
From: Smitke, Arlene L
Sent: Friday, April 13, 2018 3:39 PM
To: Bachteler, James J
Cc: Loy, Norman
Subject: FW: Modified Power Point- Post LPA March 8th Denial of Z/LU 01-01-18
Attachments: REGPost LPA Alliance Development Land Use Change - Comm General.pptx; Gehring email cover re revised PowerPoint.pdf

Jim, please add these to the Legistar file when you upload the correspondence you've been holding. The second attached document is a pdf copy of the following email. You may want to rename them so it is apparent what they are. Thanks.

Arlene/Cookie Smitke
Assistant Manager, Deputy Clerk
Board Records Department
Office of Ken Burke, Clerk of the Circuit Court and Comptroller
Pinellas County, Florida
315 Court Street, Clearwater, FL 33756
(727) 464-3466
asmitke@mypinellasclerk.org | www.mypinellasclerk.org

From: Simmons, Cyndi M
Sent: Friday, April 13, 2018 3:22 PM
To: bccassistants <bccassistants@co.pinellas.fl.us>; Loy, Norman <nloy@co.pinellas.fl.us>
Cc: Smitke, Arlene L <asmitke@co.pinellas.fl.us>
Subject: FW: Modified Power Point- Post LPA March 8th Denial of Z/LU 01-01-18

FYI for April 24th BCC meeting.

Cyndi Simmons
Executive Aide to Commissioner Karen Williams Seel
727-464-3278

From: Richard Gehring [<mailto:regehring@gmail.com>]
Sent: Friday, April 13, 2018 3:18 PM
To: Bailey, Glenn <gbailey@co.pinellas.fl.us>; Woodard, Mark S <mwoodard@co.pinellas.fl.us>
Cc: Simmons, Cyndi M <csimmons@co.pinellas.fl.us>; jason@coastalbuildersfl.com; Mr. Richard E Gehring <regehring@gmail.com>
Subject: Modified Power Point- Post LPA March 8th Denial of Z/LU 01-01-18

Glenn, et all ,

Per your instructions this week, I'm submitting a revised power point on the subject LU/Z case reflecting the LPA's recommendation of denial.

As per my package before the LPA I'm recommending that BCC should direct staff to address the old C-2 consistency problems in the US19 corridor or there will just be endless cases like this one where a new buyer thinks there is an opportunity and wants the old zoning to preempt the adopted plan FLUM of decades, encouraging *Commercial Creep*.

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The neighbors will be sending in their letters of objection. If there is some change in the staff recommendation please advise by text or call. I'm sending to Mark and BCC through Cindy Simmons of Karen Seel's Office to get update PPT to BCC, since I've added LPA action notes to the slides, changing them from the PPT used at the LPA. - (same message but with LPA denial action.)

See you at the April 24th BCC meeting.

Please advise if any modifications are made to application.

Thanks for your input.

Richard E. Gehring
727-480-7584

From: [Simmons, Cyndi M](#)
To: [bccassistants](#); [Loy, Norman](#)
Cc: [Smitke, Arlene L](#)
Subject: FW: Modified Power Point- Post LPA March 8th Denial of Z/LU 01-01-18
Date: Friday, April 13, 2018 3:21:36 PM
Attachments: [REGPost LPA Alliance Development Land Use Change - Comm General.pptx](#)

FYI for April 24th BCC meeting.

