

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
June 12, 2013

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:01 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
Joe Ayoub, City of Safety Harbor 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 Vice-Mayor
Peggy O’Shea, Pinellas County School Board Member
Marvin Shavlan, City of St. Pete Beach Commissioner

Not Present:

John Morroni, Treasurer, County Commissioner
Samuel Henderson, Secretary, City of Gulfport Mayor
Doug Bevis, City of Oldsmar Mayor

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
Trudy Futch, Board Reporter

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present

II. CONSENT AGENDA

- A. Minutes of April 10 and May 8, 2013 Meeting
- B. Financial Statement for May 2013
- C. CPA Actions June 2013
- D. Annexation Report – May 2013
- E. Preliminary July 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
 - 1. Case CW 13-4 City of Gulfport
 - Regular Amendments
 - 2. Case CW 13-5: City of Largo

IV. REPORTS/OTHER ACTION

- A. Countywide Plan and Transportation Update
- B. Composite Annexation Report Fiscal Years 2001 to 2012

V. EXECUTIVE DIRECTOR ITEMS

- A. PPC/MPO Unification Update
- B. Annual and Five-Year Work Programs for FY 14 and FY 14 through 18 – Draft
- C. Annual Budget and Millage Rate for FY 14 - Draft
- D. Case CW 13-2 Safety Harbor, Request for Administrative Hearing
- E. Verbal Reports

VI. OTHER COUNCIL BUSINESS

- A. Chairman/Member Items

VII. ADJOURNMENT

CALL TO ORDER

Chairman Kennedy called the meeting to order at 3:01 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Commissioner Crozier, following which she led the Pledge of Allegiance to the Flag.

IDENTIFICATION OF MEMBERS PRESENT

At the Chairman's request, a roll call was taken in which the members introduced themselves.

CONSENT AGENDA - APPROVED

Chairman Kennedy presented the Consent Agenda items, as follows:

- A. Minutes of the April 10 and May 8, 2013 Meetings
- B. Financial Statement for May 2013
- C. CPA Actions June 2013
- D. Annexation Report – May 2013
- E. Preliminary July 2013 Agenda
- F. Correspondence

Mayor Ayoub moved, seconded by Vice-Mayor Mullins and carried, that the Consent Agenda be approved (Vote 10–0).

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 AMENDMENT

PUBLIC HEARING: CASE CW 13-4, PROPOSAL BY THE CITY OF GULFPORT TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMUNITY REDEVELOPMENT DISTRICT (CRD) TO INSTITUTIONAL (I) – APPROVED

Pursuant to legal notice published in the May 25, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 13-4, a proposal by the City of Gulfport to amend the Countywide Future Land Use Plan from CRD to I, re 0.6 acre m.o.l., located at 1601 49th Street South.

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Mr. Crawford indicated that the property is less than one acre in size and qualifies as a subthreshold amendment; that this site was part of a previous map amendment in 2010, Case CW10-3, when Council and the Countywide Planning Authority (CPA) approved an amendment to the Community Redevelopment District (CRD) along with the City's 49th Street Corridor Redevelopment District Special Area Plan; and that staff recommends approval of the proposed amendment.

Referring to an aerial photograph, Mr. Schoderbock pointed out the location of the subject property and provided a brief overview of the proposal, noting that the applicant's intent is to convert the existing vacant building on the site to a church, and the City of Gulfport does not allow institutional uses in a CRD or underlying zoning district.

Planners Advisory Committee (PAC) Chair Lauren Matzke indicated that the amendment had been unanimously approved by the PAC at its June 3, 2013 meeting.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Thereupon, Councilmember Hock-DiPolito moved, seconded by Mayor Archie and carried, that Case CW 13-4 be approved as recommended by staff (Vote 10-0).

