

BOARD OF COUNTY COMMISSIONERS

DATE: May 21, 2013

AGENDA ITEM NO. 19

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

Consideration to request that the Florida Department of Economic Opportunity rescind the Development Order for the Pinellas County Florida Quality Development (Criminal Courts Complex and Jail Expansion), and to authorize the advertisement of a public hearing regarding the proposed rescission request.

Department:

Strategic Planning & Initiatives

Staff Member Responsible:

Larry Arrington, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) AUTHORIZE STAFF TO PURSUE A REQUEST TO RESCIND THE DEVELOPMENT ORDER FOR THE PINELLAS COUNTY FLORIDA QUALITY DEVELOPMENT (CRIMINAL COURTS COMPLEX AND JAIL EXPANSION) AND TO AUTHORIZE THE ADVERTISEMENT FOR A PUBLIC HEARING ON JULY 23, 2013 TO CONSIDER A REQUEST TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY TO RESCIND THE DEVELOPMENT ORDER.

Summary Explanation/Background:

This proposal is to consider submitting a request to the Florida Department of Economic Opportunity to rescind its Development Order (DO) for the designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development (FQD). Pinellas County is the developer of this project.

Pursuant to the master plans of the Pinellas County Criminal Courts Complex (now known as the Criminal Justice Center) and the Jail Facility, the Board of County Commissioners decided in 1980 to expand the existing facilities located along 49th Street North. The magnitude of the potential impacts of the Criminal Justice Center and Jail expansion upon public facilities and services and upon the natural environment required that this expansion be reviewed for regional impacts (Development of Regional Impact process) pursuant to Chapter 380, Florida Statutes. Chapter 380.601, Florida Statutes created the Florida Quality Development (FQD) program, which provided an expeditious review process for developers of regional impact developers who commit to: preserve natural and cultural resources; include design and planning features which enhance the quality of life; provide for all onsite infrastructure; and provide that all onsite and offsite infrastructure be constructed and available when needed. Pinellas County used the FQD program to address the regional impacts associated with the Criminal Courts Complex and expansion of the Jail Facility. On October 28, 1992, the Florida Department of Community Affairs executed a Development Order designating the Criminal Courts Complex and Jail Facility as a Florida Quality Development.

In 2012, the Legislature amended Chapter 380, Florida Statutes, to permit exemptions from this Chapter if a county is considered to be a dense urban land area. One definition of a dense urban land area is a county, including the municipalities located therein, which has a population of at least 900,000 and that has an average of at least 1,000 people per square mile of land area. Pinellas County, having a population of 920,381 (2012) and approximately 3,287 people per square mile of land area, meets this definition. Being a dense urban land area, the legislative amendment to Chapter 380, Florida Statutes, permits the rescission of the Development Order of an FQD project if all required mitigation related to the amount of existing development as outlined in the Development Order has been completed or will be completed under an existing permit.

The following mitigation requirements are outlined in the County's October 1992 Development Order to offset the impacts of the project:

- 1) Demonstrate that all applicable requirements, permits and applicable concurrency standards have been met in, but not limited to, the following areas:
 - Transportation facilities;
 - Potable water supply;
 - Solid waste disposal;
 - Sewage and waste water treatment; and
 - Police and fire protection,
- 2) Demonstrate compliance with outlined energy conservation,
- 3) Monitor P.M. peak hour external trips at site accesses,
- 4) Inspect surface water management systems, and
- 5) Provide affordable housing assistance (to employees).

After reviewing the mitigation requirement of the Development Order and the accomplishments of the associated tasks of the Criminal Justice Center and Jail Facility expansion, staff has determined that all required mitigation outlined in the Development Order has been completed for development that has been completed at the Courts/Jail site. Assuming the approval of the rescission, any remaining future development on the project site would still meet the strict scrutiny and compliance of all applicable State, Regional and County requirements. It is recommended that the County proceed with the rescission process, including conducting a Local Planning Agency hearing and review, providing a comment opportunity by the Reviewing Entities (select local, regional and state agencies that reviewed the original FQD Application), and conducting a Board public hearing on July 23, 2013.

Fiscal Impact/Cost/Revenue Summary:

Minimal cost savings (staff time in producing annual report) of approximately \$2,500 annually.

