

RESOLUTION NO. 24 - ____

A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS DESIGNATING A BROWNFIELD AREA PURSUANT TO F.S. § 376.80 WITHIN UNINCORPORATED PINELLAS COUNTY TITLED THE “RAINBOW VILLAGE GREEN REUSE AREA” PROPOSED BY HERITAGE VILAGE LLLP AROUND RAINBOW VILLAGE APARTMENTS LOCATED AT 12301 134TH AVENUE AND 13060 WASHINGTON DRIVE, LARGO, FLORIDA 33774; MAKING FINDINGS AS TO HERITAGE VILLAGE’S LLLP’S COMPLIANCE WITH F.S. § 376.80(2)(c); MAKING FINDINGS AS TO COMPLIANCE WITH F.S. § 376.80(1)(c)2., 4. PERTAINING TO NOTICE AND PUBLIC HEARING REQUIREMENTS; AND AUTHORIZING THE PINELLAS COUNTY PUBLIC WORKS DIRECTOR TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION AND APPROVE ANY DOCUMENTS IN FURTHERANCE OF SAME.

WHEREAS, the Pinellas County Housing Authority, a Florida Independent Special District, owns the properties located at (1) 12301 134th Avenue, Largo, Florida 33774, Parcel #04-30-15-70452-300-2500 and (2) 13060 Washington Drive, Largo, Florida 33774, Parcel #09-30-15-70488-200-0700 (collectively the “Subject Property”), which currently feature apartment homes and are depicted and more particularly described in Exhibit A attached hereto;

WHEREAS, Heritage Oaks, LLLP, a Florida corporation (the “Applicant”), has entered into a ground lease with the Pinellas County Housing Authority to remediate suspected contamination on the Subject Property and redevelop same into a multi-phase affordable housing “brownfield site” known as “Rainbow Village”;

WHEREAS, in order to help developers minimize environmental liability and access economic incentives, while contemporaneously enhancing community benefits, the State adopted the Brownfields Redevelopment Act (codified at F.S. §§ 376.77-376.83), which allows developers to create “brownfield sites”;

WHEREAS, to take advantage of the benefits cited above, the Applicant seeks to convert the Subject Property into a “brownfield site”;

WHEREAS, per F.S. § 376.80(2)(c), before a developer can create a “brownfield site,” the developer must petition the jurisdictional local government to designate a “brownfield area” around the “brownfield site”;

WHEREAS, the Applicant accordingly seeks the Board of County Commissioners to designate the Subject Property as a “brownfield area” – specifically, the “Rainbow Village Green Reuse Area”;

WHEREAS, before a local government can designate a “brownfield area” petitioned for by a developer, the local government must determine that five specific criteria set forth in F.S. 376.80(2)(c) are satisfied;

WHEREAS, as discussed in this Resolution, the Board finds that these five criteria are satisfied here;

WHEREAS, the Board further generally finds that remediating the Subject Property and redeveloping same into affordable housing furthers public health, safety, and welfare;

WHEREAS, the requisite public hearings under F.S. § 376.80(1)(c)2., 4. have been properly advertised and held; and

WHEREAS, the Board accordingly desires to designate the Subject Property as a “brownfield area” titled the “Rainbow Village Green Reuse Area.”

NOW, THEREFORE, BE IT RESOLVED BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS AT A DULY ASSEMBLED MEETING HELD ON THE _____ DAY OF _____, 2024, AS FOLLOWS:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The Board finds that the Applicant, through its Application (including an Executive Summary thereto) attached hereto as Exhibit B, and testimony and written materials provided at hearing as applicable, has satisfied the five criteria under F.S. § 376.80(2)(c). Specifically, the Applicant has demonstrated that:

1. The Applicant controls the Subject Property by virtue of its ground lease with the Pinellas County House Authority.
2. The rehabilitation and redevelopment of the Subject Property will result in economic productivity of the area by virtue of the labor force that will be hired to construct and ultimately manage Rainbow Village. Additionally, Rainbow Village meets the definition of “affordable housing” provided in F.S. § 420.0004; thus, the requirement that Rainbow Village result in five new permanent jobs does not apply.
3. Rainbow Village is consistent with the Subject Property’s future land use designation of “Residential Urban” (RU) and zoning designation of Multi-Family Residential (RUM). Further, Rainbow Village is not otherwise inconsistent with the County Comprehensive Plan or Land Development Code.
4. Notice of the proposed rehabilitation of the Subject Property has been provided to neighbors and nearby residents via numerous publications and announcements. Additionally, an advertised community meeting was held on November 16, 2023 at the Greater Ridgecrest Branch YMCA.

5. The Applicant has established that it has generated or will generate the ~\$22M needed to fund the proposed remediation and redevelopment of the Subject Property (i.e. construction of Rainbow Village).

SECTION 3. F.S. § 376.80(1)(c)4.a. requires that a public hearing regarding the proposed Rainbow Village Green Reuse Area be held as close as reasonably practicable to the Subject Property. As noted above, an advertised community meeting regarding the proposed Rainbow Village Green Reuse Area was held on November 16, 2023 at the Greater Ridgecrest Branch YMCA, which is located at 18011 119th Street North, Largo, Florida 33778 (approximately one mile from the Subject Property). However, to the extent that said community meeting fails to satisfy F.S. § 376.80(1)(c)4.a., the Board finds that the venue where this Resolution is adopted – 333 Chestnut Street, Clearwater, Florida 33765 – is as close as reasonably practicable to the Subject Property. Further in accordance with F.S. § 376.80(1)(c)4.b., notice of each of the two public hearings held by this Board has been advertised in the Tampa Bay Times and local community bulletins, posted at the Subject Property, and announced at prior Board meetings.

SECTION 4. Consistent with F.S. § 376.80(1)(c)1., within thirty days of this Resolution’s adoption, the County Public Works Department Director is directed to notify the Florida Department of Environment Protection of the designation effectuated by this Resolution. Further, consistent with F.S. § 376.80(3), the County Public Works Director must identify Heritage Oaks, LLLP as the “Person Responsible for Brownfield Site Rehabilitation” of the Subject Property together with such notification. Finally, the County Public Works Director is delegated authority to approve or execute any documents required in furtherance of the designation effectuated by this Resolution.

SECTION 5. Nothing herein renders the County in any way responsible or liable for any actions or costs associated with the rehabilitation of the Subject Property or the proposed Rainbow Village Green Reuse Area beyond those actions and costs that are directly attributable to adoption of the Resolution.

SECTION 6. This Resolution shall become effective immediately upon its adoption.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call the vote was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

EXHIBIT A

Area Map

Legal Description

PARCEL NO. 1

LOTS 25 AND 26, PINELLAS GROVES SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 30 SOUTH, RANGE 15 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THOSE PARTS AS FOLLOWS: LESS THAT PART OF LOT 25 LYING WITHIN 80 FEET OF THE WEST BOUNDARY AND LYING WITHIN 30 FEET OF THE SOUTH BOUNDARY OF SECTION 4. SAID PARTS BEING RETAINED BY PINELLAS COUNTY FOR ROAD RIGHTS OF WAY. CONTAINING 8.78 ACRES, MORE OR LESS.

PARCEL NO. 2

THAT PART OF LOTS 7, 8, 9 AND 10, PINELLAS GROVES SUBDIVISION, IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 15 EAST AS RECORDED IN PLAT BOOK 1, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, CONTAINED IN THE FOLLOWING METES AND BOUNDS DESCRIPTION:

FROM THE NORTHWEST CORNER OF SAID SECTION 9, RUN ALONG THE WEST BOUNDARY THEREOF, $S00^{\circ}10'52''$ W, 30 FEET; THENCE PARALLEL TO THE NORTH BOUNDARY OF SAID SECTION AND 30 FEET THEREFROM, $S 88^{\circ}59'33''$ E 60 FEET TO THE P.O.B.; FROM THE P.O.B. CONTINUE $S 88^{\circ}59'33''$ E 603.81 FEET TO THE EAST BOUNDARY OF LOT 7; THENCE BY THE EAST BOUNDARY OF LOTS 7 AND 10, $S 0^{\circ}09'50''$ W 1122.82 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF ULMERTON ROAD (SR 688); THENCE BY SAID RIGHT OF WAY LINE, BY A CURVE TO THE LEFT, HAVING A RADIUS OF 1989.86 FEET AND A CHORD BEARING $S 23^{\circ}23'34''$ W 160.42 FEET, A DISTANCE OF 160.46 FEET; THENCE PARALLEL TO THE SOUTH BOUNDARY OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 9 AND 30 FEET THEREFROM, $N 89^{\circ}04'53''$ W 535.90 FEET; THENCE $N 44^{\circ}27'01''$ W 28.47 FEET; THENCE PARALLEL TO THE WEST BOUNDARY OF SAID SECTION 9 AND 45 FEET THEREFROM, $N 0^{\circ}10'52''$ E 615.86 FEET TO A POINT ON THE COMMON BOUNDARY OF LOTS 8 AND 9 OF SAID SUBDIVISION; THENCE $N 13^{\circ}46'22''$ W 62.21 FEET; THENCE PARALLEL TO SAID WEST BOUNDARY AND 30 FEET THEREFROM, $N 0^{\circ}10'52''$ E 456.02 FEET; THENCE $N 14^{\circ}16'02''$ E 123.27 FEET TO THE P.O.B. CONTAINING 18.12 ACRES, MORE OR LESS

THE PARTS OF LOTS 7, 8, 9, AND 10 BORDERING THE NORTH, SOUTH AND WEST BOUNDARIES OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 9, NOT CONTAINED IN THE ABOVE DESCRIPTION OF PARCEL NO. 2, ARE RETAINED BY PINELLAS COUNTY FOR RIGHTS OF WAY.

PARCEL NO. 3

LOT 27, PINELLAS GROVES IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 30 SOUTH, RANGE 15 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. LESS THAT PART LYING WITHIN 30 FEET OF THE SOUTH LINE OF SAID SECTION 4, AS PUBLIC RIGHT-OF-WAY. CONTAINING 4.83 ACRES MORE OR LESS.

EXHIBIT B

Heritage Oaks LLLP's Application