

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** III B-5.

**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 79<sup>th</sup> 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 (Golden Lantern Mobile Home Park, CW06-9, approved on April 4, 2006) which established the site's current Residential/Office/Retail and Residential Medium designations. The rescinding Ordinance No. 07-38 which transmitted this request is found in Attachment 2.

The Council may recall that the rationale for the two current Countywide Plan Map designations was intended to allow the site to be redeveloped with affordable multi-family units and commercial uses and was approved by the Pinellas Planning Council and the Countywide Planning Authority. However, this amendment was never officially adopted by Pinellas County since it was found not to be in compliance with the County's Comprehensive Plan as well as state law and rule requirements by the Florida Department of Community Affairs (FDCA). The following is a summary of the objections:

- The proposed amendment would result in an overall increase in residential density within a Coastal High Hazard Area (CHHA);
- The amendment was inconsistent with state law and rule requirements

***PINELLAS PLANNING COUNCIL ACTION:***

The Council recommended approval from Residential/Office/Retail, Residential Medium and Water/Drainage Feature to Residential Urban and Water/Drainage Feature (vote 10-0).

***COUNTYWIDE PLANNING AUTHORITY ACTION:***

11/6/07: The Board approved the Council's recommendation (vote 7-0).

***SUBJECT:*** Case CW 07-31 – Pinellas County

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- regarding directing population concentrations away from the CHHA;
- The amendment was inconsistent with two policies of the County’s Coastal Management Element regarding maintaining or reducing hurricane times and shelter space;
  - The amendment would increase residential densities above 5 units an acre in the 100-year flood zone; and
  - The amendment did not include data and analysis for coordination with the school board and school facilities planning for student population.

For the complete FDCA Objections, Recommendations, and Comments (ORC) Report, which outlines the above summarized issues, refer to Support Document 1.

In summary, this proposed amendment will reinstitute the previous and consistent Countywide Plan Map designation of Residential Urban on the 19.7 acre site as depicted on Map 5. It should be noted, that a 1.3-acre man-made pond is located on the subject site and is not proposed to change with this amendment and is denoted with the Water/Drainage Feature on the Countywide Plan Map.

***II. PLANNERS ADVISORY COMMITTEE (PAC)***

At their meeting on October 8, 2007, the PAC discussed this case and recommended approval of the staff recommendation (vote 12-0). The draft PAC minutes relative to this case are included as Attachment 1.

