



## Staff Report

**File #:** 15-833, **Version:** 1

**Agenda Date:** 12/15/2015

### **Subject:**

Case No. Q Z/LU-30-11-15 (Senior Development Partners, LLC)

A request for a land use change from Residential Rural to Institutional and a zoning change from RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay to IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay with the Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet on approximately 4.2 acres located at the northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon.

### **Recommended Action:**

Adoption of Case N. Q Z/LU-30-11-15: A resolution approving the application of Senior Development Partners, LLC for a change of zoning from RPD-0.5-W, Residential Planned Development, 0.5 units per acre with a Wellhead Protection Overlay to IL-CO-W, Institutional Limited with a Wellhead Protection Overlay and a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet, and an ordinance for approval of a change in land use from Residential Rural to Institutional, regarding approximately 4.2 acres located at the northeast corner of the intersection of East Lake Road and Foxwood Lane.

### **Strategic Plan:**

Foster Continual Economic Growth and Vitality.

4.3 Catalyze redevelopment through planning and regulatory programs.

Deliver First Class Services to the Public and our Customers.

5.2 Be responsible stewards of the public's resources.

### **Summary:**

Covering approximately 4.2 acres, the subject property consists of two lots within the Foxwood Estates subdivision. The east lot contains a single family home (proposed for demolition) and the west lot is vacant. It is just south of the Crescent Oaks residential community and just east of Cypress Run. The Crescent Oaks golf course and stormwater ponds are adjacent to the north, newly -constructed homes within the Foxwood Estates subdivision and stormwater ponds are to the east, a veterinary hospital is to the south and a preservation area associated with the Cypress Run subdivision is to the west across East Lake Road.

The applicant is requesting a Future Land Use Map (FLUM) amendment from Residential Rural to Institutional and a Zoning Atlas Amendment from RPD-0.5-W, Residential Planned Development, 0.5 unit per acre with a Wellhead Protection Overlay to IL-CO-W, Institutional Limited with a Conditional Overlay and a Wellhead Protection Overlay. The Conditional Overlay is a new option adopted by the Board in August 2015 that allows the imposition of certain restrictions on the potential uses and development intensity of a property in order to enhance its compatibility with the surrounding area. In

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this case the applicant is proposing to restrict the use of the property to an assisted living/memory care facility (ALF/MCF), limiting the maximum number of beds to 64 and limiting the proposed building to one story at a maximum height of 30 feet. Without these restrictions, the property would be open to the full range of uses permitted by the Institutional Limited zoning district, a maximum density of 158 beds and a maximum height of 50 feet.

The subject property is located within the boundaries of the East Lake Tarpon Community Overlay, which describes the community's desire to maintain its low-density residential character, expansive open spaces and limited commercial development. East Lake Road within the area is currently operating at a peak hour level of service C and is not considered a constrained roadway north of Keystone Road. The proposed project is expected to generate approximately 114 additional average daily trips on East Lake Road, which should have minimal impacts on its carrying capacity.

It is staff's conclusion that the proposed Institutional zoning and land use designations are appropriate based on compatibility with surrounding uses and consistency with the Pinellas County Comprehensive Plan. The scale of the building and the proposed use as restricted by the Conditional Overlay are in keeping with the parameters of the East Lake Tarpon Community Overlay. An ALF/MCF is a quiet use that generates little traffic. The subject property's location along a four-lane divided arterial roadway will provide good access to the project, which will pose minimal impacts to the carrying capacity of East Lake Road and other types of infrastructure.

#### **Background Information:**

The Local Planning Agency (LPA) unanimously recommended approval of the request during its November 12, 2015 public hearing (Vote: 6-0). The approval was with the understanding that the applicant committed at the LPA hearing to provide a 20-foot wide landscape buffer on the east side of the subject property closest to the residential uses to the east. This understanding is not legally binding, however, as landscape buffers cannot be addressed via a Conditional Overlay.

During the LPA hearing, some neighbors within the adjacent Foxwood Estates subdivision voiced opposition to the proposal based on it being out of scale and incompatible with their residential homes. This concern is what drove the request for the 20-foot wide landscape buffer from the LPA. The LPA cited the adjacent veterinary office and other institutional type uses in the area as reasons for supporting the application. Also, in 2013 the Board approved a Special Exception for a 5,000 square foot medical office on the west parcel of the subject area in association with a zoning amendment application. The medical office was never constructed and the Special Exception approval has since expired.

The Board denied (5-2 vote) a request for a proposed ALF on the subject property in February 2014. That request proposed the same land use and zoning designations of the current application with the exception of the Conditional Overlay, a tool that was not available at the time. The previous request also included a variance for the number of parking spaces, whereas the current proposal does not. With the 2014 case, the applicant proposed an ALF use only with a maximum 68 beds and a building height of 35 feet. These were to be enforced as conditions of the requested parking variance. A Development Agreement was not part of the application. There was public opposition to the proposal, particularly from individuals living in the Cypress Run subdivision who felt it was too intensive and not consistent with the surrounding residential and recreational communities. The current applicants

have reached out to nearby residential communities to garner support for the new request. The requested number of beds is somewhat lower than the previous proposal, the maximum building height is somewhat lower and limited to one story, the parking variance request is eliminated, and if approved the Conditional Overlay will be in place to formalize these restrictions. The Conditional Overlay could only be removed or altered by future Board of County Commissioners action at a public hearing. .

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Gordon Beardslee, Director, Planning

**Partners:**

N/A

**Attachments:**

LPA Report

Case Maps

Resolution

Ordinance

Impacts Assessment

Traffic Analysis

Ad

Ad Map

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



**Regarding: Case No. Z/LU-30-11-15**

**LPA Recommendation:** The LPA finds that the proposed amendments are consistent with the Pinellas County Comprehensive Plan, and recommends approval of the proposed zoning change and the future land use amendment with the conditional overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height to 30 feet. (The vote was 6-0, in favor)

**LPA Public Hearing: November 12, 2015**

**PLANNING STAFF RECOMMENDATION:**

- **Staff recommends** that the LPA find that the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas are 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 proposed FLUM and Zoning Atlas amendments to the Pinellas County Board of County Commissioners.

**CASE SUMMARY**

**APPLICANT'S NAME:** Senior Development Partners, LLC

**DISCLOSURE:** Owner: Blake Doganiero

**REPRESENTED BY:** Joel Tew, Esquire

	LAND USE CHANGE	ZONING CHANGE
<b>FROM:</b>	Residential Rural	RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay
<b>TO:</b>	Institutional	IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay
Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.		

**PROPERTY DESCRIPTION:** Approximately 4.2 acres located at northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon.

**PARCEL ID(S):** 10/27/16/29303/000/0010 & 0120

**PROPOSED BCC HEARING DATE:** December 15, 2015

**CORRESPONDENCE RECEIVED TO DATE:**

No correspondence received.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:**

One person appeared in favor. Three persons appeared in opposition.

**SURROUNDING ZONING AND LAND USE FACTS:**

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Residential Rural	RPD-0.5-W	Single Family Home
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Rural	RPD-0.5-W	Crescent Oaks Golf Course, stormwater pond
<b>East</b>	Residential Rural	RPD-0.5-W	Stormwater pond, Foxwood Subdivision
<b>South</b>	Residential Rural	RPD-0.5-W & A-E-W	Animal Hospital
<b>West</b>	Preservation	RPD-0.5	Cypress Run Subdivision Preservation Area

**STAFF DISCUSSION AND ANALYSIS****BACKGROUND AND COMPATIBILITY WITH SURROUNDING LAND USES**

Covering approximately 4.2 acres, the subject property consists of two lots (lot 1 and lot 12) of the Foxwood Estates subdivision and is located on the east side of East Lake Road between the intersections with Keystone Road and Trinity Boulevard. It is just south of the Crescent Oaks residential community and just east of Cypress Run. The Crescent Oaks golf course and stormwater ponds are adjacent to the north, newly-constructed homes within the Foxwood Estates subdivision and stormwater ponds are to the east, a veterinary hospital is to the south and a preservation area associated with the Cypress Run subdivision is to the west across East Lake Road.

The proposed use is an assisted living/memory care facility (ALF/MCF). To facilitate this use, the applicant is requesting a Future Land Use Map (FLUM) amendment from Residential Rural to Institutional and a Zoning Atlas Amendment from RPD-0.5-W, Residential Planned Development, 0.5 unit per acre with a Wellhead Protection Overlay to IL-CO-W, Institutional Limited with a Conditional Overlay and a Wellhead Protection Overlay. The Conditional Overlay is a new option adopted by the Board of County Commissioners in August 2015 that allows the imposition of certain restrictions on the potential uses and development intensity of a property in order to enhance its compatibility with the surrounding area. In this case the applicant is proposing a Conditional Overlay restricting the use of the property to an assisted living/memory care facility (ALF/MCF), limiting the maximum number of beds to 64 and limiting the proposed building to one story at a maximum height of 30 feet. Without these restrictions, the property would be open to the full range of uses permitted by the Institutional Limited zoning district, a maximum density of 158 beds and a maximum height of 50 feet. These restrictions would require a Development Agreement if not for the Conditional Overlay option.

The subject area's east parcel contains a single family home (proposed for demolition) and the west parcel is vacant. In 2013, in association with a zoning amendment application (case # Z-6-2-13), the Board of County Commissioners approved a Special Exception for a 5,000 square foot medical office on the west parcel that was never constructed. That approval has since expired. The veterinary office to the south was granted conditional use approval by the Board in 1986. Just to the south of the veterinary office is the Lakeside Community Church. The church is located on a large 36-acre property, 22 acres

of which are covered by the Institutional FLUM category. Other uses in the immediate area include low density residential, preservation and recreation/open space (golf courses).

The Board of County Commissioners denied (5-2 vote) a request for a proposed ALF on the subject property in February 2014 (case # Z/LU-3-1-14). That request proposed the same land use and zoning designations with the exception of the Conditional Overlay, a tool that was not available at the time. The previous request also included a variance for the number of parking spaces, whereas the current proposal does not. With the 2014 case, the applicant at the time proposed an ALF use only with a maximum 68 beds and a building height of 35 feet. These were to be enforced as conditions of the requested parking variance. The proposed building site was closer to the Crescent Oaks subdivision than that of the current request. A Development Agreement was not part of the application. There was public opposition to the proposal, particularly from individuals living in the Cypress Run subdivision who felt the proposal was too intensive and not consistent with the surrounding residential and recreational communities. The current applicants are of the opinion that the new proposal eliminates the reasons for the concern that was demonstrated in 2014, and indicate that they have reached out to nearby residential communities to garner support for the new request. The requested number of beds is somewhat lower than the previous proposal, the maximum building height is lower and limited to one story, the parking variance request is eliminated, and if approved the Conditional Overlay will be in place to formalize these restrictions. The Conditional Overlay could only be amended or removed by action of the Board of County Commissioners at a public hearing.

The subject property is located within the boundaries of the East Lake Tarpon Community Overlay as recognized by the Pinellas County Comprehensive Plan and identified on the FLUM. The Overlay describes the community's desire to maintain its low-density residential character, expansive open spaces and limited commercial development. It is staff's opinion that the requested amendments are in keeping with the parameters of the Overlay. The proposed Institutional designations and ALF/MCF uses are compatible with the surrounding area and supportive of the residential community. The Board approved two similar requests within the East Lake Tarpon community earlier this year. It should be noted that while the Community Overlay provides policy direction, it does not prohibit land use and zoning amendments in the area.

## **TRANSPORTATION AND INFRASTRUCTURE IMPACTS**

Comparing the current development potential of the subject site with the potential use associated with the proposed Institutional FLUM designation, the proposed 64-bed ALF/MCF could generate approximately 114 additional average daily trips on East Lake Road. In this location the roadway is operating at a peak hour level of service (LOS) C with a volume to capacity (V/C) ratio of 0.87, and it is not considered constrained (it is constrained south of Keystone Road). The additional average daily trips are not expected to adversely impact the operational characteristics of East Lake Road based on the proposed use of the site as a 64-bed ALF/MCF. In addition, approval of the request will not negatively impact the County's ability to provide solid waste, potable water and sanitary sewer services.

## **OTHER CONSIDERATIONS**

East Lake Road is a designated Scenic/Non-Commercial Corridor as recognized by the Pinellas County Comprehensive Plan. Because of this, additional landscaping beyond what is normally mandated by the Land Development Code will be required along the site's road frontage. The exact amount and nature of the additional landscaping will be determined during site plan review. Site access is proposed off of Foxwood Lane. This should help provide ample opportunity for enhanced landscaping along the East Lake Road frontage.

The Wellhead Protection Overlay generally covers all lands between East Lake Road and the Hillsborough County line in the northeast portion of Pinellas County, which is an important aquifer recharge area. The Overlay provides additional development controls that may be applied in an effort to better protect the groundwater resource, particularly in regards to potential contamination sources, site drainage and stormwater runoff. These controls, if necessary, will be applied during site plan review.

## **SUMMARY**

The proposed Institutional zoning and land use designations are appropriate based on compatibility with surrounding uses and consistency with the Pinellas County Comprehensive Plan. The scale of the building and the proposed use are in keeping with the parameters of the East Lake Tarpon Community Overlay. An ALF/MCF is a quiet use that generates little traffic. The restrictions proposed under the Conditional Overlay will prevent other uses normally permitted by Institutional districts, limit the density of the facility to 64 beds, and limit the height of the building to 30 feet (15 feet less than the maximum permitted height of single family homes in the area). The subject property's location along a four-lane divided arterial roadway will provide good access to the project, which will pose minimal impacts to the carrying capacity of East Lake Road and other types of infrastructure.

## **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendments are consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

### **FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT**

- 1.2. Objective: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.
- 1.2.3. Policy: 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.
- 1.22 Objective: The Board of County Commissioners will utilize a community overlay to define East Lake Tarpon as a cohesive community and their decisions will support the local vision, community character and natural environment. Small businesses support the residential character of the community. Maintaining the community's quality of life, low density residential character, and expansive open spaces is to be considered before any zoning changes or increased densities are considered.
- 1.22.1 Policy Land use, zoning and conditional use decisions by Pinellas County that affect properties in East Lake Tarpon should be compatible with the established residential development pattern and passive recreation areas, allow for recreational boating, fishing and water activities consistent with the character of East Lake Tarpon, and/or enhance the viability of local businesses that serve the community.

- |        |        |                                                                                                                                                                                                                   |
|--------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.22.3 | Policy | All future development in East Lake Tarpon should be compatible with the community and fit within the community's characteristic land use types, density, height, and scale.                                      |
| 1.22.7 | Policy | Land use, zoning, conditional use and project decisions by Pinellas County and other agencies will place a priority on the protection of natural land resources, lake and estuary habitats and dependant species. |

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## 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)



# LOCATION MAP



MAP-1

**Z/LU-30-11-15**

## Zoning

**From:** RPD-0.5-W, Residential Planned Development,  
0.5 unit per acre-Wellhead Protection Overlay  
**To:** IL-CO-W, Institutional Limited - Conditional Overlay -  
Wellhead Protection Overlay  
**From:** Residential Rural  
**To:** Institutional

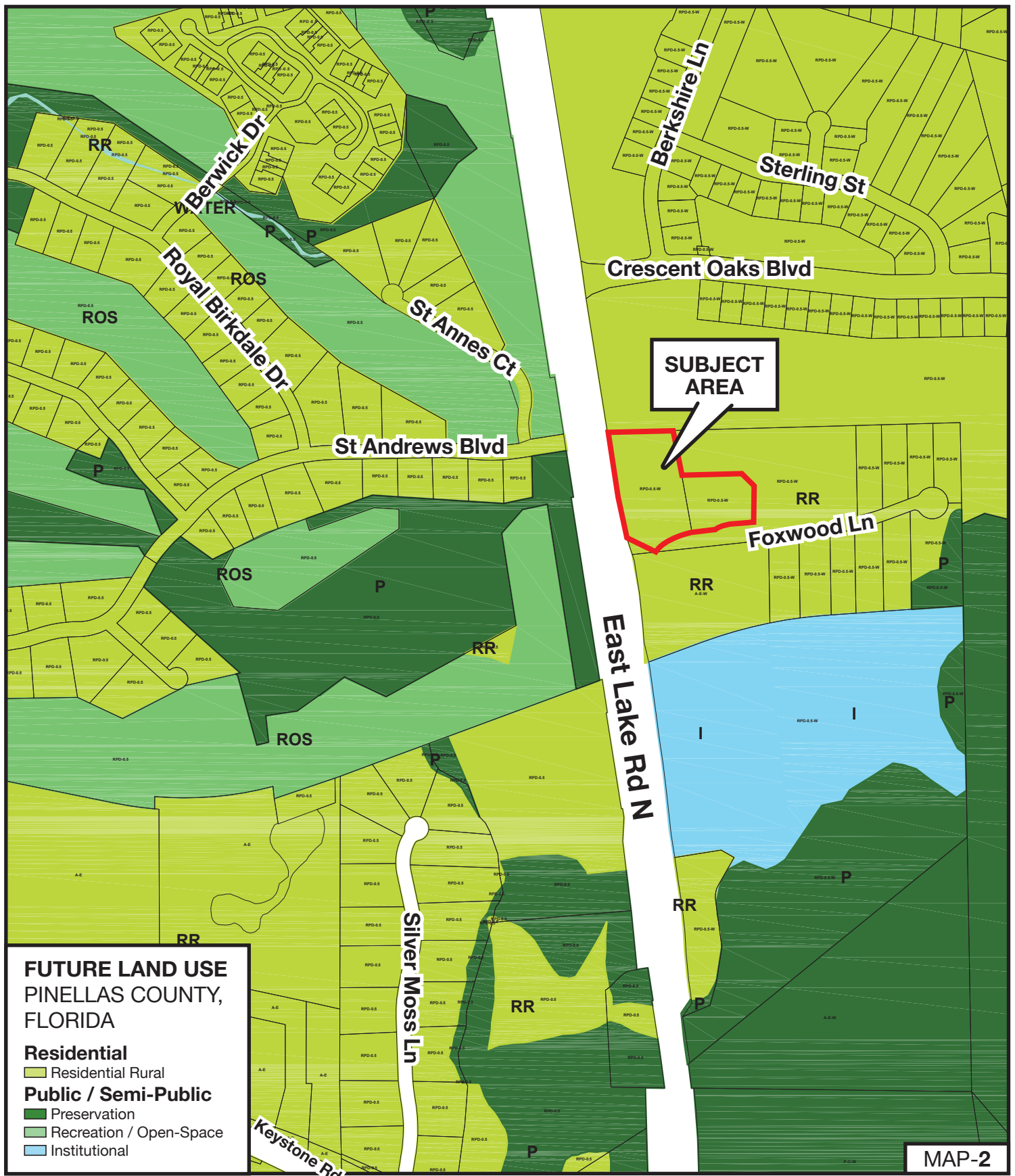
## Land Use

Parcel I.D. 10/27/16/29303/000/0010 & 0120

Prepared by: Pinellas County Planning Department September 2015

With a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.





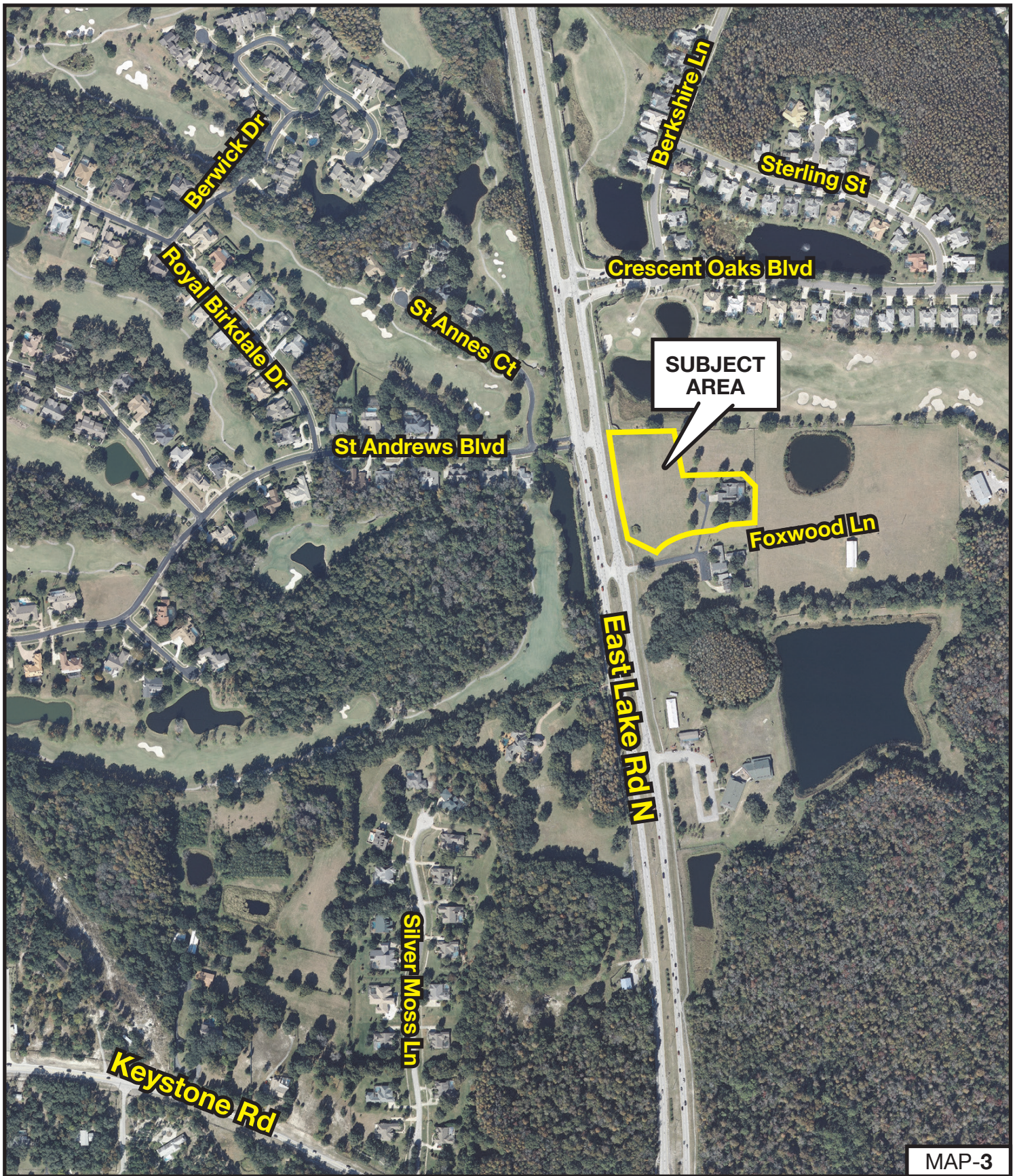
Parcel I.D. 10/27/16/29303/000/0010 & 0120

Prepared by: Pinellas County Planning Department September 2015

With a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.







MAP-3

**Z/LU-30-11-15**

**Zoning**

**From:** RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay  
**To:** IL-CO-W, Institutional Limited - Conditional Overlay - Wellhead Protection Overlay  
**From:** Residential Rural  
**To:** Institutional

**Land Use**

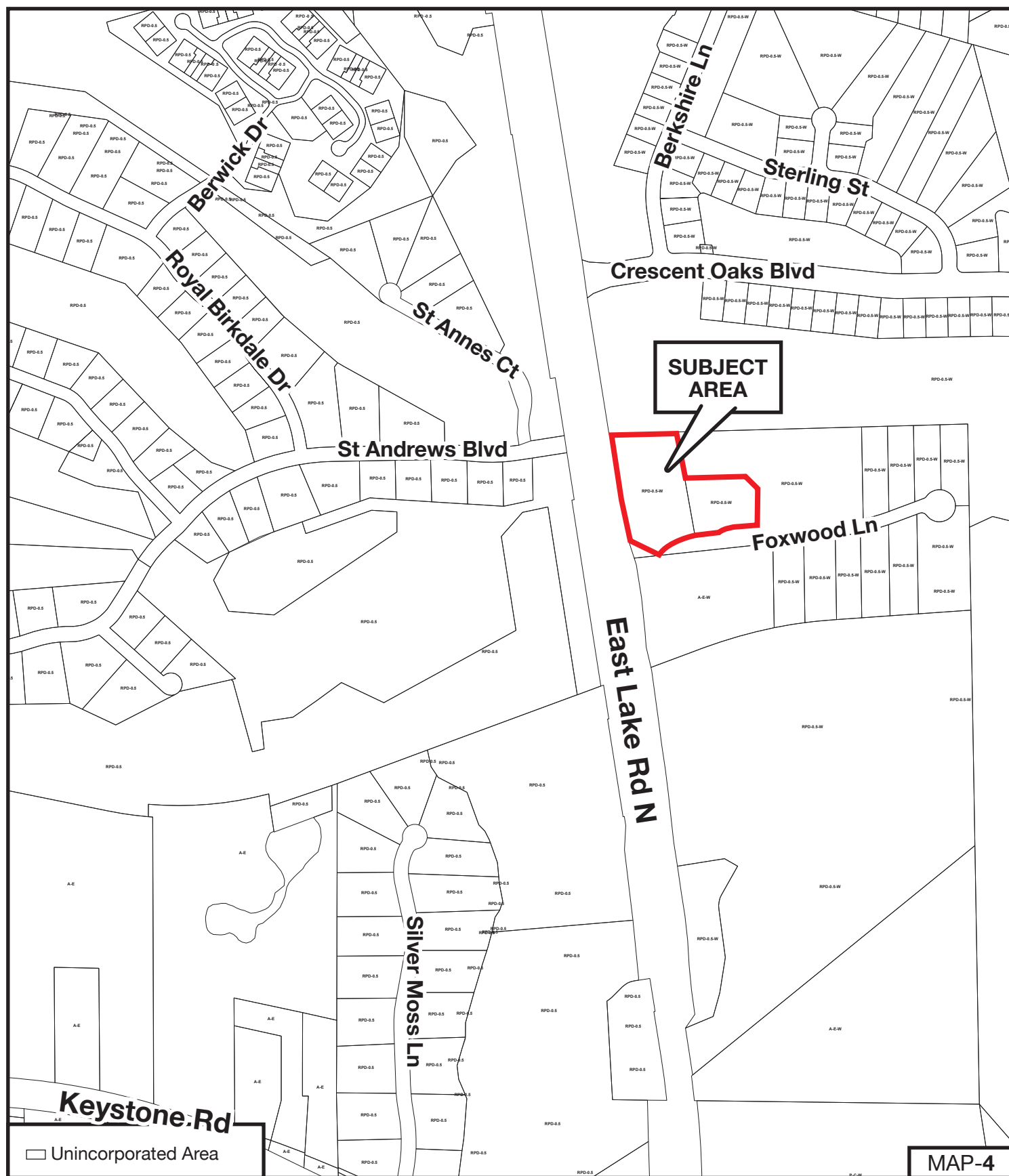
Parcel I.D. 10/27/16/29303/000/0010 & 0120

Prepared by: Pinellas County Planning Department September 2015

With a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.







**Z/LU-30-11-15**

## Zoning

**From:** RPD-0.5-W, Residential Planned Development,  
0.5 unit per acre-Wellhead Protection Overlay  
**To:** IL-CO-W, Institutional Limited - Conditional Overlay -  
Wellhead Protection Overlay  
**From:** Residential Rural  
**To:** Institutional

## Land Use

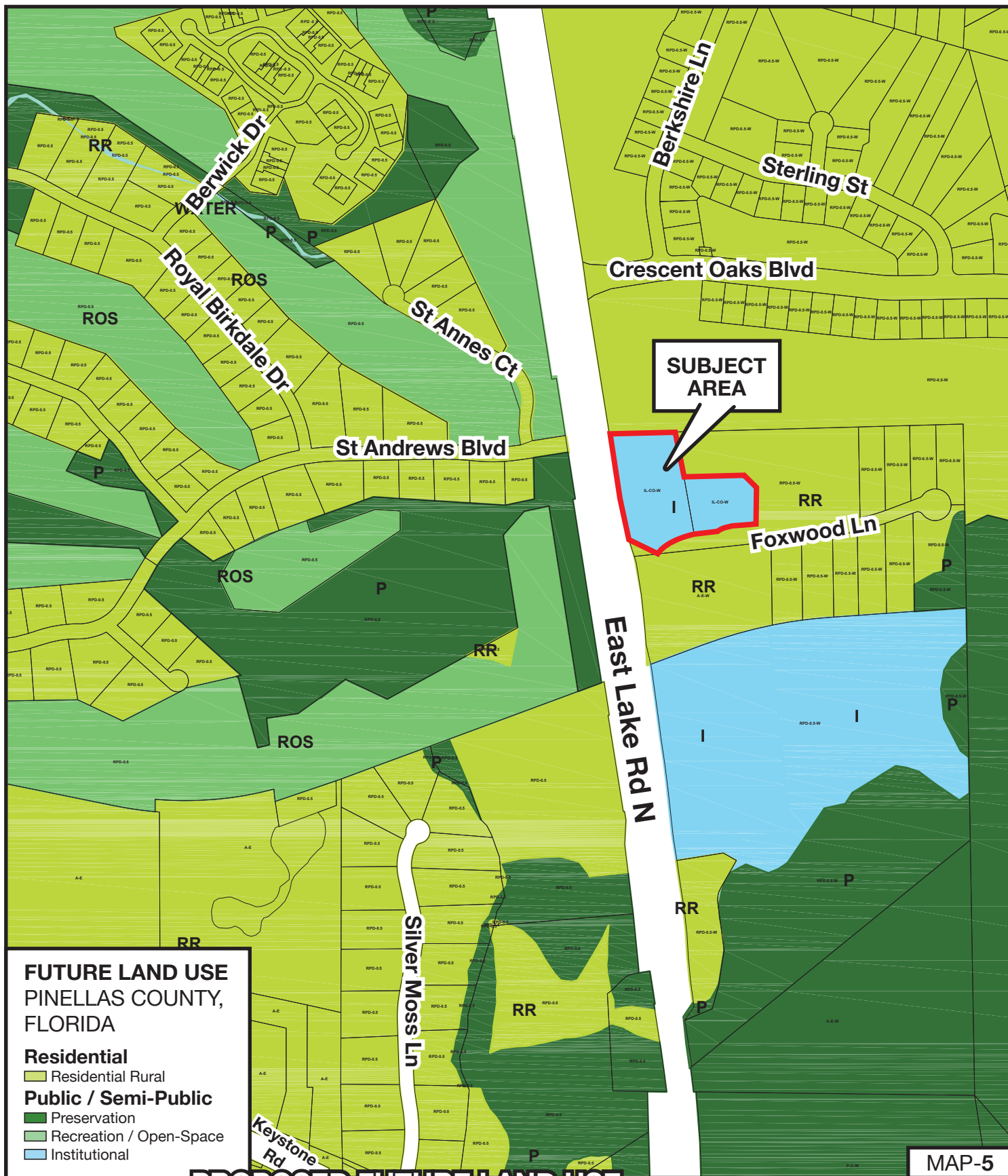
**From:** Residential Rural  
**To:** Institutional

Parcel I.D. 10/27/16/29303/000/0010 &amp; 0120

Prepared by: Pinellas County Planning Department September 2015

With a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.





# **FUTURE LAND USE PINELLAS COUNTY, FLORIDA**

## **Residential**

Residential Rural

## **Public / Semi-Public**

Preservation

Recreation / Open-Space

Institutional

## **PROPOSED FUTURE LAND USE**

**Z/LU-30-11-15**

### **Zoning**

**From:** RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay  
**To:** IL-CO-W, Institutional Limited - Conditional Overlay - Wellhead Protection Overlay  
**From:** Residential Rural  
**To:** Institutional

### **Land Use**

Parcel I.D. 10/27/16/29303/000/0010 & 0120

Prepared by: Pinellas County Planning Department September 2015

With a Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet.



