

BOARD OF COUNTY COMMISSIONERS

DATE: November 5, 2013

AGENDA ITEM NO. 1a.-b.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

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

Department:

Planning and Development Services

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), APPROVE CASES CW 13-12 OF PINELLAS COUNTY AND CW 13-14 OF SAFETY HARBOR.

Summary Explanation/Background:

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

Case CW 13-12 is a submittal by Pinellas County for 0.1 acre of a 0.34-acre parcel of land located on the northwest corner of US Alt. 19 and Magnolia Avenue in Palm Harbor, from Residential Urban to Residential/Office General. The property is currently undeveloped. The 0.1- acre subject site along with the remainder of the parcel is proposed to be developed with a veterinarian's office. County staff concurs with the PPC recommendation of approval.

Case CW 13-14 is a submittal by the City of Safety Harbor for 7.6 acres of a 10-acre parcel located on the east side of Harborside Christian Church, 2200 Marshall Street, from Residential Low to Recreation/Open Space. The entire parcel, which also contains 2.4 acres designated as Preservation, is currently vacant and is proposed to be developed with a City park. County staff concurs with the PPC recommendation of approval.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Ordinances
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: November 5, 2013 Countywide Planning Authority Agenda
Part I – Public Hearing Agenda Re: Subthreshold Plan Map Amendments

DATE: November 5, 2013

RECOMMENDATION: THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, APPROVE CASES CW 13-12 and CW 13-14 AS OUTLINED BELOW.

DISCUSSION: The Countywide Planning Authority has received two (2) cases concerning subthreshold amendment of the Countywide Plan Map as described below:

Case CW 13-12 – Pinellas County:

0.1 acre m.o.l., located on the northwest corner of US Alt. 19 and Magnolia Avenue, proposed to change from Residential Urban to Residential/Office General.

This proposed amendment is submitted by Pinellas County and seeks to reclassify a 0.1 acre portion of a 0.34 acre parcel from Residential Urban to Residential/Office General. The property is vacant. This portion, along with the remaining 0.34 acre area designated Residential/Office General, is proposed to be developed with a veterinarian office.

The Pinellas Planning Council, by a vote of 9-0, voted approval of Case CW 13-12.

Case CW 13-14 – City of Safety Harbor:

7.6 acres m.o.l., located at east of Harborside Christian Church at 2200 Marshall St., proposed to change from Residential Low to Recreation/Open Space.

This proposed amendment is submitted by the City of Safety Harbor and seeks to reclassify a 7.6 acre portion of a 10.0 acre parcel from Residential Low to Recreation/Open Space. The property is vacant. This portion, along with the remaining 2.4 acre area designated Preservation, is proposed for a future City park.

The Pinellas Planning Council, by a vote of 9-0, voted approval of Case CW 13-14.

The complete record of the public hearings held by the Pinellas Planning Council on these cases 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 NUMBERS CW 13-12 AND CW 13-13 INITIATED BY PINELLAS COUNTY 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, proposed amendments to the Countywide Future Land Use Plan, which is an element of the Countywide Comprehensive Plan of Pinellas County, Florida, have 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 amendments to the Countywide Future Land Use Plan; and

WHEREAS, Pinellas County initiated proposed amendments which were considered at a public hearing by the Pinellas Planning Council on October 9, 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 November 5, 2013, as follows:

Section 1 – Amending the Countywide Future Land Use Plan

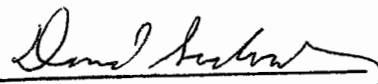
The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4 is amended to reflect the changes adopted as follows:

- #CW 13-12 0.1 acre located on the northwest corner of U.S. Alternate 19 and Magnolia Avenue, from Residential Urban to Residential/Office General.
- #CW 13-13 3.3 acres located on the southeast corner of Nebraska Avenue and Riviere Road, from Residential Low 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

August 20, 2013

During further discussion and in response to queries and comments by Commissioners Roche and Seel regarding a potential map overlay, Ms. Vincent restated the concerns of Tarpon Springs; whereupon, Attorney Cole indicated that the applicant is willing to grant an easement for drainage and utilities; that the applicant has consistently offered that option to the City if it would remove its objections; and that, if necessary, it would grant an easement for a pedestrian/bicycle corridor.

Commissioner Seel moved, seconded by Commissioner Roche, that the request for a utility, drainage, and pedestrian/bicycle easement be granted to the City of Tarpon Springs over the vacated property; whereupon, following brief discussion and in response to queries by Attorney Bennett, Attorney Cole confirmed that the applicant had originally assented to those terms.

Vote - 6 - 1 (Commissioner Justice dissenting)

CW 13-13

#33a Resolution No. 13-85 adopted approving the application of Pinellas County for a change of zoning from R-R, Rural Residential, to IL, Industrial Limited, and Ordinance No. 13-22 adopted approving a change in land use designation from Residential Low to Institutional (Z/LU-17-7-13), re a parcel of land containing approximately 3.3 acres located on the southeast corner of Nebraska Avenue and Riviere Road (street address: 1150 Riviere Road, Palm Harbor). The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni

Second - Commissioner Latvala

Vote - 7 - 0

#33b Application of Berati #2, LLC through Housh Ghovaei, Northside Engineering Services, Inc., and Todd Pressman, Pressman & Associates, Inc., Representatives, for a Conditional Use to allow an outdoor solid waste facility for vegetative debris only in a C-3 zoning district (CU-3-1-13) denied, re three parcels of land containing approximately 5.06 acres located on the west side of U.S. Highway 19 at the western terminus of Whitney Road (street address: 16604 U.S. Highway 19 North, Clearwater). Three letters in support of and three letters in opposition to the application have been received.

Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the subject property, described surrounding land uses, and indicated that the applicant operates a landscape contracting business. Mr. Cueva indicated that the applicant was before the Board of County Commissioners

Case CW 13-12

Pinellas County

PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

AGENDA ITEM: III B-1.

MEETING DATE: October 9, 2013

SUBJECT: Amendment of the *Countywide Future Land Use Plan Map*
FROM: Residential Urban (RU)
TO: Residential/Office General (R/OG)
AREA: 0.1 Acres m.o.l.
CASE #: CW 13-12
JURISDICTION: Pinellas County
LOCATION: Northwest corner of US Alt. 19 and Magnolia Ave.

RECOMMENDATION: Council Recommend To The Countywide Planning Authority That The Proposed Map Amendment To Residential/Office General Be Approved.

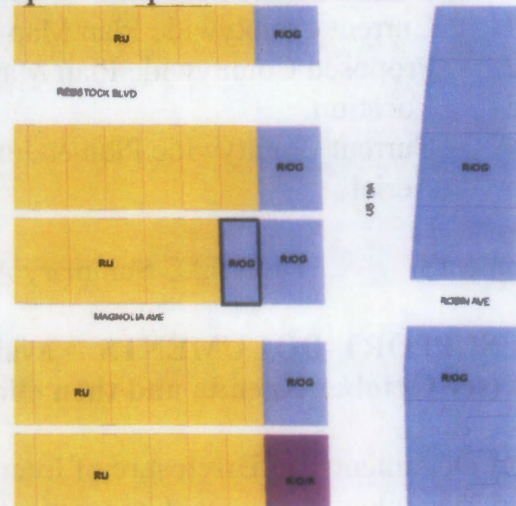
I. BACKGROUND

This proposed amendment is submitted by Pinellas County and seeks to reclassify a 0.1 acre portion of a 0.34 acre parcel from Residential Urban to Residential/Office General (R/OG). The property is vacant. This portion, along with the remaining 0.34 acre area designated R/OG, is proposed to be developed with a veterinarian office.

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 Urban to Residential/Office General (vote 9-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

II. FINDINGS

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

- A. The proposed amendment is a subthreshold amendment (Type A); and
- B. The proposed amendment to Residential/Office General recognizes the proposed use for the site and is consistent with the criteria for utilization of this category.

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 September 30, 2013 meeting and recommended approval of the staff recommendation (9-0).

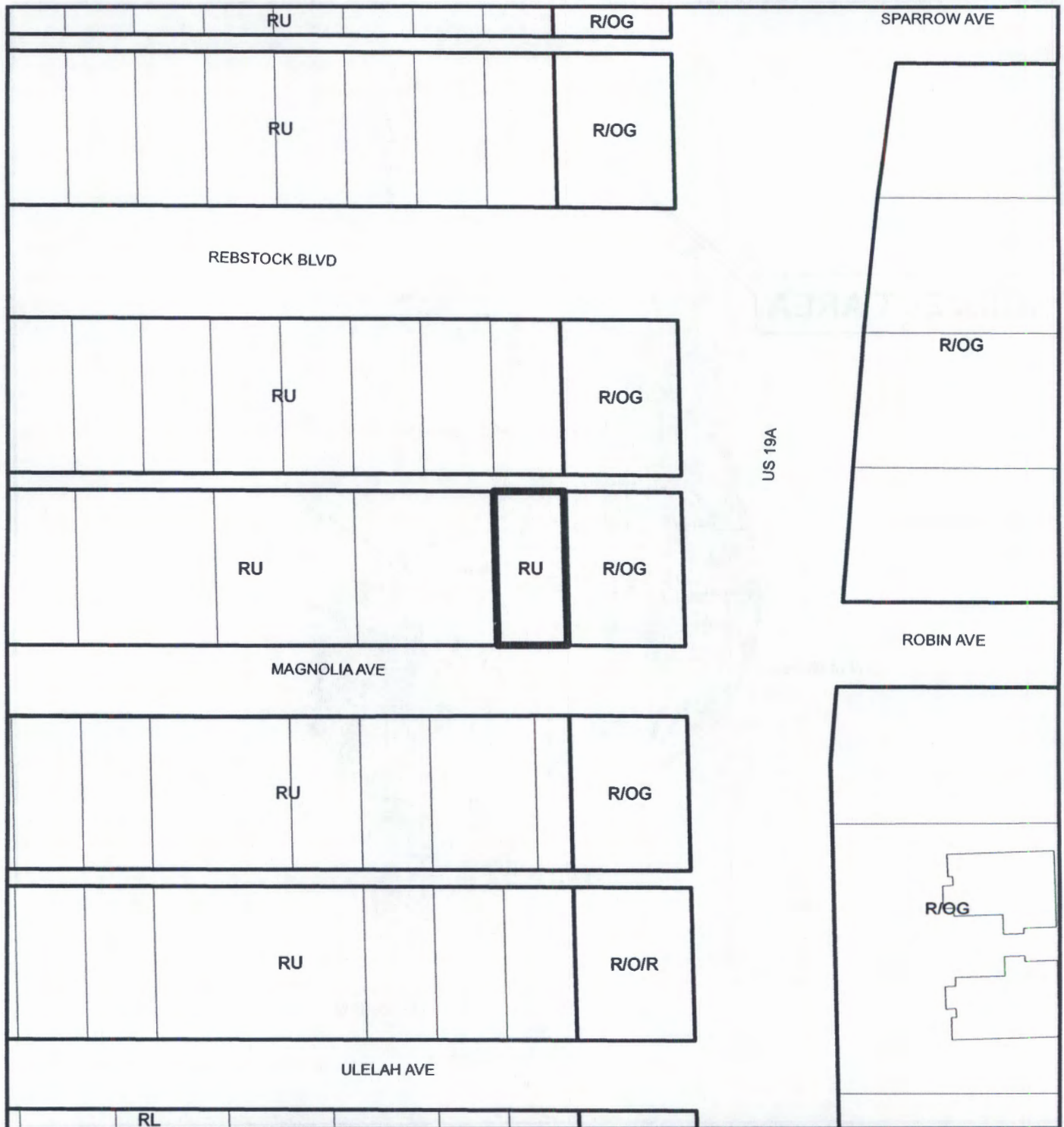
IV. LIST OF MAPS & ATTACHMENTS

- 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

Attachment 1 Draft PAC Summary Actions Sheet

V. SUPPORT DOCUMENTS – available only at www.pinellasplanningcouncil.org (see October Agenda and then click on corresponding case number).

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



Map 4 - Current Countywide Plan Map & Jurisdictional Map

FROM: Residential Urban

TO: Residential/Office General

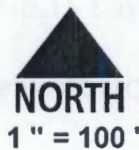
AREA: 0.1

CASE #: CW13-12

Jurisdictions

☐ UNINCORPORATED

JURISDICTION: Pinellas County



PRC PINELLAS
PLANNING
COUNCIL



Map 5 - Aerial

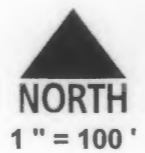
FROM: Residential Urban

TO: Residential/Office General

AREA: 0.1

CASE #: CW13-12

JURISDICTION: Pinellas County



PAC AGENDA – SUMMARY AGENDA ACTION SHEET

DATE: September 30, 2013

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING</u> <u>September 3, 2013</u>	<u>Approved as amended under G.</u> <u>PPC/MPO Unification Update:</u> <i>...because each local government in the</i> <i>County will be represented, all 25 are</i> <i>now required to sign the Interlocal</i> <i>Agreement within that 60 day window.</i> Motion: Dean Neal Second: Jan Norsoph Additional discussion occurred explaining the reasoning for the elimination of the School Board representative under the Revised Special Act Language	9-0
II. <u>REVIEW OF PPC AGENDA FOR OCT. 9, 2013</u>	<u>Approved</u>	9-0
A. <u>Subthreshold Land Use Plan Amendments -</u> 1. Case CW 13-12: Pinellas County	Motion: Dean Neal Second: Fred Metcalf	9-0
2. Case CW 13-14: Safety Harbor	<u>Approved</u> Motion: Dean Neal Second: Jan Norsoph	9-0
B. <u>Regular Land Use Plan Amendments -</u> 3. Case CW 13-13: Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Paul Geisz	9-0
C. <u>Amendment of the Countywide Rules re:</u> <u>Preservation of Industrial Lands</u>	PAC members were requested to forward additional comments and recommendations to Mr. Crawford or Mr. Mettler in the next week or two, as early as possible in advance of the November PAC meeting. Mr. Mettler discussed in detail Attachment 2 – Comments and Proposed Revisions to Criteria. Mr. Crawford noted PPC will probably work towards adopting TEILS as an appendix. In response to query re rail it was noted that Economic Development staff expressed concern that it be addressed separately noting that if a property did not have access to rail, an argument might be made that the property would no longer be viable for industrial.	