LOT LINE ADJUSTMENT
PUBLIC HEARING

According to Development Services 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, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, for Public Hearing and Executive Action on June 6, 2018, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-11000007       PLAT SHEET: S-18
REQUEST: Approval of a Lot Line Adjustment with a variance to lot width from 75-feet to 56-feet and 70-feet for lots in common ownership.
OWNER: JSW Investment & Acq., LLC
        2243 Belleair Road
        Clearwater, Florida 33764
APPLICANT: Ann Conard
           JSW Investment & Acq., LLC
           2243 Belleair Road
           Clearwater, Florida 33764
ADDRESS: 8000 34th Avenue North
PARCEL ID NO.: 12-31-15-44928-032-0010
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

The Request: The applicant is requesting approval of a Lot Line Adjustment with a variance to lot width from 75-feet to 56-feet and 70-feet for lots in common ownership to allow construction of two new single-family homes.
Background: The subject property is located at 8000 34th Avenue North within the Jungle Terrace neighborhood and is zoned NS-1; Neighborhood Suburban, Single-Family. The minimum lot width required in the NS-1 zoning district is 75-feet and the minimum lot area is 5,800 square feet. The proposal is for two (2) buildable lots which will each contain one (1) single-family residence. The first proposed buildable lot (Lot 1) is located on the southwest corner of 34th Avenue North and 80th Street North and will have a lot width of 70-feet and a lot area of approximately 9,450 square feet. The second proposed buildable lot (Lot 2) will have a lot width of 56.6-feet and a lot area of approximately 7,641 square feet. Both of the proposed lots will meet the required minimum lot area, but will be deficient in terms of required minimum lot width.

LOT LINE ADJUSTMENT CONSISTENCY REVIEW COMMENTS Standards for review. In reviewing an application, the POD, Development Review Commission, or City Council, shall consider the following criteria:

1. Easements for public utilities including stormwater drainage shall be provided as required. The applicant shall pay any costs of utility adjustments, extensions, relocations, and connections.

   There is an existing utility easement located along the southern property line.

2. Any unpaid outstanding liens and assessments owed to the City shall be satisfied as condition of lot line adjustment.

   This is included as a condition of approval at the end of this report.

3. Consistency with the established neighborhood pattern shall be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services. New lot lines shall comply with the subdivision requirements when practical and shall be formed of one straight line.

   The platted lot widths within the subject block vary from 50-feet to 64.14-feet in width per the Jungle Terrace Section C Subdivision plat, see attachment. For the seven blocks which were analyzed the buildable lot widths vary from 50-feet to 146.9-feet per the data from Pinellas County Property Appraiser. The subject property currently has a lot width of 126.6-feet. As a result of the Lot Line Adjustment the proposed properties will have lot widths of 56.6-feet and 70-feet. The proposed buildable lots for this Lot Line Adjustment are therefore more consistent with the development pattern than the existing buildable lot.

4. All lots must be owned by the same entity or have the written consent of the property owner.

   The two whole lots and one partial lot that are the subject of this application are all owned by the applicant.

5. Lot line adjustments and lot splits shall not create more than two additional buildable lots.

   The Lot Line Adjustment will not create more than two buildable lots.

6. For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.
The Lot Line Adjustment is to create two buildable lots within the NS-1 zoning district that will be conforming to lot area, and are requesting variances to lot width. The original platted lots included in the application are located within the Jungle Terrace Section C Subdivision and the smallest of which is 50-feet in width, 135-feet in depth, and contains approximately 6,750 square feet. Both of the proposed buildable lots will be greater than 50-feet in width, will have a depth of 135-feet, and will exceed 6,750 square feet of site area.

VARIANCE 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 proposed Lot Line Adjustment will allow for two new single family homes to be constructed by allowing the existing parcel to be divided into two buildable lots.

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

This application consists of two non-conforming lots and a portion of another lot.

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.

There are two (2) Grand Live Oaks as well as other protected live oaks and pine trees on the property that shall be preserved. The applicant has designed their proposed plans to accommodate preservation of the trees. However, the City's Urban Forrester reviewed the proposal and has concerns regarding the close proximity of the trees to the proposed corner house (Lot 1). A condition of approval has been included to address tree preservation on both lots. Staff has also included as a condition of approval language allowing the applicant to modify the proposed site plan for the corner house (Lot 1) in order to ensure preservation of a 52" Grand Live Oak.
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.

Staff's development pattern analysis included review of lot widths for conformance with the minimum requirements for NS-1 properties, whether the properties typically contain one house per platted lot, and whether the average lot widths are consistent with the existing neighborhood. The results of the analysis, provided as an attachment and within the tables below, show that 64% of the properties are substandard in terms of lot width. Staff found that 59% of the properties in the study area consist of one house per platted lot. As shown in Table 3 below, the overall average lot width for the subject block is 65.28-feet, and the average for the neighborhood is 65.44-feet. The proposed lots will be 56.6-feet and 70-feet in width, which are therefore considered to be more consistent with this neighborhood's development pattern than the existing lot that is 126.6-feet in width. Based on the analysis, staff finds that the proposal is consistent with the prevailing development pattern in the area.

**Table 1: Lot Width Analysis**

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<thead>
<tr>
<th>Block</th>
<th>Location</th>
<th>Conforming Width</th>
<th>Substandard Width</th>
<th>% Substandard</th>
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**Table 2: Platted Lot Development Pattern**

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<th>Block</th>
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<th>Vacant Lot</th>
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<th>More than 1 Lot per house</th>
<th>% 1 House per Platted Lot</th>
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<tr>
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<tr>
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<tr>
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**Table 3: Average Lot Width Analysis**

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

This criterion is not applicable.

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

The lots within the Jungle Terrace Section C Subdivision were originally platted in 1924. As shown in the analysis provided above within variance criterion 1.f., 64% of the lots analyzed are substandard in lot area and 59% are developed with 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;

The applicant has the ability to continue the use of the property as a single family home, however, not allowing the division of the property which is consistent with the surrounding pattern of development may be deemed to be an unnecessary hardship.

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;

As noted above, the approximately 17,078 square foot parcel can continue to be used as a single-family home.

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

The variance request is the minimum necessary to allow the division of the property for the development of two single-family homes, which is a reasonable use for this 17,078 square foot parcel of land.

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.

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 NS-1.
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 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.

No nonconforming uses, buildings or structures have been utilized in Staff’s analysis.

Public Comments: No comments or concerns were expressed to staff at the time this report was prepared.

AGENCY COMMENTS: The request was routed to City Departments and private utility providers for review and comments. The City’s Engineering Department had no objection provided the applicant complies with their special conditions, and Surveying noted that “each newly created lot should have their own Description and Sketch, one for Parcel A and one for Parcel B”, see attachments. There were no other objections or comments from the remaining City Departments or private utility providers.

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 plans and legal descriptions submitted with this application, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:

1. Any outstanding public liens, assessments or property taxes shall be paid.
2. Provide the City with an approved sketch and legal description of the two (2) lots to be created, per Survey Projects Coordinator’s comments dated May 18, 2018.
3. A copy of the recorded deed(s) indicating the legal exchange of property has taken place shall be submitted to Development Services after the recording of the Lot Line Adjustment approval.
4. A new parcel I.D. must be obtained before zoning approval for development on the two (2) lots.
5. The plans and elevations submitted for permitting should substantially resemble the sets of plans and elevations submitted with this application, except that modifications may be made for the preservation of trees on the proposed corner lot (Lot 1), and all plans shall comply with maximum development potential, setback and design requirements of the Neighborhood Suburban-1 Zoning District at the time of permitting.
6. Unless an application to remove a Grand Tree in accordance with Section 16.40.060.5. is reviewed and approved by staff, the applicant shall preserve the Grand Live Oaks, protected live oaks and pine trees located on the subject property. Prior to approval of building permits, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review, approval, and implementation with specific attention to the Grand Live Oaks, protected live oaks and pine trees identified on the attached tree survey. The plan shall include details of methods to protect and preserve the vitality of the trees, such as but not limited to root pruning,
canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within 20 feet of the trees and schedule a field review with the City’s Urban Forester.


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

9. This variance approval shall be valid through June 6, 2021. Substantial construction shall commence prior to this expiration date or parcels shall be conveyed into separate ownership, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

REPORT PREPARED BY:

Scot Bolyard, AICP, Planner II
Development Review Services Division
Planning and Economic Development Department

FOR:

Elizabeth Abernathy AICP, Chief Zoning Official (POD)
Development Review Services Division
Planning and Economic Development Department

JUNGLE TERRACE
SECTION 'C'

Being a Sub-division of the S.W. 1/4 of the N.E. 1/4 of Sec. 12 Twp. 31 S.R.ISE.

RESOLUTION OF PARTIAL VACATION OF

Jungle Terrace Sec. C
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 4342 PAGE 107
ON 10-27-1925

PULLER-HUNTER CORP. OWNERS.

Walter Hall
Pres.

Note: This plat does not constitute a dedication of any street, avenue, alley way or park, except for the purpose of granting to the owners of lots in this sub-division an easement over such streets, avenues, alleys or ways for vehicular and pedestrian travel. The owner of this property, hereby, covenants with and to his successors and assigns, the use and all rights and privileges necessary or convenient over, under or through the same, to the proper erection and maintenance of electric, telephone, water, gas sewer or other public utilities, poles, lines, tracks, pipes or conduits.

G. E. Blandin
C.E.
36" Grand Live Oak
52' Grand Live Oak
### Development Pattern Analysis

**Site Address:** 8000 34TH AVE N  
**Zoning:** NS-1  
**Width Required:** 75  
**Area Required:** 5800  
**Case #:** 18-11000C07  
**Revised:** 23-May-18

#### Lot Width Analysis

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#### 1 House per Platted Lot Analysis

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### Average Lot Width Analysis

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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):
Street Address: 3100 4th Ave N Apt N202
City, State, Zip: St Petersburg, FL 33710
Telephone No: 727-433-4609

NAME of AGENT or REPRESENTATIVE: Ann Conrad, Authorized Agent
Street Address: Same as above
City, State, Zip:
Telephone No: Email Address:

PROPERTY INFORMATION:
Street Address or General Location: 3000 34th Ave No St Pete
Parcel ID(s):

DESCRIPTION OF REQUEST:
Rezone lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 2 1/2 ft wide

PRE-APPLICATION DATE: 2/16/18 PLANNER:

FEE SCHEDULE

1 & 2 Unit, Residential – 1st Variance $300.00 Each Additional Variance $100.00
3 or more Units & Non-Residential -- 1st Variance $300.00 After-the-Fact $500.00

Docks $400.00 Flood Elevation $300.00

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

AUTHORIZATION

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

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

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

Signature of Owner / Agent: Ann Conrad, Authorized Agent
Date: 2/16/18

*Affidavit to Authorize Agent required if signed by Agent.
Typed Name of Signatory: JSW Investments & Acq, LLC

UPDATED 09-30-16
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

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<th>APPLICANT NARRATIVE</th>
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<td><strong>Street Address:</strong> 2000 34th Ave N</td>
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<td>Detailed Description of Project and Request:</td>
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1. **What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

   The property is 50 feet wide and original lot 5.25 wer. 50 feet wide. 2 and 1/2 lots.

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

   - 3201 35th Ave N 50 ft lots 50 x 125 new construction
   - 3201 35th Ave N 50 ft lots 10 x 125 new construction
   - 3074 35th Ave N 50 x 100 new construction

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

   The lots were sold in a mixed price.

---

Page 6 of 9
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

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

### APPLICANT NARRATIVE

4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?

Due to size of the property, 2 buildings to be necessary to fill the new construction.

Granting this variance will allow another home which has been overgrown to be renovated and cleaned up and 2 new homes built.

5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

Rehabilitating the existing home was considered but the quality of the construction was very substandard.

6. In what ways will granting the requested variance enhance the character of the neighborhood?

Pictures attached show the current function of the houses of property. The building of 2 new homes will be invaluable.
A BOUNDARY SURVEY OF: Lots 1, 2 and Lot 3, LESS the West 25 feet of Lot 3, Block 32, JUNGLE TERRACE SECTION 'C' as recorded in Plat Book 6, Page 72 of the Public Records of Pinellas County, Florida.

LANGTON SURVEYING, INC. (L.B. 3218)
LANO SURVEYORS
6285 PARK BOULEVARD, PINELLAS PARK, FL 33781
TEL: 727-545-8800 • FAX: 727-545-9431

CERTIFIED TO: William G. Jackson

FOR THE PURPOSE OF:
[ ] Improvement
[ ] Financing
[ ] Other
[ ] Not owned by surveyor

THE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES CERTIFIED TO ABOVE, AND IS LIMITED TO THOSE SO MARKED AND TO THE TRANSACTION CONTAINED THEREIN. ANY OTHER PARTY'S OR USE OF THIS SURVEY WILL BE AT THE USER'S OWN RISK, AND IT IS TO THE USER AT THEIR OWN RISK TO RELY UPON IT. NOT FLORIDA FLOOD ZONES IS SHOWN ON THE SURVEY. IT IS NOT APPLICABLE IN FLOOD ZONES THAT SCALE OF 1:500, WHICH IS AN EXACT LOCATION OF THE LINE.

UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATION AND OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY. OTHER RESTRICTIONS APPLYING TO THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. LEGEND:

[Diagram of land with lot numbers and dimensions]
ZONING: NS-1
FLOOD ZONE: X
PARCEL IDENTIFICATION #: 12/31/95/44928/032/0010
LEGAL DESCRIPTION: JUNGLE TERRACE SEC C, BLOCK 32,
LOTS 1 & 2 & E 25 FT. OF LOT 3

SITE PLAN (EXIST)

SITE PLANS
FOR
SCOTT & ANN CONARD
2600 34TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33710

JOE NO. 1905
DATE 4/7/18
SHEET NO. SITE 1
SITE PLAN (PROPOSED)

ZONING: NS-1
FLOOD ZONE: X

PARCEL IDENTIFICATION #: 12/31/15/44925/032/0010
LEGAL DESCRIPTION: JUNGLE TERRACE SEC C, BLOCK 32, LOTS 1 & 2 & E 25 FT. OF LOT 3

SITE PLANS
FOR
SCOTT & ANN CONARD
2000 34TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33710

NORTH
1" = 20.0"

SITE PLAN

LOT 1
LOT 2
LOT 3
LOT 3

SETBACK LINE

SETBACK LINE

PROPOSED 2,605 S.F. TWO STORY RESIDENCE

PROPOSED 2,750 S.F. SINGLE STORY RESIDENCE
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO:         Iris Winn, Administrative Clerk, Development Review Services
            Elizabeth Abernethy, Zoning Official, Development Services

FROM:       Nancy Davis, Engineering Plan Review Supervisor

DATE:       May 15, 2018

SUBJECT:    Lot Line Adjustment – 8000 34th Ave N

FILE:       18-11000007

LOCATION:   8000 34th Avenue North
PIN:        12/31/15/44928/032/0010
ATLAS:      S-18
PROJECT:    Lot Line Adjustment

REQUEST:    Approval of a Lot Line Adjustment with a variance to lot width from 75-feet required to 56-feet
            and 70-feet to allow the construction of two (2) new single-family residences.

SPECIAL CONDITIONS OF APPROVAL: The Engineering & Capital Improvements Department has no
                                objection to the approval of a lot line adjustment, subject to the following special conditions:

SPECIAL CONDITIONS:
1. Upon development or redevelopment, the applicant/property owner is required to provide a sanitary sewer service
   lateral and connection to the public sanitary sewer main for each lot of record if not existing. Each lot must be
   connected to its own individual sanitary sewer service lateral (may not share a service lateral). If a service lateral
   is found not existing or not in compliance with current City Engineering Standards and Specifications, the applicant
   will be responsible to construct a new 6" service lateral to the main per current City Engineering Standards and
   Specifications. The cost for design, permitting, and construction of required new service lateral(s) shall be by and
   at the sole expense of the applicant.

2. Upon development or redevelopment, the applicant/property owner is required to provide a public sanitary sewer
   clean out over each existing or proposed sanitary sewer service lateral, just inside the public easement which exists
   along the southern property boundary. All construction shall be in conformance with current City Engineering
   Standards and Specifications. The cost for design, permitting, and construction of required new sanitary sewer
   service lateral & clean out(s) shall be by and at the sole expense of the applicant.

3. Upon development or redevelopment, the applicant is required to provide potable water service to each proposed
   lot if not existing. The City shall install necessary potable water services (up to and including the necessary meter
   and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant.

4. All required improvements shall be installed at the applicant/property owners expense in accordance with the
   City Engineering design standards and specifications. A work permit issued by the City Engineering Department
   must be obtained prior to the commencement of construction within dedicated right-of-way or public easement.

NED/meh
pc:       Kelly Donnelly
          Correspondence File
City of St. Petersburg
Engineering & Capital Improvements
PO Box 2842
St. Petersburg, Florida 33731

May 18, 2018

To: Iris Winn, Administrative Clerk, Planning and Economic Development
From: Timothy R. Collins, Survey Projects Coordinator
Subject: 18-11000007 – Lot Line Adjustment – 8000 34th Avenue North

Ms. Winn,

Each newly created parcel should have their own Description and Sketch, one for Parcel “A” and one for Parcel “B.”

Florida Administrative Code 5J-17.052
   (6) Descriptions/Sketch to Accompany Description:
       (a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.
       (b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

Please contact me if you have any questions or comments at Timothy.Collins@stpete.org or 727.892.5346.

Timothy R. Collins, PSM
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 June 6, 2018 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-32000007
PLAT SHEET: G-4

REQUEST: Approval of a Special Exception and related Site Plan to construct a surface parking lot on a residential-zoned property.

OWNERS: J T C P, LLC
363 16th Street North
Saint Petersburg, Florida 33705-2021

Dean Pickel
J T D P, LLC
363 16th Street North
Saint Petersburg, Florida 33705-2021

ENGINEER: Jeff DeBosier
C&D Engineering, Inc.
8315 Gunn Highway
Tampa, Florida 33626

ADDRESSES AND PARCEL ID Nos.: 315 16th Street North; 24-31-16-37512-012-0270
326 15th Street North; 24-31-16-37512-012-0020

LEGAL DESCRIPTION: On File

ZONING: Industrial Traditional (IT)
Neighborhood Suburban Multi-Family-2 (NSM-2)
SITE AREA TOTAL: 31,769 square feet or 0.73 acres

GROSS FLOOR AREA:
- Existing: 9,598 square feet 0.30 F.A.R.
- Proposed: 6,500 square feet 0.20 F.A.R.
- Permitted: 16,350 square feet 0.75 F.A.R.*

BUILDING COVERAGE:
- Existing: 8,603 square feet 27% of Site MOL
- Proposed: 6,500 square feet 20% of Site MOL
- Permitted: N/A

IMPERVIOUS SURFACE:
- Existing: 21,834 square feet 69% of Site MOL
- Proposed: 23,726 square feet 75% of Site MOL
- Permitted: 28,187 square feet 89% of Site MOL

OPEN GREEN SPACE:
- Existing: 9,935 square feet 31% of Site MOL
- Proposed: 8,043 square feet 25% of Site MOL

PAVING COVERAGE:
- Existing: 11,512 square feet 36% of Site MOL
- Proposed: 15,507 square feet 49% of Site MOL

PARKING:
- Existing: 21; including 1 handicapped spaces
- Proposed: 40; including 2 handicapped spaces
- Required: 20; including 1 handicapped spaces

BUILDING HEIGHT:
- Existing: 22 feet
- Proposed: 22 feet
- Permitted: 35 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 surface parking lot on a residentially zoned property which is a Special Exception use within the Neighborhood Suburban Multi-family Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct an accessory surface parking lot on a residentially zoned lot. The subject property is located on the east side of 16th Street North and the west side of 15th Street North in-between Burlington Avenue North and 4th Avenue North.
Current Proposal:
There is an active codes case for parking on the residential lot and for a fence. The applicant recently completed redeveloping the industrial portion of the property with a new 6,500 square foot motor vehicle repair shop. Parking has become a concern for the applicant. The applicant purchased the residential zoned property along 15th Street North to provide additional parking for employees and customers. Parking on a NSM-2 zoned parcel is a Special Exception use. The Special Exception use is discussed later in the report.

The proposed parking lot will accommodate 19 parking spaces. The parking lot will be accessed from the existing alley that bisects the subject property. The applicant will be required to install a fence or wall along the north, south and east sides of the proposed parking lot. Code required landscaping is also required.

Staff would typically not support this type of intrusion into a residential neighborhood. However, the proposed parking lot will be located south of a Community Assembly facility and community garden that was approved by City Council on March 15, 2018 and north of an existing social service agency.

Special Exception:
As mentioned above, the parking spaces on the NSM-2 zoned parcel is a Special Exception use that requires the Development Review Commission’s (DRC’s) review and approval. The DRC is responsible to evaluate the proposed use to ensure compliance with the applicable review criteria as outlined in City Code, with a focus on the potential for adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. The City’s Transportation Planner has reviewed the proposal and determined that the existing road network and proposed traffic circulation plan is adequate to support the proposed use. Staff has suggested several special conditions of approval for the DRC’s consideration. The special conditions are intended to promote compatibility and minimize negative impacts on the adjacent residential neighborhood consistent with the applicable standards in the City’s Land Development Regulations for these types of uses. If the request is approved consistent with the suggested special conditions, Staff does not anticipate a significant impact to the surrounding area.

Public Comments:
No comments or concerns were expressed to the author at the time this report was prepared.

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

B. SPECIAL CONDITIONS OF APPROVAL:
1. The applicant shall be responsible for restricting vehicular use of the portion of the parking lot zoned NSM-2 between the hours of 10 p.m. and 7:00 a.m. The method to block the parking spaces shall be noted on the site plan submitted for permitting and shall be subject to review and approval by the Fire Department.
2. The applicant shall be responsible for ensuring that the NSM-2 portion of the parking lot is not utilized for any sales or service activities, long term parking, storage of dumpsters, heavy vehicles or similar equipment.
3. When the principal use is not open for business, the parking lot shall not be used for parking, except by employees.
4. The hedge that is required to screen the parking lot along the east side of the property shall be installed on the exterior perimeter of the fence or wall.
5. A six (6) foot high opaque fence or wall shall be constructed along the north and south property lines of the new parking lot.
6. A minimum four (4) foot high opaque fence or wall shall be constructed along 15th Street North, located a minimum of 10 feet back from the front property line.
7. Evergreen trees shall be installed around the exterior perimeter of the new parking lot.
8. One evergreen shade tree shall be installed every 30 linear feet in the 15th Street North right-of-way. Evergreen understory trees can be substituted with shades tree at a ratio of 1.5 to 1 if there is a conflict with existing utilities.
9. Exterior lighting shall comply with Section 16.40.070.
10. Bicycle parking shall comply with Section 16.40.090.4.1.
11. Plans shall be revised as necessary to comply with comments provided by the City’s Engineering Department, comments are provided in the attached memorandum dated May 2, 2018.
12. The Special Exception and related site plan approval is valid until June 6, 2021. Substantial construction shall commence prior to the expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

Engineering Requirements:

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

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

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

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

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

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 15, 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.

   Staff finds that the proposed request to be generally consistent with the Comprehensive Plan policies and objectives.

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 Future Land Use classification is Residential High. The NSM zoning allows a parking lot as a Special Exception use.

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;

   Access to the parking lot will be provided via the rear alley. The Transportation and Parking Management Department reviewed the application and had no concerns regarding ingress/egress.

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;

   Access to the parking lot will be provided from the alley abutting on the west.

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

The Transportation and Parking Management Department reviewed the application and did not determine that there would be any significant impact to the adjacent streets or intersections.

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

The proposed development will be required to comply with the applicable stormwater requirements at time of permitting. An Engineering Department memo is attached as Exhibit 4 detailing such requirements.

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

There are no proposed changes to exterior lighting. Any outdoor lighting would need to comply with the standards which require shielding from surrounding residential uses to the east. Signage shall require a permit and meet the sign code.

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

The proposed parking lot is located south of a Community Assembly facility, north of an existing social service agency and east of industrial uses. The parking lot use serve as a buffer between the light industrial, auto repair businesses to the west and the residential uses to the east and south. A special condition of approval has been included to require compliance with the design standards for a parking lot on a residentially zoned lot. Staff has not heard from any adjacent neighbors, property owners or the neighborhood association.

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 significant natural, historic or archaeological resources on the subject site. The parking lot has limit hours of operation, will be landscaped and buffered as required by City Code. Vehicular access to 15th Street North is prohibited.

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

There are no other similar parking lots in the area, and therefore there is no concentration of similar use.
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;

To minimize the potential for detrimental effects, Special Conditions of Approval provide for limits on the hours of operation, landscaping, a fence or wall and restrictions on vehicular access.

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 parking lot is 20 feet from the property line on 15th Street North, providing for separation from the residential uses on the east side of 15th Street North. A fence or wall is required around the north, east and west sides of the parking lot. Landscaping is required to be installed on the east side of the fence that is along the east side of the parking lot.

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

As shown on the site plan, there is sufficient area to locate the proposed improvements.

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

There are no natural features to preserve.

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

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

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

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

The proposed improvements do not impact demand for hurricane facilities, as there are no residential uses proposed.

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

The use will not add demand for additional public services.

a. Water.
b. Sewer (Under normal operating conditions).
c. Sanitation.
d. Parks and recreation.
e. Drainage.
The land use of the subject property is: **Industrial General and Residential High**

The land uses of the surrounding properties are:
North: **Industrial General and Residential High**
South: **Industrial General and Residential High**
East: **Residential High**
West: **Industrial General**

REPORT PREPARED BY:

COREY MALYSZKA, Urban Design and Development Coordinator

DATE

REPORT APPROVED BY:

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

DATE
CITY OF ST. PETERSBURG
MEMORANDUM
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Review Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: May 2, 2018
SUBJECT: Special Exception
FILE: 18-3200007

LOCATION: 326 15th Street North; 24/31/16/37512/012/0020
AND PIN: 315 16th Street North; 24/31/16/37512/012/0270
ATLAS: G-4
PROJECT: Special Exception

REQUEST: Approval of a Special Exception and related Site Plan to construct a surface parking lot on a residential-zoned property.

The Engineering Department has no objection to the proposed special exception and related site plan with the following special conditions and standard comments which must be addressed as plans are developed for the issuance of construction permits:

SPECIAL CONDITIONS:
1. The scope of this project triggers compliance with the Drainage and Surface Water Management Regulations 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.

The drainage design and overflow structure will be reviewed in detail upon submittal of the plans for permitting. The proposed overflow discharge to the alley must be properly managed since it creates a point discharge which no longer mimics existing site discharge conditions. The Engineer of Record must provide a conservative drainage design using a pre-development coefficient of runoff equal to 0.20 for the site drainage basin which discharges to the alley in the pre-development condition. Post development discharge to the alley shall not exceed this rate and in no case, shall discharge from a bubbler exceed 0.5 - 1 cfs during the City’s 10 year 1 hour design storm. The Engineer of Record must also provide adequate topographical information in the plan set to verify a positive overland flow path to a public stormwater conveyance system. Bubbler discharges shall not cause erosion, and shall not cause a nuisance to adjacent property.

2. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. A minimum 6-foot wide public sidewalk is required in the right-of-way of 16th Street North and a minimum 4-foot wide public sidewalk is required in the right-of-way of 15th Street North adjacent to the project.
Existing sidewalks must be removed and replaced to meet the width requirements of the City's code as may be applicable. 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.

3. Upon review of a 2015 Goggle map along the 15th Street frontage exists a stacked wood raised wood planter placed directly behind the roadway curb. The height of such a landscaping feature should not exceed 6' above the roadway curb within the first 4-feet behind the road curb, or it may be subject to code enforcement. Please remove this feature or adjust the height as part of the redevelopment project as necessary to meet the landscaping feature height limitation for public safety.

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

STANDARD CONDITIONS OF APPROVAL: 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 1009-6 (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

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

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

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

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

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.
Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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 this project. Plans specifications are subject to approval by the Florida state board of Health.

NED/MJR/mch
pc: Kelly Donnelly
     Correspondence File
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 June 6, 2018, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-32000009  
PLAT SHEET: J-22  

REQUEST: Approval of a Special Exception and related Site Plan to establish a commercial greenhouse.

OWNER: 39 Acre Corp  
122 East 42nd Street, Room 1618  
New York, New York 10168

APPLICANT: GCB Property Holdings, LLC  
3201 39th Avenue North  
Saint Petersburg, Florida 33714

AGENT: Brenden Markopoulos  
3201 39th Avenue North  
Saint Petersburg, Florida 33714

ADDRESS: 3201 39th Avenue North

PARCEL ID NO.: 02-31-16-96628-001-0010

LEGAL DESCRIPTION: On File

ZONING: Industrial Traditional (IT)

SITE AREA TOTAL: 122,245 square feet or 2.81 acres
GROSS FLOOR AREA:

Existing: 37,670 square feet
Proposed: 37,252 square feet
Permitted: 91,684 square feet

0.31 F.A.R.
0.31 F.A.R.
0.75 F.A.R.

BUILDING COVERAGE:

Existing: 39,870 square feet
Proposed: 39,870 square feet

33 % of Site MOL
33 % of Site MOL

IMPERVIOUS SURFACE:

Existing: 76,724 square feet
Proposed: 73,636 square feet
Permitted: 116,133 square feet

63 % of Site MOL
60.2 % of Site MOL
95 % of Site MOL

OPEN GREEN SPACE:

Existing: 45,521 square feet
Proposed: 48,609 square feet

37.2 % of Site MOL
39.8 % of Site MOL

PAVING COVERAGE:

Existing: 36,125 square feet
Proposed: 31,836 square feet

29.6 % of Site MOL
26.0 % of Site MOL

PARKING:

Existing: 0; including 0 handicapped spaces
Proposed: 35; including 2 handicapped spaces
Required: 31; including 2 handicapped spaces

BUILDING HEIGHT:

Existing: 26.5 feet
Proposed: 26.5 feet
Permitted: 35.0 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.70.040 of the Municipal Code for a Commercial Greenhouse which is a Special Exception use within the IT Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request: The applicant seeks approval of a Special Exception and related Site Plan for a commercial greenhouse.

Background: The subject property is located just north of 38th Avenue North, east of 34th Street N., see Exhibit 1, Aerial Location Map. Surrounding land uses include single-family residential on the north side of 40th Avenue North, industrial uses to the east and south, and CSX railroad tracks to the west. Access to the site from 38th Avenue North is via 31st St. North and 39th Avenue North. The site currently contains a 22,040 square foot warehouse, a 11,580 square foot shed and a 4,050 square foot shed. A permit for construction of a 9,250 square foot building, as an accessory greenhouse for a brewery was issued in August 2017.
Current Proposal:  The applicant is proposing to convert the existing 22,040 square foot warehouse building into a commercial greenhouse for cultivation and processing of medical cannabis. The proposed 9,216 square foot greenhouse will be used for growing hops for breweries, see Exhibit 2, Site Plan and Elevations. The existing 3,796 square foot shed will be used for storage of ancillary equipment, see Exhibit 3, applicant’s narrative and exhibits.

The applicant is proposing two double chain link fences with vinyl opaque slats and barbed wire. The fence closest to the street will be 6-feet in height and the 2nd fence, offset by 10-feet, will be 10-feet in height. The applicant is proposing to add landscaping along the northern property line consisting of understory trees every 25-feet (podocarpus and yaupon holly), palm trees and shrubs, to screen from view of the street and the adjacent residential homes to the north.

RESPONSES TO RELEVANT 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.

   Staff finds that the proposed Special Exception is consistent with the Comprehensive Plan policies and objectives.

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 Future Land Use classification is Institutional General which allows Commercial Greenhouse as a Special Exception use. The subject parcel is also within the Target Employment Center FLU Special Designation Overlay. The applicant’s narrative indicates that there will be 65 employees.

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 access will be from the 39th Ave N., via 31st St. N. and 38th Avenue N. The applicant provided an exhibit titled “General Security Rundown”, see attached Exhibit 3, which details security protocol for the proposed operation. The applicant has also confirmed that there will be 24-hour security guard presence, and no changes to the existing site lighting.

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;

   There were no concerns expressed by the Transportation Division in their correspondence, attached as Exhibit 4.

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
The applicant provided a narrative report, see Exhibit 3. The report states that there will be 65 employees, that hybrid-electrical cargo vans will be used to transport the medical cannabis, and that deliveries will be up to four times per day. The City Transportation and Parking management department reviewed the proposed report, and had no concerns, see Exhibit 4 for correspondence.

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

The proposed development will be required to comply with the applicable stormwater requirements at time of permitting. An Engineering Department memo dated May 15, 2018 is attached as Exhibit 5 detailing such requirements.

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

There is no proposed change to the exterior lighting. Any signage will need to comply with the sign code.

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

The buildings are all oriented toward the interior and will be screened from view of surrounding streets and residential properties with landscaping.

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 such resources within the vicinity of the proposed improvements. Existing protected trees will be preserved.

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

There are no other similar facilities in the area, therefore there is no concentration of similar use.

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

There is not a concentration of similar uses in the area. The applicant provided a "General Security Rundown" to provide information on the security plan for the facility.

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;

As previously noted, the proposed facility is oriented to the interior, and additional fencing and landscaping will be added to screen the facility from view
of the residential uses to the north. Staff has included a special condition requiring that the northerly most fence across from the residential uses be decorative metal or PVC, and not include barbed wire. The applicant also provided an “Odor Reduction” narrative, detailing the methods to be used to minimize the potential for any odors from the facility, see Exhibit 3.

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

As shown on the site plan, there is ample area to place the proposed improvements, see Exhibit 2.

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

Existing landscaping and protected trees are to remain.

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). Equipment and enclosures will be designed as required by the Florida Building Code.

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

The proposed improvements do not impact demand for hurricane facilities.

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

The modification will not add demand for additional public services.

The future land use classification of the subject property is: Planned Redevelopment-Residential (PR-R)

The land uses of the surrounding properties are:

- North: Single-family residential
- South: Industrial
- East: Industrial
- West: CSX Rail road/Commercial
**Public Comments:**
Staff received an email correspondence from two neighbors, one of which included a letter in opposition, see attached Exhibit 5. Concerns included potential environmental and health hazards from pesticides and fertilizer, odors, property values, and security. There is no neighborhood association for this area of the City.

