

BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2014
AGENDA ITEM NO. 376.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subject:

Public Hearing for Conditional Use Case No. (Q) CU-16-8-14 (American Legion Post 252)

Department:

Planning and Development Services

Staff Member Responsible:

Jacob Stowers, Interim Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC COMMENT TO APPROVE THE PROPOSED RESOLUTION FOR THE CONDITIONAL USE REQUEST WITH THE SIX CONDITIONS RECOMMENDED BY THE LOCAL PLANNING AGENCY AS LISTED IN THE ATTACHED STAFF REPORT.

Summary Explanation/Background:

The American Legion Post located at 11433 Park Boulevard currently has an alcoholic beverage license for dispensing indoors; however, they desire to be able to dispense outdoors, with limited hours. Because of the dispensing outdoors in a residential zone (Residential Multi-family, 10 units per acre) for a Fraternal Order, a conditional use permit is required.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Maps, Proposed Resolution and Land Survey

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



Regarding: Case No. CU-16-8-14

LPA Recommendation: The LPA finds that the request for a conditional use permit is consistent with the Pinellas County Comprehensive Plan subject to the specific conditions enumerated below, and recommends Approval of the request with the following conditions recommended by staff, as revised (conditions 2 and 5 were revised): (The vote was 4-1, in favor)

1. Appropriate licensure by the State of Florida.
2. Alcoholic beverages shall be dispensed outdoor between noon to 9:00 p.m. Monday through Thursday and on Friday & Saturday noon to 10:00 p.m., and Sundays 1:00 p.m. to 9:00 p.m.
3. The location for outdoor dispensing of alcoholic beverages shall be limited to the area shown on the attached land survey.
4. Approval shall be for American Legion Post 252 only.
5. The hours for outdoor amplified music shall match the hours for the outdoor sales of alcoholic beverages.
6. In the event the above conditions are not met or the use of the conditional use permit becomes a nuisance, the Board of County Commissioners may rescind the conditional use permit.

LPA Public Hearing: September 11, 2014

PLANNING STAFF RECOMMENDATION:

Staff recommends the LPA find the proposed conditional use is consistent with the Pinellas County Comprehensive Plan and that the Board of County Commissioners approve the proposed conditional use subject to the following conditions to permit for the dispensing of alcoholic beverages outdoor in conjunction with fraternal order being American Legion Post 252 with the following conditions:

1. Appropriate licensure by the State of Florida.
2. Alcoholic beverages shall be dispensed outdoor between noon and 9:00 p.m. Monday through Saturday, and between 1:00 pm and 9:00 pm on Sundays.

3. The location for outdoor dispensing of alcoholic beverages shall be limited to the area shown on the attached land survey.
4. Approval shall be for American Legion Post 252 only.
5. No amplified music shall occur outdoors after 10:00 p.m. Monday through Friday; however, amplified music shall only be allowed on Saturday & Sunday and on federal holidays between 1:00 p.m. and 10:00 p.m.
6. In the event the above conditions are not met or the use of the conditional use permit becomes a nuisance, the Board of County Commissioners may rescind the conditional use permit.

CASE SUMMARY

APPLICANT'S NAME: American Legion Post 252

DISCLOSURE: American Legion Cross Bayou Post 252 Officers: Gil Garcis, Raymond Kruse, Joan Seeley Terry Roe, Jim Edmiston, Bruce O'Neill Quintin Service, Tucky F. Moran, Dave Kaninski, Michele Sutak, Cord St. Pierre, Jack Garretto & Eddie Hand

REPRESENTED BY: Bruce O'Neill

CONDITIONAL USE

A conditional use to allow the dispensing of alcoholic beverages outdoor in conjunction with a fraternal organization (American Legion Cross Bayou Post 252).

PROPERTY DESCRIPTION: Approximately 1.8 acres located on the north side of Park Boulevard, 500 ft. west of 113th Street North (street address: 11433 Park Boulevard, Seminole).

PARCEL ID(S): 28/30/15/75202/000/0012

PROPOSED BCC HEARING DATE: October 21, 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:	Residential Low Medium	RM-10	American Legion Post 252
Adjacent Properties:			
North	Residential Low	R-3	Single family dwellings
East	Commercial General	C-2	Publix grocery store
South	Residential Low	R-3	Single family dwellings
West	Residential Low Medium	RM-10	Condominiums

STAFF DISCUSSION AND ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USES

The subject site is currently used as a Fraternal Order Post for the American Legion, and as such, currently has an alcoholic beverage license for indoor use only. Per Section 138-1332 (d) Alcoholic Beverages a conditional use permit is required for outdoor as well as indoor dispensing. The Fraternal Order has been using the site for many years with no apparent adverse impact to the adjacent community, and as such, staff is of the opinion because of screening such as fencing and having sole access via Park Boulevard North, the site meets the following "General Standards" that are applicable for evaluating a conditional use request.

