

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III B – 1.

MEETING DATE: November 19, 2008

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

From: Residential/Office General – R/OG

To: Commercial General - CG

Area: 1.5 Acres m.o.l

CASE #: CW 08-41

JURISDICTION: Kenneth City

LOCATION: Northwest of the intersection of 62nd St. N. and 54th Ave. N.

RECOMMENDATION: Council Based On Accompanying Findings Recommend That The Proposed Amendment To Commercial General Be Denied.

I. BACKGROUND

This case is back before the Council for your consideration with no changes from the October 15, 2008 meeting.

The amendment area is located north of 54th Avenue North and west of 62nd Street North.. The parcel is designated R/OG and is “L” shaped, surrounding a parcel that is in the unincorporated area and designated CG. The remaining uses surrounding the site are residential.

II. FINDINGS

This amendment is considered a “regular amendment” because it impacts one or more of the six Relevant Countywide Considerations contained in the Countywide Rules. The impacted considerations are:

- *Consistency with the Countywide Plan and Rules*
- *Adjacent to or Impacting an Adjoining Jurisdiction or Public Educational Facility*

In summary, PPC staff has concluded that the requested CG category is considered an inappropriate Countywide Plan Map designation for this site because it is surrounded on two sides, and a portion of the third side, with residential uses and designations, and is not part of or integrated with a larger concentrated commercial center. The request would also double the existing depth of the CG category from 54th Ave. North. Further, the Countywide Rules support the current designation for the site (i.e., R/OG) which is in character with the abutting residential uses and it serves as a transition from the existing commercial area on the northwest corner of

PINELLAS PLANNING COUNCIL ACTION:

10/15/08: The Council recommended continuation to PPC meeting of November 19, 2008 at the request of the Town of Kenneth City (vote 11-0).

11/19/08: The Council approved the amendment from Residential/Office General to Commercial General (vote 8-3).

COUNTYWIDE PLANNING AUTHORITY ACTION:

11/4/08: The Board continued the amendment to the CPA meeting of December 16, 2008 (vote 6-0).

12/16/08: The Board approved the amendment (vote 6-0).

SUBJECT: Case CW 08-41 – Kenneth City

54th Ave. and 62nd St., as well as the commercial areas on the south side of 54th Ave.

For a detailed staff evaluation of the proposed amendment's impact on the above Relevant Countywide Considerations refer to Support Document 1: Council Staff Analysis.

In consideration of and based upon a balanced legislative determination of the Relevant Countywide Considerations, as they relate to the overall purpose and integrity of the Countywide Plan, it has been determined that the proposed Commercial General category is not consistent with the criteria for plan map amendments. Therefore, it is recommended that the proposed amendment of the Countywide Plan Map to Commercial General be denied.

III. PLANNERS ADVISORY COMMITTEE (PAC)

The PAC discussed this case at their meeting on October 6, 2008, and recommended denial (vote 10-0), with added recommendation that the Town of Kenneth City re-examine its Land Development Code to determine if it could accommodate the intended uses either at present in their General Office zoning category or with amendment of the zoning category.

At their November 10, 2008 meeting they took no further action on this item since they had already provided a recommendation in October and there has been no new information for their consideration provided to date.

