

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** March 18, 2014

**AGENDA ITEM NO.** *6d.*

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature** *BA*

**Subject:**

Zoning and Land Use Case No. (Q) Z/LU-5-2-14 (McClellan Ningard)

**Department:**

Department of Planning and Development Services

**Staff Member Responsible:**

Larry Arrington, Executive Director *LA*

**Recommended Action:**

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

**Summary Explanation/Background:**

This is a zone change request from R-4, Residential, One, Two and Three Family District to P-1A, Limited Office District and a land use plan amendment from Residential Low Medium to Residential/Office Limited. The applicant has stated that the site has been used as an office since the 1960's; however, the applicant was not able to adequately meet the criteria for having the existing office use verified as a non-conforming use. Consequently, the applicant submitted this request to have the site used as an office. Staff supports this request since the location meets the location criteria for the P-1A in that the use that is occurring there now is a very low intensity office use and as such is serving a step-down in transition between a potentially high intensity area (property to the east is designated Residential/Office/Retail) and a residential area to the west designated for up to ten units per acre.

**Fiscal Impact/Cost/Revenue Summary:**

N/A

**Exhibits/Attachments Attached:**

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

*LA*

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



**Regarding: Case No. Z/LU-5-2-14**

**LPA Recommendation:** The LPA finds that the proposed amendments are consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the land use and zoning amendments. (The vote was 6-0, in favor).

***LPA Public Hearing: February 13, 2014***

## **PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find 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, staff recommends that the LPA recommend approval of the proposed amendments to the Pinellas County Board of County Commissioners.

## **CASE SUMMARY**

**APPLICANT'S NAME:** McClellan Ningard

**DISCLOSURE:** N/A

**REPRESENTED BY:** Pam Wilhelm

	<b>LAND USE CHANGE</b>	<b>ZONING CHANGE</b>
<b>FROM:</b>	Residential Low Medium	R-4, One, Two & Three Family Residential
<b>TO:</b>	Residential/Office Limited	P-1A, Limited Office

## **PROPERTY DESCRIPTION:**

Approximately 0.36 acre located on the south side of Evans Road, 720 feet west of US 19 North located in the unincorporated area of Dunedin (Street address being: 2335 Evans Road, Clearwater).

**PARCEL ID(S):** 30/28/16/07272/000/1390

**PROPOSED BCC HEARING DATE:** March 18, 2014

## **CORRESPONDENCE RECEIVED TO DATE:**

Three letters received in favor.

## PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared.

## SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Residential Low Medium	R-4	Mobile Home/office
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low Medium	City of Dunedin	Apartment Buildings
<b>East</b>	Residential/Office/Retail	R-6	Mobile Home Park
<b>South</b>	Residential Low Medium	R-4	Duplex
<b>West</b>	Residential Low Medium	R-4	Duplex

## STAFF DISCUSSION AND ANALYSIS

### BACKGROUND

This request is to amend the Pinellas County Future Land Use Map (FLUM) **from** *Residential Low Medium (RLM)* **to** *Residential/Office Limited (R/OL)*, and the Zoning Atlas **from** *R-4, One, Two & Three Family Residential (R-4)* **to** *Limited Office (P-1A)*. The subject site is developed with an improved mobile home and a pool (according to the Property Appraiser's records), and has been used as an office for several years according to the applicant.

The applicant was unable to provide documentation verifying the office as a legal non-conforming use, and consequently has requested the land use and zoning change in order to enable the property to be legally marketed for office uses (office uses are not permitted under the current zoning designation and FLUM category). Importantly, if the amendment is approved, the residential dwelling unit can only be used as accessory to the primary office use (for example for an onsite caretaker, etc.).

### COMPATIBILITY WITH SURROUNDING LAND USES

To the north of the subject site, on the north side of Evans Road (in the City of Dunedin), is an apartment complex designated as *Residential Medium (RM)*. To the west and south of the subject site are duplexes designated *Residential Low Medium (RLM)* on the FLUM with *R-4* zoning. To the east of the subject site is a mobile home park designated *Residential/Office/Retail (ROR)* and *Preservation* on the FLUM, with *R-6* zoning.

According to the *Future Land Use Map Category Description and Rules*, the purpose and locational characteristics for the *R/OL* FLUM category indicate it is appropriate in areas where it "would serve as a transition from more intensive nonresidential use to low density residential or less intensive public/semi-public uses....these areas are typically in close proximity to and served by the collector and arterial highway network." According to the Zoning Code, the purpose of the

P-1A, Limited Office district is *“to permit areas for the development of very low intensity office uses which may be compatible with neighboring land uses. This district may serve as a step-down in transition between a high intensity activity area (such as a major traffic corridor) and a low density neighborhood in areas where more intense uses may not be appropriate.”*

In the case of this application, staff believes that the requested R/OL FLUM category and P-1A zoning district would serve as a transition/gradation in intensity from the R/O/R designation to the east (on the existing mobile home park), to the less intensive residential and business uses to the west along Evans Road. Being located along a major arterial, it is likely that the mobile house park would be developed at some point in the future in a manner more consistent with the uses along U.S. Highway 19.

Staff believes the very low intensity office and business uses allowed under the P1-A zoning district, would not negatively impact nearby residential uses and would provide a transition in intensity from the U.S. Highway 19 corridor to the residential uses to the west. Note that the P1-A designation generally limits the height of buildings to 35 feet and floor area of 20 percent, resulting in a low intensity development. Importantly, a site plan will need to be submitted for the subject site and comply with the County's site development regulations. There are two other businesses located to the west along Evans Road, one of which has a verified non-conforming use determination (a shutter business). These two properties are located among the existing residential development along Evans Road and are appropriately designated as residential on the FLUM and the Zoning Atlas.

## **TRANSPORTATION IMPACTS AND CONCURRENCY**

Approval of the amendments requested by the applicant could generate approximately 20 additional vehicle trips per day on the surrounding roadway network. These additional vehicle trips would not be expected to lower the level of service (LOS) on any of the impacted roadway facilities. Approximately 10 of the trips would be projected to impact US Highway 19 North [the segment from Main Street (SR 580) to Tampa Road], which is designated by the 2013 Concurrency Test Statement as a Long Term Concurrency Management Corridor, and is operating at a LOS F. Since the subject site is located within one half mile of this section of US Highway 19 North, it would be subject to concurrency management requirements during the site plan process. These calculations have been based on the difference between the site's current Residential Low Medium designation and the proposed Residential/Office Limited designation.

## **OTHER INFRASTRUCTURE IMPACTS**

The subject site is located within the Pinellas County Water Demand Planning Area and the Utilities Incorporated Wastewater Service Area. Amending the subject site from RLM to R/OL could increase potable water and wastewater demand by approximately 74.0 gallons per day, respectively. With respect to solid waste disposal, approval of the amendment could also increase the amount of solid waste generated by approximately 7.51 tons per year.

## **SUMMARY**

In summary, when evaluating the overall compatibility of the request with the surrounding area and with the Comprehensive Plan, staff has concluded that the requested R/OL FLUM category and P-1A zoning are appropriate, given the site's close proximity to US Highway 19 and ability to serve as a transition from the intensities of development along a major arterial to the mix of lower intensity and density uses to the west, as well as the low intensity nature of development

permissible under the requested R/OL FLUM category with the P1-A zoning designation. For these reasons, staff recommends approval of the amendment.

<p style="text-align: center;"><b>IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</b></p>
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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 AND QUALITY COMMUNITIES 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.
- Objective 1.2:       Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.
- 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.

