

BOARD OF COUNTY COMMISSIONERS

DATE: October 12, 2010

AGENDA ITEM NO. 4a & b

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☐

County Administrator's Signature:

Subject:

Proposed Regular Amendments to the Countywide Future Land Use Plan (FLUP)

Department:

Planning Department

Staff Member Responsible:

Brian K. Smith, Director

Recommended Action:

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), TAKE THE FOLLOWING ACTIONS:

- 1) APPROVE CASE CW 10-17 OF PINELLAS PARK;
- 2) APPROVE THE ALTERNATIVE COMPROMISE RECOMMENDATION FOR CASE CW 10-18 OF CLEARWATER, SUBJECT TO AN AMENDED DEVELOPMENT AGREEMENT THAT INCLUDES THE CONDITIONS SPECIFIED IN THE ALTERNATIVE COMPROMISE RECOMMENDATION; AND ACKNOWLEDGE THAT APPROVAL OF THE PLAN AMENDMENT DOES NOT PREDISPOSE COUNTY STAFF, THE BOARD, OR OTHER AGENCIES TOWARD ANY PARTICULAR COURSE OF ACTION ON SUBSEQUENT ENVIRONMENTAL PERMIT APPLICATIONS FOR EXPANSION OF THE COLLEGE CAMPUS.

Summary Explanation/Background:

The Board has received two proposed regular amendments to the FLUP that have been reviewed by the Pinellas Planning Council (PPC or Council).

Case CW 10-17 is a submittal by the City of Pinellas Park for a 9.1-acre parcel generally located at 9100 46th Street North and a vacant lot to the south. The proposed amendment is to go from Residential Low Medium (up to 10 units an acre) to Institutional. The northern portion of the subject area was the former Gator Lake Mobile Home Park. All the mobile home units have been removed with the exception of three structures currently being used for maintenance. The southern portion is a vacant wooded lot. Calvary Chapel of St. Petersburg currently owns the property and intends to use the northern portion for overflow parking for the adjacent church and the southern portion as a passive park. County staff concurs with the PPC recommendation of approval.

Case CW 10-18 is a complex amendment proposal from the City of Clearwater involving property owned by the Clearwater Christian College. The main purpose of the proposed amendments is to allow expansion of the existing College campus to encompass what the applicant refers to as the Master Plan Area. One component of the proposed amendments would place a Preservation designation on existing wetlands under College ownership that are located outside the Master Plan Area. These wetlands are inappropriately designated as residential or commercial on the Countywide Plan Map. In addition, an area along Bayshore Boulevard would be amended from Residential Low to Recreation/Open Space. The second component of this amendment proposal requests that approximately 4.3 acres of wetlands, uplands and a water feature rimmed by mangroves be amended from Preservation, Residential Low, Recreation/Open Space and Water to Institutional so that the College can proceed with the permitting process and seek authorization to fill the water body and wetlands in order to expand the

College campus.

At its September 15, 2010 meeting, the PPC recommended denial of the initial proposed map amendments and recommended an Alternative Compromise. In the Alternative Compromise Recommendation, the College has deleted its initial plans to construct ballfields in wetlands on the north side of the existing campus but retains its plan to construct a parking lot and a chapel/fine arts building to the west encompassing both wetlands and vacant upland areas. In addition, jurisdictional wetlands north of the campus that are currently designated as Institutional would have their Countywide Map designation amended to Preservation reflecting their environmental sensitivity and proximity to an existing bald eagle's nest. When compared to the original application, the compromise would reduce from 7.8 acres to 4.5 acres the approximate amount of jurisdictional wetlands that could be impacted by expansion of the College, should the regulatory agencies grant the required permits to remove the wetlands. (Approximately 2.8 acres of wetlands and open water are included in the proposed amendment, while roughly 1.7 acres of wetlands are already designated as Institutional and are included in the College expansion plans.) The College is proposing to offset this loss of wetlands through a mitigation plan that would upgrade the College's entire stormwater facilities and through use of credits from a proposed Mitigation Bank based on the restoration of existing mangrove habitat on College property outside the Master Plan Area. In the event environmental permits cannot be obtained, the Institutional designation would be administratively retracted and the affected wetlands designated as Preservation on the Countywide Plan Map.

The Alternative Compromise Recommendation also requires that the City and the College amend the existing Development Agreement that accompanies this plan amendment and includes a transfer of development rights from certain wetland areas to the Master Plan Area that is designated Institutional.

