

BOARD OF COUNTY COMMISSIONERS

DATE: February 26, 2013
AGENDA ITEM NO. 2/a.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Zoning Case No. (Q) Z-1-1-13 (Planning Director)

Department:

Strategic Planning and Initiatives

Staff Member Responsible

Larry Arrington, Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE ZONING REQUEST.

Summary Explanation/Background:

The subject properties have been used for both commercial and residential purposes over the years. The subject properties are designated as Commercial General on the Future Land Use Map (FLUM) and zoned R-4, Residential, One, Two or Three Family Residential, and as such, the zoning is not in conformance with the FLUM. The property owner is using two of the three properties in a commercial manner and intends to use the residentially-used lot for future commercial purposes in keeping with the Commercial General land use designation. The requested C-3 zoning district is compatible with the FLUM and with other properties located on the west side of Adams Avenue. The Board approved a similar request in 2000 to C-3 on the adjacent parcel to the south.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Zoning Maps, Resolution & Correspondence

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



Regarding: Case No. Z-1-1-13

LPA Recommendation: The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive, and recommends Approval of the request (The vote was 5-0, in favor)

LPA Public Hearing: January 10, 2013

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendment to the Zoning Atlas to be consistent with the Pinellas County Comprehensive Plan, based on the findings in this Report.

Staff further recommends that the LPA recommend to the Pinellas County Board of County Commissioners approval of the zoning amendment.

CASE SUMMARY

APPLICANT'S NAME: Planning Director
DISCLOSURE: Owner(s): Robert & Patricia Noell
REPRESENTED BY: N/A

	ZONING CHANGE
FROM:	R-4, One, Two & Three Family Residential
TO:	C-3, Commercial, Wholesale, Warehousing & Industrial Support

PROPERTY DESCRIPTION:

Three parcels containing approximately 0.78 acre located on the west side of Adams Avenue on the north side of Pinellas Street and 100 ft. south of Pinellas Street in the unincorporated area of Clearwater.

PARCEL ID(S): 22/29/15/62928/000/0180, 0160 & 0120

PROPOSED BCC HEARING DATE: February 26, 2013

CORRESPONDENCE RECEIVED TO DATE:

One letter received in opposition.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Commercial General	R-4	Vacant & Duplex
Adjacent Properties:			
North	Commercial General	R-4/C-3	Single Family Dwelling & Vacant
East	Residential Medium	Clearwater	Mobile Home Park
South	Commercial General	C-3	Single Family Dwelling
West	Commercial General	Clearwater	Body Shop, United States Postal Service

STAFF DISCUSSION AND ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USES

The subject properties have been owned by the same family since before to the adoption of the Pinellas County land development code (1963). Since 1963, the subject parcels have had both commercial and residential uses on them. In 1974, Pinellas County adopted its comprehensive land use plan and designated these lots as Commercial General even though the properties were zoned R-4, One, Two or Three Family Residential which allows single family or duplex/triplex development. At that time in 1974, large commercial uses were being developed in the area, such as Sears Town to the west of the subject area, and much smaller commercial uses, such as auto repair were being established on the fringe of this large retail development. In 2000, the C-3 zoning district was approved to allow commercial/warehousing on a parcel located on the west side of Adams Avenue, and as such, the recommended zoning change to C-3 will be consistent with previous Board of County Commissioners action and also with the adjacent uses on the west side of Adams Avenue, which are designated Commercial General.

SUMMARY

In summary, the recommended C-3 zoning is compatible with surrounding zoning patterns in the area defined as being between Adams Avenue and S. Lincoln Avenue and between Pinellas Street and Lakeview Avenue, where previous rezonings have occurred to bring various parcels into conformance with the Future Land Use Map designation of Commercial General. As the Performance Standards of the Pinellas County Land Development Code exist to protect adjacent and nearby properties from noise, pollution, visual and other aesthetic

distractions, and other similar undesirable effects, approval of this request should pose no adverse impacts to adjacent properties in the area.

