



Pinellas County

315 Court Street, 5th Floor
Assembly Room
Clearwater, Florida 33756

Staff Report

File #: 15-132, **Version:** 1

Subject:

Case No. CW 15-15 - Pinellas County
Countywide Plan Map amendment from Residential Low Medium to Public/Semi-Public and Preservation, regarding 2.5 acres m.o.l., located at 721 East Lake Road in the unincorporated East Lake Tarpon area (regular amendment).

Recommended Action

Sitting as the Countywide Planning Authority, adoption of an ordinance approving Case No. CW 15-15, the proposal by Pinellas County to amend the Countywide Plan Map from Residential Low Medium to Public/Semi-Public and Preservation, regarding 2.5 acres m.o.l., located at 721 East Lake Road in the unincorporated East Lake Tarpon area (regular amendment).

Strategic Plan:

Practice Superior Environmental Stewardship
3.2 Preserve and manage environmental lands, beaches, parks, and historical assets

Summary:

The Pinellas Planning Council voted 11-0 to recommend approval of the proposal and staff concurs with this recommendation. The Planners Advisory Committee recommended approval of this case by a vote of 11-0.

Background Information:

Council Documentation is attached.

Fiscal Impact:

N.A.

Staff Member Responsible:

Gordon Beardslee, Director, Planning Department

Partners:

Pinellas County

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www.pinellasplanningcouncil.org

Councilmember Jim Kennedy, *Chair*
Commissioner John Morroni, *Vice-Chair*
Commissioner Joanne "Cookie" Kennedy, *Secretary*
Councilmember Doreen Hock-DiPolito, *Treasurer*
Mayor Sandra Bradbury
Mayor Julie Ward Bujalski
Commissioner Dave Eggers
Commissioner Cliff Merz
Deputy Mayor Kevin Piccarreto
Councilmember Darden Rice
Commissioner Karen Williams Seel
Commissioner Michael Smith
Commissioner John Tornga

Whit Blanton, FAICP
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 15-15 AS SUBMITTED BY PINELLAS COUNTY.

Summary Explanation/Background:

The Countywide Planning Authority has received one case concerning a regular amendment to the Countywide Plan Map that was reviewed by the Pinellas Planning Council on September 9, 2015.

Case CW 15-15 – Pinellas County:

2.4 acres more or less, located at 721 East Lake Road; proposed to change from Residential Low Medium to Public/Semi-Public and Preservation.

The site is vacant, but was formerly occupied by a plant nursery. The applicant proposes to develop a 60 bed assisted living facility and to recognize existing wetlands on the site.

The PPC, by a vote of 11-0, recommended approval of Case CW 15-5.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments:

Proposed Ordinance
Council Documentation
Legal Ad

ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING THE COUNTYWIDE PLAN MAP OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 15-15 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 Plan Map, which is an element of the Countywide 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; 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 Plan; and

WHEREAS, Pinellas County initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on September 9, 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.

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 October 6, 2015, as follows:

Section 1. Amending the Countywide Plan Map

The Countywide Plan Map for Pinellas County adopted in Section 2 of Ordinance 15-30 is amended to reflect the changes adopted as follows:

#CW 15-15 2.4 acres m.o.l., located at 721 East Lake Road, from Residential Low Medium to Public/Semi-Public and Preservation

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

No. 22 (193)
BCC 07-21-15
6:02 P.M. Abbott/MASINOVSKY

- #28 Resolution No. 15-69 adopted approving the application of United Asset Holdings Commercial, LLC through Todd Pressman, Pressman and Associates, Representative, for a change in zoning from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay to IL-W, Institutional Limited-Wellhead Protection Overlay (1.62 acres), and P/C-W, Preservation/Conservation-Wellhead Protection Overlay (0.84 acre) and variances to allow an assisted living facility (ALF) approximately 506 feet from an existing ALF where a distance of 1,200 feet is required, and to allow one parking space per three beds where one parking space per bed is required, with the condition that the proposed facility is not to provide drug rehabilitation or mental health services; and Ordinance No. 15-28 adopted approving a change in land use designation from Residential Suburban to Institutional (1.62 acres) and Preservation (0.84 acre) (Z/LU-11-5-15), re approximately 2.46 acres located at 721 East Lake Road in the unincorporated East Lake Tarpon community. The Local Planning Agency (LPA) recommended approval of the application based on the staff report. One letter and a petition with 30 signatures in objection to the application have been received.

Referring to a PowerPoint presentation, Planning Department Zoning Manager Glenn Bailey provided an overview of the application, pointed out the location of the subject parcel on the zoning and land use map, described the surrounding uses, and indicated that the proposed amendments are appropriate based on compatibility with the surrounding land uses; that the 60-bed ALF would impose minimal impacts on the carrying capacity of East Lake Road and other infrastructure; that additional landscaping will be required along the site's road frontage due to Scenic/Non-Commercial Corridor standards; and that the application is in keeping with the intent and parameters of the East Lake Tarpon Community Overlay.

With regard to the requested variances, Mr. Bailey indicated that the existing requirement of one parking space per bed, which staff is currently proposing to amend, is excessive, and the applicant's request to allow one parking space per three beds is more consistent with the actual need; that the State Code requirement of 1,200 feet between ALFs applies to small facilities, while the proposed ALF meets requirements of a large one; and that it would be separated from another ALF by a four-lane divided roadway with a 200-foot right-of-way.

Noting the unanimous support of the application by the LPA, Mr. Bailey stated that staff recommends approval, subject to the applicants' proposed condition that no drug rehabilitation or mental health services will be allowed in the facility; and that if the

No. 28 (293)
BCC 07-21-15
6:02 P.M. Abbott/MASINOVSKY

application is approved by the Board, it will be considered by the Pinellas Planning Council in September and by the Countywide Planning Authority in October.

In response to concerns expressed by Commissioner Eggers regarding the ALF's impact on the East Lake Road traffic, Planning Department Director Gordon Beardslee indicated that County transportation staff routinely examines potential traffic impacts to ensure they are not substantial; that the roadway level of service is "F"; that the proposed facility would add 62 vehicle trips per day, which is not significant; and that off-peak-hour staffing changes offset the impact. Later in the meeting, Mr. Bailey explained the basis of the vehicle trip projection, confirming that the number was obtained by staff.

