VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

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

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on December 7, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-33000014  PLAT SHEET: E-3
REQUEST: Approval of a vacation of a 20-foot east/west alley, three (3) 10-foot north/south alleys, and a 5-foot north/south public utility easement / right-of-way in the block between 5th Avenue South and 6th Avenue South between 3rd Street South and 4th Street South.

OWNER: John Dickson, Director of Facilities Services
University of South Florida St. Petersburg
Florida Internal Improvement Trust Fund
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

AGENT: Catherine Bosco
George F. Young, Inc.
299 Dr. Martin Luther King, Jr., Street North
Saint Petersburg, Florida 33701

ADDRESSES AND PARCEL NUMBERS: None; 19-31-17-74466-081-0010
500 4th Street South; 19-31-17-74466-081-0060
None; 19-31-17-83034-000-0010
None; 19-31-17-83034-000-0050
532 4th Street South; 19-31-17-83034-000-0080

LEGAL DESCRIPTION: On File

ZONING: Institutional Centers (IC)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a 20-foot east/west alley, three (3) 10-foot north/south alleys and a 5-foot utility easement / right-of-way in the block between 5th Avenue South and 6th Avenue South between 3rd Street South and 4th Street South.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments A and B) and the Sketch and Legal Descriptions (Exhibits “A” and “B”). The applicant’s goal is to consolidate the block for redevelopment.

The applicant is the University of South Florida St. Petersburg (USFSP) (Florida Internal Improvement Trust Fund) and development on the block will be in compliance with the USFSP Master Plan and the approved Development Agreement. The current use of the block is parking and recreation. The existing and proposed site plan in the USFSP Master Plan shows the future use as housing and recreation (Attachment C).

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 application was routed to the standard list of City Departments and outside utility providers. The City’s Engineering Department has indicated that they have facilities in the alleys to be vacated as well as Frontier Communications. Level 3 Communications was uncertain as to whether the vacations would affect their facilities. An associated condition of approval has been included. The applicant has indicated that they are willing to dedicate a public utility easement over the area of the alley to be vacated or relocate facilities as part of a redevelopment plan. Associated special conditions of approval have been suggested at the end of this report.

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 entire block consisting of five parcels is under the ownership of one entity. The east-west alley, which is proposed for vacation, is currently used to access properties to the north and south of the alley. During redevelopment of the block, and through the platting process, traffic
circulation and utilities will be addressed. Vacation of the alley will not detrimentally impact or impair access to any other lot of record on the block. An associated special condition of approval has been suggested at the end of this report.

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.

Vacation of the alleys, if approved, is not anticipated to adversely impact the existing roadway network or substantially alter utilized travel patterns. Other similar requests have been approved in the surrounding blocks, to facilitate land assembly for development or redevelopment.

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

The right-of-way is not needed for the purpose for which the City has a legal interest and there is no known present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors. The east-west alley was originally dedicated to provide a secondary means of access to the rear yards of the lots within the block and for public utilities. In the IC Zoning districts ancillary equipment, loading and service operations shall be placed to the rear of the front facades of the structures and shall be screened from streets. Redevelopment of the subject block may eliminate the need for access from the alley for vehicular traffic. As noted above the applicant has indicated that they are willing to provide an easement or to relocate facilities in order to protect utilities.

Access for existing and future utilities and traffic circulation will be accomplished by the required re-plat.

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

The subject block is included in the Intown Activity Center area. Please see comments below under Special Area Plans. No other factors have been raised for consideration.

B. Comprehensive Plan

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

Future Land Use Element Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.
The vacation of this alley will foster redevelopment which is one goal of the Comprehensive Plan. The City's Neighborhood Transportation Division has reviewed the proposed alleyway vacations and has no objection.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-ways are adjacent to the boundaries of the Downtown Residents Civic Association and the Downtown Neighborhood Association. There are no plans for these associations which affect vacation of right-of-way in this area of the City.

The subject property is also within the boundaries of the Intown Activity Center. The Intown Activity Center plan has three elements which may apply to the vacation of right-of-way:

*One Objective is to provide greater accessibility to Intown activity areas and visual assets through the development of an integrated movement system for vehicles, transit, pedestrians and parking and one of those elements is to “utilize existing sidewalks and alleys for establishing a pedestrian system base”.*

The vacation of the subject alley will not enhance pedestrian options.

*Under the Residential Development Program it is noted that the “City may initiate vacation of alleys and streets for development”.*

While this is not a City initiated vacation, the policy allows vacation of alleys specifically for residential development.

*One of the Development Guidelines is to “To encourage consolidation of blocks and promote a unified development concept, the City will consider the closing of selected streets and alleyways in accordance with an appropriate proposal”.*

This proposed vacation is in support of redevelopment of the block. The block is planned for redevelopment with residential on the east half of the block and recreation on the western half of the block.

The primary guidance for development of this site is contained within the currently adopted USFSP Master Plan and the approved Development Agreement.

Comments from Agencies and the Public

The subject property is adjacent to the boundaries of the Downtown Residents Civic Association and the Downtown Neighborhood Association. No comments were received from these Associations.

Staff received several inquiries from the public in regards to future plans for the site. Paul Chiavacci, Rachel Calderon and Carlos Rivera were sent copies of the current Urban Design Illustrative 10 year Plan excerpted from the USFSP Campus Master Plan and there were no further questions.
As noted above City Departments and private utility agencies did indicate the presence of facilities in the alleys to be vacated and requested either an easement or relocation at the applicant’s expense. The applicant will be required to provide an additional public notice prior to the public hearing before the City Council.

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

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by providing a public utility easement covering the entire area to be vacated, or relocating City and private utilities at the owner’s expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest, or that the facilities have been relocated.

2. Prior to the recording of the vacation ordinance, the alleys and easement/right-of-way along with the abutting properties shall be re-platted.

3. Prior to recording of the vacation ordinance, the applicant shall provide an alternative approved by the City of St. Petersburg’s Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Avenues and shall not be located in the City right-of-way.


5. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

**REPORT PREPARED BY:**

[Signature]

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

11/30/14
REPORT APPROVED BY:

Elizabeth Abernethy

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

11-30-16

DATE

Attachment A
City of St. Petersburg, Florida
Planning and Economic Development
Department
Case No.: 16-33000014
Address: Block between 5th Avenue South and 6th Avenue South between 3rd Street South and 4th Street South
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Pamela Jones, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: October 9, 2016
SUBJECT: Right of Way - Vacation
FILE: 16-33000014

LOCATION: No Address
AND PIN: 19/31/17/74466/081:0010
500 4th Street South
No Address
No Address
532 4th Street South
AND PIN: 19/31/17/74466/081:0060
19/31/17/83034/000:0010
19/31/17/83034/000:0050
19/31/17/83034/000:0080
ATLAS: E-3
PROJECT: Right of Way – Vacation

REQUEST: Approval of a vacation of a 20-foot east-west alley and three (3) 10-foot north-south alleys in the block between 5th Avenue South and 6th Avenue South, between 3rd Street South and 4th Street South.

COMMENTS: The Engineering and Capital Improvements Department has no objection to the vacation request provided the following comments are included as conditions of approval:

1. City Utility maps indicate that the 20-foot east/west alley to be vacated contains a 6” PVC and an 8” VCP sanitary sewer main. The entire east/west 20’ wide alley must be retained as public utility easement or the applicant’s Engineer must submit a plan to relocate the sanitary sewer main for City Engineering review/approval. All platted lots of record must maintain access to the public sanitary sewer main.

2. City utility maps indicate that the westernmost north/south 10-foot wide alley to be vacated contains a 6” sanitary sewer main. A 20-foot wide public utility easement must be dedicated centered over the 6” main as a condition of the alley vacation. All platted lots of record must maintain access to the public sanitary sewer main. If the block is to be replatted as a condition of the vacation requests, then the public need for this north/south public utility easement may be eliminated if not longer required to maintain sewer access to platted lots of record.

NED/MJR/jw
pe: Kelly Donnelly
Easement Vacation File 2016
Reading File
Correspondence File
LEGAL DESCRIPTION

THAT 20 FOOT EAST—WEST ALLEY AND THOSE THREE 10 FOOT NORTH—SOUTH ALLEYS ALL LYING WITHIN BLOCK 81, REVISED MAP OF THE CITY OF ST. PETERSBURG, AS RECORDED IN PLAT BOOK 1, PAGE 49 PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA OF WHICH PINELLAS COUNTY WAS FORMERLY A PART AND/OR WITHIN J.B. SMITH SUB OF S1/2 OF BLK 81, AS RECORDED IN PLAT BOOK 1, PAGE 26, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

BEING FURTHER DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF LOT 7, OF SAID BLOCK 81, REVISED MAP OF THE CITY OF ST. PETERSBURG AS A POINT OF REFERENCE; THENCE ALONG THE NORTH LINE OF SAID BLOCK 81, N89°26’01”E, 90.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID LINE, N89°26’01”E, 10.00 TO THE NORTHEAST CORNER OF LOT 6 OF SAID BLOCK 81; THENCE ALONG THE EAST LINE OF SAID LOT 6, S00°33’07”E, 200.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF A 20 FOOT ALLEY; THENCE ALONG SAID NORTH RIGHT OF WAY, N89°26’01”E, 250.00 FEET TO THE WEST RIGHT OF WAY OF 3RD STREET SOUTH; THENCE ALONG SAID RIGHT OF WAY, S00°33’07”E, 20.00 FEET TO THE SOUTH RIGHT OF WAY OF SAID 20 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, S89°26’01”W, 100.00 FEET TO THE EAST RIGHT OF WAY OF A 10 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, S00°33’07”W, 100.00 FEET TO THE NORTH RIGHT OF WAY OF 6TH AVENUE SOUTH; THENCE ALONG SAID RIGHT OF WAY, S00°33’07”E, 200.00 FEET TO THE EAST RIGHT OF WAY OF A 10 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, S89°26’01”W, 130.00 FEET TO THE SOUTH RIGHT OF WAY OF A 10 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, S00°33’07”E, 200.00 FEET TO THE SOUTH RIGHT OF WAY OF 6TH AVENUE SOUTH; THENCE ALONG SAID RIGHT OF WAY, S89°26’01”W, 100.00 FEET TO THE WEST RIGHT OF WAY OF A 10 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, N00°33’07”W, 100.00 FEET TO THE SOUTH RIGHT OF WAY OF A 20 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, S89°26’01”W, 100.00 FEET TO THE EAST RIGHT OF WAY OF 4TH STREET SOUTH; THENCE ALONG SAID RIGHT OF WAY, N00°33’07”W, 20.00 FEET TO THE SOUTH RIGHT OF WAY OF A 20 FOOT ALLEY; THENCE ALONG SAID RIGHT OF WAY, N89°26’01”E, 90.00 FEET; THENCE LEAVING SAID RIGHT OF WAY, N00°33’07”W, 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,000 SQUARE FEET OR 0.298 ACRES MORE OR LESS

ST PETERSBURG, FLORIDA

Exhibit "A" - Pg 1 of 2

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NOTES

1. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY and is NOT INTENDED TO REPRESENT A FIELD SURVEY.
2. NOT A BOUNDARY SURVEY.
3. BASIS OF BEARINGS: ASSUMED N00°33’07”W ALONG THE EAST RIGHT OF WAY LINE OF 4TH STREET SOUTH.
4. THIS SKETCH IS MADE WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT FOR TITLE INSURANCE.
5. THIS MAP INTENDED TO BE DISPLAYED AT A SCALE OF 1” = 60’.
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. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

George F. Young, Inc.
200 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-9219
BUSINESS DIRECY LEE1
ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPES-PAVING-SURVEYING-PLANNING-DESIGN
GAINESVILLE/LEHIGH RANCH/ST. AUGUSTINE/ST. PETE/VELVET ISLAND/ST. PETERSBURG/Tampa/Pa

PREPARED FOR:
UNIVERSITY OF SOUTH FLORIDA
ST. PETERSBURG

CATHEDRAL BREEZE 6TH AVENUE STUDENT RESIDENCE
DESCRIPTION & SKETCH

SECTION 19 TOWNSHIP 11S RANGE 17E

George F. Young, Inc.
200 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-9219
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ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPES-PAVING-SURVEYING-PLANNING-DESIGN
GAINESVILLE/LEHIGH RANCH/ST. AUGUSTINE/ST. PETE/VELVET ISLAND/ST. PETERSBURG/Tampa/Pa

SHEET NO.
1 OF 2

ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPES-PAVING-SURVEYING-PLANNING-DESIGN
GAINESVILLE/LEHIGH RANCH/ST. AUGUSTINE/ST. PETE/VELVET ISLAND/ST. PETERSBURG/Tampa/Pa
LEGAL DESCRIPTION

THAT PERPETUAL EASEMENT AND RIGHT OF WAY TO INSTALL, REPAIR AND
MAINTAIN PUBLIC UTILITIES AS DESCRIBED IN OFFICIAL RECORDS BOOK 39,
PAGE 169 BEING DESCRIBED AS FOLLOWS:

THE EAST 5 FEET OF LOT 3, BLOCK 81, REVISED MAP OF THE CITY OF ST
PETERSBURG, AS RECORDED IN PLAT BOOK 1, PAGE 49 PUBLIC RECORDS
OF HILLSBOROUGH COUNTY, FLORIDA OF WHICH PINELLAS COUNTY WAS
FORMERLY A PART

ST PETERSBURG, FLORIDA

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NOTES

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   ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.

2. NOT A BOUNDARY SURVEY.

3. BASIS OF BEARINGS: ASSUMED S00°33'07"E ALONG THE EAST LINE OF LOT 3.

4. THIS SKETCH IS MADE WITHOUT THE BENEFIT OF A TITLE REPORT OR
   COMMITMENT FOR TITLE INSURANCE.

5. THIS MAP INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 60'.

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. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
   FLORIDA LICENSED SURVEYOR AND MAPPER.

George F. Young, Inc.
299 DL MARTIN LUTHER KING JR. STREET. N. ST. PETERSBURG. FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-2610
BUSINESS ENTITY U21
ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES
GAINESVILLE-LAKELAND-RANCHER-NEW PORT RICHEY-BEACH GARDENS-ST. PETERSBURG-TARPON
VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

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

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on November 2, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-33000015
PLAT SHEET: I-3 & I-5
REQUEST: Approval of a vacation of street and alley right-of-ways generally located between Fairfield Avenue South and Interstate 275 between 22nd Street South and 24th Street South more specifically a 16-foot east/west alley in the block bounded by Fairfield Avenue South and 7th Avenue South between 22nd Street South and 23rd Street South, a 10-foot east/west alley in the block bounded by 7th Avenue South and 8th Avenue South or by Interstate 275 between 22nd Street South and 24th Street South, a portion of 7th Avenue South between 22nd Street South and 23rd Street South, a portion of 23rd Street South between 7th Avenue South and 8th Avenue South or by Interstate 275 and a portion of 8th Avenue South located between 23rd Street South or by Interstate 275 and 24th Street South.

OWNER: City of St. Petersburg
Planning and Economic Development
PO Box 2842
Saint Petersburg, Florida 33731-4842

AGENT: Catherine Bosco
George F. Young, Inc.
299 Dr. Martin Luther King, Jr. Street North
Saint Petersburg, Florida 33701

ADDRESSES AND PARCEL ID NOS.: 2208 Fairfield Avenue South; 23-31-16-38528-004-0010
2222 Fairfield Avenue South; 23-31-16-38628-004-0030
656 23rd Street South; 23-31-16-38628-004-0090
2253 7th Avenue South; 23-31-16-38628-004-0100
2245 7th Avenue South; 23-31-16-38628-004-0110
2227 7th Avenue South; 23-31-16-38628-004-0130
651 22nd Street South; 23-31-16-38628-004-0140
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2366 7th Avenue South; 26-31-16-72882-000-0740
2738 7th Avenue South; 26-31-16-72882-000-0760

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional (CCT-1)
          Industrial Traditional (IT)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate street and alley right-of-ways generally located between Fairfield Avenue South and Interstate 275 between 22nd Street South and 24th Street South
more specifically described as a 16-foot east/west alley in the block bounded by Fairfield Avenue South and 7th Avenue South between 22nd Street South and 23rd Street South, a 10-foot east/west alley in the block bounded by 7th Avenue South and 8th Avenue South or by Interstate 275 between 22nd Street South and 24th Street South, a portion of 7th Avenue South between 22nd Street South and 23rd Street South, a portion of 23rd Street South between 7th Avenue South and 8th Avenue South or by Interstate 275 and a portion of 8th Avenue South located between 23rd Street South or by Interstate 275 and 24th Street South.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments “A” and “B” and “C”) and Sketch and Legal Description (Exhibit “A”). The applicant’s goal is to consolidate the land for redevelopment and for the provision of Affordable Housing. The applicant is the City of St. Petersburg. This area was identified in the St. Petersburg Commerce Park Request for Proposals as an area available for vacation of right-of-ways (Attachment “D”).

This area is within the South St. Petersburg Community Redevelopment Area (CRA). St. Petersburg Commerce Park is generally located south of 6th Avenue South and north of 8th Avenue South and I-275, between 22nd Street South and 26th Street South. In May of 2016 the City Council approved lease agreements with four businesses to locate on the site; Euro Cycles, a high-end motorcycle dealership; EMP Industries, a St. Petersburg-based marine manufacturing company; Attaj, a wind and solar energy consultant; and Accmar Equipment Co., a Miami-based marine manufacturing company.

The portion of the site generally located south of 6th Avenue South and north of 8th Avenue South and I-275, between 22nd Street South and 23rd Street South is in the process of a Future Land Use Map change and rezoning. This request is to change the Future Land Use Map designation from Industrial General/Target Employment Center Overlay to Planned Redevelopment-Mixed Use/Target Employment Center Overlay and the Official Zoning Map designation from IT (Industrial Traditional) to CCT-1 (Corridor Commercial Traditional), or other less intensive use.

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.
This application was routed to City Departments and private utility providers. The City’s Engineering and Water Resource Departments indicated that there are city facilities in the right-of-ways proposed for vacation. TECO/Peoples Gas, Frontier, WOW and Duke Energy also indicated that they had facilities and Level 3 indicated that they may have facilities in the area proposed for vacation. The applicant has indicated that they are willing to dedicate a public utility easement over the area of the alley to be vacated or relocate facilities as part of a future development plan. Associated special conditions of approval have been suggested at the end of this report.

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 entire property abutting the right-of-ways proposed for vacation consists of forty parcels under the ownership of three entities including the City of St. Petersburg (38 parcels), the Florida Department of Transportation (FDOT) (one lot) and one individual, Gloria Moorer of 2308 7th Avenue South (one lot). The east-west alleys, which are proposed for vacation, are not currently used to access properties to the north and south of the alleys. The lot owned by FDOT is immediately adjacent to the Interstate, which will provide future access to that lot. The lot owned by Gloria Moorer is accessed from the portion of 7th Avenue South which is not proposed for vacation. The alleys proposed for vacation are undeveloped, and have no curb cuts.

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.

Vacation of the street and alley right-of-ways, if approved, is not anticipated to adversely impact the existing roadway network or substantially alter utilized travel patterns. Other similar requests have been approved in the surrounding blocks, to facilitate land assembly. Access to 7th Avenue South east of 23rd Street South will remain open.

The development of the interstate which cuts through the area just south of the right-of-ways proposed for vacation has already created dead end right-of-ways and termination of the historic grid development pattern.

During redevelopment of the blocks, and through the platting process, traffic circulation and utilities will be addressed. Vacation of the street and alley right-of-ways will not detrimentally impact or impair access to any lot of record. An associated special condition of approval has been suggested at the end of this report.

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

The right-of-ways are not needed for the purpose for which the City has a legal interest and there is no known present or future need for the right-of-ways. The alleys were originally dedicated to provide a secondary means of access to the rear yards of the lots within the block and for public and private utilities. Redevelopment of the subject blocks will eliminate the need
for access from the alleys for vehicular traffic. The vacation of the portion of 7th Avenue South will facilitate redevelopment of the area. At the time of development, traffic circulation within the parcel will be addressed.

A suggested condition of approval will require that the applicant either grant utility easements as required to protect City and private utilities in the vacated right-of-ways, or relocate the facilities.

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 no Comprehensive Plan policies that affect vacation of right-of-way in this area.

**C. Adopted Neighborhood or Special Area Plans**

This site is located within the boundaries of the South St. Petersburg CRA. The South St. Petersburg CRA Dependent Special District was established to remedy blighting conditions within the South St. Petersburg Community Redevelopment Area.

The South St. Petersburg Redevelopment Plan adopted by St. Petersburg City Council on May 21, 2015 has related policies and plans. In Chapter Three - Redevelopment Action Plan under the Manufacturing Development category there are two land Acquisition and Disposition policies that affect vacation of right-of-way:

1. When acquiring property, priority should be given to facilitating the creation of larger holdings suitable for industrial and business use.
2. Promote block consolidation through street and alley vacations as well as utility relocations.

It is also noted in Chapter Four "- Redevelopment Program and Funding Strategy that:

1. Land assembly, consolidation and site preparation is essential for encouraging residential, commercial and industrial development to the South St. Petersburg CRA.
2. The land assembly effort may also involve vacating streets, alleyways and associated utilities such as water, sewer and stormwater facilities.

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

**Comments from Agencies and the Public**

As of the date of this report two calls were received from the public. Mr. Bruce Allums who owns property north of Fairfield Avenue and east of 23rd Street indicated that he wanted to attend the Public Hearing and oppose the vacation request. Mr. Allums and several other landowners have previously applied to vacate street and alley right-of-way north of Fairfield Avenue and have been advised by the City that any decision to vacate right-of-way adjacent to the Pinellas Trail would need to wait until the Warehouse Arts District planning process is complete.
Pastor John Anderson of the Church located at 2361 7th Avenue South called with concerns about vacating the portion of 7th Avenue between 22nd Street South and 23rd Street South as the primary entrance to the Church is on 7th Avenue South.

The City's Neighborhood Transportation Division has reviewed the proposed vacation and has no objection. As noted above there are both City and private utilities within the right-of-ways proposed for vacation. The City's Engineering and Water Resource Departments indicated that there are city facilities in the right-of-ways proposed for vacation. TECO/Peoples Gas, Frontier, WOW and Duke Energy also indicated that they had facilities, while Level 3 indicated that they may have facilities in the area proposed for vacation.

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

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by providing a public utility easement covering any right-of-ways within the areas to be vacated which contain utilities, or relocating City and private utilities at the owner's expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest, or that the facilities have been relocated.

2. Prior to the recording of the vacation ordinance, the vacated right-of-ways along with the abutting properties shall be re-platted.

3. Prior to recording of the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Avenues and shall not be located in the City right-of-way.


5. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

**REPORT PREPARED BY:**

[Signature]

KATHRYN A. YOUNKIN, AICP, LEED AP BD + C, Deputy Zoning Official 10/30/16

Development Review Services Division
Planning & Economic Development Department
REPORT APPROVED BY:

[Signature]

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

DATE
10-27-16

Attachment “A”
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 16-33000015
Address: Between Fairfield Avenue South and Interstate 275
between 22nd Street South and 24th Street South
Attachment “B”
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 16-33000015
Address: Between Fairfield Avenue South and Interstate 275 between 22nd Street South and 24th Street South
Attachment “C”
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 16-33000015
Address: Between Fairfield Avenue South and Interstate 275
between 22nd Street South and 24th Street South
MEMORANDUM  
CITY OF ST. PETERSBURG  
ENGINEERING DEPARTMENT

TO: Pamela Jones, Development Services  
FROM: Nancy Davis, Engineering Plan Review Supervisor  
DATE: October 7, 2016  
SUBJECT: Right of Way - Vacation 7th Ave S, 8th Ave S, 23rd St S, and E/W alleys  
FILE: 16-33000015

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2354 7th Avenue South; 2631-16-72882-000-0730
2366 7th Avenue South; 2631-16-72882-000-0740
2738 7th Avenue South; 2631-16-72882-000-0760

ATLAS: 1-3
PROJECT: Right of Way - Vacation

REQUEST: Approval of a vacation of street and alley right-of-ways generally located between Fairfield Avenue South and Interstate 275 between 22nd Street South and 24th Street South more specifically a 16-foot east/west alley in the block bounded by Fairfield Avenue South and 7th Avenue South between 22nd Street South and 23rd Street South, a 10-foot east/west alley in the block bounded by 7th

COMMENTS: The Engineering and Capital Improvements Department has no objection to the vacation request provided that the following comments are added as conditions of approval:

1. City Utility maps indicate that the right-of-way of 7th Avenue South to be vacated contains a 12” & 6” potable water main, a 12” 18” & 24” storm sewer, and an 8” sanitary sewer main. The entire vacated right of way must be retained as public utility easement or as an option, all utilities must be field located and individual public easements must be dedicated, centered over the pipes. The width of required easement will be based on pipe size, location, and depth.

