



Pinellas County

Legislation Details (With Text)

File #: 18-1537A **Version:** 1

Type: Zoning / Land Use and Related Item **Status:** Failed

File created: 9/18/2018 **In control:** Board of County Commissioners

On agenda: 10/23/2018 **Final action:** 10/23/2018

Title: (Q) Z/LU-11-06-18 (Pinellas Auto Sales)
 A request for a zoning change from R-3, Single Family Residential to C-2, General Retail Commercial and Limited Services (0.32 acre) and C-2-CO, General Retail Commercial and Limited Services-Conditional Overlay (0.38 acre) with the Conditional Overlay limiting the use of the northern 220-foot portion of the property to the parking of vehicle inventory only, and a land use change from Residential Urban to Commercial General on approximately 0.70 acre located at 6789 Ulmerton Road in unincorporated Largo (a portion of parcel 06-30-16-70938-400-1302).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Adopted RES 18-95, 2. Applicant Documentation Submitted to BCC at Meeting, 3. Correspondence.pdf, 4. Affidavit of Publication - Notice of Public Hearing, 5. ZLU-11-06-18presentation_denial (PowerPoint Presentation.pptx), 6. Ordinance-AATF, 7. Resolution-AATF, 8. Ordinance.doc, 9. Resolution.doc, 10. LPA Report.pdf, 11. Radius Map.pdf, 12. Ad Map.pdf, 13. Legal Ad.pdf, 14. Site Plans.pdf, 15. Traffic Analysis.pdf, 16. Impact Assessment.pdf, 17. Case Maps.pdf, 18. Comment Card

Date	Ver.	Action By	Action	Result
10/23/2018	1	Board of County Commissioners	denied	Pass

Subject:

(Q) Z/LU-11-06-18 (Pinellas Auto Sales)
 A request for a zoning change from R-3, Single Family Residential to C-2, General Retail Commercial and Limited Services (0.32 acre) and C-2-CO, General Retail Commercial and Limited Services-Conditional Overlay (0.38 acre) with the Conditional Overlay limiting the use of the northern 220-foot portion of the property to the parking of vehicle inventory only, and a land use change from Residential Urban to Commercial General on approximately 0.70 acre located at 6789 Ulmerton Road in unincorporated Largo (a portion of parcel 06-30-16-70938-400-1302).

Recommended Action:

Denial of Case No. Q Z/LU-11-06-18 approving:

- 1) An Ordinance approving the application of Pinellas Auto Sales for a change in land use from Residential Urban to Commercial General, and
- 2) A Resolution approving a change in zoning from R-3, Single Family Residential to C-2, General Retail Commercial & Limited Services (0.32 acre), and a change in zoning from R-3, Single Family Residential to C-2-CO, General Retail Commercial & Limited Services-Conditional Overlay (0.38 acre), with a Conditional Overlay limiting the use of the northern 220-foot portion of the property to the parking of vehicle inventory only, regarding approximately 0.70 acre located at 6789 Ulmerton

Road.

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:

Staff would continue to support the request for zoning and land use as outlined above. However, on August 21, 2018, the Board continued this case to allow the applicant the opportunity to provide evidence that he has addressed code enforcement violations on the subject property. He has not thus far provided Planning Staff with any such evidence or additional information. Staff will continue to monitor the situation further and revisit the site prior to the October 23, 2018 public hearing. While staff previously recommended approval of this case, based upon continued inaction regarding code enforcement actions on this (as well as other properties owned by the applicant) staff recommends denial of this request. The case summary previously provided to the Board follows below.

The subject area consists of the northern 0.70-acre portion of a larger 1.02-acre parcel located on the north side of Ulmerton Road approximately 130 feet east of Audrey Lane in unincorporated Largo (address: 6789 Ulmerton Road). The subject area itself contains the majority of the larger building and the smaller northern building (which were established as legal nonconforming uses in 2009). The southern portion of the site, already zoned C-2, contains the majority of the overall property that has been utilized in association with an auto sales and repair business.

The subject area is designated Residential Urban (RU) on the Future Land Use Map (FLUM) and zoned R-3, Single Family Residential. The portion of the overall property that is south of the subject area adjacent to Ulmerton Road is designated Commercial General (CG) on the FLUM, and zoned C-2. The structures on the property date from the early 1960s and, according to the nonconforming use approval documents, an office has existed on the subject area since at least 1963. The parcel itself has unusual size dimensions (75 feet wide by 588 feet deep) and a unique relationship to adjacent uses, which present a challenge in terms of an appropriate compatible use. Staff is of the opinion that the site is not conducive to residential development as ingress and egress to the residential area would be difficult given the narrow size of the property and access needed through and encroaching on an existing commercial use. Staff believes that the extension of the C-2 zoning on the parcel for the 0.32 acre portion will correct the nonconforming use that has been operating on the site for over 50 years. Further, the amendment to C-2 with a Conditional Overlay on the northern 0.38-acre portion limits this area to a passive commercial use that can be considered compatible with the adjacent residential uses provided proper screening is in place as required by the performance standards in the Pinellas County Land Development Code.

The C-2 zoning on the southern portion of the parcel fronting Ulmerton Road was established in 1977 (Amended from R-3 to C-2). In 2009 an additional 0.11-acre portion of the parcel was amended from R-3 to C-2.

The subject site is located in an area that contains a variety of land uses and zoning districts. The property directly to the north of the site contains a 200-foot tall cell phone tower and accessory equipment, to the east are a triplex and a preschool, to the south is the part of the subject property

already zoned C-2, and to the west is a truck and car rental company and four single-family homes.

The proposed CG FLUM and C-2 & C-2-CO zoning designations are appropriate for the subject area. The C-2 zoning district has existed on part of the property for decades. The proposed Conditional Overlay would limit utilization of the northern portion of the property to vehicle inventory storage, which is generally a quiet use that generates little traffic and poses limited overall impacts.

Background Information:

The Local Planning Agency recommended approval of the request during its July 12, 2018 public hearing (vote 6-0).

In accordance with Section 134-337 of the Pinellas County Land Development Code, mailed notices of the public hearings were provided to property owners (as determined by Pinellas County Property Appraiser records) within 400 feet of the subject property. A sign noticing the public hearings was also posted on the subject property.

The subject property has multiple existing code enforcement violations that have resulted in fines, dated September 14, 2018.

CF18-00366 - Trash and Debris for discarded tree debris, pieces of metal, broken wood fence sections, auto parts and there is untended growth of vegetative matter ie: grass and weeds.

CF18-00367 - Prohibited Vehicles for Parking and storing of prohibited Box Trucks and a prohibited Step Van on the R-3 zoned part of the property.

CF18-00368 - Zoning violations for (1) Parking and storage of vehicles and related items from the C-2 zoned area of the parcel onto the R-3 zoned portion of the premises.
(2) Conducting vehicle repairs for commercial business on a residentially zoned R-3 property.

CF18-00369 - Zoning violations for Placement of a shed type structure in excess of 100sq feet on the R-3 zoned section of the property.

CF18-00370 - Zoning violations for prohibited two wheel towable electronic message board sign.

Fiscal Impact:

N/A

Staff Member Responsible:

Renea Vincent, Director, Planning

Partners:

N/A

Attachments:

LPA Report
Case Maps
Impact Assessment
Traffic Analysis
Resolution

Ordinance
Site Plan
Correspondence
PowerPoint Presentation
Legal Ad
Ad Map
Radius Map