

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
June 11, 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 3:15 P.M. with the following members present:

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

Not Present:

Harriett K. Crozier, City of Largo Commissioner
Sam Henderson, City of Gulfport Mayor
Peggy O'Shea, Pinellas County School Board Member
Andy Steingold, City of Safety Harbor Mayor

Also Present:

Michael C. Crawford, Interim Executive Director, PPC
Linda A. Fisher, PPC Staff
Christopher Mettler, PPC Staff
Michael D. Schoderbock, PPC Staff
Janine M. Lescarbeau, PPC Staff
Jewel White, Chief Assistant County Attorney
Chelsea Hardy, Assistant County Attorney
Other interested individuals
Laura M. Todd, Board Reporter, Deputy Clerk

AGENDA

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

II. CONSENT AGENDA

- A. Minutes of May 14, 2014 Meeting
- B. Financial Statement for May 2014
- C. CPA Actions – June 2014
- D. Annexation Report – May 2014
- E. Preliminary July 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 14-17: City of Largo
 - 2. Case CW 14-18: City of Largo
- C. Amendment of the Countywide Rules Re: 60-Day Review Period and Advertising/Public Notice

IV. REPORTS/OTHER ACTION

- A. Countywide Plan and Transportation Update (Information)
- B. Countywide Plan Map Adjustments – Official Acceptance

V. EXECUTIVE DIRECTOR ITEMS

- A. MPO/PPC Unification Update
- B. Annual and Five-Year Work Programs for FY 15 and FY 15 – FY 19 (Draft)
- C. Annual Budget and Millage Rate for FY 15 (Draft)
- D. Renewal of Consultant Contract – Tindale-Oliver
- E. Verbal Reports

VI. OTHER COUNCIL BUSINESS

- A. Chairman/Member Items

VII. ADJOURNMENT

CALL TO ORDER

Chairman Archie called the meeting to order and welcomed those in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Commissioner 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 Archie presented the Consent Agenda items, as follows:

- A. Minutes of May 14, 2014 Meeting
- B. Financial Statement for May 2014
- C. Countywide Planning Authority (CPA) Actions – June 2014
- D. Annexation Report – May 2014
- E. Preliminary July 2014 Agenda
- F. Correspondence and Planners Advisory Committee (PAC)
Agenda Action Sheet (Draft)

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

Later in the meeting and in response to query by Commissioner Morroni, Mr. Crawford indicated that the minutes were received earlier than anticipated and the posted agenda was updated accordingly.

PUBLIC HEARINGS

- A. Public Hearing Format Announcement and Oath

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

- B. Amendments to the Countywide Future Land Use Plan

SUBTHRESHOLD AMENDMENTS – None

REGULAR AMENDMENT

PUBLIC HEARING: CASE CW 14-17, A PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL/OFFICE/RETAIL (R/O/R) – APPROVED

Pursuant to legal notice published in the May 24, 2014 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-17, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from RL to R/O/R, re 5.6 acres m.o.l., located at 18200 U.S. Highway 19 North.

Referring to aerial and ground level photographs, Mr. Schoderbock pointed out the location of the subject area and described surrounding land uses, and indicated that the site is a 5.6 acre portion of a larger parcel, which contains surface parking for the adjacent car dealership; and that a portion of the parcel is leased for a cell phone tower; whereupon, he recommended that the application be approved.

Responding to queries by Councilmember Jim Kennedy, Mr. Schoderbock indicated that staff had reviewed the Residential Low category and the Residential/Office/Retail category and determined that vehicle traffic would increase by 1,600 trips a day; that the applicant's traffic study showed an increase of 103 trips per day, which is a small impact on two roads currently operating at an F level of service; and that future construction should raise the service level to a C or D.

In response to concerns by Mayor Eggers, Mr. Schoderbock stated that the proposed use for the parcel is the expansion of the car dealership site, with additional surface parking and a car wash facility; and that with the separation of the roadway, the utility corridor buffer to the west, and the residential neighborhood to the north, the R/O/R category would be compatible, noting that lighting and noise concerns would be addressed at the site plan level. Mr. Crawford added that a supplemental recommendation for additional buffering has been forwarded to staff for consideration during site plan review; and that the area is well suited for mixed use, and discussion ensued.

PAC Chairman Marie Dauphinais indicated that the PAC had voted unanimously to approve the staff recommendation.

Responding to the Chairman's call for the applicant local government, Bob Klute, Assistant Community Development Director, City of Largo, addressing an earlier concern by

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Mayor Eggers, stated that as part of the site plan review, the City will examine the landscape plan and require buffers along Belleair Road to mitigate any impacts, noting that lighting is part of the standard review. In response to query by Commissioner Morroni, he stated that he did not know if the dealership added traffic volume to U.S. Highway 19, and agreed to provide an answer via email; whereupon, Councilmember Mullins commented that most businesses along that portion of the U.S. Highway 19 corridor appear to be coming back and doing well.

Responding to the Chairman's call for proponents, Todd Pressman, Palm Harbor, appeared and indicated that he represents the applicant, and providing background information, related that the request has received positive support through the process; that more than 400 separate public notices were mailed prior to the application being heard; and that not a single person in opposition appeared at the hearings; whereupon, he related that he would be happy to answer any questions.

No one appeared in response to the Chairman's call for opponents; whereupon, Commissioner Morroni moved, seconded by Councilmember Hock-Dipolito and carried, that Case CW 14-17 be approved as recommended by staff (Vote 8-0).

PUBLIC HEARING: CASE CW 14-18, A PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED (IL) TO TRANSPORTATION/UTILITY (T/U) – APPROVED

Pursuant to legal notice published in the May 24, 2014 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-18, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from IL to T/U, re 12.5 acres m.o.l., located at 1260 Donegan Road.

Referring to aerial and ground level photographs, Mr. Schoderbock pointed out the location of the subject area and described surrounding land uses, and indicated that the site contains outdoor storage for the City of Largo Public Works and a training area for public safety personnel; and that it will be used to expand the public works facility, noting that the site is vacant but contains some telecommunication equipment. Responding to query by Mr. Crawford, he confirmed that access to the site is available at 16th Avenue Southeast, as well as at 8th Avenue Southeast, near the Largo Public Works Complex; and that, although the acreage supports a target employer, the location is on a dead end, two-lane undivided street primarily providing access to residential use, and coupled with the location and the expansion of the facility by the

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City of Largo, it would be difficult to use the site for target employment; whereupon, he recommended that the application be approved.

During discussion and in response to queries by the members, Mr. Schoderbock clarified that if the property is sold in the future, it could be used for transportation or utility, noting that a new owner could apply for an amendment to change the category; that the uses are fairly limited to transportation or utility; that as the parcel is larger than five acres, the Countywide Rules require the amendment; that the outdoor storage area is zoned industrial; and that access to major transportation networks is poor.

Chairman Archie indicated that the PAC had voted unanimously in favor of the staff recommendation.

Responding to the Chairman's call for the applicant local government, Bob Klute, Assistant Community Development Director, City of Largo, related that it is the intent of the Largo Public Works Department to make the storage parcels consistent with the public works complex to the north, noting that under the Countywide Rules, Transportation/Utility would be the appropriate district for public works uses. Alluding to an earlier query by Councilmember Jim Kennedy, he related that if the property was sold, a referendum would be required, which would allow considerable public discussion; whereupon, responding to query by Councilmember Hock-DiPolito, he clarified that regardless of the zoning/land use, any parcel over five acres would require a referendum.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Councilmember Jim Kennedy moved, seconded by Councilmember Mullins and carried, that Case CW 14-18 be approved as recommended by staff (Vote 8-0).

RESOLUTION NO. 14-2 ADOPTED RECOMMENDING APPROVAL OF THE AMENDMENT OF THE COUNTYWIDE RULES TO THE COUNTYWIDE PLANNING AUTHORITY WITH A RECOMMENDATION TO CHANGE THE 60-DAY REVIEW PERIOD TO A 90-DAY REVIEW PERIOD

Pursuant to legal notice published in the May 24, 2014 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.

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Mr. Mettler gave a brief overview of the proposed amendment and related that under the new Special Act, local governments will have 60 days to review and provide comments on the updated Countywide Plan Map and, specifically, the review process will be addressed in the Countywide Rules. He related that staff has mailed the review packages to the local governments; that the review period would conclude by the end of July; and that the process for adoption of the Countywide Plan Map would begin in the fall; whereupon, he briefly reviewed the proposed County ordinance, a copy of which has been filed and made a part of the record, and Mr. Crawford provided input.

Responding to query by Councilmember Hock-DiPolito, Mr. Crawford clarified that, currently, the review period is 60 days; and that the County is requesting an additional 30-day review period; whereupon, Councilmember Hock-DiPolito stated that the City of Clearwater is also requesting an additional 30-day extension. Mr. Crawford indicated that the Special Act provides for a minimum of 60 days, noting that the extension would delay getting the entire package to the Council in October, as originally planned.

Following discussion and in response to query by Councilmember Jim Kennedy, Mr. Crawford related that several communities are waiting to make amendments under the new process, but he sees no other disadvantage in delaying a month; whereupon, responding to query by Commissioner Cookie Kennedy, Councilmember Hock-DiPolito, with input by Chairman Archie, clarified that the City of Clearwater and Pinellas County are requesting an additional 30-day review period.

City of Largo Community Development Director Carol Strickland related that Largo would support the 30-day extension, noting that the last City Commission meeting next month is July 15, which compresses the time for a thorough review by the Commissioners; and that Largo is attempting to ensure that the property owners whose land use may change under the Countywide Plan Map are made aware of the potential impacts, as well as the development community; whereupon, Mr. Crawford added that the 30-day extension would allow staff additional time to finish the Countywide Rules.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Councilmember Jim Kennedy moved, seconded by Commissioner Morroni and carried, that Resolution No. 14-2 be adopted recommending approval of the amendment of the Countywide Rules as recommended by staff, with a recommendation to change the 60-day review period to a 90-day review period (Vote 8-0).

REPORTS AND OTHER ACTION

A. Countywide Plan and Transportation Update (Information)

Mr. Crawford related that staff will be speaking to various communities regarding the Countywide Plan update; that Safety Harbor has requested an update on June 16; that he will make a presentation in Tarpon Springs on July 1 concerning the concepts and maps for the update to the Countywide Plan; and that Pinellas County will be reviewing their comments at a July 29 work session; whereupon, he related that the June 23 meeting of the advisory committee on transportation may be cancelled.

Responding to queries by Councilmember Hock-DiPolito, Mr. Crawford indicated that another presentation will be made after staff brings the comments to the Council, as it is likely that some of the comments will cause staff to make changes; and that he would be happy to make a presentation in Clearwater.

B. Countywide Plan Map Adjustments – Official Acceptance – Received/Accepted/Authorized Transmittal to Countywide Planning Authority for Official Acceptance

Mr. Schoderbock indicated that the Countywide Rules provide a procedure for minor adjustments to the Countywide Plan Map boundaries in the categories of Water/Drainage Feature, Preservation, and Recreation/Open Space; and that if a municipality or the County provides a wetland jurisdictional survey, staff may make an adjustment to the Plan Map, noting that the two adjustments presented today are from the City of Largo and are minor in nature.

Mayor Eggers moved, seconded by Commissioner Cookie Kennedy and carried, that the minor plan adjustments be accepted (Vote 8-0).

EXECUTIVE DIRECTOR ITEMS

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

Mr. Crawford reported that the County has agreed to provide the local match for the Metropolitan Planning Organization of \$50,000 and the working capital for Fiscal Year 2015, noting that it will be helpful as the MPO and PPC blend their budgets through the unification. He related that the interlocal agreement between the MPO, the local governments, and the Florida Department of Transportation (FDOT) needs to be executed by the parties before the

unified board can be seated. Councilmember Jim Kennedy related that the dispute arose when the FDOT required that the individual members of the MPO be held jointly and severally liable for any liability caused by their actions; and that the agreement has since been modified to specify that the individual municipalities be held jointly and severally liable. Chairman Archie opined that no member will want to go forward knowing they could be held liable, noting that the parties are at an impasse; and that there should be a way to apply more pressure to FDOT as it is delaying the unification.

Responding to queries by the members, Attorney White related that multiple lawyers in the County Attorney's Office reviewed the interlocal agreement, noting that Assistant County Attorney David Sadowsky reviewed the agreement for the MPO, and she reviewed the agreement for the County; and that much of what the MPO has done and continues to do is a planning function, noting that sovereign immunity applies to all planning level functions; and that if an operational aspect existed, it would then give pause for concern. She related that FDOT could be difficult to work with on issues; and that balancing everything as a whole, staff felt the risk of losing the federal transportation dollars if the County no longer has an MPO was swayed by some of the language contained in the agreement, noting that the same language is in all MPO agreements throughout the state.

Alluding to comments by Councilmember Mullins, Attorney White explained that it is a policy of the County to defend Commissioners for actions when they are sued individually, assuming they are not acting outside the scope of their duties, noting that ethics legislation passed this year will disavow potential ethics violations, if an attorney is consulted, even if the advice of counsel is wrong; whereupon, responding to queries by Chairman Archie, she indicated that she has not met with legal staff from St. Petersburg, and agreed to meet with the City's attorneys in an attempt to move forward with the agreement.

Attorney White introduced Chelsea Hardy, a new attorney with the County Attorney's Office, provided an overview of her education and background in land use and urban planning, and noted that she would be new counsel for the Council; whereupon, Mr. Crawford welcomed her aboard.

B. Annual and Five-Year Work Programs for FY 15 and FY15-FY19 – Draft – Received/Discussed

Mr. Crawford stated that the Annual Work Program was before the Council last month; that there were no changes; that it is organized around three main functions, including Plan Administration and Local Assistance, Countywide Plan and Intergovernmental

Coordination, and Council Operations; that the Five-Year Work Program is similar to last year; and that the only difference is the emphasis on strengthening the relationship between the MPO and the PPC, noting that the agenda item will come back to the Council in July for approval along with the budget.

C. Annual Budget and Millage Rate for FY 15 – Draft – Received/Discussed

Mr. Crawford discussed how the proposed increase in the millage rate would provide more money to fund the budget, reducing the amount needed from the PPC's unassigned fund balance; and indicated that the item will come back for approval by the Council in July for recommendation to the Board of County Commissioners.

D. Renewal of Consultant Contract – Tindale-Oliver and Associates – Approved

Mr. Crawford related that the renewal of the consultant contract would extend the term from September 30, 2014 to September 30, 2015, noting that the consultant is needed to update a traffic study for the Countywide Rules as part of the Countywide Plan; that the work is to be completed by September 30; and that there are some minor corrections; whereupon, Commissioner Morroni moved, seconded by Councilmember Jim Kennedy and carried, that the renewal of the consultant contract be approved (Vote 8-0).

E. Verbal Reports – Received/Discussed

Mr. Crawford related that last month an incorrect base budget sheet was used; and that a corrected sheet has been placed in the backup, noting that it does not change the bottom line.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

Mr. Crawford reminded the Council that the PPC and MPO would not be meeting in August; whereupon, Councilmember Mullins announced that he would be unavailable during the month of July.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 4:21 P.M.

Chairman