

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
April 10, 2013

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, on this date at 3:16 P.M. with the following members present:

Jim Kennedy, Chairman, City of St. Petersburg Councilmember
David O. Archie, Vice-Chairman, City of Tarpon Springs Mayor
Samuel Henderson, Secretary, City of Gulfport Mayor
John Morroni, Treasurer, County Commissioner (Late Arrival)
Joe Ayoub, City of Safety Harbor Mayor
Doug Bevis, City of Oldsmar Mayor
Harriet K. Crozier, City of Largo Commissioner
Dave Eggers, City of Dunedin Mayor
Doreen Hock-DiPolito, City of Clearwater Councilmember
Joanne “Cookie” Kennedy, City of Indian Rocks Beach Vice-Mayor
Jerry Mullins, City of Pinellas Park Councilmember
Peggy O’Shea, Pinellas County School Board Member
Marvin Shavlan, City of St. Pete Beach Commissioner

Also Present:

Michael C. Crawford, Interim Executive Director, PPC
Michael Schoderbock, PPC Staff
Carolyn Shoemaker, PPC Staff
Jewel White, Managing Assistant County Attorney
Other interested individuals
Helen Groves, Senior Board Reporter, Deputy Clerk

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present
 - C. Recognition of Incoming Member

- II. CONSENT AGENDA
 - A. Minutes of March 13, 2013 Meeting
 - B. Financial Statement for March 2013
 - C. CPA Actions
 - D. Annexation Report – March 2013
 - E. Preliminary May 2013 Agenda
 - F. Correspondence

- III. PUBLIC HEARING - To begin at 3:00 P.M. or as soon thereafter as agenda permits
 - A. Public Hearing Format Announcement and Oath
 - B. Amendments to the Countywide Future Land Use Plan:
 - Subthreshold Amendments
 - None
 - Regular Amendments
 - 1. Case CW 13-2: City of Safety Harbor
- IV. REPORTS/OTHER ACTION
 - A. Countywide Plan and Transportation Update (Verbal)
- V. EXECUTIVE DIRECTOR ITEMS
 - A. PPC/MPO Unification Update – (Verbal)
 - B. FY 13 Mid-Year Budget Report and Amendment
 - C. FY 14 Work Program
 - D. Preliminary Budget Discussion for FY 2013/14 (FY14)
 - E. Verbal Reports
- VI. OTHER COUNCIL BUSINESS
 - A. Chairman/Member Items
- VII ADJOURNMENT

CALL TO ORDER

Chairman Kennedy called the meeting to order at 3:16 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Mayor Henderson, following which he led the Pledge of Allegiance to the Flag.

IDENTIFICATION OF MEMBERS PRESENT

A roll call was taken in which the members introduced themselves.

RECOGNITION OF INCOMING MEMBER

Chairman Kennedy welcomed incoming member Mayor Doug Bevis, representing the City of Oldsmar.

CONSENT AGENDA - APPROVED

Chairman Kennedy presented the Consent Agenda items, as follows:

- A. Minutes of March 13, 2013 Meeting
- B. Financial Statement for March 2013
- C. Countywide Planning Authority (CPA) Actions
- D. Annexation Report – March 2013
- E. Preliminary May 2013 Agenda
- F. Correspondence

Chairman Kennedy indicated that the members did not have time to review the March minutes; and that the minutes would be pulled from today's agenda and added to the agenda for next month; whereupon, Vice-Mayor Mullins moved, seconded by Mayor Henderson and carried, that the Consent Agenda be approved, with the exception of Item A (Vote 12-0).

PUBLIC HEARINGS

- A. Public Hearing Format Announcement and Oath

Upon request by the Chairman, all persons planning to give testimony were duly sworn by the Deputy Clerk.

- B. Amendments to the Countywide Future Land Use Plan

SUBTHRESHOLD AMENDMENTS – None

REGULAR AMENDMENT

PUBLIC HEARING: CASE CW 13-02, PROPOSAL BY THE CITY OF SAFETY HARBOR TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED, RESIDENTIAL/OFFICE LIMITED, RESIDENTIAL LOW, RESIDENTIAL URBAN, PRESERVATION, AND WATER/DRAINAGE FEATURE OVERLAY TO RESIDENTIAL MEDIUM, RESIDENTIAL/OFFICE LIMITED, PRESERVATION, AND WATER/DRAINAGE FEATURE OVERLAY– APPROVED

Pursuant to legal notice published in the March 23, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 13-02, a proposal by the City of Safety Harbor to amend the Countywide Future Land Use Plan from Industrial Limited, Residential/Office Limited, Residential Low, Residential Urban, Preservation, and Water/Drainage Feature Overlay to Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay, re nine parcels totaling 34.6 acres of land, m.o.l., located at 1585 10th Street South (State Road 590) and generally to the northeast of the intersection of 10th Street South (State Road 590) and McMullen Booth Road.

Referring to aerial and street-level photographs and the land use map, Mr. Schoderbock pointed out the location of the subject property, described surrounding land uses, and provided an overview of the proposal. He indicated that the amendment is consistent with the Countywide Rules; and that the site meets the locational characteristics of the three proposed categories; whereupon, he reviewed the request in relation to the three categories.

Mr. Schoderbock indicated that staff is recommending that the proposed Map amendment be approved subject to: (1) the amendment being considered an exception to the Scenic/Non-Commercial Corridor “Residential” sub-classification; (2) the accompanying Development Agreement; and (3) the majority of the office development site be given special consideration with respect to attracting a compatible business meeting one of the Pinellas Planning Council’s target industry clusters as identified in *The Target Employment and Industrial Lands Study*; and separately and in addition, recommends: (1) that the City of Safety Harbor give special consideration to the improvement of the office development site with respect to the buffering and landscaping guidelines of the Scenic/Non-commercial Corridor master plan; and (2) that the City of Safety Harbor give special consideration to maintaining the Industrial Land Use designation for the area south of 10th Street South (State Road 590).

Mr. Crawford summarized the staff report, indicating that when staff reviewed the proposals for Residential Medium, Residential/Office Limited, and Preservation against the

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Countywide Rules, they determined that these category locations meet the locational criteria in the Countywide Rules. He indicated that staff considered the loss of industrial land as per PPC Resolution No. 06-03, which was of concern, noting that loss of industrial land is very important, as studies have shown that the county needs to maintain these valuable acres and, in fact, is in a deficit. He stated that even though the site could provide for limited industrial use, review showed that the character of the area has changed; that the current use is no longer in operation; and that Safety Harbor would place limitations on potential future uses, mainly through code enforcement. He indicated that staff looked for a partial mitigation of loss of industrial area for locating target employment uses, and has asked the City and the Pinellas County Economic Development Department to put extra emphasis on locating a target employment use in the Residential/Office Limited category area.

Planning Advisory Committee (PAC) Chairman Lauren Matzke indicated that the Committee voted unanimously to support the amendment, noting that the target employment issue was discussed.

Safety Harbor Community Development Director Matt McLachlan indicated that the City agrees with the findings and conclusions of the PPC and PAC, and related that the City of Safety Harbor began negotiations on the associated Development Agreement in August of 2012, with several revisions being made throughout the process to make the project more acceptable to the surrounding neighbors; that the City is taking full advantage of the development agreement procedure to require enhanced landscape buffers around the perimeter of the site and extraordinarily large building setbacks from the eastern and northern property lines adjoining the Wilder Oaks and Old Harbor Place neighborhoods, noting that the City will scrutinize every aspect of the proposal during the site plan review. He reviewed the six relevant countywide considerations that apply to the review of the Map Amendments, and discussed how a land use change from Industrial Limited to Residential Medium would be more compatible with the adjoining single family neighborhoods.