MAP-5

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 4.2 ACRES LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF EAST LAKE ROAD AND FOXWOOD LANE IN EAST LAKE TARPON; PAGE 519 OF THE ZONING ATLAS, AS BEING IN SECTION 10, TOWNSHIP 27, RANGE 16; FROM RPD-0.5-W, RESIDENTIAL PLANNED DEVELOPMENT, 0.5 UNITS PER ACRE-WELLHEAD PROTECTION OVERLAY TO IL-CO-W, INSTITUTIONAL LIMITED-CONDITIONAL OVERLAY-WELLHEAD PROTECTION OVERLAY WITH THE CONDITIONAL OVERLAY RESTRICTING THE USE OF THE PROPERTY TO AN ASSISTED LIVING/MEMORY CARE FACILITY, LIMITING THE MAXIMUM NUMBER OF BEDS TO 64 AND LIMITING THE BUILDING TO ONE STORY AT A MAXIMUM HEIGHT OF 30 FEET; UPON APPLICATION OF SENIOR DEVELOPMENT PARTNERS, LLC THROUGH JOEL TEW, ESQUIRE, TEW & ASSOCIATES ATTORNEYS AT LAW, Z/LU-30-11-15

WHEREAS, Senior Development Partners, LLC, 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 RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay to IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay with the Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet; 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 15<sup>th</sup> day of December 2015, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

Lots 1 and 12, FOXWOOD ESTATES, according to the plat recorded in Plat Book 139, Pages 9 through 12, inclusive, of the Public Records of Pinellas County, Florida

be, and the same is hereby changed from RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay to IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay with the Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height of 30 feet, subject to an amendment to the Pinellas County Future Land Use Map from Residential Rural to Institutional, Z/LU-30-11-15.

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

By:   
\_\_\_\_\_  
 Office of the County Attorney

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 4.2 ACRES LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF EAST LAKE ROAD AND FOXWOOD LANE IN EAST LAKE TARPON LOCATED IN SECTION 10, TOWNSHIP 27, RANGE 16; FROM RESIDENTIAL RURAL TO INSTITUTIONAL

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 15<sup>th</sup> day of December 2015, that:

Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 4.2 acres located at northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon. Referenced as Case Z/LU-30-11-15, and owned by Senior Development Partners, LLC, from Residential Rural to Institutional. Legal description - Lots 1 and 12, FOXWOOD ESTATES, according to the plat recorded in Plat Book 139, Pages 9 through 12, inclusive, of the Public Records of Pinellas County, Florida.

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Very Low to Public/Semi-Public 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 2012-245, Laws of Florida.
- 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

By:   
\_\_\_\_\_  
Office of the County Attorney

## **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: 30-11-15**

**Site Location:** Located at the northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon.

**Street Address:** N/A

**Parcel Number:** 10/27/16/29303/000/0010 & 0120

**Prepared by:** RAB

**Date:** 10/13/15

#### **Proposed Amendment From:**

**Future Land Use Designation(s):** RR acres 4.2

**Zoning Designation(s):** RPD-0.5 -W acres 4.2

#### **Proposed Amendment To:**

**Future Land Use Designation(s):** I acres 4.2

**Zoning Designation(s):** IL-CO-W acres 4.2

**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 *
<b>EXISTING</b>	
Residential Rural	4.2 acres x 0.5 dwelling units per acre= 2 single family units 2 x 1.66 tons/unit/year (residential factor) = 3.32 tons/year
<b>PROPOSED</b>	
Institutional	Proposed 64 Bed Assisted Living Facility 64 x 5.9 tons/unit/year (ALF factor)= 378 tons/year
<b>NET DIFFERENCE</b>	<b>+375 tons/year</b>

\* (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*
<b>EXISTING</b>		
Residential Rural	4.2 acres x 0.5 dwelling units per acre= 2 single family units 2 x 266 per unit (residential factor) = 532 GPD	4.2 acres x 0.5 dwelling units per acre= 2 single family units 2 x 187.5 per unit (residential factor) = 375 GPD
<b>PROPOSED</b>		
Institutional	Proposed 64 Bed Assisted Living Facility 64 x 100 (institutional rate) = 6,400 GPD	Proposed 64 Bed Assisted Living Facility 64 x 100 (institutional rate) = 6,400 GPD
<b>NET DIFFERENCE</b>	<b>+5,868 GPD</b>	<b>+6,025 GPD</b>

\* (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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located along a scenic/non-commercial corridor?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See staff report for details.

## **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 Myakka Soils & Urban Land, which has been classified as "very limited", but suitable for urban development.
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 checked="" type="checkbox"/> Yes <input 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 Anclote River 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	D
Identify the Fire District serving the proposed development.		The subject site is located within the East Lake 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	
Will the proposed amendment affect public school facilities?	<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

PINELLAS COUNTY PLANNING DEPARTMENT							
TRAFFIC ANALYSIS FOR A PROPOSED LAND USE CHANGE							
LU#: Z/LU-30-11-15				Jurisdiction: Pinellas County			
Revised:		Received: 10/13/2015		Signoff:			
SITE DATA							
Parcel Size: 4.20							
Proposed for Amendment: 4.20							
Current Land Use Designation: Residential Rural							
Potential Use	sf/acre(s)	x(far)/(upa)	Units		x(tgr)	cap.	Proj. trips
(1) Single Family	4.2	0.50	2		9.6	1.00	19
Total							19
Proposed Land Use Designation: Institutional							
Potential Use	sf/acre(s)	x(far)/(upa)	Beds**	sf/1,000	x(tgr)	cap.	Proj. trips
(1) ALF	N/A	N/A	64	N/A	2.80	0.74	133
**Proposed number of Beds							Total 133
Potential Additional Daily Trips: 114							
ROADWAY IMPACT DATA - Trip Distribution							
Road(s)		% Distribution			Traffic Vol. (AADT)		
		2014	2035		2014	2035	
(1)	East Lake Road	114	114	existing	29,580	48,500	
	Keystone Road to Trinity Blvd	100	100	proposed	29,694	48,614	
		2014 PH		2014 AADT		2035 AADT	
Road(s)		LOS	V/CR	extg.	w/ chg.	extg.	w/ chg.
(1)	East Lake Road	C	0.87	C	C	F	F
	Keystone Road to Trinity Blvd						
Road(s)				Extg	Planned	Const.	Future
				Ln Cfg	Improv.	Year	Ln Cfg
(1)	East Lake Road	Keystone Road to Trinity Blvd		4D	N/A	N/A	N/A
							N/A
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							

