

Pinellas County

*Pinellas County Cooperative Extension
12520 Ulmerton Road, Largo*



Minutes - Final

Tuesday, April 27, 2021

2:00 P.M.

Hybrid In-Person and Virtual Regular Meeting

Public Hearings at

6:00 P.M.

Board of County Commissioners

Dave Eggers, Chair

Charlie Justice, Vice-Chair

Rene Flowers

Pat Gerard

Janet C. Long

Kathleen Peters

Karen Williams Seel

ROLL CALL - 2:01 P.M.

Present: 7 - Chair Dave Eggers, Vice-Chair Charlie Justice, Rene Flowers, Pat Gerard, Janet C. Long, Kathleen Peters, and Karen Williams Seel

Others Present: Barry A. Burton, County Administrator; Jewel White; County Attorney; Katherine Carpenter, Board Records Manager; and Sitara Coyle, Board Reporter, Deputy Clerk

Chair Eggers convened the meeting and stated that Commissioner Peters is unable to attend the meeting in person and requested that the Board allow her to participate virtually.

A motion was made by Commissioner Long, seconded by Commissioner Flowers, that the Board allow Commissioner Peters to participate virtually. The motion carried by the following vote:

Aye: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Absent: 1 - Commissioner Peters

INVOCATION by Pastor Josh Heer, Living Hope Church, Largo.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. Donate Life Month Proclamation:
- Tammy Davison, Volunteer, LifeLink Foundation, Inc.

Chair Eggers read a proclamation recognizing April as Donate Life Month; whereupon, Ms. Davison spoke of losing her son and the healing that she has experienced with the knowledge that donating his organs saved the lives of four people and enhanced the lives of many others. She asked that everyone consider registering as an organ donor.

2. Public Service Recognition Week Proclamation

Chair Eggers read a proclamation recognizing the week of May 2 through 7, 2021 as Public Service Recognition Week and noted the extraordinary efforts of County employees this past year, and Employees' Advisory Council Vice-Chair Bill Gorman expressed his appreciation on behalf of the employees.

3. Partner Presentation:
- Dr. Martin Tadlock, Regional Chancellor, University of South Florida / St. Petersburg Campus
Referring to a PowerPoint presentation titled *Academic Clusters for Future Academic Growth*, Dr. Tadlock presented information regarding plans for thematic areas of study which will create a distinctive destination for students attending the St. Petersburg campus.

Commissioner Justice thanked Dr. Tadlock for his leadership and congratulated him as a recipient of the 2021 President's Award from the National Student Affairs Administrators in Higher Education.

Commissioner Flowers noted that she sees the plan for the Science, Technology, Engineering, and Math (STEM) program as affording persons of color the opportunity for hands-on learning; and that it may help encourage more minority students to consider the University of South Florida St. Petersburg.

4. Partner Presentation:

- #PurePinellas by Commissioner Justice

Litewave Media owner Christian Cashmir provided background information regarding his business and showed two videos highlighting the company's work; whereupon, he shared that he plans to open one of the first virtual LED production studios in the area, and Commissioner Justice provided input regarding the importance of supporting the development of these types of projects.

LOCAL STATE OF EMERGENCY

5. Local State of Emergency.

Chair Eggers indicated that there would be a brief presentation regarding the Local State of Emergency (LSE); that each member of the public wishing to speak would be given two minutes to do so; and that speakers should be respectful in their comments and refrain from making personal attacks; whereupon, he requested that Mr. Burton provide an explanation of the Governor's recent Executive Order.

Mr. Burton related that the Governor's Order extended the State of Emergency for 60 days; that Pinellas County staff is requesting an extension of the LSE to May 7, 2021, in order to continue the operation of testing and vaccination sites and to be reimbursed for COVID-related costs through the Federal Emergency Management Agency (FEMA).

Department of Health in Pinellas County Director Dr. Ulyee Choe provided an update regarding current COVID-19 data trends, noting that in Pinellas County there have been decreases in case count, percent positivity, and deaths. He related that while there has been a slight increase in occupancy of ICU beds, overall hospital occupancy is stable. He stated that Florida is reporting cases of all variants of concern, as identified by the Centers for Disease Control and Prevention (CDC).

