

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Tuesday, January 20, 2026

1:00 PM

Main Library - Council Chambers

Community Development Board

Roll Call

Present 7 - Board Member Michael Boutzoukas, Board Member Andrew Park, Board Member Diane Achinelli, Board Member Kurt Hinrichs, Board Member Andrew Hupp, Board Member Michael Mastruserio, and Board Member Michelle Chenault

Absent 1 - Board Member Aubrey Haudricourt

Also Present – Jay Daigneault – Attorney for the Board, Matthew Mytych – Assistant City Attorney, Lauren Matzke – Planning & Development Director, and Rosemarie Call – City Clerk

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order, Invocation, Pledge of Allegiance

The meeting was called to order at 1:00 p.m.

2. Approval of Minutes

2.1 Approve the minutes of the December 16, 2025 CDB meeting.

Board Member Achinelli moved to approve the minutes of the December 16, 2025 CDB meeting. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda – None.

4. Requests for Continuances

4.1 CPA2025-10001: Comprehensive Plan amendments to establish a new Planned Redevelopment District (PRD) Overlay future land use category, with associated bonuses, and incorporate policies for a new North Greenwood Community Overlay District. (Level Three Application)

Case: CPA2025-10001 - NORTH GREENWOOD COMPREHENSIVE PLAN AMENDMENTS

Applicant: City of Clearwater

Location: North Greenwood Community Redevelopment Area

Request: Comprehensive Plan amendments to establish a new Planned Redevelopment District (PRD) Overlay future land use category, with associated bonuses, and incorporate policies for a new North Greenwood Community Overlay District.

Associations: Board of County Commissioners, Clearwater Neighborhoods Coalition, Pinellas County School Board

Assigned Planner: Lauren Matzke, AICP, Planning & Development Director; email: lauren.matzke@myclearwater.com; phone: 727-444-8702

AND

- 4.2** LUP2025-11005: City Initiated amendment to the Future Land Use Map to apply a new Planned Redevelopment District (PRD) overlay to the area encompassing the North Greenwood CRA boundary with the exception of the area comprising the Old Bay Character District of the Downtown which is designated as Central Business District (CBD), and any properties designated as Water, Preservation (P), or Recreation/Open Space (R/OS) on the city's Future Land Use Map. (Level Three Application)

Case: LUP2025-11005 - NORTH GREENWOOD FUTURE LAND USE MAP AMENDMENT

Owner: Multiple

Applicant: City of Clearwater

Location: North Greenwood Community Redevelopment Area

Request: City Initiated amendment to the Future Land Use Map to apply a new Planned Redevelopment District (PRD) overlay to the area encompassing the North Greenwood CRA boundary with the exception of the area comprising the Old Bay Character District of the Downtown which is designated as Central Business District (CBD), and any properties designated as Water, Preservation (P), or Recreation/Open Space (R/OS) on the city's Future Land Use Map.

Associations: Board of County Commissioners, Clearwater Neighborhood Coalition, Pinellas County School Board

Assigned Planner: Lauren Matzke, AICP, Planning & Development Director; email: lauren.matzke@myclearwater.com; phone: 727-444-8702

Board Member Chenault moved to continue cases

CPA2025-10001 and LUP2025-11005. The motion was duly seconded and carried unanimously.

5. Consent Agenda: The following cases are not contested by the applicant or city staff. If no objections are raised by a member of the public, and member(s) of the Board do not request to remove an item from the Consent Agenda, items will be approved by a single vote at the beginning of the meeting.

5.1 FLD2025-07017/TDR2025-07001: Flexible Development approval to add one resort attached dwelling unit through a transfer of development rights as part of a proposed six resort attached dwelling units in the Tourist (T) zoning district and the Old Florida District of Beach by Design for the property located at 612 Bay Esplanade. The building will not exceed 55 feet in height and includes nine off-street parking spaces. Requested is flexibility for the use, from front setback requirements, and reduced interior landscaping and landscape buffers along the property lines through a Comprehensive Landscape Program. (Community Development Code Sections 2-803.L, 3-1202.D., E. and G., Article 4, Division 14 and Beach by Design) (Level Two Application)

Case: FLD2025-07017/TDR2025-07001 - 612 Bay Esplanade (receiving site); 60 Somerset Street (sending site)

