

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** II F.

**MEETING DATE:** April 15, 2009

***SUBJECT:***

Consent Agenda:

F. Correspondence

***RECOMMENDATION:***

Council Receive and Discuss as is Appropriate

***BACKGROUND***

Correspondence Includes:

1. Draft PAC Minutes – April 6, 2009
2. Letter sent March 4, 2009 to welcome Mayor Patricia Shontz, City of Madeira Beach, representing the Group A communities, to the PPC
3. Memorandum sent March 5, 2009 to Robert S. LaSala, County Administrator, Re: Applicability of S.B. 360 to Pinellas County
4. Sample of letter sent March 9, 2009 to municipalities with mapping assistance interlocal agreement with the PPC, Re: Zoning Map Assistance
5. Letter sent March 9, 2009 to Janina Patrus, Town Clerk, Town of Redington Beach, Re: Review of Redington Beach Adopted Evaluation and Appraisal (EAR) Based Comprehensive Plan Amendments for Consistency with the Countywide Rules
6. Letter sent March 9, 2009 to Robert G. Bray, Jr., AICP, Community Planning Director, City of Pinellas Park, Re: Review of Proposed Evaluation and Appraisal (EAR) Based Amendments to the City of Pinellas Park's Comprehensive Plan for Consistency with the Countywide Rules
7. Sample of letter sent to all municipalities March 10, 2009, Re: Notification of Amendments to the Countywide Rules (Ordinance No. 09-9 – Consistency)
8. Copy of letters dated March 18, 2009 to Mayor Beverley Billiris, City of Tarpon Springs, Mayor Frank Hibbard, City of Clearwater, and John Cueva, DRS Permit Section Manager, Pinellas County, from Brian Smith, Pinellas County Planning Director, Re: CPA actions taken on March 17, 2009

***PINELLAS PLANNING COUNCIL ACTION:***

***COUNTYWIDE PLANNING AUTHORITY ACTION:***

**SUBJECT: Other Council Business - Correspondence**

9. Letter sent March 20, 2009 to Mayor Patricia Gerard, City of Largo, Re: March 18, 2009 PPC Meeting Follow-up (Ability to Serve Report No. 09-1 – Florida Power Property)
10. Letter sent March 23, 2009 to Michael L. Delk, AICP, Planning Director, City of Clearwater, Re: Review of City of Clearwater's Adopted Evaluation and Appraisal (EAR) Based Comprehensive Plan Amendments for Consistency with the Countywide Rules
11. Letter sent March 25, 2009 to Danny Taylor, Planning & Zoning Director, City of Indian Rocks Beach, Re: Consistency Reconciliation Actions
12. Memorandum sent March 27, 2009 to Jewel White Cole, Managing Assistant County Attorney and Legal Counsel to the Pinellas Planning Council, Re: Items in Follow-Up to Consistency Process

MINUTES OF THE PLANNERS ADVISORY COMMITTEE MEETING  
MONDAY, APRIL 6, 2009  
BANK OF AMERICA BUILDING  
600 CLEVELAND STREET, SUITE 850, EIGHTH FLOOR  
CLEARWATER, FLORIDA

Members Present:

Sharen Jarzen, Chairman	City of Seminole
Gordon Beardslee	Pinellas County
Dean Neal	City of Pinellas Park
Bob Klute	City of Largo
Fred Metcalf	City of Gulfport
Catherine Porter	City of Clearwater
Marie Dauphinais	City of Oldsmar
Ron Rinzivillo	City of Safety Harbor
Rick MacAulay	City of St. Petersburg
Renea Vincent	City of Tarpon Springs
Steve DeMerritt	City of Treasure Island
Catherine Hartley	City of St. Pete Beach
Marshall Touchton	Pinellas County School Board, Ex Officio Member

Also Present:

Jesus Nino	City of Largo
David Healey	Pinellas Planning Council
Michael Crawford	Pinellas Planning Council
Larry Pflueger	Pinellas Planning Council
Linda Fisher	Pinellas Planning Council
Christopher Mettler	Pinellas Planning Council
Willie L. Brown, Jr.	Pinellas Planning Council
Carolyn Shoemaker	Pinellas Planning Council

PAC Chairman Sharen Jarzen called the meeting to order at 1:30 P.M.

