

BOARD OF COUNTY COMMISSIONERS

DATE: February 10, 2015

AGENDA ITEM NO. 3

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subjects:

Proposed Regular Amendment to the Countywide Plan Map

Department:

Planning

Staff Member Responsible:

Gordon Beardslee, 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 02-29 (SAP CHANGE NO. 2-2015) OF PINELLAS COUNTY.

Summary Explanation/Background:

Planning Department staff recommends approval of this proposed amendment as described in the Pinellas Planning Council (PPC) documentation.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Council Documentation





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Commissioner John Torga

Michael C. Crawford, AICP
Interim Executive Director

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

THROUGH: Mark S. Woodard, County Administrator

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

DATE: February 10, 2015

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 02-29 (SAP CHANGE NO. 2-2015), 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 November 12, 2014.

Case CW 02-29 (SAP Change No. 2-2015) – Pinellas County:

Pinellas County proposes to amend the Downtown Historic Palm Harbor Master Plan to allow for accessory outdoor sales and the addition of two permitted uses, *Artisan Establishments* and *Alcoholic Beverage Production Facilities*, within the boundary of the East Sub-District of the OPH-D zoning district. The proposed uses are within scale with the existing mix of allowed uses, are pedestrian friendly and walkable, and should not impact roads, sewer, water, or parking.

The PPC, by a vote of 11-0, recommended approval of Case CW 02-29 (SAP Change No. 2-2015).

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments:

Proposed Ordinance
Council Documentation

PUBLIC HEARING ITEM

CW 02-29 (SAP Change No. 2-2015)

Pinellas County

ORDINANCE NO. 15-____

AN ORDINANCE APPROVING PROPOSED AMENDMENTS TO THE DOWNTOWN HISTORIC PALM HARBOR MASTER PLAN BY ACTION ON CW 02-29 (SAP CHANGE No. 2-2015) INITIATED BY PINELLAS COUNTY AND TRANSMITTED TO THE BOARD IN ACCORDANCE WITH THE SPECIAL ACT; 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, on August 20, 2002, the Pinellas County Board of County Commissioners, in their role as the Countywide Planning Authority, approved Case No. CW 02-29 amending the Countywide Future Land Use Plan based on the accompanying Downtown Historic Palm Harbor Master Plan; and

WHEREAS, proposed amendments to the Downtown Historic Palm Harbor Master Plan have been initiated by Pinellas County; and

WHEREAS, notices of public hearings have been accomplished as required by Chapter 2012-245, Laws of Florida; 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 an adopted Special Area Plan; and

WHEREAS, the proposed amendments were considered at a public hearing by the Pinellas Planning Council on January 14, 2015, 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 10, 2015, as follows:

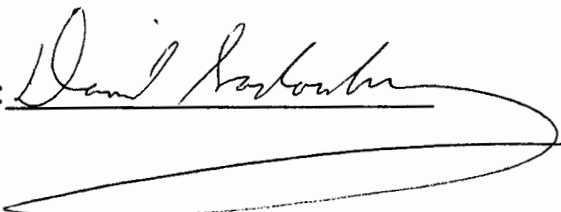
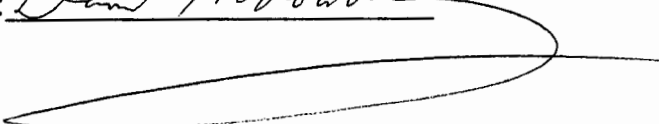
Section 1 – Amendment to the Downtown Historic Palm Harbor Master Plan

The proposed amendments to the Downtown Historic Palm Harbor Master Plan [#CW 02-29 (SAP Change No. 2-2015)] included in Exhibit A are approved.

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 THE COUNTY ATTORNEY

By: 


- #32 First public hearing held regarding a proposed ordinance amending the Downtown Historic Palm Harbor Master Plan by amending the Permitted Uses table within the section on the Downtown Revitalization Code. The Local Planning Agency (LPA) recommended approval of the proposed amendments at its November 13, 2014 public hearing. Authorization granted to submit the item to the Pinellas Planning Council for review and recommendation. No correspondence has been received. Second public hearing to be held February 10, 2015 (Companion to Agenda Item No. 33).

In response to the Chairman's call for persons wishing to be heard, Neil Valk, Palm Harbor, spoke in support of the item and presented his comments and concerns.

At the request of Chairman Seel, Planning Division Director Gordon R. Beardslee responded to comments by Mr. Valk, relating that, prior to the second public hearing, staff will work with him and the Downtown Palm Harbor Merchants Association with regard to the prospect of allowing a 30-barrel beer brewing system and relaxing the parking requirements in a manufacturing/retail area; whereupon, during discussion and in response to queries by the members, Attorney Bennett indicated that the item would only need to return to the LPA if the parking requirements were to be revised, and Mr. Beardslee presented additional information with respect to parking considerations in Downtown Palm Harbor.