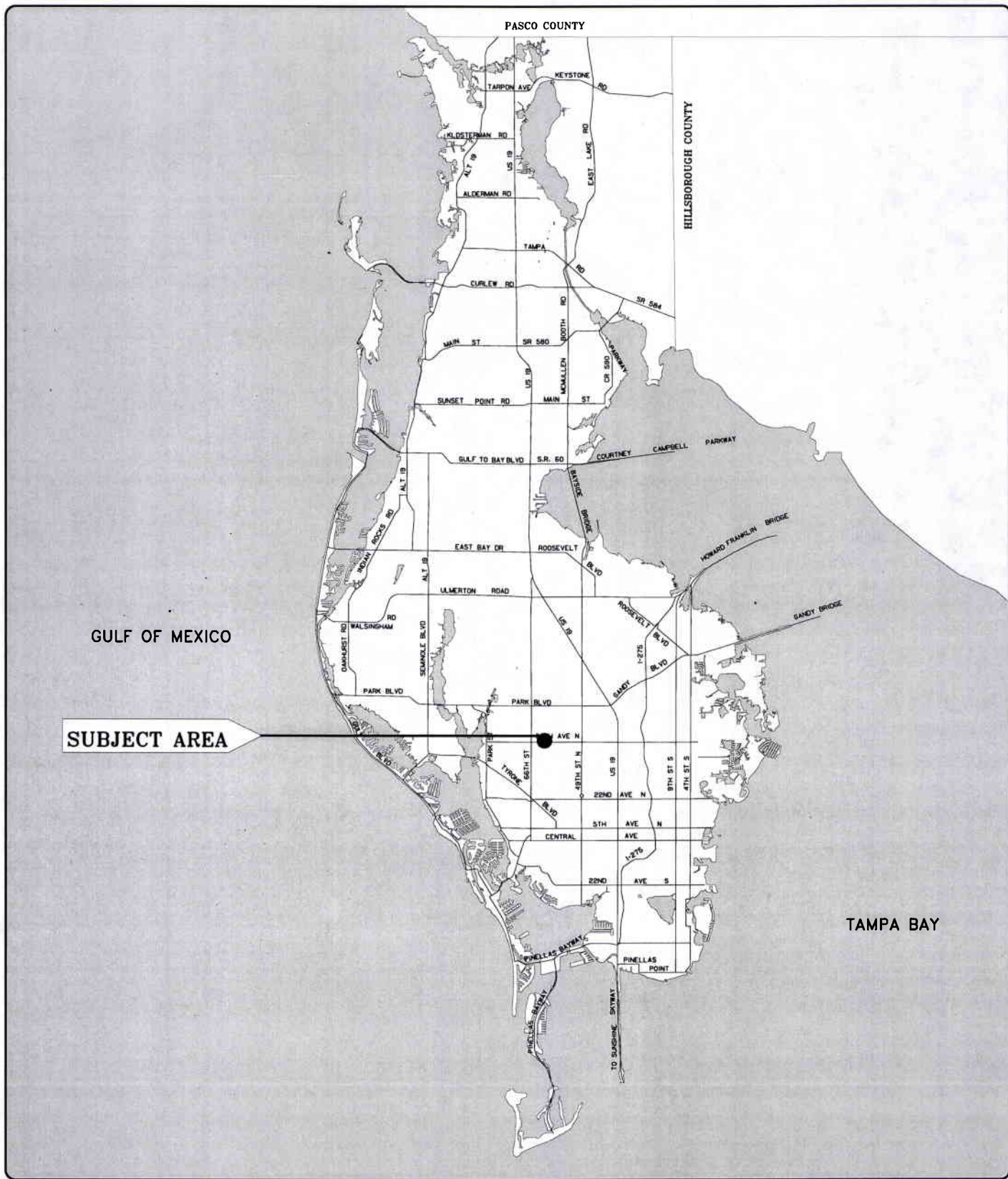
IV. LIST OF MAPS & ATTACHMENTS

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

Attachment 1 Draft PAC Minutes

V. SUPPORT DOCUMENTS – available only at www.pinellasplanningcouncil.org (see October PPC Agenda and then click on corresponding case number).

- | | |
|--------------------|---------------------------------|
| Support Document 1 | Council Staff Analysis |
| Support Document 2 | PPC Disclosure of Interest Form |
| Support Document 3 | Local Government Application |