County staff supports the proposed Alternative Compromise as recommended by the PPC based on the reduced potential impacts to environmentally-sensitive wetlands associated with the compromise and the commitments contained in the associated Development Agreement. County staff, therefore, concurs with the PPC recommendation of approval, subject to an amended Development Agreement that includes the conditions specified in the Alternative Compromise Recommendation. It is also recommended the Board recognize that approval of the Plan amendment would not predispose County staff, the Board, or other agencies toward any particular course of action on subsequent environmental permit applications that will need to be considered for allowing development of the wetlands and water body located in the College expansion area. Permit applications would be evaluated and decided on their own merits based on the applicable regulatory policies and criteria, irrespective of the action taken on the land use amendment.

It is acknowledged that if the Alternative Compromise Recommendation is approved approximately 4.5 acres of jurisdictional wetlands and open water would be developed if the necessary environmental permits are obtained by the College. Therefore, if through discussion on this case, the Board has concerns about the potential loss of these wetlands, it would be appropriate for the Board to consider denial of the proposed amendment. A denial would require a supermajority vote of the CPA since such action would be different from the PPC recommendation of approval.

Pursuant to the Alternative Compromise Recommendation procedure in the Countywide Rules, the alternative recommendation was transmitted to the City of Clearwater for acceptance or rejection by the City Council. The City Council is scheduled to consider the Alternative Recommendation on October 5. Since the PPC Alternative Compromise recommends that an amended Development Agreement be resubmitted as part of the amended application, the City's Community Development Board has scheduled a public hearing for October 19 to consider an amendment to the existing Development Agreement between the City and Clearwater Christian College. The City Council is scheduled to consider the proposal to amend the Development Agreement on October 21.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Ordinances
Clearwater Christian College Development Agreement, with proposed amendments
Council Documentation

ORDINANCE NO. 10-_____

AN ORDINANCE AMENDING THE COUNTYWIDE FUTURE LAND USE PLAN OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 10-17 INITIATED BY THE CITY OF PINELLAS PARK AND TRANSMITTED TO THE BOARD IN ACCORDANCE WITH THE SPECIAL ACT; PROVIDING FOR AMENDMENT TO THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a proposed amendment to the Countywide Future Land Use Plan, which is an element of the Countywide Comprehensive Plan of Pinellas County, Florida, has been presented at a public hearing to the Board of County Commissioners in their capacity as the Countywide Planning Authority; and

WHEREAS, notices of public hearings have been accomplished as required by Chapter 73-594, Laws of Florida, as amended; and

WHEREAS, procedures of the Special Act and County Charter have been followed concerning the Pinellas Planning Council and the Countywide Planning Authority for proposed amendment to the Countywide Future Land Use Plan; and

WHEREAS, the City of Pinellas Park initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on September 15, 2010, with recommendations made by the Council that are documented in the Council reports referred to as Exhibit A; and

WHEREAS, the Board has conducted a public hearing and taken action that is documented by ordinance for approvals or partial approvals and partial denials and by resolution for denials, with both documents including the relevant Council reports as attached; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, acting as the Countywide Planning Authority in regular meeting duly assembled on October 12, 2010, as follows:

Section 1 - Amending the Countywide Future Land Use Plan


The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4 is amended to reflect the change adopted as follows:

#CW 10-17 9.1 acres generally located at 9100 46th Street North and a vacant lot to the south, from Residential Low Medium to Institutional.

Section 2. Severability If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by a Court of Competent Jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Filing of Ordinance; Effective Date A certified copy of this ordinance shall be filed with the Secretary of State with the Ordinance and Exhibit A to be filed with the Clerk of the Circuit Court. This Ordinance shall take effect upon filing with the Department of State.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

CW 10-17
City of Pinellas Park

PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

AGENDA ITEM: III B-3.

MEETING DATE: September 15, 2010

SUBJECT: Amendment of the *Countywide Future Land Use Plan Map*
FROM: Residential Low Medium (RLM)
TO: Institutional (I)
AREA: 9.1 Acres m.o.l
CASE #: CW 10-17
JURISDICTION: Pinellas Park
LOCATION: Generally located at 9100 – 46th Street North and Vacant Lot to the South

RECOMMENDATION: Council Recommend To The Countywide Planning Authority That The Proposed Map Amendment To Institutional Be Approved.

I. BACKGROUND

This proposed amendment is submitted by the City of Pinellas Park and seeks to reclassify three parcels totaling 9.1 acres of land from Residential Low Medium (RLM) to Institutional (I). The northern portion of the amendment area was the former Gator Lake Mobile Home Park, which has had all the mobile home units removed with the exception of three structures currently used for maintenance. The southern parcel is a vacant wooded lot. The owner of the parcels, Calvary Chapel of St. Petersburg, intends to use the northern portion of the site for overflow parking for the adjacent church and the southern wooded portion as a passive park.

II. FINDINGS

Staff submits the following findings in support of the recommendation for approval:

- A. The proposed amendment to Institutional recognizes the existing features of the site and is consistent with the criteria for utilization of this category; in particular given its relationship to the existing church and the proposed use of the property in connection therewith;
- B. The proposed amendment is adjacent to but will not negatively impact a roadway with an LOS of "F";

PINELLAS PLANNING COUNCIL ACTION:

The Council approved the amendment from Residential Low Medium to Institutional (vote 12-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Case CW 10-17 – City of Pinellas Park

- C. The proposed Institutional category either does not involve, or will not significantly impact, the remaining relevant countywide considerations.

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 Is Recommended That The Proposed Institutional Countywide Plan Map Category Be Approved.

Please see accompanying attachments and documents in explanation and support of the findings.

III. PLANNERS ADVISORY COMMITTEE (PAC)

The PAC members discussed this case at their September 7, 2010 meeting and recommended approval of the staff recommendation (vote 8-0).

