

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP BY PROVIDING FOR A CHANGE IN THE ZONING DISTRICT FROM HEAVY COMMERCIAL (CH) TO GENERAL COMMERCIAL (B-1) FOR A CERTAIN PARCEL OF LAND LOCATED AT 7725 78TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF; 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. (REZ-2021-00024; Gulf Coast Consulting, Inc.)

WHEREAS, the City of Pinellas Park, Florida, has received a request to amend the City's Official Zoning Map to change the designation from Heavy Commercial (CH) to General Commercial (B-1) for a certain parcel of land located at 7725 78th Street and more particularly described in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, and the City Council for the City of Pinellas Park, Florida have reviewed and held public hearings on said request; and

WHEREAS, the City Council has determined that it is in the public interest to amend the City's Official Zoning Map from Heavy Commercial (CH) to General Commercial (B-1) for the property located at 7725 78th Street.

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

SECTION ONE: That the City Council of the City of Pinellas Park hereby amends the City's Official Zoning Map and changes the following described property from Heavy Commercial (CH) to General Commercial (B-1):

THOSE PARCELS LEGALLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

SECTION TWO: 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 THREE: That all ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION FOUR: That this ordinance shall become effective immediately upon its final passage and adoption.

PUBLISHED THE _____ DAY OF _____, 2021.

FIRST READING _____ DAY OF _____, 2021.

PUBLIC HEARING THE _____ DAY OF _____, 2021.

ADOPTED THIS _____ DAY OF _____, 2021.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2021.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK

EXHIBIT "A"

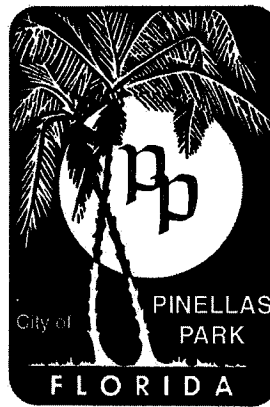
LEGAL DESCRIPTION

LOTS 1 TO 16 INCLUSIVE, BLOCK 155 AND LOTS 1 TO 16 INCLUSIVE, BLOCK 156, SECOND ADDITION TO PINELLAS PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3. PAGES 8 AND 9 PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH A PORTION OF VACATED 75TH AVENUE AND VACATED 77TH AVENUE LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF 78TH STREET NORTH AND THE WEST RIGHT-OF-WAY LINE OF 77TH STREET NORTH AND VACATED ALLEYS WITHIN SAID BLOCKS, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOUND BY MEASURING N.00°08'42"E., FROM THE SOUTHWEST CORNER OF LOT 18, BAYOU FARMS, AS RECORDED IN PLAT BOOK 24, PAGE 31 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, A DISTANCE OF 390.00 FEET TO SAID POINT OF BEGINNING THENCE CONTINUING N.00°08'42"E., ALONG THE EAST RIGHT-OF-WAY LINE OF 78TH STREET NORTH (A 30 FOOT RIGHT-OF-WAY), A DISTANCE OF 851.17 FEET TO A POINT; THENCE, LEAVING SAID LINE S.89°44'58"E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF 78TH AVENUE NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 301.37 FEET; THENCE LEAVING SAID LINE S.00°26'57"E., ALONG THE WEST RIGHT-OF-WAY LINE OF 77TH STREET NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 851.34 FEET; THENCE LEAVING SAID LINE N.89°43'52"W., A DISTANCE OF 310.19 FEET TO THE POINT OF BEGINNING.

City of
PINELLAS PARK

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



FLORIDA

PHONE • (727) 369-0700
FAX • (727) 544-7448

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

October 12, 2021

Ms. Erica Lindquist
Planning & Development Services Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #21-270
Ordinance to Rezone 7725 78th Street

Dear Ms. Lindquist:

We have received and reviewed the above-referenced ordinance. Assuming the legal description contained in Exhibit A is correct, we would approve of the ordinance as to form and correctness.

Very truly yours,

James W. Denhardt
City Attorney

cc: Doug Lewis, City Manager
Diane M. Corna, MMC, City Clerk
Bart Diebold, Assistant City Manager
Lisa Hendrickson, Assistant City Manager
Ben Ziskal, Community Development Administrator
Nick Colonna, Planning & Development Services Director

JWD/dh

21-270.10122021.LEL.Ord to rezone 7725 78th St.wpd



PRINTED ON RECYCLED PAPER

Megan Montesino <mmontesino@pinellas-park.com>

2021-00024

LeeAnne <labeard@tampabay.rr.com>

Thu, Nov 4, 2021 at 8:03 AM

To: "mmontesino@pinellas-park.com" <mmontesino@pinellas-park.com>

Good morning

I plan to attend tonight's hearing. I would like to know what the plan is for that property that constitutes rezoning.

If it becomes residential then speed humps need to be added to that section of 78th Ave to keep traffic at a reasonable speed.

And I worry about road debris for possible construction and what it does to tires. Or is this rezoning not a construction situation?

Or is this rezoning minor and not housing?

Thanks

LeeAnne Beard
7744 75th St N

Megan Montesino <mmontesino@pinellas-park.com>

Rez-2021-00024

sarahcannon22@hotmail.com <sarahcannon22@hotmail.com>

Tue, Nov 2, 2021 at 12:14 PM

To: Megan Montesino <mmontesino@pinellas-park.com>

Cc: elindquist@pinellas-park.com, ncolonna@pinellas-park.com

Good afternoon Megan,

Could you please provide me with the details of what is allowed to be built on the rezoned B1 property?

Also could you please explain the process for future development if this rezoning goes through? If this is approved would there be future approvals of any development, or is this it?

I have lived behind this property which is across from the closed wagon wheel flea market and there does not appear to be any kind of wedding venue there.... Has anyone actually verified that this is the correct property? There is an industrial building on the north end of the property and a large cell tower.

--
Sent from [FreeSoft.Mail](#) for mobile

11:43 AM from mmontesino@pinellas-park.com:

[Quoted text hidden]

Megan Montesino <mmontesino@pinellas-park.com>

Rez-2021-00024

sarahcannon22@hotmail.com <sarahcannon22@hotmail.com>
To: Mmontesino@pinellas-park.com

Tue, Nov 2, 2021 at 11:05 AM

Hello,

I was given this email by a neighbor who was at some point able to get through to the number on the public hearing sign. I would like more information regarding the rezoning request listed in the subject line.

No one in my neighborhood, Oak Park has been able to get any answers regarding what the city is trying to get built or any details regarding the rezoning. We have all been living through the noise and vibrations of the apartments being built all the way across park boulevard, and have heard about all the damage the neighbors behind that complex have endured, and we do not want to be next! Please send me the details of why it is being rezoned and what they're trying to build.

Thank you,

Sarah Cannon

--

Sent from [FreeSoft.Mail](#) for mobile

Links contained in this email have been replaced by ZixProtect Link Protection. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning. If you believe this to be an error, contact IT support 727-369-7884



Megan Montesino <mmontesino@pinellas-park.com>

Rezoning

Tresa Holmes <poohntigger66@gmail.com>
To: Mmontesino@pinellas-park.com

Thu, Nov 4, 2021 at 12:37 PM

We don't need more apartment buildings or condos going up on Park Blvd, the traffic is horrible as it is. I had heard that Costco was going on the area where the outside portion of the wagon wheel was and with apartments going in where the wagon wheel was along with the others that are being built in the area will make traffic even worse. And even if they put apartments in the area they will not be affordable because of the rent is outrageous in Pinellas County and if it's income based the waiting list is so long not many people are helped. Please reconsider.

Concerned resident



ADDENDUM

Case Number: REZ-2021-00024

PLANNING AND ZONING COMMISSION

On November 4, 2021, the Planning and Zoning Commission **RECOMMENDED APPROVAL** of case number REZ-2021-00024, with the following recommendations:

- All commercial and residential development be outside the AE-10 Flood Zone; and
- All easements and right-of-way dedication requested by staff at the Project Application Review Committee (PARC) meeting, as listed in the Staff Report, be provided during permitting.

VI. ACTION

CITY COUNCIL– MOVE TO:

1: APPROVE

2: APPROVE WITH CONDITIONS

3: DENY

...of a request to rezone from Heavy Commercial (CH) to General Commercial (B-1) Zoning District.



I. APPLICATION DATA

- A. **Case Number:** REZ-2021-00024
- B. **Location:** 7725 78th St (Parcel # 30-30-16-71100-155-0010)
- C. **Request:** Request to rezone from Heavy Commercial (CH) to General Commercial (B-1) Zoning District.
- D. **Applicant:** Robert Pergolizzi with Gulf Coast Consulting, Inc.
- E. **Authorized Agent:** Robert Pergolizzi with Gulf Coast Consulting, Inc.
- F. **Property Owner:** 4715 Carlyle Road Land Trust (Thuy Melinda Mang, Trustee) and D & L Land Trust II (Angi H. Comas, Trustee)
- G. **Legal Ad Text:** Request to rezone from Heavy Commercial (CH) to General Commercial (B-1) Zoning District.
- H. **PARC Meeting:** October 5, 2021
- I. **Public Hearings:**
 - Planning & Zoning Commission Hearing Date:** November 4, 2021
 - Advertising Date:** October 20, 2021
 - City Council Hearing Date (1st Reading):** November 23, 2021
 - City Council Hearing Date:** December 9, 2021
 - Advertising Date:** November 24, 2021

II. BACKGROUND INFORMATION

- A. **Case Summary:** The applicant is requesting to rezone 7725 78th Street from CH to B-1. The existing land use designation is Commercial General (CG), which is compatible with the proposed B-1 zoning. The proposed zoning would allow for a mixed use development of commercial and residential, which the current CH zoning does not allow. If the rezoning is approved, the owner plans to maintain the existing catering establishment on the site and add residential and/or other commercial uses to create a mixed-use development.

To the north and west are vacant commercial properties within unincorporated Pinellas County, formerly known as The Wagon Wheel flea market, and part of the site is zoned C-2, which is equivalent to the City's B-1 zoning district; to the east is single-family residential and an assisted living facility (ALF), known as Country Inn ALF; and to the south is an automobile dealer known as Byrider Auto Sales.

The majority of the property is located in the Special Flood Hazard Area (Flood Zone AE-10), and a small portion on the north side of the property is located in the Coastal High Hazard Area.

- B. **Site Area:** 5.98 acres / 260,489 square feet

- C. **Property History:** The original property was comprised of three addresses: 7725 78th Street, 7751 Park Blvd, and 7701 Park Blvd. The site was originally developed under County jurisdiction as an office for Struthers Fill Operation. The site was annexed into the City in April 1987, per case no. AX 1987-3 and Ordinance No. 1688, and assigned Heavy Commercial (CH) Zoning.

In 2002, Automotive Fleet Enterprise moved onto the property, under a previously approved Conditional Use from 2001. In 2006, a Lot Line Adjustment (case #MS 2006-39) was approved to separate the front three acres (7751 Park Blvd and 7701 Park Blvd) of the property for J. D. Byrider, an automobile dealer.

In 2008, City Council approved an expansion to an existing Conditional Use from 2001 at 7725 78th St for an "Automobile Dealer- Used Cars" and an "Automotive Repair Facility (Major)" in the CH Zoning District. Another Conditional Use for "Outdoor Sales of Boats, RVs and Mobile Homes" with a waiver to the Conditional Use requirement of four feet of open space between boats, RVs and mobile homes as well as a variance to the parking requirement, drive aisle width, and a landscape waiver to interior greenspace percentage and plantings. In addition, in 2008 a Conditional Use was approved for a communication tower on the northwest corner of the subject property, with a waiver to the Conditional Use requirement that limits the height of the tower.

Between 1987 and 2020, multiple building permits have been applied for and the use has since changed on the subject property from Automobile Dealership, to Auctioning of Automobiles, to a wedding venue (Catering Establishment).

- D. **Existing Use:** 20,400 square foot wedding venue (Catering Establishment) and a cell tower
- E. **Proposed Uses:** Mixed-Use (Residential and Commercial)
- F. **Current Land Use:** Commercial General (CG)
- G. **Current Zoning District:** Heavy Commercial (CH)
- H. **Proposed Zoning District:** General Commercial (B-1)
- I. **Flood Zone:** The subject property is located in Flood Zone X-shaded, which is a moderate-risk flood zone; and Flood Zone AE-10, which is a high-risk flood zone. A small portion of the site, north of the existing structure, is located within the Coastal High Hazard Area.
- J. **Evacuation Zone:** This property is in Evacuation Zone B, which is the second level to evacuate in preparation for a storm. Zone B is evacuated when storm surge height is predicted to be up to 15 feet.
- K. **Vicinity Characteristics:**

	Zoning	Land Use	Existing Use
North	CR (County)	RU (County)	Vacant Commercial (formerly known as The Wagon Wheel)
South	CH (City)	CG (City)	Byrider Auto Sales
East	R-6 and R-1 (City)	RU (City)	Country Inn ALF and Single-Family Residential
West	C-2 (County)	CG (County)	Vacant Commercial (formerly known as The Wagon Wheel)

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.

Density/Intensity Standards – Shall include the following:

Residential Use – Shall not exceed 24 dwelling units per acre.

Non-Residential Use – Shall not exceed a floor area ratio (FAR) of 0.55, nor an impervious surface ratio (ISR) of .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

Mixed Use – Shall not exceed in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.

3. Relevant Policies:

POLICY LU.1.3.1

The City of Pinellas Park will continue to promote redevelopment and urban infill development that is compatible with and supports the integrity and viability of existing residential neighborhoods.

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:

- a. 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; and

- i. *Encourage a pattern of land use that is more efficient in the use of energy and reduces the emission of greenhouse gases.*

POLICY LU.1.13.6

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

OBJECTIVE LU 1.21

The City shall restrict development within the Coastal High Hazard Area, and shall direct population concentrations out of the Coastal High Hazard Area.

4. Staff Analysis:

The proposed rezoning would promote urban infill development that is compatible with the neighborhood and surrounding land uses. The rezoning is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

However, the majority of the property is located within the Special Flood Hazard Area. Due to concerns with the location, staff recommends that all residential development on site shall be constructed outside of the Special Flood Hazard Area (Flood Zone AE-10).

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 18-1539. - AMENDMENTS TO ARTICLE 15, "ZONING CODE" & OFFICIAL ZONING MAP

Sec. 18-1539.1. - APPLICABILITY.

The regulations, restrictions, and boundaries set forth in this Article 15 "Zoning Code" may from time to time be amended, supplemented, changed, or repealed in accordance with the following regulations.

Sec. 18-1539.2. - PROCEDURE.

(A) **APPLICATION FILING.** *Petitions for amendment to Article 15 and the Official Zoning Map shall be filed on forms provided by the City and shall be submitted to the Zoning Division.*

1. *An application for amendment to the text of Article 15 may be filed only by the City Council or the City Manager. The CRA, Board of Adjustment and Planning and Zoning Commission may make recommendations to the City Council for amendment to Article 15.*

2. *An application for amendment to the Official Zoning Map may be filed only by the City Council, City Manager, or by an owner of real property that is located within the City. The CRA, Board of Adjustment and Planning and Zoning Commission may make recommendations to the City Council for amendment to the Official Zoning Map.*

(B) **PUBLIC NOTICE.** *Notice of the public hearing shall be given as provided under Section 18-1534, "Public Notice Requirements".*

(C) **PUBLIC HEARING PROCEDURE.**

1. *The Planning and Zoning Commission shall hear the application at a public hearing, acting in an advisory capacity to the City Council as the Local Planning Agency when required by*

F.S. ch. 163, pt. II. The Planning and Zoning Commission shall submit written reasons for its recommendations, and its determinations related to the application review criteria listed in Section 18-1539.3, "Review Criteria", below.

- 2. The City Council shall hear the application during a separate public hearing and shall consider the recommendation of the Local Planning Agency if applicable in its decision to approve or deny the application.*
 - 3. Public hearings for map amendments shall be conducted pursuant to the quasi-judicial procedures set forth in Resolution No. 94-65 unless otherwise determined by the City Attorney. Public hearings for text amendments are legislative in nature, and are not subject to quasi-judicial procedures.*
- (D) BURDEN OF PROOF. The applicant shall bear the burden of demonstrating, by competent substantial evidence that the evidence on the record demonstrates that a map amendment should be granted.*
- (E) ADOPTION. Amendments to the Official Zoning Map and to Article 15 shall be by Ordinance of the City Council.*

Sec. 18-1539.3. - REVIEW CRITERIA.

- (A) For amendments to Article 15, the Planning and Zoning Commission and City Council shall be guided by the requirement that the amendment be consistent with the Comprehensive Plan.*
- (B) For map amendments, the Planning and Zoning Commission and City Council shall be guided by the following considerations:*
- 1. Whether the available uses to which the property may be put are appropriate to the property under accepted planning practices in question and compatible with existing land uses and planned uses in the area.*
 - 2. Whether the numerical and dimensional development requirements which govern the development of the property will sufficiently safeguard the integrity and character of the area.*
 - 3. Whether the amendment will constitute a grant of special privilege to an individual owner.*
 - 4. Whether there are adequate provisions for water supply and treatment, sanitary sewer collection, transmission and treatment, drainage, and solid waste collection and disposal within the service area involved.*
 - 5. Whether there are adequate provisions for traffic movement and safety, both vehicular and pedestrian, in the area.*
 - 6. Whether there are adequate provisions for schools, parks, and mass transit within the service area involved.*
 - 7. Whether the district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, and existing improvements, or whether there is another error or ambiguity that must be corrected.*
 - 8. Whether changed or changing conditions make the adoption of the proposed amendment necessary or appropriate, including but not limited to, substantial reasons that the property cannot be used in accordance with the existing zoning.*
 - 9. Whether the amendment will be likely to have an adverse effect on the existing natural environment and natural resources.*
 - 10. Whether the proposed amendment is consistent with the Comprehensive Plan and, if applicable, the Community Redevelopment Plan.*

3. Staff Analysis:

Section 18-1539 of the Land Development Code provides criteria to guide amendments to the Official Zoning Map. Staff finds the following concerning those criteria:

1. The proposed map amendment is compatible with the existing and planned uses in the area.
2. The proposed use will comply with the requirements of the "B-1" General Commercial zoning district.
3. There is no special privilege to be granted.

4. The Pinellas Park Public Works Department has expressed no concerns over the availability of services for the proposed use.
5. Vehicular access to the site is from 78th Street and 78th Ave, with Park Blvd approximately 400 feet (0.07 miles) south of the subject property.
6. Davis Field Park and Broderick Park are approximately 1.60 miles from the subject property. Mass transit (bus) is available along Park Blvd which is approximately 400 feet from the site. The Pinellas County School District does not foresee an issue providing services for the proposed future development. The three zoned schools are Bardmoor Elementary, Pinellas Park Middle School, and Hollins High School, which all have sufficient existing capacity to absorb new students
7. District boundaries are appropriate based on locations and classifications of streets, ownership lines, and existing improvements, or whether there is another error or ambiguity that must be corrected.
8. Changing conditions of the neighborhood necessitate the amendment. To the north and west are vacant commercial properties within unincorporated Pinellas County, formerly known as The Wagon Wheel flea market, and part of the site is zoned C-2, which is equivalent to the City's B-1 zoning district; to the east is single-family residential and an assisted living facility (ALF), known as Country Inn ALF; and to the south is an automobile dealer known as Byrider Auto Sales. The applicant is proposing residential and/or other commercial uses to create a mixed-use development, which is appropriate for the neighborhood. The existing zoning of CH would not allow for this type of development.
9. The site is not located within designated wetland or preservation areas; however, it is located within a Special Flood Hazard Area.
10. Staff finds that the proposed rezoning request is consistent with the Comprehensive Plan.

C. Project Application Review Committee (PARC) Comments:

The application was discussed at the October 5, 2021 PARC meeting by all relevant departments/divisions. A few comments and concerns were raised by staff with regard to the request:

- If the two southern driveways are unused then they should be removed.
- Fifteen (15) feet of right-of-way is needed along 78th Street N. City assets and private utilities are within this area. The right-of-way has insufficient width.
- Exemption 7 recording book and page numbers needs to be referenced and easement needs to be shown.
- Utility easement is needed for encroaching backflow preventer (BFP) at 78th Avenue N.
- Drainage easement is needed along 78th Avenue N. for drainage assets.
- Utility easement is needed for the encroaching water meter at 78th Street N.

IV. SUMMARY

A. Findings:

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

1. Rezoning from Heavy Commercial (CH) to General Commercial (B-1) is appropriate based on surrounding zoning.
2. The majority of the property is located in the Special Flood Hazard Area, which has a high risk of flooding.
3. The requested map amendment is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan, as well as the regulations of the Land Development Code.

B. Staff Recommendation:

Consistent with the above findings, staff recommends **APPROVAL** of case number REZ-2021-00024, with the following condition:

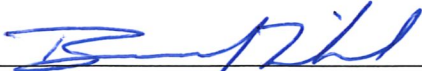
- All residential development must be constructed outside of the Special Flood Hazard Area.



Nick A. Colonna, AICP
Planning & Development Services Director

11-9-2021

Date



Benjamin J. Ziskal, AICP, CECd
Community Development Administrator

11/9/21

Date

V. ACTION

CITY COUNCIL – MOVE TO:

A. APPROVAL

B. APPROVAL WITH THE FOLLOWING CONDITION(S):

All residential development must be constructed outside of the Special Flood Hazard Area.

C. DENIAL

....of a request to rezone from Heavy Commercial (CH) to General Commercial (B-1) Zoning District.

VI. ATTACHMENTS

Exhibit A: Application with Legal Description

Exhibit B: Narrative Summary for Rezoning

Exhibit C: Survey

Exhibit D: Aerial Map

Exhibit E: Land Use Map

Exhibit F: Zoning Map

Exhibit G: Flood Insurance Rate Map

Exhibit H: Site Photos

City of Pinellas Park, Florida

PROCEDURES FOR SUBMITTING AND PROCESSING APPLICATIONS FOR REZONING

(Please retain this sheet for reference)

1. Applications must be completed in full and submitted to the Zoning Division with filing fee and affidavit of ownership. Attach copy of survey if available. Applications will be processed and scheduled for the next available meeting.

NON-REFUNDABLE FILING FEE

Rezone (Only)	\$850+ Advertising Fees**
Rezone (As part of a Land Use Plan Map Amendment - LUPA)	\$100.00

**** Please call Zoning Division at (727) 369-5663 for Advertising Fees quote****

2. Planning and Zoning Commission - QUASI-JUDICIAL HEARING: Applications must be submitted a minimum of thirty five (35) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. This period allows for the processing of applications, including legal notification and notice to property owners. The Planning and Zoning Commission meets on the first Thursday of each month. Property owners within 300 feet of the subject property will be notified by the City by mail and the subject property will be posted with a sign stating the date of the public hearing. A legal advertisement will appear in a local newspaper at least fifteen (15) days prior to the meeting. The Planning and Zoning Commission will **recommend** to City Council an action on the application (approve or deny). *Sec-18.1539.3*
3. City Council Action - QUASI-JUDICIAL HEARING: An Ordinance will be drafted and submitted for City Council agenda. Another legal advertisement will appear in a local newspaper and surrounding property owners will be re-notified. Allow thirty-five (35) days after Planning and Zoning Commission action before the first reading of the Ordinance. The City Council meets the second and fourth Thursday of each month. The second and final reading will be held approximately two weeks after the first reading, at which time the Council will make a decision to approve or deny the application. *Sec-18.1539.3*
4. The applicant and/or agent **MUST** be present at **ALL** Public Hearings before the Planning and Zoning Commission **AND** City Council.
5. If the application is denied, an application cannot be resubmitted for one (1) year.
6. Applications must be submitted to the Zoning Division:
Public Works Technical Services
6051 78th Avenue North
Pinellas Park, FL 33781
(727) 369-5663

The applicant understands that this application must be complete and accurate before a public hearing will be scheduled or advertised. Proof of ownership from a title company or licensed Florida attorney, or a deed, may be required upon request.

MINIMUM REQUIREMENTS FOR APPLICATION

1. Completed Application Form
2. Affidavit of Ownership
3. Application Fee paid by cash, check or money order to City of Pinellas Park) **NON-REFUNDABLE**
4. Advertising Fee** (Call for quote)

City of Pinellas Park, Florida
APPLICATION FOR REZONING

FOR OFFICE USE ONLY

CASE # Z PZ MEETING: _____ CC/CRA MEETING: _____

PLAT SHEET: _____ RELATED CASES: _____ DATE RECEIVED: _____

ZONING DISTRICT: _____ LAND USE DESIGNATION: _____ RECEIPT NUMBER: _____

REQUEST AND PROPERTY INFORMATION

REQUEST: Rezoning from Commercial Heavy (CH) to General Commercial (B-1) for the purpose of developing a mixed-use project.

GENERAL LOCATION OF PROPERTY OR ADDRESS: #7725 78th Street. SE corner of 78th Avenue & 78th Street.

PROPERTY SIZE (Acreage or Square Feet): 5.98 acres (260,273 SF)

CURRENT USE, NUMBER AND TYPE OF BUILDINGS: Existing catering establishment (20,400 SF building) & vacant land

PARCEL NUMBER(S): 30-30-16-71100-155-0010

LEGAL DESCRIPTION: LOT _____, BLOCK _____, SUBDIVISION _____

OR METES AND BOUNDS DESCRIPTION (attach if lengthy):

See Attached Legal Description

OWNER / APPLICANT INFORMATION

PROPERTY OWNER: 4715 Carlyle Rd Land Trust, Thuy Melinda Mang PHONE: (____) Please use agent

ADDRESS/CITY/ZIP: 342 Coco Plum Ct., Oldsmar, FL 34677-4010

AUTHORIZED AGENT: Robert Pergolizzi, AICP/PTP PHONE: (727) 524-1818

ADDRESS/CITY/ZIP: Gulf Coast Consulting, Inc. 13825 ICOT Blvd. Suite 605, Clearwater, FL 33760

OTHER REPRESENTATIVE: Quynh Tran PHONE: (727) 423-8483

ADDRESS/CITY/ZIP: QT Construction, 6200 49th Street N., Pinellas Park, FL 33781

AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAME OF ALL PROPERTY OWNERS, being first duly sworn, depose(s) and say(s):

4715 Carlyle Road Land Trust - Thuy Melinda Mang, Trustee

D & L Land Trust II - Angi H. Comas, Trustee

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

ADDRESS OR GENERAL LOCATION:

5.98 acres on the SE corner of 78th Avenue & 78th Street, 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 ID # 30-30-16-71100-155-0010

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

Application for rezoning from CH to B-1

3. That the undersigned (has/have) appointed and (does/do) appoint Robert Pergolizzi as (his/their) agent(s) to execute any petitions or other documents necessary to affect such application.

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

[Signature]
SIGNED (PROPERTY OWNER)

[Signature]
SIGNED (PROPERTY OWNER)

STATE OF FLORIDA
COUNTY OF Hillsborough

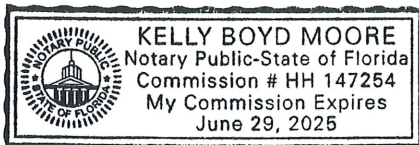
The foregoing instrument was acknowledged before me this SEPTEMBER 2, 2021
(Date)

By Angi H. Comas & Thuy Melinda Mang
(Name of person acknowledging and title of position)

who is personally known to me or who has produced DRIVER'S LICENSE
(Type of identification)

as identification and who did (did not) take an oath.

[Signature] Notary Public, Commission No. 147254



(SEAL ABOVE)

KELLY BOYD MOORE Name of Notary typed, printed or stamped)

LEGAL DESCRIPTION

LOTS 1 TO 16 INCLUSIVE, BLOCK 155 AND LOTS 1 TO 16 INCLUSIVE, BLOCK 156, SECOND ADDITION TO PINELLAS PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3. PAGES 8 AND 9 PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH A PORTION OF VACATED 75TH AVENUE AND VACATED 77TH AVENUE LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF 78TH STREET NORTH AND THE WEST RIGHT-OF-WAY LINE OF 77TH STREET NORTH AND VACATED ALLEYS WITHIN SAID BLOCKS, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOUND BY MEASURING N. 00° 08' 42" E., FROM THE SOUTHWEST CORNER OF LOT 18, BAYOU FARMS, AS RECORDED IN PLAT BOOK 24, PAGE 31 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, A DISTANCE OF 390.00 FEET TO SAID POINT OF BEGINNING THENCE CONTINUING N. 00° 08' 42" E., ALONG THE EAST RIGHT-OF-WAY LINE OF 78TH STREET NORTH (A 30' R/W), A DISTANCE OF 851.17 FEET TO A POINT; THENCE, LEAVING SAID LINE S.89° 44' 58" E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF 78TH AVENUE NORTH (A 60' R/W), A DISTANCE OF 301.37 FEET; THENCE LEAVING SAID LINE S. 00° 26' 57" E., ALONG THE WEST RIGHT-OF-WAY LINE OF 77TH STREET NORTH (A 60' R/W), A DISTANCE OF 851.34 FEET; THENCE LEAVING SAID LINE N.89° 43' 52" W., A DISTANCE OF 310.19 FEET TO THE POINT OF BEGINNING.

**NARRATIVE SUMMARY FOR REZONING
7725 78th STREET NORTH**

Owner:
4715 Carlyle Road Land Trust
342 Coco Plum Ct. Oldsmar, FL 34677

D&L Land Trust, II
611 W. Swann Avenue, Tampa, FL 33606

Authorized Agent:
Mr. Robert Pergolizzi, AICP / PTP
Gulf Coast Consulting, Inc.
13825 ICOT Boulevard, Suite 605
Clearwater, FL 33760

The applicant is requesting a rezoning from Commercial Heavy (CH) to General Commercial (B-1) on property having Commercial General (CG) land use for the purpose of having uniform B-1 zoning for the entire parcel to accommodate mixed-use development.

The parcel to be rezoned is 5.98 acres and consists of the following parcel:

Parcel ID #: 30-3016-71100-155-0010

Existing development on the property includes a catering establishment in a 20,400 SF masonry building on the northern portion of the property, as well as a cell tower. The remaining property is vacant and the existing CH zoning allows certain land uses that are incompatible with nearby residential and ALF uses.

LAND USE/ZONING

The existing land use designation per the Future Land Use Plan is Commercial General with CH zoning which permits a wide range of uses. The propose B-1 zoning is more limited and therefore more compatible with the surrounding uses which include residential and ALF. Some objectionable uses that are permitted/conditional uses in CH but not allowed whatsoever in B-1 include dry cleaning plants, temporary employment/labor facilities, fuel oil distribution/storage facilities, glass cutting/glazing establishments, light manufacturing, outdoor storage, warehouses, armored car terminal facilities, and truck rental establishments.

The rezoning to B-1 would create uniform zoning on the entire 5.98 acre parcel would allow redevelopment for more compatible uses. These uses may include offices, residential uses, health spa, retail sales and personal service establishments in addition to the existing catering establishment in a mixed-use setting.

Surrounding uses include:

- North: Across 78th Avenue ROW is vacant land in unincorporated Pinellas County having Residential Urban (RU) land use and Commercial Recreation (CR) zoning.
- South: Directly south is Byrider auto sales on Park Boulevard and warehouse outdoor storage on land having CG land use and CH zoning.
- East: To the east are single-family detached homes on land with Residential Urban (RU) land use and R-1 zoning and the Country Inn ALF with RU land use and R-6 zoning. Further east are single-family homes in the Oak Park RPUD. The unimproved 77th Street ROW separates the site from these residential uses.
- West: Across 78th Street is the former Wagon Wheel Flea Market site with CG land use and C-2 zoning in unincorporated Pinellas County. County C-2 zoning is similar to city B-1 zoning.

The applicant seeks to develop the vacant portion of property in accordance with the B-1 regulations contained in Section 18-1520 of the Land Development Code. The site can accommodate all bulk regulations contained in the code. (ie: lot area, lot width, building setbacks) The applicant believes a mixed-use development of B-1 permitted uses will be more compatible with adjacent residential development to the east than uses permitted in the CH zone.

TRANSPORTATION

Park Blvd between Belcher Road and Starkey Road is reported to operate at LOS C carrying 45,724 vehicles per day per the Forward Pinellas Level of Service Report. The site has direct access to 78th Avenue and indirect access to Park Blvd via 78th Street.

UTILITIES

Potable water and sanitary sewer services are available to the site and are provided by the City of Pinellas Park. The city has both water and sanitary lines in 78th Avenue and a sanitary sewer line in the 77th Street unimproved ROW.

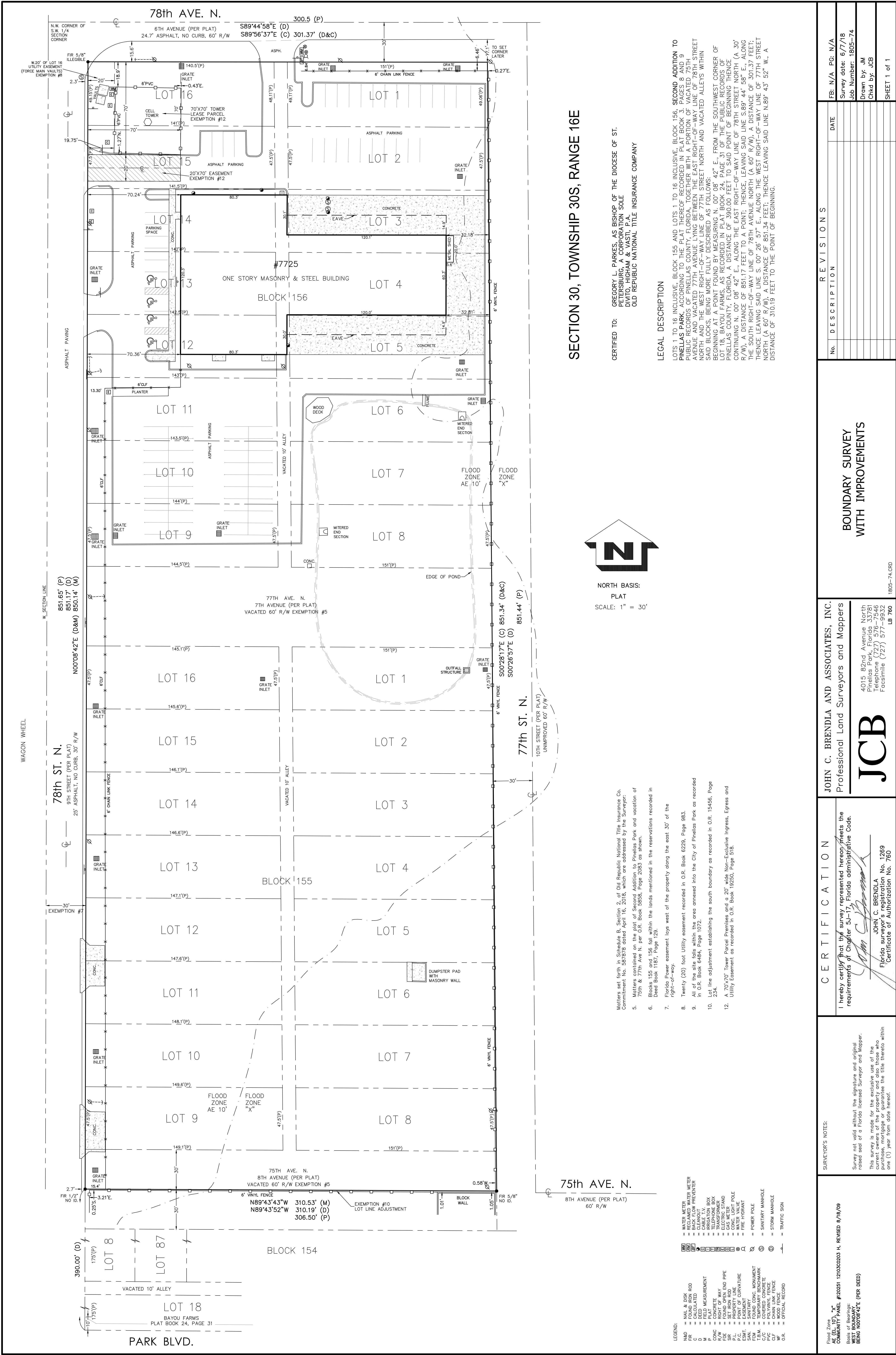
CONCLUSION

The development of the site to contain mixed uses will be compatible with surrounding uses and will eliminate potentially incompatible uses allowed in the CH zoning district.

CONSISTENT WITH THE COMPREHENSIVE PLAN (CG)

B-1 ZONING IS COMPATIBLE WITH SURROUNDING ZONING

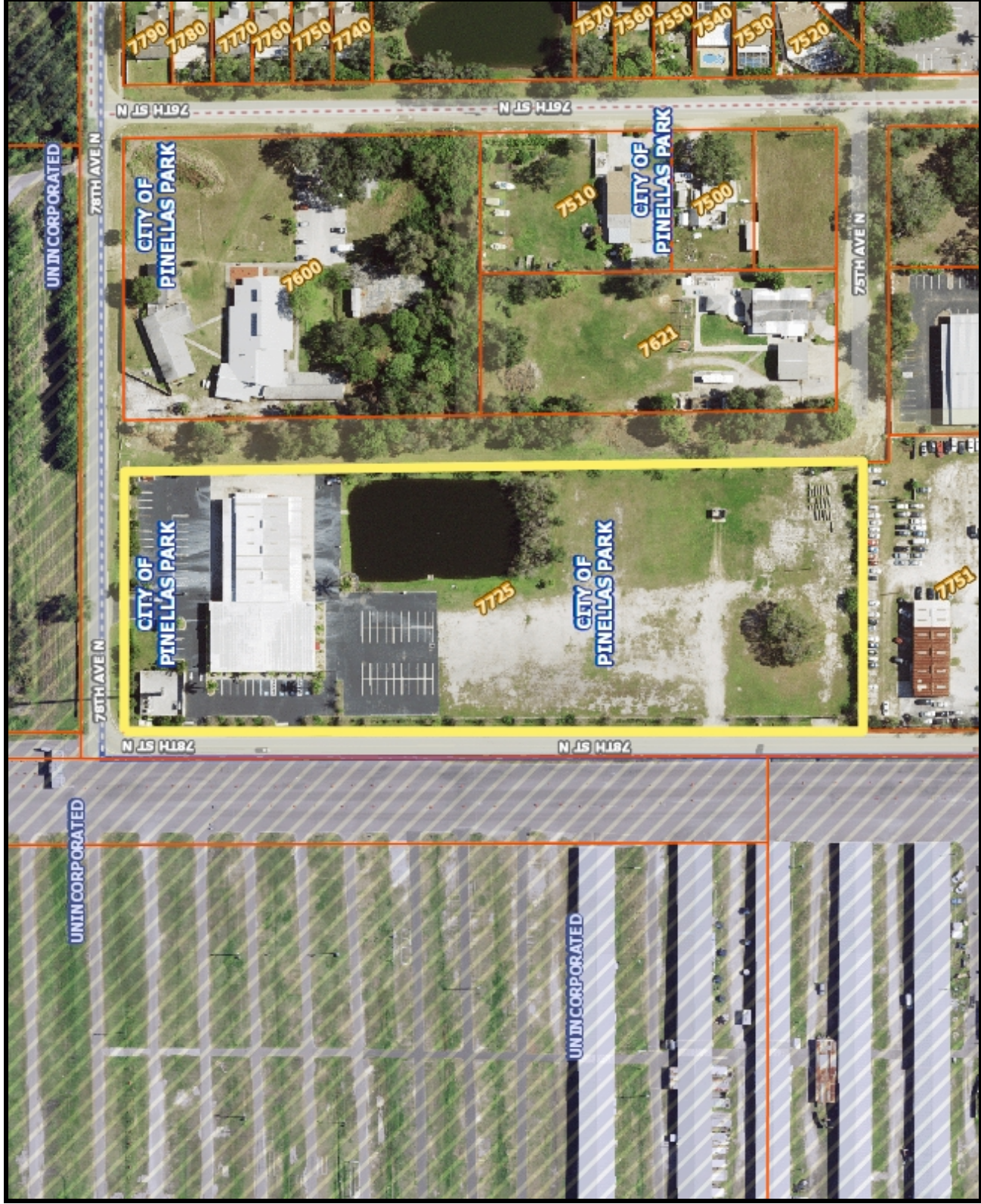
WILL CREATE INCREASED TAX BASE FOR THE CITY



Aerial Map

Legend

- Master Address Points
- Parcel Lines
- Centerlines
- Private Roads
- Pinellas Park
- Medical District
- Community Redevelopment Area 20;
- Rights of Way
- Annexation Amendment Agreement
- Holes
- Fairways
- Greens
- Course
- Unincorporated



Notes:



1: 2,257

188.1 0 94.04 188.1 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Land Use Map

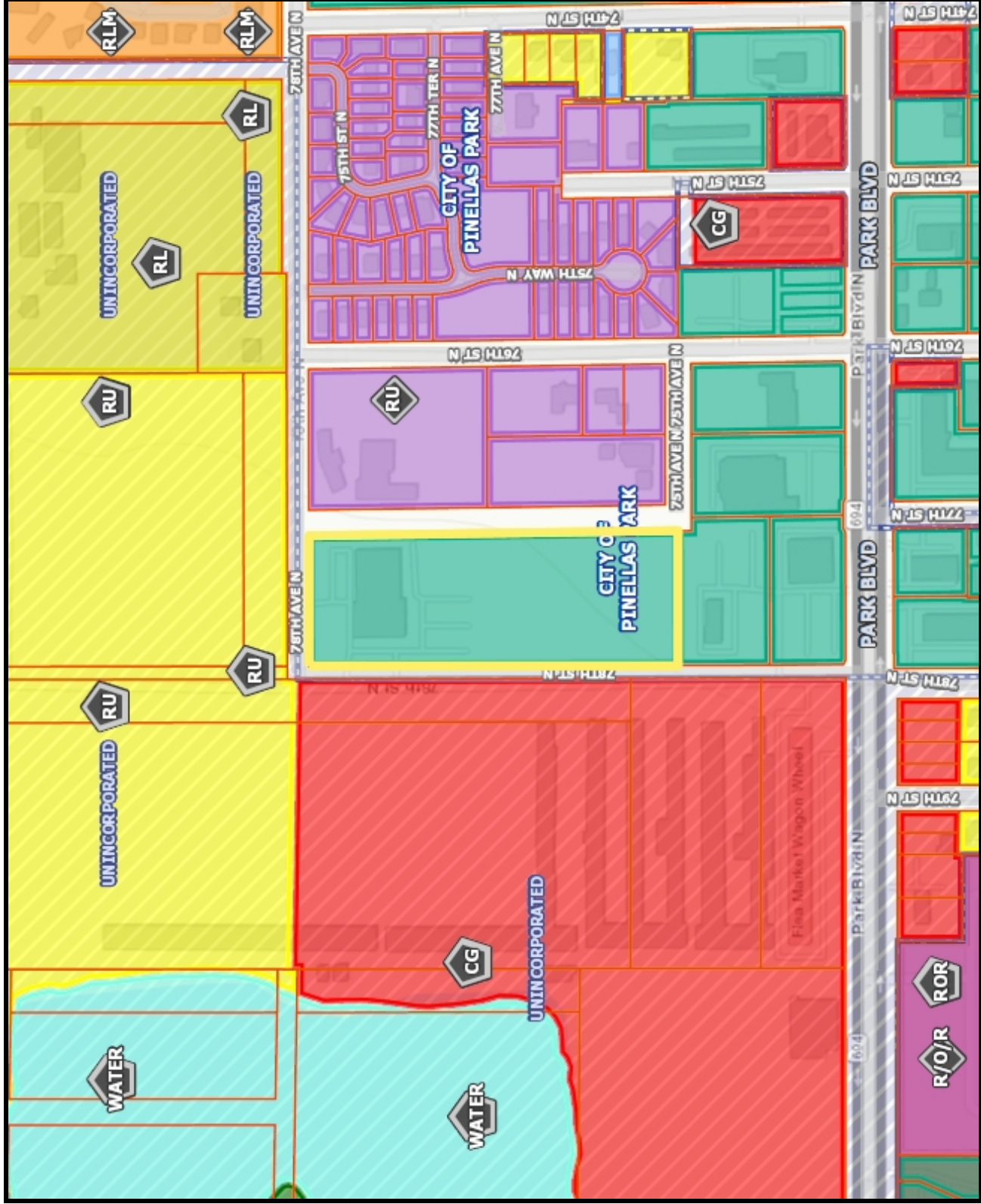
Legend

- Parcel Lines
- Centerlines
- Pinellas Park
- Community Redevelopment Area 20:
- Annexation Amendment Agreement
- Land Use Borders

- Commercial General - CG
- Commercial General (Residential Medium) -
- Commercial Neighborhood - CN
- Community Redevelopment District - CRD
- Industrial General - IG
- Industrial Limited - IL
- Institutional - INS
- Preservation - P
- Residential/Office/Retail - R/O/R
- Residential/Office General - R/OG
- Residential/Open Space - R/OS
- Residential Low - RL
- Residential Low Medium - RLM
- Residential Medium - RM
- Residential Suburban - RS
- Residential Urban - RU
- Residential Urban (Commercial General) - F
- Residential Urban (Residential Low) - RU(R)
- Transportation/Utility - T/U

Land Use Fill

- Commercial General - CG
- Commercial General (Residential Medium) -
- Commercial Neighborhood - CN
- Commercial Recreation - CR
- Community Redevelopment District - CRD
- Industrial General - IG
- Industrial Limited - IL
- Institutional - INS
- Preservation - P
- Residential/Office/Retail - R/O/R
- Residential/Office General - R/OG
- Recreation/Open Space - R/OS
- Residential Facilities High - RFH
- Residential Low - RL



Notes:

1: 4,514

376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

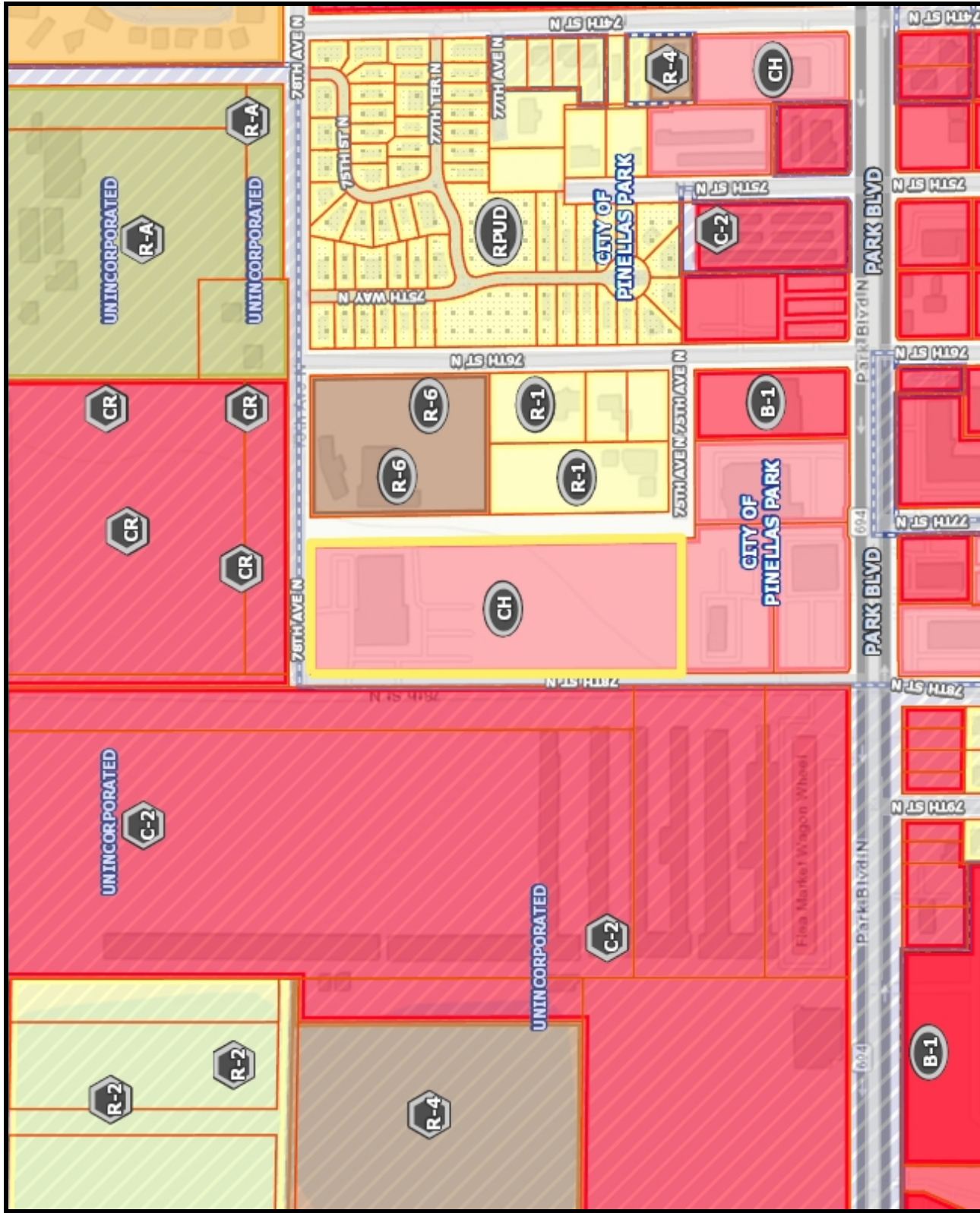
Zoning Map

Legend

- Parcel Lines
- Centerlines
- Pinellas Park
- Community Redevelopment Area 20:
- Annexation Amendment Agreement
- Zoning Borders

- General Commercial - B-1
- Heavy Commercial - CH
- Commercial Neighborhood - CN
- Commercial Planned Unit Development - CI
- Farm - F
- General Office - GO
- Heavy Industrial - IH
- Industrial Planned Unit Development - IPUD
- IN REVIEW
- Light Industrial - M-1
- Residential / Office / Retail - ROR
- Mixed Use Development - MXD
- Mixed Unit Development - MXD-2
- Mixed Use Planned Unit Development - MU
- Open Space - O/S
- Public - P
- Preservation - PRES.
- Single Family Residential - R-1
- Single Family Residential - R-2
- Single Family Residential - R-3
- Duplex Residential - R-4
- Multifamily Residential - R-5
- Multifamily Residential/Commercial - R-6
- Single Family Residential Estate - R-E
- Residential Planned Unit Development - RP
- Rural Residential - RR
- Mobile Home Subdivision - T-1
- Mobile Home Park - T-2
- Town Center - TC
- Zoning Fill
- General Commercial - B-1
- Heavy Commercial - CH
- Commercial Neighborhood - CN
- Commercial Planned Unit Development - CI

Exhibit F - Zoning Map



Notes:

1: 4,514

376.2 0 188.08 376.2 Feet



WGS_1984_Web_Mercator_Auxiliary_Sphere



Flood Insurance Rate Map

Legend

- Master Address Points
- Centerlines
- Pinellas Park
- Letter of Map Amendment
- Letter of Map Revision
- FIRM Panels
- Flood Hazard Lines
- LIMIT LINES
- SFHA / FLOOD ZONE BOUNDARY
- Flood Hazard Areas
 - <all other values>
 - 1% Annual Chance Flood Hazard (A, AE, AI)
 - Combined Riverine and Coastal Floodplain
 - Coastal Floodplain (AE)
 - 0.2% Annual Chance Flood Hazard in Cont Coastal Zone (X)
 - 0.2% Annual Chance Flood Hazard (X)
 - 0.2% Annual Chance Flood Hazard in Coas
 - Area of Minimal Flood Hazard (X)
 - Riverine Floodway in Combined Riverine an (AE)
 - Floodway (AE)
- Coastal High Hazard Area



Site Photos







