## CITY OF PI PINELLAS PARK Communit

### CITY OF PINELLAS PARK

### **Staff Report**

# Community Development Department Planning & Development Services Division

Prepared by: Megan Montesino

**Development Review Manager** 

#### I. APPLICATION DATA

• SIMPLY CENTERED •

A. Case Number: CU-1223-00003

B. <u>Location</u>: 4545 118<sup>th</sup> Ave N. (Parcel No. 10-30-16-71010-300-1006)

- **C.** Request: Conditional Use approval for "Heavy Truck, Repair (Major)" in the Heavy Industrial (IH) Zoning District, with waivers to conditional use criteria regarding all repair activity to be done in an enclosed building and enclosure of all outside work areas with a 6-foot solid wall or fence.
- D. Applicant: Top Notch Fleet Service
- E. Property Owner: Sasfai Family Enterprises LLC
- **F.** <u>Legal Ad Text:</u> Conditional Use approval for "Heavy Trucks, Repair (major)" in the Heavy Industrial (IH) Zoning District, with waivers to conditional use criteria regarding all repair activity to be done in an enclosed building and enclosure of all outside work areas with a 6-foot solid wall or fence.
- G. PARC Meeting: February 7, 2023
- H. Public Hearings:

City Council Hearing Date: March 23, 2023

Advertising Date: March 8, 2023

#### II. BACKGROUND INFORMATION

#### A. Case Summary:

The applicant is requesting conditional use approval for "Heavy Trucks, Repair (major)" in the Heavy Industrial (IH) Zoning District, which is a conditional use. The use is consistent with the Industrial General (IG) Land Use designation. The subject site will remain as-is, and no additional development is proposed at this time.

The proposed request meets most of the below conditional use criteria, except for criteria "d" and "e" which the applicant is requesting to be waived. This requires City Council approval.

#### Conditional Use Criteria:

- a) Administrative approval. Waivers requested which requires City Council approval.
- b) Minimum separation of 300 feet from any residential district measured from property line to property line. Criteria has been met, since the property abuts and functionally abuts industrial zoning districts.
- c) Minimum lot size of 15,000 square feet. *Criteria has been met, since the property is 67,953 square feet (1.56 acres).*
- d) All repair activity to be done in an enclosed building. Waiver requested.
- e) Enclosure of all outside work areas with a 6 feet solid wall or fence. Waiver requested.

Although the applicant is requesting to waive the requirement for enclosing all outside work areas with a 6-foot solid wall or fence, the property has an existing 6-foot-tall chain-link fence around the property.

The proposed use would require 2.5 parking spaces per service bay, in addition to required parking for other principal uses such as retail. Based on the calculation, 8 spaces are required and the subject property has 9 existing spaces. So, the parking requirement would be met.

B. Site Area: 67,953 square feet / 1.56 acres

**C.** <u>Property History</u>: In 2000, the existing 7,320 square foot structure was constructed. Between 2000 and 2023, various permits have been issued for general maintenance and has maintained the use of automotive repair.

D. Existing Use: Automotive Repair

E. Proposed Uses: Heavy Truck Repair, (Major)

F. Current Land Use: Industrial General (IG)

G. Current Zoning District: Heavy Industrial (IH)

H. Flood Zone: The subject property is located in Flood Zone X, which is a low-risk flood zone.

**I. Evacuation Zone:** This property is in Evacuation Zone C, which is the third level to evacuate in preparation for a storm. Zone C is evacuated when storm surge height is predicted to be up to 20 feet.

#### J. Vicinity Characteristics:

|       | Zoning     | Land Use    | Existing Use                            |
|-------|------------|-------------|---|
| North | IH         | IG          | Warehouse                               |
| South | M-1        | IL          | Industrial Park                         |
| East  | I (County) | IG (County) | Automotive Repair                       |
| West  | IH         | IG          | Warehouse (currently under development) |

#### III. APPLICABLE CRITERIA / CONSIDERATIONS

#### A. Land Use Designation / Comprehensive Plan Policies:

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

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be developed, in a general industrial manner, and so as to encourage the reservation and use of consolidated areas for industrial use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

#### 2. Key Standards:

**Use Characteristics** – Those uses appropriate to and consistent with this category include:

**Primary Uses** – Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Heavy Manufacturing/ Assembly; Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B); Agricultural Processing; Vehicular Salvage.

**Secondary Uses** – Agricultural; Institutional; Transportation/Utility; Commercial Recreation; Solid Waste/Refuse Disposal; Transfer/Recycling; Incinerator Facility; Electric Power Generation Plant; Recreation/Open Space.

**Locational Characteristics** – This category is generally appropriate to locations with sufficient size to encourage an industrial park type arrangement with provision for internal service access and adequate buffering of adverse noise, odor, or emissions; with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network, as well as mass transit.

**Traffic Generation Characteristics** – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 216 trips per day per acre.

#### Density/Intensity Standards - Shall include the following:

No use shall exceed a floor area ratio (FAR) of .75 nor an impervious surface ratio (ISR) of .95. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .45 and an ISR of .72.

#### Other Standards - Shall include the following:

Office; Retail Commercial; Personal Service/Office Support; and Commercial/Business Service - Shall be allowed only as accessory uses, located within the structure to which it is accessory, and not to exceed twenty-five (25) percent of the floor area of the principal use to which it is accessory.

Industrial; Other Use – An appropriate buffer shall be provided in and between the Industrial General category and an adjoining classification other than Industrial or Transportation/Utility.

#### 3. Relevant Policies:

#### POLICY LU.1.8.5

Conditional uses authorized by the City Council and the Community Redevelopment Agency shall be consistent with the Comprehensive Plan.

#### **POLICY LU.1.16.1**

Maintain a sufficient supply of industrial land with a minimum of adverse effects on abutting properties.

#### **POLICY LU.1.16.3**

Industrial uses shall be concentrated in suitable existing locations to prevent a spread of negative effects on the community.

#### **POLICY LU.1.16.4**

Industrial development shall be separated from adjacent incompatible uses, and from residential uses permitted under special area plans, by transition zones, landscaping, parks, open space, or other buffering areas, for the mutual protection of industrial and non-industrial land uses.

#### 4. Staff Analysis:

The proposed use of Heavy Truck Repair (Major) is similar to Heavy Manufacturing/Assembly and Vehicular Salvage, which are primary uses in the Industrial General (IG) land use designation. Staff finds the proposed use and request to be appropriate and consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

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

#### 1. Zoning District Purpose / Intent:

The "IH" Heavy Industrial District is established in order to identify and provide those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a heavy industrial environment. This district is intended for a wide variety of industrial activities, including heavy manufacturing, processing, and storage facilities, provided such facilities do not endanger the public health within the City because of air-borne or water-borne materials or other detrimental physical phenomenon.

#### 2. Key Standards:

SECTION 18-1525. – "IH" HEAVY INDUSTRIAL DISTRICT SECTION 18-1520.3. – PERMITTED AND CONDITIONAL USES

| Land Use                    | Approval Type | Conditions                 |
|-----------------------------|---------------|----------------------------|
| Heavy Truck, Repair (major) | С             | Subject to section 18-1531 |

#### 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. 18-1531.7. - WAIVERS, VARIANCES, MODIFICATIONS.

(A) WAIVERS. The City may waive one (1) or more of the requirements of Section 18-1531.10, "List of Conditional Uses and Requirements", that are specific to any given conditional use application, or application to modify an existing conditional use approval, upon finding that the requirement(s) are not necessary to ensure the compatibility and appropriateness of the use at the given location, and upon making the findings listed below. Where City Council or Community Redevelopment Agency has established compatibility with the neighborhood and appropriateness of the use at a public hearing, amendments to the Conditional Use site plan may be made administratively provided conditions and safeguards provided by Council are not proposed to be altered or otherwise compromised in the opinion of the City Manager, Administrative waivers of conditional use special requirements by City staff are not authorized. Any waiver request for administrative conditional use applications shall trigger City Council or Community Redevelopment Agency review of the conditional use application and waiver request.

The public notice requirements of Section 18-1534 shall apply to waivers, variances and modifications subject to City Council or Community Redevelopment Agency review and approval. In determining whether such special requirements should be wholly or partially waived, the City shall consider the following criteria:

- 1. The purpose of the requirement is otherwise fully achieved, or more important purposes of this Article or the Comprehensive Plan will be served thereby, or the requirement serves no valid public purpose in the particular case;
- 2. The waiver is consistent with the statement of intent of the applicable zoning district and this Section:
- The waiver will not adversely impact the public interest or adjacent property, and the applicant
  has demonstrated that all necessary alternative measures shall be taken to prevent any such
  impact;
- 4. The waiver is not discriminatory, considering similar situations in the general area and in past decisions under this Article.

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

- 36. Heavy Truck Repair, (Major)
  - a. Administrative approval.
  - b. Minimum separation of three hundred (300) feet from any residential district measured from property line to property line.
  - c. Minimum lot size of fifteen thousand (15,000) square feet.
  - d. All repair activity to be done in an enclosed building.
  - e. Enclosure of all outside work areas with a six (6) feet solid wall or fence.

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

- (B) COMMERCIAL/BUSINESS USES.
  - 12. Automobile Service Station or Repair Facility: Two and one-half (2.5) per service bay, in addition to required parking for other principal uses such as retail.

#### 3. Staff Analysis:

The proposed use meets a majority of the conditional use requirements, and staff finds that the waiver requests to conditional use criteria "d" and "e" should have no adverse impacts to abutting and functionally abutting properties.

Section 18-1531.6.(C) of the Land Development Code provides criteria to guide conditional use approvals. Staff finds the following concerning those 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).
  - The proposed use and its proposed scale will not be inconsistent with the immediate neighborhood and character of the area. All properties surrounding or abutting the subject property are industrial in nature or similar to the proposed conditional use of "Heavy Truck Repair, (Major)".
- 2. Whether the use will diminish the use or enjoyment of other properties and living or working conditions in the neighborhood.
  - The proposed use will not diminish the use of enjoyment of other properties or conditions of the neighborhood. The surrounding properties are industrial in nature and are zoned Light Industrial (M-1) or Heavy Industrial (IH), or a County equivalent industrial zoning.
- 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.
  - The proposed use will not 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. Similar uses on a smaller scale, such as "Automobile Repair Facility (major)" are permitted uses within IH and do not cause harm or disrupt the surrounding area. The proposed conditional use of "Heavy Truck Repair, (Major)" is similar in nature, on a larger scale, and will not cause harm or disrupt the surrounding area.
- 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.
  - The establishment, maintenance or operation of the proposed use will not 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.
  - The land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations. There is no proposed expansion as part of this request, at this time.

- 6. Whether the use and associated improvements will adversely affect a known archaeological, historical, cultural, or landscape resource.
  - The proposed use will not adversely affect a known archaeological, historical, cultural, or landscape resource. There are no proposed improvements as part of this request, at this time.
- 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.

  The traffic generation characteristics of the proposed use is compatible with the traffic generation characteristics of other uses permitted in the zoning districts applicable to the neighborhood.

Section 18-1531.7.(A) of the Land Development Code provides criteria to guide waivers to conditional use criteria. Staff finds the following concerning those criteria:

- 1. The purpose of the requirement is otherwise fully achieved, or more important purposes of this Article or the Comprehensive Plan will be served thereby, or the requirement serves no valid public purpose in the particular case;
  - The proposed waiver requests to conditional use criteria "d" and "e" will have no adverse impacts to abutting and functionally abutting properties. The requirement has otherwise been achieved, since the property has an existing chain-link fence around the entire property.
- 2. The waiver is consistent with the statement of intent of the applicable zoning district and this Section; The proposed waivers are consistent with the statement of intent of the applicable zoning district and this Section.
- 3. The waiver will not adversely impact the public interest or adjacent property, and the applicant has demonstrated that all necessary alternative measures shall be taken to prevent any such impact; The proposed waivers will not adversely impact the public interest or adjacent properties, and the applicant has demonstrated that all necessary alternative measures shall be taken to prevent any such impact, by keeping and maintaining the existing chain-link fence on the property.
- 4. The waiver is not discriminatory, considering similar situations in the general area and in past decisions under this Article.

The proposed waivers are not discriminatory, considering similar situations in the general area.

Staff finds the proposed use meets the Conditional Use requirements and review criteria per Section 18-1531 of the Land Development Code.

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

The application was discussed at the February 7, 2023 PARC meeting by all relevant departments/divisions. No comments or concerns were raised by staff with regard to the request.

#### 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 Heavy Industrial (IH) Zoning District, per Section 18-1525 of the Land Development Code, and should have no adverse impacts on the surrounding properties
- 2. The proposed use meets a majority of the Conditional Use requirements per Section 18-1531.10, and would meet parking requirements per Section 18-1532.9 of the Land Development Code.
- 3. The request is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

#### **B. Staff Recommendation:**

Consistent with the above identified findings, staff recommends **APPROVAL** of case number CU-1223-00003.

Erica Lindquist, AICP, CFM

Planning & Development Services Director

2/21/23 Date

2/21/2023

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

Date

#### V. ACTION

**CITY COUNCIL** – MOVE TO:

- A. APPROVE
- B. APPROVE WITH THE FOLLOWING CONDITION(S):
- C. DENY

... a Conditional Use approval for "Heavy Trucks, Repair (Major)" in the Heavy Industrial (IH) Zoning District, with waivers to conditional use criteria regarding all repair activity to be done in an enclosed building and enclosure of all outside work areas with a 6-foot solid wall or fence.

#### VI. ATTACHMENTS

Exhibit A: Waiver Request Letter

Exhibit B: Affidavit of Ownership & Legal Description

Exhibit C: Site Plan
Exhibit D: Survey
Exhibit E: Aerial Map
Exhibit F: Land Use Map
Exhibit G: Zoning Map

Exhibit G: Zoning Map

Exhibit H: Flood Insurance Rate Map

To Whom It May Concern,

In accordance with the Conditional Use – Board Approval Application for Top Notch Fleet Service 4545 118<sup>th</sup> Ave N. Clearwater, Fl 33762, Per Sec. 18-1531.7, I would like to ask permission for the (2) following conditions to be waived:

o"All repair activity to be done in an enclosed building."

o" Enclosure of all outside work areas with a six (6) feet solid wall or fence."

Thank You,

Rachel Rogers / Owner @ Top Notch Fleet Service

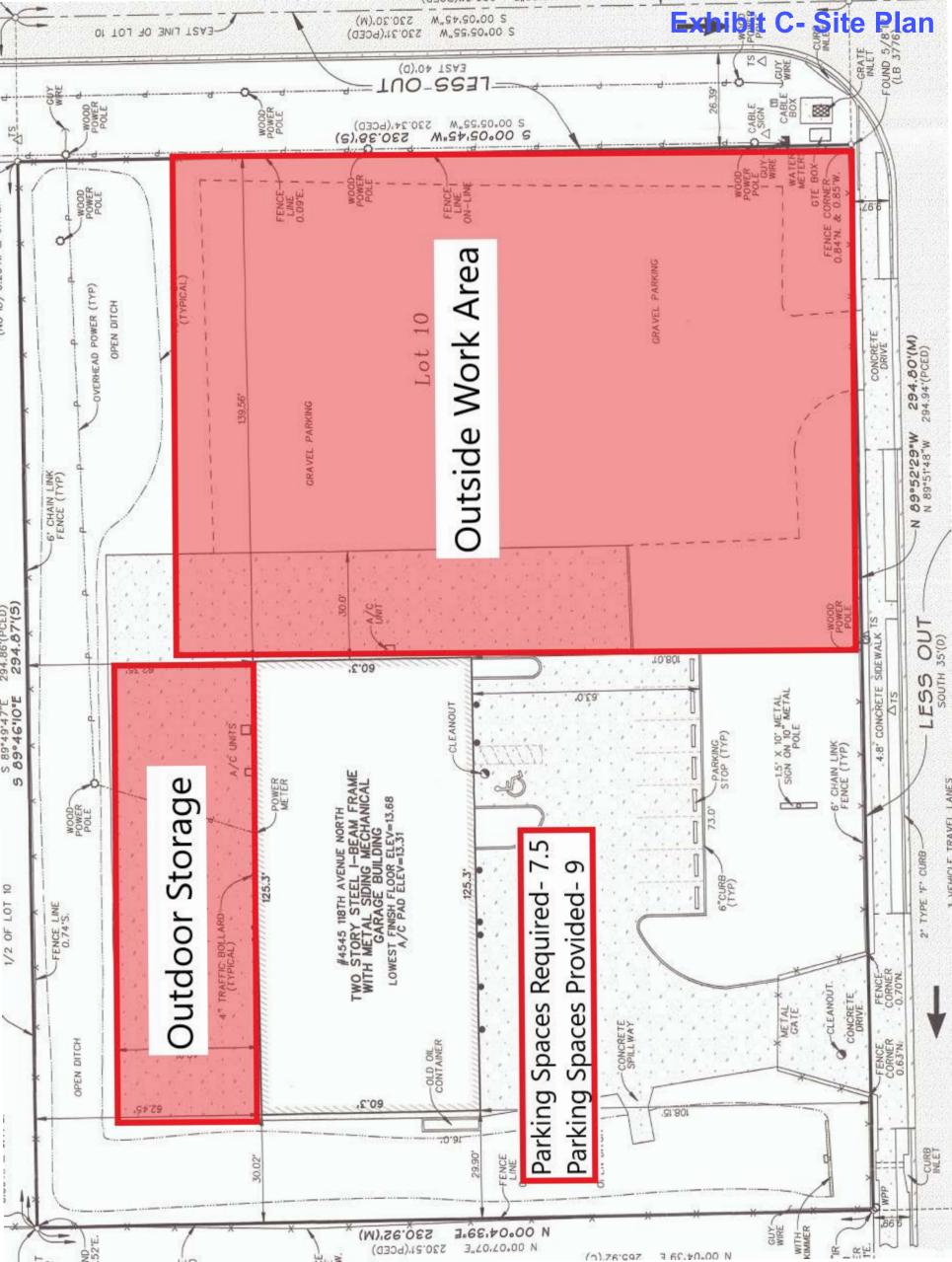
Date

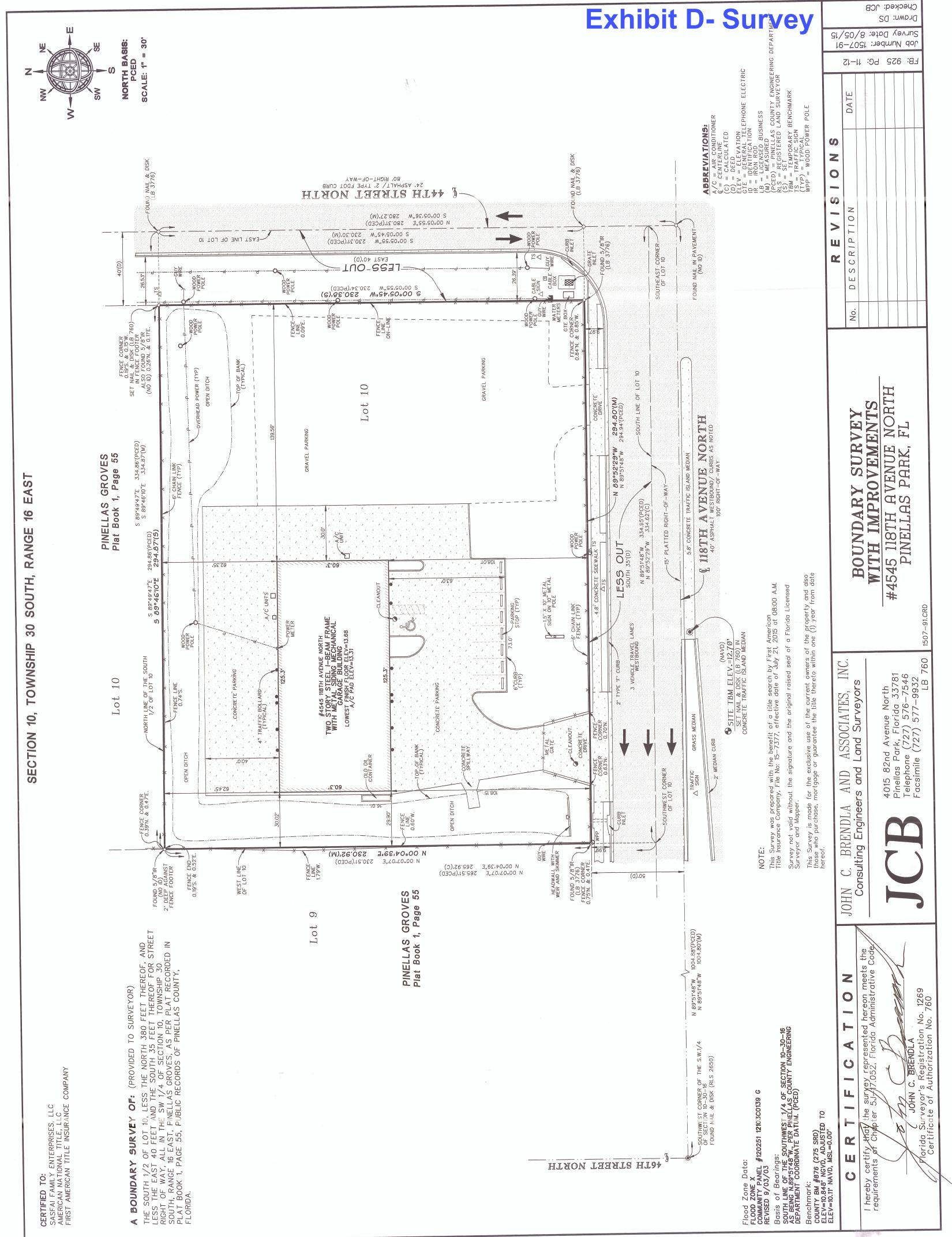
### **Exhibit B- Affidavit of Ownership & Legal Description**

## CITY OF PINELLAS PARK AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

| NAMES OF ALL PROPERTY OWNERS:  THE SASFAL FA  | MILY ENTERPRISES LLC   |
|---|--|
| 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:  | 24 AVE, N. CLEARWATER FL. 33762  |
| LEGAL DESCRIPTION OF PROPERTY:  | (Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach.)   |
| AUTO AND 7  | ch an application is being made to the City of Pinellas Park, Florida for (NATURE OF REQUEST):  RULK MECHANICAL REPAIR SHOP  |
| 3. That the undersigned (has / have) appointed and petitions or other documents necessary to affect suc  4. That this affidavit has been executed to induce | e the City of Pinellas Park, Florida, to consider and act on the above described property; to include Cit  |
| SIGNED (PROPERTY OWNER  ANDY SASFA)   | SIGNED (PROPERTY OWNER 2)  |
| STATE OF FLORIDA COUNTY OF 1  | The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 23 day of September, 20 22.  By Andy and Barbara Sasfar, who is |
| LISA L. MICHELL MY COMMISSION # HH 92993 EXPIRES: February 20, 2025   | personally known to me or who has produced  as identification and who DID / DID NOT  (Type of identification)  take an oath.   |
| (SEAL ABOVE)  | Notan Public Commission No. 11492993  (Name of Notary-typed, printed or stamped)   |

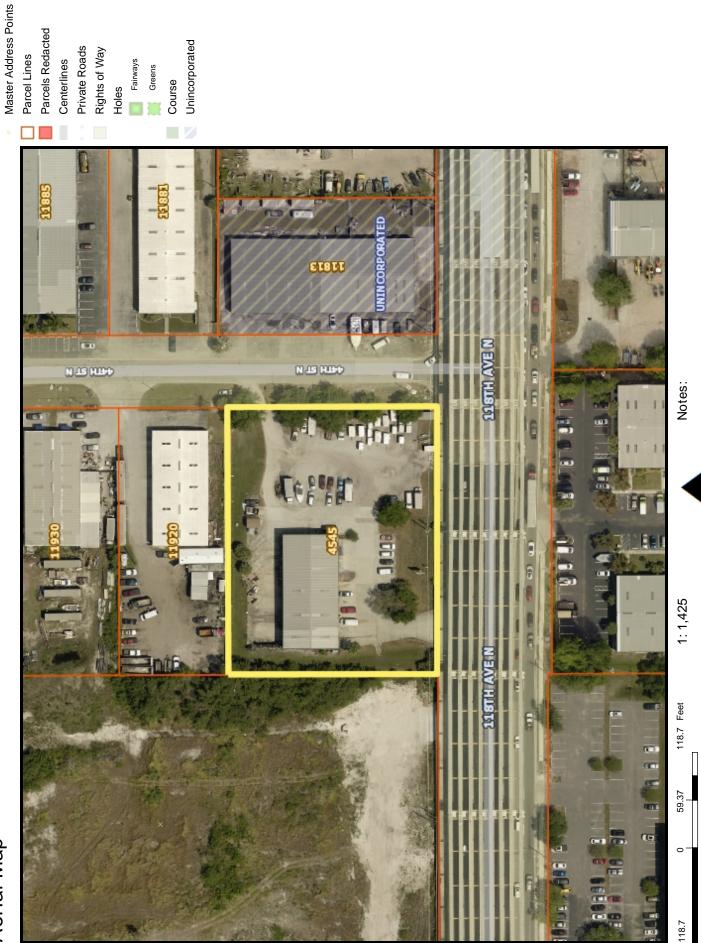




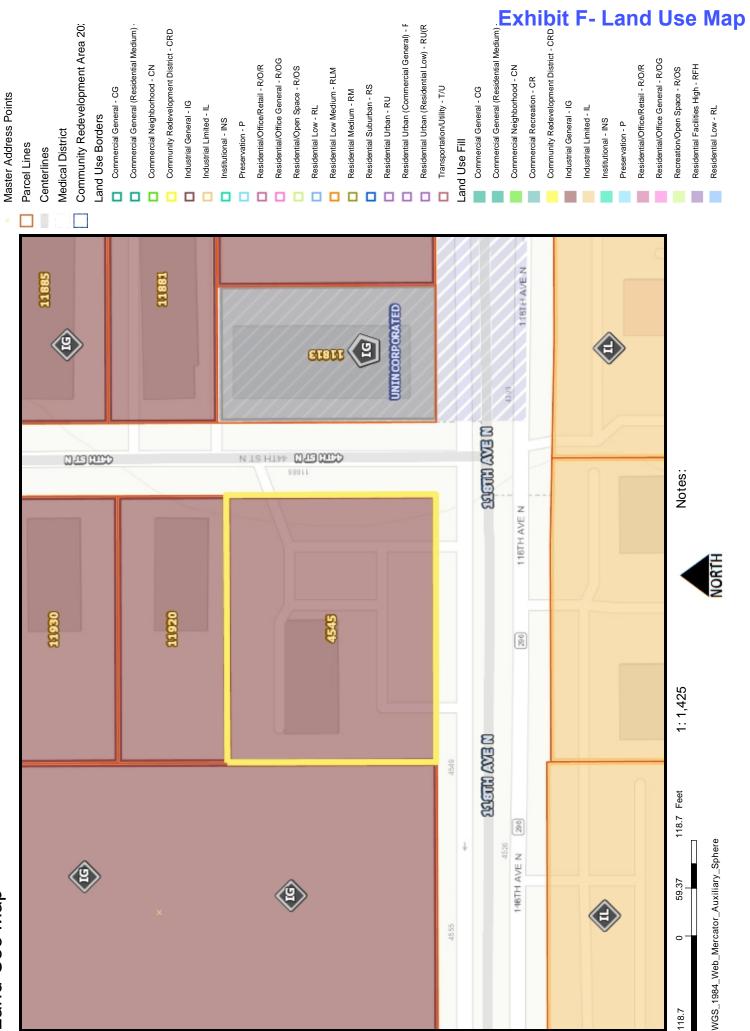
NORTH

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Legend

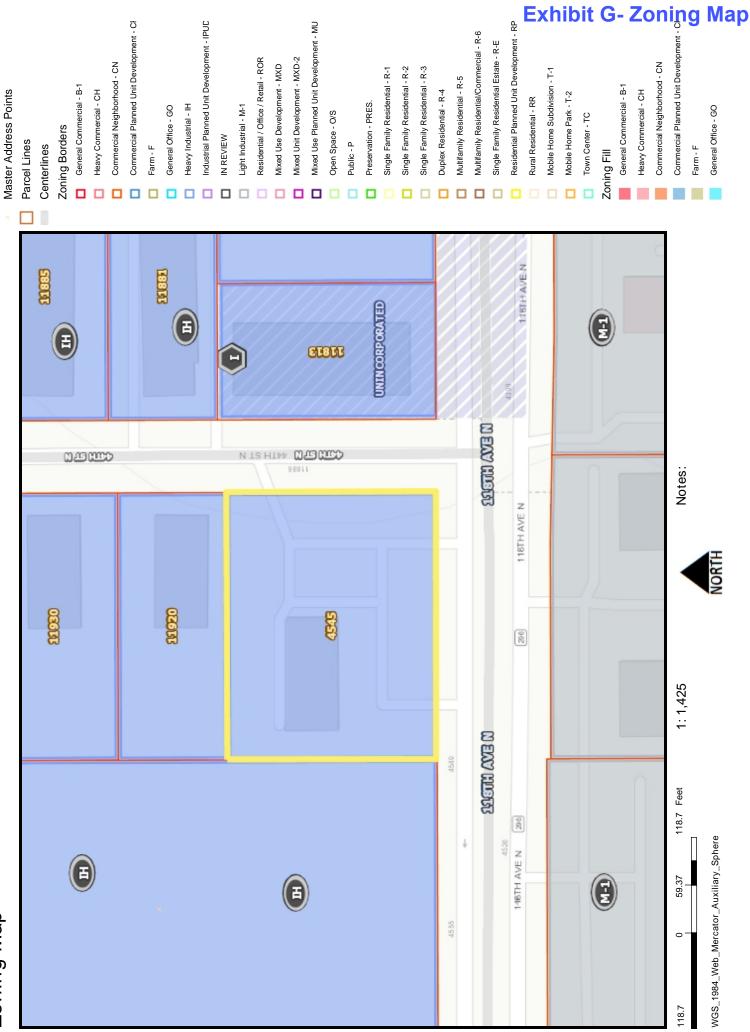


Legend

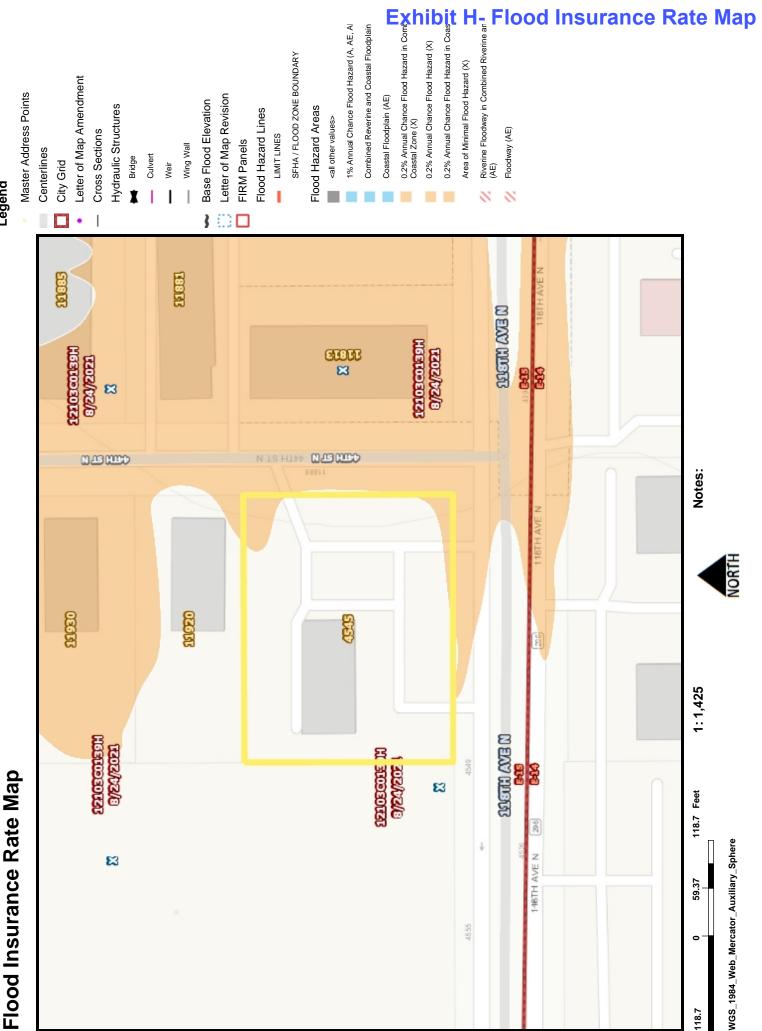


WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Legend



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere



Legend