

City of Clearwater

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



Meeting Minutes

Tuesday, January 21, 2025

1:00 PM

Main Library - Council Chambers

Community Development Board

Roll Call

Present 6 - Chair John Quattrocki, Vice Chair Board Member Michael Boutzoukas, Board Member Diane Achinelli, Board Member Andrew Park, Board Member Aubrey Haudricourt, and Member Kurt Hinrichs.

Absent 2 - Board Member Andrew Hupp, and Board Member Michael Mastruserio

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

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

Unapproved

1. Call to Order, Pledge of Allegiance

1.1 Roll Call: (Chair) Quattrocki; Members: Achinelli, Boutzoukas, Haudricourt, (Alternate) Hinrichs, Hupp, Park, Mastruserio; Assistant City Attorney Matthew Mytych; Attorney Jay Daigneault; and City Staff

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

2. Approval of Minutes

2.1 Approve the minutes of the December 17, 2024 CDB meeting.

Board Member Boutzoukas moved to approve the minutes of the December 17, 2024 CDB meeting. The motion was duly seconded and carried unanimously.

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

4. 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.

Items 4.1 and 4.3 were removed from the Consent Agenda.

Vice Chair Boutzoukas moved to suspend the rules and change the order of the agenda to have TA2024-07002 follow the two Level Two Applications. The motion was duly seconded and carried unanimously.

- 4.1** FLD2024-09021: Flexible Development approval to construct a six-unit Resort Attached Dwelling in the Tourist (T) District and the Old Florida Character District of Beach by Design for the properties located at 693 and 699 Bay Esplanade. The building will not exceed 35 feet and 9 parking spaces are required. Requested is flexibility for pool and deck setbacks. (Community Development Code Section 2-803.L. and Beach by Design) (Level Two Application)

Case: FLD2024-09021 - 693 & 699 Bay Esplanade

Owner(s): R & R Getaway LLC and TSETSE LLC

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

Location: Northeast corner of Bay Esplanade with Somerset Street. (0.301 acres)

Request: Flexible Development approval to construct a six-unit Resort Attached Dwelling in the Tourist (T) District and the Old Florida Character District of Beach by Design for the properties located at 693 and 699 Bay Esplanade. The building will not exceed 35 feet and 9 parking spaces are required. Requested is flexibility for pool and deck setbacks. (Community Development Code Section 2-803.L. and Beach by Design)

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

Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email: Melissa.Hauckbaker@MyClearwater.com; phone: 727-444-8769

Attorney Mytych requested to accept Melissa Hauck-Baker as an expert witness in the fields of general planning, zoning, redevelopment planning, land development code and land development code amendments, special area plans and overlay districts, site plan review, landscape architecture, historic preservation, and comprehensive sign programs and all other matters she is about to testify.

Board Member Park moved to accept Melissa Hauck-Baker as an expert witness. The motion was duly seconded and carried unanimously.

Christine Michalek requested party status. She said she lives at 855 Bayway Boulevard and follows the development of beach properties. She received notice of the request via the Neighborhoods Coalition.

In response to questions, Ms. Michalek said she did not receive a

personal notification and is not representing the Coalition. Attorney Daigneault said party status conveys additional rights to those substantially affected persons or different in kind or nature from the general public. A person with party status has the right to submit evidence, question witnesses, cross examine witnesses, and to appeal. Ms. Michalek said she resides on the beach and follows development as she is concerned with the increased density impacting city infrastructure.

It was stated that Ms. Michalek did not receive a personal notice of the Case, is not directly affected by the property, and does not meet the criteria for party status.

No action taken.

Ms. Hauck-Baker provided a PowerPoint presentation.

In response to questions, Ms. Hauck-Baker said the staff report for today included the additional condition for the overhangs not being greater than two feet. The Tourist District requires all proposed uses to go through a Level One Application or a Level Two Application, depending on the amount of flexibility being requested. In this case, the Applicant is requesting to retain the existing pool deck because it encroaches into the existing setback. She said the original pool was permitted through a building permit. The proposed building is under the maximum allowed number of units and exceeds the number of required parking spaces. Ms. Hauck-Baker said the conditions of approval also reflects the additional landscaping recommended by staff.

Applicant Representative Housh Ghovae reviewed the request. He said the Applicant will meet the Engineering Department's requirement to elevate the top of the seawall.

One individual spoke in opposition.

Board Member Boutzoukas moved to approve FLD2024-09021, 693 and 699 Bay Esplanade, based on the evidence and testimony presented in the application, the Staff Report and at today's hearing, and hereby adopt the Findings of Fact and Conclusions of Law stated in the Staff Report with conditions of approval as listed. The motion was duly seconded and carried unanimously.