Exhibits/Attachments Attached:

Attachment 1: Proposed Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA REQUESTING THE RESCISSION OF THE DEVELOPMENT ORDER FOR DESIGNATION OF PINELLAS COUNTY CRIMINAL COURTS COMPLEX AND JAIL FACILITY AS A FLORIDA QUALITY DEVELOPMENT, AS AMENDED, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the early 1970s, the Pinellas County Board of County Commissioners ("Board") conceived a plan to provide a centralized jail and criminal courts complex to provide efficient operations for the county and circuit criminal courts and to eliminate the duplication of facilities for criminal justice agencies; and

WHEREAS, the location of a central complex at 49th Street North met with approval of surrounding communities; and

WHEREAS, the Criminal Courts Complex and the Pinellas County Jail Facility had been evaluated by the Board to determine current and future criminal justice needs; and

WHEREAS, a master plan for the Pinellas County Criminal Courts Complex and countywide Court facilities, which reviewed the relationships among departments in the judicial system, was prepared and reported three primary problem areas: 1) the existing building was overcrowded; 2) design inadequacies hindered efficient operations; and 3) severe security risks existed; and

WHEREAS, a master plan for the Pinellas County Jail Facility recommended a balanced approach involving a mix of new inmate bed capacity and alternatives-to-incarceration programs to reduce the need for inmate bed space; and

WHEREAS, the Board had decided to expand the existing Criminal Courts Complex and Jail Facility on the 101-acre site at 49th Street North; and

WHEREAS, the magnitude of the potential impact of the Criminal Courts Complex and Jail Facility upon public facilities and services and upon the natural environment required that this project be reviewed for regional impacts pursuant to Chapter 380.06, Florida Statutes; and

WHEREAS, Chapter 380.061, Florida Statutes, creating the Florida Quality Development ("FQD") Program, exceeds the requirements of the conventional Development of Regional Impact process by encouraging "development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians deserve" in exchange for an expeditious review process and other potential advantages to the developer; and

WHEREAS, the approval of a local option one-cent infrastructure sales tax referendum in November 1989 provided the funds to design and construct this project; and

WHEREAS, this project had been planned in order to preserve those natural amenities along the Cross Bayou Canal and to incorporate energy and water conservation measures into the design of the development, among other measures, to ensure high quality development, thereby qualifying the Criminal Courts Complex and Jail Facility as a Florida Quality Development; and

WHEREAS, in accordance with Section 380.061, Florida Statutes as amended, the Board adopted Resolution #91-408, on December 24, 1991, approving the transmittal to the Florida Department of Community Affairs and other appropriate agencies of an Application for a Development Designation under the Florida Quality Development Program for the Pinellas County Criminal Courts Complex and Jail Facility; and

WHEREAS, the Florida Department of Community Affairs executed the Development Order for Designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development on October 28, 1992; and

WHEREAS, on March 21, 1994, the Florida Department of Community Affairs issued the first amendment of said Development Order specifying the mechanism by which wetlands and waterbodies within the boundaries of the project site are preserved; and

WHEREAS, on September 8, 2003, the Florida Department of Community Affairs issued the second amendment of said Development Order deleting a 12-acre site (aka, Zero Manufacturing Property) from the project site and amending the legal description exhibit and the map exhibits of said Development Order accordingly; and

WHEREAS, the Florida Legislature, during the 2011 Legislative Session, amended Chapter 380, Florida Statutes, stating that the developer or landowner of developments-of-regional-impact located within identified Dense Urban Land Areas, as defined in the Florida Statutes, have an option to request that the development order can be rescinded by the local government having jurisdiction upon showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit; and

WHEREAS, Pinellas County because of its population and population density is deemed a Dense Urban Land Area, pursuant to Section 380.06(29)(a)3, Florida Statutes; and

WHEREAS, Pinellas County, as the developer of the Pinellas County Criminal Courts Complex and Jail Facility, has completed the mitigation related to the amount of existing development as required in Section IV, Development Order Conditions, of said Development Order of October 28, 1992, as amended; and

WHEREAS, Pinellas County, as the developer of the Pinellas County Criminal Courts Complex and Jail Facility, is requesting the Florida Department of Economic Opportunity to rescind said Development Order of October 28, 1992, as amended; and

WHEREAS, at its May 21, 2013 meeting, the Board authorized the advertisement of a public hearing to consider a resolution to rescind said Development Order; and

WHEREAS, at its June 13, 2013 meeting, the Local Planning Agency considered the proposal to request rescission of said Development Order and their recommendation has been received and considered; and

WHEREAS, notice of the hearing on this resolution has been published in a newspaper of general circulation within Pinellas County at least fifteen (15) days prior to the date set for the Pinellas County Board of County Commissioners hearing on this resolution.

NOW, THEREFORE, IN REGULAR SESSION DULY ASSEMBLED ON THIS 23RD DAY OF JULY, 2013, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

1. The above recitals are hereby adopted and incorporated into the body of this resolution by reference.
2. The Board of County Commissioners of Pinellas County hereby adopts this resolution requesting the Florida Department of Economic Opportunity to rescind the Development Order for Designation of Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development and any amendments thereto, based upon the findings above.
3. All required mitigation related to the amount of existing development within the Pinellas County Criminal Courts Complex and Jail Facility FQD on this date have been completed.
4. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

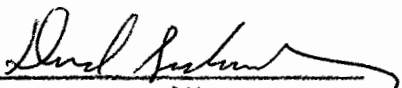
Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____. And upon roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney