

BOARD OF COUNTY COMMISSIONERS

DATE: April 15, 2014
AGENDA ITEM NO. 30

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Zoning Case No. (Q) Z-26-12-13 (Taylor Morrison of Florida, Inc.)

Department:

Department of Planning and Development Services

Staff Member Responsible:

Gordon Beardslee, Division Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE ZONING REQUEST.

Summary Explanation/Background:

This is a zone change request from R-R, Rural Residential to R-1, Residential Single Family. Fifty single family homes are proposed for this development, which, if approved, will allow minimum lot sizes of 9,500 sq. ft. compared to the minimum lot size of 16,000 sq. ft. required by the current zoning. This zoning is consistent with the site's Residential Suburban Future Land Use Map designation, which allows up to 2.5 dwelling units per acre, and with similar zoning to the north and to the west of the site. The site abuts both light industrial and commercial development along its eastern boundary. This is the second of the two hearings being heard for this application.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Zoning Maps & Resolution

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. Z-26-12-13

LPA Recommendation (February 13, 2014): The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the zoning amendment. (The vote was 5-1, in favor).

LPA Recommendation (December 12, 2013): The Local Planning Agency recommended the proposed zoning and land use request be continued for 60 days. (The vote was 6-1, in favor)

LPA Public Hearing: February 13, 2014 & December 12, 2013

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendment to the Zoning Atlas to be consistent with the Pinellas County Comprehensive Plan, based on the findings in this Report; and

Staff further recommends that the LPA recommend approval of the zoning amendment to the Pinellas County Board of County Commissioners; and

Staff further recommends that the site plan process give special consideration to incorporating any specimen-value trees into the landscape/development plan.

CASE SUMMARY

APPLICANT'S NAME: Taylor Morrison of Florida, Inc.

DISCLOSURE: Taylor Morrison of Florida, Inc., a Florida Corp, is owned 100% by Taylor Morrison, Inc., a Delaware Corp.

REPRESENTED BY: Alexis Crespo, AICP

ZONING CHANGE	
FROM:	R-R, Rural Residential
TO:	R-1, Single Family Residential

PROPERTY DESCRIPTION:

Approximately 20 acres located on the southeast corner of C.R. 39 and Fisher Road, Palm Harbor.

PARCEL ID(S): 18/28/16/00000/210/0200 & 0300

PROPOSED BCC HEARING DATE: March 18, 2014

CORRESPONDENCE RECEIVED TO DATE:

No correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

Two persons appeared with concerns. One person appeared in objection.

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Suburban	R-R	Vacant
Adjacent Properties:			
North	Residential Suburban & Residential Low	R-3, R-1 & R-R	Single family dwellings
East	Industrial Limited & Residential/Office/Retail	M-1, C-3, CP-1	Warehouse & retail/ commercial
South	Residential Suburban	R-R	Single family dwellings
West	Residential Suburban	R-1 & R-R	Single family dwellings

STAFF DISCUSSION AND ANALYSIS

The subject property is designated as Residential Suburban on the Future Land Use Map, and is zoned R-R, Rural Residential. The R-R zoning designation requires a lot size of 16,000 sq. ft. with a minimum width of 90 ft. It is considered to be a rural residential district, and as such it permits general agricultural activities (including a limited number of farm animals on half-acre lots). The applicant is requesting a zoning change from R-R to R-1, Single Family Residential in order to develop up to 50 single family residential units. The R-1 designation requires a minimum lot size of 9500 sq. ft. and is characterized by low density residential development; farm animals and agricultural uses are not permitted.

Single family residential development is located to the north of the subject property, with R-3, and R-2, and R-1 (single family residential) zoning designations. Minimum lot sizes range from 6,000 to 7,500 to 9,500 sq. ft. respectively. Single family development is also located to the west of the subject property with R-R and R-1 zoning designations, and to the south, with R-R zoning. The subject property abuts various commercial and light industrial uses along its eastern boundary, including an auto dealership, furniture store, and mini-storage.

