

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

**January 24, 2013  
3:00 PM**

Welcome to the City of St. Petersburg City Council meeting. To assist the City Council in conducting the City's business, we ask that you observe the following:

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.
2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.
3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.
4. Please do not pass notes to Council during the meeting.
5. Please be courteous to other members of the audience by keeping side conversations to a minimum.
6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.
7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

## **GENERAL AGENDA INFORMATION**

For your convenience, a copy of the agenda material is available for your review at the Main Library, 3745 Ninth Avenue North, and at the City Clerk's Office, 1<sup>st</sup> Floor, City Hall, 175 Fifth Street North, on the Monday preceding the regularly scheduled Council meeting. *The agenda and backup material is also posted on the City's website at [www.stpete.org](http://www.stpete.org) and generally electronically updated the Friday preceding the meeting and again the day preceding the meeting. The updated agenda and backup material can be viewed at all St. Petersburg libraries.* An updated copy is also available on the podium outside Council Chamber at the start of the Council meeting.

If you are deaf/hard of hearing and require the services of an interpreter, please contact the City Clerk, 893-7448, or call our TDD Number, 892-5259, at least 24 hours prior to the meeting and we will provide that service for you.

**A. Meeting Called to Order and Roll Call.**

Invocation and Pledge to the Flag of the United States of America.

**B. Approval of Agenda with Additions and Deletions.**

**Open Forum**

*If you wish to address City Council on subjects other than **public hearing or quasi-judicial items listed on this agenda**, please sign up with the Clerk prior to the meeting. Only the individual wishing to speak may sign the Open Forum sheet and only City residents, owners of property in the City, owners of businesses in the City or their employees may speak. All issues discussed under Open Forum must be limited to issues related to the City of St. Petersburg government.*

*Speakers will be called to address Council according to the order in which they sign the Open Forum sheet. In order to provide an opportunity for all citizens to address Council, each individual will be given three (3) minutes. The nature of the speakers' comments will determine the manner in which the response will be provided. The response will be provided by City staff and may be in the form of a letter or a follow-up phone call depending on the request.*

**C. Consent Agenda (see attached)**

**D. New Ordinances - (First Reading of Title and Setting of Public Hearing)**

Setting February 7, 2013 as the public hearing date for the following proposed Ordinance(s):

1. [Proposed amendments to the St. Petersburg City Code, Chapter 16 \(Land Development Regulations\) providing for additional residential density, intensity \(floor-area-ratio\) and building height for property located within an activity Center and designated with CRT-1 \(Corridor Residential Traditional\) and CCT-1 \(Corridor Commercial Traditional\) zoning. \(City File LDR-2012-04\)](#)
2. [Ordinance approving the partial street vacations of 2nd Avenue South and 5th Street South abutting the southern and western sides of 116 - 5th Street South \(Lots 11-14, Block 38, Revised Map of the City of St. Petersburg\), being more specifically described as the northern 35 feet \(MOL\) of 2nd Avenue South, the eastern 35 feet \(MOL\) of 5th Street South and the associated portion of the intersection \(City File 12-33000018\) and providing for an exception to certain conditions in the City Code.](#)

**E. Reports**

1. [Ordinance 1044-V approving the vacation of: 1\) a portion of 7th Avenue South between 25th and 26th Streets South; and 2\) Yale Street South between 7th Avenue South and the north boundary of 8th Avenue South. \(City File 12-33000014\) \[Executive Action\]](#)
2. [Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project \(Engineering Project No. 12013-411; Oracle No. 13977\):](#)

- (a) Awarding a contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 for the construction of Lift Station 85 Albert Whitted Master 30” Force Main, Part D Project; and approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).
- (b) Authorizing the Mayor or his designee to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30” Force Main – Part D.
3. [Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned property located at 642 – 25th Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \\$3,500.](#)
4. [Authorizing the Mayor or his designee to accept a Florida Fish and Wildlife Conservation Commission \("FFWCC"\) Grant \("Grant"\) from the Florida Boating Improvement Program, Boating and Waterways Section for the Grandview Park Boat Ramp Improvements Project \("Project"\) at a total maximum reimbursement amount of \\$250,000; to execute the Florida Boating Improvement Program Grant Agreement for the project site with the FFWCC; and to execute all other documents necessary to effectuate the Grant; approving a supplement appropriation in the amount of \\$250,000 from the increase in the unappropriated balance of the General Capital Improvement Fund \(3001\), resulting from these additional revenues, to the Boat Ramp Facility Improvements Project \(13181\); and establishing an effective date.](#)
5. [Sweetbay Update](#)

**F. New Business**

**G. Council Committee Reports**

1. [Budget, Finance & Taxation Committee. \(1/17/2013\)](#)
2. [Public Services & Infrastructure Committee. \(1/17/2013\)](#)
3. [Co-Sponsored Events Committee. \(1/8/13\)](#)

**H. Legal**

**I. Public Hearings and Quasi-Judicial Proceedings - 6:00 P.M.**

**Public Hearings**

*NOTE: The following Public Hearing items have been submitted for **consideration** by the City Council. If you wish to speak on any of the Public Hearing items, please obtain one of the **YELLOW** cards from the containers on the wall outside of Council Chamber, fill it out as directed, and present it to the Clerk. You will be given 3 minutes **ONLY** to state your position on any item but may address more than one item.*

1. [Confirming the preliminary assessment for Building Securing Number 1172.](#)

2. [Ordinance 1043-V approving the vacation of a cul-de-sac at the terminus of Hartford Street North in the block bound by 34th Street North, 36th Avenue North, 35th Street North and 38th Avenue North. \(City File 12-33000012\)](#)
3. [Ordinance 64-H amending Chapter 12-6 relating to construction permit fees.](#)
4. [Rock 'N Roll St. Pete Half Marathon:](#)
  - (a) Ordinance 65-H providing for the sale and consumption of beer and wine in Flora Wylie Park on February 10, 2013.
  - (b) Resolution finding that the Rock 'N Roll St. Pete Half Marathon is an event of community interest or importance; approving a special event permit pursuant to City Code Section 3-11 b) allowing the sale or dispensing of alcoholic beverages after 8:00 a.m. on Sunday, February 10, 2013, in Flora Wylie Park in the 16,500 square foot area designated as "Beer Garden Area" on the drawing attached hereto as Exhibit "A."

### **Quasi-Judicial Proceedings**

*Swearing in of witnesses. Representatives of City Administration, the applicant/appellant, opponents, and members of the public who wish to speak at the public hearing must declare that he or she will testify truthfully by taking an oath or affirmation in the following form:*

*"Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?"*

*The oath or affirmation will be administered prior to the presentation of testimony and will be administered in mass to those who wish to speak. Persons who submit cards to speak after the administration of the oath, who have not been previously sworn, will be sworn prior to speaking. For detailed procedures to be followed for Quasi-Judicial Proceedings, please see yellow sheet attached to this agenda.*

5. [Appeal of the Planning & Visioning Commission's \(PVC\) recommendation to deny Future Land Use Map and Official Zoning Map changes, and an associated Development Agreement, for an estimated 5.1 acre area generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard. \(City File FLUM-16 Appeal\)](#)

## **J. Legal**

1. [Default item](#)
  - (a) Subject Text
  - (a) Resolution "A" denying the appeal of the Planning & Visioning Commission's action.
  - (b) Resolution "B" approving the appeal of the Planning & Visioning Commission's action.
  - (c) Ordinance 700-L amending the Future Land Use Map designation for 2.44 acres from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center).
  - (d) Ordinance 730-Z rezoning the 2.44 acres referenced above from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.

- (e) Ordinance 63-H approving a Development Agreement.
- (f) Resolution "C" requesting amendment to the Countywide Future Land Use Plan, as described above, to comply with the requirements of the Pinellas Planning Council and Pinellas County Board of County Commissioners.

**K. Adjournment**

# CONSENT



# AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

**Consent Agenda A  
January 24, 2013**

NOTE: Business items listed on the yellow Consent Agenda cost more than one-half million dollars while the blue Consent Agenda includes routine business items costing less than that amount.

**(Purchasing)**

1. [Lift Station 85 Albert Whitted Master 30” Force Main, Part D Project \(Engineering Project No. 12013-411; Oracle No. 13977\): \[MOVED to Reports as E-2\]](#)
  - (a) Awarding a contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 for the construction of Lift Station 85 Albert Whitted Master 30” Force Main, Part D Project; and approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).
  - (b) Authorizing the Mayor or his designee to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30” Force Main – Part D.

# CONSENT



# AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda B January 24, 2013

NOTE: The Consent Agenda contains normal, routine business items that are very likely to be approved by the City Council by a single motion. Council questions on these items were answered prior to the meeting. Each Councilmember may, however, defer any item for added discussion at a later time.

### **(Purchasing)**

1. [Renewing blanket purchase agreements with Bayside Building Services, Inc., Creative Homes of Central Florida, Inc., Dave Ulm Builders, Inc. and Grosz Construction Company, Inc. for building maintenance and securing of structures at an estimated annual cost of \\$465,000.](#)
2. [Approving an extension to BA Merchant Services LLC for merchant credit card services in the estimated amount of \\$300,000.](#)
3. [Approving the purchase of 16 replacement off-road utility vehicles from Everglades Farm Equipment Co., Inc. for the Fleet Management Department at a total cost of \\$173,968.](#)
4. [Awarding a contract to C-Squared Certified General Contractor, Inc. in the amount of \\$115,318 for City Wide Arterial/Collector Sidewalks Project FY12. \(Engineering Project No. 12015-112; Oracle No. 13286\)](#)
5. [Awarding a three-year blanket purchase agreement to Ring Power Corporation, a sole-source supplier, for the maintenance and repair of generators for the Water Resources Department at an estimated annual amount of \\$90,000.](#)
6. [Awarding a three-year blanket purchase agreement to Paramount Power, Inc. for the maintenance and repair of generators at an estimated annual amount of \\$40,000.](#)

### **(City Development)**

7. [Authorizing the Mayor or his designee to execute a five \(5\) year License Agreement with Paul and Jennifer Curry, for an annual use fee of \\$50.00, to fence a portion of a City-owned property located in Safety Harbor for the City's 36-Inch Water Transmission Main.](#)
8. [Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned property located at 642 – 25th Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \\$3,500. \[MOVED to Reports as E-3\]](#)

### **(Leisure & Community Services)**

### **(Public Works)**

### **(Appointments)**

9. Confirming the appointment of Naveen K. Malhotra as a regular member to the International Relations Committee to serve a three-year term ending December 31, 2015.

**(Miscellaneous)**

# MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

**Budget, Finance & Taxation Committee**

*Thursday, January 17, 2013, 8:00 a.m., Room 100*

**Public Services & Infrastructure Committee**

*Thursday, January 17, 2013, 9:15 a.m., Room 100*

**City Council Workshop - Bayfront Lease Modification**

*Thursday, January 17, 2013, 11:00 a.m., Room 100*

**CRA/Agenda Review and Administrative Updates**

*Thursday, January 17, 2013, 1:30 p.m., Room 100*

**City Council Meeting**

*Thursday, January 17, 2013, 3:00 p.m., Council Chamber*

**Youth Services Committee**

*Thursday, January 24, 2013, 8:30 a.m., Room 100*

**Budget, Finance & Taxation Committee**

*Thursday, January 31, 2013, 8:00 a.m., Room 100*

**Public Services & Infrastructure Committee**

*Thursday, January 31, 2013, 9:15 a.m., Room 100*

**FY14 Budget Priorities & \$500,000 Contingency Fund Workshop**

*Thursday, January 24, 2013, 10:00 a.m., Room 100*

**Housing Services Committee**

*Thursday, January 31, 2013, 10:30 a.m., Room 100*

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# CITY OF ST. PETERSBURG

## Board and Commission Vacancies

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### City Beautiful

3 Regular Members  
(Terms expire 12/31/13, 12/31/14 & 12/31/15)

### Civil Service Board

1 Regular & 2 Alternate Members  
(Terms expire 6/30/13, 6/30/14 & 6/30/15)

### Code Enforcement Board

2 Regular Members (Engineer & Non-Category)  
(Terms expire 12/31/13 & 12/31/15)

### Commission on Aging

2 Regular Members  
(Terms expire 12/31/13)

### Community Preservation Commission

1 Regular Member  
(Term expires 9/30/14)

### International Relations Committee

3 Regular Members  
(Terms expire 12/31/14 & 12/31/15)

### Planning & Visioning Commission

1 Regular Member  
(Term expires 9/30/13)

### Social Services Allocation Committee

4 Regular Members  
(Terms expire 9/30/15)

### Arts Advisory Committee

1 Regular Member  
(Term expires 9/30/15)

## PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. **Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of the Public Hearing. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party.**
2. At any time during the proceeding, City Council members may ask questions of any speaker or party. The time consumed by Council questions and answers to such questions shall not count against the time frames allowed herein. Burden of proof: in all appeals, the Appellant bears the burden of proof; in variance application cases, the Applicant bears the burden of proof; in rezoning and Comprehensive Plan land use cases, the Owner bears the burden of proof except in cases initiated by the City Administration, in which event the City Administration bears the burden of proof. Waiver of Objection: at any time during this proceeding Council Members may leave the Council Chamber for short periods of time. At such times they continue to hear testimony because the audio portion of the hearing is transmitted throughout City Hall by speakers. If any party has an objection to a Council Member leaving the Chamber during the hearing, such objection must be made at the start of the hearing. If an objection is not made as required herein it shall be deemed to have been waived.
3. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation.
  - a. Presentation by City Administration.
  - b. Presentation by Applicant and/or Appellant. If Appellant and Applicant are different entities then each is allowed the allotted time for each part of these procedures. The Appellant shall speak before the Applicant. In connection with land use and zoning ordinances where the City is the applicant, the land owner(s) shall be given the time normally reserved for the Applicant/Appellant, unless the land owner is the Appellant.
  - c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said individual shall register with the City Clerk at least one week prior to the scheduled public hearing.
4. Public Hearing. A Public Hearing will be conducted during which anyone may speak for 3 minutes. Speakers should limit their testimony to information relevant to the ordinance or application and criteria for review.
5. Cross Examination. Each party shall be allowed five (5) minutes for cross examination. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the speaker or of the appropriate representative of the party being cross examined. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the Clerk, said individual shall notify the City Clerk prior to the conclusion of the Public Hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). If more than one person wishes to utilize the time provided for Opponent(s), the City Council shall by motion determine who shall represent Opponent(s).
  - a. Cross examination by Opponents.
  - b. Cross examination by City Administration.
  - c. Cross examination by Appellant followed by Applicant, if different.
6. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument or rebuttal.
  - a. Rebuttal by Opponents.
  - b. Rebuttal by City Administration.
  - c. Rebuttal by Appellant followed by the Applicant, if different.

Attached documents for item Proposed amendments to the St. Petersburg City Code, Chapter 16 (Land Development Regulations) providing for additional residential density, intensity (floor-area-ratio) and building height for property located within an activity Center and designated wit

**ST. PETERSBURG CITY COUNCIL**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** City File LDR 2012-04: Proposed amendments to the St. Petersburg City Code, Chapter 16 (Land Development Regulations), providing for additional residential density, intensity (floor-area-ratio) and building height for property located within an activity center and designated with CRT-1 (Corridor Residential Traditional) and CCT-1 (Corridor Commercial Traditional) zoning.

**REQUEST:** Ordinance \_\_\_\_\_ amending Sections 16.20.060 and 16.20.080 of the City Code regarding the maximum allowable residential density, nonresidential intensity and building height.

**RECOMMENDATION:**

Administration:

The Administration recommends APPROVAL.

Development Review Commission (DRC):

The DRC conducted a public hearing on December 5, 2012 to consider the applicant's request, and voted unanimously (7 to 0) to approve the amendment based on consistency with the Comprehensive Plan and to forward the recommendation onto the City Council.

Recommended City Council Action:

1. CONDUCT the first reading of the proposed ordinance; and
2. SET the second reading and public hearing for February 7, 2013.

Attachments:

Ordinance  
DRC Staff Report

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 16 OF THE CITY CODE; PROVIDING FOR ADDITIONAL RESIDENTIAL DENSITY, INTENSITY (FLOOR-AREA-RATIO) AND BUILDING HEIGHT FOR PROPERTY LOCATED WITHIN AN ACTIVITY CENTER AND DESIGNATED WITH CRT-1 (CORRIDOR RESIDENTIAL TRADITIONAL) AND CCT-1 (CORRIDOR COMMERCIAL TRADITIONAL) ZONING; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**Section One.** Section 16.20.060.5 of the St. Petersburg City Code is hereby amended to read as follows:

**16.20.060.5. - Development potential.**

Development potential is slightly different within the districts to respect the character of the neighborhoods. Achieving maximum development potential will depend upon market forces, such as minimum desirable unit size, and development standards, such as minimum lot size, parking requirements, height restrictions, and building setbacks.

Minimum Lot Size, Maximum Density and Maximum Intensity

		<b>CRT-1</b>	<b>CRT-2</b>
Minimum lot area (square ft.)		4,500	4,500
Maximum residential density (units per acre)	Residential density	24	40
	<u>Residential density within activity center</u>	<u>36</u>	<u>40</u>
	Workforce housing density bonus	6	6
Maximum nonresidential intensity (floor area ratio)	Nonresidential intensity	1	1.5
	<u>Nonresidential intensity within activity center</u>	<u>1.5</u>	<u>1.5</u>
	Workforce housing intensity bonus	0.2	0.2
Maximum impervious surface (site area ratio)		0.75	0.95

Workforce housing density and intensity bonus: All units associated with this bonus shall be utilized in the creation of workforce housing units as prescribed in the City's workforce housing program and shall meet all requirements of the program.

Refer to technical standards regarding measurement of lot dimensions, calculation of maximum residential

density, nonresidential floor area and impervious surface.

**Section Two.** Section 16.20.060.6 of the St. Petersburg City Code is hereby amended to read as follows:

**16.20.060.6. - Building envelope: Maximum height and minimum setbacks.**

Maximum Building Height (All Districts)

Building Height	Top of roof peak	
	CRT-1	CRT-2
Primary building	36 ft.	48 ft.
Primary building within activity center	48 ft.	48ft.
Refer to technical standards regarding measurement of building height and height encroachments.		

Minimum Building Setbacks

Building Setbacks		CRT-1	CRT-2
Front yard	Stoop	7 ft.	0 ft.
	Open porch	10 ft.	0 ft.
	Building	15 ft.	0 ft.
Interior side yard		5 ft.	0 ft.
Street side yard		10 ft.	0 ft.
Rear yard	With alley	5 ft.	0 ft.
	No alley	7.5 ft.	7.5 ft.
Additional criteria may affect setback requirements including design standards and building or fire codes. Refer to technical standards for yard types, and setback encroachments. Enclosing porches in the front yard setback is regulated by the general development standards.			

Minimum Building Setbacks for SE Uses

Building Setbacks SE Uses	CRT-1	CRT-2
All yards	35 ft.	35 ft.
Refer to technical standards for yard types.		

**Section Three.** Section 16.20.080.5 of the St. Petersburg City Code is hereby amended to read as follows:

**16.20.080.5. - Development potential.**

Development potential is slightly different within the districts to respect the character of the neighborhoods. Achieving maximum development potential will depend upon market forces, such as minimum desirable unit size, and development standards, such as minimum lot size, parking requirements, height restrictions, and building setbacks.

Minimum Lot Size, Maximum Density and Maximum Intensity

		CCT-1	CCT-2
Minimum lot area (square ft.)		4,500	4,500
Maximum residential density (units per acre)	Residential density	24	40
	<u>Residential density within activity center</u>	<u>36</u>	<u>40</u>
	Workforce housing density bonus	6	6
	Hotel density (rooms per acre)	45	N/A
Maximum nonresidential intensity (floor area ratio)	Nonresidential intensity	1.0	1.5
	<u>Nonresidential intensity within activity center</u>	<u>1.5</u>	<u>1.5</u>
	Workforce housing intensity bonus	0.2	0.2
Maximum impervious surface (site area ratio)		0.95	0.95
<p>Workforce housing density and intensity bonus: All units associated with this bonus shall be utilized in the creation of workforce housing units as prescribed in the City's workforce housing program and shall meet all requirements of the program.</p> <p>Refer to technical standards regarding measurement of lot dimensions, calculation of maximum residential density, nonresidential floor area and impervious surface.</p>			

**Section Four.** Section 16.20.080.6 of the St. Petersburg City Code is hereby amended to read as follows:

**16.20.080.6. - Building envelope: Maximum height and minimum setbacks.**

Maximum Building Height (All Districts)

<b>Building Height</b>		CCT-1	CCT-2
All <u>Primary</u> buildings		42 ft.	60 ft.
<u>Primary building within activity center</u>	<u>Small lot (&lt; one acre in size)</u>	<u>48 ft.</u>	<u>60 ft.</u>
	<u>Medium lot (between one and two acres in size)</u>	<u>60 ft.</u>	<u>60 ft.</u>
	<u>Large lot (&gt; two acres in size)</u>	<u>84 ft.</u>	<u>60 ft.</u>
Refer to technical standards regarding measurement of building height and height encroachments.			

Minimum Building Setbacks

<b>Building Setbacks</b>	CCT-1	CCT-2	
	<b>Building height in</b>	<b>Building height in</b>	<b>Building height in</b>

		setback up to 42 ft.	setback up to 42 ft.	setback 42 ft. to 60 ft.
Front yard		0 ft. from the property line or 10 ft. from the curb, whichever is greater	0 ft. from the property line or 10 ft. from the curb, whichever is greater	10 ft. from the property line or 10 ft. from the curb, whichever is greater
Interior side yard		0 ft.	0 ft.	0 ft.
Street side yard		0 ft. from the property line or 5 ft. from the curb, whichever is greater	0 ft. from the property line or 5 ft. from the curb, whichever is greater	10 ft. from the property line or 10 ft. from the curb, whichever is greater
Rear yard	With alley	0 ft.	0 ft.	0 ft.
	No alley	10 ft.	10 ft.	10 ft.
<p>For measurements from the curb, if there is no curb, the measurement shall be from the edge of the street pavement.  Additional criteria may affect setback requirements including design standards and building or fire codes. Refer to technical standards for yard types and setback encroachments.</p>				

**Section Five.** Words which are underlined shall be added and words which are ~~struck through~~ shall be deleted from the existing City Code.

**Section Six.** Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

**Section Seven.** Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth 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 take effect 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 content:

  
City Attorney (designee)



**PUBLIC HEARING**

**Staff Report to the St. Petersburg Development Review Commission**  
 Prepared by the Planning and Economic Development Department,  
 Urban Planning & Historic Preservation Division

For Public Hearing on December 5, 2012  
 at 2:00 p.m. in the City Council Chambers, City Hall,  
 175 Fifth Street North, St. Petersburg, Florida.

<b><u>Subject:</u></b>	City File LDR 2012-04: Amendment to the Land Development Regulations (LDRs), Chapter 16, City Code of Ordinances.
<b><u>Request:</u></b>	This is a private application requesting to amend the City's Land Development Regulations (LDRs), City Code Chapter 16, regarding residential density for property located within an activity center. It is requested that the Development Review Commission (DRC) hold a public hearing, deliberate and recommend approval of the LDR amendments presented here, based on consistency with the Comprehensive Plan.
<b><u>Authority:</u></b>	Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (LDRC), is responsible for reviewing and making a recommendation to the City Council on all proposed LDR amendments.
<b><u>Background:</u></b>	<p>On October 12, 2012 City staff received a formal request from Buddy Sauter &amp; Associates asking that the City amend the CRT-1 (Corridor Residential Traditional-1) and CCT-1 (Corridor Commercial Traditional-1) zoning district regulations to increase the maximum residential density for property located within an activity center.</p> <p>While such a City Code amendment is not considered "site specific," it should be noted that the applicant initiated this proposal to benefit the property located in the southern half of the block bounded by 5<sup>th</sup> Avenue South and 6<sup>th</sup> Avenue South, between Dr. ML King Jr. Street and 10<sup>th</sup> Street South. The property is located within the Intown activity center. Beneficial Development 11, LLC has indicated an interest in constructing apartments on the property.</p>

<p><b><u>Analysis:</u></b></p>	<p>Since the 1980s the City's adopted Comprehensive Plan and Future Land Use Map have addressed and identified four activity centers: Gateway, Tyrone, Central Plaza and Intown. It has long been the goal of the City to concentrate growth and facilitate compact urban development within these areas.</p> <p>Table 1 (attached) lists the zoning districts that are found within the City's four activity centers. The City Code allows a greater residential density and intensity (or floor-area-ratio) within an activity center for property designated with CCS (Corridor Commercial Suburban), EC (Employment Center), IC (Institutional Center), RC (Retail Center) and CRS-2 (Corridor Residential Suburban-2) zoning. However, the greater density and intensity is not provided within the activity centers for properties zoned CRT-1 and CCT-1. Thus, as previously stated, the applicant's request is to amend the CRT-1 and CCT-1 zoning district regulations to increase the maximum residential density for property located within an activity center and, as can be discerned from Table 1, this would include the Central Plaza and Intown activity centers. Maps depicting the boundaries of the Central Plaza and Intown activity centers are also attached.</p> <p>The applicant's request to increase the residential density is consistent with the City's goals and objectives of concentrating growth in the Central Plaza and Intown activity centers and the live/work theme encouraged within these areas. Moreover, the amendment creates an opportunity to provide more housing to meet the needs of current and future employers in the Central Plaza and Intown activity centers which in turn supports mass transit, whether that be PSTA bus service, Bus Rapid Transit (BRT) or possibly light rail in the future.</p> <p>Arguably, the changes to the CRT-1 and CCT-1 regulations proposed here should have been included in the update of the land development regulations (LDRs) that became effective in September 2007, subsequent to the implementation of the St. Pete Vision 2020 Plan and the City-wide rezoning.</p> <p>The specific amendments to the CRT-1 and CCT-1 zoning district regulations recommended by City staff are provided in Table 2 (attached). For both zoning districts, a multiplier of 1.5 times the base density of 24 units per acre was used to obtain the proposed residential density of 36 units per acre within an activity center. A multiplier of 1.5 times the base nonresidential intensity (or floor-area-ratio) of 1.0 was also used to obtain the proposed nonresidential intensity of 1.5 within an activity center. The 1.5 multiplier is consistent with the activity center increase permitted in the CCS, EC, IC, RC and CRS-2 zoning districts.</p> <p>Table 2 also identifies the proposed maximum building height on property designated CRT-1 and CCT-1 within activity centers less than an acre, between one and two acres, and greater than two acres in size. The proposed building heights are consistent with the heights permitted in the CCS zoning districts within activity centers.</p>
<p><b><u>Housing Affordability Impact Statement:</u></b></p>	<p>The proposed amendments could have a positive impact on housing affordability, availability and accessibility by providing additional density for market and workforce housing. A Housing Affordability Impact Statement is attached.</p>
<p><b><u>Compliance with the Comprehensive Plan:</u></b></p>	<p>The requested amendment is appropriate for the higher density development that is intended for the Central Plaza and Intown activity centers, consistent with the following objective and policies:</p>

	<p><b>Objective LU2</b> The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.</p> <p><b>Policy LU2.1</b> To facilitate compact urban development the City shall adopt the following activity centers as part of this Land Use Plan: Gateway, Intown, Tyrone and Central Plaza.</p> <p><b>Policy LU2.3</b> To attract large scale quality development and assure the proper coordination, programming and timing of City services in the activity centers the City shall continue to develop, evaluate and implement appropriate activity center development incentives.</p>
<p><b><u>Recommendation:</u></b></p>	<p>The Planning and Economic Development Department finds that the proposed amendments to Section 16.20.060.5, Section 16.20.060.6, Section 16.20.080.5 and Section 16.20.080.6, Chapter 16, City Code of Ordinances, are consistent with the Comprehensive Plan and recommends <b>APPROVAL</b>.</p>
<p><b><u>Attachments:</u></b></p>	<p>Table 1: Activity Center Zoning Designations  Table 2: Proposed City Code Amendments  Central Plaza Activity Center Map  Intown Activity Center Map  Housing Affordability Impact Statement</p>

Table 1

ACTIVITY CENTER ZONING DESIGNATIONS

Zoning District	Intown Activity Center	Gateway Activity Center	Tyrone Activity Center	Central Plaza Activity Center
CCS-1		X	X	X
CCS-2	X	X		X
<b>CCT-1</b>	<b>X</b>			
CCT-2	X			
CRS-2		X		
<b>CRT-1</b>	<b>X</b>			<b>X</b>
CRT-2	X			
DC-C	X			
DC-1	X			
DC-2	X			
DC-3	X			
EC		X		
IC	X			
IS		X		
IT	X			
NSM-1		X	X	
NSM-2	X	X		
RC-1			X	
RC-2		X	X	

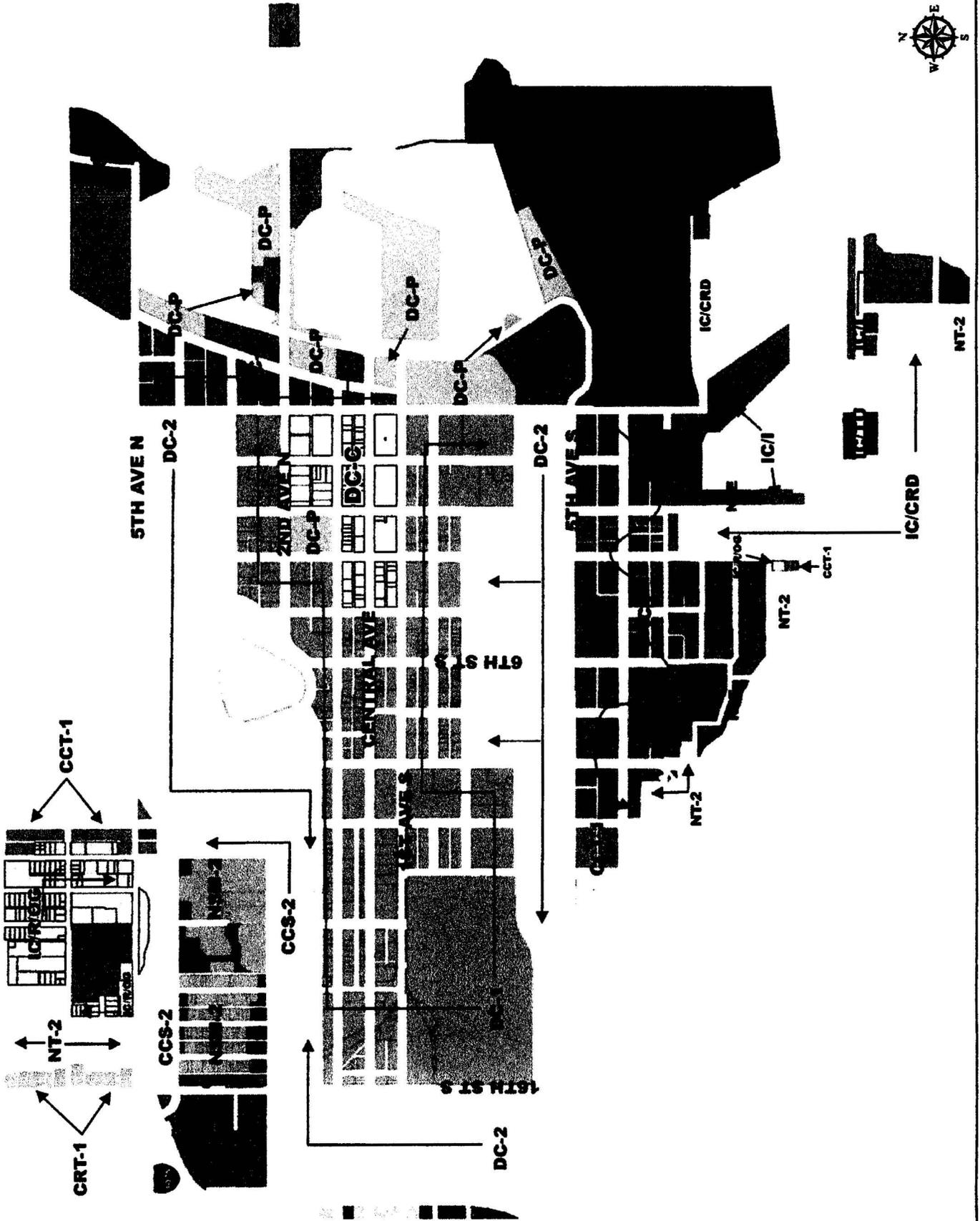
Note: Only CCT-1 and CRT-1 are affected by the proposed changes.

**Table 2**

**PROPOSED AMENDMENTS TO THE CRT-1 AND CCT-1  
ZONING DISTRICT REGULATIONS**

<b>City Code Section</b>	<b>Zoning District</b>	<b>Language to be Added (<u>underlined</u>)</b>
16.20.060.5	CRT-1	<u>Residential Density Within Activity Center</u> <span style="float:right"><u>36 upa</u></span>
		<u>Nonresidential Intensity Within Activity Center</u> <span style="float:right"><u>1.5 f.a.r.</u></span>
16.20.080.5	CCT-1	<u>Residential Density Within Activity Center</u> <span style="float:right"><u>36 upa</u></span>
		<u>Nonresidential Intensity Within Activity Center</u> <span style="float:right"><u>1.5 f.a.r.</u></span>
16.20.060.6	CRT-1	<u>Building Height, Primary Building Within Activity Center</u> <span style="float:right"><u>48'</u></span>
16.20.080.6	CCT-1	<u>Building Height, Primary Building Within Activity Center</u>
		<u>Small Lot (&lt; one acre in size)</u> <span style="float:right"><u>48'</u></span>
		<u>Medium Lot (between one and two acres in size)</u> <span style="float:right"><u>60'</u></span>
		<u>Large Lot (&gt; two acres in size)</u> <span style="float:right"><u>84'</u></span>

# Intown Activity Center Zoning



# Central Plaza Activity Center Zoning

5TH AVE N

**CCS-2**

4TH AVE N

34TH ST N

3RD AVE N

1ST AVE N

CENTRAL AVE

1ST AVE S

**CRT-1**

31ST ST S

5TH AVE S



**City of St. Petersburg  
Housing Affordability Impact Statement**

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Each year, the City of St. Petersburg receives approximately \$2 million dollars in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

**I. Initiating Department:** Planning and Economic Development

**II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2012-04).

**III. Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No   X   (No further explanation required.)  
Yes \_\_\_\_\_ Explanation:

If Yes, the per unit cost increase associated with this proposed policy change is estimated to be: \$\_\_\_\_\_.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No   X   (No further explanation required.)  
Yes \_\_\_\_\_ Explanation:

**IV: Certification**

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

**CHECK ONE:**

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. ( Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Richard W. McArdley For Dave Goodwin  
Department Director (signature)

11/26/12  
Date

**OR**

The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

\_\_\_\_\_  
Department Director (signature)

\_\_\_\_\_  
Date

Copies to: City Clerk  
Joshua A. Johnson, Director, Housing and Community Development

Attached documents for item Ordinance approving the partial street vacations of 2nd Avenue South and 5th Street South abutting the southern and western sides of 116 - 5th Street South (Lots 11-14, Block 38, Revised Map of the City of St. Petersburg), being more specifically descri



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of January 24, 2013**

**TO:** The Honorable Chair, and Members of City Council

**SUBJECT:** Ordinance \_\_\_\_\_ approving the partial street vacations of 2<sup>nd</sup> Avenue South and 5<sup>th</sup> Street South abutting the southern and western sides of 116 - 5th Street South (Lots 11 - 14, Block 38, Revised Map of the City of St. Petersburg), being more specifically described as the northern 35 feet (MOL) of 2nd Avenue South, the eastern 35 feet (MOL) of 5th Street South and the associated portion of the intersection (City File No.: 12-33000018) and providing for an exception to certain conditions of the City Code.

**RECOMMENDATION:** The Administration and the Development Review Commission recommend **APPROVAL**.

**RECOMMENDED CITY COUNCIL ACTION:**

- 1) Conduct the first reading of the attached proposed ordinance; and
- 2) Set the second reading and public hearing for February 7, 2013.

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**The Request:** The request is to vacate the on-street parking spaces within the public rights-of-way abutting the southern and western sides of the historic St. Petersburg YMCA (a locally designated landmark) located at 116 – 5<sup>th</sup> Street South. This application was initiated by the City Council at the suggestion of the Administration (Resolution No. 2012-540). The goal is to facilitate successful adaptive reuse of this significant, endangered downtown historic resource by creating a dedicated supply of privately-controlled parking. The right-of-way proposed for vacation is depicted on the attached maps.

**Background:** The existing building was completed in 1927 and later designated as a local historic landmark in 1991. Upon relocation of the club to a new facility in 2001, the subject property was sold to developers intending to create offices or condominiums. Most of the interior walls in the basement and 2nd thru 4th floors were removed in 2005. Due to issues including the decline of the market, the project did not proceed. The building has remained vacant and unused.

Previous and current owners have made several attempts to restore and adaptively reuse the building without success. Based upon conversations with owners and prospective buyers, Staff believes that the absence of a meaningful supply of privately-controlled parking is one of the primary issues which is hindering a successful

rehabilitation and adaptive reuse project. Prospective buyers and lenders appear to be reluctant to take such a substantial financial risk for a conversion project that has no significant supply of dedicated parking.

The owner has apparently received one offer to buy the property, provided the existing building can be demolished and the site can be redeveloped with a drive-through bank. As a result of that purchase offer, the owner has submitted an application to the City for approval to demolish the building. Staff intends to recommend denial of the demolition application. The demolition application was originally scheduled for consideration by the Community Preservation Commission (CPC) on November 16, 2012. However, the owner/applicant elected to defer consideration of the demolition request in part to allow the DRC and City Council to make a decision on this City-initiated street vacation request.

Given the Staff's findings set forth in the attached report to the DRC, which indicate that the requested vacation would be consistent with the applicable criteria in the Code, the Administration is recommending approval of this application, subject to the suggested special conditions. Due to the substantial amount of complex work that will be required to restore the building, the Administration is suggesting a condition which would provide a greater period of time than normally permitted for the owner to complete the required conditions before the approval becomes void.

**Agency Review & Comments:** The application was routed for review and comment by affected City Departments and outside utility agencies. The Engineering Department and the Transportation Planning Department expressed no objection, provided that certain types of easement were provided. These issues are addressed by the suggested conditions in the ordinance.

**Public Notice & Public Comments:** The City provided a public notice in advance of the DRC hearing. Staff received the attached letters of support from both the Council of Neighborhood Associations (CONA) and St. Petersburg Preservation, Inc (SPPI).

**DRC Action:** The Development Review Commission (DRC) considered the application during the public hearing on December 5, 2012. The DRC voted unanimously to recommend approval of the vacation to the City Council.

### **RECOMMENDATION:**

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. This vacation shall not become effective until all required conditions have been completed and the ordinance has been recorded.
2. Section 16.70.050.1.1.F of the Land Development Regulations requires conditions of a vacation ordinance to be completed within two years of City Council approval, however, approval of this vacation shall be valid for an initial period of five (5) years and at the conclusion of the initial approval shall then be eligible for one-year extensions. Requests for one-year extensions shall be subject to review and approval by the City pursuant to the applicable criteria and

procedures in the City Code. All required conditions must be completed or this approval shall become void.

3. Prior to recording the vacation ordinance, the existing landmark structure on the subject property shall be restored and approved for occupancy by the City.
4. Prior to recording the vacation ordinance, the following easements shall be recorded over the area to be vacated. All easements shall be subject to final approval by the City prior to recording:
  - a. The area of the public sidewalk including the road curb (more or less the northern 20-feet of 2<sup>nd</sup> Avenue South and the eastern 20-feet of 5<sup>th</sup> Street South) shall be retained as a Public Sidewalk and Utility Easement.
  - b. The entire width of the parking spaces and roadway pavement to be vacated shall be retained as Public Utility and Drainage Easement.
  - c. The design of the on-street parking areas shall be maintained substantially as currently existing and in conformance with the City's design requirements for on-street parking spaces. Any proposed changes to the existing design shall require approval of a permit from the City. Fencing or otherwise enclosing the area to be vacated shall be prohibited.
  - d. All existing hexagon block, granite curb and bricks within the area to be vacated shall be preserved unless otherwise approved by the City. Any such materials which are approved for removal shall remain the property of the City of St. Petersburg. The property owner shall be responsible for returning such material at their sole expense and per the method prescribed by the City.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE PARTIAL STREET VACATIONS OF 2<sup>ND</sup> AVENUE SOUTH AND 5<sup>TH</sup> STREET SOUTH ABUTTING THE SOUTHERN AND WESTERN SIDES OF 116 - 5TH STREET SOUTH (LOTS 11 - 14, BLOCK 38, REVISED MAP OF THE CITY OF ST. PETERSBURG), AND THE ASSOCIATED PORTION OF THE INTERSECTION; PROVIDING AN EXCEPTION TO CERTAIN CONDITIONS IN THE CITY CODE; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG DOES ORDAIN:**

**SECTION 1.** The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

Portions of 2<sup>nd</sup> Avenue South and 5<sup>th</sup> Street South contiguous to the southern and western sides of the property located at 116 - 5<sup>th</sup> Street South, being more specifically described as:

Beginning at the Southeast corner of Lot 14, Block 38 of Revised Map of the City of St. Petersburg as recorded in Plat Book 1, Page 49 of the public records of Hillsborough County of which Pinellas County was formerly a part; Thence the following courses and Distances: South, 20 feet; S39°48'20"W, 19.53 feet; West, 147.50 feet,; To a curve, having a radius of 35 feet, an arc length of 54.98 feet, a chord length of 49.50 feet, and a chord bearing N45°00'00"W; North, 100 feet; East, 35 feet to the Northwest corner of Lot 11, Block 38 of said Plat Book 1, page 49; South, 100 feet, coincident with the West lot line of said Lot 11 to the Southwest corner of said Lot 11; East, 160 feet, coincident with the South boundary line of said Block 38 to the Point of Beginning.

**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

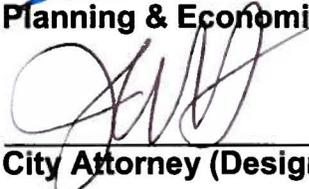
**SECTION 3.** The vacation is subject to and conditional upon the following:

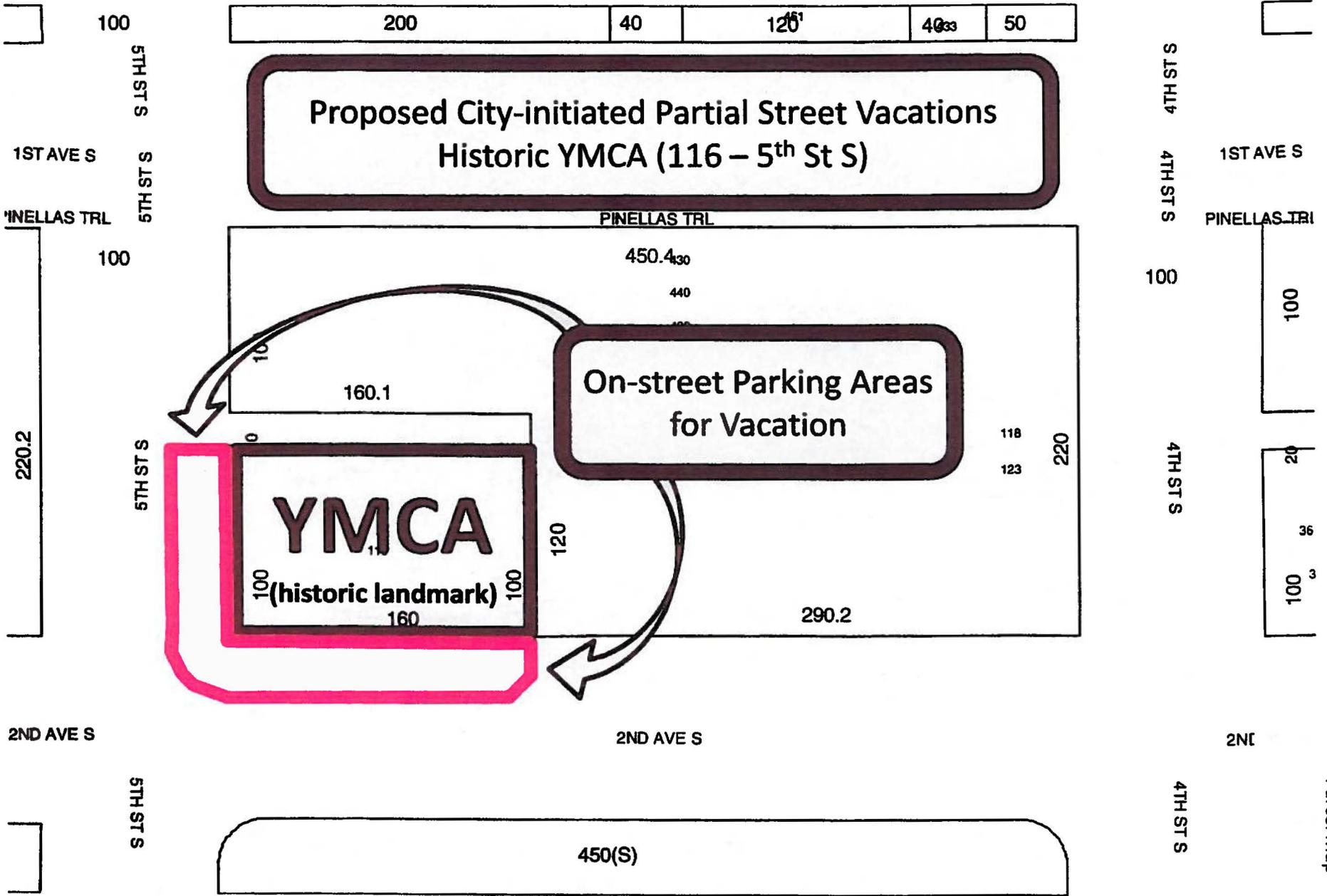
1. This vacation shall not become effective until all required conditions have been completed and the ordinance has been recorded.
2. Section 16.70.050.1.1.F of the Land Development Regulations requires conditions of a vacation ordinance to be completed within two years of City Council approval, however, approval of this vacation shall be valid for an initial period of five (5) years and the initial approval shall then be eligible for one-year extensions. Requests for one-year extensions shall be subject to review and approval by the City pursuant to the applicable criteria and procedures in the City Code. All required conditions must be completed or this approval shall become void.

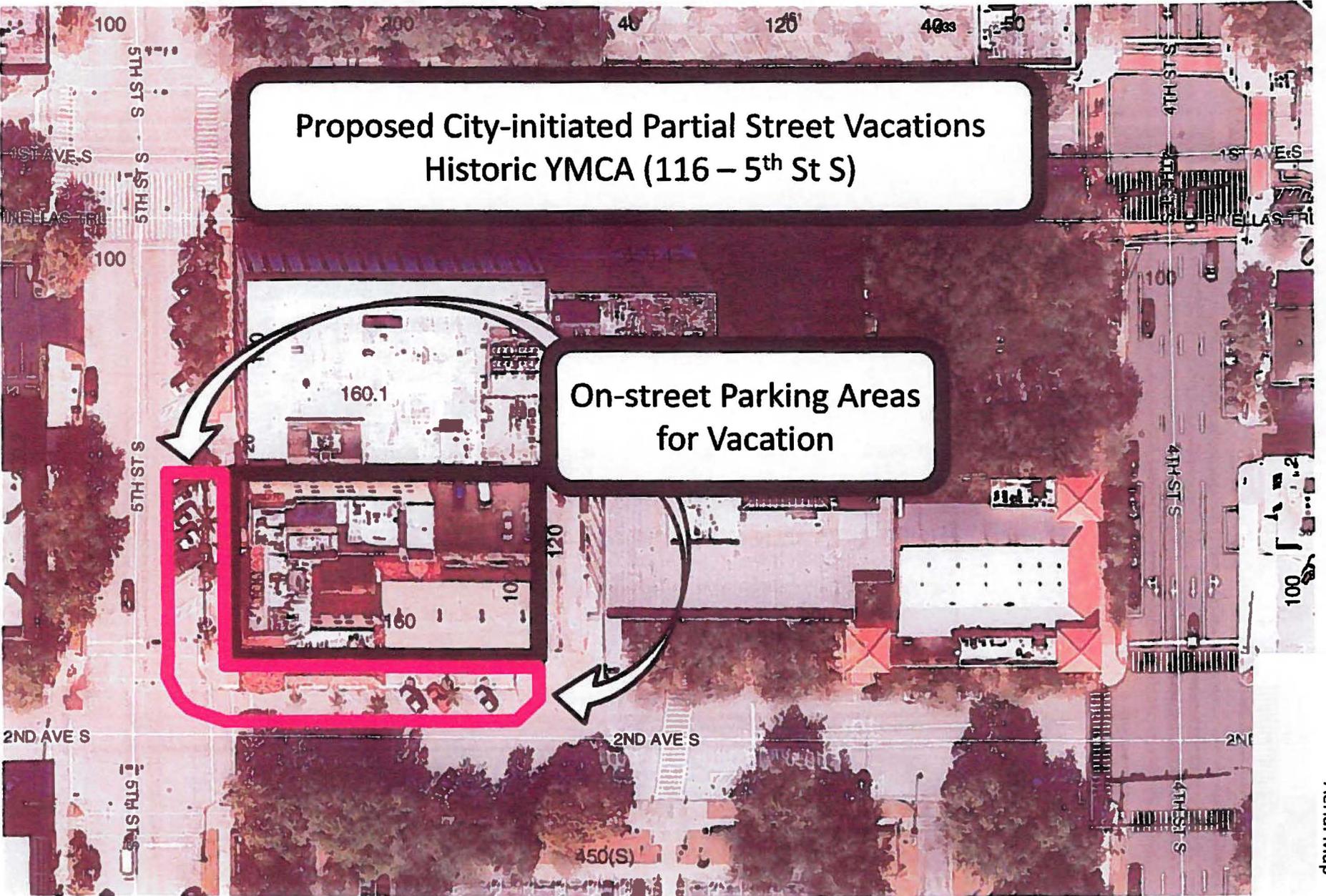
3. Prior to recording the vacation ordinance, the existing landmark structure on the subject property shall be restored and approved for occupancy by the City.
4. Prior to recording the vacation ordinance, the following easements shall be recorded over the area to be vacated. All easements shall be subject to final approval by the City prior to recording:
  - a. The area of the public sidewalk including the road curb (more or less the northern 20-feet of 2<sup>nd</sup> Avenue South and the eastern 20-feet of 5<sup>th</sup> Street South) shall be retained as a Public Sidewalk and Utility Easement.
  - b. The entire width of the parking spaces and roadway pavement to be vacated shall be retained as Public Utility and Drainage Easement.
  - c. The design of the on-street parking areas shall be maintained substantially as currently existing and in conformance with the City's design requirements for on-street parking spaces. Any proposed changes to the existing design shall require approval of a permit from the City. Fencing or otherwise enclosing the area to be vacated shall be prohibited.
  - d. All existing hexagon block, granite curb and bricks within the area to be vacated shall be preserved unless otherwise approved by the City. Any such materials which are approved for removal shall remain the property of the City of St. Petersburg. The property owner shall be responsible for returning such material at their sole expense and per the method prescribed by the City.

**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 expiration of the fifth 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:**

	12-28-12
<b>Planning &amp; Economic Development</b>	<b>Date</b>
	12/28/12
<b>City Attorney (Designee)</b>	<b>Date</b>







## **DISCUSSION AND RECOMMENDATION:**

### **Request**

The request is to vacate the on-street parking spaces within the public rights-of-way abutting the southern and western sides of the historic St. Petersburg YMCA (a locally designated landmark) located at 116 – 5<sup>th</sup> Street South. This application was initiated by the City Council at the suggestion of the Administration. The staff report to the City Council and Resolution No. 2012-540 are attached to this report. The goal of this vacation application is to facilitate successful adaptive reuse of this significant, endangered downtown historic resource by creating a dedicated supply of privately-controlled parking. The area of the right-of-way proposed for vacation is depicted on the attached maps.

### **Background**

The goal of the YMCA was to improve the mind, body, and spirit of the American youth. It served as place for young men to stay when they arrived in town, where they could register to be placed for work among local businesses, and a place for educational, business, and Bible classes. The YMCA offered summer school, summer camp, and a band.

The existing building was completed in 1927 as the St. Petersburg YMCA and contains approximately 59,516 square feet of space incorporated into a four-story structure with a fifth-story open-air tower. The YMCA facility offered a gymnasium, running track, indoor pool, lobbies, club rooms, cafeteria and 54 dormitory rooms. Public areas were located on the first and second floors. The dormitory rooms existed on the third and fourth floors. The property was designated as a local historic landmark in 1991. Although the residential program ceased in 1989, the gym remained open until the entire club relocated to a new facility in 2001. The property was sold to developers intending to create offices or condominiums. The current owner placed it back on the market again in 2006 due the decline of the condominium market. Most of the interior walls in the basement and 2nd thru 4th floors were removed in 2005. The building has remained vacant and unused.

Previous and current owners have made several attempts to restore and adaptively reuse the building without success. City Staff has been contacted by a number of prospective buyers to discuss other potential conversion projects. In addition to issues related to meeting current building and fire codes, the need for parking was routinely discussed during these conversations with various developers. The City Administration would support variances to the normally applicable parking requirements to allow the building to be adaptively reused. However, the parking-related problems facing the subject property may depend less upon the City's regulatory requirements and more upon the perceptions and operational requirements of prospective buyers and lenders, who are apparently reluctant to take such a substantial financial risk for a conversion project that has no significant supply of dedicated parking.

The owner has apparently received one offer to buy the property, provided the existing building can be demolished and the site can be redeveloped with a drive-through bank. As a result of that purchase offer, the owner has submitted an application to the City for approval to demolish the building. Staff intends to recommend denial of the demolition application. The demolition application was originally scheduled for consideration by the Community Preservation Commission (CPC) on November 16, 2012. However, the owner/applicant elected to defer consideration of the demolition request until the DRC and City Council were able to decide if this City-initiated street vacation request can be approved.

### **Analysis**

Staff's review finds that the applicant's request is consistent with the criteria in the Land Development Regulations (LDR's) and the direction provided in the City's Comprehensive Plan. As such, the Administration is recommending **approval** of this application.

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

*1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.*

Various easements would be necessary to protect existing utilities, stormwater drainage, public access through the existing sidewalks, and the overhead airspace which creates public view corridors. Staff has suggested a special condition of approval regarding these requirements.

*2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.*

The proposed vacation, if approved, will allow the on-street parking areas along the southern and western sides to be directly controlled by the ownership of the abutting historic landmark. Staff does not anticipate a substantial detrimental effect upon access to any other lot of record. Existing vehicular travel lanes would not be impacted. Public pedestrian access through the associated portions of sidewalk can be protected by an easement.

*3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.*

The subject right-of-way was dedicated in 1889 as part of the plat known as The Revised Map of the City of St. Petersburg, which covered the majority of the existing downtown. Requests to vacate right-of-way in the downtown (partially or entirely) have been approved throughout the City's history, especially in the downtown, as land that was originally subdivided into many small lots, each with different owners and separate buildings, was reassembled for redevelopment with larger, unified projects. There have been well over 100 applications to vacate right-of-way or easements in the downtown area. Recent research conducted by Staff found at least 80 such requests since 1992. Some of the cases approved throughout the downtown include:

- ◆ Floencia condominium. The north 15 feet of 1<sup>st</sup> Avenue North between Beach Drive Northeast and 1<sup>st</sup> Street for the colonnade;
- ◆ Cloisters condominium. The southern 12 feet of 3<sup>rd</sup> Avenue Northeast and the western 12.5 feet of Beach Drive Northeast;
- ◆ St. Petersburg Yacht Club. The entire 100 foot width of 1<sup>st</sup> Avenue Northeast, between Beach Drive Northeast and Bayshore Drive Northeast;

- ◆ Downtown Publix and associated retail center. The entire 100 foot width of 3<sup>rd</sup> Avenue South, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets South;
- ◆ McNulty Parking Garage and Condominium. Portions of 1<sup>st</sup> Avenue South, 2<sup>nd</sup> Avenue South, and 2<sup>nd</sup> Street South;
- ◆ Florida National Bank. The entire 20-foot wide alley in the block bound by Central Avenue and 1<sup>st</sup> Avenue South, between 7<sup>th</sup> and 8<sup>th</sup> Streets South;
- ◆ University of South Florida St. Petersburg campus. The entire 80 foot width of 7<sup>th</sup> Avenue South between Asbury Street South and 3<sup>rd</sup> Street South, as well as the entire 100 foot width of 2<sup>nd</sup> Street South between 6<sup>th</sup> Avenue South and Bayboro Harbor.
- ◆ All Children's Hospital medical complex. The entire 100 foot width of 5<sup>th</sup> Street South between 5<sup>th</sup> Avenue South and 6<sup>th</sup> Avenue South, as well as the 20 foot wide alley between 5<sup>th</sup> Street South and 6<sup>th</sup> Street South.
- ◆ BayWalk downtown retail & entertainment complex. Various portions of the rights-of-way within and surrounding the BayWalk and Muvico block have been vacated to allow for construction of those projects, including the east-west alley through the block, portions of 2<sup>nd</sup> & 3<sup>rd</sup> Avenues North, portions of 1<sup>st</sup> & 2<sup>nd</sup> Streets North and the sidewalk along the northern side of 2<sup>nd</sup> Avenue North.

In this case, the proposed vacation would eliminate the existing on-street parking spaces from the City's overall supply of publicly available parking. The vacation would not create a dead-end and is not anticipated to substantially alter utilized travel patterns.

*4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

The portions of right-of-way proposed for vacation contain the existing public sidewalks and public on-street parking spaces. Public access through the existing sidewalks along the southern and western sides of the landmark structure should be retained through a recorded easement. Easements should also be retained to protect utilities, drainage and the public view corridor. If this application is approved, the primary impact to the general public will be the net loss of 10 on-street parking spaces and a loading zone.

There is currently enough land area in the northeastern portion of the site to accommodate up to approximately nine (9) off-street parking spaces. The area proposed for vacation currently contains 10 striped on-street parking spaces. If the existing loading zone were eliminated, an additional two spaces could be created for a total of 12 on-street spaces. The number of parking spaces needed to make an adaptive reuse project viable in the eyes of the development community would vary by the proposed use(s). However, it can be stated that the currently available nine (9) spaces would be inadequate for almost any reasonable restoration project. If the vacation is approved and the loading zone were restriped for a total of 12 spaces, the supply of privately-controlled parking would increase from nine (9) to 21, or by 130%. Whereas this net reduction to the overall supply of public parking would be relatively small, the resulting increase in parking supply available exclusively to the abutting landmark site would be proportionately

significant. City Staff, including the Transportation Planning & Parking Management Department, have determined that the impacts to 2<sup>nd</sup> Avenue South and 5<sup>th</sup> Street South appear to be manageable.