Owner: (Receiving Site): Ogand, LLC; Owners (Sending Site): Clearwater JV II, LLC

Applicant: Housh Ghovae, Northside Engineering, Inc., 300 S. Belcher Road, Clearwater, Florida, 33765; phone: (727) 443-2869; email: Housh@northsideengineering.net

Location: South and west sides of Bay Esplanade approximately 114 feet east from the intersection of Cyprus Avenue and Bay Esplanade. (0.20 acres)

Request: Flexible Development approval to add one resort attached dwelling unit through a transfer of development rights as part of a proposed six resort attached dwelling units in the Tourist (T) zoning district and the Old Florida District of Beach by Design for the property located at 612 Bay Esplanade. The building will not exceed 50 feet in height and includes nine off-street parking spaces. Requested is flexibility for the use, from front setback requirements, and reduced interior landscaping and landscape buffers along the property lines through a Comprehensive Landscape Program. (Community Development Code Sections 2-803.L, 3-1202.D., E. and G., Article 4, Division 14 and Beach by Design)

Associations: Board of County Commissioners, Clearwater Neighborhoods Coalition, Pinellas County School Board, Clearwater Beach Association

Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email:

Melissa.Hauckbaker@MyClearwater.com

<mailto:Melissa.Hauckbaker@MyClearwater.com>; phone: (727) 444-8769

AND

5.2 FLD2025-08021: Approval for an existing two-unit resort attached dwelling in the Tourist (T) zoning district and the Old Florida District of Beach by Design for the property located at 26 Heilwood Street. The building does not exceed 20 feet in height and includes two off-street parking spaces. Requested is flexibility for reduced front and side setbacks and reduced interior landscaping and landscape buffers along the property lines through a Comprehensive Landscape Program. (Community Development Code Section 2-803.L, Section 3-1202.G. and Beach by Design, Section II.A.6.a.) (Level Two Application)

Case: FLD2025-08021 - 26 Heilwood Street

Owner: Clearwater Beach Investments, LLC

Applicant: Jessica Foderingham, Bch Management, Inc. 641 Mandalay Avenue, Clearwater, F, Florida, 33767; phone: (727) 510-0507; email: Jessica@bchmgt.com

Location: North side of Heilwood Street approximately 50 feet west from the northwest corner of Mandalay Avenue and Heilwood Street. (0.10 acres)

Request: Flexible Development approval for an existing two-unit resort attached dwelling in the Tourist (T) zoning district and the Old Florida District of Beach by Design for the property located at 26 Heilwood Street. The building does not exceed 20 feet in height and includes two off-street parking spaces. Requested is flexibility for reduced front and side setbacks and reduced interior landscaping and landscape buffers along the property lines through a Comprehensive Landscape Program. (Community Development Code Section 2-803.L, Section 3-1202.G. and Beach by Design, Section II.A.6.a.)

Associations: Board of County Commissioners, Clearwater Neighborhood Coalition, Pinellas County School Board, Clearwater Beach Association

Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email: melissa.hauckbaker@myclearwater.com; phone: 727-444-8769

AND

- 5.3** FLD2025-09023: Flexible Development approval for the conversion to retail sales and services (wellness clinic) in the Office (O) District as a Comprehensive Infill Redevelopment Project for the property at 611 Druid Road E., Suites 305 and 306. The existing building does not exceed 30 feet in height and includes 301 off-street parking spaces. Requested is flexibility for the use. (Community Development Code Section 2-1004.A.) (Level Two Application)

Case: FLD2025-09023- 611 DRUID ROAD E.

Owner: E & T Winning Investments, LLC

Applicant: Kerri Kasem, Brigo, LLC; 16000 Ventura Boulevard, Suite 630, Encino, CA 91436; phone: (818) 538-7207; email: kkemerge@ebmla.com

Location: South side of Druid Road and north side of Magnolia Drive, approximately 425 feet east of S. Ft. Harrison Avenue. (5.38 acres)

Request: Flexible Development approval for the conversion to retail sales and services (wellness clinic) in the Office (O) District as a Comprehensive Infill Redevelopment Project for the property at 611 Druid Road E., Suites 305 and 306. The existing building does not exceed 30 feet in height and includes 301 off-street parking spaces. Requested is flexibility for the use. (Community Development Code Section 2-1004.A.)

