



Staff Report

File #: 16-111A, **Version:** 1

Agenda Date: 2/23/2016

Subject:

Case No. Q Z-2-1-16 (Fitzgerald Motors, Inc.)

A request for a zoning change from CP-1, Commercial Parkway to CP-2, Commercial Parkway on approximately 4.8 acres located on the east side of U.S. Highway 19 North, 600 feet north of State Road 580 in the unincorporated area of Clearwater.

Recommended Action:

Adoption of Case No. Q Z-2-1-16: A resolution approving the application of Fitzgerald Motors, Inc. for a change in zoning from CP-1, Commercial Parkway to CP-2, Commercial Parkway on approximately 4.8 acres located on the east side of U.S. Highway 19 N., 600 feet north of SR-580.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources

Summary:

The subject area is a 4.8-acre parcel accessed via a U.S. Highway 19 N. frontage road approximately 0.1-mile north of SR-580. The site is home to the Fitzgerald Auto Mall-Hyundai car dealership. The property is currently designed CP-1, Commercial Parkway on the Zoning Atlas and Residential/Office/Retail (R/O/R) on the Future Land Use Map (FLUM). The applicant is requesting a zoning amendment to CP-2, Commercial Parkway, which allows a higher floor area ratio (FAR) than CP-1 (0.20 vs. 0.30, respectively). FAR is a calculation of development intensity, or amount of building square footage permitted. The applicant needs the higher FAR in order to construct a car wash facility on the site.

The subject property lies within a highly developed area. Other car dealerships exist both to the north and to the south. The CP-2 zoning district is typically reserved for areas located near major arterial highway intersections on US-Highway 19 between Gulf-to-Bay Boulevard and Curlew Road where more intense uses of land are appropriate. In this case the subject property is near the major intersection of US-Highway 19 and SR-580. The property to the immediate south is designated CP-2, as are all others fronting the US-Highway 19 corridor down to SR-580. It is staff's conclusion that the proposed CP-2 zoning district is appropriate for this location.

Background Information:

The Local Planning Agency (LPA) unanimously recommended approval of the request during its January 14, 2016 public hearing (Vote 7-0).

Fiscal Impact:

N/A

Staff Member Responsible:

Gordon Beardslee, Director, Planning

Partners:

N/A

Attachments:

LPA Report

Case Maps

Resolution

PowerPoint Presentation

Ad

Ad Map

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



Regarding: Case No. Z-2-1-16

LPA Recommendation: The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends approval of the Zoning amendment. (The vote was 7-0, in favor)

LPA Public Hearing: January 14, 2016

PLANNING STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find the proposed amendment to the Pinellas County Zoning Atlas consistent with the Pinellas County Comprehensive Plan, based on the findings in this report.
- **Staff further recommends** that the LPA recommend approval of the proposed Zoning Atlas amendment to the Pinellas County Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Fitzgerald Motors, Inc

DISCLOSURE: Robert Smith-P, James W. Cash-S., Ronald Jaffe Ast, Dorothy Fitzgerald-Vt. & Patricia Prokidansky-Asat.

REPRESENTED BY: Richard J. Marcel or Jason D. Boyd

ZONING CHANGE	
FROM:	CP-1, Commercial Parkway-1
TO:	CP-2, Commercial Parkway-2

PROPERTY DESCRIPTION: Approximately 4.8 acres located on the east side of US Highway 19 N, 600 feet north of SR-580 in the unincorporated area of Clearwater.

PARCEL ID(S): 30/28/16/07218/000/1100

PROPOSED BCC HEARING DATE: February 23, 2016

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/Retail	CP-1	Retail Auto Sales
Adjacent Properties:			
North	Residential/Office/Retail	CP-1	Retail Auto Sales
East	Residential/Office/Retail	A-E	FDOT Retention Pond
South	Residential/Office/Retail	CP-2	Retail Auto Sales
West	Residential/Office/Retail & Preservation	CP-2 & R-6	Auto Repair & Mobile Home Park

STAFF DISCUSSION AND ANALYSIS

BACKGROUND AND COMPATIBILITY WITH SURROUNDING LAND USES

The subject area consists of one 4.8-acre parcel accessed via a US-Highway 19 frontage road approximately 0.1-mile north of SR-580. The site is home to the Fitzgerald Auto Mall-Hyundai car dealership. The property is currently designed CP-1, Commercial Parkway-1 on the Zoning Atlas and Residential/Office/Retail (R/O/R) on the Future Land Use Map (FLUM). The applicant is requesting a zoning amendment to CP-2, Commercial Parkway-2 district, which allows a higher floor area ratio (FAR) than CP-1 (0.20 vs. 0.30, respectively). FAR is defined by the Pinellas County Land Development Code as 'a ratio of square footage of gross floor area to square footage of land area'. It is basically a calculation of development intensity. The applicant needs a higher FAR in order to construct a car wash facility on the site.