Thereupon, Chairman Seel closed the public hearing, and related that the item will come back to the Board for final action on February 10, 2015.

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III C.

MEETING DATE: January 14, 2015

SUBJECT: Proposed Amendment to the Downtown Historic Palm Harbor Master Plan

CASE #: CW 02-29 (SAP Change No. 2-2015)

JURISDICTION: Pinellas County

LOCATION: See attached map

TYPE: Substantive Special Area Plan Change

RECOMMENDATION: Council, based on accompanying findings (II. A-C), recommend that the proposed amendments to the Downtown Historic Palm Harbor Master Plan be approved.

I. BACKGROUND

In August 2002, the Countywide Planning Authority approved the Countywide Plan Map amendments to the Community Redevelopment District (CRD) plan category in association with the Downtown Historic Palm Harbor Master Plan. The Master Plan, which is also termed a Special Area Plan (SAP) in the Countywide Rules, seeks to encourage investment and redevelopment in Downtown Palm Harbor that is consistent with the eclectic character of the area and maintains its compact development pattern. The Master Plan's stated purpose is "to add aesthetic and functional value" to Downtown Palm Harbor.

The Master Plan is implemented through the County's land development regulations (LDRs). Development is subject to the Old Palm Harbor-Downtown (OPH-D) zoning district regulations. The OPH-D zoning district is divided into East and West Sub-Districts.

Pinellas County proposes to amend the Downtown Historic Palm Harbor Master Plan to allow for accessory outdoor sales and the addition of two permitted uses, *Artisan Establishments* and *Alcoholic Beverage Production Facilities*, within the boundary of the East Sub-District of the OPH-D zoning district. The proposed uses are within scale with the existing mix of allowed uses, are pedestrian friendly and walkable, and should not impact roads, sewer, water, or parking.

PINELLAS PLANNING COUNCIL ACTION:

The Council recommended approval of the amendments to the Downtown Historic Palm Harbor Master Plan (vote 11-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

II. FINDINGS

Staff submits the following findings in support of the recommendation for approval of the amendment to the Downtown Historic Palm Harbor Master Plan Special Area Plan:

- A. The proposed changes are consistent with the overall objectives of the Downtown Historic Palm Harbor Master Plan Special Area Plan.
- B. The changes are consistent with the Countywide Rules and will maintain consistency with the Updated Countywide Plan for Pinellas County (The Countywide Plan).
- C. The submittal satisfies a condition placed on the plan approved in August 2002, which required the County to submit any amendment to the Special Area Plan to the Pinellas Planning Council and the Countywide Planning Authority for consideration.

In summary, Council staff has reviewed the above-proposed revisions to the Special Area Plan and has concluded that, although these changes are substantive relative to the Countywide Rules, their impacts will be minimal and they are consistent with the Special Area Plan and Countywide Rules. Therefore, it is recommended this request be recommended for approval by the PPC and approved by the CPA, pursuant to the requirements of Section 4.2.7.6.3 of the Countywide Rules.

III. PLANNERS ADVISORY COMMITTEE (PAC)

At their January 5, 2015 meeting, the PAC members discussed and recommended approval of the staff recommendation (vote 14-0).

IV. LIST OF ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Pinellas County Ordinance |
| Attachment 2 | Map of Downtown Historic Palm Harbor Master Plan |
| Attachment 3 | Draft PAC Summary Actions Sheet |

ORDINANCE NO. 15-__

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE DOWNTOWN HISTORIC PALM HARBOR MASTER PLAN, BY AMENDING THE PERMITTED USES TABLE WITHIN THE SECTION ON THE DOWNTOWN REVITALIZATION CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT A PUBLIC HEARING AND/OR WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County and the community of Palm Harbor have worked together since the early 1990s to protect the historical integrity of Downtown Palm Harbor; and

WHEREAS, in 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District to support the community's efforts to recognize and protect the unique heritage of this unincorporated area of north Pinellas County; and

WHEREAS, in 1997 the voters of Pinellas County approved a referendum extending the Penny for Pinellas Infrastructure Sales Tax for another ten years, which included a commitment to fund streetscape improvements in Downtown Palm Harbor; and

WHEREAS, in 1998, the residents and business owners in Old Palm Harbor developed a Vision Statement emphasizing that Old Palm Harbor and its Downtown is a special place worthy of protection; and

WHEREAS, the Pinellas County Comprehensive Plan includes an objective to assist communities in providing opportunities and/or public facilities and other features that promote a community's identity and maintain its unique character; and

WHEREAS, the local community and the County coordinated working with a consultant team to assist them in developing a Master Plan to include a conceptual streetscape plan, a basic framework for a new zoning district for Downtown Palm Harbor, and other components necessary to achieve the Vision for Old Palm Harbor and to complete the streetscape improvements approved in 1997 by the voters; and

WHEREAS, local residents, property and business owners, County staff, and the Downtown Palm Harbor Main Street Program worked with the consultant team to develop a draft Downtown Historic Palm Harbor Master Plan in the Fall of 2000; and

WHEREAS, the Downtown Historic Palm Harbor Master Plan (Master Plan) was adopted by the Board of County Commissioners on December 18, 2001; and

WHEREAS, the Master Plan contains a table in the Downtown Revitalization Code section that lists uses that are permitted in Downtown Palm Harbor; and

WHEREAS, After adoption of the Master Plan, the Board of County Commissioners established the Old Palm Harbor-Downtown (OPH-D) Zoning District to implement provisions of the Master Plan ; and

WHEREAS, County staff has recently received inquiries from individuals expressing interest in establishing certain uses not currently permitted in the OPH-D Zoning District; and

WHEREAS, County staff has developed proposed amendments to the OPH-D Zoning District that would allow for additional permitted uses in response to these inquiries; and

WHEREAS, the County Planning Department met with the Downtown Palm Harbor Merchants Association on September 10, 2014 to notify property and business owners and receive their input on proposed changes to the OPH-D Zoning District; and

WHEREAS, County staff has drafted proposed amendments to the Master Plan that support the proposed changes to the OPH-D Zoning District; and

WHEREAS, the Pinellas County Local Planning Agency (LPA) held a public hearing to receive public comment on the proposed amendments to the Master Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida, in regular meeting duly assembled on this __ day of ____, 2015, that:

SECTION 1. The Downtown Historic Palm Harbor Master Plan is hereby amended to amend the Permitted Uses table within the Downtown Revitalization Code section of the Master Plan as follows:

PROPOSED USES THAT WOULD BE PERMITTED IN DOWNTOWN PALM HARBOR

PERMITTED USES	<u>CURRENT FORMER ZONING DISTRICTS</u>	PROPOSED OPH-D DISTRICT (Sub-districts)
Single Family Dwellings	R-4	West
Duplex and Triplex Dwellings	R-4	East and West
Multiple Family Dwellings	None	East and West
Accessory Dwelling Units	R-4, P-1, C-1, C-2	East and West
Home Occupations	R-4	East and West
Bed and Breakfast Facility (Up to 10 Guest Rooms)	P-1, C-1, C-2	East and West
Offices for Professional Services	P-1, C-1, C-2	East and West
Medical Clinic	P-1, C-1, C-2	East*
Medical and Dental Offices	P-1, C-1, C-2	East

PERMITTED USES	CURRENT <u>FORMER</u> ZONING DISTRICTS	PROPOSED OPH-D DISTRICT (Sub-districts)
Veterinarian's Office	P-1, C-1, C-2	East*
Scientific Research and Laboratory	P-1, C-1, C-2	East*
Studios for Instruction and Teaching Only	P-1, C-1, C-2	East and West
Galleries for Artists, Photographers, etc.	C-2	East and West
School, Public or Private	P-1, C-1, C-2	East*
Funeral Homes	P-1, C-1, C-2	None
Bank Facilities	P-1, C-1, C-2	East
Day Care Center	R-4(SE)**, P-1, C-1, C-2	East* and West
Churches	P-1, C-1, C-2	East*
Personal Services	C-1, C-2	East
Retail Business or Commercial Use that serves the immediate needs of the neighborhood (No <u>Accessory</u> outdoor sales)	C-1, C-2	East
General Retail Sales (No <u>Accessory</u> outdoor sales)	C-2	East
<u>Artisan Establishments</u>	<u>Not Applicable</u>	<u>East</u>
Eating and Drinking Establishments	C-1 (50 seats or less) C-2	East
<u>Alcoholic Beverage Production Facilities</u>	<u>Not Applicable</u>	<u>East</u>
Outdoor Sales, Display and Rental of Vehicles, Boats and Mobile Homes	C-2	None
Hotels and Motels up to 30-40 units per acre	C-2	None
Veterinary Hospitals and Kennels when entirely confined within a building	C-2	None
Bowling Alley, Skating Rink and similar indoor amusements	C-2	None
Indoor Theaters	C-2	East*
Auto Repairs within an enclosed building	C-2	None
Household Goods Repair	C-2	East
Service Stations	C-2	None

PERMITTED USES	<u>CURRENT FORMER ZONING DISTRICTS</u>	PROPOSED OPH-D DISTRICT (Sub-districts)
Wholesale Distribution Facilities within completely enclosed buildings	C-2	None
Hospitals	C-2	None
Government Buildings and Public Uses	C-2	East*
Nursing Homes	C-2	None
Mini-Storage Warehousing	C-2	None
Congregate Care Facilities	C-2	None

*Within the Downtown Core east of Alternate US Highway 19 between Nebraska Avenue and Georgia Avenue these uses are not permitted on the first floor.