Minutes – Chairman Jarzen asked if there were any comments or corrections to be made to the minutes of the March 9, 2009 Planners Advisory Committee (PAC) meeting. There being none, Catherine Porter moved to approve the minutes; the motion was seconded by Renea Vincent and carried (vote 9-0).

Old Business – Rick MacAulay asked for clarification of whether the School Board representative, who serves in an ex-officio capacity, has a vote in the PAC proceedings to which Mr. Crawford, with the assistance of Marshall Touchton, stated he does not have an official vote.

Review of PPC Agenda for April 15, 2009 Meeting – Received.

Countywide Planning Authority (CPA) Actions – March 17, 2009 - Mr. Crawford reported the Board approved Case CW 09-03 from the City of Tarpon Springs located at 332 Anclote Road

from Industrial Limited and Commercial Neighborhood to Industrial General, and Case CW 09-02, a Pinellas County case located at 2625 CR 95 from Residential Low to Residential Urban. The CPA also received and accepted the proposed Minor Plan Change to the Clearwater Downtown Redevelopment Plan and accepted the Composite Annexation Report for FY 2000/01 through 2007/08 for filing.

Annexation Report – March 2009 – Linda Fisher summarized the report on voluntary annexations for the month of March as follows:

She stated that the Council received a total of five (5) voluntary annexation petitions in March from the cities of Clearwater and Largo. The proposed annexations contain four residential uses and one Progress Energy utility corridor. The proposed annexations totaled 2.83 acres and approximately \$427,000 in taxable value. Total Municipal Service Taxing Unit revenues from the \$427,000 of taxable value are \$891 using the 2008/09 fiscal year tax rate. It was estimated that about 13 residents will be affected by a change in jurisdiction. Annexation of two of the five parcels will reduce an enclave in the county by 1.86 acres.

\*\*\*Marie Dauphinais and Catherine Hartley entered at this time.\*\*\*

Ability to Serve No. 09-2: City of Largo (Shady Lane MHP) – Larry Pflueger presented staff findings relative to the proposed annexation area located north of Roosevelt Blvd., east of Bolesta Road, south of 162<sup>nd</sup> Avenue N, and west of 49<sup>th</sup> Street N. and generally east of Largo's current boundaries. He stated this area is referred to by the City as the Shady Lane Mobile Home Park Voluntary Annexation and that the area consists of two parcels. The first one is designated Residential Urban and Residential Low, and the second is designated Residential Low Medium on the Countywide Plan Map. The existing use is a mobile home park.

In accordance with the ability to serve review criteria of PPC Resolution No. 98-2, and based upon the accompanying data and analysis, Mr. Pflueger submitted the following findings for consideration:

- A. The subject area is located within an established planning area pursuant to Chapter 163, F.S., and is contiguous to the current City of Largo jurisdictional boundaries.
- B. The proposed annexation would not create any enclaves.
- C. The City of Largo has the ability to provide sanitary sewer service, solid waste pick up and disposal, law enforcement, fire and EMS services, and recreation and library services through city departments, county services, or private contractors.
- D. The existing service district boundaries will not change.

Mr. Pflueger stated that PPC staff does have certain concerns with regard to solid waste collection given that there is a potential 1.3 additional tons of waste per person, per year (629 tons) which the City has indicated they will not have a problem handling, but has provided

minimal information in the application to support this; and that there is a similar concern with regard to recreation with Mr. Pflueger noting there are parks within a reasonably accessed area, but again there is no specific data noted in the report; and finally, additional information is requested with regard to law enforcement levels of service for the proposed annexation area.

With that said, PPC staff determined that there is an overall ability to serve but additional information with regard to the provision of recreational, solid waste, and law enforcement services would support that determination.

Jesus Nino responded to concerns, noting that the City has a solid waste enterprise fund which is self-supporting and expects \$85,000 in revenues from solid waste collection; but the property owners currently have a contract that is in effect for five years, and he stated that the City can prepare for the additional waste that will be generated. He noted that police services are already provided by Largo to the north and south of the annexation areas, and that the City will produce the numbers needed for the Council prior to next week's meeting.

Discussion followed in which Mr. Beardslee stated he believes this annexation would create a "Type B" enclave due to the fact that after annexation there would be no way to get to the unincorporated area except through the City. Jesus Nino stated he had discussed this with Largo's city attorney who does not feel this creates an enclave and discussion followed with regard to the issue. Mr. Healey questioned Mr. Beardslee as to whether the County would prefer that they leave the roads unincorporated, to which Mr. Beardslee stated that he was not commenting on the appropriateness of the roads jurisdiction, only that the report should reflect that an enclave is created.

Mr. Crawford stated that PPC staff will look at the issue, discuss with the Largo City Attorney as to his opinion; and adjust the report as needed.

\*\*\*Catherine Hartley left the meeting at this time.\*\*\*

Renea Vincent moved to approve the staff recommendation; the motion was seconded by Steve DeMerritt and carried (vote 9-1). Chairman Jarzen asked that the minutes reflect that her vote in opposition was due to the lack of information and materials provided by Largo.

\*\*\*Ron Rinzivillo and Catherine Hartley entered the meeting at this time.\*\*\*

Coastal Areas – Authorization of Public Hearing for Proposed Amendment of the Countywide Rules – Chris Mettler stated that the Council is being asked to authorize public hearing for the May PPC meeting regarding proposed changes to the Countywide Rules relating to the Coastal Storm Area. He provided background on this issue, noting that the Council directed staff to prepare an ordinance which is now before PAC for discussion. He further noted that the revisions to the plan map amendment review criteria have been designed to reflect a more affirmative approach in evaluation, as well as to include distinctions in the review criteria between increases in residential density vs. non-residential intensity.

Mr. Mettler stated that the revisions to the criteria do not prohibit a plan map amendment that provides for other uses or increased density/intensity from being approved, but rather requires consideration of the possible implications of the proposed plan map amendment in relationship to the proposed location and its geographic and physical characteristics.

The revisions to the criteria allow for an application for a proposed plan map amendment to challenge the CSA map (proposed Submap No. 2) that the subject property is located within the CSA by provision of a survey demonstrating that the property in whole or in part is located outside the CSA.

Mr. Mettler referred to the proposed ordinance and highlighted the amendments that were included.

Rick MacAulay expressed concern that the CSA belongs in the local government comprehensive plans and not the Rules; that he believes that a vote in favor of this proposal would increase the authority of the PPC through the Countywide Rules; and that there is no need to increase the authority of the PPC and CPA in this manner. He stated that it is St. Petersburg's belief that these decisions need to be made locally. The City of St. Petersburg believes this is different from the Scenic/Non-Commercial Corridor policy and the way we treat Industrial lands; that extra scrutiny is given to the fact that land use changes will affect the corridors; and that the reason the City does not believe the CSA falls into that logic is that there is a state law that regulates the CHHA and it is the City's opinion that the state law goes far enough.

Further, Mr. MacAulay stated that: 1) St. Petersburg feels it is worth waiting for the new SLOSH map to be generated, which will likely be this month and released at the end of this calendar year; and that from what we understand, it won't change much; and 2) clarification is needed with regard to possible impact on insurance rates. He stated that the St. Petersburg Council met on April 2, and Mr. Healey spoke to the Council on this issue following which the Council voted unanimously to approve a resolution in opposition to this proposed Rule amendment.

Rick MacAulay moved that the proposed amendment to the Countywide Rules be deferred to the end of this calendar year in order to review the new SLOSH map and to receive additional information relative to the impact on insurance; the motion was seconded by Ron Rinzivillo and carried (vote 7-5 with representatives of Gulfport, Largo, St. Pete Beach, Pinellas County and Seminole opposing.)