2. City Utility maps indicate that the right-of-way of 8th Avenue South to be vacated contains an 8” sanitary sewer, a 15” & 24” storm sewer, and a 6” potable water main. The entire vacated right of way must be retained as public utility easement or as an option, all utilities must be field located and individual public easements must be dedicated, centered over the pipes. The width of required easement will be based on pipe size, location, and depth.

3. City Utility maps indicate that the right-of-way of 23rd Street South to be vacated contains an 8” sanitary sewer main, and a 24” storm sewer. The entire vacated right of way must be retained as public utility easement or as an option, all utilities must be field located and individual public easements must be dedicated, centered over the pipes. The width of required easement will be based on pipe size, location, and depth.

4. The 16-foot wide alley between 22nd and 23rd Street South, and between Fairfield and 7th Avenue South to be vacated contains an 8” sanitary sewer main. The entire vacated alley right of way must be retained as public utility easement.

5. The 10-foot wide alley between I-275 and 24th Street South and between 7th - 8th Avenue South to be vacated contains an 8” sanitary sewer main. The entire vacated alley right of way must be retained as public utility easement.

6. Prior to the removal or alteration of existing road pavement within the vacated rights-of-way the applicant must submit plans for review of the existing grading and drainage systems. The applicant may be required to make necessary changes to the pavement grading and/or modifications to the drainage systems to accommodate the proposed changes.

7. Any existing agusta brick, granite curb or hex block sidewalk that is removed from the vacated
rights-of-ways will remain the property of the City of St. Petersburg and must be returned to the City upon development or redevelopment of the property.

8. Once redevelopment plans are available and a replat is provided, the developer may opt to abandon or relocate all or some of the existing utilities existing within the vacated rights of way provided that a plan for such work is prepared by the applicants Engineer and submitted to the City for approval. Any future utility abandonment/relocation plans shall be in conformance with current City Engineering Standards and Specifications and shall be designed, permitted, and constructed by and at the sole expense of the developer.

NED/MJR/jw

cc: Kelly Donnelly
    Easement Vacation File 2016
    Reading File
    Correspondence File
LEGAL DESCRIPTION

THAT 16 FOOT WIDE EAST-WEST ALLEY LYING WITHIN BLOCK 4, HIGH-LAND-CREST, AS RECORDED IN PLAT BOOK 1, PAGE 20, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID ALLEY LYING BETWEEN 22ND STREET SOUTH AND 23RD STREET SOUTH

TOGETHER WITH

7TH AVENUE SOUTH BETWEEN 22ND STREET SOUTH AND 23RD STREET SOUTH, EASTERN LIMITS OF SAID 7TH AVENUE SOUTH BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1, REPLAT OF 2ND ROYAL SUBN G.C. PRATHER-OWNER, AS RECORDED IN PLAT BOOK 5, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WESTERN LIMITS OF SAID 7TH AVENUE SOUTH BEING THE SOUTHERLY EXTENSION OF THE WEST LINE OF BLOCK 4, HIGH-LAND-CREST, AS RECORDED IN PLAT BOOK 1, PAGE 20, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

TOGETHER WITH

23RD STREET SOUTH LYING SOUTHERLY OF 7TH AVENUE SOUTH AND LYING NORTHERLY OF THE NORTH RIGHT OF WAY OF INTERSTATE 275

TOGETHER WITH

8TH AVENUE SOUTH LYING EASTERLY OF THE EAST LINE OF LOT 2, BLOCK 1, DOME INDUSTRIAL PARK REPLAT I, AS RECORDED IN PLAT BOOK 137, PAGES 23 AND 24, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND LYING WESTERLY OF 23RD STREET SOUTH, LESS ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 275

TOGETHER WITH

THAT 10 FOOT WIDE EAST-WEST ALLEY LYING SOUTHERLY OF LOTS 8 THROUGH 14 AND LOTS 73 THROUGH 77 AND NORTHERLY OF LOTS 15 THROUGH 21 AND LOTS 68 THROUGH 72, REPLAT OF 2ND ROYAL SUBN G.C. PRATHER-OWNER, AS RECORDED IN PLAT BOOK 5, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID ALLEY LYING EASTERLY OF THE EAST LINE OF LOT 2, BLOCK 1, DOME INDUSTRIAL PARK REPLAT I, AS RECORDED IN PLAT BOOK 137, PAGES 23 AND 24, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND LYING WESTERLY OF 23RD STREET SOUTH

TOGETHER WITH

THAT 10 FOOT WIDE EAST-WEST ALLEY LYING SOUTHERLY OF LOTS 3 THROUGH 7 AND NORTHERLY OF LOTS 22 THROUGH 26, REPLAT OF 2ND ROYAL SUBN G.C. PRATHER-OWNER, AS RECORDED IN PLAT BOOK 5, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID ALLEY LYING EASTERLY OF 23RD STREET SOUTH AND WESTERLY OF THE NORTH RIGHT OF WAY OF INTERSTATE 275

ST PETERSBURG, FLORIDA

LEGEND

LS LICENSED SURVEYOR
PSM PROFESSIONAL SURVEYOR AND MAPPER
LB LICENSED BUSINESS

NOTES

1. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.
2. NOT A BOUNDARY SURVEY.
4. THIS SKETCH IS MADE WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT FOR TITLE INSURANCE.
5. THIS MAP INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 120'.
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. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on December 7, 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.: 16-54000080       PLAT SHEET: B-34

REQUEST (REVISED): Approval of a variance to minimum lot width from 75-feet required to 53.7-feet for two (2) lots in common ownership to develop two (2) single-family homes.

OWNER: 6401 Bayou Grande, LLC
10435 SW 59th Street
Miami, Florida 33173-2858

AGENT: Dipak Patel
7501 SW 117th Avenue #830282
Miami, Florida 33283

REGISTERED OPPONENT: Barbara Joan Burke
6300 Bayou Grande Boulevard Northeast
Saint Petersburg, Florida 33702

ADDRESS: 6401 Bayou Grande Boulevard Northeast

PARCEL ID NO.: 33-30-17-81234-001-0070

LEGAL DESCRIPTION: Lots 7 and 8
Shore Acres Bayou Grande Sec

ZONING: Neighborhood Suburban-1 (NS-1)

BACKGROUND: The subject property consists of two vacant platted lots of record (Lots 7 and 8). The subject property is not located within a City designated neighborhood association. Each lot was platted with 60-feet of frontage. The City’s Land Development Regulations specify
that the width of a lot is measured at the midpoints of the side lot lines. The midpoint width for both lots is approximately 53.7-feet. Lot depths range from approximately 160-feet to 169-feet. Data obtained from the Pinellas County Property Appraiser indicates that the total lot area of both lots is 17,618 square feet. The subject property is currently zoned NS-1 which requires a minimum lot width of 75-feet and a minimum lot area of 5,800 square feet. The subject lots meet the minimum lot area required, but are substandard as to width. The subject property was originally developed with a single-family home in 1968. The house was demolished in 2009 and the property has remained vacant.

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 and the majority of the surrounding neighborhood is not an example of this situation.

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 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.

      Two single-family detached homes are proposed on the currently vacant site.

   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 lots do not meet the minimum width requirement of the NS-1 zoning district of 75-feet. The subject lots were originally platted at a width which is deficient in width for the current zoning district, and the deficiency impairs the use of the property in comparison to other similarly platted lots in the same subdivision that have been developed with single-family homes.
c. *Preservation district. If the site contains a designated preservation district.*

The site does not contain a designated preservation district.

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

The site does not contain historic resources.

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

Based on a field inspection by Staff there is no significant vegetation to be preserved on the subject lots. Staff did note Brazilian Pepper trees on site. Brazilian Pepper trees are an invasive species, and a condition of approval has been included to remove 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.*

The variance will accommodate redevelopment of two vacant lots and provide needed infill. The prevailing development pattern for single-family homes in the neighborhood surrounding the subject application is on properties that are substandard to the current code minimum 75-foot lot width.

As shown in the following table and attached Lot Analysis Exhibit, analysis of the development pattern of the subject block and surrounding blocks confirms that the subject lots are consistent with the established development pattern of lots non-conforming to minimum width. Due to the curvilinear nature of the platted street, lots on the western side of the street are more rectilinear and maintain a slightly greater width than those on the eastern side of the street, adjacent to the waterfront. 59% of the subject block is substandard and 86% of the study area is substandard in total. See Lot Analysis Exhibit (attached) for an illustration of the study area.

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

This criteria is not applicable.

2. *The special conditions existing are not the result of the actions of the applicant;*
The lots in the subject subdivision were originally platted in 1925, 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;

Requiring the applicant to construct one single-family home on two platted lots would in this case result in an unnecessary hardship as the existing development pattern supports the development of one house on one platted substandard lot of record in the subject block.

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;

Without the variance, the applicant could construct one single-family home. A majority of the other properties in the surrounding blocks have developed on lots that are substandard to the 75-foot minimum lot width under current code, and therefore the requested variance would allow a more consistent use of the land.

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 on lots of similar size to the surrounding lots with single-family homes. The construction of one home on each lot will be more in character with the established developed pattern than the construction of one larger home on the two lots.

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 rehabilitation. As stated in the Neighborhood Suburban Single-Family zoning district Section 16.20.020, “The regulations of the NS districts protect the single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in keeping with the scale of the neighborhood. The standards for each of the districts are intended to reflect and reinforce their unique character”. The character of the subdivision has been identified as one house per platted lot of record, most of which are substandard in regards to currently existing Code requirements. The following objective and policies promote redevelopment and infill development in the 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.

LU2.5 The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.
LU3.6 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 most are developed in the same pattern as proposed for the two subject lots. The two homes will comply with all other requirements of the NS-1 zoning district including setbacks, height, and design.

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

Staff finds that the reasons set forth in the application are sufficient to justify the granting of the lot width variance.

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. This application regards variances to allow single-family residences, which are a permitted use within this zoning district.

PUBLIC COMMENTS: Several e-mails were received from neighboring property owners (see attached). A phone call was also received from a neighbor expressing concern over the size of the proposed homes and suggested that no variances to building setback requirements should be permitted. One neighbor has registered as an opponent to the request and will be present at the Public Hearing.

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. New home construction shall comply with all requirements of the NS-1 zoning district.
2. The design of the two homes shall be varied such that a substantially similar home cannot be replicated on the two lots. Regarding elevations provided by the applicant, a modification is required to one of the homes to modify roof form and massing.
3. No variances shall be granted to building setback or design requirements in order to construct two new single-family homes.
4. This variance approval shall be valid through December 7, 2019. Substantial construction shall commence prior to this expiration date of the two (2) lots and 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.
5. The existing Brazilian Pepper trees at the rear of the property shall be removed.
6. Prior to submittal of building permits, applicant shall obtain separate parcel identification numbers through the Pinellas County Property Appraisers Office.

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

Report Prepared By:

[Signature]

BRITTANY MCMULLEN, AICP, Planner II
Development Review Services Division
Planning & Economic Development Department

Date: 11-30-16

Report Approved By:

[Signature]

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

Date: 11-30-16

ATTACHMENTS: Aerial map, lot analysis map, survey, proposed site plans, proposed floor plans, elevation drawings, applicant's narrative, signatures of support, e-mails from neighboring property owners
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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 6401 BAYOU GRANDE BLVD. NE</td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong></td>
</tr>
<tr>
<td>Lot width variance request to allow for 2 homes to be built on what is currently a double lot.</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?**

   Historically the neighborhood was zoned for 60' frontage lots, and most properties in the area follow this historical platting. In 2015, the zoning code was amended to change this neighborhood minimum to 75', but the original character of the neighborhood still remains. These lots were purchased and are defined as a double lot, and we simply want to use the borders of the original plat.

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.**

   Most of the properties in the area conform to the 60' frontage rule that was previously platted. The properties immediately adjacent (6421 Bayou Grande, 6323 Bayou Grande), across the street (6410 Bayou Grande, 6400 Bayou Grande), and down the street (6431 Bayou Grande, 6501 Bayou Grande, 6511 Bayou Grande, etc.), all have approximately 60' frontages on Bayou Grande Blvd NE. This overwhelming majority of instances should allow for a similar size on the 6401 Bayou Grande Blvd. NE property. In the appendix you will find 18 such comparable lot examples along Bayou Grand Blvd NE (See Appendix).

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

   The variance is the result of changes in the zoning code by the city that do not meet the norms of the neighborhood. The applicant bought the land for the purposes of building 2 homes on separate lots in 2007, and just wants that to be allowed.
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>
</tr>
</thead>
</table>
| 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 requested variance will keep the character of the neighborhood consistent, instead of breaking the rhythm of the street with an extra-wide home and lot. If one house would be built on the double lot, it would be differently proportioned than almost every other house on the street. |
| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?  
The other alternative is to build 1 house. That is neither financially or characteristically responsible. |
| 6. In what ways will granting the requested variance enhance the character of the neighborhood?  
It will keep the current characteristic density alive, and bring more people, tax dollars, and responsible density to a developing area of St. Petersburg. |
## NEIGHBORHOOD WORKSHEET

**Street Address:** 6401 Bayou Grande Blvd. NE

**Description of Request:**
Lot width variance to allow 6401 Bayou Grande Blvd. NE to be split, and allow platted 60' frontage to be kept.

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

<table>
<thead>
<tr>
<th>1. Affected Property Address</th>
<th>6423 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td>Sarah</td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Affected Property Address</th>
<th>6479 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Affected Property Address</th>
<th>63-2 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Affected Property Address</th>
<th>651 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Affected Property Address</th>
<th>6536 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Affected Property Address</th>
<th>6527 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. Affected Property Address</th>
<th>6663 - Bayou Grande</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td>John B.</td>
</tr>
<tr>
<td>Owner Signature</td>
<td>Harrison</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Affected Property Address</th>
<th>6651 Bayou Grande Blvd. NE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name (print)</td>
<td></td>
</tr>
<tr>
<td>Owner Signature</td>
<td></td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>NEIGHBORHOOD WORKSHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 6401 Bayou Grande Blvd. NE</td>
</tr>
<tr>
<td><strong>Description of Request:</strong></td>
</tr>
<tr>
<td>Lot width variance to allow 6401 Bayou Grande Blvd. NE to be split, and allow platted 60' frontage to be kept.</td>
</tr>
<tr>
<td><strong>The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):</strong></td>
</tr>
</tbody>
</table>

1. **Affected Property Address:** 6400 Bayou Grande Blvd. NE  
   **Owner Name (print):** John Smith  
   **Owner Signature:** [Signature]

2. **Affected Property Address:** 6403 Bayou Grande Blvd. NE  
   **Owner Name (print):** Robert Jones  
   **Owner Signature:** [Signature]

3. **Affected Property Address:** 6401 Bayou Grande Blvd. NE  
   **Owner Name (print):** Nancy Perez  
   **Owner Signature:** [Signature]

4. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**

5. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**

6. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**

7. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**

8. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**
FYI

For whomever takes this case...

Thanks!

--Liz

From: dslv@aol.com [mailto:dslv@aol.com]
Sent: Monday, October 17, 2016 8:40 AM
To: devrev
Subject: Variance 6401 Bayou Grande Blvd NE

Hello,

Yesterday (Sunday Oct 16th, 2016) a man came to my door asking me to sign a variance. He stated the subject property was located "down the street" from my house. Which in fact is directly across the street from my property located at 6400 Bayou Grande Blvd NE. He said his uncle purchased a property and is wanting to divide the lot into two lots and build two homes. I asked him again where the property was and again he pointed north and said it is located down the street. I noticed on his variance paperwork the address was 6401 Bayou Grande Blvd NE. He then admitted that the property was located directly across from my property. My concern is that he did have signatures already on the paperwork. He was being deceiving on the property location. I am sure many of my close neighbors signed it thinking that the property was located down the street. If two home are built on this lot I will lose my water views which will decrease my property value. Am I able to get signatures from my neighbors that are against dividing the lot? I am asking that this variance be denied. I can be contacted if you will need further information.

Thank you,

Dan Slyh

727-742-6114

6400 Bayou Grande Blvd NE
Brittany McMullen

From: joanbburke@aol.com
Sent: Wednesday, November 23, 2016 8:58 AM
To: Brittany McMullen
Subject: re 6401 Bayou Grande /public hearing Dec 7

Brittany,
I plan to attend this meeting on Dec 7 re: the 6401 Bayou Grande Blvd NE property. The notice indicated to contact you for additional information. I have reviewed the request for the variance. Is there anything else that would be helpful for me to know prior to the review to be an objector in this case?
Thank you for your assistance.

B.Joan Burke
6300 Bayou Grande Blvd NE
Ms. McMullen:

I am contacting you concerning the variance that is being sought for the above property on December 7, 2016. I am adjacent to the property and would like to know more details. Will the side and back setbacks remain in compliance with the City’s requirements? Is the planning department planning to support or not support the request and why. This requested variance. My neighbor’s and I would like sufficient information to make an informed decision. Any additional information you can provide would be helpful. In light of the fast approaching hearing date, I would appreciate your assistance with this matter. I understand you are always busy at the City but we need the information in sufficient time to review it and make appropriate decisions.

Thanks you,

Sharon Stock, Esq.
6323 Bayou Grande Blvd. NE
St. Petersburg, FL 33702
727-394-9993
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on December 7, 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.: 16-54000086  PLAT SHEET: E-44

REQUEST: Approval of a variance to the required minimum lot width from 75-feet required to 60-feet for two (2) lots in common ownership to allow for the development of a new single-family home.

OWNER: Pamela Green
8321 Orient Way Northeast
Saint Petersburg, Florida  33702-3809

AGENT: Nathan Kulisky
435 17th Avenue North #5
Saint Petersburg, Florida  33704

ADDRESS: 8321 Orient Way Northeast

PARCEL ID NO.: 30-30-17-75654-022-0020

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban-1 (NS-1)

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75</td>
<td>60</td>
<td>15</td>
<td>20%</td>
</tr>
</tbody>
</table>
BACKGROUND:
The applicant’s request is for approval of a variance to lot width from 75 feet to 60 feet for two (2) lots in common ownership to allow for the development of a new single-family home. The subject property is in the Rio Vista Subdivision, Section 5, Block 22, Lots 2 and 3 in the Riviera Bay Neighborhood. The Rio Vista Subdivision was platted on November 5, 1925. The majority of the lots in the subdivision were platted at approximately 60 feet wide. The current zoning for the subject property is NS-1 (Neighborhood Suburban), which requires a minimum lot width of 75 feet and minimum lot area of 5,800 square feet. The proposed lots exceed the minimum required area but are substandard in width by 15 feet, respectively.

City records indicate that Lot 3 was developed in 1979 with a two story single-family home. There is no evidence of any history of development on Lot 2. Pinellas County Property Appraiser records indicate that Lots 2 and 3 have been under common ownership since at least 1990, when the individual lots were sold from the Thurmans to the Greens. City and County records indicate that the lots have had separate parcel identification numbers since the time of development.

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 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 pre-2003 regulations to restrict such development on substandard lots, while also making 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 blocks and the majority of the neighborhood is not an example of this situation.

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 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.

   Lot 2 is currently vacant and there are no plans to demolish the house on Lot 3 at this time. The variance would allow for infill development of one single-family home on Lot 2.
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 property does not meet the minimum lot width requirement of the NS-1 zoning district. The subject property is proposed to be 60 feet wide, while the NS-1 zoning district requires a minimum lot width of 75 feet. This is a difference of 15 feet, and a variance magnitude of 20%. The subject lot was platted at a size that is less than the current zoning district requirements, and the deficiency impairs the use of the property in comparison to other similarly platted lots in the Rio Vista Subdivision Section 5 that have been developed with single-family homes.

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.

Based on Staff review, there are several protected trees on the subject property. The applicant will preserve these trees during construction if possible. A permit will be required for removal, and replacement trees will need to be provided. A report from a certified arborist is required for the removal of any grand trees on the subject property. All invasive species shall be removed from the subject property.

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.

Analysis of the development pattern on the subject block and surrounding blocks within the subdivision confirms that the subject lots are consistent with the established development pattern. The platted width of 60 feet for the subject lot is substandard to today's NS-1 zoning district standards, which is consistent with the majority of platted lots of record within the same subdivision. Within the Rio Vista Subdivision, Section 5, there are 17 properties (30 percent) that conform to NS-1 lot width standards and 39 properties (70 percent) that do not conform to NS-1 lot width standards. Also, the majority of homes are built on a single platted lot of record, as indicated in the table below.
Development Analysis of Lots within Rio Vista Subdivision, Section 5

<table>
<thead>
<tr>
<th>Block</th>
<th>Conforming Width</th>
<th>Substandard Width</th>
<th>% Substandard</th>
<th>1 house per platted lot</th>
<th>1 house on more than one platted lot</th>
<th>% 1 house per platted lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Face (Block 22)</td>
<td>1</td>
<td>3</td>
<td>75.00%</td>
<td>4</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>Block 16</td>
<td>2</td>
<td>16</td>
<td>88.89%</td>
<td>16</td>
<td>2</td>
<td>88.89%</td>
</tr>
<tr>
<td>Block 17</td>
<td>3</td>
<td>14</td>
<td>82.35%</td>
<td>14</td>
<td>3</td>
<td>82.35%</td>
</tr>
<tr>
<td>Block 18</td>
<td>6</td>
<td>3</td>
<td>33.33%</td>
<td>3</td>
<td>6</td>
<td>33.33%</td>
</tr>
<tr>
<td>Block 19</td>
<td>3</td>
<td>1</td>
<td>25.00%</td>
<td>0</td>
<td>4</td>
<td>0.00%</td>
</tr>
<tr>
<td>Block 20</td>
<td>1</td>
<td>1</td>
<td>50.00%</td>
<td>2</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>Block 21</td>
<td>1</td>
<td>1</td>
<td>50.00%</td>
<td>1</td>
<td>1</td>
<td>50.00%</td>
</tr>
<tr>
<td>Average</td>
<td>17</td>
<td>39</td>
<td>69.64%</td>
<td>40</td>
<td>16</td>
<td>71.43%</td>
</tr>
</tbody>
</table>

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 subject lot and the majority of lots in the Rio Vista Subdivision Section 5 were originally platted at approximately 60 feet wide in 1925. This established the current development pattern, which is predominantly one house on one platted lot, as demonstrated in the response to criterion 1.f above. 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;

Prohibiting the division of lots into the originally platted pattern would result in an unnecessary hardship that is not applicable to the majority of the developed lots within the subdivision. 70 percent of the lots in the study area are substandard to current Code requirements. A majority of homes in the subdivision are developed on one platted lot of record that is less than 75 feet wide.

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;

The applicant would be able to combine Lots 2 and 3 under the same parcel identification number in order to build one new single-family home, however, the intention is to preserve the existing home on Lot 3. Strict application of this chapter would result in a disproportionate disadvantage compared to similarly developed lots within the subdivision.

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 division of the property for the development of a new single-family home on Lot 2.
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 rehabilitation. As stated in the Neighborhood Suburban Single-Family zoning district Section 16.20.020, "The regulations of the NS districts protect the single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in keeping with the scale of the neighborhood. The standards for each of the districts are intended to reflect and reinforce their unique character." The character of the subdivision has been identified as being substandard in lot width. The following objective and policies promote redevelopment and infill development in the 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.

LU2.5 The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.

LU3.6 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 most are developed in the same pattern as proposed for the subject property. The new home will comply with all other requirements of the NS-1 zoning district including setbacks, height, and design.