<p style="text-align: center;">IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</p>
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Staff finds that the proposed amendment is consistent with the following adopted objective and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

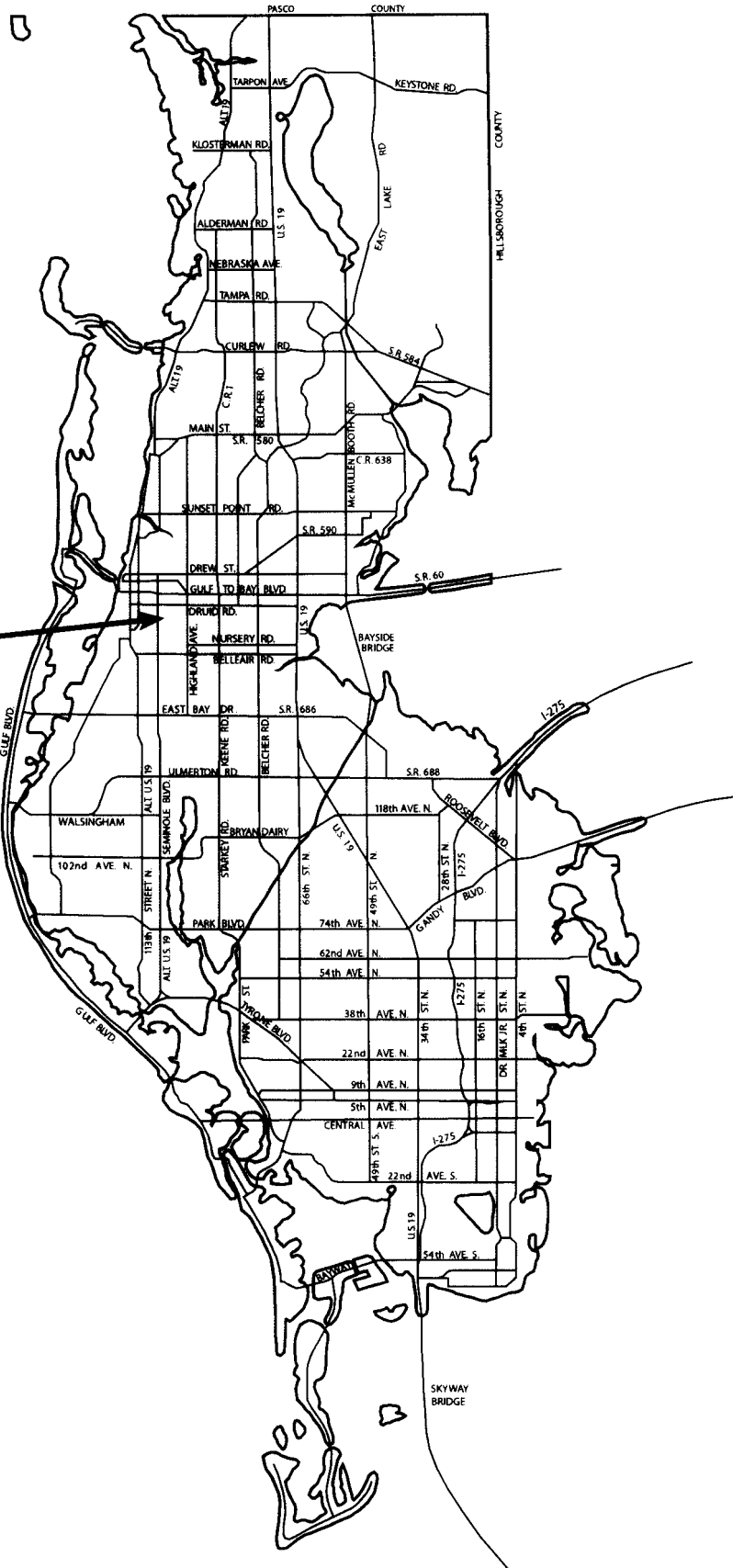
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|----------------|--|
| Objective 1.2 | Objective: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity. |
| Policy 1.2.3 | 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. |
| Objective 1.11 | Pinellas County shall implement its land use policies in a manner that clearly defines the future land use categories and the regulations pertaining to them that manage growth in Pinellas County. |
| Policy 1.11.2 | Zoning, signage, subdivision, and other existing County land development regulations that are discussed in any element of the <i>Pinellas County Comprehensive Plan</i> or have been approved by the Board of County Commissioners shall be consistent with the Plan and include additional regulations that are specified by and based upon the Plan. |