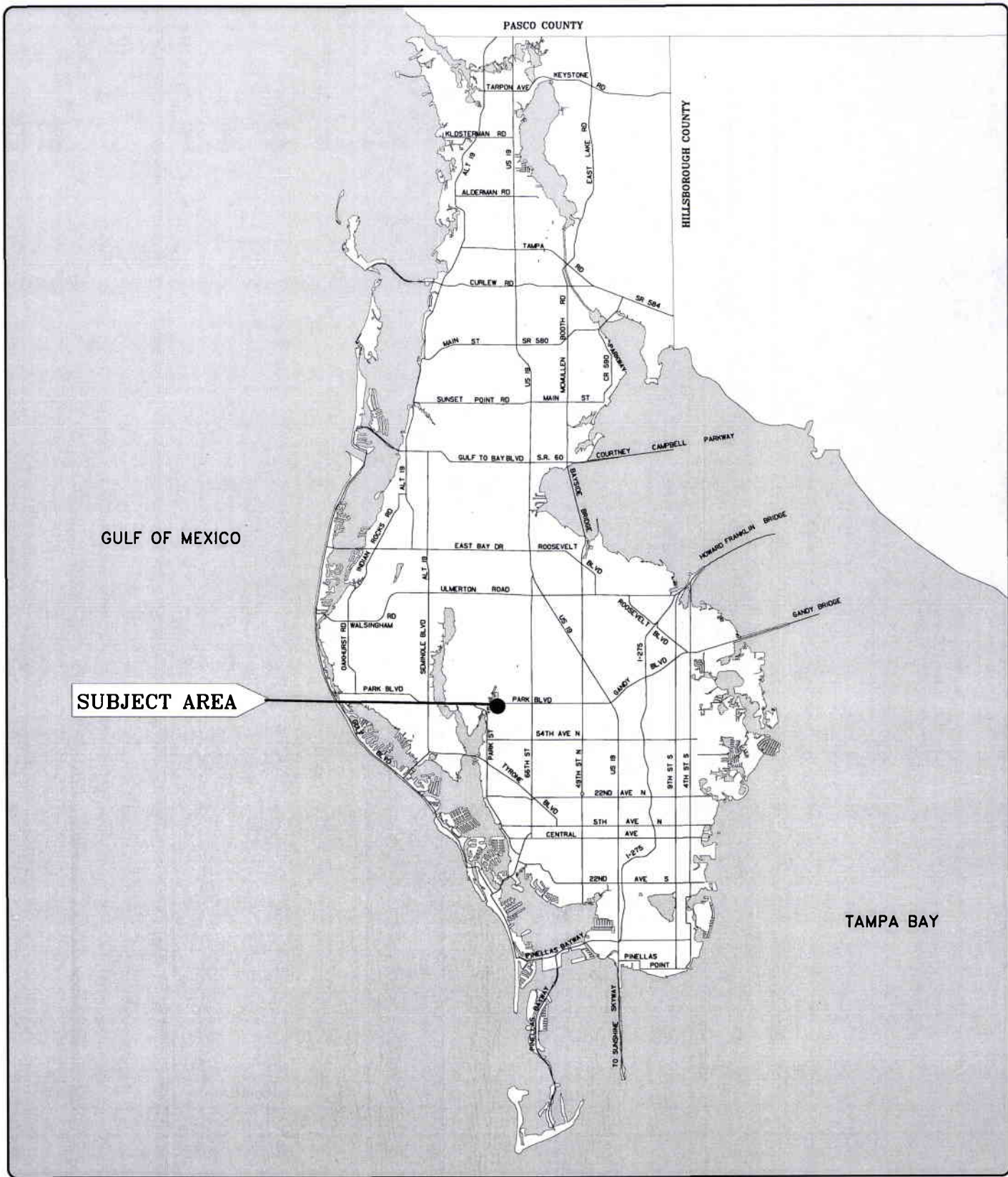
***III. LIST OF MAPS & ATTACHMENTS***

- |       |  |
|-------|--|
| 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              |
| Attachment 2 | Rescinding Ordinance No. 07-38 |

***IV. SUPPORT DOCUMENT – available only at [www.pinellasplanningcouncil.org](http://www.pinellasplanningcouncil.org) (see October PPC Agenda and then click on corresponding case number).***

- |                    |                                 |
|--------------------|---------------------------------|
| Support Document 1 | FDCA ORC Report                 |
| Support Document 2 | PPC Disclosure of Interest Form |
| Support Document 3 | Local Government Application    |



MAP 1

CASE NO. CW07-31



**PINELLAS PLANNING COUNCIL**



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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**



