

MINUTES OF THE MEETING OF THE  
PINELLAS PLANNING COUNCIL  
January 8, 2014

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:00 P.M. with the following members present:

David O. Archie, Chairman, City of Tarpon Springs Mayor  
Doreen Hock-DiPolito, Vice-Chairman, City of Clearwater Councilmember  
John Morroni, Treasurer, County Commissioner  
Doug Bevis, City of Oldsmar Mayor  
Harriet K. Crozier, City of Largo Commissioner  
Dave Eggers, City of Dunedin Mayor  
Jim Kennedy, City of St. Petersburg Councilmember  
Joanne “Cookie” Kennedy, City of Indian Rocks Beach Vice-Mayor  
Jerry Mullins, City of Pinellas Park Vice-Mayor

Not Present:

Joe Ayoub, Secretary, City of Safety Harbor Mayor  
Samuel Henderson, City of Gulfport Mayor  
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  
Linda A. Fisher, PPC Staff  
Christopher Mettler, PPC Staff  
Michael D. Schoderbock, PPC Staff  
Carolyn Shoemaker, PPC Staff  
Jewel White, Managing Assistant County Attorney  
Other interested individuals  
Arlene L. Smitke, Board Reporter, Deputy Clerk

AGENDA

- I. CALL TO ORDER
  - A. Invocation and Pledge
  - B. Identification of Members Present and Recognition of New Officers
  
- II. CONSENT AGENDA
  - A. Minutes of December 11, 2013 Council Meeting
  - B. Financial Statement for December 2013
  - C. CPA Actions – January 2014
  - D. Annexation Report – December 2013
  - E. Preliminary February 2014 Agenda
  - F. 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
    - None
    - Regular Amendments
      - 1. Case CW 14-01: Pinellas County
      - 2. Case CW 14-02: Pinellas County
      - 3. Case CW 14-03: Pinellas County
      - 4. Case CW 14-04: City of Largo
  - C. Amendment of the Countywide Rules re: Reservation of Industrial Lands
  
- IV. REPORTS/OTHER ACTION
  - A. Minor Plan Change: Case CW 97-62, SAP Change No. 2-2014 – City of Largo
  - B. Annual Report – Authorization to Print and Distribute
  
- V. EXECUTIVE DIRECTOR ITEMS
  - A. PPC/MPO Unification Update (Verbal)
  - B. Countywide Plan and Transportation Update
  - C. Verbal Reports
  
- VI. OTHER COUNCIL BUSINESS
  - A. Chairman/Member Items
  
- VII. ADJOURNMENT

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CALL TO ORDER

Chairman Archie called the meeting to order at 3:00 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

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

IDENTIFICATION OF MEMBERS PRESENT AND RECOGNITION OF NEW OFFICERS

At the Chairman's request, a roll call was taken in which the members introduced themselves and the 2014 officers were identified.

CONSENT AGENDA – APPROVED

Chairman Archie presented the Consent Agenda items, as follows:

- A. Minutes of December 11, 2013 Council Meeting
- B. Financial Statement for December 2013
- C. Countywide Planning Authority (CPA) Actions – January 2014
- D. Annexation Report – December 2013
- E. Preliminary February 2014 Agenda
- F. 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 9–0).

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

REGULAR AMENDMENTS

PUBLIC HEARING: CASE CW 14-01, A PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL/OFFICE/RETAIL (R/O/R), RESIDENTIAL LOW (RL), PRESERVATION (P), AND WATER/DRAINAGE FEATURE OVERLAY (W/DF) TO RESIDENTIAL/OFFICE/RETAIL (R/O/R) AND RESIDENTIAL LOW (R/L) – APPROVED AS PER STAFF RECOMMENDATION

Pursuant to legal notice published in the December 21, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-01, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from R/O/R, RL, P, and W/DF to R/O/R and RL, re 1.9 acres m.o.l., located at 29703 U.S. Highway 19, Palm Harbor.

Referring to aerial and street-level photographs 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 site consists of four parcels currently containing a motorcycle and personal watercraft retail store; that the applicant wishes to expand the use on the site to include additional parking, stormwater treatment, and landscaping; and that two mobile homes will be removed. He related that the Preservation designation reflects Pinellas County's original drainage plan for the area; that the map does not accurately reflect the development that has occurred; and that a site inspection showed that the Preservation category is no longer warranted; whereupon, he presented staff's recommendation for approval.

