

BOARD OF COUNTY COMMISSIONERS

DATE: March 18, 2014
AGENDA ITEM NO. 6a.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature 

Subject:

Zoning and Land Use Case No. (Q) Z/LU-21-9-13 (Joe's Creek Industrial Park, Ltd)

Department:

Department of Planning and Development Services

Staff Member Responsible:

Larry Arrington, Executive Director 

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) DENY THE ZONING AND LAND USE REQUEST.

Summary Explanation/Background:

This is a zone change request from M-1, Light Manufacturing and Industry District to C-2, Commercial Retail and Limited Services District and a land use plan amendment from Industrial Limited to Commercial General. The applicant attempted to acquire a non-conforming use determination on this site as the property was formerly used as a gas station. The property, however, has been void of a commercial building and use for at least 8 to 10 years and, as such, did not meet the criteria for a non-conforming use of land. The request is to reinstate the use of the property to a commercial use. Staff and the Local Planning Agency evaluated the application based, in part, on an analysis using criteria in the Comprehensive Plan for reviewing an amendment that would remove industrially-designated lands from the Future Land Use Map. Based on this evaluation, staff cannot support the request as it is staff's opinion that a precedent for further request's for commercial zoning and land use will arise and further encroach into the established Joe's Creek Industrial Park, which is designated as Industrial Limited on the Future Land Use Map and bounded by US 19 to the west and 28th Street North to the east. The site's M-1 zoning district allows for such uses as business services, professional offices, warehousing, wholesale distribution and light industrial uses.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

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

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



Regarding: Case No. Z/LU-21-9-13 (REVISED)

LPA Recommendation: A motion to recommend approval of the proposed amendments did not pass (vote 3-3). There is, therefore, no recommendation from the LPA on this case.

LPA Public Hearing: February 13, 2014

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendments to the Future Land Use Map and Zoning Atlas to be INCONSISTENT with the Pinellas County Comprehensive Plan, based on the findings in this Report; and

Further, Staff recommends that the LPA recommend DENIAL of the amendments to the Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Joe's Creek Industrial Park, Ltd.
c/o David Kramer

REPRESENTATIVE: N/A

DISCLOSURE: Jeff, Jerome, Greg, Julia & John Fleeman

REPRESENTED BY: N/A

	LAND USE CHANGE	ZONING CHANGE
FROM:	Industrial Limited	M-1, Light Manufacturing & Industry
TO:	Commercial General	C-2, General Retail Commercial & Limited Services

PROPERTY DESCRIPTION:

One parcel containing approximately 0.46 acre at the northwest corner of 28th Street North & 46th Avenue North in the unincorporated Lealman area.

PARCEL ID(S): 02/31/16/44100/000/0012

PROPOSED BCC HEARING DATE: March 18, 2014

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:	Industrial Limited	M-1	Vacant Parcel
Adjacent Properties:			
North	Industrial Limited	M-1	Two buildings
East	Commercial General	C-2 & C-3	Car rental, Bar, Warehouse
South	Industrial Limited	M-1	General Contractor
West	Industrial Limited	M-1	Warehouse

STAFF DISCUSSION AND ANALYSIS**BACKGROUND**

The original application (Z/LU-21-9-13) has been revised since the LPA hearing on September 12, 2013 to remove the two northern parcels of the three parcels originally requested for amendment. The revised application, therefore, requests that the zoning on the southernmost parcel containing 0.46 acre be amended from M-1, Light Manufacturing & Industry to C-2, General Retail Commercial and Limited Services and that the Future Land Use Map (FLUM) for this parcel be amended from Industrial Limited to Commercial General. (See attached maps showing the revised subject area.) The applicant acquired a verified non-conforming commercial use status on the northern two lots of the original application, and has withdrawn these two parcels from the proposed amendment request. The most southerly parcel of the original application, however, is vacant and did not receive a non-conforming use determination through the County's non-conforming use provisions within the Zoning Code. As a result, the applicant desires to move forward with the original request for zoning and land use amendments on this southernmost parcel.

