

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
NOVEMBER 10, 2011**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

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 October 27, 2011.

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3785. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 13150 38TH STREET NORTH (RICHARD A. AND SHARON L. TESS AX11-38)

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 1.39 acres MOL of contiguous industrial property located at 13150 38th Street North. The Owner's business, Tess Enterprises, Inc., is located on this property.

(reference material — ordinance, petition, map, Attorney approval letter, *C3 on 10/27/2011 Council agenda*)

- P2 **CONSIDERATION OF AN EXPANSION TO AN EXISTING CONDITIONAL USE FOR AN “AUTOMOTIVE DEALER” IN THE “B-1” GENERAL COMMERCIAL DISTRICT TO ALLOW FOR A 720 SQUARE FEET EXPANSION OF THE PREVIOUSLY APPROVED VEHICLE DISPLAY AREA WITH LANDSCAPE WAIVERS TO MODIFY THE STREETScape BUFFER ALONG 66TH STREET AND REDUCE THE MINIMUM REQUIRED INTERIOR GREEN SPACE ALONG WITH A VARIANCE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES ON A PARCEL OF LAND GENERALLY LOCATED AT 8701 66TH STREET NORTH. (Sergio & Natella Muradian/Timothy J. Healey, P.E., Frontier Engineering, Inc.)**

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: The applicant requests an expansion to an existing Conditional Use for an “Automotive Dealer” in the “B-1” General Commercial District to allow for a 720 square feet expansion of the approved vehicular display area with landscape waivers to reduce the streetscape buffer along 66th Street and reduce the minimum required interior green space along with a variance to reduce the required number of parking spaces. The applicant is requesting approval of a landscape waiver for the streetscape along 66th Street. Since the vehicle display area is located along 66th Street, the applicant feels that the trees required by Code would block the view of the vehicles from the right-of-way. The buffer will contain grass and hedges but no trees; three are required by Code. Additionally, the applicant is requesting that the interior green percentage be reduced from the previously approved amount of 6% to 5.2%. The applicant is also requesting a variance to reduce the required number of parking spaces from 10 to 9. Due to the fact that it is a nonconforming, “B-1” General Commercial District lot, the applicant does not have area available to provide additional parking spaces. Surrounding land uses are: to the north, BP gas station; to the south, Chiropractic in the Park; to the east, single family dwellings; and to the west, single family dwellings, Joyer Car Sales, and N.L. Construction LLC. 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 October 6, 2011, the Planning and Zoning Commission recommended DENIAL of the above.

ACTION: (Approve – Deny) A request for an expansion to an existing Conditional Use for an “Automotive Dealer – Used Cars” in the “B-1” General Commercial Zoning District with waivers to modify the streetscape buffer along 66th Street and reduce the required interior green space percentage along with a variance to reduce the number of required parking spaces on a 0.34 acre (MOL) parcel of land generally located at 8701 66th Street North based on the staff report and the criteria found in Sections 18-1531.10 and 18-1531.7, subject to the following conditions:

1. The minimum permitted interior green shall be no less than 5.2%.

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2. The minimum number of required off street parking spaces provided shall be no less than nine.
3. The applicant shall be required to provide payment for three trees; one canopy, one intermediate, and one understory. The waiver shall not be in effect until such monies are deposited into the City's "Tree Bank" account.

(reference material — staff report, application, October 6, 2011 Planning & Zoning Commission meeting minutes, site plan, and aerial)

IV. CONSENT AGENDA

◆ COMMUNITY DEVELOPMENT

C1 RESOLUTION NO. 11-24. PROVIDING REIMBURSEMENT OF CERTAIN FEES AS OUTLINED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF, FOR ECONOMIC DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE PURCHASE AND REDEVELOPMENT OF THE PROPERTY LOCATED AT 10601 US HIGHWAY 19 NORTH; PROVIDING THAT FOUR YEARS AFTER THE EFFECTIVE DATE OF THIS RESOLUTION PARTIAL REIMBURSEMENT BE MADE FOR LAND DEVELOPMENT FEES PAID TO THE CITY OF PINELLAS PARK AT THE TIME OF CONSTRUCTION CONTINGENT ON A MINIMUM OF TWENTY PERCENT OF THE NEW JOBS CREATED BEING RESERVED EXCLUSIVELY FOR PINELLAS PARK RESIDENTS.

