

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: II A.

MEETING DATE: April 21, 2010

SUBJECT:

Consent Agenda

A. Minutes of March 17, 2010 Council Meeting

RECOMMENDATION:

Council Approve Minutes for March 17, 2010 Council Meeting

BACKGROUND

Council minutes for the March 17, 2010 meeting are attached for your approval.

PINELLAS PLANNING COUNCIL ACTION:

COUNTYWIDE PLANNING AUTHORITY ACTION:

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
March 17, 2010

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 1:03 P.M. with the following members present:

Patricia Gerard, Chairman, City of Largo Mayor
John Doran, Vice-Chairman, City of Clearwater Councilmember
John Morroni, Treasurer, County Commissioner
Jim Ronecker, Secretary, City of Oldsmar Mayor
Nina Bandoni, City of Safety Harbor Commissioner
Sandra L. Bradbury, City of Pinellas Park Councilmember
David Carson, City of Dunedin Commissioner
Jim Kennedy, City of St. Petersburg Councilmember
Jerry Knight, Town of North Redington Beach Vice-Mayor
Linda S. Lerner, School Board Member
Stephanie Oddo, Town of Belleair Commissioner
Patricia J. Shontz, City of Madeira Beach Mayor

Also Present:

David P. Healey, Executive Director, PPC
Michael C. Crawford, PPC Staff
Linda Fisher, PPC Staff
Chris Mettler, PPC Staff
Michael Schoderbock, PPC Staff
Carolyn Shoemaker, PPC Staff
Jewel White Cole, Managing Assistant County Attorney
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present

- II. CONSENT AGENDA
 - A. Minutes of February 17, 2010 Council Meeting
 - B. Financial Statement for February 2010

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- C. Countywide Planning Authority (CPA) Actions – March 2010
 - D. Annexation Report – February 2010
 - E. Preliminary April 2010 Agenda
 - F. Correspondence
- III. PUBLIC HEARING – To begin at 1:00 P.M. or as soon thereafter as agenda permits
- A. Public Hearing Format Announcement and Oath
 - B. Amendments to the Countywide Future Land Use Plan
 - Group 1: Subthreshold Amendments – None
 - Group 2: Regular Amendments
 - 1. Case CW 10-02: City of Gulfport
 - 2. Case CW 10-03: City of Gulfport – (SAP Adoption 2010) – 49th Street Redevelopment District
 - 3. Case CW 10-04: City of Largo
 - C. Amendment of the Countywide Rules Re: Agricultural and Community Garden Uses
- IV. REPORTS/OTHER ACTION
- A. Ability to Serve No. 10-01: City of Largo (Silver Star Arabian LLC)
 - B. Annual Countywide Plan Map Assessment – Status Report for 2009
 - C. Transit Related Land Use Coordination – Proposed Outline and Timeframes
- V. EXECUTIVE DIRECTOR ITEMS
- A. Proposed Committee to Evaluate Integration of Land Use and Transportation Planning
 - B. Preliminary Budget Discussion for FY 2010/11
 - C. Verbal Reports
- VI. OTHER COUNCIL BUSINESS
- A. Chairman/Member Items
- VII. ADJOURNMENT

CALL TO ORDER

Chairman Gerard called the meeting to order at 1:03 P.M.

INVOCATION AND PLEDGE

The Invocation was given by Mayor Ronecker, following which he led the Pledge of Allegiance to the Flag.

IDENTIFICATION OF MEMBERS PRESENT

At the request of Chairman Gerard, a roll call was taken in which the members introduced themselves.

CONSENT AGENDA – APPROVED/RECEIVED

Chairman Gerard presented the Consent Agenda items, as follows:

- A. Minutes of February 17, 2010 Council Meeting
- B. Financial Statement for February 2010
- C. Countywide Planning Authority (CPA) Actions – March 2010
- D. Annexation Report – February 2010
- E. Preliminary April 2010 Agenda
- F. Correspondence

Referring to Item C, Mr. Healey related that at its meeting held March 16, 2010, the Board of County Commissioners (BCC) adopted the resolution approving the Updated Determination of Consistency for Pinellas County and approved the Minor Plan Change to the Oldsmar Town Center Plan, the St. Pete Beach/Pass-A-Grille Special Area Plan, and the Proposed Countywide Plan Map boundary adjustment submitted by Pinellas County, as recommended by the Council; and that the first public hearing was held on the Transferrable Development Rights/Density Averaging Rule change, with the second public hearing to be held on April 6, 2010.

Thereupon, Commissioner Morroni moved, seconded by Councilmember Doran and carried, that the Consent Agenda items be approved (Vote 12 – 0).

PUBLIC HEARINGS

- A. Public Hearing Format Announcement and Oath

Upon request by the Chairman, all persons planning to give testimony were duly sworn by the Deputy Clerk.

- B. Amendments to the Countywide Future Land Use Plan

GROUP 1: SUBTHRESHOLD AMENDMENTS – None

GROUP 2: REGULAR AMENDMENTS

PUBLIC HEARING: CASE CW 10-02, PROPOSAL BY THE CITY OF GULFPORT TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN MAP FROM RESIDENTIAL URBAN (R/U) TO INSTITUTIONAL (I) – APPROVED

Pursuant to legal notice published in the February 27, 2010 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 10-02, a proposal by the City of Gulfport to amend the Countywide Future Land Use Plan Map from R/U to I, re 4.3 acres m.o.l., located at 2014 52nd Street South (Gulfport Elementary School).

Mr. Crawford pointed out the subject property on an aerial photograph and the land use map; and indicated that the change will recognize the existing school and bring the land use category into conformance with the Institutional designation on the southern portion of the property; and that the inconsistency had come to light during review of the proposed Community Redevelopment District, next on the agenda; whereupon, School Board Member Lerner stated that she had spoken with the Board's attorney and is very supportive of the request.

No one appeared in response to the Chairman's call for citizens wishing to be heard.

Vice Mayor Knight moved, seconded by Councilmember Bradbury and carried, that Case CW 10-02 be approved as recommended by staff (Vote 12 – 0).

PUBLIC HEARING: CASE CW 10-03 (SAP ADOPTION 2010), PROPOSAL BY THE CITY OF GULFPORT TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN MAP FROM COMMERCIAL GENERAL (CG), COMMERCIAL LIMITED (CL), RESIDENTIAL URBAN (RU), RESIDENTIAL LOW MEDIUM (RLM), RECREATION/OPEN SPACE (R/OS), AND INSTITUTIONAL (I) TO COMMUNITY REDEVELOPMENT DISTRICT (CRD) RECREATION/OPEN SPACE (R/OS), AND INSTITUTIONAL (I) – APPROVED SUBJECT TO ENUMERATED CONDITIONS

Pursuant to legal notice published in the February 27, 2010 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 10-03, a proposal by the City of Gulfport to amend the Countywide Future Land Use Plan Map from CG, CL, RU, RLM, R/OS, and I to CRD, R/OS, and I, re 131.3 acres m.o.l., located in an area generally bounded by the following: starting at the intersection of the

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Pinellas Trail and 49th Street South, then south along 49th Street South to Gulfport Boulevard, then west to 51st Street South, then north to 20th Avenue South, then west to 55th Street South, then north to 18th Avenue South, then east to 52nd Street South, then north to the Pinellas Trail, then east to the beginning.

