

AGENDA
Planning Review Committee
Pinellas County Planning Department
310 Court Street, 1st Floor Conference Room 119
May 12, 2014 – 10:00 AM

Case Summary Review:

1. **Z-12-7-14**
 Cowles Pinellas Properties, LLC

2. **Z/LU-13-7-14**
 Dorothy Greenstreet

3. **Z/LU-14-7-14**
 7179 40th Avenue, LLC

4. **Z/LU-15-7-14**
 Jeffry D. Knight

CASE SUMMARY
CASE NO. Z-12-7-14
(Quasi-Judicial)

PRC MEETING: May 12, 2014 @ 10:00 AM-1st Floor, Planning Conf Room

LPA HEARING: July 10, 2014 @ 9:00 AM-5th Floor, Board Assembly Room

BCC HEARING: August 19, 2014 @ 6:00 PM-5th Floor, Board Assembly Room

APPLICANT'S NAME: Cowles Pinellas Properties, LLC

REQUEST: Zone change from: C-2, General Retail Commercial & Limited Services
to: C-3, Commercial, Wholesale, Warehousing & Industrial Support

CASE DESCRIPTION: Approximately 0.51 acre located at the southwest corner of N. Pinellas Avenue and Poinsettia Avenue in the unincorporated area of Tarpon Springs (Street address being: 1844 N. Pinellas Avenue) (01/27/15/00864/001/0210). A legal description is available in file upon request.

APPLICANT/ADDRESS: Cowles Pinellas Properties, LLC
c/o John Ross
P. O. Box 1147
New Port Richey, Florida 34656

REPRESENTATIVE: Same as Above

NOTICES SENT TO: Cowles Pinellas Properties, LLC, John Ross, Tarpon Springs, Forest Ridge HOA, Mike Meidel-Economic Development Council, DOT, Michael Bessette-Pinellas County School Board, BCC Office & Surrounding Owners

EXISTING USE: Office Building

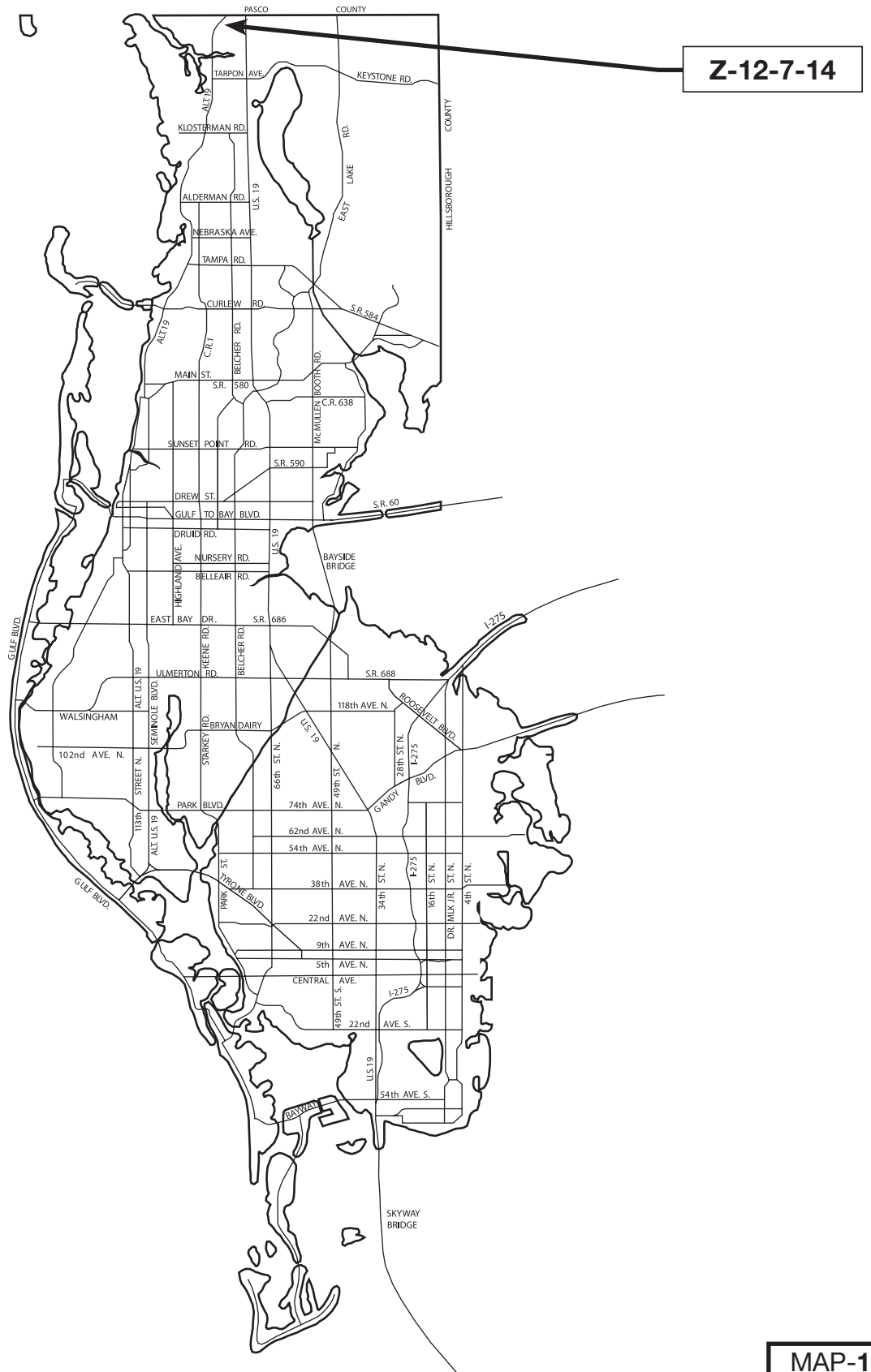
PROPOSED USE: Contractor use

LAND USE: Commercial General

ZONING: C-2

Z14-000007

LOCATION MAP



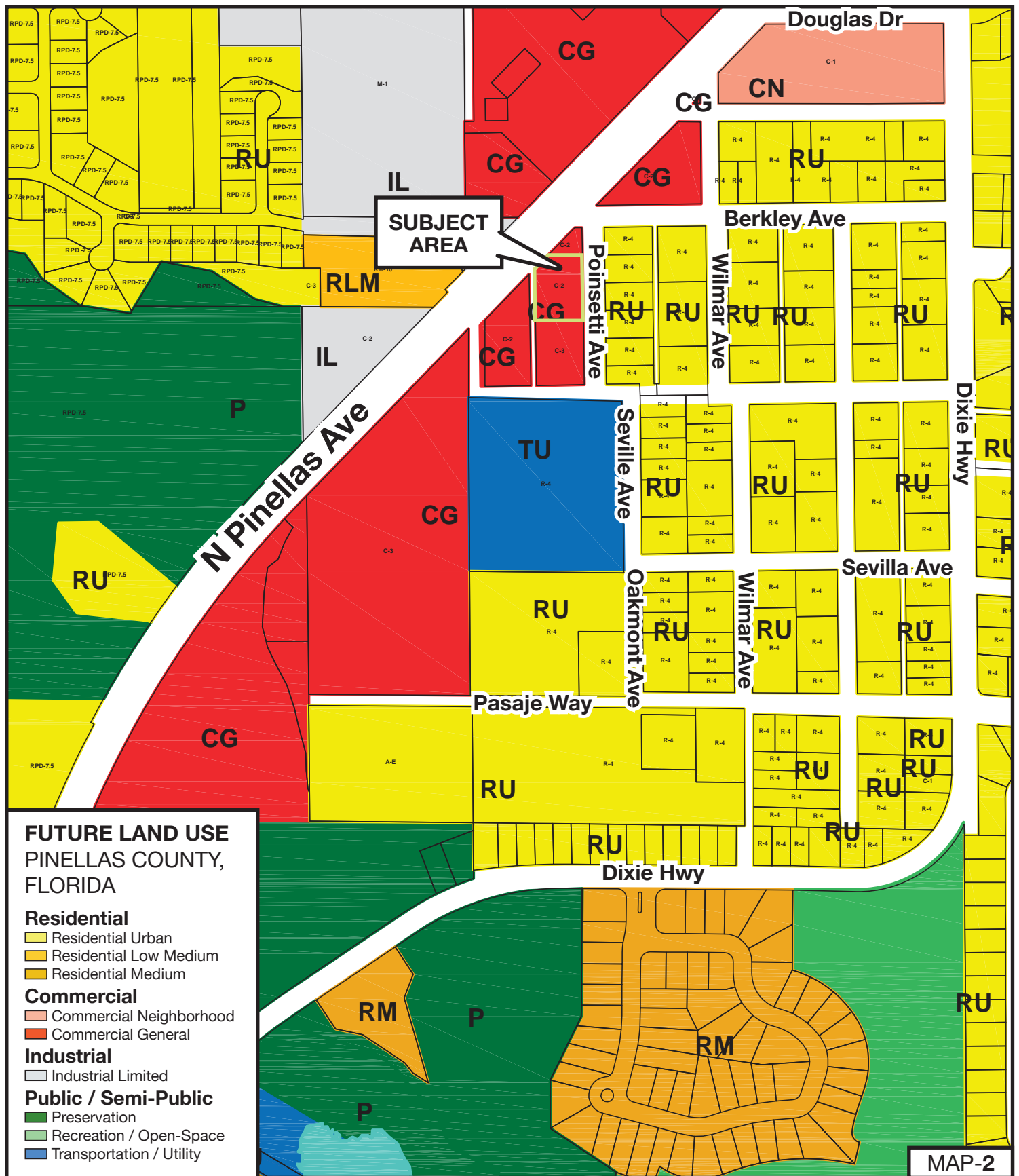
MAP-1

Z-12-7-14

Zoning From: C-2, General Retail Commercial & Limited Services
To: C-3, Commercial, Wholesale, Warehousing & Industrial Support

Parcel I.D. 01/27/15/00864/001/0210
 Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z-12-7-14

Zoning From: C-2, General Retail Commercial & Limited Services
To: C-3, Commercial, Wholesale, Warehousing & Industrial Support

Parcel I.D. 01/27/15/00864/001/0210

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





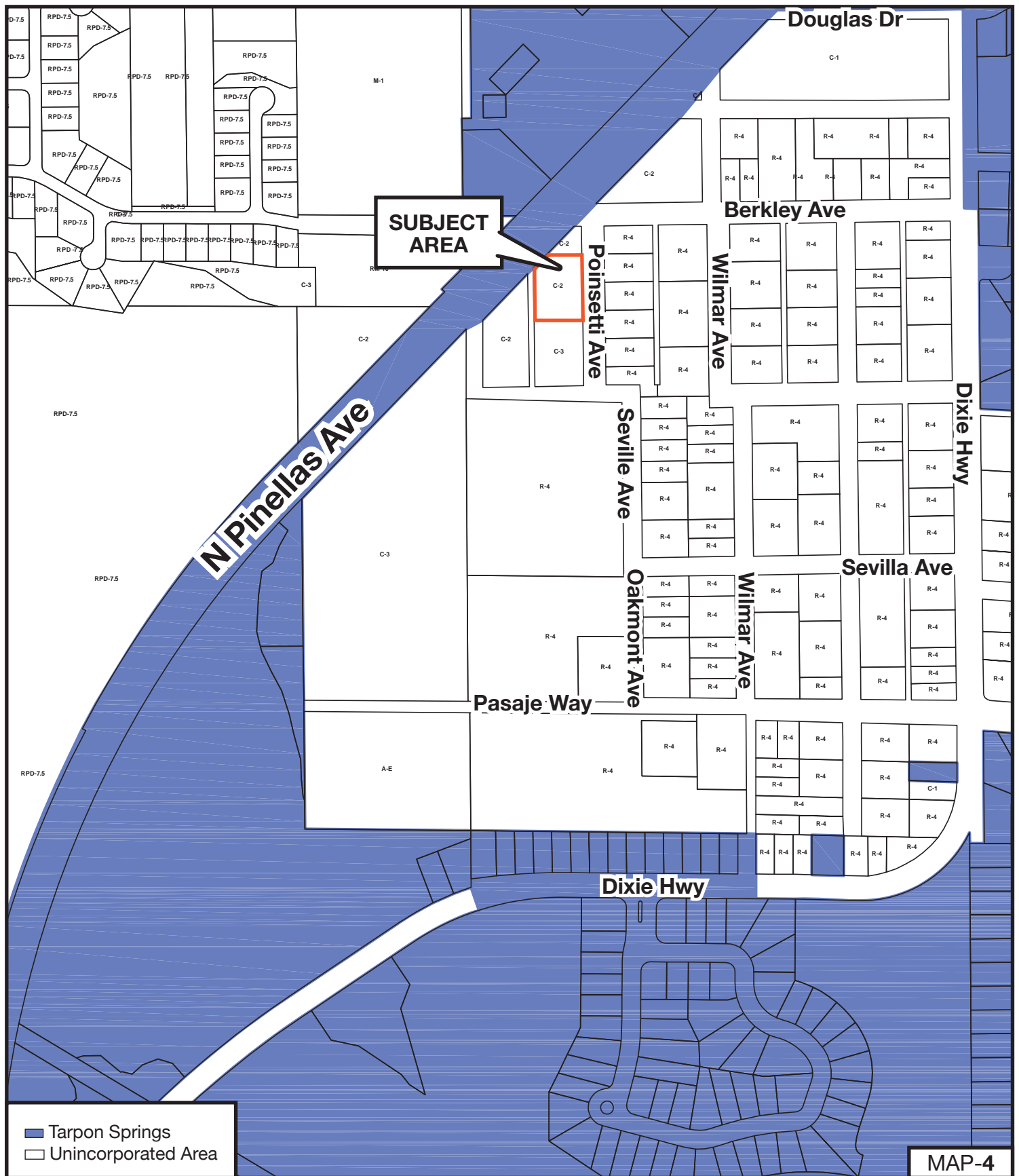
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Z-12-7-14

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To: C-3, Commercial, Wholesale, Warehousing & Industrial Support

Parcel I.D. 01/27/15/00864/001/0210

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



1. Owner: Cowles Pinellas Properties LLC
Mailing Address: P.O. Box 1147
City: New Port Richey State: FL Zip Code: 34656 Daytime Phone: (727) 919 4935
Email: rossjdr@gmail.com

2. Representative's Name: John Ross
Company Name: Cowles Pinellas Properties LLC
Mailing Address: P.O. Box 1147
City: New Port Richey State: FL Zip Code: 34656 Daytime Phone: (727) 919 4935
Email: rossjdr@gmail.com

3. Disclosure information (This information must be supplied pursuant to County Ordinance No. 74-15):

A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a party to such as well as anyone who may have a beneficial interest in the property which would be affected by any ruling on their application.

Amelia Cowles

Specify interest held: _____

B. Is there an existing contract for sale of subject property: X Yes _____ No
If yes, list names of all parties to the contract including all partners, corporate officers, and members of any trust:

CJ Carvalho Construction Inc

Curtiss Carvalho

Is contract conditional or absolute? X Conditional _____ Absolute

C. Are there any options to purchase on subject property? _____ Yes X No
If so, list names of all parties to option including all partners, corporate officers and members of any trust:

4. This hearing is being requested to consider: change zoning from C-2 to C-3

5. Location of subject property (street address): 1844 N. Pinellas Ave Tarpon Springs FL

6. Legal Description of Property: (attach additional documents if necessary)
ALTA VISTA SUB B1A, All of Lots 23 thru 27 and part of
lots 21 & 22 less Rd

7. Size of Property: 175 feet by 130 feet, _____ acres

8. Present zoning classification: C-2

9. Present Land Use Map designation: 17 off Bldg 1 story CG

10. Date subject property acquired: Jan 18, 2006

11. Existing structures and improvements on subject property:

7000 sq ft Black Office Building

12. Proposed structures and improvements will be:

NONE

13. I/We believe this application should be granted because (include in your statement sufficient reasons in law and fact to sustain your position.) (If this request is for a determination of Vested Rights/Appeal Determination, applicants are advised to review the procedural and substantive requirements of Pinellas County Ordinances 89-32 and 89-69) (Attach a separate sheet if necessary).

Please Reference Tampa Civil Design

Letter pages 1, 2 and 3 circled

Thank you

14. Has any previous application relating to zoning or land use on this property been filed within the last year?
Yes X No When? _____ In whose name? _____

Briefly state the nature and outcome of the hearing:

15. Does applicant own any property contiguous to subject property? _____ Yes X No
If so, give complete legal description of contiguous property:

16. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- a) Plat, if it will have particular bearing on the subject application.
- b) Certification of Ownership: submit a certificate of a duly licensed title or abstract company, or a licensed attorney-at-law, showing that each applicant is the present title holder of record.
(Warranty deeds, title insurance documents, tax receipts, etc. are not acceptable as proof of ownership.)
- c) Preliminary site plan will be required for conditional use applications only (as specified in the Zoning Ordinance, Section 605.301 - see attached).

CERTIFICATION OF OWNERSHIP

I hereby certify that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request, that this application is made with my approval, as owners and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and rules and regulations pertaining to the use of the subject property, while under my ownership. I am aware that attendance by me or my authorized representative at all public hearings relative to this request is required and that failure to attend may result in a denial of the request. It shall be my responsibility to determine time and location of all hearings.

Amelia Cowles

***Signature of Owner or Trustee

Date: 2/14/14

STATE OF FLORIDA, COUNTY OF PINELLAS

Before me this 14 day of February, 20 14

personally appeared Amelia Cowles
who, being duly sworn, deposes and says that the above is a true and correct certification.



John Ross

(signature) NOTARY PUBLIC

(seal)

***Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized act on behalf o the corporation (Please note question #3).

①

TAMPA CIVIL DESIGN

SITE DESIGN AND CIVIL ENGINEERING

ZONING NARRATIVE

Background of Request:

CJ Carvalho Construction is proposing to purchase and occupy the existing building located at 1844 North Pinellas Ave, Tarpon Springs, FL. The property is also described by parcel ID 0127008640010210. The parcel in question is currently zoned C2 and has a future land use designation of Commercial General. The proposed request is to rezone the parcel to C3.

Proposed Uses:

CJ Carvalho Construction is a general contracting company. The above mentioned building will be their home office. It is typical for excess materials to be stored inside of the building. Company pick-up trucks and enclosed 16ft utility trailers will be parked on the premises overnight on occasion. No heavy equipment would be stored on site. The daily operation would have 4-5 employees performing accounting and other clerical work related to the contracting business.

The overall use of the parcel will be more consistent with C3 uses.

Compatibility:

The proposed building is bounded as follows:

North and West – Pinellas Ave R/W

East – Unimproved R/W buffering existing single family

South – Metal warehouse with C-3 uses (elevator construction company)

South West – Automotive repair and tire shop

The future land use of the site is Commercial General which allows C-3 uses. The only slight incompatibility is the single family to the east, which is buffered by the existing unimproved R/W. The applicant proposes to remove the existing CLF and install a new 6' high PVC fence along the east P/L to ensure any potential adverse impacts from the change of use are mitigated.

Conclusion:

It is our opinion that the proposed change of zoning and change of use is compatible with the surrounding area. We respectfully request your concurrence.

①

COMMERCIAL CLASSIFICATION – (cont'd)

Category/Symbol – Commercial General (CG)

Purpose – It is the purposes of this category to depict those areas of the County that are now developed, or appropriate to be developed, in a manner designed to provide community 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.

Use Characteristics – Those uses appropriate to and consistent with this category include:

- **Primary Uses** – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Transient Accommodation; Wholesale/Distribution; Storage/Warehouse.
- **Secondary Uses** – Commercial Recreation; Residential Equivalent; Institutional; Transportation/Utility; Accessory Residential Dwellings.

Locational Characteristics – This category is generally appropriate to locations in and adjacent to major employment centers where surrounding land uses support and are compatible with intensive commercial use; and in areas in proximity to and with good access to major transportation facilities, including mass transit. General commercial uses should not be located on road segments between two sequential intersections of traffic facilities, shown on the MPO Long Range Highway Plan, unless more than 50 percent of the total road frontage is developed as existing permanent commercial development.

Standards – Shall include the following:

- **Residential Equivalent Use** – Shall not exceed a density of 50 beds per acre. [10-18]
- **Transient Accommodation Use** – Shall not exceed: (1) forty (40) units per acre; or (2) in the alternative, if designated on the Zoning Atlas with the Transient Accommodation Use Overlay, the following density and intensity standards shall apply to permanent transient accommodation uses, subject to a project meeting the requirements of Section 138-1262(d) of the Pinellas County Land Development Code (which include execution of a development agreement): sixty (60) units per acre; a floor area ratio (FAR) of 1.2; and an impervious surface ratio (ISR) of 0.90. [08-68], [10-18]
- **Nonresidential Use** – Except as provided for in the above standards for transient accommodation use, shall not exceed a floor area ratio (FAR) of .35; for appropriate storage/warehouse uses as defined by the Zoning Regulations, the FAR shall not exceed 0.50; shall not exceed a maximum impervious surface ratio (ISR) of 0.90. [08-68]
- See 'Additional Standards' section of this table.

Zoning Compatibility - The following zoning districts are compatible with the **Commercial General (CG)** land use category:

C-1	Neighborhood Commercial District
C-2	General Retail Commercial and Limited Services District
C-3	Commercial, Wholesale and Warehousing District
P-1	General Professional Office District
P-1A	Limited Office District
CP-1	Commercial Parkway District
CP-2	Commercial Parkway District
C-T Overlay	Transient Accommodation Use Overlay

An aerial photograph showing a road intersection. A two-lane road runs diagonally from the top left to the bottom right. It intersects with a road that runs horizontally across the middle. To the left of the intersection, there are several large, white, rectangular industrial buildings or storage tanks. A parking lot with several vehicles is visible near these buildings. To the right of the intersection, there is a large, open area with some trees and a few more buildings. The road has yellow and white markings, including a roundabout-like feature on the right side. The overall scene appears to be an industrial or commercial area.

5288 HWY 408 RD
TAMPA FL 33624
(813) 960-5885 PHONE
(813) 962-5120 FAX

REZONER'S STUDIO • 370-2112
1644 NORTH PHILLIPS AVENUE
TARPON SPRINGS, FL
012702884 • info@rezon.com

CALIFORNIA

C/GARVALHO CONSTRUCTION

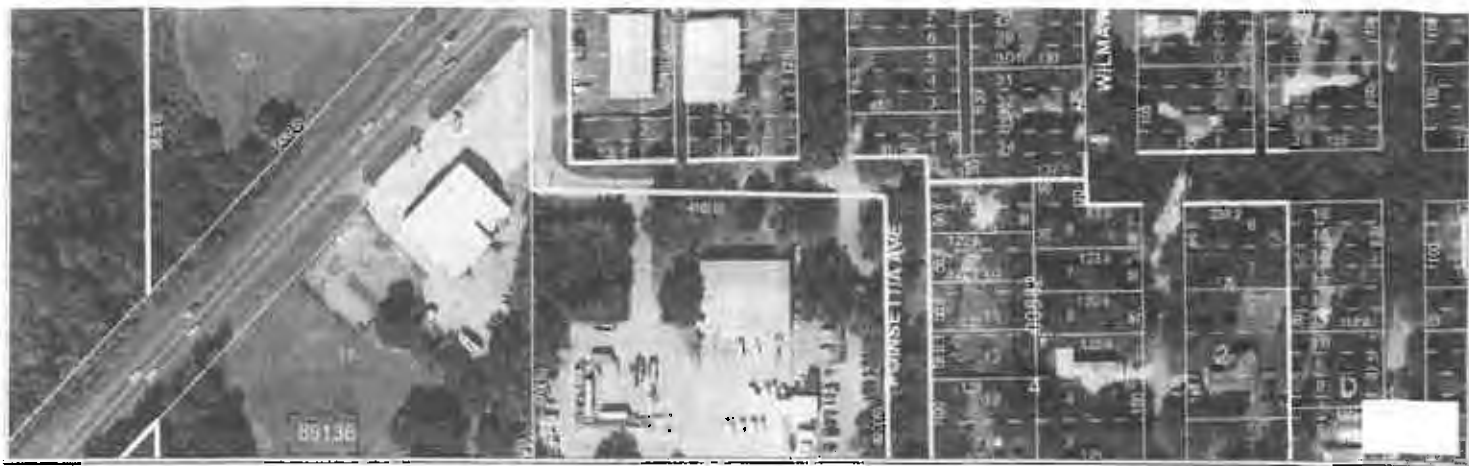
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MITCHELL ENGINEERING

Methodology

100

3



[Interactive Map of this parcel](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)

C-2 To C-3

2013 Land Information

Seawall: No

Frontage: None

View:

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Off Bldg 1 Story (17)	175x130	2.75	22100.0000	1.0000	\$60,775	SF

[\[click here to hide\] 2014 Building 1 Structural Elements Back to Top](#)

Site Address: 1844 N PINELLAS AVE TARPON SPRINGS 34689-

Quality: Average

Square Footage: 7080.00

Foundation: Spread/Mono Footing

Floor System: Slab On Grade

Exterior Wall: Concrete Blk/Stucco

Roof Frame: Gable Or Hip

Roof Cover: Composition Shingle

Stories: 1

Living units: 0

Floor Finish: Carpet Combination

Interior Finish: Dry Wall

Fixtures: 12

Year Built: 1979

Effective Age: 35

Cooling: Heat & Cooling Pkg

[Open plot in New Window](#)

Building 1 Sub Area Information

Description	Building Finished Ft ²	Gross Area Ft ²	Factor	Effective Ft ²
Open Porch	0	364	0.30	109
Base	6,716	6,716	1.00	6,716
Total Building finished SF: 6,716		Total Gross SF: 7,080		Total Effective SF: 6,825

[\[click here to hide\] 2014 Extra Features](#)

Description	Value/Unit	Units	Total New Value	Depreciated Value	Year
FENCE	\$11.00	180.00	\$1,980.00	\$1,148.00	1998
CONC PAVE	\$4.00	6,250.00	\$25,000.00	\$25,000.00	0

[\[click here to hide\] Permit Data](#)

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits).

Any questions regarding permits should be directed to the permitting office in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
CB09-07075	ROOF	02 Sep 2009	\$1,840
190127	ROOF	12 Feb 1999	\$8,900



LAW OFFICES OF LAURIE E. OHALL, P.A.

1127 Nikki View Drive, Brandon, Florida 33511 • Tel: (813) 438-8503

February 17, 2014

Pinellas County
Board of County Commissioners
ATTN: Zoning Division
440 Court Street
Clearwater, Florida 33756

RE: 1844 N. Pinellas Avenue, Tarpon Springs, FL 34689

Dear Sir or Madam:

I have the pleasure of representing Amelia Cowles with regards to her estate planning and I have personal knowledge regarding the Cowles Pinellas Properties LLC which owns the above-referenced property. Mrs. Cowles is the 100% owner of Cowles Pinellas Properties LLC and she does have the authority and the right to sell the above-referenced property.

If you have any questions or concerns, please feel free to call me at 813-438-8503 or you may email me at LOhall@Ohalllaw.com.

Sincerely,

Laurie E. Ohall

Laurie E. Ohall

Cc: Amelia Cowles



Elder Law • Medicaid Planning • Estate Planning • Probate • Guardianship
Email: LOhall@ohalllaw.com • Website: www.OhallLaw.com
Licensed in Florida and Ohio • Florida Board Certified Elder Law Attorney



CASE SUMMARY
CASE NO. Z/LU-13-7-14
(Quasi-Judicial)

PRC MEETING: May 12, 2014 @ 10:00 AM-1st Floor, Planning Conf Room

LPA HEARING: July 10, 2014 @ 9:00 AM-5th Floor, Board Assembly Room

BCC HEARING: August 19, 2014 @ 6:00 PM-5th Floor, Board Assembly Room

PPC HEARING: October 8, 2014 @ 3:00 PM-5th Floor, Board Assembly Room

FINAL DETERMINATION BY: November 18, 2014

APPLICANT'S NAME: Dorothy Greenstreet

REQUEST: Zone change from: E-1, Estate Residential
to: RPD-7.5, Residential Planned Development, 7.5 units per acre

Land Use change from: Residential Low
to: Residential Urban

And a variance to allow an Assisted Living Facility (ALF) within 1,000 ft. of an existing ALF facility (50 ft.).

CASE DESCRIPTION: Approximately 1.28 acres located on the north side of CR 95, 820 ft. east of US 19, Palm Harbor (Street address being: 6951 CR 95) (07/28/16/00000/430/0700). A legal description is available in file upon request.

