## CITY OF PINELLAS PARK



Community Development Department Planning & Development Services Division

> Prepared by: Bob Bernhart Senior Planner

Staff Report

#### I. APPLICATION DATA

- A. Case Number: CU-0924-00018
- B. Location: 8190 US Highway 19 N. (Parcel No. 27-30-16-69840-200-2103)
- C. <u>Request</u>: Conditional Use approval for an "Automobile Dealer Used Cars" within the General Commercial (B-1) Zoning District.
- D. Applicant/Authorized Agent: Kevin Reali, Esq.
- E. <u>Property Owner</u>: SLOOP INC
- F. <u>Legal Ad Text</u>: Conditional Use approval for an "Automobile Dealer Used Cars" within the General Commercial (B-1) Zoning District.
- G. PARC Meeting: October 29, 2024
- H. Public Hearings:

Planning & Zoning Commission Hearing Date: December 5, 2024 Advertising Date: November 20, 2024

**City Council Hearing Date:** January 9, 2025 **Advertising Date:** December 23, 2024

#### II. BACKGROUND INFORMATION

#### A. Case Summary:

The applicant is proposing to change the use of the property from a pool sales business to used vehicle sales. Per LDC Section 18-1520.3, this use requires a conditional use application. The conditional use criteria below apply for used vehicle sales:

Automobile Dealer—New Cars and Used Cars.

(a) Review by Planning and Zoning Commission and approval by City Council. In progress.

(b) Minimum lot area of twenty thousand (20,000) square feet. This requirement is not eligible for waiver.

This requirement has been met.

(c) Ten-foot-wide landscaped buffer along the entire right-of-way which provides the primary access to the site (in accordance with Section 18-1533.15.) This requirement is proposed to be met.

There are currently two structures on the property. The one along the north side of the property will be utilized for vehicle sales; the other building will be used for storage as needed (as an accessory use). A large portion of the site will be used for outdoor vehicle display, and the applicant plans to improve the parking lots to meet minimum code requirements. Landscaping improvements are also proposed, and the existing access directly to US 19 will be removed per FDOT requirements. A row of parking spaces along

the north property line that forces vehicles to back out into the public right-of-way is proposed to be removed as well.

Due to site constraints and the FDOT requirement to close the direct US-19 access, the applicant will be seeking a waiver during permitting to the City's driveway setback requirements for their northeast driveway. The location of the existing dumpster also does not meet code requirements, but due to the low-waste nature of the proposed use, the applicant is proposing individual garbage cans—to be screened from adjacent right-of-way and abutting residential areas as required by the code—as an alternative, which can be approved per LDC Section 18-1530.20(D). Finally, the applicant has confirmed that no vehicle loading/unloading will take place within public right-of-way.

B. Site Area: 52,756 sf / 1.21 acres

#### C. Property History:

The lot was platted in 1911 in Hillsborough County Plat Book 7, Page 4 as part of the Pinellas Farms plat. In 1973, the subject site was developed with the structure off of 82nd Ave for commercial uses. In 1990, a second structure was built in the southwestern corner of the property. The site has been used for pool and hot tub sales in recent years.

- D. Existing Use: Pool Sales
- E. Proposed Use: Automobile Dealer Used Cars
- F. Current Future Land Use: Commercial General (CG)
- G. Current Zoning District: General Commercial (B-1)
- H. Flood Zone: X (majority), X-shaded, AE.
- I. <u>Evacuation Zone</u>: This property is in Evacuation Zone D, which is the fourth level to evacuate in preparation for a storm. Zone D is evacuated when storm surge height is predicted to be up to 28 feet.

	Zoning	Land Use	Existing Use
North	B-1	CG	Crown Auto Dealer
South	B-1	CG	Hotel
East .	B-1	CG	The Blend Coffee
West	R-1	RU	Single-Family Detached

#### J. Vicinity Characteristics:

#### III. APPLICABLE CRITERIA / CONSIDERATIONS

#### A. Comprehensive Plan Policies:

#### 1. Land Use Purpose / Intent:

These categories are intended to depict areas developed with, or appropriate to be developed with, a mix of businesses that

- · Provide for the shopping and personal service needs of the community or region,
- Provide for employment opportunities,
- · Accommodate target employment uses, and
- May include residential uses as part of the mix of uses.

