

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

**PRELIMINARY FOR
PAC REVIEW ONLY**

AGENDA ITEM:

MEETING DATE: October 17, 2007

SUBJECT: Proposed Regular Amendment to the *Countywide Future Land Use Plan Map*

From: Residential/Office/Retail – R/O/R, Residential Medium – RM and Water/Drainage Feature – W/DF

To: Residential Urban – RU and Water/Drainage Feature – W/DF

Area: 19.7 Acres m.o.l

CASE #: CW 07-31

JURISDICTION: Pinellas County

LOCATION: Located on the south side of Park Boulevard, approximately 350 feet west of 79th Street North.

RECOMMENDATION: Council, Based On Accompanying Findings, Recommend That The Proposed Amendment To Residential Urban and Water/Drainage Feature Be Approved.

I. BACKGROUND

This item has been submitted by Pinellas County and is proposed to rescind a previous Countywide Plan Map amendment (CW06-9, April 4, 2006) which established the site's current Residential/Office/Retail (R/O/R) and the Residential Medium (RM) designations. The rescinding Ordinance No. 06-31 is found in Attachment 2.

The subject site, which is also known as the Golden Lantern Mobile Home Park, totals 19.7-acres in size. The proposed amendment will reinstitute the previous and consistent Countywide Plan Map designation of Residential Urban (RU) on the entire site. It should be noted that a 1.3-acre man-made pond is also located on the subject site (note this 1.3-acres is not included in the 19.7 acre amendment size) and is denoted with the Water/Drainage Feature on the Countywide Plan Map. This feature is not proposed to change with this amendment.

II. PLANNERS ADVISORY COMMITTEE (PAC)

The PAC will meet on October 8, 2007, to discuss this case.

PINELLAS PLANNING COUNCIL ACTION:

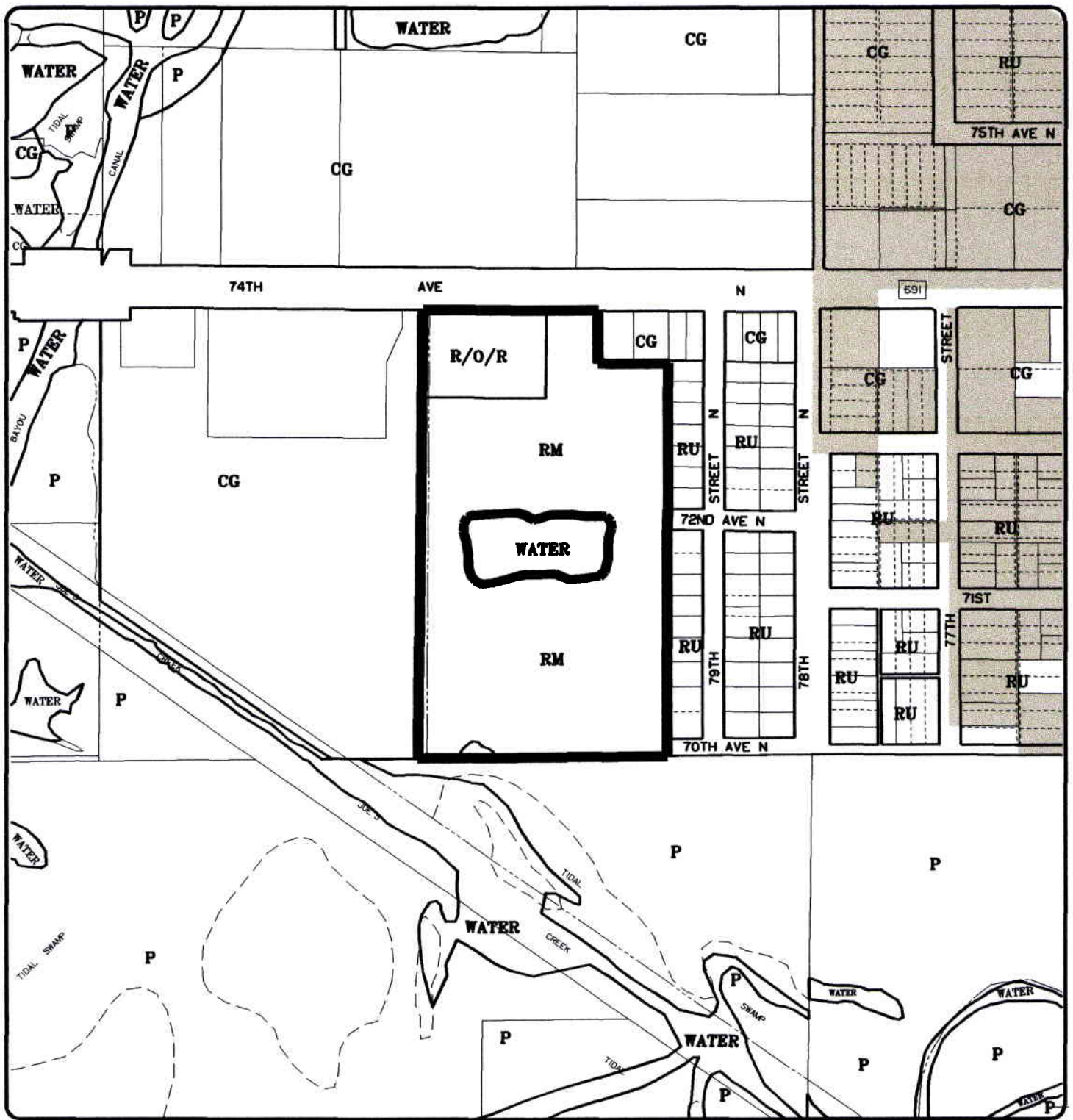
COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Case CW 07-31 – Pinellas County