The subject property is heavily wooded and can be characterized as mostly sandhill habitat. However, a site visit revealed that many of the trees are actually in decline (primarily the water oaks) and appeared highly susceptible to failure. There are still several trees which likely meet the County's criteria for designation as "specimen" trees. Of special note were the few sizable sand pines, which are indicative of the vestige sandhill habitat in Pinellas County. Any trees of "specimen" quality that are identified will be given special consideration during the site plan process for incorporation into the development plan (staff does note that the applicant has already identified several trees for protection).

The sandhill habitat on the subject property is also supporting a good number of gopher tortoises, as evidenced by the number of active and dormant gopher tortoise holes. During the site plan process, a relocation plan will need to be devised for the gopher tortoises. (In Florida, the gopher tortoise is listed as a threatened species and both the tortoise and its burrow are protected under state law.

Gopher tortoises must be relocated before any land clearing or development takes place, and property owners must obtain permits from the Florida Fish and Wildlife Conservation Commission before capturing and relocating tortoises).

Policy 1.1.3 of the Transportation Element requires Pinellas County to “minimize the impacts of development on concurrency management corridors through the implementation of land development restrictions and transportation management plan (TMP) strategies”. In this case, the subject area is within one half mile of U.S. 19, a Long Term Concurrency Management Corridor roadway according to the latest Pinellas County Concurrency Test Statement. If developed at the maximum of 50 single family homes, the proposal can be expected to generate 384 additional vehicle trips per day, above what could be anticipated if developed under the existing R-R zoning designation. At the time of site plan review, the development will be required to implement certain strategies to mitigate their transportation impact, or be subject to development at 50 percent of their maximum potential under the R-1 designation.

In summary, staff finds that the proposed R-1 zoning district is compatible with the existing zoning pattern for the area. Staff also believes that the site plan process and habitat management provisions in the Code will recognize the value of these types of vestige/remnant sandhill habitats in Pinellas County. Regarding the projected increase in vehicle trips, this will also be addressed by the application of concurrency required during the site plan review process.

<p style="text-align: center;">IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</p>
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Staff finds that the proposed amendment is consistent with the following adopted objective and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE

- | | |
|---------------|---|
| Objective 1.2 | Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity. |
| Policy 1.2.3 | Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area. |
| Policy 1.2.4 | Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods. |
| Policy 4.2.3 | Pinellas County shall discourage approval of Zoning and/or Future Land Use Map (FLUM) amendments that would increase the number of trips generated on corridors designated as long term concurrency management, congestion containment and constrained corridors in the Concurrency Test Statement. |

TRANSPORTATION ELEMENT:

Policy 1.1.3 Pinellas County shall minimize the impacts of development on concurrency management corridors through the implementation of land development restrictions and transportation management plan (TMP) strategies through the application of the Concurrency Management System.

COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

ADDENDUM TO: Z-26-12-13 (Taylor Morrison of Florida, Inc.)

REGARDING A REQUEST FOR A ZONING CHANGE:

FROM: R-R, Rural Residential

TO: R-1, Single Family Residential

LOCATION: Approximately 20 acres, located on the southeast corner of CR. 39 and Fisher Road, Palm Harbor.

Original LPA Date: December 12, 2013

Continued by LPA to: February 13, 2014

On December 12, 2013, the LPA recommended that this request be continued for 60 days to give County staff and the applicant time to address questions regarding the following:

1. Relocation and/or conservation of on-site gopher tortoises;
2. Right-of way and land ownership along Fisher Road;
3. Concerns relating to the additional traffic and intersection impacts associated with the proposed development; and
4. Loss of sandhill habitat

STAFF RESPONSES to LPA questions

1. RELOCATION AND/OR CONSERVATION OF ON-SITE GOPHER TORTOISES

The LPA expressed concern over what happens to the gopher tortoises onsite, and asked where the relocation sites would be. Staff subsequently spoke to scientists and specialists at both the County and State level, with the following findings:

During the development review process, Pinellas County's development review staff requires compliance with all applicable State Fish and Wildlife Conservation (FWC) regulations/permits, including State regulations that require relocation of gopher tortoises (gopher tortoises are considered to be a threatened Florida species). Pinellas

County does not have any designated gopher tortoise recipient sites due to the lack of available land and the fact that the County's preserve and environmental lands are considered to be at carrying capacity for viable populations. Therefore, tortoises are removed by a licensed relocation specialist and relocated to neighboring counties that have a designated and managed recipient site. Pasco and Sarasota Counties are currently taking in gopher tortoises (the relocation site must be within a one hundred mile radius of the area from which they are being removed according to the State). Selection of the relocation site factors in such things as: carrying capacity of the recipient site, weather conditions at the time, etc. Retaining the tortoises onsite (if the site is small or moderate in size) is not desirable according to the State and County, since over time it becomes a "retirement" colony, with little opportunity for achieving a successful breeding population on such condensed territory, leading to eventual mortality of the entire colony.

2. RIGHT-OF WAY AND LAND OWNERSHIP ALONG FISHER ROAD

The LPA asked that staff address questions regarding the County's rights-of-way that might be affected by the proposal, in light of questions from a resident along Fisher Road. While this is normally an item that would be addressed during site plan review, staff did make inquiries to County transportation, survey and GIS staff, realizing that an actual site plan has not yet been submitted (meaning we do not have site plan level details and engineering plans). The County's research indicates that the properties along the west side of Fisher Road include in their legal descriptions words that "less out" 20 feet of their property to the County as road right-of-way. It appears that the GIS maps do not accurately reflect those areas that are "lessed-out" of the private property along the west side of the road – resulting in a map that shows an "uneven" edge for the right-of-way along the east side of the road (i.e., the edge did not less out the 20 feet from the private property line). As for the applicant's ownership along the eastern side of the road, a legal description from their title company was provided with the application. That legal description is considered to represent the legal boundary of their land and does not appear, based on any information reviewed to date, to infringe on County road right-of-way. At the time of site plan review, with properly submitted plans, County right-of-way and transportation staff will be able to determine accurately what adjustments might need to be made to the GIS maps for Fisher Road. If at that time any adjustments are needed to the applicant's proposal (via setbacks, etc.), they would be addressed at that time.

3. CONCERNS RELATING TO THE ADDITIONAL TRAFFIC AND INTERSECTION IMPACTS

The primary access to the site is proposed to be from CR 39. The site is currently vacant and generates no vehicle trips; the proposed zoning change to R-1, with the applicant's intention to develop up to 50 single-family units, is anticipated to generate approximately 480 trips per day along C.R. 39. Importantly, the over-riding Residential Suburban land use designation, with its limit of 2.5 units per acre would essentially restrict the number of buildable units to 50 on the site, regardless of whether the underlying zoning designation allows for smaller lots (as under the R-1 zoning) or larger lots (under the existing RR zoning). Hence the traffic impacts are expected to be the same under the existing or proposed zoning designation. The applicant is requesting the zoning change more to provide for a lot size that provides greater flexibility in layout and ability to meet site development regulations while still gaining a financially realistic number of buildable units.

At the LPA hearing on December 12, there were questions regarding whether the additional traffic impacts would trigger the need for a traffic signal at Belcher Road and CR 39. County traffic engineering staff indicate that the proposed development will be subject to Concurrency Management requirements since the site is located within a half mile of US Highway 19, which is designated by the 2013 Concurrency Test Statement as a Long Term Concurrency Management Corridor, and is operating at a LOS F. Therefore, at the time of site plan review, staff will require a Traffic Impact Study to be submitted, which will be required to also address impacts at the intersection of Belcher Road and CR 39. Based on that analysis, decisions will be made regarding whether installation of a signal is warranted or not.

4. LOSS OF SANDHILL HABITAT

The LPA expressed concern regarding the incremental loss of sandhill habitat through site development activities and inquired as to how much sandhill habitat was left in Pinellas County. Staff was not able to find a precise number of acres, but notes that the County's preserves and regional resource-based parks preserve large intact upland and sandhill systems. In fact, the impetus for purchase of some of those lands was for this purpose, as sandhill habitats are typically dry and therefore over history have been highly desirable for development. In a built-out county it can be deduced that they have been severely impacted and reduced by cumulative development activity.

In the case of this site, the County's environmental staff has provided additional details, noting that the site is not of particularly pristine or high quality habitat. It is a mix of species and habitats, including sandhill species as well as oak hammock as the elevation drops to the south. It does still serve an environmental purpose for the species using the site, and it does contribute to the area's tree canopy. However, the site is privately-owned, and County regulations provide for its development - under both the existing or proposed zoning designation - as long as it can comply with County land development regulations, including environmental regulations. Absent public acquisition of these types of properties, they remain candidates for development.

LOCATION MAP

Z-26-12-13



MAP-1

Z-26-12-13

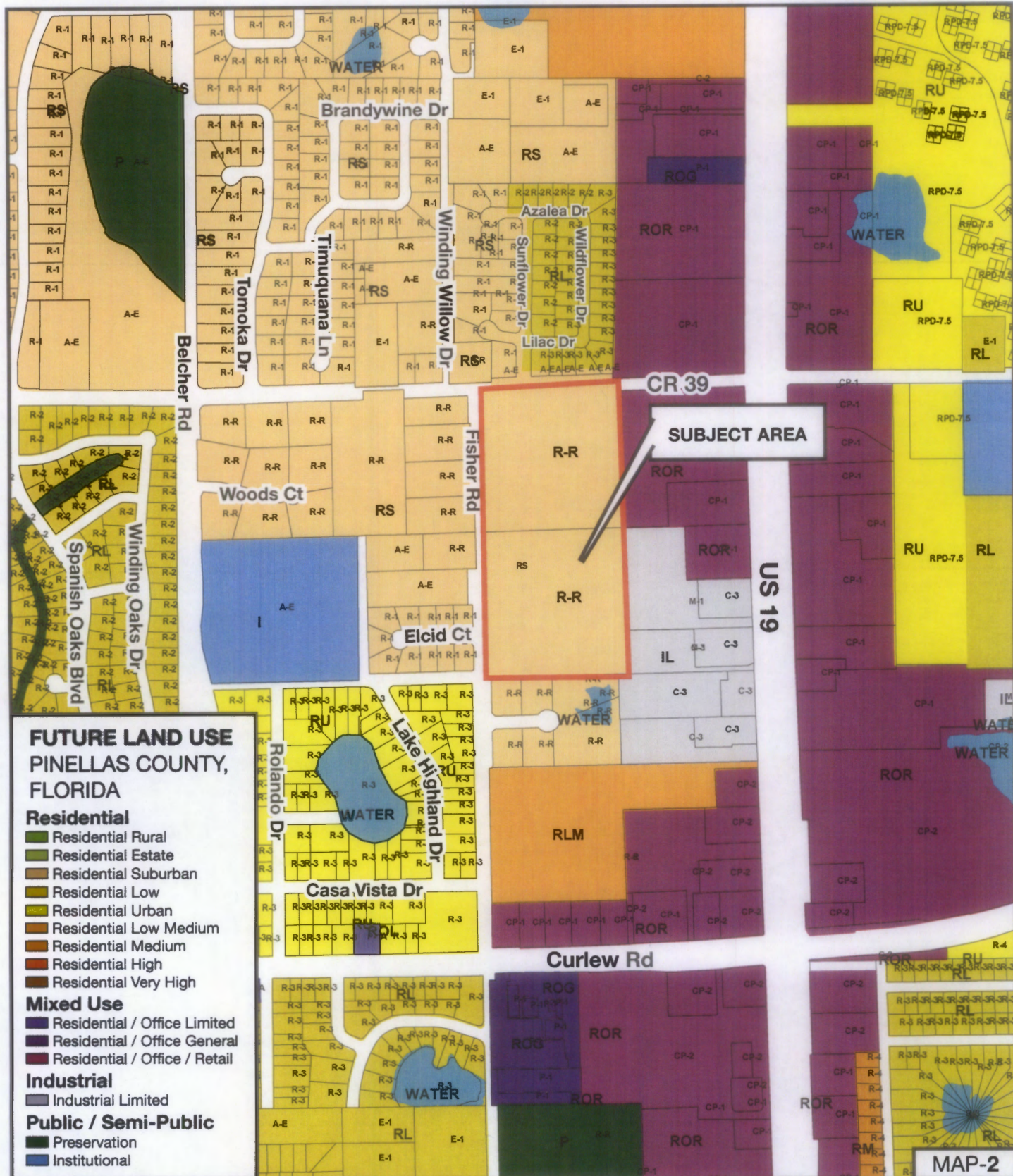
Zoning

From: R-R, Rural Residential
To: R-1, Single Family Residential

Parcel I.D. 18/28/16/00000/210/0200 & 0300

Prepared by: Pinellas County Strategic Planning & Initiatives September 2013





Z-26-12-13

Zoning

From: R-R, Rural Residential
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Z-26-12-13

Zoning

