

BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2014

AGENDA ITEM NO. 37a.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Public Hearing for Zoning Case No. (Q) Z/LU-13-7-14 (Peter C. Krauser)

Department:

Planning and Development Services

Staff Member Responsible:

Jacob Stowers, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC COMMENT REGARDING CHANGES TO THE ZONING AND LAND USE OF A 1.28 ACRE PARCEL.

Summary Explanation/Background:

This is a request to amend the Future Land Use Map designation from Residential Low (up to 5 units per acre) to Residential Urban (up to 7.5 units per acre). Additionally, there is a companion request to change the existing zoning from E-1, Estate Residential to RPD-7.5, Residential Planned Development, 7.5 units per acre. To the north, west and east of the site are properties designated with the RPD-7.5, Residential Planned Development zoning and Residential Urban Future Land Use Map. Approval of the request will bring this site into conformance with the adjoining properties. The applicant desires to develop this site in keeping with the existing neighborhood. This request is similar to the approval given to the parcel to the west in 2008.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Maps, Resolution & Ordinance
Correspondence received from C & M Healthcare Corporation on June 24, 2014, is now irrelevant due to the withdrawal of the applicant's previous variance request.

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



Regarding: Case No. Z/LU-13-7-14

LPA Recommendation: At the July 10, 2014 hearing, the Local Planning Agency, at the request of the applicant, continued the proposed zoning and land use amendment, and variance to allow an assisted living facility, to the September 11, 2014 LPA meeting. **(The vote was 6-0, in favor)**

LPA Recommendation: The LPA finds that the proposed amendments are consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the land use and zoning amendments. (The vote was 5-0, in favor)

LPA Public Hearing: July 10, 2014 & September 11, 2014

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendments to the Future Land Use Map and the Zoning Atlas to be consistent with the Pinellas County Comprehensive Plan, based on the findings in this report.

Staff further recommends the LPA recommend to the Pinellas County Board of County Commissioners approval of the Future Land Use Map and the zoning amendments.

CASE SUMMARY

APPLICANT'S NAME: Peter C. Krauser

DISCLOSURE: Peter C. Krauser

REPRESENTED BY: Bruce Danielson

	LAND USE CHANGE	ZONING CHANGE
FROM:	Residential Low (RL)	E-1, Estate Residential
TO:	Residential Urban (RU)	RPD-7.5, Residential Planned Development, 7.5 units per acre

PROPERTY DESCRIPTION:

Approximately 1.28 acres located on the north side of CR 95, 820 ft. east of US 19, Palm Harbor (Street address being: 6951 CR 95).

PARCEL ID(S): 07/28/16/00000/430/0700

PROPOSED BCC HEARING DATE: October 21, 2014

CORRESPONDENCE RECEIVED TO DATE:

One letter received in opposition.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared at the September 11, 2014.
One person appeared in opposition at the July 10, 2014.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Low	E-1	Single Family Dwelling
Adjacent Properties:			
North	Residential Urban	RPD-7.5	Multi-family
East	Residential Urban	RPD-7.5	Multi-family
South	Institutional	E-1	Church
West	Residential Urban	RPD-7.5	Vacant

STAFF DISCUSSION AND ANALYSIS

OVERVIEW

This is a proposal to amend the Future Land Use Map designation on an approximately 1.28 acre parcel from Residential Low to Residential Urban and the Zoning designation from E-1, Estate Residential to RPD-7.5, Residential Planned Development 7.5 units per acre. The applicant had originally included a request for a variance to the 1,000 foot separation requirement between assisted living/congregate care facilities, since the applicant proposes to develop an assisted living/congregate care facility on the site, within 45 feet of an existing assisted living facility. Following the July 10, 2014 LPA meeting, the applicant withdrew the variance request and the revised application now includes only a request for land use and zoning amendments on the subject property.

COMPATIBILITY WITH SURROUNDING LAND USES

The proposed zoning designation (i.e., RPD-7.5) and land use category (RU) are compatible with surrounding zoning and land use patterns in the area as evidenced by the multi-family residential development located to the north and east zoned RPD-7.5, Residential Planned Development, 7.5 units per acre and designated as Residential Urban on the Future Land Use Map (FLUM). To the south exists a church zoned E-1, Estate Residential and designated as Institutional on the Future Land Use Map (FLUM). Southwest of the subject site is an Assisted Living Facility zoned RPD-7.5, Residential Planned Development, 7.5 units per acre and designated as Residential Urban. Adjacent to the west is property owned by the applicant and rezoned in 2008 (Z/LU-1-11-08) to RPD 7.5, Residential Planned Development, 7.5 units per acre and amended to Residential Urban on the FLUM. Therefore, the proposed RPD-7.5, Residential Planned Development, 7.5 units per acre zoning, and companion Residential Urban land use designation, are considered appropriate for this area as indicated by the surrounding zoning and land use patterns.