Dr. Choe provided further information regarding County vaccination statistics and distribution sites and reported that the last week yielded a large drop in demand; whereupon, he related that consolidation of County and State vaccination sites is being considered; that work is being done to ascertain the capacity of the private sector for the continuance of vaccines; and that the best method for reaching herd immunity and preventing future outbreaks will be achieved through vaccinations.

Responding to a query by Commissioner Flowers, Mr. Burton indicated that it is his understanding that the County currently has the conditions needed to establish an LSE; and that an LSE would allow the County to receive reimbursements for pandemic-related costs; whereupon, he clarified that vaccination sites can be operated indefinitely, but that there would be no FEMA reimbursement without an LSE.

In response to queries by the members, Dr. Choe related that studies show that a vaccination rate of between 70 and 85 percent is needed to achieve herd immunity; that pharmacies and medical providers enter vaccination data into the Florida SHOTS online reporting system; that some of the federal programs do not enter the data into the system; that limited data regarding the number of vaccinated veterans has been received by the County; and that he projects a 50 percent vaccinated rate by the end of May.

Commissioner Peters requested that the number of vaccinated veterans be included in the next report and opined that the naturally-immune data should also be included; whereupon, Dr. Choe related that he is unsure if there is data which tracks vaccination rates for those whom have been infected and that the CDC recommends vaccines for this group.

At the request of Chair Eggers, Attorney White explained that the Governor did extend the State Executive Order; and that the County has the authority, under Florida Statutes, Chapter 252, to continue an LSE if the State's declaration of emergency were to expire; whereupon, Mr. Burton noted that decisions will be forthcoming regarding potential changes to vaccination and testing sites, but that he wants to be certain that capacity remains to meet demand.

Responding to a query by Chair Eggers, Mr. Burton confirmed that an LSE allows for continued reimbursement of expenses associated with testing and vaccination sites, the authority to protect the County's residents, and the safety plan requirement related to large events.

Responding to Chair Eggers' call for public comment, the following individuals expressed their concerns:

Karie Turner, Largo
Stephanie Gray, Clearwater
Stacy Geier, Largo (submitted documents)
Jennifer Fehr, Dunedin
Shannon Harrison, Largo
Patty Pereira, Clearwater
Kali Alonso, Clearwater
David Happe, Tarpon Springs
Alethea Greenberg, Clearwater
Whitney Wogan, St. Petersburg (submitted documents)
Paolo Ammannati, St. Pete Beach
Karen Nasello, St. Petersburg (submitted documents)
Melissa Nash, Seminole

Sue Brewster, Palm Harbor
Megan Panek, Clearwater
Tabitha Seeber, Largo
Maggy Graham, Dunedin
Beth Fox, Seminole
Jessica Carroll, Seminole
Kristen Strecker, Tarpon Springs
Marjorie Deskovich, St. Petersburg
Virginia Frizzle, Largo
Christine Clure, Palm Harbor
Andrea Tipton, Belleair Bluffs (submitted documents)
Linda Skempris, St. Petersburg
Rosie Purden, Clearwater
Shellie Papamichael, Clearwater
Dawn Lechner, Clearwater
David Edwards, St. Petersburg
Karen Brandis, Clearwater
Tina Shank, Clearwater
James Lechner, Clearwater
Barbara Benton, Clearwater
Nicole Poulin, Clearwater
Jecica Beck, Clearwater
Angela Schrader, Dunedin
Jill Gibbs, Clearwater
Richard Snyder, Seminole
Pastor Mack Johnson, Largo
Tracy Kepler, Palm Harbor
Niko Papaheraklis, Clearwater
Liliana Maslennikova, Clearwater
Bonnie DiMartino, Clearwater
Desiree Lotz, Clearwater
Ana Smith, Tarpon Springs
Julie and Gavin Halifax, Clearwater
David Ballard Geddis, Jr., Palm Harbor
Karen Harvey, St. Petersburg
Greg Pound, Largo
Cheryl Lockhart, Seminole
Mary Shaw, Belleair
Jackie Thorp, Palm Harbor
Kathy Sweigart, Clearwater
Jeff S. (spelling uncertain; city not provided)
Geoffrey Caputo, St. Petersburg (submitted documents)
Sherry Fiorenzo, Largo
Bruce Feldman, Dunedin
Yvette Gaugh, St. Pete Beach
Susan Bucci, Tarpon Springs

