

MINUTES OF THE MEETING OF THE  
PINELLAS PLANNING COUNCIL  
December 11, 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 3:10 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  
Harriet K. Crozier, City of Largo Commissioner  
Dave Eggers, City of Dunedin Mayor  
Joanne “Cookie” Kennedy, City of Indian Rocks Beach Vice-Mayor  
Peggy O’Shea, Pinellas County School Board Member

Not Present:

Joe Ayoub, City of Safety Harbor Mayor  
Doug Bevis, City of Oldsmar Mayor  
Doreen Hock-DiPolito, City of Clearwater Councilmember  
Jerry Mullins, City of Pinellas Park Vice-Mayor  
Marvin Shavlan, City of St. Pete Beach Commissioner

Also Present:

Michael C. Crawford, Interim Executive Director, PPC  
Linda A. Fisher, PPC Staff  
Michael D. Schoderbock, PPC Staff  
Carolyn Shoemaker, PPC Staff  
Jewel White, Managing Assistant County Attorney  
Other interested individuals  
Michael P. Schmidt, Board Reporter, Deputy Clerk

AGENDA

- I. CALL TO ORDER
  - A. Invocation and Pledge
  - B. Identification of Members Present
  
- II. CONSENT AGENDA
  - A. Minutes of November 13, 2013 Council Meeting
  - B. Financial Statement for November 2013
  - C. CPA Actions – December 2013
  - D. Annexation Report – November 2013

- E. Preliminary January 2014 Agenda
  - F. November Correspondence and PAC Agenda Action Sheet (Draft)
- 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 13-15: Pinellas County
      - 2. Case CW 13-16: City of Clearwater
    - Regular Amendments
      - 3. Case CW 13-17: City of Pinellas Park
- IV. REPORTS/OTHER ACTION
- A. Enterprise Geographic Information Systems (EGIS) – Update
- V. EXECUTIVE DIRECTOR ITEMS
- A. PPC/MPO Unification Update (Verbal)
  - B. Countywide Plan and Transportation Update (Verbal)
  - C. Division of Administrative Hearings Recommended Order, Case CW 13-2, City of Safety Harbor
  - D. PAC Membership Roster for 2014
  - E. Verbal Reports
- VI. OTHER COUNCIL BUSINESS
- A. Chairman/Member Items
    - 1. Election of 2014 Officers
- VII. ADJOURNMENT

CALL TO ORDER

Chairman Kennedy called the meeting to order at 3:10 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Vice-Mayor Cookie Kennedy, 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 November 13, 2013 Council Meeting
- B. Financial Statement for November 2013
- C. Countywide Planning Authority (CPA) Actions – December 2013
- D. Annexation Report – November 2013
- E. Preliminary January 2014 Agenda
- F. November Correspondence and Planners Advisory Committee (PAC)  
Agenda Action Sheet (Draft)

Mayor Eggers moved, seconded by Commissioner Morroni and carried, that the Consent Agenda items be approved (Vote 8–0).

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

PUBLIC HEARING: CASE CW 13-15, A PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN (RU) TO RESIDENTIAL/OFFICE GENERAL (R/OG) – APPROVED AS PER STAFF RECOMMENDATION

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Pursuant to legal notice published in the November 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 13-15, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from RU to R/OG, re 0.1 acre m.o.l., located at 3211 Alternate U.S. Highway 19, Palm Harbor.

Referring to an aerial photograph and the land use map, Mr. Schoderbock pointed out the location of the subject area, described surrounding land uses, and provided a brief overview of the proposal, indicating that the proposed amendment is subthreshold; that it seeks to reclassify a 0.1-acre portion of a 0.34-acre parcel to Residential/Office General; that the reclassification to R/OG will allow a new parking area to be developed for a Moose Lodge located on the property; that a similar case was recently heard for a nearby property; and that staff recommends approval of the proposed amendment.

Planners Advisory Committee (PAC) Chairman Lauren Matzke indicated that the PAC had voted 10 to 0 in favor of the request.

