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 March 1, 2017, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 17-33000002
PLAT SHEET: L-3

REQUEST: Approval of a vacation of a portion of 7th Avenue South between 40th Street South and 42nd Street South and a portion of right-of-way at the intersection of 42nd Street South and an east/west alley between Fairfield Avenue South and 7th Avenue South.

OWNER: City Wide Self Storage, LLC
2091 Oceanview Drive
Tierra Verde, Florida 33715

AGENT: Gary L. Burnside
PO Box 8401
Seminole, Florida 33775

ADDRESSES AND PARCEL ID NOS.: 690 42nd Street South; 22-31-16-26921-001-0010
661 40th Street South; 22-31-16-69624-000-0010

LEGAL DESCRIPTION: On File

ZONING: Industrial Traditional (IT)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a portion of 7th Avenue South between 40th Street South and 42nd Street South and a portion of a turnaround right-of-way at the intersection of 42nd Street South and an east/west alley between Fairfield Avenue South and 7th Avenue South.
The right-of-way of 7th Avenue South immediately to the west of this request was previously vacated.

The area of the rights-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal Description (Attachment "C"). The applicant's goal is to consolidate the property for redevelopment. The proposed use is for both indoor and outdoor storage.

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 City Departments and outside utility providers. Bright House, WOW and Duke Energy indicated that they have facilities in the rights-of-way to be vacated. An associated special condition of approval has been added 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 vacation of the east west portion of 7th Avenue South will not have any effect on access to any lot of record. The applicant's lots to the north can be accessed from both 40th Street South and 42nd Street South and from Fairfield Avenue South which is on the northern boundary of the subject property. The property immediately south of 7th Avenue is owned by the City of St. Petersburg and can be accessed from both 40th Street South and 42nd Street South on the east and west and from the Pinellas Trail which is immediately south of the City's property.

   The western portion of the applicant's property was replatted in 1974 and at that time the turnaround to be vacated was dedicated. The vacation of the turnaround will not affect access to any lot of record, and its presumed use is no longer required by the City's Fire or Sanitation services.
3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

The vacation of the subject right-of-ways will not create dead end rights-of-way. The portion of 7th Avenue further to the west was previously vacated at the time of the 1974 replat. The 20 foot alley will remain connected to both 43rd Street South and 42nd Street South.

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

There is no present or future need for the rights-of-way for public vehicular or pedestrian access, or for public utility corridors. The three private utility companies which have facilities in the rights-of-way to be vacated will be protected by the suggested condition of approval at the end of this report.

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 policies in the City's Comprehensive Plan which apply to this request.

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 Childs Park Neighborhood Association. This is also located in the Dome Industrial Park Target Employment Center. There are no neighborhood plans or policies in the Target Employment Center which affect vacation of right-of-way in this area of the City.
**Comments from Agencies and the Public.** Staff received two calls from the public. One was from AlSCO Incorporated located on the east side of 40th Street South immediately to the east of the subject property. Another was from a business owner on 7th Terrace South, located on the south side of the Pinellas Trail. Neither indicated any concerns with the proposed vacation.

The City’s Neighborhood Transportation Division has reviewed the proposed vacation and has no objection. As noted above, there are private utilities within the rights-of-way proposed for vacation.

**RECOMMENDATION.** Staff recommends **APPROVAL** of the proposed street and alley turn around 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 private utilities and services by either providing a public utility easement covering any portion of rights-of-way within the areas to be vacated which contain utilities, or relocating private utilities at the owner’s expense, or by granting a private easement to the subject utility company. 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.


**REPORT PREPARED BY:**

[Kathryn A. Younkin, AICP, LEED AP BD+C, Deputy Zoning Official]

[DATE: 2/24/17]

(Kathryn A. Younkin, AICP, LEED AP BD+C, Deputy Zoning Official)

Development Review Services Division
Planning & Economic Development Department

**REPORT APPROVED BY:**

[Elizabeth Abernethy, AICP, Zoning Official (POD)]

[DATE: 2-27-17]

(Elizabeth Abernethy, AICP, Zoning Official (POD))
Planning and Economic Development
Development Review Services Division

Attachment B
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 17-33000002
Address: 690 42nd Street South and 661 40th Street South
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Pamela Jones, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: February 1, 2017
SUBJECT: Right of way - Vacation
FILE: 17-33000002

LOCATION: 690 42nd Street South; 22/31/16/26921/001/0010
AND PIN: 661 40th Street South; 22/31/16/69624/000/0010
ATLAS: L-3
PROJECT: Right of Way - Vacation
REQUEST: Approval of a vacation of a portion of 7th Avenue South between 40th Street South and 42nd Street South and a portion of right of way at the intersection of 42nd Street South and an east-west alley between Fairfield Avenue South and 7th Avenue South.

COMMENTS: The Engineering and Capital Improvements Department has no objection to the vacation request provided that a minimum 20-foot wide alley right of way remains along the northern boundary of Parcel 2 (22/31/16/26921/001/0010).

NED/MJR/jw
pc: Kelly Donnelly
     Easement Vacation File 2017
     Reading File
     Correspondence File
PROPOSED 7TH AVE SOUTH RIGHT-OF-WAY VACATION:

THAT PORTION OF 7TH AVE SOUTH A 50' RIGHT-OF-WAY LYING SOUTHERLY OF PINELLAS CIGAR REPLAT AS PER MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGE 20 OF THE PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, AND WESTERLY OF 40TH STREET SOUTH AS SHOWN ON SAID MAP OR PLAT OF SAID PINELLAS CIGAR REPLAT, AND EASTERLY OF PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK AS PER MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 75 AT PAGE 89 OF THE PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 22 TOWNSHIP 31 SOUTH RANGE 16 EAST AS SHOWN ON SAID PLAT OF PINELLAS CIGAR REPLAT, THENCE N89°43'27"W ALONG THE SOUTHERLY LINE OF SAID SECTION 22, 50.00' TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LANDS: THENCE CONTINUE N89°43'27"W ALONG THE SOUTHERLY LINE OF SAID SECTION 22, 360.00', THENCE N89°57'04"W ALONG THE EASTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK, 169.17' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF SAID PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK; THENCE NORTHEASTERNLY ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT BEGINNING THE SOUTHERLY LINE OF SAID PARTIAL REPLAT OF BLOCK "W" FAIRMOUNT PARK, HAVING A RADIUS OF 808.33' PASSING THROUGH A CENTRAL ANGLE OF 04°20'03" SUBTENDED BY A CHORD BEARING AN DISTANCE OF N89°43'24"E (MEASURED) N89°18'39"E (PLAT) 61.3' AN ARC LENGTH OF 61.14', THENCE CONTINUE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK, ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 652.95' PASSING THROUGH A CENTRAL ANGLE OF 10°17'12" SUBTENDED BY A CHORD BEARING AND DISTANCE OF N73°26'28"E (MEASURED) N72°56'10"E (PLAT) 117.07' (MEASURED) 115.80' (PLAT) AN ARC LENGTH OF 117.23' (MEASURED) 115.95' (PLAT) TO THE SOUTHEASTERLY CORNER OF SAID PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK; THENCE NO0°02'33"E ALONG THE SOUTHEASTERLY LINE OF SAID PARTIAL REPLAT OF BLOCK "W" - FAIRMOUNT PARK, 14.33'; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 20.00' ALSO KNOWN AS THE SOUTHWESTERN BOUNDARY OF SAID PINELLAS CIGAR REPLAT, PASSING THROUGH A CENTRAL ANGLE OF 89°46'00", SUBTENDED BY A CHORD BEARING AND DISTANCE OF S44°50'27"E, 28.23' AND ARC LENGTH OF 31.33' TO A POINT OF TANGENCY; THENCE S09°34'27"E ALONG THE SOUTHERLY LINE OF SAID PINELLAS CIGAR REPLAT ALSO KNOWN AS THE NORTHERLY RIGHT-OF-WAY OF SAID 7TH AVE SOUTH. 320.00' TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 20.00'; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE PASSING THROUGH A CENTRAL ANGLE OF 90°14'08", SUBTENDED BY A CHORD BEARING AND DISTANCE OF N45°09'29"E, 28.34', AN ARC LENGTH OF 31.50' TO A POINT OF TANGENCY; THENCE S00°02'25"W ALONG THE SOUTHERLY PROJECTION OF THE EASTERLY LINE OF SAID PINELLAS CIGAR REPLAT ALSO KNOWN AS THE WESTERLY RIGHT-OF-WAY LINE OF SAID 40TH STREET SOUTH, 70.08' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 23,396.84 SQUARE FEET MORE OR LESS.
Exhibit "A"
Page 3 of 4

PROPOSED R/W VACATION:
A PORTION OF LOTS 9 AND 10 BLOCK "W" FAIRMOUNT PARK AS PER MAP OR
PLAT THEREOF AS RECORDED IN PLAT BOOK 3 AT PAGE 31 OF THE PUBLIC
RECORDS OF PINELLS COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS: AS A POINT REFERENCE COMENCE AT THE SOUTHWESTLY
CORNER OF PARTIAL REPLAT OF BLOCK "W" FAIRMOUNT PARK AS PER MAP OR
PLAT THEREOF AS RECORDED IN PLAT BOOK 75 AT PAGE 89 OF THE PUBLIC
RECORDS OF PINELLS COUNTY FLORIDA: THENCE N00°27'01"E (MEASURED)
N00°01'32"W (PLAT) ALONG THE WESTERLY LINE OF SAID PARTIAL REPLAT
OF BLOCK "W" FAIRMOUNT PARK, 140.25' (MEASURED), 140.24' (PLAT) TO
THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LANDS: THENCE
CONTINUE N00°27'01"E (MEASURED) N00°01'32"W (PLAT) ALONG THE
EASTERLY RIGHT-OF-WAY LINE OF 42ND STREET SOUTH A (60' R/W), 19.71';
THENCE S89°46'25"E (MEASURED) S89°48'56"E (PLAT) ALONG THE
SOUTHERLY RIGHT-OF-WAY OF A 20' ALLEY 99.88' TO A POINT OF CURVATURE
OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 20.00'; THENCE
SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL
ANGLE OF 89°48'17", SUBTENDED BY A CHORD BEARING AND DISTANCE OF
S45°20'14"W (MEASURED) S44°53'42"W (PLAT) 28.24' AN ARC LENGTH
OF 31.35' (MEASURED) 31.35' (PLAT) TO A POINT OF
REVERSE CURVATURE OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS
OF 40.00'; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, PASSING
THROUGH A CENTRAL ANGLE OF 175°42'58" (MEASURED) SUBTENDED BY A
CHORD BEARING AND DISTANCE OF N89°36'48"W (MEASURED) S89°58'
28' W, 79.94' (MEASURED) 80.00' (PLAT) AN ARC LENGTH OF 122.67
(MEASURED) 125.66' (PLAT) TO THE POINT OF BEGINNING. SAID PARCEL
CONTAINS 4063.31 SQUARE FEET MORE OR LESS.

LEGEND:
- (FM) FIELD MEASURES
- (D) DEED
- (P) PLAT
- (R/W) RIGHT-OF-WAY
- (NR) NON RADIAL LINE
- (IP) IRON PIPE
- (IR) IRON ROD
- (CM) CONCRETE MONUMENT
- (EL) ELECTRIC LINE
- (E) ELEVATION
- (TL) TELEPHONE LINE
- (F) FENCE
- (FH) FIRE HYDRANT
- (EN) ENCROACHMENT
- (WV) WATER VALVE
- (WM) WATER METER
- (CLF) CHAIN LINK FENCE
- " SECONDS SYMBOL
- (WPP) WOOD POWER POLE
- (CP) CONCRETE POWER POLE
- (FL) FLORIDA POWER & LIGHT
- (EM) EASEMENT
- # MINUTE SYMBOL
- ° DEGREES SYMBOL
- W WEST
- E GUY ANCHOR
- S EAST
- BLDG BUILDING
- N NORTH
- (FD) FOUND
- SET IRON ROD
- FOUND IRON ROD
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- (PC) POINT OF CURVATURE
- (PT) POINT OF TANGENCY
- A 1 INCH IRON PIPE OR
- 3/8 INCH REBAR WITH A
- PLASTIC CAP LABELLED LS
- 5505 IS SET WHERE SET IS
- INDICATED ON THIS PLAT;

LAURENCE E. POWERS
P. O. BOX 48026
ST. PETERSBURG, FL 33743-8026
P: 727-537-9895
E: SURVEYINGSTPETE@GMAIL.COM
WWW.SURVEYINGSTPETE.COM
4996 MIRAMAR DR # 6207 ST PETERSBURG FL 33708

STATE OF FL
COUNTY OF PINELLAS
I, THE UNDERSIGNED HEREBY CERTIFY, ON THE 5505 PLAT, TO BE
A TRUE REPRESENTATION OF A FIELD SURVEY MADE
UNDER MY DIRECTION AND SUPERVISION AND MEETS ON ExCEEDS THE STANDARDS OF PRACTICE
FOR SURVEYS IN THE STATE OF FLORIDA AS PER
5J-17, FLORIDA ADMINISTRATIVE CODE
SUBJECT TO ALL NOTES SHOWING EION ON PLAT;

5505 IS SET WHERE SET IS
INDICATED ON THIS PLAT;

LAURENCE E. POWERS LS # 5505 PAGE 1 OF 2
For Public Hearing and Executive Action on March 1, 2017, 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.: 16-54000097
PLAT SHEET: F-10

REQUEST: Approval of a variance to interior side setback requirements from 7.5-feet to 5-feet to allow the construction of a duplex with an attached two car garage.

OWNER: Sunnybrook Holdings I, LLC
1696 Sunnybrook Lane
Clearwater, Florida 33764-6455

AGENT: Jason Sanchez
12385 74th Avenue North
Seminole, Florida 33772

ADDRESS: 434 13th Avenue North

PARCEL ID NO.: 18-31-17-18792-009-0140

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Multi-Family-1 (NSM-1)

VARIANCE DATA:

<table>
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<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
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<tbody>
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<td>Side Yard Setback</td>
<td>7 feet 6 inches</td>
<td>5 feet</td>
<td>2 feet 6 inches</td>
<td>33%</td>
</tr>
</tbody>
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BACKGROUND: The subject property consists of one platted lot of record, Lot 14 of Crescent Lake Rev Block 9, located in the Crescent Lake Neighborhood. The property is in the Neighborhood Suburban Multifamily (NSM-1) zoning district and is currently vacant with a total...
area of 6,000 square feet. The NSM-1 zoning district allows for construction of multi-family residential units at a maximum residential density of 15 units per acre. The required front yard setback is 20-feet, the required side yard setback is 7.5-feet and the rear yard setback (abutting residential uses) is 15-feet.

The proposed project is for the development of a two-story duplex structure with a double car, single story garage structure attached to the rear of each unit, which will be accessed from an existing 15-foot wide alley. The applicant is requesting this variance to reduce the required side yard setback from 7.5-feet to 5-feet.

According to the applicant, the lot is not wide enough to accommodate the necessary width required to park two vehicles in the proposed garage structure. The subject lot has a lot width of 50-feet. The proposed garage structure will have a 39-foot overall width, this includes 18-feet, 6-inches interior dimension for each garage structure, plus interior and exterior walls. This design will require to have a 5-foot side yard setbacks in order to accommodate the two double car garage structures.

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 decision shall be guided by the following factors:

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

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

   The applicant is proposing to redevelop the site by developing a two-story duplex with attached single-story garage structures at the rear of each unit. Parking for two vehicles is necessary to comply with the off-street parking requirements set forth by City Code.

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

   This criterion is not applicable.

   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.

The subject site has a live oak tree located at the southeast corner of the vacant lot, this is the only vegetation remaining. The live oak measures 28-inches, measured at dbh, and is in healthy condition. In order to preserve the existing live oak tree, there will be conditions of approval that will protect the tree from the proposed development of the site. There shall be a 10-foot radius/buffer at the base of the live oak tree that will prohibit impervious surfaces.

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 neighborhood character has a mixed pattern of development with single-family, single-story homes, multi-family two-story homes (some of which were approved with a similar 5-foot side yard setback) and a commercial parking lot. Adjacent to the subject property, to the east, is a commercial parking lot for a bank. To the west of the subject site is a single-story, single family home. Therefore, the traditional development pattern of the block face is inconsistent.

There have been two other variance cases on the subject block allowing reduced side yard setbacks. The first was on January 5, 2005, the City of St. Petersburg Zoning Official, granted an administrative approval for a Lot Line Adjustment, Case No. 04-110000009, for the construction of four (4) townhouse lots from two (2) existing platted lots. The approved site plans approved the townhomes with a five foot (5ft) side yard setback. These four townhomes are located at 443 13th Avenue North, across the street from the subject property. The second one was on February 4, 2005, the City of St. Petersburg Board of Adjustment approved Case No. 05-54000031 for the reduction of interior side yard setbacks from the required 6-feet to 5-feet to construct an addition to an existing single-family residence. This property is located on 440 13th Avenue North, adjacent to the subject property.

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 lot dimensions, especially the lot width (50-feet) of the subject lot, are not adequate in size in order to accommodate two double car garages at the required side yard setback of 7.5-feet. Hence, the request for this variance for the reduction of the required side yard setback of 5-feet. In addition, the presence of a commercial parking lot on the east side of the subject site, is not a result of actions of the applicant.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;
The proposed design of the two-car garage for each unit, in order to meet off-street parking requirements set forth by City Code, has an 18.5-feet for interior width dimensions for each garage, plus exterior walls, resulting in a 39-foot overall width. The remaining 11-feet divided in half will result in a 5.5-feet, which is the remaining space that will be distributed to the side yard setbacks (refer to Site Plan and First Floor Plan).

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

   A strict application of the provisions of this Chapter would not deprive the applicant of a reasonable use of the land, buildings or structures, as a duplex or multi-family residential units may be redeveloped without a variance. Although there are other design options for off-street parking, the applicant is proposing the design of enclosed garage structures that will incorporate materials, which will match the principal structure in materials, finish and design.

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

   The applicant is requesting a 5-foot side yard setback, which will accommodate the adequate development for two double car garage structures at the rear of the lot to meet the required off-street requirements set forth by City Code.

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

   The proposed garage structures will be in harmony with the general purpose and intent of this chapter due to the presented hardship. However, the principal duplex structure will not be in harmony with the general propose and intent of this chapter. Due to the mixed pattern development of the subject block, there is a variation of single-family homes, multi-family homes and a commercial parking lot.

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

   The granting of this variance will not be injurious to neighboring property to the east due to the fact that it is a commercial parking lot. However, the proposed two-story duplex may be injurious to the property located to the west, which is a single-story, single-family home.

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

   The reasons set forth in the application justify the granting of a variance for the proposed garage structures giving sufficient evidence that the proposed design will require a 5-foot side yard setback. However, staff finds that the reasons set forth in the application are not sufficient to support the request for the two-story duplex structure along both property lines.
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. The proposed use of a multifamily duplex is permitted in this zoning district.

PUBLIC COMMENTS: The proposed project has received approval and support from the Crescent Lake Neighborhood Association for the reduced side yard setback from 7-feet, 6-inches to five feet. There was one call from a resident, who left a voice message with concerns of this project, a call was returned to this resident with a voicemail, no call back was received.

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 for the reduction of the required 7.5-feet to 5-feet side yard setbacks for the garage structures, the reduction of the required 7.5-feet to 5-feet to the east side yard setback (adjacent to the commercial parking lot) for the principal duplex structure. Staff recommends DENIAL for the reduction of the required 7.5-feet to 5-feet side yard setback along the west property line for the two-story principal duplex structure.

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

1. The plans and elevations submitted for permitting shall be modified as necessary to conform to the 7.5-foot setback required on the western portion of the duplex structure (not including the garage) and shall otherwise substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through March 5, 2020. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. The existing live oak tree shall be preserved. A 10-foot protective radiusbuffer shall be provided on the subject property, and only pervious materials may be placed on existing grade within the buffer.
4. If the lots are to be conveyed with separate deeds, then a lot split will be required with two separate parcel ID's and approved by the City prior to final CO.
5. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
6. Maximum impervious surface on the site shall not exceed 65%. All plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
7. Ancillary equipment, such as A/C units, located at the side yards, shall have a minimum of 3-feet to the side property line(s) and shall be screened not to be visible from public view.
8. A landscaping plan shall be submitted to meet landscape requirements set forth by City Code.

ATTACHMENTS: Map, aerial, site plan, floor plan, elevation drawings, photographs, applicant's narrative, staff reports, Neighborhood Association approval
Report Prepared By:

Cristian Arias, Planner I
Development Review Services Division
Planning & Economic Development Department

Report Approved By:

Elizabeth Abernethy, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

EA:CIA/pj
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on March 1, 2017, 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.: 17-54000002  PLAT SHEET: J-33

REQUEST: Approval of a variance to allow on-site consumption of beer and
wine at a location where the zoning of the block face and the block
face across the street from the establishment is not commercial.

OWNER: United Park Services Property
1320 East 9th Avenue #210
Tampa, Florida 33605-3602

ADDRESS: 3301 Pinellas Point Drive South

PARCEL ID NO.: 11-32-16-56110-001-0020

LEGAL DESCRIPTION: On File

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

BACKGROUND: The subject property consists of two lots (Lots 1 and 2 of the Maximo Harbor
3rd Partial Replat, less right-of-way on the western portion of Lot 1) and is located in the City
designated Skyway Marina District, directly adjacent to I-275 and fronting Pinellas Point Drive
South. The property is also located within the boundaries of the Greater Pinellas Point Civic
Association. Prior to 2016 the property had been vacant for a number of years, with the most
recent business tax license having been active in 2007. The applicant has redeveloped the site
for a fishing and tackle retail business. The subject property received approval of a variance to
the required 5-foot green yard along the easterly property line to allow for a drive-aisle, and
approval of a Uniform Sign Plan with a variance to allowable sign area from 64 sq. ft. to 120 sq.
ft. to allow one freestanding sign on July 6, 2016 (DRC Case 16-54000038).
REQUEST: The applicant requests approval of a variance to obtain a 2-COP Alcoholic Beverage License to allow on-site consumption of beer and wine. Section 16.40.010.3 of the City’s Land Development Regulations requires that, for establishments other than restaurants serving beer and wine on-site, the zoning of the block face and block face across the street shall be entirely commercial. At the subject location, the zoning of the block face and block face across the street consists of a mixture of commercial and multi-family (residential) zoning. The primary affected properties are existing multi-family developments as well as a commercially zoned vacant lot directly across the street from the subject property.

