



I. APPLICATION DATA

- A. **Case Number:** CU-0921-00084
- B. **Location:** 12290 US Hwy 19 (Parcel Number 08-30-16-70974-400-0305)
- C. **Request:** Request for a Conditional Use approval for an Industrial Use Not Permitted by Right for rentals, sales, and service of construction equipment with outdoor storage, in the M-1 Light Industrial Zoning District.
- D. **Applicant:** Ahern Rentals Inc.
- E. **Authorized Agent:** N/A
- F. **Property Owner:** DFA, LLC
- G. **Legal Ad Text:** Conditional Use approval for an Industrial Use Not Permitted by Right for rentals, sales, and service of construction equipment with outdoor storage, within the M-1 Light Industrial Zoning District.
- H. **PARC Meeting:** Oct 5, 2021
- I. **Public Hearings:**
- City Council Hearing Date: Jan 27, 2022
Advertising Date: Jan 12, 2022

II. BACKGROUND INFORMATION

- A. **Case Summary:** The subject property was purchased in May 2021 by Ahern Rentals, the applicant, which is a construction equipment rental, sales, and service business. The applicant has requested to use the property for rentals, sales, and service of construction equipment with outdoor storage. This would be considered an Industrial Use Not Permitted by Right, which is a Conditional Use within the M-1 Zoning District.

Per the Land Development Code, this Conditional Use may be approved administratively or may be referred to City Council. Due to the fact that the subject property abuts a residential use (a mobile home park), the Planning & Development Services Director has elected to refer the case to City Council so that they may decide whether or not to approve the Conditional Use.

The proposed request meets all of the following Conditional Use requirements:

- Administrative approval. *Public hearing requested per Planning & Development Services Director.*
- Investigations shall disclose that the proposed use and its operation are compatible with the uses permitted in the M-1 Zoning Districts. *Proposed use and operation is compatible with the M-1 Zoning District.*
- The proposed use shall be designed, located, and operated so that the public health, safety, and general welfare will be protected.

- B. **Site Area:** 338,025 square feet / 7.76 acres
- C. **Property History:** The 27,476 square foot slab-on-grade building, consisting of an office, warehouse, and garage with 7 bays, was constructed during various phases between 1971 and 1988. This site was

previously operated as a concrete contractor/construction equipment dealer facility with equipment and truck maintenance operations, under the company name of Coastal Caisson Corporation and Bauer of America, from the early 1970s to the early/mid 2000s.

An environmental assessment was conducted on the site and concluded that one 250 gallon waste oil and three 4,000 gallon gasoline/diesel underground storage tanks were removed in 1996. Moreover, in 1996, the property was designated a registered Leaking Storage Tank site.

In 1997, the final groundwater monitoring report indicated contaminants of concern were below regulatory action levels. The Florida Department of Environmental Protection (FDEP) issued a No Further Action (NFA) letter in 1998, which stated that no further investigation is required, however, the monitoring wells associated with the former Leaking Storage Tank should be plugged and abandoned. One above ground storage tank remains on site.

In 2012, the property was annexed into the City, per agreement AX12-4. The subject property was purchased in May 2021 by the applicant, and is currently operating as a construction equipment rental business.

- D. **Existing Use:** Construction Equipment Rentals, Sales, and Service
- E. **Proposed Uses:** Construction Equipment Rentals, Sales, and Service
- F. **Current Land Use:** Industrial Limited (IL)
- G. **Current Zoning District:** Light Industrial (M-1)
- H. **Flood Zone:** The majority of the subject property is located in Flood Zone AE-10, which is a high-risk flood zone; the south half of the property is also in the Coastal High Hazard Area.
- I. **Evacuation Zone:** This property is in Evacuation Zone A, which is the first level to evacuate in preparation for a storm. Zone A is evacuated when storm surge height is predicted to be up to 11 feet.
- J. **Vicinity Characteristics:**

	Zoning	Land Use	Existing Use
North	M-1 (City)	IL (City)	Industrial Uses
South	E-2 (County)	CG (County)	Storage/Construction Site
East	M-1 (City)	IL (City)	Industrial Uses
West	M-1 (City)	IL (City)	Residential RV Park, Industrial Uses, Retention Pond

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. **Land Use Designation / Comprehensive Plan Policies:**

1. **Land Use Purpose / Intent:**

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and industrial/mixed use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

2. **Key Standards:**

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

Primary Uses - Office; Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B).

Secondary Uses - Residential (limited to locations in Gateway Centre developed prior to August 7, 2015, pursuant to Section 2.3.3.14(E) of the Countywide Plan Rules (2018); 1 Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural.

Locational Characteristics – This category is generally appropriate to locations with sufficient size to encourage an industrial park arrangement, as well as integrated industrial/mixed use projects, with provision for internal service access in locations suitable for light industrial use with minimal adverse impact on adjoining uses; and serviced by the arterial and thoroughfare highway network, as well as mass transit.

Density/Intensity – Shall include the following:

All Other Uses – Shall not exceed a floor area ratio (FAR) of 0.65 nor an impervious surface ratio (ISR) of 0.85, except as provided for in the Countywide Plan Rules (2018). The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of 0.39 and an ISR of 0.65

Other Standards – Industrial Uses Adjacent to Residential Categories- An appropriate buffer, as determined by the City except for an industrial/mixed use project requiring the submission of a master plan as outlined below, shall be provided in and between the Industrial Limited category and an adjoining Residential classification.

3. Relevant Policies:

POLICY LU.1.1.3 The City shall utilize for direction and guidance The Countywide Plan Rules developed by the Pinellas Planning Council to ensure development that is compatible and consistent with the comprehensive plans of abutting communities.

POLICY LU.1.15.5 Commercial areas shall be buffered from surrounding streets and uses, through appropriate landscaping and setbacks, in order to facilitate an optimal transition.

POLICY LU.1.15.6 Unsightly areas such as loading docks, refuse collection areas, outdoor storage areas, etc., shall be screened from roadways and residential properties.

POLICY LU.1.16.1 Maintain a sufficient supply of industrial land with a minimum of adverse effects on abutting properties.

POLICY LU.1.16.3 Industrial uses shall be concentrated in suitable existing locations to prevent a spread of negative effects on the community.

POLICY LU.1.16.4 Industrial development shall be separated from adjacent incompatible uses, and from residential uses permitted under special area plans, by transition zones, landscaping, parks, open space, or other buffering areas, for the mutual protection of industrial and non-industrial land uses.

4. Staff Analysis:

Staff finds that the proposed use (rentals, sales, and service of construction equipment with outdoor storage) is appropriate for the Industrial Limited (IL) Land Use category. However, the property to the west has an existing residential use (mobile home park). Staff finds that adhering to the Comprehensive Plan Policies detailed above would reduce impact on the abutting residential property by enforcing required buffers between the incompatible uses, and provide screening of unsightly areas while still maintaining industrial uses in a suitable location.

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

B. Zoning District / Land Development Code Standards:

1. Zoning District Purpose / Intent:

The "M-1" Light Industrial District is established in order to identify and provide those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a light industrial environment, which does not create hazardous or other serious detrimental effects upon the public health in the surrounding areas. This district is intended primarily for a wide variety of industrial uses and compatible retail, wholesale, distributing operations, and in limited situations as provided in (B) below, single and multi-family dwellings, together with accessory uses and public facilities customary to or required for such an environment.

Areas of the City for which this zoning category is appropriate are designated on the Land Use Plan Map as Industrial Limited (IL) or Community Redevelopment District (CRD) Land Use Plan Map Categories.

2. Key Standards:

Sec. 18-1524. - "M-1" LIGHT INDUSTRIAL DISTRICT

Sec. 18-1524.4. - DIMENSIONAL AND AREA REGULATIONS

(A) MINIMUM LOT REQUIREMENTS.

1. Lot Area: Fifteen thousand (15,000) square feet.
2. Lot Width: One hundred (100) feet.
3. Lot Depth: One hundred fifty (150) feet.
4. Lots of record not meeting the lot area, width, or depth requirements of this section and having been of record prior to the adoption of these regulations may be used for a permitted or Conditional Use provided that all other dimensional regulations will apply.

(B) MINIMUM YARD SETBACK REQUIREMENTS.

1. Front Yard Setback: Twenty (20) feet.
2. Secondary Front Yard Setback: Ten (10) feet.
3. Side Yard Setback: Five (5) feet; ten (10) feet is required if abutting a residential zoning district.
4. Rear Yard Setback: Five (5) feet, ten (10) feet is required if abutting a residential zoning district.
5. For corner, double frontage and multiple frontage lots, see Section 18-1503.7, "Yard Determinations."
6. Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width.

(C) MAXIMUM LOT COVERAGE. Seventy-five (75) percent. Refer to Section 18-1530.18 for maximum lot coverage allowances for master stormwater retention/detention ponds.

(D) MINIMUM FLOOR AREA AND LIVEABLE FLOOR AREA.

1. Nonresidential: Three hundred (300) square feet.
2. Residential: See Table 1524-1.

(E) FLOOR AREA RATIO.

1. Fifty-five hundredths (0.55) in CRD.
2. Fifty-five hundredths (0.55) in IL.

(F) MAXIMUM BUILDING HEIGHT. Forty (40) feet. See Section 18-1503.13, "Exclusion from Height Limits", for height limit exclusions.

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

42. Industrial Uses Not Permitted By Right in the M-1 or IH Districts.

- a) Administrative approval.
- b) Investigations shall disclose that the proposed use and its operation are compatible with the uses permitted in either the "M-1" or "IH" District, whichever is applicable.
- c) The proposed use shall be so designed, locate'd, and operated that the public health, safety, and general welfare will be protected.

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

(B) Commercial/Business Uses

11. Sale and Rental of Automobiles, Manufactured Homes, Boats, Recreational Vehicles, and other Vehicles: One (1) per five hundred (500) SF of enclosed sales/rental GFA, plus two (2) per service bay. Customer parking for open sales/rental area shall require one (1) off-street parking space for each two thousand (2,000) square feet of outdoor sales and/or rental area.

(D) Industrial and Manufacturing Uses

3. Warehouse: One (1) per seven hundred fifty (750) SF of gross floor area.

Sec. 18-1530.11. - OUTDOOR STORAGE.

TABLE 18-1530-2 OUTDOOR STORAGE REGULATIONS BY ZONING DISTRICT.

Zoning District	Permitted	Yards Where Prohibited	% Lot Coverage	Enclosure Required	Accessory Use Only?
M-1	Yes	Front and Secondary Front	N/A	6' min. wall adjacent to R.O.W., residential, mixed-use, quasi-public zoning; 6' fence on other sides.	No

(A) GENERAL PROVISIONS.

1. For purposes of this Section, outdoor storage shall mean the keeping of any item in any area other than in a completely enclosed structure for more than twenty-four (24) hours, unless the item is specifically intended, and customary, for outdoor placement.

4. A waiver to the requirement for a solid wall may upon written request be considered by City Council, except where the property upon which the outdoor storage area is located abuts or functionally abuts residential, mixed use or public/semi-public zoned properties. In determining whether or not to grant a request to allow a solid fence, City Council shall consider the following criteria: use of abutting properties, right-of-way classifications, extent of existing solid fencing within the surrounding area, fence material proposed and length of proposed fence/wall.

5. Items stored within authorized outdoor storage areas shall not exceed the height of the fence or wall and shall not be visible from abutting public rights-of-way or mixed use, public/semipublic or residentially zoned properties except in the "M-1", "IH" and "P" District when the future land use class of the "P" District is T/U (Transportation/Utility and as exempted in Table 1530-2).

Sec. 18-1533.16. – REQUIRED PERIMETER LANDSCAPE BUFFERS.

TABLE 18-1533-3 PERIMETER LANDSCAPE BUFFER SPECIFICATIONS.

STANDARD	BUFFER TYPE C
MIN. BUFFER WIDTH ³	8 ft.
BUFFER PLACEMENT	Parallel and abutting to the entire length of interior side and rear lot lines
MINIMUM TREE REQUIREMENT ALONG STREET LINE (outside of CRA) ²	Not applicable
MINIMUM TREE REQUIREMENT ALONG INTERIOR PROPERTY LINES (outside of CRA) ²	1/40 ft.
MIN. PERCENT OF BUFFER LENGTH TO BE PLANTED WITH HEDGES (AT MATURITY) CONTINUOUS HEDGE REQUIRED?	100% Yes*
SOLID FENCE OR MASONRY WALL REQUIREMENT	6 ft. in height
FENCE OR WALL PLACEMENT	Along lot line
HEDGE ALLOWED IN LIEU OF FENCE OR WALL?	No

3. Staff Analysis:

The proposed use (construction equipment rental, sales, and service) is consistent with the purpose and intent of the M-1 Light Industrial Zoning District. Although the use is not specifically listed in the Land Development Code, it is similar to the following permitted uses: Automotive Repair, Automobile Dealer, and Heavy Truck Sales. The 7.76 acre site has sufficient area for the proposed use and is abutting only M-1 Light Industrial Zoning Districts.

The adjacent mobile home park existed prior to the property's annexation into the City in 1995. Prior to annexation, the property was zoned C-2 (General Commercial and Services), which permitted multi-family residential, recreation, etc. The property was assigned the City zoning classification of M-1 (Light Industrial) at the time of annexation.

Outdoor storage of construction equipment is proposed for the large vacant area on the west and south sides of the property. Shielding is provided by the existing structure located on the east side of the property and an eight foot high solid fence on the west side, which exceeds the outdoor storage enclosure requirements. In addition, staff recommends requiring Landscaping Buffer Type C (which consists of an eight foot wide buffer, one canopy tree every 40 feet, and a continuous hedge) along the portion of the west side of the property that abuts residential, in addition to the existing fence. The proposed plan has adequate parking for employees and customers.

C. Project Application Review Committee (PARC) Comments:

The application was discussed at the October 5, 2021 PARC meeting by all relevant departments/divisions. The following comments were made during the review:

1. The County needs an easement agreement for access to the Cross Bayou Canal. Make this a condition of approval.
2. Depict location of ingress and egress.
3. Width of two-way drive aisle must be at least 24 feet.
4. ADA parking spaces are required.

IV. SUMMARY

A. Findings:

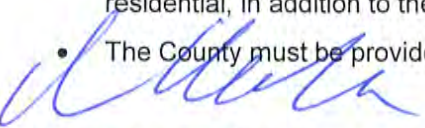
Based on the information and analysis contained in this report, staff finds as follows:

1. The request is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, provided that the west side of the property is adequately buffered, per Policies LU.1.15.5 and LU.1.15.6.
2. The proposed use meets the intent of the M-1 Light Industrial Zoning District, per Section 18-1524 of the Land Development Code.
3. The proposed use meets the Conditional Use requirements per Section 18-1531.10, the Minimum Off-Street Parking Space requirements per Section 18-1532.9, and the Outdoor Storage requirements per Section 18-530.11 of the Land Development Code.

B. Staff Recommendation:

Consistent with the above findings, staff recommends **APPROVAL** of case number CU-0921-00084, with the following conditions:

- Landscape buffer type C be used along the portion of the west side of the property that abuts residential, in addition to the existing 8 foot high solid fence.
- The County must be provided with an easement agreement for access to the Cross Bayou Canal.



Nick A. Colonna, AICP
Planning & Development Services Director

12-28-21

Date



Benjamin J. Ziskal, AICP, CECD
Community Development Administrator

12/29/21

Date

V. ACTION

CITY COUNCIL – MOVE TO:

A. APPROVE

B. APPROVE WITH THE FOLLOWING CONDITION(S):

C. DENY

....a Conditional Use for an Industrial Use Not Permitted by Right for rentals, sales and service of construction equipment with outdoor storage.

VI. ATTACHMENTS

Exhibit A: Affidavit of Ownership

Exhibit B: Site Plan

Exhibit C: Survey

Exhibit D: Aerial Map

Exhibit E: Land Use Map

Exhibit F: Zoning Map

Exhibit G: Flood Insurance Rate Map

Exhibit H: Site Photos

Exhibit I: Recommended Landscape Buffer

CITY OF PINELLAS PARK
AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:

Don F Ahern

being first duly sworn, depose(s) and say(s):

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

ADDRESS OR GENERAL LOCATION:

12290 US Hwy 19 Pinellas Park, FL

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

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

Conditional Use Permit3. That the undersigned (has / have) appointed and (does / do) appoint Sam. Baldash / Coj. Rosemarie 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 entering upon the property to make inspections as are necessary to visualize site conditions and/or determine compatibility.


 SIGNED (PROPERTY OWNER 1)

 SIGNED (PROPERTY OWNER 2)
STATE OF FLORIDA NOTARCOUNTY OF CLARE

The foregoing instrument was acknowledged before me by means of

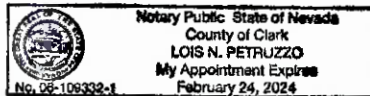
☒ physical presence or ☐ online notarization, this 8 dayof OCTOBER, 2021.By DON F AHERN, MANAGER, who is
(Name of person acknowledging and title of position)

personally known to me or who has produced

_____ as identification and who DID / DID NOT
(Type of identification)

take an oath.

Notary Public, Commission No. _____

LOIS N PETRUZZO
 (Name of Notary- typed, printed or stamped)


(SEAL ABOVE)

Aerial Map

Legend

- Parcel Lines
- Centerlines
- Pinellas Park
- Community Redevelopment Area 20:
- Annexation Amendment Agreement
- Neighboring Cities
 - Town of Kenneth City
 - City of Largo
 - City of Seminole
 - City of St. Petersburg
- Unincorporated



Notes:



1: 4,514

376.2 0 188.08 376.2 Feet

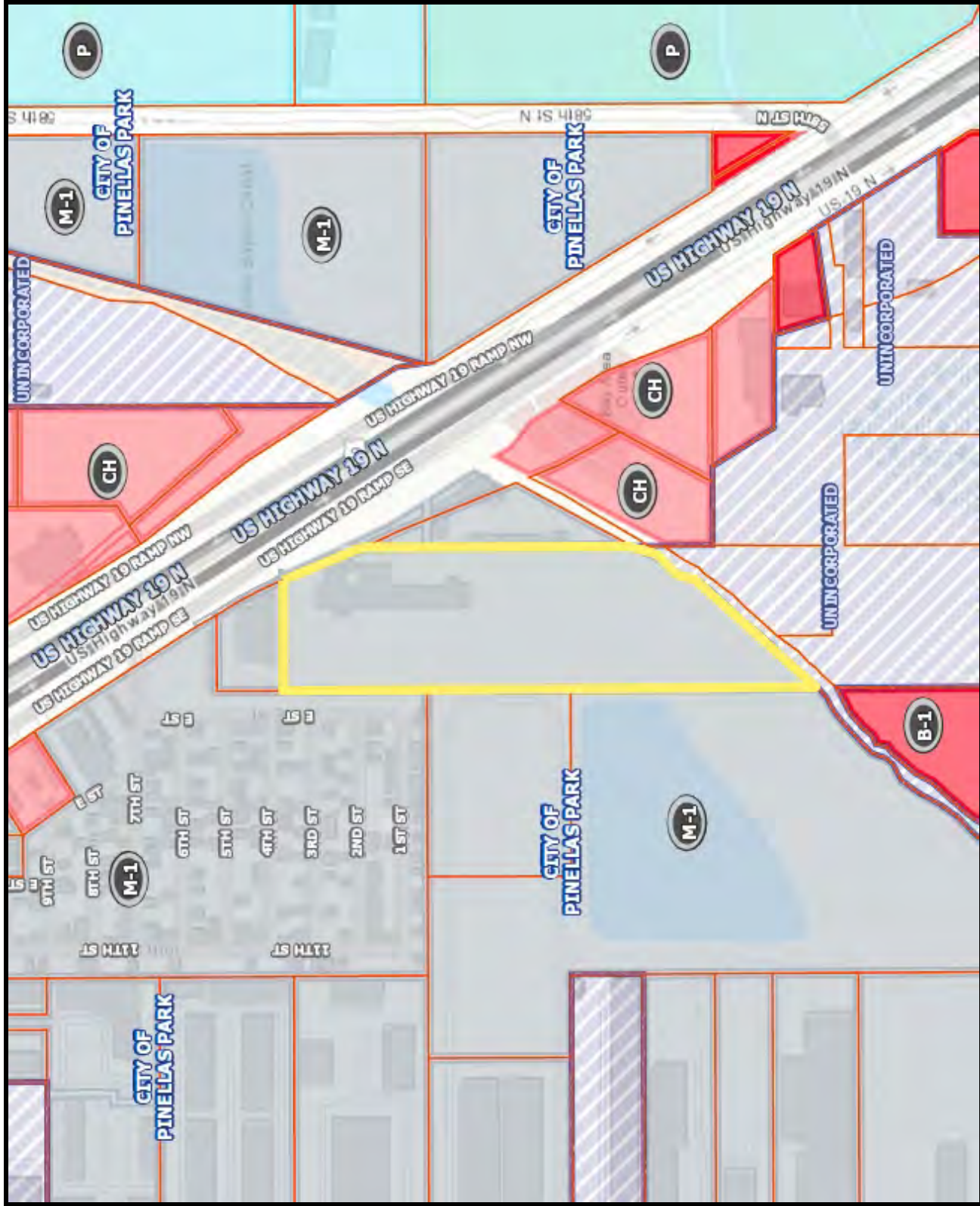
WGS_1984_Web_Mercator_Auxiliary_Sphere

Zoning Map

Legend



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



Notes:



1: 4,514

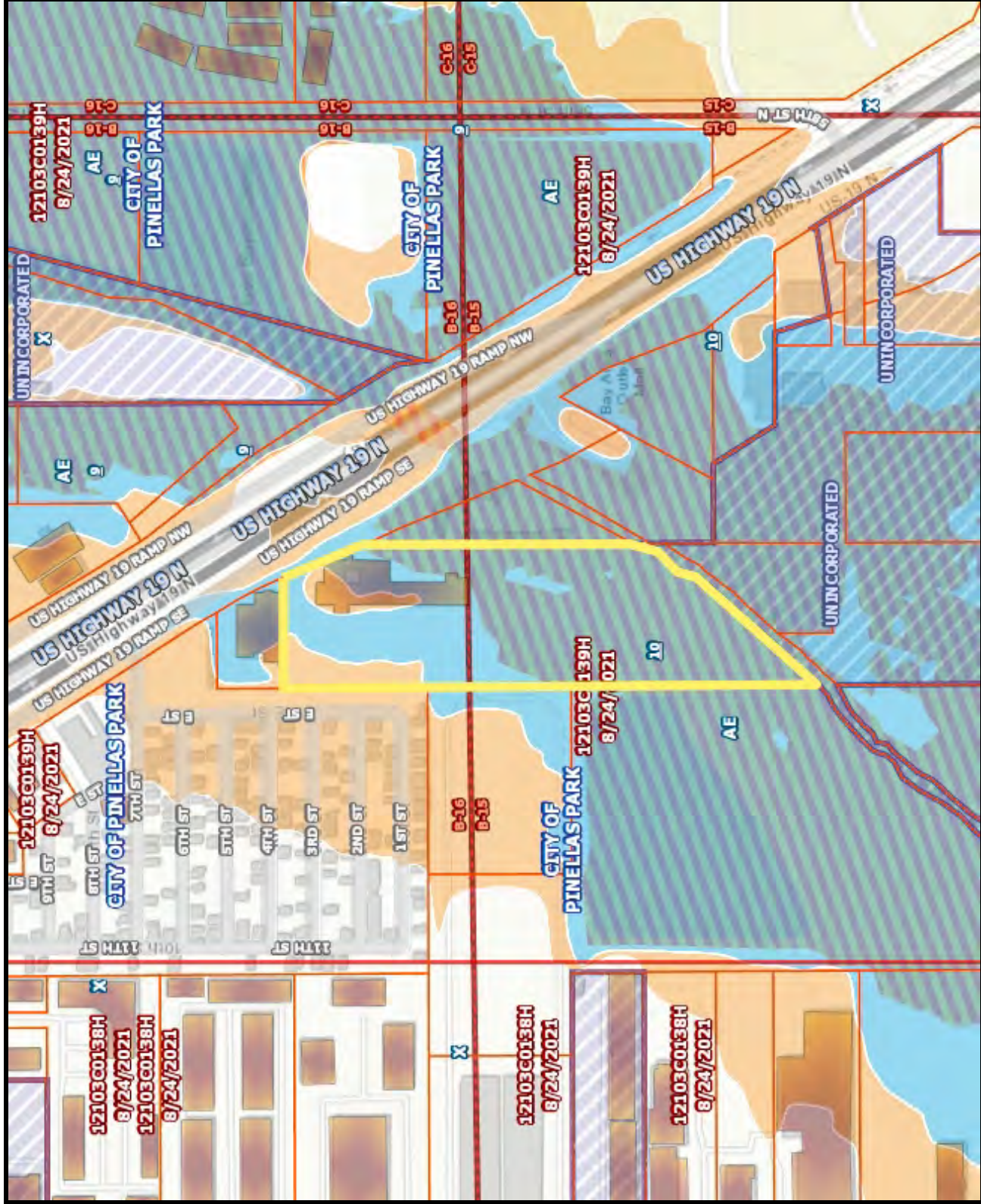
376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Flood Insurance Rate Map

Legend

- Parcel Lines
- Centerlines
- Building Footprints
- Pinellas Park
- Community Redevelopment Area 20:
- City Grid
- Neighboring Cities
 - Town of Kenneth City
 - City of Largo
 - City of Seminole
 - City of St. Petersburg
- Unincorporated
- Cross Sections
- Base Flood Elevation
- FIRM Panels
- Flood Hazard Lines
- LIMIT LINES
- SFHA / FLOOD ZONE BOUNDARY
- Flood Hazard Areas
 - <all other values>
 - 1% Annual Chance Flood Hazard (A, AE, AI)
 - Combined Riverine and Coastal Floodplain
 - Coastal Floodplain (AE)
 - 0.2% Annual Chance Flood Hazard in Comt Coastal Zone (X)
 - 0.2% Annual Chance Flood Hazard (X)
 - 0.2% Annual Chance Flood Hazard in Coas
 - Area of Minimal Flood Hazard (X)
 - Riverine Floodway in Combined Riverine an (AE)
 - Floodway (AE)
 - Coastal High Hazard Area



Notes:



1: 4,514

376.2 0 188.08 376.2 Feet

Site Photos









Exhibit I- Recommended Landscape Buffer



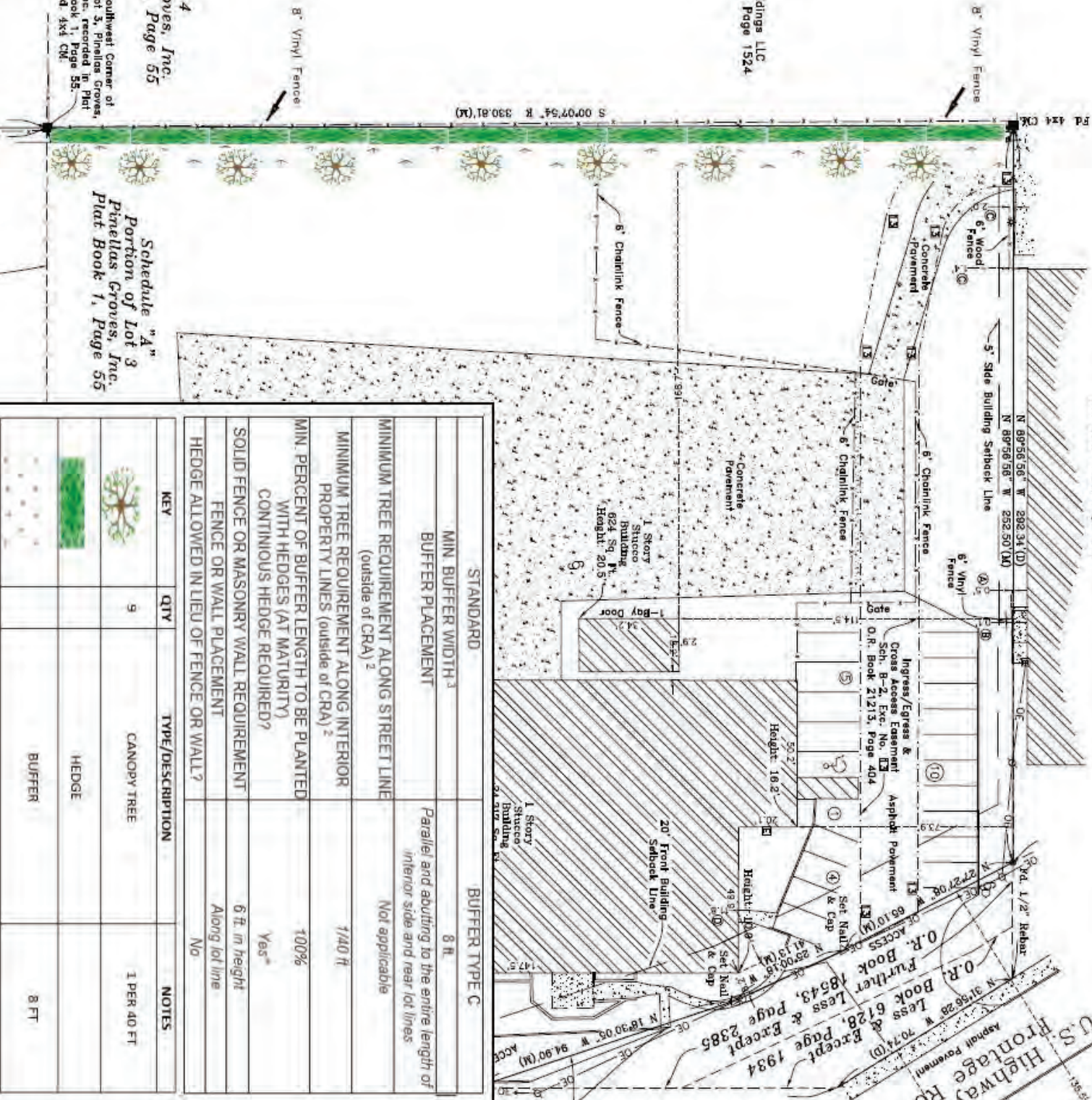
Not to Scale




Trovel World Holdings LLC
O.R. Book 16290, Page 1524

Lot 4
Pinellas Groves, Inc.
Plat Book 1, Page 55

Southwest Corner of
Lot 3, Pinellas Groves,
Inc. recorded in Plat
Book 1, Page 55.
Pd. 4x4 CM.

Schedule "A"
Portion of Lot 3
Pinellas Groves, Inc.
Plat Book 1, Page 55



STANDARD		BUFFER TYPE C	
MIN. BUFFER WIDTH ¹	8 ft.		
BUFFER PLACEMENT	Parallel and abutting to the entire length of interior side and rear lot lines		
MINIMUM TREE REQUIREMENT ALONG STREET LINE (outside of CRA) ²	Not applicable		
MINIMUM TREE REQUIREMENT ALONG INTERIOR PROPERTY LINES (outside of CRA) ²	1/40 ft		
MIN. PERCENT OF BUFFER LENGTH TO BE PLANTED WITH HEDGES (AT MATURITY)	100%		
CONTINUOUS HEDGE REQUIRED?	Yes*		
SOLID FENCE OR MASONRY WALL REQUIREMENT	6 ft. in height		
FENCE OR WALL PLACEMENT	Along lot line		
HEDGE ALLOWED IN LIEU OF FENCE OR WALL?	No		
KEY	QTY	TYPE/DESCRIPTION	NOTES
	9	CANOPY TREE	1 PER 40 FT
		HEDGE	
		BUFFER	8 FT