**PINELLAS PLANNING COUNCIL**

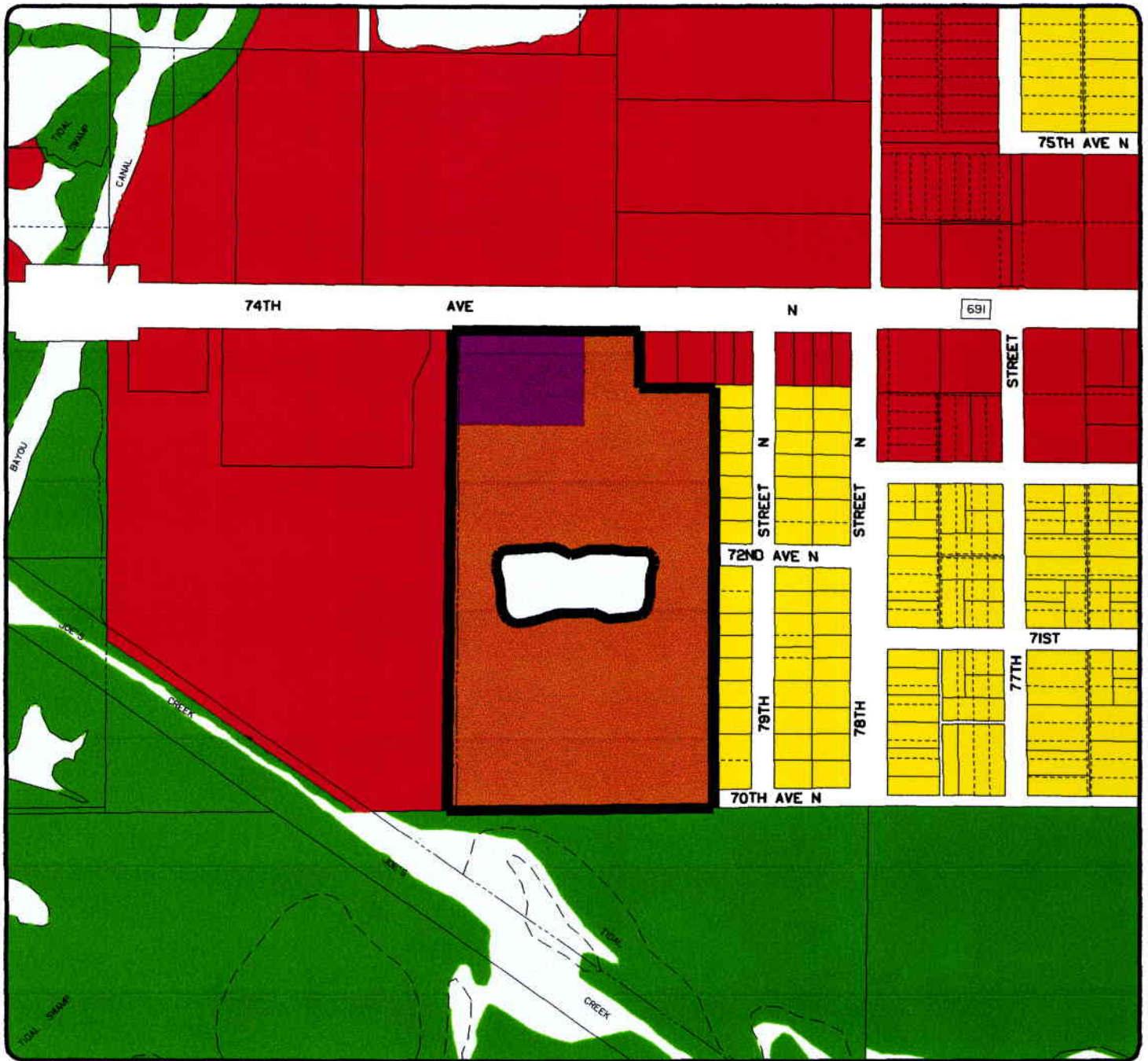
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CASE NO. CW07-31  
MAP 3



NOT TO SCALE



**LEGEND**

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				
						<b>INDUSTRIAL</b>	<b>PLANNED REDEVELOPMENT</b>		
							RESIDENTIAL		
							MIXED USE		
							COMMERCIAL		
							INDUSTRIAL		