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

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

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

   The subject property is located in an area of the city that has been identified as a priority for redevelopment and the applicant has made and continues to make significant renovations to the site as a usable retail and community meeting space.

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 site does not involve a substandard lot.

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

   The site is not located within a 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.

   The site does not contain significant vegetation or natural features that are relevant to this variance request.

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.
This criteria is not applicable as the proposed variance does not involve any changes to the built environment.

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

The project does not involve the development of public facilities.

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

The location of the property in an identified redevelopment corridor and adjacent to a multi-family zoning district is not the result of the actions of the applicant.

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

Literal enforcement of the Code would result in an unnecessary hardship as the application has been deemed to have no negative impact on the surrounding properties contained within the multi-family zoning district in question and is part of a redevelopment project in a City-designated redevelopment area.

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

Strict application of the Code would not completely deprive the property owner of reasonable use of the land as the location may currently operate as a retail establishment; however, the request is found to be reasonable given the commercial nature of the site and surrounding properties. It should also be noted that a restaurant establishment at this location would not require a variance in order to serve alcohol on-site.

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

The request is found to be reasonable and not excessive for the existing business. The request will be mitigated by existing conditions, including fencing and landscaping, and will be further mitigated by conditions of approval outlined at the end of this report.

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

Staff finds that the request is consistent with the purpose and intent of the Code to accommodate reasonable use of the property, and does not find that there is any compelling public benefit in the denial of the variance. The continued redevelopment of the subject property is a benefit to the Skyway Marina District.

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, which consist of multi-family developments which are found to be generally compatible with commercial development and appropriately located adjacent to commercial corridors. Neighboring property owners have indicated that they do not have an objection to the request.

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

The applicant’s responses are found to be reasonable in justifying the requested variance and are outlined in the attached narrative.

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 to this application.

**PUBLIC COMMENTS:** The subject property is located within the boundaries of the Greater Pinellas Point Civic Association, who have preliminarily indicated that they have no objection to the request. Staff will get further feedback from members at an Association meeting on February 28th, 2017, prior to the public hearing.

The owner of the multi-family development directly to the east and north of the subject property (Spring Lake Apartments) has provided a signature of approval in regards to the request. In addition, the property owner of the multi-family development located to the south of the property (Carlton Arms of St. Petersburg) has communicated to Staff that they have no objection.

**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. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
2. The business owner shall not sell, dispense or provide any alcoholic beverages for consumption on-premise after 11:00 p.m. on any day. This shall apply to current and future property owners and businesses.
3. Approval is limited to 2-COP (Beer and Wine) only. A request for a 4-COP license shall require a new variance application and public hearing.
4. Consumption of alcohol is limited to areas shown on the site plan, and any expansion shall require submittal of a new variance application and public hearing.
5. Amplified sound in conjunction with this use is subject to the City’s Noise Ordinance, Section 11.53.4, Privately-owned outdoor places. Violation of the noise ordinance may result in suspension or revocation of the alcoholic beverage license and variance approval.
6. If the alcoholic beverage license is suspended on the property for any reason for a period of more than 1-year, the variance shall expire and reestablishment shall require submittal of a new application and public hearing.
7. A solid 6-foot tall fence shall be installed at the northern property line to provide for a buffer between the proposed on-site consumption area and the adjacent multi-family development.

8. This variance approval shall be valid through March 1, 2020. The applicant shall apply for the alcoholic beverage license prior to this expiration date unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

ATTACHMENTS: Aerial map, site plan, applicant's narrative, photos of existing conditions, signature of support from neighboring property owner

Report Prepared By:

Brittany McMullen, AICP, Planner II
Development Review Services Division
Planning & Economic Development Department

Date: 2/22/17

Report Approved By:

Elizabeth Abernethy, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

Date: 2/23/17
Note: Highlighted areas indicate proposed locations for on-site alcohol service and consumption.
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>Street Address:</td>
</tr>
<tr>
<td>Detailed Description of Project and Request:</td>
</tr>
</tbody>
</table>

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

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.

3. How is the requested variance not the result of actions of the applicant?
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><strong>APPLICANT NARRATIVE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.</strong> 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><strong>5.</strong> What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</td>
</tr>
<tr>
<td><strong>6.</strong> In what ways will granting the requested variance enhance the character of the neighborhood?</td>
</tr>
</tbody>
</table>
Narrative Responses

Requesting a Variance from the separation requirements for the consumption of alcoholic beverages on premises from property used for multi family residences to recreate an "old Florida fishing camp."

1-As a part of the Skyway Marina District, Gator Jim's Tackle is a gateway location adjacent to I-275.

Prior to the interstate construction, this commercial site fronted US 19 across the street from Maximo "Bay Front" Park.

Gator Jim's Tackle provides a place for locals, tourists and charter guests boating from Maximo Park or the nearby marinas to pick up tackle and supplies, get the latest fishing tip and relax before or after a fun day on the water.

2-Neighboring Magnuson Hotel is also adjacent to multi family residences and has both indoor and outdoor areas in which Alcoholic Beverages are served to its guests.

3-UPS Property LLC purchased the commercial property as a pre existing building after foreclosure action with multi family apartments abutting the north and east property lines.

UPS has installed a custom 6' wood fence to provide a buffer to its neighbor, Spring Lake Apartments.

4- With the loss of the Maximo Seafood Shack, Gator Jim's will help fulfill a neighborhood need for a unique casual place to enjoy fresh seafood and relax with a ice cold beer, glass of wine or frozen margarita. Gator Jim's Tackle is currently open seven days a week from 8:00AM to 7:00PM.

Gator Jim's will be extending its business hours but will not have any late night hours of operation.

Periodically, Gator Jim's will have local musicians perform to enhance its family friendly environment. Gator Jim's will host special events with the local civic associations and other groups which will include charity fund raisers, fishing seminars and Friday Night Fish Fry's.

5-No other alternatives are possible to meet the separation requirements. With this variance Gator Jim's Tackle will be able to meet the expectations of its guests as they experience an "old Florida fishing camp."
6-Gator Jim’s Tackle is a native inspired fishing tackle and charter center in a park like setting. Gator Jim’s Tackle will host a wide range of fishing classes and seminars under its large Chickee hut. This space will provide a unique setting in which to learn the fundamentals of fishing such as; how to throw a cast net and how to cast a fly rod.

Gator Jim’s Tackle will provide a fun clean safe meeting place where the residents of the neighborhood, locals and tourists can cook their own catch and relax with an ice cold beer, glass of wine or frozen margarita while they enjoy eating their fresh caught seafood in our Tocobagan inspired village.
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

| Street Address: | 3301 Pinellas Point Dr S | Case No.: | 17-340000002 |
| Description of Request: | Variance regarding Section 16.40.010.3 which requires the entire block face to be commercial in order to acquire a COP license to sell and consume beer and wine on premises. |
| 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:** 6401 31st Street South, St. Pete 33712  
   **Owner Name (print):** Spring Lake Apartments, LLC  
   **Owner Signature:** [Signature]

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

3. **Affected Property Address:**  
   **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:**
CITY OF ST. PETERSBURG, FLORIDA
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on March 1, 2017, beginning at 2:00 P.M.,
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, Commissioner Bob
Schumaker 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.: 17-54000003
PLAT SHEET: I-1

REQUEST: Approval of a variance to required minimum lot width from 50-feet
to 45-feet and minimum lot area from 5,800 square feet to 5,715
square feet in order to create two (2) buildable lots.

OWNER: Floriden LLC
200 2nd Avenue South #348
Saint Petersburg, Florida 33713

AGENT: Heather Morin
DHM Construction Services LLC
200 2nd Avenue South #348
Saint Petersburg, Florida 33701

ADDRESS: 2334 2nd Avenue South

PARCEL ID NO.: 23-31-16-78390-029-0040

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional-2 (NT-2)

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>5,800 sq. ft.</td>
<td>5,715 sq. ft.</td>
<td>85 sq. ft.</td>
<td>1.5%</td>
</tr>
<tr>
<td>Lot Width</td>
<td>50 ft.</td>
<td>45 ft.</td>
<td>5 ft.</td>
<td>10%</td>
</tr>
</tbody>
</table>

BACKGROUND: The subject application requests variances from the minimum lot width and
area standards of the NT-2 (Neighborhood Traditional) zoning district in order to allow
construction of two single-family homes. The subject property contains two substandard platted
lots of record: Lot 4 and Lot 5 of the St. Petersburg Investment Co. Subdivision. Each lot measures 45 feet wide and 127 feet deep. The property currently contains a single-family home and front-loading driveway. The applicant plans to demolish the existing home and all property improvements in order to construct two new single-family homes and detached garages with vehicular access from the alley.

The subject property is zoned NT-2. The minimum lot width in NT-2 zoning is 50 feet, and the minimum lot area is 5,800 square feet. The subject lots each measure 45 feet in width and 5,715 square feet in area, and therefore are considered to be substandard and non-conforming.

Restrictions were in place from 1973 through 2003 which limited development of non-conforming lots if the lots were in common ownership. The code 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 blocks and the majority of the neighborhood is not an example of this situation, see Attachment 1, Neighborhood Lot Exhibit.

**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.*

      The application proposes demolition of the existing single-family home and all site improvements in order to construct two new single-family homes with detached garages.

   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 existing platted lots are substandard to the NT-2 minimum standards, which require a minimum lot width of 50 feet and lot area of 5,800 square feet. The proposed lots will
be 45 feet in width, substandard by five feet, or 10 percent. The proposed lot area is 5,715 square feet, substandard by 85 feet, or 1.5 percent.

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

The criterion is not applicable.

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

The criterion is not applicable.

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

Field review of the subject property determined that there are a number of protected trees. The 26" DBH live oak tree located in the northwest corner of Lot 5 is in good condition. Also on the west property line of Lot 5 are two laurel oak trees measuring 26" DBH and 15" DBH which are in good condition, one live oak measuring 28" DBH which is in severe decline, and one cabbage palm with at least four feet of clear trunk which is in good condition. The laurel oak measuring 29" DBH along the eastern property line of Lot 4 is in declining condition. A special condition of approval has been included to address the trees during the construction process.

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 subject property is within the Palmetto Park Neighborhood Association and was platted in 1913 in the St. Petersburg Investment Co. Subdivision. The subdivision was platted with 36 blocks. Each block is eight lots wide, with the middle four lots platted at 45 feet wide and the two lots at the ends of each block measuring 50 or more feet wide. The majority of the lots measure 127 feet deep, however those lots along First Avenues North and South and Central are 124 or 110 feet deep. The majority of the homes in this area were originally developed in the 1920s and 1940s. The prevailing development pattern, or 91 percent, is one house per platted lot, as shown in the chart below. Subsequently, the development pattern reflects the original subdivision in that roughly half of the lots are substandard in lot width and area, while half are conforming.

<table>
<thead>
<tr>
<th>Block</th>
<th>Location</th>
<th>Area</th>
<th>Width</th>
<th>Platted Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block</td>
<td>Location</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Subject Block</td>
<td>4</td>
<td>33.33%</td>
<td>4</td>
</tr>
<tr>
<td>26</td>
<td>Across Street</td>
<td>4</td>
<td>50.00%</td>
<td>4</td>
</tr>
<tr>
<td>27</td>
<td>North side of 2nd Ave S</td>
<td>2</td>
<td>75.00%</td>
<td>4</td>
</tr>
<tr>
<td>28</td>
<td>South side of 2nd Ave S</td>
<td>4</td>
<td>50.00%</td>
<td>4</td>
</tr>
<tr>
<td>28</td>
<td>North side of 3rd Ave S</td>
<td>4</td>
<td>50.00%</td>
<td>4</td>
</tr>
<tr>
<td>33</td>
<td>South side of 3rd Ave S</td>
<td>4</td>
<td>50.00%</td>
<td>4</td>
</tr>
<tr>
<td>Overall Average</td>
<td>51.39%</td>
<td>47.22%</td>
<td>42</td>
<td>4</td>
</tr>
</tbody>
</table>

g. **Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.**
The criterion is not applicable.

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

The lots in the St. Petersburg Investment Co. Subdivision were platted in 1913 at 45 feet wide and 127 feet deep. As shown in the chart in response to 1.f. above, 51.39 percent of the lots in the subdivision are substandard in lot area, 47.22 percent are substandard in lot width, and 91 percent are developed as one house per platted lot of record. 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;**

Without approval of the requested variance, the owner has the ability to develop the property with a single-family home and an accessory dwelling unit in compliance with the Land Development Regulations. Approval of the variances to lot width and lot area allows for construction of two single-family homes. The proposed lots are each 5,715 square feet in area, which does not meet the minimum requirement of 5,800 square feet to qualify for an accessory dwelling unit.

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

The majority of the other properties in the surrounding blocks were developed with one house on each lot of record. 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.

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

The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. The Land Development Regulations for the Neighborhood Traditional districts state: "The purpose of the NT district regulations is to protect the traditional single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in a manner that is consistent with the scale of the neighborhood.”

The Future Land use designation in this neighborhood is Planned Redevelopment – Residential (PR-R). The following objective and policies promote redevelopment and infill development in our City:

**OBJECTIVE LU2:**
The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

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 they are developed in a similar pattern as the proposed lots. The proposal for two single-family homes is consistent with the neighborhood pattern of the surrounding blocks which are zoned NT-2.

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

Staff finds that the reasons set forth in the variance application do justify the granting of the variance based on the analysis provided and the recommended special conditions of approval.

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 received signatures of support from six neighboring property owners. The Palmetto Park Neighborhood Association was notified by the applicant and staff about the variance application, but no response was received.

The neighbor at 2320 2nd Avenue South called and spoke with Staff about the proposal, and concerns of parking and property lines were raised. The concerns of parking were alleviated after discussing the site plan. In regards to property lines, the neighbor wanted to call attention to the fact that the fence on 2320 2nd Avenue South is not located on the property line, rather it is located roughly 1.5 – 2 feet within the property line. Therefore, with the building setback requirement of 4.5 feet on the interior side yard, there will be roughly 6 – 6.5 feet between the proposed structure and the neighbor’s fence. This is confirmed on the survey that the applicant submitted with the site plan.
**STAFF RECOMMENDATION:** Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends **APPROVAL** of the requested variance.

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

1. The design of the two homes shall be varied, such that a substantially similar home cannot be replicated on the lots, and shall comply with all NT design standards. Variation shall include at least three of the following: architectural style; roof form, materials; details (doors, windows, columns).
2. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
3. The applicant shall make every effort to preserve those trees which are in good condition, particularly the 26" DBH live oak in the northern area of the western property line of Lot 5. The applicant shall comply with the requirements of Section 16.40.060.5.4. Prior to approval of the building permit, the applicant shall submit a tree removal permit for removal of any protected trees on the subject property. In the event that the protected tree cannot be retained, the applicant shall plant 4-inch trees in lieu of 2-inch trees as mitigation.
4. This variance approval shall be valid through March 1, 2020. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
5. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

**ATTACHMENTS:** Neighborhood Lot Exhibit, Aerial Map, Site Plan, Applicant's Narrative, Signatures of Support, Neighborhood Participation Report

Report Prepared By:  

Alexandria Hancock, Planner I  
Development Review Services Division  
Planning & Economic Development Department

Report Approved By:  

Elizabeth Abernethy, ACIP, Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Department

EA:AMH:pj
VARIANCE

Application No.17-5400003

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):** FloriDen LLC  
Street Address: 200 2nd Ave S #348  
City, State, Zip: St Petersburg, FL 33701  
Telephone No: 303-638-0785  
Email Address: heather@dhmpro.com

**NAME of AGENT or REPRESENTATIVE:** Heather or Daniel Morin, DHM Construction Services, LLC  
Street Address: 200 2nd Ave S #348  
City, State, Zip: St Petersburg, FL 33701  
Telephone No: 303-638-0785  
Email Address: heahter@dhmpro.com

**PROPERTY INFORMATION:**  
Street Address or General Location: 2334 2nd Ave S  
Parcel ID(s): 23-31-16-78390-029-0040

**DESCRIPTION OF REQUEST:** variance to the minimum lot required width from 50 feet to 45 and lot area from 5,800 to 5,715 square feet to create 2 buildable lots

**PRE-APPLICATION DATE:** 1.9.17  
**PLANNER:** Alexandria Hancock

**FEE SCHEDULE**

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

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

**AUTHORIZATION**

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

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

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

Signature of Owner / Agent*:  
Typed Name of Signatory: Heather Morin, member

Date: 1.8.17

*Affidavit to Authorize Agent required, if signed by Agent.
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: Florida LLC

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

Property Address: 2334 2nd Ave S, St. Petersburg, FL
Property ID No.: 23-31-16-78390-029-004/3
Request: Subdivide into (2) 45' x 127' lots

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): Daniel Maria, Heather Marsh, Nitro Construction Services LLC

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):

Sworn to and subscribed on this date

Identification or personally known: FLU# M650 323 756910

Notary Signature: Samantha R. Olsen
Commission Expiration (Stamp or date): 1/6/2017

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/ldr
VARIANCE

NARRATIVE (PAGE 1)

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

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

Street Address: 2334 2nd Ave S  Case No.: 17-54000003

Detailed Description of Project and Request:
requesting a variance to the minimum required lot width from 50 ft to 45 ft and the minimum lot area from 5,800 sq ft to 5,715 sq ft
In order to create 2 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?

This parcel consists of both lot 4 and lot 5 of block 29. The existing structure on the property is primarily located on lot 4, leaving lot 5 vacant with the exception of the driveway, which enters through the existing curb cut on 2nd Ave S to the house.

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.

This neighborhood contains both 50 and 45 ft lots on all surrounding blocks. There is substantial commercial zoning to the east and south of the subject property. The lots in this neighborhood are consistently comprised of 50, 50, 45, 45, 45, 45, 50, 50 foot lots. The closest non commercial 90 ft lot is at 2343 4th Ave S.

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

The parcel was previously 2 lots, the neighborhood is consistent with 45 ft lots.
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>
<tbody>
<tr>
<td>4. <strong>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?</strong></td>
</tr>
<tr>
<td>The current structure will need to be removed as any attempt to remodel will be cost prohibitive due to the lack of structural integrity of the home.</td>
</tr>
<tr>
<td>We are proposing the construction of 2 single story residential homes. The style of which will keep with the integrity of the neighborhood but offer a new, energy efficient home to the neighborhood. These homes are to be positioned on the lots in a manner that allows sufficient outdoor living space.</td>
</tr>
<tr>
<td>These homes will blend with and enhance the growing commercial business in the area, appealing to those who wish to bike and walk to local business, and are inclined to live in Green homes</td>
</tr>
</tbody>
</table>

| 5. **What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?** |
| To remove the existing house and maintain the current lot size, a much larger structure would need to be built to support the lot value. This neighborhood does not support a large 2 story home, in fact such a residential home would be counterintuitive to the efforts of the neighborhood to appeal to entrepreneurial demographic currently seeking to reside here |

| 6. **In what ways will granting the requested variance enhance the character of the neighborhood?** |
| The location and style of these two homes will detract from the large commercial building to the south of the lots, with proper landscaping and positioning of both houses we will soften the commercial element on this block |
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: 2334 2nd Ave S</th>
<th>Case No.: 17-54000003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request:</td>
<td>Variance to minimum required lot width</td>
</tr>
<tr>
<td></td>
<td>from 50' to 45' x lot area from 5800 sq ft to 5,715 sq ft</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: 2346 2nd Ave S  
   Owner Name (print): Jamie Ables  
   Owner Signature: 

2. Affected Property Address: 2310 2nd Ave S  
   Owner Name (print): Vincent Jones  
   Owner Signature: 

3. Affected Property Address: 217 24th Street South  
   Owner Name (print): David Lattimer  
   Owner Signature: 

4. Affected Property Address: 200 25th St S  
   Owner Name (print): Alexander Silva  
   Owner Signature: 

5. Affected Property Address: 2363 4th Ave S  
   Owner Name (print): Mary Ford  
   Owner Signature: 

6. Affected Property Address: 2309 2nd Ave South  
   Owner Name (print): Evelyn Fletcher  
   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.2. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

<table>
<thead>
<tr>
<th><strong>APPLICANT REPORT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong></td>
</tr>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal</td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
</tr>
</tbody>
</table>

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

We attempted to reach Rick Vail and the Homeowners Association numerous times. I called Mr. Vail and left messages on Monday 1/9/17 around 4:30, followed up with an email to both his personal and HOA email addresses and left another message at 11:00 am 1/10/17. Daniel Morin attempted to reach Mr. Vail via phone at 8:45 pm 1/10/17 and left a message. I also attempted to reach any member of the HOA through their facebook page with no response.

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

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

Association Name: **Palmetto Park NBRHD**

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

www.stpete.org/ldr
Alexandria Hancock

From: Morin, Heather <heather@dhmpro.com>
Sent: Wednesday, February 22, 2017 9:01 AM
To: Alexandria Hancock
Subject: FW: 2334 2nd Ave S Subdivision
Attachments: Public Participation Report.pdf; Morin Spec #1 SP11 Model (1).pdf

Alexandria,

Attached is the original email I sent to Rick and the Palmetto email address. I have since forwarded it again on February 3rd and both Dan and I have left numerous voicemail messages.
Any guidance is appreciated.

Heather Morin

---

From: Morin, Heather
Sent: Monday, January 09, 2017 9:18 PM
To: palmettopark1@yahoo.com; rickvail63@hotmail.com
Subject: 2334 2nd Ave S Subdivision

Good Evening Rick,

My name is Heather Morin, my husband and I purchased the house at 2334 2nd Ave S. this fall. We are requesting a variance to return the lot to (2) parcels with the intent to build single story “green” homes and we need your help!

We moved here from Denver 5 years ago to raise our daughter around my husband’s family. After building for 20 years in Denver we were surprised at the lack of affordable, energy efficient homes available here in St Petersburg. We have built several new homes in the Old South East some using SIPS panel systems, solar roof panels, attached greenhouses, etc. We are currently moving a 1920s home and preserving the original architecture in lieu of demolishing the house.

We are not a production builder, we build 4-5 quality semi-custom homes a year and honestly feel this style of home is great for this neighborhood. A young family will be able to afford the homes we build, and bike to their favorite pubs, restaurants, and pick up the Pinellas Bike trail with ease. The lots around this particular property are heavily commercial there for concerns about density would not apply to this particular property.

My husband and I have door knocked quite a bit in the past couple of days, there are quite a number of tenant occupied properties in this neighborhood which is hindering our “outreach” capabilities. As you may know the process does require that Property Owners within 200 ft be notified by certified mail but that doesn’t occur until February. I have attached our proposed site plan and floor plans for you to see we’re not talking about building large atrocities on these lots. We would greatly appreciate your willingness to sign on behalf of the association that we have reached out to you.

Unfortunately due to the holidays and our lack of progress with the neighbors directly we are under a strict time frame and will need to submit your signature to Alexandria Hancock in zoning asap.

We appreciate anything you can do to aid us in this endeavor.

Kind Regards,

Heather Morin
SPECIAL EXCEPTION
PUBLIC HEARING

According to Planning & Economic Development Department records, Commissioner Joseph Griner resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on March 1, 2017, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 17-32000001
PLAT SHEET: H-2

REQUEST: Approval of a special exception and related site plan to construct a 3,150 sq. ft. bank.

OWNER: On Deck, Inc.
611 Druid Road East #512
Clearwater, Florida 33756-3942

AGENT: T. Truett Gardner and Gardner Brewer Law
400 North Ashley Drive #1100
Tampa, Florida 33602

ADDRESS: 1600 Central Avenue

PARCEL ID NO.: 24-31-16-29718-018-0010

LEGAL DESCRIPTION: On File

ZONING: Downtown Center-2 (DC-2)

SITE AREA TOTAL: 5,000 square feet or 0.11 acres

GROSS FLOOR AREA:
Existing: 0 square feet
Proposed: 3,150 square feet 0.63 F.A.R.
Permitted: 15,000 square feet 3.0 F.A.R.
BUILDING COVERAGE:

Existing: 0 square feet
Proposed: 3,150 square feet 63% of Site MOL
Permitted: 4,750 square feet 95% if Site MOL

IMPERVIOUS SURFACE:

Existing: 5,000 square feet 100% of Site MOL
Proposed: 4,648 square feet 93% of Site MOL
Permitted: N/A

OPEN GREEN SPACE:

Existing: 0 square feet
Proposed: 350 square feet 7% of Site MOL

PAVING COVERAGE:

Existing: 5,000 square feet 100% of Site MOL
Proposed: 1,498 square feet 30% of Site MOL

PARKING:

Existing: 0;
Proposed: 4 vehicle parking spaces and 12 bicycle parking spaces (6 bicycle parking spaces equals 1 vehicle parking space); including 1 handicapped space
Required 6; including 1 handicapped space

BUILDING HEIGHT:

Existing: 0 feet
Proposed: 25 feet
Permitted: 200 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.20.120.5.2 of the City Code for a proposed Special Exception use to redevelop the subject property where the proposed gross floor area consist of more than 25-percent non-residential use. Non-residential uses consisting of more than 25-percent of the gross floor area are Special Exception uses within the DC-2 district.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 3,150 square foot bank without a drive-thru. The subject property is currently vacant and is located at the southwest corner of Central Avenue and 16th Street North.

The proposed development is a Special Exception use in the DC-2 zoning district since more than 25-percent of the gross floor area is proposed for non-residential use. The subject property is also located within the Grand Central Business District and the Intown West Community Redevelopment Area (CRA).
Current Proposal:
The applicant proposes to construct a one (1) story bank without a drive-thru. The bank building will be sited towards Central Avenue. Pedestrian access into the building will be at the northeast corner. Bike parking is proposed on the public sidewalk along Central Avenue. Vehicular parking will be located along the south side of the building, accessible from the existing 20 foot wide alley. Access to the alley is from 16th Street South.

The proposed buildings will be of a traditional style of architecture. The architectural elevations depict storefront windows, awnings, pilasters, changes in the roof line and a corner tower feature.

Special Exception:
The DC-2 zoning district provides for intense residential development while still allowing a mix of uses that enhance and support the downtown core and surrounding neighborhoods, including Tropicana Field. The intent of requiring Special Exception approval for a development project proposing more than 25-percent non-residential use is to insure that development proposals consisting of a minimal amount of residential units within the DC-2 district are properly located. In this case, the proposed project is located at Central Avenue and 16th Street South. Central Avenue has historically been a commercial and mixed-use corridor and 16th Street South has historically been an auto oriented corridor. The Intown West Redevelopment Plan encourages commercial uses along Central Avenue. Staff finds that the proposed building and use are appropriate for the Central Avenue and 16th Street South corridors and staff does not anticipate any adverse impacts or detrimental effects to neighboring property or the downtown core as a result of approval of the application.

Public Comments:
Staff received two phone calls about the subject project. One caller expressed concerns about the size of the building and parking. The other caller supported the proposed project.

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. If the construction value of the project exceeds 1-million dollars, the project shall be subject to final review and approval by the Community Redevelopment Agency (CRA).
2. The public sidewalks in the abutting rights-of-way shall be 10-feet wide.
3. The proposed bicycle racks shall be located near the street curb.
4. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
5. Exterior lighting shall comply with Section 16.40.070
6. All ancillary equipment shall be screened from the abutting rights-of-way.
7. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
8. The site plan shall be modified as necessary to comply with the attached memorandum from the City's Engineering Department's that is dated January 31, 2017.

9. This Special Exception shall be valid through March 1, 2020. Substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.

2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.

4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section
16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.

2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

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

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

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

**Landscaping Requirements:**

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

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

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

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

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

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

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.
IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

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

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
   1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
   2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

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

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
   a. Water.
   b. Sewer (Under normal operating conditions).
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North: **Central Business District**

South: **Central Business District**

East: **Central Business District**

West: **Central Business District**

REPORT PREPARED BY:

[Signature]
Corey Malyshka
Corey Malyshka, Urban Design & Development Coordinator

DATE: 2/21/17

REPORT APPROVED BY:

[Signature]
Elizabet Abernethy, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

DATE: 2/21/17
January 9, 2017

VIA HAND DELIVERY

CITY OF ST PETERSBURG
COREY MALYSZKA, DEVELOPMENT & ZONING
ONE 4TH STREET NORTH
ST PETERSBURG FL 33731-2842

Re: SPECIAL EXCEPTION APPLICATION FOR 24-31-16-29718-018-0010

To Whom It May Concern:

We are submitting this special exception application on behalf of our client, The Ferber Company (the “Ferber”) in regards to the property owned by On Deck, Inc., which is located at the southwest corner of Central Avenue and 16th Street North. More specifically, the site is identified by the Property Appraiser with a parcel number of 24-31-16-29718-018-0010. This lot is 0.11 acres and is currently vacant.

Ferber is proposing a 3,150 square foot bank without a drive thru. The architecture of the building will complement, and hope to further, the redevelopment that is occurring along Central Avenue. All greenspace and setback requirements will be met.

As this property is located in the DC-2 zoning district, this application is requesting a special exception to the residential requirement associated with the zoning code. Given the small size of the property, providing a residential component is impractical, especially when additional parking is factored in.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

T. Truett Gardner

GARDNER BREWER MARTINEZ-MONFORT
400 North Ashley Drive, Suite 1100, Tampa Florida 33602 | Main: (813) 221-9600 | Fax: (813) 221-9611
www.gbmmlaw.com
TO: Pamela Jones, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: January 31, 2017
SUBJECT: Special Exception
FILE: 17-32000001

LOCATION: 1600 Central Avenue
PIN: 24/31/16/29718/018/0010
ATLAS: H-2
PROJECT: Special Exception

REQUEST: Approval of a special exception and related site plan to construct a 3,150 square foot bank. The Engineering Department has no objection to the proposed special exception provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS:

1. 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. 10-foot wide sidewalks are required in the DC zoning district along Central Avenue and along the 16th Street frontage. 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.

2. 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.

3. 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.

4. 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.

STANDARD COMMENTS: It is acknowledged that many of the following items have been addressed with the submittal of the associated Site Construction Permit Applications, but remain listed below as documentation of the standard plat approval conditions since the plat is being processed concurrently with construction. Standard conditions of plat approval will be verified prior to Engineering departmental release of the project Certificate of Occupancy.

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

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

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

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

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.
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 March 1, 2017, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 17-32000002 PLAT SHEET: Q-18

REQUEST: Approval of a special exception to allow conversion of an existing office to a fire station.

OWNER: Rony & Ellen Shubich
6939 13th Avenue North
Saint Petersburg, Florida 33710

AGENT: City of St. Petersburg
Fire Department

ADDRESS: 3100 66th Street North

PARCEL ID NO.: 07-3-16-90162-000-1640

LEGAL DESCRIPTION: On File

ZONING: Corridor Residential Suburban-1

SITE AREA TOTAL: 9,000 square feet or 0.21 acres

GROSS FLOOR AREA:
Existing: 1,414 square feet 0.16 F.A.R.
Proposed: 1,414 square feet 0.16 F.A.R.
Permitted: 4,500 square feet 0.50 F.A.R.

BUILDING COVERAGE:
Existing: 1,634 square feet 18 % of Site MOL
Proposed: 1,634 square feet 18 % of Site MOL
IMPERVIOUS SURFACE:
Existing: 4,134 square feet 46 % of Site MOL
Proposed: 4,134 square feet 46 % of Site MOL
Permitted: 6,750 square feet 75 % of Site MOL

OPEN GREEN SPACE:
Existing: 4,866 square feet 54 % of Site MOL
Proposed: 4,866 square feet 54 % of Site MOL

PAVING COVERAGE:
Existing: 2,500 square feet 28 % of Site MOL
Proposed: 2,500 square feet 28 % of Site MOL

PARKING:
Existing: 9; including 1 handicapped space
Proposed: 5; including 1 handicapped space
Required 5; including 1 handicapped space

BUILDING HEIGHT:
Existing: 1-story
Proposed: 1-story
Permitted: 36 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 Fire Station which is a Special Exception use within the CRS-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request: The applicant seeks approval of a special exception to allow conversion of an existing office to a fire station.

Background: The subject property is located on the west side of 66th Ave N., in the Jungle Prada neighborhood, see attached Exhibit 1. The existing building was constructed in 1958 as a single-family residence. A variance was approved in 1978 to allow the conversion to office use. A sign variance was approved in 1979 to allow a reduced sign setback. There are existing offices along the west side of this segment of 66th Street, with restaurants and a gas station on the east side. There are existing single-family residences at the rear of the building, abutting the property to the west.

Current Proposal: St. Petersburg Fire Rescue (SPFR) is seeking to execute a 2 year lease on the property located at 3100 66 St. N. for use as a temporary fire station location. The station would staff a single Fire Engine with Advanced Life Support (ALS) capabilities. There will be no other fire rescue vehicles and the location will be staffed with three fire fighters on each shift.

In 2015, approximately 3,500 of the west end's nearly 4,200 emergency calls were answered by automatic aid resources, or department's other than St. Petersburg Fire Rescue (SPFR). For this reason, SPFR had long sought to open a new Fire Station in the City's west end. In March of 2016, the City of St. Petersburg applied for the federal "Staffing for Adequate Fire and
Emergency Response” (SAFER) grant. This application was made with the goal of hiring thirteen new firefighters for the expressed purpose of opening a new fire station in the City’s west end. In late August of 2016, the City was informed that it had won the grant and would be receiving this funding for a period of two years, see attached Exhibit 2, applicant’s narrative.

Research and modeling have indicated that the proposed location is within an ideal area for providing the best coverage of the west end.

I. RESPONSES TO RELEVANT CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.5 (D)):

A. The use is consistent with the Comprehensive Plan;

The subject property future land use classification is Recreation/Open Space (R/OG). The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. Conversion of the office to a fire station will improve life safety service to the surrounding community, where there is a documented need for additional City service. As previously noted, in 2015, approximately 3,500 of the west end’s nearly 4,200 emergency calls were answered by automatic aid resources, or department’s other than St. Petersburg Fire Rescue (SPFR).

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

The plan to allow renovation for the fire station is permitted under the future land use and the zoning classifications with approval of the special exception and related site plan.

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

The remodel for the fire station will not materially affect the intensity of use on the parcel. Ingress/egress to the fire station will allow the truck to enter from 66th Street, a major commercial arterial. There are no proposed changes to the existing parking areas, and the fire truck will be parking in front the building. As shown on the attached photos, there is ample space in front of the building for the parking and maneuvering of the fire truck. The applicant has provided projections which indicate that there will be an average of 7.27 calls per day, see attached Exhibit 2, Fire Department Call Projections. The existing office building generates 15.44 vehicle trips per day on the weekdays (1,400 s.f. office based on ITE Trip Generation Manual, 9th Edition, General Office Building (710)).

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
The Transportation and Parking Management Department reviewed the application and had no concerns and noted that upcoming improvements to 66th Street will benefit the maneuvering of the fire truck. A copy of their email is attached to this report as Exhibit 3. Bicycle parking will be provided in accordance with current standards. The fire truck will enter from 66th Street and be parked in the front, limiting any impact to the residential area to the west. Staff parking of personal vehicles will be provided in the existing rear parking lot. No other fire rescue vehicles will be utilized on the subject site.

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

The Transportation and Parking Management Department reviewed the application as noted above. There will be no impact on level of service of 66th Street. Projections by the applicant indicate an average of 7.27 calls per day, with an average of one call every two hours during peak time (11 AM to 1 PM). As previously noted, a typical office building of this size generates 15.44 vehicle trips per day on the weekdays.

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;

There are no proposed changes to the existing site and the Engineering Department had no comments or concerns regarding the application.

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

The proposed modification does not affect the existing signage or lighting.

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;

Use of the site is compatible with the offices and commercial uses along the 66th Street corridor. There are no proposed changes to the site. As previously noted, there is ample room in front of the existing building for parking of the fire truck. As shown in the photos, fire truck parking will not block visibility of signage or ingress/egress to the adjacent office buildings. As previously noted, Projections by the applicant indicate an average of 7.27 calls per day, with an average of one call every two hours during peak time (11 AM to 1 PM).

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

There are no proposed modifications to the site. Field inspection and review verified that there are no existing natural features, historic or archeological resources that could be impacted.
J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

Staff finds that the proposed fire station will not create of concentration of similar uses nor not create a substantial detrimental effect on property values in the neighborhood. There are no other such facilitates in this neighborhood. The closest fire station is Lealman Station 19, located at 6694 46th Ave N., which is 1.2 miles to the northwest, and St. Petersburg Fire Station #9, at 475 66th St. N., which is 1.7 miles to the south.

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

Staff finds that the proposed fire station will not create a substantial detrimental effect on living or working conditions in the neighborhood. A special condition of approval will limit the use of sirens (see condition #1). SPFRR has a number of stations located within the center of residential neighborhoods. SPFRR policy is for emergency response allows our Fire Engines to respond without using their sirens when conditions permit. Specifically through the night, SPFRR rarely utilize sirens as other vehicular traffic is very light and the red-lights are more than adequate to provide warning to other drivers. Furthermore, the direction of the fire engine exiting the property will project the daytime use of the siren in the opposite direction of the residents behind the station, greatly reducing the noise level. With this effect, the fire engine responding should produce no more noise than emergency vehicles currently responding up and down 66th St N. Condition #5 further limits the approval to the use of the existing 1,440 square foot building and the existing parking areas.

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

The fire truck will be parked in front of the building, away from the residences. Staff parking of personal vehicles will be located in the rear parking lot. Special conditions of approval are recommended to limit parking in the rear parking lot to passenger vehicles only, to limit parking in the front to one fire department vehicle in a manner as to not block ingress/egress, sidewalk or block signage of the adjacent neighbors, and to require repair or replacement of the 6-foot solid fence along the westerly property line (see conditions #2-#4).

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

The existing site can accommodate the one fire truck and the existing parking at the rear is sufficient for the three staff members.

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

As previously noted, there are no changes proposed to the site.
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

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

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

The subject development no impact on evacuation demand or facilities.

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.

The project meets all concurrency requirements.

The land use of the subject property is: Commercial Office.

The land uses of the surrounding properties are:

North: Commercial Office
South: Commercial Office
East: Commercial Restaurant/Convenience Store
West: Residential

Public Comments: Staff received a three calls, two emails and one letter as of the date of this report. Copies of the emails and letter are attached as Exhibit 4. Dr. Ryan Gale registered as an opponent, see attached Exhibit 5, Registered Opponent Form. Concerns expressed included potential siren noise, size of the facility, parking of vehicles, and reduction of property values. A number of special conditions have been included to address many of the concerns that were expressed to staff, including conditions #1-#5.
II. **RECOMMENDATION:**
Staff recommends APPROVAL with the following conditions:

**SPECIAL CONDITIONS OF APPROVAL:**

1. Use of emergency sirens shall be limited. In accordance with St. Petersburg Fire Rescue policy, when conditions permit, no sirens shall be used until the fire engine has fully exited the property onto 66th Street N.

2. Parking in the rear parking lot shall be limited to passenger vehicles only. No fire vehicles exceeding the size of a passenger vehicle shall be parked in the rear parking lot.

3. Parking in the front of the property shall be limited to one Fire Engine or Fire Department vehicle, as shown on the site plan. Parking of such vehicle shall not block the ingress/egress easement or sidewalk as shown on the subject survey, and shall be parked in a manner as to not block signage of the adjacent commercial businesses.

4. The existing 6-foot high solid fence along the westerly property line shall be repaired or replaced with a 6-foot high solid fence prior to issuance of a Certificate of Occupancy for the Fire Station.

5. The Special Exception approval is limited to the site plan and floor plan included in the application. Any expansion of the existing facility or modification to the site shall be subject to review and approval in the same manner as a new application which will require a public hearing and shall not be considered to be a minor modification in accordance with Section 16.70.040.1.

6. This Special Exception approval shall be valid through March 1, 2020. The construction for the interior modifications shall commence prior to this expiration date, unless an extension has been approved by the POD.

**STANDARD CONDITIONS OF APPROVAL**

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

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

**Building Code Requirements:**

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.

2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.
REPORT PREPARED BY:

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

List of Exhibits:
Exhibit 1: Aerial location map, Site Plan, Floor Plan, Survey, Site Photos
Exhibit 2: Applicant's Narrative and Fire Department Call Projections
Exhibit 3: Transportation Department correspondence
Exhibit 4: Correspondence from surrounding property owners
Exhibit 5: Registered Opponent Form
Exhibit 1

Case #17-32000002

Aerial location map, Site Plan, Floor Plan, Survey, Site Photos
No warranties or representations, expressed or implied, are made as to the accuracy of the information contained herein, and same is submitted subject to omissions, change of price, rental or other conditions, withdrawal without notice, and any other limitations imposed by our principles.
Exhibit 2

Case #17-32000002

Applicant’s Narrative and Fire Department Call Projections
In 2015, approximately 3,500 of the west end’s nearly 4,200 emergency calls were answered by automatic aid resources, or Department’s other than St. Petersburg Fire Rescue (SPFR). For this reason, in addition to a number of others, SPFR had long sought to open a new Fire Station in the City’s west end. In March of 2016, the SPFR applied for the federal ‘Staffing for Adequate Fire and Emergency Response’ (SAFER) grant. This application was made with the goal of hiring 13 new firefighters for the expressed purpose of opening a new fire station in the City’s west end. In late August of 2016, the City was informed that it had won the grant and would be receiving this funding for a period of two years.

Therefore, SPFR is seeking to execute a 2 year lease on the property located at 3100 66 St. N. for use as a temporary fire station location. Research and modeling have indicated that this location is within an ideal area for providing the best coverage of the west end. The station would staff a single Fire Engine with Advanced Life Support (ALS) capabilities. This unit would be in service for the community 24/7/365. As a result, the residents of the west end community and surrounding communities will see a measurable improvement in their fire and EMS service delivery from SPFR. Residents of the west end will for the first time have a dedicated SPFR station serving their requests for service. This will reduce SPFR response times to the area in addition to providing resources for fire prevention activities in the community. Overall, this initiative will provide for improved community and firefighter safety in the City’s west end.

Due to the building’s current zoning, we are seeking a Special Exception to use it as a temporary fire station. We will be making application for this special exception shortly. Our application will be considered in a public hearing before the Development Review commission on March 1st at 2 PM.

We would like to make ourselves available to answer any questions or concerns you may have. Therefore, we would gladly meet with you and your respective associations at your convenience.

We look forward to this opportunity to better serve you and your neighbors.

Please feel free to contact me via email or phone with the information listed below.

Sincerely,

Ian Womack
Rescue Chief, Fire & Rescue
City of St. Petersburg
727-893-7664 / Cell: 727-768-2757 / Fax: 727-892-5468
ian.womack@stpete.org

Please note all emails are subject to public records law.

Your Sunshine City
The Fire Department completed temporal analyses to evaluate patterns in community demands on the City’s west end. These measures examined the frequency of requests for service through two lenses, the probability and possibility of demand for Fire Station #2.

The probability of demand is based upon the area’s historical risks. Essentially, this is the projected first-due demand of the station based upon the number of calls received from the area in the previous year in addition to the average annual rate of growth.

Overall, the calls per day will average approximately 7.27. Considerable variability exists in the time of day that requests for emergency services are received. Thus, to provide a more granular understanding of the community’s demand for emergency services, this temporal analysis included the average number of calls per hour. In other words, when referring to Figure 1 below, the busiest hours are at 1100 and noon with 183 calls during each of those hours. The average number of calls per hour is a daily average for those 183 calls if they were equally distributed. Therefore, the busiest hours per day would be at 1100 and noon with an average hourly call volume of .47 calls per hour, or one call every two hours during the peak time. The hours that include midnight to 0600 represent the lowest demand for the day averaging just .11 calls per hour, or approximately 1 call during this entire period. Additionally, the average total calls during a normal work day period of 0800 to 1700 hrs is 4.37.

*Figure 1: FS2 - Projected First-Due Hourly Demand*

The possibility of demand was considered based upon the total historical risks previously answered by Automatic Aid resources. This would represent the high side of the demand estimate presuming that Station 2 answered every call that was previously responded to by automatic aide. Although possible, the dynamics of the system make this highly improbable.

In this high estimate, the calls per day could average approximately 9.59. The busiest hours would still be 1100 and noon with an average hourly call volume of .66 calls per hour, or one call every hour and a half during the peak time. The hours that include midnight to 0600 still represent the lowest demand...
for the day. Additionally, the average total calls during a normal work day period of 0800 to 1700hrs could be 5.76.

*Figure 2: All Automatic Aid Hourly Demand*
Exhibit 3

Case #17-32000002

Transportation Department
Correspondence
The Transportation and Parking Management Department has reviewed this case. There is a landscaped median on 66th Street adjacent to the site, which allows for right-in/right-out access only. The FDOT has produced an Access Management Safety Study for 66th Street North from 30th Avenue North to 58th Avenue North (June 2016). The site will continue to have restricted access (right-in/right-out only), but FDOT is proposing that the southbound left-turn lane at 30th Avenue North be lengthened. This should be beneficial to the fire station since fire trucks that need to travel east on 30th Avenue North or make a u-turn at 30th Avenue North to travel north will have a longer left-turn lane that they will be able to access. Chris Gregory at FDOT can be contacted about FDOT’s access management plans. I have attached a copy of the proposed median modifications from the FDOT’s study.

Tom Whalen, AICP
Planner III, Transportation and Parking Management
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
727-893-7883 / Fax: 727-551-3326
Tom.Whalen@stpete.org

From: Pamela Jones
Sent: Monday, January 23, 2017 12:38 PM
To: Jill S. Wells; Kelly A. Donnelly; Kirsten J. Corcoran; Kyle Simpson; Mark Riedmueller; Michael J. Frederick; Nancy Davis; Richard F Kowalczyk; Thomas M Whalen; Bruce E. Grimes; Alfred Wendler
Cc: Elizabeth Abernethy
Subject: RE: Comments requested by 2/13 - Case No. 17-32000002 - 3100 66th Street North

Case No. 17-32000002 has an address of 3100 66th Street North NOT 201 4th St S. Sorry for the confusion

Thank you,

Pamela Jones
Administrative Clerk

From: Pamela Jones
Sent: Monday, January 23, 2017 12:33 PM
To: Jill S. Wells <jill.wells@stpete.org>; Kelly A. Donnelly <kelly.donnelly@stpete.org>; Kirsten Corcoran <kirsten.corcoran@stpete.org>; Kyle Simpson <Kyle.Simpson@stpete.org>; Mark Riedmueller <mark.riedmueller@stpete.org>; Michael J. Frederick <michael.frederick@stpete.org>; Nancy Davis <nancy.davis@stpete.org>; Richard F Kowalczyk <richard.kowalczyk@stpete.org>; Thomas M Whalen <tom.whalen@stpete.org>; Bruce E. Grimes <bruce.grimes@stpete.org>; Alfred Wendler <Alfred.Wendler@stpete.org>
Cc: Elizabeth Abernethy <elizabeth.abernethy@stpete.org>
Subject: Comments requested by 2/13 - Case No. 17-32000002 - 201 4th St S

Good afternoon,
Exhibit 4

Case #17-320000002

Correspondence from surrounding property owners
Elizabeth Abernethy

From: Joseph Dana <joefromstpete@aol.com>
Sent: Frday, February 10, 2017 1:07 PM
To: Elizabeth Abernethy
Subject: Re: SPFR Application for Special Exception - Ref. New Fire Station

Elizabeth.

Thank you for responding. My neighbors and I are very unhappy at the idea of fire truck sirens going off in our backyards at all hours. This is a quiet residential neighborhood behind 66th st N. I also wonder in the site plan about the parking in the back. Is the plan to pave right up to my property line, making the utility easement part of this plan's parking? If so, would a new fence be constructed to take the place of the one that would be coming down to access the easement? If that is the case, then I will be losing my privacy fence as well. I am going to distribute this site plan to all of my neighbors and the business on the sides of this lot. The attorney next door to this has already contacted me as well as the acupuncture clinic. We are all against this invasion of our space, privacy, and quiet.

Joseph Dana
joefromstpete@aol.com

-----Original Message-----
From: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
To: joefromstpete <joefromstpete@aol.com>
Sent: Thu, Feb 9, 2017 2:14 pm
Subject: FW: SPFR Application for Special Exception - Ref. New Fire Station

See below for a description of the fire station, and I have attached a site plan.

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.

From: Ian M. Womack
Sent: Thursday, January 19, 2017 3:07 PM
To: 'Acegang1@aol.com'; 'smccann5@tampabay.rr.com'
Cc: Elizabeth Abernethy; Robert P Bassett
Subject: SPFR Application for Special Exception - Ref. New Fire Station

TO: Jungle Terrace Civic Association, Holiday Park Homeowner’s Association

Good Afternoon,

I am reaching out in behalf of St. Petersburg Fire Rescue to inform you and your neighbors about our current efforts to put a new fire station in service in your area.
Hi Liz,

This gentleman’s concerns are certainly understandable. We have a number of stations that are nestled within neighborhoods, some even amongst the homes. Are mission as always, is to be a partner for the betterment of the community each fire house serves. In that spirit, we not only have established an expectation with our personnel to be considerate neighbors, but we have also made it our practice. The Fire Department’s occupancy will not require any changes to the back parking lot; the current setup of this area is adequate to serve our needs for firefighter parking. Also, in strict consideration of our neighbors, our policy for emergency response allows our Fire Engines to respond without using their sirens when conditions permit. Specifically through the night, we rarely utilize sirens as other vehicular traffic is very light if not non-existent and the red-lights are more than adequate to provide warning to other drivers. Furthermore, the direction of the Engine exiting the property will project the daytime use of the siren in the opposite direction of the residents behind the station, greatly reducing the noise level. With this effect, the Engine responding should produce no more noise than emergency vehicles currently responding up and down 66th St N.

As always, we would be happy to meet with the residents and businesses in the vicinity to further address these and any additional questions or concerns.

Sincerely,

Ian Womack
Rescue Chief, Fire & Rescue
City of St. Petersburg
727-893-7664 / Cell: 727-768-2757 / Fax: 727-892-5468
ian.womack@stpete.org

Please note all emails are subject to public records law.

From: Elizabeth Abernethy
Sent: Friday, February 10, 2017 3:33 PM
To: Ian M. Womack <ian.Womack@stpete.org>; Robert P Bassett <Robert.Bassett@stpete.org>
Subject: FW: SPFR Application for Special Exception - Ref. New Fire Station

I’ll need your help in responding to the neighbors’ concerns, Information on the sirens in particular would be helpful I know you have protocol so as not to disturb neighbors.

Please see below

Thanks!
--Liz
TO: Jungle Terrace Civic Association, Holiday Park Homeowner’s Association

Good Afternoon,

I am reaching out in behalf of St. Petersburg Fire Rescue to inform you and your neighbors about our current efforts to put a new fire station in service in your area.

In 2015, approximately 3,500 of the west end’s nearly 4,200 emergency calls were answered by automatic aid resources, or Department’s other than St. Petersburg Fire Rescue (SPFR). For this reason, in addition to a number of others, SPFR had long sought to open a new Fire Station in the City’s west end. In March of 2016, the SPFR applied for the federal ‘Staffing for Adequate Fire and Emergency Response’ (SAFER) grant. This application was made with the goal of hiring 13 new firefighters for the expressed purpose of opening a new fire station in the City’s west end. In late August of 2016, the City was informed that it had won the grant and would be receiving this funding for a period of two years.

Therefore, SPFR is seeking to execute a 2 year lease on the property located at 3100 66 St. N. for use as a temporary fire station location. Research and modeling have indicated that this location is within an ideal area for providing the best coverage of the west end. The station would staff a single Fire Engine with Advanced Life Support (ALS) capabilities. This unit would be in service for the community 24/7/365. As a result, the residents of the west end community and surrounding communities will see a measurable improvement in their fire and EMS service delivery from SPFR. Residents of the west end will for the first time have a dedicated SPFR station serving their requests for service. This will reduce SPFR response times to the area in addition to providing resources for fire prevention activities in the community. Overall, this initiative will provide for improved community and firefighter safety in the City’s west end.

Due to the building’s current zoning, we are seeking a Special Exception to use it as a temporary fire station. We will be making application for this special exception shortly. Our application will be considered in a public hearing before the Development Review commission on March 1st at 2 PM.

We would like to make ourselves available to answer any questions or concerns you may have. Therefore, we would gladly meet with you and your respective associations at your convenience.

We look forward to this opportunity to better serve you and your neighbors.

Please feel free to contact me via email or phone with the information listed below.

Sincerely,

Ian Womack
Rescue Chief, Fire & Rescue
City of St. Petersburg
727-893-7664 / Cell: 727-768-2757 / Fax: 727-892-5468
ian.womack@stpete.org
Dear case planner:

I strongly object to a fire station at this location. Putting a fire station between 2 dental offices and a law firm is not planning things to accommodate the local businesses near this location and will definitely decrease property value and affect my business.... Who would go to a dental office next to a fire station??? Surely no one with anxiety! Not to mention the neighbors behind us! I wish to speak at the hearing on March 1st to object to this terrible idea. Everytime a fire truck passes my office, we have to pause due to noise... I would have never picked this location for my office if next to a fire station. I honestly didn't imagine this as a possibility... Can't believe you can't find a more appropriate location.

Dr Ryan Gale DDS
3000 66th St N
February 23, 2017

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

RE: Special exception to allow for fire station at 3100 66th Street North
(Parcel ID # 07-31-16-90162-000-1640)
Application No.: 17-32000002

Dear Ms. Abernethy:

Our law office is located at 3116 66th Street North, St. Petersburg, and is directly next to 3100 66th Street North, the applicant property. We share a common easement with the property proposed to become a fire station and that shared easement constitutes our ingress and egress to our rear parking which includes our handicap space. We strongly object to the approval of a special exception to allow conversion of the existing building to a fire station. Although our office supports first responders, the proposed location is not an appropriate location for a fire station. The Development Review Commission must consider the negative impact that a fire station in the proposed location will have on the property owners and local businesses in the surrounding areas.

The proposed location was historically a home in a residential area which was later converted into professional office space as has many of the homes on the west side of 66th Street. This area on the west side of 66th Street has been occupied by small owner occupied professional businesses including dental, medical, insurance, accounting and law offices. The proposed exception is out of character for the area and will interfere with the quiet professional nature of the business and residential community.

The proposed location is too small and inadequate an area to have a functioning fire station. The proposed office has a limited number of parking spaces. It is my understanding that in the application a large fire truck will be parked in the front of the building blocking all useable parking spaces; however you have now provided a photograph which shows the fire truck parked in one of the spaces. Although at this time no EMS vehicle is proposed for this site if the exception is made and a fire station is allowed then an EMS vehicle could be placed there at any time, just like any fire station. If that occurs there will only be three usable parking spaces. Three parking spaces are not adequate for fire station staff or any non-staff who would come to the
station. If additional cars attempt to park at the proposed fire station, depending where they park they could block our common easement.

Allowing a fire station at the proposed location will negatively affect our business. Clients come to our office to be counseled during difficult times in their lives, included in those clients are victims of traffic accidents. Hearing sirens going off and lights flashing during meetings will cause undue stress and anxiety to our clients. The abrupt sounds of sirens and flashing lights will cause disruptions to our staff and decrease work productivity. We would never have purchased the building and located our law practice here if we thought a fire station would ever be located next to our office. It is completely out of character with the rest of the businesses which are primarily dentists and medical offices.

Additionally, the large fire truck parked in front of the building could block the visibility of our office and business sign, which will prevent potential clients from locating our office, which ultimately impact our business.

A fire station in the proposed location will substantially decrease the property value of the homes and local businesses in the areas surrounding the proposed fire station. Our office has consulted a realtor, who has confirmed that the property values in the surrounding area will plummet as a result of the addition of this fire station. Our office will be materially affected because we are directly next door to the property and share the common ingress and egress. Every homeowner and business owner attempting to sell their property will see a substantial reduction in their property values because potential buyers will not want to buy a piece of property located near or directly beside a fire station. When people think of fire stations they associate them with sirens and flashing lights at all hours of the day and night, and that is all potential home buyers and office buyers will think of when they see that a fire station is within earshot of the property whether that is an accurate perception or not.

Once an exception is granted it will become a precedent. Although this has been characterized as a special exception to allow for a “temporary” fire station the reality is once an exception has been granted a fire station could remain there indefinitely and can be utilized as any other fire station with all the equipment and personnel necessary to carry out their responsibilities. There certainly must be more appropriate locations in the area that would serve the needs of the residents and the department.

For the above reasons, our office strongly objects to the approval of a special exception to allow conversion of the existing building to a fire station as it will have a negative economic impact on the surrounding small businesses and homeowners.

Sincerely,

H. Mary McKeown

Jon H. Barber

HMM/nkb
Exhibit 5

Case #17-32000002

Registered Opponent Form
Contact Information

Name: RYAN GALE, DDS
Street Address: 5800 66th ST N
City ST ZIP Code: ST PETERSBURG, FL 33710
Telephone: 727-894-0728
Email Address: rgaale07@gmail.com
Signature: [signature]

Date of Hearing

Date of Hearing: 03/01/17

Case No.

Case No.: WASN'T GIVEN

Case Address

Case Address:

Special Requirements

Information on Procedures for Hearing

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

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

Prepared by the Planning & Economic Development Department,
Economic Development Preservation Division

For Public Hearing on March 1, 2017
2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

APPLICATION: LDR 2017-02

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, FL 33701

REQUEST: Amend the City of St. Petersburg’s Land Development Regulations (“LDRs”) to reclassify “Outdoor Storage, Accessory Industrial” from a non-conforming to a permitted use when located within the EC (Employment Center) zoning classification.

AUTHORITY: Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (“LDRC”), is responsible for reviewing proposed amendments to the LDRs, confirming consistency with the City of St. Petersburg’s Comprehensive Plan (“Comprehensive Plan”), and making a recommendation to the City Council.

EVALUATION:

Recommendation

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends APPROVAL.

Background and Analysis

On September 10, 2007, the City of St. Petersburg City Code, Chapter 16, Land Development Regulations, were effectuated. At that time, Section 16.10.020.1 titled “Use Permissions and Parking Requirements Matrix and Zoning Matrix” established “outdoor storage, accessory industrial” within the EC (Employment Center) zoning classification as a non-conforming use.
The purpose of the EC (Employment Center) zoning classification is to allow and encourage the attraction of a variety of uses including all office types, highly specialized and technological industries, research and experimental institutions, light industrial support facilities, business services, and support oriented hotels, and limited retail uses. The EC (Employment Center) zoning classification is located within the Carillon Gateway area only, as shown on the attached map.

Recently, several property owners within the EC (Employment Center) zoning classification, have inquired about permission for accessory outdoor storage as an extension of their highly specialized and technological industries, research and experimental institutions, and light manufacturing. The location of these inquiring businesses are concentrated within the Metropointe Commerce Park and Gateway Business Park, an industrial area generally bounded by the Interstate 275, Gandy Boulevard North, Dr. Martin Luther King Jr. Street North, and Roosevelt Boulevard North.

Acknowledging the important contributions of these industrial sectors to the City of St. Petersburg’s broader economic development objectives, the inquiry for accessory outdoor storage merited further investigation. Per Section 16.10.020.1, “outdoor storage, accessory industrial” is defined as:

“Areas on private property where materials and equipment are stored outside of a completely enclosed building in the same place for more than twenty-four (24) hours, and where the outdoor storage use is accessory to a lawful, principal, industrial use. (See Use Specific Development Standards)”

The existing definition explicitly limits the outdoor storage as an accessory use meaning the outdoor storage shall only be subordinate or incidental to the principal, industrial use of the building or premises. This association is important for three (3) reasons when being considered within the EC (Employment Center) zoning classification.

First, “laboratories and research and development” and “manufacturing – light assembly and processing” are both categorized with similar industrial uses in Section 16.10.020.1, an association reinforced by the table sub-heading “Industrial, Manufacturing, and Warehouse Uses.” More intensive industrial uses, such as heavy manufacturing and salvage yards, are prohibited within the EC (Employment Center) zoning classification.

Second, encroachment of accessory industrial outdoor storage into other employment center locations, such as the Carillon Office Park, will be mitigated by the balance of corporate headquarters and other major offices that do not qualify as industrial uses. An industrial use must exist in order for the accessory outdoor storage to be approved.

Third and finally, accessory outdoor storage is regulated by use-specific development criteria in Section 16.50.270.

City staff believes this text amendment will have little to no negative impact on off-site locations throughout the EC (Employment Center) zoning classification. Equally importantly, this text amendment will help fulfill the Comprehensive Plan objectives and policies for supporting industrial and employment uses.

LDR 2017-02: Use Amendment RE Outdoor Storage, Accessory Industrial
Section Nos. 16.20.010.1 and 16.50.270
Page 2
In conclusion, City staff believes this is a practical accommodation for land use types that are industrial in character and already permitted as principal uses within the EC (Employment Center) zoning classification. City staff recommends **APPROVAL** of the text amendment, as presented.

**Compliance with the Comprehensive Plan**

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

**Policy LU3.1.C**: Industrial Category. Industrial Limited (IL) – Allowing a mixture of light industrial, industrial park, office park uses with a floor area ratio up to 0.65…

**Policy LU3.4**: The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.

**Policy LU3.5**: The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.

**Policy LU3.6**: Land use planning decisions shall weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.

**Policy LU3.21**: The City shall continue to expand the acreage available for industrial development in appropriate locations provided such expansion is supported by current and likely long-term market conditions.

**Policy LU3.24**: The City shall encourage non-polluting industrial and research facility uses, through the use of incentives that may include land assembly assistance, area-wide DRI approval, and provision of infrastructure and amenities.

**Objective LU4**: Industrial – The City shall provide opportunities for additional industrial and employment related development, where appropriate.

**Policy LU16.1**: Development planning for the Gateway [Activity Center] shall include consideration of the following issues: 1. Promotion of industrial and office park development to diversify the City’s economic base and generate employment.

**Objective LU21**: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

**Policy LU21.1**: The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, and special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.
**Policy LU23.4:** The City’s LDRs shall continue to support land development patterns that make possible a mixture of land use types resulting in employment, schools, services, shopping and other amenities located near residential development and neighborhoods.

**Housing Affordability Impact Statement**

The proposed amendments will have no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

**Adoption Schedule**

The proposed amendments require two (2) public hearings, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

- 03-01-2017: Development Review Commission, Public Hearing
- 04-06-2017: City Council, First (1st) Reading and First Public Hearing
- 04-20-2017: City Council, Second (2nd) Reading and Final Public Hearing

**Exhibits and Attachments**

1. EC (Employment Center) Locations Map
2. Section 16.50.270: Use-Specific Development Standards
3. Ordinance
4. Housing Affordability Impact Statement
SECTION 16.50.270. - OUTDOOR STORAGE, ACCESSORY USE, INDUSTRIAL USES

16.50.270.1. - Applicability.

This section shall apply to outdoor storage, accessory use, industrial uses.
(Code 1992, § 16.50.270.1)

16.50.270.2. - Establishment.

Outdoor storage, accessory use, industrial uses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements and shall comply with the development standards of the zoning district, the general development standards, and this section.
(Code 1992, § 16.50.270.2)

16.50.270.3. - Use restrictions.

A. Accessory outdoor storage areas shall only be used by the principal use of the property.

B. The area of an accessory outdoor storage area shall be part of the floor area of the structure when calculating the number of required off-street parking spaces.

C. Outdoor storage areas shall be completely enclosed with a solid masonry wall or a solid non-wood fence at least six feet high unless the area abuts:
   a. Industrial use or industrially zoned property;
   b. Utility use;
   c. Railroad right-of-way;
   d. The Pinellas Trail;
   e. An interstate highway.

D. The exterior of any fence or wall shall be landscaped as required by landscaping and irrigation section.

E. Materials, goods or equipment stored outside of completely enclosed buildings shall not be visible from outside of the wall or fence.

F. Fences and walls shall comply with the height and design standards of the fences, walls and hedges section.

G. All tires that are stored or displayed outside shall be covered to prevent the accumulation of water.
(Code 1992, § 16.50.270.3; Ord. No. 246-H, § 21, 10-20-2016)

16.50.270.4. - Cargo containers.

A. Cargo containers used for outdoor storage in the industrial traditional (IT) and industrial suburban (IS) zoning districts shall comply with this section except that:
   1. The floor area of the cargo container shall not be included in the calculation to determine the minimum number of required parking spaces.
   2. Cargo containers shall not be subject to the building and site design requirements of the zoning district.

B. Cargo containers used for outdoor storage in the industrial traditional (IT) and industrial suburban (IS) zoning districts shall be subject to the following criteria:
   1. The combined gross floor area of all cargo containers used on site shall not exceed five percent of the gross floor area of the principal structure or 400 square feet, whichever is greater. In no case shall the gross floor area of the cargo containers exceed 50 percent of the principal structure.
   2. The maximum permitted height of each container shall be ten feet. Cargo containers shall be located on the ground and not stacked on top of another container or structure.
   3. Cargo containers shall meet the setback requirements of the zoning district.
   4. Signage on a cargo container is prohibited.
   5. Cargo containers are prohibited on property which is designated industrial limited and which is part of a planned industrial/mixed-use project as described in the Future Land Use Element.
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE; CHANGING THE USE MATRIX RELATING TO PERMITTED USES; AMENDING USE SPECIFIC DEVELOPMENT STANDARDS FOR “OUTDOOR STORAGE, ACCESSORY INDUSTRIAL”; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The allowable uses for ‘Outdoor Storage, Accessory Industrial’ for the EC (Employment Center) zoning districts in the matrix in Section 16.10.020.1 of the St. Petersburg City Code are hereby amended to read as follows:

EC from NC to P

Section 2. Coding: Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

Section 3. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 4. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

____________________________
City Attorney (designee)
City of St. Petersburg
Housing Affordability Impact Statement

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

I. Initiating Department: Planning & Economic Development

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

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2017-02).

III. Impact Analysis:

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

   No   X (No further explanation required.)
   Yes   __ Explanation:

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

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

   No   X (No further explanation required)
   Yes   __ Explanation:
IV: Certification

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

CHECK ONE:

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

[Signature] For D.G. February 21, 2017
Department Director (signature) Date

OR

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

[Signature] Department Director (signature) Date

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