Robert Pergolizzi, Gulf Coast Consulting, indicated that he is appearing on behalf of the property owner and the contract purchaser, The Richmond Group, noting that The Richmond Group develops apartment complexes nationwide. Mr. Pergolizzi discussed the process that was necessary to bring an application and concept plan before the City Commission that it would approve; whereupon, he indicated that he agrees with the PPC staff report and with the conditions for approval.

* * * *

At this time, 3:55 P.M., Commissioner Morroni entered the meeting.

* * * *

No one appeared in response to the Chairman's call for citizens wishing to be heard in favor of the application.

In response to the Chairman's call for citizens wishing to be heard in opposition to the application, the following people appeared and expressed their concerns:

- Barbara Hugg* (referenced written and on-line petitions with numerous signatures)
- Steven Rosenthal* (Old Harbor Place) (gave PowerPoint Presentation)
- Russell Norman* (Wilder Oaks)
- Michael Frangedis
- Nancy Besore
- Sheryl Hollen

*Representing neighborhood group

Concerns expressed by the citizens included:

- Traffic and ensuing safety issues; traffic analysis is suspect.
- Apartment complex would not be compatible with the quaint look and feel of Safety Harbor.
- Apartment complex would lower property values and adversely affect the quality of life and privacy of the immediate neighborhood.
- Residents were not allowed to discuss concerns at the Safety Harbor workshop and disagree with conclusions of the staff evaluation.
- Buffer between single family homes and development is not sufficient.
- Potential loss of wetlands, loss of trees, flooding, drainage, destruction of permeable area, and protection of the natural habitat and local wildlife.
- Destruction of the Scenic Corridor.
- Environmental impact on the wetlands and stormwater issues.
- Density of the project for the location and its adverse impact on regional resources, including water and sewer.
- Loss of jobs by losing industrial land and misinformation, perceived as threats, as to what could be built should the property remain industrial.

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Traffic concerns expressed were that McMullen Booth Road is already rated Level of Service (LOS) F and would be rated even lower if a lower category existed; that a domino effect will be created throughout Safety Harbor and many neighborhood streets will be adversely impacted; and that increased traffic at the already-failed intersection of State Road 590 and McMullen Booth Road will create safety issues.

In rebuttal, Mr. Pergolizzi indicated that numerous public hearings were held, buffers have already been increased, the number of driveways and number and height of proposed units have been reduced, the development will consist of high-rent apartments, and environmental concerns will be addressed during the site plan process.

In response to the concerns of the neighborhood, Mr. Crawford indicated that while many good points were brought out, the PPC views requests from a broader perspective than the municipalities and the County, noting as an example that from the traffic perspective, the PPC compares one land use category as opposed to the currently mostly vacant site condition vs. fully developed.

During deliberation, Commissioner Morroni related that he, too, has difficulty understanding how a 246 unit development would result in a 38 percent traffic decrease. In response to his request for a comparison of how full development of the current land uses versus full development of the proposed apartment complex development would affect the quality of life of the surrounding neighborhoods and whether The Richmond Group had considered developing single family homes in the area, Mr. Pergolizzi indicated that The Richmond Group only develops apartments; and that the proposed project would generate 190 peak-hour traffic trips and the present land uses would, if fully developed, generate at least that many and probably around 200 to 250; whereupon, Mr. Crawford indicated that while current land use would allow an approximately 500,000-square-foot building, industrial land is normally not developed to its full potential; and that a 90,000-square foot building would more likely be allowed based upon studies showing that they normally only develop at 20 percent of site area.

In response to query by Commissioner Morroni as to whether giving up 15.8 acres of industrial land would not adversely affect the industrial land inventory, Mr. Crawford indicated that due to the Airco Golf Course property changing to industrial use, there has been an increase in the industrial land inventory during the last five years; that several smaller industrial areas have been lost; and that as the Countywide Plan is updated, more emphasis will be placed on maintaining larger industrial areas that are above 100 acres, noting that it always hurts to lose industrial land, no matter how small.

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Mayor Eggers suggested that a 200,000-square-foot building could possibly be built on the property as it is now zoned; and in response to his queries, Mr. Pergolizzi indicated that the term “failed intersection” applies to the level of service of the McMullen Booth Road and State Road 590 intersection attributed to the amount of traffic it carries now; and that a bridge across the creek to allow a second entrance to the development was rejected not due to the expense, but to the impact it would have on the wetlands, noting that the proposed development would not impact the wetlands at all. Mayor Henderson expressed concern with the statement, pointing out that a project of the size proposed would certainly impact the wetlands, and School Board Member O’Shea concurred. Mr. Pergolizzi clarified that he meant that there would be no physical construction directly touching the wetlands; whereupon, Mayor Henderson commended The Richmond Group on its effort to mitigate the impact.

Discussion ensued regarding the traffic impact, with School Board Member O’Shea questioning the traffic study, noting that the development will not only impact McMullen Booth Road, but State Road 590, which is already a heavily used thoroughfare; and that the 246-unit development would probably have double that number of cars. In response to her queries, Mr. McLachlan indicated that the development is expected to result in (1) an extra 5.3-second vehicle delay at the intersection during the morning peak hour and a 10.1-second vehicle delay during the afternoon peak hour and (2) an extra 28-second delay for westbound vehicles making a left turn onto McMullen Booth Road during the morning peak hour and 56-seconds during the afternoon peak hour; and that the PSTA bus stop in front of Walgreens is less than a quarter of a mile from the only entrance to the development; whereupon, Ms. O’Shea complimented the developer and staff for planning a beautiful project with lots of wooded area, and Commissioner Shavlan concurred.

Mayor Ayoub thanked the PPC and Safety Harbor staff for their work, and pointed out that through the public hearing process, the Safety Harbor City Commission and staff have worked with the developer to provide greater setbacks, lower building height, fewer units, and more wetlands and green space. He acknowledged that the traffic impact would be greater than it is now, but could be more so, especially during the peak hours, if the land use is not changed; and in rebuttal to a comment by one of the speakers, stated that the former mayor supports the project.

Mayor Archie questioned whether it is in the purview of the PPC to recommend that the Board of County Commissioners, when it hears the case, require another entrance and exit for the development, and Mr. Crawford indicated that since there is a Development Agreement, the PPC does have that ability; whereupon, Mayor Archie indicated his support for the additional recommendation. In response to query by Commissioner Shavlan, Mr. Crawford

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indicated that Safety Harbor limits industrial uses that could negatively affect surrounding uses. Mr. McLachlan read a list of permitted uses under Manufacturing-1 zoning, with Mr. Crawford pointing out that some of the uses would require supplemental conditional approval from the Commission. Commissioner Shavlan indicated that while he generally thinks it is a good project, he has concerns with the way the application is written, as PPC Resolution No. 06-03 would require that it be rejected immediately. Mayor Eggers concurred, noting that more discussion is indicated as the City of Dunedin is considering a similar situation and the loss of industrial land and subsequent jobs is of concern; whereupon, he pointed out that his earlier questions were not meant as negative as he commends Safety Harbor on how it has handled the application.

Commissioner Shavlan referenced the Development Agreement and questioned whether the density could be increased to the maximum allowed when it expires in ten years. Mr. McLachlan stated that the City intends to amend the local code to reset the duration of the Development Agreement to 20 years as allowed by state statute; whereupon, Mr. Crawford indicated that the PPC recommendation is based on the Development Agreement; and the Countywide Rules would require that it come back before the PPC for review before being developed to its full potential.

Commissioner Crozier and Mayor Bevis indicated their support for the application, and in response to their queries, Mr. McLachlan and Mr. Pergolizzi indicated that there are no plans to widen the road (State Road 590); and that large water treatment ponds will be incorporated in the development; whereupon, Mr. Crawford discussed the loss of industrial land, and indicated that the Industrial category has many uses that are compatible with a residential neighborhood and each request is looked at on an individual basis and potentially involve a development agreement.