REGULAR AMENDMENT

CASE CW 13-5, PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE (RE) AND RESIDENTIAL LOW MEDIUM (RLM) WITH RESORT FACILITIES OVERLAY (RFO) TO RESIDENTIAL HIGH (RH) – APPROVED WITH CONDITIONS

Pursuant to legal notice published in the May 25, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 13-5, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from RE and RLM with RFO to RH, re 13.8 acres m.o.l., located at 2098 Seminole Boulevard and the contiguous southern parcel.

Mr. Crawford noted that the Council previously heard the case as CW 12-16 in December 2012; that the Council continued the case to January 2013, as wetlands were identified at the meeting and an Annexation Agreement was introduced when Countywide Rules call for a Development Agreement; and that, subsequently, the amendment was withdrawn by the City of Largo. He indicated that the new proposal replaces the Annexation Agreement with a Development Agreement; that it proposes the same 260 apartment units, but removes the

previous 19 units per acre description; and that the on-site wetlands (approximately 2.0 acres) still have not been identified.

Referring to aerial and ground level photographs and the Future Land Use Map, Mr. Schoderbock pointed out the location of the subject site and described surrounding uses, including the Largo Mall, restaurants, commercial and office buildings, mobile home parks, apartments, condominium complexes, duplexes, triplexes, and single family homes. He indicated that the property is to the north of Ulmerton Road and to the west of Seminole Boulevard; that the site has two parcels, one of which contains the Briarwood Recreational Vehicle (RV) Park with approximately 138 RV lots and the other containing storage units of RV and other accessories.

Mr. Schoderbock provided a brief overview of the proposal, noting that the applicant proposes to mitigate the wetland areas as depicted on a yet to be developed site plan and allocate an exclusive entrance to the site for emergency vehicles; that the request is to develop the site with an apartment complex with 260 total units, which is fewer than the RH designation allows; that the site is located in what the City of Largo has recognized as an “Activity Center” around Largo Mall; that even though the amendment will impact Ulmerton Road, which is currently operating at 49 percent over capacity, work is underway which should improve the road to Levels of Service B and D to the west and to the east, respectively.

Mr. Schoderbock, with input by Mr. Crawford, related that, with the Development Agreement, the site is consistent with the Countywide rules; that the proposed site meets the purpose and location characteristics of the Residential High zoning designation; that the proposal is compatible with the City of Largo’s strategic plan for higher residential density and intensity; and that the location is on the enhanced bus network corridor.

Thereupon, Mr. Schoderbock indicated that staff recommends approval of the proposed amendment subject to:

1. The restrictions contained in the attached Development Agreement.
2. The submission of a Countywide Map Adjustment to Preservation for the resulting on-site wetlands following approval of the Development Order by the City of Largo.
3. The secondary access point on 20th Terrace SW shall be used for emergency vehicles only.

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In response to queries by Commissioner Shavlan, Mr. Crawford confirmed that the Development Agreement limits the number of apartment units from the 414 that is allowed in RH to 260 units; and that the buildings are restricted to four stories, 70 feet high.

PAC Chair Lauren Matzke indicated that the Committee members were originally concerned about the setbacks, but the site plan and concept plan showed increased setbacks on the south side adjacent to the abutting surrounded areas; whereupon, she stated that PAC unanimously approved the amendment with the conditions in the staff report, as outlined in the Agenda Memorandum dated June 13, 2013, a copy of which has been filed and made a part of the record.

Carol Stricklin, Community Development Director, City of Largo, reiterated that the application and Development Agreement align with the City of Largo's strategic plan for economic development; that two major arterial roadways, along with primary transit corridors, supply adequate transportation; that, with the engagement of the surrounding residents, the compatibility and other concerns of the community have been addressed and satisfied; that the developer has provided the City with a letter regarding relocation options for the long-term residents of the Briarwood RV Park, a copy of which has been filed and made a part of the record; and that the City is committed to seeing that the binding commitments are honored; whereupon, she stated that the City of Largo strongly supports the project.

