

BOARD OF COUNTY COMMISSIONERS

DATE: February 11, 2014

AGENDA ITEM NO. 1a.-d.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

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

Department:

Planning and Development Services

Staff Member Responsible:

Larry Arrington, Executive Director

Recommended Action:

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), CONDUCT A PUBLIC HEARING TO ADOPT THE PROPOSED ORDINANCES APPROVING CASES CW 14-01, CW 14-02, AND CW 14-03 OF PINELLAS COUNTY AND CASE CW 14-04 OF LARGO.

Summary Explanation/Background:

The Board has received four proposed regular amendments to the FLUP that were reviewed by the Pinellas Planning Council (PPC or Council) on January 8, 2014.

Case CW 14-01 is a submittal by Pinellas County for 1.9 acres that includes the property located at 29703 U.S. Highway 19 from Residential/Office/Retail, Residential Low, Preservation, and Water Drainage Feature Overlay to Residential/Office/Retail and Residential Low. The site is currently developed with a motorcycle and watercraft retail store and a mobile home. The owner intends to remove the unoccupied mobile home, expand the retail use and make improvements to the landscaping, provide stormwater treatment, and increase parking on the site. County staff concurs with the PPC recommendation of approval.

Case CW 14-02 is a submittal by Pinellas County for 55.6 acres that includes the property located at 1800 Alternate U.S. Highway 19 (South Pinellas Avenue), from Commercial General, Residential Suburban (up to 2 ½ units an acre), Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay to Residential Low Medium (up to 10 units an acre), Preservation, and Water/Drainage Feature Overlay. The subject area includes a nursery/sod business on Alternate U.S. Highway 19 and extensive wetlands with isolated undeveloped uplands. A 125-unit affordable housing project is proposed to be constructed on 3.54 acres of the site along Alternate U.S. Highway 19, and a single-family home is planned to be located on the northeast portion of the subject area adjacent to the Tarpon Springs Municipal Golf Course. Most of the subject area would remain undeveloped. In addition to the Countywide Plan Map amendments, this project involves the transfer of development rights from the onsite wetlands and the clustering of development rights from the property's uplands to the 3.54-acre development site, and an affordable housing density bonus. The proposal includes a Development Agreement that contains development restrictions and requirements allowing for up to 125 residential units and a single family home on the upland portions of the site. County staff concurs with the PPC recommendation of approval, subject to the accompanying development agreement.

Case CW 14-03 is a submittal by Pinellas County for 3.3 acres located at 343 Bayshore Drive, Ozone, consisting of three parcels, from Residential Low (up to 5 units an acre) to Commercial Recreation. The western portion of the property is currently occupied by Speckled Trout Marina, which is operating as a non-conforming use. The owner intends to expand the marina to include the eastern portion of the subject area, and also desires to retain the ability to develop one duplex structure on the westernmost parcel. The applicant has submitted a Development Agreement with the proposal, which contains numerous conditions relating to the daily operations of the marina in order to address neighborhood concerns and to address compatibility with surrounding residential uses.

County staff concurs with the PPC recommendation of approval, subject to the accompanying Development Agreement.

CW- 14-04 is a submittal by the City of Largo for the northern 2.4 acres of a parcel totaling 8.1 acres, located at 1201 East Bay Drive, from Recreation/Open Space and Water/Drainage Feature Overlay to Commercial General. The site is currently developed with an ice cream store and recreational uses such as a miniature golf course, golf driving range, a pro shop, and batting cages. The applicant intends to develop the northern 2.4 acre portion of the site with a Racetrac gas station/convenience store while leaving the remaining 5.7 acres for existing recreational uses at this time. County staff concurs with the PPC recommendation of approval.

Fiscal Impact/Cost/Revenue Summary:


None

Exhibits/Attachments Attached:

Ordinances
County Board Minutes
Council Documentation

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

THROUGH: Robert S. LaSala, County Administrator

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

SUBJECT: February 11, 2014 Countywide Planning Authority Agenda
Part I – Public Hearing Agenda Re: Regular Plan Map Amendments

DATE: February 11, 2014

RECOMMENDATION: THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, APPROVE CASE CW 14-01, APPROVE CASE CW 14-02 SUBJECT TO ACCOMPANYING DEVELOPMENT AGREEMENT, APPROVE CASE CW 14-03 SUBJECT TO ACCOMPANYING DEVELOPMENT AGREEMENT, AND APPROVE CASE CW 14-04, AS OUTLINED BELOW.

DISCUSSION: The Countywide Planning Authority has received four (4) cases concerning regular amendment of the Countywide Plan Map as described below:

Case CW 14-01 – Pinellas County:

1.9 acres m.o.l., located at 29703 US Highway 19, proposed to change from Residential/Office/Retail, Residential Low, Preservation, and Water/Drainage Feature Overlay to Residential/Office/Retail and Residential Low.

This proposed amendment is submitted by Pinellas County and seeks to reclassify four parcels totaling 1.9 acres of land from Residential/Office/Retail (0.3 acres), Residential Low (0.4 acres), Preservation (1.2 acres) to Residential/Office/Retail (1.6 acres) and Residential Low (0.3 acres).

The property is developed with a motorcycle/watercraft retail store and a mobile home. The owner proposes to expand the retail use on the site and add/improve the parking, stormwater treatment, and landscaping. Also, the mobile home is proposed to be removed. The Preservation category is a remnant of the County's original Master Drainage Plan for the area and does not accurately reflect the current use of the property. The site has been developed for many years and any wetlands that may have been on the site were likely removed long ago.

The Pinellas Planning Council, by a vote of 9-0, voted approval of Case CW 14-01.

Case CW 14-02 – Pinellas County:

55.6 acres m.o.l., located at 1800 Alternate US Highway 19 (South Pinellas Ave.), proposed to change from Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay to Residential Low Medium, Preservation, and Water/Drainage Feature Overlay.

This proposed amendment is submitted by Pinellas County and seeks to reclassify five parcels totaling 55.6 acres of land from Commercial General (1.8 acres), Residential Suburban (9.9 acres), Preservation (43.8 acres), and Water/Drainage Feature (0.1 acre) to Residential Low Medium (6.7 acres) and Preservation (48.8 acres).

The property was previously developed with a nursery/sod business on the 1.8 acre commercial parcel fronting Alternate US Highway 19, and the remainder of the property is vacant uplands and wetlands. The property owner proposes to develop a 125 unit apartment complex on a 3.5 acre portion of the site (adjacent and including the nursery property) and a single-family residence (one unit) on another part of an upland area of the site (further north, adjacent to the Tarpon Springs golf course), leaving the majority of the property vacant. Furthermore, to achieve the requested 125 units for the multifamily building, the owner plans to redistribute the density from all the uplands to the 3.5 acre area, transfer development rights from the wetland portion of the site, and apply for a Pinellas County 50% affordable housing density bonus. Lastly, the owner has submitted a Development Agreement with this amendment.

The Pinellas Planning Council, by a vote of 6-3, voted to approve Case CW 14-02, subject to the accompanying development agreement.

Case CW 14-03 – Pinellas County:

3.3 Acres m.o.l., located at 343 Bayshore Drive, Ozona, proposed to change from Residential Low to Commercial Recreation.

This proposed amendment is submitted by Pinellas County and seeks to reclassify three parcels totaling 3.3 acres of land from Residential Low to Commercial Recreation.

The majority of the property is developed with the Speckled Trout Marina. The property owner proposes to expand the marina use on the site which includes expanded boat storage operations, improvements to the parking, stormwater treatment, and landscaping. The owner also proposes a duplex to be used for transient accommodations. This marina has been at this location for many years and is currently operating as a non-conforming use on the western two parcels. It has been stated that without the amendment the current marina could continue operating but the expansion could not take place.

The Pinellas Planning Council, by a vote of 8-1, voted to approve Case CW 14-03, subject to the accompanying development agreement.

Case CW 14-04 – City of Largo:

2.4 Acres m.o.l., located at 1201 East Bay Drive, proposed to change from Recreation/Open Space and Water/Drainage Feature Overlay to Commercial General.

This proposed amendment is submitted by the City of Largo and seeks to amend the 2.4 acre northern portion of a parcel from Recreation/Open Space to Commercial General, leaving the remaining 5.7 acre southern portion of the parcel designated Recreation/Open Space unchanged. The site contains an ice cream store, miniature golf course, golf driving range, pro shop and batting cages. The 2.4 acre site is proposed to be developed with a Racetrac gas station/convenience store. There are no development plans for the southern 5.7 acre portion of the property at this time.

The Pinellas Planning Council, by a vote of 9-0, voted to approve Case CW 14-04.

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 NUMBERS CW 14-01, CW 14-02 AND CW 14-03 INITIATED BY PINELLAS COUNTY AND TRANSMITTED TO THE BOARD IN ACCORDANCE WITH THE SPECIAL ACT; PROVIDING FOR AMENDMENT TO THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, proposed amendments to the Countywide Future Land Use Plan, which is an element of the Countywide Comprehensive Plan of Pinellas County, Florida, have been presented at a public hearing to the Board of County Commissioners in their capacity as the Countywide Planning Authority; and

WHEREAS, notices of public hearings have been accomplished as required by Chapter 73-594, Laws of Florida, as amended; and

WHEREAS, procedures of the Special Act and County Charter have been followed concerning the Pinellas Planning Council and the Countywide Planning Authority for proposed amendments to the Countywide Future Land Use Plan; and

WHEREAS, Pinellas County initiated proposed amendments which were considered at a public hearing by the Pinellas Planning Council on January 8, 2014, with recommendations made by the Council that are documented in the Council reports referred to as Exhibit A; and

WHEREAS, the Board has conducted a public hearing and taken action that is documented by ordinance for approvals or partial approvals and partial denials and by resolution for denials, with both documents including the relevant Council reports as attached; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, acting as the Countywide Planning Authority in regular meeting duly assembled on February 11, 2014, as follows:

Section 1 – Amending the Countywide Future Land Use Plan

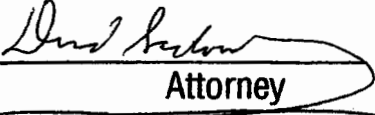
The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4 is amended to reflect the changes adopted as follows:

- #CW 14-01 1.9 acres located at 29703 U.S Highway 19, from Residential/Office/Retail, Residential Low, Preservation, and Water/Drainage Feature Overlay to Residential/Office/Retail and Residential Low
- #CW 14-02 55.6 acres located at 1800 Alternate U.S Highway 19 (South Pinellas Avenue), from Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay to Residential Low Medium, Preservation, and Water/Drainage Feature Overlay, subject to the accompanying development agreement.
- #CW 14-03 3.3 acres located at 343 Bayshore Drive, Ozone from Residential Low to Commercial Recreation, subject to the accompanying development agreement.

Section 2. Severability If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by a Court of Competent Jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Filing of Ordinance; Effective Date A certified copy of this ordinance shall be filed with the Secretary of State with the Ordinance and Exhibit A to be filed with the Clerk of the Circuit Court. This Ordinance shall take effect upon filing with the Department of State.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

* * * *

At this time, 5:42 P.M., the meeting was recessed and reconvened at 6:05 P.M. with all members present, with the exception of Commissioner Morroni.

* * * *

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

- #30 Resolution No. 13-196 adopted appropriating unanticipated fund balance in the Solid Waste Renewal and Replacement Fund, the Water Renewal and Replacement Fund, and the Sewer Renewal and Replacement Fund. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala
Vote	-	6 – 0

- 1W-14-02
#31a Resolution No. 13-197 adopted approving the application of Capon Corporation and John and Bonnie Mills through E. D. Armstrong III and Katherine E. Cole, Representatives, for a zoning change from A-E, Agricultural Estate Residential, and C-2, General Retail Commercial & Limited Services, to RPD-10, Residential Planned Development, 10 units per acre, and P/C, Preservation Conservation; a special exception to allow up to a 50-percent affordable housing density bonus; and a transfer of density with a Development Agreement containing development restrictions and requirements, allowing for up to 126 residential units in a building having a maximum height of 70 feet (five to six stories of development over parking); and Ordinance No. 13-31 adopted approving a land use change from Residential Suburban, Commercial General, and Preservation to Residential Low Medium and Preservation (Z/LU-20-8-13), re approximately 55.56 acres located on the west side of Alternate U.S. Highway 19 (Alternate 19) and approximately 515 feet north of Terrace Road, in the unincorporated area of Tarpon Springs (street address: 1800 Alternate U.S. Highway 19 [South Pinellas Avenue]). The Local Planning Agency recommended approval of the application based on the staff report. A petition with 88 signatures in opposition to the application has been received.