#### 2. Key Standards:

Use Characteristics - Those uses appropriate to and consistent with these categories include:

• Permitted Uses Not Subject to Acreage Thresholds – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Commercial Recreation, Residential; Residential Equivalent; Vacation Rental pursuant to the provisions of Section 509.242(1)(c), F.S.; Recreational Vehicle Park; Temporary Lodging; Research/Development- Light; Storage/Warehouse/Distribution-Light; Manufacturing-Light; Recreation/Open Space; Community Garden; Agricultural-Light.

• Permitted Uses Subject to Acreage Thresholds – Any contiguous use or combination of uses subject to the same acreage threshold specified below, alone or when added together, exceeding the acreage maximum shall require a Future Land Use Map amendment to another land use category that permits the use(s) where the acreage maximum does not apply:

o Uses Subject to Three Acre Maximum – Manufacturing-Medium. o Uses Subject to Five Acre Maximum – Institutional; Transportation/Utility; Agricultural; Ancillary Nonresidential.

Locational Characteristics – These categories are generally appropriate to locations in and adjacent to activity centers where surrounding land uses support and are compatible with intensive commercial use; in areas in proximity to and with access to major transportation facilities, including transit; and on Multimodal Corridors and Future Transit Corridors depicted on the Land Use Strategy Map of the Countywide Plan, where their proximity to transit service supports the type and density/intensity of the proposed use characteristics.

**SNCC** - Amendments to Retail & Services in SNCCs are governed by Section 6.5.4.1.4 of the Countywide Plan Rules, which restricts the Countywide Plan category associated with these categories and their permitted uses to certain SNCC classifications.

#### 3. Relevant Policies:

#### POLICY LU.1.2.2

To reduce the number of vacant buildings and encourage the creation of new small businesses and creative spaces, amend the Land Development Code to allow for the adaptive re-use of structures.

#### POLICY LU.1.12.1

Commercial development shall be located at or near major intersections, within the Community Redevelopment Area, along commercial and multimodal corridors, and within mixed-use categories and developments to ensure access to daily needs and employment.

#### POLICY LU.1.12.4

Promote side-street access, shared access, and cross-access for all properties fronting on arterial roadways in lieu of multiple curb cuts between intersections along arterial roadways.

#### 4. Staff Analysis:

Staff finds that the proposed conditional use (Automobile Dealer - New and Used Cars) is appropriate within the Commercial General (CG) Land Use designation. The automobile dealership proposal aligns with other uses within the CG Land Use designation and with the character of similar nearby properties, adding to the employment-generating uses along US-19, a major arterial corridor. The proposed conditional use would allow the site to remain economically productive and the required improvements will help improve traffic flow by removing the curb cut along US-19.

Staff finds that the proposed conditional use is consistent with and supported by the Land Use designation and the Goals, Objectives, and Polices of the City's adopted Comprehensive Plan.

#### B. Zoning District / Land Development Code Standards:

#### 1. Key Standards:

SECTION 18-1520. – "B-1" GENERAL COMMERCIAL DISTRICT Sec. 18-1520.3. – PERMITTED AND CONDITIONAL USES.

#### Table 18-1520.3: Authorized Land Uses in B-1 District

Land Use	Approval Type	Conditions
Automobile Dealer—Used Cars	с	CG or CRD land use categories only subject to section 18-1531

#### Sec. 18-1520.4. - DIMENSIONAL AND AREA REGULATIONS.

(A) MINIMUM LOT REQUIREMENTS.

- 1. Lot Area: Fifteen thousand (15,000) square feet.
- 2. Lot Width: One hundred (100) feet.
- 3. Lot Depth: One hundred fifty (150) feet.
- 4. Lots of record not meeting the lot area, width, or depth requirements of this section and having been of record prior to September 26, 1963 may be used for a permitted or conditional use provided that all other dimensional regulations will apply.
- (B) MINIMUM YARD SETBACK REQUIREMENTS.
  - 1. Front Yard Setback: Twenty (20) feet.
  - 2. Secondary Front Yard Setback: Twenty (20) feet.
  - 3. Side Yard Setback: Five (5) feet; ten (10) feet is required if abutting a residential zoning district.
  - 4. Rear Yard Setback: Fifteen (15) feet.
  - For corner, double frontage and multiple frontage lots, see Section 18-1503.7 "Yard Determinations."
  - Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rightsof-way of insufficient width.
  - Refer to Section 18-1504.3(G)(2) for special yard setbacks for additions to buildings in existence as of August 14, 1997.
- (C) MAXIMUM LOT COVERAGE. Seventy-five (75) percent.
- (D) MINIMUM FLOOR AREA.
  - 1. Nonresidential: Three hundred (300) square feet.
- (E) MAXIMUM BUILDING HEIGHT. Height fifty (50) feet excluding mechanical and or elevator penthouse (additional height may be granted as a conditional use). See Section 18-1503.13, "Exclusion from Height Limits" for height limit exclusions.
- (F) MINIMUM BUILDING SEPARATION. See Section 18-1530.17, "Minimum Building Separation."
- (G) FLOOR AREA RATIO. (F.A.R.)
  - 1. Nonresidential Uses:
    - (a) Thirty hundredths (0.30) in R/O/R.
    - (b) Thirty-five hundredths (0.35) in R/OG.
    - (c) Forty-five hundredths (0.45) in CG.
    - (d) Forty-five hundredths (0.45) in CRD.
    - (e) Forty-five hundredths (0.45) in RM.
    - (f) Forty-five hundredths (0.45) in CR.
    - (g) Forty-five hundredths (0.45) in RFH.

#### SECTION 18-1531. – CONDITIONAL USE REGULATIONS Sec. 18-1531.6. - REVIEW CRITERIA.

- (A) In granting an application for a conditional use, the City shall find that such approval will not adversely affect the public interest, and shall consider the compatibility criteria listed in Paragraph (C), below, in their decision.
- (B) In evaluating an application for conditional use, the presence of nonconforming uses or buildings, substandard property maintenance, or substandard conditions in the neighborhood shall not be used to justify the granting of a conditional use. Additionally, the cumulative impact of the proposed use in proximity to a similar existing use shall be considered, as shall the scale, placement, orientation, design, appearance, and intensity of the conditional use and improvements to be associated with the conditional use, as applicable.

- (C) COMPATIBILITY REVIEW CRITERIA.
  - 1. Whether the use and its proposed scale will be inconsistent with the established character of the immediate neighborhood, to the extent that such character is consistent with the Comprehensive Plan and the provisions of the applicable zoning district(s).
  - 2. Whether the use will diminish the use or enjoyment of other properties and living or working conditions in the neighborhood.
  - 3. Whether the use will impede the normal and orderly development and improvement of surrounding properties for uses permitted in their respective zoning districts and in a manner consistent with the Comprehensive Plan.
  - 4. Whether the establishment, maintenance or operation of the use will be detrimental to, or endanger, the public health, safety, comfort, or general welfare as a result of hours of operation, arrangement of uses on the site, noise, vibration, emission or pollutant, glare, odor, dust, traffic congestion, attractive nuisance, or other condition.
  - 5. Whether the land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof.
  - 6. Whether the use and associated improvements will adversely affect a known archaeological, historical, cultural, or landscape resource.
  - 7. Whether the particular traffic generation characteristics of the proposed use, including the type of vehicular traffic associated with such uses is compatible with the traffic generation characteristics of other uses permitted in the zoning district(s) applicable to the neighborhood.

#### Sec. 18-1531.10. – LIST OF CONDITIONAL USES AND REQUIREMENTS

- 9. Automobile Dealer New Cars and Used Cars
  - a) Review by Planning and Zoning Commission and approval by City Council.
  - b) Minimum lot area of twenty thousand (20,000) square feet. This requirement is not eligible for waiver.
  - c) Ten-foot-wide landscaped buffer along the entire right-of-way which provides the primary access to the site (in accordance with Sec.18-1533.15).

#### SECTION 18-1532. - OFF-STREET PARKING AND LOADING REGULATIONS Sec. 18-1532.9. - MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

11. Sale and Rental of Automobiles, Manufactured Homes, Boats, Recreational Vehicles, and other Vehicles: One (1) per five hundred (500) SF of enclosed sales/rental GFA, plus two (2) per service bay. Customer parking for open sales/rental area shall require one (1) off-street parking space for each two thousand (2,000) square feet of outdoor sales and/or rental area.

#### 2. Staff Analysis:

The proposed use is consistent with the purpose and intent of the B-1 (General Commercial) Zoning District, which is intended for a wide variety of consumer-oriented commercial uses and activities located in proximity to major thoroughfares and to residential concentrations. The applicant will comply with the requirements of the Land Development Code to provide adequate buffers from the residential area to the west, and additional site improvements will help resolve existing nonconformities and bring the site into compliance with current code requirements.