In its review of the revised application, staff concluded that the analysis conducted for the original application containing 1.38 acres contained in the September 2013 County staff report is still generally applicable. The analysis in the September 2013 report has been modified based on the revision to the original application, and that modified analysis is provided below.

COMPATIBILITY WITH SURROUNDING LAND USES

To the east of the subject site, on the east side of 28th Street North, is a used car lot, an automobile repair shop and a bar designated on the FLUM as CG with C-2 and C-3 zoning. Immediately south of the subject site, south of 46th Avenue North, is an air quality contractor's office designated IL on the FLUM with M-1 zoning. To the west of the subject site are warehouses with industrial uses, designated IL on the FLUM with M-1 zoning. As noted above, to the north of the subject site are two buildings that have received verified non-conforming commercial use determinations from County staff.

The subject parcel is located on the eastern perimeter of the Joe's Creek Industrial Park along 28th Street North, forming a clear boundary between areas historically used for commercial purposes on the east side of the street, and those intended to function as part of the Industrial Park on the west side of the street. The Industrial Park represents a large intact employment area proximate to residential and commercial uses.

Staff believes that amending the subject parcel to introduce the Commercial General land use designation within the Industrial Park is not consistent with the Industrial Limited land use designations comprising the Joe's Creek Industrial Park, and in fact, commercial opportunities already exist along the *east side* of 28th Street North, which are able to provide services for the nearby industrial park. While non-conforming commercial activity has been verified by County staff for the two parcels immediately north of the subject site, these two properties are designated as Industrial Limited on the FLUM.

COMPATIBILITY WITH ECONOMIC DEVELOPMENT GOALS AND POLICIES

According to the Economic Element of the Comprehensive Plan, "because of the scarcity of vacant developable acreage, the preservation of existing industrial land uses is crucial." The Economic Development Department considers areas that have a concentration of industrially-designated properties, and good access to transportation facilities as prime areas for the location of target industries. According to the Comprehensive Plan, these areas should be a priority for protection from conversion to other uses, and particularly from the pressure to convert to retail/commercial uses that are less contributory to the County's wage and employment goals. Accordingly, the Board of County Commissioners adopted a resolution regarding the protection of industrially-designated lands in 2006, followed by amendments to the Comprehensive Plan intended to provide guidance regarding conversion of industrial land use designations to other FLUM categories. Specifically, Policy 1.2.1 of the Economic Element requires several criteria to be considered when reviewing an amendment that would remove industrially-designated lands from the FLUM. An analysis of the proposed amendment against these policy directives is provided below:

- **Site Characteristics (the size, configuration and physical characteristics of the site, including potential for expansion or consolidation with adjoining properties) -** the subject parcel proposed for amendment is located within a large area similarly designated with the Industrial Limited land use designation. There is also potential for consolidation of this parcel with other similarly designated parcels in the Industrial Park.
- **Locational Characteristics (relationship to adjoining similarly-classified property, compatibility with adjoining and nearby uses/plan classifications etc.) -** as already noted, the subject parcel is located within the Joe's Creek Industrial Park, which is designated as Industrial Limited on the FLUM. The area provides employment opportunities for the nearby residential development (in both east and central Lealman).
- **Transportation and Infrastructure Features (relationship to arterial and major highways, public transit, airport and rail access as well as other infrastructure) -** the area has excellent access to a collector roadway (28th Street North) and the Interstate system (I-275), as well as immediate secondary access to a State Principal Arterial roadway (34th Street North). This is ideal for the transport of goods to and from the industrial area. Utilities are readily available, although there are ongoing storm water treatment needs in the Lealman area.
- **Unique Features (whether the property is now, or is proposed to be, used for unique and high-priority functions such as ...transit-oriented uses) -** although the northern portion of the Joe's Creek Industrial Park is near the light rail station that is proposed for the Lealman area in the Pinellas Alternatives Analysis; it is located outside the general area around the proposed station location where transit orientated development would be expected to occur.
- **Contribution to the Economy (the number and type of jobs, and corresponding wage scale(s), to be provided within the proposed plan designations as compared to the existing designations) -** industrial land uses typically support higher wage jobs than the retail and service employment typically associated with commercial development that would result from approval of the proposed amendment.

- **Redevelopment Plans (whether the property is included as part of a special area plan that has evaluated and addressed the effect on the number and type of jobs and wage scale of persons to be employed in the redevelopment area proposed to be reclassified)** – while a specific redevelopment plan has not been developed for the Industrial Park, the Lealman Revitalization Plan (approved by the Board in 2001) recognized the economic contribution and potential value of the Joe's Creek Industrial Park to the Lealman area. Additionally, Lealman is one of the areas recently identified as a target area through the "Healthy Communities" initiative, and is a current focal area for economic and community revitalization efforts by Pinellas County and other agencies.

Based on the analysis using the above Comprehensive Plan criteria, staff finds that the loss of industrial land at this location could have a negative impact on the redevelopment potential of the Joe's Creek Industrial Park, and it could set a precedent for future conversions that further erode this intact industrial area. Even though small in size, the subject parcel is considered to be a cohesive part of a major consolidated industrial area that provides for a variety of employment opportunities within approximately 1,600,000 square feet of industrial space in the Lealman area. Any changes in this industrial area would most appropriately be considered as part of a comprehensive redevelopment effort that considers the ability of this industrial area to help achieve the employment goals in the Comprehensive Plan.

TRANSPORTATION IMPACTS AND CONCURRENCY

Approval of the proposed FLUM amendment has the potential to generate approximately 261 additional vehicle trips per day on the adjacent segment of 28th Street North, which is operating at a level of service (LOS) B. These additional trips are not expected to degrade the level of service conditions or operational characteristics of 28th 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: *Industrial Limited* to: *Commercial General* is not projected to have a significant impact on potable water supplies and the wastewater treatment system. With respect to solid waste disposal, approval of the amendment could *increase* the amount of solid waste generated on the site.

SUMMARY

Staff does not support the proposed land use and zoning change for the reasons described above in this staff report, and believes that maintaining the integrity of the Joes Creek Industrial Park boundary (by preserving existing Industrial Limited land use designations) is critical to economic revitalization and urban regeneration goals.

<p style="text-align: center;">IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</p>
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Staff finds that the proposed amendment is **inconsistent** with the following adopted goal, objectives, 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.
- 1.12.1. 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.
- 1.14. Objective: Pinellas County will encourage a land use pattern that provides opportunities for employment in proximity to housing and that more effectively balances the number of jobs with the number of housing units within different areas of the County.

ECONOMIC ELEMENT

GOAL ONE: TO FACILITATE A STRONG AND ROBUST LOCAL ECONOMY THAT PROVIDES GROWTH OPPORTUNITIES FOR EXISTING BUSINESSES, ATTRACTS NEW HIGH-WAGE PRIMARY EMPLOYERS AND PROMOTES A DIVERSE RANGE OF INDUSTRIES THROUGH INNOVATIVE, SUSTAINABLE METHODS THAT, IN A RESPONSIBLE MANNER, ENHANCE THE COUNTY'S VITALITY AND THE QUALITY OF LIFE FOR RESIDENTS AND VISITORS.

- 1.2. Objective: To provide quality siting opportunities for primary employers by maintaining and enhancing industrial lands within Pinellas County.
- 1.2.1. Policy: The following criteria guide the location of industrial uses, as applicable, and will be used to evaluate conversion of industrially-designated lands to other uses:
- **Site Characteristics:** the size, configuration and physical characteristics of the site, including potential for expansion or consolidation with adjoining properties, in relationship to its potential utility to support employment opportunities.
 - **Locational Characteristics:** the location of the property in relationship to adjoining similarly-classified property, its compatibility with adjoining and nearby uses and plan classifications that would be similar to or serve the site, and any adjoining residential or incompatible use or plan category.

- **Transportation and Infrastructure Features:** the location of the property in relationship to arterial and major highway, public transit, airport and rail access as well as other infrastructure and service facilities, including water, sewer, stormwater and parking and their respective capacities.
- **Unique Features:** whether the property is now, or is proposed to be, used for unique and high-priority functions such as water-dependent, working waterfront, and transit-oriented uses.
- **Contribution to the Economy:** the number and type of jobs, and corresponding wage scale(s), to be provided within the proposed plan designations as compared to those now provided, or potentially available, within the existing plan category.
- **Redevelopment Plans:** whether the property is included as part of a special area plan that has evaluated and addressed the effect on the number and type of jobs and wage scale of persons to be employed in the redevelopment area proposed to be reclassified;
- **Related Comprehensive Plan Policies:** whether the amendment furthers key policies of the comprehensive planning process, consistent with the County's Comprehensive Plan, in order to enhance the manufacturing, high-tech and targeted industry employment base.

1.8.8. Policy: Pinellas County will remain committed to the economic viability of its unincorporated areas, and will develop specific strategies for each of these areas based on collected data, citizen input and community need.

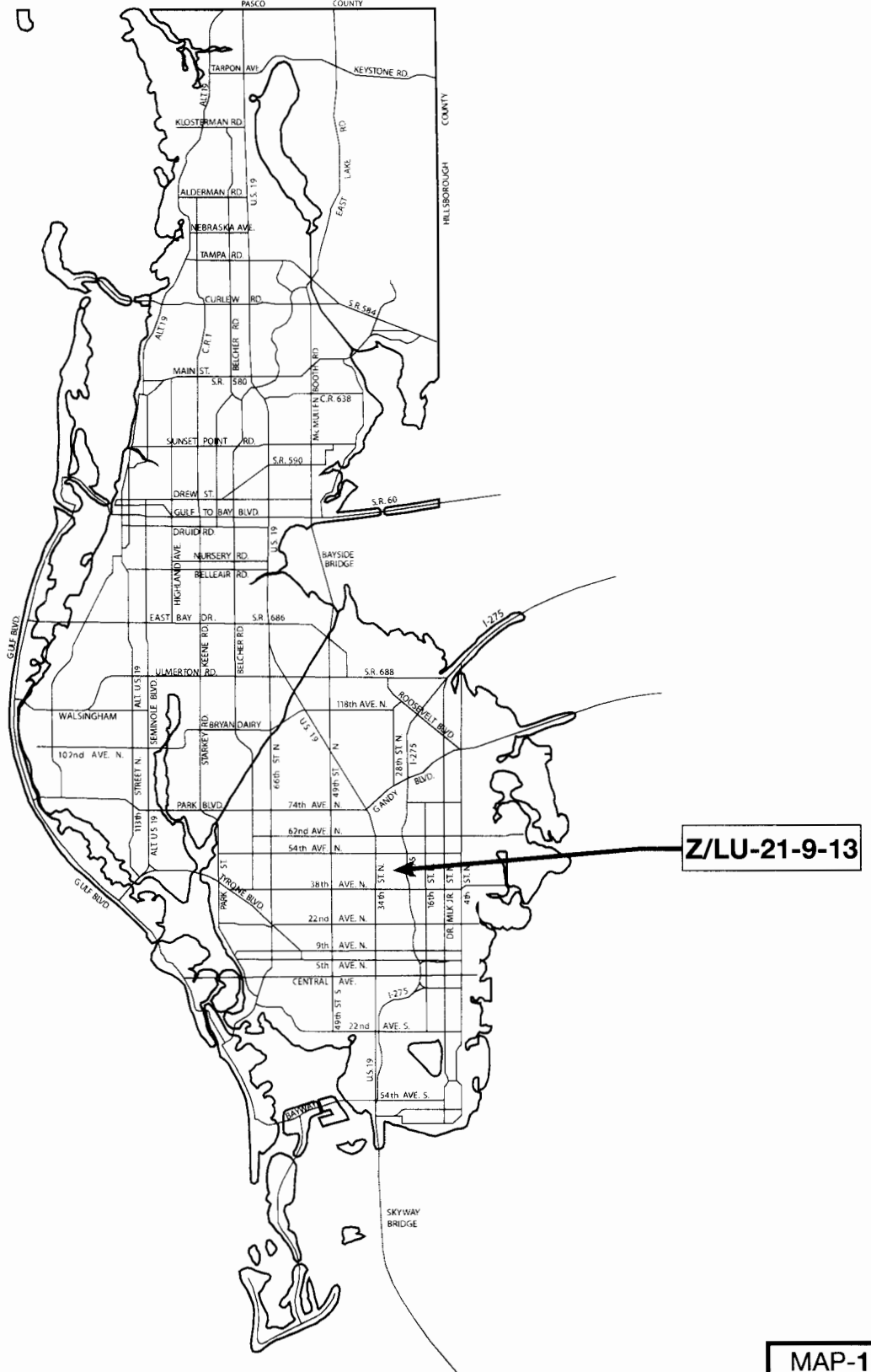
COUNTY DEVELOPMENT REGULATIONS

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.

Attachments:

Maps for Revised Application

LOCATION MAP



MAP-1

Z/LU-21-9-13

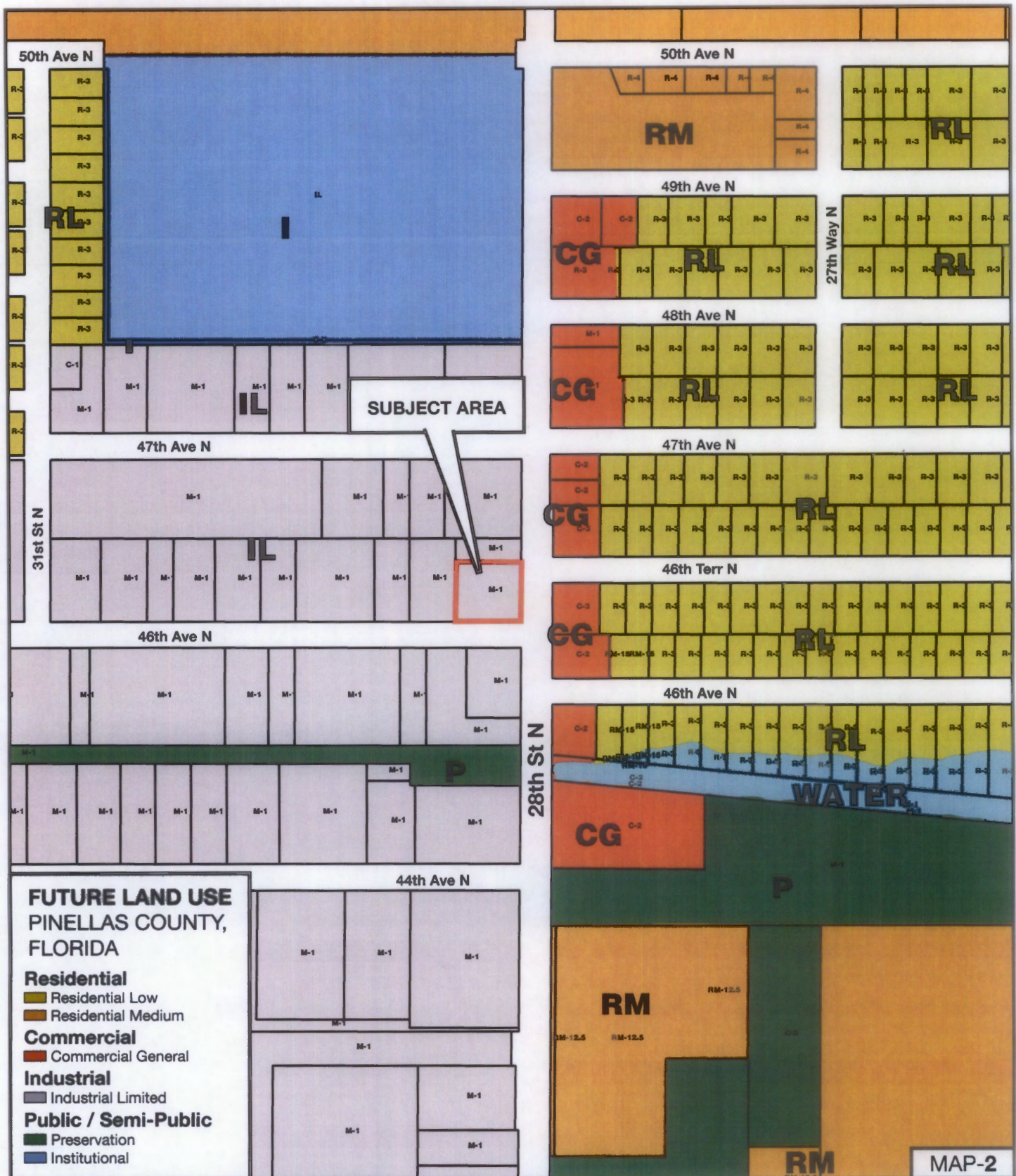
Zoning From: M-1, Light Manufacturing & Industry
To: C-2, General Retail Commercial & Limited Services

Land Use From: Industrial Limited
To: Commercial General

Parcel I.D. 02/31/16/44100/000/0012

Prepared by: Pinellas County Department of Planning and Development Services December 2013





Z/LU-21-9-13

Zoning From: M-1, Light Manufacturing & Industry
 To: C-2, General Retail Commercial & Limited Services

Land Use From: Industrial Limited
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Prepared by: Pinellas County Department of Planning and Development Services December 2013





MAP-3

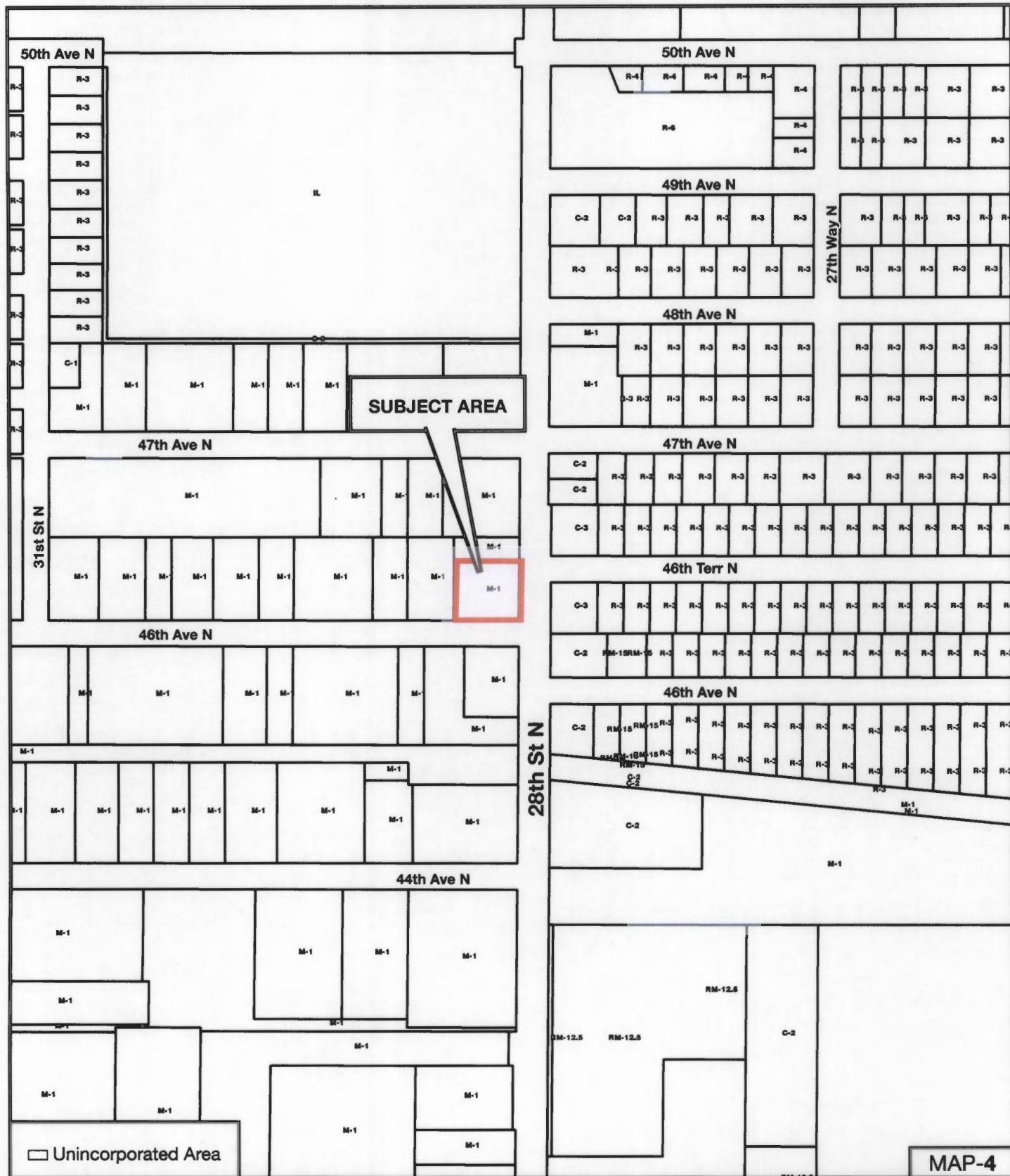
Z/LU-21-9-13

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Prepared by: Pinellas County Department of Planning and Development Services December 2013





Z/LU-21-9-13

Zoning From: M-1, Light Manufacturing & Industry
To: C-2, General Retail Commercial & Limited Services

Land Use From: Industrial Limited
To: Commercial General

Parcel I.D. 02/31/16/44100/000/0012

Prepared by: Pinellas County Department of Planning and Development Services December 2013



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF ONE PARCEL CONTAINING APPROXIMATELY 0.46 ACRE AT THE NORTHWEST CORNER OF 28TH STREET NORTH & 46TH AVENUE NORTH IN THE UNINCORPORATED LEALMAN AREA, PAGE 791 OF THE ZONING ATLAS, AS BEING IN SECTION 02, TOWNSHIP 31, RANGE 16, FROM M-1, LIGHT MANUFACTURING & INDUSTRY TO C-2, GENERAL RETAIL COMMERCIAL & LIMITED SERVICES; UPON APPLICATION OF JOE'S CREEK INDUSTRIAL PARK, LTD, C/O DAVID KRAMER, Z/LU-21-9-13

WHEREAS, Joe's Creek Industrial Park, Ltd, Owner of the property hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from M-1, Light Manufacturing & Industry 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 March 2014 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