FIRST AND FINAL READING

NOTE: Modern Silicone Technologies, Inc. is a manufacturing and distribution center considering relocation and expansion of its' National Headquarters to Pinellas Park. The company would be purchasing and remodeling the existing building located at 10601 US Highway 19 North, formerly known as the Expo Center. The total estimated impact of this company relocating to Pinellas Park is a positive \$13,500,000 on the local economy. This is achieved through the sale of the building, the expenditures related to the renovation of the existing building, the purchase of equipment, and the creation of 50 new jobs. The City's estimated annual revenue, which includes Ad Valorem Taxes, Tangible Personal Property Taxes and Franchise Fees is \$38,000. The project will provide average-wage, value-added employment to the citizens of Pinellas Park. The City's land development fees, and business tax receipt for four years, is estimated to be \$65,154. Modern Silicone Technologies, Inc. has requested a partial refund of their land development fees that will be paid at the time of construction. This request is based upon the creation of 50 new jobs in Pinellas County, 20% of which are to be created exclusively for residents of the City of Pinellas Park, and is contingent upon the City's review of the final documentation four (4) years from the effective date of this Resolution. In no event will the total

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- C1** reimbursement of fees exceed the sum of \$10,000, or a maximum of \$1,000 per Pinellas Park resident employed, whichever amount is less.

(reference material — resolution, Exhibit A, letter from City Attorney)

- C2** **ORDINANCE NO. 3786. AN ORDINANCE ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A "CPUD" COMMERCIAL PLANNED UNIT DEVELOPMENT, WITH UNDERLYING "ROR" RESIDENTIAL/OFFICE/RETAIL ZONING, ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 9201 66TH STREET. (PUD 2004-1(R)2 – Islamic Society of Pinellas County, Inc. - Palmetto Pinellas Park I LLC. - Heidt Design/Edwin J. Rogers P.E.)**

FIRST READING PRIOR TO PUBLIC HEARING

(PUBLIC HEARING NOVEMBER 22, 2011 – QUASI JUDICIAL)

NOTE: The applicant is requesting consideration of a major amendment to an existing "CPUD" Commercial Planned Unit Development on a 3.14 acre MOL portion of a 7.65 acre MOL parcel of property generally located north of 9201 66th Street, for a change of use from "Educational Institution" to "Retail" for the development of a Dollar General. There are no variances or waivers requested. Subject to any matters that may be discussed at the 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. Surrounding Land Uses are; to the north, Eye Associates; to the south, Bogies Beach Bar; to the east, Lake Forest Condominiums; and to the west, undeveloped commercial land and Palm Grove Village. The Planning and Zoning Commission is scheduled to hear the case at its meeting of November 3, 2011. The application is subject to the following condition:

1. Criteria assigned to subdivision in notes on submitted Site Plan, last revised on 10/25/2011, and this report, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

(reference material — ordinance, letter of Attorney approval, staff report, application, citizen letter, map, and site plan)

- C3 ORDINANCE NO. 3787. AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1505.2, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6101 45TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "M-1" LIGHT INDUSTRIAL TO "M-1" LIGHT INDUSTRIAL WITH A "IPUD" INDUSTRIAL PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR THE SUBDIVISION; IMPOSING CONDITIONS OF DEVELOPMENT; CERTIFYING CONSISTENCY WITH 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 2011-03/CU 2011-22/MS 2011-28/BOA 2011-26 Park Industrial Properties, LLC./ Clayton Watkins & John Lapointe - Bohler Engineering)**

FIRST READING PRIOR TO PUBLIC HEARING

(PUBLIC HEARING NOVEMBER 22, 2011 – QUASI JUDICIAL)

NOTE: The applicant is requesting consideration of a rezoning from "M-1" Light Industrial District to "M-1" Light Industrial District with an "IPUD" Industrial Planned Unit Development Overlay and adoption of a Master Plan with consideration of a Preliminary Site Plan and Conditional Use for; "Boat Building" with waivers to the Conditional Use requirements for separation from a residential district, and outdoor work/storage area enclosure requirements and Conditional Use for "Outdoor Sales of Boats, Recreational Vehicles or Mobile Homes" with waivers to the Conditional Use requirements for shielding requirements for outdoor storage areas, along with variances and waivers to the following: minimum number of parking spaces, lot coverage, outdoor storage shielding and setback requirements, landscaping requirements and square footage limitation for Outdoor Display and Sale of Goods and Merchandise on a 21.56 acre MOL parcel of land generally located at 6101 45th Street. This application has been submitted to address multiple requests and includes three phases of proposed development over the next ten years. Primarily, the application has been submitted to subdivide the parcel to allow Building No. 1 and its associated property to be sold to the current tenant. Building Nos. 1, 2, 3 and 4 are existing. Building No. 5 is proposed within Phase III of the development. Proposed and existing uses within the Industrial Complex with: Boat Building, Spa Manufacturing and Sales, Boat Sales, Boat Servicing, Retail Boat Part Sales, and Outdoor Storage. New outdoor storage areas will be created as well as removed within the 10 year plan. The applicant has requested a waiver to the shielding requirements for those areas. The site abuts and functionally abuts residentially zoned and developed properties to the south east and west. Historically the site was used for POD manufacturing, boat building, and manufacturing/industrial uses with associated outdoor storage