**Analysis:**
Staff finds that the Special Exception and related site plan are consistent with the standards for review as listed above. If the Commission approves the request, staff is recommending special conditions as follows:

**A. SPECIAL CONDITIONS OF APPROVAL:**
1. This Special Exception/Site Plan approval shall be valid through June 6, 2021. 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.
2. The applicant shall submit a change of use/building permit application for the conversion of the existing warehouse to commercial greenhouse/processing facility and the applicant shall provide a copy of approval from the State of Florida, Office of Medical Marijuana Use for the cultivation and processing of medical cannabis at the subject location prior to issuance of the building permit for the change of use.
3. The northerly most perimeter fence across from the residential uses on 40th Avenue North shall be decorative metal or PVC and shall not include barbed wire. For all other fencing, the barbed wire shall be oriented toward the interior of the property and shall be included in the overall fence height measurement.
4. The applicant shall provide landscaping along the northern property line in accordance with the landscape plan.
5. The applicant shall implement and maintain the Odor Reduction plan, as provided in Exhibit 3.
6. The applicant shall implement and maintain the Security plan, as provided in Exhibit 3.
7. There shall be no outside storage of materials or equipment.
8. Any proposed security lighting shall comply with 16.40.070, and provide full cut-off lighting fixtures and shielding such that it not be visible from outside the security fence along the northern boundary.
9. Plans shall be revised as necessary to comply with comments provided by the City’s Engineering Department memorandum dated May 15, 2018.

**B. 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 Review 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.

REPORT PREPARED BY:

[Signature]

Elizabeth Abernethy, AICP, Zoning Official (POD) 5-30-18
Planning and Economic Development
Development Review Services Division

List of Exhibits:
Exhibit 1: Aerial Location Map
Exhibit 2: Site Plan and Elevations
Exhibit 3: Project Narrative and Applicant's Exhibits
Exhibit 4: Engineering Memo dated August May 15, 2018, Transportation Department & Real Estate Correspondence
Exhibit 5: Correspondence
Exhibit 1

Case #18-32000009

Aerial Location Map
Exhibit 2

Case #18-3200009

Site Plan, Landscape Plan & Elevations
GCV PROPERTY HOLDINGS, LLC
3201 39th AVENUE NORTH, ST. PETERSBURG, FL 33714
PHASE 2 - SITE PLANS
AUGUST 21, 2017
REVISED APRIL 12, 2018
Exhibit 3

Case #18-320000009

Project Narrative and Applicant’s Exhibits
GCB Property Holdings, LLC.

"Project Description"

SITE USE DESCRIPTION:

Main Warehouse — Size 24,240 sqft / GCB Property Holdings intends to use the structure as a commercial garden / green house as described in the City’s land use regulations as a “special exception use” for “IT”. Our direct plan is to re-skin and re-roof this building and do an interior build-out of our medical cannabis cultivation and extraction center within the confines of the existing building. This is the only structure that will be cultivating & extracting medical cannabis on site at this time.

Greenhouse — Size 9,216 sqft / We intend to use this greenhouse to grow commercial hydroponic hops for sale in the local brewing community.

Covered Parking Area — Size 3,796 sqft / We intend to use this structure as storage for ancillary equipment for our various hydroponic platforms.

BUSINESS OPERATIONAL SUMMARY:

We will cultivate multiple species that will thrive in the State of Florida environment relying on the expertise of vetted cultivators experienced in Florida Horticulture. Multiple species will be grown hydroponically using only organic nutrients which insures proper pest and disease prevention. Additionally, we will use our proprietary technology and best practices which allows the tracking of all products from our location from seed to sale. This ensures that we’re promoting 100% no fault accountability from manufacturing to our specific retail channels. Our grow team consists of the best and brightest in the Florida agriculture as well as experienced, successful medical marijuana cultivators.

In relation to some of the inside process of GCB Holdings, we will be using chilled ethanol extraction methodology to process and create the purest, most consistent medical cannabis products for distribution. Our initial products will be formulated under the commercial license of Constance Therapeutics. Additionally, all products will be constantly tested for consistency and quality, verified by an independent laboratory.

Lastly, our Hydroponic hop greenhouse (Permit #17-02000934) will be dedicated to providing local and state-wide breweries with Fresh Florida Hops year round.
e. A description of personnel reserved solely for security purposes;

GCCC contracted security personnel will:

1) Patrol industrial and commercial premises to prevent and detect signs of intrusion and ensure security of doors, windows, and gates.

2) Answer alarms and investigate disturbances. The alarm system will be integrated with panic buttons to be used in the event of a robbery or other emergency incident, and a duress alarm code which can be used in the event of a hold-up. Panic buttons will be placed strategically throughout the facility with greater concentrations in sensitive areas.

3) Monitor and authorize entrance and departure of employees, visitors, and other persons to guard against theft and maintain security of premises. Interior cameras with complete 360-degree coverage will provide 24-hour video surveillance and record all activities inside the facility at all times. A security and alarm company will be capable of monitoring the live video feed if necessary and be able to alert the police in case of an emergency.

4) Write reports of daily activities and irregularities, such as equipment or property damage, theft, presence of unauthorized persons, or unusual occurrences.

5) Call police or fire departments in cases of emergency, such as fire or presence of unauthorized persons.

6) Circulate among visitors, patrons, and employees to preserve order and protect property.

7) Answer telephone calls to take messages, answer questions, and provide information during non-business hours or when switchboard is closed. 8) Warn persons of rule infractions or violations, and apprehend or evict violators from premises, using force when necessary.

**Personnel Screenings**

GCCC will incorporate Lexus Nexus as part of its overall security package. The purpose of this is to ensure that all personnel are compliant with a level (2) background screening as mandated by the State of Florida. GCCC additionally has forged a good working relationship with state, local and federal law enforcement agencies to ensure all GCCC personnel meet the standard as required by the state. GCCC will have policies and procedures in place for the whole building, as well as each individual Organization to help employees take responsibility for challenging strangers in their workplace. Our Company policy to have guests check-in with the receptionist and a policy to escort guests to their destination will make unescorted individuals stick out. All employees should be prepared to approach people who are not connected to the company or building and escort them to their destination. If this is standard policy supported by managers, employees will feel more comfortable in approaching and assisting unfamiliar people.
Odor Reduction

The Applicant is well aware of Florida’s concerns regarding odor emanating from its facility and has integrated plans into its facilities’ designs to specifically address these concerns. Fl. Admin. Code §64-4.002(e)(8). As part of these plans, the Applicant’s facilities will include tri-phase, carbon-filter-based odor reduction systems, negative air pressure exhaust systems, and ONA Gel odor-absorbing canisters.

The Applicant will organize its facilities into a series of separate, properly insulated and sealed areas including cultivation, processing, packaging, storage, dispensing, and common areas, depending on the facility. Each area will feature a predetermined number of both standard air filters and carbon filters, which will circulate and scrub the air at a flow-rate calculated to filter all the air in every area at least every 15 minutes. The Facilities Manager will replace these filters on a regular basis to ensure they are operating at their highest possible capacity. Carbon filters will have aluminum tops and bases for reduced weight and have 46nm RC-4/8 activated, certified virgin carbon beds. The filters will have a cone shaped internal base for optimum airflow in addition to a 51% open air custom mesh. Carbon filters will also have the dual purpose of removing some particles from the air as it circulates within each room. The Applicant will integrate these filters into a negative air pressure exhaust system.

Exhaust from each area will pass through an activated carbon filter before entering a sealed ducting system. The air will then be transferred to a centralized air bank. All exhaust will be filtered a third time through a series of activated carbon filtration screens before it finally exits the building through a stack system. The Applicant will seal and insulate each room in every facility to limit air intake and maintain negative pressure.

Finally, the Applicant will also place ONA Gel odor-absorbing canisters throughout all areas of each facility in order to further minimize odor. ONA Gel is a popular brand of non-toxic, inexpensive, and slightly fresh-fragranced gel. The gel works by slowly evaporating and clinging to odor particles in the air. The result is clean-smelling air transferring throughout each facility. The Applicant will place buckets of odor-removing gel in the following rooms:
- All cultivation and processing rooms;
- Finished goods rooms;
- Waste areas;
- Dry/cure rooms;
- Shipping and receiving rooms; and,
- Near every ingress/egress point at every facility.

The odor reduction system will not impact the integrity of medical marijuana within each facility and be of great service to the neighboring businesses. The Applicant’s principals feel that these measures will be sufficient to eliminate any odor originating from its facilities but is prepared to take additional measures based on input from community members, law enforcement, or local officials.
Elizabeth Abernethy

From: Doug Hoch <dough@sdei.net>
Sent: Wednesday, May 9, 2018 11:45 AM
To: Elizabeth Abernethy
Cc: Greg Unger; Mark Kitzmiller; Tom Unger
Subject: RE: Chain Link Fence Design - GCB Property Holdings

Elizabeth,

We are proposing a double chain link fence with vinyl opaque slats. The fence closest to the street would be 6-feet in height and the 2nd fence (at a 10-foot offset) would be 10-feet in height and would be 6-feet away from the building. We are allowing at least 10-feet to the Right-of-Way for the installation of new landscaping. The existing trees and brush are against the building and are proposed to be removed.

We understand that all other areas (i.e. along RR and the IT District) will not require landscaping and we have a single fence along that property line.

We will be addressing your other email shortly.
Thanks.

Doug Hoch
Senior Designer

From: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Sent: Wednesday, May 9, 2018 11:30 AM
To: Doug Hoch <dough@sdei.net>
Cc: Greg Unger <g.unger@sdei.net>; Mark Kitzmiller <m.kitzmiller@sdei.net>; Tom Unger <t.unger@sdei.net>
Subject: RE: Chain Link Fence Design - GCB Property Holdings

What type of fence is proposed?

In IT zoning, fences over 4-feet in height adjacent to the streets (e.g. 40th Ave N.) require landscaping.
The fences abutting the rail road and interior property lines do not require landscaping.

Here is the landscaping section of the code related to landscaping of fences:

16.40.060.2.1.3. - Development and redevelopment of non-residential and multi-family property.
D.5. Landscaping adjacent to fences, walls, or dumpster enclosures. The exterior of any opaque fence, wall, or dumpster enclosure visible from any street shall be landscaped with a minimum of one shrub for every three linear feet and one under-story tree for every 25 linear feet.

If there is not sufficient space to plant the shrubs and trees in the right-of-way, you will need to set the fence back to accommodate this landscaping. I can count existing landscaping that will be preserved towards this requirement.
Date: May, 18, 2018

Elizabeth Abernathy, Zoning Official
City of St. Petersburg
One Fourth Street North
St. Petersburg, FL 33701

Re: Application #: 18-32000009
Address: 3201 39th Ave. N. St. Petersburg, Florida 33714.

Mrs. Abernathy,

This letter is to state the Traffic Impact Report Narrative for 3201 39th Ave N. St. Petersburg, FL 33714 as it relates to our Special Exception use for a Commercial Garden / Greenhouse:

We were requested to provide a minimum explanation for the following items. Our suspected number of employees, type of trucks and our frequency of deliveries. Find all below answered in order;

**Expected number of employees:** 65

**Type Of Trucks:** GCCM will use hybrid-electrical cargo vans to transport all medical marijuana.

**Frequency of deliveries:** GCCM projects that deliveries will take place not more than (2) to (4) times per day by way of the hybrid-electric cargo vans referenced above. **Special Note:** This delivery schedule is greatly lower footprint than the previous "roofing supply company".

Thank you,

*Brenden John Markopoulos*
Exhibit 4

Case #18-32000009

Engineering Memo dated May 15, 2018;
Transportation and Parking
Management Department & Real Estate
Department Correspondence
TO: Iris Winn, Administrative Clerk, Development Review Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: May 15, 2018
SUBJECT: Special Exception
FILE: 18-3200009

LOCATION: 3201 39th Avenue North
AND PIN: 12/32/16/09220/001/0010
ATLAS: J-22
PROJECT: Special Exception

REQUEST: Approval of a Special Exception and related Site Plan to construct a commercial greenhouse.

The Engineering Department has no objection to the proposed special exception and related site plan with the following special conditions and standard comments which must be addressed as plans are developed for the issuance of construction permits:

SPECIAL CONDITIONS:
1. The scope of this project appears to comply with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030 though no stormwater pond/system is shown on the site plan. A site modification of 3000 sf will trigger compliance with the City's Drainage and Surface Water Management Ordinance. With applications for construction permits, the applicant will be required to submit a drainage design and drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030 and which have been signed and sealed by a professional Engineering licensed in the State of Florida. 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.

2. 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 proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.
3. 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.

4. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the IT zoning district, a 5-foot wide public sidewalk is required along the south side of 40th Avenue North adjacent to this site boundary. 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 and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

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

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

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

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

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

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

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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 this project. Plans specifications are subject to approval by the Florida state board of Health.

NED/MJR/meh
pc         Kelly Donnelly
           Correspondence File
I do not anticipate that this project will have a significant vehicular traffic impact because it will be a manufacturing facility. As mentioned by the applicant, the site has produced trips before, as a roofing supply company. Since the site will be served by cargo vans rather than large trucks, and there will be 4 daily deliveries or less, I don't have an issue with this project from a truck traffic perspective.

---

Couple more security questions:

Are there any proposed changes to site lighting?
Will there be a 24-hour security guard on premises?

Thanks!
--Liz

---

Please see the requested responses to the neighbors below....
Would the commercial greenhouse cause a significant increase in neighborhood traffic?

It will not. Our site is a production facility with limited access and will more than likely be the less than the traffic pattern of the previous occupant.

Would the owners of the commercial greenhouse use potentially harmful pesticides or chemicals that can be inhaled by people who live in close proximity? How contained would this greenhouse be?

The State Department of Agriculture has strict guidelines for pesticides used in a consumable product. And GCCM has the intention of adhering to the guidelines as set forth by the State.

See: FLORIDA PESTICIDE LAW (ss. 487.011-437.175)

The commercial greenhouse will be a retrofit of the existing metal warehouse on site and would be completely contained and enclosed.

Who will own and operate the proposed greenhouse?

Lodak Properties, LLC.

On Fri, May 18, 2018 at 11:32 AM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

I need your assistance in responding to the attached email.

Specifically, Items 3, 4, and 6

I will send her your application, plans, narrative to answer other questions.

I do not see that you submitted the required Traffic Impact Report (see attached application package checklist).

Please provide a report by the end of next week to stay on track for the June hearing.

I apologize for missing that in my previous review of your case materials,

I am Cc’ing Tom Whalen, our transportation planner, in case you need guidance on what you need to include in the report.

At a minimum, we need to know number of employees, type of trucks and frequency of deliveries (semi-truck trailers? Box trucks?)
Thanks,

--Liz

From: Brenden Markopoulos [mailto:brenmark8@gmail.com]
Sent: Thursday, May 17, 2018 3:05 PM

To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Cc: Iris L. Winn <Iris.Winn@stpete.org>; David Kitenplon <david@gulfcoastcannameds.com>; Jason Grimes <img@gulfcoastcannameds.com>; Lori Daugherty <lori@gulfcoastcannameds.com>; Oscar Mouton <ogm@gulfcoastcannameds.com>; Jules Dickinson <jules.dickinson@gulfcoastcannameds.com>
Subject: Re: Special Exception for Greenhouse 18-3200009

Thanks Liz,

If you need to contact me for anything over the weekend please feel free to email or call my cell 727-318-7664.

Thanks as always for your help!

On Thu, May 17, 2018 at 3:01 PM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Thank you

I will let you know if I need anything else,

Likely working on it over the weekend,

"Thanks!

--Liz

From: Brenden Markopoulos [mailto:brenmark8@gmail.com]
Sent: Thursday, May 17, 2018 12:34 PM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Cc: Iris L. Winn <Iris.Winn@stpete.org>; David Kitenplon <david@gulfcoastcannameds.com>; Jason Grimes <img@gulfcoastcannameds.com>; Lori Daugherty <lori@gulfcoastcannameds.com>; Oscar Mouton
Good Afternoon Liz,

Please see all other required items and notes as per your request.

Let me know if you have any questions, comments or concerns as all items are due this Friday.

See all annotations in red.

Thanks.

Please provide the following by May 18th to stay on schedule for June 6th DRC:

1. Please provide a PDF of the “Phase 2- Site Plan” file. Already sent to you, please confirm. Provide a Landscape plan and provide elevations of the proposed 9,216 s.f. greenhouse (see page 1 of application, List of Required Submittals) I’ve already sent you the greenhouse elevations, please see the below attached landscape plan.

2. Provide documentation stating which licensed MMTC this facility will be associated with and a copy of their state license. (Constance Therapeutics does not appear on the state website as a licensed entity) As addressed we’re not yet licensed through the state of Florida. Part of our application process to the state is to get Zoning approval, hence the reason for the SPR packet submission.


3. Provide a narrative of the security plan for the facility, including details of fencing and the security system. Landscaping is required for fences above 4-feet in height, and there are additional requirements for use of electoral fences. Link for fence regulations, see #4. Industrial uses chart and #5 Design and Other related regulations: Fencing draw is not located in the landscape plan attached below. We will not be using an electric fence. General security narrative attached below.

4. Please provide narrative response to the following: Will there be any odor associated with the facility? See attached odor plan. Will there be any outdoor storage of materials? No, material storage will be located within the main structure. If so, show on plans and how such storage areas will be buffered from adjacent residential uses to the north. Here is a link to the applicable code section: Not needed.

https://library.municode.com/fl/st_petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH16LADERE_S16.90.020RUINDE_16.90.020.2.2PEST

5. Property owner is “39 acre corp”. Provide Affidavit to Authorize agent form signed by the authorized signatory demonstrating that GCB Property Holdings has authorization from the property owner for the Special Exception use. We addressed this and are good to go, correct?

On Mon, May 7, 2018 at 8:27 AM, Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Brenden,

I have review the application and need some additional materials to process this request.

