

Following a brief discussion, Mr. Bomstein made a motion that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Doran and carried unanimously.

Case No. TY2-22-11

APPLICATION OF CHRIST THE KING LUTHERAN CHURCH INC. LARGO FLORIDA THROUGH ALAN RUIZ, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Christ the King Lutheran Church Inc. Largo Florida through Alan Ruiz for a Type 2 Use to allow the construction of a 120-foot-tall camouflaged communication tower and related support facilities for the R-2 zoned property located at 11220 Oakhurst Road in unincorporated Largo. Twelve letters in opposition to the application have been received by the Clerk.

Ms. Cord introduced the case and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this request as it appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The Code requires Type 2 Use approval for camouflaged communications towers in an R-2 zoning district that exceed 75 feet in height. The proposed tower is designed to resemble a cross and is 120 feet tall. Towers are also required to be set back from abutting residential property lines a distance equal to the height of the tower. That requirement is met in this case. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.
3. All other requirements in Code Section 138-3313 shall be met.

Mary Solik, Orlando, appeared and indicated that she represents Vertex Development LLC; that an internal driveway on the 6.7 acre church campus will be utilized; that all setback requirements have been met; that a vinyl fence and required landscape buffer will surround the tower; that approval has been granted by the Federal Aviation Administration; and that no lighting will be required on the site.

Ms. Solik stated that the tower will be able to accommodate up to four users; that a 75-foot tower is a permitted use for this property; and that the only issue presented today is approval in height from 75 feet to 120 feet.

Principal of Vertex Development LLC Alan Ruiz appeared and responded to queries by the members.

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

Lori Miller, Largo
Barbara Mears, Largo
Allan Sychowski, Largo
Matthew Kallenbach, Largo
Crystal Sherrill, Largo
Catherine Kadlec, Largo
Janet Dillon, Largo
Mike Kuzbyt, Largo
Blake Barreiro, Largo
Rick Clark, Largo
Joseph Campbell, Largo
Christie Barreiro, Largo
Lisa Donovan, Largo
Jack Mears, Largo
David Stefanczuk, Largo
Larry Kreuger, Largo

During public comment, Attorney Morris related that the tower is a lawful use of the property and that the only reason it is before the Board today is to request an increase in height.

Ms. Solik confirmed that there is a federal law allowing an increase of 20 additional feet to the tower, to which she related her client would agree to cap the tower at 120 feet, which could be included as a condition of approval.

For the record, Ms. Cord related that public hearing notice was provided to residents 250-feet beyond the standard noticing requirement.

In rebuttal, Mr. Ruiz related that construction of the tower would be between 30-45 days depending on weather conditions; that the tower runs quietly and cannot be heard from 20-30 feet away; that the generator would only be utilized during a power outage; that the tower is constructed according to Florida building codes and can sustain 146 mph winds; and that it is designed to bend at a certain point for safety.

Ms. Solik stated that towers do not make noise, do not generate traffic, do not require new schools, sewer, or water. She reviewed each criterion required by the Pinellas County Comprehensive Plan, indicating that the project meets all criteria.

In responding to queries and concerns by the members and the public, Mr. Ruiz indicated that the antennas and the horizontal member of the cross will be located within the top 46- feet of the tower, and if the tower were to fail, it does not break, it bends, relieving the pressure off of the structure.

Following discussion, Mr. Bomstein made a motion to deny the request for the increase in height for the communication tower as it creates a negative aesthetic impact on the surrounding properties and does not meet the criteria in accordance with Section 138-241(b) of the Code. The motion was seconded by Mr. Doran and carried 4 to 1, with Mr. Cocks dissenting.

The meeting recessed at 10:47 AM and reconvened at 10:57 AM.

Case No. VAR-22-02

APPLICATION OF SPECKLED TROUT BOATYARD, INC. THROUGH KATIE COLE, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Speckled Trout Boatyard, Inc. through Katie Cole for a variance to the Water & Navigation Code Section 58-556(b)(1) to allow for the construction of a commercial dock addition with 10 boat lifts having a 1-foot setback from the north property line and a 9-foot setback from the west property line, where the Code requires a setback minimum of approximately 90 feet, or one-third of the applicant's waterfront property width from an adjacent waterfront residential property, for the property located at 370 Bayshore Drive in unincorporated Ozona. Fifty-six (56) letters in opposition and 136 letters in support of the application have been received by the Clerk.

Ms. Cord related that this case was continued from the May 4, 2022, meeting at the applicant's request; and that Water and Navigation staff will be presenting the case.

Responding to a query by Attorney Morris, Senior Assistant County Attorney Brendan Mackesey and representative for the applicant, Jaime Maier, related that 30 minutes will be allotted for the presentation, with the remaining 10 minutes for rebuttal.

Referring to a PowerPoint presentation containing maps and photographs, Public Works Ecological Service Unit and Water and Navigation Program Manager David Brian Brown provided information regarding the location and configuration of the property, the previous Water and Navigation Application No. WND-H48916-18, the code requirements relating to commercial docks abutting waterfront residential properties, and the criteria for setbacks and granting variances, noting that the requirement could be waived with a signed statement of no objection from the affected property owners, which is not the case.