

BOARD OF COUNTY COMMISSIONERS

DATE: January 14, 2014

AGENDA ITEM NO. 5a.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Public Hearing Agenda Re: Proposed Regular Amendment 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 CASE CW 13-17 OF PINELLAS PARK.

Summary Explanation/Background:

The Board has received the proposed regular amendment to the FLUP that was reviewed by the Pinellas Planning Council (PPC or Council) on December 11, 2013.

Case CW 13-17 is a submittal by the City of Pinellas Park for 9.8 acres, which includes two parcels located at 5465 – 126th Avenue North, from Industrial General (7.3 acres) and Water/Drainage Feature (2.5 acres) to Industrial Limited on the entire site. The subject site was previously used for outdoor vehicle storage and is currently vacant. The Water/Drainage Feature represents the location of a man-made borrow pit that will be removed, and the entire 9.8-acre site will be redeveloped as an industrial/office park. Approval of the proposed amendment would increase the amount of industrially-designated land in Pinellas County by 2.5 acres. 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: January 14, 2014 Countywide Planning Authority Agenda
Part II – Public Hearing Agenda Re: Regular Plan Map Amendments

DATE: January 14, 2014

RECOMMENDATION: THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, APPROVE CASE CW 13-17, AND PURSUANT TO THE RECOMMENDED ORDER FOR DOAH CASE NO. 13-2004GM, APPROVE CASE CW 13-2, AS OUTLINED BELOW.

DISCUSSION: The Countywide Planning Authority has received two cases concerning Regular amendment of the Countywide Plan Map as described below:



Case CW 13-17 – City of Pinellas Park:

9.8 acres m.o.l., located at 5465 – 126th Avenue North, proposed to change from Industrial General and Water/Drainage Feature to Industrial Limited.

This proposed amendment is submitted by the City of Pinellas Park and seeks to reclassify two parcels totaling 9.8 acres of land from Industrial General (7.3 acres) and Water/Drainage Feature (2.5 acres) to Industrial Limited (9.8 acres). The parcel is currently vacant and was previously used for outdoor vehicle storage. The property owner proposes to develop the site with an industrial/office park which is not listed as a Primary Use in the IG category. In addition, the water designation on the site is a former borrow pit that will be removed. The City of Pinellas Park recently annexed this parcel and part of that annexation agreement requested the future land use be amended to be consistent with the existing zoning on the site (M-1, Light Industrial). While the proposed amendment would result in a net loss of IG, the end result is positive gain of 2.5 acres of industrially designated land in Pinellas County.

The Pinellas Planning Council, by a vote of 8-0, voted approval of Case CW 13-17.

Department of Administrative Hearing Case No. 13-2004GM/PPC Case CW 13-2 – City of Safety Harbor:

34.6 acres m.o.l., located at 1585 – 10th Street South (S.R. 590) and generally to the northeast of the intersection of 10th St. S. (S.R. 590) and McMullen Booth Rd., proposed to change from Industrial Limited, Residential/Office Limited, Residential Low, and Residential Urban, Preservation, and Water/Drainage Feature Overlay to Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay.

This proposed amendment is submitted by the City of Safety Harbor. The case was denied by the Countywide Planning Authority on May 7, 2013, by Resolution No. 13-36, subsequent to which the applicant property owner applied for an administrative hearing pursuant to the Countywide Plan Rules. The administrative hearing was conducted and the Recommended Order of the Administrative Law Judge, a copy of which is attached, was issued on the 18th of November, 2013, and includes a Statement of the Issue, Findings of Fact, Conclusions of Law and Recommendation. The Recommendation of the Administrative Law Judge is as follows:

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Countywide Planning Authority issue a final order approving the Amendment.

In accord with Chapter 88-464, The Countywide Plan Rules, and Resolution No. 90-205, the action of the Countywide Planning Authority is confined to the Findings of Fact of the Recommended Order and any exceptions thereto determined by the Board to be valid. Exceptions to the Recommended Order were filed by the County Attorney's office and are included with your packet. No other exceptions have been received.

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. 14-_____

AN ORDINANCE AMENDING THE COUNTYWIDE FUTURE LAND USE PLAN OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 13-17 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 December 11 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 January 14, 2014, 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:

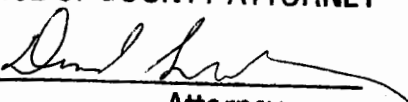
#CW 13-17 9.8 acres located at 5465 – 126th Avenue North, from Industrial General and Water/Drainage Feature to Industrial Limited.

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 13-17
City of Pinellas Park

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III B-3.

MEETING DATE: December 11, 2013

SUBJECT: Amendment of the *Countywide Future Land Use Plan Map*
FROM: Industrial General (IG) and Water/Drainage Feature (W/DF)
TO: Industrial Limited (IL)
AREA: 9.8 Acres m.o.l
CASE #: CW 13-17
JURISDICTION: Pinellas Park
LOCATION: 5465 – 126th Avenue North

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

I. BACKGROUND

This proposed amendment is submitted by Pinellas Park and seeks to reclassify two parcels totaling 9.8 acres of land from Industrial General (7.3 acres) and Water/Drainage Feature (2.5 acres) to Industrial Limited (9.8 acres). The parcel is currently vacant and was previously used for outdoor vehicle storage. The property owner proposes to develop the site with an industrial/office park, which is not listed as a Primary Use in the IG category. In addition, the water designation on the site is a former borrow pit that will be removed. Furthermore, the City of Pinellas Park recently annexed this parcel, and part of that annexation agreement requested the future land use be amended to be consistent with the existing zoning on the site (M-1, Light Industrial).

While the proposed amendment would result in a net loss of Industrial General, the end result is positive gain of 2.5 acres of industrially designated land in Pinellas County.

PINELLAS PLANNING COUNCIL ACTION:

The Council recommended approval of the amendment from Industrial General and Water/Drainage Feature to Industrial Limited (vote 8-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Case CW 13-17 – Pinellas Park

Current Countywide Plan Map



Proposed Countywide Plan Map



II. FINDINGS

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

- A. The proposed Industrial Limited category recognizes the proposed use of the site and is consistent with the criteria for utilization of this category; and
- B. The proposed Industrial Limited 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 Industrial Limited Countywide Plan Map category be approved.

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

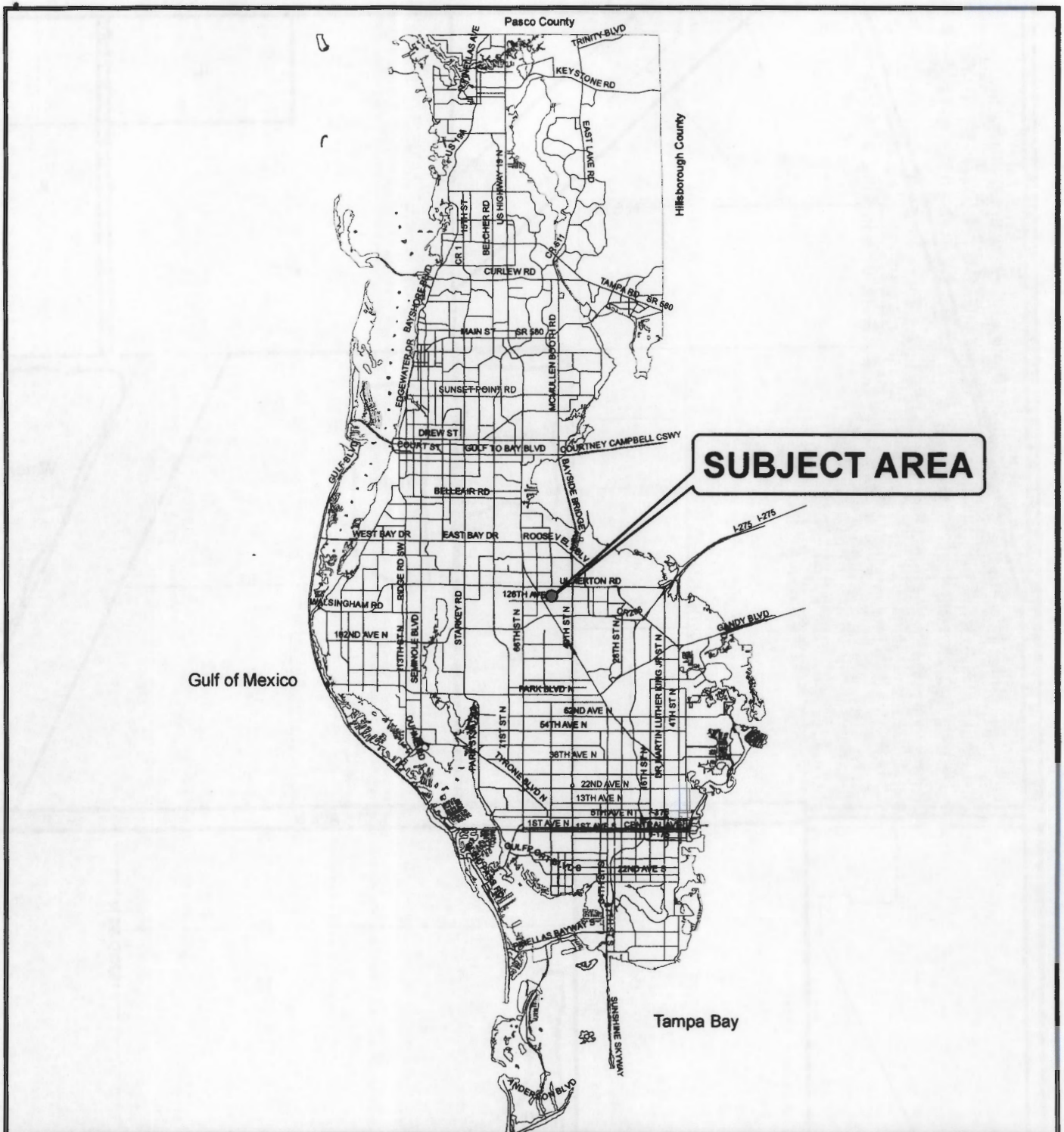
III. PLANNERS ADVISORY COMMITTEE (PAC)

The PAC members discussed this case at their December 2, 2013 meeting and recommended approval of the staff recommendation (10-0).