Staff finds the proposed conditional use to be in compliance with the applicable requirements of the Land Development Code.

#### C. Project Application Review Committee (PARC) Comments:

The application was discussed at the October 29, 2024 PARC meeting by all relevant departments/divisions. The dumpster location and driveway waiver were discussed. No additional concerns were raised.

#### IV. SUMMARY

#### A. Findings:

Based on the information and analysis contained in this report, staff finds as follows:

- 1. The proposed use and site plan meet the Conditional Use requirements and review criteria, per Section 18-1531.10 of the Land Development Code.
- 2. The request is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

#### B. Staff Recommendation:

Consistent with the above findings, staff recommends APPROVAL of case number CU-0924-00018.

Erica Lindquist, AICP, CFM Planning & Development Services Director

11/8/24 Date

Nick A. Colonna, AICP, Community Development Administrator or Aaron Petersen, Asst. Community Development Administrator

#### ACTION ٧.

## PLANNING AND ZONING COMMISSION - MOVE TO:

#### A. RECOMMEND APPROVAL:

#### B. RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION(S):

#### C. RECOMMEND DENIAL:

... of a Conditional Use request for an Automobile Dealer - New Cars and Used Cars within the General Commercial (B-1) Zoning District.

#### ATTACHMENTS VI.

- Exhibit A: Affidavit of Ownership
- Exhibit B: Survey with Legal Description
- Exhibit C: Site Plan
- Exhibit D: Aerial Map
- Exhibit E: Future Land Use Map
- Exhibit F: Zoning Map
- Exhibit G: Flood Insurance Rate Map
- Exhibit H: Street View Photos

CITY OF PINELLAS PARK



Community Development Department Planning & Development Services Division

> Prepared by: Bob Bernhart, AICP Senior Planner

# ADDENDUM

Case Number: CU-0924-00018

## PLANNING AND ZONING COMMISSION

On December 5th, 2024, the Planning and Zoning Commission **RECOMMENDED APPROVAL** of case number CU-0924-00018 with the following condition:

1. All deliveries shall be made on private property.

#### V. ACTION

#### CITY COUNCIL- MOVE TO:

- A. APPROVE:
- **B. APPROVE WITH CONDITIONS:**
- C. DENY:

...of a Conditional Use request for an Automobile Dealer - New Cars and Used Cars within the General Commercial (B-1) Zoning District.

# **Staff Report**

#### Exhibit A

#### CITY OF PINELLAS PARK AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:

Sloop, Inc., a Florida corporation

being first duly sworn, depose(s) and say(s):

1. That (I am / we are) the owner(s) and record title holder(s) of the following described property:

ADDRESS OR GENERAL LOCATION:

8190 US-19 N, Pinellas Park, FL 33781

LEGAL DESCRIPTION OF PROPERTY: (Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach.)

See Exhibit "A" attached hereto and incorporated herein.

2. That this property constitutes the property for which an application is being made to the City of Pinellas Park, Florida for (NATURE OF REQUEST):

Conditional Use approval for used car sales

3. That the undersigned (has / have) appointed and (does / do) appoint Kevin B. Reali, Esq.\*\* as (his / their) agent(s) to execute any petitions or other documents necessary to affect such application.\*\* and all employees of Stearns Weaver Miller

4. That this affidavit has been executed to induce the City of Pinellas Park, Florida, to consider and act on the above described property; to include City representatives entering upon the property to make inspections as are necessary to visualize site conditions and/or determine compatibility.

Sloop, Inc. a Florida corporation By: \_\_\_\_\_\_\_ Name \_\_\_\_\_\_\_ Its: Director

STATE OF FLORIDA	The foregoing instrument was acknowledged before me by means of $\mathbb{Z}_{physical presence or }$ online notarization, this $\underline{13^{h}}_{day}$ of $\underline{September}_{1,20}$ , 20 24
	ne of person acknowledging)
perso	onally known to me or who has produced
	(Type of identification) an oath.
(SEAL ABOVE) Nota	ry Public, Commission No KAYLA MARTINDALE Notary Public State of Florida Commit HH538781
	(Name of Notary- typed, the or stapped /13/2028