- (1) All Structures shall be adequately separated from adjacent and nearby uses by screening devices and/or open area.
- (2) Excessive vehicular traffic is not generated on residential streets.
- (3) Appropriate drives, walks and parking areas are proposed so that no vehicular traffic or parking problems are created.
- (4) Drainage problems will not be created on the subject property or adjacent properties.
- (5) All provisions and requirements of the zoning district in which the project is located will be met.

As previously stated the site is screened by fencing and the site is only accessed via Park Boulevard (an arterial roadway not a residential road), and as such, the request meets the two most relevant standards that must be met.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendment is consistent with the following adopted objective, policies of the Pinellas County Comprehensive Plan:

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.

Policy1.2.8. Conditional uses, when authorized by the Board of County Commissioners after a public hearing, shall be consistent with the Pinellas County Comprehensive Plan.

COUNTY DEVELOPMENT REGULATIONS

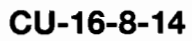
Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachments:

Maps

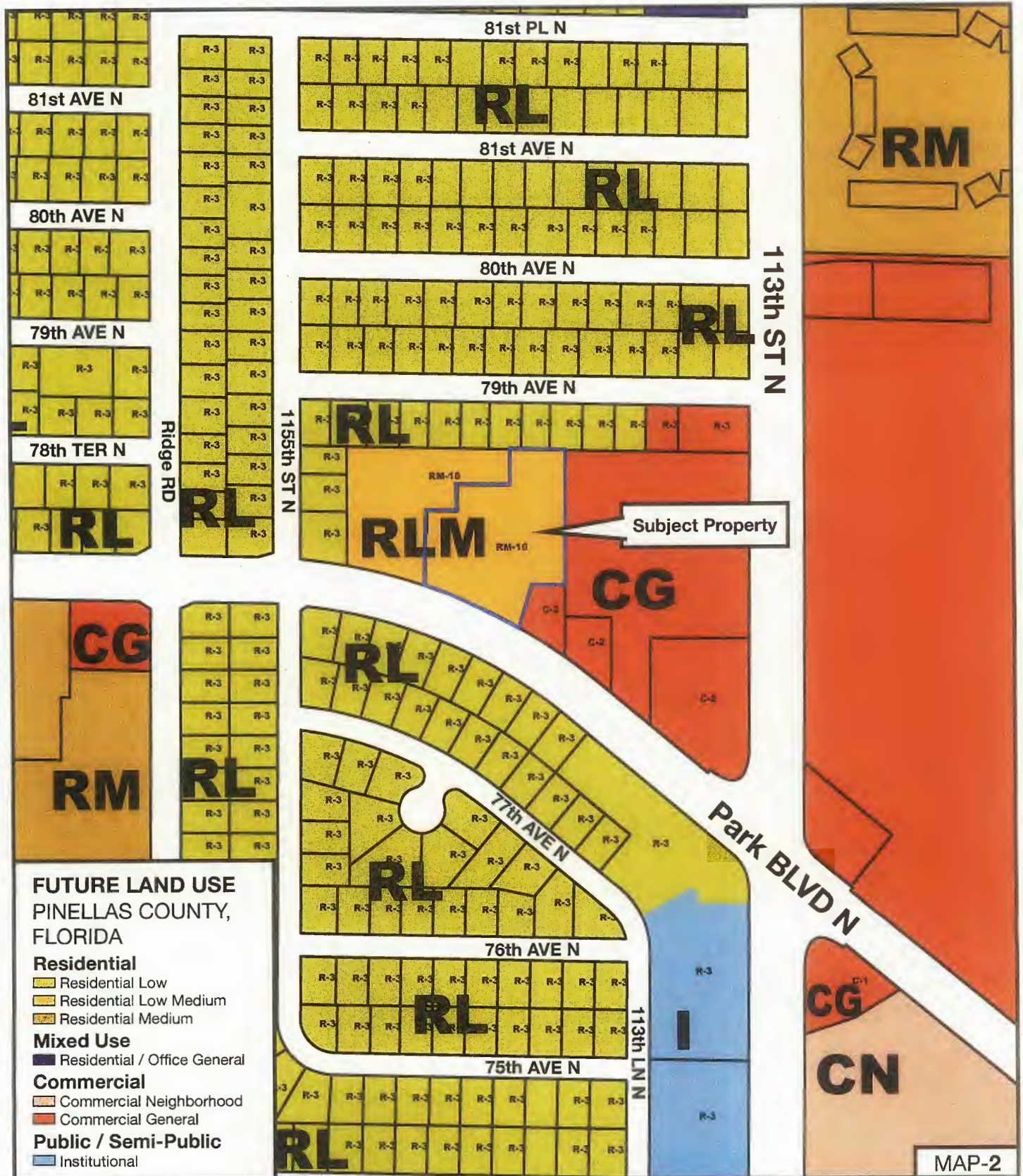
Land Survey

U



MAP-1





CU-16-8-14

Request:

Conditional Use to allow the dispensing of alcoholic beverages outdoor in conjunction with a fraternal organization (American Legion Cross Bayou post 252)

Parcel I.D. 28/30/15/75202/000/0012

Prepared by: Pinellas County Department of Planning and Development Services May 2014





CU-16-8-14

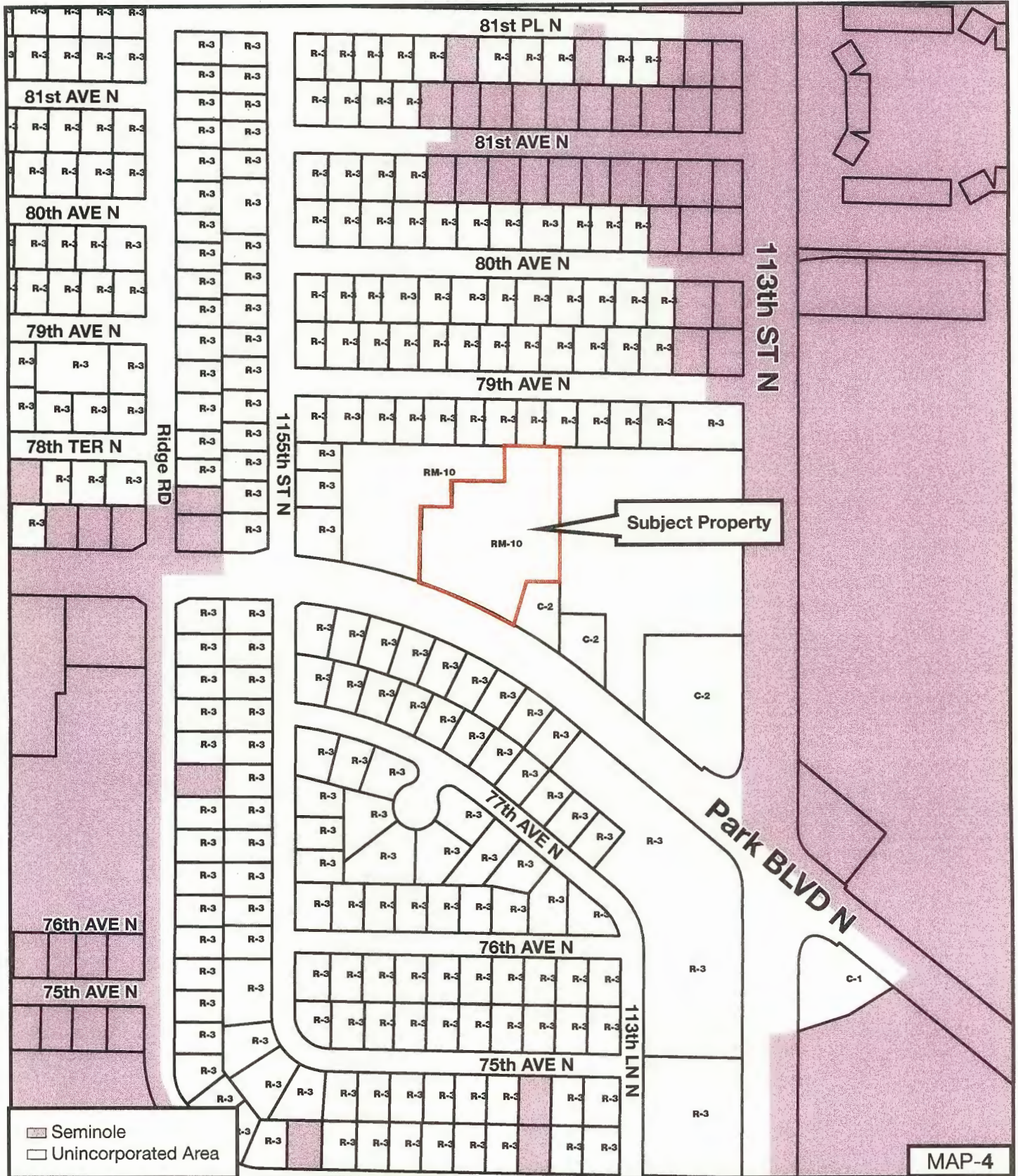
Request:

Conditional Use to allow the dispensing of alcoholic beverages outdoor in conjunction with a fraternal organization (American Legion Cross Bayou post 252)

Parcel I.D. 28/30/15/75202/000/0012

Prepared by: Pinellas County Department of Planning and Development Services May 2014





CU-16-8-14

Request:

Conditional Use to allow the dispensing of alcoholic beverages outdoor in conjunction with a fraternal organization (American Legion Cross Bayou post 252)

Parcel I.D. 28/30/15/75202/000/0012

Prepared by: Pinellas County Department of Planning and Development Services May 2014



RESOLUTION NO. _____

RESOLUTION FOR A CONDITIONAL USE TO ALLOW THE DISPENSING OF ALCOHOLIC BEVERAGES OUTDOOR IN CONJUNCTION WITH A FRATERNAL ORGANIZATION (AMERICAN LEGION CROSS BAYOU POST 252) ON APPROXIMATELY 1.8 ACRES LOCATED ON THE NORTH SIDE OF PARK BOULEVARD, 500 FT. WEST OF 113TH STREET NORTH (STREET ADDRESS: 11433 PARK BOULEVARD, SEMINOLE); PAGE 279 OF THE ZONING ATLAS, AS BEING IN SECTION 28, TOWNSHIP 30, RANGE 15; UPON APPLICATION OF AMERICAN LEGION CROSS BAYOU POST 252, CU-16-8-14

WHEREAS, American Legion Cross Bayou Post 252, Owner of the property at 11433 Park Boulevard, Seminole, Florida, consisting of one parcel with Parcel I.D. number 28/30/15/75202/000/0012, has petitioned the Board of County Commissioners of Pinellas County for a conditional use to allow the dispensing of alcoholic beverages outdoor in conjunction with a fraternal organization (American Legion Cross Bayou Post 252), on the parcel of real property described above; 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 conditional use for said property should be granted.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 21st day of October 2014 that the conditional use

for the above described real property in Pinellas County, Florida, is hereby granted in case #CU-16-8-14 with the following conditions:

1. Appropriate licensure by the State of Florida.
2. Alcoholic beverages shall be dispensed outdoor between noon to 9:00 p.m. Monday through Thursday and on Friday & Saturday noon to 10:00 p.m., and Sundays 1:00 p.m. to 9:00 p.m.
3. The location for outdoor dispensing of alcoholic beverages shall be limited to the area shown on the attached land survey.
4. Approval shall be for American Legion Post 252 only.
5. The hours for outdoor amplified music shall match the hours for the outdoor sales of alcoholic beverages.
6. In the event the above conditions are not met or the use of the conditional use permit becomes a nuisance, the Board of County Commissioners may rescind the conditional use permit.