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 Council Staff Analysis



Map 1 - Location

FROM: Industrial General and Water

TO: Industrial Limited

AREA: 9.8 Acres

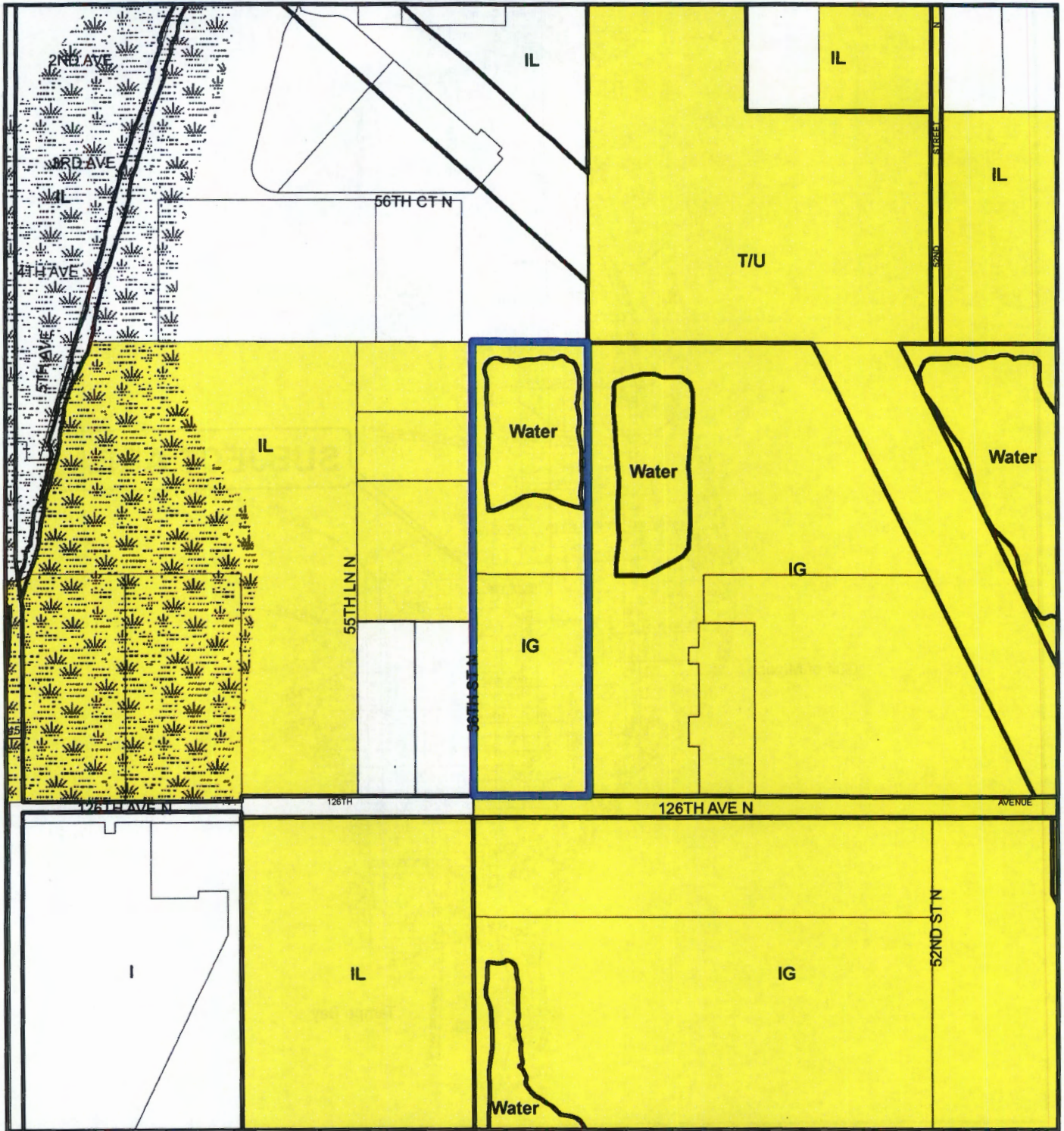
CASE #: CW13-17

JURISDICTION: Pinellas Park



1" = 26,000'





Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: Industrial General and Water