*5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.*

The City's Comprehensive Plan and Land Development Regulations emphasize the need for flexibility in dealing with historic buildings and provide a policy basis for the vacation.

### **Comprehensive Plan**

Future Land Use Element – Objective LU26:

*The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.*

Future Land Use Element – Policy LU26.1

*The City shall, on an ongoing basis, examine existing adaptive reuse standards and revise or eliminate land-use provisions that act as regulatory barriers to the continued use of existing infrastructure and historic buildings.*

Historic Preservation Element – Policy HP3.4

*All City departments that provide or can create programs or incentives to assist in the rehabilitation and preservation of historic properties will provide assistance on an on-going and case-by-case basis.*

Historic Preservation Element – Policy HP3.5

*The City will continue to review its land use and Land Development Regulations and consider initiating amendments to such regulations to remove unnecessary disincentives to the reuse and redevelopment of historic landmarks. The City will solicit input from appropriate local and state organizations and interest groups.*

Historic Preservation Element – Policy HP3.

*The Building Official shall be encouraged to interpret and apply the existing building code to facilitate and encourage the preservation, rehabilitation and renovation of historic properties.*

### **Land Development Regulations (LDRs)**

Section 16.30.020 - Adaptive Reuse of Historic Buildings (Purpose Statement):

*The purpose this Section is to encourage the retention and productive reuse of structures that have historic, architectural, or cultural value to the City instead of seeing their underutilization or demolition because their original use has become functionally obsolete. Often, historically significant structures are abandoned or demolished because it is too difficult to meet current zoning standards and building code requirements. This Section recognizes the importance of these significant buildings and provides a process by which these buildings can be reused and retained while minimizing any secondary impacts to the surrounding properties. This section allows flexibility in the proposed use, dimensional setbacks, design criteria and parking*

*requirements in a way that significantly reduces the conflicts created by changing the use of an existing building.*

While these sections of the Comprehensive Plan and the LDRs do not provide specific direction regarding vacating right-of-way adjacent to historic resources, this application is consistent with the emphasis on regulatory flexibility as a strategy to facilitate reuse of historic properties while minimizing secondary impacts to surrounding properties.

#### **Comments from Agencies and the Public**

The application was routed for review and comment by affected City Departments and outside utility agencies. As of the date of this report, no comments have been received. All comments will be included in the material presented to the City Council prior to the public hearing. In addition, the City provided a public notice in advance of the DRC hearing. No public inquiries or comments have been received as of the date of this report.

#### **Summary**

This application was initiated by the City Council at the suggestion of the Administration. The goal is to facilitate successful adaptive reuse of an important, endangered local landmark which represents a historically significant, community-oriented use and an excellent example of the Mediterranean architectural style. This is an unusual type of vacation request which would not typically be supported. However, given the unique circumstances in this particular case, Staff finds that the proposed vacation would be appropriate. Staff's findings and recommendation are subject to the adoption of the suggested special conditions of approval set forth at the end of this report.

#### **RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed partial street vacations. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. The approval of this vacation shall be valid for an initial period of at least five (5) years, during which all other conditions must be completed or this approval shall become void. The duration of the initial approval shall be eligible for one-year extensions, subject to review and approval by the City pursuant to the applicable criteria and procedures.
2. Prior to recording the vacation ordinance, the existing landmark structure shall be restored and approved for occupancy by the City.
3. Prior to recording the vacation ordinance, the following easements shall be recorded over the area to be vacated. All easements shall be subject to final approval by the City prior to recording:
  - a. A public utility and drainage easement; and
  - b. A public sidewalk easement over the abutting portions of the existing public sidewalks.

**REPORT PREPARED BY:**



PHILIP T. LAZZARA, AICP, Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Department

Nov 28, 2012

DATE

# Attachment "D"

Letters of Support  
(2 pages)



**The Council of Neighborhood Associations of South Pinellas County  
P.O. Box 13693 St. Petersburg, Florida 33733**

December 4, 2012

Members of Development Review Commission,

The Council of Neighborhood Associations concurs with the DRC staff report for the landmarked downtown YMCA, and in particular with Recommendation 2 which requires restoration of the structure prior to recording of the vacation ordinance

Sincerely,

J. Michael Gulley  
President,  
Council of Neighborhood Associations

**From:** peter belmont <peterbelmont@earthlink.net>  
**To:** <devrev@stpete.org>  
**CC:** Philip Lazzara <Philip.Lazzara@stpete.org>, Will Michaels <wmichaels2@ta...>  
**Date:** 12/5/2012 11:55 AM  
**Subject:** Re: Dec. 5 DRC agenda

AGENDA ITEM #3 CASE NO. 12-33000018 F-1

Commission Members:

I am providing these comments on behalf of St. Petersburg Preservation (SPP) reference the above numbered agenda item, a partial street vacation related to the historic YMCA property. Please accept these comments and include them in your record as I am out of town and will not be present for the Commission meeting. SPP supports the application for partial street vacation with the condition that renovation of the historic YMCA be required.

The 1927 historic YMCA building is a designated local landmark and a significant piece of St. Petersburg's sense of place or what makes the city special to residents and visitors alike. The line of people waiting to see the building on the recent building tour sponsored by SPP also shows it is a much loved building.

SPP has met with city staff and the building owners to review ways to address the lack of parking associated with the building. The proposed partial street vacation is a reasonable approach to meet some of the parking demand for a renovated YMCA building. Reonvation and reuse of the building would be a postive outcome for downtown St. Petersburg. SPP believes that preservation works and preservation of our city's historic buildings results in positive economic benefit.

Peter Belmont  
President  
P.O. Box 838  
St. Petersburg, FL 33731



## SAINT PETERSBURG CITY COUNCIL

Meeting of November 19, 2012

**TO:** The Honorable Leslie Curran, Chair, and Members of City Council

**SUBJECT:** Resolution initiating the partial vacation of 2<sup>nd</sup> Avenue South and 5<sup>th</sup> Street South contiguous to the YMCA property.

**RECOMMENDATION:** The Administration recommends **APPROVAL** of the attached proposed resolution.

---

**Background:** The historic YMCA, located at 116 5<sup>th</sup> Street South, is a historically significant building in downtown St. Petersburg. The current owner has applied for a certificate of appropriateness to allow demolition of the building. The YMCA, built in 1927, is an excellent example of Mediterranean Revival architecture and was designated as a local historic landmark in 1991. Since the YMCA organization relocated to a larger and more modern facility, the original YMCA building has remained unoccupied. Previous and current owners have made several attempts to restore and adaptively reuse the building without success.

The current owners, who have owned the YMCA since 2004, have indicated that an inadequate supply of dedicated off-street parking is a significant contributing factor to their difficulty in restoring the building. Currently there is enough land area on the YMCA site for approximately 9 off-street spaces. The number of spaces needed for a given restoration project vary depending on the use proposed; however, it can be stated that the current 9 off-street parking spaces are inadequate for almost any reasonable restoration project. While there are other options to provide additional parking, it is recommended that the City Council consider initiating a partial street vacation as a mechanism to provide additional on-site parking in an effort to facilitate the restoration of this historic structure. If Council initiates the proposed vacation, it would still be subject to the formal right-of-way vacation process including but not limited to DRC review and Council public hearing and approval of a vacation ordinance.

On the public right-of-way abutting the YMCA on its 5<sup>th</sup> Street South and 2<sup>nd</sup> Avenue South frontages are 10 marked diagonal public parking spaces with the possibility of adding approximately two additional spaces in an area currently reserved for loading. The owner and St. Petersburg Preservation Inc. have requested that the City assist in facilitating the YMCA restoration by vacating the portions of the adjacent right-of-way

containing these 10 spaces and the loading area, as generally shown on the attached map and aerial, so that they can be used exclusively by the YMCA building users. They cannot be dedicated for the YMCA users if they remain in public right-of-way. The proposed partial street vacation would more than double the number of dedicated parking spaces for the YMCA and improve the opportunities for a restoration project.

The City's preliminary review finds that the inadequate supply of dedicated parking for use by the YMCA is a contributing reason for its continued vacant and unrestored status and vacation appears to be appropriate for the purposes of facilitating its restoration and return to productive use. A preliminary review of the vacation on the functionality of 5<sup>th</sup> Street South and 2<sup>nd</sup> Avenue South indicate that the impacts appear to be manageable.

Given these considerations, Staff recommends that City Council approve the attached resolution to initiate the vacation of the right-of-way abutting the YMCA property on 5<sup>th</sup> Street South and 2<sup>nd</sup> Avenue South for the purpose of providing dedicated parking to facilitate the restoration and adaptive reuse of the former YMCA building. If the resolution is approved, the application will be forwarded to the DRC for an initial determination and recommendation and then submitted to the City Council for final action.

During the vacation process, City staff will develop the appropriate conditions to ensure that the proposed vacation, should it ultimately be approved, can only become effective once the restoration and adaptive reuse of the YMCA is insured. Further, the vacation of the subject right-of-way, should it be approved, will contain conditions of approval that support the renovation of the former YMCA building. Conditions will also be proposed so that the appropriate easements are put in place to maintain the public sidewalk and protect any underground utilities within the vacated area.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the attached proposed resolution.

Attachments: resolution, aerial and map

**RESOLUTION NO.**

**A RESOLUTION INITIATING THE VACATION OF A PORTION OF 5<sup>TH</sup> STREET SOUTH AND A PORTION OF 2<sup>ND</sup> AVENUE SOUTH THAT ARE CONTIGUOUS TO THE FORMER YMCA PROPERTY LOCATED AT 116 5<sup>TH</sup> STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the property located at 116 5<sup>TH</sup> Street South, St. Petersburg, FL, was designated as a local historic landmark by the City Council in October of 1991; and**

**WHEREAS, the existing building has remained vacant and unused for many years; and**

**WHEREAS, the ability to adaptively reuse and ultimately preserve the existing historic structure is impacted by an inadequate supply of dedicated parking; and**

**WHEREAS, the owner has applied for a certificate of appropriateness to allow demolition the subject building; and**

**WHEREAS, if the vacation of the abutting right of way was approved, the existing, diagonal on-street parking spaces along the northern side of 2<sup>nd</sup> Avenue South and the eastern side of 5<sup>th</sup> Street South would become the private property of the subject landmark site if the associated right-of-way was vacated by the City; and**

**WHEREAS, the establishment of a privately-owned parking supply would likely facilitate the adaptive reuse and preservation of the subject landmark; and**

**WHEREAS, there is a compelling public interest in facilitating the adaptive reuse and preservation of this local historic landmark; and**

**WHEREAS, any existing utilities or public sidewalks can be protected by the dedication of appropriate easements; and**

**WHEREAS, vacation of the right-of-way containing the existing on-street parking would not substantially impact access to any other lot of record; and**

**WHEREAS, the City Code provides that the City Council may initiate the vacation of public right-of-way, which will then be considered by the Development Review Commission for a recommendation, before coming before City Council for consideration; and**

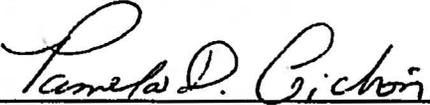
**WHEREAS, the vacation of the subject right-of-way, should it be approved, will be conditioned upon, and not take effect until, completion of the restoration and adaptive reuse of the YMCA consistent with all applicable standards and regulations; and**

WHEREAS, the Administration supports the vacation of the subject right-of-way with the above described assurances that tie the vacation to the restoration and adaptive reuse of the YMCA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that this Council hereby initiates the vacation of portions of 5<sup>th</sup> Street South and 2<sup>nd</sup> Avenue South contiguous to the former YMCA property located at 116 5<sup>th</sup> Street South.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

  
Pamela D. Cichon  
City Attorney (designee)

Attached documents for item Ordinance 1044-V approving the vacation of: 1) a portion of 7th Avenue South between 25th and 26th Streets South; and 2) Yale Street South between 7th Avenue South and the north boundary of 8th Avenue South. (City File 12-33000014) [Executive Action]



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** Ordinance \_\_\_\_\_ approving the vacation of: 1) a portion of 7<sup>th</sup> Avenue South between 25<sup>th</sup> and 26<sup>th</sup> Streets South; and 2) Yale Street South between 7<sup>th</sup> Avenue South and the north boundary of 8<sup>th</sup> Avenue South (City File No.: 12-33000014).

**RECOMMENDATION:** The Administration and the Development Review Commission recommend **APPROVAL**.

**RECOMMENDED CITY COUNCIL ACTION:**

APPROVE the attached proposed ordinance, which was originally considered during the public hearing on December 20, 2012.

---

The first reading of this ordinance was conducted on December 6, 2012, during which the City Council set the public hearing date for December 20, 2012. The public hearing was conducted as scheduled. Following the closing of the public hearing, the City Council asked a number of questions during the Executive Action session. Prior to making a final decision on the proposed ordinance, the City Council deferred the matter to this date. The City Council requested that City staff attempt to identify possible alternatives that may address the concerns expressed by a nearby property owner. City staff scheduled a meeting with the concerned property owner. The results of that meeting will be explained at the City Council meeting.

**The Request:** The request is to vacate the portions of 7<sup>th</sup> Avenue South and Yale Street South as depicted on Attachments "C" and "D". The goal is to eliminate these rights-of-way to accommodate a redevelopment project within the Dome Industrial Park (DIP) Community Redevelopment Area (CRA).

**Background:** Approval of the requested vacation will facilitate implementation of the Plan for the Dome Industrial Park Community Redevelopment Area (DIP CRA), which is consistent with the City's Comprehensive Plan. The subject right-of-way is within the boundaries of the DIP CRA. The Plan for this area was adopted in 2007 by the City Council. The Plan recognizes the existence of inadequate lot sizes throughout the

CRA. The Plan identifies vacations of streets, alleys, and utility easements, where appropriate, to assemble parcels of adequate size to accomplish the established redevelopment goals. The Plan identifies these street segments as deficient (Map 4-1). Objective 1.5 of the Plan directs promotion of block consolidation through vacation of deficient streets and alleys, provided such vacation does not negatively impact the level of service or street network within the CRA (Objective 3.3).

**Agency Review & Comments:** The application was routed to other departments and utilities for comments. The proposed ordinance contains conditions to address the issues noted.

**Public Notice & Public Comments:** The applicant also provided the prescribed public notices prior to the DRC hearing and the City Council hearing. Prior to the DRC hearing, Staff received one phone inquiry from Margaret McCoy requesting information and expressing no objection. Two other nearby property owners attended the DRC hearing and expressed different concerns.

Mr. Raymond Howard, owner of 2586 7th Avenue South, as well as the vacant lot to the east, stated his desire to sell his property to the City and relocate to another area, as has been done by other previous owners in the area. While this issue is not directly related to the review criteria which apply to this specific case, Staff has notified the Real Estate and Property Management Department of Mr. Howard's desire.

Mr. Bruce Messagno, owner of the vacant lot at the SE corner of 8th Ave S & Yale, also attended the DRC hearing. Several years ago, the City approved Mr. Messagno's application to vacate the portion of Yale St that abutting his property, which allowed him to expand the size of his industrial outdoor storage yard. With regard to this current application, Mr. Messagno stated concerns regarding diminished access to his with large trucks, which he apparently uses to bring his equipment to and from the site.

**DRC Action:** During the public hearing on November 7, 2012, the DRC approved the application, with an additional suggested condition for Council's consideration. The intent of the additional condition was to memorialize their desire for the City to conduct further review of the potential impact upon access to other sites. Between the time of this report and the City Council public hearing to be scheduled for December 20, 2012, City Staff will continue to review the issue of site accessibility. If any modifications appear to be necessary, Staff will suggest specific language for Council's consideration in the report produced for the final hearing. Staff has eliminated the originally suggested condition requiring an immediate replat because the specific dimensions of the actual redevelopment parcel(s) are not finalized at this time. Requiring a replat of this area now may result in unnecessary additional expense to the City if the anticipated site boundaries change.

### **RECOMMENDATION:**

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING VACATION OF A PORTION OF 7<sup>TH</sup> AVENUE SOUTH BETWEEN 25<sup>TH</sup> AND 26<sup>TH</sup> STREETS SOUTH AND YALE STREET SOUTH BETWEEN 7<sup>TH</sup> AVENUE SOUTH AND THE NORTH BOUNDARY OF 8<sup>TH</sup> AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**SECTION 1.** The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

That portion of the 20-foot wide right-of-way known as 7<sup>th</sup> Avenue South lying north of Lots 2 through 11, together with that portion of Yale Street South lying between Lots 7 and 8, George C. Prather's Third Royal Subdivision, as recorded in Plat Book 5, Page 46 of the Public Records of Pinellas County, Florida.

**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

**SECTION 3.** The vacation is subject to and conditional upon the following:

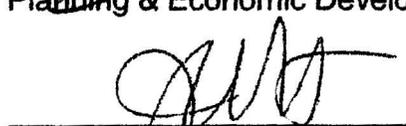
1. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation.

**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 expiration of the fifth 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:

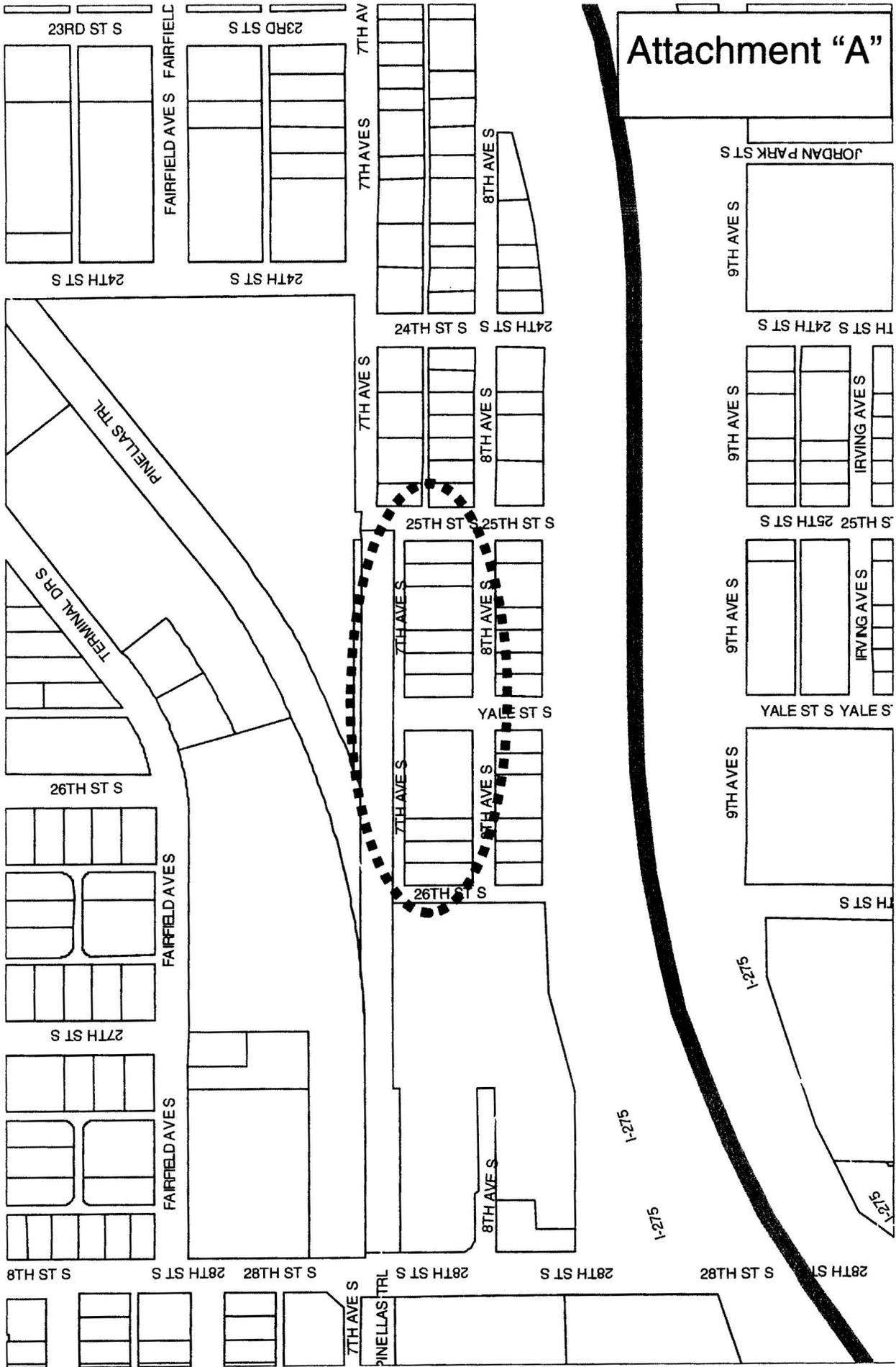
  
\_\_\_\_\_  
Planning & Economic Development

11-9-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney (Designee)

11/13/12  
\_\_\_\_\_  
Date

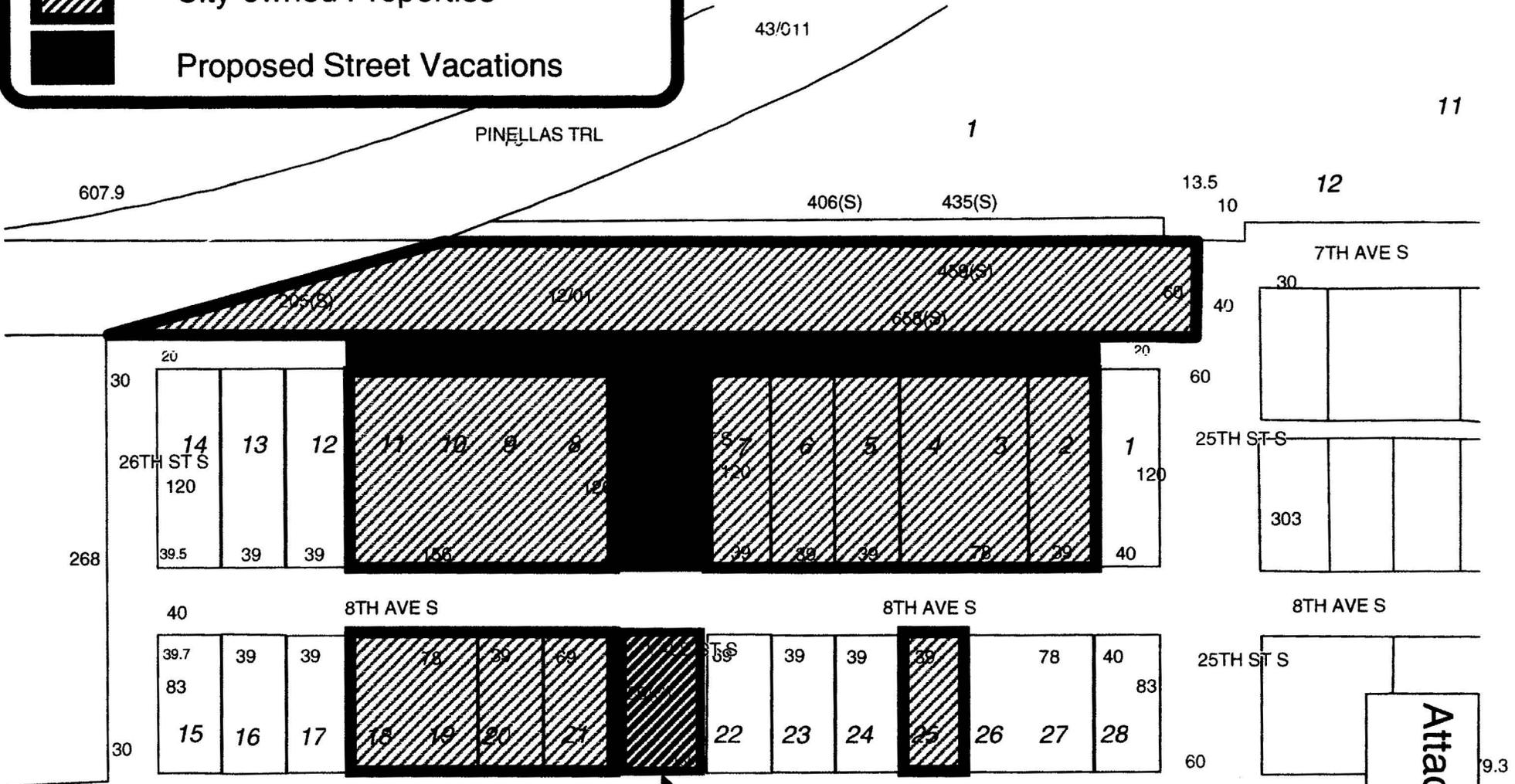
# Attachment "A"



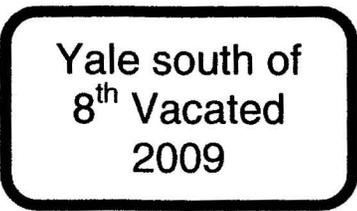
Attachment "B"

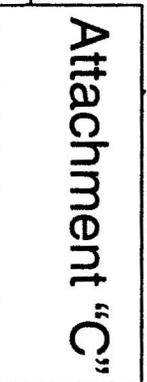



**City-owned Properties**  
**Proposed Street Vacations**




**Interstate 275**

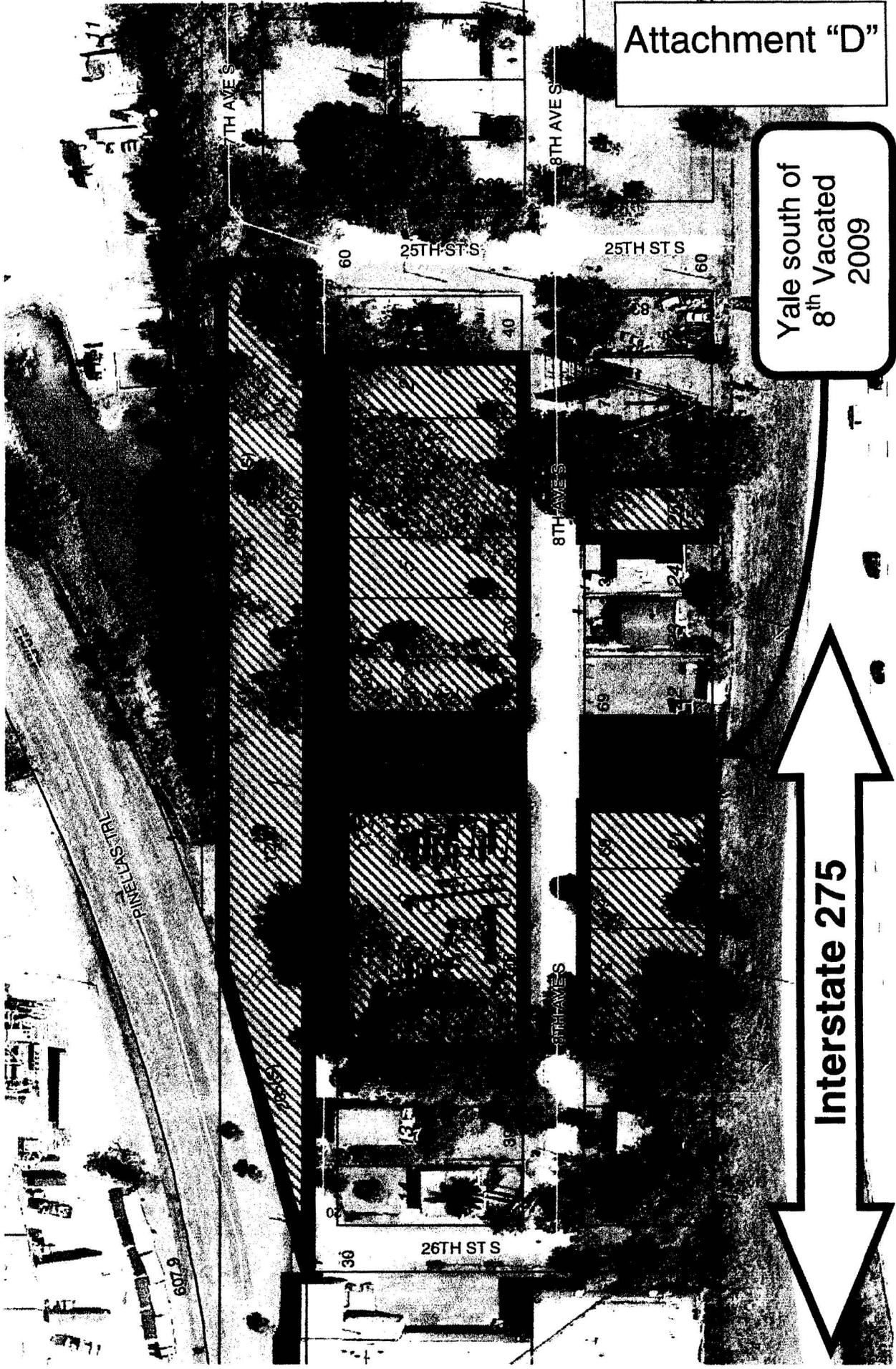

 Yale south of 8<sup>th</sup> Vacated 2009


 Attachment "C"

Attachment "D"

Yale south of  
8<sup>th</sup> Vacated  
2009

Interstate 275





redevelopment project within the Dome Industrial Park (DIP) Community Redevelopment Area (CRA). Staff finds that the proposed vacations would be consistent with the applicable criteria.

### **Analysis**

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

*1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.*

The application was routed to all affected City departments and outside utilities for review and comment. Comments were provided by the City's Engineering Department and Progress Energy regarding the need for certain easements and possible modifications to remaining infrastructure. Staff has included a special condition in this report to address the issues.

*2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.*

If this application is approved, no substantial detrimental effect upon access to another lot of record is anticipated.

*3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.*

The vacation, if approved, will not result in adverse impacts to the existing network. A significant amount of the original network established in the 1920's has already been eliminated with the construction of the Interstate, as well as more recent land assembly projects in the immediate area. While dead-ends will be created on the eastern and western sides of 7<sup>th</sup> Avenue South, the depths of the dead-end segments are relatively negligible and do not substantially impact access to the adjacent lots to the south. In fact, this portion of 7<sup>th</sup> Avenue South, while technically a named street, is actually only as wide as an alley. Each of the properties abutting the resulting dead-ends also has access from the 8<sup>th</sup> Avenue South frontages, which is significantly wider and more appropriate as a point of primary access.

*4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

The subject rights-of-way were originally dedicated as part of the overall street and alley grid designed to serve the individual lots within the various blocks of the subdivision. However, as the zoning for the area has changed over time and the City's planning efforts for this area have prescribed land assembly for industrial redevelopment, the subject rights-of-way are no longer necessary in the context of the City's legal interest.

*5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.*

Approval of the requested vacation will facilitate implementation of the Plan for the Dome Industrial Park Community Redevelopment Area, which is consistent with the City's Comprehensive Plan. The subject right-of-way is within the boundaries of the Dome Industrial Park Community Redevelopment Area (DIP CRA). The Plan for this area was adopted in 2007 by the City Council. The Plan recognizes the existence of inadequate lot sizes throughout the CRA. The Plan identifies vacations of streets, alleys, and utility easements, where appropriate, to assemble parcels of adequate size to accomplish the established redevelopment goals. The Plan identifies these street segments as deficient (Map 4-1). Objective 1.5 of the Plan directs promotion of block consolidation through vacation of deficient streets and alleys, provided such vacation does not negatively impact the level of service or street network within the CRA (Objective 3.3). As noted under the response to criterion #3, this vacation, if approved, will not result in adverse impacts to the existing network.

#### **Comments from Agencies and the Public**

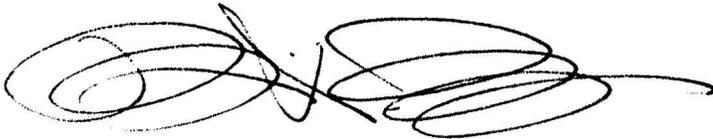
Copies of the comments from the City's Engineering Department and Progress Energy described under criterion #1 are being provided to the applicant. Staff has suggested a special condition which addresses the issues. As of the date of this report, Staff received one phone inquiry from Margaret McCoy requesting information and expressing no objection.

#### **RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed right-of-way vacations. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the vacated rights-of-way shall be replatted, together with the abutting private property.
2. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation and the required replat.

#### **REPORT PREPARED BY:**



PHILIP T. LAZZARA, AICP, Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Department

10.31.2012

DATE



Attached documents for item Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project  
(Engineering Project No. 12013-411; Oracle No. 13977):

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 for the construction of Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977); approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001); and providing an effective date.

**Explanation:** The Procurement Department received three bids for the Lift Station 85 Albert Whitted Master 30" Force Main, Part D project (see below).

The work consists of furnishing all labor, services, materials, and equipment necessary to construct approximately 10,160 LF of 30" diameter Ductile Iron (DI) sanitary sewer force main piping, 1,786 LF of 36" diameter High Density Polyethylene (HDPE) and associated valves, fittings, and appurtenances. Work includes 220 LF of 48- inch diameter steel casing using jack and bore method. Work includes 1,020 LF of 12" diameter DI reclaimed water main piping, 630 LF of 6", 8" and 12" diameter DI water main piping, 4 each 30" diameter plug valves and valve boxes, 2 each 12" diameter gate valves and valve boxes, 8 air release valves and vaults, 1,523 LF concrete curbing, 180 SF concrete sidewalk, 35,900 SY asphalt pavement restoration, 3,212 SF sodding, temporary pump around pumping, miscellaneous potable water main, sanitary sewer and storm drainage replacement, traffic control, and restoration of surface features.

The work will be within existing easements and public right of way from the proposed force main (Force Main Part C) at Dr. Martin Luther King Jr. Street and 26<sup>th</sup> Avenue South, proceeding north along Dr. Martin Luther King Jr. Street to 11<sup>th</sup> Avenue South, then east along 11<sup>th</sup> Avenue South towards 3<sup>rd</sup> Street, then north along 3<sup>rd</sup> Street towards 6<sup>th</sup> Avenue South, then east along 6<sup>th</sup> Avenue South towards 1<sup>st</sup> Street, and south along 1<sup>st</sup> Street to just south of 6<sup>th</sup> Avenue South. This new force main will connect to a proposed force main (Force Main Mart E) just south of the intersection of 1<sup>st</sup> Street South and 6<sup>th</sup> Avenue.

Pursuant to City Council approval on February 3, 2011 to decommission the AWWRF, and approval to proceed with detail design on December 15, 2011, this project is the fourth of five related projects designed to convey wastewater flows from the Albert Whitted Water Reclamation Facility (AWWRF) to the Southwest Water Reclamation Facility (SWWRF).

The project was designed in five parts during the first nine months of 2012. The strategy to utilize multiple consultant engineers and multiple contractors is intended to reduce the design and construction time requirements by employing the services of a greater number of engineering and construction firms concurrently. This strategy also enhances the competitive bidding process by providing multiple opportunities for local utility contractors to bid on projects within their bonding capabilities, as well as minimizing capital cost to the City. These five projects will be advertised for bidding during the months of October to January 2013. Construction of the projects will proceed during 2013, and start up and testing of the new facilities will commence in Spring 2014, and demolition of the AWWRF is planned for 2015.

When completed, the proposed sanitary sewer force main and Lift Station 85 will eliminate the need for continued operation of the AWWRF, resulting in an estimated present worth savings of \$32 million in capital and operating expenses over a 20 year period.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within four hundred twenty five (425) consecutive calendar days thereafter. Bids were opened on December 11, 2012 and are tabulated as follows:

<u>Bidder</u>	<u>Total</u>
Dallas 1 Corporation dba Dallas 1 Construction & Development Inc. (Thonotosassa, FL)	\$7,575,012.80
Layne Heavy Civil, Inc. (Fairburn, GA)	\$8,143,779.20
Westra Construction, Corp. (Palmetto, FL)	\$8,159,994.90

The lowest responsive bidder Dallas 1 Corporation doing business as Dallas 1 Construction & Development has met the specifications, terms and conditions for Bid No. 7395 dated October 30, 2012, and has satisfactorily performed similar work for Hillsborough County and City of Tampa. Principals of the firm are Paul R. Lancaster, President; Bartle J. Azarrelli, III, Vice President, Jan Azarrelli, Secretary and Cyndi Azzarelli, Treasurer.

Advances to the Water Resources Capital Fund (4003) from the Water Resources Operating Fund (4001) were approved by Council in the amount of \$5,762,000 on November 19, 2012 and \$6,307,000 on December 6, 2012. This item will repay those advances.

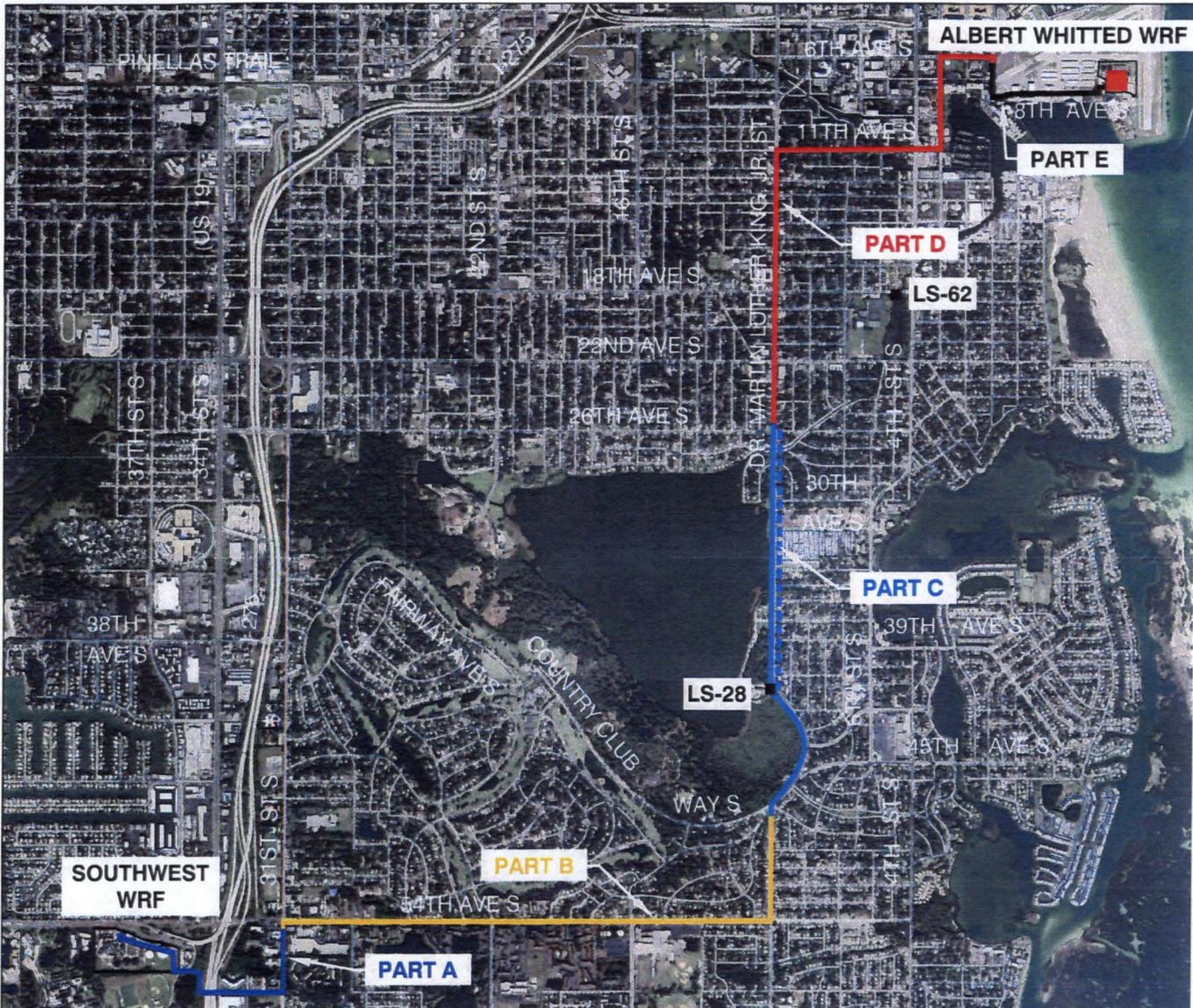
Administration recommends awarding this contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 and approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).

**Cost/Funding/Assessment Information:** Funds will be available in the Water Resources Capital Projects Fund (4003), SAN LS #85 Force Main Part A FY13 Project (13977). Funds will also be used for the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).

**Attachments:** Map  
Resolution

**Approvals:**

  
\_\_\_\_\_  
Administrative  
\_\_\_\_\_  
Budget



**LEGEND**

- HAZEN & SAWYER — FORCE MAIN PART A
- McKIM & CREED — FORCE MAIN PART B
- CDM — FORCE MAIN PART C
- CDM — GRAVITY MAIN PART C
- GEORGE F. YOUNG — FORCE MAIN PART D
- CITY — FORCE MAIN PART E
- AECOM — LIFT STATION 85
- CAROLLO — ALBERT WHITTED WRF DEMOLITION



**LIFT STATION 85 & 30" FORCE MAIN ROUTE**



Map Number:	
Cost Code:	
Scale:	NTS
Date:	SEPTEMBER, 2012

**AWWRF FLOW TRANSFER IMPLEMENTATION PLAN**

Engineering Department  
City of St. Petersburg

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO DALLAS 1 CORPORATION D/B/A DALLAS 1 CONSTRUCTION & DEVELOPMENT IN AN AMOUNT NOT TO EXCEED \$7,575,012.80 FOR CONSTRUCTION OF LIFT STATION 85 ALBERT WHITTED MASTER 30" FORCE MAIN, PART D PROJECT (ENGINEERING PROJECT NO. 12013-411; ORACLE NO. 13977); AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING THE REPAYMENT OF ADVANCES IN THE AMOUNT OF \$12,069,000 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) TO THE WATER RESOURCES OPERATING FUND (4001) TO REPAY PREVIOUSLY AUTHORIZED ADVANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received three bids for Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977) pursuant to Bid No. 7395 dated October 30, 2012; and

WHEREAS, Dallas 1 Corporation d/b/a Dallas 1 Construction & Development has met the specifications, terms and conditions of Bid No. 7395; and

WHEREAS, the Administration recommends approval of this award; and

WHEREAS, advances to the Water Resources Capital Fund (4003) from the Water Resources Operating Fund (4001) were approved by City Council in the amount of \$5,762,000 on November 19, 2012 and \$6,307,000 on December 6, 2012; and

WHEREAS, the Administration wishes to repay those advanced funds.

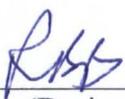
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to Dallas 1 Corporation d/b/a Dallas 1 Construction & Development in an amount not to exceed \$7,515,012.80 for construction of Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977); is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the repayment of advances in the amount of \$12,069,000 from the unencumbered balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001) is hereby approved as follows:

<u>Water Resources Capital Projects Fund (4003)</u>	
Water Resources Operating Fund (4001)	\$12,069,000

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Budget Department



RESOLUTION NO. 2013 \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO.1 TO TASK ORDER NO. 08-3-GFY/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND GEORGE F. YOUNG, INC. IN THE AMOUNT OF \$76,677 FOR PROFESSIONAL CONSULTING PHASE SERVICES FOR THE LIFT STATION 85 ALBERT WHITTED MASTER 30" FORCE MAIN – PART D (ENGINEERING PROJECT NO. 12013-411, ORACLE NO.13977); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 21, 2008, the City Council approved a Master Agreement with the professional consulting engineering firm of George F. Young, Inc. for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, on February 3, 2011, City Council approved the decommissioning of the Albert Whitted Water Reclamation Facility with the wastewater to be diverted to the Southwest Water Reclamation Facility; and

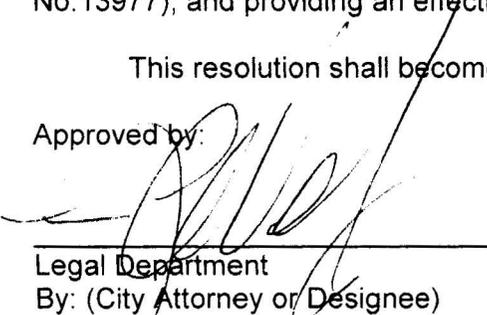
WHEREAS, on December 15, 2011, City Council approved Task Order No. 08-3-GFY/W with George F. Young, Inc. in the amount of \$369,466 for detailed engineering design and development of plans and specifications for a new 30-inch diameter force main approximately 11,946 feet in length and connect to the proposed force main (Force Main Part C) at Dr. Martin Luther King Jr. Street and 26<sup>th</sup> Avenue South, proceeding north along Dr. Martin Luther King Jr. Street to 11<sup>th</sup> Avenue South, then east along 11<sup>th</sup> Avenue South towards 3<sup>rd</sup> Street, then north along 3<sup>rd</sup> Street towards 6<sup>th</sup> Avenue South, then east along 6<sup>th</sup> Avenue South towards 1<sup>st</sup> Street, and south along 1<sup>st</sup> Street to just south of 6<sup>th</sup> Avenue South; and

WHEREAS, this Amendment No. 1 to Task Order No. 08-3-GFY/W, in the amount of \$76,677 provides for construction phase services.

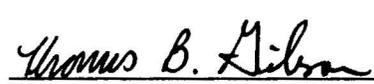
BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30" Force Main – Part D (Engineering Project No. 12013-411, Oracle No.13977); and providing an effective date.

This resolution shall become effective immediately upon its adoption.

Approved by:

  
\_\_\_\_\_  
Legal Department  
By: (City Attorney or Designee)

Approved by:

  
\_\_\_\_\_  
Thomas B. Gibson, P.E.  
Engineering Director

Attached documents for item Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned property located at 642 – 25th Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500.

**ST. PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same; and providing an effective date.

**EXPLANATION:** Real Estate & Property Management received a request from Darrell Simmons, Sr., to purchase the surplus, unimproved City-owned parcel located at approximately 642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida ("Property"). Mr. Simmons is an employee of the City of St. Petersburg and intends to utilize the subject parcel as an extension to his property at 652 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida.

The Property is legally described as follows:

Lot 99, HARBORDALE SUBDIVISION  
Pinellas County I.D. No.: 31/31/17/36684/000/0990

The Property which has been under the control of the Housing & Community Development Department was declared surplus real estate and subsequently authorized for sale.

The Property is unimproved with lot dimensions of 50 ft. x 127 ft. and is zoned NT-1 (Neighborhood/Traditional).

On November 21, 2012, the Property was appraised by Edwin Hotz, E. Hotz Appraisals, who indicated the estimated market value to be \$3,500. The contract price is \$3,500, with the proposed buyer paying all closing costs. According to Billing and Collections, Special Assessment and Utility Liens records, there are no City liens against the proposed buyer.

**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** N/A

**ATTACHMENTS:** Illustration and Resolution

**APPROVALS:** Administration: R. Mussett 1-3-13 36

Budget: N/A

Legal: RSJ

(As to consistency w/attached legal documents)

Legal: 00167869.doc v.1

# ILLUSTRATION



642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SELL THE SURPLUS, UNIMPROVED CITY-OWNED PROPERTY LOCATED AT 642 – 25<sup>TH</sup> AVENUE SOUTH, ST. PETERSBURG, TO DARRELL SIMMONS, SR., FOR \$3,500; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management Department received a request from Darrell Simmons, Sr., to purchase the surplus, unimproved City-owned parcel located at approximately 642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida ("Property"); and

WHEREAS, Mr. Simmons is an employee of the City of St. Petersburg and intends to utilize the subject parcel as an extension to his property at 652 – 25<sup>th</sup> Avenue South; and

WHEREAS, the Property is legally described as follows:

Lot 99, HARBORDALE SUBDIVISION  
Pinellas County I.D. No.: 31/31/17/36684/000/0990; and

WHEREAS, the Property which has been under the control of the Housing & Community Development Department was declared surplus real estate and subsequently authorized for sale; and

WHEREAS, the Property is unimproved with lot dimensions of 50 ft. x 127 ft. and is zoned NT-1 (Neighborhood/Traditional); and

WHEREAS, on November 21, 2012, the Property was appraised by Edwin Hotz, E. Hotz Appraisals, who indicated the estimated market value to be \$3,500; and

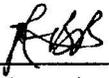
WHEREAS, the contract price is \$3,500, with the proposed buyer paying all closing costs; and

WHEREAS, according to Billing and Collections Special Assessment and Utility Liens records, there are no City liens against the proposed buyer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

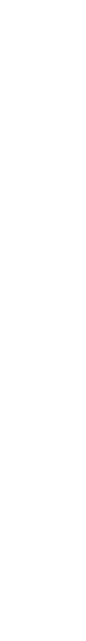
LEGAL:

  
\_\_\_\_\_  
City Attorney (Designee)  
Legal: 00167869.doc v.1

APPROVED BY:

  
\_\_\_\_\_  
Bruce E. Crimes, Director  
Real Estate and Property Management

APPROVED BY:

  
\_\_\_\_\_  
Joshua Johnson, Director  
Housing and Community Development

Attached documents for item Authorizing the Mayor or his designee to accept a Florida Fish and Wildlife Conservation Commission ("FWCC") Grant ("Grant") from the Florida Boating Improvement Program, Boating and Waterways Section for the Grandview Park Boat Ramp Improvements Project

## ST. PETERSBURG CITY COUNCIL

### Consent Agenda

Meeting of January 24, 2013

**TO:** Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor or his designee to accept a Florida Fish and Wildlife Conservation Commission ("FFWCC") Grant ("Grant") from the Florida Boating Improvement Program, Boating and Waterways Section for the Grandview Park Boat Ramp Improvements Project ("Project") at a total maximum reimbursement amount of \$250,000; to execute the Florida Boating Improvement Program Grant Agreement for the Project site with the FFWCC; and to execute all other documents necessary to effectuate the Grant; approving a supplemental appropriation in the amount of \$250,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the Boat Ramp Facility Improvements Project (13181); and establishing an effective date.

**EXPLANATION:** The Florida Fish and Wildlife Conservation Commission has awarded the City a Florida Boating Improvement Program Grant ("Grant") in the amount of \$250,000 for Phase I – Project Construction for the Grandview Park Boat Ramp Improvements Project. The Project elements include the demolition of two existing one-lane boat ramps and four fixed docks; the construction of two new one-lane boat ramps and two new ADA floating boarding piers; installation of lighting at the boat ramps; improvements to the boat ramp parking area; and reconstructing the two entrances to the boat ramp parking area.

The Grant provides for Phase 1 – Project Construction. Permits have been obtained from the regulatory agencies and approved by FFWCC. The Grant requires the City to execute a Florida Boating Improvement Program Grant Agreement and Site Dedication that dedicates the Project site to the public as a boating access facility for the use and benefit of the general public for a minimum period of twenty (20) years from the date of the Dedication. The Site Dedication will be presented to City Council for approval prior to requesting reimbursement of Grant dollars at the completion of the Project on September 30, 2014. The Grant also requires the City to provide matching funds in the amount of \$320,000, which includes \$250,000 available in the Boat Ramp Improvements Project (13181) and \$70,000 available in the Land and Water Conservation Fund Grant Agreement received for the Grandview Park Improvements Project (12560).

**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to accept a Florida Fish and Wildlife Conservation Commission ("FFWCC") Grant ("Grant") from the Florida Boating Improvement Program, Boating and Waterways Section for the Grandview Park Boat Ramp Improvements Project ("Project") at a total maximum reimbursement amount of \$250,000; to execute the Florida Boating Improvement Program Grant Agreement for the Project site with the FFWCC; and to execute all other documents necessary to effectuate the Grant; approving a supplemental appropriation in the amount of \$250,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the Boat Ramp Facility Improvements Project (13181); and establishing an effective date.

**COST FUNDING/ASSESMENT INFORMATION:** Revenues of up to \$250,000 are to be received from this Grant. A supplemental appropriation in the amount of \$250,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the Boat Ramp Facility Improvements Project (13181) will be necessary.

**Attachment:** Resolution

**Approvals:**

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**Administration**

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**Budget**

Legal: 00169260.doc V. 2

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FFWCC") GRANT ("GRANT") FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE GRANDVIEW PARK BOAT RAMP IMPROVEMENTS PROJECT ("PROJECT") AT A TOTAL MAXIMUM REIMBURSEMENT AMOUNT OF \$250,000; TO EXECUTE THE FLORIDA BOATING IMPROVEMENT PROGRAM GRANT AGREEMENT FOR THE PROJECT SITE WITH THE FFWCC; AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$250,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE BOAT RAMP FACILITY IMPROVEMENTS PROJECT (13181); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Florida Fish and Wildlife Commission has awarded the City a Florida Boating Improvement Program Grant ("Grant") in the amount of \$250,000 for Phase 1 – Project Construction for the Grandview Park Boat Ramp Improvements Project; and

WHEREAS, the Grant provides for Phase 1 – Project Construction for the Project site to be completed on or before September 30, 2014; and

WHEREAS, permits have been obtained from the regulatory agencies and approved by FFWCC; and

WHEREAS, the Grant requires the City to execute a Florida Boating Improvement Program Grant Agreement for the Project site, execute a Site Dedication that dedicates the Project site to the public as a boating access facility for the use and benefit of the general public for a minimum period of twenty (20) years from the date of the Site Dedication, and provide matching funds in the amount of \$320,000, which includes \$250,000 available in the Boat Ramp Facility Improvements Project (13181) in the Recreation and Culture Capital Improvement Fund and \$70,000 available in the Land and Water Conservation Fund Grant Agreement received for the Grandview Park Improvements Project (12560); and

WHEREAS, the Project elements include the demolition of two existing one-lane boat ramps and four fixed docks; the construction of two new one-lane boat ramps and two new ADA floating boarding piers; installation of lighting at the boat ramps; improvements to the boat ramp parking area; and reconstructing the two entrances to the boat ramp parking area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to accept a Florida Fish and Wildlife Conservation Commission ("FFWCC") Grant ("Grant") from the Florida Boating Improvement Program, Boating and Waterways Section for the Grandview Park Boat Ramp Improvement Project at a maximum reimbursement amount of \$250,000; to execute the Florida Boating Improvement Program Grant Agreement for the Project Site with the FFWCC; and to execute all other documents necessary to effectuate the Grant; and

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the General Capital Improvement Fund resulting from these additional funds, the following supplemental appropriation for FY2013:

<u>General Capital Improvement Fund (3001)</u>	
Boat Ramp Facility Improvements Project (13181)	\$250,000

This Resolution shall become effective immediately upon its adoption.

Legal:                     *RSB*                     Administration: \_\_\_\_\_

Budget: \_\_\_\_\_

Attached documents for item Sweetbay Update

Attached documents for item Budget, Finance & Taxation Committee. (1/17/2013)

**St. Petersburg City Council  
BUDGET, FINANCE & TAXATION COMMITTEE**

**REVISED**

**Committee Report for January 17, 2013**

**Members:** Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Charles Gerdes; Karl Nurse; Leslie Curran and William Dudley (alternate).

**Support Staff:** Jennifer Millet, Collection Officer, Billing & Collections  
Thomas Hoffman, Controller, Finance Department

**Call to Order and Roll Call**

**Approval of Agenda**

**Approval of Minutes**

**1. New Business**

**a. Selection of a New Chair and Vice Chair**

Mr. James Kennedy was selected as Chair by the Committee.

Mr. Charles Gerdes was selected as Vice Chair by the Committee.

**2. Deferred Business**

**a. 4<sup>th</sup> Quarter Lease Report (Delinquent Rent)**

Bruce Grimes, Director, Real Estate & Property Management introduced David Metz, Director, Downtown Enterprise Facilities, to provide an overview of the 4<sup>th</sup> Quarter Delinquent Lease List including the most recent update on the account associated with Bay Air Flying Services, Inc. (Bay Air).

Mr. Metz stated that City Council approved the Fixed Base Operator Agreement at Albert Whitted Airport with Sheltair on October 18, 2012, and it was effective on November 1st. He pointed out that Mr. Grimes, himself and staff were highly engaged in the transitioning of Sheltair and their business operations.

Mr. Metz indicated that they worked in conjunction with a software upgrade to accommodate the invoicing of all Airport businesses based on discussions last year with City Council on this issue. He also mentioned that a letter was issued to all Airport businesses on August 1, 2012 stating that all accounts would be invoiced starting September 1<sup>st</sup>.

Mr. Metz reported that Bay Air did vacate most of the Airport property with the exception of the Avionics Shop. This area was not part of Sheltair's leased premises, but that steps are being taken to amend the Agreement and include this space. He indicated staff is working closely with the City's Legal Department on the collection of fees and charges owed. The City issued and posted a Notice to Vacate on November 2nd at all 3 businesses. Correspondence was issued to Bay Air on November 16th regarding delinquent fixed rent and other fees. Mr. Metz also shared with the Committee that Bay Air retained an Attorney and the City has provided his office with all of the documentation associated with the delinquent account. He stated that the City is currently due approximately \$120,000, primarily for the months of September

G-1

and October, but it does not include the fuel flowage for this same period. He also indicated that the City's Legal Department is prepared to file a suit within the next day or two.

**b. Management Evaluation-Follow up discussion to 10.11.12 meeting**

Mr. Kornell stated that the Economic Investment issue could be looked over by City staff and suggested that more emphasis should be placed on taking companies that are here and to possibly expand the scope slightly.

Mr. Nurse commented that the timing is not right for the Fire/EMS issue and that we may need to hold off.

Chair Kennedy suggested further discussion regarding Management Evaluations be added to a future meeting. It was agreed by the committee that any item they wanted to have evaluated would be submitted as an item of new business or include on the list to be reviewed next October.

**c. 4<sup>th</sup> Quarter Grants Update**

Mr. Wayne Finley, Grants Compliance Officer provided an overview of Grants awarded to the City for fiscal year 2012. He stated that the City received a little over \$16 million in grants and awards for fiscal year 2012 which was slightly down from previous years. Mr. Finley pointed out that the number of awards has fluctuated since 2006 which was averaging approximately \$25.5 million in grants and awards. Mr. Finley also stated that this was a tough year and the biggest hit seen was in SWFTWMD monies that were significantly reduced.