The subject property lies within a highly developed area. Surrounding uses include car dealerships both to the north and to the south. A 6.5-acre Florida Department of Transportation drainage pond separates the subject area from commercial and residential uses fronting Summerdale Drive to the east. The Countryside Estates mobile home park is to the west across US-Highway 19. The CP-2 zoning district is typically reserved for areas located near major arterial highway intersections on US-Highway 19 between SR-60 (Gulf-to-Bay Boulevard) and SR-586 (Curlew Road) where established land use planning criteria indicate that more intense uses of land are appropriate. In this case the subject property is near the major intersection of US-Highway 19 and SR-580. The property to the immediate south is designated CP-2, as are all others fronting the US-Highway 19 corridor down to SR-580., and the proposed CP-2 zoning district is felt to be appropriate for this location.

SUMMARY

It is staff's conclusion that no significant new impacts are anticipated as a result of this request, and that the proposed CP-2, Commercial Parkway-2 zoning district is compatible with the development pattern in the area and is appropriate for this location.

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 AND QUALITY COMMUNITIES ELEMENT

GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, 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.

Policy 1.2.2 The Local Planning Agency (LPA) of the Board shall ensure that zoning provisions within the Land Development Code are in conformance with the density, intensity and other relevant standards contained within the Future Land Use and Quality Communities Element.

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.

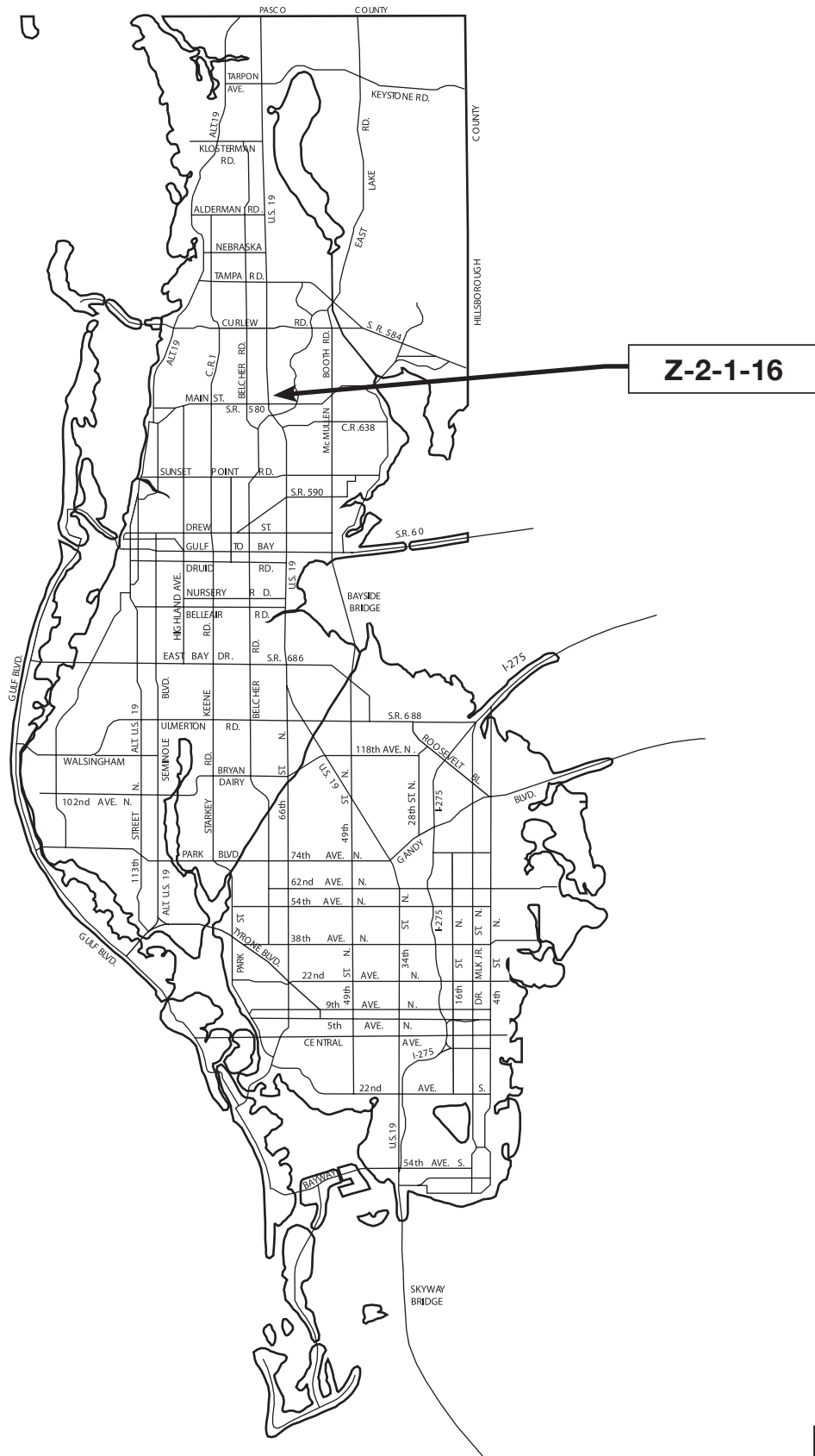
Policy 1.2.5 The Board shall implement land development regulations that are compatible with the density, intensity and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.