Planners Advisory Committee (PAC) Chairman Marie Dauphinais indicated that the PAC had discussed the item, concurred with staff's recommendation, and, although a quorum was not present at the meeting, had voted 7 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 responding to queries by the members, related that the

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mobile homes are not occupied; and that the parcel to the east will retain its residential zoning and will be used for parking and stormwater retention, and no additional building will occur.

In response to the Chairman's call for proponents, Mike Gaylor, Gaylor Engineering, Lutz, indicated that he is the engineer of record for the project. He confirmed that the mobile homes are unoccupied, and indicated that the proposal cleans up historical conditions on the site by adding a stormwater plan, removing a significant amount of asphalt, and adding landscaping, creating a win-win situation for all parties.

No one appeared in response to the Chairman's call for opponents; whereupon, Vice-Mayor Cookie Kennedy moved, seconded by Councilmember Hock-DiPolito and carried, that Case CW 14-01 be approved as recommended by staff (Vote 9-0).

**PUBLIC HEARING: CASE CW 14-02, A PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL GENERAL (CG), RESIDENTIAL SUBURBAN (RS), PRESERVATION (P), WATER DRAINAGE FEATURE, AND WATER/DRAINAGE FEATURE OVERLAY (W/DF) TO RESIDENTIAL LOW MEDIUM (RLM), PRESERVATION (P), AND WATER/DRAINAGE FEATURE OVERLAY (W/DF) – APPROVED SUBJECT TO ACCOMPANYING DEVELOPMENT AGREEMENT**

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Pursuant to legal notice published in the December 21, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-02, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from CG, RS, P, and W/DF to RLM, P, and W/DF, re 55.6 acres m.o.l., located at 1800 Alternate U.S. Highway 19 (South Pinellas Avenue).

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 as set forth in the accompanying development agreement, as follows:

- ▶ Develop the property with a 125-unit affordable housing complex on 3-1/2 acre portion on the southeast area of the site and a single family residence in an area on the northeast portion.
  
- ▶ Change land use designation from CG to RLM to allow residential units.

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- ▶ Pursuant to a wetland jurisdictional survey, reclassify additional uplands to RLM, for a total of 6.7 acres RLM, and cluster the density to the two areas to be developed.
- ▶ Transfer a portion of the development rights from the wetland portion of the site to the upland portions, as authorized by the Countywide Rules.
- ▶ Utilize Affordable Housing provision in the Countywide Rules to achieve a 50-percent density bonus.

Mr. Schoderbock reviewed the calculations used by the developer to justify the requested 126 units; whereupon, he presented staff's recommendation for denial, indicating that the request is inconsistent with the Countywide Rules; that the RLM category is not appropriate for the area; that concentration of 125 units on 3-1/2 acres yields an effective density of 35 units per acre, which is more in line with the Residential High category; and that the density does not fit the character and scale of the surrounding low density neighborhoods and low intensity commercial uses.

Responding to query by Commissioner Crozier, Mr. Crawford indicated that PPC staff had spoken with County staff and the applicant, who indicated that certain barriers exist with regard to the affordable housing component that would prohibit a significant reduction in the proposed density.

Chairman Archie inquired as to concerns noted in the staff report pertaining to the status of U.S. Alternate Highway 19, and Messrs. Schoderbock and Crawford related that the roadway is classified at a Level of Service D; that calculations indicate a potential reduction of 700.7 daily trips, which would not lower the Level of Service; and that, per the Countywide Rules, Maximum Daily Trips are calculated based solely on an average for the various Plan Map categories, not on the actual uses. Mr. Schoderbock indicated that because Alternate 19 is considered a Constrained Corridor, County policy would limit development to 50 percent of the maximum allowable dwelling units, unless the developer submits a Transportation Management Plan; that the developer has committed to construct a bus shelter and 200 feet of sidewalk adjacent to the site; and that the County has approved the plan, allowing the maximum number of units under the zoning classification; whereupon, Mr. Crawford pointed out that the RLM category, at ten units per acre, is intended for use along a collector roadway, not an arterial roadway such as Alternate 19.