**Allowed only if approved as a Special Exception by the Board of Adjustment.

SECTION 2. Severability

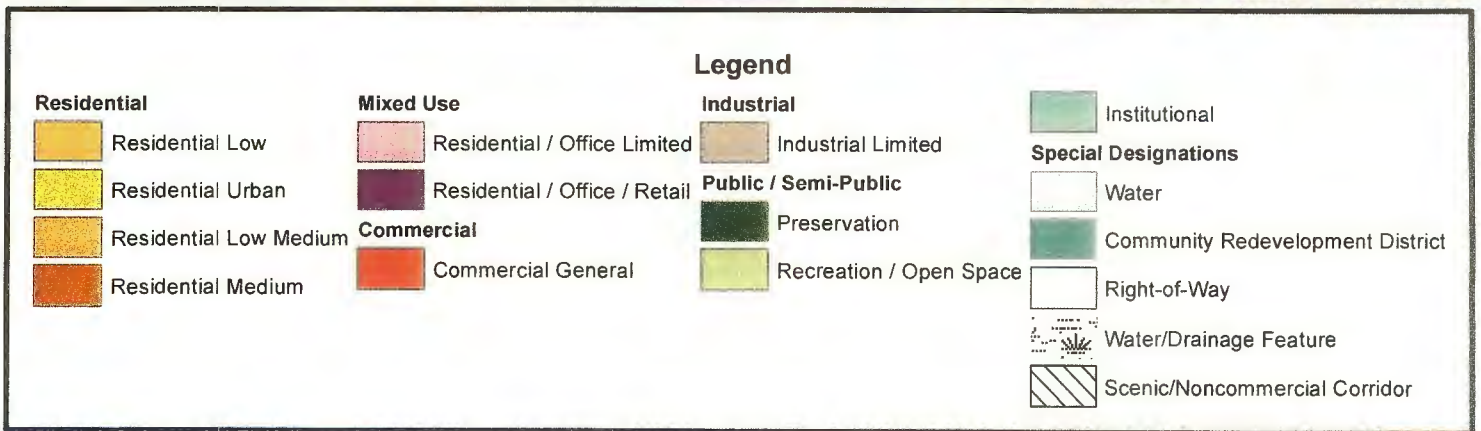
If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Inclusion in the Downtown Historic Palm Harbor Master Plan

The provisions of this Ordinance shall be included and incorporated in the Downtown Historic Palm Harbor Master Plan as an amendment thereto.

SECTION 4. Filing of Ordinance; Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon notice of filing of the Ordinance with the Department of State.



Attachment 2 - Map of Downtown Historic Palm Harbor Master Plan

CASE #: CW02-29 (SAP Change No. 2-2015)

JURISDICTION: Pinellas County



1" = 500'



PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: JANUARY 5, 2015

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF DECEMBER 1, 2014</u>	<u>Approved</u> Motion: Dean Neal Second: Bob Klute	8 – 0
II. <u>REVIEW OF PPC AGENDA FOR JANUARY 5, 2015 MEETING</u>	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	9 – 0
A. <u>Subthreshold Land Use Plan Amendments</u> 1. Case CW 15-1 – Pinellas		
B. <u>Regular Land Use Plan Amendments</u> 2. Case CW 15-2 – Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	11 – 0
C. Substantive Plan Change CW 02-29 (SAP Change No. 2-2015) – Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Bob Klute	14 – 0
D. <u>CPA Actions – December 2014</u>	<u>No Action – Information Only</u>	
E. <u>Annexation Report – December 2014</u>	<u>No Action – Information Only</u>	
F. <u>Countywide Plan Update</u> 1. Countywide Plan Strategies – Preliminary Draft Amendments 2. Countywide Rules – Preliminary Draft Amendments 3. Countywide Plan Map – Preliminary Draft Amendments	<u>Approved</u> Motion: Dean Neal Second: Bob Klute A motion was made that would allow full discussion of the Countywide Plan Update at the February 2 nd PAC meeting, with the intent of holding a public hearing in March. Linda Fisher outlined the various updates since the last PAC meeting and noted that the most significant were to the Vision Map, which will continue to be updated as more comments are received. At the December PPC meeting, the Board indicated that a more future-oriented direction to this map was desired. It was also noted that the names of four residential categories had been changed to Residential Very Low, Residential Low, Residential Medium and Residential High and that staff is continuing to address comments as they are received. PAC members were requested to submit their final comments in two weeks so that the changes to the Countywide Plan could be voted on at the February 2 nd PAC meeting.	14 – 0

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 2:59 pm.	

Respectfully Submitted,

PAC Chairman

Date