Following a brief overview of the case by Mr. Healey, Mr. Crawford conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. Referring to the land use map, he described the overall planning area and indicated that the City adopted its *49th Street Corridor Community Redevelopment Plan* in 2000, but had not included any land use or zoning components at the time; that the current proposal will result in an addendum to the existing Plan; that a Recreation/Open Space area along Tangerine Avenue and the school property, discussed in the previous case, will not be affected; and that the intent is to provide for redevelopment through the use of "Overlay Districts," as follows:

- Live-Work Overlay District (LWOD) – allows for low-key home occupations, such as an architect/engineer; requires home be owner-occupied, with the business utilizing no more than 30% of the structure.
- Tangerine Parkway Overlay District (TPOD) - allows home occupations similar to LWOD, as well as low-intensity retail businesses as a Conditional Use; requires home be owner-occupied, with the business utilizing no more than 50% of the structure.
- Commercial Mixed Use Overlay District (CMUOD) - Allows residential uses within the 49th Street commercial district; requires residences be part of a mixed-use project.

Mr. Crawford related that notices were sent to everyone located within the planning area; that he had received a number of calls stating concerns with the proposed CRD designation; and that he had explained that the changes would permit additional uses as well as those allowed under current regulations.

Indicating that the proposal meets the requirements of the Countywide Rules and that it is consistent with the intent of *Pinellas by Design*, Mr. Crawford recommended its approval, subject to the following standard conditions:

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1. Application of permitted densities and intensities based on their respective proportion to the affected total land area, except as specifically noted in the Special Area Plan for the Commercial Mixed Use Overlay District.
2. Submission by the City of any future amendment to the Special Area Plan for receipt and acceptance or for consideration as an amendment, as is determined necessary, under the Countywide Plan Map amendment process.
3. Submission by the City of an assessment of the Special Area Plan's progress with respect to its enumerated objectives five years from the effective date of the Countywide Plan Map amendments pursuant to this Special Area Plan.

Responding to queries by Councilmember Bradbury, Mr. Crawford indicated that the LWOD would allow for an attorney's office, but that medical offices are specifically not allowed; that artist studios and advertising agencies would be permitted in the TPOD; and that permitted uses are similar to those in the City's Waterfront Redevelopment Overlay District.

Responding to the Chairman's call for the applicant, City of Gulfport Community Development Director Fred Metcalf appeared and, responding to query by Commissioner Morroni, indicated that no one had appeared to speak for or against the proposal at the City's public hearing; that the item was transmitted to the State for review and no substantive comments were received; and that, while quite a few phone calls were received, members of the public were, for the most part, supportive of the Plan once they understood the City's intent.

In response to the Chairman's call for citizens wishing to be heard, Mark Johnson, Gulfport, appeared and stated his concerns; whereupon, Mr. Metcalf informed him that the land use change will allow additional uses, but will not prevent him from continuing the current use of his property.

Thereupon, Councilmember Doran moved, seconded by Commissioner Morroni and carried, that Case CW 10-03 be approved as recommended by staff (Vote 12 – 0).

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PUBLIC HEARING: CASE CW 10-04, PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN MAP FROM RESIDENTIAL LOW (RL) TO INSTITUTIONAL (I) – APPROVED SUBJECT TO A DEVELOPMENT AGREEMENT

Pursuant to legal notice published in the February 27, 2010 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 10-04, a proposal by the City of Largo to amend the Countywide Future Land Use Plan Map from RL to I, re 5.0 acres m.o.l., located at 2050 58th Street North (vacant adult living facility).

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Mr. Crawford pointed out the subject property on aerial photographs and the land use map and indicated that a 20-bed assisted living facility (ALF) was established on the property in 1989; that the County granted a Special Exception for a 33-bed facility prior to its annexation into the City of Largo; that the facility has been vacant for a number of years; and that the owner wishes to re-establish the use as a 33-bed ALF. He displayed photographs and described the surrounding land uses; and indicated that the City has entered into a Development Agreement that imposes a number of limitations and, as such, staff is comfortable in recommending approval of the proposed amendment.

