



CITY OF PINELLAS PARK

Staff Report

Community Development Department Planning and Development Services Division

I. APPLICATION DATA

A. **Case Number:** CU 2019-5

B. **Location:**

1. **Address:** 10525 49th Street

2. **Parcel Numbers:** 16-30-16-69732-400-5001, 16-30-16-69732-400-5002, 16-30-16-69732-400-4706, 16-30-16-69732-400-4704, 16-30-16-69732-400-4705

C. **Request:** Consideration of a request for a Conditional Use for Height- Buildings and Structures Over 40 Feet for a proposed 200 foot flag pole as an accessory structure at Bert's Barracuda Harley Davidson in the M-1 Light Industrial Zoning District.

D. **Applicant:** Horse Power Investments, LLC

E. **Agent:** Robert W. King II

F. **Legal Ad Text:** Consideration of a request for a Conditional Use to exceed the "maximum height-building and structures" for a flag pole as an accessory structure in the M-1 Light Industrial Zoning District.

G. **Public Hearings:**

1. **Planning & Zoning Commission Hearing Date:** May 2, 2019

2. **City Council Hearing Date(s):** June 13, 2019

Deadline to send public hearing notices: May 24, 2019

Advertising deadline: Ads posted May 23, 2019

II. BACKGROUND INFORMATION

A. **Site Area:** 9.33 acres

B. **Property History:**

1. **Previous Land Use Plan or Zoning Amendments:** Rezoned on January 22, 1981 from B-1 General Commercial District to M-1 Light Industrial District via Ordinance #1066.

2. **Permits and Development:** The subject parcel is platted as Pinellas Farms as recorded in the Official Records of Hillsborough County, Plat Book 7, Page 4. There are several active permits on the property. Permit number 2018-0817 for the demolition of the existing structures; permit number 2018-4325 for the construction of a retail store, restaurant, motorcycle track and associated infrastructure; permit number 2019-0644 for the construction of an 18,800 square foot pavilion; permit number 2019-0741 for the installation of a water tower with four vinyl signs attached to each side.

2. **Previous Variances or Waivers:** Not applicable

C. **Existing Use:** Retail sales, restaurant (under construction)

D. **Proposed Use:** Retail sales, restaurant

E. **Current Zoning District:** M-1 (Light Industrial)

1. Zoning District Purpose / Intent:

Article 15 Section 18-1524: 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.

2. Staff Analysis:

This site is currently in the M-1 (Light Industrial) Zoning District. The use of retail sales of motorcycles and accessory uses of restaurant and entertainment is consistent with the zoning designation and does not create hazardous or other serious detrimental effects upon the public health in the surrounding areas.

F. **Proposed Zoning District:** M-1 (Light Industrial)

G. **Current Land Use:** IL (Industrial Limited)

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.

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 (subject to master development plan approval by the Countywide Planning Agency); Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural.

2. Key Standards:

Number of uses – Provision for two or more primary or secondary uses that are mutually supportive, and designed to be physically and functionally integrated.

Master Development Plan – Preparation of a master development plan that stipulates the type and scale of uses, permitted densities and intensities, and relationships among plan components. Such plan shall distinguish the industrial/mixed use project from the unplanned placement of uses on a site or sites, resulting from separate unrelated actions of distinct developments that fail to provide for synergism between uses.

3. Staff Analysis:

The primary use of retail sales of motorcycles and secondary uses of restaurants and entertainment are mutually supportive and designed on site to be physically and functionally integrated. A Master Development Plan was processed as permit number 2018-4325 and permit number 2019-0644. The Master Plan did not require prior zoning approval. The Zoning Certification Letter is attached herein as Exhibit H.

H. **Proposed Land Use:** IL (Industrial Limited)

I. **Flood Zone:** The property is located in Flood Zone X, which is not a high-risk flood zone.

J. **Evacuation Zone:** The property is in Evacuation Zone C, which is the third level to evacuate in preparation for a storm. Zone C is evacuated when storm surge height is predicted to be at least 20 feet.

K. **Vicinity Characteristics:**

	Zoning	Land Use	Existing Use
North	M-1 (Light Industrial)	IL (Industrial Limited)	Citgo Convenience Store
South	CH (Heavy Commercial)	IL (Industrial Limited)	General Warehouse
East	M-1 (Light Industrial)	IL (Industrial Limited)	General Warehouse
West	B-1 (General Commercial)	CG (Commercial General)	Vacant Land

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. **Comprehensive Plan Policies:**

1. **Relevant Policies:**

A review of the Goals, Objectives, and Policies of the Comprehensive Plan was conducted. While no specific Goals, Objectives, or Policies were found that supported the request, none were found that were contrary to the request.

B. **Land Development Code Standards:**

1. **Key Standards:**

Sec. 18-1531.6. - REVIEW CRITERIA

(C) COMPATIBILITY REVIEW CRITERIA.

1. *Whether the use and its proposed scale will be inconsistent with the established character of the immediate neighborhood, to the extent that such character is consistent with the Comprehensive Plan and the provisions of the applicable zoning district(s).*

2. *Whether the use will diminish the use or enjoyment of other properties and living or working conditions in the neighborhood.*

3. *Whether the use will impede the normal and orderly development and improvement of surrounding properties for uses permitted in their respective zoning districts and in a manner consistent with the Comprehensive Plan.*

4. *Whether the establishment, maintenance or operation of the use will be detrimental to, or endanger, the public health, safety, comfort, or general welfare as a result of hours of operation, arrangement of uses on the site, noise, vibration, emission or pollutant, glare, odor, dust, traffic congestion, attractive nuisance, or other condition;*

5. *Whether the land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof.*

6. *Whether the use and associated improvements will adversely affect a known archaeological, historical, cultural, or landscape resource*

7. Whether the particular traffic generation characteristics of the proposed use, including the type of vehicular traffic associated with such uses is compatible with the traffic generation characteristics of other uses permitted in the zoning district(s) applicable to the neighborhood.