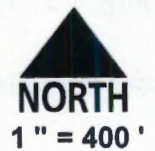
TO: Industrial Limited

AREA: 9.8

CASE #: CW13-17

Jurisdictions

- PINELLAS PARK
- UNINCORPORATED



PPC PINELLAS
PLANNING
COUNCIL

JURISDICTION: Pinellas Park



Map 3 - Aerial

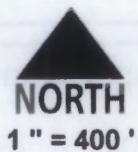
FROM: Industrial General and Water

TO: Industrial Limited

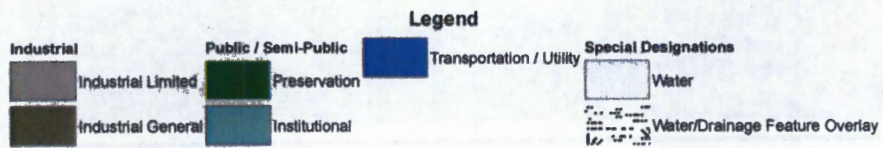
AREA: 9.8

CASE #: CW13-17

JURISDICTION: Pinellas Park



PPC PINELLAS
PLANNING
COUNCIL



Map 4 - Current Countywide Plan Map

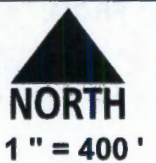
FROM: Industrial General and Water

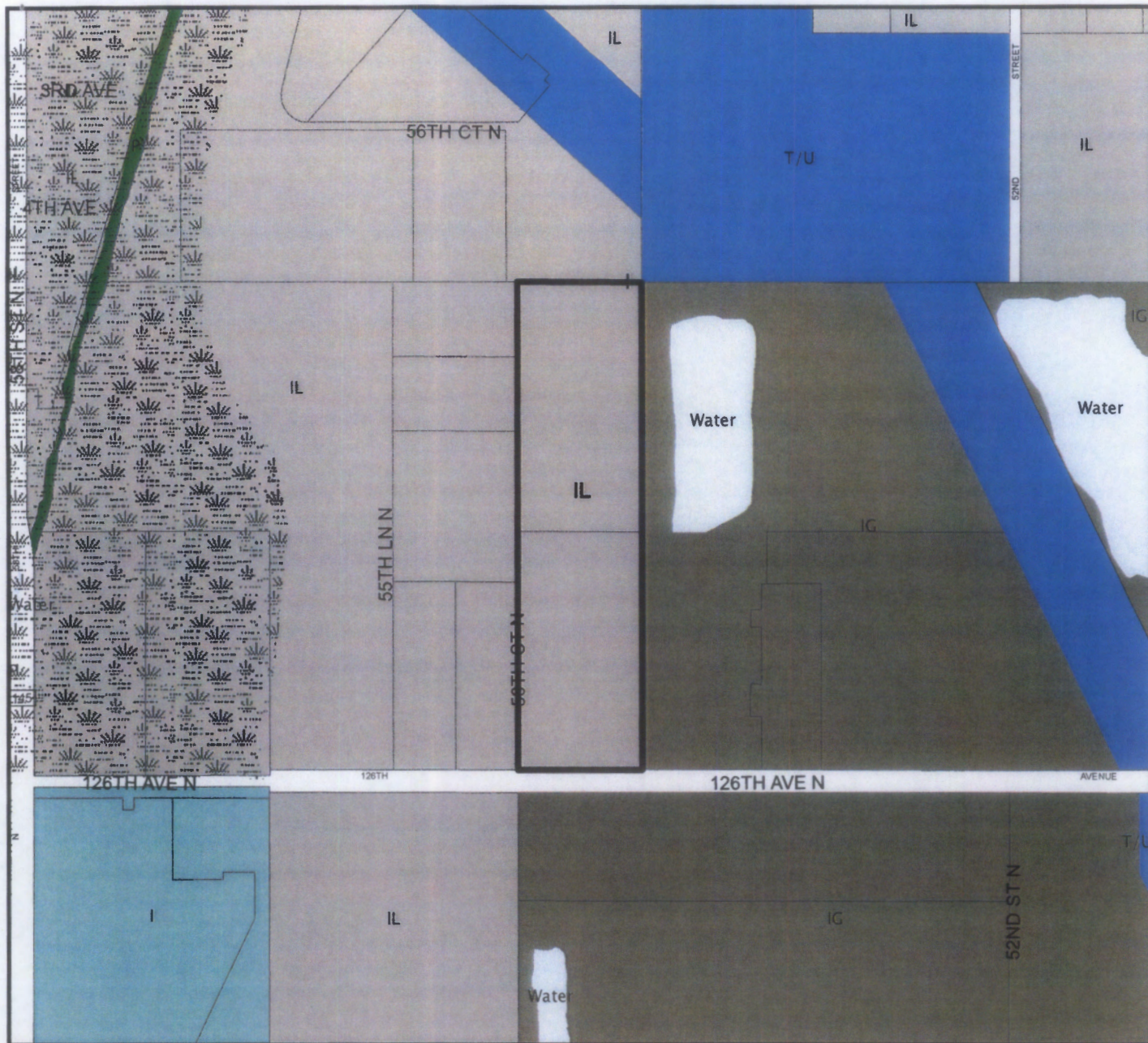
TO: Industrial Limited

AREA: 9.8

CASE #: CW13-17

JURISDICTION: Pinellas Park





Legend

 Industrial Limited	 Public / Semi-Public Preservation
 Industrial General	 Institutional
 Transportation/Utility	

