

BOARD OF COUNTY COMMISSIONERS

DATE: November 18, 2014

AGENDA ITEM NO. 4b.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subject:

Proposed Regular Amendment to the Countywide Plan Map

Department:

Planning and Development Services

Staff Member Responsible:

Jacob Stowers, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS, SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), CONDUCT A PUBLIC HEARING AND APPROVE CASE CW 14-22, PINELLAS COUNTY.

Summary Explanation/Background:

Planning and Development Services staff recommends approval of this proposed amendment as outlined by the Pinellas Planning Council (PPC).

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

PPC memorandum and attachments

310 Court Street, Clearwater, FL 33756-5137
Telephone 727-464-8250 ~ Fax 727-464-8212
www.pinellasplanningcouncil.org

Commissioner Karen Williams Seel, *Chair*
Mayor David O. Archie, *Vice-Chair*
Commissioner Harriet K. Crozier, *Secretary*
Commissioner John Morroni, *Treasurer*
Mayor Sandra Bradbury
Commissioner Julie Ward Bujalski
Mayor Dave Eggers
Vice-Mayor Doreen Hock-DiPolito
Councilmember Jim Kennedy
Commissioner Joanne "Cookie" Kennedy
Councilmember Wengay M. Newton, Sr.
Commissioner Kevin Piccarreto
Commissioner Kenneth T. Welch

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

THROUGH: Mark Woodard, County Administrator

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

DATE: November 18, 2014

Michael C. Crawford, AICP
Interim Executive Director

SUBJECT: Proposed Regular Amendment to the Countywide Plan Map

Recommendation:

THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD OF COUNTY COMMISSIONERS (BOARD), IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, CONDUCT A PUBLIC HEARING AND APPROVE CASE CW 14-22 AS SUBMITTED BY PINELLAS COUNTY.

Summary Explanation/Background:

The Countywide Planning Authority has received one case concerning a regular amendment to the Countywide Future Land Use Plan that was reviewed by the Pinellas Planning Council on October 8, 2014.

Case CW 14-22 – Pinellas County:

This proposed amendment is submitted by Pinellas County and seeks to reclassify a 2.2 acre parcel from Residential Urban to Institutional. The site is developed with Inspired Living at Ivy Ridge, an assisted living facility. The applicant proposes to increase the number of beds within the existing facility from 58 to 78. Under the Countywide Rules, the current Residential Urban category would allow up to 50 beds (2.2 acres x 7.5upa x 3.0 beds) on the parcel and, under the proposed Institutional, the site would be allowed up to 83 beds (2.2 acres x 12.5upa x 3.0 beds).

Even though it has been stated that no modifications to the structure are needed to accommodate the additional beds, staff recommends that the buffering and landscaping guidelines of the Scenic/Noncommercial Corridor Master Plan be given consideration. This is in the event that future site improvements may be necessary.

The PPC, by a vote of 11-0, recommended approval of Case CW 14-22.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments:

Proposed Ordinance
Council Documentation

PUBLIC HEARING ITEM

Case CW 14-22

Pinellas County

ORDINANCE NO. 14-____

AN ORDINANCE AMENDING THE COUNTYWIDE FUTURE LAND USE PLAN OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 14-22 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, a proposed amendment to the Countywide Future Land Use Plan, which is an element of the Countywide Comprehensive Plan of Pinellas County, Florida, has been presented at a public hearing to the Board of County Commissioners in their capacity as the Countywide Planning Authority; and

WHEREAS, notices of public hearings have been accomplished as required by Chapter 2012-245, Laws of Florida, as amended; and

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

WHEREAS, Pinellas County initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on October 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.

