



# Pinellas County

## Legislation Details (With Text)

**File #:** 16-2038A      **Version:** 1

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

**File created:** 11/10/2016      **In control:** Board of County Commissioners

**On agenda:** 12/13/2016      **Final action:** 12/13/2016

**Title:** Q Z-23-10-16 (Duke Energy Florida)  
 A request for a zoning change from A-E, Agricultural Estate Residential (75.4 acres) and A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay (74.3 acres) to M-1-CO, Light Manufacturing and Industry-Conditional Overlay (75.4 acres), M-1-W-CO, Light Manufacturing and Industry-Wellhead Protection Overlay-Conditional Overlay (47.9 acres), and PC-W, Preservation Conservation-Wellhead Protection Overlay (26.4 acres), with the Conditional Overlay limiting the uses to a utility substation, telecommunication regenerator, cell tower, and microwave tower on approximately 149.7 acres located 135 feet west of the northwest corner of the intersection of Race Track Road and Forest Lakes Boulevard in the unincorporated area of Oldsmar.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Adopted RES 16-91, 2. Comment Card Submitted by BCC Meeting Attendee, 3. Affidavit of Publication - Notice of Public Hearing, 4. Z-23-10-16-Resolution, 5. Power Point Presentation\_BCC.pdf, 6. Ad\_Map\_Nov 2016.pdf, 7. Legal Ad.pdf, 8. Maps.pdf, 9. LPA Report.doc

Date	Ver.	Action By	Action	Result
12/13/2016	1	Board of County Commissioners	approved	Pass

**Subject:**

Q Z-23-10-16 (Duke Energy Florida)  
A request for a zoning change from A-E, Agricultural Estate Residential (75.4 acres) and A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay (74.3 acres) to M-1-CO, Light Manufacturing and Industry-Conditional Overlay (75.4 acres), M-1-W-CO, Light Manufacturing and Industry-Wellhead Protection Overlay-Conditional Overlay (47.9 acres), and PC-W, Preservation Conservation-Wellhead Protection Overlay (26.4 acres), with the Conditional Overlay limiting the uses to a utility substation, telecommunication regenerator, cell tower, and microwave tower on approximately 149.7 acres located 135 feet west of the northwest corner of the intersection of Race Track Road and Forest Lakes Boulevard in the unincorporated area of Oldsmar.

**Recommended Action:**

Adoption of Case No. Q-Z-23-10-16: A Resolution approving the application of Duke Energy Florida for a change in zoning from A-E, Agricultural Estate Residential (75.4 acres) and A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay (74.3 acres) to M-1-CO, Light Manufacturing and Industry-Conditional Overlay (75.4 acres), M-1-W-CO, Light Manufacturing and Industry-Wellhead Protection Overlay-Conditional Overlay (47.9 acres), and PC-W, Preservation Conservation-Wellhead Protection Overlay (26.4 acres), with the Conditional Overlay limiting the uses to a utility substation, telecommunication regenerator, cell tower, and microwave tower on approximately 149.7 acres located 135 feet west of the northwest corner of the intersection of Race Track Road and Forest Lakes Boulevard.

**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 149.7-acre subject property is currently designated Transportation/Utility, Preservation, and Employment on the Future Land Use Map (FLUM) and is zoned A-E, Agricultural Estate Residential and A-E-W, Agricultural Estate Residential - Wellhead Protection Overlay. It is the location of a Duke Energy utility substation approved as a conditional use in 1990. The applicant is proposing an expansion of the substation in an effort to serve growing customer needs.

The subject property is adjacent to the Brooker Creek Preserve to its north and west. To the east is a vacant 130 foot-wide strip of land owned by the City of Oldsmar that separates the property from Hillsborough County, beyond which is a business park within Hillsborough County. The Brooker Creek Corporate Center within the City of Oldsmar is to the south. The existing A-E and A-E-W zoning districts permit a utility substation with an approved conditional use. The difference between the two districts is enhanced development review oversight within the Wellhead Protection Zone that is required to better protect the Zone's groundwater resource.

Rezoning the subject property is necessary in lieu of a conditional use modification because the A-E and A-E-W zoning districts are not compatible with the property's current FLUM categories. The applicant is proposing a zoning change to M-1-CO, Light Manufacturing and Industry - Conditional Overlay, M-1-W-CO, Light Manufacturing and Industry - Wellhead Protection Overlay - Conditional Overlay, and PC-W, Preservation/Conservation - Wellhead Protection Overlay. The Conditional Overlay would limit the potential uses on the site to a utility substation, telecommunication regenerator, microwave tower, and cell tower. All of those uses are currently existing with the exception of the cell tower, for which the applicant desires the option to construct in the future. Without these limitations, a much broader range of uses would be possible. The area proposed for PC-W zoning corresponds to the wetlands on the northwest portion of the property. This section of the site will not be open for development. The area proposed for the Wellhead Protection Overlay corresponds to the existing boundary of the Wellhead Protection Zone, which is within the northern portion of the site. Importantly, the proposed area of expansion for the utility substation is not within the Wellhead Protection Zone. Any future expansion will require site plan review oversight.

The proposed zoning districts are generally compatible with nearby land uses and better recognize the existing and planned development on the subject property, as well as its environmental constraints. The Conditional Overlay will reasonably limit the range of potential uses in a way that should not be detrimental to neighboring properties. The proposal is consistent with the Pinellas County Comprehensive Plan, will bring the FLUM categories and zoning districts into consistency, and is appropriate for this location.

**Background Information:**

The Local Planning Agency (LPA) recommended approval of the request on November 10, 2016 (Vote 7-0).

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Renea Vincent, Director, Planning

**Partners:**

N/A

**Attachments:**

LPA Report

Case Maps

Resolution

Power Point Presentation

Legal Ad

Ad Map