## PLAN AMENDMENTS

### Subthreshold Plan Amendments:

Case CW 09-04 Pinellas County – Willie Brown stated that this 16.4 acres m.o.l. site is proposed to be amended from Residential Rural (RR), Residential Low (RL), No Designation, and Recreation/Open Space (R/OS) to Preservation (P) and is located as follows: one area of approximately 2.3 acres is north of Old Keystone Road, and north of the Upper Pinellas Youth

Sport Complex; the remaining areas are approximately 14.1 acres in size and south of Keystone Road, and east of East Lake Road. All of the amendment area is within the Brooker Creek Preserve. He stated that the amendment qualifies as a Type E subthreshold amendment; that all 10 parcels, nine of which are owned by Pinellas County and one by the Southwest Florida Water Management District, have various future land use plan designations that would, under this proposal, be reclassified to the Countywide Plan Map "Preservation" category. He further noted that these individually acquired parcels, formerly privately owned, currently have designations that do not reflect current public ownership or the present and future long-range goals of the Brooker Creek Preserve Management Plan – 2008 Update.

Mr. Brown outlined the Countywide Rules relative to the Preservation category; stated that the Brooker Creek Preserve was primarily created for conservation, protection and restoration of native wildlife habitat but also provides flood storage, maintains natural ground water recharge, and provides protection for the Lake Tarpon Watershed. He stated that is the largest remaining open space area within the county, consisting of approximately 8,000 acres, and that it is deemed to be a regionally important natural resource.

Although the entire site is proposed to be designated Preservation, 3 of the 10 parcels are proposed to be designated with the local (Pinellas County) Future Land Use Plan subset of Preservation-Resource Management (P-RM); the remaining parcels would be reclassified on both Countywide and County Plans as Preservation.

Renea Vincent moved to approve staff recommendation of approval; the motion was seconded by Bob Klute and carried (vote 12-0).

#### Regular Plan Amendments:

Case CW 09-05 Pinellas County – Mr. Crawford stated that this 2,607.6 acres m.o.l. site is proposed to be amended from Preservation to Preservation with Resource Management Overlay (RMO) and is located as follows: approximately 948 acres are north of Old Keystone Road extending north to the Pinellas-Pasco county line; the remaining 1,660 acres are south of Keystone Road, along the Pinellas-Hillsborough county line on the east, and extending south to the Oldsmar city limits. All of this amendment area is within the Brooker Creek Preserve.

Mr. Crawford stated that this proposed amendment has been submitted by Pinellas County and will reclassify a significant part of the 8,000-acre Brooker Creek Preserve by adding the RMO Category to the underlying "Preservation" plan category. All parcels are owned by Pinellas County and will be classified under the Pinellas County Future Land Use Plan as Preservation – Resource Management (a subset of the Countywide Plan category of Preservation) with the "Resource Management Overlay - 1 or 2" (which are subsets of the Countywide Plan category Resource Management Overlay).

Mr. Crawford outlined the current Preservation category, what it allows, and what changes were recently made at the behest of the County in order to better reflect existing environmental management and passive recreation uses, as well as to reflect certain potable water supply infrastructure in the Preserve; and that additionally, the RMO category was

adopted as a new Countywide Plan Map category to reflect resource management plans, such as the one prepared and approved by Pinellas County for the Brooker Creek Preserve, inclusive of the identified potable water supply system infrastructure.

A requirement of the RMO category is that it be based upon and consistent with a resource management plan approved by the local jurisdiction – in this case, the “Brooker Creek Preserve Management Plan – 2008 Update” (“Management Plan”).

Mr. Crawford noted that it is suggested by Pinellas County that the amendment will align the subject properties with present and future long range goals of the Management Plan.