4.2 FLD2024-09020: Flexible Development approval to renovate a retail plaza for a mix of

uses in the Commercial (C) District as a Comprehensive Infill Redevelopment Project for the property located at 1107 and 1115 N. Martin Luther King Jr. Avenue. The retail plaza will not exceed 30 feet in height. Requested is flexibility for parking and reduced landscape buffers along the property lines and interior landscaping through a comprehensive landscape program. (Community Development Code Section 2-704.F and Sections 3-1202.D. and G.)(Level Two Application)

Case: FLD2024-09020 - 1107 & 1115 N. Martin Luther King Jr. Avenue

Owner(s): Killarney 6 Investments Group Inc.

Applicant: Krikor Kassarian, Gulf Coast Consulting, 13825 ICOT Blvd., Suite 605, Clearwater, FL 33760; phone: (727) 524-6090; email: krikor@gulfcoastconsultinginc.com

Location: South side of N. Martin Luther King Jr. Avenue at the intersection of Lasalle Street. (0.17 acres)

Request: Flexible Development approval to renovate a retail plaza for a mix of uses in the Commercial (C) District as a Comprehensive Infill Redevelopment Project for the property located at 1107 and 1115 N. Martin Luther King Jr. Avenue. The retail plaza will not exceed 30 feet in height. Requested is flexibility for parking and reduced landscape buffers along the property lines and interior landscaping through a comprehensive landscape program. (Community Development Code Section 2-704.F and Sections 3-1202.D. and G.)

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

Assigned Planner: Ryan Green, Planner II; email: ryan.green@myclearwater.com; phone: 727-444-7791

Board Member Boutzoukas moved to approve FLD2024-09020, 1107 and 1115 N. Martin Luther King Jr. Avenue, 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. The motion was duly seconded and carried unanimously.

- 4.3** FLD2024-11023: Flexible Development approval to construct 35 attached dwellings in 6 buildings in the Commercial (C) District as a Comprehensive Infill Redevelopment Project and Low Medium Density Residential (LMDR) District as a Residential Infill Redevelopment Project for the property located at 1718 N. Betty Lane. The buildings will not exceed 30 feet in height and 48 off-street parking spaces are provided. Requested is flexibility for a reduced front setback. (Community Development Code Sections 2-204.E and 2-704.F) (Level Two Application)

Owner: Homeless Emergency Project Inc.

Applicant: Ashley Lowery, Homeless Emergency Project Inc, 1120 N. Betty Lane, Clearwater, FL, 33755; phone: 727-442-9126; email: ashleyl@hepempowers.org

Location: West side of N. Betty Lane, approximately 205 feet north of the intersection of Overbrook Road & N. Betty Lane and approximately 95 feet south of the intersection of Sandy Lane & N. Betty Lane. (2.14 acres)

Request: Flexible Development approval to construct 35 attached dwellings in 6 buildings in the Commercial (C) District as a Comprehensive Infill Redevelopment Project and Low Medium Density Residential (LMDR) District as a Residential Infill Redevelopment Project for the property located at 1718 N. Betty Lane. The buildings will not exceed 30 feet in height and 48 off-street parking spaces are provided. Requested is flexibility for a reduced front setback. (Community Development Code Sections 2-204.E and 2-704.F)

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

Assigned Planner: Ryan Green, Planner II; email: Ryan.Green@MyClearwater.com; phone: 727-444-7791

Dr. Sherry Predmore said she resides at 1734 N Betty Lane and received notice of the hearing. She requested party status.

Board Member Park moved to grant Sherry Predmore party status. The motion was duly seconded and carried unanimously.

Shay and Kevin Roberts said they reside at 1305 Mary L. Road and received notice of the hearing. They requested party status.

Board Member Haudricourt moved to grant Shay and Kevin Roberts party status. The motion was duly seconded and carried unanimously.

Attorney Mytych requested that Ryan Green be accepted as an expert witness in the fields of general planning, zoning, redevelopment planning, land development code, land development code amendments, special area plans, overlay districts, site plan review, landscape architecture, historic preservation, comprehensive sign programs, and all other matters he is about to testify.

Board Member Achinelli moved to accept Ryan Green as an expert witness. The motion was duly seconded and carried unanimously.

Planner Ryan Green provided a PowerPoint presentation.