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

The City Manager or his designee may review and approve minor changes to Conditional Use Preliminary Site Plans or Final Site Plans, previously approved in the manner provided by this Article, a There are two (2) requirements for "Height-Building and Structures over Forty (40) Feet in the M-1 District" listed in Section 18-1531.10 of the Land Development Code. These special requirements and an analysis of whether or not the request meets the criteria are as follows:

- (a) Review by Planning and Zoning Commission and approval by City Council.
- (b) All setback requirements shall be increased by fifty (50) percent.

2. Staff Analysis:

The location of the proposed 200 foot tall flag pole will be in excess of the required setbacks even after the 50 percent increase to the setback requirement. However, the flag pole will be out of scale and inconsistent with the established character of the immediate neighborhood and the provisions of the M-1 Light Industrial Zoning District.

The maximum height in the M-1 Zoning District is 40 feet and the height of the proposed flag pole at 200 feet will result in a 500 percent increase upon that height. This increase far exceeds what is a reasonable request through the Conditional Use application and would set a potentially dangerous precedent for future applications.

The height of the proposed flag pole would also greatly exceed the height of all other structures in the City, including the Pinellas Park water tower, which is 155 feet high. The following similar Conditional Uses have been approved:

- Maserati Dealership, 3033 Gandy Blvd: 100 foot flag pole approved
- Home Team Carwash, 6875 49th Street: 120 foot flag pole approved
- Freedom Lake Park, 9990 46th Street: 110 foot flag pole approved

C. Essential Services Issues:

1. Essential Services Review:

Public Works Divisions:

Public Works Administrator:	No objection
Construction Services:	No objection
Public Utilities:	No objection
Transportation & Stormwater:	No objection
Fire Department - Life Safety:	No objection
Police Department - Crime Prevention:	No objection
Pinellas Park Water Management District:	No objection
Florida Department of Transportation:	No objection

Community Development Divisions:

Planning & Development Review Manager:	Objection / Comments
The proposed flag pole would be 200 feet high in a zoning district with a maximum height of 40 feet.	

Building Development Division:

No objection / Comment

Building has no issues other than meeting the structural requirements of the FBC.

Neighborhood Services Division:

No objection / Comment

The Neighborhood Services Division reviewed this case under CE Report #201900603. No violations were found and there are no objections to CU 2019-5 to exceed the maximum height from 40 to 200 feet for a flag pole.

Community Redevelopment Area Manager (if applicable)

N/A

Planning & Development Services Director:

Community Development Administrator:

R/R 25 APR 19
SAW 4/25/19

2. Staff Analysis:

One objection to the proposed flag pole was received.

IV. SUMMARY:

A. Findings:

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

The maximum height in the M-1 Zoning District is 40 feet. The proposed height of the flag pole is 200 feet, which would be a 500 percent increase. The height of the proposed flag pole would also greatly exceed the height of all other structures in the City, including the Pinellas Park water tower, which is 155 feet high.

The proposed scale would be inconsistent with the established character of the neighborhood and the provisions of the M-1 Light Industrial Zoning District. No unique conditions exist on the property. Compliance with the provisions of Code would not cause a hardship or limit the use of the property.

B. Staff Recommendation:

Consistent with the above identified findings, staff recommends **DENIAL** of case # CU 2019-5.

VI. ACTION:

PLANNING AND ZONING COMMISSION— MOVE TO:

- 1: APPROVE
- 2: APPROVE WITH THE FOLLOWING CONDITIONS:
- 3: DENY

VII. ATTACHMENTS:

Exhibit A: Application with Legal Description

Exhibit B: Site Plan

Exhibit C: Aerial Map

Exhibit D: Land Use Map

Exhibit E: Zoning Map

Exhibit F: FEMA Digital FIRM Map

Exhibit G: Site Photographs

Exhibit H: Zoning Certification Letter

Exhibit I: Planning and Zoning Commission Meeting Minutes



CITY OF PINELLAS PARK

Community Development Department
Planning & Development Services Division

Staff Report

ADDENDUM

Case Number: CU 2019-5

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission at their May 2, 2019 meeting **RECOMMENDED DENIAL** of Case # CU 2019-5.

VI. ACTION

CITY COUNCIL– MOVE TO:

1: APPROVE

2: APPROVE WITH CONDITIONS

3: DENY



Conditional Use Application

City of Pinellas Park
Planning and Development Services
6051 78th Avenue North
Pinellas Park, FL 33781
(727) 369-5631

FOR OFFICE USE ONLY

CASE # CU 2019-5 MS 2019-20
Date Received: 2/27/19
Plat Sheet: _____
Related Cases: _____
Receipt Number: _____
Land Use Designation: _____
Zoning District: _____
Public Meetings Required: Yes No
(If yes, please provide dates)
PZ: _____ CRA/CC: _____

REQUEST AND PROPERTY INFORMATION

Specific Request: Conditional use for height for structure over 40 feet - for <u>200</u> foot high flag pole	
General Location of property or address: 10525 49 th St	
Property Size: <u>Approx 9.5 Acres</u>	Current Use: Automobile dealer (motorcycles)
Parcel Number(s): 16-30-16-69732-400-5001	
Legal Description: Lot: <u>5001</u> Block: <u>400</u> Subdivision: <u>Pinellas Farms</u> Or Metes and Bounds Description (attach if lengthy): <u>Legal Description - Pinellas Farms SE 1/4, SEC 16-30-16 E 321FT</u> <u>(S) OF N 1/2 OF VAC 106TH AVENUE ADJ ON N</u>	

CONDITIONAL USE SPECIAL REQUIREMENTS

1. Conditions required (Section 18-1531.10): All setback requirements shall be increased by fifty (50) percent.
2. Have all conditions been met: Yes ☒ No ☐
3. List special requirement(s) requested to be waived (attach letter explaining reason a waiver should be granted):

OWNER/APPLICANT INFORMATION

Property Owner: <u>Horse Power Investments, LLC</u>	Phone: <u>817-319-2411</u>
Mailing Address (include city, state, zip code): <u>2224 EL Tobean Rd, Fort Charlotte FL 33901</u>	Attn to: <u>Robert King</u>
Email Address: <u>twinkling@me.com</u>	
Authorized Agent Name: <u>Robert W. King JR</u>	Relationship to Owner: <u>SAME</u>
Email Address: <u>twinkling@me.com</u>	Phone: <u>817-319-2411</u>
Authorized Agent Address (include city, state, zip code): _____	

I (we) the undersigned do certify that the information contained in this application is true and correct to the best of my (our) knowledge.