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Executive Aide to Commissioner Karen Williams Seel
727-464-3278

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Alliance Development - Land Use Change Request – RLM to CG (Residential Low Medium to Commercial General)

**STOP
COMMERCIAL
CORRIDOR CREEP**

Location, Proposal, Land Use, Zoning Activity and Comp Plan & LPA Policy

**NOTE: LPA MARCH 8 MEETING – MOVED AND APPROVED DENIAL OF LAND USE
AND ZONING CASE- Z/LU-01-01-18 IN RECOMMENDATION TO BCC**

Richard Gehring, Representing Abutting Neighborhood

Q Z/LU-01-01-18 (Berati 2, LLC)

A request for a zoning change from C-2

- *General Retail Commercial & Limited Services to C-2-CO*
- *General Retail Commercial & Limited Services-
Conditional Overlay with the Conditional Overlay
limiting the use of the subject property to the outdoor,
indoor and/or covered storage of automobiles,
recreational vehicles and/or boats and*
- **Land use change from RLM Residential Low Medium to
Commercial General on approximately 1.5 acres located
approximately 380 feet west of US Highway 19 and 495
feet south of Central Avenue a portion of parcel
30/29/16/55044/000/0024).**

Where is the Comp Plan Discussion ?



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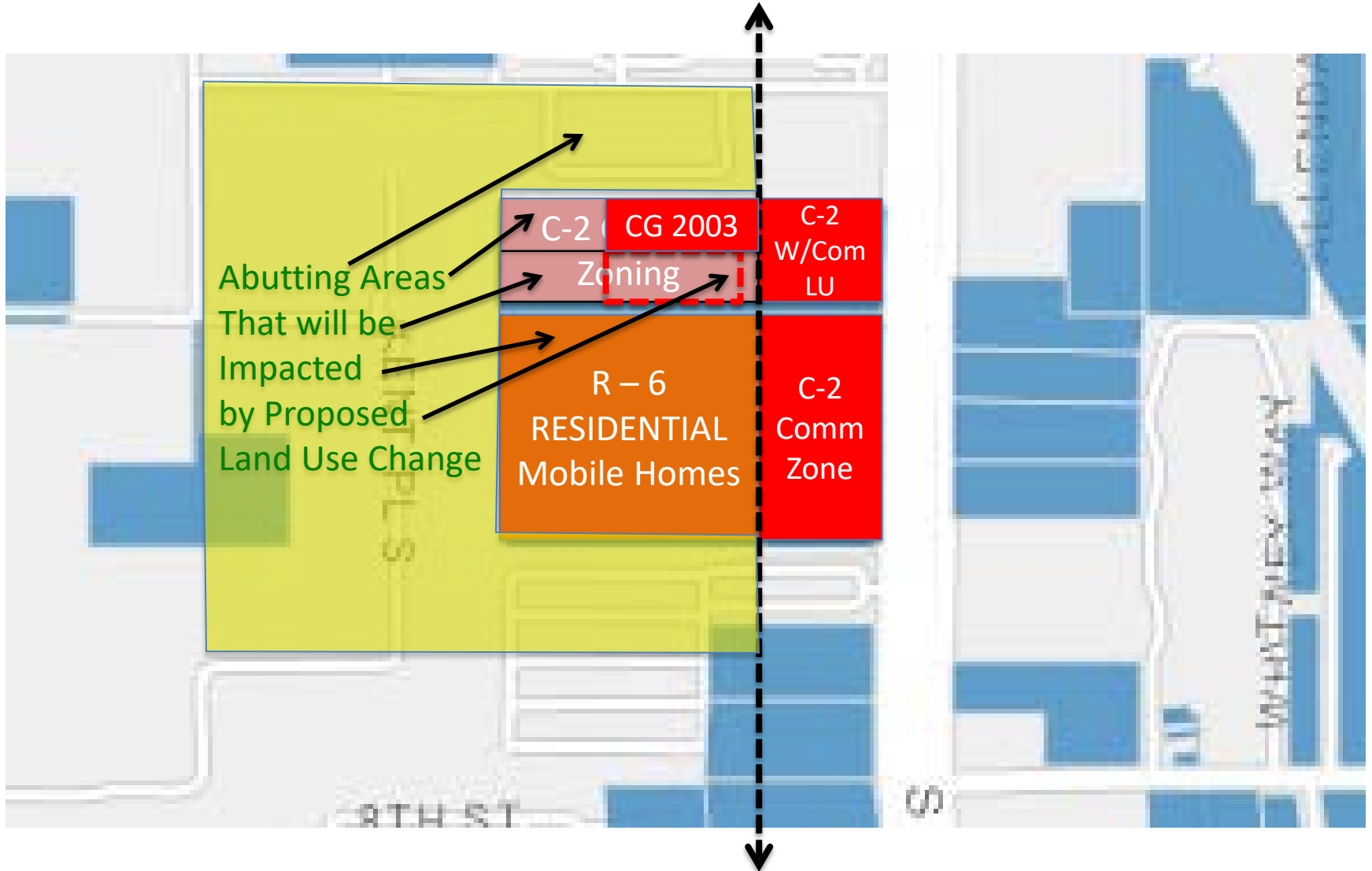
Local Planning Agency (LPA)