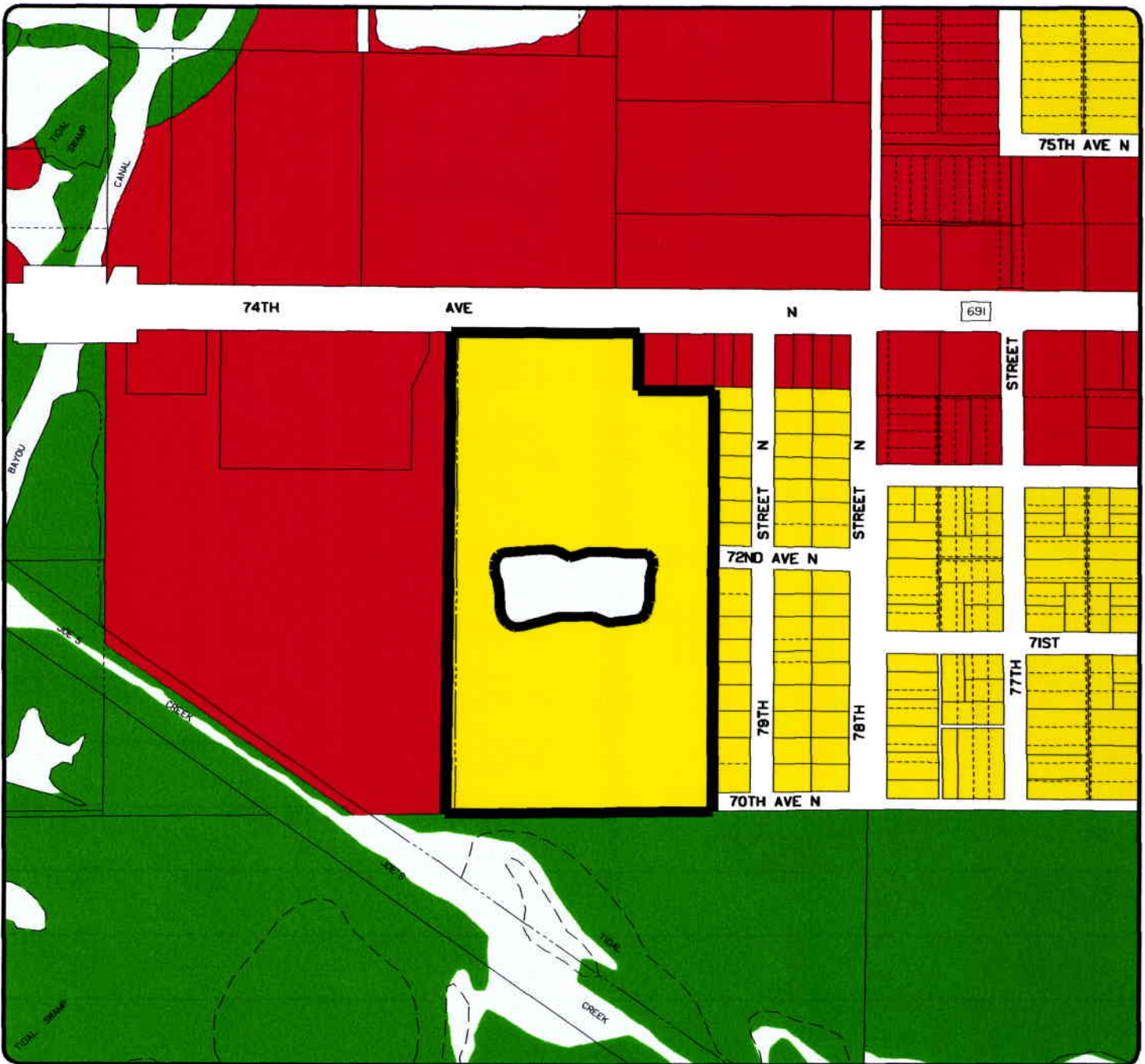
**MAP 4**  
**CASE NO. CW07-31**

**F R O M** **RM** RESIDENTIAL MEDIUM **RU** RESIDENTIAL URBAN  
**R/O/R** RESIDENTIAL/OFFICE/RETAIL

**T O** **ACREAGE:**  
**19.7**

**SCALE 1" = 400'**

**PINELLAS PLANNING COUNCIL**  
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**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						
						<b>INDUSTRIAL</b>		<b>PLANNED REDEVELOPMENT</b>			
							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**  
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# **Draft PAC Minutes**

## **October 8, 2007**

### Regular Amendment:

CW 07-31 - Pinellas County – Mr. Brinson stated that this 19.7-acres site is located on the south side of Park Boulevard, approximately 350 feet west of 79<sup>th</sup> Street North. He reported that this amendment has been submitted by Pinellas County and is proposed to rescind a previous Countywide Plan Map amendment (CW 06-9, April 4, 2006) which established the site's current Residential/Office/Retail (R/O/R) and the Residential Medium (RM) designations.

Mr. Brinson noted that 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 RU on the entire site; and that it should be noted that a 1.3-acre man-made pond is also located on the subject site and is not included in the 19.7-acre amendment size and is denoted with the Water/Drainage Feature on the Countywide Plan Map.

Discussion followed with regard to the history of the Florida Department of Community Affairs (FDCA) objection with regard to the amendment. Gordon Beardslee responded to a query from Mr. Crawford with regard to possible interest on the site for redevelopment with affordable housing. He stated that the owner has submitted nothing specific at this time; and that litigation is continuing.

Chairman Metcalf called for any further discussion. There being none, Gordon Beardslee moved to approve the PPC staff recommendation of approval for Case CW 07-31. The motion was seconded by Paul Geisz and carried (vote 12-0).

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<sup>nd</sup> 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 *[Signature]*  
Deputy Clerk

**PINELLAS COUNTY RESPONSE  
TO DCA'S OBJECTIONS, RECOMMENDATIONS AND COMMENTS  
REGARDING DCA NO. 06-01**

**1. The Department has identified the following objection to the proposed Future Land Use Map amendment LU 14-10-05 and LU 2-11-05.**

**DCA Objection 1:** the proposed land use designations will result in increased residential density within the Coastal High Hazard Area (CHHA) as defined by Rule9J-5.003(17), F.A.C., and Section 163.3178.(2)(h), F.S. The amendment is not supported by data and analysis demonstrating that hurricane evacuation times will be maintained or that there are adequate shelter spaces. Thus, the amendment is inconsistent with state law and rule requirements regarding directing population concentrations away from the CHHA. In addition, the amendments are inconsistent with Objective 1.2 of the Coastal Management Element regarding maintaining or reducing hurricane evacuation times.

**DCA Recommendation:** Do not adopt the amendment. Alternatively, provide data and analysis that demonstrate that the overall population in the CHHA is decreasing and that populations are being directed away from the CHHA. In addition, provide data and analysis demonstrating that evacuation times and shelter spaces will not be negatively impacted by the proposed land uses.

**Pinellas County Response:** please see the attached letter (**Attachment 1** to the Local Planning Agency Report) sent to the Tampa Bay Regional Planning Council (TBRPC) in response to their initial concerns regarding the effect of the amendments on evacuation timing and shelter conditions. Following review of the information provided, the TBRPC concurred with the County that the impacts on shelter and evacuation timing were adequately addressed. Both of the referenced amendments will result in high-end waterfront developments. This is not the demographic that traditionally seeks public shelter. In addition, Mr. Gary Vickers, Pinellas County Emergency Management Director, has reviewed both amendments and does not consider the impacts on the evacuation network to be unmanageable. As described in the letter to the TBRPC, Pinellas County Emergency Management considers more aggressive education to be the key to managing evacuation and shelter issues and is stepping up educational efforts countywide.

In addition, the enclosed table (see **Attachment 3**) summarizes the number of residential units removed from the Coastal High Hazard Area (CHHA) since November 1988 through the process of land acquisition by the County, and the map indicates their location. In all, a total of 2,088 units have been removed from

the CHHA. Therefore, overall, the County has reduced the number of people in the CHHA and concomitantly reduced impacts on the evacuation system.