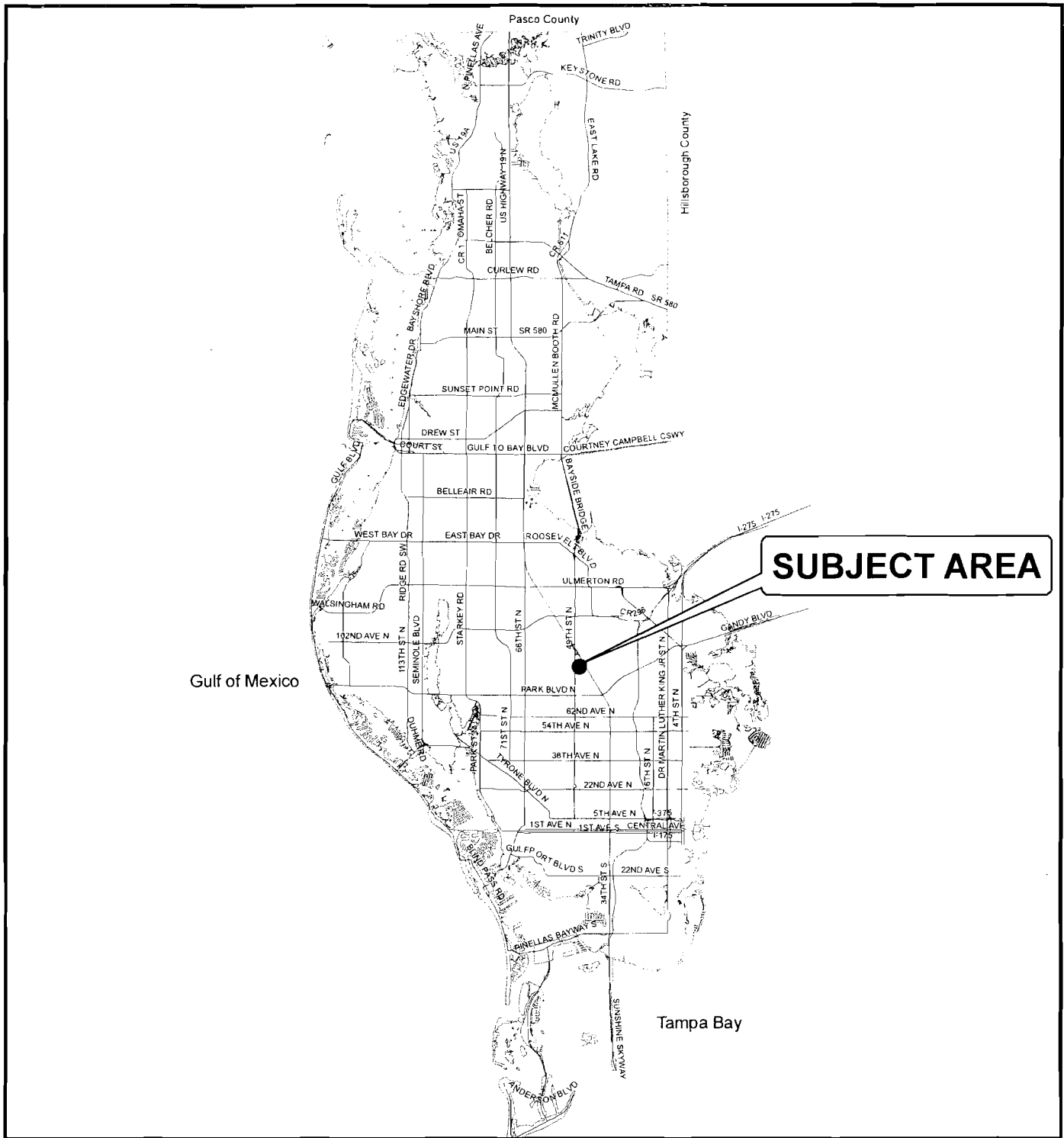
IV. LIST OF MAPS & ATTACHMENTS

Map 1	Location
Map 2	Current Countywide Plan & Jurisdiction Map
Map 3	Aerial
Map 4	Current Countywide Plan Map
Map 5	Proposed Countywide Plan Map

Attachment 1	PAC Summary Actions Sheet
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V. SUPPORT DOCUMENTS – available only at www.pinellasplanningcouncil.org (see September Agenda and then click on corresponding case number).

