



# Pinellas County

## Legislation Details (With Text)

**File #:** 17-1090A      **Version:** 1

**Type:** Zoning / Land Use and Related Item      **Status:** Withdrawn

**File created:** 6/19/2017      **In control:** Board of County Commissioners

**On agenda:** 7/18/2017      **Final action:** 7/18/2017

**Title:** Q Z-10-06-17 (Gaetano & Grace Critelli)  
 A request for a zoning change from C-1, Neighborhood Commercial to C-2, General Retail Commercial & Limited Services and a Development Agreement limiting the use to a small restaurant (50 seats or less) with an optional drive-thru, prohibiting access to 77th Avenue North, limiting the rear (south) 25 feet of the property to drainage retention, screening and buffering, directing exterior lighting and amplified noise away from nearby residential properties, limiting building intensities and height to those permitted by the property's land use and zoning designations, allowing vehicular access to the property only via the driveway located on the adjacent property to the west, and ensuring development occurs in substantial conformance with the submitted concept plan on approximately 0.55 acre located on the south side of Park Boulevard approximately 110 feet west of Oakhurst Road in the unincorporated area of Seminole.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Correspondence.pdf, 2. email re continuance Z-10-6-17 (Critelli), 3. Z-10-06-17\_additional correspondence\_rcvd\_07\_11\_17, 4. Presentation, 5. Affidavit of publication, 6. Resolution - AATF, 7. Notice of Withdrawl by Applicants, 8. BCC Ad\_Map.pdf, 9. BCC Legal Ad.pdf, 10. Development Agreement.pdf, 11. Resolution.doc, 12. Case Maps.pdf, 13. LPA Report.doc

Date	Ver.	Action By	Action	Result
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**Subject:**

Q Z-10-06-17 (Gaetano & Grace Critelli)  
 A request for a zoning change from C-1, Neighborhood Commercial to C-2, General Retail Commercial & Limited Services and a Development Agreement limiting the use to a small restaurant (50 seats or less) with an optional drive-thru, prohibiting access to 77th Avenue North, limiting the rear (south) 25 feet of the property to drainage retention, screening and buffering, directing exterior lighting and amplified noise away from nearby residential properties, limiting building intensities and height to those permitted by the property's land use and zoning designations, allowing vehicular access to the property only via the driveway located on the adjacent property to the west, and ensuring development occurs in substantial conformance with the submitted concept plan on approximately 0.55 acre located on the south side of Park Boulevard approximately 110 feet west of Oakhurst Road in the unincorporated area of Seminole.

**Recommended Action:**

Case No. Z/LU-10-06-17: Adoption of a Resolution approving the application of Gaetano & Grace Critelli for a change in zoning from C-1, Neighborhood Commercial to C-2, General Retail Commercial & Limited Services and a Development Agreement limiting the use to a small restaurant (50 seats or less) with an optional drive-thru, prohibiting access to 77th Avenue North, limiting the rear (south) 25 feet of the property to drainage retention, screening and buffering, directing exterior lighting and amplified noise away from nearby residential properties, limiting building intensities and

height to those permitted by the property's land use and zoning designations, allowing vehicular access to the property only via the driveway located on the adjacent property to the west, and ensuring development occurs in substantial conformance with the submitted concept plan, regarding approximately 0.55 acre located on the south side of Park Boulevard approximately 110 feet west of Oakhurst 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:**

The subject property consists of three contiguous vacant parcels totaling approximately 0.55 acre fronting the south side of Park Boulevard approximately 110 feet west of Oakhurst Road. The property is also adjacent to 77th Avenue North, a residential street, to the south. It is currently designated C-1, Neighborhood Commercial on the Zoning Atlas and Commercial General (CG) on the Future Land Use Map (FLUM). The applicant is requesting a zoning amendment to C-2, General Retail Commercial and Limited Services. A fast food-style restaurant with a drive-thru is proposed. The existing C-1 district does not permit drive-thru restaurants. Both C-1 and C-2 are compatible with the CG FLUM category.

The subject property is located within a commercial node surrounding the intersection of Park Boulevard and Oakhurst Road. Surrounding uses include single family residential to the south, a restaurant and offices to the west, a bank to the east, and retail commercial to the north across Park Boulevard. The intent of the existing C-1 district is to provide locations for compact shopping areas within or near neighborhoods to conveniently supply the immediate needs of the neighborhood. The requested C-2 district, on the other hand, is intended to serve a greater population with a wider range of potential services and retail uses. In this case, the subject property is along an arterial road corridor in an area with a mix of noncommercial uses and intensities fronting the roadway. Most properties within the surrounding commercial node are zoned C-1, while others are either C-2 or P-1 (General Professional Office).

To memorialize their stated intent, the applicants are proposing a Development Agreement that would limit the use of the property to a small restaurant with the option of a drive-thru. The limitation would eliminate the possibility of other uses allowed by the C-2 district. The Development Agreement would run with the land via a recorded restrictive covenant and apply to any future property owners. In order to provide additional assurances and help minimize impacts to nearby residential properties, the Development Agreement would also prohibit access to and from 77th Avenue North, limit the rear 25 feet of the property to drainage retention, screening and/or buffering only, shield and direct exterior lighting and amplified noise away from nearby residential properties, allow vehicular access to the property only via the driveway located on the adjacent property to the west (to eliminate the need for an additional curb cut on Park Boulevard), and ensure that development occurs in substantial conformance with the submitted concept plan (Exhibit B to the Development Agreement).

It is staff's opinion that the proposed C-2 district, as restricted by the Development Agreement, is appropriate for this location.

**Background Information:**

The Local Planning Agency (LPA) recommended approval of the request during its June 8, 2017 public hearing with amendments to the Development Agreement to limit the size of the restaurant to 50 seats or less and requiring amplified noise to be directed away from nearby residential properties (Vote 3-1).

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Renea Vincent, Director, Planning

**Partners:**

N/A

**Attachments:**

LPA Report  
Case Maps  
Development Agreement  
Resolution  
Correspondence  
PowerPoint Presentation  
Legal Ad & Map