINELLAS COUNTY,
Respondent.

**REPORT AND JOINT STIPULATION OF SPECIAL MAGISTRATE PURSUANT TO
FLORIDA STATUTES § 70.51 and § 163.3181(4)**

BACKGROUND SUMMARY

On April 27, 2021, the Pinellas County Board of County Commissioners (“BOCC”) denied Petitioner, Dushyant Gulati’s Rezoning and Land Use Amendment applications, in case no. Z/LU-20-12, memorialized in Pinellas County Resolution No. 21-27. On May 12, 2021, Petitioner, Dushyant Gulati, filed a Request for Relief Pursuant to Section 70.51, Florida Statutes (2020)/Request for Mediation Pursuant to Section 163.3181(4), Florida Statutes (2020). On May 26, 2021, Respondent, Pinellas County, filed its Response to Petitioner Dushyant Gulati’s request for relief to the BOCC’s decision in the land use and zoning case no. Z/LU-20-12.

The Parties met in a mediation session on June 30, 2021 at 1:00 pm at the Pinellas County Attorney’s Office, 315 Court Street, 6th Floor, Clearwater, FL 33756 to explore possible solutions to the contested issues arising from the denial of Petitioner Dushyant Gulati’s Rezoning and Land Use Amendment applications in case no. Z/LU-20-12. In accordance with Sections 70.51 and 163.3181(4), Florida Statutes, the mediation session was attended by other interested members of the public.

After the June 30, 2021 mediation session, the Parties attempted to identify development parameters that address the issues raised at the April 27, 2021 BOCC hearing. The terms of the proposed settlement and recommendation to the BOCC are as follows:

1. Future Land Use Map amendment changing the future land use classification of the subject property from Residential Suburban (RS) to Residential Low (RL).
2. A zoning atlas amendment changing the zoning classification on the subject property from R-R, Rural Residential to R-3, Single Family Residential.
3. Pursuant to Pinellas County Land Development Code Sections 138-1200 through 138-1203, a Conditional Overlay is added to the R-3 zoning request in Case No. Z/LU-20-12, with the following conditions:

- a. Maximum number of lots is seven (7).
- b. Minimum lot width is eighty (80) feet.
- c. Minimum lot size is nine thousand five hundred (9,500) square feet.
- d. An additional five (5) feet is added to the required minimum setback on the east and south sides of the subject property, such that the east property line minimum setback is twenty-five (25) feet, and the south property line minimum setback is fifteen (15) feet for the rear setback and eleven (11) feet for the side setback.

A second mediation session was held on August 30, 2021 at 2:00 pm at the Pinellas County Attorney's Office, 315 Court Street, 6th Floor, Clearwater, FL 33756 to consider the above proposed settlement and recommendation to the BOCC. In accordance with Sections 70.51 and 163.3181(4) Florida Statutes, the mediation session was attended by other interested members of the public and members of the public were afforded an opportunity to address the proposed settlement and recommendation.


CONCLUSION

Pursuant to Section 70.51, and Section 163.3181(4) Florida Statutes, the first responsibility of the Special Magistrate is to facilitate the resolution of matters in disagreement. To that end, the mediation sessions were informal in nature and directed towards both full and complete discussion of the issues and identification of acceptable terms and solutions to all those interested and appearing. The proposed settlement attempts to address both the prior concerns raised by the BOCC, and any concerns that have been raised by either Party and members of the public who participated in the Section 70.51 process. Therefore, it is the recommendation of the Special Magistrate that the BOCC favorably consider the Proposed Settlement Recommendation, as set forth above.

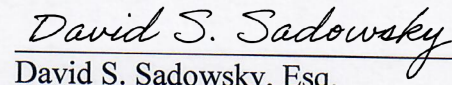
Dated: September 13, 2021


David M. Mechanik, Esq.
Special Magistrate
Florida Supreme Court Certified Court Mediator
Mediator No. 26971R
Florida Bar No. 239100

STIPULATED AND AGREED TO BY:



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