Referring to aerial photographs and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the subject property, described surrounding

land uses, and provided a brief overview of the application. He indicated that the property contains approximately 48 acres of wetlands scattered throughout the site; that the application will allow for the transfer of development units on the upland properties to a more desirable area, removing them from the 100-year floodplain; that the Commercial General designation on adjacent property in the City of Tarpon Springs allows 15 residential units per acre; and that County staff has worked with the applicant on various scenarios and concept plans and believes the proposed plan is very sustainable.

Mr. Cueva indicated that the Development Agreement will require the applicant to construct a bus pad and fill a gap in the local sidewalk system; that the proposed use is affordable housing for the elderly, which qualifies for a 50-percent density bonus; that Alternate 19 is rated a concurrency level F, but the elderly residents will be doing a minimal amount of driving; that preservation of the wetlands is paramount in the recommendation for approval; and that the maximum development on the property will be one 125-unit building and one single-family residence.

Noting that there is some concern by area residents that the wetlands may be disturbed, Mr. Cueva related that they will be zoned Preservation/Conservation, which prohibits any type of development; that the preservation areas will not be disturbed; and that they will maintain their natural drainage function. He further indicated that the applicant has met with homeowners to the east of Alternate 19 regarding traffic at the Curlew Place intersection; and that the location of the proposed development has been adjusted to address their concerns; whereupon, in response to query by Chairman Welch, he confirmed that the staff recommendation for approval echoes that of the Local Planning Agency.

Responding to query by Commissioner Roche, Mr. Cueva confirmed that various areas marked RPD-10/RLM on the proposed land use and zoning map will retain their zoning and land use classifications, but will have no developmental rights.

E. D. Armstrong, Esquire, appearing on behalf of the applicant, indicated that Mr. Cueva has accurately described the application, which is a request to cluster development for a higher-density senior housing project located along a major arterial roadway that is served by mass transit, as allowed under the County's rules; that the request is consistent with the Goals, Objectives, and Policies of the County's Comprehensive Plan; and that several revisions have been made to the plan in order to achieve an outcome that works for all parties.

Mr. Armstrong related that he had just become aware of the neighbors' concerns and wishes to hear what they are; that the applicant believes it has chosen the perfect place for a higher-density facility because of the natural buffering of the preservation area, which will remain undisturbed; and that the development will be located a dramatic distance from the residential areas to the west and south.

Responding to the Chairman's call for persons wishing to speak, the following individuals appeared and expressed their concerns pertaining to traffic impacts along Alternate 19, the density of the proposed development, and potential negative effects to the wetlands.

Justin Vessey, Tarpon Springs, President, Grassy Point Homeowners Association

VaCelia Koumendouvos, Tarpon Springs

Martha Stanley, Tarpon Springs, Vice-President, Grassy Point Homeowners Association

In response to concerns expressed by the objectors and queries by Commissioner Roche, Planning Division Manager Gordon R. Beardslee related that Alternate 19 is identified as a Constrained Corridor under the Board's policies, as stated in the Comprehensive Plan; that development constraints can be waived if the applicant and staff agree upon a Transportation Management Plan, in this case, the bus pad and sidewalk; that the staff recommendation is based upon a review of the entire proposal, which includes the transfer of development rights and affordable housing bonus, for a total of 126 units; and that an adjacent hospital to the north could be utilized by residents of the proposed development.

Alluding to concerns by the objectors, Mr. Armstrong pointed out that the Alternate 19 frontage property is currently zoned General Commercial, one of the highest categories in terms of traffic generation; that the proposal will downzone the property, reducing the traffic generation calculations; that the proximity to Florida Hospital will be a positive selling point for the proposed senior population; and that concurrency requirements must be met or a permit will not be issued. Referring to the Transportation Management Plan and transfer of development rights, he noted that Pinellas County Code contains well-defined, objective procedures that have been uniformly applied by staff over a period of time for dozens of projects; that everything requested by the applicant has been addressed by the Board many times; and that the proposal is in accordance with the Countywide Rules.

Commissioner Latvala inquired whether the intent is to build a particular type of senior facility, noting that it could make a difference in the traffic; and Mr. Armstrong related that plans have not been refined to the point of classifying it as a 55-plus, very elderly, or other specific type of facility; whereupon, responding to query by Commissioner Roche, Senior Assistant County Attorney David S. Sadowsky clarified that the agenda package includes a concept plan; and that the site plan submitted for approval must be substantially in conformance with the concept plan.

Referring to Section 6.1.3.1 of the proposed Development Agreement, Attorney Sadowsky pointed out that there is no requirement that the project be a senior development; that the density bonus is based on construction of affordable housing; and that if the Board wishes to limit it to a senior development, the Development Agreement will have to be revised accordingly. Discussion ensued, and responding to query by Commissioner Roche, Mr. Beardslee related that the trip generation figures provided by staff were calculated strictly on the basis of the number of units, without regard to the age of the occupants; and Commissioner Latvala noted that the traffic would still be substantially less than with the original commercial zoning.

Commissioner Roche expressed concern with regard to the proposed Transportation Management Plan and inquired whether the applicant would be amenable to meeting with the neighbors to discuss additional means of mitigation; whereupon, Mr. Armstrong stated that, while his client would be willing to engage in a dialogue with the neighbors, he does not wish to mislead the Commission; and that his client followed a typical strategy, made a good faith effort to reach out to the community, and would expect to be treated as any other applicant in terms of the Transportation Management Plan.

Motion	-	Commissioner Long
Second	-	Commissioner Roche
Vote	-	6 – 0

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- W 14-01 #31b Resolution No. 13-198 adopted approving the application of Team Savage, Inc. through Michael J. Gaylor, Representative, for a zoning change from R-6, Residential, Mobile Home Parks, and Subdivisions, to CP-1, Commercial Parkway (0.26 acre), and a special exception to allow overflow parking in an R-6 zone; and Ordinance No. 13-32 adopted approving a land use change from Residential/Office/Retail (0.27 acre), Residential Low (0.41 acre), and Preservation (1.21 acres) to Residential/Office/Retail (1.59 acres) and Residential Low (0.30 acre) (Z/LU-24-10-13), re a parcel of land containing approximately 1.89 acres located at 29703 U.S. Highway 19, Clearwater. The Local

Agenda Item III B-2.

Case CW 14-02

Pinellas County

PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

AGENDA ITEM: III B-2.

MEETING DATE: January 8, 2014

SUBJECT: Amendment of the *Countywide Future Land Use Plan Map*
FROM: Commercial General (CG), Residential Suburban (RS), Preservation (P), Water/Drainage Feature (W/DF), and Water/Drainage Feature Overlay (W/DF)
TO: Residential Low Medium (RLM), Preservation (P), and Water/Drainage Feature Overlay (W/DF)
AREA: 55.6 Acres m.o.l.
CASE #: CW 14-02
JURISDICTION: Pinellas County
LOCATION: 1800 Alternate US Highway 19 (South Pinellas Ave.)

RECOMMENDATION: Council Recommend To The Countywide Planning Authority That The Proposed Map Amendment To Residential Low Medium And Preservation, Along With The Accompanying Development Agreement, Be Denied.

I. BACKGROUND

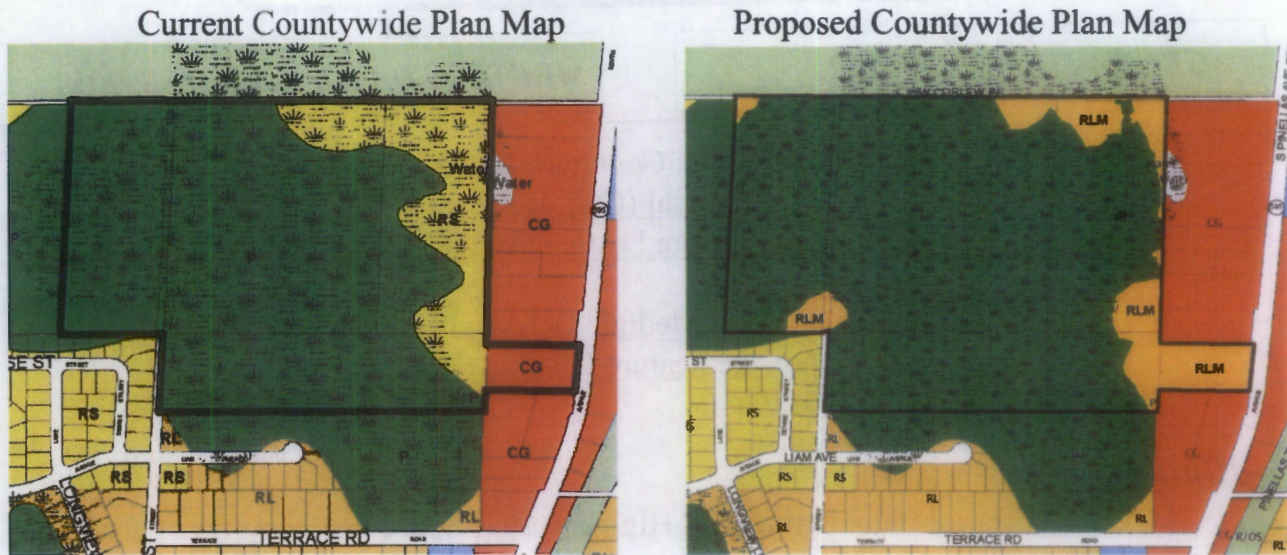
This proposed amendment is submitted by Pinellas County and seeks to reclassify five parcels totaling 55.6 acres of land from Commercial General (1.8 acres), Residential Suburban (9.9 acres), Preservation (43.8 acres), and Water/Drainage Feature (0.1 acres) to Residential Low Medium (6.7 acres) and Preservation (48.8 acres).

The property was previously developed with a nursery/sod business on the 1.8 acre commercial parcel fronting Alternate US Highway 19, and the remainder of the property is vacant uplands and wetlands. The property owner proposes to develop a 125 unit apartment complex on a 3.5 acre portion of the site (adjacent and including the nursery property) and a single-family residence (one unit) on another part of an upland area of the site (further north, adjacent to the Tarpon Springs golf course), leaving the majority of the property vacant. Furthermore, to achieve the requested 125 units for the multifamily building, the owner plans to redistribute the density from all the uplands to the 3.5 acre area, transfer development rights from the wetland portion of the site, and apply for a Pinellas County 50% affordable housing density bonus. Lastly, the owner has submitted a Development Agreement with this amendment.

PINELLAS PLANNING COUNCIL ACTION:

The Council recommended approval of the amendment from Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay to Residential Low Medium, Preservation, and Water/Drainage Feature Overlay, subject to accompanying development agreement (vote 6-3)

COUNTYWIDE PLANNING AUTHORITY ACTION:



II. FINDINGS

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

- A. The proposed Residential Low Medium category along with the accompanying Development Agreement is inconsistent with the criteria for utilization of this category;
- B. The proposed amendment either does not involve, or will not significantly impact, the remaining relevant countywide considerations;
- C. The development agreement has been approved by Pinellas County and executed by the property owner, and is thus eligible for consideration under the amendment process; and
- D. The resulting density on the subject site (35 units per acre) is inconsistent with the Countywide Rules.

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 Low Medium and Preservation Countywide Plan Map categories be denied.

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

III. PLANNERS ADVISORY COMMITTEE (PAC)

The PAC members discussed and recommended approval of staff recommendation to deny with an included statement that the PAC saw the potential value of the affordable housing component and the wetland preservation, and understood the importance to the developer and developing jurisdiction; noting there is a need to balance all relevant criteria (vote 6-1, Pinellas County dissenting). Note: A quorum of eight members was not present when this recommendation was made.

SUBJECT: Case CW 14-02 – Pinellas County

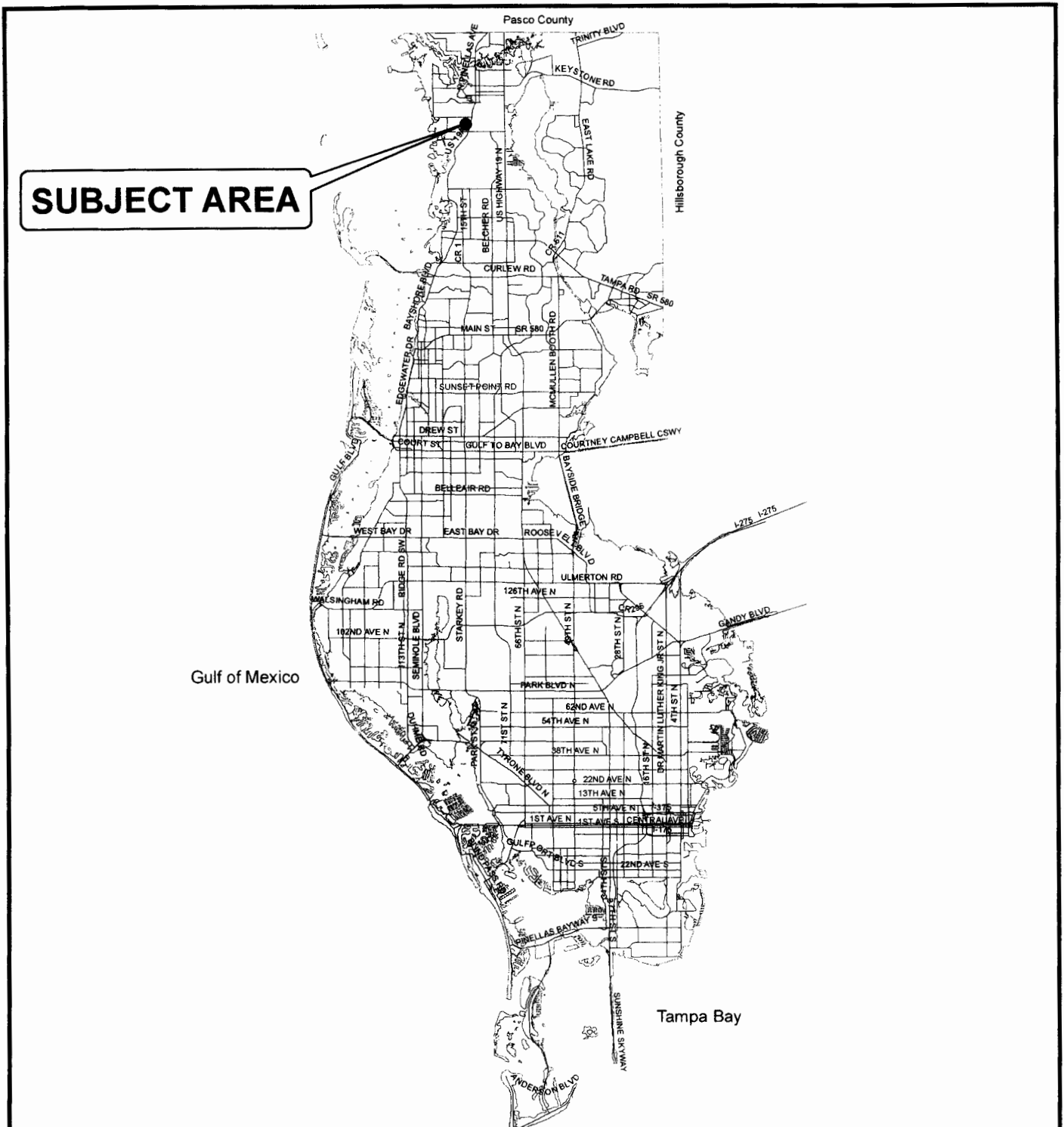
IV. LIST OF MAPS & ATTACHMENTS

Map 1	Location
Map 2	Current Countywide Plan & Jurisdiction Map
Map 3	Aerial
Map 4	Current Countywide Plan Map
Map 5	Proposed Countywide Plan Map

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

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

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



Map 1 - Location

FROM: Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay

TO: Residential Low Medium, Preservation, and Water/Drainage Feature Overlay

AREA: 55.6 Acres

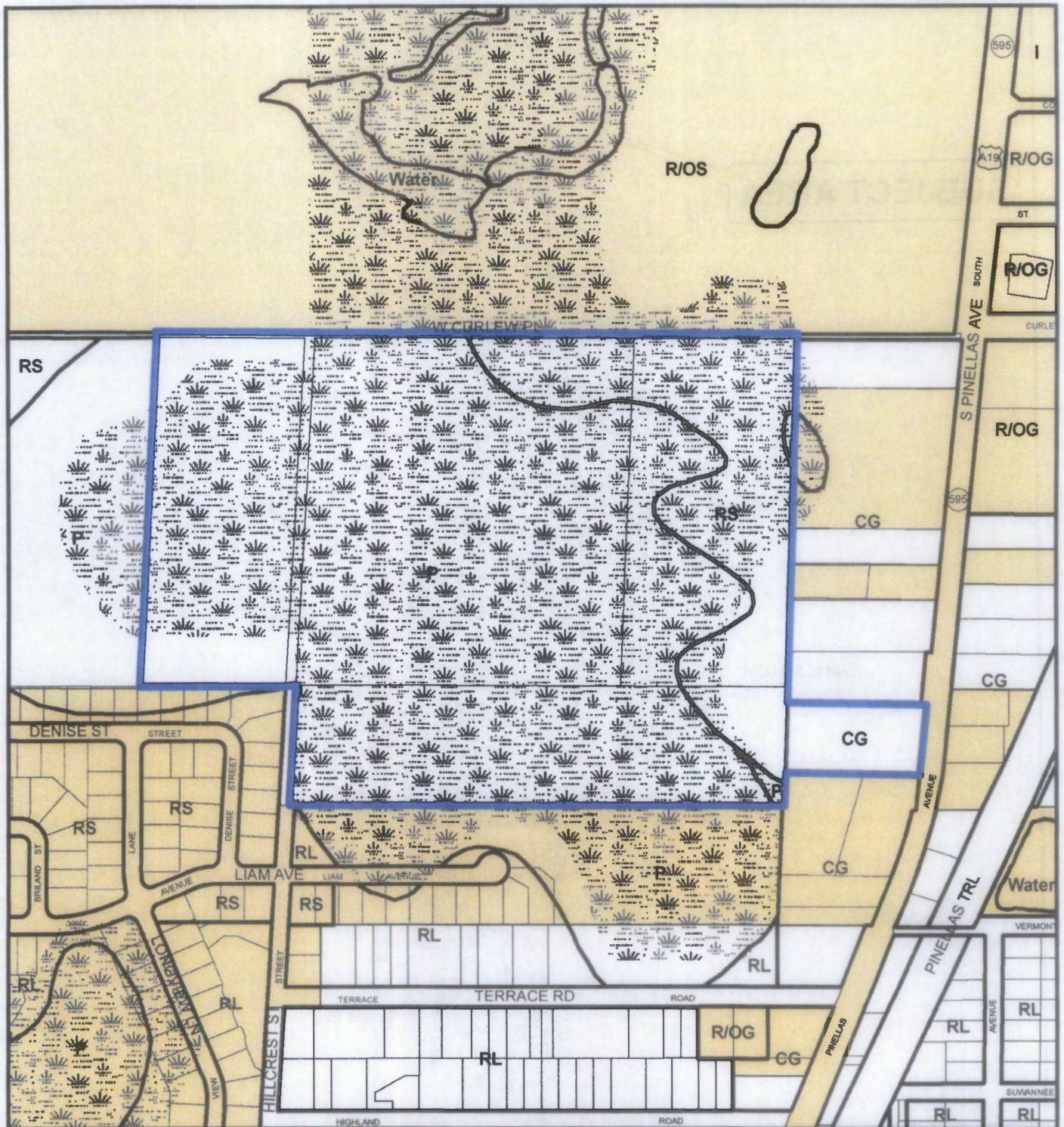
CASE #: CW14-02

JURISDICTION: Pinellas County



1" = 26,000'





Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay

TO: Residential Low Medium, Preservation, and Water/Drainage Feature Overlay

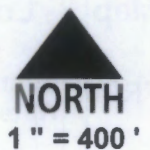
AREA: 55.6

CASE #: CW14-02

Jurisdictions

 TARPON SPRINGS

JURISDICTION: Pinellas County



PPC PINELLAS
PLANNING
COUNCIL



Map 3 - Aerial

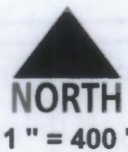
FROM: Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay

TO: Residential Low Medium, Preservation, and Water/Drainage Feature Overlay

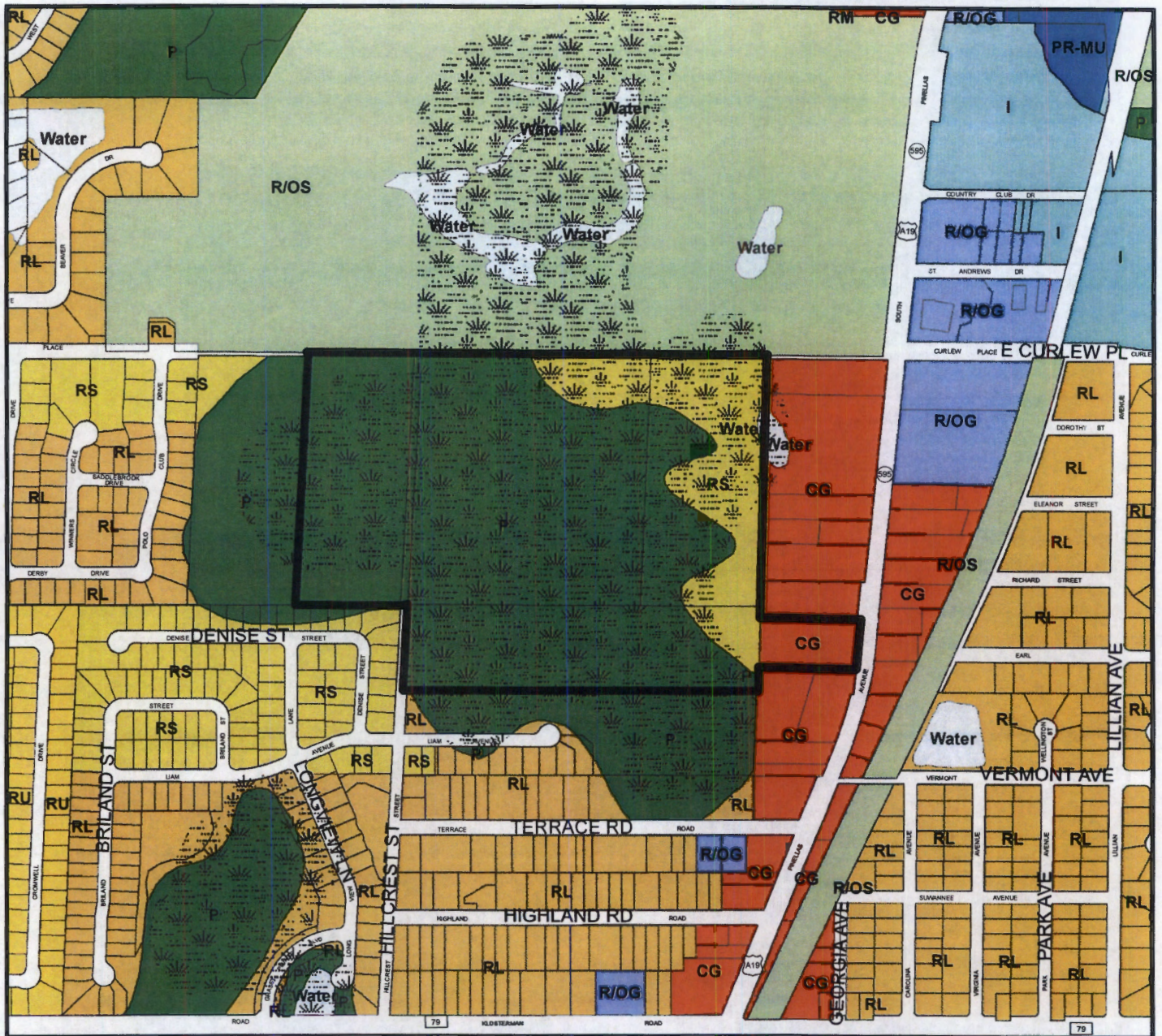
AREA: 55.6

CASE #: CW14-02

JURISDICTION: Pinellas County



PPC PINELLAS
PLANNING
COUNCIL



Residential		Legend	
	Residential Suburban		Commercial General
	Residential Low		Residential / Office General
	Residential Urban		Institutional
	Mixed Use		Preservation
			Recreation / Open Space
			Planned Redevelopment
			Planned Redevelopment Mixed-Use
			Water
			Water/Drainage Feature Overlay