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

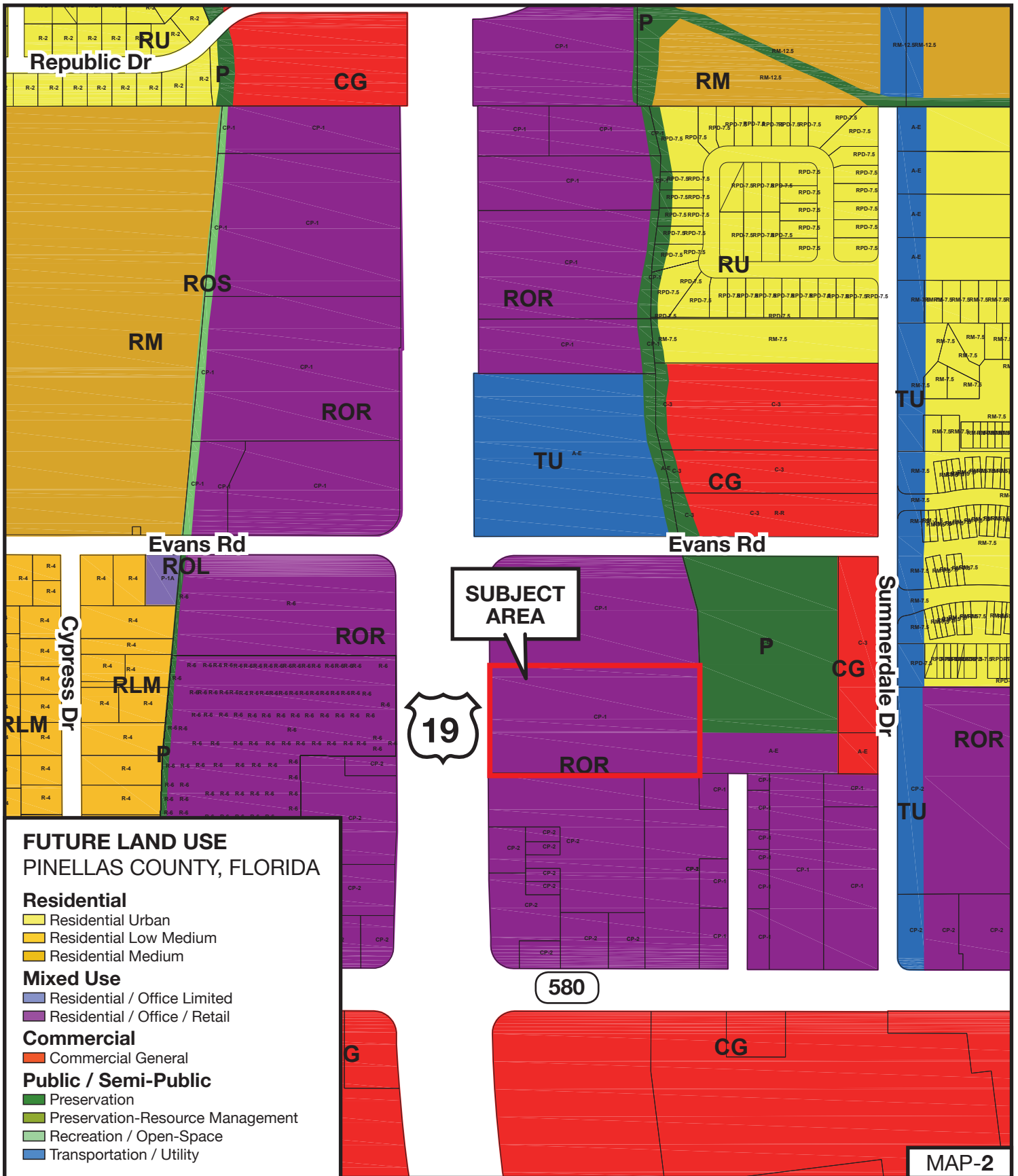
Z-2-1-16

Zoning From: CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100

Prepared by: Pinellas County Planning Department November 2015





Z-2-1-16

Zoning From: CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100

Prepared by: Pinellas County Planning Department November 2015



MAP-2



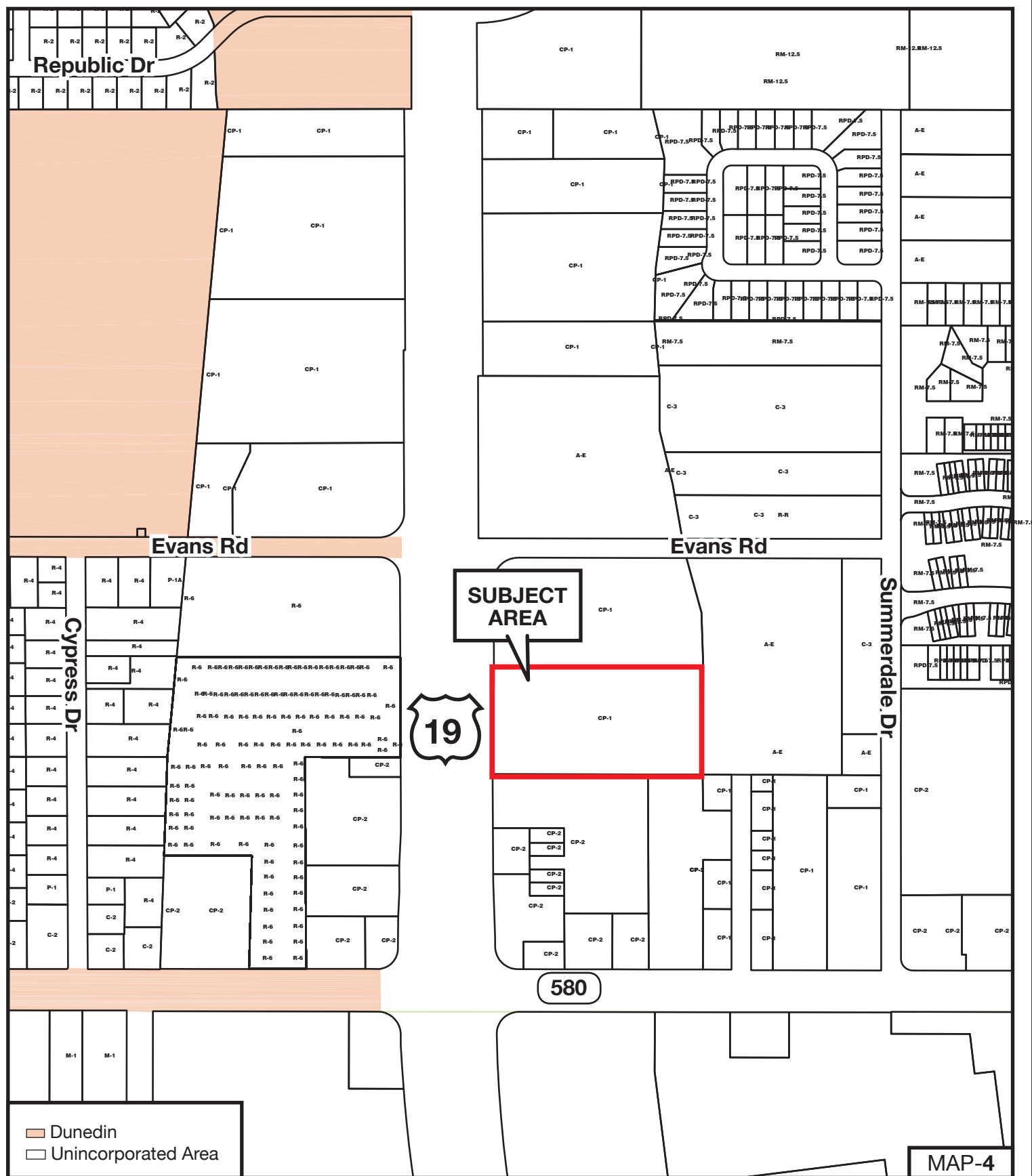
Z-2-1-16

Zoning From: CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100

Prepared by: Pinellas County Planning Department November 2015





Z-2-1-16

Zoning **From:** CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100

Prepared by: Pinellas County Planning Department November 2015