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 justify the granting of the variance, based on the analysis provided and the special conditions of approval.

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 and structures have not been considered in staff's analysis.
PUBLIC COMMENTS: The applicant obtained signatures of support from many of the neighboring properties, including those most affected by the granting of this variance. The Riviera Bay Neighborhood Association also submitted a letter of support for the variance.

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 new home construction shall comply with all requirements for the NS-1 (Neighborhood Suburban) zoning district.
2. This variance approval shall be valid through December 7, 2019. Substantial construction on Lot 2 shall commence prior to this expiration date and the two (2) lots 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.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. The applicant shall remove all invasive species from the subject property.

Report Prepared By:

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

Date: 11/30/16

Report Approved By:

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

Date: 11/30/16

ATTACHMENTS: Aerial map, surveys, plat map, subdivision block exhibit, applicant's narrative, signatures of support, Neighborhood Participation Report, photographs, property card.
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-54000086
Address: 8321 Orient Way Northeast
A BOUNDARY SURVEY OF: Lot 3, Block 22, RIO VISTA SECTION "S", as recorded in Plat Book 13, Page 50 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 0207 G  Map Date: 09/03/03  Base Flood Elev.: 9.0'
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): Pamela Green
Street Address: 8321 Orient Way NE,
City, State, Zip: St. Petersburg, FL, 33702
Telephone No: 727-460-5048 Email Address: PamelaGreen@gmail.com

NAME of AGENT or REPRESENTATIVE: Nathan Kulisky
Street Address: 1335 17th Ave N Apt #5
City, State, Zip: St. Petersburg, FL, 33701
Telephone No: 727-251-7113 Email Address: Nkulisky@kw.com

PROPERTY INFORMATION:
Street Address or General Location: 8321 Orient Way NE, St. Petersburg, FL 33702
Parcel ID#: 30-30-17-75654-022-0020

DESCRIPTION OF REQUEST: Lots 2 & 3 - variance for lot width to allow lots to be sold separately. At time of original purchase in 1990, lots were both buildable, owners’ husband passed a couple years back and being able to sell lots as buildable would allow his family to financially recover.

PRE-APPLICATION DATE: PLANNER:

FEESCHEDULE

1 & 2 Unit, Residential – 1st Variance $300.00 Each Additional Variance $100.00
3 or more Units & Non-Residential – 1st Variance $300.00 After-the-Fact $500.00
Docks $400.00
Flood Elevation $300.00
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*: Pamela Green Date: 10-17-2014

*Affidavit to Authorize Agent required if signed by Agent.
CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION
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: Pamela Green

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

Property Address: 8321 Orient Way NE, St Petersburg, FL 33702

Parcel ID No.: 30-30-17-75654-022-0020

Request: Variance to lot width.

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): Nathan Kulisky

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): Pamela J Green

Printed Name: Pamela T Green

Sworn to and subscribed on this date

Identification or personally known: Florida Drivers License

Notary Signature: [Signature]

Commission Expiration (Stamp or date): 02/23/2020

City of St. Petersburg – One 4 th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/lrd
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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 8321 Orient Way NE, St Petersburg, 33702</td>
</tr>
</tbody>
</table>

**Detailed Description of Project and Request:** Only to be granted a variance for lot width, owner is looking to sell both lots as buildable and needs this variance in order to do that. Both lots are 60’ wide and exceed the 5,800 square foot minimum for NS-1 zoning. There are many 60’ wide lots in the same neighborhood and subject properties were originally platted as individual buildable 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?**
   
   There is not anything unique about the lots.

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.**
   
   There are numerous lots in the neighborhood that were platted and developed as 60’ wide lots. There are 13 - 60’ wide lots on 84th Ave NE. There are six (6) 60’ wide lots on Freeport Ave NE.

3. **How is the requested variance not the result of actions of the applicant?**
   
   When the properties were purchased in 1990 the lots were both buildable and lots were originally platted as 60’ wide lots. Both lots exceed the 5,800 square foot minimum for the NS-1 zoning district.
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>
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<tr>
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</thead>
<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?</td>
</tr>
<tr>
<td>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</td>
</tr>
<tr>
<td>6. In what ways will granting the requested variance enhance the character of the neighborhood?</td>
</tr>
</tbody>
</table>
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: 8401 ORIENT WAY NE</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request:</td>
<td>Variance to lot width to allow 60' lots instead of 75'</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:** 8401 ORIENT WAY NE
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

2. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

3. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

4. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

5. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

6. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

7. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

8. **Affected Property Address:**
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]
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.

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Case No.</th>
<th>Description of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>321 Orient Way NE</td>
<td>16-54000856</td>
<td>Variance to lot width to allow 60' lots instead of 75'</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: 321 Orient Way NE  
   Owner Name (print): Joyce Allen  
   Owner Signature: [Signature]

2. Affected Property Address: 2420 Orient Way NE  
   Owner Name (print): [Signature]

3. Affected Property Address: 3247 Orient Way NE  
   Owner Name (print): [Signature]

4. Affected Property Address: 3500 Orient Way  
   Owner Name (print): [Signature]

5. Affected Property Address: 224 84th Ave NE  
   Owner Name (print): Mary Michalakis  
   Owner Signature: [Signature]

6. Affected Property Address: 8415 Riverside Dr. NE  
   Owner Name (print): Michael Coppell-Wheat  
   Owner Signature: [Signature]

7. Affected Property Address: 8447 Riverside Dr. NE  
   Owner Name (print): [Signature]

8. Affected Property Address: 8501 Riverside Dr. NE  
   Owner Name (print): [Signature]
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</th>
<th>Case No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7341 Orient Way NE</td>
<td>16-54000080</td>
</tr>
</tbody>
</table>

**Description of Request:** Variance to lot width to allow 60’ lots instead of 75’

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:** 340 84th Ave NE  
   Owner Name (print): Deborah Huntley  
   Owner Signature: [Signature]

2. **Affected Property Address:** 309 84th Ave NE  
   Owner Name (print): Marilyn Bratina  
   Owner Signature: [Signature]

3. **Affected Property Address:** 232 84th Ave NE  
   Owner Name (print): Lesley Mountain  
   Owner Signature: [Signature]

4. **Affected Property Address:** 8311 Orient Way NE  
   Owner Name (print): Mary Hausman  
   Owner Signature: [Signature]

5. **Affected Property Address:** 327 84th Ave NE  
   Owner Name (print): Nancy McCauley  
   Owner Signature: [Signature]

6. **Affected Property Address:** 317 84th Ave NE  
   Owner Name (print): [Signature]  
   Owner Signature: [Signature]

7. **Affected Property Address:** 8325 Riverside Dr NE  
   Owner Name (print): [Signature]  
   Owner Signature: [Signature]

8. **Affected Property Address:** 8321 Orient Way NE  
   Owner Name (print): Pamela T. Green  
   Owner Signature: [Signature]
## VARIANCE

**NEIGHBORHOOD WORKSHEET**

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.

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Case No.</th>
<th>Description of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>8321 Orient Way NE</td>
<td>16-640000-86</td>
<td>Variance to lot width to allow 60' lots instead of 75'</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:** 8410 Orient Way NE  
   **Owner Name (print):**  
   **Owner Signature:**

2. **Affected Property Address:** 330 Freepoint Ave NE  
   **Owner Name (print):**  
   **Owner Signature:**

3. **Affected Property Address:** 317 Freepoint Ave NE  
   **Owner Name (print):**  
   **Owner Signature:**

4. **Affected Property Address:** 303 Freepoint Ave NE  
   **Owner Name (print):**  
   **Owner Signature:**

5. **Affected Property Address:** 323 Freepoint Ave NE  
   **Owner Name (print):**  
   **Owner Signature:**

6. **Affected Property Address:** 8400 Orient NE  
   **Owner Name (print):**  
   **Owner Signature:**

7. **Affected Property Address:** 8507 Orient Way NE  
   **Owner Name (print):**  
   **Owner Signature:**

8. **Affected Property Address:**
   **Owner Name (print):**
   **Owner Signature:**
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</th>
<th>Case No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8321 13th Way NE</td>
<td>16-5400086</td>
</tr>
</tbody>
</table>

**Description of Request:**

Variance to lot width to allow 60' lots instead of 75'

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:** 423 Riviera Dr NE
   - Owner Name (print):
   - Owner Signature:

2. **Affected Property Address:** 445 Riviera Bay Dr NE
   - Owner Name (print):
   - Owner Signature:

3. **Affected Property Address:** 461 Riviera Bay Dr NE
   - Owner Name (print):
   - Owner Signature:

4. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

5. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

6. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

7. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

8. **Affected Property Address:**
   - Owner Name (print):
   - Owner 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:** 321 Orient Way NE, St. Petersburg, FL 33702

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
   
   The property owner, Pamela Green, and I met and spoke with many neighborhood residents and discussed the proposal. All were supportive of the proposal.

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

   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
   
   None were interested in receiving mail on the project.

2. Summary of concerns, issues, and problems expressed during the process
   
   Other than the temporary inconvenience of construction, none were expressed. The neighborhood was very supportive of the project.

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations
   
   Check one:
   
   Proposal supported
   
   Contingent on meeting property owner's approval
   
   Abiding to present zoning regulations
   
   Unable to comment on the proposal at this time
   
   Other comment(s):
   
   [Signature]
   
   Association Name: Riviera Bay
   
   [Signature]
   
   Date: [01/14/16]

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:
<table>
<thead>
<tr>
<th>BUILDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location: 8321 - Orient Way NE</td>
</tr>
<tr>
<td>#61349 - RS75 - 2/9/79 - $41,000</td>
</tr>
<tr>
<td>Owner Sam D. Thurman - erect 2 sty frame and masonry 40'x40' single family residence with 5 rooms, 2 baths, 3 porches, and 2-stall garage (living area 1,360 sq ft) (accessory area 1,360 sq ft) (Lot size apx. 8,000 sq ft) (A-11/10' = 107' minimum first floor elevation) (3/4&quot; water meter receipt #88171W) (Type V) Hoyt Development Co Inc, Contr. A-11/10'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ELECTRICAL</th>
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</thead>
<tbody>
<tr>
<td>#E61826 Thurman 2/21/79</td>
</tr>
<tr>
<td>Burnett Elect - Sawpole</td>
</tr>
<tr>
<td>#E6183G 2/21/79 Thurman</td>
</tr>
<tr>
<td>Burnett Elect 1-serv 150 amps 1-ph (* 2/0 al) 1-meter 6-bkts 12-sw 26-recep 1-range 1-EDH 19furnace 1-disp 1-D.washer 1-dryer 1-K.fan 1-2HP A/C central</td>
</tr>
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<th>LOT</th>
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<th>BLOCK</th>
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<td>22</td>
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<thead>
<tr>
<th>30-30-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLUMBING E-44</td>
</tr>
<tr>
<td>#P86D - 3/23/79 - Hoyt Development</td>
</tr>
<tr>
<td>Tommys Plbg - tub - 2-lavs - ldry tray - ldry washer - shower - sink 2-closets - ewh - wtr svce</td>
</tr>
</tbody>
</table>

**ISSUED**

**PERMIT # #628061**
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 December 7, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-32000016        PLAT SHEET: F-38

REQUEST: Approval of a modification to a previously approved special exception and related site plan for a self-storage facility to increase the size of the building and add an additional 80 storage bays.

OWNER:
Phoenix Triangle, LLC
PO Box 76267
Saint Petersburg, Florida 33734-5267

Phoenix Triangle, LLC
2125 West Washington Street
West Bend, Wisconsin 53095-2205

Hollywood 4th Street, LLC
2125 West Washington Street
West Bend, Wisconsin 53095-2205

St. Andrews Equities, LLC
7292 4th Street North
Saint Petersburg, Florida 33702

AGENT:
Jonathan Dorman
StorCon Development, LLC
2106 Bispham Road #B
Sarasota, Florida 34231
ADDRESSES AND PARCEL ID NOS.:
7223 5th Street North; 30-30-17-21654-000-0070
7213 5th Street North; 30-30-17-21654-000-0080
495 72nd Avenue North; 30-30-17-21654-000-0090
7220 4th Street North; 30-30-17-40749-001-0010
7250 4th Street North; 30-30-17-40749-001-0020
7292 4th Street North; 30-30-17-31176-005-0070

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Suburban-1 (CCS-1)

SITE AREA TOTAL: 107,891 square feet or 2.48 acres

GROSS FLOOR AREA:
Existing: 16,631 square feet 0.15 F.A.R.
Proposed: 80,918 square feet 0.75 F.A.R.
Permitted: 80,918 square feet 0.75 F.A.R.

BUILDING COVERAGE:
Existing: 16,631 square feet 15% of Site MOL
Proposed: 32,006 square feet 30% of Site MOL
Permitted: 80,918 square feet 75% of Site MOL

IMPERVIOUS SURFACE:
Existing: 55,640 square feet 52% of Site MOL
Proposed: 69,174 square feet 64% of Site MOL
Permitted: 91,707 square feet 85% of Site MOL

OPEN GREEN SPACE:
Existing: 52,251 square feet 48% of Site MOL
Proposed: 38,717 square feet 36% of Site MOL

PAVING COVERAGE:
Existing: 39,009 square feet 36% of Site MOL
Proposed: 37,108 square feet 34% of Site MOL

PARKING:
Existing: 56; including 4 handicapped spaces
Proposed: 44; including 3 handicapped spaces
Required: 36; including 2 handicapped spaces

BUILDING HEIGHT:
Existing: 25 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 self-storage which is a Special Exception use within the CCS-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Background:
The property is located in the Fossil Park Neighborhood Association between 72nd Avenue North and 73rd Avenue North, on the west side of 4th Street North. The property is developed with a bar, medical office and three (3) single-family residences. The applicant was approved by the Development Review Commission (DRC) on September 7, 2016, to construct a 600-unit self-storage facility with a variance to aggregate the allowable signage.

The applicant is amending the previous approval to include the 0.60 acre parcel of land located at 7292 4th Street North. The intent is to use the allowable development potential from the 0.60 acre site to enlarge the previously approved self-storage facility from a 61,581 square feet, 600-unit self-storage facility to an 80,918 square foot, 680-unit self-storage facility.

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 680-unit self-storage facility.

Current Proposal:
The applicant proposes to demolish the existing bar and residences on the subject property. The existing medical office building, parking lot and access to the medical office will not change. The plan includes the construction of a three (3) story climate controlled building with a leasing office adjacent to 4th Street North. Vehicular access to the site will be from 4th Street North and an existing alley that is located south of the subject property. Parking will be located on the north and west sides of the building. A loading area will be located on the west side of the building.

The proposed architectural style of the building is a traditional style of architecture. The proposed building incorporates an ample amount of glazing on the facade facing 4th Street North. The building is finished on all sides with stucco, pilasters and recesses and projections in the façade.

Special Exception:
A self-storage facility in the CCS-1 zoning district is a Special Exception use that requires the Development Review Commission's (DRC's) review and approval. The DRC is responsible to evaluate the proposed use to ensure compliance with the applicable review criteria as outlined in City Code, with a focus on the potential for adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. The City's Transportation Planner has reviewed the proposal and determined that the existing road network and proposed traffic circulation plan is adequate to support the proposed use. Staff has suggested several special conditions of approval for the DRC's consideration. The special conditions are intended to promote compatibility and minimize negative impacts on the adjacent residential neighborhood consistent with the applicable standards in the City's Land Development Regulations for these types of uses. If the request is approved consistent with the suggested special conditions, Staff does not anticipate a significant impact to the surrounding area.
Floor area ratio bonus:
The maximum Floor Area Ratio (FAR) within the CCS-1 district is 0.55. The applicant is requesting a transfer of intensity bonus of 0.20 FAR for a total FAR of 0.75, which requires approval of a site plan by the DRC.

To qualify for the bonus, the applicant will be required to purchase 21,578 square feet of development rights (TDRs) from a locally designated landmark or landmark site through the City's historic development rights transfer program. Currently, there are six landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

Public Comments:
Staff received an email on November 25, 2016, expressing objection to the modification. The email is attached to the staff report.

III. RECOMMENDATION:
A. Staff recommends APPROVAL of the Special Exception and related site plan, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
1. Only one (1) freestanding sign not to exceed eight (8) feet in height shall be permitted along 4th Street North for the self-storage facility.
2. The applicant shall submit a Unity of Title to address the transfer of development rights between the two subject parcels, for review and approval by the City. The Unity of Title shall be recorded for both properties prior to the issuance of building permits for the subject property.
3. The transfer of Historic Development Rights shall be approved by City Staff prior to the issuance of building permits.
4. The applicant shall comply with use specific regulations for self-storage facilities as outlined in Section 16.50.400 including the requirement to construct an 8-foot high wall architecturally finished to match the building to screen the loading area from the residential use to the west and loading shall be prohibited between the hours of 9PM and 7AM.
5. The applicant shall install evergreen trees in the 10 foot green yards along 72nd Street North and 5th Avenue North.
6. A hedge shall be installed around the exterior perimeter of the storm water retention ponds.
7. Plans shall comply with Section 16.40.070 Lighting.
8. Plans shall comply with Section 16.40.90.4 Bicycle parking.
9. This Special Exception approval shall be valid through December 7, 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.
10. The plans submitted for permitting shall be revised to comply with the Engineering Department's Memorandum that is attached to this report.
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.

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 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 (Under normal operating conditions).
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.

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: Planned Redevelopment Mixed-use and Residential Medium
West: Planned Redevelopment Residential and Residential Medium

REPORT PREPARED BY:

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

REPORT APPROVED BY:

[Signature]
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-32000016
Address: 7220, 7250 & 7292 4th Street North, 495 72nd Avenue North, and 7213 & 7223 5th Street North
LANDSCAPE PLAN FOR SPECIAL EXCEPTION 10/10/2016

BUDGET SELF STORAGE 4TH ST & ST. ANDREWS MEDICAL OFFICE

LANDSCAPE LEGEND:

CANOPY TREES:
- OAK, SLASH PINE, BALD CYPRESS (10' HT, 2" CAL)
- UNDERSTORY TREES:
  - BUTTONWOOD, CRAPE, DWARF MAGNOLIA, HOLLY, LIGUSTRUM (6' HT, 1.5" CAL)
  - CABBAGE PALM TREES: (9' CLEAR TRUNK)
  - SHRUBS:
    - HIBISCUS, GALBERRY, JUNIPER, FIREBUSH, VIBURNUM (24" HT)
CITY OF ST. PETERSBURG
MEMORANDUM
ENGINEERING DEPARTMENT

TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: November 18, 2016
SUBJECT: Special Exception
FILE: 16-32000016

LOCATION 7223 5th Street North; 30-30-17-21654-000-0070
7213 5th Street North; 30-30-17-21654-000-080
AND PIN 495 72nd Avenue North; 30-30-17-21654-000-090
7220 4th Street North; 30-30-17-40749-001-010
7250 4th Street North; 30-30-17-40749-001-020
7292 4th Street North; 30-30-17-31176-005-070
ATLAS: F-38
PROJECT: Special Exception

REQUEST: Approval of a modification to a previously approved special exception (#16-32000013) and related site plan for a self-storage facility to increase the size of the building and add an additional 80 storage bays.

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. Easement vacations must be processed prior to construction of any substantial permanent improvement in the area of existing public easements within the site boundaries. Masonry walls, buildings, and retention ponds cannot be constructed within public easement areas.

2. A Minor Easement Permit approval is required for any proposed minor private encroachments into public easement areas (such as necessary utility crossings). Minor Easement Permits are issued through the City’s Engineering & 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 CCS zoning district, a 6-foot wide sidewalk is required within the western parkway of 4th Street adjacent to parcel 1 and parcel 2. 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. The plan appears to indicate alley widening on the east side of the proposed retention pond, however, creation of a one-way alley requires approval from the City’s Transportation division. Arrows on the site plan indicate two southbound lanes.
5. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from a proposed service or an increase in projected flow) as required to provide connection to a public collection system 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 proposed civil utility connection plan, 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 conveyance system is found insufficient, the conveyance system must be upgraded to provide 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.

6. 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 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. 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. 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.

9. The applicant is required to obtain FDOT approval/permitting for all work within the FDOT controlled right of way of 4th Street North. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

10. As construction plans are developed, adequate signage, striping, and parking lot design should be provided at the northeast corner of the site adequate to prevent conflicting traffic movements where the
east/west access drive meets the north south drive to Hollywood Mobile Home Park and the north/south site access drive.

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  DIXIE TERRACE SUB & HOLLYWOOD PARK FIRST ADDITION
Nov. 25, 2016

Development Review Services
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731

RE: Case # 16-32000016, Address 7220, 7250 & 7292 4ths Street N etc.

Dear Sir/Madam:

I am the owner of a house at 556 72nd Avenue N that my granddaughter and her mother currently live in. I am writing to strongly oppose the modification to the previously approved special exception and related site plan for a self-storage facility on 4th Street N."

This facility would be totally out of character with the surrounding area, which is primarily retail businesses and small but well-maintained single family homes. It would create a wall of blocky, windowless structures along a nearly two block stretch of 4th Street N, giving the entire area the look of an industrial park. It would depreciate the values of homes nearby at a time when the city should be doing more, not less, to protect its shrinking stock of affordable housing. I can't imagine the city allowing a facility like this to go farther south on 4th Street, where neighborhood homes are more expensive.

Storage facilities should be restricted to the kind of areas they are in now -- exclusively commercial/industrial areas like those around Lowe's and Home Depot.

Sincerely,

Susan Martin
556 72nd Ave N
St. Petersburg, FL 33702
(727) 741-9089

https://outlook.live.com/owa/?viewmodel=ReadMessageItem&ItemID=AQMkADAwATM3ZmYAZS04NDE3IzRhMDY1MDAACLTAwC0GAAD8kOCU8NoFr... 1/2
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 December 7, 2016, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 16-32000017 PLAT SHEET: E-52

REQUEST: Approval of a special exception and related site plan to construct two (2), 1-story drive-up storage buildings and a 3-story, climate-controlled, self-storage building, for a total of 600 storage bays.

OWNER: Gandy Boulevard Investors, LLC
125 5th Street South #201
Saint Petersburg, Florida 33701-4168

AGENT: Katie Cole, Esq.
Hill, Ward, Henderson, PA
600 Cleveland Street #800
Clearwater, Florida 33733

ADDRESSES AND PARCEL ID NOS.: 10000 4th Street North; 19-30-17-59225-000-0010
2nd Street North; 18-30-17-11322-010-0090
10035 Gandy Boulevard North; 18-30-17-11322-010-0030
201 99th Avenue North; 18-30-17-11322-011-0010
9999 Gandy Boulevard North; 18-30-17-11322-011-0070
9999 Gandy Boulevard North; 18-30-17-11322-011-0090
238 100th Avenue North; 18-30-17-11322-011-0040
None; 18-30-17-11322-010-0010

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Suburban-1 (CCS-1)
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<tr>
<th><strong>SITE AREA TOTAL:</strong></th>
<th>172,933 square feet or 3.97 acres</th>
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<tr>
<td><strong>GROSS FLOOR AREA:</strong></td>
<td></td>
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<tr>
<td>Existing:</td>
<td>2,734 square feet 0.016 F.A.R.</td>
</tr>
<tr>
<td>Proposed:</td>
<td>95,059 square feet 0.55 F.A.R.</td>
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<tr>
<td>Permitted:</td>
<td>95,059 square feet 0.55 F.A.R.</td>
</tr>
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<td><strong>BUILDING COVERAGE:</strong></td>
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<td>Existing:</td>
<td>2,734 square feet 2% of Site MOL</td>
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<tr>
<td>Proposed:</td>
<td>40,387 square feet 24% of Site MOL</td>
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<tr>
<td>Permitted:</td>
<td>N/A</td>
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<td><strong>IMPERVIOUS SURFACE:</strong></td>
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<td>Existing:</td>
<td>36,176 square feet 21% of Site MOL</td>
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<tr>
<td>Proposed:</td>
<td>89,211 square feet 52% of Site MOL</td>
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<tr>
<td>Permitted:</td>
<td>146,909 square feet 85% of Site MOL</td>
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<td><strong>OPEN GREEN SPACE:</strong></td>
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<tr>
<td>Existing:</td>
<td>136,658 square feet 79% of Site MOL</td>
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<td>Proposed:</td>
<td>83,623 square feet 48% of Site MOL</td>
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<td><strong>PAVING COVERAGE:</strong></td>
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<td>Existing:</td>
<td>33,442 square feet 19% of Site MOL</td>
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<td>Proposed:</td>
<td>48,529 square feet 28% of Site MOL</td>
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<td><strong>PARKING:</strong></td>
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<td>Existing:</td>
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<td>Proposed:</td>
<td>12; including 2 handicapped spaces</td>
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<tr>
<td>Required:</td>
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<td><strong>BUILDING HEIGHT:</strong></td>
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<td>Existing:</td>
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<td>48 feet</td>
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**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 self-storage which is a Special Exception use within the CCS-1 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

**Background:**
The property is located north of the Riviera Bay Civic Association at the northeast corner of 99th Avenue North and Gandy Boulevard North. The property is currently developed with a multi-bay carwash.
The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 600-unit self-storage facility.

