

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, ADOPTING A REVISED MASTER PLAN CONTROLLING DEVELOPMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), WITH UNDERLYING GENERAL COMMERCIAL (B-1) ZONING ON A 0.91 ACRE PARCEL OF LAND LOCATED AT 7020 U.S. HIGHWAY 19 NORTH, ON LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF; FOR THE EXPANSION OF AN EXISTING DRIVE-THRU RESTAURANT ON OUTPARCEL NO. 11; 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-1222-00002; CPH, INC.)

WHEREAS, on August 12, 2004, City Council approved Ordinance No. 3246 (PUD 2004-3) which adopted a CPUD Master Plan and supporting documentation for the redevelopment of the former Parkside Mall;

WHEREAS, on February 24, 2005, City Council approved a Minor Amendment (PUD 2004-3(R)) which adjusted lot lines and shifted development square footages accordingly;

WHEREAS, on March 24, 2005, City Council approved Ordinance No. 3315 (PUD 2004-3(R)2/CU 2005-5), adopting a Master Plan and controlling documentation for Park Place Townhomes north and south of 70th Avenue;

WHEREAS, on September 22, 2005, City Council approved Ordinance No. 3373 (PUD 2004-3(R)3), to amend the Master Plan to add the former Amoco Service Station site to the CPUD and provide for its eventual development as a drive-thru restaurant along with several minor adjustments to buildings and parcels;

WHEREAS, on June 12, 2006, the City Manager approved a Minor Amendment (PUD 2004-3(R)4), which allowed for minor adjustments to lot lines;

WHEREAS, on January 11, 2011, the City Manager approved a Minor Amendment (PUD 2004-3(R)6), which allowed a conversion of a two-way drive aisle to one way;

WHEREAS, on December 13, 2012, the City Council approved Ordinance No. 3832 (PUD 2004-3(R)7) to amend the CPUD Master Plan to provide for the development of an 108-unit, single family attached subdivision, Park Place Townhomes;

WHEREAS, on July 25, 2013, the City Manager approved a Minor Amendment (PUD 2004-3(R)8/CU 2004-13(R)), which allowed development of a PSTA Customer Service Center for the existing bus transfer station;

WHEREAS, on October 18, 2013, the City Manager approved a Minor Amendment (PUD 2004-3(R)9) for the Park Place Townhomes, which allowed the reduction of the front yard setback from 18 feet to 14 feet;

WHEREAS, on September 9, 2019, the City administratively approved a Minor Amendment (PUD 2004-3(R)10/CU 2004-13(R)) for outparcel no. 7, which allowed a conditional use of a drive-thru restaurant in order for the existing restaurant to add a drive-thru lane;

WHEREAS, the City Council has now been petitioned for a Major Amendment to the CPUD Master Plan (PUD-1222-00002) to expand the existing conditional use of a drive-thru restaurant on outparcel no. 11, add a second drive-thru lane, and increase the lot coverage to

approximately 84%, which, if approved, shall be incorporated into said Master Plan;

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

WHEREAS, the City Council has determined that it is in the public interest to modify the Master Plan, so as to authorize and approve a modification of the property, a CPUD with underlying B-1 zoning, generally located at 7020 U.S. Highway 19 North as hereinafter provided;

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 revised Master Plan and supporting documentation for the CPUD are hereby adopted for the purpose of controlling development on the 0.91 acre parcel of land located at 7020 U.S. Highway 19 North described as follows:

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

SECTION TWO: That the revised Master Plan attached hereto and incorporated herein as **EXHIBIT "B"**, shall be controlling as to the amended CPUD, 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 CPH, Inc. and last revised on September 15, 2021 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 the Code in effect at the time of CPUD adoption.
2. Upon written request prior to the expiration of PUD amendment approval, the Planning and Development Services Director may approve an extension up to one year.

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

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

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

PUBLISHED THE _____ DAY OF _____, 2022.

FIRST READING _____ DAY OF _____, 2022.

PUBLIC HEARING THE _____ DAY OF _____, 2022.

PASSED THIS _____ DAY OF _____, 2022.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2022.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF LOT 243, BLOCK 4, A PORTION OF LOTS 187 AND 188, BLOCK 2, VACATED AVE "D" (VACATED BY OFFICIAL RECORDS BOOK 6643, PAGE 1459) OF HOMELAND SUBN. AS RECORDED IN PLAT BOOK 6, PAGE 29, TOGETHER WITH A PORTION OF LOT 1, BLOCK 1 OF PINELLAS PARK MALL PARTIAL REPLAT, AS RECORDED IN PLAT BOOK 79, PAGES 65-67, ALL BEING OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST EASTERLY CORNER OF PINELLAS PARK MALL PARTIAL REPLAT, AS RECORDED IN PLAT BOOK 79, PAGES 65-67 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND A CURVE CONCAVE SOUTHWESTERLY Having A RADIUS OF 5,679.65 FEET; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY Line OF US HIGHWAY 19 (STATE ROAD 55) AND ALONG SAID CURVE 47.06 FEET. THROUGH A CENTRAL ANGLE OF 00°28'29" (CHORD BEARING SOUTH 28°04'36" EAST, 47.06 FEET); THENCE Leaving SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 60°11'35" WEST, 82.64 FEET ALONG A NON-RADIAL LINE: THENCE NORTH 89°57'27" WEST, 183.70 feet; THENCE NORTH 00°01'49" WEST, 43.53 FEET TO A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 125.00 FEET; Thence NORTHERLY ALONG SAID CURVE 69.59 FEET, THROUGH A CENTRAL ANGLE OF 31°53'45" (CHORD BEARING NORTH 15°58'41" WEST, 68.69 FEET); THENCE NORTH 31°55'34" WEST, 8.91 FEET; THENCE NORTH 60°11'03" EAST, 207.61 FEET TO A NON-TANGENT CURVE CONCAVE Southwesterly, HAVING A RADIUS OF 5,679.65 FEET AND THE INTERSECTION WITH SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF US highway 19 (STATE ROAD 55); THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE ALONG SAID CURVE 157.82 FEET THROUGH A CENTRAL ANGLE OF 01°35'32" (CHORD BEARING SOUTH 29°06'36" EAST 157.82, FEET) TO THE POINT OF BEGINNING.

CONTAINING 0.9135 ACRES, MORE OR LESS.

ALSO KNOWN AS LOT 11, BLOCK 1 OF THE PLAT OF "THE SHOPPES AT PARK PLACE".

EXHIBIT "B"

MASTER PLAN

(Prepared by CPH, Inc.)

Last Revised dated September 15, 2021



I. APPLICATION DATA

- A. **Case Number:** PUD-1222-00002
- B. **Location:** 7020 US Hwy 19 (Parcel No. 27-30-16-81205-001-0110)
- C. **Request:** Amendment to a previously approved Commercial Planned Unit Development (CPUD) for 7020 US Hwy 19 (Outparcel No. 11), to expand the existing conditional use of a drive-thru restaurant by 475 square feet, with a variance to increase the lot coverage to 84.30%.
- D. **Applicant:** Matt D'Angelo and Brittany Zinkhan with CPH, Inc.
- E. **Authorized Agent:** N/A
- F. **Property Owner:** Top25 7200 US Hwy 19 N LLC C/O Greystone Special Servicing
- G. **Legal Ad Text:** Amendment to a previously approved Commercial Planned Unit Development (CPUD) for 7020 US Hwy 19, to expand the existing conditional use of a drive-thru restaurant, with a variance to increase the lot coverage.
- H. **PARC Meeting:** December 28, 2021
- I. **Public Hearings:**

Planning & Zoning Commission Hearing Date: February 3, 2022

Advertising Date: January 19, 2022

City Council (First Reading): February 24, 2022

City Council Hearing Date: March 10, 2022

Advertising Date: February 23, 2022

II. BACKGROUND INFORMATION

A. **Case Summary:**

The subject property is part of a Commercial Planned Unit Development (CPUD) that was approved in 2004, which included approval of the conditional use for the existing Chick-Fil-A drive-thru. The CPUD has an underlying zoning district of General Commercial (B-1), which a drive-thru restaurant is a conditional use within this district.

The applicant is proposing renovations to the building, including expanding the west side of the building by approximately 475 square feet, and improving the drive-thru area to accommodate additional vehicles. With these proposed enhancements, the overall impervious surface area (lot coverage) will increase from 82.20% to 84.30%, an increase of approximately 835 square feet. The applicant is requesting a variance for maximum lot coverage.

The existing building is approximately 3,931 square feet and would increase to approximately 4,388 square feet with the proposed addition, necessitating a Major PUD Amendment.

The outparcel has a cross parking easement agreement in place to share parking rights with the shopping center; therefore, the proposed building expansion meets parking per code requirements.

Please refer to the breakdown below of the required, existing, and proposed site design criteria.

Building Area		
	Building Square Footage	Floor Area Ratio (FAR)
Original PUD Approval (Max)	5,000	0.45
Existing	3,931	0.10
Proposed	4,388	0.11

Parking	
	Parking Count
Required	44
Existing	40
Proposed	31
Available parking within neighboring Shopping Center (easement agreement): 106 excess spaces (Outparcel will utilize 13 spaces to meet code)	

Lot Coverage	
	Percentage (%) / Square Feet (SF)
Required	75% / 29,845 SF
Existing	82.20% / 32,705 SF
Proposed	84.30% / 33,540 SF

B. Site Area: 39,793 square feet / 0.91 acres

C. Property History:

On December 27, 1973, a Development of Regional Impact (DRI) Development Order for Pinellas Square Mall was approved by City Council for 780,000 square feet of retail development. On January 31, 1999, the City approved a Notice of Proposed Change to a previously approved DRI (NOPC) to provide for a 7,200 square foot ice skating rink. On April 8, 1999, a NOPC was approved to add a 20 screen cinema with 5,000 seats. On May 13, 2004, a NOPC was approved that provided for the redevelopment of the mall by demolishing the existing structure, except the cinema, and providing for 523,000 square feet of retail uses and 124 multi-family units. The name was changed from "Pinellas Square Mall" to "Shoppes at Park Place".

On August 12, 2004, a rezoning of this area from General Commercial (B-1) to General Commercial (B-1) with a Commercial PUD Overlay, was approved by City Council, per case no. PUD 2004-3. The PUD approval allowed Conditional Uses for a shopping center, retail plant nursery, financial institution with drive-thru, restaurant with drive-thru, multi-family residential, and "height of structures over 50 feet." This also included a waiver for landscaping requirements between commercial parcels and a waiver to the conditional use criteria for a drive-thru restaurant that no building or structure be located closer than 30 feet to any side property line. The following PUD amendments were approved from 2005 to 2019:

- On February 24, 2005, City Council approved a minor amendment for alterations to the arrangement, location and size of buildings and improvements, as well as an alteration to signage, per case no. PUD 2004-3(R).
- On March 24, 2005, City Council approved adopting a Master Plan and controlling documentation for Park Place Townhomes north and south of 70th Avenue, per Ordinance No. 3315 (PUD 2004-3(R)2 and CU 2005-5).
- On September 22, 2005, City Council approved to bring the former Amoco Service Station parcel which was located just east of the Park Boulevard entrance, into the PUD, per case no. PUD 2004-3(R-3). In addition, the City approved to establish a retail and/or restaurant/drive thru as development options for Parcel 2 and to change the development options for Parcel 4 from retail to retail/tire store with minor automotive repair.
- On June 12, 2006, City Council approved a minor amendment for reconfiguration of lots, such as: a Unity of Title tying the Amoco gas station site to Parcel 2; a Lot Line Adjustment separating Parcel 2 and

Parcel 3; a Unity of Title tying together Parcel 4 and Parcel 5 for the development of BJ's Restaurant, per case no. PUD 2004-3(R-4).

- On January 11, 2011, staff approved a request to amend the existing PUD to convert a two-way drive aisle to a one-way drive aisle, per case no. PUD 2004-3(R-6).
- On December 13, 2012, the City Council approved to amend the CPUD Master Plan to provide for the development of an 108-unit, single family attached subdivision, Park Place Townhomes, per Ordinance No. 3832 (PUD 2004-3(R)7).
- On July 25, 2013, the City Manager approved a Minor Amendment, which allowed development of a PSTA Customer Service Center for the existing bus transfer station, per case no.'s PUD 2004-3(R)8 and CU 2004-13(R).
- On October 18, 2013, the City Manager approved a Minor Amendment for the Park Place Townhomes, which allowed the reduction of the front yard setback from 18 feet to 14 feet, per case no. PUD 2004-3(R)9.
- On September 9, 2019, the City administratively approved a Minor Amendment for outparcel no. 7, which allowed a conditional use of a drive-thru restaurant in order for the existing restaurant to add a drive-thru lane, per case no.'s PUD 2004-3(R)10 and CU 2004-13(R).

D. **Existing Use:** Drive-Thru Restaurant

E. **Proposed Uses:** Drive-Thru Restaurant (No Change)

F. **Current Land Use:** Community Redevelopment District (CRD)

G. **Current Zoning District:** General Commercial (B-1) with CPUD Overlay

H. **Flood Zone:** The subject property is located in Flood Zone X, which is a low-risk flood zone; Flood Zone X-shaded, which is a moderate-risk flood zone; and Flood Zone AE-16, which is a high-risk flood zone.

I. **Evacuation Zone:** This 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.

J. **Vicinity Characteristics:**

	Zoning	Land Use	Existing Use
North	B-1 with CPUD Overlay	CRD	Financial Institution
South	B-1 with CPUD Overlay	CRD	Drive-Thru Restaurant
East	B-1	CRD	Rooms-To-Go
West	B-1 with CPUD Overlay	CRD	The Shoppes at Park Place

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 designated, or appropriate to be designated, as community centers and neighborhoods for redevelopment in accord with a special area plan therefor.

2. **Key Standards:**

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

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

3. Staff Analysis:

Per Policy LU.1.8.5 of the Comprehensive Plan, the existing conditional use that was authorized by the City Council in 2004 is consistent with the Comprehensive Plan. The existing conditional use of a drive-thru restaurant is a primary use in the CRD land use designation and is compatible with existing development in the area.

Per Policy LU.1.15.1 of the Comprehensive Plan, the subject property is located near a few major intersections within the Community Redevelopment District; such as 70th Ave and 34th St, Park Blvd and 34th St, and approximately a mile from Park Blvd and 49th Street. The existing development and proposed modifications will add to the community's quality of life and provides access to employment, services and amenities.

The proposed modifications to the PUD are relatively minor and should not adversely impact the neighborhood or neighboring parcels. Therefore, staff finds that the requested PUD amendment to revise the Master Plan for Outparcel no. 11 is consistent with the City's adopted Comprehensive Plan.

B. Zoning District / Land Development Code Standards:

1. Zoning District Purpose / Intent:

The "B-1" General Commercial District is established to identify and provide those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a general commercial environment with supportive medium density residential. This district is intended for a wide variety of consumer-oriented commercial uses and activities located in proximity to major thoroughfares and to residential concentrations, together with accessory uses and public facilities customary to or required for such an environment.

This district is appropriate for areas designated on the Official Land Use Plan Map as either Residential Medium (RM), Residential/Office/Retail (R/O/R), Residential/Office General (R/OG), Commercial General (CG), Commercial Recreation (CR), Resort Facilities High (RFH) or Community Redevelopment District (CRD).

The Planned Unit Development District (PUD) serves as an overlay to existing zoning classifications. In this role, the PUD provides an alternative to conventional zoning districts, at the property owner's option. The PUD may be established at appropriate locations and in accordance with the Comprehensive Plan and Land Development Regulations of the City of Pinellas Park. In fulfillment of this intent, the PUD provides standards and guidelines by which flexibility may be accomplished so that:

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

The development guidelines are provided as a basis from which a typical PUD can proceed. However, City Council retains the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety, and may modify these guidelines based on the merits of the project, the character of the surrounding area and potential adverse impacts on this area, size, configuration, and natural features of the land to be developed, adequacy of off-site improvements, traffic impact and nature of the proposed development Where there are conflicts between these PUD

regulations and general zoning, subdivision, or other applicable regulations of the City of Pinellas Park, those adopted by and shown on an adopted Master Plan, as defined herein, shall govern.

2. Key Standards:

SECTION 18-1529. – PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 18-1529.12. – CHANGES AND AMENDMENTS.

(B) *In such cases where the applicant proposes any amendment to an approved Master Plan, except as defined as minor changes in paragraph (A) of this section, the amendment shall be processed through the Planning and Zoning Commission and City Council as a new PUD application, including fees, public hearing and notification as set forth in this Article. These major changes include, but are not limited to any change that:*

1. *Increases the gross floor area of any nonresidential building.*

Sec. 18-1537.2. - VARIANCE REVIEW CRITERIA.

(A) *A variance from the terms of this Article shall not be granted unless and until a written application for a variance is submitted demonstrating:*

1. *That special conditions and circumstances exist which are peculiar to the land or building involved, and which are not applicable to other lands or buildings in the same district; and*

The application is ☒ in compliance with, or ☐ is not in compliance with this review criterion.

2. *That literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Article; and*

The application is ☒ in compliance with, or ☐ is not in compliance with this review criterion.

3. *That the special conditions and circumstances do not result from the actions of the applicant; and*

The application is ☐ in compliance with, or ☒ is not in compliance with this review criterion.

4. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Article to other lands or buildings in the same district; and*

The application is ☒ in compliance with, or ☐ is not in compliance with this review criterion.

5. *That the requested variance is the minimum variance that will make possible the reasonable use of the land or building; and*

The application is ☒ in compliance with, or ☐ is not in compliance with this review criterion.

6. *That the granting of the variance will be in harmony with the general intent and purpose of this Article, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The application is ☒ in compliance with, or ☐ is not in compliance with this review criterion.

3. Staff Analysis:

Per Section 18-1529.12(B) of the Land Development Code, increasing the gross floor area of any nonresidential building in this PUD requires a major amendment. Since the building is being increased by approximately 475 square feet, this triggers the case to be processed through the Planning & Zoning Commission and City Council.

The request also includes a variance for the increase in lot coverage above the maximum of 75% per the B-1 Zoning District. The existing lot coverage is approximately 82.20% (32,705 square feet) and the applicant is proposing to increase it to approximately 84.30% (33,540 square feet).

Per Variance Criteria number 3, the special conditions and circumstances on the property result from the actions of the applicant, since they are proposing to expand the west side of the building by approximately 475 square feet, and improving the drive-thru area to accommodate additional vehicles, which results in the increase of impervious surface. However, a majority of the surrounding properties that are located within the same PUD exceed the maximum lot coverage of 75%. Staff therefore finds that the requested variance meets the intent of Section 18-1537, Variance Review Criteria.

Staff finds that the proposed changes are relatively minor and should not adversely impact the neighborhood or surrounding properties. Therefore, staff finds the requested amendment to be consistent with the intent of the Land Development Code and the CPUD Master Plan.

C. Project Application Review Committee (PARC) Comments:

The application was discussed at the December 28, 2021 PARC meeting by all relevant departments/divisions. Staff recommends the following:

- Additional markings and signage should be installed in order to move pedestrians safely to the site and into the restaurant.
- The ADA parking spaces must be aligned with the crosswalks leading to the building entrance. A continuous path to and from the ADA spaces and building is required per Florida Building Code.

IV. SUMMARY

A. Findings:

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

1. The requested amendment is consistent with the intent of the Land Development Code.
2. The requested amendment meets the PUD criteria in Section 18-1529.12(B).
3. The requested amendment meets the variance criteria in Section 18-1537.2.

B. Staff Recommendation:

Consistent with the above findings, staff recommends **APPROVAL** of case number PUD-1222-00002.


Nick A. Colonna, AICP
Planning & Development Services Director

1-10-2022
Date


Benjamin J. Ziskal, AICP, CECd
Community Development Administrator

1/13/22
Date

V. ACTION

PLANNING AND ZONING COMMISSION – MOVE TO:

A. RECOMMEND APPROVAL

B. RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION(S):

C. RECOMMEND DENIAL

...of an amendment to a previously approved Commercial Planned Unit Development (CPUD) for 7020 US Hwy 19 Outparcel no. 11, to increase the gross floor area of a drive-thru restaurant, with a variance to increase lot coverage.

VI. ATTACHMENTS

- Exhibit A:** Affidavit of Ownership and Property Audit Report
- Exhibit B:** Applicant's Narrative Summary
- Exhibit C:** PUD Master Plan (Chick-Fil-A Outparcel)
- Exhibit D:** Survey
- Exhibit E:** Aerial Map
- Exhibit F:** Land Use Map
- Exhibit G:** Zoning Map
- Exhibit H:** Flood Insurance Rate Map
- Exhibit I:** Site Photos

CITY OF PINELLAS PARK
AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:

TOP25 7200 US HIGHWAY 19 N LLC

C/O GREYSTONE SPECIAL SERVICING

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:

7020 US Highway 19 North Pinellas Park, FL 33781

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

SHOPPES AT PARK PLACE BLK 1, LOT 11

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):

PUD Amendment, Site Plan Review & Building Permit

3. That the undersigned (has / have) appointed and (does / do) appoint CPH, Inc. 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

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of

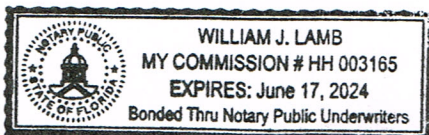
☒ physical presence or ☐ online notarization, this 12th day of November, 2021.

By [Signature], who is
(Name of person acknowledging and title of position)

personally known to me or who has produced FL driver license
(Type of identification)

as identification and who DID / DID NOT take an oath.

Notary Public, Commission No. HH 003165



(SEAL ABOVE)

(Name of Notary- typed, printed or stamped)



5601 Mariner Street
Suite 105
Tampa, FL 33609
Phone: 813.288.0233
Fax: 813.288.0433

12/16/2021

Megan Montesino
Principal Planner
City of Pinellas Park
6051 78th Avenue N.
Pinellas Park, FL 33781

RE: Chic-Fil-A Park Place Shopping Center - Corner of US19 & Park Blvd
CPUD Major Amendment and Variance Request

Dear Ms. Montesino,

Chic-Fil-A (CFA) is proposing a remodel to the existing restaurant located at the corner of US19 and Park Blvd within the Park Place Shopping Center. As part of the remodel, the building is being expanded by approximately 457 square feet (SF), the drive-thru is being improved, parking is being slightly reduced, and the impervious surface area is increasing approximately 835 SF. The existing building is approximately 3,931 SF and the proposed building including the additions is approximately 4,388 SF. CFA has a cross parking easement in place to share parking rights with the shopping center. Therefore, the proposed site plan meets code parking requirements utilizing neighboring adjacent parking spaces. The maximum lot coverage for the CPUD is 75% and the existing lot coverage is approximately 82.20% (32,705 SF). The proposed lot coverage is increased to approximately 84.30% (33,540 SF). The CPUD amendment is being requested, per section 18-1529.12.(B)1 of the City's Land Development Code, to address the increase of gross floor area of the non-residential building and includes a variance to address the increase of lot coverage above 75%. Please see breakdown below of the required, existing, and proposed site design criteria:

Building Area:

	Building Square Feet (SF)	FAR
CPUD Maximum	5,000	0.45
Existing	3,931	0.10
Proposed	4,388	0.11

Parking:

	Parking Count
Required	44
Existing	40
Proposed	31
Available within neighboring Shopping Center (easement agreement): 106 excess spaces / CFA utilize 13 spaces to meet code	

Lot Coverage:

	Percentage (%) / Square Feet (SF)
Required	75% / 29,845 SF
Existing	82.20% / 32,705 SF
Proposed	84.30% / 33,540 SF

Justification:

1. That special conditions and circumstances exist which are peculiar to the land or building involved, and which are not applicable to other lands or buildings in the same district;
The project site has an existing CFA restaurant and drive-thru located on-site. The existing site sees problems today with drive-thru stacking and site circulation as the pandemic has greatly increased traffic to the drive-thru in lieu of the dining room. In order to address the drive-thru stacking problem, the building and drive-thru lanes are being expanded to better serve the customers. The expanded drive-thru and building addition increase the lot coverage as requested with this amendment.
2. That literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Article;
The incredible popularity of CFA's drive-thru accompanied by the pandemic warrant the lot coverage increase to expand the existing drive-thru and building.
3. That the special conditions and circumstances do not result from the actions of the applicant;
The incredible popularity of CFA's drive-thru accompanied by the pandemic warrant the lot coverage increase to expand the existing drive-thru and building.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Article to other lands or buildings in the same district;
The existing lot coverage is already over the maximum lot coverage as defined in the CPUD. Other areas of the shopping center are similar situation. Therefore, no special privilege is granted.



5. That the requested variance is the minimum variance that will make possible the reasonable use of the land or building;
No improvements beyond the requested CPUD amendment and accompanying variance as depicted on the provided site plan are proposed at this time.
6. That the granting of the variance will be in harmony with the general intent and purpose of this Article, and that such variance will not be injurious to the area involved or otherwise detrimental to
The project site is an existing CFA restaurant and within an existing shopping center. Therefore, the proposed improvements are in harmony with the existing use of the property and the neighboring uses.

Sincerely,
CPH, Inc.

A handwritten signature in black ink, appearing to read 'M. D'Angelo', is written over a light blue rectangular background.

Matt D'Angelo, PE
Project Engineer

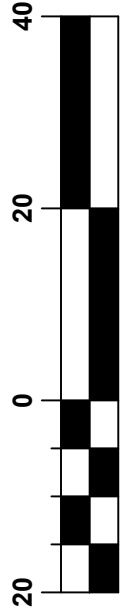
No.	Date	Revision	By
1			
2			
3			
4			
5			
6			
7			

Field Crew: E. Hatecke	
Drawn By: R. Buchanan	
Checked By: R. Roberts	
Approved By: T. Galloway	
Job No.: C29173	
Date: 6/30/2021	© 2021

BOUNDARY & TOPOGRAPHIC SURVEY
(ALTA/SPS LAND TITLE SURVEY)
ALSO BEING AN
CHICK-FIL-A, INC.
STORE #01773
7020 U.S. HIGHWAY 19 N
SECTION 27 TOWNSHIP 30 SOUTH RANGE 16 EAST
PINELLAS COUNTY, FLORIDA

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 3 OF 3.**

Sheet No. **C-1.3**



Scale: 1" = 20'

TITLE BLOCK ABBREVIATIONS

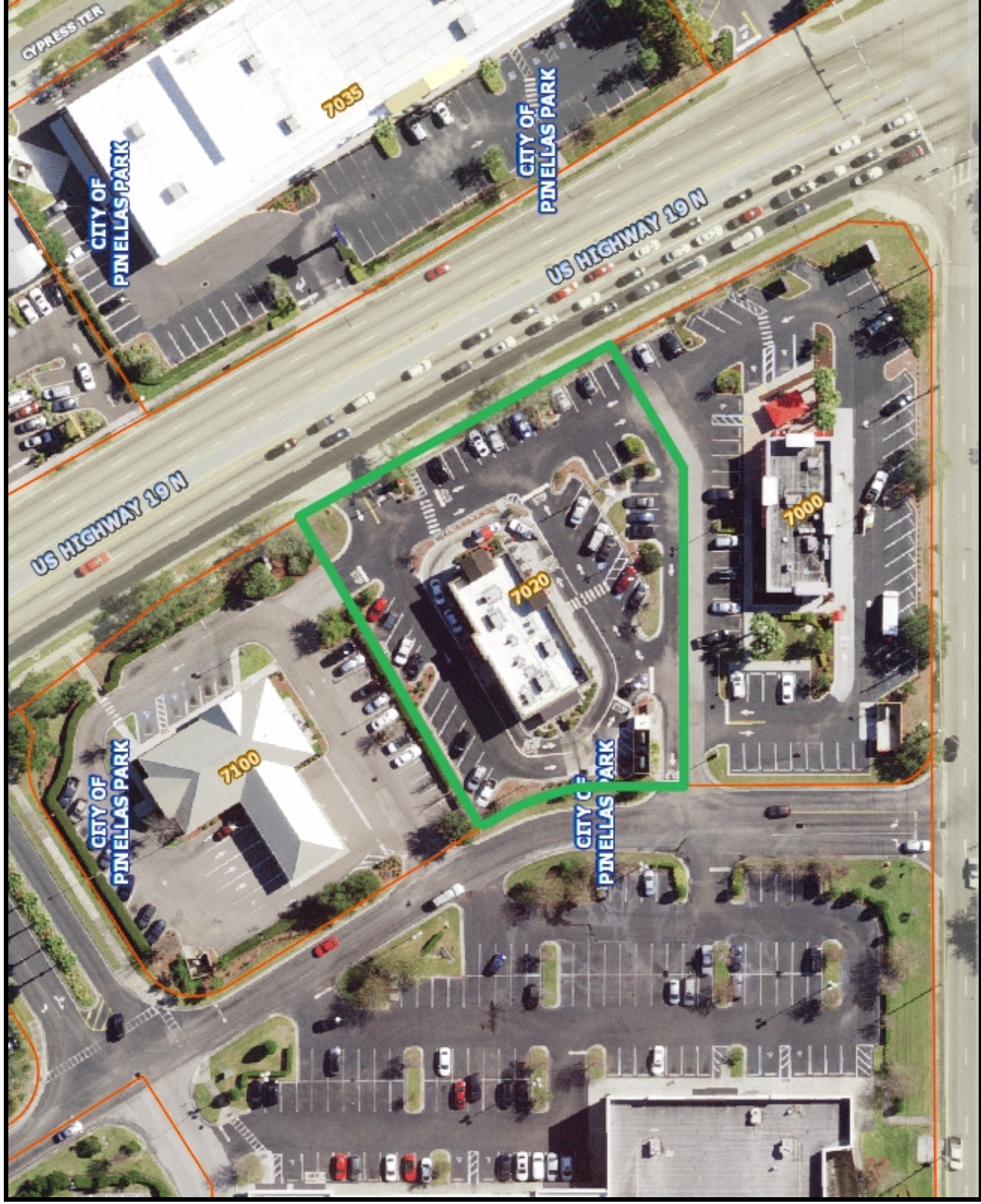
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURE
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE
No. = NUMBER	P.O. = POST OFFICE
	© = COPYRIGHT



Aerial Map

Legend

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



Notes:



1: 1,128

94.0 0 47.02 94.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Land Use Map

Legend

- Master Address Points
- Parcel Lines
- Centerlines
- Pinellas Park
- Medical District
- Community Redevelopment Area 20;
- Land Use Borders
- Commercial General - CG
- Commercial General (Residential Medium) -
- Commercial Neighborhood - CN
- Community Redevelopment District - CRD
- Industrial General - IG
- Industrial Limited - IL
- Institutional - INS
- Preservation - P
- Residential/Office/Retail - R/O/R
- Residential/Office General - R/O/G
- Residential/Open Space - R/O/S
- Residential Low - RL
- Residential Low Medium - RLM
- Residential Medium - RM
- Residential Suburban - RS
- Residential Urban - RU
- Residential Urban (Commercial General) - F
- Residential Urban (Residential Low) - RU/R
- Transportation/Utility - T/U
- Land Use Fill
- Commercial General - CG
- Commercial General (Residential Medium) -
- Commercial Neighborhood - CN
- Commercial Recreation - CR
- Community Redevelopment District - CRD
- Industrial General - IG
- Industrial Limited - IL
- Institutional - INS
- Preservation - P
- Residential/Office/Retail - R/O/R
- Residential/Office General - R/O/G
- Recreation/Open Space - R/O/S
- Residential Facilities High - RFH



Notes:



1: 1,128

94.0 0 47.02 94.0 Feet



WGS_1984_Web_Mercator_Auxiliary_Sphere

Zoning Map

Legend

- Master Address Points
- Parcel Lines
- Centerlines
- Pinellas Park
- Zoning Borders
- General Commercial - B-1
- Heavy Commercial - CH
- Commercial Neighborhood - CN
- Commercial Planned Unit Development - CPUD
- 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 - RPUD
- 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 - CPUD
- Farm - F

Exhibit G - Zoning Map



Notes:



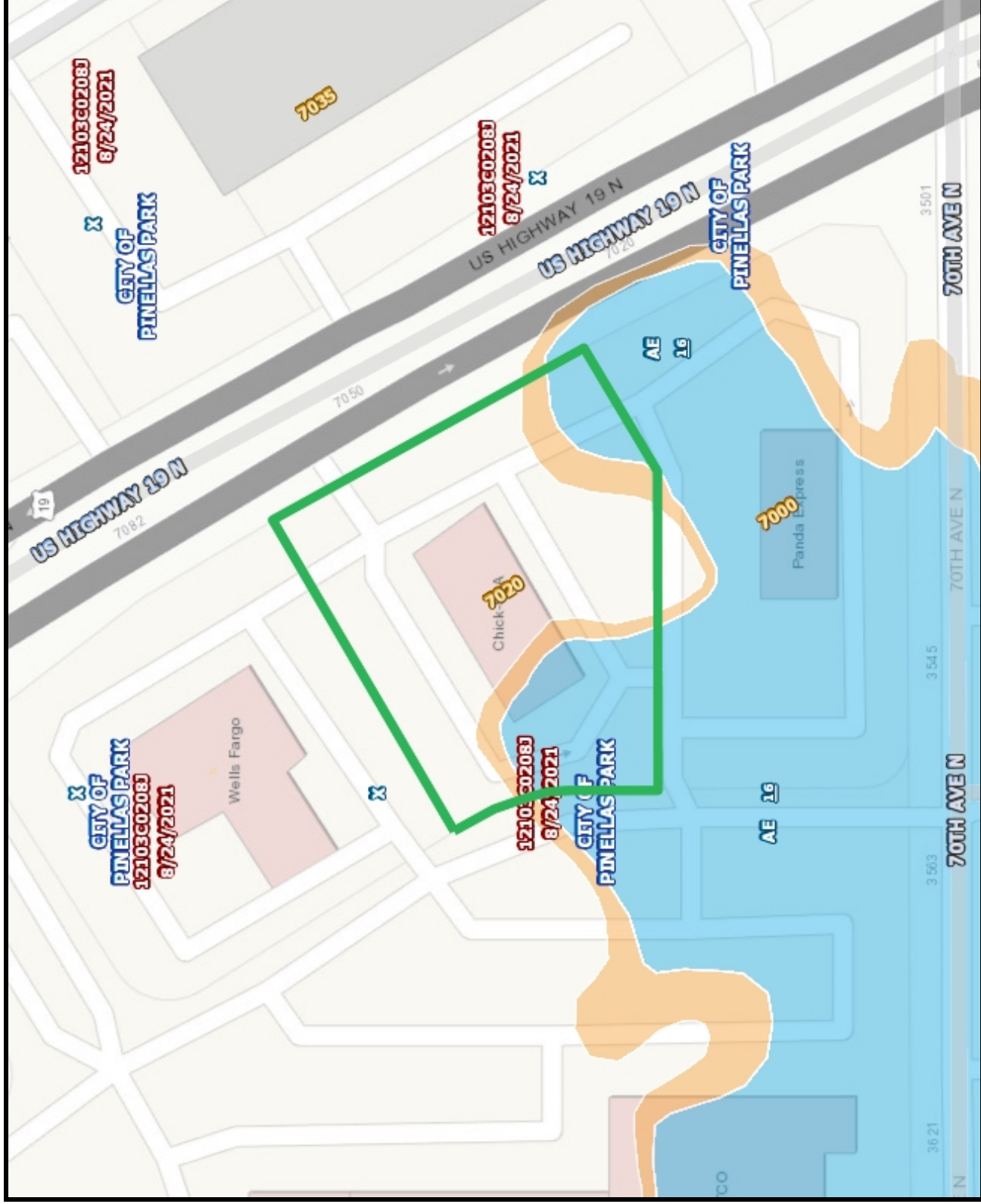
1: 1,128

94.0 0 47.02 94.0 Feet

Flood Insurance Rate Map

Legend

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



Notes:



1: 1,128

94.0

0

47.02

94.0

Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Site Photos



Southwest side of Building/Property



Southwest side of Building/Property



South side of Property (Between Chick-Fil-A and Panda Express)



Northwest side of Building/Property



Southeast side of Building/Property



Northeast side of Building/Property