TRANSPORTATION IMPACTS AND CONCURRENCY

Approval of the amendments requested by the applicant could generate approximately 38 additional vehicle trips per day on the surrounding roadway network. These additional vehicle trips would not be expected to lower the level of service (LOS) on any of the impacted roadway facilities. However, it should be noted that the anticipated additional 38 trips would be projected to impact US Highway 19 North (the segment from Curlew Road to Tampa Road), which is designated by the 2013 Concurrency Test Statement as a Long Term Concurrency Management Corridor, and is operating at a LOS F.

Since the subject site is located within one half mile of this section of US Highway 19 North, it would be subject to concurrency management requirements during the site plan process. These vehicle trip calculations have been based on the difference between the number of residential units permitted under the site's current Residential Low designation and the proposed Residential Urban designation.

OTHER INFRASTRUCTURE IMPACTS

The subject site is located within the Pinellas County Water Demand Planning Area and the William E. Dunn Wastewater Reclamation Facility Service Area. Amending the subject site from Residential Low to Residential Urban could increase potable water and wastewater treatment demand by approximately 1,064 gallons per day, respectively. With respect to solid waste disposal, approval of the amendment could also increase the amount of solid waste generated by approximately 6.6 tons per year.

SUMMARY

Staff believes the proposed zoning of RPD-7.5, Residential Planned Development, 7.5 units per acre and the companion land use designation of Residential Urban is compatible with surrounding land uses in the area and as such staff recommends approval of the zoning and Future Land Use Map amendments.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed zoning and Future Land Use Map amendments are consistent with the following adopted objective and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE ELEMENT:

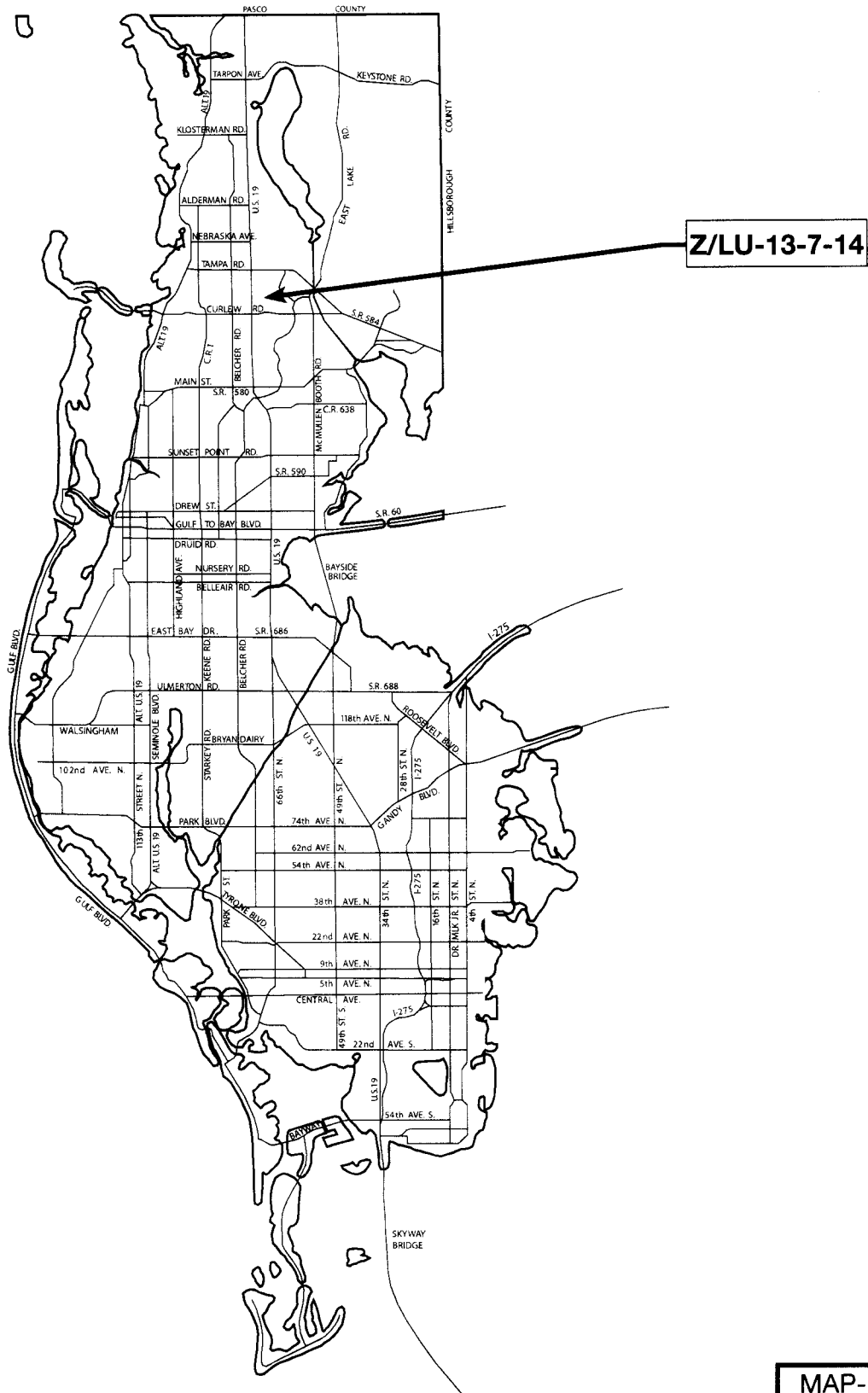
- Objective 1.2 Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.
- Policy 1.2.3 Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
- Policy 1.2.6 Land development regulations that implement the Comprehensive Plan may be more restrictive than the land use standards contained within the Plan.
- Objective 1.11 Pinellas County shall implement its land use policies in a manner that clearly defines the future land use categories and the regulations pertaining to them that manage growth in Pinellas County.