Jesus Nino, Principal Planner, City of Largo, presented a brief description of the terms and conditions of the Development Agreement, relating that it addresses the building height, dwelling unit density, setbacks, and buffers, and has a concept plan attached showing the design of the proposed property complex. He indicated that the Development Agreement will be for a period of 30 years from the effective date; that it limits the property to no more than 260 units; that a neighborhood compatibility meeting will be conducted prior to final site plan approval; that the developer will strictly adhere to the buffer and setbacks as specified on the concept plan; and that the Council will need to approve any significant modification to the Development Agreement, as the Development Agreement is a condition of the Land Use Amendment; whereupon, he stated for the record that Largo staff agrees with the PAC and PPC recommendations; and that the recommendation that 20th Terrace SW will only be used for an emergency exit was added to the site plan, which is part of the Development Agreement.

During discussion regarding procedure, E.D. Armstrong, attorney for the applicant/property owner, pointed out that in accordance with the rules of the Council, the applicant/local government is entitled to speak ten minutes and the applicant/property owner is entitled to speak an additional ten minutes, and Chairman Kennedy concurred.

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Attorney Armstrong stated that the Development Agreement gives the Council protection regarding the concerns it had when the request was heard in December 2012; that, as a matter of law, the Briarwood RV Park is a recreational vehicle park, not a mobile home park; and that, although not required by law, his client went through an outreach program to assist with alternative housing for the residents of the park; whereupon, he indicated that he has three expert witnesses available to answer questions from the Council: an environmental expert, an authority on alternative housing, and an attorney who is versed in the laws governing mobile homes.

Robert Pergolizzi, Principal Planner, Gulfcoast Consulting, distributed three letters received from businesses adjacent to the proposed site expressing support of the application. He discussed the buffers and other mitigation efforts delineated in the concept plan, indicating that they are binding upon the applicant; whereupon, he stated that the applicant has met and exceeded all the Code requirements of the City of Largo regarding setbacks.

In response to the Chairman's call for proponents to the request, the following individuals appeared and expressed their support:

Joe Falanga, Central Pinellas Chamber of Commerce Economic Development Committee
Debra Jones, Central Pinellas Chamber of Commerce Economic Development Committee
Tom Morrissette, Central Pinellas Chamber of Commerce Economic Development Committee

In response to the Chairman's call for opponents to the request, Christina Allamanno, Staff Attorney, St. Petersburg Gulfcoast Legal Services, expressed her concerns, indicating that over eighteen households will be displaced if the application is approved; that she has not received a copy of the Developer's relocation assistance letter; and that the waiting lists for affordable housing in Pinellas County are full; whereupon, Attorney Allamanno asked that provisions for low income housing for the displaced residents be included in the Development Agreement. Following her comments, Chairman Kennedy provided Attorney Allamanno with copies of the documents that were distributed earlier.

In rebuttal, Attorney Armstrong pointed out that the relationships between the RV Park and the RV Park residents are private contractual matters; that the role of the PPC is to make a decision on a land use plan amendment and decide if the application is consistent or inconsistent with the Countywide rules; and that no evidence or testimony has shown the application to be inconsistent with the Countywide rules.

Responding to queries by Chairman Kennedy and Ms. O'Shea, Attorney Armstrong, with input by Mr. Crawford, indicated that the number of bedrooms per apartment

will disclose the impact to schools; and that the information is not known at this time, as the applicant is awaiting Council and Board of County Commissioners approval before beginning detailed planning. He related that the City of Largo conducted an extensive analysis on the project's traffic impact on Seminole Boulevard and Ulmerton Road; and that upon completion of the programmed improvements to Ulmerton Road, there will be no degradation in the level of service.

Mayor Archie indicated that the Council received a letter outlining the steps that Ms. Stricklin has taken to alleviate relocation concerns, and suggested that the dialogue continue in order to address some of the issues brought before the Board today. Commissioner Crozier expressed appreciation to the developer for his relocation efforts, and noted that the Largo Commission, the Largo Housing Authority, and Ms. Stricklin and her staff, care about the residents and will continue to accommodate the relocation plight of the residents; whereupon, Councilmember Hock-DiPolito pointed out that some RV Parks have indicated that housing is available and they are willing to work with the applicant and the residents.