Mr. Crawford discussed the reasons for approval of the majority of the amendment request and denial of two parts of the request. He provided background pertaining to the request, including what the change to RMO would allow on the parcels in question. He stated that Pinellas County is proposing to bifurcate the RMO areas into RMO-1 and RMO-2. The RMO-1 category would allow non-vertical infrastructure and RMO-2 non-vertical as well as vertical infrastructure. He stated that the 54.8-acre area north of Trinity Boulevard was recommended for denial because there are no facilities planned for this area as discussed in the Management Plan. He also stated that the current Preservation designation allowed for what was on the site today (i.e., natural areas and monitoring wells).

Discussion followed with regard to a concern as to where vertical infrastructure is proposed to be allowed. Mr. Crawford pointed out the current and proposed vertical infrastructure in the 893.3-acre area the County proposes to be amended to RMO-2 totals 64 acres. These are part of the Management Plan and therefore recommended for approval. However, the remaining area did not have any proposed facilities as indicated in the Management Plan and was recommended for denial. Of concern was the potential for locating vertical infrastructure on another 196 acres in the larger remaining 830-acre tract as indicated in the County’s definition for vertical infrastructure. There was no area specified for this infrastructure, nor information as to what type of infrastructure this might include.

Lastly, Mr. Crawford discussed the need for a buffer from existing residential areas in Pasco County and Hillsborough County for future vertical infrastructure.

Gordon Beardslee provided a set of maps and documents (attached) to the PAC members showing what property was amended by the Pinellas County Board of County Commissioners (BOCC); and presented the background and history of the subject. Mr. Beardslee stated that the challenge has been to balance and allow for appropriate use of the properties purchased by Pinellas County Utilities for potable water development. He then outlined what would be allowed in the RMO-1 and RMO-2 categories.

Mr. Beardslee stated that vertical water supply facilities include blending facilities, treatment plants, above-ground infrastructure, and could include a reservoir. The total areas where these could occur would 260 acres. He stated that they did not know where the 260 acres would be located until a specific proposal came through; but that the BOCC adopted locational criteria that would help them decide an appropriate location.

Discussion continued with regard to the PPC staff concern regarding areas north of Trinity Boulevard. Mr. Beardslee stated that is an area where Pinellas County Utilities thought they may need to locate wellheads and that would be an appropriate location.

Discussion followed with regard to the blending facility with Mr. Neal providing input as to his historical knowledge of discussions with regard to pipelines and Pasco County.

Mr. Beardslee stated that the County does not see a need for excluding that area north of Trinity and would like to identify it as a potential need.

Mr. Crawford responded to a query from Renea Vincent that all 8,000 acres are in the Brooker Creek Management Plan, but that the Plan that discusses water infrastructure does not reflect additional facilities in the 830 acres proposed to be amended on the County's map to RMO-2; and, therefore, there is no basis for RMO. Mr. Beardslee noted that the County disagrees.

Gordon Beardslee noted that the Friends of Brooker Creek sent a letter of support; and that the County has received a lot of public input.

Mr. Metcalf clarified that the PPC position is that part of the proposal is premature until location is decided.

Discussion followed with regard to permitting of additional water withdrawals with Mr. Beardslee noting that would be the jurisdiction of Tampa Bay Water.

Gordon Beardslee moved to recommend approval of the proposed amendment as submitted by the County; the motion was seconded by Renea Vincent and carried (vote 7-5 with representatives of Safety Harbor, St. Petersburg, Largo, Oldsmar and Gulfport opposing.)

\*\*\*Bob Klute left the meeting.\*\*\*

Case CW 09-06 Pinellas County – Mr. Crawford stated that this 878 acres m.o.l. site is proposed to be amended from Residential Rural and Transportation/Utility to Preservation with Resource Management Overlay, Preservation with Transportation/Utility Overlay, and Recreation/Open Space and is located north of Keystone Road, along the Pinellas-Hillsborough county line on the east, and extending north to the Pinellas-Pasco county line. This area is commonly referred to as the “Wilde Trust” parcel.

The 710-acre portion of the amendment area, owned by both Pinellas County Utilities and CSX Transportation, Inc., will recognize the recent purchase of the Wilde property for use by Pinellas County Utilities. The 68-acre tract also owned by Pinellas County (part of the recent purchase as well) will reflect the existing Progress Energy power line easement; and the 100-acre tract, owned by Pinellas County, will address facility-based recreation needs in north Pinellas County by providing recreational fields for the “East Lake Youth Sports

Association.” While the first two amendment areas are intended to be included in the Brooker Creek Preserve, this last tract is not.

Mr. Crawford highlighted the staff report and the reasons for recommending approval, including the condition that the two areas intended for use by Pinellas County Utilities be added to the Brooker Creek Management Plan within one year.

Gordon Beardslee stated that on the area of Recreation/Open Space property there was opposition from residents to the south; that the County will have to go through a special exception process and that there will probably be public turn-out for that. He noted that there is no money in the budget at this time for a recreation facility and there are no specific plans now.

Rick MacAulay moved approval of staff recommendation and condition; the motion was seconded by Catherine Porter and carried (vote 11-0).

Case CW 09-07 City of Tarpon Springs - Mr. Crawford stated that this 15.9 acre site is proposed to be amended from Residential Urban (RU), Preservation, and Preservation with Transportation/Utility Overlay to Industrial Limited (IL), Preservation, and Preservation with Transportation/Utility Overlay and is located at 615, 625, 631 North Jasmine Avenue. He added that the amendment essentially involved a change from RU to IL and that the remaining designations would be unchanged.

Mr. Crawford stated that the subject property was previously reviewed and amendments were approved in 2006 for cases CW 06-52 and CW 06-53. The southern parcel was amended from IL to RU (allowing up to 7.5 residential units per acre). The northern parcel was amended from Residential Low (5 units per acre) to RU.

Mr. Crawford stated that the current designation was appropriate for the northern portion of the amendment area. It has residential areas directly abutting to the north and east and gains its access via a residential street (Jasmine Avenue). An amendment to IL could bring addition vehicle trips that would impact the only access to the area via Tarpon Avenue/Keystone Road, which was operating at a level of service “F.” He stated that the former Countywide Plan Map designation was Residential Low (prior to the 2006 amendments).

Mr. Crawford then discussed the southern part of the amendment area that contains industrial workspace. This area was previously IL and was amended in 2006 to RU. He stated that this IL area was isolated and that there are potential conflicts between the industrial uses and adjacent uses (i.e., the residential areas, Rose Cemetery, Cycadia Cemetery, and the Tarpon Sports Complex on Jasmine Avenue), and that the site had limited access to the site via Jasmine Avenue and East Tarpon Avenue. He discussed the proposed intersection improvements committed to by Lowe’s and the City of Tarpon Springs that is expected to be constructed within five years. These improvements would extend East Spruce Street from Jasmine to US 19 and improve access to the area for the current uses and any proposed industrial uses.

Mr. Crawford also stated that staff's recommendation will not go forward to the PPC with the restrictive covenant condition and would like to remove it from consideration in the discussion with PAC.

Renea Vincent stated that she spoke to Lowe's; that the light and intersection improvements were part of the development agreement; and that on Tuesday the City will discuss details regarding vacation of some of the streets involved. She noted that along with the development agreement, Lowe's will be required to construct a portion of East Spruce Street; and that Tarpon Springs is supportive of the recommendation back to Industrial and converting the northern piece to Industrial as well. In response to Mr. Crawford's query as to the expected improvements by Lowe's, Ms. Vincent reported they should begin construction by summer or fall of this year.

Rick MacAulay moved to approve the PPC staff recommendation without the restrictive covenant; the motion seconded by Marie Dauphinais and carried (vote 7-4 with representatives of St. Pete Beach, Tarpon Springs, Pinellas Park, and Pinellas County in opposition.)

Other PAC Business: None.

There being no further business, the PAC adjourned at 3:20 P.M.

Respectfully submitted,

---

David P. Healey, Executive Director