Under Sec. 163.3174, F.S., each local government is required to establish a Local Planning Agency (LPA). The LPA consists of appointed members selected from the community. It has the responsibility for making *recommendations* to the Board of County Commissioners regarding development of, or changes to, the Comprehensive Plan. The LPA also reviews amendments to the Land Development Code (including zoning changes), and a variety of other items, to ensure that they are consistent with, and serve to implement, the Comprehensive Plan.

Subject Site Is In “A Residential Neighborhood”



Subject Zoning Not Made Consistent With FLUM



RLM - LAND USE CATEGORY DEFINED

Category/Symbol – Residential Low Medium (RLM)

Purpose – It is the purpose of this category to depict **those areas of the county that are now developed, or appropriate to be developed, in a low to moderately intensive residential manner**, and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities, transportation facilities and natural resource characteristics of such areas.

Use Characteristics - Those uses appropriate to and consistent with this category include:

Primary Uses – Residential.

Secondary Uses – Residential Equivalent; Institutional; Transportation/Utility; Ancillary Nonresidential.

Locational Characteristics – This category is generally appropriate in areas served by a complete range of urban services with particular emphasis on the availability of transit service and recreation/open space facilities; **in areas where use and development characteristics are low medium residential in nature; in areas serving as a transition between low density and high density residential areas; and in areas in close proximity to major employment centers, community and regional shopping centers, and arterial and collector highway facilities.**

Standards – Shall include the following:

Residential Use – Shall not exceed ten (10) dwelling units per acre. [10-18]

Residential Equivalent Use – Shall not exceed an equivalent of 3.0 beds per permitted dwelling unit at 10 dwelling units per acre. [10-18]

Nonresidential Use – Shall not exceed a floor area ratio (FAR) of .50 nor an impervious surface ratio (ISR) of .75.

See 'Additional Standards' section of this table.

Zoning Compatibility - **The following zoning districts are compatible with the Residential Low Medium (RLM) land use category:**

