# CITY OF PINELLAS PARK

# **Staff Report**

# Community Development Department Planning & Development Services Division

Prepared by: Megan Montesino

**Development Review Manager** 

### **APPLICATION DATA** I.

• SIMPLY CENTERED •

A. Case Number: CU-0323-00006

B. Location: 12333 66th St

C. Request: Conditional Use approval for a Tavern and Lounge in the General Commercial (B-1) Zoning District with a waiver to conditional use criteria regarding ingress to and egress from the property along a local street.

**D.** Applicant: Kenny Davis, Owner of Saltwater Hippie

E. <u>Property Owner</u>: Waterin' Trough Land Trust

F. Legal Ad Text: Conditional Use approval for a Tavern and Lounge in the General Commercial (B-1) Zoning District with a waiver to a conditional use criteria regarding ingress to and egress from the property along a local street, located at 12333 66th St.

G. PARC Meeting: March 21, 2023

H. Public Hearings:

Planning & Zoning Commission Hearing Date: May 4, 2023

Advertising Date: April 19, 2023

City Council Hearing Date: June 8, 2023

Advertising Date: May 24, 2023

### II. **BACKGROUND INFORMATION**

### A. Case Summary:

The proposed use of the subject property is a Tavern and Lounge, which is a conditional use in the General Commercial (B-1) Zoning District. In 2006, the subject property was annexed into the City of Pinellas Park from Pinellas County, with the intent of developing a tayern and lounge known as Waterin' Trough. The Waterin' Trough closed over a year ago, which means the conditional use approval has expired. The applicant wishes to apply for a new conditional use for a Tavern and Lounge, and is proposing several upgrades to bring the subject property up to code, which include:

- New dumpster enclosure:
- New solid fence along the north and east sides of the property;
- Paving the parking lot with asphalt millings (in phases); and
- Second driveway to be installed and permitted through the County.

The permits for the dumpster enclosure, fence, and second driveway have all been approved.

Additionally, the property has a Covenant Running with the Land for the use, which was recorded in 2007 and is proposed to be released.

The proposed use meets a majority of the following conditional use criteria, with the exception of criteria "d":

(a) Administrative approval unless a waiver is requested for any of the following criteria, then the application shall require review by the Planning and Zoning Commission and approval by City Council. This application will need to be reviewed by the Planning and Zoning Commission and approved by City Council since Criteria "(d)" will need to be waived.

- (b) The subject property is neither adjacent nor functionally adjacent to a residential zoning district.

  This criteria has been met; the property is neither adjacent nor functionally adjacent to a residential zoning district.
- (c) The subject property is not within five hundred (500) feet of a parcel of land used as a place of worship, an educational institution, a public educational facility, or a day care center unless the intervening land uses, structures or context are such that the location of the package sales is unlikely to have an adverse impact on such place of worship, educational institution, public educational facility or day care center. If the place of worship, educational institution, public educational facility or day care center is a nonconforming use, then this criteria shall not apply.

This criteria has been met; the property is not within five hundred (500) feet of a place of worship, an educational institution, a public educational facility, or a day care center.

- (d) The subject property shall have frontage on either an arterial or collector right-of-way with ingress to and egress from the property not to occur via a local street. This criteria is requested to be waived; the property only has ingress and egress via a local street (123<sup>rd</sup> Ave).
- B. Site Area: 87,991 square feet / 2.02 acres

### C. **Property History**:

In 2006, the subject property was annexed into the City of Pinellas Park from Pinellas County, with the intent of developing a tavern and lounge known as Waterin' Trough. Multiple permits were issued at that time for the development of the Waterin' Trough.

In 2007, a Covenant Running with the Land was recorded which restricts the use to a tavern and limits its hours of operation to between 6:00 pm and 2:00 am. The purpose of this covenant was to reduce the traffic impact fee due to non-peak hours of operation of the business.

D. Existing Use: Vacant Tavern and Lounge

E. Proposed Uses: Tavern and Lounge

F. Current Future Land Use: Commercial General (CG)

**G.** Current Zoning District: General Commercial (B-1)

- **H. Flood Zone**: The subject parcels are located in Flood Zone X, which is a low-risk flood zone.
- **I.** <u>Evacuation Zone</u>: The subject 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	E-1 (County)	IL (County)	Commercial Business
South	M-1 (City)	IL (City)	Auto Repair Shop
East	M-1 (City)	IL (City)	Landscaping Service Company
West	E-2 (County) and CH (City)	CG (County) and CG (City)	Multi-Tenant Office and Warehouse

### 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 manner designed to provide communitywide and countywide commercial goods and services; and to recognize such areas as primarily consistent with the need, relationship to adjoining uses and with the objective of encouraging a consolidated, concentrated commercial center providing for the full spectrum of commercial uses.

### 2. Key Standards:

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

**Primary Uses** – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Wholesale/Distribution (Class A); Storage/Warehouse (Class A); Temporary Lodging

**Secondary Uses** – Commercial Recreation; Residential; Residential Equivalent; Institutional; Transportation/Utility; Recreation/Open Space; Research/Development; Light Manufacturing/Assembly (Class A)

**Locational Characteristics** – This category is generally appropriate to locations in and adjacent to activity centers where surrounding land uses support and are compatible with intensive commercial use; and in areas in proximity to and with good access to major transportation facilities, including mass transit.

**Traffic Generation Characteristics** – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 487 trips per day per acre.

Density/Intensity Standards - Shall include the following:

**Non-Residential Use** – Shall not exceed a floor area ratio (FAR) of 0.55, nor an impervious surface ratio (ISR) of 0.90, except as provided for in the "Special Rules" of the Countywide Plan Rules. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of 0.33 and an ISR of 0.68

### 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.1.15.1**

Commercial development shall be located at or near major intersections; within the Community Redevelopment District; and within other mixed-use developments and areas to ensure the community's quality of life; access to employment, services, and amenities; and levels of service.

### **POLICY LU.1.15.5**

Commercial areas shall be buffered from surrounding streets and uses, through appropriate landscaping and setbacks, in order to facilitate an optimal transition.

### 4. Staff Analysis:

The proposed conditional use of a Tavern and Lounge is appropriate for the Commercial General (CG) Land Use category, and considered a primary use.

Staff finds that the proposed use is consistent with and supported by the land use designation and the Goals, Objectives, and Policies of the Comprehensive Plan.

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

### 1. Zoning District Purpose / Intent:

The "B-1" General Commercial District is established to identify and provide those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a general commercial environment with supportive medium density residential. This district is intended for a wide variety of consumer-oriented commercial uses and activities located in proximity to major thoroughfares and to residential concentrations, together with accessory uses and public facilities customary to or required for such an environment.

This district is appropriate for areas designated on the Official Land Use Plan Map as either Residential Medium (RM), Residential/Office/Retail (R/O/R), Residential/Office General (R/OG), Commercial General (CG), Commercial Recreation (CR), Resort Facilities High (RFH) or Community Redevelopment District (CRD).

### 2. Key Standards:

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

Land Use	Approval Type	Conditions
Taverns and Lounges	С	CG or CRD land use categories only subject to section 18-1531

### SECTION 18-1531. – CONDITIONAL USE REGULATIONS Sec. 18-1531.5. - CONDITIONAL USE APPROVAL; PROCEDURE.

The following procedure shall govern the application, review and approval of new conditional uses, expansions of conditional uses, or amendments to a conditional use development order.

- (A) All conditional uses, except as described in Section 18-1531.2 above, shall require conditional use review and approval prior to, or concurrently with, final site plan approval when required by Section 18-1541.2, "Applicability", and in all other cases prior to the granting of a building permit and a business tax receipt. All applications for conditional uses shall be submitted to the Zoning Director and shall contain the application materials as provided for in Section 18-1531.9, "Application Materials for Conditional Uses".
- (B) All conditional uses requiring Community Redevelopment Agency, and/or City Council review and approval shall not be considered until public notice has been given of a public hearing. The provisions of Section 18-1534 shall apply.
- (C) City approval of conditional use applications may be rendered administratively by City staff ("administrative conditional use" application), or by City Council, as stipulated in this Section for each conditional use, provided that the Community Redevelopment Agency shall act in the capacity of the City Council as the deciding authority whenever a conditional use application pertains to land within the Community Redevelopment Area.
- (D) The City may approve or deny a conditional use application. When approving an application, the City may prescribe appropriate conditions and safeguards in conformity with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Article and punishable accordingly.
- (E) The Zoning Director may choose to refer any administrative conditional use application to the City Council or to the Community Redevelopment Agency as appropriate.

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

- 81. Taverns and Lounges.
  - (a) Administrative approval unless a waiver is requested for any of the following criteria, then the application shall require Review by the Planning and Zoning Commission and approval by City Council.
  - (b) The subject property is neither adjacent nor functionally adjacent to a residential zoning district.
  - (c) The subject property is not within five hundred (500) feet of a parcel of land used as a place of worship, an educational institution, a public educational facility, or a day care center unless

the intervening land uses, structures or context are such that the location of the package sales is unlikely to have an adverse impact on such place of worship, educational institution, public educational facility or day care center. If the place of worship, educational institution, public educational facility or day care center is a nonconforming use, then this criteria shall not apply.

(d) The subject property shall have frontage on either an arterial or collector right-of-way with ingress to and egress from the property not to occur via a local street.

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

14. Taverns and Lounges: One (1) per two hundred fifty (250) SF of GFA.

### 3. Staff Analysis:

The proposed use of a Tavern and Lounge is a conditional use within the B-1 Zoning District. Per Section 18-1531.10(A)81 of the Land Development Code, since the applicant is required to waive criteria "d", the case must be reviewed by the Planning and Zoning Commission and approved by City Council.

The applicant is requesting a waiver from to conditional use criteria "d", which states:

(d) The subject property shall have frontage on either an arterial or collector right-of-way with ingress to and egress from the property not to occur via a local street.

This criteria is requested to be waived since the property only has ingress and egress via a local street (123rd Ave).

Staff finds that the proposed use is consistent with the purpose and intent of the B-1 Zoning District and the City's Land Development Code.

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

The application was discussed at the March 21, 2023 PARC meeting by all relevant departments/divisions. The following comments were made:

- The stormwater system needs to be cleaned up: flush the pipes/culverts, clean the inlets, clean and expose the inflow/outflow culverts, etc.
- Remove the wood posts from the parking lot.
- Provide wheel stops for the parking spaces that don't currently have them.
- Applicant to meet with the Police Department representatives to discuss what measures will be taken to avoid Law Enforcement related/response issues.

### 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 meets a majority of the Conditional Use requirements per Section 18-1531.10 of the Land Development Code:
- 3. The request is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and CRA Plan.

# B. Staff Recommendation:

Consistent with the above findings, staff recommends APPROVAL of case number CU-0323-00006.

Erica Lindquist, AICP, CFM

Planning & Development Services Director

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

Date

### ٧. **ACTION**

### PLANNING AND ZONING COMMISSION - MOVE TO:

- A. RECOMMEND APPROVAL
- B. RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION(S):
- C. RECOMMEND DENIAL

...a request for Conditional Use approval for a Tavern and Lounge with a waiver to conditional use criteria that restricts ingress and egress via a local street.

### **ATTACHMENTS** VI.

Exhibit A: Affidavit of Ownership with Legal Description

Exhibit B: Proposed Site Plan Exhibit C: 2008 Site Plan Exhibit D: 2008 Survey Exhibit E: Aerial Map Exhibit F: Land Use Map

Exhibit G: Zoning Map

Exhibit H: Flood Insurance Rate Map



# CITY OF PINELLAS PARK

# **Staff Report**

# Community Development Department Planning & Development Services Division

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**Development Review Manager** 

### **ADDENDUM**

**Case Number**: CU-0323-00006

### **PLANNING AND ZONING COMMISSION**

On May 4, 2023, the Planning & Zoning Commission **RECOMMENDED APPROVAL** of case number CU-0323-00006.

### V. ACTION

### **CITY COUNCIL** – MOVE TO:

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

...a request for Conditional Use approval for a Tavern and Lounge in the General Commercial (B-1) Zoning District with a waiver to conditional use criteria regarding ingress to and egress from the property along a local street.

# CITY OF PINELLAS PARK AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:					
NAMES OF ALL PROPERTY OWNERS:					
	W T Land Trust,	Ashley Germain, Trustee			
being first duly sworn, depose(s) and say(s):					
1.	That (I am / we are) the owner(s) and re	at (I am / we are) the owner(s) and record title holder(s) of the following described property:			
	ADDRESS OR GENERAL LOCATION:				
	12333 66th Street No. Pinellas Park, FL.				
	LEGAL DESCRIPTION OF PROPERTY: (Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach.)				
	Parcel NO. 08	3/30/16/72702/002/0040 Plat:23 Page:70			
2.	Potterfield Miniature Farms BLK B Lots 4,5 &6  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):				
<ol> <li>That the undersigned (has / have) appointed and (does / do) appoint <u>James Moyles</u> as (his / their) agent(s) to execute any petitions or other documents necessary to affect such application.</li> <li>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.</li> </ol>					
STATE	OF FLORIDA	The foregoing instrument was acknowledged before me by means of			
COUNTY OF <u>Pinellas</u>		$\square$ physical presence or $\square$ online notarization, this $\underline{7^{4n}}$ day of $\underline{Ma_{n-}}$ , 20 $\underline{23}$ .			
		By Ashley Germain, who is (Name of person acknowledging and title of position)			
		personally known to me or who has produced			
		as identification and who DID / DID NOT take an oath.			
		Notary Public, Commission No. Fullakay Allen			
	(SEAL ABOVE)	ROBERTA KAY ALLEN  MXCOMMISSION A GG 331100 EXPIRES: August 23, 2023. printed or stamped)			

3/8/23, 12:53 PM Property Appraiser General Information Interactive Map of this parcel Sales Query Back to Query Results New Search Tax Collector Home Page Contact Us 08-30-16-72702-002-0040 Compact Property Record Card Tax Estimator Updated March 8, 2023 Email Print Radius Search Ownership/Mailing Address Change Mailing Address Site Address DRISCOLL, DANIEL D JR TRE WATERIN TROUGH LAND TRUST 12333 66TH ST 1372 39TH AVE NE PINELLAS PARK ST PETERSBURG FL 33703-5415 Property Use: 3325 (Bar, With or Without Package Current Tax District: PINELLAS PARK (PP) Total Heated SF: 12,080 Total Gross SF: 12,577 [click here to hide] Legal Description POTTERFIELD MINIATURE FARMS BLK B, LOTS 4, 5 & 6 2023 Parcel Use File for Homestead Exemption Exemption 2023 2024 Homestead: No No Homestead Use Percentage: 0.00% Government: No No Non-Homestead Use Percentage: 100.00% Institutional No No Classified Agricultural: No Historic: No No Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice) **Evacuation Zone** Flood Zone Most Recent Recording Sales Comparison Census Tract Plat Book/Page (NOT the same as a FEMA Flood Zone) (NOT the same as your evacuation zone) 21694/1802 Sales Query 121030245051 D Current FEMA Maps 2022 Interim Value Information Just/Market Value Assessed Value / Non-HX Cap Year County Taxable Value School Taxable Value Municipal Taxable Value 2022 \$1,140,000 \$1,140,000 \$1,140,000 \$1,140,000 [click here to hide] Value History as Certified (yellow indicates correction on file) Homestead Exemption Year Just/Market Value Assessed Value County Taxable Value School Taxable Value Municipal Taxable Value 2021 No \$1,130,000 \$1,130,000 \$1,130,000 \$1,130,000 2020 No \$1,190,000 \$1,190,000 \$1,190,000 \$1,190,000 2019 No \$1,140,000 \$1,140,000 \$1,140,000 \$1,140,000 2018 No \$1,100,000 \$1,100,000 \$1,100,000 \$1,100,000 2017 \$1,000,000 \$1,000,000 \$1,000,000 No \$1,000,000 \$975,000 2016 No \$975,000 \$975,000 \$975,000 2015 No \$910,000 \$910,000 \$910,000 \$910,000 2014 No \$890,000 \$890,000 \$890,000 \$890,000 2013 No \$860,000 \$860,000 \$860,000 \$860,000 2012 \$825,000 No \$825,000 \$825,000 \$825,000 2011 No \$827,000 \$827,000 \$827,000 \$827,000 2010 No \$827,200 \$827,200 \$827,200 \$827,200 2009 No \$895,000 \$895,000 \$895,000 \$895,000 2008 No \$522,000 \$522,000 \$522,000 \$522,000 2007 No \$541,900 \$541,900 \$541,900 N/A 2006 No \$524,400 \$524,400 \$524,400 N/A \$449,700 2005 No \$449,700 \$449,700 N/A 2004 No \$304,100 \$304,100 \$304,100 N/A 2003 \$285,100 \$285,100 \$285,100 No N/A 2002 \$285,100 No \$285,100 \$285,100 N/A 2001 No \$285,100 \$285,100 \$285,100 N/A 2000 \$240,300 \$240,300 \$240,300 No N/A 1999 No \$240,600 \$240,600 \$240,600 N/A 1998 No \$240,600 \$240,600 \$240,600 N/A 1997 No \$242,300 \$242,300 \$242,300 N/A 1996 \$242,300 \$242,300 No \$242,300 N/A 2022 Tax Information Ranked Sales (What are Ranked Sales?). See all transactions

2022 Tax Bill Sale Date Tax District: PP Book/Page Price Q/U Y/I20115 / 0360 29 Jun 2018 \$1,450,000 U 14199 / 0454 Do not rely on current taxes as an estimate following a change in ownership. A significant change 24 Mar 2005 \$650,000 0 V in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our 10 Jul 2000 10972 / 0278 \$335,000 0 1 Homes or 10% Cap, and/or market conditions. Please use our new Tax Estimator to estimate taxes 25 Jun 1999 10566 / 2079 \$235,000 ٧ under new ownership.

2022 Land Information

Seawall: No Frontage: View: None Land Use Land Size Unit Value Units Total Adjustments Adjusted Value

Nightclubs/Bars (33) 303x290 87870,0000 1.0000

[click here to hide] 2023 Building 1 Structural Elements Back to Top Site Address: 12333 66TH ST

FEMA/WLM

23/70

\$1,140,000

\$1,130,000

\$1,190,000

\$1,140,000

\$1,100,000

\$1,000,000

\$975,000

\$910,000

\$890,000

\$860,000

\$825,000

\$827,000

\$827,200

\$895,000

\$522,000

\$541,900

\$524,400

\$449,700

\$304,100

\$285,100

\$285,100

\$285,100

\$240,300

\$240,600

\$240,600

\$242,300

\$242,300

Method

SF

\$746,895

Building Type: Pre-Engineered Metal Quality: Average

Foundation: Continuous Footing
Floor System: Slab On Grade
Exterior Wall: Prefinished Metal
Roof Frame: Steel Truss & Purlins
Roof Cover: Corrugated Metal

Stories: 1 Living units: 0

Floor Finish: Carpet Combination

Interior Finish: Dry Wall

Fixtures: 20 Year Built: 2008 Effective Age: 15

Base (BAS)

Cooling: Heat & Cooling Pkg

Open Porch Unfinished (OPU)

Description

Open plot in New Window

Building 1 Sub Area Information Building Heated SF

BAS

12,080

----- LCC- 13 00

Total Building Heated SF: 12,080

Gross Area SF

12,080 497

Total Gross SF: 12,577

Compact Property Record Card

[click here to hide] 2023 Extra Features

Description Value/Unit Units Total Value as New Depreciated Value Year ASPHALT \$4.00 25,300.00 \$101,200.00 \$101,200.00 2008 CONC PAVE \$12.00 5,200.00 \$62,400.00 \$62,400.00 2008

[click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number

BLDC 1222-00047A

FENCI:

23 Dec 2021

\$2,500

13611 Ave

14

170 are experiencing issues with this map loading, you may need to clear your web browsing history, then close and restart your web browser.

Interactive Map of this parcel

Map Legend

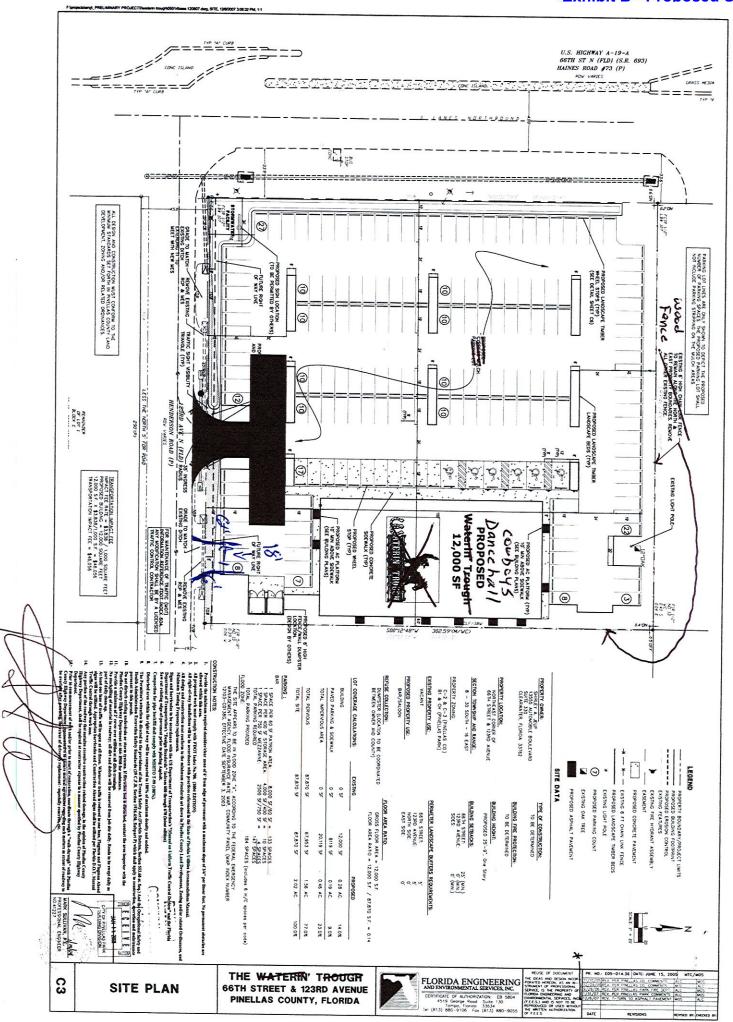
Sales Query

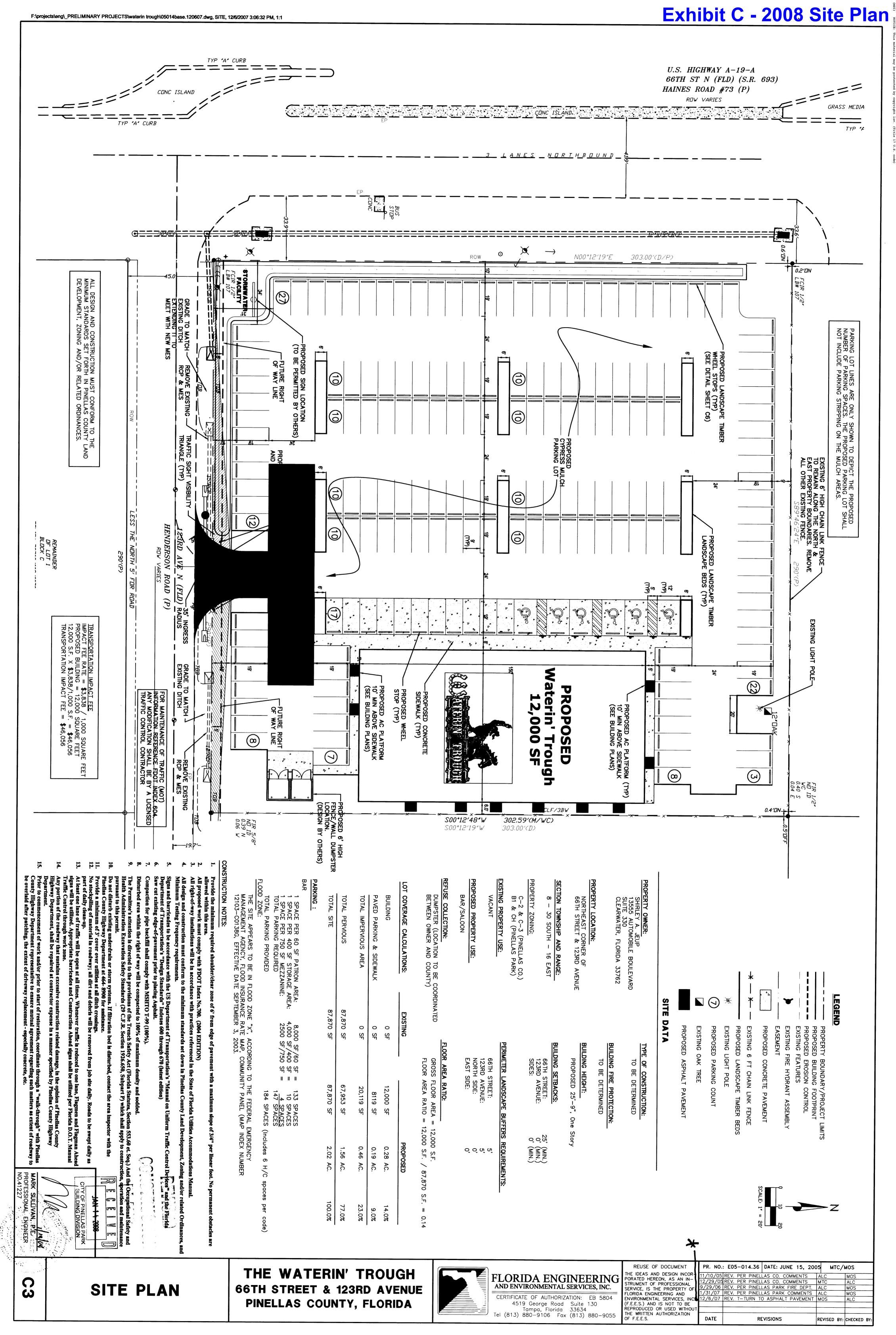
Back to Ouery Results

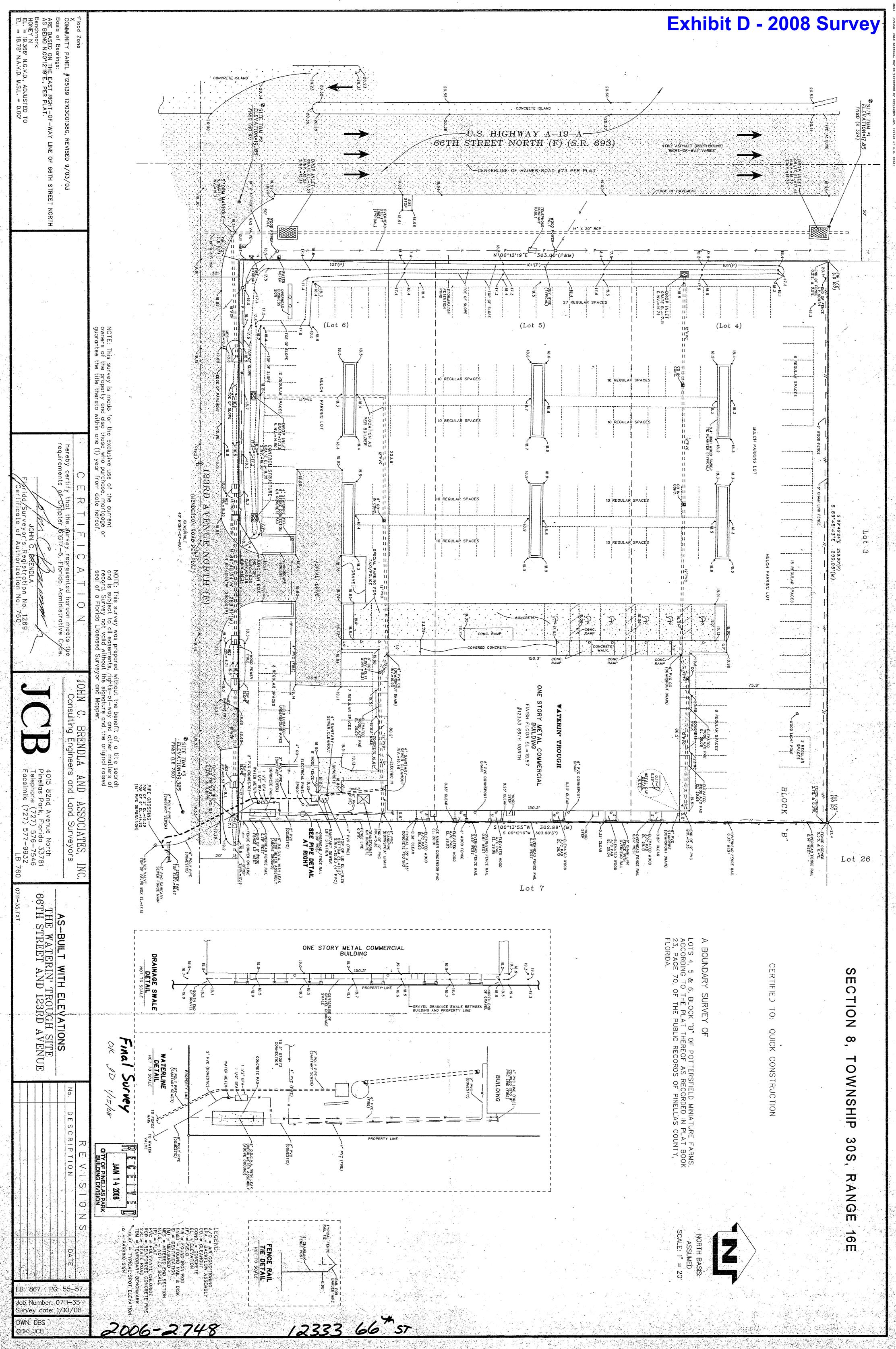
New Search

Tax Collector Home Page

Contact Us







NORTH

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Legend



Community Redevelopment Area 20; Commercial General (Residential Medium) -Residential Urban (Commercial General) - F Residential Urban (Residential Low) - RU(R Commercial General (Residential Medium) -Community Redevelopment District - CRD Residential/Office General - R/OG Commercial Neighborhood - CN Residential/Office/Retail - R/O/R Residential/Open Space - R/OS Commercial Neighborhood - CN Residential Low Medium - RLM Residential Suburban - RS Commercial General - CG Transportation/Utility - T/U Commercial General - CG Residential Medium - RM Master Address Points Residential Urban - RU Industrial General - IG Industrial Limited - IL Residential Low - RL Land Use Borders Institutional - INS Preservation - P Medical District Pinellas Park Land Use Fill Parcel Lines Centerlines Legend 5909 0359

NORTH

Residential/Office General - R/OG Residential/Office/Retail - R/O/R Preservation - P

**Exhibit F - Land Use Map** 

Community Redevelopment District - CRD

Industrial General - IG

Industrial Limited - IL

Institutional - INS

Commercial Recreation - CR

Residential Facilities High - RFH Recreation/Open Space - R/OS

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

188.1

NORTH

# Flood Insurance Rate Map

Legend