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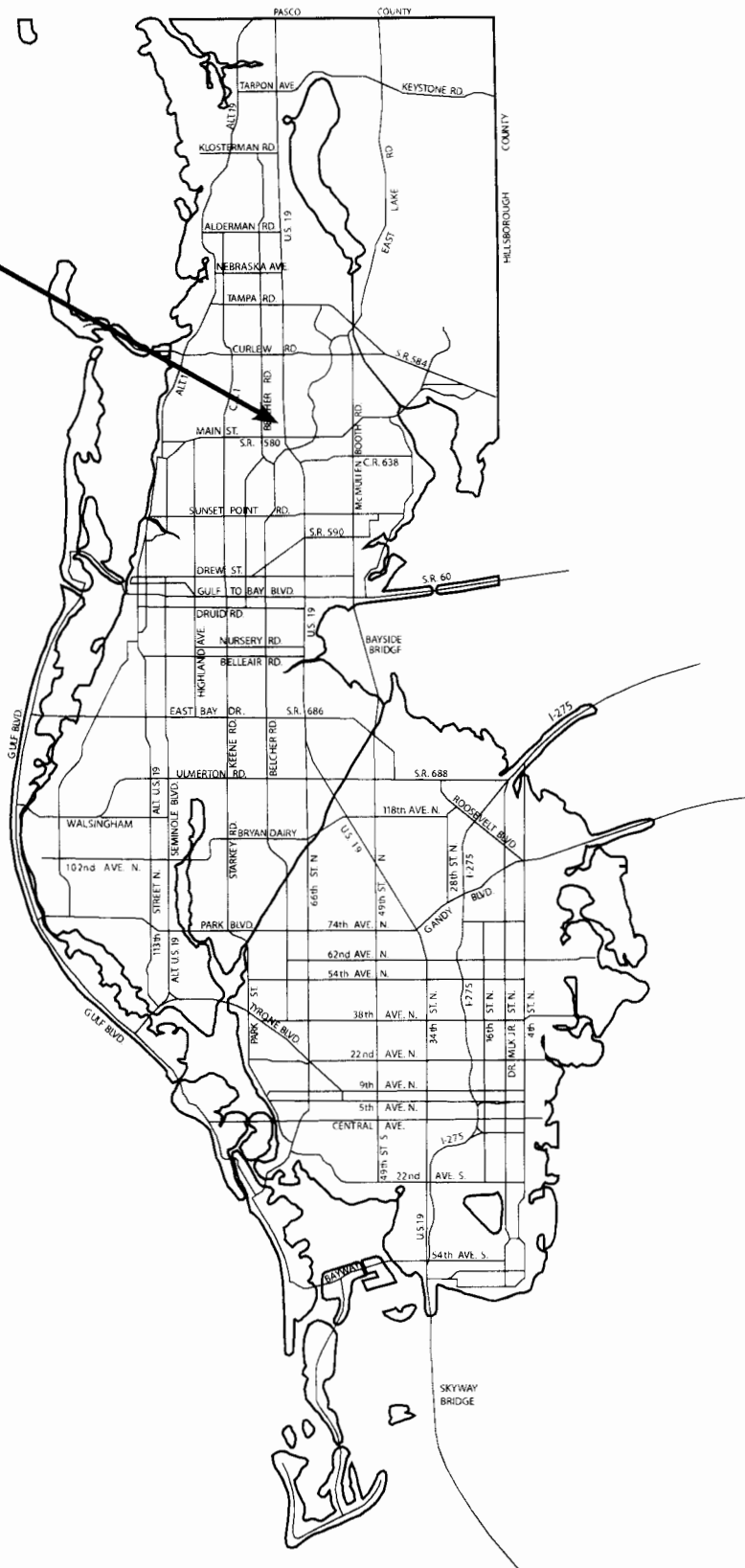
**COUNTY DEVELOPMENT REGULATIONS**

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-5-2-14**



**MAP-1**

**Z/LU-5-2-14**

**Zoning** From: R-4, One, Two & Three Family Residential  
To: P-1A, Limited Office

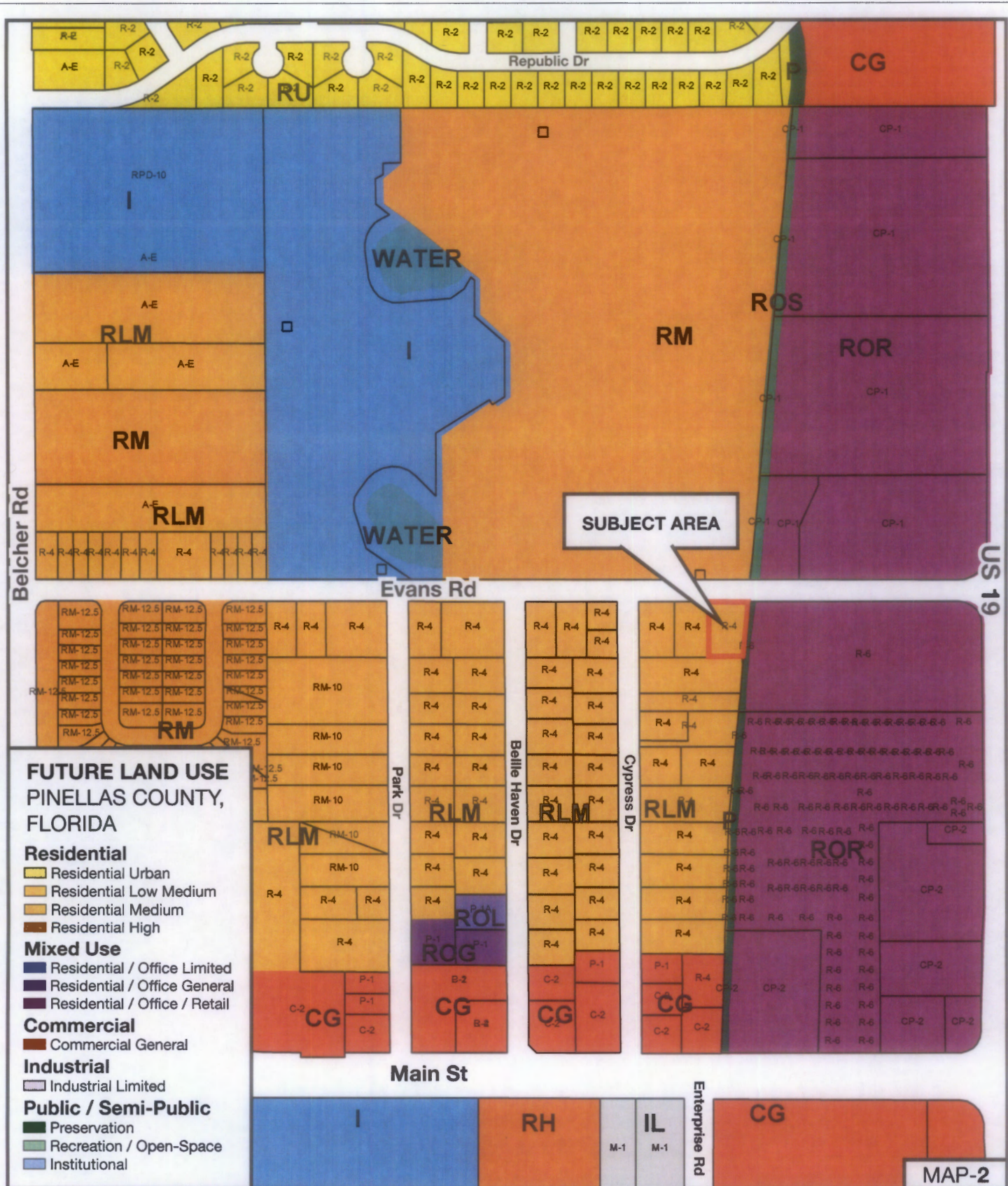
**Land Use** From: Residential Low Medium  
To: Residential/Office Limited

Parcel I.D. 30/28/16/07272/000/1390

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







**Z/LU-5-2-14**

**Zoning** From: R-4, One, Two & Three Family Residential  
To: P-1A, Limited Office

**Land Use** From: Residential Low Medium  
To: Residential/Office Limited

Parcel I.D. 30/28/16/07272/000/1390

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







**Z/LU-5-2-14**

Zoning From: R-4, One, Two & Three Family Residential  
To: P-1A, Limited Office  
Land Use From: Residential Low Medium  
To: Residential/Office Limited

Parcel I.D. 30/28/16/07272/000/1390

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







RESOLUTION NO. \_\_\_\_\_

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 0.36 ACRE LOCATED ON THE SOUTH SIDE OF EVANS ROAD, 720 FEET WEST OF US 19 NORTH LOCATED IN THE UNINCORPORATED AREA OF DUNEDIN (STREET ADDRESS BEING: 2335 EVANS ROAD, CLEARWATER); PAGE 632 OF THE ZONING ATLAS, AS BEING IN SECTION 30, TOWNSHIP 28, RANGE 16; FROM R-4, ONE, TWO & THREE FAMILY RESIDENTIAL TO P-1A, LIMITED OFFICE; UPON APPLICATION OF MCCLELLAN NINGARD THROUGH PAM WILHELM, REPRESENTATIVE, Z/LU-5-2-14

WHEREAS, McClellan Ningard, 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 R-4, One, Two & Three Family Residential to P-1A, Limited Office; 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 18<sup>th</sup> day of March 2014 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

LOT 139, REPLAT OF BELLE HAVEN UNIT B

be, and the same is hereby changed from R-4, One, Two & Three Family Residential to P-1A, Limited Office, subject to an amendment to the Pinellas County Future Land Use Map from Residential Low Medium to Residential/Office Limited.

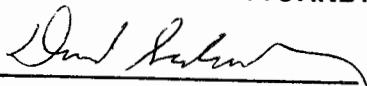
Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_ upon the roll call the vote was:

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 0.36 ACRE LOCATED ON THE SOUTH SIDE OF EVANS ROAD, 720 FEET WEST OF US 19 NORTH LOCATED IN THE UNINCORPORATED AREA OF DUNEDIN (STREET ADDRESS BEING: 2335 EVANS ROAD, CLEARWATER), LOCATED IN SECTION 30, TOWNSHIP 28, RANGE 16, FROM RESIDENTIAL LOW MEDIUM TO RESIDENTIAL/OFFICE LIMITED, 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 18<sup>th</sup> day of March 2014 that:

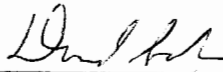
Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 0.36 acre located on the south side of Evans Road, 720 feet west of US 19 North located in the unincorporated area of Clearwater (Street address being: 2335 Evans Road, Clearwater). Referenced as Case Z/LU-5-2-14, and owned by McClellan Ningard, from Residential Low Medium to Residential/Office Limited. Legal Description: LOT 139, REPLAT OF BELLE HAVEN UNIT B.

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Low Medium to Residential/Office Limited to maintain consistency with the said Plan.

Section 3. This Ordinance shall take effect upon:

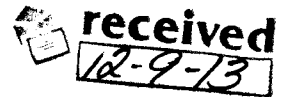
- a) Receipt of notice from the Secretary of State that the Ordinance has been filed is received; and
- b) Approval by the Countywide Planning Authority of the requisite amendment of the Countywide Future Land Use Plan submitted herein pursuant to Chapter 88-464, Laws of Florida, as amended.
- c) Pursuant 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

October 22, 2013

RE: 2335 Evans Road, 33763



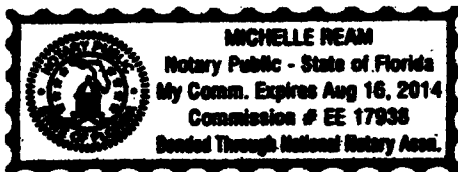
To whom it may concern:

This memo is to verify that I know the property at 2335 Evans Road has been utilized as a business office by MBM Inc since January 1, 2002. Mr. Ningard purchased the property in October 2001 and has been making improvements on a regular basis ever since. The property is very attractive as you can see by the brochure attached.

Before Mr. Ningard purchased the property, it has been utilized for various businesses.

Wayne Little 10-17-13

Signature



Michelle Ream

Michelle Ream Notary Public  
10/17/13

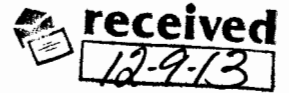
As far as I can remember this property has been used for a small business office going back to the 1970's.

I have no objection for this property to be used as R/OG – Residential/Office General.



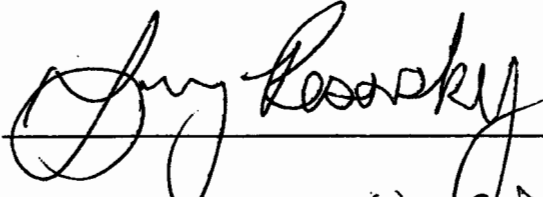
September 18, 2013

RE: 2335 Evans Road, 33763



To whom it may concern:

This memo is to verify that I know the property at 2335 Evans Road has been utilized as a business office by MBM Inc since January 1, 2002. Mr. Ningard purchased the property in October 2001 and has been making improvements on a regular basis ever since. The property is very attractive as you can see by the brochure attached.

  
2335 EVANS RD  
CLEARWATER FLA 33763

As far as I can remember this property has been used for a small business office going back to the 1970's.

I have no objection for this property to be used as R/OG – Residential/Office General.

Belle Haven Mobile Home Park

27554 U. S. 19 North

Clearwater, Florida 33761

January 30, 2014

Pinellas County Board of Commissioners

440 Court Street, Fourth Floor

Clearwater, Florida 33756

Regarding: Case No. Z/LU-5-2514



Dear commissioners,

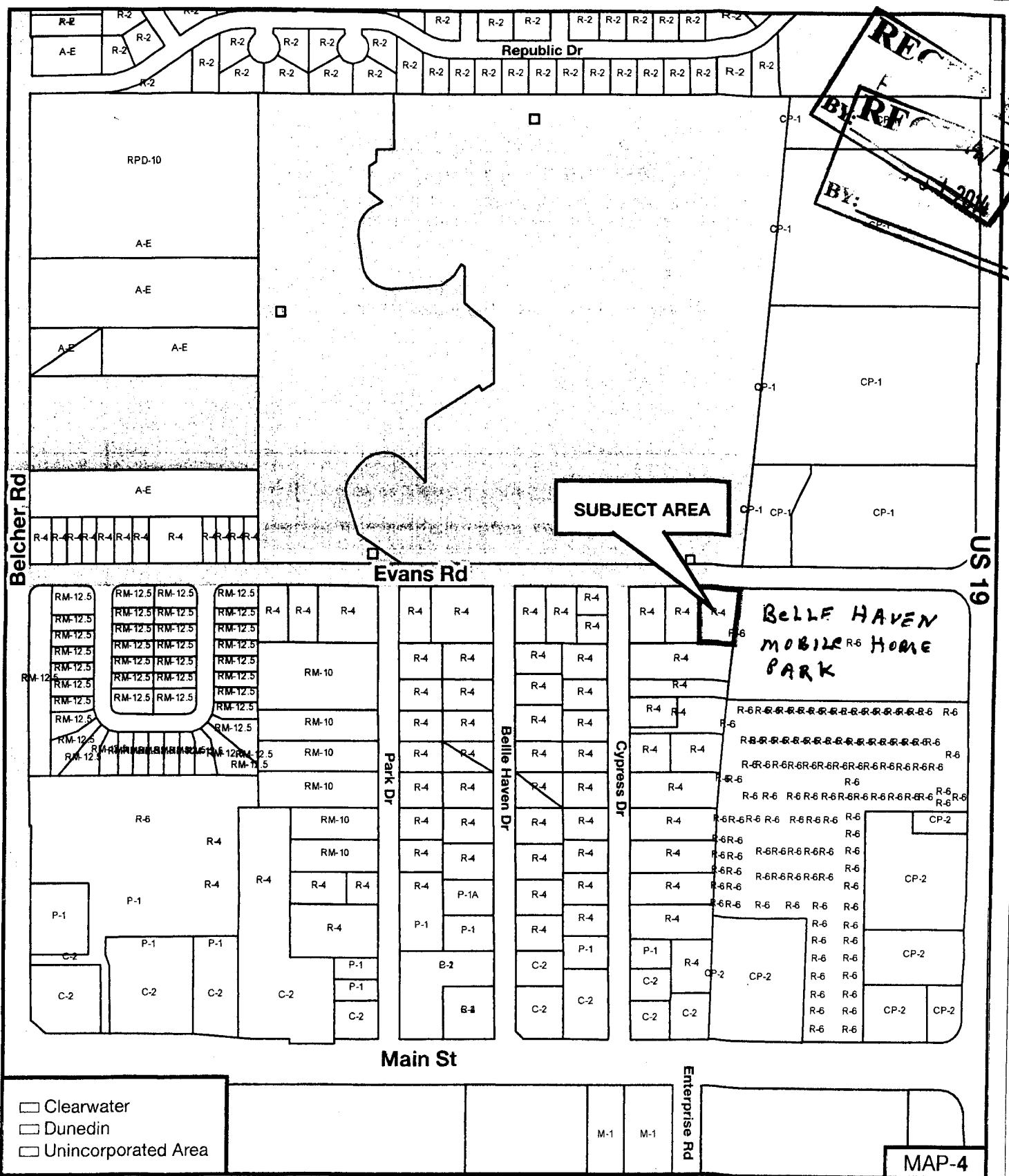
I own the 4-1/2 acres known as Belle Haven Mobile Home Park which joins the subject property that is being considered for rezoning.

I think the proposed rezoning is very appropriate for this property and I am in favor of the rezoning.

Respectfully,

Wayne Wetzel, Owner

BelleHaven Mobile Home Park



**RECEIVED**  
**BY: [Signature]**  
**DATE: 11-20-13**

<b>Z/LU-5-2-14</b>	<b>Zoning</b> From: R-4, One, Two & Three Family Residential To: P-1A, Limited Office		
	<b>Land Use</b> From: Residential Low Medium To: Residential/Office Limited		
Parcel I.D. 30/28/16/07272/000/1390 Prepared by: Pinellas County Department of Planning and Development Services November 2013			