

ST. PETERSBURG CITY COUNCIL

Meeting of May 21, 2009

TO: The Honorable Jeff Danner, Chair and Members of City Council

SUBJECT: Amendment to the Development Agreement with Celotex Pridgen, LLLP, for property generally located at 10301 Dr. Martin Luther King Jr. Street North.

REQUEST: ORDINANCE ____, approving an amendment to the Development Agreement with Celotex Pridgen, LLLP.

An analysis is provided in the attached staff report.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL of the attached proposed ordinance.

Neighborhood Input: The subject property is not located within the boundaries of a formal neighborhood association. The Development Services Department has not received any phone calls, visitors or correspondence regarding this matter.

Planning & Visioning Commission (PVC): The PVC was scheduled to hold a public hearing on this matter on May 12, 2009.

Recommended City Council Action: 1) CONDUCT the first reading of the attached proposed ordinance; AND 2) SET the second reading and public hearing for June 4, 2009.

Attachments: Ordinance, Amendment to the Development Agreement, Staff Report

ORDINANCE NO. ___-G

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH CELOTEX PRIDGEN, LLLP, A FLORIDA LIMITED PARTNERSHIP, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF DR. MARTIN LUTHER KING JR. STREET NORTH, IN THE CENTER OF A TRIANGULAR-SHAPED LAND AREA BOUNDED BY ROOSEVELT BOULEVARD (SR 686) ON THE NORTH AND GANDY BOULEVARD (SR 694) ON THE SOUTH; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. An amendment to the Development Agreement between the City of St. Petersburg and Celotex Pridgen, LLLP, a copy of which is attached hereto and incorporated herein as Exhibit "A," is hereby approved and adopted.

SECTION 2. The Mayor, or his designee, is authorized to execute the amendment to the Development Agreement on behalf of the City.

SECTION 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5th) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:


DEVELOPMENT SERVICES DEPARTMENT

5/11/09
DATE


ASSISTANT CITY ATTORNEY

5-5-09
DATE

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT ("First Amendment") is made and entered into this ____ day of _____, 2009, by and between CELOTEX PRIDGEN, LLLP, a Florida limited partnership, whose mailing address is 780 94th Avenue North, Suite 107, St. Petersburg, Florida 33702 (hereinafter the "Developer"), and the CITY OF ST. PETERSBURG, FLORIDA, whose mailing address is P. O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City").

WITNESSETH:

WHEREAS, the Developer and the City entered into that certain Development Agreement dated January 27, 2004 ("Development Agreement") pertaining to the development of that certain parcel of land located at 10301 Dr. Martin Luther King, Jr. Street N., St. Petersburg, Florida 33716 more particularly described in Exhibit "A", attached hereto and made a part hereof (the "Property"); and

WHEREAS, on October 19, 2006, the City amended its Future Land Use Map under the City's Comprehensive Plan to change the land use designation on the Property from Residential Office Retail (ROR) with Primary Activity Center overlay to Planned Redevelopment – Commercial (PR-C) with Primary Activity Center overlay, and amended the zoning on the Property from Residential Office Retail – 2 (ROR-2) to Corridor Commercial Suburban – 2 (CCS-2); and

WHEREAS, on September 10, 2007, the PR-C land use and CCS-2 zoning became effective; and

WHEREAS, certain conditions contained within the Development Agreement require modification due to requirements of other regulatory agencies; and

WHEREAS, the Developer desires to modify the number of multifamily residential units from 350 to 410; and

WHEREAS, the Developer and the City desire to amend the Development Agreement to reflect the change in land use designation and zoning for the Property, the modification of the number of multifamily units allowed on the Property, and the modification of conditions resulting from the requirements of other regulatory agencies;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the Developer and the City agree as follows:

1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated herein by this reference.
2. References to Future Land Use Designation. All references to the Residential

Office Retail or ROR land use designation for the Property contained anywhere within the Development Agreement are hereby amended to reflect the current land use designation for the Property which is Planned Residential – Commercial (PRC).

3. References to Zoning. All references to the Residential Office Retail or ROR-2 zoning designation for the Property contained anywhere within the Development Agreement are hereby amended to reflect the current zoning for the Property which is Corridor Commercial Suburban – 2 (CCS-2).

4. Multifamily Residential Units. The reference to 350 multifamily residential units contained within the second “Whereas” clause and in Subsection 4(b) of the Development Agreement is hereby amended to be 410 multifamily residential units.

5. Developer Improvements. Subsection 5(c) of the Development Agreement, including all subsections of Subsection 5(c), is hereby deleted in its entirety and in its place is substituted the following:

(c) The Developer shall be required to construct the following improvements on the Property as a condition for issuance of a certificate of occupancy for any of the Developer’s proposed development:

- (i) Retain the lake owned in part by the Florida Department of Transportation (“FDOT”) located on the east border of the Property fronting on Roosevelt Boulevard and Gandy Boulevard. Developer shall construct on the Property a combination of deck and walking path around the portion of the lake owned by Developer. Any reconfiguration of the lake by Developer shall comply with FDOT and Southwest Florida Water Management District requirements. In order to preserve the lake’s natural setting, the architectural fountain feature initially planned for the lake will be located on one of the to-be constructed storm water management ponds, in lieu of the lake.
- (ii) Construct internal road system with vehicular ingress/egress access points on Dr. Martin Luther King, Jr. Street North and Roosevelt Boulevard. The southern access point on Dr. Martin Luther King, Jr. Street North shall be designed to align with the existing traffic signal located at 102nd Avenue in a manner satisfactory to the City of St. Petersburg Transportation Department. No other point of vehicular ingress or egress shall be allowed to or from the Property and Dr. Martin Luther King, Jr. Street North unless approved by the City of St. Petersburg Department of Transportation, with the exception that a right turn only ingress/egress access point designed in a manner satisfactory to the City of St. Petersburg Transportation Department shall be allowed. The ingress/egress access point on Roosevelt Boulevard shall be provided in a manner

satisfactory to the FDOT. The internal road system shall provide architectural entrance features creating a theme of development consistent with the building architecture.

- (iii) Construct a bicycle/pedestrian trail linking Dr. Martin Luther King, Jr. Street North and Roosevelt Boulevard and construct and incorporate an internal sidewalk system connecting to the bicycle/pedestrian trail and linking the various components of the mixed use development.
- (iv) Provide crosswalk enhancements to existing pedestrian crossing features at the intersection of 102nd Avenue North and Dr. Martin Luther King, Jr. Street North in a manner satisfactory to the City of St. Petersburg Transportation Department.
- (v) Retain the existing bus shelter at the PSTA transit stop on Dr. Martin Luther King, Jr. Street North closest to the Property on the east side of the street and link the shelter to the bicycle/pedestrian trail and the internal sidewalk system.

6. Additional Developer Requirement. A new subsection 5(e) is added to the Development Agreement to read as follows:

- (e) Prior to the issuance of a certificate of occupancy for more than 25% of the residential units, Developer shall submit to the City of St. Petersburg Development Review a complete set of construction drawings for a shell building for no less than 25,000 square feet of retail building space on the Property.

7. Conceptual Site Plan. The conceptual site plan attached to the Development Agreement as Exhibit "B" is deleted and in its place is substituted a new conceptual site plan as set forth on Exhibit "B" attached to this First Amendment.

8. Effect of Amendments. All other terms and conditions of the Development Agreement not specifically addressed or modified in this First Amendment shall remain in full force and effect.

9. Ratification. The parties hereto ratify and confirm that all of the terms, conditions and provisions of the Development Agreement as amended by this First Amendment remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Development Agreement as of the day and year first set forth above.

[THE SIGNATURES OF THE PARTIES APPEAR ON THE NEXT PAGE]

ATTEST:

CITY CLERK

CITY:

CITY OF ST. PETERSBURG, FLORIDA

By: _____

_____ Day of _____, 2009

Approved as to form and legality

By Office of City Attorney

DEVELOPER:

CELOTEX PRIDGEN, LLLP

By: _____

print _____

title _____

WITNESSES:

sign _____

print _____

sign _____

print _____

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009 by _____ as _____ of Celotex Pridgen, LLLP, a Florida limited partnership, on behalf of the limited partnership. He is personally known to me or produced _____ as identification and did not take an oath.

NOTARY PUBLIC:

sign _____

print _____

State of Florida at Large

My Commission Expires:

(SEAL)

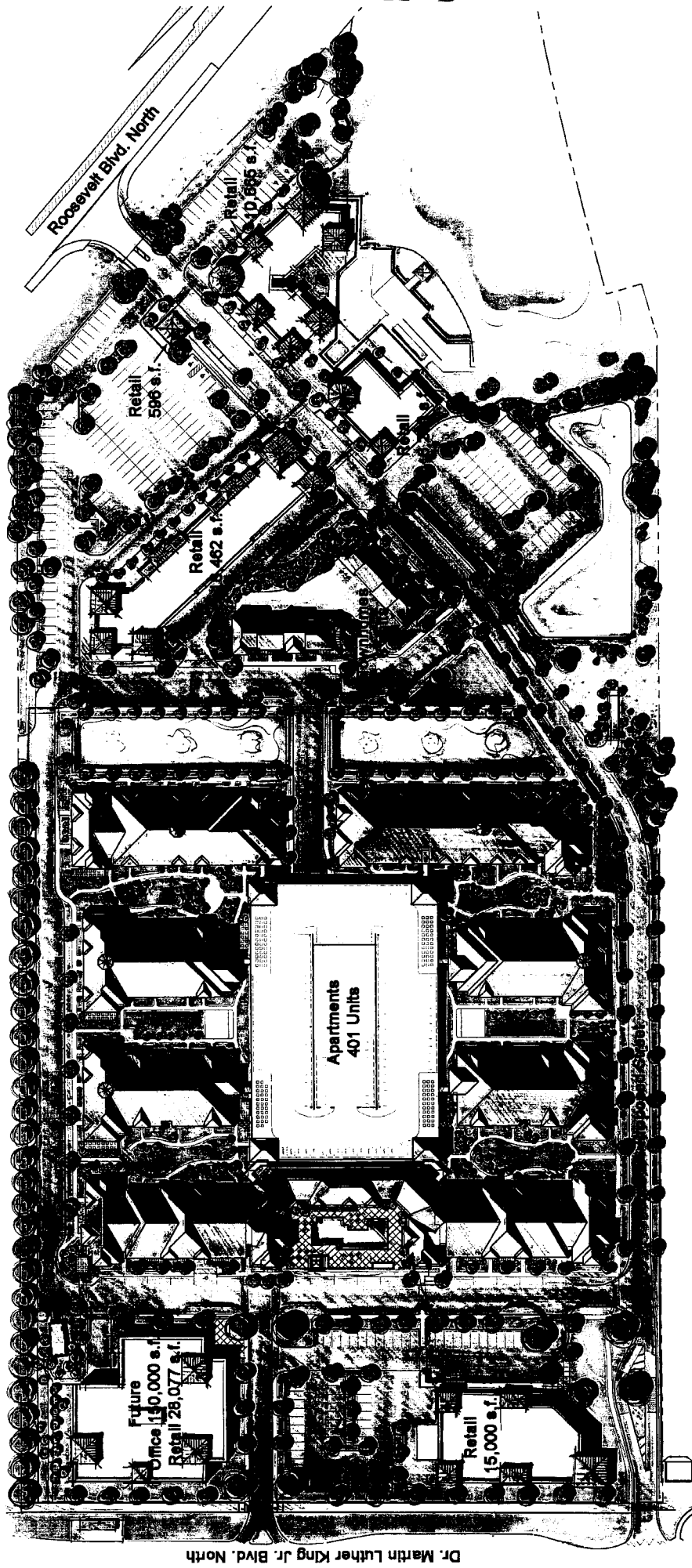
EXHIBIT "A"

That part of the south one-half (1/2) of the South one-half (1/2) of the Southwest one-quarter (1/4) of Section 18, Township 30 South, Range 17 East, Pinellas County, Florida, lying West of the right-of-way of Roosevelt Blvd., less that part lying East of and within 100 feet of the survey line of Dr. Martin Luther King, Jr. Street North (Ninth Street North).

PIN Number: 18/30/17/00000/330/0100

EXHIBIT "B"
CONCEPTUAL SITE PLAN

EXHIBIT "B"



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Celotex Pridgen Apartments and Retail
 Site Plan Concept
 04.08.09
CELOTEX-PRIDGEN, LLC



Dr. Martin Luther King Jr. Blvd. North



Staff Report to the St. Petersburg Planning & Visioning Commission
Prepared by the Development Services Department,
Urban Planning, Design and Historic Preservation Division

For Public Hearing and Executive Action on May 12, 2009
at **4:00 p.m.**, in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

SUBJECT: Proposed amendment to the Development Agreement with Celotex Pridgen, LLLP (attached).

APPLICANT: Celotex Pridgen, LLLP
780 94th Avenue North, Suite 107
St. Petersburg , FL 33702

REPRESENTATIVE: R. Donald Mastry, Attorney
Trenam, Kemker
200 Central Avenue, Suite 1600
St. Petersburg, FL 33701

SUBJECT PROPERTY: The land subject to the Development Agreement, estimated to be 21.53 acres in size, is generally located on the east side of Dr. Martin Luther King Jr. Street North, in the center of a triangular-shaped land area bounded by Roosevelt Boulevard (SR 686) on the north and Gandy Boulevard (SR 694) on the south. The subject property is generally referred to as the Celotex-Pridgen site, with an address of 10301 Dr. Martin Luther King Jr. Street North.

REQUEST: The applicant is requesting that the Development Agreement adopted by the City Council on January 22, 2004 (Ordinance 633-G) be amended. The proposed amendment will change the following: increase the number of multifamily residential units from 350 to 410; modify certain roadway improvements; and require that a complete set of construction drawings for a shell building for no less than 25,000 sq. ft. of retail space be submitted to the City prior to the issuance of a certificate of occupancy for more than 25 percent of the residential units.

The following aspects of the Development Agreement will remain unchanged: development of 150,000 sq. ft. of office space and 77,000 sq. ft. of retail space. While building height on the

subject property is limited to 84-feet, additional height can be achieved pursuant to the Large Tract Planned Development Overlay regulations, set forth in Chapter 16 of the City Code.

BACKGROUND: On January 22, 2004 the City Council adopted several ordinances related to the 21.53 acre subject property, including amending the Future Land Use Map designation from Industrial Limited to Residential Office Retail/Primary Activity Center Overlay; amending the zoning from IP (Industrial Park) to ROR-2 (Residential Office Retail); and approving a Development Agreement. The Development Agreement anticipated a mixed-use project including the construction of 350 multifamily residential units, 150,000 sq. ft. of office space, 77,000 sq. ft. of retail space, and certain roadway improvements.

- In August 2004, the EDC (Environmental Development Commission) approved a Special Exception and related site plan for a mixed-use project consisting of 150,000 sq. ft. of office space, 350 apartments, 13,000 sq. ft. of restaurants, 24,400 sq. ft. of retail space, a 12,000 sq. ft. retail pharmacy with a drive-thru, and three parking structures.
- In October 2006, subsequent to the implementation of the Vision 2020 Plan and update of the land development regulations (LDRs), the Future Land Use Map designation for the subject property was amended to Planned Redevelopment-Commercial/Activity Center, while the zoning was amended to CCS-2 (Corridor Commercial Suburban). These designations became effective in September 2007.

ANALYSIS: As stated, the proposed amendment to the Development Agreement will change the following: increase the number of multifamily residential units from 350 to 410; modify certain roadway improvements; and require that a complete set of construction drawings for a shell building for no less than 25,000 sq. ft. of retail space be submitted to the City prior to the issuance of a certificate of occupancy for more than 25 percent of the residential units. The following aspects of the Development Agreement will remain unchanged: development of 150,000 sq. ft. of office space and 77,000 sq. ft. of retail space. While building height on the subject property is limited to 84-feet, additional height can be achieved pursuant to the Large Tract Planned Development Overlay regulations, set forth in Chapter 16 of the City Code.

- Roadway improvements along Dr. Martin Luther King Jr. Street North will be provided by the applicant.
- Roadway improvements along Roosevelt Boulevard have been modified due to concerns expressed by FDOT. Rather than providing two outbound turning lanes and an inbound right turn lane, only a right in/ right out access point on Roosevelt will be provided by the applicant in a manner satisfactory to FDOT.
- The lake on the eastern end of the subject property will not be reconfigured, as it is owned in part by the Florida Department of Transportation (FDOT) and the applicant. FDOT has not consented to any reconfiguration of the lake or to the construction of a boardwalk or walking path around the portion of the lake they own. The applicant will construct a combination of deck and walking path around that portion of the lake they own.

- In an effort to ensure a mix of uses in the early stages of redevelopment, the applicant has agreed to submit a complete set of construction drawings for a shell building for no less than 25,000 sq. ft. of retail space prior to the issuance of a certificate of occupancy for more than 25 percent of the residential units (or approximately 100 multifamily dwelling units).

**CONSISTENCY WITH
COMPREHENSIVE
PLAN:**

The applicant's request to amend the Development Agreement is consistent with the following goals, objectives and policies set forth in the Comprehensive Plan:

- LU2.2 The City shall concentrate growth in the designated Activity Centers and prioritize infrastructure improvements to service demand in those areas.

- LU3.4 The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.

- LU3.5 The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.

- LU3.6 Land planning should weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.

- LU4 The Future Land Use Plan and Map shall provide for the future land use needs identified in this Element:
 - (4) Mixed-use - developments are encouraged in appropriate locations to foster a land use pattern that results in fewer and shorter automobile trips and vibrant walkable communities.

- LU3.18 All retail and office activities shall be located, designed and regulated to as to benefit from the access afforded by major streets without impairing the efficiency of operation of these streets or lowering the LOS below adopted standards, and with proper facilities for pedestrian convenience and safety.

- LU16.1 Development planning for the Gateway shall include consideration of the following issues:
 - 1. promotion of industrial and office park development to diversify the City's economic base and generate employment;

3. integration of land uses with existing and future transportation facilities recognizing the special transportation conditions within a regional activity center;
6. providing housing opportunities in close proximity to the Gateway employment center.

T1.5 The City shall work with Pinellas County, neighboring jurisdictions, the Florida Department of Transportation (FDOT), the Pinellas Suncoast Transit Authority (PSTA) and other transportation agencies that recommend transportation improvements in the City of St. Petersburg to ensure that the improvements further the City's Comprehensive Plan.

T1.6 The City shall support high-density, mixed-use developments and redevelopments, in and adjacent to Activity Centers, redevelopment areas and locations that are supported by mass transit, to reduce the number and length of automobile trips and encourage transit usage, bicycling and walking.

RECOMMENDATION: Staff recommends **APPROVAL** of the applicant's request to amend the Development Agreement with Celotex Pridgen, LLLP, on the basis that the request is consistent with the goals, objectives and policies of the Comprehensive Plan.