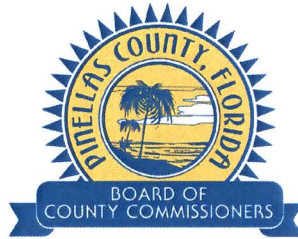


# **Pinellas County**

315 Court Street  
Clearwater, Florida 33756



## **Minutes - Final**

**Tuesday, August 21, 2018**

**2:00 PM**

**BCC Assembly Room**

## **Board of County Commissioners**

*Kenneth T. Welch, Chairman*  
*Karen Williams Seel, Vice-Chairman*  
*Jay J. Beyrouiti*  
*Dave Eggers*  
*Pat Gerard*  
*Charlie Justice*  
*Janet C. Long*

**ROLL CALL - 2:01 P.M.**

**Present:** 7 - Chairman Kenneth T. Welch, Vice-Chairman Karen Williams Seel, Jay J. Beyrouiti, Dave Eggers, Pat Gerard, Charlie Justice, and Janet C. Long

**Others Present:** Jewel White, County Attorney; Jake Stowers, Assistant County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Lynn M. Abbott, Board Reporter, Deputy Clerk

**INVOCATION by Reverend Dr. Peyton Johnson, Lakeview Community Church, Tarpon Springs.****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS****1. National Senior Citizens Day Proclamation:**

- Bonnie Hough, Director of Outreach, Area Agency on Aging of Pasco-Pinellas, Inc.
- Laura Cantwell, Associate Director of Advocacy & Outreach, AARP Florida

Chairman Welch invited Mses. Hough and Cantwell to the podium and thanked the organizations for their partnership; whereupon, he read a proclamation acknowledging the contributions, achievements, and value of senior citizens and recognizing August 21, 2018, as National Senior Citizens Day.

**2. Partner Presentation:**

- Ed Sherwood, Executive Director, Tampa Bay Estuary Program

Referring to a presentation titled *Pinellas County Annual Update, Tampa Bay Estuary Program (TBEP) - Partnership for a Healthy Bay*, Mr. Sherwood presented background information regarding the Program and the various agencies that comprise its Policy Board, indicating that its designation as a national estuary program allows for the utilization of federal resources at the local level; whereupon, he related that the health of the bay continues to improve, noting that the sea grass levels have risen.

Mr. Sherwood discussed public and private partnerships that support the recovery of the estuary, the leveraging of dollars to implement bay and watershed projects, projects that have been supported by the Tampa Bay Environmental Restoration Fund, and funding awarded to local recipients of Bay Mini-Grants; whereupon, he provided information regarding "Give A Day For The Bay Weekdays," noting that it is a new volunteer program to directly involve citizens in restoring Tampa Bay.

Commissioner Justice related that Mr. Sherwood has been doing a great job for the TBEP, noting that the organization is one of the best regional partnerships due to its effective outcomes, science-based decisions, and oversight by Policy and Management Boards; whereupon, Chairman Welch thanked Mr. Sherwood for his leadership.

In response to query by Chairman Welch, Mr. Stowers indicated that Environmental Management Division Director Kelli Levy is available to speak on the red tide issue. Ms. Levy announced that the Pinellas County Red Tide web page is now available in Spanish; and that today's monitoring results will be posted later on the site. She encouraged people to view the daily reports, noting that they can be downloaded in a PDF format.

Ms. Levy provided a red tide update, noting the projected trajectory of the current; whereupon, in response to query by Chairman Welch, she indicated that the website can be accessed via a link on the County's home page.

### **CONSENT AGENDA - Items 3 through 16 (Item 5 addressed under Regular Agenda)**

**A motion was made by Commissioner Gerard, seconded by Commissioner Beyrouiti, that the Consent Agenda items be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouiti, Commissioner Eggert, Commissioner Gerard, Commissioner Justice, and Commissioner Long

#### CLERK OF THE CIRCUIT COURT AND COMPTROLLER

**3. Vouchers and bills paid from July 1 through July 21, 2018.**

Period: July 1 through July 7, 2018  
Accounts Payable - \$36,777,744.92  
Payroll - None

Period: July 8 through July 14, 2018  
Accounts Payable - \$9,120,641.96  
Payroll - \$3,606,760.08

Period: July 15 through July 21, 2018  
Accounts Payable - \$17,378,773.32  
Payroll - None

Reports received for filing:

**4. Dock Fee Report for the month of July 2018.**

Miscellaneous items received for filing:

**6. Affidavit of Publication of Legal Notice published in La Gaceta regarding Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit, Criminal, Civil, and Finance Divisions).**



7. City of Clearwater Ordinances Nos. 9123-18 and 9164-18 adopted July 19, 2018, annexing certain properties.
8. City of Seminole Ordinances Nos. 16-2018 and 17-2018 adopted July 10, 2018, annexing certain properties.
9. Eastlake Oaks Community Development District minutes of the meeting held April 12, 2018.

## COUNTY ADMINISTRATOR DEPARTMENTS

### Airport

10. Grant application for federal assistance submission to the Federal Aviation Administration for Fiscal Year 2018 (FY18) Capital Improvement Program projects for St. Pete-Clearwater International Airport.  

Airport Improvement Program Grant application for funding in the amount of \$6,558,901.00 approved for submission. The grant would provide for the completion of the following projects: (1) Runway 18/36 Rehabilitation, (2) Customs and Border Protection Improvements, and (3) Security System Upgrades for St. Pete-Clearwater International Airport. Chairman authorized to execute and the Clerk to attest the application form and grant agreement.
11. Ranking of firms and execution of agreement with Kimley-Horn and Associates, Inc. for professional engineering services for the Runway 18-36 Rehabilitation project at the St. Pete-Clearwater International Airport.  

Ranking of firms and Contract No. 178-0102-NC approved in the amount of \$1,563,848.25 for a term of 36 consecutive calendar months from the notice to proceed date. Chairman authorized to sign and the Clerk to attest.
12. Award of bid to Manhattan Construction Florida, Inc. for the St. Pete-Clearwater International Airport security system improvement project.  

Bid No. 178-0332-CP (PID No. 001583A) in the amount of \$3,202,365.40 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 210 consecutive days. Chairman authorized to sign and the Clerk to attest.
13. Award of bid to Walbridge Aldinger, LLC for the St. Pete-Clearwater International Airport Customs and Border Protection improvement project.  

Bid No. 178-0305-CP (PID No. 002878A) in the amount of \$6,712,487.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 270 consecutive calendar days. Chairman authorized to sign and the Clerk to attest.



County Administrator

14. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending July 31, 2018.

Solid Waste

15. Annual certificate of the Lealman Solid Waste Collection and Disposal District Non-Ad Valorem Assessment Roll.

Sitting as the governing body of the Lealman Solid Waste Collection and Disposal District, the Board approved the Non-Ad Valorem Assessment Roll for the period of January 1 through December 31, 2018. Chairman authorized to certify the roll to the Tax Collector prior to September 15, 2018.

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Medical Examiner

16. Resolution supplementing the FY18 General Fund budget for unanticipated revenue to the Medical Examiner Office.

Resolution No. 18-51 adopted appropriating grant revenue in the amount of \$100,000.00.

**REGULAR AGENDA**

## ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Miscellaneous items received for filing:

5. Quarterly Donation Listing of \$500 or More for the quarters ended June 30, September 30, and December 31, 2017 and March 31, 2018.

Referring to the \$233,537.95 donation made to Animal Services, Commissioner Seel indicated that she would like to know more about the donor so that they can be given the appropriate thanks; whereupon, Chairman Welch requested that Mr. Stowers provide additional information regarding Fidelity Charitable.

**A motion was made by Vice-Chairman Seel, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

## COUNTY ADMINISTRATOR DEPARTMENTS

### Human Services

17. Notice of grant award from the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration for year three of the Cooperative Agreement to Benefit Homeless Individuals.

(Grant No. 5H79SM063331-03) Award approved, providing funding in an amount not to exceed \$800,000.00. No County match is required.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

### Public Works

18. Interlocal Agreement with the City of St. Petersburg for Cross Bay Ferry service.

Agreement approved, providing funding in the amount of \$150,000.00 for Cross Bay Ferry Service from November 1, 2018 to April 30, 2019.

Commissioner Long relayed her concerns regarding the lack of parking opportunities at the new docking location, and during discussion, Joe Zeoli, City of St. Petersburg Managing Director of Administration and Finance, with input by John Rodriguez, Director of Government Affairs, discussed the parking situation, including the Sundial Garage and nearby parking facilities, the Downtown Looper shuttle service, and metered street parking; grant allocation; the ferry service's potential impact to other downtown events; alternative plans for access and parking; and potential opportunities to cultivate partnerships.

Commissioner Eggers stated that he will not support the item, and in response to queries and comments by the members, Mr. Zeoli discussed the Request for Proposal process, noting that the bidders were made aware that grant assistance may be available. He indicated that HMS will continue to operate the ferry service if the agreement is extended; and that although the City is committed to the full three-year operation, it has the option to truncate the agreement. Responding to query by Commissioner Eggers, he agreed to provide information pertaining to the origin of ferry patrons.

**A motion was made by Commissioner Long, seconded by Vice-Chairman Seel, that the item be approved. The motion carried by the following vote:**

- Aye:** 6 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Gerard, Commissioner Justice, and Commissioner Long
- Nay:** 1 - Commissioner Eggers

**19.** Selection of the preferred alternative to complete the Project Development and Environment study for the Dunedin Causeway Bridges project.

Mr. Stowers presented staff's recommendation of the mid-level movable bridge replacement and related that approval of the preferred alternative is necessary to finalize the Project Development and Environment (PD&E) study and allow the process to move forward to seek state and federal funding opportunities, noting that approval of the selection does not obligate the Board to construct the alternative.

Commissioner Seel stated that she cannot support the item due to her continued concerns regarding the project's lack of funding commitments and overall and annual maintenance costs, and Commissioner Eggers related his understanding that federal funding is available to the state for distribution; and that the amount of funding available for the bridge would be determined once the PD&E study was completed.

In response to queries by the members, Assistant County Administrator Rahim Harji discussed the state's bridge funding assignment process, noting that a recent change to its formula resulted in a reduction of funding to each bridge project; and that it is important that the PD&E study be completed so that the County can start exploring various forms of grant funding and revenue, noting that there are options if it is not feasible to fully fund the preferred alternative, including selection of another alternative or rehabilitation of the current bridge.

Chairman Welch referred to a PowerPoint slide titled Alternatives Cost/Service Life, and responding to his queries, Mr. Harji related that staff's recommendation is based on feedback received from the Board and other partners; that the typical federal funding contribution is 80 percent; and that the projected operation and maintenance costs are slightly less than current costs; whereupon, Chairman Welch indicated that he supports the request, although he shares the members' concerns regarding the selection of the highest-cost option.

Commissioner Long commented on the state of the nation's bridges and infrastructure and opined that the federal government has a responsibility to fund improvement projects; and that discussing the issue with the appropriate authorities now could strategically jumpstart various funding mechanisms; whereupon, she requested that Intergovernmental Liaison Brian Lowack include the item on the legislative agenda.

Responding to further queries by the members, Mr. Harji related that the item is not included in the Capital Improvement Plan, and no commitment has been made for design and construction of the bridge; that approximately \$1.2 million was previously budgeted for the



study, and no additional funding is being requested; and that approval of the preferred alternative would give staff direction on which bridge to use to finalize the study.

Commissioner Eggers asked that a document be prepared clarifying what federal or state resources are available so that the Board has a better understanding of the dynamics and can start working on its legislative priorities.

**A motion was made by Commissioner Justice, seconded by Commissioner Gerard, that the mid-level movable bridge replacement be selected as the preferred alternative. The motion carried by the following vote:**

**Aye:** 6 - Chairman Welch, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**Nay:** 1 - Vice-Chairman Seel

- 20.** Selection of the preferred alternative to complete the Project Development and Environment study for the San Martin Boulevard over Riviera Bay Bridge replacement and roadway improvement project.

Mr. Stowers presented staff's recommendation of the eastern bridge and trail alignment alternative and related that approval of the preferred alternative is necessary to complete the Project Development and Environment (PD&E) study and allow the process to move forward to seek state and federal funding opportunities for the project, noting that the process is the same as that discussed under Agenda Item No. 19.

**A motion was made by Commissioner Justice, seconded by Commissioner Long, that the eastern bridge and trail alignment be selected as the preferred alternative. The motion carried by the following vote:**

**Aye:** 6 - Chairman Welch, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**Nay:** 1 - Vice-Chairman Seel

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

### Emergency Medical Services Authority

- 21.** Issuance of Certificates of Public Convenience and Necessity for non-medical wheelchair/stretchers van transport providers.

Certificates issued to Checker Cab and West Coast Transportation in accordance with Chapter 54, Pinellas County Code. Chairman authorized to sign the certificates.

**A motion was made by Commissioner Gerard, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

#### COUNTY ADMINISTRATOR

**22.** County Administrator Miscellaneous - None.

#### COUNTY ATTORNEY

**23.** County Attorney Miscellaneous - None.

#### COUNTY ADMINISTRATOR REPORTS

**24.** County Administrator Reports - None.

#### CITIZENS TO BE HEARD

**25.** Public Comment.

Lenore Faulkner, Madeira Beach, re Thank you, John Morroni

David Ballard Geddis, Jr., Palm Harbor, re \$14 Court Case/Constitution - submitted documents

Donna Lapcevic, Crystal Beach, re In favor of green space

Lesley Klein, Palm Harbor, re Preserve Palm Harbor #1 - submitted petitions

Jean Keir-Choong, Palm Harbor, re Land in Palm Harbor

Gayle Johnston, Palm Harbor, re Palm Harbor land preservation

Liz Drayer, Clearwater, re Purchase of land for park

Antonia Gary, Tarpon Springs, re 5 acres Palm Harbor (passive use park)

Linda Bock, re Park

Greg Pound, Largo, re Pinellas Government

Responding to queries by Chairman Welch, Ms. Bock provided background information regarding the Palm Harbor land referred to in Agenda Item No. 37, and discussion ensued pertaining to the parcel in question and its previous consideration for purchase by the County, prior land purchases and the potential acquisition of additional greenspaces, including golf courses, and the inclusion of related considerations in the County's legislative agenda, and Chairman Welch indicated that the matter will be added to the upcoming Strategic Plan discussion.

## COUNTY COMMISSION

26. Appointment to the Local Planning Agency Board (Individual Appointment by Commissioner Welch).

Chairman Welch appointed Lari Johnson to fulfill an existing term to expire on November 9, 2020.

**A motion was made by Vice-Chairman Seel, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

27. County Commission New Business Items:  
- County Administrator Recruitment - Increase to Pay Grade Maximum (Commissioner Welch)

Mr. Stowers indicated that the Board had discussed increasing the County Administrator's E1 pay grade maximum during a February work session, but the item was never brought forward for a vote; and referring to his memorandum dated August 21, 2018, Chairman Welch verified that the request is to increase the County Administrator E1 Pay Grade to \$275,017.60.

Attorney White discussed the Commissioners' governing authority over the exempt employee pay plan; whereupon, referring to a discussion with Chairman Welch earlier today, she recommended that the Board discuss the proposed increase and delay voting on the measure, noting that there is sufficient time for review as contract negotiations have not yet taken place.

Chairman Welch indicated that the matter will be brought back to the Board, noting that the item was a late addition to the agenda, and at the request of Commissioner Beyrouti, Mr. Stowers agreed to provide information pertaining to the pay ceilings in the surveyed counties.

Chairman Welch thanked everyone who worked on the recruitment team, including staff of the Administrator and Attorney and various County departments; whereupon, he related that he met last week with Springsted Waters Senior Vice President Art Davis, Attorney White, and Human Resources Director Holly Schoenherr to discuss the tasks to be completed, noting that a draft contract has been prepared.

Chairman Welch provided information regarding Barry Burton, the Board's preferred candidate for County Administrator, noting that he conducted a reference check; and that Mr. Burton related that he would like to change his start date to November 1; whereupon, the members provided input regarding Mr. Burton's involvement in an issue regarding his current employer and his availability to start employment on October 1.



Later in the meeting, Chairman Welch provided an update, noting that Mr. Burton has indicated that he would like to move forward with contract negotiations; whereupon, he verified that the requested start date will remain October 1. In response to query by the Chairman, the members indicated that they are open to holding a special meeting next week.

**28. County Commission Board Reports and Miscellaneous Items.**

The members reported on the activities of their assigned Boards and Committees, and related or discussed the following items:

Commissioner Eggers

- Reported on recent and upcoming activities of the Tampa Bay Water Board and Forward Pinellas.
- Related that the Whispering Souls African American Cemetery held a successful volunteer cleanup on August 11, noted plans for upcoming meetings, and encouraged community members to attend.
- He continues to meet with Dr. Ulyee Choe, Director of the Department of Health in Pinellas County, to discuss critical community issues.
- He will be meeting with Pasco County Commissioner Mike Wells later this month.
- Encouraged the community to vote in the Primary Election on August 28.
- He met with Richard Moss, the new Director of Transportation for the Florida Department of Transportation. Noted that there are federal and state funding opportunities available for infrastructure work; and that FDOT leadership fosters a very positive relationship with Pinellas County.

Commissioner Seel

- Reported on activities of the Homeless Leadership Board.
- Attended a National Association of the Remodeling Industry meeting with Contractor Licensing Department Director Glenn Wardell, who did an outstanding job discussing the changes with regard to the Pinellas County Construction Licensing Board.

Commissioner Gerard

- Reported on recent and upcoming activities of CareerSource Pinellas and the Youth Advisory Committee. Commissioner Eggers provided input regarding Committee recruitment efforts.

- The Clearwater Health Center will hold an open house on August 30 at 4:00 p.m.

#### Commissioner Long

- Presented information regarding recent and upcoming activities of the Tampa Bay Regional Planning Council, Tampa Bay Area Regional Transit Authority, and Pinellas Suncoast Transit Authority.
- Attended the Regional Transit Forum on July 20 at Tampa International Airport. A Regional Transportation Leadership Workshop will be held on August 27 at the St. Petersburg College Collaborative Labs.
- Attended the Pinellas County Medical Association's Opioid Drug Summit at the St. Petersburg College Seminole Campus.