In response to questions, Mr. Green said, per city code, the perimeter fence will be six feet tall made of solid wood or plastic. Landscaping will be required along the fence to buffer sound. He said the Applicant is requesting a reduced setback along the east side of the property to increase the distance from the existing dwelling units to the west of the property, pushing the units closer to the street to increase the buffer from the rear properties. Planning Division Manager Ted Kozak said the Applicant is requesting a 20-ft. setback. The southern portion of the property falls within the comprehensive infill zoning. Planning and Development Interim Director Lauren Matzke said if the buildings were not shifted to the east, requiring a reduced front setback, a request to reduce the rear buffer would be needed. Mr. Kozak said the required setback on the west side of the property is 60 feet. Ms. Matzke said comprehensive infill redevelopment projects do not have established setbacks. On the commercial portion, the comprehensive infill redevelopment project is required because it is a proposed residential use within a commercial zoning district. She said typical front setbacks along roads are 20 to 25 feet. There will not be a companion land use plan amendment or rezoning request. She said city code allows for density averaging; the density allowed on the commercial piece and the density allowed on the residential piece based on the underlying future land use categories provides the total number of units that can be used across the parcel.

Applicant Representative Tim Knowles and HEP President/CEO Ashley Lowery provided a PowerPoint presentation.

In response to questions, Mr. Knowles said the white PVC fence will be located on three sides of the property (north, south, and west sides of the property). On the east side of the property, which is Betty Lane, the Applicant is proposing a 4-ft. tall decorative aluminum fence since city code does not permit an opaque fence. He said the fencing at the back of the property will be installed along the property line. Ms. Lowrey said the main campus is located two blocks south of the subject site. Case management offices are being built onto the property, which will be manned Monday through Friday during business hours. Ms. Matzke said there are two different zoning districts on the property. If the Applicant had chosen to do a land use plan amendment and rezoning, it would have required several public hearings. As it relates to the commercial zoning district, comprehensive infill is the only option and it requires a Level Two hearing. She said the Applicant needed the flexibility for the front setback. A front setback would typically be 25 ft. for attached dwellings, in this instance the Applicant is requesting to reduce the setback to 20 ft., which is within the

allowable range for a Level 2 hearing. Ms. Matzke said the proposed project meets the setback requirements on the north, south, and west ends.

The three individual who were granted party status spoke in opposition.

Dr. Predmore submitted a letter from Tobin Knowles opposing the proposed project.

In response to questions, Dr. Predmore said she was made aware of today's meeting and was able to attend. She said she did not provide evidence citing code sections or criteria not being met because she wanted to talk about the eagles and the osprey. She said she did not have enough time. Mr. Green said the proposed landscape buffer on the west side will also be placed on the north side. He said approximately 40 6-ft. trees will be planted against the fence. The landscape buffer on the north side is 10 feet. Mr. Green said the decorative fence will be at the maximum height allowed by city code.

Three individuals spoke in opposition.

In response to comments, Ms. Matzke said staff implemented a code amendment that requires a courtesy notice for Level Two Applications at the time notices for the Development Review Committee (DRC) are issued. The application before the Board was filed after the courtesy notice went into effect. She said the notices were sent to property owners within 200 feet of the site, which provided a general description of the project. The courtesy notices precede the DRC meeting and the posting of the general sign.

Dr. Predmore said the School Board was not notified of the hearing and expressed concerns with the impact the project will have on adjacent property owners and the neighborhood.

Mr. Roberts said the project is important but the community needs to be involved and given an opportunity to provide input.

Ms. Lowery said HEP has owned the property for over a year. The plans to expand permanent supportive housing for families have been in place for years. She said HEP fields approximately 50 calls per month from working class families who are sleeping in their cars or are couch-surfing and cannot make ends meet. The proposed project is HEP's solution to that problem. Ms. Lowery said the project is not proposing to locate a

homeless shelter in the community; the project will provide permanent supportive housing for families with children. The families will be paying rent and some will be referred from the main campus. The proposed facility is for families who have shown they can be self-sufficient. Ms. Lowery said HEP's current permanent supportive housing program is on the main campus; over 85% of the families who are discharged from the program go into independent housing and become self-sufficient. She said the project site is important because it is located within walking distance of the main campus where all supportive services are provided. Most residents do not have cars and rely on existing bus services. There are 48 parking spaces designated for 35 apartments. Ms. Lowery said HEP policy does not allow sexual offenders or those with violent criminal history in any of their shelters.

In response to questions, Ms. Lowery said HEP does have an emergency shelter on the main campus that serves the chronically homeless and naturally receives more calls. Families who do not live up to the responsibility, such as paying rent, can be removed from the facility. It is a closely managed program; families meet with their case managers once a week. She said, depending on the family, the program can run one to five years. Some families need a little time to create a nest egg to move on and others may need more time due to trauma. The proposed facility will be used for long-term housing. HEP has never had to enforce a time limit; HEP ensures the family is working their established plan and if the plan is not working, they have the option to change the plan or develop an exit plan for another program not offered by HEP. Dr. Predmore said, according to her research, there was only one call placed in the last 12 months in her immediate area. Ms. Matzke said the proposed use is attached dwellings, which is allowed in residential zoning as it is and through the comprehensive infill with the commercial zoning. She said fences are limited to a maximum of four feet and require three feet of landscape.

Board Member Park moved to approve FLD2024-11023, 1718 N. Betty Lane, based on the evidence and testimony presented in the application, the Staff Report and at today's hearing, and hereby adopt the Findings of Fact and Conclusions of Law stated in the Staff Report with conditions of approval as listed. The motion was duly seconded and carried unanimously.

5. Items Continued During Previous Public Hearing

5.1 TA2024-07002: Amendments to the Community Development Code to establish

standards for artificial turf, require landscaped areas in front yards for residentially zoned properties, and make other associated updates. (Level Three Application)

Case: TA2024-07002 - Amendments to the Community Development Code

Applicant: City of Clearwater, Planning and Development Department

Request: Amendments to the Community Development Code to establish standards for artificial turf, require landscaped areas in front yards for residentially zoned properties, and make other associated updates.

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

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

Ms. Matzke provided a PowerPoint presentation.

In response to questions, Ms. Matzke said the code was clarified to allow artificial turf in athletic fields and city parks. The Impervious Surface Ratio would regulate the allowed square footage a homeowner could install. The proposed ordinance addresses existing artificial turf, no matter where it is installed. She said commercial properties have approved landscape plans and must initiate an amendment process when implementing changes to the approved landscape plan. Development Services Division Manager Scott Kurleman said staff will work with commercial property owners to find a suitable plant material appropriate for a parking island. Ms. Matzke said, as proposed, the ordinance does not allow artificial turf to be used in parking islands. Mr. Kurleman said the only landscaping requirements for residential properties is trees based on the size of the lot; two shade trees, or equivalent to shade trees, are required for 5,000 sq. ft. Ms. Matzke said there is a professional organization and a voluntary certification for artificial turf installers.

One individual spoke in support.

Discussion ensued with suggestions made that consideration be given to add language clarifying the 25% landscaped area requirement is for non-residential properties, that private appraisals are allowed when improvements are valued 25% or greater of the principal structure, and include language that allows the use of artificial turf in landscaped islands while protecting plant materials required to be present. It was suggested that licensure for artificial turf installers be more stringent.

In response to comments, Ms. Matzke said the property owners of the

Best Buy shopping center are required, per city code, to have ground cover in the parking lot. The City's code focuses on Florida friendly landscaping.

Board Member Boutzoukas moved to recommend approval of TA2024-07002 based on the evidence and testimony presented in the application, the Staff Report and at today's hearing, and hereby adopt the Findings of Fact and Conclusions of Law stated in the Staff Report, and based on today's hearing, evidence regarding potential ambiguity between the single family and two-family residences and commercial properties be clarified, that consideration be given regarding the use of artificial turf in landscaped isles and that consideration be given to the licensure requirements for individuals installing artificial turf. The motion was duly seconded and carried unanimously.

6. Director's Report

6.1 Revision of CDB Rules of Procedure and Meeting Procedures

Ms. Matzke said the agenda item was used as a placeholder in case the Board had any questions or suggestions.

Discussion ensued with comments made that staff makes all effort to ensure the noticing procedures are followed.

In response to questions, Ms. Matzke said the notices are not sent certified mail because it is too costly. Staff maintains a list of the individuals to whom the notices were sent. Florida Statutes and city code requires notices to be mailed to affected individuals for all quasi-judicial hearings. She said hearing notices are provided to the School Board. The hearing notices are not sent to individual schools. The City Clerk said she has asked one of the individuals who spoke earlier to provide a copy of the notice they received to confirm the contracted mailing house sent the notices in a timely manner. According to the affidavit provided by the mailing house, today's notices were sent as required by code. The City Clerk confirmed that the School Board received notice of today's hearing. Notices are sent approximately 12 to 14 days prior to the hearing. Since the mail-merge system measures out from the center of the property, staff implements a bigger area to ensure affected individuals receive notice.

7. Board Members to be Heard – None.

8. Adjourn

The meeting adjourned at 4:18 p.m.

Chair, Community Development Board

Attest:

City Clerk