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 November 18, 2014, as follows:

Section 1. Amending the Countywide Future Land Use Plan

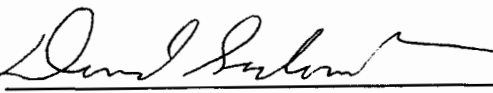
The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4, as amended, is amended to reflect the changes adopted as follows:

#CW 14-22 2.2 acres m.o.l., located at 7179 40th Ave. N., from Residential Urban to Institutional

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

32c

No. _____
BCC 08-19-14
2:05 P.M. Masinovsky/Amorosa/Schmidt/FUTCH

#32c Resolution No. 14-69 adopted approving the application of 7179 40th Avenue, LLC through Steven A. Williamson, Representative, for a change of zoning from RM-7.5, Residential, Multiple Family, 7.5 units per acre, to IL, Institutional Limited, a Development Agreement, and a parking variance to allow 38 parking spaces where 78 parking spaces are required; and Ordinance No. 14-35 adopted approving a change in land use designation from Residential Urban to Institutional (Z/LU-14-7-14), re an existing assisted living facility containing approximately 2.55 acres located at 7179 40th Avenue North in the unincorporated area of St. Petersburg. The Local Planning Agency recommended approval of the application with conditions. Two letters in opposition to the application have been received.

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

In response to queries by the members, Mr. Cueva indicated that no new construction has been requested, only an increase in the number of beds from 58 to 78 beds; and that a parking variance has been requested to allow 38 parking spaces where 78 are required; whereupon, he pointed out the location of the parking lots.

No one appeared in response to the Chairman's call for objectors to the application.