#### Commissioner Justice

- Thanked Anita Berry of Corcoran and Johnston for inviting him to participate in a Feeding Tampa Bay Mobile Pantry event in Lealman Park this morning.
- Reported that the Lealman Community Services District hosted a food symposium this morning, and his assistant attended.
- Discussed recent and upcoming activities of the Tampa Bay Estuary Program Management Board, Area Agency on Aging, Gulf Consortium, Historic Preservation Board, and Pinellas Suncoast Transit Authority.
- The grand opening of the Wounded Warriors Abilities Ranch will be held on September 1 in Pinellas Park; he will forward the invitation to the members.
- Met with Planning Department staff to discuss proposed changes to the land use policy, specifically with regard to properties in the Lealman area. Discussion ensued, and the members provided input regarding mobile home parks, foreclosure actions, and lien enforcement. Mr. Stowers requested that the Board provide policy direction on the matter, and Chairman Welch related that he would like to move forward with a conversation to discuss options.
- Announced that staff is seeking suggestions for naming of the new Lealman Community Center. Suggested that the Board honor the service and memory of Ray Neri, noting his contributions to the Lealman community.

#### Chairman Welch

- Thanked the Business Technology Services Board, Technical Steering Committee, and Security Panel for participating in a cybersecurity session, noting the importance of their work in prevention and recovery.

Chairman Welch announced that Public Hearing Item No. 37 has been withdrawn by the applicant and will not be considered.

Mr. Stowers announced that the Pinellas County Contractor Licensing Department will move its offices to the Young-Rainey STAR Center over the Labor Day weekend, noting that a public service announcement will provide additional details.

**Meeting Recessed: 4:19 P.M.**

**Meeting Reconvened: 6:04 P.M.**

## **PUBLIC HEARINGS**

**All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.**

### BOARD OF COUNTY COMMISSIONERS

**29. (Q) CU-10-06-18 (Vehicle Recovery Services, Inc.)**

Request for a Conditional Use to allow a FAA permitted private helipad, and variances to allow the touchdown area to be 37 feet in length and width where 100 feet in length and width are required, and the primary surface area to be 74 feet in length and width where 300 feet in length and width are required on approximately 0.71 acre located at 4550 35th Street North in Lealman.

Resolution No. 18-52 adopted approving the conditional use and the variances. The Local Planning Agency recommended approval of the request, subject to the conditions set forth in the Staff Report. A petition with ten signatures in support of the application has been received. No citizens appeared to be heard.

Mr. Stowers noted that the applicant is seeking an after-the-fact approval of the helipad, which has been in operation for several years following approval by the Federal Aviation Administration; whereupon, he indicated that the request meets the standards of the Pinellas County Land Development Code and is consistent with the Comprehensive Plan; and that staff recommends approval.

During discussion and in response to queries by Commissioner Justice, Principal Planner Michael Schoderbock provided information regarding the applicant organization, the helipad usage, and approval of its parameters by the FAA.

**A motion was made by Vice-Chairman Seel, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**



**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouiti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**30. (Q) Z-15-07-18 (Guzewicz/Wolfe Family Rev Trust)**

Request for a zoning change from C-3, Commercial, Wholesale, Warehousing and Industrial Support to C-2, General Retail Commercial and Limited Services on approximately 2.34 acres located at 11455 66th Street North in unincorporated Pinellas Park.

Resolution No. 18-53 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Mr. Stowers provided information regarding the item, relating that the applicant wishes to redevelop the property for retail commercial use not permitted under the current zoning designation; and that the change in zoning would allow for less intensive uses; whereupon, he noted that the proposed amendment is compatible with the surrounding area; and that the adjacent City of Pinellas Park has indicated no objection to the proposal.

**A motion was made by Commissioner Gerard, seconded by Commissioner Justice, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouiti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**31. (Q) Z-16-07-18 (TBI Residential Services)**

Request for a zoning change from A-E, Agricultural Estate Residential to IL, Institutional Limited on approximately 2.0 acres located approximately 300 feet west of East Lake Drive and approximately 425 feet north of Keystone Road in East Lake (address: 2563 Keystone Road).

Resolution No. 18-54 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received.

Mr. Stowers provided background information regarding the application, indicating that the applicant wishes to expand the existing Assisted Living Facility (ALF) from 20 to 25 beds without increasing the size of the building; and that the proposed zoning designation will allow a maximum of 75 beds.

Responding to a concern expressed by Commissioner Eggers regarding allowing potential expansion of the facility to 75 beds, Planning Department Zoning Manager Glenn Bailey indicated that while a conditional overlay could be utilized to limit the number of beds, the ALF has a very quiet use; and that the hypothetical expansion to 75 beds does not present a concern, as it would be comparable to other facilities in the area.

John Campbell, Tarpon Springs, appeared and indicated that he represents the applicant; and that due to the property characteristics and the nature of the clientele, who have suffered severe traumatic brain injuries, the applicant does not wish to expand the facility to

75 beds, only to fulfill the existing need for five more; whereupon, Commissioner Long commended the applicant for its service to the community.

**A motion was made by Commissioner Beyrouti, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**32. (Q) Z/LU-11-06-18 (Pinellas Auto Sales)**

Request for a zoning change from R-3, Single Family Residential to C-2, General Retail Commercial and Limited Services (0.32 acre) and C-2-CO, General Retail Commercial and Limited Services-Conditional Overlay (0.38 acre) with a Conditional Overlay limiting the use of the northern 220-foot portion of the property to the parking of vehicle inventory only, and a land use change from Residential Urban to Commercial General on approximately 0.70 acre located at 6789 Ulmerton Road in unincorporated Largo (a portion of parcel 06-30-16-70938-400-1302).

The Local Planning Agency recommended approval of the request, and staff concurred. Two letters in opposition to the application have been received.

Mr. Stowers provided information regarding the request, indicating that due to the unusual dimensions which would complicate ingress and egress, the site is not conducive to residential development; that the extension of the C-2 zoning would correct a long-standing nonconforming commercial use of the property; and that the conditional overlay would limit the area to a passive commercial use that would be compatible with the adjacent residential area, provided proper screening is in place as required by the Pinellas County Land Development Code.

