



BOARD OF COUNTY COMMISSIONERS

DATE: June 18, 2013

AGENDA ITEM NO. 256.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Zoning and Land Use Case No. (Q) Z/LU-12-5-13 (Ed Fontaine)

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 AND THE REQUEST TO AMEND THE FUTURE LAND USE MAP.

Summary Explanation/Background:

This is a request for both a zone change and a Future Land Use Map amendment to go from P-1/R/OG to C-2/ CG. The site was originally zoned C-2 in 1963. In 2010, the owner rezoned the site to match the Future Land Use Map designation of R/OG. The current owner desires the C-2 zoning and CG land use designation in order to be able to market the site for commercial use. The 66th Street corridor has both office and commercial uses in the vicinity of the subject site; therefore, staff is of the opinion that the request is compatible with the other non-residential properties along the corridor and in the area.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Zoning Maps, Resolution and Ordinance

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



Regarding: Case No. Z/LU-12-5-13

LPA Recommendation: The LPA finds that the proposed amendment to the Pinellas County Future Land Use Map and Zoning Atlas are consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the request. (The vote was 6-0, in favor).

LPA Public Hearing: May 8, 2013

PLANNING STAFF RECOMMENDATION:

- Staff recommends that the LPA find that the proposed amendments to the Pinellas County Future Land Use Map and Zoning Atlas are consistent with the Pinellas County Comprehensive Plan based on the findings in this Report.
- And further, that the LPA recommend approval of the proposed amendments to the Pinellas County Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Ed Fontaine

DISCLOSURE: N/A

REPRESENTED BY: Phyllis Friedrich

	LAND USE CHANGE	ZONING CHANGE
FROM:	Residential/Office General	P-1, General Professional Office
TO:	Commercial General	C-2, General Retail Commercial and Limited Services

PROPERTY DESCRIPTION: The subject property is approximately 0.86 acres in size and is located on the eastern side of 66th Street North approximately 120 feet north of 51st Terrace North, in the unincorporated area of St. Petersburg (street address being 5201 66th Street North, St. Petersburg).

PARCEL ID(S): 05/31/16/70002/200/0806

PROPOSED BCC HEARING DATE: June 18, 2013

CORRESPONDENCE RECEIVED TO DATE:

No Correspondence received.

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:	Residential/Office General	P-1	Former St. Pete Times Distributing Facility
Adjacent Properties:			
North	Residential/Office General	C-2	Office Complex
East	Residential Medium	RM-15	Tanglewood Apartments
South	Residential/Office General	RM-15	Tanglewood Apartments
West	Commercial General	C-2	Strip retail commercial

STAFF DISCUSSION AND ANALYSIS

BACKGROUND

The subject site is currently designated as *Residential/Office General (R/OG)* on the Future Land Use Map (FLUM) with *P-1, General Professional Office* zoning. The subject site is 0.86 acres in size and is developed with an vacant 1,500 square foot one-story masonry building, which was previously used as a St. Pete Times distribution facility.

Prior to 2010, while the subject site was designated as *R/OG* on the FLUM (intended primarily for office-type uses), it had an underlying *C-2, General Retail Commercial and Limited Services* zoning district. The owner at that time applied for, and received, a change in zoning (case Z-2-7-10) to *P-1* which corrected the inconsistency between the FLUM and the zoning, and allowed the property to be marketed for office uses. With no buyers, that owner initiated an amendment to change the site back to *C-2* zoning, and requested a land use change to *Commercial General* so that the subject site could be marketed for commercial use.

The subject site subsequently sold and the new owner is hoping to complete the amendment process by requesting a land use amendment **from *Residential/Office General (R/OG)* to *Commercial General (CG)*** and an amendment to the Zoning Atlas Map **from *P-1, General Professional Office* to *C-2, General Retail Commercial and Limited Services***, in order to use the subject site for a commercial use.