Current Proposal:
The applicant proposes to demolish the existing carwash and clear the site for the new self-storage facility. The plan includes the construction of a three (3) story climate controlled building with a 1,200 square foot leasing office and two one (1) story drive-up buildings. One of the drive-up storage buildings will be along the south side of the property and the second drive-up building will be on the north side of the property. The three (3) story building will be located in the middle of the site. Vehicular access to the site will be from two ingress/egress drives from Gandy Boulevard North. Parking will be located on the west sides of the building. Loading areas will be located on the north, south and east sides of the building.

The proposed architectural style of the building is a traditional style of architecture. The proposed building incorporates an ample amount of glazing on the facade facing Gandy Boulevard North. The building is finished on all sides with stucco, pilasters and recesses and projections in the façade.

Special Exception:
A self-storage facility in the CCS-1 zoning district is a Special Exception use that requires the Development Review Commission's (DRC's) review and approval. The DRC is responsible to evaluate the proposed use to ensure compliance with the applicable review criteria as outlined in City Code, with a focus on the potential for adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. The City’s Transportation Planner has reviewed the proposal and determined that the existing road network and proposed traffic circulation plan is adequate to support the proposed use. Staff has suggested several special conditions of approval for the DRC’s consideration. The special conditions are intended to promote compatibility and minimize negative impacts on the adjacent residential neighborhood consistent with the applicable standards in the City’s Land Development Regulations for these types of uses. If the request is approved consistent with the suggested special conditions, Staff does not anticipate a significant impact to the surrounding area.

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 Special Exception and related site plan, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
   1. Prior to submittal of building plans, an application to vacate 100th Avenue North shall be initiated.
   2. The applicant shall comply with use specific regulations for self-storage facilities as outlined in Section 16.50.400 and loading shall be prohibited between the hours of 9PM and 7AM.
   3. The applicant shall install evergreen trees in the 10 foot green yards along Gandy Boulevard, 2nd Street North and 99th Avenue North.
   4. The applicant shall comply with Section 16.40.060.2.1.3 (8) Protection of existing specimen trees.
5. Vehicular access shall be limited to Gandy Boulevard. Vehicular access to 99th Avenue North and 2nd Street North shall be prohibited.
6. A minimum of 16 parking spaces shall be provided.
7. The retention pond shall not be located within the building setbacks.
8. The three (3) story building shall be designed with full architectural treatment on all sides visible from public rights-of-way. Full architectural treatment shall include roof design, wall materials, architectural trim, and door and window openings.
9. All facades shall include fenestration, architectural features, or both. No portion of a facade corresponding to the height between two floors shall have a blank area greater than 24 feet in width.
10. The portion of the first floor of the west and north façade of the three (3) story building that is visible to the r-o-w shall comply with the 50 percent transparency requirement.
11. The three (3) story building shall have a parapet on all four sides of the building.
12. The one (1) story drive-up buildings shall be finished to match the three (3) story climate controlled building.
13. Plans shall comply with Section 16.40.070 Lighting.
14. Plans shall comply with Section 16.40.90.4 Bicycle parking.
15. This Special Exception approval shall be valid through December 7, 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.
16. The plans submitted for permitting shall be revised to comply with the Engineering Department’s Memorandum that is attached to this report.

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 Whittled 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.

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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 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 (Under normal operating conditions).
c. Sanitation.
d. Parks and recreation.
e. Drainage.

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 and Residential Urban
East: Residential Medium
West: Planned Redevelopment Mixed-use
REPORT PREPARED BY:

COREY MALYSZKA, Urban Design and Development Coordinator

REPORT APPROVED BY:

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

TO SPECIAL EXCEPTION APPLICATION
GANDY BOULEVARD INVESTORS, LLC
10000 4TH ST. N, ST. PETERSBURG, FL

The Applicant proposes to develop the subject property with two buildings for the operation of a self-storage facility. The main building has interior units with the secondary building having several roll-up door units. The Applicant does not request any modifications with respect to parking or landscaping. The land use and zoning of the property allows for self-storage uses as a Special Exception, so long as there is no outdoor storage included. The ingress and egress of the property and the off-street parking is located consistent with existing accesses. The property includes onsite drainage as required by City Code and SWFWMD. The buildings are oriented interior to the site as required by the self-storage portion of the Code, therefore, having minimal impact on the surrounding neighborhood. The use is a low-impact use and is compatible with the surrounding neighborhood and natural environment. As provided for in the Concurrency Report, there are sufficient levels of service for this development.
CITY OF ST. PETERSBURG
MEMORANDUM
ENGINEERING DEPARTMENT

TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: November 18, 2016
SUBJECT: Special Exception
FILE: 16-32000017

LOCATION & PIN: 10000 4th Street North 19/30/17/59225/000/0010
2nd Street North 18/30/17/11322/010/0090
10035 Gandy Boulevard North 18/30/17/11322/010/0030
201 99th Avenue North 18/30/17/11322/010/0010
9999 Gandy Boulevard North 18/30/17/11322/011/0070
238 100th Avenue North 18/30/17/11322/011/0040
No Address 18/30/17/11322/010/0010

ATLAS: E-52
PROJECT: Special Exception

REQUEST: Approval of a special exception and related site plan to construct a 3-story, climate-controlled, self-storage building with up to 600 storage bays.

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. Public maintenance access to the 30-foot wide drainage and utility easement, which contains an 8" public sanitary sewer and a 12" reclaimed water main, must be maintained. Any fences installed must be gated across the entire width of the easement drive isle. The applicant shall as a condition of this approval, agree to provide City maintenance crews with an acceptable form of access to the easement area. The type of access shall be coordinated by the developer through, and approved by the City's Water Resources department sewer division (contact Lane Longley, phone 727-892-5612) and the City's Water department (contact Kelly Donnelly, phone 727-892-5614). The City will not be responsible for the restoration of fences, pavement surfaces, or other private obstructions placed within the public easement area should the City be required to remove the fence or other encroachments to access public utilities. A Minor Easement Permit approval may be required to document these conditions of approval. Minor Easement Permit approvals are issued through the City's Engineering department. Contact the Engineering front counter for the application form (Jill.Wells@stpete.org).

2. City records show an existing storm drainage pipe that appears to be conveyance for storm drainage from the right-of-way of Gandy Blvd to a ditch within the property. The applicant must coordinate with FDOT to determine if drainage is currently directed to this ditch and obtain the approval / permit from the FDOT for proposed fill within the ditch. The applicant’s Engineer shall also verify the need for and obtain all necessary permits for ditch fill from the appropriate governmental entity (SWFWMD, FDEP, etc.).

3. The applicant must provide evidence of the vacation of the 30’ X 140’ remnant of 100th Avenue North which appears on City and County maps to extend west of 2nd Street North. Otherwise applicant must be
made to vacate the remaining right of way. The City will require that the vacated right of way be retained as public utility easement since it contains an 8’’ public sanitary sewer and a 12’’ ductile iron reclaimed water main.

4. The applicant must provide verification that a public easement exists over the western portion of the 12’’ reclaimed water main, just east of the Gandy connector roadway. In this area the reclaimed main turns to the northwest and does not appear to be within public easement. If no public easement exists, a minimum 20-foot wide easement must be dedicated centered over the main.

To initiate new Public Utility Easement dedication, the applicant must:

A. Provide a legal description and sketch of the required easement.

B. Provide property ownership information (including the property owner’s name, address, contact person, phone number).

C. Provide a check made out to the “City of St. Petersburg” in the total amount of $800.00 for the cost of title insurance and recording fees. The applicant is responsible to pay all costs associated with granting of the easement to the City so if costs are less the difference will be rebated and if costs are more the applicant will be billed.

The above listed information and the check for easement dedication should be provided to the City Real Estate and Property Management department (c/o Alfred Wendler, phone 727-893-7183, email Alfred.Wendler@stpete.org) who will draft the required easement instrument, obtain necessary signatures, and ultimately record the document. If multiple property owners exist or multiple easements must be dedicated, it is suggested that you discuss with Real Estate to verify easement dedication costs prior to submitting the check.

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. A 6-foot wide sidewalk is required on the east parkway of Gandy, and 5-foot wide sidewalk is required on the west side of 2nd Street North and on the north side of 99th 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.

6. 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.

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. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from a proposed service or an increase in projected flow) as required to provide connection to a public collection system 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 proposed civil utility connection plan, 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 conveyance system is found insufficient, the conveyance system must be upgraded to provide 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.

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.

10. Permitting within Gandy Boulevard will require approval/permitting by FDOT. 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.

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.

NED MIR jw

pc: Kelly Donnelly
Reading File
Correspondence File
Subdivision File BRIDGEVIEW & MOTHERS CARWASH
REVISED STAFF REPORT
DEVELOPMENT REVIEW SERVICES
APEAL OF PROPERTY CARD INTERPRETATION

For Public Hearing and Executive Action on December 7, 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.: 16-53000003
Address: 8170 27th Avenue North
Legal Description: On File
Parcel ID No.: 12-31-15-97704-000-0020
Owner/Appellant: Comstock Entertainment, LLC
8250 30th Avenue North
St. Petersburg, FL 33710-2256
Agent: Laura Bamond, Esq.
3510 First Avenue North #125
St. Petersburg, FL 33713

Plat Sheet: S-16
Zoning: Neighborhood Suburban-1 (NS-1)
Request: Appeal of a Property Card Interpretation (PCI), which found that two (2) units were legally constructed.

INTRODUCTION:
The property is zoned NS-1, which allows one single-family home on the subject property. The City will recognize more than one (1) dwelling unit on the property if the units were legally constructed. The subject property is located at 8170 27th Avenue North, in the Jungle Terrace neighborhood, see Exhibit 1, Aerial Location Map.

A Property Card Interpretation (PCI) was completed for the above-referenced property on December 4, 2015 which determined that one (1) principal single-family dwelling unit and one (1) accessory dwelling unit (located on the 2nd floor of the two story garage) were legally constructed.
on the property and that the accessory dwelling unit on the second story of the garage is considered to be abandoned. A request for reconsideration was submitted on December 22, 2015, and staff found that the additional evidence was not sufficient to change the previous determination. An appeal to this determination was filed with the City Clerk on August 19, 2016. The case was originally scheduled to be heard on October 5th, and the appellant requested two continuances. Exhibits 2-5 include the PCI letter, the PCI Reconsideration, the Appeal application, and additional correspondence to and from the appellant and his agent.

DISCUSSION:

Permit History. In reviewing a property to determine the legal number of dwelling units, the City relies primarily on permitting documents and business license records. Dwelling units must have proper permits through the City of St. Petersburg to ensure compliance with Land Development Regulations and Building and Life Safety Codes. A copy of the available property card image is attached as part of Exhibit 2. The permitting history is as follows:

The permit history on the property card covers 1940-1988. The property card shows the following permits related to the garage structure:

1. A building permit for a two-story garage on 04/17/40 (2-car cement block garage 24' by 22'), with a plumbing permit for one bath on 05/07/40, and
2. A building permit for servant's quarters over the existing garage on 01/19/45 with an electrical permit for a range and meter on 2/20/45, and a plumbing permit on 03/01/45 for a bathroom and kitchen sink. (Card notations "C-L-S-B" are as follows: "C" is water closet AKA toilet; "L" is lav AKA sink in a bathroom; "S" is a kitchen sink; and "B" is a bath.
3. A permit was issued on 08/13/59 to replace the wood stairway with concrete for the garage apartment.

Kitchen Range. A permit for a kitchen range connection is used as the primary factor in determining whether a dwelling unit was legally constructed. There is a permit for a range in 1945, associated with the servant's quarters over the existing garage. There are no other permits for any additional kitchens.

Plumbing Permits. A plumbing permit in 1940 for a bath is associated with the permit for the two story garage, and a permit in 1945 for a bathroom and kitchen sink is associated with the servant's quarters over the existing garage. There are no other plumbing permits associated with an additional kitchen.

In conclusion, there is no evidence that a permit was issued for a second kitchen in the two-story garage. Without "cooking facilities," the first floor cannot be considered to be a dwelling unit.

The definition of a Dwelling Unit and Accessory Dwelling unit is as follows: Section 16.90.020.3 Definitions: Dwelling unit means living space for a family with cooking, bathroom and sleeping facilities; and Section 16.10.020.1. — Definition. Accessory Dwelling Unit "An independently functioning dwelling unit which is an accessory use to the principal dwelling unit on the same lot and which has a separate kitchen. These uses are sometimes referred to as "garage apartments," "granny flats," or "carriage houses." Therefore, without a second kitchen, there is only one legally permitted dwelling unit in the garage. Pursuant to Section 16.10.020.1. Definition, Accessory Living Space is "Additional living space which is separated from the principal residence which does not function as an independent dwelling unit and which utilizes the same cooking facilities, street address and utility meter as the principal residence".
The records from 1988 to present also do not establish a third dwelling unit. In 2012, a "Stop Work Order" was issued for work on the garage building without permits. In 2013, a permit for work on the building was issued, and the permit is still active.

**Business License.** A check of digital City records going back to 1994 show there has not been a business license for the rental of units on this property.

**City Directory Records.** City directories records provided by the applicant were reviewed. All pages submitted show one or two units, with addresses of 8170 and 8170 ½ 27th Ave N. With respect to any other addresses which could have been used for the property, there are no entries for the addresses of 8126, 8162 or 8164 in the directories. In conclusion, there are no City directory entries for three units to support that assertion there are three dwelling units on the subject property.

**Property Appraiser Records.** The Pinellas County Property Appraiser records indicate that the single-family residence was constructed in 1935. The historic property appraiser records included in the January 28th letter from the applicant show that there was one residence with six rooms and one garage apartment with three rooms on the property in 1974. The Property Appraiser is currently assessing the property for three dwelling units, for tax purposes. The Property Appraiser does not verify that the number of units were legally established before assessing a value of the structure. Paying County property taxes for an illegally-established unit does not override the requirements and limitations of the City’s zoning regulations.

**Electric Meters.** Duke Energy statements provided confirm that there are two meters for the subject property. The statements do not support the assertion that there are three legal units.

**Previous Zoning Regulations.** Subsequent to the issuance of the building permit for the servants quarters on 01/19/45, zoning regulations were adopted on 02/21/45, Ordinance 990-A, Article 2, Section1.1.(B), which stated that "a garage apartment shall be an accessory or subordinate building, not a part of or attached to the principal building, containing living facilities for not more than one family, which living facilities shall not occupy more than fifty per cent (50%) of the total floor area of said garage apartment." (see Exhibit 6). This limitation would have restricted the ability to convert the first floor to a second unit. The historic zoning maps from 1955 and a Property Card notation from 1959 show that the zoning designation for the subject parcel was D-1 (see Exhibit 7). Language from Chapter 47, attached as Exhibit 8, expressly prohibited garage apartments in the D-1 zoning district. Therefore, at no time after 02/21/45 was it legal under the zoning regulations to convert the first floor of the two story garage to a second apartment. This finding further supports that there are only two legal dwelling units on the property. The permit history on the property card covers 1940-1988 and at no time was a permit for a third dwelling unit issued.

**Property Inspection/Evidence of Existing Improvements.** The owner did not allow Development Review Services staff access to inspect the building, and did not submit a floor plan or photos of the units. No evidence to document the existing improvements to either floor of the garage was provided by the appellant.

**FINDINGS:** The property card contains permit history from 1940 to 1988. This record constitutes the complete property card for the subject parcel. The property card demonstrates that a second dwelling unit was constructed over the garage. There are no permits on the property card or in the
City building records subsequent to the property card indicating that an additional unit was legally established in the garage. If there is an additional kitchen, there is no evidence that there were permits issued for the kitchen. Given these considerations, Staff finds that there is sufficient evidence to uphold the finding that two (2) dwelling units were legally established on this site.

If the PCI is upheld, the owner must obtain permits to eliminate one of the units, including any illegal kitchen range.

PUBLIC COMMENTS: Staff received calls from seven of the surrounding property owners and emails from six of them as of the publishing of this report. The emails are attached to this report as Exhibit 9. A copy of the notice letter and the notification list is attached as Exhibit 10. The notification letter was sent to the property owner, Comstock Entertainment, LLC. on October 17, 2016 for the November 2, 2016 DRC hearing.

STAFF RECOMMENDATION: The Development Services Department Staff recommends that the Development Review Commission UPHOLD the determination that two (2) dwelling units were legally constructed on the site, contrary to the appellant’s assertion that three (3) units were legally established.

Report Prepared By:

ELIZABETH ABERNETHY, AICP
Zoning Official

11-30-16

List of Exhibits:
Exhibit 1: Aerial Location Map
Exhibit 2: PCI Case #15-41000025 dated December 4, 2015
Exhibit 3: PCI Reconsideration response letter dated August 11, 2016
Exhibit 4: Appeal Application dated August 19, 2016
Exhibit 5: Correspondence from Appellant
Exhibit 7: 1955 Zoning Atlas Map Pages
Exhibit 8: Article IX – "D-1" Single Family Dwelling District Regulations, Zoning Ordinance, Chapter 47, 1955
Exhibit 9: Email correspondence from surrounding property owners
Exhibit 10: Public Notice Letter and List
Exhibit 1
Case #16-530000003
Aerial Location Map
Exhibit 2

Case #16-530000003

PCI Case #15-41000025

dated December 4, 2015
December 4, 2015

Charles Cato
Comstock Entertainment LLC
8285 30th Avenue North
Saint Petersburg, FL 33710-2256

RE: PROPERTY CARD INTERPRETATION: 15-41000025
Property Generally Located At: 8170 27th AVE N
Parcel ID#: 12/31/15/97704/000/0020/

Dear Mr. Cato,

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 NS-1 (Neighborhood Suburban Single-Family), which allows one single-family home on the subject property. The City will recognize more than one dwelling unit on the property if the units were legally constructed.
2. According to the Pinellas County Property appraiser records, the existing two-story single-family home was constructed in 1935.
3. Per the City's property card records, a permit for a 24' by 22' garage was issued on 11/17/40, and a permit to construct an apartment (AKA servant's quarters) over the garage was issued on 01/19/45. A permit to replace the wood stairway to the garage apartment was issued on 08/13/59.
4. Accordingly, the interpretation has been made that one (1) principal single-family dwelling unit and one (1) accessory dwelling unit (located on the 2nd floor of the two story garage) were legally constructed 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 is one (1) grandfathered accessory dwelling unit.
2. Dwelling units may lose their grandfathered status and become abandoned for the following reasons:
   (a) 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.
   (b) 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.
   (c) 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 units on the property for more than two (2) years.
4. Therefore, the accessory dwelling unit has lost its grandfathered status and is considered to be abandoned.
5. There are no permit records indicating that the first floor of the two-story garage was ever legally converted to an accessory dwelling unit, and therefore it is not considered to be a legal grandfathered unit. Any rental of this illegal unit is considered to be a violation of code. If the space contains a kitchen, it must be removed and the space can be remodeled for personal storage, accessory living space, or parking. Removal of the kitchen will require a building permit.

Code Violation
Property owners who rent abandoned or illegal 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 Development Review Commission may, at its discretion and subject to specific review criteria, reinstate or re-establish an abandoned grandfathered dwelling unit. An application for reinstatement may be found via the department's website:
http://www.stpete.org/development/applications_and_forms/docs/Reinstatement.pdf.

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.

Appeal
If you have evidence that the findings of this interpretation are incorrect, you may submit a reconsideration request within 15 days of the receipt of this letter. An appeal must be filed within 10 days following delivery of the subsequent reconsideration. Appeals are heard before the Development Review Commission. An appeal is a statement on your part that you do not believe that the findings of this determination are correct and that you have evidence to refute the finding. For a reconsideration or 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 for an appeal in a timely manner is important and requires your immediate attention.

This determination is effective as of the date of this letter and is subject to change upon any future amendment to the Land Development Regulations. Future development on the subject parcel shall be subject to all applicable codes at time of permitting; including, but not limited to, Land Development Regulations and Building and Life Safety Codes.

If you have questions about the appeal, reinstatement application, or the Development Review Commission, please feel free to contact the Clerk at (727) 892-5498.

Sincerely,

[Signature]

Elizabeth Abernethy, AICP
Zoning Official

Attachments: Property Card

cc: Robert Gerdes, Director, Codes Compliance Assistance
<table>
<thead>
<tr>
<th>Location: 6120 - 27th Avenue North 2 T S Res &amp; Co, F 5' gat.</th>
<th>#533 - 2-20-45 - George Andres</th>
</tr>
</thead>
<tbody>
<tr>
<td>#5018 - 4/17/40 - $500</td>
<td>G &amp; Gover - range - 4c 5a 6p 1b 3wa</td>
</tr>
<tr>
<td>Owner, George Andres - 2-car cemilk garage (24' x 22')</td>
<td>1-meter</td>
</tr>
<tr>
<td>#53962 - 1/19/45 - $500</td>
<td>#28197 - 1/16/38 - Andres</td>
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<tr>
<td>Owner George Andres - Servant quarters addition to existing 2-car garage - one room and bath</td>
<td>Hayes - w. heater</td>
</tr>
<tr>
<td>#52766A-M - 8/13/59 - $320</td>
<td>#696l - 11/7/45 - G. Andres</td>
</tr>
<tr>
<td>Owner Frank Wilkerson - Replace wood stairway with concrete (garage apartment) Reeves Cement Center, Inc., Contractor (8170 - 27th Ave. N.)</td>
<td>Brinson - move panel</td>
</tr>
<tr>
<td>#9742 - R2 - 3/29/72 - $250</td>
<td>#36208 - 11/30/67 - Hughes</td>
</tr>
<tr>
<td>Owner F. Hughes - Install 213' of 4' high chain link fence in rear of yard and side with one walk gate L &amp; H. Fence., Co., Contractor</td>
<td>Lowry Elec. - 100amp service</td>
</tr>
<tr>
<td>#12054-R2 - 7/19/72 - $2,000</td>
<td>L-meter 2p</td>
</tr>
<tr>
<td>Owner Frank C. Hughes - addition of a 15' x 20' room with an open shed roof (Type V) By owner. (OVER OVER)</td>
<td><strong>INSTALLATION</strong></td>
</tr>
<tr>
<td><strong>GAS</strong></td>
<td></td>
</tr>
<tr>
<td>#674E - 8/7/65 - Robert P. Jackson Modern Gas - 1-range, piping, dryer</td>
<td><strong>SEPTIC TANK</strong></td>
</tr>
<tr>
<td>#719E - 7/16/65 - R. P. Jackson Modern Gas - 2nd Inspection add to #674E (8170 - 27th Ave. No.)</td>
<td><strong>SEWER</strong></td>
</tr>
<tr>
<td><strong>SIGNS</strong></td>
<td></td>
</tr>
<tr>
<td>#6867J - 7/24/61 - F. T. Wilkerson</td>
<td>Brown Flgb. - $10.00 tap</td>
</tr>
<tr>
<td><strong>PLUMBING</strong></td>
<td>#38668 - 5/27/57 - Wilkerson</td>
</tr>
<tr>
<td>#22938 - 3/1/15 - George Andres</td>
<td>Daniels - 50' drain</td>
</tr>
<tr>
<td>J. D. Pickett - 0-L-S-B</td>
<td></td>
</tr>
</tbody>
</table>
Exhibit 3

Case #16-530000003

PCI Reconsideration response letter
dated August 11, 2016
August 11, 2016

Charles Cato
Comstock Entertainment LLC
8285 30th Avenue North
Saint Petersburg, FL 33710-2256

RE: 8170 27th Ave N
Parcel ID # 12/31/15/97704/000/0020
PCI Reconsideration Request/City Case #15-41000025

Dear Mr. Cato,

A Property Card Interpretation was completed for the above-referenced property on December 4, 2015 which determined that one (1) principal single-family dwelling unit and one (1) accessory dwelling unit (located on the 2nd floor of the two story garage) were legally constructed on the property and that the accessory dwelling unit on the second story of the garage is considered to be abandoned. On December 22, 2015, Laura Bamon submitted a request on your behalf for reconsideration that three (3) units legally exist on the property. Ms. Bamon requested additional time to submit evidence and was granted an extension to provide such evidence. A letter and additional evidence were received from Ms. Bamon on January 15, 2016. On January 28th and on February 19, Ms. Bamon submitted additional letters containing further evidence. The additional evidence included the following:

1. Affidavits from: Milton Massanett, Francisco Farray, and Joe Moledo
2. Copies of pages from the City directory for certain years ranging from 1937-2012, attached to the affidavit from Mr. Cato
3. Copies of Wilkerson's Replat
4. Aerial photographs dated 1926 through 1958
5. Property record cards
6. Property appraiser records from 1974
7. Duke Energy statements from February 2016 for two meters, 8170 and 8170 ½ 27th Ave N.

Staff has determined that this additional evidence is not sufficient to change the previous determination that one (1) principal single-family dwelling unit and one (1) accessory dwelling unit (located on the 2nd floor of the two story garage) were legally constructed on the property and that the accessory dwelling unit is considered to be abandoned. The additional evidence is discussed in detail as follows.

The December 22, 2015 letter stated that there have been multiple addresses for the property. City files have only one property card for the subject property, which references the 8126 and 8170 addresses. The City directory records provided by the appellant reference 8170 and 8170 ½. The references to multiple addresses does not support that there were three dwelling units on the property.

Regarding the City directories, all pages submitted show one or two units, with addresses of 8170 and 8170 ½ 27th Ave N. With respect to any other addresses which could have been used for the property, there are no entries for the address of 8126, 8162 or 8164 in the directories. There are no City directory entries for three units to support that assertion there are three dwelling units.

As noted in the affidavits, the property card shows the building permit for a two-story garage on 04/17/40, a plumbing permit for one bath on 05/07/40, a building permit servants quarters over the existing garage on 01/19/45 with an electrical permit for a range and meter on 2-20-45, and a plumbing permit on 03/01/45 for a bathroom. There is no evidence that a permit was issued for a second kitchen. Without "cooking facilities", the first floor cannot be considered to be a dwelling unit. The definition of a Dwelling Unit and Accessory Dwelling unit is as follows: Section 16.90.020.3 Definitions: Dwelling unit means living
space for a family with cooking, bathroom and sleeping facilities; and Section 16.10.020.1. – Definition. Accessory Dwelling Unit "An independently functioning dwelling unit which is an accessory use to the principal dwelling unit on the same lot and which has a separate kitchen. These uses are sometimes referred to as "garage apartments," "granny flats," or "carriage houses." Therefore, without a second kitchen, there is only one dwelling unit in the garage. Pursuant to Section 16.10.020.1. Definition, Accessory Living Space is "Additional living space which is separated from the principal residence which does not function as an independent dwelling unit and which utilizes the same cooking facilities, street address and utility meter as the principal residence."

Further, because you would not allow Development Review Services staff access to inspect the building, and you did not submit a floor plan or photos, there is no direct evidence to document the improvements to either floor of the garage. In summary, the building permit records do not support the assertion that three dwelling units were legally constructed.

The Pinellas County Property Appraiser's Office records are for purposes of property taxation, this office does not coordinate with the City to verify that the use of the property is legal under the City's zoning in its assessments for property taxation, and therefore their records cannot be taken into consideration for purposes of establishing the legal number of units. The historic property appraiser records included in the January 28th letter show that there was one residence with six rooms and one garage apartment with three rooms on the property in 1974.

Aerial photographs confirm that the original structure was present in 1926. The aerials and the subdivision records do not address the legal number of units on the property.

Duke Energy statements provided confirm that there are two meters for the subject property. The statements do not support the assertion that there are three legal units.

Subsequent to the issuance of the building permit for the servants quarters on 01/19/45, zoning regulations were adopted on 02/21/45 which limited the use on the property to a single-family residence. The zoning designation for the subject parcel was D-1, which expressly prohibited garage apartments. Therefore, at no time after 02/21/45 was it legal under the zoning regulations to add a second garage apartment to the property. This finding further supports that there are only two legal dwelling units on the property. The permit history on the property card covers 1940-1988 and at no time was a third dwelling unit permitted. The records from 1988 to present also do not establish a third dwelling unit. In 2012, a Stop Work Order was issued for work on the garage building without permits. In 2013, a permit for work on this building was issued, and the permit is still active.

This determination is effective as of the date of this letter and may be appealed by the property owner to the Development Review Commission within 10 days upon receipt of this letter. Appeals are to be filed with the City Clerk. While Ms. Bamond included a request for an appeal in her letter dated January 15, 2016, such an appeal must be submitted through the City Clerk after this determination. If you have questions about the appeal or the Development Review Commission, please feel free to contact the Clerk at (727) 892-5498.

Sincerely,

[Handwritten Signature]

Elizabeth Abernethy, AICP
Zoning Official

Attachments: Property Card, Letters from Laura Bamond dated 12/22/15, 01/15/16, 01/28/16 and 02/19/16.

Cc: Laura Bamond
cc: Robert Gerdes, Director, Codes Compliance Assistance
AFFIDAVIT

Before me, the undersigned authority, duly authorized to take acknowledgment and administer oaths, personally appeared the undersigned Francisco Farray, who after being by me first duly sworn, deposes and says that:

I, Francisco Farray, am a ______________________, and have reviewed both both the property card attached for the property located at 8170 27th Way, St. Petersburg, Florida and have inspected the property.

The property card, copy attached, provides the following facts:

1. In 1940 Owner, George Andres built a two (2) story cement block garage. An apartment was included in the original construction as evidenced by a permit for a bath issued on 5/7/40.

2. In 1945 Owner, George Andres, pulled another permit to add to the servant quarters in the 2 story garage. An electrical permit was pulled for a range and a meter as follows: “range – 4c 5s 6p 1b 3ws 1 meter”. A permit was pulled to move the electrical panel in the two story garage. (The main residence has its own electrical panel and meter). An additional permit was issued to construct a commode, lavatory, sink and bath.

3. Additionally in 1959 Owner, Frank Wilterson, was issued a permit to remove the wood stairs and replace them. No permit was obtained for stairs in 1945, meaning they were there in the original construction in 1940. This additionally proves that one apartment was built was part of the original construction. In the 1940s it was very common to build garages with apartments above them as was the case here which is supported by the property card.

I have inspected the units in the two story building and they conform to the property card. I have observed and verified that the construction is as would have been in the 1940s. The plumbing in the bathrooms is cast iron, original to the building.

Additionally, I assisted with the solving of possible code violations in both the main house and apartments. Rick Dunn and Margie Nichols from the City along with myself and Charles Cato, of Comstock Entertainment, and Milton Massanett, inspected the entire property and Rick Dunn and Margie Nichols said all was in order with two (2) exceptions for which permits were obtained. Further Affiant sayeth not

________________________________________
Francisco Farray

Witness:

Charles Cato

Witness:

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this _____ day of ___________, ______ A.D. by Francisco Farray, who is personally known to me or has produced __________________ as identification.

________________________________________
Notary Public - State of Florida
AFFIDAVIT

Before me, the undersigned authority, duly authorized to take acknowledgment and administer oaths, personally appeared the undersigned Charles Cato, who, after being by me first duly sworn, deposes and says that:

1. Charles Cato is the Managing Member of Comstock Entertainment LLC, a Florida limited liability corporation. Said corporation is the owner of the following described property:
   Lot 2, Wilkerson’s Replat, according to the map or plat thereof as
   Recorded in Plat Book 42, Page 4, Public Records of Pinellas County,
   Florida
   PIN: 12-31-15-97704-000-0020

2. Affiant has reviewed both the property card, inspected the property and searched the City Directories of the City of St. Petersburg to discover the occupancy history of the Subject Real Property. A copy of the property card is attached as Exhibit A.

3. Affiant interprets the property card to mean that in 1940, the owner George Andres built a two story, cement block, free standing garage with servants quarters on the second floor. This is evidenced by the fact that a permit for a bath issued on 5/7/40.

4. Affiant states the property card shows that in January of 1945, the owner, George Andres, pulled a permit for “servants quarters addition to existing 2 car garage”. On 2/20/1945 an electrical permit was pulled for a range and a meter, as follows: “range – 4c 5s 6p 1b 3ws 1 meter”. A permit was pulled to move the electrical panel in the two story garage. (The main residence has its own electrical panel and meter). On 3/1/1945 an additional permit was issued to construct a commode, lavatory, sink and bath.

5. The property card states that in 1959, the owner, Frank Wilkerson, was issued a permit to remove the wood stairs and replace them. No permit was obtained for stairs in 1945, meaning they were there in the original construction in 1940. This additionally proves that one apartment was built was part of the original construction. In the 1940s it was very common to build garages with apartments above them.

6. I have inspected the units and they conform to the property card. I have observed and verified that the construction is as would have been in the 1940s, including the original cast iron plumbing.

7. Additionally I assisted with the solving of possible code violations at both the main house and the apartments. Rick Dunn and Margie Nichols from the City along with myself and Milton Massanett and Francisco Farray inspected the entire property and Rick Dunn and Margie Nichols said all was in order with two (2) exceptions for which permits were obtained. Affiant has relied on the information provided by the City.

8. Affiant examined the City of St. Petersburg City Directories for past years and found that the apartments have been rented at the subject property for many years. A representative group of copies of City Directories and a summary of same are attached as Exhibit B.

The property card reflects that. Further Affiant sayeth not

Witness: ____________________________

Charles Cato, Managing Member, Comstock Entertainment, LLC

Witness: ____________________________
STATE OF FLORIDA  
COUNTY OF PINELLAS  

Sworn to and subscribed before me this 15th day of January, 2016 A.D. by Charles Cato, Managing Member of Comstock Enterprises, LLC, who is personally known to me or has produced FL Driver's License as identification.

[Signature]
Notary Public - State of Florida
AFFIDAVIT

Before me, the undersigned authority, duly authorized to take acknowledgment and administer oaths, personally appeared the undersigned Joe Melero, who after being by me first duly sworn, deposes and says that:

1. Joe Melero, am a Keller Williams Rep, and have reviewed both the property card attached for the property located at 8170 27th Way, St. Petersburg, Florida and have inspected the property.

The property card, copy attached, provides the following facts:

1. In 1940 Owner, George Andres built a two (2) story cement block garage. An apartment was included in the original construction as evidenced by a permit for a bath issued on 5/7/40.

2. In 1945 Owner, George Andres, pulled another permit to add to the servant quarters in the 2 story garage. An electrical permit was pulled for a range and a meter as follows: “range – 4c 5s 6p 1b 3ws 1 meter”. A permit was pulled to move the electrical panel in the two story garage. (The main residence has its own electrical panel and meter). An additional permit was issued to construct a commode, lavatory, sink and bath.

3. Additionally in 1959 Owner, Frank Wilkerson, was issued a permit to remove the wood stairs and replace them. No permit was obtained for stairs in 1945, meaning they were there in the original construction in 1940. This additionally proves that one apartment was built was part of the original construction. In the 1940s it was very common to build garages with apartments above them as was the case here which is supported by the property card.

I have inspected the units in the two story building and they conform to the property card. I have observed and verified that the construction is as would have been in the 1940s. The plumbing in the bathrooms is cast iron, original to the building.

Witness: __________________________
Print name: __________________________

Witness: __________________________

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 18 day of January, 2018 A.D. by __________________________, who is personally known to me or has produced __________________________ as identification.

Jackie R. Bauer
Notary Public - State of Florida
AFFIDAVIT

Before me, the undersigned authority, duly authorized to take acknowledgment and administer oaths, personally appeared the undersigned Milton Massanett, who after being by me first duly sworn, deposes and says that:

I, Milton Massanett, am a licensed contractor and have reviewed both the property card attached for the property located at 8170 27th Way, St. Petersburg, Florida and have inspected the property.

The property card, copy attached, provides the following facts:

1. In 1940 Owner, George Andres built a two (2) story cement block garage. An apartment was included in the original construction as evidenced by a permit for a bath issued on 5/7/40.

2. In 1945 Owner, George Andres, pulled another permit to add to the servant quarters in the 2 story garage. An electrical permit was pulled for a range and a meter as follows: “range – 4c 5s 6p 1b 3ws 1 meter”. A permit was pulled to move the electrical panel in the two story garage. (The main residence has its own electrical panel and meter). An additional permit was issued to construct a commode, lavatory, sink and bath.

3. Additionally in 1959 Owner, Frank Wilkerson, was issued a permit to remove the wood stairs and replace them. No permit was obtained for stairs in 1945, meaning they were there in the original construction in 1940. This additionally proves that one apartment was built was part of the original construction. In the 1940s it was very common to build garages with apartments above them as was the case here which is supported by the property card.

I have inspected the units in the two story building and they conform to the property card. I have observed and verified that the construction is as would have been in the 1940s. The plumbing in the bathrooms is cast iron, original to the building.

Additionally, I assisted with the solving of possible code violations in both the main house and apartments. Rick Dunn and Margie Nichols from the City along with myself and Charles Cato, of Comstock Entertainment, and Francisco Farray, inspected the entire property and Rick Dunn and Margie Nichols said all was in order with two (2) exceptions for which permits were obtained. Further Affiant sayeth not.

Witness: Charles Cato

Milton Massanett

Witness: Benni Cato

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this ____ day of __________, _______ A.D. by Milton Massanett who is personally known to me or has produced ____________________ as identification.

__________________________
Notary Public - State of Florida
1972  8170  8170 1/2
1979  8170  8170 1/2
1986  8170  8170 1/2
1993  8170  8170 1/2
2001  8170  8170
2004  8170  8170 1/2
2007  8170
2008  8170
2010  8170  8170
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<th>Year</th>
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<th>Remarks</th>
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<tr>
<td>2011</td>
<td>8170</td>
<td>Robert Murray LLC</td>
</tr>
<tr>
<td>2012</td>
<td>8170</td>
<td>DA Murray</td>
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</tbody>
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Allan Hamilton
John S. Rhodes, Inc.
Funeral Directors -- Ambulance
Fourth St. and Seventh Ave. N.
Phone 7-5155
WILKERSOON'S REPLAT
OF LOTS 5, 14, 15, BLOCK 12, JUNO TERRACE, SECTION 8, AS RECORDED IN PLAT BOOK 8, PAGE 31, PINELLAS COUNTY
RECORDS._DEEDS OF LOTS 10, 11, 12, BLOCK 12, JUNO TERRACE, SECTION 8, AS RECORDED IN PLAT BOOK 9, PAGE 3,
PINELLAS COUNTY RECORDS AND ALL LOTS
SECTION 12, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA.


DEDICATION: WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND ADJACENT PLATTED ON WILKERSOON'S REPLAT AND WE DEDICATE TO THE PUBLIC, ALL STREET EASES AND PUBLIC PLACES SHOWN ON THE PLAT OF THE SUBDIVISION OR SAID LANDS.

RECEIVED AND FILED FOR RECORD ON

WITNESSES

STATE OF FLORIDA
CO. OF PINELLAS

I, PATRICK WILKERSOON, DO HEREBY CERTIFY THAT ON THE 25TH DAY OF JUNE, 1978, BEFORE ME PERSONALLY APPEARED JOHN WILKERSOON, AND IN CONFORMITY TO THE PROVISIONS OF THE LAW, I DEDICATE TO THE PUBLIC, ALL STREET EASES AND PUBLIC PLACES SHOWN ON THE PLAT OF THE SUBDIVISION OR SAID LANDS.


ORDINANCE NO. 88 A

AN ORDINANCE declaring the intention of the City of St. Petersburg, Florida, to annex adjacent territory to said City; providing for the publication of said ordinance, and providing for the time, place and manner of holding an election at which said ordinance shall be submitted for ratification to the registered voters of said City and said adjacent territory.

WHEREAS, the City of St. Petersburg, Florida, is a City of over 10,000 inhabitants, according to the Federal census of 1920, and

WHEREAS, under and by virtue of Section 1077-A of the Statutes of the State of Florida, cities having over 10,000 inhabitants have the right to annex adjacent territory, and

WHEREAS, the charter of the City of St. Petersburg, Florida, authorizes changes in its boundaries as provided by law, and

WHEREAS, the City of St. Petersburg, Florida, finds it necessary and expedient to change its territorial limits;

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN

Section 1. The City of St. Petersburg, Florida, hereby declares its intention to extend its corporate limits to include the adjacent territory hereinafter described.

Section 2. The tract of land hereinafter described shall become annexed to and be a part of the corporate limits of the City of St. Petersburg, Florida, at the expiration of 20 days from the passage and approval of this ordinance, provided this ordinance be approved by the affirmative vote of two thirds of the votes cast by the qualified voters within the entire territory proposed to be included within the corporate limits of said City, including alike the qualified voters
within the now existing corporate limits of said City and
those to be included by such ordinance within the corporate
limits, at an election hereinafter provided for.

Section 3. That the adjacent territory which the
said City hereby declares its intention to annex by this
ordinance upon its approval as provided by law is described
as follows:

NORTH ADDITION TO CITY.

Beginning 30 ft. east of the intersection of the center line
of Ninth Avenue North and the north and south center line of
Section 13 Township 31 S Range 16 E; thence north 30 ft.
distant from and parallel with the north and south center line
of said Section 13; continuing north 30 ft. distant and
parallel to the north and south center line of Section 12
Township 31 S Range 16 E to a point 30 ft. south of the east
and west center line of said Section 12; thence east 30 ft.
distant from and parallel with the east and west center line
of said Section 12, continue east 30 ft. distant and parallel
with the east and west center line of Section 7 Township 31 S
Range 17 E to the face of a concrete wall retaining the waters
of Coffee Pot Bayou thence southeasterly along the face of said
wall to the intersection of said wall and the north boundary
line of Section 17 Township 31 S Range 16 E.

Section 4. That before this ordinance shall become
effective and the adjacent territory herein described annexed
and included in the corporate limits of said City, this ordinance
shall be submitted to the qualified voters of the entire terri-
tory proposed to be included within the corporate limits of
said City and the qualified voters within the existing corporate
limits of said City.

Section 5. An election is therefore called by the
said City of St. Petersburg, Florida, and shall be conducted
by said City in accordance with the election laws, and all
expenses of said election shall be borne by the said City.

Section 6. That the official ballot used at the
election shall be a plain sheet of white paper upon which
shall be printed the following:
OFFICIAL BALLOT.

SPECIAL MUNICIPAL ELECTION.

To extend the corporate limits of the City of St. Petersburg, Florida, by annexing the following described adjacent territory.

NORTH ADDITION TO CITY.

Beginning 30 ft. east of the intersection of the center line of Ninth Avenue north and the north and south center line of Section 13 Township 31 S Range 16 E; thence north 30 ft. distant from and parallel with the north and south center line of said Section 13; continuing north 30 ft. distant and parallel with the north and south center line of Section 12 Township 31 S Range 16 E to a point 30 ft. south of the east and west center line of said Section 12; thence east 30 ft. distant from and parallel with the east and west center line of said Section 12, continue east 30 ft. distant and parallel with the east and west center line of Section 7 Township 31 S Range 17 E to the face of a concrete wall retaining the waters of Coffee Pot Bayou; thence southeasterly along the face of said wall to the intersection of said wall and the north boundary line of Section 17 Township 31 S Range 17 E.

For the annexation of said adjacent territory — Yes (___)

For the annexation of said adjacent territory — No (___)

INSTRUCTIONS TO VOTERS.

The voters desiring to vote in favor of annexing said territory to the City of St. Petersburg, Florida, shall put a cross (X) mark after "Yes"; and voters desiring to vote against the annexation of said adjacent territory shall put a cross (X) mark after the word "No".

Section 7. An election is hereby called to be held at the City Hall in the City of St. Petersburg, Florida, for the qualified and registered voters of said City and at Eaton's Garage, 21st Avenue & Euclid Blvd, North in said adjacent territory proposed to be annexed for the qualified and registered voters of said proposed adjacent territory on the 15th day of December, A. D. 1920, between the hours of 9 o'clock A. M. and sundown. And the Director of Finance of said City shall
cause to be published notice calling an
election for three successive days before such election, in a
newspaper published in said City. The election notice shall
contain the proposition to be submitted, and the time when and
the places of holding such election. And the Board of Commis-
sioners of said City shall select and appoint one judge and three
clerks for each voting place, one of which said clerks for each
voting place shall be a duly registered voter in and an in-
habitant of the adjacent territory proposed to be annexed.

Section 3. That the Director of Finance of said City
of St. Petersburg, Florida, as Supervisor of Registration shall
keep registration books open in his office at the City Hall each
day from 9 o'clock A. M. to 12 o'clock N. and from 2 o'clock P. M.
to 6 o'clock P. M., for ten days, commencing twenty days before
such election and keep them open until ten days before said
election, and he shall give notice of such fact by advertising
in a newspaper printed in said City commencing five days before
and running the entire time the books are open for registration
as aforesaid.

Section 4. It shall be the duty of said judges and in-
spectors of said election immediately upon the closing of the
polls to proceed to count the ballots and to proclaim the result
and then and there transmit to the Board of Commissioners of
said City a certificate of the results of said election and
also a duplicate certificate for the Director of Finance, which
certificate shall show the number of votes cast for and against
the proposed ordinance for the annexation of the adjacent terri-
tory in accordance with this ordinance and it shall then be the
duty of the Board of Commissioners to canvass the results of the
election on or before the third day after the said election and
compile the results of said election as shown by the judges and
inspectors reports and shall then make and sign a certificate certifying the number of votes cast for and against the proposed ordinance which certificate shall be recorded by the Director of Finance.

Section 10. That in the event of the approval of the said ordinance for the annexation of the adjacent territory, the Board of Commissioners of the City of St. Petersburg, Florida, shall declare the result of said election and that the said adjacent territory is then and there annexed to the City of St. Petersburg, Florida, and becomes a part of its corporate limits, and this ordinance shall become in full force and effect from the date of the declaration of the said Board of Commissioners.

Section 11. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed on its first reading this 1st day of November, A. D. 1920.

Published in the St. Petersburg Times a newspaper printed in the City of St. Petersburg, Florida, this 18th day of November, A. D. 1920.

Passed on its second reading this 15th day of November, A. D. 1920.

Passed on its third reading this 15th day of November, A. D. 1920.