Referring to a PowerPoint presentation containing various maps and photographs, Principal Planner Michael Schoderbock pointed out the location of the subject property and described the surrounding area, noting that it contains a variety of land uses. He indicated that the applicant wishes to expand the automobile sales and repair business on the portion of the property requested to be changed to the C-2 zoning designation and utilize the portion requested to be changed to the C-2 with the overlay for vehicle inventory parking, reiterating that the latter portion would otherwise be very difficult to utilize due to access issues; and that the proposed use would create limited infrastructure impacts; whereupon, in response to queries by the members, he clarified where the proposed overlay is located and provided information relating to screening requirements, surrounding uses, and drainage.

Upon the Chairman's call for the applicant, Aneil Balkissoon, Largo, appeared, and referring to photographs, stressed that the area is largely commercial; that the majority of the surrounding residential homes border commercial properties; and that the proposed use would not impact traffic and would be quiet in comparison to other adjacent uses, such as a daycare center and a cellular tower.



Mr. Balkissoon related that he has been utilizing the property requested to be rezoned C-2-CO for parking vehicle inventory for the last three years, assuming that it was commercial, until a fence there was damaged during Hurricane Irma, triggering citations; that he has invested a lot of money into the property; that rebuilding of the fence is dependent on approval of the case; and that two residential neighbors are opposing the request based on a conflict with a previous property owner.

Responding to the Chairman's call for persons wishing to speak, Charles Johnson and Marilyn Myers (speaking for herself and other residents), Largo, referred to photographs of the applicant's property and presented their concerns, including illegal storage of discarded vehicles and parts on the residential portion adjacent to theirs, tree removal, grass overgrowth, and decrease in property values.

In response to queries by the members relating to issues raised by the objectors, Mr. Schoderbock referred to a map and identified portions of the property where the present business activity is allowed, which are designated commercial and residential with nonconforming use. He also pointed out the residential portion on which the business activity is not allowed, where the applicant has been storing vehicle inventory in violation of the Code. He noted that as a condition of the overlay, staff recommends that the vehicle inventory be in operable and sellable condition.

During discussion and responding to further queries by the members, Director of Development Review Services Blake Lyon provided information regarding the history of the property, violations and associated citations, remedies, and potential enforcement of the overlay requirements. He indicated that the matter of tree removal by the applicant needs to be researched; and that the rezoning to C-2-CO would cure the violation relating to illegal storage of inventory, noting that reasonable time to cure is provided, in accordance with the State requirements.

Commissioner Beyrouiti expressed concern with respect to unresolved violations, opining that by approving rezoning, the Board would be legalizing them; whereupon, Mr. Stowers explained that Code Enforcement procedures allow a violator to rectify the situation and achieve compliance with the Code by applying for a change in zoning without having to revert the site to the state in which it was prior to the violation, and Planning Director Renea Vincent pointed out that the applicant would be required to address buffering, screening, water retention, and cleanup as part of the site plan approval process.

Agreeing with Commissioner Beyrouiti and noting the lack of good-faith effort to take care of the property on the part of the applicant, Commissioner Long proposed that he request rezoning after the property has been cleaned up; whereupon, Mr. Balkissoon informed the Board that the property has already been cleaned, and the Code Enforcement concerns have been addressed; and that a Code Enforcement officer has been visiting regularly to ensure the same.

Commissioner Eggert emphasized that the property is not landlocked and can have both commercial and residential portions; and that extending the commercial zoning as



requested would intrude into the surrounding residential neighborhood. He proposed that only a portion of the requested area be rezoned to commercial; whereupon, in response to query by Chairman Welch, Attorney White provided input, indicating that Commissioner Eggers' proposal is different from the request that was legally advertised for the present hearing and advised that the case be re-advertised for another public hearing to reflect any change before the Board takes action.

During discussion regarding the optimal way to proceed with the case, Chairman Welch indicated that he would not support it as presented, but may be willing to do so if it returns to the Board with evidence of the property cleanup and an alternative solution that would be less impactful to the residential area north of the property. Commissioner Justice indicated that he is supportive of the staff recommendation presented today, as the unusual property layout makes it difficult to bifurcate; and that land use in the area has been significantly changed. He noted, however, that there has been mixed information presented today that should be clarified; whereupon, he moved, seconded by Commissioner Long, that the case be continued.

Responding to queries by the members, Ms. Vincent stated that the case should be continued for at least two months if the request were to be changed, and Commissioner Justice clarified that his motion was to continue the applicant's original request. The members restated their concerns regarding the case and discussed whether they supported (1) the aforementioned proposal by Commissioner Eggers or (2) adding requirements to the conditional overlay, including landscaping, buffering, fencing, storage of passenger vehicles only, and making sure that the applicant provides evidence of cleanup and tree removal permits; whereupon, Commissioner Justice withdrew his motion.

Following further discussion and input by Attorney White, Commissioner Beyrouti moved, seconded by Commissioner Eggers, that the case be denied without prejudice, allowing the request to be revised and re-advertised, incorporating the members' feedback, without having to wait six months to do so.

Responding to query by Commissioner Gerard, Attorney White indicated that if the case is continued, it can also be re-advertised to include additional requirements relating to the conditional overlay, and Ms. Vincent noted that if the case is continued as opposed to being denied, the applicant would not have to pay additional fees.

Commissioner Beyrouti stated that he wished to modify his motion; whereupon, he moved, seconded by Commissioner Eggers, to continue the case and re-advertise it to include appropriate changes to the overlay.

Responding to queries by Commissioner Eggers, Mr. Stowers confirmed that the applicant has addressed Code Enforcement concerns by progressively cleaning up the property; and that some operable vehicles remain, but the property has been rid of trash.