Mr. Finley mentioned that he believes the Economy seems to be improving or getting better based on feedback from various sources and there would be a great number of grant dollars available for 2013. Mr. Finley further stated that he met with the Mayor and City Administrator to share his vision for the 2013 priorities and strategies for organizations. He expects to meet with Administrators and Directors regarding their goals and priorities for 2013 and to align those projects with grant opportunities.

Mr. Finley mentioned that he met with a group called Citizen Investor which he thinks may provide interesting possibilities to increase funding opportunities but would need prior approval. He also stated that they may be a good source to consider for raising matched dollars for projects and to increase dollars for scholarship programs, education and government services.

Mr. Finley provided a brief report to Chair Kennedy regarding his work with non-profit organizations within the community.

**2. New Business Item Referrals**  
None

3. **Continued Business/Deferred Business**
4. **Reports**  
None
5. **Next Meeting Agenda Tentative Issues**
  1. **January 31, 2013**
    - a. **Resolution authorizing the Mayor or his designee to execute an amendment to the Agency Agreement between ASAP Homeless Services, Inc., and the City of St. Petersburg. (Joshua Johnson)**
    - b. **Community Brownfield Fund (Sophia Sorolis)**
  2. **February 14, 2013**
    - a. **1<sup>st</sup> Quarter Financial Report ( Fritz/ Denise Labrie)**
    - b. **Review of funds legally available to borrow against for CIP projects (Fritz/Connors/Wolfe)**
  3. **1<sup>st</sup> Quarter Grants Report (Wayne Finley)**
6. **Adjournment - meeting adjourned at 9:06.a.m.**

**St. Petersburg City Council  
BUDGET, FINANCE & TAXATION COMMITTEE**

**Committee Report for January 17, 2013**

**Members:** Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Charles Gerdes; Karl Nurse; Leslie Curran and William Dudley (alternate).

**Support Staff:** Jennifer Millet, Collection Officer, Billing & Collections  
Thomas Hoffman, Controller, Finance Department

**Call to Order and Roll Call**

**Approval of Agenda**

**Approval of Minutes**

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Mr. Metz stated that City Council approved the Fixed Base Operator Agreement at Albert Whitted Airport with Sheltair on October 18, 2012, and it was effective on November 1st. He pointed out that Mr. Grimes, himself and staff were highly engaged in the transitioning of Sheltair and their business operations.

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Mr. Metz reported that Bay Air did vacate most of the Airport property with the exception of the Avionics Shop. This area was not part of Sheltair's leased premises, but that steps are being taken to amend the Agreement and include this space. He indicated staff is working closely with the City's Legal Department on the collection of fees and charges owed. The City issued and posted a Notice to Vacate on November 2nd at all 3 businesses. Correspondence was issued to Bay Air on November 16th regarding delinquent fixed rent and other fees. Mr. Metz also shared with the Committee that Bay Air retained an Attorney and the City has provided his office with all of the documentation associated with the delinquent account. He stated that the City is currently due approximately \$120,000, primarily for the months of September

and October, but it does not include the fuel flowage for this same period. He also indicated that the City's Legal Department is prepared to file a suit within the next day or two.

### **b. Management Evaluation-Follow up discussion to 10.11.12 meeting**

Mr. Kornell stated that the Economic Investment issue could be looked over by City staff and suggested that more emphasis should be placed on taking companies that are here and to possibly expand the scope slightly.

Mr. Nurse commented that the timing is not right for the Fire/EMS issue and that we may need to hold off.

Chair Kennedy suggested further discussion regarding Management Evaluations be added to a future meeting. It was agreed by the committee that any item they wanted to have evaluated would be submitted as an item of new business or include on the list to be reviewed next October.

### **c. 4<sup>th</sup> Quarter Grants Update**

Mr. Wayne Finley, Grants Compliance Officer provided an overview of Grants awarded to the City for fiscal year 2012. He stated that the City received a little over \$16 million in grants and awards for fiscal year 2012 which was slightly down from previous years. Mr. Finley pointed out that the number of awards has fluctuated since 2006 which was averaging approximately \$25.5 million in grants and awards. Mr. Finley also stated that this was a tough year and the biggest hit seen was in SWFTWMD monies that were significantly reduced.

Mr. Finley mentioned that he believes the Economy seems to be improving or getting better based on feedback from various sources and there would be a great number of grant dollars available for 2013. Mr. Finley further stated that he met with the Mayor and City Administrator to share his vision for the 2013 priorities and strategies for organizations. He expects to meet with Administrators and Directors regarding their goals and priorities for 2013 and to align those projects with grant opportunities.

Mr. Finley mentioned that he met with a group called Citizen Investor which he thinks may provide interesting possibilities to increase funding opportunities but would need prior approval. He also stated that they may be a good source to consider for raising matched dollars for projects and to increase dollars for scholarship programs, education and government services.

Mr. Finley provided a brief report to Chair Kennedy regarding his work with non-profit organizations within the community.

## **2. New Business Item Referrals**

None

- 3. Continued Business/Deferred Business**
- 4. Reports**  
None
- 5. Next Meeting Agenda Tentative Issues**
  - 1. January 31, 2013**
    - a. Resolution authorizing the Mayor or his designee to execute an amendment to the Agency Agreement between ASAP Homeless Services, Inc., and the City of St. Petersburg. (Joshua Johnson)**
    - b. Community Brownfield Fund (Sophia Sorolis)**
  - 2. February 14, 2013**
    - a. 1<sup>st</sup> Quarter Financial Report ( Fritz/ Denise Labrie)**
    - b. Review of funds legally available to borrow against for CIP projects (Fritz/Connors/Wolfe)**
  - 3. 1<sup>st</sup> Quarter Grants Report (Wayne Finley)**
- 6. Adjournment - meeting adjourned at 9:06.a.m.**

Attached documents for item Public Services & Infrastructure Committee. (1/17/2013)

City of St. Petersburg  
**Public Services & Infrastructure Committee**

Meeting of January 17, 2013 – 9:15  
City Hall, Room 100

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Members: Chair Bill Dudley; Vice-Chair Jeff Danner  
Council Members: Wengay Newton and Steve Kornell;

Alternate: Karl Nurse

Support Staff: Evelyn Rosetti, primary staff support; David Dickerson, backup staff

Others Present: Council Members Kennedy, Curran and Gerdes; Tish Elston, Mike Connors, Rick Mussett, Mark Winn, Amelia Preston, Phil Lazzara, Dave Goodwin, Mike Frederick, Tom Gibson, Susie Ajoc, Steve Leavitt, Lane Longley, Paul Zimmerman, Kim Streeter

A. Call to Order and Roll Call – 9:19 a.m.

B. Approval of Agenda ( 4 – 0 )

C. Approval of Minutes

1. Minutes of December 13, 2012 (4 – 0)
2. Minutes of December 20, 2012 (4 – 0)

D. Selection of New Chair: Mr. Nurse made a motion to nominate Councilmember Dudley as Chair. Motion passed unanimously. Mr. Nurse made a motion to nominate Council member Danner as Vice Chair. Motion passed unanimously.

E. New & Continued Business

1. *Street Closure (28<sup>th</sup> Street/50<sup>th</sup> Avenue South)*

This item was referred to the Committee by Council Member Kornell

**Opening Discussion and Presentation**

Chair Bill Dudley opened the meeting and introduced Phil Lazzara. Mr. Lazzara explained that 28<sup>th</sup> Street terminates into 50<sup>th</sup> Avenue South and 50<sup>th</sup> Avenue is not a paved road. Mr. Lazzara showed a number of photographs from various angles at the intersection as well as the condition of the pavement. There are two processes to follow to request a street closure. The first is a privately initiated effort, whereby 51% or greater of the abutting owners request a closure. The second is a City initiated process. While there are no formally adopted criteria for determining when City-initiation of a street closure would be appropriate, staff noted that Council Resolution 2007-202, sets forth certain criteria for City-initiated vacations and that those criteria could be used as guidance in this case. Staff described each of the criteria in the Resolution and explained why this proposal does not appear to qualify for City initiation according to those standards. Moreover, staff explained that in discussions with the Engineering and Transportation Departments, it was concluded that this proposed closure would be inconsistent with the applicable criteria in the City Code. Development Review Services recommended that this street closure not take place.

## **Committee and Staff Discussion**

The Council members discussed the traffic conditions, particularly school buses going through 50<sup>th</sup> Avenue South. Council members asked why this road was not paved. Mr. Tom Gibson, Engineering Director, gave a history of this road and how abutting property owners have not been in favor of paving the road. It was asked how much it costs to maintain this road annually. It was suggested that the School Board be asked about its current routing of school buses through this neighborhood. Traffic volumes were reported indicating that there is more traffic in July when school is not in session than in December. A motion was made by Mr. Kornell to move forward as a City initiated street closure. The motion failed with a vote of 3 to 1.

### 2. *Neighborhood Watch signs.*

This item was referred by Council member Gerdes

## **Presentation and Committee Discussion**

Council member Gerdes presented this item. Citing certain neighborhoods using private cameras as a security measure in the neighborhood, Mr. Gerdes proposed that the City allow additional and uniform signage to be added to existing Neighborhood Crime Watch signs to say that there are private surveillance cameras in the neighborhood. Mr. Mark Winn suggested that an Ordinance be drafted to set forth the parameters for these new types of signs. It was also suggested that the Police Chief provide input on this issue. A motion was made by Mr. Newton to find out if it is possible to have two signs (on the Neighborhood Watch Sign pole) indicating that there is camera surveillance and find out the cost. This is to be reported back in 60 days. The motion passed unanimously.

### 3. *Industrial Pretreatment Ordinance*

## **Opening Discussion and Presentation**

Mr. Steve Leavitt presented the need to modify the Industrial Pretreatment Ordinance. The program is required by the Florida Department of Environmental Protection (FDEP) and the US Environmental Protection Agency (EPA). The program protects the wastewater collection system, the water reclamation facilities and the reuse system and biosolids byproducts. The proposed changes bring our program into compliance with rule changes by FDEP and USEPA. There are three additional optional changes allowing the City to reduce monitoring of smaller industrial users if they meet certain criteria. The Ordinance is scheduled for a First Reading on February 7 and a Public Hearing on February 21. After Council approval, the Ordinance will be submitted to FDEP for a 30 day public comment period and it would not be implemented until April. Mr. Danner made a motion to recommend that the Ordinance go to full Council and that we amend the Ordinance per staff recommendation. The motion passed with a vote of 3 to 1.

There was additional discussion about the Supreme Court decision affecting the Noise Ordinance. Mark Winn was asked to bring this item to a future committee meeting.

## F. Next Meeting.

1. *January 31, 2013* Sidewalk Policy  
4G Technology

## G. Adjournment. Meeting Adjourned at 10:33 a.m.

Attached documents for item Co-Sponsored Events Committee. (1/8/13)



**CO-SPONSORED EVENTS COMMITTEE**  
**Report of the January 8, 2013 Meeting**

**TO:** Members of City Council

**FROM:** Co-Sponsored Events Subcommittee Chair Charlie Gerdes and Councilmembers William Dudley, Karl Nurse and Wengay Newton

**DATE:** January 17, 2013

---

Chairman Gerdes commented briefly regarding a request from Councilmember Nurse to have a discussion concerning park events and how the city could be more efficient and effective in terms of event costs.

Councilmember Nurse commented briefly and stated he had received a complaint from an organization concerning the costs to put on an event in the park and noted he felt there was a potential opportunity to cut costs in terms of police services and the use of cameras in the parks. CM Nurse also asked if the level of policing could be adjusted for events that have a long history with the city and are non-profit and have had no problems.

Mike Jefferis, Recreation & Programming Superintendent, addressed the subcommittee and responded to a request from the December 20<sup>th</sup> meeting concerning the number of events held in Vinoy Park annually. Mr. Jefferis stated the number of park events annually was 20 plus 3 additional events that are held in the mole area for a total of 23 events annually. Mr. Jefferis also provided an overview of the departmental process for events held in city parks.

Sgt. Joe Pratt, Police Department Special Events Manager, commented regarding the departments procedure for providing police services and staffing for park events. Mr. Pratt stated that the type of event and attendance determined the level of police services per event. Mr. Pratt also commented regarding the sale of alcohol during some events and noted that additional officers are typically scheduled to work such events. Mr. Pratt commented further regarding event staffing and expressed concern regarding the availability of officers during an event when an issue arises. Regarding discussion concerning the use of cameras in the park Mr. Pratt noted that the cameras could be used basically to monitor the crowd and would also require staff to monitor them and could affect the availability of officers also.

Mike Domonte, representing the Fire Department commented briefly and stated that the fire department staffing of events was very low and stated fire shared some of the same concerns as the police department. Mr. Domonte also stated their main concern was proper egress in during emergencies and getting people out of the park safely along with possible cooking hazards. Mr. Domonte further noted that staffing for events have been reduced and stated typically two fire inspectors are assigned to an event and currently that number has now been reduced to one.

Following discussion there was no action taken by the subcommittee.

Attached documents for item Confirming the preliminary assessment for Building Securing Number 1172.

**ST. PETERSBURG CITY COUNCIL**

**MEETING OF: January 24, 2013**

**TO:** COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

**SUBJECT:** Confirming Preliminary Assessment for  
Building Securing Number SEC 1172

**EXPLANATION:** Codes Compliance Assistance has secured the attached structures which were found to be unfit or unsafe under Chapter 8, Article VII, of the St. Petersburg City Code. The interest rate is 12% per annum on the unpaid balance.

<b>SEC:</b>	<u>1172</u>
<b>NUMBER OF STRUCTURES</b>	<u>31</u>
<b>ASSESSABLE AMOUNT:</b>	<u>\$4,834.82</u>

According to the City Code, these assessments constitute a lien on each property. It is recommended that the assessments be confirmed.

**COST/FUNDING/ASSESSMENT INFORMATION:**

The total assessable amount of \$4,834.82 will be fully assessable to the property owners.

**ATTACHMENTS:**

**MAYOR:** \_\_\_\_\_

**COUNCIL ACTION:** \_\_\_\_\_

**FOLLOW-UP:** \_\_\_\_\_

**AGENDA NO.** \_\_\_\_\_

1/04/13  
16:17:21

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 1  
SASONA1P

PE	CT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1172		ABELE, JOHN	2219 27TH ST S	132.13
		CAPRARIO, ANTONIO D	4029 12TH AVE N	82.44
		CHRISWELL, MARGARET	1919 42ND ST S	144.50
		ELLIOTT, BRIAN	460 24TH ST N	230.93
		FOLEY, JACKIE	1034 60TH AVE N	200.04
		FRAZEE, CHRISTOPHER	3811 26TH ST N	82.44
		GILCHRIST, THURZA	967 22ND AVE S	371.40
		GOLDEN ENCHANTMENT INC	627 35TH AVE S	234.35
		JOHN S RHODES INC	328 7TH AVE N	150.10
		JOHNSON, JODI LYNN	1327 35TH ST S	295.84
		JONES, MAURICE	4643 QUEENSBORO AVE S	109.35
		KASSIS, JALIME F	2235 37TH AVE N	115.63
		LEE, STEVEN F	2711 6TH ST S	183.73
		LETELLIER, HELEN A EST	340 47TH ST N	125.85
		MC LENDON, BILLY KEITH	2310 17TH AVE S	514.93
		MILEY, PRIME JR EST	3642 EMERSON AVE S	127.44
		MISCAVISH, LINDA	620 53RD AVE S	124.50
		MOORE, ERIK	810 14TH AVE S	138.83
		OMNI NATL BANK	4811 13TH AVE S	115.63
		PUTERBAUGH, JASON S	1101 54TH AVE N	82.44
		ROSE HALL INVESTMENT GROUP LP	1121 26TH AVE S	124.50
		SHIELDS, JOHN R	2643 4TH AVE S	137.13
		SMITH, RAYMOND	761 16TH AVE S	176.85
		SOWELL, VERNELL	2601 3RD AVE S	83.33
		TIMBERLAKE, HELEN E	3035 MELTON ST N	83.33
		TRADER, MANDISA L	4521 9TH AVE S	119.08

1/04/13  
16:17:21

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 2  
SASONA1P

PERFECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	TRAPP, JAMES	649 28TH AVE S	129.50
	U S BANK NATL ASSN	3233 23RD ST N	82.44
	WIESELBERG, RONALD	3065 20TH AVE S	139.50
	WOOTEN, JOHN	721 15TH ST N	113.33
	YUNG, AMELIA RANESAS	525 27TH AVE S	83.33

1/04/13  
16:17:21

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 3  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
		PROJECT TOTAL	4,834.82
	*** END OF REPORT ***	GRAND TOTAL	4,834.82

**BUILDING SECURING NUMBER SEC 1172**

**COST/FUNDING/ASSESSMENT INFORMATION**

<b><u>CATEGORY</u></b>	<b><u>AMOUNT TO BE ASSESSED</u></b>
SECURING COST	\$ 1,800.00
MATERIAL COST	\$ 987.80
LEGAL AD	\$ 652.02
ADMIN. FEE	<u>\$ 1,395.00</u>
<b>TOTAL:</b>	<b>\$ 4,834.82</b>

A RESOLUTION ASSESSING THE COSTS OF SECURING LISTED ON SECURING BUILDING NO. 1172 ("SEC 1172") AS LIENS AGAINST THE RESPECTIVE REAL PROPERTY ON WHICH THE COSTS WERE INCURRED; PROVIDING THAT SAID LIENS HAVE A PRIORITY AS ESTABLISHED BY CITY CODE SECTION 8-270; PROVIDING FOR AN INTEREST RATE ON UNPAID BALANCES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD NOTICE(S) OF LIEN(S) IN THE PUBLIC RECORDS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg has proceeded under the provision of Chapter 8, of the St. Petersburg City Code to secure certain properties; and

WHEREAS, the structures so secured are listed on Securing Building No. 1172 ("SEC 1172"); and

WHEREAS, Section 8-270 of the St. Petersburg City Code provides that the City Council shall assess the entire cost of such securing against the property on which the costs were incurred and that assessments shall become a lien upon the property superior to all others, except taxes; and

WHEREAS, the City Council has held a public hearing on January 24, 2013, to hear all persons who wished to be heard concerning this matter.

NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council assesses the costs of securing listed on Securing Building No. 1172 ("SEC 1172") as liens against the respective real property on which the costs were incurred and that pursuant to Section 8-270 of the St. Petersburg City Code said liens shall be superior in dignity to all other liens except taxes; and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute and record notice(s) of the lien(s) provided for herein in the public records of the County.

BE IT FURTHER RESOLVED that the Special Assessment Certificates to be issued hereunder shall bear interest at the rate of 12% per annum on the unpaid balance from the date of the adoption of this resolution.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Ordinance 1043-V approving the vacation of a cul-de-sac at the terminus of Hartford Street North in the block bound by 34th Street North, 36th Avenue North, 35th Street North and 38th Avenue North. (City File 12-33000012)



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** Approving the vacation of the cul-de-sac at the terminus of Hartford Street North in the block bound by 34<sup>th</sup> Street North, 36<sup>th</sup> Avenue North, 35<sup>th</sup> Street North and 38<sup>th</sup> Avenue North (City File No.: 12-33000012).

**RECOMMENDATION:** The Administration and the Development Review Commission recommend **APPROVAL**.

**RECOMMENDED CITY COUNCIL ACTION:**

- 1) Conduct the second reading and public hearing; and
- 2) Approve the proposed ordinance.

---

**The Request:** The request is to vacate the existing cul-de-sac right-of-way at the northern end of Hartford Street North, which is located within the block bound by 38<sup>th</sup> Avenue North, 36<sup>th</sup> Avenue North, 34<sup>th</sup> Street North and 35<sup>th</sup> Street North. The area proposed for vacation is depicted on the attached maps.

**Background:** The applicant's goal is to eliminate the larger cul-de-sac feature and replace it with a T-shaped turnaround. The turnaround will consume less of the total land area and can better accommodate redevelopment of the land to the north, which is planned for a new fuel station and convenience store. Given the findings set forth in the staff report to the DRC, Staff recommends approval.

**Agency Review & Comments:** The application was routed to other departments and utilities for comments. Comments were provided by the City's Engineering Department and outside utility providers regarding necessary utility easements and/or relocation, which would be done at the applicant's expense. Copies of the comments were provided to the applicant. Staff has suggested special conditions which address the issues. The proposed ordinance contains conditions to address the issues noted.

**Public Notice & Public Comments:** The applicant provided the prescribed public notices prior to the DRC hearing. The owner of the duplex located to the southwest side of the existing cul-de-sac attended the DRC hearing to express concern regarding the proposed site plan, which would allow vehicular traffic to enter and exit the commercial site from Hartford Street, which is a residential street. Currently, there is a raised curb along the northern side of the existing cul-de-sac which prevents vehicular through traffic.

**DRC Action:** During the public hearing on November 7, 2012, the Development Review Commission (DRC) voted to add a condition of approval precluding vehicular access between the commercial site to the north and Hartford Street North. The DRC then voted to recommend approval of the proposed vacation, subject to the amended list of conditions. The list of suggested special conditions for Council's consideration includes the additional condition adopted by the DRC.

**City Council Action:** During the public hearing on December 20, 2012, City Council voted to defer this item to the January 24, 2013 meeting.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the partial street vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment. The replat shall comply with the requirements of all affected City departments and outside utility agencies.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The platting process shall include review and approval of the design for the proposed T-shaped turnaround. The turnaround shall be designed with raised curbing along the northern side to prevent vehicular access between the northern end of Hartford Street North and the land to the north. The final design of the turnaround shall be subject to review and approval by the City.
4. All required improvements associated with the vacation and replat shall be completed prior to the City Clerk recording the vacation ordinance or the applicant recording the final plat.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34<sup>TH</sup> STREET NORTH, 36<sup>TH</sup> AVENUE NORTH, 35<sup>TH</sup> STREET NORTH AND 38<sup>TH</sup> AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG DOES ORDAIN:**

**SECTION 1.** The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

**SEE EXHIBIT "A"**

**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

**SECTION 3.** The vacation is subject to and conditional upon the following:

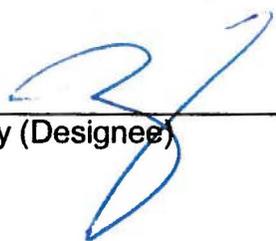
1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment. The replat shall comply with the requirements of all affected City departments and outside utility agencies.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The platting process shall include review and approval of the design for the proposed T-shaped turnaround. The turnaround shall be designed with raised curbing along the northern side to prevent vehicular access between the northern end of Hartford Street North and the land to the north. The final design of the turnaround shall be subject to review and approval by the City.
4. All required improvements associated with the vacation and replat shall be completed prior to the City Clerk recording the vacation ordinance or the applicant recording the final plat.

**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 expiration of the fifth 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:

  
\_\_\_\_\_  
Planning & Economic Development

11-9-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney (Designee)

\_\_\_\_\_  
Date

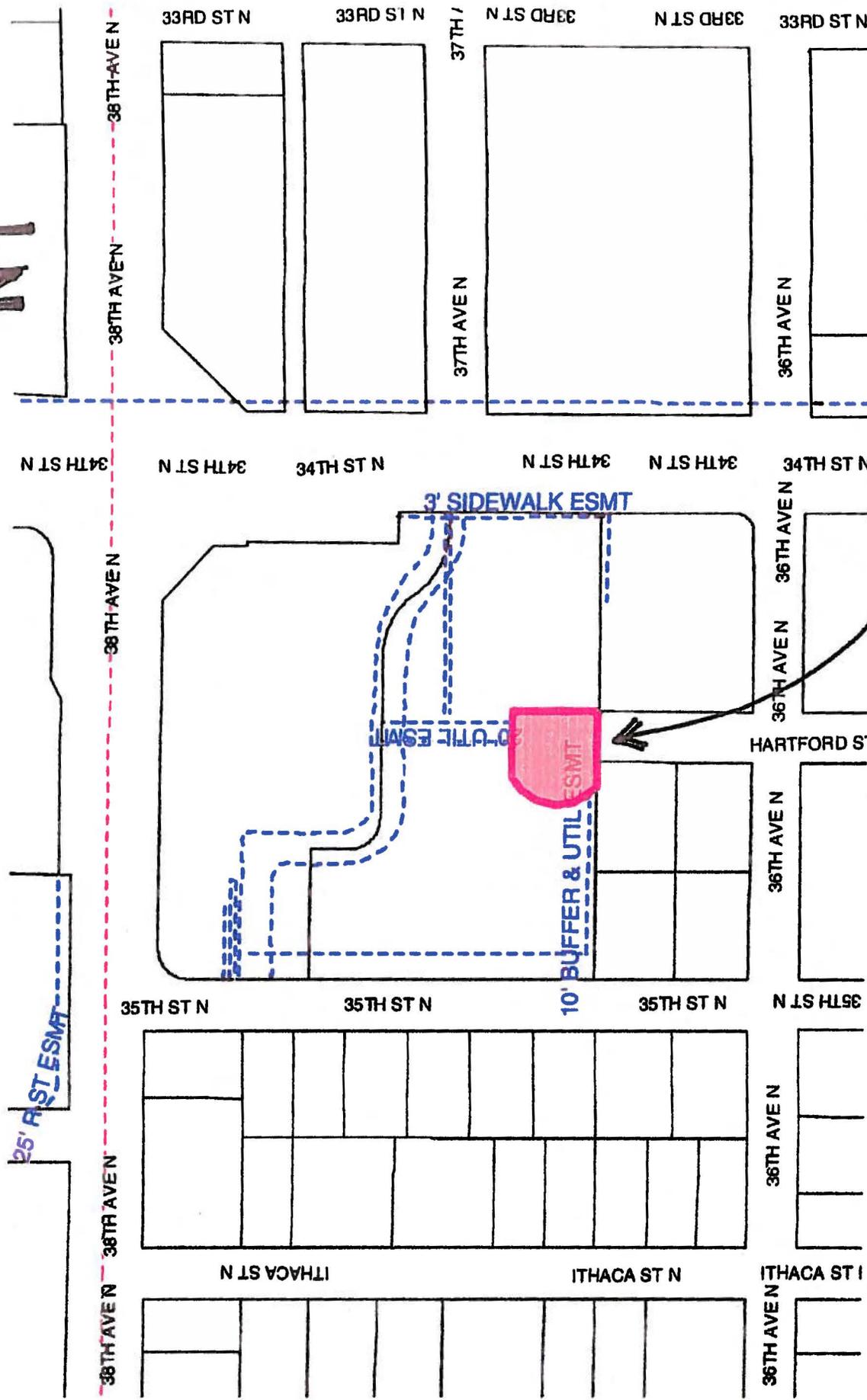
# EXHIBIT "A"

## LEGAL DESCRIPTION- VACATION OF HARFORD STREET NORTH

BEING ALL OF THE RIGHT OF WAY OF HARFORD STREET NORTH AS SHOWN ON THE PLAT ENTITLED "REPLAT OF LINDY'S CORNER" RECORDED IN PLAT BOOK 112 PAGE 74 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, ALSO BEING IN A PORTION OF SECTION 10, TOWNSHIP 31 SOUTH, RANGE 16 EAST, CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

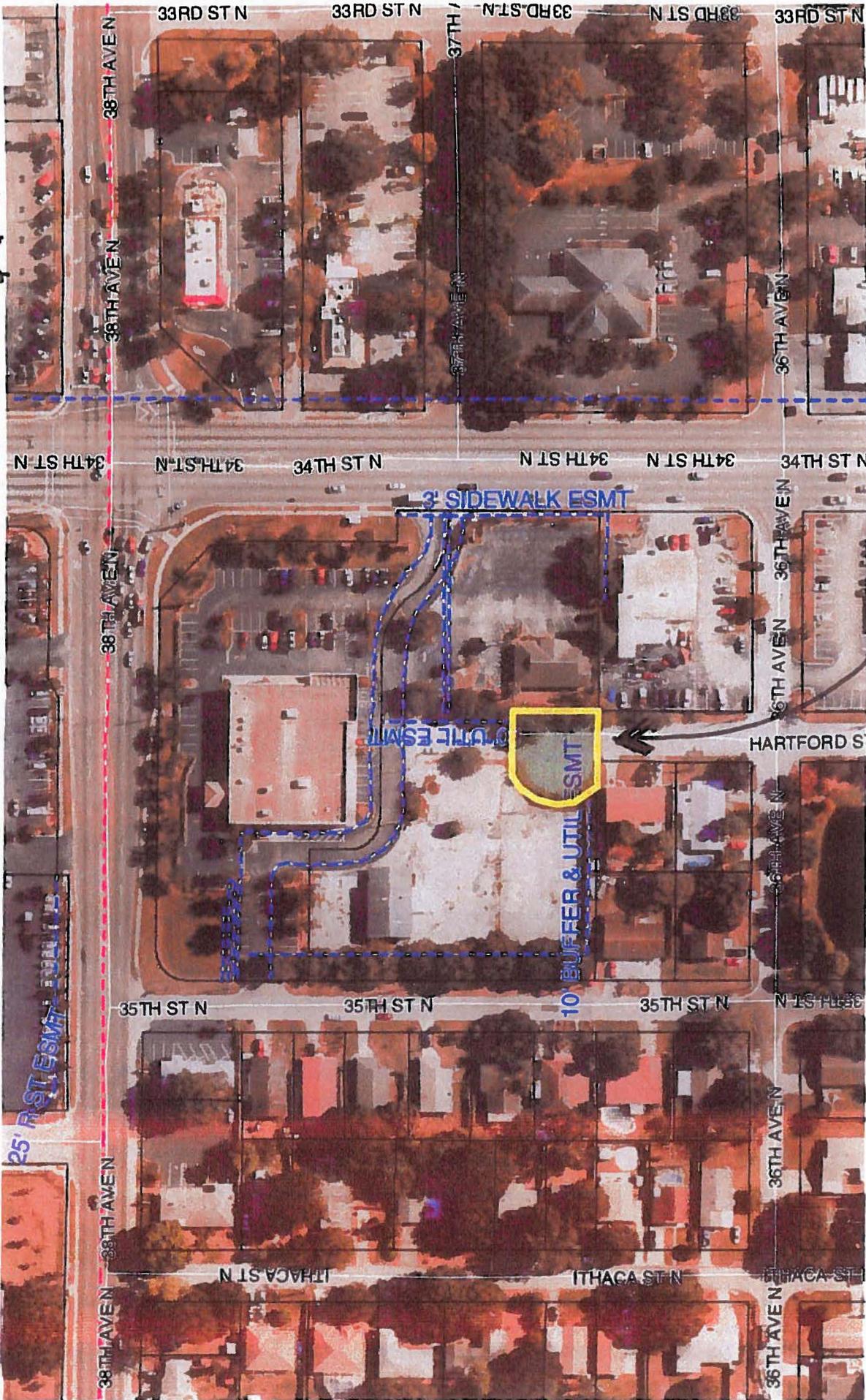
COMMENCE AT THE SOUTH EAST CORNER OF LOT 2, BLOCK 2 OF THE PLAT ENTITLED "REPLAT OF LINDY'S CORNER" RECORDED IN PLAT BOOK 112 PAGE 74 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, THENCE SOUTH  $89^{\circ}41'30''$  WEST ALONG THE SOUTH LINE OF SAID LOT 2 193.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH  $89^{\circ}41'30''$  WEST 77.09 FEET TO A NON TANGENT CURVE TO THE RIGHT BEING THE WESTERLY RIGHT OF WAY OF HARFORD STREET NORTH; THENCE NORTHEASTERLY ALONG THE SAID WESTERLY RIGHT OF WAY AND THE ARC OF SAID CURVE HAVE FOR ITS ELEMENTS A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 119.93 FEET, A DELTA OF  $137^{\circ}25'51''$  AND A CHORD BEARING AND DISTANCE OF NORTH  $21^{\circ}00'01''$  EAST 93.18 FEET, THENCE NORTH  $89^{\circ}42'56''$  EAST ALONG THE NORTH RIGHT OF WAY OF SAID HARFORD STREET 43.34 FEET TO THE NORTHEAST CORNER OF SAID RIGHT OF WAY; THENCE SOUTH  $00^{\circ}14'14''$  EAST ALONG SAID EASTERN RIGHT OF WAY 86.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,379 SQUARE FEET OR 0.1694 ACRES MORE OR LESS.



AREA TO BE VACATED

N ↑

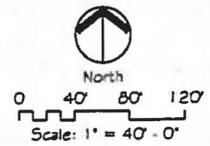
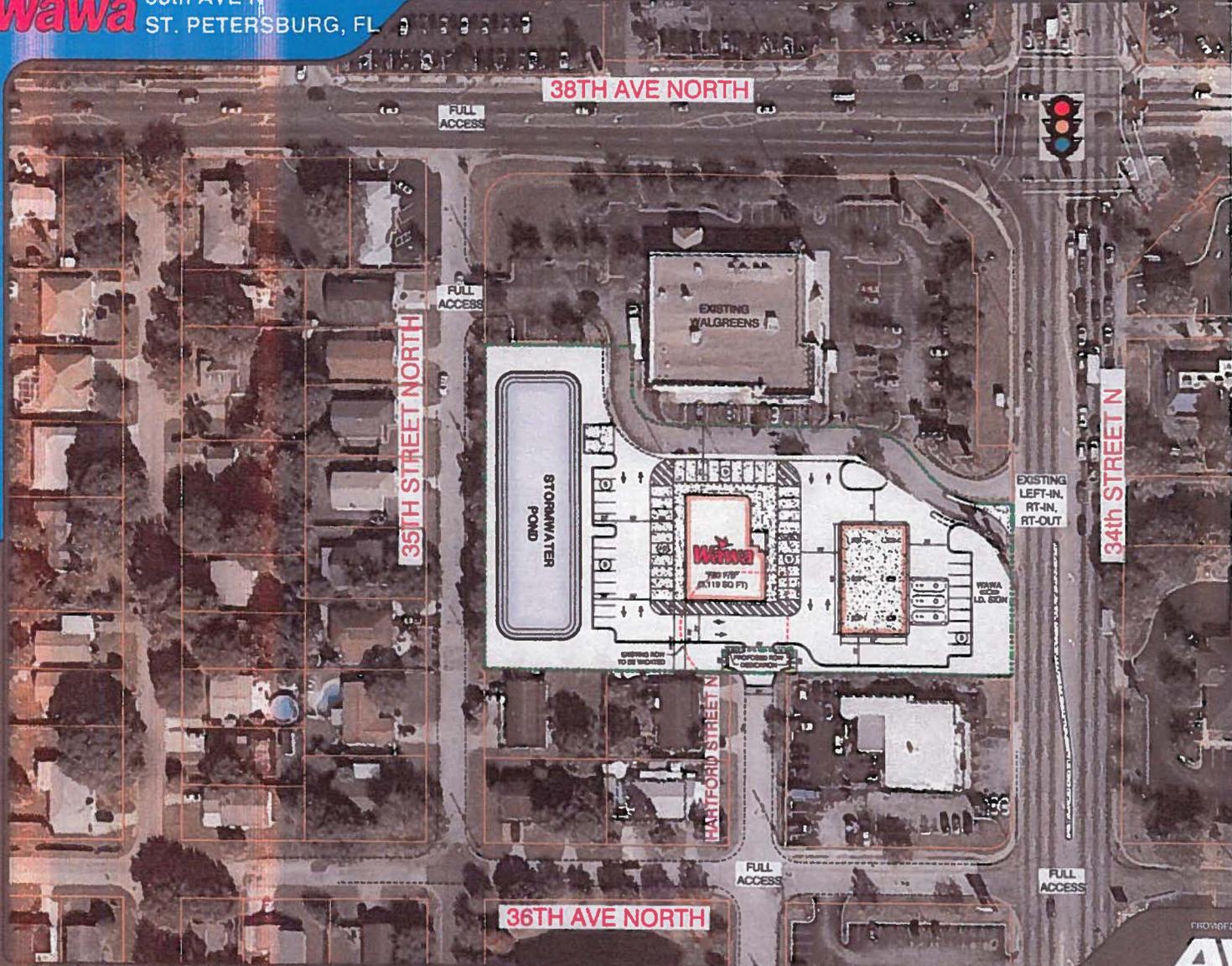


AREA TO BE VACATED



38th AVE N  
ST. PETERSBURG, FL

# CONCEPT PLAN A2



### SITE DATA TABLE

**TOTAL PROJECT ACREAGE:**  
2.17 ACRES

**JURISDICTION:**  
CITY OF ST PETERSBURG, FLORIDA

**PROPERTY ZONING:**  
ZONED CCSH | PROPOSED USE REQUIRES A "SPECIAL EXCEPTION" APPROVAL

**PROPOSED DENSITY:**  
6.119 SF

**PARKING (REQUIRED):**  
5 PARKING SPACE PER 1000 SF OF FLOOR AREA  
6119 SF/200 = 31 SPACES REQUIRED  
50 SPACES PROVIDED

- NOTES:**
1. CONCEPT PLAN DOES NOT INCLUDE ADDITIONAL STORMWATER TREATMENT AREA THAT MAY BE REQUIRED TO PROVIDE NUTRIENT LOAD REDUCTION UNDER THE PENDING FDPF STORMWATER TREATMENT RULE CHANGE.
  2. ROW VACATION NEEDED LAYOUT ASSUMES VACATION OF POSTING ROW, AND DEDICATION OF NEW ALLEY AS SHOWN.
  3. MAY REQUIRE A RE-PLAT TO VACATE ROW.
  4. FENCE MAY NEED TO BE INSTALLED ON THE ADJUTING RESIDENTIAL LOTS.

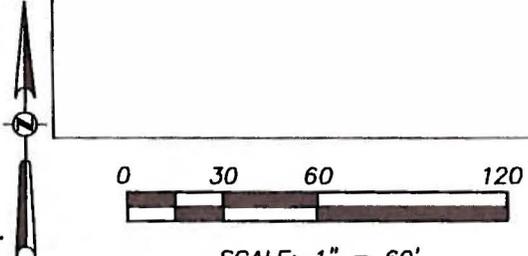


AGREE REALTY CORPORATION

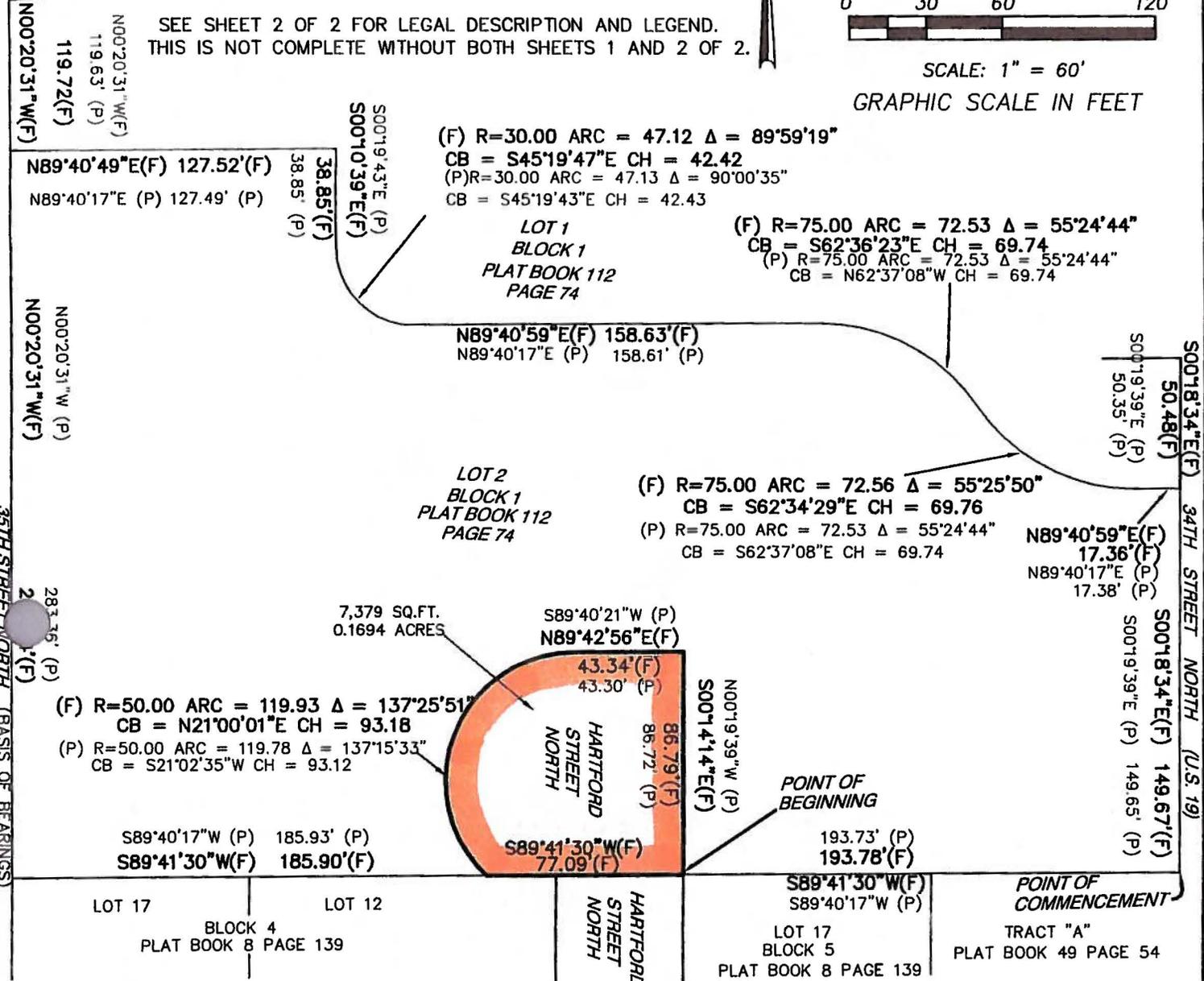
PREPARED FOR: AGREE REALTY CORPORATION  
DATE: 12-19-2017  
PROJECT: 10101474

**THIS IS NOT A SURVEY**

NOTES: THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY. THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. BEARINGS OF BEARINGS: THE EAST RIGHT OF WAY OF 35 STREET BEING WITH 00°20'31" WEST



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND LEGEND. THIS IS NOT COMPLETE WITHOUT BOTH SHEETS 1 AND 2 OF 2.



NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND BEING DESCRIBED HEREIN (THE DESCRIPTION) IS BASED UPON A FIELD BOUNDARY SURVEY OF LOT 2 BY AVID GROUP.

PREPARED FOR: PREPARED FOR AGREE

SHEET DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR VACATED PORTION OF HARFORD STREET NORTH

SCALE: 1"=60'	DRAWN: JLW	CHECKED: JLW	COUNTY: PINELLAS	CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION SKETCH AND LEGAL DESCRIPTION OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER FLORIDA CERTIFICATE OF AUTHORIZATION No. 7345
JOB NO. 3066003	DATE: 07/16/12	SECTION: 10	TOWNSHIP: 31S RANGE: 16E	



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201  
 LAND PLANNING PALM HARBOR, FLORIDA 34683  
 TRAFFIC/TRANSPORTATION 34683  
 ENVIRONMENTAL SCIENCES PHONE (727) 789-9500  
 SURVEYING FAX (727) 784-6662  
 GIS AVIDGROUP.COM

JOHN L. WABY  
 PROFESSIONAL LAND SURVEYOR  
 LICENSE NUMBER #4270  
 STATE OF FLORIDA

**THIS IS NOT A SURVEY**

NOTES: THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY. THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. BASIS OF BEARINGS: THE EAST RIGHT OF WAY OF 35 STREET BEING NORTH 00°20'31"WEST

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND LEGEND. THIS IS NOT COMPLETE WITHOUT BOTH SHEETS 1 AND 2 OF 2.



SCALE: 1" = 60'

GRAPHIC SCALE IN FEET

N00°20'31"W (F)  
119.72 (F)  
119.63 (P)  
N00°20'31"W (F)

N89°40'49"E (F) 127.52' (F)  
N89°40'17"E (P) 127.49' (P)

S00°19'43"E (P)  
S00°10'39"E (F)  
38.85' (P)  
38.85' (F)

(F) R=30.00 ARC = 47.12 Δ = 89°59'19"  
CB = S45°19'47"E CH = 42.42  
(P) R=30.00 ARC = 47.13 Δ = 90°00'35"  
CB = S45°19'43"E CH = 42.43

LOT 1  
BLOCK 1  
PLAT BOOK 112  
PAGE 74

(F) R=75.00 ARC = 72.53 Δ = 55°24'44"  
CB = S62°36'23"E CH = 69.74  
(P) R=75.00 ARC = 72.53 Δ = 55°24'44"  
CB = N62°37'08"W CH = 69.74

N89°40'59"E (F) 158.63' (F)  
N89°40'17"E (P) 158.61' (P)

LOT 2  
BLOCK 1  
PLAT BOOK 112  
PAGE 74

(F) R=75.00 ARC = 72.56 Δ = 55°25'50"  
CB = S62°34'29"E CH = 69.76  
(P) R=75.00 ARC = 72.53 Δ = 55°24'44"  
CB = S62°37'08"E CH = 69.74

N89°40'59"E (F) 17.36' (F)  
N89°40'17"E (P) 17.38' (P)

N00°20'31"W (P)  
N00°20'31"W (F)

283.36' (P)  
283.34' (F)

S89°40'21"W (P)  
S89°42'56"W (F)

43.34' (F)  
43.30' (P)  
86.79' (F)  
86.72' (P)

VACATED  
HARTFORD  
STREET  
NORTH

(F) R=50.00 ARC = 119.93 Δ = 137°25'51"  
CB = S21°00'01"W CH = 93.18  
(P) R=50.00 ARC = 119.78 Δ = 137°15'33"  
CB = S21°02'35"W CH = 93.12

S89°40'17"W (P) 185.93' (P)  
S89°41'30"W (F) 185.90' (F)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°41'30"W	60.00'
L2	N00°14'14"W	20.00'
L3	N89°41'30"E	60.00'
L4	S00°14'14"E	20.00'

POINT OF BEGINNING

S89°41'30"W (F)  
188.78' (F)

POINT OF COMMENCEMENT

TRACT "A"  
PLAT BOOK 49 PAGE 54

LOT 17  
BLOCK 4  
PLAT BOOK 8 PAGE 139

193.73' (P)  
S89°40'17"W (P)  
LOT 17  
BLOCK 5  
PLAT BOOK 8 PAGE 139

L3  
1,200 SQ.FT.  
0.0275 ACRES

HARTFORD  
STREET  
NORTH

NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND BEING DESCRIBED HEREIN (THE DESCRIPTION) IS BASED UPON A FIELD BOUNDARY SURVEY OF LOT 2 BY AVID GROUP.

PREPARED FOR: PREPARED FOR AGREE

SHEET DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR DEDICATED PORTION OF HARFORD STREET NORTH

SCALE: 1"=60' DRAWN: JLW CHECKED: JLW COUNTY: PINELLAS  
JOB NO. 3066003 DATE: 07/16/12 SECTION: 10 TOWNSHIP: 31S RANGE: 16E

CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION SKETCH AND LEGAL DESCRIPTION OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER FLORIDA CERTIFICATE OF AUTHORIZATION No. 7345



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JOHN L. WABY  
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LICENSE NUMBER #4270  
STATE OF FLORIDA



**st.petersburg**  
**www.stpete.org**

**CITY OF ST. PETERSBURG  
PLANNING & ECONOMIC DEVELOPMENT DEPT.  
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

---

**VACATION OF RIGHT-OF-WAY  
PUBLIC HEARING**

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **November 7, 2012 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

**CASE NO.:** 12-33000012                      **PLAT SHEET:** K-20

**REQUEST:** Approval of a vacation of a cul-de-sac at the terminus of Hartford Street North in the block bound by 34<sup>th</sup> Street North, 36<sup>th</sup> Avenue North, 35<sup>th</sup> Street North and 38<sup>th</sup> Avenue North.

**APPLICANT:** Agree St. Petersburg, LLC  
Kurt Beleck  
31850 Northwestern Highway  
Farmington Hills, Michigan 48334

**AGENT:** AVID Group  
Peter Pensa, AICP  
2300 Curlew Road, Suite 201  
Palm Harbor, Florida 34683

**ADDRESS:** 3650 34th Street North  
**PARCEL ID NO.:** 10/31/16/52011/001/0020

**LEGAL DESCRIPTION:** On File  
**ZONING:** CCS-1

**DISCUSSION AND RECOMMENDATION:**

**Request**

The request is to vacate the cul-de-sac right-of-way at the northern end of Hartford Street North, which is located within the block bound by 38<sup>th</sup> Avenue North, 36<sup>th</sup> Avenue North, 34<sup>th</sup> Street North and 35<sup>th</sup> Street North. The area proposed for vacation is depicted on the attached maps

and plat. The applicant's goal is to eliminate the larger cul-de-sac feature in favor of a T-shaped turnaround in order to accommodate redevelopment of the land to the north, which is proposed for a new fuel station and convenience store. Given the findings set forth below, Staff finds that vacating the subject easement would be consistent with the applicable criteria.

### **Analysis**

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

*1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.*

The application was routed to all affected City departments and outside utilities for review and comment. The Engineering Department and two outside utility providers submitted comments regarding the need for additional easements and/or relocation of existing infrastructure, which would be done at the applicant's expense. Staff has included the appropriate special conditions in this report to address these issues.

*2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.*

If this application is approved, no substantial detrimental effect upon access to another lot of record is anticipated. The applicant is proposing to replace the cul-de-sac with a T-shaped turnaround which will meet City standards.

*3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.*

The vacation, if approved, will not result in adverse impacts to the existing network. Allowing the easement to be vacated will facilitate redevelopment with a new project that is consistent with the overall goals of the zoning district.

*4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

The existing cul-de-sac was dedicated to ensure that northbound vehicles have adequate space to turnaround and proceed back south. There is no compelling public interest or benefit associated with requiring the cul-de-sac to remain instead of allowing the proposed T-shaped turnaround. The turnaround will provide the same benefit as the existing cul-de-sac without consuming as much of the project site to the north.

*5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.*

No other factors have been raised for consideration.

**Comments from Agencies and the Public**

Comments were provided by the City's Engineering Department and outside utility providers regarding necessary utility easements and/or relocation, which would be done at the applicant's expense. Copies of the comments are being provided to the applicant. Staff has suggested special conditions which address the issues. No comments from the public have been received as of the date of this report.

**RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed right-of-way vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The replat shall address the issues set forth in the comments provided by:
  - a. City Engineering Department (dated October 4, 2012);
  - b. Verizon Florida (dated October 22, 2012); and
  - c. Progress Energy Florida, Inc. (October 2, 2012).

**REPORT PREPARED BY:**

PHILIP T. LAZZARA, AICP, Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Department

10.31.2012

DATE

ORDINANCE NO. 1043-V

**REVISED**

**AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34<sup>TH</sup> STREET NORTH, 36<sup>TH</sup> AVENUE NORTH, 35<sup>TH</sup> STREET NORTH AND 38<sup>TH</sup> AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG DOES ORDAIN:**

**SECTION 1.** The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

SEE EXHIBIT "A"

**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

**SECTION 3.** The vacation is subject to and conditional upon the following:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment. The replat shall comply with the requirements of all affected City departments and outside utility agencies.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The platting process shall include review and approval of the design for the proposed T-shaped turnaround. The final design of the turnaround shall be subject to review and approval by the City.
4. The applicant shall install and maintain the landscaping and buffering improvements depicted on the attached site plan (EXHIBIT "B").
5. All required improvements associated with the vacation and replat shall be completed prior to the City Clerk recording the vacation ordinance or the applicant recording the final plat.

I 2

**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 expiration of the fifth 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:

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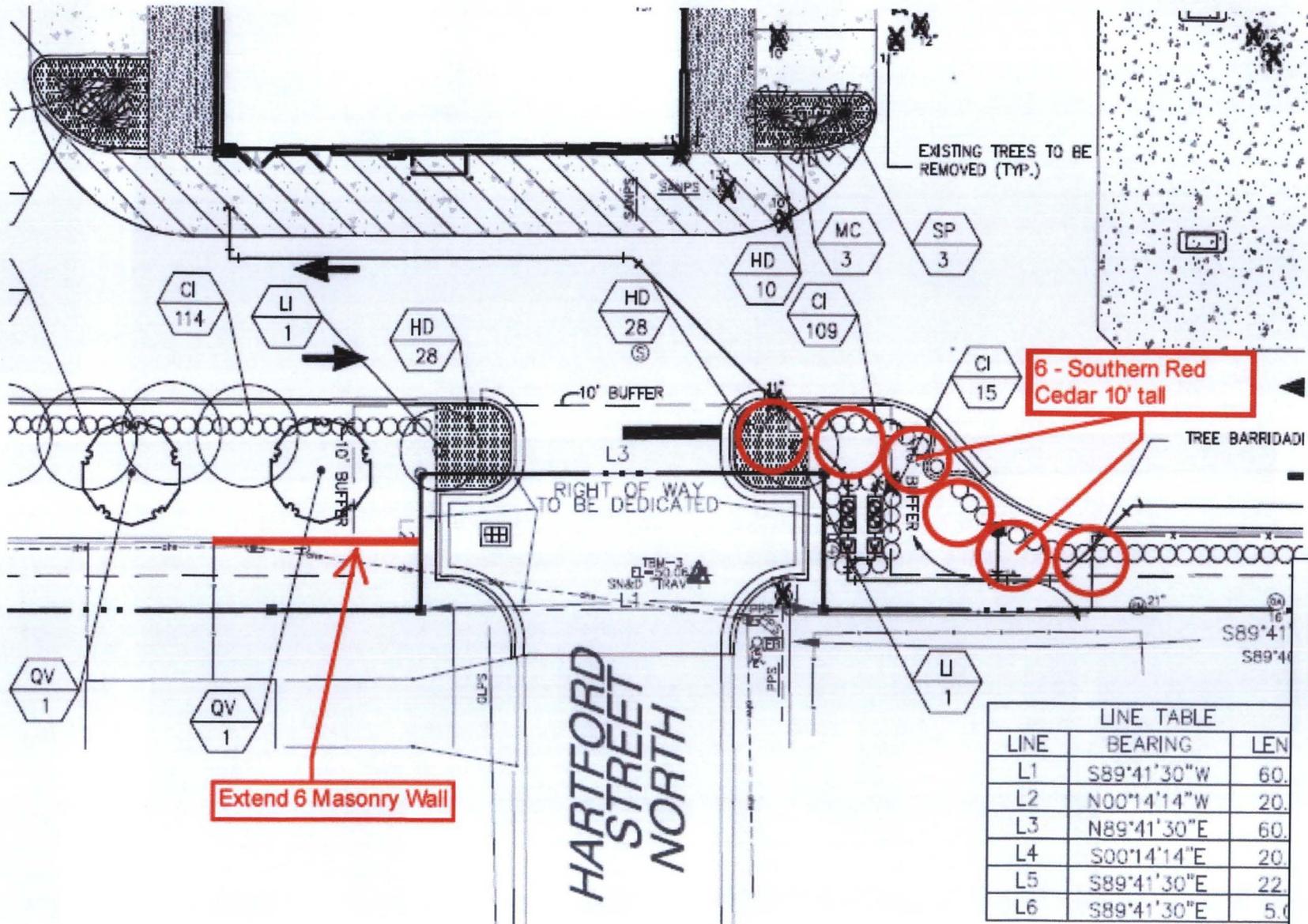
Planning & Economic Development

Date

---

City Attorney (Designee)

Date



LINE TABLE		
LINE	BEARING	LEN
L1	S89°41'30"W	60.
L2	N00°14'14"W	20.
L3	N89°41'30"E	60.
L4	S00°14'14"E	20.
L5	S89°41'30"E	22.
L6	S89°41'30"E	5.0

Exhibit "B"

# Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: CITY ST PETERSBURG 7 PROPOSED ORDINANCES HEARING JAN. 24, 2013** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 1/13/2013.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*A. Robison*

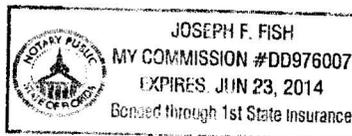
Signature of Affiant

Sworn to and subscribed before me  
this 15th day of January A.D.2013

*Joseph F. Fish*  
Signature of Notary Public

Personally known  or produced indentification

Type of indentification produced \_\_\_\_\_



# PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

## PROPOSED ORDINANCE NO. 700-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT MIXED-USE (ACTIVITY CENTER); PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 730-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM EMPLOYMENT CENTER (EC) TO CORRIDOR COMMERCIAL SUBURBAN (CCS-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 63-H

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN PINELLAS BUSINESS CENTER (PBC) OWNER, LLC, SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD WITHIN THE BOUNDARIES OF THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 64-H

AN ORDINANCE AMENDING CHAPTER 12-6 RELATING TO FEES CHARGED FOR CONSTRUCTION SERVICES; AMENDING THE METHOD FOR CALCULATION OF CONSTRUCTION VALUES IN SUBSECTION (6);

CHANGING CERTAIN FEES IN SUBSECTION (7) TO REFLECT THE ACTUAL COST RELATED TO PROVIDING THE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 65-H

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF BEER AND WINE IN FLORA WYLIE PARK ON FEBRUARY 10, 2013; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 1043 -V

AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34TH STREET NORTH, 36TH AVENUE NORTH, 35TH STREET NORTH AND 38TH AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Date January 24, 2013 Time: 6:00 p.m.

City Council Chamber  
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

1/13/2013

886629-01

12

Attached documents for item Ordinance 64-H amending Chapter 12-6 relating to construction permit fees.



## SAINT PETERSBURG CITY COUNCIL

Meeting of January 24, 2013

**TO:** The Honorable Chair Karl Nurse, and Members of City Council

**SUBJECT:** Ordinance amending Chapter 12-6 related to fees

**RECOMMENDATION:** The Administration recommends **APPROVAL**.

---

### **The Request:**

The request is to amend the City Code, Chapter 12-6, Section (6) related to building permit fees and the method of calculating building value. More specifically, to amend the method of determining construction values for buildings in our region and correct five service permit fees based on the service provided.

### **Background:**

On September 27, 2012, in an effort to update permitting fees related to Building Code enforcement, City Council reviewed and approved Ordinance No. 49-H. It was the first major amendment to the fee schedule in nearly 12 years.

The amendment to the fee ordinance provided a service based approach to calculate the cost of a building permit for various types of permits. The section related to service permits included changes to water heater, HVAC change-outs and roof replacement fees. The fees for change-outs and roof replacements were based on the anticipated expense to the CS&P Division for providing those services. During the evaluation five of the service fees were incorrectly reported and the incorrect fees were approved. The fees for the roof replacement permits will be reduced as a result of this amendment and the HVAC and water heater fees that were transposed will be corrected.

The permit fees for new buildings have always been tied to the reported construction value and total square feet of construction for a project. The fee schedule in place today has utilized a required minimum building value cost as a tool to minimize under-reporting of construction value which results in under-collected permit fees. However, those minimum construction cost values date back to 1999 and are no longer accurate. The International Code Council (ICC) is the base code for the Florida Building Code (FBC.) The ICC provides construction Building Value Data (BVD) every six months which represents the average cost of construction for all building construction types as

identified in the FBC. It also includes the cost based on the building occupancy groups identified in the FBC and ICC. The Building Official has recommended an adjustment of the BVD to reflect the local region cost of construction by 15% and to use a modifier of .85 of the BVD as a minimum construction value for building projects in St. Petersburg.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the proposed ordinance to amend the language in the fee ordinance to reflect the adjusted minimum average construction cost for permit fee calculation per the most recent published ICC BVD and modify the HVAC, Water Heater and Roof Replacement service permits as proposed.

AN ORDINANCE AMENDING CHAPTER 12-6 RELATING TO FEES CHARGED FOR CONSTRUCTION SERVICES; AMENDING THE METHOD FOR CALCULATION OF CONSTRUCTION VALUES IN SUBSECTION (6); CHANGING CERTAIN FEES IN SUBSECTION (7) TO REFLECT THE ACTUAL COST RELATED TO PROVIDING THE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Subsection 12-6 (6) of the St. Petersburg City Code is hereby amended to read as follows:

(6) Permit fees.

Construction valuations for permit fee purposes:

Permit fees for new construction shall be based on the valuation of the proposed work. The valuation shall include all labor and material cost. The valuation shall be based on the most recent published values per square foot as established by the International Code Council Building Valuation Data (BVD) using a regional construction cost adjustment factor of .85 except where a valid cost breakdown is submitted to and approved by the POD. The cost breakdown shall be the actual contract cost (including all labor and materials) as provided by the applicant and accepted as reasonable by the POD. Alterations or tenant buildouts shall use 50% of the BVD calculation used above except where a valid cost breakdown is submitted to and approved by the POD which shall be the actual contract cost (including all labor and materials) as provided by the applicant and accepted as reasonable by the POD. When labor or material cost are not charged; or imposed the valuation shall be based on the BVD calculation used above. ~~, or included, then the valuation of the minimum labor and material cost typically charged for the work shall be determined by the POD.~~

~~Formula for determining value for permit fee purposes:~~

~~Estimated cost of all construction and all accessory structures, except where a valid cost breakdown is submitted to and approved by the POD, shall be either the actual contract cost as provided by the applicant and accepted as reasonable by the POD or as follows:~~

~~Residential structures, up to and including multifamily occupancy up to four units, per square foot .....\$50.00~~

~~All other residential uses including multifamily residences over four units, hotels, motels, residential equivalent uses, per square foot .....60.00~~

~~Commercial business, per square foot .....60.00~~

~~Schools, churches, institutions, assembly, per square foot .....70.00~~

~~Storage, industrial, per square foot .....30.00~~

~~Structures and uses customarily subordinate or incidental to the principal use of the building or premises, per square foot .....20.00~~

~~(Except that the The valuation of fences, walls, roofs, screen enclosures, swimming pools, signs, satellite antennas, elevators, standpipes and sprinkler systems, gasoline tanks and pumps, and high pressure boilers shall be are based on actual contract cost (including all labor and materials) or estimated cost as established by the POD based on the cost typically charged for the work.)~~

~~Specified single family and duplex residential permit fees:~~

~~Air conditioning unit changeout (no electric) .....35.00~~

~~Air conditioning unit changeout (with electric) .....65.00~~

~~Hot water heater unit changeout (no electric or gas) .....35.00~~

~~Hot water heater unit changeout (with electric or gas) .....65.00~~

Other permit fees: The permit fees shall be based on the total construction valuation as determined in this subsection. The permit fees are based on the valuation of the proposed work and are required in order to defray the costs of inspection, plan review and enforcement provisions of the Florida Building Code, local ordinances, and other development related regulations.

a. Where the valuation does not exceed \$500.00: Inspection necessary .....45.00

b. For a valuation over \$500.00, up to and including \$1,000,000.00:

First \$500.00:

Residential .....45.00

Commercial .....60.00

Plus, for each additional \$1,000.00 or fraction thereof

Residential .....7.50

Commercial .....10.00

c. For a valuation over \$1,000,000.00:

First \$1,000,000.00 .....7,543.00

Plus, for each additional \$1,000.00 or fraction thereof .....3.00

Each additional \$1,000.00 or fraction thereof .....5.00

d. Property owner surcharge: to be charged for permits issued to property owners for work costing more than \$2,000.00 .....20.00

SECTION 2. The 'service permits' portion of Subsection 12-6 (7)a of the St. Petersburg City Code is hereby amended to read as follows:

Service Permits: Specified single-family and duplex residential permit fees

Air conditioning unit changeout (no electric)	65.00
Air conditioning unit changeout (with electric)	85.00
Hot water heater unit changeout (no electric)	<del>65</del> 85.00
Hot water heater unit changeout (no gas)	65.00
Hot water heater unit changeout (with electric)	65.00
Hot water heater unit changeout (with gas)	85.00
Hot water heater unit changeout (with electric & gas)	<del>95</del> 85.00
Tankless hot water heater unit changeout (with plumbing)	65.00
Tankless hot water heater unit changeout (with plumbing & electric)	<del>85</del> 65.00
Tankless hot water heater unit changeout (with plumbing & gas)	85.00
Tankless hot water heater unit changeout (with plumbing, gas & electric)	95.00

SECTION 3. Subsections n and o in the the 'specialty services' fees in Subsection 12-6 (7)b.3. of the St. Petersburg City Code are hereby amended to read as follows:

n. Reroof up to 15 squares (a sq. equals 100 sq. ft.)	<del>125</del> 150.00
o. Reroof over 15 square up to 40 squares (a sq. equals 100 sq. ft.)	<del>150</del> 250.00

SECTION 4. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 5. Words which are underlined shall be added and words which are ~~struck through~~ shall be deleted from the existing City Code.

SECTION 6. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth 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 take effect 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 Content:

\_\_\_\_\_  
City Attorney (designee)

# Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: CITY ST PETERSBURG 7 PROPOSED ORDINANCES HEARING JAN. 24, 2013** was published in said newspaper in the issues of **Neighborhood Times St Petersburg , 1/13/2013 .**

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*A. Robison*

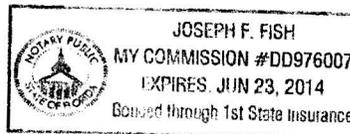
Signature of Affiant

Sworn to and subscribed before me  
this 15th day of January A.D.2013

*Joseph F. Fish*  
Signature of Notary Public

Personally known  X  or produced identification

Type of identification produced \_\_\_\_\_



# PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

## PROPOSED ORDINANCE NO. 700-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT MIXED-USE (ACTIVITY CENTER); PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 730-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM EMPLOYMENT CENTER (EC) TO CORRIDOR COMMERCIAL SUBURBAN (CCS-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 63-H

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN PINELLAS BUSINESS CENTER (PBC) OWNER, LLC, SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD WITHIN THE BOUNDARIES OF THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 64-H

AN ORDINANCE AMENDING CHAPTER 12-6 RELATING TO FEES CHARGED FOR CONSTRUCTION SERVICES; AMENDING THE METHOD FOR CALCULATION OF CONSTRUCTION VALUES IN SUBSECTION (6);

CHANGING CERTAIN FEES IN SUBSECTION (7) TO REFLECT THE ACTUAL COST RELATED TO PROVIDING THE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 65-H

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF BEER AND WINE IN FLORA WYLIE PARK ON FEBRUARY 10, 2013; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 1043 -V

AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34TH STREET NORTH, 36TH AVENUE NORTH, 35TH STREET NORTH AND 38TH AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Date January 24, 2013 Time: 6:00 p.m.

City Council Chamber  
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

I-3

Attached documents for item Rock 'N Roll St. Pete Half Marathon:

## MEMORANDUM

TO: Honorable Karl Nurse, Chair and Members of City Council

FROM: Richard B. Bagley, Senior Assistant City Attorney

DATE: January 11, 2013

SUBJECT: The Sale and Consumption of Beer and Wine in Flora Wylie Park  
During the Rock n' Roll Half Marathon on February 10, 2013

---

City Council has previously approved the Rock n' Roll Half Marathon event ("Event") for February 10, 2013. On January 24, 2013 City Council will be considering other matters related to this event. This Event is a half marathon with music stages set up at various locations on the route with the end of the Event occurring in Flora Wylie Park. The promoter of the Event wishes to distribute beer to the finishers of the Event at a beer garden at the finish line which will be in Flora Wylie Park.

The Promoter of the Event, Competitor Group, Inc., has requested a variance to Section 21-38 of the City Code which prohibits the sale and consumption of beer and wine within most City parks including Flora Wylie Park. This request is only for the day of the Event, February 10, 2013.

This request is similar to other requests that City Council has approved in the past at other parks. Most notably, this type of variance was granted for many years for Shakespeare in the Park performed at Demens Landing, and for the Chillounge and the Festival of Speed events in Straub Park.

Should City Council wish to approve this request, I have attached a proposed Ordinance for first reading which would allow the sale and consumption of beer and wine in Flora Wylie Park on February 10, 2013. This is a companion item to a request by the Promoter to permit the sale or dispensing of alcoholic beverages after 8:00 a.m. on Sunday, February 10, 2013, in Flora Wylie Park in the 16,500 square foot area designated as "Beer Garden Area" on the drawing provided by the Promoter. City Council approved similar requests for last year's Event held in February, 2012.

Attachment: Ordinance

Legal: 00168654.doc V. 3

Ordinance No. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE SALE  
AND CONSUMPTION OF BEER AND WINE  
IN FLORA WYLIE PARK ON FEBRUARY 10,  
2013; AND PROVIDING AN EFFECTIVE  
DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Notwithstanding any other Ordinance of the City of St. Petersburg, the sale and consumption of beer and wine shall be permissible on February 10, 2013 in Flora Wylie Park.

SECTION 2. The sale and consumption of beer and wine pursuant to Section 1 hereof shall only be allowed in conjunction with those events for which a permit has been issued pursuant to Section 21-31 of the St. Petersburg City Code.

SECTION 3. As part of the permit issued pursuant to Section 21-31 of the St. Petersburg City Code, the Mayor may impose reasonable conditions and restrictions concerning the event, including but not limited to conditions and restrictions concerning the sale and consumption of beer and wine.

SECTION 4. Section 21-31(e)(11) of the St. Petersburg City Code shall not apply to a permit issued pursuant to Section 21-31 of the St. Petersburg City Code for an event to be held on February 10, 2013 in Flora Wylie Park.

SECTION 5. A condition of any permit issued pursuant to this Ordinance shall be that the permittee comply with all applicable State Laws.

SECTION 6. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth 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 take effect 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 content:

\_\_\_\_\_  
City Attorney (designee)

**ST. PETERSBURG CITY COUNCIL**  
**CONSENT AGENDA**  
Meeting of January 24, 2013

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** A resolution finding that the Rock 'N Roll St. Pete Half Marathon is an event of community interest or importance; approving a special event permit pursuant to City Code Section 3-11 b) allowing the sale or dispensing of alcoholic beverages after 8:00 a.m. on Sunday, February 10, 2013, in Flora Wylie Park in the 16,500 square foot area designated as "Beer Garden Area" on the drawing attached hereto as Exhibit "A"; and providing an effective date.

**EXPLANATION:** City Council has previously approved the Rock 'n Roll St. Pete Half Marathon ("Event") produced by Competitor Group, Inc. ("Competitor Group") as a Co-Sponsored Event. The Event is scheduled for Sunday, February 10, 2013 and will begin at 7:30 a.m. The race course begins at Tropicana Field and the finish line is located in the North Shore Park area.

As part of the race experience, a Beer Garden Area will be set up in the southeast corner of Flora Wylie Park. Authorized persons 21 years of age or older will be allowed access into the Beer Garden Area. Participants will be entitled to one complimentary beer, and the opportunity to purchase additional beers with the proceeds of those sales going to the American Cancer Society.. The Beer Garden Area will be enclosed by barricades and will have one entry point. The entry point will be staffed by volunteers and a Competitor Group supervisor who will check identification and wristbands for those eligible to enter the Beer Garden Area. The Beer Garden Area is depicted on Exhibit "A" to the attached Resolution..

Pursuant to City Code Section 3-11 b) a special event permit must be approved to allow the sale or dispensing of alcoholic beverages after 8:00 a.m. on Sunday. City Council approved a similar request for last year's Event held in February, 2012.

**RECOMMENDATION:** Administration recommends approval of the attached resolution finding that the Rock 'N Roll St. Pete Half Marathon is an event of community interest or importance; approving a special event permit pursuant to City Code Section 3-11 b) allowing the sale or dispensing of alcoholic beverages after 8:00 a.m. on Sunday, February 10, 2013, in Flora Wylie Park in the 16,500 square foot area designated as "Beer Garden Area" on the drawing attached hereto as Exhibit "A"; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** There are no costs associated with the approval of this resolution.

**ATTACHMENTS:** Resolution,  
City Code Section 3-11

**APPROVALS:** Legal: \_\_\_\_\_ Administration: \_\_\_\_\_

Resolution No. 2013- \_\_\_\_\_

A RESOLUTION FINDING THAT THE ROCK 'N ROLL ST. PETE HALF MARATHON IS AN EVENT OF COMMUNITY INTEREST OR IMPORTANCE; APPROVING A SPECIAL EVENT PERMIT PURSUANT TO CITY CODE SECTION 3-11 b) ALLOWING THE SALE OR DISPENSING OF ALCOHOLIC BEVERAGES AFTER 8:00 A.M. ON SUNDAY, FEBRUARY 10, 2013, IN FLORA WYLIE PARK IN THE 16,500 SQUARE FOOT AREA DESIGNATED AS "BEER GARDEN AREA" ON THE DRAWING ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Rock 'n Roll St. Pete Half Marathon ("Event") has been previously approved by City Council as a Co-Sponsored Event; and

WHEREAS, the Event is scheduled for the morning of February 10, 2013 in the streets of St. Petersburg and will terminate in North Shore Park; and

WHEREAS, the Event will be similar to races promoted by Competitor Group, Inc. ("Competitor Group") in other cities in the United States, which provide a beer garden at the termination of the races; and

WHEREAS, Competitor Group, has requested approval of a Special Event Permit in accordance with City Code Section 3-11 b) to permit it to sell and dispense beer and wine at its proposed beer garden at the terminus of the Event in the southeast corner of Flora Wylie Park, adjacent to the northern boundary of North Shore Park, as depicted on the drawing entitled "Sunday February 10, 2013, The Finish Line on North Shore Drive, St Petersburg, FL, Drawing Dated 12/18/12, Version 1.1, the Finish Line Venue Detail" which is attached hereto as Exhibit "A", after 8:00 a.m. on February 10, 2013; and

WHEREAS, the Event will provide an exercise and entertainment experience for the citizens of St. Petersburg as well as a significant economic impact to the City; and

WHEREAS, the Administration recommends approval of the Competitor Group request; and

WHEREAS, this City Council agrees that the Event is an event of community interest or importance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that it finds that the Rock 'N Roll St. Pete Half Marathon is an event of community interest or importance; and

BE IT FURTHER RESOLVED that a Special Event Permit pursuant to City Code Section 3-11 b) allowing the sale or dispensing of alcoholic beverages after 8:00 a.m. on

Sunday, February 10, 2013, in Flora Wylie Park in the 16,500 square foot area designated as “Beer Garden Area” on the drawing attached hereto as Exhibit “A” is approved.

This resolution shall become effective immediately upon its adoption.

Attachment: Exhibit “A”

Approvals:

Legal: \_\_\_\_\_ Administration: \_\_\_\_\_

Legal: 00168049.doc V. 1

Sec. 3-11. - Prohibited Hours For Establishments Dealing In Alcoholic Beverages

(a)

The prohibited hours for establishments dealing in alcoholic beverages shall be as follows:

(1)

Alcoholic beverages in sealed containers for consumption off the premises shall not be sold from 3:01 a.m. to 8:00 a.m. any day of the week except Sunday except for businesses where the sale of such alcoholic beverages is incidental to the principal use of the premises (e.g., grocery stores, convenience stores, gas stations) then alcoholic beverages in sealed containers for consumption off the premises shall not be sold from 12:01 a.m. to 8:00 a.m. any day of the week except Sunday.

(2)

Alcoholic beverages in sealed containers for consumption off the premises shall not be sold on Sunday from 3:01 a.m. to 11:00 a.m. except for businesses where the sale of such alcoholic beverages is incidental to the principal use of premises (e.g., grocery stores, convenience stores, gas stations) then alcoholic beverages in sealed containers for consumption off the premises shall not be sold from 12:01 a.m. to 11:00 a.m.

(3)

Alcoholic beverages for consumption on the premises shall not be sold or served from 3:01 a.m. to 8:00 a.m. any day of the week except Sunday.

(4)

Alcoholic beverages for consumption on the premises shall not be sold or served from 3:01 a.m. to 11:00 a.m. on Sunday.

(b)

Special event permits for the sale or dispensing of alcoholic beverages as early as 8:00 a.m. on Sundays may be issued if the following requirements are met:

(1)

An application shall be completed and submitted to the POD. The applicant shall provide all information necessary for the POD to adequately evaluate the application.

(2)

Special event permits may be approved by resolution of City Council and the resolution shall be the permit. Special event permits shall only be granted for events of community interest or importance as determined by City Council in its sole discretion. Each special event may not be conducted more than once in any six-month period.

(3)

If approved by City Council, the special event permit shall specifically describe the boundaries of the special event area within which the special event permit shall be effective and shall set forth the time (after 8:00 a.m.) after which alcoholic beverages may be sold or dispensed. In no event may alcoholic beverages be sold or dispensed before 8:00 a.m.

(4)

Upon issuance of a special event permit, the applicant shall deliver a copy of the special event permit to the St. Petersburg Police Department and the Pinellas County Sheriff. The applicant shall keep a copy of the permit on the site of the special event at all times alcoholic beverages are being sold or dispensed at the special event.

(5)

A special event permit does not exempt the applicant or the event from complying with all other Codes and ordinances and all other federal, State and local laws and regulations.

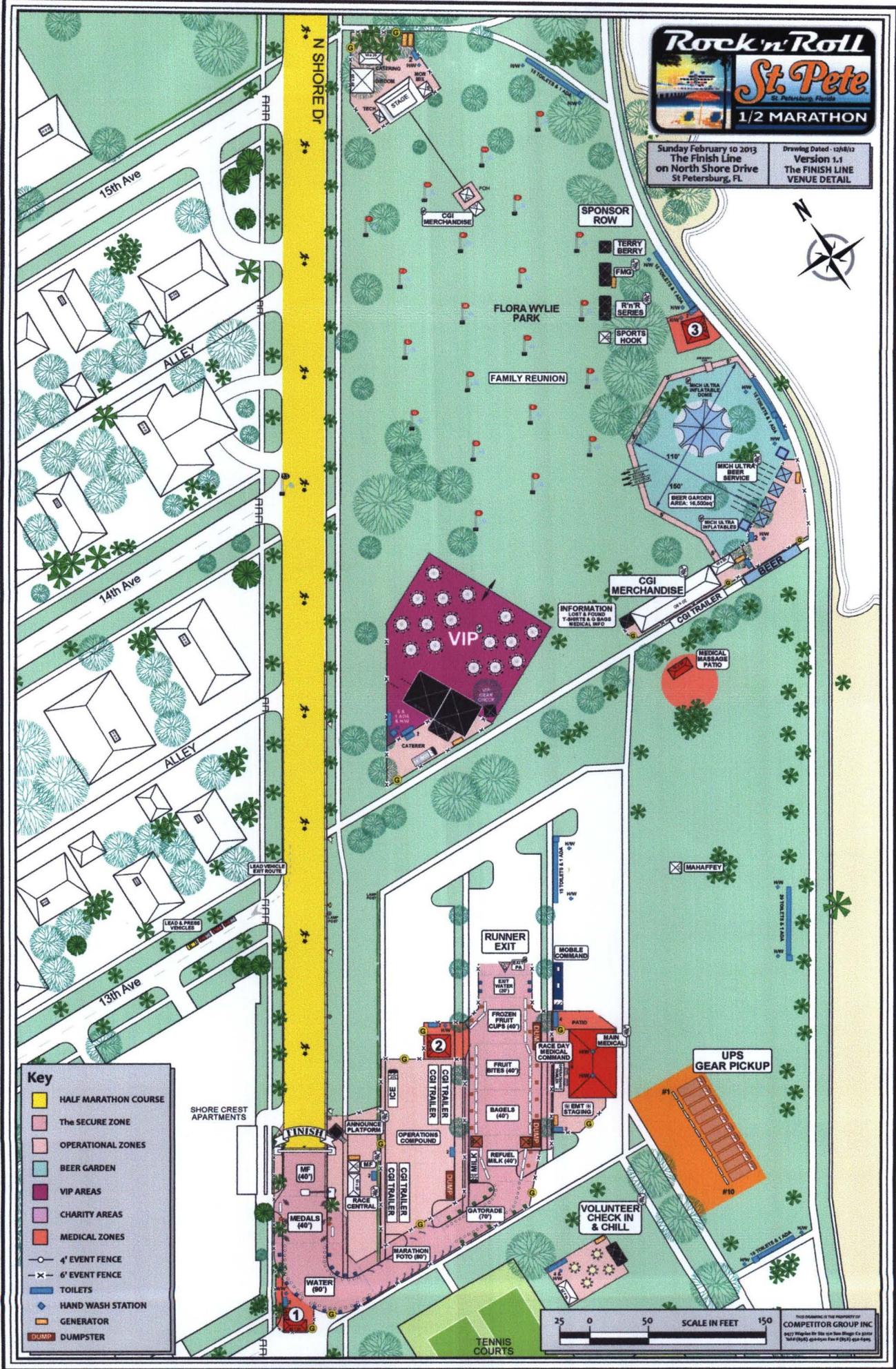


Sunday February 10 2013  
 The Finish Line  
 on North Shore Drive  
 St Petersburg, FL

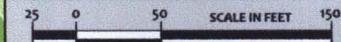
Drawing Dated: 12/8/12  
 Version 1.1  
 The FINISH LINE  
 VENUE DETAIL



This attachment was not provided to Council  
 But is the attachment for the resolution as Exhibit "A"



- Key**
- HALF MARATHON COURSE
  - The SECURE ZONE
  - OPERATIONAL ZONES
  - BEER GARDEN
  - VIP AREAS
  - CHARITY AREAS
  - MEDICAL ZONES
  - 4' EVENT FENCE
  - 6' EVENT FENCE
  - TOILETS
  - HAND WASH STATION
  - GENERATOR
  - DUMPSTER



THIS DRAWING IS THE PROPERTY OF  
 COMPETITOR GROUP INC.  
 1417 Highway 910, Suite 200, St. Petersburg, FL 33706  
 Tel: (813) 424-4200 Fax: (813) 424-4205

# Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: CITY ST PETERSBURG 7 PROPOSED ORDINANCES HEARING JAN. 24, 2013** was published in said newspaper in the issues of **Neighborhood Times St Petersburg , 1/13/2013 .**

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*A. Robison*

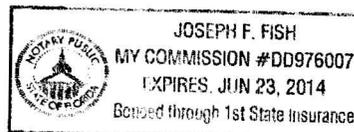
Signature of Affiant

Sworn to and subscribed before me  
this **15th** day of **January A.D.2013**

*Joseph F. Fish*  
Signature of Notary Public

Personally known  X  or produced indentification

Type of indentification produced \_\_\_\_\_



# PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

## PROPOSED ORDINANCE NO. 700-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT MIXED-USE (ACTIVITY CENTER); PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 730-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM EMPLOYMENT CENTER (EC) TO CORRIDOR COMMERCIAL SUBURBAN (CCS-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 63-H

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN PINELLAS BUSINESS CENTER (PBC) OWNER, LLC, SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD WITHIN THE BOUNDARIES OF THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 64-H

AN ORDINANCE AMENDING CHAPTER 12-6 RELATING TO FEES CHARGED FOR CONSTRUCTION SERVICES; AMENDING THE METHOD FOR CALCULATION OF CONSTRUCTION VALUES IN SUBSECTION (6);

CHANGING CERTAIN FEES IN SUBSECTION (7) TO REFLECT THE ACTUAL COST RELATED TO PROVIDING THE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 65-H

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF BEER AND WINE IN FLORA WYLIE PARK ON FEBRUARY 10, 2013; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 1043 -V

AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34TH STREET NORTH, 36TH AVENUE NORTH, 35TH STREET NORTH AND 38TH AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Date January 24, 2013 Time: 6:00 p.m.

City Council Chamber  
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

Iya

Attached documents for item Appeal of the Planning & Visioning Commission's (PVC) recommendation to deny Future Land Use Map and Official Zoning Map changes, and an associated Development Agreement, for an estimated 5.1 acre area generally located on the northwest corner of Dr. Mart

**ST. PETERSBURG CITY COUNCIL**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** **APPEAL** of the Planning & Visioning Commission's (PVC) *denial* of the requested Future Land Use Map and Official Zoning Map changes, and an associated Development Agreement, for an estimated 5.1 acre area generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard (City File FLUM-16).

A detailed analysis of the request is provided in the attached Staff Report FLUM-16.

- REQUEST:**
- (A) Resolution "A" denying the appeal of the Planning & Visioning Commission's action.
  - (B) Resolution "B" approving the appeal of the Planning & Visioning Commission's action.
  - (C) Ordinance \_\_\_\_\_ amending the Future Land Use Map designation for 2.44 acres from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center).
  - (D) Ordinance \_\_\_\_\_ rezoning the 2.44 acres referenced above from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.
  - (E) Ordinance \_\_\_\_\_ approving a Development Agreement.
  - (F) Resolution "C" requesting amendment to the Countywide Future Land Use Plan, as described above, to comply with the requirements of the Pinellas Planning Council and Pinellas County Board of County Commissioners.

**RECOMMENDATION:**

Administration: City Administration recommends that the City Council adopt Resolution "A," denying the appeal.

Public Input: The subject property is not located within the boundaries of a formal neighborhood association. The Planning & Economic Development Department has received three (3) e-mail communications and a letter from CONA (Council of Neighborhood Associations) stating opposition to the applicant's request, and one phone requesting additional information

Planning & Visioning Commission (PVC): On November 13, 2012 the Planning & Visioning Commission held a public hearing and voted 3 to 2 in favor of a motion to recommend approval of the applicant's request. **However, the motion failed because it did not receive the required minimum of four supporting votes (Section 16.80.040.3, City Code).**

City Council Action: On December 20, 2012 the City Council conducted the first reading of the proposed ordinances and set the second reading and public hearing for January 24, 2013.

Recommended City Council Action: 1) CONDUCT the second reading of the attached proposed ordinances; 2) CONDUCT the public hearing; AND 3) ADOPT Resolution "A" denying the applicant's appeal.

Attachments: Resolutions (3), Ordinances (3), Proposed Development Agreement, Maps, Draft PVC Minutes and Staff Report.

"A"

**RESOLUTION NO.** \_\_\_\_\_

A RESOLUTION **DENYING** THE APPEAL AND UPHOLDING THE PLANNING & VISIONING COMMISSION'S DENIAL OF THE REQUESTED FUTURE LAND USE MAP AND OFFICIAL ZONING MAP CHANGES, AND AN ASSOCIATED DEVELOPMENT AGREEMENT, FOR AN ESTIMATED 5.1 ACRE AREA GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD (CITY FILE: FLUM-16); MAKING FINDINGS BASED ON EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 13, 2012 the Planning & Visioning Commission (PVC) held a public hearing related to a private application requesting that the Future Land Use Map designation for 2.44 acres of an estimated 5.1 acre area generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard be amended from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and rezoned from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), and requesting that a Development Agreement be approved; and

WHEREAS, City staff recommended denial of the applicant's request; and

WHEREAS, after conducting the public hearing the PVC voted 3 to 2 in favor of a motion to recommend approval of the applicant's request; and

WHEREAS, pursuant to Section 16.80.040.3 of the City Code, the motion failed due to the fact that at least four concurring votes were needed, thus the applicant's request was denied; and

WHEREAS, the City Council finds that it is appropriate to **deny** the applicant's appeal.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings based on the evidence:

1. As stated in the attached staff report (City File: FLUM 16), the applicant's request to amend the Future Land Use Map and Official Zoning Map, as described above, is on balance not consistent with the Comprehensive Plan; and
2. The City Council finds that it is appropriate to DENY the applicant's appeal.

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Planning & Economic Development Department

11-20-12  
\_\_\_\_\_  
Date

\_\_\_\_\_  
City Attorney

11-26-12  
\_\_\_\_\_  
Date

"B"

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION **APPROVING** THE APPEAL AND OVERTURNING THE PLANNING & VISIONING COMMISSION'S DENIAL OF THE REQUESTED FUTURE LAND USE MAP AND OFFICIAL ZONING MAP CHANGES, AND AN ASSOCIATED DEVELOPMENT AGREEMENT, FOR AN ESTIMATED 5.1 ACRE AREA GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD (CITY FILE: FLUM-16); MAKING FINDINGS BASED ON EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 13, 2012 the Planning & Visioning Commission (PVC) held a public hearing related to a private application requesting that the Future Land Use Map designation for 2.44 acres of an estimated 5.1 acre area generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard be amended from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and rezoned from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), and requesting that a Development Agreement be approved; and

WHEREAS, City staff recommended denial of the applicant's request; and

WHEREAS, after conducting the public hearing the PVC voted 3 to 2 in favor of a motion to recommend approval of the applicant's request; and

WHEREAS, pursuant to Section 16.80.040.3 of the City Code, the motion failed due to the fact that at least four concurring votes were needed, thus the applicant's request was denied; and

WHEREAS, the City Council finds that it is appropriate to **approve** the applicant's appeal.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings based on the evidence:

1. The applicant's request to amend the Future Land Use Map and Official Zoning Map, as described above, is on balance consistent with the Comprehensive Plan; and
2. The City Council finds that it is appropriate to **approve** the applicant's appeal.

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Planning & Economic Development Department

\_\_\_\_\_  
City Attorney

11-20-12

\_\_\_\_\_  
Date

11-20-12

\_\_\_\_\_  
Date

ORDINANCE NO. \_\_\_\_-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT MIXED-USE (ACTIVITY CENTER); PROVIDING FOR CONDITIONS; 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, Chapter 88-464, Laws of Florida, reconstituted the Pinellas County Planning Council, which is primarily responsible for countywide land use planning and intergovernmental coordination; and

WHEREAS, the Pinellas Planning Council administers the Countywide Plan, which includes the Countywide Future Land Use Map, and the Countywide Rules; and

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

WHEREAS, the City of St. Petersburg has initiated a proposed amendment to the Countywide Future Land Use Plan Map to change the future land use designation of the property generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center); and

WHEREAS, the St. Petersburg City Council has considered and approved the proposed St. Petersburg land use amendment provided herein as being consistent with the proposed amendment to the Countywide Future Land Use Plan Map that has been initiated by the City; 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 land use category as follows:

Property

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49, 50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-1 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;

thence S 41°18'24" W a distance of 625.81 feet to the Point of Beginning;

thence S 09°54'26" W a distance of 39.63 feet;

thence S 14°40'22" W a distance of 26.60 feet;

thence S 38°49'11" E a distance of 26.61 feet;

thence S 42°28'43" E a distance of 71.01 feet;

thence S 49°12'31" E a distance of 79.56 feet;

thence S 74°20'59" E a distance of 37.49 feet;

thence N 78°07'22" E a distance of 41.80 feet;

thence N 30°20'14" E a distance of 46.29 feet;

thence S 30°28'16" E a distance of 33.57 feet;

thence N 82°47'11" E a distance of 54.22 feet;

thence N 51°48'50" E a distance of 39.71 feet;

thence N 18°31'34" W a distance of 32.24 feet;

thence N 14°56'43" W a distance of 36.43 feet;

thence N 03°15'41" W a distance of 52.79 feet;

thence N 22°10'27" E a distance of 46.33 feet;

thence N 11°17'06" E a distance of 56.64 feet;

thence N 00°31'25" E a distance of 41.82 feet;

thence N 13°29'37" E a distance of 44.18 feet;

thence N 41°05'46" W a distance of 18.98 feet;

thence S 63°00'16" W a distance of 22.49 feet;

thence S 15°11'03" W a distance of 46.57 feet;

thence S 00°08'09" E a distance of 38.25 feet;

thence S 15°05'23" W a distance of 11.96 feet;

thence N 60°48'35" W a distance of 17.31 feet;

thence N 09°30'44" W a distance of 40.15 feet;

thence N 20°32'02" E a distance of 43.70 feet;

thence N 16°19'18" E a distance of 34.36 feet;

thence N 39°31'19" E a distance of 17.61 feet;

thence N 55°31'24" E a distance of 34.55 feet;

thence N 68°50'41" E a distance of 35.34 feet;

thence N 50°06'03" E a distance of 37.14 feet;

thence N 26°32'51" W a distance of 31.24 feet;

thence N 15°40'02" E a distance of 19.51 feet;

thence N 29°24'11" E a distance of 21.31 feet;

thence N 89°50'39" E a distance of 23.79 feet;

thence S 00°12'38" W a distance of 756.40 feet;  
thence S 65°07'46" W a distance of 33.06 feet;  
thence N 49°57'02" W a distance of 42.56 feet;  
thence N 40°02'58" E a distance of 5.00 feet;  
thence N 49°57'02" W a distance of 400.00 feet;  
thence N 47°05'18" W a distance of 140.61 feet;  
thence N 41°18'24" E a distance of 89.04 feet to the Point of Beginning,  
having an area of 103049.62 square feet, 2.366 acres.

Together with,

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-2 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence N 41°18'24" E a distance of 149.53 feet to the Point of Beginning;  
thence S 18°50'57" W a distance of 51.86 feet;  
thence S 18°50'37" W a distance of 48.79 feet;  
thence S 66°45'14" W a distance of 35.11 feet;  
thence N 62°34'32" W a distance of 24.07 feet;  
thence N 41°18'24" E a distance of 130.49 feet to the Point of Beginning,  
having an area of 2835.52 square feet, 0.065 acres.

Together with,

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-3 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet, to the Point of Beginning;  
thence S 00°12'38" W a distance of 112.41 feet;  
thence N 15°08'20" W a distance of 9.86 feet;  
thence N 03°07'38" W a distance of 43.97 feet;  
thence N 06°42'22" W a distance of 44.35 feet;  
thence S 80°28'38" W a distance of 3.04 feet;  
thence N 41°18'24" E a distance of 20.55 feet to the  
Point of Beginning, having an area of 626.93 square feet, 0.014 acres.

For a total area of 106,512 square feet, 2.445 acres.

Land Use Category

From: Industrial Limited (Activity Center)

To: Planned Redevelopment Mixed-Use (Activity Center)

SECTION 2. 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 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon approval of the required Countywide Future Land Use Plan Map change by the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, the recording of the Development Agreement (Ordinance \_\_\_-H) and the amendment of the Gateway Areawide Development of Regional Impact (GADRI) Master Plan identifying commercial as an allowable use on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard. In addition, if timely challenged, the amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. 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:

CITY FILE: FLUM-16  
(Land Use)

  
\_\_\_\_\_  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 11-20-12  
DATE

  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY 11-26-12  
DATE

ORDINANCE NO. \_\_\_-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM EMPLOYMENT CENTER (EC) TO CORRIDOR COMMERCIAL SUBURBAN (CCS-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS 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 a Zoning District as follows:

Property

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49, 50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-1 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence S 41°18'24" W a distance of 625.81 feet to the Point of Beginning;  
thence S 09°54'26" W a distance of 39.63 feet;  
thence S 14°40'22" W a distance of 26.60 feet;  
thence S 38°49'11" E a distance of 26.61 feet;  
thence S 42°28'43" E a distance of 71.01 feet;  
thence S 49°12'31" E a distance of 79.56 feet;  
thence S 74°20'59" E a distance of 37.49 feet;  
thence N 78°07'22" E a distance of 41.80 feet;  
thence N 30°20'14" E a distance of 46.29 feet;  
thence S 30°28'16" E a distance of 33.57 feet;  
thence N 82°47'11" E a distance of 54.22 feet;  
thence N 51°48'50" E a distance of 39.71 feet;  
thence N 18°31'34" W a distance of 32.24 feet;  
thence N 14°56'43" W a distance of 36.43 feet;  
thence N 03°15'41" W a distance of 52.79 feet;  
thence N 22°10'27" E a distance of 46.33 feet;  
thence N 11°17'06" E a distance of 56.64 feet;  
thence N 00°31'25" E a distance of 41.82 feet;  
thence N 13°29'37" E a distance of 44.18 feet;  
thence N 41°05'46" W a distance of 18.98 feet;  
thence S 63°00'16" W a distance of 22.49 feet;  
thence S 15°11'03" W a distance of 46.57 feet;

thence S 00°08'09" E a distance of 38.25 feet;  
thence S 15°05'23" W a distance of 11.96 feet;  
thence N 60°48'35" W a distance of 17.31 feet;  
thence N 09°30'44" W a distance of 40.15 feet;  
thence N 20°32'02" E a distance of 43.70 feet;  
thence N 16°19'18" E a distance of 34.36 feet;  
thence N 39°31'19" E a distance of 17.61 feet;  
thence N 55°31'24" E a distance of 34.55 feet;  
thence N 68°50'41" E a distance of 35.34 feet;  
thence N 50°06'03" E a distance of 37.14 feet;  
thence N 26°32'51" W a distance of 31.24 feet;  
thence N 15°40'02" E a distance of 19.51 feet;  
thence N 29°24'11" E a distance of 21.31 feet;  
thence N 89°50'39" E a distance of 23.79 feet;  
thence S 00°12'38" W a distance of 756.40 feet;  
thence S 65°07'46" W a distance of 33.06 feet;  
thence N 49°57'02" W a distance of 42.56 feet;  
thence N 40°02'58" E a distance of 5.00 feet;  
thence N 49°57'02" W a distance of 400.00 feet;  
thence N 47°05'18" W a distance of 140.61 feet;  
thence N 41°18'24" E a distance of 89.04 feet to the Point of Beginning,  
having an area of 103049.62 square feet, 2.366 acres.

Together with,

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-2 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence N 41°18'24" E a distance of 149.53 feet to the Point of Beginning;  
thence S 18°50'57" W a distance of 51.86 feet;  
thence S 18°50'37" W a distance of 48.79 feet;  
thence S 66°45'14" W a distance of 35.11 feet;  
thence N 62°34'32" W a distance of 24.07 feet;  
thence N 41°18'24" E a distance of 130.49 feet to the Point of Beginning,  
having an area of 2835.52 square feet, 0.065 acres.

Together with,

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, shown as Parcel P-3 on the sketch that is attached hereto and incorporated herein by reference, and being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet, to the Point of Beginning; thence S 00°12'38" W a distance of 112.41 feet; thence N 15°08'20" W a distance of 9.86 feet; thence N 03°07'38" W a distance of 43.97 feet; thence N 06°42'22" W a distance of 44.35 feet; thence S 80°28'38" W a distance of 3.04 feet; thence N 41°18'24" E a distance of 20.55 feet to the Point of Beginning, having an area of 626.93 square feet, 0.014 acres.

For a total area of 106,512 square feet, 2.445 acres.

District

From: Employment Center (EC)

To: Corridor Commercial Suburban (CCS-1)

SECTION 2. 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 3. This ordinance shall become effective following the adoption and effective date of the required amendment to the City of St. Petersburg Comprehensive Plan's Future Land Use Map (Ordinance \_\_\_-L).

APPROVED AS TO FORM AND SUBSTANCE:

CITY FILE: FLUM-16  
(Zoning)

  
\_\_\_\_\_  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 11-20-12  
DATE

  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY 11-26-12  
DATE

ORDINANCE NO. \_\_-H

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN PINELLAS BUSINESS CENTER (PBC) OWNER, LLC, SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD WITHIN THE BOUNDARIES OF THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

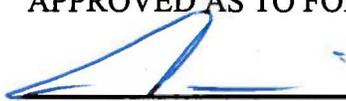
THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. A Development Agreement between Pinellas Business Center (PBC) Owner, LLC, Southeast Investments, Inc., a Florida corporation, and the City of St. Petersburg relating to the development of property generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard within the boundaries of the City is hereby approved and adopted. A copy of the Amendment is attached hereto and incorporated herein as Exhibit "1."

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

SECTION 3. This ordinance shall become effective following the adoption and effective date of the required amendment to the City of St. Petersburg Comprehensive Plan's Future Land Use Map (Ordinance \_\_-L).

APPROVED AS TO FORM AND SUBSTANCE:

  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 11-20-12  
DATE

  
ASSISTANT CITY ATTORNEY 11-26-12  
DATE

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2012, by and between PBC OWNER, LLC, a Delaware limited liability company, whose mailing address is P.O. Box 4900 Dept. 116, Scottsdale, AZ 85261 (hereinafter "PBC"), on behalf of itself and its successors and assigns; SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, on behalf of itself and its successors and assigns; and the CITY OF ST. PETERSBURG, FLORIDA, whose mailing address is P.O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City")(collectively the "parties").

### WITNESSETH:

WHEREAS, PBC is the fee simple title owner of approximately 5.1 MOL acres of land located at the NWC of Dr. MLK, Jr. Street North and Roosevelt Blvd, Folio # 13/30/16/76532/001/0010, legal attached, within the boundaries of the City, the description of which is attached hereto as Exhibit "A" (hereinafter the "Commercial Property"); and

WHEREAS, the Commercial Property is presently designated Industrial Limited and Preservation on the Future Land Use Map of the City's Comprehensive Plan with EC and PRES zoning on the City's Official Zoning map, all under the Activity Center overlay; and

WHEREAS, PBC has entered into an Agreement to sell the Commercial Property to Southeast Investments, Inc., a Florida corporation (hereinafter "New Owner"); and

WHEREAS, New Owner desires, and PBC has agreed, to change the Land Use category of the Commercial Property from Industrial Limited to Planned Development Redevelopment Mixed-Use (Activity Center) and change the zoning category from EC to CCS-1 for 2.44 acres MOL with the existing wetland/preservation area of 2.66 acres MOL retaining the PRES category, that area defined by recent environmental studies including SWFWMD Permit 42040986.000; and

WHEREAS, New Owner and the City desire to establish certain terms and conditions relating to the proposed development of the Commercial Property in accordance with Sections 163.3220 through 163.3243, Florida Statutes, the Florida Local Government Development Agreement Act (hereinafter the "Act") that will become effective only when New Owner acquires title to the Commercial Property;

NOW, THEREFORE, in consideration of the conditions, covenants and mutual promises hereinafter set forth, PBC and the City agree as follows:

1. **RECITALS.** The foregoing recitations are true and correct and are hereby incorporated herein by reference. All exhibits to this Agreement are hereby incorporated herein.
  
2. **EFFECTIVE DATE AND DURATION.** It is the intent of PBC and the City that this Agreement shall become effective when: (i) adopted in conformity with the Act and executed by the parties, (ii) the land use and zoning changes described above shall have been validly adopted, and (iii) New Owner shall have acquired title to the Commercial Property. Unless otherwise agreed to in writing between the parties hereto, the term of this Agreement shall be for twenty (20) years from the date of execution.

3. PERMITTED DEVELOPMENT USES AND BUILDING INTENSITIES.

- a. Permitted Development Uses. The 5.1 acre MOL property described in Exhibit “A” presently has a Comprehensive Plan designation of Industrial Limited and Preservation (Activity Center) on the Future Land Use Map of the City’s Comprehensive Plan with EC and PRES zoning. PBC shall apply to the City to amend the Comprehensive Plan designation for the property described in Exhibit “A” from Industrial Limited to Planned Development Redevelopment Mixed-Use (Activity Center) and change the zoning of 2.44 acres MOL from EC to the CCS-1 category with the existing wetland/preservation area of 2.66 acres MOL being categorized PRES. Upon such amendment, the Commercial Property may be used for the purpose permitted in the applicable Comprehensive Plan and zoning designations, subject to the additional limitations and conditions set forth in this Agreement.
  
- b. Limitations, Improvements and Conditions on Use. A conceptual site plan for the tract is attached hereto as Exhibit “B.” This site plan is intended only to provide a conceptual layout for the general location of the proposed uses and is subject to full site plan review in accordance with existing procedures and requirements established by the City’s Land Development Regulations. PBC agrees that the following limitations and conditions shall apply to any site plan approved for the Commercial Property:
  - i. The Commercial Property shall be limited to a maximum development of 17,000 heated and air-conditioned square feet of the following allowable uses: bank; bank with drive-through; drug store/pharmacy with drive-through; general office; medical office; retail sales & service; restaurant without drive-through; and health club (< 5,000 sq. ft.).
  
  - ii. The property owner shall improve and manage the portion of the Commercial Property designated as PRES as required by any governmental agencies having jurisdiction over the Commercial Property. The property owner shall install pedestrian connections and walkways to allow the public to better enjoy the Preservation Area – where that area will not be imposed or impacted negatively.
  
  - iii. The property owner shall install sidewalks on all public rights of way abutting the site.
  
  - iv. Roadway Improvement Plan. The proposed development shall make certain improvements onsite and in the adjacent roadways as shown on Exhibit “B,” and listed below:
    1. Dr. Martin Luther King Jr. Street North:
      - a. Extension of southbound left lane at Roosevelt Blvd. by 100’
      - b. Extension of southbound right lane at Roosevelt Blvd. by 150’
      - c. Construction of 900 linear feet of sidewalk on the west side of MLK
      - d. Construction of a 250’ northbound turn lane at entrance
      - e. Construction of a 200’ southbound turn lane at entrance

2. Roosevelt Blvd:
  - a. Construction of 190 linear feet of pedestrian connection to Pinellas Business Center on south end
  - b. Construction of 230 linear feet of pedestrian connection to Pinellas Business Center on north end
  
- v. Wetland Mitigation Plan. The 2.66 acres of wetland contain a large population of mature punk trees (*Melaleuca quinquenervia*). The wetland is surrounded by a dense growth of Brazilian pepper (*Schinus terebinthifolius*) in the upland buffer zone. Both of these species are considered Category 1 on the 2011 Invasive Plant Species List by the Florida Exotic Pest Plant Council (FLEPPC).

The current site plan requires impacting approximately .32 acres of the wetland habitat. Although the wetland mitigation plan has not been finalized or submitted to the Southwest Florida Water Management District (SWFWMD), the US Army Corps of Engineers (ACOE) or the City of St. Petersburg for approval, it is anticipated that the punk trees and Brazilian pepper will be removed from the wetlands as part of the wetland mitigation plan. However, we will remove these invasive species from the site even if the mitigation plan approved by SWFWMD and the City requires alternative action. This will be achieved by cutting the trees at the base, removing the above-ground biomass from the wetlands, treating the punk tree stumps with an EPA-Approved Aquatic Herbicide, and replanting with native aquatic/wetlands species. In addition, the upland buffer surrounding the wetlands will be cleared of all Brazilian peppers and replanted with native upland species. A monitoring and maintenance plan will be instituted to treat and control nuisance aquatic and wetland species in the wetlands for a minimum of three years or until the wetland meets the success criteria that will be included with the Environmental Resource Permits issued by SWFWMD and ACOE.

4. PUBLIC FACILITIES. The determination of adequacy of public facilities to serve the proposed development shall be made in accordance with the City's Concurrency requirements in existence as of the date of this Agreement.
  
5. RESERVATION OR DEDICATION OF LAND. PBC shall not be required to reserve or dedicate land within the Commercial Property for municipal purposes other than public utility easements for utilities servicing the Commercial Property.
  
6. LOCAL DEVELOPMENT PERMITS. The following additional local development permits will need to be approved in order to develop the Commercial Property for uses permitted in the CCS-1 zoning district:
  - a. Comprehensive Plan amendment and rezoning approval
  - b. Final site plan and, if applicable, special exception approval;
  - c. Water, sewer, paving and drainage permit;
  - d. Building permit;

- e. Certificate of Occupancy; and
  - f. Any other required official action of the City having the effect of permitting the development of the land.
7. CONSISTENCY WITH COMPREHENSIVE PLAN. Development of the Commercial Property for the purposes allowed in the CCS-1 and PRES zoning districts will be consistent with the City's Comprehensive Plan. Except with respect to the Comprehensive Plan and Official Zoning Map amendments for the 2.44 acre MOL property described in Exhibit "C," as uplands, compliance with the City's Land Development Regulations shall be determined as of the date of this Agreement.
  8. GATEWAY AREA WIDE DRI. Development of the Commercial Property is subject to the Development Order of the Gateway Areawide DRI (GADRI), including availability of land use capacity and the Gateway Areawide Transportation Impact Special Assessment Fee (GATISAF). If the desired change to the Land Use category of the Commercial Property from Industrial Limited to Planned Redevelopment Mixed-Use (Activity Center) and change to the zoning category from EC to CCS-1 for 2.44 acres MOL is approved and adopted the property owner must initiate an amendment to the GADRI Master Plan to identify commercial as an allowable use on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard.
  9. NECESSITY OF COMPLYING WITH LOCAL REGULATIONS RELATIVE TO PERMITS. PBC and the City agree that the failure of this Agreement to address a particular permit, condition, term or restriction in effect on the effective date of this Agreement shall not relieve New Owner of the necessity of complying with the law governing said permit requirements, conditions, terms or restrictions.
  10. BINDING EFFECT. The obligations imposed pursuant to this Agreement shall run with the title to the Commercial Property and shall be binding on the successors and assigns of PBC. This Agreement shall be recorded among the Public Records of Pinellas County, Florida.
  11. GOVERNING LAWS. This Agreement shall be governed and construed in accordance with the laws of the State of Florida. The parties agree that Pinellas County, Florida, is the appropriate venue in connection with any litigation between the parties with respect to this Agreement. The parties further agree that in the event litigation is brought by any party, that each waives its right to a trial by jury.
  12. ENTIRE AGREEMENT. This Agreement sets forth the entire Agreement and understanding between the parties hereto relating in any way to the subject matter contained herein and merges all prior discussions between PBC and the City. No party shall be bound by any agreement, condition, warranty or representation other than as expressly stated in this Agreement, and this Agreement may not be amended or modified except by written instrument signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Development Agreement as of the day and year first above written.

CITY

ATTEST:

**CITY OF ST. PETERSBURG, FLORIDA**

\_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 2013

Approved as to form and legality  
By Office of City Attorney

\_\_\_\_\_

**PBC OWNER, LLC**

WITNESSES:

By: \_\_\_\_\_

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012 by \_\_\_\_\_ as \_\_\_\_\_ of PBC Owner, LLC, a Florida Limited Liability company who is personally known to me or produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

\_\_\_\_\_  
State of Florida at Large

Print name: \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

WITNESSES:

**NEW OWNER**

**SOUTHEAST INVESTMENTS, INC.**

By: \_\_\_\_\_

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

STATE OF FLORIDA    )  
COUNTY OF ST. JOHNS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by  
\_\_\_\_\_ as \_\_\_\_\_ of Southeast Investments, Inc., a Florida  
corporation who is personally known to me or produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

\_\_\_\_\_  
State of Florida at Large

## Exhibit "A"

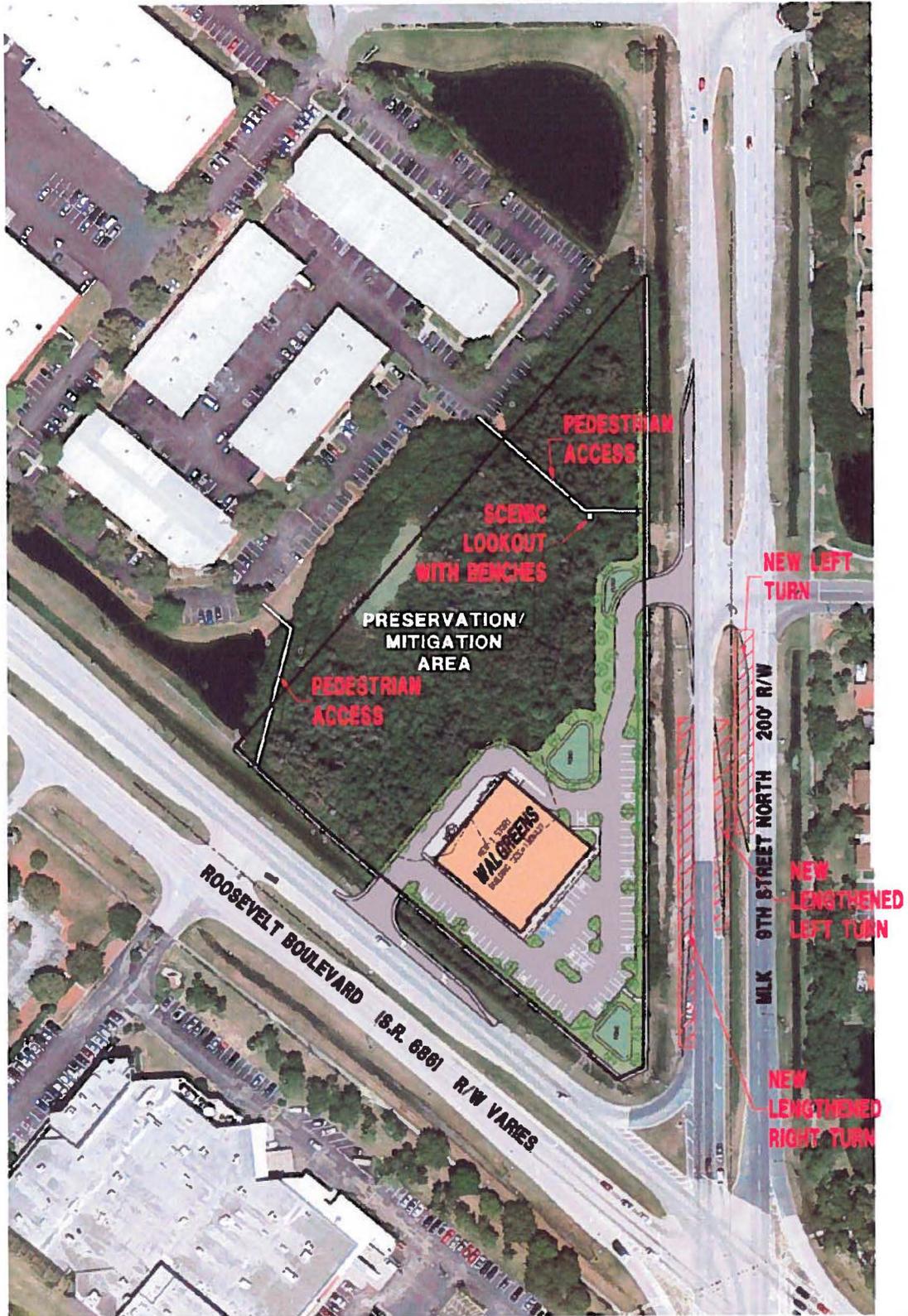
### Legal Description of the Subject Property

A portion of Lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49, 50 and 51 of the Public Records of the Pinellas County Florida:

Commence at the North East corner of said Lot 1, thence South  $00^{\circ} 12' 38''$  West, along the East boundary of said Lot 1, a distance of 266.08 feet to the Point of Beginning; thence continue South  $00^{\circ} 12' 38''$  West along said East boundary of said Lot 1, a distance of 907.42 feet; thence South  $65^{\circ} 07' 49''$  West, a distance of 33.06 feet; thence North  $49^{\circ} 57' 02''$  West, along the boundary line of said Lot 1, a distance of 42.56 feet; thence North  $40^{\circ} 02' 58''$  East, a distance of 5.00 feet; thence North  $49^{\circ} 57' 02''$  West, a distance of 400.00 feet; thence North  $47^{\circ} 05' 17''$  West, a distance of 140.61 feet; thence North  $41^{\circ} 18' 24''$  East, a distance of 714.86 feet to the Point of Beginning.

Parcel contains 5.104 acres, more or less.

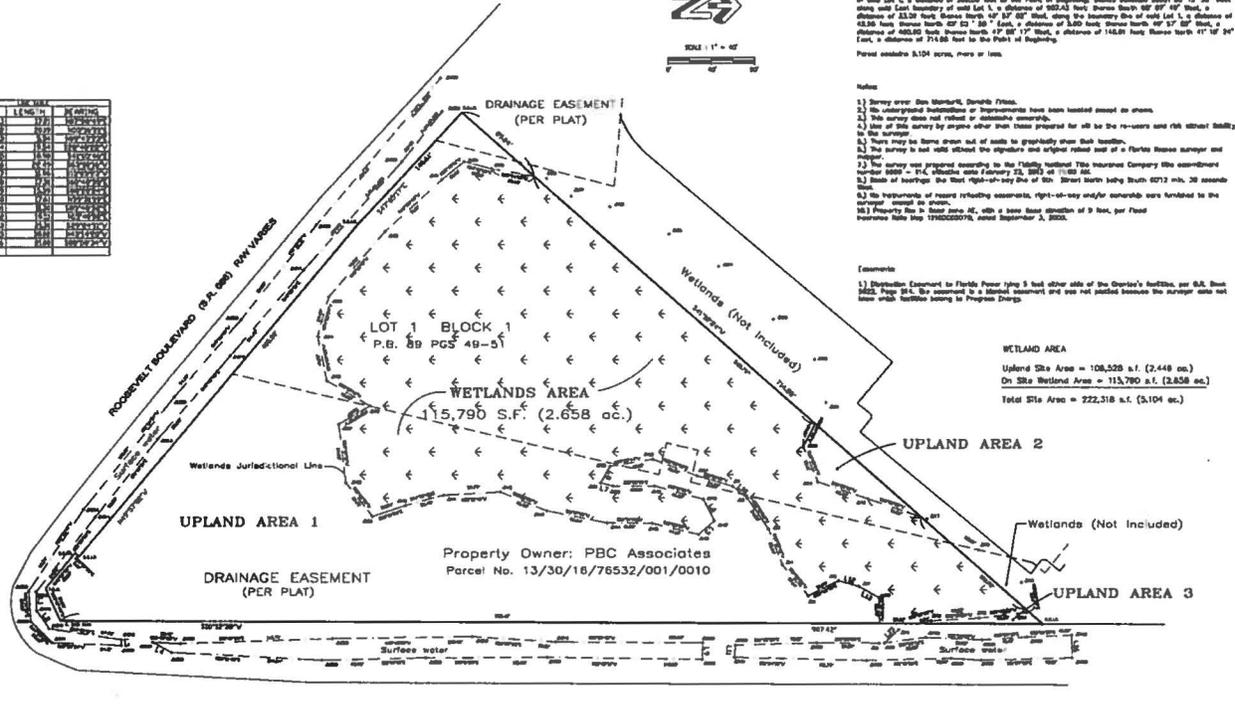
# EXHIBIT B



SECTION 13 TOWNSHIP 30 SOUTH RANGE 16 EAST

PINELLAS COUNTY FLORIDA

LINE	LENGTH	BEARING
1	100.00	S 89° 51' 00" W
2	100.00	S 89° 51' 00" W
3	100.00	S 89° 51' 00" W
4	100.00	S 89° 51' 00" W
5	100.00	S 89° 51' 00" W
6	100.00	S 89° 51' 00" W
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98	100.00	S 89° 51' 00" W
99	100.00	S 89° 51' 00" W
100	100.00	S 89° 51' 00" W



**Description:**  
 A portion of Lot 1, Block 1, ROOSEVELT BEACH PLAT 33A ADDITION as recorded in Plat Book 88, pages 48, 50 and 51 of the Public Records of the Pinellas County Florida.

Commence at the North East corner of said Lot 1, thence South 07° 12' 30" West, along the East boundary of said Lot 1, a distance of 388.00 feet to the Point of Beginning; thence continue South 07° 12' 30" West along said East boundary of said Lot 1, a distance of 602.00 feet; thence South 07° 07' 45" West, a distance of 23.00 feet; thence North 07° 07' 00" West, along the boundary line of said Lot 1, a distance of 48.00 feet; thence North 07° 02' 30" East, a distance of 3.00 feet; thence North 07° 57' 00" West, a distance of 465.00 feet; thence North 07° 00' 17" West, a distance of 145.00 feet; thence North 41° 10' 30" East, a distance of 714.00 feet to the Point of Beginning.

Parcel contains 3.104 acres, more or less.

**Notes:**

- 1) Survey error: Don Markham, Donnie Pines.
- 2) No underground boundaries or encumbrances have been located shown on plans.
- 3) This survey does not reflect or establish ownership.
- 4) Not of this survey but anyone other than those prepared for all the re-users and risk without liability for the surveyor.
- 5) There may be items shown out of scale to graphically show their location.
- 6) The survey is not valid without the signatures and original return seal of a Florida Licensed Surveyor and Engineer.
- 7) The survey was prepared according to the Florida National Title Insurance Company title commitment number 0000 - 114, effective date February 23, 2001 at 11:00 a.m.
- 8) Date of recording: the West right-of-way line of the Street North being South 02° 12' min, 20 seconds West.
- 9) The instruments of record reflecting assessments, right-of-way and/or easements were furnished to the surveyor, original to show.
- 10) Property Tax is \$100,000.00, with a base rate variation of 9 feet, per Parcel Revenue Rate (1/1/2002/01/2002), dated September 2, 2002.

**Comments:**

- 1) Distribution Easement to Florida Power (ing 5 feet either side of the Operator's facilities, per G.S. Stat. 3602, Page 204. The easement is a blanket easement and was not partitioned because the surveyor does not know which facilities belong to Florida Power.

**WETLAND AREA**  
 Upland Site Area = 108,500 s.f. (2.448 ac.)  
 On Site Wetland Area = 115,790 s.f. (2.658 ac.)  
 Total Site Area = 224,290 s.f. (5.104 ac.)

Property Owner: PBC Associates  
 Parcel No. 13/30/16/76532/001/0010

MLK 8TH STREET NORTH (S.R. 686) 200' RAW

EXHIBIT C

**SUNCOAST LAND SURVEYING, Inc.**  
 111 FOREST LAKES BOULEVARD  
 ALDORFER, FLA 34617  
 PHONE: (813) 850-1342 - FAX: (813) 850-0800  
 LB 4333

**SPECIAL PURPOSE SURVEY**  
 PINELLAS COUNTY, FLORIDA  
 WETLANDS MAP AND ENCUMBRANCE

Project No. 133016  
 Date: 02/23/02  
 Checked by: [Signature]  
 Date: 02/23/02

Scale: 1" = 40'

Map No. 133016-01

Prepared by and Certified by:  
 [Signature]  
 Surveyor and Engineer, LLC

Map is subject to the terms and conditions of the contract.

RESOLUTION NO. 2013-\_\_\_\_

A RESOLUTION TRANSMITTING A PROPOSED AMENDMENT TO THE CITY OF ST. PETERSBURG LOCAL GOVERNMENT COMPREHENSIVE PLAN AND REQUESTING AN AMENDMENT TO THE COUNTYWIDE FUTURE LAND USE PLAN MAP, IN ACCORDANCE WITH THE SPECIAL ACT (CHAPTER 88-464, LAWS OF FLORIDA); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the St. Petersburg City Council has held the requisite public hearing in consideration of a request to amend the Local Government Comprehensive Plan; and

WHEREAS, the St. Petersburg City Council has considered and approved the proposed St. Petersburg Comprehensive Plan amendment, and determined it to be consistent with the Countywide Future Land Use Plan Map and Rules.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida:

That the City Council of St. Petersburg does hereby transmit the proposed amendment to the Local Government Comprehensive Plan to the Pinellas Planning Council (PPC) for a consistency review with the Countywide Future Land Use Plan Map and Rules.

This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND SUBSTANCE:

City File FLUM-16

  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 12-27-12  
DATE

  
ASSISTANT CITY ATTORNEY 12-28-12  
DATE



**AERIAL**

CITY FILE

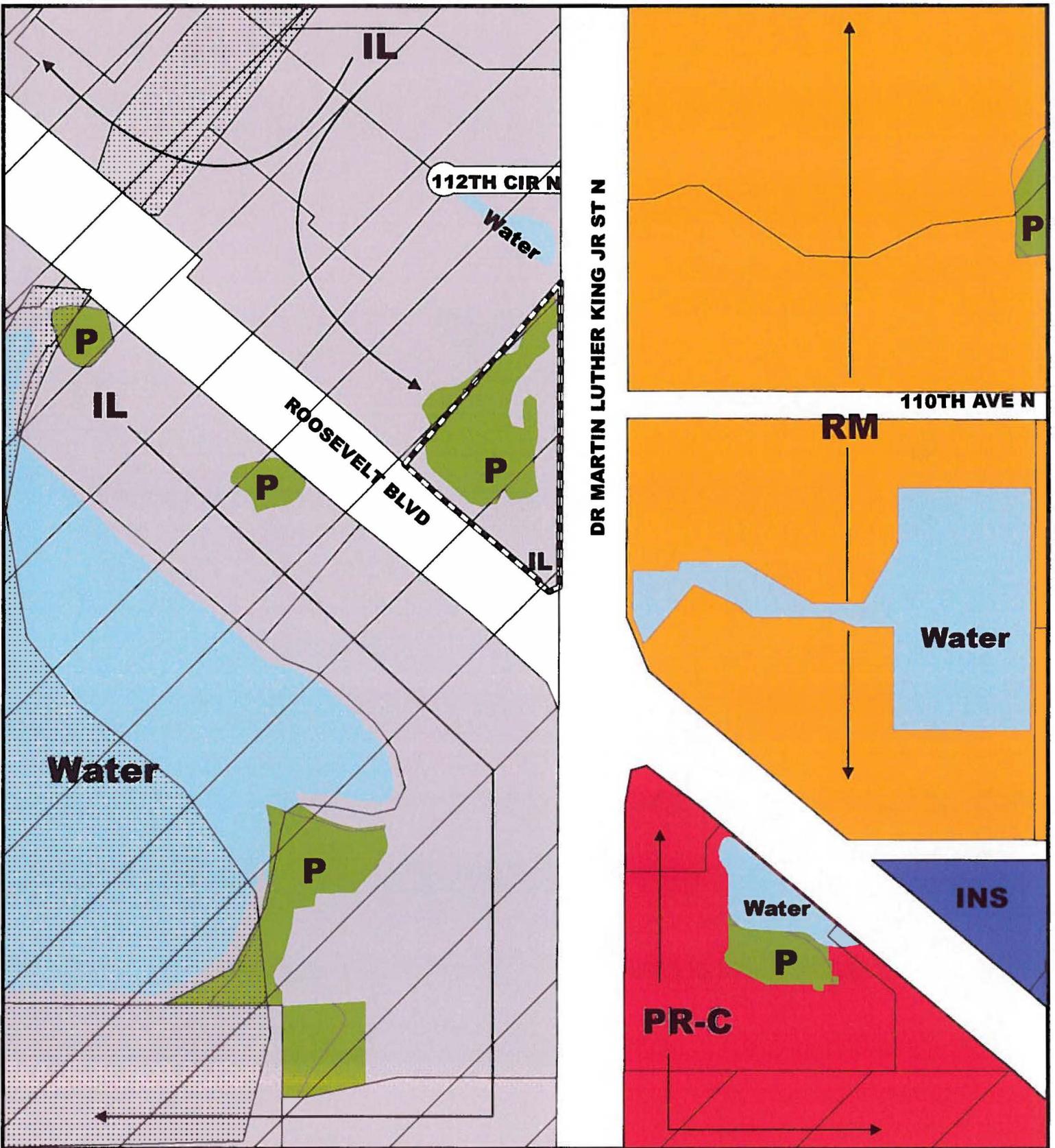
**FLUM-16**

SCALE: 1" = 375'



SUBJECT AREA





### LAND USE PLAN DESIGNATION

CITY FILE

**FLUM-16**

SCALE: 1" = 375'

**From: IL**  
**(Industrial Limited**  
**-Activity Center)**

**To: PR-MU**  
**(Planned Redevelopment Mixed-Use**  
**-Activity Center)**



SUBJECT AREA

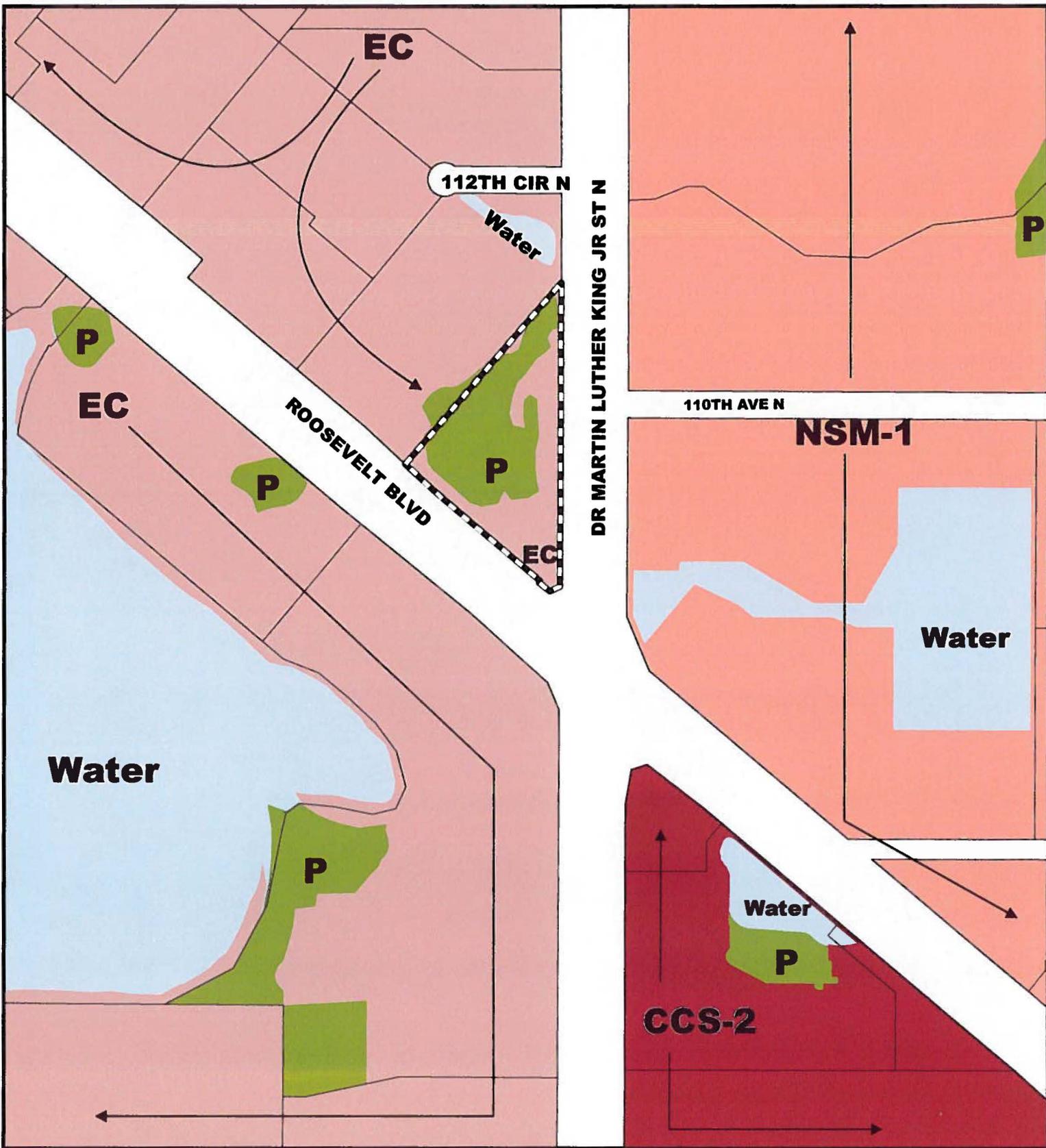


ACTIVITY CENTER



DRAINAGE FEATURES





**EXISTING ZONING**

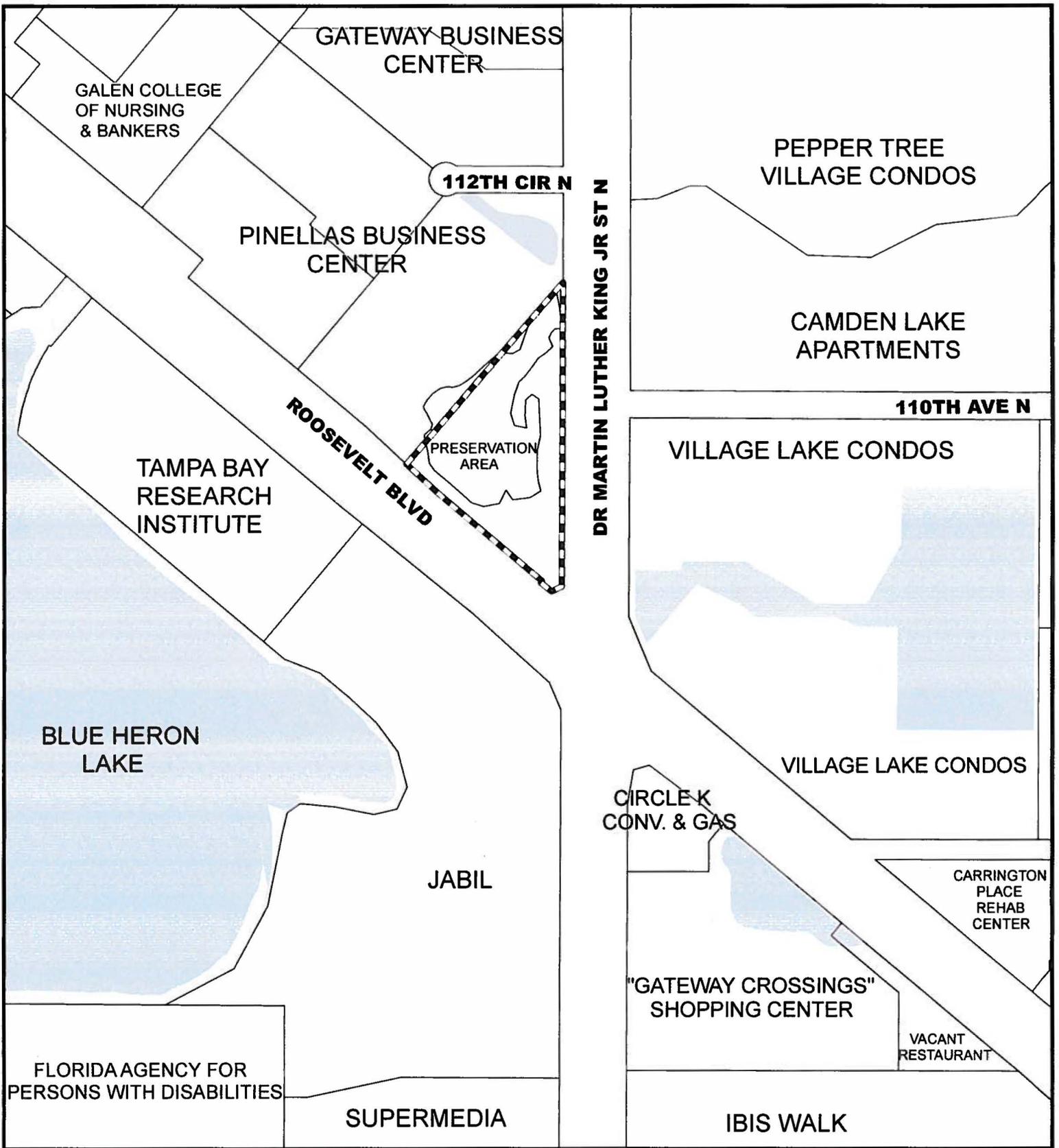
CITY FILE  
**FLUM-16**  
 SCALE: 1" = 375'

**From: EC**  
**(Employment Center)**

**To: CCS-1**  
**(Corridor Commercial Suburban)**

 **SUBJECT AREA**





**EXISTING SURROUNDING USES**

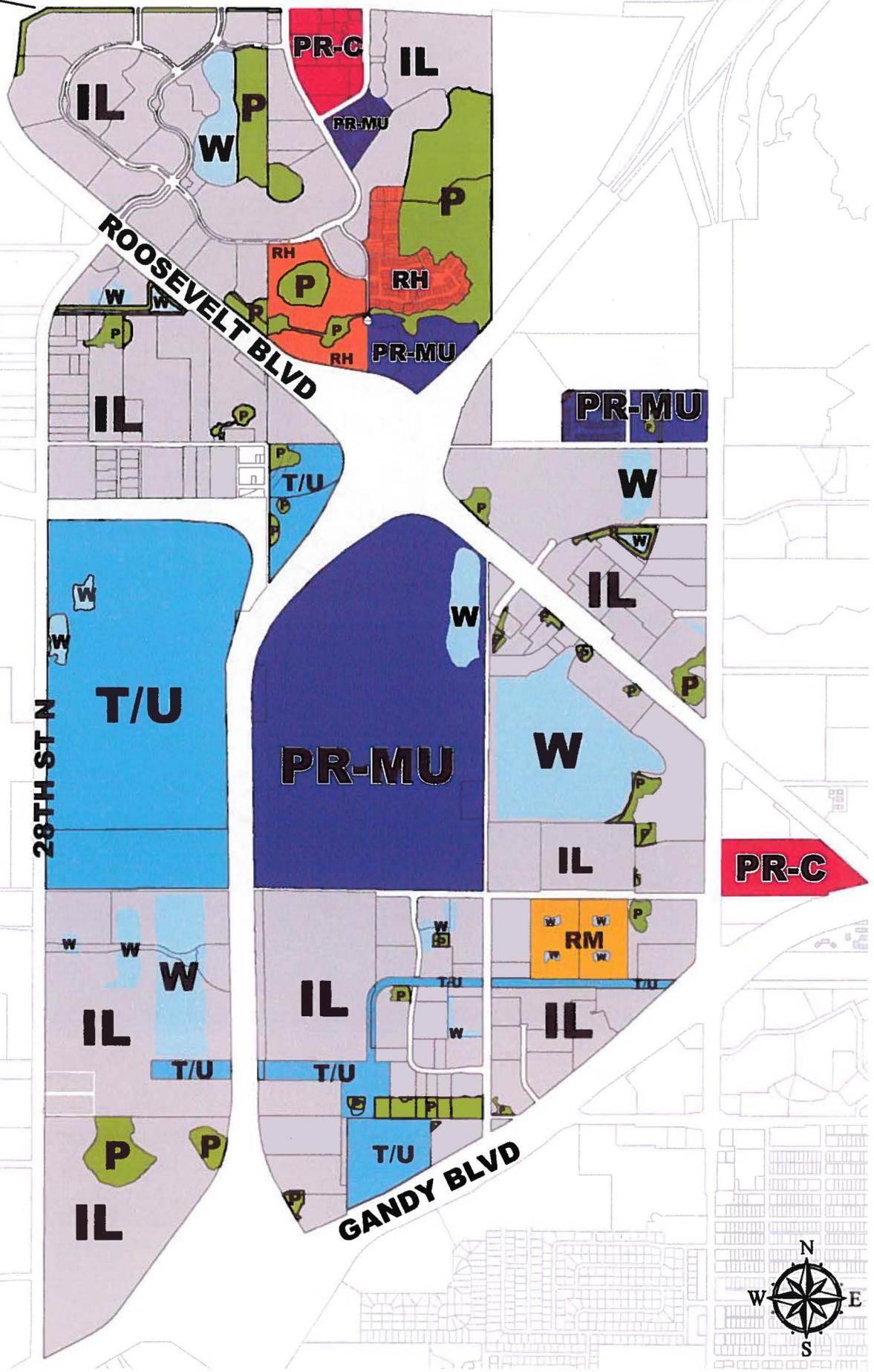
CITY FILE
<b>FLUM-16</b>
SCALE: 1" = 375'


**SUBJECT AREA**

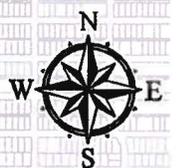


# Gateway Activity Center Area FLU

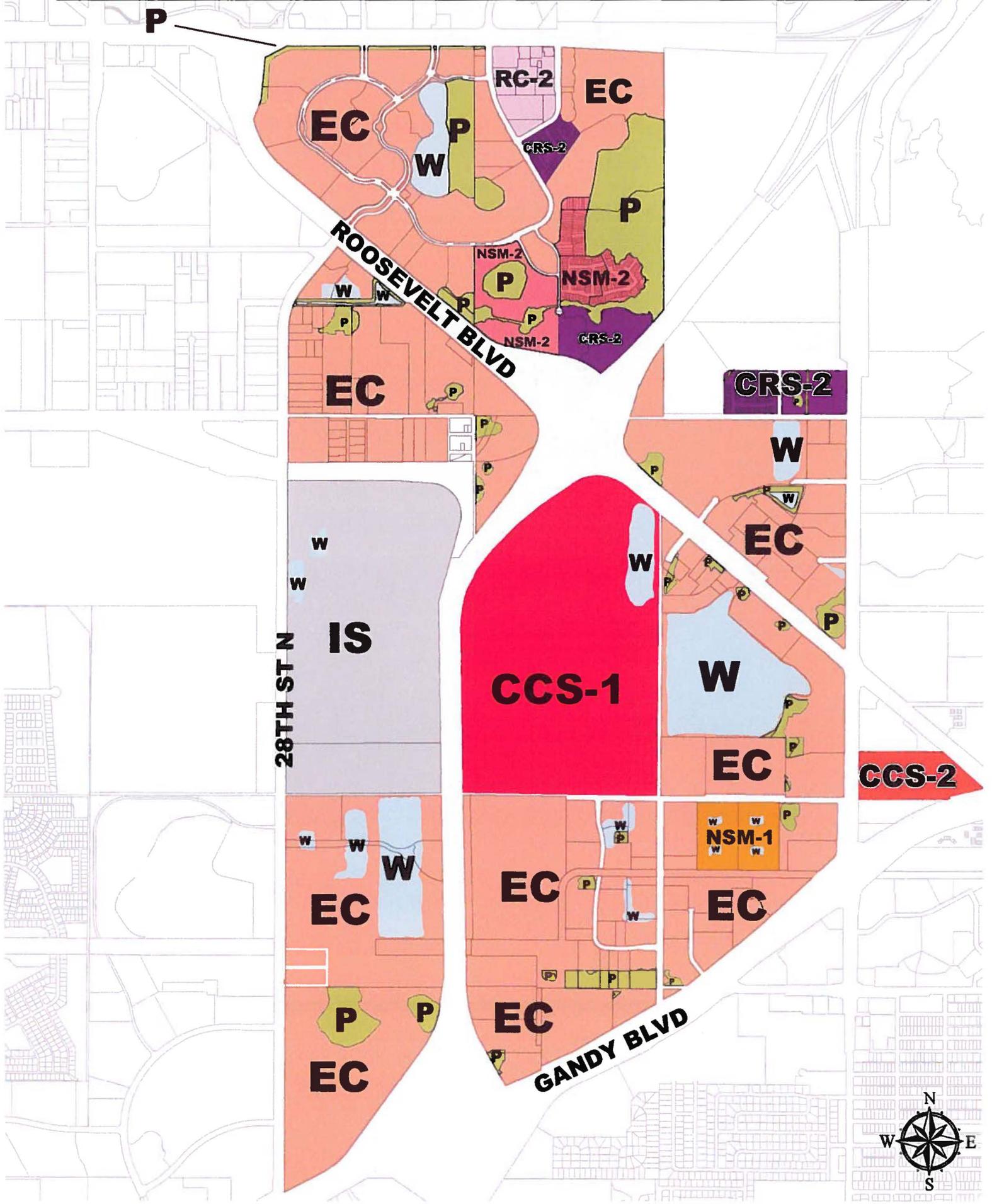
P

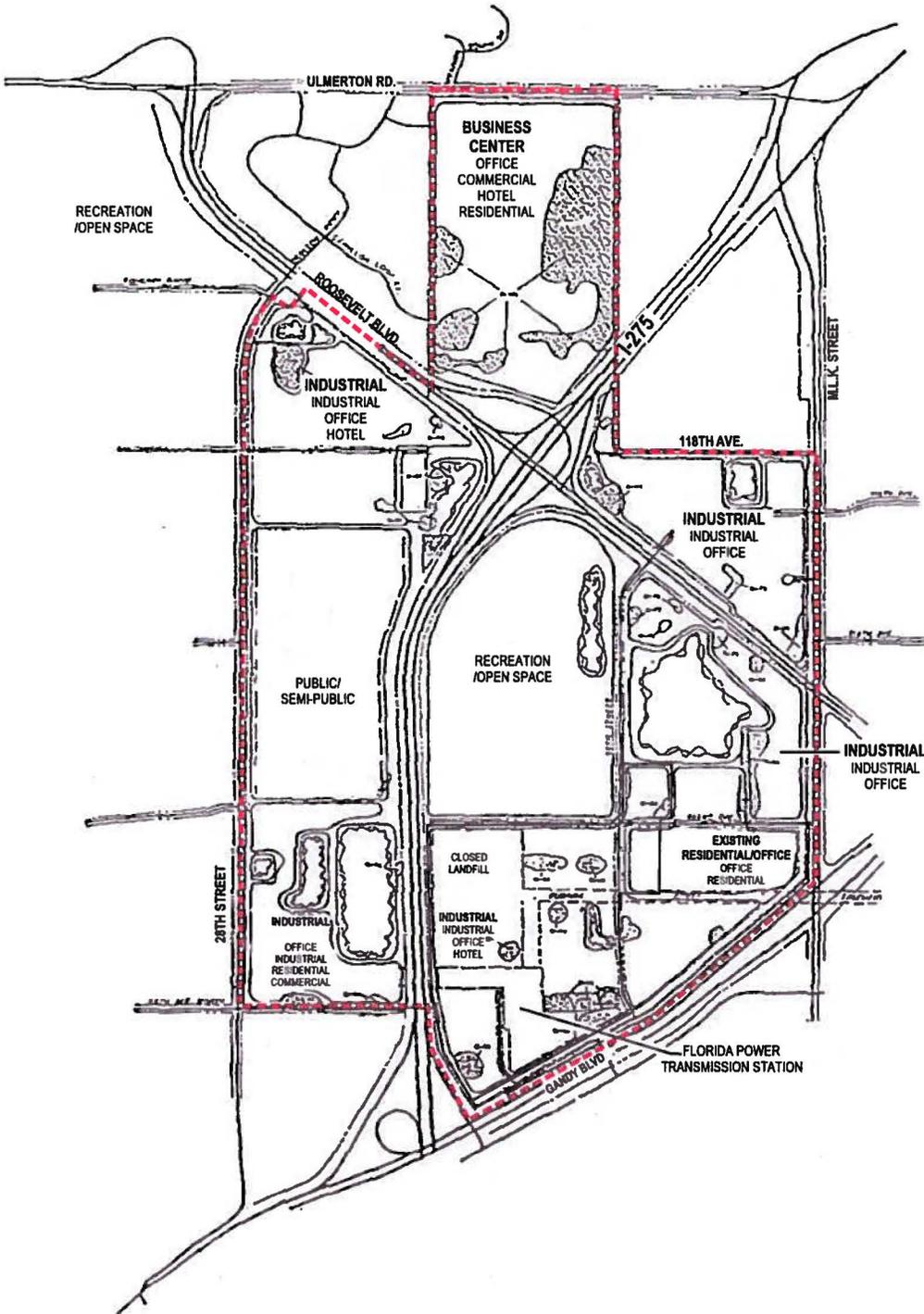


PR-C



# Gateway Activity Center Area Zoning





LEGEND  
 [Symbol] INDICATES AREA DESIGNATED AS "GATEWAY" BY THE CITY OF ST. PETERSBURG  
 [Symbol] EXISTING PHYSICAL LOCATION

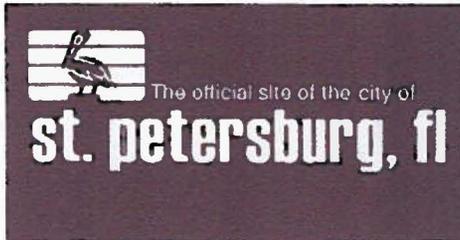
City of St. Petersburg

GATEWAY  
AREAWIDE DRI

MASTER PLAN

FLD&E  
 Planning, Land Use, and Engineering, Inc.  
 1000 North Gulf Stream Blvd., Suite 200, St. Petersburg, FL 33706  
 (727) 326-1111

Scale: 1" = 1000'  
 MAP H



[Residents](#)

[Visitors](#)

[Business](#)

[City Government](#)

[eServices](#)

[accessibility](#) | [news](#) | [site map](#)

Search / Keyword



[Home - Planning & Econ Dev >](#)  
[Land Use Matrix](#)

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- [Apply / Register](#)
- [File / Report](#)
- [Research / View](#)
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### USE PERMISSIONS FOR CCS-1

<b>P</b>	<p>Accessory Use and Structure ; Adaptive Reuse ; Home Occupation ; Redevelopment of Grandfathered Uses ; Accessory Dwelling Unit, Owner/Manager ; Assisted Living Facility ; Community Residential Home, 1 to 6 residents ; Community Residential Home, 7 to 14 residents ; Dwelling, Single-Family; Dwelling, Live/Work ; Dwelling, Multifamily; Bed and Breakfast ; Hotel; Pet Care Indoor; Nursing Home; Bank without Drive-Thru; Bank with Drive-Thru; Catering Service / Food Service Contractor; Drive-Thru Facility or Use with a Drive-Thru ; Drug Store or Pharmacy; Indoor Urban Vehicle Sales; Mixed Use (Mixture of Permitted &amp; Accessory Uses.); Motor Vehicle Service and Repair ; Office, General; Office, Medical; Office, Veterinary ; Outdoor Sales, Accessory Use ; Restaurant and Bar, Indoor ; Retail Sales and Service; Service Establishment; Outdoor Sales, Accessory Use Garden Oriented ; Outdoor Sales, Principal Use Outdoor Oriented Goods ; Outdoor Sales, Principal Use Garden Oriented ; Restaurant and Bar, Indoor and Outdoor ; Service, Fleet-Based; Service, Office ; Service, Personal ; Studio; Construction Establishment; Manufacturing - Light, Assembly and Processing; Club, Community Service and Fraternal; Commercial Recreation, Indoor; Commercial Recreation, Outdoor ; Golf Course / Country Club; Health Club (5,000 sq. ft. or less); Museum; Park, Active; Park, Passive ; Adult Day Care Center; Child Care Facility ; Funeral Home / Mortuary / Crematory; Government Building and Use; Hospital; House of Worship ; Library; Meeting Hall and other Community Assembly Facility; School, Public, Pre-K thru 12 (Governmental); School, Private, Pre-K thru 12 (Nongovernmental); School, Post-Secondary; School, All Others; Marina; Parking Surface Accessory ; Parking, Structured ; Parking, Surface - Principal Use ; Nursery / Greenhouse;</p>
<b>SE</b>	<p>Large Tract Planned Development; Community Residential Home, more than 14 residents ; Car Wash and Detailing; Convenience Store with or without Fuel Pumps ; Publishing and Printing; Performing Arts Venue (500 seats or less); Health Club, (more than 5,000 sq. ft.); Motion Picture Theater/Cinema (500 seats or less); Motion Picture Theater/Cinema (more than 500 seats); Performing Arts Venue (more than 500 seats); Birthing Center; Mass Transit Center; Utility Plant and Storage ; Utility Substation, Utility Storage Tanks ;</p>
<b>A</b>	<p>Accessory Artist in Residence; Restaurant and Bar, Accessory Outdoor Area ; Recreation Use, Accessory to Residential Use; Recreation Use, Accessory to Public Park; Cemetery, Accessory to a House of Worship;</p>
<b>G</b>	<p>Accessory, Dwelling Unit ; Accessory, Living Space; Motel; Cafe, Neighborhood Scale; Retail, Neighborhood Scale; Storage, Self / Mini Warehouse ; Warehouse;</p>
<b>NC</b>	<p>Dormitory; Mobile Home; Kennel ; Pet Care Indoor/Outdoor; Office, Temporary Labor (Day Labor) ; Outdoor Storage, Accessory Commercial ; Laboratories and Research and Development; Manufacturing - Heavy; Outdoor Storage, Principal Use ; Outdoor Storage, Accessory Industrial ; Recycling Center; Salvage Yard ; Towing and Freight Trucking; Wholesale Establishment ; Cemetery; Crematorium; Probation / Parole Correction Office ; Helipoint, Accessory;</p>



**CITY OF ST. PETERSBURG  
PLANNING & VISIONING COMMISSION  
PUBLIC HEARING  
November 13, 2012**

*Note: The item below (FLUM-16) was presented first as requested by the applicant and approved by the Commission.*

**III. QUASI-JUDICIAL PUBLIC HEARING**

**City File: FLUM-16**

**Contact Person: Rick MacAulay  
893-7283**

**Location:** The subject property, estimated to be 5.1 acres in size, is vacant land generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Blvd.

**Request:**

a. For 2.44 acres, to amend the Future Land Use Map designation from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and the Official Zoning Map designation from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), or other less intensive use. The balance of the property (2.66 acres) will remain preservation (Preservation Area N-69).

b. In addition, it is requested that a Development Agreement be approved, which will limit development to a maximum of 17,000 sq. ft. of commercial space.

*Prior to the presentation the applicant requested 15 minutes for their presentation. The Commission approved giving both parties 15 minutes each.*

**Staff Presentation**

Rick MacAulay gave a presentation based on the staff report.

Commissioner Nolan asked about the details of the original 23-acre development and what the subject triangular property represents. Mr. MacAulay stated that staff did not see any variance requests for set-backs, green yard or impervious surface while researching the Environmental Development Commission (EDC) approval of this site in the 1980s. The office park was built as seen today with the triangle area left undeveloped. Staff agrees that there was nothing definitive in the file that states the 5.1 acre subject area was set aside because it was a preservation area, or because the developer thought it was a nice nature amenity or a buffer between the office buildings and that intersection. However, arguably when this office park was developed in the 1980s it was done with this intent.

Commissioner Nolan asked if SWFWMD was as engaged back in the 1980s as they are today. Mr. MacAulay stated that he believed that the permitting agencies (SWFWMD, DER, and Army Corps) were as active and engaged in the 1980s as they are today.

Commissioner Robison agreed and stated that the permitting agencies have basically the same wetland laws having been amended and modified to be more stringent. However, in this case going back to a DRI that is fairly old, SWFWMD would have basically approved the subject area as a conceptual preservation/wetland area and it is designated on the master plan of the Gateway Area DRI as a wetland area, thus was recognized as a resource back in the 1980s.

Commissioner Klein stated that he believes that a small piece of the subject property is available for development. Mr. MacAulay stated that staff is not opposed to the development of this site with the appropriate uses typically creating higher paying jobs. Mr. MacAulay referred to a Gateway Activity Center map depicting the predominance of Future Land Use Plan categories of IL (Industrial Limited) and said it would be unprecedented to change 2.44 acres encroaching into the Gateway Activity Center boundary to allow for a single use retail store. The Gateway Activity Center adopted in the City's first Comprehensive Plan in 1989 really stresses the importance of the Activity Center.

Commissioner Robison asked staff that if this subject property remains IL, what types of land uses would be appropriate on such a small piece of land. Mr. MacAulay replied office space/building, office park, corporate office space, laboratory, or any kind of light industrial or small manufacturing firm.

Commissioner Montanari asked who drafted the Development Agreement. Mr. MacAulay stated that the applicant drafted the Development Agreement, borrowing from three examples of past development agreements, along with comments and recommendations from City staff.

### **Applicant Presentation**

Todd Pressman, agent presenting the applicant/property owner, PBC Associates, began a PowerPoint presentation in support of the request. Robert Pergolizzi, AICP, PTP with Gulf Coast Consulting and Marlon Champion with The Ferber Company continued the presentation; Todd Pressman then concluded.

Commissioner Nolan voiced his concern about the noise and light pollution that a proposed 24/7 Walgreens would generate to the residents across street as opposed to the office complexes. Mr. Pressman replied that there is a six to seven lane roadway and significant forestation along Roosevelt Blvd. and Dr. M.L. King Street North which would serve as a buffer, and there have been no complaints about the commercial activity across the street from the subject property (on the southeast corner).

Jason Crews with The Ferber Company pointed out that the office complexes are probably lit 24 hours for security reasons. The site lighting for retail would be directed so spillage would not occur across or onto neighboring yards.

Commissioner Nolan asked about the signage size to which Mr. Crews stated the sign would be similar in size with the current signs in the area. Mr. Crews went on to say that these types of issues can be negotiated in the Development Agreement.

Commissioner Whiteman commented about the eight letters received from PBC tenants and then asked about the number of tenants in the Pinellas Business Center. Mr. Pressman stated that he could not attest to that; however, he did know that the property owner went through quite a number of offices and received great support for having a pedestrian connection.

Commission Chair Whiteman asked about the kind of lighting on the proposed pedestrian connection for pedestrian safety. Mr. Crews stated that they have not yet gotten to that point in the design process but safety lighting would be provided through the walkways.

Commission Chair Whiteman voiced his concern about the length of the proposed walkways through the wetlands. Mr. Pressman stated that there have been a couple of design changes shortening the length through the wetlands. Mr. Pressman went on to say that the City's Comprehensive Plan calls for providing pedestrian elements into preservation areas for the citizens' enjoyment. Mr. Pressman stressed that they are here to work with the City and any element that is important can be negotiated in the Development Agreement.

Commissioner Robison asked Mr. Pressman to read the letter from the property owner and Managing Member of PBC, Stephen Denholtz that was mentioned in his presentation.

Commissioner Nolan asked if there is a Walgreens currently in Gateway Plaza, to which Mr. Pressman responded yes. Commissioner Nolan then commented how this contradicts the applicant purporting that the proposed Walgreens would be a major convenience when there is already an existing Walgreens and Publix (which also offers prescription drugs) in a place already developed. Mr. Wright, representing the applicant, replied that the current Walgreens is approximately two-thirds the size of the proposed Walgreens and does not have a drive-through which is very important for a drug store and one reason why then need to relocate. The current Walgreens building, once vacated, will be backfilled and those jobs will be replaced. Mr. Wright went on to say that he feels that once Walgreens vacates, there will probably be some major redevelopment allowing some of the major tenants to expand.

Mr. Pressman stated that he personally has sent out over 300 public notices four times and was happy that the City had received only three responses in opposition.

Commissioner Montanari asked why nothing specific is stated in the Development Agreement (#3, Paragraph B.i) and not come straight out to say Walgreens. Mr. Pressman stated that was the approach they took in wanting to ensure the Commission what the use would be on the subject property. Also, specifying only one use in the Development Agreement would limit the ability to backfill this space with anything other than a Walgreens should something happen in the future. Mr. Pressman went on to say that any usage concerns/problems can be addressed in the Development Agreement.

Commissioner Montanari asked why the new owner is not identified. Mr. Pressman stated that the PBC is the current owner which is why their name is on the Development Agreement.

Commissioner Nolan asked if this application was denied, would the purchase of the property go through, to which Mr. Pressman replied no.

Mr. MacAulay stated that in regard to the Development Agreement, the applicant was asked to remove the reference to the "new owner" because staff thinks that the new owner ought to be a party to the Development Agreement. PBC is the current owner so the Development Agreement would be between the City and Pinellas Business Center (PBC). The Development Agreement runs with the land and there is language in the Development Agreement stating that whoever succeeds or purchases the land would be bound by the Development Agreement. Mr. MacAulay went on to say that there are two options: 1) the new owner could be identified now and sign the Development Agreement; or 2) remove any reference to the new owner leaving the

Development Agreement between the current property owner (PBC) and the City, and whoever eventually purchases the land will be subject to the Development Agreement.

Commissioner Nolan asked if any representatives of the current owner are present, to which Mr. Pressman replied no. Commissioner Nolan stated that he is perplexed that the current owners are not more motivated because their sale apparently hinges on the approval of this application and it looks like now that this is a fishing expedition with someone finding a sliver of land that they think may get the highest and best use out of commercially. Mr. Pressman responded that in 20 years of doing this kind work throughout the entire Bay area and state, this is the normal course - where the applicant approaches the property owner with the intent of purchasing and is then incumbent upon the applicant to obtain the necessary changes.

Commissioner Nolan asked if there were any assurances that another use would not be placed on this property if the proposed zoning and land use change is approved. Mr. Pressman stated that their intent with the Development Agreement is to exclude any type of use that would be inflammatory or not appropriate.

Commissioner Nolan asked Legal if the proposed land use and zoning is approved, if anything by right can be developed. Pam Cichon stated that anything allowed under the new zoning can be placed on the subject property other than what is specifically excluded in #3.B.i of the Development Agreement. Ms. Cichon also pointed out the 10-year expiration date as stated under #2 of the Development Agreement which would then allow any kind of permitted use including what is now excluded in the Development Agreement.

Commission Chair Whiteman asked if the Commission could place a condition stating that if Walgreens ever leaves, then the subject property would automatically revert back to IL (Industrial Limited). Mr. MacAulay stated that they did not think the Development Agreement (Section 3.B.i, 1 & 2) was very well written; it was confusing as to exactly what they want the land to be put to and the uses that they would agree to be prohibited. Mr. MacAulay then referred to a list of permitted uses within the requested zoning designation which was previously provided to the applicant. Mr. MacAulay suggested that the applicant identify and agree that the land will only be used for seven to 12 uses from this list or as many as desired. Mr. Pressman agreed to this request as well as extending the expiration date of the Development Agreement to 20 years as requested by staff.

Commissioner Klein asked staff if there is anything the applicant could put in the Development Agreement that would cause staff to recommend approval, to which Mr. MacAulay replied no.

Commissioner Robison asked the applicant if he would be willing right here during today's hearing to submit a list of other acceptable uses as well as unacceptable uses, to which Mr. Pressman replied yes. Mr. MacAulay stated that it would be simpler to modify the Development Agreement to list perhaps seven to 12 uses that they agree the land could be put to which would restrict development to those uses only.

### **Public Hearing**

Judy Landon, 4231 – 18<sup>th</sup> Street No, stated that the Activity Center has mixed-use in the center of it which was planned during the DRI process some 20 years ago because you want to capture trips within the large development and not allowing niggling commercial businesses along the major roadways. If this request is approved, then do not allow a curb cut on Roosevelt Blvd. due to the close proximity to the intersection, but

place the curb cut around the corner. LOS "B" was mentioned and a trip capture study during peak hours was suggested.

Mr. Pressman stated that when the DRIs were done decades ago baseball was talked about in the Carillon/Gateway area but plans change depending what is wanted at the time.

Mr. Pergolizzi stated that a detailed DOT access permit study would have to be done for access from Roosevelt Blvd. and then pointed out that the access to Roosevelt Blvd. according to the site plan is proposed for right-in / right-out only because it does not align with a median opening. The access to Dr. M.L. King Street North is at the extreme northern end of the property and aligned with 110<sup>th</sup> Avenue which is the appropriate location. Both of these driveways are situated as far from the intersection as reasonably possible and they comply with both FDOT and Pinellas County Access Management Standards. In regards to the LOS, the Pinellas County Level of Service Report provides levels of service on a peak hour basis.

Commissioner Nolan asked about the letter from CONA opposing the request. Mike Gulley representing CONA came to the podium explaining how they used an e-mail tree in obtaining a unanimous vote in opposition to this request.

### **Cross Examination**

Waived by both parties.

### **Rebuttal**

By Rick MacAulay: Referring to a map of the Gateway Activity Center area zoning, he pointed out that the predominant zoning is Employment Center and it would be unprecedented to allow for a rezoning to accommodate a single use, low intensity retail business. The applicant had given examples (e.g., Dr. M.L. King & 94<sup>th</sup> Avenue North, Dr. M.L. King & 62<sup>nd</sup> Avenue North, and others elsewhere in the county) where there are two major arterial roadways with commercial on all four corners. This intersection is different because of the Gateway Activity Center boundary and an Areawide Development of Regional Impact Development Order that govern the subject 5.1 acres.

By Todd Pressman: The Ferber Company is considering making a \$1 million investment or more at this site; it will be a beautiful improvement, will be providing professional jobs and will be providing an improvement for the immediate community. He emphasized that the DRI does have remaining 18,000 plus square feet of retail use allowed; it is part of the existing DRI that is banked. Also, everyone is well aware of the extreme extensive use proposed for the north part of the DRI for a baseball stadium which was given great consideration. In regards to CONA, they did not speak with them but believes they were unaware of a number of points. They have spent a great deal of time, money and investment just to get to this point; they believe in this project, sent out numerous notices and received only three responses in opposition, and hopes to have the Commission's support.

Commission Chair Whiteman asked staff to explain the 18,000 square feet of remainder retail space. Mr. MacAulay stated that there is capacity within the Development Order for 18,000 square feet of commercial space. Referring to the Master Plan for the Areawide DRI adopted in the 1980s, Mr. MacAulay pointed out the areas identified for commercial (retail) uses. The Development Order does anticipate retail; there is 18,000 square feet still available to go somewhere within the boundaries of the Master Plan. The applicant is asking

that an area (referred to the Master Plan by Mr. MacAulay) to be modified which now calls for Industrial and Office Space. Should this move forward, the DRI will need to be amended by the applicant through a process called a Notice of Proposed Change.

Commission Chair Whiteman asked where the 18,000 square feet would go if not used by the applicant. Mr. MacAulay stated that if they use 17,000 square feet of the 18,000 available at the proposed site, then that would limit commercial to other areas within the boundaries of the Master Plan. However, there is a trade-off matrix that is part of this Master Plan Development Order where they can trade-off more retail space for industrial space that is still allowed.

### **Executive Session**

Commissioner Robison stated that both sides had a good argument and then voiced his support of the zoning change and feels that if the rezoning fails, it will never be developed. He does not see it as a hardship on the neighboring residents and the applicant made a compelling case on the economics.

Commissioner Nolan stated that it is the epitome of spot zoning and no jobs are being gained other than with the construction of the building. There is already an existing Walgreens and Publix with a drug pharmacy section, and he is not sure that a drive-through could not be developed for the existing Walgreens. Commissioner Nolan went on to say that the most difficult part for him in supporting the project is that as a representative of the community at large he looks at the City staff's recommendation as well as CONA's position, both which represent the community; he does not support the request.

Commissioner Klein stated his agreement with Commissioner Robison and supports the request. He also feels that CONA did not have the benefit of hearing the applicant's side.

Commissioner Montanari stated that he is very pro business but has a problem with this land use change and agrees with the spot zoning statement made by Commissioner Nolan. He feels that it would be out of character for the subject property. He also feels that it would be trading jobs from one Walgreens to another, not creating new jobs other than the construction phase. Commissioner Montanari went on to say that with the first reading of the Development Agreement, he did not like it at all and just raised questions for him; he did not know why a straight-forward approach was not taken to begin with instead of making last minute changes at the hearing. He does not support the request.

A discussion took place between the Commissioners regarding spot zoning, the possible creation of jobs, the Areawide DRI, and protection from unwanted uses if approved.

Mr. MacAulay stated that the Development Agreement is a fluid document to be changed based upon the comments made at this meeting and further changes could be made if it goes to City Council.

Commission Chair Whiteman asked Legal if the Commission needs to have the seven to 12 approved uses identified prior to making a motion. Ms. Cichon stated that technically they are not needed but it is up to the Commission if they want them.

Commission Chair Whiteman asked Mr. Pressman if he is prepared to submit the list of seven to 12 approved uses for the record as a representation of what would be included in the Development Agreement. Commission

Chair Whiteman informed the applicant that this would be a representation of items to be included in the Development Agreement; it's not fixed nor bound by that list specifically. Mr. Pressman stated his concurrence.

Mr. Pressman asked, for clarification, is the Commission looking for those several uses at this point or did they want to take the Development Agreement as it is now and proceed. Commission Chair Whiteman stated that he would like to hear the uses now, but it is not fixed.

Mr. Pressman named the following list of approved uses: 1) bank without drive-through; 2) bank with drive-through; 3) drug store or pharmacy; 4) office general; 5) office medical; 6) retail sales and service; and 7) health club 5,000 square feet or less. Mr. Pressman went on to suggest taking this list of suggested uses on record with a clear understanding of moving forward with a discussion with the City to look at these uses, clarify and obtain a 100% list of uses to be presented to City Council.

Commissioner Montanari asked Legal, to ensure what the Commission is voting on, that they are voting on the Development Agreement as presented and not the statement just made by Mr. Pressman. Ms. Cichon stated that the applicant had already made the statement of changing the expiration date of the Development Agreement from 10 years to 20 years so that would be a part of what the Commission would be approving as well as the list of approved uses. However, the City has not yet agreed to or supports the list of approved uses, so the Commission would be voting on something that is not definite.

Mr. MacAulay stated that how the Commission votes is a recommendation to City Council and even though it is not in writing, they have heard from the applicant that they are willing to limit the use of the land to those seven things and City staff is okay with that list.

Mr. Pressman stated for the record that they will continue to work forward with those uses as best they can with the City and City Council.

**MOTION:** *Commissioner Montanari moved and Commissioner Robison seconded to amend the Future Land Use Map designation from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and the Office Zoning Map designation from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban, or other less intensive use for the subject 2.44 acres. The balance of the property (2.66 acres) will remain preservation (Preservation Area N-69).*

**VOTE:** *YES – Robison, Klein, Whiteman  
NO - Montanari, Nolan*

*Motion failed by a vote of 3 to2. (Need four concurring votes.)*

**MOTION:** *Commissioner Montanari moved and Commissioner Klein seconded to approve the Development Agreement as approved which would limit development to a maximum of 17,000 square feet of commercial space.*

**VOTE:** *YES – Robison, Klein, Whiteman  
NO - Montanari, Nolan*

*Motion failed by a vote of 3 to 2. (Need four concurring votes.)*

Mr. MacAulay stated that if this moves forward on appeal to City Council, the minutes will reflect that the Commission voted 3 to 2 in favor of the rezoning but failed lacking that fourth vote, and Council will take that into consideration when they hear the matter.

DRAFT



## **Staff Report to the St. Petersburg Planning & Visioning Commission**

Prepared by the Planning & Economic Development Department,  
Urban Planning & Historic Preservation Division

For Public Hearing and Executive Action on November 13, 2012  
at 3:00 p.m., in the City Council Chambers, City Hall,  
175 Fifth Street North, St. Petersburg, Florida.

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### **City File: FLUM-16 Agenda Item III.**

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According to Department records, no PVC 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/**

#### **PROPERTY OWNER:**

PBC Associates  
c/o 334 East Lake Road, #102  
Palm Harbor, FL 34685

#### **AUTHORIZED**

#### **REPRESENTATIVE:**

Todd Pressman, Agent  
334 East Lake Road, #102  
Palm Harbor, FL 34685

#### **SIZE/LOCATION:**

The subject property, estimated to be 5.1 acres in size, is vacant land generally located on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard. The subject property includes Preservation Area N-69.

#### **PIN/LEGAL:**

The subject property is a portion of parcel 13-30-16-76532-001-0010. The legal description is attached.

#### **REQUEST:**

The 5.1 acre subject property is presently designated as follows on the City's Future Land Use Map and Official Zoning Map: 1.34 acres Industrial Limited (Activity Center), with EC (Employment Center) zoning; and 3.76 acres Preservation (Activity Center), with PRES (Preservation) zoning. However, based on recent engineering and environmental analysis conducted by the applicant's consultants it has been preliminarily estimated that approximately 2.66 acres qualify as wetland preservation (subject to final approval from the Southwest Florida Water Management District and the Army Corps of Engineers). Thus, the

requested action is as follows:

- For 2.44 acres, amend the Future Land Use Map designation from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and the Official Zoning Map designation from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.
- The applicant has also offered a Development Agreement, restricting the potential uses on the site to 17,000 sq. ft. of commercial development.

**PURPOSE:** The applicant states that the request seeks to allow a retail use (Walgreens Drug Store) that is commonly found at the intersection of two arterial roadways, and that the use can be supported by those roadways. The applicant further states that the retail use will have a demand from the users in the immediate area and that it is commonly associated with the surrounding office uses. The applicant indicates that the site is expected to meet and address all environmental concerns. The applicant also identifies Comprehensive Plan objectives and policies which support the request. (The applicant has stated that, if approved, the Walgreens Drug Store will relocate to the subject property from the Gateway Crossing Shopping Center, generally located catty-corner from the subject site.)

**EXISTING USE:** The subject property is vacant, including approximately 2.66 acres of wetland preservation land.

**SURROUNDING USES:** North: Business/corporate park industrial and office uses  
South: Corporate headquarters for Jabil Circuit, and retail businesses (Gateway Crossing Shopping Center and Ibis Walk to the southeast)  
East: Village Lakes Condominiums  
West: Pinellas Business Center (office buildings)

**ZONING HISTORY:** The present EC zoning designation has been in place since September 2007, following the implementation of the City's Vision 2020 Plan, the Citywide rezoning and update of the land development regulations (LDRs). Prior to 2007, the subject property was designated with IP (Industrial Park) and IP-PRES (Industrial Park-Preservation) zoning.

**APPLICABLE REGULATIONS:** The subject site is approximately 5.1 acres, or 222,155 sq. ft. in size. As mentioned above, based on recent engineering and environmental analysis conducted by the applicant's consultants it has been preliminarily estimated that 2.66 acres qualify as wetland preservation (subject to final approval from the Southwest Florida Water Management District and the Army Corps of Engineers). The balance of the property (2.44 acres) is to be rezoned to CCS-1.

- The development potential for 2.44 acres or 106,285 sq. ft. of land designated EC, providing all other district regulations are met is 145,600 sq. ft. of industrial or corporate office space calculated at a floor-area-ratio of 1.37, which reflects the activity center designation.
- The development potential for 2.44 acres or 106,285 sq. ft. of land designated CCS-1, providing all other district regulations are met, is 54 residential units calculated at a density of 22 units per acre, which reflects the activity center designation; 87,155 sq. ft. of office or retail space calculated at a floor-area-ratio of 0.82, which reflects the activity center designation; or a mix of these uses. The CCS-1 regulations also provide a workforce housing density bonus of six (6) units per acre.
- With regard to the preservation zoning on approximately 2.66 acres or 115,870 sq. ft. of the subject property, the City Code states that development, alteration, or improvement within a preservation area shall not exceed a floor-area-ratio (FAR) of 0.05 and an impervious surface ratio (ISR) of 0.10, and if developed, altered or improved, the remaining area must be left in its natural state. Thus, the “development potential” for the subject preservation area is approximately 5,790 sq. ft. of floor area. Both on-site and off-site transfer of the intensity credit is available to the applicant. If the property is rezoned to CCS-1, a residential density credit of one (1) dwelling unit per acre of preservation land may also be transferred to abutting land under the same ownership or transferred to property anywhere in the City designated with CCS-1 zoning. Thus, the “residential development potential” for the subject preservation area is three (3) dwelling units.

## **SPECIAL**

### **INFORMATION:**

The subject property is located within the Gateway Activity Center and the Gateway Areawide Development of Regional Impact (GADRI), described in more detail below. The property is not located within the boundaries of a formal neighborhood association. Also:

- On July 20, 2012 the Community Preservation Commission (CPC) conducted a public hearing pertaining to the applicant’s appeal of the City Zoning Official’s determination that a proposed freestanding retail store with a pharmacy did not meet the standards for an “accessory use” within the EC (Employment Center) zoning district (Case No. 12-53000003). The appeal was denied by a unanimous vote of the CPC (7 to 0).
- On August 14, 2012, prior to the conclusion of the PVC public hearing, the applicant withdrew the request to amend the Future Land Use Map designation from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and the Official Zoning Map designation from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban) pertaining to the subject 2.44 acres (City File FLUM-15).

- On September 27, 2012 the applicant submitted a significant amount of additional material in support of their application to be added to the City file for the public record. The submittal included the following, most of which will be referenced in the Staff Analysis section below:
  1. A list of Comprehensive Plan policies and objectives favorable to the project (13 policies and two objectives)
  2. Select pages from five previous City staff reports associated with applications requesting an amendment from an industrial zoning designation to a commercial designation
  3. Traffic assessment
  4. Summary of Roosevelt retail
  5. Office/flex space vacancy rates and rent averages
  6. Development costs for a 16,510 sq. ft. drug store with drive-thru
  7. Development costs for a 22,800 sq. ft. office
  8. Correspondence from the property owner in support of the proposed development and discussing the current downfall of multi-tenant flex/office space in the adjacent area
  9. Signed petitions from eight (8) current tenants of the Pinellas Business Center indicating their desire to have a drug store near their work facility
  10. Preliminary draft of a development agreement

**STAFF ANALYSIS:**

The 5.1 acre subject property is a remnant of a 23.5 acre site originally developed with industrial and corporate office space in the mid-1980s, known then as the McCormick Center (City File SE-804). The project was described as a “very high quality, attractive development...with nearly three acres in preservation area and another three acres in setbacks and green area.” A new building was added to the McCormick Center in 1991, bringing the total square footage of the business park to approximately 200,000 sq. ft. (City File SE-804-D). There are no definitive statements in the files, but it is (arguably) likely that the subject area had been left undeveloped because of the existence of the wetland (Preservation Area N-69), and perhaps because (arguably) it served as a nature amenity for the business park employees, clients and visitors, as well as a natural buffer between the office buildings and the busy intersection of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard. As described, based on recent engineering and environmental analysis, it has been determined that while there are approximately 2.66 acres of wetland area there are also approximately 2.44 acres of buildable/developable land in subject area, and now, some 30 years later, there is renewed development interest.

**Development Agreement**

A Development Agreement has been offered by the applicant (attached). Development Agreements are authorized by Florida Statutes (Section 163.3220 through 163.3243) and the City Code (Section 16.05). Development Agreements can be used when one of the following exist:

(1) Where the development is proposed to be constructed in phases with commitments to substantial public improvements being required in early phases.

It is anticipated that the project will be developed in one phase.

(2) Where commitments to public improvements beyond those ordinarily required of similar development are desirable by reason of location, topography, or other characteristics of the property.

The following roadway improvements are commitments to public improvements beyond those ordinarily required of similar development.

- Dr. Martin Luther King Jr. Street North:
  - Extension of southbound left lane at Roosevelt Blvd. by 100'
  - Extension of southbound right lane at Roosevelt Blvd. by 150'

(3) Where it is desirable to provide incentives to coordinate developments with a specific plan.

The Development Agreement and Conceptual Plan (Exhibit B) serve as the plan for the proposed project. As presently written, commitments made by the applicant include the following:

- The site shall not allow: kennels, hotels or motels, pet care, fast food restaurants, gas or fueling stations, motor vehicle or sales use of any kind, commercial indoor or outdoor recreation, health clubs, funeral homes, houses of worship, or so-called "adult uses."
- The Commercial Property shall be limited to a maximum development of 17,000 heated and air-conditioned square feet of allowable uses. A drive-through is allowable for drug stores or financial institutions only.

Additional commitments, including sidewalk and roadway improvements, made by the developer include the following:

- The property owner will improve and manage the portion of the Commercial Property designated preservation as required by any governmental agencies having jurisdiction over the Commercial Property. The property owner will install pedestrian connections and walkways to allow the public to better enjoy the Preservation Area – where that area will not be imposed or impacted negatively.
- The property owner will install sidewalks on all public rights of way abutting the site.

- Wetland mitigation
- Dr. Martin Luther King Jr. Street North:
  - Construction of 900 linear feet of sidewalk on the west side of MLK
  - Construction of a 250' northbound turn lane at entrance
  - Construction of a 200' southbound turn lane at entrance
- Roosevelt Blvd:
  - Construction of 190 linear feet of pedestrian connection to Pinellas Business Center on south end
  - Construction of 230 linear feet of pedestrian connection to Pinellas Business Center on north end

City staff recommends that the following changes be made to the proposed Development Agreement:

1. In accordance with Section 163.3229, F.S., the duration of a Development Agreement shall not exceed 30 years, although it may be extended by mutual consent of the developer and the City, subject to a public hearing. The initial term for the proposed Agreement is 10 years. City staff recommends that the duration of the agreement be 20 years.
2. The "New Owner" should be identified and made a party to the agreement. If the present property owner (PBC, LLC) cannot identify the new owner at this time then all references to the "new owner" should be removed and, as stated in the opening paragraph, the agreement will be made and entered into by and between the City and PBC, LLC. Because paragraph 10 states that the agreement shall be binding on the successors and assigns of PBC, i.e., the "new owner" it is not necessary to reference or identify the "new owner" in the agreement.
3. Paragraphs 3.b.i. and ii. attempt to identify the uses that the agreement will prohibit and the uses that the commercial property will be limited to, respectively, however, both i and ii are incomplete after reviewing the list of uses permitted in the CCS-1 zoning district (attached). It is recommended that the applicant only list the permitted uses that the Commercial Property would be limited to (to keep it simple).

#### Preservation Area N-69

The City file for Preservation Area N-69 contains copies of the previously referenced staff reports related to special exception site plan applications processed between May 1984 and May 1991 (associated with the adjacent office development). The file also contains a dredge & fill permit application and an aerial photo with preservation lines drawn in 1984, which appear similar to the present Preservation zoning boundary. Several of the staff reports make note of the need to preserve the pine canopy and upland pine flatwoods in certain areas, while a request to modify the existing preservation area (City File SE-804-C) was approved, which included the

placement of a stormwater detention pond in the preservation area and the expansion and replanting of the wetland in an area occupied by pine flatwoods. In summary, Preservation Area N-69 has been impacted by the adjacent office development over the years, however, pursuant to the City Code, the impacts have been off-set with mitigation and related reconstruction of the wetland area.

The environmental assessment conducted by the applicant's consultants concludes that only 2.66 acres of the subject property qualify as wetland preservation (subject to final approval from the Southwest Florida Water Management District and the Army Corps of Engineers). The applicant's consultant has further concluded that the upland area no longer qualifies as preservation due to the fact that the subcanopy is dominated by brazilian pepper (90 percent cover) with wax myrtle, cabbage palm and beautyberry as subdominants. The groundcover is very sparse with muscadine grape vine, pepper vine as the dominant species with 5 to 10 percent cover. The consultant concludes that the upland community should not be considered for preservation due to the dominance by brazilian pepper, which has excluded native species growth.

City staff supports these findings. To date, the applicant has complied with all of the rules and regulations set forth in the City Code relating to adjusting the boundaries of a preservation area. The City was notified early on as to the applicant's intent, which was followed by an exchange of communications regarding the process and a field inspection with City staff (conducted on May 25, 2012).

#### Gateway Areawide Development of Regional Impact (GADRI)

The subject property is located within the Gateway Areawide DRI (GADRI), the Development Order (Ordinance 1142-F) for which was adopted in November 1989. There is currently 18,063 sq. ft. of available retail capacity in the GADRI. The GADRI Master Plan identifies the northwest corner of Dr. ML King Jr. St. N. and Roosevelt Blvd. for office and industrial uses only. The effective date language for the City Council ordinances amending the land use and zoning will state that the land use and zoning changes will not become effective until the GADRI Master Plan (attached) has been amended to include commercial as an allowable use on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Blvd. (allowing retail to be developed). The process is known as an NOPC (Notice of Proposed Change). The property owner/developer would be responsible for this process, including all fees, legal ads and other notice requirements.

#### Consistency with the Comprehensive Plan

Due to the subject property's location within the Gateway Activity Center, the development potential under the present Industrial Limited land use and EC zoning, providing all other district regulations are met, is 145,600 sq. ft. of industrial or corporate office space (reflecting a floor-area-ratio of 1.37). Development potential under the proposed Planned Redevelopment-Mixed Use land use and CCS-1 zoning, providing all other district regulations are met, is 87,155 sq. ft. of commercial or retail space (reflecting a floor-area-ratio of 0.82). The Development

Agreement offered by the applicant restricts development to no more than 17,000 sq. ft. of commercial space, which equates to a floor-area-ratio of approximately 0.16.

As reflected in the following analysis, the City staff has concluded that, *on balance*, the applicant's request to amend the land use from Industrial Limited to Planned Redevelopment-Mixed Use, and the zoning from EC to CCS-1, is not consistent with the Comprehensive Plan.

- The applicant's request is not consistent with **Policy LU3.21**, which states that *the City shall continue to expand the acreage available for industrial development in appropriate locations*. If approved, the requested changes will eliminate acreage available for industrial development, which is not consistent with the purpose and intent of the Industrial Limited Plan category and EC zoning.
- The applicant's request is not consistent with **Policy LU3.26.a**, which states that *Plan amendment applications that propose changing underperforming industrially designated areas (Industrial General or Industrial Limited) to a non-industrial designation may be favorably considered if one or more of the following characteristics exist over an extended period of time: 1) vacant or underutilized land; 2) vacant or underutilized buildings; 3) poor quality job creation in terms of pay, employee density and spin-off or multiplier effects; and 4) chronic competitive disadvantages in terms of location, transportation infrastructure/accessibility and other market considerations*. City staff does not believe that the subject property's buildable area is vacant due to the present industrial designations, moreover, staff believes that the industrial designations are still appropriate/logical due to the subject property's location and accessibility to a regional roadway network which operates with excess capacity. It is the recommendation of City staff that the buildable area be developed with office park or industrial-type uses, consistent with the adjacent Pinellas Business Center office buildings and consistent with the existing EC zoning.

The applicant submitted select pages from five City staff reports pertaining to applications requesting an amendment from an industrial zoning designation to a commercial designation. The applicant did not provide any analysis of these cases, including relevancy. The cases are summarized here:

1. City File: FLUM-6 On May 20, 2010 the City Council adopted ordinances amending the Future Land Use Map designation from Industrial Limited to Planned Redevelopment Mixed-Use and rezoning from IS (Industrial Suburban) to CCS-1 (Corridor Commercial Suburban) for approximately eight (8) acres of land generally located on the northeast corner of 32<sup>nd</sup> Street North and 17<sup>th</sup> Avenue North. *The property, which is located within an existing commercial corridor (34<sup>th</sup> Street), has recently been redeveloped with a new Sam's Club Store.*
2. City File: PC-685-A On December 15, 2005 the City Council adopted ordinances amending the Future Land Use Map designation from Industrial

Limited to Institutional and rezoning from IP-1 (Industrial Park) to CI (Commercial Industrial) for approximately 16.3 acres of land consisting of the City-owned Dome Industrial Park Pilot Project (DIPPP) Community Redevelopment Area, generally located north of Fairfield Avenue South and south of 5th Avenue South, between 22nd Street South and I-275. *The amendment was initiated by the City specifically to allow for the construction of the U.S. Department of Labor, Job Corps Training Facility to bolster job training and economic development in St. Petersburg, the County and the region.*

3. City File: PC-675 On March 17, 2005 the City Council conducted the first reading of ordinances amending the Future Land Use Map designation from Industrial General and Industrial Limited to Commercial General and rezoning from IG (Industrial General) and IP (Industrial Park) to CI (Commercial Industrial) for approximately 11 acres of land generally located on the southwest corner of 22nd Avenue North and 31st Street North (JB Factory Carpet Store property). *However, on May 3, 2005 the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, voted to deny the City's Future Land Use Map amendment and the applicant subsequently requested that the application be withdrawn.*
  4. City File: PC-660 On January 22, 2004 the City Council adopted a development agreement and ordinances amending the Future Land Use Map designation from Industrial Limited to Residential Office Retail (Activity Center) and rezoning from IP (Industrial Park) to ROR-2 (Residential Office Retail-2) for approximately 21.5 acres of land 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 (former Jim Walters/Celotex property). *The property is in the process of being redeveloped with the Ibis Walk mixed-use development.*
  5. City File: PC-645 On April 15, 2003 the Planning Commission *recommended denial* of a request to amend the Future Land Use Map designation from Industrial Limited to Commercial General and rezoning from IP (Industrial Park) to CG (Commercial General), for approximately 4.85 acres of land generally located at 3200 Tyrone Boulevard (three restaurants had been proposed). *The recommendation was not appealed to the City Council.*
- The applicant's request is not consistent with **Policy LU3.5**, which states that *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.* City staff believes that, on balance, a retail business at this location is not an appropriate use. The appropriate use of this property is one that is consistent with the present industrial and activity center designations and benefits from the location and accessibility to a regional roadway network which operates with excess capacity. If approved, the proposed changes would result in creating a commercial strip and

permitting a retail use that would add to the City's tax base and produce jobs, however, not the quality jobs that are expected in the industrially-designated areas of the Gateway Activity Center.

- The applicant's request is not consistent with **Policy LU3.7**, which states that *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*. City staff believes that the boundaries for the present Activity Center and Industrial Limited (IL) land use designations and EC (Employment Center) zoning are logically drawn. The attached Gateway Activity Center maps depicting the Future Land Use and zoning designations for the area clearly show the "bright lines" that have been drawn for the purpose of accommodating employment generating business and industry. These designations have been uniformly applied to property located on the west side of Dr. Martin Luther King Jr. Street North, between 118<sup>th</sup> Avenue North and Gandy Boulevard, moreover, along the north side of Gandy Blvd. and the east side of 28<sup>th</sup> Street and within the Carillon area. The goal of the City is to attract high quality, job generating business and industry to these areas. Amending the land use and zoning boundaries to accommodate a *stand-alone, low-intensity retail store* on the northwest corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard is contrary to the City's goal. Such an amendment would also set a precedent within the Gateway Activity Center.
- The applicant's request is not consistent with **Policy LU3.17**, which states that *the future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan*. As stated previously, the existence of Preservation Area N-69 constrains the subject property as an infill area. Retail demands in the general area are presently satisfied within the Gateway Crossing Shopping Center, located catty-corner from the subject site on the southeast corner of Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard, and also the Ibis Walk development located on the former Jim Walters/Celotex property, which abuts the shopping center to the south. Access to the commercial uses within Ibis Walk is from Dr. ML King Jr. St. and Roosevelt Blvd. More importantly, the need for a retail use on the subject property has not been clearly identified. The applicant has indicated that the existing Walgreens Drug Store within the Gateway Crossing Shopping Center will be closed and the business activity relocated to the subject property if the land use and zoning changes are approved, as well as the site plan. No other vacancy analysis for the shopping center has been provided by the applicant, or any analysis pertaining to the increase in supply of commercial space from Ibis Walk. Specifically, Ibis Walk has been approved for 49,000 sq. ft. of retail/restaurant space and, to date, two commercial buildings have been constructed (totaling 28,500 sq. ft.). Additionally, the owners of Ibis Walk have acquired the vacant commercial building that was previously occupied by a Hooters Restaurant, 4,474 sq ft in size.

### Summary of Roosevelt Retail

The applicant submitted a "Summary of Roosevelt Retail" which describes the 93,000 sq. ft. Gateway Crossing Shopping Center, anchored by a Publix Store on the southeast corner of Roosevelt Blvd. and Dr. ML King Jr. St. N., as currently 87.5% leased, including the Walgreens Drug Store. The vacant Hooters Restaurant building is estimated to be 4,200 sq. ft. in size. The IBIS Walk commercial space is described as a three-phase 35,500 sq. ft. development that is currently 77.1% leased. However, Ibis Walk is currently marketing 24,897 sq ft of available retail for lease, indicating they have an occupancy rate of 49.8%. This low occupancy rate demonstrates the area possesses a large amount of unfilled retail and the need for additional retail is currently not applicable. No additional narrative or analysis was provided.

### Pinellas Business Center and Surrounding Property Vacancy Rates & Rent Averages

The applicant submitted a summary of vacancy rates and rent averages for the PBC office park and surrounding properties. In 2011, the average occupancy in the PBC was identified as 50%, down from 75% in 2009. However, based on a PBC marketing flyer that details each buildings' amount of vacant square footage, received recently via an e-mail blast, the occupancy of the office park is presently (approximately) 76%, with only Building IIA and Building IID not doing well. The average occupancy for comparable properties in the area is 72.8%, indicating that the PBC is above average in terms of occupancy. The applicant claims the "biggest rent" achieved by PBC is \$7.00/sq. ft. This is slightly under the average rent of comparable properties in the area of \$7.49/sq ft.

In 2011 and 2012, office vacancy in the surrounding area averaged 12.2%, which was an improvement from 15.1% in 2010. The forecast for 2013 is 11.8%. Average office rent in the surrounding area was identified as \$10.00/sq. ft. Average rent for flex/warehouse space in the surrounding area was identified as \$8.00/sq. ft. and average vacancy as follows: 2010, 11.1%; 2011, 12.4%; 2012, 10.7%; and a forecast of 12.5% in 2013.

### Estimated Development Cost: Drug Store with Drive Thru

The applicant submitted an estimated development cost for a 16,510 sq. ft. drug store with drive thru. The total project cost is estimated to be \$4.5 million.

### Estimated Development Cost: Office Use

The applicant submitted an estimated development cost for 22,800 sq. ft. of office space. The total project cost is estimated to be \$6.0 million. The applicant states that a projected (typical) return rate of 10% would require a rent rate of \$26.52/sq. ft.

- On balance, the applicant's request is not consistent with **Objective LU4**, which states that *the City shall provide opportunities for additional commercial development where appropriate, and opportunities for additional industrial and employment related development where appropriate.* As stated above, the predominant land use and zoning designations within the Gateway area of the City, and largely the Gateway Activity Center, are Industrial Limited and EC (Employment Center), respectively. There is a limited supply of Industrial Limited and EC-zoned land within the City. The purpose and intent of the designations is to ensure high quality, high wage jobs within the Gateway area and the opportunity to attract a concentration of significant, employment generating uses which provide needed jobs and economic development for the City. The development of a stand-alone, low-intensity retail store that would likely be permitted within any of the standard commercial corridor zoning districts within the City would be inconsistent with the principles of the Industrial Limited Plan category and EC zoning district.
- The applicant's request is not consistent with **Policy LU16.1**, which states that *development planning for the Gateway area shall include consideration of the promotion of industrial and office park development to diversify the City's economic base and generate employment.* For reasons already stated, the development of an isolated, stand-alone, low-intensity retail store contradicts this policy.
- The applicant's request is not consistent with **Policy LU18**, which states that *commercial development along the City's major corridors shall be limited to infilling and redevelopment of existing commercially designated frontages.* As stated, the existence of Preservation Area N-69 constrains the subject property as an infill site, more importantly the subject property is not part of or adjacent to an existing commercially designated frontage. Finally, as previously noted, there are adequate opportunities for commercial and retail infill development within existing shopping centers and strip commercial areas.
- The applicant's request is not consistent with **Policy LU18.1**, which states that *requests to amend the Land Use Plan to permit retail development in the North Sector of the City on corridors other than 4<sup>th</sup> Street North should be recommended for denial by City staff, except at appropriate intersections of major streets or in designated mixed use settings.* Other than the southeast corner of the intersection (Gateway Crossing Shopping Center) this is not a mixed use setting. The Village Lake Condominiums property located on the northeast corner of the intersection is designated with residential multifamily land use and zoning, while the two remaining corners on the west side of Dr. Martin Luther King Jr. Street North have been uniformly designated with Industrial Limited land use and EC zoning. As stated previously, with these latter designations, the goal of the City is to attract employers who offer high quality, high wage jobs. Due to the fact that the City has a relatively low supply of Industrial Limited and EC-zoned land, it would be inappropriate to amend these designations in order to permit retail development on the northwest corner of this intersection.

- The applicant's request is not consistent with **Policy LU19.2**, which states that *land use patterns that impair the efficient functioning of transportation facilities shall be avoided through the denial of land use plan amendments that increase the frontage of commercial strips*. While there is sufficient roadway capacity on both Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard, the addition of a curb cut on both roadways for a use permitted under the present IL designation will slightly impair the efficient functioning of these transportation facilities (i.e., it is estimated that traffic would increase by an average of 434 daily trips and 42 p.m. peak hour trips). However, under the requested PR-MU designation, traffic would nearly double, (from 434 average daily trips to 817 and from 42 p.m. peak hour trips to 79), thus, impairing the efficient functioning of these roadways to a greater degree.
- The applicant's request is not consistent with **Policy T1.6**, which states that *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*. The applicant's request and proposed project is a stand-alone, auto-oriented commercial building that is not associated with a mixed-use development. Moreover, the proposed project is not considered an accessory use to the adjacent office park. Arguably, if approved, the proposed project may not reduce the number and length of automobile trips or encourage bicycling and walking.

#### Other Relevant Comprehensive Plan Policies

- **Policy LU2.5**, which states that *new development should be directed to infill and redevelopment locations where excess capacity is available*. While excess public facility capacity exists, the existence of Preservation Area N-69 constrains the subject property as an infill area or redevelopment location.
- **Policy T7.1**, which states that the City shall, to the extent practical, reduce or prevent direct access from driveways to principal and minor arterials by prioritization of primary access. The subject property is adjacent to Dr. Martin Luther King Jr. Street North and Roosevelt Boulevard (both minor arterials), thus there is no opportunity to reduce or prevent direct access to these arterials.

The Level of Service (LOS) impact section of this report concludes that the requested Plan change and rezoning will not have a negative effect upon the City's adopted LOS standards for public services and facilities including schools, traffic, potable water, sanitary sewer, solid waste, mass transit, recreation, and stormwater management. Moreover, as detailed in the impact section and shown below, if the subject property is developed exclusively with office uses, there will likely be less demand for potable water and sanitary sewer service. A summary of the potential impact on the City's public facilities is provided in the following table:

<b>Public Facilities Impact Summary</b>	<b>Existing EC Zoning</b>	<b>Proposed CCS-1 Zoning</b>	<b>Net Change</b>
Population	0	83	83
School Age Population	0	17	17
Potable Water	36,400 gpd	21,800 gpd	-14,600 gpd
Sanitary Sewer	36,400 gpd	21,800 gpd	-14,600 gpd
Solid Waste	0 tons	108 tons	108 tons
Traffic (p.m. peak hour)	42 trips	79 trips	37 trips

**SPECIAL NOTE ON CONCURRENCY:**

Level of Service impacts are addressed further in this report. Approval of the requested Plan change, rezoning and the Development Agreement does not guarantee that the subject property will meet the requirements of concurrency at the time development permits are requested. 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 DENIAL of the Future Land Use Map amendment from Industrial Limited (Activity Center) to Planned Redevelopment Mixed-Use (Activity Center) and the Official Zoning Map designation from EC (Employment Center) to CCS-1 (Corridor Commercial Suburban), on the basis that the request, *on balance*, is not consistent with the goals, objectives and policies of the City's 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 Land Use Element and Transportation Element are applicable:

LU2            The Future Land Use Plan shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

LU2.1        To facilitate compact urban development the City shall adopt the following activity centers as part of this Land Use Plan:

- 1. Gateway      3. Tyrone
- 2. Intown        4. Central Plaza

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

LU2.5        The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.

LU3.1.C.1.    Industrial Limited (IL) - Allowing a mixture of light industrial, industrial park, office park uses with a floor area ratio up to 0.65.

LU3.1.E.3.    Activity Center (AC) - Overlaying the future land use designations in those areas, not less than 50 acres in size, with concentrated commercial and mixed-use centers suited to a more intensive and integrated pattern of development.

LU3.1.F.2.    Planned Redevelopment – Mixed Use (MU) - Allowing mixed use retail, office, service and medium density residential uses not to exceed a floor area ratio of 1.25 and a net residential density of 24 dwelling units per acre.

LU3.21        The City shall continue to expand the acreage available for industrial development in appropriate locations provided such expansion is supported by current and likely long-term market conditions.

- LU3.26.a Plan amendment applications that propose changing underperforming industrially designated areas (Industrial General or Industrial Limited) to a non-industrial designation may be favorably considered if one or more of the following characteristics exist over an extended period of time: 1) vacant or underutilized land; 2) vacant or underutilized buildings; 3) poor quality job creation in terms of pay, employee density and spin-off or multiplier effects; and 4) chronic competitive disadvantages in terms of location, transportation infrastructure/accessibility and other market considerations.
- 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.
- LU3.7 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.
- LU3.17 Future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan.
- 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 following future land use needs are identified by this Future Land Use Element:
2. Commercial – the City shall provide opportunities for additional commercial development where appropriate.
  3. Industrial - the City shall provide opportunities for additional industrial and employment related development where appropriate.
- 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;
- LU18: Commercial development along the City's major corridors shall be limited to infilling and redevelopment of existing commercially designated frontages.
- LU18.1 Requests to amend the Land Use Plan and Land Development Regulations to permit retail/office development in the North Sector on corridors other than 4<sup>th</sup> Street North should be recommended for denial by Staff, except at appropriate intersections of major streets or in designated mixed use settings.
- LU19.2 Land use patterns that impair the efficient functioning of transportation facilities shall be avoided through:
1. implementation of land development regulations that provide for site planning practices that limit curb cuts, provide for common access points and ensure safe and convenient on-site traffic circulation without adversely affecting the operational integrity of adjacent roadways;
  2. denial of land use plan amendments that increase the frontage of commercial strips;
- T1.3 The City shall review the impact of all rezoning proposals and requests to amend the FLUM on the City's transportation system. FLUM amendment requests that increase traffic generation potential shall demonstrate that transportation capacity is available to accommodate the additional demand.
- 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.
- T7 The City shall promote the safe and efficient flow of traffic on major roadways through access management.
- T7.1 The City shall, to the extent practical, reduce or prevent direct access from driveways to principal and minor arterials by prioritization of primary access. When a site is adjacent to a principal or minor arterial, the priority of primary access shall be, to the extent practical, to local roads first, neighborhood collectors second, collectors third, minor arterials fourth and

principal arterials fifth. Access from nonresidential development onto local roads shall be designed to minimize the intrusion of traffic in adjacent residential areas.

T7.2 All development or redevelopment projects shall be required to provide safe and efficient access to the public road system, accommodate on-site traffic movements, and provide parking for motorized and non-motorized vehicles as required by implementation of the Land Development Regulations.

T7.3 The City shall encourage, through the development review process, adjacent commercial and office developments to provide cross-access easements, joint use driveways and connecting pedestrian facilities to minimize the number of trips generated on the major street system and the associated safety hazards.

T7.6 Access to new and redeveloped nonresidential parcels with frontage along two or more roadways should be limited to one access point per roadway.

T7.7 Access for corner lots or parcels shall be located the greatest distance from the corner commensurate with property dimensions.

**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.**

Approximately 3.76 acres of the 5.1 acre subject property are presently designated Preservation. However, based on recent engineering and environmental analysis conducted by the applicant's consultants it has been preliminarily estimated that only approximately 2.66 acres qualify as wetland preservation (subject to final approval from the Southwest Florida Water Management District and the Army Corps of Engineers). No evidence has been offered that the area provides 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.**

Under the proposed CCS-1 zoning, a total of 54 multifamily dwelling units could be developed, calculated at a density of 22 units per acre, which reflects the activity center designation. Assuming that there are 1.54 persons per multifamily unit, the buildout population is estimated to be 83 persons. There is no residential development permitted in the Preservation zoning district.

Under the existing EC and Preservation zoning, no residential development is permitted. Therefore, such an increase (approximately 83 persons) would not significantly alter the City's population or population density pattern.

The Pinellas County School District estimates that there are 0.32 school age persons per household. For analysis purposes, under the proposed CCS-1 zoning, it is again *assumed* that if the subject site is redeveloped with 54 residential units, it is estimated that the resident population will include 17 persons (54 units x .32 students per unit) of school age. Under the existing EC zoning, there would be no school age population because there is no residential development potential.

Concurrency Service Area (CSA) Capacity: as of 04/07/2010

1. Elementary CSA 'A' current utilization rate equals 77.3%.
2. Middle School CSA 'A' current utilization rate equals 74.5%.
3. High School CSA current utilization rate equals 87.0%.

(Figures based on the Pinellas County Schools 2010-2011 Level of Service Report)

The proposed amendment has the potential to generate approximately 17 additional students. The site is located within Concurrency Service Area "A" for elementary schools and Concurrency Service Area "B" for middle schools. According to enrollment and capacity data from the Pinellas County School District Staff, there is available capacity within both service areas and the maximum residential development potential, if built, will not have a significant impact on public school concurrency. The potential impact of anticipated students on this type of development is minimal. All attendance areas are operating within the adopted level of service standard.

- 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. (This analysis does not include the development potential of the existing Preservation land, which is considered negligible.)**

The following analysis indicates that the proposed change *will not* have a significant impact on the City's adopted levels of service for potable water, sanitary sewer, solid waste, traffic, mass transit, stormwater management and recreation. Should the requested land use change and rezoning for the subject 5.1 acre site be approved, the City has sufficient capacity to serve the subject property.

**WATER**

Based on the present EC designation, the maximum demand for potable water is estimated to be 36,400 gallons per day as follows:

**Residential development:** 0 persons x 125gpcpd = 0 gallons/day; or

**Commercial development:** 145,600 sq. ft. of industrial or corporate office space  
x 0.25 gpd/sq. ft. = 36,400 gallons/day

Source: Pinellas County, Water/Sewer Use Factors Study, 2000.

Under the requested CCS-1 zoning, the maximum demand for potable water could reach 21,800 gallons per day, as follows:

**Residential development:** 83 persons x 125 gpcpd = 10,375 gallons/day; or

**Commercial development:** 87,155 sq. ft. of commercial space x 0.25 gpd/sq. ft.  
= 21,800 gallons/day

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

In summary, the demand for potable water may decrease under the requested CCS-1 zoning. *Regardless, the rezoning of the subject property from EC to CCS-1 will not impact the City's adopted LOS for potable water.*

Under the existing interlocal agreement with Tampa Bay Water (TBW), the region's local governments are required to project and submit, on or before February 1 of each year, the anticipated water demand for the following water year (October 1 through September 30). TBW is contractually obligated to meet the City's and other member governments' water supply needs. The City's current potable water demand, for the 2012 water year (10/1/2011 – 9/30/2012), is 27.5 mgd.

While the City's adopted LOS standard for potable water is 125 gallons per capita per day (gpcd), in 2011 the City's actual gross consumption was approximately 88 gpcd. St. Petersburg's average day demand and gross per capita consumption of potable water are not increasing, and are actually decreasing in some water years, due to the overwhelming success of the City's water conservation program and reclaimed water program. In addition, the move to a once per week watering restriction has alleviated a portion of the potable water demand.

## **WASTEWATER**

The subject property is served by the Northeast Water Reclamation Facility.

Based on the present EC designation, the maximum demand for sanitary sewer is estimated to be 36,400 gallons per day as follows:

**Residential development:** 0 persons x 173 gpcpd = 0 gallons/day; or

**Commercial development:** 145,600 sq. ft. of industrial or corporate office space  
x 0.25 gpd/sq. ft. = 36,400 gallons/day

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

Under the requested CCS-1 zoning, the maximum demand for sanitary sewer could reach 21,800 gallons per day, as follows:

**Residential development:** 83 persons x 173 gpcpd = 14,360 gallons/day; or

**Commercial development:** 87,155 sq. ft. of commercial space x 0.25 gpd/sq. ft.  
= 21,800 gallons/day

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

*While there is a potential for decreased sanitary sewer demand, the rezoning of the subject property from EC to CCS-1 will not impact the City's adopted LOS for wastewater.* In 2011, the Northeast Water Reclamation Facility had an estimated excess capacity of 8.17 million gallons per day.

## **SOLID WASTE**

Solid waste collection is the responsibility of the City. Approval of this request will not affect the City's ability to provide collection services. The County and the City have the same designated level of service of 1.3 tons per year per person, while there is no generation rate for nonresidential uses.

All solid waste *disposal* is the responsibility of Pinellas County. 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 Plant 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. The Waste-to-Energy Plant continues to operate below its design capacity of incinerating 985,500 tons of solid waste per year. The continuation of successful recycling efforts and the efficient operation of the Waste-to-Energy Plant have helped to extend the life span of Bridgeway Acres. The landfill has approximately 30 years remaining, based on current grading and disposal plans.

Although the subject property is proposed to be redeveloped with a Walgreens, the following calculations reflect solid waste generation for residential development that would be permitted under the proposed zoning designation. Assuming a population of 83 persons under the proposed CCS-1 zoning, it is estimated that approximately 108 tons of solid waste per year may be generated (83 persons x 1.3 tpypp). Such an increase (108 tons) will not impact the City's adopted LOS for solid waste.

## TRAFFIC

Summary of traffic impact (p.m. peak hour trips):

Existing Industrial Limited Plan Category	42
Requested Planned Redevelopment Mixed-Use Plan Category	<u>79</u> 37 new p.m. peak hour trips
Gulf Coast Consulting, Inc.	22 new p.m. peak hour trips

### Existing Conditions

There are two major roads with geographic proximity to the subject property: Roosevelt Boulevard North and Dr. M.L. King, Jr. Street North. Both roads are classified as minor arterial streets with Roosevelt Blvd. maintained by the State and Dr. M.L. King, Jr. St. North maintained by the County.

Based on the Pinellas County MPO's 2011 Level of Service Report, the level of service (LOS) for these two major roadways is as follows:

- Roosevelt Boulevard, between 4<sup>th</sup> Street North and 16<sup>th</sup> Street North, has a LOS of "B" based on the 2010 average annual daily traffic (AADT) of 25,310.
- Dr. M.L. King, Jr. Street North, between Gandy Boulevard and I-275, has a LOS of "B" based on the 2010 AADT of 11,961.

The entire City is designated as a Transportation Concurrency Exception Area (TCEA). Regardless of this fact, the proposed FLUM change, rezoning and proposed commercial development is not expected to degrade existing levels of service on Roosevelt Boulevard North and Dr. M.L. King, Jr. Street North due to the excess roadway capacity that is available on these streets to accommodate new trips.

Source: City of St. Petersburg, Transportation and Parking Management Department.

### Trip Generation Under the Existing Industrial Limited and Proposed Planned Redevelopment Mixed – Use Future Land Use Map Designations

The traffic impact assessment provided here is a "macro" level of service analysis that is based on the present Industrial Limited designation.

The vehicle trip generation rate under the existing Industrial Limited land use is approximately 42 p.m. peak hour trips, calculated as follows:

Step a. 178 avg. daily trips per acre of IL land x 2.44 acres = approximately 434 avg. daily trips

Step b.  $434 \text{ avg. daily trips} \times .097 \text{ percent} = \text{approximately } 42 \text{ p.m. peak hour trips}$

Thus, the total vehicle trip generation for the existing Industrial Limited designation is 42 p.m. peak hour trips.

The vehicle trip generation rate under the requested PR-MU land use is approximately 79 p.m. peak hour trips, calculated as follows:

Step a.  $335 \text{ avg. daily trips per acre of PR-MU land} \times 2.44 \text{ acres} = \text{approximately } 817 \text{ avg. daily trips}$

Step b.  $817 \text{ avg. daily trips} \times .097 \text{ percent} = \text{approximately } 79 \text{ p.m. peak hour trips}$

In summary, a Plan change from Industrial Limited to Planned Redevelopment Mixed-Use will likely result in a net increase of 37 p.m. peak hour trips. Such an increase would have a minimal impact on roadway level of service.

(The traffic analysis presented above is based on the applicable trip generation rates from the City's Vision 2020 Special Area Plan Update and the Countywide Plan Rules of the Pinellas Planning Council, *Table 1: Traffic Generation Characteristics*.)

#### Gulf Coast Consulting, Inc.

Gulf Coast Consulting, Inc. is the applicant's transportation consultant. City staff was provided with a copy of the consultant's July 2012 assessment of the traffic impacts resulting from a 16,510 sq. ft. Walgreens Pharmacy constructed on the subject 2.44 acres. In summary, the consultant estimates that the proposed store will generate 22 new p.m. peak hour trips. City staff agrees with this finding, and concurs with the consultant that this will have a minimal impact on the surrounding roadway level of service.

#### Proposed Development Agreement

The applicant's proposed Development Agreement restricts the potential uses on the site to 17,000 sq. ft. of commercial development. Such development may result in slightly more than the 22 new p.m. peak hour trips estimated for a 16,510 sq. ft. Walgreens Pharmacy described above, which will have a minimal impact on the surrounding roadway level of service.

#### **MASS TRANSIT**

The Citywide LOS for mass transit will not be affected. PSTA provides local transit service along Dr. M.L. King, Jr. Street North and Roosevelt Boulevard North (Route 59) with a peak hour service frequency of 20 minutes and an off-peak service frequency of 30 minutes. PSTA's Route 58 provides service along Roosevelt Boulevard North, with a service frequency of 60 minutes. PSTA's Route 4 provides intermittent service along Roosevelt Boulevard North and Dr. M.L. King, Jr. Street North. The LOS standard for mass transit is headways less than one hour.

## RECREATION

The City's adopted LOS for recreational acreage, which is 9 acres per 1,000 population, will not be impacted by this proposed rezoning. Under both the existing and proposed zoning, the LOS citywide will remain at 22.9 acres per 1,000 permanent population.

## STORMWATER MANAGEMENT

Prior to development 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 for the anticipated use of the subject property.

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

There are approximately 363 acres of vacant land in the City designated with CCS-1 zoning. However, the closed Toytown landfill site accounts for 68 percent of that total (or 247 acres). There are redevelopment opportunities on CCS-1 zoned property located elsewhere in the Gateway area.

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

The proposed Planned Redevelopment – Mixed Use future land use designation is not consistent with the established land use pattern to the north, west and south which is Industrial Limited.

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

City staff believes that the boundaries for the present Activity Center and Industrial Limited (IL) land use designations and EC (Employment Center) zoning are logically drawn. These designations have been uniformly applied to property located on the west side of Dr. Martin Luther King Jr. Street North, between 118<sup>th</sup> Avenue North and Gandy Boulevard. The goal of the City is to attract high quality, job generating business and industry to these areas. Amending the land use and zoning boundaries to accommodate a retail use is contrary to the City's goal.

- 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, as the present designation is Industrial Limited.

- 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. Specifically, 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). The subject property is also located within the CHHA (Coastal High Hazard Area) and Hurricane Evacuation Level "A."

- k. Other pertinent facts. None.**

**Legal Description of the Subject Property**

A portion of Lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49, 50 and 51 of the Public Records of the Pinellas County Florida:

Commence at the North East corner of said Lot 1, thence South 00<sup>0</sup> 12' 38" West, along the East boundary of said Lot 1, a distance of 266.08 feet to the Point of Beginning; thence continue South 00<sup>0</sup> 12' 38" West along said East boundary of said Lot 1, a distance of 907.42 feet; thence South 65<sup>0</sup> 07' 49" West, a distance of 33.06 feet; thence North 49<sup>0</sup> 57' 02" West, along the boundary line of said Lot 1, a distance of 42.56 feet; thence North 40<sup>0</sup> 02' 58" East, a distance of 5.00 feet; thence North 49<sup>0</sup> 57' 02" West, a distance of 400.00 feet; thence North 47<sup>0</sup> 05' 17" West, a distance of 140.61 feet; thence North 41<sup>0</sup> 18' 24" East, a distance of 714.86 feet to the Point of Beginning.

Parcel contains 5.104 acres, more or less.

**Legal Description of the Property that will be Designated PR-MU and CCS-1 as a Result of the Amendment:**

**Parcel P-1**

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence S 41°18'24" W a distance of 625.81 feet to the Point of Beginning;  
thence S 09°54'26" W a distance of 39.63 feet;  
thence S 14°40'22" W a distance of 26.60 feet;  
thence S 38°49'11" E a distance of 26.61 feet;  
thence S 42°28'43" E a distance of 71.01 feet;  
thence S 49°12'31" E a distance of 79.56 feet;  
thence S 74°20'59" E a distance of 37.49 feet;  
thence N 78°07'22" E a distance of 41.80 feet;  
thence N 30°20'14" E a distance of 46.29 feet;  
thence S 30°28'16" E a distance of 33.57 feet;  
thence N 82°47'11" E a distance of 54.22 feet;  
thence N 51°48'50" E a distance of 39.71 feet;  
thence N 18°31'34" W a distance of 32.24 feet;  
thence N 14°56'43" W a distance of 36.43 feet;  
thence N 03°15'41" W a distance of 52.79 feet;  
thence N 22°10'27" E a distance of 46.33 feet;  
thence N 11°17'06" E a distance of 56.64 feet;  
thence N 00°31'25" E a distance of 41.82 feet;

thence N 13°29'37" E a distance of 44.18 feet;  
thence N 41°05'46" W a distance of 18.98 feet;  
thence S 63°00'16" W a distance of 22.49 feet;  
thence S 15°11'03" W a distance of 46.57 feet;  
thence S 00°08'09" E a distance of 38.25 feet;  
thence S 15°05'23" W a distance of 11.96 feet;  
thence N 60°48'35" W a distance of 17.31 feet;  
thence N 09°30'44" W a distance of 40.15 feet;  
thence N 20°32'02" E a distance of 43.70 feet;  
thence N 16°19'18" E a distance of 34.36 feet;  
thence N 39°31'19" E a distance of 17.61 feet;  
thence N 55°31'24" E a distance of 34.55 feet;  
thence N 68°50'41" E a distance of 35.34 feet;  
thence N 50°06'03" E a distance of 37.14 feet;  
thence N 26°32'51" W a distance of 31.24 feet;  
thence N 15°40'02" E a distance of 19.51 feet;  
thence N 29°24'11" E a distance of 21.31 feet;  
thence N 89°50'39" E a distance of 23.79 feet;  
thence S 00°12'38" W a distance of 756.40 feet;  
thence S 65°07'46" W a distance of 33.06 feet;  
thence N 49°57'02" W a distance of 42.56 feet;  
thence N 40°02'58" E a distance of 5.00 feet;  
thence N 49°57'02" W a distance of 400.00 feet;  
thence N 47°05'18" W a distance of 140.61 feet;  
thence N 41°18'24" E a distance of 89.04 feet to the Point of Beginning,  
having an area of **103049.62 square feet, 2.366 acres.**

Together with,

Parcel P-2

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence N 41°18'24" E a distance of 149.53 feet to the Point of Beginning;  
thence S 18°50'57" W a distance of 51.86 feet;  
thence S 18°50'37" W a distance of 48.79 feet;  
thence S 66°45'14" W a distance of 35.11 feet;  
thence N 62°34'32" W a distance of 24.07 feet;  
thence N 41°18'24" E a distance of 130.49 feet to the Point of Beginning,  
having an area of **2835.52 square feet, 0.065 acres.**

Together with,

Parcel P-3

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet, to the Point of Beginning;  
thence S 00°12'38" W a distance of 112.41 feet;  
thence N 15°08'20" W a distance of 9.86 feet;  
thence N 03°07'38" W a distance of 43.97 feet;  
thence N 06°42'22" W a distance of 44.35 feet;  
thence S 80°28'38" W a distance of 3.04 feet;  
thence N 41°18'24" E a distance of 20.55 feet to the  
Point of Beginning, having an area of **626.93 square feet, 0.014 acres.**

**For a total area of 106,512 square feet, 2.445 acres.**

**Legal Description of the Property that will be Designated PRESERVATION as a Result of the Amendment:**

Parcel P-4

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;  
thence S 41°18'24" W a distance of 625.05 feet to the Point of Beginning;  
thence S 24°49'04" E a distance of 8.85 feet;  
thence S 20°59'18" E a distance of 14.13 feet;  
thence S 15°46'21" E a distance of 17.17 feet;  
thence S 13°54'02" E a distance of 61.32 feet;  
thence S 12°40'18" E a distance of 22.69 feet;  
thence N 42°28'43" W a distance of 45.22 feet;  
thence N 38°49'11" W a distance of 26.61 feet;  
thence N 14°40'22" E a distance of 26.60 feet;  
thence N 09°54'26" E a distance of 39.63 feet;  
thence N 41°18'24" E a distance of 0.77 feet to the Point of Beginning, having an area of **2149.03 square feet, 0.049 acres.**

Together with,

Parcel P-5

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 592.02 feet;  
thence S 90°00'00" W a distance of 138.29 feet to the Point of Beginning;  
thence S 20°32'02" W a distance of 36.37 feet;  
thence S 09°30'44" E a distance of 36.25 feet;  
thence N 64°42'54" W a distance of 47.85 feet;  
thence N 71°49'35" W a distance of 3.87 feet;  
thence N 80°13'50" W a distance of 4.33 feet;  
thence N 88°37'12" W a distance of 3.86 feet;  
thence S 83°35'07" W a distance of 3.75 feet;  
thence N 89°38'33" W a distance of 1.58 feet;  
thence N 69°18'29" W a distance of 1.45 feet;  
thence N 38°11'43" W a distance of 3.13 feet;  
thence N 09°55'43" E a distance of 3.86 feet;  
thence N 41°53'55" E a distance of 16.92 feet;  
thence N 53°21'24" E a distance of 20.07 feet;  
thence N 66°32'38" E a distance of 22.47 feet;  
thence N 71°02'20" E a distance of 22.98 feet to the Point of Beginning, having an area of **2347.65 square feet,0.054 acres.**

Together with,

Parcel P-6

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 679.39 feet;  
thence S 90°00'00" W a distance of 94.15 feet to the Point of Beginning;  
thence N 73°09'38" W a distance of 35.01 feet;  
thence N 15°05'23" E a distance of 6.92 feet;  
thence N 00°08'09" W a distance of 38.25 feet;  
thence N 15°11'03" E a distance of 46.57 feet;  
thence N 63°00'16" E a distance of 22.49 feet;  
thence S 41°05'46" E a distance of 18.98 feet;  
thence S 13°29'37" W a distance of 44.18 feet;  
thence S 00°31'25" W a distance of 41.82 feet;

thence S 11°17'06" W a distance of 11.36 feet to the Point of Beginning, having an area of **3397.43 square feet, 0.078 acres.**

Together with,

Parcel P-7

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 266.08 feet;

thence S 41°18'24" W a distance of 20.55 feet to the Point of Beginning;

thence N 80°28'38" E a distance of 3.04 feet;

thence S 06°42'22" E a distance of 44.35 feet;

thence S 03°07'38" E a distance of 17.06 feet;

thence N 58°08'12" W a distance of 2.27 feet;

thence N 72°35'41" W a distance of 4.20 feet;

thence N 81°44'41" W a distance of 3.60 feet;

thence S 89°09'23" W a distance of 4.16 feet;

thence S 75°11'09" W a distance of 7.72 feet;

thence S 61°10'40" W a distance of 4.19 feet;

thence S 51°43'06" W a distance of 3.87 feet;

thence S 42°36'53" W a distance of 3.89 feet;

thence S 39°39'07" W a distance of 12.32 feet;

thence S 43°11'28" W a distance of 14.97 feet;

thence S 47°05'39" W a distance of 15.13 feet;

thence S 50°49'47" W a distance of 13.67 feet;

thence S 49°25'17" W a distance of 8.14 feet;

thence S 43°17'38" W a distance of 7.54 feet;

thence S 37°21'42" W a distance of 7.64 feet;

thence S 31°21'04" W a distance of 7.74 feet;

thence S 24°44'12" W a distance of 16.37 feet;

thence S 29°01'03" W a distance of 13.89 feet;

thence S 35°33'20" W a distance of 16.86 feet;

thence S 40°50'07" W a distance of 7.98 feet;

thence S 43°45'03" W a distance of 5.74 feet;

thence N 18°50'37" E a distance of 36.64 feet;

thence N 18°50'57" E a distance of 51.86 feet;

thence N 41°18'24" E a distance of 128.98 feet to the Point of Beginning, having an area of **4580.13 square feet, 0.105 acres.**

Together with,

Parcel P-8

A portion of lot 1, Block 1, ROOSEVELT CENTER REPLAT 5TH ADDITION as recorded in Plat Book 89, pages 49,50 and 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the North East corner of said Lot 1, thence S 00°12'38" W, along the east line of said Lot 1 a distance of 417.11 feet to the Point of Beginning;  
thence S 89°50'39" W a distance of 23.79 feet;  
thence N 18°34'33" E a distance of 10.15 feet;  
thence N 27°37'47" E a distance of 11.87 feet;  
thence N 28°26'42" E a distance of 10.91 feet;  
thence N 17°39'19" E a distance of 11.91 feet;  
thence N 10°19'17" E a distance of 18.03 feet;  
thence S 03°07'38" E a distance of 10.64 feet;  
thence S 15°08'20" E a distance of 9.86 feet;  
thence S 00°12'38" W a distance of 38.61 feet to the Point of Beginning, having an area of **655.77 square feet, 0.015 acres.**

For a total area of 13,130.01 square feet, 0.301 acres.



## FLUM-16

- Private Application for land use and rezoning
- Appeal of the PVC decision
- Applicant is Pinellas Business Center Associates

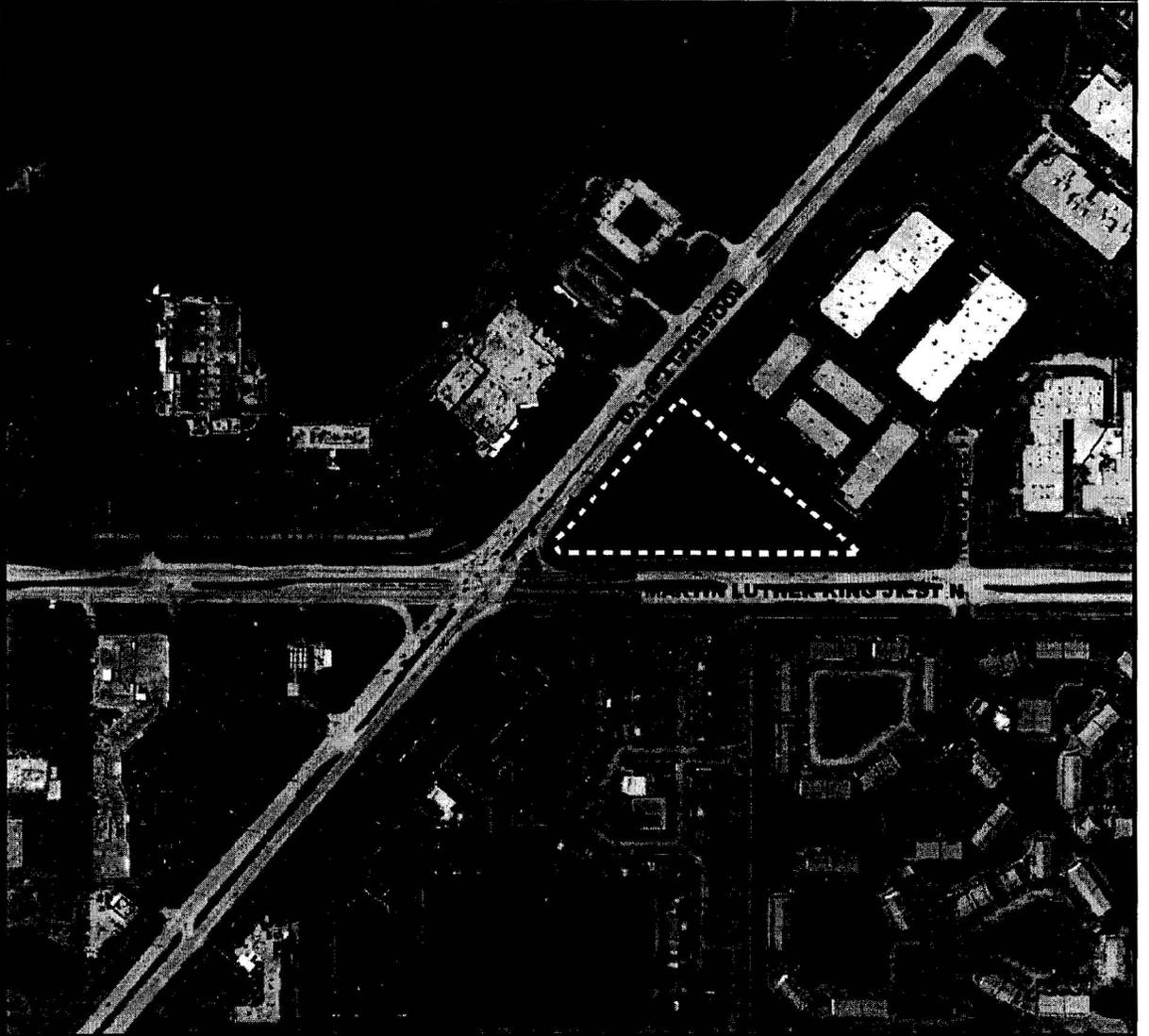


## Location

Site Location is NW corner of Roosevelt Boulevard and  
Dr. M.L. King, Jr. Street North

Subject property also located within:

- Gateway Activity Center
- Gateway Areawide DRI (Development of Regional Impact)



**AERIAL**

CITY FILE

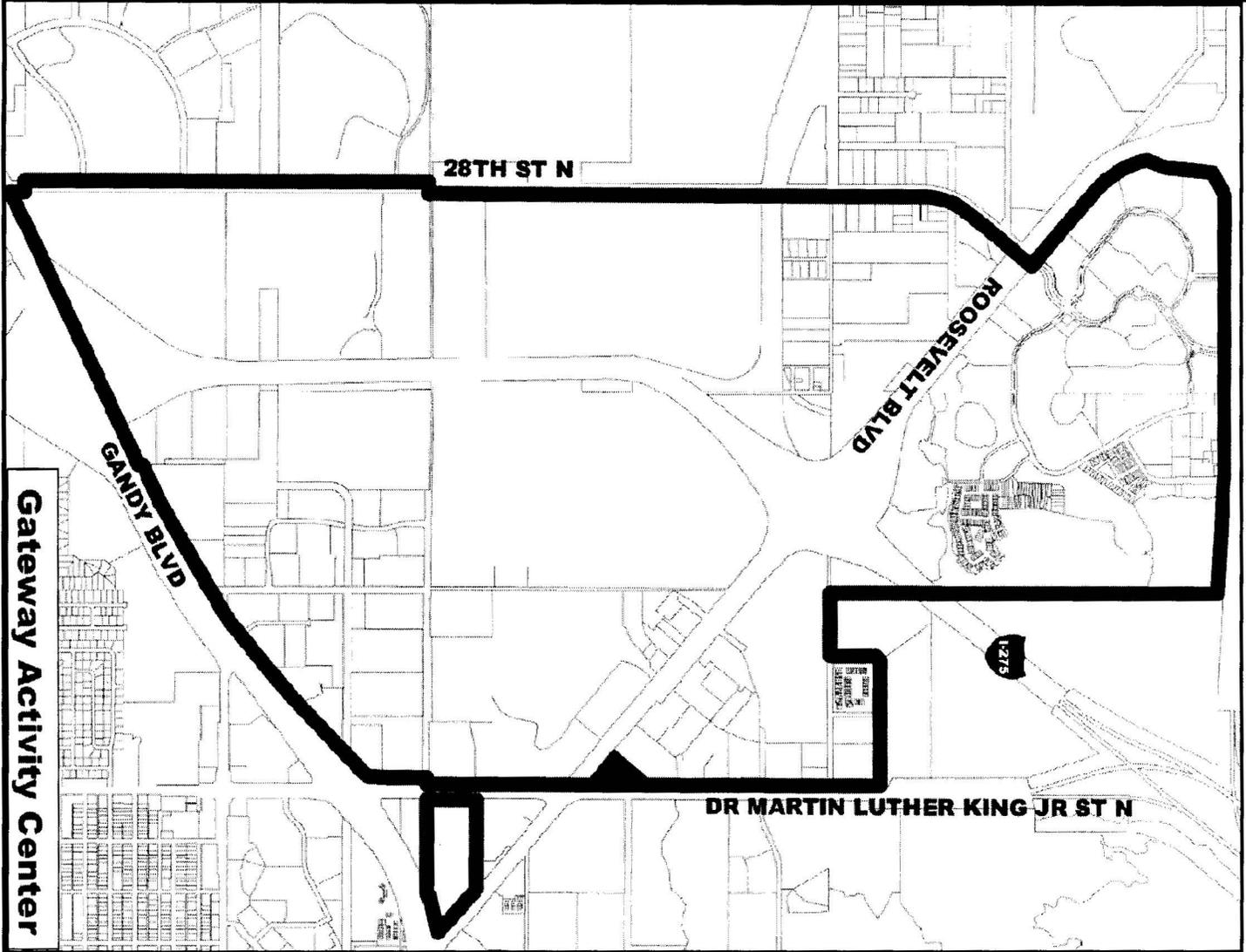
**FLUM-16**

SCALE: 1" = 375'

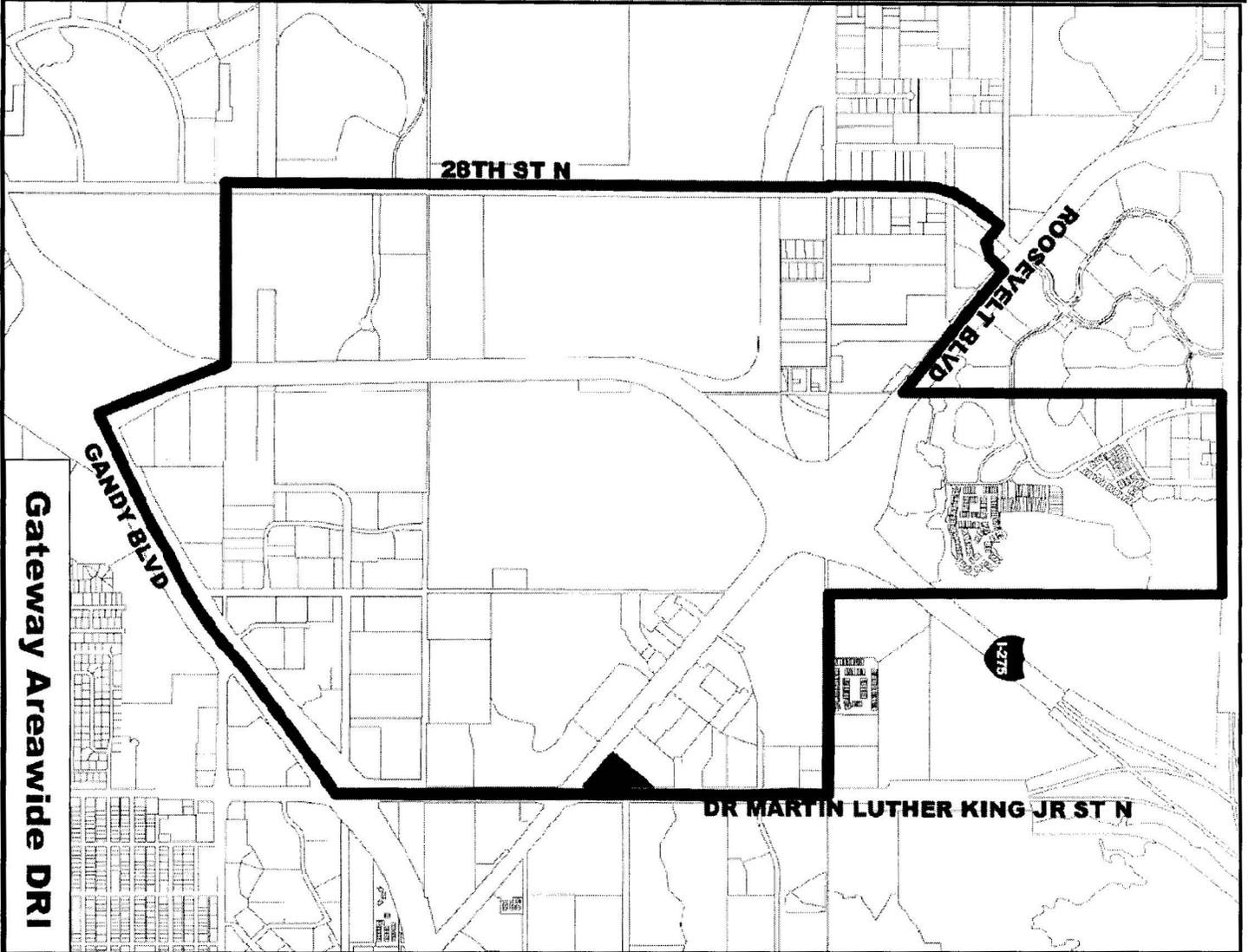


SUBJECT AREA





**Gateway Activity Center**



Gateway Area-wide DRI

28TH ST N

ROOSEVELT BLVD

GANDY BLVD

DR MARTIN LUTHER KING JR ST N

I-275

## Subject Property

- Parcel size is 5.1 acres total:
  - 2.66 acres are wetlands designated Preservation
  - 2.44 acres are vacant, buildable land

## Request

For the 2.44 acres of vacant, buildable land:

- AMEND:

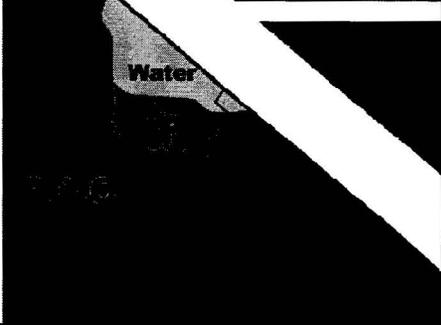
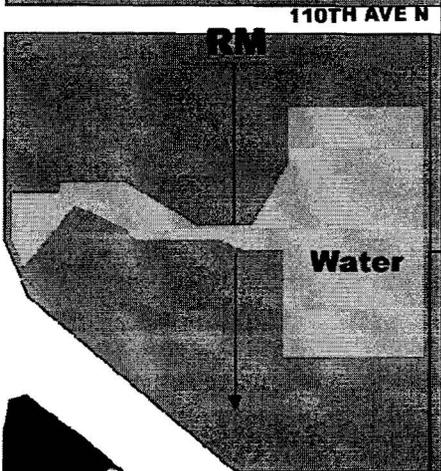
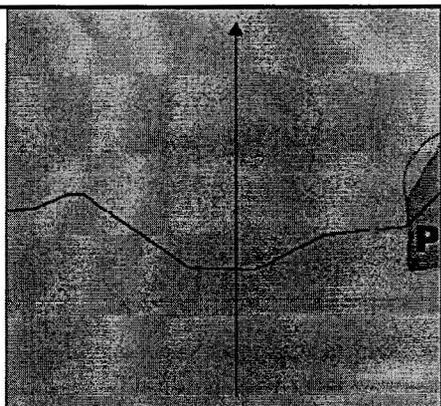
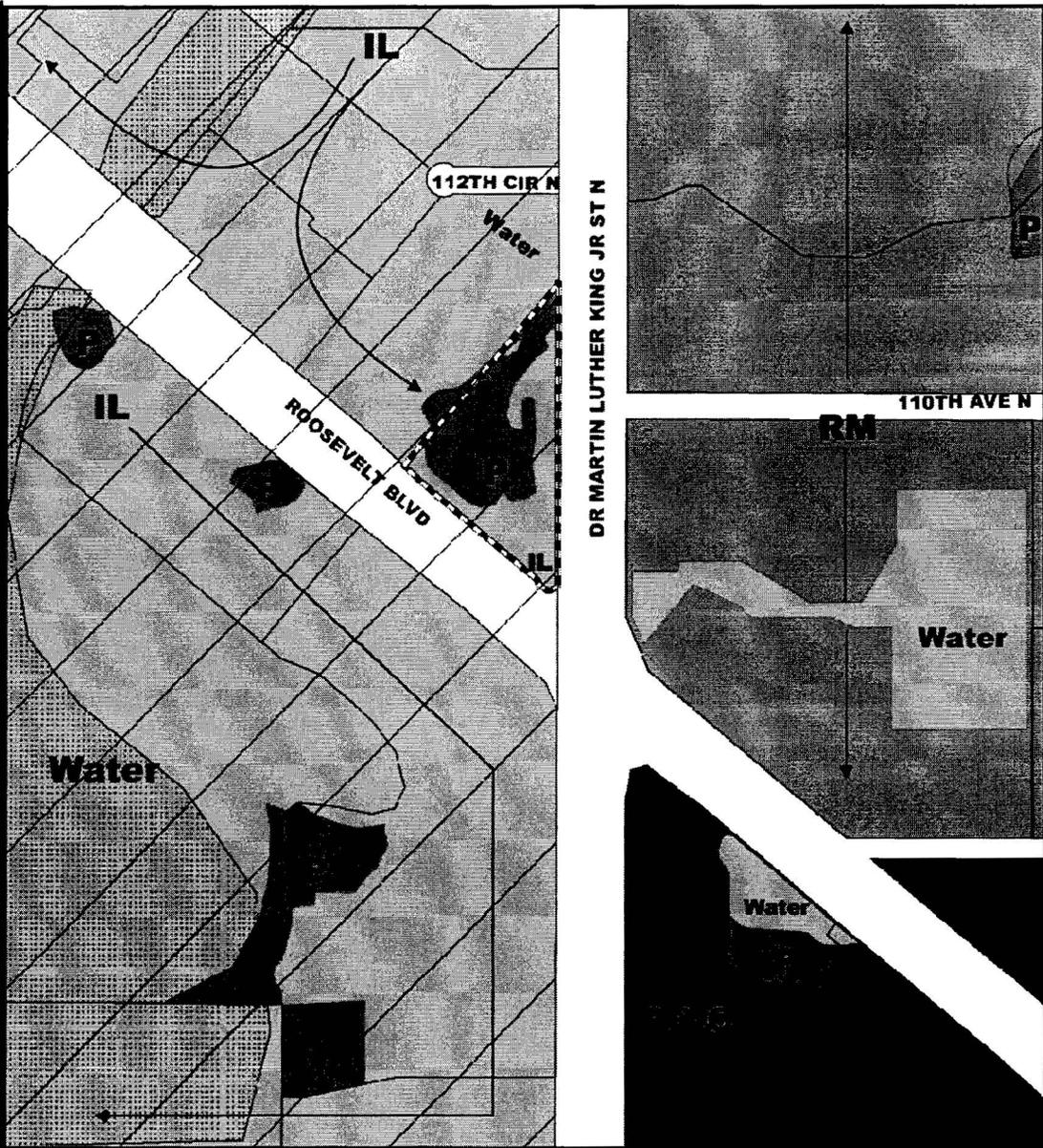
FLUM - from IL (Activity Center)

to PR – MU (Activity Center)

and

Zoning - from EC (Employment Center)

to CCS-1 (Corridor Commercial Suburban)



**LAND USE PLAN DESIGNATION**

CITY FILE  
**FLUM-16**  
 SCALE: 1" = 375'

**From: IL**  
 (Industrial Limited  
 -Activity Center)

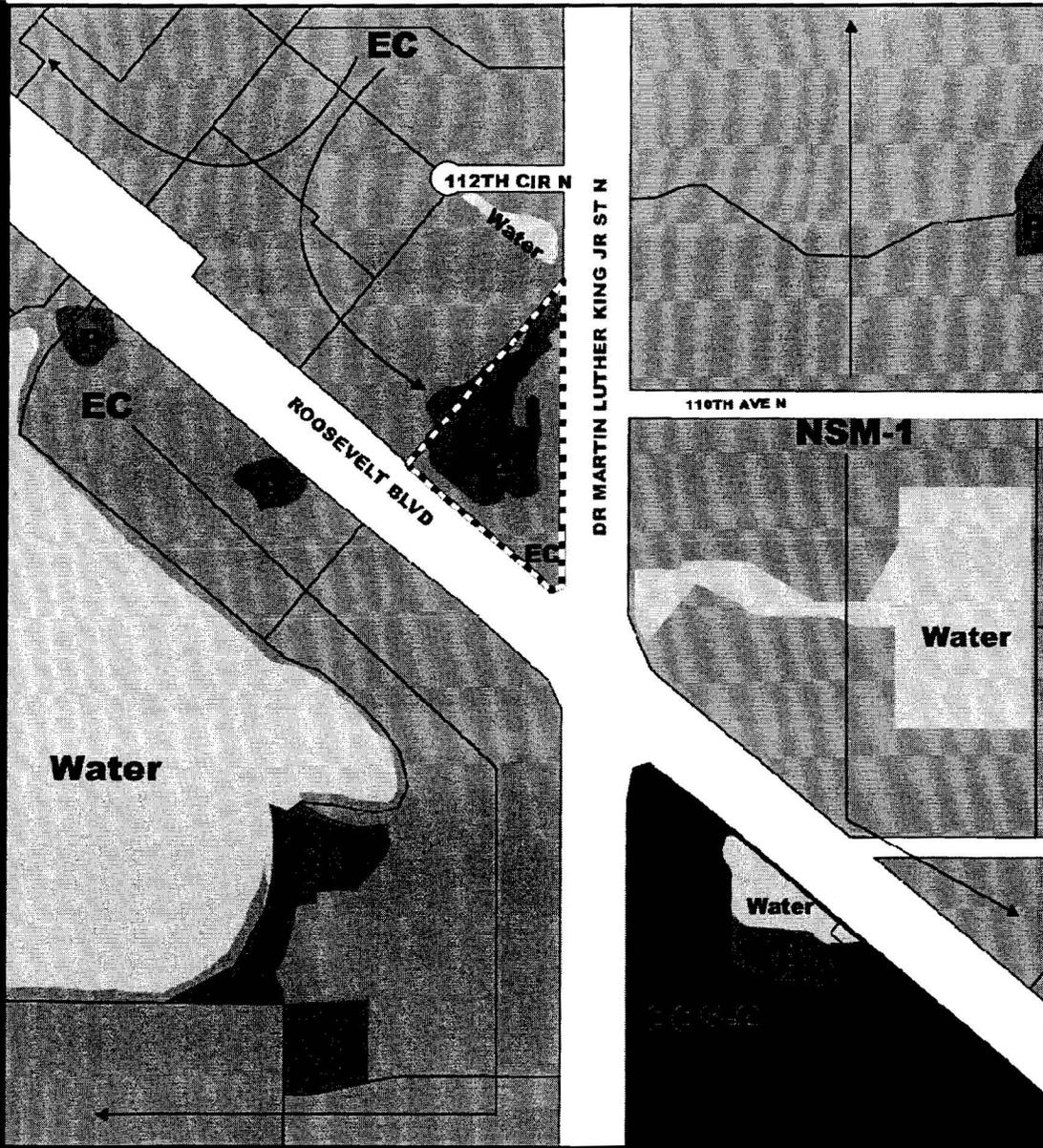
**To: PR-MU**  
 (Planned Redevelopment Mixed-Use  
 -Activity Center)

 SUBJECT AREA

 ACTIVITY CENTER

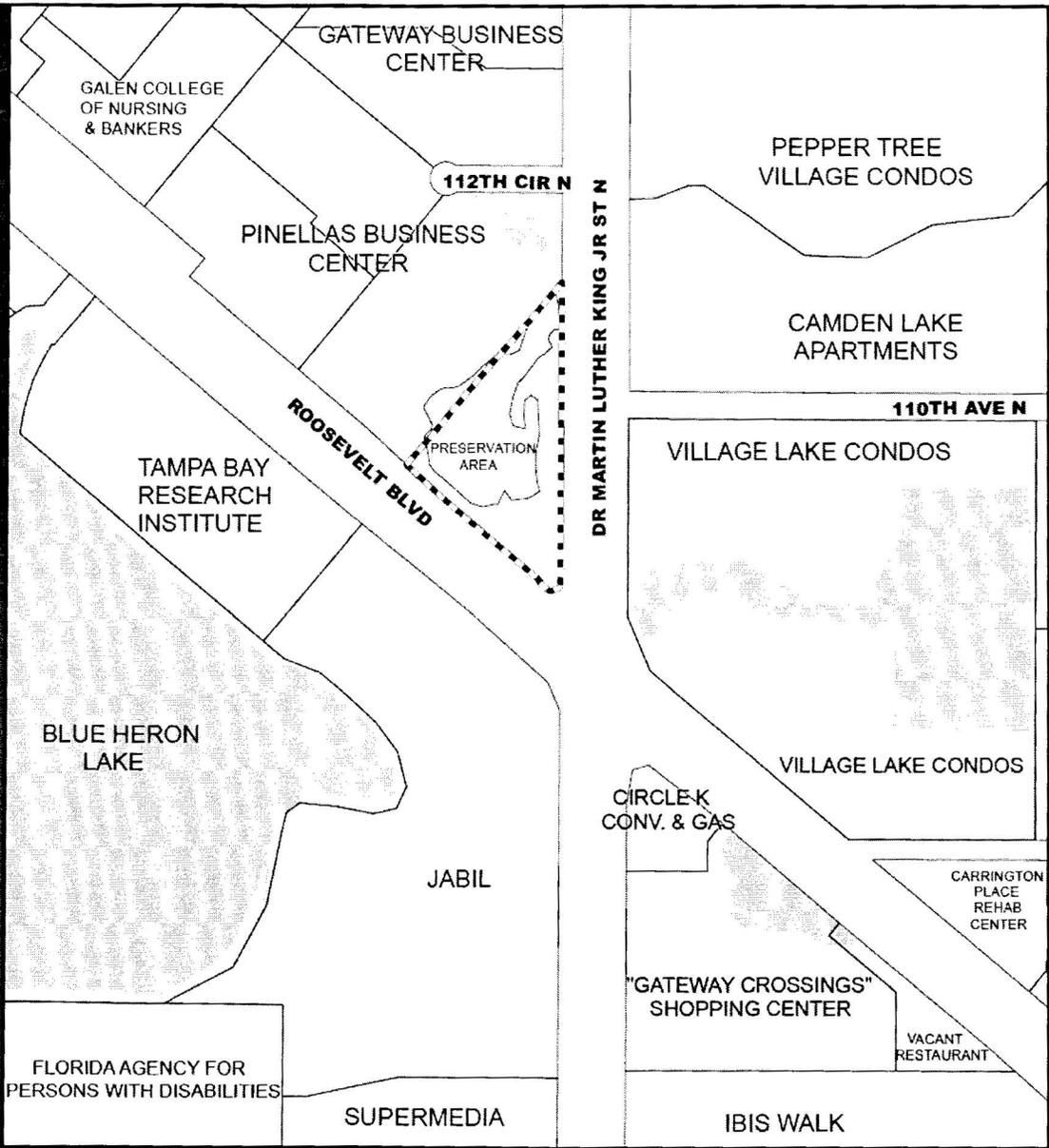
 DRAINAGE FEATURES





**EXISTING ZONING**

CITY FILE	From: EC (Employment Center)	To: CCS-1 (Corridor Commercial Suburban)	
FLUM-16			
SCALE: 1" = 375'	SUBJECT AREA		

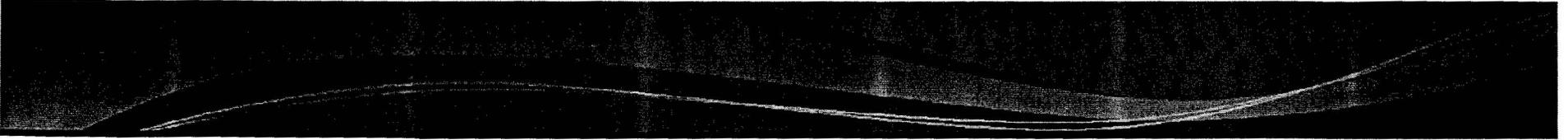


**EXISTING SURROUNDING USES**

CITY FILE  
**FLUM-16**  
 SCALE: 1" = 375'

 SUBJECT AREA



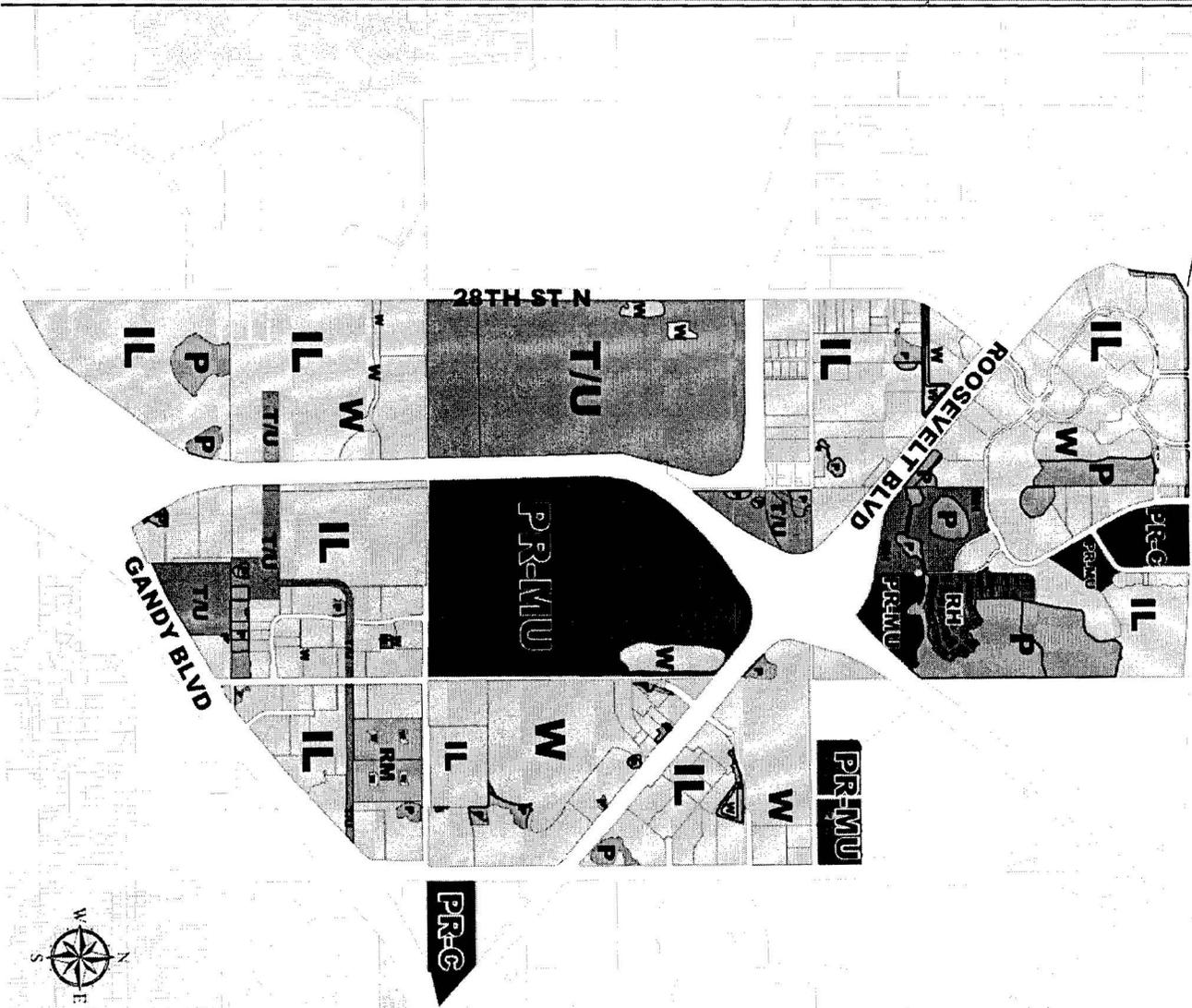


## Development Agreement

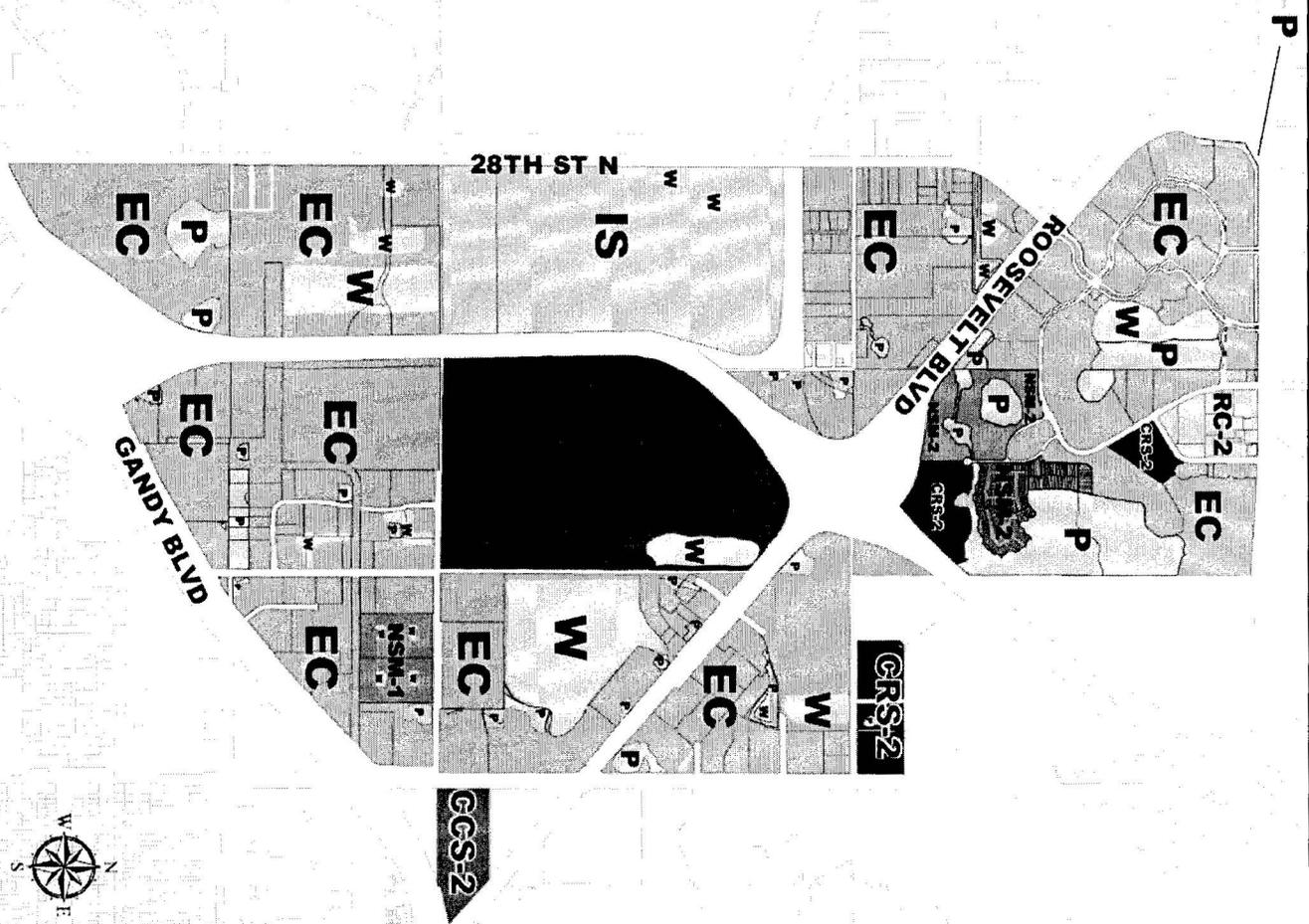
- Development Agreement (DA) is offered
- DA limits development to 17,000 sq. ft.
- Walgreens Drug Store relocation represented
- The terms of the DA would restrict development to other commercial activities such as a bank, office, retail sales, service and a restaurant w/o drive through

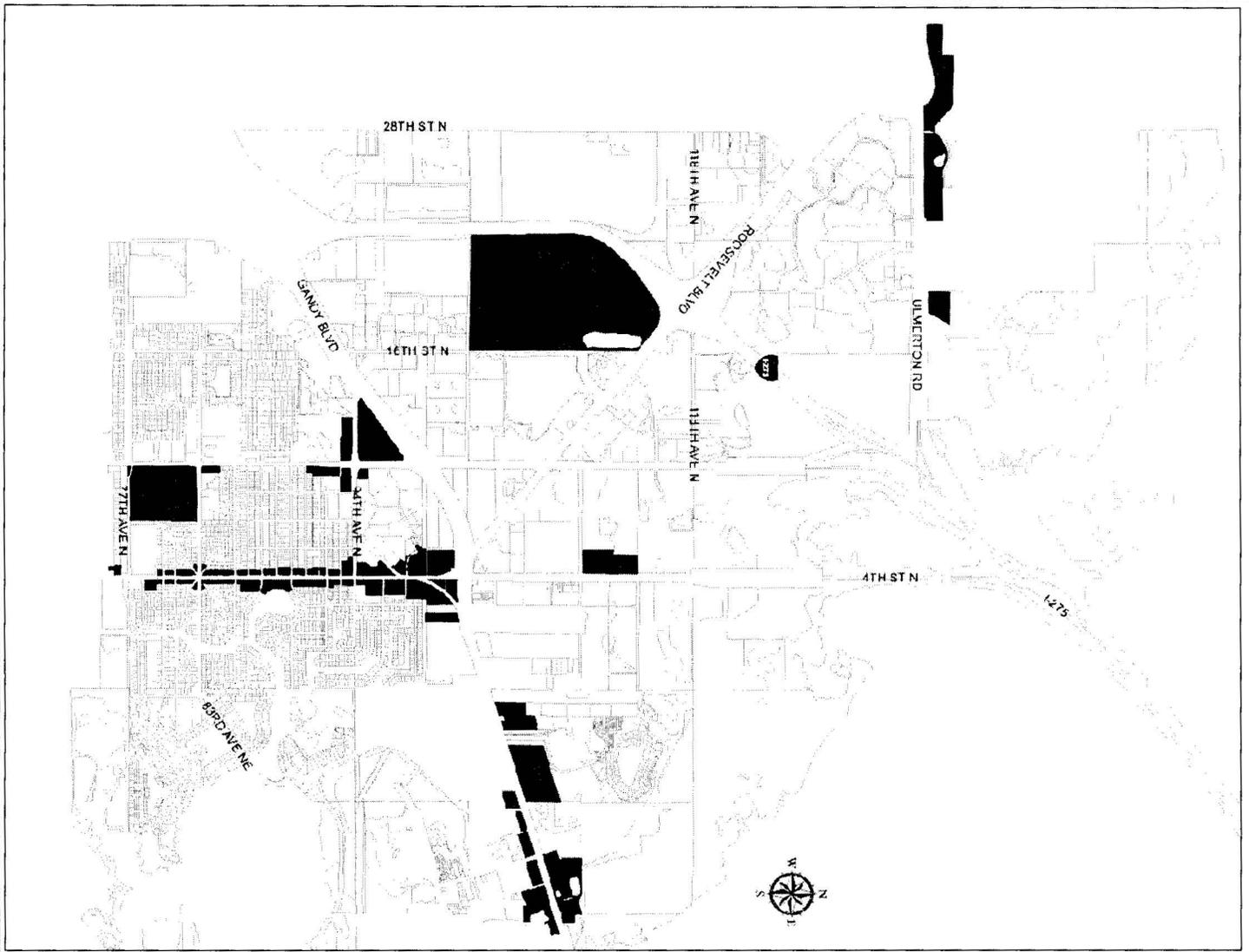
# Gateway Activity Center Area FLU

P



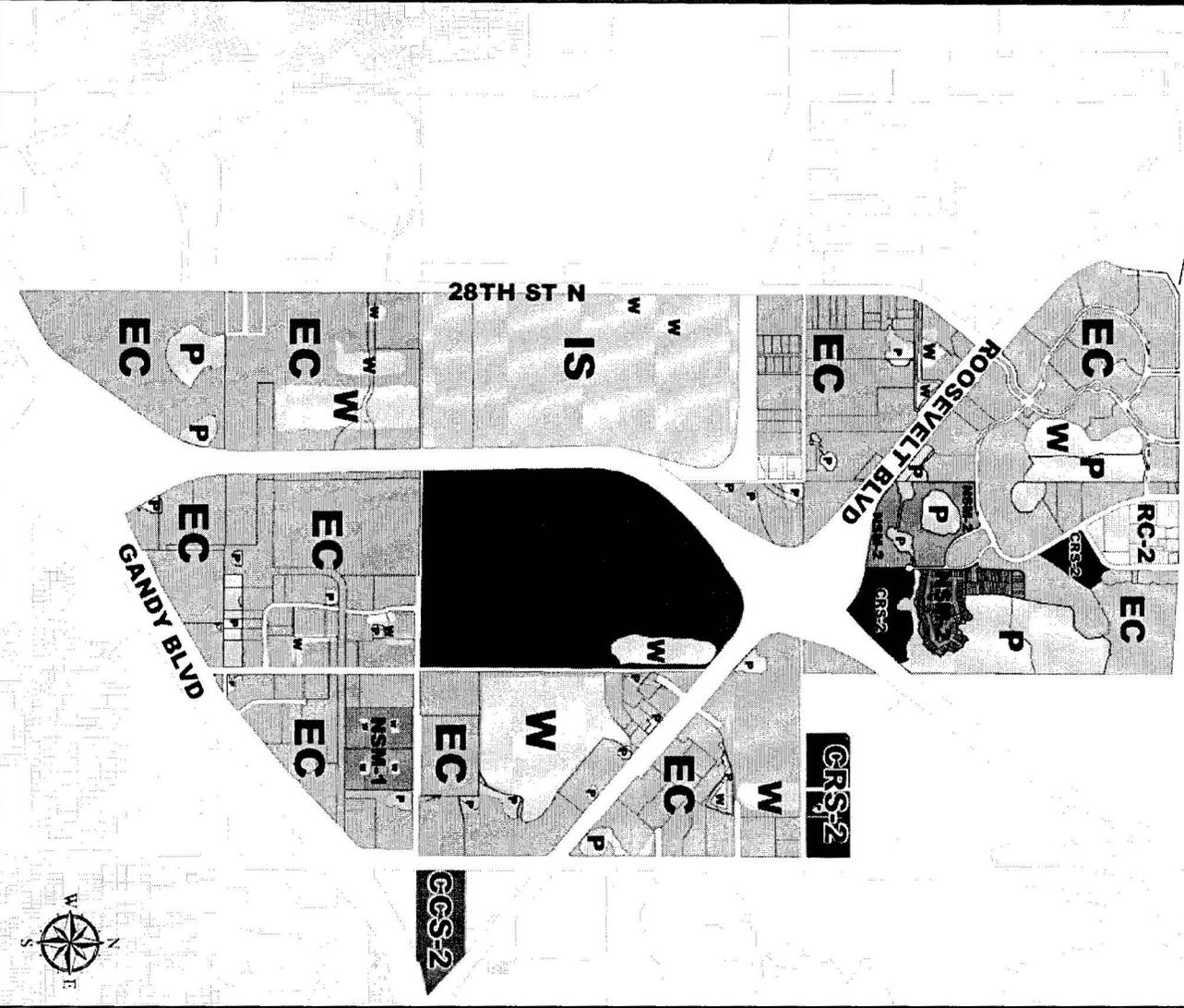
# Gateway Activity Center Area Zoning

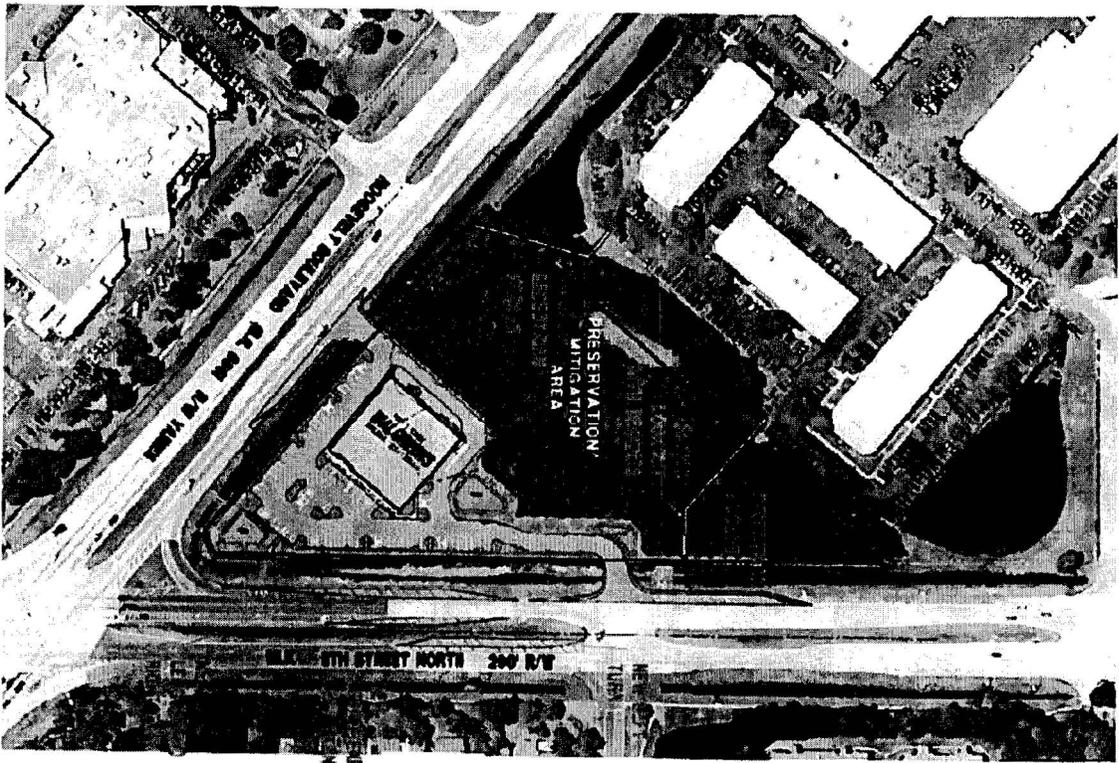




# Gateway Activity Center Area Zoning

P





**EXHIBIT B**



**AERIAL**

CITY FILE

**FLUM-16**

SCALE - 1" = 375'

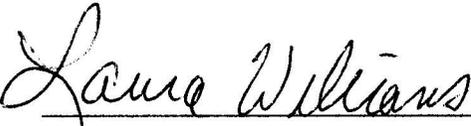
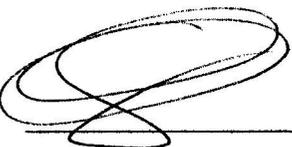
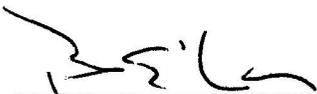
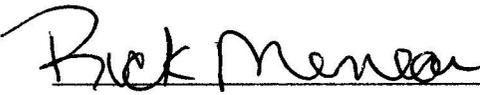
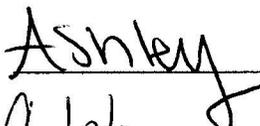


SUBJECT AREA



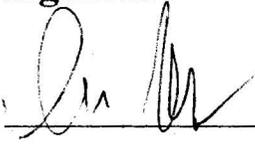
**TO: The Mayor and City Council of the City of St. Petersburg:**

We, the undersigned, as citizens and located very close to the intersection of Dr. MLK, Jr., Blvd. and Roosevelt Blvd, communicate our support for the pending Rezoning and Land Use Amendment which will allow a new Walgreen's store to be located on the NWC of the intersection. This Walgreen's will be a great improvement of the existing store, will provide needed better customer service and will be an asset to the immediate area. Thank you.

Signature	Address	DATE
	782 Village Lake Terrace N.	Dec 26 2012
	770 Village Lake Terrace N. #201	12/26/12
	775 N. village Dr. #108	12/26/12
	775 n village Dr # 204	12/26/12
	865 N VILLAGE DR #103	12-26/12
	865 N VILLAGE DR # 101A.	12-26/12
	796 N Village Lk Terrace #206	12-26-12
	796 Village Lk Terrace N #206	12-26-12
	796 Village Lk Terrace N #102	12-26-12

**TO: The Mayor and City Council of the City of St. Petersburg:**

We, the undersigned, as citizens and located very close to the intersection of Dr. MLK, Jr., Blvd. and Roosevelt Blvd, communicate our support for the pending Rezoning and Land Use Amendment which will allow a new Walgreen's store to be located on the NWC of the intersection. This Walgreen's will be a great improvement of the existing store, will provide needed better customer service and will be an asset to the immediate area. Thank you.

<b>Signature</b>	<b>Address</b>	<b>DATE</b>
	720 N Village Dr	12/27/12
Marshall	2908 62nd Ave N	12/27/12
Angelo Porsca	116 Valencia Circle	12/27/12
Marcy Gubinski		12-27-12
Jina Blue		12-27-12
		12-27-12
	500 116th ave Apt # 405	12-27-12
Kay Yanner		12-27-12

**TO: The Mayor and City Council of the City of St. Petersburg:**

We, the undersigned, as citizens and located very close to the intersection of Dr. MLK, Jr., Blvd. and Roosevelt Blvd, communicate our support for the pending Rezoning and Land Use Amendment which will allow a new Walgreen's store to be located on the NWC of the intersection. This Walgreen's will be a great improvement of the existing store, will provide needed better customer service and will be an asset to the immediate area. Thank you.

**Signature**

**Address**

**DATE**

Elaine Jones 10886 1<sup>st</sup> Street W. 12/31/12

Richard L. Jones 10851 Mangrove Cay Ln 12/31/12

Jeff Messeri 190 120 Ave N Apt 1103 12/31/12

Angela M. Brown 190 120 Ave N Apt 1103 12/31/12

John Smith 500 TRINITY LN. #11205 ST. PETE 12/31/12

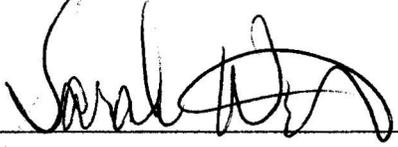
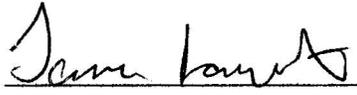
Steve Terry 501 116<sup>th</sup> Ave N #231 St. Pete 12/31/12

Ron Heller 115 112<sup>th</sup> Ave #715 St Pete 12/31/12

Lisha Mizer 10504 1<sup>st</sup> STREET NE St Pete 33716 12-31-12

**TO: The Mayor and City Council of the City of St. Petersburg:**

We, the undersigned, as citizens and located very close to the intersection of Dr. MLK, Jr., Blvd. and Roosevelt Blvd, communicate our support for the pending Rezoning and Land Use Amendment which will allow a new Walgreen's store to be located on the NWC of the intersection. This Walgreen's will be a great improvement of the existing store, will provide needed better customer service and will be an asset to the immediate area. Thank you.

<b>Signature</b>	<b>Address</b>	<b>DATE</b>
	525 Somerhill Dr, NE	12/31/12
	11409 8th St. N #1505	12/31/12
	12000 4th St N #198	12-31-12
	501 116th Ave North St. Pete. 33716.	12-31-12
	501 116th Ave North St Pete FL 33716	12-31-12
	10906 WALNUT ST NE ST PETE 33712	12-31-12
	11400 4th St. N. APT. 1104 St. Pete 33716	12-31-12
	547 S.W. Blvd St Pete FL 33703	12-31-12

**TO: The Mayor and City Council of the City of St. Petersburg:**

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**Signature**

**Address**

**DATE**

~~Carolanne P...~~ 796 Village Lake Terr. N. 10/26  
APT #102 St. Petersburg FL 33716

John R. Bublidge 796 Village Lake Terr. 10/26  
#103 St. Petersburg FL, 33716

Janah Schmal 10775 Village Club Cir W #102 12/26  
St. Pete

Erin M. Vande 1075 Parkside Dr NW NE 33702 12/27/12

William Branta 2333 Feather Sound Dr. A-205

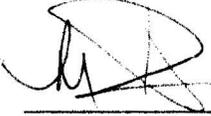
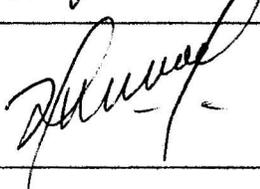
Barbara Branta 2333 Feather Sound Dr 10/27

Robert Penator 11850 ML King St. N 33516 12/27/12

R. WATSON 12/27/12

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<b>Signature</b>	<b>Address</b>	<b>DATE</b>
	825 South Village Dr. N. #101	12/26/12
Emir Gjeric	860 S. VILLAGE DR. N. APT#206	12/26/12
	11850 4th St. St. Pete	12-27-12
Tony Spradell	715 Brookside, Clearwater	12/27/12
Walt L	10200 Gandy Blvd N St. Petersburg	12-27-12
	7048 52th North. PINELLAS PARK. 33981	12-27-12
	11400 4th St No.	12-27-12



**TO: The Mayor and City Council of the City of St. Petersburg:**

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**Signature**

**Address**

**DATE**

Steve Morrow 12000 4<sup>th</sup> ST N ST Pete, FL 33716 12-30-2012

259 98<sup>th</sup> Ave NE, 33702 12/30/12

Allybeth 259 98<sup>th</sup> Ave NE 33702 12/30/12

527 100<sup>th</sup> Ave North 33702 12/30/12

Joe Charl 539 Black Lion Dr NE 33716 12/30/12

James Kelly 10000 4<sup>th</sup> ST N # 405 ST Pete 33716 12/30/12

Nicole Festa 10112 12<sup>th</sup> way N # 109 ST. Pete 33716 12/30/12

1250 102<sup>nd</sup> Ave N St. Pete 33710 12/30/12

**TO: The Mayor and City Council of the City of St. Petersburg:**

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Signature	Address	DATE
<u>Shoshun Spadyen</u>	<u>782 VILLAGE LAKE #201</u>	<u>12.26.12</u>
<u>Dr. Now</u>	<u>770 Village Lake #206</u>	<u>12-26-12</u>
<u>Guin Ken</u>	<u>850 Village Lake Terrace #106</u>	<u>12-26-12</u>
<u>Andre Davis</u>	<u>895 Village Lake #103</u>	<u>12-26-12</u>
<u>Angela</u>	<u>895 VILLAGE LAKE #207</u>	<u>12/26/12</u>
<u>Am Burt</u>	<u>775 N. VILLAGE</u>	<u>12-26-12</u>
<u>B. Pinkerton</u>	<u>10755 Village Club Cir</u>	<u>12/26/12</u>
<u>Adriana Adubovic</u>	<u>825 So. Village Dr. N.</u>	<u>12/26/12</u>

#102

**TO: The Mayor and City Council of the City of St. Petersburg:**

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**Signature**

**Address**

**DATE**

Sharon St 500 110<sup>th</sup> Ave N Apt 405 12/27/12

Neil Marshall 11850 DR MLK JR. N Apt. 12-307 12/27/12

AMANDA DeVona 11850 DR MLK JR N 12-307 12/27/12

Sheryl Wilhans 11401-MLK JR. ST. No. 12/27/12

Phyllis a 11850 DR. MLK ST. No. 12/30/12

Candice D. L. 63 99<sup>th</sup> Av N St Pete 12-30-12

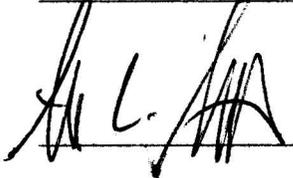
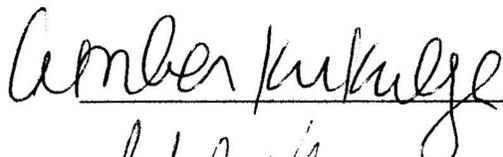
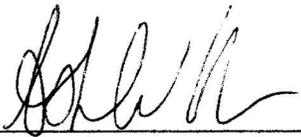
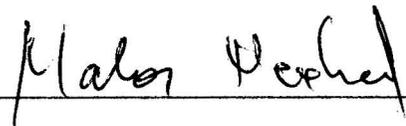
Marlene R. Johnson 10397 1st Way N. St. Pete 12-30-12

Bob W. 10980 Bay St N.E. St Pete 12-30-12



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Signature	Address	DATE
	547 Southwest Blvd N ST Pete 33703	12/31/12
	367 59th Ln. S. St. Pete, FL 33707	12-31-12
	11901 4th St N St. Pete, FL 33716	12/31/12
	8023 18th Way N St Pete FL 33702	12/31/12
	860/S. Village Dr	12/31/12

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**Signature**

**Address**

**DATE**

Leonel BURTON      501 116<sup>TH</sup> AVE #8      12/26/12

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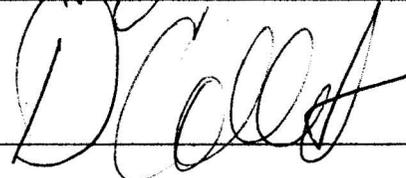
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Signature	Address	DATE
	10806 scratoga park ct Tampa, FL	12/27
	11101 Roosevelt Blvd St Pete FL	12/27
	19042 PAPIAR St Pete	12/27
Donna Bromberg	540 Carillon Pkwy St Petersburg, FL 33716	12.27
	1560 Central ave St. Pete 33705	12/27
	707 99th AVE W 33703	12/27
	2602 W DeLeon St Tampa, FL 33609	12/27
	14000 4th St N APT ST. PETERSBURG, FL 33716	12/27

To The City of St. Petersburg:

May 7<sup>th</sup>, 2012

Please accept this letter as a communication in support of the proposed Walgreens store at the North East corner of Dr. MLK, Jr., Blvd and Roosevelt Blvd.

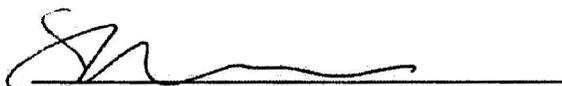
This would be a use that would be supportive to the entire office complex. There currently is no closely located, within walking distance, sundry retail use that carries a variety of person's occasional needs. The occupants of the offices find themselves getting in their cars to go a ridiculously short driving distance to meet this need.

These needs would include all kinds of over the counter and pharmacy delivered medicines and various and assorted goods that we all seem to be running errands for every day. The store would also carry a variety of corporate prepared lunches or make-shift dinners which are pre-packaged or frozen for the mico-wave, as well as other food products for snacks and side meal items. These stores obviously carry a wide variety of drinking refreshments.

The site would be a pleasant walk, all the while staying within the confines of the office development, and would prove to be a nice break from the work environment.

The proposed Walgreens would be a great, small asset to the office community and really provide a supportive service to the many people working here.

Thank you.

  
\_\_\_\_\_  
E-INS LLC  
\_\_\_\_\_  
Suite 1400  
\_\_\_\_\_

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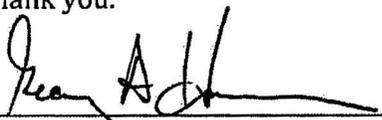
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Thank you.



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NDH MEDICAL, INC.

11001 ROOSEVELT BLVD N, #150

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May 7<sup>th</sup>, 2012

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Thank you.

S.H. Rowan

M2 World wide LLC

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Thank you.

David G. Ralston

LAB. MANAGER - IDEXX

Suite 400D

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Thank you.

Macey Dielner

Tampa Bay Club Sport

Suite 100-D

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Thank you.

Michelle Gorn  
K-2 Technologies  
800. B

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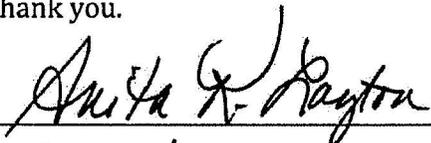
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Thank you.

  
\_\_\_\_\_  
SIGMA INTERNATIONAL, INC.

10901 N. ROOSEVELT BLVD. SUITE 100B

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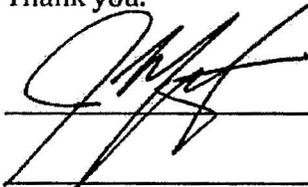
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Thank you.



GENERSTONE BANK SUITE 100A

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If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

IS  
①

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Gwen White  
 ADDRESS: 890 N. Village Dr SP  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO.: FUM 16  
 FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ ✓

JAN 24 2013

**3 MINUTE TIME LIMIT**

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

Appellant

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Robert Pergulizzi, Gulf Coast Consulting, Inc.  
 ADDRESS: 13825 ICOT Blvd # 605  
 REPRESENTING: Ferber Company Clermont, FL 33760  
 AGENDA ITEM NO.: I-5  
 FOR: ✓ \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

IS  
②

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Momma Tee Lassiter  
 ADDRESS: 693 27 A S  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO.: I 5  
 FOR: X \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573

# Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: CITY ST PETERSBURG 7 PROPOSED ORDINANCES HEARING JAN. 24, 2013** was published in said newspaper in the issues of **Neighborhood Times St Petersburg , 1/13/2013 .**

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*A. Robison*

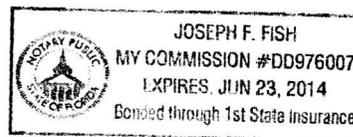
Signature of Affiant

Sworn to and subscribed before me  
this **15th** day of **January A.D.2013**

*Joseph F. Fish*  
Signature of Notary Public

Personally known  X  or produced identification

Type of identification produced \_\_\_\_\_



# PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

## PROPOSED ORDINANCE NO. 700-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT MIXED-USE (ACTIVITY CENTER); PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 730-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD FROM EMPLOYMENT CENTER (EC) TO CORRIDOR COMMERCIAL SUBURBAN (CCS-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 63-H

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN PINELLAS BUSINESS CENTER (PBC) OWNER, LLC, SOUTHEAST INVESTMENTS, INC., A FLORIDA CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF DR. MARTIN LUTHER KING JR. STREET NORTH AND ROOSEVELT BOULEVARD WITHIN THE BOUNDARIES OF THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 64-H

AN ORDINANCE AMENDING CHAPTER 12-6 RELATING TO FEES CHARGED FOR CONSTRUCTION SERVICES; AMENDING THE METHOD FOR CALCULATION OF CONSTRUCTION VALUES IN SUBSECTION (6);

CHANGING CERTAIN FEES IN SUBSECTION (7) TO REFLECT THE ACTUAL COST RELATED TO PROVIDING THE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 65-H

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF BEER AND WINE IN FLORA WYLIE PARK ON FEBRUARY 10, 2013; AND PROVIDING AN EFFECTIVE DATE.

## PROPOSED ORDINANCE NO. 1043 -V

AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34TH STREET NORTH, 36TH AVENUE NORTH, 35TH STREET NORTH AND 38TH AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Date January 24, 2013 Time: 6:00 p.m.

City Council Chamber  
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

1/13/2013

88629-01

Isd  
(Tabled)

Attached documents for item Open Forum

# OPEN FORUM SIGN-UP

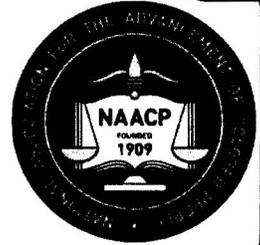
Council Meeting Date: 1-24-13

**Note: Individuals wishing to address City Council must be a Business Owner, Live within the City, Own Property or be a City Employee.**

Please Print

<u>Name</u>	<u>Address</u>	<u>Subject</u>
1.	✓ Howard Taylor 316 8th St S #504 895-1266 Senden	Lens Trolley
2.	✓ Watson Sinden 1750 Central Ave	Code Vio
3.	<del>Momma Tee Cassiter</del>	Town Hall Meeting
4.	.....	.....
5.	.....	.....
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**SUCCESSSES UNLIMITED WOMEN & YOUTH  
BUSINESS CENTER, INC.**



**and the  
ST. PETERSBURG NAACP BRANCH**

**cordially invites you to the**

**2013 TOWN HALL MEETING**

**“IT’S TIME TO SPEAK UP and TAKE A STAND”**

**We are ONE!**

**One Voice and One Community United.**

**PLEASE JOIN US  
AND EXPRESS YOUR CONCERNS WITH:**

**Mayor William “Bill” Foster  
City Council Members  
St. Petersburg Police Chief, Chuck Harmon  
Pinellas County Sheriff, Robert “Bob” Gualtieri  
School Superintendent, Dr. Michael Grego  
Pinellas County School Board Member, Renee Flowers**

**Date: March 5, 2013**  
**Location: Enoch Davis Center  
1111 18<sup>th</sup> Avenue So.  
St. Petersburg, FL**  
**Time: 6:00 – 9:00 PM**

**For more information, call:  
Momma Tee Lassiter  
CEO, Successes Unlimited  
727- 564-8534  
Email: [tlassiter9@msn.com](mailto:tlassiter9@msn.com)  
or  
NAACP, St. Petersburg Branch  
727-898-3310**



*Co-Sponsored by:  
The City of St. Petersburg*

Attached documents for item Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977): [MOVED to Reports as E-2]

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 for the construction of Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977); approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001); and providing an effective date.

**Explanation:** The Procurement Department received three bids for the Lift Station 85 Albert Whitted Master 30" Force Main, Part D project (see below).

The work consists of furnishing all labor, services, materials, and equipment necessary to construct approximately 10,160 LF of 30" diameter Ductile Iron (DI) sanitary sewer force main piping, 1,786 LF of 36" diameter High Density Polyethylene (HDPE) and associated valves, fittings, and appurtenances. Work includes 220 LF of 48- inch diameter steel casing using jack and bore method. Work includes 1,020 LF of 12" diameter DI reclaimed water main piping, 630 LF of 6", 8" and 12" diameter DI water main piping, 4 each 30" diameter plug valves and valve boxes, 2 each 12" diameter gate valves and valve boxes, 8 air release valves and vaults, 1,523 LF concrete curbing, 180 SF concrete sidewalk, 35,900 SY asphalt pavement restoration, 3,212 SF sodding, temporary pump around pumping, miscellaneous potable water main, sanitary sewer and storm drainage replacement, traffic control, and restoration of surface features.

The work will be within existing easements and public right of way from the proposed force main (Force Main Part C) at Dr. Martin Luther King Jr. Street and 26<sup>th</sup> Avenue South, proceeding north along Dr. Martin Luther King Jr. Street to 11<sup>th</sup> Avenue South, then east along 11<sup>th</sup> Avenue South towards 3<sup>rd</sup> Street, then north along 3<sup>rd</sup> Street towards 6<sup>th</sup> Avenue South, then east along 6<sup>th</sup> Avenue South towards 1<sup>st</sup> Street, and south along 1<sup>st</sup> Street to just south of 6<sup>th</sup> Avenue South. This new force main will connect to a proposed force main (Force Main Mart E) just south of the intersection of 1<sup>st</sup> Street South and 6<sup>th</sup> Avenue.

Pursuant to City Council approval on February 3, 2011 to decommission the AWWRF, and approval to proceed with detail design on December 15, 2011, this project is the fourth of five related projects designed to convey wastewater flows from the Albert Whitted Water Reclamation Facility (AWWRF) to the Southwest Water Reclamation Facility (SWWRF).

The project was designed in five parts during the first nine months of 2012. The strategy to utilize multiple consultant engineers and multiple contractors is intended to reduce the design and construction time requirements by employing the services of a greater number of engineering and construction firms concurrently. This strategy also enhances the competitive bidding process by providing multiple opportunities for local utility contractors to bid on projects within their bonding capabilities, as well as minimizing capital cost to the City. These five projects will be advertised for bidding during the months of October to January 2013. Construction of the projects will proceed during 2013, and start up and testing of the new facilities will commence in Spring 2014, and demolition of the AWWRF is planned for 2015.

When completed, the proposed sanitary sewer force main and Lift Station 85 will eliminate the need for continued operation of the AWWRF, resulting in an estimated present worth savings of \$32 million in capital and operating expenses over a 20 year period.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within four hundred twenty five (425) consecutive calendar days thereafter. Bids were opened on December 11, 2012 and are tabulated as follows:

<u>Bidder</u>	<u>Total</u>
Dallas 1 Corporation dba Dallas 1 Construction & Development Inc. (Thonotosassa, FL)	\$7,575,012.80
Layne Heavy Civil, Inc. (Fairburn, GA)	\$8,143,779.20
Westra Construction, Corp. (Palmetto, FL)	\$8,159,994.90

The lowest responsive bidder Dallas 1 Corporation doing business as Dallas 1 Construction & Development has met the specifications, terms and conditions for Bid No. 7395 dated October 30, 2012, and has satisfactorily performed similar work for Hillsborough County and City of Tampa. Principals of the firm are Paul R. Lancaster, President; Bartle J. Azarrelli, III, Vice President, Jan Azarrelli, Secretary and Cyndi Azzarelli, Treasurer.

Advances to the Water Resources Capital Fund (4003) from the Water Resources Operating Fund (4001) were approved by Council in the amount of \$5,762,000 on November 19, 2012 and \$6,307,000 on December 6, 2012. This item will repay those advances.

Administration recommends awarding this contract to Dallas 1 Corporation doing business as Dallas 1 Construction & Development in the amount of \$7,575,012.80 and approving the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).

**Cost/Funding/Assessment Information:** Funds will be available in the Water Resources Capital Projects Fund (4003), SAN LS #85 Force Main Part A FY13 Project (13977). Funds will also be used for the repayment of advances in the amount of \$12,069,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001).

**Attachments:** Map  
Resolution

**Approvals:**

  
Administrative

  
Budget



A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO DALLAS 1 CORPORATION D/B/A DALLAS 1 CONSTRUCTION & DEVELOPMENT IN AN AMOUNT NOT TO EXCEED \$7,575,012.80 FOR CONSTRUCTION OF LIFT STATION 85 ALBERT WHITTED MASTER 30" FORCE MAIN, PART D PROJECT (ENGINEERING PROJECT NO. 12013-411; ORACLE NO. 13977); AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING THE REPAYMENT OF ADVANCES IN THE AMOUNT OF \$12,069,000 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) TO THE WATER RESOURCES OPERATING FUND (4001) TO REPAY PREVIOUSLY AUTHORIZED ADVANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received three bids for Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977) pursuant to Bid No. 7395 dated October 30, 2012; and

WHEREAS, Dallas 1 Corporation d/b/a Dallas 1 Construction & Development has met the specifications, terms and conditions of Bid No. 7395; and

WHEREAS, the Administration recommends approval of this award; and

WHEREAS, advances to the Water Resources Capital Fund (4003) from the Water Resources Operating Fund (4001) were approved by City Council in the amount of \$5,762,000 on November 19, 2012 and \$6,307,000 on December 6, 2012; and

WHEREAS, the Administration wishes to repay those advanced funds.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to Dallas 1 Corporation d/b/a Dallas 1 Construction & Development in an amount not to exceed \$7,515,012.80 for construction of Lift Station 85 Albert Whitted Master 30" Force Main, Part D Project (Engineering Project No. 12013-411; Oracle No. 13977); is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the repayment of advances in the amount of \$12,069,000 from the unencumbered balance of the Water Resources Capital Projects Fund (4003) to the Water Resources Operating Fund (4001) is hereby approved as follows:

<u>Water Resources Capital Projects Fund (4003)</u>	
Water Resources Operating Fund (4001)	\$12,069,000

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Budget Department

**ST. PETERSBURG CITY COUNCIL**

**Consent Agenda**

Meeting of January 24, 2013

**TO:** The Honorable Chair and Members of City Council

**SUBJECT:** Authorizing the Mayor or his designee to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30" Force Main – Part D (Engineering Project No. 12013-411, Oracle No.13977); and providing an effective date.

**EXPLANATION:** On November 21, 2008, the City Council approved a Master Agreement with the professional consulting engineering firm of George F. Young, Inc. for Potable Water, Wastewater and Reclaimed Water Projects.

On February 3, 2011, City Council approved the decommissioning of the Albert Whitted Water Reclamation Facility with the wastewater to be diverted to the Southwest Water Reclamation Facility.

On December 15, 2011, City Council approved Task Order No. 08-3-GFY/W with George F. Young, Inc. in the amount of \$369,466 for detailed engineering design and development of plans and specifications for a new 30-inch diameter force main approximately 11,946 feet in length. This new force main will connect to the proposed force main (Force Main Part C) at Dr. Martin Luther King Jr. Street and 26<sup>th</sup> Avenue South, proceeding north along Dr. Martin Luther King Jr. Street to 11<sup>th</sup> Avenue South, then east along 11<sup>th</sup> Avenue South towards 3<sup>rd</sup> Street, then north along 3<sup>rd</sup> Street towards 6<sup>th</sup> Avenue South, then east along 6<sup>th</sup> Avenue South towards 1<sup>st</sup> Street, and south along 1<sup>st</sup> Street to just south of 6<sup>th</sup> Avenue South. This new force main will connect to a proposed force main (Force Main Part E) just south of the intersection of 1<sup>st</sup> Street South and 6<sup>th</sup> Avenue. Included in this scope of work is a topographic and right-of-way survey of the proposed project alignment, geotechnical investigation and subsurface utility excavations of the project alignment to evaluate existing subsurface conditions, the coordination with the Florida Department of Environmental Protection (FDEP) for any permits or authorizations, and bidding services.

Amendment No. 1 to Task Order No. 08-3-GFY/W, in the amount of \$76,677 provides for construction phase services including but not limited to, attending the preconstruction meeting, shop drawing and submittal reviews, site visits as required by the City, interpreting and/or clarifying design intent, assisting with pre-final and final inspections, and preparing record drawings.

**RECOMMENDATION:** Administration recommends authorizing the Mayor or his designee to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30" Force Main – Part D (Engineering Project No. 12013-411, Oracle No. 13977).

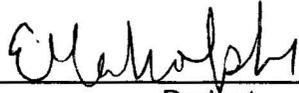
**COST/FUNDING/ASSESSMENT INFORMATION:** Funds will be available in the Water Resources Capital Projects Fund (4003), SAN Lift Station #85 Force Main Part D FY13 (13977).

**ATTACHMENTS:** Resolution

**APPROVALS:**

TBG

  
Administrative

  
Budget

RESOLUTION NO. 2013 \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO.1 TO TASK ORDER NO. 08-3-GFY/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND GEORGE F. YOUNG, INC. IN THE AMOUNT OF \$76,677 FOR PROFESSIONAL CONSULTING PHASE SERVICES FOR THE LIFT STATION 85 ALBERT WHITTED MASTER 30" FORCE MAIN - PART D (ENGINEERING PROJECT NO. 12013-411, ORACLE NO.13977); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 21, 2008, the City Council approved a Master Agreement with the professional consulting engineering firm of George F. Young, Inc. for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, on February 3, 2011, City Council approved the decommissioning of the Albert Whitted Water Reclamation Facility with the wastewater to be diverted to the Southwest Water Reclamation Facility; and

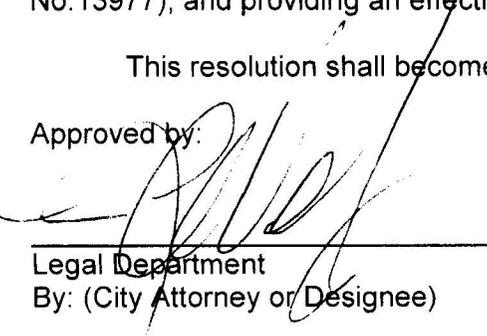
WHEREAS, on December 15, 2011, City Council approved Task Order No. 08-3-GFY/W with George F. Young, Inc. in the amount of \$369,466 for detailed engineering design and development of plans and specifications for a new 30-inch diameter force main approximately 11,946 feet in length and connect to the proposed force main (Force Main Part C) at Dr. Martin Luther King Jr. Street and 26<sup>th</sup> Avenue South, proceeding north along Dr. Martin Luther King Jr. Street to 11<sup>th</sup> Avenue South, then east along 11<sup>th</sup> Avenue South towards 3<sup>rd</sup> Street, then north along 3<sup>rd</sup> Street towards 6<sup>th</sup> Avenue South, then east along 6<sup>th</sup> Avenue South towards 1<sup>st</sup> Street, and south along 1<sup>st</sup> Street to just south of 6<sup>th</sup> Avenue South; and

WHEREAS, this Amendment No. 1 to Task Order No. 08-3-GFY/W, in the amount of \$76,677 provides for construction phase services.

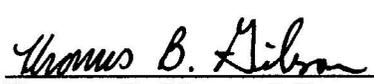
BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No.1 to Task Order No. 08-3-GFY/W to the agreement between the City of St. Petersburg and George F. Young, Inc. in the amount of \$76,677 for professional consulting phase services for the Lift Station 85 Albert Whitted Master 30" Force Main - Part D (Engineering Project No. 12013-411, Oracle No.13977); and providing an effective date.

This resolution shall become effective immediately upon its adoption.

Approved by:

  
\_\_\_\_\_  
Legal Department  
By: (City Attorney or Designee)

Approved by:

  
\_\_\_\_\_  
Thomas B. Gibson, P.E.  
Engineering Director

Attached documents for item Renewing blanket purchase agreements with Bayside Building Services, Inc., Creative Homes of Central Florida, Inc., Dave Ulm Builders, Inc. and Grosz Construction Company, Inc. for building maintenance and securing of structures at an estimated annual cos

**SAINT PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Renewing blanket purchase agreements with Bayside Building Services, Inc., Creative Homes of Central Florida, Inc., Dave Ulm Builders, Inc. and Grosz Construction Company, Inc. for building maintenance and securing of structures at an estimated annual cost of \$465,000.

**Explanation:** On May 20, 2010 City Council approved two-year agreements for building maintenance and securing of structures effective through May 31, 2012. On February 2, 2012 City Council approved the first of three one-year renewal options. Under the renewal of contract clause, the city reserves the right to extend the agreement for three one-year periods if mutually agreeable. This is the second of the renewal options.

The contractors will perform minor building maintenance and repairs such as fabricating wood cabinets; constructing concrete platforms and steps; repairing and replacing windows and doors; repairing flooring; painting of metal, wood or concrete facility surfaces; constructing walls; securing openings on commercial and residential structures, and other minor repairs and maintenance.

Due to the volume and variety of work required to maintain and repair buildings and the time critical nature of structure securing services, multiple sources are recommended. Bidders were asked to provide labor rates on a time and materials basis. The labor rates include labor, travel, tools, equipment and overhead. The material will be billed at cost plus 15 percent.

The primary users are the Codes Compliance, Engineering and Capital Improvements and Water Resources departments.

The Procurement Department recommends for renewal:

Building Maintenance and Securing of Structures.....\$465,000

Dave Ulm Builders, Inc. (SBE)  
Bayside Building Services, Inc. (SBE)  
Creative Homes of Central Florida, Inc. (SBE)  
Grosz Construction Company, Inc. (SBE)

The contractors have agreed to hold prices firm under the terms and conditions of IFB No. 6954 dated, February 11, 2010. Administration recommends renewal of the agreement based upon the contractor's past satisfactory performance, demonstrated ability to comply with the terms and conditions of the contract. These contractors are also certified SBEs. The renewal will be effective from date of approval through May 31, 2014 and will be binding only for actual services rendered.

**Cost/Funding/Assessment Information:** Funds are available in the Sanitation Operating Fund (4021), Codes Compliance Department, Demolition (110-1129) [\$60,000]; Water Resources Operating Fund (4001) [\$80,000]; NE Water Reclamation Facility (420-2173), Albert Whitted Water Reclamation Facility (420-2169), Lift Station Maintenance (420-2205) and various capital improvement projects in the Recreation & Culture Capital Improvement Fund (3029) [\$200,000].

**Attachments:** Price History (6 pages)  
Resolution

**Approvals:**

  
\_\_\_\_\_  
**Administrative**

  
\_\_\_\_\_  
**Budget**

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2008-2010		
			dba Dave Ulm Buildingers, Inc. St. Petersburg, FL	Huffman General Contractors St. Petersburg, FL	Bayside Building Services, Inc. Clearwater, FL
			Unit Price	Unit Price	Unit Price
<b>Building Maintenance Services</b>					
1	Superintendent, 8 a.m. - 5 p.m. Mon. - Fri.	HR	-	\$40.00	\$35.00
2	Superintendent, 5 p.m. - 8 a.m. Mon. - Fri.	HR	-	60.00	40.00
3	Superintendent, City Holiday, Sat., Sun.	HR	-	80.00	40.00
4	Foreman/Supervisor, 8 a.m. - 5 p.m. Mon. - Fri.	HR	-	40.00	30.00
5	Foreman/Supervisor, 5 p.m. - 8 a.m. Mon. - Fri.	HR	-	60.00	35.00
6	Foreman/Supervisor, City Holiday, Sat., Sun.	HR	-	80.00	35.00
7	Laborers, 8 a.m. - 5 p.m. Mon. - Fri.	HR	-	25.00	20.00
8	Laborers, 5:00 p.m. - 8:00 a.m. Mon. - Fri.	HR	-	37.50	20.00
9	Laborers, City Holiday, Sat., Sun.	HR	-	50.00	25.00
10	Helpers/Assistants, 8 a.m. - 5 p.m. Mon. - Fri.	HR	-	23.00	20.00
11	Helpers/Assistants, 5 p.m. - 8 a.m. Mon. - Fri.	HR	-	29.00	20.00
12	Helpers/Assistants, City Holiday, Sat., Sun.	HR	-	36.00	25.00
13	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing.	EA	-	75.00	150.00
<b>Securing of Structures</b>					
14	First Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	\$19.00	40.00	56.00
15	First Floor Opening, Standard Method, Plywood; larger than 4' by 4' , including Sliding Glass Doors	EA	36.00	50.00	74.00
16	Second Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	21.00	60.00	76.00
17	Second Floor Opening, Standard Method, Plywood; larger than 4' by 4' , including Sliding Glass Doors	EA	40.00	80.00	94.00
18	Third Floor or higher opening, Standard Method, Plywood; 4' by 4' or less	EA	21.00	70.00	125.00
19	Third Floor or higher opening, Standard Method, Plywood; larger than 4' by 4'	EA	40.00	90.00	150.00

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2008-2010		
			dba Dave Ulm Buildingers, Inc. St. Petersburg, FL	Huffman General Contractors St. Petersburg, FL	Bayside Building Services, Inc. Clearwater, FL
			Unit Price	Unit Price	Unit Price
20	First Floor Opening, Optional Method	EA	38.00	80.00	125.00
21	Second Floor Opening, Optional Method	EA	40.00	90.00	175.00
22	Third Floor or higher Opening, Optional Method	EA	50.00	100.00	275.00
23	Secure Opening using existing mechanism	EA	15.00	25.00	50.00
24	Install Chain Link Fence around perimeter	LF	12.00	3.00	4.25
25	Re-secure structure; open and resecure opening for inspection	EA	10.00	40.00	150.00
26	Re-secure structure, hourly charge to stand by during inspection (in addition to item 22 above)	HR	25.00	25.00	40.00
27	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing	EA	60.00	75.00	150.00
28	Garage Door Opening, 8' by 8' or less	EA	55.00	150.00	300.00
29	Garage Door Opening, larger than 8' by 8' up to 8' by 16'	EA	65.00	200.00	375.00

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2010-2012			
			Grosz Const. Company, Inc. Tampa, FL Unit Price	dba Dave Ulm Builders, Inc. St. Petersburg, FL Unit Price	Bayside Building Services, Inc. Clearwater, FL Unit Price	Creative Homes of Central Florida, Inc. St. Petersburg, FL Unit Price
<b>Building Maintenance Services</b>						
1	Superintendent, 8 a.m. - 5 p.m. Mon. - Fri.	HR	\$35.00	\$35.00	\$32.00	\$23.00
2	Superintendent, 5 p.m. - 8 a.m. Mon. - Fri.	HR	40.00	35.00	35.00	25.00
3	Superintendent, City Holiday, Sat., Sun.	HR	40.00	35.00	35.00	25.00
4	Foreman/Supervisor, 8 a.m. - 5 p.m. Mon. - Fri.	HR	30.00	28.00	30.00	15.00
5	Foreman/Supervisor, 5 p.m. - 8 a.m. Mon. - Fri.	HR	32.00	28.00	30.00	18.00
6	Foreman/Supervisor, City Holiday, Sat., Sun.	HR	34.00	28.00	30.00	19.50
7	Laborers, 8 a.m. - 5 p.m. Mon. - Fri.	HR	20.00	18.00	20.00	10.00
8	Laborers, 5:00 p.m. - 8:00 a.m. Mon. - Fri.	HR	22.00	18.00	20.00	12.00
9	Laborers, City Holiday, Sat., Sun.	HR	24.00	18.00	20.00	12.00
10	Helpers/Assistants, 8 a.m. - 5 p.m. Mon. - Fri.	HR	19.00	18.00	20.00	7.50
11	Helpers/Assistants, 5 p.m. - 8 a.m. Mon. - Fri.	HR	20.00	18.00	20.00	8.50
12	Helpers/Assistants, City Holiday, Sat., Sun.	HR	21.00	18.00	20.00	8.50
13	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing.	EA	30.00	100.00	150.00	75.00
<b>Securing of Structures</b>						
14	First Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	\$25.00	\$20.00	\$40.00	\$63.00
15	First Floor Opening, Standard Method, Plywood; larger than 4' by 4' , including Sliding Glass Doors	EA	38.00	35.00	60.00	92.00
16	Second Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	25.00	20.00	60.00	108.00
17	Second Floor Opening, Standard Method, Plywood; larger than 4' by 4', including Sliding Glass Doors	EA	40.00	40.00	80.00	152.00
18	Third Floor or higher opening, Standard Method, Plywood; 4' by 4' or less	EA	25.00	20.00	80.00	168.00
19	Third Floor or higher opening, Standard Method, Plywood; larger than 4' by 4'	EA	42.00	40.00	100.00	242.00

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2010-2012			
			Grosz Const. Company, Inc. Tampa, FL Unit Price	dba Dave Ulm Builders, Inc. St. Petersburg, FL Unit Price	Bayside Building Services, Inc. Clearwater, FL Unit Price	Creative Homes of Central Florida, Inc. St. Petersburg, FL Unit Price
20	First Floor Opening, Optional Method	EA	38.00	45.00	80.00	45.00
21	Second Floor Opening, Optional Method	EA	40.00	45.00	100.00	55.00
22	Third Floor or higher Opening, Optional Method	EA	50.00	45.00	125.00	65.00
23	Secure Opening using existing mechanism	EA	20.00	15.00	25.00	13.00
24	Install Chain Link Fence around perimeter	LF	13.00	5.00	6.00	12.50
25	Re-secure structure; open and resecure opening for inspection	EA	10.00	12.00	40.00	105.00
26	Re-secure structure, hourly charge to stand by during inspection (in addition to item 22 above)	HR	25.00	25.00	30.00	33.50
27	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing	EA	60.00	60.00	75.00	75.00
28	Garage Door Opening, 8' by 8' or less	EA	60.00	55.00	100.00	100.00
29	Garage Door Opening, larger than 8' by 8' up to 8' by 16'	EA	65.00	65.00	200.00	138.50

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2012-2013			
			Grosz Const. Company, Inc. Tampa, FL Unit Price	dba Dave Ulm Builders, Inc. St. Petersburg, FL Unit Price	Bayside Building Services, Inc. Clearwater, FL Unit Price	Creative Homes of Central Florida, Inc. St. Petersburg, FL Unit Price
<b>Building Maintenance Services</b>						
1	Superintendent, 8 a.m. - 5 p.m. Mon. - Fri.	HR	\$35.00	\$35.00	\$32.00	\$23.00
2	Superintendent, 5 p.m. - 8 a.m. Mon. - Fri.	HR	40.00	35.00	35.00	25.00
3	Superintendent, City Holiday, Sat., Sun.	HR	40.00	35.00	35.00	25.00
4	Foreman/Supervisor, 8 a.m. - 5 p.m. Mon. - Fri.	HR	30.00	28.00	30.00	15.00
5	Foreman/Supervisor, 5 p.m. - 8 a.m. Mon. - Fri.	HR	32.00	28.00	30.00	18.00
6	Foreman/Supervisor, City Holiday, Sat., Sun.	HR	34.00	28.00	30.00	19.50
7	Laborers, 8 a.m. - 5 p.m. Mon. - Fri.	HR	20.00	18.00	20.00	10.00
8	Laborers, 5:00 p.m. - 8:00 a.m. Mon. - Fri.	HR	22.00	18.00	20.00	12.00
9	Laborers, City Holiday, Sat., Sun.	HR	24.00	18.00	20.00	12.00
10	Helpers/Assistants, 8 a.m. - 5 p.m. Mon. - Fri.	HR	19.00	18.00	20.00	7.50
11	Helpers/Assistants, 5 p.m. - 8 a.m. Mon. - Fri.	HR	20.00	18.00	20.00	8.50
12	Helpers/Assistants, City Holiday, Sat., Sun.	HR	21.00	18.00	20.00	8.50
13	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing.	EA	30.00	100.00	150.00	75.00
<b>Securing of Structures</b>						
14	First Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	\$25.00	\$20.00	\$40.00	\$63.00
15	First Floor Opening, Standard Method, Plywood; larger than 4' by 4' , including Sliding Glass Doors	EA	38.00	35.00	60.00	92.00
16	Second Floor Opening, Standard Method, Plywood; 4' by 4' or less	EA	25.00	20.00	60.00	108.00
17	Second Floor Opening, Standard Method, Plywood; larger than 4' by 4' , including Sliding Glass Doors	EA	40.00	40.00	80.00	152.00
18	Third Floor or higher opening, Standard Method, Plywood; 4' by 4' or less	EA	25.00	20.00	80.00	168.00
19	Third Floor or higher opening, Standard Method, Plywood; larger than 4' by 4'	EA	42.00	40.00	100.00	242.00

**Price History**  
**910-06 Building Maintenance Securing of Structures**

Line No.	Description	UOM	2012-2013			
			Grosz Const. Company, Inc. Tampa, FL Unit Price	dba Dave Ulm Builders, Inc. St. Petersburg, FL Unit Price	Bayside Building Services, Inc. Clearwater, FL Unit Price	Creative Homes of Central Florida, Inc. St. Petersburg, FL Unit Price
20	First Floor Opening, Optional Method	EA	38.00	45.00	80.00	45.00
21	Second Floor Opening, Optional Method	EA	40.00	45.00	100.00	55.00
22	Third Floor or higher Opening, Optional Method	EA	50.00	45.00	125.00	65.00
23	Secure Opening using existing mechanism	EA	20.00	15.00	25.00	13.00
24	Install Chain Link Fence around perimeter	LF	13.00	5.00	6.00	12.50
25	Re-secure structure; open and resecure opening for inspection	EA	10.00	12.00	40.00	105.00
26	Re-secure structure, hourly charge to stand by during inspection (in addition to item 22 above)	HR	25.00	25.00	30.00	33.50
27	Emergency Service, fixed fee for mobilization in addition to applicable hourly rate or unit pricing	EA	60.00	60.00	75.00	75.00
28	Garage Door Opening, 8' by 8' or less	EA	60.00	55.00	100.00	100.00
29	Garage Door Opening, larger than 8' by 8' up to 8' by 16'	EA	65.00	65.00	200.00	138.50

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTIONS TO THE AGREEMENTS (BLANKET AGREEMENTS) WITH DAVE ULM BUILDERS, INC., BAYSIDE BUILDING SERVICES, INC., CREATIVE HOMES OF CENTRAL FLORIDA, INC, AND GROSZ CONSTRUCTION COMPANY, INC. AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$465,000 FOR BUILDING MAINTENANCE AND SECURING OF STRUCTURES; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 20, 2010, City Council approved the award of two-year agreements (Blanket Agreements) with three one-year renewal options to Dave Ulm Builders, Bayside Building Services, Inc., Creative Homes of Central Florida, Inc and Grosz Construction Company, Inc. ("Vendors") for building maintenance and securing of structures pursuant to IFB No. 6954 dated February 11, 2010; and

WHEREAS, on February 2, 2012, City Council approved the first one-year renewal options to the Agreements; and

WHEREAS, the City desires to exercise the second one-year renewal options to the Agreements; and

WHEREAS, the Vendors have agreed to hold their prices firm under the terms and conditions of IFB No. 6954; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Engineering and Capital Improvements and Water Resources Departments, recommends approval of these renewals.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the second one-year renewal options to agreements (Blanket Agreements) with Dave Ulm Builders, Bayside Building Services, Inc., Creative Homes of Central Florida, Inc and Grosz Construction Company, Inc. at an estimated annual cost not to exceed \$465,000 for building maintenance and securing of structures is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these renewals will be effective through May 31, 2014.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

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City Attorney (Designee)

Attached documents for item Approving an extension to BA Merchant Services LLC for merchant credit card services in the estimated amount of \$300,000.

**SAINT PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**To: The Honorable Chair and Members of City Council**

**Subject:** Approving an extension to BA Merchant Services LLC for merchant credit card services in the estimated amount of \$300,000.

**Explanation:** On December 16, 2010 City Council approved a two-year agreement for merchant credit card services under the State of Florida Department of Financial Services contract. The agreement is effective through December 31, 2012. The State is extending the current contract through June 30, 2013 under the same terms and conditions, therefore approval of the new end date and estimated fees through termination is requested. The extension may be terminated earlier upon thirty days notice when a new agreement is executed by the State.

The bank provides merchant credit card services for which the city is charged approximately 2-3% of the total sale per transaction which includes the standard Visa/MasterCard pass through fees. The city is invoiced monthly for these services. The primary users of these services are the Billing & Collections, Golf Courses, Parks and Recreation, Planning & Economic Development, Transportation & Parking Management, and Downtown Enterprises departments.

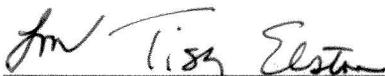
The Procurement Department recommends approval of this extension:

BA Merchant Services, LLC.....\$300,000

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the Billing & Collection Fund (5201) [\$204,000] Billing & Collections Department accounts (3501989), (3501997) and (3502013); General Fund (0001) [\$18,000], Planning & Economic Development Department, Permitting & Community Codes account (3701537), Parks and Recreation Department accounts (1901601), (1901605), (1901609), (1901613), (1901617), (1901621), (1901625), (1901629), (1901633), (1901637), (1901641), (1901665), (1901669), (1901673), (1902389) and (1902345) and Police Department Records account (1401405); Marina Operating Fund (4041) [\$36,000] account (2821885); Golf Course Operating Fund (4061) [\$24,000] account numbers (6302497), (6302477), and (6302493); Parking Fund (1021) [\$15,000] Transportation and Parking Management Department Parking Citation Payment Office account (2811961) and Parking Facilities Management account (2811245).

**Attachments:** Resolution

**Approvals:**

  
\_\_\_\_\_  
**Administrative**

  
\_\_\_\_\_  
**Budget**

A RESOLUTION APPROVING THE EXTENSION OF THE AGREEMENT (BLANKET AGREEMENT) WITH BA MERCHANT SERVICES, LLC FOR MERCHANT CREDIT CARD SERVICES AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$300,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2007 City Council approved the award of a two-year Agreement (Blanket Agreement) with three one-year renewal options to BA Merchant Services, LLC for merchant credit card services utilizing the State of Florida Department of Financial Services Contract dated January 1, 2007; and

WHEREAS, on April 2, 2009 City Council approved the first one-year renewal option of the Agreement; and

WHEREAS, on March 18, 2010 City Council approved the second one-year renewal option of the Agreement; and

WHEREAS, on December 16, 2010 City Council approved the third and final one-year renewal option of the Agreement; and

WHEREAS, the State is extending the current contract through June 30, 2013 under the same terms and conditions; and

WHEREAS, the City desires to extend the current contract through June 30, 2013 pursuant to the State of Florida Department of Financial Services Contract dated January 1, 2007; and

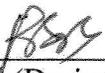
WHEREAS, the Procurement & Supply Management Department recommends extension of this Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the extension of the Agreement (Blanket Agreement) with BA Merchant Services, LLC for merchant credit card services at an estimated annual cost not to exceed \$300,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the extension of this Agreement will be effective through June 30, 2013.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Approving the purchase of 16 replacement off-road utility vehicles from Everglades Farm Equipment Co., Inc. for the Fleet Management Department at a total cost of \$173,968.

**SAINT PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Approving the purchase of 16 replacement off-road utility vehicles from Everglades Farm Equipment Co., Inc. for the Fleet Management Department at a total cost of \$173,968.

**Explanation:** This purchase is being made from Florida Sheriffs Association Bid No. 12-20-0905. The vendor will furnish and deliver 16 4-wheel drive off-road utility vehicles with 2 cylinder gasoline engine, 20 horse power, air cooled, overhead valve, keyed electronic ignition and automatic transmission. These vehicles will be assigned to the Water Resources Department, Parks and Recreation Department and the Marina. These vehicles will be used to transport equipment and material and used to maintain city parks.

The new off-road utility vehicles, with life expectancies of five years, are replacing 16 six and nine year-old units with original base purchase prices that range between \$8,339 to \$9,919 each. The old vehicles have reached the end of their economic useful life and will be sold at public auction.

The Procurement Department, in cooperation with the Fleet Management Department, recommends for award utilizing Florida Sheriffs Association Bid No. 12-20-0905:

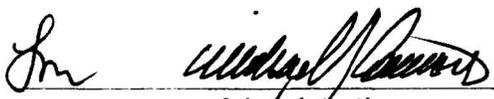
Everglades Farm Equipment Co., Inc.....				\$173,968
2013 John Deere Gator HPX (Base)	16 EA @	\$8,544	\$136,704	
Options				
Power Lift Cargo Box	16 EA @	955	15,280	
Poly Top	16 EA @	425	6,800	
Windshield	16 EA @	409	6,544	
Deluxe Light Kit	16 EA @	256	4,096	
Turf Tire Package	16 EA @	146	2,336	
Rear Receiver Hitch	16 EA @	138	2,208	
R.O.P.S	16EA @	Std	Std	

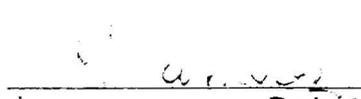
Everglades Farm Equipment Co., Inc has met the specifications, terms and conditions of the Florida Sheriffs Association Bid No. 12-20-0905 effective through September 30, 2013. This purchase is made in accordance with Section 2-241 (f) of the City Code which authorizes the Mayor or his designee to purchase from the Sheriffs Association and Florida Association of Counties negotiated purchase programs for vehicles.

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the Equipment Replacement Fund (5002), Fleet Management, Fleet Mechanical Cost (8002527).

**Attachments:** Price History  
Resolution

**Approvals:**

  
\_\_\_\_\_ **Administrative**

  
\_\_\_\_\_ **Budget**

Price History  
070-18 Off-Road Utility Vehicles

Item No.	Description	2005	2006	2011	2012	2013	% Change
1.	Off Road Utility Vehicles, 2 cylinder gasoline, Kawasaki Mule 400/John Deere Gator HPX	\$ 6,674	\$ 6,674	\$ 7,739	\$ 8,888	\$ 8,544	(0.04)

A RESOLUTION APPROVING THE PURCHASE OF 16 REPLACEMENT OFF-ROAD UTILITY VEHICLES FROM EVERGLADES FARM EQUIPMENT CO., INC. AT A TOTAL COST NOT TO EXCEED \$173,968 FOR THE FLEET MANAGEMENT DEPARTMENT UTILIZING FLORIDA SHERIFFS ASSOCIATION BID NO. 12-20-0905; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to replace 16 off-road utility vehicles used by the Water Resources Department, Parks and Recreation Department and the Marina that have reached the end of their economic useful life; and

WHEREAS, pursuant to Section 2-241(f) of the City Code the City is permitted to purchase automotive equipment from the Sheriffs Association and Florida Association of Counties negotiated purchase programs for vehicles; and

WHEREAS, Everglades Farm Equipment Co., Inc. has met the specifications, terms and conditions of Florida Sheriffs Association Bid No. 12-20-0905; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Fleet Management Department, recommends approval of this purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the purchase of 16 replacement off-road utility vehicles from Everglades Farm Equipment Co., Inc. at a total cost not to exceed \$173,968 for the Fleet Management Department utilizing Florida Sheriffs Association Bid No. 12-20-0905 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Awarding a contract to C-Squared Certified General Contractor, Inc. in the amount of \$115,318 for City Wide Arterial/Collector Sidewalks Project FY12. (Engineering Project No. 12015-112; Oracle No. 13286)

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a contract to C-Squared Certified General Contractor, Inc. in the amount of \$115,318.00 for City Wide Arterial/Collector Sidewalks Project FY12 (Engineering Project No. 12015-112; Oracle No. 13286).

**Explanation:** The work consists of furnishing all labor, materials, equipment and services necessary to construct approximately 3,000 square yards of new 4" and 6" thick concrete sidewalks and 20 ADA compliant concrete pedestrian ramps. Work includes excavation and disposal of excess soil, concrete, and other debris, construction of new sidewalk, ramps and detectable warning surfaces, and restoration of those areas and/or irrigation systems disturbed during construction.

The work will be along the north side of 13<sup>th</sup> Avenue North, from 32<sup>nd</sup> Street to 58<sup>th</sup> Street. The purpose of the project is to complete missing sidewalk segments along arterial and collector roadways at locations identified as priorities by the Bicycle-Pedestrian Master Plan.

The contractor will begin work approximately ten days from written notice to proceed and is scheduled to complete work within 120 consecutive calendar days thereafter.

This project was sheltered for SBE's. Bids were opened on December 13, 2012, and are tabulated as follows:

<u>Bidder</u>	<u>Base Bid</u>
C-Squared Certified General Contractor, Inc. (Bradenton, FL)	\$115,318.00
Tagarelli Construction, Inc. (Tarpon Springs, FL)	\$136,050.00
Kloote Contracting, Inc. (Palm Harbor, FL)	\$138,031.76
BUN Construction Company, Inc. (Tampa, FL)	\$138,550.00
The Ash Group, Inc. (Tampa, FL)	\$139,979.00
Kilgore Construction, LLC (Largo, FL)	\$140,855.40
Costco Construction, Inc. (Largo, FL)	\$154,999.00
E- Construction Group, Inc. (St. Petersburg, FL)	\$166,485.00
Velez Concrete Construction, Inc. (Tampa, FL)	\$172,540.00
Augustine Construction, Inc. (Tarpon Springs, FL)	\$183,421.00

C-Squared Certified General Contractor, Inc., the lowest responsive bidder, has met the specifications, terms and conditions of Bid No. 7410 dated November 14, 2012 and have satisfactorily performed similar projects in the past for the City of Sarasota, FDOT, and the City of St Petersburg.

Principal of the firm is Michael D'Agostino and the secretary is Sean D'Agostino.

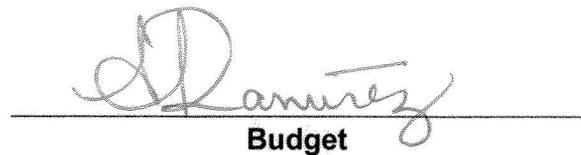
**Recommendation:** Administration recommends awarding this contract to C-Squared Certified General Contractor, Inc. in the amount of \$115,318.00 for City Wide Arterial/Collector Sidewalks and providing an effective date (Engineering Project No. 12015-112. Oracle No. 13286).

**Cost/Funding/Assessment Information:** Funds are available in the Transportation Impact Fee CIP Fund (3071), Sidewalks FY12 Project (13286).

**Attachments:** Resolution

**Approvals:**

  
Administrative

  
Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO C-SQUARED CERTIFIED GENERAL CONTRACTOR, INC. IN AN AMOUNT NOT TO EXCEED \$115,318 FOR COMPLETION OF CITY WIDE ARTERIAL/COLLECTOR SIDEWALKS PROJECT FY12; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received ten bids for City Wide Arterial/Collector Sidewalks Project FY12 pursuant to Bid No. 7410 dated November 14, 2012; and

WHEREAS, C-Squared Certified General Contractor, Inc. has met the specifications, terms and conditions of Bid No. 7410; and

WHEREAS, the Administration recommends approval of this award; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to C-Squared Certified General Contractor, Inc. in an amount not to exceed \$115,318 for completion of City Wide Arterial/Collector Sidewalks Project FY12 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Awarding a three-year blanket purchase agreement to Ring Power Corporation, a sole-source supplier, for the maintenance and repair of generators for the Water Resources Department at an estimated annual amount of \$90,000.

**SAINT PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a three-year blanket purchase agreement to Ring Power Corporation, a sole-source supplier, for the maintenance and repair of generators for the Water Resources Department at an estimated annual amount of \$90,000.

**Explanation:** The vendor shall provide but not be limited to oil and filter changes, oil sampling, oil pump, valve control circuit, fuel pump and fuel injector repairs, leak repairs, electrical repairs, engine analysis, load banks and scheduled preventive maintenance as specified by the department.

The generators are used for backup power in sensitive facilities during power outages and rolling blackouts. In addition, the city uses generators at its water and waste water treatment plants, pumping stations, lift stations and other miscellaneous sites. The city's generators range from 4.5 to 1825kw capacity, include stationary and portable types and run on diesel, natural gas or propane.

The Procurement Department, in cooperation with the Water Resources Department, recommends for award:

Ring Power Corporation.....\$90,000

Ring Power Corporation is the area's only factory authorized provider of maintenance and repair for Caterpillar generators, therefore, a sole source procurement is recommended. The purchase will be made in accordance with Section 2-232(d) of the Sole Source Procurement of the Procurement Code which authorizes City Council to approve the purchase of a supply or service over \$50,000 without competitive bidding if it has been determined that the supply or service is available from only one source. A blanket purchase agreement will be issued and will be binding only for actual services rendered. The agreement will be effective from date of award through January 31, 2016 with two, one-year renewal options.

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the Water Resources Operating Fund (4001), Water Resources Department (420).

**Attachments:** Sole Source  
Resolution

**Approvals:**

  
Administrative

  
Budget

**CITY OF ST. PETERSBURG**  
**REQUEST FOR SOLE SOURCE**

Department: Water Resources Requisition No. FOR BPA  
Check One:  Sole Source  Proprietary Specifications  
Proposed Vendor: Ring Power  
Estimated Total Cost: \$75,000 (per each year)

Description of Items (or Services) to be purchased: \_\_\_\_\_  
Caterpillar Generators, Caterpillar Generator Parts & Caterpillar Repair Services  
\_\_\_\_\_

Purpose of Function of items: Our Caterpillar Generators provide critical emergency &  
back-up electrical power at all four of our Water Reclamation Facilities, two Lift Station & one  
portable/trailer unit.

- Justification for Sole Source of Proprietary specification: \_\_\_\_\_
- 1 Ring Power is the only OEM supplier for Caterpillar generator parts in Florida.
  - 2 Ring Power can supply the proper OEM parts from their inventory for our Cat. generators.
  - 3 Ring Power is the only *authorized* service center for Caterpillar generators in Florida.
  - 4 Ring Power is currently the warranty holder for several of our generators and/or systems.
  - 5 Ring Power can perform PM and Routine Maintenance using records already in their system.

I hereby certify that in accordance with Section 2-232(d) of the City of St. Petersburg Purchasing Code, I have conducted a good faith review of available sources and have determined that there is only one potential source for the required items per the above justification.

Steve Leandr  
Department Director

1/2/13  
Date

William R. Moore  
Administrator/Chief

1-4-13  
Date

[Signature]  
Louis Moore, Director  
Purchasing and Materials Management

1-4-13  
Date

A RESOLUTION DECLARING RING POWER CORPORATION TO BE A SOLE SOURCE SUPPLIER; ACCEPTING THE BID AND APPROVING THE AWARD OF A THREE-YEAR AGREEMENT (BLANKET AGREEMENT) WITH TWO ONE-YEAR RENEWAL OPTIONS TO RING POWER CORPORATION FOR THE MAINTENANCE AND REPAIR OF GENERATORS AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$90,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a need for maintenance and repair of generators, which include the "Caterpillar" brand generator; and

WHEREAS, Ring Power Corporation is the area's only factory authorized provider of maintenance and repair for Caterpillar generators; and

WHEREAS, Section 2-232(d) of the City Code provides requirements for sole source procurement; and

WHEREAS, the Procurement & Supply Management Department recommends approval of the award of an agreement to Ring Power Corporation as a sole source supplier; and

WHEREAS, the Mayor or his designee has prepared a written statement to the City Council certifying the condition and circumstances for the sole source purchase.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Ring Power Corporation is a sole source supplier; and

BE IT FURTHER RESOLVED that the award of a three-year agreement (Blanket Agreement) with two one-year renewal options to Ring Power Corporation for maintenance and repair of generators at an estimated annual cost not to exceed \$90,000 is hereby approved and the Mayor or the Mayor's designee is authorized to execute all necessary documents to effectuate this transaction; and

BE IT FURTHER RESOLVED that this agreement will be effective from the date of award through January 31, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Awarding a three-year blanket purchase agreement to Paramount Power, Inc. for the maintenance and repair of generators at an estimated annual amount of \$40,000.

**SAINT PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a three-year blanket purchase agreement to Paramount Power, Inc. for the maintenance and repair of generators at an estimated annual amount of \$40,000.

**Explanation:** The Procurement Department received two bids for the maintenance and repair of generators. The vendor shall provide but not be limited to oil and filter changes, oil sampling, oil pump, valve control circuit, fuel pump and fuel injector repairs, leak repairs, electrical repairs, engine analysis, load banks and scheduled preventive maintenance as specified by departments.

The generators are used for backup power in sensitive facilities during power outages and rolling blackouts. In addition, the city uses generators at its water and waste water treatment plants, pumping stations, lift stations and other miscellaneous sites. The city's generators range from 4.5 to 1825kw capacity, include stationary and portable types and run on diesel, natural gas or propane. The primary users are Water Resources, Police, Stormwater, Pavement & Traffic Operations, and Real Estate & Property Management departments.

The Procurement Department recommends for award:

Paramount Power, Inc .....\$40,000

Paramount Power, Inc., the low bidder, has met the specifications, terms and conditions of IFB No. 7393 dated November 9, 2012. Paramount has provided services for the city in the past and has performed satisfactorily. A blanket purchase agreement will be issued and will be binding only for actual services rendered. The agreement will be effective from date of award through January 31, 2016 with two, one-year renewal options.

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the General Fund (0001) [\$9,550], Police Department (140); Water Resources Operating Fund (4001) [\$13,107], Water Resources Department (420); Stormwater Utility Operating Fund (4011) [\$8,400], Stormwater, Pavement & Traffic Operations Department (400), Municipal Office Building Fund (5005) [\$7,350], Real Estate & Property Management Department (360).

**Attachments:** Bid Tabulation  
Resolution

**Approvals:**

  
\_\_\_\_\_  
Administrative

  
\_\_\_\_\_  
Budget

Bid No. 7393 Three-Year Contract for  
Generators, Maintenance Repairs,  
Lawanda Bodden

City of St. Petersburg  
**Bid Tabulation**  
Procurement and Supply Management

Item No.	Description	Qty.	UOM	Paramount Power, Inc. Largo, FL Terms: Net 30 Delivery: 15 Days		TAW Power Systems, Inc. Riverview, FL Terms: Net 30 Delivery: Not Specified	
				Unit Price	Extended Price	Unit Price	Extended Price
<b>Labor Rate:</b>							
1	Technician, 8:00 a.m. - 5:00 p.m. Monday - Friday	600	HR	\$140.00	\$84,000.00	\$155.00	\$93,000.00
2	Technician, 5:01 p.m. - 7:59 a.m. Monday - Friday	125	HR	140.00	17,500.00	225.00	28,125.00
3	Technician, 8:00 a.m. - 5:00 p.m. City Holiday, Saturday, Sunday	264	HR	140.00	36,960.00	280.00	73,920.00
4	Technician, 5:00 p.m. - 7:59 a.m. City Holiday, Saturday, Sunday	50	HR	140.00	7,000.00	280.00	14,000.00
5	Helper, 8:00 a.m. - 5:00 p.m. Monday - Friday	500	HR	85.00	42,500.00	125.00	62,500.00
6	Helper, 5:01 p.m. - 7:59 a.m. Monday - Friday	20	HR	85.00	1,700.00	180.00	3,600.00
7	Helper, 8:00 a.m. - 5:00 p.m. City Holiday, Saturday, Sunday	16	HR	85.00	1,360.00	210.00	3,360.00
8	Helper, 5:01 p.m. - 7:59 a.m. City Holiday, Saturday, Sunday	10	HR	85.00	850.00	210.00	2,100.00
9	Shop Work Rate (work performed at vendor's facility)	10	HR	95.00	950.00	95.00	950.00
10	Extensive Training (after the first 30 minutes)	10	HR			125.00	1,250.00
<b>Total:</b>					<b>\$192,720.00</b>		<b>\$282,805.00</b>

A. **REPLACEMENT PARTS, MATERIALS, EQUIPMENT**  
Original Equipment Manufacturer (OEM) Parts; Cost Plus 10%:

Yes

Yes

B. **WARRANTY**

1 Parts:

12 Months

12 Months

2 Labor:

6 Months

3 Months

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF A THREE-YEAR AGREEMENT (BLANKET AGREEMENT) WITH TWO ONE-YEAR RENEWAL OPTIONS TO PARAMOUNT POWER, INC. FOR THE MAINTENANCE AND REPAIR OF GENERATORS AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$40,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids for maintenance and repair of generators pursuant to IFB No. 7393 dated November 9, 2012; and

WHEREAS, Paramount Power, Inc. has met the specifications, terms and conditions of Bid No. 7393; and

WHEREAS, the Procurement & Supply Management Department recommends approval of the award of an agreement to Paramount Power, Inc.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the award of a three-year agreement (Blanket Agreement) with two one-year renewal options to Paramount Power, Inc. for maintenance and repair of generators at an estimated annual cost not to exceed \$40,000 is hereby approved and the Mayor or the Mayor's designee is authorized to execute all necessary documents to effectuate this transaction; and

BE IT FURTHER RESOLVED that this agreement will be effective from the date of award through January 31, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Authorizing the Mayor or his designee to execute a five (5) year License Agreement with Paul and Jennifer Curry, for an annual use fee of \$50.00, to fence a portion of a City-owned property located in Safety Harbor for the City's 36-Inch Water Transmissio

**ST. PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor, or his Designee, to execute a five (5) year License Agreement with Paul and Jennifer Curry, for an annual use fee of \$50.00, to fence a portion of a City-owned property located in Safety Harbor for the City's 36-Inch Water Transmission Main; and to execute all documents necessary to effectuate same; and providing an effective date.

**EXPLANATION:** Real Estate and Property Management received a request from the Water Resources Department to develop a standard License Agreement for the use of City-owned Water Transmission Main properties. Many property owners have previously been granted permission to use the properties through a letter from the Water Resources Department. This standard license agreement will be used in place of authorization by letter.

The property owners, Paul and Jennifer Curry ("Licensee"), did not previously have a letter of permission from the Water Resources Department to fence and maintain the property, but when they purchased their adjacent property the survey revealed that Licensee's driveway encroaches onto the City's property. It is not known if the previous owners had a letter of permission for the encroachment. When Licensee contacted the City regarding the encroachment, Licensee was informed that the City owned the four (4) wooded lots surrounding their property and Licensee could request a License Agreement to fence and maintain the subject lots. Due to the fact that a group of unauthorized persons had been hanging out in the lots, Licensee is interested in having the ability to fence and maintain the property. Licensee will fence the property with black vinyl chain link fence, as required by the City, and install a gate for the City to access for inspection and maintenance of the transmission main.

The Property is legally described as follows:

Lots 6, 7, 19 & 20, Block 4, HARBOR HIGHLANDS, as recorded in Plat Book 15,  
Page 19, of the Public Records of Pinellas County, Florida.

Pinellas County Parcel I. D. Nos.: 04/29/16/35964/004/0060 &  
04/29/16/35964/004/0190

Approximate Street Address: 1711 Main Street, Safety Harbor

The Licensee has executed a License Agreement ("Agreement") for a term of five (5) years, subject to City Council approval. The Agreement provides that the Licensee shall be responsible for all applicable costs associated with the Licensee's use of the Property. The Licensee shall pay a use fee of \$50.00 per year, including applicable taxes, to the City for the entire term. Additionally, the Licensee shall maintain a \$500,000 Premise Liability policy, protecting the City against all claims

which may arise or be claimed on account of the Licensee's use of the Property. The Licensee shall maintain the Property at its own cost and expense, remove the fence and deliver up the Property in good condition upon expiration of this Agreement.

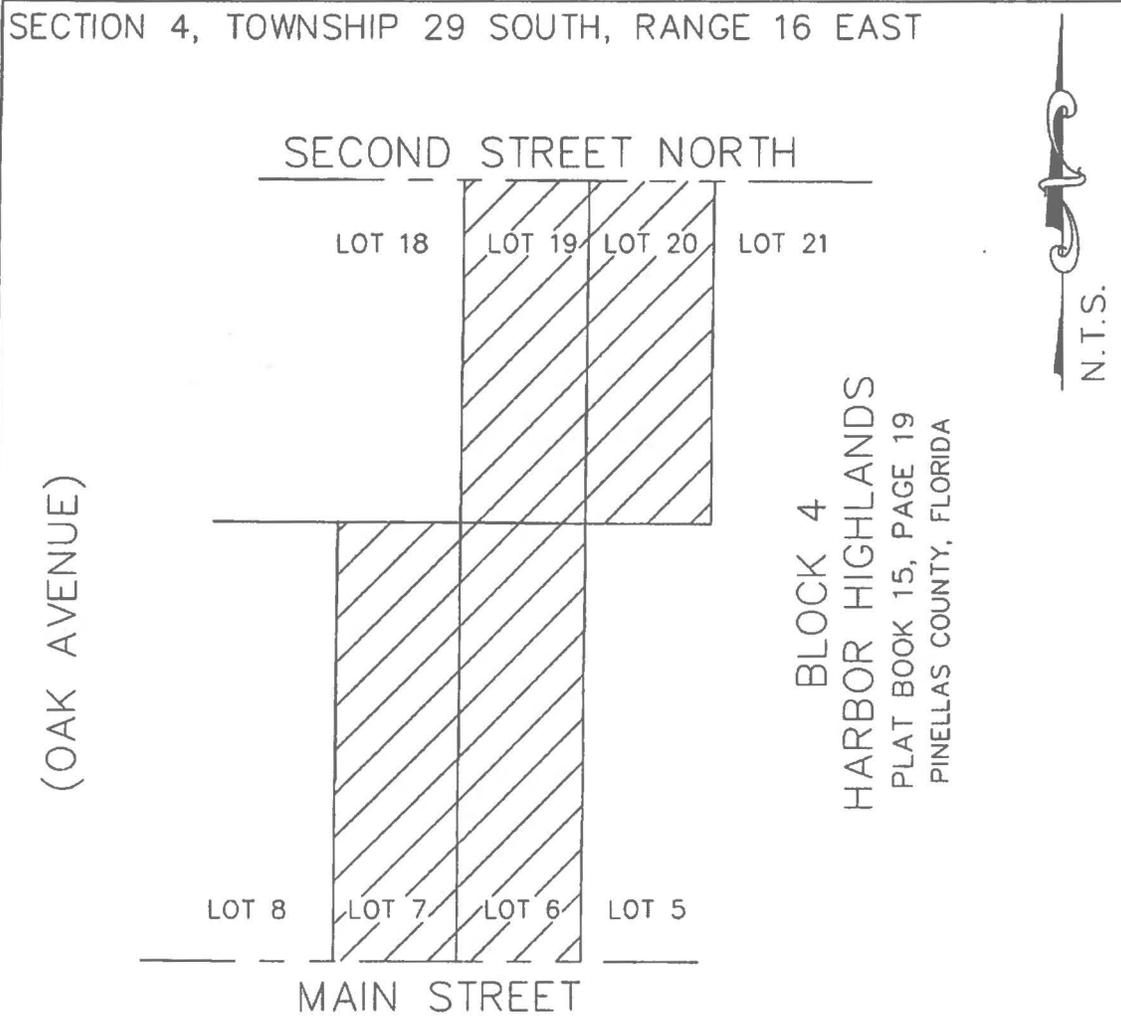
**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a five (5) year License Agreement with Paul and Jennifer Curry, for an annual use fee of \$50.00, to fence a portion of a City-owned property located in Safety Harbor for the City's 36-Inch Water Transmission Main; and to execute all documents necessary to effectuate same; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** N/A

**ATTACHMENTS:** Illustration and Resolution

**APPROVALS:** Administration: R. Mussett 12-26-12 BG  
Budget: N/A  
Legal: R. BG  
(As to consistency w/attached legal documents)  
Legal: 00167744.doc V. 1

# ILLUSTRATION



LEGAL DESCRIPTION FOR LICENSED AREA

LOTS 6,7,19, & 20, BLOCK 4, HARBOR HIGHLANDS, RECORDED IN PLAT BOOK 15, PAGE 19, OF THE OFFICIAL RECORDS OF PINELLAS COUNTY, FLORIDA.

ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT  
CITY OF ST. PETERSBURG

ENGINEERING SURVEY DIVISION 1744 NINTH AVENUE NORTH ST. PETERSBURG, FLORIDA 33713 (727) 892-5346                      892-5347	ILLUSTRATION
PROJECT NO. 10942-193	
9/20/2012	

Resolution No. 2013 - \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A FIVE (5) YEAR LICENSE AGREEMENT WITH PAUL AND JENNIFER CURRY, FOR AN ANNUAL USE FEE OF \$50.00, TO FENCE A PORTION OF A CITY-OWNED PROPERTY LOCATED IN SAFETY HARBOR FOR THE CITY'S 36-INCH WATER TRANSMISSION MAIN; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from the Water Resource Department to develop a standard License Agreement for the use of City-owned Water Transmission Main properties; and

WHEREAS, many property owners have previously been granted permission to use the properties through a letter from the Water Resources Department; and

WHEREAS, this standard license agreement will be used in place of authorization by letter; and

WHEREAS, the property owners, Paul and Jennifer Curry ("Licensee"), did not previously have a letter of permission from the Water Resources Department to fence and maintain the property, but when they purchased their adjacent property the survey revealed that Licensee's driveway encroaches onto the City's property; and

WHEREAS, when Licensee contacted the City regarding the encroachment, they were informed that the City owned the four (4) wooded lots surrounding their property and Licensee could request a License Agreement to fence and maintain the subject lots; and

WHEREAS, due to the fact that a group of unauthorized persons had been hanging out in the lots, Licensee is interested in having the ability to fence and maintain the property; and

WHEREAS, Licensee will fence the property with black vinyl chain link fence, as required by the City, and install a gate for the City to access for inspection and maintenance of the transmission main; and

WHEREAS, the Property is legally described as follows:

Lots 6, 7, 19 & 20, Block 4, HARBOR HIGHLANDS, as recorded in Plat Book 15, Page 19, of the Public Records of Pinellas County, Florida.

Pinellas County Parcel I. D. Nos.: 04/29/16/35964/004/0060 &  
04/29/16/35964/004/0190

Approximate Street Address: 1711 Main Street, Safety Harbor; and

WHEREAS, the Licensee has executed a License Agreement ("Agreement") wherein the Licensee is responsible for all applicable costs associated with the Licensee's use of the Property, subject to City Council approval; and

WHEREAS, the Licensee shall pay a use fee of \$50.00 per year, including applicable taxes, to the City for the entire term; and

WHEREAS, the Licensee shall maintain a \$500,000 Premises Liability policy, protecting the City against all claims which may arise or be claimed on account of the Licensee's use of the Property; and

WHEREAS, the Licensee shall maintain the Property at its own cost and expense, remove the fence and deliver up the Property in good condition upon expiration of this Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to execute a License Agreement with Paul and Jennifer Curry, for an annual use fee of \$50.00, to fence a portion of a City-owned property located in Safety Harbor for the City's 36-Inch Water Transmission Main, as legally described above, and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



\_\_\_\_\_  
City Attorney (Designee)

Legal: 00167744.doc V. 1

APPROVED BY:



\_\_\_\_\_  
Steven Leavitt, Director  
Water Resources Department

APPROVED BY:



\_\_\_\_\_  
Bruce E. Grimes, Director  
Real Estate and Property Management

Attached documents for item Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned property located at 642 – 25th Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500. [MOVED to Reports as E-3]

**ST. PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of January 24, 2013**

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same; and providing an effective date.

**EXPLANATION:** Real Estate & Property Management received a request from Darrell Simmons, Sr., to purchase the surplus, unimproved City-owned parcel located at approximately 642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida ("Property"). Mr. Simmons is an employee of the City of St. Petersburg and intends to utilize the subject parcel as an extension to his property at 652 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida.

The Property is legally described as follows:

Lot 99, HARBORDALE SUBDIVISION  
Pinellas County I.D. No.: 31/31/17/36684/000/0990

The Property which has been under the control of the Housing & Community Development Department was declared surplus real estate and subsequently authorized for sale.

The Property is unimproved with lot dimensions of 50 ft. x 127 ft. and is zoned NT-1 (Neighborhood/Traditional).

On November 21, 2012, the Property was appraised by Edwin Hotz, E. Hotz Appraisals, who indicated the estimated market value to be \$3,500. The contract price is \$3,500, with the proposed buyer paying all closing costs. According to Billing and Collections, Special Assessment and Utility Liens records, there are no City liens against the proposed buyer.

**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** N/A

**ATTACHMENTS:** Illustration and Resolution

**APPROVALS:** Administration: R. Mussett 1-3-13 BB

Budget: N/A

Legal: RSL

(As to consistency w/attached legal documents)  
Legal: 00167869.doc v.1

ILLUSTRATION



642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida

Resolution No. 2013 - \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SELL THE SURPLUS, UNIMPROVED CITY-OWNED PROPERTY LOCATED AT 642 – 25<sup>TH</sup> AVENUE SOUTH, ST. PETERSBURG, TO DARRELL SIMMONS, SR., FOR \$3,500; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management Department received a request from Darrell Simmons, Sr., to purchase the surplus, unimproved City-owned parcel located at approximately 642 – 25<sup>th</sup> Avenue South, St. Petersburg, Florida ("Property"); and

WHEREAS, Mr. Simmons is an employee of the City of St. Petersburg and intends to utilize the subject parcel as an extension to his property at 652 – 25<sup>th</sup> Avenue South; and

WHEREAS, the Property is legally described as follows:

Lot 99, HARBORDALE SUBDIVISION  
Pinellas County I.D. No.: 31/31/17/36684/000/0990; and

WHEREAS, the Property which has been under the control of the Housing & Community Development Department was declared surplus real estate and subsequently authorized for sale; and

WHEREAS, the Property is unimproved with lot dimensions of 50 ft. x 127 ft. and is zoned NT-1 (Neighborhood/Traditional); and

WHEREAS, on November 21, 2012, the Property was appraised by Edwin Hotz, E. Hotz Appraisals, who indicated the estimated market value to be \$3,500; and

WHEREAS, the contract price is \$3,500, with the proposed buyer paying all closing costs; and

WHEREAS, according to Billing and Collections Special Assessment and Utility Liens records, there are no City liens against the proposed buyer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to sell the surplus, unimproved City-owned property located at 642 – 25<sup>th</sup> Avenue South, St. Petersburg, to Darrell Simmons, Sr., for \$3,500; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



\_\_\_\_\_  
City Attorney (Designee)

Legal: 00167869.doc v.1

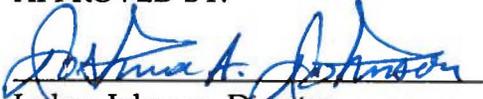
APPROVED BY:



\_\_\_\_\_  
Bruce E. Grimes, Director

Real Estate and Property Management

APPROVED BY:



\_\_\_\_\_  
Joshua Johnson, Director

Housing and Community Development

Attached documents for item Confirming the appointment of Naveen K. Malhotra as a regular member to the International Relations Committee to serve a three-year term ending December 31, 2015.



## MEMORANDUM

Council Meeting of January 24, 2013

TO: Members of City Council  
FROM: Mayor Bill Foster   
RE: Confirmation of Appointment to the International Relations Committee

I respectfully request that Council confirm the appointment of Naveen K. Malhotra as a regular member to the International Relations Committee to serve a three-year term ending December 31, 2015.

A copy of Dr. Malhotra's resume has been provided to the Council office for your information.

DWF/ea

Attachment

cc: E. Herendeen, Marketing & Communications Director  
E. Brincklow, Arts & International Relations Manager

A RESOLUTION CONFIRMING THE  
APPOINTMENT OF A REGULAR  
MEMBER TO THE INTERNATIONAL  
RELATIONS COMMITTEE; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Naveen K. Malhotra as a regular member to the International Relations Committee to serve a three-year term ending December 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

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City Attorney (Designee)

Attached documents for item City Beautiful

Attached documents for item Civil Service Board

Attached documents for item Code Enforcement Board

Attached documents for item Commission on Aging

Attached documents for item Community Preservation Commission

Attached documents for item International Relations Committee

Attached documents for item Planning & Visioning Commission

Attached documents for item Social Services Allocation Committee

Attached documents for item Arts Advisory Committee