III. LIST OF MAPS & ATTACHMENTS

- Map 1 Location
- Map 2 Current Countywide Plan Map & Jurisdictional Map – Black & White
- Map 3 Aerial – Black & White
- Map 4 Current Countywide Plan Map – Color
- Map 5 Proposed Countywide Plan Map – Color

- Attachment 1 Draft PAC Minutes (to be provided after PAC)
- Attachment 2 Rescinding Ordinance No. 06-31
- Attachment 3 PPC Disclosure of Interest Form
- Attachment 4 Local Government Application



MAP 2

PROPOSED AMENDMENT CASE NO. CW07-31

**FROM: Residential Medium (RM) TO: Residential Urban (RU)
Residential/Office/Retail (R/O/R)**

ACREAGE: 19.7



CITY OF PINELLAS PARK



SCALE: 1" = 400'



PINELLAS PLANNING COUNCIL

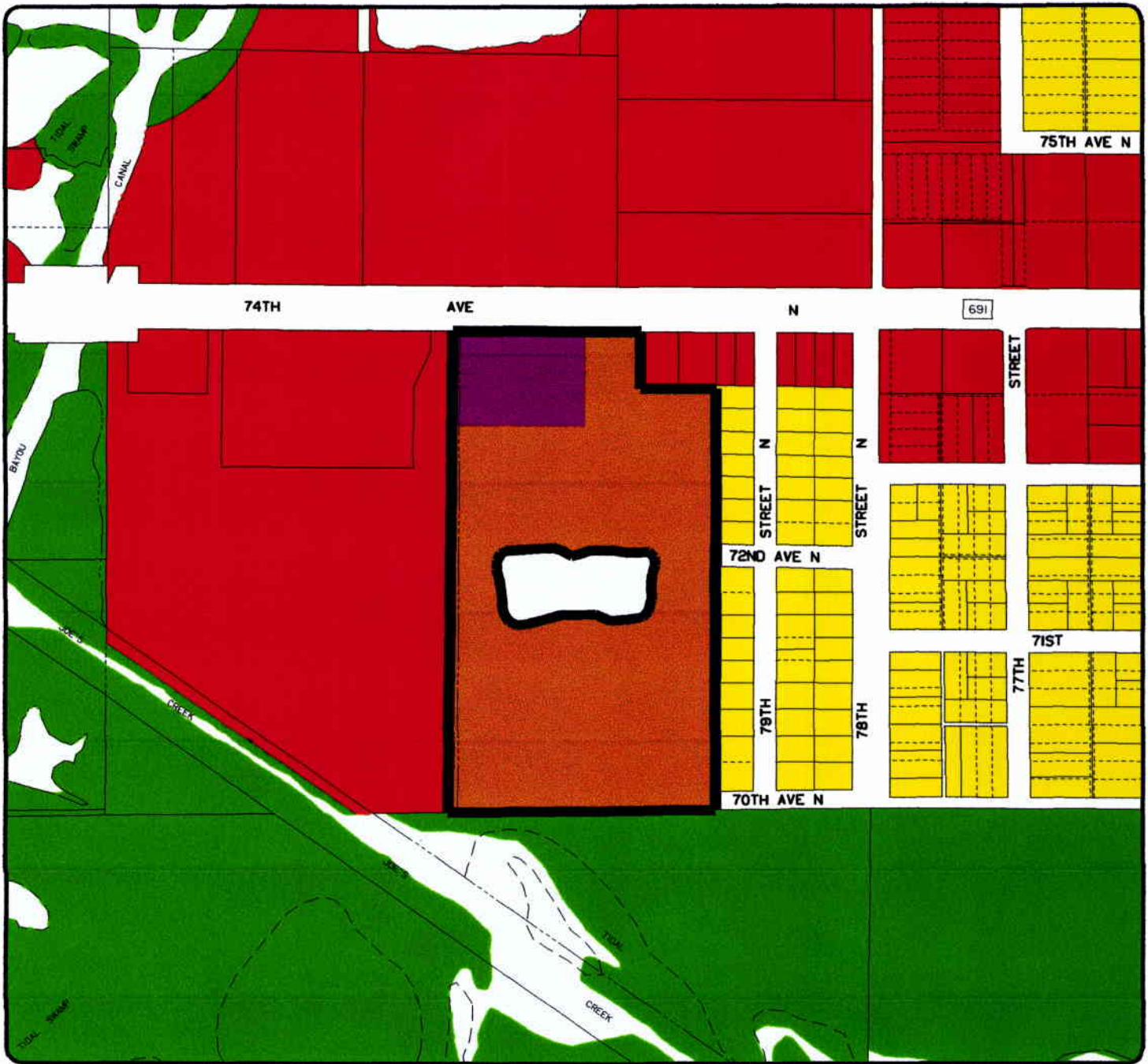
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CASE NO. CW07-31
MAP 3