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PAC Chairman Marie Dauphinais indicated that the Committee had discussed the item at length; that it understands the importance of the affordable element and wetland preservation, as well as the importance of the project to the developer and the jurisdiction; and that, although a quorum was not present, it had ultimately voted 6 to 1 in favor of staff's recommendation of denial, with Pinellas County dissenting.

Responding to the Chairman's call for the applicant local government, Planning Department Zoning Manager John F. Cueva stated his opposition to staff's recommendation for denial, noting that staff has been in discussions with the developer for a long time; that the developer altered its concept plan to address concerns expressed by staff and residents pertaining to the Curlew Avenue intersection; that staff believes a density of ten units per acre is consistent, as the Countywide Plan currently allows 24 units per acre in CG; and that the location along a minor arterial roadway is appropriate, in light of the transportation mitigation plan. Mr. Cueva referred to a photograph displayed earlier by Mr. Schoderbock and indicated that a five- or seven-story building would not be visible from an adjacent single-family residence due to the vast Preservation area between the two, which will not be developed. Referring to the staff report, Mr. Cueva concurred with the opinion that RLM is an appropriate designation for certain upland areas and would serve as transition for various surrounding uses.

Mr. Cueva indicated that there was a lot of citizen involvement earlier in the process; that no concerns were expressed at the County Commission hearing; and that the BCC had approved the application and development agreement by a vote of 6 to 0. Commissioner Morroni noted that he was not present at the meeting; and responding to his query, Mr. Crawford clarified the process, noting that the item before the Council today was submitted by Pinellas County as the applicant local government; and that the item will go back to the BCC, sitting as the Countywide Planning Authority, as well as the local government with jurisdiction.

Noting that the property in question lies adjacent to the City of Tarpon Springs, Vice-Mayor Cookie Kennedy inquired as to any input Chairman Archie wished to provide; whereupon, he indicated that the City had discussed the issue in terms of possible future annexation, but had not reviewed the proposal in depth; and that staff had expressed some concern regarding the proposed density and potential traffic issues.

Discussion continued, and in response to query by Mayor Eggers, Mr. Cueva clarified that the Pinellas County Zoning Code does not allow residential uses in C-2 zoning; however, the Countywide Rules allow up to 24 residential units per acre in the CG land use category; and therefore, adjacent property currently in the City could potentially be developed at

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a density of 24 units per acre. He pointed out that the entire parcel consists of 55 acres; that due to the transfer of development rights, otherwise developable uplands will not be developed; and that the traffic impact would be much greater if the property were developed as C-2.

Responding to queries by Commissioner Morroni and Mayor Eggers regarding the affordable housing density bonus, Mr. Cueva related that all the units are not required to be “affordable,” and Planning Division Manager Gordon R. Beardslee indicated that at least 20 percent of the 125 units must be made available for persons whose income does not exceed 60 percent of the area’s median household income; and that the subject property is located within a half mile of a hospital, and the development could provide affordable housing for hospital employees.

E. D. Armstrong III, Esquire, Hill Ward Henderson, Clearwater, indicated that he represents the applicant; and that he wished to respectfully remind the Council that, when sitting as a member of the Pinellas Planning Council, their obligation is to apply the Countywide Rules to every application that comes before them, not the rules of their respective local government or the rules of unincorporated Pinellas County.

Mr. Armstrong indicated that staff’s recommendation of denial is based on an assertion that the request is for too much density; whereupon, he reviewed the components of the proposal, noting that the requested category allows ten units per acre, while the Countywide Rules permit up to 24 units per acre; that staff concedes that the transfer of density and clustering to the development parcel is in complete and strict compliance with the Countywide Rules; and that additional density has been awarded under provisions created by the BCC, properly filed with the PPC in strict compliance with the Countywide Rules, and approved by the BCC by a vote of 6 to 0.