By
Vice-Chairman Board Commissioners

Approved by me this 15th day of November, A. D. 1920

Mayor

Attest
Director of Finance.
<table>
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<tr>
<th>BUILDING</th>
<th>ELECTRICAL</th>
<th>PLUMBING</th>
<th>GAS</th>
</tr>
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<tbody>
<tr>
<td>Location: 5156 - 27th Avenue North 2 Tp Res &amp; Dr &amp; S gar.</td>
<td>#5533 - 2-20-45 - George &amp; Andres</td>
<td>#2236B - 3-1-45 - George Andres</td>
<td>574E - 7-7-65 - Robert F. Jackson</td>
</tr>
<tr>
<td>owner - George Andres - 2-car cm bldg.</td>
<td>Garage - range - lc 5a 6p 1b 3w 1-motor</td>
<td>J. D. Puckett - C-L-S-B</td>
<td>Modern Gas - 1-range, piping, dryer</td>
</tr>
<tr>
<td>#53952 - 1-19-45 - $500</td>
<td>#26397 - 1-16-38 - Andres</td>
<td>#7199E - 7-16-65 - R. P. Jackson</td>
<td>(5170 - 27th Ave. N.)</td>
</tr>
<tr>
<td>owner - George Andres - Servant quarters addition to existing 2-car garage - one room and bath</td>
<td>#6964 - 11-7-45 - G. Andres</td>
<td>#7199E - 7-16-65 - R. P. Jackson</td>
<td>Modern Gas - 2nd Inspection add to (5170 - 27th Ave. N.)</td>
</tr>
<tr>
<td>#9742 - R2- 3-29-72 - $250</td>
<td>1-meter 2p</td>
<td>574E (5170 - 27th Ave. N.)</td>
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<tr>
<td>owner - E. Hughes - Install 213' of 4' high chain link fence in rear of yard and side with one walk gate L &amp; H. Fence Co., Contractor.</td>
<td>INSTALLATION</td>
<td></td>
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<tr>
<td>#12074-R2-7-19-72 - $2,000</td>
<td>G\n</td>
<td>owner - F. C. Hughes - addition of a 15' x 20' room with an open shed roof (Type V) by owner. (OVER OVER)</td>
<td></td>
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<tr>
<td>SIGNS</td>
<td>SEWER</td>
<td>SEPTIC TANK</td>
<td></td>
</tr>
<tr>
<td>#6807W - 7-21-61 - F. T. Wilkerson</td>
<td>Brown P1bg. - $10.00 tap</td>
<td>#8886W - 5-10-57 - Wilkerson Daniels - 50' drain</td>
<td></td>
</tr>
<tr>
<td>BUILDING</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<td>SHEATHING</td>
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<td>EXTERIOR WALLS</td>
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</table>

Detailed data for each column include:
- BUILDING: Identification of the building.
- SHEATHING: Material used for sheathing.
- ROOF TYPE: Type of roof used.
- FLOORS: Number of floors.
- HEATING: Heating system details.
- EXTERIOR WALLS: Materials and specifications.
- ROOF FRAME: Frame details.
- PLUMBING: Plumbing specifications.
- INTERIOR WALLS: Interior wall details.
- TOTAL COST: Summary of total costs for each category.

Additional notes and calculations are present throughout the table for detailed analysis.
STATEMENT OF ELECTRIC SERVICE
FEBRUARY 2016

CHARLES D CATO
8285 30TH AVE N
ST PETERSBURG FL 33710

SERVICE ADDRESS
8170-1/2 27TH AVE N
ST PETERSBURG FL 33710

DUE DATE
MAR 03 2016
TOTAL AMOUNT DUE
190.65
NEXT READ DATE ON OR ABOUT
MAR 14 2016
DEPOSIT AMOUNT ON ACCOUNT
NONE

IN: 973033146
ETER READINGS
TER NO. 002069226
ESENT (ACTUAL) 053799
EVIOUS (ACTUAL) 052393
FFERENCE 081406
TAL KWH 1406

PAYMENTS RECEIVED AS OF JAN 25 2016 129.67 THANK YOU
RS-1 001 RESIDENTIAL SERVICE
BILLING PERIOD 01-12-16 TO 02-10-16 29 DAYS
CUSTOMER CHARGE 8.76
ENERGY CHARGE
FIRST 1000 KWH 1000 KWH @ 6.901000 69.01
ABOVE 1000 KWH 406 KWH @ 8.263000 33.55
FUEL CHARGE
FIRST 1000 KWH 1000 KWH @ 3.355000 33.55
ABOVE 1000 KWH 406 KWH @ 4.555000 17.67
TOTAL ELECTRIC COST 162.52
GROSS RECEIPTS TAX 4.17
MUNICIPAL FRANCHISE FEE 10.59
MUNICIPAL UTILITY TAX 13.57
TOTAL CURRENT BILL 190.65
TOTAL DUE THIS STATEMENT $190.65

Payment of your bill prior to the above due date will avoid a late payment charge of $5.00 or 1.5%, whichever is greater.
Duke Energy Florida utilized fuel in the following proportions to generate your power: Coal 23%, Purchased Power 17%, Gas 60%, Oil 0%, Nuclear 0% (For Prior 12 months ending December 31, 2015).
STATEMENT OF ELECTRIC SERVICE

FEBRUARY 2016

CHARLES D CATO
8285 30TH AVE N
ST PETERSBURG FL 33710

SERVICE ADDRESS
8170 27TH AVE N
ST PETERSBURG FL 33710

DUE DATE
MAR 03 2016

TOTAL AMOUNT DUE
24.21

NEXT READ DATE ON OR ABOUT
MAR 14 2016

DEPOSIT AMOUNT ON ACCOUNT
NONE

PAID: 973033146

METER READINGS

ENERGY USE

- 9 KWH/DAY
- 1 KWH/DAY
- 6.71

RSL-1/2 091 RESIDENTIAL LOAD MANAGEMENT
BILLING PERIOD: 01-12-16 TO 02-10-16 29 DAYS

CUSTOMER CHARGE
8.76

ENERGY CHARGE

FIRST 1000 KWH
114 KWH @ 6.901000 .787

ABOVE 1000 KWH
0 KWH @ 8.265000 .00

FUEL CHARGE

FIRST 1000 KWH
114 KWH @ 3.353000 3.82

ABOVE 1000 KWH
0 KWH @ 4.353000 .00

TOTAL ELECTRIC COST 20.45

GROSS RECEIPTS TAX .52
MUNICIPAL FRANCHISE FEE 1.31
MUNICIPAL UTILITY TAX 1.93

TOTAL CURRENT BILL 24.21

TOTAL DUE THIS STATEMENT $24.21

Payment of your bill prior to the above due date will avoid a late payment charge of $5.00 or 1.5%, whichever is greater.
Duke Energy Florida utilized fuel in the following proportions to generate your power: Coal 23%, Purchased Power 17%, Gas 80%, Oil 0%, Nuclear 0% (For Prior 12 months ending December 31, 2015).
December 22, 2015

Elizabeth Abernethy, AICP
Zoning Official
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731

Re: Request for Reconsideration of
Property Card Interpretation
15-41000025
8170 27th Ave. N.
PIN: 12/31/15/97704/000/0020

Dear Ms. Abernethy:

Please consider this an application for reconsideration of the above referenced Property Card Interpretation that one of the two garage apartments on the above referenced site was illegally constructed and therefore is not grandfathered.

This application is timely within the requirements of Ordinance 16.70.070.1.1E as the Property Card Interpretation letter was delivered to Mr. Cato/Comstock Entertainment LLC, by U.S. Mail, on December 10, 2015 and this application is filed within fifteen (15) days of the date of delivery.

The facts are that the City property card is a partial card for 8170 and 8126 27th Avenue North. The property was part of Pinellas County until sometime after WWII, which is after the two grandfathered units at issue were built. The City’s PCC1 Letter refers to the Pinellas County Property Appraiser records to state that the existing two story single family home was construed in 1935. (According to City directories, of which we will provide a copy, the building was there as of 1933, maybe earlier). Various other addresses have been assigned to the property such as 8170 ½, 8162 and 8164. The applicant has not had time to request the production of the property cards from the City and or the County for these different addresses.

The Applicant interprets the property Card as showing that a two story single family home with a free standing garage was built per the City in 1938.
The facts are the property card seems to be partial. It reveals 2 different addresses. 8170 27th Avenue North (where there are various gas installations in 1965); 8126 26th Avenue North is shown as the location of the house.

Per the property card in 1940 a two story cement garage was built with a living unit above the garage including a permitted bathroom (see the 5/7/40 entry). In 1945 a second permit was pulled to convert the downstairs portion of the garage to an apartment (Commode-laboratory-sink and bath). Additionally in 1945 a permit was pulled to move the electrical box in order to accommodate this. The electric panel on the garage structure has its own meter and the panel services both units.

The Applicant will submit the Affidavit of Milton Massanett, General Contractor, who is familiar with the property, has inspected the property and has worked on the property to the effect that the two garage apartments are as originally built back in the 1940s.

The Property Appraisers' records show that there are 3 units. In this case the County's records should be granted a certain amount of deference as they predate the City’s records.

The Applicant will work diligently to provide additional evidence such as aerial photographs and copies of past zoning ordinances and maps, but the discovery of these items will take additional time.

We appreciate the City's reconsideration of this matter. Hopefully, if the second unit is found to be grandfathered we will seek its reinstatement along with the other grandfathered unit.

Yours truly,

Laura Bamond

Cc: Charles Cato
    Comstock Entertainment LLC
January 15, 2016

Elizabeth Abernethy, AICP
Zoning Official
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731

Hand Delivered

Re: Request for Reconsideration of
Property Card Interpretation
15-41000025
8170 27th Ave. N.
PIN: 12/31/15/97704/000/0020

Dear Ms. Abernathy:

Thank you for your consideration in extending the time to provide additional information as grounds for the reconsideration.

Attached are the affidavits of:
1) Charles Cato, Managing Member of Comstock Entertainment, LLC with attached portions of the City Directory showing past occupancy;
2) Milton Massanett, the contractor on the subject job
3) Francisco Faray, who was present when the inspection was done for the permits issued on the house and apartments;

As can be seen by the Affidavits, the two apartments were legally constructed consistent with the property cards.

As seen by the affidavits, the City’s representatives, Mr. Rick Dunn and Ms. Margie Nichols inspected the house and both apartments, required two permits which were obtained and indicated everything else was to code. The violations were on both buildings. The property owner has relied on the City’s inspections, permits and representations.
The existing structures were legally built as accessory structures prior to the existing zoning code, which downzones the density. This lot is oversize and accommodates the house and apartments. The apartments are almost invisible from the street. There is more than adequate onsite parking as the lot is over half an acre. There is also a two car garage.

When the house was built, it was located in Pinellas County, not in the City of St. Petersburg. There was no building department in Pinellas County until the 1950s, which may be why the City’s property card is incomplete. The Pinellas Property Appraiser shows 3 units and zoning for 8.

The property owner requests the opportunity to seek reinstatement of the two (2) units. He would very much appreciate the opportunity of a meeting with you before you make your determination. However, if you determine to deny the reconsideration, please consider this a notice of appeal to the Development Review Commission.

Yours truly,

Laura Bamond

Enclosures
Cc: Charles Comstock
   Rick Dunn, Building Official
   Ms. Margie Nichols, Codes
January 28, 2016

Elizabeth Abernethy, AICP
Zoning Official
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731

Via Fax and U.S. Mail

Re: Request for Reconsideration of
Property Card Interpretation
15-41000025
8170 27th Ave. N.
PIN: 12/31/15/97704/000/0020

Dear Ms. Abernethy:

Real Property currently known as 8170 27th Avenue No., St. Petersburg, FL described as Lot 2, Wilkerson’s Replat, Plat Book 42, Page 4, formerly known as 8126 (possible) North Terrace Circle, Lots 9, 10, 11 Jungle Terrace, Section B, Block: 12,

Dear Ms. Abernethy:

We request additional time to obtain information in support of the reconsideration. A property card has been obtained from Property Appraiser for the 8170 27th Avenue North address and Mr. Cato will deliver a copy to the City. The Property Appraiser card is consistent with the applicant’s interpretation.

City aerial photos have been obtained for 1926 and the 1950s. These clearly show the home and other structures were on the subject property in 1926 and the two story cement garage is there in the 1950s (there’s a gap in photos due to the depression and WWII). Reduced copies of the aerials will be provided.

Some limited title research has also been done. It appears that in 1957 Mr. and Mrs. Wilkerson, replatted the earlier Jungle Terrace Subdivision(s) Section B, Block 12,(platted in 1924 by the Fuller-Hunter Corporation). Note that the Street name changed at the time of the replat from
North Terrace Circle to 27th Avenue N. Mr. and Mrs. Wilkerson apparently owned Lots 9, 10, 11 and 12 of Jungle Terrace Subdivisions, which included a home, probably at 8126 North Terrace Circle. The cement garage is believed to have been assigned the address of 8170 and 8170 ½ and that after the replat, the entire property came to be known as 8170 27th Avenue North.

We need to research with the County and the City for property cards for North Terrace Circle and to look in the City and County directories. There is also a title search being conducted. A copy of a records request to the City is attached.

The information is getting voluminous and we again request a meeting to discuss the property.

Yours truly,

Laura Bamond

Cc: Comstock Entertainment, LLC
January 28, 2016

City Clerk’s Office
175- 5th Street North
St. Petersburg, FL 33701

Fax: 892-5102 and US Mail

Re: Real Property currently known as 8170 27th Avenue No., St. Petersburg, FL described as Lot 2, Wilkerson’s Replat, Plat Book 42, Page 4. formerly known as 8126 (possible) North Terrace Circle, Lots 9, 10, 11 Jungle Terrace, Section B, Block 12,

Dear City Clerk:

Please consider this a records request within the meaning of Section 119.07 Fla. Stat..

Attached are copies of the Wilkerson’s Replat, which plat was recorded in 1957 by Mr. and Mrs. Wilkerson, and copies of the earlier Jungle Terrace Subdivision(s) Section B, Block 12, being replatted. The Jungle Terrace Subdivision was platted in 1924 by the Fuller-Hunter Corporation. Note that the Street name changed at the time of the replat from North Terrace Circle to 27th Avenue N.

The Wilkerson Replat states that the City Planning Commission and City Council approved the Replat in August of 1957.

Please produce at your offices
1) the original real estate files regarding the Wilkerson Replat;
2) the staff reports presented to the City’s Planning Board and City Council supporting their approval of the Wilkerson replat;
3) a copy of the zoning ordinance in effect in August 1957 prior to the Wilkerson Replat, for lots 9, 10, 11, 12 of Jungle Terrace Section B, Block 12, Plat book 6, Page 51;
4) a copy of the zoning ordinance in effect in August 1957 after the Wilkerson Replat for Lots 1 and Lots 2 of the Wilkerson Replat.
5) a copy of the zoning ordinance in effect for the subject property in 1940 when George Andres pulled a permit for a cement garage. (copy of property card is attached); also a copy of the permit and plans if any;
6) copy of the zoning ordinance in effect for the subject property in 1945 when George Andres pulled a permit for a servant quarters addition, also a copy of the permit and plans if any.
7) copy of zoning ordinance in effect for the subject property in 1959 when the owner, Frank Wilkerson pulled a permit to replace a wood stairway to the upstairs garage apartment.
8) copies of any property cards for North Terrace Circle, possibly 8126 North Terrace Circle, as aerial photos show the subject property has a house and other structures in 1926

Please also produce the City’s Building Department files for the subject property during the period of January 2012 to the present, including but not limited:
1) to a history of the Code Enforcement Case for building without permits from inception to completion of the case;
2) copies of any stop work orders issued to 8127 – 27th Ave North in 2012 and 2013 by the Building Inspector during that period;
3) copies of plans submitted for permits to resolve the code enforcement case;
4) copies of permits issued for work done, including, but not limited to permit #1304001211 and plans in support;
5) notes and comments of Building Department including, but not limited to those of the Building Official and Inspector regarding inspections of the property; observations; Approval of work and closing the CEB case for work done without permits. (it is noted in the 5/14/2013 CEB printout entry that “Permit 13-4001211 and all final inspections been approved” and its “okay to close the case”).

Please produce the requested documents at your office by Wednesday February 3, 2016 January by 1:00 p.m. If this is inconvenient, please advise.

Yours truly,

Laura Bamond

Cc: Elizabeth Abernathy, Zoning Official 892-5557
Rick Dunn, Building Official
City Legal 892-5262
Comstock Entertainment
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<th>Location: 3885 - 27th Avenue North</th>
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<tr>
<td>2 T-S Res &amp; OF, F'S gar. #15018 = h/17/h0 - $500</td>
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<tr>
<td>Owner: George Andres - 2-car cen blk garage (24' x 22')</td>
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<tr>
<td>#53962 = 1/19/h5 = $500</td>
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<tr>
<td>Owner: George Andres - Servant quarters addition to existing 2-car garage - 1 room and bath</td>
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<tr>
<td>#52766A-M2 = 8/13/59 = $320</td>
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<tr>
<td>Owner: Frank Wilkerson - Replace wood stairway with concrete (garage apartment) Reeks Cement Corp., Contractor (8170 - 27th Ave. N.) #57142-R2 = 3/29/72 = $250</td>
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<tr>
<td>Owner: Frank Hughes - Install 213' of 4' high chain link fence in rear of yard and side with one walk gate L &amp; H Fence, Co., Contractor. #12054-R2 = 7/19/72 = $2,000</td>
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<td>Owner: Frank C. Hughes - addition of a 15' x 20' room with an open shed roof (Type V) By owner. (OVER OVER)</td>
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<th>PLUMBING</th>
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<td>#5533 = 2-20-A5 - George Andres</td>
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<td>Conover - range - hc 5a 6p 1b 3we 1-meter</td>
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<td>#25197 = h/16/38 - Andres</td>
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<td>Hayes - v. heater</td>
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<td>#5964 = 11/7/45 = G. Andres</td>
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<td></td>
<td>Brinson - move panel</td>
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<td>#36208 = 11/30/67 - Hughes</td>
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<td>Lewry Elec. - 100amp service</td>
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<td>1-meter 2p</td>
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<td>#674E = 7/7/65 - Robert P. Jackson</td>
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<tr>
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<td>Modern Gas - 1-range, piping, dryer (8170 - 27th Ave. N.)</td>
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<td>#719E = 7/16/65 - R. P. Jackson</td>
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<td>Modern Gas - 2nd Inspection add to #674E (8170 - 27th Ave. N.)</td>
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<td>#3687J = 7/24/61 - F. T. Wilkerson</td>
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<td>Brown Plbg. - $10.00 tap</td>
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<td>#3866E = 5/27/57 - Wilkerson</td>
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<td>Daniels - 50' drain</td>
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</table>
BUILDING
#85111-RS75- 6/30/82- $500
Owner Steven Levin- Erect 6" cedar fence approx 300 lineal ft
and approx 50' of 3' high fence
(Type VI) By owner (8170)
February 19, 2016

Elizabeth Abernethy, AICP
Zoning Official
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731

Via Fax and U.S. Mail

Re: Request for Reconsideration of
Property Card Interpretation
15-41000025
8170 27th Ave. N.
PIN: 12/31/15/97704/000/0020

Dear Ms. Abernathy:

We are not yet ready for your reconsideration opinion. We have not yet received the specific zoning history for the property. Attached is a new records request. In addition a historical title search is being performed Stewart Title, which is not yet complete. We have asked Stewart Title to quickly complete their search. Mr. Cato is preparing a detailed timeline. We are obtaining an affidavit that the hot water heater for the main house is located in the guest house and supplies both structures and has been this way for decades. Once we receive the zoning records, and the historical title search, we will submit them to you for your consideration.

Attached are:
Copies of Duke Energy Bills showing that the main house and guesthouse are metered separately and have been for decades.

Yours truly,

Laura Bamond

Enclosures
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</table>
Exhibit 4

Case #16-530000003

Appeal Application

dated August 19, 2016
 Appeal of Decision by P. O. D.  
  (Zoning Official/Staff Interpretations)

Development Review Commission (DRC)
Community Preservation Commission (CPC)

DATE
(see Attached)

RECEIPT NO.

TELEPHONE NO.
727-493-6105

Charles Cato, Comstock Entertainment LLC
APPLICANT NAME (PRINT)

Zimmer Cato, Comstock Entertainment LLC
APPLICANT (SIGNATURE) (co managing memb)

APPLICANT MAILING ADDRESS

Attach A Copy Of NOTICE From Development Review Services Office.

REASON FOR APPEAL

See Attached

Return application along with check/cash in the amount of $250.00 made payable to the City of St. Petersburg City Clerk’s office, P.O. Box 2842 St. Petersburg, Florida 33731.
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION

APPEAL TO DEVELOPMENT REVIEW COMMISSION

Contact Information

Name
Charles Calo, Comstock Entertainment LLC

Street Address
8285 20th Ave No, St. Pete FL 33710

City ST ZIP Code
403-6105

Telephone

E-Mail Address

Signature

Date

Date of Hearing

Case No

Case Address

Submittal Requirements

1 Narrative describing grounds for appeal

Based upon the 1933, 1943 and 1945 zoning ordinances and City directories, the property card, aerial photos, etc, there is substantial competent evidence to show an upstairs garage apt. existed before 1945 and in 1945 the information on Procedures for Hearing downstairs of the garage was legally converted to apt.

1) Staff appellant, applicant and registered opponent(s) may 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) 893-7448
This case initiated in 2012 when the City issued a stop work order for work being done in both garage apartments and the main house. The case was set before the Code Enforcement Board. All of the property was inspected by the Building Official Rick Dunn and Margie Nichols, Code Enforcement. The work was deemed to be to code except an after the fact permit needed to be obtained for a pipe in the main house which was moved without a permit. None of the work involved structural items, only cosmetic. The work has been completed per the permit.

The properties had been fully inspected prior to the City's initiation of the present property card interpretation. Where the City initiates a PCI, the ordinances do not require the inspection of the property nor creation of a site plan.

There is substantial competent evidence in the property card, zoning ordinances, affidavits of contractors, other evidence, that prior to 1945 an upstairs garage apartment was legally built and that in 1945 the downstairs of the garage was legally converted to an apartment, creating a legal two dwelling unit. Two dwelling units were permitted under the 1943 and 1945 zoning ordinances.

The City's records are incomplete and their absence cannot be used by the City to prove its case.

The subject property was platted as 3+ separate lots in 1925 by Jungle Terrace B, part of lot 9, lots 10, 11, 12. Each lot could have had a separate house. In August 1957 lots were replatted by Mr. Wilkerson, as Wilkerson Replat, Lot 2, Mr. Wilkerson lived on the property. The City can produce no records regards the replat or effect of replat on existing zoning on the property at the time of the replat or effect on existing units at the time of the replat. The street names changed after the replat.

Per the property card the two story residence and two story garage were built at 8126 26th Avenue North, but the property card has no record of when it was built. There is no entry for electrical work in the house or in the garage. A 1926 City aerial photo shows the two structures.

Per the property card in 1940 a two story cement garage, apparently a replacement for the earlier garage was built. There is no entry for electrical for upstairs in the garage, which must have had electricity. The upstairs of the garage may have been considered part of the principal house per the 1933 zoning code.

The 1933 Zoning ordinance in effect in 1940 allows as a general use a structure to be built at the rear of the principal structure to house domestic employees of the owners or tenants of the principal building. See Section 3(a)3 it is unlikely that servant quarters considered part of the house required a separate permit for a kitchen in the servant quarters. (See attachment 1)

The City has no zoning entries on the property card until 8/1959, when Mr. Wilkerson pulled a permit to replace the stairway to the upstairs garage apartment. THE PROPERTY CARD REFERS TO THE garage building as a separate address: 8170 27th Avenue North. The permit refers to "D-1". D-1 is a zone which appears in the 1955 Zoning ordinance which excludes garage apartments. Obviously the upstairs garage apartment was legally grandfathered in 1959. It is so obvious that Mr. Wilkerson would not have agreed to replat his property in 1957 to reduce the number of units already on the property.
The City cannot produce a complete property card. The City cannot produce 1933 City Zoning map incorporated into the 1933 zoning ordinance 773 A. City cannot produce District Map attached to and made a part of 1943 Zoning ordinance 973 A. City cannot produce District Map attached to and made a part of 2/1945 zoning ordinance 990 A. These maps are Ordinances and archival in nature which the City has a duty to maintain. Without them, the City cannot prove zoning for this property between 1926 to 1959. Even the 1959 property card entry is secondary to a zoning map.

Under the 2/21/45 zoning ordinance 990 A, garage apartments were a permitted accessory uses. See Article 1, Section 1 (A)(b). (b) a garage apartment shall be an accessory or subordinate building not a part of the principal building containing living facilities for not more than one family. So garage apartments are allowed as accessory uses in the A and B zones. Pre existing garage apartments are not cut off.

Properties zoned C or D are not allowed to have garage apartments, but can have guest houses, Article VI, Section 9c.

Properties zoned E allow two family dwellings, a building designed for or occupied exclusively by two families. (see attachment 2)

In 1945 the subject property was made up of three separate lots. There is nothing on the property card to indicate what zone the property is and there is no City zoning map.