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.

Attachments:
Maps
Correspondence

LOCATION MAP



MAP-1

Z/LU-13-7-14

Zoning	From: E-1, Estate Residential To: RPD-7.5, Residential Planned Development, 7.5 units per acre
Land Use	From: Residential Low To: Residential Urban



Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





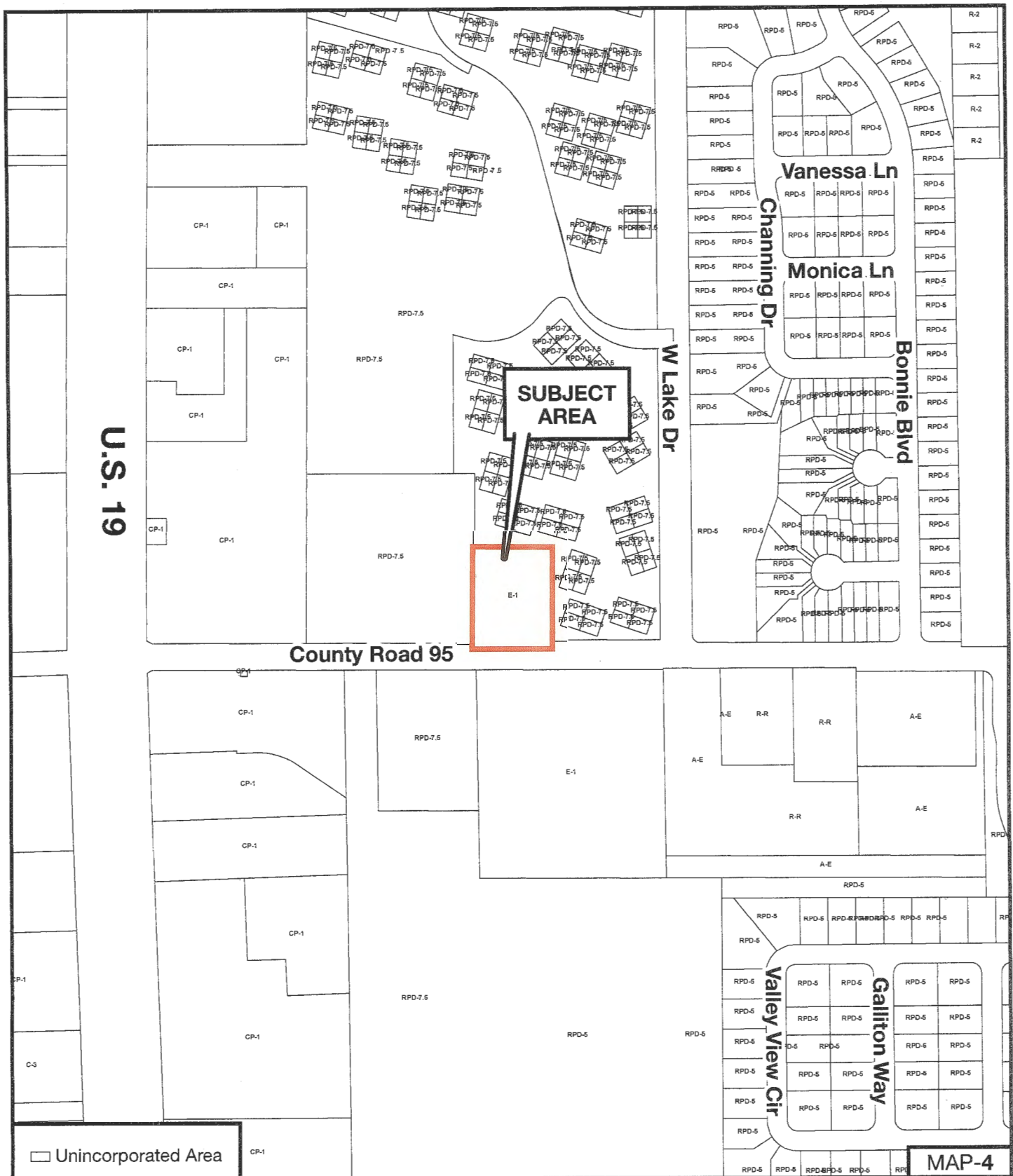
Z/LU-13-7-14

Zoning From: E-1, Estate Residential
To: RPD-7.5, Residential Planned Development,
7.5 units per acre
Land Use From: Residential Low
To: Residential Urban

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z/LU-13-7-14

Zoning From: E-1, Estate Residential
To: RPD-7.5, Residential Planned Development,
7.5 units per acre
Land Use From: Residential Low
To: Residential Urban

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 1.28 ACRES LOCATED ON THE NORTH SIDE OF CR 95, 820 FT. EAST OF US 19, PALM HARBOR (STREET ADDRESS BEING: 6951 CR 95), PAGE 586 OF THE ZONING ATLAS, AS BEING IN SECTION 07, TOWNSHIP 28, RANGE 16, FROM E-1, ESTATE RESIDENTIAL TO RPD-7.5, RESIDENTIAL PLANNED DEVELOPMENT, 7.5 UNITS PER ACRE UPON APPLICATION OF PETER C. KRAUSER THROUGH BRUCE DANIELSON, BELLEAIR CAPITAL GROUP, LLC, REPRESENTATIVE, Z/LU-13-7-14

WHEREAS, Peter C. Krauser, Owner 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 E-1, Estate Residential to RPD-7.5, Residential Planned Development, 7.5 units per acre; 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 21st day of October 2014 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

Commence at the Southwest corner of the Southeast Quarter (SE-1/4) of Section 7, Township 28S, Range 16E, thence run along the South boundary of the Southeast Quarter (SE-1/4), S 89°54'12" E. 920 feet for a Point of Beginning; thence N. 0°27'10 E., 278 Feet; thence S. 89°54'12 E., 200 Feet; thence S. 0°27'10 W. 278 Feet to the South line of said Section 7; thence N. 89°54'12 W. 200.00 Feet m.o.l. to the Point of Beginning, subject to right-of-way for County road over the South 40 feet thereof.

be, and the same is hereby changed from E-1, Estate Residential to RPD-7.5, Residential Planned Development, 7.5 units per acre, subject to an amendment to the Pinellas County Future Land Use Map from Residential Low to Residential Urban, Z/LU-13-7-14.


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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 1.28 ACRES LOCATED ON THE NORTH SIDE OF CR 95, 820 FT. EAST OF US 19, PALM HARBOR (STREET ADDRESS BEING: 6951 CR 95) LOCATED IN SECTION 07, TOWNSHIP 28, RANGE 16, FROM RESIDENTIAL LOW TO RESIDENTIAL URBAN, 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, the application for an 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 Florida Law; and

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

WHEREAS, this is a small-scale development amendment, as defined by Section 163.3187(1), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 21st day of October 2014 that:


Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 1.28 acres located on the north side of CR 95, 820 ft. east of US 19, Palm Harbor (Street address being: 6951 CR 95). Referenced as Case Z/LU-13-7-14, and owned by Peter C. Krauser, from Residential Low to Residential Urban. *Legal description:* Commence at the Southwest corner of the Southeast Quarter (SE-1/4) of Section 7, Township 28S, Range 16E, thence run along the South boundary of the Southeast Quarter (SE-1/4), S 89°54'12" E. 920 feet for a Point of Beginning; thence N. 0°27'10 E., 278 Feet; thence S. 89°54'12 E., 200 Feet; thence S. 0°27'10 W. 278 Feet to the South line of said Section 7; thence N. 89°54'12 W. 200.00 Feet m.o.l. to the Point of Beginning, subject to right-of-way for County road over the South 40 feet thereof.

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Low to Residential Urban to maintain consistency with the said Plan.