APPLICANT/ADDRESS: Dorothy Greenstreet
6951 CR 95
Palm Harbor, FL 34684

REP/ADDRESS: Bruce Danielson
Belleair Capital Group, LLC
2265 N McMullen Booth Road
Clearwater, FL 33759

NOTICES SENT TO: Dorothy Greenstreet, Mike Meidel-Economic Development Council, DOT, Michael Bessette-Pinellas County School Board, BCC Office & Surrounding Owners

EXISTING USE: Single Family Dwelling

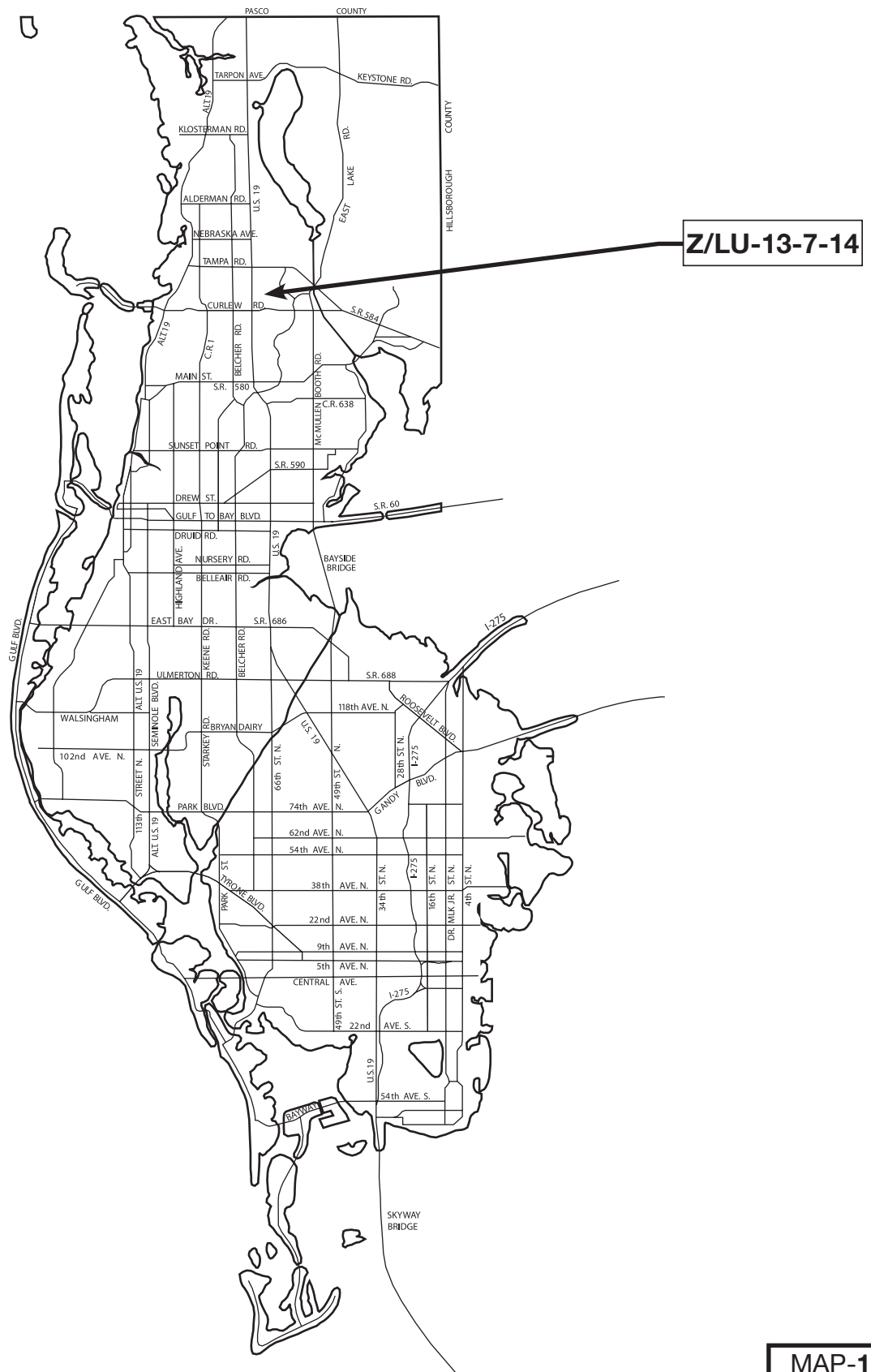
PROPOSED USE: Assisted Living facility

LAND USE: Residential Low

ZONING: E-1

Z14-000010

LOCATION MAP



MAP-1

Z/LU-13-7-14

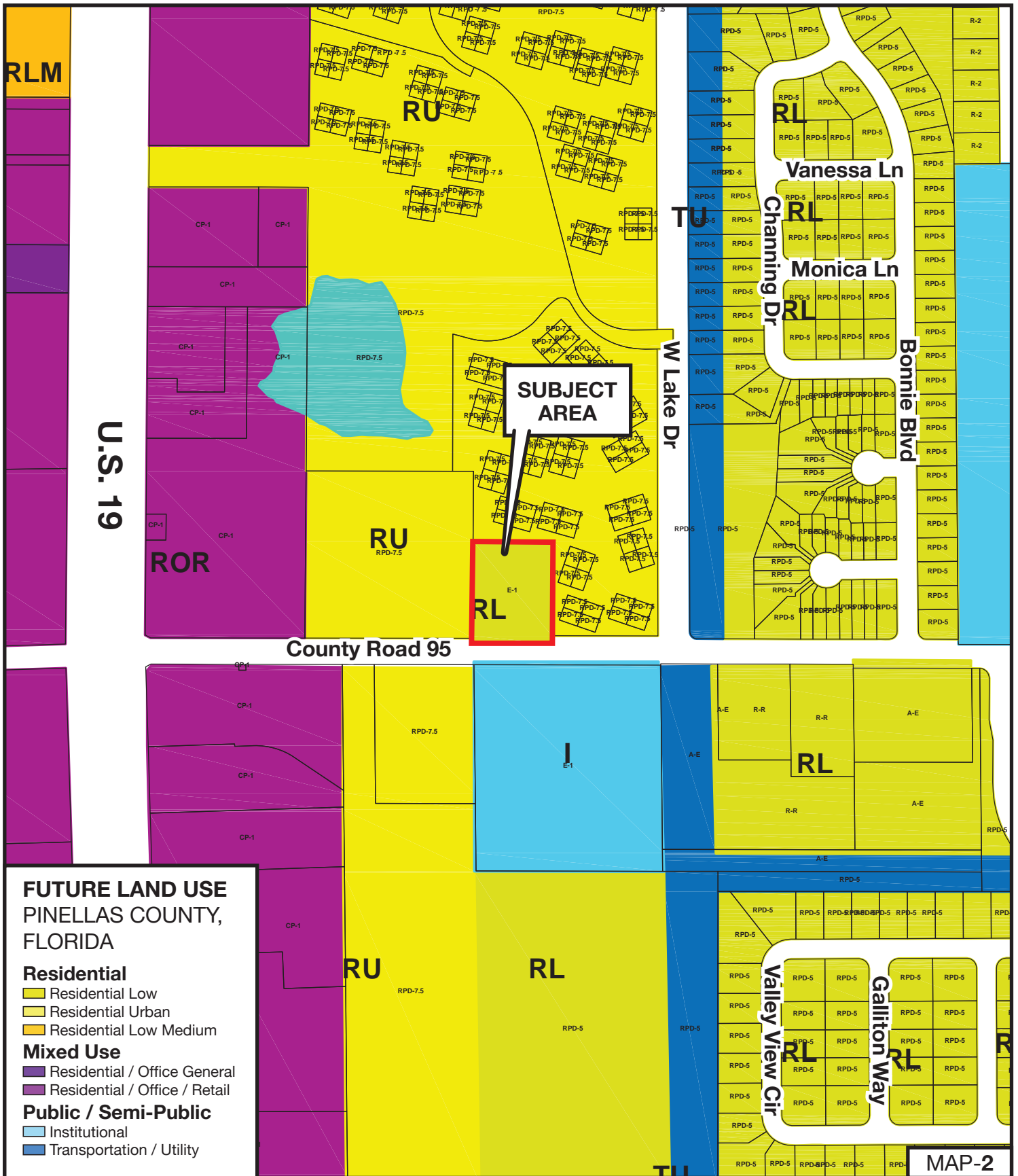
Zoning	From: E-1, Estate Residential To: RPD-7.5, Residential Planned Development, 7.5 units per acre
Land Use	From: Residential Low To: Residential Urban

And a variance to allow an Assisted Living Facility (ALF) within 1,000 ft. of an existing ALF facility (50 ft.).

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z/LU-13-7-14

Zoning From: E-1, Estate Residential
To: RPD-7.5, Residential Planned Development,
7.5 units per acre

Land Use From: Residential Low
To: Residential Urban

And a variance to allow
an Assisted Living Facility
(ALF) within 1,000 ft. of an
existing ALF facility (50 ft.).

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





MAP-3

Z/LU-13-7-14

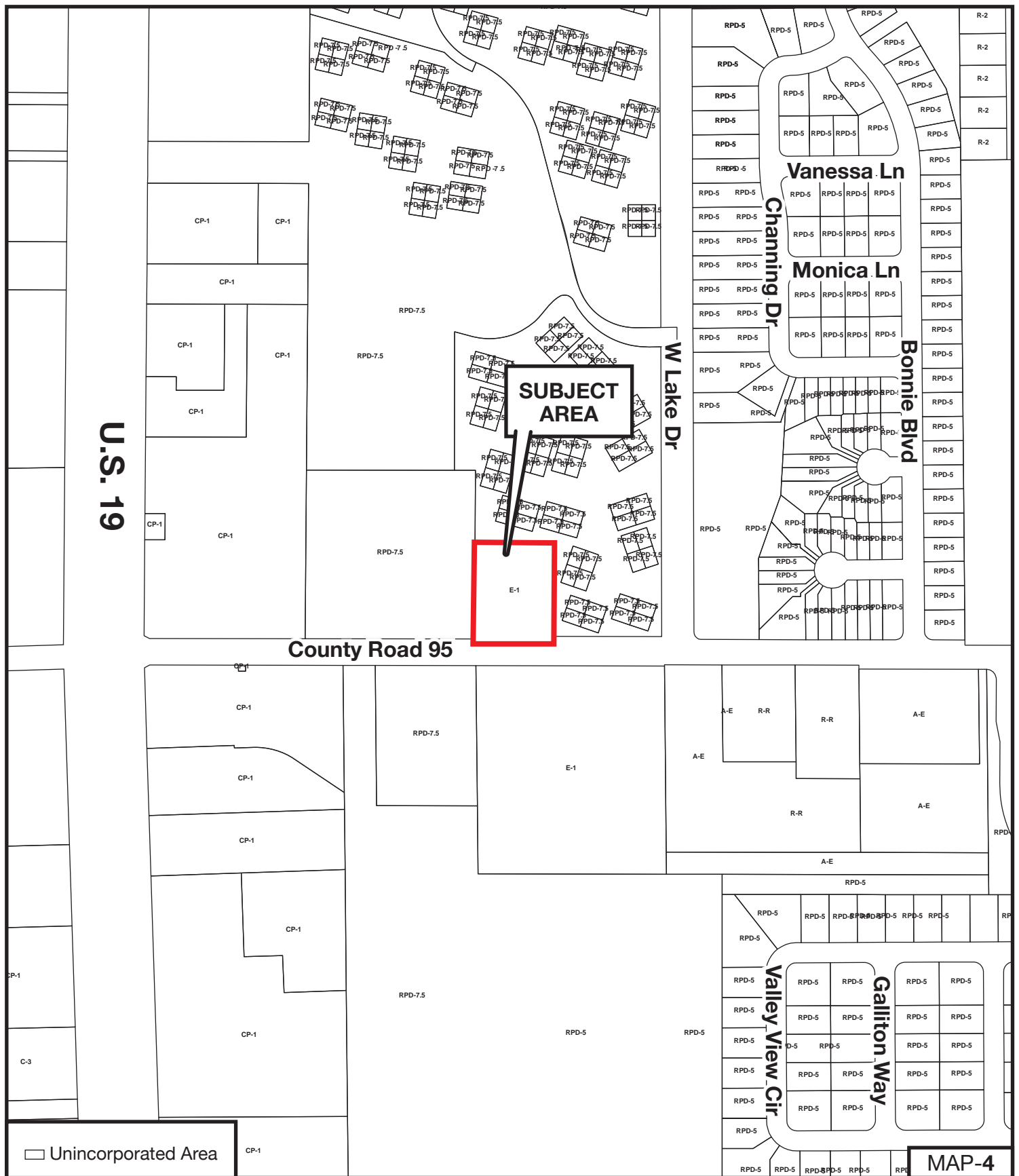
Zoning From: E-1, Estate Residential
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And a variance to allow
an Assisted Living Facility
(ALF) within 1,000 ft. of an
existing ALF facility (50 ft.).

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z/LU-13-7-14

Zoning From: E-1, Estate Residential
To: RPD-7.5, Residential Planned Development,
7.5 units per acre

Land Use From: Residential Low
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(ALF) within 1,000 ft. of an
existing ALF facility (50 ft.).

Parcel I.D. 07/28/16/00000/430/0700

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



2. Representative's Name: Bruce Danielson
Company Name: Belleair Capital Group, LLC
Mailing Address: ~~2625~~ 2265 N McMullen Booth Rd
City: Clearwater State: FL Zip Code: 33759 Daytime Phone: (727) 420-5664
Email: bdanielson@belleaircapitalgroup.com

A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a party to such as well as anyone who may have a beneficial interest in the property which would be affected by any ruling on their application.

B. Is there an existing contract for sale of subject property: ✓ Yes No
If yes, list names of all parties to the contract including all partners, corporate officers, and members of any trust:
Peter G. Krauser

C. Are there any options to purchase on subject property? Yes No
If so, list names of all parties to option including all partners, corporate officers and members of any trust:

4. This hearing is being requested to consider: Zone change to RPD-7.5 and Land Use change to RU
and Varane ALF within 1,000 sf
5. Location of subject property (street address): 6951 CR 95, Palm Harbor, FL 34684
6. Legal Description of Property: (attach additional documents if necessary)
E 200FT of W 1120 FT of S 278FT OF SW 1/4 LESS RD CONT 1.18AC (G)
7. Size of Property: 200 feet by 278 feet, 1.28 m.o.l. acres
8. Present zoning classification: E-1
9. Present Land Use Map designation: RL
10. Date subject property acquired: _____
11. Existing structures and improvements on subject property:
3,531 sf single family home
12. Proposed structures and improvements will be:
Adult living facility
13. I/We believe this application should be granted because (include in your statement sufficient reasons in law and fact to sustain your position.) (If this request is for a determination of Vested Rights/Appeal Determination, applicants are advised to review the procedural and substantive requirements of Pinellas County Ordinances 89-32 and 89-69) (Attach a separate sheet if necessary).
- The proposed amendment is in order to allow the applicant to be able to eventually develop the property at 7.5 units per acre, consistent with the surrounding residential density. This request is compatible with existing land use and zoning and development patterns in the area.
14. Has any previous application relating to zoning or land use on this property been filed within the last year?
____ Yes ☒ No When? _____ In whose name? _____

Briefly state the nature and outcome of the hearing:

15. Does applicant own any property contiguous to subject property? _____ Yes ☒ No

If so, give complete legal description of contiguous property:

16. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- a) Plat, if it will have particular bearing on the subject application.
- b) Certification of Ownership: submit a certificate of a duly licensed title or abstract company, or a licensed attorney-at-law, showing that each applicant is the present title holder of record.
(Warranty deeds, title insurance documents, tax receipts, etc. are not acceptable as proof of ownership.)
- c) Preliminary site plan will be required for conditional use applications only (as specified in the Zoning Ordinance, Section 605.301 - see attached).

CERTIFICATION OF OWNERSHIP

I hereby certify that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request, that this application is made with my approval, as owners and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and rules and regulations pertaining to the use of the subject property, while under my ownership. I am aware that attendance by me or my authorized representative at all public hearings relative to this request is required and that failure to attend may result in a denial of the request. It shall be my responsibility to determine time and location of all hearings.

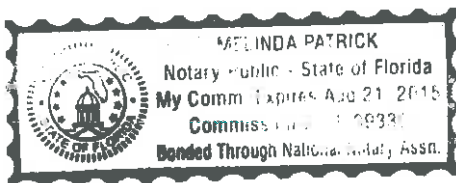
Dorothy M. Greenstreet
***Signature of Owner or Trustee

Date: 4/9/14

STATE OF FLORIDA, COUNTY OF PINELLAS

Before me this 9th day of April, 20 14

personally appeared Dorothy Queen Greenstreet
who, being duly sworn, deposes and says that the above is a true and correct certification.



MP

(signature) NOTARY PUBLIC

(seal)

***Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized act on behalf of the corporation (Please note question #3).

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FINAL DETERMINATION BY: November 18, 2014

APPLICANT'S NAME: 7179 40th Avenue, LLC

REQUEST: Zone change from: RM-7.5, Residential, Multiple Family, 7.5 units per acre
to: IL, Institutional Limited

Land Use change from: Residential Urban
to: Institutional

And a Development Agreement for a 78 bed Assisted Living Facility not to exceed 45 ft. in height and a parking variance to allow 38 parking spaces where 78 are required.

CASE DESCRIPTION: An existing assisted living facility located at 7179 40th Avenue North in the unincorporated area of St. Petersburg (06/31/16/00000/340/0400). A legal description is available in file upon request.

APPLICANT/ADDRESS: 7179 40th Avenue, LLC
3404 Cragmont Drive, Suite 100
Tampa, FL 33634

REP/ADDRESS: Steve A. Williamson, Esq.
Johnson, Pope, Bokor, Ruppel & Burns, LLP
911 Chestnut Street
Clearwater, FL 33756

NOTICES SENT TO: 7179 40th Avenue, LLC, Steve A. Williamson, Esq., St. Petersburg, Mike Meidel-Economic Development Council, DOT, Michael Bessette-Pinellas County School Board, BCC Office & Surrounding Owners

EXISTING USE: Assisted Living Facility

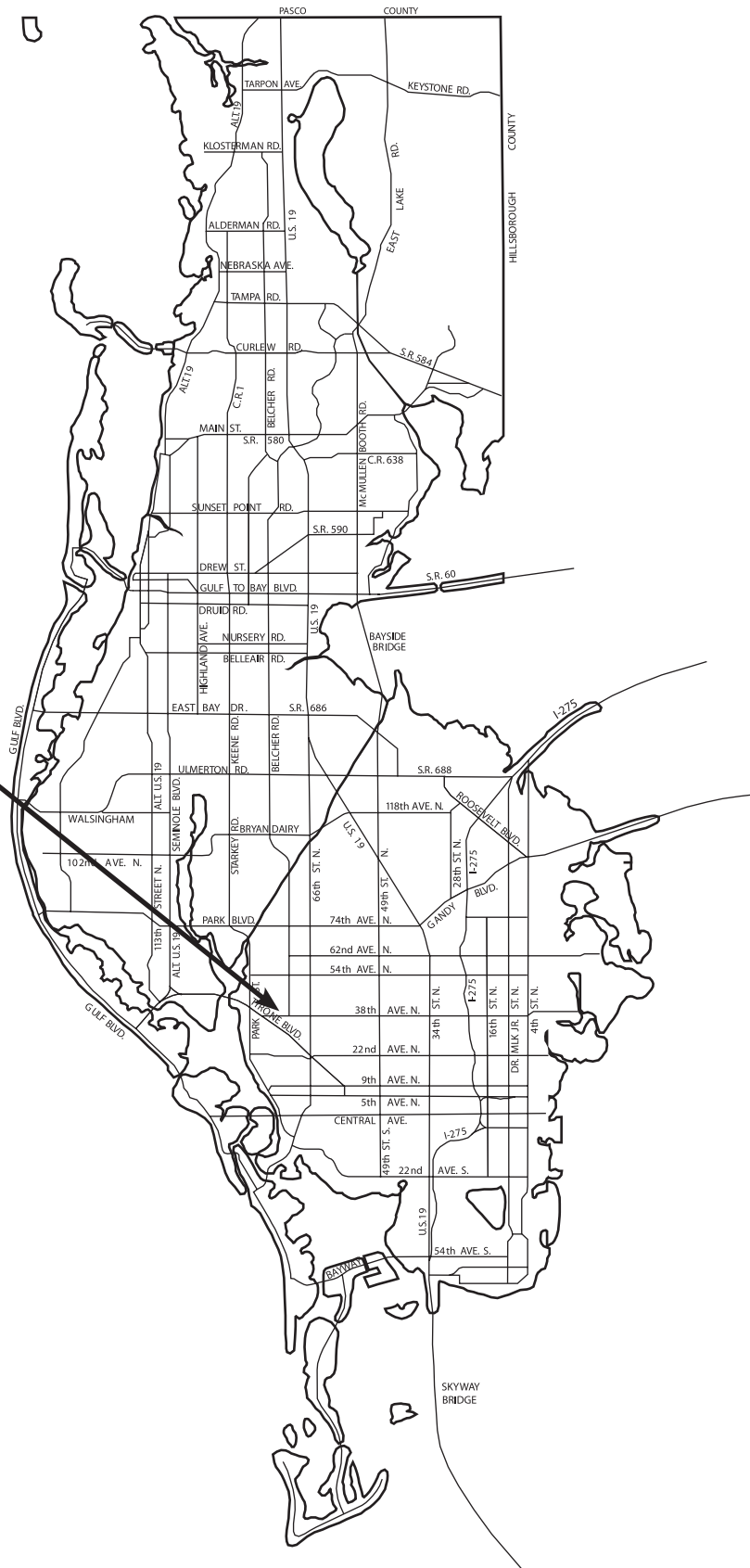
PROPOSED USE: 78 Bed assisted living facility

LAND USE: Residential Urban

ZONING: RM-7.5, Residential, Multiple Family 7.5 units per acre

LOCATION MAP

Z/LU-14-7-14



MAP-1

Z/LU-14-7-14

Zoning

From: RM-7.5, Residential,
Multiple Family, 7.5 units per acre
To: IL, Institutional Limited

Land Use

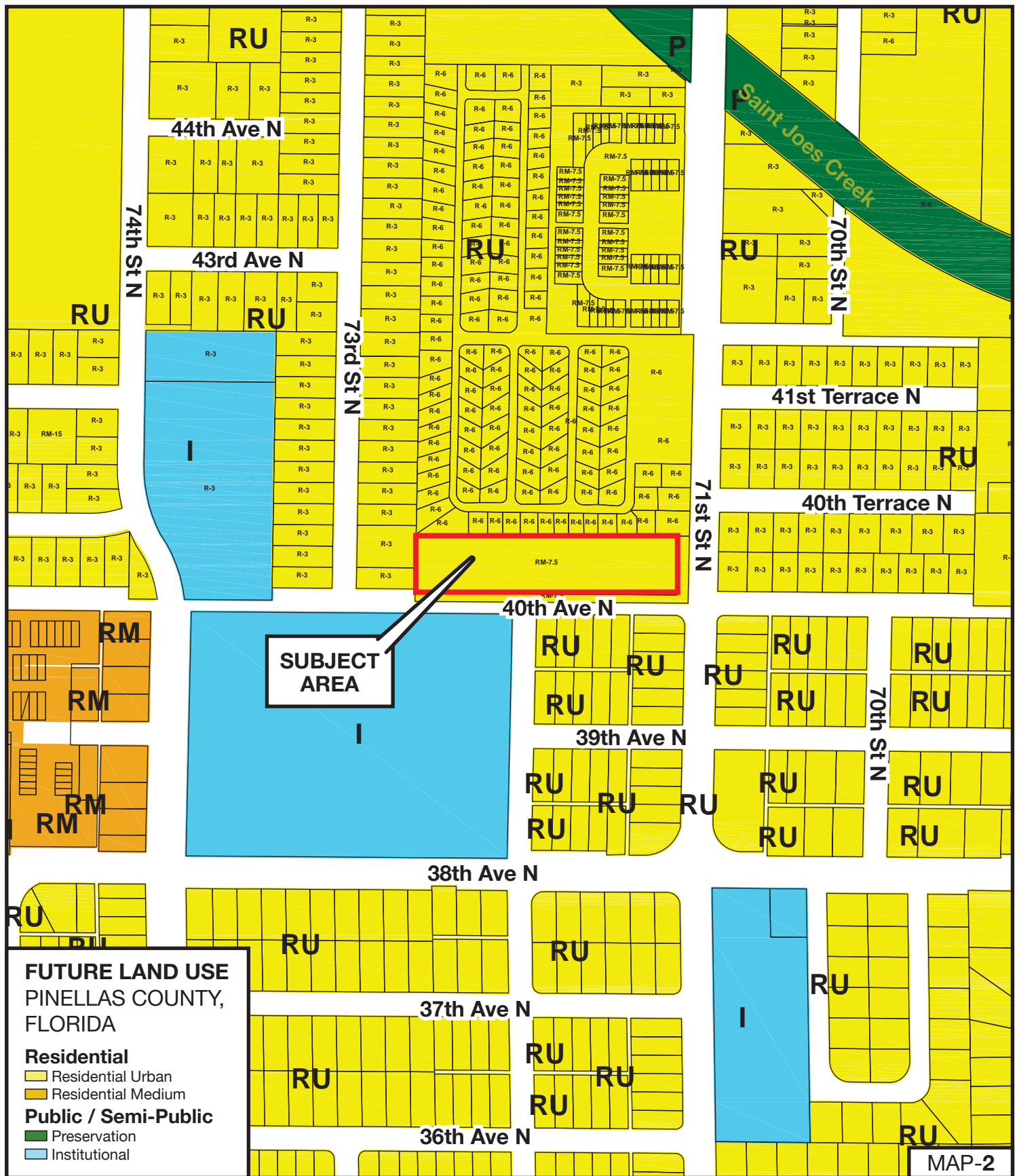
From: Residential Urban
To: Institutional

And a Development Agreement for
a 78 bed Assisted Living Facility
not to exceed 45 ft. in height and a
parking variance to allow 38 parking
spaces where 78 are required.

Parcel I.D. 06/31/16/00000/340/0400

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z/LU-14-7-14

Zoning

From: RM-7.5, Residential,
Multiple Family, 7.5 units per acre

To: IL, Institutional Limited

Land Use

From: Residential Urban
To: Institutional

And a Development Agreement for
a 78 bed Assisted Living Facility
not to exceed 45 ft. in height and a
parking variance to allow 38 parking
spaces where 78 are required.

Parcel I.D. 06/31/16/00000/340/0400

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Z/LU-14-7-14

Zoning

From: RM-7.5, Residential,
Multiple Family, 7.5 units per acre
To: IL, Institutional Limited

Land Use

From: Residential Urban
To: Institutional

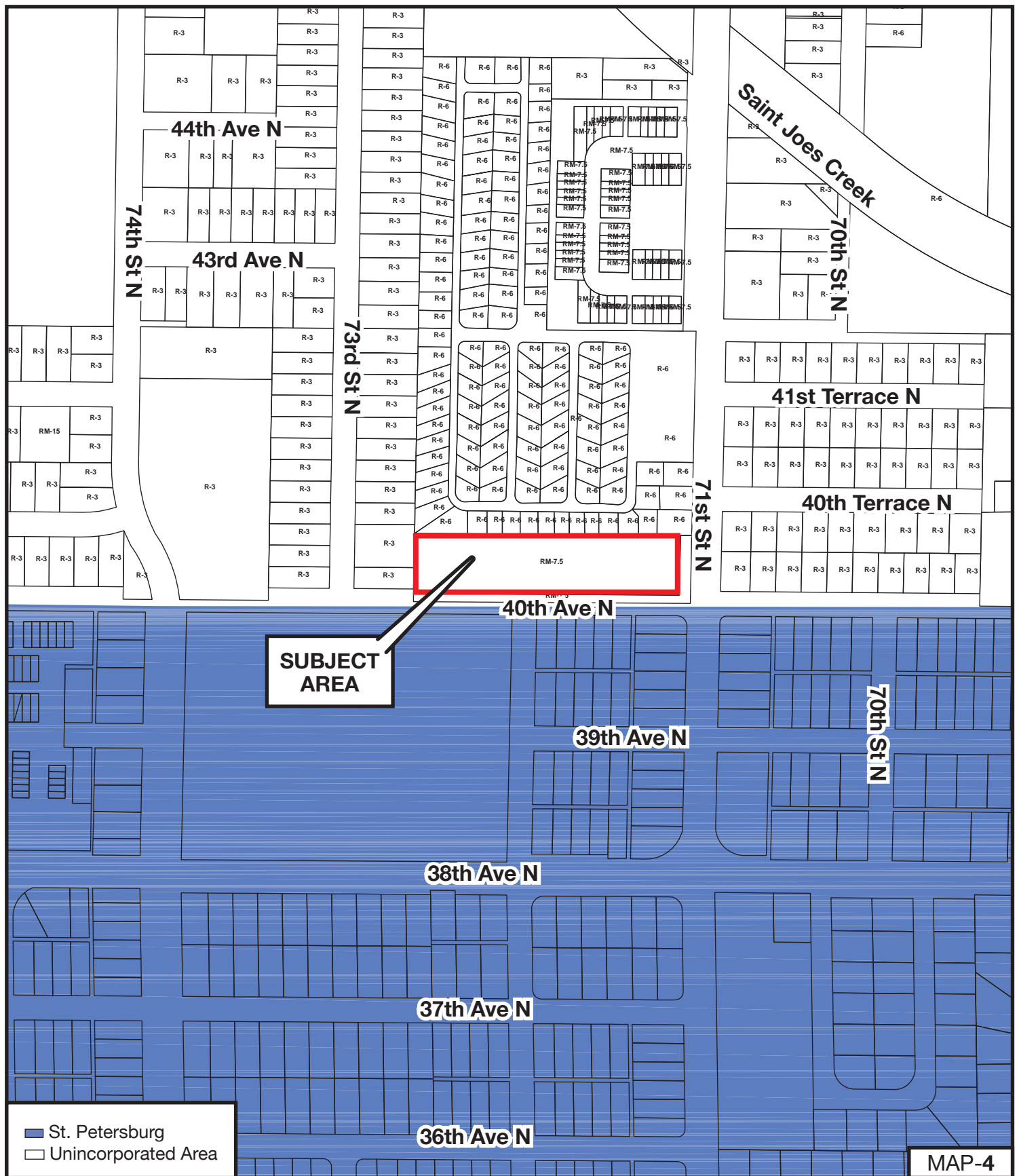
And a Development Agreement for
a 78 bed Assisted Living Facility
not to exceed 45 ft. in height and a
parking variance to allow 38 parking
spaces where 78 are required.

Parcel I.D. 06/31/16/00000/340/0400

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



MAP-3



Z/LU-14-7-14

Zoning

From: RM-7.5, Residential,
Multiple Family, 7.5 units per acre
To: IL, Institutional Limited
From: Residential Urban
To: Institutional

Land Use

And a Development Agreement for
a 78 bed Assisted Living Facility
not to exceed 45 ft. in height and a
parking variance to allow 38 parking
spaces where 78 are required.

Parcel I.D. 06/31/16/00000/340/0400

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



MAP-4

1. Owner: 7179 40th Avenue, LLC
Mailing Address: 3404 Cragmont Drive, Suite 100
City: Tampa State: FL Zip Code: 33634 Day time Phone: ()
Email:

2. Representative's Name: Steve A. Williamson, Esq.
Company Name: Johnson, Pope, Bokor, Ruppel & Burns, LLP
Mailing Address: 911 Chestnut Street
City: Clearwater State: FL Zip Code: 33756 Day time Phone: (727) 461-1818
Email: Stevew@jpfirm.com

3. Disclosure information (This information must be supplied pursuant to County Ordinance No. 74-15):

- A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a party to such as well as anyone who may have a beneficial interest in the property which would be affected by any ruling on their application.

<u>Validus Senior Living Holdings, LLC</u>	<u>100%</u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

Specify interest held:

- B. Is there an existing contract for sale of subject property: Yes ☒ No
If yes, list names of all parties to the contract including all partners, corporate officers, and members of any trust:

<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

Is contract conditional or absolute? Conditional Absolute

- C. Are there any options to purchase on subject property? Yes ☐ No
If so, list names of all parties to option including all partners, corporate officers and members of any trust:

<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

4. This hearing is being requested to consider: Change in zoning to IL, change in land use to I, together with approval of a development agreement and parking variance

5. Location of subject property (street address): 7179 40th Avenue No.

6. Legal Description of Property: (attach additional documents if necessary)

See Exhibit "A"

7. Size of Property: _____ feet by _____ feet, 2.15 acres

8. Present zoning classification: RM-7.5

9. Present Land Use Map designation: RU

10. Date subject property acquired: 9/2013

11. Existing structures and improvements on subject property:

ALF Facility

12. Proposed structures and improvements will be:

Existing ALF Facility. No new structures proposed.

13. I/We believe this application should be granted because (include in your statement sufficient reasons in law and fact to sustain your position.) (If this request is for a determination of Vested Rights/Appeal Determination, applicants are advised to review the procedural and substantive requirements of Pinellas County Ordinances 89-32 and 89-69) (Attach a separate sheet if necessary).

See Exhibit "B" attached hereto

14. Has any previous application relating to zoning or land use on this property been filed within the last year?
____ Yes ☒ No When? _____ In whose name? _____

Briefly state the nature and outcome of the hearing:

15. Does applicant own any property contiguous to subject property? _____ Yes ☒ No
If so, give complete legal description of contiguous property:

16. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- a) Plat, if it will have particular bearing on the subject application.
- b) Certification of Ownership: submit a certificate of a duly licensed title or abstract company, or a licensed attorney-at-law, showing that each applicant is the present title holder of record.
(*Warranty deeds, title insurance documents, tax receipts, etc. are not acceptable as proof of ownership.*)
- c) Preliminary site plan will be required for conditional use applications only (as specified in the Zoning Ordinance, Section 605.301 - see attached).

CERTIFICATION OF OWNERSHIP

I hereby certify that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request, that this application is made with my approval, as owners and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and rules and regulations pertaining to the use of the subject property, while under my ownership. I am aware that attendance by me or my authorized representative at all public hearings relative to this request is required and that failure to attend may result in a denial of the request. It shall be my responsibility to determine time and location of all hearings.

7179 40th AVENUE, LLC

By: The Validus Group LLC, its Manager

By: 

Mario Garcia, Jr., Manager

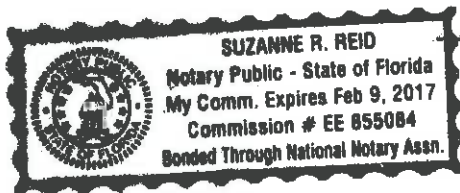
***Signature of Owner or Trustee

Date: April 3, 2014

STATE OF FLORIDA, COUNTY OF PINELLAS

Before me this 3rd day of April, 2014

Mario Garcia, Jr., as Manager of The Validus Group LLC, the Manager of 7179 personally appeared 40th Avenue, LLC, who, being duly sworn, deposes and says that the above is a true and correct certification.



Suzanne R. Reid

(signature) NOTARY PUBLIC

(seal)

***Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized act on behalf of the corporation (Please note question #3).



To see all the details that are visible on the screen, use the "Print" link next to the map.



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("AGREEMENT") is dated _____, 201__, effective as provided in Section 5 of this Agreement, and entered into between 7179 40TH AVENUE, LLC, a Florida limited liability company, its successors or assigns ("OWNER") and PINELLAS COUNTY, FLORIDA, a political subdivision of the State of Florida acting through its Board of County Commissioners, the governing body thereof ("COUNTY").

RECITALS:

A. Sections 163.3220 – 163.3243, Florida Statutes, which set forth the Florida Local Government Development Agreement Act ("ACT"), authorize the COUNTY to enter into binding development agreements with persons having a legal or equitable interest in real property located within the unincorporated area of the County.

B. Under Section 163.3223 of the ACT, the COUNTY has adopted Chapter 134, Article VII of Part III, the Pinellas County Land Development Code ("CODE"), establishing procedures and requirements to consider and enter into development agreements.

C. OWNER is the owner of approximately 2.15 acres m.o.l. of real property ("PROPERTY") located at 7179 40TH Avenue North, in the unincorporated area of the County, more particularly described on Exhibit "A" attached hereto.

D. Owner desires to develop and use the existing improvements located on the Property as a 78 bed assisted living facility, with such use being limited as described in Section 6 below.

E. The PROPERTY currently has a land use designation of Residential Urban ("RU") and is zoned Residential Multi-Family-7.5 ("RM-7.5").

F. The Owner has requested that the County place a land use designation of Institutional ("I") and a zoning designation of Institutional Limited ("IL") on the PROPERTY and approve a parking variance to allow 36 parking spaces where 78 parking spaces are required by CODE.

G. A Development Agreement for the Property was previously approved on October 5, 2006, and recorded in Official Record Book 15407, Page 1836, and amended by that certain First Amendment to Development Agreement dated January 28, 2008, and recorded in Official Record Book 16135, Pages 741-748, both in the public records of Pinellas County, Florida (collectively, "ORIGINAL DEVELOPMENT AGREEMENT").

H. The COUNTY supports this change in zoning and land use designation based upon the provisions of the AGREEMENT.

I. The COUNTY and OWNER have determined that it would be mutually beneficial to enter into a development agreement governing the matters set forth herein and have negotiated this AGREEMENT in accordance with the CODE and the ACT.

J. The COUNTY has found that the terms of this AGREEMENT are consistent with the Pinellas County Comprehensive Plan and the CODE.

STATEMENT OF AGREEMENT

In consideration of and in reliance upon the premises, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound and in accordance with the ACT, agree as follows:

SECTION 1. RECITALS The above recitals are true and correct and are a part of this AGREEMENT.

SECTION 2. INCORPORATION OF THE ACT This AGREEMENT is entered into in compliance with and under the authority of the CODE and the ACT, the terms of which as of the date of this AGREEMENT are incorporated herein by this reference and made a part of this AGREEMENT. Words used in this AGREEMENT without definition that are defined in the ACT shall have the same meaning in this AGREEMENT as in the ACT.

SECTION 3. PROPERTY SUBJECT TO THIS AGREEMENT The PROPERTY is subject to this AGREEMENT. Except as specifically modified by this AGREEMENT, the terms and conditions of the ORIGINAL DEVELOPMENT AGREEMENT, including all approvals and variances, are hereby ratified and reaffirmed by the parties hereto.

SECTION 4. OWNERSHIP The PROPERTY is owned in fee simple by OWNER.

SECTION 5. EFFECTIVE DATE/DURATION OF THIS AGREEMENT

5.1 This AGREEMENT shall become effective as provided for by the ACT and shall be contingent upon obtaining final approval, and effectiveness of a land use designation of I, and a zoning designation of IL, as requested on the PROPERTY.

5.2 This AGREEMENT shall continue in effect until terminated as defined herein but for a period not to exceed five (5) years.

SECTION 6. OBLIGATIONS UNDER THIS AGREEMENT

6.1 Obligations of the Owner

6.1.1. Binding Obligations The obligations under this AGREEMENT shall be binding on OWNER, its successors or assigns.

6.1.2. Development Review Process At the time of development of the PROPERTY, OWNER will submit such applications and documentation as are required by law and shall comply with the County's CODE applicable at the time of development review.

6.1.3. Development Restrictions The following restrictions shall apply to development of the PROPERTY:

6.1.3.1 A maximum of 78 beds shall be permitted on the PROPERTY.

6.1.3.2 The existing structure located on the PROPERTY shall not be enlarged for the purpose of accommodating any additional beds.

6.1.3.3 The assisted living facility located on the Property shall only accept elderly residents and shall not accept residents with drug or alcohol dependency or operate as a mental health facility.

6.1.3.4 Recording of Deed Process Prior to the addition of any additional beds on the PROPERTY, OWNER shall record a deed restriction encumbering the PROPERTY, which deed restriction shall be approved as to form by the County Attorney (which approval shall not be unreasonably withheld) and which will generally describe the development limitations of this AGREEMENT. The deed restriction shall be perpetual and may be amended or terminated only with the consent of the COUNTY, which consent shall not be unreasonably withheld.

6.2. Obligations of the County

6.2.1. Concurrent with the approval of this AGREEMENT, the BOARD shall promptly process an amendment to the land use plan and zoning designation for the PROPERTY as set forth in Recital F above, all in accordance with the CODE.

6.2.2. County will promptly process site, construction plan and licenses applications for the PROPERTY, as the case may be, that are consistent with the Comprehensive Plan and that meet the requirements of the Code.

6.2.3. The final effectiveness of the redesignation referenced in Section 6.2.1. and this Agreement are subject to:

6.2.3.1. The provisions of Chapter 125 and 163, Florida Statutes, as they may govern such amendments; and

6.2.3.2. The expiration of any appeal periods or, if an appeal is filed, at the conclusion of such appeal.

6.2.4. The COUNTY hereby grants OWNER a variance from CODE Section 138-1302(1)(c), to allow 38 (35 regular and 3 handicap) total parking spaces where 78 total parking spaces are normally required.

SECTION 7. PUBLIC FACILITIES TO SERVICE DEVELOPMENT The following public facilities are presently available to the PROPERTY from the sources indicated below. Development of the PROPERTY will be governed by the concurrency ordinance provisions applicable at the

time of development approval. With respect to transportation, the concurrency provisions for the proposed development have been met.

- 7.1. Potable water from Pinellas County.
- 7.2. Sewer service from Pinellas County.
- 7.3. Fire protection from the Lealman Fire District.
- 7.4. Drainage facilities for the parcel will be provided by OWNER.

SECTION 8. REQUIRED LOCAL GOVERNMENT PERMITS The required local government development permits for development of the PROPERTY may include, without limitation, the following:

- 8.1. Site plan approval(s) and associated utility licenses and right-of-way utilization permits;
- 8.2. Construction plan approval(s);
- 8.3. Building permit(s); and
- 8.4. Certificate(s) of occupancy.

SECTION 9. CONSISTENCY The COUNTY finds that development of the PROPERTY consistent with the terms of this AGREEMENT is consistent with the Pinellas County Comprehensive Plan.

SECTION 10. TERMINATION If OWNER's obligations set forth in this AGREEMENT are not followed in a timely manner, as determined by the County Administrator, after notice to OWNER and an opportunity to be heard, existing permits shall be administratively suspended and issuance of new permits suspended until OWNER has fulfilled its obligations. Failure timely to fulfill its obligations may serve as a basis for termination of this AGREEMENT by the COUNTY, at the discretion of the COUNTY and after notice to OWNER and an opportunity for OWNER to be heard.

SECTION 11. OTHER TERMS AND CONDITIONS

11.1. Except in the case of termination, until five (5) years after the date of this AGREEMENT, the PROPERTY shall not be subject to subsequently adopted laws and policies unless:

11.1.1 They are not in conflict with the laws and policies governing this AGREEMENT and do not prevent development of the land uses, intensities, or densities in the AGREEMENT;

11.1.2 That substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement; or

11.1.3 They are essential to the public health, safety, or welfare, and expressly state that they shall apply to the development that is subject to a development agreement;

11.1.4 They are specifically anticipated and provided for in this AGREEMENT;

11.1.5 The local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of this AGREEMENT;

11.1.6 This Agreement is based on substantially inaccurate information provided by OWNER.

SECTION 12. COMPLIANCE WITH LAW The failure of this AGREEMENT to address any particular permit, condition, term or restriction shall not relieve OWNER from the necessity of complying with the law governing such permitting requirements, conditions, terms or restrictions.

SECTION 13. NOTICES Notices and communications required or desired to be given under this Agreement shall be given to the parties by hand delivery, by nationally recognized overnight courier service such as Federal Express, or by certified mail, return receipt requested, addressed as follows (copies as provided below shall be required for proper notice to be given):

If to OWNER: 3504 Cragmont Drive, Suite 120
Tampa, FL 33634

With copy to: Steven A. Williamson, Esq.
Johnson, Pope, Bokor, Ruppel & Burns, LLP
911 Chestnut St.
Clearwater, FL 33756

If to COUNTY: Pinellas County Board of County Commissioners
c/o County Administrator
315 Court St.
Clearwater, FL 33756

Properly addressed, postage prepaid, notices or communications shall be deemed delivered and received on the day of hand delivery, the next business day after deposit with an overnight courier service for next day delivery, or on the third (3rd) day following deposit in the United States mail, certified mail, return receipt requested. The parties may change the addresses set forth above (including the addition of a mortgagee to receive copies of all notices), by notice in accordance with this Section.

SECTION 14. RIGHT TO CURE OWNER will not be deemed to have failed to comply with the terms of this AGREEMENT until OWNER shall have received notice from the COUNTY of the alleged non-compliance and until the expiration of a reasonable period after receipt of such notice to cure such non-compliance. Whether the time period has been reasonable

shall be based on the nature of the non-compliance and shall be determined in the sole judgment of the County Administrator, reasonably exercised.

SECTION 15. MINOR NON-COMPLIANCE OWNER will not be deemed to have failed to comply with the terms of this AGREEMENT in the event such non-compliance, in the judgment of the County Administrator, reasonably exercised, is of a minor or inconsequential nature.

SECTION 16. COVENANT OF COOPERATION The parties shall cooperate with and deal with each other in good faith and assist each other in the performance of the provisions of this AGREEMENT and in achieving the completion of development of the PROPERTY.

SECTION 17. APPROVALS Whenever an approval or consent is required under or contemplated by this AGREEMENT, such approval or consent shall not be unreasonably withheld, delayed or conditioned. All such approvals and consents shall be requested and granted in writing.

SECTION 18. COMPLETION OF AGREEMENT Upon the completion of performance of this AGREEMENT or its revocation or termination, a statement evidencing such completion, revocation or termination shall be signed by the parties hereto and recorded in the official records of the COUNTY.

SECTION 19. ENTIRE AGREEMENT This AGREEMENT (including any and all Exhibits attached hereto all of which are a part of this AGREEMENT to the same extent as if such Exhibits were set forth in full in the body of this AGREEMENT), constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof.

SECTION 20. CONSTRUCTION The titles, captions and section numbers in this AGREEMENT are inserted for convenient reference only and do not define or limit the scope or intent and should not be used in the interpretation of any section, subsection or provision of this AGREEMENT. Whenever the context requires or permits, the singular shall include the plural, and plural shall include the singular and any reference in this AGREEMENT to OWNER includes OWNER's successors or assigns. This AGREEMENT was the production of negotiations between representatives for the COUNTY and OWNER and the language of the Agreement should be given its plain and ordinary meaning and should not be construed against any party hereto. If any term or provision of this AGREEMENT is susceptible to more than one interpretation, one or more of which render it valid and enforceable, and one or more of which would render it invalid or unenforceable, such term or provision shall be construed in a manner that would render it valid and enforceable.

SECTION 21. PARTIAL INVALIDITY If any term or provision of this AGREEMENT or the application thereof to any person or circumstance is declared invalid or unenforceable, the remainder of this AGREEMENT, including any valid portion of the invalid term or provision and the application of such invalid term or provision to circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and shall with the remainder of this AGREEMENT continue unmodified and in full force and effect. Notwithstanding the foregoing, if such responsibilities of any party thereto to the extent that the purpose of this AGREEMENT or the benefits sought to be received hereunder are

frustrated, such party shall have the right to terminate this AGREEMENT upon fifteen (15) days notice to the other parties.

SECTION 22. GOVERNING LAW This AGREEMENT shall be governed by and construed in accordance with the laws of the State of Florida without regard to the conflict of laws principles of such state.

SECTION 23. COUNTERPARTS This AGREEMENT may be executed in counterparts, all of which together shall continue one and the same instrument.

IN WITNESS WHEREOF, the parties have hereto executed this AGREEMENT the date and year first above written.

WITNESSES:

7179 40TH AVENUE, LLC, a Florida
limited liability company

Printed Name: David S. Adler

By: Mario Garcia, Jr.
Its: Managing Partner

Printed Name: Susan Cammerzone

PINELLAS COUNTY, FLORIDA:

ATTEST: KEN BURKE, CLERK

BY: _____
Deputy Clerk

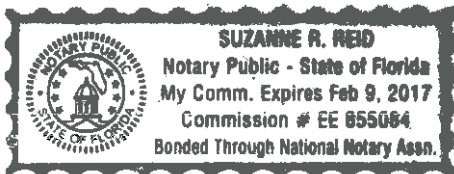
Chair, Board of County Commissioners

Approved as to Form: Office of County Attorney

STATE OF FLORIDA)

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me, this 3rd day of April, 2014, by Mano Garcia Jr., as Managing Partner of 7179 40TH AVENUE, LLC, a Florida limited liability company, on behalf of the company, who ☒ is personally known to me or who ☐ produced _____ as identification..



Suzanne R Reid
Notary Public

Print Name: Suzanne R Reid

EXHIBIT "A"

The South 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 31 South, Range 16 East, Pinellas County, Florida.

LESS AND EXCEPT that portion deeded to Pinellas County by Deed recorded in Official Records Book 16485, Page 1222, of the Public Records of Pinellas County, Florida, described as follows:

A parcel of land lying and being in the South 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 31 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4, thence North 01°06'15" East along the Easterly boundary line of the Southwest 1/4, for a distance of 661.14 feet; thence North 89°36'41" West, for a distance of 30.00 feet to the Point of Beginning; thence continue North 89°36'41" West along the Southerly boundary line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 6, for a distance of 674.77 feet to a point on the Westerly boundary line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 6; thence North 01°00'08" East along said line, for a distance of 20.00 feet; thence South 89°36'41" East, for a distance of 647.80 feet; thence North 01°06'15" East, for a distance of 144.82 feet; thence South 89°35'18" East, for a distance of 27.00 feet to a point on the Westerly right-of-way line of 71st Street; thence South 01°06'15" West along said right-of-way line for a distance of 164.81 feet to the Point of Beginning.

Parcel ID # 06-31-16-00000-340-0400

EXHIBIT "B"

The subject property is 2.15 acres m.o.l., located at 7179 40th Avenue N., in unincorporated Pinellas County. The applicant requests the following:

- (i) Rezoning from RM 7.5 to IL;
- (ii) Land use plan amendment from Residential Urban to Institutional;
- (iii) Approval of a development agreement;
- (iv) Variance to parking requirements.

The subject property currently operates as a 58 bed assisted living facility. The property has been operated as an assisted living facility for the past 2 years. The applicant is requesting to change the land use to Institutional and the zoning to Institutional Limited to increase the number of beds at the facility to from 58 to 78. Under the Institutional land use category and Institutional Limited zoning category, an assisted living facility is a permitted use. The Institutional Limited zoning district would allow a maximum of 95 beds on the subject property¹, however, through the Development Agreement, the applicant will restrict the number of beds to 78.

The increase in available beds from the existing 58 to the proposed 78 will not have a negative impact on traffic, noise or the neighborhood. The existing facility will accommodate the increase in beds and no additional structures will be constructed as a result of the increase in beds. The proposed Institutional land use category and Institutional Limited zoning are compatible with other parcels in the neighborhood, which are a mix of residential and institutional uses. In addition, the proposed use will continue to serve a community need of providing assisted living beds. The surrounding properties are described as follows:

Location	Zoning	Land Use	Actual Use
North	R-6	RU	Mobile Home
South	RS-75	RU	Single Family & Office, and Public School
East	R-3	RU	Single Family
West	R-3	RU	Single Family

Pinellas County Code requires 1 parking space per bed, which would require the applicant to have 78 parking spaces. The increase in beds at this facility will not

¹ Pursuant to the Original Development Agreement, density is calculated based on the size of the Property prior to dedication of right of way to the County (2.55 acres).

bring any additional traffic to the site, as the residents do not drive and rarely have visitors. The requested 38 (35 regular and 3 handicap) parking spaces are sufficient to accommodate the facility's staff and the occasional resident visitor, as has been the case over the past 2 years.



Johnson, Pope, Bokor, Ruppel & Burns, LLP
911 Chestnut Street
Clearwater, FL 33756
Phone: 727-461-1818
Fax: 727-441-8617

Commonwealth Land Title Insurance Company

OWNERSHIP LETTER

Order No.: 4759931
Customer Reference: 7179

Effective date: March 27, 2014 at 6:00 AM

The South 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 31 South, Range 16 East, Pinellas County, Florida.

LESS AND EXCEPT that portion deeded to Pinellas County by Deed recorded in Official Records Book 16485, Page 1222, of the Public Records of Pinellas County, Florida, described as follows:

A parcel of land lying and being in the South 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 31 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4, thence North 01°06'15" East along the Easterly boundary line of the Southwest 1/4, for a distance of 661.14 feet; thence North 89°36'41" West, for a distance of 30.00 feet to the Point of Beginning; thence continue North 89°36'41" West along the Southerly boundary line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 6, for a distance of 674.77 feet to a point on the Westerly boundary line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 6; thence North 01°00'08" East along said line, for a distance of 20.00 feet; thence South 89°36'41" East, for a distance of 647.80 feet; thence North 01°06'15" East, for a distance of 144.82 feet; thence South 89°35'18" East, for a distance of 27.00 feet to a point on the Westerly right-of-way line of 71st Street; thence South 01°06'15" West along said right-of-way line for a distance of 164.81 feet to the Point of Beginning.

As of the effective date of this Report, the apparent record Fee Simple title owner(s) to the above-described real property is/are:

7179 40th Avenue, LLC, a Florida limited liability company, by virtue of Warranty Deed recorded September 11, 2013 in Official Records Book 18155, Page 2142, of the Public Records of Pinellas County, Florida.

The following liens against the said real property recorded in the aforesaid Public Records have been found:

N/A

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This Report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This Report is not to be construed as an opinion, warranty, or guarantee of title, or as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the Certified Party only, and it may not be used or relied upon by any other party. This Report may not be used by a Commonwealth Land Title Insurance Company agent for the purpose of issuing a Commonwealth Land Title Insurance Company title insurance commitment or policy.

In accordance with Florida Statutes Section 627.7843, the liability Commonwealth Land Title Insurance Company may sustain for providing incorrect information in this Report shall be the actual loss or damage of the Certified Party named above up to a maximum amount of \$1,000.00.

IN WITNESS WHEREOF, Commonwealth Land Title Insurance Company has caused this Report to be issued in accordance with its By-Laws.

Commonwealth Land Title Insurance Company

Jesell Lopez



CASE SUMMARY
CASE NO. Z/LU-15-7-14
(Quasi-Judicial)

PRC MEETING: May 12, 2014 @ 10:00 AM-1st Floor, Planning Conf Room

LPA HEARING: July 10, 2014 @ 9:00 AM-5th Floor, Board Assembly Room

BCC HEARING: August 19, 2014 @ 6:00 PM-5th Floor, Board Assembly Room

PPC HEARING: October 8, 2014 @ 3:00 PM-5th Floor, Board Assembly Room

FINAL DETERMINATION BY: November 18, 2014

APPLICANT'S NAME: Jeffry D. Knight

REQUEST: Zone change from: M-1, Light Manufacturing & Industry
to: C-2, General Retail Commercial & Limited Services

Land Use change from: Industrial Limited
to: Commercial General

CASE DESCRIPTION: Approx. 1.8 acres located 220 ft. west of 60th Street North, 315 ft. south of Ulmerton Road in the unincorporated area of Pinellas Park (08/30/16/70974/100/0401). A legal description is available in file upon request.

APPLICANT/ADDRESS: Jeffry D. Knight
6056 Ulmerton Road
Clearwater, FL 33760

REP/ADDRESS: Ricardo Roig
Ricardo Roig, PL
2803 Safe Harbor Drive
Tampa, FL 33618

NOTICES SENT TO: Jeffry D. Knight, Ricardo Roig, Pinellas Park, Mike Meidel-Economic Development Council, DOT, Michael Bessette-Pinellas County School Board, BCC Office & Surrounding Owners

EXISTING USE: Exterior storage

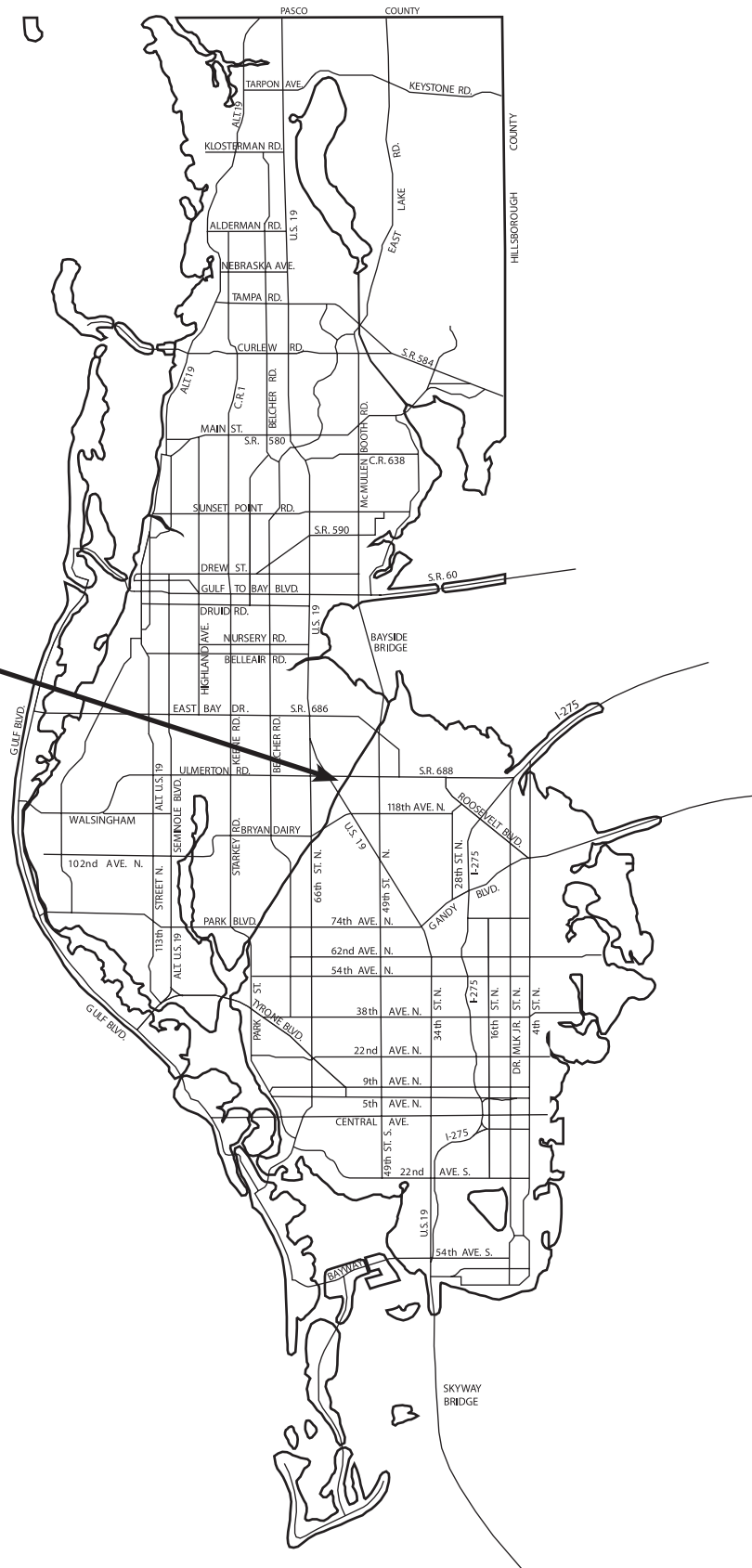
PROPOSED USE: Warehouse/Storage

LAND USE: Industrial Limited

ZONING: M-1

LOCATION MAP

Z/LU-15-7-14



MAP-1

Z/LU-15-7-14

Zoning

From: M -1, Light Manufacturing & Industry
To: C-2, General Retail Commercial & Limited Services

Land Use

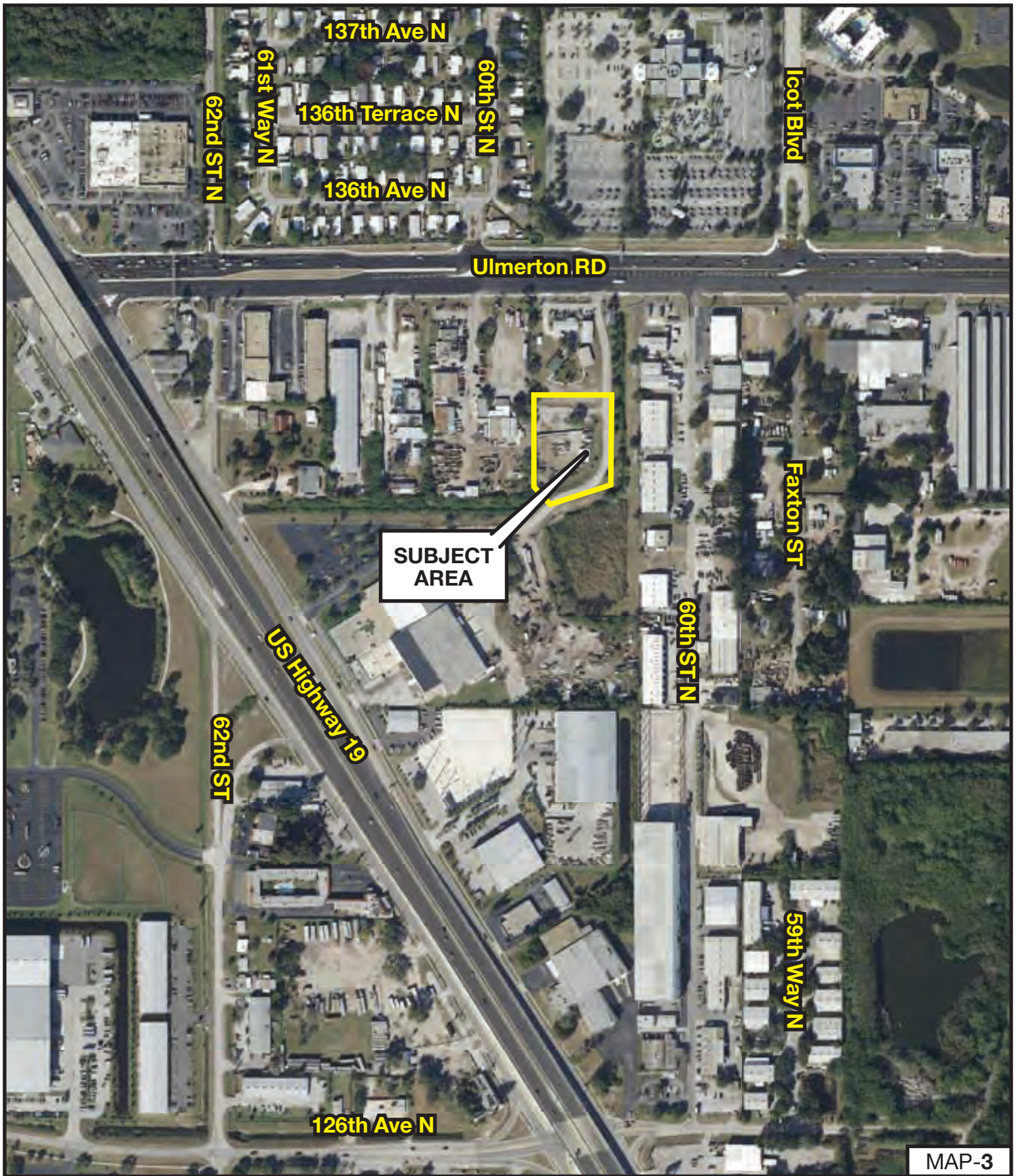
From: Industrial Limited
To: Commercial General

Parcel I.D. 08/30/16/70974/100/0401

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014







MAP-3

Z/LU-15-7-14

Zoning

From: M -1, Light Manufacturing & Industry
To: C-2, General Retail Commercial & Limited Services

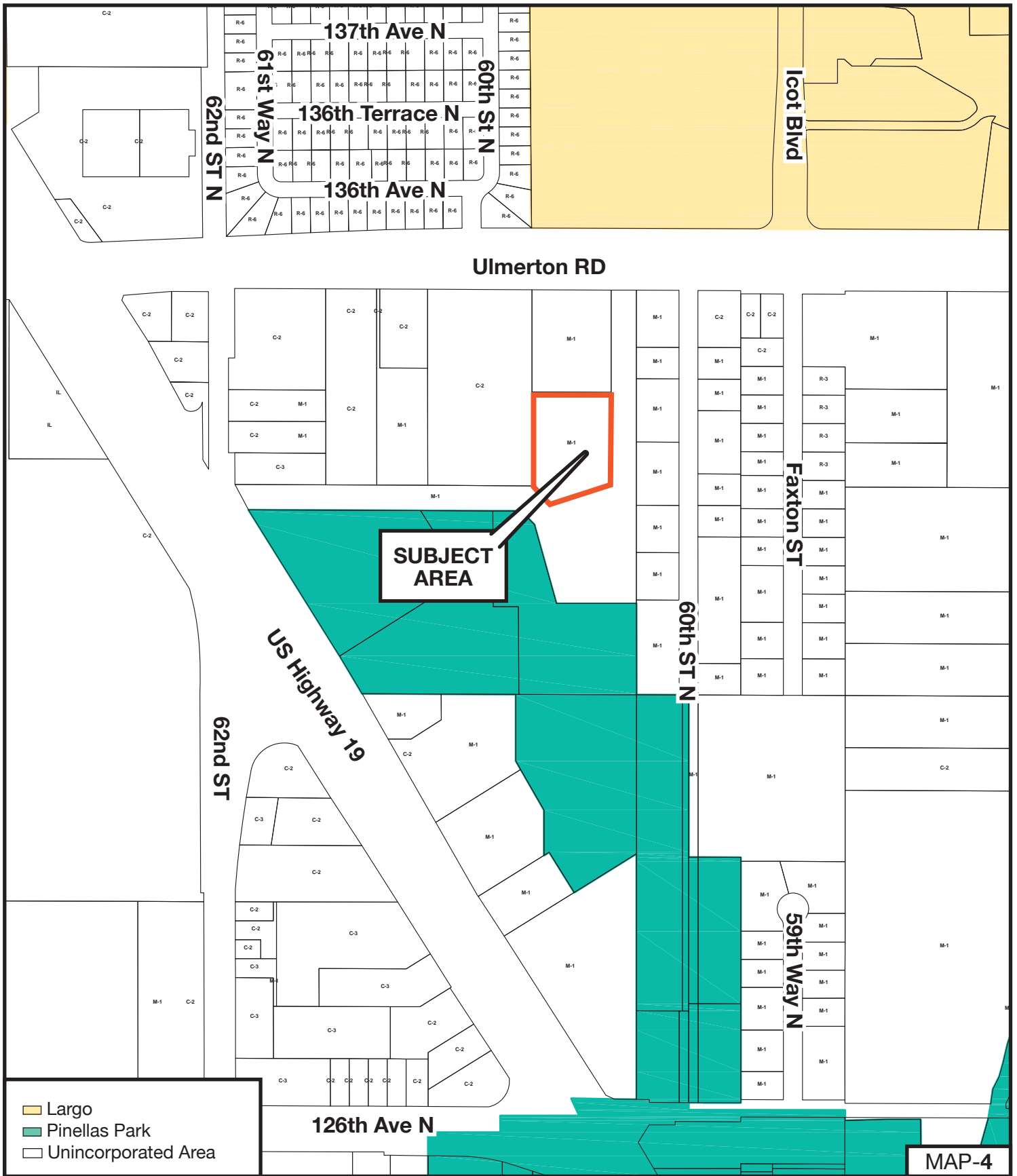
Land Use

From: Industrial Limited
To: Commercial General

Parcel I.D. 08/30/16/70974/100/0401

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014





Largo
 Pinellas Park
 Unincorporated Area

Z/LU-15-7-14

Zoning

Land Use

From: M -1, Light Manufacturing & Industry
To: C-2, General Retail Commercial & Limited Services
From: Industrial Limited
To: Commercial General

Parcel I.D. 08/30/16/70974/100/0401

Prepared by: Pinellas County Strategic Planning & Initiatives April 2014



1. Owner: Jeffry D. Knight

Mailing Address: 6056 Ulmerton Road

City: Clearwater State: FL Zip Code: 33760 Daytime Phone: (727) 524-6235

Email: JKnight@knight-enterprises.com

2. Representative's Name: Ricardo Roig

Company Name: Ricardo Roig, PL

Mailing Address: 2803 Safe Harbor Dr.

City: Tampa State: FL Zip Code: 33618 Daytime Phone: (813) 368-2818

Email: Roiglaw@gmail.com

3. Disclosure information (This information must be supplied pursuant to County Ordinance No. 74-15):

- A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a party to such as well as anyone who may have a beneficial interest in the property which would be affected by any ruling on their application.

N/A

Specify interest held: _____

- B. Is there an existing contract for sale of subject property: _____ Yes ☒ No

If yes, list names of all parties to the contract including all partners, corporate officers, and members of any trust:

Is contract conditional or absolute? _____ Conditional _____ Absolute

- C. Are there any options to purchase on subject property? _____ Yes ☒ No

If so, list names of all parties to option including all partners, corporate officers and members of any trust:

4. This hearing is being requested to consider: ^{C-2} Rezoning to CG From M-1
Land Use Amendment to CG From Ind. Ltd.

5. Location of subject property (street address): unknown

6. Legal Description of Property: (attach additional documents if necessary)

Legal description attached

7. Size of Property: 289.4 feet by 249.9 feet, 1.0553 acres

8. Present zoning classification: M-1

9. Present Land Use Map designation: vacant industrial (40)

10. Date subject property acquired: 1/23/2003

11. Existing structures and improvements on subject property:
perimeter fencing

12. Proposed structures and improvements will be:
warehouse/storage

13. I/We believe this application should be granted because (include in your statement sufficient reasons in law and fact to sustain your position.) (If this request is for a determination of Vested Rights/Appeal Determination, applicants are advised to review the procedural and substantive requirements of Pinellas County Ordinances 89-32 and 89-69) (Attach a separate sheet if necessary).

see attached letter

14. Has any previous application relating to zoning or land use on this property been filed within the last year?
Yes X No When? In whose name?

Briefly state the nature and outcome of the hearing:

15. Does applicant own any property contiguous to subject property? X Yes No
If so, give complete legal description of contiguous property:

Pinellas Groves NE 1/4, N 620 ft (S) of S 1281 ft
of Lot 5 less road.

16. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- a) Plat, if it will have particular bearing on the subject application.
- b) Certification of Ownership: submit a certificate of a duly licensed title or abstract company, or a licensed attorney-at-law, showing that each applicant is the present title holder of record.
(Warranty deeds, title insurance documents, tax receipts, etc. are not acceptable as proof of ownership.)
- c) Preliminary site plan will be required for conditional use applications only (as specified in the Zoning Ordinance, Section 605.301 - see attached).

CERTIFICATION OF OWNERSHIP

I hereby certify that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request, that this application is made with my approval, as owners and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and rules and regulations pertaining to the use of the subject property, while under my ownership. I am aware that attendance by me or my authorized representative at all public hearings relative to this request is required and that failure to attend may result in a denial of the request. It shall be my responsibility to determine time and location of all hearings.



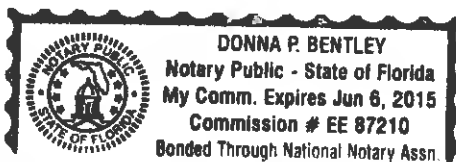
Signature of Owner or Trustee

Date: 4-9-2014

STATE OF FLORIDA, COUNTY OF PINELLAS

Before me this 9th day of April, 2014

personally appeared Jeffrey Knight
who, being duly sworn, deposes and says that the above is a true and correct certification.





(signature) NOTARY PUBLIC

(seal)

***Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation (Please note question #3).

[Interactive Map of this parcel](#)[Sales Query](#)[Back to Query Results](#)[New Search](#)[Tax Collector Home Page](#)[Contact Us](#)

WM

08-30-16-70974-100-0401

Online Property Record Card

[Portability
Calculator](#)**Data Current as of February 22,
2014**[Email](#)[Print](#)[Radius
Search](#)[Improvement Value
per F.S. 553.844](#)

Ownership/Mailing Address	Site Address
KNIGHT, JEFFRY 6056 ULMERTON RD CLEARWATER FL 33760-3944	0 ULMERTON RD CLEARWATER 33760-

[Property Use:](#) 4000 (Vacant Industrial Land)

Living Units:

[\[click here to hide\]](#) **2014 Legal Description**

PINELLAS GROVES NE 1/4, PT OF LOT 4 DESC FROM NE COR OF NW 1/4 OF NE 1/4 TH S 40FT ALG E LINE OF LOT 4 TO S R/W OF ULMERTON RD TH W 81.18FT TH S01DE 323.66FT FOR POB TH CONT S01DE 289.46FT TH S71DW 204.37FT TH N45DW 80.11FT TH N 297.84FT TH E 249.9FT TO POB

2014 Exemptions[File for Homestead Exemption](#)**2014 Parcel Use**

Homestead: No

Government: No

Institutional: No

Historic: No

Homestead Use Percentage: 0.00%

Non-Homestead Use
Percentage: 100.00%Classified
Agricultural: No**2013 Parcel Information** **2013 Trim Notice**

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
12491/1279		12103024512	D	001/055

2013 Interim Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2013	\$187,697	\$187,697	\$187,697	\$187,697	\$187,697

[\[click here to show\]](#) Value History as Certified (yellow indicates correction on file)

2013 Tax Information		Ranked Sales (What are Ranked Sales?) See all transactions			
Click Here for 2013 Tax Bill	Tax District: HPTF	Sale Date	Book/Page	Price	Q/U V/I
2013 Final Millage Rate	21.5956	24 Jan 2003	12491 / 1279	\$220,000	Q V
2013 Est Taxes w/o Cap or Exemptions	\$4,053.43	25 Nov 1998	10316 / 1268	\$476,400	U V
A significant change in taxable value may occur when sold due to changes in the market or the removal of exemptions. Click here for more information.			05999 / 0402	\$946,900	Q

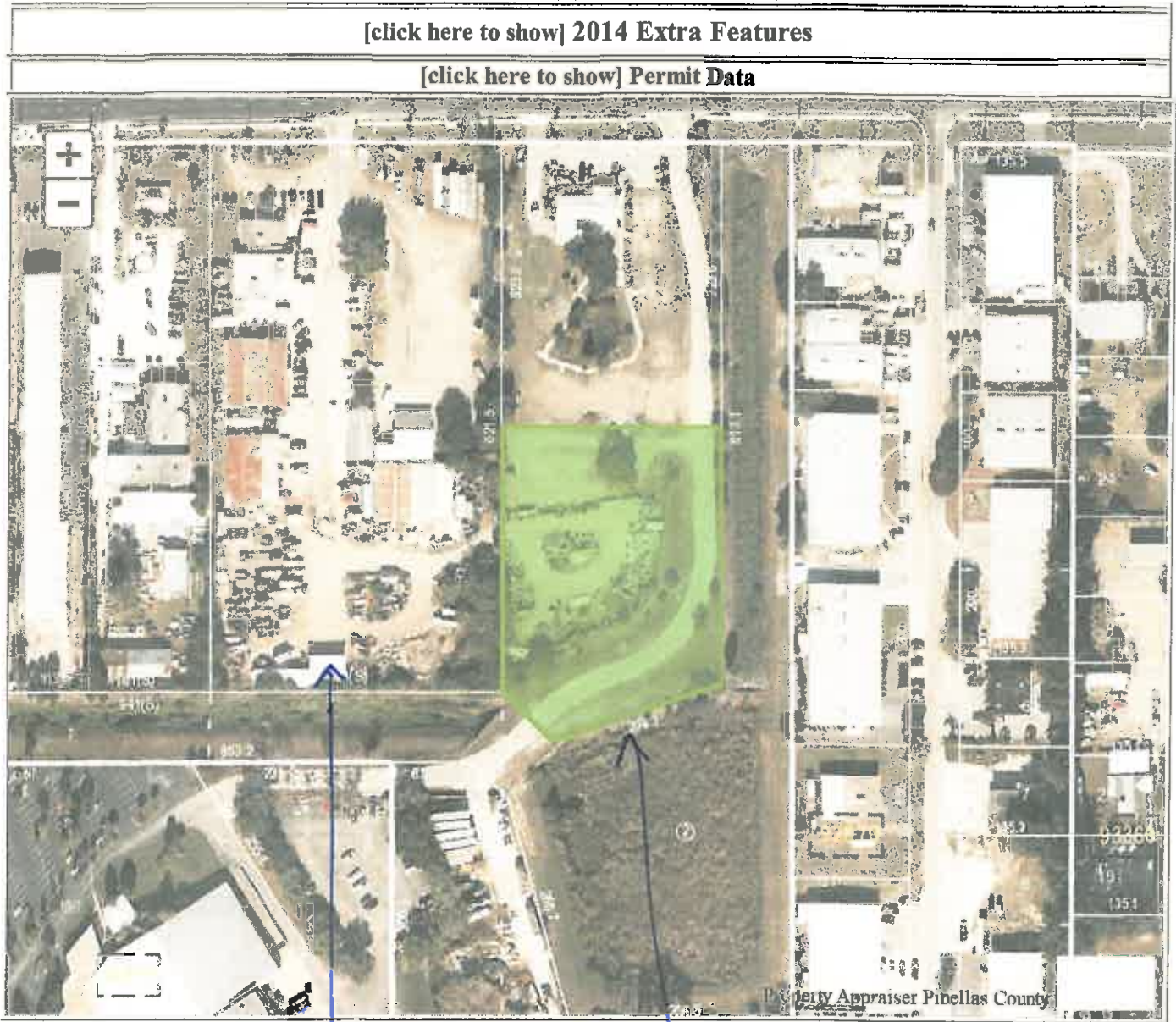
2013 Land Information

Seawall: No

Frontage: None

View:

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Vacant Industrial (40)	0x0	2.75	80298.3600	1.0000	\$220,820	SF



[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#)

Contiguous property
Same owner

Subject property

M-1
I-L

PORTO LEGAL CENTER

CURRAN K. PORTO, P.A.

ATTORNEYS AT LAW

E-mail PLC@PORTOLEGALCENTER.COM

410 S. Ware Blvd., Suite 404
Tampa, Florida 33619

Telephone (813)626-0088
Facsimile (813)626-5252

April 10, 2014

John Cueva, Zoning Manager
Pinellas County Planning Department
440 Court Street
4th Floor
Clearwater, FL 33756

RE: 6056 Ulmertown Road, Clearwater, Florida 33760
Parcel ID No.: 08-30-16-70974-100-0401

Dear Mr. Cueva:

I have acted as legal counsel to Jeffry Knight a/k/a Jeffry D. Knight, ("Knight"), regarding the Ownership and Encumbrance Report (the "Report") on the referenced property (the "Property") in connection with the Application for a Zoning and/or Land Use Change or for Reconsideration of a Development Agreement (the "Application") that is being submitted to you contemporaneously on this date.

Opinion

I have examined the Report, and reviewed and discussed the Property with Knight. My examination included the transaction(s) leading up to and including the January 23, 2003 Special Warranty Deed recorded in Official Book 12491, and beginning on Page 1279, (the "Deed"), and including without limitation the legal description attached thereto as Exhibit "A" on Page 1282, as well as the chain of title to date. A copy of said Deed is attached hereto as Exhibit "J". **It is my Opinion ("Opinion") that the legal description matches the interest transferred and the chain of title thereby vests Fee Simple title in Knight, and said interest has remained unaffected to the date of this opinion.**

The above is based upon, and subject to the qualifications set forth below, that:

1. Prior owner to the Property, FI Development Services, L.P., a Delaware Limited Partnership, ("Transferor") was the duly authorized Transferor to Knight, and was fully possessed in the power and authority to execute, deliver, and perform transfer the Property. Accordingly, at the time of the transfer, Transferor was a duly existing entity authorized to make the transfer on January 23, 2003 and the execution of the Deed. Transferor acquired the Property lawfully and there were no exceptions to Transferor's prior ownership thereof.

2. Knight, a competent adult individual citizen of the State of Florida, was fully possessed in the power and authority to take possession of the Property, and did so on the date thereof without restriction and remained in said status to the date of this Opinion.

4. Transferors' execution, delivery, or performance of the covenants associated with said Deed did not constitute a violation of its Articles or Bylaws as were in effect at the time of the transfer.

5. To the best of my knowledge after due inquiry, a review of the Report, and the other resources available to me as an active practicing member of the Florida Bar (Bar No. 39470), there are no actions, suits, or proceedings (governmental or otherwise) pending against, threatened against, or affecting the Property in any court or before any arbitrator or any public board or body in which there is a possibility of an adverse decision that would directly affect Knight's vested Fee Simple ownership of the Property or that would otherwise affect the Application made contemporaneously herewith.

Qualification of Opinion

This Opinion is subject in its entirety to the following qualifications:

1. This Opinion has been prepared solely for your use in connection with the Application and may not be quoted in whole or in part or otherwise referred to (except in furtherance of the Application in which it is intended) without my prior written consent. No one other than the addressee (as well as the Board upon which he serves), Knight, his assigns, and his representatives shall be entitled to rely on this Opinion.

2. This Opinion is based upon and relies on the current status of the laws, rules, and regulations of the State of Florida and the United States and in all respects is subject to and may be limited by amendments or other changes in these laws, rules, and regulations and any future laws, rules, and regulations, as well as by developing case law.

3. This Opinion is limited to the matters set forth in this Opinion, and no opinions may be inferred or implied beyond those expressly stated here.

4. I have relied without investigation on certificates and other communications from public officials as to matters of fact.

Very truly yours,



Curran K. Porto, Esq.

cc: client
Exhibit 1

This instrument prepared by: **Barack A. Ferrazano, Esq.**
 Barack Ferrazzano, et al.
 333 W. Wacker Drive
 Suite 2700
 Chicago, IL 60606

After recording returned by: **David Bernstein**
 130 Second Avenue North
 Suite 1700
 St. Petersburg, FL 33701

Parcel Identification No. 08-30-16-70974-100-0401

03-029596 JAN-24-2003 8:57 AM
 PINELLAS CO BK 12491 PG 1279

KARLEEN F. DE BLAKES, CLERK OF COURT
 PINELLAS COUNTY, FLORIDA

01-24-2003 09:06:01 AM
 CL DESK RIGHT
 03030

14-0300000000 BK:12491 PG:1279
 RECORDING COS PAGES 1 \$24.00
 DR STAMP - DR219 3 \$1,540.00

TOTAL: \$1,564.00
 CHECK AMT. TENDERED: \$1,564.00
 CHANGE: \$.00
 BY: [Signature] DEPUTY CLERK

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 23rd day of January, 2003, by and between FI Development Services, L.P., a Delaware limited partnership, Grantor, and Jeffrey Knight, an unmarried man, whose address is 6050 Ulmerton Rd, Clearwater, FL Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars, and other valuable considerations to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed to the said Grantee, its successors and assigns forever, all of the following described land lying and being in Pinellas County, Florida, more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the above-described premises, with the appurtenances, unto the said Grantee, its successors and assigns, in fee simple forever.

And the said Grantor does hereby covenant with the said Grantee that said described property is free from all liens and encumbrances except those set forth on Exhibit B hereto;

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under it, but against none other.

PAGES 5
 ACCT _____
 REC 2400
 DR219 1564.00
 DS _____
 INT _____
 FEES _____
 MTF _____
 P/C _____
 REV _____
 TOTAL 1564.00
 CK BAL _____
 CHG AMT _____

IN WITNESS WHEREOF, the said Grantor has executed this deed under seal on the date aforesaid.

Signed, sealed and delivered in the presence of:

Brett Feinberg
(Please type, stamp or print name:
Brett Feinberg)

Patricia Harden
(Please type, stamp or print name:
Patricia Harden)

FI DEVELOPMENT SERVICES, L.P., a
Delaware limited partnership

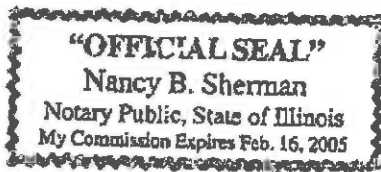
By: FI Development Services
Corporation, a Maryland corporation
and its sole general partner

By: [Signature]
Its: Executive Vice President

Address: 6302 Benjamin Road, Suite 800
Tampa, FL 33634

STATE OF Illinois
COUNTY OF COOK

The foregoing instrument was acknowledged before me this 23rd day of January, 2003, by Johannson Yap of FI Development Services Corporation, a Maryland corporation and sole general partner of FI Development Services, L.P. He is personally known to me or produced _____ as identification.



Nancy B. Sherman
Notary Public

Name: Nancy B. Sherman

My Commission Expires: 2/16/2005

The following information is provided pursuant to Florida Statute Section 689.02(2):

Property Appraiser's parcel identification number: 08-30-16-70974-100-0401

Federal Tax Identification Number of Grantee named in deed: _____

EXHIBIT A

That portion of Lot 4, Pinellas Groves, described as follows:

From the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 8, Township 30 South, Range 16 East, Pinellas County, Florida, as a point of reference; thence South 00°00'55" East, along the East line of Lot 4, Pinellas Groves, as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida, 40.00 feet to a point on the South right of way of Ulmerton Road (State Road 688); thence run along said right of way line, South 89°48'06" West (assumed basis of bearing), a distance of 81.18 feet; thence run South 00°31'21" East, a distance of 223.66 feet to the Point of Beginning; thence continue South 00°31'21" East a distance of 289.46 feet; thence run South 71°14'38" West a distance of 204.37 feet; thence run North 45°10'56" West 80.11 feet to a point lying on the West line of said Lot 4, Pinellas Groves; thence run along said West line of Lot 4, North 00°25'18" West, a distance of 297.84 feet; thence run North 89°48'06" East, a distance of 249.90 feet to the Point of Beginning.

EXHIBIT E

PERMITTED EXCEPTIONS

1. The lien of the taxes for the year 2003 and all subsequent years, which are not yet due and payable.
2. DISTRIBUTION EASEMENT granted to Florida Power Corporation, a Florida corporation, from Corridor Commercial Center Associates, recorded November 25, 1998 in O.R. Book 10316, Page 1249, PINELLAS County Records.
3. Reciprocal Easement for Ingress and Egress between FI Development Services, L.P., a Delaware limited partnership f/k/a First Industrial Development Services, L.P. and MIDA Group, LLC, a Florida limited liability company, dated August 28, 2002, recorded August 29, 2002 in O.R. Book 12189, Page 1962, PINELLAS County Records.
4. Sanitary Sewer Line Easement Agreement between FI Development Services, L.P., a Delaware limited partnership f/k/a First Industrial Development Services, L.P. and MIDA Group, LLC, a Florida limited liability company, dated August 28, 2002, recorded August 29, 2002 in O.R. Book 12189, Page 1982, PINELLAS County Records.
5. Stipulated Final Judgment done and ordered July 7, 1988, in Case No. 86-3633-7 of the Circuit Court for Pinellas County, Florida, and recorded July 8, 1988 in O.R. Book 6785, Page 2293, PINELLAS County Records.