

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** II F.

**MEETING DATE:** September 16, 2009

**SUBJECT:**

Consent Agenda:

F. Correspondence

**RECOMMENDATION:**

Council Receive and Discuss as is Appropriate

**BACKGROUND**

Correspondence Includes:

1. Draft PAC Minutes – Sept. 8, 2009

**JULY**

2. Copy of letters sent July 9, 2009 to Mayor Dave Eggers, City of Dunedin, Mayor Patricia Shontz, City of Madeira Beach, and Mayor Andy Steingold, City of Safety Harbor, from Brian Smith, Director, Pinellas County Planning Department, received July 10, 2009, Re: CPA actions taken on July 7, 2009
3. Sample of letter/memorandum sent July 10, 2009 to all local governments and the Board of County Commissioners, in their capacity as the Countywide Planning Authority, transmitting the updated copy of the Countywide Plan Rules, as amended through February 24, 2009
4. Letter sent July 16, 2009 to Lauren Matzke, Planner III, City of Clearwater, Re: Review of Proposed Amendments to the City of Clearwater's Land Development Regulations (LDRs) (Ordinance 8044-09) for Consistency with the Countywide Rules
5. Letter sent July 17, 2009 to Danny E. Taylor, Planning and Zoning Director, City of Indian Rocks Beach, Re: Review of Proposed Comprehensive Plan and Land Development Regulations (LDRs) Amendments for Consistency with the Countywide Rules
6. Letter sent July 17, 2009 to Robert David, Director of Public Works, City of Belleair Bluffs, Re: Consistency Reconciliation Actions
7. Letter sent July 17, 2009 to Mayor John Robertson, Town of Belleair Shore, Re: Consistency Reconciliation Actions
8. Letter sent July 17, 2009 to Larry Nayman, Building Official, Town of Indian Shores, Re: Consistency Reconciliation Actions

**PINELLAS PLANNING COUNCIL ACTION:**

**COUNTYWIDE PLANNING AUTHORITY ACTION:**

**SUBJECT: Other Council Business - Correspondence**

9. Letter sent July 17, 2009 to Danny Taylor, Planning & Zoning Director, City of Indian Rocks Beach, Re: Consistency Reconciliation Actions
10. Letter sent July 17, 2009 to Commissioner Lee Holmes, Town of Redington Shores, Re: Draft Code Ordinance Addressing Correlation Between Zoning District and Future Land Use Plan Categories and Providing Transferable Development Rights (TDRs) Regulations
11. Memorandum dated July 17, 2009 to Vice-Mayor Jerry Knight, Town of North Redington Beach, Re: Evaluation of Grant Programs for Open Space Land Acquisition
12. Memorandum dated July 17, 2009 to W. D. Higginbotham, Jr., City Manager, City of Madeira Beach, Re: Evaluation of Grant Programs for Waterfront Parks
13. Letter sent July 17, 2009 to Mayor Michael Yakes, City of Gulfport, Re: July 15, 2009 PPC Meeting Follow-up [Ability to Serve Report No. 09-3 (Referendum Annexation Area)]
14. Letters sent July 17, 2009 to Mayor Patricia Gerard, City of Largo, and Commissioner Calvin Harris, Chairman, Pinellas County Board of County Commissioners, Re: July 15, 2009 PPC Meeting Follow-up
15. Sample of letters sent July 17, 2009 to property owner/representative, Re: July 15, 2009 PPC Meeting Follow-up (Land Use Cases)
16. Sample of Memorandum sent to all Mayors, Re: Transmittal of Proposed 2009-10 PPC Budget
17. Letter received July 22, 2009 from James W. Denhardt, Town Attorney, Town of Redington Shores, Re: Proposed Redington Shores Ordinance
18. Letter sent July 27, 2009 to Mary Palmer, Town Clerk, Town of Redington Shores, Re: Review of Land Development Code Amendments for Consistency with the Countywide Rules
19. Letter sent July 31, 2009 to Matt McLachlan, AICP, Community Development Director, City of Safety Harbor, Re: Consistency Reconciliation Actions
20. Letter sent July 31, 2009 to Micah Maxwell, Town Manager, Town of Belleair, Re: Consistency Reconciliation Actions
21. Letter sent July 31, 2009 to Rick MacAulay, Manager, Urban Planning, Design, and Historic Preservation Division, City of St. Petersburg Development Services Department, Re: Consistency Reconciliation Actions
22. Letter sent July 31, 2009 to Mayor Bert Adams, Town of Redington Shores, Re: Consistency Reconciliation Actions

**AUGUST**

23. Letter received August 7, 2009 from Frederick J. Metcalf, AICP, Community Development Director, City of Gulfport, Re: Annexation
24. Copy of letters sent August 7, 2009 to Mayor Lynn Rives, City of Belleair Beach, Mayor William Queen, Town of North Redington Beach, Mayor Jim Ronecker, City of Oldsmar, and Mayor Kathleen Peters, City of South Pasadena, from Brian Smith, Director, Pinellas County Planning Department, received August 11, 2009, Re: CPA actions taken on August 4, 2009
25. Sample of letter sent August 12, 2009 to all municipalities, Re: Transfer of Development Rights (TDRs) Filing Form
26. Letter sent August 17, 2009 to Lisa Lene, City Clerk, City of Oldsmar, Re: Updated Determination of Consistency

**SUBJECT: Other Council Business - Correspondence**

27. Letter sent August 17, 2009 to Mari Campbell, CMC, Town Clerk, Town of North Redington Beach, Re: Updated Determination Consistency
28. Letter sent August 17, 2009 to Nancy G. Gonzalez, City Manager, City of Belleair Beach, Re: Updated Determination of Consistency
29. Letter sent August 17, 2009 to Mary Braisted, City Clerk, City of South Pasadena, Re: Updated Determination of Consistency
30. Letter sent August 20, 2009 to Matt McLachlan, AICP, Community Development Director, City of Safety Harbor, Re: Review of Comprehensive Plan Amendments for Consistency with the Countywide Rules
31. Letter sent August 26, 2009 to Ron Rinzivillo, AICP, Senior Planner, City of Safety Harbor, Re: Review of Amendments to the Comprehensive Zoning and Land Development Code for Consistency with the Countywide Rules
32. Letter sent August 31, 2009 to Larry Nayman, Building Official, Town of Indian Shores, Re: Review of Proposed Code Amendments for Consistency with the Countywide Rules
33. Letter sent August 31, 2009 to Cate Lee, Planner II, City of Clearwater, Re: Review of Proposed Amendments to the City of Clearwater's Land Development Regulations (LDRs) (Ordinance No. 8098-09) for Consistency with the Countywide Rules

MINUTES OF THE PLANNERS ADVISORY COMMITTEE MEETING  
TUESDAY, SEPTEMBER 8, 2009  
BANK OF AMERICA BUILDING  
600 CLEVELAND STREET, SUITE 850, EIGHTH FLOOR  
CLEARWATER, FLORIDA

Members Present:

Catherine Hartley, Vice Chairman	City of St. Pete Beach
Gordon Beardslee	Pinellas County
Dean Neal	City of Pinellas Park
Bob Klute	City of Largo
Catherine Porter	City of Clearwater
Ron Rinzivillo	City of Safety Harbor
Danny Taylor	City of Indian Rocks Beach
Fred Metcalf	City of Gulfport
Renea Vincent	City of Tarpon Springs
Marie Dauphinais	City of Oldsmar

Also Present:

Derek Kilborn	City of St. Petersburg (non-voting)
David Healey	Pinellas Planning Council
Michael Crawford	Pinellas Planning Council
Larry Pflueger	Pinellas Planning Council
Linda Fisher	Pinellas Planning Council
Michael Schoderbock	Pinellas Planning Council
Christopher Mettler	Pinellas Planning Council
Carolyn Shoemaker	Pinellas Planning Council

Vice Chairman Catherine Hartley called the meeting to order at 1:37 P.M. Ms. Hartley noted that six members were present at this time and requested that reports which do not require official action be heard until such time as a quorum is present.

Old Business – None.

Review of PPC Agenda for September 16, 2009 Meeting – Received.

Countywide Planning Authority (CPA) Actions - Mr. Crawford presented actions taken by the CPA for July and August.

Annexation Report – July and August 2009 – Michael Schoderbock summarized the report on voluntary annexations for the months of July and August as follows:

The Council received a total of eight voluntary annexation petitions in July and thirteen in August from the cities of Clearwater, Largo, Oldsmar, Pinellas Park and Seminole. The proposed annexations contain a church property, 17 residential uses, a utility corridor and two vacant properties. The proposed annexations totaled 18.7 acres and approximately \$3.3 million in taxable value. Total Municipal Service Taxing Unit revenues from the \$3.3 million of taxable

value are \$6,967 using the 2008/09 fiscal year tax rate. It is estimated that about 45 residents will be affected by a change in jurisdiction. Three of the 21 annexations will reduce two enclaves in the county by 0.54-acre, and one annexation will eliminate a 0.17-acre enclave.

Mr. Schoderbock also noted that in July the Council heard the Ability to Serve Report on the City of Gulfport and stated that the City decided not to proceed with the annexation process. Mr. Metcalf clarified that the annexation ordinance had failed on second reading by the City and is no longer being pursued.

\*\*\*Bob Klute and Danny Taylor entered the meeting at this time.\*\*\*

Determinations of Consistency – Belleair Bluffs, Belleair Shore, Indian Rocks Beach and Indian Shores – Mr. Mettler stated that the Updated Determinations of Consistency are proposed to be approved for these four local governments. The proposed Determinations of Consistency would be contingent upon resolution within one year of the remaining issues identified in the Consistency Report as set forth in Exhibit B of each resolution.

After full presentation of the report and discussion by PAC, Renea Vincent moved that the Council recommend that the CPA adopt the accompanying resolutions approving the updated Determinations of Consistency for these four local governments. The motion was seconded by Bob Klute and carried (vote 8-0).

\*\*\*Ron Rinzivillo entered the meeting at this time.\*\*\*

Vice Chairman Hartley returned to the approval of the minutes which had been deferred until a quorum was present.

Minutes – Vice Chairman Hartley asked if there were any comments or corrections to be made to the minutes of the July 6, 2009, Planners Advisory Committee (PAC) meeting. There being none, Danny Taylor moved to approve the minutes; the motion was seconded by Fred Metcalf and carried (vote 9-0).

Scenic/Non-Commercial Corridor (SNCC) Pilot Study – Acceptance and Follow-Up – Mr. Crawford noted that PAC has been provided copies and an opportunity to discuss the various drafts of the Study including the most recent version that went to the Council in July. This Study was presented to PAC at their June and July meetings; at their July meeting PAC voted to defer the Study to September in order to allow additional time for review and comments.

He further noted that correspondence was received from the City of Clearwater, Pinellas County, and the City of St. Petersburg and had been provided to PAC; and that additionally, comments had been received from Chairman Sharen Jarzen of Seminole and were provided to PAC at today's meeting.

Mr. Crawford requested discussion and input from the PAC members.

Mr. Rinzivillo inquired as to whether the proposed Transitional subclassification, if it were to be applied to other corridors such as McMullen-Booth, could it add to sprawl. He noted that over the past 20 years, the City of Safety Harbor has attempted to limit commercial to certain nodes. Mr. Crawford stated that it could conceivably; that the PPC staff would look at applying it only in cases where it was appropriate; and that it is not automatic and could be initiated by the local government with jurisdiction. Catherine Porter expressed concern that use of the Transitional subclassification could lead to erosion of the purpose of the SNCC.

Gordon Beardslee referred to a letter which he passed out at today's meeting (Attachment 1 to these minutes) wherein he noted five concerns and corresponding recommendations of the County; and that ultimately the County does not recommend certain amendments to the Countywide Rules.

Discussion continued with Mr. Crawford pointing out that some of the suggestions in the County's comments differ from the letter they submitted and those presented by Clearwater, Seminole and St. Petersburg.

Mr. Kilburn noted St. Petersburg supports delay of acceptance of the report.

Ron Rinzivillo recommended that the Council accept the Pilot Study with the five modifications suggested by Pinellas County; the motion was seconded by Renea Vincent.

Discussion continued with Mr. Beardslee noting that with these recommendations, the County would support receipt and acceptance of the Study.