Steven A. Williamson, Clearwater, appeared and being duly sworn, indicated that he represents the applicant. In response to queries by Commissioners Roche and Latvala, he displayed photographs of the subject property and confirmed that no new construction has been requested on the property, and discussion ensued.

Thereupon, Chairman Seel closed the public hearing; whereupon, Commissioner Welch moved, seconded by Commissioner Justice, that the item be approved.

Motion	-	Commissioner Welch
Second	-	Commissioner Justice
Vote	-	7 - 0

Affidavit of Publication

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III B-2.

MEETING DATE: October 8, 2014

SUBJECT: Amendment of the Countywide Future Land Use Plan Map
FROM: Residential Urban (RU)
TO: Institutional (I)
AREA: 2.2 Acres m.o.l.
CASE #: CW 14-22
JURISDICTION: Pinellas County
LOCATION: 7179 40th Ave. N.

RECOMMENDATION: Council recommend to the Countywide Planning Authority that the proposed map amendment to Institutional be approved.

Separately and in addition, it is recommended that Pinellas County give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Noncommercial Corridor Master Plan.

I. BACKGROUND

This proposed amendment is submitted by Pinellas County and seeks to reclassify a 2.2 acre parcel from Residential Urban to Institutional.

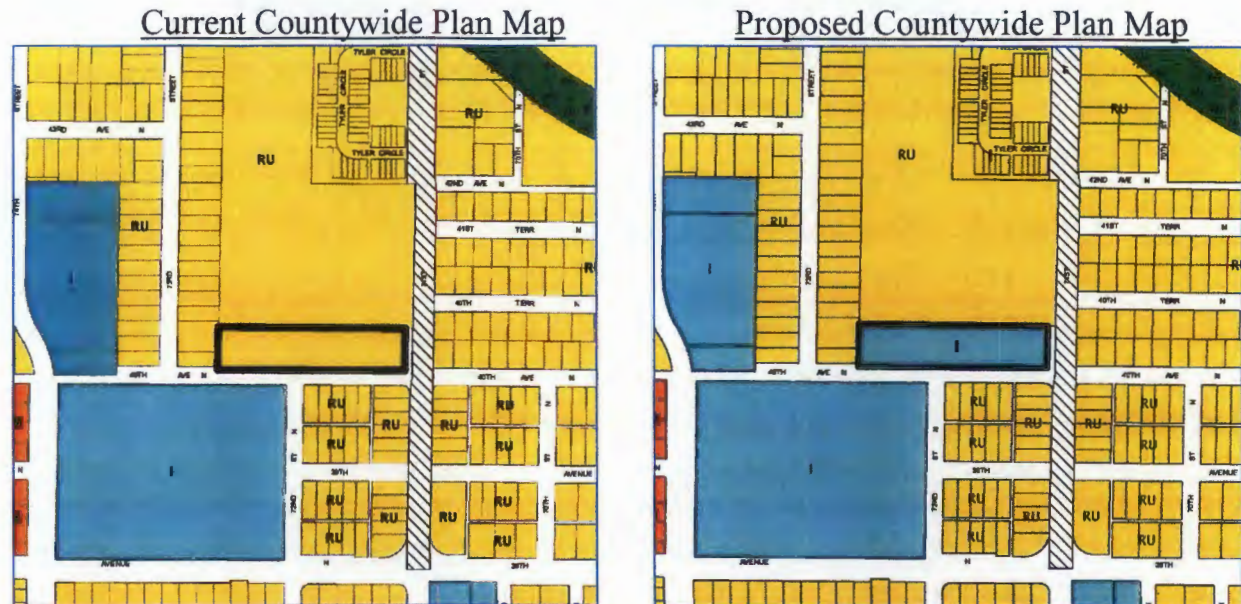
The site is developed with Inspired Living at Ivy Ridge, an assisted living facility. The applicant proposes to increase the number of beds within the existing facility from 58 to 78. Under the Countywide Rules, the current Residential Urban category would allow up to 50 beds (2.2 acres x 7.5upa x 3.0 beds) on the parcel and, under the proposed Institutional, the site would be allowed up to 83 beds (2.2 acres x 12.5upa x 3.0 beds).

Even though it has been stated that no modifications to the structure are needed to accommodate the additional beds, staff recommends that the buffering and landscaping guidelines of the Scenic/Noncommercial Corridor Master Plan be given consideration. This is in the event that future site improvements may be necessary.

PINELLAS PLANNING COUNCIL ACTION:

The Council recommended approval of the amendment from Residential Urban to Institutional (vote 11-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:



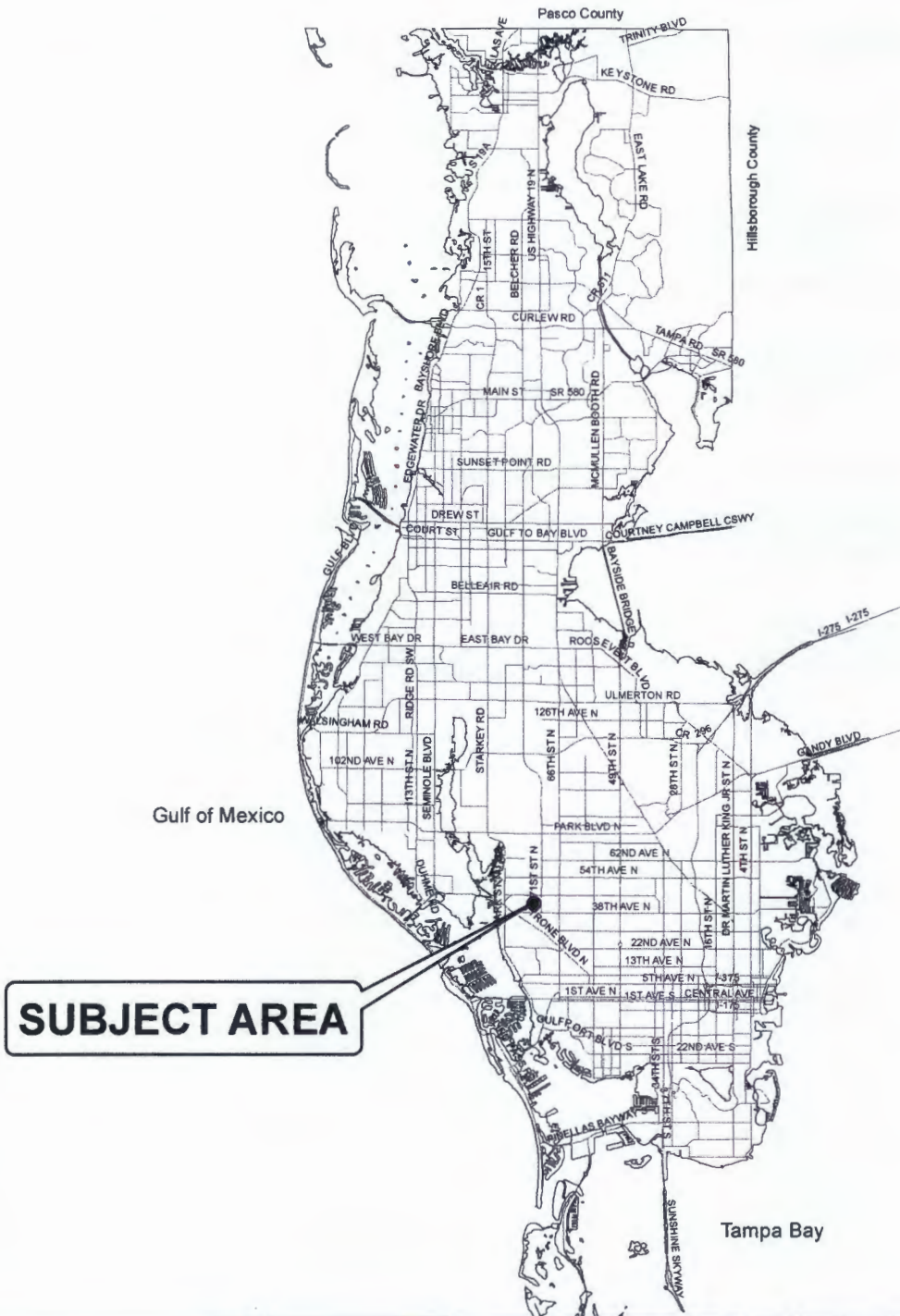
IV. LIST OF MAPS & ATTACHMENTS

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

- Attachment 1 Council Staff Analysis
- Attachment 2 Draft PAC Summary Actions Sheet

***V. SUPPORT DOCUMENTS – available only online at
www.pinellasplanningcouncil.org (see October 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: Residential Urban

TO: Institutional

AREA: 2.2 Acres

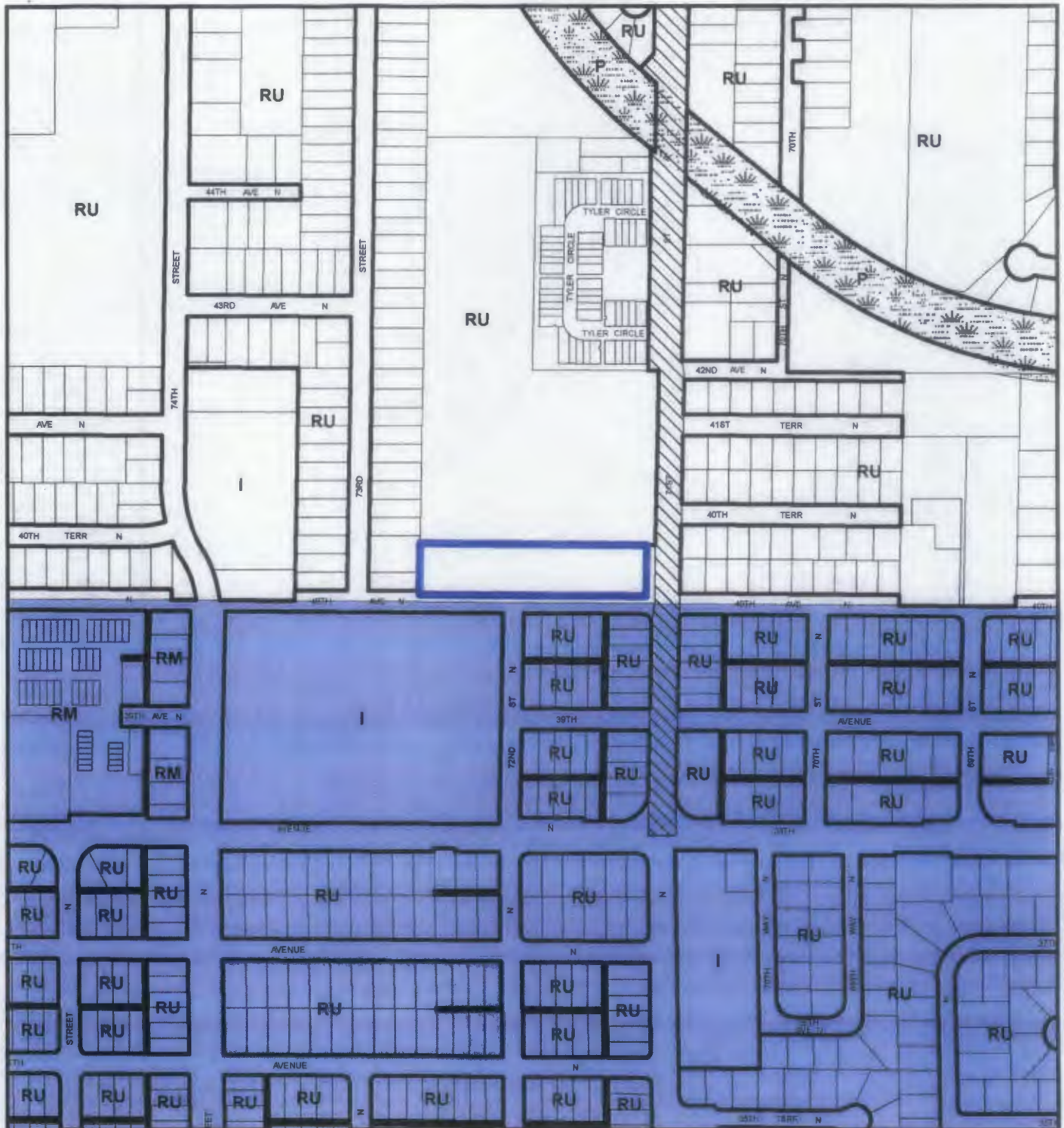
CASE #: CW14-22

JURISDICTION: Pinellas County



1" = 26,000'

PPC PINELLAS
PLANNING
COUNCIL



Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: Residential Urban

TO: Institutional

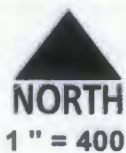
AREA: 2.2 Acres

CASE #: CW14-22

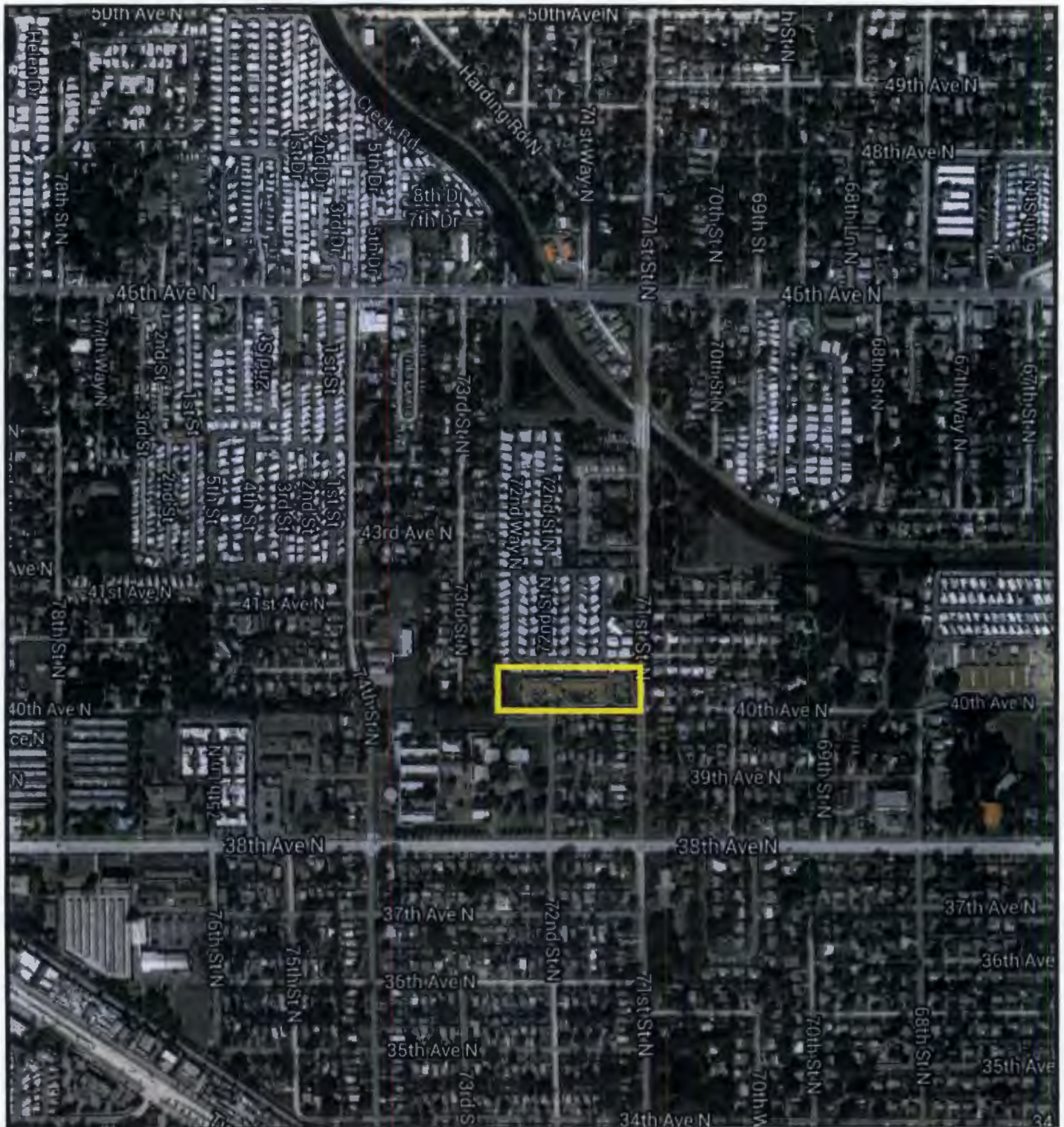
Jurisdictions

Municipality Name

- St Petersburg
- Unincorporated



JURISDICTION: Pinellas County



Map 3 - Aerial

FROM: Residential Urban

TO: Institutional

AREA: 2.2

CASE #: CW14-22

JURISDICTION: Pinellas County



PPC PINELLAS
PLANNING
COUNCIL



Map 4 - Current Countywide Plan Map

FROM: Residential Urban

TO: Institutional

AREA: 2.2

CASE #: CW14-22

JURISDICTION: Pinellas County



1" = 400'

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PLANNING
COUNCIL



Legend

Residential

 Residential Urban



Residential Medium

Public / Semi-Public



Institutional



Preservation

Map 5 - Proposed Countywide Plan Map

FROM: Residential Urban

TO: Institutional

AREA: 2.2

CASE #: CW14-22

JURISDICTION: Pinellas County

NORTH






1" = 400'

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COUNCIL

MAP 6 Countywide Scenic/Noncommercial Corridors



Legend

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

1" = 600'

CASE #: CW14-22



**Council Staff Analysis
Case CW 14-22: Pinellas County
October 8, 2014, PPC Meeting**

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The subject site consists of a 2.2 acre parcel developed with a 58 bed assisted living facility. The owner of the parcel intends to expand the number of beds to 78 (internal changes only, no construction of new buildings). The site is adjoined by a mobile home park on the north, a single family neighborhood on the west, a single family neighborhood and elementary school on the south (across 40th Ave. N.), and a single-family neighborhood on the east (across 71st St N.).