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- C3** since 1971. Subject to any matters that may be discussed at the 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. Surrounding land uses are: to the north, Enterprise Business Park, Chapman Pest Control, J.A.G. Machines, Commercial Plaza and Industrial Warehouses; to the south, single family dwellings; to the east, Retail Plaza, Crystal Lakes Manor Apartments, and single family dwellings; and to the west, Southeast Mobile Homes Supplies, Mullen Corporation, Cracker Boys, and unoccupied/vacant industrial land. At its meeting on October 6, 2011, the Planning and Zoning Commission recommended APPROVAL of the above request subject to conditions.
1. Criteria assigned to subdivision in notes on submitted Site Plan, last revised on 10/26/2011, and the staff report shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.
 2. Within 90 days of approval of the PUD Master Plan, the developer shall submit for review and approval a landscaping plan. Once approved the developer shall have one year to install the landscaping. Building Development permits will be required for the installation and the installed landscaping will be subject to all applicable inspections.

(reference material — ordinance, letter of Attorney approval, excerpts of P&Z minutes of 10/6/11, staff report, application, citizen e-mail, map, and site plan)

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

- R1 CONSIDERATION OF A REQUEST TO ALLOW SUTHERLIN TOYOTA, INC. TO CONTINUE TO STORE INVENTORY ON A LOT WEST OF U.S. HIGHWAY 19 NORTH, NORTH OF 8400 U.S. HIGHWAY 19 NORTH, DURING A CONTINUED SITE CONSTRUCTION PERIOD WHICH EXCEEDS CODE TIMEFRAMES FOR CONVENTIONAL TEMPORARY USES, AT 8501 U.S. HIGHWAY 19 NORTH. (MS 2008-03(R) Sutherlin Toyota, Inc.)**

QUASI-JUDICIAL

NOTE: The applicant, Sutherlin Toyota, Inc., wishes to continue to store inventory (vehicles) on their vacant lot located on the west side of U.S. Highway 19 North, across from their dealership at 8501 U.S. Highway 19 North, during construction at the existing dealership. The construction was projected to be complete by June 2009. The applicant states that construction has slowed due to economic conditions. Through this application, the applicant is requesting consideration to continue the temporary storage for another year. The subject parcel was also approved for a conditional use to establish an auto dealership on

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- R1** June 12, 2008 (CU 2008-14/MS 2008-54.). That approval benefitted from a two year time extension to January 1, 2012, granted by City Council to all permits back in 2009. Last year the legislature extended permits another two years and this extension requires a request for the extension in writing. Toyota has met that requirement so the conditional use to establish the auto dealership on the vacant, storage parcel has a functional timeframe of January 1, 2014. The applicant plans no improvements to the site at this time. No objections have been received from reviewing City Divisions. Surrounding land uses are: to the north, Sunshine Village Nursing Home; to the south, vacant commercial property; to the east, Sutherlin Toyota; and to the west, Le Club, LLC and vacant commercial property.

ACTION: (Approve-Deny) A request to allow the continued use of outdoor storage of vehicles for Sutherlin Toyota, Inc. on the applicant's vacant lot generally located west of U.S. Highway 19 North, north of 8400 U.S. Highway 19 North, subject to the following conditions:

1. The applicant shall not conduct sales activities on the subject lot.
2. The lot shall be kept free of debris and overgrowth of vegetation.
3. The use shall expire on November 9, 2012.

(reference material — staff memorandum, application, aerial)

R2 **TERMINATION OF CONTRACT OF CITY-OWNED SURPLUS PROPERTY IDENTIFIED AS UNITED COTTAGES LOTS 26 AND 28 – American Community Development Group, Inc.**

NOTE: July 14, 2011, City Council authorized the City Manager to sign a contract for sale of surplus City-owned property, identified as United Cottages Lots 26 and 28, with American Community Development Group, Inc., in the amount of \$16,371. The closing was to take place on or before August 14, 2011. The Buyer has defaulted on the real estate contract. The City did not receive written notice from the Buyer requesting an extension of the closing date, and the Buyer is unable to advise the City when, or if, they will be able to close. On October 17, 2011 a certified letter was mailed to the Buyer, which was received, advising that the closing must take place prior to November 1, 2011, or the City would declare the contract null and void. Suncoast Title of Florida, Inc. is holding in escrow a Three Thousand Dollar (\$3,000) deposit.

ACTION: (Approve – Deny) Authorization for the termination of the contract for sale of City-owned surplus property, identified as United Cottages Lots 26 and 28, with American Community Development Group, Inc., in the amount of \$16,371.

(reference material — contract for sale)

VI. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL

VII. 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 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.