AE Agricultural Estate Residential District E-1 Estate Residential District

R-R Rural Residential District

R-1 Single Family Residential District

R-2 Single Family Residential District

R-3 Single Family Residential District

R-4 One, Two, or Three Family Residential District

R-6 Mobile Home Parks and Subdivisions District

RM-10 Residential, Multiple Family District

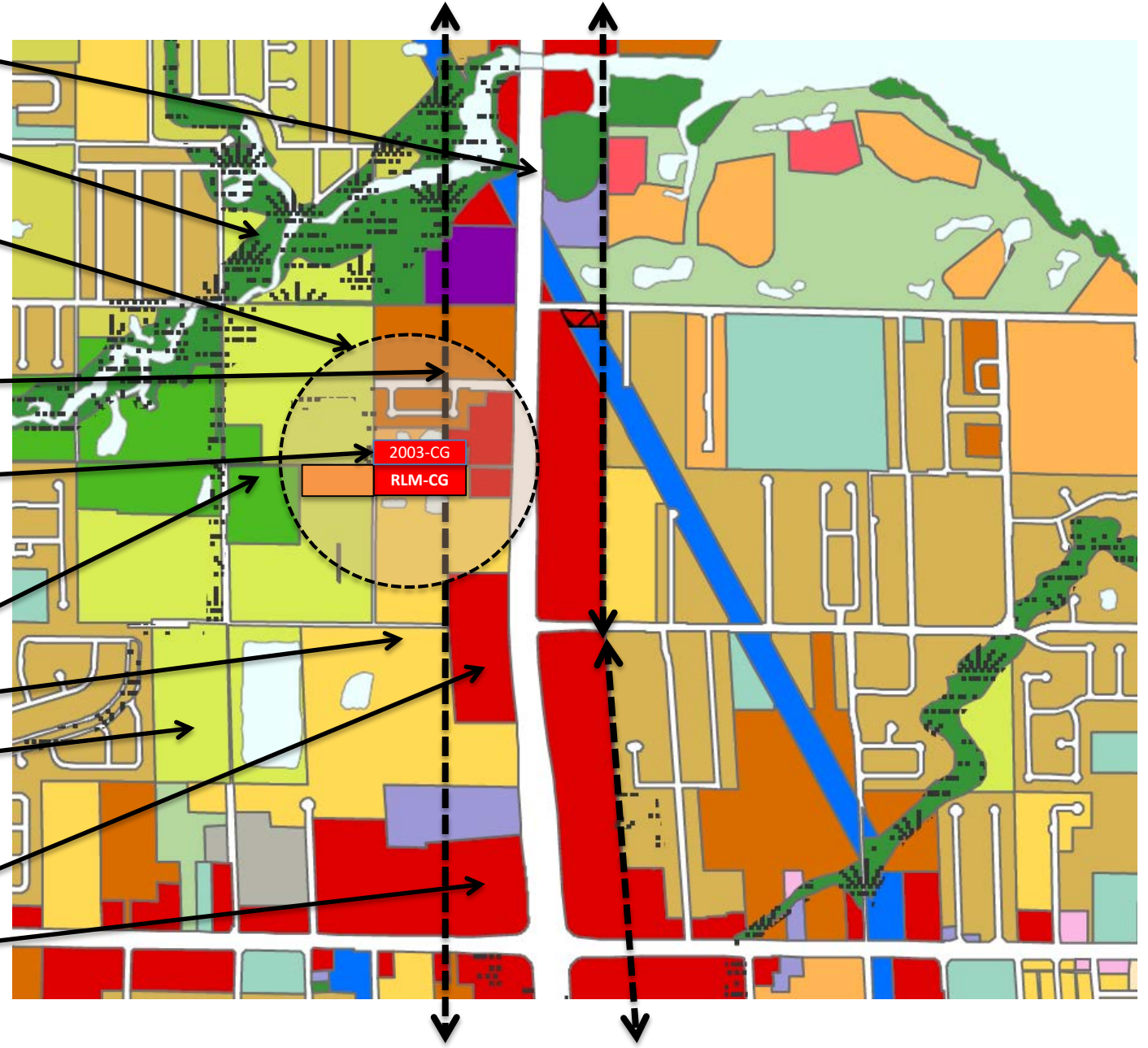
RPD-10 Residential Planned Development District

All RPD and RM zoning districts that allows less than 10.0 units per acre. [10-18]

NOTE: COMMERCIAL GENERAL NOT COMPATIBLE

FLUM GENERAL CONDITIONS ON US 19 CORRIDOR

- US 19 Corridor
- Alan's Creek
- Area of Impact
- East Side Commercial
- 2003 Amend. Mixed Density Residential
- Estate Density
- High Density
- Medium Density
- Low Density
- Commercial
- East Bay Major Intersection



Sequence of Commercial Encroachment

Area around Proposed CG Change that can use precedent



FLUM GOAL

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

GOAL ONE:

THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO **ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST,** AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

FLUM LAND USE OBJECTIVE

- Objective 1.2 -Establish development regulations that respond to the **challenges of a mature urban county with established communities that are experiencing infill development** and redevelopment activity.
- *Recommendation- Residents need “Infill protection” for Neighborhoods and existing Neighborhoods are not recognized in staff recommendation.*

NOT SUPPORTED BY COMP PLAN & LDC

Policy 1.2.2

The Local Planning Agency (LPA) of the Board **shall ensure** that zoning provisions within the Land Development Code are **in conformance** with the density, intensity and other relevant standards contained within the Future Land Use and Quality Communities Element.

- **The Land Use of RLM Residential Low Medium is the controlling policy on this application.**
- **LOCATION CRITERIA for CG Commercial General should not go west into neighborhood and the C-2 is NOT the controlling Policy.- WHY has ZONING CONFORMANCE never happened?**
- **QUALITY COMMUNITIES ELEMENT STRESSES PROTECTING NEIGHBORHOODS FROM COMMERCIAL ENCROACHMENT.**

Policy 1.2.3

Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and **the land uses in the surrounding area.**

- **PROPOSAL IS NOT COMPATIBLE WITH THE RESIDENTIAL SURROUNDING CHARACTER.**
- **THE NEED IS TO STABILIZE AND SUPPORT THE EXISTING RESIDENTIAL NEIGHBORHOOD.**
- **LPA Meeting dialog of February 8th clearly has LPA members looking to protect Neighbors in 5-0 Vote to Continue. (Development Agreement?) –**
- **ACTION BY LPA ON MARCH 8TH – MOTION AND APPROVAL FOR DENIAL OF APPLICATION**

Policy 1.2.5

The Board **shall implement land development regulations that are compatible** with the density, intensity and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.

- **THIS SUBJECT CHANGE IS IN CONFLICT WITH THE COMP PLAN RLM FLUM, the QUALITY COMMUNITIES ELEMENT and LAND USE/ZONING LOCATION CRITERIA.**

Staff Proposal Review **INCOMPLETE**

COMPATIBILITY WITH SURROUNDING LAND USES –(Staff in black)

- **Staff recommends** that the LPA find the proposed land use and zoning amendments **CONSISTENT** with the Pinellas County Comprehensive Plan, based on this report.
- **STAFF RECOMMENDATION GIVES THE DECADES OLD INCONSISTENT C-2 ZONING THE POLICY PREFERENCE AND DOES NOT ADDRESS THE EXISTING FLUM OTHER THEN SAYING THIS RESOLVES A CONFLICT (Pinellas History of Deep Comm. Zoning)**
- **A 2003 FLUM AMEDMENT TO THE NORTH HAD SIGNIFICANT RESTRICTIONS, A DEVELOPMENT AGREEMENT AND THE SITE IS MOSTLY LAKE AREA AND IT IS AN EXAMPLE OF THE CREEPING COMMERCIAL PROBLEM. (USED HERE IN SUPPORT)**
- **☐ Staff further recommends** that the LPA recommend **APPROVAL** of the proposed land use and zoning amendments to the Pinellas County Board of County Commissioners.
- **THE LPA AND BCC SHOULD STAY CONSISTENT WITH THE POLICY OF THE FLUM AND NOT ALLOW A WEST CREEPING COMMERCIAL LAND USE AMENDMENT.**
- **THE CHANGE TODAY WILL BE THE CENTER PARCEL AND THE CHANGES TOMORROW WILL REACH WEST AND NORTH**
- **THERE IS A VIABLE SITE AREA AS AN **RLM** SITE AREA TODAY, THE RESIDUAL WILL BE DEFINED AS TOO SMALL TO DEVELOP.**

Staff Proposal Review **INCOMPLETE**

COMPATIBILITY WITH SURROUNDING LAND USES –Staffing comments

- “The subject area consists of the center 1.5-acre portion of a larger 4-acre parcel located on the west side of US Highway 19 North approximately 495 feet south of Central Avenue in unincorporated Largo. The subject area itself is vacant, however a small structure exists on the east side of the overall property that has been utilized in association with commercial purposes. The subject area is designated Residential Low Medium (RLM) on the Future Land Use Map (FLUM) and zoned C-2, General Retail & Limited Services. The portion of the overall property that is east of the subject area adjacent to US-19 is designated Commercial General (CG) on the FLUM, while the portion to the west of the subject area is RLM. The entire property is zoned C-2, and it appears to have been so since the 1960s. The current FLUM configuration has been in place since the early 1980s. Having the RLM category on the western two-thirds of the property provides a buffer between the more intense commercial uses along US-19 and the residential uses to the west. It should be noted that the RLM land use category and C-2 zoning district are **inconsistent** and generally **not compatible** with each other.”
- FLUM with RLM in place for 35 years- why no rezoning consistency effort.
- The Two Thirds of Site in RLM is a viable scale for residential site planning and development.
- The residual one third is not formally addressed and is just left in Conflict with no rezoning to a compatible zone. This will make it potentially a future amendment issue. (WEAK BUFFER)
- The limited uses are Storage of vehicles and can grow into junk yards and perpetual repair.
- Owners **WITHOUT PERMIT REMOVED Site Vegetation** - increasing Negative impact visually.

Quality Communities Element

- **PLANNING TO STAY- PRINCIPAL 5:**

Pinellas County recognizes that successful neighborhoods are central to the quality of life in Pinellas County. Therefore, redevelopment and urban infill should not compromise the integrity and viability of existing residential neighborhoods.

- **QCE, b. Commercial Corridors –**

These corridors are located along municipal, county, or state arterial facilities where the primary orientation is toward the roadway, providing easy accessibility for the automobile. There is often little connectivity between the commercial uses along the arterial facility and the adjacent neighborhoods. The “strip” development within these corridors typically consists of surface parking in front of one- or two-story commercial establishments. A commercial corridor generally serves a larger trade area than the immediate neighborhood. Apartment complexes may also be found along these corridors interspersed among the nonresidential uses. The “big box” national chains are often located within these corridors. (p-3.6)

- **QCE, Residential Corridors-**

Stripping residential corridors with office and commercial uses is not a direction that local governments have been encouraging since there are already numerous commercial corridors serving the retail and service needs of the community. With the continuing strong demand for housing, emphasis should be placed on protecting and preserving areas devoted to residential use, not abetting their transition to other uses. (p-3.19)

INCOMPATIBLE CONFLICT ISSUES

- Commercial **Encroachment** into Neighborhood
- Inconsistent **location criteria**-Commercial General/C-2
- Drainage **Basin and Ditch systems/water quality**
- One Third left in **RLM** poor **buffer Condition & Scale**
- Parking Lots create **Micro Climate** of 120-160 degree
- Negative impact of **Fencing & Lighting**
- Use impact will **discourage residential investment**
- **Use change can occur** in many other locations, and this will be a land bank for some future commercial use.

AGREE WITH LPA RECOMMENDATION AND REJECT STAFF LPA RECOMMENDATION

SUMMARY

- The proposed **RLM** FLUM category should remain in place.
- The **C-2** Zoning should be REPLACED with a zoning designation with COMPATIBILITY to the **RLM** FLUM.
- Leaving the old C-2 in place is **INAPPROPRIATE** based on the subject property's location, compatibility with surrounding uses and consistency with the Pinellas County Comprehensive Plan.
- REQUESTED AMENDMENT ENCOURAGES A NEGATIVE COMMERCIAL USE INTO THE NEIGHBORHOOD.
- AGREE WITH LPA ACTION OF MARCH 8TH FOR DENIAL
- STOP COMMERCIAL CORRIDOR CREEP