



PINELLAS PARK CITY COUNCIL

AGENDA MEMORANDUM

FROM: Dean R. Neal, AICP, Zoning Director

DATE: June 22, 2010

SUBJECT: LDC 2010-01

The Zoning Division Director will be present to review a revised Article 15, Zoning, of the Land Development Code.

Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- OMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval JS

City Manager Approval _____

Memorandum

To: City Council

Thru: Thomas L. Shevlin, AICP, Asst. City Manager

From: Dean R. Neal, AICP
Zoning Director

Subject: Article 15, Zoning rewrite

Date: June 22, 2010

Present Situation:

The existing Article 15 Zoning and Article 17 Community Redevelopment of the Land Development Code has numerous inconsistencies with the Countywide Rules and to a lesser degree state statutes, maintains two sets of regulations, one for the redevelopment district and another for the rest of the city; lacks flexibility with minor changes to Council approved site plans and is generally in need of an update.

Proposal:

Staff has prepared a new Article 15 addressing the above issues.

Advantages:

The Code will be easier for developers and citizens to navigate and understand. It wraps Article 17, Redevelopment, into Article 15 so that one set of regulations is uniformly applied city wide. It corrects inconsistencies with the Countywide Rules and statutory references. It provides administrative remedies to minor site plan changes that will greatly reduce return trips to Council without diminishing Council imposed safeguards. It provides the ability for residents to avoid costly trips to the Board of Adjustment for setback variances related to mechanical equipment (AC) in side yards. Other matters of document organization of topics and reduction of superfluous language are also addressed.

Disadvantages:

None.



PINELLAS PARK CITY COUNCIL

AGENDA MEMORANDUM

FROM: Robert G. Bray, Jr., AICP

DATE: June 22, 2010

SUBJECT: Transportation Concurrency Exception Area CPA 2010-01

BACKGROUND:

The Community Planning and Zoning Directors will be present to discuss the creation of a Transportation Concurrency Exception Area (TCEA).

Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- OMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval 

City Manager Approval _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING ORDINANCE NO. 3658; AMENDING THE INTRODUCTION TO REFERENCE CREATION OF A TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA); AMENDING THE LAND USE ELEMENT TO PROVIDE FOR THE CREATION OF A TCEA AND THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE TRANSPORTATION ELEMENT TO PROVIDE FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE INTERGOVERNMENTAL ELEMENT TO PROVIDE FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT PROVIDING FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING APPENDIX III TO ADD A MAP SHOWING THE TCEA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CERTIFICATION OF CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulations Act; and

WHEREAS, Section 163.3187(1), Florida Statutes, allows for amendments to comprehensive plans twice each calendar year; and

WHEREAS, legislation passed during 2009 designated Pinellas Park as a dense urban land area, making the City eligible to become a Transportation Concurrence Exception Area; and

WHEREAS, Pinellas Park has prepared revisions to the previously adopted objectives and policies relating to the creation of a portion of the City as a Transportation Concurrence Exception Area; and

WHEREAS, Transportation Concurrency Exception Areas are not subject to the provisions of transportation concurrency; and

WHEREAS, Section 163.3174, Florida Statutes, states that the Local Planning Agency shall monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the governing body such changes in the Comprehensive Plan as may from time to time be required; and

WHEREAS, duly advertised public hearings were held by the Pinellas Park City Council as required by Chapter 163.3181 and Chapter 166.041, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: That in the Introduction, Legislative Mandate is amended to read as follows:

The Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes) required every city and county in Florida to prepare and adopt a comprehensive plan for future development by July 1, 1990. Pinellas Park submitted its plan to the Florida Department of Community Affairs (DCA) by June 1, 1989. On November 9, 1989 the City adopted the DCA Approved Comprehensive Plan. Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code also required that the Comprehensive Plan be periodically evaluated and updated. The City of Pinellas Park adopted its most recent Evaluation and Appraisal Report of the Comprehensive Plan on February 22, 2007, and has incorporated the modifications into the Comprehensive Plan accordingly. On _____, 2010, the City adopted a DCA approved amendment to the Comprehensive Plan pursuant to Section 163.3180(5)(b)1.a creating a Transportation Concurrency Exception Area (TCEA).

SECTION TWO: That in the Land Use Element, Policy LU.1.3.3 is added in its entirety to read as follows:

Adopt a Transportation Concurrency Exception Area pursuant to Ch. 2009-96, Laws of Florida, which includes the Gateway Regional Activity Center and the Pinellas Park Redevelopment District, as depicted on the map included in Appendix III, to encourage development and redevelopment in the area of the City where development is most appropriate. Development within the TCEA shall not be subject to any of the transportation provisions of the City of Pinellas Park Concurrency Management System or adopted level of service standards for transportation.

SECTION THREE: That in the Land Use Element, Policy LU.1.5.1 is amended to read as follows:

Through implementation of the Concurrency Management System (CMS), the City will ensure that proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development. Proposed development and redevelopment within the Transportation Concurrency Exception Area (TCEA) shall not be subject to the transportation Concurrency Management System's transportation level of service standards and the provisions of transportation concurrency management requirements.