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

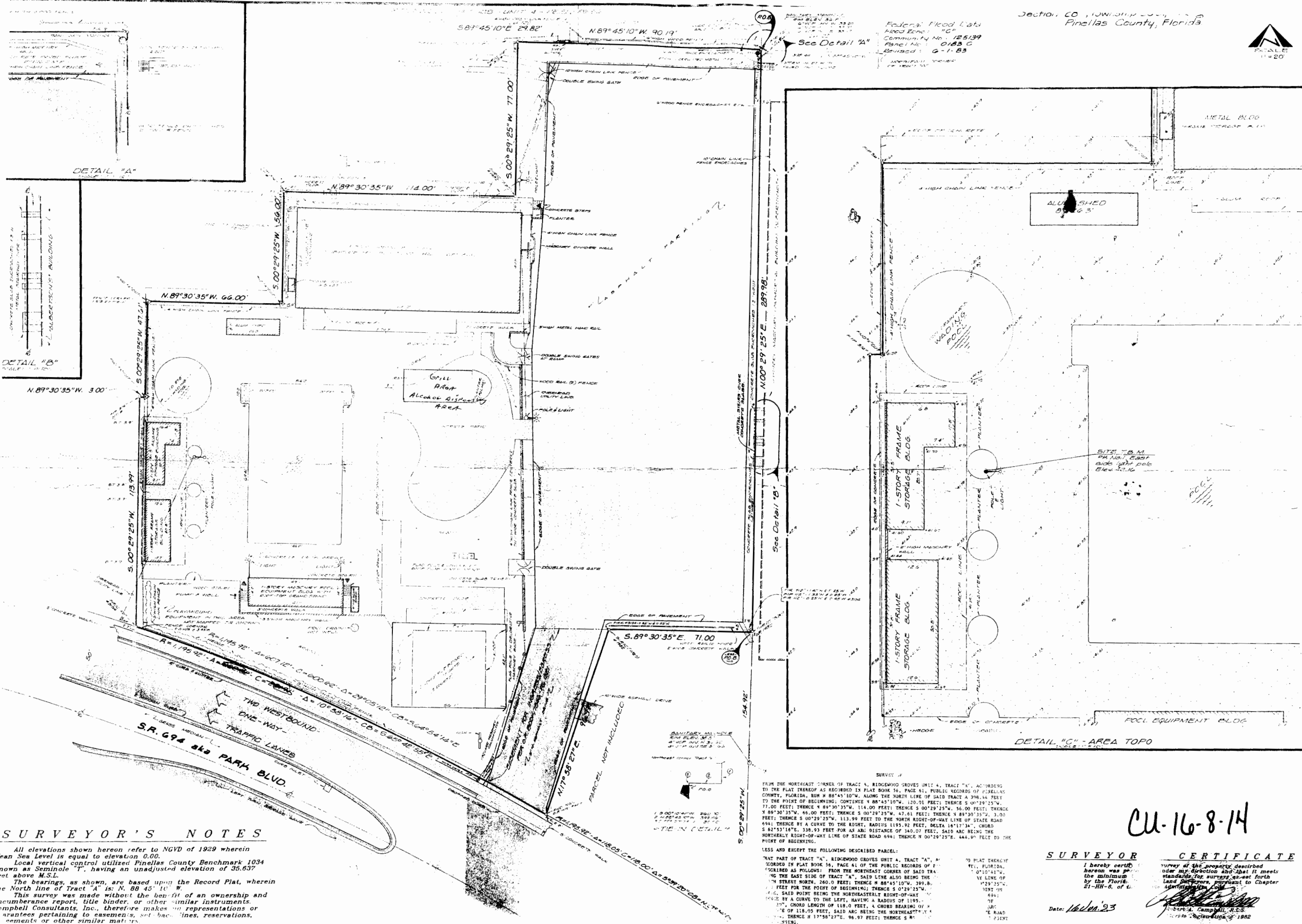
Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney



SURVEYOR'S NOTES

1. All elevations shown hereon refer to NGVD of 1929 wherein Mean Sea Level is equal to elevation 0.00.
2. Local vertical control utilized Pinellas County Benchmark 1034 known as Seminole "T", having an unadjusted elevation of 35.637 feet above M.S.L.
3. The bearings, as shown, are based upon the Record Plat, wherein the North line of Tract "A" is: N. 88° 45' 10" W.
4. This survey was made without the benefit of an ownership and encumbrance report, title binder, or other similar instruments. Campbell Consultants, Inc., therefore makes no representations or warranties pertaining to easements, set back lines, reservations, cements or other similar matters.

SURVEYOR CERTIFICATE

I hereby certify that the survey of the property described hereon was performed in accordance with the minimum standards for surveys set forth by the Florida Board of Surveying and Mapping, Chapter 21-H-6, of the Florida Administrative Code.

Date: 16 Jun 93

Robert A. Campbell, R.S.S.
Surveyor

CAMPBELL CONSULTANTS, INC.

LAND SURVEYORS

5601 116th AVENUE NORTH
CLEARWATER, FLORIDA 34620
(813) 573-4586

**LAND & PARTIAL
TOPOGRAPHICAL
SURVEY**

June 14, 1993

JOB NUMBER: 93-C-5

PREPARED FOR:

AMERICAN LEGION POST
252 - SEMINOLE, FL



Section: 20, Township 20S, Range 18E
Pinellas County, Florida

Federal Flood Data
Flood Elevation: 10.0'
Community No.: 125139
Parcel No.: 0183 C
Revised: 6-1-83

CU-16-8-14