

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



Regarding: Case No. CU-12-7-17

LPA Recommendation: The LPA finds that the request for a conditional use modification and variance is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the request with the ten conditions recommended by staff. (The vote was 6-0, in favor)

LPA Public Hearing: July 13, 2017

PLANNING STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find that the proposed Conditional Use modification is consistent with the Pinellas County Comprehensive Plan based on the Findings of this report.
- **Staff further recommends** that the LPA recommend approval of the proposed Conditional Use modification and variance to the Pinellas County Board of County Commissioners subject to the following conditions, which will apply to the entire one acre associated with the conditional use:
 1. Full site plan review.
 2. Site development shall maintain substantial conformance with the associated concept plan.
 3. Appropriate licensure shall be maintained.
 4. The proposed expansion shall not exceed 1,612 square feet.
 5. All animals shall be boarded indoors only.
 6. All kennel areas shall be soundproofed and professionally certified per STC rating in keeping with the Pinellas County Noise Ordinance.
 7. All parking requirements shall be met.
 8. The building setback from the south property line shall be 16 feet. All other required setbacks shall be met.
 9. Any changes to the conditions listed shall require approval of the appropriate Board at a public hearing.
 10. In the event any of the above conditions are not met or the conditional use becomes a nuisance, its approval may be rescinded.

CASE SUMMARY

APPLICANT'S NAME: Dr. Elizabeth F. Baird
DISCLOSURE: N/A
REPRESENTED BY: Gary A. Boucher, P. E.

CONDITIONAL USE & VARIANCE

A request for a modification of a previously-approved Conditional Use to allow a 1,612 square foot expansion of the existing animal hospital, and a variance to allow the proposed expansion to have a 16-foot side setback from the south property line where 25 feet is required in an A-E zone.

PROPERTY DESCRIPTION:

Approximately one acre located at 1412 Belcher Road in Palm Harbor.

PARCEL ID(S): 06/28/16/00000/230/0300

PROPOSED BCC HEARING DATE: August 15, 2017

CORRESPONDENCE RECEIVED TO DATE:

No correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

The representative appeared. No one appeared in favor or against.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Low & Transportation/Utility	A-E	Animal Hospital
Adjacent Properties:			
North	Residential Low & Transportation/Utility	A-E	Vacant County-Owned
East	Residential Low & Transportation/Utility	A-E	Vacant County-Owned
South	Residential Low	A-E	Vacant County-Owned
West	Institutional	IL	Church

PLANNING REVIEW COMMITTEE:

The Planning Review Committee (PRC) reviewed this application on June 12, 2017. The PRC Staff summary discussion and analysis follows:

PRC DISCUSSION AND ANALYSIS

The subject area is a one-acre parcel located at 1412 Belcher Road in Palm Harbor, on the east side of the roadway approximately 700 feet north of Nebraska Avenue. It is currently the site of an animal hospital and kennel that was originally approved by the Board as a conditional use in 1987. Subsequent conditional use modification requests, mostly for various expansions and hours of operation changes, were granted in 1988, 1996 and 2001. The approval in 2001, which was never constructed, permitted up to an 8,000 square foot building. The property is zoned A-E, Agricultural Estate Residential, on the Zoning Atlas and is designed Residential Low (RL) and Transportation/Utility (T/U) on the Pinellas County Future Land Use Map (FLUM). The T/U portion is located in the northeast corner of the property and corresponds to an area with overhead power lines. This current request is for a 1,612 square foot expansion of the existing building for a total area of 5,146 square feet. The expansion is proposed to house a hydrotherapy unit, and will not be used for boarding animals.

The proposed conditional use modification is not expected to negatively impact the surrounding area. The subject property is buffered on three sides by County-owned land and Belcher Road is on the other. The nearest residential property line is 68 feet to the south. The home located on that property is over 150 feet away from the proposed expansion. The residential subdivisions to the north and east are over 330 and 400 feet away, respectively. The Palm Harbor United Methodist Church is on the opposite side of Belcher Road, which is a four-lane minor arterial roadway.

The applicant is also requesting a variance to locate the proposed expansion to within 16 feet of the south property line. The A-E zoning district normally requires 25-foot side setbacks. The expansion is proposed for the south side of the existing building in an effort to preserve several mature trees on its north side and to stay away from the overhead powerlines on the east side. It should be noted that the subject parcel was once much larger (the original conditional use approval covered five acres). It was reduced to its present one-acre size due to the widening of Belcher Road to its west and the need to locate associated stormwater ponds to its east. The property to the south is a 68-foot wide County-owned accessway to the ponds. As such, the requested setback reduction would not impact any adjacent residential uses.

Staff recommends approval of the proposed conditional use and variance as the request meets the General Standards of Section 138-269 of the Pinellas County Land Development Code as follows: *(staff response is in italic print)*

- 1) All structures and uses shall be separated from adjacent and nearby uses by appropriate screening devices or landscaped open area. *(The subject property is surrounded by County-owned land on three sides and Belcher Road on the other. Any additional screening/landscaping, if needed, will be determined during site plan review.)*
- 2) Excessive vehicular traffic is not generated on residential streets and no vehicular parking or other traffic problem is created. *(Traffic will access the site via Belcher Road, a 4-lane minor arterial. All required parking will be provided on site, and as such no local street traffic or vehicular parking problem will be created.)*
- 3) Appropriate drives, walks and parking areas are proposed so that no vehicular traffic or parking problems are created. *(The proposed use will meet all parking requirements.)*
- 4) Drainage problems will not be created on the subject property or adjacent properties. *(Specific Drainage requirements will be determined during site plan review. A County-owned retention pond is directly adjacent to the subject property.)*

- 5) All provisions and requirements of the zoning district in which the project is located will be met. *(The proposed use will meet all provisions of the A-E zoning district, with the exception of the setback variance request. The property is smaller than normally permitted in A-E, but that is due to County acquisitions related to the widening of Belcher Road.)*
- 6) The conditional use shall be consistent with the county comprehensive plan adopted pursuant to state law and shall be in keeping with the purpose and intent of this chapter. *(The proposed use is consistent with the Pinellas County Comprehensive Plan.)*
- 7) In approving a conditional use, the Board of County Commissioners may establish and require additional safeguards to ensure proper operation of the use and provide protection to the surrounding area. Such safeguards may include but are not limited to: a time limit for acquiring development authorization; hours of operation; entry and exit point to and from the site; additional setbacks; fencing and screening; and capacity of use. The board shall have the authority to grant variances at the hearing.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

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

Future Land Use and Quality Communities Element

- 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 1.2.8 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.

Attachment (Maps)