Map 4 - Current Countywide Plan Map

FROM: Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay

TO: Residential Low Medium, Preservation, and Water/Drainage Feature Overlay

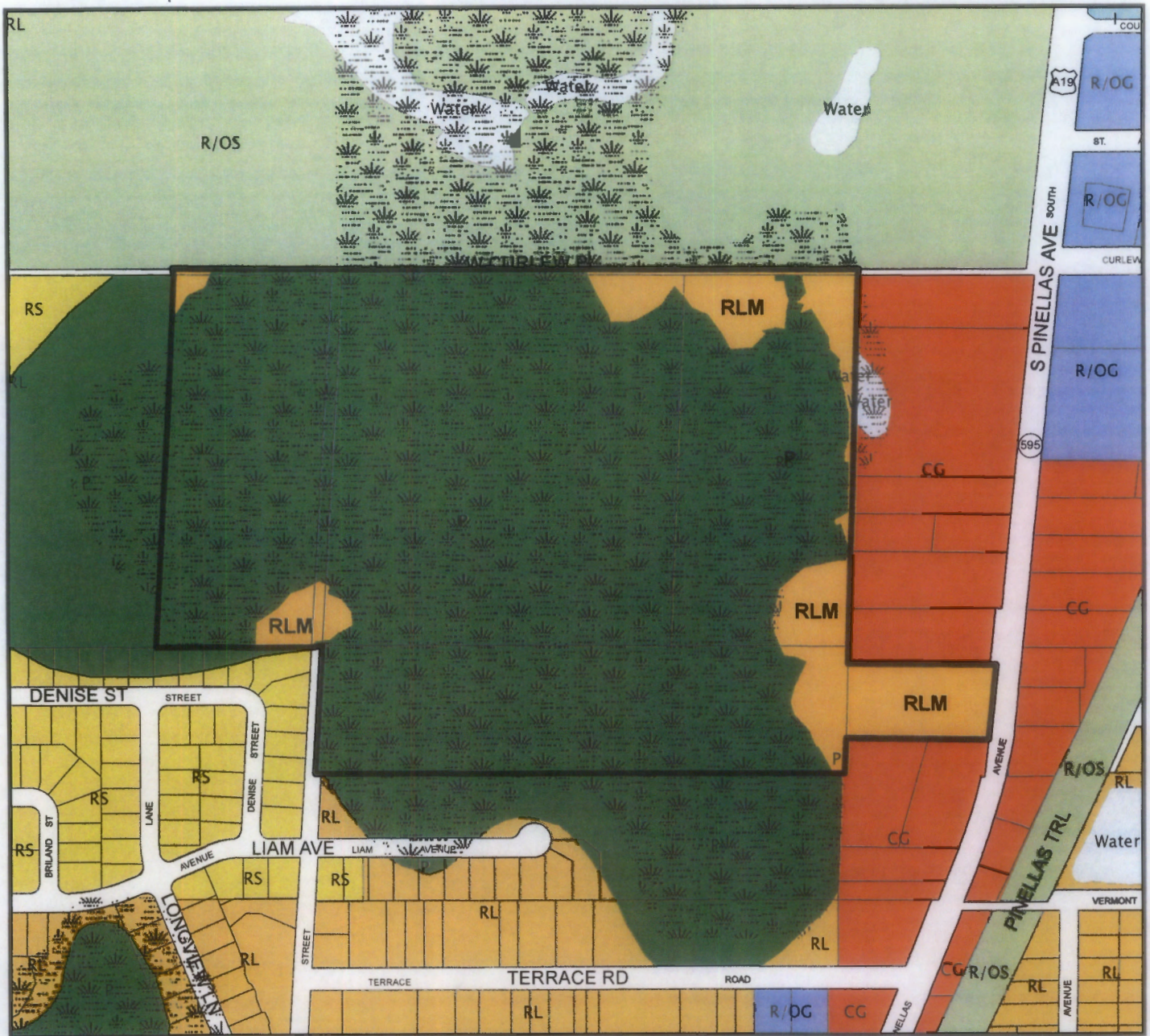
AREA: 55.6

CASE #: CW14-02

JURISDICTION: Pinellas County

NORTH
1" = 600'

PR PINELLAS
PLANNING
COUNCIL



Legend			
Residential		Mixed Use	Public / Semi-Public
Residential Suburban	Residential/Office General	Preservation	Special Designations Water Water/Drainage Feature Overlay
Residential Low	Commercial	Recreation/Open Space	
Residential Low Medium	Commercial General	Institutional	

Map 5 - Proposed Countywide Plan Map

FROM: Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay

TO: Residential Low Medium, Preservation, and Water/Drainage Feature Overlay

AREA: 55.6

CASE #: CW14-02

JURISDICTION: Pinellas County



1" = 400'

PRC PINELLAS
PLANNING
COUNCIL

**Council Staff Analysis
Case CW 14-02: Pinellas County
January 8, 2014, PPC Meeting**

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The proposed amendment is submitted by Pinellas County and seeks to reclassify five parcels totaling 55.6 acres of land from Commercial General (1.8 acres), Residential Suburban (9.9 acres), Preservation (43.8 acres), and Water/Drainage Feature (0.1 acres) to Residential Low Medium (6.7 acres) and Preservation (48.8 acres).

The property was previously developed with a nursery/sod business on the 1.8 acre commercial parcel fronting Alt US19, and the remainder of the property is vacant uplands and wetlands. The property owner proposes to develop a 125 unit apartment complex on a 3.5 acre portion of the site (adjacent and including the nursery property) and a single-family residence (one unit) on another part of an upland area of the site (further north, adjacent to the Tarpon Springs golf course), leaving the majority of the property vacant. Furthermore, to achieve the requested 125 units for the multifamily building, the owner plans to redistribute the density from all the uplands to the 3.5 acre area, transfer development rights from the wetland portion of the site, and apply for a Pinellas County 50% affordable housing density bonus.

Additionally, the owner has submitted a Development Agreement with this amendment (see page 6). The site is adjoined by the Tarpon Springs golf course adjacent on the north, various commercial businesses on the east (fronting Alt US Highway 19), wetlands and single-family neighborhoods on the south and west.

Table 1: Countywide Future Land Use

Countywide Future Land Use	Current Acreage	Proposed Acreage
Commercial General (CG)	1.8	-
Residential Suburban (RS)	9.9	-
Preservation (P)	43.8	48.8
Water (W/DF)	0.1	-
Residential Low Medium (RLM)	-	6.7
TOTAL	55.6	55.6

If the amendment is approved, to achieve the requested 125 units for the main development site (3.5 acres), the owner plans to:

- 1) Cluster the density from the 6.7 acres of uplands and distribute them on the two areas to be developed (a 3.5 acre site for the apartments and another undetermined area for the single-family home);
- 2) Utilize the Countywide Rules Transferable Development Rights standards to transfer development rights from the wetland portion of the site (total area/site development shall not exceed 125% of the otherwise maximum permitted density of the receiving parcel); and
- 3) Utilize the Countywide Rules Affordable Housing provision for an additional 50% density bonus.

The result of the combination of these three steps is a development that has an effective density of 35 residential units per acre (upa).

Table 2: Proposed Residential Dwelling Units

	Allowed Units per Acre (upa)	Acreage	Resulting residential units
RLM category	10 units/acre	6.74	67.4
TDRs	25% additional	3.6	16.9
Subtotal			84.3
Affordable Housing Density Bonus	50% additional	n/a	42.2
Total			126

The current Residential Suburban (RS) category is used to depict areas that are primarily well-suited for low density residential uses at a maximum density of 2.5 residential upa. This category when applied to the upland areas on the western and northern portion of the site can be considered consistent with the adjacent single-family to the west and south, as well as the golf course to the north, and the onsite wetlands. However, it can be argued that the low developable density along with the potential negative impacts associated with being adjacent to commercial uses to the east, the RS category is not the most appropriate designation for the portion of the site which is adjacent to CG on the east.

The current Commercial General (CG) category is used to depict areas that are primarily well-suited for development in a manner designed to provide community and countywide commercial goods and services; and to recognize such areas as primarily consistent with the need, relationship to adjoining uses and with the objective of encouraging a consolidated, concentrated commercial center providing for the full spectrum of commercial uses. This category can be considered consistent with the adjacent commercial uses to the north, south, and east that comprise what

could be considered a commercial corridor along Alt. US Highway 19. Additionally, under the Countywide Rules as a secondary use, CG allows up to 24 residential upa to be developed. However, it should be noted that Pinellas County does not allow residential uses within their local CG designation.

The current and proposed Preservation (P) category to is used to depict those areas of the county that are now characterized, or appropriate to be characterized, as a natural resource feature worthy of preservation; and to recognize the significance of preserving such major environmental features and their ecological functions. A jurisdictional wetland survey was conducted on the site and determined that the P designation should be adjusted to match the wetlands on the site. This amendment would increase the P designation from 43.5 acres to 48.6 acres.

The proposed Residential Low Medium (RLM) category is used to depict those areas of the county that are now developed, or appropriate to be developed, in a low to 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.

The proposed RLM category (allows up to 10 upa) can be considered an appropriate designation for the upland portion of the amendment area adjacent to the commercial area and along the golf course as it can serve as a transition from the non-residential uses to the east that carry the designation of CG and the Preservation areas (and the residential neighborhoods further to the west designated RS and RL), as well as the golf course to the north, designated Recreation/Open Space.

However, it can be argued that with the increased density adjacent to single family uses to the south and west (designated RS) and lack of good access, the RLM category is not the most appropriate designation for these isolated western portions of the site.

The proposed 3.5 acre development site is served by a thoroughfare network, with direct access onto Alt. US Highway 19, a minor arterial roadway. However, the Countywide Rules state that RLM areas “*are generally served by and accessed from minor and collector roadways,*” not an arterial such as Alt. US Highway 19.

In addition to the proposed plan category amendment, the following two provisions from Section 4 of the Countywide Rules are proposed to be used in order to achieve the requested site density:

Transferable Development Rights (TDRs) – Section 4.2.7.2 of the Countywide Rules authorizes local governments to transfer density and intensity rights from one parcel of land to another. The Pinellas County Land Development Code allows up to an additional 25% of the maximum otherwise allowable permitted density/intensity of the receiving parcel can be obtained using this provision.

Under the Countywide Rules, the proposed amendment to RLM (10 upa) on 6.7 acres would result in a maximum of 67 units allowed to be developed. With the TDRs provision utilized, this maximum is increased to 84 units.

Affordable Housing – Section 4.2.3.5 of the Countywide Rules authorizes¹ local governments to grant a density bonus above the otherwise applicable maximum permitted density as an incentive to provide affordable housing. In the Pinellas County Land Development Code up to a 50% bonus can be obtained using this provision.

Under the Countywide Rules the proposed amendment to RLM (10 upa) on 6.7 acres would result in a maximum of 67 units, and with the addition of TDRs offered by Pinellas County this maximum gets increased to 84 units. Finally, multiplying the 50% affordable housing bonus to the 84 units increases the maximum density allowed to 126 residential units.

The number of requested residential units, 126 calculated on 6.7 acres (proposed RLM), results in a density of 18.7 units per acre, but by building 125 residential units (applicant requests to reserve one unit for a future single-family residence) on only 3.54 acres (the proposed development site per the accompanying Development Agreement) the result is 35 upa.

The maximum allowable density under the current RS is 2.5 upa or 24.8 units on 9.9 acres. Again, Pinellas County does not allow residential development in CG.

When reviewing the proposed amendment simply from one set of categories to another, it appears as though the amendment could be considered as acceptable (with the exception of RLM on an arterial roadway, as opposed to a minor or collector roadway). However, it is the final outcome/result of the proposed development that is the most important consideration when determining consistency with the Countywide Rules.