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 4.8 ACRES LOCATED ON THE EAST SIDE OF US HIGHWAY 19 N, 600 FEET NORTH OF SR-580 IN THE UNINCORPORATED AREA OF CLEARWATER; PAGE 631 OF THE ZONING ATLAS, AS BEING IN SECTION 30, TOWNSHIP 28, RANGE 16, FROM CP-1, COMMERCIAL PARKWAY TO CP-2, COMMERCIAL PARKWAY, UPON APPLICATION OF FITZGERALD MOTORS, INC., THROUGH RICHARD J. MARCEL OR JASON D. BOYD, THE SUSTAINABILITY GROUP, LLC, REPRESENTATIVE, Z-2-1-16

WHEREAS, Fitzgerald Motors, Inc., 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 CP-1, Commercial Parkway to CP-2, Commercial Parkway; 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 23rd day of February 2016 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

Lot 11 and 12, BELLE HAVEN, according to the plot thereof as recorded in Plat Book 25, Page(s) 52, of the Public Records of Pinellas County, Florida, LESS and EXCEPT the property described as follows:

Commence at the Southwest corner of the Northeast $\frac{1}{4}$ of Section 30, Township 28 South, Range 16 East, said corner begin 2723.95 feet, South 89 degrees 54'02" West of the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 30; run thence North 00 degrees 23'44" West, 660.00 feet; thence North 89 degrees 54'02" East, 100.00 feet to a Point of Beginning; thence North 00 degrees 23'44" West, 330.00 feet; thence North 89 degrees 54'02" East, 45.00 feet; thence South 00 degrees 23'44" East, 38.65 feet; thence South 00 degrees 33'33" West, 291.36 feet; thence South 89 degrees 54'02" West, 40.15 feet to the Point of Beginning.

be, and the same is hereby changed from CP-1, Commercial Parkway to CP-2, Commercial Parkway, Z-2-1-16.