SECTION FOUR: That in the Land Use Element, Policy LU.1.5.3 is amended to read as follows:

The City shall not issue a development order or permit that results in a reduction in the level of service for the affected public facilities below the adopted levels of service provided in the Comprehensive Plan, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION FIVE: That in the Land Use Element, Objective LU.1.23 is added in its entirety to read as follows:

The City of Pinellas Park shall establish a Transportation Concurrency Exception Area (TCEA).

SECTION SIX: That in the Land Use Element, Policy LU.1.23.1 is added in its entirety to read as follows:

The Legal Description and boundary for the TCEA is depicted on the Transportation Concurrency Exception Area Map located in Appendix III.

SECTION SEVEN: That in the Land Use Element, Policy LU.1.23.2 is added in its entirety to read as follows:

Developments within the TCEA will be exempt from the transportation portion of the Concurrency Management System requirements.

SECTION EIGHT: That in the Transportation Element, Policy T.1.1.1 is amended to read as follows:

Ensure selection, planning and construction of the most efficient and effective means of transportation between areas of activity, with minimum disruption to land uses. The Land Use Plan Map shall guide the location, function, sizing of new transportation facilities. All land use changes, amendments, etc., shall be reviewed for their impact on the transportation system except those changes, amendments, etc. which adopt a TCEA pursuant to Section 163.3180(5)(b)1.F.S.

SECTION NINE: That in the Transportation Element, Policy T.1.1.2 is amended to read as follows:

The level of service standards used to measure concurrency shall also be the standards used by the City in the issuance of Development Orders, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TEN: That in the Transportation Element, Policy T.1.1.5 is amended to read as follows:

Require compatibility of development and development intensities with existing and planned transportation facilities, except as authorized in the TCEA pursuant

to Policy LU.1.5.1. The Land Use Map shall guide the location, function, and sizing of new transportation facilities. All land use changes, amendments, etc., shall be reviewed for their impact on the transportation system except those changes, amendments, etc. which adopt a TCEA pursuant to Section 163.3180(5)(b)1. F.S. The Concurrency Management System will be the implementation mechanism used to require compatibility of development and development intensities with existing and planned transportation facilities.

SECTION ELEVEN: That in the Transportation Element, Policy T.1.1.6 is amended to read as follows:

Require adequate transportation infrastructure to be available in advance of, or concurrent with new development, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TWELVE: That in the Transportation Element, Policy T.1.1.11 is amended to read as follows:

The City of Pinellas Park will not issue permits for non-vested development along County and local facilities which would further degrade these roadway links which are operating below peak hour level of service D in the City, except as authorized in the TCEA pursuant to Policy LU.1.5.1. Redevelopment or development to a lesser intense use will be reviewed on a case by case basis to determine whether the issuance of a permit would degrade the constrained or backlogged roadway link.

SECTION THIRTEEN: That in the Transportation Element, Policy T.1.2.10 is amended to read as follows:

POLICY T.1.2.10
Approval of subdivision plats or site plans for proposed developments sites within the City along City roadways is contingent upon the provision of an access plan that ~~avoids degradation of service and interruption of~~ provides for safe roadway access and on-site traffic circulation. ~~on the roadway system.~~

SECTION FOURTEEN: That in the Transportation Element, Policy T.1.2.16 is amended to read as follows:

The City shall utilize the policies of the Capital Improvements Element to ensure application of local concurrency requirements and maintenance of the adopted levels of service. However, transportation concurrency will not be required, or applied to proposed development or redevelopment, within the TCEA.

SECTION FIFTEEN: That in the Transportation Element, Policy T.1.3.1 is amended to read as follows:

The City will not issue permits for non-vested development which would further degrade peak hour level of service D as established by governing jurisdictions, except as authorized in the TCEA pursuant to Policy LU.1.5.1. Redevelopment and development to a lesser intense use will be reviewed on a case by case basis to determine whether the issuance of a permit would cause further degradation of the level of service on the roadway link.

SECTION SIXTEEN: That in the Transportation Element, Policy T.1.3.2 is amended to read as follows:

Maintain level of service standards at the peak hour for all roads within the City's jurisdiction that are coordinated and consistent to the maximum extent feasible with the FDOT's level of service standards for the State Highway System and the Florida Intrastate Highway System and the Pinellas County level of service standards for County roads. Development or redevelopment within the TCEA will not be subject to maintaining the transportation level of service standards.

SECTION SEVENTEEN: That in the Transportation Element, Policy T.1.3.10 is amended to read as follows:

Review of all proposed development for impact upon level of service shall occur at the preliminary site plan submittal phase of the development process, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION EIGHTEEN: That in the Transportation Element, Policy T.1.3.12 is amended to read as follows:

The City of Pinellas Park recognizes that the Florida Intrastate Highway System (FIHS) facilities in Pinellas County are strategically important as high speed and high volume inter-city and inter-regional roads. To protect the capacity of these roads, development should be mitigated and phased in order to minimize the impacts on levels of service, except as authorized in the TCEA pursuant to Policy LU.1.5.1. Until State funded impacts to alleviate the deficient conditions on a long-term basis can be implemented, the City shall coordinate with Pinellas County's Long Term Concurrency Management Corridor Strategy with the City's jurisdictional limits.