The current Residential Urban (RU) category is used to depict areas that are primarily well-suited for an urban low density residential use at a maximum density of 7.5 dwelling units per acre. This category also is appropriate for institutional uses up to a maximum of five acres. However, the current assisted living facility number of beds (at 58) is inconsistent with the current RU category, which only allows up to a maximum of 50 beds on this 2.2 acre site (2.2 acres x 7.5upa x 3.0 beds), as well as the proposed 78 bed facility.

The proposed Institutional (I) category is used to depict those areas of the county that are now used, or appropriate to be used, for public/semi-public institutional purposes; and to recognize such areas consistent with the need, character and scale of the institutional use relative to surrounding uses, transportation facilities, and natural resource features.

The proposed I category (allows up to 12.5 upa) is used to depict areas that are primarily well-suited for educational, health, public safety, civic, religious and like institutional uses required to serve the community. Additionally, the proposed location is appropriate for this site in that it is already developed with an assisted living facility, which is consistent with the surrounding residential and institutional uses. Also, the assisted living facility serves an important health purpose for the surrounding residential community. Furthermore, the proposed increase to 78 beds would be consistent with the density standards for the 2.2 acre site (2.2 acres x 12.5upa x 3.0 beds).

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

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment area will not impact a roadway with a LOS below “D”.
- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The amendment area is located on the west side of 71st St N (Belcher Rd.), which is designated as a Primary SNCC with this portion of the corridor having a subclassification of a “Residential” (see Map 6).

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

The principal objectives of SNCC designations are:

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

The Countywide Rules state that the requested Institutional category is considered to be potentially consistent with the “Residential” subclassification. Section 4.2.7.1.4.B.3 states that the Institutional category as applied to the site must be consistent with the character, intensity, and scale of the uses permitted, other Countywide Plan Map categories in the area, adjoining existing uses, and the need for and service area of use. The application of the Institutional category to the subject area can be deemed consistent with this section given the current and proposed use of the property and its relationship to adjacent residential property along the corridor.

- 4) **Coastal High Hazard Areas (CHHA)** – The amendment area is not located in a CHHA, so these policies are not applicable.
- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact, designated development or redevelopment areas.
- 6) **Adjacent to or Impacting an Adjoining Jurisdiction or Public Educational Facility** – The amendment area is located adjacent to the City of St. Petersburg to the south (across 40th Ave. N.). The proposed amendment should not impact this area.

Additionally, the amendment area adjoins a public school on the southwest. An increase in density on the subject site has the potential to impact the adjacent school; however, the type of facility located onsite and as proposed for expansion will not generate significant external impacts.

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

Conclusion:

On balance, it can be concluded that the requested amendment from Residential Urban to Institutional is deemed consistent with the Relevant Countywide Considerations found in the Countywide Rules.

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: SEPTEMBER 29, 2014

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF SEPTEMBER 2, 2014</u>	<u>Approved</u> Motion: Dean Neal Second: Michelle Orton	10 – 0
II. <u>REVIEW OF PPC AGENDA FOR OCTOBER 8, 2014 MEETING</u> A. <u>Subthreshold Land Use Plan Amendments</u> None	N/A	
B. <u>Regular Land Use Plan Amendments</u> 1. Case CW 14-21 – City of St. Petersburg	<u>Approved</u> Motion: Jan Norsoph Second: Dean Neal	11 – 0
2. Case CW 14-22 – Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Bob Klute Gordon Beardslee provided a brief description of the amendment.	11 – 0
3. Case CW 14-23 – City of Clearwater	<u>Approved</u> Motion: Dean Neal Second: Chelsey Welden Katie See enumerated a few details of the case and announced the city's recommendation for approval of the amendment. Mike Schoderbock noted that the Calvary Baptist Church has been adding to their property over the past seven years and this action was in keeping with such acquisition of property.	11 – 0
4. <u>Proposed Substantive Plan Change CW 07-10 (SAP Change No. 6-2014) – City of St. Petersburg</u>	<u>Recommended for Approval</u> Motion: Dean Neal Second: Jan Norsoph Derek Kilborn provided a description of the proposed plan change, noting that currently the property has RC-2 zoning and that this amendment involves the creation of a Retail 3 Commercial category in the city. Mike Crawford gave further explanation, noting that approval was based on the development of regional impact.	11 – 0