COMPATIBILITY WITH SURROUNDING LAND USES

To the north of the subject site, the area is designated *R/OG* on the FLUM with *C-2* zoning and is developed with a medical office complex. To the west of the subject site across (66th Street North), is a retail commercial use, designated on the FLUM as *CG* with *C-2* zoning. Immediately south of the subject site are two apartment buildings located on a property designated *R/OG* on the FLUM, with *RM-15* zoning. It serves as the entrance to the Tanglewood Apartment complex, a portion of which is also located immediately east of the subject site and designated *Residential Medium* on the FLUM.

When looking at the larger 66th Street corridor, this area is relatively unique in being a “small pocket” of *R/OG* along a predominantly commercial corridor with predominantly *CG* land use designations. In fact, the *R/OG* properties to the north and south actually have a commercial (*C-2*) zoning rather than the *P-1* office designation found on the subject site. While there are some office uses along this portion

of 66th Street, the overall block (from 54th Avenue North to 49th Avenue North) is comprised for the most part of various commercial uses.

Therefore, when taking into consideration the commercial make-up the 66th Street corridor, nearby uses and the FLUM and zoning designations, staff finds the proposed CG land use designation and C-2 zoning to be compatible with the surrounding area. Furthermore, application of the CG designation is appropriate given the subject site's frontage along a major arterial roadway according to the purpose and locational characteristics for the CG land use designation (as identified in the *"Future Land Use Category Descriptions and Rules"* of the Pinellas County Comprehensive Plan) which require "good access to major transportation facilities," and development that can "provide community and countywide commercial goods and services".

With regard to the adjacent apartment complex which is located to the east and south of the subject site, the applicant will be required, during the site plan review process, to meet all residential buffer requirements and to install a 6 foot opaque fence along the perimeter.

TRANSPORTATION IMPACTS AND CONCURRENCY

When comparing the current development potential of the subject site with the potential uses associated with the proposed CG FLUM designation, the CG category could generate approximately 383 additional average daily trips on the section of 66th Avenue North, from 54th Avenue North to 38th Avenue North. This facility is currently operating at peak hour level of service (LOS) B, with a volume to capacity V/C ratio of 0.69. These additional average daily trips are not expected to adversely impact the operational characteristics of 66th Street North and/or the surrounding traffic circulation system.

OTHER INFRASTRUCTURE IMPACTS

The subject site is located within the City of St. Petersburg's Water Demand Planning Area and Pinellas County's South Cross Bayou Wastewater Service Area. Amending the subject site from R/OG to CG could decrease potable water and wastewater demand by approximately 843 gallons per day, respectively. With respect to solid waste disposal, approval of the amendment could increase the amount of solid waste generated by approximately 26.36 tons per year.

SUMMARY

Staff finds that, based on the overall commercial character of the 66th Street corridor, the nearby uses (and zoning and FLUM designations), and with the requirement to provide a buffer between the commercial site and the apartments to the south and east, that the proposed amendments are appropriate at this location and are consistent with the purpose and locational characteristics for the CG land use designation and the C-2 zoning district.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

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

FUTURE LAND USE ELEMENT:

Goal 1: The pattern of land use in Pinellas County shall be orderly and reasonable in distribution and intensity, conserve natural resources, be in the overall public interest, and effectively serve the community and environmental needs of the population.

- 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.
- 1.2.4. Policy: Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods.
- 1.12. Objective: Pinellas County shall promote the location of community or neighborhood commercial development within centers in order to achieve optimal land use relationships, avoid commercial intrusion and impacts into established neighborhoods, achieve compatibility with traffic movement objectives, minimize air pollution, and serve the immediate retail shopping needs of limited or defined geographic areas.
- 1.12.1. Policy: Pinellas County shall restrict the proliferation of strip commercial development in areas where it has not yet become established as the predominant commercial land use pattern.
- 1.12.2. Policy: Pinellas County shall permit commercial development in a manner that will maintain the economic vitality of recognized and established commercial areas.
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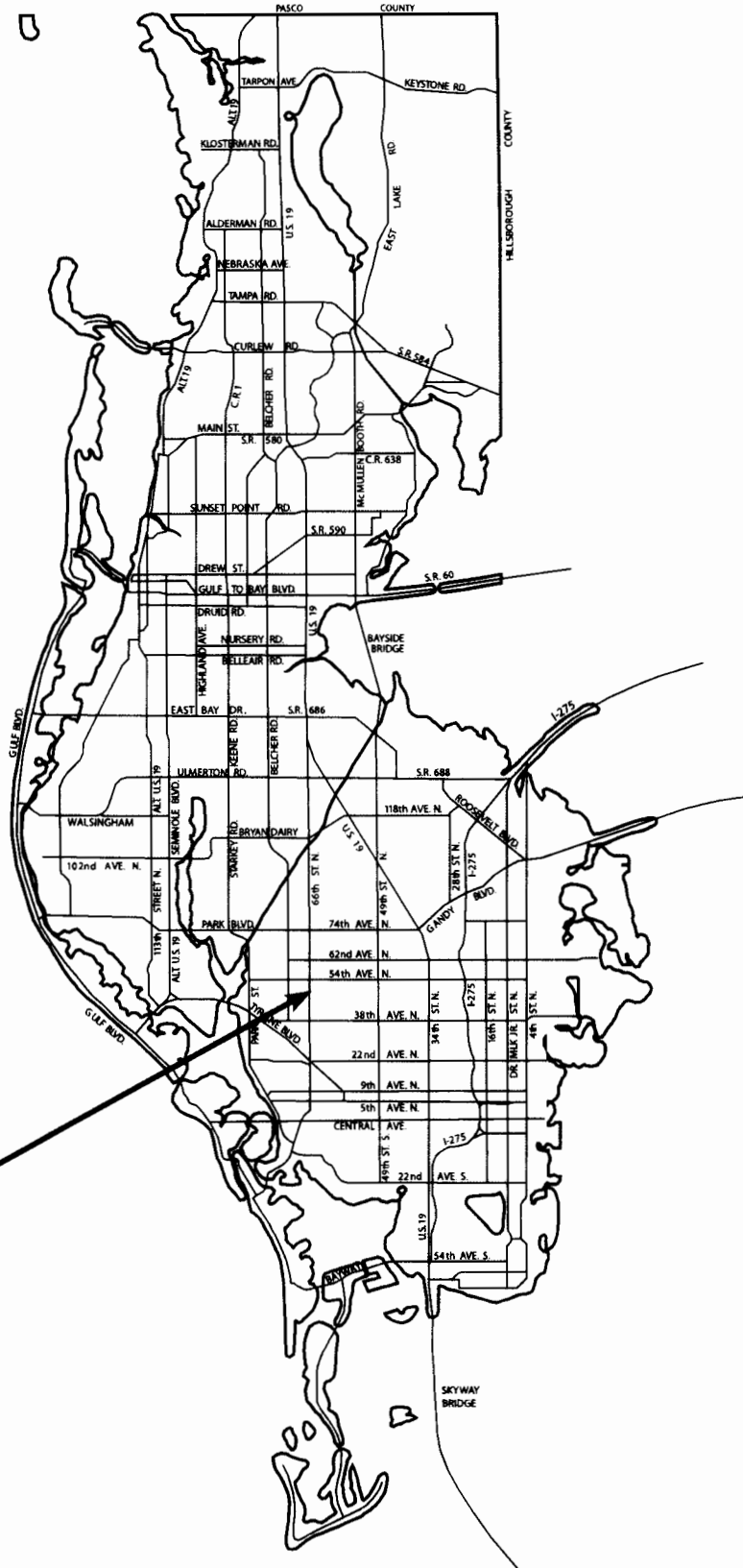
COUNTY DEVELOPMENT REGULATIONS

