

BOARD OF COUNTY COMMISSIONERS

DATE: February 12, 2013
AGENDA ITEM NO. 15b.

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

Proposed Tarpon Springs Annexation of a Parcel of Land Within the Palm Harbor Fire District

Department:

Strategic Planning and Initiatives

Staff Member Responsible:

Larry Arrington, Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD), UNDER THE AUTHORITY GIVEN THE BOARD IN SECTION 14(2) OF CHAPTER 2000-386, LAWS OF FLORIDA, APPROVE THE PROPOSED ANNEXATION BY THE CITY OF TARPON SPRINGS OF THE 0.9-ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF U.S. HIGHWAY 19 AND KLOSTERMAN ROAD.

Summary Explanation/Background:

The current property owner and the company that desires to purchase and redevelop the property at the southwest corner of the intersection of US Highway 19 and Klosterman Road have requested that the Board of County Commissioners (BCC) approve annexation of this property by the City of Tarpon Springs. The subject property, which is 0.9 acre in size and contains a gas station, is located within the unincorporated Palm Harbor community and within the Palm Harbor Special Fire Control and Rescue District (Palm Harbor Fire District), whose northern boundary is Klosterman Road. The attached maps show the location of the subject property. According to the Special Act that created the Palm Harbor Fire District in 2000 (Chapter 2000-386, Laws of Florida), no municipality may annex any territory within the boundaries of the Fire District unless the annexation is first approved by the Board of County Commissioners. That restriction on annexation within the Fire District is why this request for annexation by the City of Tarpon Springs is before the Board for consideration.

The southwest corner of this intersection is proposed to be redeveloped with a convenience store/gas station that would include not only the subject property but also about 1 acre of adjacent property currently owned by St. Petersburg College, which is located in the City of Tarpon Springs. According to the developer of the project, the College has agreed to sell this adjacent property to the developer for inclusion in this approximately two-acre redevelopment project. Annexation of the subject property is being sought so that site planning and permitting can be done in one jurisdiction.

The subject property is located outside the Tarpon Springs Planning Area, which was established by Interlocal Agreement between the City and Pinellas County in 1989, and was reconfirmed by an extension to the terms of the Interlocal Agreement in 2010. The purpose of delineating the boundaries of the Tarpon Springs Planning Area was to identify those unincorporated areas of possible future annexation by the City, and to allow for orderly planning for future development by both the County and the City. The Interlocal Agreement established Klosterman Road as the southern boundary of the Tarpon Springs Planning Area with the understanding that this road provides a logical

demarcation line between the City of Tarpon Springs and Palm Harbor. Klosterman Road also serves as the boundary between the Palm Harbor Fire District and the Tarpon Springs Fire District, with one exception. The original St. Petersburg College campus (which was annexed by Tarpon Springs in 1976) is within the City's Fire District. Because the property requested to be annexed is south of Klosterman Road and within the Palm Harbor Fire District, the City is unable to annex the subject property unless it is first approved by the Board.

In August 2008, at the request of St. Petersburg College, the Board approved annexation by the City of Tarpon Springs of 34.7 acres situated south of Klosterman Road. That annexation was approved in order to recognize the expansion of the St. Petersburg College campus southward and eastward of the original campus and the desire by the College to have their entire campus in one jurisdiction. (Map 2 shows the location of the College campus in relation to the subject property.) That annexation did not adversely impact property tax revenues for critical agencies that serve the Palm Harbor community since the College campus pays no property taxes due to its tax exempt status. The Palm Harbor Fire District Board of Commissioners decided not to enter into an interlocal agreement with the City of Tarpon Springs turning fire control over to the City for the 34.7 acres; therefore, the area annexed by the City in 2008 remains within the Palm Harbor Fire District.

As noted above, it is generally understood that the area south of Klosterman Road is considered part of Palm Harbor and is not a future expansion area for the City of Tarpon Springs. The College property annexed in 2008 was considered a unique situation that was only acceptable within the narrow parameters associated with the subject properties; i.e. the annexation recognized an expansion to the original College Campus that was already located south of Klosterman Road and would place this enlarged campus in one jurisdiction. Approval of the annexation in 2008 did not represent a relaxation of using Klosterman Road as the long-standing northern boundary for Palm Harbor and as the southern boundary for any future expansion of Tarpon Springs. In the County staff memo to the Board in August 2008 on the St. Petersburg College annexation, it was noted that the one possible exception to the restriction on further annexation south of Klosterman Road was the 0.9-acre parcel at the southwest corner of U.S. Highway 19 and Klosterman Road (i.e. the subject property currently under consideration for annexation).

