

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** June 4, 2013  
**AGENDA ITEM NO. /**

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Proposed Subthreshold Amendment to the Countywide Future Land Use Plan (FLUP).

**Department:**

Strategic Planning and Initiatives

**Staff Member Responsible:**

Larry Arrington, Executive Director

**Recommended Action:**

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), CONDUCT A PUBLIC HEARING TO ADOPT THE PROPOSED ORDINANCE APPROVING CASE CW 13-3 OF SAFETY HARBOR.

**Summary Explanation/Background:**

The Board has received one proposed subthreshold amendment to the FLUP that has been reviewed by the Pinellas Planning Council (PPC or Council). Case CW 13-3 is a submittal by the City of Safety Harbor for 2.0 acres located at the northeast corner of McMullen-Booth Road and Cedar Street, from Residential/Office Limited to Residential Suburban (up to 2 1/2 units an acre). The subject area is currently used for outdoor vehicle storage and has been a legal nonconforming use since 1992. This use will continue to be nonconforming with or without the amendment. The portion of the property designated as Preservation is unaffected since it recognizes a jurisdictional wetland. County staff concurs with the PPC recommendation of approval.

**Fiscal Impact/Cost/Revenue Summary:**

None

**Exhibits/Attachments Attached:**

Ordinance  
Council Documentation

TO: The Honorable Chairman and Members of the Board of County Commissioners, in Your Capacity as the Countywide Planning Authority

THROUGH: Robert S. LaSala, County Administrator

FROM: Michael C. Crawford, Interim Executive Director  
Pinellas Planning Council

SUBJECT: June 4, 2013 Countywide Planning Authority Agenda  
Part I – Public Hearing Agenda Re: Subthreshold Plan Map Amendment

DATE: June 4, 2013

**RECOMMENDATION:** THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, APPROVE CASE CW 13-3.

**DISCUSSION:** The Countywide Planning Authority has received one case concerning subthreshold amendment of the Countywide Plan Map as described below:

**Case CW 13-3 – City of Safety Harbor:**

This proposed amendment located at the northeast corner of McMullen Booth Road and Cedar Street is submitted by the City of Safety Harbor and seeks to reclassify 2.0 acres of a 2.6-acre parcel from Residential/Office Limited to Residential Suburban. The parcel is used for outdoor vehicle storage, which has been a legal nonconforming use on the site since 1992. There is no change in use proposed at this time and the use will be nonconforming with or without the amendment. This site was the subject of a previous map amendment, CW10-6 in April 2010. The Council and Countywide Planning Authority approved an amendment from Residential Suburban, Preservation, and Water/Drainage/Feature Overlay to Residential/Office Limited and Preservation with Water/Drainage Feature Overlay, subject to an accompanying Development Agreement, for the proposed construction of an office complex. This redevelopment never took place so the City of Safety Harbor has terminated the Development Agreement and requests a return to the former residential Countywide Plan Map category on the site. The 0.6 acre Preservation area will remain, as it properly recognizes a jurisdictional wetland.

***The Pinellas Planning Council, by a vote of 12-0, recommended approval of Case CW 13-3.***

With this transmittal, the complete record of the public hearing held by the Pinellas Planning Council on this case is on file with the Clerk and is available for review by the Board or any interested party.

ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE AMENDING THE COUNTYWIDE FUTURE LAND USE PLAN OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 13-3 INITIATED BY THE CITY OF SAFETY HARBOR 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 a proposed amendment to the Countywide Future Land Use Plan and for a proposed amendment to an adopted Special Area Plan; and

WHEREAS, the City of Safety Harbor initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on May 8, 2013, 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 June 4, 2013, 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 13-3      2.0 acres located at the northeast corner of McMullen-Booth Road and Cedar Street, from Residential/Office Limited to Residential Suburban.

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

Case CW 13-3  
City of Safety Harbor

# PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

**AGENDA ITEM:** III B-1.

**MEETING DATE:** May 8, 2013

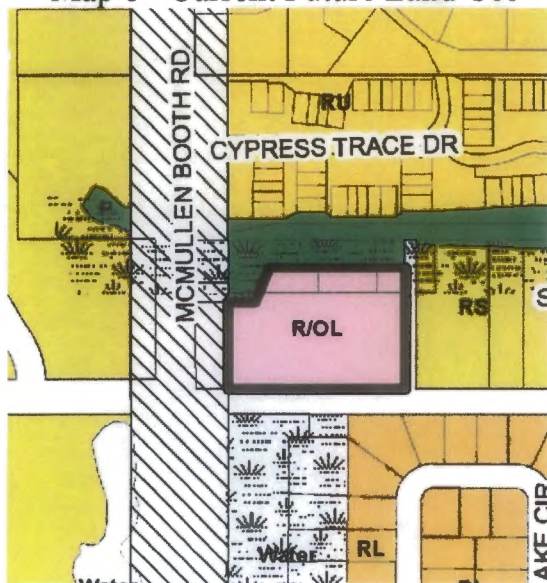
**SUBJECT:** Amendment of the *Countywide Future Land Use Plan Map*  
**FROM:** Residential/Office Limited (R/OL)  
**TO:** Residential Suburban (RS)  
**AREA:** 2.0 Acres m.o.l  
**CASE #:** CW 13-3  
**JURISDICTION:** City of Safety Harbor  
**LOCATION:** Northeast Corner of McMullen Booth Road and Cedar Street

**RECOMMENDATION:** Council Recommend To The Countywide Planning Authority That The Proposed Map Amendment To Residential Suburban Be Approved

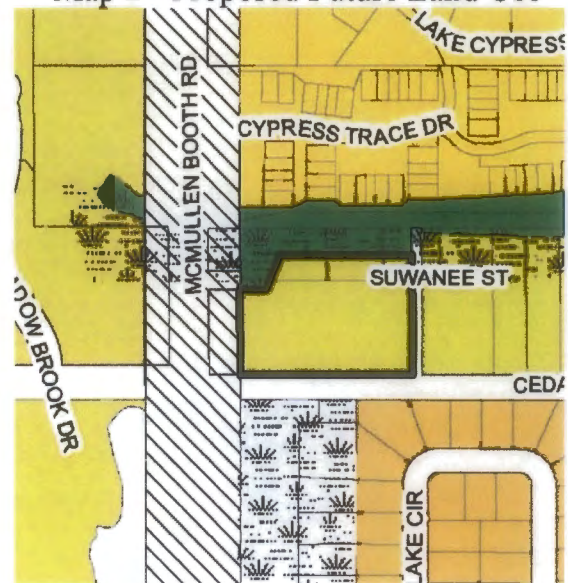
## I. BACKGROUND

This proposed amendment is submitted by the City of Safety Harbor and seeks to reclassify 2.0 acres of a 2.6 acre parcel from Residential/Office Limited to Residential Suburban. The parcel is used for outdoor vehicle storage, which has been a legal nonconforming use on the site since 1992. There is no change in use proposed at this time and the use will be nonconforming with or without the amendment.

Map 1 - Current Future Land Use



Map 2 - Proposed Future Land Use



### **PINELLAS PLANNING COUNCIL ACTION:**

The Council recommended approval of the amendment from Residential/Office Limited to Residential Suburban (vote 12-0).

### **COUNTYWIDE PLANNING AUTHORITY ACTION:**



***SUBJECT: Case CW 13-3 – Safety Harbor***

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This site was the subject of a previous map amendment, CW10-6 in April 2010. The Council and Countywide Planning Authority (CPA) approved an amendment from Residential Suburban, Preservation, and Water/Drainage/Feature Overlay to Residential/Office Limited and Preservation with Water/Drainage Feature Overlay, subject to an accompanying Development Agreement, for the proposed construction of an office complex. This redevelopment never took place so the City of Safety Harbor has terminated the Development Agreement and requested a return to the former residential Countywide Plan Map category on the site. The 0.6 acre Preservation area will remain, as it properly recognizes a jurisdictional wetland.

***II. FINDINGS***

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

- A. The proposed amendment is a subthreshold amendment (Type C); and
- B. The proposed amendment to Residential Suburban recognizes the land use category on the site that was in place prior to the Development Agreement, and is consistent with the criteria for utilization of this category and is consistent with the criteria found in the Scenic Noncommercial provisions of the Countywide Rules.

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

The Council and CPA may, upon a majority vote of members present and constituting a quorum, remove a subthreshold amendment from the subthreshold portion of the agenda for separate consideration, in which event the amendment may be discussed and acted upon at that same meeting or continued to the next available meeting with an analysis of any issues identified by the Council or CPA.

***III. PLANNERS ADVISORY COMMITTEE (PAC)***

The PAC members discussed this case at their April 29, 2013 meeting and recommended approval of the staff recommendation (9-0).

***IV. LIST OF MAPS & ATTACHMENTS***

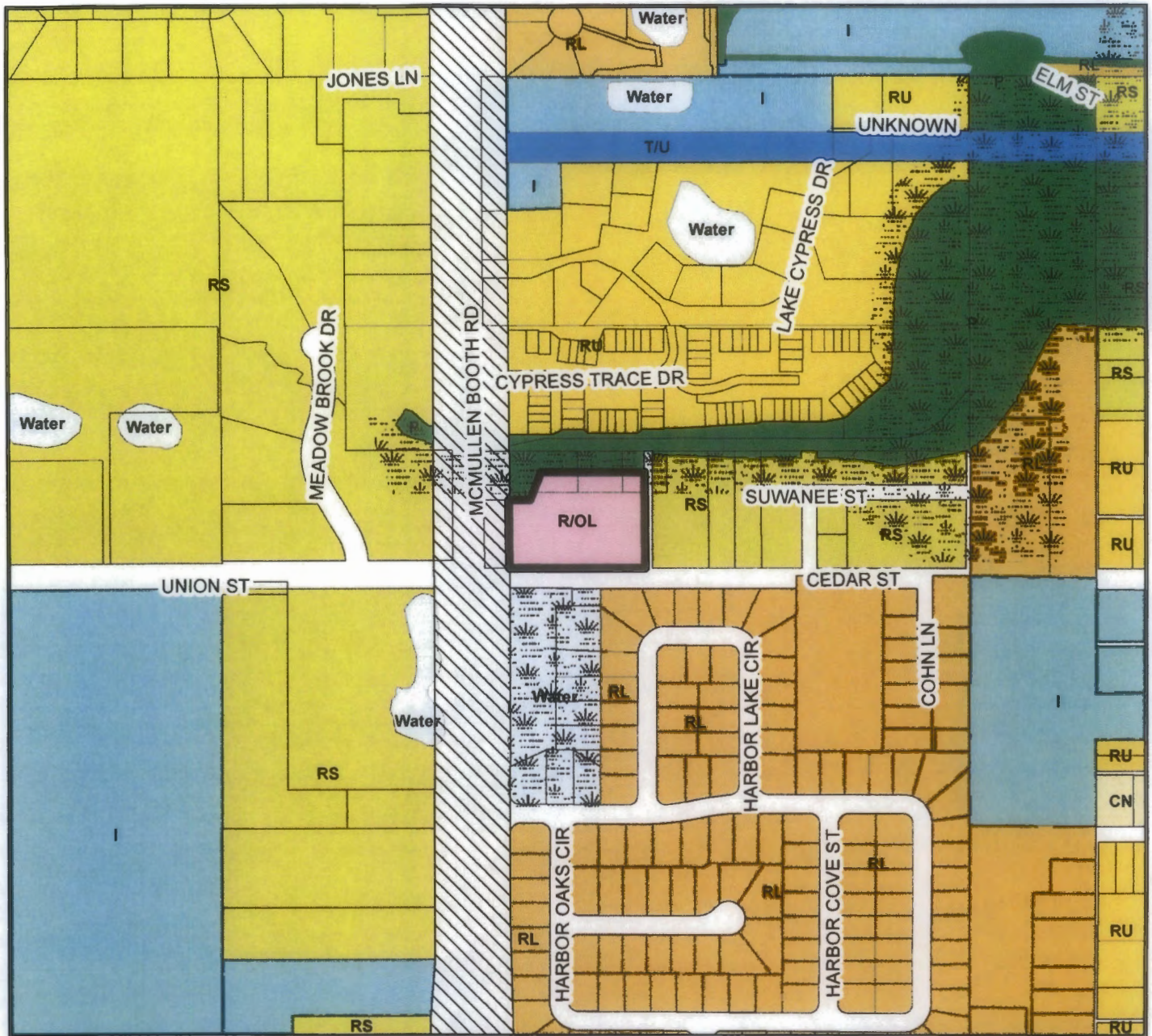
- Map 1 Current Countywide Plan Map
- Map 2 Proposed Countywide Plan Map
- Map 3 Location
- Map 4 Current Countywide Plan & Jurisdiction Map
- Map 5 Aerial
- Map 6 Countywide Scenic/Noncommercial Corridors Map

Attachment 1 Draft PAC Summary Actions Sheet

***V. SUPPORT DOCUMENTS – available only at [www.pinellasplanningcouncil.org](http://www.pinellasplanningcouncil.org) (see May Agenda and then click on corresponding case number).***

- Support Document 1 Disclosure of Interest Form
- Support Document 2 Local Government Application





Legend			
<b>Residential</b>	<b>Mixed Use</b>	<b>Public / Semi-Public</b>	<b>Special Designations</b>
Residential Suburban	Residential / Office Limited	Preservation	Water
Residential Low	<b>Commercial</b>	Institutional	Right-of-Way
Residential Urban	Commercial Neighborhood	Transportation / Utility	Water/Drainage Feature Overlay
			Scenic/Noncommercial Corridor

## Map 1 - Current Countywide Plan Map

**FROM: Residential/Office Limited**

**TO: Residential Suburban**

**AREA: 2.0**

**CASE #: CW13-3**

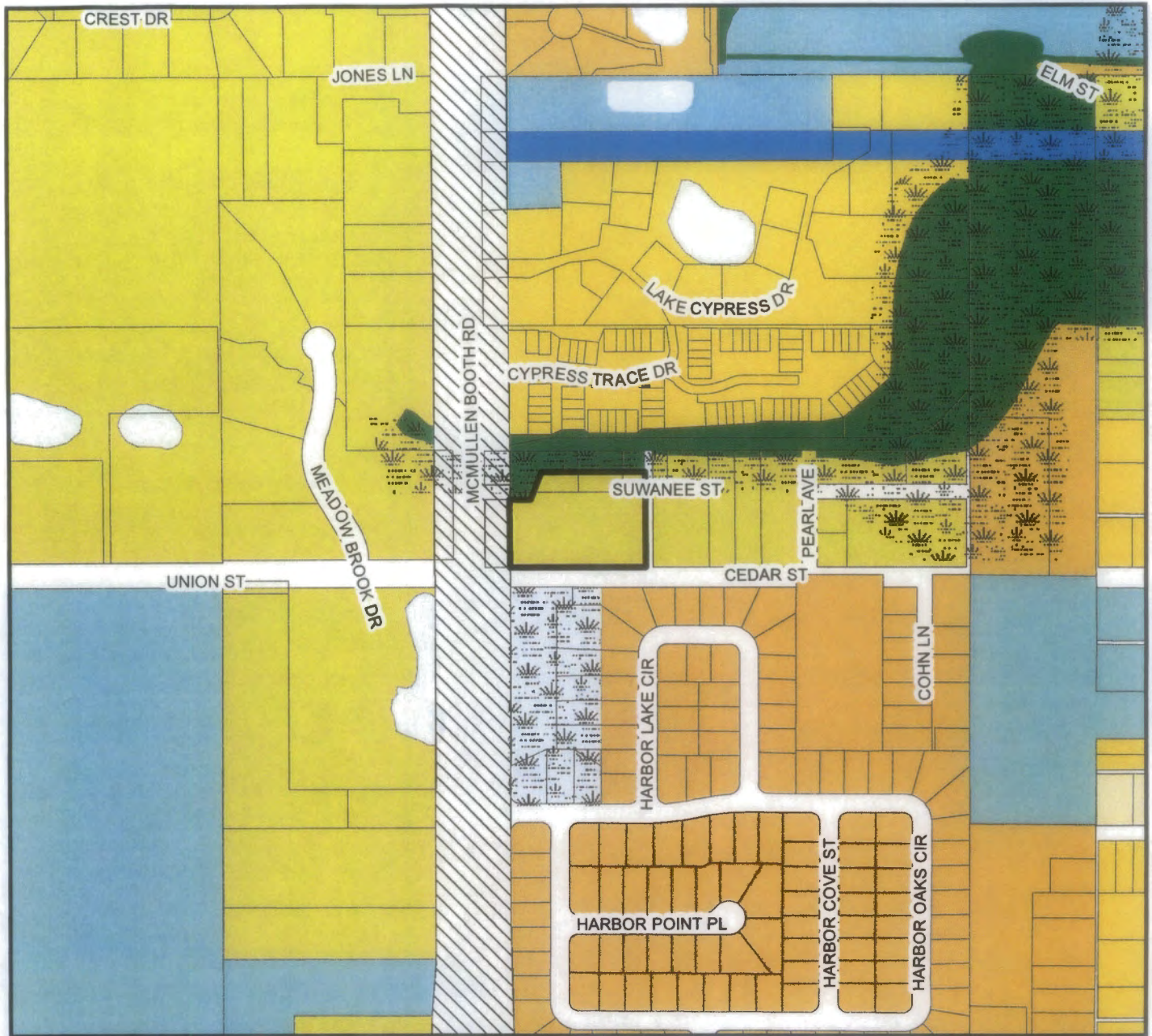
**JURISDICTION: Safety Harbor**



**1" = 400'**







Legend			
<b>Residential</b>	<b>Mixed Use</b>	<b>Public / Semi-Public</b>	<b>Special Designations</b>
Residential Suburban	Residential/Office Limited	Preservation	Water/Drainage Feature Overlay
Residential Low	<b>Commercial</b>	Institutional	Right-of-Way
Residential Urban	Commercial Neighborhood	Transportation/Utility	Scenic/Noncommercial Corridor

## Map 2 - Proposed Countywide Plan Map

**FROM: Residential/Office Limited**

**TO: Residential Suburban**

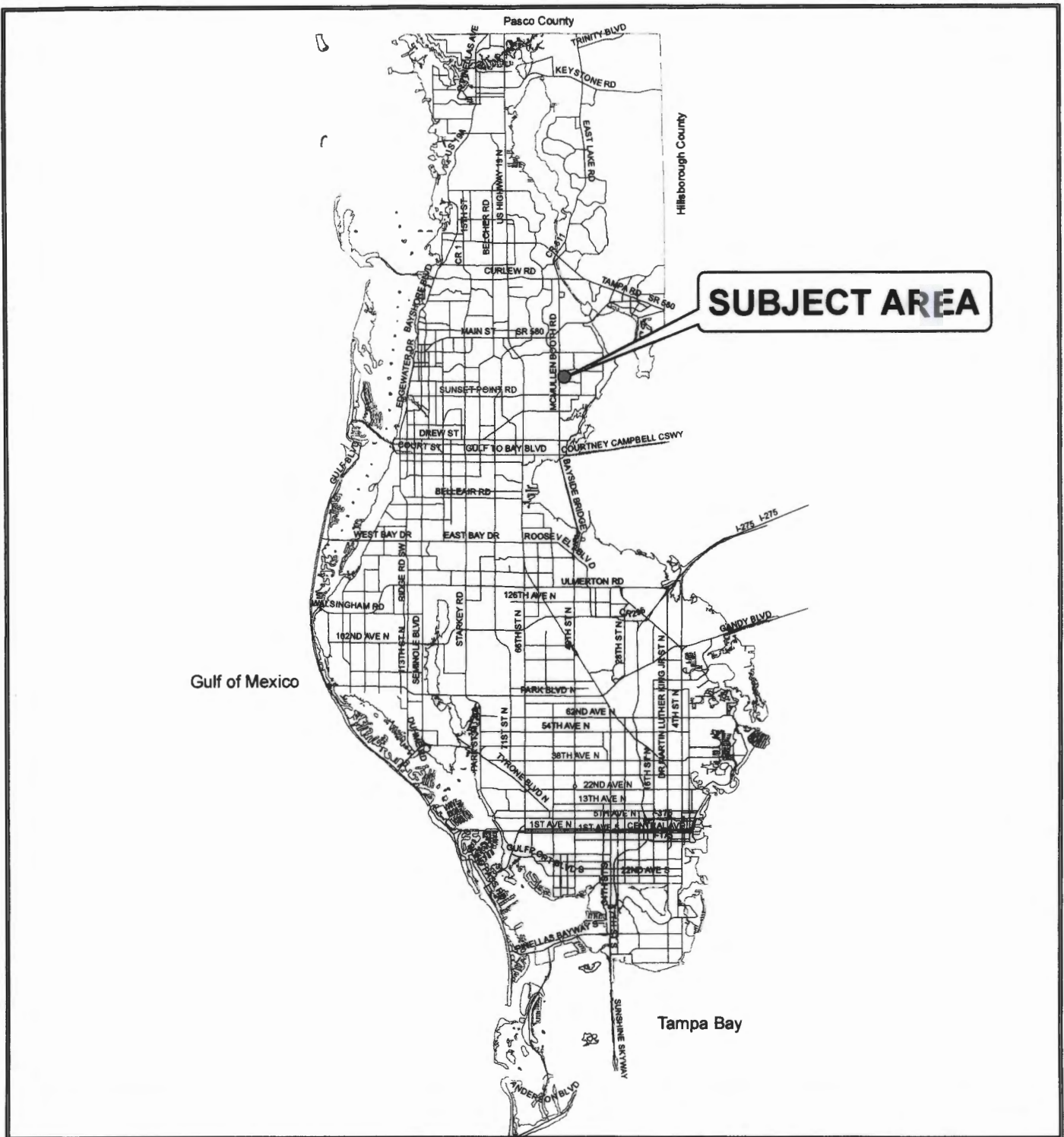
**AREA: 2.0**

**CASE #: CW13-3**

**JURISDICTION: Safety Harbor**



**PPC** PINELLAS  
PLANNING  
COUNCIL



### Map 3 - Location

FROM: Residential/Office Limited

TO: Residential Suburban

AREA: 2.0 Acres

CASE #: CW13-3

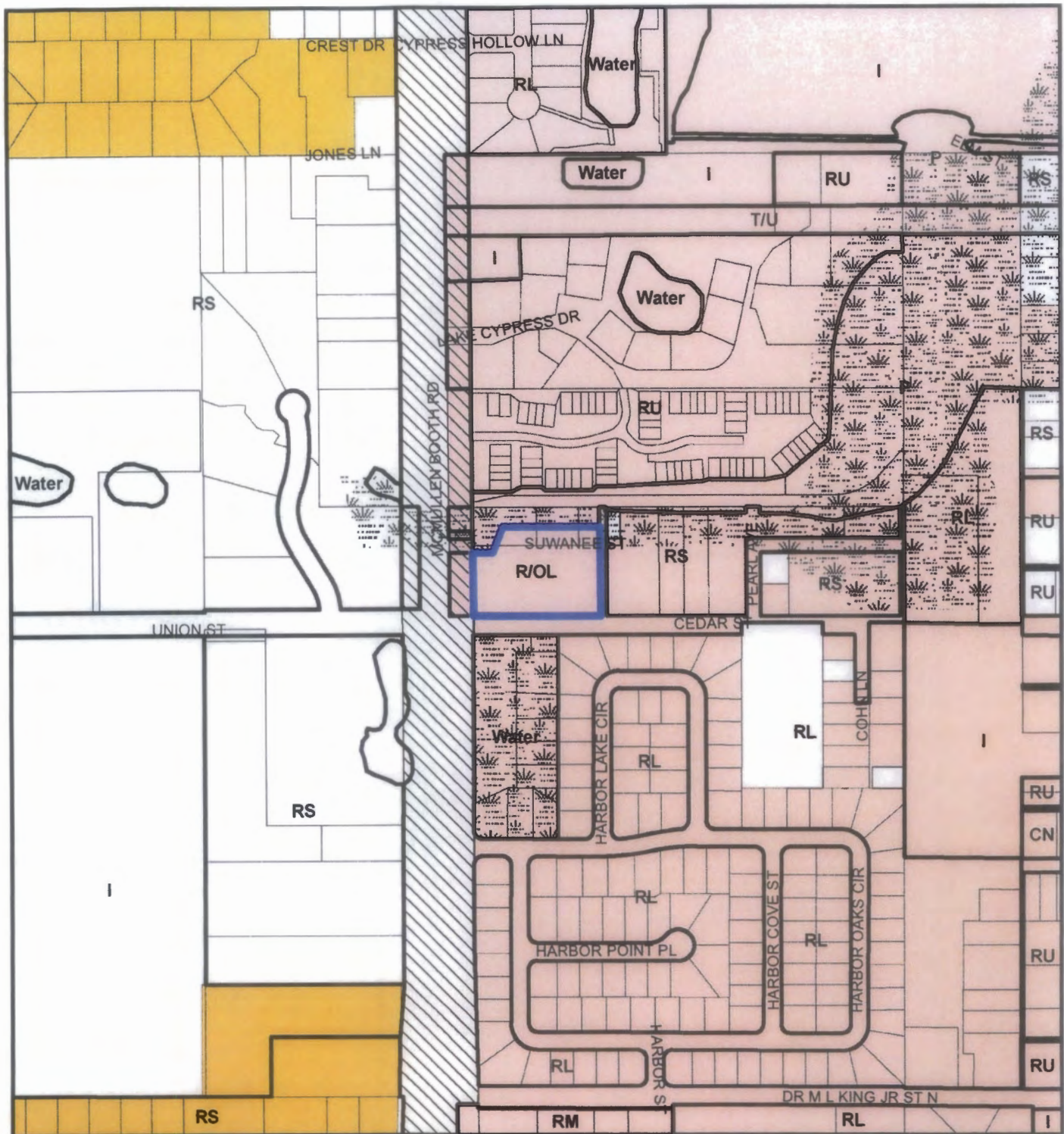
JURISDICTION: Safety Harbor



1" = 26,000'

**PPC** PINELLAS  
PLANNING  
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## Map 4 - Current Countywide Plan Map & Jurisdictional Map

FROM: Residential/Office Limited

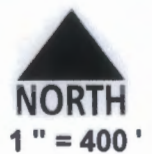
TO: Residential Suburban

AREA: 2.0

CASE #: CW13-3

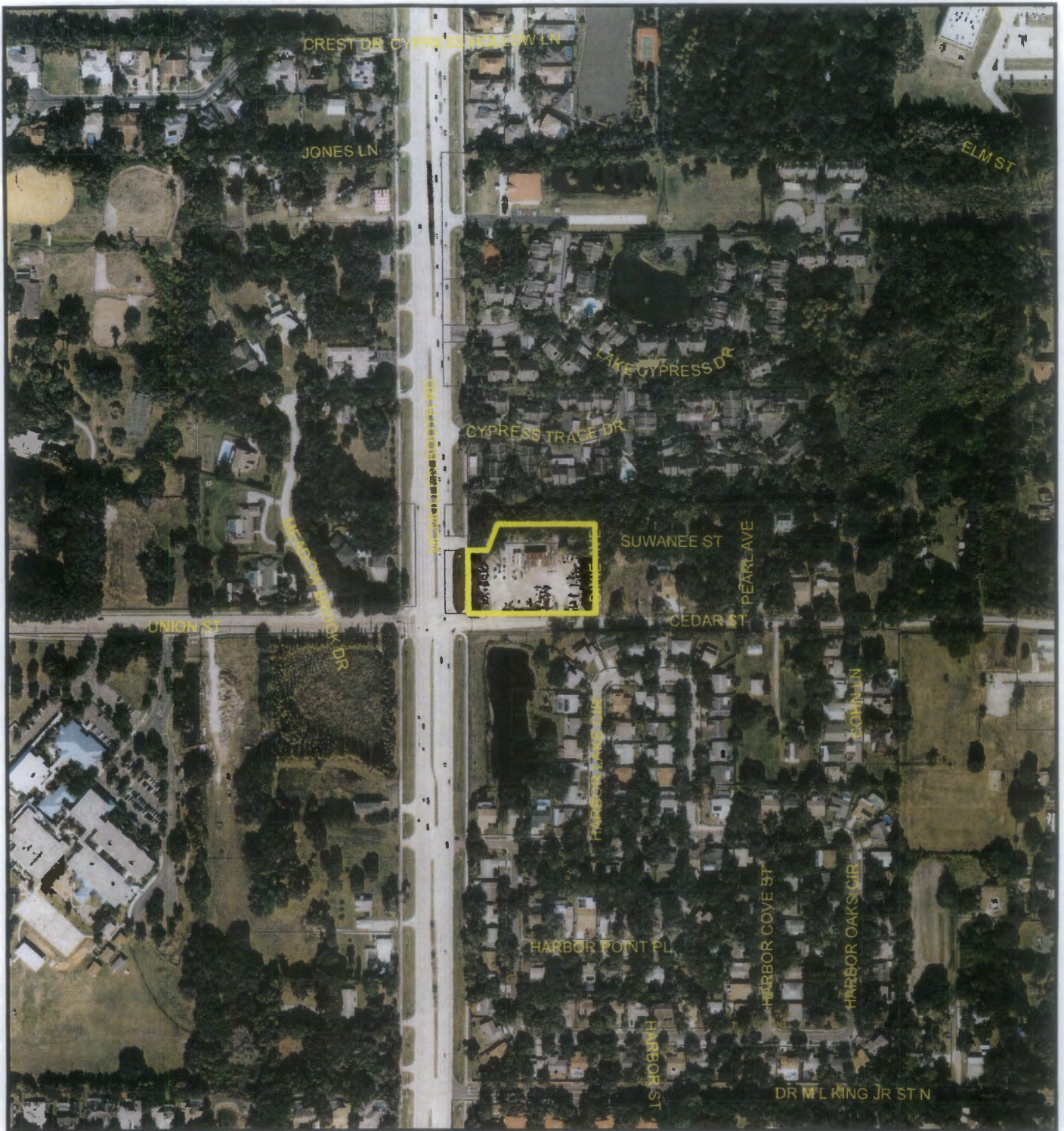
### Jurisdictions

- CLEARWATER
- SAFETY HARBOR
- UNINCORPORATED



JURISDICTION: Safety Harbor





## Map 5 - Aerial

**FROM:** Residential/Office Limited

**TO:** Residential Suburban

**AREA:** 2.0

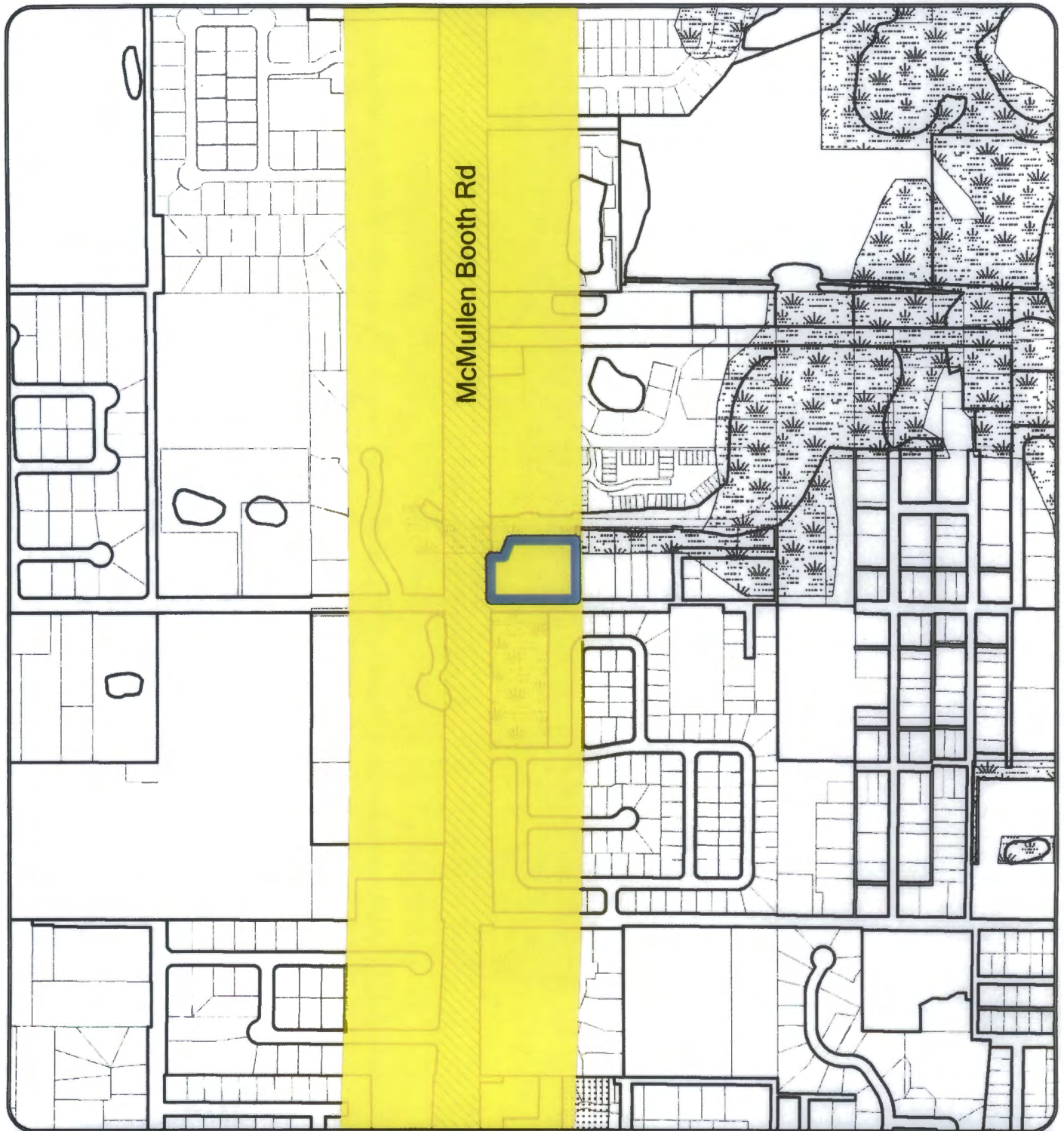
**CASE #:** CW13-3

**JURISDICTION:** Safety Harbor



**PPC** PINELLAS  
PLANNING  
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**MAP 6 Countywide Scenic/Noncommercial Corridors**

**Legend**

- |   |  |  |
|---|--|--|
|  Enhancement Connector |  Residential      |  Unique/Scenic View |
|  Mixed Use             |  Rural/Open Space |  |



1" = 600'

**CASE #: CW13-3**



**PAC AGENDA – SUMMARY AGENDA ACTION SHEET**  
**DATE: APRIL 29, 2013**

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF APRIL 1, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Gordon Beardslee	8-0
II. <u>REVIEW OF PPC AGENDA FOR MAY 8, 2013</u> A. <u>Subthreshold Land Use Plan Amendments -</u> 1. Case CW 13-3: City of Safety Harbor	<u>Approved</u> Motion: Marie Dauphinais Second: Dean Neal	9-0
B. <u>Regular Land Use Plan Amendments -</u> None.		
C. <u>CPA Actions</u> – April -None		
D. <u>Annexation Report – April 2013</u>	<u>No Action – Information Only</u>	
E. Annexation Report – Semi Annual Update FY 13	<u>No Action – Information Only</u>	
F. Countywide Plan Map Adjustments – Official Acceptance	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	10-0
G. <u>PPC/MPO Unification Update (Verbal)</u>	<u>No Action – Information Only</u> Chris Mettler provided an update regarding the rescheduled meeting for Pinellas, Pasco and Hillsborough MPOs tentatively scheduled for May 31 noting that we anticipate the regionalization issue to be resolved by July 1; and that the PPC/MPO Executive Committee is scheduled to meet again on May 8, 11 a.m. to continue discussion re unification.	
H. <u>Countywide Plan and Transportation Update (Verbal)</u>	<u>No Action – Information Only</u> Mr. Mettler informed PAC of the cancellation of the May 1 LUWG meeting; and stated that it will potentially be held on May 24. He stated MPO staff has invited PPC staff to attend meetings with Tindale Oliver & Associates in discussions of the LRTP; and that Brad Miller is expected to present to the PPC on May 8 asking the	