AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, ADOPTING A MASTER PLAN CONTROLLING DEVELOPMENT OF A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) WITH UNDERLYING "R-6" MULTI-FAMILY RESIDENTIAL ZONING ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 4210 78<sup>TH</sup> AVENUE N., AND 7607 THROUGH 7775 42<sup>ND</sup> LANE N. AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR A "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT; CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (PUD 2019-3 / CU 2019-29 / VAR 2019-28, NINETEEN60 CAPITAL, LLC)

WHEREAS, the City Council has been petitioned to consider a "RPUD" Residential Planned Unit Development for the development of a 2.75 acre (MOL) parcel; and

WHEREAS, the City Council has determined that it is in the public interest to authorize and approve a RPUD master plan with underlying "R-6" Multi-Family Residential zoning for the property generally located at 4210  $78^{th}$  Avenue N., and 7607 through 7775  $42^{nd}$  Lane N.; and

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

**Exhibit "B"** dated September 19, 2019 and prepared by Deuel & Associates, is hereby adopted for the purpose of controlling development on the 2.75 acre (MOL) parcel of land generally located at 4210 78<sup>th</sup> Avenue N., and 7607 through 7775 42<sup>nd</sup> Lane N. and more particularly described as follows:

THAT PARCEL LEGALLY DESCRIBED IN **EXHIBIT "A"** WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

**SECTION TWO:** That the Master Plan attached hereto and incorporated herein as **EXHIBIT "B"** shall be controlling as to the development of said residential development, and is adopted as part of this Ordinance as:

**EXHIBIT "B"** - MASTER PLAN dated September 19, 2019 and prepared by Deuel & Associates.

SECTION THREE: That the City Council does hereby certify that this ordinance is consistent with the City's Comprehensive Plan and elements thereof adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

**SECTION FOUR:** That all Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION FIVE: That this Ordinance shall become effective

Diane M. Corna, MMC CITY CLERK

ATTEST:

#### EXHIBIT "A"

THE EAST 100 FEET OF THE WEST 310.5 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 27, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PINELLAS COUNTY, FLORIDA, LESS 33 FEET OF THE NORTH END AND LESS 20 FEET OF THE SOUTH END FOR PUBLIC STREET PURPOSES ABOVE RECORDED TRACT OTHERWISE KNOWN AS LOT 18, BLOCK 2, ACCORDING TO THE UNRECORDED PLAT OF THE HAINES ROAD FARMS.

#### TOGETHER WITH:

LOTS 1A - 7A, 1B - 7B, 1C - 7C AND TRACT "A" COMMON AREA, PARKWOOD TOWNHOMES, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 136, PAGES 34 - 35, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

# EXHIBIT "B"

MASTER SITE PLAN
(Prepared by Deuel & Associates)
Last revised September 19, 2019

- 4 - Ordinance No. \_\_\_\_\_

# PINELLAS PARK

5141 78TH AVE. • P.O. BOX 1100 PINELLAS PARK, FL 33780-1100

#### Please Respond To:

James W. Denhardt, City Attorney
Lauren Christ Rubenstein, Assistant City Attorney
Denhardt and Rubenstein, Attorneys at Law
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400 - Telephone
(727) 323-0888 - Facsimile

November 8, 2019



RE: City Document #19-356

PUD 2019-3/CU 2019-29/VAR 2019-28, Nineteen 60 Capital, LLC

Dear Ms. Lindquist:

I have received and reviewed the above-referenced Ordinance. I would recommend updating Section Two of the Ordinance to read as follows:

That the Master Plan attached hereto and incorporated herein as **EXHIBIT** "B" shall be controlling . . .

Once the above change is incorporated into the Ordinance, I would approve of the Ordinance as to form and correctness.

PRINTED ON RECYCLED PAPER

Very truly yours,

Lauren C. Rubenstein Assistant City Attorney

cc: Doug Lewis, City Manager

Diane M. Corna, MMC, City Clerk Patrick Murphy, Deputy City Manager

Ben Ziskal, Community Development Administrator

LCR/dh

19-356.11082019.LEL.PUD 2019-3 Nineteen60 Capital LLC.woo



# **FLORIDA**

PHONE • (72

• (727) 369-0700

FAX

• (727) 544-7448

# CITY OF PINELLAS PARK



# **Staff Report**

# Community Development Department Planning & Development Services Division

#### I. APPLICATION DATA

**A.** <u>Case Number</u>: PUD 2019-3, CU 2019-29, VAR 2019-28

#### B. Location:

- 1. Addresses: 4210 78th Avenue N., and 7607 through 7775 42nd Lane N.
- **2. Parcel Numbers:** 27-30-16-00000-310-1800; 27-30-16-66869-000-0001; 27-30-16-66869-001-0010 through 0070; 27-30-16-66869-002-0010 through 0070; and 27-30-16-66869-003-0010 through 0070
- C. Request: Request to approve a Residential Planned Unit Development with underlying zoning of "R-6" Multi-Family Residential District for the development of 41 Single-Family Attached Dwellings and a Conditional Use for a density of 15 units per acre; and, variances from Subdivision Design Standards, Subdivision Improvements, and from Design Criteria within the "R-6" District.
- D. Applicant: Nineteen60 Capital, LLC.
- E. Agents: Brian Barker, PE; Chris Chin, PE; and Greg Presby (Deuel & Associates)
- F. <u>Legal Ad Text</u>: Request to approve a Residential Planned Unit Development with underlying zoning of "R-6" Multi-Family Residential District for the development of 41 Single-Family Attached Dwellings and a Conditional Use for a density of 15 units per acre; and, variances from Subdivision Design Standards, Subdivision Improvements, and from Design Criteria within the "R-6" District.

#### G. Public Hearings:

Planning & Zoning Commission Hearing Date: November 7, 2019

Deadline to Send Public Hearing Notices: October 18, 2019

Advertising Deadline: October 11, 2019 (submitted), October 25, 2019 (published)

City Council Hearing Date: November 26, 2019

Deadline to Send Public Hearing Notices: November 6, 2019

Advertising Deadline: November 6, 2019 (submitted), November 8, 2019 (published)

#### II. BACKGROUND INFORMATION

A. Site Area: 120,146 square feet / 2.75 acres

#### B. **Property History**:

- 1. Land Use Plan or Zoning Amendments: At its meeting of June 13, 1968, the City Council adopted Ordinance No. 350 rezoning the eastern half of the subject property from "R" Residential to "M-D" Multiple Dwelling District. Subsequently, the "M-D" District was renamed "R-6" Multifamily Residential/Commercial Zoning District, and in March of 2019 the District was once again renamed "R-6" Multi-Family Residential District.
- 2. Previous Permits and Development: At its meeting of April 14, 2018, the City Council approved a Residential Planned Unit Development (PUD 2018-2) along with an associated Conditional Use (CU 2018-7) for the development of 21 single-family attached dwelling units at a density of 15 units per acre.

- **3. Previous Variances, Waivers:** At its meeting of April 14, 2018, City Council approved BOA 2018-14, which granted variances and waivers from the following: substandard private right-of-way; sidewalks along both sides of the right-of-way; minimum lot frontage; minimum lot width; block length; block width; intersection design; right-of-way improvements to 78<sup>th</sup> Avenue; and, building design standards.
- C. <u>Existing Use</u>: Vacant / Day Care Center (closed)
- D. Proposed Use: Single-Family Attached Dwellings
- E. <u>Current Zoning District</u>: "R-6" Multi-Family Residential District
  - 1. Zoning District Purpose / Intent:

SECTION 18-1514. - "R-6" MULTI-FAMILY RESIDENTIAL DISTRICT

Sec. 18-1514.1. - STATEMENT OF INTENT.

The "R-6" Multi-Family Residential District is established to identify and stabilize those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a well-designed medium density multi-family residential environment and certain controlled light commercial uses. Two (2) or more story construction is encouraged by means of lot size regulations to provide more open space.

This district is appropriate for areas designated on the Official Land Use Plan Map as Residential Medium (RM), Residential/Office/Retail (R/O/R), Residential/Office General (R/OG), Commercial General (CG) or Community Redevelopment District (CRD). The establishment of mixed commercial and residential uses require a Land Use Plan Map designation of Residential/Office/Retail (R/O/R), Residential/Office General (R/OG) or Community Redevelopment District (CRD). The establishment of commercial offices requires a Land Use Plan Map designation of Residential/Office General (R/OG), "Residential/Office/Retail" (R/O/R), Commercial General (CG) or Community Redevelopment District (CRD).

## 2. Staff Analysis:

The "R-6" District specifically identifies multi-family residential uses and encourages two-story development. The development proposal will be consistent with the intent of the "R-6" District.

- **G.** Current Land Use: Community Redevelopment District (CRD)
  - 1. Purpose:

It is the purpose of this category to depict those areas of the City that are now designated, or appropriate to be designated, as community centers and neighborhoods for redevelopment in accord with a special area plan therefor.

## 2. Key Standards:

**Primary Uses** – Residential; Office; Commercial; Industrial; Institutional; and Transportation/Utility uses as enumerated in the approved special area plan

**Density/Intensity Standards** – Shall be as set forth for each classification of use and location in the approved special area plan. Densities/intensities shall be consistent with the redevelopment strategy for this plan category and shall generally parallel the medium to high density/intensity standards of the conventional plan categories for the respective types of use characteristics provided for thereunder.

#### 3. Staff Analysis:

A primary use for this Future Land Use Map designation is Residential. The proposed development of 41 Single-Family Attached Dwelling units is consistent with this designation. The maximum allowable density is 15 dwelling units per acre, which is what is proposed with this application. Staff finds the proposed use and FAR to be consistent with the adopted Comprehensive Plan.

H. Flood Zone: The majority of the subject property is located in Flood Zone AE, which is a high-risk flood zone.

**I.** Evacuation Zone: The property is in Evacuation Zone D, which is the third 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:

Direction	Zoning	Land Use	Existing Use
North	R-1	RU	Single-family Detached Dwellings
South	B-1	CRD	Public Storage
East	R-6	CRD	Sawgrass Apartments
West	R-6	CRD	Park Apartments

#### III. APPLICABLE CRITERIA / CONSIDERATIONS

#### A. <u>Comprehensive Plan Policies</u>:

#### 1. Relevant Policies:

GOAL LU.1

Provide for the organization of land uses and development to meet the physical, social, and economic needs of the present and future population in a planned and orderly manner that will maintain or improve the quality of the natural and man-made environment.

#### **OBJECTIVE LU.1.12**

The City shall continue to encourage innovative land development techniques, including planned unit developments and other mixed use development and redevelopment techniques, in order to achieve the following objectives:

- Encourage development that is compatible with the natural environment and the overall vision of the community.
- b. Provide vibrant and safe walkable areas.
- c. Concentrate growth in relatively discrete areas that are compatible with the community character.
- d. Place housing in proximity to employment opportunities, services, and amenities.
- e. Establish urban areas that support transportation choices other than privately-owned vehicles and are more efficiently served by transit.
- f. Establish well-designed urban environments that create vibrant, livable places.
- g. Provide locations that create a range of housing opportunities and choices, including the provision of affordable housing.
- h. Provide urban areas that incorporate well-designed open and public spaces.
- Encourage a pattern of land use that is more efficient in the use of energy and reduces the emission of greenhouse gases.

## **OBJECTIVE LU.1.13**

The Land Development Code shall provide for a variety of residential uses and housing opportunities.

## **POLICY LU.1.13.6**

Encourage infill residential development that is consistent and compatible with surrounding land uses.

#### **POLICY LU.1.14.4**

Foster residential development and redevelopment at an intensity and scale that is compatible with proximate residential neighborhoods.

#### POLICY H.1.1.2

Through utilization of Planned Unit Developments, subdivision regulations, and other provisions of the Land Development Code, the City shall continue to encourage innovative housing development techniques that contribute to livability, mobility, cost efficiency, sustainability, and sound construction principles.

#### 2. Staff Analysis:

The proposed Residential Planned Unit Development is encouraged and supported by various Objectives and Policies of the adopted Comprehensive Plan. Specifically, the proposed development is compatible with the overall vision of the community; will concentrate growth in a relatively discreet area while placing housing in proximity to the employment opportunities, services and amenities; and, shall be consistent and compatible with surrounding development. The development proposal has been found to be in compliance with the Goals, Objectives and Policies of the adopted Comprehensive Plan.

#### B. Land Development Code Standards:

## 1. Key Standards:

Article 1. Subdivision Code

#### SECTION 18-105. - DESIGN STANDARDS

#### Sec. 18-105.3. - LOTS.

(A) ARRANGEMENT AND DIMENSIONS. Lot area, width, depth, shape and orientation shall be appropriate for the location of the subdivision, the proposed type of development and the topography of the site. The dimensional requirements for each lot shall conform to the dimensional requirements of the zoning district in which the site is located and each lot shall have a minimum of forty (40) feet of frontage on a street right-of-way. The average depth of a lot shall be equal to or less than three (3) times its average width.

#### Sec. 18-105.4. - BLOCKS.

- (A) ARRANGEMENT. Block width, depth, shape and orientation shall be appropriate for the location of the subdivision and the proposed type of development. The need for convenient and safe pedestrian and vehicular traffic shall be considered in designing the subdivision.
- (B) WIDTH. Block width shall be sufficient to provide two (2) tiers of lots containing the dimensions required by the zoning district of the site. Blocks with only one (1) tier of lots may be allowed in commercial and industrial subdivisions.
- (C) LENGTH. The maximum length for blocks in residential subdivisions shall be six hundred (600) feet. When a block alters its direction by a minimum of thirty (30) degrees, the block may extend an additional six hundred (600) feet in the new direction. In no case shall a block be longer than one thousand two hundred (1,200) feet.

#### Sec. 18-105.5. - STREETS.

- (C) INTERSECTION DESIGN.
  - 2. The right-of-way and construction improvements listed below shall be dedicated and installed in every subdivision according to the standards below:
    - (b) Where a local street intersects an arterial or collector the right-of-way and paving width of the local street shall be increased twelve (12) feet on each side of the street for the distance within one hundred (100) feet of the intersection.

## Sec. 18-105.7. - SIDEWALKS.

(A) APPLICABILITY. Sidewalks shall be constructed on both sides of all streets within and adjacent to the subdivision. The sidewalk shall be constructed within the right-of-way. Sidewalks are not required on internal streets within industrial subdivisions or along limited access highway/expressways.

#### Article 15. Zoning

#### SECTION 18-1514. - "R-6" MULTI-FAMILY RESIDENTIAL DISTRICT

#### Sec. 18-1514.2. - DENSITY AND MIXED-USE REGULATIONS.

A maximum of fifteen (15.0) dwelling units per net acre shall be permitted in the "R-6" Multi-Family Residential/Commercial District.

#### Sec. 18-1514.3. - PERMITTED AND CONDITIONAL USES.

Land Use	Approval Type	Conditions
RESIDENTIAL AND ACCOMMOD		I USES
Dwellings, Single-Family Attached	P/C	Permitted at densities of up to twelve and one-half (12.5) du/a; conditional use for densities greater than twelve and one-half (12.5) du/a subject to section 18-1531

#### Sec. 18-1514.4. - DIMENSIONAL AND AREA REGULATIONS.

- (A) MINIMUM LOT REQUIREMENTS.
  - 1. Lot Area:
    - (a) Residential: Multi-family dwellings: Ten thousand four hundred fifty-five (10,455) square feet of net lot area, One Story: Four thousand three hundred fifty-six (4,356) square feet of net lot area/unit (maximum density of ten (10) dwelling units/acre), Two or more stories: Three thousand four hundred eighty-four and eight-tenths (3,484.8) square feet of net lot area/unit (maximum density of twelve and one-half (12.5) dwelling unit/acre), two thousand nine hundred four (2,904) square feet of net lot area/unit (maximum density of fifteen (15) dwelling unit/acre).
  - 2. Lot Width: One hundred (100) feet. Lots with a width of less than one hundred (100) feet but greater than seventy (70) feet can be developed with a duplex or a single-family detached dwelling only. Lots with a width of seventy (70) feet or less can be developed with a single-family detached dwelling only.
- (B) MINIMUM YARD SETBACK REQUIREMENTS.
  - 2. For lots platted on or after January 14, 1982, the following shall apply:
    - (a) Front Yard Setback: Thirty (30) feet plus three (3) feet per story for each story in excess of two (2) stories.
    - (b) Secondary Front Yard Setback: Thirty (30) feet plus three (3) feet per story for each story in excess of two (2) stories.
    - (c) Side Yard Setback: Fifteen (15) feet; twenty (20) feet if abutting a residential or mixed use zoning district.
    - (d) Rear Yard Setback: Twenty (20) feet.
- (C) BUILDING REQUIREMENTS.
  - 1. Minimum Building Separation: See Section 18-1530.17, "Minimum Building Separation."
  - 2. Maximum Building Height: Forty (40) feet. (See Section 18-1503.13, "Exclusion from Height Limits", for height limit exclusions.)
- (D) MINIMUM LIVEABLE FLOOR AREA.
  - 1. Efficiency: Four hundred fifty (450) square feet.
  - 2. One-bedroom: Five hundred fifty (550) square feet.
  - 3. Two-bedroom: Six hundred fifty (650) square feet.
  - 4. Three-bedroom: Eight hundred (800) square feet.
- (E) MAXIMUM LOT COVERAGE. Seventy-five (75) percent.

#### Sec. 18-1514.5. - ADDITIONAL REGULATIONS.

- (A) DESIGN CRITERIA. Continuous unvaried linear facades are not permitted. Variation in the vertical plane of the facade is required as prescribed below.
  - 1. Front building lines (measured at foundation line where unit entries are located) must be staggered four (4) feet at intervals of one hundred twenty (120) linear feet or every four (4) units ground floor; whichever is less; or
  - 2. Use of recessed or protruding stairwells, entryways, balconies, or staggered roof lines shall achieve variation in the facade design (front building line).

#### SECTION 18-1529. – PLANNED UNIT DEVELOPMENT DISTRICT

#### Sec. 18-1529.1. - STATEMENT OF INTENT.

The Planned Unit Development District (PUD) serves as an overlay to existing zoning classifications. In this role, the PUD provides an alternative to conventional zoning districts, at the property owner's option. The PUD may be established at appropriate locations and in accordance with the Comprehensive Plan

and Land Development Regulations of the City of Pinellas Park. In fulfillment of this intent, the PUD provides standards and guidelines by which flexibility may be accomplished so that:

- (A) A creative approach may be taken for the development of large tracts of land and the redevelopment of older, smaller areas.
- (B) More open space may be accomplished than would be possible through the strict application of the provisions of this Article.
- (C) Land may be used more efficiently, resulting in smaller networks of utilities and streets, consequently reducing construction and maintenance costs.
- (D) Harmonious development of the site and the surrounding areas, community facilities, and traffic circulation can be encouraged.
- (E) Non-traditional lot layout or site design may be permitted.

The development guidelines are provided as a basis from which a typical PUD can proceed. However, City Council retains the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety, and may modify these guidelines based on the merits of the project, the character of the surrounding area and potential adverse impacts on this area, size, configuration, and natural features of the land to be developed, adequacy of off-site improvements, traffic impact and nature of the proposed development Where there are conflicts between these PUD regulations and general zoning, subdivision, or other applicable regulations of the City of Pinellas Park, those adopted by and shown on an adopted Master Plan, as defined herein, shall govern.

#### Sec. 18-1529.3. - MASTER PLAN REQUIREMENTS.

- (A) A Master Plan is a definitive site plan which guides and controls all development of the site.
- (B) Approval of a Master Plan does not constitute approval of the construction drawings of public and/or private infrastructure improvements or related appurtenances. The proposed design and location of utilities and streets will be subject to engineering review by the City Engineer and may be subject to revisions in the construction drawings review phase in conjunction with the subdivision process or in the building permit review process. Refer to Article 1, Subdivision, Land Development Code.

#### Sec. 18-1529.8. - RESIDENTIAL PUD.

- (A) LOCATION. The Residential PUD (RPUD) overlay shall only be assigned to those areas where the underlying zoning district(s) permit residential development and the primary intended use of the property is residential.
- (B) USES. The uses permitted in RPUD districts shall be limited to those "permitted" or "conditional uses" allowed by the underlying zoning district and Land Use Plan Map designation existing on the subject property at the time of application to rezone to RPUD. In addition to those "permitted" and "conditional uses", the following uses may be approved:
  - 2. Multifamily dwellings.
  - 6. Attached singled family dwellings.
  - 7. Conditional uses shall adhere to the applicable provisions of Section 18-1531 of this Article.
- (C) DIMENSIONAL REGULATIONS.
  - 1. Lot Area, Lot Depth and Width, Setback Regulations, Height Requirements. See underlying Zoning District for dimensional regulation guidelines.
  - 2. Should the established regulations be inappropriate for non-traditional lot layout or site design (i.e. mixed use development, cluster homes, zero lot line, etc.) the following guidelines are established.
    - (c) Height. Flexibility in building height will be allowed provided that the proposed height is compatible with the surrounding neighborhood. Increased setbacks and buffering to compensate for added building height may be considered to reduce the impact on abutting properties.
    - (d) Minimum Livable Floor Area

Multifamily	
# of bedrooms	Required interior floor space
Efficiency	500
One (1)	650
Two (2)	750
Three (3)	900

- (D) DENSITY. The net density of the PUD shall not exceed that allowed by the underlying zoning districts unless subject to a density bonus authorized by this Chapter in conformance with the comprehensive plan.
- (E) RECREATIONAL FACILITIES.
  - At the time of consideration of the Master Plan for an RPUD, City Council will review the suitability of any recreational facilities proposed for the development. This review will be based on the size of the development, the demographics of the anticipated population, and proximity to existing or proposed public recreational facilities.
  - 2. The location, type, and size of the proposed recreational facilities as well as their development schedule shall be incorporated into the Master Plan.
  - 3. After review of the proposed recreational facilities, City Council may approve the recreational facilities as proposed or may approve alternative types and locations of recreational facilities.
  - 4. Parkland dedication credit for any recreational facilities provided as part of the RPUD shall be calculated pursuant to Article 3 of this Land Development Code.
  - 5. Onsite Meeting Hall.
    - (a) In any RPUD of eighty (80) residential units or more and which has a homeowners or condominium association which requires an annual meeting, an onsite meeting hall shall be provided.

#### 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.

#### SECTION 18-1532. - OFF-STREET PARKING AND LOADING REGULATIONS

#### Sec. 18-1532.9. - MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

- (A) Residential.
  - 2. Duplex and Single-Family Attached Dwellings: Two (2) per dwelling unit.

#### SECTION 18-1537. - VARIANCES

#### Sec. 18-1537.1. - BOARD OF ADJUSTMENT.

- (A) The Board of Adjustment is authorized to grant variances as provided herein unless the variance pertains to land within the Community Redevelopment Area, in which case, the Community Redevelopment Agency shall have such authority or within the "Pinellas Park Medical District" map area as further described herein.
- (B) The City Council is authorized to grant variances, provided the variances are associated with an application for conditional use or site plan review on the same property, or within the "Pinellas Park Medical District" map area as further described herein and that the property is not located within the Community Redevelopment Area.
- (D) The City may grant variances from the following provisions of this Article:
  - 1. Height.
  - 2. Area requirements, including but not limited to those for open space, pervious area, lot coverage, and dwelling size. Variances may be granted for lot dimensions provided minimum area requirements are maintained.
  - 3. Required quantities, including but not limited to, required landscape materials, parking spaces, vehicular stacking and loading spaces, and signs.
  - 4. Required (including minimum or maximum) dimensions, separations and locations.

#### 2. Staff Analysis:

The subject property abuts multi-family development to the east and west, single-family detached dwellings to the north, and a storage facility to the south. The proposed 41 single-family attached dwellings will generate a limited amount of traffic and noise while being compatible with the surrounding neighborhood, and causing no adverse effects or impeding future redevelopment of those properties.

The Future Land Use Map and zoning designations on the subject property of CRD and "R-6" District, respectively, allow for residential uses including the proposed single-family attached dwellings at a density of 15 dwelling units per acre. Based upon the total size of the subject property (2.75 acres), the maximum allowable density is 41 dwelling units, and the development proposal is consistent with this maximum. Additionally, these 41 single-family attached dwellings require two off-street parking spaces per dwelling unit for a total requirement of 82 off-street parking spaces. The development proposal will provide for 89 off-street parking spaces.

PUD regulations provide for flexibility of setbacks subject to certain criteria, such as: character of the surrounding land, impact on abutting development and nature of proposed development. The setbacks proposed for this development are generally in-line with the requirements for the "R-6" Multi-family Residential District. The proposed exterior building setbacks for the development are as follows: 56 feet (north), 80 feet (south), 14 feet (east), and 41 feet (west).

The applicant has submitted a landscape plan as part of the submittal, which has been reviewed against the applicable provisions of the Land Development Code and appears to be in compliance meeting the streetscape, perimeter and interior landscape requirements. A final review of the landscape plan shall be conducted at time of building permit review. Additionally, the proposed site plan includes two retention ponds on the north side of the property and one along the west side. The private road will include drainage structures that are piped to the various ponds. All detailed drainage plans will be reviewed at time of building permit review and will be required to meet the requirements of the Southwest Florida Water Management District.

While the development proposal meets the overwhelming majority of the applicable RPUD, Conditional Use and other general requirements, there are a few areas where variances are necessary. These variances are associated with subdivision design standards, subdivision improvements and design criteria in the "R-6" District, and are as follows:

Sec. 18-105.3(A). Each lot shall have a minimum of 40 feet of frontage on a right-of-way. The single-family attached dwellings are proposed as fee simple lots with the remaining area under ownership of the homeowners' association. The smallest of these lots will be 18 feet wide. With no driveway needed and setbacks between units irrelevant, the typical minimum lot width requirement of 40 feet is not appropriate to apply to this development type.

- Sec. 18-105.4(B). The width of a block shall be sufficient to provide for two tiers of lots. The subject property is only 200 feet wide, and it is simply impossible to accommodate infill redevelopment while meeting the restriction of providing for a two-tiered block.
- Sec. 18-105.4(C). The maximum length for blocks in residential subdivisions is 600 feet. The proposed block length is 600.73 feet, which is a de minimis increase beyond the established maximum that will not result in any adverse effects.
- Sec. 18-105.5(B)1. Local streets require a minimum right-of-way width of 60 feet. The proposed private road (42<sup>nd</sup> Lane North) will run along the fronts of the proposed dwelling units and will be 24 feet in width. The nature of this road is more of a private driveway than a public road, and will not provide access to any other property. The homeowners' association will be responsible for the maintenance of the private right-of-way.
- Sec. 18-105.5(C)2. Local streets intersecting a collector right-of-way are to be increased in width by twelve feet on each side of the street for a distance of 100 feet from the intersection. However, as this private road will function as more of a driveway than a local road, the need for increased intersection size appears to be unnecessary.
- Sec. 18-1514.4(A)2. The minimum lot width in the "R-6" District is 100 feet. As previously discussed, the single-family attached dwellings are proposed as fee simple lots with the remaining area under ownership of the homeowners' association and the typical minimum lot width requirement is not appropriate to apply to this development type.

#### C. Essential Services Review:

The development proposal has been reviewed by all relevant departments/divisions. No concerns were raised with regard to the proposed development.

#### IV. SUMMARY

#### A. Findings:

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

- 1. That the 2.75-acre subject property is located between 76<sup>th</sup> Avenue N and 78<sup>th</sup> Avenue N, approximately 186 feet east of 43<sup>rd</sup> Street N;
- 2. That the subject property has a Future Land Use Map designation of Community Redevelopment District (CRD) and a zoning designation of "R-6" Multi-Family Residential District;
- 3. That the development proposal will demolish all existing improvements on the subject property and construct 41 single-family attached dwelling units (15 dwelling units per acre) within six buildings, as well as associated off-street parking and landscaping;
- 4. That the development proposal meets the applicable development standards in the "R-6" District as set forth in Section 18-1514;
- 5. That the development proposal meets the applicable development standards for a Residential Planned Unit Development as set forth in Section 18-1529.8;
- 6. That the development proposal includes the provision of 89 off-street parking spaces where only 82 off-street parking spaces are required;
- 7. That the development proposal is consistent with the applicable Goals, Objectives and Policies of the Comprehensive Plan.

## B. Staff Recommendation:

Consistent with the above identified findings, staff recommends **APPROVAL** of case numbers PUD 2019-3, CU 2019-29, and VAR 2019-28.

Community Development Administrator:



#### V. ACTION

#### **PLANNING AND ZONING COMMISSION – MOVE TO:**

RECOMMEND APPROVAL

RECOMMEND APPROVAL WITH CONDITIONS

RECOMMEND DENIAL

of a request to approve a Residential Planned Unit Development with underlying zoning of "R-6" Multi-Family Residential District for the development of 41 Single-Family Attached Dwellings and a Conditional Use for a density of 15 units per acre; and, variances from Subdivision Design Standards, Subdivision Improvements, and from Design Criteria within the "R-6" District.

#### VI. ATTACHMENTS

**Exhibit A: Applications with Legal Description** 

Exhibit B: Plans
Exhibit C: Aerial Map
Exhibit D: Land Use Map
Exhibit E: Zoning Map
Exhibit F: FIRM Map

# CITY OF PINELLAS PARK



# **Staff Report**

# Community Development Department Planning & Development Services Division

## **ADDENDUM**

Case Numbers: PUD 2019-3 / CU 2019-29 / VAR 2019-28

## PLANNING AND ZONING COMMISSION

On November 7, 2019 the Planning and Zoning Commission recommended **APPROVAL** of Case # PUD 2019-3 / CU 2019-29 / VAR 2019-28.

#### VI. ACTION

## **CITY COUNCIL** – MOVE TO:

1: APPROVE

2: APPROVE WITH CONDITIONS

3: DENY

a request to approve a RPUD with underlying zoning of "R-6" Multi-Family Residential for the development of 41 single-family attached dwellings with a conditional use for a density of 15 units per acre and variances from subdivision design standards, subdivision improvements, and design criteria.



# Planned Unit Development Application

City of Pinellas Park
Planning and Development Services
6051 78th Avenue North
Pinellas Park, FL 33781
(727) 369-5631

FOR OFFICE USE ONLY
CASE # PUD 2019 - 3
Date Received: 7 - 2 6 - 19
Plat Sheet:
Receipt Number:
Land Use Designation:
Zoning District:
Public Meetings Required: Pt Z 10/3/19
Related Cases: <u>CC 11 /14 /19</u>
. / . /

RE	QUEST AND PROPERTY INFORMATION				
	Specific Request: Please see attached "Request and Property Information" narrative for complete request				
	General Location of property or address: Subject Parcels are located west of Parkwood Townhomes on 42nd Lane N. (Private Road) between 76th Avenue N. in Pinellas Park				
	Property Size (Acreage or Square Feet): 2.75 Acres / 120,146 SF  Current Use, Number and Type of Buildings: Condo Common Area; Open/Green Space; Private Schools				
	Parcel Number(s): 27-30-16-00000-310-1800 + 27-30-16-66869-000-0001 + 27-30-16-66869-001-0010 to 0070 + 27-30-16-66869-002-0010 to 0070 + 27-30-16-66869-003-0010 to 0070				
	Legal Description: Lot: Block: Subdivis	on:			
	Metes and Bounds Description (attach if lengthy): See Attached				
OV	VNER/APPLICANT INFORMATION				
	Property Owner: Nineteen60 Capital, LLC	Phone: 303-960-2284			
	Address (include city, state, zip code): P.O. Box 22, St. Petersburg, Florida 33731				
	Authorized Agent:  Brian Barker, PE; Chris Chin, PE and Greg Presby [Deuel & Asso	Phone: <b>727-822-4151</b>			
	Address (include city, state, zip code): 565 S. Hercules Avenue, Clearwater, Florida	a 33764			
	Other Representative:	Phone:			
	Address (include city, state, zip code):				
1.6					
1 (/	we) the undersigned do certify that the information contained in this application is true and correct	to the best of my (our) knowledge.  DEUEL & ASSOC IATES			
Sje	gnature of Owner Signature of Agent				

\*\*COMPLETE THE CHECKLIST ON PAGE 2 PRIOR TO SUBMITTING APPLICATION. \*\*



# **Conditional Use Application**

City of Pinellas Park
Planning and Development Services
6051 78<sup>th</sup> Avenue North
Pinellas Park, FL 33781
(727) 369-5631

FOR OFFIC	CE USE ONLY
Case #	
Date Received:	
Plat Sheet:	
Related Cases:	
Receipt Number:	
Land Use Designation:	
Zoning District:	
Public Meetings Require	d: Yes / No
(If yes, pleas	e provide dates)
PZ:	CRA/CC:
	<u> </u>

Phone: **303-960-2284** 

Phone: **727-822-4151** 

Relationship to Owner: Consultant

Attn to: Ron Klein

ne N. (Private Road) bet	ween 76th Avenue N. and 78th Avenue N., in Pinellas Park
	Current Use: Condo Common Area; Open/Green Space; Private Schools
27-30-16-66869-000-000 0070 + 27-30-16-66869-	1 + 27-30-16-66869-001-0010 to 0070 + 003-0010 to 0070
Block:	Subdivision:
See attached	
:1.10): <b>1</b>	
11.10): <b>1</b>	
11.10): <b>1</b>	g reason a waiver should be granted):
)	27-30-16-66869-000-000 0070 + 27-30-16-66869-

Mailing Address (include city, state, zip code): P.O. Box 22, St. Petersburg, Florida 33731

Authorized Agent Name): Brian Barker, PE; Chris Chin, PE; & Greg Presby [Deuel & Associates]

OWNER/APPLICANT INFORMATION

Email Address: ron@vkig.org

Property Owner: Nineteen60 Capital, LLC

Email Address: greg@deuelengineering.com

# City of Pinellas Park. Florida

## APPLICATION FOR VARIANCE

# FOR OFFICE USE ONLY CASE # VAR \_\_\_\_\_\_BOA MEETING: \_\_\_\_\_CRA MEETING: \_\_\_\_\_ PLAT SHEET: \_\_\_\_\_ DATE RECEIVED: ZONING DISTRICT: LAND USE DESIGNATION: \_\_\_\_\_\_RECEIPT NUMBER: REQUEST AND PROPERTY INFORMATION REQUEST: \_\_\_See "Variance Request and Property Information" attachment GENERAL LOCATION OF PROPERTY OR ADDRESS: Subject Parcels are located west of Parkwood Townhomes on 42nd Lane N. (Private Road) between 76th Avenue N. and 78th Avenue N., in Pinellas Park. 2.75 Acres / 120,146 SF PROPERTY SIZE (Acreage / Square Feet): CURRENT USE, NUMBER AND TYPE OF BUILDINGS: Condo Common Area; Open/Green Space; Private Schools 27-30-16-00000-310-1800 + 27-30-16-66869-000-0001 + 27-30-16-66869-001-0010 to 0070 + PARCEL NUMBER(S): 27-30-16-66869-002-0010 to 0070 + 27-30-16-66869-003-0010 to 0070 LEGAL DESCRIPTION: LOT \_\_\_\_\_\_, BLOCK OR \_\_\_\_\_\_, SUBDIVISION \_\_\_\_\_ METES AND BOUNDS DESCRIPTION (attach if lengthy): See Attached **OWNER/APPLICANT INFORMATION** – PLEASE PRINT CLEARLY PROPERTY OWNER: Nineteen60 Capital, LLC PHONE: (303) 960-2284 ATTN: Ron Klein ADDRESS/CITY/ZIP P.O. Box 22, St. Petersburg, Florida 33731 (PLEASE PROVIDE CONTACT NAME) Brian Barker, PE; Chris Chin, PE AUTHORIZED AGENT: and Greg Presby [Deuel & Associates] ADDRESS/CITY/ZIP: 565 S. Hercules Avenue, Clearwater, Florida 33764 OTHER REPRESENTATIVE: PHONE:( )

ADDRESS/CITY/ZIP:

THE	APPLICANT BELIEVES THAT THE BOARD SHOULD GRANT THIS REQUEST BECAUSE:		
	The proposed Site Plan remains the same as the previously approved Site Plan. Adding the adjacent		
property to the west and approval of the requested variances allows a nicer product to be offered			
I	oringing value to the community.		
	RIANCE: A variance from the terms of the Zoning Code shall not be granted until the applicant can justify the need for a variance by iding responses to the following criteria:		
1.	Describe the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same Zoning District.		
	The property owner purchased the adjacent parcel to the west in order to offer a nicer product and added		
	value to the community. Stormwater design criteria changed due to the flood plain maps		
	being amended. The proposed Site Plan, without adjacent west parcel, was previously approved with the		
	requested variances.		
2.	Why would the literal interpretation of the provisions of the Zoning Code deprive you of rights commonly enjoyed by other properties in the same Zoning District under terms of the Code?		
	The property owner purchased the adjacent parcel to the west in order to offer a nicer product and added		
	value to the community.		
3.	Explain how the special conditions or circumstances of this case do not result from actions of the applicant.		
	Applicant did not own the adjacent property to the west.		
4.	Will granting the variance requested confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same Zoning District.		
	No		

	cause any adverse effects to the general welfare of the surrounding neighborhood.	
	Multi-family developments surrounding the subject property. Single family homes should not	
	The variances make the project feasible and compatible with the existing Commercial, Single and	
6.	How will the granting of the variance be in harmony with the general purpose and intent of the Zoning Code, not be injurious to the neighborhood, or be detrimental to the public welfare?	
	Yes	
5.	Will this be the minimum variance that will make possible the reasonable use of the land, building or structure if granted?	

#### **AFFIDAVIT OF OWNERSHIP**

		AFFIDAVII OF OWNERSHIP		
STATE OF	FLORIDA - COUNTY OF PINELLAS:			
NAME OF A	ALL PROPERTY OWNERS, being first duly swom, dep	pose(s) and say(s):		
	Nineteen60 Capital, LLC			
1.	That (I am/we are) the owner(s) and record title holder	r(s) of the following described property:		
	ADDRESS OR GENERAL LOCATION:  Pinellas County Parcel Numbers: 27-32-30-16-66869-002-0010 to 0070 + 2	30-16-00000-310-1800 + 27-30-16-66869-000-0001 + 27-30-16-66869-001-0010 to 0070 27-30-16-66869-003-0010 to 0070		
	LEGAL DESCRIPTION OF PROPERTY. Type legal  See attached "Exhibit A"	directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach:		
2.	Rezoning to a "R-6 with a RPUD Residential Subdivision with a Priv	n application is being made to the City of Pinellas Park, Florida (NATURE OF REQUEST):  Overlay" and Site Plan Approval for a forty-two (42) Lot Multi-family vate Road [see attached "Request and Property Information" narrative		
	for complete request]	Data Data Chair Chin O Cara Data		
3.	Brian Barker, Chris Chin & Greg Presby  That the undersigned (has/have) appointed and (does/do) appoint [Deuel & Associates] as (his/their) agent(s) to execute any petitions or other documents necessary to affect such application.			
4.	property to prake inspections as are necessary to visu	<u> </u>		
J	SIGNED (PROPERTY OWNER)	SIGNED (PROPERTY OWNER)		
STATE OF	FLORIDA OF	The foregoing instrument was acknowledged before me this July 19th, 2019  By Ronald Klein .		
	JEFFREY D. REGAL MY COMMISSION # GG 100318 EXPIRES: August 29, 2021 Bonded Thru Notary Public Underwriters (SEAL ABOVE)	(Name of person acknowledging and title of position)  who is personally known to me or who has produced		
	(ancen transp)	Telegral Name of Notary typed, printed or stamped)		

City of Pinellas Park, Florida Application for Planned Unit Development (PUD) with Variances and/or Waivers Parkwood Townhomes PUD

## **"Ехнівіт А"**

# LEGAL DESCRIPTION (WEST PARCEL):

THE EAST 100 FEET OF THE WEST 310.5 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PINELLAS COUNTY FLORIDA, LESS 33 FEET OF THE NORTH END AND LESS 20 FEET OF THE SOUTH END FOR PUBLIC STREET PURPOSES ABOVE RECORDED TRACT OTHERWISE KNOWN AS LOT 18, BLOCK 2, ACCORDING TO THE UNRECORDED PLAT OF THE HAINES ROAD FARMS.

## LEGAL DESCRIPTION (EAST PARCEL):

E 100 FT OF W 410.5 FT OF N 1/2 OF NE 1/4 OF SW 1/4 LESS RDS SEC 27, TWP. 30S, RNG. 16E

#### VARIANCE REQUEST AND PROPERTY INFORMATION

#### REQUESTS:

Rezone subject parcels from "R-6 MF Residential / Commercial" to "R-6 MF Residential / Commercial with 'RPUD' Overlay" with a Conditional Use to allow 'Dwellings Multi-Family with a density greater than twelve and one-half (12.5) Units per Acre but not to exceed fifteen (15) Units per Acre; with Variances and/or Waivers to include:

- Minimum lot frontage on a ROW to less than forty (40) feet;
- Block length greater than six hundred (600) feet;
- Block width less than two (2) tiers of lots;
- Reduced intersection design standards (limited number of dwellings proposed);
- Decreased Right-of-Way improvements to 78th Avenue North [less than minimum eighty (80) foot width];
- Decreased building design standards [building staggering less than four (4) feet];
- Decreased landscape requirements [decreased buffer strip; four (4) feet from building to back of sidewalk];
- Reduced base flood elevation freeboard requirement for proposed buildings [freeboard to be less than the City's requirement of two (2) feet above highest road centerline elevation but greater than FEMA's requirement of one (1) foot higher than the minimum base flood elevation];
- Reduce the rear yard setback to twelve and one-half (12.5) feet to allow for construction of perpendicular two (2) foot wall extensions [The east facing walls will meet a minimum fourteen (14.0) foot setback from the east property line. The two (2) foot perpendicular wall extensions allow for the construction of sliding glass doors at the rear of the units that would otherwise not be allowed to be installed due to fire code restrictions.]; and
- Site Plan Approval for a forty-two (42) Lot Multi-Family Residential Subdivision with a Private Road (42nd Lane North).

#### PROPERTY INFORMATION:

Owner / Applicant: Ninteen60 Capital, LLC

Parcel Numbers: 27-30-16-66869-000-0001 +

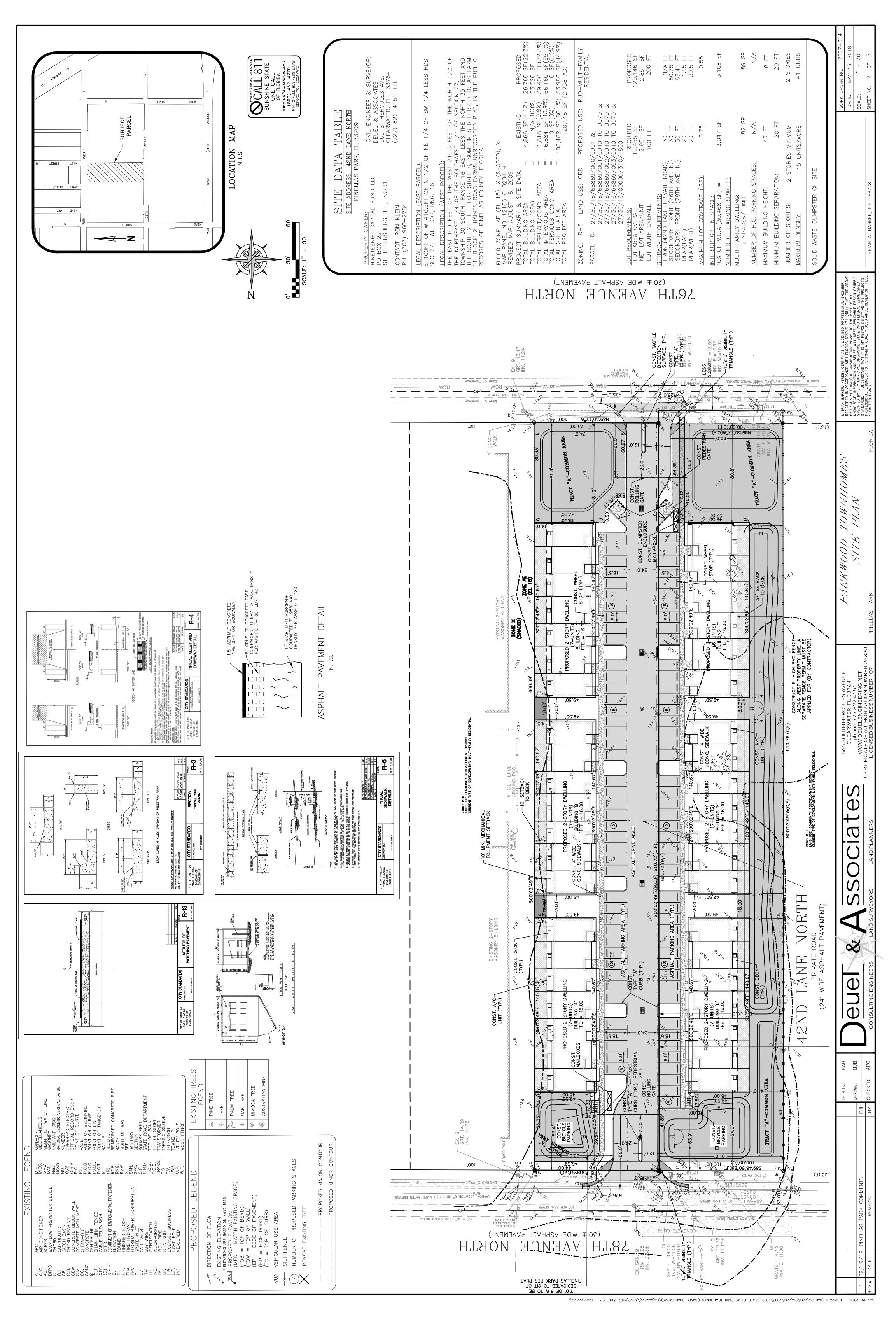
27-30-16-66869-001-0010 to 0070 + 27-30-16-66869-002-0010 to 0070 + 27-30-16-66869-003-0010 to 0070 +

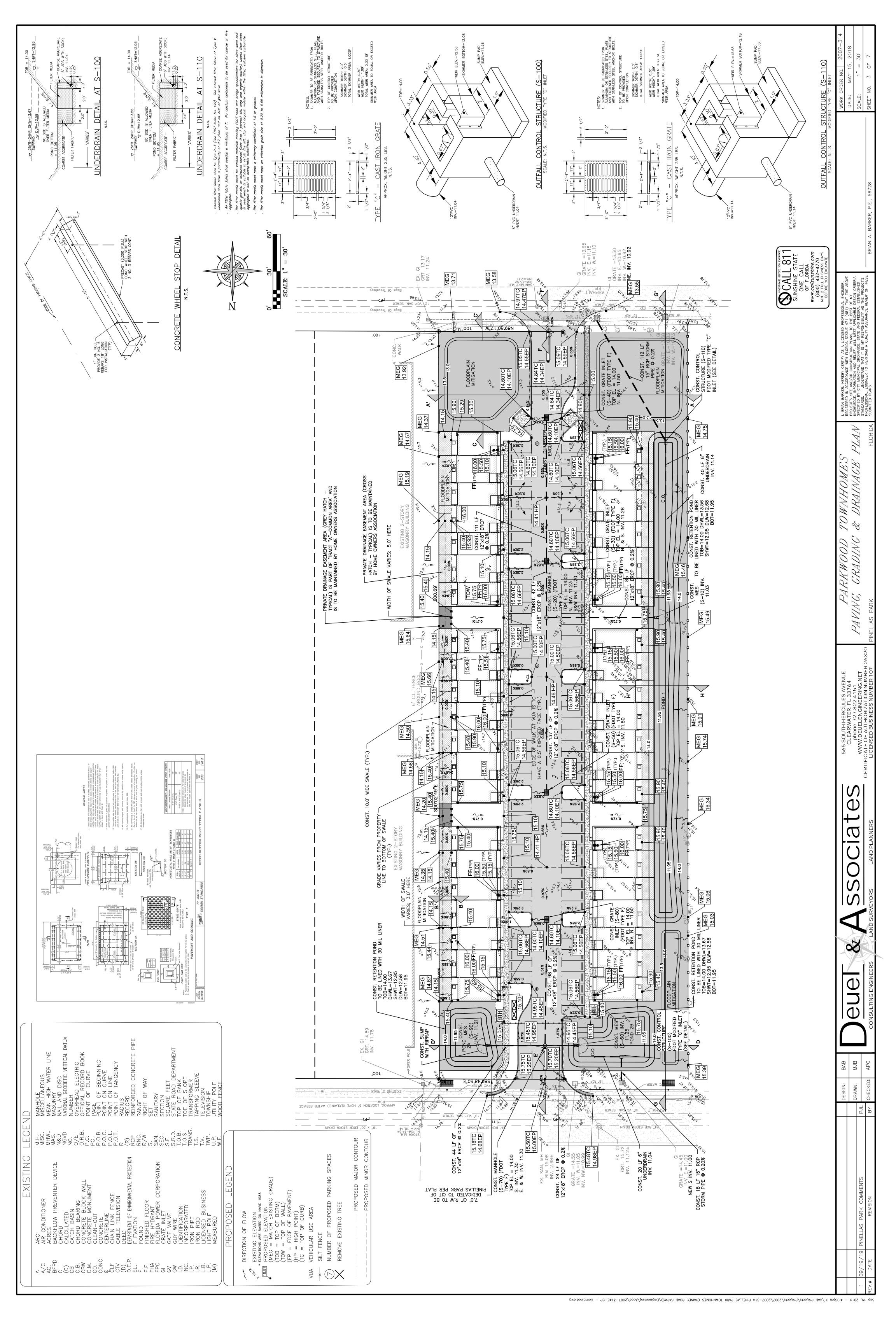
27-30-16-00000-310-1800

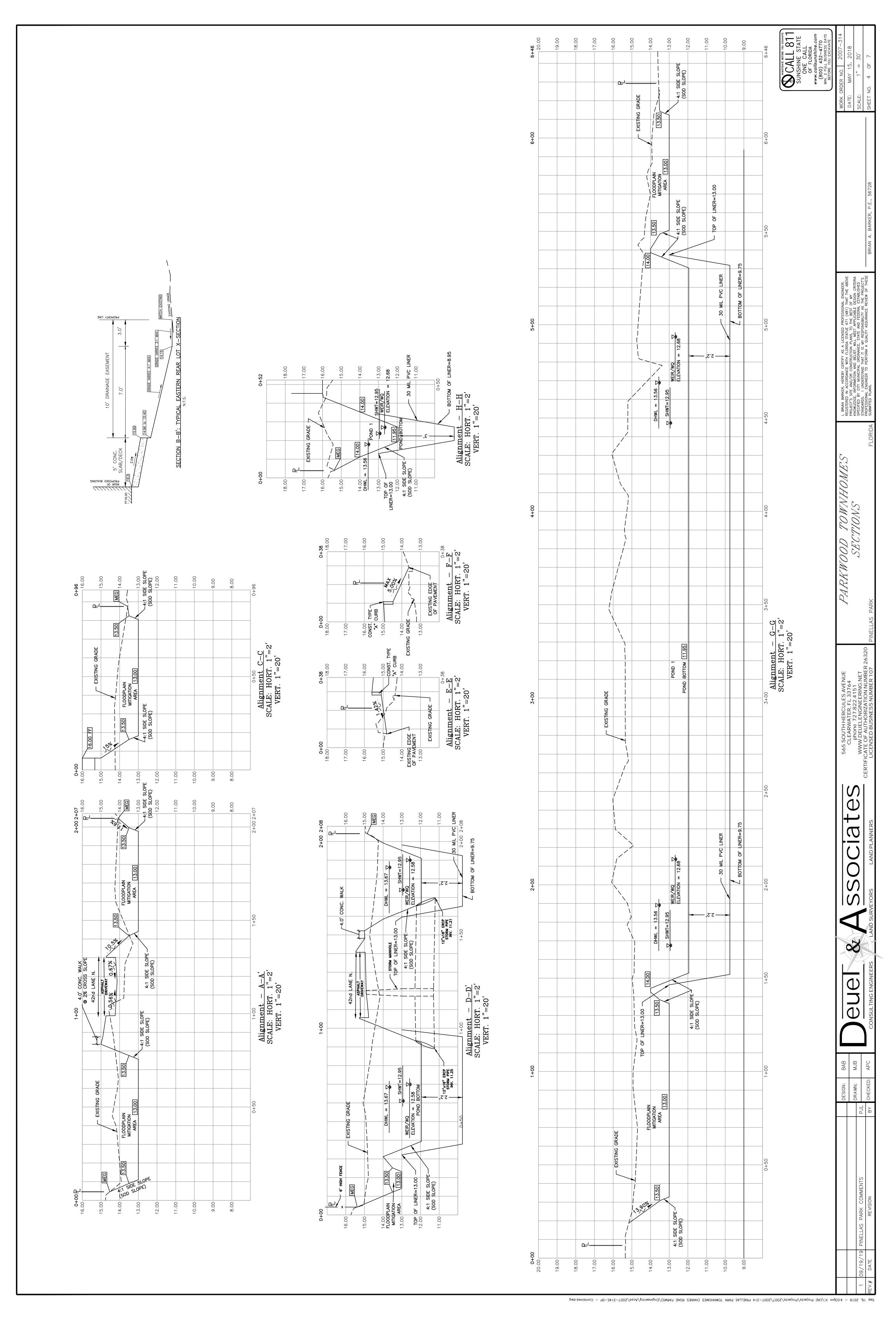
EXHIBIT B (7 pages) -LOCATION MAP (SO, # MIDE VASHALT PAVEMENT) 76TH AVENUE NORTH PRIVATE DRAINAGE EASEMENT AREA (CROSS HATCH — TYPICAL) IS TO BE MAINTAINED BY HOME OWNERS ASSOCIATION EXISTING ZONE X (SHADED) ♣HAB-3 SD-5 E ROAD |ALT PAVEMENT) PLACEMENT OF SILT FENCE XISTING 2—STORY > ASONRY BUILDING PRIVATE WIDE ASPH, BALED HAY OR S BARRIERS AND SILT F 102 3 of 3 ŵ≥ Post (Options: 2" x 4" O PROPOSED MAJOR CONTOUR AVENUE ASPHALT PAVEMENT)

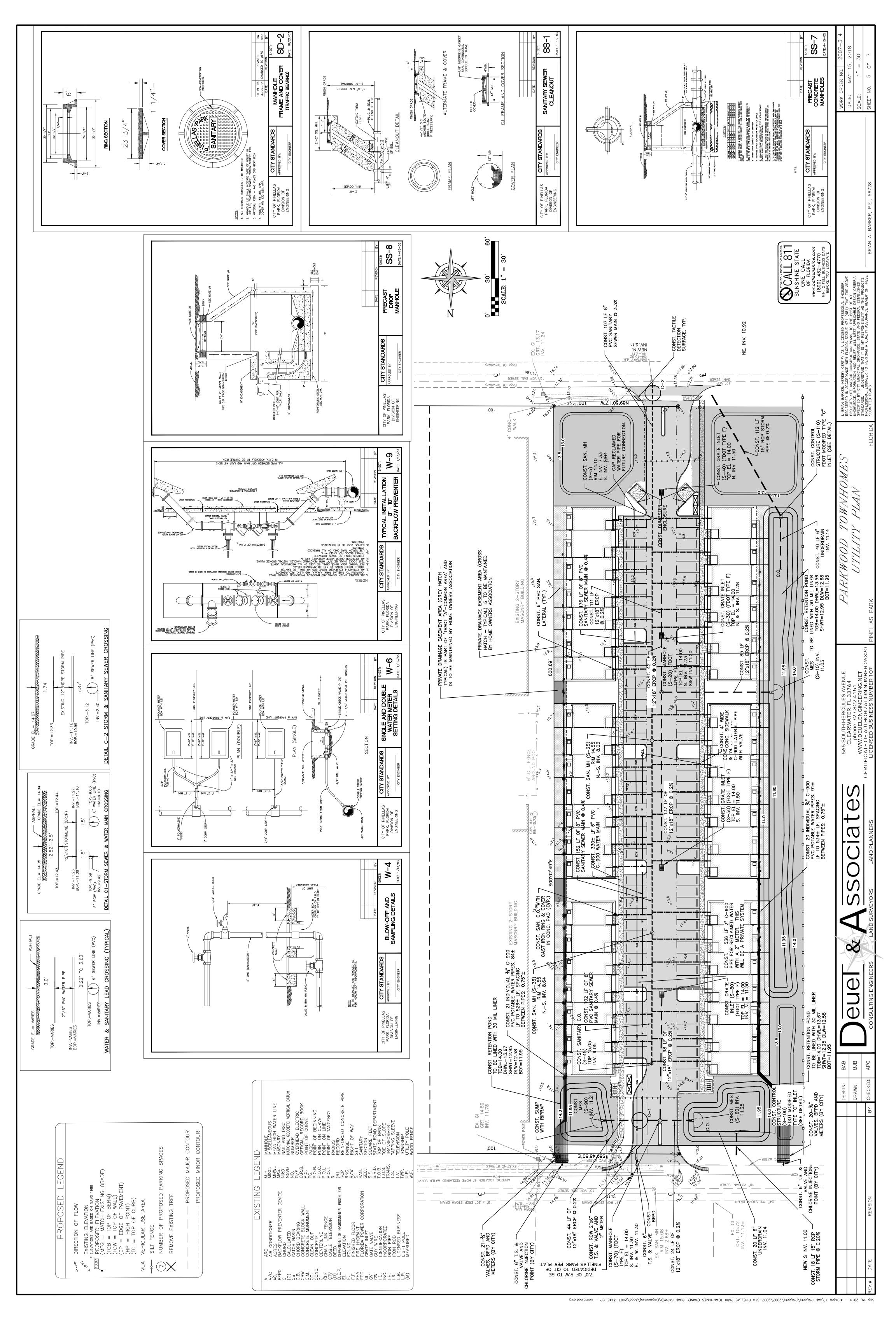
MDE ASPHALT PAVEMENT) H<u>L</u>84\_ 7.0' OF R.W TO BE - DEDICATED TO CIT OF PINELLAS PARK PER PLAT

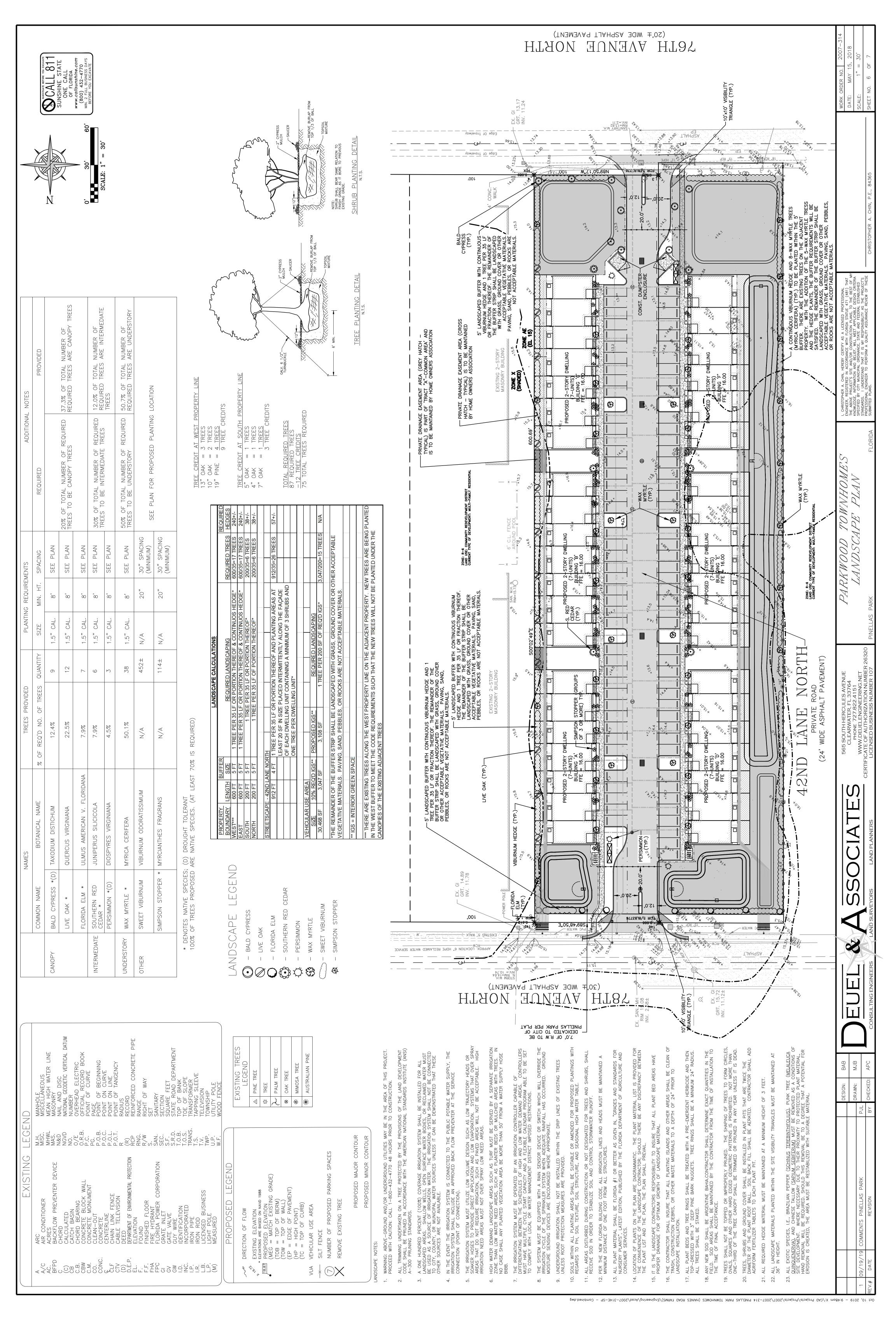
Sep 19, 2019 - 4:01pm X:/CAD Projects/Projects/2007/2007-314 PINELLAS PARK TOWNHOMES (HAINES ROAD FARMS)/Engineering/Acad/2007-314E-SP - Combined.dwg

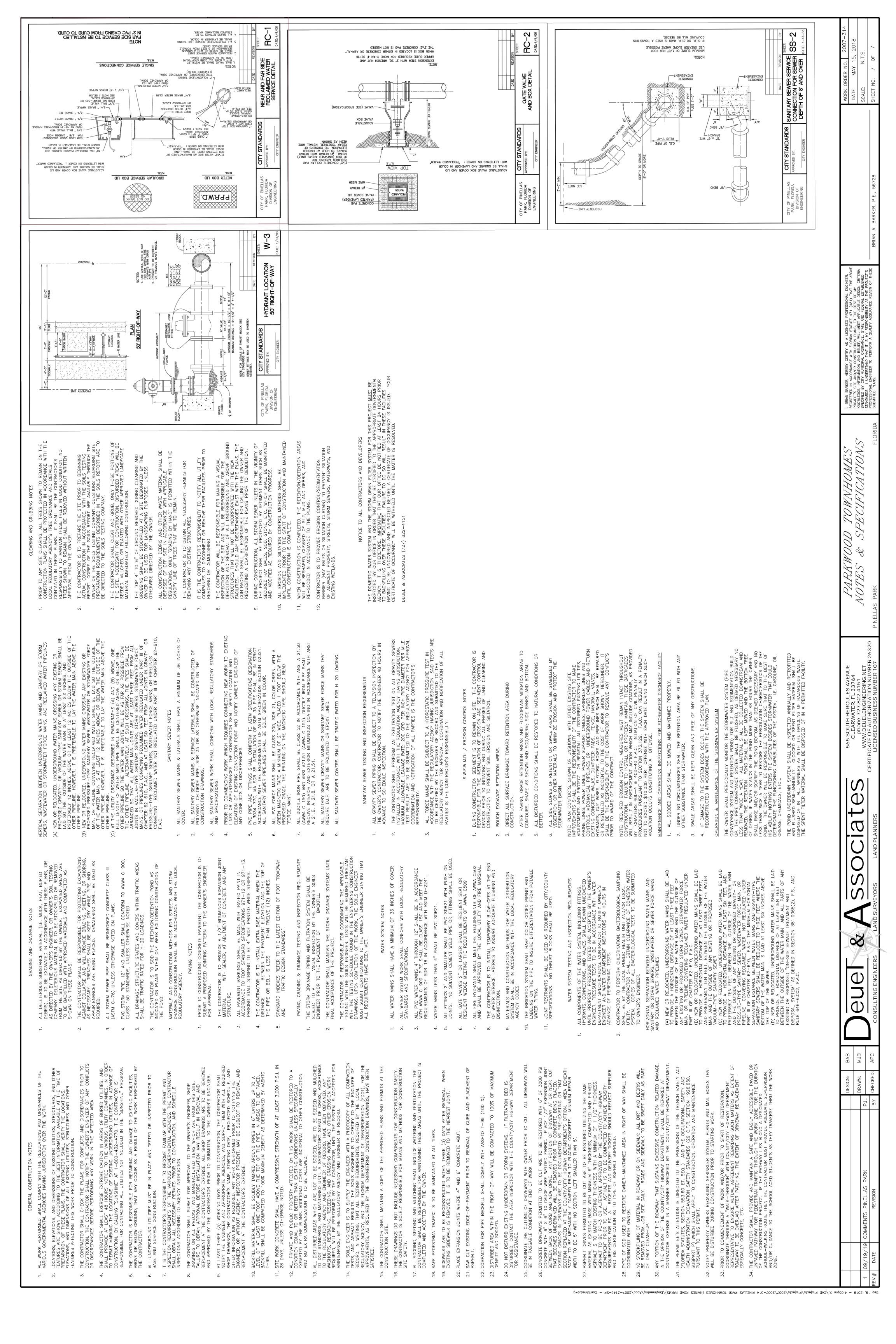












# PUD 2019-3; CU 2019-29; VAR 2019-28 - Aerial Map



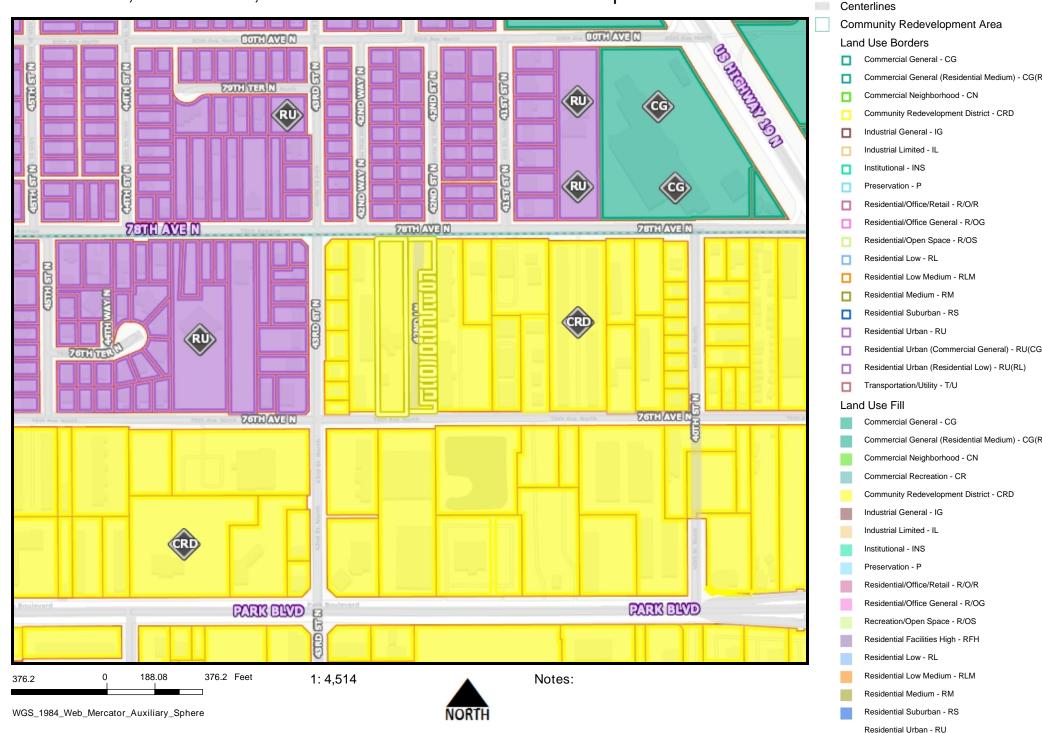
NORTH

Legend

Parcel Lines

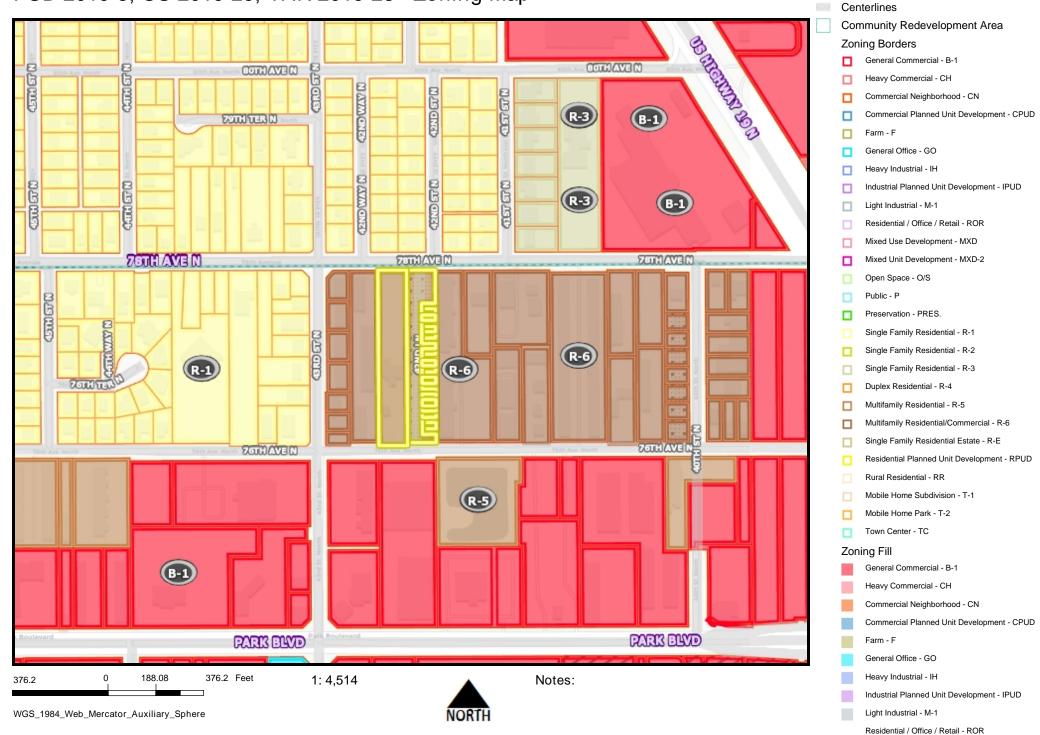
Community Redevelopment Area

# PUD 2019-3; CU 2019-29; VAR 2019-28 - Future Land Use Map



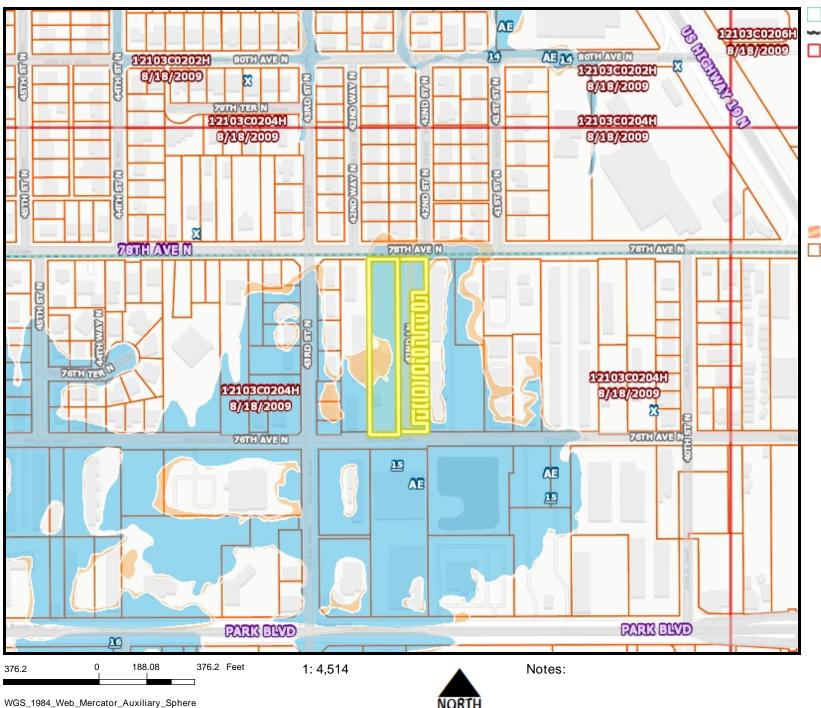
Legend

# PUD 2019-3; CU 2019-29; VAR 2019-28 - Zoning Map



Legend

# PUD 2019-3; CU 2019-29; VAR 2019-28 - Flood Insurance Rate Map



Legend

Centerlines

Community Redevelopment Area

Base Flood Elevation

FIRM Panels

Flood Hazard Lines

LIMIT LINES

SFHA / FLOOD ZONE BOUNDARY

#### Flood Hazard Areas

<all other values>

1% Annual Chance Flood Hazard (A, AE, AH, VE)

0.2% Annual Chance Flood Hazard (X) Area of Minimal Flood Hazard (X)

Floodway (AE)

Coastal High Hazard Area

Parcel Lines