Associations: Board of County Commissioners, Clearwater Neighborhoods Coalition, Pinellas County School Board

Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email: melissa.hauckbaker@myclearwater.com; phone: 727-444-8769

Board Member Achinelli moved to approve Cases

FLD2025-07017/TDR2025-07001 (612 Bay Esplanade), FLD2025-08021 (26 Heilwood Street), and FLD2025-09023 (611 DRUID ROAD E.)

on today's Consent Agenda based on evidence in the record, including the application(s) and the Staff Report(s), and hereby

adopt the Findings of Fact and Conclusions of Law stated in the Staff Report(s), with conditions of approval as listed, together with this amendment, along with the conditional approval that prior to the issuance of any permits utilizing the transferred development rights ("TDRs"), a special warranty deed transferring the development rights prepared to the City's satisfaction shall be executed and recorded prior to issuance of any permits for Item 5.1 (FLD2025-07017/TDR2025-07001). The motion was duly seconded and carried unanimously.

6. Appeals

- 6.1** APP2025-12001: Appeal of a denial of a Minimum Standard Development (Tree Removal Permit) in the Medium High Density Residential (MHDR) District for the property located at 1934 Marlinton Way. Requested is approval to remove a shade tree (Live Oak) adjacent to the southeast property line and replace with two accent trees (Crepe Myrtle) adjacent to the southwest property line. (Community Development Code Sections 3-1205 B.2.a. and 4-501.A.4.)

Case: APP2025-12001- 1934 MARLINGTON WAY

Owner(s): James and Christina Brzycki

Location: Northwest side of Marlinton Way, approximately 165 feet northwest of N. Belcher Road.

Request: Appeal of a denial of a Minimum Standard Development (Tree Removal Permit) in the Medium High Density Residential (MHDR) District for the property located at 1934 Marlinton Way. Requested is approval to remove a shade tree (Live Oak) adjacent to the southeast property line and replace with two accent trees (Crepe Myrtle) adjacent to the southwest property line. (Community Development Code Sections 3-1205 B.2.a. and 4-501.A.4.)

Associations: Board of County Commissioners, Clearwater Neighborhood Coalition, Pinellas County School Board

Assigned Planner(s): Ted Kozak, AICP, Development Review Manager; email: Ted.Kozak@MyClearwater.com; phone: 727-444-8941; Robert Robichau, Land Development Arborist; email: robert.robicheau@myclearwater.com; phone: 727-444-7961

The application, supporting documents, and a complete plan set are attached to this agenda item. The staff report will be attached by the close of the business day on the Thursday prior the CDB.

Chair Boutzoukas mentioned that a scam email has been circulating requesting applicants to pay a fee. He said neither the City nor the Community Development Board sends correspondence to applicants requesting payment. He thanked staff for noticing the scam and bringing it to his attention. He said the email did not use the @Myclearwater.com domain.

Assistant City Attorney Matt Mytych requested that Ted Kozak be accepted as an expert witness in the fields of general planning, zoning, annexations, land use/rezoning amendments, demographics, site plan analysis, land development code and development code amendments, comprehensive planning, special area plans and overlay districts, tree rating / assessment / inventory, tree preservation techniques, Florida grades and standards for landscape material and trees, International Society of Arboriculture standards, land development code regarding trees and landscaping and all matters he is about to testify.

Board Member Park moved to accept Ted Kozak as an expert witness. The motion was duly seconded and carried unanimously.

Assistant City Attorney Matt Mytych requested that Robert Robicheau be accepted as an expert witness in the fields of tree rating/assessment/inventory, tree preservation techniques, erosion and sediment control for construction, Florida grades and standards for landscape material and trees, International Society of Architecture Standards, land development code regarding trees and landscaping and all matters he is about to testify.

Board Member Hinrichs moved to accept Robert Robicheau as an expert witness. The motion was duly seconded and carried unanimously.

In response to a question, Board Attorney Jay Daigneault said code requires the Board to handle an appeal in a standard quasi-judicial procedure. It is important to note that if the Board finds that the evidence supports granting the appeal, thereby overturning or modifying the decision appealed from, the Board needs to make three findings set forth in Section 4-504.B: 1) that the decision appealed from misconstrued or incorrectly interpreted the provisions of the development code, and 2) that the decision of the Board will be in harmony with the general intent and purpose of the development code, and 3) the decision of the Board will not be detrimental to the public health, safety, and general welfare. He said the Board will need to make a positive finding on all three criteria to reverse or modify the decision appealed from. Mr. Daigneault said the three elements needed to grant the appeal were included in the staff report.

Messrs. Kozak and Robicheau provided a PowerPoint presentation.

In response to questions, Mr. Kozak said the Applicant offered in his appeal to replace the tree with two smaller trees on the side. In this case, which involves a newer development, the mechanism to pay into the tree fund is not an option since the Applicant is not mitigating a 30-inch tree. The Applicant offered to plant two crepe myrtles versus an oak tree, which could offset the inches, but the fact remains that one is a shade tree and the other is an accent tree. Mr. Robichaeu said the option to pay into the tree fund is generally offered for construction. In this case, it is a simple tree permit that requests to remove a tree and replace it. Mr. Robicheau said if the tree is removed tomorrow, the Applicant would be subject to a fine. Planning and Development Director Lauren Matzke said staff would have the ability to request from the Municipal Code Enforcement Board the appropriate fines based on what the situation is. While the base code has a cost per inch tree fine, staff has the ability to seek something beyond that as irreparable damages. Mr. Kozak said the tree in question is a shade tree and all the trees planted along the street are shade trees. Removing the tree every few years to allow them to grow to a certain point and then cutting it down again would not achieve city goals and policies for shade. He said the intent of meeting the code is moving forward for a lifetime of shade. Trees larger than 10 inches is more difficult to relocate and can get expensive. He said relocating a tree of eight years can cost over a few thousand dollars. Tree barriers, tree pruning, root barriers, or root pruning are other mechanisms available through the permitting process. The ISA tree assessment form was completed for the removal and takes into account all the mitigating factors of hazard risk. Mr. Kozak said the report is completed to go hand-in-hand with the denial in the assessment and why the City does not find the tree removal permit meets the three elements. Mr. Robicheau said when a tree permit application is submitted, the form includes the location, species, and the reason for removal; staff conducts an on-site assessment of the tree, taking into account everything from the roots to the shoots. Staff grades the tree as it is in the field that day. He said if the tree rates below a good tree, per city code three is a good tree, a removal permit is issued. If the rating is a three or greater, the tree removal permit is denied. Mr. Kozak said the residences are located in a privately-owned townhouse development with a Homeowners Association. He said if the applicant submitted a countering arborist report, staff would assess the report and communicate with the individual. He said staff did not receive such report.

Applicant James Brzicki said he wants to take out the tree because it is a trip hazard. The concrete driveway has risen up probably half an inch to $\frac{3}{4}$ of an inch. He said some of his neighbors' concrete may have risen more than that. He loves the tree, but he also loves not being sued. He agrees with everything staff has presented today. He said he hoped that the

appeal would come up with a better solution than the root block because that will cost money and he was looking for the cheapest solution that solves the problem, which is removing the tree. He said the tree would be replaced with crepe myrtles alongside the house.

In response to a question regarding potential fines, Board Attorney Daigneault said the Board cannot provide legal advice and suggested the Applicant seek legal counsel. The code enforcement board has a separate existence and operates under Florida Statutes Chapter 162. City staff has already indicated that a potential fine for irremediable or irreparable damages can and typically does extend greater than the per inch tree fine.

In response to questions, Mr. Brzicki said he did not retain an arborist. The sidewalks are not too bad and he was not aware of any accidents. He said his concern is if someone were to trip on the sidewalk, he would be liable. He is on the Homeowners Association Board; the homeowners understand that there are almost 250 trees in the development. No one has an issue with the trees; the homeowners do not like where the trees are currently located. The homeowners would be responsible for the cost if the root block option was pursued. If nothing is done and the tree grows for 25 years, he said he would bear the cost to replace the concrete slab. Mr. Brzicki said root pruning seems like a feasible option but the cost outweighs the benefit. Regarding utilities within the subject area, the water line is six feet to the right and the electric box is seven feet to the left. The sewer line is nowhere near the tree.