# **PROPOSED AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS**

The Pinellas County Board of County Commissioners proposes to adopt the following amendments to the Pinellas County Future Land Use Map and Zoning Atlas. A public hearing on the Resolutions and Ordinances will be held **December 15, 2015 at 6:00 p.m.** in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater FL 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Resolutions and Ordinances:

## **A. PROPOSED RESOLUTIONS AND ORDINANCES AMENDING THE FUTURE LAND USE MAP AND ZONING ATLAS**

### **1. LU-28-11-15**

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 0.7 acre located at the southwest corner of the intersection of Seminole Boulevard and 20th Terrace SW in the unincorporated area of Largo located in Section 03, Township 30, Range 15; from Commercial Neighborhood & Residential Low to Commercial General, 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.

### **2. Q Z/LU-29-11-15**

Resolution changing the Zoning classification of approximately 0.2 acre located 160 feet west of the southwest corner of the intersection of Tampa Road and CR-1 in Palm Harbor; Page 93 of the Zoning Atlas, as being in Section 11, Township 28, Range 15; from R-4, One, Two & Three Family Residential to P-1A, Limited Office; upon application of Barry R. Berger, TRE, James J. Dowling, TRE & Holly S. Dowling, TRE through James Dowling, Representative, and

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 0.2 acre located 160 feet west of the southwest corner of the intersection of Tampa Road and CR-1 in Palm Harbor, located in Section 11, Township 28, Range 15; from Residential Low to Residential/Office-Limited, 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.

### **3. Q Z/LU-30-11-15**

Resolution changing the Zoning classification of approximately 4.2 acres located at northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon; Page 519 of the Zoning Atlas, as being in Section 10, Township 27, Range 16; from RPD-0.5-W, Residential Planned Development, 0.5 units per acre-Wellhead Protection Overlay to IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay with the Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story at a maximum height to 30 feet; upon application of Senior Development Partners, LLC through Joel Tew, Esquire, Tew & Associates Attorneys at Law, and

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 4.2 acres located at northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon located in Section 10, Township 27, Range 16; from Residential Rural to Institutional, 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.

### **4. Q Z-31-11-15**

Resolution changing the Zoning classification of approximately 2 acres located on the east side of Summerdale Drive approximately 460 feet south of Hammock Pine Boulevard in the unincorporated area of Clearwater; page 631 of the Zoning Atlas, as being in Section 30, Township 28, Range 16; from A-E, Agricultural Estate Residential to RPD-7.5, Residential Planned Development, 7.5 units per acre; upon application of Paul W. & Nancy J. Guilmette through Joseph Gilbertie, P. E., Landtech Design Group, inc., Representative.

Any written arguments, evidence, explanations, studies, reports, petitions or other documentation that an applicant, proponent or opponent wishes to be provided to the Board of County Commissioners for their consideration in support of, or in opposition to, any of the applications proposed above should be submitted to the attention of the Pinellas County Zoning Manager, 440 Court Street, Fourth Floor, Clearwater, Florida 33756. Materials must be submitted at least one week (7 days) in advance of the advertised hearing. Hard copy written comments must be submitted on 8½ × 11-inch paper.

The proposed Resolutions and Ordinances amending the Zoning Atlas and the Future Land Use Map can be inspected by the public in the Pinellas County Planning Department; Land Use and Zoning Division located at the address above, or at the Pinellas County Board Records located at 315 Court Street, Fifth Floor, Clearwater, Florida 33756. You can contact the Zoning Division at (727) 464-5047 with any questions, or email them at [zoning@pinellascounty.org](mailto:zoning@pinellascounty.org).

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

KEN BURKE, CLERK TO THE  
BOARD OF COUNTY COMMISSIONERS  
By Norman D. Loy, Deputy Clerk



REQUEST FOR ADVERTISING FORM

Phone No. 464-8200

Fax No. 464-8201

To: Board Records

FROM: Tammy Swinton, Planning Department (**December 15, 2015 BCC Hearing**)

DATE: November 19, 2015

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AD COPY ATTACHED: Yes   X   No        WITH MAP

REQUIRES SPECIAL HANDLING: Yes        No   X  

NEWSPAPER: St. Petersburg Times   X  

DATE(S) TO APPEAR: **December 4, 2015**

SIZE OF AD: **2 COLUMN BY 10 INCH AD (or quarter-page ad if necessary for legibility)**

SIZE OF HEADER: **18 Point Header**

SIZE OF PRINT: **N/A**

SPECIAL INSTRUCTIONS: **Do Not Print in Legal/Classified Section**

cc: Glenn Bailey, Planning Department  
Gordon Beardslee, Planning Department  
Tammy Swinton, Planning Department