**A motion was made by Commissioner Beyrouti, seconded by Commissioner Eggers, that the item be continued. The motion carried by the following vote:**

**Aye:** 6 - Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**Nay:** 1 - Chairman Welch

**33. (Q) DA-18-07-18 (Capon Corporation, John and Bonnie Mills)**

Request for a first amendment of a previously approved Development Agreement to extend the duration of the Agreement for an additional five-year term, to provide additional time for the development of up to 126 residential units having a maximum intensity and height as required by the property's zoning and land use designations, and to amend the concept plan depicted in Exhibit C for a property containing of approximately 55.56 acres located on the west side of Alternate U.S. 19 and approximately 515 feet north of Terrace Road in unincorporated Tarpon Springs (street address being 1800 S. Pinellas Avenue).

Resolution No. 18-55 adopted approving the amended Development Agreement. The Local Planning Agency (LPA) recommended approval of the request, and staff concurred. Three letters in opposition to the application have been received.

Following an overview of the request by Mr. Stowers, Planning Department Zoning Manager Glenn Bailey referred to a PowerPoint presentation containing maps, photographs, and a concept plan, pointed out the location of the subject property and the surrounding uses, and provided history and details regarding the application. He indicated that the only proposed changes to the original Development Agreement approved in 2013 involve a five-year extension and modification of the concept plan due to the 2016 expansion of the Coastal Storm Area; that the development would consist of a 125-unit multifamily building and a single-family home; and that the density is based on a transfer from extensive wetlands on the site, as well as an affordable housing density bonus; whereupon, he stated that staff deems the proposal appropriate and consistent with the Pinellas County Comprehensive Plan.

Responding to queries by Commissioner Justice, Mr. Bailey pointed out the proposed single-family home location on a map and indicated that the applicant wishes to live there; and that if the Development Agreement is not extended prior to its expiration in December of this year, the property would revert to the previous zoning and land use, noting that any potential zoning designation should reflect the presence of wetlands.

Upon the Chairman's call for the applicant, John Mills, Tarpon Springs, appeared and discussed the request, relating that he is proposing to develop senior housing; that challenges associated with the affordable housing funding mechanism through Florida Housing Finance Corporation caused the delay in construction; and that he is hoping that staff will recommend his project for the County funding match; whereupon, he emphasized that there is a great need for senior housing in north county.

Responding to the Chairman's call for persons wishing to speak, Doreen E. Saccardo, Palm Harbor, expressed her opposition to the request, indicating that residential zoning of



the property hinders her ability to develop her adjacent commercial property, noting that her 2014 request for rezoning to enable storage of recreational vehicles and boats on her property was denied as a result of a residential neighbor's opposition.

Heather Urwiller, Planning and Zoning Director for the City of Tarpon Springs, expressed her concerns regarding the proposed development, including the height and location of the building, incompatibility with the neighborhood, close proximity to a golf course and residential developments, and unavailability of fire service by the City to accommodate a seven-story building; whereupon, she opined that the Development Agreement should include the applicant's intent to provide senior housing.

During discussion, Chairman Welch expressed concern with respect to the fire service for multistory buildings, requesting that Mr. Stowers and Ms. Vincent look into the matter and provide an update report. Responding to queries by the members, Ms. Urwiller showed where the proposed building would be situated relative to the golf course and the surrounding residential neighborhoods, and reiterated that its height would be incompatible, and Commissioner Justice pointed out that if the subject property is reverted to commercial zoning, it could potentially accommodate a five-story commercial building.

In response to queries by Commissioner Eggers, Mr. Bailey discussed the basis of the 2014 rezoning request by Ms. Saccardo and the recommendations to deny it by staff and the LPA, indicating that the applicant withdrew her application following the LPA recommendation for a Development Agreement to address screening.

During rebuttal and in response to concerns by Ms. Urwiller, Mr. Mills referred to photographs and provided examples of other structures in the area that are comparable in size to the proposed building; whereupon, he indicated that the Florida Housing Finance Corporation funding application includes verifications by various parties with regard to zoning, power, water, sewer, and road infrastructure; and that the wetlands will not be impacted.

Responding to query by Chairman Welch, Mr. Mills indicated that he would have no issue if Ms. Saccardo wishes to store recreational vehicles and boats next to his property, provided there is buffering.

**A motion was made by Vice-Chairman Seel, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**34. (Q) Z-13-07-18 (True Auto Repair, LLC)**

Request for a zoning change from C-1, Neighborhood Commercial to C-2, General Retail Commercial and Limited Services on approximately 0.34 acre located at 6210 Seminole Boulevard in unincorporated Seminole.

Resolution No. 18-56 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. One letter and a petition with



16 signatures in opposition to the application and 42 letters and a petition with 38 signatures in support of the application have been received.

Following an overview of the request by Mr. Stowers, Principal Planner Michael Schoderbock referred to a PowerPoint presentation containing various maps and photographs, pointed out the location of the subject property, described the surrounding land uses, and provided background information regarding the application. He noted that the applicant wishes to utilize the building located on the site, currently used as a thrift store, for an automobile repair business, which is allowable under the proposed zoning when conducted in an enclosed building; that there would be a limited infrastructure impact; that the parcel is within the commercial land use designation, and the requested zoning is consistent with the surrounding uses, as well as with the Comprehensive Plan; and that staff recommends approval.

Responding to queries by Commissioner Eggers, Mr. Schoderbock indicated that the site would have a standard six-foot opaque wall or fence separating it from an adjacent residential subdivision.

James and Emilia Ahrendt, Seminole, related that as owners of the subject property, their intent is to improve and beautify it, and they have taken the initiative to clean it up, fix the potholes, and take down the old fence in preparation of installing a new one. They referred to photographs and indicated that most surrounding properties are commercial or industrial; that residential neighbors with whom they met support the proposed rezoning; and that their business is family-owned and operates within standard business hours.

In response to the Chairman's call for proponents, the following persons expressed support for the applicants and the proposed rezoning:

Nicholas Godbey, Largo  
Jean Quinones, Largo  
Kathy Kemp, Seminole  
Matthew Morey, Seminole

In response to the Chairman's call for opponents, Frank Brancaccio, Seminole, expressed his concerns, including the case hearing notice, parking, and drainage. In response to query by Chairman Welch, Mr. Brancaccio showed the location of his property on the map, noting that it is adjacent to the subject property.

In response to queries by Commissioner Long, Mr. Stowers indicated that he is not aware of any issues raised by the City of Seminole pertaining to the request; and that following a process relating to the change in occupancy, matters such as parking will be addressed by the applicant as part of the site plan review process, noting that other changes to the proposal with regard to property utilization may occur at that time; whereupon, Chairman Welch pointed out that Mr. Brancaccio's concerns expressed earlier in his email were received and responded to by staff.

During rebuttal and in response to the concerns of Mr. Brancaccio, the applicants stressed their desire to be neighborly, noting that they went beyond the required threshold of 300 feet around the property to meet with more neighbors, including Mr. Brancaccio, who did not express any concerns at that time; and that if the request is approved, they are prepared to face any challenges and meet all requirements.

Responding to queries by Commissioner Beyrouti regarding future expansion of the business, Mr. Ahrendt discussed the potential for having a second service bay door for easier access to the building and flow, which would be considered during the site plan review; whereupon, he confirmed that the building size is limited to two service doors; and that the parking lot is small.

**A motion was made by Commissioner Long, seconded by Commissioner Beyrouti, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**35. (Q) Z/LU-14-07-18 (Palm Harbor Florida, LLC)**

Request for a zoning change from P-1, Professional Office to C-1-CO, Neighborhood Commercial-Conditional Overlay with a Conditional Overlay limiting the use to a compound pharmacy and a land use change from Residential Office General to Commercial Neighborhood on approximately 0.67 acre located at 1003 Virginia Avenue in Palm Harbor.

Resolution No. 18-57 and Ordinance No. 18-32 adopted approving the zoning and land use changes. The Local Planning Agency recommended approval of the request, and staff concurred. Two letters in support, one letter in opposition, and one letter of concern have been received with regard to the application.

Following an overview of the request by Mr. Stowers, Planning Department Zoning Manager Glenn Bailey referred to a PowerPoint presentation containing various maps and photographs, pointed out the location of the subject property, described surrounding land uses, and provided background information regarding the application. He related that the property currently contains a single-family residence, which has been vacant for a number of years, and many trees; that the proposed use would be limited to a compound pharmacy; that the surrounding area includes a variety of uses; and that infrastructure impacts would be limited; whereupon, he indicated that the proposed use is compatible with the surrounding area and consistent with the Comprehensive Plan; and that staff recommends approval.

Todd Pressman, Palm Harbor, indicated that he represents the applicant; whereupon, he introduced Dr. Chris Delmadoros, a pharmacist operating in Dunedin, and provided information about his professional background.

Mr. Pressman indicated that he contacted Ozona Village Improvement Society President Brian Smith regarding the request, and he did not have any concerns; and that there are a number of C-2 uses in the area. He defined *compound pharmacy*, noting that it involves compounding of personalized and specialized medicines; that approximately a third of the



orders would be filled by mail; and that since Dr. Delmadoros has approximately 50 visitors a week at his current pharmacy, the pharmacy at the new location would not generate much traffic; whereupon, he related that, in addition to the aforementioned letters, some phone calls have been received in support of the application.

In response to the Chairman's call for persons wishing to be heard, J. Scott Fisher, Palm Harbor, expressed his concerns, including preservation of the existing house and trees, which may have a historical significance, and the incompatibility of a compound pharmacy, a manufacturing use, with the surrounding neighborhood.

Responding to queries by the members regarding the objector's concerns, Mr. Bailey referred to a map and pointed out the Downtown Palm Harbor Historic District, indicating that the house on the property has not been designated as a historic structure; and that it appears to be in poor condition, and Commissioner Seel suggested that the owner consider donating it to Heritage Village.

During rebuttal and in response to the concerns of Mr. Fisher, Mr. Pressman and Dr. Delmadoros offered to accommodate the County, should there be a desire to transfer the house to Heritage Village. Mr. Pressman stated that the applicant intends to adhere to the Code with regard to the trees; whereupon, in response to queries by Commissioner Eggers, he and Dr. Delmadoros provided further explanation of *compound pharmacy* and indicated that compounding of medicines is not considered a manufacturing process; and that it does not involve marijuana.

**A motion was made by Commissioner Beyrouti, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

**36. (Q) Z/LU-17-07-18 (Berati 2, LLC)**

Request for a zoning change from C-2, General Retail Commercial and Limited Services to R-1, Single Family Residential (west 1.2 acres), a land use change from Residential Low Medium to Commercial General (east 1.5 acres) and a Development Agreement limiting the western 1.2 acres to single family homes limited to the height and intensity permitted by the applicable zoning and land use designations, limiting the eastern 1.5 acres to the indoor, outdoor, and/or covered storage of automobiles, recreational vehicles and/or boats limited to a maximum Floor Area Ratio of 0.35 and a maximum height of 35 feet, establishing enhanced buffering on the western and southern property lines, and requiring shielded/directional lighting on approximately 2.7 acres located approximately 380 feet west of U.S. Highway 19 North and 495 feet south of Central Avenue in unincorporated Largo (a portion of parcel 30/29/16/55044/000/0024).

Resolution No. 18-58 adopted denying the application. The Local Planning Agency (LPA) recommended approval of the application. Ninety-six letters and one letter signed by 38 residents of Donovan's Park have been received in opposition to the application.

Following an overview of the request by Mr. Stowers, Planning Department Zoning Manager Glenn Bailey referred to a PowerPoint presentation containing maps, photographs, and a



site survey, and pointed out the location of the subject property, noting that it is the western 2.7-acre portion of a 4-acre parcel located on the west side of U.S. Highway 19 North. He provided background information regarding the application, explaining that the existing commercial zoning and residential land use, established many years ago, are incompatible and prevent development; and that the applicant proposes to change (1) the land use on the eastern 1.5-acre portion from residential to commercial, allowing for expansion of the adjacent automobile, boat, and recreational vehicle storage, and (2) the zoning on the western 1.2-acre portion from commercial to residential for development of single-family residential homes, which would eliminate the inconsistency.

Mr. Bailey pointed out the surrounding land uses, including residential, office, and retail, and discussed the terms of the proposed Development Agreement, limiting development to the aforementioned uses and providing for enhanced buffering, screening, landscaping, and shielded site lighting, noting that the agreement was included in the application upon a recommendation by the LPA; whereupon, he stated that staff finds the request consistent with the Comprehensive Plan and recommends approval.

In response to queries by Commissioners Justice and Eggers, Mr. Bailey indicated that additional access would need to be created for the proposed residential portion of the property and provided information regarding the commercial zoning and uses of the property to the north, indicating that its development potential is limited.

David B. Singer and Matt Newman, Johnson Pope Bokor Ruppel & Burns, LLP, Tampa, appeared and indicated that they are the attorneys for the applicant. Mr. Singer related that the applicant's goals are (1) correcting the land use issue that has made the land unusable, (2) to activate the property by introducing a low intensity commercial use and a low intensity residential use consistent with the Comprehensive Plan, and (3) to put on the record a very restrictive, detailed, and enforceable Development Agreement between the applicant and the County, ensuring that the neighborhood and the County are sufficiently protected. He reiterated that residential uses cannot be developed in a commercial zoning district, and commercial uses cannot be developed on property holding a residential land use designation; and that the applicant proposes to bifurcate the land and align it with the adjacent uses; whereupon, he discussed the terms of the Development Agreement, noting that it was created with the County to address concerns of the neighborhood, the County, and the LPA by imposing a highly restricted commercial use and clear and specific standards upon the applicant, noting that the applicant will not encroach upon the existing Florida Department of Transportation drainage easement.

In response to queries by the members, Mr. Singer indicated that the existing access to the proposed residential property is an easement that would have to be improved; that the applicant was aware of the existing zoning and land use before buying the property; and that an improper clearing of trees from the property had occurred, for which a fine was paid. Director of Development Review Services Blake Lyon provided input regarding the tree removal, noting that the fine amounted to \$3,000 for multiple trees; that some of the removed vegetation was exotic, which is not fined; and that the applicant is required to

replant. At the request of Chairman Welch, he agreed to provide data regarding the number of removed trees.

No one responded to the Chairman's call for proponents. Upon his call for opponents, the following persons stated their concerns:

Jason Lesser, Clearwater (group speaker)  
John Larkin, Clearwater  
William Elmhurst, Clearwater  
Joel Hawkins, Clearwater  
Theresa Hicks, Clearwater  
Margaret Cheikelard, Clearwater  
Jessica Fortunato, Clearwater  
Kannon Feshbach, Clearwater  
Sara Stranz, Clearwater  
Janet Spieker, Clearwater  
Marjorie Doty, Clearwater (group speaker)  
Roberta Hosken, Clearwater, representing the Allen's Creek Property Owners Association  
Ashley Oakes, Clearwater  
Luis Colon, Clearwater (waived speaking)

Concerns expressed by objectors included the following:

- Future commercial encroachment into residential areas
- Potential drainage issues
- Bright lights shining into neighboring residents' houses
- Area was clear cut with no permit on Thanksgiving Day 2016
- Loss of wildlife and trees
- Noise disturbance
- Decrease in property values
- Additional traffic
- Incompatibility with surrounding residential neighborhoods on three sides
- Compliance with the Comprehensive Plan
- Lack of access to the proposed development
- The applicant's disdain for surrounding residential neighbors
- Disruption of life for Donovan's Mobile Park residents
- Privacy
- Potential negative impact on Allen's Creek

During discussion and responding to queries by the members, Mr. Bailey explained why the subject property cannot be developed with the current designations and discussed the inconsistency pertaining to the mix of adjacent commercial and residential uses.

Commissioners Gerard and Beyrouti suggested that a better option would be to make the whole property residential, and Commissioner Long opined that the Board should consider how to restore the area where the trees were decimated.



During rebuttal and in response to concerns of the objectors, Mr. Singer highlighted the following:

- The applicant is offering a compromise between the surrounding residents' desire to keep the property undeveloped and the owner's right to develop.
- The applicant has paid the fine for the tree removal and should not be punished for it continuously; the Board's disapproval of the applicant's past actions does not render the proposed zoning incompatible.
- The applicant denies any poisoning of trees.
- The applicant has full access to the easement.
- 350 feet of the proposed residential area, whether developed or not, would provide a buffer from the proposed passive commercial storage use to the adjacent residential neighbors to the west in perpetuity.
- While the applicant has incorporated all recommendations by staff as well as the LPA, it is open to further suggestions and is requesting direction, if a better compromise is possible.
- The proposed commercial use is within the typical 400- to 500-foot depth of the mixed commercial and office use corridor along the general area of U.S. Highway 19.

Responding to query by Chairman Welch, Mr. Singer confirmed that a meeting with the surrounding residential neighbors took place in January. Discussion ensued, and the members indicated their intent to deny the application for the following reasons: commercial creep into the residential area; incompatibility with the residential neighborhoods to the north, east, and south; adherence to the Comprehensive Plan with regard to established communities; and the negative impact on the surrounding environmental habitat. The members noted that in spite of the past actions of the applicant, the decision is not punitive; that the applicant's effort to make further adjustments to the application is appreciated; that the inconsistency of uses in the area will need to be addressed; and that they prefer that the entire property be converted to residential.

**A motion was made by Commissioner Justice, seconded by Commissioner Long, that the item be denied. The motion carried by the following vote:**

**Aye:** 7 - Chairman Welch, Vice-Chairman Seel, Commissioner Beyrouiti, Commissioner Eggers, Commissioner Gerard, Commissioner Justice, and Commissioner Long

37. (Q) Z/LU-12-06-18 (Bayou Development Inc.) (\*Withdrawn by applicant)  
Request for a zoning change from RPD-5, Residential Planned Development, 5 units per acre to M-1-CO, Light Manufacturing and Industry-Conditional Overlay with a Conditional Overlay limiting the uses on the property to self-storage facility and/or office use, and providing for a 50-foot




buffer along the western and southern property lines that may be used for drainage retention and landscaping, and a maximum building height of 40 feet; and a land use change from Residential Low to Employment on approximately 4.93 acres located at the northeast corner of Missouri Avenue and 9th Street in Palm Harbor.

ADJOURNMENT - 10:24 P.M.

  
Chairman

ATTEST: KEN BURKE, CLERK

By   
Deputy Clerk

