

ST. PETERSBURG CITY COUNCIL

Meeting of May 21, 2009

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

SUBJECT: City File #FLUM-3(A): The subject property, totaling 18.25 acres, is generally located on the west side of the Pinellas Bayway (SR 679) on the northern end of Tierra Verde. The subject property was annexed by the City on November 21, 2008 (Ordinance 867-G).

A detailed analysis of the request is provided in the attached Staff Report FLUM-3(A).

REQUEST: A. ORDINANCE 689-L to establish Commercial General and Residential Low as the Future Land Use Map designations, subsequent to annexation.

B. ORDINANCE 716-Z to establish CCS-3 (Corridor Commercial Suburban) and NS-2 (Neighborhood Suburban) as the Official Zoning Map designations, subsequent to annexation.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Neighborhood Input: The subject property is located within the boundaries of the Tierra Verde Community Association (TVCA). One phone call was received in opposition, on January 12, 2009. On April 8, 2009 correspondence was received from a law firm representing the TVCA and a St. Petersburg resident who owns property within 200-feet of the subject area. The law firm objects to the City's proposed Commercial General designation based on concerns related to evacuation time and shelter capacity, roadway level of service, and compatibility with existing surrounding uses.

Planning & Visioning Commission (PVC): On February 10, 2009 the Planning & Visioning Commission held a public hearing on this matter, and voted 5 to 0 to recommend APPROVAL of the proposed designations, based on consistency with the Comprehensive Plan.

City Council Action: On March 5, 2009 the City Council conducted the first reading and public hearing, set the second reading and public hearing

for May 21, 2009 and approved the transmittal of the staff report and proposed land use ordinance for state, regional and local review.

External Agency Review: As with all Future Land Use Map changes greater than 10 acres in size, the staff report and proposed land use ordinance were transmitted to the following entities (referred to as “external agencies”) for review: Florida Department of Community Affairs (DCA), Florida Department of Transportation (DOT, District 7), Florida Department of State, Florida Department of Education, Florida Department of Environmental Protection, Southwest Florida Water Management District (SWFWMD), Tampa Bay Regional Planning Council (TBRPC) and the Pinellas County Planning Department.

- On April 10, 2009 correspondence was received from DCA. The DCA had no comments on the amendment.
- On April 13, 2009 the TBRPC determined that the amendment was consistent with the Strategic Regional Policy Plan (SRPP), and recommended approval.
- In March and April 2009 correspondence was received from SWFWMD and the other state agencies identified above, with no substantive comments.
- On April 7, 2009 correspondence was received from the Pinellas County Planning Department. Pinellas County objects to the City’s proposed Commercial General designation based on concerns pertaining to directing populations away from hazardous coastal areas, evacuation time and shelter capacity, and the vision and policies in the Tierra Verde Community Overlay.

Recommended City Council Action: 1) CONDUCT the second reading and second public hearing for the proposed ordinances; AND 2) ADOPT the attached ordinances.

Attachments: Ordinances (2), Maps, PVC Minutes, Staff Report

ORDINANCE NO. 689-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; ESTABLISHING COMMERCIAL GENERAL AND RESIDENTIAL LOW FUTURE LAND USE FOR LANDS GENERALLY LOCATED ON THE WEST SIDE OF THE PINELLAS BAYWAY (SR 679) ON THE NORTHERN END OF TIERRA VERDE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the City of St. Petersburg Comprehensive Plan and Future Land Use Map are required by law to be consistent with the Countywide Comprehensive Plan and Future Land Use Map and the Pinellas Planning Council is authorized to develop rules to implement the Countywide Future Land Use Map; and

WHEREAS, the St. Petersburg City Council has considered and approved the proposed St. Petersburg land use designations provided herein as being consistent with the Countywide Future Land Use Map; now, therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Act, as amended, and pursuant to all applicable provisions of law, the Future Land Use Map of the City of St. Petersburg Comprehensive Plan is amended by placing the hereinafter described property in the Commercial General land use category:

Property

Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/000/0040 and 17/32/16/90828/023/0010 being the lands described in Official Records Book 14,826, Page 260 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/000/0030, 17/32/16/90828/000/0051, 20/32/16/90916/000/0001 and 20/32/16/90917/000/0001 being the lands described in Official Records Book 13,832, Page 2,343 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 20/32/16/90916/000/0000 being the lands described in Official Records Book 5,138 Page 1,026 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 20/32/16/90917/000/0000 being the lands described in Official Records Book 5,217 Page 1,548 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 17/32/16/90828/000/0052 being the lands described in Official Records Book 14,293, Page 337 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 17/32/16/90828/000/0050 being the lands described in Official Records Book 11,477, Page 2,268 of the Public Records of Pinellas County, Florida.

SECTION 2. Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Act, as amended, and pursuant to all applicable provisions of law, the Future Land Use Map of the City of St. Petersburg Comprehensive Plan is amended by placing the hereinafter described property in the Residential Low land use category:

Property

Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/022/0010, 17/32/16/90828/022/0020, 17/32/16/90828/022/0030, 17/32/16/90828/022/0040 and 17/32/16/90828/022/0050, being the lands described in Official Records Book 13,832, Page 2,343 of the Public Records of Pinellas County, Florida.

SECTION 3. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the latter of the following: (1) The adoption and transmittal of the City's EAR-based amendments to the Department of Community Affairs (DCA No.08-2ARA); and (2) 31 days after adoption, unless there is an administrative challenge, in accordance with Section 163.32465(6)(a),

F.S. 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 as described above.

APPROVED AS TO FORM AND SUBSTANCE

FLUM-3(A)
(Land Use)

<u>Richard W. MacAulay</u>	<u>4/22/09</u>
DEVELOPMENT SERVICES DEPARTMENT	DATE
<u>[Signature]</u>	<u>4-24-09</u>
ASSISTANT CITY ATTORNEY	DATE

ORDINANCE NO. 716-Z

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA; ESTABLISHING CCS-3 (CORRIDOR COMMERCIAL SUBURBAN) AND NS-2 (NEIGHBORHOOD SUBURBAN) AS THE OFFICIAL ZONING MAP DESIGNATIONS FOR LANDS GENERALLY LOCATED ON THE WEST SIDE OF THE PINELLAS BAYWAY (SR 679) ON THE NORTHERN END OF TIERRA VERDE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Official Zoning Map of the City of St. Petersburg is amended by placing the hereinafter described property in the CCS-1 (Corridor Commercial Suburban) Zoning District:

Property

Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/000/0040 and 17/32/16/90828/023/0010 being the lands described in Official Records Book 14,826, Page 260 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/000/0030, 17/32/16/90828/000/0051, 20/32/16/90916/000/0001 and 20/32/16/90917/000/0001 being the lands described in Official Records Book 13,832, Page 2,343 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 20/32/16/90916/000/0000 being the lands described in Official Records Book 5,138 Page 1,026 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 20/32/16/90917/000/0000 being the lands described in Official Records Book 5,217 Page 1,548 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 17/32/16/90828/000/0052 being the lands described in Official Records Book 14,293, Page 337 of the Public Records of Pinellas County, Florida.