Alicia Smith, Largo
Kevin Smith, Dunedin
Jo Anne Marshall, Pinellas Park
Cynthia Smith, Largo
Holly Fleming, Seminole
Aden Barnes, Largo
Sharon Calvert, Tierra Verde
Isaiah Niel, Clearwater

A motion was made by Commissioner Flowers, seconded by Commissioner Long, that the order extending the Local State of Emergency be approved. The motion carried by the following vote:

Aye: 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Resolution No. 21-21 adopted extending the Local State of Emergency established in Resolution No. 20-16 until 3:00 P.M. on May 7, 2021.

CITIZENS TO BE HEARD

6. Citizens To Be Heard - Public Comment.

Holly Hands, Largo
David Ballard Geddis Jr., Palm Harbor

CONSENT AGENDA - Items 7 through 24

A motion was made by Commissioner Flowers, seconded by Commissioner Seel, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

7. Minutes of the in-person and virtual regular meeting held January 26, 2021.

8. Vouchers and bills paid from March 14 through March 27, 2021.

Period: March 14 through March 20, 2021

Accounts Payable - \$11,811,309.15

Payroll - \$4,031,651.38

Period: March 21 through March 27, 2021

Accounts Payable - \$16,705,522.36

Payroll - \$0.00

Reports received for filing:

9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2021-05 dated March 24, 2021 - Audit of Pinellas CARES Local Business Grant Program.
10. Quarterly Report of Routine Dock & Dredge/Fill Permits issued from January 1 to March 31, 2021.

Miscellaneous items received for filing:

11. City of Largo Community Redevelopment Agency Fiscal Year 2019-2020 Annual Report.
12. City of Oldsmar Ordinance No. 2021-02 adopted March 2, 2021, annexing certain property.
13. Palm Harbor Community Services Agency, Inc. Financial Statements and Supplementary Information for Fiscal Years ended September 30, 2020 and 2019.
14. Eastlake Oaks Community Development District minutes and corresponding attachments of the meetings held April 9, August 13, and December 10, 2020.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

15. Ranking of firms and agreement with NexTraq LLC for the purchase of a Global Positioning and Telematics System.

Ranking of firms and Contract No.190-0528-P approved for an estimated five-year expenditure in the not-to-exceed amount of \$1,553,074.00. Thirty-four departments and agencies will utilize the system and will share the cost through allocation.

County Administrator

16. Receipt and file report of non-procurement items delegated to the County Administrator for the month ending March 31, 2021.
17. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending March 31, 2021.

Public Works

18. Annual update to Pinellas County's Community Rating System program for Public Information and Pinellas County's Local Mitigation Strategy.
19. Award of bid to Lawns Today, LLC for requirements of maintenance of roadway medians, rights-of-way, ponds and outparcels.

Bid No. 21-0373-B in the average annual amount of \$392,429.00 awarded for a three-year term total of \$1,177,287.00 on the basis of being the lowest responsive, responsible bid meeting specifications. Lawns Today, LLC is a certified Small Business Enterprise. Bids of DeAngelo Brothers, LLC and A Low Cost Lawn Service, LLC were rejected as non-responsive for not meeting specifications.

Utilities

20. Ranking of firms and agreements for requirements of Utilities professional engineering services.

Ranking of firms and Contract No. 190-0457-CN with the sixteen highest-ranked firms approved with a maximum limit of \$2,500,000.00 for each firm, for a total of \$40,000,000.00 over a five-year term. The County Administrator has delegated authority to increase the maximum limits of contract purchase orders pertaining to these agreements pending that the negotiated rates remain the same.

- Ardurra Group, Inc.
- Black & Veatch Corporation
- Brown and Caldwell
- CDM Smith, Inc.
- CPH, Inc.
- Halff Associates, Inc.
- Hazen and Sawyer, P.C.
- HDR Engineering, Inc.
- Jacobs Engineering Group, Inc.
- Mead & Hunt, Inc.
- McKim & Creed, Inc.
- Parsons Transportation Group, Inc.
- Pennoni Associates, Inc.
- Reiss Engineering, Inc.
- Stantec Consulting Services, Inc.
- Wright-Pierce, Inc.

COUNTY ATTORNEY

21. Notice of new lawsuit and defense of the same by the County Attorney in the case of Benjamin Droweinga v. Pinellas County, et al.; Circuit Civil Case No. 21-000989-CI-15 - allegations of negligence resulting in personal injuries.
22. Notice of new lawsuit and defense of the same by the County Attorney in the case of Patrick R. Daugereaux v. Pinellas County, et al.; Circuit Civil Case No. 21-001239-CI-11 - allegations of negligence resulting in personal injuries.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Sheriff's Office

23. Receipt and file report of Sheriff's Office grants received and service contracts for the quarter ending March 31, 2021.
24. Receipt and file report on the Law Enforcement Trust Fund for the quarter ending March 31, 2021.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Convention and Visitors Bureau

25. Recommendation from the Tourist Development Council to approve the Pinellas County Tourist Development Council Bylaws.

Mr. Burton related that the Tourist Development Council unanimously recommended approval of the Bylaws.

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

Aye: 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Housing & Community Development

26. Resolution approving the State Housing Initiatives Partnership Local Housing Assistance Plan for State Fiscal Years 2021-2022, 2022-2023, and 2023-2024 for submittal to the Florida Housing Finance Corporation.

Resolution No. 21-22 adopted approving the Plan; authorizing the Chair and the Clerk of the Circuit Court to attest any necessary documents and certifications needed by the State; authorizing the Chair, County Administrator, and Housing and Community Development Department Director to submit reports, certifications, and other necessary documents needed by the State; and authorizing the submission of the Plan for review and approval by the Florida Housing Corporation. Estimated total funding allocation over the three-year period is \$6,146,000.00 once approved by the State.

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

Aye: 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Utilities

27. Agreement for laboratory testing equipment and supplies with the Hach Company.

Agreement and Contract No. 190-0442-N approved for an average annual expenditure of \$314,340.33, for a total amount not to exceed \$943,020.99 for a three-year total contract term.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

COUNTY ATTORNEY

28. Resolution delegating authority to the County Attorney for lawsuits filed against Pinellas County as provided for in the Pinellas County Charter and allowing for a receipt and file notification process.

Resolution No. 21-23 adopted delegating authority to the County Attorney to defend lawsuits filed against the County and allowing for a receipt and file notification process.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

29. County Attorney Reports:
- County Redistricting Board Update

Attorney White reported that certain data was released recently regarding apportionment; that the data lacks what is needed for the County to undertake the redistricting process; and that she will continue to provide updates.

COUNTY ADMINISTRATOR

30. County Administrator Reports:
- Spring Break Snapshot

Mr. Burton indicated that Visit St. Pete/Clearwater President and CEO Steve Hayes is available to provide a report regarding Spring Break. Responding to a query by Chair Eggers, he related that the report does not contain anything in the nature of an emergency; whereupon, the Board requested that Mr. Hayes present the report at the May 11 meeting.

COUNTY COMMISSION

31. 2021 Federal Legislative Program.

Mr. Burton introduced the item and related that the program outlines the Board's federal legislative priorities for the upcoming year, including the National Flood Insurance Program, beach nourishment, transportation/infrastructure, a ban on offshore oil drilling, and COVID-19 federal support for local governments.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

32. Appointments to the Pinellas County Redistricting Board (Individual appointments and Board of County Commissioners as a whole).

Chair Eggers indicated that the item is postponed to a future meeting.

33. County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and Other New Business.

Commissioner Seel

- Forward Pinellas

Meeting Recessed: 5:32 P.M.

Meeting Reconvened: 6:06 P.M.