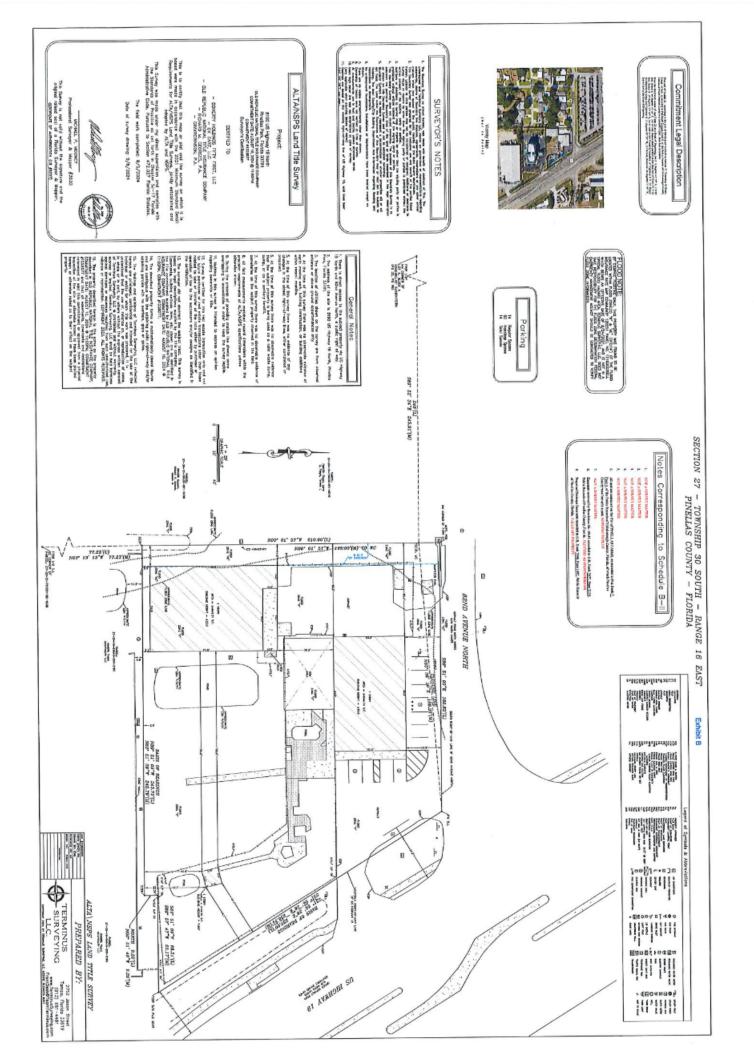
Affidavit of Ownership - Page 1

#### Exhibit "A"

That part of FARM 21, according to the plat of PINELLAS FARMS in Section 27, Township 30 South, Range 16 East, as recorded in Plat Book 7, pages 4 and 5, of the public records of Hillsborough County, Florida, of which Pinellus County was formerly a part, decribed as follows:

From the Northwest corner of said Farm 21 as a Point of Beginning, run S 0°01'57" E, 210.00 feet; thence S 89°51'09"E, 245.79 feet; thence North parallel to the East line of Farm 21, 9.20 feet; thence S 89°51'09" E 68.31 feet to the Westerly boundary of Highway U.S. 19; thence Northwesterly along said Highway N 31°56'28" W, 237.00 feet; thence N 89°51'09" W, 188.83 feet to the Point of Beginning. Less the North 105 feet thereof ÅND

Part of the North 105.00 feet of Farm 21, of PINELLAS FARMS, in Section 27, Township 30 South, Range 16 East, as recorded in Plat Book 7, pages 4 and 5, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part, further described as follows: Begin at the Northwest corner of said Farm 21, and run 00° 01' 57" E, 105.00 feet; thence S 89° 51' 09" E, 254.34 feet to the Westerly right-of-way line of U.S. Highway 19; thence N 31° 56' 28" W, along said Westerly rightof-way line of U.S. Highway 19, 123.93 feet; thence N 89° 51' 09" W, along the North line of said Farm 21, 188.83 feet to the P.O.B. being the Northwest corner of said Farm 21;