MAP 1

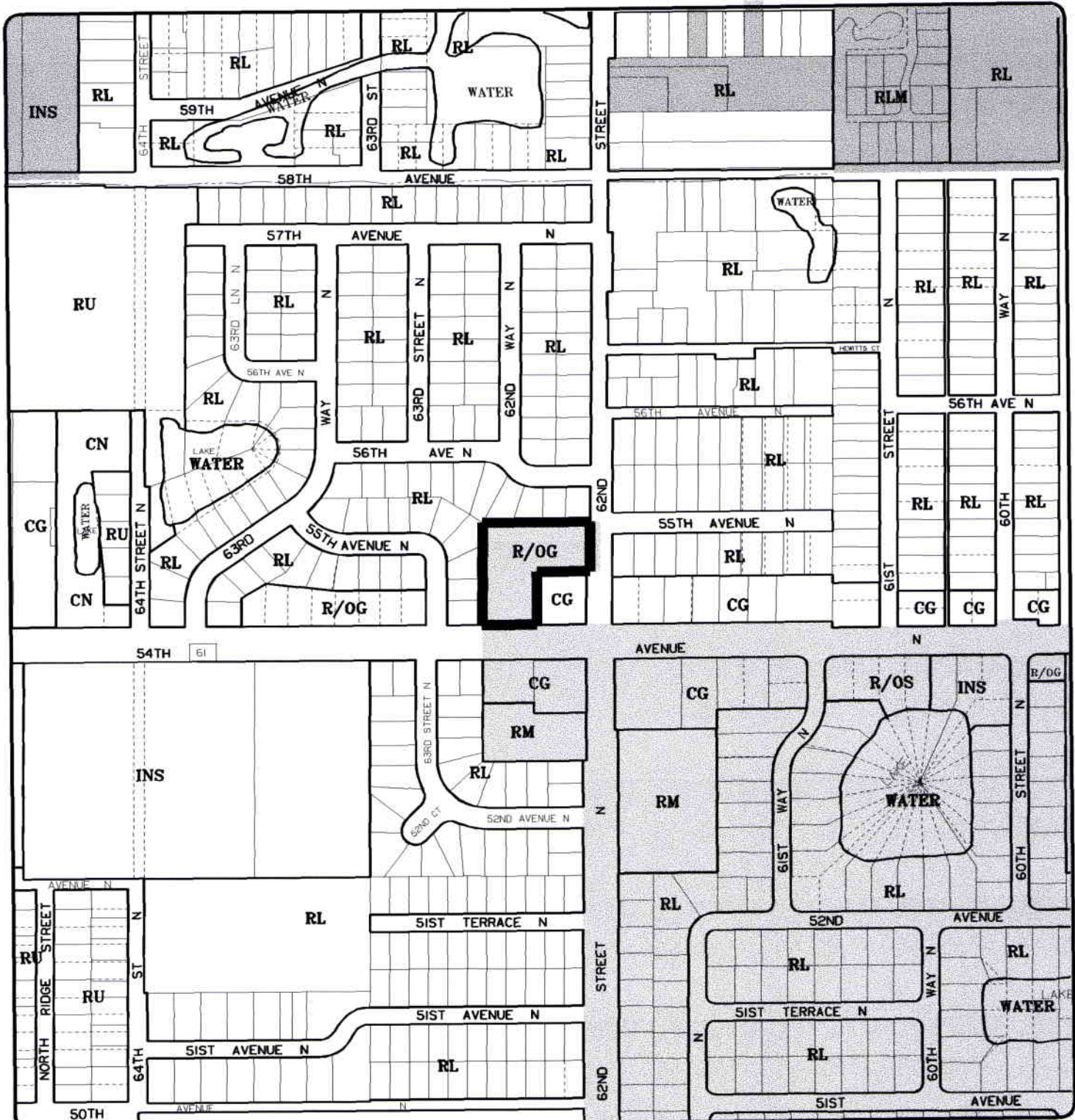
CASE NO. CW08-41



PINELLAS PLANNING COUNCIL



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MAP 2

PROPOSED AMENDMENT CASE NO. CW08-41

FROM: Residential/Office General (R/OG)

TO: Commercial General (CG)

