



I. APPLICATION DATA

- A. **Case Number:** CU-1021-00054 and VAR-1221-00054
- B. **Location:** 6595 66th Street
- C. **Parcel ID:** 29-30-16-71082-086-0140
- D. **Request:** The following applications are requested for 6595 66th Street:
- **CU-1021-00054:** Approval of a conditional use for Package Sales and a waiver for relief of the conditional use regulation that the property must not abut nor functionally abut a residential zoning district.
 - **VAR-1221-00054:** Variance request for relief from Section 18-1532.9 to reduce the number of required parking spaces from 16 to 10.
- E. **Applicant:** Basem Shahin
- F. **Agent:** N/A
- G. **Legal Ad Text:** Approval of a conditional use for package sales (liquor store) with a waiver for relief of the conditional use regulation that the property must not abut nor functionally abut a residential zoning district and a variance to reduce the number of required parking spaces from 16 to 10 for a property located at 6595 66th Street.
- H. **Public Hearings:**
- | | |
|--|-------------------|
| Planning & Zoning Hearing Date: | January 7, 2021 |
| Planning & Zoning Advertising Date: | December 14, 2020 |
| City Council Hearing Date: | February 11, 2021 |
| City Council Advertising Date: | January 15, 2021 |

II. BACKGROUND INFORMATION

- A. **Site Area:** 0.36 acres
- B. **Property History:** The property has been operating as Save Well Mart, a convenience store and has had an active BTR since 8/28/19. The applicant would like to convert the convenience store to a package sales retail store with a 2APS liquor license. There is also a laundromat in the building.
- C. **Existing Use:** Convenience Store
- D. **Proposed Uses:** Package Sales (Liquor Store)
- E. **Current Land Use:** General Commercial (CG)
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 manner designed to provide communitywide and countywide commercial goods and services; and to recognize such areas as primarily consistent with the need, relationship to adjoining uses and with the objective of encouraging a consolidated, concentrated commercial center providing for the full spectrum of commercial uses.*

2. Key Standards:

Primary Uses – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Wholesale/Distribution (Class A); Storage/Warehouse (Class A); Temporary Lodging

Secondary Uses – Commercial Recreation; Residential; Residential Equivalent; Institutional; Transportation/Utility; Recreation/Open Space; Research/Development; Light Manufacturing/Assembly (Class A)

Density/Intensity Standards – Residential Use - Shall not exceed 24 dwelling units per acre.

3. Staff Analysis:

The proposed use of a package sales retail store with a 2APS liquor license is considered retail commercial, which is a primary use in the General Commercial (CG) land use designation. Staff finds the proposed use to be consistent with the Future Land Use per the Comprehensive Plan.

F. Current Zoning District: "B-1" GENERAL COMMERCIAL

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).

2. Staff Analysis:

The previous use of the subject property was a convenience store. The applicant is proposing a use of package sales, which is a conditional use in the "B-1" General Commercial Zoning District. The proposed use would not meet the conditional use requirement, that the subject property is neither adjacent nor functionally adjacent to a residential zoning district. This requirement cannot be met because the property directly to the east is zoned "R-5" Multi-Family Residential. The applicant has requested a waiver of that requirement as part of this application.

All other conditional use requirements would be met including: the subject property is not within 500 feet of a place of worship, educational institution, public educational facility, or day care center and the subject property shall have frontage on an arterial right-of-way with ingress to and egress from the property not to occur via a local street.

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

H. 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.

I. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	"B-1" General Commercial	R/OG	PAR
South	"B-1" General Commercial	CG	Ken's Tire & Oil
East	"R-5" Multi-Family Residential	RLM	Monticello Gardens
West	"B-1" General Commercial	CG	Tampa Bay Orthopedics

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. **Relevant Policies:**

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

POLICY LU.1.15.3 Off-street parking for all new development and redevelopment shall provide safe pedestrian and vehicle movement, as well as ingress/egress.

2. **Staff Analysis:**

The proposed use of package sales would be located on a principal arterial road (66th Street) at an intersection. The applicant is requesting a parking variance. Due to the change in use from a convenience store to package sales, the parking is required to be brought up to Code.

Per the Comprehensive Plan, off-street parking shall provide safe pedestrian and vehicle movement, as well as ingress/egress. With the spaces abutting the walkway in front of the building, it provides a safe pedestrian walkway to and from the building, and with frontage along a principal arterial road (66th Street), it provides accessible ingress/agrees. Staff finds that the proposed use in the location requested is in compliance with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

B. Land Development Code Standards:

1. **Key Standards:**

SECTION 18-1520. - "B-1" GENERAL COMMERCIAL DISTRICT

Sec. 18-1520.3. - PERMITTED AND CONDITIONAL USES.

Package Sales	C	CG or CRD land use categories only
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Sec. 18-1531.6. - REVIEW CRITERIA.

(A) *In granting an application for a conditional use, the City shall find that such approval will not adversely affect the public interest, and shall consider the compatibility criteria listed in Paragraph (C), below, in their decision.*

(B) *In evaluating an application for conditional use, the presence of nonconforming uses or buildings, substandard property maintenance, or substandard conditions in the neighborhood shall not be used to justify the granting of a conditional use. Additionally, the cumulative impact of the proposed use in proximity to a similar existing use shall be considered, as shall the scale, placement, orientation, design, appearance, and intensity of the conditional use and improvements to be associated with the conditional use, as applicable.*

(C) COMPATIBILITY REVIEW CRITERIA.

- 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).*
- Whether the use will diminish the use or enjoyment of other properties and living or working conditions in the neighborhood.*
- 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.*
- 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.*
- Whether the land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof.*
- 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. 18-1531.7. - WAIVERS, VARIANCES, MODIFICATIONS.

(A) **WAIVERS.** The City may waive one (1) or more of the requirements of Section 18-1531.10, "List of Conditional Uses and Requirements", that are specific to any given conditional use application, or application to modify an existing conditional use approval, upon finding that the requirement(s) are not necessary to ensure the compatibility and appropriateness of the use at the given location, and upon making the findings listed below. Where City Council or Community Redevelopment Agency has established compatibility with the neighborhood and appropriateness of the use at a public hearing, amendments to the Conditional Use site plan may be made administratively provided conditions and safeguards provided by Council are not proposed to be altered or otherwise compromised in the opinion of the City Manager, Administrative waivers of conditional use special requirements by City staff are not authorized. Any waiver request for administrative conditional use applications shall trigger City Council or Community Redevelopment Agency review of the conditional use application and waiver request.

The public notice requirements of Section 18-1534 shall apply to waivers, variances and modifications subject to City Council or Community Redevelopment Agency review and approval. In determining whether such special requirements should be wholly or partially waived, the City shall consider the following criteria:

1. The purpose of the requirement is otherwise fully achieved, or more important purposes of this Article or the Comprehensive Plan will be served thereby, or the requirement serves no valid public purpose in the particular case;
2. The waiver is consistent with the statement of intent of the applicable zoning district and this Section;
3. The waiver will not adversely impact the public interest or adjacent property, and the applicant has demonstrated that all necessary alternative measures shall be taken to prevent any such impact;
4. The waiver is not discriminatory, considering similar situations in the general area and in past decisions under this Article.

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

58. Package Sales.

- (a) Administrative approval unless a waiver is requested for any of the following criteria, then the application shall require Review by the Planning and Zoning Commission and approval by City Council.
- (b) The subject property is neither adjacent nor functionally adjacent to a residential zoning district.
- (c) The subject property is not within five hundred (500) feet of a parcel of land used as a place of worship, an educational institution, a public educational facility, or a day care center unless the intervening land uses, structures or context are such that the location of the package sales is unlikely to have an adverse impact on such place of worship, educational institution, public educational facility or day care center. If the place of worship, educational institution, public educational facility or day care center is a nonconforming use, then this criteria shall not apply.
- (d) The subject property shall have frontage on either an arterial or collector right-of-way with ingress to and egress from the property not to occur via a local street.