Special Designations::
 Water
 Water/Drainage Feature Overlay

Map 5 - Proposed Countywide Plan Map

FROM: Industrial General and Water

TO: Industrial Limited

AREA: 9.8

CASE #: CW13-17

JURISDICTION: Pinellas Park



1" = 400'

PPC PINELLAS
PLANNING
COUNCIL

**Council Staff Analysis
Case CW 13-17: Pinellas Park
December 11, 2013, PPC Meeting**

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The subject site consists of two vacant parcels totaling 9.8 acres. The owner of the parcel intends to develop the site with an industrial/office park. Furthermore, the City of Pinellas Park recently annexed this parcel, and part of that annexation agreement requested the future land use be amended to be consistent with the existing zoning on the site (M-1, Light Industrial).

The site is adjoined by an industrial business park on the north, an industrial business park on south, a marine/auto parts salvage yard on the west, and vacant industrial land on the east.

Countywide Future Land Use	Current Acreage	Proposed Acreage
Industrial General (IG)	7.3	-
Water/Drainage Feature (W/DF)	2.5	-
Industrial Limited (IL)	-	9.8
TOTAL	9.8	9.8

The Countywide Rules state that the current IG category, as well as the proposed IL, should be used for the preservation and use of consolidated areas for industrial and industrial/mixed use in a sufficient size to encourage an industrial park arrangement that allows integration with other industrial/mixed use projects. The subject area is part of a larger consolidated industrial area. Additionally, the site is served by the arterial and thoroughfare network, which is also a benefit to the uses associated with the both the IG and IL category. Furthermore, the Countywide Rules further state that the IG and IL categories should be in areas appropriate to develop industrial type uses consistent with surrounding uses, natural resource characteristics, and with minimal adverse impact on adjoining uses.

While both the current IG category and the proposed IL category reside under the same major Industrial Classification, and both categories are appropriate for this site based on the purpose and locational characteristics of the category, there are differences in the uses allowed to be developed. The IG category is geared towards “heavier industry” and allows for greater exterior impacts (i.e. noise, smoke, and odor type manufacturing). On the other hand, the IL category limits the uses that will have impacts on

adjoining properties. Furthermore, the IL category allows for office uses to be developed, which gives more flexibility for a mix of uses on a site.

The current 2.5 acres of the Water/Drainage Feature (W/DF) designation is proposed to be amended to IL. According to Section 2.3.3.9.1 of the Countywide Rules; “water bodies of less than three acres shall be as shown on the Countywide Plan Map based on the map as amended through September 30, 1995; and thereafter may be added or deleted at the request of the local government with jurisdiction through the map amendment or map adjustment process.” Since this “water body” was a former man-made borrow pit, the amendment from the W/DF designation can be deemed consistent with the Countywide Rules.

This amendment is deemed consistent with the purpose statement and locational characteristics found in the Countywide Rules and the proposed amendment can be considered consistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment area will not impact a roadway with a LOS below “D.”
- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The amendment area is not located on a SNCC, so these policies are not applicable.
- 4) **Coastal High Hazard Areas (CHHA)** – The amendment area is not located in a CHHA, so these policies are not applicable.
- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact, designated development or redevelopment areas.
- 6) **Adjacent To or Impacting An Adjoining Jurisdiction or Public Educational Facility** – The amendment area is adjacent to Unincorporated Pinellas County on the north and west. This amendment will not impact service delivery to this unincorporated area.

Additionally, the amendment area does not adjoin, nor will it impact, a public educational facility. Therefore, this request can be considered consistent with this Relevant Countywide Consideration.

Conclusion:

On balance, it can be concluded that the requested amendment from Industrial General and Water/Drainage Feature to Industrial Limited is deemed consistent with the Relevant Countywide Considerations found in the Countywide Rules.