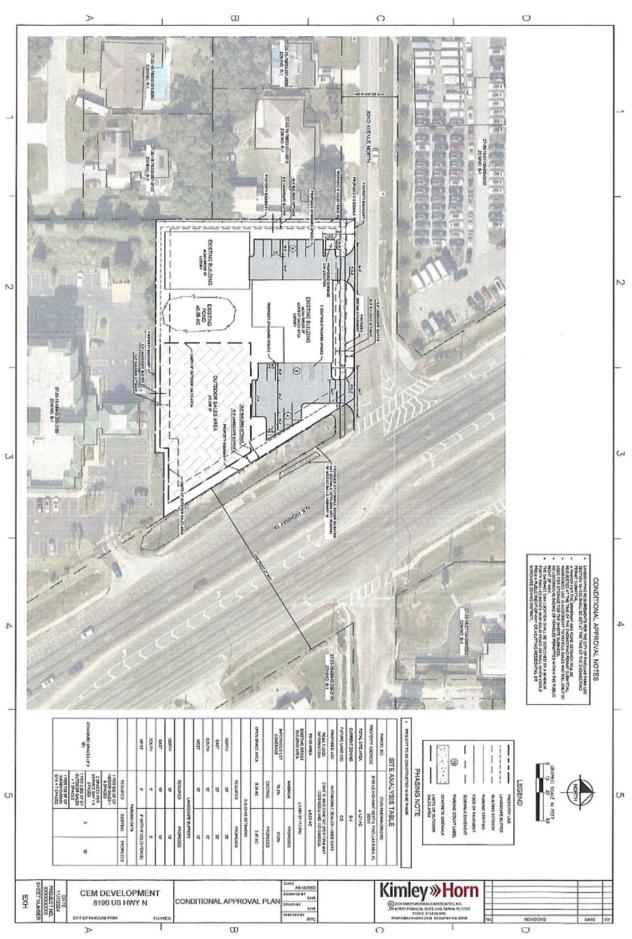
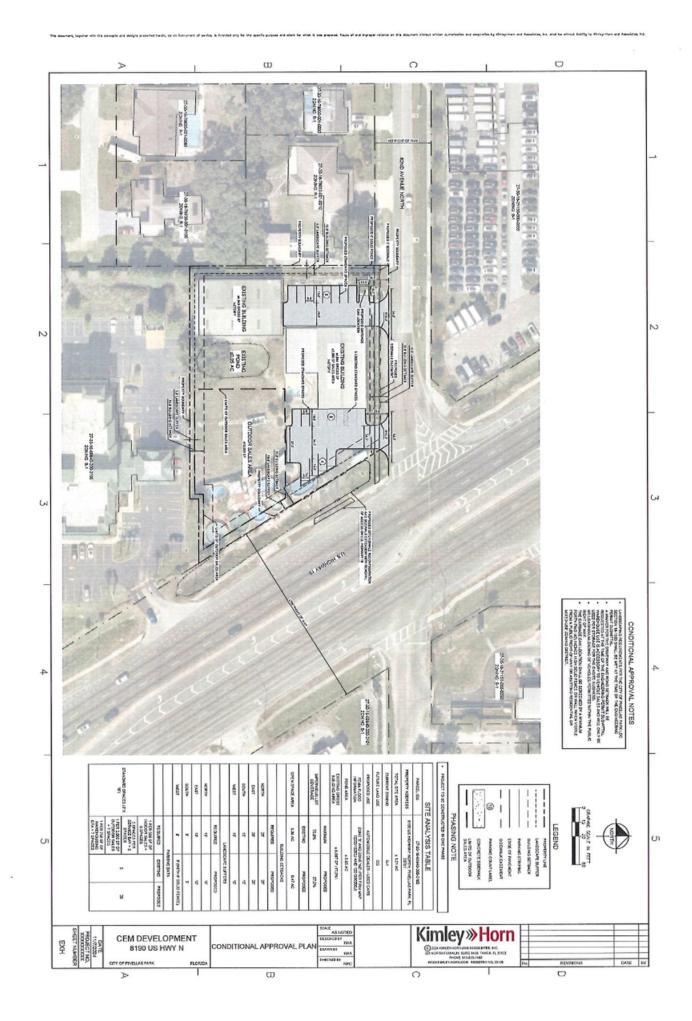