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

Z/LU-12-5-13



MAP-1

Z/LU-12-5-13

Zoning

From: P-I, General Professional Office

To: C-2, General Retail Commercial & Limited Services

Land Use

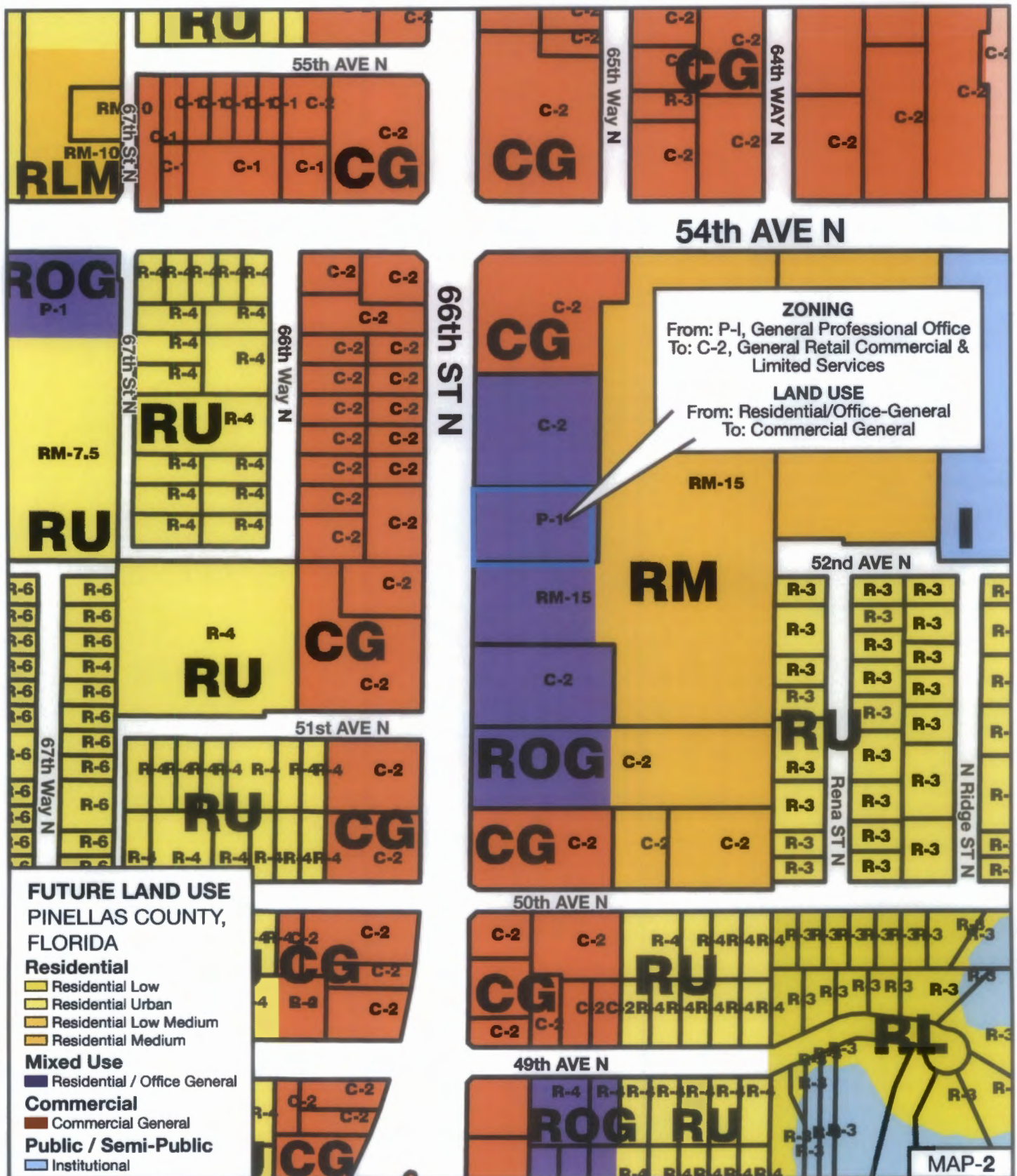
From: Residential/Office-General

To: Commercial General



Parcel I.D. 05/31/16/70002/200/0806

Prepared by: Pinellas County Strategic Planning & Initiatives March 2013



Z/LU-12-5-13

Zoning From: P-1, General Professional Office
To: C-2, General Retail Commercial & Limited Services

Land Use From: Residential/Office-General
To: Commercial General



Parcel I.D. 05/31/16/70002/200/0806
Prepared by: Pinellas County Strategic Planning & Initiatives March 2013



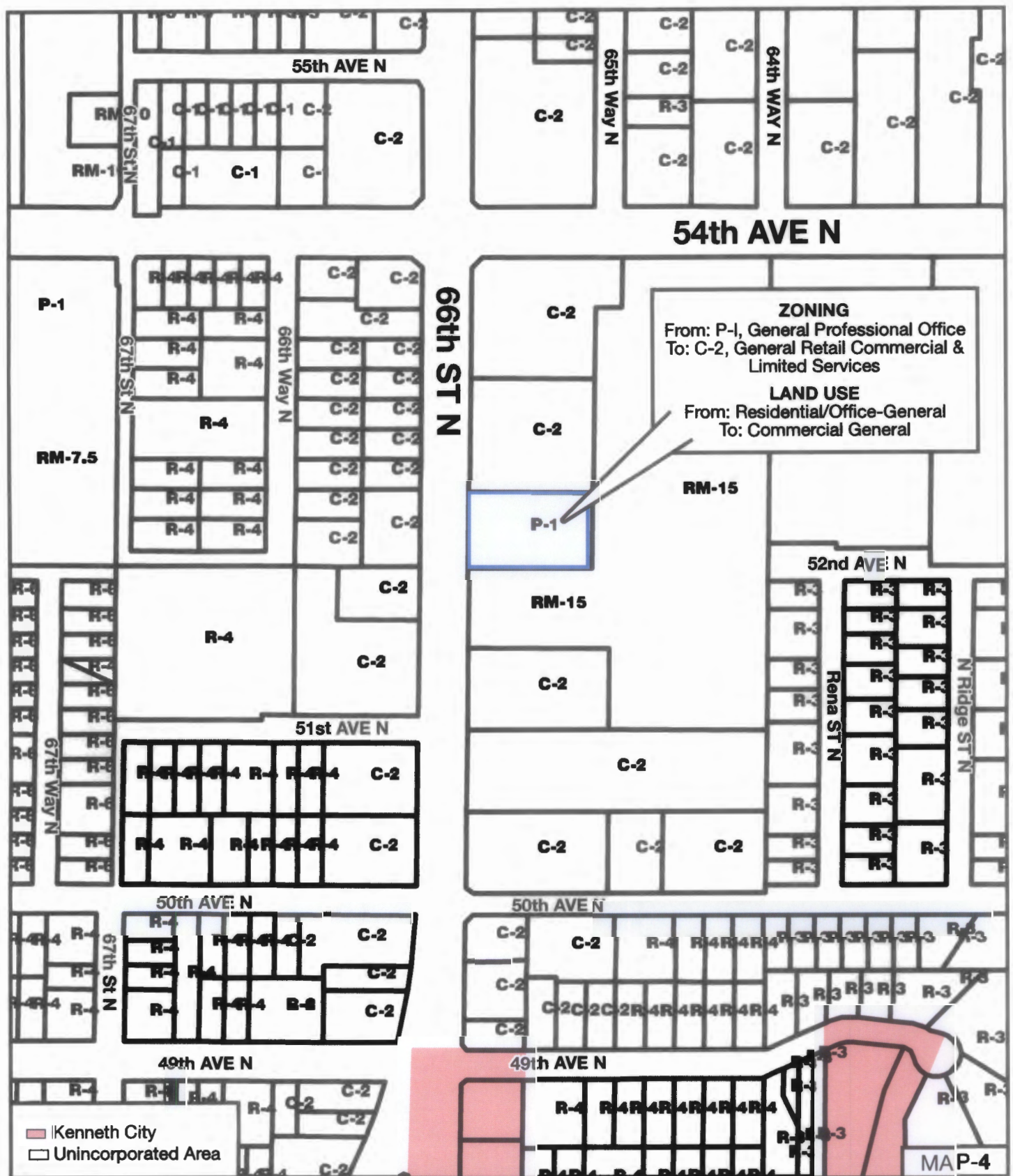
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Prepared by: Pinellas County Strategic Planning & Initiatives March 2013



Z/LU-12-5-13

Zoning From: P-1, General Professional Office
To: C-2, General Retail Commercial & Limited Services

Land Use From: Residential/Office-General
To: Commercial General

Parcel I.D. 05/31/16/70002/200/0806
Prepared by: Pinellas County Strategic Planning & Initiatives March 2013



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 0.86 ACRE LOCATED ON THE EASTERN SIDE OF 66TH STREET NORTH, 120 FT. NORTH OF 51ST TERRACE NORTH, IN THE UNINCORPORATED AREA OF ST. PETERSBURG (STREET ADDRESS BEING: 5201 66TH STREET NORTH; PAGE 797 OF THE ZONING ATLAS, AS BEING IN SECTION 05, TOWNSHIP 31, RANGE 16; FROM P-1, GENERAL PROFESSIONAL OFFICE TO C-2, GENERAL RETAIL COMMERCIAL & LIMITED SERVICES; UPON APPLICATION OF ED FONTAINE THROUGH PHYLLIS FRIEDRICH, REPRESENTATIVE, Z/LU-12-5-13

WHEREAS, Ed Fontaine, Owner(s) 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 P-1, General Professional Office to C-2, General Retail Commercial & Limited Services; 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 18th day of June 2013 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

SOUTH 150 FEET OF FARM 8, PINELLAS FARMS, LESS THE EAST 353.33 FEET THEREOF, IN THE NORTHWEST ¼ OF SECTION 5, TOWNSHIP 31S, RANGE 16E, AS RECORDED IN PLAT BOOK 7, PAGES 4 AND 5, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 693 (66TH STREET N)

be, and the same is hereby changed from P-1, General Professional Office to C-2, General Retail Commercial & Limited Services, subject to an amendment to the Pinellas County Future Land Use Map from Residential/Office General to Commercial General, Z/LU-12-5-13.


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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 0.86 ACRE LOCATED ON THE EAST SIDE OF 66TH STREET NORTH ON THE NORTH SIDE OF 51ST TERRACE NORTH, IN THE UNINCORPORATED AREA OF ST. PETERSBURG (STREET ADDRESS BEING: 5201 66TH STREET NORTH) LOCATED IN SECTION 05, TOWNSHIP 31, RANGE 16, FROM Residential/Office General 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

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

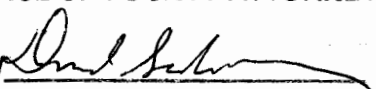
WHEREAS, the comments and recommendation of the Local Planning Agency have been received and considered; and

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 18th of June 2013 that:

- Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 0.86 acre located on the east side of 66th Street North on the north side of 51st Terrace North, in the unincorporated area of St. Petersburg (Street address being: 5201 66th Street North). Referenced as Case Z/LU-12-5-13, and owned by Ed Fontaine, from: Residential/Office General to: Commercial General. Legal description – SOUTH 150 FEET OF FARM 8, PINELLAS FARMS, LESS THE EAST 353.33 FEET THEREOF, IN THE NORTHWEST ¼ OF SECTION 5, TOWNSHIP 31S, RANGE 16E, AS RECORDED IN PLAT BOOK 7, PAGES 4 AND 5, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 693 (66TH STREET N)
- Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from: Residential/Office General to: Commercial General 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 88-464, Laws of Florida, as amended.
 - 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
OFFICE OF COUNTY ATTORNEY

By 
Attorney