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

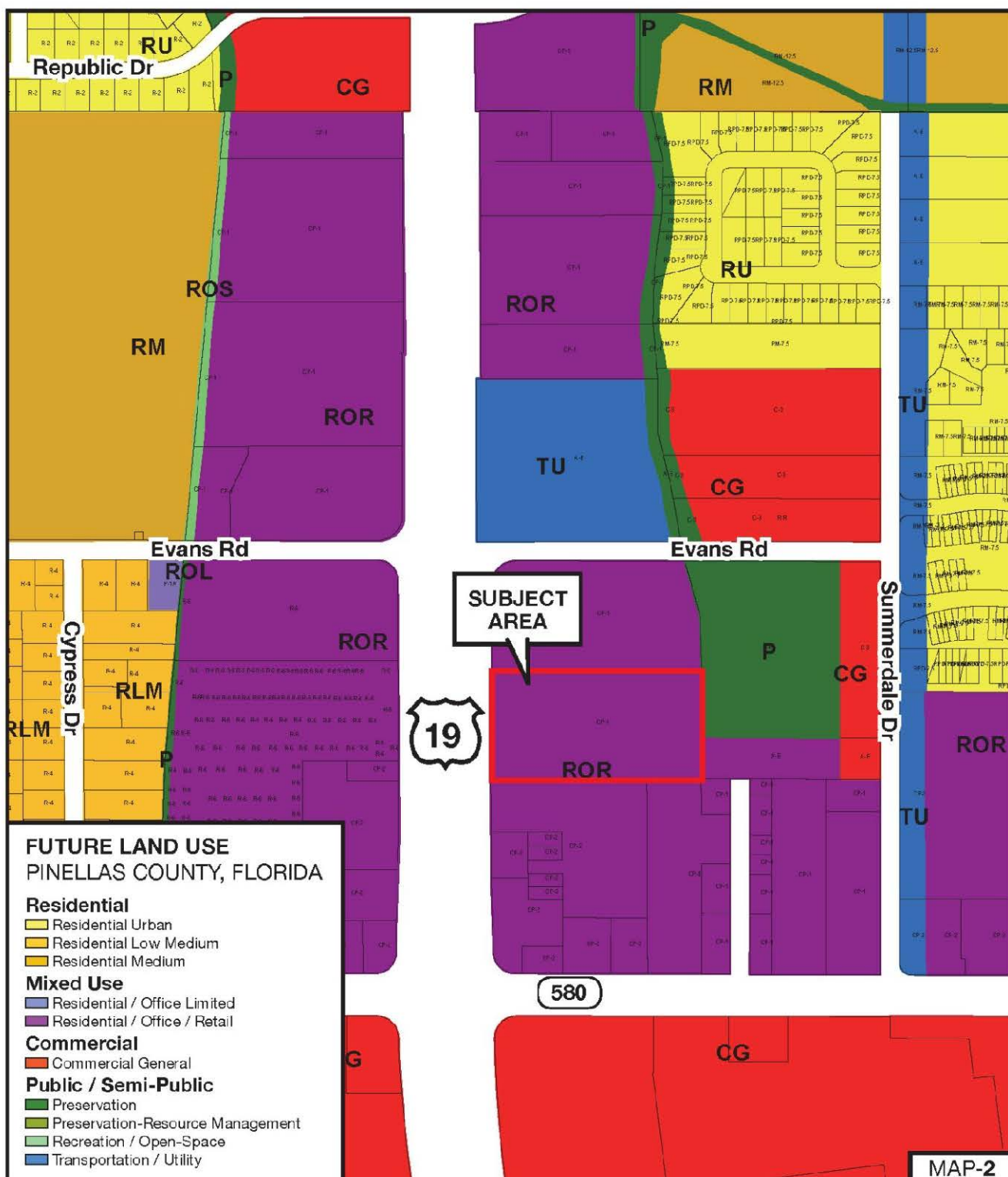
By: 
Office of the County Attorney

Proposed Amendment to the Pinellas County Zoning Atlas (Z-2-1-16)

Board of County Commissioners
February 23, 2016

Request

- Subject Area
 - One parcel covering 4.8 acres
 - East side of US-19, 0.1-mile north of SR-580
 - Accessed off a frontage road
- Zoning Atlas Amendment
 - From: CP-1, Commercial Parkway-1 (0.2 FAR)
 - To: CP-2, Commercial Parkway-2 (0.3 FAR)
- Future Land Use Map: Residential/Office/Retail
- Existing Use:
 - Car dealership
- Proposed Use:
 - Addition of a car wash facility
- Proposal based on increased FAR needs