PUBLIC HEARINGS

BOARD OF COUNTY COMMISSIONERS

- 34.** Resolution approving a second substantial amendment to the Fiscal Year 2019-2020 Annual Action Plan for the purpose of receiving a second allocation of Community Development Block Grant Coronavirus response funds.

Resolution No. 21-24 adopted approving the second amendment to the existing plan for the purpose of receiving a second allocation of the Community Development Block Grant (CDBG) and authorizing submittal to the United States Department of Housing and Urban Development (HUD). Chair authorized to sign and the Clerk to attest applications, certifications, HUD Grant Agreements, and specific performance and land use restriction agreements, including amendments; Chair authorized to sign the Request for Release of Funds and Authority to Use Grant Funds. Housing and Community Development Department Director authorized to serve as Local Administrator for the HUD Environmental Review Online System and to sign and file necessary forms, reports, and other administrative forms related to the amendment.

No correspondence has been received. No citizens appeared to be heard.

Mr. Burton indicated that the County will receive \$2,401,815.00 in CDBG funds for activities that mitigate COVID-19 impacts on low- and moderate-income county residents; and that eligible activities include, but are not limited to the following:

- Conduct job training
- Provide testing, diagnosis, and other services
- Increase the capacity and availability of health services
- Provide equipment and supplies for public services
- Deliver meals to quarantined individuals and others who need to maintain social distancing

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

Aye: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Absent: 1 - Commissioner Peters

35. Case No ZON-21-02 (Valentin Markov)

A request for a zoning change from RMH, Residential Mobile/Manufactured Home to R-4, One, Two and Three Family Residential on approximately 0.28 acre located at 5172 68th Lane North in west Lealman.

Resolution No. 21-25 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. One letter in support of the application has been received. No citizens appeared to be heard.

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

Aye: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Absent: 1 - Commissioner Peters

36. Case No. DMP-21-01 (Synchronous Media Group, Inc.)

A request for the establishment of a Development Master Plan for a Residential Planned Development zoned property containing approximately 4.05 acres located at 2625 CR-95 in Palm Harbor.

Resolution No. 21-26 adopted establishing the Development Master Plan (DMP). The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received.

Principal Planner Michael Schoderbock conducted a PowerPoint presentation containing maps and photographs, provided background information, and discussed the location of the property and the surrounding area, indicating that the DMP is for a proposed subdivision containing 30 single-family attached townhomes; and that no land use or zoning amendments are proposed with the application; whereupon, he noted that the request is compatible with the surrounding area and consistent with the Comprehensive Plan.

John Skicewicz, Clearwater, appeared and indicated that he represents the owner of the property; that the land was previously used for commercial purposes; and that the zoning was changed to Residential Planned Development several years ago.

In response to queries by Commissioner Flowers, Reed Haydon, Clearwater, appeared and indicated that he is the applicant and the developer for the site; that the project does not contain units specifically qualified as affordable housing, but the townhomes will be less expensive than a single home of similar size; and that the lots are sold to the builder, DR Horton, who subsequently will market them to prospective homebuyers.

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

Aye: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Absent: 1 - Commissioner Peters

37. Case No. Z/LU-20-12 (Dushyant Gulati)

A request for a Zoning change from R-R, Rural Residential, to R-3, Single Family Residential, and a Land Use change from Residential Suburban to Residential Low on approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo.

Resolution No. 21-27 adopted denying the request without prejudice. The Local Planning Agency recommended approval of the request, and staff concurred. Ninety-two letters, 19 emails, 14 voicemail messages, and one petition with a total of 92 signatures in opposition have been received.

Referring to a PowerPoint presentation containing maps and photographs, Zoning Manager Glenn Bailey pointed out the location of the subject property, described surrounding land uses, and provided background information, indicating that the Board continued the case at the applicant's request; that no changes have been made to the application since the continuance was approved; and that the proposed use is a single-family subdivision with a maximum of 11 units based on the acreage of the property.