Todd Pressman introduced applicants Eric Moore, Trinity, and Cheryl Moore, New Port Richey, and discussed their training and experience in providing ALF care. Referring to a PowerPoint presentation, which has been filed and made a part of the record, he showed photographs of their previously owned facilities and provided background information regarding the current application, pointing out that it was unanimously approved by the LPA without any opposition from the public.

Referring to aerial photographs and a land use map, Mr. Pressman described the subject area and its surroundings, noting the presence of other institutional uses and support of the application by the nearby school and the neighbor to the south. He related that the application was revised to accommodate requests of the Council of North County Neighborhoods and the County to reduce the number of beds from 90 to 60, exclude drug rehabilitation and mental health services, increase landscaping, designate preservation areas, and reduce the number of floors in the building.

Referring to a report from Robert Pergolizzi, Gulf Coast Consulting, Inc., Mr. Pressman indicated that one parking space per three beds would be more than adequate; and that the traffic impact would be minimal; whereupon, he emphasized the only access to the ALF being directly from East Lake Road. In response to query by Commissioner Welch, Mr. Pressman clarified that vehicles coming from the north would need to make a U-turn in order to enter the facility and added that there is a traffic-light intersection nearby controlling the opposing traffic.

In response to the Chairman's call for comment by the applicants, Eric and Cheryl Moore related that they wish to build a quality home for the elderly; and that the chosen site fits

well in terms of the surrounding uses and the need for additional facilities in the area. Responding to queries by Commissioners Gerard and Welch, the applicants indicated that by accepting Medicaid and offering larger two-bedroom accommodations, they wish to provide for all levels of the community; that the facility residents would be required to be 18 and older; and that while it will not be a memory-care facility, residents will be provided with keypad entry controls for safety.

In response to the Chairman's call for objectors to the application, Sylvester Remorca, Cristina Tioseco, and Carolina Remorca, Tarpon Springs, appeared and related that they are the administrators of East Lake Manor, located across the street from the proposed ALF; whereupon, they described their facility, showed its location on the map, and stated their concerns with regard to the applicants' need to follow the State and County Code requirements, including a requirement for a drug-dispensing facility to be no closer than 500 feet from a school, and potential impact on traffic. Responding to query by Commissioner Justice, Mr. Remorca confirmed that there are 90 parking spaces at East Lake Manor for staff and visiting family, as required; and that all those are needed. Reminding the Board that it denied a similar proposal in the East Lake Road area last year, Mr. Remorca requested that the Board deny the current request in order to protect the Community Overlay.

During discussion and responding to queries by the members, Mr. Bailey indicated that there should be room on the subject parcel for additional parking, if there is a need for it in the future; that there is an entrance and an exit for an emergency vehicle to pull in and out; that the State and Pinellas County School Board are not aware of a 500-foot distance requirement; and that the existing ALF facility was approved for the same zoning and land use amendments in 2007; whereupon, Commissioners Eggers and Long noted that the proposed facility would have a positive impact on the surrounding community.

In rebuttal, Mr. Pressman reiterated that there are two entrances; that staff will travel in off-peak hours; and that there is no 500-foot separation requirement between a drug-dispensing facility and a school, as confirmed by the Agency for Health Care Administration.

Motion	-	Commissioner Long
Second	-	Commissioner Gerard
Vote	-	7 - 0

I. AMENDMENT INFORMATION

From: Residential Low Medium (RLM)

To: Public/Semi-Public (P/SP) and Preservation (P)

Area: 2.4 acres m.o.l.

Location: 721 East Lake Road in the unincorporated East Lake Tarpon area

II. RECOMMENDATION

Council Recommend to the Countywide Planning Authority that the Proposed Map Amendment to Public/Semi-Public and Preservation 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.

III. BACKGROUND

This proposed amendment is submitted by Pinellas County and seeks to reclassify a 2.4 acre property from Residential Low Medium to Public/Semi-Public (1.6 acres) and Preservation (0.8 acres).

The site is vacant, but was formerly occupied by a plant nursery. The applicant proposes to develop a 60 bed assisted living facility and to recognize existing wetlands on the site.

IV. FINDINGS

Staff submits the following findings in support of the recommendation for approval:

- A. The Public/Semi-Public and Preservation categories recognize the proposed use of the site and is consistent with the criteria for utilization of these categories;
- B. The amendment is adjacent to a roadway segment operating at a LOS "F;"
- C. The amendment is adjacent to and consistent with a Scenic/Noncommercial Corridor;
- D. The amendment is adjacent to a public school; and
- E. The proposed amendment either does not involve, or will not significantly impact, the remaining relevant countywide considerations.

PPC Action: *The Council recommended approval of the amendment from Residential Low Medium to Public/Semi-Public and Preservation (vote 11-0).*

CPA Action:

Please see accompanying attachments and documents in explanation and support of the findings.

In consideration of and based upon a balanced legislative determination of the Relevant Countywide Considerations, as they relate to the overall purpose and integrity of the Countywide Plan, it is recommended that the proposed Public/Semi-Public and Preservation Countywide Plan Map categories be approved.

V. PLANNERS ADVISORY COMMITTEE

At its August 31, 2015 meeting, the PAC discussed and recommended approval of the staff recommendation (vote 11-0).

VI. 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

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

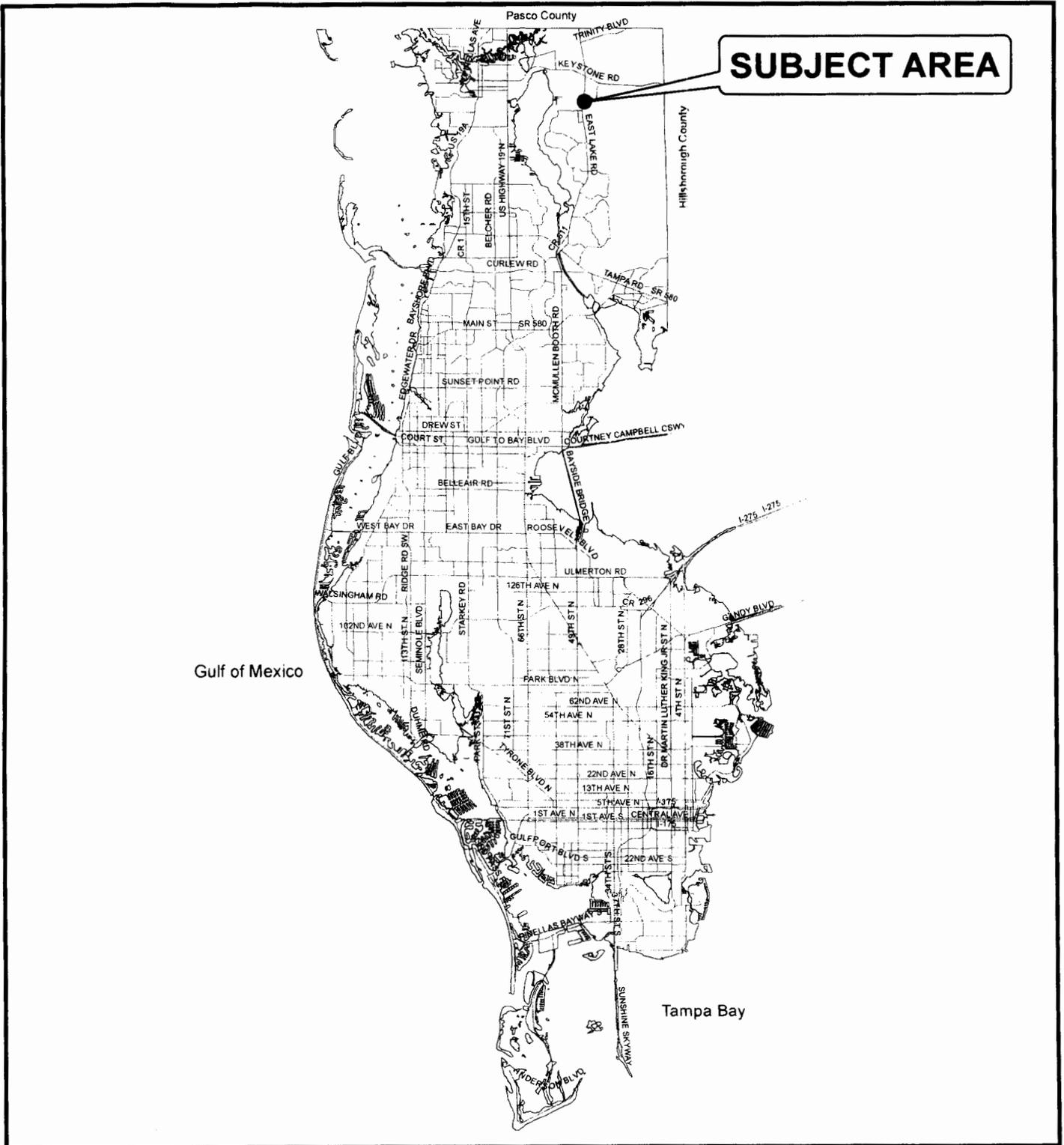
VII. SUPPORT DOCUMENTS – available only at www.pinellasplanningcouncil.org (see September Agenda and then click on corresponding case number).

Support Document 1 Disclosure of Interest Form
Support Document 2 Local Government Application

VIII. MEETING DATES

Planners Advisory Committee, August 31, 2015 at 1:30 p.m.
Pinellas Planning Council, September 9, 2015 at 3:00 p.m.
Countywide Planning Authority, October 6, 2015 at 9:30 a.m.





Map 1 - Location

FROM: Residential Low Medium

TO: Public/Semi-Public and Preservation

AREA: 2.5 Acres

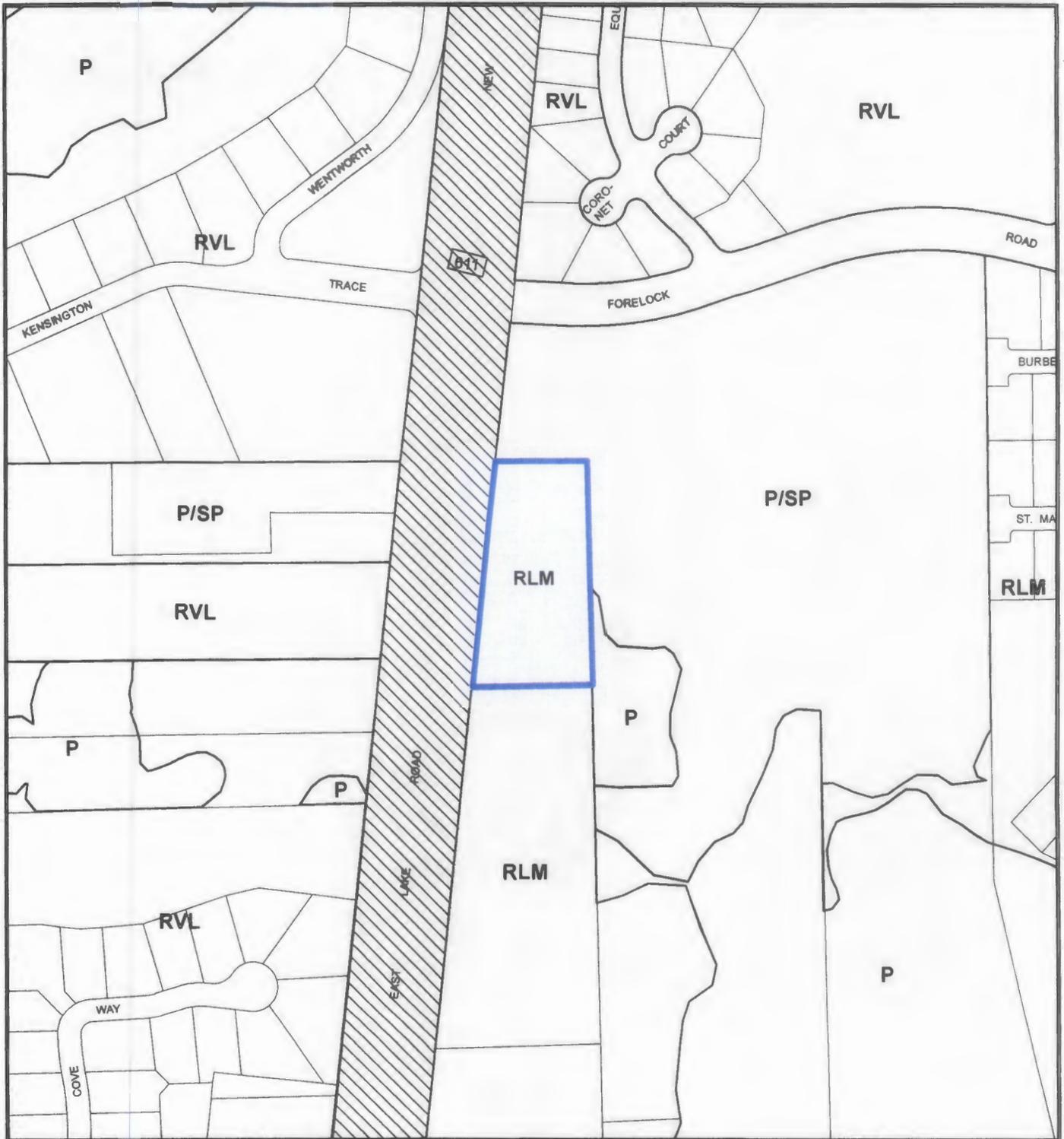
CASE #: CW15-15

JURISDICTION: Pinellas County



1" = 26,000'





Map 2 - Current Countywide Plan Map & Jurisdictional Map

FROM: Residential Low Medium
TO: Public/Semi-Public, Preservation

AREA: 2.5 Acres

CASE #: CW15-15

Jurisdictions
 Unincorporated

JURISDICTION: Pinellas County



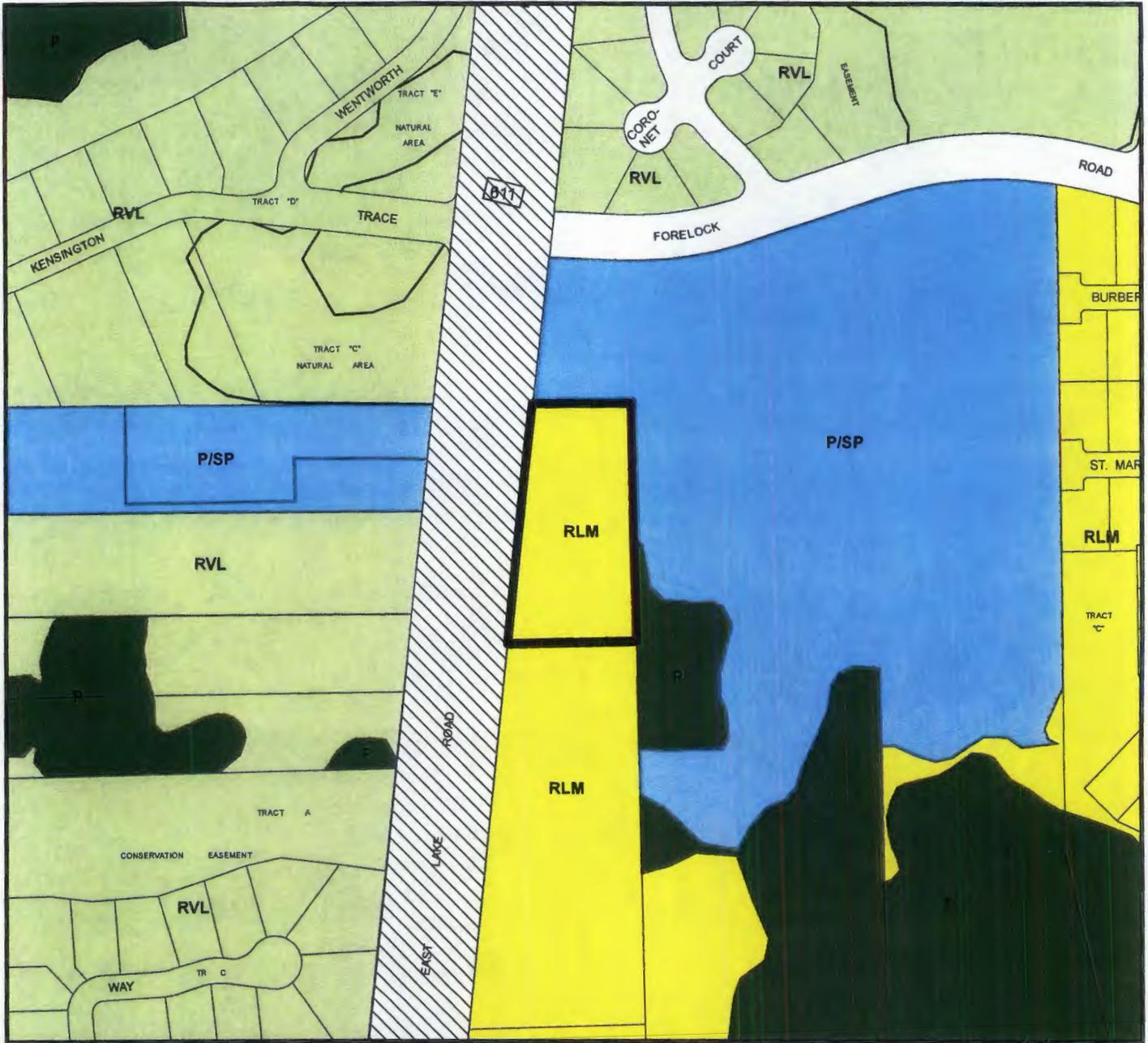


Map 3 - Aerial

FROM: Residential Low Medium
TO: Public/Semi-Public, Preservation
AREA: 2.5 Acres
CASE #: CW15-15

JURISDICTION: Pinellas County





Plan Map Categories

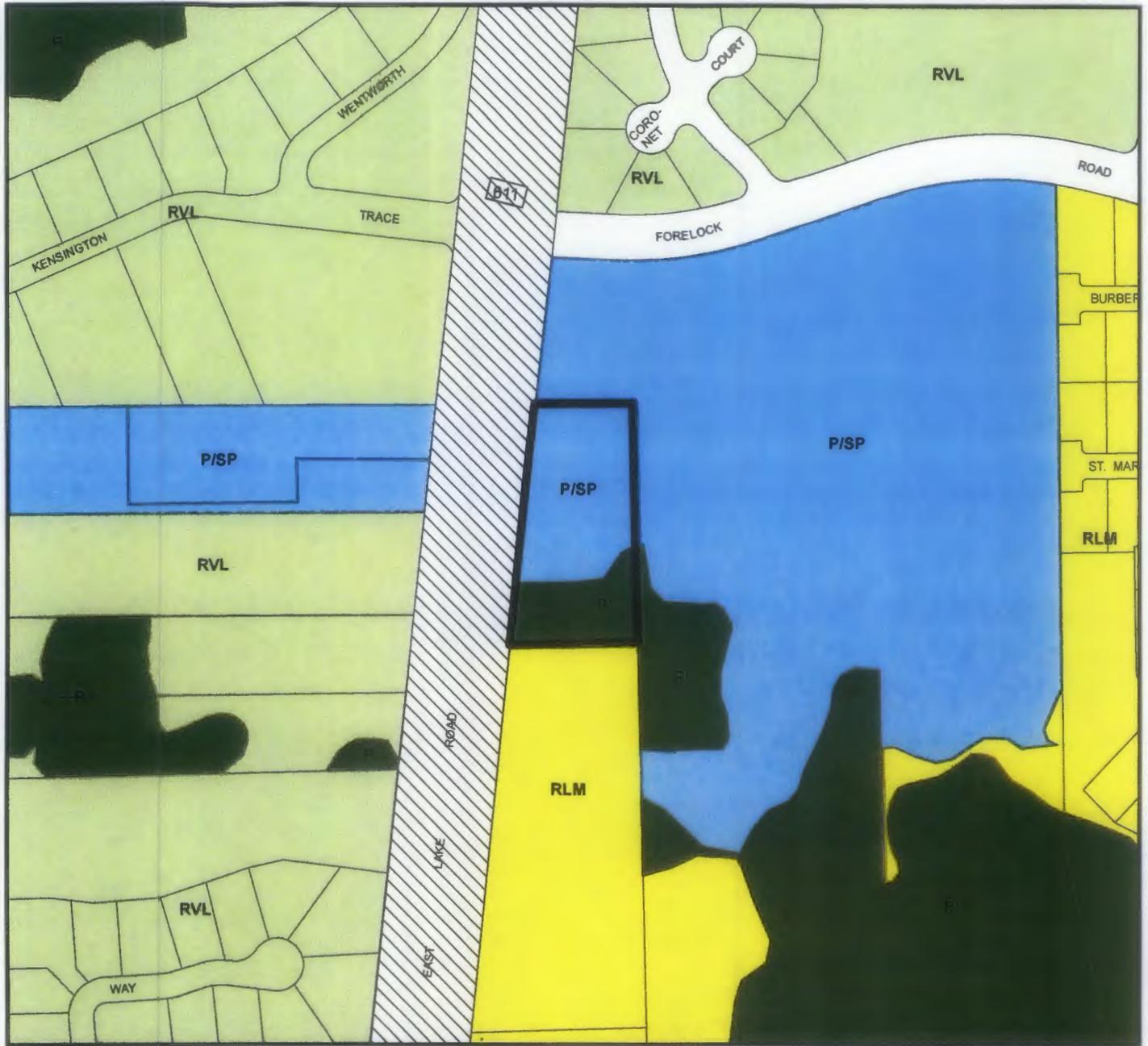
- Residential Very Low
- Public/Semi-Public
- Residential Low Medium
- Preservation
- Scenic/Noncommercial Corridor

Map 4 - Current Countywide Plan Map

FROM: Residential Low Medium
TO: Public/Semi-Public, Preservation
AREA: 2.5 Acres
CASE #: CW15-15

JURISDICTION: Pinellas County





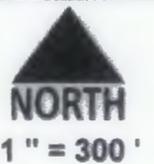
Plan Map Categories

- | | |
|--|---|
|  Residential Very Low |  Public/Semi-Public |
|  Residential Low Medium |  Preservation |
| |  Scenic/Noncommercial Corridor |

Map 5 - Proposed Countywide Plan Map

FROM: Residential Low Medium
TO: Public/Semi-Public, Preservation
AREA: 2.5 Acres
CASE #: CW15-15

JURISDICTION: Pinellas County



Council Staff Analysis

Relevant Countywide Considerations:

- 1) **Consistency with the Countywide Plan and Rules** – The proposed amendment is submitted by Pinellas County and seeks to reclassify a parcel totaling 2.4 acres. The proposed amendment is from Residential Low Medium (RLM) to Public/Semi-Public (1.6 acres) and Preservation (0.8 acres).

The site is adjoined by Brooker Creek Elementary School adjacent on the north and east, vacant property adjacent on the south, and an assisted living facility on the west across East Lake Rd.

The Public/Semi-Public category, proposed for 1.6 acres of the parcel, is used to recognize institutional and transportation/utility uses that serve the community or region, especially larger facilities having acreage exceeding the thresholds established in other plan categories, and which are consistent with the need, character, and scale of such uses relative to the surrounding uses, transportation facilities, and natural resource features. Additionally, the category as applied to this site and proposed use allows up to 60 beds (residential equivalent use) for uses such as an Adult Living Facility (ALF). Additionally, this parcel has good access to major transportation facilities. The property fronts on East Lake Rd., an arterial roadway.

The current RLM category is primarily used to recognize residential uses up to ten units per acre. It also allows institutional uses like the one proposed (i.e., the ALF) up to five acres in size. The current local government land use designation is Residential Suburban (RS) allowing up to 2.5 residential dwellings per acre. Even though the ALF would be allowed within the Countywide Plan category of RLM, the request will allow an ALF with a higher number of beds than what would be allowed under the more restrictive local category of RS.

The proposed Preservation category is used to depict those areas of the county that are now characterized, or appropriate to be characterized, as a natural resource feature worthy of preservation; and to recognize the significance of preserving such major environmental features and their ecological functions.

This amendment can be deemed consistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment area is located on roadway operating at an LOS of “F,” East Lake Road. However, traffic generated by the proposed amendment indicates a minor decrease in daily trips and will not result in a significant negative impact to the existing LOS. The difference in expected traffic generated

between the existing and the proposed categories is a decrease of approximately 54 vehicle trips per day.

Therefore, the proposed amendment can be deemed consistent with this Relevant Countywide Consideration.

- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The amendment area is located on East Lake Road, which is designated as a Primary SNCC, with this portion of the corridor having a subclassification of “Residential.” 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 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 that 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/Non-Commercial 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 Public/Semi-Public and Preservation categories are considered to be potentially consistent with the “Residential” subclassification. Section 4.2.7.1.4.B.3 states that the categories 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 these categories to the subject area can be deemed consistent with this section given the proposed use of the property and its relationship to adjacent residential and institutional uses along the corridor.

- 4) **Coastal High Hazard Areas (CHHA)** – The amendment area is not located in a CHHA, so those policies are not applicable.

- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact a designated development or redevelopment area.
- 6) **Adjacent to or Impacting an Adjoining Jurisdiction or Public Educational Facility** – The amendment area is not adjacent to another jurisdiction.

Additionally, the amendment area is adjacent to a public educational facility to the north and east. However, the proposed development on the site should not significantly impact the school site.

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 Low Medium to Public/Semi-Public and Preservation is deemed consistent with the Relevant Countywide Considerations found in the Countywide Rules.



PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: AUGUST 31, 2015

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING OF JUNE 29, 2015</u>	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	10-0
II. <u>REVIEW OF PPC AGENDA FOR JULY 8, 2015 MEETING</u> A. <u>Subthreshold Land Use Plan Amendments</u> 1. Case CW 15-13 – City of St. Petersburg	Withdrawn	
2. Case CW 15-14 – City of Oldsmar	<u>Approved</u> Motion: Dean Neal Second: Robert Klute	10-0
B. <u>Regular Land Use Plan Amendments</u> 1. Case CW 15-15 – Pinellas County	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	11-0
C. <u>CPA Actions – July and August 2015</u>	<u>No Action – Information Only</u>	
D. <u>Annexation Report – July and August 2015</u>	<u>No Action – Information Only</u>	
E. <u>Countywide Plan Update – Status Report</u>	<u>No Action – Information Only</u> Mike Crawford advised that the new Countywide Plan was adopted effective August 7, 2015. The current documents are now available on the PPC website. In response to questioning, Linda Fisher reviewed the timeframes for local governments to achieve consistency per the Special Act.	
III. <u>OLD BUSINESS</u> A. Internet Reservation Systems and Vacation Rentals (Discussion continued from June)	Rick McAulay, City of St. Pete, revisited the issues surrounding the regulation of short term rentals and internet reservation sites. Discussion ensued regarding potential solutions. This item will be discussed again next month with a presentation by Erin Sullivan of the Pinellas County Tax Collector's office.	
IV. <u>OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA</u> A. Government in the Sunshine Presentation/Discussion	Chelsea Hardy, Assistant County Attorney for Pinellas County, presented information and answered questions regarding the Government in the Sunshine laws.	
V. <u>ADJOURNMENT</u>	The meeting was adjourned at 2:50 p.m.	

Respectfully Submitted,

PAC Chairman

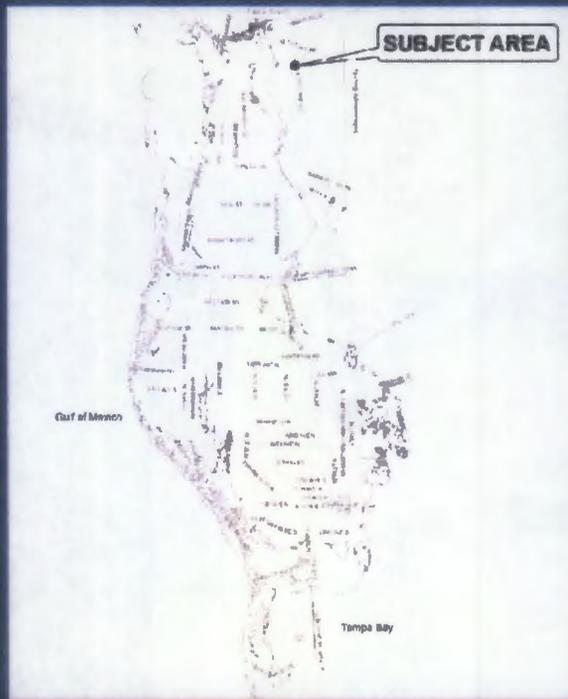
Date

Countywide Planning Authority

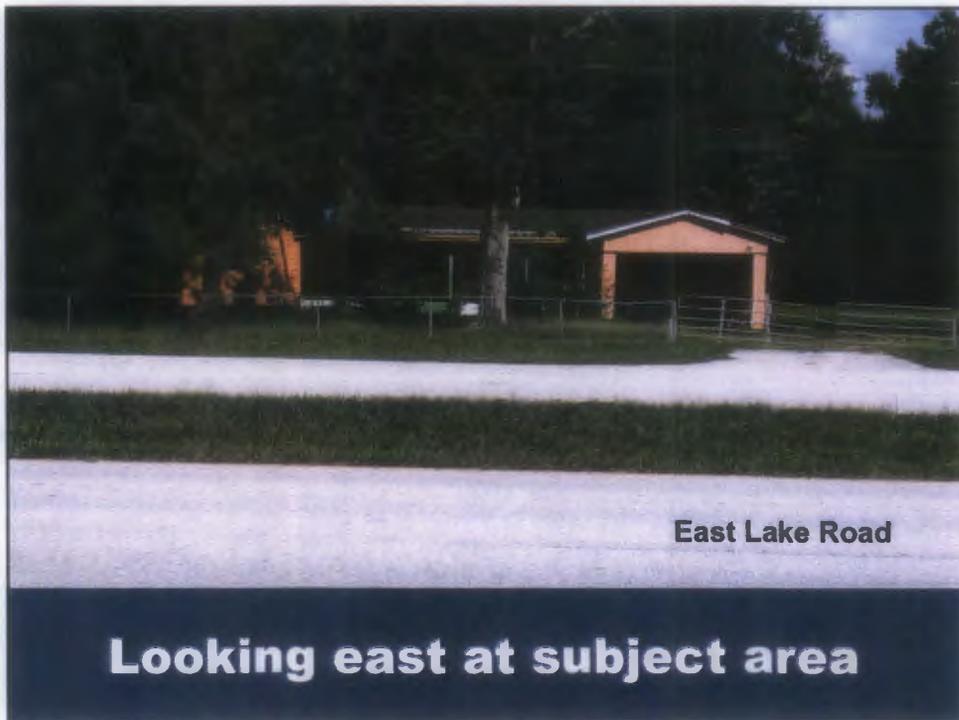
October 6, 2015

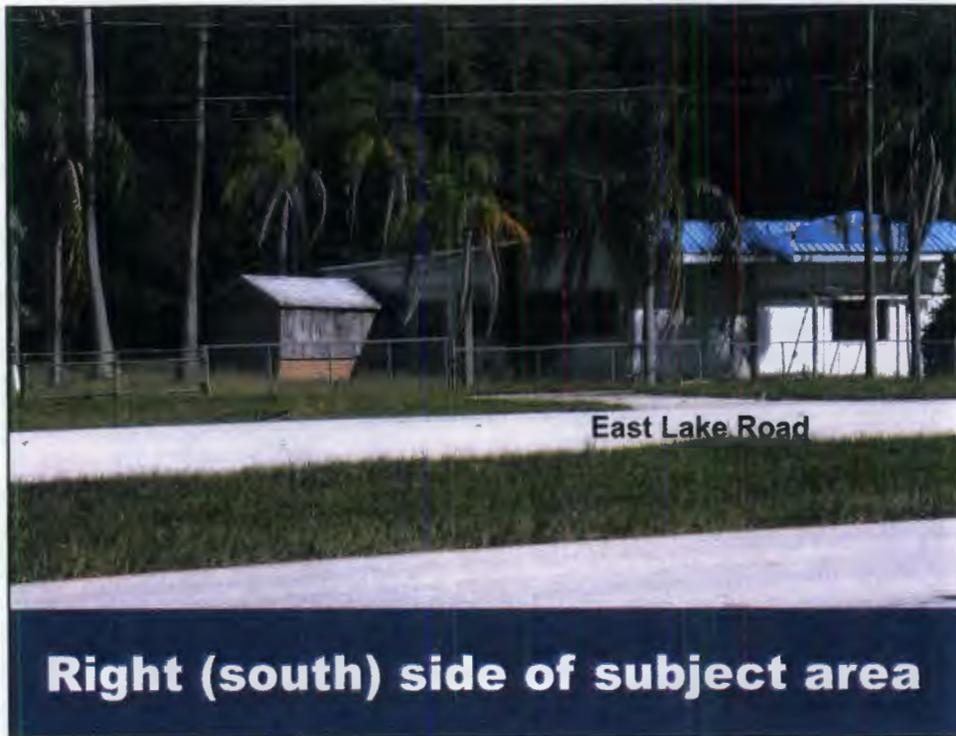
Case CW 15-15

Submitted by Pinellas
County







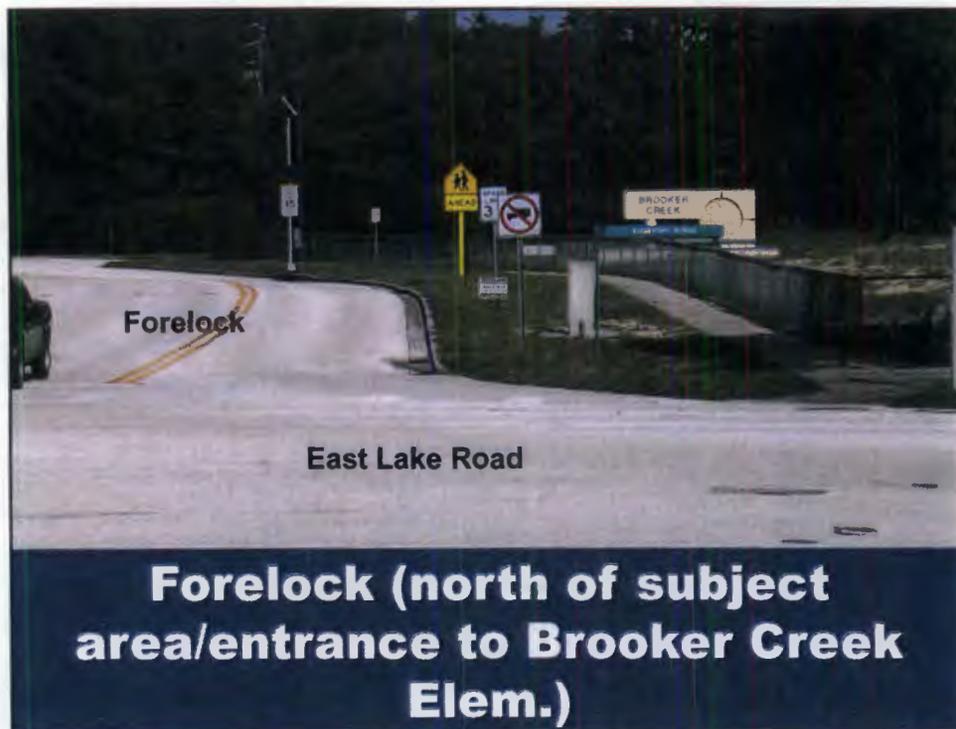
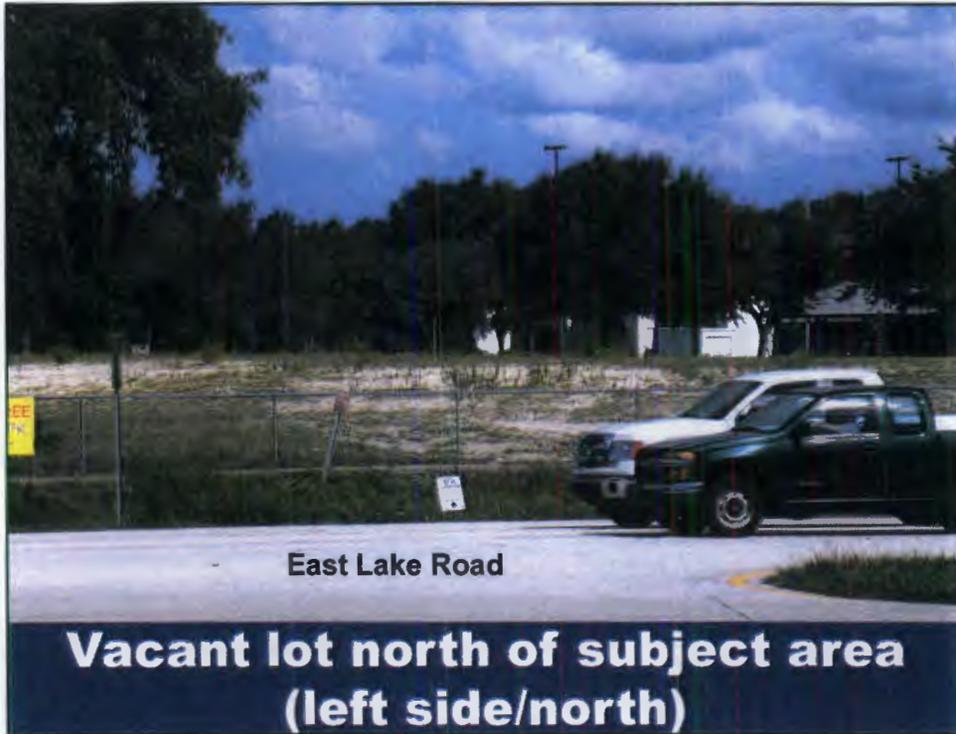