County staff has reviewed the request to approve annexation of the 0.9-acre subject property and supports the request. Redevelopment of the site and the adjacent yet-to-be-acquired College property will be easier to accomplish if the entire project is in one jurisdiction. Approval of the annexation request would enable the entire project to be reviewed, permitted and constructed within a single jurisdiction – Tarpon Springs. The small size of the parcel and its encirclement by two arterial roadways and the City of Tarpon Springs creates a unique situation that does not exist elsewhere south of Klosterman Road. Approval of this annexation request would not compromise the recognition of Klosterman Road as the southern boundary for Tarpon Springs and would not set a precedent for additional annexation south of this road since the circumstances associated with the current proposal are unlikely to be replicated with other properties.

The Palm Harbor Fire District Board reviewed the proposed annexation on October 8, 2012 and their position on the proposal is documented in the attached letter from Chief James Angle. As noted in the letter, the Fire District Board does not support any further annexation within the Palm Harbor Fire District, and would prefer that, instead of the 0.9-acre subject property being annexed, the acre of property the College is selling for inclusion in this redevelopment project be deannexed and revert back to the unincorporated area. That way the entire project would be in the unincorporated area. The criteria for contraction of municipal boundaries (or deannexation) contained in Section 171.052 of the Florida Statutes allow only those areas that do not meet the criteria for annexation to be considered for deannexation. Since the St. Petersburg College property that would be part of this redevelopment project meets the statutory criteria for annexation (e.g. it is compact and contiguous to the City), this property is not eligible to be considered for deannexation. Thus the opinion offered by the Fire District Board to have the entire redevelopment project within the unincorporated area through deannexation of the College property that will be part of the project is not an option. The Fire District Board is not in favor of executing an interlocal agreement with the City of Tarpon Springs for fire protection of the 0.9-acre subject property, therefore, this property would remain in the Palm Harbor Fire District if it is annexed.

If the Board approves annexation of the subject property, the City of Tarpon Springs would proceed with the annexation process for this property. If the Board does not approve of its annexation, the subject property would remain in the unincorporated area.

Fiscal Impact/Cost/Revenue Summary:

Since the subject property would remain within the Palm Harbor Fire District, its annexation should not affect property taxes collected by the Fire District. Annexation, however, would result in the Palm Harbor Community Services Agency and the MSTU no longer receiving tax revenue from the subject property.

Exhibits/Attachments Attached:

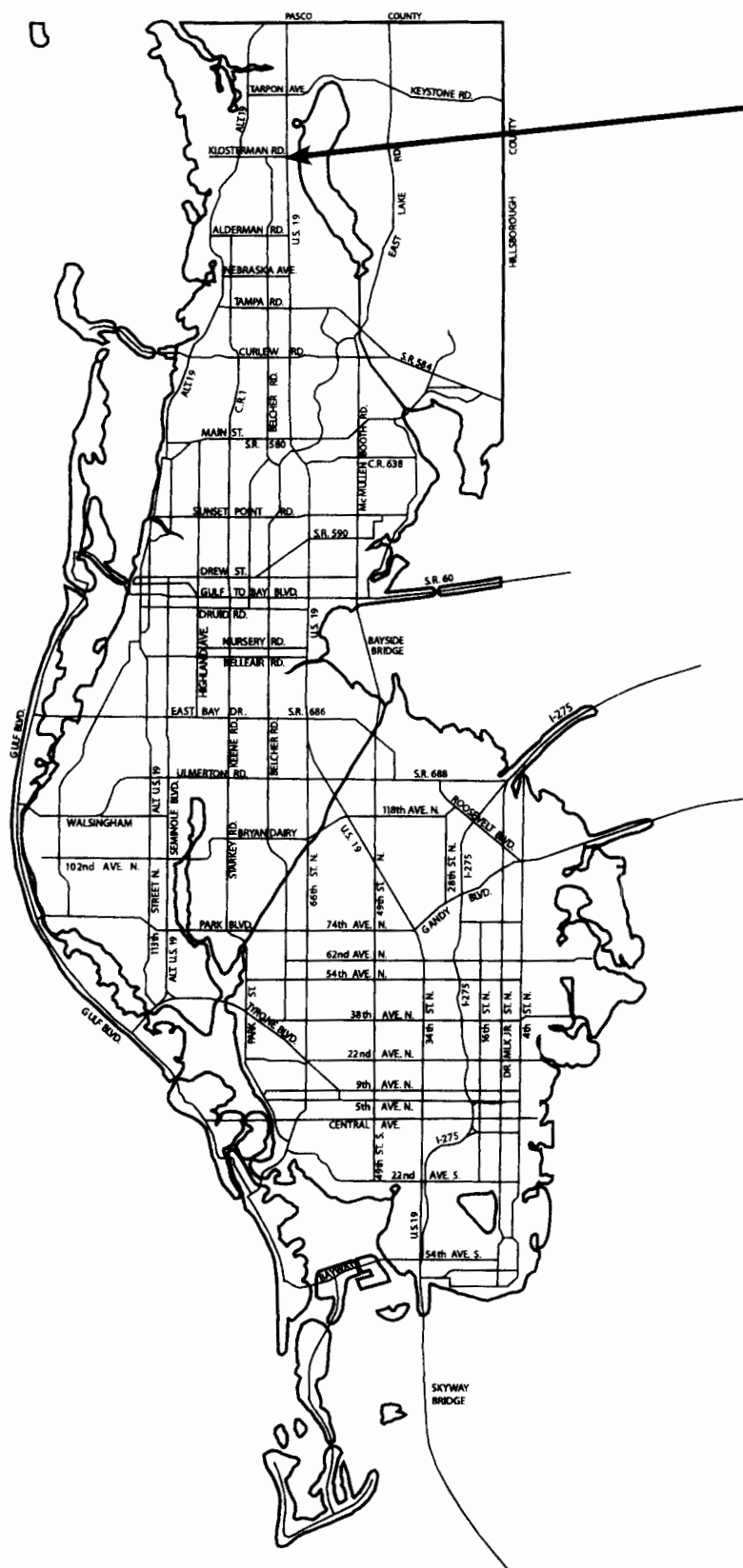
Maps 1 through 4

Letter from the current property owner requesting approval to annex into the City of Tarpon Springs

Email message from GMM Development Company

Letter from James Angle, Fire Chief for the Palm Harbor Special Fire Control and Rescue District

