

**BOARD OF COUNTY COMMISSIONERS**

DATE: July 23, 2013  
AGENDA ITEM NO. 21

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 (Justice Center and Jail Expansion)

**Department:**

Strategic Planning & Initiatives

**Staff Member Responsible:**

Larry Arrington, Executive Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONDUCT A PUBLIC HEARING, AND AFTER RECEIVING COMMENTS, ADOPT THE ATTACHED RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY TO RESCIND THE DEVELOPMENT ORDER FOR THE PINELLAS COUNTY FLORIDA QUALITY DEVELOPMENT (PINELLAS COUNTY JUSTICE CENTER AND JAIL FACILITY EXPANSION).

**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 (now known as the Pinellas County Justice Center) 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 Justice Center and the Jail Facility, the Board decided in 1980 to expand the existing facilities located along 49<sup>th</sup> Street North. The magnitude of the potential impacts of the Justice Center and Jail Facility expansion upon public facilities and services and upon the natural environment required that this expansion be reviewed for regional impacts as a Development of Regional Impact (DRI) process pursuant to Chapter 380, Florida Statutes. Section 380.601, Florida Statutes created the Florida Quality Development (FQD) program as an alternative to the DRI process, 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 expansion of the Justice Center and the Jail Facility. On October 28, 1992, the Florida Department of Community Affairs executed a Development Order designating the Justice Center 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 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 included 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 requirements of the Development Order and the accomplishments of the associated tasks of the Justice Center and Jail Facility expansion, staff has determined that all required mitigation outlined in the Development Order has been completed for development at the Justice Center/Jail site. Assuming the Florida Department of Economic Opportunity rescinds the development order, any remaining future development on the project site would still need to comply with all applicable State, Regional and County requirements. Furthermore, the rescission of the development order would allow the County to continue with the planned project according to the new master site plan and, if need be, process amendments to the project without going through the onerous review of 18 reviewing entities.

County staff recommends that the attached Resolution (Attachment 1) requesting the rescission of the Florida Quality Development Order be approved. The Local Planning Agency (LPA) also conducted a public hearing on June 13, 2013 regarding the proposal. The LPA finds that this request meets the requirements of Section 380.11(1)(b), Florida Statutes, and recommends that the Board approve the proposed Resolution requesting the Florida Department of Economic Opportunity to rescind the Development Order for designating the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development.

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

Staff time in producing annual report and processing amendments to the Development Order of approximately \$2,500 annually.

**Exhibits/Attachments Attached:**

Attachment 1: Proposed Resolution

Attachment 2: Local Planning Agency Report & Mitigation Requirements

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 49<sup>th</sup> 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 49<sup>th</sup> 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.

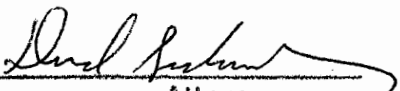
Commissioner \_\_\_\_\_ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_. And upon roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

## LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the Board of County Commissioners



### **Regarding: Rescission of the Development Order for Designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development**

LPA Recommendation: The LPA finds that this request meet the requirements of Section 380.11(1)(b), Florida Statutes, and recommends that the Board approve the proposed Resolution requesting the Florida Department of Economic Opportunity to rescind the Development Order for Designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development.

**LPA Report No. CR-14-4-13**

***LPA Public Hearing Date: June 13, 2013***

**PLANNING STAFF RECOMMENDATION:** That the LPA recommend that the Board of County Commissioners approve the attached Resolution requesting the Florida Department of Economic Opportunity to rescind the Development Order for Designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development and that this request meets the requirements of Section 380.115(1)(b), Florida Statutes.

**Correspondence:**

None

**Background and Discussion:** Pinellas County is requesting the Florida Department of Economic Opportunity 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 and hereinafter known as the Criminal Justice Center) and Jail Facility, the Board of County Commissioners decided to expand the existing facilities located along 49<sup>th</sup> Street North. The magnitude of the potential impacts of the Criminal Justice Center and Jail Facility 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 exceeds the requirements of the conventional Development of Regional Impact process in exchange for an expeditious review. The County's application to have the Criminal Justice Center and the Jail Facility approved under the FQD program proposed expanding the criminal courts building from 147,123 square feet to 500,000 square feet, and to expand the Jail Facility with up to 4,609 beds and improve upon other ancillary jail facilities. The County application for FQD designation minimized

impacts upon public facilities and the natural environment. The County received from the Florida Department of Community Affairs (DCA) an FQD designation for the Criminal Justice Center and Jail Facility in October 1992.

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, that 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. Furthermore, the rescission of the development order would allow the County to continue with the planned project according to the new master site plan and, if need be, process amendments to the project without going through onerous review of 18 Reviewing Entities. County staff has been coordinating with the Florida Department of Economic Opportunity during this process.

The following mitigation requirements are included 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 trip at site accesses,
- 4) Inspect surface water management systems, and
- 5) Provide affordable housing assistance (to employees).

Over time, there have been two approved amendments to the October 1992 Development Order. A provision of the Development Order stated that all wetlands and waterbodies within the project site boundaries would be protected by a restrictive covenant. However, the Federal Aviation Administration objected to this provision. A compromise during negotiations led to the First Amendment (of March 21, 1994) requiring all wetlands and waterbodies within the project site boundaries and under the jurisdiction of the Florida Department of Environmental Protection (DEP) be preserved through a Preservation future land use designation on the Future Land Use Map of the Pinellas County Comprehensive Plan and protected by provisions of the Pinellas County land development regulations. Applicable exhibits of the Conceptual Master Plan for the Criminal Justice Center and Jail Facility were also amended accordingly.

The Second Amendment to the FQD Development Order pertained to a change of the project site boundary. A 12-acre parcel (known as the Zero Manufacturing site) located directly east of the Criminal Justice Center and Jail Facility across 49<sup>th</sup> Street N. was part of the original FQD project site, though there was no reference in the FQD application as to an intended use of the site. The Pinellas County School Board had approached the County to use the Zero



Manufacturing site for a high school. The proposal to amend the Development Order was not deemed to be a significant change, and the Second Amendment to the FQD Development Order was approved by DCA on September 8, 2003. The subject parcel was subsequently sold to the Pinellas County School Board, and Bayside High School was constructed.

Thus far, the following construction of the Criminal Justice Center and Jail Facility has been completed:

Phase I:

- 1) Construction of the "south" parking lot off of 140<sup>th</sup> Avenue N.;
- 2) Construction of a new criminal courthouse (approximately 353,000 square feet);
- 3) Renovation of existing criminal courthouse (approximately 147,000 square feet);
- 4) Construction of a new intake/release facility at the Jail;
- 5) Construction of 792 beds and 28 Marchant Act beds (alcohol/drug rehab) at the Jail Facility;

Phase II:

- 6) Construction of a new health care facility with 432 beds at the Jail Facility;
- 7) Remodeling of existing food service and dining facilities at the Jail Facility; and
- 8) Renovation of the former Juvenile Detention Center structure as a Sheriff Administration Support Building (including training rooms and video visitation facility).

The development of the new Criminal Justice Center and Jail Facility has been funded from annual allocations from the Penny for Pinellas (local one-cent infrastructure sales tax) proceeds.

#### MITIGATION REQUIREMENTS:

During the past twenty years, the County has submitted an annual report to the State and other applicable reviewing agencies on the progress of the numerous mitigation requirements of the Development Order. The status of the Development Order mitigation requirements is as follows:

Energy Conservation:

Among the energy conservation measures implemented in the Criminal Justice Center are a computerized energy management system, the high-efficiency air conditioning system, the light-colored wall and roof surfaces, lowered water temperature settings, and minimal use of incandescent lighting. Energy conservation measures that are slated for the Jail Facility are the minimal use of glass on the sides of the new structure, energy-conserving light fixtures and recessed windows. For air-conditioning, a central chilled-water loop system was developed. This system, for energy efficiency, will be central to all jail structures. Furthermore, this system will be a redundant backup system for the new health-care facility.

There are few cost-effective solar applications for this institutional application. However, solar panels have been installed on the converted bus garage that now houses the homeless shelter, Pinellas County Safe Harbor. Potable water reduction strategies are currently being employed at the Jail Facility. Dated HVAC control systems at the Courthouse have been changed out to provide greater efficiency. Any new Jail structures will be constructed to LEED-certified standards.

#### Wetlands:

To protect the dedicated wetlands, parking lot bridges over the southern drainage conveyance ditch were constructed, and adequate buffer areas were retained around the DEP jurisdictional wetlands. Any disturbed upland vegetation has been re-planted with native upland vegetation. During construction phases, staked silt fences and hay bales were used to protect the wetlands.

The mitigation of impacts to wetlands authorized by this Development Order through a 1:1 in-kind replacement was a requirement of the construction contract documents. The DEP permit required quarterly inspections for the first year of the mitigation, semi-annual inspections for the second year, an annual inspection for the third year, and "end of the job" inspections.

The wetland enhancement and mitigation were completed for drainage ditch No. 2 in December 1993. The "Time Zero" Monitoring Report was submitted to the DEP in September 1994 (see Exhibit D in the 1994 Annual Report). Reports had been submitted to the Southwest Florida Water Management District (SWFWMD) as required by the permit. It was found that the mitigation did not take. After meeting with SWFWMD and DEP, a modification to the mitigation plan was received in September 1997. Different types of vegetation that may have better survival chances were recommended. The re-planting has been completed, re-inspected and accepted by SWFWMD.

The wetland enhancement of the Cross Bayou Canal and the northern drainage ditch No. 1 were required in the construction contract documents for the Jail Facility. The wetland enhancement included the removal of exotic species and the planting of appropriate vegetation along the slopes of the drainage ditches. Permits from the U.S. Army Corps of Engineers and the SWFWMD had been issued for the Jail Facility. The certificate of the removal of exotic vegetation had been issued.

#### Surface Water Management:

The determination that the surface water management system for the Criminal Justice Center and Jail met the level of service standards of the Pinellas County Comprehensive Plan was made during the site plan review process. The approval of the construction permit for the Criminal Justice Center indicated compliance with the Pinellas County Concurrency Management Ordinance. The building permits for the Jail Facility had been issued. The project met or exceeded applicable stormwater management system regulatory standards and had received approval for the stormwater management system, which included treatment by biological filtration and by filter underdrains, from the SWFWMD.

Maintenance inspections of the surface water management systems have been conducted. According to the schedule outlined in the SWFWMD permits, inspections of the surface water management systems were inspected on a quarterly basis during the first year of operation, and then on a semi-annual basis thereafter. Historic inspection records, as well as the latest inspection are on file.

#### Wildlife and Vegetation:

No animal or plant species classified as endangered, threatened or a species of special concern have been identified on the project site.

On May 7, 1993, Pinellas County Environmental Management staff performed a field survey at the project site and vicinity for the gopher tortoise, previously documented in the FQD Application for Development Approval as foraging on the project site. No gopher tortoise was found nor was evidence of foraging found. This provision has been deemed fulfilled per a DCA letter, dated June 15, 1993.

#### Floodplain and Disaster Preparedness:

The first floor of the new courthouse was constructed above the 100-year flood elevation in accordance with construction contract documents and plans. The Phase 1 Jail Facility plans showed the first floor elevation of 13.74 feet to be above the 100-year flood elevation (12 feet above mean sea level).

All fills within the 100-year floodplain were compensated with at least a 1:1 mitigation in order to maintain onsite flood storage.

A Hurricane/Flood Evacuation Plan has been developed by the Detention and Corrections Bureau of the Pinellas County Sheriff's Office.

The Jail Facility buildings that are used for vertical evacuation were designed so that the second floor is elevated above the flooding and storm surge associated with a Category 4 hurricane. The Jail Facility must remain operational during severe storm events. Future phased construction will include sealing utility/generator rooms from any water intrusion.

#### Historic Preservation:

No archaeological artifacts have been uncovered.

#### Water Supply:

Certificate of Concurrency #91-000669, issued August 15, 1991, for the Criminal Justice Center indicated that the impacts of the project met the level of service requirements for water supply, per the Pinellas County Concurrency Test Statement Ordinance. Certificate of Concurrency #96-000270, issued October 22, 1996, for the Jail Facility, stated that the impacts of the project met the level of service requirements for water supply, per the Pinellas County Concurrency Test Statement Ordinance.

Reclaimed water from the Largo Wastewater Treatment Facility has been used for irrigation. The first set of reclaimed water lines for the Criminal Justice Center was installed in November 1993. A second set of reclaimed water lines for irrigation was installed in September 1995. Reclaimed water has been also used at the Jail Facility for irrigation and fire protection. The use of reclaimed water for the flushing of toilets was disregarded for safety reasons.

According to SWFWMD Permit #4010128.00, dated July 2, 1992, the project plans for the Criminal Justice Center conformed to applicable rules and guidelines in Rule 40D, F.A.C., and Section 7.3, Basis of Review for Water Use Permit Applications. SWFWMD Permit #4416310 for Phase 1 of the Jail Facility was issued on April 8, 1997.

Throughout the Criminal Justice Center, there are low-volume toilets and self-closing or metered water faucets. In the Jail Facility, low-volume plumbing fixtures are being used. A new water conservation capital improvement to the Jail Facility's complex water system is scheduled for the current fiscal year. This should help further reduce potable water usage.

There are drought-tolerant plants and low-volume (reclaimed water) irrigation in landscaping around the Criminal Justice Center, and parking areas. Native planting and xeriscaping are also located on the Jail Facility grounds at the entryway to the Complex. Grass was utilized for the surface for some of the parking areas at the Jail Facility.

#### Wastewater:

The County received the concurrency approval for the Criminal Justice Center for sewage disposal and an approval for the sewer permit from the City of Largo on July 2, 1992. Regarding the sewer permit/concurrency review from the City of Largo on Phase 1 of the Jail Facility, the sewer permit has been issued. The City of Largo/DEP permits for sewage disposal have been issued for Phase II of the Jail Facility construction. Regarding the improvements to the former garage, turned housing for up to 256 minimum-security inmates, on the former PSTA site, the City of Largo issued a concurrency clearance for wastewater.

Regular monitoring of onsite wastewater lines for leaks and ruptures are conducted as part of the ongoing maintenance/operation of the courthouse and jail buildings.

It is a policy of Pinellas County to minimize the creation of hazardous waste. It is also County policy to destroy, at an EPA-permitted disposal facility, any hazardous waste (unless it is recyclable) created by County operations. At the Criminal Justice Center/Jail Facility, hazmat monitors (trained Facility Management Division personnel) determine on a case-by-case basis whether to dispose any hazardous waste through County operating procedures or at the County's Household Hazardous Waste Collection Center (through the periodic CESQG hazardous waste disposal program). Biohazardous waste, from the Jail, continues to be segregated into designated containers, and then disposed of by a state-approved contractor.

#### Solid Waste:

Certificate of Concurrency #91-000669, issued August 15, 1991, for the Criminal Justice Center indicated that the project's impacts upon solid waste disposal met the level of service requirements, per the Pinellas County Concurrency Test Statement Ordinance. Certificate of Concurrency #96-000270, was issued October 22, 1996, for the Jail Facility. The project's impacts upon solid waste disposal met the level of service requirements, per the Pinellas County Concurrency Test Statement Ordinance.

#### Fire Protection:

The Pinellas Park Fire Department approved the Criminal Justice Center's plans and specifications on January 6, 1993, as part of Pinellas County's approval of plans and specifications. Regarding the Phase 1 of the Jail Facility, the construction documents received approval in October 1997. Approval for the construction documents for Phase II – Jail's Health Care Facility has been received.

#### Transportation:

This Development Order condition to conduct an annual p.m. peak hour external project trip monitoring was to commence when the appropriate certificate of occupancy is issued or by December 31, 1995, whichever occurs earlier. Since the courthouse was not completed until July 1996, monitoring trips before the new courthouse was occupied would have been premature since it would not provide reliable data to evaluate the traffic impacts of the new facility. The grand opening and dedication of the Criminal Justice Center (the new section of the courthouse) was July 26, 1996. After most of the county departments that will occupy the facility were in place, the County proceeded in conducting the trip-monitoring project to compare the external traffic counts with the forecasted trip generation outlined in the FQD Application for Development Approval. As outlined in the Development Order provision, the County has prepared a methodology report, which has received approval by the Reviewing Entities.

The monitoring reports have been attached to annual reports as supplements. The results of the fall 2012 external trip monitoring of the Criminal Justice Center and Jail Facility indicated that the number of external p.m. peak hour trips generated in the year 2012 by the FQD were approximately 13% lower than the number of trips forecasted for Phase I of the development.

Given that the Year 2012 external p.m. peak hour trips did not exceed the number of external trips projected in the FQD Application for Development Approval, there was no need to submit a notice of proposed change to address additional impact to the adjacent street system.

The status of the roadway improvements to mitigate the impacts of Phase I is as follows:

- a) The construction of CR 296 (Bryan Dairy Rd.) as a 6-lane divided urban arterial roadway from 72nd St. to US 19 has been completed.
- b) The construction of CR 296 as a six-lane divided facility from US 19 to 49th St. has been completed.
- c) The construction of CR 296 as a six-lane divided facility from 49th St. to 28th St. has been completed.
- d) A signal (working full-time) at 49th St. and 140th Ave. has been installed.

The status of the roadway improvements to mitigate the impacts of Phase II is as follows:

- a) CR 296 (see subparts a, b, and c, above)
- b) SR 688, US 19 to SR 686 - The construction project of this segment of SR 688 (Ulmerton Road) had been divided in two phases. The first phase including the construction of a six-lane divided arterial between U.S. Hwy. 19 and 49<sup>th</sup> Street has been completed. The second phase includes the segment between 49<sup>th</sup> Street and 38<sup>th</sup> Street. This segment is slated for construction by the Florida Department of Transportation (FDOT) in FY 2015/2016. The FDOT

reconstruction (including adding lanes) on SR 688 from 38<sup>th</sup> Street to I-275 will commence in late FY 2012/2013.

c) SR 686, US 19 to 49th Street - project completed.

The County will be conducting a transportation study prior to any further expansion of the Criminal Justice Center and/or Jail Facility. This action is comparable to the Development Order condition that requires the County to conduct a transportation monitoring/modeling study prior to commencing the scheduled Phase III construction.

Certificate of Concurrency #91-000669, issued August 15, 1991, for the Criminal Justice Center indicated that the impacts of the project met the transportation level of service requirements, per the Pinellas County Concurrency Test Statement. Certificate of Concurrency #96-000270 was issued on October 22, 1996 for the Jail Facility - Phase I.

#### PLANNING AND DESIGN FEATURES:

In order to receive an FQD designation, the County's application had to acquire fifteen (15) planning and design feature points, pursuant to Rule 9J-28.009(8)(b), Florida Administrative Code. The County's application received credits for the following features:

- 1) The project was a development located in an urban area and promotes urban infill, and includes measures for affordable housing, such as the development of an information package of programs available to assist potential homebuyers, development of a Resource Directory, and conducting periodic meetings to update employees on programs for ownership and rental of affordable housing. The Pinellas County Community Development Department has conducted the measures for affordable housing.
- 2) The project developed a Transportation System Management Program that included a sheltered bus stop onsite, two accessways (one signalized) directly onto 49<sup>th</sup> Street, two accessways onto 140<sup>th</sup> Avenue (through the south parking lot), service and delivery area separate from the public parking lot and pedestrian ways, the provision of staggered work hours and visitation hours that do not correspond with peak hour travel times, and the provision of onsite eating facilities.
- 3) The project employed water conservation measures including using reclaimed water for irrigation, practicing xeriscape landscaping principles, and using water-saving plumbing devices.
- 4) Hazardous and bio-hazardous waste generated at the project is properly transported by licensed transporters and disposed of at an EPA-permitted disposal facility. Hazardous materials are monitored by trained personnel who implement a comprehensive hazardous materials management plan.
- 5) An office paper recycling program is carried out at the project.

These planning and design features have been carried out throughout the project. The accomplishments of these features have been reported to the FQD reviewing agencies in the annual reports.

#### DEVELOPMENT ORDER RESCISSION OPTION:

Pursuant to Chapter 380.115 (b), Florida Statutes, the developer of an FQD can request the rescission of the development order by the Florida Department of Economic Opportunity if all

required mitigation related to the amount of development that exists on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency. Furthermore, the rescission of the development order would allow the County to continue with the planned project according to the new master site plan and, if need be, process amendments to the project without going through onerous review of 18 Reviewing Entities. The County is still obliged to carry out the project pursuant to applicable development regulations and review. Based on the above analysis, staff believes that the County, as the developer, has met all of the mitigation requirements as imposed by the FQD Development Order for all of the development that has occurred under the FQD Development Order, and, therefore, meets the rescission requirements.

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## IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

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Staff finds that the proposed rescission of the Development Order for Designation of the Pinellas County Criminal Courts Complex and Jail Facility as a Florida Quality Development is consistent with the following Comprehensive Plan Principles and Policy:

### **Planning to Stay Element**

#### *Sustain a Quality Urban Community and Promote Strong Neighborhoods and Diverse Housing Opportunities*

**Principle 3:** To improve Pinellas County's appeal as a place to live and work, it will be necessary for the public and private sectors to focus more resources on improving the quality of the urban experience and the natural environment. Therefore, public policy should emphasize the importance of protecting and promoting community character, supporting economic development, and enhancing the lives of all segments of the County's population.

#### *Match Development and Redevelopment Opportunities with Resource and Infrastructure Constraints*

**Principle 1:** Plans for redevelopment and infill development should be cognizant of, and compatible with, the limitations imposed by urban infrastructure systems, the County's susceptibility to natural disasters, and the region's natural resources, such as potable water supplies.

### **Future Land Use and Quality Communities Element**

**Policy 1.9.1:** The Board shall continue to utilize its innovative development regulations and staff shall continue to examine innovative techniques used elsewhere for incorporation into the Board's planning and regulatory program.