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-1-1-13

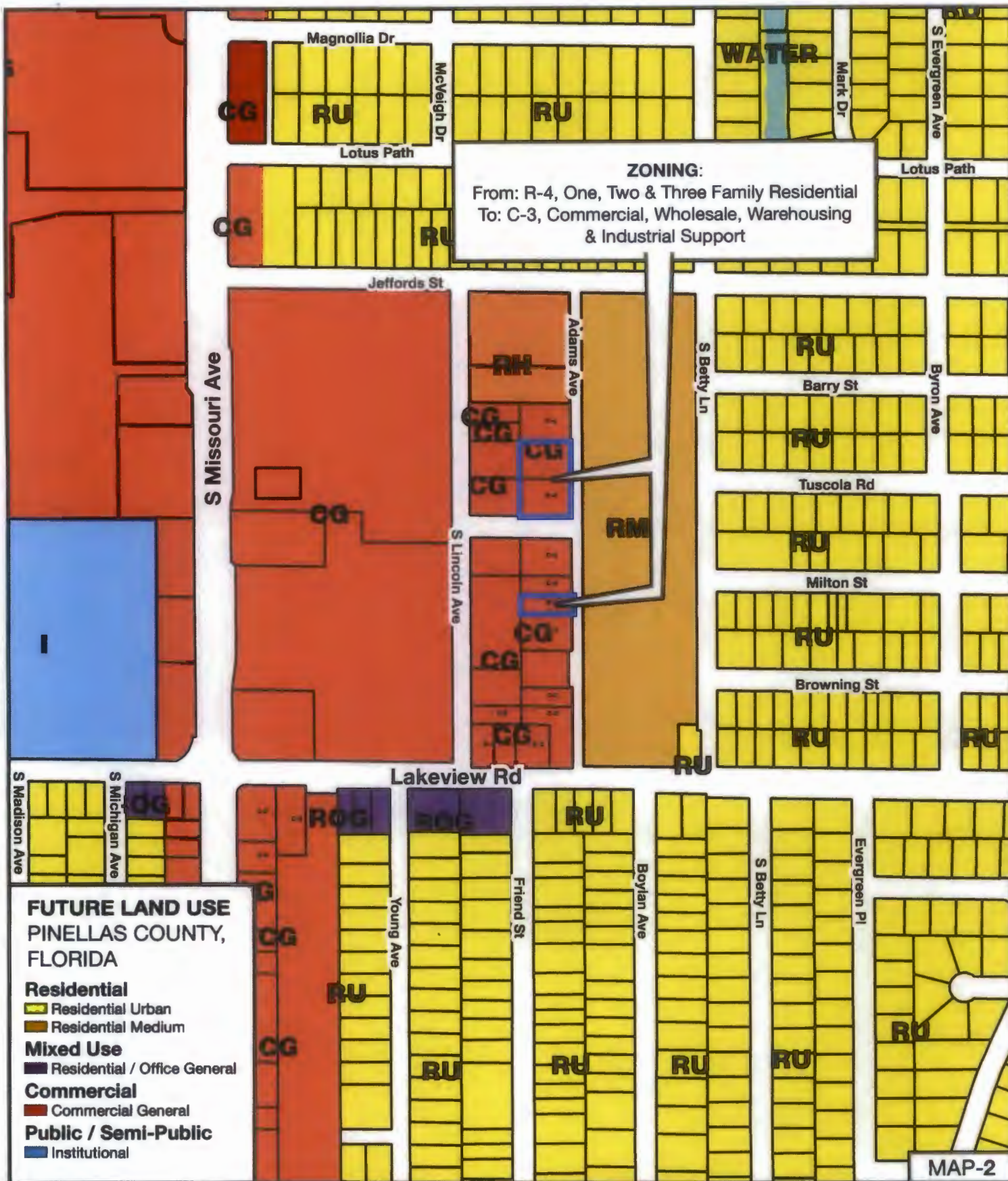
Zoning

From: R-4, One, Two & Three Family Residential
To: C-3, Commercial, Wholesale, Warehousing & Industrial Support

