

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



Regarding: Case No. Z/LU-03-02-17

LPA Recommendation (*from the February 8, 2017 hearing*): On February 8, 2017, the LPA found the original request for the proposed land use and zoning amendments, without the addition of the conditional overlay, to be inconsistent with the Pinellas County Comprehensive Plan, and recommended Denial. (The vote was 5-0, to recommend denial of the request).

LPA Recommendation (*from the October 12, 2017 hearing*): The LPA finds that the proposed amendment to the Future Land Use Map and Zoning Atlas, with the Conditional Overlay limiting the use of the subject property to the storage and processing of vehicles for repair and restoration or disposal after collisions, the storage of inventory and materials necessary to effect that repair or restoration, as storage for vehicles utilized for law enforcement purposes, for vehicles removed from properties under contract, from vehicles removed from roadways after collision, restoration and outdoor storage of customer vehicles, trailers and vessels of all types and classes towed onto or delivered to the subject property for public/governmental purposed purposes and on behalf of private parties generally is consistent with the Pinellas County Comprehensive, and recommends Approval of the request with the additional use restrictions of (1) no stacking and (2) no storage for RVs or boats. (The vote was 3-2, in favor)

LPA Public Hearing: February 8, 2017 and October 12, 2017

PLANNING STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas **inconsistent** with the Pinellas County Comprehensive Plan based on the findings in this report; and
- **Staff further recommends** that the LPA recommend **denial** of the proposed FLUM and Zoning Atlas amendments to the Pinellas County Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Clay & Pam, LLC

DISCLOSURE: Specify Interest: Clayton A. Miller & Pamela D. Miller (50/50)

REPRESENTED BY: Jan T. Govan, Attorney at Law

	LAND USE CHANGE	ZONING CHANGE
FROM:	Residential Medium	R-4, One, Two & Three Family Residential
TO:	Employment	M-1-CO, Light Manufacturing & Industry – Conditional Overlay
Conditional Overlay limiting the use of the subject property to the storage and processing of vehicles for repair and restoration or disposal after collisions, the storage of inventory and materials necessary to effect that repair or restoration, as storage for vehicles utilized for law enforcement purposes, for vehicles removed from properties under contract, from vehicles removed from roadways after collision, restoration and outdoor storage of customer vehicles, trailers and vessels of all types and classes towed onto or delivered to the subject property for public/governmental purposes and on behalf of private parties generally.		

PROPERTY DESCRIPTION:

Approximately 0.8 acre located 135 feet north of the northeast corner of the Florida Avenue and 9th Street intersection in Palm Harbor (a portion of parcel 01/28/15/88560/088/0300).

PARCEL ID(S): a portion of 1/28/15/88560/088/0300

PROPOSED BCC HEARING DATE: November 28, 2017

CORRESPONDENCE RECEIVED TO DATE:

56 letters received in favor. (October 12, 2017 hearing)
Three letters received in opposition. (February 8, 2017 hearing)

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

One person appeared in favor. One person appeared in opposition (October 12, 2017 hearing)
One person appeared in opposition (February 8, 2017 Hearing)

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Medium	R-4	Vacant
Adjacent Properties:			
North	Employment	M-1	Auto Repair Facility
East	Commercial General	C-3	Brewery
South	Activity Center-Neighborhood	OPH-D	Single Family, Duplex, Small Business
West	Residential Urban	R-4	Triplex

PLANNING REVIEW COMMITTEE:

The Planning Review Committee (PRC) reviewed the original application on January 9, 2017 and the revised request on August 14, 2017. The PRC Staff summary discussion and analysis follows:

PRC DISCUSSION AND ANALYSIS

BACKGROUND AND COMPATIBILITY WITH SURROUNDING LAND USES

This request is to amend the Pinellas County Future Land Use Map (FLUM) for an approximately 0.8-acre site located near downtown Palm Harbor from Residential Medium (RM) to Employment (E) and to rezone the site from R-4, One, Two or Three Family Residential, to M-1-CO, Light Manufacturing & Industry – Conditional Overlay, with the Conditional Overlay limiting the use of the subject site to the storage and processing of vehicles for repair and restoration or disposal after collisions, the storage of inventory and materials necessary to effect that repair or restoration, as storage for vehicles utilized for law enforcement purposes, for vehicles removed from properties under contract, from vehicles removed from roadways after collision, restoration and outdoor storage of customer vehicles, trailers and vessels of all types and classes towed onto or delivered to the subject property for public/governmental purposes and on behalf of private parties generally.

On February 8, 2017 the LPA held a public hearing and recommended denial unanimously on the same base land use and zoning amendments that are currently proposed. That initial request, however, did not include the Conditional Overlay and its associated use limitations that are a part of this updated application. While it addresses much of the concern over the wide range of potential uses that might become available without the Conditional Overlay, inclusion of the proposed use limitations has not changed staff's overall recommendation of denial, as the underlying issues and concerns discussed below in this report in large part are still applicable.

The amendment area is a portion of a larger two-acre parcel that extends to the north and east. The applicants also own the property to the north of the subject parcel, which contains an auto collision repair business. The amendment area has been utilized for vehicle storage and as a staging area for the auto repair facility. Such activity is not permitted by the existing R-4 zoning district; however, the requested M-1-CO district would permit such uses, which the applicants wish to continue. The R-4 district by right allows only single family residences, duplexes, and triplexes and their customary accessory uses. The amendment area is located adjacent to the Old Palm Harbor-Downtown (OPH-D) West Sub District to the south and residential uses to the west. It serves as a buffer from the auto repair business to the north.

The amendment area has been designated Residential Medium on the FLUM since the early 1980s as a means of providing a transition between the more intensive industrial use to the north and the less intensive FLUM designations to the south and west. It is staff's opinion that this request should be denied because industrial uses are generally incompatible with the adjacent OPH-D district and the residential uses to the west on the opposite side of the 9th Street right-of-way. This was the case in 2004 when staff recommended denial for a similar request from the same applicants to amend the subject site to Industrial Limited (since renamed Employment). The Board of County Commissioners agreed and subsequently denied that request unanimously. It should be noted, however, that the Conditional Overlay is a recently-developed option that was not available at the time. The Conditional Overlay as proposed would provide assurance as to what uses could occur within the amendment area.

It is also important to note that much of the surrounding area has changed over time from what was once an industrial pocket to other less intensive uses. This is evidenced by changes in zoning and land use on several parcels to the north of the auto repair facility, which is the last remaining property on the west side of Alternate US-19 in the general area used for industrial purposes. Several years ago, the applicant's industrial property and another 16.4 acres to the north represented an area that was planned for and contained industrial uses. Today, the 16.4 acres have been redeveloped into residential townhomes, parking for nearby recreational facilities, and a regional stormwater treatment facility. The applicants' proposal to officially expand their industrial use southward toward existing residential and small-scale office uses is contrary to the development trend and community planning initiatives that have been occurring in this area for well over a decade.

TRANSPORTATION AND INFRASTRUCTURE IMPACTS

Comparing the current development potential of the subject area with the potential uses associated with the proposed Employment FLUM designation, the Employment category could generate approximately 46 additional average daily trips on Alternate US-19. This facility is operating at a peak hour level of service (LOS) F with a volume to capacity (V/C) ratio of 1.18. While the 46 potential additional trips would have limited impacts on the surrounding traffic circulation system, Alternate US-19 is considered a Deficient Road. Because of this, any site development would be subject to mobility mitigation requirements that could be applied during site plan review.

Approval of the request will not negatively impact the County's ability to provide solid waste, potable water and sanitary sewer services. The subject property is located within the Pinellas County Water and Sewer Demand Service Area. Amending the subject property to Employment could decrease

potable water and wastewater demand by approximately 1,129 and 629 gallons per day, respectively. With respect to solid waste disposal, approval of the amendment could increase the amount of solid waste generated by approximately 24.34 tons per year.

SUMMARY

Staff is of the opinion that the proposed land use and zoning amendments are inappropriate based on incompatibility with the surrounding properties to the south and west. The general area has been transitioning away from industrial-type uses over time. In 2004, the Board denied unanimously a similar request, minus the Conditional Overlay. Should the current request be approved, it is recommended that height restrictions be put in place to prevent high stacking of materials and that the outdoor storage of vehicles other than those being temporarily queued for the repair and restoration business be disallowed. Heavy industrial uses such as salvage yards and junkyards are not allowed in the M-1 zoning district. Official establishment of the desired uses within the amendment area and the change of use from vacant to industrial would require site plan review.

It should be noted that other options still exist for utilizing the amendment area for purposes other than those proposed. For example, it could be used for stormwater retention or the applicants have the option to request a special exception to allow overflow parking on the site, which could in turn free up other portions of the overall property for the staging of vehicles for processing.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendments are inconsistent with the following adopted objectives 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.

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.

Objective 1.17: Pinellas County shall preserve and seek to enhance established community values, a community's unique identity, and their social support structure, and will make decisions that are in concert with a community's established vision for their future.

Policy 1.17.2: Consistent with the purpose and intent of the Comprehensive Plan, Section 134-82(c) of the Land Development Code, Pinellas County shall make decisions, both unincorporated and countywide, that do not detract from the established community identity and social support structure but, instead, serve to preserve and enhance that identity and structure.

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)