

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: II C.

MEETING DATE: October 21, 2009

SUBJECT:

Consent Agenda:

C. Countywide Planning Authority (CPA) Actions – October 2009

RECOMMENDATION:

Council Receive Report on CPA Actions and Discuss As Appropriate
(Information Only – No Action Required)

BACKGROUND

This information is presented in order to better and more systematically apprise the Council of final action by the Board of County Commissioners/Countywide Planning Authority on matters that have been considered by the Council.

At their October 6, 2009 meeting, the CPA took the following actions:

REGULAR AGENDA

- Determinations of Consistency – Belleair Bluffs, Belleair Shore, Indian Rocks Beach, and Indian Shores – **Adopted** the accompanying four (4) Resolutions approving Updated Determinations of Consistency (vote 7-0).
- Scenic/Noncommercial Corridor Pilot Study – **This item was pulled from the agenda. It will be heard by the Board on November 17, 2009. (See attached memorandum from the Executive Director to the County Administrator.)**


PINELLAS PLANNING COUNCIL ACTION:


COUNTYWIDE PLANNING AUTHORITY ACTION:

600 Cleveland Street, Suite 850 • Clearwater, Florida 33755-4160
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

Mayor Beverley Billiris, *Chairman*
Vice-Mayor Jerry Knight, *Vice-Chairman*
Mayor Pat Gerard, *Secretary*
Commissioner John Morrioni, *Treasurer*
Vice-Mayor Nina Bandoni
Councilmember Sandra L. Bradbury
Commissioner Dave Carson
Councilmember John Doran
Councilmember Jim Kennedy
School Board Member Linda S. Lerner
Commissioner Stephanie Oddo
Mayor Jim Ronecker
Mayor Patricia J. Shontz

MEMORANDUM

TO:  Robert S. LaSala, County Administrator

FROM: David P. Healey, Executive Director 

COPIES: Members, Pinellas Planning Council
Pete Yauch, Assistant County Administrator
Brian Smith, Planning Director

SUBJECT: Countywide Planning Authority (CPA) Agenda
Re: Scenic/Noncommercial Corridor Pilot Study

DATE: September 23, 2009

David P. Healey, AICP
Executive Director

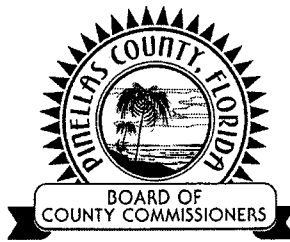
I want to make you aware, ahead of the October 6th CPA meeting, that the Planning Council heard, debated at length, and does not concur with the modifications recommended by your staff on the above-referenced agenda item (copy attached).

By proposing to modify the PPC recommendation, the County staff continues to insert itself in the countywide process in a manner that appears to compromise the Council's role as the legally-constituted body of elected officials charged with advising the CPA on matters of countywide importance, and perpetuates the inability to reach consensus and eliminate local government staff differences with matters brought before the CPA as a function of this process.

You have previously expressed your displeasure with the exhibition of such staff differences at the CPA level, yet your staff appears unwilling to abide by the recommendation of the Council, which represents all our local government jurisdictions, even after they have had a full opportunity to be heard through the PAC and PPC process.

I would request you review your staff's position to correct the misimpressions conveyed in the attached staff memo in the interest of avoiding unnecessary and competing staff presentations – and perhaps more importantly, to support the Council's recommendation which is vital to a meaningful countywide Scenic/Noncommercial Corridor policy.

attachment



BOARD OF COUNTY COMMISSIONERS

DATE: October 6, 2009
AGENDA ITEM NO.

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature:

Subject:

Receipt and Acceptance of the Curlew Road Scenic/Noncommercial Corridor Pilot Study

Department:

Planning Department

Staff Member Responsible:

Brian K. Smith, Director

Recommended Action:

IT IS RECOMMENDED THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), RECEIVE AND ACCEPT THE ATTACHED CURLEW ROAD SCENIC/NON-COMMERCIAL CORRIDOR PILOT STUDY MODIFIED WITH THE REVISED RECOMMENDATIONS ON PAGE 5 OF THE STUDY AS RECOMMENDED BY COUNTY STAFF.

Summary Explanation/Background:

The Pinellas Planning Council (PPC) staff working with Tindale-Oliver and Associates prepared the Curlew Road Scenic/Non-Commercial Corridor (SNCC) Study. The final draft of this study was received by the PPC in July 2009, but the Council deferred any action on the final draft until September 2009 in order to give the Planners Advisory Committee (PAC) additional time to review and comment on the Study. At their September meeting, the PPC by a vote of 9 to 3 (Pinellas County, St. Petersburg, and the School Board dissenting) accepted a revised draft of the Curlew Road SNCC Study and has recommended that the CPA receive and accept the revised Study.

Pinellas County initiated the scenic/non-commercial corridor program in the 1960s as the County was beginning a major road improvement program. The County was concerned that, when a major road improvement was made, numerous land use amendments were likely to follow to allow strip commercial development and higher density residential development along these new road corridors. The resulting increased densities/intensities along the corridor would increase traffic on the improved roadway, negating the purpose of the road improvements. To counter this typical development response to road improvements, the County established a policy of designating scenic/non-commercial corridors along new roadways. These designations meant that the County was declaring its intent to not add commercial land use designations or increased density along these newly built or improved roadways. Since many of these new roadways were constructed through undeveloped areas of the County, the land along these corridors was also considered to be scenic since it did not reflect the typical commercial and industrial areas traversed by many of the County's roadways. Some of the initial SNCCs designated by the County were Duhme Road, Belcher Road, McMullen-Booth/East Lake Road, and Curlew Road. In the 1970s, the SNCC program was incorporated as part of the Countywide Future Land Use Plan, which served as a vehicle to assist in implementing this program. As the SNCC program matured, the County and municipalities became aware that there was a benefit to designating existing roadways to preserve their residential and scenic qualities. As a result, even if a road had not been improved, the County and/or cities would at times designate that road as a SNCC to preserve its traffic-carrying capacity and its scenic qualities. Examples of these SNCCs are Keystone Road and Edgewater Drive.

In the early 1990s, the PPC reevaluated the SNCC program and prepared a SNCC Master Plan, which was approved by the PPC and CPA in 1994 as an advisory document. Based on the Master Plan, a SNCC Element of the Countywide Plan was adopted by the CPA in August 1995 as an advisory element. In December 1995, the Countywide Rules were amended to incorporate the compulsory components of the SNCC program. The amended

Rules identify the intent and purpose of the SNCC designation, the delineation of the corridors, and the criteria to be considered when reviewing proposed land use amendments along a SNCC. At the time the SNCC Rules were adopted, the CPA made it clear that these Rules did not obligate the County and municipalities concerning decision-making on funding and development regulations within these corridors and stipulated that the SNCC Element is advisory and cannot serve as the basis for denial of a land use amendment. Initially, the SNCC program largely correlated scenic characteristics with maintaining non-commercial and lower density land uses along the corridors. Over time, however, communities have come to recognize that the visual characteristics of road corridors can be improved, regardless of the type of land uses along the corridor, through investment within the public right-of-way and improvements to adjacent properties. These investments/improvements are a function of public funds and local land development regulations, which were recognized by the PPC and CPA as the responsibility of local governments and public agencies.

In June 2009, PPC staff released a final draft of the Curlew Road SNCC Study, which examined a ¼ mile section of Curlew Road (a designated SNCC) and concluded that some changes should be made to the current SNCC program. Some of the recommended changes included establishing a new Transitional SNCC subclassification and identifying appropriate arterial roadways that could be candidates for redesignation to the proposed Transitional subclassification, expanding the current criteria for reviewing land use amendments along SNCCs to include consideration of site development and design criteria, preparation of a "model" set of land development regulations, and reviewing the SNCC Element as part of the 5-year Countywide Plan review. The Planners Advisory Committee (PAC) reviewed the final draft of the Curlew Road SNCC Study and had several concerns, as expressed in letters and an email from several of the local governments represented on PAC. This correspondence is included in the attached materials from the PPC. In summary, while PAC generally supported the Study recommendation to create a new Transitional SNCC subclassification, which would require minor amendments to the Countywide Rules to include this new subclassification. PAC would delete the Study recommendation to amend the Countywide Rules to include specific traffic operational and land development code/site design criteria. While PAC supported the Study recommendation to prepare a "model" set of land development regulations that would address design considerations along SNCCs, PAC felt that the model regulations should be advisory only, local governments should not be obligated to adopt them, and the regulations should not be used in evaluating proposed Countywide Map amendments. Consistent with the actions taken by the PPC and CPA in 1994 and 1995, PAC felt that the Countywide Rules should not be amended as recommended in the Curlew Road SNCC Study to expand the review criteria for land use amendments along SNCCs to include specific traffic operational criteria and land development code/site design requirements and controls. PAC's recommendation to the PPC was to accept the Study along with specific revisions to four of the five recommendations listed on page 5 of the Study.

Council staff revised the Study document to address some of PAC's concerns. At their September meeting, the PPC voted to accept the revised Curlew Road SNCC Study and took the following actions on the Study's five recommendations: (1) approved the first recommendation as drafted in the Study; (2) approved the second recommendation as revised by PAC and modified by PPC staff; (3) approved the third recommendation as revised by PPC staff; (4) deleted the fourth recommendation in its entirety; and (5) approved the fifth recommendation as revised by PAC.

After reviewing the revised Curlew Road SNCC Study recommended for acceptance by the PPC, County staff concurs with the PPC action with one exception. The PPC recommends retaining the revised third recommendation on page 5 of the Study to amend the Countywide Rules to include specific criteria to be applied to requests for map amendments for properties fronting SNCCs, with the understanding that these criteria should address the existing and potential scenic, land use, and traffic operational qualities of the SNCC. Contrary to the PPC action, County staff supports the above PAC position that the third recommendation should be deleted from the Study. The Study document identifies scenic, traffic operational, and land use qualities as including characteristics such as lot consolidation, driveway openings, shared parking facilities, median openings, cross access, streetscaping, landscaping, tree regulations, scenic vistas, site orientation and buffering, height and setback requirements, and minimum lot size, as well as land use and density/intensity criteria. Many of these characteristics are zoning and site plan level criteria that are not normally considered when reviewing a proposed land use amendment. County staff agrees with PAC that there are already adequate specific criteria in the Countywide Rules for evaluating proposed land use amendments along SNCCs and it would not be necessary or appropriate to expand the scope for reviewing Countywide Map amendments to include site plan and traffic operational criteria as discussed in the Study. County staff, therefore, recommends that the CPA receive and accept the Curlew Road SNCC Study modified with the following revised recommendations on page 5 of the Study:

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.

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 in coordination with those local governments having jurisdiction for the corridors under consideration.

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. [Recommendation deleted]

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. [Recommendation deleted]

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.

Fiscal Impact/Cost/Revenue Summary:

NA

Exhibits/Attachments Attached:

Council documentation