In particular, please see the map included with **Attachment 3** that depicts the location of Pinellas County acquisitions since November 1988 that removed residential development potential from the CHHA. Regarding the case located in north County along the Anclote River (Case No. LPA 99-11-05), note that the Brooker/Anclote River acquisitions, the Wall Springs/McMullen acquisitions and the Mariner's Point acquisitions removed a total of 1,251 units from the CHHA, and reduced evacuation impacts commensurately on the northern evacuation routes including Tarpon Avenue/Keystone Road. In regard to the case located on Collany Island in south County (Case No. 91-10-05), while there have been no specific acquisitions that would directly impact the same evacuation route as the Collany Island land use case, overall, a total of approximately 354.3 acres and 2,088 developable residential units have been removed from the CHHA countywide since November 1988, with at least 697 units in south County. **Attachment A** also includes the current evacuation route map for Pinellas County.

Regarding shelter impacts, please see the attached excerpt (see **Attachment 4**) from Pinellas County's recently approved Evaluation and Appraisal Report which documents the countywide shelter deficit, but also documents the under-utilization of emergency shelter even in an evacuation for a category 3 storm.

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**2. The Department has identified the following objection to the proposed Future Land Use Map amendment LU-2-9-05:**

**DCA Objection 2:** The proposed amendment will result in increased density within the CHHA, and is therefore inconsistent with Coastal Management Element Policy 1.3.3, which prohibits approval of development above 5 units per acre in the CHHA. The proposed land use designation will result in increased residential density within the 100-year floodplain above 5 units per acre, and is therefore inconsistent with County Policy 7.1.4 of the Natural, Historic, and Cultural Resources Element, which limits development within the 100-year floodplain to no more than 5 units per acre.

**DCA Recommendation:** Do not adopt the proposed amendment.

**Pinellas County Response:** The proposed Development Agreement has been modified to require mitigation of the property consistent with the recommendations contained in a letter from the Executive Director of the Tampa Bay Regional Planning Council (see **Attachment 2**) for removing the subject property from the area impacted by a projected Category 1 storm surge. One of

the recommendations in the letter is that the subject site be elevated with fill to a height of more than 6 feet above mean sea level. This action would elevate the property, structures, utilities, and infrastructure above the potential storm surge associated with a Category 1 hurricane. The SLOSH model predicts a storm surge of approximately 6 feet above MSL for a Category 1 hurricane event at this location. The attached aerial map (see **Attachment 5**) shows the subject site (outlined in white) and nearby properties, the area (outlined in yellow) that would be subject to a Category 1 storm surge, and the area (outlined in red) that would be subject to a Category 2 storm surge. Fill activity has already occurred in the area, including the adjacent property to the west where the elevation was increased to 19-20 feet above MSL for construction of a commercial use. As a result of this fill activity, the property to the west is no longer located within the coastal high hazard area and much of the property is now elevated above the 100-year base flood elevation of ten feet. In addition, the area to the east of the subject property steadily increases in elevation, removing it from the coastal high hazard area and also from the 100-year floodplain approximately 450 feet east of the subject property. The current Regional Evacuation Study conducted in 2000 identifies the subject property as being located in an Evacuation B zone, and the mitigation measures specified in the Development Agreement would ensure that the subject property not become part of the coastal high hazard area.

Since the subject site, even after being elevated to more than 6 feet above MSL, would continue to be located within the 100-year floodplain, the first habitable floor of structures will need to be located at or above the base flood elevation. The County's site plan process would also require drainage improvements to ensure that stormwater runoff does not adversely impact adjacent properties. The conceptual site plan included in the Development Agreement would retain the drainage channel to the west for transferring stormwater runoff to the south toward Joe's Creek and away from adjacent development and Park Boulevard. These mitigation measures would reduce exposure of property and residents to storm surge associated with a Category 1 storm event, and therefore benefit public safety.

County Policy 7.1.4. of the Natural, Historic, and Cultural Resources Element does not support FLUM amendments that increase residential density above 5 units per acre in the 100-year floodplain with the intended objective to protect the functional hydrological characteristics of floodplains. In the recently adopted Evaluation and Appraisal Report, the Board of County Commissioners identified the need to reevaluate this specific policy to consider some limited flexibility in the application of this density restriction based on site-specific circumstances as long as the hydrological function of the floodplain is not compromised. It was recognized that retaining a low density residential land use designation on a parcel of land may not always represent the most effective means for protecting a floodplain's hydrological function when other planning objectives are also taken into consideration. The subject property is located in the Joe's Creek Watershed, which is located in a highly urbanized portion of Pinellas County. The County's

Surface Water Management Element determined that more than 90% of the Joe's Creek floodplain has been extensively modified over the years by urban development. As a result of past urban development, and anticipated future development, the stormwater management plan for this basin developed in the 1980s identified several drainage improvements that would attenuate flow in the Joe's Creek channel and help restore the hydrological function of this drainage basin. Since adoption of the basin plan, Pinellas County and the Southwest Florida Water Management District have acquired several large properties and constructed major drainage improvements upstream of the site to help restore the hydrologic regime for this creek. Consequently, it is felt that redevelopment of the subject site consistent with the proposed land use amendment and Development Agreement would not adversely impact the hydrological function of the 100-year floodplain. In fact, the current dwellings on the property, which are located at-grade, would be replaced by dwellings that would be elevated above the base flood elevation and would be less susceptible to flood damage.

In furtherance of the County's Surface Water Management Element and the Joe's Creek Stormwater Management Plan, Pinellas County has acquired 40.9 acres at the mouth of Joe's Creek since November 1988. (See the attached table and map.) This acreage comprises a portion of the 182-acre Joe's Creek Preserve and is managed by the County's Environmental Lands Management Section to retain the natural resources and hydrologic function of the Creek's 100-year floodplain. Before being acquired by Pinellas County starting in 1983, 78.5 acres were designated on the Future Land Use Map for Residential Medium (up to 15 units per acre) and Residential Low Medium (up to 10 units per acre). These properties have since been amended to Preservation on the County's Future Land Use Map, removing 1,005 units from the coastal high hazard area and the 100-year floodplain; 425 of these total units are associated with County acquisitions that have occurred since 1988. The Joe's Creek Preserve is located immediately south of the subject site that is proposed for amendment. Consequently, while the proposed land use amendment is adding 155 dwelling units to the subject area, and to the evacuation route, these are more than compensated by the removal of 1,005 potential dwelling units immediately to the south.

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**3. The Department has identified the following objection to the proposed Future Land Use Map amendments LU 2-9-05, LU 14-10-05, LU 2-11-05 and LU 4-10-05:**

**DCA Objection:** the proposed FLUM amendments increase the residential density on the subject parcels and have the potential to increase the student population for schools. The proposed FLUM amendments are not supported by an analysis for the five year and long term planning timeframes of the Comprehensive Plan addressing the following: (1) the number of additional

students for each school resulting from the FLUM amendments; (2) the impact of the FLUM amendment students on the 5 year and long term (long term timeframe of the Comprehensive Plan) community-wide projected student enrollments and planned capacity of each school; (3) the need for school facility improvements (scope and timing of school facility improvements) or other planning alternatives to provide capacity to serve the impacts; and (4) coordination of the school facility improvements with Pinellas County Public Schools.

**DCA Recommendation:** Revise the amendments to include the required data and analysis addressing the 5 year and long term student impacts to school facilities and the capital improvements or other measures necessary to provide school capacity to serve the anticipated school students, including analysis of additional coordination with the School Board regarding additional school facility improvements that may be beneded. Revise the amendments as necessary to be consistent with and supported by data and analysis.

**Pinellas County Response:** DCA references Sections 163.3177(6)(a) and 163.3177(6)(h)1 and 2, F.S., regarding coordination with the local school board on land use categories where public schools are allowable uses, coordination with the plans of school boards, coordination in regard to public school facility siting, etc. DCA has said that the County's amendments are inconsistent with the referenced provisions of Chapter 163, F.S.

Pinellas County, however, has been in compliance with the referenced requirements for some time, as evidenced by the existing interlocal agreement (ILA) with the Pinellas County School Board (which DCA has a copy of) and by existing policies already contained within the Future Land Use Element of the Comprehensive Plan (DCA reviewed the policies and the agreement and found them to be in compliance). Essentially, Pinellas County is in compliance with all currently applicable requirements for coordination with the School Board and for school facilities planning.

The Pinellas County School Board, as required by our ILA, receives a copy of each proposed amendment to the Future Land Use Map – they received the referenced amendments prior to the first public hearing by the Local Planning Agency. Following review, the School Board did not have any questions or concerns regarding the impact of the proposed amendments on school capacity.

In regard to the requirements promulgated during the 2005 legislative session, Pinellas County, the School Board and the municipalities with public schools are currently working together (as the Pinellas County School Planning Work Group) to update the existing ILA to address the new public school planning requirements, including development of school concurrency and a new public school facility element. DCA is aware of the County's progress as County staff have been in coordination with DCA staff regarding plans to update the existing

interlocal agreement, the timeline for accomplishing the requirements, exemptions, etc. The deadline for Pinellas County to adopt a Public School Facilities Element and School Concurrency Program is not until March 2008.

The proposed amendments, if approved, would add an additional 270 dwelling units in Pinellas County. These dwelling units are estimated to generate approximately 62 additional students that would be attending the County's public schools based on a ratio that compares public school enrollment in 2004 and the total number of residential units in the County that same year. By using a factor provided by the School Board staff, it is estimated that roughly 162 additional students could be generated by the four proposed amendments. Due to the extensive level of urbanization in Pinellas County and the limited availability of vacant developable land, the rate of population growth has been decreasing, which, along with demographic changes, has resulted in a slight decrease in attendance (-1,027 students) at elementary and secondary schools in Pinellas County over the past five years. According to School Board staff, projections from the Department of Education show a continuation of this trend over the next five years, and population projections produced by the Pinellas County Planning Department reveal a slow rate of growth over this same time frame. Consequently, the School Board's Five-Year Capital Outlay Program has scheduled construction of only one new school, while the emphasis is on replacing 17 existing schools with updated facilities. The potential of 62 to 162 additional students that could be generated by the four proposed amendments would be located in north, mid, and south County and would not tax the capacity of public schools within Pinellas County nor necessitate the need to expand capacity at any of the County's public schools. The School Board of Pinellas County has instituted a Choice Program in which the County has been divided up into a few large Choice Attendance Areas. This essentially allows students to attend the school of their choice within a large Attendance Area as long as there is adequate capacity in that school.

**CHANGES TO THE PROPOSED AMENDMENT  
NOT PREVIOUSLY REVIEWED BY  
THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

The Development Agreement associated with the Golden Lantern Land Use Amendment (**Case LPA 67-09-05**) has been modified as follows to address concerns raised by DCA and the subject of potential annexation:

1. **Sections 6.1.3.4 through 6.1.3.7 have been added to the Agreement.** These four new conditions address coastal high hazard area issues that were raised with respect to the proposed Future Land Use Map amendment.

2. A letter dated February 24, 2006 from the Executive Director of the Tampa Bay Regional Planning Council has been included as Exhibit "C". **The County-approved mitigation of the subject property enumerated in Section 6.1.3.4 of the Development Agreement must be consistent with this letter.**
  
3. **Section 6.1.5 of the Development Agreement has been modified to include the requirement that prior to annexation the Owner shall record a deed restriction encumbering the property with the development limitations of the Agreement.** The property is not currently contiguous to the City of Pinellas Park, so voluntary annexation is not an option at this time. This modification to the Agreement, however, ensures that if the property becomes contiguous to the City in the future, a deed restriction will need to be recorded before annexation.

Genplan/Response to DCA ORC3 - Liz

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. Keathley 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,<br>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,<br>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<br>(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<br>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.  | _____ |