Thereupon, Vice-Mayor Mullins moved, seconded by Vice-Mayor Cookie Kennedy and carried, that Case CW 13-5 be approved as recommended by staff (Vote 10-0).

REPORTS AND OTHER ACTION

A. Countywide Plan and Transportation Update (Verbal) – Received/Discussed

Mr. Crawford reported on the coordinating efforts staff undertook regarding the new vision map related to the update of the Countywide Plan, and related that meetings were held with the Cities of Largo, St. Petersburg, and Clearwater and one is planned with the Transportation Land Use Work Group in Largo. Referring to the Countywide Plan Update Work Program timeline, Mr. Crawford indicated that that Phase II, Policy Development, Countywide Rule Drafting, and Future-Oriented Map Development is underway and progressing well. He indicated that the PPC is required to have a draft of the Rules completed in the next couple of months, but the deadline will probably not be met.

Mr. Crawford indicated that the Green Light Pinellas project is concluding in August with a draft of the transportation plan and the financial assumptions for the transit referendum tax in November of 2014, and land use is a part of that. He related that although the update of the Countywide Plan will not be complete in August, he is receiving requests to have a concept, or draft form, ready to include with the Green Light Pinellas project; that he can possibly pull out enough data from Phase II for the draft; and, if so, he will bring it back to the

Council in July; whereupon, Chairman Kennedy related that he had suggested to Mr. Crawford that staff have the draft ready so it can be presented as a unit with the transportation portion, as land use is a vital element of Green Light Pinellas; and that he has confidence that staff will be able to meet the expectations.

Mr. Crawford related that he attended the County Commission Workshop last week, noting that the County is changing its Land Development Code and Comprehensive Plan similar to what is planned for the Countywide Plan. He reported on the presentations staff made to the Dunedin Chamber of Commerce and the Advisory Committee on Pinellas Transit (ACPT) in May on transit oriented development, noting that the presentations were well received; and that a suggestion was made that the presentation include maps showing the new transit plan throughout the entire county.

Mr. Crawford related that at the June ACPT meeting, the Pinellas Suncoast Transit Authority (PSTA) presented a presentation that included a “new revenue scenario” related to the community bus plan that ties in with the transit tax and will offer significant improvements to the present transit system. He related that the City of Oldsmar was discussed as to its proposed target employment and activity centers and he will follow up how it is impacted by the Community Bus Plan.

B. Composite Annexation Report Fiscal Years 2001 to 2012 – Received

Mr. Schoderbock provided an overview of the annexation report process, and conducted a PowerPoint presentation titled *Composite Annexation Report for Pinellas County Fiscal Years 2001 – 2012*, a copy of which has been filed and made a part of the record. He indicated that the per capita taxable value calculation used for comparison purposes was removed from this year’s report, as it is a good tool to examine the effects of large residential annexation areas, but provides a skewed result when considering small areas. He presented highlights regarding the taxable value impact when comparing incorporated and unincorporated areas, and discussed the implications to Municipal Service Taxing Unit (MSTU) revenue, population, and acreage, and indicated that there has been only one referendum annexation in the last nine years; and that voluntary annexations have been decreasing over time.

Thereupon, Councilmember Hock-DiPolito moved, seconded by Mayor Ayoub and carried, that the Composite Annexation Report for Fiscal Years 2000/01 – 2011/12 be accepted and authorized transmittal to the Countywide Planning Authority for receipt and acceptance (Vote 10-0).

EXECUTIVE DIRECTOR ITEMS

A. PPC/MPO Unification Update (Verbal) – Received/Discussed

Mr. Crawford reported that the three area MPOs met on May 31 to discuss regionalization; and that they decided to remain independent, but agreed to coordinate regional priorities by establishing a steering committee to address the regional transportation issues. He related that the Pinellas County MPO took action earlier today to remain a single-county MPO; that the reapportionment plan will go back to the MPO for approval in July; that the member local governments will be notified that the MPO will have 60 days after receipt of the Governor’s letter of approval to seat the new unified board; and that the Joint Land Use and Transportation Executive Committee plans to meet prior to the July MPO and PPC meetings.