LOCATION MAP



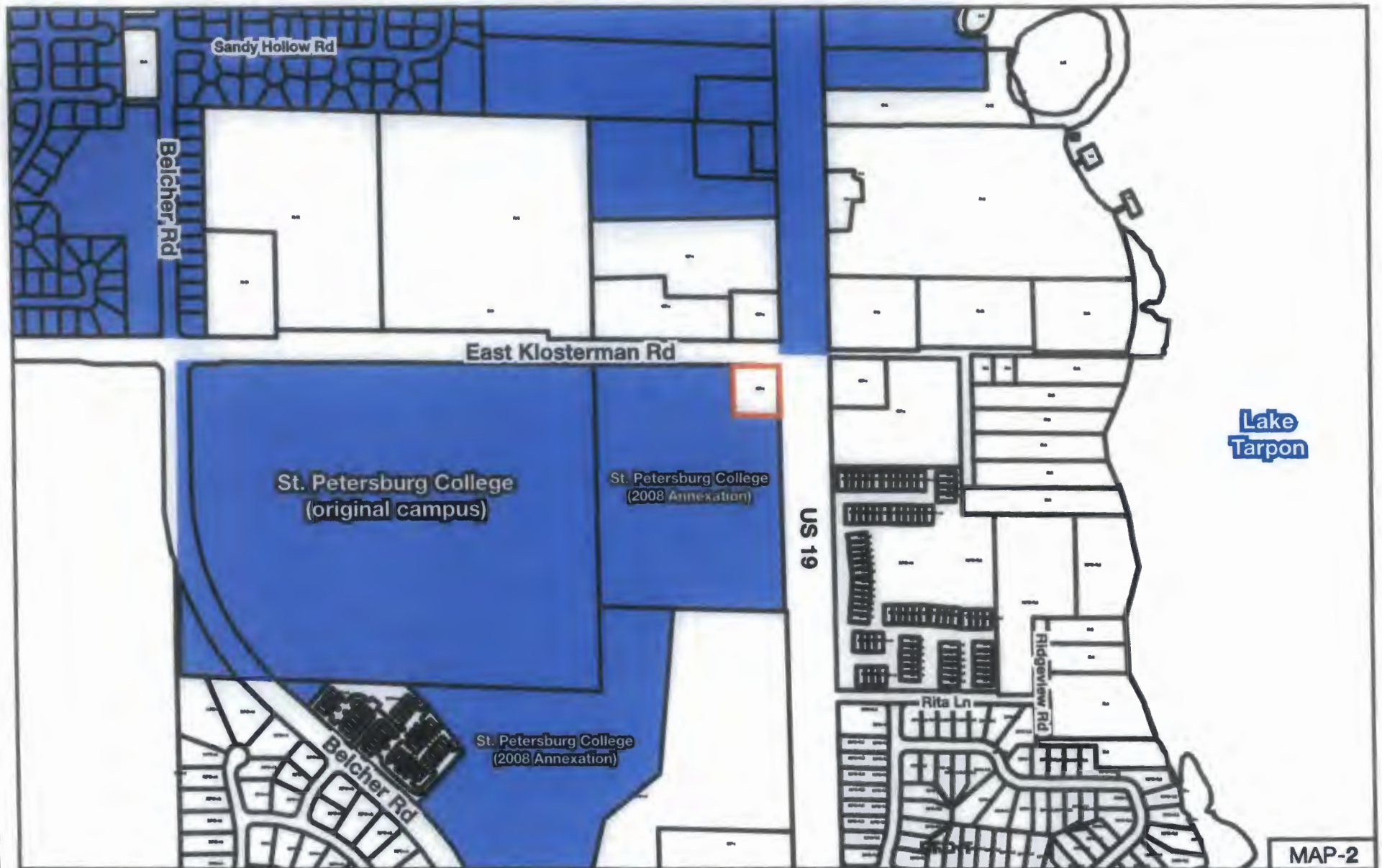
Property
Requested for
Annexation
into Tarpon
Springs

MAP-1

Property Requested for Annexation into the City of Tarpon Springs

Prepared by: Pinellas County Strategic Planning & Initiatives January 2013





-  Subject Property
-  Unincorporated Pinellas County
-  City of Tarpon Springs

Property Requested for Annexation
into the City of Tarpon Springs





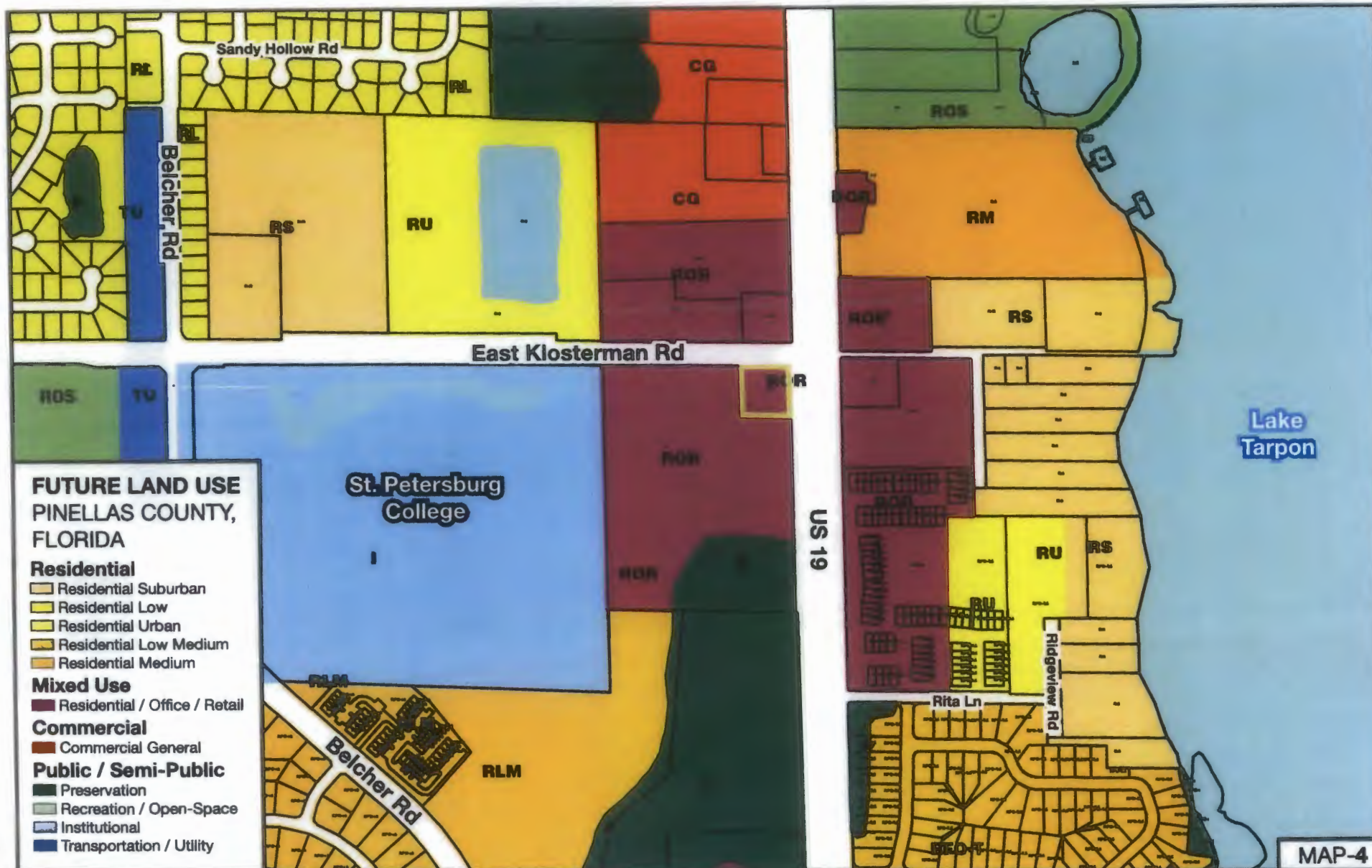
MAP-3

 Subject Property

Property Requested for Annexation
into the City of Tarpon Springs

Prepared by: Pinellas County Strategic Planning & Initiatives January 2013





Subject Property

Property Requested for Annexation
into the City of Tarpon Springs



Fadi Malki, Inc.
4923 Felecity way
Palm Harbor FL 34685

January 22, 2013

Re: 38590 US Highway 19 N, Palm Harbor
Parcel ID # 19-27-16-89442-000-0491

To Whom It May Concern:

This letter is to confirm that I, Fadi Malki, President of Fadi Malki, Inc. and owners of the above referenced site request that this property be allowed to be annexed into the City of Tarpon Springs as part of the redevelopment of this site with a portion of the adjacent property currently owned by St. Petersburg College.

Please contact me if you have any questions.

Sincerely,
Fadi Malki, INC.



Fadi Malki
President

NOTARY:

State of Florida

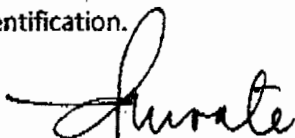
County of PINELLAS

The foregoing instrument was acknowledged before me this 29TH day of

January, 20 13, by FADI MALIKI, who is personally known to me or who
has produced FIDC as identification.

Debie B. Monte
Notary Public
State of Florida

My Commission Expires 08/09/2016
Commission No. EE 224055



Signature

DEBIE MONTE
Name typed, printed or stamped

From: George McBee [gmcbee@gmmconsultingllc.com]
Sent: Monday, December 10, 2012 7:24 PM
To: steven.stuebs@avidgroup.com; Beardslee, Gordon R
Cc: WCL@rkmdev.com
Subject: RE: Gas/C-Store @ SWC Klosterman Road & U.S. Hwy 19 (AVID # 1011-358)
Attachments: klosterman survey.pdf

Sensitivity: Confidential

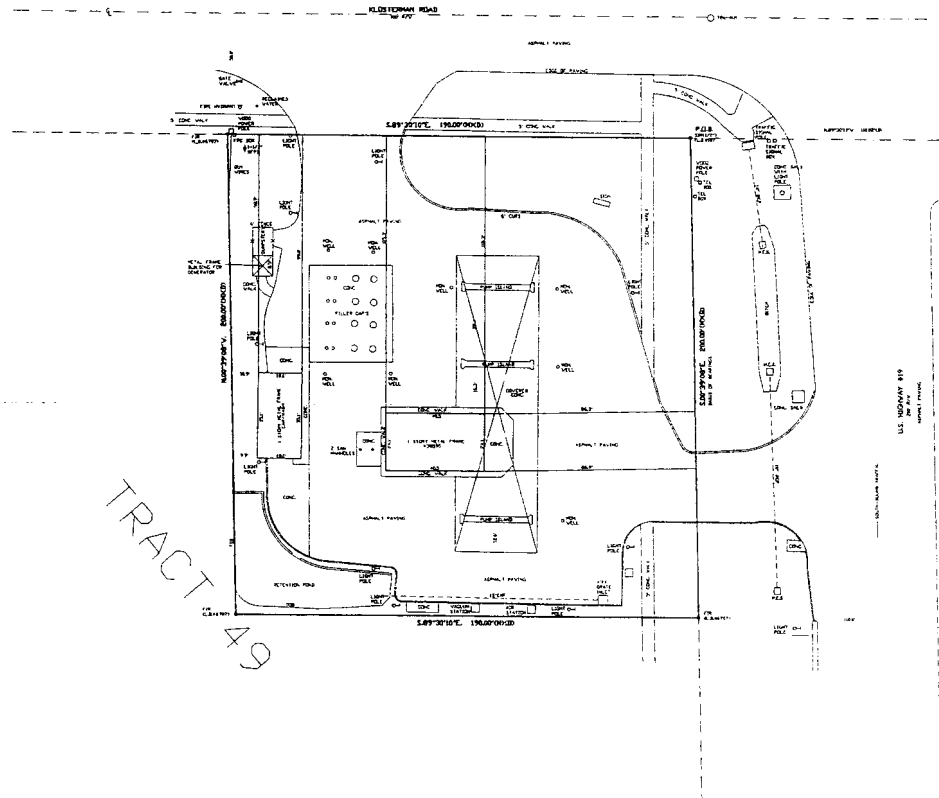
Gordon we are now in a position to have you move forward and see if the County will be receptive to allowing the existing Mobil Station parcel to be annexed into the City of Tarpon Springs. I have attached a copy of the survey of this parcel for your use.

Please let me know if there is anything else you might need from me.

Thanks

George M. McBee
GMM Development Company, LLC
3152 Little Road
Suite 141
Trinity, Florida 34655
321-689-6888
727-372-7177 (fax)
gmcbee@gmmdevco.com
www.gmmdevco.com

*** Real Estate Development * Project Management**



BOUNDARY SURVEY OF
A Part of Tract 48 of TAMPA & TARPON SPRINGS LAND COMPANY Subdivision of the
Southwest 1/4 of Section 16, Township 27 South, Range 16 East, Pinellas County, Florida, as
recorded in Book 1, Page 1, of the Public Records of said County, Florida, and as to
which Pinellas County was formerly a part, more particularly described as follows:
Commence at the Northeast corner of the Southwest 1/4 of said Section 16, thence S 07°31'00"E
100.00 feet to the intersection of the line of said Section 16 with the line of the State of
Pinellas County and bears of bearings for this tract(s) along the East boundary of the
Southwest 1/4 of said Section 16, 90°01'00"E thence N 88°30'00"E, 300.00 feet Southeasterly and
along the South boundary of the Southwest 1/4 of said Section 16, 110°02'00" to a Point of
beginning, thence S 07°30'00"E, 150.00 feet West and of said parallel to the East boundary of the
Southwest 1/4 of said Section 16, 200.00 feet thence thence N 89°07'00"E, 100.00 feet thence
thence North, 200.00 feet to the intersection of the line of said Section 16 with the South 1/4-1/4 line of
McClellan Acre, 180.00 feet to the point of beginning.

FOR:
Bank of America, NA

GRANTED TO:
Bank of America, NA
First-Mutual, Inc.
Sewell-Tite Guaranty Company
Exxon Mobil Oil Corporation
Fisk-Mills

FLOOD INFORMATION:
 Flood Zone X
 Community Panel No 12103C0078G
 Effective Date September 3, 2003

ORDER NO. 2093-432
October 9, 2003 - Boulder

NOTE:
Property subject to and together with easements contained in O.R. 6712, page 1739

									DESIGN
									DRAWN:
									CHECKED:
REV.#	DATE	REVISION	BY	REV.#	DATE	REVISION	BY		CHECKED:

C. Fred Deuel and Associates, Inc.
CONSULTING ENGINEERS • LAND SURVEYORS • LAND PLANNERS
ST. PETERSBURG • ZEPHYRUS

PINELLAS COUNTY

BOUNDARY SURVEY

F15101

C. FRED DEUEL
FLORIDA LANDSCAPE ARCHITECTURE NO. 827
FLORIDA ENGINEER'S REGISTRATION NO.

WORK ORDER NO. 2003-422
DATE: OCT. 7, 2003
SCALE: 1"=20'
SHEET NO. 1 OF 1



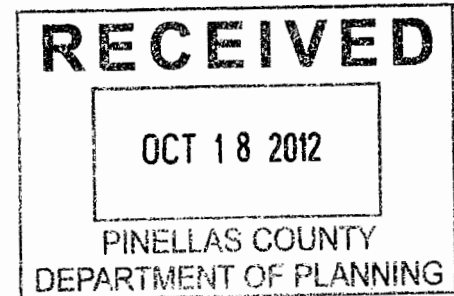
**PALM HARBOR SPECIAL FIRE CONTROL
AND RESCUE DISTRICT**

250 West Lake Road
Palm Harbor, Florida 34684-3909
(727) 784-0454 • FAX (727) 785-9131

James S. Angle
Fire Chief

October 16, 2012

Mr. Gordon Beardslee
General Planning Administrator
Pinellas County Planning Department
310 Court Street
Clearwater, FL 33756



Dear Mr. Beardslee,

Thank you for the information and background on the proposed annexation at US Hwy 19 N and Klosterman Road. As you know, the AVID Group, on behalf of WaWa stores, has made this request in order to have a planned project in one jurisdiction. The property in question is a 0.9-acre site located on the southwest corner which is currently in the unincorporated area.

The Palm Harbor Special Fire Control and Rescue District Board (PHSFCRD) has reviewed the background information and has discussed the annexation request at its Board meeting on October 8, 2012. After discussion, the Board voted unanimously not to support any further annexations of properties within the Fire District.

In 2008, when the request for annexation of the adjacent parcels was made by St. Petersburg College, we did not oppose the request. At that time the Board felt that the annexation made sense, and in the words of the County staff report, "County staff views this proposed annexation as a unique situation that is only acceptable within the narrow parameters associated with the subject properties...." It was also noted in the staff report that the annexation would not set a precedent and that the proposal would not likely be replicated, with the possible exception of the 0.9-acre parcel now in question.

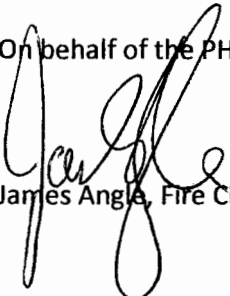
The uniqueness of the original request was considered by the PHSFCRD Board in 2008, not including the 0.9-acre parcel, and they agreed with the County Staff in terms of uniqueness of the request and non-precedence setting. Hence the decision not to oppose the 2008 annexation request.

However, now the situation has changed. The college is selling some of the property that was annexed under the parameters noted above. Therefore, it is the PHSFCRD Board's opinion that instead of the 0.9-acre parcel being annexed, the additional property that the college is selling should revert back to the County.

As with the 2008 St. Petersburg College Annexation, It is recognized that regardless of the action taken by the BOCC, the subject properties will remain within the PHSFCRD as we would not be in favor of executing an inter-local agreement with Tarpon Springs for fire protection. However, it is the position of the Board that this is beyond the original intention of the 2008 annexation and the property should remain in the County's jurisdiction.

Please let me know if you have any additional questions or require any further clarification.

On behalf of the PHSFCRD Board of Fire Commissioners, sincerely,



James Angle, Fire Chief