# PINELLAS PARK • SIMPLY CENTERED •

#### CITY OF PINELLAS PARK

### **Staff Report**

# Community Development Department Planning & Development Services Division

Prepared by: Michael Ciarleglio

Associate Planner

#### I. APPLICATION DATA

A. Case Number: CU-0325-00009

B. Location: 6767 US Highway 19 N (Parcel No. 34-30-16-51642-001-0110)

- 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: Kaylen Creel of Creel Motors Inc, DBA Automax
- E. Property Owner: John S Creel, Dynasty Trust
- 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: April 15, 2025
- H. Public Hearings:

Planning & Zoning Commission Hearing Date: June 5, 2025

Advertising Date: May 21, 2025

City Council Hearing Date: July 10, 2025

Advertising Date: June 25, 2025

#### II. BACKGROUND INFORMATION

#### A. Case Summary:

The applicant is requesting approval for a Used Car Automobile Dealer, which is a conditional use in the General Commercial (B-1) Zoning District. The use is consistent with the Commercial General (CG) Land Use designation, and is considered a primary use.

Per LDC Section 18-1520.3, this use requires a conditional use application. The proposed use request meets all of the below conditional use requirements for an "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.

This case is an expansion of case no. CU 2015-20. There is currently one structure on the property. The site will have dedicated employee parking, vehicle display areas, customer parking, and an approximately 1,200 square foot fenced area for vehicle storage. The applicant will improve the parking lots and the landscaping to meet code.

B. Site Area: 53,126 sf / 1.21 acres

#### C. Property History:

The lot was platted in 1926 in the Pinellas County Plat Book 17, Page 59 as part of the Liberty Park Subdivision of the Pinellas Farms plat. In 1982, the subject site was redeveloped and was last used as a restaurant, formerly known as The Egg Platter.

The property directly to the South at 6695 US Highway 19 N, which the applicant also owns, currently has a Conditional Use as an Automobile Dealer (case no. CU 89-5). That Conditional Use was expanded in 2015 via case number CU 2015-20 (along with companion cases BOA 2015-43 and MS 2015-34). The expansion was to allow Automotive Repair (Minor) as an accessory use to the new and used car sales with waivers and variances for lot coverage from 75% to 83%, interior island width, number of required trees in terminal and interior islands, number of trees along the Haines Road and US Highway 19 N streetscape buffers, the conditional use requirement for a ten-foot-wide landscape buffer along the entire right-of-way which provides the primary access to the site, and fence height in a front yard.

There are currently multiple Unities of Title in place. These were required by the City at different points in time to allow for changes of use and to secure conformity. The Unities of Title which include:

- Official Records Book 5306, page 470-471 recorded 2/5/1982 to facilitate construction of a Hardees restaurant.
- Official Records Book 5325, pages 1462-1464 recorded 3/24/1982 to amend the previous Unity of Title by adding the full legal description which was previously omitted.
- Official Records Book 6965, page 168 recorded 3/28/1989 to allow for a "RV and Auto Display".
- Official Records Book 18852, page 2631-2653 recorded 7/16/2015 to facilitate the Conditional Use expansion in 2015.
- D. Existing Use: Vacant Restaurant
- 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.** Evacuation Zone: 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.

J. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	B-1	CG	Retail
South	B-1	CG	Self-Storage
East	Unincorporated (C-2)	CG	Workshops
West	СН	CG	Restaurant

#### 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:

- Uses Subject to Three Acre Maximum Manufacturing-Medium.
- 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 for a Used Car Automobile Dealer 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 nearby properties and adding to the employment-generating uses along US Hwy 19, which is a major arterial corridor. The proposed conditional use would allow the site to remain economically productive.

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.
  - 5. For corner, double frontage and multiple frontage lots, see Section 18-1503.7 "Yard Determinations."
  - 6. Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width.
  - 7. 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.)
  - 2. 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.
  - 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 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.