SECTION NINETEEN: That in the Intergovernmental Coordination Element, Objective ICE.1.3 is amended to read as follows:

The City shall coordinate with all entities having operational and maintenance responsibility of public facilities within Pinellas Park. The issuance of all development permits within the City shall require approval of the entity having operational and maintenance responsibilities in accordance with applicable laws and regulations of such entities.

SECTION TWENTY: That in the Intergovernmental Coordination Element, Policy ICE.2.4.1 is amended to read as follows:

As provided for within the Transportation Element, outside the TCEA, Pinellas Park shall coordinate the implementation of concurrency management strategies having multi-jurisdictional impact, with the Florida Department of Transportation, the Metropolitan Planning Organization, and affected local governments.

SECTION TWENTY-ONE: That in the Capital Improvements Element, Policy CIE.1.1.3 is amended to read as follows:

The Capital Improvements Element shall provide for the availability of public facilities and services needed

to support development concurrent with the impacts of such development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services that are deemed necessary by the local government to operate the facilities necessitated by that development, are available concurrent with the impacts of that development, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TWENTY-TWO: That in the Capital Improvements Element, Objective CIE.1.2. is amended to read as follows:

Through the land development process, the City shall ensure that public facility needs do not exceed the ability to fund and provide needed capital improvements and that future development will bear a proportionate cost of facility and service improvements necessitated by the development in order to adequately maintain adopted level of service standards, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TWENTY-THREE: That in the Capital Improvements Element, Policy CIE.1.2.4 is amended to read as follows:

Future development shall bear a proportionate, pro-rata share of costs of facility improvements necessitated by the development in order to adequately maintain adopted level of service standards, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TWENTY-FOUR: That in the Capital Improvements Element, Policy CIE.1.2.8 is amended to read as follows:

All development shall commit to mitigate 100% of the impact on public facilities, either through the provision of new or upgraded facilities or by paying the City a sum equivalent to the cost the City would incur for the construction or improvement of a public facility, prior to the issuance of a development permit, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION TWENTY-FIVE: That in the Capital Improvements Element, Policy CIE.1.2.10 is amended to read as follows:

A Local Government Development Agreement shall be considered to be in compliance with established level of service standards when a commitment by the development to mitigate the pro rata share of the costs of public facility and service improvements necessitated by that development is clearly delineated within the agreement, and is scheduled to occur such that the necessary facility and those related service improvements that are deemed necessary, are available concurrent with the impacts of that development. Meeting transportation the Concurrency Management System's transportation level of service standards shall not apply to development or redevelopment within the TCEA.

SECTION TWENTY-SIX: That in the Capital Improvements Element, Policy CIE.1.2.12 is amended to read as follows:

The City of Pinellas Park recognizes that the Florida Intrastate Highway System facilities in Pinellas County are strategically important as high speed and high volume inter-city and inter-regional roads. To protect the capacity of these roads, development should be mitigated and phased in order to minimize the impacts on levels of service until State-funded improvements to alleviate the deficient conditions on a long-term basis can be implemented, except as authorized in the TCEA pursuant to Policy LU.1.5.1. To this end, the City shall coordinate with Pinellas County's long term concurrency management corridor strategy within the City's jurisdictional limits. The long term concurrency management corridor strategy affects the portion of US Highway 19, from the Pinellas/Pasco County Line to Gandy Boulevard.

SECTION TWENTY-SEVEN: That in the Capital Improvements Element, Policy CIE.1.2.14 is amended to read as follows:

The impact of a single family home on an existing lot will constitute a de minimus minimis impact on all

roadways regardless of the level of deficiency of the roadway.

SECTION TWENTY-EIGHT: That in the Capital Improvements Element, Policy CIE.1.2.15 is added in its entirety to read as follows:

De minimis impacts do not need to be considered within the TCEA.

SECTION TWENTY-NINE: That in the Capital Improvements Element, Policy CIE.1.3.1 is amended to read as follows:

The City of Pinellas Park shall require public facilities and services needed to support development to be available concurrent with the impacts of development approved by the City of Pinellas Park, except as authorized in the TCEA pursuant to Policy LU.1.5.1. "Concurrent" shall mean that all adopted level of service standards be maintained during and following the development of all such projects, or the impacts of said development are mitigated consistent with this Plan, in accordance with the level of service review standards established by this Comprehensive Plan.

SECTION THIRTY: That in the Capital Improvements Element, Policy CIE.1.3.4 is amended to read as follows:

A Level of Service Compliance Review for stormwater management, sanitary sewer, potable water, parkland transportation and public school facilities shall be required prior to issuance of any Development Order as part of the Concurrency Management System, except as authorized in the TCEA pursuant to Policy LU.1.5.1. Determination of level of service compliance shall be a condition of all site plans, rezoning, and land use approvals, and building permits, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION THIRTY-ONE: That in the Capital Improvements Element, Policy CIE.1.3.9 is amended to read as follows:

Consistent with the public welfare, transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the City approves a building permit or other

development order that results in traffic generation, except as authorized in the TCEA pursuant to Policy LU.1.5.1.

SECTION THIRTY-TWO: That in Appendix III, a map entitled Transportation Concurrency Exception Area is added in its entirety as reflected in Exhibit "A" to be part of its comprehensive plan which is attached hereto and made a part hereof.

SECTION THIRTY-THREE: It is the intention of Council that provisions of this Ordinance shall be severable from the remainder of the Ordinance in the event that any portion thereof is declared unconstitutional by a court of competent jurisdiction.

SECTION THIRTY-FOUR: That City Council does hereby certify that this Ordinance is consistent with the City's Comprehensive Plan and elements thereof adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

SECTION THIRTY-FIVE: That all Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THIRTY-SIX: The effective date of this plan amendment shall be 31 days after adoption unless timely challenged, in which case, the effective date will be the date on which the Department of Community Affairs or Administration Commission enters a final order determining that the adopted amendment is in compliance in accordance with Section 163.32465, Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment may be issued or commenced before the effective date of this ordinance. If a final order of noncompliance is issued, this amendment may nevertheless be

made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oaks Boulevard, Tallahassee, Florida, 32399-2100. The ordinance shall not become effective until receipt of written notice from the Department of Community Affairs that it has received this ordinance.

PUBLISHED THE _____ DAY OF _____, 2010.

FIRST READING _____ DAY OF _____, 2010.

PUBLIC HEARING _____ DAY OF _____, 2010.

ADOPTED THIS _____ DAY OF _____, 2010.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2010.

William F. Mischler
MAYOR

ATTEST:

Diane Corna, MMC
CITY CLERK

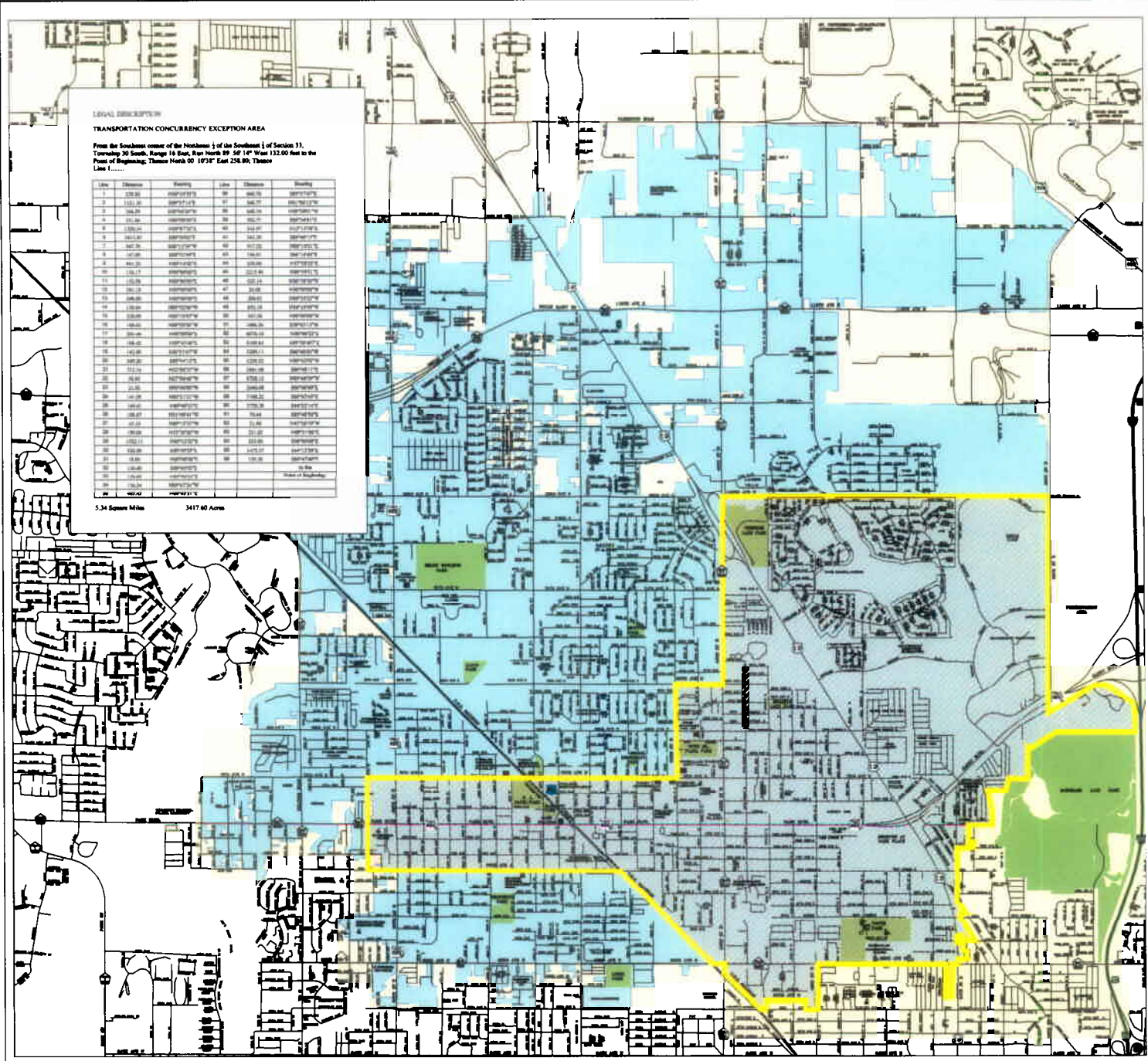
LEGAL DESCRIPTION

TRANSPORTATION CONCURRENCY EXCEPTION AREA

From the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 30 South, Range 18 East, Run North 89° 58' 14" West 132.00 feet to the Point of Beginning; Thence North 00° 18' 31" East 234.86; Thence East 132.00