Exhibit C



Aerial Map Exhibit D



Pinellas Park Centerlines

Master Address Points

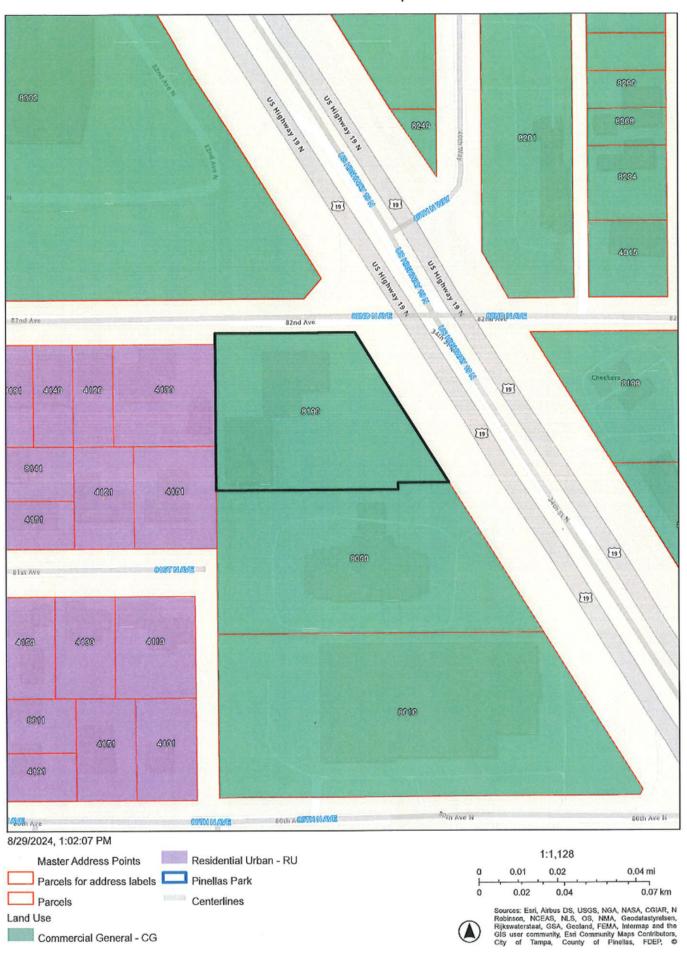
Blue: Band\_3

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodalastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Tampa, County of Pinellas, FDEP, O

ArcGIS Web AppBuilder

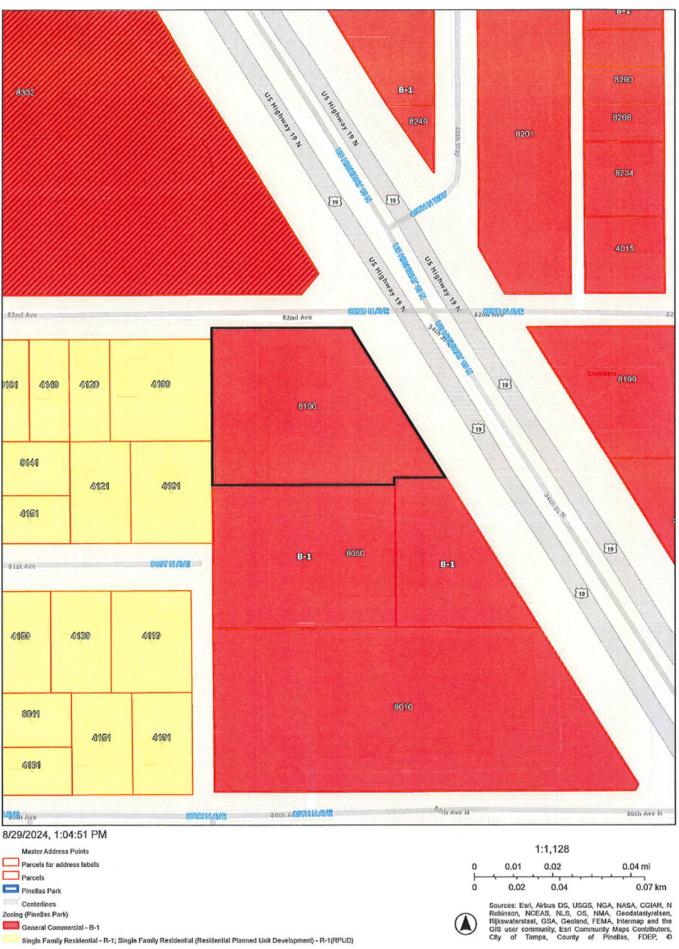
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Land Use Map Exhibit E



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# Zoning Map Exhibit F



Will Zoning Overlay District

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Flood Rate Insurance Map Exhibit G



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Exhibit H



