



# City of Pinellas Park

## City Council

### Agenda

Thursday, July 13, 2017

7:30 PM

City Council Chambers

#### CALL TO ORDER

#### INVOCATION

#### PLEDGE OF ALLEGIANCE

#### I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

NONE

#### PUBLIC COMMENT AND CORRESPONDENCE

CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT ALREADY SCHEDULED ON TONIGHT'S AGENDA. PLEASE LIMIT COMMENTS TO THREE MINUTES.

**AT THIS TIME STAFF MEMBERS AND CITIZENS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL**

#### II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of June 22, 2017, as on file in the City Clerk's office.

#### III. PUBLIC HEARINGS

**P1 ORDINANCE NO. 4027. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11346 53RD STREET NORTH (T S E INDUSTRIES, INC. AX17-9)**

#### **PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Shannon Coughlin, Economic Development Manager)**

NOTE: This is a voluntary annexation of 1.24 acres MOL of contiguous commercial property located at 11346 53rd Street North.

*C5 on 6/22/17 Council agenda.*

ACTION: (Pass - Deny) Ordinance No. 4027. Public hearing second and final reading.

Department: Community Development

Reference Material: [AX17-9 Ordinance, Petition, Map, Attorney letter](#)

- P2     RESOLUTION NO. 17-12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING A 30 FOOT BY 160 FOOT PORTION OF 67TH STREET RIGHT-OF-WAY IN SECTION 7, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR RETENTION OF A PERPETUAL MULTI-PURPOSE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE. (V 2017-3, Warren Perkins)**

**PUBLIC HEARING, FIRST AND FINAL READING**

**(Speaker - Dean Neal, Zoning Director)**

NOTE: The applicant is requesting approval to vacate a 30 foot by 160 foot area of unimproved 67th Street right-of-way north of 119th Avenue and south of Tree Land Avenue. The applicant and owner of Perkins Concrete occupies parcels to the north and south of 119th Avenue, adjacent to the property subject to this vacation request and desires to use the property to expand the current use. There are multiple utilities within the area. Subject to approval, the City will retain a multipurpose easement over its entirety. At their meeting of June 1, 2017, the Planning and Zoning Commission recommended APPROVAL based on the following Findings of Fact:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation provided an easement is held over the area being vacated.

ACTION: (Adopt - Deny) Resolution No. 17-12. Public hearing first and final reading.

**Department:**            Community Development

**Reference Material:**   [backup for V 2017-3](#)

#### **IV. CONSENT AGENDA**

- C1 **ORDINANCE NO. 4028.** AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1501.5, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK, FLORIDA, CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 28TH STREET EXTENSION, SOUTH AND EAST OF GRAND AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL COMMERCIAL ZONING DISTRICT TO "B-1" GENERAL COMMERCIAL ZONING DISTRICT WITH AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT FOR A 270-UNIT APARTMENT COMMUNITY AND TWO HOTEL DEVELOPMENT; IMPOSING CONDITIONS OF 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 2017-2/BOA 2017-16, Huntley Properties, LLC)

**FIRST READING PRIOR TO PUBLIC HEARING  
(Public Hearing July 27, 2017 - QUASI JUDICIAL)**

NOTE: The applicant is requesting to establish an "MUPUD" Mixed Use Planned Unit Development Overlay with underlying "B-1" General Commercial Zoning to subdivide 22.09 acres (MOL) into 3 parcels for a 270-unit market rate apartment complex and two hotels. In addition, the applicant requests a variance to reduce parking for multifamily from 2 spaces per unit to approximately 1.9 spaces per unit. Aside from the parking variance, the development is designed to meet all City standards and Code requirements, as well as the Gateway Centre Covenants, Conditions and Restrictions. The apartment complex will comprise of five 4-story buildings, retention ponds and open area for resident amenities which include a pool and playground. The entire complex will be fenced in and gated at two entrances. The 28th Street Extension is currently a 100-foot-wide access easement and will be dedicated to the City as public right-of-way as part of the final plat for this development. The Planning and Zoning Commission, at their public hearing of June 1, 2017, recommended approval of the above requests. An approval will be subject to the following condition:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Gulfcoast Consulting, Inc. and last revised on June 13, 2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of "MUPUD" Mixed Use

Planned Unit Development adoption.

2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.

ACTION: (Pass - Deny) Ordinance No. 4028.

Department: Community Development

Reference Material: [backup for PUD 2017-2 BOA 2017-16](#)

**C2 AUTHORIZATION FOR THE MAYOR TO SIGN THE PENNY FOR PINELLAS INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND THE CITY OF PINELLAS PARK**

NOTE: This is the Penny for Pinellas Interlocal Agreement between Pinellas County and the City of Pinellas Park. By signing this agreement, the City Council of Pinellas Park authorizes the County to levy a local government infrastructure sales surtax of one percent (1%) throughout Pinellas County, Florida (subject to referendum approval).

The County intends to adopt an ordinance calling for a referendum on the question of extending the Infrastructure Sales Surtax for an additional ten (10) year period at an election to be held on November 7, 2017.

ACTION: (Approve - Deny) Authorization for the Mayor to sign the Penny for Pinellas Interlocal Agreement with Pinellas County.

Department: Community Development

Reference Material: [17-158 Penny for Pinellas Interlocal agreement](#)

**C3 ORDINANCE NO. 4029. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 18 “LAND DEVELOPMENT CODE”, OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING ARTICLE 9 “TECHNICAL CODES”, SECTION 18-917 “SEVERABILITY”; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (LDC 2017-3)**

**FIRST READ PRIOR TO PUBLIC HEARING  
PUBLIC HEARING (July 27, 2017)**

NOTE: This amendment is the result of updating the current code to be consistent with Pinellas

County code and to gain more control over fill activities. At their meeting on June 1, 2017, the Planning and Zoning Commission recommended approval.

ACTION: (Pass - Deny) Ordinance No. 4029.

Department: Public Works

Reference Material: [LDC Amendment backup 071317](#)

**C4 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 17/003, 90TH AVENUE SIDEWALK PROJECT-Suncoast Development of P.C., Inc.**

NOTE: Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. Change Order No. 1 represents the addition of 110 linear feet of sidewalk and one additional driveway, totaling \$11,145.40; an increase of the original contract amount by 7.30%. The account to be charged will be 301-481-5715-05. The final contract amount is \$5,193.01 under the budgeted amount.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 17/003, 90th Avenue Sidewalk Project, an increase in the contract amount of \$11,145.40, for a total adjusted contract amount of \$162,806.90, and authorization for final payment of \$18,728.48 to Suncoast Development of P.C., Inc. to be charged to the appropriate account.

Department: Public Works

Reference Material: [agenda item 6-28-17](#)

**V. REGULAR AGENDA**

NONE

**VI. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL**

**VII. ADJOURNMENT**

PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a digital recording of all public hearings. In the event that you wish to appeal a decision, the digital recording may or may not adequately insure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).

FOR THE HEARING IMPAIRED — An interpreter for the hearing impaired will be made available upon requests made at least 72 hours in advance.

This page is left blank intentionally

JULY

SUNDAY							MONDAY							TUESDAY							WEDNESDAY							THURSDAY							FRIDAY							SATURDAY						
JUNE							AUGUST																																			1						
S	M	T	W	T	F	S	S	M	T	W	T	F	S																																			
4	5	6	7	8	9	10	6	7	8	9	10	11	12																																			
11	12	13	14	15	16	17	13	14	15	16	17	18	19																																			
18	19	20	21	22	23	24	20	21	22	23	24	25	26																																			
25	26	27	28	29	30		27	28	29	30	31																																					
2							3							4							5							6							7							8						
														Brush Site Closed Independence Day City Offices & Library Closed																																		
9							10							11							12							13							14							15						
														7:30 PM Council Workshop							Pancake Breakfast Senior Center							7:00 PM Agenda Session 7:30 PM Council Meeting																				
16							17							18							19							20							21							22						
														Organ Concert City Auditorium																												Fourth Saturday Art Walk						
23							24							25							26							27							28							29						
														7:00 PM CRA 7:30 PM Council Workshop														7:00 PM Agenda Session 7:30 PM Council Meeting																				
30							31																																									

# AUGUST

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY																																																																																											
		1       Tisha B' av	2	3	4	5																																																																																											
6	7       Partial Eclipse of the Moon	8       7:30 PM Council Workshop	9       Pancake Breakfast Senior Center	10       7:00 PM Agenda Session 7:30 PM Council Meeting	11	12																																																																																											
13	14	15       Organ Concert City Auditorium	16	17       Florida League of Cities	18       Florida League of Cities	19       Florida League of Cities																																																																																											
20	21       Total Eclipse of the Sun	22       7:00 PM CRA 7:30 PM Council Workshop	23	24       7:00 PM Agenda Session 7:30 PM Council Meeting	25	26       Fourth Saturday Art Walk																																																																																											
27	28	29	30	31	<div> <div>JULY</div> <table> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </table> </div> <div> <div>SEPTEMBER</div> <table> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1 2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>28</td><td>30</td></tr> </table> </div>		S	M	T	W	T	F	S							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						S	M	T	W	T	F	S							1 2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	28	30
S	M	T	W	T	F	S																																																																																											
						1																																																																																											
2	3	4	5	6	7	8																																																																																											
9	10	11	12	13	14	15																																																																																											
16	17	18	19	20	21	22																																																																																											
23	24	25	26	27	28	29																																																																																											
30	31																																																																																																
S	M	T	W	T	F	S																																																																																											
						1 2																																																																																											
3	4	5	6	7	8	9																																																																																											
10	11	12	13	14	15	16																																																																																											
17	18	19	20	21	22	23																																																																																											
24	25	26	27	28	28	30																																																																																											





# City of Pinellas Park

## Staff Report

---

**File #:** 17-148, **Version:** 1

**Agenda Date:** 7/13/2017

---

**ORDINANCE NO. 4027. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11346 53RD STREET NORTH (T S E INDUSTRIES, INC. AX17-9)**

### **PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Shannon Coughlin, Economic Development Manager)**

NOTE: This is a voluntary annexation of 1.24 acres MOL of contiguous commercial property located at 11346 53rd Street North.

*C5 on 6/22/17 Council agenda.*

ACTION: (Pass - Deny) Ordinance No. 4027. Public hearing second and final reading.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, ANNEXING A PARCEL OF LAND GENERALLY LOCATED AT 11346 53<sup>RD</sup> STREET NORTH, LEGALLY DESCRIBED AS ATTACHED HERETO IN EXHIBIT "A" AND MADE A PART HEREOF, LYING WITHIN SECTION 16, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; PROVIDING FOR AMENDMENT OF THE LEGAL DESCRIPTION OF THE CORPORATE BOUNDARIES OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR THE ASSIGNMENT OF CITY ZONING CLASSIFICATION; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES CONFLICTING HERewith; PROVIDING FOR AN EFFECTIVE DATE.

(TSE INDUSTRIES INC. AX17-9)

---

WHEREAS, the Owner of a certain parcel of land lying in an unincorporated area of Pinellas County, Florida, and contiguous to the City of Pinellas Park have petitioned City Council requesting that said land be annexed into the City of Pinellas Park, Florida; and

WHEREAS, all requirements of Florida Statutes, Chapter 171, pertaining to the voluntary annexation have been complied with.

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 land lying in an unincorporated area of Pinellas County, Florida, and contiguous to the City of Pinellas Park, generally located at 11346 53<sup>rd</sup> Street North, and legally described as attached hereto in Exhibit "A" and made a part hereof, lying within Section 16, Township 30 South, Range 16 East, Pinellas County, Florida, is hereby annexed into the City of Pinellas Park.

SECTION TWO: That the legal description of the corporate boundaries of the City of Pinellas Park, Florida, is hereby amended to include the land herein annexed. The legal description of the City of Pinellas Park, Florida, contained in the City Charter, and all official City maps and other official documents shall be amended accordingly.

SECTION THREE: That the land herein annexed shall be assigned the City zoning classification of M-1 which is the closest compatible to the County M-1 zoning on the subject parcel at the time of annexation.

SECTION FOUR: That the City Zoning Map is hereby amended to conform to the provisions of this Ordinance.

SECTION FIVE: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be, and they are hereby, repealed insofar as the same affects this Ordinance.

SECTION SIX: That this Ordinance shall become effective immediately upon its final passage and adoption.

FIRST READING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

PUBLISHED MAP & TITLE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

PUBLISHED MAP ONLY \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

PUBLIC HEARING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

ATTEST:

\_\_\_\_\_  
SANDRA L. BRADBURY, MAYOR

\_\_\_\_\_  
DIANE M. CORNA, MMC, CITY CLERK

**ANNEXATION ORDINANCE LEGAL**

TSE INDUSTRIES INC.

Parcel: 16/30/16/57676/000/0250

Located at: 11346 53<sup>rd</sup> Street North

LOTS 25 & 26, MID COUNTY INDUSTRIAL CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 100, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF LOT 26, MID COUNTY INDUSTRIAL CENTER, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 89°57'02" WEST 278.76'; THENCE NORTH 00°14'09" EAST 200.00'; THENCE SOUTH 89°57'02" EAST 270.00' TO THE WEST RIGHT OF WAY LINE OF 53RD STREET NORTH; THENCE SOUTH 00°14'09" WEST ALONG SAID RIGHT OF WAY LINE 159.05' TO A POINT OF CURVE; THENCE AROUND A CURVE TO THE LEFT WITH A RADIUS 100.00', AN ARC OF 42.16', A CORD BEARING OF SOUTH 11°50'36" EAST, A CORD DISTANCE OF 41.85', AND A DELTA OF 24°09'21" TO THE POINT OF BEGINNING.

A PARCEL CONTAINING 1.24 ACRES M.O.L.

**PETITION FOR ANNEXATION TO THE CITY OF PINELLAS PARK, FLORIDA**

The undersigned, being the sole OWNER (*"OWNER" is used herein for singular or plural, the singular shall include the plural, and any gender shall include all genders, as context requires*) of the following described real property located within Pinellas County, Florida, hereby consents and agrees to annexation of such property by the City of Pinellas Park, Florida, and further requests the City of Pinellas Park to forthwith undertake annexation proceedings to annex the said real property:

**PARCEL: 16/30/16/57676/000/0250**  
**(Located at 11346 53<sup>rd</sup> Street North)**

LOTS 25 & 26, MID COUNTY INDUSTRIAL CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 100, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF LOT 26, MID COUNTY INDUSTRIAL CENTER, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 89°57'02" WEST 278.76'; THENCE NORTH 00°14'09" EAST 200.00'; THENCE SOUTH 89°57'02" EAST 270.00' TO THE WEST RIGHT OF WAY LINE OF 53RD STREET NORTH; THENCE SOUTH 00°14'09" WEST ALONG SAID RIGHT OF WAY LINE 159.05' TO A POINT OF CURVE; THENCE AROUND A CURVE TO THE LEFT WITH A RADIUS 100.00', AN ARC OF 42.16', A CORD BEARING OF SOUTH 11°50'36" EAST, A CORD DISTANCE OF 41.85', AND A DELTA OF 24°09'21" TO THE POINT OF BEGINNING.

A PARCEL CONTAINING 1.24 ACRES M.O.L.

The names and addresses of the undersigned representing all of the legal owners of the above-described property are as follows:

**Richard Klingel**  
**T S E Industries Inc.**  
**5260 113<sup>th</sup> Avenue North**  
**Clearwater, FL 33760**

**T S E INDUSTRIES INC.**

  
 \_\_\_\_\_

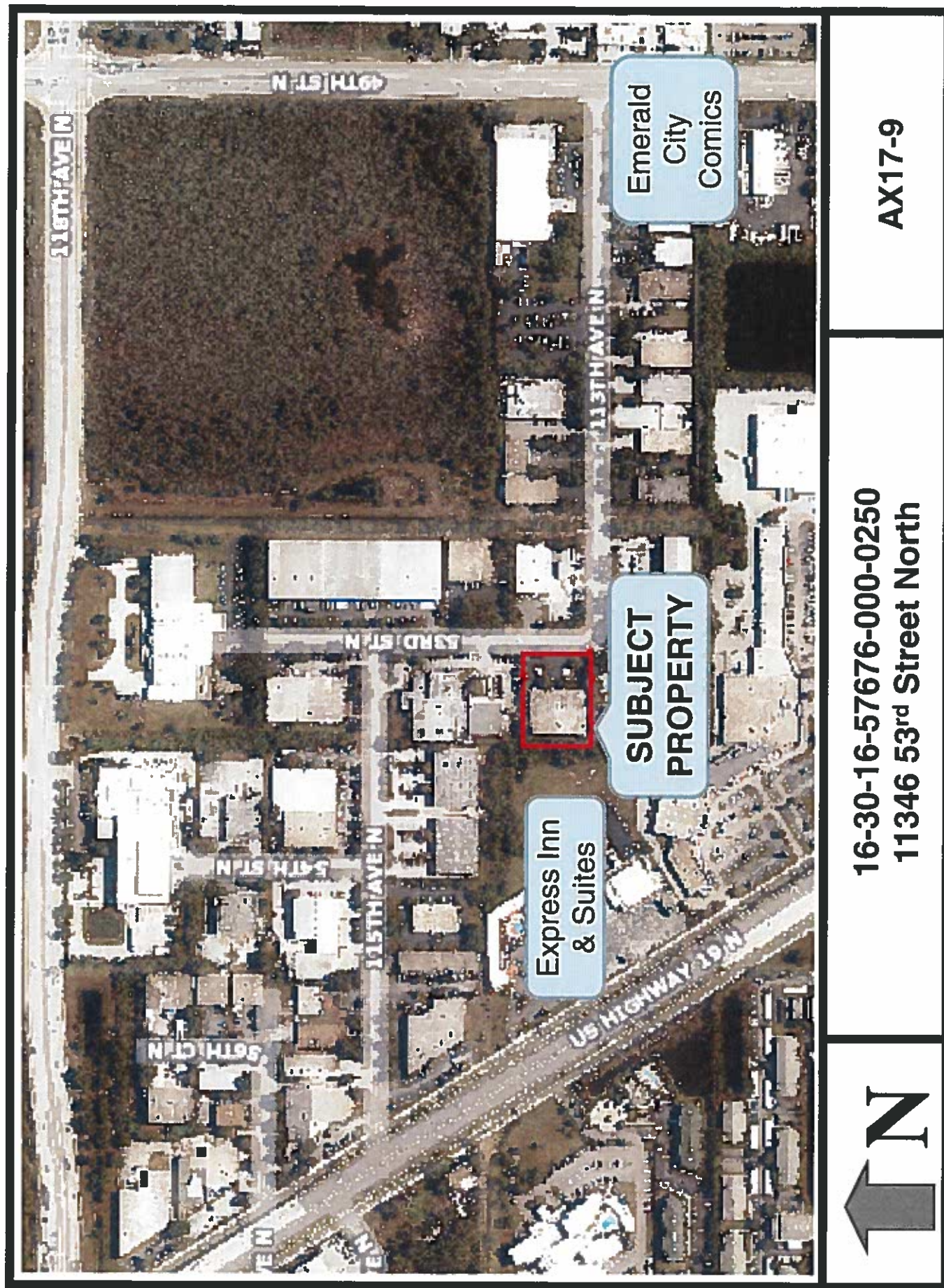
Witness

  
 \_\_\_\_\_  
 Richard Klingel, President

  
 \_\_\_\_\_

Witness





City of  
**PINELLAS PARK**

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

**Please Respond To:**

James W. Denhardt, City Attorney  
Law Offices of James W. Denhardt  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile



**FLORIDA**

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

June 2, 2017

Ms. Amanda Conte  
Community Development Division  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #17-125**  
**Annexation Agreement AX17-9, T S E Industries Inc.**

Dear Ms. Conte:

I have received and reviewed the above-referenced Annexation Agreement. I would approve of the Agreement as to form and correctness.

Very truly yours,

James W. Denhardt  
City Attorney

cc: Doug Lewis, City Manager  
Diane M. Corna, MMC, City Clerk  
Patrick Murphy, Assistant City Manager

JWD/dh



PRINTED ON RECYCLED PAPER

This page is left blank intentionally





# City of Pinellas Park

## Staff Report

**File #: 17-159, Version: 1**

**Agenda Date: 7/13/2017**

**RESOLUTION NO. 17-12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING A 30 FOOT BY 160 FOOT PORTION OF 67TH STREET RIGHT-OF-WAY IN SECTION 7, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR RETENTION OF A PERPETUAL MULTI-PURPOSE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE. (V 2017-3, Warren Perkins)**

### **PUBLIC HEARING, FIRST AND FINAL READING**

**(Speaker - Dean Neal, Zoning Director)**

NOTE: The applicant is requesting approval to vacate a 30 foot by 160 foot area of unimproved 67th Street right-of-way north of 119th Avenue and south of Tree Land Avenue. The applicant and owner of Perkins Concrete occupies parcels to the north and south of 119th Avenue, adjacent to the property subject to this vacation request and desires to use the property to expand the current use. There are multiple utilities within the area. Subject to approval, the City will retain a multipurpose easement over its entirety. At their meeting of June 1, 2017, the Planning and Zoning Commission recommended APPROVAL based on the following Findings of Fact:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation provided an easement is held over the area being vacated.

**ACTION: (Adopt - Deny) Resolution No. 17-12. Public hearing first and final reading.**

RESOLUTION NO. 17-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING A 30 FOOT BY 160 FOOT PORTION OF 67<sup>TH</sup> STREET RIGHT-OF-WAY IN SECTION 7, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR RETENTION OF A PERPETUAL MULTI-PURPOSE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE. (V 2017-3, Warren Perkins)

---

WHEREAS, the City of Pinellas Park has petitioned to vacate an 30 foot wide by 160 foot long portion of 67<sup>th</sup> Street right-of-way generally located between 119<sup>th</sup> Avenue and Tree Land Avenue; and

WHEREAS, the Planning and Zoning Commission has recommended to City Council that said right-of-way serves no useful purpose and it is in the general interest of the public that the same be vacated, discontinued and closed; and

WHEREAS, the City Council has determined the need for a perpetual multi-purpose easement over the entire right-of-way to be vacated;

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

SECTION ONE: That the following described portion of right-of-way over and under, above and across the following described real property be and the same are hereby vacated:

THE PORTION OF LAND LEGALLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

SECTION TWO: That a perpetual multi-purpose easement is hereby retained over and across the following described real property:

THE PORTION OF LAND LEGALLY DESCRIBED IN EXHIBIT "B" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

SECTION THREE: That this Resolution shall be in full force and effect immediately upon its adoption and approval in the manner provided by law.

PUBLISHED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

FIRST READING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sandra L. Bradbury  
MAYOR

ATTEST:

\_\_\_\_\_  
Diane M. Corna, MMC  
CITY CLERK

Exhibit "A"

THAT PORTION OF 67TH STREET RIGHT OF WAY TO BE VACATED AND A MULTI-PURPOSE EASEMENT RETAINED IS LOCATED WEST OF AND ADJACENT TO LOTS 14 AND 15, BLOCK B, TREE LAND PARK NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 26, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 15, BLOCK B, TREE LAND PARK NO. 2, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 87°41'47" WEST 30.00' TO THE WEST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE NORTH 00°03'58" EAST ALONG SAID RIGHT OF WAY LINE 160.00'; THENCE LEAVING SAID RIGHT OF WAY LINE, RUN SOUTH 87°41'47" EAST 30.00' TO THE EAST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE SOUTH 00°03'58" WEST ALONG SAID RIGHT OF WAY LINE 160.00' TO THE POINT OF BEGINNING. THE CITY OF PINELLAS PARK SHALL RETAIN A MULTI-PURPOSE EASEMENT OVER, ACROSS AND THROUGH THE ENTIRE AREA TO BE VACATED.

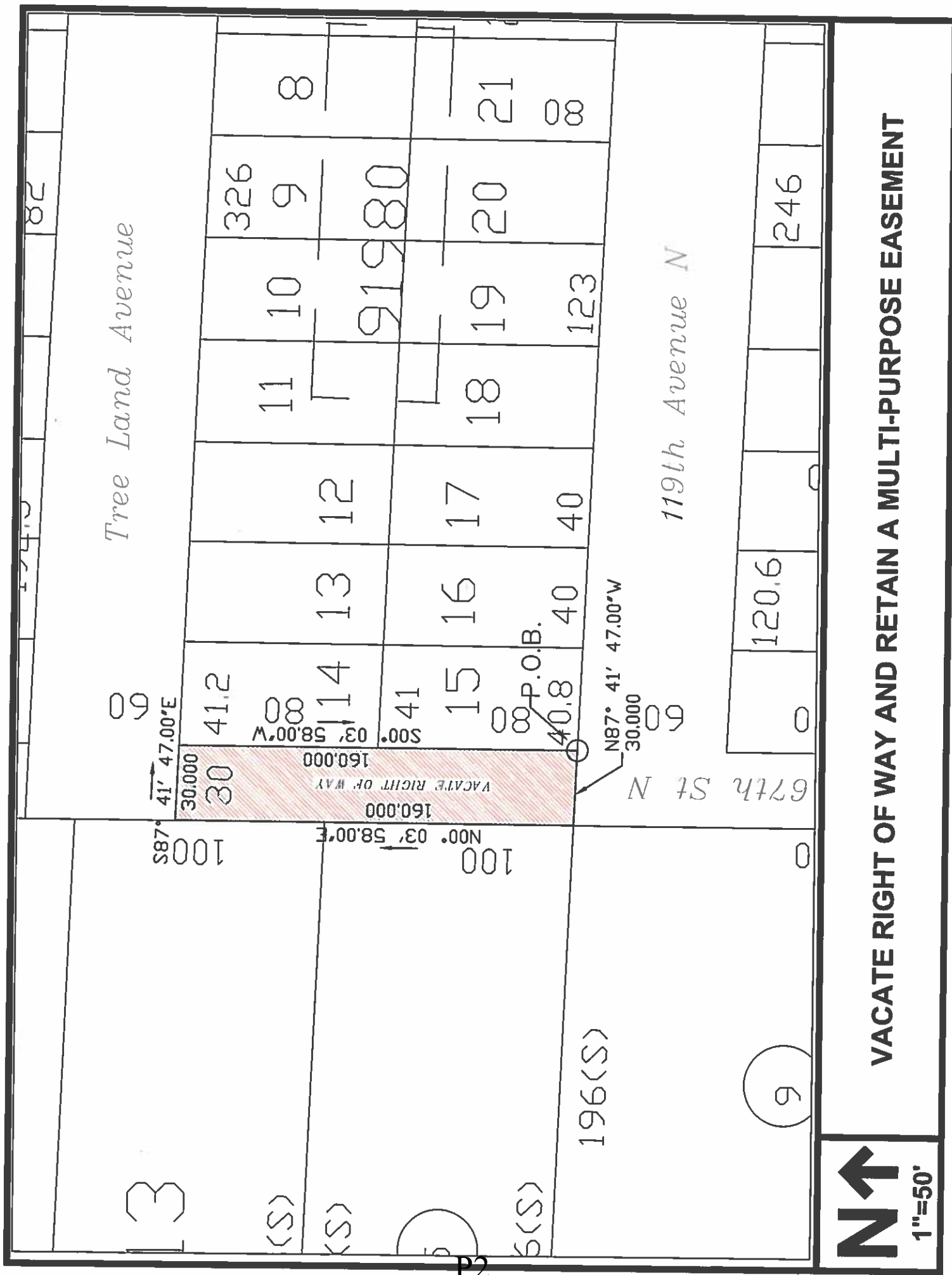
A PARCEL CONTAINING 0.11 ACRES M.O.L.

Exhibit "B"

THAT PORTION OF 67TH STREET RIGHT OF WAY TO BE VACATED AND A MULTI-PURPOSE EASEMENT RETAINED IS LOCATED WEST OF AND ADJACENT TO LOTS 14 AND 15, BLOCK B, TREE LAND PARK NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 26, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 15, BLOCK B, TREE LAND PARK NO. 2, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 87°41'47" WEST 30.00' TO THE WEST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE NORTH 00°03'58" EAST ALONG SAID RIGHT OF WAY LINE 160.00'; THENCE LEAVING SAID RIGHT OF WAY LINE, RUN SOUTH 87°41'47" EAST 30.00' TO THE EAST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE SOUTH 00°03'58" WEST ALONG SAID RIGHT OF WAY LINE 160.00' TO THE POINT OF BEGINNING. THE CITY OF PINELLAS PARK SHALL RETAIN A MULTI-PURPOSE EASEMENT OVER, ACROSS AND THROUGH THE ENTIRE AREA TO BE VACATED.

A PARCEL CONTAINING 0.11 ACRES M.O.L.



City of  
**PINELLAS PARK**

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

**Please Respond To:**

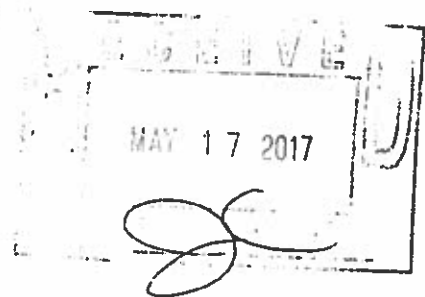
James W. Denhardt, City Attorney  
Law Offices of James W. Denhardt  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile



**FLORIDA**

PHONE • (727) 389-0700  
FAX • (727) 544-7448

May 16, 2017



Ms. Anna Weaver  
Zoning Division  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #17-112**  
**Vacation Resolution V 2017-3, Warren Perkins**

Dear Ms. Weaver:

I have received and reviewed the above-referenced resolution. Assuming that the legal descriptions in Exhibit A and Exhibit B are correct, I would otherwise approve of the resolution as to form and correctness.

Very truly yours,

James W. Denhardt  
City Attorney

cc: Doug Lewis, City Manager  
Diane M. Corna, MMC, City Clerk  
Patrick Murphy, Assistant City Manager  
Dean Neal, Zoning Director

JWD/dh



PRINTED ON RECYCLED PAPER

2. CASE NO.: V 2017-3

REQUEST: Consideration of a request for the vacation of a 30 foot wide and 160 foot long portion of 67<sup>th</sup> Street right-of-way, retaining a general purpose easement over its entirety.

LOCATION: 67<sup>th</sup> Street between Tree Land Avenue and 119<sup>th</sup> Avenue

Ms. Weaver – Confirmed that all procedural requirements have been met and presented the staff report into the official record.

### QUESTIONS FOR STAFF

Mr. Madden – Why not extend the section to be vacated from Tree Land to 119<sup>th</sup>? There's a section there not included.

Ms. Weaver – *Points to section on the map.* The idea is to keep property lines consistent throughout the block.

### PROPONENTS

None

### OPPONENTS

Mr. Tony Gagliardo – 12244 102<sup>nd</sup> Street. I own the property to the west of this. There is a main sewer line that runs through there. There has to be access to it for any repairs.

Mr. Shelley – They are going to maintain an easement over it.

Mr. Gagliardo – I have a building on the back of my property. There are three separate deeds right there. We've been using this for 40 years. My dad bought this in 1972. In fact, my dad cleared all of that area at his expense – 119<sup>th</sup> Avenue, 67<sup>th</sup> and Tree Land. I don't understand why we lose that. I would think we would be entitled to at least half of that.

Mr. Shelley – Ms. Weaver, how come he is not entitled to half of that?

Ms. Weaver – The City doesn't determine who gets the land. The property is given to each owner on either side of the section line and the County Property Appraiser determines that. I'm pretty certain that the section line runs right with your property line which would mean that this entire section would go to Mr. Perkins, this property owner. *(pointing to the map)* Again, the City does not determine that.

Mr. Gagliardo – I don't understand how that would be. Why would it all go to him?

Ms. Weaver – This section could have been the remaining portion of platted right-of-way.

Mr. Gagliardo – That would then cut off the cut through from Tree Land Avenue and 119<sup>th</sup> Avenue.

Ms. Weaver – Correct.



Mr. Gagliardo – We have been using that for 40 years.

Ms. Weaver – If this is vacated, the City will retain a general purpose easement over it. He will not be able to build on the land because there are utility lines.

Mr. Gagliardo – I just don't think it's fair that he gets that portion. Again, we've been using it for 40 years. It's the access to my building.

Ms. Weaver – Well, this is not an open access right now.

Mr. Gagliardo – I have a gate right there.

Ms. Weaver – Do you have a driveway to it?

Mr. Gagliardo – Yes m'am.

Ms. Weaver – It is not improved by the City. Our report states that it is not used for public travel or improved as a public right-of-way.

Mr. Gagliardo – There has been trash dumped there and I don't know how many times I've gone in there at my expense to clean it up.

Mr. Shelley – So we are just voting on whether to vacate it or not? It is not up to us to decide who gets it?

Ms. Weaver – Correct. You are just deciding if you want to vacate the property or not.

Mr. Richard Allen – 6700 118<sup>th</sup> Avenue. The point you are missing is that is their access to the building. It is a separate deeded piece of property. I have seen in the past 40 years, and I have been there for 45 years, the owner and others using that piece of right-of-way to gain access. Pinellas Park came in and annexed it. That was part of the County. Everything was fine but now you are coming in and annexing property which is denying others access to use it. Do what you want.

## REBUTTAL

Mr. Warren Perkins – 6692 119<sup>th</sup> Avenue. My understanding is that there is a 60 foot easement, I'm only asking for 30 feet. I've owned my property for over 18 years. There is a chain link fence down his property line. He has never accessed the property from there since I've been there. Again, I believe there is 60 feet there for access. It is just the 30 feet that I'm wanting.

Ms. Weaver – What I think you are referring to, when the right-of-way was platted, there was 60 feet here. This side is already vacated on his side of the property. The applicant is wanting to vacate the remaining 30 feet which is on the east side of the section line. (*pointing to the map*)

Mr. Perkins – How long ago did he get that piece? Do you know?

Ms. Weaver – That is not in City records because it is County property.

Mr. Perkins – OK, again, I'm just asking for that 30 feet. I'm not sure if he has ever cleaned up that area but I have cleaned it up myself several times. Also, he has the chain link fence. He gains access from the front

of the property. He goes in from 118<sup>th</sup> Avenue. I have never seen him go in from this side.

## **PUBLIC HEARING CLOSED**

## **BOARD DISCUSSION**

**MOTION** was made by Mr. Madden and **SECONDED** by Mr. Long to **APPROVE** case no. V 2017-3.

## **ROLL CALL VOTE**

Aye: Shelley, DeLong, Long, Braitling, Madden, Bommattei  
Nay: None

## **MOTION CARRIED UNANIMOUS VOTE**

Ms. Scalos – Swore in all those wishing to speak.

## **PUBLIC HEARING OPENED**

3. CASE NO.: PUD 2017-2/BOA 2017-16 (Quasi-Judicial)
- REQUEST: Consideration of a request to establish an "MUPUD" Mixed Use Planned Unit Development with underlying "B-1" General Commercial Zoning, generally located north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.) and south and east of Grand Avenue, providing for a subdivision into three parcels for two hotels and market-rate multifamily apartment units with a request for a variance to reduce parking.
- LOCATION: north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.), south and east of Grand Ave.

Ms. Weaver – Confirmed that all procedural requirements have been met and presented the staff report into the official record.

## **QUESTIONS FOR STAFF**

Mr. Madden – I noticed in the staff report that they are missing a landscape plan. Isn't a landscape plan a requirement of the application?

Ms. Weaver – No. Typically we get a landscape plan when the applicant knows they will need to get a waiver because they won't meet the landscape requirements. Without a landscape plan submittal, the applicant is committing to meet our landscape requirements.

Mr. Madden – On page 3 of the staff report, items say acknowledged and revised. What does that mean?

Ms. Weaver – The site plan in your package is a revision to the site plan that was submitted with the application. During the submittal, we reviewed the plan and sent these comments to the applicant. They then revised the plan. Some of them have been shown on the revised plan and some of them will be indicated on the final plat because they aren't determined at this time or required at this time. I have noted which ones.

===== ZONING DIVISION =====

CASE NUMBER: V 2017-3

APPLICANT: Warren Perkins

PZ HEARING: June 1, 2017

CC HEARING: July 13, 2017

=====

I. GENERAL INFORMATION

A. Request:

Consideration of a request for the vacation of a 30 foot wide and 160 foot long portion of 67<sup>th</sup> Street right-of-way, retaining a general purpose easement over its entirety.

B. Purpose:

Vacating a 30' wide portion of right-of-way to utilize for storage

C. Location:

67<sup>th</sup> Street between Tree Land Avenue and 119<sup>th</sup> Avenue

D. Site Area:

4,800 square feet (MOL)

E. Land Use Plan Designation:

Industrial Limited (IL)

Zoning District:

"M-1" Light Industrial

F. Public Notification:

May 12, 2017

G. Legal Advertising:

May 12, 2017

H. Utility Releases:

All Received

I. Legal Description:

"Exhibit A"

## II. SITE AND VICINITY CHARACTERISTICS

### A. Zoning/Development History:

This is a 30 foot wide right-of-way that was platted within Tree Land Park No. 2 Subdivision and recorded in Plat Book 33, Page 26. The property to the west is unincorporated County jurisdiction. The property to the east was annexed into the City in 1999 via Ordinance 2559 which was later corrected for a scrivener's error by Ordinance 2585. The property owner to the east was approved for a waiver (MS 2001-6) to the solid wall requirement on street frontages for outdoor storage to provide a solid fence on the property where a storage yard is located. In 2009, Ordinance 3715 was approved to voluntarily annex the 67<sup>th</sup> Street right-of-way into the City.

### B. Site characteristics:

This portion of right-of-way is 30 feet wide and has never been improved for public access. 67<sup>th</sup> Street begins one block south at 118<sup>th</sup> Avenue and ends one block north at Tree Land Avenue. At this time, the owner of the property to the east would like to have the right-of-way vacated to expand the storage yard located to the east. This vacation would not disrupt public travel of 67<sup>th</sup> Street.

### C. Vicinity Characteristics:

AREA	LAND USE PLAN MAP	ZONING	EXISTING CONDITIONS
NORTH	IL	M-1	Stellar Industrial Painters & Printers
SOUTH	IL	M-1	Perkins Concrete
EAST	IL	M-1	Storage yard, owned by Perkins Concrete
WEST	IL (Pinellas County)	C-3 (Pinellas County)	Storage yard

### D. Traffic Circulation and Impact:

#### 1. Characteristics:

ACCESS/ DESIGNATION	
67 <sup>th</sup> Street	Local
EXISTING CONDITIONS	
67 <sup>th</sup> Street	Unimproved, containing overhead and underground utilities

E. Essential Services Summary:

Assistant City Manager: No objection

Zoning Director: No objection

Building Division: No objection

Life Safety Management: No objection

Community Planning Division: No objection

Police Department: No objection

PPWMD: No objection

**Public Works Divisions**

Public Works Administrator: No objection

Engineering Services: No objection

Utilities Director: Comment: *Retain easement over entire ROW for water main and fire hydrants on east side and sewer main on west side.*

Transportation/Stormwater Dir: No objection

III. **COMMENTS FROM UTILITIES**

Frontier: *Facilities in area, must retain easement*

Brighthouse: *Facilities in area, must retain easement*

Duke Energy –  
Distribution and Transmission: *Overhead facilities in area, granted private easement*

PPWMD: *Outside jurisdiction*

TECO: *No objection*

WOW! Communications: *No objection*

Pinellas County Real  
Estate Management: *No objection*

III. **COMPREHENSIVE PLAN REVIEW**

A. Land Use:

Consistent  X  Inconsistent \_\_\_\_\_ Not applicable \_\_\_\_\_

The proposed Vacation will remain consistent with the Land Use Element of the City's Adopted Comprehensive Plan.

IV. SUMMARY REPORT

- A. Development Considerations: Staff would recommend retention of a multi-purpose easement over the entire area.
- B. Waivers Requested: None

V. FINDINGS OF FACT

After review of Case No. V 2017-3, the Zoning Division has identified the following Findings of Fact: That,

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation provided an easement is held over the area being vacated.

Exhibit "A"

THAT PORTION OF 67TH STREET RIGHT OF WAY TO BE VACATED AND A MULTI-PURPOSE EASEMENT RETAINED IS LOCATED WEST OF AND ADJACENT TO LOTS 14 AND 15, BLOCK B, TREE LAND PARK NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 26, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 15, BLOCK B, TREE LAND PARK NO. 2, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 87°41'47" WEST 30.00' TO THE WEST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE NORTH 00°03'58" EAST ALONG SAID RIGHT OF WAY LINE 160.00'; THENCE LEAVING SAID RIGHT OF WAY LINE, RUN SOUTH 87°41'47" EAST 30.00' TO THE EAST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE SOUTH 00°03'58" WEST ALONG SAID RIGHT OF WAY LINE 160.00' TO THE POINT OF BEGINNING. THE CITY OF PINELLAS PARK SHALL RETAIN A MULTI-PURPOSE EASEMENT OVER, ACROSS AND THROUGH THE ENTIRE AREA TO BE VACATED.

A PARCEL CONTAINING 0.11 ACRES M.O.L.

City of Pinellas Park, Florida

APPLICATION FOR VACATION OF EASEMENTS OR RIGHTS-OF-WAY

FOR OFFICE USE ONLY

CASE # V 2017-3 UTILITY/MAIL RECEIPTS: ☒ PZ MEETING: 6/1/17 CC MEETING: 7/13/17  
PLAT SHEET: HAIS RELATED CASES: — RECEIPT NUMBER: —  
ZONING DISTRICT: M-1 LAND USE DESIGNATION: IL DATE RECEIVED: 243005

REQUEST AND PROPERTY INFORMATION

GENERAL LOCATION OF PROPERTY TO BE VACATED: 6692 119 AV N  
Largo, FL 33773  
REASON FOR VACATION REQUEST: TO USE + OWN

AN EXACT LEGAL DESCRIPTION OF THE PROPERTY TO BE VACATED MUST BE SUBMITTED. THE CITY SUGGESTS THE APPLICANT CONTACT A REGISTERED SURVEYOR TO DETERMINE THE EXACT LEGAL DESCRIPTION. IF NEEDED, THE CITY MAY REQUIRE A SURVEY OF THE SUBJECT PROPERTY.

LEGAL DESCRIPTION OF PROPERTY TO BE VACATED (attach if lengthy):

LEGAL DESCRIPTION: LOT \_\_\_\_\_, BLOCK \_\_\_\_\_, SUBDIVISION \_\_\_\_\_

PARCEL NUMBER(S): \_\_\_\_\_

I (we) the undersigned, do hereby make application for vacation of public easements or rights-of-way and do certify that the information contained in this application is true and correct to the best of my (our) knowledge.

Signature of Applicant

Date

4/10/17

Signature of Applicant

Date

OWNER / APPLICANT INFORMATION

PROPERTY OWNER: Walter Perkins PHONE: 727, 6864731

ADDRESS/CITY/ZIP: 6692 119 AV N Largo, FL 33773

AUTHORIZED AGENT: \_\_\_\_\_ PHONE: (\_\_\_\_\_) \_\_\_\_\_

ADDRESS/CITY/ZIP: \_\_\_\_\_

OTHER REPRESENTATIVE: \_\_\_\_\_ PHONE: (\_\_\_\_\_) \_\_\_\_\_

ADDRESS/CITY/ZIP: \_\_\_\_\_

VACATE.APL - Last Revised 12/09, 2/11, 4/13, 5/1, 2/15, 5/15



**VACATE RIGHT OF WAY AND RETAIN A MULTI-PURPOSE EASEMENT**

THAT PORTION OF 67TH STREET RIGHT OF WAY TO BE VACATED AND A MULTI-PURPOSE EASEMENT RETAINED IS LOCATED WEST OF AND ADJACENT TO LOTS 14 AND 15, BLOCK B, TREE LAND PARK NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 26, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 15, BLOCK B, TREE LAND PARK NO. 2, FURTHER DESCRIBED ABOVE, SAID POINT BEING THE POINT OF BEGINNING, RUN NORTH 87°41'47" WEST 30.00' TO THE WEST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE NORTH 00°03'58" EAST ALONG SAID RIGHT OF WAY LINE 160.00'; THENCE LEAVING SAID RIGHT OF WAY LINE, RUN SOUTH 87°41'47" EAST 30.00' TO THE EAST RIGHT OF WAY LINE OF UNIMPROVED 67TH STREET; THENCE SOUTH 00°03'58" WEST ALONG SAID RIGHT OF WAY LINE 160.00' TO THE POINT OF BEGINNING. THE CITY OF PINELLAS PARK SHALL RETAIN A MULTI-PURPOSE EASEMENT OVER, ACROSS AND THROUGH THE ENTIRE AREA TO BE VACATED.

A PARCEL CONTAINING 0.11 ACRES M.O.L.

Date: December 8, 2016

**Frontier**  
COMMUNICATIONS

Mike Little  
Region rights of way &  
Municipal Affairs Mgr.  
813 892-9648  
michael.e.little@ftr.com

RE: 67<sup>th</sup> Ave. Vacation request for at 6688 118<sup>th</sup> Ave & 6692 119<sup>th</sup> Ave

**Perkins Concrete, Inc.**

6692 119<sup>th</sup> Ave. North  
Largo, FL. 33373

Dear Mr. Perkins,

☒ Frontier Florida LLC has no objection as long as an easement is provided since, Frontier has facilities in the requested vacate area. Please see attached sketch.

☐ Frontier Florida LLC does object to the above referenced easement or right of way vacation. This is necessary, as we have facilities in the existing rights of way.

☐ Frontier Florida LLC has no objection to the above referenced request as per the attached plan.

☐ Frontier Florida LLC has conditional approval to the above referenced vacate providing that access will be provided as needed for Frontier to maintain and provide service.

Please be advised that Frontier may have facilities in the area. Please contact Sunshine 811 two full business days prior to commencement of construction at 811 for utility locations. Please call me if you have any questions or need any additional information at (813) 892-9648.

Sincerely,



Mike Little  
Network Engineering

A Part of Frontier Communications

**bright house**

NETWORKS



Date: November 25, 2016

Re: 6690 119<sup>th</sup> Ave N Largo Florida, 33773 Tree Land Park No 2 Plat book 33 Page 26

\_ XXX Bright House Networks has no objections provided easements for our facilities are Retained / granted

Bright House has no objections provided applicant bears the expense for relocation of any Bright House facilities to maintain service to customers affected by the proposed Vacate.

\_\_\_\_\_ In order to properly evaluate this request, Bright House will need detailed plans of facilities proposed for subject areas.

\_\_\_\_\_ Bright House has facilities within this area, which may conflict with subject project Please call one call locating. **SEE NOTES**

\_\_\_\_\_ Bright House requires 30 days written notice prior to construction start date to relocate their facilities.

NOTES:

  
Sincerely,

Ozzie Perez

Bright House Networks

Field Engineer

Pinellas County

727-329-2817



2166 Palmetto Street  
Clearwater, FL 33765: CW-13

Jason.McDarby@duke-energy.com

o: 727.562.5706

f: 727-562-5753

February 17, 2017

Warren Perkins  
6692 119<sup>th</sup> Avenue North  
Largo, Florida 33373

**RE: *Approval of vacation of a portion of Right-of-Way  
A portion of 67<sup>th</sup> Street  
Section 07, Township 30 South, Range 16 East, Pinellas County, Florida***

Dear Mr. Perkins,

Please be advised that **DUKE ENERGY FLORIDA, LLC, d/b/a DUKE ENERGY** *Distribution Department and Transmission* has **"NO OBJECTIONS"** to the vacation of that portion of Right-of-Way that lies West of Lots 14 and 15, Block B, TREE LAND PARK NO. 2.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason McDarby', written over a horizontal line.

Jason McDarby  
Land Rep  
Distribution Right of Way - Florida



**PINELLAS PARK  
WATER MANAGEMENT  
DISTRICT**

Phone (727) 528-8022

Fax (727) 528-9444

Email: [info@ppwmd.com](mailto:info@ppwmd.com)

**CHARLES L. TINGLER**  
Chairman

**ED TAYLOR**  
Vice Chairman

**MICHAEL S. FARRELL**  
Treasurer

**RANDAL A. ROBERTS**  
Executive Director

**TO:** Perkins Concrete  
6692 119<sup>th</sup> Avenue North  
Largo, FL 33373  
Attn: Warren Perkins

**FROM:** Pinellas Park Water Management District (PPWMD)

**DATE:** December 2, 2016

**SUBJECT:** Vacation of a Right-of-Way or Easement

Dear Mr. Warren Perkins,

I reviewed your letter dated November 14, 2016 concerning the vacation of the Right-of-Way/Easement abutting your property at 6692 119<sup>th</sup> Avenue North, Largo, FL. Your property is outside the Pinellas Park Water Management District's jurisdiction therefore the Pinellas Park Water Management District has no objection/comments concerning any vacation of Right-of-Way/Easement abutting your property. Please let know if you need any additional comments.

Sincerely,

Randal A. Roberts,  
Executive Director

cc: Dean Neal, Zoning Director  
City of Pinellas Park



April 4, 2017

Warren Perkins  
Perkins Concrete  
6692 119<sup>th</sup> Ave N  
Largo, FL 33373

**RE: All Lot 14 and 15 Block B according to the Plat of Tree Land Park No 2  
Pinellas Park, FL 33782**

Dear Warren Perkins,  
TECO/Peoples Gas has no facilities in the area and we have no objection to the vacation of the right of way.

If you need any additional information, please contact the Engineering Department at (727) 826-3230.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Zwissler".

Ray Zwissler  
Construction Coordinator  
TECO/Peoples Gas  
[sprsz@tecoenergy.com](mailto:sprsz@tecoenergy.com)  
office 727-826-3258



It's that kind of experience.

wowway.com

**WOW! Internet Cable Phone**

Warren Perkins  
Perkins Concrete, Inc.  
6692 119<sup>th</sup> Avenue north  
Largo, FL 33373

Date: November 23, 2016

Re: **Petition to Vacate: See attached legal description**  
**6692 119<sup>th</sup> Avenue North**  
**Pinellas County**

Dear Warren Perkins:

Thank you for advising Wide Open West (WOW!) of the Petition to Vacate.

XX **WOW! has no objection/conflict.**

\_\_\_\_\_ In order to properly evaluate this request, WOW! will need detailed plans of the facilities proposed for the subject areas.

\_\_\_\_\_ WOW! has buried facilities within the project limits which may conflict with the subject project. Please call Sunshine State One Call of Fla. Inc. (1-800-432-4770) for locating prior to construction.

Please refer any further correspondence and pre-construction meeting notices to:

**WOW!**  
**John Burlett**  
**Construction Technician - Lead**  
**3001 Gandy Blvd. N.**  
**Pinellas Park, FL 33782**

Sincerely,

John Burlett  
Construction Technician - Lead  
WOW! Pinellas County  
(727) 239.0158 Main  
(727) 235.4470 Mobile

3001 Gandy Blvd N  
Pinellas Park, FL 33782

V 2017-3



April 10, 2017

- Master Address Points
- CSX Railroad Lines
- Centerlines
- Private Roads
- Building Footprints
- Waterbodies Channels
- Channel
- Ditch
- Pinellas Park
- Rights of Way
- Annexations

1:1,266  
0 0.01 0.02 0.03 0.04 mi  
0 0.015 0.03 0.06 km

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox India, OpenStreetMap contributors, and the GIS User Community





# City of Pinellas Park

## Staff Report

**File #: 17-160, Version: 1**

**Agenda Date: 7/13/2017**

**ORDINANCE NO. 4028. AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1501.5, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK, FLORIDA, CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 28TH STREET EXTENSION, SOUTH AND EAST OF GRAND AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL COMMERCIAL ZONING DISTRICT TO "B-1" GENERAL COMMERCIAL ZONING DISTRICT WITH AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT FOR A 270-UNIT APARTMENT COMMUNITY AND TWO HOTEL DEVELOPMENT; IMPOSING CONDITIONS OF 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 2017-2/BOA 2017-16, Huntley Properties, LLC)**

**FIRST READING PRIOR TO PUBLIC HEARING  
(Public Hearing July 27, 2017 - QUASI JUDICIAL)**

NOTE: The applicant is requesting to establish an "MUPUD" Mixed Use Planned Unit Development Overlay with underlying "B-1" General Commercial Zoning to subdivide 22.09 acres (MOL) into 3 parcels for a 270-unit market rate apartment complex and two hotels. In addition, the applicant requests a variance to reduce parking for multifamily from 2 spaces per unit to approximately 1.9 spaces per unit. Aside from the parking variance, the development is designed to meet all City standards and Code requirements, as well as the Gateway Centre Covenants, Conditions and Restrictions. The apartment complex will comprise of five 4-story buildings, retention ponds and open area for resident amenities which include a pool and playground. The entire complex will be fenced in and gated at two entrances. The 28th Street Extension is currently a 100-foot-wide access easement and will be dedicated to the City as public right-of-way as part of the final plat for this development. The Planning and Zoning Commission, at their public hearing of June 1, 2017, recommended approval of the above requests. An approval will be subject to the following condition:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Gulfcoast Consulting, Inc. and last revised on June 13, 2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of "MUPUD" Mixed Use Planned Unit Development adoption.

2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.

ACTION: (Pass - Deny) Ordinance No. 4028.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1501.5, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK, FLORIDA, CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 28<sup>TH</sup> STREET EXTENSION, SOUTH AND EAST OF GRAND AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL COMMERCIAL ZONING DISTRICT TO "B-1" GENERAL COMMERCIAL ZONING DISTRICT WITH AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT FOR A 270-UNIT APARTMENT COMMUNITY AND TWO HOTEL DEVELOPMENT; IMPOSING CONDITIONS OF 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 2017-2/BOA 2017-16, Huntley Properties, LLC)

---

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

SECTION ONE: That the following described property generally located north of the 28<sup>th</sup> Street Extension and south and east of Grand Avenue, lying within Section 22, Township 30 South, Range 16 East, is hereby rezoned from "B-1" General Commercial Zoning District to "B-1" General Commercial Zoning District with an "MUPUD" Mixed Use Planned Unit Development overlay:

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

For purposes of Section 18-1529, Planned Unit Development District, the "B-1" General Commercial Zoning District shall be

considered to be the underlying zoning on the aforementioned property at the time of rezoning hereby to "MUPUD" Mixed Use Planned Unit Development.

SECTION TWO: That the Master Plan and Supporting Documentation for the development, an "MUPUD" Mixed Use Planned Unit Development, are adopted for the purpose of controlling development on the 22.09 acres MOL parcel of land located north of 28<sup>th</sup> Street Extension and south and east of Grand Avenue, and more particularly described as follows:

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

SECTION THREE: That the following attached Exhibit "B" shall be controlling as to the development of said multi-family and hotel development, and is adopted as part of this ordinance as:

**EXHIBIT "B"- MASTER PLAN**

and, that the following conditions of approval be adopted:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Gulfcoast Consulting, Inc. and last revised on 6/13/2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of "MUPUD" Mixed Use Planned Unit Development adoption.

2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.

SECTION FOUR: 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 FIVE: The City Zoning Map is hereby amended to conform to the provisions of this Ordinance.

SECTION SIX: That this Ordinance shall become effective immediately upon its final passage and adoption.

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

PUBLISHED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

FIRST READING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sandra L. Bradbury  
MAYOR

ATTEST:

\_\_\_\_\_  
Diane M. Corna, MMC  
CITY CLERK

EXHIBIT "A"

EXHIBIT "B"

MASTER SITE PLAN  
(prepared and submitted by Gulfcoast Consulting, Inc., and last  
revised on June 13, 2017)



City of  
**PINELLAS PARK**

6141 78TH AVE. • P.O. BOX 1100  
PINELLAS PARK, FL 33780-1100

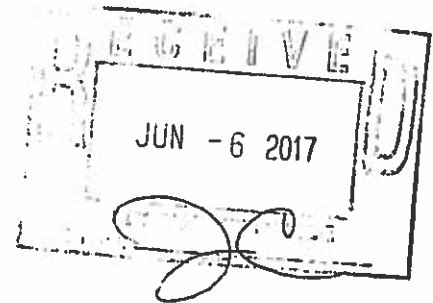
**Please Respond To:**

James W. Denhardt, City Attorney  
Law Offices of James W. Denhardt  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile



**FLORIDA**

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



June 5, 2017

Ms. Anna Weaver  
Zoning Division  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #17-113  
Ordinance Amending Section 18-1501.5,  
PUD 2017-2/BOA 2017-16, Huntley Properties**

Dear Ms. Weaver:

I have received and reviewed the above-referenced ordinance. Assuming that the correct legal description is inserted into Exhibit A, I would otherwise 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  
Patrick Murphy, Assistant City Manager  
Dean Neal, Zoning Director

JWD/dh



PRINTED ON RECYCLED PAPER

of the property. He goes in from 118<sup>th</sup> Avenue. I have never seen him go in from this side.

## **PUBLIC HEARING CLOSED**

## **BOARD DISCUSSION**

**MOTION** was made by Mr. Madden and **SECONDED** by Mr. Long to **APPROVE** case no. V 2017-3.

## **ROLL CALL VOTE**

Aye: Shelley, DeLong, Long, Braitling, Madden, Bommattei

Nay: None

## **MOTION CARRIED UNANIMOUS VOTE**

Ms. Scalos – Swore in all those wishing to speak.

## **PUBLIC HEARING OPENED**

3. CASE NO.: PUD 2017-2/BOA 2017-16 (Quasi-Judicial)

REQUEST: Consideration of a request to establish an "MUPUD" Mixed Use Planned Unit Development with underlying "B-1" General Commercial Zoning, generally located north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.) and south and east of Grand Avenue, providing for a subdivision into three parcels for two hotels and market-rate multifamily apartment units with a request for a variance to reduce parking.

LOCATION: north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.), south and east of Grand Ave.

Ms. Weaver – Confirmed that all procedural requirements have been met and presented the staff report into the official record.

## **QUESTIONS FOR STAFF**

Mr. Madden – I noticed in the staff report that they are missing a landscape plan. Isn't a landscape plan a requirement of the application?

Ms. Weaver – No. Typically we get a landscape plan when the applicant knows they will need to get a waiver because they won't meet the landscape requirements. Without a landscape plan submittal, the applicant is committing to meet our landscape requirements.

Mr. Madden – On page 3 of the staff report, items say acknowledged and revised. What does that mean?

Ms. Weaver – The site plan in your package is a revision to the site plan that was submitted with the application. During the submittal, we reviewed the plan and sent these comments to the applicant. They then revised the plan. Some of them have been shown on the revised plan and some of them will be indicated on the final plat because they aren't determined at this time or required at this time. I have noted which ones.

Mr. Madden – The Police Department made a note that addressed some comments made during the pre-development meeting. Since we weren't privy to that, what were the comments?

Ms. Weaver – They are just taking notice that there could be increased traffic in the area.

## PROPOSERS

Mr. Robert Pergolizzi – Gulf Coast Consulting, 13825 ICOT Blvd. Suite 605 Clearwater, FL and I have been sworn. Our application, as Ms. Weaver described, is for a MUPUD with B-1 zoning and CG land use. We are proposing two hotels and multifamily which are both permitted uses. The property is surrounded to the north with Epic apartments, south is Maserati, east is M-1 zoning which is WOW (internet/cable company), and west is Grand Avenue and open space. As described, these will be 270 mid-rise apartments, a 126 room hotel and 130 room hotel. On our plan, the building setbacks are greater than the required setbacks in the B-1 zoning district and they conform to the Gateway Center declarations. The max height in B-1 is 50 feet and in the Gateway Center declarations, up to 72 feet is allowed so we are asking for a variance for up to 72 feet. As for open space, minimum requirements are 25% and according to my calculations, we are about 48% of open space. The applicant is seeking a density ratio of 17.13 units per acre by proposing 270 units on the 15.6 acre apartment site within the MUPUD. This proposal meets all the special provisions of the Code. We are asking for a slight variance to parking for only the multifamily portion of this project. Parking code requires two parking spaces per unit. We are seeking to bring that down to 1.9 which is a slight variance. The reason for that is we had a similar parking variance approved at The Epic of Gateway project. We find that the types of apartments don't require anywhere near two spaces per unit. We have done a study on the proposed bedrooms with unit mix in this proposed project. We will have mostly studios and one bedroom apartments so the number of bedrooms are less than you would normally see. Proposed is 270 units with 451 bedrooms. The number of parking spaces we are showing on the plan is 520. Based on that, the parking ratio comes out to 1.15 parking spaces per bedroom. The variance was granted for The Epic at Gateway with 1.06 per bedroom. We are a little bit above that. In summary, we feel the MUPUD is beneficial to the City, provides ample parking for the uses, excessive building setback requirements to provide for the increased building height which is consistent with the Gateway Center declarations and minimizes the asphalt paving for a more sustainable development. We respectfully request your recommendation for approval tonight.

Mr. Madden – The retention pond on the site plan at Grand Avenue, is that going to be a wet or dry pond?

Mr. Pergolizzi – Right now it is a wet pond and we believe it will remain a wet pond as we will be reconfiguring it to make it slightly larger.

Mr. Madden – For wet ponds, do we require fencing around it?

Ms. Weaver – I'm not aware of that requirement as I don't review the ponds. I doubt it, I don't typically see fences around them.

Mr. Madden – I notice you have a proposed fence. What type of fence will it be?

Mr. Lance Chernow – Davis Development, 403 Corporate Center Drive Suite 201, Stockbridge, GA and I have been sworn. We haven't decided on that yet but typically it will be a decorative, faux steel fence and 5

to 6 feet in height.

Mr. Madden – Will the fence go around the entire project?

Mr. Chernow – Yes, it will go around the apartment community. It will be a gated community with secured access for the residents. I believe parts of the sidewalks are outside of the fencing so that residents may use the active open space.

Mr. Madden – On the north side, will that pond be a wet or dry pond?

Mr. Chernow – We are planning on it to be wet pond. Our goal for that pond is to make it an active amenity for the residents. We are thinking about a boardwalk area with a path around the pond so that residents can truly enjoy the greenspace. Our goal is to make it active and useable space.

Mr. Madden – What is the relationship with hotel one and two? They are sharing another retention area in the northeast corner. It's hard to share responsibility.

Mr. Chernow – The hotel ponds will be shared between the two. The multifamily ponds are independent from the hotel ponds.

Mr. Madden – I understand that. Are the hotel separate entities?

Mr. Pergolizzi - We anticipate two separate hotels and two separate entities. They may be part of the same chain but we don't know for sure yet.

Mr. David Freeman – RBF Properties, 14502 N. Dale Mabry Hwy Suite 200, Tampa, FL and I have been sworn. Normally how we handle this is through a reciprocal easement agreement. We have done these several times over the last 30 years. One party will be responsible for maintaining it.

Mr. Madden – That's fine. I just don't want them pointing fingers saying it's your responsibility not mine and vice versa. I just have one last question. The dedication to 28<sup>th</sup> Street, are they already public or private roads?

Ms. Weaver – To back up to the pond question, the City will review the easement agreement Mr. Freeman is talking about. For the right-of-way, that is actually part of this property. It has been used as a public right-of-way but it is actually a 100 foot easement. The applicant will dedicate it to the City as part of the final plat for this project.

## OPPONENTS

None

## REBUTTAL

None

## PUBLIC HEARING CLOSED

## BOARD DISCUSSION

**MOTION** was made by Mr. DeLong and **SECONDED** by Ms. Madden to **APPROVE** PUD 2017-2/BOA 2017-16 subject to the following conditions:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Gulfcoast Consulting, Inc. and last revised on May 24, 2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of "MUPUD" Mixed Use Planned Unit Development adoption.
2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.

## ROLL CALL VOTE

Aye: Bommattei, DeLong, Braitling, Madden, Long, Shelley  
Nay: None

## MOTION CARRIED UNANIMOUS VOTE

## NEW BUSINESS

None

## GENERAL BUSINESS

None

## ADJOURNMENT

**MOTION** was made by Mr. Bommattei and **SECONDED** by Mr. DeLong to **ADJOURN** the meeting.

## ROLL CALL VOTE

Aye: DeLong, Long, Shelley, Braitling, Madden, Bommattei  
Nay: None

## MOTION CARRIES UNANIMOUS VOTE

Meeting adjourned at approximately 7:45 p.m.

---

Dennis Shelley, CHAIRPERSON

=====ZONING DIVISION=====

CASE NUMBER: PUD 2017-2/BOA 2017-16  
PZ HEARING: June 1, 2017  
CC HEARING: July 13, 2017 (1<sup>st</sup> Read)  
July 27, 2017 (Public Hearing)

OWNER: Huntley Properties, LLC  
AGENTS: RBF Properties, Inc.  
Robert Pergolizzi, AICP, Gulfcoast Consulting

I. GENERAL INFORMATION

A. Request:

Consideration of a request to establish an "MUPUD" Mixed Use Planned Unit Development with underlying "B-1" General Commercial Zoning, generally located north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.) and south and east of Grand Avenue, providing for a subdivision into three parcels for two hotels and market-rate multifamily apartment units with a request for a variance to reduce parking.

B. Proposed use:

Parcel 1 – 126 room hotel  
Parcel 2 – 130 room hotel  
Parcel 3 – 270 market-rate apartment units

C. Location:

north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.),  
south and east of Grand Ave.

D. Site Area:

22.09 acres (MOL)

E. Land Use Plan Designation:

Commercial General (CG)

Zoning Classification:

"MUPUD" Mixed Use Planned Unit Development with  
underlying "B-1" General Commercial Zoning

F. Public Notification:

May 12, 2017

G. Legal Advertising:

May 12, 2017

H. Legal Description:

See attached Exhibit "A"

## II. SITE AND VICINITY CHARACTERISTICS

### A. Zoning/Development History:

The subject parcel is vacant land that was once subject to the Gateway Centre-Pinellas Park Development of Regional Impact (DRI) development order. This DRI was rescinded on November 10, 2016 by Ordinance No. 3997 lifting those requirements of the property. In addition to the Land Development Code, the parcel is also regulated by the Gateway Centre Covenants, Conditions and Restrictions that set forth design standards that must be adhered to when developing within Gateway Centre. Variances to these standards may be applied for and approved by the Gateway Architectural Control Committee, or City Council, depending on the nature of the request.

### B. Site Characteristics:

The subject property is bound to the south by 28<sup>th</sup> Street Extension (also known as the North Gandy Frontage Road). This road is classified as an arterial right-of-way and has been developed privately as a 100-foot-wide easement with two undivided travel lanes, no curbing and open stormwater ditches on either side. To the east is the WOW Communications property. To the north and west is Grand Avenue, which curves around the property and is developed as a four-lane divided arterial public right-of-way.

### C. Vicinity Characteristics:

AREA	ZONING	LAND USE	EXISTING CONDITIONS
NORTH	B-1/M-1	CG/IL	EPIC at Gateway apartments
SOUTH	B-1	CG	Maserati/Alfa Romeo dealership
EAST	M-1	IL	WOW Communications
WEST	B-1	CG	Open space and retention for EPIC at Gateway

### D. Essential Services Summary:

Assistant City Manager:

No objection

Zoning Director:

Comment: **(responses in bold)**

- 1. Requires approval for parking encroachment into 43' landscape buffer easement. Also, upright (vertical) curbs required abutting 43' easement. Site plan received approval from Gateway Architectural Control Committee.*
- 2. Identify garage spaces. Remove "tandem" and stripe these spaces if considered part of required parking. Spaces behind garages are reserved for renters of garage only.*

3. *Will buildings have balconies? Yes.*
4. *Acknowledge any County requirement for distance from Resource Recovery Center - Dump. Pinellas County Land Development Code dictates 2,000 ft requirement from Dump to residential. This property is over 5,000 ft from the property line.*
5. *Provide commitment to maintain all stormwater facilities. Will provide at final site plan.*
6. *Provide Declaration of Easements. Will provide with final plat documents.*
7. *Provide Declarations related to maintenance responsibilities. Will provide with final plat documents.*

Life Safety Management:

*Comment: No issue with Zoning. Will require full Fire plan review.*

Building Division:

*Comment: Buildings to meet the requirements of the Florida Building Code. Height is regulated in building code as well.*

Army Reserve Medical Command:

Not received

Community Planning:

*No objection: Comprehensive Plan Policies consistent with this development have been included in the case file.*

Police Department:

*Comment: Traffic concerns as addressed in pre-development meeting*

PPWMD:

No objection

FDOT:

Not received

Pinellas County Public Schools:

Not received

Public Works Divisions:

Administrator:

No objection

Engineering Services:

**Comment: (responses in bold)**

1. *Ensure new configured stormwater pond at southwest corner has same capacity as existing pond and takes the same drainage as current. **Acknowledged. Details will be shown at final site plan.***
2. *Dedicated public road will need to be resurfaced and base repairs made as needed especially at west end. **Repairs will be made as agreed upon by all parties prior to dedication to the City.***
3. *The parking lot is encroaching the drainage easement at northeast corner. **Any and all drainage displaced will be accounted for in newly designed stormwater retention with site design.***



Utilities Director:  
Transportation and Stormwater Div:

No objection  
No objection

City of St. Petersburg Urban Planning:

No objection

City of St. Petersburg Transportation:

*Comment: The level of service on 28th Street is acceptable and spare capacity is available for new trips. Gandy Boulevard east of I-275 is being converted into an expressway and will have additional capacity for new trips as well. Some of the project trips will be placed on roads west and north of St. Petersburg. Consequently, this project will likely not have a significant impact on St. Petersburg.*

### III. MASTER PLAN REVIEW

- A. Ingress and egress to the development and proposed structures and all with particular reference to automotive and pedestrian safety, separation of automotive traffic and control, provision of services and servicing of utilities and refuse collection and ingress/egress in case of fire, catastrophe and emergency.

Analysis: All interior circulation provided for access to adjacent parking areas shall be privately owned and maintained by the parcel owners. The proposed driveway to Parcels 1 and 2 is shared and located off the 28<sup>th</sup> Street Extension approximately 260 feet west of the eastern-most property line. A driveway to Parcel 3 is proposed approximately 450 feet east of the Grand Avenue right-of-way line and will serve as a resident-only gated entrance to the multi-family community. The main entrance to the multi-family parcel (Parcel 3) is proposed at the northwest corner of the property directly across Grand Avenue from the Epic at Gateway apartment community. The applicant will construct a sidewalk around all property lines, as required. On site refuse collection will be via dumpster on Parcels 1 and 2 for the hotels. The apartment community will have a trash chute and roll-out dumpsters in the first floor of each building.

Traffic impacts are as follows:

1. Characteristics:

ACCESS / DESIGNATION	
Grand Avenue	Arterial
28 <sup>th</sup> Street Extension	Arterial
EXISTING CONDITIONS	
Grand Avenue	4-lane divided
28 <sup>th</sup> Street Extension	2-lane undivided private road

2. Trip Generation:

<b>BY PREVIOUS USE - vacant</b>
0 trips
<b>BY PROPOSED USE - 270 apartments and two hotels</b>
6.6 trips per dwelling unit x 270 units = 1,782 trips per day
8.2 trips per room x 256 rooms = 2,099 trips per day
<b>TOTAL = 3,881 trips per day*</b>

\* Based upon the Pinellas County MMIF Ordinance Trip Generation Rates. Also see the applicant's Transportation Management Plan Assessment as submitted with the application.

3. Level of Service:

Grand Avenue	LOS D
28 <sup>th</sup> Street Extension	LOS B

- B. Location and relationship of off-street parking and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

Analysis: Internal traffic will be guided by interior islands and directional arrows. All access aisles are wide enough for emergency vehicles, provided radius requirements are met during final site plan review by the Fire Department. Sidewalks are proposed around the entire PUD. A landscape plan has not been included in this submittal and the applicant has committed to meeting all City landscape Code requirements in addition to the Gateway Center Covenants, Conditions and Restrictions requirements. In discussion with the City of St. Petersburg Transportation Department, it has been determined that the surrounding roadways have satisfactory capacity to sustain the additional trips created by this development.

- C. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes, and other nuisances.

Analysis: The proposed site plan meets all of today's Code requirements for setbacks. Landscaping was not included in this submittal; however, the applicant has committed to meet City landscape requirements. Parking lot lighting requires the use of cut off fixtures to direct light downward to minimize impacts to the rights-of-way and adjacent properties.

- D. Drainage on the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. City Council may grant approval, subject to approval by the City Manager, or his designee, of a drainage plan as required by the City Drainage Code.

Analysis: The existing pond at the southwest corner of the property (within Parcel 3) will be reconfigured within the new development and is proposed at 0.47 acres (MOL). In addition, a second pond is proposed at the north east corner of Parcel 3 at 1.27 acres (MOL). A third 1.5 acre (MOL) retention pond is proposed north of Parcels 1 and 2 to be shared. The design and details will be subject to review and approval by the Southwest Florida Water Management District and the City Transportation and Stormwater Division at the time of permitting.

- E. Availability and compatibility of hook-in locations between the project and necessary utilities.

Analysis: Water and sewer are available and adequate to serve this project based on the following:

	<b>Pinellas County water*</b>	<b>City of Pinellas Park water**</b>
Permitted supply capacity	208.75 MGD	7.5 MGD
Average daily demand	60.53 MGD	4.1 MGD
Maximum daily demand (avg x 1.5)	90.79 MGD	5.2 MGD
<b>Remaining Capacity</b>	<b>117.96 MGD</b>	<b>2.3 MGD</b>

\*Data as of 2012 in Pinellas County Comprehensive Plan

\*\*Data as of 2013 COPP Annual Report

- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with adjacent properties.

Analysis: Any signage desired will need to meet the requirements of Article 6, Signs, of the Land Development Code and will be reviewed with Final Site Plan Review. Exterior lighting shall be limited to internal vehicular use areas and shall not spill over into abutting properties or rights-of-way.

- G. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development surrounding landscape.

Analysis: This PUD Master Site Plan is designed with three total parcels. Parcel 1 proposes a 126-room hotel with associated amenities, vehicular use area and landscaping. Parcel 2 proposes a 130-room hotel with associated amenities, vehicular use area and landscaping. Each of these hotels are to be constructed with a porte-cochere fronting the 28<sup>th</sup> Street Extension. Parcel 3 proposes a 270-unit apartment complex comprising of five 4-story buildings. Building 1, as shown at the west end of the property, facing the main entrance off Grand Ave, will include the clubhouse and leasing office. A pool and amenity area will be directly behind this building. Between Buildings 2, 3 and 5 will be another amenity area including, but not limited to, open area, a playground, benches and dog walk. This PUD submittal did not include a full landscape plan, however all buffers and islands are an appropriate width to provide for Code-compliant landscaping.

- H. Proximity, relationship and compatibility of existing and proposed surrounding land use.

Analysis: This PUD is located within the "B-1" General Commercial Zoning District which allows for multi-family and hotel uses. In addition, Parcel 3 is functionally abutting another multi-family development to the west.

- I. General amenities included as part of the development to complement the character of the surrounding area.

Analysis: A clubhouse with gym and leasing office will be within Building 1 of the apartment parcel. A pool is planned directly behind and to the southeast of the office. A considerable amount of open space will be available to residents. Some of this area will consist of a playground area and a dog park.

- J. Treatment and location of handling of solid waste disposal.

Analysis: Parcel 1 proposes a dumpster enclosure at the north east corner of the property. Parcel 2 proposes a dumpster enclosure at the northwest corner of the property. Parcel 3 proposes trash chutes and roll-out dumpsters within the first floor of each building.

- K. Landscaping and preservation of natural or man-made features of the site including trees and other vegetation.

Analysis: A landscape plan was not included with this Master Site Plan submittal. The applicant asserts that all Code requirements shall be met along with all of the Gateway Center Covenants, Conditions and Restrictions requirements. After review of this Master Site Plan, it appears that all buffer and island widths are compliant.

IV. Sec. 18-1537.2. VARIANCE REVIEW CRITERIA (BOA 2017-16)

Variances from the terms of this Ordinance shall not be granted by the City Council sitting as the Board of Adjustment unless and until a written application for the variances is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

5. The City Council shall further make a finding that the reasons set forth in the application justify the granting of the variances, and that the variances are the minimum variances that will make possible the reasonable use of the land, building or structure.
6. The City Council shall further make a finding that the granting of the variances will be in harmony with the general purpose and intent of this Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

*The applicant requests a variance to parking within Parcel 3 (apartments) to provide 1.9 spaces per unit (520) where 2 per unit (540) is required.*

Analysis: The mix of units proposed includes 18 studio apartments, 108 one-bedroom apartments, 107 two-bedroom apartments and 37 three-bedroom apartments. The occupancy of the studio and one-bedroom apartments could significantly reduce parking demand if they are occupied by one person. Occupancy rates and work shift variations may influence parking demand within multi-family developments, potentially resulting in less parking demand than single family residential dwelling.

#### V. DEVELOPMENT CONSIDERATIONS

1. Application for building permits shall be submitted within six (6) months of Master Plan approval.
2. Any proposed signage shall be in compliance with Article 6. Signs, of the Land Development Code.
3. The developer shall provide such documents as referenced in Section 18-1529.4 relative to unified control and assurances related to completion of the project.
4. The applicant shall be required to cooperate with Pinellas Suncoast Transit Authority (PSTA) on any provision of transit-required infrastructure needed in relation to this development.

#### VI. MOTION

After review of the Master Plan and the review criteria of Section 18-1539.3, I move to APPROVE/DENY Case No. PUD 2017-2/BOA 2017-16 for the adoption of a Master Plan within a "MUPUD" Mixed Use Planned Unit Development overlay ("B-1" underlying zoning) or a zoning classification of lesser intensity as identified in Chapter 18, Land Development Code of the City Code of Ordinances on 22.09 acres (M.O.L.) of land generally located north of 28<sup>th</sup> Street Extension (N. Gandy Frontage Rd.) and south and east of Grand Ave.; subject to the following conditions:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Gulfcoast Consulting, Inc. and last revised on June 13, 2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All

regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of "MUPUD" Mixed Use Planned Unit Development adoption.

2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.

*City of Pinellas Park, Florida*  
APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD)

\*\*\*\*\*  
FOR OFFICE USE ONLY

CASE #: PUD 2017-2 PZ MEETING: June 1, 2017 C/CRA MEETING: 7/13/17 + 7/27/17  
PLAT SHEET: G-6 RELATED CASES: BCA 2017 RECEIPT NUMBER: 243008  
ZONING DISTRICT: B-1 LAND USE DESIGNATION: CG DATE RECEIVED: April 25, 2017

\*\*\*\*\*  
REQUEST AND PROPERTY INFORMATION

REQUEST: MUPUD overlay on a B-1 zoned property to allow multi-family development and hotel  
on a 22.09 acre property in a mixed-use setting.

GENERAL LOCATION OF PROPERTY OR ADDRESS: N.E. Corner of Grand Avenue/ 28th Street intersection in  
Gateway Center.

PROPERTY SIZE (Acreage or Square Feet): 22.09 acres

CURRENT USE, NUMBER AND TYPE OF BUILDINGS: vacant

PARCEL NUMBER(S): 22/30/16/30374/000/0500 (See attached Legal Description)

LEGAL DESCRIPTION: LOT \_\_\_\_\_, BLOCK \_\_\_\_\_, SUBDIVISION \_\_\_\_\_

OR METES AND BOUNDS DESCRIPTION (attach if lengthy):

\*\*\*\*\*  
OWNER/APPLICANT INFORMATION

PROPERTY OWNER: Huntley Properties, LLC PHONE: (\_\_\_\_) \_\_\_\_\_

ADDRESS/CITY/ZIP: 7801 Park Boulevard, Pinellas Park, FL 33781

AUTHORIZED AGENT: David Freeman, President RBF Properties, Inc. PHONE: (813) 969-4196

ADDRESS/CITY/ZIP: 14502 N. Dale Mabry Hwy., Suite 200, Tampa, FL 33618

OTHER REPRESENTATIVE: Robert Pergolizzi, AICP/PTP PHONE: (727) 524-1818

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

# AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

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

Huntley Properties, LLC

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:

22.09 acres at N.E. corner Grand Avenue / 28th Street - Parcel ID #22/30/16/30374/000/0500

LEGAL DESCRIPTION OF PROPERTY. Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach:

See Attached Legal Description

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

MUPUD Application with variances for a mixed- use development in B-1 zoning district

3. That the undersigned (has/have) appointed and (does/do) appoint David Freeman as (his/her) 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)

SIGNED (PROPERTY OWNER)

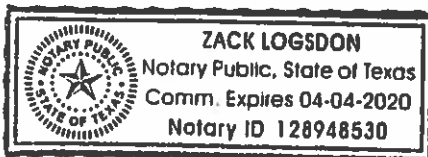
STATE OF FLORIDA  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 04/18/2017

(Date)

By Dawn Huntley Mattox

(Name of person acknowledging and title of position)



(SEAL ABOVE)

Who is personally known to me or who has produced Texas Driver License

(Type of Identification)

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

*[Signature]* Notary Public, Commission No. 128948530

Zack Logsdon

(Name of Notary typed, printed or stamped)



## Gateway Center Parcel 'I'

### Legal Description

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING A PORTION OF PARCEL 5 AND PARCEL 6 OF GATEWAY CENTER BUSINESS PARK AS PER THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 97, PAGE 1 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE ALONG THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 26, NORTH 00°21'32" EAST, 110.86 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL 5, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF GANDY BOULEVARD AS SHOWN ON SAID PLAT OF GATEWAY CENTER BUSINESS PARK; THENCE ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARIES OF SAID PARCEL 5, NORTH 45°04'35" EAST, 1305.29 FEET; THENCE NORTH 44°55'25" WEST, 101.00 FEET; THENCE DEPARTING THE BOUNDARY OF SAID PARCEL 5, NORTH 45°04'35" EAST, 137.82 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAND AVENUE (140 FOOT PUBLIC RIGHT-OF-WAY PER O.R. BOOK 17363, PAGE 405 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA); THENCE NORTH 44°55'25" WEST, 150.00 FEET; THENCE SOUTH 45°04'35" WEST, 10.00 FEET; THENCE NORTH 44°55'25" WEST, 322.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, NORTH 44°55'25" WEST, 207.75 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 772.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 398.37 FEET, A CENTRAL ANGLE OF 111°02'13", AND A CHORD BEARING AND DISTANCE OF NORTH 10°35'40" EAST, 656.76 FEET; THENCE NORTH 66°06'45" EAST, 159.88 FEET TO A POINT OF CURVATURE AT THE INTERSECTION OF THE EAST LINE OF SAID PARCEL 5; THENCE SOUTHEASTERLY 18.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE WESTERLY, HAVING A RADIUS OF 1,382.41 FEET, A CENTRAL ANGLE OF 0°45'46", AND A CHORD BEARING AND DISTANCE OF SOUTH 21°01'08" EAST, 18.40 FEET; THENCE ALONG THE NORTH LINE OF SAID PARCELS 5 AND 6, NORTH 69°21'45" EAST, 100.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE NORTH LINE OF SAID PARCEL 6 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, NORTHEASTERLY 72.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 83°04'24", AND A CHORD BEARING AND DISTANCE OF NORTH 20°54'03" EAST, 66.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 329.60 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,472.41 FEET, A CENTRAL ANGLE OF 12°49'32", AND A CHORD BEARING AND DISTANCE OF NORTH 56°01'35" EAST, 328.91 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH AND EAST LINE OF SAID PARCEL 6, S 89°48'20"E., 214.83 FEET; THENCE S 00°13'55"W., 138.00 FEET; THENCE S 89°48'20"E., 331.28 FEET; THENCE S 00°28'12"E., 648.23 FEET TO A POINT ON A NON-TANGENT CURVE ON THE NORTH RIGHT-OF-WAY LINE OF GANDY BOULEVARD; THENCE SOUTHWESTERLY 202.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 6,680.41 FEET, A CENTRAL ANGLE OF 1°44'12", AND A CHORD BEARING AND DISTANCE OF SOUTH 50°52'04" WEST, 202.48 FEET TO A NON-TANGENT COMPOUND CURVE; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTHWESTERLY 159.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 506.37 FEET, A CENTRAL ANGLE OF 18°00'24", AND A CHORD BEARING AND DISTANCE OF NORTH 83°29'06" WEST, 158.49 FEET; THENCE N 74°28'54"W., 190.59 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY 432.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 410.37 FEET, A CENTRAL ANGLE OF 60°26'32", AND A CHORD BEARING AND DISTANCE OF SOUTH 75°17'50" WEST, 413.11 FEET; THENCE S 45°04'35"W., 240.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AND THE POINT OF BEGINNING.

CONTAINING 22.086 ACRES, MORE OR LESS.

\*\*\*\*\*

CASE # BOA 2017-16 BOA MEETING: — CRA MEETING: —  
PLAT SHEET: G-6 RELATED CASES: — DATE RECEIVED: April 25, 2017  
ZONING DISTRICT: B-1 LAND USE DESIGNATION: CG RECEIPT NUMBER: 243608

REQUEST: \_\_\_\_\_  
Variance to multi-family parking requirement (Section 18-1532.9)

**CURRENT USE, NUMBER AND TYPE OF BUILDINGS:** vacant

OR METES AND BOUNDS DESCRIPTION (attach if lengthy):

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

THE APPLICANT BELIEVES THAT BOARD OF ADJUSTMENT SHOULD GRANT THIS REQUEST BECAUSE:

The parking demand is not expected to exceed 1.75 spaces/unit similar to EPIC at Gateway on the north side of Grand Avenue across the street.

**VARIANCE:** A variance from the terms of the Zoning Code shall not be granted until the applicant can justify the need for a variance by providing 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.

See attached Narrative

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?

See attached Narrative

3. Explain how the special conditions or circumstances of this case do not result from actions of the applicant.

See attached Narrative

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.

See attached Narrative

5. Will this be the minimum variance that will make possible the reasonable use of the land, building or structure if granted?

See attached Narrative

---

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?

See attached Narrative

---

---

---

**AFFIDAVIT OF OWNERSHIP**

STATE OF FLORIDA - COUNTY OF PINELLAS:

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

Huntley Properties, LLC

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:

22.09 acres at N.E. corner Grand Avenue / 28th Street - Parcel ID #22/30/16/30374/000/0500

LEGAL DESCRIPTION OF PROPERTY. Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach:

See Attached Legal Description

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

Variance request to parking. Terminate easement for 28th Street

and accept as 100 foot public ROW along south boundary of site.

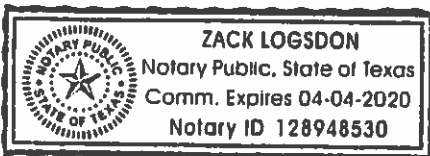
3. That the undersigned (has/have) appointed and (does/do) appoint David Freeman as (his/their) agent(s) to execute any petitions or other documents necessary to affect such application.

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)

\_\_\_\_\_  
SIGNED (PROPERTY OWNER)

Texas  
STATE OF FLORIDA  
COUNTY OF Collins



(SEAL ABOVE)

The foregoing instrument was acknowledged before me this 04/18/2017  
(Date)

By Dawn Mattox  
(Name of person acknowledging and title of position)

who is personally known to me or who has produced Texas Driver License  
(Type of Identification)

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

[Signature] Notary Public, Commission No. 128948530

Zack Logsdon Name of Notary typed, printed or stamped)

## Gateway Center Parcel 'I'

### Legal Description

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING A PORTION OF PARCEL 5 AND PARCEL 6 OF GATEWAY CENTER BUSINESS PARK AS PER THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 97, PAGE 1 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE ALONG THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 26, NORTH 00°21'32" EAST, 110.86 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL 5, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF GANDY BOULEVARD AS SHOWN ON SAID PLAT OF GATEWAY CENTER BUSINESS PARK; THENCE ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARIES OF SAID PARCEL 5, NORTH 45°04'35" EAST, 1305.29 FEET; THENCE NORTH 44°55'25" WEST, 101.00 FEET; THENCE DEPARTING THE BOUNDARY OF SAID PARCEL 5, NORTH 45°04'35" EAST, 137.82 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAND AVENUE (140 FOOT PUBLIC RIGHT-OF-WAY PER O.R. BOOK 17363, PAGE 405 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA); THENCE NORTH 44°55'25" WEST, 150.00 FEET; THENCE SOUTH 45°04'35" WEST, 10.00 FEET; THENCE NORTH 44°55' 25" WEST, 322.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, NORTH 44°55'25" WEST, 207.75 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 772.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 398.37 FEET, A CENTRAL ANGLE OF 111°02'13", AND A CHORD BEARING AND DISTANCE OF NORTH 10°35'40" EAST, 656.76 FEET; THENCE NORTH 66°06'45" EAST, 159.88 FEET TO A POINT OF CURVATURE AT THE INTERSECTION OF THE EAST LINE OF SAID PARCEL 5; THENCE SOUTHEASTERLY 18.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE WESTERLY, HAVING A RADIUS OF 1,382.41 FEET, A CENTRAL ANGLE OF 0°45'46", AND A CHORD BEARING AND DISTANCE OF SOUTH 21°01'08" EAST, 18.40 FEET; THENCE ALONG THE NORTH LINE OF SAID PARCELS 5 AND 6, NORTH 69°21' 45" EAST, 100.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE NORTH LINE OF SAID PARCEL 6 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, NORTHEASTERLY 72.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 83°04'24", AND A CHORD BEARING AND DISTANCE OF NORTH 20°54'03" EAST, 66.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 329.60 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,472.41 FEET, A CENTRAL ANGLE OF 12°49'32", AND A CHORD BEARING AND DISTANCE OF NORTH 56°01'35" EAST, 328.91 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH AND EAST LINE OF SAID PARCEL 6, S 89°48'20"E., 214.83 FEET; THENCE S 00°13'55"W., 138.00 FEET; THENCE S 89°48'20"E., 331.28 FEET; THENCE S 00°28'12"E., 648.23 FEET TO A POINT ON A NON-TANGENT CURVE ON THE NORTH RIGHT-OF-WAY LINE OF GANDY BOULEVARD; THENCE SOUTHWESTERLY 202.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 6,680.41 FEET, A CENTRAL ANGLE OF 1°44'12", AND A CHORD BEARING AND DISTANCE OF SOUTH 50°52'04" WEST, 202.48 FEET TO A NON-TANGENT COMPOUND CURVE; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTHWESTERLY 159.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 506.37 FEET, A CENTRAL ANGLE OF 18°00'24", AND A CHORD BEARING AND DISTANCE OF NORTH 83°29'06" WEST, 158.49 FEET; THENCE N 74°28'54"W., 190.59 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY 432.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 410.37 FEET, A CENTRAL ANGLE OF 60°26'32", AND A CHORD BEARING AND DISTANCE OF SOUTH 75°17'50" WEST, 413.11 FEET; THENCE S 45°04'35"W., 240.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AND THE POINT OF BEGINNING.

CONTAINING 22.086 ACRES, MORE OR LESS.

**NARRATIVE SUMMARY FOR MUPUD APPLICATION  
GATEWAY CENTER PARCEL "I" MIXED-USE DEVELOPMENT**

Owner /Applicant:  
Huntley Properties, LLC  
7801 Park Boulevard  
Pinellas Park, FL 33781

Applicant/ Contract Purchaser:  
RBF Properties, Inc.  
14502 N. Dale Mabry Highway, Suite 200  
Tampa, FL 33618

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

The applicant is requesting to establish an MUPUD overlay on a 22.09 acre property having B-1 zoning and CG land use within the City of Pinellas Park:

Parcel ID #: 22/30/16/30374/000/0500

This MUPUD overlay is to request multi-family apartment units combined with two hotels in a mixed-use setting. Apartments are to be developed at a density of 17.31 units / acre in the B-1 district. The apartments are suitable for the workforce and general population, and a parking variance for the multi-family apartment complex.

**LAND USE/ZONING**

The existing land use designation per the Future Land Use Plan is Commercial General (CG). The site is zoned B-1 (General Commercial District) which allows multi-family residential development, retail/restaurant, and hotel as permitted uses.

Surrounding uses include:

North: Multi-family apartments (EPIC at Gateway Apartments), on property having CG & IL land use and B-1 & M-1 zoning.

South: Maserati auto dealership on land having CG land Use and B-1 zoning. 28<sup>th</sup> Street, which is currently located within a recorded easement benefitting the City of Pinellas Park.

East: To the east are partially developed light-industrial uses on property having IL land use and M-1 zoning, currently occupied by WOW Internet and cable.

West: Grand Avenue, open space and pond for EPIC at Gateway Apartments Duke Energy powerline.

The mixed-use development is proposed to contain 270 mid-rise apartment units, a 126 room hotel, and a 130 room hotel.

#### Building Setbacks & Building Heights:

All building setbacks are equal to or greater than the required setbacks in the B-1 district and building setbacks conform to the gateway Center Declarations. The applicant seeks to increase the setback requirement from the western and northern boundaries to have a greater buffer from Grand Avenue. As a result, the distance between the proposed buildings and the EPIC at Gateway Apartments to the north will be increased, which is a benefit.

The maximum building height is 50-feet in the B-1 zoning district. The approved Gateway Center declarations allow a maximum height of 72 feet. To provide for a more efficient building layout, the applicant is requesting the building height be increased to 72-feet for the apartment buildings (excluding elevator penthouse and parapet walls). This increase in height is mitigated by the proposed building placement where the buildings were located further away from the property lines. The minimum proposed building setback exceeds 70 feet from any property line.

A maximum building height of 72 feet (excluding elevator penthouse and parapet walls). is requested for the hotels. This is consistent with the maximum building height in the Gateway Center Declarations. This additional height is mitigated by the placement of the buildings well in excess of the minimum setbacks. These increased setbacks provide over 70 feet of distance between the buildings and the eastern and western property lines of the hotel parcels, and over 60 feet to the northern boundary of hotel parcel 2.

#### Open Space:

Maximum lot coverage is 75% in B-1 zoning district, yielding a 25% open space requirement. The MUPUD plan contains 48.6% open space and confines the development to a more compact area, yielding larger buffers, and more usable and meaningful open space areas. This also includes a natural buffer area near Grand Avenue drainage retention area near the corner of Grand Avenue/28<sup>th</sup> Street, playground, dog walk area, and other open areas.



The site has CG land use and B-1 zoning. Per the Comprehensive Plan the CG land use allows up to 24 units/acre, and B-1 zoning allows up to 24 units/acre subject to special provisions. The base density in B-1 is 15 units/acre. The applicant seeks a density of 17.31 units/acre by proposing 270 units on 15.6 acres within the MUPUD. The proposal meets all of the special provisions of 18-1520.2.

1. The apartments will be part of a MUPUD.
2. The parcel has frontage on an "Arterial" Street since 28<sup>th</sup> Street is classified as an arterial per the Comprehensive Plan.
3. The Master plan provides for bike racks and the applicant will coordinate with PSTA regarding provision of a transit shelter.
4. The apartments are part of a "mixed-use" project (MUPUD) containing apartment and hotel uses. The density of 17.31 units/acre equates to a land area of 2,516 SF per dwelling unit. This exceeds the 1,815 SF specified in the code.
5. The apartments rental structure will be suitable for workforce and general population.

Variance to Section 18-1532.9, Parking:

The applicant seeks to modify the parking requirement for the multi-family apartment complex. The apartment complex would contain 270 units. Parking code requires two (2) parking spaces per multi-family unit which would require 540 spaces. The applicant seeks to reduce this requirement to 1.92 parking spaces / unit for a proposed amount of 520 spaces (including 36 tandem spaces) and a ratio of 1.79 spaces / unit with 484 spaces (excluding the 36 tandem spaces). The justification is the unit mix has fewer overall bedrooms as shown below:

<u>Unit Type</u>	<u>Proposed DU (# of BR)</u>	
Studios	18	(18)
1-Bedroom Apartments	108	(108)
2-Bedroom Apartments	107	(214)
3-Bedroom Apartments	37	(111)
TOTAL	270	(451 BR)

The proposed unit mix would result in 451 bedrooms, since the apartments would include a mix of studio apartments, 1-bedroom, 2-bedroom and 3-bedroom layouts. The approximate ratio of parking spaces to bedrooms (1.15 spaces/bedroom) exceeds that previously approved for EPIC at Gateway (1.06 spaces / bedroom). The parking ratio will not be below the 1.06 space/bedroom ratio granted to EPIC at Gateway. The applicant further agrees to provide bicycle racks near each building, and pedestrian connections to public roadways to enhance transit usage. Coordination with PSTA for the installation of bus pads/shelters will occur during Final Site Plan stage. For these reasons, the waiver to the parking requirement from 540 spaces to 520 spaces (including the tandems) and 484 spaces (excluding the tandems) is reasonable.

## CONCLUSION

The proposed MUPUD is in character with the approved uses and surrounding uses within Gateway Center and the overall area. The proposed MUPUD is generally consistent with Section 18-1529.11 of the Land Development Code. The MUPUD Preliminary Site Plan (Master Plan) provides ample parking for the uses, excessive building setbacks that mitigates for building height, provides for increased open space and buffers, creates a viable mixture of uses, and minimizes the amount of asphalt paving area (roads and parking) for a more sustainable development.





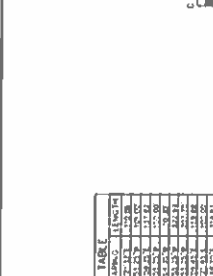
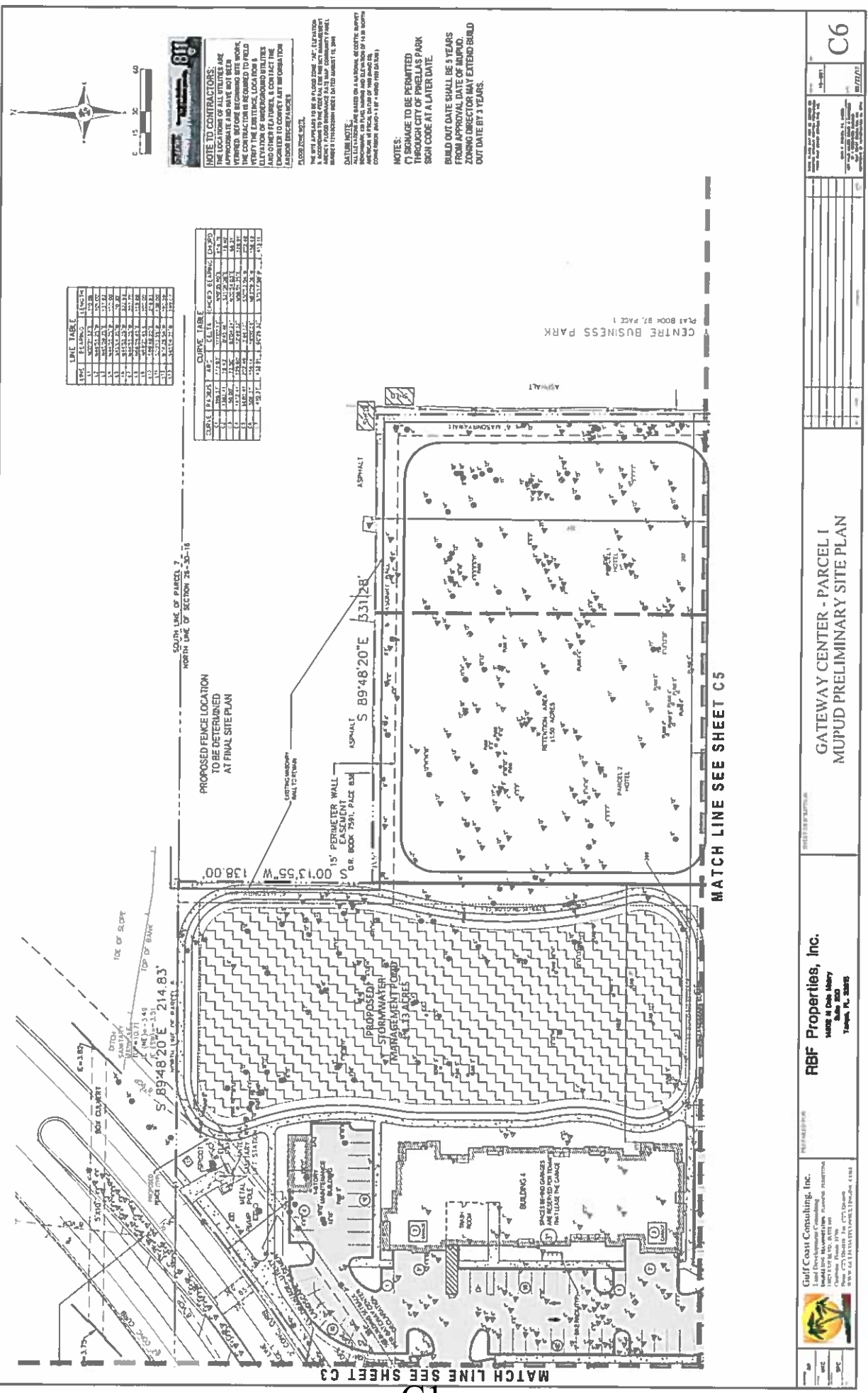












LINE TABLE

LINE	STATION	STATION	STATION
1	1+00.00	1+15.00	1+30.00
2	1+30.00	1+45.00	1+60.00
3	1+60.00	1+75.00	1+90.00
4	1+90.00	2+05.00	2+20.00
5	2+20.00	2+35.00	2+50.00
6	2+50.00	2+65.00	2+80.00
7	2+80.00	2+95.00	3+10.00
8	3+10.00	3+25.00	3+40.00
9	3+40.00	3+55.00	3+70.00
10	3+70.00	3+85.00	4+00.00
11	4+00.00	4+15.00	4+30.00
12	4+30.00	4+45.00	4+60.00
13	4+60.00	4+75.00	5+00.00
14	5+00.00	5+15.00	5+30.00
15	5+30.00	5+45.00	5+60.00
16	5+60.00	5+75.00	6+00.00
17	6+00.00	6+15.00	6+30.00
18	6+30.00	6+45.00	6+60.00
19	6+60.00	6+75.00	7+00.00
20	7+00.00	7+15.00	7+30.00
21	7+30.00	7+45.00	7+60.00
22	7+60.00	7+75.00	8+00.00
23	8+00.00	8+15.00	8+30.00
24	8+30.00	8+45.00	8+60.00
25	8+60.00	8+75.00	9+00.00
26	9+00.00	9+15.00	9+30.00
27	9+30.00	9+45.00	9+60.00
28	9+60.00	9+75.00	10+00.00
29	10+00.00	10+15.00	10+30.00
30	10+30.00	10+45.00	10+60.00
31	10+60.00	10+75.00	11+00.00
32	11+00.00	11+15.00	11+30.00
33	11+30.00	11+45.00	11+60.00
34	11+60.00	11+75.00	12+00.00
35	12+00.00	12+15.00	12+30.00
36	12+30.00	12+45.00	12+60.00
37	12+60.00	12+75.00	13+00.00
38	13+00.00	13+15.00	13+30.00
39	13+30.00	13+45.00	13+60.00
40	13+60.00	13+75.00	14+00.00
41	14+00.00	14+15.00	14+30.00
42	14+30.00	14+45.00	14+60.00
43	14+60.00	14+75.00	15+00.00
44	15+00.00	15+15.00	15+30.00
45	15+30.00	15+45.00	15+60.00
46	15+60.00	15+75.00	16+00.00
47	16+00.00	16+15.00	16+30.00
48	16+30.00	16+45.00	16+60.00
49	16+60.00	16+75.00	17+00.00
50	17+00.00	17+15.00	17+30.00
51	17+30.00	17+45.00	17+60.00
52	17+60.00	17+75.00	18+00.00
53	18+00.00	18+15.00	18+30.00
54	18+30.00	18+45.00	18+60.00
55	18+60.00	18+75.00	19+00.00
56	19+00.00	19+15.00	19+30.00
57	19+30.00	19+45.00	19+60.00
58	19+60.00	19+75.00	20+00.00
59	20+00.00	20+15.00	20+30.00
60	20+30.00	20+45.00	20+60.00
61	20+60.00	20+75.00	21+00.00
62	21+00.00	21+15.00	21+30.00
63	21+30.00	21+45.00	21+60.00
64	21+60.00	21+75.00	22+00.00
65	22+00.00	22+15.00	22+30.00
66	22+30.00	22+45.00	22+60.00
67	22+60.00	22+75.00	23+00.00
68	23+00.00	23+15.00	23+30.00
69	23+30.00	23+45.00	23+60.00
70	23+60.00	23+75.00	24+00.00
71	24+00.00	24+15.00	24+30.00
72	24+30.00	24+45.00	24+60.00
73	24+60.00	24+75.00	25+00.00
74	25+00.00	25+15.00	25+30.00
75	25+30.00	25+45.00	25+60.00
76	25+60.00	25+75.00	26+00.00
77	26+00.00	26+15.00	26+30.00
78	26+30.00	26+45.00	26+60.00
79	26+60.00	26+75.00	27+00.00
80	27+00.00	27+15.00	27+30.00
81	27+30.00	27+45.00	27+60.00
82	27+60.00	27+75.00	28+00.00
83	28+00.00	28+15.00	28+30.00
84	28+30.00	28+45.00	28+60.00
85	28+60.00	28+75.00	29+00.00
86	29+00.00	29+15.00	29+30.00
87	29+30.00	29+45.00	29+60.00
88	29+60.00	29+75.00	30+00.00
89	30+00.00	30+15.00	30+30.00
90	30+30.00	30+45.00	30+60.00
91	30+60.00	30+75.00	31+00.00
92	31+00.00	31+15.00	31+30.00
93	31+30.00	31+45.00	31+60.00
94	31+60.00	31+75.00	32+00.00
95	32+00.00	32+15.00	32+30.00
96	32+30.00	32+45.00	32+60.00
97	32+60.00	32+75.00	33+00.00
98	33+00.00	33+15.00	33+30.00
99	33+30.00	33+45.00	33+60.00
100	33+60.00	33+75.00	34+00.00
101	34+00.00	34+15.00	34+30.00
102	34+30.00	34+45.00	34+60.00
103	34+60.00	34+75.00	35+00.00
104	35+00.00	35+15.00	35+30.00
105	35+30.00	35+45.00	35+60.00
106	35+60.00	35+75.00	36+00.00
107	36+00.00	36+15.00	36+30.00
108	36+30.00	36+45.00	36+60.00
109	36+60.00	36+75.00	37+00.00
110	37+00.00	37+15.00	37+30.00
111	37+30.00	37+45.00	37+60.00
112	37+60.00	37+75.00	38+00.00
113	38+00.00	38+15.00	38+30.00
114	38+30.00	38+45.00	38+60.00
115	38+60.00	38+75.00	39+00.00
116	39+00.00	39+15.00	39+30.00
117	39+30.00	39+45.00	39+60.00
118	39+60.00	39+75.00	40+00.00
119	40+00.00	40+15.00	40+30.00
120	40+30.00	40+45.00	40+60.00
121	40+60.00	40+75.00	41+00.00
122	41+00.00	41+15.00	41+30.00
123	41+30.00	41+45.00	41+60.00
124	41+60.00	41+75.00	42+00.00
125	42+00.00	42+15.00	42+30.00
126	42+30.00	42+45.00	42+60.00
127	42+60.00	42+75.00	43+00.00
128	43+00.00	43+15.00	43+30.00
129	43+30.00	43+45.00	43+60.00
130	43+60.00	43+75.00	44+00.00
131	44+00.00	44+15.00	44+30.00
132	44+30.00	44+45.00	44+60.00
133	44+60.00	44+75.00	45+00.00
134	45+00.00	45+15.00	45+30.00
135	45+30.00	45+45.00	45+60.00
136	45+60.00	45+75.00	46+00.00
137	46+00.00	46+15.00	46+30.00
138	46+30.00	46+45.00	46+60.00
139	46+60.00	46+75.00	47+00.00
140	47+00.00	47+15.00	47+30.00
141	47+30.00	47+45.00	47+60.00
142	47+60.00	47+75.00	48+00.00
143	48+00.00	48+15.00	48+30.00
144	48+30.00	48+45.00	48+60.00
145	48+60.00	48+75.00	49+00.00
146	49+00.00	49+15.00	49+30.00
147	49+30.00	49+45.00	49+60.00
148	49+60.00	49+75.00	50+00.00
149	50+00.00	50+15.00	50+30.00
150	50+30.00	50+45.00	50+60.00
151	50+60.00	50+75.00	51+00.00
152	51+00.00	51+15.00	51+30.00
153	51+30.00	51+45.00	51+60.00
154	51+60.00	51+75.00	52+00.00
155	52+00.00	52+15.00	52+30.00
156	52+30.00	52+45.00	52+60.00
157	52+60.00	52+75.00	53+00.00
158	53+00.00	53+15.00	53+30.00
159	53+30.00	53+45.00	53+60.00
160	53+60.00	53+75.00	54+00.00
161	54+00.00	54+15.00	54+30.00
162	54+30.00	54+45.00	54+60.00
163	54+60.00	54+75.00	55+00.00
164	55+00.00	55+15.00	55+30.00
165	55+30.00	55+45.00	55+60.00
166	55+60.00	55+75.00	56+00.00
167	56+00.00	56+15.00	56+30.00
168	56+30.00	56+45.00	56+60.00
169	56+60.00	56+75.00	57+00.00
170	57+00.00	57+15.00	57+30.00
171	57+30.00	57+45.00	57+60.00
172	57+60.00	57+75.00	58+00.00
173	58+00.00	58+15.00	58+30.00
174	58+30.00	58+45.00	58+60.00
175	58+60.00	58+75.00	59+00.00
176	59+00.00	59+15.00	59+30.00
177	59+30.00	59+45.00	59+60.00
178	59+60.00	59+75.00	60+00.00
179	60+00.00	60+15.00	60+30.00
180	60+30.00	60+45.00	60+60.00
181	60+60.00	60+75.00	61+00.00
182	61+00.00	61+15.00	61+30.00
183	61+30.00	61+45.00	61+60.00
184	61+60.00	61+75.00	62+00.00
185	62+00.00	62+15.00	62+30.00
186	62+30.00	62+45.00	62+60.00
187	62+60.00	62+75.00	63+00.00
188	63+00.00	63+15.00	63+30.00
189	63+30.00	63+45.00	63+60.00
190	63+60.00	63+75.00	64+00.00
191	64+00.00	64+15.00	64+30.00
192	64+30.00	64+45.00	64+60.00
193	64+60.00	64+75.00	65+00.00
194	65+00.00	65+15.00	65+30.00
195	65+30.00	65+45.00	65+60.00
196	65+60.00	65+75.00	66+00.00
197	66+00.00	66+15.00	66+30.00
198	66+30.00	66+45.00	66+60.00
199	66+60.00	66+75.00	67+00.00
200	67+00.00	67+15.00	67+30.00
201	67+30.00	67+45.00	67+60.00
202	67+60.00	67+75.00	68+00.00
203	68+00.00	68+15.00	68+30.00
204	68+30.00	68+45.00	68+60.00
205	68+60.00	68+75.00	69+00.00
206	69+00.00	69+15.00	69+30.00
207	69+30.00	69+45.00	69+60.00
208	69+60.00	69+75.00	70+00.00
209	70+00.00	70+15.00	70+30.00
210	70+30.00	70+45.00	70+60.00
211	70+60.00	70+75.00	71+00.00
212	71+00.00	71+15.00	71+30.00
213	71+30.00	71+45.00	71+60.00
214	71+60.00	71+75.00	72+00.00
215	72+00.00	72+15.00	72+30.00
216	72+30.00	72+45.00	72+60.00
217	72+60.00	72+75.00	73+00.00
218	73+00.00	73+15.00	73+30.00
219	73+30.00	73+45.00	73+60.00
220	73+60.00	73+75.00	74+00.00
221	74+00.00	74+15.00	74+30.00
222	74+30.00	74+45.00	74+60.00
223	74+60.00	74+75.00	75+00.00
224	75+00.00	75+15.00	75+30.00
225	75+30.00	75+45.00	75+60.00
226	75+60.00	75+75.00	76+00.00
227	76+00.00	76+15.00	76+30.00
228	76+30.00	76+45.00	76+60.00
229	76+60.00	76+75.00	77+00.00
230	77+00.00	77+15.00	77+30.00
231	77+30.00	77+45.00	77+60.00
232	77+60.00	77+75.00	78+00.00
233	78+00.00	78+15.00	78+30.00
234	78+30.00	78+45.00	78+60.00
235	78+60.00	78+75.00	79+00.00
236	79+00.00	79+15.00	79+30.00
237	79+30.00	79+45.00	79+60.00
238	79+60.00	79+75.00	80+00.00
239	80+00.00	80+15.00	80+30.00
240	80+30.00	80+45.00	80+60.00
241	80+60.00	80+75.00	81+00.00
242	81+00.00	81+15.00	81+30.00
243	81+30.00	81+45.00	



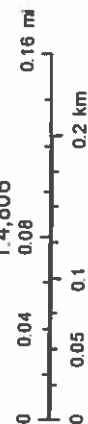
# N.E. Corner of Grand Ave. & 28th St.



April 25, 2017

- CSX Railroad Lines
- Channels
- Centerlines
- Private Roads
- Waterbodies
- Channel
- Ditch
- DRY
- WET
- Pinellas Park
- Rights of Way
- Annexations

1:4,806



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCO, IGN, Canada, N.L. Ordnance, Esri, Japan, METI, Esri, China (Hong Kong), Swisstopo, MapboxIndia, © OpenStreetMap contributors, and the GIS User Community

This page is left blank intentionally



# City of Pinellas Park

## Staff Report

---

**File #:** 17-158, **Version:** 1

**Agenda Date:** 7/13/2017

---

**AUTHORIZATION FOR THE MAYOR TO SIGN THE PENNY FOR PINELLAS INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND THE CITY OF PINELLAS PARK**

NOTE: This is the Penny for Pinellas Interlocal Agreement between Pinellas County and the City of Pinellas Park. By signing this agreement, the City Council of Pinellas Park authorizes the County to levy a local government infrastructure sales surtax of one percent (1%) throughout Pinellas County, Florida (subject to referendum approval).

The County intends to adopt an ordinance calling for a referendum on the question of extending the Infrastructure Sales Surtax for an additional ten (10) year period at an election to be held on November 7, 2017.

ACTION: (Approve - Deny) Authorization for the Mayor to sign the Penny for Pinellas Interlocal Agreement with Pinellas County.

## **INTERLOCAL AGREEMENT**

**THIS INTERLOCAL AGREEMENT** ("Agreement") is made and entered into as of this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, by and between Pinellas County, a political subdivision of the State of Florida, hereinafter referred to as the "County," and the municipalities within Pinellas County as set forth on the signature pages attached hereto, hereinafter referred to as the "Cities."

### **RECITALS:**

**WHEREAS**, Section 212.055(2), Florida Statutes, authorizes the County to levy a local government infrastructure sales surtax of one percent (1%) throughout Pinellas County, Florida ("Infrastructure Sales Surtax"), subject to referendum approval; and

**WHEREAS**, as provided by Section 212.055(2)(c)1, Florida Statutes, the net proceeds of the surtax may be distributed as provided in an interlocal agreement; and

**WHEREAS**, the County and the Cities recognize a continuing need to fund critical infrastructure improvements, and the County intends to adopt an ordinance calling for a referendum on the question of extending the Infrastructure Sales Surtax for an additional ten (10) year period at an election to be held on November 7, 2017 ("Extension"); and

**WHEREAS**, the parties further recognize that it is in the best interest of the County and the Cities to enter into an interlocal agreement that will run concurrently with the Extension of the Infrastructure Sales Surtax, if approved by the electorate, for the purpose of providing for the distribution among the County and the Cities as provided herein.

**NOW, THEREFORE**, in consideration of the covenants herein contained, and other good and valuable consideration, the County and the Cities agree as follows:

### **Section 1. CONDITIONS PRECEDENT**

This Agreement shall become effective on the Commencement Date set forth in Section 4, so long as the following conditions precedent have been satisfied:

A. Approval by Pinellas County voters of the Extension of the Infrastructure Sales Surtax; and

B. Execution of the Interlocal Agreement by the County and the governing bodies of the municipalities representing a majority of the County's municipal population as required by § 212.055(2)(c)1, Florida Statutes.

**Section 2. DISTRIBUTION OF INFRASTRUCTURE SALES SURTAX**

A. "Net Proceeds" shall mean the amount of the Infrastructure Sales Surtax collected in Pinellas County by the Florida Department of Revenue, less the Department's administrative costs, as provided by law.

B. As provided by law, the Infrastructure Sales Surtax shall be collected by the Florida Department of Revenue and the Net Proceeds shall be distributed monthly to the County.

C. The Net Proceeds shall be distributed by the County in accordance with the terms of this Agreement within a reasonable time after receipt as follows:

(1) Countywide Investments will be funded in the total amount of 11.3% of the Net Proceeds collected over the ten (10) year term of this Agreement. Therefore, before the County distributes the Net Proceeds received by it pursuant to the distribution set forth in subsection (2) below, it shall apply 11.3% of Net Proceeds to fund Countywide Investments in the following project categories:

a. "Economic Development Capital Projects" as authorized in Section 212.055(2)(d)3., Florida Statutes and "Housing" (Land Acquisition in support of residential housing as authorized in Section 212.055(2)(d)1.e., Florida Statutes)	8.3% of Net Proceeds
---	----------------------

b. Jail and Courts Facilities	3.0% of Net Proceeds
-------------------------------	----------------------

<b>TOTAL COUNTYWIDE INVESTMENTS</b>	<b>11.3% OF NET PROCEEDS</b>
-------------------------------------	------------------------------

Net Proceeds dedicated to Economic Development Capital Projects and Housing shall be used in accordance with guidelines set forth by a joint review committee established by resolution

of the Board of County Commissioners. The committee shall consist of professional staff with subject matter expertise in economic development, planning, and/or housing. Committee membership shall be comprised of three (3) professional staff members representing the County and appointed by the County Administrator, two (2) professional staff members representing the City of St. Petersburg and appointed by the Mayor of the City of St. Petersburg, and a single professional staff member, appointed by the city's manager or elected body, of each of the cities as noted below:

- One (1) member representing Clearwater;
- One (1) member representing Dunedin;
- One (1) member representing Largo;
- One (1) member representing Pinellas Park;
- One (1) member representing Belleair, Belleair Bluffs, Gulfport, Kenneth City, Seminole, and South Pasadena;
- One (1) member representing Belleair Beach, Belleair Shore, Indian Rocks Beach, Indian Shores, Madeira Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach, and Treasure Island; and
- One (1) member representing Oldsmar, Safety Harbor, and Tarpon Springs.

The committee may impose reporting requirements to ensure compliance with Section 212.055(2)(d)3., Florida Statutes, that allows allocation of up to 15 percent of Net Proceeds for funding economic development projects. Economic Development Capital Projects shall be limited to capital projects that support job retention and creation.

(2) The remainder of the Net Proceeds will be distributed as follows:

Pinellas County	51.7523%
Belleair	0.2783%
Belleair Beach	0.1112%
Belleair Bluffs	0.1463%
Belleair Shore	0.0079%
Clearwater	7.9957%
Dunedin	2.5651%

Gulfport	0.8761%
Indian Rocks Beach	0.3111%
Indian Shores	0.1020%
Kenneth City	0.3589%
Largo	5.8044%
Madeira Beach	0.3098%
N. Redington Beach	0.1027%
Oldsmar	1.0124%
Pinellas Park	3.7349%
Redington Beach	0.1030%
Redington Shores	0.1559%
Safety Harbor	1.2282%
St. Pete Beach	0.6725%
St. Petersburg	18.4607%
Seminole	1.3119%
South Pasadena	0.3619%
Tarpon Springs	1.7528%
Treasure Island	0.4841%

D. In the event any municipality in Pinellas County does not sign this Agreement, or notifies the County in writing after signing this Agreement that it does not wish to receive any undistributed Net Proceeds to which it is entitled, its percentage of proceeds shall be distributed pro-rata to the other parties in accordance with the formula set forth in Section 2(C)(2) (after excluding such City's percentage).

### **Section 3. EXECUTION**

This Agreement may be signed in counterparts by the parties hereto.

### **Section 4. TERM OF AGREEMENT**

The term of this Agreement shall run concurrently with the levy of the Infrastructure Sales Surtax, with said levy proposed for a ten (10) year period, commencing on January 1, 2020 ("Commencement Date") and ending December 31, 2029.

### **Section 5. ANNUAL REPORTING REQUIREMENTS**

A. Each City signing this Agreement shall annually post on its official website in the same manner as required by Section 166.241(3), Florida Statutes, its Capital Improvement Plan and shall identify therein any material changes in the projects funded by the Infrastructure Sales Surtax. If the City does not operate an official website, the City shall transmit its Capital



Improvement Plan and identify therein any materials changes in the projects funded by the Infrastructure Sales Surtax to the County who shall post said plan on the County's website.

B. The County shall annually post on its official website in the same manner as required by Section 129.03(c), Florida Statutes, its Capital Improvement Plan and shall identify therein any material changes in the projects funded by the Infrastructure Sales Surtax.

**Section 6. PRIOR INTERLOCAL SUPERSEDED.**

The distribution terms of this Agreement shall supersede the distribution formula contained in the prior interlocals between the parties hereto, and the distribution of the Infrastructure Sales Surtax shall be governed specifically by the terms of this Agreement as of the Commencement Date. During the period between when this Agreement is approved by the parties hereto and the Commencement Date, the Infrastructure Sales Surtax shall be distributed in accordance with the Interlocal Agreement dated April 29, 2008, which terminates on December 31, 2019.

**Section 7. SEVERABILITY**

If any provision of this Interlocal Agreement is held invalid, the invalidity shall not affect other provisions of the Interlocal Agreement which can be given effect without the invalid provision or application, and to this end, the provisions of this Interlocal Agreement are severable.

**Section 8. AMENDMENTS TO AGREEMENT**

This Agreement may be amended, in writing, upon the express written approval of the governing bodies of all the parties.

**Section 9. FILING OF AGREEMENT**

This Agreement shall be filed with the Clerk of the Circuit Court as provided in Section 163.01(11), Florida Statutes.



**IN WITNESS WHEREOF**, the parties to this Agreement have caused their names to be affixed hereto by the proper officers thereof, as of the day and year first above written.

**ATTEST:**  
**KEN BURKE, CLERK**

**PINELLAS COUNTY, FLORIDA, by and  
through its Board of County Commissioners**

By: \_\_\_\_\_  
Deputy Clerk

[SEAL]

By: \_\_\_\_\_  
Chair

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Office of the County Attorney

ProLaw 83181

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed as of the day and year first written above.

ATTEST:

CITY OF PINELLAS PARK

By: \_\_\_\_\_  
City Clerk

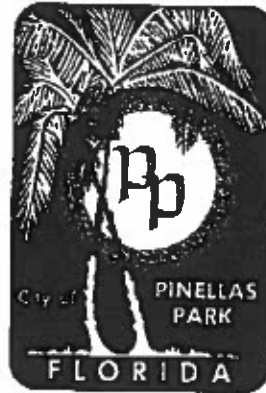
By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND CONTENT

By: \_\_\_\_\_  
City Attorney

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  
Law Offices of James W. Denhardt  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile

June 21, 2017

Ms. Tammy Hillier  
Community Planning Division  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #17-135**  
**Interlocal Agreement Authorizing Infrastructure Sales Surtax**

Dear Ms. Hillier:

I have received and reviewed the Interlocal Agreement between Pinellas County and City authorizing the County to levy a local government Infrastructure Sales Surtax of 1 percent throughout Pinellas County, Florida, subject to referendum approval. I would approve of the Interlocal Agreement as to form and correctness.

Very truly yours,

James W. Denhardt  
City Attorney

cc: Doug Lewis, City Manager  
Diane M. Coma, MMC, City Clerk  
Patrick Murphy, Assistant City Manager

JWD/dh



PRINTED ON RECYCLED PAPER

C2

This page is left blank intentionally



# City of Pinellas Park

## Staff Report

---

**File #: 17-157, Version: 1**

**Agenda Date: 7/13/2017**

---

**ORDINANCE NO. 4029. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 18 “LAND DEVELOPMENT CODE”, OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING ARTICLE 9 “TECHNICAL CODES”, SECTION 18-917 “SEVERABILITY”; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (LDC 2017-3)**

**FIRST READ PRIOR TO PUBLIC HEARING  
PUBLIC HEARING (July 27, 2017)**

NOTE: This amendment is the result of updating the current code to be consistent with Pinellas County code and to gain more control over fill activities. At their meeting on June 1, 2017, the Planning and Zoning Commission recommended approval.

ACTION: (Pass - Deny) Ordinance No. 4029.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 18 "LAND DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING ARTICLE 9 "TECHNICAL CODES", EXHIBITS "A" AND "B"; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2017-03)

---

**WHEREAS, THE CITY COUNCIL WISHES TO PROVIDE CONSISTENCY WITH PINELLAS COUNTY LDC REQUIREMENTS FOR PERMITTING FILL ON PRIVATE PROPERTY. 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 Chapter 18 (Land Development Code) of the Code of Ordinances of the City of Pinellas Park, Florida, is hereby amended by amending Article 9 "Technical Codes", Exhibits "A" and "B", so that said Exhibits shall hereafter be and read as follows:

CHAPTER 18

LAND DEVELOPMENT CODE

ARTICLE 9. TECHNICAL CODES

EXHIBIT A

The following list indicates when a permit is required:

INTERIOR OF STRUCTURES

Appliance—Replace or install gas appliance.

Bathrooms—Remodeling or new if the value is greater than \$500.00.

Ceramic tile—Tub or shower area if the value is greater than \$500.00.

Door—Size of rough opening altered.

Drywall—If repair is over 32 square feet.

Railings—Repair, replace or new if the value is greater than \$500.00.

Remodeling—If the value is greater than \$500.00.

Stairs—Repair, replace or new if the value is greater than \$500.00.

Walls—Removal, extension of existing or new walls if the value is greater than \$500.00.

EXTERIOR OF STRUCTURES

All new construction if the value is greater than \$500.00.

Addition—Increase of floor area.

Antenna/satellite dish—See [Section 18-1507](#).

Awnings—Commercial if the value is greater than \$500.00.

Bearing post—Replace or new.

Carports—Repair, replace, new or close-in for additional habitable or storage space.

Covered patio—Repair, replace, new or close-in for additional habitable or storage space.

Door—Size of rough opening altered.

Fireplace—Repair, replace or new if the value is greater than \$500.00.

Garage—Close in for additional habitable or storage space.

Hurricane shutters—More than two-story structure.

Railings—Repair, replace or new if the value is greater than \$500.00.

Remodeling—If the value is greater than \$500.00.

Roof—New and reroof.

Roof—Repair existing roof if the value is greater than \$500.00.

Screen room—Repair, replace or new, repair does not include screen replacement.

Screen walls—Install vinyl or glass in existing screen walls.

Shed—Repair, replace or new if value is greater than \$500.00.

Siding—New or replace over 100 square feet.

Stairs—Repair, replace or new if value is greater than \$500.00.

Walls—Removal, replace or new if value is greater than \$500.00.

Window—Remove and fill in opening.

Window—Repair, replace or new if the value of work is greater than \$500.00.

PLUMBING AND WATER SUPPLY



Appliance—New location of sewer or water lines.

Dishwasher—New location of sewer or water lines.

Faucets—Shower or tub replacement or new.

Fire systems—Repair, replace or new.

Hose bib—New location of water line.

Plumbing—Install new or remodeling including water, sewer and gas lines.

Sewer line—Repair, replace or new.

Shower pan—Repair, replace or new.

Sink—New location of sewer or water lines.

Spas—Install (not portable).

Tub—Replace or new.

Washing machine—New location of sewer or water lines.

Water filtration systems—Replace or new.

Water heater—Replace or new.

Water lines—Repair, replace or new.

Water softener—Replace or new.

Water closet—New location of sewer or water lines.

HEATING, VENTILATING AND AIR CONDITIONING

A/C/Heating—Install system.

A/C/Heating—Install wall unit by cutting out or removing part of wall (not replacement).

A/C/Heating—Replace condenser, air handler, or heating elements.

Duct—Alteration, replacement or new if value of work is greater than \$500.00.

Equipment hoods—Repair, replace or new if value of work is greater than \$500.00.

Heating unit—Repair or new if value of work is greater than \$500.00.

Hot water heater exchanger unit—Repair or new if value of work is greater than \$500.00.

Ventilation—Repair, replace or new ducted and with electric hook-up.

#### ELECTRICAL

Appliances/equipment—New location where electric must be extended.

A/C Heat—Wiring repair, replace or new.

Ceiling fan—New location (not replacement) where electric must be extended.

Electric system—Repair, replace or new (any part of system, except replacement of fuses or breakers).

Electric service—Work on existing service or panel (including upgrade, except replacement of fuses or breakers).

Light fixture—New location where electric must be extended.

Low-voltage wiring—Alarms, new construction and existing (direct wire only).

Outdoor lighting—New location where electric must be extended (not low-voltage).

#### SITE/LANDSCAPING

Concrete patio—Repair, replace or new if value of work is greater than \$500.00 (check zoning regulations).

Concrete sidewalk/steps—Repair, replace, or new if value of work is greater than \$500.00 (check zoning regulations).

Drainage—Any change to existing flow of stormwater.

Driveway-New, add to existing, or replacement if value of work is greater than \$500.00.

Fence-New.

Fence-Repair or replace more than 25 feet of existing.

Filling in of lot-More than ~~250~~ 5 cubic yards of fill.

Flag poles-Commercial.

Grubbing/digging-Removal of Florida native vegetation.

Landscaping-Upgrading in the Community Redevelopment Area.

Parking lots-Repair, replace, new, add to existing or re-striping if value of work is greater than \$500.00.

Pool-Replace deck, or new equipment if value of work is greater than \$500.00 (not relocating of deck).

Pool/spa-Enclosure repair, replace or new if value of work is greater than \$500.00.

Pool/spa-Replace or new in-ground or aboveground pool/spa.

Tents-Commercial use.

Tree-Removal or relocation of protected species.

Wood deck/steps/balconies-Repair, replace or new if value of the work is greater than \$500.00.

(Ord. No. 2445, 9-25-1997)

#### EXHIBIT B

The following list indicates when a permit is not required:

##### INTERIOR OF STRUCTURES

Appliance-Replacement other than gas.

Cabinets kitchen/bath-Repair, replace or new.

Door-Replace assembly, including jambs.

Flooring-Carpet, vinyl, wood, or ceramic tile.

Painting-Interior.

Walls-Portable or temporary without electric or plumbing.

#### EXTERIOR OF STRUCTURES

Awnings-Residential.

Burglar bars-Replace or new.

Door-Replace assembly, including jambs.

Garage doors-Replacement.

Gutters.

Hurricane shutters-One-/two-story structure and no electric.

Painting-Exterior.

Roof-Repair if value of work is less than \$500.00.

Screen room-Replace screening only.

Siding-Repair small area less than 100 square feet.

Soffit or fascia-Not including structural repairs.

Stucco.

Window glass-Replacement.

Window-Repair or replace, if value of work is less than \$500.00.

#### PLUMBING AND WATER SUPPLIES

Faucet-Reinstall sink faucet in same location (does not include tub or shower faucet).

Hose bib-Replace.

Ice maker line-Replace or new.

Sink-Reinstall in same location.

Water closet-Reinstall in same location.

Water heater—Repair, no replacing of pipes.

Wells—(SWFWMD permit may be required).

#### HEATING, VENTILATING AND AIR CONDITIONING

Heating—Install window unit in existing opening.

Heating—Repair, if value of work is less than \$500.00.

#### ELECTRICAL

Alarms—Low-voltage phone liens, computer lines, plug-in alarm systems, and lighting.

Ceiling fan—Replacement of existing.

Light fixture—Replacement of existing.

Outlet or switch—Replacement of existing.

#### SITE/LANDSCAPING

Arbors/trellises—New or replacements, but not allowed in building setbacks.

Driveway—Recoat/seal asphalt.

Fence—Repair or replace permitted fence less than 25 feet.

Filling in of lot—Less than ~~250~~ 5 cubic yards of fill with no change in existing drainage.

Flag poles—Residential.

Grubbing/digging—Removal of nuisance exotic vegetation (Building Development inspection required).

Landscaping—Residential.

Laundry poles.

Parking lots—Recoat/seal and re-striping same as originally approved.

Playground equipment—Kids' play structures such as swings, playhouses or basketball hoops.

Pool or spa equipment—Repair if value of work is less than \$500.00.

Spa—Portable with approved electric and fencing.

Sprinklers—Install landscaping sprinklers (cannot hook into public water supply; must have own well or reclaimed water).

Tents—Residential.

Tree—Removal or relocation of nonprotected species.

Construction not specifically identified, shall be compared to the compatible type for permitting information.

**SECTION TWO:** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the "Land Development Code" of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this ordinance in an appropriate place to accomplish such intention.

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

**SECTION FOUR:** That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

FIRST READING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

Sandra Bradbury  
MAYOR

ATTEST:

---

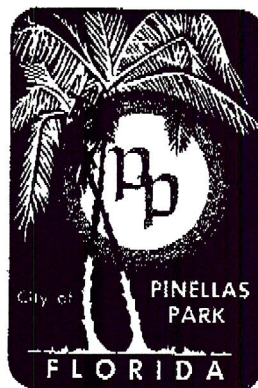
Diane M. Corna, MMC  
CITY CLERK

City of  
**PINELLAS PARK**

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

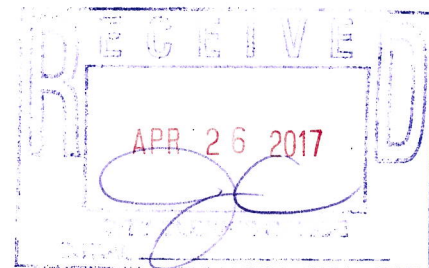
**Please Respond To:**

James W. Denhardt, City Attorney  
Law Offices of James W. Denhardt  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile



**FLORIDA**

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



April 26, 2017

Mr. Aaron Petersen  
Stormwater Supervisor  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #17-098**  
**LDC 2017-03 Amending Chapter 18, Land Development Code**

Dear Mr. Petersen:

I have received and reviewed the above-referenced ordinance, and 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  
Patrick Murphy, Assistant City Manager  
Bart Diebold, Public Works Administrator  
Dan Hubbard, Transportation & Stormwater Director

JWD/dh



PRINTED ON RECYCLED PAPER



Sec. 138-1341. - Land fills or excavation of less than 1,000 cubic yards.

- (a) A zoning clearance shall be required for any landfill or excavation which is more than five cubic yards but less than 1,000 cubic yards. Prior to issuance of such clearance, a plan shall be submitted to and approved by the zoning division, the water department, the engineering department and the department of environmental management. Such plan shall show the following:
  - (1) Legal description and boundaries of the property.
  - (2) Location of all trees of four inches diameter breast height (dbh) or larger on the site.
  - (3) Location of proposed excavation or fill.
  - (4) Existing and proposed topography, including surface water areas.
  - (5) All plans shall be scale drawings.
- (b) No zoning clearance is required for fills or excavations of less than five cubic yards; however, no fill or excavation, regardless of size, shall detract from or interfere with the county's ultimate drainage plans or adversely affect drainage on adjacent properties. Where such interference or detraction appears possible, a zoning clearance pursuant to this subsection may be required. Tree removal permits are required for all fills and or excavations.

(Ord. No. 90-1, § 1(506.11), 1-30-90; Ord. No. 92-8, 2-18-92; Ord. No. 04-29, § 4, 4-13-04)

# MEMORANDUM

Date: July 13, 2017  
To: City Council  
Through: Dean R. Neal, AICP, Zoning Director  
From: Aaron Petersen, Construction Services Director  
Subject: Land Development Code Amendment – Severability

## **Situation**

There have been multiple fill activities throughout the City within the past several years where residents and Pinellas County have demanded a response from the City. The current code allows for up to 250 cubic yards of fill to be brought onto a lot of any size without a permit. This amount of fill can severely change the flow and topography of a parcel. This amount of allowable fill can also create severe changes depending on the size of the lot. It is in best interest of the City to be more consistent with Pinellas County and lower the allowable fill amount without a permit. This change will allow City staff to have more control over these activities.

## **Proposal**

This amendment edits the current City ordinance and changes when a permit is required for bringing in fill dirt to a private parcel. A permit will now be required when 5 or more cubic yards of fill are added to a parcel instead of 250 or more cubic yards of fill.

CITY OF PINELLAS PARK, FLORIDA  
PLANNING AND ZONING COMMISSION MINUTES  
REGULAR MEETING  
June 1, 2017

The meeting was called to order at 7:00 p.m. by Dennis Shelley, Chairperson.

**ROLL CALL**

PRESENT: Dennis Shelley, Chairperson  
William DeLong, Vice Chairperson  
Raymond Long  
Louis Bommattei  
James Madden  
Brenda Braitling

ABSENT: Keith Sabiel

STAFF PRESENT: Anna Weaver, Zoning Coordinator  
Stephanie Scalos, Staff Assistant, Notary  
Lauren Rubenstein, Assistant City Attorney

INVOCATION: Brenda Braitling

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: May 4, 2017

**MOTION** was made by Mr. DeLong and **SECONDED** by Mr. Madden to **APPROVE** the minutes of May 4, 2017 as published.

---

**REGULAR AGENDA**

Mr. Shelley – Read the rules and procedures for the Planning and Zoning Commission.

**PUBLIC HEARING OPENED**

1. CASE NO.: LDC 2017-3 (Legislative)

REQUEST: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 18 "LAND DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING ARTICLE 9 "TECHNICAL CODES", EXHIBITS "A" AND "B"; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

## QUESTIONS FOR STAFF

None

## PROPOSERS

Mr. Aaron Peterson – Director of Construction Services. Currently, you are allowed to bring in 250 yards of fill dirt without getting a permit. I'm proposing the ordinance change to 5 yards of fill to be consistent with the County. This will allow the City to have more control over fill activities. We have property owners who complain about their neighbors and how much fill they are bringing in. When you bring in 250 yards worth of fill that can drastically change drainage patterns which can affect surrounding neighbors.

Mr. Shelley – Does the 5 yards of fill have anything to do with acreage or square footage?

Mr. Peterson – The current code doesn't mention that so technically a 50 x 100 lot can bring in 250 yards as well as a 5 acre parcel. The code will continue to not mention that and just limit all to the 5 yards of fill.

Ms. Braittling – That is in alignment with the County code?

Mr. Peterson – Yes, that is correct.

Mr. Madden – Five yards of fill dirt, how much is that, the size of a small dump truck?

Mr. Peterson – Yes, typically a small dump truck.

Mr. Madden – What is the problem or issue here if someone brings in 250 yards? Are you creating a problem with natural drainage?

Mr. Peterson – Yes that is what's occurring. It is very common that we receive complaints from residents and when we go out there, they mention their neighbor has brought in fill. As it is now, there is no way for us to prove that is what has happened because a permit isn't required.

Mr. Madden – I'm just trying to clarify what the problem is with bringing in 250 yards worth of fill. Is it the drainage?

Mr. Peterson – Drainage, yes.

Mr. Madden – I think you already have it covered in the ordinance if someone is creating drainage problems by bringing in fill dirt. It doesn't have to be consistent with the County in limiting the amount as a way to monitor these types of problems. The City's code says that if you bring the fill in and cause drainage problems with neighboring properties, we got ya. If you limit it to 5 yards of fill and that person has a small lot, they still can create problems. My point is, I think you are already covered with how the code is currently written.

Mr. Peterson – Just trying to make our code consistent with the County plus it's a County request. We recently had an issue at a site on Belcher that was adjacent to a County road and we couldn't do anything about it because our code allows up to 250 yards.

Ms. Braittling – The change wouldn't prevent someone from bringing in more than 5 yards worth of fill, it is just requiring them to get a permit if they do?

Mr. Peterson – Yes, it wouldn't prevent them from bringing in more fill dirt. This would just require them to get a permit and we would be aware of what is going on in case there becomes a problem with drainage.

Ms. Braitling – Does it cause drainage problems for the City?

Mr. Peterson – Yes it can.

Ms. Braitling – So this isn't just about the neighbors, it is about planning for the City and if drainage flows become affected?

Mr. Peterson – Right. This is a way for us to monitor what is going on in the City.

Mr. Madden – So you say you are trying to mirror with the County, they go to extremes with their permit review. They request several different surveys. What will the cost of the permit be?

Mr. Peterson – I'm unaware of the cost for a fill permit for the City. I would have to research that.

Mr. Madden – Would you be requiring the different types of surveys?

Mr. Peterson – No, they would not be required. The only thing we are changing is that 250 to 5 yards.

Mr. Shelley – How long is that permit good for?

Mr. Peterson – Again, I'm not familiar with the permit side.

Ms. Weaver – Permits are good for a year just like any other permit. If you don't do the work, then you would have to reapply.

## **OPPONENTS**

None

## **PUBLIC HEARING CLOSED**

## **BOARD DISCUSSION**

**MOTION** was made by Mr. DeLong and **SECONDED** by Mr. Bommattei to **APPROVE** case no. LDC 2017-3.

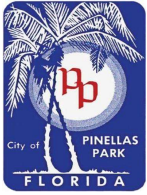
## **ROLL CALL VOTE**

Aye: DeLong, Long, Braitling, Bommattei  
Nay: Shelley, Madden

## **MOTION CARRIED MAJORITY VOTE**

## **PUBLIC HEARING OPENED**

This page is left blank intentionally



# City of Pinellas Park

## Staff Report

---

**File #: 17-161, Version: 2**

**Agenda Date: 7/13/2017**

---

**CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 17/003, 90TH AVENUE SIDEWALK PROJECT-Suncoast Development of P.C., Inc.**

NOTE: Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. Change Order No. 1 represents the addition of 110 linear feet of sidewalk and one additional driveway, totaling \$11,145.40; an increase of the original contract amount by 7.30%. The account to be charged will be 301-481-5715-05. The final contract amount is \$5,193.01 under the budgeted amount.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 17/003, 90th Avenue Sidewalk Project, an increase in the contract amount of \$11,145.40, for a total adjusted contract amount of \$162,806.90, and authorization for final payment of \$18,728.48 to Suncoast Development of P.C., Inc. to be charged to the appropriate account.

TO OWNER City of Pinellas Park  
6051 - 78th Avenue  
Pinellas Park, Fl. 33781

PROJECT: 90th Avenue Sidewalk Projec APPLICATION NO Three(3)Final

Distribution to:

<input type="checkbox"/>	OWNER
<input checked="" type="checkbox"/>	ENGINEER
<input type="checkbox"/>	CONTRACTOR
<input type="checkbox"/>	
<input type="checkbox"/>	

PERIOD TO: 06/1/2017 - 6/23/2017

FROM CONTRACTOR: VIA ARCHITECT:  
Suncoast Development of P.C., Inc.  
2340 Destiny Way  
Odessa, Fl. 33556

PROJECT NOS: 2016-0213

CONTRACT FOR: City of Pinellas park

CONTRACT DATE

CONTRACTOR'S APPLICATION FOR PAYMENT

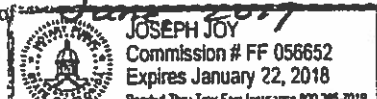
Application is made for payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM	\$	151,661.50
2. Net change by Change Orders	\$	11,145.40
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	162,806.90
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	162,806.90
5. RETAINAGE:		
a. 0 % of Completed Work (Column D + E on G703)	\$	0.00
b. % of Stored Material (Column F on G703)	\$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	162,806.90
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	144,078.42
8. CURRENT PAYMENT DUE	\$	18,728.48
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	0.00

CONTRACTOR: Suncoast Development of P.C., Inc.

By:  Date: 6/27/17

State of: Florida County of: Pasco  
Subscribed and sworn to before me this 27th day of June 2017  
Notary Public:  JOSEPH JOY  
Commission # FF 056652  
Expires January 22, 2018  
My Commission expires: 1/22/2018

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 18,728.48

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)  
ARCHITECT:

By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved Change order #1	\$11,145.40	
TOTALS	\$11,145.40	
NET CHANGES by Change Order		

FINAL



PROJECT NAME: 90th Avenue Sidewalk Project  
Contract No.:

CONTRACTOR: SUNCOAST DEVELOPMENT OF PINELLAS COUNTY INC  
PERIOD: 6/1/2017 TO 6/23/2017

## PAY APPLICATION #: (Three) 3

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT VALUE	ORIGINAL CONTRACT AMOUNT	Completed Previously		Completed This Period		Completed To Date		BALANCE TO FINISH	RETAINAGE
					UNITS	VALUE			UNITS	VALUE		
MOBILIZATION	1	LS	\$25,000.00	\$25,000.00	1.00	\$25,000.00			1.00	\$25,000.00	\$0.00	
MAINTENANCE OF TRAFFIC	1	LS	\$15,000.00	\$15,000.00	1.00	\$15,000.00			1.00	\$15,000.00	\$0.00	
SEDIMENT BARRIER	935	LF	\$1.00	\$935.00	900.00	\$900.00			900.00	\$900.00	-\$35.00	
STAKED TURBIDITY BARRIER	15	LF	\$6.00	\$90.00							-\$90.00	
MOWING	0.475	AC	\$500.00	\$237.50							-\$237.50	
CLEARING & GRUBBING	0.355	AC	\$9,000.00	\$3,195.00	0.36	\$3,195.00			0.36	\$3,195.00	\$0.00	
REMOVAL OF EXISTING CONCRETE PAVEMENT	236	SY	\$9.00	\$2,124.00	236.00	\$2,124.00			236.00	\$2,124.00	\$0.00	
STANDARD MAILBOX (F&I)	3	EA	\$90.00	\$270.00	3.00	\$270.00			3.00	\$270.00	\$0.00	
ESCAVATION REGULAR	137	CY	\$3.00	\$411.00	137.00	\$411.00			137.00	\$411.00	\$0.00	
EMBANKMENT	214	CY	\$3.00	\$642.00	214.00	\$642.00			214.00	\$642.00	\$0.00	
OPTIONAL BASE GROUP 4	163	SY	\$14.50	\$2,363.50	163.00	\$2,363.50			163.00	\$2,363.50	\$0.00	
MILLING EXISTING ASPHALT	18	SY	\$50.00	\$900.00							-\$900.00	
SP-9.5, TRAFFIC A	20	TN	\$120.00	\$2,400.00							-\$2,400.00	
INLET GRATE TYPE D, <10	3	EA	\$4,100.00	\$12,300.00	3.00	\$12,300.00			3.00	\$12,300.00	\$0.00	
INLET GRATE TYPE E, <10	1	EA	\$4,300.00	\$4,300.00	1.00	\$4,300.00			1.00	\$4,300.00	\$0.00	
PIPE CULVERT, OPTIONAL ELLIPTICAL, RCP, SD (15")	3	LF	\$80.00	\$240.00	8.00	\$640.00			8.00	\$640.00	\$400.00	
PIPE CULVERT, OPTIONAL ELLIPTICAL, RCP, SD (18")	280	LF	\$42.50	\$11,900.00	317.00	\$13,472.50			317.00	\$13,472.50	\$1,572.50	
MITERED END SECTION, OPTIONALELLIPTICAL, 18" SD	8	EA	\$500.00	\$4,000.00	10.00	\$5,000.00			10.00	\$5,000.00	\$1,000.00	
VALLEY GUTTER-CONCRETE	207	LF	\$31.00	\$6,417.00	261	\$8,091.00			261.00	\$8,091.00	\$1,674.00	
SIDEWALK CONCRETE (4"THICK)	725	SY	\$42.50	\$30,812.50	611.1	\$25,971.75			611.10	\$25,971.75	-\$4,840.75	
SIDEWALK/DRIVEWAY CONCRETE (6"THICK)	402	DY	\$49.50	\$19,899.00	577.7	\$28,596.15			577.70	\$28,596.15	\$8,697.15	
DETECTABLE WARNINGS	110	SF	\$15.00	\$1,650.00							-\$1,650.00	
PERFORMANCE TURF (SOD)	590	SY	\$2.50	\$1,475.00	1313.84	\$3,284.60			1,313.84	\$3,284.60	\$1,809.60	
SINGLE POST SIGN, RELOCATE	2	AS	\$50.00	\$100.00	2	\$100.00			2.00	\$100.00	\$0.00	
CONTINGENCY	1		\$5,000.00	\$5,000.00							-\$5,000.00	
<b>BASE TOTAL:</b>				\$151,661.50		\$151,661.50		\$0.00		\$151,661.50	\$0.00	