NOT TO SCALE



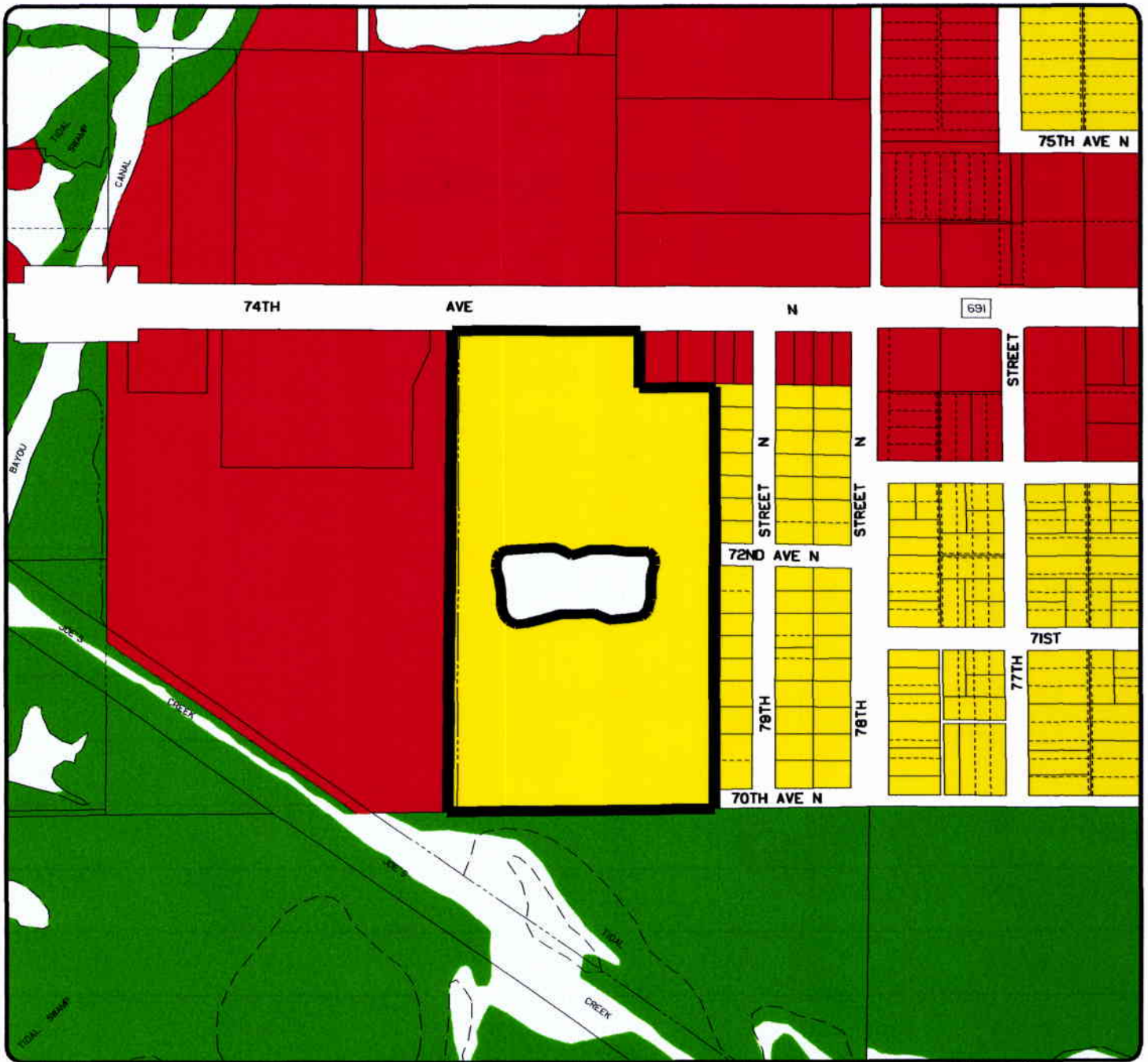
RESIDENTIAL		MIXED USE		COMMERCIAL		PUBLIC/SEMI-PUBLIC		SPECIAL DESIGNATION	
	RESIDENTIAL RURAL		RESIDENTIAL LOW MEDIUM		RESIDENTIAL/OFFICE LIMITED		PRESERVATION		WATER/ DRAINAGE FEATURE
	RESIDENTIAL ESTATE		RESIDENTIAL MEDIUM		RESIDENTIAL/OFFICE GENERAL		RECREATION/ OPEN SPACE		SCENIC/ NON-COMMERCIAL CORRIDOR
	RESIDENTIAL SUBURBAN		RESIDENTIAL HIGH		RESIDENTIAL/OFFICE/RETAIL		INSTITUTIONAL		ACTIVITY CENTER
	RESIDENTIAL LOW		RESIDENTIAL VERY HIGH		RESORT FACILITIES OVERLAY		TRANSPORTATION/ UTILITY		COMMUNITY REDEVELOPMENT DISTRICT
	RESIDENTIAL URBAN				RESORT FACILITIES MEDIUM				CENTRAL BUSINESS DISTRICT
					RESORT FACILITIES HIGH				
						INDUSTRIAL	PLANNED REDEVELOPMENT		
								RESIDENTIAL	
								MIXED USE	
								COMMERCIAL	
								INDUSTRIAL	

MAP 4
CASE NO. CW07-31

F R O M **RM** RESIDENTIAL MEDIUM **T O** **RU** RESIDENTIAL URBAN **ACREAGE: 19.7**
R/O/R RESIDENTIAL/OFFICE/RETAIL

SCALE 1" = 400'