Mr. Healey stated that PPC staff sees no value in amending the Rules to include the Transitional subclassification without specific guidelines in place for its application. He stated a willingness to revise the language in the Study that said or implied amendments would be conditioned on the content of local land development regulations or site plan specifics, but that he could not support eliminating the proposed addition of criteria that address the land use, traffic management and visual considerations that are fundamental to the SNCC designations. He further suggested it would be pointless to prepare a model if there was not local support for using it in a meaningful way.

Vice Chairman Hartley called for the vote, which carried 6-3, with the representatives of Largo, Gulfport and St. Pete Beach dissenting.

Proposed Amendment of the Countywide Rules Re: Density/Intensity Averaging – Mr. Crawford noted that this item is in follow-up to the Consistency Report; that after discussion by the Council of the consolidated regulations addressing transfer of development rights (TDRs) and density/intensity averaging, the Council recommended removing the item dealing with density/intensity averaging from the final ordinance adopted by the CPA in February of 2009. They then requested that further research be conducted and returned to the Council at a later date.

Mr. Crawford stated that the Rules have allowed density/intensity averaging to be used in the County since they were adopted in 1989; that these provisions were recently merged with the TDR section of the Rules to eliminate redundant text and to clarify their application on properties that are abutting, unlike TDRs that are used to transfer development rights off-site. He stated that the PPC staff proposes that a number of changes be made to the current density/intensity averaging provisions; and that in addition to proposing a limit on how much density or intensity can be averaged, the proposed amendments are intended to correct and further clarify the use of density/intensity averaging as follows:

- Specify that in addition to the Community Redevelopment District and Central Business District Countywide Plan Map categories density/intensity averaging is allowed within the Planned Redevelopment, Residential Very High, and Activity Center categories only in accordance with the provisions of the corresponding special area plan;
- In addition to the Preservation and Recreation/Open Space categories, state that the averaging of development rights into the Coastal High Hazard Area, or into a Unique/Scenic View, Rural/Open Space, or Residential subclassified Scenic/Non-Commercial Corridor is not permitted;
- Clarify that parcels must be touching along a boundary, except when they are separated by a right-of-way;
- Reinforce that the density or intensity from one use can not be converted to another use;
- State that the maximum permitted density or intensity of the Countywide Plan Map category for any parcel of land to which development rights are averaged shall not exceed twenty-five (25) percent of the otherwise maximum permitted density or intensity allowed with the Countywide Plan Map category applicable to such parcel. This limitation can be exceeded if provided for and specified within an approved special area plan;
- Continue to require averaging be recorded in the public records of Pinellas County, but add that evidence of such averaging must be on a form approved by the Countywide Planning Authority; and
- Add a definition of density/intensity averaging.

\*\*\*Marie Dauphinais entered the meeting at this time.\*\*\*

Discussion ensued with Catherine Porter inquiring as to the County Attorney's review on this issue and her concern over "takings" to which Mr. Crawford stated the attorney does review proposed ordinances; and that it is the PPC staff's position that since this provides additional flexibility and does not limit what is otherwise permitted, it would not be considered a "taking." Ms. Porter stated that the City of Clearwater Planning Department is philosophically against this because it feels the focus should be on impacts. She also stated that all issues could be handled at the local level.

Discussion continued with Dean Neal using the example of the a 14,000 acre project in Pasco County that was relying on density and intensity "clustering" and Gordon Beardslee using the Bayside Reserve affordable housing project as an example of the application of density/intensity averaging.

Discussion continued with regard to the 25% cap, TDRs, density/averaging, and clustering with Mr. Crawford and Mr. Healey noting differences and distinctions between them. Mr. Crawford stated PPC staff's premise is to maintain the integrity and predictability of the underlying Countywide Plan Map category; and that what the next higher category is should not come into play. At the request of Mr. Rinzivillo, he clarified that the receiving parcel would be allowed to receive up to 25% above what is otherwise permitted.

Renea Vincent moved to approve the recommendation as written with the elimination of the 25% cap. Catherine Porter seconded the motion which carried (vote 9-1, representative of Safety Harbor dissenting.)

PLAN AMENDMENTS – None.