Signature of Owner [Signature]

Signature of Agent _____

AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

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

HORSEPOWER INVESTMENTS, LLC.

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

ADDRESS OR GENERAL LOCATION:

10525 49th St N Clearwater, FL 33762

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

PINELLAS FARMS SE 1/4, SEC 16-30-16 E 321 FT (S) OF N 1/2
OF VAC 106TH AVENUE ADJ ON N

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

TO ERECT A 200 FOOT FLAGPOLE

3. That the undersigned (has/have) appointed and (does/do) appoint Robert W. King II 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)

STATE OF FLORIDA

COUNTY OF Charlotte



MICHELLE WILL
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF223835
Expires 4/23/2019

(SEAL ABOVE)

The foregoing instrument was acknowledged before me this 2/25/19
(Date)

By Robert W King II
(Name of person acknowledging and title of position)

who is personally known to me or who has produced personally known
(Type of identification)

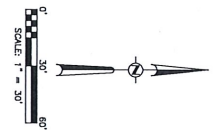
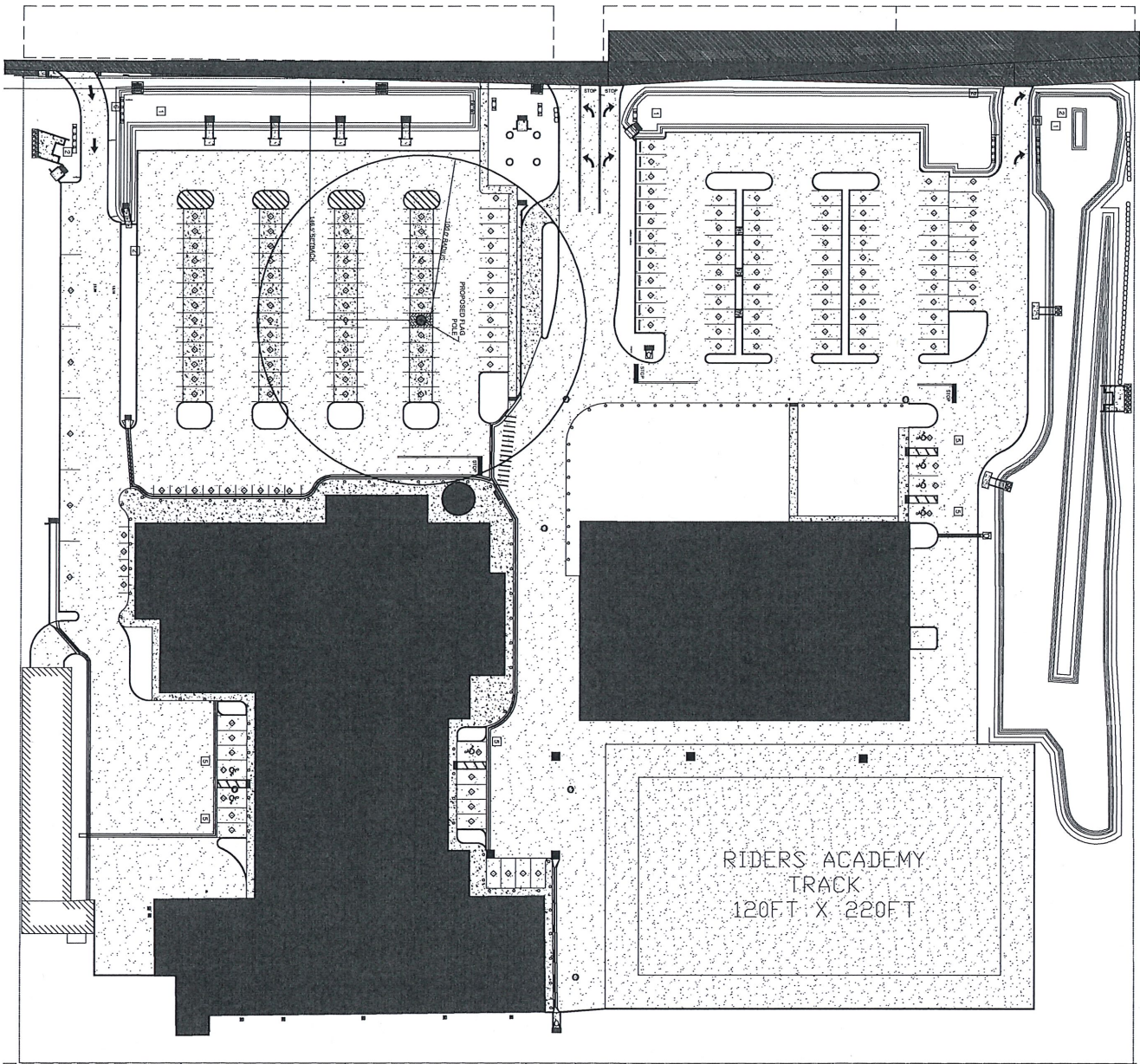
as identification and who did (did not) take an oath.

Michelle Will Notary Public, Commission No. FF223835

Michelle Will Name of Notary typed, printed or stamped

Exhibit B: Site Plan

49TH STREET



0080

ARO
ENGINEERING
CIVIL - STRUCTURAL - COASTAL
2805 DR. HICK, JR., ST. N., ST. PETERSBURG, FL 33704
PHONE 727.527.5900
CERTIFICATE NO. 28919

10525 49TH ST.
CLEARWATER, FL 33672

HARLEY DAVIDSON

FLAG POLE EXHIBIT

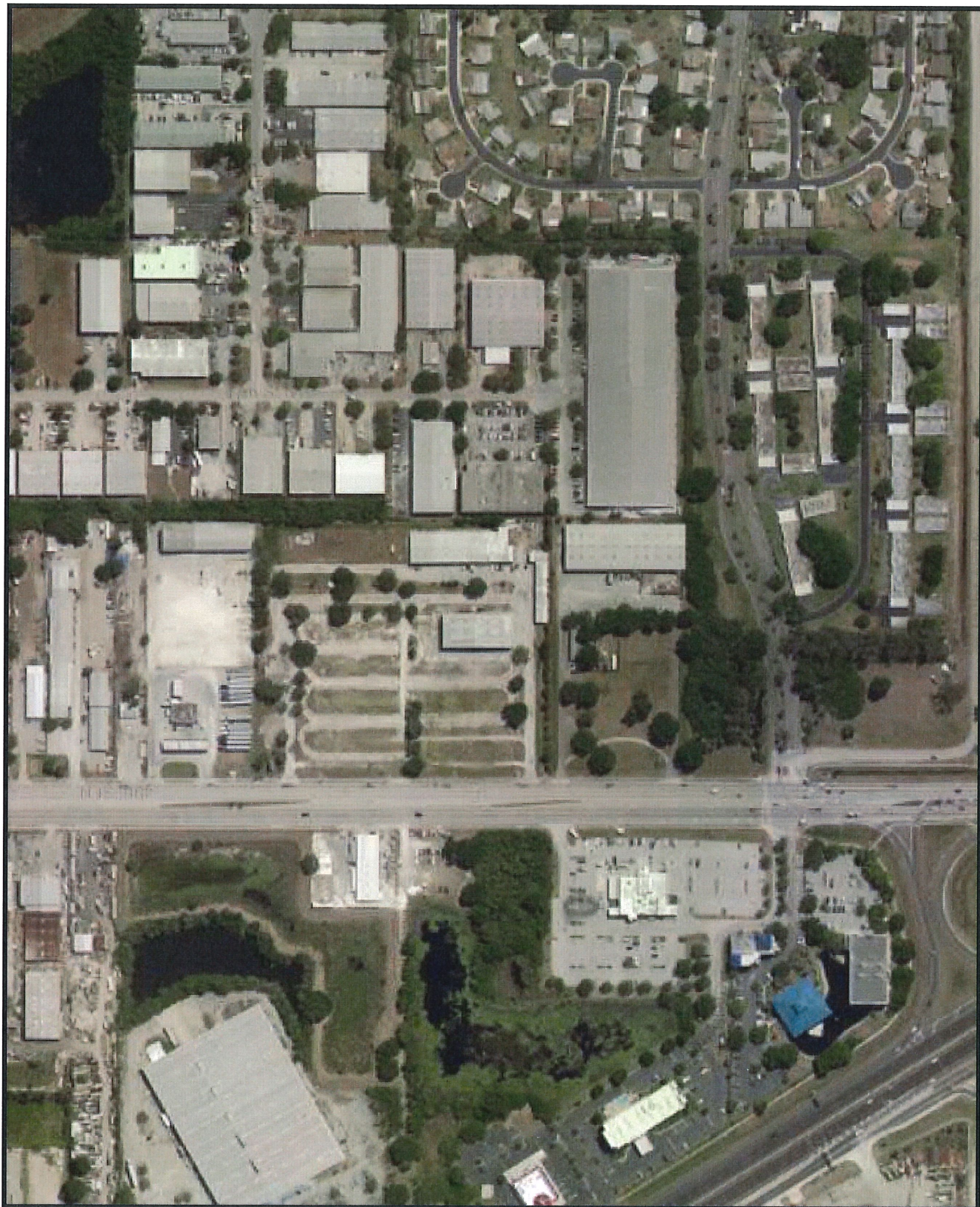
DATE:
11/16/2018
DRAWN BY:
LM
CHECKED BY:
DR
JOB NO.:
D40-17P029C

REVISIONS:
1. 10/26/2018 CITY OF PINELLAS PARK COMM
2. 11/28/2018 CITY OF PINELLAS PARK COMM
3. 02/07/2019 PINELLAS COUNTY SWYARD COMM
4. 02/08/2019 CONTR MODS
5. 03/04/2019 UTILITY MODS
JOHN B. ADAMS JR., STATE OF FLORIDA PROFESSIONAL ENGINEER
EXCISE NO. 5886. THIS PLAN HAS BEEN ELECTRONICALLY SIGNED
AND SEALED BY JOHN B. ADAMS JR., P.E. ON THE DATE INDICATED
HEREIN. A SIGN NOTIFICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED
VALID UNLESS THEY ARE SEALED AND THE SIGN NOTIFICATION CODE MUST
BE VERIFIED ON ANY ELECTRONIC COPIES.

03/04/2019

10525 49th Street Aerial Map (CU 2019-5)

Legend



376.2 0 188.08 376.2 Feet

1:4,514

Notes:



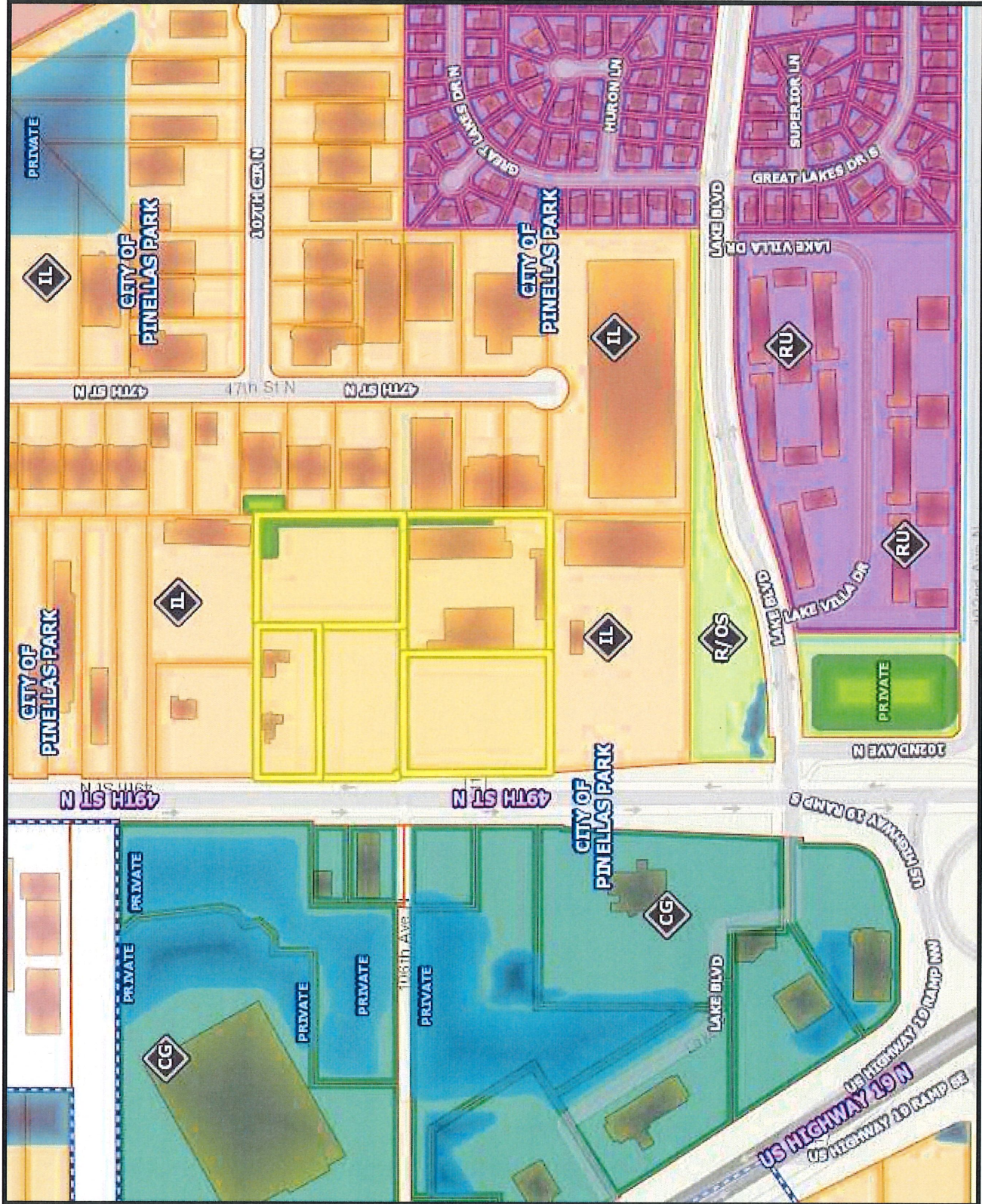
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10525 49th Street Land Use (CU 2019-5)

Legend

- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Building Footprints
- Waterbodies
 - DRY
 - WET
- Pinellas Park
- Rights of Way
- 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

Exhibit D: Land Use Map



Notes:



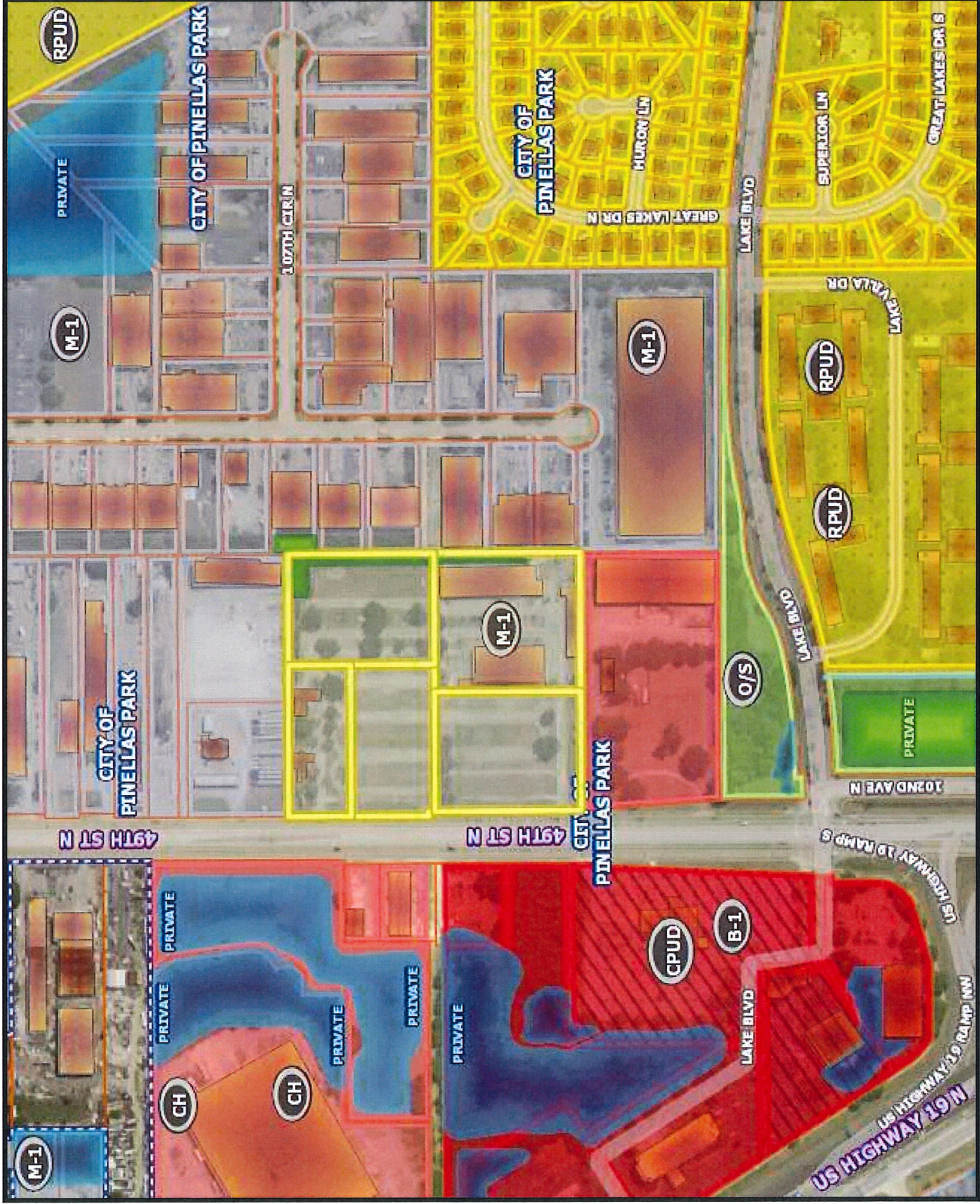
1: 4,514

376.2 0 188.08 376.2 Feet

10525 49th Street

Legend

- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Building Footprints
- Waterbodies
 - DRY
 - WET
- Pinellas Park
- Medical District
- Community Redevelopment Area
- Rights of Way
- 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
- Light Industrial - M-1
- Residential / Office / Retail - ROR
- Mixed Use Development - MXD
- Mixed Unit Development - MXD-2
- 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



Notes:

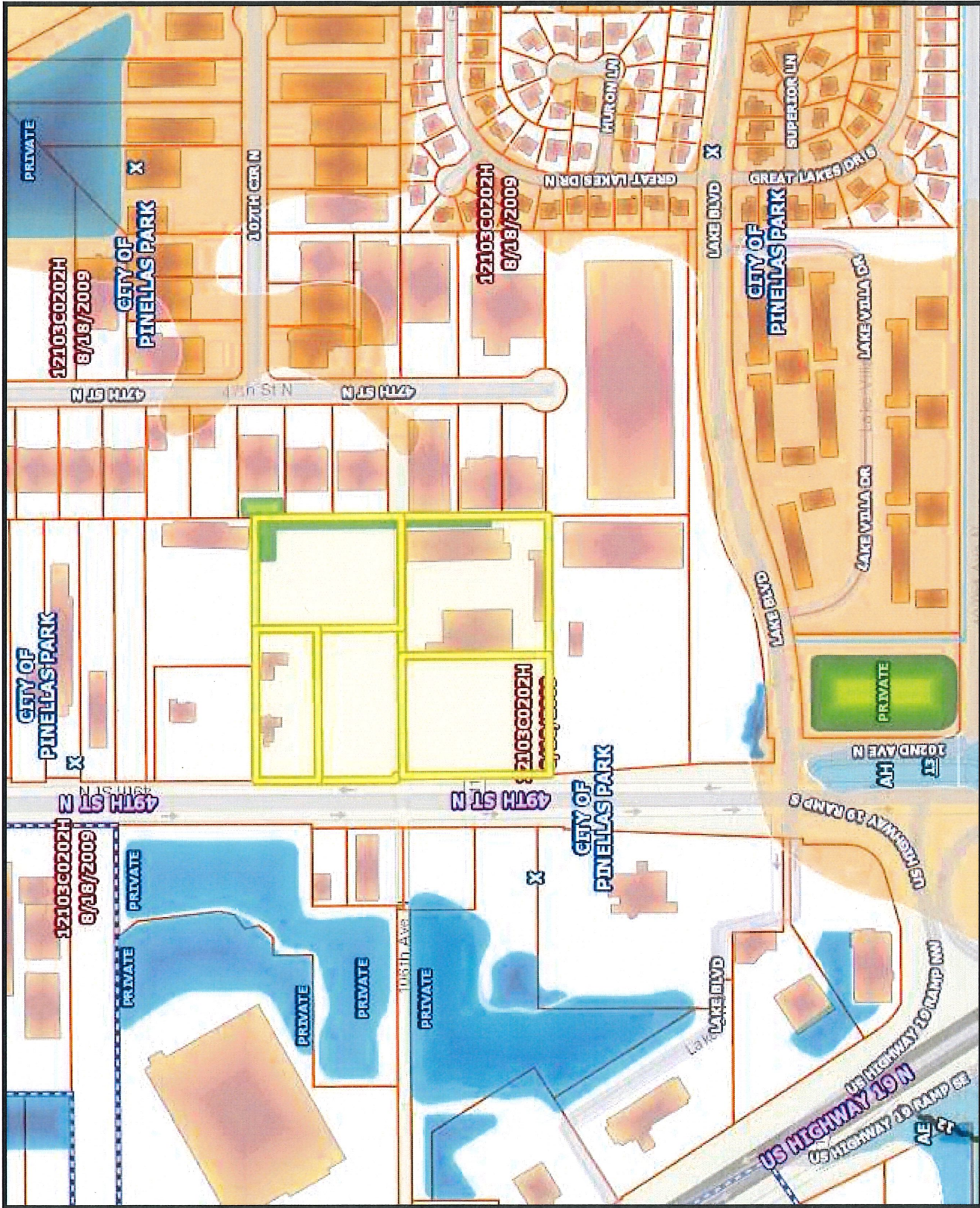
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10525 49th Street Flood Map (CU 2019-5)

Legend

- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Building Footprints
- Waterbodies
 - DRY
 - WET
- Pinellas Park
- Rights of Way
- 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)
 - 0.2% Annual Chance Flood Hazard (X)
 - Area of Minimal Flood Hazard (X)
- Floodway (AE)
- Parcel Lines



Notes:



1: 4,514

376.2

0

188.08

376.2

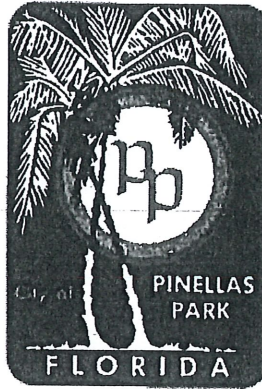
Feet

10525 49th Street
Bert's Barracuda Harley Davidson



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

August 30, 2017

Marilyn Mullen Healy, Esq.
Adams and Reese, LLP
101 East Kennedy Boulevard, Suite 4000
Tampa, FL 33602

Re: Zoning Certification Letter – Concept Plans for Proposed Harley Davidson Dealership (the “Project”) at 10525 49th Street and located within the jurisdictional limits of the City of Pinellas Park, Florida (the “Property”).

Dear Ms. Healy:

The Property has a City Comprehensive Plan designation of “Industrial Limited” (IL) and a City Zoning classification of Light Industrial District (M-1). The proposed Project and uses as described below are consistent with the Comprehensive Plan and City Zoning designation. City Staff has reviewed the Preliminary Conceptual Plan for the proposed Harley-Davidson Site, prepared by Dustin Rood (Principal Engineer) of ARO Engineering, dated July 14, 2017 (the “HD Site Plan”), the “Alternate Conceptual Access for proposed Harley-Davidson Plan” prepared by Dustin Rood (Principal Engineer) of ARO Engineering, dated July 14, 2017 (the “Alternate Access Plan”) and the Master Signage Plan (as defined below). Copies of the H-D Site Plan, the Master Signage Plan and the Alternate Access Plan are attached hereto and incorporated in this correspondence as Exhibit A. The H-D Site Plan provides for the following uses: restaurant (serving beer/wine/liquor), pavilion for movies, entertainment and concerts, retail sales, office, “Riders Academy” for motorcycle safety training and licensing, outdoor display of motorcycles for sale in the parking lot, “burn out” drive, water tower feature, sales/service/repair operations, above ground fuel station and weekend charity events including food trucks and distribution of free beer to attendees, collectively (“the Uses”).

Please be apprised that the Uses set forth above on the Property are permissible uses that do not require a public hearing, variance or other City Council act or approval to establish. Further, the H-D Site Plan meets the applicable City Code provisions as to setbacks, landscaping, access management and parking requirements. The fuel station, storm water management facilities, and construction plans will need to be submitted through the standard City review and permitting processes.

Furthermore, the Alternate Access Plan is acceptable to the City and does not require variance approvals or any other City Council act or approval to establish. The detailed Alternate Access Plan will need to be submitted through the standard County review and permitting process.



Additionally, the City will support a signalized crosswalk crossing between 10525 49th Street and 10400 49th Street, assuming traffic warrants are satisfied.

The Sign Variance Committee met on Friday, August 11, 2017, and approved the signage depicted on the plans drawn by John J. McKenna, Architect P.A., dated August 8, 2017. The water tower is approved at the proposed fifty (50) feet height as a sign, and can be reconstructed if damaged or destroyed due to a casualty event. The tear drop banners were approved to be displayed for the first month after the Grand Opening and for Friday, Saturday, Sunday and all National Holidays thereafter. Any additional temporary signs would need to be approved and a permit obtained. The sign code allows for four (4) periods not exceed thirty (30) days each within any twelve (12) month period.

I hope the above response satisfies your current needs, but if not then please contact me at any time to resolve any other outstanding issues.

Sincerely,


Dean R. Neal, AICP
Zoning Director

C: Doug Lewis, City Manager
Patrick Murphy, CBO, Asst. City Manager/Community Development Administrator



CITY OF PINELLAS PARK
PLANNING AND ZONING COMMISSION
REGULAR MEETING - QUASI-JUDICIAL
May 2, 2019

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

PRESENT: Dennis Shelley, Chairperson
James Madden, Vice Chairperson
Brenda Braitling
Zachary Hancock
Munaf Kapadia
Neil Kummerer
Louis Bommattei

STAFF PRESENT: Benjamin J. Ziskal, Planning & Development Services Director
Erica Lindquist, Planning & Development Review Manager
Lauren Rubenstein, Assistant City Attorney
Nicole Tikkanen, Planning & Development Staff Assistant, Notary

I. APPROVAL OF MINUTES

MOTION was passed unanimously to **APPROVE** the minutes of April 4, 2019.

II. REGULAR AGENDA

A. CASE NO.: CU 2019-5

REQUEST: Consideration of a request for a Conditional Use to exceed the "maximum height-building and structures of 40 feet" to 200 feet for a flag pole as an accessory use for Bert's Barracuda Harley Davidson operations in the "M-1" Light Industrial Zoning District.

LOCATION: 10525 49th Street

PUBLIC HEARING OPENED:

Mr. Shelley read the rules and procedures for the Planning and Zoning Commission.

Ms. Tikkanen swore in anyone speaking on the requests before the Board.

Ms. Lindquist confirmed that all procedural requirements were met and presented the case file, including the staff report, application, and map into the official record.

QUESTIONS FOR STAFF:

Mr. Madden asked if a Unity of Title will be required for the five parcels that make up this property.

Ms. Lindquist confirmed that a Unity of Title will be required.

Ms. Braitling stated that according to Pinellas County ordinances, Chapter 142 refers to airport zoning. She asked if the applicant would need to present to the FAA due to the proximity to the Clearwater Airport. If so, what are the responsibilities of this commission, if any, as to the rules and requirements of the FAA?

Ms. Lindquist confirmed that FAA approval is required, that the applicant is aware of this, and is in contact with them. The City's decision will be subject to FAA approval. The regulations of the FAA have no bearing on this decision of this proceeding.

Ms. Braitling asked if this Commission needs to consider the request according to the City's code, or the County's code.

Ms. Lindquist stated the recommendation of this commission is based on the City's codes since the property is under the City's jurisdiction.

PROPOSERS:

Mark Angeli having been sworn in, stated he was the project manager for Bert's Barracuda. He confirmed that they are working with the FAA, and intends to fully comply with all regulations set forth. He presented slides to show the vision of the war memorial they intend on building, and expressed the importance of the flag pole to that project. He stated that the flag pole will meet or exceed the current wind standards. He also explained that he disagrees with staff analysis that the request would be inconsistent with the current neighborhood. He mentioned several auto dealers in the area, which all have large flags at their dealerships. He believes their request is also consistent with the flag pole located at Freedom Lake Park nearby. He also disagrees with the analysis that granting this request would decrease enjoyment of the area. He feels it would increase enjoyment as it would likely bring more visitors to the area.

Mr. Madden asked for clarification of the dimensions of the memorial.

Mr. Angeli said the memorial will be under twenty feet tall, and the walkway will be one-hundred feet long. It will house lights to illuminate the memorial at night, as well as various photos relating motorcycles used during the wars.

Mr. Kapadia asked for the diagram to be better explained, as to placement of the flag pole, and the memorial in connection to the building.

Mr. Madden asked if the flag pole, if it were to fall, could reach the street.

Mr. Angeli confirmed it could potentially reach the street, if it were broken at the base, which is 42" in diameter.

Mr. Madden asked for confirmation on the total size because the site plan states the flag pole is two-hundred feet, with a 48" ball on the top.

Mr. Shelley confirmed the diagram shows the total height taller than the two-hundred feet being requested.

Mr. Angeli said the drawing is not the final product, and they will make sure they meet any requirements necessary.

Mr. Shelley asked if the base of the pole was 72" wide.

Mr. Angeli said the pole is three and a half feet wide at its base.

Ms. Braitling stated the shipping weight in the paperwork says 38,000 pounds. She asked how the applicant plans to anchor the pole underground.

Mr. Angeli confirmed all engineering will be approved by the City before work begins as part of the permitting process.

Mr. Shelley said ground studies will need to be done, and recommended a ground pour as the strongest option to anchor.

Mr. Angeli agreed with Mr. Shelley, and also stated that they have done soil studies already.

Mr. Shelley asked how close in line with the City's water tower the flag pole would be visually.

Mr. Angeli did not know, but said he could find out.

Mr. Kapadia asked about the height of the proposed Public Works communication tower.

Ms. Lindquist confirmed the PW communication tower is 70 feet tall.

Mr. Madden asked staff how tall the flag pole on 49th Street, at the car wash is.

Ms. Lindquist said that flag pole is 110 feet tall.

Ms. Braitling asked if an additional flag would be associated with the monument.

Mr. Angeli said they originally planned on having two flags, but that has since changed, since they tied the flag concept to the war memorial. He stated that in the future they may have a state flag or flags of the various branches of services, but have not decided that yet.

Mr. Shelley stated that additional flag poles for the memorial must be forty feet or less, unless a variance is requested.

Ms. Braitling asked if the memorial needed to be approved.

Mr. Shelley stated that the height of the flag pole was the only item to consider on today's agenda.

Ms. Braitling asked if the site would be considered a roadside attraction.

Ms. Lindquist clarified that allowing the flag pole would not make the site a roadside attraction.

Mr. Kummerer asked if the Commission could approve the flag pole with conditions of a different maximum height.

Mr. Shelley confirmed conditions could be applied to approval.

Ms. Braitling stated that she believes the FAA has a maximum height of 110 feet in height.

Mr. Angeli confirmed there is currently a flag on US19 in Clearwater that stands 180 feet tall.

Robert King having been sworn in, stated he is the owner of Bert's Barracuda, and confirmed that they are going to present their case to the FAA, should the City approve their request. He stated that he would like the Commission to approve his request, and let him take his case to the FAA. He plans to follow all requirements set forth for the approved flag pole.

OPPONENTS:

None

PUBLIC HEARING CLOSED

BOARD DISCUSSION:

Ms. Braitling stated the current code allows a maximum height of forty feet. She is concerned that approving this request would set a precedent to allow for flag poles to stand as tall as 120 feet or more, if the FAA approves their maximum height requirement.

Mr. Hancock said as long as the applicant meets or exceeds the wind standards, and meets engineering standards, he would be comfortable approving this request. He referenced the flag pole at the auto dealership on Gandy Blvd that appears to be very large.

Mr. Shelley said the flag pole on Gandy Blvd is only 100 feet tall.

Mr. Madden said he believed the flag pole was out of scale for the entire area. 200 feet is very high. It is a good thing that the applicant is recognizing the veterans. That is the memorial, not the flag pole I think. Anyone can put up a flag pole, but it's not necessarily for the veterans. He stated it would distract from the memorial the City has done in Freedom Lake Park. He added that he would be more comfortable with a height similar to the height of the flag pole at Freedom Lake Park.

Mr. Bommattei said it is commendable building the memorial. However, his concern is using a 200 foot high flag pole to attract attention for the business. He believes using a flag for marketing purposes a desecration of the flag. He said the applicant does not need a 200 foot flag pole to

attract people, and that it would be out of line with the 100 feet poles at other dealerships. The City's water tower is used for a particular purpose, and should not be compared with a flag pole. Mr. Bommattei reiterated he is opposed to using the American flag to promote and attract people to the applicant's business.

Mr. Kapadia said he shares the same concerns as Ms. Braitling regarding the weight of the pole, and agrees with Mr. Madden's comment regarding Freedom Lake Park. If the applicant's flag complimented Freedom Lake Park's flag, rather than put it out of line, that would be preferred.

Mr. Shelley said that the FAA will stipulate what height the flag pole will be, and that the Commission merely recommends to City Council. He does not have a problem with having another big flag in the City of Pinellas Park.

MOTION was made by Mr. Bommattei and **SECONDED** by Mr. Madden to **DENY** case number VAR 2019-5.

Ayes: Kapadia, Braitling, Bommattei, Madden
Nays: Kummerer, Hancock, Shelley

III. NEW BUSINESS

Planning & Development Services Director update:

- City Council approved Flexcel Academy that came before the Commission recently.
- On May 9th, City Council will be considering CME Manufacturing's Conditional Use request, as well as Community Baptist Church's renovations and Conditional Use request.
- The CRA Draft Plan will be presented to the CRA Board in June or July, and will be part of the City's long range planning with the Comp. Plan and Land Development Code updates.
- The City recently met with the County to kick-off phase II of the Comp Plan update. This will be a 12-15 month process, and we will keep the Commission updated on the progress.
- The County is also working on the Gateway Master Plan, which we hope to tie into our Comp Plan and CRA Plan.

Next meeting June 6, 2019. Mr. Shelley will not be present. Mr. Madden will conduct the meeting.

The July meeting falls on the holiday. The proposed meeting date is Monday, July 8th, due to conflict with City Council schedule on the following Thursday (July 11th). All agreed on July 8th. Mr. Shelley asked for the color of the agenda to be changed, to alert the members of the date change.

ADJOURNMENT:

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

Ayes: Madden, Braitling, Hancock, Kapadia, Kummerer, Shelley
Nays: None

Meeting adjourned at approximately 8:03 p.m.

Dennis Shelley, Chairperson