Mr. Bailey related that the final number of units could be less than the maximum allowed due to drainage and access road requirements; that if the subdivision were to be approved, the developer would be required to upgrade Winchester Road up to the southern property line; and that the level of maintenance on surrounding roadways that are regulated for service would not change; whereupon, he noted that the request is compatible with the surrounding area and consistent with the Comprehensive Plan and the Countywide Plan Map.

In response to queries and comments by the members, Mr. Bailey clarified the location of the property in relation to Winchester Road and indicated that the developer can currently build a maximum of five units; and that approving the zoning change and not the land use would not change the current development rights on the subject property.

Dushyant Gulati, Clearwater, appeared and related that he is the owner of the property and distributed documents summarizing the completed research addressing the zoning, land use, and lot sizes of the surrounding area; whereupon, Robert Resch, Clearwater, appeared, indicated that he is the architect for the proposed development, and discussed future steps the developer will be taking to ensure the units are consistent with the neighborhood. He noted that due to criteria requirements during site plan review, it is anticipated that no more than eight units will be built on the site.

Upon call by the Chair for public comment, the following individuals stated their concerns regarding the development, citing increased density, safety, property values, ecological impacts, traffic, pollution, and privacy:

Leo Torres, Clearwater (spoke on behalf of others in attendance)
Karrie Meeks, Clearwater (spoke on behalf of others in attendance)
Jessica Jurek, Clearwater

Responding to queries by the members, Mr. Bailey indicated that the number of units can be limited through a conditional overlay or development agreement; and that a traffic study was not required due to traffic impacts being negligible, and discussion ensued.

Attorney White responded to a query by Commissioner Eggers and stated that staff has not moved forward to complete a process bifurcating land use decisions from zoning; whereupon, in rebuttal to opponents' comments, Mr. Resch related that the applicant will build a road within the subject property to minimize the traffic impact on the neighborhood, and Mr. Gulati provided input.

Commissioner Seel indicated that, given the location of the property and the surrounding area, the proposed zoning change is not compatible with the surrounding areas that are currently zoned R-3 because the current structures on those areas do not comply with R-3 zoning; whereupon, she made a motion to recommend denial.

In response to a query by Commissioner Eggers, Commissioner Seel clarified that the current zoning to allow five units would be more compatible with the surrounding lot sizes.

A motion was made by Commissioner Seel, seconded by Commissioner Flowers, that the item be denied. The motion carried by the following vote:

Aye: 5 - Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Nay: 1 - Chair Eggers

Absent: 1 - Commissioner Peters

- 38.** Case No. Z/LU-21-01 (Noell Family, LLC, Attn: Chris Noell)
A request for a Zoning change from R-A, Residential Agricultural, and R-3, Single Family Residential, to R-5-CO, Urban Residential-Conditional Overlay (15.2 acres), and PC, Preservation/Conservation (6.3 acres), and a land use change from Residential Suburban and Preservation to Residential Low (15.2 acres) and Preservation (6.3 acres) with the Conditional Overlay limiting the number of residential units to either 70 one-story villas or 78 two-story townhomes on approximately 21.5 acres located at and to the south of 4706 Pleasant Avenue in Palm Harbor.

First public hearing held; staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity for review and comment; and action deferred regarding approval of the zoning changes. The Local Planning Agency recommended approval of the request, and staff concurred. Two letters, 11 emails, and two petitions with a total of 2,373 signatures in opposition have been received.

Referring to a PowerPoint presentation containing maps and photographs, Principal Planner Michael Schoderbock provided information about the project, location of the subject property, and the surrounding land uses, indicating that the proposed use is a single-family attached subdivision with a conditional overlay limiting the density and use to either 70 one-story villas or 78 two-story townhomes; and that a transportation management

plan may be required during the site plan process; whereupon, he noted that the request is compatible with the surrounding area and consistent with the Comprehensive and Countywide Plans.

In response to queries by the members, Mr. Schoderbock related that the current land use and zoning allows 12 units per acre and described exit and access points with regard to the property.