One individual said he lives across the street and his sidewalk is already buckling, causing a safety hazard. He supported removing the tree and suggested replacing the trees with shade trees around the lake.

Mr. Kozak said, as a reminder, a shade tree would still be required to be replaced; the two crepe myrtles do not qualify. Shade trees include, but not limited to, live oak, red maple, sweet gum, all types of species that are in the neighborhood.

Assistant City Attorney Mytych said this is a quasi-judicial proceeding, which means the burden of proving their case is with the applicant and they must base their evidence on competent substantial evidence. He said he did not believe, based on the testimony provided, the applicant met the three criteria needed to grant the appeal.

Mr. Brzick said he was not able to answer all three conditions of what it takes to override the permit denial. He said he was going back to common sense. Mr. Brzick said granting the appeal would be greatly appreciated as it would provide the homeowners association a basis to redo the landscape plan.

In response to questions, Mr. Kozak said there are incremental steps one can take while the tree grows. As an immediate step, root pruning, which is inexpensive, then step up from there. It's the reality of the urban landscape. Ms. Matzke said tree removal permits do not have a reapply timeframe delay limitation. Planning and Development has five certified arborists on staff and several are trained in landscape architecture.

In response to a comment, Board Attorney Daigneault said whether the code should or should not be modified at some point in the future is a valid question. It is, however, not relevant to this proceeding today.

Discussion ensued with comments made that the applicant stated he did not meet all three elements needed to grant the appeal; that the applicant can seek an arborist to identify the options and associated costs based on city code and reapply for a permit, which may be something the HOA can pursue for the benefit of the members; that raised sidewalks pose a public health safety and general welfare hazard; that it is not reasonable to say that the tree will affect the utilities 50 years from now because it will happen a lot quicker than one realizes; and that approving the appeal may draw attention to the fact that the code needs to be amended.

In response to a comment, Board Attorney Daigneault suggested the Board send a message to Council by speaking under Item 8 (Board Members to be Heard) on today's agenda and staff can take that message back to the folks that need to hear it and see how it comes out in the legislative process. He said he is here to advise the Board legally and would be remiss if he did not state that the Board needs to apply these things mechanically based on the evidence, which is what the Board is called to do by the City's code. He said if the motion is going to be to overturn, the motion will need to cite the code section, 4-504.B, and explicitly articulate those three factors. If it's not, then the motion can be to simply deny based on the testimony and evidence of record.

Board Member Chenault moved to approve the appeal, Case APP2025-12001, citing code section 4-504.B, based on the evidence and testimony presented in the application, the staff report, and today's hearing, hereby adopt the following findings

of fact based on said evidence, that the application under section 4-504.B is not upheld based on substantial competent evidence presented by the applicant or other party that the following criteria has in fact been met and hereby issue the conclusions of law that the application complies with the city community development code section 4-504.B and request staff to develop a list of conditions of approval, including that the applicant can move this tree to another area on the property or replace it with another shade tree if not relocated on the property and that staff present a list of conditions for final approval at the next meeting. The motion was duly seconded.

Board Attorney Daigneault said he wanted to ensure the record is clear, the motion is to grant the appeal and in doing so the Board is making a finding that the decision appealed from is misconstrued or incorrectly interpreted the provision of the code and that the Board's decision overturning the appeal or modifying the decision by moving the tree will be in harmony with the general intent and purpose of the code, and that the decision of the Board, if this motion carries, modifying the decision appealed from, will not be detrimental to the public health, safety and welfare. Board Member Chenault confirmed the motion.

Upon roll call, the motion carried with the following vote:

Ayes: 5 - Board Member Park, Board Member Achinelli, Board Member Hupp, Board Member Mastruserio and Board Member Chenault

Nays: 2 - Board Member Boutzoukas and Board Member Hinrichs

7. Director's Report

Planning and Development Director Lauren Matzke said, due to the holiday, the February meeting will be held on Thursday, February 19, 2026.

8. Board Members to be Heard

Chair Boutzoukas said (in reference to the appeal on today's agenda) the Board was better off directing staff to take it to council, from one board to another, rather than the action taken.

9. Adjourn

The meeting adjourned at 2:29 p.m.

Chair, Community Development Board

Attest:

City Clerk

Draft