



## CITY OF PINELLAS PARK

# Staff Report

Community Development Department  
Planning & Development Services Division

### I. APPLICATION DATA

- A. **Case Number:** Amended Annexation Agreement AX19-5
- B. **Location:**  
1. **Address:** 12400 & 12360 49<sup>th</sup> Street North  
2. **Parcel Numbers:** 09-30-16-70992-400-0404 and 09-30-16-70992-400-0405
- C. **Request:** To amend the voluntary annexation only as to correct the land use category assigned to the property
- D. **Applicant:** G.S.D. Limited Liability Company
- E. **Agent:** George Demas (owner) 727-572-5757 or [FRE12360@tampabay.rr.com](mailto:FRE12360@tampabay.rr.com)  
Housh Ghovahee (engineer) 727-443-2869 or [housh@northsideengineering.net](mailto:housh@northsideengineering.net)
- F. **Legal Ad Text:** Not applicable
- G. **Public Hearings:**  
  
**Board of Adjustment Hearing Date:** Not applicable  
  
**Planning and Zoning Commission Hearing Date:** Not applicable  
  
**City or Community Redevelopment District Hearing Date(s):** December 12, 2019  
**Deadline to send public hearing notices:** November 20, 2019  
**Advertising deadline:** November 20, 2019

### II. BACKGROUND INFORMATION

- A. **Site Area:** 2.24 acres
- B. **Property History:**  
1. **Previous Land Use Plan or Zoning Amendments:** None on record  
2. **Permits and Development:** None on record  
3. **Previous Approvals:** None on record
- C. **Existing Use:** Four structures totaling 21,414 square feet
- D. **Proposed Use:** Office, warehouse and retail sales
- E. **Current Zoning District:**  
12360 49<sup>th</sup> Street North: E-2 in Unincorporated County → M-1 in City  
12400 49<sup>th</sup> Street North: E-1 in Unincorporated County → M-1 in City

**1. Zoning District Purpose / Intent:**

CH: The "CH" Heavy Commercial 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 heavy commercial/light manufacturing and warehousing environment. This district is intended primarily for compatible retail, wholesale, distribution and light manufacturing operations, none of which require large areas for outdoor storage or display, and that do not involve the use of materials, processes, or machinery likely to cause undesirable effects upon neighboring properties, together with accessory uses and public facilities, customary to or required for such an environment.

M-1: 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:**

The applicant has proposed development of warehouses on both properties. The following is a permitted use in the CH zoning district: Wholesale merchandise broker, offices, or showrooms with wholesale storage space limited to six thousand (6,000) square feet of gross floor area per establishment with no outdoor storage in CG. Warehouses, storage, mini-warehouses, and wholesaling establishments is a Conditional Use in CH. Wholesale and warehousing is a permitted use in the M-1 zoning district.

**F. Proposed Zoning District (Rezoning applications only):** Not applicable

**G. Current Land Use:**

12360 49th Street North: Countywide Plan Map Category E = IL (Industrial Limited)

12400 49th Street North: Countywide Plan Map Category E = 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.

**2. Key Standards:**

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.

**Density/Intensity Standards** - Shall not exceed a floor area ratio (FAR) of 0.65 nor an impervious surface ratio (ISR) of 0.85.

**3. Staff Analysis:** Storage/Warehouse is indicated as a primary use in the IL (Industrial Limited) category. Any new development must meet density standards.

- H. **Proposed Land Use (Land Use Map Amendment applications only):** Not applicable
- I. **Flood Zone:** The properties are 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 up to 20 feet.
- K. **Vicinity Characteristics:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Existing Use</b>
<b>North</b>	City M-1	City IL	Various manufacturing and warehouses
<b>South</b>	County E-2	County Plan Map Category E	Goodyear Rubber Products, Inc.
<b>East</b>	City M-1	City IL	Frank's Body Shop Enterprise Truck Rental
<b>West</b>	City M-1	City IL	Duke Utility Corridor

### III. APPLICABLE CRITERIA / CONSIDERATIONS

#### A. **Comprehensive Plan Policies:**

##### 1. **Relevant Policies:**

POLICY LU.1.16.1

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

##### 2. **Staff Analysis:**

No, to objection to the annexation but, if possible, we should annex both parcels into the City with the same zoning designation. The M-1 designation would be most appropriate for both parcels and is consistent with the surrounding zoning. The annexation would add "M-1" Light Industrial and The "CH" Heavy Commercial zoned properties to the City.

#### B. **Land Development Code Standards**

##### 1. **Key Standards:**

*Sec. 18-1523.4. - DIMENSIONAL 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 and 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 August 25, 1977 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: Twenty (20) feet. 3. Side Yard Setback: Five (5) feet; ten (10) feet is required if abutting a residential zoning district. 4. Rear Yard Setback: Fifteen (15) feet. 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. 7. Refer to Section 18-1504.3(G) for special yard setbacks for additions to buildings in existence as of August 14, 1997.

(C) MAXIMUM LOT COVERAGE. Seventy-five (75) percent.

(D) MINIMUM FLOOR AREA. Three hundred (300) square feet.

(E) MAXIMUM BUILDING HEIGHT. Forty (40) feet, excluding mechanical and/or elevator penthouse (additional height may be granted as a conditional use). See Section 18-1503.13, "Exclusion from Height Limits", for height limit exclusions.

(F) FLOOR AREA RATIO. 1. Forty-five hundredths (0.45) in CG. 2. Forty-five hundredths (0.45) in CRD. 3. Fifty-five hundredths (0.55) in IL.

#### 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.

**2. Staff Analysis:** Any new development must meet zoning district standards.

#### **C. Essential Services Issues:**

##### **1. Essential Services Review**

Planning & Development Services Director:

Community Development Administrator:



##### **2. Staff Analysis:**

This case has been reviewed by all relevant divisions and the recommendations have been shared with the property owner. Seeing no additional strain on our resources to provide services, Staff recommends that this property proceed with annexation, as M-1 zoned properties.

#### **IV. SUMMARY**

##### **A. Findings**

Based on the information and analysis contained in this report, staff finds as follows: The parcels meet the minimum requirements for annexation by being contiguous to properties within the City boundaries and not having any outstanding code enforcement issues with Pinellas County. There is older septic system on site and that the only way to connect to the City sewer system is through directional boring under 49<sup>th</sup> Street. Based on the amount of proposed redevelopment of these parcels it would be beneficial to have them within the City limits.

##### **B. Staff Recommendation**

Consistent with the above identified findings, and subject to such additional findings of fact as are established at a public hearing, if applicable, staff recommends **APPROVAL** of case number AX19-5.



**V. ACTION:**

**CITY COUNCIL – MOVE TO:**

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

**VI. ATTACHMENTS:**

**Exhibit A: Application with Legal Description**

**Exhibit B: Aerial Map**

**Exhibit C: Land Use Map**

**Exhibit D: Zoning Map**

**Exhibit E: FIRM Map**

**Exhibit F: Data Sheet**

**Exhibit G: Revenue Analysis**

**Exhibit H: Site Photographs**

**Exhibit I: Attorney Letter (Agreement)**

## **ANNEXATION DATA SHEET**

- 1. PARCELS:**  
09-30-16-70992-400-0404 and  
09-30-16-70992-400-0405
- 2. OWNER:**  
G.S.D. Limited Liability Company
- 3. STREET ADDRESSES OF PROPERTY:**  
Located at 12400 and 12360 49<sup>th</sup> Street North
- 4. SIZE OF PROPERTY:**  
Agreement = 2.24 Acres MOL  
Ordinance = 2.24 Acres MOL
- 5. COUNTY ZONING - LAND USE:**  
E-1 and E-2 / E
- 6. CITY ZONING - LAND USE:**  
M-1 / IL
- 7. EXISTING PROPERTY IMPROVEMENTS:**  
One structure totaling 9,680 square feet
- 8. EXISTING BUSINESS ON PROPERTY:**  
Florida Restaurant Equipment
- 9. EXISTING PROPERTY USE:**  
Commercial
- 10. ANNEXATION AGREEMENT PROVISIONS:**
  - ◆ For a period of two (2) years from the date of execution of this Agreement, the CITY shall waive CITY land development fees, applicable for the construction of an approximate 10,800 sq. ft. warehouse on the Property, in an amount not to exceed Ten Thousand Dollars (\$10,000.00).
  - ◆ For a period of two (2) years from the date of execution of this Agreement, the CITY shall waive the CITY's Business Tax Receipt fee for the use of the Property estimated to be Two Hundred Dollars (\$200.00) per year.
  - ◆ The CITY shall grant a variance to the parking space requirement of one space per 750 square feet to allow one space per 1,500 square feet for the construction of the approximate 10,800 sq. ft. warehouse.
  - ◆ The CITY shall allow the OWNER to fulfill their current solid waste service contract, which expires April 20, 2022. Within fourteen (14) days of the expiration of such contract, the OWNER will contact the CITY's Utility Billing Division to establish solid waste services. There will be no deposit required.
  - ◆ For purposes of this Annexation, the CITY will not require a "Unity of Title" for the properties being annexed. However, should the OWNER or successors, assigns, or legal representatives hereafter make a request or other application to the CITY that would normally require a "Unity of Title", then the OWNER shall execute a "Unity of Title" if required by applicable codes and requested by the CITY.
  - ◆ The CITY agrees to waive the interior vehicular use landscape requirement, and allow for additional landscaping around the perimeter of the property.
- 11. OTHER PERTINENT INFORMATION:**  
Contiguous
- 12. PROPOSED PROPERTY USE:**  
Commercial
- 13. PROPOSED PROPERTY IMPROVEMENTS:**  
Addition of approximate 10,800 square foot building, parking and landscaping



# Annexation Revenue Analysis Commercial / Industrial

Annexation Number: AX19-5		Date: February 7, 2019
Owner's Name: G.S.D. Limited Liability Company		
Property Address: 12400 & 12360 49th Street North		
Ad Valorem Taxes:		
*Information obtained from the Pinellas County Property Appraiser's records.		
	<b>Millage</b>	<b>Amount</b>
Current Assessed Value	NA	\$824,000.00
Taxes Received by Pinellas Park	0.00549	\$4,523.76
Tangible Personal Property Taxes:		
Assessed Asset Value (Exempt below \$25,000)	NA	\$0.00
Tangible Taxes Received by Pinellas Park	0.00549	\$0.00
Business Tax Receipt		\$300.00
Est. Franchise Fees and/or Utility Taxes after development:		
Water (10% Utility Tax) ESTIMATE		\$330.00
Electric (\$163 monthly bill estimate) ESTIMATE		\$1,600.00
Gas		\$0.00
Communication Services Tax ESTIMATE		\$200.00
Franchise Fees and/or Utility Taxes Received by Pinellas Park		\$2,130.00
Taxes Received by Pinellas Park		\$4,523.76
Tangible Personal Property Tax Received by Pinellas Park		\$0.00
Business Tax Receipt Fee		\$300.00
Est. Franchise Fees and/or Utility Taxes Received by Pinellas Park		\$2,130.00
Anticipated Annual Revenues to Pinellas Park After Annexation		\$6,953.76

Current Est. Annual Revenues to Pinellas Park as Unincorporated Property:		
PF Fire District	0.0031976	\$2,634.82
Total Est. Annual Revenues to Pinellas Park as Unincorporated Property		\$2,634.82
New Money (est.) to Pinellas Park Received Thru Annexation		\$4,318.94

EXHIBIT "H"  
Site Photographs



12360 49<sup>th</sup> Street North



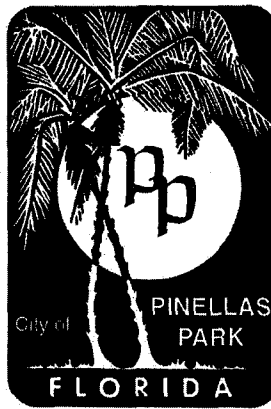
12400 49<sup>th</sup> Street North



City of

# PINELLAS PARK

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



# FLORIDA

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

**Please Respond To:**

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

September 6, 2019

Ms. Shannon Coughlin  
Economic Development Manager  
City of Pinellas Park  
P.O. Box 1100  
Pinellas Park, Florida 33780

**RE: City Document #19-275**  
**Amendment to Annexation Agreement AX19-5**

Dear Ms. Coughlin:

I have received the proposed Amendment to Annexation Agreement forwarded pursuant to the same above-referenced document number as the original Annexation Agreement in April.

Rather than be entitled "Amendment to Annexation Agreement," the title needs to be changed to "Amended Annexation Agreement." The phrase "Amended Annexation Agreement" also needs to be used in the first line of the Agreement and in the "In Witness Whereof" paragraph at the end of the Agreement.

Additionally, as I indicated in my letter of April 12, 2019 concerning the original Agreement, this Amended Annexation Agreement will be granting a waiver/variance to a portion of our Land Development Code, and assigning a Land Use category. When the Agreement is brought before Council, it should be treated as a quasi-judicial item. The meeting before Council should be noticed to the surrounding property owners in the same manner that interested parties are notified of hearings for a variance application or a rezoning or land use change, and the approval of the Amended Annexation Agreement should be done on the public hearing portion of the Agenda, rather than on the Consent Agenda.

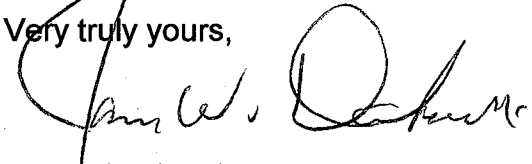


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Ms. Shannon Coughlin  
September 6, 2019  
Page 2

With the above changes to the Agreement, I would approve of the proposed Amended Annexation Agreement as to form and correctness, to be considered by Council in accordance with the procedures set forth herein.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Denhardt", written over a large, stylized circular flourish.

James W. Denhardt  
City Attorney

cc: Doug Lewis, City Manager  
Diane M. Corna, MMC, City Clerk  
Patrick Murphy, Deputy City Manager  
Susan Walker, Community Development Administrator  
Ben Ziskal, Community Development Assistant Administrator

JWD/dh

19-275.09062019.LSC.AX19-5 Annex Agmt G.S.D.wpd



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

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

**PARCELS: 09-30-16-70992-400-0404 and 0405  
(Located at 12400 and 12360 49th Street North)**

THE NORTH 150.00 FEET OF THE SOUTH 750.00 FEET OF LOTS 4 & 5, PINELLAS GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF PINELLAS, COUNTY, FLORIDA, LYING EASTERLY OF THE DUKE ENERGY RIGHT OF WAY, ALSO LESS ROAD RIGHT OF WAY ON THE EAST FOR 49TH STREET RIGHT OF WAY. THIS PROPERTY IS LOCATED IN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 16 EAST, AND HAS A PARCEL# 09-30-16-70992-400-0404.

A PARCEL CONTAINING 1.49 ACRES M.O.L.

AND

THE NORTH 100.00 FEET OF THE SOUTH 600.00 FEET OF LOTS 4 & 5, PINELLAS GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF PINELLAS, COUNTY, FLORIDA, LYING EASTERLY OF THE DUKE ENERGY RIGHT OF WAY, ALSO LESS THAT PART WITHIN 100.00 FEET OF THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 FOR 49TH STREET RIGHT OF WAY. THIS PROPERTY IS LOCATED IN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 16 EAST, AND HAS A PARCEL# 09-30-16-70992-400-0405.

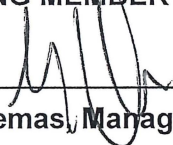
A PARCEL CONTAINING 0.75 ACRES M.O.L.

**Containing 2.24 acres M.O.L.**

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


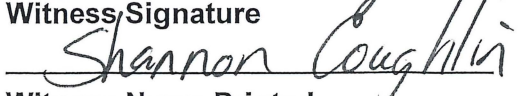
**G.S.D. Limited Liability Company  
12360 49<sup>th</sup> Street North  
Clearwater, FL 33762-4308**

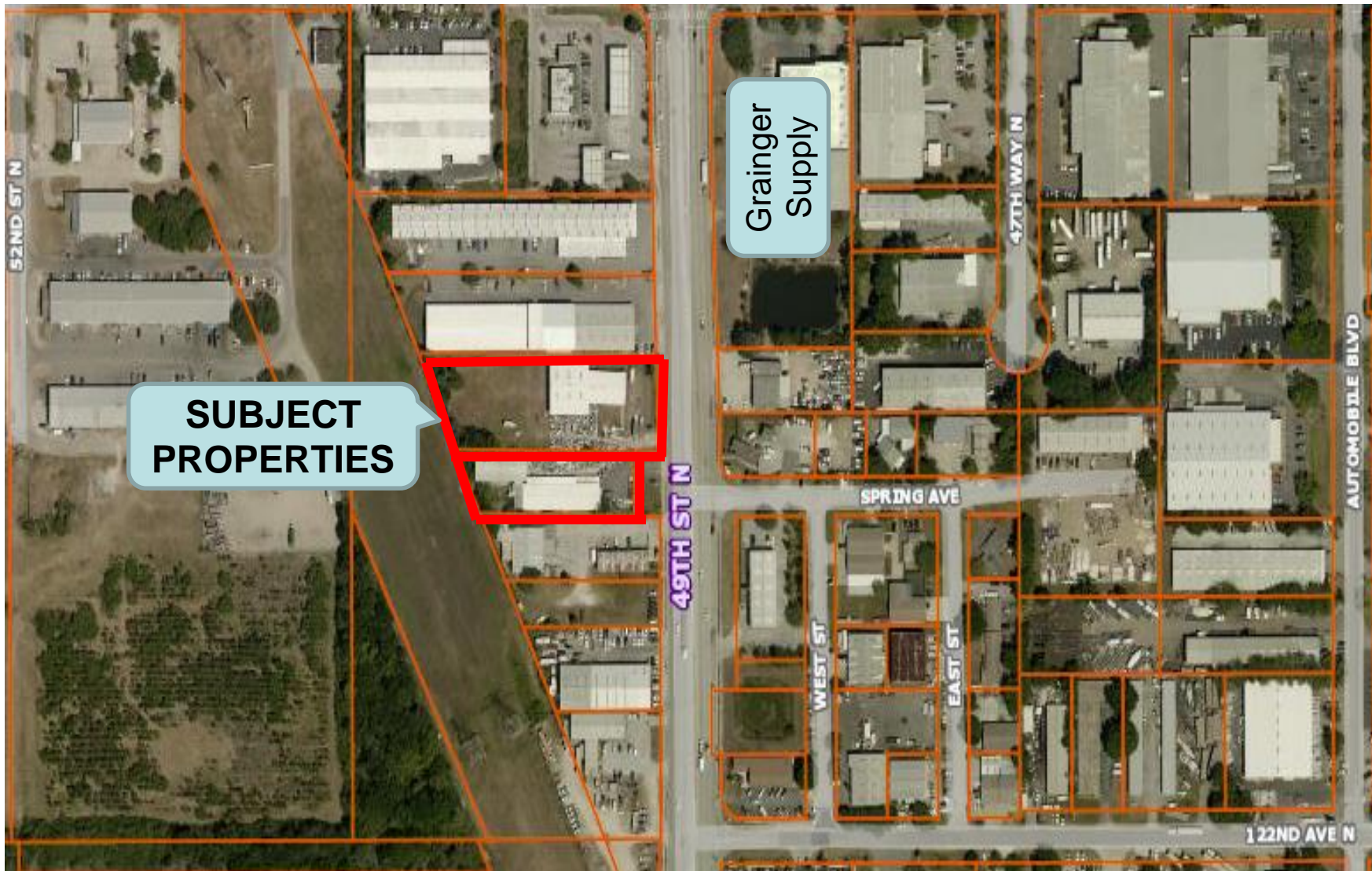
**MANAGING MEMBER'S SIGNATURE:**

  
\_\_\_\_\_  
Geo S. Demas, Managing Member

  
\_\_\_\_\_  
Witness Signature

  
\_\_\_\_\_  
Witness Name Printed

  
\_\_\_\_\_  
Witness Signature  
  
\_\_\_\_\_  
Witness Name Printed

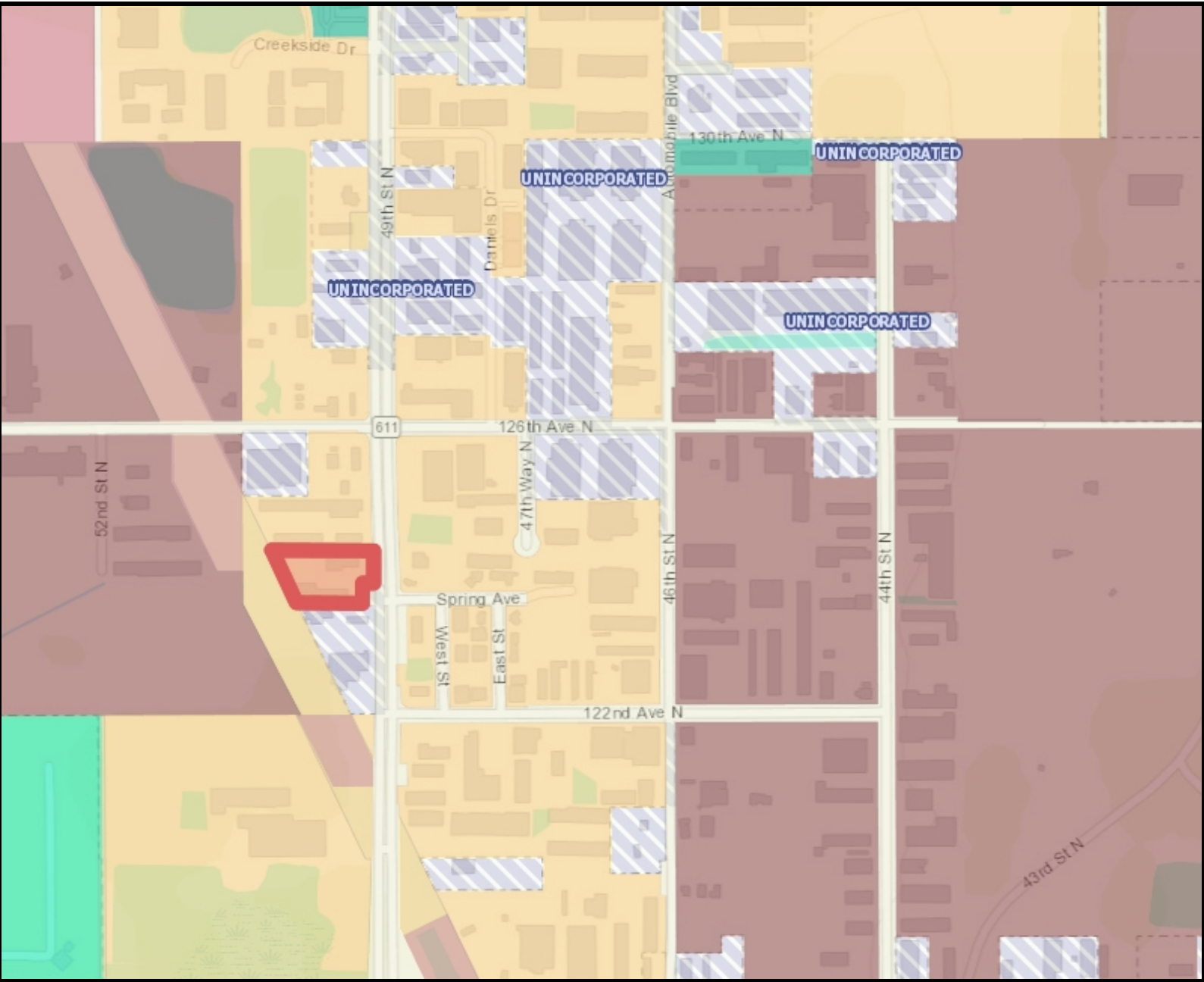


09-30-16-70992-400-0404 and -0405  
12400 & 12360 49th Street North

AX19-5



# 12400 and 12360 49th Street N - Land Use



## Legend

- Rights of Way
- Land Use Fill
  - Commercial General - CG
  - Commercial General (Residential Medium) - CG(R)
  - 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/OG
  - Recreation/Open Space - R/OS
  - Residential Facilities High - RFH
  - Residential Low - RL
  - Residential Low Medium - RLM
  - Residential Medium - RM
  - Residential Suburban - RS
  - Residential Urban - RU
  - Residential Urban (Commercial General) - RU(CG)
  - Residential Urban (Residential Low) - RU(RL)
  - Transportation/Utility - T/U
- Holes
  - Fairways
  - Greens
- Course
  - National Wetland Inventory (NWI)
    - Riverine
    - Lacustrine
    - Palustrine
    - Estuarine
- Neighboring Cities
  - Town of Kenneth City
  - City of Largo
  - City of Seminole
  - City of St. Petersburg
- Unincorporated