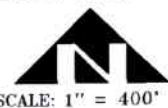
ACREAGE: 1.49



TOWN OF KENNETH CITY



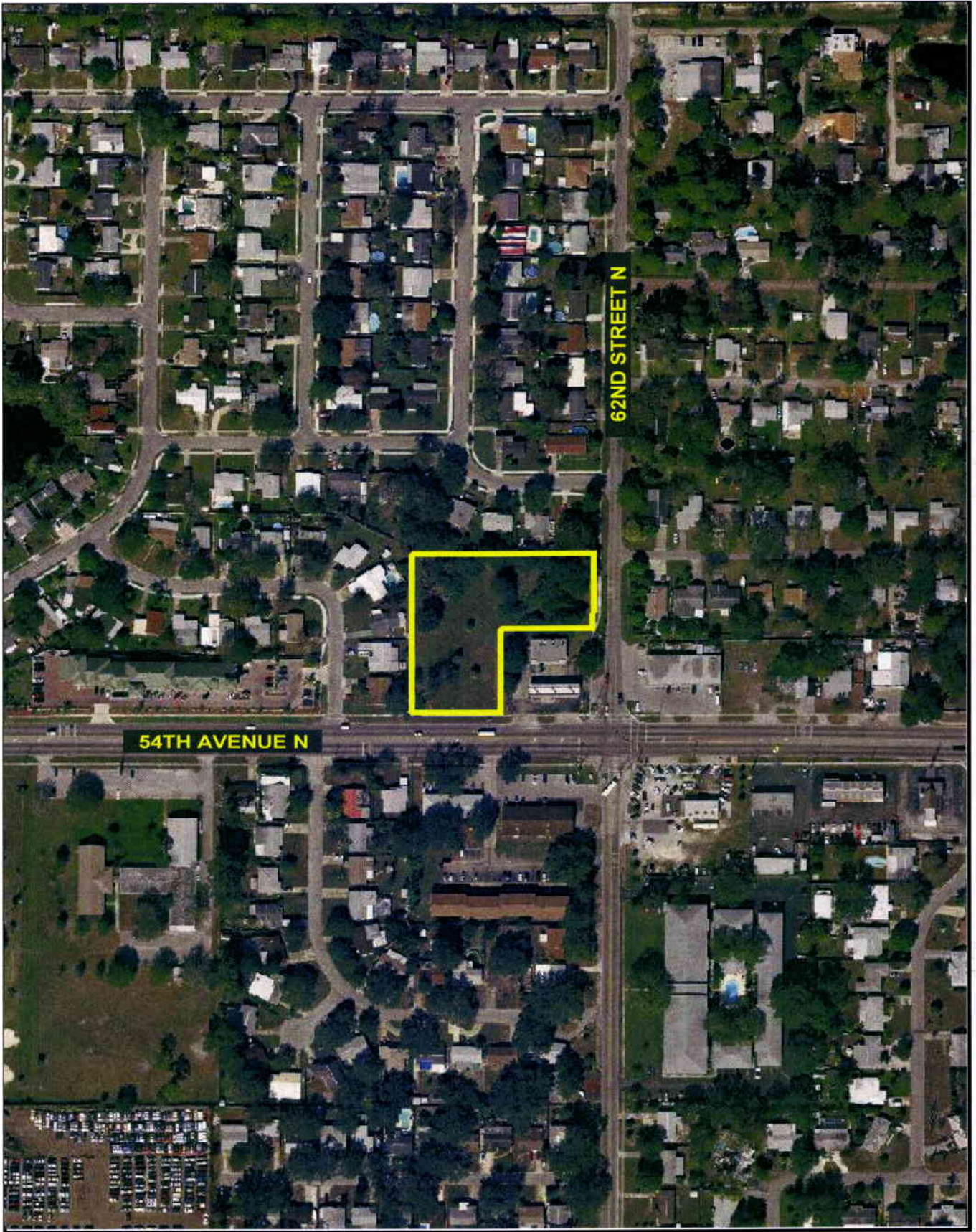
CITY OF PINELLAS PARK



SCALE: 1" = 400'