The South 135 feet of the East 150 feet of Lot 1, Joe's Creek Industrial Park First Addition, according to the Plat thereof as recorded in Plat Book 54, Page 32, Public Records of Pinellas County, Florida

be, and the same is hereby changed from M-1, Light Manufacturing & Industry to C-2, General Retail Commercial & Limited Services, subject to an amendment to the Pinellas County Future Land Use Map from Industrial Limited to Commercial General, Z/LU-21-9-13.

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 ONE PARCEL CONTAINING APPROXIMATELY 0.46 ACRE AT THE NORTHWEST CORNER OF 28TH STREET NORTH & 46TH AVENUE NORTH IN THE UNINCORPORATED LEALMAN AREA LOCATED IN SECTION 02, TOWNSHIP 31, RANGE 16; FROM INDUSTRIAL LIMITED 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 day of March 2014 that:

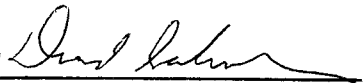
Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: One parcel containing approximately 0.46 acre located at the northwest corner of 28th Street North & 46th Avenue North in the unincorporated Lealman area. Referenced as Case Z/LU-21-9-13, and owned by Joe's Creek Industrial Park, Ltd., from Industrial Limited to Commercial General. Legal Description: The South 135 feet of the East 150 feet of Lot 1, Joe's Creek Industrial Park First Addition, according to the Plat thereof as recorded in Plat Book 54, Page 32, Public Records of Pinellas County, Florida

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Industrial Limited 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