Mayor Archie indicated his intention to move for approval of the application with the stipulation that an additional entrance and exit be required.

In response to Chairman Kennedy's request for an explanation of the term "special consideration" used in the staff recommendation relating to target employment and maintaining the industrial land designation south of 10th Street and whether it is enforceable, Mr. Crawford explained that as the recommendation reads, approval is conditioned upon the Development Agreement, which is mandatory, while the "separately and in addition" clause is much "softer," is not a requirement of the amendment, and is only asking the City to consider it. He related that it is up to the cities to decide how much effort to put into the consideration, but

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they usually attempt to carry out the supplemental recommendations, although they are not always successful.

In response to query by Commissioner Morroni, Mr. Crawford indicated that in order to carry out the separate entrance requirement that Mayor Archie intends to make a part of his motion, the Development Agreement would probably need to be revised, which would necessitate the amendment request being sent back to the City; whereupon, Mayor Ayoub indicated that the need for a separate entrance was raised several times at the public hearings; that the traffic expert consulted by the City indicated it was not necessary and would not alleviate the traffic problems at any other corner of the intersection; and that it was not made a condition of approval.

Chairman Kennedy suggested that the LOS Category F is not sufficient and recommended some minor categories such as F minus 1, F minus 2, and F minus 3, and discussion ensued regarding the added 28- to 56-second delay at the intersection mentioned in the current traffic study; whereupon, Mr. Crawford related that it refers to the additional delay at the intersection that would result from the proposed project.

Chairman Kennedy indicated that he shares the concerns expressed by other members regarding the loss of industrial land, noting that its protection was once one of the primary purposes of the PPC, and if it is no longer of importance, the standards should be changed to reflect that industrial lands under 100 acres are no longer sacred, noting that this particular request does not meet the criteria referred to in past meetings of the PPC as having been vacant for a specific period of time. He then stated that we as a board need to look at our criteria for loss of industrial. Mayor Eggers agreed, pointing out that the loss of the smaller pieces of industrial land add up rather quickly; whereupon, Mr. Crawford indicated that the issue is being discussed in the update of the Countywide Plan.

During discussion, Commissioner Morroni stated that the Board of County Commissioners has clearly expressed the importance of preserving industrial land, and suggested that a suitable company locating on the 16 acres would be more compatible with the area than the apartment complex; and in response to query by Commissioner Shavlan, Attorney White related that PPC Resolution No. 06-03 is a policy document of the Council that staff has utilized to formulate the staff report, and as it is not in the Rules, is not binding. Mr. Crawford stated that the Council, at its discretion, could make the policy binding, and Mayor Archie, Vice-Mayor Mullins, and Commissioner Morroni indicated support for a review of the policy and, if needed, taking the new policy to the BCC for review; whereupon, Mr. Crawford indicated that the item would be put on a future agenda.

Vice-Mayor Cookie Kennedy recommended that the BCC be informed of the issues brought out by the citizens today that the PPC does not take into consideration when making its recommendation.

Thereupon, upon the closing of the public hearing by Chairman Kennedy, Vice-Mayor Mullins moved, seconded by Councilmember Hock-DiPolito, that the amendment be approved. In response to query by Mayor Archie, Vice-Mayor Kennedy identified safety, access, loss of industrial land, and loss of jobs as the community concerns to be conveyed to the BCC; whereupon, Mr. Crawford indicated that if it were the pleasure of the Council, he would discuss those concerns during his staff presentation to the BCC, and no objections were noted. Upon roll call, the vote was:

Ayes: Mullins, Eggers, Crozier, Archie, Hock-DiPolito, Ayoub, Bevis, O’Shea.

Nays: Henderson, Morroni, Kennedy, Shavlan, Cookie Kennedy.

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At this time, 5:41 P.M., Mayor Eggers and Commissioner Morroni left the meeting.

