

BOARD OF COUNTY COMMISSIONERS

DATE: January 14, 2014

AGENDA ITEM NO. 56.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Public Hearing Agenda Re: DOAH Case No. 13-2004GM/Case CW 13-2 – City of Safety Harbor

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), GRANT THE WRITTEN EXCEPTIONS TO THE RECOMMENDED ORDER AND APPROVE CASE CW 13-2 OF SAFETY HARBOR.

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 April 10, 2013. The Board, at its May 7, 2013 meeting, voted 7-0 to deny the proposed amendment as memorialized in Resolution No. 13-36. On May 28, 2013, the Richman Group of Florida, Inc. filed a Petition for an Administrative Hearing. On November 18, 2013, in DOAH case no. 13-2004GM, Administrative Law Judge Bram D. E. Canter issued a Recommended Order recommending that the Board issue a Final Order approving the proposed amendment. The Recommended Order granted the parties the right to submit written exceptions within 15 days from the date of the Recommended Order. On December 3, 2013, written exceptions were filed to the Recommended Order.

Pursuant to the Countywide Rules, Resolution No. 90-205, and the Chapter 73-593, Laws of Florida, as amended, the basis of the Board's final decision on the proposed amendment in case no. CW 13-2 is limited to the finding of facts in the Recommended Order and any written exceptions thereto determined to be valid.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Ordinances
Council Documentation
Recommended Order and Written Exceptions

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 13-2 INITIATED BY THE CITY OF SAFETY HARBOR AND TRANSMITTED TO THE BOARD IN ACCORDANCE WITH THE SPECIAL ACT, AND PURSUANT TO A RECOMMENDED ORDER IN DOAH CASE NO. 13-2004GM AND WRITTEN EXCEPTIONS FILED THERETO; PROVIDING FOR GRANTING THE WRITTEN EXCEPTIONS; 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

WHEREAS, the City of Safety Harbor initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on April 10, 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 on May 7, 2013, and voted 7-0 to deny the proposed amendment as memorialized in Resolution No. 13-36; and

WHEREAS, on May 28, 2013, the Richman Group of Florida, Inc., which has a contract to purchase the subject property subject to the approval of the proposed amendment, filed a Petition for an Administrative Hearing pursuant to Section 3.3.2.3 of the Countywide Rules as adopted in Ordinance No. 89-4, as amended, Section V.K. of Resolution No. 90-205, and Section 10(4)(d) of Chapter 73-594, Laws of Florida, as amended; and

WHEREAS, on August 27-28, 2013, an administrative hearing was held in Clearwater, Florida; and

WHEREAS, on November 18, 2013, in DOAH case no. 13-2004GM, Administrative Law Judge Bram D. E. Canter issued a Recommended Order recommending that the Board acting as the Countywide Planning Authority issue a Final Order approving the Amendment; and

WHEREAS, the Recommended Order granted the parties the right to submit written exceptions within 15 days from date of the Recommended Order; and

WHEREAS, on December 3, 2013, written exceptions were filed to the Recommended Order; and

WHEREAS, pursuant to Section 3.3.2.3 of the Countywide Rules as adopted in Ordinance No. 89-4, as amended, Section V.K. of Resolution No. 90-205, and Section 10(4)(d) of Chapter 73-594, Laws of Florida, as amended, the basis of the Board's final decision on the proposed amendment is limited to the finding of facts in the Recommended Order and any exceptions thereto determined by the Board to be valid; and

WHEREAS, the Board has conducted a second 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.

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 – Action on Written Exceptions to the Recommended Order – The written exceptions to the Recommended Order in DOAH case no. 13-2004GM filed on December 3, 2013 are hereby granted.

Section 2 - Amending the Countywide Future Land Use Plan

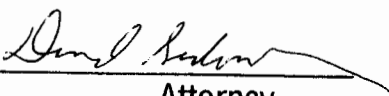
The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4 is amended to reflect the change adopted as follows:

#CW 13-2 34.6 acres located at 1585-10th Street South (State Road 590) and generally to the northeast of the intersection of 10th Street South (State Road 590) and McMullen Booth Road, from Industrial Limited, Residential / Office Limited, Residential Low, Residential Urban, Preservation, and Water/Drainage Feature Overlay to Residential Medium, Residential / Office Limited, Preservation, and Water/Drainage Feature Overlay

Section 3. 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 4. 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

DOAH Case No. 13-2004GM
Case CW 13-2 – City of Safety Harbor



310 Court Street • Clearwater, Florida 33756-5137
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Vice Mayor Jerry A. Mullins
School Board Member Peggy O'Shea
Commissioner Marvin Shavlan

Michael C. Crawford, AICP
Interim Executive Director

MEMORANDUM

TO: Robert S. LaSala, County Administrator
Scott A. McLaren, Hill Ward Henderson, Attorney at Law for Petitioner
David Sadowsky and Nancy Meyer, Attorneys for Respondent

COPIES: Gordon Beardslee, General Planning Administrator, Pinellas County
Matt Spoor, City Manager, City of Safety Harbor
Matt McLachlan, Community Development Director, City of Safety Harbor
Members, Countywide Planning Authority
Members, Pinellas Planning Council

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

SUBJECT: THE RICHMAN GROUP OF FLORIDA, INC. vs. PINELLAS COUNTY
BOARD OF COUNTY COMMISSIONERS
DOAH CASE NO. 13-2004GM

DATE: November 25, 2013

Enclosed you will find the letter and Recommended Order received on November 20 in the above referenced matter.

I have also received from Administrative Law Judge Bram D. E. Canter the Petitioner's and Respondent's Exhibits and the transcript referenced in the letter which I will be happy to provide to the respective parties should you wish.

It is my understanding, based on the provision of the Countywide Plan Rules and Resolution No. 90-205, that the procedure from this point forward is as follows:

PLANNING FOR THE PINELLAS COMMUNITY

1. Provide an opportunity for all parties to submit written exceptions to the Recommended Order within fifteen (15) days of the entry date of the Recommended Order; and
2. Schedule, advertise and hold a public hearing by the Countywide Planning Authority to consider and act on the Recommended Order and any written exceptions submitted.

In order to coordinate this process, I am suggesting that any written exceptions be filed with this office not later than Friday, December 5, 2013, and that the public hearing before the Countywide Planning Authority be scheduled and advertised for Tuesday, January 14, 2014.

If anyone objects to this timetable or has any questions as to the procedure, please let me know immediately.

State of Florida
Division of Administrative Hearings

Rick Scott
Governor

Robert S. Cohen
Director and Chief Judge

Claudia Lladó
Clerk of the Division



David M. Maloney
Deputy Chief
Administrative Law Judge

David W. Langham
Deputy Chief Judge
Judges of Compensation Claims

November 18, 2013

Received

NOV 20 2013

Pinellas Planning
Council

Michael Crawford, Executive Director
Pinellas Planning Council
310 Court Street, Second Floor
Clearwater, Florida 33756-5137

Re: THE RICHMAN GROUP OF FLORIDA, INC. vs. PINELLAS COUNTY
BOARD OF COUNTY COMMISSIONERS, DOAH Case No. 13-2004GM

Dear Mr. Crawford:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the two-volume Transcript, together with the Petitioner's Exhibits 1-13, 18-19, 29-31, 33-49, 52-54, 54A, 54C, 57, 59, and 60 and the Respondent's Exhibits 8-17. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by section 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order within 15 days of its rendition. Any exceptions to the Recommended Order filed with the agency shall be forwarded to the Division of Administrative Hearings with the Final Order.

Sincerely,

BRAM D. E. CANTER
Administrative Law Judge

BDEC/rg

Enclosures

cc: Scott A. McLaren, Esquire
Nancy S. Meyer, Esquire
Gordon Beardslee, General Planning Administrator
Kenneth Welch, Commission Chairman

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

THE RICHMAN GROUP OF FLORIDA,
INC.,

Petitioner,

vs.

Case No. 13-2004GM

PINELLAS COUNTY BOARD OF COUNTY
COMMISSIONERS,

Respondent.

_____ /

RECOMMENDED ORDER

The final hearing in this case was held on August 27-28, 2013, in Clearwater, Florida, before Bram D.E. Canter, an Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

APPEARANCES

For Petitioner: Scott A. McLaren, Esquire
Edward D. Armstrong, III, Esquire
Hill Ward Henderson, P.A.
101 East Kennedy Boulevard, Suite 3700
Tampa, Florida 33701

For Respondent: Nancy S. Meyer, Esquire
David S. Sadowsky, Esquire
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, Florida 33756

STATEMENT OF THE ISSUE

The issue to be determined in this case is whether the proposed amendment to the Pinellas Countywide Plan Map, changing

the land use designations on 34.6 acres of land in Safety Harbor, Florida, should be approved.

PRELIMINARY STATEMENT

On August 29, 2012, Petitioner submitted its initial application to the City of Safety Harbor to amend the City of Safety Harbor Comprehensive Plan. A revised application was submitted on December 3, 2012, which included a Development Agreement. After a public hearing, the City approved the proposed amendment to its Comprehensive Plan, subject to the Countywide Plan amendment process.

On March 8, 2013, the City submitted an application to amend the Countywide Plan Map ("the Amendment") to the Pinellas Planning Council on behalf of the Petitioner. The Pinellas Planning Council recommended approval of the Amendment. On May 7, 2013, the Pinellas County Board of County Commissioners, in their capacity as the Countywide Planning Authority ("CPA") denied the application.

On May 28, 2013, pursuant to the Countywide Rules, Petitioner applied for an administrative hearing. Pursuant to a contract with DOAH, the matter was forwarded to DOAH to conduct an evidentiary hearing and prepare a recommended order in conformance with the procedures of chapter 120, Florida Statutes. A corrected petition was subsequently filed.

At the final hearing, Petitioner presented the testimony of Robert C. Pergolizzi, who was accepted as an expert in planning; Matt McLachlan, who was accepted as an expert in planning; Scott Cullen, who was accepted as an expert in marketing; Gordon Beardslee and Mike Meidel (via video of the May 7, 2013, CPA meeting); and Mike Crawford (via video deposition). Petitioner's Exhibits 1-13, 18-19, 29-31, 33-49, 52-54, 54A, 54C, 57, 59, and 60 were received into evidence.

Respondent presented the testimony of Mike Meidel, who was accepted as an expert in economic development; and Mike Crawford, who was accepted as an expert in planning. Respondent's Exhibits 8-17 were received into evidence.

The two-volume Transcript of the final hearing was filed with the DOAH. The parties filed proposed recommended orders that have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

The Parties

1. Petitioner is the contract purchaser of 34.6 acres of land ("the Property") located near the northeast corner of 10th Street South and McMullen-Booth Road in the City of Safety Harbor.

2. Respondent is the Board of County Commissioners of Pinellas County, in their capacity as the CPA.

The Proposed Amendment

3. The Amendment would change the land use designations for nine parcels within the Property. The Amendment would make the following changes to the current land use designations:

Countywide Future Land Use	Current Acreage	Proposed Acreage
Industrial Limited (IL)	15.8	-
Residential/Office Limited (R/OL)	5.1	2.8
Residential Low (RL)	5.0	-
Residential Urban (RU)	6.0	-
Preservation (P)	2.7	10.3
Residential Medium (RM)	-	21.5
TOTAL	34.6	34.6

4. However, the parties' dispute focuses on the 15.8-acre parcel that is now designated Industrial Limited ("IL"). The Amendment would change the designation of the parcel to Residential Medium ("RM").

Existing Land Uses on the Property and Surrounding Area

5. Located on the 15.8-acre parcel (referred to hereafter as the "IL parcel" or "Richman parcel") are numerous industrial buildings and structures associated with a citrus processing facility that is no longer in operation.

6. There are no uses being made of the other eight parcels that comprise the Property. The balance of the Property is undeveloped and relatively undisturbed. There are wetlands as well as a creek on the Property. There is an extensive tree canopy in the undeveloped area.

7. Access to the IL parcel is via 10th Street South (S.R. 590), which is a two-lane, undivided roadway on the southern boundary. There is no rail access to the IL parcel.

8. To the north and east of the Property are relatively affluent neighborhoods of single-family residences on lands designated Residential Suburban and Residential Low. The residences on the north are separated from the IL parcel by the large undeveloped area, but the residences to the east are immediately adjacent to the IL parcel.

9. McMullen-Booth Road, a six-lane arterial roadway, runs along the northwestern boundary of the Property.

10. On the southwestern boundary, adjacent to the IL parcel, are lands designated Residential/Office/Retail where there is a drug store, car wash, and bank.

11. Across 10th Street South, on the southeast corner of its intersection with McMullen-Booth Road, is a gas station/convenience store. Also across 10th Street South, opposite the entrance to the citrus processing facility, is land designated IL and used for warehousing, auto-repair, and other uses.

The Scenic Non-Commercial Corridor

12. McMullen-Booth Road has been designated by Pinellas County as a Scenic Non-Commercial Corridor ("SNCC"). The SNCC designation includes lands bordering both sides of McMullen-Booth

Road. The SNCC designation identifies preferred land uses within the corridor to achieve the CPA's goal to preserve and enhance the scenic qualities of the corridor.

13. The western half of the IL parcel is within the McMullen-Booth Road SNCC. Under the SNCC policies, the preferred land use for the western half of the parcel is "Mixed Use." The Amendment would allow for land uses consistent with the SNCC.

The Development Agreement

14. The proposed Amendment is accompanied by a Development Agreement between Richman and the City of Safety Harbor which provides more specifically for how the Property would be developed. Among other items, the Development Agreement provides for:

- a. 246 apartment units in three-story and four-story buildings;
- b. a 25,000-square-foot office building fronting on McMullen-Booth Road;
- c. a 182-foot buffer between the nearest apartment unit and the residences to the east;
- d. a requirement that no three-story building will be located within 450 feet of the eastern property line; and
- e. the preservation of more than 10 acres of the undeveloped area, including the creek and wetlands.

Action on the Proposed Amendment

15. Changing a land use designation in the City of Safety Harbor requires an amendment to the Countywide Plan Map, which depicts all land use designations in Pinellas County and its municipalities.

16. Countywide Rules are used in conjunction with the Countywide Plan and they address amendments to the Countywide Plan Map.

17. The Countywide Plan and Countywide Rules are created and administered by the CPA.

18. Proposed amendments to the Countywide Plan Map are reviewed by the Pinellas County Planning Advisory Committee ("PAC"), which is comprised of planners from most of the local governments in Pinellas County. The PAC makes a recommendation to the Pinellas Planning Council on a proposed amendment. The PAC recommended approval of the Amendment.

19. The staff of the Pinellas Planning Council prepared an "Agenda Memorandum," which included the following findings which are supported by the preponderance of the evidence presented in this case and, therefore, are findings of fact in this Recommended Order:

a. The RM land use is well-suited to serve as a transition from non-residential areas to the west and south and the residential neighborhoods to the east and north.

b. The area is not part of a larger consolidated industrial area, but the Richman parcel, together with the IL parcel across 10th Street South, could function as a small industrial park.

c. The IL category, with all potential uses allowed, is "in the broadest sense" inconsistent with single-family uses to the north and east.

d. The IL parcel can accommodate certain "target employers." At the final hearing, target employers were identified as "office light industrial and research and development."

e. The environmentally sensitive areas on the Property and adjacent to single-family residences limit the types of industrial uses that could be located on the IL parcel.

f. The Amendment does not foreclose the opportunity to attract target employers to other parcels within the Property.

g. "On balance," the Amendment is consistent with the Countywide Rules.

20. The Council staff recommended approval of the Amendment. As partial mitigation for the loss of the IL land use, the staff recommended that Richman work with the County to attract target employers to other parcels within the Property.

21. The Council held a public hearing and voted to recommend approval of the Amendment.

22. The Pinellas County planning staff recommended approval of the Amendment to the CPA.

23. The CPA, at a public hearing, voted to deny the Amendment, based primarily on concern over the loss of industrial lands.

Relevant Criteria

24. Section 5.5.3.1 of the Countywide Rules states:

In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following six (6) Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

25. Of these six criteria, the parties stipulated that only the consideration stated in Section 5.5.3.1.1 is at issue in this case. That section states:

Consistency with Countywide Rules. The manner in, and extent to, which the amendment is consistent with Article 4, Plan Criteria and Standards of these Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

26. The parties disputed what criteria are "implemented through the Countywide Rules." Richman contends that to be implemented through the Countywide Rules, a policy must be contained in the Countywide Rules. The CPA contends that there are provisions of the Plan that must be considered even if they do not also appear in the Rules.

27. As set forth in the Conclusions of Law, in order for a provision of the Countywide Plan to be implemented through the

Countywide Rules so that the provision can act as a criterion applied by the CPA in the approval or denial of a proposed amendment to the Countywide Plan Map, the provision must be repeated, paraphrased, or adopted by reference in the Countywide Rules.

28. In this regard it is noted that Resolution 06-3 of the Pinellas Planning Council, which discusses the need to reserve industrial parcels for target employers, was referred to in the Council's Agenda Memorandum and discussed in the public hearing before the CPA. However, Resolution 06-3 is not implemented through the Countywide Rules and, therefore, is not a source of criteria applicable to the Amendment.

29. The SNCC designation for McMullen-Booth Road is in the Countywide Rules and, therefore, must be considered by the CPA in its review of the Amendment.

30. Section 2.3.3.6.1 of the Countywide Rules is relevant to the issues raised and states in part:

Category/Symbol - Industrial Limited (IL)

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and industrial/mixed use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

In addition to this statement of purpose, the section addresses locational characteristics, traffic generation characteristics, density/intensity characteristics, density/intensity standards, and "other standards."

31. Section 2.3.3.6.1 identifies the "primary uses" allowed in the IL land use category as office, research/development, light manufacturing/assembly, wholesale/distribution, and storage/warehouse. The "secondary" uses allowed are residential, retail/commercial; personal service/office support, commercial/business service, commercial recreation, temporary lodging, institutional, transportation/utility, recreation/open space, transfer/recycling, incinerator facility, and agricultural.

32. The CPA's desire for certain target employers to use the IL parcel fails to account for the fact that there are industrial uses of the site that are allowed under the IL land use category in the Countywide Plan that would cause noise, odor, truck traffic, or other conditions that are incompatible with adjacent residential uses. Understandably, the CPA would like to see the Richman parcel used in the future by one of the target employers, but the CPA does not acknowledge that the IL designation authorizes other uses that would be incompatible with surrounding uses.

33. At the final hearing, the County's Director of Economic Development testified that the Richman parcel is "perfect" for an IL land use, but that testimony only makes sense in the context of certain target employers. In the context of all the IL uses that are allowable under the Countywide Plan and Countywide Rules, the site is imperfect and impracticable because of the proximity of single-family homes and the access from an undivided, two-lane street used by residential traffic.

34. Several years of marketing efforts by Richman and the County have not generated a single offer to purchase or lease the Richman parcel for any of the allowed IL uses, including target employers.

35. Following the CPA's denial of the Amendment, the staff of the Pinellas Planning Council undertook a review of its current policies regarding the preservation of industrial lands and recommended amending the Countywide Rules to identify industrial properties "worthy of preserving" and to develop criteria for the evaluation of proposed amendments to convert industrial land. These recommendations highlight the current lack of adequate guidance in the Countywide Rules.

36. The determination by the CPA that the Amendment is inconsistent with the Countywide Rules is based primarily on three propositions which are contrary to the preponderance of the evidence. First, that the Richman parcel is being reserved for IL

uses. The preponderance of the evidence shows that the parcel is inappropriate for several authorized IL uses and the CPA wants the parcel reserved only for a few target employers.

37. Second, that the IL designation is not inconsistent with the McMullen-Booth Road SNCC. The identification of preferred land uses in the corridor would have no effect unless it was a factor to be considered by the CPA when it reviews proposed amendments to the Countywide Plan Map. The IL designation within the McMullen-Booth SNCC is inconsistent with the goal of the corridor and is a factor (not a requirement) in favor of changing current IL designation to another designation that qualifies as Mixed Use.

38. Third, that the Richman parcel is part of a "consolidated area" for industrial uses in a location "consistent with surrounding uses" as described in Section 2.3.3.6.1. The preponderance of the evidence shows that this is not a consolidated area for industrial uses. It was once a consolidated area, but past land use decisions have eliminated more than half the industrial acreage. If Richman had proposed to consolidate its parcel with the IL parcel south of 10th Street South to create a large, integrated warehousing and distribution operation served by rail, the proposal would have been consistent with the core purpose for IL lands as expressed in Section 2.3.3.6.1. The impracticability of such a proposal, however,

highlights the problem with the current IL designation for the Richman parcel.

39. The County's 2008 Target Employment and Industrial Land Study found that two-thirds of the "target industries" operating in Pinellas County are on lands not designated industrial, because these uses can often be accommodated on lands designated for office uses.

40. The 2008 study recommended that the industrial designations of lands in five "prime industrial areas" be preserved. Richman's IL parcel is not in one of these prime industrial areas. When all relevant factors are considered, the CPA appears to be taking a stand for preservation of industrial lands in the wrong place.

CONCLUSIONS OF LAW

41. This is a de novo proceeding. The standard of proof is a preponderance of the evidence.

42. The CPA contends that the IL classification for the Richman parcel is presumptively valid and Richman must prove the classification is invalid, citing Lee County v. Sunbelt Equities, II, 619 So. 2d 996 (Fla. 2d DCA 1993). However, the Sunbelt Equities case arose in a different context. This proceeding is not governed by either chapter 125 or chapter 163, Florida Statutes. It is a unique proceeding established by the CPA.

43. Section 5.5.3.1.1 of the Countywide Rules expressly states, and the parties have stipulated, that the issue to be determined is "[t]he manner in, and extent to, which the amendment is consistent with" certain criteria in the Countywide Rules. The CPA established this review procedure and review standard. It cannot ignore its own standard and insist, instead, that a challenger prove the existing land use classification is invalid.

44. The CPA contends that industrial use-related policies and strategies of the Countywide Plan can be applied to the proposed Amendment, even if they do not appear anywhere in the Countywide Rules. The CPA treats all related Plan provisions as implemented by the Rules and, therefore, as potential criteria to be applied by the CPA in its review of a proposed Countywide Plan Map amendment. Its position requires an illogical construction of the phrase "implemented by the Countywide Rules" that is contrary to the ordinary meaning of the words used. Its position makes the determination of what criteria are applicable to a map amendment difficult to determine and open to debate.

45. The CPA is not foreclosed from considering related matters discussed in the Countywide Plan that give context to words and concepts used in the Countywide Rules. However, nothing in the Countywide Plan can be transformed into a Countywide Rule criterion that requires IL lands to be reserved for certain target employers when the Countywide Rules addressing industrial uses do

not mention target employers and allow uses that are not target employers.

46. It is concluded that a criterion must appear somewhere in the Countywide Rules in order to be reasonably described as "implemented through the Countywide Rules." This conclusion harmonizes with the title of Section 5.3.3.1.1, "Consistency with the Countywide Rules," and with Section 2.2.3 of the Countywide Rules, which states that "[a]ll Countywide Plan Map amendments shall be made in accordance with the provisions of these Countywide Rules, as amended."

47. Section 2.2.3.6.1, which describes the IL classification, is a Countywide Rule directly relevant to a proposed map amendment involving IL lands and must be considered by the CPA in its review of Amendment.

48. Section 5.3.3.1.1 requires consideration of the extent to which an amendment is consistent with Article 4 of the Countywide Rules and with the provisions of the Countywide Plan that are implemented through the Countywide Rules. Every professional planner that reviewed the Amendment leading up to its presentation to the CPA opined, and the preponderance of the evidence shows, that the Amendment creates more points of consistency and fewer points of inconsistency than the existing IL land use classification.

49. Nevertheless, under Section 5.3.3 of the Countywide Rules, the review of a proposed Countywide Plan Map amendment requires a "a balanced legislative determination." The CPA is bound by factual findings made by the Administrative Law Judge which are supported by competent substantial evidence, but the CPA is not bound by the balance struck by the Administrative Law Judge, based on his perception of the differential importance of various findings. The ultimate balancing and determination of consistency is for the CPA to make. See Save Anna Maria, Inc. v. Dep't of Transp., 700 So. 2d 113, 116 (Fla. 2d DCA 1997)(The Department of Environmental Protection did not reject any of the hearing officer's findings regarding the proposed mitigation of environmental impacts, but balanced the findings to reach the ultimate legal conclusion that DOT had provided reasonable assurance.) Save Anna Maria involved a statute that specifically directed the agency to determine whether mitigation was sufficient and no similar statute is involved here. However, the ultimate authority of the CPA is similar, because it is making a legislative decision, which cannot be delegated to an Administrative Law Judge.

RECOMMENDATION

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.

DONE AND ENTERED this 18th day of November, 2013, in Tallahassee, Leon County, Florida.



BRAM D. E. CANTER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 18th day of November, 2013.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.



310 Court Street • Clearwater, Florida 33756-5137
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

COUNCIL MEMBERS

Councilmember Jim Kennedy, Chairman
Mayor David O. Archie, Vice Chairman
Mayor Samuel Henderson, Secretary
Commissioner John Morroni, Treasurer
Mayor Joe Ayoub
Mayor Doug Bevis
Commissioner Harriet K. Crozier
Mayor Dave Eggers
Councilmember Doreen Hock-DiPolito
Vice Mayor Joanne "Cookie" Kennedy
Vice Mayor Jerry A. Mullins
School Board Member Peggy O'Shea
Commissioner Marvin Shavlan

Michael C. Crawford, AICP
Interim Executive Director

November 25, 2013

The Honorable Bram D. E. Canter
Administrative Law Judge
State of Florida – Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Dear Judge Canter:

RE: THE RICHMAN GROUP OF FLORIDA, INC. vs. PINELLAS COUNTY BOARD
OF COUNTY COMMISSIONERS, DOAH CASE NO. 13-2004GM

This is to confirm receipt of your Recommended Order in the above referenced case, and to provide you with a copy of my memorandum transmitting the order to the respective parties.

As outlined in the memo, I anticipate Board consideration and final action on your Recommended Order in January and in accord with your request will forward to you a copy of the final order.

On behalf of the Pinellas Planning Council and our countywide planning process, I want to thank you for timely and thoughtful consideration of the matter. Your assistance and that of the Division of Administrative Hearings is appreciated.

Sincerely,

Michael C. Crawford, AICP
Interim Executive Director

c: Members, Countywide Planning Authority
 Members, Pinellas Planning Council
 Robert S. LaSala, County Administrator
 Scott A. McLaren, Esquire
 David Sadowsky, Esquire
 Nancy S. Meyer, Esquire
 Gordon Beardslee, General Planning Administrator

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

Received
DEC 03 2013
Pinellas Planning
Council

THE RICHMAN GROUP OF FLORIDA, INC.,
a Florida Corporation,

Case No.: CW #13-2 and
Resolution No. 13-36

Petitioner,

DOAH Case No. 13-2004GM

vs.

PINELLAS COUNTY BOARD
OF COUNTY COMMISSIONERS,
in their capacity as the
COUNTYWIDE PLANNING AUTHORITY,

Respondent.

PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS,
IN THEIR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY,
EXCEPTIONS TO THE RECOMMENDED ORDER

Pursuant to Rule 28-106.217, Florida Administrative Code, Respondent, Pinellas County Board of County Commissioners, in its capacity as the Countywide Planning Authority ("Pinellas County"), files these exceptions to the Recommended Order issued November 18, 2013, by the Honorable Bram D. E. Canter, Administrative Law Judge ("ALJ"), State of Florida, Division of Administrative Hearings ("DOAH").

1. Paragraphs 19(c) and 32 are not supported by competent substantial evidence. While the Pinellas Planning Council's ("PPC") Agenda Memorandum (Petitioner's Exhibit #2) states the industrial limited ("IL") category is in the broadest sense inconsistent with the single family uses along the northern and eastern property lines, it qualifies that statement by saying that appropriate limitations can be put in place to ensure compatibility, especially for an

employment use with little or no external impacts. This is also addressed in Section 2.3.3.6.1 of the Countywide Rules (Petitioner's Exhibit #9), which sets forth the criteria for IL classified lands. Within Section 2.3.3.6.1, the Other Standards portion states that an appropriate buffer shall be provided in and between the IL category and an adjoining residential classification. Therefore, it is not per se incompatible to have IL near or adjacent to residential. Mike Meidel, Director of Economic Development for Pinellas County who was recognized as an expert in economic development at the administrative hearing, testified that compatibility may be achieved between IL and residential classified land with a simple buffering mechanism like vegetation or occasionally a wall or fence. (Hearing Transcript Page 151 Lines 19-24).

2. Paragraphs 26, 27 and 44 are not supported by competent substantial evidence. Section 5.5.3.1.1 of the Countywide Rules states that an amendment is reviewed for consistency with the Countywide Plan as implemented through the Countywide Rules. However, neither the Countywide Plan nor the Countywide Rules define the word "implemented." The hearing officer in paragraph 26 of the Recommended Order stated that "implemented" means that a provision of the Countywide Plan must be "repeated, paraphrased, or adopted by reference in the Countywide Rules." However, words are to be given their plain and ordinary meaning unless defined in the statute. Green v. State, 604 So. 2d 471, 473 (Fla. 1992) The plain and ordinary meaning can be found by reference to a dictionary. Id. Implement is defined as to carry out effectively. Synonyms of implement are to administer, apply, and execute. Merriam-Webster found at www.merriam-webster.com. The hearing officer's interpretation of "implemented" is therefore inconsistent with its plain and ordinary dictionary definition.

Additionally, Mike Crawford, interim PPC Executive Director who was accepted as an expert in the area of planning at the administrative hearing, testified that issues, position

statements and strategies in the appendix to the Countywide Rules help to interpret some of the specific language in the Countywide Plan. He said the parent document would be the Countywide Plan and the Countywide Rules administer the Countywide Plan. (Hearing Transcript Pages 190-191 Lines 24-25)

To require a provision of the Countywide Plan to be “repeated, paraphrased or adopted by reference” in the Countywide Rules in order to review a Countywide Plan Map amendment for consistency is more than what is required by the language of the Rule itself. The hearing officer recognized this concept in paragraph 45 of the Recommended Order when he stated that the CPA is not foreclosed from considering related matters in the Countywide Plan that give context to words and concepts used in the Countywide Rules.

3. Paragraph 38 is not supported by competent substantial evidence. Paragraph 38 states that the amendment at issue would be consistent with Section 2.3.3.6.1 of the Countywide Rules if the amendment proposed to join the parcel at issue with the parcel across 10th Street South into one integrated warehousing and distribution operation. While the record supports the fact that past land use decisions have reduced the IL classified land in the area, nothing in the record indicates the prior IL classified lands were ever joined into one operation. While the PPC’s Agenda Memorandum (Petitioner’s Exhibit #2) acknowledges that the area at issue is no longer a part of a larger, consolidated industrial area (over 100 acres), it indicates that area at issue still qualifies as a smaller industrial park arrangement. Mike Meidel testified that the 15 acres at issue plus the extra 13 acres across the street is a consolidated area. (Hearing Transcript Page 141 Lines 19-23)

4. Pinellas County objects to paragraph 39 and 40 on grounds of relevancy. The parties agreed prior to the hearing that the Target Employment and Industrial Land Study

(TEILS) was not a document to be used in the analysis of whether the amendment was consistent with the Countywide Rules. Pinellas County objected to the use of TEILS in the review of the proposed amendment for consistency under Section 5.5.3.1.1 of the Countywide Rules. (Hearing Transcript Page 225 Lines 5-12) The CPA never adopted TEILS into either the Countywide Plan or Rules. Therefore, under Section 5.5.3.1.1 of the Countywide Rules, TEILS is irrelevant as it may not be used to review a proposed amendment for consistency.

WHEREFORE, Respondent, Pinellas County requests that the above four exceptions to the Recommended Order of the Hearing Officer be granted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Scott McLaren, Esquire, at smclaren@hwhlaw.com and Ed Armstrong, Esquire, at earmstrong@hwhlaw.com, Hill Ward Henderson, P.A., 101 E. Kennedy Blvd., Suite 3700, Tampa, FL. 33602, and hand-delivery to Michael Crawford, Interim Executive Director Pinellas Planning Council, 310 Court Street, Second Floor, Clearwater, Florida 33756-5137 and Kenneth Welch, Chairman, Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, Florida 33756, this 3rd day of December, 2013.

s/NANCY S. MEYER

NANCY S. MEYER

Sr. Assistant County Attorney

FBN 0144452

DAVID SADOWSKY

Sr. Assistant County Attorney

FBN 725714

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Clearwater, FL 33756

Phone: (727) 464-3354

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Attorney for Defendant, Pinellas County

nmeyer@pinellascounty.org

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eservice@pinellascounty.org

PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

AGENDA ITEM: III B-1.

MEETING DATE: April 10, 2013

SUBJECT: Amendment of the *Countywide Future Land Use Plan Map*
FROM: Industrial Limited (IL), Residential/Office Limited (R/OL),
Residential Low (RL), and Residential Urban (RU), Preservation (P),
and Water/Drainage Feature (W/DF) Overlay
TO: Residential Medium (RM), Residential/Office Limited (R/OL),
Preservation (P), and Water/Drainage Feature (W/DF) Overlay
AREA: 34.6 Acres m.o.l
CASE #: CW 13-2
JURISDICTION: City of Safety Harbor
1585 – 10th Street South (S.R. 590) and generally to the northeast of
LOCATION: the intersection of 10th St. S. (SR 590) and McMullen Booth Rd.

RECOMMENDATION: Council Recommend To The Countywide Planning Authority That The Proposed Map Amendment To Residential Medium, Residential/Office Limited, Preservation, And Water/Drainage Feature Overlay, Be Approved Subject To: 1) The Amendment Be Considered An Exception To The Scenic/Non-Commercial Corridor "Residential" Subclassification; 2) The Accompanying Development Agreement; And 3) The Majority Of The Office Development Site Shall Be Given Special Consideration With Respect To Attracting A Compatible Business Meeting One Of Pinellas Planning Council's Target Industry Clusters As Identified In *The Target Employment And Industrial Lands Study*.

Separately And In Addition: 1) It Is Recommended That The City of Safety Harbor Give Special Consideration To The Improvement Of The Office Development Site With Respect To The Buffering And Landscaping Guidelines Of The Scenic/Noncommercial Corridor Master Plan; and 2) That The City Of Safety Harbor Give Special Consideration To Maintaining The Industrial Land Use Designation For The Area South of 10th St. S. (SR 590).

PINELLAS PLANNING COUNCIL ACTION:

The Council recommended **approval** of the amendment from Industrial Limited, Residential/Office Limited, Residential Low, Residential Urban, Preservation, and Water/Drainage Feature Overlay to Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay subject to enumerated conditions and separate and additional recommendations as outlined above (vote 8-5).

COUNTYWIDE PLANNING AUTHORITY ACTION:

05/07/13: The Board **denied** the amendment from Industrial Limited, Residential/Office Limited, Residential Low, Residential Urban, Preservation, and Water/Drainage Feature Overlay to Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay (vote 7-0).

12/10/13: The Board gave approval to advertise a Countywide Planning Authority Public Hearing for Case CW 13-2, with a Recommended Order in the Administrative Hearing case of the Richman Group of Florida, Inc. vs. Pinellas County Board of County Commissioners, Division of Administrative Hearings Case No. 13-204GM for January 14, 2014 (vote 7-0).

I. BACKGROUND

This proposed amendment is submitted by the City of Safety Harbor and seeks to reclassify nine parcels totaling 34.6 acres of land from Industrial Limited (15.8 acres), Residential/Office Limited (5.1 acres), Residential Low (5.0 acres), Residential Urban (6.0 acres), Preservation (2.7 acres), and Water/Drainage/Feature Overlay to Residential Medium (21.5 acres), Residential/Office Limited (2.8 acres), Preservation (10.3 acres), and Water/Drainage Feature Overlay. The southeastern portion of the site (fronting along 10th St. S.), designated Industrial Limited is developed with the former Firmenich citrus processing plant. Operations at the plant are being relocated to Polk County. The remainder of the site is unimproved, wooded, and contains some wetlands. The property is intended to be redeveloped with a 246 unit apartment complex (fronting along 10th St. S.) and an office building (fronting along McMullen Booth Rd.).

A development agreement has been submitted in conjunction with the requested amendment. This agreement limits the development density and intensity on the site and outlines additional key provisions of the site redevelopment (see Attachment 2 for details). The development agreement is accompanied by a concept plan detailing the project design.

Additionally, the proposed amendment has been reviewed against PPC Resolution 06-3, adopted by the PPC at their May 17, 2006 meeting.

Resolution 06-3 recognizes the importance of land designated Industrial Limited and/or Industrial General for providing employment for essential and targeted industries vital to the economy of Pinellas County. The Resolution further provides that Countywide Plan Map amendments that propose to convert land designated Industrial Limited and/or Industrial General to another category be evaluated consistent with the position statements and strategies of the Countywide Plan and the *Economic Development and Redevelopment Plan for the Pinellas Community (Pinellas by Design)*. Section 2 and 3 of the Resolution provide additional policy guidance on this evaluation and read as follows:

SECTION 2. *The review of all such plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category will include consideration of the ability and importance of such land to provide for essential and targeted employment opportunities vital to the local economy.*

SECTION 3. *No recommendation for Plan map amendment from Industrial Limited and/or Industrial General shall be made absent an affirmative determination that there are changed or changing conditions that render the current industrial designation no longer viable relative to providing for essential and targeted employment opportunities; and further that there are compelling reasons to make such change in the public interest consistent with the Countywide Plan and Economic and Redevelopment Plan.*

SUBJECT: Case CW 13-2 – Safety Harbor

See Attachment 1 for analysis of this site relevant to Resolution 06-3.

II. FINDINGS

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

- A. The proposed amendment is consistent with the criteria for utilization of the Residential Medium, Residential/Office Limited, and Preservation categories;
- B. The proposed amendment is adjacent to, but will not significantly impact a roadway with a LOS of "F;"
- C. The amendment involves the contraction of Industrial Limited, but can be found to be consistent with the policy directives in PPC Resolution No. 06-3;
- D. The proposed Residential/Office Limited category applied to the subject site can be deemed an exception to the Residential subclassification of the Scenic/Noncommercial Corridor;
- E. The proposed categories either do not involve, or will not significantly impact, the remaining relevant countywide considerations; and
- F. The development agreement has been approved by the City of Safety Harbor and executed by the property owner, and is thus eligible for consideration under the amendment process.

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 Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay Countywide Plan Map categories 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 April 1, 2013 meeting and recommended approval of the staff recommendation, as outlined above (8-0).

IV. LIST OF MAPS & ATTACHMENTS

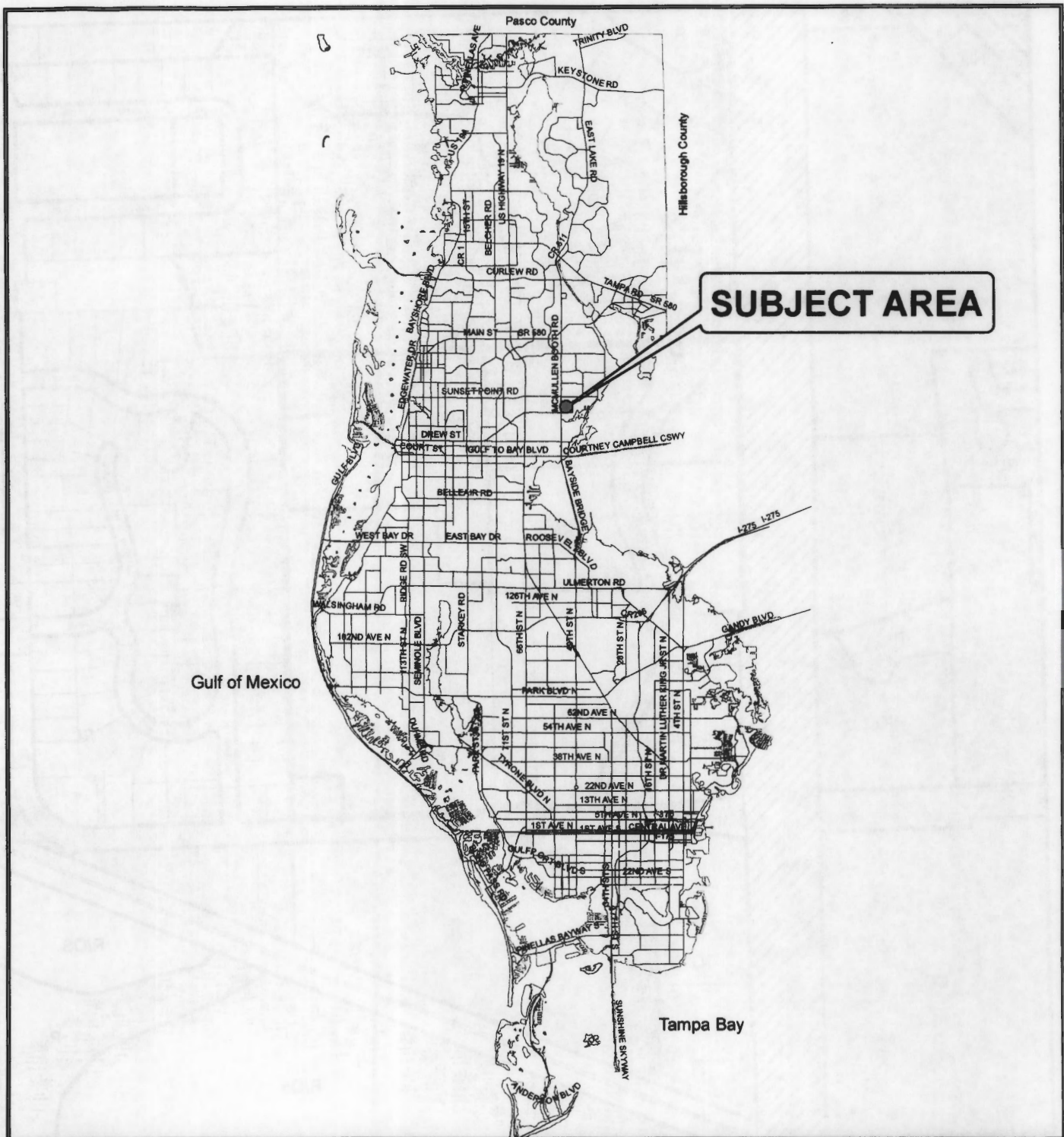
- | | |
|-------|---|
| Map 1 | Location |
| Map 2 | Current Countywide Plan & Jurisdiction Map |
| Map 3 | Aerial |
| Map 4 | Current Countywide Plan Map |
| Map 5 | Proposed Countywide Plan Map |
| Map 6 | Countywide Scenic/Noncommercial Corridors Map |

SUBJECT: Case CW 13-2 – Safety Harbor

Attachment 1	Council Staff Analysis
Attachment 2	Development Agreement
Attachment 3	Draft PAC Summary Actions Sheet

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

Support Document 1	Disclosure of Interest Form
Support Document 2	Local Government Application
Support Document 3	PPC Resolution 06-3



Map 1 - Location

FROM: IL, R/OL, RL, RU, P, and W/DF Overlay

TO: RM, R/OL, P, and W/DF Overlay

AREA: 34.6 Acres

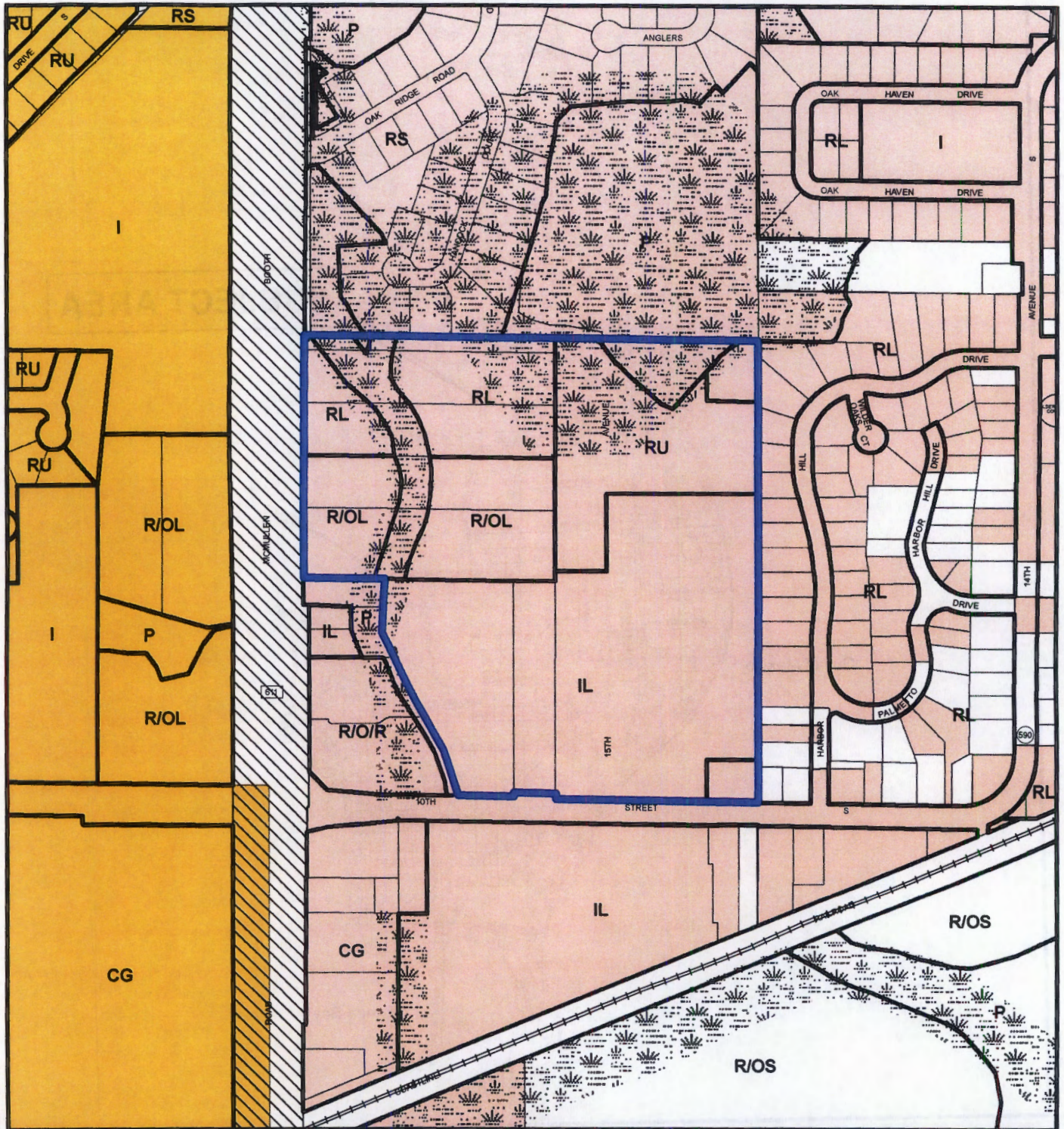
CASE #: CW13-2

JURISDICTION: Safety Harbor



1" = 26,000'





Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: IL, R/OL, RL, RU, P, and W/DF Overlay

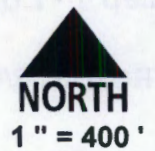
TO: RM, R/OL, P, and W/DF Overlay

AREA: 34.6

CASE #: CW13-2

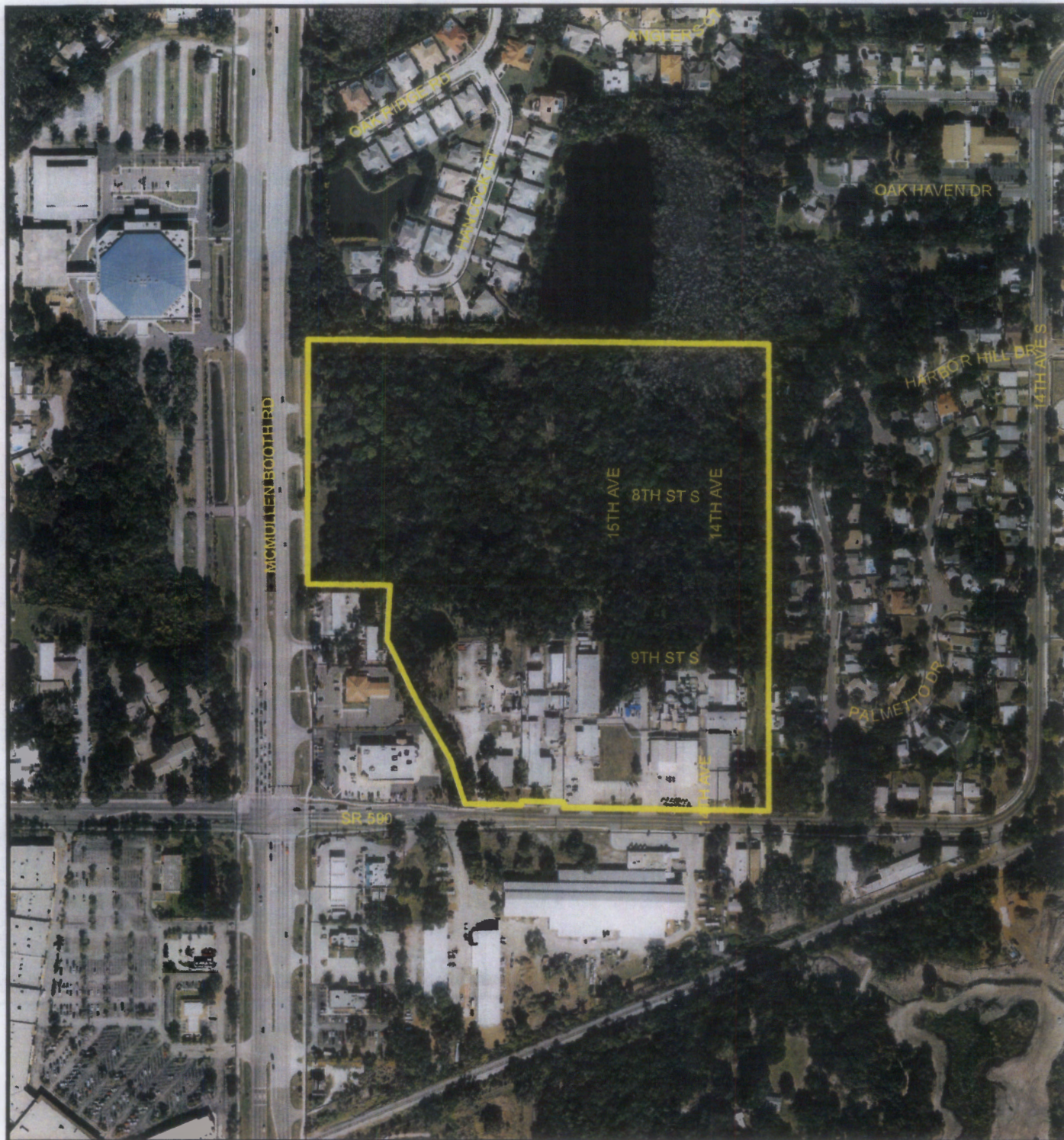
Jurisdictions

- CLEARWATER
- SAFETY HARBOR
- UNINCORPORATED



PPC PINELLAS
PLANNING
COUNCIL

JURISDICTION: Safety Harbor



Map 3 - Aerial

FROM: IL, R/OL, RL, RU, P, and W/DF Overlay

TO: RM, R/OL, P, and W/DF Overlay

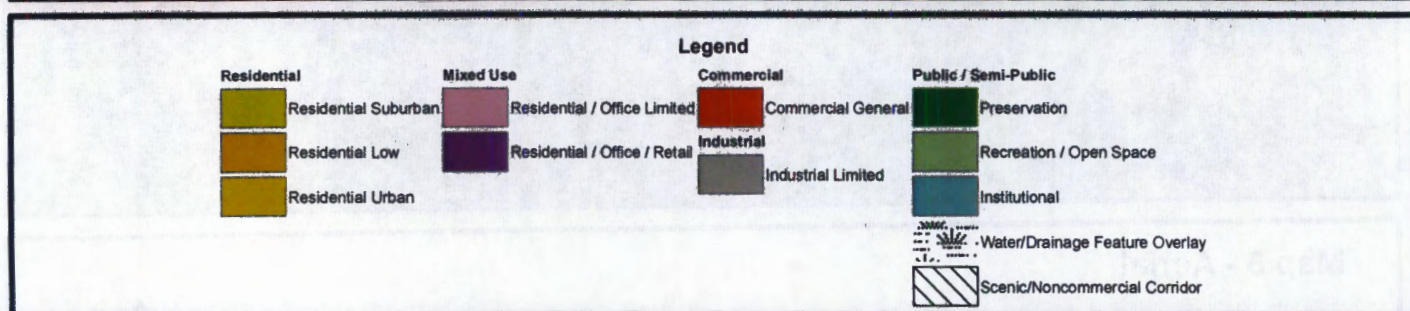
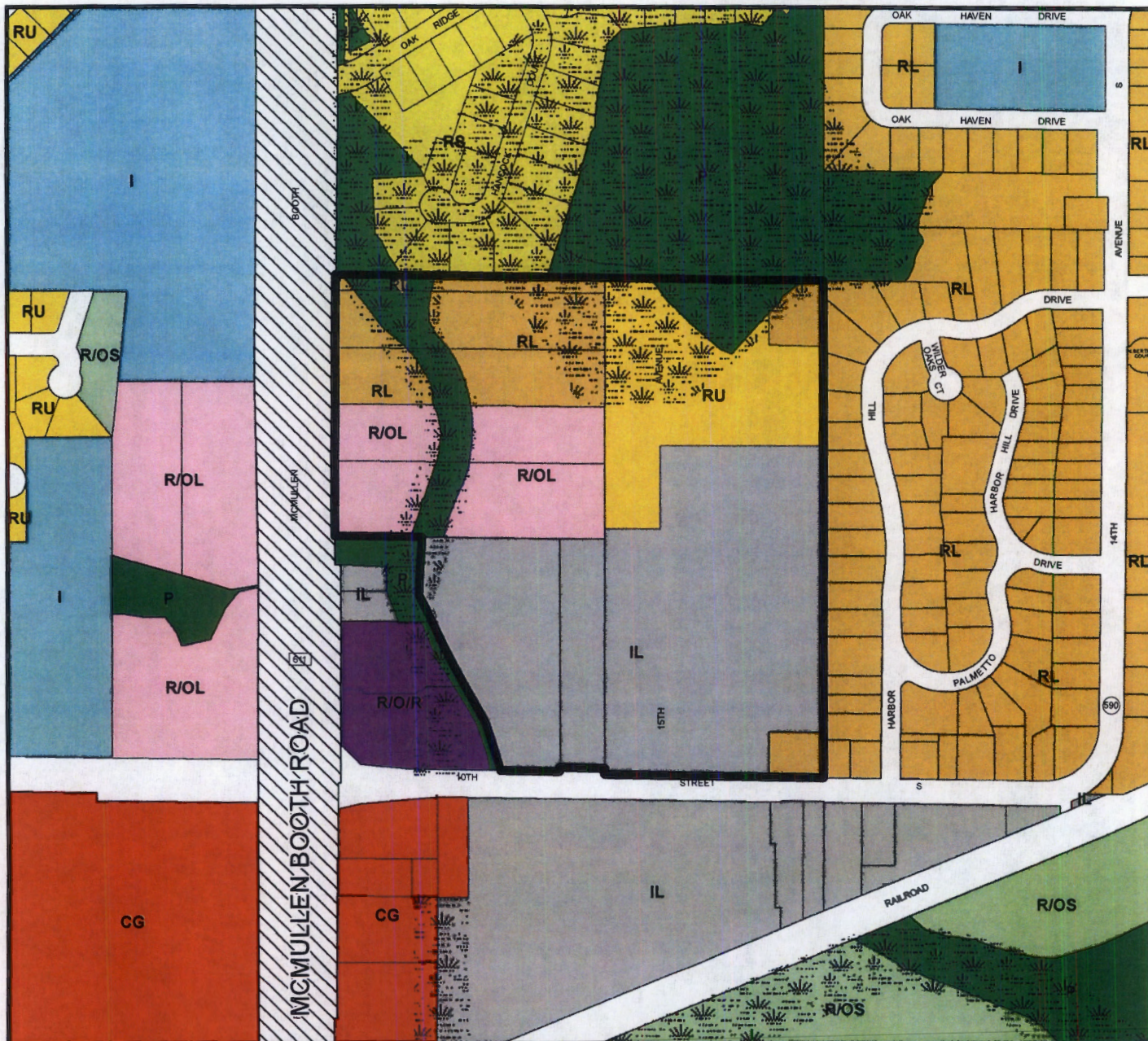
AREA: 34.6

CASE #: CW13-2

JURISDICTION: Safety Harbor



PPC PINELLAS
PLANNING
COUNCIL



Map 4 - Current Countywide Plan Map

FROM: IL, R/OL, RL, RU, P, and W/DF Overlay

TO: RM, R/OL, P, and W/DF Overlay

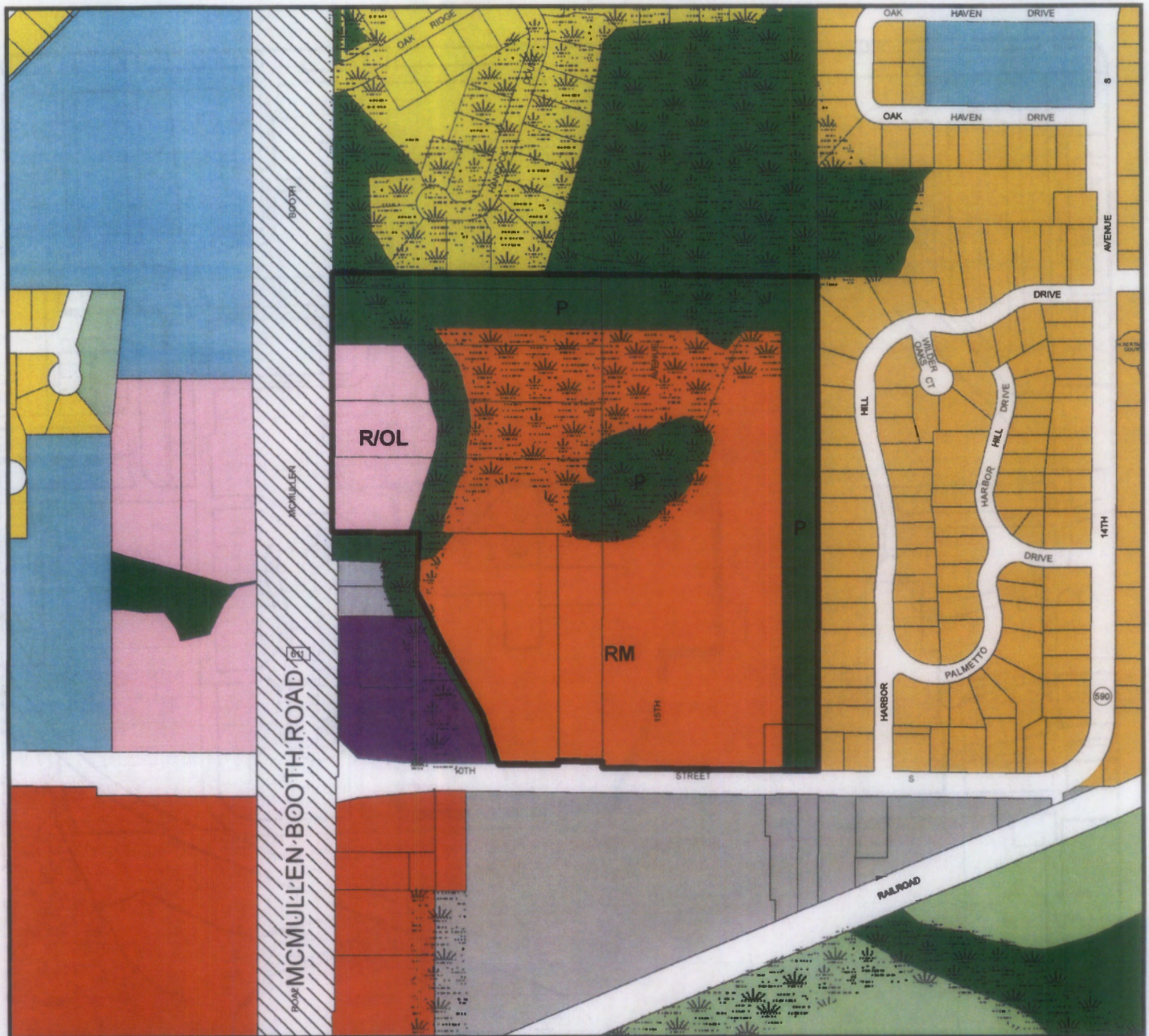
AREA: 34.6

CASE #: CW13-2

JURISDICTION: Safety Harbor



PPC PINELLAS
PLANNING
COUNCIL



Residential		Mixed Use		Industrial		Public / Semi-Public		Water/Drainage Feature Overlay	
	Residential Suburban		Residential/Office Limited		Industrial Limited		Preservation		
	Residential Low		Residential/Office/Retail		Recreation/Open Space		Institutional		Scenic/Noncommercial Corridor
	Residential Urban		Commercial General						
	Residential Medium								

Map 5 - Proposed Countywide Plan Map

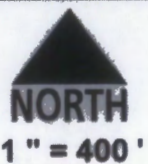
FROM: IL, R/OL, RL, RU, P, and W/DF Overlay

TO: RM, R/OL, P, and W/DF Overlay

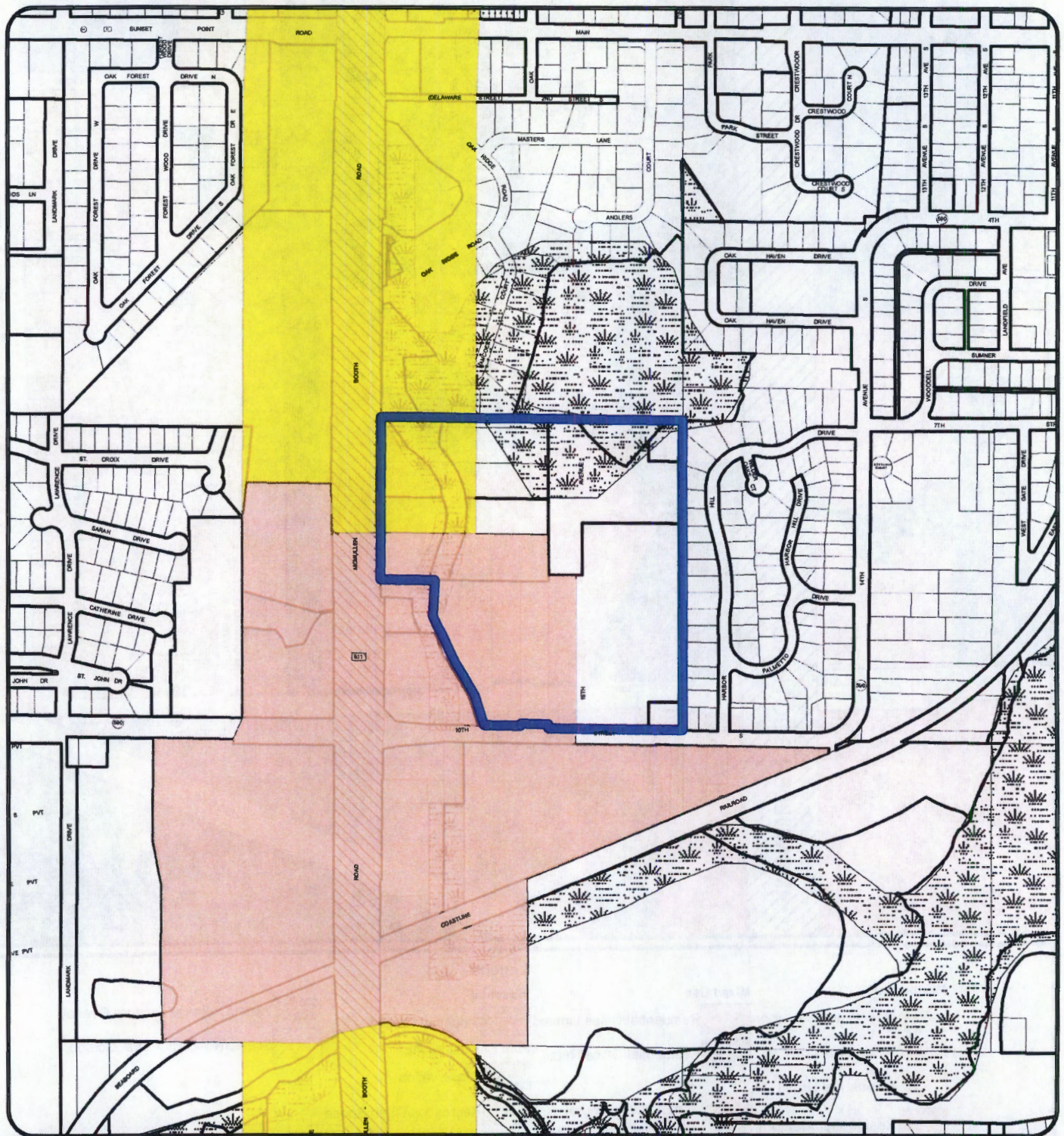
AREA: 34.6

CASE #: CW13-2

JURISDICTION: Safety Harbor








PPC PINELLAS
PLANNING
COUNCIL



MAP 6 Countywide Scenic/Noncommercial Corridors

Legend

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



1" = 600'

CASE #: CW13-2

**Council Staff Analysis
Case CW 13-2: City of Safety Harbor
April 10, 2013 PPC Meeting**

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The amendment area consists of nine parcels totaling 34.6 acres that is occupied by the Firmenich citrus processing plant on a southern 15.8 acre portion of the site. The company has moved most of its operations to Polk County; with some operations temporarily remaining on the site. The remainder of the site is vacant. The site is proposed to be amended as follows:

Countywide Future Land Use	Current Acreage	Proposed Acreage
Industrial Limited (IL)	15.8	-
Residential/Office Limited (R/OL)	5.1	2.8
Residential Low (RL)	5.0	-
Residential Urban (RU)	6.0	-
Preservation (P)	2.7	10.3
Residential Medium (RM)	-	21.5
TOTAL	34.6	34.6

The site is proposed to be built with a 246 unit apartment complex on the RM portion, an office use on the R/OL portion, and P on the remainder of the site, limited by a development agreement. The site is adjoined by single-family neighborhoods on the north and east, an industrial use on the south (across SR 590), a mix of commercial uses adjacent on the southwest, and a church to the west (across McMullen Booth Rd.).

Residential Dwelling Unit Calculations

Countywide Future Land Use	Maximum Allowable Units	Proposed by Development Agreement	Difference
Residential/Office Limited (R/OL)	13 ¹	-	-13
Preservation (P)	10	-	-10
Residential Medium (RM)	323	246	-77
TOTAL	346	246	-100

¹ 13 residential units are what could be built once the 25,000 square feet of office is constructed as per the development agreement. Otherwise, without the office development, a total of 21 units could be constructed.

The Countywide Rules state that the proposed RM category is well-suited to be developed in a moderately intensive residential manner and to serve as a transition between less urban and more urban residential and mixed-use areas. The proposed RM category (allows up to 15 units per acre) is an appropriate designation for the amendment area as it will serve as a transition from the non-residential uses to the west and south that carry the designations of Residential/Office/Retail (R/O/R), R/OL, and IL, and the residential neighborhood to the east designated RL (allows up to 5 units per acre) and the residential neighborhood to the north designated Residential Suburban (RS) (allows up to 2.5 units per acre). Also, the proposed RM will be separated from the adjacent existing residential to the north and east as well as the non-residential to the west by a significantly large preservation buffer. The southern portion of the site is served by a thoroughfare network, with direct access onto 10th Ave., a major collector roadway, and is in close proximity to McMullen Booth Rd, a major arterial. Furthermore, the density on the site will be limited by the accompanying development agreement to 246 total units, a 29% decrease in maximum density allowable under the Countywide Rules for this property.

The Countywide Rules state that the proposed R/OL category is well-suited to be developed as an office/mixed-use consistent with surrounding uses, transportation facilities, and natural resource characteristics of the area. The proposed R/OL, at 2.8 acres, is a reduction in size by 2.3 acres (from 5.1 acres) and will result in a modification of the existing R/OL boundary. This is an appropriate designation for this portion of the amendment area as it is consistent with the adjacent non-residential uses that carry the designations of R/O/R, R/OL, and IL. This portion of the site is served by a thoroughfare network, with direct access onto McMullen Booth Rd., a major arterial. Furthermore, the proposed R/OL will be separated from the adjacent existing residential to the north and the proposed residential to the east by the natural buffer, Alligator Creek. Additionally, the intensity on the site will be limited by the accompanying development agreement to 25,000 square feet (0.2 floor area ratio), a 49% decrease in maximum intensity allowable under the Countywide Rules for this property.

The Countywide Rules state that the current IL category 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 not part of a larger consolidated industrial area (i.e. over 100 acres) such as the one three miles to the west in the City of Clearwater (east of the Clearwater Airpark), but is adjacent (across 10th St S. (SR 590)) to industrial uses located on 13.6 acres to the south, that area together with the amendment area could

function as a small industrial park arrangement. The fact that the site is served by the arterial and thoroughfare network is also a benefit to the uses associated with the IL category.

The Countywide Rules further state that the IL category 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. An industrial category, with all the potential uses allowed and locating adjacent to the single family uses along the northern and eastern property lines² is in the broadest sense inconsistent with these surrounding uses. However, appropriate limitations can be put in place to ensure compatibility, especially for an employment use with little or no external impacts.

It should be noted that the site is not within an existing or potential employment district discussed in the *“Economic Development and Redevelopment Plan for Pinellas County (Pinellas by Design)”* that addresses the need for IL lands in Pinellas County.

Considerations relevant to PPC Resolution No. 06-3 and the requested amendment of the IL category are provided on page 7.

The Countywide Rules state that the current RL (5.0 residential units/acre) and RU (7.5 residential units/acre) should be developed in a low density residential manner. While these categories are consistent with the adjacent single family uses, the wetland jurisdictional survey conducted on this site shows that a portion of the RL and RU categories are in fact wetlands. Furthermore, the location of the wetlands will preclude adequate access to the upland areas of these categories

The Preservation category will be modified on the site to identify wetlands established by jurisdictional wetland survey and to recognize a portion of Alligator Creek that runs through the site. Further, additional upland area will be amended to P to serve as a natural buffer between the R/OL and RM portions of the site and the adjacent single-family neighborhoods on the north and east. The Preservation category over Alligator Creek will also serve as a buffer between the non-residential uses to the west and southwest and the proposed RM category to the east.

The Water/Drainage Feature Overlay will be modified to accurately identify those water bodies and drainage areas identified on the site by jurisdictional wetland survey.

² It should be noted that the City of Safety Harbor does have land development regulations that would restrict the type of industrial use on the site.

Therefore, this proposed amendment can be considered consistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** –The RM portion of the amendment will have direct access onto 10th St. S. (SR 590), a collector roadway operating at an LOS of “B.” and the R/OL portion will have direct access onto McMullen Booth Rd., an arterial roadway operating at an LOS “F.”

The difference in expected traffic generated between the existing and the proposed categories is a decrease of 1,563 vehicle trips per day (see tables below). Of course these calculations compare the potential from one Countywide Plan Map Category with another and actual traffic will differ, especially given that the site is underutilized at present.

Current Countywide Future Land Use Categories			
FLU Category	Acres	ADT/Acre³	Total Trips
IL	15.8	178	2,812.4
R/OL	5.1	125	637.5
RL	5.0	50	250.0
RU	6.0	68	408.0
P	2.7	0.3	0.8
TOTAL			4,109

Proposed Countywide Future Land Use Categories			
FLU Category	Acres	ADT/Acre¹	Total Trips
RM	21.5	102	2,193.0
R/OL	2.8	125	350.0
P	10.3	0.3	3.1
TOTAL			2,546
Difference (Current vs. Proposed)			-1,563

The Development Agreement, which will reduce the otherwise allowable development on this site, will further limit the number of potential trips on the site from 2,546 down to 1,911, which is a decrease of 2,198 vehicle trips per day. The traffic study submitted as part of the development agreement shows a slight increase (less than 5%) in peak period traffic generated from this site. However, the traffic study was based on the proposed original 276 unit apartment development, so this is a conservative estimate.

³ ADT/Acre = Average Daily Trips per Acre, the standard for the purpose of calculating typical traffic impacts relative to an amendment for each category.

Therefore, based on the reduction of potential overall trips, staff recommends this item be considered consistent with this Relevant Countywide Consideration.

- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – A portion of the amendment area (i.e., request to R/OL) is located on the east side of McMullen Booth Road, which is designated as a Primary SNCC with this portion of the corridor having a subclassification of “Mixed-Use” at the intersection of McMullen Booth Rd and SR 590, and a “Residential” subclassification to the north of the intersection (see Map 6).

The intent and purpose of the SNCC designation is to guide the preservation and enhancement of scenic qualities, to ensure the integrity of the Countywide Future Land Use Plan, and to maintain and enhance the traffic operation of these significant roadway corridors in Pinellas County. The classification extends for 500 feet from the edge of the right-of-way.

The principal objectives of SNCC designations are:

- *To preserve and enhance scenic qualities found along these corridors and to foster community awareness of the scenic nature of these corridors;*
- *To encourage superior community design and enhanced landscape treatment, both outside of and within the public right-of-way;*
- *To encourage land uses along these corridors which contribute to an integrated, well planned and visually pleasing development pattern, while discouraging the proliferation of commercial, office, industrial or intense residential development beyond areas specifically designated for such uses on the Future Land Use Plan;*
- *To assist in maintaining the traffic operation of roadways within these corridors through land use type and density/intensity controls, and by conformance to access management regulations, by selective transit route location, and by the development of integrated and safe pedestrian and bicycle access systems;*
- *To encourage design standards identified within the "Pinellas County Countywide Scenic/Noncommercial Corridor Master Plan" through the adoption of local ordinances and regulations consistent with those standards set forth within the Master Plan.*

The “Future Land Use Plan/Corridor Classification Consistency Guidelines” of the Countywide Rules state that the requested Residential Medium category is considered to be compatible with the “Mixed Use” subclassification.

The “Future Land Use Plan/Corridor Classification Consistency Guidelines” of the Countywide Rules state that the requested Residential/Office Limited category is not considered to be compatible with the “Residential” subclassification. However, Section 4.2.7.1.3.B of the Countywide Plan Rules allows the PPC and Countywide Planning Authority the authority to grant an exception to the concurrent amendment of the corridor, based upon a finding that:

1. The size and configuration of the amendment is *de minimus* in relationship to its frontage on the affected Scenic/Noncommercial Corridor; or
2. The size and configuration of the amendment is *de minimus* in relationship to the length of the affected corridor; or
3. The size and location of the amendment is consistent in relationship to the surrounding existing future land use plan designations.

The proposed amendment will extend the R/OL area further along McMullen Booth Rd., but result in an overall reduction in allowable R/OL acreage, thereby reducing potential additional vehicular trips. It is *de minimus* in its relationship to its frontage and length on the affected SNCC, McMullen Booth Road, in that it will front approximately 155 feet on a lengthy corridor and will have a relatively small size and configuration. Furthermore, it is consistent with the surrounding Countywide Plan Map designations, being a logical extension and northern terminus of the non-residential categories along this portion of the roadway.

First, the portion of the amendment in the “Mixed Use” subclassification is consistent with this subclassification. Second, the portion in the “Residential” subclassification can be considered as an “exception” to this subclassification. Therefore, the amendment can be considered consistent with this Relevant Countywide Consideration.

- 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, a designated development or redevelopment area.

- 6) **Adjacent To or Impacting An Adjoining Jurisdiction or Public Educational Facility** – The amendment area is adjacent to the City of Clearwater on the west (across McMullen Booth Rd.) and an unincorporated Pinellas County enclave on the east. 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.

Consideration of Development Agreement

The City of Safety Harbor has submitted a Development Agreement (between the City, The Richman Group of Florida, and Intercit Inc.) along with the application for Countywide Plan Map amendment that contains the following major items:

- Develop the multi-family portion of the site with an apartment complex limiting the units to 246 where 323 units (see table on page 1 for full residential unit calculations) would be allowed under the RM category;
- Develop the office portion of the site with a general office use with a maximum floor area ratio (FAR) of 0.25 and maximum of 25, 000 square feet of gross floor area, where 48,787 (0.4 FAR) would be allowed under the R/OL category;
- The multi-family residential buildings will be limited to two stories and 36 feet in height when they are within a distance of less than 450 feet from the eastern property line and limited to three stories and 48 feet in height beyond that setback distance;
- The office development shall be limited to one story and 25 feet in height;
- The rent for the multi-family site will market-rate housing;
- The developer will not take any action to render the property tax-exempt;
- The property will be developed in conformance with the concept plan attached to the Development Agreement;
- An eastbound left turn lane of 255 feet as recommended by the traffic study will be constructed;
- The Development Agreement is for a term of 10 years, and will be required to be reviewed on an annual basis by the developer and reported to the City on the status of compliance.

Considerations Relevant To PPC Resolution No. 06-3:

Given that the proposed amendment involves an industrially designated parcel, the amendment has been evaluated against PPC Resolution No. 06-3. This Resolution states that an amendment from IL (or Industrial General) shall be denied unless a positive finding using the criteria found in the Resolution can be made.

Staff has analyzed the amendment as it relates to the criteria in the Resolution and the following analysis has identified important considerations which establish a basis to approve the amendment to the Countywide Plan Map. Essentially, we reviewed whether the ability for the land in question to provide for essential and targeted employment opportunities vital to the economy is limited due to the parcel size, visibility, and location.

- **Is the site's existing Industrial Limited category consistent with the position statements and strategies of the Countywide Plan and conclusions of the Economic Development and Redevelopment Plan for Pinellas County (*Pinellas by Design*)?**

Position Statement 13.1: Retention of industrially-designated land and 13.2: Mixed-use development of the Countywide Plan, both support the current IL category and address the pressures that threaten to decrease supplies of land needed by primary employment centers and businesses vital to the local economy.

Pinellas by Design contains numerous statements that apply to this amendment, including:

- The need “to build the long-term economic vitality for Pinellas County through the attraction and retention of jobs that pay above-average wages in targeted primary industries. These businesses and employees bring significant wealth into the larger community, creating a demand for secondary businesses and high-quality public services and amenities;”
- If the current economic vitality of Pinellas County is to be maintained over the long term, “to counter the effects of buildout, approximately 50,000 new high-wage primary jobs must be created over the next twenty-years;”
- Higher density and intensity redevelopment can appropriately take place in “lands designated for industrial use;”
- As Pinellas County approaches buildout, the supply of land designated to accommodate primary employers is shrinking. This trend is exacerbated by comprehensive plan and zoning amendments requested by property owners to increase the short-term profit potential of their land, largely by “conversion to retail and high-end residential;”
- “Without well-located, buildable land, the county cannot effectively compete in the race for a sound, strong economic future. To support a robust local economy, redevelopment efforts must focus on maintaining adequate real estate to meet the needs of primary employers and other uses that will benefit the community;” and
- “To support a robust local economy, redevelopment efforts must focus on maintaining adequate real estate to meet the needs of the community.”

So the answer to the question above is yes. In general, IL areas identified on the Countywide Plan Map can be considered consistent with both the Countywide Plan and Pinellas by Design. When looking at this site's location, size, arrangement, and surrounding uses, it appears that the site is appropriate to accommodate a "target-industry" industrial-type use⁴.

- **What are the considerations relative to the site's ability and importance to provide for essential and targeted employment opportunities vital to the local economy?**

Positive aspects of maintaining the current land use designation:

- The parcel is of sufficient size (15.8 acres) to accommodate an industrial park arrangement;
- The parcel, in conjunction with the 13.6 acres of industrial land to the south, could be considered to be part of a relatively small consolidated industrial area;
- The site is in close proximity to a prospective workforce (i.e. residential areas);
- The site has direct access onto a Major Collector roadway with secondary access to a Principal Arterial road;
- The site is in close proximity to an existing rail line to the south;
- The site's existing use is consistent with the current Countywide Plan Map designation;
- The site is outside of all hurricane evacuation zones; and
- Infrastructure is in place to supply adequate utility needs for an industrial use.

⁴ *The Target Employment and Industrial Land Study* identifies eleven separate industry "clusters," using information from the federal *Quarterly Census of Employment and Wages* (QCEW) and private company Dun & Bradstreet (D&B):

- Aviation/Aerospace
- Financial Services
- High Tech Industries
- Information Technology
- Marine Science
- Medical Technology
- Microelectronics
- Modeling/Simulation
- Optics/Photonics
- Research/Development
- Wireless Technology

--*Target Employment and Industrial Land Study*, 2008, pp. 2-6 and 2-7

Negative aspects of maintaining the current land use designation:

- There are environmentally sensitive areas on the site that may preclude full utilization for an industrial user. However, these environmentally sensitive areas can also serve as a buffer to adjacent residential uses;
 - The site is not identified to be within an existing or potential employment district according to *Pinellas by Design (Figure 5-2)*; and
 - The site is directly adjacent to single family residential uses and may limit the type of industrial user that could locate here.
- **Have there been changed or changing conditions that render the current industrial designation no longer viable relative to providing for essential and targeted employment opportunities?**

This site has historically operated as a citrus processing plant. The dwindling access to citrus groves in this area renders the specific industrial use on this site no longer viable. Furthermore, the citrus processing infrastructure remaining on this site would only be attractive to a specific and specialized industrial user. Additionally, the surrounding area (to the east and north) has developed in a residential manner over the past few years. This helps to limit some of the industrial users that may have more significant activity outdoors (e.g. noise, lighting, odors, etc.). However, this site would not limit a target employment use that was sensitive to these surrounding uses.

- **Are there compelling reasons in the public interest to make such an amendment?**

Positive reasons to make such an amendment:

- This amendment will add 246 market rate residential units to the housing market of Pinellas County;
- Based on the accompanying Development Agreement, there will be further protection, enhancement, and expansion of preservation land on the site;
- The amendment may result in a lower potential negative impact on neighboring single-family homes; and
- Coupled with the R/OL area being amended in this application there remains the potential to locate certain Target Employers.

Negative reasons to make such an amendment:

- The amount of industrial land available in Pinellas County for essential target employment will be diminished; and
- If the site remained IL there are office uses that are allowed under the industrial category and that would be compatible with the SNCC.

Staff's recommendation is for the Council to approve the amendment from IL even though the site could accommodate a target employment industrial user in a limited fashion. This is in part due to the adjacency of uses surrounding the site that could be negatively impacted by certain industrial users. Further, when the more restrictive Safety Harbor use restrictions are put into place, some industrial uses will not likely be able to locate here.

As partial mitigation to the loss of potential industrial users we recommend that the City of Safety Harbor and the property owner work with Pinellas County Economic Development in giving special consideration to attracting a business that meets one of the Target Industry Clusters identified in the PPC's *Target Employment and Industrial Lands Study*.

Conclusion:

On balance, it can be concluded that the requested amendment from IL, RL, RU, R/OL, P, and W/DF Overlay to RM, R/OL, P, and W/DF Overlay, subject to the accompanying development agreement, is deemed consistent with the Relevant Countywide Considerations found in the Countywide Rules, and with PPC Resolution No. 06-3.

RESOLUTION NO. 2013 - 05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAFETY HARBOR, THE RICHMAN GROUP OF FLORIDA, INC., AND INTERCIT, INC.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

Section 1. The proposed development agreement by and between the City of Safety Harbor, the Richman Group of Florida, Inc. and Intercit, Inc. attached hereto as **Exhibit A** is hereby approved and the appropriate city officers are authorized to execute it.

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, THIS 18th DAY OF FEBRUARY 2013.

Mayor-Commissioner

Vice Mayor-Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

City Clerk

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 18th day of February, 2013, by and between the **CITY OF SAFETY HARBOR, FLORIDA**, a municipal corporation of the State of Florida, whose address is 750 Main Street, Safety Harbor, Florida, (the "City"), **THE RICHMAN GROUP OF FLORIDA, INC.**, a Florida profit corporation, whose address is 477 South Rosemary Avenue, Suite 301, West Palm Beach, Florida 33401 (the "Developer"), and **INTERCIT, INC.**, a foreign profit corporation, whose address is 1585 South 10th Street, Safety Harbor, Florida 34695 (the "Seller") (collectively, the "Parties").

RECITALS

WHEREAS, the City is authorized by the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes (the "Act"), and the City's Comprehensive Zoning and Land Development Code (the "Code") to enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction; and

WHEREAS, Article VII of the Code provides additional standards and requirements to further refine development agreement policies and procedures which are consistent with the Act; and

WHEREAS, the City has approved this Agreement by resolution adopted on the 18th day of February, 2013; and

WHEREAS, the Seller represents and warrants that it is the owner in fee simple of certain real property located at 1585 10th Street South, Safety Harbor, Florida, and more particularly described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Developer has entered into that certain contract with Seller to purchase the Property, dated June 11, 2012 (the "Purchase Agreement"); and

WHEREAS, the Property is approximately 34.55 acres in size and has Industrial Limited (IL), Residential/Office Limited (ROL), Residential Low (RL), Residential Urban (RU), and Preservation (P) land use designations; and

WHEREAS, the Property is presently zoned Light Industrial (M-1), General Office (GO), Planned Development District (PDD), and Conditional Mix Residential (R-3); and

WHEREAS, the Developer wishes to develop a 246-unit multi-family apartment complex and 25,000 sq. ft. of office usage on the Property; and

WHEREAS, Seller wishes for the Developer to develop the Property as set forth above and has requested that a land use change to Residential Medium (RM) and Residential/Office Limited (ROL) and a zoning change to Residential Multi-family (RM) and General Office (GO) and

WHEREAS, the City has determined that the proposed land use and zoning changes are necessary and therefore this Agreement is contingent upon those changes being made and approved by the appropriate governmental agencies; and

WHEREAS, upon such approval of the proposed land use and zoning changes the terms of this Agreement and future development orders associated therewith are consistent with the City's Comprehensive Plan and the Code.

NOW THEREFORE, for and in consideration of mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Section 1. RECITALS AND EXHIBITS.

The foregoing recitals are true and correct, and are incorporated herein by reference. All exhibits to this Agreement are incorporated by reference and deemed to be parts hereof.

Section 2. DEFINITIONS.

- A. "Approved Arborist" shall mean a person currently recognized as a Certified Arborist by the International Society of Arboriculture (ISA) or a Consulting Arborist by the American Society of Consulting Arborists (ASCA).
- B. "Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.
- C. "Development Order" is any building permit, rezoning, subdivision approval, variance, conditional use, or any other official action by the City having the effect of permitting a development activity.
- D. "Eastern Property Line" shall mean the property line adjoining the Wilder Oak's residential subdivision.
- E. "Office Development Site" is the area on the Property to be designated as GO on the City's Zoning Atlas and Residential/Office Limited on the City's Future Land Use Map intended for general office use.
- F. "Drainage and Stormwater Area" is the area on the Property to be designated with a Drainage Feature Overlay on the City's Future Land Use Map intended for water and drainage uses as determined necessary to serve the development of the Property.
- G. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- H. "Multi-Family Residential Development Site" is the area on the Property to be designated as RM, Residential Medium, on the City's Future Land Use Map intended for multi-family residential use.
- I. "Mortgagee" is the holder of any mortgage or the beneficiary of any deed of trust covering all or part of the Property or the successor or assignee of any such mortgage holder, or beneficiary, provided that the City has received written notice from or on behalf of any such holder or beneficiary providing such party's address and stating its desire to receive notices with respect to this Agreement pursuant to Subsection 14.3.
- J. "Passive Recreation Use" shall mean recreational uses where very minimum alteration of vegetation, or other native feature is necessary for the enjoyment of the site amenities.
- K. "Public Infrastructure" are the facilities to be located in deeded rights-of-way or

easements and/or dedicated by plat to the use of the public in general, to include, but not be limited to, roads, pedestrian sidewalks, sewer collection systems, water distribution systems, storm drainage systems, street lights, and street signage.

- L. "Preservation Area" is the area on the Property to be designated as P, Preservation, on the City's Future Land Use Map intended for preservation and enhancement of the native landscape to protect sensitive natural features on the property and provide a suitable landscape buffer along the northern and eastern perimeters of the Property that adjoin developed single-family subdivisions.
- M. "Project" shall mean the construction of the multi-family/office development project which is proposed to be developed on the Property.

Section 3. RELATIONSHIP OF PARTIES SUBJECT TO THIS DEVELOPMENT AGREEMENT

The Developer, the Seller and the City are unrelated and the relationship between the Developer, the Seller and the City with respect to the subject-matter of this Agreement is contractual and is set forth completely in this Agreement. The City and the Developer acknowledge that the Seller has joined in the execution of this Agreement solely in order to consent to its terms and to consent to the Developer's execution and delivery of this Agreement prior to the closing of the transaction described in the Purchase Agreement. The Parties acknowledge and agree that the terms of the Purchase Agreement shall govern the rights and obligations of the Seller and the Developer with respect to the purchase of the Property, notwithstanding any provision of this Agreement to the contrary and that this Agreement does not modify or amend the Purchase Agreement.

Section 4. DURATION OF AGREEMENT AND CONDITIONS PRECEDENT

4.1 This Agreement shall become effective on the date all conditions precedent have been met and this Agreement is properly recorded in the public records of Pinellas County, Florida (the "Effective Date").

4.2 The duration of this Agreement shall be for a period of ten (10) years from the Effective Date. Notwithstanding the foregoing to the contrary, if the Code is modified to permit the City to enter into a development agreement with a term that is greater than ten (10) years, this Agreement will be modified to extend the maximum term allowed by the Code. The duration of this Agreement may also be extended by mutual consent of the Developer and the City Commission, subject to a public hearing in accordance with the requirements of Article VII of the Code and a review for compliance with current City ordinances and regulations, to the extent that any such extension is not contrary to the laws of the State of Florida. Notwithstanding the foregoing, this Agreement shall automatically terminate if the land use and zoning changes referenced in the above recitals are not approved and adopted.

Section 5. OBLIGATIONS OF THE DEVELOPER

5.1 The obligations of this Agreement shall be binding on the Developer and its successors and assigns.

5.2 The Developer has submitted to the City a Conceptual Site Plan for the development of the Project, attached hereto as Exhibit "B," (the "Concept Plan"). The Developer shall develop the Property generally in accordance with the Concept Plan. The Concept Plan shall only be modified upon City approval.

5.3. At the time of development of the Property, Developer will submit all such applications and documentation as are required by Florida law and the Code, as they exist on the Effective Date of this Agreement. The Developer's site plan shall be consistent with the Concept Plan.

5.4 Development Restrictions. The following restrictions shall apply to development of the Property:

5.4.1 The Multi-Family Residential Development Site shall be used for a residential apartment complex with a density not to exceed fifteen (15) units per acre, but in no event consisting of more than a total of 246 dwelling units. The apartment complex and apartment units shall provide the amenities described in Exhibit "C".

5.4.2 The Office Development Site shall be used for general office purposes with a floor area ratio of 0.25 or less, but in no event consisting of more than 25,000 sq. ft. in gross floor area.

5.4.3 The Preservation Area shall function as open space and remain in a natural state, including native ground cover and understory, where determined feasible by the City. A detailed Landscape Plan shall be provided with the Site Plan, be subject to the City's approval, and be specifically adhered to. The Landscape Plan shall provide enhanced buffers along all property lines and public street frontages that exceed the minimum standards of the Code.

5.4.4 The Drainage and Stormwater Area shall remain as open space and may be used for passive recreation, stormwater and drainage purposes, as permitted by the City and outside regulatory agencies with controlling authority. The Developer shall consult a competent professional trained in Low Impact Development (LID) principles and practices in designing the stormwater management system for the Property and employ his or her recommendations where practicable.

5.4.5 Protection of Tree Canopy. The existing tree canopy of the Property as depicted on Exhibit D, shall be preserved in undisturbed areas of the site and the stormwater retention ponds, parking and buildings shall be located in a manner to facilitate the preservation of the on-site tree canopy. A Registered Landscape Architect and Approved Arborist shall be consulted concerning how to maximize the preservation and protection of the trees presently on the Property. Grand trees, as defined by Sec. 153.00 of the Code, shall be afforded the most protection.

5.4.6 Flood Prevention and Control. Developer shall demonstrate to the City that it will meet the provisions for flood hazard reduction contained in Chapter 9, Article III, of the Safety Harbor City Code in all Areas of Special Flood Hazard or Floodway.

5.4.7 Building Architecture. The apartment buildings on the Multi-Family Residential Development Site shall be developed substantially in accordance with the architectural elevations attached as Exhibit "E". The architectural elevations reflect the architectural style of the buildings to be built on the Property.

5.4.8 Building Height. The Multi-Family Residential Development Site shall be limited to two (2) stories and thirty-six (36) feet high, measured from the elevation of the ground to the peak of the roof, after alteration at the highest point adjoining the building or structure within a setback distance of four hundred and fifty (450) feet from the Eastern Property Line, and three (3) stories and forty-eight (48) feet high, measured from the elevation of the ground to the peak of the roof, after alteration at the highest point adjoining the building or structure, beyond a setback distance of four hundred and fifty (450) feet from the Eastern Property Line. The Office Development Site shall be limited to one (1) story and twenty-five (25) feet in height measured

pursuant to the requirements of the Code.

5.4.9 Ingress/Egress. The Multi-Family Residential Development Site shall provide a secondary means of access to the Property for emergency vehicles. The Office Development Site shall provide a minimum of 20 foot wide, paved vehicular cross access between the commercial parcels if developed individually.

5.4.10 On-Site Parking.

(a) The Multi-Family Residential Development Site shall have a minimum of one and one-half (1.5) parking spaces per residential unit, including at least one handicapped space per building or common use area totaling no less than nine (9) handicapped parking spaces. The City agrees to waive the guest parking requirement specified under Sec. 147.04(G)(1)(b) of the Code provided the Developer preserves at least six (6) inches of trunk diameter (measured at breast height) of trees deemed worthy for preservation by an Approved Arborist on the Multi-Family Development Site and/or the Office Development Site for each guest parking space that is waived in accordance with Section 147.05(B) of the Code.

(b) For the Office Development Site, the Developer shall meet the minimum parking ratio set forth in Section 147.04 (G) of the Code.

5.4.11 Market-Rate Project. The Developer agrees to operate the Project as "market rate" housing in compliance with all applicable legal requirements, and will determine the applicable rental rates for apartment units in accordance with prevailing conditions for comparable market-rate multifamily projects in the general vicinity of the Property. During the initial year of rental operations, the Developer agrees to charge a rental structure that is substantially similar to the schedule attached to this Agreement as Exhibit F, subject only to market changes outside of Developer's control.

5.4.12 Tax-Exempt. The Developer further agrees that it will not take any actions to render the Property tax-exempt including, but not limited to, availing itself of or filing an application for any tax exemption which currently exists under federal or state statute or may exist in the future. In the event the Developer, or any successor owner of the Property, violates this provision of this Agreement, in addition to all other remedies available at law and in equity, the City shall be entitled to receive annual monetary payments from the Developer (or its successor in interest) in an amount equal to the amount of lost ad valorem tax revenue to the City, as calculated by the City.

Section 6. OBLIGATIONS OF THE CITY

The City will process the site plan application for the Property after it is submitted by the Developer in accordance with the procedures set forth in the Code.

Section 7. DEVELOPMENT OF THE PROPERTY

7.1 Permitted Uses. The development uses of the Property shall be limited to a 246-unit apartment complex with buildings not to exceed two (2) stories or thirty-six (36) feet in height within a setback distance of 450 feet from the Eastern Property Line and three stories or forty-eight (48) feet in height beyond a setback distance of 450 feet from the Eastern Property Line and a projected population density of two persons per dwelling unit and 25,000 square feet of general office use(s) not to exceed one story or 25 feet in height as set forth under Section 5.4 of this Agreement.

7.2 Applicable Rules, Regulations, and Policies. The ordinances, rules, regulations and policies in existence on the Effective Date (excluding those governing impact fees or fee rates, which may be established or amended from time to time in accordance with applicable law) shall govern the development of the Property for the duration of this Agreement. In the event this agreement is terminated, all existing ordinances, rules, codes, regulations and policies in place at the termination of this Agreement and as thereafter amended shall become applicable to the Property regardless of the terms of this Agreement.

7.3 The Project may be subject to ordinances and policies adopted by the City after the Effective Date so long as the City holds a public hearing and determines that:

1. Such new ordinances and policies are not in conflict with the laws and policies governing this Agreement and do not prevent development of the land uses, intensities, or densities as allowed under this Agreement;
2. Such new ordinances and policies are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
3. Such new ordinances and policies are specifically anticipated and provided for in this Agreement; and
4. Substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement, or this Agreement is based on substantially inaccurate information provided by the Developer.

7.4 Subsequent adopted laws and policies of general application in the City, including impact fees, shall be applicable to the Property.

7.5 State and Federal Laws. This Agreement shall not preclude the applicability of changes in rules, regulations, laws, or policies enacted by state or federal agencies after the execution of this Agreement. In the event of the subsequent enactment of any law which, in any party's reasonable judgment, would preclude its compliance with the terms of this Agreement, the affected party shall so notify the other party in writing, and the parties shall use their reasonable efforts to modify this Agreement in order to afford each party with the reasonable opportunity to perform its obligations hereunder to the maximum extent permitted by any such subsequent law. In the event that such modification shall deprive any party of any material benefit intended to have been afforded it by this Agreement, the party so deprived may cause this Agreement to be terminated.

Section 8. PUBLIC FACILITIES

8.1 General. The Developer shall design, construct, and maintain, until conveyance to and acceptance by the City, all public infrastructure facilities necessary for the Project, providing that said public infrastructure facilities have received site plan approval and construction plan approval, and that all review procedures have been complied with fully. Public infrastructure facilities must be completed, inspected, and accepted by the City prior to the issuance of any Certificate of Occupancy on the Property.

8.2 Off-Site Public Infrastructure. The Developer shall be required to construct an eastbound left turn lane of 255 feet as recommended by that certain traffic study conducted by King Engineering, dated January 2013 and attached hereto as Exhibit G.

8.3 **Public Facilities to Service Development.** The following public facilities are presently available to the Property from the sources indicated below. Development of the Property will be governed by and must satisfy the concurrency ordinance provisions applicable at the time of the Effective Date of this Agreement.

1. Potable water from the City.
2. Sewer service from the City.
3. Fire protection from the City.
4. Drainage facilities for the parcel are to be designated on the Site Plan and approved by the Southwest Florida Water Management District.

8.4 **Remedies/Enforcement Mechanism.** In the event the Developer fails to comply with the requirements of this Section, the City's remedy shall be to withhold the Certificate(s) of Occupancy for structures located on the Property.

Section 9. REQUIRED DEVELOPMENT PERMITS

Nothing contained in this Agreement shall be construed as a guarantee or assurance that any local development permits which must be obtained will be approved or issued by the City. Said development permits will be obtained at the sole cost of the applicant, and in the event that any development permissions are not received, that no further development of the property shall be allowed until such time as the City has reviewed the matter and determined whether to modify or terminate the agreement. Under these conditions, actions in reliance to the development agreement shall not vest any development rights in the Property. Development permits which must be approved and issued may include, but are not limited to, the following items. The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction.

- A. Development Order(s);
- B. Development/Building/Utility Permits;
- C. Plat Approval;
- D. Site Plan approval(s) and associated utility licenses and right-of-way utilization permits;
- E. Construction Plan approval(s);
- F. Land Use Plan Amendment and Zoning Amendment by the City.
- G. Land Use Plan Amendment by the Pinellas Planning Council and the Board of County Commissioners acting as the Countywide Planning Authority.
- H. Land Use Plan Amendments by the State Land Planning Agency; This Agreement shall not be effective or implemented unless all Land Use Plan Amendments contemplated herein are found in compliance by the State Land Planning Agency in accordance with Chapter 163, Florida Statutes.

- I. Concurrency Determination from Pinellas County on state and county facilities and services;
- J. Access Permit from Florida Department of Transportation (FDOT) - District 7.
- K. Right-of-Way Use Authorization from Pinellas County.
- L. Drainage Permit from Southwest Florida Water Management District and the Department of Environmental Protection (DEP);
- M. Letter of Map Amendment from the Federal Emergency Management Agency (FEMA);
- N. Certificate(s) of occupancy;
- O. All other approvals or permits as required by existing or future governmental regulations as they now exist, or as they may exist in the future.

Section 10. AMENDMENT OF AGREEMENT AND DEVELOPMENT ORDER

This Agreement may be amended from time to time by mutual consent of the Parties or their successors in interest, in accordance with F.S. 163.3237 and the Code. Following the Developer's acquisition of the Property, no consent of Seller shall be required as to any amendment to this Agreement.

Section 11. ANNUAL REVIEW, DEFAULT, AND REMEDIES

11.1 General Provisions. Neither party shall be in default of this Agreement unless it has failed to perform any of its obligations under this Agreement for a period of thirty (30) days after its receipt of written notice from the other party specifying the nature of the alleged default and the manner in which said fault may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within said thirty (30)-day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period. Except as set forth in Section 9.4 above, upon default by a party under this Agreement, the party not in default shall have all rights and remedies provided by law, including but not limited to the right to terminate the Agreement, to the right to seek specific performance, and the right to file for injunctive relief in the Sixth Judicial Circuit Court in and for Pinellas County to enforce the terms of the Agreement or to challenge compliance of the Agreement with the provisions of F.S. 163.3220 - 163.3243. Attorney fees and costs incurred as a result of seeking performance under this Agreement shall be paid for by the defaulting party.

11.2 Annual Review. Each year during the term of this Agreement, beginning one (1) year after the Effective Date, the Developer shall submit a report to the City specifying performance and compliance with the Agreement. The City shall review the annual report with the terms of the Agreement to determine if there has been good faith compliance with the terms of this Agreement. If the City finds that there has been a failure to comply with the terms of this Agreement, this Agreement may be revoked or modified by the City after a public hearing held in accordance with the requirements of Article VII of the Code. For each annual review conducted during years six (6) through ten (10) of this Agreement, a written report shall also be submitted to the state land planning agency in accordance with rules adopted by that Agency. It shall be the responsibility of the Developer to notify the City of any changes in ownership and other interest of the Property pursuant to Section 12.4.

Section 12. TERMINATION

12.1 In the event this Agreement is terminated and/or the Developer fails to complete the Project within the timeframes set forth herein, the Property shall return to its prior land use and zoning designations which were in place before this Agreement was entered into by the Parties. The Seller and Developer agree to cooperate and to not contest any procedures necessary to implement the reversion to the prior land use and zoning designations. This obligation shall survive termination of this Agreement, however terminated.

12.2 If the land use designation change to Residential Medium (RM); Residential/Office Limited (ROL) and Preservation (P) or the zoning change to Residential Multi-family (RM); General Office (GO); and Public and Conservation (P) is not finally approved by all necessary agencies and adopted, this Agreement shall immediately terminate.

Section 13. GENERAL PROVISIONS

13.1 Covenants Running with the Land. The provisions of this Agreement shall constitute covenants which shall run with the land comprising the Property; the burdens and benefits hereof shall bind and inure to the benefit of the Parties and their personal representatives, heirs, successors, grantees and assigns (subject, in the case of the Seller, to the limitations on its obligations hereunder which are imposed by this Agreement), and a copy of this Agreement shall be recorded among the Public Records of Pinellas County, Florida, upon execution of this Agreement by the Parties.

13.2 Timeframe for Implementation. The parties recognize that the existing use of the Property will become a legal, non-conforming use pursuant to Section 24.04 of the Code if the proposed land use and zoning changes are adopted by the City. The Seller and/or Developer shall terminate the current use of the Property no later than one (1) year following the Effective Date of this Agreement. The Developer shall demolish existing improvements on the Property by no later than one (1) year following the date the current use of the Property ceases. Moreover, the Developer agrees to construct the apartment complex as a single, continuous phase to be completed by no later than five (5) years from the date the site plan is approved by the City Commission.

13.3 Time is of the Essence. The Parties agree that time is of the essence for this Agreement. If the Developer fails to adhere to any of its obligations in this Agreement in a timely manner, as determined by the City, existing permits and/or the issuance of any new permits may, in the City's sole discretion, be administratively suspended until the Developer has fulfilled its obligations. The Developer's failure to timely adhere to obligations under this Agreement may serve as a basis for termination of this Agreement by the City.

13.4 Mortgagee Rights. The City will endeavor to provide any mortgagee, of which the City has notice, with written notice of any default by the Developer under this Agreement concurrently with its delivery of such notice to the Developer, and give each Mortgagee the same opportunity to cure such default as is provided to the Developer under this Agreement and will accept any such cure from Mortgagee as if such cure was tendered by Developer. Failure to provide such notice to Mortgagee shall not give rise to any liability on the part of the City.

13.5 Transfer of Property. Following the closing of the transactions contemplated by the Purchase Agreement, the Developer may assign or transfer all of or any portion of its interests, rights, or obligations under this Agreement (an "Assignment") to any party acquiring an interest or estate in all or any portion of the Property. In the event that there is a transfer or conveyance of any portion of the Property in fee simple, an Assignment shall be deemed to have occurred with respect to the portion of the

Property so transferred without any further actions by such parties. Prior to the closing of the transactions contemplated by the Purchase Agreement, the Developer's right to assign or transfer its interests in the Property or to assign any of its rights or interests in, to or under the Purchase Agreement shall, as between the Developer and the Seller, be governed by the terms of the Purchase Agreement; nothing in this Agreement is intended to modify or to amend the Purchase Agreement. In the event of any Assignment made by the Developer as provided in this Section, the assignee's express assumption of the Developer's obligations under this Agreement shall relieve the Developer of all prospective responsibility for the obligations so assumed. The Developer shall provide the City with written notice promptly after the completion of any Assignment. If the Developer enters into an Assignment, the transferee shall succeed to all of Developer's rights under this Agreement as they affect the development of that portion of the Property so transferred, and the transferee shall automatically assume all obligations of the Developer hereunder which relate to the portion of the Property transferred to it. An Assignment to any other person or entity not a party to this Agreement shall release the Developer from its obligations hereunder relating only to the portion of the Property so transferred.

13.6 Construction. This Agreement is a result of mutual drafting and development and there shall be no presumption or rule that ambiguities shall be construed against either party.

13.7 Notices. Any notice or request required or authorized to be given by the terms of this Agreement or under any applicable law by either party shall be in writing, hand delivered, or sent to Certified or Registered mail, postage prepaid, return receipt requested. Such notice shall be addressed as follows:

If to the City:

Matthew Spoor, City Manager
City of Safety Harbor
750 Main Street
Safety Harbor, FL 34695

If to the Developer:

The Richman Group of Florida, Inc.
477 South Rosemary Avenue, Suite 301
West Palm Beach, FL 33401
Attn: William T. Fabbri

If to the Seller:

Intercit, Inc.
1585 10th Street South
Safety Harbor, FL 34695
Attn: Lisa Alexander

If to Mortgagee (if any):

13.8 Severability. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, then, to the extent that the invalidity or unenforceability does not impair the application of this Agreement as intended by the parties, the remaining provisions of this Agreement, or the application of this Agreement other situations, shall continue in full force.

13.9 Counterparts. This Agreement may be executed in one or more counterparts, each of which when executed and delivered, shall be an original, but all such counterparts shall constitute one and the same instrument. The Parties agree to do, execute, acknowledge or deliver, or cause the same to be done, all such further acts and assurances as shall be reasonably requested by the other party in order to carry out this Agreement and give effect thereto.

13.10 Completion of Agreement. Upon the completion of performance of this Agreement or its revocation or termination, the Developer or its successor in interest shall record a statement in the official records of Pinellas County, Florida, signed by the Parties, evidencing such completion, revocation or

termination, and shall forthwith deliver a copy of such statement to the City Manager or his designee.

13.11 Recording this Agreement. This Agreement shall be recorded, by the City, at the Developer's sole cost, in the public records of Pinellas County, Florida, in accordance with the requirements of the Act. If the transactions contemplated by the Purchase Agreement have not closed by the time required for the recording of this Agreement, the Developer shall cause the Seller to execute such instruments consistent with this Agreement and acceptable to the City as may be necessary for the proper recording of this Agreement without thereby imposing any of the Developer's obligations under this Agreement onto the Seller. If for any reason the Purchase Agreement shall be terminated following the recording of this Agreement, the City and the Developer shall, if so requested by the Seller, execute and deliver to the Seller such documents and agreements as may be necessary or appropriate to confirm the termination of this Agreement as a matter of public record in consequence thereof and to reflect the termination of this Agreement as a matter of public record by filing a release or termination agreement reasonably acceptable to the Parties in the Public Records of Pinellas County, Florida.

13.12 Entire Agreement. This Agreement, including any and all Exhibits attached hereto, all of which are a part of this Agreement to the same extent as if such Exhibits were set forth in full in the body of this Agreement, constitutes the entire agreement between the Parties pertaining to the subject matter hereof. This Agreement may only be modified or amended as set forth in this Agreement, in accordance with the City's Code, and in writing.

13.13 Headings and Section References. The titles, captions and section numbers in this Agreement are inserted for convenient reference only and do not define or limit the scope or intent and should not be used in the interpretation of any section, subsection or provision of this Agreement. Whenever the context requires or permits, the singular shall include the plural, and plural shall include the singular and any reference in this Agreement to the Seller includes the Seller's successors or assigns.

13.14 No Estoppel. The Parties acknowledge and agree that the City's willingness to enter into this Agreement, the staff approval or recommendation relative to the Project, submittals to or before the Pinellas Planning Council, the Board of County Commissioners of Pinellas County, Florida, the Florida Department of Economic Opportunity, or other state land planning agency and any other act in furtherance of this Agreement shall not be used by the Developer, the Seller, or their successors in interest in any way whatsoever as committing the City legally though a theory of equitable estoppel, action in reliance, the expenditure of funds or any other legal theory as to the approval of the Project in the event this Agreement is terminate or for any other reason the Project does not take effect. The Parties further agree that any and all action by the Developer or its representatives in negotiating this Agreement, including all acts or expenditures in the implementation of this agreement or submittals to other governing bodies, shall in no way be deemed to be an action in reliance giving rise to equitable estoppel.

13.15 Remedies. Either party may seek equitable remedies for the enforcement of this Agreement. The Seller and/or the Developers may not seek damages from the City for any matters arising from this Agreement and the right to seek such damages is specifically waived. The Parties agree that the decisions by the City and the City Commission regarding the appropriate land use, zoning, or other development regulations impacting the Property shall, in no event or under any conditions, give rise to a claim for monetary damages or attorneys' fees against the City and any claim for damages or fees by the Developer and/or the Seller, or their successors in interest, are specifically waived.

13.16 Venue and Applicable Law. This Agreement shall be construed by and controlled under the laws of the State of Florida. Venue for any for the purposes of any state suit, action or other proceeding arising out of, or relating to, this Agreement for any state action shall lie solely in the Sixth Judicial Circuit Court in and for Pinellas County, Florida, and for any federal suit, action or other proceeding shall lie solely in

the United States District Court for the Middle District of Florida, Tampa Division.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

By executing this Agreement, the Developer represents and warrants that the undersigned has the lawful authority granted by said entity to execute this Agreement on behalf of the Developer, and has been granted the right to bind the Developer to the covenants and agreements herein above stated.

The Richman Group of Florida, Inc., a Florida Profit Corporation

By: [Signature]

Name: William T. Fabbri

Title: Executive Vice President

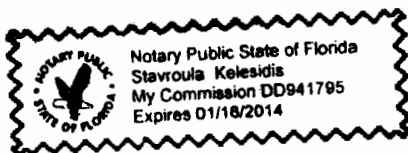
STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 26th day of February, 2013, by William Todd Fabbri, as Executive Vice President, who acknowledged before me that he is authorized to execute this Agreement on behalf of The Richman Group of Florida, Inc. and ☒ is personally known to me or ☐ has produced identification.

Type of identification produced: _____

My commission expires:
(Notary Seal)



[Signature]
Notary Public Signature

Stavroula Kelesidis
Notary Public Print Name

By executing this Agreement the Seller represents and warrants that the undersigned has the lawful authority granted by such entity to execute this Agreement on behalf of the Seller for the purposes described above and to confirm the Seller's consent to the Developer's execution and delivery of this Agreement, and the Seller's approval of this Agreement, prior to the closing of the transactions described in the Purchase Agreement.

Intercit, Inc. a Foreign Profit Corporation

By: _____

Name: Lisa Alexander

Title: Secretary

STATE OF New Jersey

COUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 4th day of March, 2013, by Lisa Alexander, as Secretary of Intercit, Inc., a foreign profit corporation, who acknowledged before me that she is authorized to execute this Agreement on behalf of Intercit and [☒] is personally known to me or [☐] has produced identification.

Type of identification produced: _____

My commission expires: 8/26/2013
(Notary Seal)



Donna M. Hudak
Notary Public Signature
NOTARY PUBLIC OF NEW JERSEY
I.D. # 2377245
Commission Expires 8/26/2013

Notary Public Print Name Donna M. Hudak

MORTGAGEE (if applicable)

By executing this Agreement the mortgagee below represents and warrants that the undersigned has the lawful authority granted by such entity to execute this Agreement on behalf of the mortgagee for the purposes described above and to confirm the mortgagee's consent to the Seller's and the Developer's execution and delivery of this Agreement, and the mortgagee's approval of this Agreement, prior to the closing of the transactions described in the Purchase Agreement.

Name of Mortgage: _____

By: _____

Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, as _____ of Intercit, Inc., a foreign profit corporation, who acknowledged before me that he is authorized to execute this Agreement on behalf of _____ and [] is personally known to me or [] has produced identification.

Type of identification produced: _____

My commission expires:
(Notary Seal)

Notary Public Signature

Notary Public Print Name

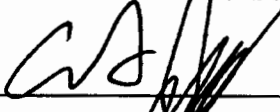
CITY OF SAFETY HARBOR, Florida
a Municipal Corporation.

BY:




Matthew Spoor, City Manager

APPROVED AS TO FORM:



Alan Zimmet, City Attorney

ATTEST:



Karen Sammons, City Clerk

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 8 day of March, 2013, by Matthew Spoor, as City Manager of the City of Safety Harbor, Florida, a municipal corporation, and he acknowledged before me that he executed the instrument on behalf of the City. He is personally known to me.

My commission expires:
(Notary Seal)




Notary Public Signature

Janene L. McCulley
Notary Public Print Name

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

METES & BOUNDS LEGAL DESCRIPTION AS SURVEYED

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; THENCE RUN N00°05'15"E, 33.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 590 ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: 1) N89°10'41"W, 580.00 FEET, 2) N00°05'15"E, 17.00 FEET, 3) N89°10'41"W, 120.01 FEET, 4) S00°05'15"W, 10.01 FEET, 5) N89°10'41"W, 158.44 FEET; THENCE N15°39'40"W, 131.11 FEET; THENCE N31°08'41"W, 184.08 FEET; THENCE N25°55'19"W, 220.22 FEET; THENCE N03°05'28"E, 149.77 FEET; THENCE N89°23'24"W, 233.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MCMULLEN BOOTH ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: 1) N00°03'26"E, 484.23 FEET, 2) N00°15'33"E, 24.53 FEET, 3) N00°42'38"E, 181.28 FEET; THENCE S89°23'24"E, 1,299.14 FEET ALONG THE NORTH LINE OF NORTH 590' OF SOUTHEAST 1/4 OF SOUTHWEST 1/4 OF SAID SECTION 4, THENCE S00°05'15"W, 1,312.31 FEET ALONG THE EAST LINE OF THE EAST 580' OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 4 TO THE POINT OF BEGINNING.

CONTAINING: 34.55 ACRES MORE OR LESS.

EXHIBIT "B"
CONCEPTUAL SITE PLAN

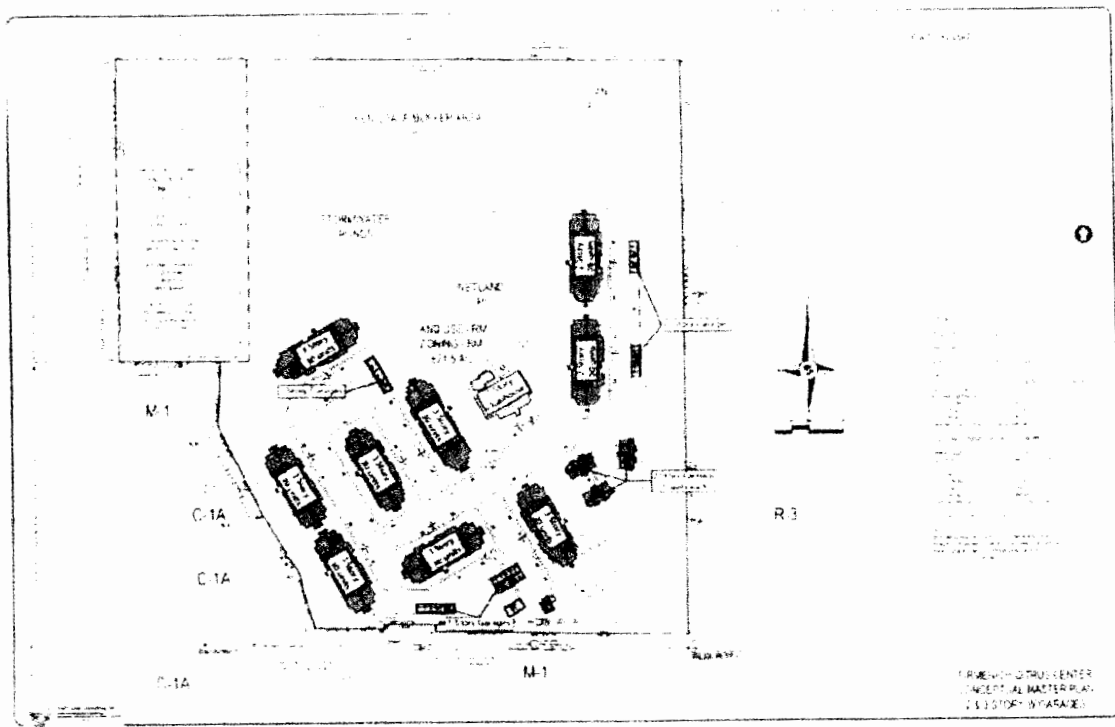


EXHIBIT "C"

LIST OF PROPOSED AMENITIES

Clubhouse featuring:

- On site management and maintenance staff
- Resident's club room with billiard and card tables
- Theater lounge with big screen television and gaming systems
- Business Center
- Fitness Center
- Resort style swimming pool and spa

Tot lot

Detached garages and storage

Resident's car care area

Tennis court

Dog Park

Three story residential buildings to include elevator

All apartment units will offer spacious floorplans and energy efficient features to include the following amenities:

9 foot ceilings/volume ceilings

Intrusion alarms

Ceramic tile flooring and vinyl wood plank flooring

Full size washer and dryer

Oversized walk-in closets

Stainless steel appliances

Granite countertops

Designer cabinets with 42-inch uppers

Large kitchen islands

EXHIBIT "D"

Depiction of Tree Canopy

AERIAL VIEW OF EXISTING TREE CANOPY

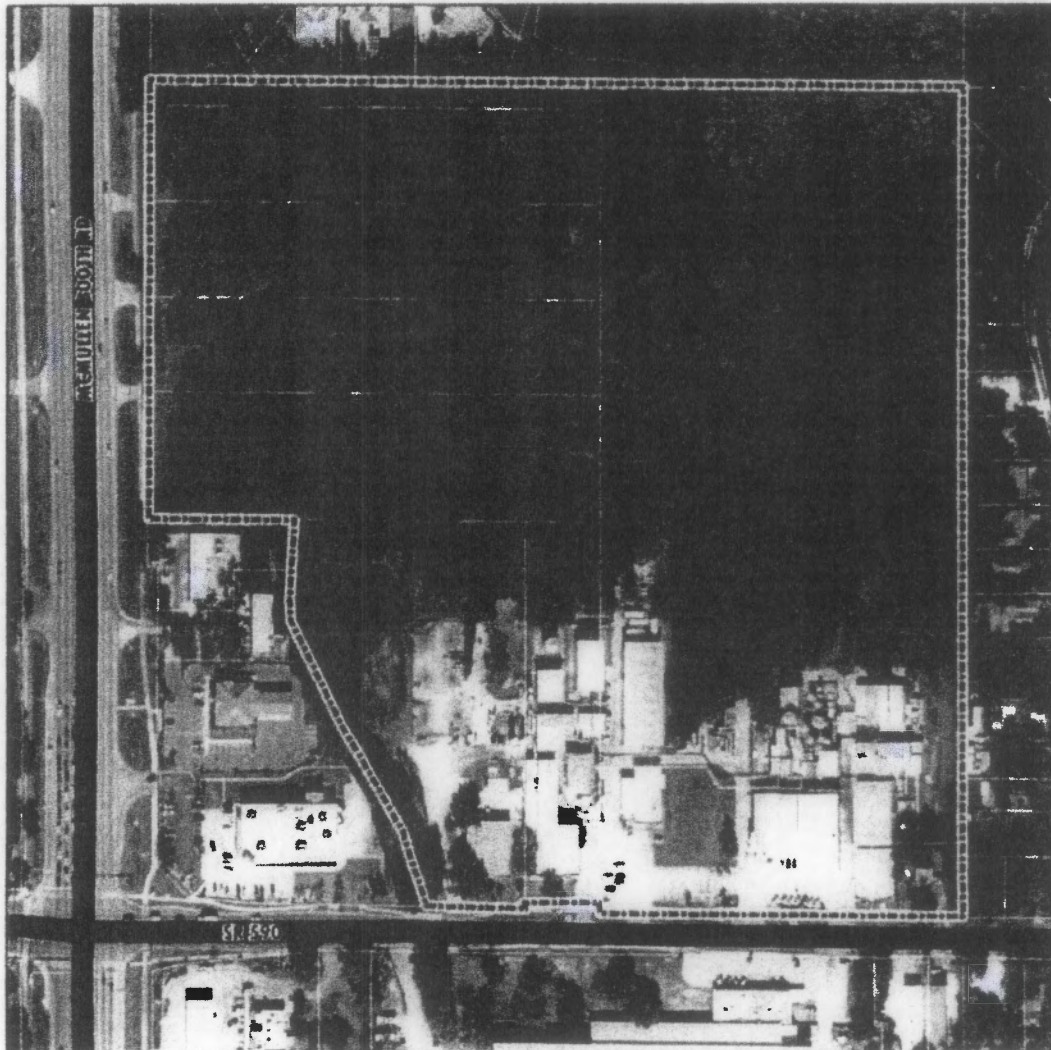


EXHIBIT "E"

ARCHITECTURAL ELEVATIONS OF APARTMENT BUILDINGS



④ Building Type 1 - Left Elevation



⑤ Building Type 1 - Right Elevation



⑥ Building Type 2 - Rear Elevation



⑦ Building Type 2 - Front Elevation

FORUM
ARCHITECTURE &
INTERIOR DESIGN

10000
10000
10000

RICHMAN
GROUP

Safety Harbor
Apartments

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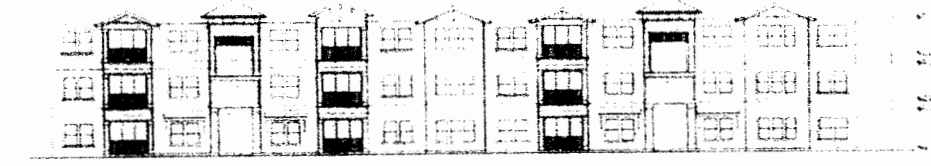
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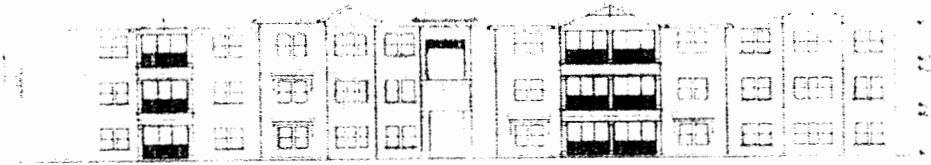


② Building Type III - Left Elevation

③ Building Type III - Right Elevation



④ Building Type III - Main Elevation



⑤ Building Type III - Front Elevation

FORUM

ARCHITECTS

1000 10TH AVENUE, SUITE 1000

NEW YORK, NY 10019

RICHTMAN GROUP

1000 10TH AVENUE, SUITE 1000

NEW YORK, NY 10019

Safety Harbor Apartments

1000 10TH AVENUE, SUITE 1000

NEW YORK, NY 10019

PREPARED BY

FOR ARCHITECT

DATE

PROJECT NO.

SCALE

BY

CHECKED BY

DATE

PROJECT NO.

SCALE

BY

CHECKED BY

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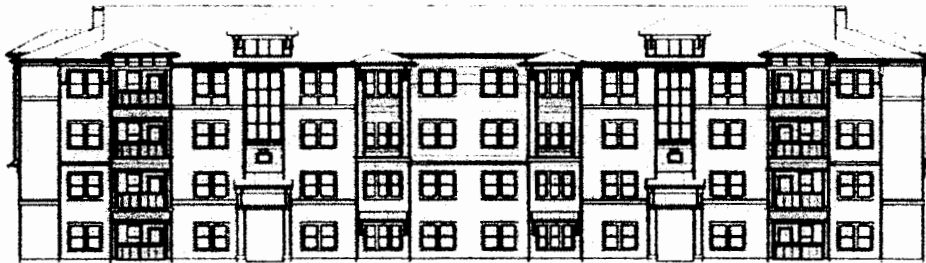
BY

CHECKED BY

DATE

PROJECT NO.

A6.31



2 Building Type VI - Rear Elevation



1 Building Type VI - Front Elevation

FORUM

ARCHITECTURE &
INTERIOR DESIGN, INC.
10000 W. 16th Ave., Suite 100
Denver, CO 80202
Tel: 303.751.1000
Fax: 303.751.1001
www.forumarch.com

07.06.12

**Safety
Harbor**

10000 W. 16th Ave., Suite 100
Denver, CO 80202

Client: Safety Harbor
Project: 10000 W. 16th Ave., Suite 100

Architect: Forum
Interior Designer: Forum

Project No.: 10000 W. 16th Ave., Suite 100

Project Name: 10000 W. 16th Ave., Suite 100

Project Address: 10000 W. 16th Ave., Suite 100

Project City: Denver, CO

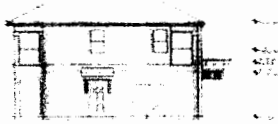
Project State: CO

Project Zip: 80202

Project Date: 07.06.12

Project Status: In Progress

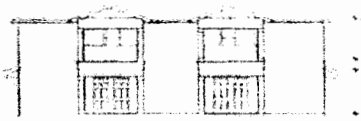
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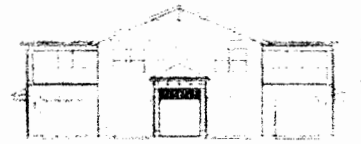
① Building Type V, Left Elevation



③ Building Type V, Right Elevation



② Building Type V, Rear Elevation



④ Building Type V, Front Elevation

A6.51



Front Elevation

FORUM

**RICHTMAN
GROUP**

Building Type III - Exterior Elevations

Architectural rendering is not a contract. The drawing is for informational purposes only. It is not to be used for any other purpose without the written consent of the architect.

SAFETY HARBOR APARTMENTS



Right Side Elevation



Front Elevation

FORUM

REDMAN GROUP

Type I Exterior Elevations

EXHIBIT "F"

RENTAL RATE STRUCTURE

Projected monthly rents, to be determined based on the market at the time of opening for this apartment complex, are as follows per unit type:

- 1 BEDROOM/1 BATH - \$1000+
- 2 BEDROOMS/2 BATHS - \$1300+
- 3 BEDROOMS/2 BATHS - \$1500+

EXHIBIT "F"
TRAFFIC STUDY

**THE RICHMAN GROUP OF FLORIDA, INC.,
PROPERTY
TRANSPORTATION ANALYSIS
CITY OF SAFETY HARBOR, FLORIDA**

Prepared by:



January 2013
Project No.: 4705-000-001

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. INTRODUCTION.....	1
II. TRIP GENERATION.....	3
III. PROJECT TRAFFIC	3
IV. EXISTING CONDITIONS	3
V. FUTURE CONDITIONS	5
VI. DRIVEWAY ANALYSIS.....	7
VII. TURN LANE LENGTH ANALYSIS.....	7
VIII. CONCLUSION	8

LIST OF TABLES

<u>Table</u>	<u>Page</u>
Table 1 Trip Generation.....	3
Table 2A Existing Intersection Analysis Summary.....	4
Table 2B Existing Link Analysis Summary	4
Table 3A Future Intersection Analysis Summary.....	5
Table 3B Future Link Analysis Summary	6

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
Figure 1 Location Map	2

APPENDIX

APPENDIX A	Trip Generation Calculations
APPENDIX B	Traffic Counts and FDOT Seasonal Adjustment Factors
APPENDIX C	Existing Analysis
APPENDIX D	Future Analysis
APPENDIX E	Driveway Analysis
APPENDIX F	FDOT Index 301

I. Introduction

Approximately 34.6 acres is planned for a maximum development potential of 276 apartments and up to 25,000 square feet of office space on the northeast corner of McMullen Booth Road and SR 590 in the City of Safety Harbor, Pinellas County. Access will be provided via SR 590 for the apartments only and the existing right-in/right out driveways on McMullen Booth Road will provide access to the office component. The project location is shown in **Figure 1**.

The purpose of this report is to perform a detailed transportation analysis, which will evaluate the traffic impacts that the project may have on the adjacent roadway segments and at the McMullen Booth Road/ SR 590 intersection, and to determine what improvements, if any, will be required to maintain adequate levels of service.

N



Source: Google Earth maps

EXHIBIT 1

PROJECT LOCATION

THE RICHMAN GROUP OF FLORIDA, INC., PROPERTY

King
ENGINEERING ASSOCIATES, INC.
4921 MEMORIAL HIGHWAY
ONE MEMORIAL CENTER, SUITE 300
TAMPA, FLORIDA 33634
PHONE 813 • 880 • 8881
FAX 813 • 880 • 8882

II. Trip Generation

Traffic volumes generated from the project site were estimated using the appropriate rates published in the Institute of Transportation Engineers (ITE), Trip Generation Manual (Eighth Edition) as provided by the City of Safety Harbor. ITE Land Use Codes (LUC) 220 and 710 were used for the apartment and office uses respectively. Internal capture reduction was not applied, as the connectivity between the two uses is not known at this time.

Table 1 illustrates the daily, AM and PM Peak hour trip generation for the proposed development. Detailed calculations are included in the *Appendix A*.

Table 1 - Trip Generation

Land Use	ITE Land Use Code	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Apartment	220	276 DU	1,835	141	28	113	171	111	60
Office	710	25 KSF	275	39	34	5	37	6	31
Total			2,110	180	62	118	208	117	91

Source: ITE, Trip Generation, 8th Edition

III. Project Traffic

Project traffic was assigned to the adjacent roadway network based on existing traffic and land use patterns in the area using engineering judgment.

IV. Existing Conditions

Turning movement counts for the McMullen Booth Road/ SR 590 intersection was collected during the morning (7:00 AM – 9:00AM) and evening (4:00 PM – 6:00 PM) peak period on a typical weekday (Tuesday – Thursday) of a non-holiday week. Counts were adjusted to peak-season conditions based on FDOT's seasonal adjustment factors for Pinellas County. The field counts and seasonal adjustment factors are included in *Appendix B*.

Analysis was performed for the existing conditions at the study intersection and the adjacent roadway segments. Synchro 7 was used for the intersection analysis. **Table 2A** summarizes the intersection delay and LOS for the peak hours.

**Table 2A - Existing Intersection Analysis Summary
McMullen Booth Road at SR 590**

Peak Period	Existing Geometry		Improved Geometry		Improvements
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	
AM	107.7	F	45.8	D	Southbound left turn lane, Receiving lane for southbound left turn lane, McMullen:Link improvement from 6 to 8 lanes ^{1,2}
PM	104.5	F	44.8	D	

Note: ¹EBR, WBL, WBT movements at LOS F with improved geometry for AM peak hour.

²EBT, WBT and SBL movements at LOS F with improved geometry for PM peak hour.

Results indicate that the study intersection is currently not operating at acceptable levels of service during both the morning and evening peak hours. The link improvement from 6 to 8 lanes and the southbound to eastbound turn lane improvement used above is needed to bring existing overall levels of service to the adopted standard. The intersection analysis summary sheets are attached in *Appendix C*.

Link Analysis

Table 2B summarizes the peak hour link analysis for existing conditions for the study segments.

Table 2B – Existing Link Analysis Summary

Roadway Segment	Lanes	LOS Standard	Existing Peak Hour Volume	Peak Hour Capacity	Peak Hour LOS
McMullen Booth Rd: Gulf to Bay Blvd. to Sunset Pt Rd/Main Street	6LD	D	5,175	4,820	E
SR 590/10 th Ave S/4 th St S/10 th St S: Main St to McMullen Booth Rd	2LU	D	540	1,440	B
SR 590/NE Coachman Rd: US 19 to McMullen Booth Rd	2LU	D	1,152	1,600	C

Note: ¹Existing peak hour volume obtained from Florida Traffic Information DVD (FTI 2011).

Peak hour volume = AADT x K-factor

²Capacities obtained from Generalized Capacity Tables

Based on the analysis it appears that the segment of McMullen Booth Road from Gulf-to-Bay Boulevard to Main Street is currently operating below the adopted standard of service for the peak hour. Widening the segment to 8 lanes is required under existing traffic conditions, for both the study segment and the study intersection to operate at acceptable levels of service. However it

should be noted that McMullen Booth Road from Curlew Road to Gulf-to-Bay Boulevard is designated as a constrained facility (Pinellas County LOS Report 2011), and no improvements are scheduled or planned for this roadway segment.

V. Future Conditions

Future year traffic for the build-out year was estimated as the sum of background traffic and project traffic. No background growth was assumed per the City of Safety Harbor because of the stagnant growth in the area.

Intersection and link analysis was performed for future traffic conditions. *Table 3A* summarizes the intersection delay, LOS and required improvements for the future traffic condition.

**Table 3A – Future Intersection Analysis Summary
McMullen Booth Road at SR 590**

Peak Period	Existing Geometry		Improved Geometry		Improvements
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	
AM	113.0	F	53.9	D	Southbound left turn lane, Receiving lane for southbound left turn lane, McMullen:Link improvement from 6 to 8 lanes ^{1,2}
PM	114.6	F	54.6	D	

Note: ¹WBL, WBT movements at LOS F with improved geometry.

²EBT, SBL movements at LOS F with improved geometry.

It appears from the analysis that the intersection improvements required for the future conditions are triggered by existing traffic. The addition of project traffic is anticipated to create a 5.3 seconds/vehicle (4.9%) and 10.1 seconds/vehicle (9.7%) increase in delay during the AM and PM peak periods respectively with the existing intersection geometry. With the proposed improvements in place, the addition of project traffic is anticipated to create an 8.1 seconds/vehicle (17.7%) and 9.8 seconds/vehicle (21.9%) increase in delay during the AM and PM peak periods respectively. For AM peak period, this difference in the delay increase for existing and improved geometry could be partly attributed to the different signal timings. For PM peak period, the increase in delay due to the addition of project traffic is about the same for both existing and improved geometry conditions. Intersection analyses summary sheets future conditions are included in *Appendix D*.

Link Analysis

Table 3B summarizes the PM peak hour link analysis for future conditions for the study segments.

Table 3B – Future Link Analysis Summary – PM Peak Hour

Roadway Segment	Lanes	LOS Std.	Existing Peak Hour Volume	Project Traffic	Total Traffic	Peak Hour Capacity	Peak Hour LOS
McMullen Booth Rd: Gulf to Bay Blvd. to SR 590	6LD	D	5,175	104	5,279	4,820	E
McMullen Booth Rd: SR 590 to Sunset Pt Rd/Main Street	6LD	D	5,175	80	5,255	4,820	E
SR 590/10 th Ave S/4 th St S/10 th St S: Main St to McMullen Booth Rd	2LU	D	540	27	567	1,440	B
SR 590/NE Coachman Rd: US 19 to McMullen Booth Rd	2LU	D	1,152	53	1,205	1,600	C

Link analysis indicates that the study segment of McMullen Booth Road may continue to operate below the adopted standard of service for the peak hour. It appears from the analysis that the widening to 8 lanes of the study segment required for the future conditions is triggered under existing traffic conditions. It should be noted that McMullen Booth Road from Curlew Road to Gulf-to-Bay Boulevard is designated as a constrained facility (Pinellas County LOS Report 2011), and no improvements are scheduled or planned for this roadway segment.

VI. Driveway Analysis

The project entrance at SR 590 been analyzed for full median opening conditions. The driveway analyses show that for both AM and PM peak hours, the major movements at the intersection of project driveway and SR 590 are anticipated to operate at acceptable levels of service (See *Appendix E*).

VII. Turn Lane Length Analysis

There are three existing right-in right-out driveway cuts along McMullen Road that will provide access to the office parcel. Based on the projected trips, exclusive right turn lanes are not anticipated to be required at these locations.

For the full median opening along SR 590 that will provide access to the multi family units, an exclusive left turn lane is recommended.

Deceleration length required for a design speed of 40 mph = 155 feet (per FDOT Index 301, including 50 feet taper).

Storage length for eastbound left turn lane at the driveway along SR 590 = 100 feet

Total eastbound left turn lane length = 255 feet

FDOT Index 301 is included in *Appendix F*.

VIII. Conclusion

Traffic impacts associated with the proposed development were evaluated. The project is proposed to contain up to 276 apartments and up to 25,000 square feet of office space. Access will be provided via SR 590 for the apartments only and the existing right-in/right out driveways on McMullen Booth Road will provide access to the office component. The analysis of the roadway network indicates that the study roadway segments and study intersections are anticipated to operate at or above adopted levels of service with the widening of McMullen Booth Road segment to 8 lanes and an additional southbound left turn lane with a receiving lane. This improvement is the result of existing deficiencies and is not triggered by project traffic. However it should be noted that McMullen Booth Road from Curlew Road to Gulf-to-Bay Boulevard is designated as a constrained facility (Pinellas County LOS Report 2011), and no improvements are scheduled or planned for this roadway segment.

An eastbound left turn lane of 255 feet is recommended at the project driveway along SR 590.

APPENDIX A

Trip Generation

DATE: 12/13/2012

TRIP GENERATION

Trip generation For Multi Family Detached Unit(Apartment)

Land Use Code 220

Weekday Peak Hour of Adjacent Street traffic One Hour between 7 and 9 a.m.

Use	Unit DU	Daily Traffic		AM		Enter %	Exit %	Enter Trips	Exit Trips
		Fitted Curve Equation or Average Rate	Daily Trip	Fitted Curve Equation or Average Rate	Trip				
Multi family	276	6.65	1835	0.51	141	20	80	28	113

Weekday Peak Hour of Adjacent Street traffic One Hour between 4 and 6 p.m.

Use	Unit DU	Daily Traffic		PM		Enter %	Exit %	Enter Trips	Exit Trips
		Fitted Curve Equation or Average Rate	Daily Trip	Fitted Curve Equation or Average Rate	Trip				
Multi family	276	6.65	1835	0.62	171	65	35	111	60

Trip generation For General Office

Land Use Code 710

Use	Unit 1000 s.f.	Daily Traffic		AM		Enter %	Exit %	Enter Trips	Exit Trips
		Fitted Curve Equation or Average Rate	Daily Trip	Fitted Curve Equation or Average Rate	Trip				
Office	25	11.01	275	1.55	39	88	12	34	5

Use	Unit 1000 s.f.	Daily Traffic		PM		Enter %	Exit %	Enter Trips	Exit Trips
		Fitted Curve Equation or Average Rate	Daily Trip	Fitted Curve Equation or Average Rate	Trip				
Office	25	11.01	275	1.49	37	17	83	6	31

ITE 8th Edition

APPENDIX B

Traffic Counts FDOT Seasonal Adjustment Factors

GTS Engineering

11523 Palmbrush Trail, Ste 317
Lakewood Ranch, FL 34202
941-322-2815

McMullen Booth Rd @ SR 590
County: Pinellas

File Name : McMullen_SR590
Site Code : 00000000
Start Date : 10/23/2012
Page No : 1

Groups Printed- Vehicles - Heavy Trucks

	MCMULLEN BOOTH RD Northbound						MCMULLEN BOOTH RD Southbound						SR 590 Eastbound						SR 590 Westbound							
Start Time	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	Int. Total	
07:00 AM	1	10	176	2	4	193	2	12	751	10	5	780	0	26	13	20	45	104	0	44	12	0	8	64	1141	
07:15 AM	1	9	278	11	2	301	0	4	925	23	1	953	0	29	7	44	24	104	0	40	32	1	6	79	1437	
07:30 AM	3	28	327	10	5	373	0	6	789	18	4	817	1	32	26	21	48	128	0	45	35	4	4	88	1408	
07:45 AM	1	25	311	21	8	367	1	7	815	14	1	838	2	43	22	25	34	128	0	41	33	5	3	82	1413	
Total	6	72	1096	44	17	1234	3	29	3280	65	11	3388	3	130	68	110	151	462	0	170	112	10	21	313	5397	
08:00 AM	0	24	325	11	12	372	3	7	814	22	2	848	0	47	29	35	27	138	0	38	20	5	5	68	1426	
08:15 AM	0	32	327	6	3	368	2	9	871	22	9	713	1	48	36	29	38	153	0	60	49	6	3	118	1362	
08:30 AM	0	16	298	26	4	342	3	16	741	46	8	814	3	25	15	17	38	98	0	48	25	3	4	78	1332	
08:45 AM	2	38	306	13	4	383	4	11	544	33	12	604	4	40	35	9	34	122	0	37	30	3	7	77	1186	
Total	2	110	1254	56	23	1445	12	43	2770	123	31	2979	8	160	115	90	138	511	0	181	124	17	19	341	5276	
*** BREAK ***																										
04:00 PM	0	30	781	24	10	825	2	10	298	31	9	351	1	40	45	1	15	102	0	30	45	4	8	87	1365	
04:15 PM	0	41	730	24	4	799	1	12	299	24	17	353	0	61	49	3	18	131	0	44	32	4	4	84	1367	
04:30 PM	1	47	826	29	3	906	4	10	313	36	13	376	0	40	32	2	31	105	0	35	48	7	7	95	1482	
04:45 PM	1	43	789	25	19	877	2	7	297	31	17	354	0	49	56	4	27	136	0	31	31	1	14	77	1444	
Total	2	161	3108	102	36	3407	9	39	1208	122	56	1434	1	190	182	10	91	474	0	140	154	16	33	343	5658	
05:00 PM	0	38	860	33	5	936	2	11	352	43	14	422	0	59	53	4	24	140	0	62	50	7	13	132	1830	
05:15 PM	1	52	824	35	8	920	6	16	395	36	23	476	0	49	52	5	28	134	0	35	35	1	10	81	1611	
05:30 PM	0	45	702	25	28	800	7	18	321	37	19	402	2	71	53	4	33	183	0	60	48	9	15	132	1497	
05:45 PM	1	35	801	46	4	887	2	5	369	40	9	425	0	45	35	10	30	120	0	47	28	3	8	86	1518	
Total	2	170	3187	139	45	3543	17	50	1437	188	65	1725	2	224	193	23	115	587	0	204	161	20	46	431	6256	
Grand Total	12	513	8842	341	121	9829	41	161	8686	486	163	9528	14	704	558	233	495	2004	0	695	551	63	119	1428	22587	
Approch %	0.1	5.3	89.7	3.5	1.3		0.4	1.7	91.3	4.9	1.7		0.7	35.1	27.8	11.6	24.7		0	48.7	38.6	4.4	8.3			
Total %	0.1	2.3	38.3	1.5	0.5	42.6	0.2	0.7	38.5	2.1	0.7	42.2	0.1	3.1	2.5	1	2.2	8.9	0	3.1	2.4	0.3	0.5	6.3		
Vehicles	12	497	8456	334	118	9415	41	145	8551	453	158	9348	14	691	546	226	485	1962	0	672	539	53	117	1381	22106	
% Vehicles	100	96.9	97.8	97.9	95.9	97.8	100	90.1	98.3	97.2	96.9	98.1	100	98.2	97.8	97	98	97.9	0	98.7	97.8	84.1	98.3	98.7	97.9	
Heavy Trucks	0	16	188	7	5	214	0	16	144	13	5	178	0	13	12	7	10	42	0	23	12	10	2	47	481	
% Heavy Trucks	0	3.1	2.2	2.1	4.1	2.2	0	9.9	1.7	2.8	3.1	1.9	0	1.8	2.2	3	2	2.1	0	3.3	2.2	15.9	1.7	3.3	2.1	

GTS Engineering

11523 Palmbrush Trail, Ste 317
Lakewood Ranch, FL 34202
941-322-2815

McMullen Booth Rd @ SR 590
County: Pinellas

File Name : McMullen_SR590
Site Code : 00000000
Start Date : 10/23/2012
Page No : 2

	MCMULLEN BOOTH RD Northbound						MCMULLEN BOOTH RD Southbound						SR 590 Eastbound						SR 590 Westbound							
Start Time	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	Int. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																										
Peak Hour for Entire Intersection Begins at 07:15 AM																										
07:15 AM	1	9	278	11	2	301	0	4	925	23	1	953	0	29	7	44	24	104	0	40	32	1	8	79	1437	
07:30 AM	3	28	327	10	6	373	0	6	789	18	4	817	1	32	28	21	48	128	0	45	38	4	4	88	1408	
07:45 AM	1	25	314	21	6	367	1	7	815	14	1	838	2	43	22	25	34	126	0	41	33	6	3	82	1413	
08:00 AM	0	24	325	11	12	372	3	7	814	22	2	848	0	47	29	35	27	138	0	38	20	5	5	68	1428	
Total Volume	5	88	1244	53	26	1413	4	24	3343	77	8	3458	3	151	84	125	133	496	0	164	120	15	18	317	5682	
% App. Total	0.4	6.1	88	3.8	1.8		0.1	0.7	86.7	2.2	0.2		0.8	30.4	18.9	25.2	26.8		0	51.7	37.9	4.7	5.7			
PHF	.417	.768	.951	.631	.521	.947	.333	.857	.904	.837	.500	.907	.375	.803	.724	.710	.693	.899	.000	.911	.857	.750	.750	.901	.989	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																										
Peak Hour for Entire Intersection Begins at 05:00 PM																										
05:00 PM	0	38	860	33	5	936	2	11	352	43	14	422	0	59	53	4	24	140	0	62	50	7	13	132	1630	
05:15 PM	1	52	824	35	8	920	6	16	395	36	23	478	0	49	52	5	28	134	0	35	35	1	10	81	1611	
05:30 PM	0	45	702	25	28	800	7	18	321	37	19	402	2	71	53	4	33	163	0	60	48	9	15	132	1497	
05:45 PM	1	35	801	46	4	887	2	5	368	40	9	425	0	45	35	10	30	120	0	47	28	3	8	86	1518	
Total Volume	2	170	3187	139	45	3543	17	50	1437	156	65	1725	2	224	193	23	115	557	0	204	161	20	48	431	6258	
% App. Total	0.1	4.8	90	3.9	1.3		1	2.9	83.3	9	3.8		0.4	40.2	34.8	4.1	20.6		0	47.3	37.4	4.8	10.7			
PHF	.500	.817	.926	.755	.402	.946	.607	.894	.909	.907	.707	.906	.250	.789	.910	.575	.871	.854	.000	.823	.805	.556	.787	.816	.960	

GTS Engineering

11523 Palmbrush Trail, Ste 317
Lakewood Ranch, FL 34202
941-322-2815

McMullen Booth Rd @ SR 590
County: Pinellas

File Name : McMullen_SR590
Site Code : 00000000
Start Date : 10/23/2012
Page No : 1

Groups Printed- Heavy Trucks

Start Time	MCMULLEN BOOTH RD Northbound						MCMULLEN BOOTH RD Southbound						SR 590 Eastbound						SR 590 Westbound						Inl. Total
	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	U-Turn	Left	Thru	Right	RTOR	App. Total	
07:00 AM	0	0	9	0	0	9	0	0	15	1	0	16	0	2	0	0	0	2	0	1	0	0	0	1	28
07:15 AM	0	0	14	1	1	16	0	0	11	0	0	11	0	1	1	1	0	3	0	4	1	0	0	5	35
07:30 AM	0	2	19	0	0	21	0	1	5	2	0	8	0	2	1	1	0	4	0	1	0	0	0	1	34
07:45 AM	0	3	19	0	0	22	0	2	9	0	0	11	0	3	1	1	0	5	0	1	0	2	1	4	42
Total	0	5	61	1	1	68	0	3	40	3	0	46	0	8	3	3	0	14	0	7	1	2	1	11	139
08:00 AM	0	1	12	0	0	13	0	0	7	0	0	7	0	1	1	2	1	5	0	0	2	3	0	5	30
08:15 AM	0	1	12	0	0	13	0	1	8	0	0	7	0	1	1	0	0	2	0	2	2	2	1	7	29
08:30 AM	0	2	19	1	0	22	0	0	12	2	1	15	0	1	0	0	0	1	0	2	0	0	0	2	40
08:45 AM	0	2	12	0	1	15	0	2	13	2	0	17	0	1	0	0	1	2	0	2	0	0	0	2	36
Total	0	6	55	1	1	63	0	3	38	4	1	46	0	4	2	2	2	10	0	6	4	5	1	18	135
*** BREAK ***																									
04:00 PM	0	0	10	1	0	11	0	1	10	1	0	12	0	1	3	0	0	4	0	0	0	2	0	2	29
04:15 PM	0	0	14	1	1	16	0	2	16	0	2	20	0	0	2	0	2	4	0	3	2	1	0	6	46
04:30 PM	0	1	16	0	0	17	0	0	8	1	1	10	0	0	0	0	2	2	0	2	5	0	0	7	36
04:45 PM	0	0	6	0	1	7	0	0	5	2	0	7	0	0	2	1	1	4	0	1	0	0	0	1	19
Total	0	1	46	2	2	51	0	3	39	4	3	49	0	1	7	1	5	14	0	6	7	3	0	16	130
05:00 PM	0	1	7	0	0	8	0	1	15	2	0	18	0	0	0	0	1	1	0	2	0	0	0	2	29
05:15 PM	0	1	4	1	0	6	0	3	8	0	1	10	0	0	0	0	1	1	0	0	0	0	0	0	17
05:30 PM	0	0	9	1	0	10	0	3	5	0	0	8	0	0	0	0	1	1	0	1	0	0	0	1	20
05:45 PM	0	2	4	1	1	8	0	0	1	0	0	1	0	0	0	1	0	1	0	1	0	0	0	1	11
Total	0	4	24	3	1	32	0	7	27	2	1	37	0	0	0	1	3	4	0	4	0	0	0	4	77
Grand Total	0	16	186	7	5	214	0	16	144	13	5	178	0	13	12	7	10	42	0	23	12	10	2	47	481
Approch %	0	7.5	86.9	3.3	2.3		0	9	80.9	7.3	2.8		0	31	28.6	16.7	23.8		0	48.9	25.5	21.3	4.3		
Total %	0	3.3	38.7	1.5	1	44.5	0	3.3	29.8	2.7	1	37	0	2.7	2.5	1.5	2.1	8.7	0	4.8	2.5	2.1	0.4	9.8	

PEDESTRIAN/BICYCLE VOLUME SHEET

LOCATION ID: McMullen Booth Rd at SR 590

COUNTY: Pinellas

CITY:

TYPE OF CONTROL: Signalized

STUDY DATE:

TIME: FROM 7:00 TO 8:00

OBSERVER: GTS ENGINEERING

REMARKS:

7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00
PEDESTRIANS			
BICYCLES			

7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00
PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
BICYCLES			
	1		

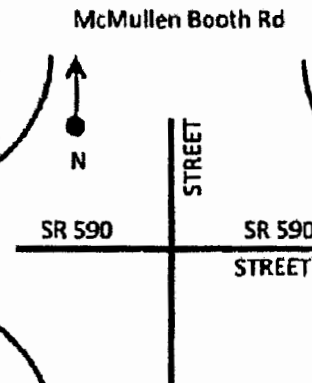
PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
	1		
BICYCLES			

PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
1			
BICYCLES			
1			
7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00

PEDESTRIANS			
	1		
BICYCLES			
7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00



PEDESTRIAN/BICYCLE VOLUME SHEET

LOCATION ID: McMullen Booth Rd at SR 590

COUNTY: Pinellas

CITY:

TYPE OF CONTROL:

Signalized

STUDY DATE:

TIME:

FROM

8:00

TO

9:00

OBSERVER: GTS ENGINEERING

REMARKS:

8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00
PEDESTRIANS			
		1	
BICYCLES			
1	1	1	

8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00
PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
BICYCLES			
			1

PEDESTRIANS			
BICYCLES			
		1	

PEDESTRIANS			
BICYCLES			
			1

PEDESTRIANS			
1			
BICYCLES			
	1	1	
8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00

PEDESTRIANS			
		1	
BICYCLES			
1			
8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00

McMullen Booth Rd

N

SR 590

STREET

SR 590

STREET

McMullen Booth Rd

PEDESTRIAN/BICYCLE VOLUME SHEET

LOCATION ID: McMullen Booth Rd at SR 590

COUNTY: Pinellas

CITY:

TYPE OF CONTROL:

Signalized

STUDY DATE:

TIME:

FROM

4:00

TO

5:00

OBSERVER: GTS ENGINEERING

REMARKS:

4:00-4:15	4:15-4:30	4:30-4:45	4:45-5:00
PEDESTRIANS			
BICYCLES			

4:00-4:15	4:15-4:30	4:30-4:45	4:45-5:00
PEDESTRIANS			
BICYCLES			
1			

PEDESTRIANS			
BICYCLES			
			1

PEDESTRIANS			
1			
BICYCLES			

PEDESTRIANS			
BICYCLES			
			1

PEDESTRIANS			
BICYCLES			
1			

PEDESTRIANS			
11			
BICYCLES			
4:00-4:15	4:15-4:30	4:30-4:45	4:45-5:00

PEDESTRIANS			
		1	4
BICYCLES			
			11
4:00-4:15	4:15-4:30	4:30-4:45	4:45-5:00

McMullen Booth Rd

SR 590

SR 590

STREET

McMullen Booth Rd

PEDESTRIAN/BICYCLE VOLUME SHEET

LOCATION ID: McMullen Booth Rd at SR 590

COUNTY: Pinellas

CITY:

TYPE OF CONTROL:

Signalized

STUDY DATE:

TIME:

FROM

5:00

TO

6:00

OBSERVER: GTS ENGINEERING

REMARKS:

5:00-5:15	5:15-5:30	5:30-5:45	5:45-6:00
PEDESTRIANS			
1			
BICYCLES			

5:00-5:15	5:15-5:30	5:30-5:45	5:45-6:00
PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
			1
BICYCLES			
			11

PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
BICYCLES			

PEDESTRIANS			
11		1	
BICYCLES			
1			11

PEDESTRIANS			
BICYCLES			
5:00-5:15	5:15-5:30	5:30-5:45	5:45-6:00

PEDESTRIANS			
BICYCLES			
5:00-5:15	5:15-5:30	5:30-5:45	5:45-6:00

McMullen Booth Rd

SR 590

SR 590

McMullen Booth Rd

STREET

N

FLORIDA DEPARTMENT OF TRANSPORTATION
2011 Annual Average Daily Traffic Report - Report Type: ALL

County: 13 PINELLAS

Site	Site Type	Description	Direction 1	Direction 2	AADT Two-Way	"K" FGTR	"D" FGTR	"T" FGTR
0019		SR 590/10TH ST, E OF MC MULLEN-BOOTH RD/CR 611	E 3000	W 3000	6000 C	9.0	56.5F	2.7F
0064		SR 590/NE COACHMAN RD, E OF US 19/SR 55	E 6100	W 6700	12800 C	9.0	56.5F	2.6A
9206		MC MULLEN BOOTH RD, N OF SR 590/10TH ST N	N 29500	S 28000	57500 C	9.0	56.5F	3.1A

Site Type : Blank= Portable; T= Telemetered

"K" Factor : Department adopted standard K factor beginning with count year 2011

AADT Flags : C= Computed; E= Manual Est; F= First Year Est; S= Second Year Est; T= Third Year Est; X= Unknown

"D/T" Flags : A= Actual; F= Factor Catg; D= Dist Funcl; P= Prior Year; S= Statewide Default; W= One-Way Road; X= Cross Ref

2011 Peak Season Factor Category Report - Report Type: ALL
Category: 1500 PINELLAS COUNTYWIDE

Category: 1000 Period: 2000-2011

Week	Dates	SF	MOCF: 0.92 PSCF
1	01/01/2011 - 01/01/2011	1.06	1.15
2	01/02/2011 - 01/08/2011	1.05	1.14
3	01/09/2011 - 01/15/2011	1.04	1.12
4	01/16/2011 - 01/22/2011	1.01	1.09
5	01/23/2011 - 01/29/2011	0.99	1.07
6	01/30/2011 - 02/05/2011	0.97	1.05
* 7	02/06/2011 - 02/12/2011	0.95	1.03
* 8	02/13/2011 - 02/19/2011	0.93	1.01
* 9	02/20/2011 - 02/26/2011	0.92	1.00
*10	02/27/2011 - 03/05/2011	0.91	0.98
*11	03/06/2011 - 03/12/2011	0.90	0.97
*12	03/13/2011 - 03/19/2011	0.90	0.97
*13	03/20/2011 - 03/26/2011	0.90	0.97
*14	03/27/2011 - 04/02/2011	0.91	0.98
*15	04/03/2011 - 04/09/2011	0.92	1.00
*16	04/10/2011 - 04/16/2011	0.93	1.01
*17	04/17/2011 - 04/23/2011	0.94	1.02
*18	04/24/2011 - 04/30/2011	0.95	1.03
*19	05/01/2011 - 05/07/2011	0.96	1.04
20	05/08/2011 - 05/14/2011	0.97	1.05
21	05/15/2011 - 05/21/2011	0.99	1.07
22	05/22/2011 - 05/28/2011	0.99	1.07
23	05/29/2011 - 06/04/2011	0.99	1.07
24	06/05/2011 - 06/11/2011	1.00	1.08
25	06/12/2011 - 06/18/2011	1.00	1.08
26	06/19/2011 - 06/25/2011	1.01	1.09
27	06/26/2011 - 07/02/2011	1.01	1.09
28	07/03/2011 - 07/09/2011	1.01	1.09
29	07/10/2011 - 07/16/2011	1.02	1.10
30	07/17/2011 - 07/23/2011	1.03	1.11
31	07/24/2011 - 07/30/2011	1.03	1.11
32	07/31/2011 - 08/06/2011	1.04	1.12
33	08/07/2011 - 08/13/2011	1.05	1.14
34	08/14/2011 - 08/20/2011	1.06	1.15
35	08/21/2011 - 08/27/2011	1.06	1.15
36	08/28/2011 - 09/03/2011	1.07	1.16
37	09/04/2011 - 09/10/2011	1.07	1.16
38	09/11/2011 - 09/17/2011	1.08	1.17
39	09/18/2011 - 09/24/2011	1.07	1.16
40	09/25/2011 - 10/01/2011	1.06	1.15
41	10/02/2011 - 10/08/2011	1.05	1.14
42	10/09/2011 - 10/15/2011	1.04	1.12
43	10/16/2011 - 10/22/2011	1.04	1.12
44	10/23/2011 - 10/29/2011	1.05	1.14
45	10/30/2011 - 11/05/2011	1.05	1.14
46	11/06/2011 - 11/12/2011	1.05	1.14
47	11/13/2011 - 11/19/2011	1.05	1.14
48	11/20/2011 - 11/26/2011	1.05	1.14
49	11/27/2011 - 12/03/2011	1.05	1.14
50	12/04/2011 - 12/10/2011	1.06	1.15
51	12/11/2011 - 12/17/2011	1.06	1.15
52	12/18/2011 - 12/24/2011	1.05	1.14
53	12/25/2011 - 12/31/2011	1.04	1.12

























* Peak Season

APPENDIX C

Existing Analysis

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Geometry
AM Peak

												
Lane Group	EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Lane Configurations												
Volume (vph)	176	96	294	187	137	38	104	1418	89	32	3811	97
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.91	1.00	1.00	0.91	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	1810	1583	3367	1792	1369	3273	4940	1568	1626	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	1810	1583	3367	1792	1369	3273	4940	1568	1626	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)						36			91			99
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	5%	5%	2%	4%	6%	18%	7%	5%	3%	11%	2%	2%
Adj. Flow (vph)	180	98	300	191	140	39	106	1447	91	33	3889	99
Shared Lane Traffic (%)												
Lane Group Flow (vph)	180	98	300	191	140	39	106	1447	91	33	3889	99
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	10.0	21.0	9.0	10.0	21.0	12.0	9.0	77.0	10.0	12.0	80.0	10.0
Total Split (%)	8.3%	17.5%	7.5%	8.3%	17.5%	10.0%	7.5%	64.2%	8.3%	10.0%	66.7%	8.3%
Maximum Green (s)	5.0	16.0	4.0	5.0	16.0	7.0	4.0	70.0	5.0	7.0	73.0	5.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	5.0	13.6	25.0	5.0	13.6	25.4	6.4	74.7	86.7	6.8	73.0	85.0
Actuated g/C Ratio	0.04	0.11	0.21	0.04	0.11	0.21	0.05	0.62	0.72	0.06	0.61	0.71
w/c Ratio	1.29	0.48	0.91	1.36	0.69	0.12	0.61	0.47	0.08	0.36	1.26	0.09
Control Delay	220.6	57.1	78.2	245.5	68.2	13.7	72.0	13.5	1.4	65.4	143.2	1.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	220.6	57.1	78.2	245.5	68.2	13.7	72.0	13.5	1.4	65.4	143.2	1.2

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Geometry
AM Peak









	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
LOS	F	E	E	F	E	B	E	B	A	E	F	A
Approach Delay		118.9			154.0			16.6			139.1	
Approach LOS		F			F			B			F	
Queue Length 50th (ft)	~91	72	229	~100	105	2	42	228	0	25	~1382	0
Queue Length 95th (ft)	#167	126	#395	#177	173	31	#103	267	16	60	#1452	15
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	139	241	330	140	239	322	173	3074	1158	97	3093	1150
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.29	0.41	0.91	1.36	0.59	0.12	0.61	0.47	0.08	0.34	1.26	0.09

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 150
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.36
 Intersection Signal Delay: 107.7
 Intersection Capacity Utilization 111.3%
 Analysis Period (min) 15
 Intersection LOS: F
 ICU Level of Service H

- Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

 01	 02	 03	 04
 05	 06	 07	 08

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Geometry
PM Peak

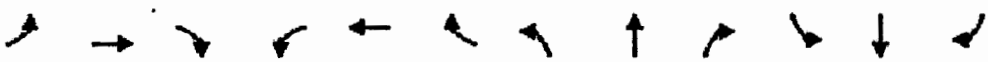
	EBB	EBB	EBB	WB	WB	WB	WB	WB	WB	WB	WB	WB
	↖	→	↗	↖	→	↗	↖	→	↗	↖	→	↗
Lane Configurations	↖	→	↗	↖	→	↗	↖	→	↗	↖	→	↗
Volume (vph)	258	220	157	233	184	75	196	3633	210	76	1638	252
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.91	1.00	1.00	0.91	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3433	1863	1568	3433	1863	1583	3433	5085	1583	1641	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3433	1863	1568	3433	1863	1583	3433	5085	1583	1641	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			13						99			135
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Heavy Vehicles (%)	2%	2%	3%	2%	2%	2%	2%	2%	2%	10%	2%	2%
Adj. Flow (vph)	269	229	164	243	192	78	204	3784	219	79	1706	262
Shared Lane Traffic (%)												
Lane Group Flow (vph)	269	229	164	243	192	78	204	3784	219	79	1706	262
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	12.0	9.0	21.0	9.0	12.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	12.0	21.0	16.0	12.0	21.0	9.0	16.0	78.0	12.0	9.0	71.0	12.0
Total Split (%)	10.0%	17.5%	13.3%	10.0%	17.5%	7.5%	13.3%	65.0%	10.0%	7.5%	59.2%	10.0%
Maximum Green (s)	7.0	16.0	8.0	7.0	16.0	4.0	8.0	71.0	7.0	4.0	64.0	7.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	4.0	1.0	1.0	1.0	4.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	8.0	5.0	5.0	5.0	8.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effect Green (s)	7.0	16.0	29.0	7.0	16.0	25.0	8.0	71.0	85.0	4.0	64.0	78.0
Actuated g/C Ratio	0.06	0.13	0.24	0.06	0.13	0.21	0.07	0.59	0.71	0.03	0.53	0.65
v/c Ratio	1.34	0.92	0.42	1.22	0.77	0.24	0.89	1.26	0.19	1.44	0.63	0.24
Control Delay	227.4	92.2	39.2	180.6	71.6	41.9	92.6	144.0	3.5	314.6	21.0	4.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	227.4	92.2	39.2	180.6	71.6	41.9	92.6	144.0	3.5	314.6	21.0	4.6

Existing Geometry 12/18/2012 PM Peak

Synchro 7 - Report
Page 1

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Geometry
PM Peak









												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
LOS	F	F	D	F	E	D	F	F	A	F	C	A
Approach Delay		134.0			118.7			134.2			30.2	
Approach LOS		F			F			F			C	
Queue Length 50th (ft)	~140	178	99	~118	146	51	82	~1345	26	~83	326	35
Queue Length 95th (ft)	#228	#330	167	#203	#259	96	#154	#1416	51	#186	376	68
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	200	248	389	200	248	330	229	3009	1150	55	2712	1076
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.35	0.92	0.42	1.22	0.77	0.24	0.88	1.26	0.19	1.44	0.63	0.24

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 150
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.44
 Intersection Signal Delay: 104.5
 Intersection Capacity Utilization 111.0%
 Analysis Period (min) 15
 - Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.













Intersection LOS: F
 ICU Level of Service H

Splits and Phases: 3: SR 590 & McMullen Booth Rd

 e1	 e2	 e3	 e4
 e5	 e6	 e7	 e8

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Conditions - With Improvement
AM Peak

	EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
												
Lane Configurations	TT	↑	↑	TT	↑	↑	TT	↑↑↑	↑	TT	↑↑↑	↑
Volume (vph)	176	96	294	187	137	38	104	1418	89	32	3811	97
Ideal Flow (vphpl)	1900	1900	1900	1800	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.86	1.00	0.97	0.86	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	1810	1583	3367	1792	1369	3273	6225	1568	3155	6408	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	1810	1583	3367	1792	1369	3273	6225	1568	3155	6408	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			7			39			91			99
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	5%	5%	2%	4%	6%	8%	7%	5%	3%	11%	2%	2%
Adj. Flow (vph)	180	98	300	191	140	39	106	1447	91	33	3889	99
Shared Lane Traffic (%)												
Lane Group Flow (vph)	180	98	300	191	140	39	106	1447	91	33	3889	99
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	21.0	24.0	13.0	18.0	21.0	9.0	13.0	99.0	18.0	9.0	95.0	21.0
Total Split (%)	14.0%	16.0%	8.7%	12.0%	14.0%	6.0%	8.7%	66.0%	12.0%	6.0%	63.3%	14.0%
Maximum Green (s)	16.0	19.0	8.0	13.0	16.0	4.0	8.0	92.0	13.0	4.0	88.0	16.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effect Green (s)	13.2	16.3	31.8	12.2	15.4	25.4	10.5	96.5	115.8	5.0	89.0	109.2
Actuated g/C Ratio	0.09	0.11	0.21	0.08	0.10	0.17	0.07	0.64	0.77	0.03	0.59	0.73
v/c Ratio	0.61	0.50	0.88	0.69	0.76	0.15	0.46	0.36	0.07	0.31	1.02	0.08
Control Delay	74.9	71.2	82.0	80.7	90.6	16.2	75.1	13.4	1.0	79.3	51.2	1.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	74.9	71.2	82.0	80.7	90.6	16.2	75.1	13.4	1.0	79.3	51.2	1.1

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Conditions - With Improvement
AM Peak

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SEB	SBR
LOS	E	E	F	F	F	B	E	B	A	E	D	A
Approach Delay		78.0			77.7			16.7			50.2	
Approach LOS		E			E			B			D	
Queue Length 50:h (ft)	69	91	281	94	134	0	53	197	0	16	~1184	0
Queue Length 95:h (ft)	128	152	#451	138	#236	35	87	222	14	36	#1222	15
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	360			270		105	380		250	460		345
Base Capacity (vph)	356	229	341	282	197	264	228	4006	1239	105	3801	1207
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.51	0.43	0.88	0.65	0.71	0.15	0.46	0.36	0.07	0.31	1.02	0.08

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 120

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.02

Intersection Signal Delay: 45.6

Intersection LOS: D

Intersection Capacity Utilization 92.9%

ICU Level of Service F

Analysis Period (min) 15









- Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

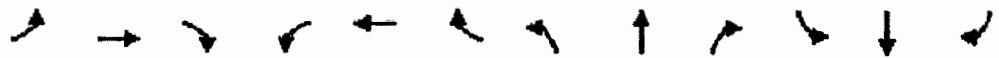
Existing Conditions - With Improvement
PM Peak

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	258	220	157	233	184	75	196	3633	210	76	1638	252
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.86	1.00	0.97	0.86	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3433	1863	1568	3433	1863	1583	3433	6408	1583	3183	6408	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3433	1863	1568	3433	1863	1583	3433	6408	1583	3183	6408	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			18			9			95			111
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			760	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Heavy Vehicles (%)	2%	2%	3%	2%	2%	2%	2%	2%	2%	10%	2%	2%
Adj. Flow (vph)	269	229	164	243	192	78	204	3784	219	79	1706	262
Shared Lane Traffic (%)												
Lane Group Flow (vph)	269	229	164	243	192	78	204	3784	219	79	1706	262
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Spôt (s)	23.0	25.0	20.0	21.0	23.0	9.0	20.0	95.0	21.0	9.0	84.0	23.0
Total Split (%)	15.3%	16.7%	13.3%	14.0%	15.3%	6.0%	13.3%	63.3%	14.0%	6.0%	56.0%	15.3%
Maximum Green (s)	18.0	20.0	15.0	16.0	18.0	4.0	15.0	88.0	16.0	4.0	77.0	18.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	16.2	20.2	38.6	14.8	18.8	28.6	13.4	88.2	110.0	4.8	79.6	102.8
Actuated g/C Ratio	0.11	0.13	0.26	0.10	0.13	0.19	0.09	0.59	0.73	0.03	0.53	0.69
w/c Ratio	0.73	0.91	0.39	0.72	0.82	0.25	0.66	1.00	0.18	0.77	0.50	0.23
Control Delay	76.5	101.5	43.6	78.0	90.5	48.7	76.8	46.3	3.6	113.0	23.5	5.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	76.5	101.5	43.6	78.0	90.5	48.7	76.8	46.3	3.6	113.0	23.5	5.5

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Existing Conditions - With Improvement

PM Peak



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	E	F	D	E	F	D	E	D	A	F	C	A
Approach Delay		77.0			78.2			45.5			24.6	
Approach LOS		E			E			D			C	
Queue Length 50th (ft)	132	225	118	120	186	58	100	1063	31	40	310	49
Queue Length 95th (ft)	181	#389	188	168	#329	111	144	#1163	55	#97	347	85
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	412	253	433	366	234	309	343	3769	1198	102	3401	1138
Starvation Cap Reductn	0	0	0	0	0	0	C	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	C	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	C	0	0	0	0	0
Reduced v/c Ratio	0.65	0.91	0.38	0.66	0.82	0.25	0.59	1.00	0.18	0.77	0.50	0.23

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 120

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.00

Intersection Signal Delay: 44.8

Intersection LOS: D

Intersection Capacity Utilization 92.5%

ICU Level of Service F

Analysis Period (min) 15

- Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

APPENDIX D

Future Analysis

TMC Sheet

EAST-WEST STREET : SR 590
 NORTH-SOUTH STREET : McMullen Booth Road
 COUNT YEAR : 2012
 TIME PERIOD : AM
 PSCF : 1.14

	SR 590						McMullen Booth Road					
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
"EXISTING TRAFFIC"	134	84	258	164	120	33	91	1244	78	21	3243	85
"EXISTING ADJUSTED TRAFFIC"	176	96	284	187	137	38	104	1418	88	32	3811	97
"PROJECT TRAFFIC"	5	4		32	38	14		9	7	31	1	1
"EXISTING+PROJECT TRAFFIC"	181	100	284	219	175	52	104	1427	95	63	3812	98

EAST-WEST STREET : SR 590
 NORTH-SOUTH STREET : McMullen Booth Road
 COUNT YEAR : 2012
 TIME PERIOD : PM
 PSCF : 1.14

	SR 590						McMullen Booth Road					
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
"EXISTING TRAFFIC"	226	193	158	284	161	66	172	3117	184	67	1437	221
"EXISTING ADJUSTED TRAFFIC"	258	220	157	233	184	75	195	3633	210	78	1638	252
"PROJECT TRAFFIC"	1	17		10	9	13		3	53	33	16	5
"EXISTING+PROJECT TRAFFIC"	259	237	157	243	193	90	196	3636	264	109	1654	257

EAST-WEST STREET : SR 590
 NORTH-SOUTH STREET : Residential Driveway
 COUNT YEAR : 2012
 TIME PERIOD : AM
 PSCF : 0.97

	SR 590						Residential Driveway					
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
"EXISTING TRAFFIC"		144			232							
"EXISTING ADJUSTED TRAFFIC"		140			244							
"PROJECT TRAFFIC"	23	0			3	3				12		101
"EXISTING+PROJECT TRAFFIC"	23	140	0	0	247	3	0	0	0	12	0	101

EAST-WEST STREET : SR 590
 NORTH-SOUTH STREET : Residential Driveway
 COUNT YEAR : 2012
 TIME PERIOD : PM
 PSCF : 0.97

	SR 590						Residential Driveway					
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
"EXISTING TRAFFIC"		351			253							
"EXISTING ADJUSTED TRAFFIC"		340			246							
"PROJECT TRAFFIC"	109	3			0	11				6		34
"EXISTING+PROJECT TRAFFIC"	109	343	0	0	246	11	0	0	0	6	0	34

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions
AM Peak

	EBB	EBT	EBP	WBL	WBT	WBP	TNB	TBE	TBP	TNB	TBE	TBP
	↖	→	↘	↖	→	↘	↖	↖	↖	↖	↖	↖
Lane Configurations	↖	↑	↗	↖	↑	↗	↖	↑↑↑	↗	↖	↑↑↑	↗
Volume (vph)	181	100	294	239	175	52	104	1427	96	63	3812	98
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.91	1.00	1.00	0.91	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	1810	1583	3367	1792	1369	3273	4940	1568	1626	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	1810	1583	3367	1792	1369	3273	4940	1568	1626	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)						28			98			100
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	5%	5%	2%	4%	6%	18%	7%	5%	3%	11%	2%	2%
Adj. Flow (vph)	185	102	300	244	179	53	106	1456	98	64	3890	100
Shared Lane Traffic (%)												
Lane Group Flow (vph)	185	102	300	244	179	53	106	1456	98	64	3890	100
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	11.0	21.0	9.0	11.0	21.0	15.0	9.0	73.0	11.0	15.0	79.0	11.0
Total Split (%)	9.2%	17.5%	7.5%	9.2%	17.5%	12.5%	7.5%	60.8%	9.2%	12.5%	65.8%	9.2%
Maximum Green (s)	6.0	16.0	4.0	6.0	16.0	10.0	4.0	66.0	6.0	10.0	72.0	6.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	6.0	15.0	25.0	6.0	15.0	28.8	5.0	70.4	83.4	8.9	72.0	85.0
Actuated g/C Ratio	0.05	0.12	0.21	0.05	0.12	0.24	0.04	0.59	0.70	0.07	0.60	0.71
v/c Ratio	1.11	0.45	0.91	1.45	0.80	0.15	0.77	0.50	0.09	0.53	1.27	0.09
Control Delay	153.3	55.2	78.2	273.4	76.6	20.6	91.2	16.2	1.3	69.3	151.3	1.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	153.3	55.2	78.2	273.4	76.6	20.6	91.2	16.2	1.3	69.3	151.3	1.2

Future Conditions 12/18/2012 AM Peak

Synchro 7 - Report
Page 1

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions
AM Peak









	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SEB	SEB
LOS	F	E	E	F	E	C	F	B	A	E	F	A
Approach Delay		97.8			171.3			20.1			146.3	
Approach LOS		F			F			C			F	
Queue Length 50th (ft)	-84	74	229	-132	135	15	43	252	0	48	-1395	0
Queue Length 95th (ft)	#160	131	#395	#218	#243	48	#103	294	18	95	#1465	15
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	167	241	330	168	239	362	137	2897	1119	136	3051	1150
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.11	0.42	0.91	1.45	0.75	0.15	0.77	0.50	0.09	0.47	1.27	0.09

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 150
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.45
 Intersection Signal Delay: 113.0
 Intersection Capacity Utilization 112.8%
 Analysis Period (min) 15
 Intersection LOS: F
 ICU Level of Service H

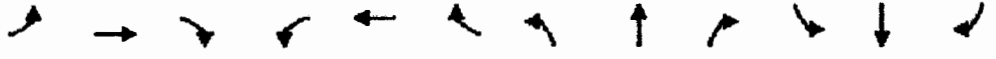
~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

 e1	 e2	 e3	 e4
 e5	 e6	 e7	 e8

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions
PM Peak

												
Lane Group	EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Lane Configurations	↖↗	↑	↖	↖↗	↑	↖	↖↗	↑↑↑	↖	↖	↑↑↑	↖
Volume (vph)	259	237	157	263	193	90	196	3636	265	109	1654	257
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.91	1.00	1.00	0.91	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3433	1863	1568	3433	1863	1583	3433	5085	1583	1641	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3433	1863	1568	3433	1863	1583	3433	5085	1583	1641	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			11						82			128
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Heavy Vehicles (%)	2%	2%	3%	2%	2%	2%	2%	2%	2%	10%	2%	2%
Adj. Flow (vph)	270	247	164	274	201	94	204	3788	276	114	1723	268
Shared Lane Traffic (%)												
Lane Group Flow (vph)	270	247	164	274	201	94	204	3788	276	114	1723	268
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	12.0	21.0	17.0	12.0	21.0	11.0	17.0	76.0	12.0	11.0	70.0	12.0
Total Split (%)	0.0%	17.5%	14.2%	10.0%	17.5%	9.2%	14.2%	63.3%	10.0%	9.2%	58.3%	10.0%
Maximum Green (s)	7.0	16.0	12.0	7.0	16.0	6.0	12.0	69.0	7.0	6.0	63.0	7.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effect Green (s)	7.0	16.0	32.2	7.0	16.0	27.0	11.2	69.0	83.0	6.0	63.8	77.8
Actuated g/C Ratio	0.06	0.13	0.27	0.06	0.13	0.22	0.09	0.58	0.69	0.05	0.53	0.65
v/c Ratio	1.35	1.00	0.38	1.37	0.81	0.26	0.64	1.30	0.25	1.39	0.64	0.25
Control Delay	229.3	108.5	36.1	238.9	75.4	40.7	61.8	161.4	5.3	275.9	21.4	5.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	229.3	108.5	36.1	238.9	75.4	40.7	61.8	161.4	5.3	275.9	21.4	5.2

Future Conditions 12/18/2012 PM Peak

Synchro 7 - Report
Page 1

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions
PM Peak









	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SP	ST	SR
LOS	F	F	D	F	E	D	E	F	A	F	C	A
Approach Delay	138.0			147.4			146.5				33.1	
Approach LOS	F			F			F				C	
Queue Length 50th (ft)	~141	194	96	~144	153	60	79	~1373	48	~118	338	40
Queue Length 95th (ft)	#229	#364	160	#233	#277	110	120	#1444	81	#239	389	77
Internal Link Dist (ft)	835			987			780				700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	200	248	439	200	248	356	343	2924	1120	82	2704	1071
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.35	1.00	0.37	1.37	0.81	0.26	0.59	1.30	0.25	1.39	0.64	0.25

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 150
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.39
 Intersection Signal Delay: 114.6
 Intersection Capacity Utilization 114.6%
 Analysis Period (min) 15
 Intersection LOS: F
 ICU Level of Service H

- Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

 e1	 e2	 e3	 e4
 e5	 e6	 e7	 e8

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions - With Improvements
AM Peak

	EB	EB	EB	WB	WB	WB	NB	NB	NB			
	↖	→	↘	↖	→	↘	↖	→	↘	↖	→	↘
Lane Configurations	↖	↑	↗	↖	↑	↗	↖	↑	↗	↖	↑	↗
Volume (vph)	181	100	294	239	175	52	104	1427	96	63	3812	98
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft.)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.86	1.00	0.97	0.86	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	1810	1583	3367	1792	1369	3273	6225	1568	3155	6406	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	1810	1583	3367	1792	1369	3273	6225	1568	3155	6406	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			6			44			98			100
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	5%	5%	2%	4%	6%	18%	7%	5%	3%	11%	2%	2%
Adj. Flow (vph)	185	102	300	244	179	53	106	1456	98	64	3890	100
Shared Lane Traffic (%)												
Lane Group Flow (vph)	185	102	300	244	179	53	106	1456	98	64	3890	100
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	19.0	23.0	15.0	20.0	24.0	12.0	15.0	95.0	20.0	12.0	92.0	19.0
Total Split (%)	12.7%	15.3%	10.0%	13.3%	16.0%	8.0%	10.0%	63.3%	13.3%	8.0%	61.3%	12.7%
Maximum Green (s)	14.0	18.0	10.0	15.0	19.0	7.0	10.0	88.0	15.0	7.0	85.0	14.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	12.7	16.4	32.3	14.3	17.9	29.8	11.0	90.5	111.7	6.9	86.4	106.1
Actuated g/C Ratio	0.08	0.11	0.22	0.10	0.12	0.20	0.07	0.60	0.74	0.05	0.58	0.71
v/c Ratio	0.65	0.52	0.87	0.76	0.84	0.17	0.44	0.39	0.08	0.44	1.05	0.09
Control Delay	77.7	72.3	79.8	82.0	94.8	18.1	73.2	16.1	1.1	79.3	63.0	1.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	77.7	72.3	79.8	82.0	94.8	18.1	73.2	16.1	1.1	79.3	63.0	1.3

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions - With Improvements
AM Peak









	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SEB	SEB
LOS	E	E	E	F	F	B	E	B	A	E	E	A
Approach Delay		77.8			79.7			18.9			61.7	
Approach LOS		E			E			B			E	
Queue Length 50th (ft)	91	95	279	121	172	7	52	215	0	31	-1223	0
Queue Length 95th (ft)	134	159	#442	170	#293	47	86	241	15	58	#1261	17
Internal Link Dist (ft)		835			887			780			700	
Turn Bay Length (ft)	380			270		105	380		250	460		345
Base Capacity (vph)	311	217	346	337	228	309	239	3754	1200	149	3691	1162
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.59	0.47	0.87	0.72	0.79	0.17	0.44	0.39	0.08	0.43	1.05	0.09

Intersection Summary

Area Type: Other
 Cycle Length: 150
 Actuated Cycle Length: 150
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 140
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.05
 Intersection Signal Delay: 53.9
 Intersection Capacity Utilization 94.4%
 Analysis Period (min) 15
 Intersection LOS: D
 ICU Level of Service F

- Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

























Splits and Phases: 3: SR 590 & McMullen Booth Rd

 p1	 p2	 p3	 p4
 p5	 p6	 p7	 p8

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions - With Improvements

PM Peak

												
Lane Configs	EB	EBT	EBR	WB	WBT	WBR	NE	NEB	NEB	NEB	WB	WB
Lane Configurations												
Volume (vph)	259	237	157	263	193	90	196	3636	265	109	1654	257
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	380		0	270		105	380		250	460		345
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	0.97	1.00	1.00	0.97	1.00	1.00	0.97	0.86	1.00	0.97	0.86	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3433	1863	1568	3433	1863	1583	3433	6408	1583	3183	6408	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3433	1863	1568	3433	1863	1583	3433	6408	1583	3183	6408	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			11			5			76			126
Link Speed (mph)		35			35			45			45	
Link Distance (ft)		915			1067			860			780	
Travel Time (s)		17.8			20.8			13.0			11.8	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Heavy Vehicles (%)	2%	2%	3%	2%	2%	2%	2%	2%	2%	10%	2%	2%
Adj. Flow (vph)	270	247	164	274	201	94	204	3788	276	114	1723	268
Shared Lane Traffic (%)												
Lane Group Flow (vph)	270	247	164	274	201	94	204	3788	276	114	1723	268
Turn Type	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov	Prot		pm+ov
Protected Phases	7	4	5	3	8	1	5	2	3	1	6	7
Permitted Phases			4			8			2			6
Detector Phase	7	4	5	3	8	1	5	2	3	1	6	7
Switch Phase												
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	21.0	9.0	9.0	21.0	9.0	9.0	23.0	9.0	9.0	23.0	9.0
Total Split (s)	17.0	21.0	17.0	17.0	21.0	9.0	17.0	73.0	17.0	9.0	65.0	17.0
Total Split (%)	14.2%	17.5%	14.2%	14.2%	17.5%	7.5%	14.2%	60.8%	14.2%	7.5%	54.2%	14.2%
Maximum Green (s)	12.0	16.0	12.0	12.0	16.0	4.0	12.0	66.0	12.0	4.0	58.0	12.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	1.0	2.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	7.0	5.0	5.0	7.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	None	C-Max	None	None	C-Max	None
Walk Time (s)		5.0			5.0			5.0			5.0	
Flash Dont Walk (s)		11.0			11.0			11.0			11.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effect Green (s)	11.8	16.1	32.3	11.9	16.2	25.2	11.2	66.0	84.9	4.0	58.8	77.6
Actuated g/C Ratio	0.10	0.13	0.27	0.10	0.14	0.21	0.09	0.55	0.71	0.03	0.49	0.65
v/c Ratio	0.80	0.99	0.38	0.81	0.80	0.28	0.64	1.07	0.24	1.08	0.55	0.25
Control Delay	70.9	106.0	36.0	71.7	74.1	40.4	61.8	67.2	4.9	163.4	22.3	5.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	70.9	106.0	36.0	71.7	74.1	40.4	61.8	67.2	4.9	163.4	22.3	5.2

Lanes, Volumes, Timings
3: SR 590 & McMullen Booth Rd

Future Conditions - With Improvements
PM Peak

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SET	SEB
LOS	E	F	D	E	E	D	E	E	A	F	C	A
Approach Delay		75.2			67.4			62.9			27.8	
Approach LOS		E			E			E			C	
Queue Length 50:h (ft)	107	194	96	108	153	58	79	~949	46	~50	266	40
Queue Length 95:h (ft)	#169	#364	160	#173	#277	109	120	#1005	77	#112	302	77
Internal Link Dist (ft)		835			987			780			700	
Turn Bay Length (ft)	380			270		106	380		250	460		345
Base Capacity (vph)	343	250	441	343	251	336	343	3524	1143	106	3140	1071
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.79	0.99	0.37	0.80	0.80	0.28	0.55	1.07	0.24	1.08	0.55	0.25

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 130
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.08
 Intersection Signal Delay: 54.6
 Intersection Capacity Utilization 94.3%
 Analysis Period (min) 15
 Intersection LOS: D
 ICU Level of Service F

- Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 590 & McMullen Booth Rd

e1	e2	e3	e4
e5	e6	e7	e8

APPENDIX E

Driveway Analysis

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst				Intersection <i>SR 590 @ Res. Driveway</i>			
Agency/Co. <i>King</i>				Jurisdiction			
Date Performed <i>12/17/2012</i>				Analysis Year			
Analysis Time Period <i>AM Peak</i>							
Project Description							
East/West Street: <i>SR 590</i>				North/South Street: <i>Driveway</i>			
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	25	140			247	3	
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95	
Hourly Flow Rate, HFR (veh/h)	26	147	0	0	260	3	
Percent Heavy Vehicles	2	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	1	1	0	0	1	0	
Configuration	L	T				TR	
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)				12		101	
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.95	1.00	0.95	
Hourly Flow Rate, HFR (veh/h)	0	0	0	12	0	106	
Percent Heavy Vehicles	0	0	0	2	0	2	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	1	0	1	
Configuration				L		R	
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	L					L	R
v (veh/h)	26					12	106
C (m) (veh/h)	1301					548	777
v/c	0.02					0.02	0.14
95% queue length	0.06					0.07	0.47
Control Delay (s/veh)	7.8					11.7	10.4
LOS	A					B	B
Approach Delay (s/veh)	--	--				10.5	
Approach LOS	--	--				B	

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst				Intersection <i>SR 590 @ Res. Driveway</i>			
Agency/Co. <i>King</i>				Jurisdiction			
Date Performed <i>12/17/2012</i>				Analysis Year			
Analysis Time Period <i>PM AM-Peak</i>							
Project Description							
East/West Street: <i>SR 590</i>				North/South Street: <i>Driveway</i>			
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	100	343			245	11	
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95	
Hourly Flow Rate, HFR (veh/h)	105	361	0	0	257	11	
Percent Heavy Vehicles	2	--	--	0	--	--	
Median Type	<i>Undivided</i>						
RT Channelized			0			0	
Lanes	1	1	0	0	1	0	
Configuration	L	T				TR	
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)				6		54	
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.95	1.00	0.95	
Hourly Flow Rate, HFR (veh/h)	0	0	0	6	0	56	
Percent Heavy Vehicles	0	0	0	2	0	2	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	1	0	1	
Configuration				L		R	
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	L					L	R
v (veh/h)	105					6	56
C (m) (veh/h)	1296					312	777
v/c	0.08					0.02	0.07
95% queue length	0.26					0.06	0.23
Control Delay (s/veh)	8.0					16.8	10.0
LOS	A					C	A
Approach Delay (s/veh)	--	--				10.6	
Approach LOS	--	--				B	

APPENDIX F

FDOT Index 301

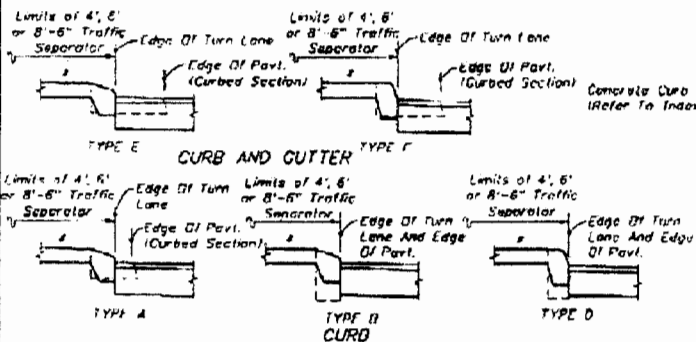
TURN LANES • CURBED AND UNCURBED MEDIANS								
Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITIONS			RURAL CONDITIONS		
			Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3	Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3
35	25	76'	75'	145'	110'	---	---	---
40	30	80'	75'	155'	120'	---	---	---
45	35	85'	100'	185'	135'	---	---	---
50	40/44	105'	135'	240'	160'	185'	290'	160'
55	48	125'	---	---	---	225'	350'	195'
60	52	145'	---	---	---	260'	405'	230'
65	55	170'	---	---	---	290'	460'	270'

DESIGN NOTES

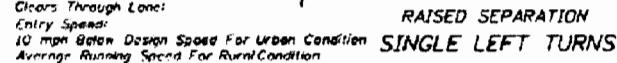
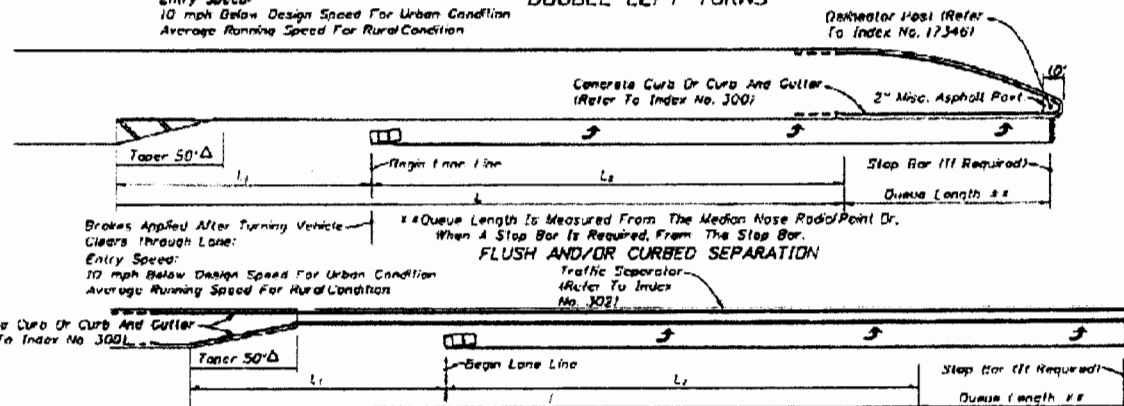
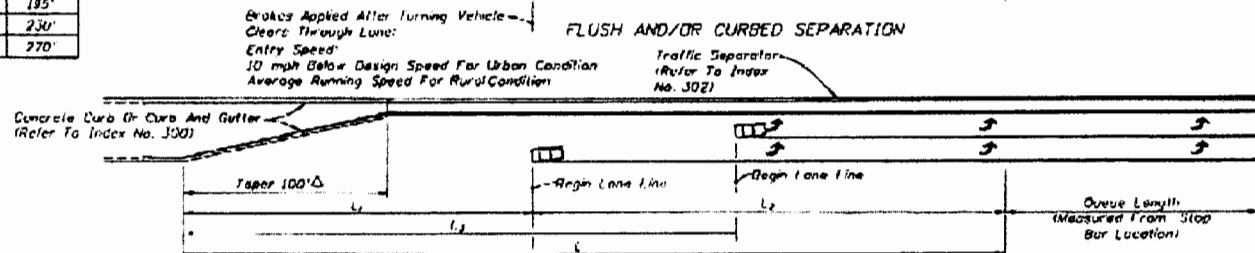
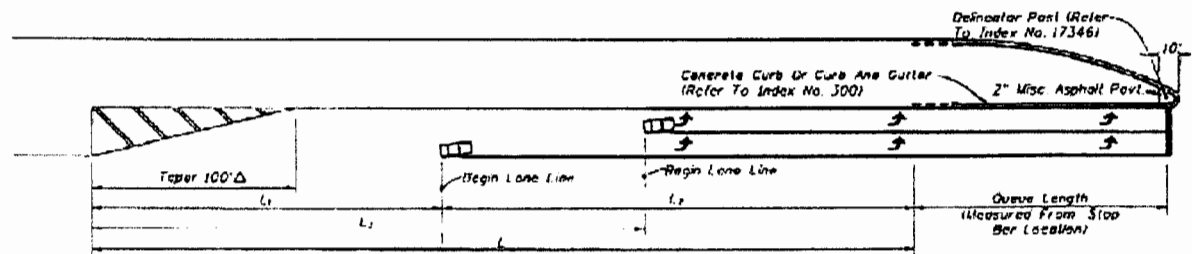
1. Basis for turn lane configurations:
 - Informed Driver.
 - Stop condition (With Or Without Stop Control).
 - Wet Pavement.
 - Reaction preceding entry point.
 - Minimum braking distance for urban conditions.
 - 75' min for L_1 .
 - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft./s²).

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unreluctant control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.



For Curb And Gutter Types, See Index No. 300
 & Option 1 Separators Shown (Refer To Index No. 302)
MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS



- Δ The length of taper may be increased to L_1 for single left turns and L_2 for double left turns when:
- a. Left turn queue vehicles are adequately provided for within the design queue length.
 - b. Through vehicle queues will not block access to left turn lane.
 - c. Approved by District Design Engineer.



2010 FDOT Design Standards

TURN LANES

Last Revision: 07/01/05
 Sheet No. 1 of 1
 Index No. 301

**Table A: Delay Comparison – McMullen Booth Road at SR 590
(Existing Intersection Geometry)**

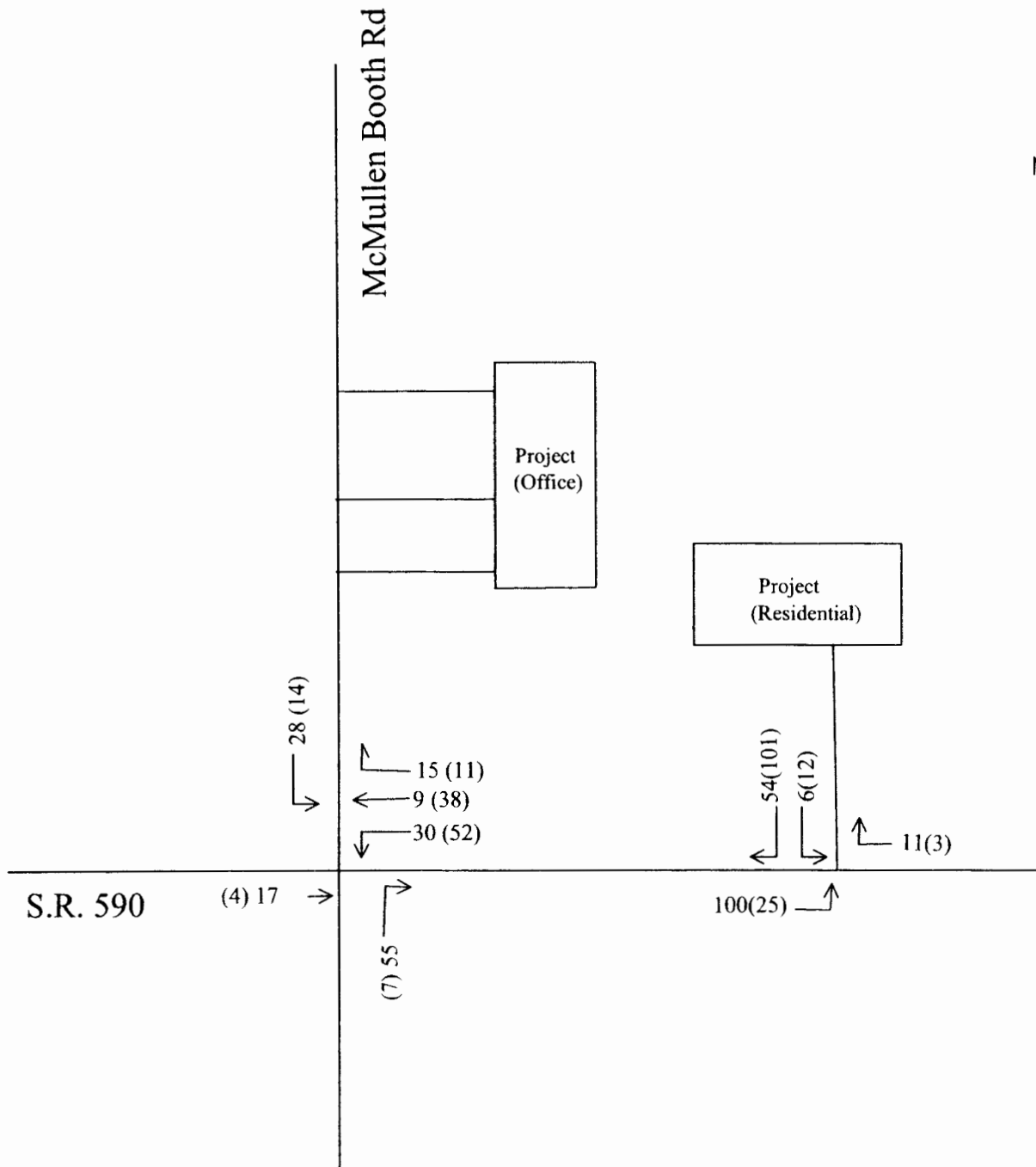
Movement	AM Peak Hour			PM Peak Hour		
	Existing Traffic	Existing + Project Traffic	% Change in Delay	Existing Traffic	Existing + Project Traffic	% Change in Delay
	Delay	Delay		Delay	Delay	
WB Left	245.5	273.4	11.4%	180.6	236.9	31.2%
WB Through	68.2	76.6	12.3%	71.6	75.4	5.3
WB Right	13.7	20.6	50.4%	41.9	40.7	(2.8)%
WB Approach	154.0	171.3	11.2%	118.7	147.4	24.2%

Notes:

- (1) Existing Intersection geometry.
- (2) Intersection analysis performed in Synchro 7.
- (3) Intersection analysis included traffic from both office and residential components of the proposed project.
- (4) Signal timings different under different scenarios.

N

N.T.S.



LEGEND:

XX - PM Peak Hour Residential Project Traffic

(YY) - AM Peak Hour Residential Project Traffic

EXHIBIT 2A

PROJECT TRAFFIC DISTRIBUTION - RESIDENTIAL

THE RICHMAN GROUP OF FLORIDA, INC., PROPERTY

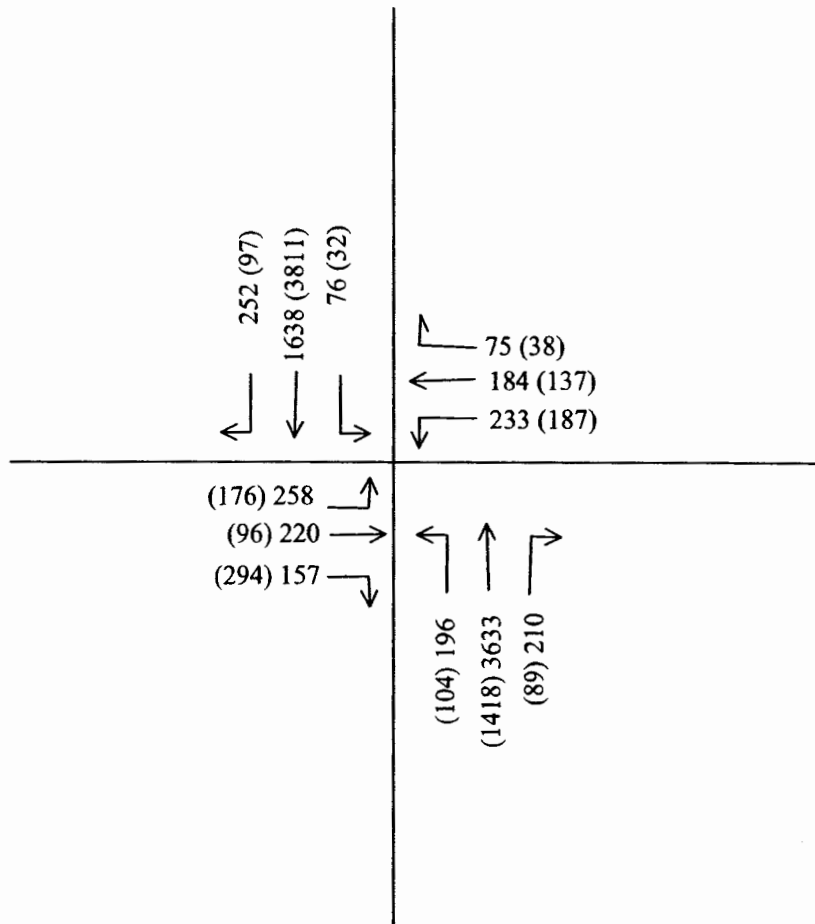
King
ENGINEERING ASSOCIATES, INC.

4921 MEMORIAL HIGHWAY
ONE MEMORIAL CENTER, SUITE 300
TAMPA, FLORIDA 33634
PHONE 813 • 880 • 8881
FAX 813 • 880 • 8882



McMullen Booth Rd

S.R. 590



LEGEND:

- XX - PM Peak Hour Seasonally Adjusted Traffic
- (YY) - AM Peak Hour Seasonally Adjusted Traffic

EXHIBIT 3

EXISTING TRAFFIC

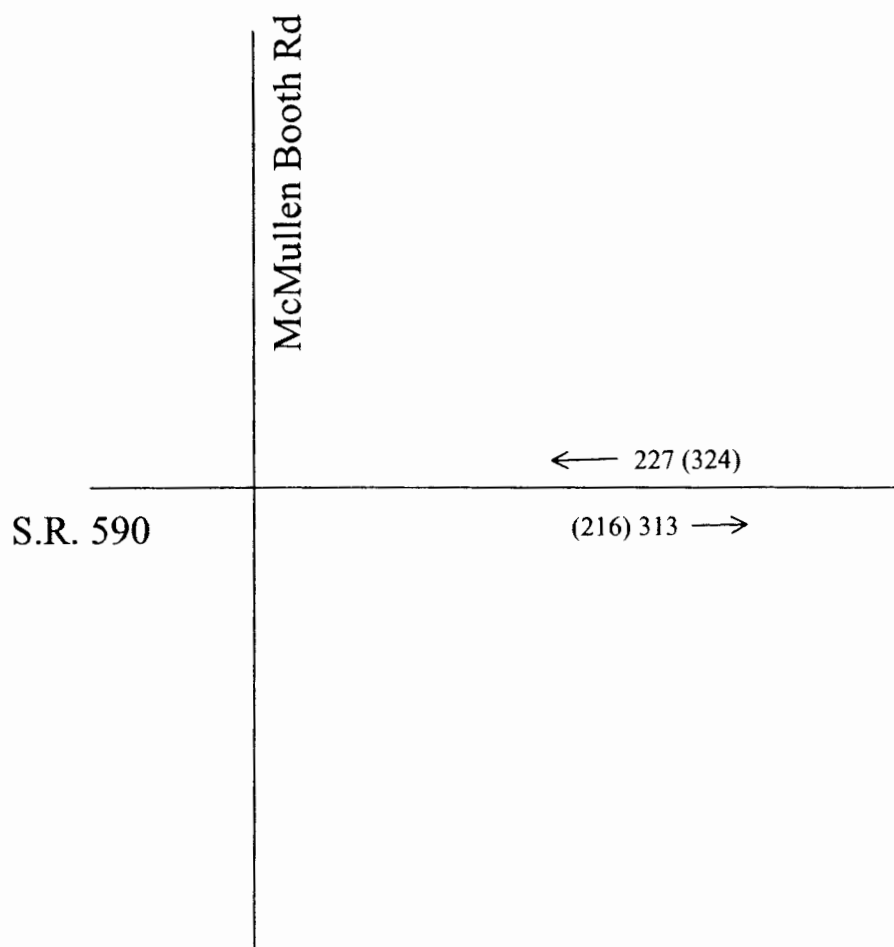
THE RICHMAN GROUP OF FLORIDA, INC., PROPERTY

King
ENGINEERING ASSOCIATES, INC.
4921 MEMORIAL HIGHWAY
ONE MEMORIAL CENTER, SUITE 300
TAMPA, FLORIDA 33634
PHONE 813 • 880 • 8881
FAX 813 • 880 • 8882

N



N.T.S.



LEGEND:

XX - PM Peak Hour Traffic

(YY) - AM Peak Hour Traffic

*Peak hour traffic obtained by applying K and D factors to AADT

**D factors (directional distribution) obtained from 48-hour counts (FTI DVD)

EXHIBIT 4

EXISTING ROADWAY TRAFFIC

THE RICHMAN GROUP OF FLORIDA, INC., PROPERTY

King
ENGINEERING ASSOCIATES, INC.

4821 MEMORIAL HIGHWAY
ONE MEMORIAL CENTER, SUITE 300
TAMPA, FLORIDA 33634

PHONE 813 • 880 • 8881
FAX 813 • 880 • 8882

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: APRIL 1, 2013

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF MARCH 4, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Danny Taylor	8-0
II. <u>REVIEW OF PPC AGENDA FOR APRIL 10, 2013</u> A. <u>Subthreshold Land Use Plan Amendments - None</u>		
B. <u>Regular Land Use Plan Amendments -</u> 1. Case CW 13-2: City of Safety Harbor	PAC recommended condition #3 be amended to read: <i>The majority of the office development site shall be given special consideration with respect to attracting a compatible business meeting one of Pinellas Planning Council's Target Industry Clusters as identified in the Target Employment and Industrial Lands Study.</i> <u>Approved Staff Recommendation as Amended</u> Motion: Dean Neal Second: Fred Metcalf	8-0
C. <u>CPA Actions - None</u>		
D. <u>Annexation Report – March 2013</u>	<u>No Action – Information Only</u>	
E. <u>PPC/MPO Unification Update (Verbal/Information)</u>	<u>No Action – Information Only</u> Mike Crawford provided update regarding resumption of the PPC/MPO Joint Executive Committee meetings; cancellation of the FDOT scheduled meeting of the MPOs on April 4; and continued progress toward unification.	
F. <u>Countywide Plan and Transportation Update (Verbal/Information)</u>	<u>No Action – Information Only</u> Mike Crawford provided update on the ACPT and unveiling of “Green Light Pinellas”. He also noted that the County Attorney’s office is working on development of Memorandum of Understanding for ACPT. The Land	

DISCLOSURE OF INTEREST STATEMENT
PINELLAS COUNTY PLANNING COUNCIL CASE NUMBER *

SUBMITTING GOVERNMENT ENTITY: City of Safety HarborPPC OR CITY/TOWN CASE NUMBER: LUP/REZ 2012-01

PROPERTY OWNERS/REPRESENTATIVE:

Name: Intercit, Inc. (Property Owner)
Robert Pergolizzi, AICP/PTP - Gulf Coast Consulting, Inc. (Representative)

ANY OTHER PERSONS HAVING ANY OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interests: _____ Contingent: _____ Absolute: _____

Name: _____

Specific Interest Held: _____

INDICATION AS TO WHETHER A CONTRACT EXISTS FOR SALE OF SUBJECT
PROPERTY, IF SO:

Contract is: X Contingent Absolute

All Parties To Contract:

Name: The Richman Group of Florida, Inc.

INDICATION AS TO WHETHER THERE ARE ANY OPTIONS TO PURCHASE SUBJECT
PROPERTY, IF SO:

All Parties To Option:

Name: _____ Name: _____

ANY OTHER PERTINENT INFORMATION WHICH APPLICANT MAY WISH TO SUBMIT
PERTAINING TO REQUESTED PLAN AMENDMENT:

City of Safety Harbor Staff Analysis of Relevant Countywide Considerations as applied to this Countywide Future Land Use Map request.

* NUMBER TO BE ASSIGNED BY PLANNING COUNCIL STAFF

APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENT

Please include all information below to ensure the application for Countywide Plan Map amendment can be processed. If additional space is needed, please number and attach additional sheets.

Countywide Plan Map Information

- | | |
|--|---|
| 1. Current Countywide FLUP Designation(s) | IL, ROL, RL, RLM, P, RM W/DF |
| 2. Proposed Countywide FLUP Designation(s) | ROL, RM, P, RM W/DF |

Local Plan Map Information (*See attached map exhibits)

- | | |
|---|-----------------------|
| 1. Local Map Amendment Case Number | LUP/REZ/DA 2012-01 |
| 2. Current Local Plan Designation(s) | IL, ROL, RL, RU, P |
| 3. Current Local Zoning Designation(s) | R-3, PDD, GO, M-1, UN |
| 4. Proposed Local Plan Designation(s) | ROL, RM, P, DFO |
| 5. Proposed Local Zoning Designation(s) | GO, RM, P |

Site and Parcel Information

- | | |
|---|---------------------------|
| 1. Parcel number(s) of area(s) proposed to be amended - Sec/Twp/Rng/Sub/Blk/Lot
(and/or legal description, as necessary) | See Development Agreement |
| 2. Location | 1585 10th Street South |
| 3. Acreage | 34.6 acres m.o.l. |
| 4. Existing use(s) | Light Industrial |
| 5. Existing density and/or floor area ratio | 0.06 FAR |
| 6. Name of project (if applicable) | None. |

Local Action

- | | |
|---|---------|
| 1. Date local ordinance was considered at public hearing and authorized by an affirmative vote of the governing body for transmittal of, and concurrence with, the local government future land use plan map amendment. | 2/18/13 |
| 2. If the local government chooses to submit a development agreement in support of this application, the date the agreement was approved at public hearing by the legislative body. Any development agreement submitted as part of an application for Countywide Plan Map amendment may become a condition of approval of the amendment and will be subject to the provisions of Section 5.1.4 of the Countywide Rules. | 2/18/13 |

Other Items to Include

1. Cover letter or email to the Executive Director indicating the request for Countywide Plan Map amendment, including ordinance number, ordinance status, and local action to date.
2. Copy of local ordinance.
3. If applicable, a copy of the development agreement approved by the legislative body and executed by the applicant property owner and other private party(ies) to the agreement.
4. Disclosure of Interest Statement.
5. Staff report.
6. Local plan and zoning maps showing amendment area.
7. If applicable, proposed demarcation line for environmentally sensitive areas.

Forms available online at www.pinellasplanningcouncil.org/amendment.htm

PPC RESOLUTION NO. 06 – 3

A RESOLUTION OF THE PINELLAS PLANNING COUNCIL RECOMMENDING POLICIES TO GUIDE THE REVIEW OF AMENDMENTS TO THE COUNTYWIDE FUTURE LAND USE PLAN REGARDING PROPERTIES CLASSIFIED AS INDUSTRIAL LIMITED AND INDUSTRIAL GENERAL; AND FURTHER PROVIDING THAT SUCH POLICIES SHALL NOT PRECLUDE A LOCAL GOVERNMENT FROM HAVING MORE RESTRICTIVE POLICIES.

WHEREAS, the Pinellas Planning Council (the PPC) was created pursuant to Chapter 88-464, Laws of Florida, as amended (the Act), and granted the power to develop and implement a Countywide Comprehensive Plan (the Countywide Plan); and

WHEREAS, the Council is authorized pursuant to Section 5(7)(b) of the Act to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Rules Concerning the Administration of the Countywide Future Land Use Plan (the Rules) implement the Countywide Plan; and

WHEREAS, the Board of County Commissioners, sitting in their capacity as the Countywide Planning Authority (the CPA), pursuant to the Act, adopted the Countywide Plan and Rules; and

WHEREAS, the adopted Countywide Plan recognizes that residential and commercial development pressures threaten to decrease supplies of land needed for essential employment opportunities vital to the local economy; and

WHEREAS, *Pinellas By Design*, An Economic Development and Redevelopment Plan for the Pinellas Community, stresses the importance of retaining industrially-designated property to foster essential employment opportunities for primary high wage jobs; and

WHEREAS, it is desirable to retain industrially-designated land that provides for those employment opportunities and to limit the conversion of parcels designated Industrial Limited and Industrial General on the Countywide Plan Map to other designations; and

WHEREAS, it is desirable to have explicit policies based on the Countywide Plan and *Pinellas by Design* to aid the PPC and CPA in the review of proposed amendments

to the Countywide Plan Map involving the proposed conversion of land designated as Industrial Limited and/or Industrial General; and

WHEREAS, the CPA has requested the PPC to make a recommendation to the CPA on the adoption of criteria to be used as guidelines in the review of Countywide Plan Map amendments that propose to convert land designated Industrial Limited and/or Industrial General; and

WHEREAS, the Pinellas Planning Council has determined it necessary and appropriate to identify policies to be used in the review of proposed conversion amendments that would potentially reduce the amount of land designated Industrial Limited and/or Industrial General on the Countywide Plan Map; and

WHEREAS, the PPC has recommended the establishment of policies which will assist in the uniform administration of the Countywide Rules as they apply to amendments to the Countywide Plan Map that propose to convert land designated Industrial Limited and/or Industrial General.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. It shall be the policy of the Pinellas Planning Council to evaluate plan amendments to the Countywide Future Land Use Plan map that propose to convert land designated Industrial Limited and/or Industrial General to another Plan map category consistent with the position statements and strategies of the Countywide Plan and the Economic Development and Redevelopment Plan for Pinellas County.

SECTION 2. The review of all such plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category will include consideration of the ability and importance of such land to provide for essential and targeted employment opportunities vital to the local economy.

SECTION 3. No recommendation for Plan map amendment from Industrial Limited and/or Industrial General shall be made absent an affirmative determination that there are changed or changing conditions that render the current industrial designation no longer viable relative to providing for essential and targeted employment opportunities; and further that there are compelling reasons to make such change in the public interest consistent with the Countywide Plan and Economic and Redevelopment Plan.

SECTION 4. Nothing in these advisory policies shall be construed or applied to preclude a local government with jurisdiction from having requirements concerning the conversion or retention of industrial land that are more restrictive than those set forth herein.

SECTION 5. A copy of this Resolution shall be forwarded to the Pinellas County Board of County Commissioners, in their capacity as the CPA, for their consideration and approval, and to each local government in Pinellas County.

This Resolution offered and adopted at the May 17, 2006, meeting of the Pinellas Planning Council as hereinafter set forth:


Councilmember Beverland offered the foregoing Resolution, which was seconded by Councilmember Steingold and the vote was: 9-1.

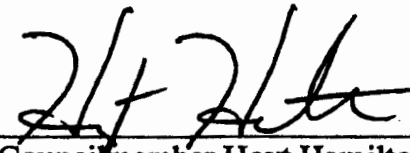
AYES: Sandra Bradbury, Jerry Beverland, Pat Gerard, Bob Hackworth, Hoyt Hamilton, Dick Holmes, Jerry Knight, Mary Maloof, Andy Steingold.

NAYS: John Morroni.

ABSENT AND NOT VOTING: Beverley Billiris, Bill Foster, Linda Lerner.

ATTEST:


David P. Healey, Executive Director
Pinellas Planning Council


Councilmember Hoyt Hamilton, Chairman
Pinellas Planning Council

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

Attorney

By



COUNCIL MEMBERS

310 Court Street • Clearwater, Florida 33756-5137
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

Councilmember Jim Kennedy, Chairman
Mayor David O. Archie, Vice Chairman
Mayor Samuel Henderson, Secretary
Commissioner John Morroni, Treasurer
Mayor Joe Ayoub
Mayor Doug Bevis
Commissioner Harriet K. Crozier
Mayor Dave Eggers
Councilmember Doreen Hock-DiPolito
Vice Mayor Joanne "Cookie" Kennedy
Vice Mayor Jerry A. Mullins
School Board Member Peggy O'Shea
Commissioner Marvin Shavlan

Michael C. Crawford, AICP
Interim Executive Director

TO: Bob 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

DOAH Case No. 13-2004GM/Case CW 13-2 – City of Safety Harbor

DATE: December 30, 2013

Here are additional materials which can be used for the January 14, 2014, DOAH Hearing item on the CPA agenda. These can be added to the CPA memorandum dated January 14, 2014.

Attachment No. 1: Excerpts from the Countywide Plan Rules

Attachment No. 2: December 11, 2013, Update/Summary to the Pinellas Planning Council

2.3.3.2 RESIDENTIAL CLASSIFICATION/MEDIUM DENSITY RANGE - CONT.

2.3.3.2.2 Category/Symbol - Residential Medium (RM).

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a moderately intensive residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities, transportation facilities and natural resource characteristics of such areas.

Use Characteristics - Those uses appropriate to and consistent with this category include:

- Primary Uses - Residential
- Secondary Uses - Residential Equivalent; Institutional; Transportation/Utility; Public Educational Facility; Ancillary Nonresidential; Recreation/Open Space

Locational Characteristics - This category is generally appropriate to locations within or in proximity to urban activity centers; in areas where use and development characteristics are medium density residential in nature; and in areas serving as a transition between less urban and more urban residential and mixed-use areas. These areas are typically in proximity to and may have direct access from the arterial and thoroughfare highway network.

Traffic Generation Characteristics - The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 102 trips per day per acre.

Density/Intensity Standards - Shall include the following:

- Residential Use - Shall not exceed fifteen (15) dwelling units per acre.
- Residential Equivalent Use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 15 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Nonresidential Use - Shall not exceed a floor area ratio (FAR) of .50, nor an impervious surface ratio (ISR) of .75. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .30 and an ISR of .56.

Other Standards - Shall include the following:

- Acreage Limitations - The following uses shall not exceed the respective acreage threshold designated for such uses. Any such use, alone or when added to existing contiguous like use(s), which exceeds the designated threshold shall require a plan map amendment that shall include such use and all contiguous like uses:
 1. Ancillary Nonresidential; Transportation/Utility Use - Shall not exceed a maximum area of three (3) acres.
 2. Institutional Use (except Public Educational Facilities which are not subject to this threshold) - Shall not exceed a maximum area of five (5) acres.

2.3.3.6 INDUSTRIAL CLASSIFICATION.

2.3.3.6.1 Category/Symbol - Industrial Limited (IL).

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and industrial/mixed-use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

Use Characteristics - Those uses appropriate to and consistent with this category include:

- **Primary Uses** - Office; Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B);
- **Secondary Uses** - Residential (subject to master development plan approval by the CPA); Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural

Locational Characteristics - This category is generally appropriate to locations with sufficient size to encourage an industrial park arrangement, as well as integrated industrial/mixed-use projects, with provision for internal service access in locations suitable for light industrial use with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network, as well as mass transit.

Traffic Generation Characteristics - The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 178 trips per day per acre. Traffic impacts for industrial/mixed-use projects shall be determined based on the composition and density/intensity of the specific project.

Density/Intensity Standards - Shall include the following:

- **Residential Use** – Shall not exceed thirty (30) dwelling units per acre.
- **Temporary Lodging Use** - Shall not exceed: 1) fifty (50) units per acre; or 2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- **All Other Uses** - Shall not exceed a floor area ratio (FAR) of .65 nor an impervious surface ratio (ISR) of .85, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .39 and an ISR of .65.

Other Standards - Shall include the following:

- **Industrial Uses Adjacent to Residential Categories** - An appropriate buffer, as determined by the local jurisdiction except for an industrial/mixed-use project requiring the submission of a master plan as outlined below, shall be provided in and between the Industrial Limited category and an adjoining Residential classification.

- Acreage Limitations for Nonindustrial Secondary Uses That Are Not Part of a Master Development Plan - Institutional; Transportation/Utility; Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Agricultural Uses - shall not exceed a maximum area of five (5) acres. Any such use, alone or when added to existing contiguous like use(s), which exceeds this threshold shall require a plan map amendment which shall include such use and all contiguous like uses. Secondary residential uses are only permitted pursuant to the requirements set forth for "Projects That Include Residential Use."

Standards for Industrial/Mixed-Use Projects – Industrial/mixed-use projects shall require the following:

- Number of Uses – Provision for two or more primary or secondary uses that are mutually supportive, and designed to be physically and functionally integrated.
- Public Transit – Location within reasonable proximity, and with specific provision for access, to a designated public transit corridor and connection point.
- Project Components – Integration of project components, including uninterrupted pedestrian connections, an internal roadway system to reduce impacts to offsite areas, open space and recreation facilities, public/common spaces in relationship to key project uses, bicycle facilities, and accommodation for mass transit, as appropriate. Such integration shall be designed so as to increase the interaction between uses, to reduce the need for automobile use within the project, as well as reduction of off-site automobile trips attributable to the project, and to encourage the provision of shared infrastructure.
- Master Development Plan – Preparation of a master development plan that stipulates the type and scale of uses, permitted densities and intensities, and relationships among plan components. Such plan shall distinguish the industrial/mixed-use project from the unplanned placement of uses on a site or sites, resulting from separate unrelated actions of distinct developments that fail to provide for synergism between uses.

Master Development Plan Requirements for Industrial/Mixed-Use Projects – Shall include the following:

- Projects That Do Not Include Residential Use – An industrial/mixed-use project which comprises not less than fifty (50) acres may include secondary Institutional; Transportation/Utility; Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; and Temporary Lodging uses subject to the following:
 1. The secondary nonindustrial uses that are part of a planned industrial/mixed-use project shall be subject to a master development plan, providing for unified control of the entire project.
 2. Such secondary nonresidential uses, alone or in combination, shall not comprise more than 25% of the area of the project governed by the master development plan.
 3. The master development plan required for industrial/mixed-use projects that do not include residential use shall be approved by the local government with jurisdiction.
 4. Where the property included in the master development plan is adjacent to or within five hundred (500) feet of an adjacent municipal or county jurisdiction, the master development plan shall be submitted to that adjoining jurisdiction for review and comment.

- Projects That Include Residential Use – An industrial/mixed-use project which comprises not less than one hundred (100) contiguous acres under common control as of the effective date of this ordinance (*sic*)¹ may include secondary residential use subject to the following:
 1. Such residential component shall not:
 - a. Comprise more than 25% of the area of the master development plan;
 - b. Be located within the Coastal High Hazard Area;
 - c. Be located within the 65 decibel Day-Night Sound Level area as identified on the St. Petersburg-Clearwater International Airport Noise Contours map, April 1996 by Greiner, Inc., and as adopted by Pinellas County in Ordinance Number 97-58 (sec. 142-39(b));
 - d. Be permitted to transfer density to other Countywide Plan Map categories or outside of the approved master development plan area discussed below;
 - e. Be permitted to use density averaging, outside the master development plan area, as provided for in Section 6.1.3.
 2. The secondary residential use that is part of a planned industrial/mixed-use project shall be subject to a master development plan, providing for unified control of the entire project.
 3. The master development plan required for industrial/mixed-use projects that include residential use shall, upon preliminary approval by the local government with jurisdiction, be submitted to the PPC for review and recommendation to the CPA. The CPA may approve, approve with conditions, or deny the master development plan; which action shall require a majority plus one vote of the entire CPA if such action is contrary to the PPC recommendation. The local government with jurisdiction shall not approve a final site plan or issue a development order other than as is consistent with the action of the CPA.
 4. Where the property included in the master site plan is adjacent to or within five hundred (500) feet of an adjacent municipal or county jurisdiction, the master development plan shall be submitted to that adjoining jurisdiction, at the same time that it is submitted to the PPC/CPA, for review and comment by that adjoining jurisdiction.
 5. The master development plan shall include sufficient information to demonstrate that the secondary use components are integrated with the other uses in the project. The master site plan shall also include sufficient information to demonstrate to the PPC and CPA the relationships between, and compatibility of, the industrial, secondary nonindustrial and residential uses within and adjacent to the project. Criteria used to determine an acceptable, integrated industrial/mixed-use project that includes residential use shall include:
 - a. An appropriate justification for the residential component, including consideration of the following:
 - 1) Functional relationship between the residential component and anticipated demand for this housing created by the remainder of the development proposal;
 - 2) Phasing or sequencing of the project to coordinate residential construction with the anticipated demand for and timing of the nonresidential portion of the project;

¹ Editor's Note: This subsection adopted by Ordinance No. 04-5, effective January 14, 2004.

- 3) Contributory nature of the employment created and the percentage of the wages paid over and above the average Metropolitan Statistical Area (MSA) wage;
 - 4) Adequacy of infrastructure in relationship to the phasing and scale of the project.
- b. An appropriate buffer in and between the residential component of the master planned industrial/mixed-use project and adjoining categories or uses in those categories. This buffer requirement will consider the following:
 - 1) the nature and characteristics of the adjoining nonresidential use(s), including noise, air, odor, and visual operating characteristics;
 - 2) the distance from and elevation of the adjoining nonresidential use, including the intervening land form, building or structural opaque barrier, and type and dimensions of landscape buffer; and
 - 3) Any county ordinance that regulates the setback of residential uses from a county-owned solid waste disposal facility.
6. For any jurisdiction to provide residential uses within the Industrial Limited category, the land development regulations of that jurisdiction shall be amended to require the PPC review and CPA approval of the master development plan, as a condition precedent to approval of the local site plan and/or development order.
7. Development of the project shall proceed in a manner that is substantially consistent with the CPA approved master development plan. Any amendment required to maintain that consistency shall be reviewed by the PPC and approved by the CPA.

Table 2
COUNTYWIDE PLAN MAP/CORRIDOR CLASSIFICATION CONSISTENCY

<u>FUTURE LAND USE PLAN DESIGNATION</u>	<u>RURAL/ OPEN SPACE</u>	<u>RESIDENTIAL</u>	<u>MIXED USE</u>	<u>UNIQUE SCENIC VIEW</u>	<u>ENHANCEMENT CONNECTOR</u>
<u>RESIDENTIAL</u>					
Residential Rural (RR)	x	x	x	-	x
Residential Estate (RE)	x	x	x	-	x
Residential Suburban (RS)	-	x	x	-	x
Residential Low (RL)	-	x	x	-	x
Residential Urban (RU)	-	x	x	-	x
Residential Low Medium (RLM)	-	-	x	-	x
Residential Medium (RM)	-	-	x	-	x
Residential High (RH)	-	-	x	-	x
Residential Very High (RVH)	-	-	x	-	x
<u>MIXED USE</u>					
Residential/Office Limited (R/OL)	-	-	x	-	x
Residential/Office General (R/OG)	-	-	x	-	x
Residential/Office/Retail (R/O/R)	-	-	x	-	x
Resort Facilities Overlay (RFO)	-	-	-	-	x
Resort Facilities Medium (RFM)	-	-	-	-	x
Resort Facilities High (RFH)	-	-	-	-	x
<u>COMMERCIAL</u>					
Commercial Neighborhood (CN)	-	-	x	-	x
Commercial Limited (CL)	-	-	x	-	x
Commercial Recreation (CR)	-	-	x	-	x
Commercial General (CG)	-	-	x	-	x
<u>INDUSTRIAL</u>					
Industrial Limited (IL)	-	-	-	-	x
Industrial General (IG)	-	-	-	-	x
<u>PUBLIC/SEMI-PUBLIC</u>					
Preservation (P)	x	x	x	x	x
Recreation/Open Space (R/OS)	x	x	x	x	x
Transportation/Utility (T/U)	-	x	x	-	x
Institutional (I)	-	x	x	-	x
Resource Management Overlay (RMO)	x	x	x	x	x

An "x" indicates that the Countywide Plan Map category may be considered potentially consistent, subject to all other applicable criteria, with the corresponding Corridor Classification. The absence of an "x" indicates that the Countywide Plan Map category is not considered compatible with the Corridor Classification, unless a specific finding to the contrary is made in accordance with Sec. 4.2.7.1.3 B.

It is the intent of this provision to discourage the proliferation of nonresidential use and to monitor any increase in the density/intensity on a Scenic/Noncommercial Corridor.

DIV. 5.4	COUNTYWIDE PLAN MAP AMENDMENTS / ECONOMIC DEVELOPMENT - EXPEDITED REVIEW.
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SEC. 5.4.1 **PURPOSE.**

It is the purpose of this expedited review process to recognize and provide for amendments of the Countywide Plan Map that result from economic development projects that have been certified by the Governor's Office of Tourism, Trade, and Economic Development pursuant to Senate Bill 1154.

SEC. 5.4.2 **PROCEDURE.**

The procedure for expedited Countywide Plan Map amendments shall be conducted in accordance with the requirements of Division 5.1 and the process outlined herein.

5.4.2.1 **Notice and Public Hearing.** All expedited amendments shall be advertised, noticed and considered at a public hearing as required under Chapter 88-464, Laws of Florida and as more particularly set forth herein. The advertisement, notice and public hearing will identify amendments to be considered under this expedited process. A single published advertisement and requisite personal notice for all expedited amendment actions shall be provided which shall include notice of both the PPC and CPA public hearings.

5.4.2.2 **Submission Requirements.** In addition to the application items in Section 5.1.2.2, all local government submittals of an expedited amendment shall include: 1) copy of the recommendation of the governing body for expedited review; 2) copy of the certificate of eligibility from the Governor's Office of Tourism, Trade and Economic Development; and 3) copy of the finalized 90 day time schedule negotiated between the local government and the state, incorporating all deadlines, including public meetings and notices.

5.4.2.3 **Action by PPC and CPA.** The PPC and CPA shall act upon an expedited amendment within the finalized 90 day time schedule established between the local government and the State for the subject property.

DIV. 5.5	COUNTYWIDE PLAN MAP AMENDMENTS / REGULAR REVIEW.
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→ **SEC. 5.5.1** **PURPOSE.**

It is the purpose of this regular amendment review process to recognize and provide for amendments of the Countywide Plan Map that do not otherwise qualify as subthreshold amendments, but that do impact Relevant Countywide Considerations.

SEC. 5.5.2 PROCEDURE.

The procedure for regular Countywide Plan Map amendments shall be conducted in accordance with the requirements of Division 5.1.

SEC. 5.5.3 REVIEW CRITERIA.

5.5.3.1 Relevant Countywide Considerations. In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following six (6) Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

5.5.3.1.1 Consistency with the Countywide Rules. The manner in, and extent to, which the amendment is consistent with Article 4, Plan Criteria and Standards of these Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

5.5.3.1.2 Adopted Roadway Level of Service (LOS) Standard. The manner in, and extent to, which the amendment significantly impacts a roadway segment where the existing Level of Service (LOS) is below LOS “D” or where projected traffic resulting from the amendment would cause the existing LOS to fall below LOS “D.”

5.5.3.1.3 Scenic/Noncommercial Corridors. If located within a Scenic/Noncommercial Corridor, the manner in, and extent to, which the amendment conforms to the criteria and standards contained in Section 4.2.7.1, and Section 4.2.7.1.4 of these Countywide Rules.

5.5.3.1.4 Coastal High Hazard Areas (CHHA). If located within a Coastal High Hazard Area, the manner in, and extent to, which the amendment conforms to the terms set forth in Section 4.2.7.4.

5.5.3.1.5 Designated Development/Redevelopment Areas. If the amendment involves the creation, expansion, or contraction of a Residential Very High (RVH), Activity Center (AC), Community Redevelopment District (CRD), Central Business District (CBD) category, or the Planned Redevelopment categories, the manner in, and extent to, which the amendment conforms to the purpose and requirements of the applicable category and Section 4.2.7.5.

5.5.3.1.6 Impact on a Public Educational Facility or an Adjoining Jurisdiction. The manner in, and extent to, which the amendment significantly impacts a public educational facility or an adjoining jurisdiction.

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM****AGENDA ITEM:** V C.**MEETING DATE:** December 11, 2013**SUBJECT:** Department of Administrative Hearings Recommended Order, Case CW 13-2 Safety Harbor**RECOMMENDATION:**
Council Information Only (no action required)**Background**

On April 10, 2013, the Council reviewed a Countywide Plan Map amendment request involving the loss of industrial acreage submitted by the City of Safety Harbor. The Council recommended approval to the Board of County Commissioners, sitting as the Countywide Planning Authority (CPA). The CPA then heard the case at their May 7, 2013, public hearing and denied the request.

The Richman Group of Florida, Inc. had a contract to purchase the property subject to the requested amendment from Intercit, Inc., contingent upon receiving the necessary approvals to build an apartment complex, in addition to other non-residential site development. Due to the denial received from the CPA, The Richman Group filed a petition for an Administrative Hearing in accordance with Countywide Rule Section 3.3.2.3. This section states "[I]f the CPA denies an amendment which was recommended to be approved by the PPC, any substantially affected person may apply for an administrative hearing within twenty-one days of denial."

Recommended Order

The Administrative Hearing for the case was held on August 27th and 28th, 2013, and was before Bram D. E. Canter, an Administrative Law Judge of the Division of Administrative Hearings. Based on that hearing, we have received the attached letter and Recommended Order from the judge on November 20, 2013. The Recommended Order reads as follows:

PINELLAS PLANNING COUNCIL ACTION:

The Council received/discussed/set new public hearing to revisit the proposed amendment to the Countywide Rules re Preservation of Industrial Lands for January 8, 2014 (vote 8-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Department of Administrative Hearing Recommended Order

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.

Next Steps and Procedural Items

Of course, the Recommended Order is inconsistent with the CPA action to deny the Richman Group/Safety Harbor amendment. The process from this point is to:

- 1) Provide an opportunity for all parties to file written exceptions to the Recommended Order with the Pinellas Planning Council within 15 days of the Recommended Order's entry date of November 18, 2013 (i.e., December 3, 2013);
- 2) Schedule and hold a public hearing by the CPA on the Recommended Order and any written exceptions determined to be valid by the CPA. That hearing date will be discussed on December 10th, with the public hearing potentially occurring as early as January 14, 2014;
- 3) For the CPA to take final action on the amendment based on the findings of fact, and any exceptions they determine to be valid; and
- 4) To provide a copy of the final order to the Division of Administrative Hearings within 15 days of the Final Order of the CPA.

Exceptions Filed

Written exceptions were filed on December 3, 2013, by the County Attorney's office, acting as counsel to the CPA. These are attached and include four exceptions dealing with: 1) consistency with surrounding uses and the ability to buffer industrial and residential uses; 2) the fact that the Countywide Plan is implemented through the Countywide Rules without having to repeat, paraphrase, or adopt by reference into the Countywide Rules; 3) the determination of what constitutes a larger, consolidated industrial area and that it does not require the subject parcel to be joined in one operation, including using access to rail, with the parcel south across 10th Street; and 4) the fact that there was an agreement prior to the hearing that the Target Employment and Industrial Lands Study was not a document to be used in the case analysis, even though the judge used part of TEILS in his findings of fact.

Final action by the CPA may consider the recommended order in its entirety, but shall be based upon the findings of fact of the administrative hearing officer, and any exceptions thereto determined by the CPA to be valid.

Countywide Rules Implications

Council staff understood going into the August hearing that there was a need for better criteria to use when analyzing amendments that would result in a loss of industrially

SUBJECT: Department of Administrative Hearing Recommended Order

designated lands. In addition to provisions in the Countywide Rules, we were relying on PPC Resolution 06-3 up to that point. The Recommended Order confirmed our understanding and need by stating that this resolution is not implemented through the Countywide Rules and, therefore, "is not a source of criteria applicable to the Amendment." In addition, that resolution was not subsequently adopted by the CPA.

Therefore, we began the process of amending the Rules to include such additional criteria, and the Council reviewed and recommended approval of these at their November meeting. These are scheduled to be heard by the CPA on January 14th and 28th.

As we work through this process there may be additional amendments to the Countywide Rules that will be helpful in carrying out the Countywide Plan. As the Council is aware, we are already working on the Countywide Plan update that will result in carrying out the majority of the recommendations from TEILS, but there may need for additional changes to be considered.

ATTACHMENTS

- Attachment 1 Correspondence from Bram D. E. Canter, Administrative Law Judge, including his Recommended Order

- Attachment 2 Pinellas County Attorney's Written Exceptions

State of Florida
Division of Administrative Hearings

ATTACHMENT I

Rick Scott
Governor

Robert S. Cohen
Director and Chief Judge

Claudia Lladó
Clerk of the Division



David M. Maloney
Deputy Chief
Administrative Law Judge

David W. Langham
Deputy Chief Judge
Judges of Compensation Claims

November 18, 2013

Received

NOV 20 2013

Pinellas Planning
Council

Michael Crawford, Executive Director
Pinellas Planning Council
310 Court Street, Second Floor
Clearwater, Florida 33756-5137

Re: THE RICHMAN GROUP OF FLORIDA, INC. vs. PINELLAS COUNTY
BOARD OF COUNTY COMMISSIONERS, DOAH Case No. 13-2004GM

Dear Mr. Crawford:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the two-volume Transcript, together with the Petitioner's Exhibits 1-13, 18-19, 29-31, 33-49, 52-54, 54A, 54C, 57, 59, and 60 and the Respondent's Exhibits 8-17. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by section 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order within 15 days of its rendition. Any exceptions to the Recommended Order filed with the agency shall be forwarded to the Division of Administrative Hearings with the Final Order.

Sincerely,

BRAM D. E. CANTER
Administrative Law Judge

BDEC/rg

Enclosures

cc: Scott A. McLaren, Esquire
Nancy S. Meyer, Esquire
Gordon Beardslee, General Planning Administrator
Kenneth Welch, Commission Chairman

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

THE RICHMAN GROUP OF FLORIDA,
INC.,

Petitioner,

vs.

Case No. 13-2004GM

PINELLAS COUNTY BOARD OF COUNTY
COMMISSIONERS,

Respondent.

_____ /

RECOMMENDED ORDER

The final hearing in this case was held on August 27-28, 2013, in Clearwater, Florida, before Bram D.E. Canter, an Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

APPEARANCES

For Petitioner: Scott A. McLaren, Esquire
Edward D. Armstrong, III, Esquire
Hill Ward Henderson, P.A.
101 East Kennedy Boulevard, Suite 3700
Tampa, Florida 33701

For Respondent: Nancy S. Meyer, Esquire
David S. Sadowsky, Esquire
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, Florida 33756

STATEMENT OF THE ISSUE

The issue to be determined in this case is whether the proposed amendment to the Pinellas Countywide Plan Map, changing

the land use designations on 34.6 acres of land in Safety Harbor, Florida, should be approved.

PRELIMINARY STATEMENT

On August 29, 2012, Petitioner submitted its initial application to the City of Safety Harbor to amend the City of Safety Harbor Comprehensive Plan. A revised application was submitted on December 3, 2012, which included a Development Agreement. After a public hearing, the City approved the proposed amendment to its Comprehensive Plan, subject to the Countywide Plan amendment process.

On March 8, 2013, the City submitted an application to amend the Countywide Plan Map ("the Amendment") to the Pinellas Planning Council on behalf of the Petitioner. The Pinellas Planning Council recommended approval of the Amendment. On May 7, 2013, the Pinellas County Board of County Commissioners, in their capacity as the Countywide Planning Authority ("CPA") denied the application.

On May 28, 2013, pursuant to the Countywide Rules, Petitioner applied for an administrative hearing. Pursuant to a contract with DOAH, the matter was forwarded to DOAH to conduct an evidentiary hearing and prepare a recommended order in conformance with the procedures of chapter 120, Florida Statutes. A corrected petition was subsequently filed.

At the final hearing, Petitioner presented the testimony of Robert C. Pergolizzi, who was accepted as an expert in planning; Matt McLachlan, who was accepted as an expert in planning; Scott Cullen, who was accepted as an expert in marketing; Gordon Beardslee and Mike Meidel (via video of the May 7, 2013, CPA meeting); and Mike Crawford (via video deposition). Petitioner's Exhibits 1-13, 18-19, 29-31, 33-49, 52-54, 54A, 54C, 57, 59, and 60 were received into evidence.

Respondent presented the testimony of Mike Meidel, who was accepted as an expert in economic development; and Mike Crawford, who was accepted as an expert in planning. Respondent's Exhibits 8-17 were received into evidence.

The two-volume Transcript of the final hearing was filed with the DOAH. The parties filed proposed recommended orders that have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

The Parties

1. Petitioner is the contract purchaser of 34.6 acres of land ("the Property") located near the northeast corner of 10th Street South and McMullen-Booth Road in the City of Safety Harbor.

2. Respondent is the Board of County Commissioners of Pinellas County, in their capacity as the CPA.

The Proposed Amendment

3. The Amendment would change the land use designations for nine parcels within the Property. The Amendment would make the following changes to the current land use designations:

Countywide Future Land Use	Current Acreage	Proposed Acreage
Industrial Limited (IL)	15.8	-
Residential/Office Limited (R/OL)	5.1	2.8
Residential Low (RL)	5.0	-
Residential Urban (RU)	6.0	-
Preservation (P)	2.7	10.3
Residential Medium (RM)	-	21.5
TOTAL	34.6	34.6

4. However, the parties' dispute focuses on the 15.8-acre parcel that is now designated Industrial Limited ("IL"). The Amendment would change the designation of the parcel to Residential Medium ("RM").

Existing Land Uses on the Property and Surrounding Area

5. Located on the 15.8-acre parcel (referred to hereafter as the "IL parcel" or "Richman parcel") are numerous industrial buildings and structures associated with a citrus processing facility that is no longer in operation.

6. There are no uses being made of the other eight parcels that comprise the Property. The balance of the Property is undeveloped and relatively undisturbed. There are wetlands as well as a creek on the Property. There is an extensive tree canopy in the undeveloped area.

7. Access to the IL parcel is via 10th Street South (S.R. 590), which is a two-lane, undivided roadway on the southern boundary. There is no rail access to the IL parcel.

8. To the north and east of the Property are relatively affluent neighborhoods of single-family residences on lands designated Residential Suburban and Residential Low. The residences on the north are separated from the IL parcel by the large undeveloped area, but the residences to the east are immediately adjacent to the IL parcel.

9. McMullen-Booth Road, a six-lane arterial roadway, runs along the northwestern boundary of the Property.

10. On the southwestern boundary, adjacent to the IL parcel, are lands designated Residential/Office/Retail where there is a drug store, car wash, and bank.

11. Across 10th Street South, on the southeast corner of its intersection with McMullen-Booth Road, is a gas station/convenience store. Also across 10th Street South, opposite the entrance to the citrus processing facility, is land designated IL and used for warehousing, auto-repair, and other uses.

The Scenic Non-Commercial Corridor

12. McMullen-Booth Road has been designated by Pinellas County as a Scenic Non-Commercial Corridor ("SNCC"). The SNCC designation includes lands bordering both sides of McMullen-Booth

Road. The SNCC designation identifies preferred land uses within the corridor to achieve the CPA's goal to preserve and enhance the scenic qualities of the corridor.

13. The western half of the IL parcel is within the McMullen-Booth Road SNCC. Under the SNCC policies, the preferred land use for the western half of the parcel is "Mixed Use." The Amendment would allow for land uses consistent with the SNCC.

The Development Agreement

14. The proposed Amendment is accompanied by a Development Agreement between Richman and the City of Safety Harbor which provides more specifically for how the Property would be developed. Among other items, the Development Agreement provides for:

- a. 246 apartment units in three-story and four-story buildings;
- b. a 25,000-square-foot office building fronting on McMullen-Booth Road;
- c. a 182-foot buffer between the nearest apartment unit and the residences to the east;
- d. a requirement that no three-story building will be located within 450 feet of the eastern property line; and
- e. the preservation of more than 10 acres of the undeveloped area, including the creek and wetlands.

Action on the Proposed Amendment

15. Changing a land use designation in the City of Safety Harbor requires an amendment to the Countywide Plan Map, which depicts all land use designations in Pinellas County and its municipalities.

16. Countywide Rules are used in conjunction with the Countywide Plan and they address amendments to the Countywide Plan Map.

17. The Countywide Plan and Countywide Rules are created and administered by the CPA.

18. Proposed amendments to the Countywide Plan Map are reviewed by the Pinellas County Planning Advisory Committee ("PAC"), which is comprised of planners from most of the local governments in Pinellas County. The PAC makes a recommendation to the Pinellas Planning Council on a proposed amendment. The PAC recommended approval of the Amendment.

19. The staff of the Pinellas Planning Council prepared an "Agenda Memorandum," which included the following findings which are supported by the preponderance of the evidence presented in this case and, therefore, are findings of fact in this Recommended Order:

a. The RM land use is well-suited to serve as a transition from non-residential areas to the west and south and the residential neighborhoods to the east and north.

b. The area is not part of a larger consolidated industrial area, but the Richman parcel, together with the IL parcel across 10th Street South, could function as a small industrial park.

c. The IL category, with all potential uses allowed, is "in the broadest sense" inconsistent with single-family uses to the north and east.

d. The IL parcel can accommodate certain "target employers." At the final hearing, target employers were identified as "office light industrial and research and development."

e. The environmentally sensitive areas on the Property and adjacent to single-family residences limit the types of industrial uses that could be located on the IL parcel.

f. The Amendment does not foreclose the opportunity to attract target employers to other parcels within the Property.

g. "On balance," the Amendment is consistent with the Countywide Rules.

20. The Council staff recommended approval of the Amendment. As partial mitigation for the loss of the IL land use, the staff recommended that Richman work with the County to attract target employers to other parcels within the Property.

21. The Council held a public hearing and voted to recommend approval of the Amendment.

22. The Pinellas County planning staff recommended approval of the Amendment to the CPA.

23. The CPA, at a public hearing, voted to deny the Amendment, based primarily on concern over the loss of industrial lands.

Relevant Criteria

24. Section 5.5.3.1 of the Countywide Rules states:

In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following six (6) Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

25. Of these six criteria, the parties stipulated that only the consideration stated in Section 5.5.3.1.1 is at issue in this case. That section states:

Consistency with Countywide Rules. The manner in, and extent to, which the amendment is consistent with Article 4, Plan Criteria and Standards of these Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

26. The parties disputed what criteria are "implemented through the Countywide Rules." Richman contends that to be implemented through the Countywide Rules, a policy must be contained in the Countywide Rules. The CPA contends that there are provisions of the Plan that must be considered even if they do not also appear in the Rules.

27. As set forth in the Conclusions of Law, in order for a provision of the Countywide Plan to be implemented through the

Countywide Rules so that the provision can act as a criterion applied by the CPA in the approval or denial of a proposed amendment to the Countywide Plan Map, the provision must be repeated, paraphrased, or adopted by reference in the Countywide Rules.

28. In this regard it is noted that Resolution 06-3 of the Pinellas Planning Council, which discusses the need to reserve industrial parcels for target employers, was referred to in the Council's Agenda Memorandum and discussed in the public hearing before the CPA. However, Resolution 06-3 is not implemented through the Countywide Rules and, therefore, is not a source of criteria applicable to the Amendment.

29. The SNCC designation for McMullen-Booth Road is in the Countywide Rules and, therefore, must be considered by the CPA in its review of the Amendment.

30. Section 2.3.3.6.1 of the Countywide Rules is relevant to the issues raised and states in part:

Category/Symbol - Industrial Limited (IL)

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and industrial/mixed use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

In addition to this statement of purpose, the section addresses locational characteristics, traffic generation characteristics, density/intensity characteristics, density/intensity standards, and "other standards."

31. Section 2.3.3.6.1 identifies the "primary uses" allowed in the IL land use category as office, research/development, light manufacturing/assembly, wholesale/distribution, and storage/warehouse. The "secondary" uses allowed are residential, retail/commercial; personal service/office support, commercial/business service, commercial recreation, temporary lodging, institutional, transportation/utility, recreation/open space, transfer/recycling, incinerator facility, and agricultural.

32. The CPA's desire for certain target employers to use the IL parcel fails to account for the fact that there are industrial uses of the site that are allowed under the IL land use category in the Countywide Plan that would cause noise, odor, truck traffic, or other conditions that are incompatible with adjacent residential uses. Understandably, the CPA would like to see the Richman parcel used in the future by one of the target employers, but the CPA does not acknowledge that the IL designation authorizes other uses that would be incompatible with surrounding uses.

33. At the final hearing, the County's Director of Economic Development testified that the Richman parcel is "perfect" for an IL land use, but that testimony only makes sense in the context of certain target employers. In the context of all the IL uses that are allowable under the Countywide Plan and Countywide Rules, the site is imperfect and impracticable because of the proximity of single-family homes and the access from an undivided, two-lane street used by residential traffic.

34. Several years of marketing efforts by Richman and the County have not generated a single offer to purchase or lease the Richman parcel for any of the allowed IL uses, including target employers.

35. Following the CPA's denial of the Amendment, the staff of the Pinellas Planning Council undertook a review of its current policies regarding the preservation of industrial lands and recommended amending the Countywide Rules to identify industrial properties "worthy of preserving" and to develop criteria for the evaluation of proposed amendments to convert industrial land. These recommendations highlight the current lack of adequate guidance in the Countywide Rules.

36. The determination by the CPA that the Amendment is inconsistent with the Countywide Rules is based primarily on three propositions which are contrary to the preponderance of the evidence. First, that the Richman parcel is being reserved for IL

uses. The preponderance of the evidence shows that the parcel is inappropriate for several authorized IL uses and the CPA wants the parcel reserved only for a few target employers.

37. Second, that the IL designation is not inconsistent with the McMullen-Booth Road SNCC. The identification of preferred land uses in the corridor would have no effect unless it was a factor to be considered by the CPA when it reviews proposed amendments to the Countywide Plan Map. The IL designation within the McMullen-Booth SNCC is inconsistent with the goal of the corridor and is a factor (not a requirement) in favor of changing current IL designation to another designation that qualifies as Mixed Use.

38. Third, that the Richman parcel is part of a "consolidated area" for industrial uses in a location "consistent with surrounding uses" as described in Section 2.3.3.6.1. The preponderance of the evidence shows that this is not a consolidated area for industrial uses. It was once a consolidated area, but past land use decisions have eliminated more than half the industrial acreage. If Richman had proposed to consolidate its parcel with the IL parcel south of 10th Street South to create a large, integrated warehousing and distribution operation served by rail, the proposal would have been consistent with the core purpose for IL lands as expressed in Section 2.3.3.6.1. The impracticability of such a proposal, however,

highlights the problem with the current IL designation for the Richman parcel.

39. The County's 2008 Target Employment and Industrial Land Study found that two-thirds of the "target industries" operating in Pinellas County are on lands not designated industrial, because these uses can often be accommodated on lands designated for office uses.

40. The 2008 study recommended that the industrial designations of lands in five "prime industrial areas" be preserved. Richman's IL parcel is not in one of these prime industrial areas. When all relevant factors are considered, the CPA appears to be taking a stand for preservation of industrial lands in the wrong place.

CONCLUSIONS OF LAW

41. This is a de novo proceeding. The standard of proof is a preponderance of the evidence.

42. The CPA contends that the IL classification for the Richman parcel is presumptively valid and Richman must prove the classification is invalid, citing Lee County v. Sunbelt Equities, II, 619 So. 2d 996 (Fla. 2d DCA 1993). However, the Sunbelt Equities case arose in a different context. This proceeding is not governed by either chapter 125 or chapter 163, Florida Statutes. It is a unique proceeding established by the CPA.

43. Section 5.5.3.1.1 of the Countywide Rules expressly states, and the parties have stipulated, that the issue to be determined is "[t]he manner in, and extent to, which the amendment is consistent with" certain criteria in the Countywide Rules. The CPA established this review procedure and review standard. It cannot ignore its own standard and insist, instead, that a challenger prove the existing land use classification is invalid.

44. The CPA contends that industrial use-related policies and strategies of the Countywide Plan can be applied to the proposed Amendment, even if they do not appear anywhere in the Countywide Rules. The CPA treats all related Plan provisions as implemented by the Rules and, therefore, as potential criteria to be applied by the CPA in its review of a proposed Countywide Plan Map amendment. Its position requires an illogical construction of the phrase "implemented by the Countywide Rules" that is contrary to the ordinary meaning of the words used. Its position makes the determination of what criteria are applicable to a map amendment difficult to determine and open to debate.

45. The CPA is not foreclosed from considering related matters discussed in the Countywide Plan that give context to words and concepts used in the Countywide Rules. However, nothing in the Countywide Plan can be transformed into a Countywide Rule criterion that requires IL lands to be reserved for certain target employers when the Countywide Rules addressing industrial uses do

not mention target employers and allow uses that are not target employers.

46. It is concluded that a criterion must appear somewhere in the Countywide Rules in order to be reasonably described as "implemented through the Countywide Rules." This conclusion harmonizes with the title of Section 5.3.3.1.1, "Consistency with the Countywide Rules," and with Section 2.2.3 of the Countywide Rules, which states that "[a]ll Countywide Plan Map amendments shall be made in accordance with the provisions of these Countywide Rules, as amended."

47. Section 2.2.3.6.1, which describes the IL classification, is a Countywide Rule directly relevant to a proposed map amendment involving IL lands and must be considered by the CPA in its review of Amendment.

48. Section 5.3.3.1.1 requires consideration of the extent to which an amendment is consistent with Article 4 of the Countywide Rules and with the provisions of the Countywide Plan that are implemented through the Countywide Rules. Every professional planner that reviewed the Amendment leading up to its presentation to the CPA opined, and the preponderance of the evidence shows, that the Amendment creates more points of consistency and fewer points of inconsistency than the existing IL land use classification.

49. Nevertheless, under Section 5.3.3 of the Countywide Rules, the review of a proposed Countywide Plan Map amendment requires a "a balanced legislative determination." The CPA is bound by factual findings made by the Administrative Law Judge which are supported by competent substantial evidence, but the CPA is not bound by the balance struck by the Administrative Law Judge, based on his perception of the differential importance of various findings. The ultimate balancing and determination of consistency is for the CPA to make. See Save Anna Maria, Inc. v. Dep't of Transp., 700 So. 2d 113, 116 (Fla. 2d DCA 1997)(The Department of Environmental Protection did not reject any of the hearing officer's findings regarding the proposed mitigation of environmental impacts, but balanced the findings to reach the ultimate legal conclusion that DOT had provided reasonable assurance.) Save Anna Maria involved a statute that specifically directed the agency to determine whether mitigation was sufficient and no similar statute is involved here. However, the ultimate authority of the CPA is similar, because it is making a legislative decision, which cannot be delegated to an Administrative Law Judge.

RECOMMENDATION

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.

DONE AND ENTERED this 18th day of November, 2013, in Tallahassee, Leon County, Florida.



BRAM D. E. CANTER
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

Received

DEC 03 2013

Pinellas Planning
Council

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**THE RICHMAN GROUP OF FLORIDA, INC.,
a Florida Corporation,**

**Case No.: CW #13-2 and
Resolution No. 13-36**

Petitioner,

DOAH Case No. 13-2004GM

vs.

**PINELLAS COUNTY BOARD
OF COUNTY COMMISSIONERS,
in their capacity as the
COUNTYWIDE PLANNING AUTHORITY,**

Respondent.

**PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS,
IN THEIR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY,
EXCEPTIONS TO THE RECOMMENDED ORDER**

Pursuant to Rule 28-106.217, Florida Administrative Code, Respondent, Pinellas County Board of County Commissioners, in its capacity as the Countywide Planning Authority ("Pinellas County"), files these exceptions to the Recommended Order issued November 18, 2013, by the Honorable Bram D. E. Canter, Administrative Law Judge ("ALJ"), State of Florida, Division of Administrative Hearings ("DOAH").

1. Paragraphs 19(c) and 32 are not supported by competent substantial evidence. While the Pinellas Planning Council's ("PPC") Agenda Memorandum (Petitioner's Exhibit #2) states the industrial limited ("IL") category is in the broadest sense inconsistent with the single family uses along the northern and eastern property lines, it qualifies that statement by saying that appropriate limitations can be put in place to ensure compatibility, especially for an

employment use with little or no external impacts. This is also addressed in Section 2.3.3.6.1 of the Countywide Rules (Petitioner's Exhibit #9), which sets forth the criteria for IL classified lands. Within Section 2.3.3.6.1, the Other Standards portion states that an appropriate buffer shall be provided in and between the IL category and an adjoining residential classification. Therefore, it is not per se incompatible to have IL near or adjacent to residential. Mike Meidel, Director of Economic Development for Pinellas County who was recognized as an expert in economic development at the administrative hearing, testified that compatibility may be achieved between IL and residential classified land with a simple buffering mechanism like vegetation or occasionally a wall or fence. (Hearing Transcript Page 151 Lines 19-24).

2. Paragraphs 26, 27 and 44 are not supported by competent substantial evidence. Section 5.5.3.1.1 of the Countywide Rules states that an amendment is reviewed for consistency with the Countywide Plan as implemented through the Countywide Rules. However, neither the Countywide Plan nor the Countywide Rules define the word "implemented." The hearing officer in paragraph 26 of the Recommended Order stated that "implemented" means that a provision of the Countywide Plan must be "repeated, paraphrased, or adopted by reference in the Countywide Rules." However, words are to be given their plain and ordinary meaning unless defined in the statute. Green v. State, 604 So. 2d 471, 473 (Fla. 1992) The plain and ordinary meaning can be found by reference to a dictionary. Id. Implement is defined as to carry out effectively. Synonyms of implement are to administer, apply, and execute. Merriam-Webster found at www.merriam-webster.com. The hearing officer's interpretation of "implemented" is therefore inconsistent with its plain and ordinary dictionary definition.

Additionally, Mike Crawford, interim PPC Executive Director who was accepted as an expert in the area of planning at the administrative hearing, testified that issues, position

statements and strategies in the appendix to the Countywide Rules help to interpret some of the specific language in the Countywide Plan. He said the parent document would be the Countywide Plan and the Countywide Rules administer the Countywide Plan. (Hearing Transcript Pages 190-191 Lines 24-25)

To require a provision of the Countywide Plan to be “repeated, paraphrased or adopted by reference” in the Countywide Rules in order to review a Countywide Plan Map amendment for consistency is more than what is required by the language of the Rule itself. The hearing officer recognized this concept in paragraph 45 of the Recommended Order when he stated that the CPA is not foreclosed from considering related matters in the Countywide Plan that give context to words and concepts used in the Countywide Rules.

3. Paragraph 38 is not supported by competent substantial evidence. Paragraph 38 states that the amendment at issue would be consistent with Section 2.3.3.6.1 of the Countywide Rules if the amendment proposed to join the parcel at issue with the parcel across 10th Street South into one integrated warehousing and distribution operation. While the record supports the fact that past land use decisions have reduced the IL classified land in the area, nothing in the record indicates the prior IL classified lands were ever joined into one operation. While the PPC’s Agenda Memorandum (Petitioner’s Exhibit #2) acknowledges that the area at issue is no longer a part of a larger, consolidated industrial area (over 100 acres), it indicates that area at issue still qualifies as a smaller industrial park arrangement. Mike Meidel testified that the 15 acres at issue plus the extra 13 acres across the street is a consolidated area. (Hearing Transcript Page 141 Lines 19-23)

4. Pinellas County objects to paragraph 39 and 40 on grounds of relevancy. The parties agreed prior to the hearing that the Target Employment and Industrial Land Study

(TEILS) was not a document to be used in the analysis of whether the amendment was consistent with the Countywide Rules. Pinellas County objected to the use of TEILS in the review of the proposed amendment for consistency under Section 5.5.3.1.1 of the Countywide Rules. (Hearing Transcript Page 225 Lines 5-12) The CPA never adopted TEILS into either the Countywide Plan or Rules. Therefore, under Section 5.5.3.1.1 of the Countywide Rules, TEILS is irrelevant as it may not be used to review a proposed amendment for consistency.

WHEREFORE, Respondent, Pinellas County requests that the above four exceptions to the Recommended Order of the Hearing Officer be granted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Scott McLaren, Esquire, at smclaren@hwhlaw.com and Ed Armstrong, Esquire, at earmstrong@hwhlaw.com, Hill Ward Henderson, P.A., 101 E. Kennedy Blvd., Suite 3700, Tampa, FL. 33602, and hand-delivery to Michael Crawford, Interim Executive Director Pinellas Planning Council, 310 Court Street, Second Floor, Clearwater, Florida 33756-5137 and Kenneth Welch, Chairman, Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, Florida 33756, this 3rd day of December, 2013.

s/NANCY S. MEYER

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