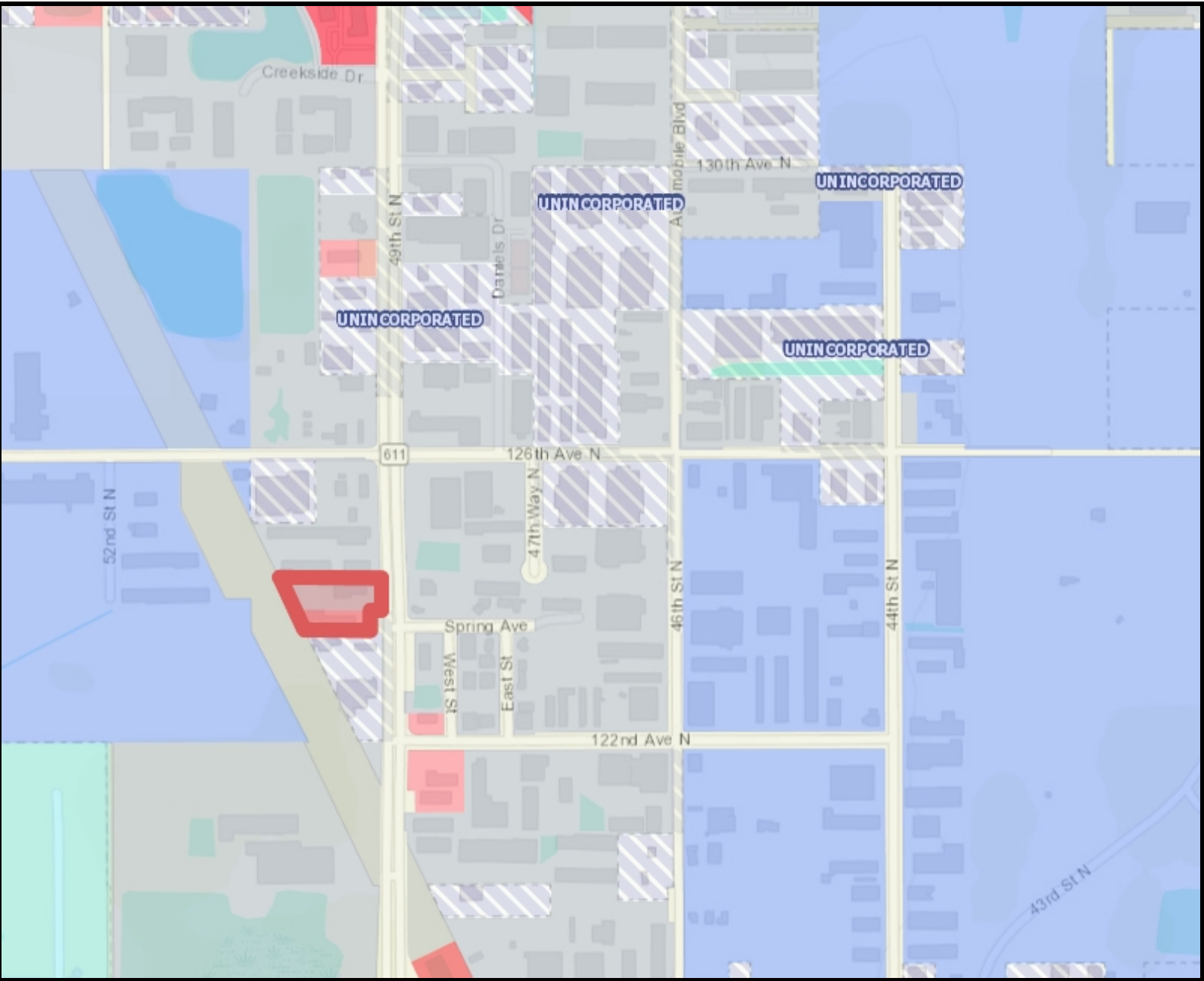
752.3 0 376.17 752.3 Feet

1: 9,028

Notes:



# 12400 and 12360 49th Street N - Zoning



## Legend

- Rights of Way
- Zoning Fill
  - 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
  - Light Industrial - M-1
  - Residential / Office / Retail - ROR
  - Mixed Use Development - MXD
  - Mixed Use 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 - RPUD
  - Rural Residential - RR
  - Mobile Home Subdivision - T-1
  - Mobile Home Park - T-2
  - Town Center - TC
- Holes
  - Fairways
  - Greens
- Course
- National Wetland Inventory (NWI)
  - Riverine
  - Lacustrine
  - Palustrine
  - Estuarine
- Neighboring Cities
  - Town of Kenneth City

752.3 0 376.17 752.3 Feet

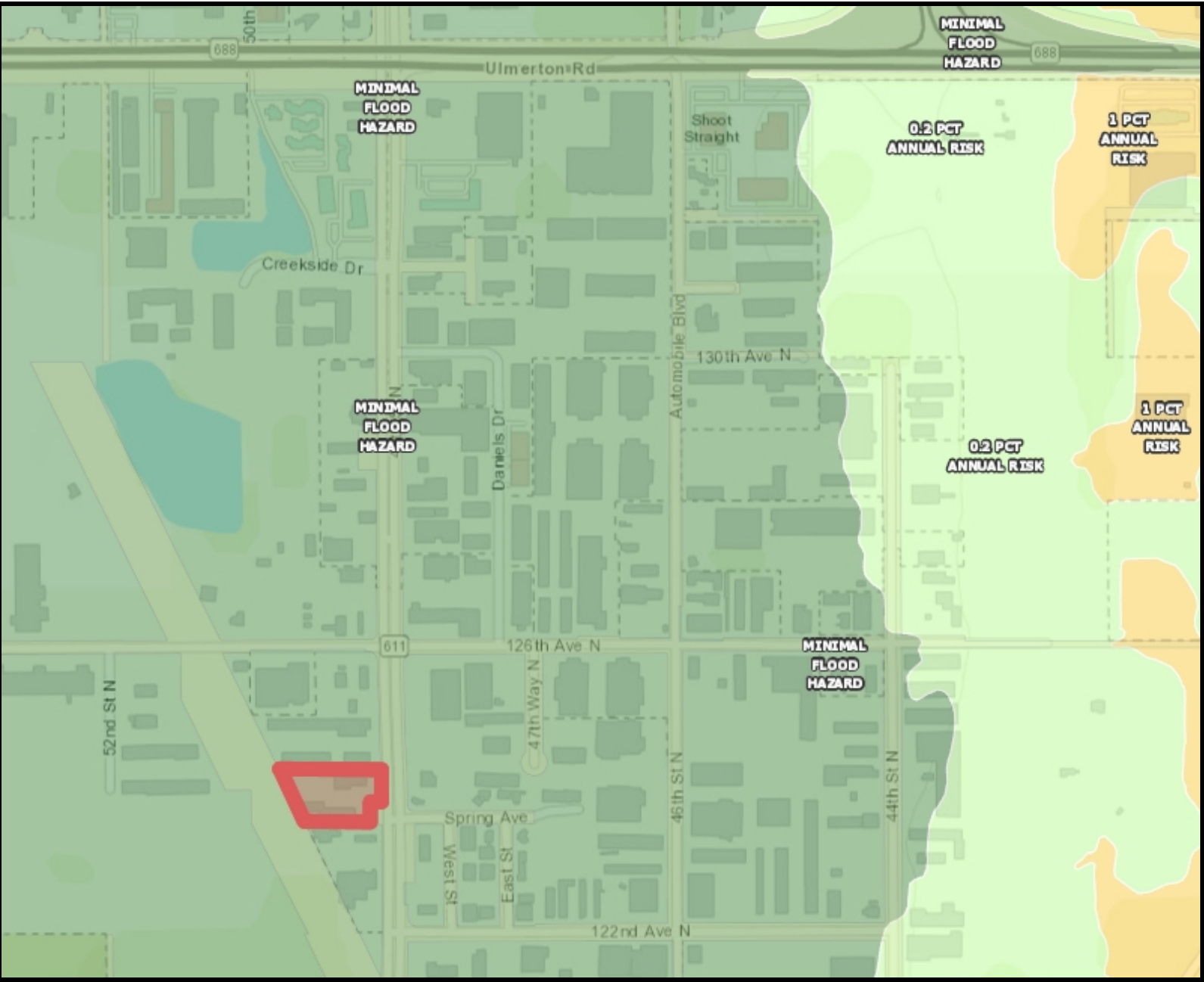
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Notes:

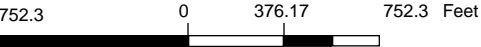
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12400 and 12360 49th Street N - FIRM



- Legend
- Rights of Way
  - Floodplain Delineations
    - Minimal Flood Hazard
    - 500 Year Floodplain (0.2% Annual Risk)
    - 100 Year Floodplain (1% Annual Risk)
    - Floodway
    - Coastal High Hazard Area



1: 9,028

Notes:

