VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

According to Planning & Economic Development Department records, Commissioner Joseph Griner 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 August 3, 2026, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-33000009       PLAT SHEET: H-19/21 & I-17/19


OWNER: St. Petersburg Country Club
2000 Country Club Way South
Saint Petersburg, Florida 33712-4109

AGENT: R. Donald Mastry, Esq.
200 Central Avenue #1600
Saint Petersburg, Florida 33712-33701

ADDRESS: 0 Country Club Way South

PARCEL ID NO.: Adjacent to a portion of 35-31-16-49356-000-0010 and

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Estate (NSE)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate right-of-way adjacent to Boyd Hill Nature Preserve and the St. Petersburg Country Club golf course. This consists of an unimproved portion of Country
Club Way South and a very small unimproved segment of Miranda Way South. The subject right-of-way was platted in the Lakewood Estates Golf Course Section in 1934, and if vacated would become the property of St. Petersburg Country Club.

St. Petersburg Country Club has entered into an agreement to sell property to the City of St. Petersburg. A condition of the Agreement for Sale and Purchase of land between St. Petersburg Country Club (seller) and the City of St. Petersburg is that the sellers initiate this application to vacate this portion of unimproved right-of-way within the property to be sold.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments “A” Parcel Map and “B” Aerial) and Exhibit “A” – Sketch and Legal Description. The applicant’s goal is to secure the vacation of the right-of-way conditioned in the agreement mentioned above.

Analysis. Staff’s review of a vacation application is guided by:
A. The City’s Land Development Regulations (LDR’s);
B. The City’s Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant does provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

A. Land Development Regulations
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 City’s Engineering Department has indicated that they do have facilities in the right-of-way to be vacated, including storm sewer, reclaimed water, sanitary sewer and potable water. Private utilities indicated that they have no facilities in this portion of right-of-way. An associated special condition of approval has been suggested at the end of this report to protect City utilities.

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 abutting land in the subdivision in which the right-of-way was platted is to the south of the proposed vacation and consists of two large tracts on which the golf course has been developed. There is an existing improved right-of-way all along the southern side of these two tracts (Tract VII and Tract VIII). The proposed vacation will not deny access to any lot of record.
The land owned by the City to the north of the right-of-way proposed for vacation is unplatted land and will be accessed through abutting City owned tracts to the north and east which have street frontage.

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 right-of-way proposed for vacation is unimproved and have no connection to improved right-of-way. The proposed vacation will not 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 City’s Transportation and Parking Management Division recommended approval of this vacation.

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.

There is no present or future need for the right-of-way for public vehicular or pedestrian access. There are existing City utilities including storm sewer, reclaimed water, sanitary sewer and potable water in the portion of Country Club Way South proposed for vacation. An associated special condition of approval has been added to address the utilities.

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.

B. Comprehensive Plan

There are policies in the City's Comprehensive Plan which apply to this request as the City's intent in attaining the land is to dedicate this as parkland.

8. 2 GOALS OBJECTIVES AND POLICIES
GOAL-RECREATION/OPEN SPACE (R):
The City shall retain, preserve, restore and develop the City's open space and parkland resources to provide a variety of quality leisure opportunities to residents and visitors, while providing maximum long term protection to natural resources such as vegetation, air and water quality, wildlife and aesthetic values.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is within the boundaries of the Lakewood Estates Neighborhood Association. There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City.

Comments from Agencies and the Public: The application was routed to City Departments and private utility providers. City Departments indicated that they have utilities in the right-of-
way to be vacated. Staff received two calls in regards to the requested vacation. Brian Hamilton of 2211 Green Way South indicated that he was in support of the vacation request. Judy Landon of the Council of Neighborhood Associations, Land Use and Preservation Committee also indicated their support.

**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. In the event the sale of the subject property to the City fails to occur, a public utility easement over the entire portion of the vacated right-of-way shall be granted to the City.

**REPORT PREPARED BY:**

[KATHRYN YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official]

[Signature]

[DATE]

[Development Review Services Division]

[Planning & Economic Development Department]

**REPORT APPROVED BY:**

[ELIZABETH ABERNETHY, AICP, Zoning Official (POD)]

[Signature]

[DATE]

[Planning and Economic Development]

[Development Review Services Division]

Attachments: A – Parcel Map, B – Aerial Map, C – Engineering memorandum dated July 11, 2016, Exhibit “A” – Sketch and Legal Description
Attachment “A” – Parcel
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-33000009
Address: Unimproved right-of-way Adjacent to Parcel 35-31-16-49356-000-0010 portion of Country Club Way South and Miranda Way South

(nts)
Attachment “B” – Aerial
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-33000009
Address: Unimproved right-of-way Adjacent to Parcel 35-31-16-49356-000-0010 portion of Country Club Way South and Miranda Way South
TO: Pamela Jones, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 11, 2016
SUBJECT: Right-of-Way Vacation
FILE: 16-33000009

LOCATION 0 Country Club Way South
PIN: 35/31/16/49356/000/0010
ATLAS: H-17, 19, 21 I-17, 19
PROJECT: Right of Way Vacation

REQUEST: Approval of a vacation of a portion of the unimproved rights-of-way of country Club Way South and Miranda Way south adjacent to Boyd Hill Nature Park.

COMMENTS: The Engineering and Capital Improvements Department provide the following comments regarding the vacation request:

1. Though no survey is included, City utility maps indicate various City utilities including storm sewer, reclaimed water, sanitary sewer, and potable water which exist within the right of way to be vacated. Public Utility Easement should be retained over the vacated right of way.

2. Though the right of way to be vacated remains unimproved, vacating a portion of the right of way may create dead end right of way if the vacation is not terminated at the intersection with other right of way.

NED/MJR/jw

pc: Kelly Donnelly
Right of Way Vacation File 2016
Reading File
Correspondence File
LEGAL DESCRIPTION

A portion of Tract VII and Tract VIII, LAKEWOOD ESTATES GOLF COURSE SECTION, as recorded in Plat Book 20, Page 63 of the Public Records of Pinellas County, Florida, and a portion of the rights-of-way of Country Club Way South and Miranda Way South, more particularly described as follows:

From the most Westerly corner of Lot 1, Block 1, LAKEWOOD COUNTRY CLUB REPLAT, as recorded in Plat Book 115, Page 87, Public Records of Pinellas County, Florida as a Point of Reference; thence along the Northwest line of said Lot 1, Block 1, N.47°04'54"E., 258.59 feet to the POINT OF BEGINNING;

thence continue along the Northwest line of said Lot 1, Block 1 and its extension, N.47°04'54"E., 130.02 feet to a point being 50.00 feet Northerly of the centerline of Country Club Way South as per said plat of LAKEWOOD ESTATES GOLF COURSE SECTION;

thence along a line 50.00 feet Northerly of said centerline the following five (5) courses:

1.) 836.48 feet along the arc of a curve to the left, concave to the Southwest, having a radius of 3613.08 feet, central angle 13°15'53"", chord bearing N.50°30'06"W., chord length 834.61 feet to a point of reverse curvature;

2.) thence 1655.62 feet along the arc of a curve to the right, concave to the Northeast, having a radius of 6426.36 feet, central angle 14°45'40"", chord bearing N.49°45'13"W., chord length 1651.05 feet to a point of reverse curvature;

3.) thence 1057.34 feet along the arc of a curve to the left, concave to the Southwest, having a radius of 2096.70 feet, central angle 28°53'37"", chord bearing N.56°49'12"W., chord length 1046.17 feet to a point of compound curvature;

4.) thence 439.18 feet along the arc of a curve to the left, concave to the South, having a radius of 530.00 feet, central angle 47°28'38"", chord bearing S.84°59'41"W., chord length 426.72 feet to a point of compound curvature;

5.) thence 345.74 feet along the arc of a curve to the left, concave to the Southeast, having a radius of 1250.00 feet, central angle 15°50'52"", chord bearing S.53°19'56"W., chord length 344.64 feet to a point of intersection with a radial line;

thence departing that line 50.00 feet Northerly of said centerline, S.44°35'30"E., 100.00 feet radially to a point of intersection with a curve, said curve being 50.00 feet Southerly of the centerline of said Country Club Way South;

thence along a line 50.00 feet Southerly of said centerline the following three (3) courses:

1.) 318.08 feet along the arc of a curve to the right, concave to the Southeast, having a radius of 1150.00 feet, central angle 15°50'52"", chord bearing N.53°19'56"E., chord length 317.07 feet to a point of compound curvature;

(continued on sheet 2 of 4)
LEGAL DESCRIPTION

(continued from page 1 of 4)

2.) thence 356.31 feet along the arc of a curve to the right, concave to the South, having a radius of 430.00 feet, central angle 47°28'38", chord bearing N.84°59'41"E., chord length 346.21 feet to a point of compound curvature;

3.) thence 80.81 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 1996.70 feet, central angle 219°08', chord bearing S.70°06'26"E., chord length 80.81 feet to a point of intersection with a radial line;

thence departing that line 50.00 feet Southerly of said centerline, S.21°03'06"W., 30.00 feet radially to a point of intersection with a curve, said curve being 80.00 feet Southerly of the centerline of said Country Club Way South;

thence along said curve, 675.21 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 1966.70 feet, central angle 19°40'15", chord bearing S.59°06'44"E., chord length 671.90 feet to a point of intersection with a non-tangent curve, said curve being 20.00 feet Southeasterly of the centerline of Miranda Way, as per the plat of LAKEMOOR ESTATES GOLF COURSE SECTION;

thence along said curve, 31.13 feet along the arc of a curve to the right, concave to the Southeast, having a radius of 520.00 feet, central angle 3°25'50", chord bearing N.56°19'21"E., chord length 31.13 feet to a point of intersection with a non-tangent curve, said curve being 50.00 feet Southerly of the centerline of said Country Club Way South;

thence along a line 50.00 feet Southerly of said centerline the following two (2) courses:

1.) 232.22 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 1996.70 feet, central angle 6°39'49", chord bearing S.45°42'18"E., chord length 232.09 feet to a point of reverse curvature;

2.) thence 453.02 feet along the arc of a curve to the left, concave to the Northeast, having a radius of 6526.86 feet, central angle 3°58'38", chord bearing S.44°21'42"E., chord length 452.93 feet to a point of intersection with a radial line;

thence departing that line 50.00 feet Southerly of said centerline, S.43°38'59"W., 30.00 feet radially to a point of intersection with a curve, said curve being 80.00 feet Southerly of said centerline;

thence along a line 80.00 feet Southerly of said centerline the following two (2) courses:

1.) 1234.01 feet along the arc of a curve to the left, concave to the Northeast, having a radius of 6556.36 feet, central angle 10°47'02", chord bearing S.51°44'32"E., chord length 1232.19 feet to a point of reverse curvature;

(continued on sheet 3 of 4)
LEGAL DESCRIPTION

(continued from sheet 2 of 4)

2.) thence 804.22 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 3483.08 feet, central angle 13°13'45", chord bearing S.50'31"10'E., chord length 802.44 feet to the POINT OF BEGINNING.

Containing 507,141 square feet, or 11.642 acres, more or less.

St. Petersburg, Florida

NOTES

1. George F. Young, Inc. and the undersigned make no representations or guarantees pertaining to easements, rights-of-way, setback lines, reservations, agreements and/or other matters pertaining to survey.

2. Basis of Bearings: Plat North as per LAKEWOOD ESTATES GOLF COURSE SECTION, as recorded in Plat Book 20, Page 63, Public Records of Pinellas County, Florida.

3. NOT A BOUNDARY SURVEY.

4. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.

5. This sketch is made without the benefit of a title report or commitment for title insurance.

6. Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.

7. Certification is understood to be an expression of professional opinion by the surveyor and mapper based on the surveyor and mapper's knowledge and information, and it is not a guarantee or warranty, expressed or implied.

8. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGEND

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<th>Description</th>
<th>Symbol</th>
<th>Description</th>
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<td>Chord</td>
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<td>R/W</td>
<td>Right-of-way</td>
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</tbody>
</table>

George F. Young, Inc.
209 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33711-3156
PHONE (727) 822-4317 FAX (727) 822-2919
LICENSED BUSINESS NO. L0001
ARCHITECTURE ENGINEERING ENVIRONMENTAL LANDSCAPE PLANNING SURVEYING UTILITIES GAINESVILLE LAKEWOOD RANCH ORLANDO PAVIS BEACH ST. PETERSBURG TAMPA
For Public Hearing and Executive Action on August 3, 2016, beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 16-54000036

PLAT SHEET: G-26

REQUEST: Approval of a variance to lot area from 5,800 sq. ft. required to 5,500 sq. ft. for two (2) lots in common ownership to allow development of two (2) single-family homes.

OWNER: HCI 4805 LLC
2552 1st Avenue North
Saint Petersburg, Florida 33713

AGENT: Dillon Alderman
Alderman Planning
PO Box 55755
Saint Petersburg, Florida 33732

ADDRESS: 4829 16th Street North

PARCEL ID NO.: 01-31-16-33858-003-0020

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional-1 (NT-1)

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<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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<td>Lot Area</td>
<td>5,800 square feet</td>
<td>5,500 square feet</td>
<td>300 square feet</td>
<td>5 %</td>
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BACKGROUND: The applicant is requesting approval of a variance to lot area from 5,800 square feet required to 5,500 square feet provided for two (2) non-conforming lots in common ownership.

The subject property is located on 16th Street between 48th Avenue North and 49th Avenue North. The applicant owns two platted lots of record, Lots 2 and 3, never originally developed. The City’s Property Card records for Lot 2 only reflect the construction of a 32” high, 110 feet log masonry wall and there is no property card for Lot 3. Deeds from May 7, 2014 indicate that Lots 2 and 3 were in common ownership with Lots 4, 5, 22, 23 and 24 of this block in this subdivision. The proposed variance would create two lots of 5,800 square feet, with lot dimensions of 50-feet by 110-feet.

An existing residence is on Lot 1 north of the subject lots and another on Lots 4 and 5 south of the subject lots. New single family residences were built on Lot 22 (1501 48th Avenue North) and Lot 23 (1511 48th Avenue North) in 2014. A single family residence was also built on Lot 24 (1523 48th Avenue North) in 2015.

Restrictions were in place from 1973 through 2003 which limited development of non-conforming lots if the lots were in common ownership. The code was changed in 2003 to allow development on any platted lot of record. On September 17, 2015, City Council amended the non-conforming lot regulations, thereby eliminating the right to build on these substandard lots without first obtaining a variance.

During the review of the regulations by City Council starting in March of 2015, Council made the decision to change the code back to restrict such development on substandard lots, while also making clear its intent that a variance review to determine if such development would be consistent with the surrounding neighborhood pattern would be required. Council found that in some neighborhoods, development of substandard lots would not be consistent with the surrounding development pattern and allowing one home on one platted lot in an area that historically developed on more than one platted lot could be detrimental to the neighbors and the overall character of the neighborhood.

The subject block, Block C, and the blocks to the north, south and east were platted as Grovemont Subdivision in 1925 (see attachment). The lots to the west were platted in Grovemont Subdivision No. 2 in 1926. The majority of the lots on the Streets in both of these subdivisions were platted at 50-feet by 110-feet, making them barely substandard to today’s required lot area minimum.

The subject property is located on 16th Street North, considered a major street on the City’s Future Major Street Map. This location is less desirable than lots located along less busy corridors.

The applicant purchased the property in May of 2014. The applicant’s goal is to obtain approval of a variance in order to build two single family homes on the subject property.

CONSISTENCY REVIEW COMMENTS: The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is consistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the CPC’s decision shall be guided by the following factors:
1. **Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:**

   a. **Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.**

      The application does involve redevelopment of an existing undeveloped site that at one time was developed in conjunction with Lots 4 and 5 to the south. There was never a residence on this portion of the site. The proposed variance will allow the development of two single family home lots.

   b. **Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.**

      These are existing legal non-conforming lots which were platted at 50-feet by 110-feet. These lots are smaller in area than the zoning district requirement for 5,800 square feet of minimum lot area. The lot is conforming to width and exceeds the minimum width for the NT-1 zoning district which is 45-feet.

   c. **Preservation district. If the site contains a designated preservation district.**

      This criterion is not applicable.

   d. **Historic Resources. If the site contains historical significance.**

      This criterion is not applicable.

   e. **Significant vegetation or natural features. If the site contains significant vegetation or other natural features.**

      A field inspection of the parcel noted the presence of several large trees located along the southern property line of Lot 3. Inspection by the City arborist established that there are three large trees, one Laurel Oak closest to 16th Street, and two Live Oaks further to the west. One of the Live Oaks has grown extensively towards one side. A suggested condition of approval is that at least one of the live oaks remain during development of the site. Applicant will be required to apply for a separate tree removal permit if this tree is in conflict with future construction on the site.

   f. **Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.**

      The proposal is inconsistent with the prevailing development pattern of the block and the surrounding blocks. A six block area was analyzed, to the north, south and west of the subject block. An analysis of the lots for the subject block and the adjacent blocks to the north, south and west, determined that the prevailing pattern for the NT-1 zoned lots in the blocks analyzed is parcels which are predominantly standard in lot area.
In analyzing the subject block the subject parcel was included as conforming to area. As shown in Table 1 below when analyzing only lots facing Avenues, 28.57% of the parcels in the subject block are substandard to minimum lot area. 29.05% of the lots facing Avenues in the seven blocks analyzed are below the 5,800 square foot minimum lot area required in the NT-1 zoning district. As shown below in Table 2 below when analyzing all of the lots including lots facing onto Avenues and Streets, 6.25% of the lots in the subject block are substandard to minimum lot area and 16.15% of the lots in the seven block area are substandard to the 5,800 square foot of lot area required.

**Table 1: Percentage Substandard Lot Area for Lots Facing Streets**

<table>
<thead>
<tr>
<th>Block</th>
<th>Location</th>
<th>Conforming Area</th>
<th>Substandard Area</th>
<th>% Substandard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 1</td>
<td>Subject</td>
<td>5</td>
<td>2</td>
<td>28.57%</td>
</tr>
<tr>
<td>Block 2</td>
<td>North of Subject</td>
<td>4</td>
<td>6</td>
<td>60.00%</td>
</tr>
<tr>
<td>Block 3</td>
<td>South of Subject</td>
<td>3</td>
<td>4</td>
<td>57.14%</td>
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<td>Block 4</td>
<td>Northwest</td>
<td>7</td>
<td>0</td>
<td>0.00%</td>
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<tr>
<td>Block 5</td>
<td>West</td>
<td>7</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Block 6</td>
<td>Southwest</td>
<td>5</td>
<td>2</td>
<td>28.57%</td>
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<tr>
<td>Average</td>
<td></td>
<td></td>
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<td>29.05%</td>
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**Table 2: Percentage Substandard Lot Area for Lots Facing Avenues and Streets**

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<tr>
<th>Block</th>
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<th>Conforming Area</th>
<th>Substandard Area</th>
<th>% Substandard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 1</td>
<td>Subject</td>
<td>15</td>
<td>1</td>
<td>6.25%</td>
</tr>
<tr>
<td>Block 2</td>
<td>North of Subject</td>
<td>10</td>
<td>9</td>
<td>47.37%</td>
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<tr>
<td>Block 3</td>
<td>South of Subject</td>
<td>9</td>
<td>4</td>
<td>30.77%</td>
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<td>Block 4</td>
<td>Northwest</td>
<td>17</td>
<td>0</td>
<td>0.00%</td>
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<td>Block 5</td>
<td>West</td>
<td>18</td>
<td>0</td>
<td>0.00%</td>
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<tr>
<td>Block 6</td>
<td>Southwest</td>
<td>14</td>
<td>2</td>
<td>12.50%</td>
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<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td>16.15%</td>
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The lot area is inconsistent with the development pattern of the surrounding blocks, reflecting that in the six blocks analyzed 16.15% are substandard to the zoning district requirement for 5,800 square feet of lot area.

Thought the lot area is inconsistent, the historic platted pattern created these 50-foot wide lots that were only 110-feet deep in order to accommodate an alley to the east of these lots. The use is consistent with the neighborhood character, creating two single family home lots. The plat for this area created very consistent lots sizes on these interior end lots facing streets, and in this subdivision, all of the interior street facing lots were platted at 110-feet in depth with a 50-foot width, making them just slightly substandard to the zoning district requirement for lot area.
g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable.

2. The special conditions existing are not the result of the actions of the applicant;

The lots were platted at 50-feet in width and are 110-feet in depth, in 1925. The lots in this subdivision were platted in the 1920s, which established the current development pattern. This development pattern is not the result of any action of the applicant.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

The applicant has the ability for use of the property for one single family home with an accessory dwelling unit.

4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

Strict application of this chapter would allow the applicant to create one lot consistent with the lot area and lot width required in the NT-1 zoning district.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

The variance request is the minimum necessary to allow the development of two single-family homes. The variance request is not the minimum necessary to allow the use of the land, as the land could be used for a single family residence with an accessory dwelling unit. The reduction of 300 square feet in area constitutes a 5% reduction, which is deemed to be minimal.

6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. The Land Development Regulations for the Neighborhood Traditional districts state: "The purpose of the NT district regulations is to protect the traditional single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in a manner that is consistent with the scale of the neighborhood." The Future Land use designation in this neighborhood is Planned Redevelopment – Residential (PR-R). The following objective and policies promote redevelopment and infill development in our City:

OBJECTIVE LU2: 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.
OBJECTIVE 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.

OBJECTIVE LU3.6 Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

The granting of the variance will not be injurious to neighboring properties as several neighboring properties have been developed in a similar way. Lots 22, 23 and 24 were recently developed with new single family homes, lot 24 is also a non-conforming lot, developed prior to the change of the code in 2015. Because the parcels are exceeding the zoning district minimum width and with a proposed condition that the setbacks will be a minimum of 6-feet, this would eliminate the detriment to any abutting properties.

8. The reasons set forth in the application justify the granting of a variance;

Staff finds that the reasons set forth in the variance application do justify the granting of the variance based on the analysis provided and the recommended special conditions of approval. The lots are greater than the standard required for width in the NT-1 zoning district, and the variance requested is minimal in nature, 5 percent less than the required lot area.

9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.

Non-conforming uses and non-conforming buildings have not been considered in staff's analysis.

PUBLIC COMMENTS: Staff received two phone calls in response to the required Public Notice. Mina Alice indicated that she had no concern with the proposed project. Natasha Lampley of 4738 16th Street North called to see how this would affect her property. The applicant submitted an email from the Euclid Heights Neighborhood Association indicating support for the request.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends APPROVAL of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:

1. The design of the two homes shall be varied, such that a substantially similar elevation cannot be replicated on the two lots, and shall comply with the NT design standards.
2. All vehicular access shall be through the alley.

3. Minimum 6-foot side yard setbacks shall be required on the north side of Lot 2 and the south side of Lot 3.

4. Site plans for any future development must show the location of all protected trees. Any application to remove the trees shall comply with Section 16.40.060.

5. At least one mature Live Oak tree shall remain, unless the trees are found to be in decline. If a permit is received for removal of any of these three existing trees, replant shall consist of 4 inch minimum dbh shade trees.

6. Approval of this variance does not grant or imply variances from other sections of the City Code or other applicable regulations and the proposed homes will comply with all standards of the NT-1 zoning district.

7. Two parcel I.D.s must be obtained before zoning approval for development on any lot.

8. This variance approval shall be valid through August 3, 2019. Substantial construction shall commence prior to this expiration date or parcels shall be conveyed into separate ownership, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

Report Prepared By:

[Signature]

KATHRYN YOUNKIN, AICP LEED, AP, BD+C, Deputy Zoning Official
Development Review Services Division
Planning & Economic Development Department

Date: 7-27-10

Report Approved By:

[Signature]

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

Date: 7-27-16

ATTACHMENTS: A – Parcel Map, B - Aerial, C – Plat Maps – Grovemont and Grovemont No. 2, D – Blocks Analyzed, Property Cards, Application including site plans, floor plans and elevations, Email from the Neighborhood Association
Attachment “A” – Parcel
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 16-54000036
Address: 4829 16th Street North

(nts)
<table>
<thead>
<tr>
<th>PERMIT NO.</th>
<th>DATE</th>
<th>ELECTRIC PER. NO.</th>
<th>DATE</th>
<th>PLUMBING PER. NO.</th>
<th>DATE</th>
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<tbody>
<tr>
<td>4853-16 St No</td>
<td></td>
<td></td>
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<td>6252</td>
<td>6/14/27</td>
</tr>
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**OWNER:** Mrs. Margaret Boswell
1st Flm. Fr. Addn.

**CONTRACTOR:** O. O. Blauvelt

**ARCHITECT:** J. Kleeman

**KIND BLDG. ROOMS:**

**SIZE:**
- CU. FT.
- RATE PER CU. FT.
- COST

**OCCUPANCY:**

**FOUNDATION:**

**ROOF:**

**FLOORS:**
- #24953 ($300) 9/6/27
- #30204 6/29/33 Ralph Nash
- #59321-1-4-38 ($50.00) 8x8 Flu

**PARTITIONS:**
- Margaret B. Nash
- 16th St. No. Reroof
- part of res. $100

**CERTIFICATE NO.:**
- #15788 B. E. Nash 5/10/32
- Cert. #3679-B (Keesler)

**GAS PERMIT NO.:**
- #48853-8/9/41-Mrs. R.E. Nash
- Owner-Add pch with addn to Master bdrm. 12x10 = $1000

**SEWER PER. NO.:**
- #40498E 6/3/57

**OWNER:** Nash

**CONTRACTOR:** Blauvelt

**O.K. DATE:**
- $5.00 tap
- 12/13/54 - R.E. Nash
- City Fuel OIL - 35,000 BTU

**COLEMAN HEATER:**

**SEPTIC TANK PER. NO.:**
- O. K. DATE
Owner Ralph E. Nash - Erect 40" high block wall fence. Henry J. Orycens, Contractor
(1805 - 16th St. No.)

#66470A-19 - 5/8/61 - $500
Owner Reroof existing residence
(Type VI) Huriston Roofing, Contr.
(1805 - 16th St. No.)

#76727A-R2 - 4/2/62 - $750
Owner R. E. Nash - Enclose existing
screen porch with casement windows (Type VI) By Owner

#B-5222-R2 - 12/7/67 - $100
Owner Mrs. Nash - Install
shower stall on rear of residence (3' x 3') (Type VI) By Owner

#B-7020-R2 - 4/8/68 - $200
Owner Ralph Nash - Reroof existing
garage Class C. Rip-off old roof 6/12 pitch (Type VI) Hirlte Roofing Co., Contractor

#97159-5/6/57-Krauss
Brinson Elec. -2-lhp air cond.
2 switches

#272H-5/22/57- Nash
Brinson Elec. -2 air cond. contr.
(1805 16 St.No.)

#5841H - 6/30/65 - R. Nash
Safeway - 1-HP A/C (1801)

INSTALLATION

#8843 - 5/27/57 - R. Nash -
Cont. Krauss - 1 HP, 1 T
Carrier Room A/C - Aperture.

#3025D - 8/2/65 - Mrs. R. Nash
Curley A/C - 1-A/C 1-HP
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<tr>
<th>SUBDIVISION</th>
<th>GROVEMONT</th>
<th>LOT</th>
<th>BLOCK</th>
<th>BUILDING Card #2</th>
<th>ELECTRICAL</th>
<th>1-31-16</th>
<th>PLUMBING</th>
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<tr>
<td>Location: 4305 - 16 Street North</td>
<td>Owner Ralph Nash - Re-roof garage</td>
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<tr>
<td>#54689-1475 - 4/27/78 - $1000</td>
<td>B- take existing roof off to roof deck, dry in roof with 15# felt, install new eave drip and flashings, finish roof with 240# asphalt shingles (Type VI) Saturno Roofing, Contractor (4805)</td>
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<tr>
<td>#54689-RS75 - 4/27/78 - $2,600</td>
<td>Owner Ralph Nash - Re-roof res- main house) take existing roof off to roof deck, dry-in roof with 15# felt, install new eave-drip metal and flashing, roof with 240# asphalt shingles (Type VI) Saturno Roofing Co, Contractor (4805)</td>
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<tr>
<td>#54690-RS75 - 4/27/78 - $600</td>
<td>Owner Ralph Nash - Re-roof garage A- take existing roof off to roof deck, dry-in roof with 15# felt, install new eave drip and flashing, finish roof with 240# asphalt shingles (Type VI) Saturno Roofing Co, Contractor (4805)</td>
<td></td>
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<tr>
<td>#66917 - RS-75 - 9/25/79 - $2,000</td>
<td>Owner C.J. DeLaurier - Erect detached 2-car garage (Type V) J.M. King, Construction, Contr.</td>
<td></td>
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<th>GAS</th>
<th>SEWER</th>
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**BUILDING PERMITS**

#73621-RS-75- 9/17/80- $356
Owner C. J. Delaurier- erect 43' of 6' high wood fence. DeFence Co., Contractor
<table>
<thead>
<tr>
<th>SUBDIVISION</th>
<th>GROVEMONT</th>
<th>LOT 2</th>
<th>BLOCK C</th>
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<tbody>
<tr>
<td>Location: 4829-16th Street No.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>#4955A D 2/2/54</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Ralph Nash - Masonry wall 32&quot; high, 110' long</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. C. Kleeman, Contractor</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>BUILDING</th>
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<table>
<thead>
<tr>
<th>SIGNS</th>
<th>SEWER</th>
<th>SEPTIC TANK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
GROVEMONT
PINELAS COUNTY - FLORIDA
Apr-1 3 1925
Sc. 1-100'
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

**GENERAL INFORMATION**

**NAME of APPLICANT (Property Owner):** HCI 4805, LLC  
Street Address: 2552 1st Avenue North  
City, State, Zip: St. Petersburg, Florida 33713  
Telephone No: 813-598-7744  
Email Address: markheling@yahoo.com

**NAME of AGENT or REPRESENTATIVE:** Dillon Alderman, President, Alderman Planning Company  
Street Address: PO Box 55755  
City, State, Zip: St. Petersburg, Florida 33732  
Telephone No: 813-833-5161  
Email Address: Aldermanplanning@gmail.com

**PROPERTY INFORMATION:**

Street Address or General Location: Lots 2 & 3, Block C, Grovemont subdivision, 4805 16th Street North  
Parcel ID(#s): 01-31-18-33658-003-0020

**DESCRIPTION OF REQUEST:**

Variance: Minimum lot area reduction from 5800 square feet to 5500 square feet

**PRE-APPLICATION DATE:** 5/12/2016  
**PLANNER:** KATHRYN YOUNG

---

**FEE SCHEDULE**

<table>
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<th>Description</th>
<th>Fee</th>
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<td>1 &amp; 2 Unit, Residential -- 1st Variance</td>
<td>$300.00</td>
</tr>
<tr>
<td>3 or more Units &amp; Non-Residential -- 1st Variance</td>
<td>$300.00</td>
</tr>
<tr>
<td>Each Additional Variance</td>
<td>$100.00</td>
</tr>
<tr>
<td>After-the-Fact</td>
<td>$500.00</td>
</tr>
<tr>
<td>Docks</td>
<td>$400.00</td>
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<tr>
<td>Flood Elevation</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

Cash, credit, checks made payable to "City of St. Petersburg"

---

**AUTHORIZATION**

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

**NOTE:** IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner / Agent*:  
*Affidavit to Authorize Agent required, if signed by Agent.

Date: 5/12/16
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner’s Name: Mark Helmling, Manager, HCl 4805, LLC

This property constitutes the property for which the following request is made

Property Address: 2552 1st Avenue North, St Petersburg, Florida 33713
Parcel ID No.: 01-31-16-33858-003-0020

Request:

Variance: Reduce the minimum lot area from 5800 square feet to 5500 square feet

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent’s Name(s): Dillon Alderman, President, Alderman Planning Company

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I(we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): ___________________________ Printed Name: Mark Helmling

Sworn to and subscribed on this date

Identification or personally known: ___________________________

Notary Signature: ___________________________
Commission Expiration (Stamp or date): ___________________________

Date: 5/12/16
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th><strong>APPLICANT NARRATIVE</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 4805 16th Street North</td>
</tr>
</tbody>
</table>
| **Detailed Description of Project and Request:** The proposed project consists of constructing two, one story single family residences, one on each platted lot located at the address noted above - requesting a variance for each lot from the minimum lot area of 5800 square feet to 5500 square feet (the platted area of the lots).

1. **What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

   The width of both lots exceed the minimum width required by the NT-1 zoning district, however the size and location of the lots are unique because they face the short side of the block, the typical lot pattern for every block in the Grovemont subdivision has a reduced lot depth for lots facing the streets on the short ends of the blocks as compared to the lot depths of those facing the long sides of the blocks (or avenues). The deficiency of the lot area results from the shallow lot depth for lots facing the short side of the block.

2. **Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.**

   Yes, two lots on the opposite end of the subject block are deficient in lot area and are developed with single family residences. Every lot with deficient lot area facing the short ends of the block of the block located to the north are developed with single family residences and the four lots with deficient lot areas located on the short (east) end of the block of the block to the south are developed with single family residences.

3. **How is the requested variance not the result of actions of the applicant?**

   At the time the applicant purchased the property the two lots could each be developed with single family residences in conformance with the zoning regulations, it is due to subsequent changes to the zoning code that necessitates the variance.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
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<tbody>
<tr>
<td>4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood? The property can not be reasonably used without a variance to approve the reduction of the required minimum lot area to the lot area that which was created by the plat (the minimum being requested). Granting the variance will enhance the character of the neighborhood because it will enable the construction of two attractive single family homes following the general development pattern of the neighborhood and the block face on the east side of 16th Avenue North.</td>
</tr>
<tr>
<td>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? There is no viable alternative; the property was purchased with the intent of building a house on each platted lot.</td>
</tr>
<tr>
<td>6. In what ways will granting the requested variance enhance the character of the neighborhood? Please see item 4 above.</td>
</tr>
</tbody>
</table>
Kathryn Younkin

From: Jasmina Kuljanac <jkuljanac@gmail.com>
Sent: Monday, July 11, 2016 10:25 AM
To: james@aspenvg.com
Cc: Elizabeth Abernathy; Kathryn Younkin
Subject: Re: 16th Street North Lots 4810 16th Street North

Good Morning,
We discussed the proposed plan to build on the two lots during our July 5th Euclid Heights neighborhood monthly meeting. The neighbors who attended as well as the board members did not have any objections as a matter of fact some were excited to hear the good news. Thank you for investing in our neighborhood the residence are excited to see new homes being built especially on 16th Street.

Jasmina Kuljanac
Euclid Heights Neighborhood Association President
(727) 793-8745

On Jun 30, 2016, at 10:40 AM, <james@aspenvg.com> <james@aspenvg.com> wrote:

Jasmine,

Good talking to you this morning. As discussed, my firm intends to build two homes on the two lots on 16th. To do so, the city now requires we get a variance to the minimum lot size. Further, the city requests we reach out to the neighborhood representative to introduce ourselves and provide them information on the plans.

I have attached plans for the two homes we would like to build on the two lots. We believe, like the other homes we have built this area, that they will be a great addition to the neighborhood. If possible, would you please reply to all acknowledging to the city staff that you have no objections. I am available to discuss if you have any questions.

James Landers
727.409.7440
<01 4805 16th St N Lot 2 Plot Plan.pdf>
<02 4805 16th St N Lot 2 Floor Plan.pdf>
<03 4805 16th St N Lot 2 Elevations.pdf>
<04 4805 16th St N Lot 3 Plot Plan.pdf>
<05 4805 16th St N Lot 3 Floor Plan.pdf>
<06 4805 16th St N Lot 3 Elevations.pdf>
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on August 3, 2016, beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 16-54000043
PLAT SHEET: E-8

REQUEST: Approval of variances to the required front and side yard setbacks to allow for the construction of a single-family residence.

OWNER: 319 12th Avenue NE, LLC
2201 Coachman Road #201
Clearwater, FL 33765

ADDRESS: 319 12th Avenue Northeast

PARCEL ID NO.: 18-31-17-05274-001-0081

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional-3 (NT-3)

VARIANCE DATA:

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<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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<tr>
<td>Front Yard</td>
<td>Steps</td>
<td>20 feet</td>
<td>17 feet 9 inches</td>
<td>2 feet 3 inches</td>
<td>11%</td>
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<tr>
<td></td>
<td>Open Porch</td>
<td>23 feet</td>
<td>21 feet</td>
<td>2 feet</td>
<td>9%</td>
</tr>
<tr>
<td></td>
<td>Enclosed Structure</td>
<td>30 feet</td>
<td>27 feet</td>
<td>3 feet</td>
<td>9%</td>
</tr>
<tr>
<td>Right Side Yard</td>
<td>Exterior Wall</td>
<td>7.5 feet</td>
<td>*6 feet 2 inches</td>
<td>1 foot 4 inches</td>
<td>17%</td>
</tr>
<tr>
<td>Left Side Yard</td>
<td>Exterior Wall</td>
<td>7.5 feet</td>
<td>*6 feet 1 inch</td>
<td>1 foot 8 inches</td>
<td>23%</td>
</tr>
</tbody>
</table>

*Other portions of the structure are proposed at a slightly greater setback as the side property lines are not perpendicular to the front and/or rear property lines.
BACKGROUND: The subject property is an interior lot of record, 40 feet wide, 127 feet in depth and abuts a rear alley. The parcel is located within the Historic Old Northeast Neighborhood and is zoned for traditional single-family development, NT-3. The property is currently developed with a residential structure placed toward the rear of the property. City records indicate the property was developed in the 1920’s with a single family residence and a cottage with garage. It has been determined that this property was subdivided through the county records prior to 1980. The subdivision resulted in the subject 40 feet wide lot that contains the cottage with garage. The remaining portion of the original platted lot to the east contains the single-family structure. The cottage with garage on the subject property is not occupied.

REQUEST: The applicant proposes to demolish the existing structure and construct a five bedroom residence with an attached, three-bay garage accessed from the rear alley. The residence provides 3,500 square feet of living area. As proposed, the project requires variances to the front and side yard setbacks.

CONSISTENCY REVIEW COMMENTS: The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variances are inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

The project involves redevelopment of a previously developed site. The exterior of the existing structure and landscaped areas appear in sub-standard condition in relation to the surrounding properties. Significant maintenance/ rehabilitation of the existing structure and the grounds or redevelopment of the property does seem appropriate. As of the writing of this report, an active codes has recently been initiated that cites overgrown vegetation at the property.

   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

The subject lot is determined to be buildable. The lot is substandard in size in regards to lot width and area and is considered to be legally nonconforming. The minimum lot width in the NT-3 zoning district is 60 feet and the minimum lot area is 7,620 square feet. The subject lot is 40 feet in width and 5,080 square feet in area.

The widths of the 14 developed lots within the block face range from 40 to 65 feet in width. Five lots (or 36 %) have a width of 40 feet. Twelve (or 86%) of these lots are substandard in lot area.
c. *Preservation district. If the site contains a designated preservation district.*

The subject property is not located in a designated preservation district.

d. *Historic Resources. If the site contains historical significance.*

The property is located within the North Shore National Register Historic District and the existing residential structure is identified as a contributing historic resource to the district. Certain financial incentives may be available to the property owner for appropriate rehabilitation of the structure; however, this is not a requirement.

e. *Significant vegetation or natural features. If the site contains significant vegetation or other natural features.*

A mature live oak is located on the property. The oak measures 48 inches in diameter and has been determined to be a Grand Tree. Staff has inspected the tree and supports all efforts to preserve it. The applicant has designed the structure in an effort to accommodate the root structure and canopy of the tree. However, the proposed right side setback places the new structure within 10 feet of the tree, as depicted on the proposed Site Plan (*see attached*). The required 7.5 feet setback would serve to allow a greater separation of the new structure from this protected tree and would better support the continued vitality of the tree.

The lot contains other protected trees. Additionally, there are protected trees on the westerly abutting property that are within 20 feet of the proposed construction. Staff has included a special condition to address protection of the trees.

f. *Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.*

1) Front yard setback- The proposed placement of the steps, front porch and the enclosed structure is consistent with the forward placement of the existing structures along the north block face of 12th Avenue Northeast.

2) Side yard setbacks- The applicant submitted measurements of the existing side yard setbacks of the structures within the block face of the subject property. Staff verified that the measurements appeared reasonably accurate. However, Staff is unable to field verify measurements of adjacent properties without obtaining permission of all property owners to be on their property. A significant number of the existing properties appear to be placed at 6 feet or less from the property line. The existing structures are predominately one-story.

A survey of the abutting east side structure depicts the structure ranges from 4.8 feet to 5.23 feet from the shared property line. That structure has a 3 feet eave overhang, placing the eave structures as close as 1.8 feet to the shared property line. The proposal is to construct a two-story structure as close as 6 feet 2 inches from the shared property line, with eaves extending beyond that measurement.
A majority of the structures within the block face appear to be placed 6 feet or less from their property boundaries, these structures are predominately one-story and built or had an approved site plan prior to the adoption of the current zoning regulations. In consideration of this context, the two-story massing of the proposed structure placed at 6 feet 2 inches from the eastern property line is not in harmony with the predominant character of the block face and in particular, to the location of the abutting eastern one-story structure.

**g. Public Facilities.** If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

Not applicable.

2. **The special conditions existing are not the result of the actions of the applicant;**

The substandard lot, the presence of a Grand Live Oak Tree and the predominate one-story development pattern of the block face is not a result of the actions of the applicant.

However, the desired 3,500 square feet of living area of the two-story, five bedroom structure and three bay garage presents a building that exceeds the required side yard setbacks while not being sympathetic to the placement and massing of the eastern abutting one-story structure and placed within 10 feet of a protected Grand Tree.

3. **Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;**

The presence of the Grand Live Oak Tree and the existing placement of the abutting, right side structure does not result in an unnecessary hardship. Sufficient buildable area is available on the subject 40 feet wide lot to accommodate a single-family residence and garage of less interior space than the 3,500 square feet of living area proposed.

4. **Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;**

A residence smaller than the proposed five-bedroom and three-car garage is possible at the property.

There are other 40 feet wide lots within the block face and surrounding properties of the subject lot that are developed with single-family residences and garages. However, a predominant number of these properties were developed prior to the current zoning regulations and appear significantly less massive than the proposed residence.

5. **The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;**

The requested eastern (right) side yard setback is not the minimum necessary to allow reasonable use of the land. The proposed setback would place the two-story structure approximately 11 feet from the one-story residence on the abutting eastern side of the property. The eave projections would provide these structures with approximately 6 feet of separation. The minimal separation of the structures and the two-story massing of the proposed structure
adjacent to the existing single-story is not consistent with the predominate development pattern of the surrounding properties. Additionally, the proposed setback places portions of the two-story structure within 10 feet of the Grand Oak Tree at the property.

The requested front yard setback would allow the structure to be placed in contextual alignment with the front yard placement of the surrounding properties.

The requested western (left) side yard placement would allow the proposed two-story structure 6 feet 1 inch from the property line. The adjacent contemporary two-story structure was built in 2008. The site plan for this project was approved in 2007, prior to the adoption of the current Land Development Regulations. The required side yard setback for that property at that time was 6 feet. The proposed massing of the subject project is visually compatible with this adjacent structure.

6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

The request is not consistent with the purpose and intent of the Code to accommodate reasonable use of property. The proposed front and western (left) side yard placement of the structure is supported by the surrounding context, in regards to placement and massing of the existing structures relative the proposed project. However, the proposed eastern (right) side placement would allow the proposed two-story structure to be disruptive to the visual context (predominately one-story) and could have a negative impact on efforts to maintain the health of the Grand Oak Tree at the property. No evidence has been submitted that the project is supported by any of the surrounding property owners nor the Neighborhood Association.

The elevations as proposed do not appear to meet the City's design requirements. Staff is recommending a special condition requiring revision of elevations to meet the required design standards.

7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

The eastern abutting property owner (right side of the subject property) has expressed concerns regarding the safety of his structure and the perceived loss of privacy at his property if a two-story structure where constructed at the proposed setback. Additionally, a neighboring property owner and the neighborhood association expressed concerns that the massing of the proposed structure and the setback encroachment was not contextually compatible with the surrounding properties and this could negatively affect the valued aesthetics of the neighborhood. Detail regarding these concerns are found in the Public Comments section of this report.

8. The reasons set forth in the application justify the granting of a variance;

The reasons set forth in the application do support the front and left side yard variances.

However, due to the proposed two-story massing of the project, the close proximity to the existing one-story structure and the existing Grand Live Oak Tree, the right side variance is not supported. No documentation of support from any surrounding property owners nor from the neighborhood association was submitted with the application.
9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.

This criterion is not applicable as the proposed single-family use is permitted in the NT-3 zoning district.

PUBLIC COMMENTS:

Abutting eastern side property owner- The most affected property owner to the immediate east of the subject property contacted this department by phone and spoke with Staff. He stated concerns regarding the close proximity of the proposed two-story structure in relation to his property and house. He stated that when contacted by the applicant and informed of the proposal, he informed the applicant he would not formally support the project, however he would not formally object.

Historic Old Northeast Neighborhood Association- The association expressed several concerns regarding the request. In regards to side yard setback variance considerations, the mass and height of the new structure in relation to the existing surrounding structures was of significance (see statement attached).

A surrounding property owner- Upon receipt of the Public Notice of this application, a property owner sent an e-mail to this department expressing concerns. That property owner expressed concerns of the recent new development within the neighborhood in regards to setback variances to allow “massive single-family residences...on small lots” which was described as “gradually changing the character and charm of old Northeast”. That owner is not supportive of this application unless “there is good reason” (see statement attached).

Signatures of support- No documented support for the variance request was submitted with the application.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends DENIAL of the requested variances.

However, Staff would support the requested variances to the front yard setbacks and the western (left) side yard setback, provided the structure were re-designed to allow for the required 7.5 feet easterly (right) side yard setback and that the Grand Tree and all other identified protected trees were adequately protected, subject to Item 2 in the Conditions of Approval below.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:
1. The applicant shall submit revised architectural elevations of the proposed project with the plan set submitted for the building permit. The structure shall be compliant with the Building Design Standards, Section 16.20.010.11 of the City Code; including but not limited to the fenestration and transparency standards.

2. Prior to approval of the building permit, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review and approval. The plan shall include details of the methods to protect and preserve the vitality of the Grand Tree and the protected Live Oak trees on the adjacent property; such as but not limited to root pruning, canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within 20-feet of the trees and schedule a field review with the City Urban Forester.

3. This variance approval shall be valid through August 3, 2019. Substantial construction shall commence by this expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

4. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Aerial map, proposed site plan, floor plan, elevation drawings, applicant's variance narrative, public participation report, neighborhood association's comments, surrounding property owner's statement, eastern abutting property survey.

Report Prepared By:

[Signature]
GAUR W. CRORBY, Planner III
Development Review Services Division
Planning & Economic Development Department

Report Approved By:

[Signature]
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

7/27/2016
DATE

7/27/16
DATE
Proposed Site Plan  319 12th Avenue Northeast
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
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<tr>
<td>Street Address: 319 12th Ave NE</td>
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<tr>
<td>Detailed Description of Project and Request:</td>
</tr>
</tbody>
</table>

1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?
This lot is a narrow lot in Old Northeast. Current zoning dictates a 25' front set back and 7.5' side set backs. The existing homes on this street have front set backs ranging from 17'10" to 16'5". In addition the existing homes also have side set backs from 6'4" to 5'1". We would like to get a variance to move the front set back to 17'9" to match the others on the street so there is not a "jagged tooth" street scape. Also, we are requesting a side set back reduction as well, especially given that the newer home built directly west of this property in 2010 has a corner set back of 6'8" instead of 12' and a 5'11" set back adjacent to our property. Also, there is a beautiful grand oak on the northeast corner of the property, and by reducing the set backs we are able to build on the lot in a way that allows us to keep and show case the tree.

2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.
Yes, the house immediately west of ours has similar set backs to what we are requesting. These set backs are provided on the neighboring property map provided. This house was built in 2010 so it was not grandfathered in but was given these set back at some point. In addition the other homes on the block also have set backs equal to or less than what we are requesting.

3. How is the requested variance not the result of actions of the applicant?
The applicant has not taken any addition sets toward the development of this lot. It was purchased as is with just an old garage structure. The applicant has requested similar set back at 158 21st Ave N and 325 21st Ave NE in the last few years because I believe that it is important to keep the set backs for new homes equal to those of existing homes in order to maintain the street scape of the neighborhood.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

**APPLICANT NARRATIVE**

4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood? This variance will enhance the neighborhood by allowing the new home to be situated on the lot like the other homes on the block. Visually this will keep the aesthetics of the street uniform and more in line with the character of the neighborhood. The variance will also allow us to place the home on the lot in a way that will allow the large oak to be saved and featured as part of the new home.

5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
If a variance is not awarded the alternative is to build a smaller house set further back from the road. Because of the basis of the land, if we have to build less square footage, we will not be able to spend as much on the homes finish materials to give it a historic look to fit the neighborhood. The design of the home will lose character if this is the case. Also, the house will be further from the street than any other house on the block including the one built next to it in 2010. This will sick out amongst the other homes on the block and lower the aesthetics of the street scape.

6. In what ways will granting the requested variance enhance the character of the neighborhood?
Granting this variance will allow us to set the home in the line with the others on the block, keeping a uniform street scape. In addition, it will allow us to make the large oak the focal point of the yard of this new home and keep it without any major pruning. Lastly, the variance will allow us to situate the home in a way that is most aesthetically pleasing. It will also allow us the width and depth required to build a house that fits the character of the neighborhood and will have a sales price that allows us to truly build a beautiful home that will fit the character of the neighborhood as opposed to a plain stucco rectangle so often seen.
In accordance with LDR Section 16.70.040.1.F. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

**APPLICANT REPORT**

Street Address:

1. Details of techniques the applicant used to involve the public
   (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

   I met with Robin Rees, the co-chair of the Historic Old NS Neighborhood Association on site and presented the variance application: Proposed Plans. We met on 9/18/16 on site at 319 12th Ave. NW.

   (b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications

   /\n
   

   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

   /\n
   

2. Summary of concerns, issues, and problems expressed during the process

   Robin had concerns about site or 7-powered house and design. She preferred design to be more inspired by one homes and windows to be same sizes. These changes to make to plans. See attached small from Robin to Eleanor for more details.

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations

   Check one: [ ] Proposal supported
   [ ] Do not support the Proposal
   [ ] Unable to comment on the Proposal at this time
   [ ] Other comment(s):

   Association Name: President or Vice-President Signature:

   /\n
   

   If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification:
Subject: RE: 319 12th Ave. NE
Date: Monday, April 25, 2016 4:46:03 PM Eastern Daylight Time
From: Robin Reed
To: 'Elizabeth Abernethy'
CC: 'Forrest Eleazer'

RE: 319 12th Avenue NE

Ms. Abernethy,

The Historic Old Northeast Neighborhood Association has some concerns about the proposed development project.

The lot is substandard, being only two thirds of the required lot width for NT-3 neighborhoods. The Association is opposed to side setback variances particularly when the extent of the variance is this great. We are, however, in favor of a relaxation of the front yard setback to match the context of the neighborhood. Because of this relaxation, the proposed house will gain square footage not otherwise available to it. Allowing the requested side yard setbacks will result in a house that is too large for the lot.

We appreciate the focus on neighborhood context, but with the understanding that context applies to the mass and scale of the building as well as the setbacks. Most of the new builds do not relate in height, mass or scale to the existing houses. If the developer adheres to the setbacks, the house will better fit into the neighborhood.

There is also a concern about the impervious surface ratio. The third garage takes up space that could contribute to the required green space. The beautiful large oak may be a 'grand tree' and need further green space protection from the construction.

Regards,

Robin Reed

Co-chair, Historic Old NE Neighborhood Association

Virus-free: www.avast.com
Hello,

We received a letter as owners of property affected by this request. I want to express our general disapproval of setback variances, so we disapprove of this one. They are there for a reason: to maintain proper privacy spacing between dwellings, and to maintain character (small in size) of houses on small lots. We see that a lot of variances must already have been granted, as there are many homes that practically take up the entire lots. This is gradually changing the character and charm of Old Northeast, particularly if homes are turned into multi family dwellings, increasing the density in our nearby neighborhood. The massive single family residences are counted in that bunch, too. So unless there’s good reason we say, no, please. We suppose the applicants can use precedent of other setback variances to gain their approval, so I don’t know what our opinion’s worth, but it’s worth the time to give it!

Note my email has changed to njbrown@islandbrows.com, immediately, thanks!
Eastern Abutting Property Survey
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on August 3, 2016, beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 16-54000046    PLAT SHEET: K-21
REQUEST: Approval of a variance to the front setback requirement to construct an addition to an existing garage on a single-family home.

OWNER: Lynne Marie Moore
3896 42nd Avenue South
Saint Petersburg, Florida 33711-4241

ADDRESS: 3896 42nd Avenue South

PARCEL ID NO.: 03-21-16-11682-006-0130

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban-1 (NS-1)

BACKGROUND:
The subject property consists of one platted lot of record, lot 13 of Block F in the Broadwater Unit One subdivision. The lot is 140 feet deep with 92.1 feet of street frontage and 80 feet of water frontage at the rear. The property is zoned Neighborhood Suburban (NS-1) and is located in the Broadwater Neighborhood. The property was originally developed in 1959 with a single-family home and attached two-car garage.

Under code section 16.60.050 - SETBACKS, ALLOWABLE ENCROACHMENTS, the Land Development Regulations allow an encroachment of 8 feet beyond the front yard building setback line for side-loading garages in suburban zoning districts. The front yard building
setback requirement is 25 feet in NS-1, therefore a side-loading garage may be permitted without variance at 17 feet from the front property line.

Code section 16.60.050.1 states "When a variance to a setback has been granted, no additional encroachment which is set forth in this section is allowed." The existing side-loading garage is located 25 feet from the front property line, and the request is for a 15-foot front yard setback. Therefore, this request is for a 10-foot variance. The existing garage measures 23 feet wide by 23 feet deep, however the proposed garage measures a total of 33 feet wide by 23 feet deep. The request is to allow an addition to the 2-car garage for a third bay.

**CONSISTENCY REVIEW COMMENTS:** The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is **inconsistent** with these standards. Per City Code Section 16.70.040.1.6, generally, the DRC's decision shall be guided by the following factors:

1. **Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district.** Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. **Redevelopment.** If the site involves the redevelopment or utilization of an existing developed or partially developed site.

   The application is utilizing the existing single family home and proposing to expand the existing attached garage. The elevation drawings for the proposed garage expansion indicate consistent architectural design, materials, and roofing with the existing structure.

   b. **Substandard Lot(s).** If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

   This criterion is not applicable. The subject property meets the dimensional requirements of the NS-1 zoning district for both minimum lot area and width. The required minimum lot width is 75 feet and minimum lot area is 5,800 square feet. The subject lot is approximately 86.07 feet wide at the midpoint and over 11,000 square feet in area.

   c. **Preservation district.** If the site contains a designated preservation district.

   This criterion is not applicable.

   d. **Historic Resources.** If the site contains historical significance.

   This criterion is not applicable.

   e. **Significant vegetation or natural features.** If the site contains significant vegetation or other natural features.

   This criterion is not applicable.
f. **Neighborhood Character.** If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.

The proposed 15-foot setback is not consistent with the neighborhood character. The majority of the homes appear to meet the required 25-foot front yard setback.

g. **Public Facilities.** If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable.

2. The special conditions existing are not the result of the actions of the applicant;

The variance request to accommodate a third bay on the existing two-bay garage results from the applicant's desire for additional garage space. Therefore, there are no special conditions related to the size of the property to support a variance to a front yard setback.

3. **Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;**

There are no special conditions of the property that would result in unnecessary hardship. The existing home with a two-car garage is consistent with homes in the surrounding neighborhood.

4. **Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;**

Strict application of this chapter would allow the applicant to continue use of the property with a garage that accommodates two vehicles via a double-width driveway and parking pad.

5. **The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;**

The variance request exceeds reasonable use of the land. The existing garage accommodates two vehicles, which is the requirement for a single-family home. The request is to extend the garage to accommodate a third parking space. The Land Development Regulations allow an encroachment of 8 feet beyond the front yard building setback line for side-loading garages. The front yard building setback requirement is 25 feet, therefore a side-loading garage may be permitted without variance at 17 feet from the front property line. The request is for a 15 feet foot setback. Existing landscaping would help to buffer the visual impact of the proposed structure.
6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

   The subject property is located in Neighborhood Suburban (NS-1) zoning, where driveways and garages are allowed in the front yard, in accordance with specific design criteria. Garage standard requirements are to maintain and enhance the attractiveness of the streetscape and are influenced by a hierarchy of transportation, which begins with the pedestrian. A side-loading garage minimizes the impact of the vehicular connection as opposed to a front-loaded garage. The elevations submitted indicate a window and columns on the front façade of the garage addition, to match the existing architectural style of the home.

7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

   The property owner acquired signatures from all neighboring properties and the Broadwater Civic Association. The property owner gave a neighborhood presentation on May 5, 2016 outlining the variance request and received a letter of support from Tom Ando, the Broadwater Civic Association President. No opposition was brought forward.

8. The reasons set forth in the application justify the granting of a variance;

   The applicant's request for a variance exceeds what the Land Development Regulations can permit. There is no physical hardship of the property or context to justify the granting of the variance request. The property owner currently has sufficient use of the land with a two-car garage, double-width driveway, and concrete parking pad.

9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.

   Non-conforming uses and non-conforming buildings have not been considered in staff's analysis.

PUBLIC COMMENTS: The applicant provided signatures of support from six (6) neighboring property owners at: 3854 42nd Avenue South, 3872 42nd Avenue South, 3900 42nd Avenue South, 3946 42nd Avenue South, 4190 39th Street North, and 4191 39th Street North. The applicant presented the variance request to the Broadwater Civic Association’s neighborhood meeting on May 5, 2016. The Civic Association wrote a letter to the City expressing support for the variance. No opposition was brought forward.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends DENIAL of the requested variance.
CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:

1. The plans submitted for permitting shall substantially resemble the plans attached to this report. Significant modifications to the plans shall require a new application.

2. The applicant shall secure building permits for the improvements by August 3, 2019.

3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Map, aerial, site plan, elevation drawings, photographs, applicant's narrative, signatures of support, Neighborhood Participation Report.

Report Prepared By:

ALEXANDRIA HANCOCK, Planner I  
Development Review Services Division  
Planning & Economic Development Department

Report Approved By:

ELIZABETH ABERNETHY, AICP, Zoning Official (FOD)  
Development Review Services Division  
Planning & Economic Development Department
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-54000046
Address: 3896 42nd Avenue South

st.petersburg
www.stpete.org
PIX #1
To AD THE GARAGE
HERE (LEFT SIDE)
Would Block THE
ONLY FRONT WINDOW
& CHANGE THE "LOOK"
THE ADDITION WOULD BE BEHIND THE HIGH PLANTS & THEREFORE HARDLY IMPACT THE FRONT VIEW.
PIX #3

The rooftop on the block west of the house. The view above the hedge between the houses.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

### APPLICANT NARRATIVE

<table>
<thead>
<tr>
<th>Street Address: 3896 42nd Ave S</th>
<th>Case No.: 10-540000412</th>
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<td>Detailed Description of Project and Request:</td>
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1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?

   Only that the integrity of the property would not be negatively impacted.

2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.

   4841 37th St S
   See ox #4

3. How is the requested variance not the result of actions of the applicant?

   No
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

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<tr>
<td>4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?</td>
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<td>We would like a variance for 12 feet to accommodate a single car garage. However, we were advised that 10 feet might be acceptable. Although this would cause a financial hardship due to knocking out an existing wall, we are still willing to go with a 10 foot variance.</td>
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<tr>
<td>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</td>
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<tr>
<td>Opposite side of the existing garage was a consideration although it would block our only way to look out the front. Again, we want to keep the integrity of the design of our home.</td>
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<tr>
<td>6. In what ways will granting the requested variance enhance the character of the neighborhood?</td>
</tr>
<tr>
<td>We are keeping the integrity of both the house and neighborhood who already have a three car garage.</td>
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</tbody>
</table>
As a neighbor of Gerry and Lynne Moore, at 3896 42nd avenue S, we have no objection to the extension of their garage 12 feet out from the current front wall, 4 ft beyond the setback line, which apparently will need a variance from the city of St. Petersburg.

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</thead>
<tbody>
<tr>
<td>Thomas W. Hodnett</td>
<td>3900 42nd Ave S.</td>
<td>3/8/16</td>
</tr>
<tr>
<td>Barbara J. Holloway</td>
<td>8946 42nd Ave S.</td>
<td>3/8/16</td>
</tr>
<tr>
<td>Samuel Doyle</td>
<td>3872 42nd Ave S.</td>
<td>3/8/16</td>
</tr>
<tr>
<td>Kevin French</td>
<td>4110 39th St S.</td>
<td>3/25/16</td>
</tr>
<tr>
<td>Jacqueline Levine</td>
<td>3872 42nd Ave S.</td>
<td>3/30/16</td>
</tr>
<tr>
<td>Robert Hopkins</td>
<td>3854 42nd Ave S.</td>
<td>3/28/16</td>
</tr>
<tr>
<td>Barbara Boryslawski</td>
<td>3946 42nd Ave S.</td>
<td>5/7/16</td>
</tr>
<tr>
<td>Barbara Boryslawski</td>
<td>4191 39th St S.</td>
<td>5/7/16</td>
</tr>
<tr>
<td>Wilma P. Holloway</td>
<td>4191 39th St S.</td>
<td>5/7/16</td>
</tr>
</tbody>
</table>
PUBLIC PARTICIPATION REPORT

Application No. _______________________

In accordance with LDR Section 16.70.040.1.F.2. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

<table>
<thead>
<tr>
<th>Street Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal</td>
</tr>
<tr>
<td>- May 5, 2016 Neighbors Presentation to Board</td>
</tr>
<tr>
<td>- Letter of Approval from Board President</td>
</tr>
<tr>
<td>- Signature of Approval of Neighbors (with N) View</td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
</tr>
<tr>
<td>See above</td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
</tr>
<tr>
<td>Close homeowners with a visual of the project</td>
</tr>
<tr>
<td>2. Summary of concerns, issues, and problems expressed during the process</td>
</tr>
<tr>
<td>There were</td>
</tr>
<tr>
<td>3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations</td>
</tr>
<tr>
<td>Check one: ( ) Proposal supported</td>
</tr>
<tr>
<td>( ) Unable to comment on the Proposal</td>
</tr>
<tr>
<td>( ) Other comment(s):</td>
</tr>
<tr>
<td>Association Name: AROA WATER</td>
</tr>
</tbody>
</table>

If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.
May 9, 2016

City of St. Petersburg
Planning and Economic Development Department
Attn: Elizabeth Abernathy

Dear Ms. Abernathy,

Thank you for your interest in insuring the integrity of our community, and taking into consideration The Broadwater Civic Associations input into local land use issues. As president of the association I take great pride in our neighborhood and am always interested in the various improvements that our neighbors are making to their properties. 

On May 5, 2016 I was asked by Gerry and Lynne Moore, who live at 3896 42nd Avenue S to visit and to review their plans for the purpose of getting my opinion of the appropriateness of the extension of the front wall of their garage to build an additional garage on the front face of their side load garage facing 42nd Ave S. They are seeking only a 2 foot variance to make this project possible.

After spending considerable time looking at the drawings, I have gained some insight into the issues that went into the design, and have come to the following conclusions:
1. The quality of the proposed construction is excellent and will add to the property value. Also, it will be consistent with the design of the existing house.
2. The project is aesthetically pleasing and does not in my opinion raise any issues as to its appropriateness.
3. I see no reason the project would be a nuisance to the Moore’s neighbors. They have gone to all the neighbors surrounding them with the proposed plans and have received support of this project. No view will be impacted at all due to the existing landscaping that will remain.
4. Other additions to properties in Broadwater have added to home values.
5. There are other homes in Broadwater that are closer to the street than this project will be when completed.
6. Mr. Moore also presented this project to the Broadwater board and met with 100% approval.

After careful consideration, I would like to recommend that this project receive the 2 foot variance approval and that the city allow this project to move forward.

Please feel free to contact me at 727-638-1421 if you require further information.

Sincerely,

\[Signature\]

Tom Ando
President
Broadwater Civic Association
For Public Hearing and Executive Action on August 3, 2016, beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 16-53000001 PLAT SHEET: D-12
REQUEST: Appeal of a decision to deny a permit to remove a grand tree.

APPELLANT: Rita Oglesby
1846 Coffee Pot Boulevard Northeast
Saint Petersburg, Florida 33704-4694

ADDRESS: 1846 Coffee Pot Boulevard Northeast

PARCEL ID NO.: 17-31-17-83222-064-0001

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional-3 (NT-3)

Background: The subject property is located in the Historic Old Northeast Neighborhood, at the southeast corner of Coffee Pot Boulevard Northeast and Beach Drive Northeast, see Exhibit 1. The existing single-family home was constructed in 1958 and the current property owners, Rita and Michael Oglesby, purchased the home on June 1, 1987. A variance was issued in 1993 to convert a carport into a garage. The existing two car driveway and garage is located along the Beach Drive Northeast frontage, and there is an additional parking pad adjacent to the garage, see Exhibit 2, photographs. There is also an existing circular drive on the Coffee Pot Boulevard Northeast frontage.

On March 7, 2016, the property owner applied to remove a 36-inch Live Oak located on the Coffee Pot Boulevard Northeast frontage, between the circular drive and the property line. The
application included a copy of the proposal from Tip Top Tree Service, noting that the tree is causing structural damage, see Exhibit 3.

The applicable code section is as follows:

16.40.60.5.4. - Factors for evaluation of a tree removal or trimming permit.
A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. Removal of Grand trees. A Grand tree may be removed if:
   a. The Grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or
   b. The Grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or
   c. The Grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree.

The property owner subsequently submitted two letters on April 6, 2016. One letter is from John Bolender, a Certified Arborist with J. Bolender & Co., stating that there is "an obvious conflict with the trees roots and the concrete driveway". The second letter is from Duane Perkins, a Certified Arborist with Bay City Tree Service. Mr. Perkins notes that the owner requests removal of large limbs over the roof and repair of the driveway. He further notes that the tree will fail with root pruning for a new driveway and will be off balance, as the edge of the driveway is within 15 inches of the grand tree, see Exhibit 4 for letters.

The letters provided address criteria b. above. No letters from a licensed architect, a licensed landscape architect, or a licensed engineer where provided to staff to address criteria’s a. or c. above.

The City’s Urban Forester, a Certified Arborist, along with two staff members with the City’s Forestry Division of Parks and Recreation inspected the tree. Based on a limited visual assessment, the subject Live Oak appeared to be in good overall health. The tree has adapted to the existing impervious driveway and only a small part of the canopy extends over the existing house. Cracks/grade changes in the existing circular drive were noted due to root intrusion, see 2, Photographs. If the property owner elects to replace the circular drive, it appears that most of the root system under the drive could be shaved down slightly to allow for a more level drive. It was also noted that one section of the existing drive has been raised more than six inches and would require some root removal. Moving forward, it is likely that cuts into the root system every several years may be necessary to keep the area level. Any damage to the root system may introduce fungus and decay ultimately decreasing the life expectancy of the tree. However, additional care could help to offset the stress and aid the health of the tree.
After the field inspections and review of the application and letters provided by the appellant, Staff made the determination that the application failed to meet the Code criteria as noted above for removal of a Grand Tree. Staff denied the application on April 11, 2016 and issued a formal letter of denial on April 13, 2016, see Exhibit 5.

**Appeal:** Rita Oglesby, the property owner, filed an appeal on April 22, 2016 to the POD’s decision to deny the Grand Tree Removal application, see Exhibit 6. The appeal generally argues the following:

1. The basis for the removal request is due to the condition of the tree according to an arborist report; and
2. The potential safety hazard that the tree may fall onto the road due to the incline grade of the property.

At the request of the appellant, the City provided an additional letter dated April 25, 2016, noting the names of the City’s Forestry Division of Parks and Recreation staff that inspected the tree along with the City’s Urban Forester, Shane Largent, see Exhibit 7.

**Staff Response:** The written reports bearing the signatures of the Certified Arborists did not adequately address the current health of the tree and therefore, Staff denied the permit application and Staff finds the current condition of the tree does not warrant removal, pursuant to code section 16.40.60.5.4.A.1.b. If the condition of the tree changes in the future, a tree removal permit could be reconsidered.

The reports note the conflict with the replacement of the existing circular drive. Staff notes that the property owner could elect to remove the circular driveway and not replace it, which would not affect the health of the tree. The main driveway, which is located on Beach Drive Northeast, provides reasonable access to the two-car garage and a parking pad.

If the property owner elects to replace the circular drive, Staff has recommended that the owner work with a Certified Arborist to selectively root prune the tree. In addition, pervious pavement or pavers could be utilized to both minimize damage to the tree and future potential damage to the drive.

**Public Comments:** Staff received an email in support of the denial of the application for a permit to remove the Grand Tree, which is attached as Exhibit 8.

**Recommendation:** The Planning and Economic Development Department Staff recommends DENIAL of the appeal, thereby upholding the PODs decision to deny the permit to remove the Grand Tree.
Report Prepared By:

SHANE LARGENT, Urban Forester
Development Review Services Division
Planning & Economic Development Department

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

LIST OF EXHIBITS:
Exhibit 1: Aerial Location Exhibit
Exhibit 2: Photographs
Exhibit 3: Tree Removal Application dated March 7, 2016
Exhibit 4: Letters received April 6, 2016 from John Bolender, J. Bolender & Co. and from Duane Perkins, Bay City Tree Service
Exhibit 5: Tree Removal Permit dated April 11, 2016 and Letter to Owner, dated April 13, 2016
Exhibit 6: Appeal dated April 22, 2016
Exhibit 7: Letter to Owner, dated April 25, 2016
Exhibit 8: Public Comments
Exhibit 1

Case #16-530000001

Aerial Location Exhibit
Exhibit 2

Case #16-530000001

Photographs
Exhibit 3

Case #16-53000001

Removal Application dated March 7, 2016
Permit No. ____________________________

Property Address: 1846 - Coffee Pot Blvd, N.E St. Pete, FL 33704

Description and Location of Tree(s) to be removed: (See Reverse)

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>Trunk Diameter* (inches)</th>
<th>Reason for Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Live Oak</td>
<td>36&quot;</td>
<td>Causing structural Damage</td>
</tr>
</tbody>
</table>

*Trunk diameter should be measured 4 1/2 feet above the ground.

Special circumstances (locked fence, dog, request to be contacted, etc.):

No Dog - No Fence Can Call Customer or Business

FEE SCHEDULE

1 & 2 Unit, Residential: $40.00.
3 or more Units & Non-Residential: 1st two trees: $60.00; Each Additional Tree: $10.00.
After-the-fact: Per Section 12.6.8, please contact Staff to determine.

Property Owner Authorization & Contact Info:

Owner Signature: [Signature]
Print Name: Rita Oglesby
Phone: (727) 642-4565
Email Address: N/A

I affirm that I am the legal owner of the subject property and that I intend to comply with any required special conditions, such as planting and maintaining any necessary replacement tree(s). By applying for this permit, I grant permission for Staff to visit the subject property to evaluate the request.

Tip Top Tree and Landscaping
Owner’s Agent/Tree Company
Print Name: Doug Denson
Phone: (727) 636-3511
Email Address: tip.top.tree@tampabay.rv.com

City of St. Petersburg, One 4th Street North, PO Box 2842, St. Petersburg, FL 33731-2842
www.stpetersburg.org/development/urban_forestry.php – trees@stpetersburg.org – Phone: 727-893-7471 / Fax: 727-892-5557
Draw circle to indicate locations of all trees on the property and identify tree species and diameter.

Label tree(s) proposed for removal and tree(s) to remain.

Provide a north arrow (ex. N↑).
TIP TOP TREE SERVICE
(727) 536-3511 • FAX (727) 524-1296
6537 – 123RD AVE. N., LARGO, FL 33773

Rita Oglesby
1846 - Coffee Pot Blvd NE
St. Petersburg, FL 33704

Doug Denson

PROPOSAL SUBMITTED TO

DATE

PHONE

JOB NAME

(727) 642-4565

3/4/16

STREET

CELL

1846 - Coffee Pot Blvd NE

CITY, STATE AND ZIP CODE

ST. PETERSBURG, FL, 33704

JOB LOCATION

ARCHITECT

DATE OF PLANS

PHONE

JOB PHONE

(727) 577-7633

We hereby submit specifications and estimates for:

Remove (1) Live Oak Tree
Front Yard Causing Structural Damage

All Stump Grindings will be back filled in Holes.
Unless otherwise specified.
Haul all Other Debris Away from Same Complete
Not responsible for any underground utilities unless marked

We propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:

Five thousand dollars 20/100

Authorized
Signature

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: 

Authorized
Signature

Customer cancellation charge: 50% of proposed price

Authorized
Signature
Exhibit 4

Case #16-53000001

Letters received April 6, 2016 from John Bolender, J. Bolender & Co. and from Duane Perkins, Bay City Tree Service
Consultation Live Oak 1846 Coffee Pot Blvd
Prepared for Tip Top Tree Service in reference to Application for Removal of Tree in front of residence surrounded by Circular Drive. There is an obvious conflict with the trees roots and Concrete Drive way. Remedial action is necessary to replace Drive way (beyond repair).

John Bolender
50-0723 A ISA Certification

- We Care for your Trees -
Bay City Tree Service, Inc.

Licensed • Insured • Free Estimates
www.BayCityTreeService.com
We Save Trees
Duane Perkins

Office: 823-7140  Certified Arborist - #SO 1109A & Professional Mangrove Trimmer
Fax: 323-5522

Proposal Submitted
To: Mrs. Rita Ogletree
Address, City, State, Zip: 1846 Coffee Pat Blvd

Date: 3-24-16

Phone:  
Cell Phone:  
Job Phone:  

Re: Top Top Tree Service Inc.

Mr. Doug Pommers: my assignment was to inspect a live oak, upon my arrival I notice a

Hard Heritage oak (Quercus macrocarpa var. salicina) leaning over Coffee Pat Blvd. Customer request to

remove large limbs over roof, and regular clearing it is my opinion, this tree will fail due to

Root Lifting roots for new driveway, To many anchor roots will be cut, and their oak tree will

be off balance, my opinion on a 20 year certified Arborist your tree should be removed at replant

if necessary.

☐ Stump Grinding mulch will be back filled in stump hole.
☐ All Debris Hauled Away

☐ Not Responsible for Underground Utilities

We propose hereby to furnish material and labor - complete in accordance with above specifications for the sum of:

Dollars ($-)

Authorized Signature

Acceptance of Proposal - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Customer cancellation charge 30% of proposal price.

3% will be added to cost if credit cards are used.

Date of Acceptance:  Signature

MAILING ADDRESS & OFFICE: 2220 - 4th Avenue So. • St. Petersburg, FL 33712
it is very unfortunate that the edge of driveway is within 15 inch of this
found oak, unfortunately this planting site is
Circuclar and a Medium Landscape Tree
should be installed in this planting site,
check with Mr. Shaw. Hopeful for tree replacement.
I affirm that my opinion have been made in
Total good faith with no Car cleric how other.

Duane Perkins Certified Arborist #011699A &
P.O.T. Since 1975

☐ Stump Grinding mulch will be back filled in stump hole.
☐ Not Responsible for Underground Utilities
☐ All Debris Hauled Away

We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

$200.00

Payment to be made on completion.
Accounts not paid within 30 days subject to 1-1/2% per month service charge on unpaid balance (18% annually). Should it become necessary to collect monies due resulting from this sale, you hereby agree to pay all costs of such collection, including a reasonable attorney's fee.

Acceptance of Proposal - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Customer cancellation charge 30% of proposal price.

Date of Acceptance:

Signature

MAILING ADDRESS & OFFICE: 2220 - 4th Avenue So. • St. Petersburg, FL 33712
Exhibit 5

Case #16- 53000001

Tree Removal Permit dated April 11, 2016 and

Letter to Owner, dated April 13, 2016
CITY OF ST. PETERSBURG
PLANNING AND ECONOMIC DEVELOPMENT
P.O. BOX 2842 • St. Petersburg, FL 33731
Telephone: 727-893-7471

TREE REMOVAL PERMIT

Fee paid $ NA Date Issued 4/1/16
NOTE: Permit is valid only for a period of six (6) months from issuance

☐ Single Family / Duplex - Established ☐ Commercial / Industrial / Retail / Office / Other
☐ Single Family / Duplex - Under Construction ☐ Agency (Fed., State or City)
☐ Multifamily ☐ Utility

Owner's Name Oglesby
Address (location of tree) 1846 Coffee Pot Blvd NE Phone 727.642.4565
Applicant (if other than owner) Tip Top Tree & Landscaping Phone 727.536.3511

Tree number and species to be removed
1 (GRAND LIVE OAK (DEFINED IN CITY CODE SECTIONS 16.90.020 AND 16.90.40)

Reason for removal
☐ Condition of tree(s)
☐ Location of tree(s)
☐ Other criteria as described

As a condition of the granting of this permit, the applicant is required to:
Plant ______________ shade tree(s) per City Code
• Minimum 8 ft. high after planted
• Florida Grade #1 or better quality
• Planted in subject property within __________ days of removal as replacement for trees removed.

PERMIT SHALL BE CLEARLY VISIBLE AND POSTED DURING TREE REMOVAL
NOTE: Variances may be granted by URBAN FORESTER in hardship cases.

DO NOT WRITE IN THIS SPACE. For office use only.
Application: ☑ DENIED ☐ APPROVED
Comments Based on the current condition of the subject tree, the Urban Forester / City Staff are unable to approve the request to remove the tree. Should the condition change in the future, please don’t hesitate to contact the Urban Forester / City Staff to re-evaluate.

Approved by − SPC

Revised: October 2014
Rita Oglesby  
1845 Coffee Pot Blvd NE  
St. Petersburg, FL 33704  

April 13, 2016  

Ms. Oglesby,  

Thank you for your patience during the assessment of the subject Grand Live Oak. As we discussed, I re-visited the subject property with two other Certified Arborists in the City’s Forestry Division of Parks and Recreation.  

The City Code establishes criteria for the evaluation of Grand Tree removal. (Code Sections 16.40.060 and 16.90.020). The subject Live Oak appears to currently be in good health with no significant areas of decline noted.  

As an alternative to tree removal, I understand you intend to have selective root pruning completed. I advise working with a Certified Arborist for both the root pruning and future monitoring. The subject tree has already acclimated to the existing concrete driveway. Please ensure that further stress to the root system is minimized as much as reasonably possible moving forward with future plans.  

Given the criteria referenced above, the application is hereby denied. You may appeal this decision under the provisions of City Code Section 16.70.010.6. Please be advised that such appeals are time sensitive and would need to be filed by April 25, 2016. Should the condition of the tree change in the future, please don’t hesitate to contact City Staff to re-evaluate tree removal.  

Regards,  

Shane P. Largent  
Urban Forester, ISA Certified Arborist  
Planning and Economic Development  
City of St. Petersburg  
P.O. Box 2842, St. Petersburg, FL 33731-2842  
727-893-4249
Exhibit 6

Case #16-530000001

Appeal dated April 22, 2016
Contact Information

Name: Rita Oglesby
Street Address: 1846 Coffee Pot Blvd NE
City ST ZIP Code: St. Pete, FL 33704
Telephone: (727) 894-6121
E-Mail Address: ritaoglesby@gmail.com
Signature: [Signature]
Date: 22 April 2016

Date of Hearing

Case No.

Case Address

Submittal Requirements

1. Narrative describing grounds for appeal. We are appealing the tree removal permit because this tree is structurally unsound according to our arborist, Tip Top Tree. This tree constitutes a safety hazard because it is showing the potential to fall onto the road. This is due to the incline grade of the property.

Information on Procedures for Hearing

1) Staff, appellant, applicant, and, registered opponent (if any) will have a total of ten (10) minutes each to present their case.
2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.
3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.
4) The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the quasi-judicial process.

Return form to Office of City Clerk, cathy.davis@stpete.org, (727) 892-7448

City of St. Petersburg, Development Review Services, One 4th Street North, PO Box 2842, St. Petersburg, FL 33731
(727) 893-5488
www.stpete.org/dr
April 21, 2016

Shane B. Largent
Urban Forester, ISA Certified Arborist
Planning and Economic Development
City of St. Petersburg
P. O. Box 2842
St. Petersburg, FL 33731-2842

Mr. Largent,

I am hereby filing an appeal to the denial of the Grand Tree Removal permit filed on my behalf by Tip Top Tree Service.

I am requesting the following items:

1) The names of the two other Certified Arborists from the City's Forestry Division of Parks and Recreation that accompanied you on your recent visit to my property to inspect the Grand Oak

2) The criteria you used for evaluation of Grand Tree removal

Thank you.

Sincerely,

Rita Oglesby

[Handwritten Signature]
Exhibit 7

Case #16-530000001

Letter to Owner, dated April 25, 2016
Rita Oglesby  
1846 Coffee Pot Blvd NE  
St. Petersburg, FL 33704

April 25, 2016

Ms. Oglesby,

Per your request:

1) The other two Certified Arborists, from the City’s Forestry Division of Parks and Recreation, that accompanied me on my most recent visit to your property are William Olive and Mike Vineyard.

2) **16.40.060.5.4. - Factors for evaluation of a tree removal or trimming permit application.**

A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

   1. **Removal of Grand trees.** A Grand tree may be removed if:

      a. The Grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or

      b. The Grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist, or

      c. The Grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree.

Regards,

Shane P. Largent  
Urban Forester, ISA Certified Arborist  
Planning and Economic Development  
City of St. Petersburg  
P.O. Box 2842, St. Petersburg, FL 33731-2842  
727-893-4249
Exhibit 8

Case #16-530000001

Public Comments
Hi Shane,

I am Carol Kline and we (a committee of 5 representing HONNA) just completed an inventory of all trees in right of ways in the Old Northeast neighborhood. We also measured all of the Live Oaks in those areas. We are concerned that almost 46% of the trees in the right of ways were Laurel Oaks and we know that some will not be here much longer. We have a spreadsheet of where the trees are located by address.

I want to thank you for not allowing the tree removal requested at the Coffee Pot address. I commend you for doing a good job in attempting to help us hang on to our trees. The developers are rampant in removing trees here and we must do all we can to keep the healthy ones when possible. If our help is needed in any way concerning our trees, be happy to assist.

Thank you,

Carol Kline
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION
REINSTATEMENT REQUEST

For Public Hearing and Executive Action on August 3, 2016, beginning at 2:00 P.M.,
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning and Economic Development Department records, Commissioner
Patricia Castellano 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.

CASE NO.: 13-52000016 PLAT SHEET: G-20

REQUEST: Approval of a reinstatement of eight (8) dwelling units for a total of
nine (9) units with variances to the requirements for a vehicle
loading space, paving of parking areas, and the landscaping
requirements for parking areas.

OWNER: Sara Johnson
1005 36th Avenue North
Saint Petersburg, Florida 33704

AGENT: Laura Bamond, Esq.
3510 1st Avenue North #125
Saint Petersburg, Florida 33713

AGENT: Mark Stephenson, Architect
WS Architecture, PLLC
146 2nd Street North #301
Saint Petersburg, Florida 33713

ADDRESS: 3617 12th Street North

PARCEL ID NO.: 12-31-16-09486-000-0320

ZONING: Neighborhood Traditional (NT-2)
SITE DATA (Summary):
Lot size: 17,250 square feet, or .396 acres
Density: 9 units or 22.72 units per acre
Permitted Units: 1 primary unit and one (1) accessory dwelling unit per plotted lot

REDEVELOPMENT PLAN VARIANCES: The applicant has requested the following variances:

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.10.020.1. Parking</td>
<td>1 per unit up to 2 bedrooms, plus 0.5 for each additional bedroom; Loading area required for more than 5 units.</td>
<td>No vehicle loading area</td>
</tr>
<tr>
<td>16.40.090.3.4 Parking</td>
<td>All parking spaces, drive lanes and driveway shall be paved.</td>
<td>Unpaved parking</td>
</tr>
<tr>
<td>16.40.060.2.1.3 Perimeter Parking Lot Landscaping</td>
<td>A minimum of one shade tree per 35 linear feet (or portion thereof) shall be planted around the perimeter of vehicular use areas. A continuous hedge comprised of shrubs planted not more than 30 inches on center shall be planted around the perimeter of the vehicular use area.</td>
<td>Existing landscaping to remain</td>
</tr>
</tbody>
</table>

The POD (Person Officially Dedicated) may approve up to 25 percent of the required parking area to be a grass surface. In making a determination to approve grass parking, the POD shall find that grass parking would not create erosion, barriers to pedestrian access or adverse effects on the site or abutting parcels. A request for more than 25 percent of the required parking to be designed using a grass surface may be approved by the DRC as a variance, which shall impose appropriate safeguards and conditions to minimize negative impacts associated with unpaved parking areas.

SITE AND PROPERTY CONDITION and SURROUNDING USES: The subject property consists of nine (9) small single family dwelling units. The neighborhood consists of primarily single family residential uses some with accessory dwelling units and multi-family condominiums and apartment buildings located along 30th Avenue North, 34th Avenue North, Martin Luther King Jr. Street North and on Haines Road North. To the north of the subject property there are two vacant lots and one two unit property. According to the Pinellas County Property Appraiser the balance of the surrounding lots is single family. The site is one platted lot of record of 17,250 square feet in area, approximately the same area as would be required for three lots in the NT-2 zoning district.

Property card history shows that the subject property was originally permitted in 1925 for twenty one (21) units, over time there were additional units added and removed from the site. In 1988 the City recognized through a Property Card Interpretation that there were ten (10) legal dwelling units on site. There was a 2007 demolition permit to remove one of the structures, there are nine (9) remaining units legally developed on the property.
The applicant purchased the subject property in 1993 and applied for a Certificate of Use in 2013. A Property Card Interpretation in October of 2013 established that there are nine (9) legal dwelling units on the property, these units had been abandoned due to failure to pay business taxes for more than 2 years. She has been paying requested taxes since 2004, though these taxes have not been applied since 2010 by the Business Tax Division as the property lost its grandfathered rights. All of the units are currently occupied, according to the property owner.

A reinstatement application was filed in 2013. At the time the City's Land Development regulations required a minimum unit size of 375 square feet. The City code was changed in May of 2015 to allow “a dwelling unit having not less than 220 square feet and not more than 375 square feet may be reinstated if the site provides at least the minimum number of off-street parking spaces for the number of units to be reinstated. No variance from this minimum size requirement or this minimum parking requirement may be granted.”

There have been numerous codes violation cases at the subject property. Codes violations include work without permits and property maintenance issues (see attached list). There are no open codes cases at this time.

The property is located on an unimproved alley to the east and unimproved streets to the west and to the south. It has been noted by staff that there has been a vehicle with commercial equipment parked within the right-of-way along 36th Terrace North, suggested conditions of approval at the end of this report address that condition.

The variances requested are reasonable in this context. The parking is to be located interior to the site and screened from the south right-of-way by the existing cottages. The request for grass parking spaces is consistent with the minimal use of this parking. There are existing trees on site and the parking has been laid out to preserve one of these trees within the parking area.

**STAFF ANALYSIS:** The remaining nine (9) dwelling units were legally constructed on the site. The present zoning district allows for one (1) dwelling unit and one (1) accessory dwelling unit; thus eight (8) units are now considered abandoned for failure to maintain business tax certificates. Evaluation of the criteria for reinstatement specified by the City Code for the Commission's review indicates that reinstatement is appropriate, subject to conditions. An analysis follows, based on the City Code criteria to be considered by the Commission.

1. *The degree to which the property's proposed use and density is consistent with the City's Comprehensive Plan, the applicable adopted Neighborhood Plan goals and objectives, and the character of the density, lot sizes and building types within the surrounding blocks.*

The density on the subject property exceeds the maximum residential density allowable by the NT-2 zoning district and in the PR-R Future Land Use category. The zoning district and the Future Land Use would allow a maximum of 15 units per acre. The subject property contains nine units, or 22.72 units per acre. However, the use of the subject property for multi-family is consistent with other properties in the area.

In reviewing the criteria in the Comprehensive Plan, there are several objectives and policies that apply to affordable housing:
The goal of Housing Element 7.2 is to "facilitate the provision of decent, safe, sanitary, healthy and affordable housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the city, while preserving and enhancing the community's physical and social fabric, and cultural diversity, and while protecting the interests of special needs groups, and extremely low, very low, low, and moderate-income households."

OBJECTIVE H3A: The City shall ensure that affordable housing for extremely low, very low, low, and moderate income households, including households with special needs, is available to 35% of the new households forecasted by 2010.

H3.2 Distribute publicly assisted housing equitably throughout the City to provide for a wide variety of neighborhood settings for extremely low, very low, low, and moderate income persons and to avoid undue concentrations in single neighborhoods.

H3.8 All residential districts designated by the land use plan and zoning map shall permit development of affordable housing for extremely low, very low, low, and moderate income households, preferably in developments containing units affordable to a range of income groups.

H3.15 The City shall review the street widths and sidewalk requirements and the landscaping for vehicular use areas requirements to consider reduced requirements for qualified affordable housing projects by December 31, 2008 and every three years thereafter.

The applicant works with non-profit agencies to place people in these units. However, the City is not aware of a recorded document which would ensure that these units are reserved for affordable housing in the future which addresses both the rents charged and the income levels allowed.

2. The degree to which the property is currently or was at the time of construction in compliance with the use and density/intensity regulations of Chapter 16 (current code), Chapter 29 (previous code), or then applicable zoning codes.

There are nine (9) remaining units legally developed on the property. The density of nine (9) units or 22.72 units per acre exceeds the density currently allowed in the PR-R Future Land Use category. Under current zoning of NT-2, one dwelling unit and one accessory dwelling unit is allowed on a platted lot or record which is at least 5,800 square feet in area. Under the previous zoning code, Chapter 29, this property was zoned RM-10 which allowed multi-family uses at 10 units per acre. At the time of construction in 1925, there was no zoning in the City of St. Petersburg.

3. The degree to which the property is and has been in compliance with other City Codes.

According to City records there are currently no open Zoning or Building Code violations for the subject property. The current property owner purchased the property in 1993, the last noted Code violation occurred in 2015 and was related to property maintenance. The property will require an inspection by the Codes Compliance Division prior to issuance of a Certificate of Occupancy.
4. The degree to which the property currently has or can provide adequate provisions for parking for the proposed number of units in accordance with the City's current codes and ordinances.

Section 16.10.020.1 of the City's Code requires that one parking space be provided for each unit in a multi-family use, and one loading space if there are greater than five units. The applicant is proposing to provide nine parking spaces on the site, which is the minimum required based on the unit count. The applicant is requesting a variance to the requirement for one loading space.

5. The degree to which the property has an adverse impact on the neighborhood as a result of the use or number of residential units on the site in excess of that allowed under the current zoning designation, lack of needed on-site parking, substandard maintenance, or other similar factors related to the property.

The subject property will provide the minimum number of parking spaces required in the NT-2 zoning district. Currently there are no designated spaces provided though there is adequate space to park on site. On several site visits staff noticed a maximum of two vehicles on site. The applicant is proposing to provide for nine parking spaces.

The units on the property, though they exceed the maximum number of units that would be currently allowed on the property, are very small. Eight of the units are 300 square feet in area and one of the units is 340 square feet. Aggregating the square footage of all the units on the property could easily equal the square footage of one single family dwelling unit permitted by right on this oversize lot.

There have been ongoing maintenance concerns and numerous codes violations. Through the process of reinstating the property Codes Compliance will inspect each of the units and any deficiencies will be required to be brought up to code at that time.

6. A structure containing previously grandfathered boarding or rooming units in a zoning district where such units are prohibited shall be converted to dwelling units. The conversion to dwelling units shall be based on the minimum gross floor area size requirements for multiple-family dwelling units of Chapter 16.

This criterion is not applicable.

7. The number of residential units reinstated shall be reasonably related to and accommodated by the size and design of the building(s) so that floor plans are appropriate based on the required size for multiple-family dwellings as defined in Chapter 16. No unit with a floor area of less than 220 square feet may be reinstated, and no variance to this minimum requirement shall be granted except as provided in paragraph 9 below. Except for efficiency/studio units, each residential unit shall have at least one bathroom, one bedroom, a kitchen and living room. Every room in an apartment shall have at least one window to ensure light and ventilation, however, bathrooms, kitchens and dining rooms need not have windows. At least one entrance from the exterior should be through the living room. Entrances from the exterior shall not be through bathrooms or bedrooms. Bathrooms shall not be the only entryway to any room.
All units meet minimum size requirements as called out in Chapter 16 of the Land Development Regulations. These units did not meet the requirements previously in place until May of 2015 which would have required 375 square foot minimum per unit. In 2015 the DRC voted to approve and City Council adopted a change to this regulation, now allowing units of 220 square feet to be reinstated.

8. The minimum size per unit is as follows: 1) Efficiency/studio unit 220 square feet; 2) One bedroom unit 500 square feet; 3) Two bedroom unit 750 square feet. For a dwelling unit having more than two bedrooms, an additional 200 square feet of dwelling area is required for each additional bedroom.

See response in number 7 above.

9. An efficiency/studio unit having not less than 220 square feet may be reinstated if the site provides at least the minimum number of off-street parking spaces for the number of units to be reinstated. No variance from this minimum size requirement may be granted.

This criterion is not applicable.

10. Reinstatement of units or a use shall not exceed the previously existing legally grandfathered number of units or intensity of use.

This criterion is not applicable.

PUBLIC COMMENT: The property is located within the boundaries of the Magnolia Heights Neighborhood Association, which covers the area from 30th Avenue North to 38th Avenue North and from Martin Luther King Jr. Street North to the intersection with Haines Road North and to 16th Street North. The Neighborhood Association signed the Public Participation Report as being in support of the reinstatement. The applicant also submitted 5 signatures of support on the attached Neighborhood Worksheet, as well as two additional letters of support from Tina March and Gulf Coast Jewish Family and Community Services.

An email of support was received from Linda Raymond whose home is located across the street at 3620 12th Street North from the proposed reinstatement (attached). A phone call was received from Bogdan Asztalos of 1209 37th Avenue North who indicated that he was in opposition to the request and who has also registered as an opponent (attached). A phone call was also received from Jennifer Frost of 1120 36th Avenue North requesting additional information, and she indicated she had no issue with the units being reinstated.

Two letters from current tenants, Clyde Lance and Doreen Thorp were also received (attached).

RECOMMENDATION: The Planning & Economic Development Department staff recommends approval of the requested reinstatement of eight (8) dwelling units, for a total of nine (9) units on the site, which shall be subject to the following conditions:

1. The applicant shall immediately contact the Construction Services and Permitting Division to apply for a Certificate of Use. A fire inspection and a building investigation shall be scheduled within seven (7) business days with inspections to occur within fifteen (15) business days. Any deficiencies shall be corrected within thirty (30)
calendar days of the inspection or investigation. (NOTE: CO APPLICATION EXPIRES 60 DAYS FOLLOWING DATE OF APPLICATION).

2. The interior and the exterior of the subject property shall be inspected by the Codes Compliance Assistance department and a Certificate of Use shall not be approved until the inspections are completed and any violations are corrected. The applicant shall contact the Codes Compliance Assistance Department at 727-893-7373 to schedule required inspections.

3. The applicant shall provide nine (9) grass parking spaces as shown on the attached plans, with wheel stops.

4. The applicant shall comply with the Florida Accessibility Code and the Fair Housing Act when designing the new parking area.

5. Parking shall take place in the designated parking spaces and not in the right-of-way. Commercial equipment shall not be parked on site.

6. No additional sheds beyond the five shown on the attached site plan shall be permitted.

7. The applicant shall satisfy the above conditions by November 3, 2016. It shall be the applicant's responsibility to request and justify any necessary extensions. In no case shall extensions be granted beyond six (6) months of the date of this approval. The applicant may submit a written request for an extension prior to this date, with detailed explanation of the need for such an extension, for review and approval by DRS staff.

8. The applicant shall contact the City's Business Tax Division and obtain all necessary Business Tax Certificates following issuance of the Certificate of Inspection and Certificate of Use.

9. Failure to comply with the Commission's action by the applicant or any new property owner will result in the loss of reinstatement of the abandoned units. The Commission's action is applicable to the property, regardless of ownership. When the property is sold, the new property owner must also meet the conditions of reinstatement or eliminate the abandoned dwelling units.

Report Prepared By: Kathryn Younkin, AICP, LEED AP BD+C
Report Prepared For: Elizabeth Abernethy, AICP
Deputy Zoning Official Zoning Official (POD)
Development Review Services Division Development Review Services Division
Planning & Economic Development Dept. Planning & Economic Development Dept.

Attachments: Parcel Map, Aerial, Staff Photos, Application including Neighborhood Worksheet, Public Participation Report, site plan and floor plans, Property Card Interpretation, Property Card, Code Compliance Case History, Building Permit History, Email from Linda Raymond, Registered Opponent Application from Bogdan Asztalos and Letter, Letters from Clyde Lance and Doreen Thorp
List of Required Submittals

Only complete applications will be accepted:

✓ Completed reinstatement application form
✓ Pre-application Meeting Notes
✓ Affidavit to Authorize Agent, if Agent signs application
✓ Application fee payment
✓ Site Plan or Survey of the subject property:
  • To scale on 8.5" x 11" paper
  • North arrow
  • Setbacks of structures to the property lines
  • Dimensions and exact locations of all property lines, structures, parking spaces, and landscaping
✓ Floor Plans:
  • 8.5" x 11", 8.5" x 14", or 11" x 17" paper, inc. one 8.5" x 11"
  • Locations of all doorways, windows and walls (interior and exterior)
  • Dimensions and area of each room including closets
  • Dimensions and area of each dwelling unit, excluding storage areas.
✓ Elevation Drawings:
  • On 8.5" x 11", 8.5" x 14", or 11" x 17" paper; Inc. one 8.5" x 11"
  • Depicts all sides of existing & proposed structure(s) (photos in liuv)
✓ PDF of all above drawings (may be emailed to staff planner)
✓ Work Program:
  • Parking spaces
  • Landscaping
    (Bring up to minimum standards of City Code, Chapter 16)
  • Sidewalks from parking to door of each unit
    (Minimum 2' wide, paved)
  • Any outstanding Codes Compliance issues
  • Other work to be completed for Certificate of Occupancy
✓ Signed Financial Statement
  • Include cost estimates for renovation or construction, proposed methods or evidence of financing, and a timetable for start and completion of work. See Initial OWL FLOWCHART. IMPROVEMENTS ARE MINIMAL

The following items are optional, but strongly suggested:

✓ Neighborhood Worksheet
✓ Photographs of the subject property and structure(s)
✓ A Pre-Application Meeting is Required Prior to Submittal.

To schedule, please call (727) 892-5498.

Completeness review by city staff: ___________________
Pre-Application Meeting Notes

Meeting Date:  
Meeting #1: 10/21/2013 (that week)  
Meeting #2 6/6/2016 3:30

Address/Location  
3617-12th Street North - Morningide Apartments

Type of Application: Reinstatement of 8 units

Staff Planner  
2013: Robert Gerdes Deputy Zoning Officer; meeting 6/6/2016: Kathryn Younkin

Staff Contact Info: Kathryn Younkin

Neighborhood Association(s)  
Magnolia Heights Neighborhood Association, Jack R. Spinrad President

Neighborhood Association President Name(s) & Contact Info

Issues/Concerns:

10/13/2013 PCCI - 9 units were legally built; 8 units abandoned due to failure to have occupational license for 2 years; City code prohibits reinstatement of units less than 320 square feet.

10/22/2013 meeting: Robert Gerdes, Deputy Zoning Official, Owner, Architect; Attorney advised to file application for reinstatement showing 20 sq. ft. addition to 8 units which are 300 sq. feet, pending adoption of ordinance to reduce square footage requirement; showing parking spaces

12/9/2013 file application for reinstatement

March 2014 Ord. 16.70.040.1.14 E. 9 amended to state: “a dwelling unit having not less than 220 sq. feet and Not more that 375 square feet may be reinstated if the site provides at least the minimum number of off street parking spaces for the number of units to be reinstated....

8/2015 submitted 2nd site plan showing units without the room additions, parking, photos of landscaping. Requested to provide new site plan showing exact location of sheds

11/16/2016 survey completed by Murphy Land Surveying Inc.

5/2016 third site plan drawn incorporating location of sheds, cottages; 9 parking spaces; Zoning requested photos of specific areas in lieu of elevations

6/6/2016 meeting to review 3rd site plan, make sure set backs and sq. footages of cottages are shown and photos requested by Zoning were submitted; discuss that apartments provide affordable housing
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg’s Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

**GENERAL INFORMATION**

| NAME of APPLICANT (Property Owner): | Sara Johnson |
| Street Address: 1005 36th Avenue, St. Petersburg, FL 33704 |
| City, State, Zip: |
| Telephone No: (727) 415-650R |

| NAME of AGENT or REPRESENTATIVE: |
| Laura Bamond, Attorney 3510 First Avenue North Ste. 125 St. Petersburg, FL 33713 |
| City, State, Zip: 727-328-2405 |
| Telephone No: bamond128@gmail.com |

| MARK W. STEPHENSON, ARCHITECT |
| WS Architecture, plc |
| 146 2nd St. N. Suite 301 St. Petersburg, FL 33713 |
| Telephone No: 727-8821-6610 |
| mark@weddingarchitects.com |

**PROPERTY INFORMATION:**

- **Street Address or General Location:** 3617 12th Street North, Morningside Apartments

| PIN: 12-31-16009485-000-0320 |

**DESC:** Owner/applicant seeks reinstatement of 8 units. There are 9 cottages, eight of the units lost grandfathered status due to failure to pay occupational license tax for two years. Applicant will provide 9 parking spaces on site. These units are well maintained, located on spacious, park like setting. They provide affordable housing to 9 low income occupants, eight of whom make $10,00 a year or less.

**PRE-APPLICATION DATE:**

**PLANNER:**

**FEE SCHEDULE**

- Reinstatement Administrative Review: $200.00
- Reinstatement Commission Review: $500.00

Cash, credit, and checks made payable to the "City of St. Petersburg"

**AUTHORIZATION**

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City’s Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant’s signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

**NOTE:** IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

**Signature of Owner / Agent:**

*Satisfied to Authorize Agent required, if signed by Agent.*

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471

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AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: SARAH JOHNSON

This property constitutes the property for which the following request is made

Property Address: 3617 - 12TH ST. N. MORNINGSIDE APTS

Property ID No.: 12-31-16007985-000-0320

Request:

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): MARK STEPHENSON, ARCHITECT

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I(we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): SARAH JOHNSON

Sworn to and subscribed on this date

Identification or personally known: FL DRIVER'S LICENSE AND PERSONALLY KNOWN

Notary Signature: (Print): LAURA BAMOND

Commission Expiration (Stamp or date): 1/3/16

Page 4 of 13
REINSTatement

General Information

Pre-application Meeting
All applicants are required to schedule a pre-application meeting. Meetings may be held via telecom. If an application is submitted without a pre-application meeting, and the application is deemed to be incomplete or incorrect, the application may be delayed. Please contact Pamela Jones to schedule: 727-892-5498.

Public Participation Report
All applicants are required to contact the applicable Neighborhood Association President and complete the Public Participation Report prior to submittal of an application. Applications without the Public Participation Report will not be accepted. The contact information will be provided to the applicant by staff at the pre-application meeting.

Application Submittal
Only complete applications will be accepted. Complete applications must be filed by 2:00 p.m. on the application deadline date.

Site Plan, Floor Plans, and Elevation Drawings
All applications for the Commission require a detailed, accurate site plan or survey and elevation drawings. All redevelopment applications also require floor plans and elevation drawings. Staff strongly encourages applicants to retain the services of a design professional to prepare the required plans. The City is unable to accept site plans, floor plans, or elevations that are incomplete, illegible, unclear, or do not meet the criteria listed on the "List of Required Submittals." Such determinations are made at the discretion of the City.

Commission Review
By applying to the Commission, the applicant grants permission for Staff and members of the Commission to visit the subject property to evaluate the request. Applicants with special requests related to timing of site visits should advise Staff in writing at the time of application submittal. Any Code violations found by the City Staff or the Commission members during review of the subject case will be referred to the Codes Compliance Assistance Department.

Legal Notification
All applications made to the Commission are required by Florida Statute and City Code to provide public notification of requested variances, reinstatements of grandfathered uses, and redevelopment plans. The applicant will be required to post a sign on the subject property and send via the U.S. Postal Service by “Certificate of Mailing” notification letters to all property owners within 200 feet of the subject property. The City will provide one (1) original notification letter, a list of properties, mailing labels, sign, and procedures to complete the posting of the sign and the notification of property owners. These legal notifications must be completed by the dates noted on the Commission schedule with verification of mailing returned to Staff within seven (7) days of the meeting date.

Variances
If variances are requested as part of the reinstatement, the variance application, narrative, and fee will need to be included at the time of application.
REINSTATMENT

GENERAL INFORMATION

Public Hearing
Applications appropriate for public hearing will be heard by the Commission on the dates listed on the Commission schedule. The public hearings begin at 2:00 P.M. in the City Council Chambers at City Hall, located at 175 5th Street North. All proceedings are quasi-judicial. Therefore, it is required that the property owner or authorized representative attend the hearing.

Commission Approvals
If approved by the Commission, permits, inspections, business taxes, and certificates of occupancy are required, when applicable. All conditions of approval must be completed and approved by the date specified in the report. Failure to satisfy these requirements will invalidate the approval of the request. Approval of a request by the Commission or POD (person officially designated) does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. Applicants are advised to contact the Construction Services and Permitting Division at (727) 893-7231 to determine if any other regulations may affect a given proposal.

Standards for Approval per Section 16.70.040.1.14

E. Standards for review. In addition to the standards of review for a zoning and planning decision generally, a decision rendered under this section shall be guided by the following factors:
1. The degree to which the property’s proposed use and density is consistent with the City’s Comprehensive Plan and the character of the density, lot sizes and building types within the surrounding blocks.
2. The degree to which the property is currently or was at the time of construction in compliance with the use and density and intensity regulations of this chapter or then applicable zoning codes and land development regulations.
3. The degree to which the property is and has been in compliance with other City codes.
4. The degree to which the property currently has or can provide adequate provisions for parking for the proposed number of units in accordance with the City’s current codes and ordinances.
5. The degree to which the property has an adverse impact on the neighborhood as a result of the use or number of residential units on the site in excess of that allowed under the current zoning designation, lack of needed on-site parking, standard maintenance, or other similar factors related to the property.
6. A structure containing previously grandfathered boarding or rooming units in a zoning district where such units are prohibited shall be converted to dwelling units. The conversion to dwelling units shall be based on the minimum gross floor area size requirements for one or more bedroom dwelling units in these standards of review.
7. The number of residential units reinstated shall be reasonably related to and accommodated by the size and design of the building so that floor plans are appropriate based on the required size for multiple family dwellings as defined in this chapter. No unit with a floor area of less than 375 square feet may be reinstated, and no variance from this minimum requirement shall be granted except as provided for efficiency/studio units below. Except for efficiency/studio units, each residential unit shall have at least one bathroom, one bedroom, a kitchen and living room. Every room in an apartment shall have at least one window to ensure light and ventilation; however, bathrooms, kitchens and dining rooms need not have windows. At least one entrance from the exterior should be through the living room. Entrances to the exterior shall not be through bathrooms or bedrooms. Bathrooms shall not be the only entryway to any room.
8. The minimum size per unit shall be as follows:
a. Efficiency/studio unit: 375 square feet,
b. One bedroom unit: 500 square feet,
c. Two bedroom unit: 750 square feet,
d. For a dwelling unit having more than two bedrooms, an additional 200 square feet of dwelling area is required for each additional bedroom.
9. An efficiency/studio unit having not less than 320 square feet may be reinstated if the site provides at least the minimum number of off-street parking spaces for the number of units to be reinstated. No variance from this minimum size requirement may be granted.
10. Reinstatement of units or a use shall not exceed the previously existing legally grandfathered number of units or intensity of use.
11. For a property with up to two dwelling units, three parking spaces shall be provided for up to five bedrooms plus 0.5 parking spaces for each additional bedroom. For a property with more than two dwelling units, the property shall meet the parking requirements for multifamily dwellings of the zoning district.

*Proposed code amendment change to 220 square feet scheduled for adoption 5/21/15.

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REINSTATEMENT

NARRATIVE (PAGE 1)

All applications for reinstatement must provide justification for the requested reinstatement based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. A separate letter addressing the criteria may be provided as a supplement to this form.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th><strong>APPLICANT NARRATIVE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mensored apartments</strong></td>
</tr>
<tr>
<td>Street Address: 3617 12th Street North</td>
</tr>
<tr>
<td>Detailed Description of Project and Request:</td>
</tr>
<tr>
<td>1. Is the building currently occupied? yes</td>
</tr>
<tr>
<td>2. How many dwelling units exist on the property? 9</td>
</tr>
<tr>
<td>3. Of the total number of dwelling units, how many are occupied? 9</td>
</tr>
<tr>
<td>4. Have you applied for an occupational license? No. Owner pays occupational license tax each year, but cannot obtain license till reinstated</td>
</tr>
<tr>
<td>5. Are you located within a Certificate of Inspection Area? see below</td>
</tr>
<tr>
<td>Information is available from the Codes Compliance Assistance Department at (727) 893-7373</td>
</tr>
<tr>
<td>6. Have you had any recent fire or building inspections? yes</td>
</tr>
<tr>
<td>7. When did you acquire the property? 1993</td>
</tr>
<tr>
<td>8. Do you own other rental property in the City of St. Petersburg? yes</td>
</tr>
<tr>
<td>If yes, please provide a list of the addresses in the space below:</td>
</tr>
<tr>
<td>1010 36th Avenue North, St. Petersburg, FL 33704</td>
</tr>
<tr>
<td>9. Are any variances requested in conjunction with the reinstatement application? No</td>
</tr>
<tr>
<td>If yes, please provide a completed Narrative for Variances. Staff will provide upon request</td>
</tr>
</tbody>
</table>

The cottages are licensed with the State Division of Hotels and Restaurants, copy of license attached

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www.stpete.org/st
All applications for reinstatement must provide justification for the requested reinstatement based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

10. Describe the consistency of the subject property with the density, building types, and general character of other properties within the surrounding blocks.

The subject property lies on a large open area, of 77,750 feet (116 x 150). Along the Western side of the property runs 12th Street North Avenue, runs North/South). Along the Southern side of the property runs 36th Terrace, runs E/W, which intersects 12th Street North Avenue making the property a corner lot.

In the center of the subject property, running East from 12th Street North is a shell road, along which 9 parking spaces will be placed. This is a grassy area with mature trees, a mailbox, and a seating area near the entrance.

There is a row of 3 cottages placed parallel to the Northern boundary of the subject property, each cottage facing the shell road to their South. To the North of the row of cottages are two vacant lots (1156 37th Ave and 1162 37th Ave) and a third lot which is a two unit rental unit (3649 37th St. N). See enclosed map.

11. Are there any active Code violation cases for this property? What is the plan for bringing the property into compliance with the City Code?

NO

12. Does the property currently or can the property provide adequate provisions for parking in accordance with the City Code?

The property can adequately provide for parking in accordance with the City Code. The site plan shows the addition of 9 grass parking spaces with concrete bumpers to be located along either side of the private shell road on the property. No variance as to number of parking spaces is required. Incidentally, only one of the tenants has a car.

On the Southern boundary of the property, parallel to 36th Terrace, is a row of 6 cottages, each facing 36th Terrace. Across 36th Terrace is a continuous wood fence screening two single family homes. Across 12th Street to the West of the subject property is: 1) small single family house (3620 12th St. N), 2) a small rental home frame built 1082 (1207 36th Terrace),

To the East of the subject property are a row of 5 rental cottages fronting Jessup Court, built 1920's.

The Morningside Apartments helps the City comply with the Comprehensive plan (4/15/2016) Housing element 7.2 to provide decent, safe, sanitary, healthy affordable housing in suitable neighborhoods at affordable costs to meet the needs of present and future residents, while protecting the interests of special needs groups, and extremely low, very low, low and moderate income households. See Policy H3-13 all departments must do an affordable housing impact analysis regards affordable housing: A. Would an effect be to increase the cost of development?, B. Would an effect be to increase the time needed for development approval? C. Would an effect be to increase the long term cost of development?

Eight of the nine tenants make $12,000 a year or less. The ninth tenant makes $15,000 a year and is a full-time student and works retail. Eight of the nine tenants are extremely low income persons within the meaning of the Fla. Stat. 420.0004 Fla. Stat. That is, their incomes do not exceed 30% of the median annual adjusted gross income for households within this state. The rents charged are very low, so that the residents can afford safe, decent, affordable housing..
REINSTATEMENT

FINANCIAL STATEMENT

Street Address: 3617-12th Street North

Case No.:________________________________________

Estimate of cost for renovation or construction: $310.59

Proposed method or evidence of financing: Cash

Timetable for start and completion of the work: As soon as approved-Iday

If the subject reinstatement application is approved by the Development Review Commission, the Commission may impose Conditions of Approval that are in the best interest of the subject property and the surrounding neighborhood. These conditions may be considerable in terms of time and expense to the applicant.

By signing this Financial Statement, I affirm that I am prepared to incur the costs necessary to comply with the Conditions of Approval as levied by the Development Review Commission.

________________________________________
Signature of Property Owner

Date

/\S/ Sara Johnson  estimate attached

Print Name of Property Owner
REINSTATEMENT

WORK PROGRAM (Page 1)

All applications to the Commission for reinstatement of abandoned uses are required to provide a work program of all work to be completed, per Section 16.70.040.1.14 of the City Code. It is recommended that the following responses be typed. Illegibly handwritten responses will not be accepted.

Street Address: 3617-12th Street North  
Case No.: ______________

The following work program should consider the following improvements needed to bring the subject property into compliance with the City Code:

- Parking (minimum of one paved, off-street space per one-bedroom or efficiency unit and an additional one-half space per additional bedroom)
- Landscaping & irrigation (per Section 16.40.060 of the City Code)
- Sidewalks (minimum of four [4] feet wide, paved sidewalks connecting parking spaces to the door of each unit)
- Any outstanding Codes Compliance issues
- Other work required to obtain a Certificate of Occupancy (It is recommended that applicants retain the services of a licensed general contractor to determine if any additional work must be completed per the Florida Building Code.)

<table>
<thead>
<tr>
<th>Work to be Done</th>
<th>Cost Estimate</th>
<th>Estimated Time to Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>install 9 concrete parking bumpers</td>
<td>$310.59</td>
<td>1/2 day</td>
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</table>

<table>
<thead>
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<th>Estimated Time to Complete</th>
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**Customer Quote**

Date: Mon, Jun 13, 2016

**Bill To:** Account

**Ship To:**
- 2001 13th Avenue North
- St. Petersburg, FL 33713
- (727) 822-3340 Fax 822-0221

**Quote Number:** 566850

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<th>UOM</th>
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<td>66916</td>
<td>9.00</td>
<td>Each</td>
<td>CARSTOPS ONE-SIDED 8' A TYPE</td>
<td>34.51</td>
<td>310.59</td>
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**Quote Created by:** Ben Martani

Prices - Unless specified are subject to change without notice

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<tr>
<td>Total</td>
<td>$310.59</td>
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Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

### NEIGHBORHOOD WORKSHEET

<table>
<thead>
<tr>
<th>Street Address: 2617 12th St, St. Pete, FL 33704</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request: Paving Installation</td>
<td></td>
</tr>
</tbody>
</table>

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):

1. **Affected Property Address:** 2617 12th St, St. Pete, FL 33704  
   **Owner Name (print):** Linda Raymond  
   **Owner Signature:** [Signature]

2. **Affected Property Address:** 1165 36th Ave. North, St. Pete, FL 33713  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

3. **Affected Property Address:** 1185 36th Ave. North, St. Pete, FL 33707  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

4. **Affected Property Address:** 3700 12th Street N  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

5. **Affected Property Address:** 3620 12th Street N  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

6. **Affected Property Address:** 3650 12th Street N  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

7. **Affected Property Address:** 3640 12th Street N  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]

8. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:** [Signature]
In accordance with LDR Section 16:70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

**APPLICANT REPORT**

**Street Address:**

1. Details of techniques the applicant used to involve the public:
   (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

   **April 19, 2016**
   - *Magnolia Heights Neighborhood Meetings*

   (b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications

   *Daily email, monthly newsletter*

   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

   *Informed in person*

2. Summary of concerns, issues, and problems expressed during the process

   *Installing Driveways*
   - *Should not use any problems*

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations

   Check one:
   - [ ] Proposal supported
   - [ ] Do not support the Proposal
   - [ ] Unable to comment on the Proposal at this time
   - [ ] Other comment(s):

   **Association Name:**
   - *MADAGNIA HEIGHTS NEIGHBOR*

   **President or Vice-President Signature:**
   - *Sign here*

   If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification:
In accordance with LDR Section 1670.40.1 F. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

APPLICANT REPORT

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   (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

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   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

2. Summary of concerns, issues, and problems expressed during the process

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations
   Check one:  [ ] Proposal supported
   [ ] Do not support the Proposal
   [ ] Unable to comment on the Proposal at this time
   [ ] Other comment(s):

   Association Name
   President or Vice-President Signature

If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.
Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida’s economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department’s initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY
Directly across 12th Street N, to the West of Morningside Apts.

3620 12th St. N, home, 576 sq ft, living space, owner Linda I Raymond, E 50 ft of Lot 31, Boardman & Goetz Gardens Tracts, owner Linda I Raymond, built 1958, frame

1207 36th Ter. NE, Rental, 996 sq ft, Owner, Lot 1, Blk 1, Macks' Replat, owner Delores R. Hamburg Liv. Trust, built 1982, frame

1221 36th Ter. N., home, 1026 sq feet, owner Ryan Beaver, bought in 2015, W 50 ft of Lot 31, built 1983, frame with vinyl over

1223 36th Ter. N., home, 936 sq feet, owner Mark Milanese, E 85 ft of Lot 30, Boardman & Goetz, built 1963, concrete block

Land adjoining Morningside Apartments to the North

1156 37th Ave N., vacant lot, 50x115, owner Swanson Violet Liv. Trust, E 50 ft of Lot 17, Boardman & Goetz Gardens Tracts

1162 37th Ave N. vacant lot, owner Sara Johnson, W 50 ft of E 100 ft of Lot 17, Boardman & Goetz Garden Tracts

3649 12th St. N, Rental 2 units, 1,480 sq ft, owner, Scott Curry, Faith Curry, W 50 ft of Lot 17 Boardman & Goetz Gardens, built 1924, frame

Land further North of Morningside apts.

1155 37th Ave. N Rental, 936 sq ft, owner NLS Holdings LLC, E 1/2 of Lot 16 Boardman & Goetz Gardens Tracts, 1 story, frame built 1957

3737 12th St. N, home,

Directly across Jessup Court to the East of Morningside Apts.

3620 Jessup Court, Rental 485 sq feet owner Natalie De Long, Lot 15, Baker Sub, RH, 2 stories, frame, built 1926

3636 Jessup Court, Rental 867 sq ft liv. Space, owner Damce and Linda Limbevski, Lots 13 and 14 Baker Sub, RH, 2 stories frame, built 1924

3642 Jessup Court, Rental 676 sq ft, owner, Damce and Linda Limbevski, Lot 12, Baker Sub, RH, 1 story, frame built 1924

3650 Jessup Court, home, 1,100 sq ft, owner Liz K. Skot, Lots 10 and 11, Baker Sub, R.H., 1 story frame, built 1953

3666 Jessup Ct. N, Rental, 1,194 sq ft, owner Nevada Holdings, LLC, Lot 9, Baker Sub, R.H., 1 story, frame built 1949

Land to the South of Morningside Apts. across 36th Ter. N.

1165 36th Avenue N, home, 1,056 sq ft, owner Michael Hurnes, Lot 2, Jeffrey M. Hoyt Replat of Lot 33 of Boardman & Goetz Tracts, Stucco built 1991

1175-36th Avenue North home, 1,242 sq ft, owner June Barkley, Lot 1, Jeffrey M. Hoyt Replat of Lot 33 of Boardman & Goetz Blk 1, Lot 1, Stucco, built 1991

Land to the South East of Morningside Apts.

1155 36th Ave N, Rental, rental, 756 sq ft, owner Andrew Lombardi, Lot 125, Belvidere, frame siding, built 1095
June 10, 2016

From:
Tina March
601 40th Street North, Apt. 101
St. Petersburg, FL 33713
(727) 522 - 1955

To Whom It May Concern:

My name is Tina March. I am writing this letter on behalf of Sara Johnson. My father resides on the property that Sarah Johnson owns. My dad has known Sarah for over 20 years. He has lived in the cottage (3716 12th Street North, Apt. 9) that she owns for the last seven years. My father is 80 years old with a limited income. He is able to remain independent and self sufficient because of the affordable price of his rent. Furthermore, this property has its own unique sense of community that ensures my father's safety and well-being. There are several other renters who live there and provide my father with friendship and a sense of community. Lastly, as a landlord, Sarah can be counted on to fix problems in a timely manner. I only have to text her about a problem and it is soon resolved. My father has no complaints about Sara or this property. He is happy to reside at this location. I am asking that you look favorably on this property because of the affordability that is provides my father and the other renter's who live there.

Sincerely and respectfully,

Tina March
Tina March
To Whom it May Concern,

This letter is to certify landlord Sara Johnson’s involvement with the Supported Housing Program of Gulf Coast Jewish Family and Community Services. Our Supported Housing Program assists individuals with transitioning into independent living in the community. Our focus is on helping individuals secure affordable housing.

Sincerely,

Natalie Floering BA

Transitional Housing Specialist

Supported Housing Program

Natalie Floering BA
A BOUNDARY SURVEY OF: Lot 32, BOARDMAN & GOETZ, as recorded in Plat Book 1, Page 2 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: X

Comm. Panel No. 12514 0217 0 Map Date: 9/03/03

Base Flood Elev.: NA

* BEARINGS SHOWN ARE ASSUMED
October 15, 2013

Sara Ann Johnson
1010 36th Avenue North
St. Petersburg, Florida 33704

Dear Ms. Johnson:

RE: PROPERTY CARD INTERPRETATION: 13-41000018
Property Generally Located At: Legally Described As:
3617 12TH ST N 12/31/16/09486/000/0320

A Property Card Interpretation letter has been completed for the above-referenced property. The following findings have been made:

LEGAL NUMBER OF DWELLING UNITS
1. The property is zoned NT-2 (Neighborhood Traditional), which allows one single-family home on the subject property and a second dwelling unit in compliance with the land development regulations. The City will recognize more than one (1) dwelling unit on the property if the units were legally constructed.
2. According to the City's property card records, ten (10) dwelling units were constructed on the property; however, one (1) unit has been removed.
3. Accordingly, the interpretation can be made that nine (9) legally constructed dwelling units exist on the property.

LEGAL STATUS OF DWELLING UNITS
1. When there are more units on the property than permitted by the current zoning, the additional units are considered grandfathered dwelling units. In this case, there are eight (8) grandfathered units.
2. Dwelling units may lose their grandfathered status and become abandoned for the following reasons:

(1) Not occupied due to violations of building, nuisance, or other public health, welfare and safety codes for a continuous period of one year or for intermittent periods amounting to one year or more within any two year period.
(2) Not occupied for a continuous period of two years. For residential units and uses, such occupancy must be as a tenant or owner and may not be incidental to the occupant's employment as caretaker or security person for the property.
(3) No business tax certificate issued for the property or the units that are subject to abandonment for a continuous period of two years or for intermittent periods amounting to two years or more within any three-year period.

3. For the subject property, there has not been an active business tax certificate for the rental of two (2) units on the property for more than two (2) years.
4. Therefore, eight (8) of the dwelling units have lost their grandfathered status and are abandoned.

**Code Violation**

Property owners who rent abandoned dwelling units are in violation of the City’s Municipal Code. Violations can result in fines and liens against the property. Therefore, it is very important that you take action to correct this violation as soon as possible.

**Reinstatement**

The Community Preservation Commission may, at its discretion and subject to specific review criteria, reinstate or re-establish an abandoned grandfathered dwelling unit(s). An application for reinstatement may be found via the department’s website: [http://www.stpete.org/development/applications_and_forms/development_review_services_forms.asp](http://www.stpete.org/development/applications_and_forms/development_review_services_forms.asp). Please be advised that applicants seeking reinstatement are routinely required to bring their properties into compliance with current codes, including paved parking, landscaping, irrigation, building improvements, and improvements to correct other deficiencies that may be present on the property.

Please be advised the City Code prohibits dwelling units less than 320 square feet in area from being reinstated.

**Appeal**

If you have evidence that the findings of this interpretation are incorrect, you may submit an appeal within 30 days of this letter, and your request will be scheduled for the next available meeting of the Community Preservation Commission. Please be advised that an appeal is different from the reinstatement application discussed earlier. An appeal is a statement on your part that you do not believe that the finding of abandonment is correct and that you have evidence to refute the finding. For an appeal, you must submit a cover letter and whatever evidence is referenced in your letter.

The 30-day deadline does not apply to applications for reinstatement. However, since you have a code violation on your property, filing of an application in a timely manner is important and requires your immediate attention.
If you have questions about the appeal, reinstatement application, or the Community Preservation Commission, please feel free to contact the Clerk at (727) 892-5498.

Sincerely,

Robert Herbes, Deputy Zoning Official

cc: Philip Lazzara, Zoning Official
    Gary Bush, Director, Codes Compliance Assistance
APPLICATION:
Date of Submittal: 10-4-13

NAME of APPLICANT (Property Owner):
Street Address: 3617 12TH ST N ST PETERSBURG FL 33701
City, State, Zip: 3617 12TH ST N
Telephone No: 727-415-6508
Email Address: sarasara98@yahoo.com

NAME of AGENT or REPRESENTATIVE:
Street Address:
City, State, Zip:
Telephone No:
Email Address:

PROPERTY INFORMATION:
Street Address: 3617 12TH ST N ST PETERSBURG FL
General Location:
Parcel ID Number: 1231-16-09486-000-03-00
Legal Description (may be attached): #32 Boardman 1st 10 E & 7 1/2 Garden Tracts

AUTHORIZED

The fee for a property card interpretation application: $60.00 (1st hour of research, plus $50.00 per hour thereafter)

Cash, credit and checks made payable to the "City of St. Petersburg"

As owner of the subject property, I understand that a property card interpretation may have serious implications addressing the legality of my property. If my opinion differs from that of the property card interpretation, I also understand that I have, within the appropriate time limit, the ability to appeal this decision to the designated Commission.

Signature: [Signature]
(Property Owner of Record – MUST BE NOTARIZED)
Date: 9-6-13

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ______ day of ___________ 20__, by _______ who is personally known to me, or has provided ____________ as identification.

[Notary Signature]

UPDATED 08-23-2012
PROPERTY CARD INTERPRETATION (PCI)

NARRATIVE and CHECKLIST

ALL OF THE FOLLOWING MUST BE ANSWERED.

APPLICANT NARRATIVE

A property card interpretation will determine how many legal dwelling units may exist on the subject property. A property card interpretation will research the grandfathered status of land use types at the subject property.

1. How many dwelling units exist at the property?  9  
2. How many rooming units exist at the property?  None  
3. Does the owner occupy the property as his or her permanent residence?  Yes  
4. When was the last time the property was owner - occupied? MONTH SEP YEAR 2013  
5. Are the dwelling units or rooming units currently occupied?  Yes  
   a. If yes, how many units are currently occupied?  9  
   b. If yes, where are the units located within the structure(s)?  
6. On what date, did you purchase the property?  1983

CHECKLIST

☐ Completed Property Card Interpretation application form;

☐ Application fee;

☐ A floor plan for each dwelling unit or rooming unit drawn to scale with dimension;

☐ Scaled, site plan of the entire property;

☐ Dimensions of the lot;

☐ Dimensions and locations of all buildings and other structures;

☐ Parking spaces;

☐ Ingress / egress points.

Notice: If the PCI indicates illegal units, then the property owner of record will have 30 days to appeal the interpretation to the designated Commission. If the PCI indicates abandoned units, then the property owner of record may apply to the designated Commission for reinstatement.
Site plan for 3617-12th St NW

EA S9 = 24
<table>
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<tr>
<th>Description</th>
<th>Owner</th>
<th>Contractor</th>
<th>Plumbing Per. No.</th>
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<td>28030 2/24/49</td>
<td>Mrs. Walker</td>
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<td>17333-37, 18330-37</td>
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<td>11999 3/21/95</td>
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<td>60750 2-0-45, $6.00 ea, B.H.F. Corp., Move 3-2 pm, cottages from Lot 32 Boardman</td>
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<td>and Goetz Sub 3617-12th No. to out of City</td>
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<td>#50932 4-20-43, $100.00, Dr. J. Carano (B. &amp; Beck) Move one story frame 2-room</td>
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<td>Lot 16 E.F. &amp; M.M. Hanousek Sub</td>
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<td>Lot 93 Lewis-Funkhart 1135 Queen st. No.</td>
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<table>
<thead>
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<tbody>
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**Electrical**

- #7707A - 7/7/58 - John Watson
  - G. E. Lee - 1-1 ton air conditioner
  - (Cottage #3)
- #7763A - 7/8/58 - John Watson
  - G. E. Lee - 1-1 ton air conditioner
  - (Cottage #5)
- #7762A - 7/8/58 - John Watson
  - G. E. Lee - 1-1 ton air conditioner
  - (Cottage #9)

**Installation**

- #5727A - 2/2/60 - $450
  - Owner: John A. Watson
  - Residence: 3 cottages (Type VI) Loubet-Maurice
  - Contractor
- #58892A - 4/1/60 - $450
  - Owner: John A. Watson
  - Residence: Cottages with asbestos (Type VI)
  - Addition to Permit #572777
- #58891A - 4/1/60 - $150
  - Owner: John A. Watson
  - Residence: Cottages with asbestos (Type VI)
  - Addition to Permit #572777

**Sewer**

- Demolition: Cottage #8 Permit # 06-08001059 8-22-2086 BCC Property will not be vacant.

**Septic Tank**
Owner John A. Watson - Reside
five existing cottages, add to
permit #57277 (Type VI)

Handyman
PERMIT # R607494
ISSUED 5-27-58 re roof Shingle
Apartment #2

Handyman
PERMIT # R607495
ISSUED 6-3-58 roof Shingle
Apartment #5

Handyman
PERMIT # R607496
ISSUED 6-3-58 roof Shingle
Apartment #7

Handyman
PERMIT # R607497
ISSUED 7-27-58 rood Shingle
Apartment #3

#8082A-7/16/58-Watson (cottage #2)
G.E. Lee Elec. 1-1 ton air cond.

#68B-9/9/58-Watson
G.E. Lee Elec. 3c 1 lb 5sw 8p 3sw 70
amp #1 meter 1 range 1 w.h.
1- 3/4 ton air cond.

#9050A-8/12/58-Watson (cottage #6)

#328B-9-17-58-Watson (cottage 10)

FIRE DAMAGE REPORT
CHECK APPROPRIATE ACTION

Inspector: Larry McGeeva
Address: 3617 12th St. N

1. No Permit Required----------------- [X]
2. Okay to Issue Permit----------------
3. Pre-Inspection by Bldg. Inspector--
4. Plans Required--------------------
5. Date 7/26/88-----------------------
6. Permit Number [X]

ADDITIONAL PERMIT REQUIRED

Contractor for Work on Unit

Electrical Plumbing Mechanical Other
## Global Location Inquiry - Building Permit Applications

**Property Address:** 3617 12TH ST N

**Parcel Identification Nbr:** 12/3/16/09466/000/0020/

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### Related Cases And Inspection Selection

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**Parcel identification Nbr:** 12/31/16/09486/00000320/  
**Old account number:** 94501600

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### Related Cases And Inspection Selection

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## Related Cases And Inspection Selection

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I bought my home, which faces the cottages at 3617 12 St. N, twenty-six years ago. Many of my visitors have enquired about the 'quaint cottages with the old Florida look.' They are interested in their history of housing WWI military officers. I enjoy seeing the landscaping take shape with the plants, white shell driveway and rustic tables and chairs. I couldn't ask for better neighbors than the residents of the Magnolia Cottages. Most of them have lived there for years. A 70 year old Vietnam vet and an 80 year old retired bridge painter from Massachusetts watch our house when we're gone. Many of these people are disabled or only able to find part-time work. They all lead peaceful and quiet lives. I've seen the owner, Sarah, work very hard to keep good tenants. Last December the trailer court at 1650 7 Ave. N was demolished, asphalted, and replaced as storage for Verizon trucks. Many residents became displaced and homeless. One was my 56 year old friend who can find only part-time work. He is still suffering from the trauma of finding himself homeless at that age. I fear the residents of the cottages would face the same fate. They are all low-income and vulnerable. I know of no other place they could afford in this neighborhood where they have lived so long. One of the things I value most about this community are my good neighbors. Linda Raymond 3620 12 St. N. St. Pete Fl. 33704
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION

REGISTERED OPPONENT FORM

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Date of Hearing
Date of Hearing | 08/03/16 |

Case No.
Case No. | 13-52000016 |

Case Address
Case Address | 3617 12TH ST N. |

Special Requirements

Information on Procedures for Hearing
1) Staff, applicant, and, registered opponent will have a total of ten (10) minutes each to present their case.
2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.
3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.
4) The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.

Return form to Clerk of DRC Commission, pamela.jones@stpete.org, at least one week prior to the hearing.

City of St. Petersburg, Development Review Services, One 4th Street North, PO Box 2842, St. Petersburg, FL 33731
(727) 893-5498
www.stpete.org/ldr
Case 13-52000016 12th St N Reinstatement

Dear Development Review Commission,

I oppose the reinstatement of eight dwelling units located at 3617 12th Street N. I would like the decision of the Development Review Commission to be in line with the vision of the Magnolia Heights Neighborhood Association Master Plan created in 2004. We would like to maintain or improve the predominantly low density, owner occupied, single family characteristic of our neighborhood. We need improvements, development and progress.

It is vital for a neighborhood as ours to see increasing number of homeowners versus renters. Social studies show the long term benefits of individual homeownership. In addition to financial benefits, homeownership brings social benefits to families and communities as well. Specific improvements include educational achievement, civic participation, reduced crime rates and property maintenance issues.

We need to look beyond our own needs however, and examine the needs of the occupants of the eight units located on the subject property of the hearing. According to the Pinellas County Property Appraiser eight housing units are squeezed into this tiny 150 by 115 feet lot. Some of these units are as small as 220 sq. ft. All eight of them were built in 1939 or even earlier. They are without proper heating or insulation. The asbestos siding is cracked or chipped. Upon closer inspection we would probably find some lead paint and mold on their walls along with extensive termite damage to the frame itself. The property is located on an unpaved, dirt road without any parking spaces or sidewalks. Not one single disabled parking space is available for the handicapped, elderly individuals living there. There has been no major renovation to these rental units since they were built some 77 years ago.

I strongly believe, the occupants of these units deserve better. As fellow humans we should do everything in our power to help these people. Six yards of gravel and a welcome flag is not enough however. This property needs more than "improved loading space" paving and a few plants as mentioned in the reinstatement documents. I would be hesitant to require more landscaping to be installed, since the property owner is unable to manage the already existing, overgrown vegetation behind the property as it is. Let's not loose focus. These families deserve clean and healthy, up to date living conditions, a few parking spaces covered with crushed shells will not resolve anything.

I think every neighborhood should have affordable housing for those in need, but not like this one. I would be ashamed and embarrassed to have my loved ones live under these conditions.

As a neighbor I see this hearing as a wonderful opportunity. We can better the lives of the occupants of this property while we enhance the future of the Magnolia Heights community.
Some aesthetic improvements have been facilitated to meet basic code requirements, but no major life quality issues have been addressed. The outdated, unhealthy, overcrowded, squalid facility remains.

Please do not reinstate this property. We are not helping anyone by doing so. We only extend the life of a run-down rental property that was built at the tail end of the Great Depression. If the property gets the "grandfathered in" status, our neighborhood will receive ten or fifteen more years of stagnation instead of progress and development.

Respectfully, Bogdan Asztalos
July 26, 2016

To Whom This May Concern,

My name is Clyde Lance. This letter is to address the matter of Ms. Sara Johnson and her issue with the reinstatement of her property at 3617 12th Street North, St. Petersburg, FL. I have been a tenant of her for the last 14 years. I have lived in three different cottages in that period of time, the reason being that she had me move was to refurbish the cottage I was residing in. She is a very considerate landlady and fixes any problems that might arise. The rent is very reasonable. Most people who live here are on Social Security or a fixed income, myself included. I am a 70 year old Vietnam Veteran that receives disability checks. All the neighbors are good people and we all get along. The yard is well kept and I really love where I live. I feel that it is my responsibility to tell you people this.

Thank You
Sincerely,

Clyde Lance
July 25, 2016

To Whom This May Concern,

I, Dorreen Thorp have lived at 3617 12th Street North #1 for the past 5 years. I have new windows, a new refrigerator, new stove, air conditioning with heat. My floors are wood laminate. I do not live in squalor.

I just want to let you know that if it wasn’t for Sara Johnson and renting me this cottage at an affordable rate I don’t know what I would do. I do not want to apply for any assistance. Renting this cottage allows me to be self sufficient.

Thank you for taking the time to read this.

Sincerely,

Dorreen Thorp
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION
REINSTATEMENT REQUEST

For Public Hearing and Executive Action on August 3, 2016 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning and 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.

CASE NO.: 16-52000009
PLAT SHEET: D-14

REQUEST: Approval of a reinstatement of four (4) grandfathered dwelling units for a total of five (5) dwelling units.

OWNER: Winnipeg Five, LLC
5150 126th Avenue North
Clearwater, Florida 33760-4615

AGENT: Judy Anderson
Re/Max Action First
145 Bay Point Drive Northeast
Saint Petersburg, Florida 33704

ADDRESS: 525 Monterey Boulevard Northeast

PARCEL ID NO.: 08-31-17-72666-000-0080

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban-1 (NS-1)

SITE DATA (Summary):
Lot size: 9,704 square feet, or .22 acres
Density: 5 units or 22 units per acre
Permitted Units: 1 single-family dwelling
SITE AND PROPERTY CONDITION and SURROUNDING USES: The subject property consists of one two-story structure containing five (5) dwelling units on one platted lot of record (Lot 8 of Porach’s Addition No. 3) in the Snell Isle Neighborhood. All five units are currently occupied. There are no active Codes Compliance cases at the property. Surrounding properties consist of a mixture of single-family and multi-family structures.

STAFF ANALYSIS: A property card interpretation completed on May 5, 2016 determined that five (5) dwelling units were legally constructed on the property. The multi-family structure was first permitted on the subject property in 1958 with four (4) apartments. In 1961 the Board of Adjustments approved a request to convert an existing carport area to a fifth apartment. The present zoning district allows for one single-family dwelling. Four (4) dwelling units are now considered abandoned for failure to maintain business tax certificates. Business Tax records indicate that the business tax license has been on hold since 2006. Evaluation of the criteria for reinstatement specified by the City Code for the Commission’s review indicates that reinstatement IS appropriate, subject to conditions. An analysis follows, based on the City Code criteria to be considered by the Commission.

1. The degree to which the property's proposed use and density is consistent with the City's Comprehensive Plan, the applicable adopted Neighborhood Plan goals and objectives, and the character of the density, lot sizes and building types within the surrounding blocks.

The density on the subject property exceeds the maximum residential density allowable by current NS-1 Code requirements; however, the use of the property for multi-family is consistent with objective H8A of the City’s Comprehensive Plan which encourages the preservation of existing housing stock.

2. The degree to which the property is currently or was at the time of construction in compliance with the use and density/intensity regulations of Chapter 16 (current code), Chapter 29 (previous code), or then applicable zoning codes.

City property card records indicate that the subject property was legally developed with five (5) units prior to current Land Development Regulation requirements.

3. The degree to which the property is and has been in compliance with other City Codes.

According to City records there are currently no open Zoning or Building Code violations associated with the subject property. The last violation occurred in 2007 and the citation was for overgrowth of vegetation on the property. The current property owner purchased the property in 2009. There have been no documented code violations since this change in ownership.

4. The degree to which the property currently has or can provide adequate provisions for parking for the proposed number of units in accordance with the City's current codes and ordinances.

The Code requires one parking space per unit for a multi-family property in the NS-1 zoning district. The subject property currently provides 7 parking spaces. The parking provided exceeds the minimum required in the zoning district.
5. The degree to which the property has an adverse impact on the neighborhood as a result of the use or number of residential units on the site in excess of that allowed under the current zoning designation, lack of needed on-site parking, substandard maintenance, or other similar factors related to the property.

The subject property provides more than the minimum amount of parking spaces required for the existing five dwelling units which have been in existence since 1961. The property has not received any Codes Compliance violations since 2007.

6. A structure containing previously grandfathered boarding or rooming units in a zoning district where such units are prohibited shall be converted to dwelling units. The conversion to dwelling units shall be based on the minimum gross floor area size requirements for multiple-family dwelling units of Chapter 16.

This criterion is not applicable. The structure does not contain previously grandfathered boarding or rooming units.

7. The number of residential units reinstated shall be reasonably related to and accommodated by the size and design of the building(s) so that floor plans are appropriate based on the required size for multiple-family dwellings as defined in Chapter 16. No unit with a floor area of less than 375 square feet may be reinstated, and no variance to this minimum requirement shall be granted except as provided in paragraph 9 below. Except for efficiency/studio units, each residential unit shall have at least one bathroom, one bedroom, a kitchen and living room. Every room in an apartment shall have at least one window to ensure light and ventilation, however, bathrooms, kitchens and dining rooms need not have windows. At least one entrance from the exterior should be through the living room. Entrances from the exterior shall not be through bathrooms or bedrooms. Bathrooms shall not be the only entryway to any room.

This criterion is not applicable. There are no units less than 375 square feet and each unit contains the required kitchen, bathroom, and bedrooms.

8. The minimum size per unit is as follows: 1) Efficiency/studio unit 375 square feet; 2) One bedroom unit 500 square feet; 3) Two bedroom unit 750 square feet. For a dwelling unit having more than two bedrooms, an additional 200 square feet of dwelling area is required for each additional bedroom.

All units contain one bedroom and are at least 500 square feet in gross floor area.

9. An efficiency/studio unit having not less than 220 square feet may be reinstated if the site provides at least the minimum number of off-street parking spaces for the number of units to be reinstated. No variance from this minimum size requirement may be granted.

This criterion is not applicable. There are no units less than 220 square feet and the property provides the minimum number of parking spaces required for the multi-family use.

10. Reinstatement of units or a use shall not exceed the previously existing legally grandfathered number of units or intensity of use.
The reinstatement will not exceed the previously existing legally grandfathered number of units.

**RECOMMENDATION:** The Planning & Economic Development Department staff recommends **Approval** of the requested reinstatement of four (4) dwelling units, for a total of five (5) units on the site, which shall be subject to the following conditions:

1. The interior and the exterior of the subject property shall be inspected by the Codes Compliance Assistance department and a Certificate of Use shall not be approved until the inspections are completed and any violations are corrected. The applicant shall contact the Codes Compliance Assistance Department at 727-893-7373 to schedule a Certificate of Inspection.

2. The applicant shall contact the City’s Business Tax Division and obtain all necessary Business Tax Certificates following issuance of the Certificate of Inspection and Certificate of Use.

3. The applicant shall satisfy the above conditions by November 3, 2016. It shall be the applicant’s responsibility to request and justify any necessary extensions.

4. Failure to comply with the Commission’s action by the applicant or any new property owner will result in the loss of reinstatement of the abandoned units. The Commission’s action is applicable to the property, regardless of ownership. When the property is sold, the new property owner must also meet the conditions of reinstatement or eliminate the abandoned dwelling units.

Report Prepared By: 

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Brittany McMullen  
Planner II  
Development Review Services Division  
Planning & Economic Development Dept.

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Elizabeth Abernethy  
Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Dept.

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Attachments: aerial map, site plan, floor plans
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-52000009
Address: 525 Monterey Boulevard
Northeast
A BOUNDARY SURVEY OF: Lot 8, PORACH'S THIRD ADDITION TO BRIGHTSIDES UNIT-5, as recorded in Plat Book 30, Page 11 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: AE
Comm. Panel No.: 125148 0217 G Map Date: 9/03/03 Base Flood Elev.: 8.7


SEALS AND SIGNS ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.
SITE PLAN REVIEW
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 August 3, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-31000006

PLAT SHEET: I-8

REQUEST: Approval of a site plan to construct 69 townhomes. The applicant is requesting a variance to impervious surface ratio.

OWNER:
2536 13th Avenue North Holding
1004 Farnam Street #400
Omaha, Nebraska 68102-1885

America First Real Estate Group
1004 Farnam Street #400
Omaha, Nebraska 68102

AGENT:
Ryan Studzinski
Icon Residential
6911 Pistol Range Road
Tampa, Florida 33635

REGISTERED OPPONENT: Laura Oldnie
2542 15th Avenue North
Saint Petersburg, Florida 33713

ADDRESS and PARCEL ID NOS.: 2526 13th Avenue North; 14-31-16-00000-420-0200
2536 13th Avenue North; 14-31-16-00000-420-0100
2546 13th Avenue North; 14-31-16-00000-420-0300

LEGAL DESCRIPTION: On File
ZONING: Neighborhood Suburban Multi-Family-1 (NSM-1)

SITE AREA TOTAL: 200,689 square feet or 4.6 acres
GROSS FLOOR AREA:
   Existing: 0 square feet
   Proposed: 127,055 square feet 0.63 F.A.R.
   Permitted: N/A

BUILDING COVERAGE:
   Existing: 0 square feet
   Proposed: 61,384 square feet 31% of Site MOL
   Permitted: N/A

IMPERVIOUS SURFACE:
   Existing: 0 square feet
   Proposed: 139,055 square feet 69% of Site MOL
   Permitted: 130,448 square feet 65% of Site MOL

OPEN GREEN SPACE:
   Existing: 200,689 square feet 100% of Site MOL
   Proposed: 61,634 square feet 31% of Site MOL

PAVING COVERAGE:
   Existing: 0 square feet
   Proposed: 77,671 square feet 39% of Site MOL

PARKING:
   Existing: 0; including
   Proposed: 155; including 0 handicapped spaces
   Required: 138; including 0 handicapped spaces

BUILDING HEIGHT:
   Existing: 0 feet
   Proposed: 36 feet
   Permitted: 48 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a multi-family development which is a permitted use within the NSM-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request: The applicant seeks approval of a site plan to construct a 69-unit town-home development. The applicant is requesting a variance to the maximum impervious surface ratio. The subject property is located at the southwest corner of 13th Avenue North and 25th Street North.
Background:
The 4.61 acre subject parcel is located on the south side of 13th Ave North, north of 11th Avenue North on the west side of 25th St North in the North Kenwood Neighborhood. The property is currently vacant and is zoned Neighborhood Suburban Multi-family, which allows townhome use. Surrounding uses included single-family residential to the north, south and west, and multi-family apartments to the east. Booker Creek is located on the south side of the parcel.

Current Proposal:
The applicant is proposing a gated town-home community consisting of 13 individual buildings, for a total of 69-units. The proposed buildings will be three-stories, and will include a two-car garage.

As illustrated by the site plan, the development will consist of a loop road that connects to 13th Avenue North and 25th Street North. The proposed town-home buildings will be located on each side of the loop road. The front of the town-homes along 13th Avenue North and 25th Street North will be oriented towards the public street and parking for each unit will be accessed from the loop road. The units in the center of the site will be oriented towards a center green. A community pool is located along the south side of the property. The town-homes along 13th Avenue North and 25th Street North will have pedestrian access from the each townhome to the public sidewalks in the abutting right-of-way. Pedestrian access to the town-homes that are interior to the site will be from an internal sidewalk system that connects to the public sidewalk in the 13th Avenue North and 25th Street North right-of-way. The applicant is also proposing 21 visitor parking spaces.

The existing site has a significant number of existing trees, consisting mostly of laurel oaks, Norfolk pines, Jacaranda and palms. There are three (3) live oaks and three (3) red cedar trees. The three (3) live oaks and one (1) red cedar are large enough to be considered specimen trees. Both the City's Urban Forester and the applicant's arborist examined all the trees on-site and have determined that based on the condition of the trees, none of the existing protected trees can vably be preserved.

The applicant proposes a contemporary style of architecture. The front elevation of the town-home building is finished with a variety of materials. The roof is broken into smaller pieces by changing the height of the building and with the use of projecting shed and flat roofs. The front of the town-homes also incorporates a second floor balcony. The side and rear of the buildings are less articulated, but will have the same exterior finish and use the same windows.

VARIANCE:
  Impervious surface ratio

| Required: | 65 percent |
| Proposed: | 69 percent |
| Variance: | 4 percent |

The City Code requires a maximum impervious surface ratio (ISR) of 65 percent. The applicant is proposing an ISR of 69 percent. Therefore, a variance is required. Typically, staff cannot support variances for new construction, unless the applicant can prove an undue hardship or the granting of the variance meets the general intent of the Code. The applicant is providing individual sidewalks to each town-home in the development. Each of these sidewalks connect
to an internal sidewalk network that connects to the public sidewalks that abut the subject property. The applicant is also providing 21 visitor parking spaces. Both the internal sidewalk network and the visitor parking are not required by code. However, both of these features are amenities that provide a public benefit. Having visitor parking on-site will prevent overflow parking into the abutting residential neighborhood. The internal sidewalk network is an amenity to those residents that live in the community and provide a safe place to walk within the development, but also connects to the public sidewalks that abut the subject property. In addition, Booker Creek is located along the south side of the property and though not within the boundary of the subject parcel, provides additional publicly owned green space which thereby reduces the overall appearance of impervious surface.

Public Comments:
Staff received a phone call from an abutting property owner west of the subject property. Concerns about privacy were expressed.

III. RECOMMENDATION:
A. Staff recommends APPROVAL of the following:
   1. Variance to impervious surface ratio; and
   2. The site plan, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
   1. The property shall be platted prior to the issuance of a Certificate of Occupancy. An application for platting shall be submitted prior to or concurrent with the building permit application.
   2. Fence height for the townhome units facing 25th Street north and 13th Avenue North shall be limited to four feet between the building and the right-of-way, and shall comply with the visibility triangle requirements at the intersections and driveway access points.
   3. Pedestrian lighting shall be installed along all interior sidewalks.
   4. Bicycle parking shall be provided as required by Section 16.40.090.4.
   5. All mechanical equipment shall be located behind the front façade line of the principal structure and be screened from view from any public street.
   6. The proposed location of on-site dumpsters shall be approved by the City's Sanitation Department.
   7. The dumpster(s) shall be located in a concrete block dumpster enclosure with opaque gates. The enclosure shall be finished to match the building.
   8. Plans shall be revised as necessary to comply with comments provided by the City's Engineering Department, comments are provided in the attached memorandum dated June 27, 2016.
   9. The site plan approval shall be valid through August 3, 2019. Substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD. A request for an extension shall be submitted in writing to the POD prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL
(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:
1. The applicant shall contact the City’s Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:
1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:
1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City’s Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and
a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstop, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and
refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
   a. Water.
   b. Sewer.
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.
   f. Mass transit.
   g. Traffic.
   h. School Concurrency.

The land use of the subject property is: Residential Medium

The land uses of the surrounding properties are:

North: Planned Redevelopment Residential

South: Residential Open Space and Planned Redevelopment Residential

East: Residential Medium

West: Planned Redevelopment Residential

REPORT PREPARED BY:

[Signature]

COREY MALYSZKA, Urban Design & Development Coordinator
Planning and Economic Development
Development Review Services Division

DATE 7/27/16

REPORT APPROVED BY:

[Signature]

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

DATE 7-27-16
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-31000006
Address: 2526, 2536, and 2546 13th Avenue North
(nts)
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT

TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 27, 2016
SUBJECT: Site Plan Review, Revised Comments
FILE: 16-31000006

LOCATION: 2526 13th Avenue North; 2536 13th Avenue North; 2546 13th Avenue North
PIN: 14/31/16/00000/420/0200; 14/31/16/00000/420/0100; 14/31/16/00000/420/0300
ATLAS: I-8
PROJECT: Site Plan Review

REQUEST: Approval of a site plan to construct 69 Townhomes. The applicant is requesting a variance for impervious surface ratio.

The Engineering Department has no objection to the proposed site plan modification provided that the following Special Conditions and Standard comments are added as conditions of approval:

SPECIAL CONDITIONS:
1. A Public Drainage Easement must be dedicated along the southern property boundary sufficient to encompass the area 15-feet upland of the top of the ditch bank for Booker Creek (in the area of the creek). East of the creek where the drainage enters the underground conveyance pipe, a 15-foot wide Public Drainage Easement must be dedicated along the southern property boundary to allow space for a future City Engineering drainage master plan to upgrade the existing public drainage pipe to a box culvert.

*The Public Drainage Easement area shall be graded at a maximum cross slope of 1:12 to provide a level flat area adjacent to and along the creek top of bank, to facilitate access for public ditch maintenance equipment.

*No fences, landscaping or other obstructions shall be constructed within the easement area which would adversely impact the City's ability to drive equipment along the top of the ditch bank as needed for ditch maintenance purposes.

*The community pool shall be reconfigured as necessary to eliminate encroachment of the pool or pool deck into the Public Drainage Easement area.
2. The existing 8" public sanitary sewer main which exists along the northern property boundary (extending between public manhole 18-35 and 18-40), shall be abandoned by and at the sole expense of the applicant per current City Engineering Standards and Specifications provided that the applicant's engineer determines that the main is no longer providing sanitary sewer service; otherwise a 20-foot wide Public Utility Easement must be dedicated, centered over the main.

2A. Public Utility Easement must be dedicated along the entire western property boundary as necessary to provide sufficient space for maintenance of the existing 8" public sanitary sewer main (extending between public manhole 18-35 and 18-45). Due to site plan restraints, the location and depth of the existing 8" main must first be field verified by the applicant's Engineer to determine the necessary public easement width which shall be based on the schedule shown on City Engineering Right of Way Restoration detail 510-31 (copy attached), to assure adequate space is reserved for a standard excavation. This comment may cause impacts to and require changes to the site plan layout and landscape buffer.

*No structures or other encroachments (including landscaping) shall be constructed within the Public Utility Easement which would impact the City's ability to access the area with maintenance equipment. A masonry buffer wall will not be allowed within the easement along the west side of the property.

*Private stormwater ponds or stormwater pond banks shall not encroach into the Public Drainage Easement.

*Any private encroachment into Public Utility Easement which does not adversely impact the purpose of the easement will require a Minor Easement Permit approval. Minor Easement Permits are issued through the City's Engineering and Capital Improvements Department.

3. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the NSM-1 zoning district, a 5-foot wide sidewalk is required in the northern parkway of 11th Avenue North, a 5-foot wide sidewalk is required within the western parkway of 25th Street North (a local street), and a 6-foot wide sidewalk is required in the southern parkway of 13th Avenue North (a neighborhood collector street).

Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.
4. Public Street & Sidewalk Easement must be dedicated at the northeast property corner sufficient to encompass the required public sidewalk and public sidewalk ramp construction at the southwest corner of the intersection of 25th Street and 13th Avenue North. City Code Section 16.40.140.4 requires the dedication of a minimum radius or diagonal cutoff of 25 feet at property lines adjacent to roadway intersections.

5. Though not labeled on the site plan, the triangular parcel of land (parcel # 14-31-16-57258-002-0350) located north of 11th Avenue North and south of the southern property boundary of this project, is a City owned parcel known as Booker Creek Linear Park. Improvements within this parcel may require coordination and approval of the City’s Real Estate and Property Management department and/or Parks department.

6. This development shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030, though no stormwater system is currently shown on this site plan. Submit drainage plans and design calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body’s impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

7. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

8. Habitable floor elevations for commercial projects must be set per building code requirements to be at least one foot above the FEMA elevation. Habitable floor elevations for residential construction shall be set per building code requirements to at least two feet above the FEMA
elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director.

9. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

STANDARD COMMENTS: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City’s Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant’s engineer for all construction proposed or contemplated within dedicated right of way or easement.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer’s Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.
It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
    Reading File
    Correspondence File
    Subdivision File: Unplatted Land, Townhome Project SW Corner 13th Ave N & 25th St N
SITE PLAN REVIEW
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 August 3, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-31000008

PLAT SHEET: Q-22

REQUEST: Approval of a site plan to construct a 39,819 sq. ft. Charter School at an existing Church with a variance to the number of required parking spaces.

OWNER: First Free Methodist Church of St. Petersburg, Inc.
6745 38th Avenue North
Saint Petersburg, Florida 33710-1536

AGENT: Peter Christopoulos
2045 Palmetto Street
Clearwater, Florida 33765

ADDRESS: 6745 38th Avenue North

PARCEL ID NO.: 06-31-16-27843-001-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban-1 (NS-1)

SITE AREA TOTAL: 225,419 square feet or 5.17 acres

GROSS FLOOR AREA:

Existing: 18,400 square feet 0.08 F.A.R.
Proposed: 57,737 square feet 0.26 F.A.R.
Permitted: 78,897 square feet 0.35 F.A.R.
BUILDING COVERAGE:
- Existing: 19,392 square feet, 8.6% of Site MOL
- Proposed: 43,634 square feet, 19.3% of Site MOL

IMPERVIOUS SURFACE:
- Existing: 51,289 square feet, 23% of Site MOL
- Proposed: 111,137 square feet, 49% of Site MOL
- Permitted: 135,251 square feet, 60% of Site MOL

OPEN GREEN SPACE:
- Existing: 174,130 square feet, 77% of Site MOL
- Proposed: 114,282 square feet, 51% of Site MOL

PAVING COVERAGE:
- Existing: 35,893 square feet, 16% of Site MOL
- Proposed: 71,700 square feet, 32% of Site MOL

PARKING:
- Existing: 98; including 4 handicapped spaces
- Proposed: 130; including 6 handicapped spaces
- Required: 149; including 6 handicapped spaces

BUILDING HEIGHT:
- Existing: 30 feet
- Proposed: 27 feet to roof line/30 feet to peak
- Permitted: 24 feet to roof line/36-feet to peak

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.70.040.1.4 of the Municipal Code for a Site Plan Approvals within the NS-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Background: The subject property is located on the north side of 38th Avenue North, in the Jungle Terrace neighborhood. A 15,396 square foot church (Cornerstone Community Church) constructed in 1993 is currently located on the 5.17 acre site. A special exception to establish a child care center at the church was approved in 2006. Surrounding land uses include single-family residential to south, church parking and single-family on the west and south, office to the east, and an Adult Congregate Care facility on the north.

Current Proposal: The applicant seeks approval of a site plan to establish a public charter school at an existing church. The school will serve up to 546 students in grades K-9, in 31 classrooms. The proposal includes conversion of existing space in the church for classrooms and construction of two school buildings, a 2-story classroom building, 30,100 square feet and a 1-story gymnasium, 9,147 square feet. There will be 36 staff associated with the school. The church will continue to operate and share parking facilities.

The property is located in the NS-1 zoning district and the proposed charter school use, which is considered a Public School, is a permitted use. Pursuant to 16.70.040.1.1, site plan review is required for this project because it exceeds 50,000 square feet of gross floor area (the existing church and the two proposed buildings total 58,219 square feet). Site Plan review requires
approval by the Development Review Commission (DRC) and are reviewed by staff and DRC for potential adverse impacts. The proposal also includes an outdoor soccer field and playground areas.

Access to the site is proposed to remain at the location of the existing church driveway. 38th Avenue North is a 4-lane arterial roadway under the jurisdiction of Pinellas County. The existing driveway is approximately 1,000 feet west of the signalized intersection at 68th Street N. The site plan application was routed to Pinellas County for review. There is no on-street parking. Staff has not received any comments from County staff as of the date of this report.

The site contains a significant number of mature protected live oak and pine trees. After staff field review of the original application, the applicant redesigned the parking lot to preserve the majority of the existing tree canopy, which resulted in the need to request a parking variance. Twelve grand trees will be preserved, and two grand trees are proposed to be removed (49" live oak and 32" pine). The applicant provided a Grand Tree Report which is attached as Exhibit 3.

A variance to the required number of parking spaces is requested to allow preservation of existing protected and grand trees and to allow the church to share parking with the school. Based on the applicant’s narrative and field observations by staff, the request for the parking variance is appropriate. Current code requires 149 parking spaces and 130 spaces will be provided, with 30 grass spaces, which equates to a 19 space or 13% reduction. There will be 35 staff and a drop-off/pick-up lane will be provided for loading, which eliminates much of the demand for daily parking.

Staff routed the application to multiple City departments. The City’s Engineering Department requested several conditions which are included in the Special Conditions of Approval. Transportation and Parking Management Department indicated concerns and requested additional information from the applicant. Applicant has provided a traffic plan and narrative in response, which Transportation Planning has deemed inadequate to address the concerns (memo attached). The applicant has failed to provide the Transportation and Parking Management Department with enough requested information to properly review applicant’s proposal. Concerns include stacking of vehicles during student drop-off and pick-up times.

Based on this lack of information, which is critical to ensure that the potential negative impacts of vehicle stacking during student drop-off and pick-up times are properly understood and mitigated, staff is recommending denial of the subject application.

I. RESPONSES TO RELEVANT CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.5 (D)):

A. The use is consistent with the Comprehensive Plan;

   The subject property future land use classification is Institutional (I). The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment and support school uses.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

   The proposed school use is permitted in the NS zoning and in the Institutional (I) future land use category.

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and
bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

The Transportation and Parking Management Department reviewed the application and has concerns regarding the proposed drop-off/pick-up. The access is on a heavily traveled arterial roadway under the jurisdiction of Pinellas County. Access improvements may be required, such as modifications to the median to restrict turning movements to right-in/right-out only, and a turn lane. Plans have been forwarded to Pinellas County Traffic Engineering for review, and a special condition of approval has been included to address the potential need for modifications.

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

The Transportation and Parking Management Department reviewed the application and has concerns regarding the proposed drop-off/pick-up. Additional information regarding queuing will need to be provided to demonstrate that there are no off-site impacts. Bicycle parking will be provided in accordance with current standards.

B. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

The Transportation and Parking Management Department reviewed the plan and narrative provided by the applicant, and finds that the information provided to date is not sufficient.

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

As per the Engineering Department Memo dated July 11, 2016, attached as Exhibit 5, the applicant will be responsible for ensuring compliance with the City’s drainage ordinance and all applicable agency permitting will be provided prior to initiation of construction.

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

The application does not affect the existing signage. Any future signage will need to comply with the sign regulations.
H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

The proposed site plan is designed to maximize protection of the existing tree canopy and provide recreational areas to the students. The proposed architectural style is not consistent with the existing church building, however, some differences between architectural styles may be appropriate.

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

The majority of the existing protected trees will be retained. The applicant met with staff to review the condition of the existing trees and the applicant revised the plans accordingly to minimize impacts to the grand trees and live oak canopy.

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

Staff finds that the proposed improvements will not create of concentration of similar uses nor not create a substantial detrimental effect on property values in the neighborhood. 74th Street Elementary School is located approximately ½ mile to the west.

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

Staff finds that the proposed improvements will not create a substantial detrimental effect on living or working conditions in the neighborhood. There will be no outdoor lighting of the proposed soccer field or play areas.

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

Landscaping will be provided in accordance with the current landscape code requirements.

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

The applicant has not demonstrated that the existing 5-acre church site has room to accommodate the proposed charter school as shown on the proposed site plan. The current plan does not provide sufficient area for on-site stacking/loacing. For comparison, the average size of a public elementary school within the City of St. Petersburg is 11.88 acres and the median size is 8.86 acres.

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

As previously noted, landscaping will be provided in accordance with the current landscape code requirements and the redevelopment will need to
comply with the tree preservation standards. The site plan was redesigned to preserve the majority of the grand trees and existing live oak canopy.

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

The subject development for a public charter school has no impact on evacuation demand or facilities.

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
   b. Sewer.
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.
   f. Mass transit.
   h. School Concurrency.

The project meets all concurrency requirements.

The land use of the subject property is: golf course and clubhouse.

The land uses of the surrounding properties are:

North: Adult Congregate Care Facility
South: Single-family Residential
East: Office and Commercial
West: Single-family Residential and Church parking (St. Marks United Methodist Church)

Public Comments: Staff received a call from a residential property owner across the street, expressing concern about traffic. The two property owners to the east contacting staff, and are objecting to the request, primarily based on traffic concerns. One has registered as an opponent, see Exhibit 6. A public meeting is to be held on July 27th at the church at 6:30 PM. Staff will provide a summary of the meeting at the hearing, since this report was published prior.
II. RECOMMENDATION:
A. Staff recommends DENIAL of the Site Plan
B. SPECIAL CONDITIONS OF APPROVAL:
   If the commission is inclined to approve the application, the following conditions of approval are recommended:

1. A vehicle stacking and circulation plan shall be approved by the City’s Transportation Department prior to issuance of the building permit.
2. The final design of the ingress/egress drive shall be approved by the City’s Transportation Department and Pinellas County. Any required access improvements such as modifications to the median or a turn lane shall be constructed prior to issuance of the Certificate of Occupancy and shall be the responsibility of the applicant.
3. Bicycle parking shall be provided in accordance with 16.40.090.4.
4. There shall be no outdoor lighting of the playgrounds or soccer field and all exterior lighting shall comply with Section 16.40.070.
5. The dumpster enclosure shall be located behind the front façade of the principal structure. The enclosure shall compliment and be finished to match the building. Gates shall be opaque.
6. A minimum 6-foot high solid fence shall be provided to screen the soccer field and playground area from the abutting property to the east, and a minimum 15-foot setback from the easterly property line shall be provided.
7. Elevations and building plans shall be revised to add a cornice at 24-feet in accordance with the height and design requirements of the NS-1 zoning district.
8. Except as noted in condition #6, the plans submitted for permitting shall substantially resemble the plans attached to this report. Significant modifications to the plans shall require a new application.
9. All requirements set forth in the attached memorandum from the Engineering Department dated July 11, 2016, shall be satisfied at time of permitting. Plans shall be revised as necessary to comply with comments provided by the City’s Engineering Department.
10. A tree removal permit shall be required for the trees shown to be removed and the applicant shall comply with the Grand Tree preservation requirements of Section 16.40.150.2.2. Any trimming or removal of the grand tree on the adjacent property shall require a letter of consent from the affected property owner.
11. This Site Plan approval shall be valid through August 3, 2019. Substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD.

STANDARD CONDITIONS OF APPROVAL
(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC
DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:
1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:
1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:
1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

**Landscaping Requirements:**

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, and Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

**REPORT PREPARED BY:**

[Signature]

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development Department
Development Review Services Division

DATE: 7-27-16

List of Exhibits:
Exhibit 1: Aerial location map
Exhibit 2: Site plans and elevations
Exhibit 3: Photos
Exhibit 4: Applicant's narrative, Response to Comments and Grand Tree Report
Exhibit 5: Engineering Memo dated July 11, 2016 & Transportation Department Memo dated 07/27/16
Exhibit 6: Registered Opponent Form
Exhibit 1
Case #16-31000008
Aerial Location Exhibit
Exhibit 2

Case #16-31000008

Site Plan and Elevations
Exhibit 3

Case #16-310000008

Photos
Exhibit 4

Case #16-31000008

Applicant’s narrative, Response to Comments, Grand Tree Report, Historical and Projected Average Drop-off and Pick-up exhibit
PROJECT NARRATIVE

Plato Academy St. Petersburg will continue to be an excellent tuition-free public charter school serving students and families with a viable educational opportunity. (see graph below) Based on recent reports in the *Tampa Bay Times*, the city needs more schools like Plato Academy St. Petersburg. (See Pulitzer prize winning article series titled “Failure Factories”)

St. Petersburg’s Highest Performing Public School

The proposed project will provide a permanent home for St. Petersburg’s highest performing public school. The school will serve 546 students when it achieves full capacity during the 2019-2020 school year. The school will have approximately 36 staff and 31 classrooms.

The school will be open from 7 in the morning until 6 in the evening Monday through Friday. Classes are in session from 8:40 until 3:10. Before and aftercare are provided as a service to families. The school will also offer athletics to older students throughout the year. Occasionally, but rarely, special events will take place on weekday evenings. The field will be lighted. Historically, there were once baseball fields in this area.

The soccer field will function as a soccer/playing field when it is not wet. We have used this model for our Clearwater campus. There are days when the field cannot be used. On days when the field is wet, the children play indoors.
The project is located at 6745 38th Avenue within the municipal boundary of the City of St. Petersburg on a 5.17 acre parcel of land. There is an existing 15,396 SF church building located on the subject parcel and it will remain in place and will continue to function as a church. The existing church has water and sewer service and will remain independent of the proposed buildings. There is also an existing storm water management area that will be modified to meet the proposed conditions. The previously mentioned storm water management system was permitted through the South West Florida Water Management District and the City of St. Petersburg.

The project proposal is to construct a 9,147 SF gymnasium building and a two story 30,190 SF School Building, with associated water, sanitary sewer, fire protection, parking areas, landscaping and storm water management systems.

The subject parcel contains verified Grand Oak trees which will be preserved within the parking areas. Due to the tree preservation, a parking variance is requested to reduce the number of required parking stalls by 19 spaces.

The proposed school building and the gymnasium are both over 24 feet in height, so the buildings have been set-back 15' from the side property line as required by city code.

The proposed soccer field was designed as a storm water retention area and will serve a dual purpose. It is understood that during rain events the soccer field cannot be used for outdoor activities and may contain water for up to 72 hours. When the soccer field is unavailable children will utilize the gymnasium.

The drop off and pick up area will allow for a 65 car queue length (1300 linear feet) based on 550 students. This distance seems reasonable based on the queuing observed at the Plato Clearwater Facility which contains approximately 700 students with a car queue of 60.

The soccer field will not be lighted and will be utilized only for day time activities.

This proposal will meet all other zoning requirements and engineering requirements and should be a positive impact on the surrounding community.
PLANNING REVIEW

1. Plans need to be revised by 07/15 as follows:
   
i. to correctly indicate species of trees – many of the trees labeled as laurel oak are live oaks, which are specimen trees (see mark-up)
   
   RESPONSE: Plans have been revised.
   
   ii. Show protected palm trees (native species, 4' clear trunk) – this can be a condition of building permit if needed
   
   RESPONSE: Plans have been updated.
   
   iii. Label Grand trees – on site and within 10-feet of the property line. These are shown on my mark-up circled with heavy line. Let me know if this is not clear. There are a few grand trees immediately abutting the property which also need to be shown. I am concerned that the location of the rear building may impact the neighbors tree, and you will have to have their permission to remove it.
   
   RESPONSE: Shown on the tree removal plan and landscape plan.
   
   iv. Redesign parking areas to maximize preservation of existing protected live oaks and all Grand trees. The design as shown does not provide for any consideration for preservation of existing trees. We can work with you on the location of the landscape islands to work around the trees.
   
   RESPONSE: The parking lot has been revised to preserve most of the Grand Oak Trees. We are asking for a parking variance to reduce the number of required parking stalls by 19.

Here are the criteria for removal of grand trees, if you are going to propose to remove any, you will need to provide additional reports as shown below:

16.40.80.5.4. - Factors for evaluation of a tree removal or trimming permit.
A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. Removal of Grand trees. A Grand tree may be removed if:

   a. The Grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or

   b. The Grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or

   c. The Grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree.

RESPONSE: Report included with this submittal.
b. Specimen Tree – you need to determine if you need a variance to this requirement. Once you update the tree table with the correct species, please provide a separate table for the specimen trees (protected trees 12” and greater, not including laurel oaks) and provide the calculation of inches preserved and inches removed. Code requires that 25% of the inches of existing specimen trees to be preserved, see 16.40.060.2.1.3.D.8. ; This must be determined by next Thursday before the notice goes out on July 11th.

**RESPONSE:** Table and plans have been updated.

2. Drop-off/Pick-up –
   a. Is there an existing day care center at the church that will remain in operation? If so, please revise the plans to show the number of children and number of employees. Required parking is 1 space per employee plus 1 per 10 children. I noticed one child being dropped off when I was there for my site visit.

   **RESPONSE:** A before and aftercare program is provided as a service to families.

   b. Our transportation staff needs more information on how the queuing is going to work for drop-off/pick-up, here are their comments:

   **RESPONSE:** A stacking diagram is included with this submittal.

**City Comment:**

**Based on Florida class size requirements, we probably need to assume at least 20 kids per classroom. Florida requirements are as follows: 18 students for K to 3, 22 students for 4 to 8, and 25 students for 9 to 12. Most of the grades are higher than 3rd grade. Twenty times 48 classrooms is almost 1,000 kids. If they average two kids per car, that is 500 cars dropping off and picking up kids each day. If they plan to limit class sizes so that they are smaller than Florida standards, they need to provide that information. I am assuming that there is no bus service.**

I measured 450 feet from 38th Avenue North to the entrance of the two-store building using the most direct path through the parking lot. Assuming 20 feet per car in the queue, that is enough space 23 cars. A study I read online, titled “Reooling School Drop-off/Pick-up Zones to Meet Demand,” gave a range of 1.5 to 2 feet per student for the drop-off/pick-up queue length based on several studies, which is 1,500 to 2,000 feet in this case. If they have after school program or daycare they wouldn’t need as long a queue length; this is more information that they need to provide. If they use the drive aisles of the parking lot to create a longer queue, they need to show us how that could be done safely. There would be a potential for conflicting movements between the queue and staff members parking in the spaces.
RESPONSE: A stacking diagram is provided. The proposed queue is 1,300 feet or 65 cars which is comparable to an existing Plato school located in Clearwater with approximately 500 students. Traffic can enter and flow freely with no conflicts. Staff would arrive at the facility before drop-off time and leave after pick up time, so conflict would be minimal during these times. Cones would be set-up during drop-off and pick up times and staff would be directing traffic.

3. Bicycle parking – this is a variance request, you need to complete the variance narrative to explain why you can’t provide any bicycle parking, see attached I am not sure that staff is going to support this... we need to see the narrative by 07/15

RESPONSE: We are requesting a variance to reduce the number of bicycle parking spaces to ten spaces, based on the operating conditions of existing Plato School Facilities.

4. Site Data Table needs to be revised as follows:
   a. Required setbacks are incorrect: NS-1 setbacks are as follows: 25 front, 7.5 side if the building is 24-feet, and 15-feet for portions of the building over 24-feet, 20 rear; height limit is 24-feet to beginning of roof line, 36-feet to roof peak. I will need verification through submittal of elevations that the rear building meets this. In order to stay on schedule for August DRC, I will need this by next Thursday.

RESPONSE: The site plan and the site data table has been revised.

   b. Required landscape buffers are 20-feet to the front and 5-feet from sides

RESPONSE: The site plan and the site data table has been revised.

5. Public Participation report – please provide prior to public notice. You were required to notify the neighborhood association PRIOR to application, see attached

RESPONSE: The owner is continuing to meet with the surrounding neighbors.

6. As previously requested, please provide a project narrative, regarding details of the operation (number of children, start and end times, after school programs, bus service, etc.)

RESPONSE: A project narrative is included with this letter.

7. Is the only outside activity area the proposed soccer field? If there are any other outdoor play areas proposed, show on plans, and include any area that may be used for the existing day care, if applicable

RESPONSE: A play ground area is shown on the plans.

8. Is outdoor lighting proposed for the soccer field? If so, please note on plans. Otherwise there will be a condition that there is NO outdoor lighting of the fields.
RESPONSE: The soccer field will not have lights.

I have done an initial review of the application for the new school at 6745 38th Ave N
Please provide additional info as follows:

1. Please send the tree table in excel format ASAP. We need to determine if there is a need for a variance to the specimen tree preservation requirements, and if you are requesting removal of any grand trees (live oaks/pines 30” in diameter or greater). You will likely need to amend the parking lot layout to preserve additional trees. I am planning on a field review of the trees tomorrow to determine condition and verify grand trees. Once I determine the condition of the trees, I will provide you additional feedback regarding preservation. It appears that there are a number of trees in and around the parking lot that could be preserved by designing the landscape islands around the trees. (e.g. tree #53 is a 44” live oak, which is likely a grand tree – there are two trees labeled as #53, both in locations that could be preserved by shifting the landscape islands)
Here is the code section related to removal of a grand tree:

RESPONSE: The plans and tables have been revised.

16.40.060.5.4. - Factors for evaluation of a tree removal or trimming permit application.
A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. Removal of Grand trees. A Grand tree may be removed if:
   a. The Grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or
   b. The Grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or
   c. The Grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree.

You will need to provide a report regarding removal of any grand trees prior to the DRC hearing, by July 15th. The DRC commissioners are very concerned about tree preservation, and will want to see that every effort has been made to preserve protected trees that are in good condition.

RESPONSE: A report is included with this submittal.

2. You included one set of elevations. Please provide elevations for both buildings

RESPONSE: Elevation for both buildings is included with this submittal.

3. Please provide a student count

RESPONSE: The school anticipates approximately 546 students.
4. The drive-way shown to the north does not connect to right-of-way. Do you have a private ingress egress easement with the property owner to the north? Staff may require that you remove this drive-way due to concerns of traffic through the adjacent neighborhood to the west.
RESPONSE: This has been resolved.

5. The site plan labels both buildings as “Gym”. Does the rear building include classrooms? Please provide floor plans for both buildings
RESPONSE: The School and Gym buildings are now properly labeled on the plans.

6. The drop-off/pick-up is not labeled on the plans
RESPONSE: The drop-off/ pick-up area is now labeled on the HCP Sheet.

7. Please provide a project narrative, describing the project and operation including number of students, grades, staff, classrooms, hours of operation (will there be before and after school programs?) How will the soccer field function if it is also a storm water pond? Please confirm that there is no exterior lighting proposed for the soccer field. If lights are desired, they need to be shown on the plans.
RESPONSE: No lights are proposed for the soccer field and a project narrative is included with this letter.

Please note, the adjacent neighbors objected to a previous approval for a day care at this church in 2006, so it is important that you reach out to the adjacent property owners ahead of the public hearing to present your project and address any questions or concerns. If you schedule a meeting, please let me know, staff can attend. We highly recommend that you provide this outreach ahead of the August 3rd hearing.

I anticipate that there may be additional questions from staff after our transportation and engineering team’s review the plans.

I will be handling this case rather than Corey, due to work load.

Thanks,
Elizabeth Abernethy, AICP
Zoning Official, Development Review Services Manager
Planning & Economic Development Department
City of St. Petersburg
P.O. Box 2842, St. Petersburg, FL 33731
727-892-5344 / Fax: 727-892-5557
Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.
Based on the revised Site Plan, Tree Removal and Preservation Plan, and Conceptual Landscape Plan of July 15, 2016 for the project known as Plato Academy Campus at 6745 38th Avenue, St. Petersburg, Florida the applicant is proposing to remove 4 (four) Grand Trees. The following trees have been identified on Sheet LS.1 Tree Removal and Preservation Plan as meeting the size and specie requirement of Grand Trees:

Tree # 30 Live Oak 30" DBH (diameter at breast height)
Tree # 69 Live Oak 49" DBH
Tree # 141 Live Oak 37" DBH
Tree # 149 Pine 32" DBH

Listed below is the section of the current St. Petersburg Land Development Code relevant to this report.

16.40.060.5.4. - Factors for evaluation of a tree removal or trimming permit application.

A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. Removal of Grand trees. A Grand tree may be removed if:
   a. The Grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or
   b. The Grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or
   c. The Grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree.

Tree # 30 Live Oak 30" DBH

This tree is located in drive isle of the proposed parking lot. Saving this tree would impact the drop-off and pick-up area under a proposed canopy area for the classroom building as well as the associated handicapped parking spaces located off of this drive isle. We cannot reposition the drive isle or parking area to save this tree in order to create a functional access area.

Tree # 69 Live Oak 49" DBH

This tree is also located in the drive isle of the proposed parking lot. Saving this tree would impact our ability to meet the parking requirement of the land development as well as the needs of the Church and the applicant's proposed use as a school.
Tree # 141 Live Oak 37" DBH

We were not able to locate this tree on the survey provided. For purpose of simplicity we have listed this tree as to be removed. We will also note that Tree # 53, a Grand Tree, was identified twice on the survey. We have recorded this information as received. We are saving both Grand Trees designated as Tree # 53. We shall clarify these discrepancies in the future.

Tree # 149 Pine 32" DBH

This tree is located between the existing Church building and the proposed Gymnasium building. The revised site plan impacts this tree as well as Tree # 150 a 28" DBH Pine with an underground stormwater pipe which conveys stormwater run-off thru this portion of the site to the stormwater management area where the proposed soccer field is located. Adequate distance from the existing Church building and these Pine trees cannot be provided without impacting each. Therefore we consider it in the best interest to remove these trees so as not to create a potentially hazardous condition in the future.

Respectfully submitted,

JUL 15 2016

James Montgomery, ASLA
Registered Landscape Architect
Florida License #LA0001737
### Historical and Projected Averages of Drop-Off and Pick-Up at Existing and Proposed Plato Academy Schools

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Students at Capacity in 2020-2021</td>
<td>546</td>
</tr>
<tr>
<td>Percentage of Students Historically Carpooling with Siblings</td>
<td>25% (410 cars)</td>
</tr>
<tr>
<td>Percentage of Families Historically Carpooling with other Families</td>
<td>11% (365 cars)</td>
</tr>
<tr>
<td>Number of Students Historically in both Before Care and Aftercare</td>
<td>75 (303 cars)</td>
</tr>
<tr>
<td>Projected Number of Students in Both Before Care and Aftercare</td>
<td>120</td>
</tr>
<tr>
<td>Number of Students Historically After School Tutoring and Sports</td>
<td>36 (277 cars)</td>
</tr>
<tr>
<td>Projected Number of Students in After School Tutoring and Sports</td>
<td>36</td>
</tr>
<tr>
<td>Number Students Walking-Riding Bike</td>
<td>10 (267 cars)</td>
</tr>
<tr>
<td>Percent of Cars Projected to Use Drop-Off/Pick-Up Line</td>
<td>67% (179 cars)</td>
</tr>
<tr>
<td>Percent of Cars Projected to Park and Walk In</td>
<td>33% (88 Cars)</td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td>130</td>
</tr>
<tr>
<td>Number of cars loading and pulling out every minute</td>
<td>9</td>
</tr>
<tr>
<td>Max Available Stacking</td>
<td>60</td>
</tr>
<tr>
<td>Number of Students in 2016-2017</td>
<td>414</td>
</tr>
<tr>
<td>Number of Cars Projected to Stack</td>
<td>58</td>
</tr>
<tr>
<td>Number of Cars Projected in 2016-2017</td>
<td>135</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Number of Cars Projected in 2020-2021</td>
<td>179</td>
</tr>
<tr>
<td>Number of Bike Parking Spaces Required by Municipal Code</td>
<td>188</td>
</tr>
<tr>
<td>Drop-Off Time Frame</td>
<td>7:00 a.m. until 8:40 a.m.</td>
</tr>
<tr>
<td>Peak Drop-Off Time</td>
<td>8:10 a.m. until 8:20 a.m.</td>
</tr>
<tr>
<td>Maximum Number of Cars Observed stacking during Peak Drop-Off Time based on 3 field surveys at each campus</td>
<td>48</td>
</tr>
<tr>
<td>Pick-Up Time Frame:</td>
<td>3:10 p.m. until 6:00 p.m.</td>
</tr>
<tr>
<td>Maximum Number of Cars Observed during Peak Pick-Up Time based on field 3 field surveys at each campus</td>
<td>51</td>
</tr>
<tr>
<td>Peak Pick-Up Time</td>
<td>3:10 p.m. until 3:30 p.m.</td>
</tr>
<tr>
<td>Number of Staff Actively Managing Carline</td>
<td>15</td>
</tr>
<tr>
<td>Number of Safety Patrol Assisting in Carline</td>
<td>10</td>
</tr>
</tbody>
</table>
Exhibit 5

Case #16-31000008

Engineering Memo dated 07/11/16

Transportation Department Memo dated 07/27/16

Email from Pinellas County dated 07/25/16
TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 11, 2016
SUBJECT: Site Plan Modification
FILE: 16-31000008

LOCATION: 6745 38th Avenue North
PIN: 06/31/16/27843/001/0010
ATLAS: Q-22
PROJECT: Charter School

REQUEST: Approval of a site plan to construct 39,819 square foot Charter School.

The Engineering Department has no objection to the proposed site plan to construct a 39,819 sf Charter School provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:

1. It is noted that the north arrow is incorrect on the site plan.

2. 38th Avenue North is a Pinellas County controlled right of way. The applicant is responsible to coordinate necessary approvals for all work within the County right of way including but not limited to access, sidewalk, and utility connection, etc. through Pinellas County. Connection to the public sanitary sewer which is owned and maintained by the City of St. Petersburg will also require a City Engineering Utility Connection Permit issued by the City of St. Petersburg Engineering and Capital Improvements department.

3. If access through the adjacent site to the north is proposed, the applicant must submit evidence of a private ingress/egress easement, otherwise the driveway connection between the two sites should be eliminated.

4. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include
with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

5. Development and redevelopment shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body’s impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm. Site stormwater discharges to the public drainage system must also meet the requirements of Pinellas County since outfall will be to the County controlled public drainage system within 38th Avenue North.

6. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. A minimum 6-foot wide public sidewalk is required within the northern parkway of 38th Avenue North. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

7. Per land development code 16.40.140.4.6 (9), habitable floor elevations for commercial projects must be set per building code requirements to at least one foot above the FEMA elevation. Habitable floor elevations for projects subject to compliance with the Florida Building Code, Residential, shall be set per building code requirements to at least two feet above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.

8. The developer’s transportation engineer should develop and submit a student drop off & pick up plan for review and approval by the City’s Transportation department. The plan must assure student safety and demonstrate that vehicles do not back up into public right of way during drop off or pick up times.

9. The existing redundant driveway approach to 38th Avenue North (near the southeast property corner) must be removed from within the right of way as part of this project.

STANDARD COMMENTS: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City’s Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s)
for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant’s engineer for all construction proposed or contemplated within dedicated right of way or easement.

A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant’s expense in accordance with the standards, specifications, and policies adopted by the City.

The project Engineer will be required to develop a site specific Maintenance of Traffic plan in compliance with FDOT “Uniform Traffic Control Devices for Streets and Highways” and “Roadways and Traffic Design Standards for City approval prior to initiating construction. The plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Approval of proposed roadway travel lane closures is discouraged and will be at the discretion of the City’s Engineering director pending receipt of adequate justification. The Maintenance of Traffic plan shall be prepared in compliance with City Engineering’s “Maintenance of Traffic Plan Requirements”, available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City’s Transportation and Parking Management division. Refer to the City’s “Parking Meter Removal & Space Rental Policy During Construction” procedure, available upon request from the City Transportation and Parking Management department. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City’s stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer’s Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.
It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
Reading File
Correspondence File
Subdivision File FIRST FREE METHODIST CHURCH SUB
The Transportation and Parking Management Department has reviewed the proposed vehicle stacking plan for the proposed Plato Academy school on 6745 38th Avenue North in St. Petersburg. We believe that the applicant has not provided enough information to ensure that the vehicles dropping off and picking up students will be able to safely queue and safely maneuver on the site and not impact 38th Avenue North. We would like to receive input from Pinellas County that they are satisfied with the site plan and would approve necessary roadway modifications on 38th Avenue North to accommodate turning movements. A traffic impact analysis, similar to the one provided for the Plato Academy campus in Clearwater, would be helpful.
Good evening Elizabeth,

Thank you for sending this information over and for the voicemail.

I have looked over the documents and share the same concerns that City staff has expressed with the potential impact to 38th Avenue.

Without a more detailed analysis from the applicant related to trip generation/distribution and related impacts, it is difficult to determine if the on-site stacking is adequate or what improvements to 38th Avenue might be required.

Based on the stacking drawing they provided, the on-site circulation is confusing and it is not clear what parents are expected to do.

Please let me know if you would like to discuss further.

Thanks again,
Tom

From: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Sent: Friday, July 22, 2016 10:18:15 AM
To: Washburn, Thomas E
Cc: Michael J. Frederick; Kyle Simpson; Thomas M Whalen
Subject: Proposed Charter School - 3748 38th Ave N

Tom,

I left you a voice mail this AM regarding this application. Evan Mory gave me your contact info. We are processing an application for approval of a charter school at an existing church located at 3748 38th Ave N. with 546 students, 36 staff and 31 classrooms. Our team is concerned about adequate queuing and potential traffic issues on 38th Ave N. To date, the applicant has not provided sufficient information to demonstrate that there is adequate on-site queuing.

I am attaching the applicants narrative, response to comments and the latest site plan for your consideration, in case you would like an opportunity to provide comments during this process, as 38th Ave N. is under your jurisdiction. This case is currently scheduled for a public hearing on August 3rd. I will be completing my staff report by next Wednesday.

Please feel free to call me or our transportation team if you would like to discuss further.

Elizabeth Abernethy, AICP
Zoning Official, Development Review Services Manager
Planning & Economic Development Department
Exhibit 6
Case #16-310000008
Registered Opponent Form
# Registered Opponent Form

## Contact Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Scott K. Wagenw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>1128 42nd Av. NE</td>
</tr>
<tr>
<td>City ST ZIP Code</td>
<td>St. Petersburg, FL 33703</td>
</tr>
<tr>
<td>Telephone</td>
<td>727-822-2212 727-409-2813 (cell)</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Scott@hwproperties.biz">Scott@hwproperties.biz</a></td>
</tr>
<tr>
<td>Signature</td>
<td>Date 7/21/16</td>
</tr>
</tbody>
</table>

## Date of Hearing

- Date of Hearing: August 3, 2016

## Case No.

- Case No.: 16-3100000B

## Case Address

- Case Address: 645 38th Av. N., St. Petersburg, FL 33710

## Special Requirements

<table>
<thead>
<tr>
<th>Information on Procedures for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Staff, applicant, and, registered opponent will have a total of ten (10) minutes each to present their case.</td>
</tr>
<tr>
<td>2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.</td>
</tr>
<tr>
<td>3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.</td>
</tr>
<tr>
<td>4) The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.</td>
</tr>
</tbody>
</table>

Return form to Clerk of DRC Commission, pamela.jones@stpete.org, at least one week prior to the hearing.

City of St. Petersburg, Development Review Services, One 4th Street North, PO Box 2842, St. Petersburg, FL 33731
(727) 893-5498  
www.stpete.org/dr
SPECIAL EXCEPTION
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 August 3, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-32000010
PLAT SHEET: F-9

REQUEST: Approval of a special exception and related site plan to construct a 2,050 sq. ft. restaurant with drive-thru. The applicant is requesting a variance to parking location.

OWNER: South Salt Creek, LLC
3245 5th Avenue North
Saint Petersburg, Florida 33713-7611

AGENT: Sean Cashen
Gulf Coast Consulting, inc.
13825 Icot Boulevard #605
Clearwater, Florida 33760

ADDRESSES and PARCEL ID NOS.: 1511 4th Street South; 30-31-17-46404-001-0020
1525 4th Street South; 30-31-17-46404-001-0030
1537 4th Street South; 30-31-17-46404-001-0050

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional-1 (CCT-1)

SITE AREA TOTAL: 27,850 square feet or 0.16 acres
GROSS FLOOR AREA:
Existing: 3,620 square feet 0.13 F.A.R.
Proposed: 2,050 square feet 0.07 F.A.R.
Permitted: 27,850 square feet 1.0 F.A.R.

BUILDING COVERAGE:
Existing: 3,620 square feet 13% of Site MOL
Proposed: 2,050 square feet 7% of Site MOL
Permitted: N/A

IMPERVIOUS SURFACE:
Existing: 5,140 square feet 18% of Site MOL
Proposed: 12,160 square feet 44% of Site MOL
Permitted: 26,458 square feet 95% of Site MOL

OPEN GREEN SPACE:
Existing: 22,710 square feet 82% of Site MOL
Proposed: 15,690 square feet 56% of Site MOL

PAVING COVERAGE:
Existing: 1,520 square feet 5% of Site MOL
Proposed: 10,110 square feet 36% of Site MOL

PARKING:
Existing: N/A
Proposed: 21; including 1 handicapped spaces
Required 14; including 1 handicapped spaces

BUILDING HEIGHT:
Existing: 16 feet
Proposed: 24 feet
Permitted: 42 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a drive-thru which is a Special Exception use within the CCT-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Background:
The subject property is located on the west side 4th Street South between 13th Avenue South and Paris Avenue South in the Bartlett Park Neighborhood Association. The site is currently developed with a duplex and detached garage.

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 2,050 square foot restaurant with a drive-thru. The applicant is requesting a variance to parking location.
Current Proposal:
The applicant will demolish the existing duplex and detached garage and construct a restaurant with a drive-thru. The proposed building will be located on the eastern side of the property along the 4th Street South. Parking will be to the south and west sides of the property and accessed from 4th Street South and the existing north-south alley. The drive-thru is located on the west side of the building. The drive-thru lane and menu board are behind the building, with minimum visibility from 4th Street South. Pedestrian access to the site will be from 4th Street South. The dumpster will be located on the west side of the proposed building.

The proposed building will be a contemporary style of architecture. The building will have recesses and projections in the façade and changes in the roof line. The exterior of the building will also have an ample amount of glazing.

Special Exception:
The proposed drive-thru facility is a Special Exception uses in the CCT-1 zoning district. The DRC is required to review the project for any possible adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility.

A drive-thru facility can cause a variety of adverse impacts for adjoining residential neighborhoods, such as noise generated by stacking of vehicles and outdoor loud speakers. City Code requires that the speaker box not be oriented towards a residential use. The proposed drive-thru window will be located on the west side of the building and the menu board and speaker box will be located on the north side of the subject property. The location of the speaker box complies with code. The drive-thru complies with the required number of stacking spaces. Since the drive-thru facility abuts a residential use, the drive-thru is limited to the hours it can operate. The drive-thru can operate between 6 a.m. and midnight, weekdays and between 6 a.m. and 1:00 a.m. on Saturday and Sunday.

VARIANCE:
Parking location

Required: Parking shall be located behind the principal building to the rear of the property.

Proposed: Parking is located behind the front façade of the building and is not to the rear of the property.

The design regulations in the CCT-1 zoning district require that parking be located behind the principal building to the rear of the property. The proposed parking lot will be located to the south and west sides of the proposed building. The majority of the parking and drive-thru lane will be located to the rear of the building. Approximately two (2) out of the 21 parking spaces will be located behind the front plane of the building, but not to the rear of the building. The location and circulation pattern of the drive-thru is required by code. The proposed drive-thru lane makes it more difficult to construct all the parking to the rear of the site. Further, the ADA space is required to be placed as close as possible to the front of the building without having to cross a drive aisles if possible. The proposed site plan still meets the intent of the Code, which again is to design sites and buildings that engage the pedestrian and define the street edge.

Public Comments:
No comments or concerns were expressed to the author at the time this report was prepared.
III. **RECOMMENDATION:**

A. Staff recommends APPROVAL of the following:
   1. Variance to parking location; and
   2. Special Exception and related site plan for a restaurant with a drive-thru.

B. **SPECIAL CONDITIONS OF APPROVAL**
   1. The drive-thru services shall be prohibited between the hours of 12:00 a.m. and 6:00 a.m. weekdays and between 1:00 a.m. and 6:00 a.m. on Saturday and Sunday.
   2. A three (3) foot high concrete masonry wall finished to match the building shall be installed along the eastern lines to buffer the parking lot and drive-thru lane from 4th Street South.
   3. The dumpster enclosure shall match the design of the building and the enclosure gates shall be opaque, chain link with slats shall not be permitted.
   4. The applicant shall coordinate the size and location of the dumpster enclosure with the City’s Sanitation Department.
   5. The site plan submitted for permitting shall comply with Section 16.40.070 Lighting.
   6. The site plan submitted for permitting shall be revised to comply with the minimum bicycle parking requirement per Code Section 16.40.090.4.
   7. The site plan shall be modified as necessary to comply with the Transportation and Parking Management Department’s email dated July 1, 2016 and is attached to this report.
   8. The site plan shall be modified as necessary to comply with the Engineering Department’s memorandum dated July 11, 2016, and is attached to this report.
   9. The Special Exception approval and related site plan and variance is valid until August 3, 2016. Substantial construction shall commence prior to the expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

C. **STANDARD CONDITIONS OF APPROVAL**

*(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)*

**ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.**

**Building Code Requirements:**

1. The applicant shall contact the City’s Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:
1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:
1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:
1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department
discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled “Landscaping and Irrigation.”

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

The Future Land Use classification of the subject parcel is PR-MU. The proposed use is consistent with this land use classification. The proposed redevelopment is consistent with the goals, objectives and policies of the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

The proposed restaurant with a drive-thru and retail uses are consistent with both the future land use and the current zoning.

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

Transportation staff has reviewed the proposed site plan and has no concerns.

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
Transportation staff has reviewed the proposed site plan and has no concerns. Short term bicycle parking is provided and continuous sidewalk pavement through the driveway will be required.

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

Transportation staff has reviewed the proposed redevelopment. There are no identified impacts to the level of service of the adjacent streets and intersections.

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

The project will be required to comply with all special conditions of approval as specified in the Engineering and Capital Improvements Department Memorandum dated July 11, 2016 and will be retrofitted to meet current City and SWFWMD requirements.

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

Signage and lighting will need to comply with all current regulations, Signage section 16.40.120 and Lighting section 16.40.070. A special condition of approval requires that outdoor lighting be designed and installed to prevent glare and light trespass on abutting property, and full cut-off lighting fixtures are required in accordance with Section 16.40.070.

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

The existing and proposed building is oriented towards 4th Street North, in accordance with the design requirements of the CCT district. The building will meet all design requirements of the CCT-1 zoning district, including the requirements for fenestration and glazing.

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

There are no known historic or archeological resources on the subject parcel. The entire site appears to have been previously developed, and there are no remaining significant natural features.

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

There is not a concentration of drive-thru restaurant uses within the immediate area.
K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

There is not a concentration of drive-thru restaurant uses within the immediate area.

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

A six foot high fence or wall is proposed along the western property line abutting the residential use. The buildings have been placed at the minimum setback from 4th Street, with the drive-thru lane immediately behind, maximizing the separation to the residential use.

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

The site size is appropriate and adequate for the proposed redevelopment.

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

There no natural vegetation remaining on the subject parcel due to past development activity.

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

This criterion is not applicable to a commercial use.

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. School Concurrency.

The project meets all concurrency requirements.
The land use of the subject property is: **Planned Redevelopment Mixed-use**

The land uses of the surrounding properties are:

North: **Planned Redevelopment Mixed-use**

South: **Planned Redevelopment Mixed-use**

East: **Community Redevelopment Mixed-use**

West: **Residential Medium**

REPORT PREPARED BY:

COREY MALYSZKA, Urban Design & Development Coordinator
Planning and Economic Development
Development Review Services Division

DATE
7-27-16

REPORT APPROVED BY:

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

DATE
7-07-16
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-32000010
Address: 1511, 1525, and 1537 4th Street South
The Transportation and Parking Management Department has reviewed this case and has several comments. The sidewalks should be continuous through the driveway on 4th Street; it is not evident that this is the case based on our review of the landscape plan. The applicant has not indicated where the three proposed bicycle parking spaces will be located on the site. It is likely that the alley west of the site will need to be upgraded due to the increase in traffic from the proposed restaurant. This alley has 16 feet of right of way and the pavement width is approximately 10 feet based on our measurements on a GIS map.

Tom Whalen, AICP
Planner III, Transportation and Parking Management
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
727-893-7883 / Fax: 727-551-3326
Tom.Whalen@stpete.org

From: Pamela Jones
Sent: Tuesday, June 21, 2016 10:48 AM
To: Jill S. Wells; Kelly A. Donnelly; Kyle Simpson; Mark Riedmueller; Michael J. Frederick; Nancy Davis; Richard F Kowalczyk; Thomas M Whalen
Cc: Corey D. Malyszka
Subject: Comments requested by July 12, 2016 - Case No. 16-32000010 - Dunkin Donuts

Good morning,
Would you all kindly review the attached information and return your comments to me by July 12th. The applicant is seeking approval of a special exception and related site plan to construct a 2,050 sq. ft. restaurant with drive-thru. The applicant is requesting a variance to parking location.

Thank you,

Pamela Jones
Administrative Clerk, Development Review Services
City of St. Petersburg
One 4th Street North, PO Box 2842
St. Petersburg, FL 33731-2842
Office (727) 892-5498/Fax (727) 892-5557
Pamela.Jones@stpete.org
TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 11, 2016
SUBJECT: Special Exception – 1511, 1525 and 1537 4th Street South, Dunkin Donuts
FILE: 16-32000010

LOCATION: 1511, 1525 and 1537 4th Street South
PIN: 30/31/17/46404/001/0020; 30/31/17/46404/001/0030;
30/31/17/46404/001/0050
ATLAS: F-09
PROJECT: Special Exception

REQUEST: Approval of a special exception and related site plan to construct a 2,050 square foot restaurant with drive through. The applicant is requesting a variance to parking location.

The Engineering department has no objection to the special exception and related site plan provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS:
1. Per land development code 16.40.140.4.6 (9), habitable floor elevations for commercial projects must be set per building code requirements to at least one foot above the FEMA elevation (AE, EI 8.0). ADA compliant transitions between the building, the site, and the adjacent right of way must be provided **within the site**; adjacent right of way shall NOT accommodate private ramps, excessive fill, retaining walls, etc. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Driveway approach slope within the public right of way shall not exceed 8% with the exception of the public sidewalk cross slope which shall not exceed 2%.

2. Alley access must be coordinated and approved through Michael Frederick (phone 727-893-7843) of the City’s Neighborhood Transportation and Parking division. Alternatively provide all access from 4th Street South. Engineering does not see a need for access to and from the alley but will defer this decision to Neighborhood Transportation and Zoning.

3. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. The public sidewalk within 4th Street South right of way must be upgraded to the required 6-foot width.

Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.
4. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

5. Development and redevelopment shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

6. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

STANDARD COMMENTS: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City's Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right of way or easement.
The project Engineer will be required to develop a site specific Maintenance of Traffic plan in compliance with FDOT “Uniform Traffic Control Devices for Streets and Highways” and “Roadways and Traffic Design Standards for City approval prior to initiating construction. The plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Approval of proposed roadway travel lane closures is discouraged and will be at the discretion of the City’s Engineering director pending receipt of adequate justification. The Maintenance of Traffic plan shall be prepared in compliance with City Engineering’s “Maintenance of Traffic Plan Requirements”, available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City’s Transportation and Parking Management division. Refer to the City’s “Parking Meter Removal & Space Rental Policy During Construction” procedure, available upon request from the City Transportation and Parking Management department. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer’s Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62- 21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.
SPECIAL EXCEPTION
PUBLIC HEARING

According to Planning & Economic Development Department records, Commissioner Joseph Griner 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 August 3, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-32000011 PLAT SHEET: G-2

REQUEST: Approval of a special exception and related site plan to construct a 172,900 sq. ft. police station. The applicant is requesting variances for 1) surface parking visible from right-of-way, 2) 50% transparency for ground level building facades along primary streets, 3) interior parking lot landscaping, and 4) fence height.

OWNER: City of St. Petersburg
COSP Engineering Capital Improvement Program
PO Box 2842
Saint Petersburg, Florida 33731-2842

AGENT: George F. Young, Inc.
Alison Shaw
299 Dr. Martin Luther King, Jr., Street North
Saint Petersburg, Florida 33701

ADDRESSES AND PARCEL ID NOS.:
1301 Arlington Avenue North; 24-13-16-43668-000-0430
1328 2nd Avenue North; 24-31-16-43668-000-0250
None; 24-31-16-43668-000-0290
None; 24-31-16-43668-000-0450
1325 Arlington Avenue North; 24-31-16-43668-000-0460
159 14th Street North; 24-31-16-43668-000-0470
129 14th Street North; 24-31-16-43668-000-0471
143 14th Street North; 24-31-16-43668-000-0472
1301 1st Avenue North; 24-31-16-73179-001-0010
LEGAL DESCRIPTION:  On File

ZONING:  Downtown Center-1 (DC-1)

SITE AREA TOTAL:  274,627 square feet or 6.3 acres

GROSS FLOOR AREA:
Existing:  31,685 square feet  0.12 F.A.R.
Proposed:  172,900 square feet  0.63 F.A.R.
Permitted:  823,881 square feet  3.0 F.A.R.

BUILDING COVERAGE:
Existing:  21,533 square feet  7.8 % of Site MOL
Proposed:  82,479 square feet  30% of Site MOL
Permitted:  260,896 square feet  95% of Site MOL

IMPERVIOUS SURFACE:
Existing:  240,555 square feet  88% of Site MOL
Proposed:  216,284 square feet  79% of Site MOL
Permitted:  N/A

OPEN GREEN SPACE:
Existing:  34,072 square feet  12% of Site MOL
Proposed:  58,343 square feet  21% of Site MOL

PAVING COVERAGE:
Existing:  219,022 square feet  80% of Site MOL
Proposed:  133,805 square feet  49% of Site MOL

PARKING:
Existing:  650; including 0 handicapped spaces
Proposed:  334; including 0 handicapped spaces
Required:  321; including 8 handicapped spaces

BUILDING HEIGHT:
Existing:  25 feet
Proposed:  74 feet
Permitted:  125 feet

APPLICATION REVIEW:

I.  PROCEDURAL REQUIREMENTS:  The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a government use which is a Special Exception use where the proposed gross floor area consists of more than 25-percent non-residential use. Non-residential uses consisting of more than 25-percent of the gross floor area are Special Exception uses within the DC-2 district.
II. DISCUSSION AND RECOMMENDATIONS:

Background:
The subject property is located at the northwest corner of 1st Avenue North and 13th Street North in the Methodist Town Neighborhood Association. The site is currently developed with a communications tower, City of St. Petersburg Police Training Annex, garage and storage building and parking lot. The rights-of-way that traverse the property have been approved to be vacated upon the subject property and the vacated rights-of-way being replatted.

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 172,900 square foot police headquarters facility. The applicant is requesting variances for 1) surface parking visible from right-of-way, 2) 50% transparency for ground level building facades along primary streets, 3) interior parking lot landscaping, and 4) fence height.

Current Proposal:
The applicant proposes to demolish the Training Annex and relocate the communications tower. The existing police headquarters facility will be relocated from across the street and the new will be constructed at the northwest corner of 1st Avenue North and 13th Street North. The existing garage, a new M and E equipment building, retention pond and relocated communications tower will be located along the west side of the property. Parking will be located in the center of the site. Access to the parking lot will be from 1st Avenue North and 2nd Avenue North. The parking lot is proposed to be gated. Public access into the building will be at the southeast corner of the building.

The proposed building will be of a contemporary style of architecture. A multi-story entry feature that is clad in glass is proposed at the southeast corner of the building. An ample amount of glazing is proposed on the three-story building. The two-story building does not have a significant amount of glazing due to the function of the building. The façade of the building has been articulated with changes in materials, glazing, recess and projections in the façade and cantilevered overhangs.

Special Exception:
The DC-2 zoning district provides for intense residential development while still allowing a mix of uses that enhance and support the downtown core and surrounding neighborhoods, including Tropicana Field. The intent of requiring Special Exception approval for a development project proposing more than 25-percent non-residential use is to insure that development proposals consisting of a minimal amount of residential units within the DC-2 district are properly located. In this case, the proposed project is located along 1st Avenue North abutting the CSX railroad. 1st Avenue North has historically been an auto oriented corridor. Staff finds that the proposed building and use for a police headquarters facility are appropriate for 1st Avenue North corridors and staff does not anticipate any adverse impacts or detrimental effects to neighboring property or the downtown core as a result of approval of the application.

VARIANCES:
The use of the building and site effects the overall design of the proposed development. The proposed design of the building and site requires four variances to City Code.
1. **Surface parking visible from right-of-way**

   **Required:** Surface parking shall not be visible from right-of-way  
   **Proposed:** Surface parking is visible from right-of-way

City Code requires that parking be located behind the building and not visible from the right-of-way. Based on the design of the site, the main building is placed at the most prominent intersection and the other buildings are located along the west side of the property. However, the buildings do not occupy the entire exterior perimeter of the subject property leaving parking visible to a portion of 1st Avenue North and 2nd Avenue North. The applicant will be installing a solid three foot wall and a five foot tall fence along 1st Avenue North and 2nd Avenue North for security. The wall and fence will also help shield the view of the parking lot from the abutting rights-of-way.

2. **50% transparency for ground level building facades along primary streets**

   **Required:** 50% transparency for ground level building facades  
   **Proposed:** Less than 50% transparency for ground level building facades

City Code requires that 50 percent of the ground level of the building be transparent. The proposed building will have ample glazing at the main entrance into the building and along 1st Avenue North. The ground level of the building along 13th Street North will have minimal glazing due to the use of the building and the directives established by Homeland Security, associated with the government use for a police facility. The additional glazing at the main entrance will mitigate for the amount of glazing on the east façade.

3. **Interior parking lot landscaping**

   **Required:** 10%  
   **Proposed:** 8%  
   **Variance:** 2%

City Code requires that 10 percent of the vehicular use be devoted towards parking lot landscaping. The applicant is providing 8 percent parking lot landscaping. The reduction is due to the operational needs of the police facility and the need to provide required parking. Further, the applicant is providing additional green space at the northwest corner of the subject property to compensate for the reduction within the parking lot. A total of 58,343 square feet or 21 percent of the subject property is devoted towards green space. The code only requires 2.5 percent green space. In addition, the applicant will be installing a solid three foot wall and a five foot tall fence along 1st Avenue North and 2nd Avenue North for security. The wall and fence will help shield the view of the parking lot from the abutting streets.

4. **Fence height**

   **Required:** 6 feet  
   **Proposed:** 8 feet  
   **Variance:** 2 feet

City code permits a maximum fence height of six feet. The applicant is proposing a height of eight feet. This will allow a three foot tall wall that is topped with a five foot high ornamental fence. The additional height is due to the directives by Homeland Security related to this secured government police facility.
Analysis
The proposed police headquarters facility is a unique use. In order to provide adequate security and secure parking, some relaxations from City Code are warranted. The properties that surround the subject property are commercial and multi-family and there is a CSX railroad located on the west side of the subject property. The proposed facility will be consistent with the surrounding development and mix of uses.

In summary, the granting of the variances can be justified pursuant to the applicable review criteria and will be consistent with the overall purpose and intent of the City Code in accordance with Section 16.70.040.1.6 Variances. The applicant’s variance narrative responding to the criteria is attached.

Public Comments:
Staff received two emails. The first email was from the president of Methodist Town Neighborhood Associated, who expressed concern about Arlington Avenue North and 14th Street North being incorporated into the Police Station campus (email attached). The second email asked for information about the project.

III. RECOMMENDATION:
A. Staff recommends APPROVAL of the following:
   1. Variance for surface parking visible from the right-of-way;
   2. Variance for 50% transparency for ground level building facades along primary streets;
   3. Variance for parking lot landscaping;
   4. Variance for fence height; and
   5. Special Exception and related site plan, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
   1. The project shall be subject to final review and approval by the Community Redevelopment Agency.
   2. No demolition permits shall be issued for the existing structure on the property until the applicant has submitted a complete application for building permits to the City.
   3. Concrete driveways shall be continuous through all driveway approaches and truncated domes shall be installed.
   4. The opening to trash and loading area along 2nd Avenue North shall be screened from the right-of-way with an opaque door.
   5. A minimum three (3) foot high wall finished to match the building shall be installed along the north and south property lines to screen the parking lot from the abutting rights-of-way.
   6. The public sidewalks in the abutting rights-of-way shall be 10-feet wide. Public sidewalks where they intersect with the proposed tree planters can be 8-feet wide.
   7. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
   8. It is encouraged, but not required that the at grade planters that abut the proposed building be elevated above grade.
   9. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard
surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.

10. Bicycle parking shall be provided as required by Section 16.40.090.
11. Exterior lighting shall comply with Section 16.40.070.
12. Mechanical equipment shall be screened from view of the abutting rights-of-way.
13. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
14. The site plan shall be modified as necessary to comply with the comments in the Engineering Department’s Memorandum dated July 12, 2016.
15. This Special Exception approval shall be valid through August 3, 2019. Substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City’s Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.

2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.

4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A
solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City’s Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.

2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City’s Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled “Landscaping and Irrigation.”

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

The proposed police headquarters facility is consistent with comprehensive plan policies to protect the health, safety and welfare of our community.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

The use as a police headquarters facility is permitted within the DC zoning district.

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

The Transportation and Parking Management Department reviewed the application and had no comments or concerns.

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

The Transportation and Parking Management Department reviewed the application and had no comments or concerns.

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

The Transportation and Parking Management Department reviewed the application and had no comments or concerns.

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

The applicant will be responsible for ensuring compliance with the City’s drainage ordinance and all applicable agency permitting will be provided prior to initiation of construction.
G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

Signage and lighting will need to comply with all current regulations, Signage section 16.40.120 and Lighting section 16.40.070.

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

The existing and proposed buildings are oriented towards 1st Avenue North. The buildings will meet the design requirements of the DC zoning district, which include requirements for fenestration and glazing.

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

There are no known historic or archeological resources on the subject parcel. The entire site appears to have been previously developed, and there are no remaining significant natural features.

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

Staff finds that the proposed improvements will not create a concentration of similar uses nor create a substantial detrimental effect on property values in the neighborhood.

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

Staff finds that the proposed improvements will not create a substantial detrimental effect on living or working conditions in the neighborhood, and the presence of the police headquarters facility will continue to provide police services for our community.

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

Landscaping and screen will be provided.

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

The site size is appropriate and adequate for the proposed redevelopment.

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

There no natural vegetation remaining on the subject parcel due to past development activity.
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
   1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
   2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

This criterion is not applicable to the proposed commercial development.

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
   a. Water.
   b. Sewer.
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.
   f. Mass transit.
   g. School Concurrency.

The land use of the subject property is: Central Business District

The land uses of the surrounding properties are:

North: Industrial General and Recreation/Open Space
South: Central Business District
East: Planned Redevelopment Commercial and Central Business District
West: Central Business District

REPORT PREPARED BY:

COREY MALYSZKA, Urban Design & Development Coordinator
Planning and Economic Development
Development Review Services Division

DATE: 7/27/16

REPORT APPROVED BY:

ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

DATE: 7-27-16
TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 12, 2016
SUBJECT: Special Exception – Police Headquarters
FILE: 16-3200011

LOCATION
AND PIN:
1301 Arlington Avenue North 24/13/16/43668/000/0430
1328 2nd Avenue North 24/31/16/43668/000/0250
No Address 24/31/16/43668/000/0290
No Address 24/31/16/43668/000/0450
1325 Arlington Avenue North 24/31/16/43668/000/0460
159 14th Street North 24/31/16/43668/000/0470
129 14th Street North 24/31/16/43668/000/0471
143 14th Street North 24/31/16/43668/000/0472
1301 1st Avenue North 24/31/16/73179/001/0010

ATLAS: G-2
PROJECT: Special Exception

REQUEST: Approval of a special exception and related site plan to construct a 172,900 square foot police station. The applicant is requesting a variance for 1) surface parking visible from right of way, 2) fifty-percent transparency for ground level building facades along primary streets, 3) interior parking lot landscaping, and 4) fence height.

The Engineering department has no objection to the special exception and related site plan provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:
1. Utility facilities which are located within this site must be relocated at the expense of the utility owner as necessary to facilitate the future public use and redevelopment of the site.

2. Numerous City utilities including but not limited to potable water, reclaimed water, sanitary sewer, telecommunications and stormwater surface flows exist within the vacated right of ways within the plat boundary. The redevelopment plan must include the following:

   A) Proper abandonment of existing utilities which are no longer needed to serve the public.

   -OR-

   B) Relocation of existing utilities as necessary to facilitate the redevelopment plan and to maintain the function of the City’s utility systems in the vicinity of the proposed redevelopment.

3. Public easements may be required to be dedicated but easement requirements cannot be determined until redevelopment plans and utility relocation / abandonment plans are developed for City Engineering and Water Resources departmental reviews. City Utility maps and the preliminary plat indicate the following public utilities within the plat boundary:
• A 4" reclaimed water line along the south side of Arlington, between 13th Street & 14th Street.
• 6", 2", & 1.5" potable water mains in Arlington Avenue North.
• A 6" and 8" potable water main in the eastern parkway of 14th Street, between Arlington & 2nd Avenue North.
• An 8" VCP sanitary sewer main in the east/west alley north of Arlington Avenue, between 13th and 14th Street North.
• An 8" VCP sanitary sewer main and structures exist within the west portion of this plat extending through the parkway of Arlington Avenue North, and north from Arlington to an existing building on the site located to the northwest of the cell tower. This main extends between public structure numbers G2-20, G2-15, G2-10, & G2-210.
• 2.5", 3", & 4" City owned fiber optic cable system in the southern and western portion of the plat.

4. It is noted that the property located at the northeast corner of this site, 172 13th Street North (parcel #24/31/1643680.000/0291), is not included in the scope of this project and remains in differing ownership. The location of the sanitary sewer service to this property must be determined. Since the only sanitary sewer main in the vicinity is located within the previously vacated 17-foot wide east/west alley, it is presumed that the sanitary sewer service must connect to the public sanitary sewer system somewhere between public manhole G2-45 and G2-50. As a condition of this approval, the applicant must investigate to verify the actual location of the sanitary sewer lateral servicing the private lot and relocate the service lateral as necessary within public right of way or within public utility easement thus maintaining legal access to the public sanitary sewer for this property of differing ownership. The applicant shall provide a design plan to relocate the sewer service for City Engineering review/approval. All design, permitting, and construction cost shall be by and at the sole expense of the applicant.

5. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district, 10-foot wide sidewalks are required on all abutting streets. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

6. Development or redevelopment shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

7. Per land development code 16.40.140.4.6 (9), habitable floor elevations for commercial projects must be set per building code requirements to at least one foot above the FEMA elevation. Habitable floor elevations for projects subject to compliance with the Florida Building Code, Residential, shall be set per building code requirements to at least two feet above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director.

8. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water
Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

STANDARD COMMENTS: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City’s Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right-of-way or easement.

All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

The project Engineer will be required to develop a site specific Maintenance of Traffic plan in compliance with FDOT “Uniform Traffic Control Devices for Streets and Highways” and “Roadways and Traffic Design Standards” for City approval prior to initiating construction. The plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Approval of proposed roadway travel lane closures is discouraged and will be at the discretion of the City’s Engineering director pending receipt of adequate justification. The Maintenance of Traffic plan shall be prepared in compliance with City Engineering’s “Maintenance of Traffic Plan Requirements”, available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City’s Transportation and Parking Management division. Refer to the City’s “Parking Meter Removal & Space Rental Policy During Construction” procedure, available upon request from the City Transportation and Parking Management department. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer’s Self Certification to FDEP.
Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62- 21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR jw

pc:
  Kelly Donnelly
  Reading File
  Correspondence File
  Subdivision File: JACKSON'S PARK REVISID
  PUBLIC SAFETY COMPLEX REPLAT