Referring to the staff report, Mr. Armstrong indicated that staff had conceded that the applicant did follow the Countywide Rules, but stated that “it is the final outcome/result of the proposed development that is the most important consideration when determining consistency with the Countywide Rules,” and concluded that “the resulting density on the proposed development site development of 35 units per acre is inconsistent with the Countywide Rules.” He stated that staff appears to be focusing on the development site, not the overall site; that the report contains no citation to any criteria that the applicant has failed to meet; and that he believes, as a matter of law, that the Council does not have the authority to recommend denial without reference to something in the Countywide Rules that suggests denial.



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Mr. Armstrong briefly addressed the issues of traffic, affordable housing, location along an arterial roadway, and natural buffering provided by the Preservation area; whereupon, referring to a recent ruling by an administrative law judge, he indicated that adherence to the Countywide Rules really does matter.

In rebuttal, Mr. Schoderbock cited Section 5.14 of the Countywide Rules, relating that the Council and CPA can consider a development agreement submitted by a local jurisdiction in accordance with the consistency criteria of the Countywide Rules; and that the concept plan submitted with the development agreement shows 125 units on the 3.5 acre portion of the property, hence the calculation of 35 units per acre. Mr. Crawford acknowledged that a portion of the property could be developed under the Countywide Plan with 24 residential units per acre, stated that he understands the reason behind the request for RLM, and related that staff has no issue with the individual items: affordable housing bonus, clustering, transfer of development rights, and the RLM classification, in some places; whereupon, he indicated that staff's intention was to point out positives and negatives, then arrive at what it believes to be an unbiased conclusion, which, based on the development agreement, is that the cumulative effect of the added density is not consistent with the Countywide Rules.

In response to queries by Councilmember Hock-DiPolito, Mr. Crawford related that Alternate 19/Pinellas Avenue is designated by Pinellas County as a constrained facility, and no capacity improvements are anticipated; and Chairman Archie indicated that he is not aware of any planned residential development of the adjacent CG properties located in the City of Tarpon Springs.

Commissioner Morroni inquired whether property owners in the area have received notice of today's meeting, and Mr. Crawford related that proper notice has been given, but the PPC notice goes only to the applicant. Noting that no citizens are present in opposition to the application, Commissioner Morroni indicated that nearby businesses would likely be thrilled to have the new apartment complex; and that the BCC, as the local government, unanimously approved the application and development agreement; whereupon, he moved, seconded by Councilmember Hock-DiPolito, that the PPC recommend approval of the amendment and accompanying development agreement to the Countywide Planning Authority.

Discussion continued, and Mr. Crawford reiterated the position that while the requests are consistent individually with the Countywide Rules, e.g., the application of TDR's and affordable housing density, the recommendation is based upon the cumulative effect on the density of the project. Noting that the PPC is currently conducting a review and revision of the

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Countywide Rules, Councilmember Jim Kennedy suggested that it may be appropriate to consider including a provision to limit the multiplication of allowable housing units from the base allowable density; and Mr. Crawford concurred, indicating that the topic would generate a lengthy discussion; and that the current recommendation is based on legislative authority granted by the development agreement process.

In response to query by Vice-Mayor Mullins, Mr. Crawford indicated that the transfer of development rights is permanent; and that, per the development agreement, any remaining rights are forfeited, ensuring that the Preservation area and upland “islands” will not be developed.

Commissioner Crozier expressed her support for the project, describing a similar project in the City of Largo along Clearwater-Largo Road in their Community Redevelopment Area; and Chairman Archie, acknowledging the unanimous BCC vote, pointed out that the PAC had concurred with staff’s recommendation for denial.

Responding to query by Councilmember Jim Kennedy, Mr. Armstrong stated that he respectfully disagrees with Mr. Crawford’s point of view, indicating that there is nothing in the Countywide Rules to address the cumulative effect; that staff has not stated what an acceptable density would be; and that a determination on that basis is totally arbitrary and subjective; whereupon, Mr. Crawford responded, providing additional information and stating that, if asked, he would consider an RM land use designation, yielding a density of 22-1/2 units per acre (including the affordable housing bonus), as acceptable for the subject location.

Alluding to comments by Mr. Armstrong, Chairman Archie stated that the members have the right to vote *yea* or *nay* on every issue that comes before the Council based on their interpretation of whether the request meets the requirements of the Countywide Rules; whereupon, upon call for the vote, the motion for approval of the application and accompanying development agreement carried by a vote of 6 to 3, with Chairman Archie, Mayor Bevis, and Vice-Mayor Cookie Kennedy dissenting.

Following the vote and in response to queries by Mayor Eggers and Councilmember Jim Kennedy, Mr. Crawford provided additional information relative to clustering and transfer of development rights, and agreed to look into the possibility of a Rule amendment setting a density cap, noting that it will be a complicated issue.

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PUBLIC HEARING: CASE CW 14-03, A PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW (RL) TO COMMERCIAL RECREATION (CR) – APPROVED SUBJECT TO ACCOMPANYING DEVELOPMENT AGREEMENT

Pursuant to legal notice published in the December 21, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-03, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from RL to CR, re 3.3 acres m.o.l., located at 343 Bayshore Drive, Ozona.

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 property is currently the site of the Speckled Trout Marina, which is operating as a non-conforming use; that the request is to change the land use to CR to allow for expansion of the marina; and that staff recommends approval of the proposed amendment, subject to the accompanying development agreement.

Noting that a wide variety of uses are allowed under the CG classification, Mr. Schoderbock indicated that staff would likely not recommend approval without the accompanying development agreement, which limits the use to marina and a limited amount of existing residential and two additional residential units; whereupon, he reviewed the conditions set forth in the development agreement, as follows:

- ▶ Setbacks, buffering, noise, and lighting restrictions against adjacent uses as per concept plan.
- ▶ Acquire State of Florida Clean Marine Certification.
- ▶ No customer access to/from Banana Street.
- ▶ Limit location on the property of allowable uses on site per concept plan.
- ▶ Five-year term.
- ▶ Deed restriction limiting the use on the site to commercial marina and its accessory use or a residential use

Messrs. Schoderbock and Crawford responded to queries by the members, indicating that all boat storage will be at ground level and restricted to certain areas of the property; and that if the is owner does not develop the property in conformance with the concept plan and development agreement within five years, the property would revert to a residential land use, requiring the applicant to apply for a new agreement or an extension.

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PAC Chairman Marie Dauphinais indicated that the PAC had discussed the item and had voted 7 to 0 in favor of staff's recommendation for approval, subject to the development agreement.

Responding to the Chairman's call for the applicant local government, Planning Department Zoning Manager John F. Cueva related that in 33 years, he has never seen a conditional use with so many conditions. He indicated that the conditions were developed after many meetings with the applicant and representatives of the Ozona Village Improvement Society (OVIS); that many of the conditions are based on the concerns of the residents and staff's concern for the residents; and that Ozona is a unique area consisting of residential and old, non-conforming businesses and marinas such as the Speckled Trout, which has been in existence since the early 1900s or longer.

Noting that the marina could continue to operate as it is today, Mr. Cueva indicated that the applicant's request for rezoning presents the opportunity to improve the property by providing stormwater treatment, buffering, restricted access, and other benefits to the community; whereupon, he noted that the marina will be operated as a conditional use; that the County Commission can rescind the conditional use permit if the conditions are not adhered to; and that it has not been shy about doing so in the past.

Pointing out that the conditions stipulate that there will be no access via Banana Street, Mayor Bevis referred to the concept plan, noting an existing road; whereupon, Mr. Cueva indicated that the road was constructed as part of a previous development project that fell through; and that the fence and gate will remain, providing roadway access only for maintenance of the stormwater retention facilities. Councilmember Hock-DiPolito inquired whether there is existing landscaping near the ponds along Banana Street, and Mr. Cueva stated that there is not, but it may be required during the site plan review.

In response to the Chairman's call for proponents, Katherine E. Cole, Esquire, Hill Ward Henderson, Clearwater, indicated that she represents Speckled Trout Marina, the property owner and applicant to the local government; and noted that the application was filed in October 2012 as the result of a code enforcement action on the property.

Referring to an aerial photograph of the subject site, Ms. Cole provided historical background information regarding the marina and its status as a vested non-conforming use, noting that the parking area was expanded for reasons of economic viability and customer

demand, triggering the code enforcement action and subsequent request for amendment of the Future Land Use Plan and rezoning.

Ms. Cole related that the applicant began working with OVIS in December 2012 in response to objections raised by the neighbors; and that, following review of the proposed development agreement, OVIS President Brian Smith had responded with a list of comments that he would like to see addressed, all of which have been included in the final agreement, including the deed restriction limiting the use of the property in perpetuity. She noted that approval of the proposal would address many of the concerns expressed by Pinellas County's Boating Access Task Force, including the need for new and expanded public-access boat ramp operations for trailered boats and encouraging economic viability of existing marina operations; and that the development agreement would provide protections to the neighbors that do not exist under the current vested non-conforming use.

In summary and referring to the PPC staff report, Ms. Cole indicated that the proposed use is consistent with the Countywide Plan and Rules and the Ozona Special Area Plan; that it acknowledges the Ozona overlay and the symbiotic relationship of residential and marina uses; and that it results in a reduction of overall development rights on the property and a reduction in residential use in the Coastal High Hazard Area; whereupon, at her request, members of the audience indicated their support of the marina by a show of hands.

In response to the Chairman's call for proponents, the following individuals related their positive experiences with the existing marina and encouraged the Council members to recommend approval of the application:

Richard Heiden  
Howard Levy  
Cliff Roberts  
Benny Iannozzelli

In response to the Chairman's call for opponents, the following individuals expressed their concerns related to boat/trailer parking; traffic congestion; pedestrian/bicyclist safety; noise, fumes, and dust; and the lack of a hurricane plan.

Dorothy Moneymaker (displayed photographs)  
Carol Hewitt (submitted document)  
Daniel Morris  
Judy Nagel

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OVIS President Brian Smith related that he has been monitoring the project for approximately a year; that his concerns focus on the development agreement and conditional uses, ensuring the inclusion of provisions to protect the neighbors and the community; that the applicant has made improvements to the agreement in response to the community's concerns; and that his purpose in attending today's meeting is to make sure that that process continues.

Responding to the Chairman's call for rebuttal by the applicants, Ms. Cole responded to comments by the objectors, as follows:

- ▶ Based on the standards set forth in the Countywide Rules, the proposed use does not create a negative traffic impact. As there are six operating marinas in the Ozona community, all of the boat traffic on the roadways cannot be attributed to the Speckled Trout Marina.
- ▶ The development agreement limits operations to the hours of sunrise to sunset. A tally by the applicant from August through November of this year indicates an average use of two and one-half customers per day, with an average of ten customers per day on the weekend. It is estimated that the expansion would, at most, double the current use.
- ▶ As a non-conforming use, the marina is not required to have a hurricane plan. The development agreement requires site plan approval, which will trigger the requirement cited by Ms. Hewitt. The agreement requires the applicant to seek Clean Marina certification, which also requires a hurricane plan. The application has been submitted, the state has conducted its investigation, and approval is pending.
- ▶ Flushing of a boat engine after removal from the water takes approximately two to five minutes, which, based on the documented usage, should not present a major concern.

Mr. Crawford presented a brief summary of the findings and recommendation set forth in the staff report, and Chairman Archie inquired as to further comments or concerns by the members.

Mayor Eggers requested clarification as to whether parking will be prohibited along Bayshore Drive, and Mr. Cueva indicated that the issue is not addressed as one of the conditions; however, the County's Transportation Division could erect signs if it becomes an issue.

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Responding to query by Mayor Bevis relative to the queuing of boats awaiting access to the marina, Richard Bennett appeared and indicated that he is the co-owner of Speckled Trout Marina, along with his sister, Jill Howard, who is also in attendance. Mr. Bennett related that the marina is currently operated as a private facility, offering ramp access only for boats stored at the facility; that he would like to open the site for public access, but, as a practical consideration, would likely offer memberships for weekday use only, when the volume is so low that it will not affect traffic or other customers. He related that the current configuration allows the queuing of two boats; and that marina staff monitors the entrance and does not allow patrons to stop where they will interfere with road traffic; whereupon, responding to query by Mayor Eggers, Ms. Cole confirmed that the proposed expanded use of the property will allow the marina to accommodate additional traffic, keeping customers from parking their trailered boats along the roadway.

Thereupon, Councilmember Jim Kennedy moved, seconded by Councilmember Hock-DiPolito, that Case CW 14-03 be approved as recommended by staff.

Mayor Eggers inquired whether the PPC could impose a condition prohibiting roadway parking, and Mr. Cueva referred to Condition No. 2(a) in the agreement, noting that the temporary drop off of boats would be allowed in the northwestern-most rectangle of Parcel 1; whereupon, he reiterated that, if vehicle parking in the right-of-way were to become an issue, the County would enforce restrictions with signage through the Transportation Department.

Upon call for the vote, the motion carried, 8 to 1, with Mayor Eggers casting the dissenting vote.

**PUBLIC HEARING: CASE CW 14-04, A PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RECREATION/OPEN SPACE (R/OS) AND WATER/DRAINAGE FEATURE OVERLAY (W/DF) TO COMMERCIAL GENERAL (CG) – APPROVED AS PER STAFF RECOMMENDATION**

Pursuant to legal notice published in the December 21, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-04, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from R/OS and W/DF to CG, re 2.4 acres m.o.l., located at 1201 East Bay Drive.

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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 site contains an ice cream store, miniature golf course, golf driving range, golf pro shop, and batting cages; that the site is proposed to be developed with a RaceTrac gas station/convenience store; and that staff recommends approval of the proposed amendment.

PAC Chairman Marie Dauphinais indicated that the PAC had voted 7 to 0 in favor of the request.

City of Largo Assistant Community Development Director Bob Klute appeared on behalf of the applicant local government, noting that the City concurs with the recommendations of PPC staff and the PAC; and Commissioner Crozier added that the City Council had approved the application by a unanimous vote.

Responding to the Chairman's call for proponents, Katherine E. Cole, Esquire, Hill Ward Henderson, Clearwater, indicated that she represents the contract purchaser and applicant; and that the contract purchaser, engineer, and traffic engineer are present to answer any questions regarding the proposed development.

No one appeared in response to the Chairman's call for opponents; whereupon, Mayor Eggers moved, seconded by Councilmember Hock-DiPolito and carried, that Case No. 14-04 be approved in accordance with staff's recommendation (Vote 9-0).

**RESOLUTION NO. 14-1 ADOPTED RECOMMENDING APPROVAL OF THE AMENDMENT OF THE COUNTYWIDE RULES TO THE COUNTYWIDE PLANNING AUTHORITY**

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Pursuant to legal notice published in the December 21, 2013 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held to consider a resolution recommending approval of an amendment of the Countywide Rules to the Countywide Planning Authority to address the reservation of industrial land.

Program Planner Christopher Mettler related that the Council had voted at its November meeting to recommend amendments to the Countywide Rules pertaining to the conversion of industrial lands; that, since that time, staff had received and reviewed the administrative law judge's Recommended Order for Case CW 13-2 in Safety Harbor involving



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the loss of industrial lands; and that staff has revised the proposed ordinance in response to comments in the Recommended Order.

Mr. Mettler indicated that the goal of the ordinance is to reserve viable industrial land to provide employment opportunities within the county and to provide conversion criteria with some flexibility, so as not to prohibit all proposed conversion of industrial land; whereupon, he related that the administrative law judge concluded that industrial land policies set forth in PPC Resolution No. 06-3 are not applicable, as they were not adopted within the Countywide Rules, emphasizing the importance of amending the Rules to address the conversion criteria.

Thereupon, Mr. Mettler briefly reviewed the changes that have been made to the ordinance since it was last reviewed by the Council in November 2013, as follows:

- ▶ Amend the purpose and locational characteristics of the Industrial Limited and Industrial General Plan categories to remove reference to *consolidated* industrial areas and introduce proposed language from the proposed evaluation criteria.
- ▶ Amend the Evaluation Criteria to remove reference to the term *consolidated*.
- ▶ Amend the definition of Target Employment to remove onerously specific terms and cite the eleven industry clusters identified in the Target Employment Industrial Land Study.

Mr. Crawford related that the proposed ordinance is scheduled for public hearing by the Countywide Planning Authority at the January 14, 2014 BCC meeting.

PAC Chairman Marie Dauphinais indicated that the PAC had voted 7 to 0 in favor of the proposed amendments.

Responding to the Chairman's call for citizens wishing to be heard, Peter Creighton spoke on behalf of Huntley Properties, indicating opposition to the proposed amendment on the basis that it would impose unnecessary restrictions; that conversion requests should be handled on a case-by-case basis; and that the market should be allowed to dictate the appropriate land use for a given property.

Following brief discussion and responding to query by Chairman Archie, Mr. Crawford indicated that the amendment does not necessarily provide greater flexibility, but it does provide greater clarity with respect to the evaluation criteria to be considered; and that the

criteria is not market driven, but it allows for a much clearer outcome for the applicant, PPC staff, and the Council with regard to proposed land use conversions; whereupon, he noted that Pinellas County Economic Development staff provided input with regard to the proposed amendment.

Mayor Bevis moved, seconded by Councilmember Jim Kennedy and carried, that Resolution No. 14-1 be adopted, recommending approval of the proposed amendment to the Countywide Rules to the CPA (Vote 8-1, Vice-Mayor Mullins dissenting).

\* \* \* \*

At this time, 5:32 P.M., Chairman Archie left the meeting and Vice-Chairman Hock-DiPolito assumed the gavel.

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REPORTS AND OTHER ACTION

A. Minor Plan Change: Case CW 97-62 (SAP Change No. 2-2014) – City of Largo – Received/Accepted/Authorized Transmittal to the CPA for Receipt and Acceptance

Mr. Mettler related that the City of Largo is requesting a Minor Plan Change to its West Bay Drive Community Redevelopment Plan Special Area Plan in order to explore various economic and non-economic incentives to encourage development and job opportunities in the City’s downtown area.

Mr. Mettler related that the City is considering four grant incentives, which will be funded by the City’s portion of the Tax Increment Financing fund; that the BCC has already approved the Community Development Plan; and that the requested action today is to receive and accept the Minor Plan Change and transmit it to the CPA.

Mr. Crawford related that the change is considered minor, in that it does not impact the existing land uses, densities, or intensities; and that it is transmitted to the PPC and CPA for use in updating the Countywide Plan; whereupon, responding to query by Vice-Chairman Hock-DiPolito, he indicated that the PAC had voted 7 to 0 in favor of the request.

Vice-Mayor Cookie Kennedy moved, seconded by Vice-Mayor Mullins and carried, that Special Area Plan Change No. 2-2014 be received, accepted, and transmitted to the CPA (Vote 8-0).

B. Annual Report – Authorized Printing and Distribution

Mr. Crawford indicated that the final draft of the Annual Report for Fiscal Year 2013 is included in the agenda package; and responding to his query, Ms. Fisher related that the printing cost is estimated at between \$400 and \$500 for 300 copies.

Commissioner Morroni moved, seconded by Mayor Eggers and carried, that the Fiscal Year 2013 Annual Report be approved for printing and distribution (Vote 8–0).

EXECUTIVE DIRECTOR ITEMS

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

Mr. Crawford indicated that staff continues to await the governor’s signature on the Metropolitan Planning Organization (MPO) Reapportionment Plan.

Mr. Crawford reported that the PPC will be losing two members, as Commissioner Shavlan is no longer on the St. Pete Beach Commission, due to his having moved out of the district, and Mayor Henderson has indicated his intention to resign from the Council. He suggested that the replacement process be deferred until the unification occurs, unless the governor does not respond or an additional delay is anticipated, in which case the PPC will initiate the process.

B. Countywide Plan and Transportation Update (Verbal) – Deferred

Noting the lateness of the hour and the absence of the Chairman, Commissioner Morroni suggested that the item be deferred until the February meeting.

Hearing no objection, Vice-Chairman Hock-DiPolito directed that the item be deferred; whereupon, Mr. Crawford indicated that his intention was to provide a summary report today and follow up with a detailed technical memorandum at the February meeting; that a final meeting will be held later this month with the Transportation and Land Use Working Group; and that staff will then proceed to meet with the PAC to begin a more formal approval process.

C. Verbal Reports

Mr. Crawford related that the annual audit has been conducted and a favorable report received; that the auditors were unable to attend today’s meeting; and that the Audit Report will be included on the February meeting agenda.

January 8, 2014

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:38 P.M.

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Chairman