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 April 10, 2025 PARC meeting by all relevant departments/divisions. Concerns were raised over the following:

- The Building Department sent a notice to comply letter October 25, 2024 for multiple issues with permit CLBDC-0423-00051, which include a garage door that was installed.
   The applicant was contacted regarding this permit.
- In 2015 the applicant/property owner was brought before the Special Magistrate for the adjacent property to the south, 6695 US Hwy 19 N for asphalting the entire property without permits. Two permits were obtained: ENGC2015002182 which was abandoned in 2021 and LAND2015002182 which was voided in 2025.

The applicant was contacted regarding these permits and will need a SWFWMD permit as well.

#### IV. SUMMARY

#### A. Findings:

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

- 1. The proposed use meets the intent of the General Commercial (B-1) Zoning District, per Section 18-1520 of the Land Development Code;
- 2. The proposed use and site plan meet the Conditional Use requirements and review criteria, per Section 18-1531 of the Land Development Code; and
- 3. The request is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

9-X-	5/23/25
Erica Lindquist, AICP, CFM	Date
Planning & Development Services Director	
Cheft-	5/23/2025
Nick A. Colonna, AICP, Community Development Administrator or Aaron Petersen, Asst. Community Development Administrator	Date

#### V. ACTION

#### 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.

#### VI. ATTACHMENTS

Exhibit A: Affidavit of Ownership with Legal Description

Exhibit B: Deed
Exhibit C: Survey
Exhibit D: Site Plan
Exhibit E: Aerial Map

Exhibit F: Future Land Use Map

Exhibit G: Zoning Map

Exhibit H: Flood Insurance Rate Map

Exhibit I: Unity of Title Map
Exhibit J: Street View Photos

# PINELLAS PARK • SIMPLY CENTERED •

#### CITY OF PINELLAS PARK

# **Staff Report**

# Community Development Department Planning & Development Services Division

Prepared by: Michael Ciarleglio

Associate Planner

#### **ADDENDUM**

Case Number: CU-0325-00009

#### PLANNING AND ZONING COMMISSION

On June 5th, 2025, the Planning and Zoning Commission **RECOMMENDED APPROVAL** of case number CU-0325-00009.

#### V. ACTION

**CITY COUNCIL** – MOVE TO:

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

... of a Conditional Use for a Recreation Establishment in the Light Industrial (M-1) Zoning District, with a waiver to the conditional use requirement regarding frontage on an arterial or arterial frontage street.

#### Exhibit A

# CITY OF PINELLAS PARK AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:  John 5 Creel	, Dynasty Trust	
being first duly sworn, depose(s) and say(s):		
1. That (I am / we are) the owner(s) and record title hole	der(s) of the following described property:	
ADDRESS OR GENERAL LOCATION:		
6767 US HWY	19 N. Pinellas Park FL 33781	
	ype legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach.)	
Δ.	an application is being made to the City of Pinellas Park, Florida for (NATURE OF REQUEST):	
STATE OF FLORIDA	The foregoing instrument was acknowledged before me by means of	
COUNTY OF Phellas	physical presence or □ online notarization, this <u>↓</u> day	
MONICA BORODI Notary Public-State of Florida Commission # HH 397988 My Commission Expires June 02, 2027	of December, 20 34.  By Old	
(SEAL ABOVE)	Notary Public, Commission No. HH397988  (Name of Notary- typed, printed or stamped)	

#### Exhibit A

Legal Description

LIBERTY PARK BLK 1, LOTS 11 THRU 19 TOGETHER WITH VAC 34TH ST N ADJ ON E & VAC N 1/2 OF 67TH AVE N ADJ ON S LESS RD R/W FOR US HWY 19 TOGETHER WITH PART OF NW 1/4 OF SEC 35-30-16 ALL DESC FROM NW COR OF SEC 35-30-16 TH S00D02'46"E 853.18FT ALG W SEC LINE FOR POB TH S32D02'06"E 201.09FT ALG W'LY R/W OF HAINES RD TH N87D38'42"W 106.67FT TH N00D02'46"E 28.19FT TH S89D56'33"W 131.24FT TO E'LY R/W OF US HWY 19 TH CUR LT RAD 5755.04FT ARC 311.49FT CB N15D57'05"W 311.45FT TH N88D41'44"E 114.12FT TO W'LY R/W OF HAINES RD TH S32D02'06"E 193.54FT ALG SD R/W TO POB

I#: 2023091495 BK: 22401 PG: 1902, 04/10/2023 at 12:22 PM, RECORDING 3 PAGES
\$27.00 D DOC STAMP COLLECTION \$14700.00 KEN BURKE, CLERK OF COURT AND
COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK: CLKDU08

Exhibit B

Prepared by and Return To: Michele Williams Fidelity National Title of Florida, Inc. 28059 US Highway 19 North, Suite 100 Clearwater, FL 33761

Order No.: FTPA23-129013

#### **WARRANTY DEED**

THIS WARRANTY DEED dated April 6, 2023, by Salvatore Caretti and Maria Caretti, husband and wife, hereinafter called the grantor, to John S. Creel as Trustee of the John S. Creel Dynasty Trust dated April 10, 1997, whose post office address is 4870 66th St N, Saint Petersburg, FL 33709, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, allens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Pinellas, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

Deed (Warranty - Indiv. to Indiv.) FLD1121.doc / Updaled: 08.03.21

Page 1

FL-FT-FTPA-02325.179205-FTPA23-129013

#### **WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:					
Witness Signature	Salvatore Caretti				
Print Name	Maria Caretti				
Stohane Snam Witness Signature	Address: 926 Spring Garden St Elizabethtown, PA 17022				
Stylianie L. Shank Print Name					
State of PA  Country of Xunnouter  The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online					
notarization, this <u>3rd</u> day of <u>2023</u> by Salvatore Caretti and Maria Caretti, to me known to be the person(s) described in or who has/have produced <u>PA Driver Leanse</u> as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.					
Notary Public in and for the State of					
Commonwealth of Pennsylvania - Notary Sec DEBORAH KLIM CHELIUS, Notary Public Lancaster County My Commission Expires September 24, 2024					

Deed (Warranty - Indiv. to Indiv.) FLD1121.doc / Updated: 08.03.21

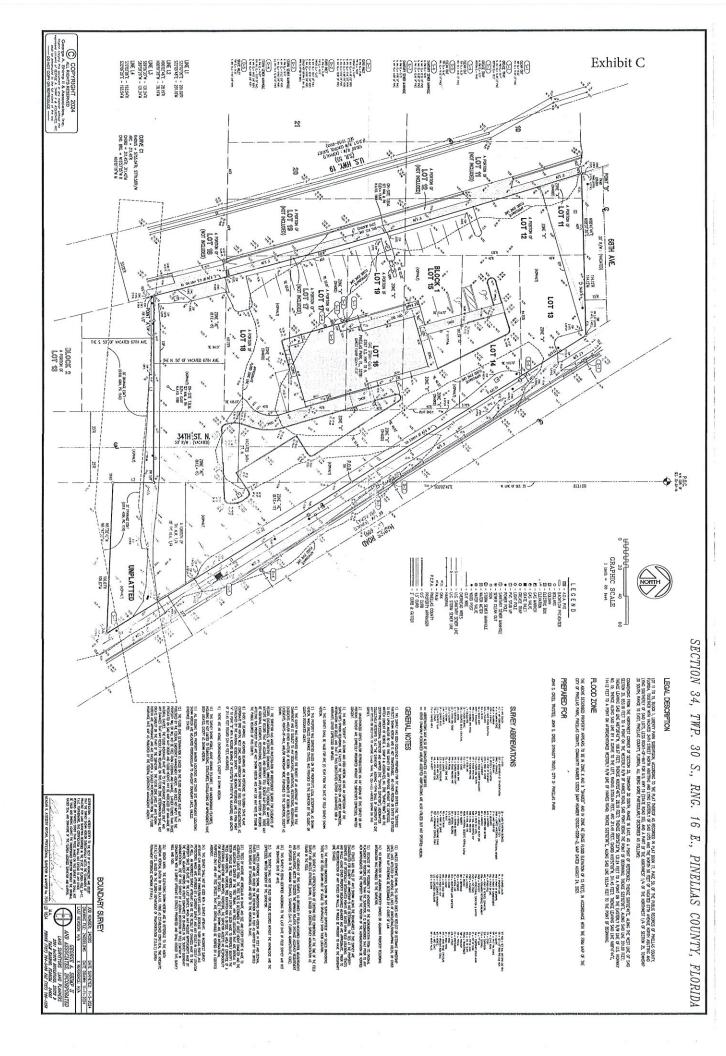
Page 2

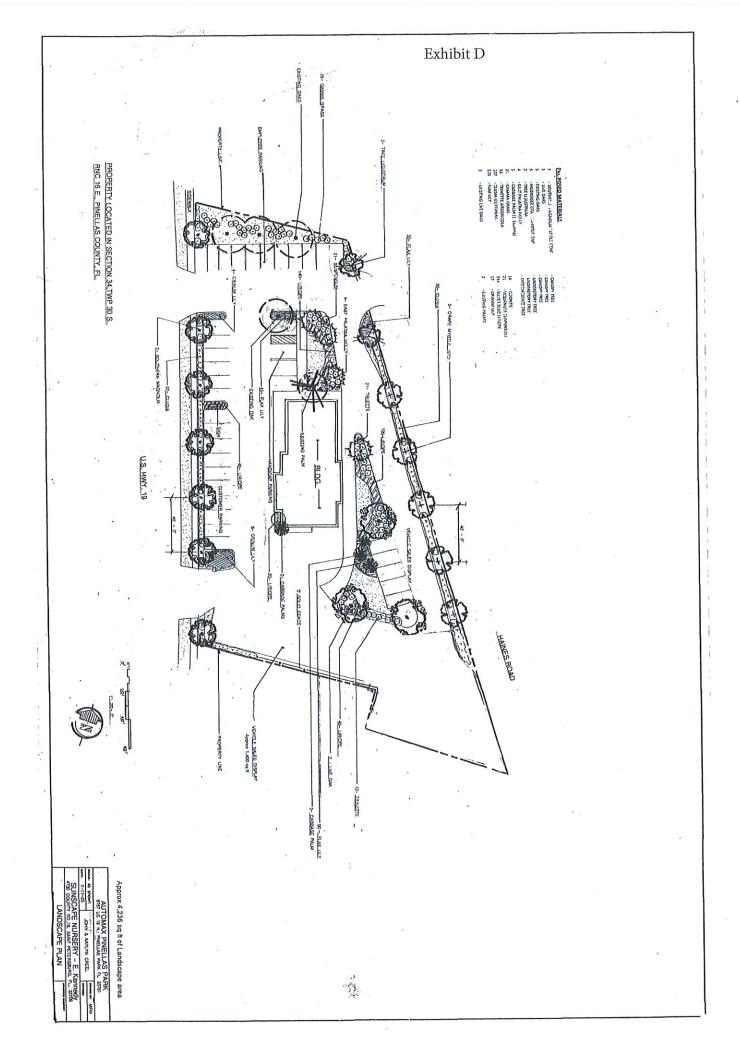
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#### EXHIBIT "A" Legal Description

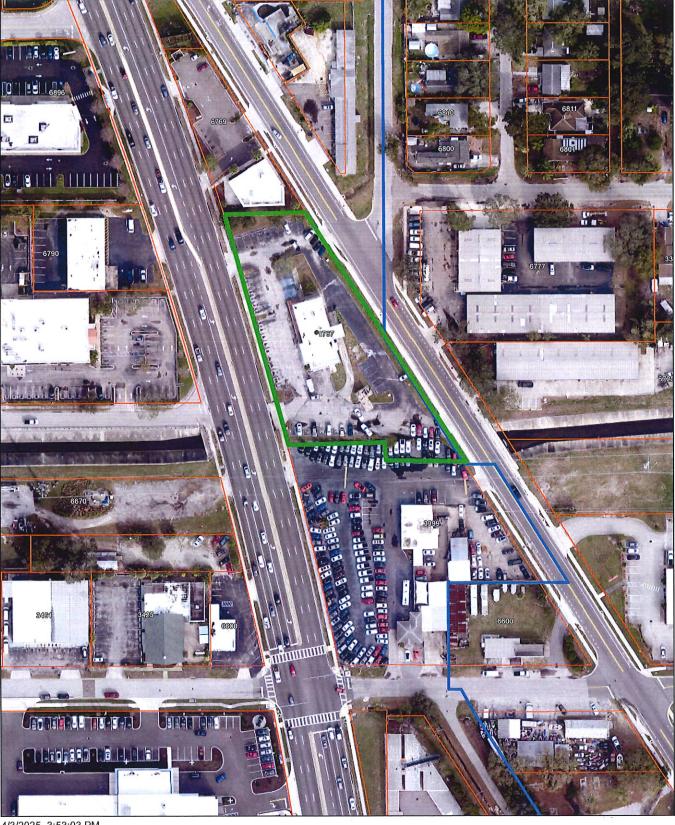
Lots 11 to 19 inclusive, Block 1, LIBERTY PARK SUBDIVISION, according to plat thereof recorded in <u>Plat Book 17</u>, <u>Page 59</u>, together with vacated 34th Street North abutting and lying Easterly of said Lots and the North 50 feet of vacated 67th Avenue North abutting and lying Southerly of said Lots, LESS right-of-way for U.S. HWY 19 (State Road 55), and a part of the Northwest 1/4 of the Northwest 1/4 of SECTION 35, TOWNSHIP 30 SOUTH, RANGE 16 EAST, Pinellas County, Florida, all being more particularly described as follows:

Commencing from the Northwest corner of Section 35, Township 30 South, Range 16 East, as a Point of Reference; thence S00°02'46"E, along the West line of said Section 35, 853.18 feet to a point on the Westerly R/W line of Halnes Road, said point being the Point of Beginning; thence S32°02'06"E, along said line 201.09 feet; thence leaving said line N87°38'42"W, 106.67 feet; thence N00°02'46"E, 28.19 feet; thence S89°56'33"W, 131.24 feet to a point on the Easterly R/W line of U.S. Highway No. 19; thence along said line by a curve to the left, radius 5755.04 feet, arc 311.49 feet, chord N15°57'05"W, 311.45 feet; thence leaving said line N88°41'44"E, 114.12 feet to a point on aforementioned Westerly R/W line of Haines Road; thence S32°02'06"E, along said line 193.54 feet to the Point of Beginning.



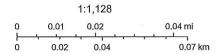


## Exhibit E - Aerial Map



4/3/2025, 3:53:03 PM

Master Address Points Aerials 2024 Red: Band\_1 Pinellas Park Green: Band\_2 Parcels Blue: Band\_3

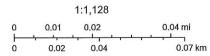


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## Exhibit F - Land Use Map







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## Exhibit G - Zoning Map





### Exhibit H - Flood Insurance Rate Map



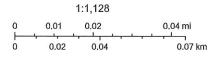


Pinellas Park

# Exhibit I - Unity of Title Map







Esri Community Maps Contributors, County of Pinellas, FDEP, @ OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS