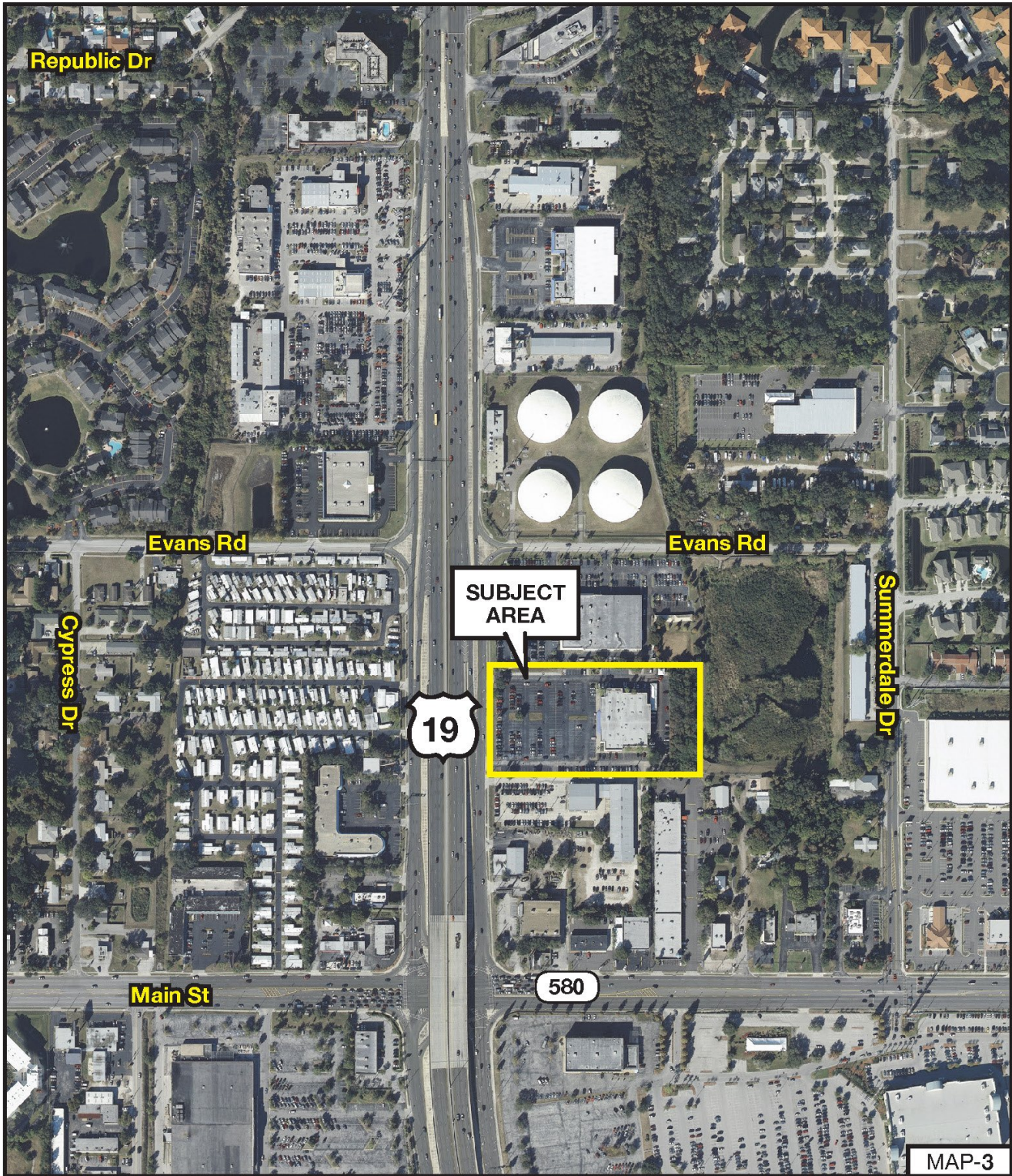
Z-2-1-16

Zoning From: CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100

Prepared by: Pinellas County Planning Department November 2015





Z-2-1-16

Zoning From: CP-1, Commercial Parkway
To: CP-2, Commercial Parkway

Parcel I.D. 30/28/16/07218/000/1100
Prepared by: Pinellas County Planning Department November 2015



Staff Findings and Recommendation

- Proposed amendment is appropriate
 - Compatible with and similar to nearby uses
 - Consistent with the Comprehensive Plan
 - Meets the locational criteria for CP-2 – near a major US-19 intersection
- Staff recommends approval
- Local Planning Agency:
 - Recommended approval (7-0 vote)

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

The Pinellas County Board of County Commissioners proposes to adopt the following amendments to the Pinellas County Future Land Use Map and Zoning Atlas. A public hearing on the Resolutions and Ordinances will be held **February 23, 2016 at 6:00 p.m.** in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater FL 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Resolutions and Ordinances:

A. PROPOSED RESOLUTIONS AND ORDINANCES AMENDING THE FUTURE LAND USE MAP AND ZONING ATLAS

1. Q Z-33-12-15 (Final Adoption)

Resolution changing the Zoning classification of approximately 10.3 acres located at 29582 US Highway 19 North in the unincorporated area of Dunedin; Page 609 of the Zoning Atlas, as being in Section 19, Township 28, Range 16; from A-E, Agricultural Estate Residential to PSP, Public/Semi-Public; upon application of Pinellas County through Gordon Beardslee, Planning Department, Representative.

2. Q Z/LU-34-12-15

Resolution changing the Zoning classification of approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road); Page 638 of the Zoning Atlas, as being in Section 33, Township 28, Range 16; from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited-Conditional Overlay with a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility; upon application of Kamran & Dori Rouhani & Parviz Rouhani, A. E. C. 2159 LLC, and Emerald Garden Real Estate, Inc. through Kamran Rouhani, Representative,

And

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road) located in Section 33, Township 28, Range 16; from Residential Suburban to Institutional, 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.

3. Q Z/LU-1-1-16

Resolution changing the Zoning classification of approximately 9.4 acres located on the north side of Keystone Road, 100 feet east of Ranch Road in East Lake Tarpon; page 522 of the Zoning Atlas, as being in Section 11, Township 27, Range 16; from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay to PSP-W-CO, Public/Semi-Public-Wellhead Protection Overlay-Conditional Overlay with a Conditional Overlay limiting the use of the property to a private school and related accessory uses for a maximum number of 400 students, and limiting the maximum building height to 35 feet; upon application of C & K Safety Harbor, LLC & Outbidya, Inc., through Richard J. Marcel or Jason D. Boyd, The Sustainability Group, LLC, Representative,

and

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 9.4 acres located on the north side of Keystone Road, 100 feet east of Ranch Road in East Lake Tarpon, located in Section 11, Township 27, Range 16, from Residential Rural to Institutional 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.

4. Q Z-2-1-16

Resolution changing the Zoning classification of approximately 4.8 acres located on the east side of US Highway 19 N, 600 feet north of SR-580 in the unincorporated area of Clearwater; page 631 of the Zoning Atlas, as being in Section 30, Township 28, Range 16, from CP-1, Commercial Parkway to CP-2, Commercial Parkway, upon application of Fitzgerald Motors, Inc., through Richard J. Marcel or Jason D. Boyd, The Sustainability Group, LLC, Representative.

5. Q Z-3-1-16

Resolution changing the Zoning classification of approximately 0.7 acre located on the west side of US Highway 19 Alternate, 300 feet south of Brevard Street in Palm Harbor; page 51 of the Zoning Atlas, as being in Section 26, Township 27, Range 15, from R-4, One, Two & Three Family Residential to C-3, Commercial, Wholesale, Warehousing & Industrial Support, upon application of Providence Storage, LLC through Rod Collman, A. I. A., SDG Architecture, Representative.

Any written arguments, evidence, explanations, studies, reports, petitions or other documentation that an applicant, proponent or opponent wishes to be provided to the Board of County Commissioners for their consideration in support of, or in opposition to, any of the applications proposed above should be submitted to the attention of the Pinellas County Zoning Manager, 440 Court Street, Fourth Floor, Clearwater, Florida 33756. Materials must be submitted at least one week (7 days) in advance of the advertised hearing. Hard copy written comments must be submitted on 8½ × 11-inch paper.

The proposed Resolutions and Ordinances amending the Zoning Atlas and the Future Land Use Map can be inspected by the public in the Pinellas County Planning Department; Land Use and Zoning Division located at the address above, or at the Pinellas County Board Records located at 315 Court Street, Fifth Floor, Clearwater, Florida 33756. You can contact the Zoning Division at (727) 464-5047 with any questions, or email them at zoning@pinellascounty.org.

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

KEN BURKE, CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
By Norman D. Loy, Deputy Clerk

REQUEST FOR ADVERTISING FORM

Phone No. 464-8200

Fax No. 464-8201

To: Board Records

FROM: Tammy Swinton, Planning Department (February 23, 2016 BCC Hearing)

DATE: February 2, 2016

AD COPY ATTACHED: Yes X No WITH MAP

REQUIRES SPECIAL HANDLING: Yes No X

NEWSPAPER: St. Petersburg Times X

DATE(S) TO APPEAR: **February 12, 2016**

SIZE OF AD: **2 COLUMN BY 10 INCH AD (or quarter-page ad if necessary for legibility)**

SIZE OF HEADER: **18 Point Header**

SIZE OF PRINT: **N/A**

SPECIAL INSTRUCTIONS: **Do Not Print in Legal/Classified Section**

cc: Glenn Bailey, Planning Department
Gordon Beardslee, Planning Department
Tammy Swinton, Planning Department