Parcel I.D. 22/29/15/62928/000/0180, 0160 & 0120

Prepared by: Pinellas County Strategic Planning & Initiatives November 2012





Z-1-1-13

Zoning From: R-4, One, Two & Three Family Residential
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Prepared by: Pinellas County Strategic Planning & Initiatives November 2012





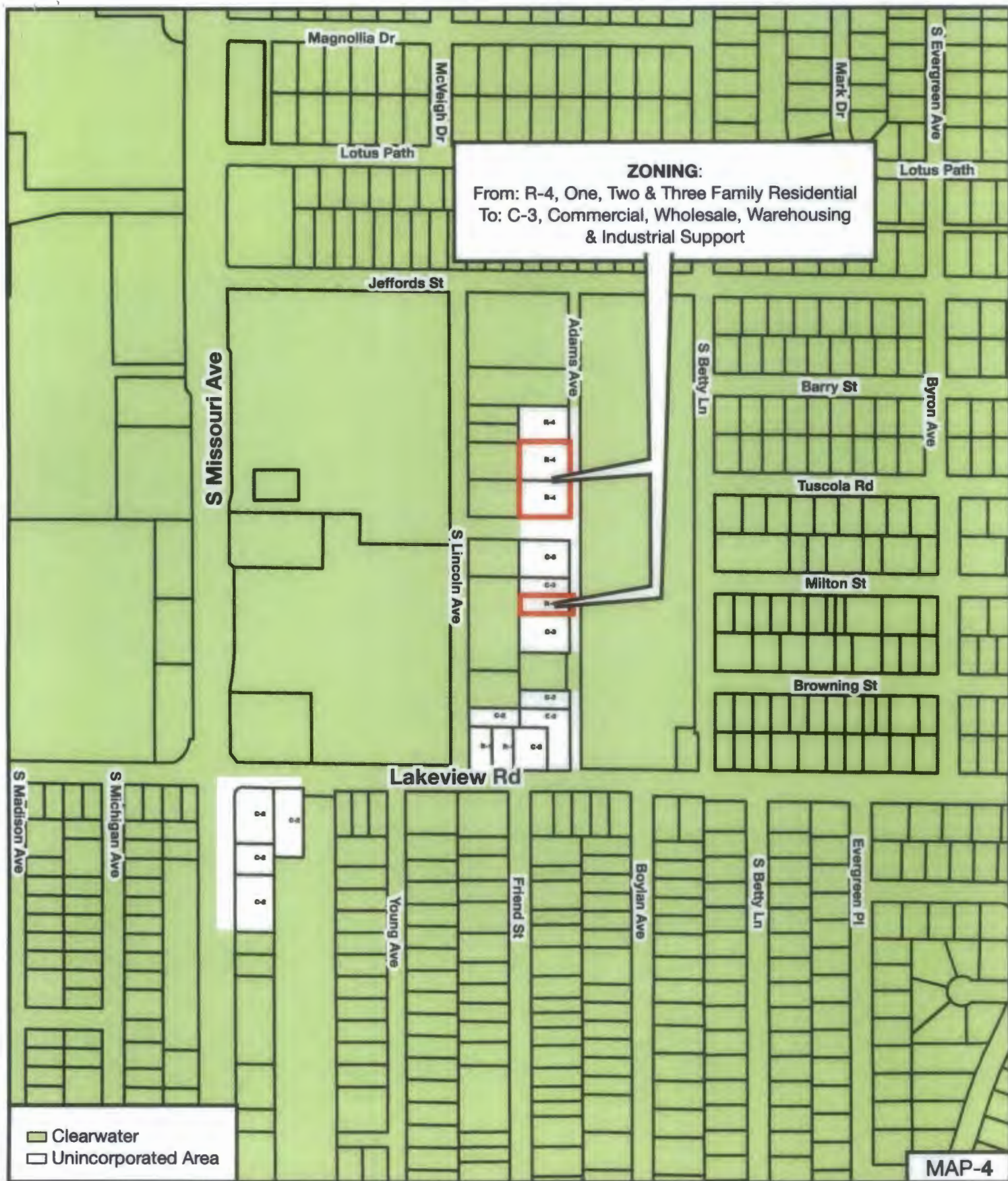
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Prepared by: Pinellas County Strategic Planning & Initiatives November 2012



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF THREE PARCELS CONTAINING APPROXIMATELY 0.78 ACRE LOCATED ON THE WEST SIDE OF ADAMS AVENUE ON THE NORTH SIDE OF PINELLAS STREET AND 100 FT. SOUTH OF PINELLAS STREET IN THE UNINCORPORATED AREA OF CLEARWATER; PAGE 187 OF THE ZONING ATLAS, AS BEING IN SECTION 22, TOWNSHIP 29, RANGE 15; FROM R-4, ONE, TWO & THREE FAMILY RESIDENTIAL TO C-3, COMMERCIAL, WHOLESALE, WAREHOUSING & INDUSTRIAL SUPPORT; UPON APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR, Z-1-1-13

WHEREAS, the Director of Pinellas County Strategic Planning & Initiatives Department has petitioned the Board of County Commissioners to change the zone classification of the real property hereinafter described from R-4, One, Two & Three Family Residential to C-3, Commercial, Wholesale, Warehousing & Industrial Support; 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 26th day of February 2013, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

See attached Exhibit "A"

be, and the same is hereby changed from R-4, One, Two & Three Family Residential to C-3, Commercial, Wholesale, Warehousing & Industrial Support.

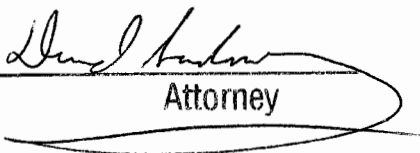
Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

Z-1-1-13

EXHIBIT "A"

Legal Description

Parcel 1:

Lots 16, 17, 18 and 19, Oakland Heights according to the public records of Pinellas County, Florida.

Parcel ID Number 22/29/15/62928/000/0160 (Lots 16 and 17)

Parcel ID Number 22/29/15/62928/000/0180 (Lots 18 and 19)

Parcel 2:

Lot 12, Oakland Heights, according to the map or plat thereof, as recorded in Plat Book 12, Page 38, of the Public Records of Pinellas County, Florida.

Parcel ID Number 22/29/15/62928/000/0120

Z-1-1-13

DATE: January 9, 2013

FROM: Aspen Investors, LLC
735 Arlington Ave. N, Suite 210
St. Petersburg, FL 33701

TO: Pinellas County Strategic Planning & Initiatives Department

RE: Zoning Parcel I.D. 22/29/15/62928/000/0180, 0160 & 0120

Zoning

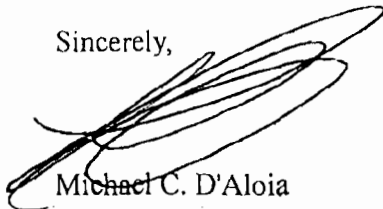
From: R-4, One, Two & Three Family Residential

To: C-3, Commercial, Wholesale, Warehousing & Industrial Support

I attempted to call the Pinellas County Strategic Planning & Initiatives Department today and the phone number on the document provided is invalid. When I did get through to Pinellas County, I attempted to leave a message; however, the staff continued to forward my call from Dept. to Dept. as they were unaware of the Pinellas County Strategic Planning & Initiatives Department.

I am submitting my objection to the rezoning of this parcel from residential to commercial because it will adversely effect an Aspen Investor, LLC property on the adjacent street, in regards to the hearing taking place at 9:00 a.m. Thursday January 10, 2013.

Sincerely,



Michael C. D'Aloia