Other PAC Business:

Revised PAC Format - Mr. Healey stated that as the PPC continues to examine its work program in light of recent budget and staff reductions, a number of programs will need to be streamlined or eliminated in the coming fiscal year and that PPC staff will no longer be able to support the monthly PAC meetings in the current form. He noted that these meetings require a large investment of PPC staff time for agenda preparation and distribution, attendance, presentations, and recording and distribution of minutes, and that this will be beyond the capabilities of our reduced staff.

The PPC recognizes that PAC provides a valuable function, and an important voice, in the countywide planning process and that we also recognize that local governments are undergoing similar reductions in budgets and staff, and that the time PAC members have available to spend outside of their own jurisdictions is also increasingly limited. PPC staff is introducing a revised PAC meeting format that will allow PAC the opportunity to review, discuss, and recommend action on countywide planning agenda items, but without requiring travel to the PPC offices or the extensive involvement of PPC staff.

Ms. Fisher outlined the Microsoft SharePoint program using an online forum to guide the PAC members as to how it will operate. Beginning with the next PAC agenda, for October 2009, PPC staff will continue to email the members with notification that the agenda is available for the members' viewing and input. Using SharePoint, members will still be able to read, download, and print agenda documents from the PPC web site, but now in addition, will be able to post comments, vote on items, and engage one another in online discussions and debates.

This resource is being provided for PAC members to use independently, without PPC staff involvement in the discussions. A PPC staff member will be designated to post agenda items, but all other content will be administered by the PAC chair. While only PAC members will be permitted to post comments, the discussions will be visible to the public, and will be archived and made part of the PPC agenda packet each month. Comments and voting would be received through the end of the work day on Tuesday of the week prior to the Council meeting date. In actuality, this gives the PAC members an additional day to provide input.

Discussion ensued with PAC members expressing both reservations about the new format and indicating their willingness to try the system, with the hope that at least quarterly face-to-face meetings could continue.

There being no further business, the PAC adjourned at 3:15 P.M.

Respectfully submitted,

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David P. Healey, Executive Director

DRAFT

SNCC Study:

*The PAC recommends that the Study be received but not accepted. Several sections in the Study assume the need to amend the Countywide Rules to consider traffic operational and land development code/site design conditions when reviewing Countywide Map amendments along SNCC, which is contrary to the actions taken in the mid-1990s and is unwarranted based on existing conditions.*

SNCC Study Recommendations:

1. Establish a new Transitional subclassification within the SNCC designation that, in addition to those uses currently allowed in the Residential subclassification, includes the Residential Low Medium and Residential/Office Limited Countywide Plan Map categories.

[PAC supports this recommendation.]

2. Identify and evaluate minor and major arterial roadways fronting parcels that have a Residential designation and that are appropriate candidates for redesignation to the proposed Transitional subclassification. *This would occur only in coordination with those local governments having jurisdiction for the corridors under consideration.*

[PAC supports this recommendation as revised.]

3. Amend the Countywide Rules to include specific criteria to be applied to requests for map amendments for properties fronting SNCCs. These criteria should address the existing and potential scenic, land use, and traffic operational qualities of the SNCC and the specific design requirements/controls that are to be applied by the applicant local government if the amendment is approved. Potential amendments may include, for example, restricting the approval of land use amendments to single or consolidated parcels of a minimum size, requiring provision of joint access/egress, and combined parking, etc. *Delete this recommendation since the Countywide Rules already include appropriate countywide land use criteria for reviewing map amendments fronting SNCCs. The Rules should not be expanded in scope to include traffic operational and land development code/site design criteria.*

[PAC recommends deletion of this recommendation.]

4. Assist local governments through, for example, the preparation of a "model" set of land development regulations addressing design considerations that would further the principles and objectives of the

SNCC Element, Countywide Rules, and Countywide Plan Map designations. The model regulations would be advisory only and not obligate a local government to adopt them, and they would not be used in evaluating proposed Countywide Map amendments.

[PAC supports this recommendation as revised.]

5. Review the SNCC Element as part of the scheduled five-year Countywide Plan review to determine whether corridors continue to conform to the criteria for their classification and to consider additional changes to the Rules. The Element review should also evaluate whether the scenic/non-commercial corridor concept, as currently structured, should be modified in response to local government policies to improve/enhance corridors throughout their jurisdictions, not just within SNCCs.

[PAC supports this recommendation as revised.]