SECTION 18-1532. - OFF-STREET PARKING AND LOADING

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

38. Package Sales: One (1) per two hundred fifty (250) SF of GFA.

2. Staff Analysis:

A conditional use approval is requested for a proposed use of a package sales retail store with a 2APS liquor license. The subject property has met two of the three conditional use criteria per Section 18-1531.10. The requirement that the subject property is neither adjacent nor functionally adjacent to a

residential zoning district has not been met, as the subject property is directly adjacent to "R-5" multi-family zoning to the east.

Additionally, with the change in use from a convenience store to package sales (liquor store), parking is required to be brought up to Code. Package Sales is required 1 space per 250 square feet (7 spaces required) and the neighboring laundromat requires 1 space per 2 washing machines (9 spaces required).

The applicant is requesting to reduce required parking from 16 spaces to 10 spaces. Staff finds that a package sales liquor store will not operate much differently than the existing convenience store. Due to the existing use and the proposed use producing similar traffic impact, the requested parking variance will not be injurious to surrounding properties and does not grant special privilege to the applicant.

C. Essential Services Review:

The proposed conditional use has been reviewed by all relevant departments/divisions. There were no objections or comments.

IV. SUMMARY

A. Findings:

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

1. The proposed development meets the intent of the "B-1" General Commercial Zoning District, per Section 18-1520 of the Land Development Code.
2. The proposal is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.
3. The proposed use meets majority of the Conditional Use Regulations, per Section 18-1531.10 of the Land Development Code.
4. Variances to parking requirements should not adversely impact the neighborhood or abutting properties.

B. Staff Recommendation:

Consistent with the above identified findings, staff recommends **APPROVAL** of case number CU-1021-00054.



Nick A. Colonna, AICP
Planning & Development Services Director



Date



Benjamin J. Ziskal, AICP, CEcD
Community Development Administrator



Date

V. ACTION

PLANNING AND ZONING COMMISSION – MOVE TO:

1. RECOMMEND APPROVAL
2. RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION(S):
3. RECOMMEND DENIAL

...of a request for approval of a conditional use for a package store with a waiver of the conditional use requirement that the property must not abut nor functionally abut a residential zoning district and a variance to reduce the number of required parking spaces from 16 to 10.

VI. ATTACHMENTS

- Exhibit A: Application with Legal Description**
- Exhibit B: Site Plan / Survey**
- Exhibit C: Aerial Map**
- Exhibit D: Land Use Map**
- Exhibit E: Zoning Map**
- Exhibit F: Flood Insurance Rate Map**
- Exhibit G: Site Photos**

CITY OF PINELLAS PARK
AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:

MILTADIS ANDRIOPOULOS & APOSTOLOS ANDRIOPOULOS

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:

6595 66TH STREET 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.)

See EXHIBIT A

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):

Liquor Store

3. That the undersigned (has / have) appointed and (does / do) appoint BASEM SHAHIN 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.

[Signature]
SIGNED (PROPERTY OWNER 1)

[Signature]
SIGNED (PROPERTY OWNER 2)

STATE OF FLORIDA

COUNTY OF PINELLAS



CATHERINE M. KOURSOTIS
Commission # GG 028018
Expires November 6, 2023
Bonded Thru Budget Notary Services

(SEAL ABOVE)

The foregoing instrument was acknowledged before me by means of
☒ physical presence or ☐ online notarization, this 14 day
of OCTOBER, 2020.

By MILTADIS ANDRIOPOULOS & APOSTOLOS ANDRIOPOULOS, owners, who are
(Name of person acknowledging and title of position)

personally known to me or who has produced

as identification and who DID / DID NOT
(Type of identification)
take an oath.

Notary Public, Commission No. GG 998018

CATHERINE M KOURSOTIS

(Name of Notary- typed, printed or stamped)

[Signature]

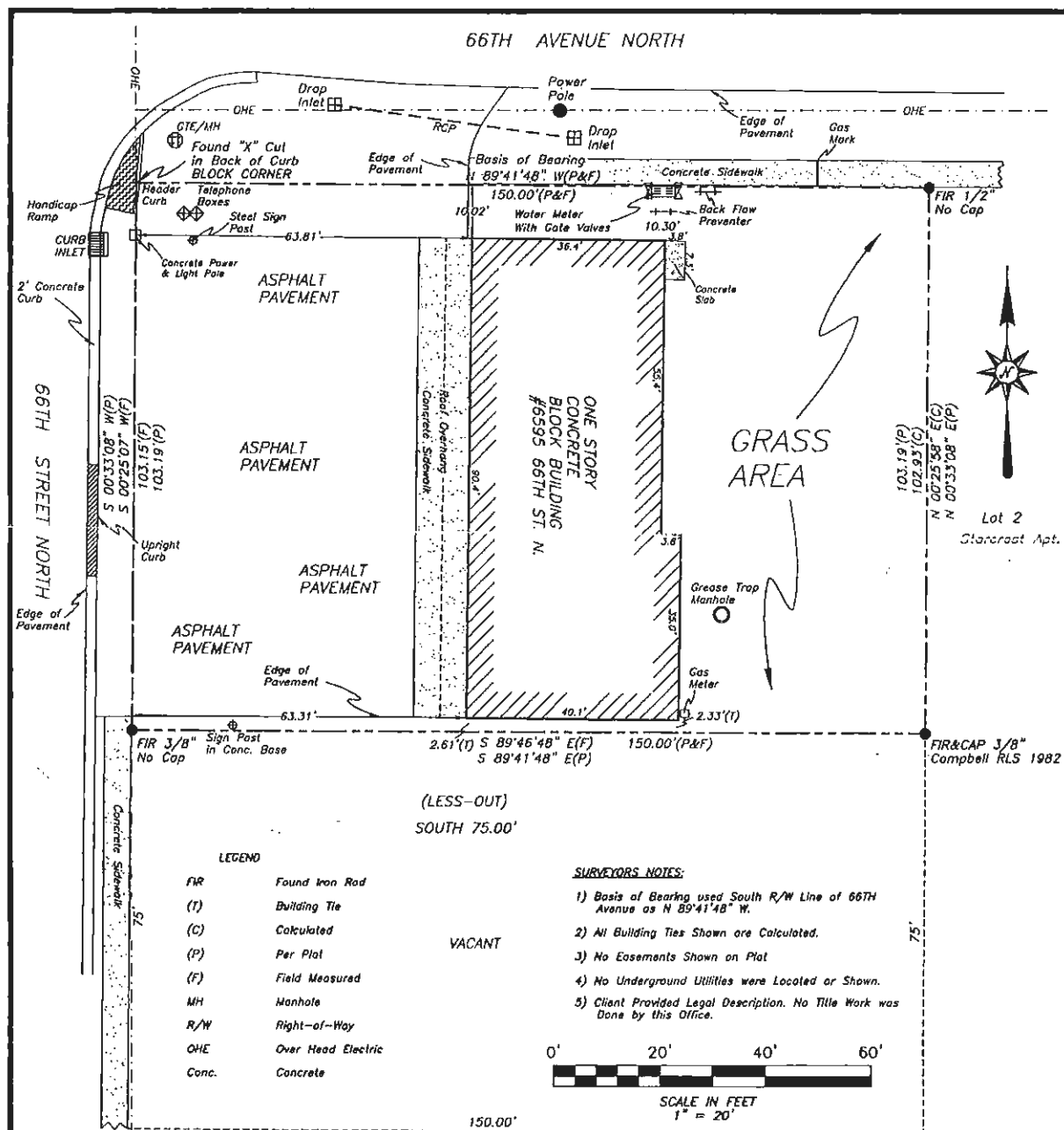
Exhibit A

Legal Description for 6595 66th Street North, Pinellas Park, Florida 33781

:

**Lot 1, MONTICELLO GARDENS SECOND ADDITION,
According to the Plat thereof, recorded in Plat
Book 66, Page 50, Public Records of Pinellas
County, Florida, LESS the South 75 feet of Lot 1.
Subject to an easement for ingress and egress over
The East 15 feet of said Lot 1, less the South 75
feet thereof.**

Parcel No. 35/30/16/58646/000/0011

**CERTIFIED TO:**

Apostolos T. Andriopoulos
Miltiadis T. Andriopoulos

TYPE OF SURVEY	CAD FILE	JOB NO.	FIELD WORK	DRAWN BY: DWB	REV. #1
Boundary/Location	Montl.Dwg	1588	08/24/99	CK'D BY: ORS	
DATE: 08/25/99					REV. #2
NOT VALID UNLESS SIGNED DATED AND STAMPED WITH EMBOSSED SEAL.				PARTY CHIEF	
				Jim S.	REV. #3

LEGAL DESCRIPTION:

Lot 1, Less the South 75 Feet MONTICELLO GARDENS 2ND ADDITION According to the Plat thereof as Recorded in Plat Book 66, Page 50 of the Official Records of Pinellas County, Florida...

SUBJECT TO SETBACKS, EASEMENTS AND RESTRICTIONS OF RECORD

NOTE: NO ATTEMPT BY THIS OFFICE INTO TITLE RESEARCH
THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP



PREPARED BY
INLAND SURVEYORS, INC.

1939 SUNSET POINT ROAD
CLEARWATER, FLORIDA 33765
PHONE (727) 462-9906 FAX (727) 462-9710
EMAIL: inland1@gte.net



This certifies that a survey of the property described hereon was made under my supervision and that the survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and accurate representation thereof to the best of my knowledge and belief. Subject to notes and notations shown hereon.

8-27-99

DANIEL R. SILVIE, P.L.S. NO. 4176
LB NO. 6072

6595 66th Street - Aerial Map



Legend

- Master Address Points
- Centerlines
- Private Roads
- Building Footprints
- Pinellas Park
- Medical District
- Community Redevelopment Area
- Rights of Way
- Recent Activity
- Neighboring Cities
 - Town of Kenneth City
 - City of Largo
 - City of Seminole
 - City of St. Petersburg
- Unincorporated
- Parcel Lines

94.0 0 47.02 94.0 Feet

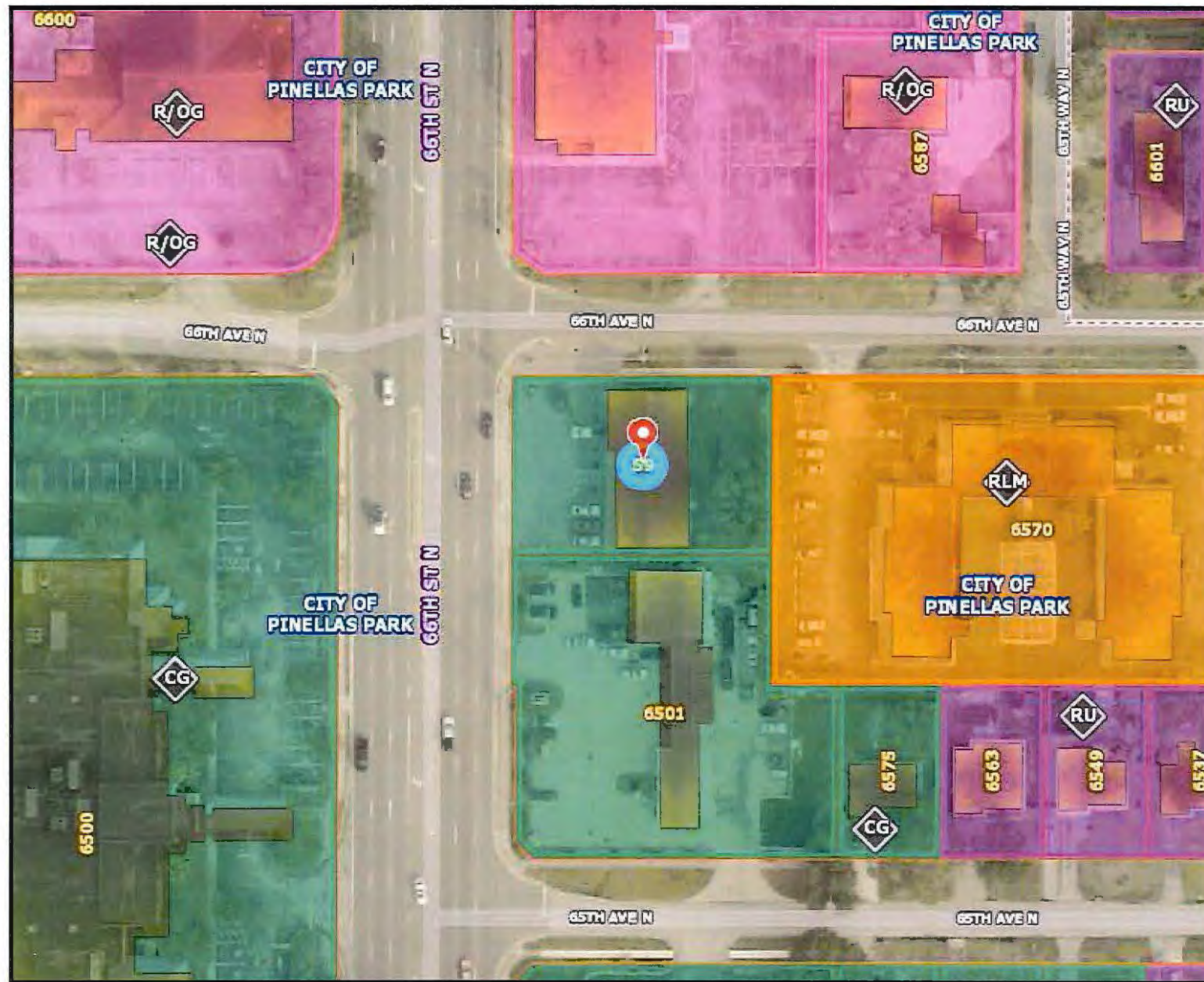
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Notes:

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6595 66th Street - Land Use Map



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Notes:

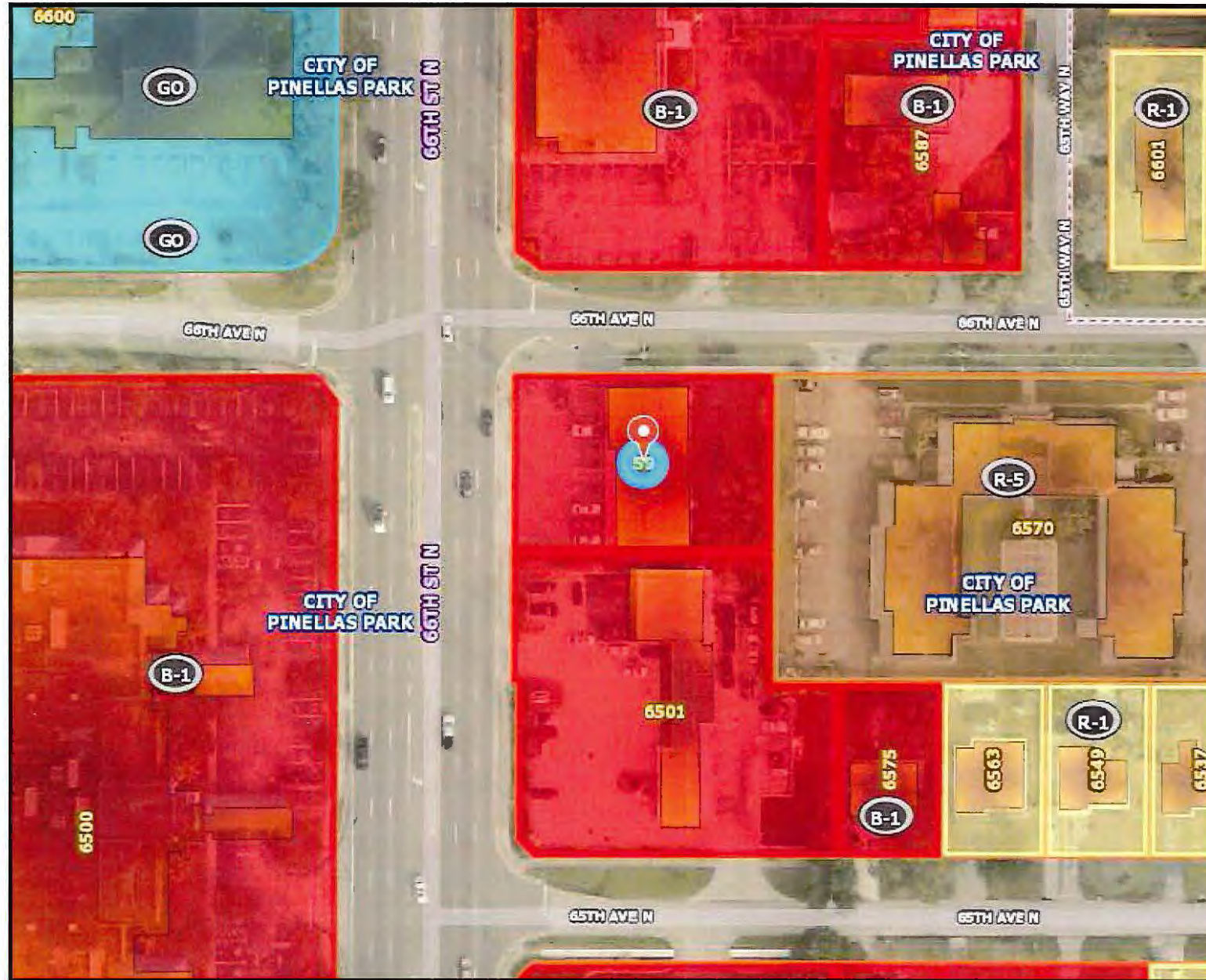
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Legend

- Master Address Points
- Centerlines
- Private Roads
- Building Footprints
- Pinellas Park
- Medical District
- Community Redevelopment Area
- Rights of Way
- Recent Activity
- 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/OG
 - Residential/Open Space - R/OS
 - 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

6595 66th Street - Zoning Map



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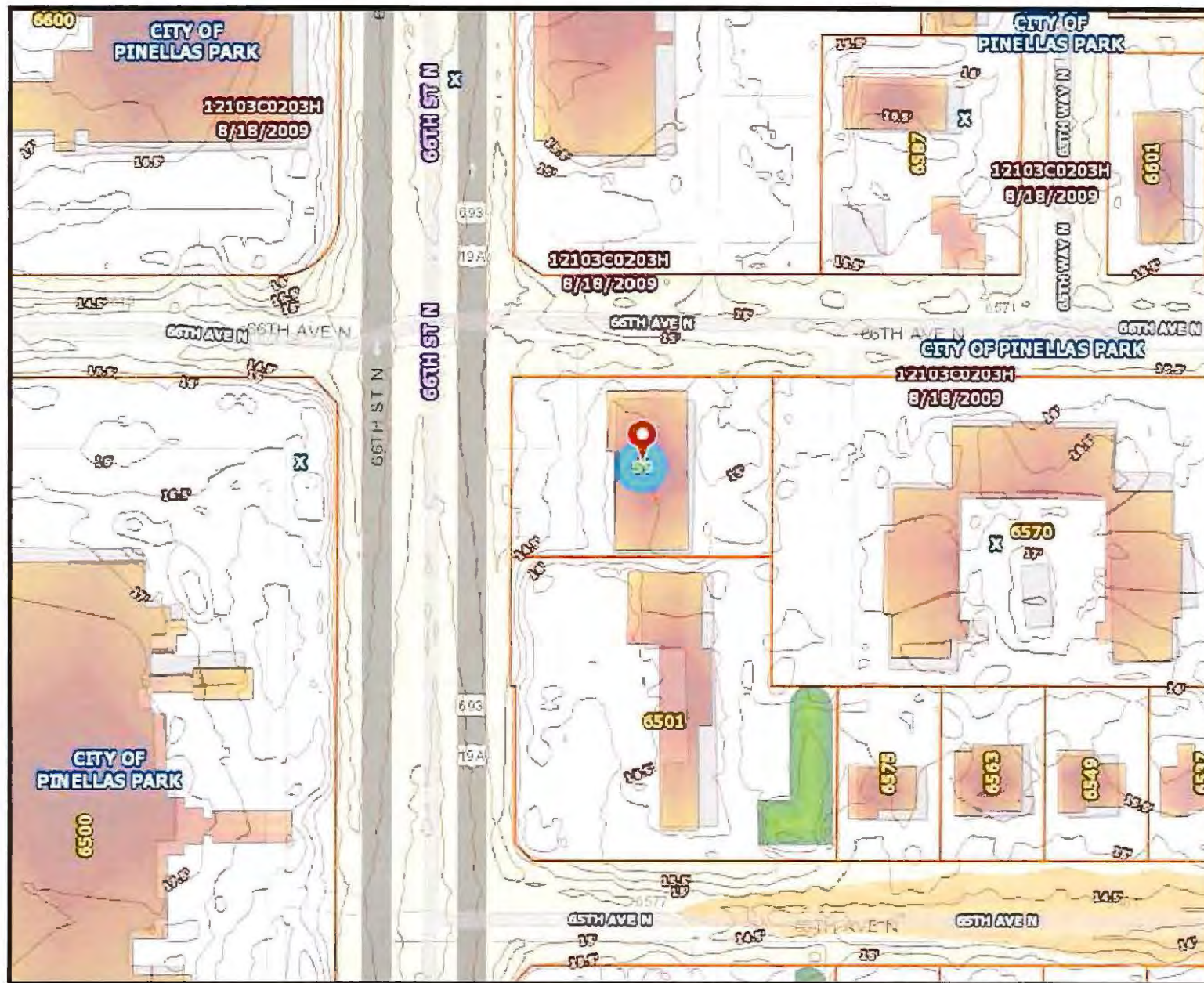


Notes:

Legend

- Master Address Points
- Centerlines
- Private Roads
- Building Footprints
- Pinellas Park
- Medical District
- Community Redevelopment Area
- Rights of Way
- Recent Activity
- Zoning Borders
 - General Commercial - B-1
 - Heavy Commercial - CH
 - Commercial Neighborhood - CN
 - Commercial Planned Unit Development - C-PUD
 - 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 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
 - Town Center - TC
- Zoning Fill
 - General Commercial - B-1
 - Heavy Commercial - CH

6595 66th Street - FEMA Firms Map



Legend

- Master Address Points
- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Topographic Information
- 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

94.0 0 47.02 94.0 Feet

1:1,128

Notes:

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Site Photos