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



Map 1 - Location

FROM: Residential Low Medium

TO: Institutional

AREA: 9.1 Acres

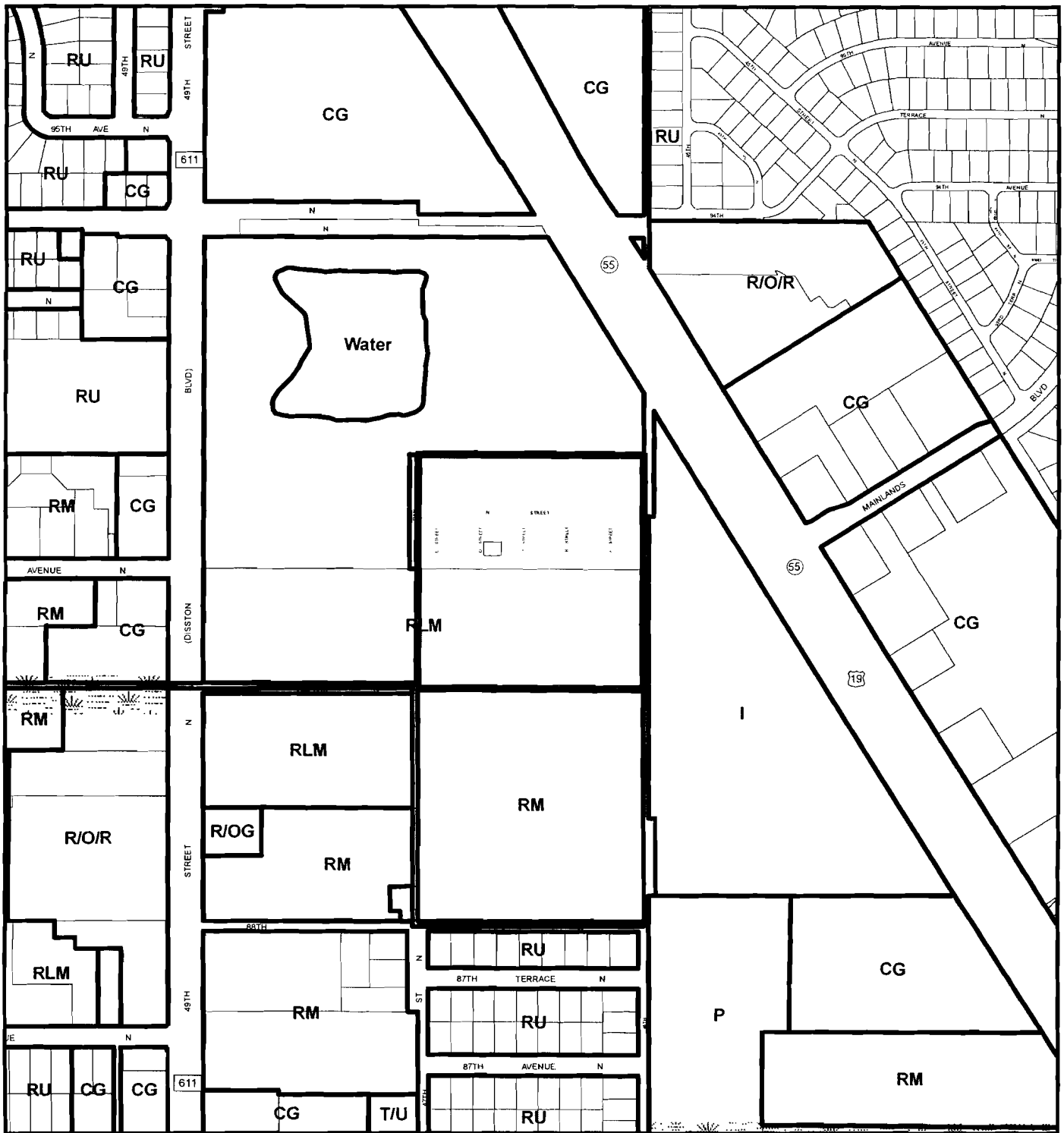
CASE #: CW10-17

JURISDICTION: Pinellas Park



1" = 26,000'

PPC PINELLAS
PLANNING
COUNCIL



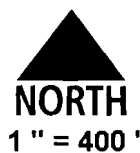
Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: Residential Low Medium

TO: Institutional

AREA: 9.1

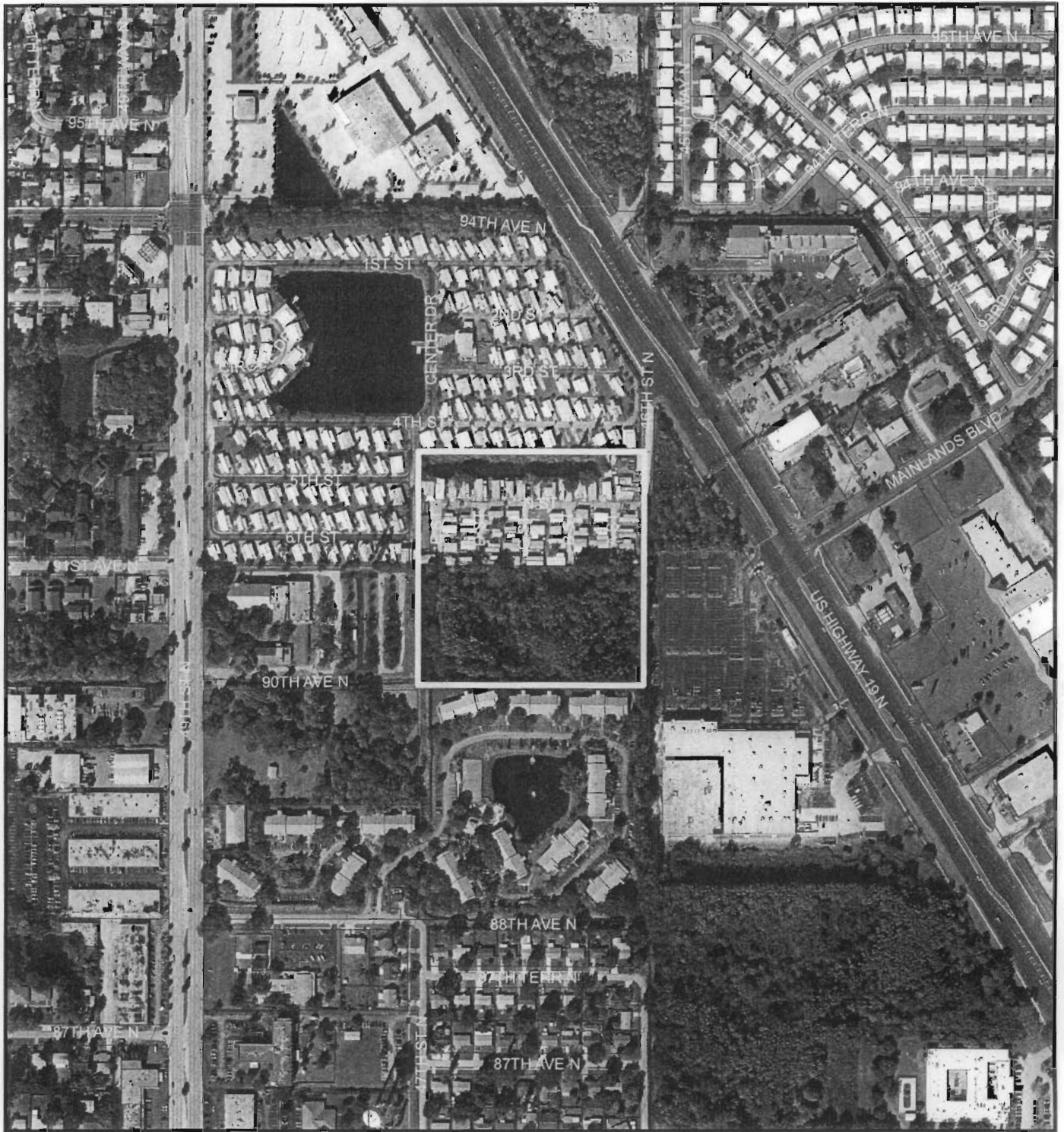
CASE #: CW10-17 JURISDICTION: Pinellas Park



Jurisdictions

PINELLAS PARK





Map 3 - Aerial

FROM: Residential Low Medium

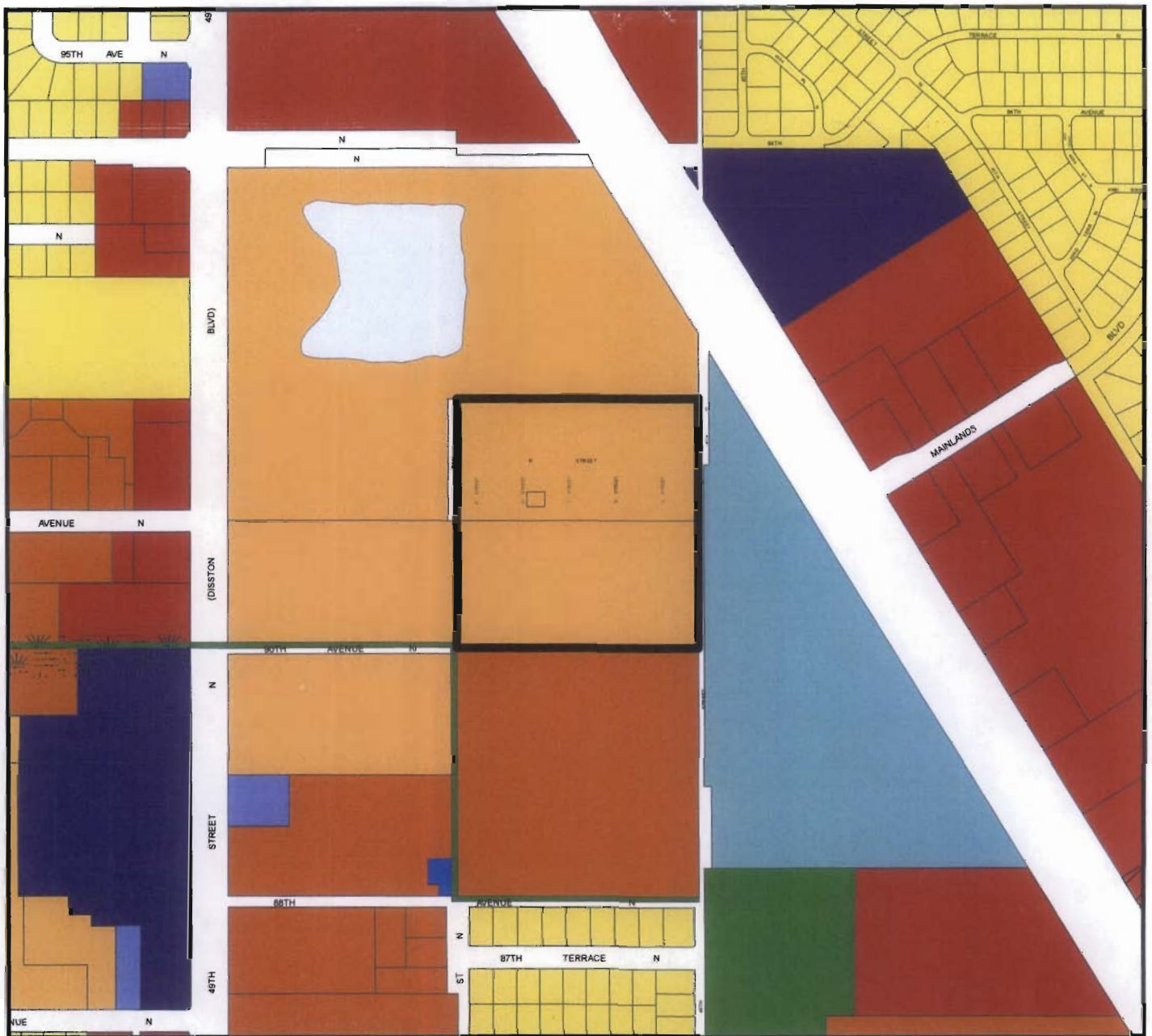
TO: Institutional

AREA: 9.1

CASE #: CW10-17

JURISDICTION: Pinellas Park





Legend

Residential

- Residential Urban
- Residential Low Medium
- Residential Medium

Mixed Use

- Residential / Office General
- Residential / Office / Retail

Commercial

- Commercial General

Public / Semi-Public

- Preservation
- Institutional
- Transportation / Utility

Special Designations

- Water
- Right-of-Way

Overlays

Overlay_Type

- Activity Center Overlay
- Water/Drainage Feature Overlay

Map 4 - Current Countywide Plan Map

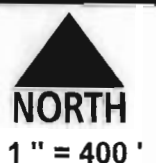
FROM: Residential Low Medium

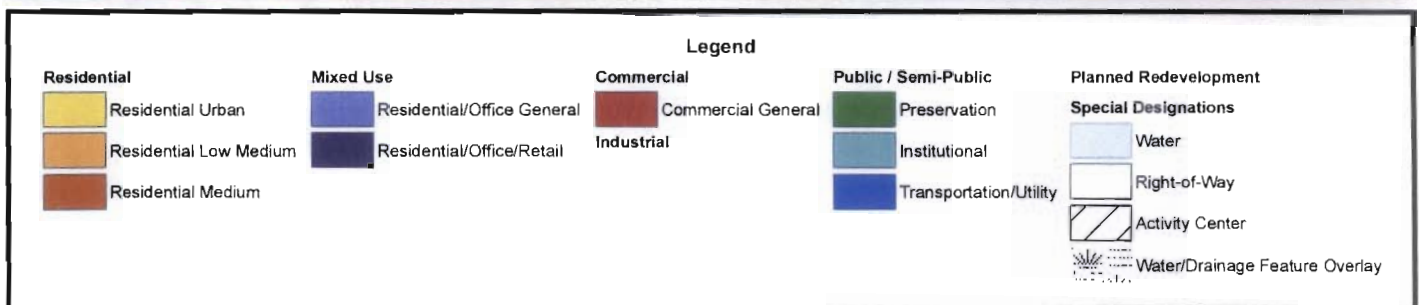
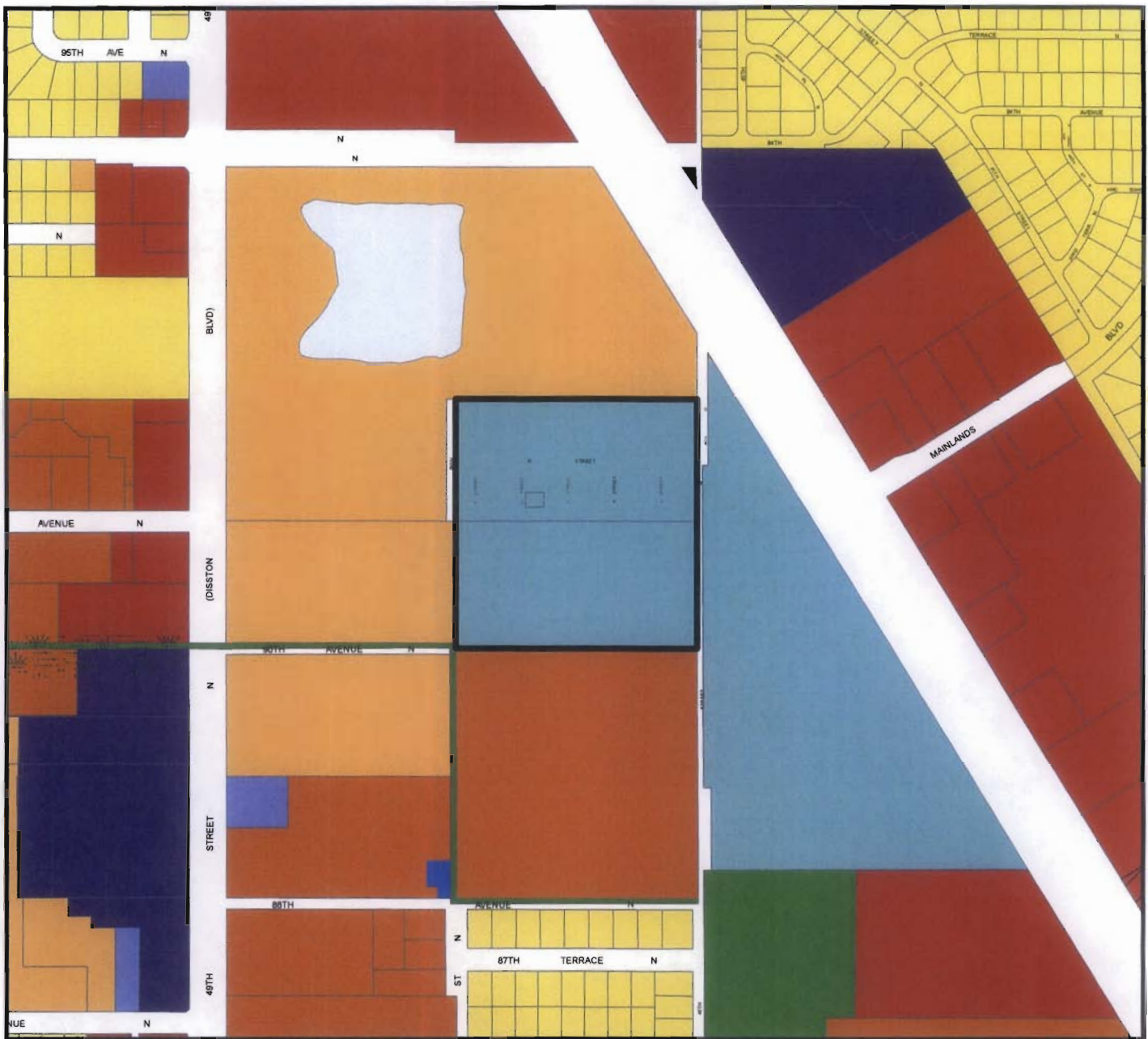
TO: Institutional

AREA: 9.1

CASE #: CW10-17

JURISDICTION: Pinellas Park





Map 5 - Proposed Countywide Plan Map

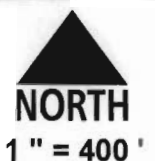
FROM: Residential Low Medium

TO: Institutional

AREA: 9.1

CASE #: CW10-17

JURISDICTION: Pinellas Park



PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: SEPTEMBER 7, 2010

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF JULY 12, 2010</u>	<u>Approved</u> Motion: Fred Metcalf Second: Gordon Beardslee	8-0
II. <u>REVIEW OF PPC AGENDA FOR 9/15/10</u> A. <u>Subthreshold Land Use Plan Amendments</u> 1. CW 10-15: City of Safety Harbor 2. CW 10-16: City of Clearwater	1. <u>Approved Staff Recommendation</u> Motion: Gordon Beardslee Second: Bob Klute 2. <u>Approved Staff Recommendation</u> Motion: Bob Klute Second: Fred Metcalf	8-0 8-0
B. <u>Regular Land Use Plan Amendments -</u> 3. CW 10-17: City of Pinellas Park	<u>Approved Staff Recommendation</u> Motion: Lauren Matzke Second: Bob Klute	8-0
4. CW 10-18: City of Clearwater	<u>Moved to Approve Application as Submitted by the Applicant</u> Motion: Dean Neal Second: Marie Dauphinais	6-4 (Pinellas County, St. Petersburg, Gulfport and St. Pete Beach dissenting)
C. Proposed Amendment of the Countywide Rules Re: Transit-Oriented Development Countywide Plan Map Category	<u>Approved Staff Recommendation</u> Motion: Marie Dauphinais Second: Fred Metcalf	8-2 (St. Petersburg and Pinellas County dissenting)

D. Satisfaction of Condition of Countywide Plan Map Amendment Case CW 09-06 (Brooker Creek Preserve Management Plan)	<u>Approved Staff Recommendation</u> Motion: Fred Metcalf Second: Bob Klute	10-0
E. Ability to Serve Report No. 10-5: City of Oldsmar (SWFWMD Property)	<u>Approved Staff Recommendation</u> Motion: Rick MacAulay Second: Lauren Matzke	10-0
F. Countywide Plan Map Adjustment (2010-3) – Official Acceptance	<u>Approved Staff Recommendation</u> Motion: Bob Klute Second: Rick MacAulay	10-0
G. CPA Actions – July and August 2010	No action taken – Information only	
H. Annexation Reports – July and August 2010	No action taken – Information only	
III. <u>OLD BUSINESS</u> A. Follow-Up Re: SB 360	Discussed – No action taken	
IV. <u>OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA</u> – None		
V. <u>ADJOURNMENT</u>		3:45 PM

Respectfully Submitted,

PAC Chairperson

Date