Robert Pergolizzi, Clearwater, appeared, indicated that he represents the applicant, and with input from Chad Whaley, Palm Harbor, provided information regarding plans for the property. He related that the application includes a land use change to increase the preservation area from 4.9 to 6.3 acres based on a wetland survey; and that utilities are provided by Pinellas County, which would need to be extended into the site at the applicant's cost. Mr. Whaley noted that efforts have been made to communicate with the surrounding property owners and the Suncoast Primate Sanctuary.

During discussion regarding the surrounding properties, Mr. Pergolizzi stated that all existing homes would have direct access to the property from a public road; and that where the property has frontage along Pleasant Avenue, the applicant will dedicate ten feet of the subject property and extend the public right-of-way to 50 feet, meeting Pinellas County standards.

Upon call by the Chair for public comment, the following individuals stated their concerns with the development, citing increased density, safety, traffic, noise, impacts on the primates in the neighboring wildlife sanctuary and adverse effects on the Pinellas Trail and environment:

Robert Aliano, New Port Richey
Lauren Rubenstein, St. Petersburg (spoke on behalf of others in attendance)
George Deakin, Tampa
Breanna Cobb, Palm Harbor
Debbie Cobb, Palm Harbor
Tyson Sutton, Palm Harbor
Patricia Lolles, Palm Harbor

In rebuttal to opponents' comments, Mr. Pergolizzi related that the applicant will pay impact fees to the County; that the Pinellas Trail serves as an effective buffer between the Suncoast Primate Sanctuary and the subject property; and that the applicant will provide upland buffers around the wetlands and drainage retention to minimize impact to the surrounding area.

In response to Mr. Deakin's comments regarding trip generation as noted in the application, Michael Yates, Tampa, informed the Board of how the traffic count was calculated.

Lengthy discussion ensued regarding traffic mitigation and the development plans, and

Messrs. Pergolizzi and Whaley provided input; whereupon, Attorney White reviewed the possible actions available to the Board.

Mr. Pergolizzi suggested that if the request is approved, Mr. Yates will complete a detailed traffic analysis of the project and determine what needs are present to address traffic concerns; and that the applicant will collaborate with surrounding property owners and Suncoast Primate Sanctuary representatives to determine if there is any common ground that can be met prior to the second hearing, and discussion continued.

Attorney White suggested that the Board take no action on the zoning request and simply transmit the land use ordinance to the State, and Mr. Schoderbock concurred. Upon invitation from the Chair, Suncoast Primate Sanctuary President Dale Jacquay, Palm Harbor, provided clarifying remarks.

A motion was made by Commissioner Long, seconded by Commissioner Gerard, to transfer land use Ordinance to the Florida Department of Economic Opportunity for review and defer the adoption of a Resolution for the zoning change. The motion carried by the following vote:

Aye: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Absent: 1 - Commissioner Peters

39. Case No. LDR-21-01 (Second Hearing)

An Ordinance of Pinellas County, Florida, providing for the amendment of Chapters 138 - Zoning and 154 - Site Development, Right-of-Way Improvements, Subdivisions, and Platting of the Pinellas County Land Development Code and providing for the adoption of the Transportation Design Manual.

Ordinance No. 21-11 adopted amending the Land Development Code and providing for the adoption of the Transportation Design Manual. The Local Planning Agency recommended approval of the amendments, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

A motion was made by Commissioner Flowers, seconded by Commissioner Seel, that the item be approved. The motion carried by the following vote:

Aye: 5 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, and Commissioner Seel

Absent: 2 - Commissioner Long, and Commissioner Peters

40. Resolution making a Finding of Necessity that blighted conditions exist within the Pinellas Park Community Redevelopment Expansion Area and approve amendments to the Pinellas Park Community Redevelopment Plan.

Resolution No. 21-28 adopted. No correspondence has been received. No citizens appeared to be heard.

Chair Eggers indicated that the item addresses minor scrivener's errors identified in the legal description and the need to formally take action on the City's Finding of Necessity study.

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

Aye: 5 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, and Commissioner Seel

Absent: 2 - Commissioner Long, and Commissioner Peters

ADJOURNMENT - 9:04 P.M.



Dave Eggers
Chair

ATTEST: KEN BURKE, CLERK

By *Ken Burke*
Deputy Clerk