

ORDINANCE 2020-34

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TARPON SPRINGS, FLORIDA, FOR 72.62 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 42501 U.S. HIGHWAY 19 NORTH, ON THE EAST SIDE OF U.S. HIGHWAY 19 NORTH, FROM ZONING DESIGNATION GB (GENERAL BUSINESS) TO ZONING DESIGNATION RPD (RESIDENTIAL PLANNED DEVELOPMENT); APPROVING PRELIMINARY PLANNED DEVELOPMENT FOR ANCLOTE HARBOR RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR WAIVERS OF DESIGN REQUIREMENTS OF THE RPD DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner of record of said parcel has requested to amend to the zoning district designation of said parcel from General Business (GB) district to Residential Planned Development (RPD) district; and,

WHEREAS, the Applicant is also requesting approval of a Preliminary Planned Development under the RPD (Residential Planned Development) zoning district; and,

WHEREAS, the Applicant is also requesting approval of a conditional use to allow for establishment of a residential use on the property in the Commercial General (CG) Future Land Use Map (FLUM) category; and,

WHEREAS, the proposed RPD, Residential Planned Development, zoning district is consistent with the Commercial General (CG) and Residential/Office General (R/OG) Future Land Use Map category designations of the subject property; and,

WHEREAS, the planned uses within the RPD District are compatible with surrounding and existing land uses; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this rezoning Ordinance on November 16, 2020; and

WHEREAS, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206.00 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:

Section 1. FINDINGS

1. That the Board of Commissioners finds that this Ordinance is consistent with the Tarpon Springs Comprehensive Plan.
2. That available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.
3. That the amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.
4. That the amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Section 2. MAP AMENDMENT

That the Official Zoning Atlas of the City of Tarpon Springs is hereby amended to be Residential Planned Development (RPD) for property legally described in Exhibit A, attached hereto.

Section 3. PRELIMINARY PLANNED DEVELOPMENT APPROVAL

The Preliminary Planned Development for Anclote Harbor multifamily residential development is hereby approved with the following waiver of design requirements:

1. Allowance of a maximum building height of 53 feet.

and with the following conditions:

1. Details of the proposed method of wetland enhancement and preliminary coordination with the Southwest Florida Water Management District (SWFWMD) showing approval of the jurisdictional determination shall be submitted with the Final Development Plan. Final permits from the SWFWMD may be submitted prior to issuance of a building permit for site work.
2. A conceptual plan detailing the approach for eradication and future management of Brazilian pepper tree (*Schinus terebinthifolius*) for each habitat area of the site shall be submitted with the Final Development Plan. The final plan shall be submitted at the time of application for a building permit for site work in conjunction with the arborist's report and the final tree protection and mitigation

- plan. The City recognizes that it may be appropriate in some areas of the site to address the tree protection requirements of Section 133.04(d) of the Land Development Code on an area-wide basis for habitats being preserved rather than using crown spread for individual trees.
3. A landscape plan with a site-specific planting schedule shall be submitted with the Final Planned Development and shall include appropriately sized species for driveway medians within the site.
 4. The 50-foot buffer adjacent to the Anclote River shall remain and be managed as undisturbed uplands (hardwood conifer mix) and shall not be graded within the 25-foot wetland buffer required by the Southwest Florida Water Management District.
 5. A plan for proposed lighting with shielded lighting and decorative poles shall be submitted with the Final Development Plan.
 6. On site signs and sign poles shall be designed to match City of Tarpon Springs specifications for the downtown/Community Redevelopment Area (CRA). Details shall be included with the Final Development Plan.
 7. The Applicant will be responsible for addressing the provision of Public Art pursuant to Article XVII of the Land Development Code as part of the Final Development Plan.
 8. A detailed drainage plan meeting the requirements of Section 141.00 of the Land Development Code and requirements of the Southwest Florida Water Management District shall be submitted with the Final Development Plan.
 9. Detailed plans for utilities connections and infrastructure, including wastewater force main construction shall be submitted with the Final Development Plan along with documented coordination from all applicable agencies and landowners affected by the construction. A Final Development Plan submittal that includes on-site infrastructure only may be scheduled for review by the Technical Review Committee (TRC). The submittal of the plans for the off-site (public) infrastructure will be required to be submitted and reviewed prior to scheduling for review by the Board of Commissioners.
 10. The final traffic study shall be submitted with the Final Development Plan along with Florida Department of Transportation approval of the proposed roadway and access configuration.
 11. An updated letter from the Florida Department of State documenting review of archeological resources on the site shall be provided with the Final Development Plan.
 12. An application for Future Land Use Map amendment to Recreation Open Space (ROS) for the upland preserve area shall be submitted prior to, or at the time of, Final Development Plan submittal.
 13. A map adjustment to the Preservation (P) area on the City's Future Land Use Map will be required to match the category designation to the delineated wetlands on site. The City will process the map adjustment concurrently with the Final Planned Development.
 14. The design of the residential buildings and clubhouse submitted for Final Development Plan approval shall be substantially similar to the architectural elevations that are a part of the Preliminary Development Plan application;

however, minor revisions to the architectural features of these buildings may occur without requiring a new Preliminary Development Plan Review. Minor revisions to the architectural features shall include but are not limited to changes to the color palette, the window pattern, siding and roofing materials and other similar features.

15. The proposed boat dock located adjacent to the Anclote River is subject to all applicable permitting requirements; and, upon the issuance of the applicable permits, the timing of construction of the dock will be determined by the Applicant in his sole discretion. The boat dock will contain a maximum of ten (10) slips which shall be for the sole benefit of the residents of the project.
16. A construction management and mitigation plan as required by the applicable jurisdictional agencies to avoid/address listed species impacts including bald eagle, indigo snake and gopher tortoises shall be submitted with the application for a building permit for site work.
17. The developer is responsible for obtaining applicable permits from all other agencies, for meeting the minimum requirements of the Comprehensive Zoning and Land Development Code, and for payment of all requisite fees.
18. The Applicant shall complete the process for a Final Development Plan pursuant to Section 82.00 of the Land Development Code. The Final Development Plan shall be submitted within one year of approval of the Preliminary Planned Development.
19. The Applicant will discuss with FDOT the feasibility of a signal or arrow at the Offset Median Openings on US Highway 19 and determine if the signal or arrow can be tied to the existing signals at US Highway 19' intersections with Spruce Street and Beckett Way.
20. The Applicant commits to designing and constructing the project consistent with the Bronze level of the National Green Building Standards and will pursue the certification of the project at the Bronze level.
21. The Applicant agrees to replace *Viburnum odoratissimum* with *Viburnum suspensum* and to replace Dahoon Holly with Yaupon Upright or Weeping. These landscape material changes will be reflected on the Final Development Plan when submitted to the City.
22. Should the City elect to build Hays Road, the Applicant will connect the project to the new Hays Road, pay transportation impact fees estimated at \$573,680, and will contribute an additional \$509,000 to the City's Transportation Fund to defray the City's cost of construction of Hays Road east to Jasmine Avenue. The City agrees to notify the Applicant in writing of its decision to build, or not build, Hays Road within 90 days of Final Development Plan approval. Upon approval of the Preliminary Planned Development, Sixty-Five Thousand Dollars (\$65,000) of the \$509,000 contribution will be provided to the City of Tarpon Springs to conduct a preliminary analysis and design to improve Hays Road within the existing 40' right of way. This amount shall be non-refundable. The remaining contribution (\$444,000) shall be utilized by the City and County to design and construct improvements to Hays Road limited to what may be provided within the existing 40' right of way (which may include less than full access based upon preliminary analysis and design). The City will not use eminent domain for the Anclote

Harbor project. If the City and County decide to build Hays Road and require the project to connect to Hays Road, the Applicant may provide for the connection through the site construction plan amendment process without further action by the City of Tarpon Springs Board of Commissioners. Should the City of Tarpon Springs or Pinellas County determine that it is unfeasible or undesirable to connect the project to Hays Road in any manner the Applicant shall provide an emergency-only access connection to U.S. Highway 19 and shall deposit the remaining contribution of \$444,000 to the City's Land Preservation Fund. The Applicant shall provide evidence of FDOT approval of the U.S. Highway 19 emergency access and shall provide for the emergency access design during the site construction plan approval and amendment process without further action by the City of Tarpon Springs Board of Commissioners.

23. The Applicant will extend the existing reclaimed water line to the project, at the Applicant's cost, subject to the City's commitment to provide the requisite amount of reclaimed water to serve the project.
24. The Applicant will install solar panels to serve the main Clubhouse building.
25. The Applicant will install underground conduit at each building location to enable the future installation of additional Electric Vehicle Charging Stations as demand for these Charging Stations increases.
26. The Applicant will continue to work with Pasco County Public Transportation to determine if a bus shelter is needed at the project entrance.
27. The Applicant will investigate planting additional trees at the project entrance, subject to review and approval of Duke Energy who have approval authority on all trees and landscape material within their easement along the site's US 19 frontage.

Section 4. EFFECTIVE DATE

This Ordinance shall be effective upon approval and in conjunction with approval of Resolution 2020-72.

PASSED and ADOPTED this 15th day of January, 2021.

Chris Alahouzos
CHRIS ALAHOUZOS, MAYOR

Jacob Karr
JACOB KARR, VICE MAYOR

TOWNSEND TARAPANI, COMMISSIONER

Connor Donovan
CONNOR DONOVAN, COMMISSIONER

Costa S. Vatikiotis
COSTA S. VATIKIOTIS, COMMISSIONER

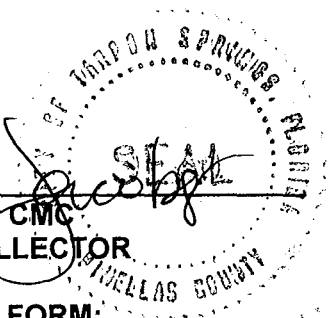
MOTION BY: VICE MAYOR KARR
SECOND BY: COMMISSIONER DONOVAN

VOTE ON MOTION

COMMISSIONER VATIKIOTIS	<u>No</u>
COMMISSIONER DONOVAN	<u>Yes</u>
COMMISSIONER TARAPANI	<u>Abstained</u>
VICE-MAYOR KARR	<u>Yes</u>
MAYOR ALAHOUZOS	<u>Yes</u>

ATTEST:

Irene S. Jacobs
IRENE S. JACOBS, CMC
CITY CLERK & COLLECTOR



APPROVED AS TO FORM:

Thomas J. Trask
THOMAS J. TRASK, B.C.S.
CITY ATTORNEY

FIRST READING: December 8, 2020

SECOND READING: December 15, 2020*
(*Continuation: January 7, 2021 and January 15, 2021)

Ordinance 2020-34. Exhibit A

**ANCLOTE HARBOR
LEGAL DESCRIPTION:**

A TRACT OF LAND BEING A PORTION OF TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS (FORMERLY HILLSBOROUGH) COUNTY, FLORIDA, LYING IN AND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA AND A PORTION OF THE OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS AS RECORDED IN PLAT BOOK 4, PAGE 79 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA LYING IN AND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; AND RUN NORTH 85° 40' 26" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6 FOR A DISTANCE OF 885.46 FEET TO THE POINT OF BEGINNING BEING AT THE SOUTHEAST CORNER OF LOT 42 OF THE TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS (FORMERLY HILLSBOROUGH) COUNTY, FLORIDA; THENCE RUN NORTH 00° 09' 16" WEST ALONG THE EAST LINE OF THE AFORESAID LOT 42 AND THE EAST LINE OF THE WEST 1/3 OF LOT 41 FOR A DISTANCE OF 1319.40 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 41; THENCE RUN N 85° 42' 06" W ALONG THE NORTH LINE OF LOTS 41 AND 45 FOR A DISTANCE OF 1380.36 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 55 (US HIGHWAY 19), RIGHT OF WAY WIDTH VARIES, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 15150-2548; THENCE RUN SOUTH 00° 02' 56" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1543.63 FEET; THENCE CONTINUE SOUTHERLY ALONG THE RIGHT OF WAY LINE AS PER THE ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 6222, PAGE 2159 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR THE FOLLOWING TWO COURSES; THENCE RUN SOUTH 03° 40' 12" EAST FOR DISTANCE OF 308.34 FEET; THENCE RUN SOUTH 00° 02' 56" WEST FOR A DISTANCE OF 504.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE AND RUN NORTH 77° 42' 54" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE AS RECORDED IN OFFICIAL RECORDS BOOK 3268, PAGE 99 AND VACATED PER ORDINANCE 84-07 RECORDED IN OFFICIAL RECORDS BOOK 5746, PAGE 1209, ALL OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR A DISTANCE OF 1956.89 FEET TO A POINT ON THE EAST LINE OF BLOCK 96 OF THE AFORESAID OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS AS RECORDED IN PLAT BOOK 4, PAGE 79 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, THENCE RUN NORTH 14° 38' 46" WEST ALONG THE EAST LINE OF BLOCK 96 AND BLOCK 90 OF THE AFORESAID OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS FOR A DISTANCE OF 474.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF A 25 FOOT ROAD RIGHT OF WAY AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS BOOK 2, PAGE 227 OF THE PUBLIC RECORD OF PINELLAS COUNTY, FLORIDA; THENCE

RUN NORTH 85° 40' 26" WEST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 431.33 FEET; THENCE RUN NORTH 00° 09' 16" WEST ALONG A SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 42 OF THE TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR A DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LAND CONVEYED PURSUANT TO THAT CERTAIN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 14238, PAGE 1044 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.