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 163.3187(5)(c), Florida Statutes, this amendment shall become effective upon 31 days following its adoption. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining the adopted small scale amendment is in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

PINELLAS COUNTY PLANNING DEPARTMENT TRAFFIC ANALYSIS FOR A PROPOSED LAND USE CHANGE							
LU#: Z/LU-13-7-14				Jurisdiction: Pinellas County			
Revised:		Received: 6/31/2014		Signoff:			
SITE DATA							
Parcel Size: 1.28							
Proposed for Amendment: 1.28							
Current Land Use Designation: Residential Low							
Potential Use	sf/acre(s)	x(far)/(upa)	Units		x(tgr)	cap.	Proj. trips
(1) Single-Family	1.28	5.00	6		9.6	100	58
Proposed Land Use Designation: Residential Urban							
Potential Use	sf/acre(s)	x(far)/(upa)	Units		x(tgr)	cap.	Proj. trips
(1) Single-Family	1.28	7.50	10		9.6	100	96
Total							38
Potential Additional Daily Trips:				38			
ROADWAY IMPACT DATA - Trip Distribution							
Road(s)		% Distribution				Traffic Vol. (AADT)	
		2013	2035			2013	2035
(1) US Highway 19		38	38	existing	76,000	98,000	
Curlew Road to Tampa Road		100	100	proposed	76,038	98,038	
Road(s)		2013 PH		2013 AADT		2035 AADT	
		LOS	V/CR	extg.	w/ chg.	extg.	w/ chg.
(1) US Highway 19		F	1.235	F	F	F	F
Curlew Road to Tampa Road							
Road(s)		Extg	Planned	Const.	Future	CMS	
		Ln Cfg	Improv.	Year	Ln Cfg	Desig.	
(1) US Highway 19	Curlew Road to Tampa Road	6D	PC	2035	6PC	LTCM	
ABBREVIATIONS/NOTES							
AADT = Average Annual Daily Trips				Ln. = Lanes			
AC = Acres				LOS = Level of Service			
CAP = Capture Rate (i.e., % new trips)				LTCM = Long Term Concurrency Management Corridor			
CCC = Congestion Containment Corridor				MPO = Metropolitan Planning Organization			
CFG = Configuration				N/A = Not applicable			
CMS = Concurrency Management System				PC = Partially controlled access			
CON = Constrained County Corridor				PH = Peak Hour			
Const. = Construction				SF = Square Feet			
D/U = Divided/undivided				TGR = Trip Generation Rate			
E = Enhanced				UPA = Units Per Acre			
FAR = Floor Area Ratio				UTS = Units (dwelling)			
FDOT = Florida Department of Transportation				V/CR = Volume-to-Capacity Ratio			
DEF= Deficient State Road				MIS= Mitigating Improvement Scheduled			
2035 traffic volumes from MPO, adjusted FDOT Regional Transportation Analysis model output							
Average daily level of service based on Generalized Daily LOS Volume Tables from FDOT 2010 LOS Manual							

Impact Assessment and Background Data for Staff Report

Amendment to the Pinellas County Future Land Use Map and Pinellas County Zoning Atlas Map

Z/LU: 13-7-14

Site Location: Located on the north side of CR 95, 820 ft. east of US 19, Palm Harbor.

Street Address: 6951 CR 95, Palm Harbor Florida

Parcel Number: 07/28/16/00000/430/0700

Prepared by: RAB

Date: 06/26/14

Proposed Amendment From:

Future Land Use Designation(s): RL acres 1.28

Zoning Designation(s): E-1 acres 1.28

Proposed Amendment To:

Future Land Use Designation(s): RU acres 1.28

Zoning Designation(s): RPD-7.5 acres 1.28

Development Agreement? No ☒ Yes ☐ New ☐ Amended ☐

Affordable Housing Density Bonus? No ☒ Yes ☐ How many units:

INFRASTRUCTURE IMPACTS
SOLID WASTE IMPACT ASSESSMENT

LAND USE DESIGNATIONS	SOLID WASTE Total Tons/Year *
EXISTING	
Residential Low	1.28 acres x 5 upa = 6 units 6 units x 1.66 tons/unit/year (residential factor) = 9.96 tons/year
PROPOSED	
Residential Urban	1.28 acres x 7.5 upa = 10 units 10 units x 1.66 tons/unit/year (residential factor) = 16.6 tons/year
NET DIFFERENCE	+6.64 tons/year

* (Non Residential) Gross Floor Area x Solid Waste Disposal Rate / 2,000 lbs = Total Tons per Year

* (Residential) Units x Annual Per Capita Rate = Total Tons per Year

Note: Based upon Solid Waste Disposal Rate determined by DUS Consultants for the Solid Waste Authority of Palm Beach County.

POTABLE WATER AND SANITARY SEWER IMPACT ASSESSMENT

LAND USE DESIGNATIONS	POTABLE WATER GPD *	WASTEWATER GPD*
EXISTING		
Residential Low	1.28 acres x 5 upa = 6 units 6 x 266 per unit (residential factor) = 1,596 GPD	1.28 acres x 5 upa = 6 units 6 x 266 per unit (residential factor) = 1,596 GPD
PROPOSED		
Residential Urban	1.28 acres x 7.5 upa = 10 units 10 x 266 per unit (residential factor) = 2,660 GPD	1.28 acres x 7.5 upa = 10 units 10 x 266 per unit (residential factor) = 2,660 GPD
NET DIFFERENCE	+1,064 GPD	+1,064 GPD

* (Non Residential) Gross Floor Area x Consumption Rate = GPD

* (Residential) Number of Units x Consumption Rate = GPD

NOTE: GPD = Gallons per Day

TRANSPORTATION AND ROADWAY IMPACTS

	YES or NO	COMMENTS
Is the proposed amendment located within one half mile of a concurrency corridor (i.e., constrained, congestion containment, and/or long term concurrency management corridor)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See staff report for details.
Is the amendment located along a scenic/non-commercial corridor?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

ENVIRONMENTAL AND SITE CONDITIONS



	YES or NO	COMMENTS
Identify any onsite soils. Are any classified as "very limited" or "subject to subsidence?"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site contains Tavares Soils & Urban Land.
Are there any threatened, endangered or listed habitats or species onsite (including species of special concern)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify onsite vegetation; does the site contain any significant native vegetative communities (e.g., sandhill).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within the wellhead protection zone and/or aquifer recharge area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify the watershed in which the site is located.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject area is located within the Curlew Creek watershed.
Is the site located within the 25 year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within the 100 year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does the site contain, or is it adjacent to any wetlands, rivers, creeks, lakes, marshes, Tampa Bay or the Gulf of Mexico, etc.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

*The standard categories of soil classifications (i.e., severe, very severe etc.) have been replaced by Building Site Development Limitations (i.e., somewhat limited, very limited etc.)

PUBLIC SAFETY

	YES or NO	COMMENTS
Is the site located with the coastal storm area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within a hurricane evacuation zone. If so, identify the zone.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify the Fire District serving the proposed development.		The subject site is located within the Palm Harbor Fire District.



COMMUNITY IMPACTS

	YES or NO	COMMENTS
Will approval of this amendment affect the provision of affordable housing; if so, explain the positive/negative impacts.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the applicant sought/been issued an affordable housing finding by the Department of Community Development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the displacement of mobile home residents?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the elimination of a water-dependent land use such as a marina or boat ramp? If so, identify how many ramps/lanes or slips will be eliminated.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment affect beach/waterfront accessibility?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located within a County redevelopment/revitalization area; if so, is the amendment consistent with the community revitalization plan, vision, etc.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment have a significant impact on an adjacent local government?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located within a designated brownfield area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Has the property been the subject of a previous amendment proposal within the last 12 months?

Yes ☐ No ☒

Is the property within 200 feet of a property under same owner that has been amended within the past 12 months?

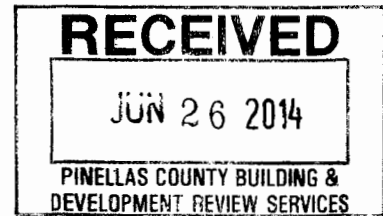
Yes ☐ No ☒

ATTACH THE FOLLOWING:

- ☐ Location Map
- ☐ Future Land Use Map with zoning designations
- ☐ Aerial



C & M Healthcare Corp.
Countryside Haven Assisted Living Facility
6960 County Road 95
Palm Harbor, Florida 34684
Tel. No. 727-786 8461
Fax No. 727-784 0425



June 24, 2014

Pinellas County Strategic Planning & Initiatives
Zoning Division
Development Review Services Department
440 Court Street, 4th Floor
Clearwater, FL 33756


Re: Case No Z/LU-13-7-14

Dear Sir/ Madam:

We are objecting to a proposal of converting from E-1, Estate Residential to RDD-7.5, Residential Planned Development and a land use change from Residential Low to Residential Urban and a variance to allow an Assisted Living Facility on the following reasons:

1. Countryside Haven Assisted Living, a licensed 30 bed facility, had been operating for 18 years is just less than 50 feet away from the planned property.
2. Florida Statute No.419.001. Site selection of community residential homes
 - (1) (d) A planned community may not be located within 10 miles radius of the planned residential community.
 - (2) Homes of six or fewer residents which meet the definition of a community residential homes shall be allowed in single family or multifamily zoning, provided that such homes shall not be located within a radius of 1,000 feet of another existing home with 6 or fewer residents.
3. (c) The local government shall not deny the siting of the community residential home unless the local government establish the siting of the home at the site selected:
 1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
 2. Does not meet applicable licensing criteria established and determined by the licensing entity.
 3. Would result in such concentration of community residential homes in the area in proximity to the site selected. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an over concentration of such homes that substantially the nature and character of the area.
3. At present there is no shortage of ALF beds in our community. Attached is a partial list of Assisted Living Facilities in the Palm Harbor area.