Responding to the Chairman's call for the applicant, City of Largo Assistant Community Development Director Bob Klute appeared and pointed out that the request is to re-establish a pre-existing use on the site; that the Development Agreement will mitigate any possible impacts to the neighborhood; and that City Code requires a compatibility review as well as a public hearing in front of its Planning Board. Responding to query by Commissioner Morroni, he confirmed that 33 beds is the maximum that would be allowed at this time; and that, if demolished, the facility could be re-established with additional beds; however, a full review would be required.

In response to the Chairman's call for citizens wishing to be heard, James Frishe, St. Petersburg, spoke on behalf of the owner. He thanked City and PPC staff for working together to make sure all issues are resolved; and referring to a recent study commissioned by the State Legislature, noted that the facility will help address a shortage of ALFs that exists in eastern Pinellas County.

Thereupon, Mayor Shontz moved, seconded by Councilmember Bradbury and carried, that Case CW 10-04 be approved as recommended by staff (Vote 12 – 0).

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C. Amendment of the Countywide Rules Re Agricultural and Community Garden Uses – Resolution No. 10-2 Adopted Recommending Approval of the Amendments and Transmittal to the Countywide Planning Authority

Pursuant to legal notice published in the February 27, 2010 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on a proposed ordinance to amend the “Rules Concerning the Administration of the Future Land Use Plan” (Countywide Rules) regarding agricultural and community garden uses.

Referring to discussions at the February 17, 2010 Council meeting pertaining to allowing agricultural uses in the Residential Low and Residential Urban Countywide Plan Map categories and community garden uses in the Recreation/Open Space category, Mr. Healey indicated that the agenda package contains a draft ordinance showing specific changes to the Rules, as well as a copy of the Countywide Rules as revised to include the proposed amendment.

Responding to queries by the members, Mr. Healey indicated that the amendment would allow for agricultural use, including a horse and small stable, in residential categories up to and including Residential Urban, subject to the city’s zoning regulations; and that a community garden could be operated as a secondary or primary use.

No one appeared in response to the Chairman’s call for citizens wishing to be heard.

Following a brief discussion, Councilmember Doran moved, seconded by Councilmember Bradbury and carried, that Resolution No. 10-2 be approved for transmittal to the BCC for public hearing and action by the CPA (Vote 12 – 0).

REPORTS AND OTHER ACTION

A. Ability to Serve Report No. 10-1: City of Largo (Silver Star Arabian LLC) – Received/Adopted Finding/Authorized Finding to be Transmitted to the City

Mr. Schoderbock conducted a presentation regarding the *Ability to Serve Report No. 10-1: City of Largo (Silver Star Arabian LLC)*, a copy of which has been filed and made a part of the record; whereupon, he indicated that based upon staff review, the City of Largo has the ability to serve the proposed annexation; and that staff submits the following findings:

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- The subject area is located within an established planning area pursuant to Chapter 163, Florida Statutes, and is contiguous to the current City of Largo jurisdictional boundaries.
- The proposed annexation does not create any enclaves.
- 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.
- The existing service district boundaries will not change.

Responding to query by Commissioner Morroni, Chairman Gerard indicated that the City's first public hearing on the item will be held on April 6, not March 16, as indicated in the agenda memorandum; and that the second public hearing will be held two weeks after that.

No one appeared in response to the Chairman's call for individuals wishing to be heard.

Commissioner Morroni moved, seconded by Councilmember Doran and carried, that the report be approved as recommended by staff (Vote 12-0).

B. Annual Countywide Plan Map Assessment – Status Report for 2009 – Received/Discussed

Mr. Mettler presented a summary review of the year's Countywide Plan Map amendments, local jurisdiction approvals of variances to the intensity standards of the Countywide Rules, and the status of Conditions and Supplemental Recommendations associated with Council recommendations of approval. Items of note included the following:

- 30 applications from 13 jurisdictions were reviewed by staff, compared to 48 and 40 in 2008 and 2007, respectively, and with the exception of three cases (re the Airco Golf Course and Brooker Creek Preserve), all PPC recommendations were approved by the CPA. There was a net increase of approximately 122 acres in the Industrial Plan classification,