PINELLAS PLANNING COUNCIL

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**CASE NO. CW08-41
MAP 3**



NOT TO SCALE



LEGEND

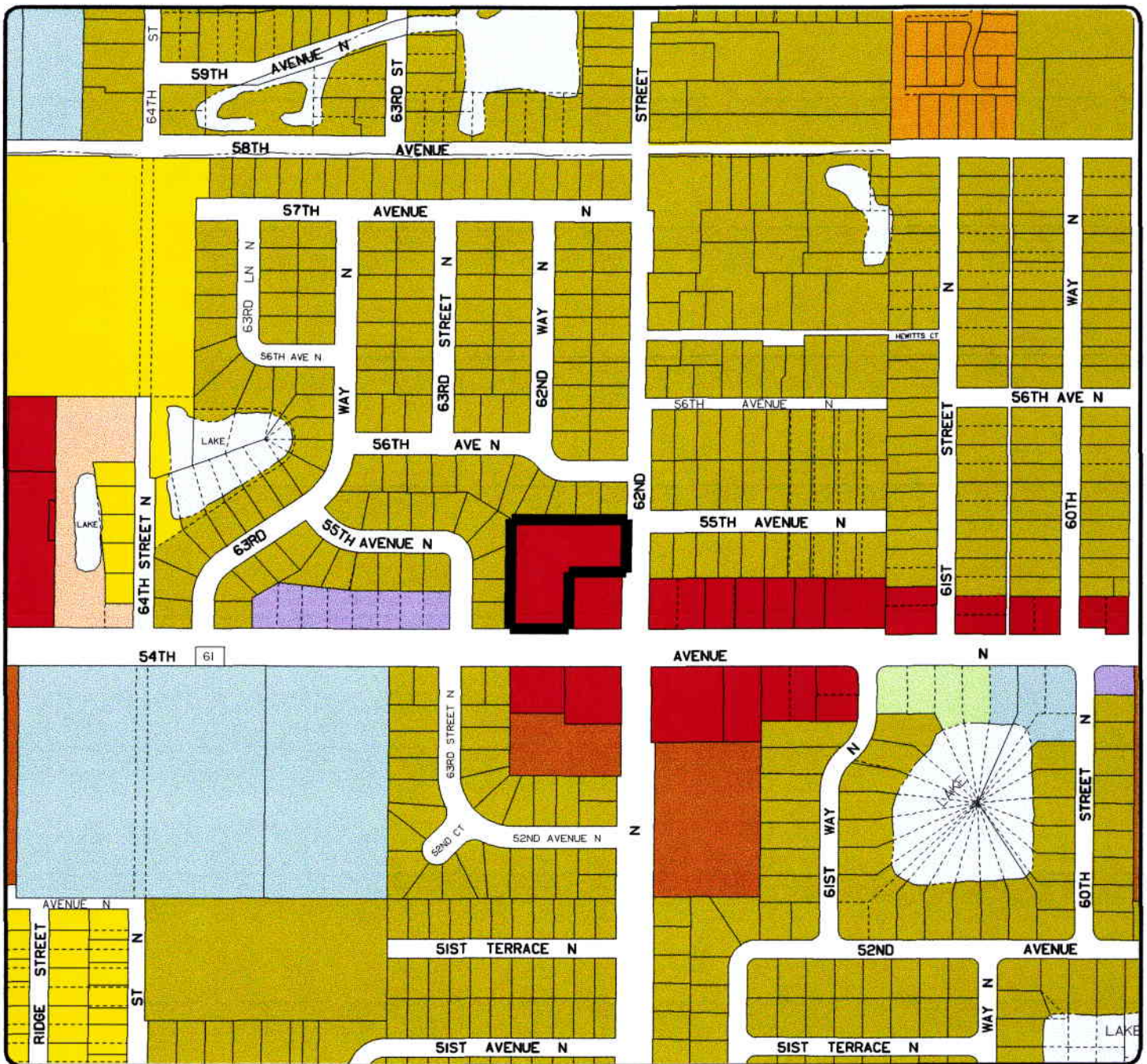
RESIDENTIAL		MIXED USE		COMMERCIAL		PUBLIC/SEMI-PUBLIC		SPECIAL DESIGNATION			
	RESIDENTIAL RURAL		RESIDENTIAL LOW MEDIUM		RESIDENTIAL/OFFICE LIMITED		COMMERCIAL NEIGHBORHOOD		PRESERVATION		WATER/ DRAINAGE FEATURE
	RESIDENTIAL ESTATE		RESIDENTIAL MEDIUM		RESIDENTIAL/OFFICE GENERAL		COMMERCIAL LIMITED		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		PLANNED REDEVELOPMENT		
							INDUSTRIAL GENERAL		RESIDENTIAL		
									MIXED USE		
									COMMERCIAL		
									INDUSTRIAL		

MAP 4
CASE NO. CW08-41

FROM: R/OG RESIDENTIAL/OFFICE GENERAL
TO: CG COMMERCIAL GENERAL
ACREAGE: 1.49

SCALE 1" = 400'

PINELLAS PLANNING COUNCIL
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PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH
GRAPHICS PREPARED USING MDT VERSION 2.1



LEGEND

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

MAP 5
CASE NO. CW08-41

PROPOSED FUTURE LAND USE

SCALE 1" = 400'

PINELLAS PLANNING COUNCIL
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 GRAPHICS PREPARED USING XEDIT VERSION 2.1.0

Draft PAC Minutes

November 10, 2008

Regular Plan Amendment:

Case CW 08-41: Town of Kenneth City – (continued to PPC meeting of November 19) - Mr. Crawford noted that no new information had been received. Mr. Neal noted that he had not been approached for assistance by the applicant. Mr. Crawford stated that staff had met with the Town and applicant regarding a development agreement but had not received anything further from them.

Draft PAC Minutes

October 6, 2008

Regular Plan Amendments:

Case CW 08-41: Town of Kenneth City – Mr. Crawford stated that the 1.5 acres m.o.l. amendment area is located north of 54th Avenue North and west of 62nd Street North; that the parcel is designated Residential/Office General (R/OG) and is “L” shaped, surrounding a parcel that is in the unincorporated area and designated CG; and that the remaining uses surrounding the site are residential. He stated that PPC staff concluded that the requested CG category is considered inappropriate for this site because it is surrounded on two sides, and a portion of the third side, with residential uses. He noted that the request would double the existing depth of the CG category from 54th Avenue North further encroaching into the residential area; that the Countywide Rules support the current designation for the site of R/OG which is in character with the abutting residential uses and serves as a transition from the existing commercial area on the northwest corner of 54th Ave. and 62nd St., as well as the commercial areas on the south side of 54th Avenue.

PPC staff therefore recommends the proposed amendment to Commercial General be denied.

At the invitation of PAC, Dr. Hirschfield (property owner) stated that the property was purchased in 2003; that he wishes to develop it for his pediatric practice; that he intends to build an approximately 3500 square foot building and have some of what he termed “allied” professions on the site as well. He stated the Mayor Whitman plans to be at the PPC meeting on the 15th in support, and that there have been no objections to the project from the neighborhood.

Discussion ensued with regard to zoning issues and what is available to them in the Town of Kenneth City. The PAC questioned whether Residential/Office/Retail (R/O/R) might be available to which a reference to the Town’s comprehensive plan indicated it would not.

John Cueva provided historical data on the subject property noting that in 2001 they requested a land use amendment to CG on ½ acre on this site and the County denied the request.

Rick MacAulay stated that R/OG is the appropriate land use designation; that accommodation of the proposed uses is more an issue with zoning to be dealt with

by the Town of Kenneth City (potentially as accessory uses); that he does not believe the issue is with land use; and that the issue should be referred back to the local government. Mr. Rinzivillo concurred with Mr. MacAulay.

After full report and discussion, Sharen Jarzen moved to deny the request to Commercial General with added recommendation that the Town of Kenneth City re-examine its Land Development Code to determine if it could accommodate the intended uses either at present in their General Office category or after amendment; the motion was seconded by Dean Neal and carried (vote 10-0).

PAC members requested the minutes reflect they "regrettably" recommended denial of the amendment.