We hope for your kind consideration.

Sincerely,

Caridad O. Pe
Administrator/Owner

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2012 Florida Statutes

[Title XXX](#)[SOCIAL WELFARE](#)[Chapter 419](#)[COMMUNITY RESIDENTIAL HOMES](#)

CHAPTER 419 COMMUNITY RESIDENTIAL HOMES

419.001 Site selection of community residential homes.

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(a) "Community residential home" means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) "Licensing entity" or "licensing entities" means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents.

(c) "Local government" means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) "Planned residential community" means a local government-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with a developmental disability as defined in s. 393.063 but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents' freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are contiguous to one another. A planned residential community may not be located within a 10-mile radius of any other planned residential community.

(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a handicap as defined in s. 760.22(7)(a); a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 or s. 984.03, or a child in need of services as defined in s. 984.03 or s. 985.03.

(f) "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances.

Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section; provided that, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.

(3)(a) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring agency shall also provide to the local government the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.

(b) Pursuant to such review, the local government may:

1. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
2. Fail to respond within 60 days. If the local government fails to respond within such time, the sponsoring agency may establish the home at the site selected.
3. Deny the siting of the home.

(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

(4) Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government's land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.

(5) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(6) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator or may utilize the dispute resolution process established by a regional planning council pursuant to s. 186.509. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not

alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

(7) The licensing entity shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the local government of its intention to establish a program, as required by subsection (3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.

(8) A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.

(9) Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.

(10) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

(11) The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family.

(12) Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.

History.— s. 1, ch. 89-372; s. 1, ch. 90-192; s. 4, ch. 91-429; s. 36, ch. 93-206; s. 6, ch. 95-152; s. 42, ch. 96-169; s. 222, ch. 97-101; s. 46, ch. 98-280; s. 14, ch. 98-338; s. 53, ch. 99-193; s. 23, ch. 99-284; s. 7, ch. 2000-135; s. 93, ch. 2004-267; s. 34, ch. 2006-86; s. 110, ch. 2006-120; s. 1, ch. 2006-177; s. 99, ch. 2007-5; s. 30, ch. 2008-245; s. 3, ch. 2010-193.

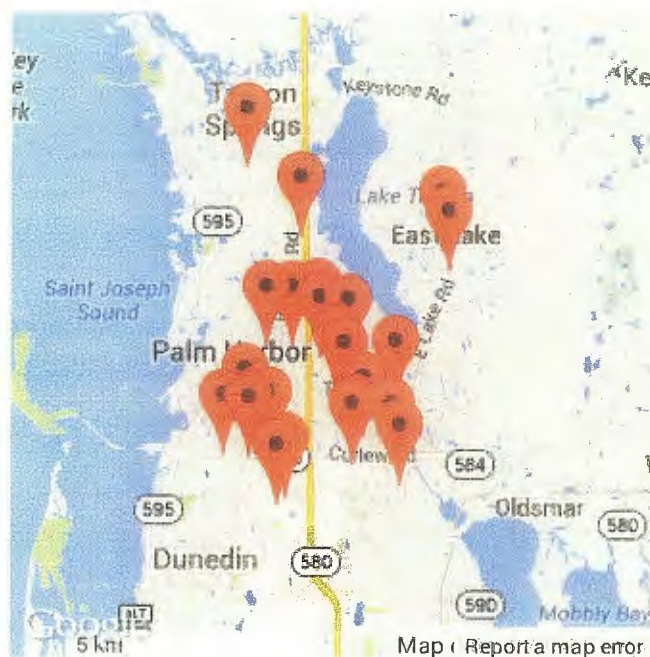
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Dis- tance_	Facility Name & Phone Number	Address	Monthly Rate Range	Bed Types (Beds)	Facility Type & License Expiration
0.3 mi	ST MARK VILLAGE (727) 785-2577	2655 NEBRASKA AVENUE Palm Harbor, FL 34684	Unknown	Private (88)	Assisted Living Facility 06/01/2015
0.4 mi	BAYOU GARDENS (727) 781-5600	2275 NEBRASKA AVENUE Palm Harbor, FL 34683	Unknown	Private (41)	Assisted Living Facility 09/15/2015
0.6	CORAL OAKS	900 WEST LAKE ROAD	Unknown	Private	Assisted