Please provide the following by May 18th to stay on schedule for June 6th DRC:

1. Please provide a PDF of the “Phase 2- Site Plan” file. Provide a Landscape plan and provide elevations of the proposed 9,216 s.f. greenhouse (see page 1 of application, List of Required Submittals)
2. Provide documentation stating which licensed MMTC this facility will be associated with and a copy of their state license. (Constance Therapeutics does not appear on the state website as a licensed entity)


3. Provide a narrative of the security plan for the facility, including details of fencing and the security system. Landscaping is required for fences above 4-feet in height, and there are additional requirements for use of electoral fences. Link for fence regulations, see #4. Industrial uses chart and #5 Design and Other related regulations:

4. Please provide narrative response to the following: Will there be any odor associated with the facility? Will there be any outdoor storage of materials? If so, show on plans and how such storage areas will be buffered from adjacent residential uses to the north. Here is a link to the applicable code section:

https://library.municode.com/fl/st_petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH16LADERE_516.90.020.2.2PEST

5. Property owner is “39 acre corp”. Provide Affidavit to Authorize agent form signed by the authorized signatory demonstrating that GCB Property Holdings has authorization from the property owner for the Special Exception use.

Best Regards,

Elizabeth Abernethy, AICP
Zoning Official, Development Review Services Manager
Planning & Economic Development Department
City of St. Petersburg
P.O. Box 2842, St. Petersburg, FL 33731
727-892-5344 / Fax: 727-892-5557
Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.

Your Sunshine City

------- Forwarded message -------
CITY OF ST. PETERSBURG
MEMORANDUM
REAL ESTATE & PROPERTY MANAGEMENT

DATE: May 2, 2018

TO: Iris Winn, Administrative Clerk
    Development Review Services

FOR: Elizabeth Abernethy, Zoning Official
     Development Review Services

FROM: Aaron Fisch, Real Estate Specialist
      Real Estate & Property Management

SUBJECT: Approval of a Special Exception and related Site Plan to construct a
         commercial greenhouse.

CASE NO: 18-3200009

ATLAS: J-22

LOCATION: 3201 – 39th Avenue North
           02-31-16-96628-001-0010

COMMENTS: Real Estate & Property Management has reviewed this application, noted
          the location of the subject property. Please note, the City was granted a
          public utility easement (BK: 14895 PG: 1848-1851) on December 8, 2003,
          which is located at approximately the northwest corner of the subject
          property. A copy of the easement document is included for reference.

cc: Bruce Grimes, Director, Real Estate & Property Management
This Instrument Prepared By and Referred To:

Amy J. McGarr
Property & Asset Management Coordinator
Property Management & Realty Services
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842

County Parcel Identification Number:
02/31/16/96628/001/0010

PERPETUAL EASEMENT
(CORPORATION TO CITY)

THIS INDENTURE, made this ___ day of December, 2013, between 39
ACRE CORP., a corporation existing under the laws of the State of Delaware, herein after
referred to as "Grantor", whose post office address is 122 East 42nd Street, Suite 1618, New
York, New York 10168, and the CITY OF ST. PETERSBURG, FLORIDA, a municipal
corporation, whose post office address is P.O. Box 2842, St. Petersburg, Florida 33731,
hereinafter referred to as "Grantee";

WITNESS:

That for and in consideration of the mutual benefits, conditions and covenants contained
herein, Grantor does hereby grant and convey to the Grantee a perpetual easement
("Easement") for public utilities, in and upon that certain land situated in Pinellas County,
Florida, which is more particularly described in "Exhibit A", attached hereto and by this
reference made a part hereof. Said public utilities shall include, but not be limited to,
maintaining existing, and any future underground water mains, sewer lines, stormwater
conveyance systems, electric service, telecommunication lines, gas lines and cable television
and for the installation, operation, and maintenance of any related facilities, equipment and
accessories desirable in connection therewith.

The Grantee shall have the right to inspect, alter, improve, repair or replace and rebuild
such utilities and related equipment and accessories, together with all the rights and privileges
necessary or convenient for the full enjoyment and use thereof for the purposes above-
described, including but not limited to, the right to enter over and upon lands of the Grantor, its
successors and assigns, for purposes of exercising the rights and privileges herein granted,
including but not limited to, the right to clear the Easement of vegetation, structures, pavement
or any other encroachment without liability, to excavate, construct improvements and to prohibit
the construction of permanent structures within the Easement. Grantee's written permission
shall be required before any permanent or temporary structures may be placed in the Easement.

RETURN TO
CITY CLERK
P.O. BOX 2842
ST. PETERSBURG, FL 33731

PAGE 1 OF
This Easement does not limit the Grantor's right to install and maintain streets, driveways, fences and landscaping within the Easement, provided that same shall not impair the rights of the Grantee, nor the purpose of the Easement granted hereunder; and provided further that if any such installed improvement shall be damaged or destroyed by the Grantee in the course of exercising its rights hereunder, or by any other cause whatsoever, the Grantee shall have no responsibility to repair or replace any such improvements. The Grantee's liability shall be limited to returning any excavation to its previous grade. The construction of drainage improvements or facilities shall not be permitted within the Easement, unless plans for such improvements or facilities have been approved of in writing by the Grantee prior to such construction.

Grantor further covenants with the Grantee that Grantor is lawfully seized of the property described herein, which is free and clear from all encumbrances, or the holders of all such encumbrances have released any such interest in the property described in "Exhibit A" or have joined in the granting of this Easement, and that the Grantor has good, right and lawful authority to grant the Easement described herein, and that it fully warrants that it has title to the parcel of land described herein and will defend the same against lawful claims of all persons whosoever.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed in its name as of the day and year first written above.
Signed, sealed, and delivered in the presence of:

LUCILIE MANNO
Witness Signature

LUCILIE MANNO
Typed, Printed or Stamped Name

CHARLES J. HARRINGTON
Witness Signature

CHARLES J. HARRINGTON
Typed, Printed or Stamped Name

(Affix Corporate Seal)

Grantor:
32 ACRE CORP.
Corporate Name

By:
Signature

Douglas P. Fields
Typed, Printed or Stamped Name

President
Title

ATTORNEY:
Signature

Frederick M. Friedman
Typed, Printed or Stamped Name

Corporate Secretary
Title

STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me this 8th day of December, 2011, by Douglas P. Fields, President (Name of officer or agent and title) of 32 Acre Corp. (Corporation Name), a Delaware (State or place of incorporation) corporation, on behalf of the corporation. (He/She) is personally known to me or (has/have) produced __________ (Type of Identification) as identification and appeared before me at the time of notarization.

APPROVED AS TO CONTENT:

City Attorney (Designee)
By: MILTON A. GALBRAITH, JR.
Assistant City Attorney

APPROVED AS TO FORM:

City Attorney (Designee)
By: MILTON A. GALBRAITH, JR.
Assistant City Attorney

RETURN TO
CITY CLERK
P.O. BOX 2942
Petersburg, FL 33731

Notary Public - State of NEW YORK

LUCILIE MANNO
Notary Signature
Notary Public, State of New York
Notary Public, City of New York
Notary Public, County of New York

LUCILIE MANNO
Typed, Printed or Stamped Name

(Affix Notarial Seal)

Exhibit A

PAGE 3 OF 4
LEGAL DESCRIPTION:

That Portion of Vacated 40th Avenue North lying in the South ¼ of the SW 1/4 of the SW 1/4 of Section 2, Township 31 South, Range 16 East; lying South of the North Line of said South ¼; lying West of the East line of Lot 13, Block 1, MARINI AND SALVATORE SUB., as recorded in Plat Book 26, Page 114, of the Public Records of Pinellas County, Florida, extended South to the South Right-of-Way Line of 40th Avenue North; lying North of Lot 1, Block 1, WESTMOUNT TRACT “A” PARTIAL REPLAT, as recorded in Plat Book 75, Page 13, of the Public Records of Pinellas County, Florida and lying East of the East Right-of-Way Line of CSX Railroad, a 100 foot wide Right-of-Way.

Containing 0.13 Acre, more or less.
Exhibit 5
Case #18-32000009
Public Correspondence
From: Mirela Setkic <mirelasetkic@gmail.com>
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Cc:
Bcc:
Date: Fri, 18 May 2018 01:05:20 +0000
Subject: Public Hearing for the property located at 3201 39th Ave N

Hi, Elizabeth.

My family owns a home at 4043 32nd Street North here in St. Pete.

They recently received a notice from the city regarding the upcoming June 6th, 2018 hearing regarding the proposed commercial greenhouse for the land located at 3201 39th Ave N.

Can you provide us with answers to the following questions:

1. Why is there a public hearing for this project? Is it a standard procedure or are there objections from members of the community?
2. How would the commercial greenhouse affect the property values in the neighborhood?
3. Would the commercial greenhouse cause a significant increase in neighborhood traffic?
4. Would the owners of the commercial greenhouse use potentially harmful pesticides or chemicals that can be inhaled by people who live in close proximity? How contained would this greenhouse be?
5. What will this commercial greenhouse be used for? What kind of plants will be grown there?
6. Who will own and operate the proposed greenhouse?
7. How large is the greenhouse going to be? Is it going to be an extremely large structure?

We look forward to hearing from you.

- Mirela
The Setkic Family  
4043 32nd Street North  
St. Petersburg, Florida 33714

Monday, May 28th, 2018

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

Re: Public Hearing for the property located at 3201 39th Avenue, St. Petersburg, FL 33714

Dear To Whom It May Concern:

I am writing on behalf of my parents, Dragija and Mustafa Setkic, who own the property located at 4043 32nd Street North, St. Petersburg, Florida 33714. They are not fluent in English, and have asked me to write this letter on their behalf. They purchased their property in 1998.

Recently, my parents were notified of the upcoming public hearing for a proposed commercial greenhouse at 3201 39th Avenue North, St. Petersburg, Florida 33714.

Please record this letter as their formal opposition to the commercial greenhouse project based on potential environmental and health hazards of the pesticides and fertilizer used at such facilities, odors emitted by such facilities/operations, negative economic impact on residential property values in the neighborhood, and other concerning aspects of this proposed project. They are opposed to such a facility being built in a residential neighborhood, and plan to be present as the opposition to the project on June 6th, 2018.

Please let me know if you need additional information. My cell phone number is (727) 254-9228.

Respectfully submitted,

Mirela Setkic
Thank you for your correspondence regarding this Special Exception case.

I am currently out of state for my son's graduation, so my voice mail is directing callers to our clerk for more information. I am responding to emails.

I have attached the exhibits for the application, Please see the applicant’s narrative on page 21. The applicant provided info on the security plan and fencing, shown on page 22. The application description is for a medical cannabis cultivation and processing facility within the existing warehouse, and a new greenhouse building for growing hops. I have forwarded the application to our police department as well. I will forward any comments I receive from them to you.

I will follow-up with Benden regarding his communication with the surrounding neighbors.

I can include any correspondence you or the neighbors send to me in my staff report for the hearing on June 6th. I will be finalizing the staff report when I return to the office on Wednesday. Anything I receive after Wednesday and through 10 AM on June 6th will be transmitted to the commissioners on the day of the hearing. You can register as an opponent, which if done one week prior to will give you 10 minutes to speak at the hearing, instead of 3 minutes, and allows 5-minutes of cross examination and 5-minutes for closing arguments. The first registered opponent qualifies for this extra time, and all others have 3-minutes to speak.

I will be adding a special condition of approval, requiring that the outer fence across from the residential homes be a decorative fence (either metal or PVC), rather than chain link with slats and barbed wire, as currently proposed by the applicant.

Please let me know if you have any other questions.
I will include your email with my report to the commissioners.

Regards,
Elizabeth Abernethy, AICP
Zoning Official
A few of my neighbors have asked me to sign a petition against this change. They said they have called the number provided (left messages) but have not received any calls back. We had a problem the other day with some one going around the neighborhood and slashing tires. I had over two thousand dollars worth in tires that I need to replace, 5 semi tires, 2 on my box truck, 2 on my van and 2 on one of my trailers, all brand new tires. The police man that came, said he just got transferred to this area and this was his first day here. He said he had more calls in that first day then he had in three weeks where he was stationed before. He tells me this is the highest crime area of the county.

Seems the concern is crime and everyone is under the impression that the green house is going to be used for growing medical cannabis. Even if they have the best security there is (we are told armed guards) always some fool that thinks he is smarter and will try something. People are afraid of gun fire etc. On the petition it states “commercial green house”. It does not say what the intended use is for. The owners told me it was going to be for growing hopps. At one point it was mentioned after the hopps seems to be taking so long to start up that that idea was scrapped and cannabis was the new plan.

I have talked to the owner and he assured me that the greenhouse is not for growing cannabis. I have told the people here that they will not be growing cannabis. No one believes me, Brenden was here last week and assured me it is for growing hopps. If it is for growing cannabis right next to me I too would be a little scared of what will happen to the neighborhood. Crime is high now and I would not want it to get any worse. If it does the property values will really go down.

Can you confirm what the planned use of the green house will be used for? I do not know why Brenden would lie to me so I am thinking that these people are signing a petition for nothing. That is what have told them. I have a partner here also and he thinks that if there is a cannabis next door it will kill our neighborhood and we will need to sell our building and move elsewhere.

Looking froward to hearing from you.

Your Sunshine City
APPEAL OF A STREAMLINE APPROVAL OF A REQUEST FOR APPROVAL OF A VARIANCE

For Public Hearing and Executive Action on June 6, 2018, beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, John Barie 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.: 18-54000042  PLAT SHEET: F-12

REQUEST: Appeal of a streamline approval of a variance to the rear yard setback to allow an existing structure to be moved to the subject property.

APPELLANT: Ralph Oliva

OWNERS: Crescent Lake Apartments, LLC
416 13th Avenue Northeast
Saint Petersburg, Florida 33701

Phillip Herlein and Nicole Matoushek
416 13th Avenue Northeast
Saint Petersburg, Florida 33701

ADDRESS: 439 18th Avenue North

PARCEL ID NO.: 18-31-17-18792-004-0130

LEGAL DESCRIPTION: On File

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

Background:
The subject property is located on the north side of 18th Avenue North between 4th and 5th Streets North, in the Crescent Lake neighborhood. The property contains a one-story, two-unit apartment building. Currently there is no parking on-site. The applicant proposes to move a
two-story building from 1717 5th Street North. The two-story building has a three car garage on the first floor and a residential unit on the second floor. The building will be moved to the rear of the subject property. The applicant will construct a new driveway off the 15-foot alley to provide access to the three car garage. A tandem parking space will be constructed along the east side of the two-story building. A total of five parking spaces will be provided on-site.

To the northwest and west of the subject property are two townhome developments. Directly north of the subject property is a commercial zoned property that is developed with a surface parking lot.

**Request:**
The subject of this application is a request for variance to the rear yard setback to allow for the two-story building to be moved to the site. A portion of the second story encroaches into the required 20 foot rear yard setback by seven (7) feet. This will leave a 13 foot setback from the alley.

**Appeal:**
The subject application was scheduled to be approved by staff on May 11, 2018, if no appeal was submitted. On May 10, 2018, the City Clerk received an appeal from Ralph Oliva. The appellant listed three items for grounds for the appeal. The items are lack of parking, too high of density and eyesore, see attached Appeal form. The following report will first address the variance review criteria by the appeal items.

**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 currently developed with a duplex. The applicant is seeking to move an existing structure to the property with one additional unit and provide paved parking on-site. A total of three dwelling units is allowed under the NSM-1 zoning district.

   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.

   N/A

   c. Preservation district. If the site contains a designated preservation district.
d. Historic Resources. If the site contains historical significance.

N/A

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

N/A

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

The proposal is consistent with the prevailing development pattern of the alley. The proposed setback for the relocated building is 13-feet and the existing townhouse projects to the west and northwest are placed closer to the alley. Directly north of the subject property is a commercial zoned surface parking lot.

Typical required rear yard setbacks in the traditional single-family zoning district is 6 to 10 feet, depending on the alley width, with a minimum dimension of 22-feet from the back of the garage to the opposite side of the alley to provide adequate vehicular maneuvering. With a 13-foot setback and 15-foot alley, the 28-foot dimension will exceed this dimension.

Currently, there is no traditional multi-family zoning designation in the City's Code, and staff is proposing to add such a category later this year (NTM). While staff is still evaluating the proposed dimensional criteria for this new zoning district, it is likely that the proposed rear yard setback will be similar to the rear yard setback required for the single-family traditional designations.

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

N/A

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

A 15 feet alley is located at the rear of the subject property. The subject property is located within a designated suburban style zoning district. Suburban districts typically do not contain alleys and a 20 feet rear yard setback is required for a primary structure. At the subject property, the two-story building will be 28 feet from the properties that are located on the north side of the alley.

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

If the applicant were to provide the required 20 foot setback in addition to the 15 foot wide alley, the rear structure would be 35 feet from the properties that are located north of the
alley. While other properties in the same zoning district, which do not have a rear alley, would only have a 20 foot setback from the rear property line.

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 property can continue to be utilized for the two residential units.

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 reasonable and is mitigating by the existing 15 foot wide alley. Further, an existing commercial zoned property that is used as a surface parking lot is located directly north of the subject property. The NSM-1 zoning designation allows for a density of up to three units, and the proposal allows the adaptive reuse of an existing structure.

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

The granting of the variance will still meet the intent of the code, which is to provide adequate buffers between adjacent multi-family properties. The variance would allow for preservation of an existing structure constructed in 1938, and maximize the density allowed on-site. City Code promotes redevelopment efforts and preservation of multi-family units.

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

The applicant will be providing a separation of 28 feet between the proposed structure and the property to the north, with the existing 15-foot alley. The 20-foot setback in the Neighborhood Suburban zoning district does not have a provision for consideration of an alley, as alleys are not typical in the suburban areas of the City.

