



# Pinellas County

## Legislation Details (With Text)

**File #:** 21-1218A **Version:** 1

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

**File created:** 6/14/2021 **In control:** Board of County Commissioners

**On agenda:** 7/13/2021 **Final action:** 7/13/2021

**Title:** Case No. Q Z/LU-21-01 (Noell Family, LLC, Attn: Chris Noell) (2nd hearing)  
A request for a land use change from Residential Suburban and Preservation to Residential Low and Preservation and a zoning change from R-A, Residential Agricultural and R-3, Single Family Residential to R-5-CO, Urban Residential-Conditional Overlay and PC, Preservation/Conservation.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. State-filed ORD 21-17, 2. Adopted ORD 21-17, 3. Adopted RES 21-46, 4. LPA Report, 5. Case Maps, 6. Impact Assessment, 7. Traffic Analysis, 8. Ordinance, 9. Resolution, 10. Comments received from Forward Pinellas, 11. Comments received from State, 12. Response to Question #13, 13. Noell Property Conditions of Approval \_ received 06\_11\_21, 14. Concept Plans A & B, Boundary Survey, Aerial & Bldg Elev, 15. Transportation Analysis.pdf, 16. Transportation Management Plan.pdf, 17. FDOT pre-app SB turn lane Alt 19 at Valley Rd.pdf, 18. Public Notification Map, 19. Presentation, 20. Correspondence, 21. Signed Petitions, 22. Signed Petitions (1), 23. Signed Petitions (2), 24. Signed Petitions (3), 25. Brenner, Amanda\_Petitions (4), 26. Citizen Comment Opposed, 27. Citizen Comment - Report from Deakin Property Services, 28. Email Comments - Opposed, 29. Late Filed Comment Opposed, 30. Signed Petition - Opposed, 31. Online Petition - (396) Opposed, 32. Legal Ad, 33. Ad Map\_JuLY\_2021, 34. Ordinance-AATF, 35. Resolution-AATF, 36. Electronic Affidavit of Publication, 37. Applicant PowerPoint Presentation, 38. Affidavit of Publication, 39. Correspondence received-opposed, 40. Petition Signatures 06-29-21, 41. Correspondence Received After 5, 42. Correspondence Received After meeting, 43. Public Comment Card - In Support, 44. Public Comment Card - Against

Date	Ver.	Action By	Action	Result
7/13/2021	1	Board of County Commissioners	approved as amended	Pass

### Subject:

Case No. Q Z/LU-21-01 (Noell Family, LLC, Attn: Chris Noell) (2nd hearing)  
A request for a land use change from Residential Suburban and Preservation to Residential Low and Preservation and a zoning change from R-A, Residential Agricultural and R-3, Single Family Residential to R-5-CO, Urban Residential-Conditional Overlay and PC, Preservation/Conservation.

### Recommended Action:

Based upon evidence and findings contained in the staff report and attachments, Case No. Z/LU-21-01 is recommended for:

- 1.) Adoption of an Ordinance approving the application of Noell Family, LLC for a land use change from Residential Suburban and Preservation to Residential Low (15.2 acres) and Preservation (6.3 acres) on approximately 21.5 acres located at and to the south of 4706 Pleasant Avenue in Palm Harbor.
- 2.) Adoption of a Resolution for a zoning change from R-A, Residential Agriculture and R-3, Single-Family Residential to R-5-CO, Urban Residential-Conditional Overlay (15.2 acres) and

PC, Preservation-Conservation (6.3 acres), with the Conditional Overlay limiting the number of residential units to either 68 one-story villas or 68 two-story townhomes, requiring a minimum 20 foot building setback from the western property line, and requiring an eight-foot high opaque fence and a minimum five-foot wide landscape buffer at a minimum 30 percent opacity along the western property line.

- This is the second of two required hearings on the land use Ordinance. The Board transmitted the Ordinance for state agency review on April 27, 2021.
- Following the Board meeting, staff worked with the applicant and representatives of the Suncoast Primate Sanctuary to address community concerns.
- The applicant agreed to the following:
  - a.) Limit the number of units to 68, instead of the maximum allowed of 82.
  - b.) Regardless of normal R-5 setback allowances, any building located along the western boundary of the site adjacent to the Pinellas Trail and Suncoast Primate Sanctuary will have a minimum setback of 20 feet.
  - c.) A buffer from the Suncoast Primate Sanctuary, which includes an 8-foot high opaque fence and a 5-foot wide landscape buffer at 30% opacity.
  - d.) Construction of a new southbound left turn lane from US-Alternate 19 onto Valley Road and a new sidewalk along Pleasant Avenue and Valley Road from the subject site to the Pinellas Trail.
- The applicant submitted a wetland survey and an environmental report.
- State and regional review agencies have indicated no objections to the proposal.
- The Local Planning Agency recommended approval of the request (vote 5-1). The vote against the proposal did not cite specific reasons. Five persons appeared in opposition, citing increased density, traffic, ecological impacts, and buffering/compatibility with adjacent uses.
- Nine individual letters and several petitions with a total of 2,793 signatures in opposition have been received.

### **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 four parcels totaling approximately 21.5 acres located at and south of 4706 Pleasant Avenue in Palm Harbor. The site is currently vacant. It is designated Residential Suburban (RS) (16.7 acres), which allows up to 2.5 residential units per acre, and Preservation (P) (4.9 acres) on the Future Land Use Map (FLUM). The site is zoned R-A, Residential Agriculture (21.13 acres), which requires minimum lots sizes of 2 acres, and R-3, Single-Family Residential (0.37 acre), which requires minimum lot sizes of 6,000 square feet.

The contract purchaser is proposing to develop the property as either a single-family attached villa or townhome residential subdivision at a higher density than what is currently allowed. In terms of land use, they are proposing a FLUM amendment to Residential Low (RL) (15.2 acres), which allows up to 5.0 residential units per acre and a modification of the location and size of the Preservation (P) (6.3 acres) area based on a wetland jurisdictional survey. For zoning, they are proposing a change to R-5-

CO, Urban Residential - Conditional Overlay (15.2 acres), which allows compact, urban-style dwelling units typically comprised of smaller living spaces on smaller lots, and PC, Preservation/Conservation (6.3 acres), which will further recognize the onsite wetland areas. The request, with the Conditional Overlay, would limit the number of residential units to either 68 one-story villas or 68 two-story townhomes, require a minimum 20 foot building setback from the western property line, and require an eight-foot high opaque fence and a minimum five-foot wide landscape buffer at a minimum 30 percent opacity along the western property line. Although not a part of the Conditional Overlay, if the townhome scheme is selected the contract purchasers are committing to shift any townhome buildings away from the northern portion of the Suncoast Primate Sanctuary where sensitive animals are housed. Ultimately, the number of units built will depend on lot layout, wetland buffering and other site plan and platting requirements such as internal accessways and stormwater facilities. By comparison, the existing RS category at the current 16.6 acres would allow up to 42 residential units with R-5 zoning. Additionally, the subject property, as well as all the immediate surrounding residential areas, are designated Residential Low Medium (RLM) on the Countywide Future Land Use Map, which allows up to 10.0 residential units per acre. Therefore, this proposal would not require a Countywide Map amendment.

The subject property is adjacent to single-family residential development of varied lot sizes and residential zoning districts (R-A, R-R & R-3) on the north. The subject site is bordered on the east and south by the Innisbrook golf course. Adjacent on the west is the Pinellas Trail with the Suncoast Primate Sanctuary on the western side of the Trail. The wider area is dominated by commercial and light industrial along the major roadways (US Alt 19 and Klosterman Road) with a mix of low to medium residential developments throughout the area.

The applicant has submitted a traffic study indicating the proposed development will generate 488 daily trips and a maximum of 43 PM Peak Hour trips. The nearest level of service (LOS) regulated roadways are Alt US 19 to the west and Klosterman Road to the north. In this location, Alt US 19 is operating at a peak hour level of service (LOS) F and is considered a deficient facility. Klosterman Road is operating at a peak hour level of service (LOS) C. Even though the number of new average daily trips is not expected to significantly impact the operational characteristics of these roadways, the applicant has proposed the following traffic mitigation solutions: a new southbound left turn lane from US Alt 19 to Valley Road and new sidewalk along Pleasant Avenue and Valley Road from the development to the Pinellas Trail. It should be noted that these mitigation proposals cannot be memorialized as part of the Conditional Overlay. Also, Pleasant Avenue from which the site is accessed is currently in a substandard condition. Improvements to Pleasant Avenue will therefore be required by the developer as determined during site plan review.

Staff is of the opinion that the proposed RL & P land use categories and R-5-CO & PC zoning districts are appropriate based on the proposed conditions of the development, the subject property's proximity to a variety of uses and designations, the onsite wetlands, general compatibility with the surrounding area, anticipated acceptable level of service impacts and proposed traffic mitigation, consistency with the Pinellas County Comprehensive Plan, and consistency with the Countywide Plan.

### **Background Information:**

The Local Planning Agency (LPA) recommended approval of the request during its March 11, 2021 public hearing (Vote 5-1).

Surrounding property owners within 750 feet of the subject site were notified by mail. A sign advertising the public hearings was posted on the subject site.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

LPA Report  
Case Maps  
Impact Assessment  
Traffic Analysis  
Resolution  
Ordinance  
Forward Pinellas Correspondence  
State Comments  
Noell Property Conditions of Approval  
Response to Question 13  
Concept Plans A & B, Boundary Survey, Aerial & Building Elevation  
Transportation Analysis  
Transportation Management Plan  
FDOT Pre-app SB Turn Lane US Alt-19 at Valley Road  
Public Notification Map  
Power Point Presentation  
Citizen Correspondence  
Legal Ad  
Legal Ad Map