When the proposed density from the RLM is added to the proposed density to be transferred from the Preservation and then a 50% affordable housing

¹ In order for a local government to utilize this affordable housing density bonus, the local government shall have an approved affordable housing plan and corresponding land development regulations which shall be filed with the Council.

bonus, as stipulated in the accompanying Development Agreement is added, the resulting density on the proposed development site of 35 upa is inconsistent with the Countywide Rules. This amount of density on a site equates to, but is even higher than the Residential High plan category, which only allows up to 30 upa, or for a Special Area Plan.

This type of density is generally appropriate to locations within or in proximity to urban activity centers; in areas where use and development characteristics are high density residential in nature; and in areas serving as an urban center. With the exception of the Tarpon Springs Hospital and moderate density residential development north of the Tarpon Springs golf course, this site and the surrounding area is made up of mostly low density residential uses and low intensity commercial uses and other non-residential uses, which does not constitute an urban center. Additionally, these areas are typically in proximity to and may have direct access from the arterial and thoroughfare highway network and are served by mass transit in a manner that provides an alternative to individual automobile use. While this site will have direct access onto a minor arterial roadway, this roadway is a two-lane constrained corridor operating at a level of service “D” (see LOS review), with limited transit service at present.

This amendment as applied along with the accompanying Development Agreement is deemed inconsistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment area does not impact a roadway that is operating at or below LOS “D.” Our analysis of the site relative to the adjoining roadway indicates that the roadway (Alternate US Highway 19) is operating at a LOS “D” with a volume to capacity ratio of 0.95. When comparing the maximum development potential of the current Plan Map Categories to the proposed Plan Map categories, the difference in expected traffic generated between the categories is a decrease of approximately 700 vehicle trips.

Table 3: Daily Trips Comparison

Current FLU	Maximum Daily Trips	Proposed FLU	Maximum Daily Trips	Difference
CG	876.6	RLM	451.6	
RS	277.2	P	14.6	
P	13.1			
TOTAL	1,166.9		466.1	-700.7

It should be noted that this roadway is designated a “Constrained Roadway” in the Pinellas County Annual Concurrency Test Statement. This designation indicates that the roadway will be operating a deficient

level of service in the future and that these roadways are precluded from capacity improvements to alleviate the deficient LOS conditions due to “policy or physical constraints.” This is brought to the Council’s attention because at present, with noted exceptions in the ordinance, the redeveloped site is not permitted to exceed 50% of the maximum floor area or dwelling units under the allowable zoning district so as to reduce transportation impacts to this adjoining constrained roadway. An exception can be made allowing full development potential to be approved, as long as a transportation management plan is adopted.

This amendment of the Countywide Plan Map to RLM precedes the application of the County’s concurrency provisions during the site plan review process, but will result in a significant increase of the allowable residential density that doesn’t exist on the site today. Significantly increasing the density to the site with the proposed amendment before then applying the concurrency management provisions restricting the site’s development, appear to be contrary to the intent of this ordinance designed to keep transportation impacts to a minimum.

As stated above, Pinellas County allows this threshold to be increased to 100% through the implementation of a Transportation Management Plan (TMP) submitted by the applicant and approved by Pinellas County staff. These TMP improvements have been included as part of the accompanying Development Agreement and are summarized below:

- Construct a 12x12 concrete pad in the public right-of-way adjacent and connecting to the site for a PSTA bus shelter; and
- Construct 200 feet of sidewalk to connect with existing sidewalks to the north of the site.

Although the comparison of Countywide Plan Map category to category shows a reduction in average daily trips, additional traffic from the increase in density on the site, when loaded onto a highly burdened roadway, should be weighed as one factor in the decision to approve or deny the requested amendment.

- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The amendment area is not located on a SNCC, so these policies are not applicable.
- 4) **Coastal High Hazard Areas (CHHA)** – The amendment area is not located in a CHHA, so these policies are not applicable.
- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact a designated development or redevelopment area.

- 6) **Adjacent To or Impacting An Adjoining Jurisdiction or Public Educational Facility** – The amendment area is located in an unincorporated enclave which is surrounded by the City of Tarpon Springs. The site is also located in the City of Tarpon Springs water and wastewater service areas. The proposed residential density of the development will increase the impacts to the capacity of these two city services. The City has indicated that it has the required capacity to serve this site.

Additionally, the amendment area does not adjoin, nor will impact a public educational facility.

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

Consideration of Development Agreement

Pinellas County has submitted a Development Agreement (between the County, Capon Corp. of Florida, and John and Bonnie Mills) 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 with a maximum of 125 units, plus one additional unit for a single-family home, for a total of 126 units;
- A minimum of 20% of the 125 units shall be rented or held available for rental to persons with an annual income which does not exceed 60% of the Area Median Income as determined by HUD;
- In the event the owner does not construct affordable housing on the property, the maximum density shall be limited to 84 dwelling units total;
- The property will be developed in conformance with the concept plan attached to the Development Agreement;
- A Pinellas Suncoast Transit Authority bus shelter and sidewalks will be constructed as recommended by Pinellas County to alleviate concurrency requirements;
- The Development Agreement is for a term of 5 years.
- Prior to issuance of a site plan, the property owner shall record a deed restriction encumbering the property in the official records of Pinellas County. The restrictions shall generally describe the development limitations of the development agreement and this restriction shall be perpetual and amended only with consent of Pinellas County.

Conclusion:

On balance, it can be concluded that the requested amendment from Commercial General, Residential Suburban, Preservation, Water/Drainage Feature, and Water/Drainage Feature Overlay to Residential Low Medium,

Preservation, and Water/Drainage Feature Overlay is deemed inconsistent with the Relevant Countywide Considerations found in the Countywide Rules.

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is dated _____, 2013, effective as provided in Section 5 of this Agreement, and entered into between Capon Corporation, a Florida corporation, John Mills and Bonnie Mills, as tenants by the entirety (collectively, "Owner") and Pinellas County, Florida, a political subdivision of the State of Florida acting through its Board of County Commissioners, the governing body thereof ("County").

R E C I T A L S:

- A. Sections 163.3220 – 163.3243, Florida Statutes, which set forth the Florida Local Government Development Agreement Act ("Act"), authorize the County to enter into binding development agreements with persons having a legal or equitable interest in real property located within the unincorporated area of the County.
- B. Under Section 163.3223 of the Act, the County has adopted Chapter 134, Article VII of Part III, the Pinellas County Land Development Code ("Code"), establishing procedures and requirements to consider and enter into development agreements.
- C. Owner is the owner of approximately 55.56 acres m.o.l. of real property ("Property") located on the west side of Alternate 19 and approximately 515 ft. north of Terrace Road in the unincorporated area of the County, more particularly described on Exhibit "A" attached hereto. The Property consists of 6.737 acres of upland and 48.823 acres of wetlands in the development area.
- D. Owner desires to develop and use the Property to provide residential housing units, with a minimum of Twenty Percent (20%) of the total units developed to be set-aside as affordable housing units and one single family unit to be located on the upland portion of the Property adjacent to Alt. 19; and, in the alternative, develop the Property with a maximum of 84 market-rate attached dwelling units in the same general areas as shown on the Concept Plan attached hereto and made part hereof as Exhibit C ("Concept Plan").
- E. The Property currently has land use designations of Residential Suburban (RS), Preservation (P) and Commercial General (CG) and is zoned Agricultural Estate Residential (A-E), General Retail and Commercial Limited Services (C-2) as shown on Exhibit B attached hereto and made part hereof.
- F. Owner has requested that the County place a land use designation of Residential Low Medium (RLM) and a zoning designation of RPD-10 on the upland portions of the Property and a land use designation of Preservation (P) and a zoning designation of (PC) on the wetlands portion of the Property as identified on Exhibit B; and to approve a special exception to allow up to a 50% density bonus for affordable housing as permitted by Code.

- G. The County cannot justify the requested action absent the restrictions contained in this Agreement and in the deed restriction required in Section 6.1.4, and the County supports the change in zoning and land use designation based upon the provisions of the Agreement.
- H. The County and Owner have determined that it would be mutually beneficial to enter into a development agreement governing the matters set forth herein and have negotiated this Agreement in accordance with the Code and the Act.
- I. The County has found that the terms of this Agreement are consistent with the Pinellas County Comprehensive Plan and the Code.

STATEMENT OF AGREEMENT

In consideration of and in reliance upon the premises, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound and in accordance with the Act, agree as follows:

Section 1. Recitals. The above recitals are true and correct and are a part of this Agreement.

Section 2. Incorporation of the Act. This Agreement is entered into in compliance with and under the authority of the Code and the Act, the terms of which as of the date of this Agreement are incorporated herein by this reference and made a part of this Agreement. Words used in this Agreement without definition that are defined in the Act shall have the same meaning in this Agreement as in the Act.

Section 3. Property Subject to this Agreement. The Property is subject to this Agreement.

Section 4. Ownership. The Property is owned in fee simple by Owner.

Section 5. Effective Date/Duration of this Agreement.

5.1. This Agreement shall become effective as provided for by the Act and shall be contingent upon obtaining final approval, and effectiveness of the land use designation of Residential Low Medium and Preservation and a zoning designation of RPD-10 and PC, as requested on the Property.

5.2. This Agreement shall continue in effect until terminated as defined herein but for a period not to exceed five (5) years.

Section 6. Obligations under this Agreement.

6.1. Obligations of the Owner.

6.1.1. Binding Obligations. The obligations under this Agreement shall be binding on Owner, its successors or assigns.

6.1.2 Development Review Process. At the time of development of the Property, Owner will submit such applications and documentation as are required by law and shall comply with the County's Code applicable at the time of the effective date of this Agreement except for as otherwise stated herein.

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

6.1.3.1 The property shall be developed with a maximum of 125 attached residential rental housing units and one detached single family home in a manner shown on the Concept Plan and calculated as shown on attached Exhibit "D". Of the total number of units developed, a minimum of 20% shall be rented or held available for rental on a continuous basis to persons or families who, at the commencement of occupancy by each tenant of such unit, shall have annual incomes which do not exceed Sixty Percent (60%) of the Area Median Income (AMI), as determined and made available by the U.S. Department of Housing and Urban Development (HUD), with adjustments for family size.

6.1.3.2 In the event that the Owner acquires additional developable property through the relocation of the approved jurisdictional line ("After-acquired Property"), and the After-acquired Property results in net acreage that would yield greater than 126 units by right, the Owner agrees to limit development to 126 units.

6.1.3.3 Development Intensities. Owner shall comply with the building intensities and height required by the Property's zoning and land use designations, except as otherwise modified by this Agreement.

6.1.3.4 Per the Concept Plan, Owner shall (i) construct a 12 x 12 concrete pad according to ADA standards and install an adjoining connection to the sidewalk fronting the property along Alternate 19 to accommodate a Pinellas Suncoast Transit Association ("PSTA") bus shelter and (ii) construct a minimum 200 foot sidewalk consistent with the County and ADA standards and connect to all existing sidewalks. All permit, easements and agreements required by the State, County, and/or

PSTA shall be obtained prior to construction of the above transportation improvements.

- 6.1.3.5 Upon transfer of density and construction of the plan as contemplated in the Concept Plan, Owner waives any right to any remaining density on the Property. In the event Owner does not construct affordable housing units on the Property, the maximum density shall be limited to that which is available by right and shall not be increased by the 50% housing bonus (i.e. no greater than 84 dwelling units total).
- 6.1.4 **Recording of Deed Restriction.** Prior to the issuance of a site plan approval or development permit for the Property, Owner shall record a deed restriction encumbering the Property in the official records of Pinellas County, Florida and deliver a copy of such recorded deed restriction to the Director of the County Strategic Planning and Initiatives Department or his designee. The deed restriction shall be approved as to form by the County Attorney (which approval shall not be unreasonably withheld) and shall generally describe the development limitations of this Agreement. The deed restriction shall be perpetual and may be amended or terminated only with the consent of the County, which consent shall not be unreasonably withheld. The deed restriction shall include the waiver of any of remaining density on the Property consistent with this agreement.

6.2 Obligations of the County

6.2.1 Concurrent with the approval of this Agreement, the Board amends the land use and zoning designation for the Property as set forth in Recital F above.

6.2.2 County will process preliminary and final site plan applications for the Property that are consistent with the Concept Plan and that meet the requirements of the Code and the Comprehensive Plan at the time of the effective date of this Agreement. Notwithstanding anything contained herein to the contrary, the Owner shall comply with the County floodplain, flood protection and stormwater management regulations in place at the time of application for final site plan approval.

Should the Owner of the property, the development entity, or the scope of the proposed development change prior to the submission of a final site plan for County review, the submission of a revised Affordable Housing Development Certification Application shall be required to ensure that the project remains in compliance with the requirements for an Affordable Housing Development Certification and the associated affordable housing development incentives, including eligibility for an up to 50% density bonus. Should the revised application be deemed eligible and approved for Certification, the provision of the approved affordable housing development incentives shall remain as set forth in this Agreement.

6.2.3 County agrees that there are areas of uplands and wetlands that the land use and zoning designations as shown on Exhibit B, attached hereto and made part hereof, are based upon an existing jurisdictional survey. In the event the Owner presents an updated survey that includes After-acquired Property that adjusts the acreage of upland and wetland, the permitted density shall be adjusted accordingly. Notwithstanding anything contained herein to the contrary, at no time shall the density be adjusted to an amount greater than 126 dwelling units; however, in the event a survey submitted to the County results in acreage that yields less than 126 dwelling units, the development shall be so restricted.

6.3 The final effectiveness of the redesignation referenced in Section 6.2.1 is subject to:

6.3.1 The provisions of Chapter 125 and 163, Florida Statutes, as they may govern such amendments; and

6.3.2 The expiration of any appeal periods or, if an appeal is filed, at the conclusion of such appeal.

Section 7. 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.

7.1. Potable water from the City of Tarpons Springs.

7.2. Sewer service from the City of Tarpon Springs.

7.3. Fire protection from the City of Tarpon Springs.

Section 8. Required Local Government Permits. The required local government development permits for development of the Property include, without limitation, the following:

8.1. Site plan approval(s) and associated utility licenses and right-of-way utilization permits;

8.2. Construction plan approval(s);

8.3. Building permit(s); and

8.4. Certificate(s) of occupancy; and

8.5. Certificate of Affordable Housing Eligibility.

Section 9. Consistency. The County finds that development of the Property consistent with the terms of this Agreement is consistent with the Pinellas County Comprehensive Plan.

Section 10. Termination.

10.1. In the event of termination pursuant to Section 10.2 or failure to commence the development of the subject property within the duration of the Agreement as defined in Section 5 above, the Property shall return to its current land use and zoning designations. Owner agrees to cooperate and not contest any administrative procedures necessary to implement restoration of the land use and zoning designations. This obligation survives the termination of the Agreement for the time necessary to accomplish the redesignations.

10.2. If Owner's obligations set forth in this Agreement are not followed in a timely manner, as determined by the County Administrator, after notice to Owner and an opportunity to be heard, existing permits shall be administratively suspended and issuance of new permits suspended until Owner has fulfilled its obligations. Failure to timely fulfill its obligations may serve as a basis for termination of this Agreement by the County, at the discretion of the County and after notice to Owner and an opportunity for Owner to be heard.

Section 11. Other Terms and Conditions. Except in the case of termination, until five (5) years after the effective date of this Agreement, the Property shall not be subject to subsequently adopted laws and policies unless the County has held a public hearing and determined:

11.1. They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in this Agreement;

11.2. They 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;

11.3. They are specifically anticipated and provided for in this Agreement;

11.4. The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement; or

11.5. This Agreement is based on substantially inaccurate information provided by Owner.

Section 12. Compliance with Law. The failure of this Agreement to address any particular permit, condition, term or restriction shall not relieve Owner from the necessity of complying with the law governing such permitting requirements, conditions, terms or restrictions.

Section 13. Notices. Notices and communications required or desired to be given under this Agreement shall be given to the parties by hand delivery, by nationally recognized overnight

courier service such as Federal Express, or by certified mail, return receipt requested, addressed as follows (copies as provided below shall be required for proper notice to be given):

If to Owner:	Capon Corporation c/o John Mills 1209 N. Florida Avenue Tarpon Springs, FL 34689 Bonnie & John Mills 1209 N. Florida Avenue Tarpon Springs, FL 34689
With copy to:	E.D. Armstrong III, Esq. Hill Ward Henderson 311 Park Place, Suite 240 Clearwater, FL 33759 Ph: 727-724-2900 Email: earmstrong@hwhlaw.com
If to County:	Pinellas County Board of County Commissioners c/o County Administrator 315 Court St. Clearwater, FL 33756
With copy to:	David S. Sadowsky, Esquire Senior Assistant County Attorney Pinellas County Attorney's Office 315 Court Street Clearwater, Florida 33756

Properly addressed, postage prepaid, notices or communications shall be deemed delivered and received on the day of hand delivery, the next business day after deposit with an overnight courier service for next day delivery, or on the third (3rd) day following deposit in the United States mail, certified mail, return receipt requested. The parties may change the addresses set forth above (including the addition of a mortgagee to receive copies of all notices), by notice in accordance with this Section.

Section 14. Right to Cure. Owner will not be deemed to have failed to comply with the terms of this Agreement until Owner shall have received notice from the County of the alleged non-compliance and until the expiration of a reasonable period after receipt of such notice to cure such non-compliance. Whether the time period has been reasonable shall be based on the nature of the non-compliance and shall be determined in the sole judgment of the County Administrator, reasonably exercised.

Section 15. Minor Non-Compliance. Owner will not be deemed to have failed to comply with the terms of this Agreement in the event such non-compliance, in the judgment of the County Administrator, reasonably exercised, as a minor or inconsequential nature. Modifications to the Concept Plan that do not increase the density to an amount greater than what is permitted herein and which do not substantially alter the location of the attached dwellings shall be considered a minor non-compliance and shall not require an amendment to this Agreement.

Section 16. Covenant of Cooperation. The parties shall cooperate with and deal with each other in good faith and assist each other in the performance of the provisions of this Agreement and in achieving the completion of development of the Property.

Section 17. Approvals. Whenever an approval or consent is required under or contemplated by this Agreement, such approval or consent shall not be unreasonably withheld, delayed or conditioned. All such approvals and consents shall be requested and granted in writing.

Section 18. Completion of Agreement. Upon the completion of performance of this Agreement or its revocation or termination, the Owner or his successor in interest shall record a statement in the official records of Pinellas County, Florida, signed by the parties hereto, evidencing such completion, revocation or termination, and shall forthwith deliver a copy of this document to the Director of the County Building and Development Review Services Department or his designee.

Section 19. 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 hereto pertaining to the subject matter hereof.

Section 20. Construction. 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 Owner includes Owner's successors or assigns. This Agreement was the production of negotiations between representatives for the County and Owner and the language of the Agreement should be given its plain and ordinary meaning and should not be construed against any party hereto. If any term or provision of this Agreement is susceptible to more than one interpretation, one or more of which render it valid and enforceable, and one or more of which would render it invalid or unenforceable, such term or provision shall be construed in a manner that would render it valid and enforceable.

Section 21. Partial Invalidity. If any term or provision of this Agreement or the application thereof to any person or circumstance is declared invalid or unenforceable, the remainder of this Agreement, including any valid portion of the invalid term or provision and the application of such invalid term or provision to circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and shall with the remainder of this Agreement continue unmodified and in full force and effect. Notwithstanding the foregoing, if such responsibilities of any party thereto to the extent that the purpose of this Agreement or the

benefits sought to be received hereunder are frustrated, such party shall have the right to terminate this Agreement upon fifteen (15) days notice to the other parties.

Section 22. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without regard to the conflict of laws principles of such state.

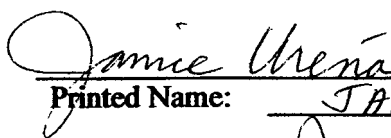
Section 23. Counterparts. This Agreement may be executed in counterparts, all of which together shall continue one and the same instrument.

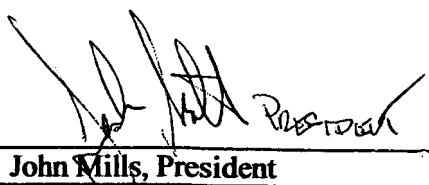
[End of Substantive Provisions, Signature Page to follow]

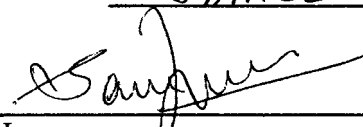
IN WITNESS WHEREOF, the parties have hereto executed this Agreement the date and year first above written.

WITNESSES:

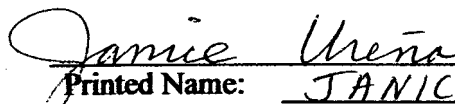
OWNER:
Capon Corporation, a Florida
corporation

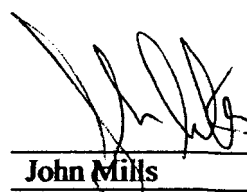

Printed Name: JANICE URENA

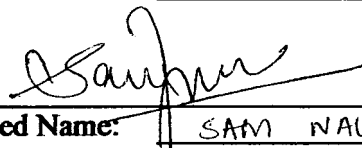
By: 
John Mills, President


Printed Name: SAM NALUPARAYIL

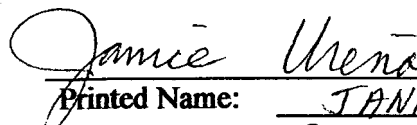
WITNESSES:


Printed Name: JANICE URENA

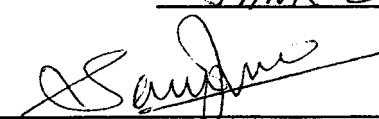
By: 
John Mills


Printed Name: SAM NALUPARAYIL

WITNESSES:


Printed Name: JANICE URENA

By: 
Bonnie Mills

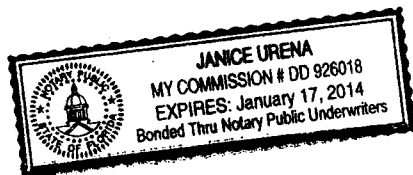

Printed Name: SAM NALUPARAYIL

STATE OF FLORIDA

COUNTY OF

Pinellas

The foregoing instrument was acknowledged before me this 13 day of Sept., 2013, by JOHN MILLS, who is personally known to me or who produced FL DL# M420473522980 as identification.



Janice Urena
Notary Public

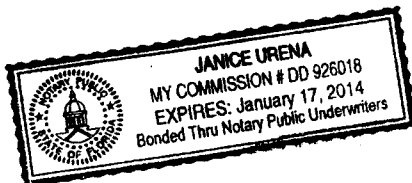
By: JANICE URENA
Print Notary Name
My Commission Expires:

STATE OF FLORIDA

COUNTY OF

Pinellas

The foregoing instrument was acknowledged before me this 13 day of Sept., 2013, by BONNIE MILLS, who is personally known to me or who produced FL DL# M420076529690 as identification.



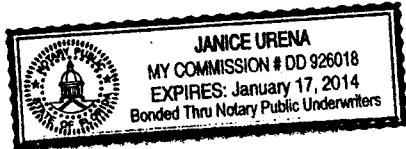
Janice Urena
Notary Public

By: JANICE URENA
Print Notary Name
My Commission Expires:

STATE OF FLORIDA
COUNTY OF _____

Pinellas

The foregoing instrument was acknowledged before me this 13 day of Sept,
2013, by JOHN MILLS, President who is personally known to me or who produced
FL DL M420473522980 as identification.



Janice Urena
Notary Public

By: JANICE URENA
Print Notary Name
My Commission Expires:

ATTEST:

PINELLAS COUNTY, FLORIDA

KEN BURKE, CLERK

Deputy Clerk

By: _____
Chairman
Board of County Commissioners

APPROVED AS TO FORM:

Darryl Salen
County Attorney
4494336v1

Exhibit A

DESCRIPTION:

(Per Official Records Book 5270, Page 1564)

Lot 12, and the North 1/2 of Lot 13, HILLCREST PARK, according to plat thereof, recorded in Plat Book 5, Page 68, public records of Pinellas County, Florida.

AND

(Per Official Records Book 5341, Page 1142)

S. 1/2 Lot 13, HILLCREST PARK, according to the map or plat thereof, as recorded in Plat Book 5, Page 68, public records of Pinellas County, Florida.

AND

(Per Official Records Book 17485, Page 708)

Tract 21 in Section 24, Township 27 South, Range 15 East of PROPERTY OF TAMPA AND TARPON SPRINGS LAND COMPANY, according to the map or plat thereof as recorded in Plat Book 1, Page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, LESS the North 15 feet thereof reserved for public road.

AND

(Per Official Records Book 13385, Page 691)

Tract One (1) in Northeast 1/4 of Section 23, Township 27 South, Range 15 East, according to the plat of the PROPERTY OF TAMPA & TARPON SPRINGS LAND CO., as recorded in Plat Book 1, Page 116, of the public records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

Tracts Twenty-Two (22) and Twenty-Three (23) in Northwest 1/4 of Section 24, Township 27 South, Range 15 East, according to the plat of the PROPERTY OF TAMPA & TARPON SPRINGS LAND CO., as recorded in Plat Book 1, Page 116, of the public records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

Lot Twenty-Four (24), also called Tract Twenty-Four (24) in Northwest 1/4 of Section 24, Township 27 South, Range 15 East, according to the plat of the PROPERTY OF TAMPA & TARPON SPRINGS LAND CO., as recorded in Plat Book 1, Page 116, of the public records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

DESCRIPTION: (East-West R/W)

That portion of right-of-way lying North of Lots 21, 22 and 23, in Section 24, Township 27 South, Range 15 East, AND that portion of right-of-way lying North of Lot 1 in Section 23, Township 27 South, Range 15 East, all of TAMPA & TARPON SPRINGS LAND COMPANY, as per the map or plat thereof, recorded in Plat Book H1, Page 116, of the public records of Pinellas County, Florida, and being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northwest corner of said Section 24; thence along the North boundary of the Northwest 1/4 of said Section 24, S.89°40'54"E., a distance of 1,376.72 feet to the Northerly prolongation of the East boundary of aforementioned Lot 21, in said Section 24; thence along said Northerly prolongation, S.00°47'04"W., a distance of 15.00 feet to the Northeast corner of said Lot 21; thence along the North boundaries of said Lots 21, 22 and 23, and the Westerly prolongation thereof, in Section 24, and continuing along the North boundary of said Lot 1, and the Easterly prolongation thereof, in Section 23, N.89°40'54"W., a distance of 1,826.22 feet to the Northwest corner of said Lot 1; thence along the Northerly prolongation of said Lot 1, N.03°09'16"E., a distance of 15.02 feet to the North boundary of the Northeast 1/4 of said Section 23; thence along the North boundary of the Northeast 1/4 of said Section 23, S.89°40'54"E., a distance of 448.87 feet to the POINT OF BEGINNING.

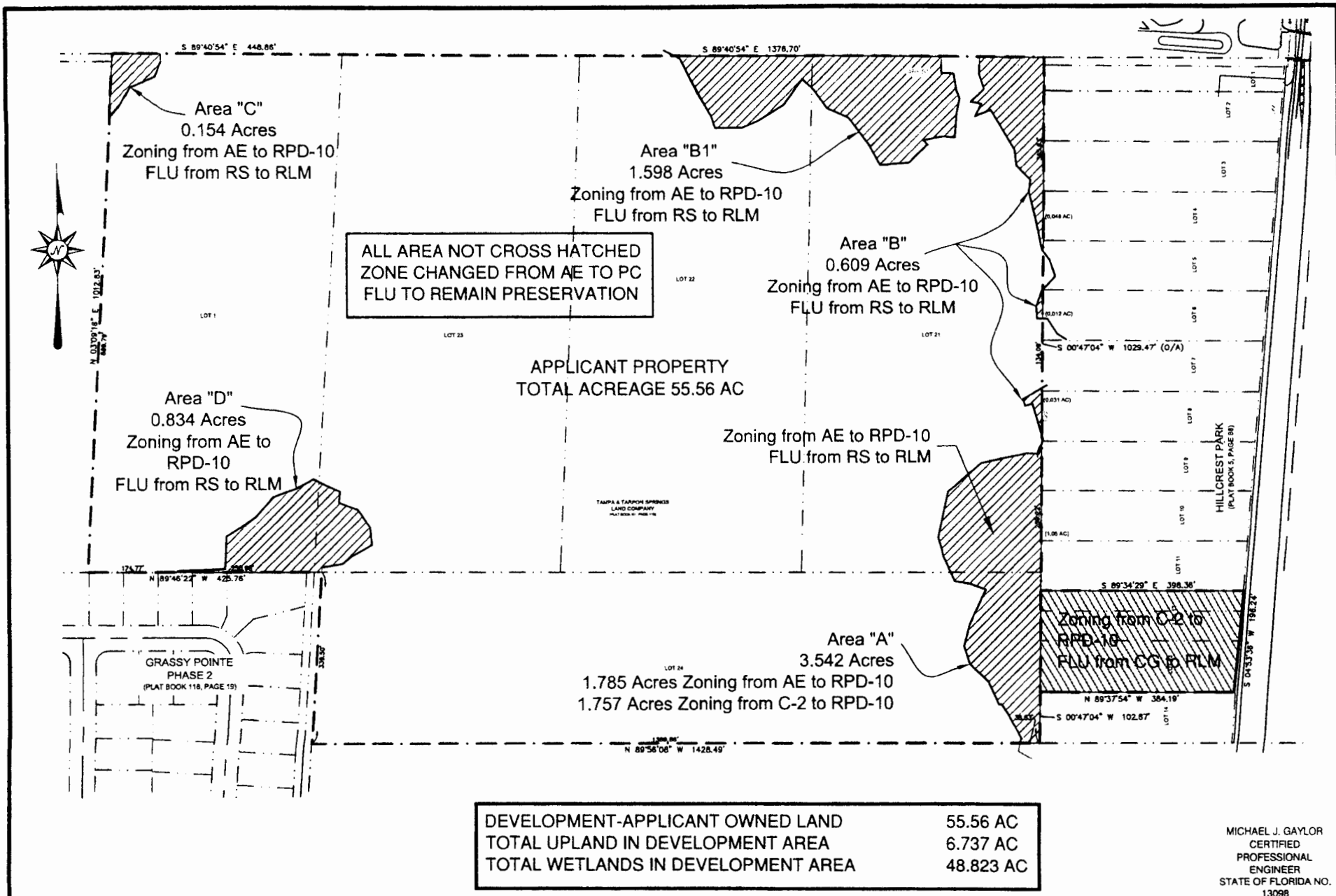
DESCRIPTION: (North-South R/W)

That portion of right-of-way lying West of Lot 23, in Section 24, Township 27 South, Range 15 East, AND that portion of right-of-way lying East of, Lot 1 in Section 23, Township 27 South, Range 15 East, all of TAMPA & TARPON SPRINGS LAND COMPANY, as per the map or plat thereof, recorded in Plat Book H1, Page 116, of the public records of Pinellas County, Florida, and being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northwest corner of said Lot 23 in Section 24; thence along the West boundary of said Lot 23, S.03°36'49"W., a distance of 997.29 feet to the Southwest corner of said Lot 23; thence S.89°47'09"W., a distance of 30.07 feet to the Southeast corner of aforementioned Lot 1, in said Section 23; thence along the East boundary of said Lot 1, N.03°36'49"E., a distance of 997.57 feet to the Northeast corner of said Lot 1; thence S.89°40'54"E., a distance of 30.05 feet to the POINT OF BEGINNING.

Containing 55.56 acres, more or less.

Exhibit B
Rezoning Areas



MICHAEL J. GAYLOR
CERTIFIED
PROFESSIONAL
ENGINEER
STATE OF FLORIDA NO.
13098

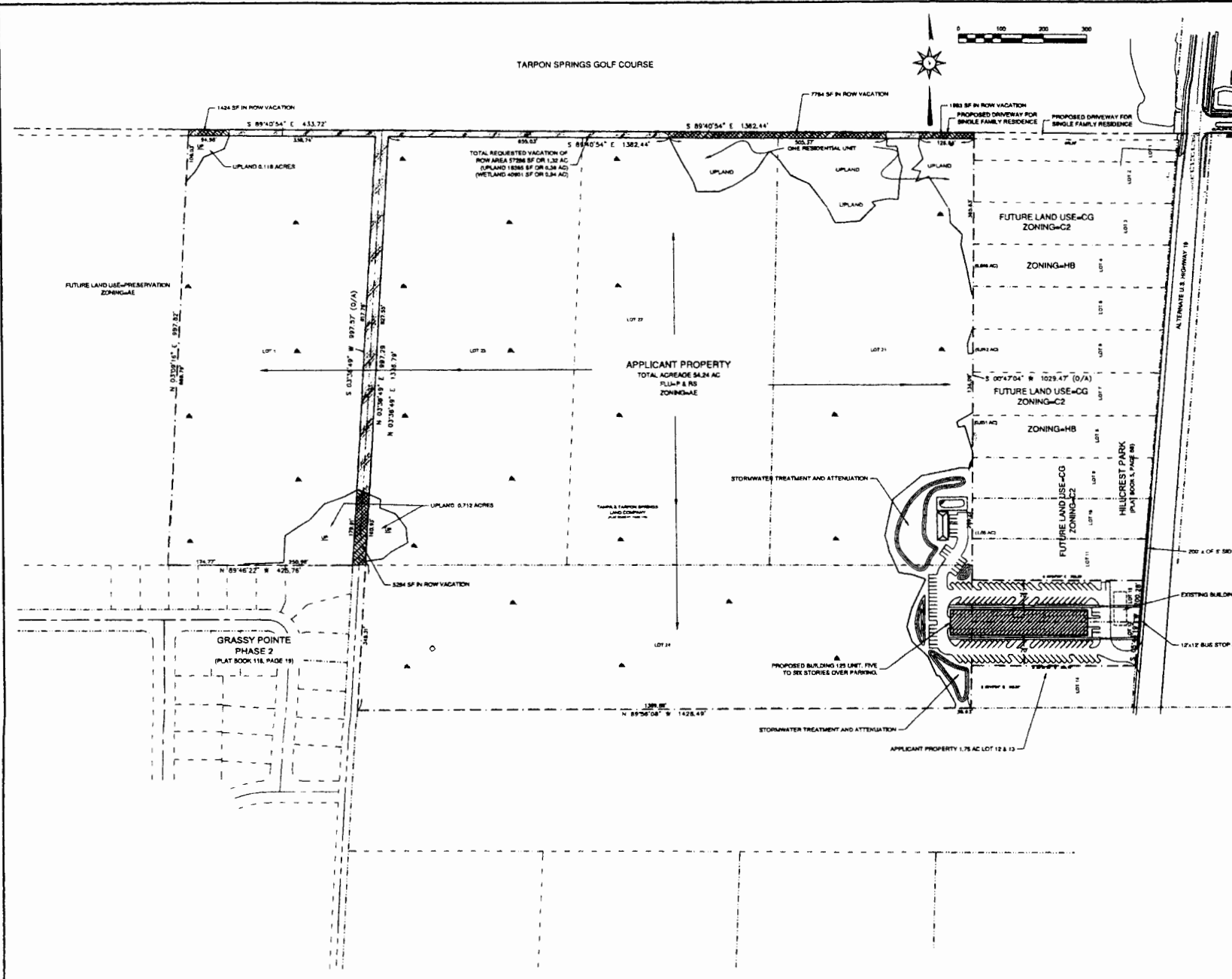
PROJ. NO.: 08022	DWG DATE: 9-17-13
DWN BY: lab	DATE: 9-17-13
CHKD BY: MJG	DATE: 9-17-13
APPD BY: JM	DATE: 9-17-13
SCALE: 1"=250'	
P:\08022\Current Site Plan\MillsExhibitB1	

<i>Gaylor Engineering</i>	
OSPREY COVE PROFESSIONAL OFFICE PARK 21764 STATE ROAD 54, LUTZ, FL 33549	
PH. (813) 949-5599	FAX (813) 949-0818
DWG NO EXHIBIT-B	REV NO 1

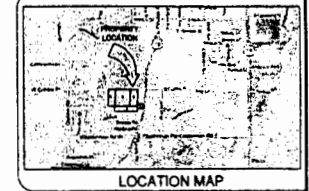
CAPON/MILLS PROPERTY
Exhibit B

**Exhibit “C”
Concept Plan**

TARPON SPRINGS GOLF COURSE



SECTION 24.02, TOWNSHIP 27 SOUTH, RANGE 15 EAST MILLER COUNTY, FLORIDA	
SITE DATA TABLE	
PROPERTY OVERLAP/ADJACENT	
1. WEST PARCEL	24-01-0000000000
2. EAST PARCEL	24-01-0000000000
3. SOUTH PARCEL	24-01-0000000000
4. NORTH PARCEL	24-01-0000000000
5. FUTURE LAND USE	REQUESTING F & CG
6. FUTURE ZONING	REQUESTING PG & PGD-15
FUTURE LAND USE AND ZONING	
Substantively, requested zoning will be on the portion of the parcel proposed for low use and zoning change. The remainder of the parcel and the upper 10% of the parcel will be rezoned as preservation.	
FUTURE LAND USE	REQUESTING F & CG
FUTURE ZONING	REQUESTING PG & PGD-15
PROJECT AREAS	
DEVELOPMENT/APPLICANT OWNED LAND	34.24 AC
TOTAL UPLAND IN DEVELOPMENT AREA	3.28 AC
TOTAL WETLANDS IN DEVELOPMENT AREA	0.39 AC
WATER VACATION WETLAND	0.39 AC
WATER VACATION UPLAND	0.39 AC
TOTAL UPLAND WITH ROW VACATION	0.77 AC
TOTAL WETLAND WITH ROW VACATION	0.39 AC
TOTAL DEVELOPMENT WITH ROW VACATION	0.77 AC



FOR A ZONE CHANGE FROM A-E & C-2 TO PGD-15 & PG AND A LAND USE CHANGE FROM RESIDENTIAL, SUBURBAN, COMMERCIAL GENERAL, & PRESERVATION TO RESIDENTIAL LOW MEDIUM & PRESERVATION, A SPECIAL EXCEPTION TO ALLOW A 50% AFFORDABLE HOUSING DENSITY BONUS

1. Rev to Blue Stop Pad & 200' of Sidewalk 8-11-13		NOTES
2. Rev to Blue Stop Pad & 200' of Sidewalk 8-11-13		
3. Rev to Blue Stop Pad & 200' of Sidewalk 8-11-13		
4. Rev to Blue Stop Pad & 200' of Sidewalk 8-11-13		
5. Rev to Blue Stop Pad & 200' of Sidewalk 8-11-13		
MILLS PROPERTY		
Taylor Engineering		
DATE: 8-28-13 SCALE: 1"=100' SHEET: C-1 10		
OVERALL SITE PLAN		

Exhibit "D"

PROPERTY	DENSITY	INTERIM CALCULATION	TOTAL DENSITY
1.75 (Snowden Nursery) 4.607 (floodplains uplands) .38 r/w vacation uplands Total: 6.737 uplands TDR from wetlands (limited to 25%) Density Bonus (50%)	10 u/a 10 u/a 10 u/a 1 u/a (as limited) Total x 1.5	17.5 46.07 <u>3.8</u> 67.37 + 16.84 =84.21 -1 d/u for SFH =83.21 X1.5 affordable housing credits	124.815* units = 125 affordable housing project units + One SFH *84.21 – one du = 83.21 x 1.5 for affordable housing credit = 124.815

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 55.56 ACRES LOCATED ON THE WEST SIDE OF ALT. 19 AND APPROXIMATELY 515 FT. NORTH OF TERRACE ROAD IN THE UNINCORPORATED AREA OF TARPON SPRINGS, LOCATED IN SECTIONS 23 & 24, TOWNSHIP 27, RANGE 15; FROM RESIDENTIAL SUBURBAN, COMMERCIAL GENERAL & PRESERVATION TO RESIDENTIAL LOW MEDIUM & PRESERVATION, PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to section 163.3187(1), Florida Statutes, the application for a small-scale amendment to the Future Land Use Map of Pinellas County, Florida, hereinafter listed, has been presented to the Board of County Commissioners of Pinellas County; and

WHEREAS, notice of public hearings and advertisements have been given as required by law; and

WHEREAS, the comments from the Local Planning Agency have been received and considered;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 19th day of November 2013 that;

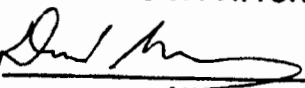
Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 55.56 acres located on the west side of Alt. 19 and approximately 515 ft. north of Terrace Road in the unincorporated area of Tarpon Springs Referenced as case Z/LU-20-8-13, and owned by Capon Corporation and John & Bonnie Mills, from: Residential Suburban, Commercial General & Preservation to: Residential Low Medium & Preservation. See attached legal description.

Section 2. This Ordinance shall be published in accordance with the requirements of law.

Section 3. This Ordinance shall take effect upon:

- a) Receipt of notice from the Secretary of State that the Ordinance has been filed is received; and
- b) Approval by the Countywide Planning Authority of the requisite amendment of the Countywide Future Land Use Plan submitted herein pursuant to Chapter 88-464, Laws of Florida, as amended.
- c) Pursuant to Section 163.187(5)(c), Florida Statutes, an amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commenced before the amendment has become effective.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

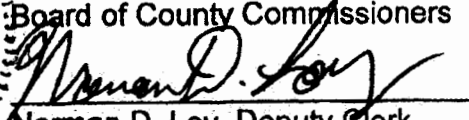
I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on November 19, 2013 relative to:

ORDINANCE NO. 13-31

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 55.56 ACRES LOCATED ON THE WEST SIDE OF ALT.19 AND APPROXIMATELY 515 FT. NORTH OF TERRACE ROAD IN THE UNINCORPORATED AREA OF TARPON SPRINGS, LOCATED IN SECTIONS 23 & 24, TOWNSHIP 27, RANGE 15; FROM RESIDENTIAL SUBURBAN, COMMERCIAL GENERAL & PRESERVATION TO RESIDENTIAL LOW MEDIUM & PRESERVATION, PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; AND PROVIDING AN EFFECTIVE DATE

IN WITNESS WHEREOF, I hereunto set my hand and official seal this November 27, 2013.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By: 
Norman D. Loy, Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
SEAL
PINELLAS COUNTY, FLORIDA
(SEAL)

DESCRIPTION:

Z/LU-20-8-13

(Per Official Records Book 5270, Page 1564)

Lot 12, and the North 1/2 of Lot 13, HILLCREST PARK, according to plat thereof, recorded in Plat Book 5, Page 68, public records of Pinellas County, Florida.

AND

(Per Official Records Book 5341, Page 1142)

S. 1/2 Lot 13, HILLCREST PARK, according to the map or plat thereof, as recorded in Plat Book 5, Page 68, public records of Pinellas County, Florida.

AND

(Per Official Records Book 17485, Page 708)

Tract 21 in Section 24, Township 27 South, Range 15 East of PROPERTY OF TAMPA AND TARPON SPRINGS LAND COMPANY, according to the map or plat thereof as recorded in Plat Book 1, Page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, LESS the North 15 feet thereof reserved for public road.

AND

(Per Official Records Book 13385, Page 691)

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For a POINT OF BEGINNING commence at the Northwest corner of said Section 24; thence along the North boundary of the Northwest 1/4 of said Section 24, S.89°40'54"E., a distance of 1,376.72 feet to the Northerly prolongation of the East boundary of aforementioned Lot 21, in said Section 24; thence along said Northerly prolongation, S.00°47'04"W., a distance of 15.00 feet to the Northeast corner of said Lot 21; thence along the North boundaries of said Lots 21, 22 and 23, and the Westerly prolongation thereof, in Section 24, and continuing along the North boundary of said Lot 1, and the Easterly prolongation thereof, in Section 23, N.89°40'54"W., a distance of 1,826.22 feet to the Northwest corner of said Lot 1; thence along the Northerly prolongation of said Lot 1, N.03°09'16"E., a distance of 15.02 feet to the North boundary of the Northeast 1/4 of said Section 23; thence along the North boundary of the Northeast 1/4 of said Section 23, S.89°40'54"E., a distance of 448.87 feet to the POINT OF BEGINNING.

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: December 30, 2013

ITEM	ACTION TAKEN	VOTE*
I. <u>MINUTES OF REGULAR PAC MEETING</u> <u>December 2, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Gordon Beardslee	7-0
II. <u>REVIEW OF PPC AGENDA FOR JAN. 8, 2014</u> A. <u>Subthreshold Land Use Plan Amendments -</u> <u>None</u>		
B. <u>Regular Land Use Plan Amendments -</u> 1. Case CW 14-01: Pinellas County	<u>Approved staff recommendation</u> Motion: Dean Neal Second: Jan Norsoph	7-0
2. Case CW 14-02: Pinellas County	After full discussion of issues relating to transfer of development rights, clustering, density bonuses, transit/arterial roads, and affordable housing bonuses, the PAC: <u>Concurred with staff recommendation to Deny</u> "with included statement that the PAC saw the potential value of the <u>Affordable Housing and Wetland Preservation and understood importance to developer and developing jurisdiction; noting there is a need to balance all criteria.</u> In addition they felt this was not a significant future transit corridor and placing high density here was counter intuitive to the long term objectives. Motion: Dean Neal Second: Jan Norsoph	6-1 Pinellas County dissenting
3. Case CW 14-03: Pinellas County	<u>Approved subject to Accompanying Development Agreement</u> Motion: Dean Neal Second: Jan Norsoph	7-0
4. Case CW 14-04: City of Largo	<u>Approved staff recommendation</u> Motion: Dean Neal Second: Matt McLachlan	7-0
C. <u>Amendment of the Countywide Rules re:</u> <u>Preservation of Industrial Lands</u>	<u>Approved staff recommendation</u> Motion: Dean Neal Second: Jan Norsoph	7-0
D. <u>Minor Plan Change: Case CW 97-62, SAP</u> <u>Change No. 2-2014: City of Largo</u>	<u>Approved/Accept for transmittal to the Countywide Planning Authority</u> Motion: Dean Neal Second: Matt McLachlan	7-0
E. <u>Annexation Report – December 2013</u>	It was noted that the report will be revised for PPC due to receipt of additional annexation reports <u>No Action – Information Only</u>	

DISCLOSURE OF INTEREST STATEMENT
PINELLAS COUNTY PLANNING COUNCIL CASE NUMBERSUBMITTING GOVERNMENT ENTITY: PINELLAS COUNTYPPC OR CITY/TOWN CASE NUMBER: Z/LU-20-8-13

PROPERTY OWNER(S):

Name: Capon Corporation & John & Bonnie Mills

Name: _____

Address: Capon Corp. & John & Bonnie Mills
1209 N. Florida Avenue
Tarpon Springs, FL 34689

Address: _____

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

Interest:

Contingent:

Absolute: x

Name: _____

A specific interest held:

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

Contract is: _____ Contingent _____ Absolute

All Parties to Contract:

Name: _____

Name: _____

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

All Parties to Option: No

Name: _____

Name: _____

ANY OTHER PERTINENT INFORMATION WHICH APPLICANT MAY WISH TO SUBMIT PERTAINING TO
REQUESTED PLAN AMENDMENT:125 bed facility which received a 50% Affordable Housing Density Bonus

NUMBER TO BE ASSIGNED BY PLANNING COUNCIL STAFF

APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENTS

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) | Residential Suburban, Commercial General & Preservation |
| 2. Proposed Countywide FLUP Designation(s) | Residential Low Medium & Preservation |

Local Plan Map Information

- | | |
|---|---|
| 1. Local Map Amendment Case Number | Z/LU-20-8-13 |
| 2. Current Local Plan Designation(s) | Residential Suburban, Commercial General & Preservation |
| 3. Current Local Zoning Designation(s) | A-E & C-2 |
| 4. Proposed Local Plan Designation(s) | Residential Low Medium & Preservation |
| 5. Proposed Local Zoning Designation(s) | RPD-10 & P/C |

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) | 24/27/15/39960/000/0120; 24/27/15/892/0/000/2100, 2200,
2400 & 23/27/15/89262/000/0100 |
| 2. Location | Approximately 55.56 acres located on the west side of
Alt.19 and approximately 515 ft. north of Terrace Road in
the unincorporated area of Tarpon Springs. |
| 3. Acreage | 6.74 |
| 4. Existing use(s) | Vacant |
| 5. Existing density and/or floor area ratio | 2.5 upa |
| 6. Name of project (if applicable) | 126 units multi-family development having a 50%
Affordable Housing Density Bonus |
| 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. 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 of 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. | |

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.