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Prepared by: Pinellas County Strategic Planning & Initiatives September 2013



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 20 ACRES LOCATED ON THE SOUTHEAST CORNER OF C.R. 39 AND FISHER ROAD, PALM HARBOR; PAGE 607 OF THE ZONING ATLAS, AS BEING IN SECTION 18, TOWNSHIP 28, RANGE 16; FROM R-R, RURAL RESIDENTIAL TO R-1, SINGLE FAMILY RESIDENTIAL; UPON APPLICATION OF TAYLOR MORRISON OF FLORIDA, INC., THROUGH ALEXIS CRESPO, AICP, REPRESENTATIVE, Z-26-12-13

WHEREAS, Taylor Morrison of Florida, Inc., Owner(s) of the property hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from R-R, Rural Residential to R-1, Single Family Residential; and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 15th day of April 2014 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

“See Attached Legal Description”

be, and the same is hereby changed from R-R, Rural Residential to R-1, Single Family Residential.

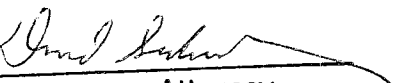
Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

Z-26-12-13

LEGAL DESCRIPTION

THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE
NORTHWEST QUARTER (NW ¼), SECTION 18, TOWNSHIP 28 SOUTH, RANGE 16
EAST, PINELLAS COUNTY, FLORIDA.

AND

THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE
NORTHWEST QUARTER (NW ¼) OF SECTION 18, TOWNSHIP 28 SOUTH, RANGE 16
EAST, PINELLAS COUNTY, FLORIDA.

TOGETHER WITH

THE NON-EXCLUSIVE EASEMENT RIGHTS AS CREATED BY THAT CERTAIN
WARRANTY DEED RECORDED MAY 1, 1985 IN O.R. BOOK 5982, PAGE 1933 AS
AFFECTED BY EASEMENT AGREEMENT RECORDED NOVEMBER 4, 1999 IN O.R.
BOOK 10714, PAGE 2481 OVER THE FOLLOWING DESCRIBED PROPERTY:

THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 18,
TOWNSHIP 28 SOUTH, RANGE 16 EAST, LESS ROAD RIGHT-OF-WAY FOR U.S. 19 ON
THE EAST AND COUNTY ROAD 39 ON THE NORTH LYING AND BEING IN PINELLAS
COUNTY, FLORIDA.