Council Staff Analysis
Case CW 08-41: Kenneth City
October 15, 2008, PPC Meeting

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The requested Commercial General (CG) category as proposed to be applied to this site is not consistent with the Countywide Rules. The site does abut another CG designated area at the corner of 62nd St. North and 54th Ave. North, however expansion of the CG category and development of the site with a commercial use does not meet the objective of “*creating a consolidated, concentrated commercial center providing a full spectrum of commercial uses*” as stated in the purpose section of the Countywide Rules. Additionally, the subject area’s relationship to the adjoining residential uses on two sides (the third side being adjacent to residential uses across 62nd Ave.) is not appropriate and these uses are not compatible with intensive commercial use as stated in the locational characteristics for the CG category in the Countywide Rules.

The purpose and locational characteristics of the Countywide Rules state that the current Residential/Office General (R/OG) category would be better suited for the site because it is consistent with the surrounding residential uses. Further, it serves as a transition between the low density residential uses to the north and west and the commercial use on the northwest corner of 54th Ave. and 62nd St., as well as transition from other commercial uses on the south side of 54th Ave.

This amendment is not consistent with the purpose statement and locational characteristics found in the Countywide Rules. Therefore, the proposed amendment is considered inconsistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment area is not located on a roadway whose LOS is below “D”, nor will the amendment cause the adjacent roadway to fall below LOS D.
- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The proposed amendment area is not located on a SNCC, so these policies are not applicable.
- 4) **Coastal High Hazard Areas (CHHA)** – The proposed amendment area is not located in a CHHA, so these policies are not applicable.

- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact, a designated development or redevelopment area.

- 6) **Adjacent To or Impacting An Adjoining Jurisdiction or Public Educational Facility** – The amendment is adjacent to unincorporated Pinellas County for the majority of its border (a commercial use to the southeast and residential uses to the west, north, and east). This unincorporated area is serviced by Pinellas County with water and sewer, the Sherriff's Office covers police services, and waste collection services are provided by a private hauler.

Additionally, the amendment area does not adjoin, nor will it impact, a public educational facility.

This request is inconsistent with this Relevant Countywide Consideration due to the incompatibility of the requested plan category and uses for the site and the potential negative impact on adjoining residential uses.

DISCLOSURE OF INTEREST STATEMENT
PINELLAS COUNTY PLANNING COUNCIL CASE NUMBER *

SUBMITTING GOVERNMENT ENTITY: Town of Kenneth City

PPC OR CITY/TOWN CASE NUMBER: _____

PROPERTY OWNERS/REPRESENTATIVE:

Name: Julie Alissa Hirshfield

ANY OTHER PERSONS HAVING ANY OWNERSHIP INTEREST IN THE SUBJECT
PROPERTY: None

Interests: _____ Contingent: _____ Absolute: _____

Name: _____

Specific Interest Held: _____

INDICATION AS TO WHETHER A CONTRACT EXISTS FOR SALE OF SUBJECT
PROPERTY, IF SO: None

Contract is: _____ Contingent _____ Absolute

All Parties To Contract:

Name: _____

INDICATION AS TO WHETHER THERE ARE ANY OPTIONS TO PURCHASE SUBJECT
PROPERTY, IF SO: None

All Parties To Option:

Name: _____ Name: _____

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

change zoning from CQ to CG

* NUMBER TO BE ASSIGNED BY PLANNING COUNCIL STAFF

Support Document 3

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 R/09
- 2. Proposed Countywide FLUP Designation CG

II. Local Plan Map Amendment Information

- 1. Local Plan Map Amendment Case Number None
- 2. Current Local Plan Designation(s) R/09
- 3. Current Local Zoning Designation(s) R/0G
- 4. Proposed Local Plan Designation(s) CG
- 5. Proposed Local Zoning Designation(s) CG

III. Site Description

- 1. Parcel number(s) of area(s) proposed to be amended (include Section/Twp/Rng/Sub/Blk/Lot) 32/30/16/69930/332/0401
- 2. Acreage 1.492
- 3. Location 6245 54th Anenue North
- 4. Existing use vacant lot
- 5. Existing density N/A
- 6. Name of project (if applicable) _____

IV. Verification of Local Action

- 1. Verification of local action to approve amendment to local plan and transmittal of amendment to Countywide Plan Map; and/or 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. _____
- 9. Plan Amendment Application. _____