Together with:

Pinellas County Property Appraiser's Parcel Number 17/32/16/90828/000/0050 being the lands described in Official Records Book 11,477, Page 2,268 of the Public Records of Pinellas County, Florida.

SECTION 2. The Official Zoning Map of the City of St. Petersburg is amended by placing the hereinafter described property in the NS-2 (Neighborhood Suburban) Zoning District:

Property

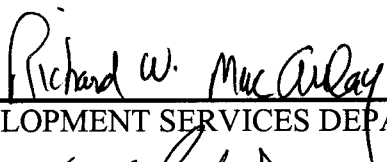
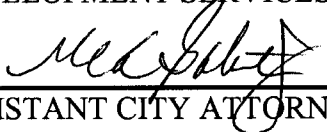
Pinellas County Property Appraiser's Parcel Numbers 17/32/16/90828/022/0010, 17/32/16/90828/022/0020, 17/32/16/90828/022/0030, 17/32/16/90828/022/0040 and 17/32/16/90828/022/0050, being the lands described in Official Records Book 13,832, Page 2,343 of the Public Records of Pinellas County, Florida.

SECTION 3. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. This Ordinance shall become effective upon the date the ordinance adopting the required amendment to the City of St. Petersburg Comprehensive Plan's Future Land Use map becomes effective (Ordinance 689-L).

APPROVED AS TO FORM AND SUBSTANCE:

FLUM-3(A)
(Zoning)

	4/22/09	
DEVELOPMENT SERVICES DEPARTMENT		DATE
	4-24-09	
ASSISTANT CITY ATTORNEY		DATE



AERIAL

CASE NUMBER

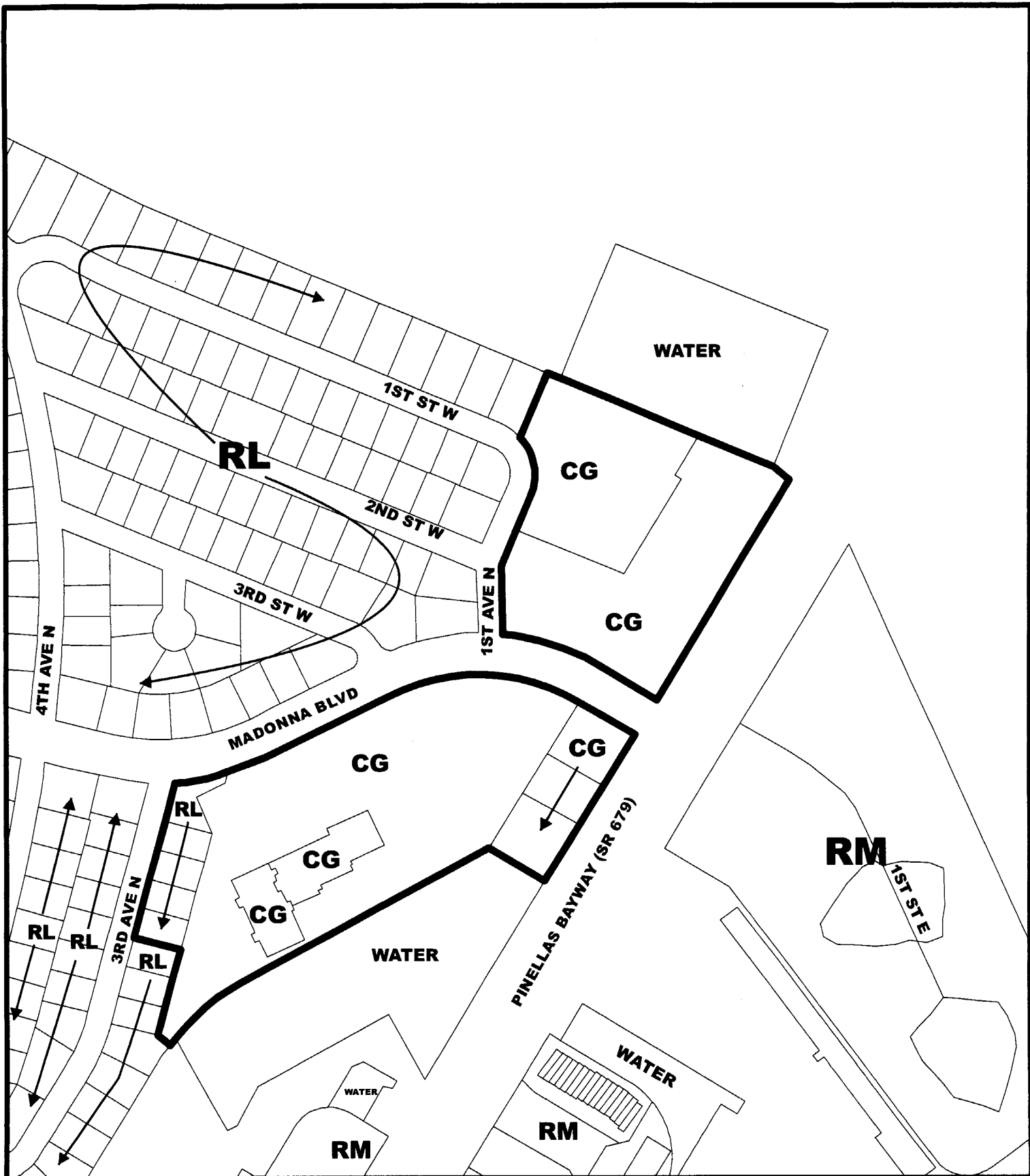
FLUM-3(A)

SCALE: 1" = 288'



SUBJECT AREA





FUTURE LAND USE DESIGNATIONS

CASE NUMBER

FLUM-3(A)

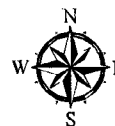
SCALE: 1" = 288'



SUBJECT AREA

FROM: Pinellas County - CG **TO:** CITY - CG

FROM: Pinellas County - RL **TO:** CITY - RL





PROPOSED ZONING

CASE NUMBER
FLUM-3(A)
SCALE: 1" = 288'