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: December 2, 2013

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING</u> <u>November 4, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Danny Taylor	10-0
II. <u>REVIEW OF PPC AGENDA FOR DEC. 11, 2013</u> A. <u>Subthreshold Land Use Plan Amendments -</u> 1. Case CW 13-15: Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Bob Klute	10-0
2. Case CW 13-16: City of Clearwater	<u>Approved</u> Motion: Dean Neal Second: Bob Klute	10-0
B. <u>Regular Land Use Plan Amendments -</u> 3. Case CW 13-17: City of Pinellas Park	<u>Approved</u> Motion: John Cueva Second: Bob Klute	10-0
C. <u>Annexation Report – November 2013</u>	<u>No Action – Information Only</u>	
D. <u>CPA Actions November 2013</u>	<u>No Action – Information Only</u>	
E. <u>PPC/MPO Unification Update</u>	<u>No Action – Information Only</u> Mr. Crawford and Mr. MacAulay presented a brief update noting that the modified Reapportionment Plan was submitted last Monday; that the document is “in the cue” for signature by the Governor and typically takes 2-3 weeks. It is hoped the signed Reapportionment Plan will be received by December 11 for MPO and PPC meetings. Mr. Crawford noted that once it is received, the Joint Executive Committee will reconvene to begin the search process for Executive Director. It was also noted that there are a few adjustments to be made to the existing membership and the Unified Board should be seated in Spring 2014.	
F. <u>Countywide Plan and Transportation Update</u>	<u>No Action – Information Only</u> Mr. Crawford noted that the Transportation Land Use Working Group will meet on December 13 and that all major concepts of the updated Countywide Plan will be before that Group with the outcome to be brought to the Planning Council in January. After that, the process will begin to incorporate into the Rules. He also noted that the Greenlight Pinellas Plan is moving along	

REGULAR PLAN AMENDMENTS
APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENTS

Please complete ALL the information below as accurate as possible, to ensure that the application for land use plan amendment can be processed efficiently. Processing of the application will not be started until this form has been completed. If additional space is needed, please number and attach additional sheets.

I. Countywide FLUP Amendment Information

- | | |
|---|-------------------------|
| 1. Existing Countywide FLUP Designation | Industrial general (IG) |
| 2. Proposed Countywide FLUP Designation | Industrial Limited (IL) |

II. Local Plan Amendment Information

- | | |
|---------------------------------------|-------------------------|
| 1. Local Plan Amendment Case Number | LUPA 2013-1 |
| 2. Existing Local Plan Designations | Industrial general (IG) |
| 3. Existing Local Zoning Designations | Light Industrial (M-1) |
| 4. Proposed Local Plan Designations | Industrial Limited (IL) |
| 5. Proposed Local Zoning Designations | Light Industrial (M-1) |

III. Site Description

- | | |
|--|---|
| 1. Parcel Number(s) of area(s) proposed to be amended
(Include Section/Twp/Range/Sub/Blk/Lot) | 09/30/16/70992/200/1200 & 09/30/16/70992/200/1201 |
| 2. Acreage | 9.74 Acres (MOL) |
| 3. Location (street address) | 5465 126 th Avenue |
| 4. Existing Use | Vacant |
| 5. Existing Density | 0 |
| 6. Name of Project | Pinellas 126 th Ave, LLC |

Please check the items below to ensure the requested information is included in the application package.

IV. Other Pertinent Information

- | | |
|--|------------|
| 1. Submittal letter from local jurisdiction to the PPC requesting amendment to the Countywide FLUP. | <u>X</u> |
| 2. Disclosure of Interest Statement containing names and addresses of the applicant/representative of property owner. | <u>X</u> |
| 3. Proposed Local Adoption Ordinance Number and Status | <u>X</u> |
| 4. Annexation Ordinance Number and Status (if applicable) | <u>N/A</u> |
| 5. Staff Report and Local Action to Date | <u>X</u> |
| 6. Attach Local Plan and Zoning Maps | <u>X</u> |
| 7. Attach Redevelopment Area/Activity Center Information and Map
(If applicable) | <u>N/A</u> |
| 8. Include proposed demarcation line if site is located within environmentally-sensitive area, and jurisdictional survey, if available | <u>N/A</u> |

FORMS\B\LUPA\PPC APPLICATION