mi	(727) 787-3333	Palm Harbor, FL 34684	(101)	Living Facility	01/01/2016
0.9 mi	WHITE HOUSE #2 (727) 789-2933	1822 NEBRASKA AVENUE Palm Harbor, FL 34683	Unknown (10)	Private Living Facility	Assisted 10/22/2014
0.9 mi	ST MARK ASSISTED LIVING CENTER (727) 785-2576	880 HIGHLAND BLVD. Palm Harbor, FL 34684	Unknown (75)	Private Living Facility	Assisted 10/24/2015
1.2 mi	ARDEN COURTS OF PALM HARBOR (727) 771-1600	2895 TAMPA ROAD Palm Harbor, FL 34684	Unknown (56)	Private Living Facility	Assisted 12/19/2015
1.2 mi	HARBORCHASE (727) 781-8686	2960 TAMPA ROAD Palm Harbor, FL 34684	Unknown (128)	Private Living Facility	Assisted 07/13/2015
1.5 mi	VALENCIA HOUSE (727) 785-6486	4870 ORANGE GROVE WAY Palm Harbor, FL 34684	Unknown (6)	OSS Living Facility	Assisted 11/19/2015
1.9 mi	BLAKE GLENN (727) 939-9279	3933 ERNE STREET Palm Harbor, FL 34683	Unknown (5)	Private Living Facility	Assisted 10/07/2015
2.1 mi	STRATFORD COURT OF PALM HARBOR (727) 787-1500	45 KATHERINE BLVD. Palm Harbor, FL 34684	Unknown (40)	Private Living Facility	Assisted 03/14/2015
2.2 mi	PEACEFUL HOUSE (727) 781-8346	1506 CAIRD WAY Palm Harbor, FL 34683	Over \$2,000 (6)	Private Living Facility	Assisted 10/12/2014
2.3 mi	BLOOMFIELD MANOR (727) 787-8706	2774 WESLEYAN DR Palm Harbor, FL 34684	Unknown (3) (3)	OSS Private	Assisted Living Facility 08/21/2014
2.5 mi	ACCORDIA WOODS (727) 771-1917	1889 CURLEW ROAD Palm Harbor, FL 34683	Over \$2,000 (25)	Private Living Facility	Assisted 08/21/2014
2.5 mi	A ROSE GARDEN (727) 539-7673	1655 CURLEW ROAD Palm Harbor, FL 34683	Unknown (3) (42)	OSS Private	Assisted Living Facility 07/18/2014
2.6 mi	CURLEW CARE OF CLEARWATER (727) 785-9487	2730 CURLEW ROAD Clearwater, FL 33761	Over \$2,000 (26)	Private Living Facility	Assisted 01/16/2015
2.7 mi	CURLEW CARE HOME I (727) 785-8350	1722 CURLEW ROAD Dunedin, FL 34698	Unknown (12)	Private Living Facility	Assisted 08/19/2014
2.7 mi	HILLSIDE GARDENS II (727) 789-0291	3434 ZARA WAY Clearwater, FL 33761	Unknown (6)	Private Living Facility	Assisted 12/13/2014
2.9 mi	NURSES HELPING HANDS OF DUNEDIN	1585 CURLEW RD. Dunedin, FL 34698	Unknown (50)	Private Living Facility	Assisted

(727) 734-2480

11/16/2015

3.0 mi	COUNTRYSIDE HAVEN (727) 786-8461	6960 COUNTY RD 95 Palm Harbor, FL 34684	Unknown	OSS (8) Private (22)	Assisted <u>Living Facility</u> 08/25/2014
3.0 mi	ORCHIDS HOME (727) 871-3314	2960 MEADOWS OAK DRIVE Clearwater, FL 33761	Unknown	OSS (6)	Assisted <u>Living Facility</u> 10/24/2014
3.0 mi	FOREST HILLS HOME AT PALM HARBOR (727) 934-4310	3672 FAIRWAY FOREST CIRCLE Palm Harbor, FL 34685	Unknown	Private (6)	Assisted <u>Living Facility</u> 03/09/2016
3.2 mi	ROSEWOOD HOUSE II, INC. (727) 781-2210	3175 BELCHER ROAD Dunedin, FL 34698	Unknown	Private (43)	Assisted <u>Living Facility</u> 06/12/2015
3.4 mi	LIFETIDES HOME, INC (727) 804-4500	3133 LAS OLAS DRIVE Dunedin, FL 34698	Unknown	OSS (3) Private (2)	Assisted <u>Living Facility</u> 04/16/2016
3.4 mi	FREEDOM INN AT TARPON SPRINGS (727) 934-1000	1651 SOUTH PINELLAS AVENUE Tarpon Springs, FL 34689	Unknown	OSS (20) Private (80)	Assisted <u>Living Facility</u> 07/27/2015
3.4 mi	FREEDOM INN AT COUNTRYSIDE (727) 726-5090	3260 MCMULLEN BOOTH ROAD Clearwater, FL 33761	Unknown	Private (93)	Assisted <u>Living Facility</u> 04/02/2016

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(* Distance from the approximate center of the city)



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