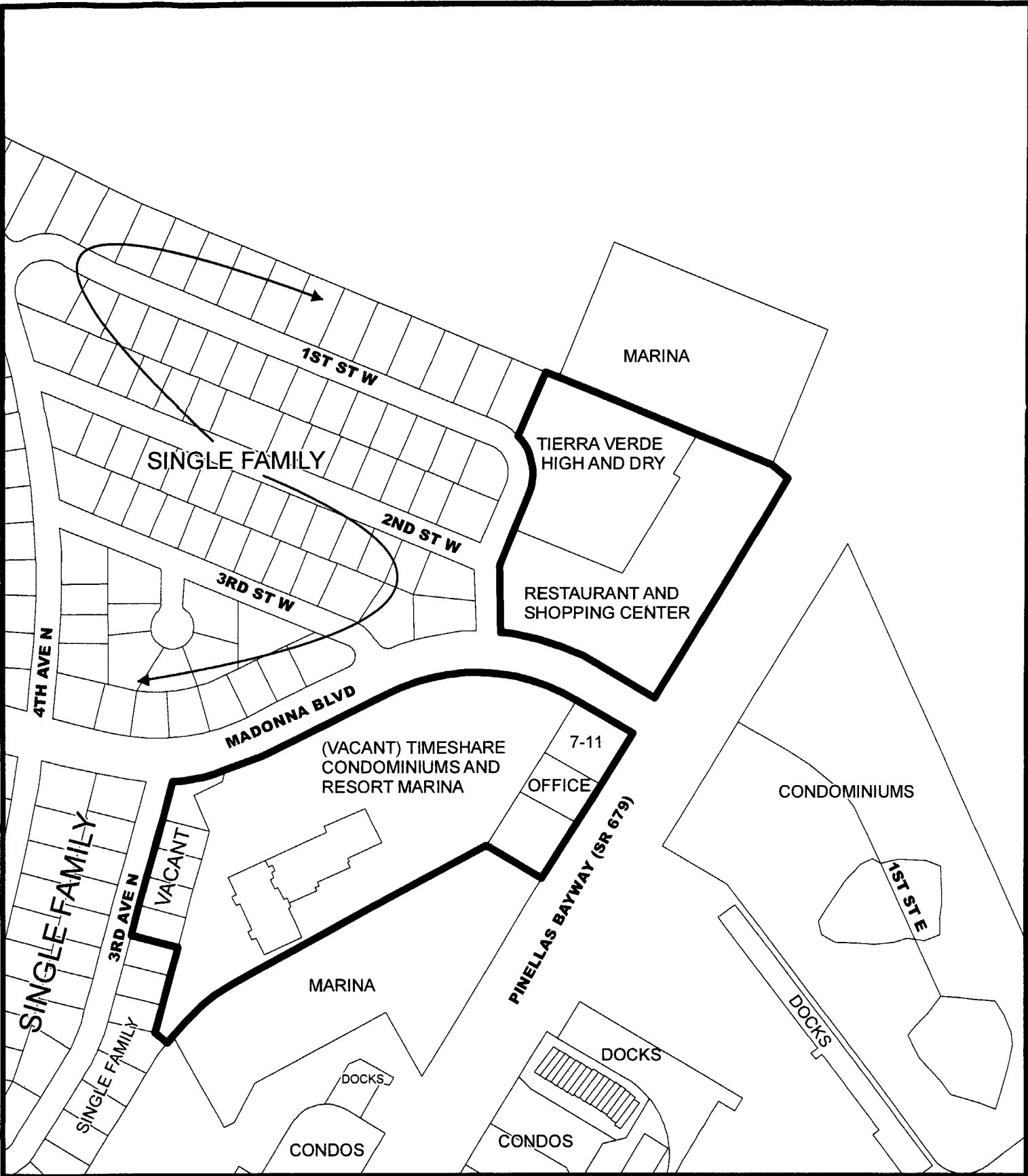


SUBJECT AREA

FROM: C-2
FROM: R-2

TO: CCS-3
TO: NS-2





EXISTING USES

CASE NUMBER
FLUM-3(A)
SCALE: 1" = 288'

 **SUBJECT AREA**





CITY OF ST. PETERSBURG
PLANNING & VISIONING COMMISSION
PUBLIC HEARING
February 10, 2009

Approved as written 3/10/09

PUBLIC HEARING

Agenda Item #2 **FLUM-3(A)**
Quasi-Judicial

Contact Person: Rick MacAulay
893-7283

Location: The subject property is generally located on the west side of the Pinellas Bayway (SR 679) on the northern end of Tierra Verde. The property is comprised of 13 parcels of land, totaling approximately 18.25 acres.

Request: To establish the Future Land Use Map designation of Commercial General and the Official Zoning Map designation of CCS-3 (Corridor Commercial Suburban), or other less intensive designations, on eight (8) parcels of land totaling approximately 17.28 acres, subsequent to annexation, and to establish the Future Land Use Map designation of Residential Low and the Official Zoning Map designation of NS-2 (Neighborhood Suburban), or other less intensive designations, on five (5) parcels of land totaling approximately 0.97 acres, subsequent to annexation.

Staff Presentation

Rick MacAulay gave a presentation based on the staff report.

Commissioner Kehm asked if CCS-3 is the most similar zoning to the County's C-2, to which Mr. MacAulay replied, yes.

Owner Representative

Donald Mastry, Attorney, with Trenam Kemker and representing one of the owners, A&S Tierra Verde, spoke in support of the application.

Public Hearing

Jack Parker, 449 – 3rd Avenue North, Tierra Verde, spoke against the request. Mr. Parker believes that there is another zoning and land use designation that could be applied allowing less density and lower height restrictions.

Commissioner Klein asked if he was the President of the Homeowners Association or on the Board of Directors. Mr. Parker replied that he is a member of the Board of Directors and past Chair of the Committee who developed the Tierra Verde overlay.

Dick Cole, owner of property on 4th Avenue North, Tierra Verde, spoke against the request. Mr. Cole is concerned about the higher density and height variance to 150 feet.

Commissioner Robison asked if he had read the staff report, to which Mr. Cole replied, no. Commissioner Robison explained that to allow a building of a height of 150 feet, the site would have to be five acres in size to meet the required green space buffer. Commissioner Robison went on to say that if he (Mr. Cole) had read the report, he would see how the County and City zoning and land use designations match up.

Commissioner Klein stated that the proposed development would have to go before the Development Review Commission (DRC) for approval, at which time the citizens can voice their concerns. Commissioner Klein went on to say that if the proposed building is 150 feet and the tallest existing building is 35 feet, he guaranteed that the DRC will not approve it. When he was on the Environmental Development Commission (EDC) which is now the DRC, they had turned down numerous proposals that did not fit the surrounding residential area.

Mr. Cole stated that he heard Commissioner Klein's guarantee and he personally accepts that. They do not want a change in height.

Al Galbraith asked the Chair, if, for clarification, would the speaker identify what he heard that he thought was a guarantee. Mr. Galbraith stated that he did not hear a guarantee at all and believes a guarantee cannot be given.

Mr. Cole disagreed and stated that he heard a guarantee.

Mr. Galbraith stated that the Commissioners can say whatever they want to say but if a particular application is not before them, they cannot make a decision on it.

Commissioner Klein stated for clarification that they will have to take it before the DRC and in several instances that Commission has ruled against buildings that did not meet the surrounding area. The point he was trying to make was that development approval is not the job of this Commission, but with the DRC.