C. <u>Annexation Report – September 2014</u>	<u>No Action – Information Only</u> Mike Schoderbock gave a short description of the report, noting that there were seven annexations in the month of September.	
D. <u>CPA Actions – None</u>	N/A	
E. <u>Countywide Plan Update</u> 1. Countywide Rules – Preliminary Draft Amendments 2. Countywide Plan Strategies – Preliminary Draft Amendments 3. Countywide Plan Map – Comments	<u>No Action – Information Only</u> Chris Mettler noted additional comments and further revisions that had been made since the last meeting. He noted that most of the responses were in regard to legacy entitlements. Linda Fisher explained that the Vision Map had been added to the Appendix. Mike Crawford explained that by creating four residential categories, legacy entitlements could be eliminated. He stated that local government comments followed seven major topics and that all were able to be addressed through changes included as back-up to the PAC memorandum. Mike Crawford advised that, due to the extent of the changes, the update may require additional time for final approval.	
F. <u>Annexation Report – Semi-Annual Update FY14</u>	<u>No Action – Information Only</u> Mike Schoderbock presented this report and noted that trends tend to rise and fall with the economy.	
G. <u>MPO/PPC Unification Update</u>	<u>No Action – Information Only</u> Mike Crawford reported that there were only a few minor glitches at the first unified Board meeting held on September 10, 2014. There had been confusion regarding the roles of the MPO and PPC, but all questions were answered. Mike also gave a brief overview of the 9/29/14 MPO/PPC planning meeting.	
III. <u>OLD BUSINESS</u>	None	
IV. <u>OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA</u>	None	
V. <u>ADJOURNMENT</u>	The meeting was adjourned at 2:24 pm.	

Respectfully Submitted,

PAC Chairman

Date

DISCLOSURE OF INTEREST STATEMENT
PINELLAS COUNTY PLANNING COUNCIL CASE NUMBER

SUBMITTING GOVERNMENT ENTITY: PINELLAS COUNTY

PPC OR CITY/TOWN CASE NUMBER: Z/LU-14-7-14

PROPERTY OWNER(S):

Name: 7179 40th Avenue, LLC

Name: _____

Address: 3404 Cragmont Drive, Suite 100
Tampa, Florida 33634

Address: _____

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

Interest: _____

Contingent: _____

Absolute: _____

Name: N/A

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:

Name: _____

Name: _____

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

A Development Agreement was also approved limiting the site to no new construction and placement of a vinyl fence along the north property line.

NUMBER TO BE ASSIGNED BY PLANNING COUNCIL STAFF

SUB-THRESHOLD PLAN AMENDMENTS
APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENTS

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

I. COUNTYWIDE FLUP AMENDMENT INFORMATION

- | | |
|-----------------------------------------|--------------------------|
| 1. Existing Countywide FLUP Designation | <u>Residential Urban</u> |
| 2. Proposed Countywide FLUP Designation | <u>Institutional</u> |

II. SITE DESCRIPTION

- | | |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Parcel Number(s) of area(s) proposed to be amended
(Include Section/Twp/Rng/Sub/Blk/Lot) | <u>06/31/16/00000/340/0400</u> |
| 2. Acreage | <u>2.15</u> |
| 3. Location | <u>An existing living facility
containing approximately 2.55
acres located at 7179 40th
Avenue North, St. Petersburg</u> |

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

III. OTHER PERTINENT INFORMATION

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-------|
| 1. Submittal letter from the local jurisdiction to the PPC
requesting amendment to the FLUP | _____ |
| 2. Local Ordinance | _____ |
| 3. Disclosure of interest statement containing the names,
addresses of applicant/representative and property owner | _____ |
| 4. Map clearly indicating the amendment's location | _____ |
| 5. Legal description | _____ |