Responding to the Chairman's call for the applicant, Planning Department Zoning Manager John F. Cueva appeared and offered to answer any questions. No one responded to the Chairman's call for citizens wishing to be heard.

Thereupon, Commissioner Morroni moved, seconded by Mayor Henderson and carried, that Case CW 13-15 be approved as recommended by staff (Vote 8-0).

**PUBLIC HEARING: CASE CW 13-16, A PROPOSAL BY THE CITY OF CLEARWATER TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL URBAN (RU) – APPROVED AS PER STAFF RECOMMENDATION**

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Pursuant to legal notice published in the November 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 13-16, a proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from RL to RU, re 0.4 acre m.o.l., located at 1569 and 1571 Sunset Point Road.

Referring to aerial photographs and the land use map, Mr. Schoderbock pointed out the location of the subject property, described surrounding land uses, and provided a brief overview of the proposal, indicating that the proposed amendment is subthreshold; that it seeks to reclassify two vacant parcels totaling 0.4 acres to Residential Urban; that the reclassification to RU will allow for sufficient density for the development of two single-family homes; and that staff recommends approval of the proposed amendment.

PAC Chairman Lauren Matzke indicated that the PAC had voted 10 to 0 in favor of the request.

Ms. Matzke, representing the City of Clearwater, appeared in support of the proposed amendment.

Responding to the Chairman's call for individuals wishing to be heard, Marcus Vernon, Clearwater, related that he represents the applicant and offered to answer any questions.

Thereupon, Mayor Henderson moved, seconded by Mayor Archie and carried, that Case CW 13-16 be approved as recommended by staff (Vote 8-0).

**REGULAR AMENDMENTS**

**PUBLIC HEARING: CASE CW 13-17, A PROPOSAL BY THE CITY OF PINELLAS PARK TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL GENERAL (IG) AND WATER/DRAINAGE FEATURE (W/DF) TO INDUSTRIAL LIMITED (IL) – APPROVED AS PER STAFF RECOMMENDATION**

Pursuant to legal notice published in the November 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 13-17, a proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from IG and W/DF to IL, re 9.8 acres m.o.l., located at 5465 126<sup>th</sup> Avenue North.

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 a brief overview of the proposal, indicating that the proposed amendment is a regular amendment; that it seeks to reclassify two parcels totaling 9.8 acres from Industrial General, 7.3 acres, and Water/Drainage Feature, 2.5 acres, to Industrial Limited, 9.8 acres; that the parcel is currently vacant and was previously used for outdoor vehicle storage; that the property owner proposes to develop the site with an industrial/office park, and that the water designation on the site is a former borrow pit that will be removed; whereupon, he indicated that while the proposed amendment would result in a net loss of land designated as Industrial General, the end result would be an overall gain of 2.5 acres of industrially designated land; that the site is of sufficient size to accommodate an industrial/mixed-use project; that it is an appropriate location for the IL category; and that staff recommends approval of the proposed amendment.

During discussion and in response to queries by Commissioner Crozier, Mr. Schoderbock, with input by Mr. Crawford, discussed the countywide process regarding water features and, referring to the partially-filled onsite borrow pit, indicated that a manmade water feature of three acres or less is not required to be designated as a water feature on the map; whereupon, he related that either the Industrial General or Industrial Limited category would be an acceptable land use designation for the subject property.

PAC Chairman Lauren Matzke indicated that the PAC had voted 10 to 0 in favor of the request.

Responding to the Chairman's call for the applicant, City of Pinellas Park Zoning Director Dean Neal appeared in support of the proposed amendment, and related that when the parcel was annexed by Pinellas Park, it had been zoned M-1 (Light Manufacturing and Industry District), which is inconsistent with the IG land use classification; and that because the surrounding area consists of light industrial uses, a combination of M-1 zoning and IL land use would be more appropriate and offer the potential for job creation; whereupon, Mr. Neal provided additional information regarding water features on the parcel, and related that even though the borrow pit will be filled, a retention pond will subsequently be excavated to mitigate for the construction of roads and other impermeable surfaces; and that it will be done in compliance with Southwest Florida Water Management District (SWFWMD) drainage regulations and those of Pinellas Park.

No one responded to the Chairman's call for citizens wishing to be heard.

Thereupon, Commissioner Morroni moved, seconded by Mayor Henderson and carried, that Case CW 13-17 be approved as recommended by staff (Vote 8-0).

## REPORTS AND OTHER ACTION

### A. Enterprise Geographic Information Systems (EGIS) – Update – Received/Discussed

Mr. Schoderbock indicated that the item had been deferred at the November 13 meeting due to time constraints; whereupon, he provided an overview of the Pinellas County EGIS initiative, and discussed the EGIS objectives, the EGIS Steering Committee, the EGIS Bureau, the County's Environmental System Research Institute, Inc. (ESRI) Enterprise License Agreement, and the EGIS Server Infrastructure.

Mr. Schoderbock indicated that the EGIS initiative began in 2010; that because County departments and agencies have been using and maintaining different GIS software over the past several years, Business Technology Services (BTS), PPC staff, and other stakeholders have been working to consolidate GIS processes, to house the technology in a central location, and to offer more accessibility to County departments and the general public; whereupon, he indicated that PPC staff has received advanced ESRI GIS training and has migrated all of its data to the County EGIS servers; that the infrastructure contains redundant backup to keep the data secure; and that the data can be shared.

Mr. Schoderbock indicated that there will be two new County GIS websites, one internal and one external, which will provide GIS applications beginning in January 2014; and that the new technologies will assist his office in continuing to maintain the zoning and future land use data for nine local governments; whereupon, Mr. Schoderbock discussed GIS Days, indicating that staff from the Planning Council and the Planning Department co-hosted a reception during November for the monthly event; and related that at the request of the Communications Department, maps, provided by PPC staff, are now on permanent display in the County Courthouse lobby.

Thereupon, Mr. Schoderbock provided a demonstration of EGIS, showed how a citizen would interact with the system, pointed out the various function screens including, “My Neighborhood Services” and “Land Use Viewer,” and discussed system search capabilities, transferring of data, and similar topics; whereupon, in response to queries and comments by School Board Member O’Shea, Mr. Schoderbock related that through the ESRI Enterprise License Agreement, all agencies in Pinellas County, including the School Board, will have access to EGIS; and that while the cities will have access, it will be with limited-function capability.

In response to queries and comments by the members, Mr. Schoderbock presented information pertaining to the Biggert-Waters Flood Insurance Reform Act, and related that the EGIS Bureau is working on getting updated flood zone data added to the system; and that while his office can internally access elevation data, he is unsure whether it will be available to the public at large or only to internal departments; whereupon, Mr. Crawford, with input by Mr. Schoderbock, agreed to inform the members if the latter is the case, and indicated that while the information is available on the Flood Emergency Management Agency (FEMA) website, it is very difficult to locate; that while FEMA updates its flood zone information every three to six months, the EGIS Bureau will update its information on a monthly basis; that the system should be up and running by January; and that his office anticipates engaging in planning studies in Fiscal Year 2015 on behalf of local governments taking advantage of EGIS.

EXECUTIVE DIRECTOR ITEMS

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

Mr. Crawford indicated that staff is awaiting the Governor’s signature on the Reapportionment Plan, which should occur by the end of the year; that once the Governor signs, the Special Act becomes an updated Special Act; and that an Executive Committee meeting will likely be held following the Governor’s signature and prior to the next PPC meeting; whereupon, he indicated that outgoing City of St. Petersburg Councilmember Jeff Danner will no longer be serving on the Metropolitan Planning Organization (MPO) Board or the Executive Committee.

Commissioner Morroni remarked that if the Executive Committee meeting is held on January 8, 2014, it will conflict with the Mayor’s Council Luncheon; whereupon, Mr. Crawford related that while the possibility exists that the Governor may not even sign the Plan by that date, he will inform Commissioner Seel, Executive Committee Chair, of the conflict.

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

Mr. Crawford provided an update regarding the recent activities of the Advisory Committee on Pinellas Transportation (ACPT), indicating that the ACPT finalized its work on the Greenlight Pinellas Plan, summarized its accomplishments, and provided the information to the Board of County Commissioners (BCC) who, after lengthy discussion, voted to put the question on the ballot for a countywide referendum; whereupon, Mr. Crawford discussed the future role of the ACPT, indicating that the Committee wants to continue; that it plans to meet at regular intervals over the coming year and engage in public education and outreach; that it wishes to retain flexibility; and that it wants to stay in touch with the following partner agencies: Pinellas Planning Council, Metropolitan Planning Organization, Pinellas Suncoast Transit Authority, and Tampa Bay Area Regional Transportation Authority, and discussion ensued.

Chairman Kennedy indicated that to ensure information disseminated regarding Greenlight Pinellas is factually correct, he would like the ACPT, as outlined in a Memorandum of Understanding, to be responsible for addressing concerns, negative comments, and incorrect information regarding the plan, and Commissioner Crozier agreed, indicating that over the next year it will be important to engage the community and provide information regarding the benefits of the initiative, and Commissioner Morroni provided input; whereupon, Chairman Kennedy provided a website address for citizens to obtain further information regarding the plan.



Mr. Crawford indicated that if the role of the ACPT changes significantly, a new Memorandum of Understanding would likely be presented to the Planning Council in February 2014; and that Chairman Kennedy and Councilmember Hock-DiPolito would be asked at that time if they wished to continue as ACPT Committee Members.

Thereupon, Mr. Crawford provided an update regarding the Countywide Plan. He reported that PPC staff is close to finalizing its modifications to the Plan and will be meeting with the Transportation and Land Use Working Group later in the week; whereupon, he briefly discussed Pinellas by Design, and related that the abbreviated tiered map amendment process will likely be finalized in February; and that a technical memorandum outlining all the concepts will be provided to the members for input and direction; and that following agreement on the major concepts, staff will write the Rules and hopes to present a complete package to the members at the May meeting.

C. Division of Administrative Hearings (DOAH) Recommended Order, Case CW 13-2, City of Safety Harbor – Received/Discussed/Provided Direction

Mr. Crawford provided background information regarding the item, and indicated that on April 10, 2013, the Council reviewed a Countywide Plan Map amendment request involving the loss of industrial acreage submitted by the City of Safety Harbor; that the Council recommended approval to the BCC sitting as the CPA; and that the CPA denied the request at its May 7 public hearing; whereupon, he indicated that following an Administrative Hearing held on the case for two days during August, the Administrative Law Judge issued the following Recommended Order on November 18:

*Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Countywide Planning Authority issue a final order approving the Amendment.*

Mr. Crawford indicated that written exceptions were filed on December 3, 2013, by the County Attorney's Office, and that the exceptions deal with:

1. Consistency with surrounding uses and the ability to buffer industrial and residential uses.
2. That the Countywide Plan is implemented through the Countywide Rules without having to repeat, paraphrase, or adopt by reference into the Countywide Rules.

3. The determination of what constitutes a larger, consolidated industrial area and that it does not require the subject parcel to be joined in one operation, including using access to rail, with the parcel south across 10th Street.
4. There was an agreement prior to the hearing that the Target Employment and Industrial Lands Study (TEILS) was not a document to be used in the case analysis, even though the judge used part of TEILS in his Findings of Fact.

Mr. Crawford related that the BCC, sitting as the CPA, will hear the case on January 14; that only the Findings of Fact, Conclusions of Law, and Recommended Order can be considered; and that future plan amendment reviews could be limited by allowing the Findings of Fact to stand as written; whereupon, he discussed the Countywide Rules, and indicated that staff will re-advertise the ordinance to be heard at the January 8 PPC meeting so the members can further review and revise the ordinance with respect to the preservation of industrial lands and the Findings of Fact; that staff will take the ordinance to the PAC; that the ordinance will then be heard at the January 14 and January 28 CPA public hearings; that there may be broader amendments that may have to be considered at a later date; and that every time another ordinance is proposed, it delays the Countywide Plan, so they need to finalize this ordinance and move on to the task at hand.

During discussion and in response to queries by Vice-Mayor Cookie Kennedy and Commissioner Morroni, Mr. Crawford presented detailed information relating to the appeals process, and indicated that the members will be voting on the industrial lands criteria ordinance and not on the recommended order for the Safety Harbor case. Mr. Crawford opined that the findings and conclusions of the Judge were not entirely correct; that the County Attorney's Office will address the BCC regarding the exceptions filed; and that because the Judge does not have legislative authority, the BCC will make the final determination regarding its decision; whereupon, Commissioner Morroni related that at the April 10 PPC meeting, the members voted 8 to 5 in favor of the amendment; and that he spoke against it.

In response to queries by Commissioner Crozier and School Board Member O'Shea, Attorney White provided detailed information regarding the Administrative Hearing process, and discussed the various options available to a developer appealing a final BCC decision, relating that the developer, Richmond Group of Florida, could appeal to the Circuit Court or possibly the Second District Court of Appeals, but that because the appeals process is very expensive, she is unsure if the developer would pursue that route; whereupon, she indicated that it is her understanding that the Richmond Group is the contract purchaser of the property, but that a closing has yet to take place.

Responding to comments and queries by Commissioner Morroni and Mayor Archie regarding the exceptions and the administrative process, Attorney White discussed how the process can be peculiar, relating that the exceptions will be ruled upon by the BCC, the body that actually denied the item in the first place; that, in her opinion, some of the pleadings likely merit exceptions; that while the findings of the BCC will be the final order, the appellate route can continue all the way to the Supreme Court; and that the Administrative Law Judge will not speak at the public hearing; whereupon, in response to questions by the Council regarding who might be allowed to speak at the hearing, Attorney White discussed a new bill which allows members of the public to address the County Commission on any matter, including advertised public hearing items, and indicated that the public will indeed be able to provide their comments at the January 14 hearing.

Following brief discussion and at the request of Mr. Crawford, Vice-Mayor Cookie Kennedy moved, seconded by School Board Member O'Shea and carried, that the ordinance regarding Industrial Lands Criteria be advertised and further reviewed at the January 8 PPC meeting (Vote 8-0).

D. PAC Membership Roster for 2014 – Received/Accepted

Mr. Crawford referred to the 2014 Planners Advisory Committee roster included in the agenda packet, and indicated that Marie Dauphinais, City of Oldsmar, and Michelle Orton, City of Treasure Island, have been elected 2014 Chairman and Vice-Chairman, respectively.

Thereupon, Mayor Eggers moved, seconded by Mayor Archie and carried, that the 2014 PAC Membership Roster be received and accepted for filing (Vote 8-0).

E. Verbal Reports

Mr. Crawford thanked the County Attorney staff for their assistance with the Administrative Hearing process, and recognized the PAC members for their hard work throughout the year.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

1. Election of 2014 Officers – Recommendation of Nominating Committee  
Approved

December 11, 2013

Chairman Kennedy offered the following slate of officers for 2014 as determined by the Nominating Committee:

Chairman – Mayor David O. Archie  
Vice-Chairman – Councilmember Doreen Hock-DiPolito  
Treasurer – Commissioner John Morroni  
Secretary – Mayor Joe Ayoub

Mayor Eggers moved, seconded by Mayor Henderson and carried, that the recommendation of the Nominating Committee be approved (Vote 8–0).

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:09 P.M.

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Chairman