



CITY OF PINELLAS PARK

Community Development Department
Planning & Development Services Division

Staff Report

I. APPLICATION DATA

- A. **Case Number:** AX20-10
- B. **Location:**
1. **Address:** 7041 34th Street North
 2. **Parcel Number:** 26-30-16-00000-330-0700
- C. **Request:** The Applicant desires to join the City of Pinellas Park in order to receive the benefits of specific City services. The applicant will be developing 15 single family homes on the property.
- D. **Applicant:** MK Equity LLC and QT Construction, Inc. (Owners)
- E. **Agent:** Robert Pergolizzi (Contractor)
- F. **Legal Ad Text:** Not applicable. For Agreement only. Ordinance to be advertised.
- G. **Public Hearings:**
- City Council Hearing Date(s): 1/13/2022 and 1/27/2022
Deadline to send public hearing notices: N/A
Advertising deadline: 12/27/2021 (Ordinance only)

II. BACKGROUND INFORMATION

- A. **Site Area:** 4.04 acres
- B. **Property History:**
1. **Previous Land Use Plan or Zoning Amendments:** None on record
 2. **Permits and Development:** None on record
 3. **Previous Approvals:** None on record
- C. **Existing Use:** Vacant
- D. **Proposed Use:** Residential
- E. **Current Land Use:** RLM, Residential Low Medium (Pinellas County)

F. Proposed Land Use: RLM, Residential Low Medium

1. Land Use Purpose:

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be developed, in a low to moderately intensive residential manner, and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities, transportation facilities and natural resource characteristics of such areas.

2. Key Standards:

Primary Uses – Residential

Secondary Uses - Density/Intensity – Residential Equivalent; Institutional; Transportation/ Utility; Public Educational Facility; Ancillary Non-Residential; Recreation/Open Space

3. Staff Analysis:

The subject property is proposed to be developed with a residential use consistent with the proposed Residential Low Medium (RLM) Future Land Use designation.

Staff finds that the proposed RLM Future Land Use designation is consistent with the surrounding area.

G. Current Zoning District: R-4, One, Two and Three-family Residential (Pinellas County)

H. Proposed Zoning District: R-4, Duplex Residential District

1. Zoning District Purpose / Intent:

The "R-4" Duplex Residential District is established to identify and stabilize those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a low-medium density and medium density residential environment, through the construction of single-family detached dwellings and large lot duplex dwellings. Such development to include accessory uses and public facilities customary for such an environment. This district is appropriate for areas designated on the Official Land Use Plan Map as Residential Low Medium (RLM), Residential Medium (RM), or Community Redevelopment District (CRD).

2. Staff Analysis:

The subject property is surrounded by "R-4" Zoned or the County equivalent making it an appropriate geographic area for residential development. The proposed development and use of residential is consistent with the "R-4" Zoning District's intent of residential uses.

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

J. Evacuation Zone: The property is in Evacuation Zone D, which is the fourth level to evacuate in preparation for a storm. Zone D is evacuated when storm surge height is predicted to be up to 28 feet.

K. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	R-4 (City)	RLM (City)	Multi-family Residential
South	R-4 (County)	RLM (County)	Single-family Residential
East	R-4 (County)	RL (County)	Single-family Residential
West	R-4 (City)	RLM and CRD (City)	Single-family Residential

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. Relevant Policies:

POLICY PW 1.3.1

The Public Works Department shall analyze the condition and adequacy of any water distribution system that the City may inherit through annexation and prepare cost estimates for upgrading those systems to meet City requirements.

POLICY SW.1.3.1

The City shall make available at the time of annexation solid waste collection service or require proof of existing service by a licensed solid waste collection service.

OBJECTIVE ICE.1.8

The City will identify, implement, and coordinate joint planning areas for annexation and provision of services.

POLICY ICE.1.8.1

The City will coordinate with the Pinellas Planning Council, and other jurisdictions as appropriate, to establish a more comprehensive and better integrated annexation process that will include consideration of the following:

- a. Advance Notices - a procedure that provides for advance notice of all annexations to the respective parties of interest;
- b. Accurate Legal Descriptions - a means to review and validate the legal descriptions for annexations;
- c. State Law Compliance - definitions and examples by which to determine compliance with the state law for contiguity, compactness, enclaves, and procedures for annexation agreements/indentures;
- d. Ability to Serve - pre-determined or administrative means to establish a municipality's ability to serve the area;
- e. Service Contracts - enabling provisions for Pinellas County and each municipality to enter into mutually acceptable agreements to provide selected services where it is beneficial to the citizenry and cost-effective to do so in lieu of annexation;
- f. Consistency - a requirement for consistency with the Comprehensive Future Land Use Plan at the time of annexation; and
- g. Coordination with State Plan Amendment Review Process - to establish eligibility for waiver of the requirement for plan amendment pursuant to Section 163.3171(3) FS, at the time of annexation.

2. Staff Analysis:

The subject property is located within the boundaries of the former and proposed Annexation Planning Area Agreement as coordinated with Pinellas County, and all procedures are being followed. Additionally, the subject property is already served by public water, sewer and solid waste services.

Staff finds that the proposed annexation is consistent with the City's adopted Comprehensive Plan.

B. Land Development Code Standards:

1. Key Standards:

Sec. 18-1501.13. - ZONING OF ANNEXED PROPERTIES.

Property heretofore or hereafter annexed to the City shall be given the zoning classification which most closely relates to the Pinellas County zoning classification in effect at the time of such annexation, and the Official Zoning Map shall be amended or posted accordingly. Should a petition for annexation include a request for a zoning classification other than that which most closely relates to the Pinellas County zoning classification in effect for said property at the time said petition is filed, City Council may, in its sole discretion: refer said petition to the Planning and Zoning Commission for its recommendation; pass the proposal for said annexation of the property at the zoning requested in the petition; or deny the proposal. Any rezoning of an annexed area shall be consistent with F.S. § 171.062(2), as may be amended from time to time, which provides that if an annexed area was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

Sec. 18-1512.3. – PERMITTED AND CONDITIONAL USES.

No building or land in the "R-4" District shall be used, and no building shall be hereafter erected, structurally altered or enlarged, except for the permitted and conditional uses listed below. The uses listed as conditional uses may be permitted if their site locations and proposed development site plans are first approved, as provided in the procedure for approval of conditional uses under Section 18-1531, "Conditional Use Regulations", of this Article. Permitted (P) and conditional (C) uses shall be subject to the conditions established in the following Table 18-1512.3 and other applicable conditions of this district and Article.

Table 18-1512.3: Authorized Land Uses in R-4 District

Land Use	Approval Type	Conditions
RESIDENTIAL AND ACCOMMODATION USES		
<i>Dwellings, Duplex</i>	<i>P</i>	
<i>Dwellings, Single-family Attached</i>	<i>P</i>	
<i>Dwellings, Single-family Detached</i>	<i>P</i>	

Sec. 18-1512.4. - DIMENSIONAL AND AREA REGULATIONS.

(A) MINIMUM LOT REQUIREMENTS.

1. *Lot Area: Eight thousand seven hundred twelve (8,712) square feet; if a lot of record prior to September 26, 1963, seven thousand five hundred (7,500) square feet is required for a two-family dwelling.*
2. *Lot Width: Seventy (70) feet; sixty (60) feet on lots of record prior to September 26, 1963. Lots with a width of less than sixty (60) feet shall only be developed with a single-family detached dwelling.*
3. *Lot Depth: One hundred (100) feet.*

(B) MINIMUM YARD SETBACK REQUIREMENTS.

1. *For lots platted prior to September 26, 1963 the following shall apply:*
 - (a) *Front Yard Setback: Twenty-five (25) feet.*
 - (b) *Secondary Front Yard Setback: Twelve (12) feet.*
 - (c) *Side Yard Setback: Five (5) feet.*
 - (d) *Rear Yard Setback: Twenty (20) feet.*
2. *For lots platted on or after September 26, 1963 the following shall apply:*
 - (a) *Front Yard Setback: Twenty-five (25) feet.*
 - (b) *Secondary Front Yard Setback: Twenty-five (25) feet.*
 - (c) *Side Yard Setback: Eight (8) feet.*
 - (d) *Rear Yard Setback: Twenty (20) feet.*
3. *For single-family detached development see "R-1" Single-family Residential District for yard regulations.*
4. *For corner, double frontage and multiple frontage lots, see Section 18-1503.7, "Yard Determinations."*
5. *Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width.*
6. *Refer to Section 18-1504.3(G)(2) for special yard setbacks to apply for additions to buildings in existence as of August 14, 1997.*

(C) MINIMUM LIVEABLE FLOOR AREA. (per dwelling unit)

1. *Efficiency: Four hundred fifty (450) square feet.*
2. *One-bedroom: Five hundred fifty (550) square feet.*
3. *Two-bedroom: Six hundred fifty (650) square feet.*
4. *Three-bedroom: Eight hundred (800) square feet.*

(D) MINIMUM BUILDING SEPARATION. See Section 18-1530.17, "Minimum Building Separation."

(E) MAXIMUM BUILDING HEIGHT. Thirty-five (35) feet. See Section 18-1503.13, "Exclusion from Height Limits", for height limit exclusions.

(F) MAXIMUM LOT COVERAGE. Residential Uses: Sixty (60) percent. Nonresidential Uses: Sixty-five (65) percent in RLM; seventy-five (75) percent in RM or CRD.

(G) FLOOR AREA RATIO.

1. *Nonresidential Uses:*
 - (a) *Forty hundredths (0.40) when assigned RLM, RM or CRD land use.*

2. Staff Analysis:

As required by Section 1501-13 the proposed "R-4" Zoning District is consistent with the County's R-4 district for duplex residential and the surrounding area.

Staff finds that the proposed "R-4" Zoning District is consistent with the Land Development Code.

IV. SUMMARY

A. Findings

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

1. The property has no outstanding code enforcement violations with Pinellas County.
2. The parcel is contiguous to the City and meets all of the annexation requirements set forth in Florida Statute 171.044.

B. Staff Recommendation

Consistent with the above identified findings, and subject to such additional findings of fact as are established at a public hearing, if applicable, staff recommends **APPROVAL** of case number AX20-10.



Nick A. Colonna, AICP
Planning & Development Services Director



Date



Benjamin J. Ziskal, AICP, CEcD
Community Development Administrator



Date

V. CITY COUNCIL – MOVE TO:

- A. APPROVE
- B. APPROVE WITH THE FOLLOWING CONDITIONS:
- C. DENY

VI. ATTACHMENTS:

Exhibit A: Application with Legal Description

Exhibit B: Aerial Map

Exhibit C: Land Use Map

Exhibit D: Zoning Map

Exhibit E: FIRM Map

Exhibit F: Data Sheet

Exhibit G: Revenue Analysis

Exhibit H: Site Photographs

Exhibit I: Attorney Letter

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:

MK EQUITY LLC AND QT CONSTRUCTION, INC.

PARCEL: 26-30-16-00000-330-0700

LOCATED AT: 7041 34th Street North

A PORTION OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND HAS A PARCEL# 26-30-16-00000-330-0700, ALONG WITH THAT PORTION OF 34TH STREET RIGHT OF WAY, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 14, CEDAR HOLLOW SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING, RUN SOUTH 89°48'12" EAST 302.56 FEET; THENCE SOUTH 00°03'37" WEST 529.77 FEET; THENCE NORTH 89°46'47" WEST 332.49 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 16 EAST; THENCE NORTH 00°03'10" EAST ALONG THE WEST LINE OF SAID 1/4, A DISTANCE OF 529.63 FEET; THENCE LEAVING THE WEST LINE OF SAID 1/4, RUN SOUTH 89°48'12" EAST 30.00 FEET TO THE POINT OF BEGINNING.

Containing 4.04 acres MOL

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

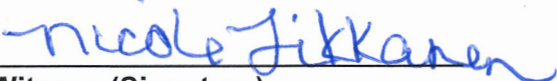
MK EQUITY LLC

**Care of: Anthony Ngo
7599 Park Blvd., #200
Pinellas Park, FL 33781**

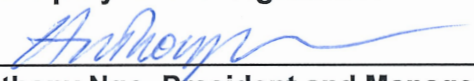
QT CONSTRUCTION, INC.

**Care of: Quynh T. Tran
6200 49th Street North
Pinellas Park, FL 33781**

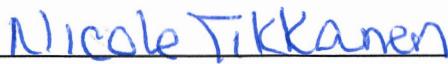
MK Equity LLC's Signature:



Witness (Signature)



Anthony Ngo, President and Manager




Witness Printed Name


QT Construction, Inc.'s Signature:



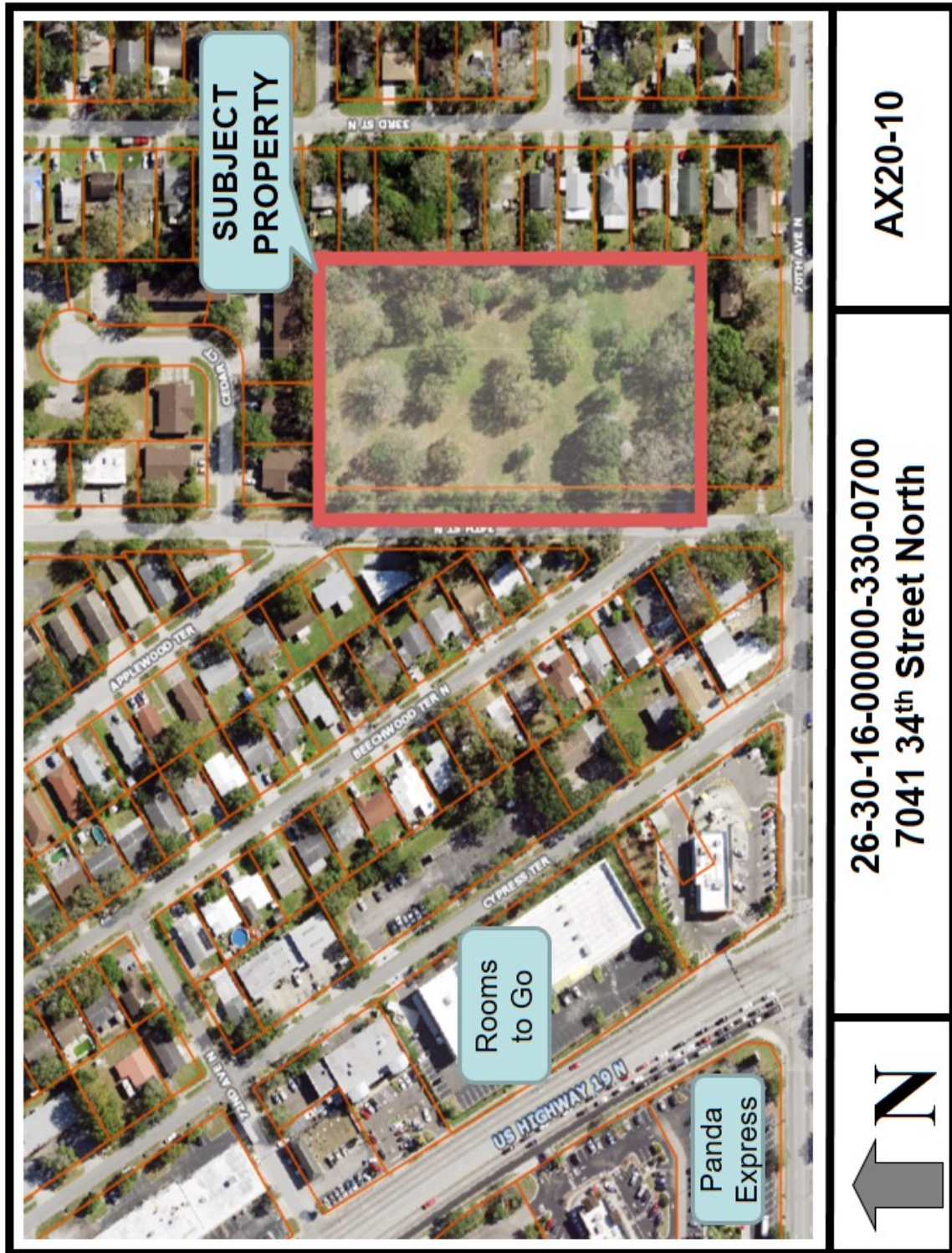
Witness (Signature)



Quynh T. Tran, President



Witness Printed Name



AX20-10 7041 34th Street North

Legend

- Parcel Lines

Centerlines

Zoning Borders

General Commercial - B-1

Heavy Commercial - CH

Commercial Neighborhood - CN

Commercial Planned Unit Development - CI

Farm - F

General Office - GO

Heavy Industrial - IH

Industrial Planned Unit Development - IPUC

IN REVIEW

Light Industrial - M-1

Residential / Office / Retail - ROR

Mixed Use Development - MXD

Mixed Unit Development - MXD-2

Mixed Use Planned Unit Development - MU

Open Space - O/S

Public - P

Preservation - PRES.

Single Family Residential - R-1

Single Family Residential - R-2

Single Family Residential - R-3

Duplex Residential - R-4

Multifamily Residential - R-5

Multifamily Residential/Commercial - R-6

Single Family Residential Estate - R-E

Residential Planned Unit Development - RP

Rural Residential - RR

Mobile Home Subdivision - T-1

Mobile Home Park - T-2

Town Center - TC

Zoning Fill

General Commercial - B-1

Heavy Commercial - CH

Commercial Neighborhood - CN

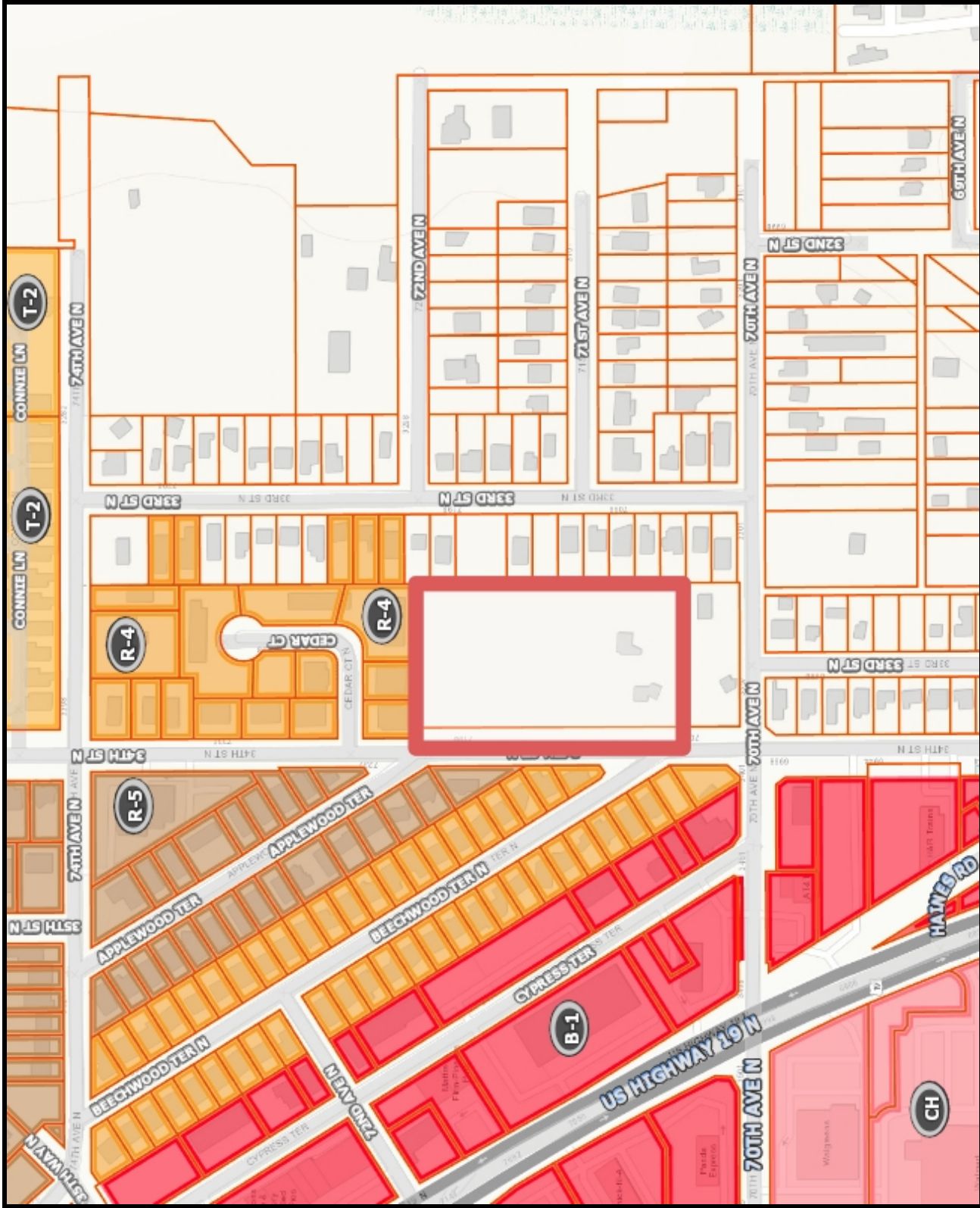
Commercial Planned Unit Development - CI

Farm - F

General Office - GO

Heavy Industrial - IH

Exhibit "D"
Zoning Map



Notes:

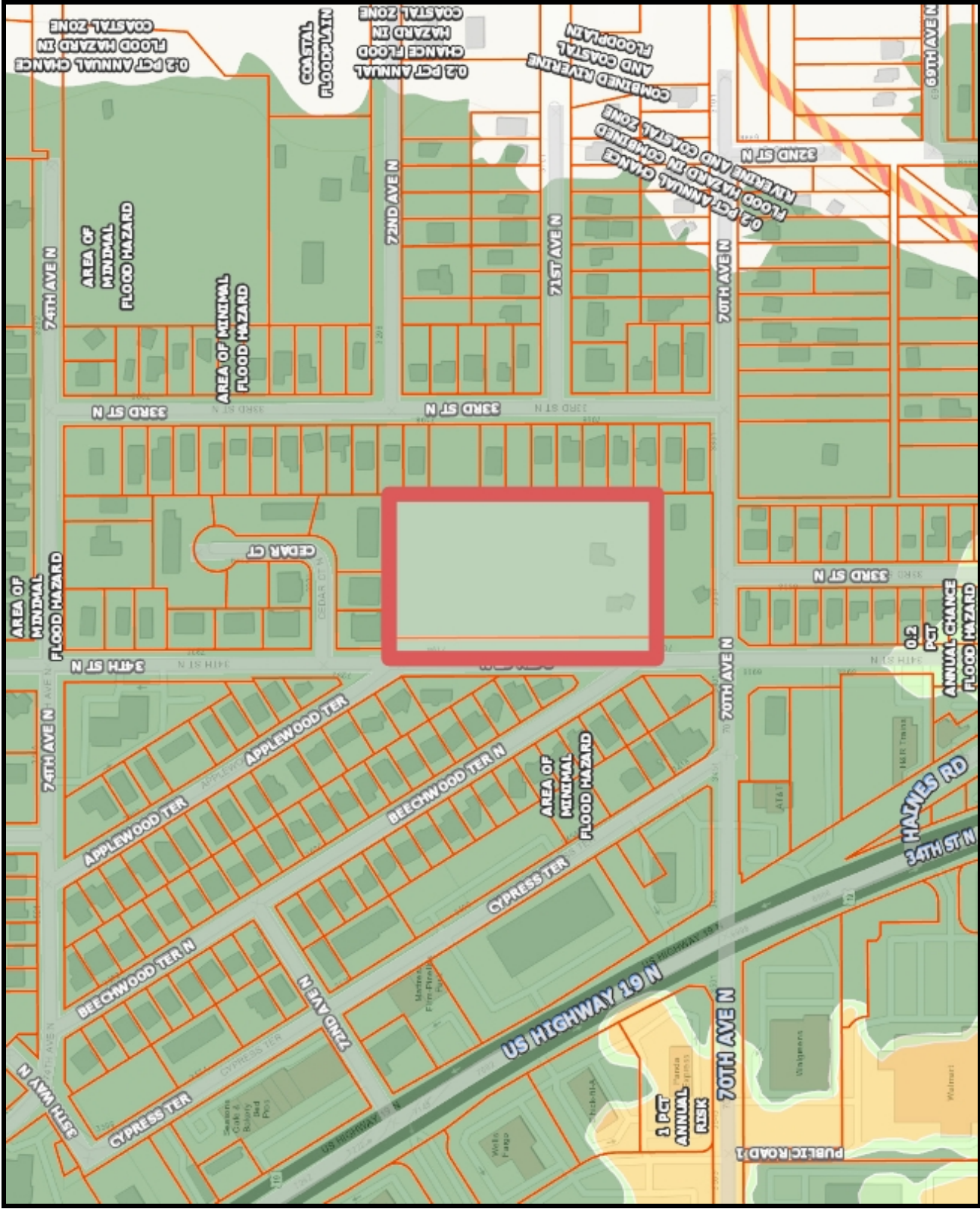


1: 3,838

319.8 0 159.92 319.8 Feet

AX20-10 7041 34th Street North

- Legend
- Parcel Lines
 - Centerlines
 - Floodplain Delineations
 - Minimal Flood Hazard
 - 500 Year Floodplain (0.2% Annual Risk)
 - 100 Year Floodplain (1% Annual Risk)
 - Floodway
 - Coastal High Hazard Area



Notes:

1: 3,838

319.8 Feet

159.92

0

319.8

ANNEXATION DATA SHEET

- 1. PARCEL:**
26-30-16-00000-330-0700
- 2. OWNER:**
MK EQUITY, LLC AND QT CONSTRUCTION, INC.
- 3. STREET ADDRESS OF PROPERTY:**
Located at 7041 34th Street North
- 4. SIZE OF PROPERTY:**
Agreement = 4.04 Acres MOL
Ordinance = 4.04 Acres MOL
- 5. COUNTY ZONING - LAND USE:**
R-4 / RLM
- 6. CITY ZONING - LAND USE:**
R-4 / RLM
- 7. EXISTING PROPERTY IMPROVEMENTS:**
None
- 8. EXISTING BUSINESS ON PROPERTY:**
None
- 9. EXISTING PROPERTY USE:**
Vacant land
- 10. ANNEXATION AGREEMENT PROVISIONS:**
 - ◆ The City agrees to accept the lots as existing nonconforming parcels.
 - ◆ As of the date of execution of this Agreement, the City agrees to approve the setback requirements for all lots on the Property to allow for front setbacks at 20 feet, secondary front setbacks at 12 feet, side setbacks at 5 feet, and rear setbacks at 20 feet.
 - ◆ The City shall approve a minimum lot width of 45 feet and a minimum lot area of 5,000 square feet for all lots on the Property.
 - ◆ The City shall grant a variance to the Land Development Code providing for the percentage of impervious lot coverage not to exceed 65%.
 - ◆ As consideration of this Agreement, the City shall waive all City application fees associated with the Planned Unit Development (PUD) application, the Preliminary Plat application, and the Final Plat application.
 - ◆ The Owner agrees to follow the Southwest Florida Water Management District (SWFWMD) guidelines for drainage and stormwater management.
- 11. OTHER PERTINENT INFORMATION:**
Contiguous
- 12. PROPOSED PROPERTY USE:**
Residential
- 13. PROPOSED PROPERTY IMPROVEMENTS:**
Redevelopment of vacant parcels into single family homes.

Annexation Revenue Analysis Residential		
Annexation Number: AX20-10		Date: November 8, 2021
Owner's Name: MK Equity LLC and QT Construction, Inc.		
Property Address: 7041 34th Street North		
	<u>Millage</u>	<u>Amount</u>
Ad Valorem Taxes:		
Current Assessed Value (cap value)	NA	\$467,060.00
Homestead Exemption	NA	\$0.00
Taxable Value	NA	\$467,060.00
Taxes Received by the City	0.00549	\$2,564.16
Est. Assessed Value After Development of (15) Single-Family Homes	NA	\$3,375,000.00
Est. Homestead Exemption	NA	\$750,000.00
Est. Taxable Value After Development	NA	\$2,625,000.00
Anticipated Taxes Received After Development	0.00549	\$14,411.25
Est. Franchise Fees and/or Utility Taxes After Development		
Water (10% Utility Tax) (Estimate)		\$1,650.00
Electric (Estimate)		\$2,250.00
Gas		\$0.00
Communication Services Tax (Estimate)		\$525.00
Stormwater Fees		\$2,550.00
Anticipated Franchise Fees and/or Utility Taxes After Development		\$6,975.00
Anticipated Taxes Received by the City After Development		\$14,411.25
Anticipated Franchise Fees and/or Utility Taxes Received After Development		\$6,975.00
Anticipated Annual Revenues to be Received by the City		\$21,386.25

Current Est. Annual Revenues to Pinellas Park as Unincorporated Property:		
PF (PFW) Fire District Tax (est. currently received)	0.0031976	\$1,493.47
25% Water and Sewer Surcharge (est. currently received)		\$150.00
Anticipated Total Annual Revenues to the City as Unincorporated Property		\$1,643.47

Anticipated New Money (est.) to the City Received Thru Annexation	\$19,742.78
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Exhibit "H"

Site Photos

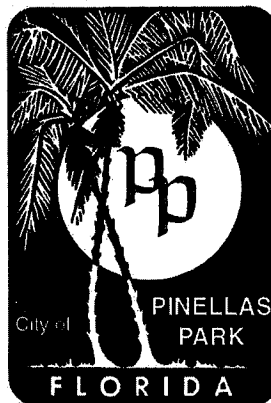


City of

PINELLAS PARK

5141 78TH AVE. • P.O. BOX 1100

PINELLAS PARK, FL 33780-1100



FLORIDA

PHONE • (727) 369-0700

FAX • (727) 544-7448

Please Respond To:

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

November 15, 2021

Ms. Amanda Conte
CRA Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #21-303
Annexation Agreement AX20-10
MK Equity LLC and QT Construction, Inc.

Dear Ms. Conte:

We have received and reviewed the above-referenced Annexation Agreement and corresponding Petition. According to the Division of Corporations records, the legal name of the entity, MK Equity LLC does not have a comma between "Equity" and "LLC." Please update all references in the Annexation Agreement and Petition to remove the comma between "Equity" and "LLC."

Also, in reviewing the documents pertaining to MK Equity LLC on the Division of Corporations website, it appears that Anthony Ngo is a Manager of the LLC (as well as President). Please update his title to read "Anthony Ngo, President and Manager" in both the Agreement and the Petition. As far as references to Quynh T. Tran of QT Construction, Inc., it is not necessary to list all of his titles (President, Director, Secretary and Treasurer), but rather he can simply be listed on the Agreement and Petition as the President of QT Construction, Inc.



Ms. Amanda Conte
November 16, 2021
Page 2

Once the above changes are incorporated into the Agreement and Petition, our office would approve of the Agreement and Petition as to form and correctness.

Very truly yours,

A handwritten signature in black ink, reading "Lauren C. Rubenstein". The signature is fluid and cursive, with the first name "Lauren" written in a larger, more prominent script than the last name "Rubenstein".

Lauren C. Rubenstein
Assistant City Attorney

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

LCR/dh

21-303.11162021.LAC.Annex Agmt AX20-10 MK Equity LLC.wpd