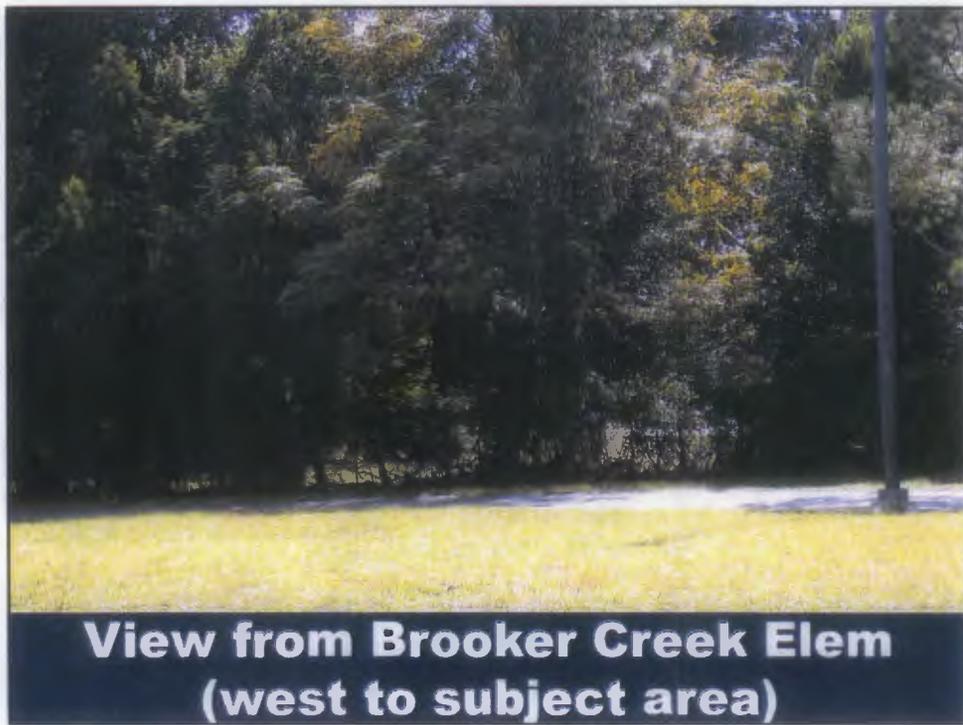
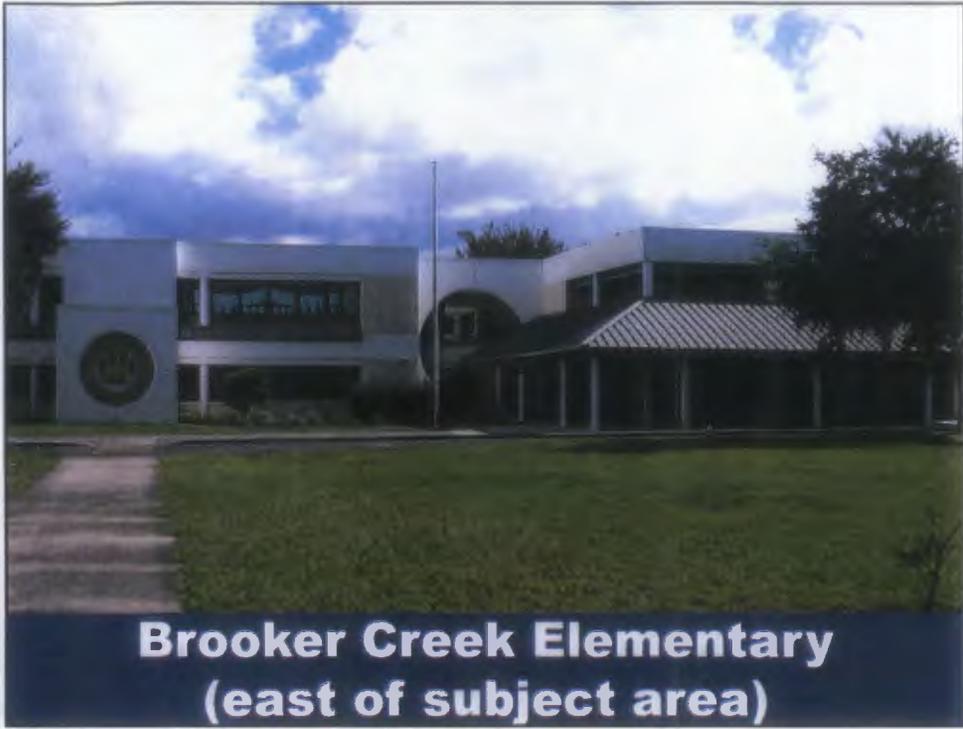
Right (south) side of subject area



Vacant portion of subject area









East Lake Manor ALF (across East Lake Road – west side)



Wentworth (across East Lake Road – west side)

Recommendation

Approval to Public/Semi-Public:

- **Countywide Considerations**
 - **Consistent with criteria for utilization of this category; and**
 - **Consistent with the Residential subclassification of the SNCC.**