Upstairs:
Per the property card - in 1940 a two story cement garage was built. The garage had upstairs rooms.
4/17/40 Permit #45018 George Andres builds 2 car cement block garage 24’x 22’.

Per the property card a bathroom was added upstairs. This is a shower not a bathtub. There is presently a shower located upstairs.
5-7-40 Permit #5862 1 bath.

Per the property card in 1959 the City permits replacing stairs to the upstairs garage apartment, admitting the upstairs unit is illegal and zoned properly.
#52766A-D1-8/13/59 S320 Owner Frank Wkerson Replace wood stairway w/ concrete (garage Apartment) Reeks Cement center, Inc., Contractor (8170 27th Avenue N.).

The upstairs unit uses an address of 8170 27th Avenue N

This 1959 entry states the address of 8170-27th Avenue for the garage building, different from that of the house built at 8126-27th Avenue North.

Downstairs:
Per the property card, in 1945, a servant quarters was added to the downstairs of the garage
Permit #53962-$500 1/19/45 Owner George Andres. “Servant quarters addition to existing 2 car garage one room and bath” This can’t be referring to the upstairs garage apartment, as it already was built with rooms in 1940.

Per the property card a range was added to the downstairs garage:
Permit #5533 George Andres (Conover – range 4c 5s 1b 3ws"
Per the property card a commode, lavatory, kitchen sink and bathtub were added to the downstairs of the garage.
3/1/45 George Andres J.D. Plunkett “C-L-S-B”. This is a commode, lavatory kitchen sink and bathtub. This is consistent with the existing downstairs which has a bathtub, while the upstairs has a shower.

The address for this Apartment is 8170 1/2 27th Avenue North. See City Directory.

City directory entries refer to the addresses of 8170 and 8170 1/2, indicating two units.

Per the property card, in 1965, Permit #674E was issued for the upstairs Apartment to add gas piping and gas range and dryer. A week later, per Permit 719E, gas was also added to the ground floor apartment.

The entry refers to an E zone, the entry after permit number. There is no E zone in the 1965 zoning ordinance. Perhaps this E reference is to the two family zoning in effect in 1943 and 1945.

Per the property card:
674E 7765 Robert Jackson. Modern Gas — 1 range, piping dryer (8170 27th Ave No.)
719E 7/15/65-R.P. Jackson Modern Gas - 1 inspection add to 674 E (8170 27th Ave No.)

The 1933 zoning ordinance 3a5 accessory buildings may be erected on the lot previous to the principal building, but in such case they shall be so placed as not to prevent the eventual conforming location of the principal building. (Attachment 1)

A. single detached house used as a residence permitted accessory use a) private garage c) boarders or roomers in their own living quarters
B. Same as A also permitted detached or semi detached house for two or more families Boarding and lodging houses
C. Any use allowed in B zone; boarding and lodging houses, apartment houses, hotels
(see Attachment 1)

January 26, 1943 ordinance 973A

 Dwelling two family: a building designed for or occupied exclusively by two families. Story, half a space under a sloping roof which has the line of intersection of roof decking and wall face — a half story containing independent apartment or living quarters shall be counted as a full story.

A-Farming and Country Home single family dwellings, churches, schools, parks, stables, mining
B-Outlying Residential District Regulations-groves, gardening, nurseries single family dwellings when approved by public works and the health dept
C. Single Family- single family dwellings, Accessory build ings incident to the above uses, not involved in the conduct of a business.
D. Single Family- anything allowed in C
E. Two Family Dwelling units- any use allowed in C; two family dwellings; rooming and boarding houses; (See attachment 3)
Accessory buildings including garage apartment (living quarters which are a part of a private garage. Two family dwelling unit shall be considered as one main building occupying one lot.

F. Multiple Dwelling Regulations

1945 ordinance 990-A

Section 1: Par 10 accessory building (a) subordinate building or a portion of the main building the use of which is incidental to that of the dominant use of the building or premises. (b) a garage apartment shall be an accessory or subordinate building, not a part of or attached to the principal building containing living facilities for not more than one family which living facilities shall not occupy more than 50% of the total floor area of said garage apartment.

Two family dwelling unit a building designed for or occupied exclusively by two families.

Garage apartment see accessory buildings.

A. Farming and County home district regulations

Farming, gardening, single family, guest house, churches, schools, accessory buildings and uses

B. outlying residential - groves, farms, gardening, parks churches, schools, home occupations, single family when permitted by director of building and health dept.

C. single family: single family, guest houses, churches, schools, accessory building other than garage apartments no garage apartment shall be constructed or used for dwelling purposes

D. single family- any use permitted in C single family. Accessory buildings including garage apartments.

E. two family dwelling district regulations. Any Use in C district; two family dwellings, accessory buildings and uses incident to any of the above uses when located on the same lot and not involving the conduct of a business.

F. Multiple dwelling district regulations Any use permitted in the E two family dwelling district, multiple dwellings, hospitals, hotels, accessory buildings

The 2/1/1945 ordinance allows garage apartments and two family dwelling units in zone E. See exhibit 2. See attachment 2.
Exhibit 5
Case #16-530000003
Additional Correspondence
Ms. Bamond/Mr. Cato,

Please see attached the PCI Reconsideration Request for 8170 27th Ave N
A hard copy will be mailed to you.

I am attaching the appeal form for your use,
Should you choose to appeal, this case will be heard at the October 5th DRC hearing, at 2PM

Regards,
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.
Ms. Bamond,

We do not send formal notice.
My attached email sent to you on August 11th stated that the appeal would be heard on October 5th.
Since you are not available, we will continue it to November 2nd.

Please be aware, as the appellant, you will be responsible for sending notice to the surrounding property owners prior to the hearing.
Pamela will contact you when the package is ready for pick-up.

Please let me know if you have any further questions.

Regards,
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.

---

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Friday, September 09, 2016 9:22 AM
To: Elizabeth Abernethy
Subject: Re: Representation of Charles Cato - DRC Case No. 16-53000003 - Appeal

Ms Abernethy:
Please this a request for continuance. We never received notice of the hering. Mr. Cato is unavailable on October 5th and I have other obligations.

VTY
Laura Bamond

On Tue, Sep 6, 2016 at 3:00 PM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

You can request a continuance to the November hearing if you have a conflict, which will be November 2nd
Thanks,

--Liz

---

From: Pamela Jones
Sent: Tuesday, September 06, 2016 2:58 PM
To: bamond128@gmail.com
Cc: Elizabeth Abernethy
Subject: FW: Representation of Charles Cato - DRC Case No. 16-53000003 - Appeal

Hi Liz,

Would you please respond to Attorney Bamond regarding the notice for the appeal for Mr. Cato.

Thank you,

Pamela Jones

Administrative Clerk

---

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Tuesday, September 06, 2016 1:58 PM
To: Pamela Jones <Pamela.Jones@stoete.org>
Subject: Re: Representation of Charles Cato - DRC Case No. 16-53000003 - Appeal

Ms. Jones: I can't find a notice of this hearing. Please give me a call.

The October 5th date is not convenient. Please give me some other dates.

Laura Bamond
Ms Jones where is our notice of hearing?

Laura Bamond

On Tue, Sep 6, 2016 at 1:44 PM, Pamela Jones <Pamela.Jones@stpete.org> wrote:

Good afternoon,

The packet is ready for pick-up for this appeal case scheduled for October 5, 2016. Your voicemail is full and unable to receive messages, so I am hoping this email will get through. I just called Mr. Cato, and he indicated that you would be taking care of this mailing for him. He was surprised that the hearing was on October 5th, and wanted to be sure this date will work for you.

The packet includes a letter and map which will need to be mailed by you by Monday, September 12th, and the certificate of mailing given back to me by the 13th. There is also a sign which will need to be posted on the property.

If you have any questions, please do not hesitate to contact either me or Liz Abernethy.

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
Ms Abernathy:
Please this a request for continuance. We never received notice of the hering. Mr. Cato is unavailable on October 5th and I have other obligations.

VTY
Laura Bamond

On Tue, Sep 6, 2016 at 3:00 PM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

You can request a continuance to the November hearing if you have a conflict, which will be November 2nd

Thanks,

--Liz

From: Pamela Jones
Sent: Tuesday, September 06, 2016 2:58 PM
To: bamond128@gmail.com
Cc: Elizabeth Abernethy
Subject: FW: Representation of Charles Cato - DRC Case No. 16-53000003 - Appeal

Hi Liz,

Would you please respond to Attorney Bamond regarding the notice for the appeal for Mr. Cato.

Thank you,

Pamela Jones

Administrative Clerk
The appeal letter I received from you referenced attachments.
I did not receive the attachments.

Please email a PDF or send a hard copy of the referenced attachments, whichever is most convenient, at your earliest convenience.

Sincerely,
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.

From: Elizabeth Abernethy
Sent: Tuesday, September 20, 2016 8:53 AM
To: Robert M Gerdes
Cc: 'Laura Bamond'; 'charlescato1@msn.com'
Subject: PCI Appeal 8170 27th Ave N

Rob,

The PCI appeal has been scheduled for the November 2nd DRC hearing.
Please let me know if you have any questions.

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.
Elizabeth Abernethy

From: Laura Bamond <bamond128@gmail.com>
Sent: Tuesday, September 20, 2016 9:35 AM
To: Elizabeth Abernethy
Subject: Re: PCI Appeal 8170 27th Ave N

Ms. Abernethy:
The attachments will be filed with the City Clerk tomorrow.
Code Enforcement has scheduled a hearing for October 26, 2016 for the removal of illegal units on the property per your property card interpretation.
It is premature to schedule a zoning violation for hearing where the property owner is involved in the City's quasi judicial procedure to determine the number of units that are grandfathered and eligible for reinstatement.
I have a call into Codes. You may want to communicate with them.
Laura Bamond

On Tue, Sep 20, 2016 at 8:55 AM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

The appeal letter I received from you referenced attachments.

I did not receive the attachments.

Please email a PDF or send a hard copy of the referenced attachments, whichever is most convenient, at your earliest convenience.

Sincerely,

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.
From: Elizabeth Abernethy  
Sent: Tuesday, September 20, 2016 8:53 AM  
To: Robert M Gerdes  
Cc: 'Laura Bamond'; 'charlescato1@msn.com'  
Subject: PCI Appeal 8170 27th Ave N

Rob, 

The PCI appeal has been scheduled for the November 2nd DRC hearing  

Please let me know if you have any questions.  

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.

Your Sunshine City
Ms. Jones: Mr. Cato went to Development Review Services on October 11th and 12th to pick up the packet to mail out. No one knew anything about the packet. He left his phone number and nobody called.
So we can't proceed on the November hearing date.
Please advise.
Laura Bamond
I will come in again Monday and pick up the package

---

On Oct 14, 2016, at 5:10 PM, Charles Cato <charlescato1@msn.com> wrote:

I went to the office at 4th and Central I was there Tuesday, Wednesday and Thursday. The people at the desk recognize me immediately and said they have nothing for me to pick-up.

---

Perhaps Mr. Cato went to the Clerk's office and not our office? The packet has been ready for pick-up at the zoning desk.

We can still proceed with the November 2nd hearing. Our code requires the appeals to be heard within 60-days, and therefore the hearing needs to proceed on November 2nd as scheduled.
We already delayed the hearing once at your request.

By code, the notice needs to be mailed 10-days prior to the meeting, which is October 21st. If you or your client do not come to pick up the package by this Friday at our office, we will perform the mailing on your behalf and invoice you for the cost.

Please advise if you want us to perform the mailing or if Mr. Cato will be coming to our office, located at One 4th Street North.

Also, you have not submitted the attachments referenced in your appeal letter. If you want the commissioner's to receive the attachments, you need to submit them to my office (located at One 4th Street North.) By October 21st, or you can bring hard copies to the hearing.

Please advise.

Regards,
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.

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Thursday, October 13, 2016 11:10 AM
To: Pamela Jones; Elizabeth Abernethy
Subject: Re: Case No. 16-53000003 - 8170 27th Avenue North - Packet ready for pick-up

Ms. Jones: Mr. Cato came to Development Review Services on October 11 and October 12 to try and pick up the packet to mail. No one knew anything about the packet. No one called him afterwards although he left his number. We can't proceed on the November hearing date.
Laura Bamond

On Tue, Oct 11, 2016 at 10:50 AM, Pamela Jones <Pamela.Jones@stpete.org> wrote:

That's perfect. Please make sure that he knows that the letters need to be mailed today.

Thank you,

Pamela Jones
Administrative Clerk

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Tuesday, October 11, 2016 10:45 AM
To: Pamela Jones <Pamela.Jones@stpete.org>
Subject: Re: Case No. 16-53000003 - 8170 27th Avenue North - Packet ready for pick-up
Ms. Jones: Mr. Cato went by the clerk's office to pick up the packet and they didn't know anything about it. I got your email today and he should be by today to pick up the packet. He'll drop off the attachments later.
Laura B

On Mon, Oct 3, 2016 at 11:12 AM, Pamela Jones <Pamela.Jones@stpete.org> wrote:

Good morning, Attorney Bamond,
The packet is ready for pick-up here in our office for the above-referenced case which is scheduled to be heard by the Development Review Commission on Wednesday, November 2nd. The packet includes instructions for notification, letter of notice of public hearing, parcel map identifying parcel, sign to be posted on property, labels for mailing, and certificate of mailing list. The mailing needs to take place by Tuesday, October 11th, and the certificate of mailing stamped by the post office needs to be returned to me by Wednesday, October 12th. The sign also needs to be posted by October 11th.

If you have any questions, please let me know.

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

Your Sunshine City
I was on my down for the 4th time to pick up this mailing as per my agreement with ms. Abernethy when I received this e-mail that you have violated an agreement with us again as you have several times in the past. You have failed on three previous occasions to have the materials available for my the pick up. I was there Tuesday, Wednesday and Thursday of last week to pick up the materials and can prove this. This mailing you just did is at your expense as I was not allowed to pick up the materials as was agreed upon. It seems you do not intend to keep any agreement made with us in an attempt to harm us with lies.

From: Pamela.Jones@stpete.org
To: charlescato1@msn.com; bamond128@gmail.com
CC: Elizabeth.Abernethy@stpete.org
Subject: Mailing done for Appeal - Case No. 16-53000003
Date: Mon, 17 Oct 2016 19:06:43 +0000

Good afternoon,
The mailing has been performed for the above-referenced case for notification of your hearing to take place on Wednesday, November 2, 2016. A copy of the notice has also been mailed to Mr. Cato.

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

Your Sunshine City
Elizabeth Abernethy

From: Charles Cato <charlescato1@msn.com>
Sent: Tuesday, October 18, 2016 1:33 PM
To: Elizabeth Abernethy; Pamela Jones; Laura Bamond
Subject: RE: Mailing done for Appeal - Case No. 16-53000003

Your e-mail to my lawyer said the 21st was the last day to mail the letters. Are you following the mayors policy of lying whenever you are wrong and to destroy the city records if they don’t support your position. You have stated I believe that the city clerk is at fault for losing or destroying the records that we sought they have stated you lost them. Interesting position, blame someone else or lie always. Either you are wrong today about the date or you were wrong then. Sorry for being somewhat blunt but we have 2 e-mails saying different things and either way you could have given me these on the 3 days I came down to pick them up last week. As I stated before this is on you and your expense.

From: Elizabeth.Abernethy@stpete.org
To: charlescato1@msn.com; Pamela.Jones@stpete.org; bamond128@gmail.com
Subject: RE: Mailing done for Appeal - Case No. 16-53000003
Date: Tue, 18 Oct 2016 12:31:03 +0000

Mr. Cato,

Yesterday was the deadline for the mailing, and because you did not arrive by mid-afternoon to pick-up the package, and code requires us to take the appeal to hearing within 60-days, we completed the required notice on your behalf, so that this case can move forward as scheduled on November 2nd at 2PM.

I will talk to the team to better understand why there was confusion regarding handing the notice package to you at our zoning counter.

I will be forwarding the staff report to you by next Wednesday.
Please let me know if you have any further questions about the process.

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.

From: Charles Cato [mailto:charlescato1@msn.com]
Sent: Tuesday, October 18, 2016 8:12 AM
To: Pamela Jones; Laura Bamond
Cc: Elizabeth Abernethy
Subject: RE: Mailing done for Appeal - Case No. 16-53000003
I was on my down for the 4th time to pick up this mailing as per my agreement with ms. Abernethey when I received this e-mail that you have violated an agreement with us again as you have several times in the past. You have failed on three previous occasions to have the materials available for my the pick up. I was there Tuesday, Wednesday and Thursday of last week to pick up the materials and can prove this. This mailing you just did is at your expense as I was not allowed to pick up the materials as was agreed upon. It seems you do not intend to keep any agreement made with us in an attempt to harm us with lies.

From: Pamela.Jones@stpete.org
To: charlescato1@msn.com; bamond128@gmail.com
CC: Elizabeth.Abernethy@stpete.org
Subject: Mailing done for Appeal - Case No. 16-53000003
Date: Mon, 17 Oct 2016 19:06:43 +0000

Good afternoon,
The mailing has been performed for the above-referenced case for notification of your hearing to take place on Wednesday, November 2, 2016. A copy of the notice has also been mailed to Mr. Cato.

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

Your Sunshine City
CITY OF ST. PETERSBURG, FLORIDA
IN THE DEVELOPMENT REVIEW COMMISSION

CHARLIES CATO, as Manager of Comstock Entertainment, LLC c/o Charles Cato

Appellant  Case No. 16-53000003
vs.

POD, ZONING OFFICIAL
Appellant

PLAINTIFF'S MOTION FOR CONTINUANCE
OF APPEAL OF ZONING OFFICIALS' PROPERTY CARD INTERPRETATION AND
DENIAL OF RECONSIDERATION

Appellant, Comstock Entertainment, LLC by and through Charles Cato, Manager, files this motion for continuance of hearing on the Appeal of the Zoning Official’s Property Card Interpretation and Denial on Reconsideration and alleges the following:

1. This continuance is sought so that justice may be done, and not for purposes of delay. The Appellant is being denied substantive due process, as the Zoning Official (POD) has made its decision on the zoning history of the subject property without providing Appellant notice in the form of the zoning maps, which are ordinances, and the sole evidence of the zoning history, of when the subject units were built. The hearing cannot proceed until the City records are produced.

2. THE CITY CANNOT PRODUCE THE 1933, 1943, OR 1945 ZONING MAPS OR ANY MEMORANDUMS OR RESOLUTIONS ACCOMPANYING THE CITY'S AUGUST 1957 REPLAT OF THE SUBJECT PROPERTY FROM THREE PLUS LOTS TO ONE LOT.

3. This continuance is sought as the Appellant has been denied procedural due process because the City has set this hearing without notice of hearing to the Appellant Property Owner as required by the Constitution and City Ordinance. Not only did the City refuse to send Notice of Hearing to Appellant, it refused to provide the Appellant with the notice to be mailed to the surrounding neighbors, even though the Appellant made three (3) trips to the Zoning Offices at One Fourth Street North to pick up the notices. The City mailed the notices to the neighbors.

4. This continuance is sought because the Zoning Official’s opinion rests in part upon the statement that the subject property was zoned D-1 as of 2/21/45 and the D-1 zoning prohibits garage apartments. Therefore, the Zoning Official concludes “at no time after 2/21/1945 was it legal under the zoning regulations to add a second garage apartment to the property.” The City has no evidence the subject property was zoned D-1 in 1945. The 2/21/45 ordinance which the City has produced contains no D-1 zoning.
WHEREFORE, Appellant, Comstock Entertainment, LLC by and through Charles Cato, Management requests the Development Review Commission to grant this Motion for Continuance of the hearing on the appeal of the Zoning Official’s Property Card Interpretation and Denial of Reconsideration, and to continue this case until the City’s Zoning Maps are provided and to grant such other and further relief that may be awarded at law or in equity.

I certify that a copy of this document was faxed to the City Attorney’s Office on November 2, 2015 at fax number 892-5262 and emailed on November 2, 2016 to Pamela Jones, Clerk of the DRC at Pamela.Jones@stpete.org and emailed to Elizabeth Abernathy, Zoning Official at: Elizabeth.Abernathy@stpete.org and hand delivered to Charles Cato, as Manager of Comstock Entertainment, LLC, on November 2, 2016.

[Signature]
LAURA BAMOND
Attorney for Appellant
Florida Bar Number: 0242411
3510 First Avenue North, Ste. 128
St. Petersburg, Florida 33713
Telephone: (727) 328-2405
Fax: (727) 328-2479
E-Mail: hamond178@gmail.com
CITY OF ST. PETERSBURG, FLORIDA
IN THE DEVELOPMENT REVIEW COMMISSION

CHARLIES CATO, as Manager of Comstock Entertainment, LLC c/o Charles Cato

Appellant  Case No. 16-5300003

vs.

POD, ZONING OFFICIAL
Appellant

NOTICE OF HEARING

To each party and to the attorney of record for each party in this action:

NOTICE IS GIVEN that a hearing has been requested for 11/2/2016, at 2:00 P.M. At that time, or as soon after that time as the docket permits, the following matter will be heard by the Development Review Committee: Appellants’ Motion for Continuance

NOTICE TO PERSONS WITH DISABILITIES:

I certify that a copy of this document was faxed to the City Attorney’s Office on November 2, 2015 at fax number 892-5262 and emailed on November 2, 2016 to Pamela Jones, Clerk of the DRC at Pamela.Jones@stpete.org; and emailed to Elizabeth Abernathy, Zoning Official at: Elizabeth.Abernathy@stpete.org and hand delivered to Charles Cato, as Manager of Comstock Entertainment, LLC, on November 2, 2016.

[Signature]
LAURA BAMOND
Attorney for Appellant
Florida Bar Number: 0242411
3510 First Avenue North, Ste. 128
St. Petersburg, Florida 33713
Telephone: (727) 328-2405
Fax: (727) 328-2479
E-Mail: bmond128@gmail.com
Elizabeth Abernethy

From: Laura Bamond <bamond128@gmail.com>
Sent: Wednesday, November 02, 2016 4:18 PM
To: Elizabeth Abernethy
Subject: Re: 8170 27th Avenue North

Ms. Abernethy: Please contact Assistant city Attorney Deems before responding to this email. Since I do not have his email address, I cannot respond to him directly via email.

Since the City chose to send out the mailings and not allow Mr. Cato to pick them up and mail them, he has no knowledge of to whom the City sent the notices. After consulting with Mr. Deems and obtaining his approval, please be so kind as to provide the list including names and mailing addresses to whom the City has provided these notices and copies of any correspondence, photos, and the like the City has received in response to these notos.

The photos attached to your emails cannot be opened by this computer. Please scan them and forward them, again only if approved by Mr. Deams.

Laura Bamond
fax copy to Mr. Deams

On Wed, Nov 2, 2016 at 12:51 PM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Emails received from adjacent neighbors today for your records

Thanks,

--Liz

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Wednesday, November 02, 2016 11:16 AM
To: Pamela Jones; Elizabeth Abernethy
Subject: 8170 27th Avenue North

Please see attached motion for continuance

Your Sunshine City
October 31, 2016

City Clerk’s Office
175- 5th Street North
St. Petersburg, FL 33701
chandrahasa.srinivasa@stpete.org

Fax: 892-5102

Elizabeth Abernathy,
Zoning Official
401-1st Street North
St. Petersburg, FL
Elizabeth.Abernathy@stpete.org
727-892-5557

City Legal 892-5262
City Legal Fax: 892-5262

Fax: 892-5102 and US Mail
727-892-5557
Elizabeth.Abernathy@stpete.org

Dear City Clerk:
Zoning Official

Please consider this a records request under Chapter 119.07 Florida Statutes.

Please produce by tomorrow at 1:00 p.m. at your offices in paper format copies under seal of the City Clerk or his Deputy, as custodian of the official files and records of the City Council a true and correct copy of the ordinances listed below and if you have them, the original or copy of the zoning maps listed below:

1. a copy of ordinance 773-A passed on July 31. 1933 (aka as the 1933 Zoning Ordinance)
2. a copy of zoning ordinance 973-A passed on January 26, 1943 (also known as the 1943 Zoning Ordinance)

3. a copy of ordinance 990-A adopted February 21st 1945 aka as the 1945 zoning ordinance.

4. a copy of the D-1 zoning ordinance including its legislative history, when first adopted and revisions.

5. A copy of the zoning ordinance in effect in 1959 (believed to be the 1955 zoning ordinance)

6. a copy of the zoning ordinance in effect in 1965 (believed to the 1955 zoning ordinance with revisions)

7. If they can be found: produce copies of minute, resolutions, supporting documentation concerning the City Council's acceptance in August 1957 of the Wilkerson Replat, Plat Book 42, page 4

8. If they can be found, produce:

   a. The Building Zone Map of the City of St. Petersburg, dated July 31, 1933 incorporated into the 1933 zoning ordinance 773-A by section 1(b) of said ordinance

   b. a copy of the “District map” incorporated into the 1943 zoning ordinance 973-A by Article III Section 2 thereof.

   c. a copy of the “District map” incorporated into the 1945 zoning ordinance 990-A by Article Article III Section II.

A check for $50.00 will be delivered to your offices.

Yours truly,

[Signature]

Laura Bamond
Elizabeth Abernethy

FVI
I have received several calls and the attached two emails regarding your case.

Please let me know if you have any questions about the hearing
An updated agenda is attached.

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.
Ms. Abernethy: Please contact Assistant city Attorney Deems before responding to this email. Since I do not have his email address, I cannot respond to him directly via email.

Since the City chose to send out the mailings and not allow Mr. Cato to pick them up and mail them, he has no knowledge of to whom the City sent the notices. After consulting with Mr. Deems and obtaining his approval, please be so kind as to provide the list including names and mailing addresses to whom the City has provided these notices and copies of any correspondence, photos, and the like the City has received in response to these notos. The photos attached to your emails cannot be opened by this computer. Please scan them and forward them, again only if approved by Mr. Deams.
Laura Bamond
fax copy to Mr. Deams

On Wed, Nov 2, 2016 at 12:51 PM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Emails received from adjacent neighbors today for your records

Thanks,

--Liz

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Wednesday, November 02, 2016 11:16 AM
To: Pamela Jones; Elizabeth Abernethy
Subject: 8170 27th Avenue North

Please see attached motion for continuance

Your Sunshine City
Ms. Bamond,

As requested,

Per confirmation with Mr. Dema,
Please see attached the letter that was mailed to your client and the surrounding neighbors, the certificate of mailing list, and PDF of the emails I received from to date.
We will also be preparing a separate Notice of Public Hearing that will be transmitted to both you and your client confirming that the case will be heard at the December 7th DRC hearing, which starts at 2 PM

Regards,
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.

From: Laura Bamond [mailto:bamond128@gmail.com]
Sent: Wednesday, November 02, 2016 4:18 PM
To: Elizabeth Abernethy
Subject: Re: 8170 27th Avenue North

Ms. Abernethy: Please contact Assistant city Attorney Deems before responding to this email. Since I do not have his email address, I cannot respond to him directly via email.

Since the City chose to send out the mailings and not allow Mr. Cato to pick them up and mail them, he has no knowledge of to whom the City sent the notices. After consulting with Mr. Deems and obtaining his approval, I please be so kind as to provide the list including names and mailing addresses to whom the City has provided these notices and copies of any correspondence, photos, and the like the City has received in response to these notos. The photos attached to your emails cannot be opened by this computer. Please scan them and forward them, again only if approved by Mr. Deams.
Laura Bamond
fax copy to Mr. Deams
November 7, 2016

Transmitted Via Certified Mail To:

Comstock Entertainment, LLC
8285 30th Avenue North
Saint Petersburg, Florida 33710-2256

Laura Bardon, Esq.
3510 1st Avenue North #125
Saint Petersburg, Florida 33713

Pursuant to City Code Section 16.70.010.6.H.1., this letter serves as written notice that the Appeal Public Hearing for the property located at 8170 27th Avenue North has been scheduled to be heard by the Development Review Commission on Wednesday, December 7, 2016, at 2:00 p.m. The Public Hearing will occur at City Hall, Council Chamber, 175 5th Street North, St. Petersburg, Florida.

REQUEST: Appeal of a Property Card Interpretation (PCI), which found that two (2) units were legally constructed.

The application is on file in the Development Review Services Division, Municipal Service Center (1st Floor), One 4th Street North, St. Petersburg, Florida.

For more information you may contact the Elizabeth Abernethy, AICP, Zoning Official, by phone at (727) 892-5344 or via email at Elizabeth.Abernethy@StPete.org. Written correspondence can be mailed to: Development Review Services, City of St. Petersburg, P.O. Box 2842, St. Petersburg, FL 33731.

The Staff Report and Meeting Agenda will be available one week prior to the scheduled hearing. Those with internet access may use the following link:
http://www.stpete.org/boards_and_committees/agendas.php

It is considered as improper for an applicant or objector to discuss a case prior to the hearing with any Development Review Commission Member. Please direct your remarks to the Staff of the Development Review Services in writing and those documents will be presented to the Commission.
The City of St. Petersburg has a listing of employees who may be capable of assisting those individuals with a hearing impairment or unfamiliarity with the English language. While the City cannot guarantee the availability of these services should they be requested, please contact the City Clerk's office at (727) 893-7447 should you be interested in finding out more about hearing impairment and/or language services.

Further, in accordance with Florida Statutes, Chapter 80-150, if a person decides to appeal any decision made by a governmental board, commission or agency, he will need a record of the proceedings. It is up to the potentially adversely affected citizen to ensure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is to be based. Any persons who may need such a record may arrange for a court reporter to attend the public hearing.

Joseph Griner, Chairman
Development Review Commission

QUASI-JUDICIAL PROCEEDINGS: OVERVIEW

All proceedings of the Development Review Commission are Quasi-Judicial and require that certain specific procedures be followed by the staff, applicants, and the public. Under the Quasi-Judicial process the Commission acts in the role of a "judge" and therefore, is required to follow certain procedures and base their decision on factual evidence. In general, the Quasi-Judicial procedures involve the following:

1) Persons opposed to the application may register as an opponent in advance of the meeting. Such persons shall notify the Clerk of the Commission of their intent to register as an opponent no less than one (1) week before the commencement of the public hearing.

2) The swearing in of witnesses will be done en-masse at the beginning of this meeting. Anyone who wishes to speak on any item must be sworn-in prior to testifying.

3) Staff, applicants, and, if applicable, the registered opponent, who registered in advance per Item #1 in this Overview, or appellant will have a total of ten (10) minutes each to present their case.

4) At the conclusion of the presentations, the public hearing will begin and the public will have three minutes to speak. If you wish to speak please fill out a card and submit this to the Clerk. When called on to speak please come to the podium and state your name and address. We ask that your remarks be brief and not repetitious of prior testimony and provide factual information. Once the Commission Chair closes the public hearing no one from the public may speak.

5) If anyone wishes to utilize the time provided for cross-examination and rebuttal as a registered opponent, and no one has previously registered as an opponent per Item #1 in this Overview, said individual shall notify the Commission Chair prior to the conclusion of the public hearing. Persons opposed to the application may select one person to represent them during this phase of the process and shall declare their intent prior to the close of the public hearing. If more than one person wishes to be the registered opponent representative then the Commission will choose a single representative to participate in the process.

6) The cross-examination and rebuttal phases allow each participant (staff, applicant, and registered opponent appellant) five minutes each to ask questions of each other. All questions shall be directed to the Chair, who will direct the question to the appropriate person.

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.

If you wish to have a more detailed description of the Quasi-Judicial procedure please contact the Development Review Services Division at (727) 893-7471 or visit us at the Municipal Services Center (first floor) located at One 4th Street North.

Case No. 16-530000003
Exhibit 6

Case #16-53000003

Ordinance 990-A, adopted 02/21/45

Pages 1-2
ORDINANCE NO. 990-A

An Ordinance repealing Ordinance No. 975-A, of the City of St. Petersburg, known as the Zoning Ordinance, passed and approved on the 26th day of January, 1943, and all amendments thereto, and enacting in lieu thereof a new ordinance to promote the health, safety, morals and general welfare of the inhabitants of the City of St. Petersburg, Florida; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to regulate and restrict the location and use of buildings, structures and land, for trade, industry, residence or other purposes; to regulate and restrict the erection, construction, reconstruction, or alteration of buildings; to regulate and restrict the height, number of stories, and size of all buildings and structures, and the size of all yards and other open spaces surrounding buildings; to regulate and restrict the density of population, and for all said purposes to divide the City into districts; to prescribe penalties for the violations of its provisions; to provide for changes and amendments; to provide for its enforcement; to provide for a Board of Adjustment and to prescribe their powers and duties, and repealing all other Ordinances or parts of Ordinances in conflict herewith, except Ordinance No. 981-A.

WHEREAS, the City Planning Board of the City of St. Petersburg has caused a thorough study to be made of growth trends and existing development within the City; and

WHEREAS, the study shows that there is need for certain revisions in the present zoning regulations and for changing the location of some of the boundaries of the present districts in order to more adequately protect existing development and more properly provide for the future requirements of industry, commerce and the various classes of residence,

NOW THEREFORE,

THE CITY OF ST. PETERSBURG DOES ORDAIN:
ARTICLE I.

SECTION 1. This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" to the same effect.

ARTICLE II.

SECTION 1. For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises" and the word "shall" is mandatory and not directory; said definitions being as follows:

1. Accessory Buildings: (A) A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises.

(B) A garage apartment shall be an accessory or subordinate building, not a part of or attached to the principal building, containing living facilities for not more than one family, which living facilities shall not occupy more than fifty per cent (50%) of the total floor area of said garage apartment.

2. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

3. Apartment House: See Dwelling, multiple.

4. Basement: A story having part but not more than one-half (½) its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

5. Boarding House: A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.


7. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or
Exhibit 7

Case #16-530000003

1955 Zoning Atlas Map Pages
ORDINANCE NO. 29-C

AN ORDINANCE ADOPTING AN OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, SUPERSEDED THE ZONING MAP HEREUPON ADOPTED IN CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 990-A.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That certain set of maps designated on the title page as -

"ZONING MAP AND HOUSE NUMBER RECORD,
CITY OF ST. PETERSBURG, FLORIDA,
1952",

now on deposit in the office of the Clerk of the City Council, and further identified by the signature of the Clerk of the City Council, be and the same is hereby adopted as the official Zoning Map of the City of St. Petersburg.

SECTION 2. The map adopted by this ordinance shall supersede the map adopted in connection with Ordinance No. 990-A, and is adopted to clarify and correct said original map and to accurately portray all amendments to said map made prior to September 1, 1952.

SECTION 3. The map adopted hereby accurately portrays the zoning of all properties in the City of St. Petersburg on September 1, 1952, and all amendments made after said date shall be portrayed therein in such a manner as to show the zoning as of September 1, 1952, and the current zoning anytime thereafter.

Passed on its first reading on the 21st day of October, A. D. 1952.
Passed on its second reading on the 18th day of November, A. D. 1952.
Passed on its third and final reading on the 18th day of November, A. D. 1952.

APPROVED: (Signed) Samuel A. Johnson
Mayor-Councilman
Chairman of the City Council

(Seal)

ATTN: (Signed) Jannie Cook
Clerk of the City Council
Title Published: Times 1-t 10-27-52
Synopsis Published: Times 1-t 11-24-52
ALL LOTS ZONED EXCEPT AS NOTED.
Exhibit 8

Case #16-53000003

Article IX – “D-1” Single Family Dwelling District Regulations,

Zoning Ordinance,

Chapter 47, 1955
ZONING ORDINANCE

CHAPTER 47

REVISED ORDINANCES

OF

CITY OF ST. PETERSBURG

1955

April, 1959

Including Ord. 63-D
Sec. 36. HEIGHT REGULATIONS.

The height regulations are the same as those in the “C” Single-Family Dwelling District. (Code 1946, ch. 41, § 32.)

Sec. 37. AREA REGULATIONS.

(1) Front yard. (a) There shall be a front yard having a depth of not less than twenty-five feet, unless forty per cent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty feet. (b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(2) Side yard. (a) Except as hereinafter provided in subdivision (b) of this paragraph and in article XXV of this chapter, there shall be a side yard on each side of a building having a width of not less than six feet or ten per cent of the average width of the lot, whichever amount is larger, but the side yard need not exceed twelve feet. (b) The side yard on each side of a building on a lot having a width of twenty-five feet or less, where the plat of the lot has been duly recorded at the time of the passage of this chapter in the office of the clerk of the circuit court of Pinellas County, shall have a width of not less than three feet. (c) Where a lot is located at the intersection of two or more streets, the street side yard shall be twenty per cent of the width of the lot but not less than twelve feet, whichever is the greater, but the side yard shall not be required to be greater in depth than the front yard, and the buildable width of such lot shall not be reduced to less than thirty feet.

(3) Rear yard. Except as hereinafter provided in article XXV of this chapter, there shall be a rear yard having a depth of not less than thirty feet or twenty per cent of the depth of the lot, whichever amount is larger but it need not exceed forty feet.

(4) Intensity of use. Every lot shall have an area of not less than seven thousand five hundred square feet, except that if a lot has less area than herein required, and was of record at the time of the passage of this amendment, that lot may be used for a single-family dwelling and accessory buildings. (Code 1946, ch. 41, § 33; 1950 Supp., ch. 41, § 33.)

Article IX. “D-1” Single Family Dwelling District Regulations.

Sec. 38. DESIGNATION.

Regulations set forth in this article, or set forth elsewhere in this chapter when referred to in this article, are the district regulations in the “D-1” Single-Family Dwelling District. (Ord. 7-C, § 1.)

Sec. 39. USE REGULATIONS.

The use regulations are the same as those in the “D” Single-Family Dwelling District, except that garage apartments are expressly prohibited in this district. (Ord. 7-C, § 1.)

Sec. 40. HEIGHT REGULATIONS.

The height regulations are the same as those in “D” Single-Family Dwelling District. (Ord. 7-C, § 1.)

Sec. 41. AREA REGULATIONS.

The area regulations are the same as those in “D” Single-Family Dwelling District. (Ord. 7-C, § 1.)

Article X. “E” Two-Family Dwelling District Regulations.

Sec. 42. DESIGNATION.

The regulations set forth in this article, or set forth elsewhere in this chapter when referred to in this article, are the district regulations in the “E” Two-Family Dwelling District. (Code 1946, ch. 41, § 34.)

Sec. 43. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

(1) Any use permitted in the “C” Single-Family Dwelling District.

(2) Two-family dwellings.

(3) Rooming houses and boardinghouses.

(4) Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business. (Code 1946, ch. 41, § 35.)

Sec. 44. HEIGHT REGULATIONS.

The height regulations are the same as those in the “C” Single-Family Dwelling District. (Code 1946, ch. 41, § 36.)

Sec. 45. AREA REGULATIONS

(1) Front yard. The front yard regulations are the same as those in the “D” Single-Family Dwelling District.

(2) Side yard. (a) The side yard regulations are the same as those in the “D” Single-Family Dwelling District. (b) A two-family dwelling shall be considered as one main building occupying one lot.

(3) Rear yard. The rear yard regulations are the same as those in the “D” Single-Family Dwelling District.
Exhibit 9
Case #16-530000003
Email correspondence from surrounding property owners
We received a letter about a public hearing for the property at 8170 27th Ave. N. St Petersburg scheduled for 11/2/16. We are neighbors and would like to receive additional information about the subject of this hearing.

Thomas H. and Barbara J. Robertson
8087 27th Ave. N.
Hi Liz, as per our conversation on the phone I wanted to follow up in writing my strong opposition to the property located on 8170 27th Ave N being annexed for three separate living dwellings. The owner uses the property totally a rental income situation with no regard to maintaining the property to any standard that bring value to our neighborhood. What I mean by that is the place is a total mess 100% of the time, and it doesn't help having multiple families living there with no responsibility to maintain the appearance of the property. Please consider that it would in the best interest of the neighborhood and property values not to have a multi-rental dwelling in this single family neighborhood.

Thank you,

Donald Barnes

8101 27th Ave N
Dear Elizabeth,

Thank you for speaking with me a last week.
I decided to look at the property owned by Comstock Entertainment, LLC on 27th Ave N. and I want to express my concerns.
This is a nice old neighborhood and most people try to keep their property looking good. This is not the case with the property in question. The yard is overgrown and it doesn't look like it's been tended to in years.
There are no side walks where the property is located and the avenue bends as it approaches Park Street. I think adding another rental unit with more vehicles will create parking issues
This neighborhood consists of single family homes and I think that rezoning will set a precedent that will lead to a change in the character of the area.

Thank you
Carol Cuddyer
Patricia Moore
CaptCsail@aol.com
Good day
I am Robert Albanese, I live at 8068 27 Avenue North, St. Pete 33710-2865
Regarding the house in question (8170 27th Avenue North) which is being converted into apartments.
I am completely against the conversion. The neighborhood has been barely tolerable for years, there are too many
rentals on the block already this conversion will just degrade the area even more. Things need to be done to improve
the area and up-grade the neighborhood.
My vote is NO DEFINITELY NOT TO BE CONVERTED, EVER.

Regards
Bob
As residents of 27th Ave N. since 1979, we are well versed in the neighborhood. The property in question has always had a living unit main house and 1 apt over rear garage. Rear garage housed antique cars for many years. A single story garage was added in front with a driveway through the court yard to the rear garage. A massive octagon 2 story addition was added several years ago to the main house. Property now appears to have multiple living areas which we are against. It even appears that the main house may have been also split into more than a single family unit. Having conversed with our neighbors, some of them here as long as us, and all agree with these statements and are equally against a multiple unit property in our neighborhood.

Patricia and Terry Dinninger
8075 27th Ave N
St. Petersburg, Fl.33710
I am unable to attend the meeting today for the Appeal of PCI on the 2 units at 8170 27th Ave. N. but want to make my opinion known.
I own the home at 8080 27th Ave. N., and I do not want the beautiful home at 8170 27th Ave. N. to be divided up into apartments. So I guess I am in support of the appeal challenging whether the two units at that location were legally constructed.
I do not want more cars at that busy, dangerous intersection, and I do not want an apartment building on my quiet street.
Thanks,
Julie Latimer
727-347-1031
My husband had a visit from the owner of the above address today. Several neighbors have received phone calls. He is quite persistent and not happy to say the least.

On Nov 2, 2016 11:33 AM, “Elizabeth Abernethy” <Elizabeth.Abernethy@stpete.org> wrote:

Thank you for your email

I will distribute this to the DRC

I just received a Motion to Continue from the appellant’s attorney, so this may be delayed to December 7th

I am awaiting review of this motion from our City attorney.

Regards,

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.
Good morning
Re the house in question, was the owner supposed to contact each or us and try to persuade us to be on his side of this?
He contacted me at my work # (in my signature of my e-mail), and my neighbors Terry/Patty and Julie. He wasn’t rude but very insistent that the 3 dwelling we always occupied which we know to be untrue.
Bob

Thank you for your email
I will distribute this to the DRC at the hearing today

See attached for the staff report

You can see the hearing on government access TV or on your computer Scroll to the bottom of this page and click on the TV icon


hearing starts at 2, and I anticipate that this case will be heard about 2:30

Regards,
Elizabeth Abernethy, AICP
Zoning Official, Development Review Services Manager
Planning & Economic Development Department
City of St. Petersburg
As I mentioned earlier, I have been at that address since 1982 or 83 (I don’t exactly remember), Terry and Patty were living there already and had been for a while, Julie came sometime after that, but still a long time ago. We have history there.

No, we did not direct him to contact the neighbors.

Thanks,
--Liz

Good morning
Re the house in question, was the owner supposed to contact each or us and try to persuade us to be on his side of this?
He contacted me at my work # (in my signature of my e-mail), and my neighbors Terry/Patty and Julie. He wasn’t rude but very insistent that the 3 dwelling we always occupied which we know to be untrue.
Bob
I received a call yesterday afternoon from Charles Cato, the owner of the company that is developing this property. He told me the property had contained two separate apartments for 40 years, and that the main house will not be apartments.

I leave it up to the city to sort out whether that description of the project is accurate and legal. I found the call very intimidating and I no longer wish to be involved in this matter.

Thanks,
Julie Latimer

On Wed, Nov 2, 2016 at 11:33 AM, Elizabeth Abernethy <elizabeth.abernethy@stpete.org> wrote:

Thank you for your email

I will distribute this to the DRC

I just received a Motion to Continue from the appellant’s attorney, so this may be delayed to December 7th.

I am awaiting review of this motion from our City attorney.

Regards,

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.
FYI-Workers just finished painting over the stuccoed windows and were packing up to leave as my husband drove by just now!
Elizabeth Abernethy

From: Robertson, Thomas <trobertson@bsu.edu>
Sent: Monday, November 07, 2016 2:15 PM
To: Elizabeth Abernethy
Subject: Property at 8170 27th Avenue N.

RE: Application to Classify Property at 8170 27th Ave. N., St. Petersburg, FL as Having Three Residential Units

My wife and I and my sister-in-law, Elizabeth B. Fenno, own the property at 8087 27th Ave. N., St. Petersburg, FL. My wife and her sister grew up on this property, which was purchased by their father in the middle 1950s. While the daughters moved away after college, their father lived in the house until his death in 2007. My wife and I moved into the house after our retirement in July 2014 and are currently living there.

We are hereby requesting that the application to have the property at 8170 27th Ave. N. listed as a three-residence property be denied. After careful review of the documentation provided, we agree with the zoning board that there are not three legally constructed residences on the property. We also believe that the intended use of the property is inconsistent with current zoning in this neighborhood.

The property at 8170 27th Ave. N. was occupied by the owners until 2012. The current owner also owns four other properties (two duplexes) and it appears that this property is being developed for similar business use. However, there are significant differences between the other properties and this property. The other properties are zoned for duplex use while this property is zoned for single family use. The other four properties all consist of living units of 1000-2000 sq. ft. each which is suitable for single family occupancy. Each of the levels in the garage intended for use as a separate apartment is only 526 sq. ft. and is not suitable for family occupancy. The main house on this property consists of almost 4400 sq. ft. of living space. It is unclear how this expansive home will co-exist on the same lot as two small apartments to be occupied by different unrelated tenants. The intended use of this property is not consistent with the single family zoning currently in use in this neighborhood.

Thomas H. Robertson
Barbara J. Robertson
Elizabeth B. Fenno
8087 27th Ave. N.
Exhibit 9

Case #16-530000003

Public notice letter and list
October 17, 2016

Dear Neighbor or Participating Organization:

This letter is to advise you that a Public Hearing for the property located at 8170 27th Avenue North has been scheduled to be heard by the Development Review Commission on Wednesday, November 2, 2016, at 2:00 p.m. The Public Hearing will occur at City Hall, Council Chamber, 175 5th Street North, St. Petersburg, Florida.

REQUEST: Appeal of a Property Card Interpretation (PCI), which found that two (2) units were legally constructed.

Records indicate you own property within 200 feet of the land in question or you may have an interest in the land in question. The site plan and application are on file in the Development Review Services Division, Municipal Service Center (1st Floor), One 4th Street North, St. Petersburg, Florida.

We urge interested persons to contact the case planner or the Agent before the scheduled hearing date for more information. You may contact the case planner, Elizabeth Abernethy by phone at (727) 892-5344 or via email at Elizabeth.Abernethy@StPete.org. Written correspondence can be mailed to: Development Review Services, City of St. Petersburg, PO Box 2842, St. Petersburg, FL 33731.

The Staff Report and Meeting Agenda will be available one week prior to the scheduled hearing. Those with internet access may use the following link: http://www.stpete.org/boards_and_committees/agendas.php

APPLICANT: Comstock Entertainment, LLC
8285 30th Avenue North
Saint Petersburg, Florida 33710-2256

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

Phone: 727-328-2405
Email: bamond128@gmail.com

It is considered as improper for an applicant or objector to discuss a case prior to the hearing with any Development Review Commission Member. Please direct your remarks to the Staff of the Development Review Services in writing and those documents will be presented to the Commission.
City of St. Petersburg, Florida
Development Review Services
Case No.: 16-53000003
Address: 8170 27th Avenue North

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