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

The applicant has provided justification for support of the two variances, see attached Variance 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.**

N/A

**The Appeal:**
The City Clerk's office received one appeal. The subject application was scheduled to be approved by staff through the Streamline process on May 11, 2018, if no appeal was submitted. On May 10, 2018, the City Clerk received an appeal from Ralph Oliva. The appellant listed three items for grounds for the appeal. The items are: lacks adequate parking, too high of density and eyesore. Staff's analysis of the appeal items is addressed as follows.
Issue #1: Lacks adequate parking.
Currently, there are two dwelling units located on the property and there is no on-site parking. It has been noted by the appellant that residents parking in the front yard. Based on a field inspection, Staff verified that parking occurs both in the front yard on the grass and as well as off of the alley on an unapproved surface. Such parking does not comply with Code and therefore there are no legal parking space on-site. The applicant will be providing three parking spaces in the first floor of the building that will be moved to the site and two tandem parking spaces on the east side of the new building, for a total of five spaces. The Code requires 1.5 parking spaces per unit.

Issue #2: Too high of density.
The existing property is developed with two dwelling units. The zoning of the property is Neighborhood Suburban Multi-family-1 (NSM-1). The NSM-1 zoning district permits 15-units per acre. Based on the size of the property, the applicant is permitted to have three dwelling units. The applicant is proposing to move one dwelling unit to the site, for a total of three dwelling units. Therefore, the request is consistent with the allowable density in the zoning district.

The appellant owns three lots across 18th Avenue North to the south of the subject parcel, all of which are 5,635 square feet, and are also zoned NSM-1. One lot contains a six unit building, and the other two each contain four unit buildings. Based on the size of these parcels, two units are allowed on each, or a total of six and therefore eight of the units are considered to be grandfathered units.

Issue #3: Eyesore.
There are currently no active code cases on the property. It has been noted that residents are currently parking on grass and dirt which does not meet code. As part of this variance, the applicant will be providing five on-site paved parking spaces. The applicant will be required to provide foundation landscaping along the south side of the building that abuts 18th Avenue North. Staff has placed a condition of approval that will require that applicant to provide some type of method that will prevent cars from parking on the grass or dirt. The applicant will be required to sod any bare areas on the property, paint both buildings to match each other and make repairs to the existing above ground planter.

SUMMARY: Staff finds that the application complies with the applicable review criteria in the Land Development Regulations (LDR's).

PUBLIC COMMENTS: The subject property is within the boundaries of the Crescent Lake Neighborhood Association and no correspondence was received from the association. Staff received two emails objecting to the proposed variance, which are attached to this report.

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

1. Any outstanding public liens, assessments, or property taxes shall be paid.
2. This variance approval shall be valid through June 6, 2021. 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.
3. The two-story building shall be painted to match the existing one-story building or the one-story building shall be painted to match the two-story building.
4. The applicant shall provide a total of five paved parking spaces on-site.
5. The applicant shall ensure that parking of vehicles does not occur on an unimproved surface.
6. Foundation landscaping shall be installed on the south side of the building that abuts 18th Avenue North
7. Sod shall be installed to cover any bare areas on the subject property.
8. The existing above ground planter on the south side of the existing building shall be removed or repaired.
9. Approval of this variance does not grant or imply variances from other sections of the City Code or other applicable regulations.

ATTACHMENTS: Aerial, site plan, photographs, applicant's narrative, property card, Neighborhood Participation Report and Appeal

Report Prepared By:

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

Date
5/29/18

Report Approved By:

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

Date
5-30-18

ERA: CDM
Project Location Map
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 18-54000042
Address: 439 18th Avenue North

st.petersburg
www.stpete.org

(nts)
Front of Existing Duplex
Existing Garage Apartment
Rear of existing of duplex – looking southeast
Rear of existing of duplex
Town home northeast of existing duplex
Town home west of existing duplex
Town home northwest of existing duplex
Wall north of existing duplex
Contact Information

Name | RALPH OLIVA
Street Address | 200 24th Avenue S #409
City ST ZIP Code | St. Petersburg FL 33701
Telephone | 727-644-6444
E-Mail Address | 
Signature | Ralph Oliva
Date 5/10/2018

Date of Hearing
Date of Hearing | JUNE 6, 2018

Case No.
Case No. | 18-5400042

Case Address
Case Address | 439-15th Avenue N

Submittal Requirements

1. Narrative describing grounds for appeal.
   LACKS ADEQUATE PARKING
   TOO HIGH DF DENSITY - EYED SORE

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

Return form to Office of City Clerk, iris.winn@stpete.org, (727) 892-5498

Fee: $250.00
April 30, 2018

Dear Neighbor or Participating Organization:

This letter is to advise you that an application for approval of a variance has been filed with our office for the property located at 439 16th Avenue North.

REQUEST: Approval of a variance to the rear yard setback to allow an existing structure to be moved to the subject property.

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

We urge interested persons to contact the case planner or the Agent prior to the scheduled approval date of May 11, 2018 for more information. You may contact the case planner, Corey Malyszka, by phone at (727) 892-5453, or via email at Corey.Malyszka@StPete.org. Written correspondence can be mailed to Development Review Services, City of St. Petersburg, PO Box 2842, St. Petersburg, FL 33731. Please refer to Case No. 18-54000042.

It is the intent of the Development Review Services Division to APPROVE this request. If you object to this request, you may file an appeal. Appeals must be filed in written form stating the reasons for the appeal and must be filed in person with the City Clerk’s Office at 175 5th Street North, St. Petersburg, FL 33701 prior to noon on May 11, 2018. The appeal filing fee is $250.00.

If an appeal is filed, the request will be considered by the Development Review Commission at a PUBLIC HEARING to be held at 2:00 p.m. on Wednesday, June 6, 2018, in Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

APPLICANT: Crescent Lake Apartments, LLC
416 13th Avenue Northeast
Saint Petersburg, Florida 33701

Phillip Herlein and Nicole Matoushek
416 13th Avenue Northeast
Saint Petersburg, Florida 33701

Phone: 727-895-3012
Email: PhillipJHerlein@gmail.com
Corey D. Malyszka

From: Ralph Oliva <jakeoliva@yahoo.com>
Sent: Monday, May 14, 2018 1:31 PM
To: Corey D. Malyszka; Elizabeth Abernethy
Subject: Variance Request 18-54000042

Corey,

It appears that the applicant on the above referenced case is greatly misinformed about the mechanics involved in his variance request.

I received a phone call last Friday afternoon (5/11/18) from Mr. Phillip Herlein in which he suffered me a long tirade of simultaneously rebuking me, cajoling me & imploring me to change my mind and withdraw my appeal on his requested set-back variance. When he realized that I was not going to be dissuaded in my position against the variance approval, he proceed to inform me that I had merely "wasted $250.00 filing the appeal" since it was going to be approved irrespective of any appeal because "he had the City on his side" with its Notice of Intent to Approve. Either Mr. Herlein had been given erroneous information from the City or his is total unversed on the variance process since his belief of a fait accompli begs the question of the appeal process not to mention the due process for the surrounding landowners and neighborhood.

I intend to protest this variance approval in whatever manner is necessary to ensure that it is not granted under these circumstances.

Sincerely,
Ralph Oliva
727-644-6444
APPEAL OF A STREAMLINE APPROVAL FOR SITE PLAN APPROVAL

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 June 6, 2018 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-31000005       PLAT SHEET: E-4

REQUEST: Appeal of a streamline approval of a site plan to construct a 19-story, 20-unit multi-family development. The applicant is requesting floor area ratio bonuses.

APPELLANT: William L. Herrmann, et al
130 4th Avenue North, #405
Saint Petersburg, Florida 33701

OWNER: First and Fourth Development, LLC
4830 West Kennedy Blvd, Suite 445
Tampa, Florida 33609-2583

AGENT: Michel Regignano
203 ½ Gulf Way
Saint Petersburg, Florida 33706

ADDRESSES AND PARCEL ID NOS.: 356 1st Street North; 19-31-17-74466-012-0013
116 4th Avenue North; 19-31-17-74466-012-0031

LEGAL DESCRIPTION: On File

ZONING: Downtown Center-2 (DC-2)
SITE AREA TOTAL: 10,000 square feet or 0.23 acres

GROSS FLOOR AREA:
Existing: 0 square feet
Proposed: 50,000 square feet 5.0 F.A.R. with bonuses
Permitted: 50,000 square feet 5.0 F.A.R. with bonuses

BUILDING COVERAGE:
Existing: 0 square feet
Proposed: 6,793 square feet 68% of Site MOL
Permitted: 9,500 square feet 95% of Site MOL

IMPERVIOUS SURFACE:
Existing: 0 square feet
Proposed: 7,662 square feet 77% of Site MOL
Permitted: N/A

OPEN GREEN SPACE:
Existing: 10,000 square feet 100% of Site MOL
Proposed: 2,338 square feet 23% of Site MOL

PAVING COVERAGE:
Existing: 0 square feet
Proposed: 869 square feet 9% of Site MOL

PARKING:
Existing: 0;
Proposed: 36; including 0 handicapped spaces
Required 20; including 1 handicapped spaces

BUILDING HEIGHT:
Existing: 0 feet
Proposed: 180 feet from grade
Permitted: 300 feet from grade

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a multi-family development which is a permitted use within the DC-2 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Background:
The subject property is located at the southwest corner of 4th Avenue North and 1st Street North and is currently vacant. The property was previously approved in August 2005 for a 13-story building with 19 dwelling units, at a Floor Area Ratio (FAR) of 4.2, under the previous CBD-2 zoning designation. (Case #05-31000036). This approval expired on September 9, 2016.

On December 6, 2017, The Development Review Commission (DRC) heard an application for a 23-story, 29-unit multi-family development, with a FAR of 7.0 and a variance to the Albert
Whitted Overlay Height Standards. After hearing testimony from staff, the applicant, the registered opponent (William L. Herrmann) and the public, the DRC made a motion to approve the request. The motion to approve failed by a vote of 0 to 7, thereby denying the request. The DRC denial was appealed to City Council by the applicant. City Council heard the item at the February 1, 2018, meeting. After hearing testimony from staff, the applicant, the registered opponent and the public, City Council made a motion to approve the request. The motion to approve the request failed by vote of 4 to 4, thereby denying the request.

On February 15, 2018, the Albert Whitted Overlay provisions were amended to comply with modifications to state statutes, eliminating the height variance process. This was replaced by a requirement to obtain an Airport Obstruction permit, see 16.70.030.1.16, which is an administrative review.

The applicant now seeks approval of a revised site plan to construct a 19-story, 20-unit multi-family development. The applicant is requesting floor area ratio bonuses. The subject property is located at the southwest corner of 4th Avenue North and 1st Street North.

**Current Proposal:**
The applicant submitted a revised application on March 12, 2018. The applicant made significant changes to the proposed project. The applicant has reduced the number of stories from 23 to 19, reduced the number of units from 29 to 20 and reduced the maximum FAR from 7.0 to 5.0. The building height has decreased from 300 feet to 180 feet. The applicant has also made the following changes: increased the setback of the four-story base from 7.5 feet to 16-feet along the western property line, decreased the height of the base of the building from 50 feet to 32 feet, added an outdoor plaza along the west side of the building and provided for a dense landscape buffer along the south side of the building.

Staff determined that the request was consistent with review criteria, and initiated a streamline approval of the application in accordance with Section 16.20.120.4 approval process in DC districts. The subject application was scheduled to be approved by staff on May 11, 2018, if no appeal was submitted.

**Appeal:**
On May 9, 2018, the City Clerk received an appeal from William Herrmann with ten additional appellants listed on the appeal. The appellant listed five items for grounds for the appeal, see attached Appeal tab. The following report will first address the site plan review criteria followed by the appeal items.

**Analysis:**
The proposed building will consist of a slender 15-story tower sitting on top of a four-story base. The base of the building consists of 36 parking spaces and will occupy the majority of the subject property. The base of the building will be fully enclosed to prevent exhaust and head lights from impacting the two adjacent residential buildings that are to the south and west of the subject property. The 15-story tower is 120 feet in length and 35 feet in width, and will be located towards the two street sides of the property.

The ground floor of the residential tower will consist of a lobby, generator and electrical room and vehicular parking. Floors two through four will have ten vehicular parking spaces per floor. The fifth floor with have storage for the residential units and an outdoor amenity deck. Residential units will be accommodated in the remaining thirteen floors. Vehicular access to the parking garage will be from a one-way ingress driveway from 4th Avenue North and egress from
the parking garage will be to 1st Street North. Access to the upper levels of parking will be from a car-freight elevator, instead of a traditional ramp. Pedestrian access to the building will be from the public sidewalk along 4th Avenue North.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue North. The tower portion of the building will have an ample amount of glazing on all four sides. The applicant will integrate projecting balconies, recesses and projections on the façade. These architectural features help break down the overall mass of the building. The applicant worked with the City’s Urban Planning and Historic Preservation Division to ensure the design of the proposed building was compatible with the Flor-de-Leon, a locally designated landmark, which is located west of the subject property.

FLOOR AREA RATIO Bonuses:
The base Floor Area Ratio (FAR) within the DC-2 district is 3.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 5.0, which can be granted administratively upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

1. 0.5 FAR - Make structured parking not visible to the streets with an architecturally compatible design above the base to create an attractive and architectural screen to structured parking.

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to screen floors two through four of the parking garage along 1st Street North and 4th Avenue North with an architecturally compatible design. The parking garage will be fully enclosed on all four sides. The plans and elevations demonstrate compliance with criterion.

2. 1.5 FAR – Provide public art as an integral part of the pedestrian-level sidewalk area or required ground level open space, or as a decorative crown element of a building that includes night lighting. The value of such feature shall be equal to one-quarter of one percent or more of the total construction cost per 0.5 of FAR bonus. All public art shall be visually accessible to the public.

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 2.0. The total construction cost of the project is approximately 11 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 1.5, the applicant will be required to provide one quarter of one percent of the total construction cost towards art. Based on the estimated construction cost, a minimum of $82,500 shall be allocated towards art. The applicant propose to install art along the pedestrian level of the building and throughout the façade of the parking garage. The proposed art shall be approved by the City prior to the release of building permits. A condition has been added to this report to address this.

The Appeal:
The appellant listed five items for grounds for the appeal. The items are: 1) the application is substantially similar to the previously rejected project and therefore cannot be considered, 2) the applicant has not provided sufficient calculations that the proposed floor area ratio does not exceed 5.0, 3) the proposal lacks harmony with adjacent development and is incompatible with the adjacent historic structure, 4) detrimental effect on property values and 5) the application
does not include a traffic study, a report on the capacity of the receiving lift station or water capacity for fire flows.

**Issue #1: Project is substantially similar to the one previously rejected and therefore the proposed project cannot be considered now (Section 16.70.010.8).**

**Staff Response:**
The previous site plan was for a 23-story, 29 unit multi-family development with a building height of 300 feet and an FAR of 7.0. The current proposal is for a 19-story, 20 unit multi-family project with a building height of 180 feet and an FAR of 5.0. The applicant has also made the following changes: increased the setback of the four-story base from 7.5 feet to 16-feet along the western property line, decreased the height of the base of the building from 50 feet to 32 feet, added an outdoor plaza along the west side of the building and provided for a dense landscape buffer along the south side of the building.

The Zoning Official has determined that the changes made by the applicant are substantial, due to the 31% reduction in dwelling units, 40% reduction in height, 113% increase in setback to the western property line, and 36% reduction in the height of the base building, and therefore, a new application can be heard at this time. Based on the following subsection D., a decision by the Zoning Official to accept an application is not appealable (bolded for emphasis).

**Section 16.70.010.8**
A. If an application is submitted to a commission for review and recommendation or for a decision, and if the Commission denies or recommends denial of the application, and if the action of the Commission is not reversed by the City Council (or if the applicant does not appeal the action of the Commission to the City Council), the same or a substantially similar application shall not be accepted by the POD within 18 months following the action of the Commission on the earlier application unless the applicant demonstrates that there has been a substantial change of conditions or character of the surrounding land area or the land in question.
B. A decision by the POD not to accept an application may be appealed by the applicant to the Commission which acted upon the earlier application by filing a notice of appeal as provided in the appeals section.
C. If the Commission upholds the decision not to accept the application, the applicant may appeal the decision to the City Council by filing a notice of appeal as provided in the appeals section.
D. A decision by the POD to accept an application is not appealable.
E. This section shall not apply to City Council initiated applications.

**Issue #2: Application and Submittal Requirements in City Code for a request for Bonus Approval, streamline, in Downtown Center, including without a limitation a FAR not greater than 5.0 have not been met.** The applicant’s FAR calculations are incomplete and inaccurate and the proposed structure violates the Taper requirement of the City Code (Code Section 16.20.120.3.3, 16.20.120.4, 16.20.120.4.2, 16.20.120.6.1, 16.20.120.6.2, 16.60.010.5, 16.70.040.1.2 and 16.90.010).

**Staff Response (FAR):**
The submittal documents required by code for a site plan application do not include providing a FAR calculation. The applicant is required to submit data sheets, there is a line item on the data sheets that requires the applicant to list the existing, proposed and permitted FAR. The applicant has also provided a narrative that summarizes the FAR bonuses being sought. The applicant is seeking an FAR bonus of 2.0 for a total FAR of 5.0. It has not been the past
practice for staff to request that an applicant provide a detailed analysis of FAR, and staff did not request such an analysis for the subject application. As has been the practice with past projects, staff will review the construction documents that are submitted by the applicant at time of permitting to verify compliance with the approved FAR.

Staff Response (Taper):
The following analysis was presented in the staff report and to City Council for the appeal of the previous case, which was heard on February 1, 2018. The subject property is located in the DC-2 zoning. The general description of the DC-2 district is as follows (bolded for emphasis):

“16.20.120.3.3. Downtown Center-2 (DC-2). This district provides for intense residential development that still allows for a mixture of uses that enhance and support the core and surrounding neighborhoods, including the domed stadium. The district also allows support retail and office uses which assist the residents with the daily needs of living within this highly urbanized neighborhood. The district establishes performance standards and design guidelines appropriate to urban form residential buildings. Heights in this district begin to taper down as development sites become less proximate to the core and transition to surrounding neighborhoods. However, base setbacks still apply, creating a pedestrian-scale environment at the sidewalk level.”

“16.20.120.4.2. Bonus approval, streamline. The bonus approval, streamline process reviews projects that exceed the limits of the base approval standards allowing for an increased FAR, building height, or both. To qualify, a project shall incorporate pre-described bonus provisions which mitigate the secondary impacts of the development, and provide public benefit at the ground level or address issues relevant to downtown development or the City, such as historic preservation and workforce housing.”

Intensity of development is specified under Section 16.20.120.6. Development potential, which establishes a base Floor Area Ratio (FAR) of 3.0 in this district, and allows up to 7.0 through the use of Bonuses. Section 16.20.120.6.2 states that “All projects within the downtown center districts may utilize bonuses to receive greater development rights. These bonuses are specifically written to provide public amenities and to mitigate secondary impacts associated with the additional development rights.” The subject application included a request for bonuses for screening of the structured parking and public art.

Allowable height is specified in section 16.20.120.7, which states that “the height restrictions do not correlate directly to the zoning districts. They are designed to concentrate heights within the core area of the downtown and then step down toward the surrounding neighborhoods. The height map establishes the specific locations of height restrictions.” The subject site is within Area C, shown in pink on the height map, attached under Height Map tab. Area C surrounds the core (shown in orange) on the north, south and west. The next block to the north of the subject block is within Area D, which provides the referenced step-down to the single-family residential area north of 5th Avenue North. The next block to the east is within Area A, which is also a step-down from Area C. This map is utilized as the regulatory tool to define and implement the “taper down” concept noted in the description of the DC-2 zoning district.
The “Previously Approved/Constructed Projects” map dated May 2018 demonstrates heights for other high-rise buildings in the immediate vicinity of the subject application, see attached Previously Approved Project tab. Two of these buildings were approved under the current code, and two under previous codes. As shown on the map, four properties (highlighted in blue) within Maximum Building Height Area A (a step-down from Area C, highlighted in pink) on the blocks to the east include:

1. The Bliss, a 18-story building with 30 dwelling units, or 65 dwelling units per acre, at a 4.0 FAR (approved October 1, 2014)
2. Parkshore Plaza, a 29-story building with 120 units, or 261 dwelling units per acre, at a 4.0 FAR (approved June 2, 2014)
3. Presbyterian Towers, a 15-story building with 210 dwelling units, or 157 dwelling units per acre, at a 2.77 FAR (constructed 1968)
4. 400 Beach, a 30-story building, with 150 dwelling units, or 69 dwelling units per acre, at a 4.0 FAR (approved July 7, 2004)

Previously approved projects to the north across 4th Avenue North in Maximum Building Height Area D (which constitutes a step-down from Area C, highlighted in green) include:

1. 145 4th Avenue North, a 16-story building with 72 units, a density of 125 units per acre, or 6.0 FAR. This project was approved by DRC and then appealed to City Council. City Council denied the appeal, thereby approving the project on June 5, 2014. The project was not constructed, and a townhouse project is currently under construction on the subject parcel.
2. W Plaza, a 14-story building with 56 dwelling units, or 159 dwelling units per acre, at a 6.0 FAR, (approved May 4, 2005) and
3. 475, a 7-story building with 22 dwelling units, or 78 dwelling units per acre, at a 3.98 FAR (approved April 6, 2005).

145 4th Avenue North was approved under the current code, and two under the previous code. All three of these developments are located in the DC-2 zoning district.

In summary, Area A, which is considered a step-down from Area C, contains four high-rise buildings ranging from 15 to 30 stories and Area D, which is also considered a step-down from Area C, contains three high-rise projects ranging from 7 stories to 14 stories. The proposed project is 19-stories, and therefore is consistent with the intent of the DC-2 district to taper down from the core and with the allowable height section which provides for step down in height to the surrounding neighborhoods.

**Issue #3: Project lacks harmony with the adjacent development and is incompatible with character of the neighborhood and the proposed structure is incompatible with the adjacent historic site and other properties in the neighborhood in that it grossly out of proportion on terms of scale and mass, the land area is inadequate for the proposed project, and setbacks, screens and buffers are inadequate (Code Section 16.70.040.1.4, D. 8, D. 9, D. 11, D. 12 and D.14, and Code 16.90.020.2.2).**

**Staff Response:**
The proposed structure meets the minimum setback, maximum building height and screening requirements as specified by code. The applicant has located the generator on the first floor of the garage in the northeast corner of the building away from the residential uses that are to the
south and west of the subject property. The applicant has fully enclosed the garage to prevent light trespass and fumes from impacting the adjacent residential properties. The applicant has also provided a 16 foot buffer from the locally designated landmark, the Flori-de-Leon, the Code only requires 7.5 feet. As a condition of approval, the applicant is also required to provide a dense ever green landscape buffer along the south side of the building.

The City of St. Petersburg recognizes historic preservation through listing in the National Register of Historic Places and local landmark designation and listing in the St. Petersburg Register of Historic Places. Only properties with a local landmark designation or those located within a local historic district are regulated through the formal Certificate of Appropriateness ("COA") process. The COA process mandates a detailed review by City staff and the Community Planning and Preservation Commission.

In this instance, the subject property is located within the Downtown St. Petersburg National Register District, but more importantly, it is not located within a designated local historic district. Consequently, the proposed development plan is not subject to the same level of scrutiny mandated for properties located within a designated local historic district meaning the height criterion normally applied through the COA process is not applicable here. The applicant is proposing a building that complies with the minimum building setback and maximum building height requirements prescribed by the zoning category.

Separate from the considerations pertaining to designated local historic districts and the requirement for a COA, there is a site plan requirement that this proposed development should consider, "Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts." The Flori-de-Leon, which adjoins the subject property at the west boundary line, is an individually designated local landmark located within 200 linear feet. The building is 7-stories, includes 168 units, and has an FAR of 4.7.

The dynamic nature of downtown centers means they are constantly evolving through change in land use composition and the characteristics of physical development. These changes may be influenced by a number of factors, including market demands and emerging technologies and construction technologies. This is even true even for the subject block where in 1926, demand for new residential housing resulted in construction of the Flori-de-Leon. At the time of construction, this 7-story masonry building stood in contrast to the 1 and 2-story wood frame structures surrounding it, a demonstration of the timeless conflict between different periods of development in the downtown center and requests for physical compatibility.

The application was routed to the City's Urban Planning and Historic Preservation Division staff for review. Staff's analysis determined the project to be consistent with City Code Section 16.70.040.1.4.D, criterion number 14, "Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials and other impact." The memorandum dated May 10, 2018, is attached to this report under the Staff Correspondence tab.

Issue #4: Substantial detrimental effect on property values in the neighborhood, as evidence by a recent sale of a unit at Spanish Palms, the highest offer was 20% lower than the most recent sale of an identical unit due to prospective buyer concerns as to scale and impact of the proposed Bezu project (16.70.040.1.4 D.10).
Staff Response:
The applicant provided no documentation to demonstrate a reduction in property values, such as certified appraisals or reports.

Issue #5: Application does not include traffic study, a report on the capacity of the receiving lift station, or an analysis of the adequacy of water capacity for fire flows. (Code Section 16.70.040.1.4, D.5, D.6 and D.16)

Staff Response:
The submittal documents required by Code for a site plan application do not include a traffic study or a water and sewer capacity study. Site plan applications are routinely routed by staff to multiple city departments for initial review, including the Engineering, Transportation and Parking Management and Water Resources Departments. City departments may provide comments and/or conditions of approval or request additional information or studies if deemed necessary. Correspondence for the proposed project are attached to the report under the Staff Correspondence tab. No issues where brought up by these departments.

The City’s Transportation and Parking Management Department determined that a traffic study would not be required for the proposed 20-unit development at 356 1st Street North and 116 4th Avenue North due to the low number of projected new peak hour vehicular trips. In addition to the low number of projected trips, there are no current or projected future deficiencies on the surrounding road network. The City’s Transportation and Parking Management Department would require a traffic study for a site plan or special exception application if the proposed development is projected to generate more than 300 new peak hour trips on a deficient roadway.

The applicant will be required to evaluate sewer and water capacity at the time of permitting. The Engineering Department requires the applicant to complete a waste water tracking form. If the proposed development will generate an increase in 1,500 gallons of waste water, an analysis of the sewer main is required up to a 10 inch sewer line. The applicant is required to submit the results of a fire hydrant flow test at the time of permitting to the Fire Department. The test ensures that there is adequate water flow and pressure to support the fire suppression needs of the building. The test is performed by the City’s Water Resources Department.

SUMMARY: Staff finds that the application complies with the applicable review criteria in the Land Development Regulations (LDR’s).

Public Comments:
Staff has received multiple emails objecting to the proposed development. The emails are attached to this report.

III. RECOMMENDATION:
A. Staff recommends DENIAL of the appeal, thereby UPHOLDING the POD’s approval of the following:
   1. APPROVAL of the floor area ratio bonuses.
   2. APPROVAL of the site plan, subject to the conditions in the staff report.
B. SPECIAL CONDITIONS OF APPROVAL:

1. The project shall be subject to final review and approval by the Community Redevelopment Agency.

2. The structured parking shall be enclosed from 1st Street North and 4th Avenue North with an architecturally compatible design as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.

3. The applicant shall allocate three-quarters of one percent or more of the total construction cost towards public art. The proposed art shall be approved by the City prior to the release of building permits.

4. Prior to approval of the building permit, the applicant shall demonstrate that the exhaust from the parking garage is vented away from the property to the north and shall relocate the emergency generator at the northeast corner of the building, to minimize noise disturbance to the adjacent residential neighbors to the south and west.

5. The City’s Urban Planning and Historic Preservation Division shall review the plans submitted for permitting to ensure that the proposed building is sensitive in terms of scale, mass and building materials with the adjacent historic resource.

6. The public sidewalk abutting the subject property shall be widened to a minimum of 10-feet prior to the issuance of the certificate of occupancy.

7. Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.

8. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.

9. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.

10. Bicycle parking shall be provided as required by Section 16.40.090.

11. Exterior lighting shall comply with Section 16.40.070.

12. Mechanical equipment shall be screened from the abutting rights-of-way.

13. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.

14. The applicant shall provide active seismic monitoring during construction and shall meet the FDOT standard for compliance at the property lines. If the applicant exceeds the standard, the applicant shall submit a mitigation plan for review and approval to the Building Official.

15. The site plan shall be modified as necessary to comply with the comments in the Engineering Department’s Memorandum dated May, 2018, including modification to the proposed gate locations to provide two required vehicular stacking spaces for the car elevator.

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 15.40.160).

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 and Transportation/Utility
South: Central Business District
East: Central Business District
West: Central Business District

REPORT PREPARED BY:

[Signature]
COREY MALYSZKA, Urban Design and Development Coordinator

DATE 5/30/18

REPORT APPROVED BY:

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

DATE 5/30/18

Attachments: Aerial location map, Site Plan and Elevations, Appeal, Height Map (Section 16.20.120.7) and Previously Approved/Constructed Projects Map dated January 2018, Staff Correspondence, Public Correspondence
Project Location Map
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 18-31000005
Address: 356 1st Street North and 116 4th Avenue North
Project Documents

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
March 8, 2018

City of St. Petersburg
Construction Services & Permitting
1 4TH Street North
St. Petersburg, Fl. 33701
Attention: Corey Malyszka
Re: Condominiums – 4th Ave. N. & 1st St. N.

Dear Mr. Malyszka:

The following is a project description:

The proposed project will be a 20 unit, 19 story, 180 foot high residential condominium project on the corner of 4th Avenue North and 1st St. North. The proposed project will be 50,000 sq. ft. floor area, resulting in a 5.0 FAR. The base of the building will contain a 4 story enclosed parking garage, with garage exhaust exiting to the north and east street sides to avoid car fumes entering adjacent residential properties. Parking for 36 will be provided as well as bicycle parking for 22. The 5th floor will will consist of residential storage units with a common area terrace and pool. The building steps in to a narrow residential unit building from the 6th floor and above. A 3 story penthouse with roof deck and pool will cap the building.

The building will be a beautiful addition to the St. Petersburg downtown skyline, compatible in size and character of similar buildings in the neighborhood. The base relates to the character, and architectural elements of the adjacent Flori De Leon. It borrows elements and patterns of the historic building while still incorporating a present day style and use of materials.

Sincerely,

Joseph Lacki
President
March 29, 2018

City of St. Petersburg
Construction Services & Permitting
1 4TH Street North
St. Petersburg, Fl. 33701
Attention Corey Malyszka
Re: Condominiums – 4th Ave. N. & 1st St. N.
    Historic Compatibility

Dear Mr. Malyszka:

The following is a description of design elements of the proposed project to ensure compatibility with the historic Flori De Leon:

“The Secretary of the Interior’s standards for the treatment of Historic Properties” written by the U.S. Dept. of the Interior, National Park Service, Technical Preservation Services was used as a guide for design of the proposed building to be compatible with the historic Flori -de- Leon (Flori for short) to the west of the property.

The design team also met with Larry Frey and Derek Kilborn from the City’s Historic Preservation Department to review plans and receive feedback and guidance in the design of the proposed building in respect to historic compatibility.

The base of the condo building has been greatly scaled down in height to 32’ from the previous design, as well as reduced on the west side to allow a much greater setback (16’) in lieu of the previous 7-1/2’ setback from the property line. This gives a much greater 20’-6” distance from the proposed building to the Flori. This distance mitigates any potential damage to the historic structure, one of the criteria mentioned in the guidelines. The setback of the base as well as the additional setback of the tower also eliminates obscuring any of the cast side features of the Flori, as well as eliminating the chance of negatively affecting the Flori’s character, its site or its setting. These also are recommended criteria in the guidelines which have been met. The setback also allows a
beautiful courtyard which will be shared by both properties as well as providing opportunities for courtyard plantings and features to relate and tie into the historic Flori.

Although the building tower is obviously taller than the Flori- the tower is setback to minimize as much as possible distraction from the Flori’s significance, yet another guideline. As stated in the guidelines a new taller or larger building may be broken up into smaller elements that are consistent with the scale of the historic building. The base therefore is divided from the tower with a strong band as well as a change in rhythm of openings etc. It is therefore the intent of the design to relate the base to the Flori. The base height also relates to the building to the west of the Flori in height and creates book ends to the historic building as well as relating to the streetscape. The facades of all three buildings also align, which is also a recommended criterion that is met.

Since the base of the building is mainly comprised of an enclosed garage and building support spaces not allowing glass and openings, false windows have been added where actual windows are not possible. These windows are consistent with the alignment, rhythm and size of the Flori windows, but are not meant to replicate them; as recommended in the standards. A base trim on the lower floor also aligns and relates to the base trim on the Flori.

These design elements have been implemented to ensure that while the proposed project is taller and a different style, that it can be compatible with the Flori De Leon while respecting and maintaining its historical significance.

Sincerely,

Joseph Lacki
President
March 8, 2018

City of St. Petersburg
Construction Services & Permitting
1 4TH Street North
St. Petersburg, FL 33701
Attention Corey Malyszka

Re: Condominiums – 4th Ave. N. & 1st St. N.

Dear Mr. Malyszka:

The following is a breakdown of the FAR for the proposed project:
Base approval – 3.0 FAR

FAR Bonuses:

Make structured parking not visible from streets (not alleys) with an architecturally compatible design above the base to create an attractive and architectural screen to structured parking.
Proposal: The proposed 4 story parking garage will be enclosed to shield the view of cars and to direct exhaust to the north and east street sides away from the adjacent residences. The garage facades are compatible with the residential floors above as well as the Flori De Leon to the east. The facades reinforce the horizontal base band of the Flori De Leon, as well as reinforcing the horizontal window and certain elements and patterns of its neighbor. Commissioned art pieces in keeping with the shapes and patterns of the Flori De Leon are also incorporated into the garage facades. - 0.5 FAR

Provide public art as an integral part of the pedestrian level sidewalk area or required ground level open space, or as a decorative crown element of a building that includes night lighting. The value of such feature shall be equal to one quarter of one percent or
more of the total construction cost per 0.5 of FAR bonus. All public art shall be visually accessible to the public.
Proposal: The proposed building's main design theme will be art incorporated into the architecture. Art will be provided thru-out the building. To meet this FAR requirement art sculptures and exterior paintings will be provided in an art walk area open to the public during regular business hours. Art will also be provided on pedestrian level facades of the building. The art will be valued at or above the amount stated above. The projected cost of the project is estimated at 11 million dollars. - 1.5 FAR

Total Proposed: FAR=5.0

Sincerely,

Joseph Lacki
President
April 23, 2018

City of St. Petersburg
Construction Services & Permitting
1 4TH Street North
St. Petersburg, Fl. 33701
Attention Corey Malyszka
Re: Condominiums – 4th Ave. N. & 1st St. N.

Dear Mr. Malyszka:

The following is an estimated breakdown of the FAR:

1st Floor: 1,069 Sq. Ft.
2nd-5th Floor: 1,860 Sq. Ft.
6th-13th Floor: 32,000 Sq. Ft.
14th-16th Floor: 9,900 Sq. Ft.
17th Floor: 3,300 Sq. Ft.
18th Floor: 1,600 Sq. Ft.
19th: 200 Sq. Ft.
Total Floor Area of proposed building: 49,929 Sq. Ft.
Area of site = 10,000 Sq. Ft.
FAR = 4.9929
Requested FAR = 5.0

Please note that this is a preliminary estimate and that floor areas per floor are subject to change as the permit plans are finalized. An accurate breakdown of the FAR will be provided at time of construction permit submission. A 5.0 or less FAR will be strictly adhered to.

Joseph Lacki
President
3-11-18
Public participation:

Great efforts were extended to reach the public during the last hearing. We are taking even greater steps at this time to work toward an outreach campaign.

To date, we have had two community meetings to hear neighborhood resident’s feedback, concerns and suggestions. The initial meeting was held at the Hampton Inn, downtown, on Feb. 28th at 5:30 PM. Residents of the neighboring buildings and the Downtown Neighborhood Association were notified of the meeting. There was a very good turnout of residents and many items were brought up for discussion. The following is a list of topics, concerns and suggestions mentioned along with descriptions of how these concerns if possible were addressed:

- **Town View, Fareham Square and Flori notifications**
  Some people from Fareham Square and the Flori-De Leon mentioned that they weren't notified directly. We mentioned that we had asked the neighborhood association to notify all other parties but apparently this did not happen. We obtained further contact at this meeting and directly notified these parties about the follow up meeting

- **Neighborhood buildings- 7ft. away (big foot print)**
The Base of the building setback on the west was setback a total of 16’ in lieu of the previous 7.5 ’ to give more space to the neighboring Flori-De Leon and to provide a beautiful Charleston like courtyard to be shared by both properties.

- **Emissions/Generator/Ac**
These had already been addressed.

- **Security gates for squatters**
  Added security gates on both ends of properties for security.

- **Structural damage from construction (neighbor buildings)**
This has been greatly alleviated by the additional setback on the west as well as the south west garage setback was also increased by an additional 10’

- **Sound proofing (A/C, etc.)**
  All A/C condensers moved to the roof. No openings from the garage to the south or the west- doors relocated to curtail any sound.

- **Right Turn only out of garage (Traffic) Spanish Palm right turn only**
The exit out of the garage on the east (1st st side) has been revised to a right turn only in response to the safety concerns of making a left so close to the intersection.

- **Gate and Garage Alarm**
Residents had mentioned on other garages that a loud alarm goes off when the gate opens, this will not be used here.

- **Reduce parking to reduce building size, height**
Parking has been reduced since unit have been reduced.
  **Garage Basement to reduce height**
Due to ground water, this is not an option.

- **Flori Parking**
We have designed the ingress-egress to impact as few car parking spaces on the street side of the property.

- **Change position of balconies**
Spanish palms resident was concerned about balconies facing their townhome.
A storage floor was added as well as 2 stories of units with north facing balconies to lessen the concern.
• Wind Tunnel/air flow
Air flow to the Flori-De Leon has been greatly increased with the extra setback width.
• Reduce height 8ft going down in basement
Mentioned above
• Lot 3 & 1 electrical room doors open from the inside
Doors relocated to inside to eliminate any possibility of noise
• Security concerns
Mentioned above- also there will be a concierge at the entrance lobby during normal business hours
• A FAR of 3
We have presented a FAR of 5.0, a lower FAR is not feasible.
• Height not style is concern
The height of the building has been drastically reduced by over 100’, and is compatible with other buildings in the area.

A second meeting was held on March 8th at 5:30 PM at the same location of the 1st meeting.
New plans and elevations showing the incorporated design elements in response to the items above were shown to attendees.

The main outstanding item of concern brought up was the height of the building.

We explained that in order to meet the setbacks and obtain the FAR we are requesting; that at this time a lower height is not achievable. We explained that we have made great efforts to reduce the building height and that the building height is comparable to other buildings built or approved in the area.

We have also attached to the application email correspondence to neighbors.
To: Spanish Arms condos & St. Petersburg Downtown Neighborhood Association

-----Pursuant to our conversation, please see attached.

2/21/18
The Condos at 100 4th Ave. N

Dear: Neighbors

I hope this letter finds you enjoying the St. Petersburg winter and all that 2018 has to offer.

The purpose of my letter is to invite you to a meeting where we hope to open a discussion regarding our project at 100 4th Ave N. Our goal is to provide information including our plans and to hear from our prospective neighbors. The goal is to have open communication and to learn about any questions or concerns neighbors may have. We hope to be viable and contributing members of the community and of course, that starts with our neighbors.

We look forward to meeting you at:

The Hampton Inn

Located at 80 Beach Drive NE, Saint Petersburg.

FEB. 28 at 5:30 PM - 7:00 PM – (Snacks and refreshments)

We encourage you to engage and participate - we are interested in your thoughts and feedback.

Our proposed agenda:

• Share our plans
• Questions and answers
• Neighbor feedback

For your convenience we have attached documents related to the proposed design for your review.

If you have any questions regarding this letter, please do not hesitate to contact me at 727-323-5676.

Sincerely,

Joe Lacki

Architectonics Studio, Inc.
Community Letter II

3/2/18
The Condos at 100 4th Ave. N

Dear Neighborhood Owners:

The purpose of my letter is to invite you to a meeting where we hope to open a discussion regarding our project at 100 4th Ave. North. Our goal is to provide information including our plans and to hear from our prospective neighbors. The goal is to have open communication and to learn about any questions or concerns neighbors may have. We hope to be viable and contributing members of the community and of course, that starts with our neighbors. We had a community meeting on Feb. 28 where we noted the concerns of the neighbors present at the meeting. We have listed the concerns below and have addressed them accordingly by incorporating solutions where possible. We look forward to meeting you to review those solutions.

The Hampton Inn located at 70 Beach Drive on Thursday, March 8 at 5:30 PM (Refreshments and snacks)

We encourage you to engage and participate - we are interested in your thoughts and feedback.

Our proposed agenda: Share our plans, Questions and answers and Neighborhood feedback on Feb. 28 listed below. Solutions highlighted in Green and those highlighted in yellow are under consideration

- PARKING
- Preferred building footprint, setback
- Neighbors are concerned about losing green space
- about the 7th floor away from the pool
- Reduce noise level
- Construction noise concerns
- Construction noise issues
- Reduce parking
- Garage Basement
- Flori Parking
- Change position of balconies
- Neighbors want
- Reduce foot by 8ft going down
- A FAR of 3
- Neighbors want

If you have any questions regarding this letter, please do not hesitate to contact me at 727 323- 5676.
Sincerely,

Joe Lacki

Architectonics Studio, Inc.
Community Letter II

3/2/18
The Condos at 100 4th Ave. N

Dear Neighborhood Owners:

The purpose of my letter is to invite you to a meeting where we hope to open a discussion regarding our project at 100 4th Ave. North. Our goal is to provide information including our plans and to hear from our prospective neighbors. The goal is to have open communication and to learn about any questions or concerns neighbors may have. We hope to be viable and contributing members of the community and of course, that starts with our neighbors. We had a community meeting on Feb. 28 where we noted the concerns of the neighbors present at the meeting. We have listed the concerns below and have addressed them accordingly by incorporating solutions where possible. We look forward to meeting you to review those solutions.

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Our proposed agenda: Share our plans, Questions and answers and Neighborhood feedback on Feb. 28 listed below: Solutions highlighted in Green and those highlighted in yellow are under consideration

- Market Needs/Feasibility/Target Audience
- Neighborhood Incentives, All, Navy, Oskaloosa
- Emissions Control
- Secure access for garage
- Securitization of garage units
- Total pest control
- Windows, ducts, etc.
- Parking (LCK/100)
- Appraiser call out for garage (legal) strength
- Sold and Garage Ave
- Reduce parking
- Garage Basement
- Flori Parking
- Change position of balconies
- Mud Transfer
- Reduce foot by 8 ft going down
- BLRT and Feasibility; doors open direction
- Parking curbs
- A FAR of 3
- Urban or single family

If you have any questions regarding this letter, please do not hesitate to contact me at 727-323-5676.
Sincerely,
Joseph Lacki, President

Architectonics Studio, Inc.
2600 Dr. Martin Luther King, Jr. Street North
Suite 600
St. Petersburg, FL 33704
Phone: 727-323-5676
Fax: 727-323-5826
Cell: 727-656-1034
Email: jacki@asi-fl.com
Visit our website @ www.architectonicsstudio.com
Community Letter II

3/2/18

The Condos at 100 4th Ave. N

Dear Neighborhood Owners:

The purpose of my letter is to invite you to a meeting where we hope to open a discussion regarding our project at 100 4th Ave. North; Our goal is to provide information including our plans and to hear from our prospective neighbors. The goal is to have open communication and to learn about any questions or concerns neighbors may have. We hope to be viable and contributing members of the community and of course, that starts with our neighbors. We had a community meeting on Feb. 28 where we noted the concerns of the neighbors present at the meeting. We have listed the concerns below and have addressed them accordingly by incorporating solutions where possible. We look forward to meeting you to review those solutions.

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We encourage you to engage and participate - we are interested in your thoughts and feedback.

Our proposed agenda: Share our plans, Questions and answers and Neighborhood feedback on Feb. 28 listed below: Solutions highlighted in Green and those highlighted in yellow are under consideration

- Reduce parking
- Garage Basement
- Flori Parking
- Change position of balconies
- 100 4th Avenue
- Reduce foot by 8ft going down
- A FAR of 3
- Panoramic views of Ocean
If you have any questions regarding this letter, please do not hesitate to contact me at 727-323-5676.

Sincerely,
Joseph Lacki, President

Architectonics Studio, Inc.
2600 Dr. Martin Luther King, Jr. Street North
Suite 600
St. Petersburg, FL 33704
Phone: 727-323-5676
Fax: 727-323-5826
Cell: 727-656-1034
Email: jlacki@asi-fl.com
Visit our website @ www.architectonicsstudio.com
The Appeal

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION

APPEAL TO DEVELOPMENT REVIEW COMMISSION

Contact Information

Name: WILLIAM L. HERRMANN & AL - Sargent Add
Street Address: 130 4 Ave N #405
City ST ZIP Code: St Petersburg FL 33701
Telephone: 954-903-6588
E-Mail Address: W L Herrmann @ Gmail.com
Signature: [Signature]
Date of Hearing: June 6, 2018

Case No.

Case No.: 18-310005

Case Address

Case Address: 356 1st Street N #116 4th Ave N

Submittal Requirements

1. Narrative describing grounds for appeal. See Attachment B

Information on Procedures for Hearing

1) Staff, appellant, applicant, and, registered opponent (if any) will have a total of ten (10) minutes each to present their case.

2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.

3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.

4) The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial Process.

Return form to Office of City Clerk, iris.winn@stpete.org, (727) 892-5498

Fee: $250.00
CASE NO. 18-3100005
ADDITIONAL APPELLANTS

1. Richard Candelora, 130 4th Av. N., St Petersburg
2. Kelly Lee Mc Frederick, 340 1st St. N., St. Petersburg
3. Peter Belmont, 102 Fareham Place N., St. Petersburg
4. Amy Blake, 219 4th Ave N., St. Petersburg
5. Lola H. Walker, 350 2nd St. N., St. Petersburg
6. Elizabeth Candelora, 130 4th Av. N., St Petersburg
7. Jack Rice, Jr., 340 1st St. N., St. Petersburg
8. David Hislop, 130 4th Av. N., St Petersburg
9. Susan Vincent, 130 4th Av. N., St Petersburg
10. Suzanne Marks, 130 4th Av. N., St Petersburg

ATTACHMENT A
CASE NO. 18-3100005 APPEAL POINTS

1. The proposed project is "substantially similar" to the one previously rejected and therefore the proposed project cannot be considered now. (City of St. Petersburg Code ("Code") §16.70.010.8)

2. The Application and Submittal Requirements in the St. Petersburg City Code for a request for Bonus Approval, streamline, in the Downtown Center, including without limitation a Floor Area Ratio not greater than 5.0, have not been met. Notably, the Applicant's preliminary estimate of a FAR of 4.9929—the only information provided by Applicant regarding Floor Area Ratio—posits that the upper residential floors have significantly lower gross square area than the lower residential floors, although there is no taper to the building and all the subject floors are of the same dimensions. Therefore, the conclusion that the FAR is less than 5.0 is contrary to fact, and access to the "Streamline" procedure may not be employed. (Code §§ 16.20.120.4, 16.70.040.1.2, 16.90.010, 16.60.010.5, 16.20.120.6, 16.20.120.6.1, 16.20.120.6.2, 16.20.120.4.2) Further, the proposed structure violates the "Taper" requirement of the City Code. (Code § 16.20.120.3.3)

3. The proposed project lacks harmony with adjacent development and is incompatible with the character of the neighborhood; the proposed structure is incompatible with the adjacent historic site and the other properties in the neighborhood in that it is grossly out of proportion in terms of scale and mass; the land area of the proposed site is not adequate for the proposed project; and setbacks, screens and buffers are inadequate. (Code §§ 16.70.040.1.4, D. 8; D. 9; D. 14; D. 12; and D. 11; Code §16.90.020.2.3)

4. Substantial detrimental effect on property values in the neighborhood, as evidenced by a recent auction of a unit in adjacent Spanish Palms, where the highest offer was more than 20% lower than the most recent reported sale of an identical unit due to prospective buyer concerns as to the scale and impact of the proposed Bezu project. (Code §16.70.040.1.4, D. 10)

5. Application package does not include a traffic study, a report on the capacity of the receiving lift station, or an analysis of the adequacy of water capacity for fire flows. In light of the Regency Lane and Galaxy Hotel projects, such reports and studies are essential to protect the city's infrastructure and provide adequate service to all residents and visitors. (Code §§16.70.040.1.4, D. 3, D. 5, D.6, and D. 16)

ATTACHMENT B
April 30, 2018

Dear Neighbor or Participating Organization:

This letter is to advise you that an application for approval of a variance has been filed with our office for the property located at 356 1st Street North and 116 4th Avenue North.

REQUEST: Approval of a site plan to construct a 19-story, 20-unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Overlay Height Standards.

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

We urge interested persons to contact the case planner or the Agent prior to the scheduled approval date of May 11, 2018 for more information. You may contact the case planner, Corey Malszka, by phone at (727) 892-5453, or via email at Corey.Malszka@StPete.org. Written correspondence can be mailed to Development Review Services, City of St. Petersburg, PO Box 2842, St. Petersburg, FL 33731. Please refer to Case No. 18-31000005.

It is the intent of the Development Review Services Division to APPROVE this request. If you object to this request, you may file an appeal. Appeals must be filed in written form stating the reasons for the appeal and must be filed in person with the City Clerk’s Office at 175 5th Street North, St. Petersburg, FL 33701 prior to noon on May 11, 2018. The appeal filing fee is $250.00.

If an appeal is filed, the request will be considered by the Development Review Commission at a PUBLIC HEARING to be held at 2:00 p.m. on Wednesday, June 6, 2018, in Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

APPLICANT: First and Fourth Development, LLC
4830 West Kennedy Blvd, Suite 445
Tampa, Florida 33609-2583

AGENT: Michel Regignano
203 ½ Gulf Way
Saint Petersburg, Florida 33706

Phone: 703-625-8495
Email: zrecon2@gmail.com
## Contact Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Richard Candelova</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>130 4th Ave. N., St. Petersburg</td>
</tr>
<tr>
<td>City ST ZIP Code</td>
<td>St. Petersburg, 33701</td>
</tr>
<tr>
<td>Telephone</td>
<td>813-334-2789</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:richccn@mymail.com">richccn@mymail.com</a></td>
</tr>
<tr>
<td>Signature</td>
<td>[Signature] Date 5/23/2018</td>
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</tbody>
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## Date of Hearing

| Date of Hearing | 5/23/2018 |

## Case No.

| Case No. | 18-3100065 |

## Case Address

| Case Address | 355 1st St. N. and 116 4th Ave N. |

## Special Requirements

- [Blank]

## 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, iris.winn@stpete.org, at least one week prior to the hearing.
Height Map

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
Previously Approved Projects

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
Staff Correspondences

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
To: Elizabeth Abernethy, Zoning Official, Development Review Services Division
From: Derek S. Kilborn, Manager, Urban Planning and Historic Preservation Division
Date: May 10, 2018
Subject: Application Case No. 18-31000005
       Bezu, 1st Street and 4th Avenue North

"Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts."

During review of the previous development proposal, the City’s Development Review Commission ("DRC") and City Council considered the above criterion after hearing testimony and evidence regarding the scale and mass of the earlier proposal in relation to the Flori-de-Leon, a designated local landmark. Prior to the final vote, several City Council members expressed this criterion as the primary basis for their vote to deny the appeal and uphold the Development Review Commission’s original determination.

The City of St. Petersburg recognizes historic preservation through listing in the National Register of Historic Places and local landmark designation and listing in the St. Petersburg Register of Historic Places. Only properties with a local landmark designation or those located within a local historic district are regulated through the formal Certificate of Appropriateness ("COA") process. The COA process mandates a detailed review by City staff and the Community Planning and Preservation Commission.

In this instance, the subject property is located within the Downtown St. Petersburg National Register District, but more importantly, it is not located within a designated local historic district. Consequently, the proposed development plan is not subject to the same level of scrutiny mandated for properties located within a designated local historic district. The applicant is proposing a building that complies with the minimum building setback and maximum building height requirements prescribed by the zoning category.

Separate from the considerations pertaining to designated local historic districts and the requirement for a COA, there is a site plan requirement that this proposed development should consider, "Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts." The Flori-de-Leon, which adjoins the subject property at the west boundary line, is an individually designated local landmark located within 200 linear feet. The Flori-de-Leon building is 7-stories and includes 168 units.
During the DRC and City Council public hearings, the DRC and City Council discussed a number of compatibility concerns relating to, what was then, a proposed 23-story building and the adjacent local landmark. The applicant has attempted to address each of these concerns through a number of site layout and orientation and building design changes.

The dynamic nature of downtown centers means they are constantly evolving through changes in land use composition and the characteristics of physical development. These changes may be influenced by a number of factors, including market demands and emerging technologies and construction techniques. This is true even for the subject block where in 1926, demand for new residential housing resulted in construction of the Flori-de-Leon. At the time of its construction, this 7-story masonry building stood in contrast to the 1- and 2-story wood-frame structures surrounding it, a demonstration of the timeless conflict between different periods of development in the downtown center and requests for physical compatibility.
The most visible changes to the proposed development include a reduction to the overall building height, a reduction to the base (pedestal) height, and an increased setback along the shared property line:

- **Overall Building Height.** According to the applicant’s submission, the proposed overall building height has been reduced from 265-feet to 180-feet. This is a reduction of 85-feet or 32 percent when compared against the original proposal. While the proposed building remains taller than the Flori-de-Leon, the reduction in overall building height further improves compatibility with the neighboring Flori-de-Leon and is reasonable given the standard allowances for building height and its location within the downtown center.

- **Base (Pedestal) Height.** According to the applicant’s submission, the base (pedestal) height has been reduced from 50-foot to 32-foot. This is a reduction of 18-foot or 36 percent when compared against the original proposal. According to the “4th Ave North Elevation,” it appears that the top of the base (pedestal) is now aligned horizontally with architectural details on the Flori-de-Leon, specifically a small hood integrated between the third and fourth floors of the east wing. This important consideration helps provide horizontal continuity with historic elements of the Flori-de-Leon. Moreover, it provides horizontal continuity with other neighboring buildings on the block that are beyond the scope of this historic building analysis. Finally, the reduction in base (pedestal) height helps reduce the pedestrian’s perception of scale when standing on the adjoining public sidewalk.

- **Interior Side Yard Setback.** According to the applicant’s submission, the interior side yard setback of the base (pedestal) has been increased from 7.5-feet to 16-feet. This is an increase of 8.5-feet or 110 percent when compared against the original proposal. The tower remains at 30-feet:

  - **Visibility to Character Defining Elements.** With any proposal, a primary concern is whether the new construction will obscure visibility to character defining elements of the individual local landmark. The neighboring Flori-de-Leon is designed in the Mediterranean Revival style and includes an articulated roof-line with height variations along the east wing, a design element common to the architectural style. The increase in interior side yard setback along the shared property line, increases visibility to this character-defining element from the public space along 4th Avenue North. Further, when viewed from the east as shown on the “1st Street North Elevation,” the slim profile of the tower element does not obscure the most articulated portions of the historic roofline.

  - **Natural Ventilation.** Historic buildings that pre-date mechanical cooling were designed using passive strategies, such as daylighting and natural ventilation. Testimony provided by residents of the Flori-de-Leon confirms that the building does not include a centralized air-cooling system and that residents along the east face of the building regularly open windows for natural ventilation. In this instance, the reduction in base (pedestal) height and increased interior side yard setback improves upon the original proposal in ways that address neighboring concerns and are not required by the standard zoning requirements for building setbacks and height.
While it appears that the applicant has addressed earlier concerns pertaining to the placement of any generator(s) and the impact of vehicle exhaust ventilating at or near the shared property line(s), this concern is included herewith as a precaution in the event that plans change during the public hearing process.

- **Additional Design Elements.** According to the “4th Ave North Elevation,” the proposed design includes small arches above the main entry feature and separate vehicle entrance. While arches are not common to the more contemporary stylings of the proposed building, this visual element is an acknowledgment of the arches on the Flori-de-Leon façade and a subtle connection between the two buildings. It is important that the proposal complement, but not replicate, the neighboring individual local landmark.

Based on the information provided, the City’s Urban Planning and Historic Preservation Division recommends a finding of consistency with City Code Section 16.70.040.1.4.D, criterion no. 14, “Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts.”
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: May 23, 2018
SUBJECT: Site Plan – First and Fourth Development
FILE: 18-31000005

LOCATION 356 1st Street North; 19/31/17/74466/012/0013
PIN 116 4th Avenue North; 19/31/17/74466/012/0031
ATLAS: E-4 ZONING: DC-2
PROJECT: First and Fourth Development LLC
REQUEST: Approval of a site plan to construct a 19-story, 20-unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Overlay Height Standards.

The Engineering Department has no objection to the proposed site plan with the following special conditions and standard comments which must be addressed as plans are developed for the issuance of construction permits:

SPECIAL CONDITIONS:
1. The scope of this project triggers compliance with the Drainage and Surface Water Management Regulations 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.

Any proposed bubbler type overflow must be properly managed since the bubbler creates a point discharge which no longer mimics existing site discharge conditions. The Engineer of Record must provide a conservative drainage design using a pre-development coefficient of runoff equal to 0.20 and in no case, shall discharge from a bubbler exceed ½ - 1 cfs during the City’s 10-year 1-hour design storm. For a bubbler overflow system to be approved by the City, the Engineer of Record must provide adequate information to verify a positive overland flow path to a public stormwater conveyance system. Bubbler discharges shall not create a point discharge over a public sidewalk, shall not cause erosion, and shall not cause a nuisance to adjacent property. A Minor Easement Permit is required for any bubbler system which is placed within the public right of way to document private ownership and maintenance responsibility.
2. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district, a minimum 10-foot wide public sidewalk is required in the right-of-way of 1st Street North and within the right of way of 4th Avenue North adjacent to the project. Existing sidewalks must be removed and replaced to meet the width requirements of the City's code as may be applicable. 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.

3. 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.

4. 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 (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.

5. All existing redundant (abandoned) driveway approaches or drop curbing which exist within the public right-of-way around the perimeter of the project redevelopment shall be removed as part of the project. Pavement surfaces associated with these approaches shall be completely removed from within the right-of-way and any existing drop curbing shall be removed and replaced with a raised curb to match existing curb type.
6. This project is within the Downtown National Historic District. All existing roadway brick, granite roadway curbing, and hexagon block sidewalk must be preserved. Any existing brick, granite curbing, or hexagon block which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City’s Maintenance yard by and at the expense of the developer.

7. Parking garage entrances/exit shall be designed to meet requirements as mandated by the City of St. Petersburg Land Development Code Section 16.40.090.3.5. Garage security gates with controlled access and vehicular elevators must be designed to meet the minimum vehicle stacking requirements identified in Section 16.40.090.3.5(g) and to prevent vehicular encroachment into the public sidewalk or public roadway during operation. Any proposed card access readers shall be located within private property boundaries. An automatic warning system must be installed at the garage exit which activates an audible and visible signal sufficient to warn pedestrians of vehicles exiting the garage and to require vehicles to yield to pedestrians. The final plan must include adequate signage, warning lights and wiring as required for public safety.

8. All existing roadway curb with less than a 4” reveal shall be raised to a standard 6” reveal prior to new sidewalk construction. Any damaged roadway curb shall be replaced per current City Engineering Standards and Specifications.

9. It is noted that the City Transportation department has recommended the construction of a curb line bump out at the southwest corner of the intersection of 1st Street and 4th Avenue North, for improved pedestrian safety. In analyzing the feasibility of this alternative, please note that the bump out must extend to the north edge of the existing diagonal parking on 4th Avenue North, to the east edge of the parallel parking on 1st Street North, and will likely require drainage improvements to adequately collect and convey roadway surface drainage flow; a curb line bump out design which includes curb line flumes extending through the bump out will not be approved.

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

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

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

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

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

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.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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 this project. Plans specifications are subject to approval by the Florida state board of Health.
CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Iris Winn, Administrative Clerk, Development Review Services

FROM: Tom Whalen, Planner III

DATE: May 23, 2018

SUBJECT: Case No. 18-31000005 - Site Plan for 19-story/20-unit Development - 356 1st Street North and 116 4th Avenue North

The Transportation and Parking Management Department has reviewed Case No. 18-31000005 and has several comments. We recommend that the bicycle rack for short-term bicycle parking be placed outside the parking garage to make it more publicly accessible, per Section 16.40.090.4.2 of the City Code. Sidewalks on 1st Street and 4th Avenue North should meet the requirements of Section 16.40.140.4.2 of the City Code. The parking garage should be designed in accordance with Section 16.40.090.3.5 of the City Code.

We recommend that the applicant extend the existing bulb out on 4th Avenue North at the intersection of 4th Avenue North and 1st Street North to match the extent of the on-street angled parking. It is not a requirement, so if the applicant constructs the extension they will receive a credit on the multimodal impact fee that will be assessed for their project. If the applicant is interested in this option, they will need to coordinate with the City’s Transportation and Parking Management Department and Engineering and Capital Improvements Department.

If you have any questions about our review, please call me at (727) 893-7883.
Corey D. Malyszka

From: Thomas M Whalen
Sent: Wednesday, May 16, 2018 3:05 PM
To: Corey D. Malyszka
Subject: Traffic Study Requirements

Corey,

Policy T3.1 in the City's Comprehensive Plan provides the requirements for traffic studies for site plans. A traffic study is required for a site plan or special exception application if the proposed development is projected to generate more than 300 new peak hour trips on a deficient roadway. The applicant must conduct the traffic study and submit an accompanying report and transportation management plan based on the report findings. There are only four deficient road segments in the City: 1) Gandy Boulevard from San Martin Boulevard to 4th Street, 2) 38th Avenue North from 34th Street to 49th Street, 3) 22nd Avenue North from I-275 to 34th Street, and 4) 54th Avenue South from 31st Street to 34th Street. Deficient roads include roads operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio 0.9 or greater without a mitigating improvement scheduled for construction within three years. The excellent roadway levels of service in St. Petersburg are partially due to the street network's efficient grid pattern.

It is also stated in Policy T3.1 that a traffic study for a development project not impacting a deficient road corridor shall be required if necessary to address the impact of additional trips generated by the project on the surrounding traffic circulation system. The applicant can ask me if I think a traffic study is needed. In most cases, a study will not be required if the project does not meet the criteria in the first paragraph. A traffic study will not be required for the proposed 20-unit development at 356 1st Street North and 116 4th Avenue North due to the projected low number of new peak hour trips. In addition to the low number of projected trips, traffic congestion is not an issue on the surrounding road network. If an applicant wants to submit a traffic study or trip generation information for their project, they are welcome to do so and I will review the study or trip generation information.

Tom Whalen, AICP CTP, ENV SP
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
DATE: May 18, 2018

TO: Iris Winn, Administrative Clerk
    Development Review Services

FOR: Elizabeth Abernethy, Zoning Official
     Development Review Services

FROM: Alfred Wendler, Real Estate Coordinator
      Real Estate & Property Management

SUBJECT: Site Plan Review

CASE NO: 18-31000005

ATLAS: E-4

LOCATION: 356 1st Street North; 19-31-17-74466-012-0013
          116 4th Avenue North; 19-31-17-74466-012-0031

COMMENTS: Real Estate & Property Management has reviewed this application and has no objection to this application.

xc: Bruce Grimes, Director, Real Estate & Property Management
Sorry, thought I sent this in. Sanitation approves.

Good morning all,

Friendly reminder that your comments for this case are due today.

Thank you,

Iris Winn
Administrative Clerk, Development Review Services
Planning & Economic Development Department
City of St. Petersburg
P.O. Box 2842, St. Petersburg, FL 33731
727-892-5498 / Fax: 727-892-5557
Iris.Winn@stpete.org

Please note all emails are subject to public records law.
MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Elizabeth Abernethy, Zoning Official

FROM: Kirsten Corcoran, Engineering Clerk, Water Resources

DATE: May 21, 2018

SUBJECT: Approval of a site plan to construct a 19-story, 20-unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Overlay Height Standards.

PLAT: E-4

CASE: 18-31000005

LOCATION: 356 1st Street North; 19-31-17-74466-012-0013
          116 4th Avenue North; 19-31-17-74466-012-0031

REMARKS: Water Resources has no objection to the above referenced subject.

Project file
Public Correspondences

356 1st Street North and 116 4th Avenue North
DRC Case No. 18-31000005
Dear Corey,

I'm writing you to express my continued opposition to the site plan for the Bezü. I am a resident of Parkshore Plaza and am writing not because of a visual impact to my residence but because I think the structure will adversely affect the beauty of our city and the quality of the area. Even with the recent modifications, it will require FAR payoffs and a variance to the Overlay Height Standards. The building is far too large for the lot and DRC's approval would set a new precedent for all future developments.

Our building standards were created for a reason. The Bezü will completely overshadow nearby historical structures and is so oversized for the location that it will require car elevators for the residents to park. This is not a big city like Manhattan but continued development with this type of density will make our city feel less like the jewel that St Pete is today. Building a structure on the site is a given but please make it fit with the standards that have been established. If all the height restrictions are met and the FAR is not exceeded, then the structure will likely be a good additional to the neighborhood.

Regards,
Mark

Mark A. Andrews
Andrewsmarka@yahoo.com
(m) 727-612-5531
Council Members: Please uphold the unanimous DRC decision rejecting the Bezu plan. Deny the appeal for the proposed massive high rise condo - it is too much for too small of a piece of property located in the heart of the Downtown National Register Historic District. If you don’t say no this time how will you ever be able to say no to any other proposed development that overwhelms the scale and feel of its historic neighborhood? Denying the appeal would also be consistent with council’s 2007 decision to say no to another out of scale development in the Downtown Historic District, the hotel development that was proposed just a block away on 5th Ave. N. Our downtown is special, particularly the 4th Ave. N. corridor where Bezu would be built. On 4th, between 1st St. & the end of I-375, and within the DC-2 zoning district, there are five designated local landmarks and an additional five properties that have been determined eligible for local landmark designation! Bezu would be out of scale with all of these historic buildings. Let’s preserve the ‘Burg! Say no to out of scale development that fails to respect our city’s past and its sense of place.

Referer URL: http://www.emailmeform.com/builder/form/vqdYLC5n4A
Corey D. Malyszka

From: Fred Arnold <fred@chatsworthadvisors.com>
Sent: Sunday, May 13, 2018 4:17 PM
To: Council
Cc: Corey D. Malyszka
Subject: Bezu - 1st arid 4th Development LLC - Case 18-31000005

We have just heard that this project is back – it is very disappointing that the City Planners continue to support it. Below is the email we sent last December about the project on its first submission. The project has not changed meaningfully and our opinion below stands. Again, we are not impacted directly by this project, our opposition is for the reasons noted below. It is unclear why the City allows the resubmission of a failed project when the change is minor and fails to address meaningfully any of the reasons for the denial. It is a waste of taxpayers’ money.

From: Fred Arnold
Sent: Tuesday, December 5, 2017 10:58 PM
To: ‘corey.malyszka@stpete.org’ <corey.malyszka@stpete.org>
Subject: First & Fourth - Public Hearing Dec 6 - Case 17-31000008

Dear Corey,

We are writing to say that in our opinion the proposed development at First & Fourth is wildly out of scale for the plot and should be severely downsized. We have read that a four-townhome development had been planned there, and that seems far more in keeping with the character of the neighborhood and the nearby homes.

By way of background we are not impacted by this proposed development, this is a totally objective view. Our interest is simply in seeing development in downtown St. Pete conducted in a controlled, sensible fashion. It is a long term view of the future. We do not know anyone impacted.

Other tall residential buildings downtown are either on or abutting Beach Drive where this is expected; or, like One, their construction did not have a particular impact on residents of (virtually) immediately adjacent lower-rise structures. This one does. The proposal under consideration conjures up words like shock, impolite, rude, avaricious – behaviors and characteristics generally inconsistent with St. Pete’s friendly and respectful personality. We think this is a good moment perhaps to throw a flag, take a time out, a deep breath, a mini-moratorium, and really reconsider what you folks want the future of downtown to be. In terms of design and character and behaviors, including how we treat adjacent residents.

I read that the developer defends his concept as being “highest and best use” – probably quite true - but that is simply a financial metric and should be irrelevant to “Planning” considerations. Should this grossly oversized development be approved, then the City has made it clear that a higher tax base will win at any aesthetic cost and at any personal cost to those immediately impacted. The “Planning” board might simply change its name to the “Approval” board and let the constituency know which way the wind is blowing. Let’s be transparent.

Said differently, approval of a 23 story “in your face” structure on such a tiny sliver of a plot suggests that there really isn’t anything the City would not approve. We think that is a recipe for ultimate disaster, we have all seen this movie elsewhere. The ending is suboptimal.

So we think you folks should seriously reconsider your recommendation to the Commission.
Wouldn't you think that a development should be consistent with sensible FAR (plot-to-building scale, setbacks and the like), consistent with the character of the neighborhood and consistent with the reasonable expectations of adjacent owners? This proposal fails dismally on all of these common sense standards. We oppose it.

Yours sincerely,

Janine and Fred Arnold
300 Beach Drive #2802