Line	Distance	Bearing	Line	Distance	Bearing
1	132.00	S89°58'14"W	20	132.00	S89°58'14"W
2	234.86	N00°18'31"E	21	132.00	S89°58'14"W
3	132.00	S89°58'14"W	22	132.00	S89°58'14"W
4	234.86	N00°18'31"E	23	132.00	S89°58'14"W
5	132.00	S89°58'14"W	24	132.00	S89°58'14"W
6	234.86	N00°18'31"E	25	132.00	S89°58'14"W
7	132.00	S89°58'14"W	26	132.00	S89°58'14"W
8	234.86	N00°18'31"E	27	132.00	S89°58'14"W
9	132.00	S89°58'14"W	28	132.00	S89°58'14"W
10	234.86	N00°18'31"E	29	132.00	S89°58'14"W
11	132.00	S89°58'14"W	30	132.00	S89°58'14"W
12	234.86	N00°18'31"E	31	132.00	S89°58'14"W
13	132.00	S89°58'14"W	32	132.00	S89°58'14"W
14	234.86	N00°18'31"E	33	132.00	S89°58'14"W
15	132.00	S89°58'14"W	34	132.00	S89°58'14"W
16	234.86	N00°18'31"E	35	132.00	S89°58'14"W
17	132.00	S89°58'14"W	36	132.00	S89°58'14"W
18	234.86	N00°18'31"E	37	132.00	S89°58'14"W
19	132.00	S89°58'14"W	38	132.00	S89°58'14"W
20	234.86	N00°18'31"E	39	132.00	S89°58'14"W
21	132.00	S89°58'14"W	40	132.00	S89°58'14"W
22	234.86	N00°18'31"E	41	132.00	S89°58'14"W
23	132.00	S89°58'14"W	42	132.00	S89°58'14"W
24	234.86	N00°18'31"E	43	132.00	S89°58'14"W
25	132.00	S89°58'14"W	44	132.00	S89°58'14"W
26	234.86	N00°18'31"E	45	132.00	S89°58'14"W
27	132.00	S89°58'14"W	46	132.00	S89°58'14"W
28	234.86	N00°18'31"E	47	132.00	S89°58'14"W
29	132.00	S89°58'14"W	48	132.00	S89°58'14"W
30	234.86	N00°18'31"E	49	132.00	S89°58'14"W
31	132.00	S89°58'14"W	50	132.00	S89°58'14"W
32	234.86	N00°18'31"E	51	132.00	S89°58'14"W
33	132.00	S89°58'14"W	52	132.00	S89°58'14"W
34	234.86	N00°18'31"E	53	132.00	S89°58'14"W
35	132.00	S89°58'14"W	54	132.00	S89°58'14"W
36	234.86	N00°18'31"E	55	132.00	S89°58'14"W
37	132.00	S89°58'14"W	56	132.00	S89°58'14"W
38	234.86	N00°18'31"E	57	132.00	S89°58'14"W
39	132.00	S89°58'14"W	58	132.00	S89°58'14"W
40	234.86	N00°18'31"E	59	132.00	S89°58'14"W
41	132.00	S89°58'14"W	60	132.00	S89°58'14"W
42	234.86	N00°18'31"E	61	132.00	S89°58'14"W
43	132.00	S89°58'14"W	62	132.00	S89°58'14"W
44	234.86	N00°18'31"E	63	132.00	S89°58'14"W
45	132.00	S89°58'14"W	64	132.00	S89°58'14"W
46	234.86	N00°18'31"E	65	132.00	S89°58'14"W
47	132.00	S89°58'14"W	66	132.00	S89°58'14"W
48	234.86	N00°18'31"E	67	132.00	S89°58'14"W
49	132.00	S89°58'14"W	68	132.00	S89°58'14"W
50	234.86	N00°18'31"E	69	132.00	S89°58'14"W
51	132.00	S89°58'14"W	70	132.00	S89°58'14"W
52	234.86	N00°18'31"E	71	132.00	S89°58'14"W
53	132.00	S89°58'14"W	72	132.00	S89°58'14"W
54	234.86	N00°18'31"E	73	132.00	S89°58'14"W
55	132.00	S89°58'14"W	74	132.00	S89°58'14"W
56	234.86	N00°18'31"E	75	132.00	S89°58'14"W
57	132.00	S89°58'14"W	76	132.00	S89°58'14"W
58	234.86	N00°18'31"E	77	132.00	S89°58'14"W
59	132.00	S89°58'14"W	78	132.00	S89°58'14"W
60	234.86	N00°18'31"E	79	132.00	S89°58'14"W
61	132.00	S89°58'14"W	80	132.00	S89°58'14"W
62	234.86	N00°18'31"E	81	132.00	S89°58'14"W
63	132.00	S89°58'14"W	82	132.00	S89°58'14"W
64	234.86	N00°18'31"E	83	132.00	S89°58'14"W
65	132.00	S89°58'14"W	84	132.00	S89°58'14"W
66	234.86	N00°18'31"E	85	132.00	S89°58'14"W
67	132.00	S89°58'14"W	86	132.00	S89°58'14"W
68	234.86	N00°18'31"E	87	132.00	S89°58'14"W
69	132.00	S89°58'14"W	88	132.00	S89°58'14"W
70	234.86	N00°18'31"E	89	132.00	S89°58'14"W
71	132.00	S89°58'14"W	90	132.00	S89°58'14"W
72	234.86	N00°18'31"E	91	132.00	S89°58'14"W
73	132.00	S89°58'14"W	92	132.00	S89°58'14"W
74	234.86	N00°18'31"E	93	132.00	S89°58'14"W
75	132.00	S89°58'14"W	94	132.00	S89°58'14"W
76	234.86	N00°18'31"E	95	132.00	S89°58'14"W
77	132.00	S89°58'14"W	96	132.00	S89°58'14"W
78	234.86	N00°18'31"E	97	132.00	S89°58'14"W
79	132.00	S89°58'14"W	98	132.00	S89°58'14"W
80	234.86	N00°18'31"E	99	132.00	S89°58'14"W
81	132.00	S89°58'14"W	100	132.00	S89°58'14"W

5.34 Square Miles 3417.80 Acres



City of
PINELLAS PARK

5141 78TH AVE. • P.O. BOX 1100
PINELLAS PARK, FL 33780-1100

Please Respond To:

James W. Denhardt, City Attorney
Law Offices of James W. Denhardt
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400



FLORIDA

PHONE • (727) 541-0700
FAX • (727) 544-7448
SUNCOM • 800-1011

April 26, 2010

Mr. Jeffrey Dow
Community Planning Department
City of Pinellas Park, Florida
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document 10-050
Ordinance Amending Comprehensive Plan

Dear Mr. Dow:

I have received and reviewed the above-referenced proposed ordinance to amend the City's Comprehensive Plan, and compared such ordinance with the provisions of the current Comprehensive Plan. I would approve of the proposed amendments and the amendatory ordinance, as to form and content.

Very truly yours,

James W. Denhardt
City Attorney

cc: Michael Gustafson, City Manager
Diane M. Coma, MMC, City Clerk
Tom Shevlin, Asst. City Manager
Bob Bray, Community Planning Director

JWD/law



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CITY OF PINELLAS PARK, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
June 3, 2010

The meeting was called to order at 7:00 p.m. by William DeLong, Chairperson

ROLL CALL

PRESENT: William DeLong, Chairperson
Peggy Kunda
Patricia Karn
DJ Schladweiler
Louis Bommattei
Dennis Shelley
Raymond Long

ABSENT: None

STAFF PRESENT: Joe Aukstikalnis, Zoning Coordinator
Bonnie Myers, Building Development Technician
Martha O'Dell, Staff Assistant Zoning

INVOCATION: Louis Bommattei

APPROVAL OF MINUTES

MOTION was made by Ms. Kunda, and **SECONDED** by Ms. Karn to **APPROVE** the minutes of May 6, 2010.

THE MOTION PASSED UNANIMOUSLY

REGULAR AGENDA

Ms. Bonnie Myers: Swore everyone in wishing to speak on any request.

Due to lateness of applicant, first two cases done after three and four.

3. CASE NO: CPA 2010-01

REQUEST: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING ORDINANCE NO. 3658; AMENDING THE INTRODUCTION TO REFERENCE CREATION OF A TRANSPORTATION CON-CURRENCY EXCEPTION AREA (TCEA); AMENDING THE LAND USE ELEMENT TO PROVIDE FOR THE CREATION OF A TCEA AND THE EXEMPTION OF TRANSPORTATION

CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE TRANSPORTATION ELEMENT TO PROVIDE FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE INTER-GOVERNMENTAL ELEMENT TO PROVIDE FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT PROVIDING FOR THE EXEMPTION OF TRANSPORTATION CONCURRENCY FOR DEVELOPMENTS LOCATED WITHIN THE TCEA; AMENDING APPENDIX III TO ADD A MAP SHOWING THE TCEA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CERTIFICATION OF CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING OPENED

Mr. Bob Bray: 6051 78th Avenue, Community Planning Director for the City of Pinellas Park. Introduced the case.

QUESTIONS FOR STAFF

Ms. Kunda: What rules will there be and who will make them, as far as people can't just come in and do whatever they want?

Mr. Bob Bray: All the same development rules apply. If there's going to be driveway issues that's going to come through Joe and Dean and have to jump through the same hoops with the various other agencies who are responsible for the roadways. If there's water issues, it's still water, this only relieves businesses of the issue of building on a roadway that may be at a level of service questionable.

Ms. Kunda: Thank you.

Mr. Bob Bray: In addition to that we're working with the county to develop a program that would make the entire county a transportation concurrency exception area in removing these rules for the entire county at that time and we expect that to be in place in about a year.

Ms. Kunda: So it would basically be a case by case.

Mr. Bob Bray: Right now we're approaching a case by case, Tarpon Springs has a TCEA, we'd be the second TCEA in the county. St. Petersburg and Clearwater are looking at them right now. We know that we're working as a group to address it county wide. A few of us are trying to get a head start and get a jump on the rest and maybe get a few businesses in our area a little earlier.

Mr. DeLong: Is there a reason why we can't do the whole city?

Mr. Bob Bray: We will by that time. We did not want to jump out there and take over and do the whole city at this time and then kind of try to figure out how we're going to wedge ourselves into the over all county program. With this fashion we've identified the policy specifically for TCEA and there flexible enough to link them up with what we do in the future. It will mesh nicely as opposed to trying to fit a round peg in a small square hole.

PROPOSERS

None

OPPOSERS

None

PUBLIC HEARING CLOSED

MOTION

Motion was made by Ms. Kunda and seconded by Mr. Long to APPROVE Case No. CPA 2010-01.

ROLL CALL VOTE

Aye: Shelley, Long, Bommattei, Karn, Kunda, Schladweiler, DeLong
Nay: None

MOTION CARRIED UNANIMOUSLY

4. CASE NO: CPA 2010-02

REQUEST: AMENDING ORDINANCE NO. 3658; AMENDING THE INTRODUCTION; AMENDING THE FUTURE LAND USE ELEMENT TO PROVIDE FOR DELETION OF A POLICY; AMENDING THE TRANSPORTATION ELEMENT TO PROVIDE FOR RENUMBERING POLICIES; AMENDING THE POTABLE WATER ELEMENT TO PROVIDE FOR RENUMBERING A POLICY; AMENDING THE SOLID WASTE ELEMENT TO PROVIDE FOR RENUMBERING A POLICY; AMENDING THE PARK, RECREATION AND OPEN SPACE ELEMENT TO PROVIDE FOR RENUMBERING POLICIES; AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT TO PROVIDE FOR MODIFYING A POLICY REFERENCING FIGURES; AMENDING APPENDIX II PROVIDING FOR MODIFICATION OF TEMPORARY LODGING USE IN CERTAIN LAND USE PLAN CATEGORIES; AMENDING APPENDIX III TO PROVIDE FOR THE UPDATING OF FIGURES 14, 15, 16 AND 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR CERTIFICATION OF CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF

ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING OPENED

Mr. Bob Bray: 6051 78th Avenue, Community Planning Director for the City of Pinellas Park. Introduced the case.

QUESTIONS FOR STAFF

None

PROPONENTS

None

OPPONENTS

None

PUBLIC HEARING CLOSED

MOTION

Motion was made by Ms. Kunda and seconded by Mr. Long to APPROVE Case No. CPA 2010-02.

ROLL CALL VOTE

Aye: Schladweiler, Long, Kam, Shelley, Bommattei, Kunda, DeLong

Nay: None

MOTION CARRIED UNANIMOUSLY

1. CASE NO: LUPA 2010-02 (QUASI JUDICIAL)

REQUEST: Consideration of a request to amend the Comprehensive Land Use Plan Map from Residential Low Medium (RLM) to Institutional (I) or a land use designation of lesser intensity as identified in the City's adopted Comprehensive Plan.

LOCATION: The former Gator Lake Mobile Home Park and the undeveloped parcel to the south, located west of 8900 US Highway 19 North (Calvary Chapel)

QUASI JUDICIAL

Mr. DeLong: Joe, have all the legals been met?

Mr. Joe Aukstikalnis: Yes they have.

Mr. Joe Aukstikalnis: 6051 78th Avenue, Zoning Coordinator for the City of Pinellas Park. Introduced the case.

QUESTIONS FOR STAFF

Ms. Schladweiler: There's no construction or plans for paving?

Mr. Joe Aukstikalnis: A LUPA does not require any kind of site plan. The LUPA is necessary when you have parcels of land that exceed five acres and they are designated RLM and based on the use that they're going to propose on the property they do need to do the LUPA. Once the land use and the rezoning are in place the applicants will be required to bring a site plan forward for Council and approved prior to construction.

Ms. Schladweiler: Just according to the property owner no construction.

Mr. Joe Aukstikalnis: Yes, there's no plan submitted.

Ms. Schladweiler: Thank you.

Ms. Karn: Will the wetland still be protected?

Mr. Joe Aukstikalnis: Yes, it's a jurisdictional wetland so it does have to remain protected.

Ms. Karn: Thank you.

PUBLIC HEARING OPENED

PROPONENTS

Mr. Danny Hodges: 4263 Narvarez Way South, St. Petersburg, FL was sworn in. I'm the Pastor of Calvary Chapel and I'm sorry I'm late. The truth is I spent 10 minutes in your parking lot on a counseling call and I thought it was important enough to finish the call. I forget what the question was.

Mr. DeLong: We just ask if you'd like to give us a run down.

Mr. Danny Hodges: Our biggest need and the main reason we purchased that property is parking. I would never foreseen being the pastor of a large church and it continues to get larger and one of the main issues we've had is the parking. We run a shuttle across the street and have an agreement with the businesses across the street, a non written agreement that they let us park in certain spaces across the street. That's only a temporary agreement and we don't know exactly what we're going to do with the property. Parking is the primary thing. We have recently started a sports ministry at Youth Park, we have over 200 children in a soccer program there. We started it less then a year ago.

There's talk of maybe parking and some kind of ball field, something like that. We're not planning at this point buildings. I would just assume keep it simple as we can. Just solve the parking problem. Maybe put something there for the kids. We have a scheduled sit down with the Matt Campo I think is his name, an engineer to talk over the site plan. Obviously you guys will get those plans when we get that far.

Mr. Shelley: This 9.8 acres you're intending to put some sort of ball field or recreation field?

Mr. Hodges: I don't know that. That's just what's come up. That's not a definite thing, until we sit down with the leadership and the engineer, I think he's an engineer, but the primary thing we want is parking. The parking we want is primitive, something very simple, no paving.

Mr. Shelley: So you'd be leaving the majority of the trees and parking on the grass?

Mr. Hodges: Oh yes, absolutely. The majority of that land is wooded and wetlands anyway.

Mr. Shelley: Are you looking to having any kind of exit to the west?

Mr. Hodges: We would love to. I need someone smarter to tell me if we can do that. This is my first council meeting and I don't mean to sound ignorant, but I do have good people around me. I think that sounds great but I don't know if it's even possible. We haven't sat down in a formal way and discussed that.

Mr. Shelley: Thank you.

Mr. Hodges: Would that be beneficial to the city? I mean it would help with our traffic flow.

Ms. Schladweiler: That's probably what the concern would be for the council.

Mr. Shelley: Joe would be the person to answer that question.

Mr. DeLong: It would be difficult with the buildings that are around there. I'm sure all the residence over there aren't going to be thrilled about traffic coming out that way.

Mr. Hodges: We try to have good enough food after the services that people will hang out and everybody's not just rushing out to get to a restaurant, but some people do that anyway.

Mr. DeLong: We had a little strip mall that had an issue and I know the surrounding people will be rather vocal about it. Right now you have the traffic light and it works.

Mr. Hodges: I do my best to drive people away, I teach the Bible and yet they keep coming back I don't know what to do.

OPPONENTS

None

PUBLIC HEARING CLOSED

MOTION

Motion was made by Mr. Long and seconded by Ms. Karn to APPROVE Case No. LUPA 2010-02.

ROLL CALL VOTE

Aye: Schladweiler, Karn, Long, Kunda, Bommattei, Shelley, DeLong

Nay: None

MOTION CARRIED UNANIMOUSLY

2. CASE NO: Z 2010-01 (QUASI JUDICIAL)

REQUEST: Consideration of a request to amend the Comprehensive Land Use Plan Map from Residential Low Medium (RLM) to Institutional (I) or a land use designation of lesser intensity as identified in the City's adopted Comprehensive Plan.

LOCATION: The former Gator Lake Mobile Home Park and the undeveloped parcel to the south, located west of 8900 US Highway 19 North (Calvary Chapel)

QUASI JUDICIAL

Mr. DeLong: Joe, have all the legals been met?

Mr. Joe Aukstikalnis: Yes they have.

Mr. Joe Aukstikalnis: 6051 78th Avenue, Zoning Coordinator for the City of Pinellas Park. Introduced the case.

QUESTIONS FOR STAFF

None

PUBLIC HEARING OPENED

PROPOSERS

None

OPPONENTS

None

PUBLIC HEARING CLOSED

MOTION

Motion was made by Mr. Long and seconded by Ms. Kunda to APPROVE Case No. Z 2010-01.

ROLL CALL VOTE

Aye: Shelley, Bommattei, Karn, Kunda, Long, Schladweiler, DeLong
Nay: None

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

Ms. Karn: May I make a request of staff? Would you please put these names in alphabetical order?

Mr. Aukstikalnis: On the roll call?

Ms. Karn: Yes.

Mr. Aukstikalnis: I can't really put them all in alphabetical order because Bill DeLong always goes first as chairperson. It won't be 100% alphabetical.

Ms. Karn: I can go for 99%.

Mr. Aukstikalnis: We can actually ask the new staff assistant, Martha O'Dell to do it. Just to make it official, Martha O'Dell has come to us from the accounting division and will be the new staff assistant for zoning and this will be Bonnie's last ride here. Oh, and no meeting next month, just in case something pops up like last month I will send out an e-mail.

GENERAL BUSINESS

None

ADJOURNMENT

MOTION was made by Ms. Kunda and **SECONDED** by Mr. DeLong to **ADJOURN** the meeting.

Meeting adjourned at approximately 7:38 p.m.

William DeLong, CHAIRPERSON