Mr. Galbraith stated that a member of this Commission is speculating what a different Commission might do based upon what that Commission or its predecessor has done in the past, and thinks they are off the course here in terms of what is on the table.

Commissioner Robison asked Mr. Cole if there are other zoning codes and land use designations that are more appropriate or a better fit than what the City has determined. Mr. Cole replied that he is not an expert but assumes that there are.

Cross Examination

Declined

Rebuttal

Declined by Administration

Commissioner Robison asked staff what the next “step down” or less intensive designations would be, i.e., other than what is being proposed here. Mr. MacAulay replied that the next best plan designation would be PR-MU (Planned Redevelopment-Mixed Use) which is applied along Gandy Blvd. in annexation areas as well as Feathersound, and that PR-MU allows up to 24 units per acre and a Floor Area Ratio (FAR) of .55, identical to the proposed Commercial General Plan designation. Mr. MacAulay went on to say that staff believes that CCS-3 and Commercial General are the most appropriate designations.

Commissioner Robison asked about the building height under the PR-MU designation. Mr. MacAulay replied that the Large Tract Overlay regulations in the City Code still apply. A developer could potentially get up to 150 feet if the site is more than five acres in size. A minimum of 75 feet of buffer or 80% of the building height is required, whichever is greater, on all sides of the development. A public hearing is also required.

Mr. Mastry stated that the subject commercial area was developed when Tierra Verde was developed and is now worn out and old. The only development discussed by his clients was residential, not commercial. The island is residential and he does not know how that’s not compatible. If it were under the County right now, you can build a 120 foot hotel building as a Special Exception and you cannot have residential. Discussions with the residents indicated they wanted residential condominiums, which is not allowed under the County’s designation, so he is unable to follow their argument. Mr. Mastry assured that his client would not have asked to be annexed into the City of St. Petersburg and pay substantially higher taxes to build commercial that they can already build in the County. To say that the proposed development would not be compatible with the rest of the island, well, he does not follow that train of thought. The plan is to build residential development.

With the approval of the Commission to allow Mr. Parker to speak, Mr. Parker stated one of the big differences between the City and County is that the County treats this area as a coastal storm area (CSA), which the County treats exactly like a coastal high area hazard (CHHA). If the City treats this as a CHHA, it would be much closer to how the County treats it and this is what the residents want.

Mr. Mastry stated that he is unaware that they have the power to change the law of the State of Florida and to redefine what is a CHHA.

Executive Session

MOTION: *Commissioner Robison moved and Commissioner Kehm seconded to approve the request in accordance with the staff report.*

Commission Klein stated that he understands the concerns of the residents and reiterated that they need to voice their concerns to another Commission (with regard to a redevelopment proposal).

VOTE: *YES – Kehm, Klein, Robison, Whiteman, Nolan*
NO - None

Motion was approved by unanimous vote of 5 to 0.



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 February 10, 2009
at **3:00 p.m.**, in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File #FLUM-3(A)
Agenda Item #2

According to Development Services Department records, no Planning & Visioning Commission members reside or have a place of business located within 2,000 feet of the subject property. All other possible conflicts should be declared upon announcement of the item.

APPLICANT: City of St. Petersburg

SUBJECT PROPERTY: The subject property is generally located on the west side of the Pinellas Bayway (SR 679) on the northern end of Tierra Verde. The property is comprised of 13 parcels of land, totaling approximately 18.25 acres.

PIN NUMBERS: The addresses and parcel identification numbers (PINs) are attached.

REQUEST: This is a request for the following:

- To establish the Future Land Use Map designation of Commercial General and the Official Zoning Map designation of CCS-3 (Corridor Commercial Suburban), or other less intensive designations, on eight parcels of land totaling approximately 17.28 acres, subsequent to annexation.
- To establish the Future Land Use Map designation of Residential Low and the Official Zoning Map designation

of NS-2 (Neighborhood Suburban), or other less intensive designations, on five parcels of land totaling approximately 0.97 acres, subsequent to annexation.

PURPOSE:

The City is required to assign Future Land Use Map and zoning designations to all property located within its corporate limits. The subject property was annexed by the City on November 21, 2008 (Ordinance 867-G).

EXISTING USES:

The subject property includes the Tierra Verde Marina and High & Dry located at 100 Pinellas Bayway; (vacant) Timeshare Condominium and Resort Marina High & Dry, located at 200 Madonna Blvd.; a real estate office and a 7-Eleven convenience store located at 150 Pinellas Bayway; and undeveloped residential property located along the east side of 3rd Avenue North.

SURROUNDING USES:

Existing surrounding uses include the following:

North: Single family homes and Boca Ciega Bay

South: Multifamily (condominiums)

East: Pinellas Bayway, multifamily (condominiums), Boca Ciega Bay

West: Single family homes

ZONING HISTORY:

Approximately 17.28 acres of the subject property are designated C-2 (general retail commercial and limited services) on the Pinellas County zoning map. The undeveloped residential property located along 3rd Avenue North, estimated to be 0.97 acres, is presently designated R-2 (single family residential).

DEVELOPMENT POTENTIAL:

The 18.25-acre subject property is depicted on the attached map series. The City is establishing CCS-3 (Corridor Commercial Suburban) zoning on the eight parcels (17.28 acres) presently zoned commercial, and NS-2 (Neighborhood Suburban) zoning on the five parcels (0.97 acres) presently zoned single family. That part of the subject area lying north of Madonna Blvd., estimated to be 7.08 acres, is proposed to be designated with CCS-3 zoning. The area lying south of Madonna Blvd., estimated to be 11.17 acres, is proposed to be designated with CCS-3 zoning (10.2 acres) and NS-2 zoning (0.97 acres). An analysis of the potential traffic impact is provided in the Impact Section of this staff report.

The following tables summarize the City’s proposed CCS-3 and NS-2 zoning regulations and the County’s existing C-2 and R-2 zoning regulations, as well as development potential. A final table highlights the City’s “Large Tract Planned Development” regulations.

Table 1: City CCS-3 Zoning vs. Pinellas County C-2 Zoning			
Regulations		Proposed City Zoning	Existing County Zoning
		CCS-3	C-2
Minimum Lot Area		4,500 sq. ft.	10,000 sq. ft.
Maximum Residential Density (units per acre)	Residential Density	24	0
	Workforce Housing Density Bonus	6	0
Maximum Nonresidential Intensity (floor area ratio)		0.55	0.35 (commercial general uses)
			0.40 (hotel and motel)
TDR Intensity Bonus		0.11	0.035 (variance up to 10%)
Temporary Lodging (Hotel Rooms)		40 rooms/acre	40 rooms/acre
Maximum Impervious Surface (site area ratio)		0.90	0.90
Building Height		36' when site is two acres in size or less;	50'
		48' when site is greater than two acres in size	35' when site is within 50 feet of a residential zone

Development potential under the City’s proposed CCS-3 zoning and Pinellas County’s present C-2 zoning, for the eight commercial parcels totaling approximately 17.28 acres (752,720 sq. ft.), is summarized in the following tables. (Table 2 is a summary of the development potential identified in Tables 3 and 4.)

**Table 2: Development Potential on the
17.28 Acres Designated Commercial General**

Uses	Proposed City Zoning	Existing County Zoning
	CCS-3	C-2
Multifamily Residential Units; or	415 units (@ 24 upa)	0
Commercial space (including retail, office, restaurant and personal service uses); or	414,000 sq. ft. (@ 0.55 f.a.r.)	263,450 sq. ft. (@ 0.35 f.a.r.)
	496,800 sq. ft. (@ 0.66 f.a.r.)	289,800 sq. ft. (@ 0.385 f.a.r.)
Temporary Lodging (Hotel Rooms)*	691 (@ 40 rooms/acre)	691 (@ 40 rooms/acre)

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 1,037 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

**Table 3: Development Potential on the
Northern 7.08 Acres Designated Commercial General**

Uses	Proposed City Zoning	Existing County Zoning
	CCS-3	C-2
Multifamily Residential Units; or	170 (@ 24 upa)	0
Commercial space (including retail, office, restaurant and personal service uses); or	169,620 sq. ft. (@ 0.55 f.a.r.)	107,940 sq. ft. (@ 0.35 f.a.r.)
	203,550 sq. ft. (@ 0.66 f.a.r.)	118,735 sq. ft. (@ 0.385 f.a.r.)
Temporary Lodging (Hotel Rooms)*	283 (@ 40 rooms/acre)	283 (@ 40 rooms/acre)

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 425 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

**Table 4: Development Potential on the
Southern 10.2 Acres Designated Commercial General**

Uses	Proposed City Zoning	Existing County Zoning
	CCS-3	C-2
Multifamily Residential Units; or	245 (@ 24 upa)	0
Commercial space (including retail, office, restaurant and personal service uses); or	244,370 sq. ft. (@ 0.55 f.a.r.)	155,510 sq. ft. (@ 0.35 f.a.r.)
	293,245 sq. ft. (@ 0.66 f.a.r.)	171,060 sq. ft. (@ 0.385 f.a.r.)
Temporary Lodging (Hotel Rooms)*	408 (@ 40 rooms/acre)	408 (@ 40 rooms/acre)

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 612 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

**Table 5: City NS-2 Zoning vs. Pinellas County R-2 Zoning
on the 0.97 acres Designated Residential Low**

Regulations	Proposed City Zoning	Existing County Zoning
	NS-2	R-2
Minimum Lot Area	8,700 sq. ft.	7,500 sq. ft.
Maximum Residential Density (units per acre)	5	5
Maximum Nonresidential Intensity (floor area ratio)	0.30	0.40
Maximum Impervious Surface (site area ratio)	0.60	0.75 (*)
Building Height	36'	45'

(*) Minimum 25% permeable open space under the County Code.

In summary, development potential under the City's proposed NS-2 zoning and Pinellas County's present R-2 zoning, on the five parcels totaling approximately 0.97 acres, is five single family homes.

**Table 6: Large Tract Planned Development Overlay
(Sec. 16.30.090, City Code)**

Minimum Lot Area	Two (2) acres
Maximum Building Height	72' when site is five (5) acres in size or less
	150' when site is greater than five (5) acres in size
Minimum Buffer Area	The buffer shall not be less than 75' if any structure exceeds the maximum building height in CCS-3 (48').
	The minimum depth of the buffer area (on all sides) shall be 80% of the height of the tallest building on the site, e.g., if the tallest building is 100' then the buffer area must be at least 80' on all sides.

STAFF ANALYSIS:

The subject property was annexed by the City on November 21, 2008 (Ordinance 867-G). The City is required to assign Future Land Use Map and zoning designations to all property located within its corporate limits.

The following should be noted with regard to the City's proposed Commercial General and Residential Low Future Land Use Map designations:

- The designations are consistent with the designations in the Countywide Rules and on the Countywide Future Land Use Map, administered by the Pinellas Planning Council.
- With regard to the Commercial General designation, the City's Comprehensive Plan and the Countywide Rules both permit residential development at a density up to 24 units per acre and a floor-area-ratio of 0.55, while the County's Comprehensive Plan does not permit residential development and limits the floor-area-ratio to 0.35 for general commercial uses and 0.40 for hotel/motel uses.
- Both the City and Pinellas County permit an increase in temporary lodging density to 60 rooms per acre and an increase in the floor-area-ratio up to 1.2 for projects that are consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses.
- The subject property is not located within the CHHA (Coastal High Hazard Area), thus there are no issues related to increasing residential density in the CHHA.

The City's proposed CCS-3 zoning district is a waterfront district intending to generally allow retail shops, personal services, indoor and outdoor eating and drinking establishments and recreation uses designed primarily to serve tourist and seasonal residents in conjunction with residential and transient accommodation uses, such as hotels for temporary lodging. As shown in the tables above, additional density and intensity are possible if a hotel project is proposed or when work force housing is provided.

The proposed Commercial General and CCS-3 designations are consistent with several objectives and policies set forth in the Comprehensive Plan, which are listed on pages 8 and 9 of this staff report.

The Level of Service (LOS) impact section of this report concludes that the proposed land use and zoning designations will not have a negative effect upon the City's adopted LOS standards for public services and facilities including traffic, solid waste, recreation, mass transit, schools and stormwater management. Moreover, as further described in the Impact Analysis section of this staff report, the responsible service providers have adequate capacity to serve the subject property.

Site Plan Review Process

During the City's site plan review process, there may be several opportunities for additional public review and comment, which will be contingent upon the final site plan layout, building size and orientation proposed:

- If the applicant or owner proposes to use the Large Tract Planned Development Overlay (Table 6), seeking additional height beyond 48 feet but no more than 150 feet, such a request shall require a public hearing with the City's Development Review Commission (DRC) (Section 16.30.090.2, City Code);
- If the applicant or owner proposes to construct more than 250,000 square feet of gross floor area, a public notice is required in accordance with City Code and a public hearing may be held with the DRC depending on the magnitude of the request and its potential impacts (Section 16.70.040.1.4, City Code);
- If the applicant or owner proposes to transfer development rights from environmentally-sensitive lands to the subject property, such a request shall require a public hearing with the DRC (Section 16.70.040.1.16, City Code);
- If the applicant or owner proposes to include uses that are classified as permitted special exception uses, such a request shall require a public hearing with the DRC (Section 16.10.020.1, City Code); and,
- If the applicant or owner requests one or more variances to the development standards, a public notice is required in accordance with City Code and a public hearing may be held depending on the magnitude of the request and its potential impacts (Section 16.70.040.1.6, City Code).

SPECIAL NOTE ON CONCURRENCY:

Level of Service impacts are addressed further in this report. Approval of these land use and zoning designations does not guarantee that the subject property will meet the requirements of concurrency at the time development permits are requested. *Approval of the proposed Commercial General and CCS-3 designations does not guarantee the right to develop or redevelop the subject property.* Upon application for site plan review or development permits, a full concurrency review will be completed to determine whether or not the proposed development may proceed. The property owner will have to comply with all laws and ordinances in effect at the time development permits are requested.

RECOMMENDATION:

Staff recommends **APPROVAL** of this City-initiated request to establish, subsequent to annexation, the Future Land Use Plan designations of Commercial General and Residential Low and the Official Zoning Map designations of CCS-3 (Corridor Commercial Suburban) and NS-2 (Neighborhood Suburban), respectively, on the basis that the request is consistent with the goals, objectives and policies of the Comprehensive Plan.

**RESPONSES TO RELEVANT CONSIDERATIONS ON AMENDMENTS
TO THE LAND USE PLAN:**

a. Compliance of probable use with goals, objectives, policies and guidelines of the City's Comprehensive Plan.

The following objectives and policies from the Comprehensive Plan are *applicable*:

- V1: When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.
- V1.1 Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.
- LU3.1(A.1.) Residential Low (RL) - allowing low density residential uses not to exceed 5.0 dwelling units per net acre.
- LU3.1(B.2.) Commercial General (CG) - allowing the full range of commercial uses including retail, office, and service uses up to a floor area ratio of 0.55, and residential uses not to exceed 24 dwelling units per acre. Transient Accommodation Uses shall not exceed 40 units per net acre, or in the alternative, 60 units per acre if the project is in compliance with the requirements of Section 4.2.7.6 of the Countywide Plan Rules and the density and intensity standards set forth in Table 3 therein.
- 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.
- LU3.7 Land use planning decisions shall include a review to determine whether existing Land Use Plan boundaries are logically drawn in relation to existing conditions and expected future conditions.

- LU3.11 More intensive residential uses (more than 7.5 units per acre) shall be located along designated major transportation corridors and in close proximity to Activity Centers where compatible.
- LU3.18 All retail and office activities shall be located, designed and regulated so 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.
- 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.
- LU15.3 The City shall continue to pursue annexation of Tierra Verde.
- LU15.5 Future land use plan designations in potential annexation areas will be coordinated with the Pinellas Planning Council (PPC) through the procedures specified in Chapter 73-594 as amended by Chapter 88-464, Laws of Florida and the Rules Concerning the Administration of the Countywide Future Land Use Plan of the Pinellas Planning Council.
- T3.1 All major city, county and state streets, not including those identified as constrained in the City's most current concurrency annual monitoring report shall operate at LOS D or better in the peak hour of vehicular traffic. Florida Intrastate Highway System facilities shall operate at a LOS that is consistent with Rule 14-94, FAC.

b. Whether the proposed amendment would impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

The proposed amendment will not impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

c. Whether the proposed change would alter population or the population density pattern and thereby impact residential dwelling units and/or public schools.

While highly improbable, the 18.25 acre subject property could potentially be redeveloped exclusively with 415 residential units, resulting in a population of 639 persons (calculated at 1.54 persons/unit). In order to estimate school-age population, the

Pinellas County School Board utilizes a ratio of 0.3 school-age persons per dwelling unit. A total of 415 dwelling units could result in 124 persons of school age, which would not negatively impact the public school system.

- d. **Impact of the proposed amendment upon the following adopted levels of service (LOS) for public services and facilities including but not limited to: water, sewer, sanitation, traffic, mass transit, recreation, stormwater management.**

The following analysis indicates that the proposed designations will not have a negative impact on the adopted levels of service for potable water, sanitary sewer, solid waste, traffic, mass transit, stormwater management and recreation. (No analysis is provided for the subject property designated residential, because under the City's proposed designations and the County's present designations a total of five single family homes could be constructed.)

WATER

Pinellas County provides potable water to the subject property, and no change in water service is expected. As shown in Table 7, potable water demand will likely increase.

**Table 7: Potential Potable Water Demand from the
17.28 Acres Designated Commercial General**

(Sources: St. Petersburg Comprehensive Plan; and Pinellas County, Water/Sewer Use Factors Study, 2000.)

Uses	City: CCS-3 Zoning	County: C-2 Zoning	Net Increase
Multifamily; or	415 units = 639 persons; 639 x 125 gpppd = 79,875 gpd	0	N/A
Commercial; or	414,000 sq. ft. (@ 0.55 f.a.r.) x 0.25 gpd/sq. ft. = 103,500 gpd	263,450 sq. ft. (@ 0.35 f.a.r.) x 0.25 gpd/sq. ft. = 65,860 gpd	37,640 gpd
Commercial with Bonus; or	496,800 sq. ft. (@ 0.66 f.a.r.) x 0.25 gpd/sq. ft. = 124,200 gpd	289,800 sq. ft. (@ 0.385 f.a.r.) x 0.25 gpd/sq. ft. = 72,450 gpd	51,750 gpd
Temporary Lodging (Hotel Rooms)*	1,037 rooms x 135 gpd/room = 139,995 gpd	1,037 rooms x 135 gpd/room = 139,995 gpd	0

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 1,037 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

In summary, potable water demand will likely increase subsequent to the redevelopment of the subject property. The net increase under the City's proposed CCS-3 zoning could be up to 51,750 gallons per day and 96,940 gallons per day.

WASTEWATER

No change in sanitary sewer service is expected. Tierra Verde is a wholesale sanitary sewer customer of the City. Utilities Inc., a private utility, owns and operates the sanitary sewer pipes serving the subject property, while the City owns and maintains Lift Station #65 and the 12" force main on Tierra Verde that is the point of connection into the City's wastewater treatment system. As shown in Table 8, sanitary sewer demand will likely

increase. The Southwest Water Reclamation Facility, located at 3800 54th Avenue South, will continue to receive sanitary sewer flows from the subject property.

Table 8: Potential Sanitary Sewer Demand from the 17.28 Acres Designated Commercial General

(Sources: St. Petersburg Comprehensive Plan; and Pinellas County, Water/Sewer Use Factors Study, 2000.)

Uses	City: CCS-3 Zoning	County: C-2 Zoning	Net Increase
Multifamily; or	415 units = 639 persons; 639 x 161 gpppd = 102,880 gpd	0	N/A
Commercial; or	414,000 sq. ft. (@ 0.55 f.a.r.) x 0.25 gpd/sq. ft. = 103,500 gpd	263,450 sq. ft. (@ 0.35 f.a.r.) x 0.25 gpd/sq. ft. = 65,860 gpd	37,640 gpd
Commercial with Bonus; or	496,800 sq. ft. (@ 0.66 f.a.r.) x 0.25 gpd/sq. ft. = 124,200 gpd	289,800 sq. ft. (@ 0.385 f.a.r.) x 0.25 gpd/sq. ft. = 72,450 gpd	51,750 gpd
Temporary Lodging (Hotel Rooms)*	1,037 rooms x 100 gpd/room = 103,700 gpd	1,037 rooms x 100 gpd/room = 103,700 gpd	0

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 1,037 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

In summary, sanitary sewer demand will likely increase subsequent to the redevelopment of the subject property. The net increase under the City's proposed CCS-3 zoning could be up to 51,750 gallons per day. In 2008, the Southwest Water Reclamation Facility had an estimated excess capacity of 11.2 million gallons per day, thus an increase of 102,880 gpd can easily be processed.

SOLID WASTE

Currently, the property owners within the subject area have contracts with a private waste management company. Subsequent to annexation, the City will assume solid waste collection responsibilities as soon as practical, depending upon individual contracts and

the specifications of Chapter 171, F.S., i.e., if a property had an exclusive contract for solid waste collection at least six months before the annexation occurred, the solid waste provider may continue to provide services to the area for five years, or the remainder of the term, whichever is less.

The City and the County have the same designated level of service (LOS) of 1.3 tons per year per person, while there is no generation rate for nonresidential uses. A population of 639 persons could result if the subject property is redeveloped exclusively with residential units, which equates to approximately 830 tons of solid waste being generated per year.

The County currently receives and disposes of municipal solid waste, and construction and demolition debris generated throughout Pinellas County. The Pinellas County Waste-to-Energy (WTE) facility and the Bridgeway Acres Sanitary Landfill are the responsibility of Pinellas County Utilities, Department of Solid Waste Operations; however, they are operated and maintained under contract by two private companies. While the WTE facility processes about one million tons of garbage every year, it has the capacity to burn 3,150 tons of garbage every day.

Approximately 18 percent of the waste received at the WTE facility ends up in the Bridgeway Acres Landfill, which is the only operational municipal solid waste landfill in the County. In 2007, approximately 902,255 tons of solid waste were incinerated at the WTE plant, well below the design capacity, while 217,352 tons were disposed of at Bridgeway Acres. The continuation of successful recycling efforts and the efficient operation of the WTE plant have helped to extend the life span of Bridgeway Acres. The landfill has approximately 60 years remaining, based on current grading and disposal plans.

TRAFFIC

The subject property includes the Tierra Verde Marina and High & Dry located at 100 Pinellas Bayway; (vacant) Timeshare Condominium and Resort Marina High & Dry, located at 200 Madonna Blvd.; a real estate office and a 7-Eleven convenience store located at 150 Pinellas Bayway; and undeveloped residential property located along the east side of 3rd Avenue North. The Sandbar Restaurant and portions of the Tierra Verde Marina Shopping Center, with addresses ranging between 18 and 130 Pinellas Bayway, have been demolished subsequent to annexation.

The roadway facility that is adjacent to the subject property is the Pinellas Bayway (SR 679), which is classified as a minor arterial roadway and maintained by FDOT. According to the 2008 Pinellas County MPO Level of Service Report, the LOS for this section of the Pinellas Bayway is as follows:

- “A” from 1/2 mile north of the Fort DeSoto Toll Plaza to Madonna Blvd.
- “C” from Madonna Blvd. to the Drawbridge

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Also, based on the MPO's 2008 LOS Report, the peak hour volume on the Pinellas Bayway from the Fort DeSoto Toll Plaza to Madonna Blvd. is 827 vehicles, and from Madonna Blvd. to the Drawbridge is 1,169 vehicles. *To degrade these segments of the Pinellas Bayway from their current LOS to a LOS below "D," which is the City's adopted LOS standard, a development project would have to add 4,702 new peak hour trips to the Fort DeSoto Toll Plaza to Madonna Blvd. segment and 892 new peak hour trips to the Madonna Blvd. to Drawbridge segment.*

Sources: Pinellas County MPO 2008 Transportation LOS Report, City of St. Petersburg, Comprehensive Plan.

Trip Generation Under the County's Existing and the City's Proposed Commercial General and Residential Low Future Land Use Map Designations

The traffic impact assessment provided here is a "macro" level of service analysis that is based on the Commercial General and Residential Low designations.

- The vehicle trip generation rate under the Commercial General land use is approximately 800 p.m. peak hour trips, calculated as follows:

Step a. 487 avg. daily trips per acre of CG land x 17.28 acres =
 approximately 8,415 avg. daily trips

Step b. 8,415 avg. daily trips x .095 percent = approximately 800 p.m.
 peak hour trips

- The vehicle trip generation rate under the Residential Low land use is approximately five (5) p.m. peak hour trips, calculated as follows:

Step a. 50 avg. daily trips per acre of RL land x 0.97 acres =
 approximately 48 avg. daily trips

Step b. 48 avg. daily trips x .095 percent = approximately five (5) p.m.
 peak hour trips

In summary, the Commercial General and Residential Low Future Land Use Map designations would be expected to generate 805 p.m. peak hour trips.

(The traffic analysis presented here is based on the applicable trip generation rates from the Countywide Plan Rules of the Pinellas Planning Council, *Table 1: Traffic Generation Characteristics*.)

Trip Generation for General Uses

As shown in the analysis above, 17.28 acres of land designated Commercial General is expected to generate approximately 800 p.m. peak hour trips. The information provided

in Table 9 below was previously provided in Table 2. The general uses listed could be developed in accordance with the City's proposed designations and the County's present designations. General uses are listed along with an estimated p.m. peak hour trip generation rate, according to ITE's "Trip Generation" Manual, 8th Edition.

The assumptions in Table 9 include all 17.28 acres of subject property with commercial zoning will be developed solely with residential units, or solely with commercial space, or with a hotel project. However, it is anticipated that the redevelopment of the 17.28 acres will include a mix of these uses. The p.m. peak hour trips shown in Table 9 are the new trips that will be placed on the external road network. Pass-by trips from traffic that is already on the Bayway are not included in these estimates. An example of a pass-by trip is a person that stops at the subject property on the way home from work to satisfy a retail demand.

Table 9: Development Potential and Trip Generation on the 17.28 Acres Designated Commercial General (New P.M. Peak Hour Trips)			
Uses	City: CCS-3 Zoning	County: C-2 Zoning	Net Increase
Multifamily; or	415 units = 193 trips	0	N/A
Commercial; or	414,000 sq. ft. = 1,220 trips	263,450 sq. ft. = 864 trips	356
Commercial with Bonus; or	496,800 sq. ft. = 1,397 trips	289,800 = 922 trips	475
Temporary Lodging (Hotel Rooms)*	691 rooms @ 40 rooms/acre = 408 trips	691 rooms @ 40 rooms/acre = 408 trips	0
	1,037 rooms @ 60 rooms/acre = 612 trips	1,037 rooms @ 60 rooms/acre = 612 trips	0

* Under the City Code and County Code, an increase in temporary lodging density to 60 rooms per acre (or 1,037 rooms) and an increase in the floor-area-ratio up to 1.2 are permitted for a project that is consistent with Section 4.2.7.6 of the Countywide Rules, related to Alternative Density/Intensity for Temporary Lodging Uses. The floor area would include the temporary lodging use and dwelling units that are located within the same structure, any associated parking structure, and uses associated with the temporary lodging use, such as restaurants, meeting space, fitness centers, etc.

The following conclusions can be made:

- Redevelopment of the commercially-zoned subject property exclusively with residential units or hotel rooms would likely result in a total number of p.m. peak hour trips below the 800 trips expected. However, redevelopment of the entire 17.28 acres with commercial space or a resort hotel will likely exceed the 800 trips expected.
- The Pinellas Bayway will continue to function at an acceptable level of service, due to the fact that the maximum trip generation of 1,397 p.m. peak hour trips is unlikely. A “trip,” as defined by ITE, is a single or one-direction vehicle movement with either the origin or the destination in the study site. The actual number of new p.m. peak hour trips that will be placed on the Pinellas Bayway will be significantly less than 1,397 p.m. peak hour trips for two reasons.
 1. Under concurrency review, a credit is given for the previous development on the site, which would include the Tierra Verde Marina and High & Dry, the vacant Timeshare Condominium and Resort Marina High & Dry, a real estate office, a 7-Eleven convenience store, the Sandbar Restaurant and the Tierra Verde Marina Shopping Center; and
 2. The trips going to and coming from the subject property will be distributed on three road segments: the Pinellas Bayway south of Madonna Blvd., the Pinellas Bayway north of Madonna Blvd., and Madonna Blvd. west of the Bayway.

For these two reasons, it is highly unlikely that the LOS for the segment of the Pinellas Bayway north of Madonna Blvd. will be degraded below a LOS “D.”

In summary, City staff concludes that the actual number of new p.m. peak hour trips that will be placed on the Pinellas Bayway will be significantly less than 1,397 p.m. peak hour trips due to credits given for the previous development on the subject property and internal capture. Thus, City staff believes that the redevelopment of the subject property will not significantly degrade the Pinellas Bayway.

MASS TRANSIT

The Citywide LOS for mass transit will not be affected. Route 90 provides commuter PSTA bus service along the Pinellas Bayway (SR 682, which is an extension of 54th Avenue South), in the morning and afternoon. There is no transit service along SR 679, which is the Pinellas Bayway adjacent to the subject property.

RECREATION

The City's adopted LOS standard for recreational acreage, which is 9 acres per 1,000 population, will not be impacted. The actual Citywide LOS will remain at 21.9 acres per 1,000 population.

STORMWATER MANAGEMENT

Prior to development or redevelopment of the subject property, site plan approval will be required. At that time, the stormwater management system for the site will be required to meet all City and SWFWMD stormwater management criteria.

- e. **Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansion.**

The land area is sufficient.

- f. **The amount and availability of vacant land or land suitable for redevelopment shown for similar uses in the City or in contiguous areas.**

As of 2007, it is estimated that there are 1,246 acres of vacant developable land in the City.

- g. **Whether the proposed change is consistent with the established land use pattern.**

The proposed Commercial General and Residential Low land use designations are consistent with the designations on Pinellas County's Future Land Use Map, as well as the Countywide Future Land Use Map.

- h. **Whether the existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change.**

The existing district boundaries are logically drawn in relation to existing conditions on the property.

- i. **If the proposed amendment involves a change from a residential to a nonresidential use, whether more nonresidential land is needed in the proposed location to provide services or employment to the residents of the City.**

Not applicable.

j. Whether the subject property is located within the 100-year flood plain or Coastal High Hazard Area as identified in the Coastal Management Element of the Comprehensive Plan.

According to the FEMA Flood Insurance Rate Map (FIRM), the subject property is located in the 100-year flood plain. The majority of the property is located in Special Flood Hazard Area AE, Flood Zone 9-feet, which requires that the top of the lowest habitable floor be at or above 9-feet NAVD (North American Vertical Datum). Smaller areas of the subject property located near the intersection of Madonna Blvd. and the Bayway are located in Special Flood Hazard Area AE, Flood Zone 10-feet, which requires that the top of the lowest habitable floor be at or above 10-feet NAVD. The subject property is not located in the CHHA (Coastal High Hazard Area).

k. Other pertinent information. Other pertinent information is as follows:

- In late November 2008, Tierra Verde Marina Holdings, LLC submitted a site plan and construction plans to the City for review, related to a proposed restaurant and resort project to be located at 128 Pinellas Bayway. It is proposed that approximately 6,460 sq. ft. of new commercial space will be added to a previously developed site resulting in a 28,000 sq. ft. (mol) project which will include a restaurant, swimming pool with cabanas, and office and storage space.
- The Sandbar Restaurant and portions of the Tierra Verde Marina Shopping Center, with addresses ranging between 18 and 130 Pinellas Bayway, have been demolished subsequent to annexation.
- Annexation Agreements between the City and A&S Tierra Verde Ventures, L.L.C. and Tierra Verde Marina Holdings, L.L.C. were adopted on November 21, 2008 (Resolutions 2008-591 and 2008-592, respectively). The Annexation Agreements limited building height to eight (8) stories and reduced the permitted floor-area-ratio (0.55) by 10 percent, resulting in an f.a.r. of 0.495. The property owners agreed to these limitations only if the annexation of the subject property was not challenged. A challenge was filed on December 22, 2008 and was not withdrawn within the time period specified in the annexation agreements. As of January 21, 2009 the limitations as to height and f.a.r. no longer exist and the property owners are no longer bound by the development limitations in the annexation agreement.

The Addresses and Parcel Identification Numbers (PINs) for the subject property are as follows:

Tierra Verde High & Dry:

100 Pinellas Bayway - PIN# 17/32/16/90828/000/0040

Sandbar Restaurant and Tierra Verde Marina Shopping Center:

18 to 130 Pinellas Bayway - PIN# 17/32/16/90828/023/0010

Vacant Timeshare Condominium and Resort Marina High & Dry: 200 Madonna Blvd.

PIN# 17/32/16/90828/000/0030

PIN# 17/32/16/90828/000/0051

PIN# 20/32/16/90917/000/0000

PIN# 20/32/16/90916/000/0000

Vacant Residential Property: 3rd Avenue North

PIN# 17/32/16/90828/022/0010

PIN# 17/32/16/90828/022/0020

PIN# 17/32/16/90828/022/0030

PIN# 17/32/16/90828/022/0040

PIN# 17/32/16/90828/022/0050

Century 21 Sunshine Realty Office:

150 Pinellas Bayway - PIN# 17/32/16/90828/000/0050

7-Eleven:

150 Pinellas Bayway: PIN# 17/32/16/90828/000/0052