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REPORTS AND OTHER ACTION

- A. Countywide Plan and Transportation Update – Not Addressed

EXECUTIVE DIRECTOR ITEMS

- A. PPC/MPO Unification Update – Received

County Commissioner Karen Williams Seel appeared earlier in the meeting and indicated that the Joint MPO/PPC Executive Committee met earlier today; that the seven-member committee consists of City of St. Petersburg Councilmember Jim Kennedy, City of Tarpon Springs Mayor David O. Archie, County Commissioner John Morroni, St. Petersburg Councilmember Jeff Danner, City of Dunedin Mayor Dave Eggers, and City of Indian Rocks Beach Vice-Mayor Cookie Kennedy. She indicated that unification cannot move forward until

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the Governor approves the reapportionment plan, which should happen around the first of July 2013, with the Boards unifying in October. She indicated that as soon as the Governor approves the reapportionment plan, the Committee will begin searching for an executive director, with the assistance of the Director of Human Resources Peggy Rowe and her staff; and that the Executive Committee would remain in existence until unification is complete, at which time the executive board of the unified group would take over.

Commissioner Seel indicated that the Executive Committee reaffirmed today that it would prefer to keep the Metropolitan Planning Organization (MPO) independent; and decided that, for revenue and work product purposes, it should continue its contract with the County, noting that County planning staff serves as the MPO. She related that the Joint Committee meeting today was very productive, with consensus by the members as to the direction being taken; and that it will meet again on May 8 at 11:00 A.M., prior to the MPO meeting.

B. FY 2013 Mid-Year Budget Report and Amendment – Received/Approved FY 13 Budget Amendment

Mr. Crawford reviewed the budget and the proposed Fiscal Year 2013 Budget Amendment for line item allocations, and indicated that staff proposes that the line item be amended to reflect the audited fund balance of \$656,025, noting that the budget amendment allows Council to complete Fiscal Year 13 consistent with its policies for budget management and within the overall budget; whereupon, Vice-Mayor Cookie Kennedy moved, seconded by Mayor Archie, that the Fiscal Year 2013 Budget Amendment be approved (Vote 11 – 0).

C. FY 14 Work Program – Received

Mr. Crawford reviewed the proposed Fiscal Year 2014 Work Program, noting that staff plans (1) to do more local assistance this year as a result of moving away from regulating specific parcels of land on a case-by-case basis, and (2) to assist the municipalities to use the County's Geographic Information System if a trial project that is underway proves successful; that the work program reflects the Council's objectives for the work it would like staff to do; that it serves as the basis for establishing the timing of each major work item and as overall direction to staff; and that the work program will be refined during the course of the year based on Council input and in concert with the budget.

D. Preliminary Budget Discussion for FY 2013/14 (FY14) – Received

Mr. Crawford indicated that staff needs to get the preliminary information to the BCC by April 15, and presented an overview of the Fiscal Year 2014 revenue and expenditures and the outlook for Fiscal Year 2015. He indicated that in order to cover expenditures for this year, as well as put the Council on a more sustainable revenue track for the following years without a drastic increase in the millage rate, staff is suggesting that the Council increase its millage rate to 0.0145 (14 percent); and that the additional revenue generated in Fiscal Year 2014 be carried over to help fund the Fiscal Year 2015 budget.

In response to query by Chairman Kennedy, Mr. Crawford indicated that the item will be included on the May and June agendas; and that the Council will need to take formal action on the budget in July.

E. Verbal Reports

Advisory Committee for Pinellas Transportation Presentation – Received/Discussed

Mr. Crawford related that the Advisory Committee for Pinellas Transportation has created a Memorandum of Understanding to formalize the committee, its role, and the membership; and that there is a place in the document relating to the two PPC members serving on the Committee (Councilmember Jim Kennedy and Councilmember Hock-DiPolito) which requires his signature; whereupon, Vice-Mayor Cookie Kennedy moved, seconded by Mayor Henderson and carried, that Mr. Crawford be authorized to sign the document (vote 11-0).

OTHER COUNCIL BUSINESS

A. Chairman/Member Items - None

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:54 P.M.

Chairman