B. Annual and Five-Year Work Programs for FY 14 and FY 14 through 18 - Draft – Received

Referring to the Annual Work Program for Fiscal Year 2013-2014, Mr. Crawford indicated that there are no changes to the draft of the Annual Work Program as reviewed with the Council at its April meeting; that the Annual Work Program for Fiscal Year 2013-2014 is organized around three major functions: update of the Countywide Plan, local governmental assistance in administration of the Countywide Plan, and amendment consistency with local governments and the Countywide Plan; whereupon, he noted the move towards facilitation and away from regulation of land use and the focus on unification and the update of the Countywide Plan.

C. Annual Budget and Millage Rate for FY 14 – Draft – Received/Discussed

Referring to the Fiscal Year 2014 budget, Mr. Crawford indicated that the proposed budget was presented to the Board of County Commissioners on May 9, 2013; and that the changes that have occurred since the May meeting are:

- The estimated ad valorem tax values have increased above last year’s total taxable values, and another preliminary tax roll certification is expected on June 24, 2013.
- The “rent” line item has been moved to the “unassigned fund balance” as it is not an actual expenditure, but a deferred payment.

- The Florida Retirement System contributions will be increased in the upcoming fiscal year and, due to this, he is recommending a higher millage rate of 0.0160.

Mr. Crawford provided a summary of the two main budget items: expected revenues and proposed expenditures, and indicated that with the Council's input and as preliminary estimates of ad valorem values are made available from the Property Appraiser, a draft of the budget will be further refined and coordinated with the annual work program; and that the Council will be asked to approve both documents in July.

D. Case CW 13-2 Safety Harbor, Request for Administrative Hearing – Received/Discussed/Authorized Execution of Contract with the Department of Administrative Hearings

Referring to a land use amendment case submitted by the City of Safety Harbor in April 2013 which the Council approved by a split vote and the Countywide Planning Authority (CPA) denied unanimously, Mr. Crawford indicated that the Richman Group of Florida, Inc., has filed a petition for an administrative hearing in accordance with Countywide Rule Section 3.3.2.3; and that the CPA will take final action on the case based upon the findings of fact of the administrative hearing. He related that the last administrative hearing involving the CPA was held in 2003; and that a summary sheet on Division of Administrative Hearings is attached for the Council's review; whereupon, he provided an overview of the administrative hearing process.

In response to query by Vice-Mayor Mullins regarding the cost to the landowner, Mr. Crawford related that he is unaware of the actual costs other than hiring the attorneys to bring the case before the hearing officer; whereupon, Chairman Kennedy pointed out that this is the case that precipitated the industrial land discussion to be held next month.

Later in the meeting and in response to query by Councilmember Hock-DiPolito, Mr. Crawford related that consolidation of the County Code will not be completed prior to the administrative hearing and, if completed, would have no bearing on the case as the hearing would pertain to the Countywide rules, the local government's comprehensive plan, and the land development regulations; whereupon, Mr. Crawford indicated that as the PPC hires the Administrative Law Judge, an updated fee contract has been approved as to form by Attorney White; that the fees have changed from \$100 per hour in 2001 to the current fee of \$141 per hour in addition to travel costs; and that following the Council's authorization, the contract will be forwarded to the Department of Administrative Hearings for the Administrative Law Judge's signature.

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Thereupon, Mayor Eggers moved, seconded by Vice-Mayor Mullins and carried, that the Department of Administrative Hearings Contract be approved (Vote 10-0).

E. Verbal Reports

Mr. Crawford expressed thanks to staff for their hard work and the PAC Chair Lauren Matzke for her leadership and coordination with webinars and community outreach, and Chairman Kennedy and Councilmember Hock-DiPolito concurred.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items - None

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:37 P.M.

Chairman