

**CITY OF PINELLAS PARK, FLORIDA  
CITY COUNCIL AGENDA  
JANUARY 27, 2011**

**CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE**

**I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

**SPECIAL PRESENTATION — CHECK**

**To Susan G. Komen Organization from Firefighter/EMT Nick Del Grosso**

**SPECIAL PRESENTATION — MAYOR'S CHOICE AWARDS**

**PUBLIC COMMENT AND CORRESPONDENCE**

**CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT ALREADY SCHEDULED ON TONIGHT'S AGENDA. PLEASE LIMIT COMMENTS TO THREE MINUTES.**

**AT THIS TIME STAFF MEMBERS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL**

**II. APPROVAL OF MINUTES**

Approval of Regular Council Minutes of January 13, 2011.

**III. PUBLIC HEARINGS**

**◆ OMB**

**P1 ORDINANCE NO. 3755. AMENDING ORDINANCE 3744 ADOPTING THE BUDGET FOR FISCAL YEAR 2010/2011.**

**PUBLIC HEARING, SECOND AND FINAL READING**

NOTE: This budget amendment performs some minor maintenance in the budget. In the General, Water & Sewer, Capital Equipment, and Insurance Loss funds, pension contribution amounts were adjusted for changes in the valuation report; and funds are reappropriated to establish the Safe Harbor homeless shelter in the General, Confiscated Property, and CRA funds. In the CIP fund, various incomplete projects have been brought forward from the prior year. Overall the City's budget for this year will increase by \$930,607.

(reference material — ordinance and budget amendment schedule, *C5 on 1/13/11 Council agenda*)

◆ COMMUNITY DEVELOPMENT

- P2 **CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE TO ESTABLISH A “CHILD CARE CENTER TYPE III”, IN THE “B-1” GENERAL COMMERCIAL ZONING DISTRICT WITH A VARIANCE TO THE MAXIMUM PERMITTED FENCE HEIGHT FROM FOUR FEET TO SIX FEET WITHIN THE FRONT YARD SETBACK ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7510 PARK BOULEVARD.** (CU 2011-01/BOA 2011-02 Mariano D. Cibran/Mariano E. Cibran)

**PUBLIC HEARING (QUASI-JUDICIAL)**

NOTE: The applicant is requesting consideration for a Conditional Use to establish a “Child Care Center Type III”, in the “B-1” General Commercial Zoning District on a 1.328 acre parcel of land generally located at 7510 Park Boulevard. The applicant is also requesting a variance to the maximum permitted fence height from four feet to six feet within the front yard setback for the playground located east of Building “C”. The site is currently under development with two of the structures illustrated on the plan with a medical office proposed in Building “A”. The surrounding area is developed with: to the north, a storage facility; to the west, C & C Cars (auto sales) and vacant commercial land; to the south, single family dwellings; and to the east, unoccupied commercial site (former 1<sup>st</sup> Security Auto Sales) and a single family dwelling. Subject to any matters that may be discussed at this hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on December 2, 2010, the Planning and Zoning Commission recommended approval of the above request.

ACTION: (Approve – Deny) A Conditional Use request to establish a “Child Care Center Type III”, in the “B-1” General Commercial Zoning District on a parcel of land generally located at 7510 Park Boulevard with a variance to the maximum permitted fence height from four feet to six feet within the front yard setback based on the staff report and the criteria found in Section 18-1531.6.

(reference material — staff report, excerpts of the 12/2/2010 Planning and Zoning Commission meeting, application, site plan, and aerial)

- P3**     **CONSIDERATION OF A CONDITIONAL USE FOR AN INDUSTRIAL USE NOT PERMITTED BY RIGHT (GREEN WASTE RECYCLING) IN THE “M-1” LIGHT INDUSTRIAL DISTRICT AND A PRELIMINARY SITE PLAN REVIEW FOR A PROPERTY ZONED “M-1” THAT FUNCTIONALLY ABUTS RESIDENTIALLY ZONED PARCELS TO THE NORTH ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7425 124<sup>TH</sup> AVENUE NORTH. (CU 2011-05/MS 2011-07 Richard L. Croy/Carl Johnson)**

**PUBLIC HEARING (QUASI-JUDICIAL)**

NOTE: The applicant has submitted a letter requesting that this case be tabled until the next scheduled City Council meeting on February 10, 2011.

ACTION: (Approve – Deny) A request to table this request until the next scheduled City Council meeting on February 10, 2011.

(reference material — request to table letter from applicant, staff report, application, site plan, and aerial)

- P4**     **CONSIDERATION OF A REQUEST FOR PRELIMINARY SITE PLAN APPROVAL FOR A PARCEL OF LAND IN THE “P” PUBLIC ZONING DISTRICT FOR THE EXPANSION OF A CHURCH, TEMPLE OR SIMILAR RELIGIOUS INSTITUTION WITH A WAIVER TO LANDSCAPE REQUIREMENTS ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8900 US HIGHWAY 19. (MS 2011-03 Calvary Chapel of St. Petersburg / Matt Campo - Campo Engineering)**

**PUBLIC HEARING (QUASI-JUDICIAL)**

NOTE: The applicant is requesting preliminary site plan approval for a proposed expansion to the existing Calvary Chapel site which is located in the “P” Public Zoning District, with the addition of approximately ten acres of land that is proposed to be utilized for a multi-use/recreation area and a grass overflow parking area. Section 18-1526.5 (F) of the Land Development Code requires City Council approval of site plans for property located within the “P” Public Zoning District. Public Hearing is required when waivers are requested. The applicant is requesting a waiver to the landscape buffer requirement along the western property line where the property abuts Runaway Bay Apartments. In lieu of a vegetative buffer, the applicant wishes to install a six-foot-high, block wall. City Council may require the installation of additional buffering in order to reduce or eliminate adverse impact of the proposed use upon the adjacent uses and to the area.

ACTION: (Approve – Deny) The Preliminary Site Plan for a parcel of land in the “P” Public Zoning District generally located at 8900 US Highway 19 for a proposed expansion to the existing Calvary Chapel site with addition of a multi-

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**P4** use/recreation area and a grass overflow parking area with a waiver to landscape buffer requirements subject to the following condition:

1. The applicant shall be required to provide payment for 17 trees; 3 canopy, 5 intermediate and 9 understory along with 243 hedge plants. The waiver shall not be in effect until such monies are deposited into the City's "Tree Bank" account or consistent with Section 18-1533.4, Certificate of Occupancy, a temporary Certificate of Occupancy may be issued by the Building Development Division and shall not become final until final payment of said monies is deposited into the "Tree Bank" account.

(reference material — staff report, application, site plan, and aerial)

**P5** **CONSIDERATION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE LANDOWNERS SITUATE WITHIN THE PLAT OF UNITED COTTAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS AND EACH OF THE SIGNATORIES TO THE AGREEMENT OWNING INDIVIDUAL OR MULTIPLE LOTS THEREIN.**

**PUBLIC HEARING (QUASI-JUDICIAL)**

NOTE: The proposed Development Agreement between the City and the owners of lots within the United Cottage Corporation Plat provides for the reconstruction of infrastructure, including streets, potable water, sanitary sewer, drainage and reclaimed water along with underground placement of electric distribution lines. Also, waivers and variances to create a reasonable building envelope for Katrina-like cottages are available to each owner. Lots may be redeveloped with residential or limited commercial uses. The Planning and Zoning Commission, convened as the City's designated Local Planning Agency, approved the agreement at its first required public hearing held on January 6, 2011.

ACTION: (Approve – Deny) The proposed Development Agreement between the City and the owners of lots within the United Cottage Corporation Plat.

(reference material — staff memorandum, development agreement, United Cottages Corp. meeting minutes back up, excerpts from the P&Z minutes of 1/6/11 meeting)

**IV. CONSENT AGENDA**

**◆ CITY CLERK**

- C1 RESOLUTION NO. 11-01. A RESOLUTION AMENDING ORDINANCE NO. 3719, BY AMENDING THE CITY'S ADMINISTRATIVE FEE SCHEDULE AS LISTED IN EXHIBIT "A"; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**FIRST AND FINAL READING**

NOTE: Ordinance No. 3719 provides that future amendments to the Administrative Fee Schedule may be amended from time to time by resolution, duly passed by the City Council on March 11, 2010.

(reference material — Resolution)

**◆ NEIGHBORHOOD SERVICES**

- C2 ORDINANCE NO. 3756. AMENDING CHAPTER 12 (HEALTH AND SANITATION), SECTION 12-104, LOT CLEANING, SUBSECTION (F) NOTICE OF PROHIBITED CONDITIONS**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: Chapter 12 (Health and Sanitation), Section 12-104 "Lot Cleaning" Subsection (F) "Notice of Prohibited Conditions" is being amended that the notice may be given by regular mail and not certified mail, to remedy the property violation within ten (10) days instead of fifteen (15) days, and is also being amended by providing for repeat violations.

(reference material — ordinance, attorney approval letters)

**◆ LIBRARY AND RECREATION**

- C3 RECEIPT OF 2010 LIBRARY ANNUAL REPORT**

NOTE: Section 2-504 of the City Code states that the Library Board will submit an annual report to the City Council each year.

ACTION: (Approve – Deny) The Library Director will be in attendance to present the 2010 Library Annual Report in accordance with Section 2-504 of the City Code requiring submission on a yearly basis.

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- C3 (reference material — annual report, minutes of the January 6, 2011 Library Board Meeting)

◆ **PUBLIC WORKS**

- C4 **CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 10/016, 40th STREET SANITARY SEWER EXTENSION—Artisan Professional Group, LLC.**

NOTE: Change Order No. 1 is recommended for approval so that final payment can be processed and the contract closed out. The decrease in the contract amount represents a decrease of the original amount by 3.14%. The account to be charged will be 301-381-5-781-87. The final contract amount is \$3,961.52 under the contract amount.

ACTION: (Approve – Deny) Authorization for approval and acceptance of Change Order No. 1, Project 10/016, 40<sup>th</sup> Street Sanitary Sewer Extension, a decrease in the contract in the amount of \$3,961.52, for a total adjusted contract amount of \$122,088.03, and authorization for final payment of \$12,208.80 to Artisan Professional Group, LLC. to be charged to the appropriate account.

(reference material — change order, final invoice)

◆ **COMMUNITY DEVELOPMENT**

- C5 **RESOLUTION NO. 11-02. GRANTING CERTAIN PERMIT FEE WAIVERS TO OWNERS OF A SINGLE-FAMILY DWELLING DURING A THREE WEEK PERIOD BEGINNING MONDAY, MARCH 7, 2011 THROUGH FRIDAY, MARCH 25, 2011, IN CONJUNCTION WITH PRIDE IN THE PARK ACTIVITIES; PROVIDING PERMITS ISSUED WITHOUT CHARGE SHALL BE VALID PER SECTION 18-906 OF THE LAND DEVELOPMENT CODE; PROVIDING THAT PERMIT FEE WAIVERS SHALL ONLY BE GRANTED FOR SINGLE-FAMILY DWELLINGS.**

**FIRST AND FINAL READING**

NOTE: This resolution provides a waiver of certain permit fees for the purpose of encouraging owners of a single-family dwelling to undertake renovation projects in conjunction with the community's Pride in the Park celebration.

(reference material — resolution)

- C6 **CONSIDERATION OF THE 2010 ANNUAL REPORT FOR THE GATEWAY CENTRE DEVELOPMENT OF REGIONAL IMPACT (HARDY HUNTLEY-GATEWAY LLC)**

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- C6** NOTE: The developer of Gateway Centre DRI, Hardy Huntley-Gateway, LLC has filed the 2010 Annual Report. Development in the reporting year is limited to the expansions of a manufacturing area and a museum area for Polypack, Inc. The report includes the legislative extensions of the Phase I build-out date which is now December 2012. It appears that the DRI is consistent with its Development Order.

ACTION: (Accept-Reject) the revised Gateway Development of Regional Impact 2010 Annual Report with a finding that the project is in compliance with the DRI development order.

(reference material — staff memo, 2010 annual report)

- C7** **ORDINANCE NO. 3757. AN ORDINANCE RESCINDING ORDINANCE NO. 3655, AN ORDINANCE ADOPTING A CONCEPT PLAN AND DOCUMENTATION CONTROLLING THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF U.S. HWY 19 AND GATEWAY BOULEVARD, 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 2009-02) Hardy Huntley-Gateway LLC/Peter Creighton**

**FIRST READING PRIOR TO PUBLIC HEARING  
PUBLIC HEARING FEBRUARY 10, 2011**

NOTE: City Council approved Ordinance Number 3655 on December 8, 2008 for the purpose of controlling the development of a 15.81 acre mol parcel of land located within the Gateway Centre Development of Regional Impact (DRI) and generally located at the intersection of US 19 and Gateway Boulevard. The PUD Master Plan called for the development of 266 multifamily residential units and 11,385 square feet of retail uses. The parcels have since come under the control of a new owner that wishes to eliminate the existing development plan envisioned by the previous owner.

(reference material — Memo to Council, Ordinance, Attorney approval memo, Request letter from land owner, Ordinance 3655, aerial)

- C8     ORDINANCE NO. 3758. AN ORDINANCE RESCINDING ORDINANCE NO. 3656, AN ORDINANCE ADOPTING A CONCEPT PLAN AND DOCUMENTATION CONTROLLING DEVELOPMENT OF PROPERTY GENERALLY LOCATED EAST OF 40<sup>TH</sup> STREET AND WEST OF 28<sup>TH</sup> STREET AND NORTHWEST OF GANDY BOULEVARD AND SOUTH OF 102<sup>ND</sup> AVENUE EXTENDED, 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 2009-03) Hardy Huntley, Peter Creighton**

**FIRST READING PRIOR TO PUBLIC HEARING  
PUBLIC HEARING FEBRUARY 10, 2011**

NOTE: City Council approved Ordinance Number 3656 (PUD 2009-03) on January 22, 2009 for the purpose of controlling the development of a 205 acre mol parcel of land generally located within the Gateway Centre Development of Regional Impact (DRI), generally located east of US 19 and northwest of Gandy Boulevard. Prior to and during the public hearing, the developer withdrew much of the content of the PUD documents thereby eliminating the ability of the PUD to effectively control development on the parcel. The parcels have since come under the control of a new owner that wishes to eliminate the development plan envisioned by the previous owner.

(reference material — memo to Council, Ordinance, Attorney approval memo, Request letter from land owner, Ordinance 3656, aerial)

**VI.     REGULAR AGENDA**

**◆     LIBRARY AND RECREATION**

**R1     APPOINTMENT TO THE LIBRARY BOARD — One Regular Member**

NOTE: A vacancy on the Library Board was created by the resignation of Lisa Inserra at the end of her term. One applicant was interviewed. The Library Board recommends the appointment of Mr. Buddy B. Farmer, with a term to expire June 30, 2013.

ACTION: (Approve-Deny) The appointment of Mr. Buddy Farmer to the Library Board with a term to expire June 30, 2013.

(reference material — application, minutes of the January 6, 2011 Library Board Meeting)

**R2 APPOINTMENT TO THE LIBRARY BOARD — One Teen Member**

NOTE: Anna-Marie Malanowski was interviewed by the Pinellas Park Library Board at their meeting on January 6, 2011. The Library Board recommends that she be appointed to serve as a Teen Board Member.

ACTION: (Approve – Deny) The appointment of Ms. Anna-Marie Malanowski as a Teen Board Member to serve for a term expiring on June 30, 2011.

(reference material — application, minutes of the January 6, 2011 Library Board Meeting)

◆ **COMMUNITY DEVELOPMENT**

**R3 APPOINTMENT TO BOARD OF ADJUSTMENT — One Regular Member**

NOTE: A vacancy on the Board of Adjustment was created by the resignation of Ms. Connie Bruce in December 2010; her term also expired December 2010. On December 28, 2010, the applicant, Mr. William Holmes, was interviewed and selected by the members of the Board.

ACTION: (Approve - Deny) The appointment of Mr. William Holmes to serve on the Board of Adjustment, with Mr. Holmes' term to expire December 13, 2013.

(reference material — application, excerpts of Board of Adjustment minutes of 12/28/2010)

**VII. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL**

**VIII. ADJOURNMENT**

**PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a tape recording of all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately insure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).**

**FOR PERSONS WITH HEARING IMPAIRMENT — An interpreter for persons with hearing impairment will be made available upon requests made**

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**at least 72 hours in advance. Also, an Assistive Hearing Device (amplifier) is available from the City Clerk for use in Council Chambers and all meeting rooms throughout the City. This agenda document is available in the following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.**