PINELLAS PLANNING COUNCIL
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 GRAPHICS PREPARED USING MERT VERSION 2.1 ©



LEGEND

RESIDENTIAL		MIXED USE		COMMERCIAL		PUBLIC/SEMI-PUBLIC		SPECIAL DESIGNATION			
	RESIDENTIAL RURAL		RESIDENTIAL LOW MEDIUM		RESIDENTIAL/OFFICE LIMITED		COMMERCIAL NEIGHBORHOOD		PRESERVATION		WATER/ DRAINAGE FEATURE
	RESIDENTIAL ESTATE		RESIDENTIAL MEDIUM		RESIDENTIAL/OFFICE GENERAL		COMMERCIAL LIMITED		RECREATION/ OPEN SPACE		SCENIC/ NON-COMMERCIAL CORRIDOR
	RESIDENTIAL SUBURBAN		RESIDENTIAL HIGH		RESIDENTIAL/OFFICE/RETAIL		COMMERCIAL RECREATION		INSTITUTIONAL		ACTIVITY CENTER
	RESIDENTIAL LOW		RESIDENTIAL VERY HIGH		RESORT FACILITIES OVERLAY		COMMERCIAL GENERAL		TRANSPORTATION/ UTILITY		COMMUNITY REDEVELOPMENT DISTRICT
	RESIDENTIAL URBAN				RESORT FACILITIES MEDIUM						CENTRAL BUSINESS DISTRICT
					RESORT FACILITIES HIGH						
						INDUSTRIAL					
							INDUSTRIAL LIMITED		RESIDENTIAL		
							INDUSTRIAL GENERAL		MIXED USE		
									COMMERCIAL		
									INDUSTRIAL		

MAP 5
CASE NO. CW07-31

PROPOSED FUTURE LAND USE

SCALE 1" = 400'

PINELLAS PLANNING COUNCIL
GRAPHICS PREPARED BY THE OFFICE OF THE PINELLAS COUNTY PROPERTY APPRAISER, 416 SOUTH GRAPHICS PREPARED USING MENTY VERSION 8.1. ©

ORDINANCE 07- 38

AN ORDINANCE OF THE COUNTY OF PINELLAS, RESCINDING ORDINANCE NO. 06-31 WHICH AMENDED THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA FOR THE GOLDEN LANTERN MOBILE HOME PARK BY CHANGING THE LAND USE DESIGNATION OF 19.74 ACRES OF CERTAIN PROPERTY LOCATED IN SECTION 25, TOWNSHIP 30, RANGE 15 AND ON THE SOUTH SIDE OF PARK BOULEVARD FROM RESIDENTIAL URBAN TO RESIDENTIAL MEDIUM AND RESIDENTIAL /OFFICE/RETAIL; PROVIDING FOR THE RETENTION OF THE RESIDENTIAL URBAN LAND USE CLASSIFICATION ON THE SUBJECT PROPERTY; RECOGNIZING THE LACK OF EFFECTIVENESS OF THE UNDERLYING REZONING AND DEVELOPMENT AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR THE FILING OF THE ORDINANCE AND FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County adopted Ordinance No. 06-31 on April 4, 2006; and

WHEREAS, Ordinance No. 06-31 proposed to amend the Future Land Use Map of Pinellas County, Florida from Residential Urban to Residential/Office/Retail and Residential Medium for 19.74 acres of the Golden Lantern Mobile Home Park; and

WHEREAS, Pinellas County adopted Resolution No. 06-58 on April 4, 2006 which changed the zoning for the 19.74 acres of the Golden Lantern Mobile Home Park from R-6, Mobile Home Parks and Subdivisions to C-2, General Retail Commercial and Limited Services District and RM-12.5, Residential Multiple Family-12.5 units per acre, subject to the amendment of the Future Land Use Map of Pinellas County, Florida from Residential Urban to Residential/Office/Retail and Residential Medium; and

WHEREAS, Pinellas County and Mas Verde Mobile Home Estates, Inc. entered into a Development Agreement on April 14, 2006, and recorded said agreement in the Pinellas County Official Records BK 15058, PG: 2235-2252, which, by its terms and Section 163.3229, Florida Statutes, was effective only upon the Department of Community Affairs finding Ordinance No. 06-31 in compliance; and

WHEREAS, the Department of Community Affairs issued a Statement of Intent to Find a Portion of Comprehensive Plan Amendment Not in Compliance on June 29, 2006; and

WHEREAS, the Statement of Intent did not accept the agreement between Pinellas County and the Tampa Bay Regional Planning Council, incorporated as a condition of approval in Ordinance No. 06-31, which would allow the applicant to elevate the subject property above the Coastal High Hazard Area ("CHHA") by placing the appropriate amount of fill on the subject property; and

WHEREAS, without the placement of fill on the subject property removing it from the CHHA, the County is prohibited by provisions from its own comprehensive plan from increasing the residential density to the levels permitted in the Residential Medium and Residential/Office/Retail land use classifications; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, the Department of Community Affairs has initiated a formal administrative proceeding challenging the land use plan amendments in Ordinance No. 06-31; and

WHEREAS, the Department of Community Affairs in an April 9, 2007 correspondence to Pinellas County, proposed an alternative to the elevation of the subject site, that being compliance with the process set forth in Section 163.3178(9), Florida Statutes, which provides three options for amendments within the CHHA; and

WHEREAS, Pinellas County has determined that none of the options are acceptable or feasible for the subject site; and

WHEREAS, the Department of Community Affairs and Pinellas County have jointly requested that the Administrative Law Judge hold the pending administrative matter in abeyance; and

WHEREAS, it is the intent of the Board of County Commissioners to rescind Ordinance No. 06-31 on the 19.74 acres located on the south side of Park Boulevard, called Golden Lantern Mobile Home Park (Parcel ID# 25-30-15-00000-440-0400); and

Whereas, after due public notice, the Board of County Commissioners of Pinellas County, on August 7 and 21, 2007, held public hearings to adopt the ordinance to rescind Ordinance No. 06-31; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

Section 1. Findings. The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the Board of County Commissioners for the adoption of the Ordinance. Based upon the findings made relative to the proposed map amendment to the Comprehensive Plan, it has been determined that the Future Land Use Map designations of Residential Medium and Residential/Office/Retail for the property

adopted in Ordinance No. 06-31 are no longer appropriate and should be rescinded in Section 2 below.

Section 2. Rescission of Ordinance No. 06-31 in whole. The Board of County Commissioners expressly rescinds Ordinance No. 06-31, previously adopted on April 4, 2006 and applicable to the 19.74 acre parcel located south of Park Boulevard (Parcel ID# 25-30-15-00000-440-0400). Therefore, the 19.74 acre subject property shall retain the Residential Urban land use classification.

2.1 Pursuant to Section 163.3229, Florida Statutes and its own terms, the Development Agreement dated April 14, 2006, recorded at Pinellas County Official Records BK 15058, PG: 2235-2252, and indexed under the names of Mas Verde Mobile Home Estates, Inc. and Pinellas Board of County Commissioners, is not effective nor can it be implemented by Pinellas County.

2.2 By its own terms, the zoning changes documented in Pinellas County Resolution No. 06-58 are without effect for failure of the land use amendments in Ordinance No. 06-31 to be found in compliance by the Department of Community Affairs and, therefore, to become effective.

Section 3. Repeal of Ordinance in Conflict. Any ordinances in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. If any section, subsection, sentence, clause, word, phrase, or provision of this Ordinance, or the particular application thereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, words or phrases and their application shall not be affected thereby.

Section 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 22 day of AUGUST, A.D. 2007.
KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio, Clerk of the Board of County Commissioners, Pinellas County, Florida.
By Arline L. Smith
Deputy Clerk

DISCLOSURE OF INTEREST STATEMENT
PPC COUNTYWIDE MAP AMENDMENT

SUBMITTING GOVERNMENT ENTITY: PINELLAS COUNTY

PPC OR CITY/TOWN CASE NUMBER: Z/LU-2-9-05

PROPERTY OWNERS/REPRESENTATIVE:

Name: Golden Lantern Mobile Home Park, Ltd. Name: N/A
C/o Robert J. Keathley
7950 Park Boulevard
Pinellas Park, Florida 33781

ANY OTHER PERSONS HAVING ANY OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interests: X Contingent: N/A Absolute: N/A

Name: Robert J. Keathley, Barry J. Keathley and Bridgette Keathley-Darnell

Specific Interest Held:

Golden Lantern Mobile Home Park, Ltd. (Partners Robert J. Keathley, Barry J. Keathley and Bridgette Keathley-Darnell)

INDICATION AS TO WHETHER A CONTRACT EXISTS FOR SALE OF SUBJECT PROPERTY, IF SO:

Contract is: X Contingent Absolute

All Parties To Contract:

Name: Triax Properties, L.C. Name: N/A

INDICATION AS TO WHETHER THERE ARE ANY OPTIONS TO PURCHASE SUBJECT PROPERTY, IF SO:

All Parties To Option:

Name: N/A Name: N/A

ANY OTHER PERTINENT INFORMATION WHICH APPLICANT MAY WISH TO SUBMIT PERTAINING TO REQUESTED PLAN AMENDMENT:

(Existing Conditional Contract of Sale: Golden Lantern MHP, Ltd., (partners Robert J. Keathley, Barry J. Keathly and Bridgette Keathley-Darnell and Triax Properties, L.C., (contact person Kevin Voss)

REGULAR PLAN AMENDMENT
APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENT

Please complete all the information below as accurately as possible to ensure that the application for the land use plan amendment can be processed efficiently. Processing of the application will not be started until this form has been completed. If additional space is needed, please number and attach additional sheets.

I. Countywide FLUP Map Amendment Information

- | | | |
|----|--------------------------------------|--|
| 1. | Current Countywide FLUP Designation | Residential/Office Retail,
Residential Medium |
| 2. | Proposed Countywide FLUP Designation | Residential Urban |

II. Local Plan Map Amendment Information

- | | | |
|----|--------------------------------------|--|
| 1. | Local Plan Map Amendment Case Number | Z/LU-2-9-05 |
| 2. | Current Local Plan Designation(s) | Residential/Office/Retail,
Residential Medium |
| 3. | Current Local Zoning Designation(s) | C-2, RM-12.5 units per acre |
| 4. | Proposed Local Plan Designation(s) | Residential Urban |
| 5. | Proposed Local Zoning Designation(s) | R-6 |

III. Site Description

- | | | |
|----|---|--|
| 1. | Parcel number(s) of area(s) proposed to be amended
(include Section/Twp/Rng/Sub/Blk/Lot) | 25-30-15-00000-440-0400 |
| 2. | Acreage | 19.74 acres |
| 3. | Location | 19.74 acres on the south side of
Park Blvd. |
| 4. | Existing use | Mobile Home Park |
| 5. | Existing density | 178 units (9 units per acre) |
| 6. | Name of Project | Golden Lantern MHP |

IV. Verification of Local Action

- | | | |
|----|---|--|
| 1. | Verification of local action to approve amendment to local plan and transmittal of amendment to Countywide Plan Map; <u>and/or</u> copy of local ordinance proposing/approving plan amendment authorizing request for amendment of Countywide Plan Map. | |
|----|---|--|

V. Other Pertinent Information

- | | | |
|----|---|-------|
| 1. | Submittal letter from the local jurisdiction to the Executive Director requesting amendment to the Countywide FLUP. | _____ |
| 2. | Disclosure of Interest Statement with names and addresses of the application/ representative and property owner. | _____ |
| 3. | Proposed local ordinance number and status. | _____ |
| 4. | Staff report and local action to date. | _____ |
| 5. | Attach local plan and zoning maps. | _____ |
| 6. | Include proposed demarcation line for environmentally sensitive areas (if applicable). | _____ |
| 7. | Legal description. | _____ |
| 8. | Map clearly indicating amendment location. | _____ |