For **Public Hearing** and **Executive Action** on **November 7, 2018** beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & 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.

**CASE NO.:** 18-540000079  
**PLAT SHEET:** H-24

**REQUEST:** Approval of a variance to the required minimum lot area from 4,500-square feet to 4,050-square feet for two (2) lots in common ownership to allow for one (1) single-family home to remain and the development of one (1) new single-family home.

**OWNER:** R F T A, LLC  
2114 Salem Avenue North  
Saint Petersburg, Florida 33714

**APPLICANT:** R F T A, LLC  
Iain Houte and Kim Bradley Dumas  
175 1st Street South, #2107  
Saint Petersburg, Florida 33701

**ADDRESS:** 2114 Salem Avenue North

**PARCEL ID NO.:** 01-31-16-37026-002-0120

**LEGAL DESCRIPTION:** On File

**ZONING:** Neighborhood Traditional Single-Family-1 (NT-1)

<table>
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<tr>
<th>Requirement</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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<tr>
<td>Lot Area</td>
<td>4500</td>
<td>4050</td>
<td>450</td>
<td>10%</td>
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BACKGROUND: The application requests variances from the minimum lot area standards of NT-1 (Neighborhood Traditional Single-Family) zoning district in order to allow one home to remain and the construction of one new single-family home. The subject property contains two substandard platted lots of record: Lot 12 and Lot 13 of Block 2 of the Grady Swope’s Harris School Subdivision. Lot 13 currently contains a single-family home that conforms to required setbacks. Lot 12 currently contains an inground pool, covered walkway, shed, and carport. The subject lots each measure 45 feet wide by 90 feet deep. The minimum lot area in NT-1 zoning is 4,500 square feet. The subject lots each measure 4,050 square feet in area, and therefore are substandard and non-conforming by ten percent. The parcel is less than 800 feet East of I-275 and the City boundary.

As shown by the property card, the property was originally developed with one single-family home on lot 13 only in 1947. A swimming pool was added in 1958, so it can be inferred that Lot 12 was added to the property by that time. The Pinellas County Property Appraiser website makes only one deed available for the property. This is the deed for the sale of the property to the applicant of this variance in September of 2018, which includes both lots.

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

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

REQUEST: The applicant plans to renovate the single-family home on Lot 13 and add a driveway to allow parking behind the front façade of the home. The impervious surface ratio after redevelopment would be .42. The applicant also plans to demolish all structures on Lot 12 to construct a new single-family home that meets all requirements of the Land Development Regulations. Option A is a bungalow style home that would be one and half story, three bedrooms, two bathrooms, and 1,381 square feet. Option B is a ranch style home that would be one story, three bedrooms, two bathrooms, and 1,353 square feet. The allowable impervious surface ratio (ISR) in NT-1 is .65. The ISR for both lots would be approximately .47. The allowable Floor to Area Ratio (FAR) in NT-1 is .5. The FAR of both proposed options is .34.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services 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 applicant proposes to renovate the single-family home on Lot 13 and add a driveway to allow parking behind the front façade of the home. The applicant also plans to demolish all structures on Lot 12 to construct a new single-family home meeting all requirements of the Land Development Regulations. The existing home and accessory structures are in a state of disrepair and are in need of renovation and re-investment.

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

The existing platted lots are substandard to the NT-1 minimum standards, which require a minimum lot width of 45 feet and lot area of 4,500 square feet. The proposed lots will be 45 feet in width, which meet the standard. The proposed lot area is 4,050 square feet, substandard by 450 square feet, or ten percent.

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

The criterion is not applicable.

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

The criterion is not applicable.

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

The criterion is not applicable.

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

The subject property is in the Harris Park Neighborhood Association and was platted in 1924 as part of the Grady Swope’s Harris School Subdivision. The subdivision was platted with three blocks. Each block contains 26 lots. Lots 1-4 are 45 feet wide by 105 feet long; lots 5-13 and 18-26 are 45 feet wide by 90 feet long; lots 14-17 are 45 feet wide by 100 feet long. The study area used to determine consistency for the development pattern was the subject block and all abutting blocks. This included all of four small subdivisions: the Grady Swope’s Harris School Subdivision, the Lawrence Places subdivision, the Northwood Heights subdivision, and the D.C. White’s 22nd St Addition Subdivision.
g. *Public Facilities.* If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

The criterion is not applicable.

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

   Being that the blocks to the east and west are separately platted subdivisions, this study takes the time to examine the development pattern of the Grady Swope’s Harris School subdivision separately. Of the 78 total lots originally platted in the Grady Swope’s Harris School Subdivision, 54 were platted at 45 feet wide and 90 feet long (4,050 square feet). This amounts to 69 percent of the lots in the subdivision being substandard in area by today’s code. Currently, there are 54 lots (83%) in the subdivision developed as one house per platted lot of record. The subdivision contains 12 properties with one house on multiple lots.

The study area consisting of five blocks, contains 95 lots, 36% of which are substandard by today’s code. The subject block is 24% substandard. The blocks to the east and west contain no substandard lots, while the blocks to the North and South contain 67% and 58% substandard lots respectively. Currently, 75% of lots are developed as one house per platted lot.

**Table 1: Subdivision Analysis**

<table>
<thead>
<tr>
<th>Grady Swope’s Harris School Subdivision</th>
<th>Total Lots</th>
<th>Conforming</th>
<th>Substandard</th>
<th>% Substandard</th>
<th>% 1 House, 1 Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Plat</td>
<td>78</td>
<td>24</td>
<td>54</td>
<td>69</td>
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<td>Current Development</td>
<td>65</td>
<td>31</td>
<td>34</td>
<td>52</td>
<td>83</td>
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**Table 2: Study Area - Lot Area Analysis**

<table>
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<th>Block</th>
<th>Conforming</th>
<th>Substandard</th>
<th>% Substandard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Block</td>
<td>13</td>
<td>4</td>
<td>24</td>
</tr>
<tr>
<td>Block 2 (North)</td>
<td>8</td>
<td>16</td>
<td>67</td>
</tr>
<tr>
<td>Block 3 (East)</td>
<td>18</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Block 4 (South)</td>
<td>10</td>
<td>14</td>
<td>58</td>
</tr>
<tr>
<td>Block 5 (West)</td>
<td>12</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Overall Average</td>
<td>61</td>
<td>34</td>
<td>36</td>
</tr>
</tbody>
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**Table 3: Study Area – One House Per Platted Lot Analysis**

<table>
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<tr>
<th>Block</th>
<th>One Platted Lot or Less</th>
<th>More Than One Platted Lot</th>
<th>% One Per Platted Lot or Less</th>
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<td>Subject Block</td>
<td>10</td>
<td>7</td>
<td>59</td>
</tr>
<tr>
<td>Block 2 (North)</td>
<td>22</td>
<td>2</td>
<td>92</td>
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<tr>
<td>Block 3 (East)</td>
<td>10</td>
<td>8</td>
<td>56</td>
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<tr>
<td>Block 4 (South)</td>
<td>22</td>
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<tr>
<td>Block 5 (West)</td>
<td>8</td>
<td>4</td>
<td>67</td>
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</table>
3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

Without approval of the requested variance, the owner has the ability to develop the property with a single-family home, and an accessory dwelling unit in compliance with the Land Development Regulations. Approval of the variance to lot area allows for construction of a second single-family home. The proposed lots are each 4,050 square feet in area, which does not meet the minimum requirement of 5,800 square feet to qualify for an accessory dwelling unit.

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

Strict application of the provision of this chapter would allow reasonable use of the property, as the property may continue its single-family use. However, the majority of the other properties in the subdivision and surrounding blocks were developed with one house on each lot of record. The requested variance would allow a more consistent use of land with the surrounding neighborhood.

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

The variance request is the minimum necessary to allow the development of two single-family homes on lots of similar size to the surrounding lots with single-family homes. The request represents a ten percent reduction in area.

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

The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. The Land Development regulations for the Neighborhood Traditional districts state: "The purpose of the NT district regulations is to protect the traditional single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in a manner that is consistent with the scale of the neighborhood." The request is also consistent with the City's goal for addressing housing affordability by increasing the number and availability of housing units. Chapter Seven of the City's current Comprehensive Plan identifies housing affordability as a major concern and increasing housing affordability as a major goal. An established objective includes increasing the quantity of housing units in the city as a way of increasing affordability.

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 applicant was able to obtain signatures from the surrounding property owners and tenants in support of the variance,
renovation of the existing home, and development of lot 12. The applicant also provided correspondence from the Harris Park Neighborhood Association demonstrating their support of the request and the renovation of the existing property. The proposal for two single-family homes is consistent with the neighborhood pattern of the block face.

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, neighborhood support, and the recommended special conditions of approval.

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

None were considered.

PUBLIC COMMENTS: Staff has received no public comments at the writing of this report.

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

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

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted for Option A or Option B of this application.
2. This variance approval shall be valid through November 7, 2021. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Maximum impervious surface on the site must not exceed 65%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
5. Parking must be provided on site and shown on any plans submitted for permitting. The site plan submitted for permitting must identify the number of bedrooms in the existing house. Required parking is two spaces for up to three bedrooms and one-half space for each additional bedroom as called out in 16.10.020.1 – Matrix: Use Permissions, Parking & Zoning.
Report Prepared By: 
Jaime Jones, Planner I 
Development Review Services Division 
Planning & Development Services Department 

10/31/2018 

Report Approved By: 
Jennifer Byta, ACIP, Zoning Official (POD) 
Development Review Services Division 
Planning & Development Services Department 

10·31·18 

JCB/JT: iw
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NOTE:
SEE SHEET 2 OF 2 FOR SPOT ELEVATIONS

SALEM AVENUE
(GREENWOOD AVENUE-PLAT)

A SURVEY OF: LOT 13, BLOCK 2, CRADY SWOPE'S HARRIS SCHOOL SUB'N, AS RECORDED IN PLAT BOOK 6, PAGE 24, OF THE PUBLIC RECORDS OF PINELLS COUNTY, FLORIDA.

DRAWN BY: JCB
CAD FILE: CRADY SWOPE'S HARRIS SCHOOL BLOCK 2
CADD FILE: HARRIS SCHOOL BLOCK 2

FIRM ZONE: "X"
PER PANEL #: 12103C 0208H (8/18/09)

EVANS LAND SURVEYING INC.
1460 BELTREES STREET
DUNEDIN, FL 34698
(727) 734-3821

UNIT 9

SURVEY TYPE: BOUNDARY SURVEY
DATE: 10/04/2016

INV. NO:
2016-288

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREIN MEETS THE MINIMUM REQUIREMENTS OF CHAPTERS 5J-17.000 TO 5J-17.053 OF THE FLORIDA ADMINISTRATIVE CODE

G. EVANS 10/05/2018

LARRY L. EVANS 10/05/2018
JOHN C. BINDER
FL. REG. NO. 2037
FL. REG. NO. 4888
LICENSED BUSINESS NO. 6225
(SURVEY INVAID WITHOUT SIGNATURE AND EMBOSSED SEAL)
A SURVEY OF: LOT 12, BLOCK 2, GRADY SWOPE'S HARRIS SCHOOL SUBN. AS RECORDED IN PLAT BOOK 9, PAGE 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

DRAWN BY: JDC
CAD FILE: GRADY SWOPE-LUTTICE
CRD FILE: HARRIS/ER

FIRM ZONE "X"
PER PANEL # 12103C 0208M (6/18/09)
UNIT 9

1460 BELTREES STREET
DUNEDIN, FL. 34698
(727)734-3821

SURVEY TYPE DATE INV. NO.
BOUNDARY SURVEY 10/02/2018 2018-287

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREBIN MEETS THE MINIMUM REQUIREMENTS OF Chapters 51-17.006 TO 51-17.033 OF THE FLORIDA ADMINISTRATIVE CODE.

LARRY L. EVANS
JOHN C. BINDER
FL. REG. NO. 2937
FL. REG. NO. 4888
LICENSED BUSINESS No. 6225
(SURVEY COMPLETED WITHIN SIGNATURE AND EMBOSSED SEAL)
NOTE:
SEE SHEET 2 OF 2 FOR SPOT ELEVATIONS

SALEM AVENUE
(GREENWOOD AVENUE-PLAT)

LOT 13

SCALE: 1"=20'

A SURVEY OF LOT 13, BLOCK 2, CRADY SWORPE'S HARRIS SCHOOL SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
Option A

3 BR/2 BATH

1381 SF

28 W

37 DEEP (36'-1"

22'-8" HIGH

BACK YARD 45 x 28
A SKETCH OF: LOT 12, BLOCK 2, GRADY SWOPE'S HARRIS SCHOOL SUB'N AS RECORDED IN PLAT BOOK 8, PAGE 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

EVANS LAND SURVEYING, INC.

1460 BELTREES STREET
DUNEDIN, FL. 34698
(727)734-3821

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<td>2018-2944</td>
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I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTERS SJ-17.050 TO SJ-17.052 OF THE FLORIDA ADMINISTRATIVE CODE

DRAWN BY: JCB  CAD FILE: GRADY SWOPE'S-SKETCH

Larry L. Evans
John C. Binder
FL REC. NO. 8337
FL REC. NO. 4888
(INVALID WITHOUT SIGNATURE AND EMBOSSED SEAL)
A SKETCH OF: LOT 12, BLOCK 2, GRADY SWOPE’S HARRIS SCHOOL SUB’N AS RECORDED IN PLAT BOOK B, PAGE 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

EVANS LAND SURVEYING, INC.

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I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREIN MEETS THE MINIMUM REQUIREMENTS OF CHAPTERS 5J-17.050 TO 5J-17.022 OF THE FLORIDA ADMINISTRATIVE CODE.

LARRY J. EVANS

JOHN C. BINDER

PL. REC. NO. 0897
PL. REC. NO. 4088

(VALID WITHOUT SIGNATURE AND EMBOSSED SEAL)
Plan Number: 78816
- 1353 Total Living Area
- 1353 Main Level
- 2 Bedrooms
- 2 Bathrooms
- 29 Yds x 69' Depth

Available Foundation Types:
- Crawl Space
- Full Basement
- Slab

Order Code: 00WEB
- 1 Set: $950.00
- 5 Sets: $900.00
- PLOT FILE: $750.00
- CAD File: $1400.00
- Right of Way: True
- Reverse: $135.00

All set will be RC2000 Reverse

Tack Yard = 45 x 15

1353 SF
Z8 W
5D BEED
18'3 H
CITY OF ST. PETERSBURG
PLANNING & DEVELOPMENT SERVICES DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

st.petersburg
www.stpete.org

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & 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 & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on November 7, 2018 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-31000015
PLAT SHEET: K-21

REQUEST: Approval of a Site Plan to construct a 308-unit multi-family development.

OWNER: St. Petersburg Florida Retail, LLC
Attn: Mila Pinkhasov
8 West 40th Street, 17th Floor
New York, New York 10018

AGENT: Moriah Worth
ContraVest
237 South Westmonte Drive, Suite 140
Altamonte Springs, Florida 32714

ADDRESS: 3951 34th Street South

PARCEL ID NO.: 03-32-16-46925-001-0010

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Suburban-2 (CCS-2)

SITE AREA TOTAL: 437,524 square feet or 10.04 acres

GROSS FLOOR AREA:
Existing: 94,661 square feet 0.21 F.A.R.
Proposed: 288,044 square feet 0.65 F.A.R.
Permitted: N/A

BUILDING COVERAGE:
Existing: 94,661 square feet 21.6% of Site MOL
Proposed: 106,758 square feet 24.4% of Site MOL
Permitted: N/A

IMPERVIOUS SURFACE:
Existing: 368,185 square feet 84.2% of Site MOL
Proposed: 331,204 square feet 75.7% of Site MOL
Permitted: 396,360 square feet 90% of Site MOL

OPEN GREEN SPACE:
Existing: 69,339 square feet 15.8% of Site MOL
Proposed: 106,320 square feet 24.3% of Site MOL

PAVING COVERAGE:
Existing: 273,524 square feet 62.6% of Site MOL
Proposed: 224,446 square feet 51.3% of Site MOL

PARKING:
Existing: 400; including 21 handicapped spaces
Proposed: 529; including 10 handicapped spaces
Required: 474; including 9 handicapped spaces

BUILDING HEIGHT:
Existing: 21 feet
Proposed: 64 feet
Permitted: 84 feet

APPLICATION REVIEW:

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

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a site plan to construct a 308-unit apartment complex. The subject property is located on the west side of 34th Street South, south of 38th Avenue South. The subject property is within the Skyway Marina District, which is a targeted redevelopment area activity center for the city. The existing property is currently developed with a 94,661 square foot big-box building (formerly K-Mart) that is presently vacant.

Current Proposal:
The applicant proposes to construct five (5) individual apartment buildings and one (1) maintenance building. The applicant proposes two, 2-story apartment buildings, with a building located on each side of the primary vehicular entrance into the community. A large 4-story “U” shaped building will be located generally in the center of the subject property. A smaller “U” shaped building will be located along the northern portion of the subject property and a small 4-
store building will be located along the southern portion of the subject property. A maintenance
building will be located south of the large “U” shaped building. A courtyard and pool area are
proposed in the center of the large “U” shaped building. A BBQ area is proposed on the
southside of the small “U” shaped building and a dog park is located north of the maintenance
building. Surface parking will be located adjacent to each individual building. The applicant
also proposes individual garages in the base of the buildings. The primary vehicular access to
the development will be from 34th Street South. Two secondary vehicular access point will be
from 38th Avenue South. Pedestrian access is provided from the development to the
surrounding public rights-of-way.

Elevations
The proposed apartment buildings will be of a traditional style of architecture. The structures
will be finished in stucco, stone veneer and hardie board with asphalt and metal hip and gable
roofs. The facades have been articulated with the use of roof brackets, metal awnings, variety
of building materials and changes and breaks in the plan of the building façade. The apartment
building also incorporates balconies with decorative railings.

Public Comments:
Staff has received multiple phone calls. Callers were seeking information about the proposed
development, specifically if the development would be rental and if rental, would it be affordable
or low-income housing.

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

B. **SPECIAL CONDITIONS OF APPROVAL:**
   1. All buildings on-site shall be connected via a sidewalk network.
   2. The sidewalks on private property shall connect to the public sidewalks
      in the abutting rights-of-way.
   3. The crosswalks in the parking lot shall be constructed from a different
      material than the parking lot. The use of asphalt as part of the sidewalk
      or crosswalk shall not be permitted.
   4. Pedestrian scale lighting shall be installed along the internal sidewalk
      network.
   5. All buildings on-site shall comply with Section 16.20.150.7 Building
      Design.
   6. The site and buildings should be designed to incorporate components
      of the Skyway Marina District Design Guidelines.
   7. The proposed location of on-site dumpsters shall be approved by the
      City's Sanitation Department.
   8. Mechanical Equipment shall be screened from the abutting rights-of-
      way with architectural features that match the building.
   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 Transportation and Parking Management Department, comments are provided in the attached email dated October 15, 2018.
   12. 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 October 14, 2018.
13. This Site Plan approval shall be valid through November 7, 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.

C. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

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

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

Zoning/Planning Requirements:

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

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

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

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

Engineering Requirements:

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

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

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

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

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

**Landscaping Requirements:**

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

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

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

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

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

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

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

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

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;
C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

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

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

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

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

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

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

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

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

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

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

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

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

2. The property is within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

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

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

The land use of the subject property is: Planned Redevelopment Commercial
The land uses of the surrounding properties are:
North: Institutional and Planned Redevelopment Commercial
South: Residential Medium
East: Planned Redevelopment Commercial
West: Residential Medium

REPORT PREPARED BY:

COREY MALYSZKA, Urban Design and Development Coordinator

REPORT APPROVED BY:

Jennifer Bryla, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

DATE: 10.31.18
September 13, 2018

Barbara Danos, President
Patriot Square Condominium Association of St. Petersburg, Florida, Inc.
c/o Resource Property Mgmt
7300 Park Street
Seminole, FL 33777

Re: The Addison at Skyway Marina
St. Petersburg, FL

Dear Barbara,

I wanted to introduce myself and my company to your organization to familiarize you with who we are and what we do. ContraVest Development Company is a second generation, veteran owned, family business whose primary mission is to develop upscale multi-family residential communities. As a company, we handle all aspects of a community to include development, construction and property management.

We are currently in the process of planning the re-development of the vacant K-Mart parcel on the southwest corner of 34th Street South and 38th Avenue South. We are submitting our plan to the City of St. Petersburg and are excited to be a part of the Skyway Marina District. We believe this development will continue the current momentum of economic development in the area and hope that we can count on your support.

The Addison at Skyway Marina will consist of 308 units, with an integrated community clubhouse. The amenities will all be first rate including a resort style swimming pool with a fire pit and gas grills, fitness center, business center/internet café, clubroom, dedicated dog park and car wash. We will have the ability to provide a new, well located and professionally appointed community that will be comparable to existing and proposed developments downtown. We are confident that the redevelopment in the active Skyway Marina District will be successful and a positive addition to the community.
We have included our rendering of the project to date as it is in the early stages of design. If you have any questions we would like to make ourselves and/or our design team available to answer those questions.

All the best,

Mark Ogier  
Principal  
ContraVest Development Partners
mogier@contravest.com  
407 936-7152
September 13, 2018

Skyway Marina District, Inc.
Attn: Jack Doughtery, Flamingo Resort; Misty Bottorff (Exec Dir)
4601 34th Street South
St. Petersburg, FL 33712

Re: The Addison at Skyway Marina
    St. Petersburg, FL

Dear Jack,

I wanted to introduce myself and my company to your organization to familiarize you with who we are and what we do. ContraVest Development Company is a second generation, veteran owned, family business whose primary mission is to develop upscale multi-family residential communities. As a company, we handle all aspects of a community to include development, construction and property management.

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We have included our rendering of the project to date as it is in the early stages of design. If you have any questions we would like to make ourselves and/or our design team available to answer those questions.

All the best,

Mark Oger
Principal
ContraVest Development Partners
mogier@contravest.com
407 936-7152
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services Department
Jennifer Bryla, AICP, Planning & Development Services Zoning Official, Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: October 14, 2018

SUBJECT: Site Plan

FILE: 18-31060015

LOCATION 3951 34th Street South; 03/32/16/46925/001/0010
ATLAS: K-21 ZONING: CCS-2
PROJECT: St. Petersburg Florida Retail, LLC
REQUEST: Approval of a Site Plan to construct a 308-unit multi-family development.

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. It is noted that final review of the details of the project design will occur when the full set of project civil plans are submitted to the Construction Services and Permitting division for approval of construction permits. As such, the following should be considered as a preliminary review narrative pertaining to the project concept plan.

SPECIAL CONDITIONS:
1. The site plan indicates vacation of the existing 10-foot and 5-foot water easement along the northern boundary of the site. Please be aware these easements contain an 8" potable water main. The request for easement vacation will be reviewed in detail with the submittal of the vacation request to the City. The applicants Engineer will need to coordinate directly with the City’s Water Resources department and verify no adverse impact to adjacent properties and will need to show proper abandonment of the water main documented on an as built record drawing as part of this redevelopment project.

2. The project shall be designed to eliminate private utility encroachments, such as but not limited to AC units, walls, fences, signs, parking lot lights, dumpster enclosures, or other types of structures within any of the City of St. Petersburg utility, water, street or sidewalk easements which remain within or adjacent to the property.

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide reduction of pollutants that contribute to the water body’s impairment and reduction of pollutants as necessary to meet EPA mandated TMDL “Specified Removal Efficiencies”, when applicable. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm. *The owner's engineer of record shall verify that existing public storm sewer infrastructure has sufficient capacity, or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.
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. Existing sidewalks must be removed and replaced to meet the width requirements of the City’s code as may be applicable. A minimum 5-foot wide sidewalk is required along the 38th Avenue South frontage and any sidewalk constructed directly adjacent to the road curb must be minimum 6-foot wide. The City Transportation Department has identified this location for a 10-foot wide Trail Sidewalk along the 34th Street frontage; therefore sidewalk along the 34th Street frontage must be replaced to the 10-foot width. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

5. Existing light poles/power poles, above grade utilities, etc. shall be relocated at the developer’s expense as necessary to maintain unobstructed safe public sidewalks, including the required 10-foot wide sidewalk along 34th Street right of way. Vertical obstructions shall maintain a minimum clearance of 2-feet from the edge of the sidewalk and in the case of the 10-foot sidewalk, a minimum of 4-feet of clearance is preferred. The clearance area shall remain a level flat recovery zone at no more than a 2% slope.

6. 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.

7. It is noted that the project Engineer of record has already provided a Wastewater Capacity Analysis, point of connection plan, and Wastewater Tracking Form indicating a net increase in flow of 37150 gpd for the proposed 308 unit apartment complex with a 10000 sf retail outparcel. In response, the City WRD has confirmed adequate capacity of the receiving public conveyance system.

If changes to the scope of the project occur which modify the previous submittal information, the following comment will again apply:

The 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 1500 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.

8. Note the "Residents Only" slide-gate at the 38th Avenue South driveway approach must be shifted into the site to provide a minimum of two car stacking without encroaching into 38th Avenue South travel lanes and within blocking the public sidewalk. The gate must side open/shut parallel to the property line as shown and any type of card reader or call box for this gate must be located within private property. Additionally, the gate should be controlled remotely by each entrant to avoid vehicles stopping on and blocking the public sidewalk.

9. The development plans will need to provide additional detail showing how the required 10-foot sidewalk along 34th Street will be safely and smoothly transitioned to meet existing adjacent narrower sidewalks.

10. All drives existing and proposed shall be provided with appropriate bike lane striping when applicable. Solid bike lane striping shall be installed at driveways to be removed.

11. The stairs to the rear entrance doors and the dumpster for adjacent Lot B (parcel #03/32/16/46925/001/0020) appear to be located on the west side of the Lot B property. It appears that access to these Lot B facilities may only be possibly through Lot A. Please clarify how this has been addressed between the two private property owners. If access or exit from the western doors of the Lot A building is necessary for occupancy of the building they need to be sure legal access is maintained.

12. It appears that this site sanitary sewer is being designed to provide service to the future retail. Legal access for the use of the private sanitary sewer conveyance system for the future retail site must be maintained by private easement agreement or other recognized recordable private agreement which runs with the ownership of the land.

13. 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.

14. 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 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.

The project Engineer will be required to develop a site-specific Maintenance of Traffic plan in compliance with FDOT “Uniform Traffic Control Devices for Streets and Highways” and “Roadways and Traffic Design Standards for City approval prior to initiating construction. The plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Approval of proposed roadway travel lane closures is discouraged and will be at the discretion of the City’s Engineering director pending receipt of adequate justification. The Maintenance of Traffic plan shall be prepared in compliance with City Engineering's “Maintenance of Traffic Plan Requirements”, available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City's Transportation and Parking Management division. Refer to the City’s “Parking Meter Removal & Space Rental Policy During Construction” procedure, available upon request from the City Transportation and Parking Management department. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

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

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

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.

NED/MJR/mh
pc. Kelly Donnelly
Correspondence File
The Transportation and Parking Management Department has reviewed the case and has the following comments:

- We request that the applicant move the residential access gates for the parking lot access from 38th Avenue South back to provide at least one queue space for the gate that does not obstruct the sidewalk along the south side of 38th Avenue South.
- Concrete sidewalks must be continuous through all driveways.
- The internal pedestrian circulation system needs to connect all buildings on the site, including marked connections through the drive aisles.
- Please identify the design for the two long-term bicycle parking rooms and how they will accommodate the required 308 spaces.

Kyle Simpson, AICP
Planner I, Transportation and Parking Management
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
(727) 893-7151

From: Iris L. Winn
Sent: Tuesday, September 25, 2018 3:21 PM
To: Michael J. Frederick <michael.frederick@stpete.org>; Thomas M Whalen <tom.whalen@stpete.org>; Kyle Simpson <Kyle.Simpson@stpete.org>; Mark Riedmueller <mark.riedmueller@stpete.org>; Nancy Davis <nancy.davis@stpete.org>; Martha Hegenbarth <martha.hegenbarth@stpete.org>; Richard F Kowalczyk <Richard.Kowalczyk@stpete.org>; Kelly A. Donnelly <kelly.donnelly@stpete.org>; Kirsten J. Corcoran <Kirsten.Corcoran@stpete.org>; Bruce E. Grimes <bruce.grimes@stpete.org>; Aaron M. Fisch <aaron.fisch@stpete.org>
Cc: Corey D. Malyszka <corey.malyszka@stpete.org>
Subject: FW: Incoming Case No. 18-31000015 - Site Plan to Construct 308-Unit - 3951 34th Street South

Hello all,

Attached is the Application, Site Plan, Location Map and Routing sheet for Case #18-31000015.

Please return your comments to me by October 15, 2018.

This application is currently scheduled to be heard before the Development Review Commission on November 7, 2018, at 2PM. The formal hearing notice letter will be mailed by October 15, 2018. If you should have any questions, please contact Corey Malyszka at 727-892-5453.

Thank you,

Iris Winn
Administrative Clerk, Development Review Services
Planning & Development Services Department
APPEAL OF A STREAMLINE APPROVAL
FOR SITE PLAN APPROVAL

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES, for Public Hearing and Executive Action on November 7, 2018 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-31000018   PLAT SHEET: J-15

APPEAL: Appeal of a streamline approval of a request for a Workforce Housing density bonus of 12-units to allow construction of a 51-unit multi-family residential development.

APPELLANT: Jesse Woods and Marlene Smith
2831 31st Street South
Saint Petersburg, Florida 33712

OWNER: T S P 551 St. Pete, LLC
304 South Willow Avenue
Tampa, Florida 33606

AGENT: The Richman Group of Florida, Inc.
477 South Rosemary Avenue, #301
West Palm Beach, Florida 33401

ADDRESS: 2725 31st Street South; 35-31-16-01836-000-0030
3100 26th Avenue South; 35-31-16-01836-000-0040

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Multifamily-1 (NSM-1)
Preservation (P)

SITE AREA TOTAL: 149,411 square feet or 3.43 acres

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.70.040.1.18 of the Municipal Code and Section 16.70.040.1.4 of the Municipal Code for an application requesting 12-Workforce Housing Bonus Density Units and development of less than 60 units.
II. DISCUSSION AND RECOMMENDATIONS:

Request:
The applicant is seeking approval of a site plan to construct a 51-unit multi-family apartment complex. A multi-family use is allowed within the NSM-1 zoning district at a density of 15-units per acre and the Preservation zoning district allows 1-unit. Within the NSM-1 zoning district, a density bonus of 6-units per acre can be approved for workforce housing units. Without this bonus, 40 units would be allowed and with the bonus up to 55 units can be approved. The subject property is located at the southwest corner of 26th Avenue South and 31st Street South.

Appeal:
On October 11, 2018, the City Clerk received an appeal from Jesse Woods and Marlene Smith. The appellant listed five items for grounds for the appeal, see attached Appeal tab. The following report will first address the site plan and workforce housing density bonus followed by the appeal items.

SITE PLAN:
The site layout is affected by I-275 on the westside, an off-ramp from I-275 on the northside and a preservation area on the southside of the subject property. There are three, 3-story apartment buildings, a club house and a pool/amenity area being proposed. The applicant is proposing one apartment building at the north-end and one apartment building abutting the preservation area at the south-end of the subject property. The clubhouse will be located up towards 31st Street South and the third apartment building will be west of the clubhouse building. In-between the clubhouse and apartment building will be a pool/amenity area. Vehicular ingress/egress will be from 31st Street South. Surface parking will be located interior to the site. The site plan does not show pedestrian access from the apartment buildings to the sidewalks in the abutting public rights-of-way. A condition of approval has been added to the report to address this concern. The dumpsters will be located along the western side of the property.

WORKFORCE HOUSING DENSITY BONUS:
The City recognizes the need for and supports the development of affordable housing within the City; the adoption of the density bonus in January 2008 is one step to achieve this through incentives. Chapter 17.5 Article IV of the City Code defines Workforce Housing as a residential unit with monthly rents or monthly mortgage payments including taxes, insurance and applicable condominium or association fees that are affordable. The unit is considered affordable when the monthly housing costs (as just defined) do not exceed 30 percent of the median annual gross income for a low, moderate or middle-income household. The applicant is required to obtain City approval through the use of a Workforce Housing Bonus Density/Intensity Agreement. The applicant also must provide certain information to the City's Housing Department to satisfy additional criteria in the Workforce Housing regulations. Chapter 16 Land Development Regulations provide a process for review of Workforce Housing units, and criteria for review of all site plans. City Code Section 17.5-55 provides the following specific criteria for the location, integration and character of workforce housing bonus density dwelling units:

1. Workforce housing bonus density dwelling units shall be mixed, with, and not clustered together or segregated in any way, from the market-rate units;

2. The number of efficiency, one, two, and three or more-bedroom workforce housing bonus density dwelling units shall be proportional to the number of one, two, and three or more-bedroom market rate units (e.g. if 50 percent of the market rate units are two bedrooms, then at least 50 percent of the workforce units shall be two bedroom or larger);
(3) If the development is phased, the phasing plan shall provide for the development of workforce housing bonus density dwelling units proportionately and concurrently with the market-rate units;

(4) The exterior appearance of workforce housing bonus density dwelling units shall be similar to the market-rate units and shall provide exterior building materials and finishes of substantially the same type and quality;

(5) The interior building materials and finishes of the workforce housing bonus density dwelling units shall be of substantially the same type and quality as market-rate;

(6) All workforce housing bonus density dwelling units shall comply with the building and construction requirements of Article III (the City’s Visitability Ordinance);

(7) The minimum size for workforce housing bonus density dwelling units shall be 375 sf for efficiency units, 500 sf for one-bedroom units, 750 sf for two-bedroom units and 200 additional sf for each additional bedroom;

This applicant will be required to comply with the aforementioned criteria; #3 does not apply because the project is not phased. Staff supports the workforce housing density bonus subject to receipt of an approved Workforce Housing Bonus Density/Intensity Agreement between the applicant and the City’s Housing Programs Division.

The purpose and intent of the program is described below:

Section. 17.5-96. - Purpose.
The purpose of this article is to:

(1) Create incentives for developers and property owners to provide workforce housing as a part of new development within the City;

(2) Assist in implementing the affordable housing goals, policies, and objectives contained in the comprehensive plan of the City;

(3) Assist in making affordable housing available for employees of businesses that are or will be located in the City;

(4) Maintain balanced housing opportunities in the City to provide housing for people of all income levels;

(5) Assist in implementing planning for affordable housing as required by F.S. § 420.907;

(6) Implement the workforce housing density bonus opportunity established in the land development regulations adopted by the City.

Workforce Housing code section 16.70.040.1.19 specifies that the streamline approval allows staff to approve such an application with or without conditions. An appeal of the streamline approval was timely submitted. It is up to the Commission to approve or deny the appeal. The Commission will review the application and determine if it meets the criteria for approval of a site plan. An analysis of the site plan review criteria, Section 16.70.040.1.4 .D, is provided below.
A. The use is consistent with the Comprehensive Plan.

The Future Land Use Classification under Chapter 3, Future Land Use Element for the subject parcel is Residential Medium (RM) and Preservation (P). The RM land use allows residential uses not to exceed 15 dwelling units per acre. The proposed project density, including the density bonus, will be 19.38 units per acre, which is above the maximum allowed of 15 dwelling units per acre. The proposed project furthers Policy LU3.15, “The Land Use Plan shall provide housing opportunity for a variety of households of various age, sex, race and income by providing a diversity of zoning categories with a range of densities and lot requirements.”

The Housing Element contains several goals, objectives and policies which support the Workforce Housing Density Bonus request, including but not limited to the following:

Goal 7.2 To facilitate the provision of decent, safe, sanitary, healthy and affordable housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the city, while preserving and enhancing the community’s physical and social fabric, and cultural diversity, and while protecting the interests of special needs groups, and extremely low, very low, low, and moderate-income households.

OBJECTIVE H1: The City shall provide technical and financial assistance to the private sector to provide dwelling units of various types, sizes and costs to meet the affordable housing needs of existing and future populations of the city, including those participating in the Working to Improve Our Neighborhoods (W.I.N) program.

Policy H1.4 The City shall monitor the use of the Workforce Housing Density/Intensity Bonus Ordinance to ensure that affordable workforce housing units are produced.

OBJECTIVE H3A: The City shall ensure that affordable housing for extremely low, very low, low, and moderate-income households, including households with special needs, is available to 35% of the new households forecasted by 2010. These units may be provided by natural filtration, rehabilitation programs, subsidies, new construction or other assistance programs by the private and public sectors.

OBJECTIVE H3B: The City shall provide affordable housing incentives (such as revised Land Development Regulations and expedited permitting processing) to developers of affordable housing for the extremely low, very low and low income groups (see Policy H1.7)

Policy H3.8 All residential districts designated by the land use plan and zoning map shall permit development of affordable housing for extremely low, very low, low, and moderate income households, preferably in developments containing units affordable to a range of income groups.
Policy H3.12 The City will provide density bonuses to developers of affordable housing through the implementation of the Workforce Housing Density/Intensity Bonus Ordinance.

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;

Multi-family residential development is a permitted use in the NSM-1 zoning classification and consistent with the Comprehensive Plan, Future Land Use Element.

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 site plan shows project access to be located on 31st Street South. Such access will require a City right-of-way permit at time of Building Permit. Sidewalks will be required to be constructed along 31st Street South. The applicant will be required to provide pedestrian access from the apartment buildings to the sidewalks in the abutting public rights-of-way. Details of utility services and refuse collection will be provided at time of Building Permit application. The Fire Marshall will review the site plans at time of permitting for fire, catastrophe and emergency issues, related to the Florida Building Code, 5th Edition and the Florida Fire Prevention Code.

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

The site plan addresses these criteria by showing on-site sidewalks connecting the buildings and parking areas. Compliance with all Land Development standards related to landscaping, vehicular parking, bicycle parking, loading, driveways and internal traffic patterns will be more particularly addressed at the Building Permit stage. No variances to any of these reference criteria have been requested. The applicant will be responsible for constructing sidewalks along all adjacent rights-of-way.

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;

A Traffic Impact Report was not required to be submitted by the applicant. The City’s Transportation and Parking Management Department reviewed the proposed site plan for potential traffic impacts. A memorandum of the analysis and findings is attached to this report. City staff found that the proposed multi-family development is projected to generate a de minimis number of vehicle trips and have a minimal traffic impact on 31st Street South.

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 development of the property triggers full compliance with all current stormwater requirements, including treatment and attenuation criteria. A Stormwater Management Plan will be included in the construction documents and all associated agency permits must be provided to the City at time of permitting. In addition, the project will be required to comply with all special conditions of approval as specified in the Engineering and Capital Improvements Department Memorandum dated 10/09/18.

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

Any proposed signage will meet all provisions of 16.40.120, Signage regulations.

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

The site plan depicts the location of the buildings along the northern and southern portion of the property, with an amenity area in the center of the property. The preservation area will not be impacted as part of the development. Stormwater facilities will be located along the west side of the property abutting I-275.

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

There are no known historic or archeological resources on the subject parcel. There is a preservation area located along the southern portion of the property. The applicant will not impact the preservation area and will meet the required 15-foot buffer between structures and the jurisdictional wetland line.

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 multi-family developments in the immediate area. There are single-family and commercial uses in the immediate area. There is a City nature preserve located east of the subject property, that the project is not intending to impact in any way.

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 buildings will be located along the northern and southern property lines and should have no impact to the preservation area. On site amenities such as a swimming pool, playground, and community building for the residents will be provided to create internal compatibility.

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
The 3.43-acre site is appropriate and adequate for the proposed apartment complex. No variances to the Land Development Regulations have been requested.

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

There is little natural vegetation on the subject property. Any specimen trees will need to be protected in accordance with Section 16.40.060. The existing preservation area will not be impacted.

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;

The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070). There are no historic or known archaeological resources on or within 200-feet of the site.

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

The property is located in an “B” Evacuation Zone. Hurricane evacuation facilities are planned by the Pinellas County Emergency Management in cooperation with the local governments and school boards. In the 2010 Florida Statewide Regional Evacuation Study Program, facility needs were based on the Comprehensive Plan Future Land Use Classification, US Census Data, and University of Florida's Bureau of Economic and Business Research population projections, (see 2010 Statewide Regional Evacuation Study for Program, Volume 1-8, Tampa Bay Region Technical Data Report, Chapter I, Regional Demographic and Land Use Analysis, page l-6). The nearest shelter location is Sanderlin Elementary School, 2350 22nd Avenue South.

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

   a. Water.
   b. Sewer.
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.
   f. Mass transit.
   g. Traffic.
   h. School Concurrency.

The project meets all concurrency requirements.

The land use of the subject property is:

Vacant and preservation

The land uses of the surrounding properties are:

North: Single-family residences
South: Preservation and single-family residences
East: Preservation and recreation
West: I-275

The Appeal:
The appellant listed five items for grounds for the appeal. The items are: 1) the area in question is not large enough, 2) there will not be enough green space, 3) the subject property backs up to a major intersection of I-275 and will be dangerous for children, 4) increase in traffic and 5) increase in noise.

Issue #1: The area in question is not large enough.

Staff Response:
The subject property is zoned Neighborhood Suburban Multi-family-1 and Preservation and has a total land area of 3.43 acres or 150,718 square feet. The NSM-1 zoning district requires a minimum lot size of 4,500 square feet and the Preservation zoning district does not have a minimum lot area. The NSM-1 portion of the subject property is approximately 2.58 acres or 112,385 square feet and the Preservation portion of the property is 0.85 acres or 37,026 square feet. The size of the subject property significantly exceeds the minimum size required by City Code.

Issue #2: There will not be enough green space.

Staff Response:
The maximum impervious surface ratio in the NSM-1 zoning district is 0.65% and the maximum impervious ratio is the Preservation zoning district is 0.01%. Based on the maximum allowed impervious surface ratio, the subject property is permitted to have 73,470 square feet of impervious area with the remaining 75,941 square feet being green space. The applicant proposes not to encroach into the preservation area, which provides 37,026 square feet of green space. The applicant has not provided data on the percentage of open space left on the NSM-1 zoned portion of the property, but they have not requested a variance to exceed the maximum impervious surface area on the site. The applicant will also comply with all exterior and interior green yard and vehicular use landscape requirements.

Issue #3: The subject property backs up to a major intersection of I-275 and will be dangerous to children.

Staff Response:
The subject property can be developed with a total of 40-dwelling units by right. The applicant can request up to 12 additional workforce housing units, for a total of 52-dwelling units. The applicant will be responsible to ensure that the property is safe for its residents.

Issue #4: Increase in traffic.

Staff Response:
The subject property is bound by 31st Street South to the east, 26th Avenue South to the north and I-275 to the west. Vehicular access will be from 31st Street South. The City's Transportation and Parking Management Department reviewed the proposed site plan for potential traffic impacts. A memorandum of the analysis and findings is attached to this report. City Staff found that the projected vehicle trip generation will be 26 trips, or less than one trip per two-minute period during p.m. peak hour trips. Based on the number of projected trips and the existing road capacity, the City's Transportation and Parking Management Department find that the proposed development will have a minimal traffic impact on 31st Street South.
Issue #5: Increase in noise:

Staff response:
The subject property abuts I-275 to the west, 26th Avenue South to the north, 31st Street to the east and a preservation area to the south. All three roadways that abut the subject property are major streets as outline in the City’s Comprehensive Plan. I-275 is a divided highway with a total of six lanes, three lanes in each direction, 26th Avenue South is five lanes and 31st Street is three and five lanes. An exit for I-275 is located on the west and north sides of the subject property. The existing traffic noise should mitigate for any additional noise generated by the residences of the apartment complex. Lastly, the proposed development will be subject to compliance with the City’s noise ordinance.

Public Comments:
Staff received one phone call inquiring about the proposed development. They expressed concerns about the impact that proposed development would have on property values.

III. RECOMMENDATION:
A. Staff recommends APPROVAL of:
   1. The workforce housing density bonus; and
   2. The site plan, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
   1. The applicant shall be required to obtain City approval of a Workforce Housing Bonus Density/Intensity Agreement for the proposed number of units prior to issuance of any site and/or building permits.
   2. All buildings including accessory structures (i.e. dumpster enclosures) shall comply with the building design guideline as outlines in Section 16.20.030.
   3. Internal sidewalks shall have paved connections to the public sidewalk along 31st Street South.
   4. Crosswalks shall be installed through the parking lot. Crosswalks shall be delineated with a different pavement material or color from the vehicular pavement material.
   5. The plans shall comply with Section 16.40.070 Lighting.
   6. The plans shall comply with Section 16.40.090.4 Bicycle Parking.
   7. The site plan shall be revised as necessary to comply with the conditions in the attached memo from the Engineering Department dated October 9, 2018.
   8. This Site Plan approval shall be valid through October 11, 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.

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 & 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, wheel stops, 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:

COREY MALYSZKA, Urban Design and Development Coordinator DATE

REPORT APPROVED BY:

JENNIFER BRYLA, AICP, Zoning Official (POD) DATE
Planning and Economic Development Development Review Services Division
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services Department
Jennifer Bryla, Planning & Development Services Zoning Official, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: October 9, 2018
SUBJECT: Site Plan
FILE: 18-31000018

LOCATION 2725 31st Street South; 35/31/16/01836/000/0030
3100 25th Avenue South; 35/31/16/01836/000/0040
ATLAS: J-15 ZONING: NSM-1 & PRES
PROJECT: T'S P 551 St. Pete, LLC
REQUEST: Approval of a request for a Workforce Housing density bonus of 12-units to allow construction of a
51-unit multi-family residential development.

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. A drainage ditch traverses this property though not shown on the site plan. A survey must be provided to accurately
show the ditch on the site plan (top of bank and toe of slope), and to show any existing easements which may exist within
the property boundary. The applicant must dedicate Public Drainage Easement conforming substantially to the lines of
the drainage ditch together with at least a 15-foot strip at no greater than a 1:12 slope adjacent to the top of each side of
the ditch banks, for the purpose of maintaining the watercourse and providing the ingress and egress of equipment for
this purpose. It appears that the existing ditch runs under the location of the southernmost proposed building. Note that
structural encroachments into necessary Public Drainage Easement areas cannot be approved.

Alternatively, the applicant’s Engineer of Record must provide a signed and sealed design (for review/approval by the
City Engineering department) for relocating or piping the ditch as necessary to facilitate the site development plan. Upon
City review of the design & associated design calculations, the width of Public Drainage Easement which must be
dedicated over the relocated watercourse can be determined.

Watercourse relocation shall be designed, permitted, and constructed by and at the applicant’s sole expense in accordance
with standards, specifications, and policies adopted by the City. A City Engineering permit is required for the
construction. It is also noted that other governmental approvals may be required, including but not limited to FDOT,
FDEP, SWFWMD, etc. It is the responsibility of the applicant to obtain all necessary governmental permits prior to
initiating construction.

2. The applicant will be required to extend the City sanitary sewer to the property. The existing City of St. Petersburg
sanitary sewer is located within the middle of the 26th Avenue South roadway. The sanitary sewer construction will
require a permit from the FDOT (because it is contained with FDOT limited access right of way) as well as a City
Engineering Utility Connection Permit for connection to the City’s public sanitary sewer collection system. The required sanitary sewer improvements shall be designed, constructed, and installed by and at the applicant’s sole expense in accordance with the standards, specifications, and policies adopted by the City. An FDEP individual wastewater collection system permit will likely be required. It is the responsibility of the applicant to obtain all necessary governmental permits prior to initiating construction.

3. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from 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.

4. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped.

Because this site is within the boundaries of an EPA mandated TMDL, the City’s MS4 Permit also requires load reductions per EPA for total nitrogen and total phosphorus, as listed in the TMDL for Springs Coast Clam Bayou (East Drainage). Please provide a signed and sealed analysis to verify that the proposed treatment system meets or exceeds the EPA mandated criteria. For quantitative analysis use the BMPTRAINS spreadsheet at UCF’s Stormwater Academy website: http://stormwater.ucf.edu/?s=BMP+Analysis+Aid. The “Type of Analysis” selected in the BMPTRAINS model must be “Specified Removal Efficiency”, inputting the TN & TP percent reductions required by this TMDL (76% reduction for TN and 81% percent reduction for TP).

Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm. The owner's engineer of record shall verify that existing public storm sewer infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

5. 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.
6. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. The property is adjacent to two City collector streets (26th Avenue South and 31st Street South), therefore a minimum 6' wide public sidewalk is required along both road frontages. The applicant would be required to construct new sidewalk if none is existing or remove and replace the existing sidewalks if they do not meet the width requirements.

7. 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.

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

**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 may be required for this project. Plans specifications are subject to approval by the Florida state board of Health.

NED/MJR/mh
pc: Kelly Donnelly
Correspondence File
CITY OF ST. PETERSBURG
Transportation and Parking Management Department

MEMORANDUM

TO: Iris Winn, Administrative Clerk, Planning and Development Services Department

FROM: Tom Whalen, Planner III, Transportation and Parking Management Department

DATE: October 25, 2018

SUBJECT: Approval of a request for a Workforce Housing density bonus of 12-units to allow construction of a 51-unit multi-family residential development (Case No. 18-31000018)

The St. Petersburg Transportation and Parking Management ("Transportation") Department has reviewed the proposed multifamily residential development located at 2725 31st Street South and 3100 26th Avenue South. The Transportation Department provided comments on the site plan on October 9, 2018. Since that time, an appeal has been filed. One of the objections to the proposed development is the potential traffic impact on 31st Street South. The Transportation Department has reviewed roadway operating conditions and estimated the number of new p.m. peak hour trips from the proposed development. We have determined that the proposed development will likely have a minimal traffic impact on 31st Street South.

Motor vehicles will have access to the proposed development on 31st Street South. The City maintains 31st Street, which is a two-lane, divided roadway south of 26th Avenue South. It is classified as a collector road. The daily traffic volume on 31st Street south of the development site was 10,890 in 2016. The traffic volume decreased slightly in 2017, to 10,536. The proposed development is located south of 26th Avenue South, but will not have access to 26th Avenue South. The City maintains 26th Avenue South, which is a four-lane, divided roadway west of 31st Street. It is classified as a collector road.

Forward Pinellas produces an annual roadway level of service (LOS) report, which contains data on motor vehicle traffic conditions for 31st Street. The Florida Department of Transportation describes roadway LOS as a quantitative stratification of quality of service for motorists. Roadway LOS is divided into six letter grades, from “A” to “F.” LOS “A” roads have free flow conditions and LOS “F” roads have heavy traffic congestion that exceeds the physical capacity of the roadway. The City previously had a roadway LOS standard of “D.” Roads that had a LOS between “A” and “D” were determined to have acceptable levels of motor vehicle traffic compared to the number of vehicles these roads were designed to carry. The City of St. Petersburg eliminated the LOS standard of “D” for major roads in 2016, following the adoption of the Pinellas County Mobility Plan, which places a
large emphasis on multimodal transportation. While St. Petersburg and other local governments in Pinellas County no longer have a roadway LOS standard, Forward Pinellas continues to produce their annual roadway LOS report so that local governments can assess the potential impact of land use changes and developments on roadway operating conditions.

Based on the Forward Pinellas’ 2017 LOS Report, the LOS for 31st Street between 26th Avenue South and 54th Avenue South is “C.” Forward Pinellas also provides volume-to-capacity ratios for road segments in the LOS report. The ratio of the traffic volume to physical capacity for the peak direction of travel in the p.m. peak hour on this segment of 31st Street South is 0.684. This is based on a volume of 569 and physical capacity of 832. The spare capacity is 263 vehicles. LOS data is not available for 26th Avenue South in the 2017 LOS Report.

The Transportation Department utilized trip generation data in the Institute of Transportation Engineers’ (ITE) “Trip Generation Manual” (10th Edition) to estimate the number of p.m. peak hour trips that the proposed development will generate. The proposed development consists of 8 low-rise multifamily units and 43 mid-rise multifamily units. The total projected vehicle trip generation is 26 trips, or less than one trip per two-minute period. Of this total, 16 vehicles will enter the site and 10 vehicles will exit the site on 31st Street South. The peak direction of travel on 31st Street South is southbound in the p.m. peak hour. If all the 16 vehicles enter the site after traveling in the southbound direction, these vehicles will consume 6% of the spare peak direction capacity of 31st Street South in the p.m. peak hour.

The proposed multifamily development is projected to generate a relatively low number of vehicle trips and have a minimal traffic impact on 31st Street South. If you have any questions about the Transportation Department’s traffic impact review, please call me at 893-7883.

cc: Corey Malyszka, Planning and Development Services Department
    Kyle Simpson, Transportation and Parking Management Department
The Transportation and Parking Management Department has reviewed the case and has the following comments:

- The existing sidewalks and curb ramps at the intersection of 26th Avenue South and 31st Street need to be identified on the site plan, as well as the internal sidewalk network and its connection to the public sidewalk. Any existing sidewalk maintenance and ADA compliance issues along the property need to be rectified per direction of the City's Engineering and Capital Improvements Department.
- The sidewalk needs to be continuous through the driveway.
- The driveway should be located as far from the intersection of 26th Avenue South and 31st Street as possible.
- The applicant would need to apply for a variance for the required minimum automobile parking spaces if they do not provide the required 86 spaces.
- No bicycle parking is identified on the site plan or application. Short-term (1 per 20 units) and long-term (1 per unit) bicycle parking must be provided per the regulations outlined in Section 16.40.090.4. – Bicycle Parking.

Kyle Simpson, AICP
Planner I, Transportation and Parking Management
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
(727) 893-7151

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Subject: Reminder: Case No. 18-31000018 - Workforce Housing Density Bonus - 0 26th Avenue South and 0 31st Street South - Comments Due 10/8/18

Hello all,

Friendly reminder that your comments for this case are due by Monday, October 8th.

Many Thanks!

Iris Winn
Administrative Clerk, Development Review Services
Planning & Development Services Department
City of St. Petersburg
Good afternoon,

Attached is the Application, Site Plan, Location Map and Routing sheet for Case #18-31000018.

The applicant is seeking approval of a request for a Workforce Housing density bonus of 12-units to allow construction of a 51-unit multi-family residential development.

This application is currently streamlined for approval on October 11, 2018. Please return your comments to me by October 8, 2018.

Thank you,

Iris Winn
Administrative Clerk, Development Review Services
Planning & Development Services 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.
October 11, 2018

From: Jesse Woods and Marlene Smith  
2831 31st St S  
St. Petersburg, FL 33712

Re: Notice of Intent To Approve: 0 31st Street South and 0 26th Avenue South

To: City of St Petersburg Planning & Development Services Dept,

In regard to the Development Review Services Division to APPROVE construction of a 51-unit multi-family residential development, we wish to OBJECT to the variance to this project.

First of all, the area in question is not large enough and will not have enough “green area” for such a large project. That corner backs up to a major intersection of I-275 and will be dangerous for such a large residential development with children.

Additionally, the increase of traffic will greatly impact 31st St S which is only one lane each way and the additional units will increase the noise volume to the surrounding neighbors.

Please consider our strong objection and concerns.

[Signatures]

Jesse Woods  
10/11/2018

Marlene Smith  
10/11/2018

[City Clerk stamp]
### Cheque Information

**Payee:** City of St. Petersburg  
**Amount:** Two Hundred Fifty Dollars and 00/100  
**Date:** 10/11/18  
**Signature:** [Signature]

### Receipt Information

**City of St. Petersburg, Florida**  
**Date:** 10-11-2018  
**Amount:** $250.00

**Received From:** Wesley Law  
**Paying For:**  
**Description:** Appeal

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**Received By:**  
**Agency:** CITY CLERK
DOCK VARIANCE
PUBLIC HEARING

According to Development Services Department records, no Commissioner 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 DEVELOPMENT SERVICES, for Public Hearing and Executive Action on November 7, 2018, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-39000003  PLAT SHEET: B-18

REQUEST: Approval of a variance to the required dock and lift setback to the right side extended property line from 10-feet to 0-feet to allow for an addition to an existing dock and construction of a boat lift within the adjacent property’s projected lot line.

OWNER: Thomas R. Richmond and Elizabeth R. Bozzer
3100 Bayshore Boulevard Northeast
Saint Petersburg, Florida 33703

AGENT: Craig Taraszki
Johnson, Pope, Ruppel & Burns, LLP
333 3rd Avenue North, Suite 300
Saint Petersburg, Florida 33701

ADDRESS: 3100 Bayshore Boulevard Northeast

PARCEL ID NO.: 04-31-17-81522-006-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family-1 (NS-1)
REQUEST: The request is to construct a dock and boat lift with a variance to the right-side setback requirement. Pursuant to City Code Section 16.50.130.9.1 “Side setbacks” (Docks),

"Side setbacks shall be measured from the side lot lines of platted water lots or from the projected lot lines of contiguous platted upland lots. Side setbacks shall meet the following criteria:

1. Tie poles and boat lifts shall be set back at least ten feet except that for lots with less than 20 feet of waterfront frontage, the setback shall be at least five feet. Setbacks for boat lifts and tie poles may be reduced to eight feet when added to existing docks which are set back 20 feet or more from the side lot line and for which a permit was issued prior to September 10, 2007.

2. For lots with 50 or more feet of waterfront frontage, all portions of docks shall be setback at least 20 feet from the side lot line."

The subject property measures 130 feet along the seawall, therefore subject to the 10-foot minimum side setbacks for the boat lift and the 20-foot minimum side setbacks for the dock. The Code requires side setbacks to be measured from the projected lot lines of the property.

The proposed dock and boat lift do not meet the side setbacks prescribed by City Code. The proposed plan depicts the dock to extend 3.61 feet over the adjacent projected lot line and the boat lift to extend 13.49 feet over the projected lot line, thus placing the boat lift entirely in the adjacent property’s water envelope.

The dock regulations provide a process for administrative approval of setback variances if notarized signatures of support are submitted from all property owners within 200 feet in the direction of the variance, as measured from the lot line on the side of the encroaching structure along the seawall. No signatures have been submitted with this application. City procedure allows an administrative variance to reduce the side setback to 0 feet, but does not to allow for extension over the projected lot lines.

DISCUSSION: The subject property is in the Shore Acres Neighborhood, a single-family suburban zoning district, NS-1. The property is one platted lot of record with some modification to the originally drawn western lot line as described in the property’s legal description. The property’s current property lines were last modified prior to the current property owners’ purchase of the property in December 2004. The property is pie-shaped with a narrow front yard (44.2 feet) and a wider rear yard (130 feet). Per County records, the existing dock was constructed in its current form in 1985. City permits were applied for and approved in 2011 for the existing boatlift (Permit # 11-35000003) and roof structure in 2011 (Permit # 11-3500205), which are located on the southeast side of the dock. The existing dock and covered boatlift measure 42.92 feet in total length and 29.06 feet in total width. The proposed dock would measure 44.37 feet in total length and 38.77 feet in total width with an extended dock head. The existing covered boat lift on the south side of the dock is to remain, and a second boatlift is proposed to be located on the northern side of the dock.

Of 76 sampled properties located on Bayshore Blvd NE, the waterfronts are utilized in the following configurations and all within the confines of the projected lot lines:
Properties located on convex curves typically enjoy a larger water envelope, as the lot lines are projected out, to construct docks and place other dock components within. There are no other visible obstructions on the property’s seawall that would inhibit construction of the proposed dock toward the center of the property and otherwise comply with Code regulations. The Applicant proposes that the proposed dock and setbacks be measured using riparian lines rather than the projected side lot lines as prescribed by current Code, see attached applicant’s narrative. Staff follows the language as specified in the code requiring setback measurements from the projected lot line, and other methods for measuring setbacks are not prescribed and have not been utilized historically for setback measurement.

CONSISTENCY REVIEW COMMENTS: The Development Review Services Division staff reviewed this application in the context of the following standards of approval excerpted from the City Code and found that the requested variance is inconsistent with these standards.

Standard #1: Circumstances or conditions exist which are peculiar to the land, buildings, or other structures for which the variance is sought and do not apply generally to lands, buildings, or other structures in the same zoning district.

No circumstances or conditions exist that do not apply generally to lands in the same zoning district. Although the lot is a pie shape, other lots in the same district share a similar shape and can comply with Code regulations. There is adequate room along the water to construct a dock and lift in conformance with the zoning regulations.

Standard #2: Strict application of the provisions of the Code would provide the applicant with no means for reasonable use of the land, buildings, or other structures in the same district.

Reasonable use of the land and access to the water is possible without the granting of the requested variance. There is an existing dock with davits on one side and a boat lift on the other. The water frontage is ample and docks and lifts can meet setbacks without the need for a variance.

Standard #3: The peculiar conditions and circumstances existing are not the result of the actions of the applicant.

The existing dock location was established in 1985. The current owners purchased the property in 2004 and improved on the dock in 2011. While the location of the dock on the seawall is not the result of actions of the Applicant, the proposed improvements requiring a variance are at the will of the property owners. It is possible to reconstruct the dock to allow for two lifts while meeting the prescribed setbacks.

Standard #4: The reasons set forth in the application justify the granting of a variance.

The reasons set forth in the application do not justify nor meet the criteria for granting of a variance. The argument that the Code language should reference riparian lines rather than projected property lines does not affect the possibility of rebuilding a conforming dock given the property’s existing waterfront. The Applicant’s reason to build in the existing area as to not impact the marine environment is not substantiated by the application materials.
Standard #5: The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the land, building, or other structure.

The variance proposed is not the minimum variance that will make possible the reasonable use of the land. Reasonable use of the land and access to the water is already possible. There is an existing dock and lift. A request to allow a second lift which projects over the extended property line cannot be considered a minimization. While it is very common for water front properties to enjoy a dock and lift, it is not usual to have two lifts. In the immediate vicinity of the subject property and heading northwest along Bayshore Blvd NE, there are 76 similar water front properties, 12 have docks, 36 have docks with one lift, 4 have docks with one lift and one personal watercraft lift, 12 have docks with two lifts, and 4 (including the subject property) have a dock and a roof structure. Roughly 26% of similar lots have a dock with more than one lift (20 of 76).

Furthermore, the property owner could consider relocating the dock to the other side of the existing lift, providing an opportunity to add a second lift which would meet the required setbacks.

Standard #6: The granting of the variance will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The granting of this variance will not be harmonious with the general purpose and intent of the Code as the code specifies that setbacks are to be measured from projected. The variance could be injurious to the neighborhood. If granted, the variance will directly reduce the allowable area of the adjacent property owner’s water envelope. The applicant did not provide any correspondence from the affected property owner.

STAFF RECOMMENDATION: Based on the stringent standards of approval contained within the City Code, the Development Review Services Division staff recommends Denial of the requested variance.

CONDITIONS OF COMMISSION ACTION: If the variance is approved consistent with the site plan submitted with this application, the Development Review Services Division staff recommends that the approval shall be subject to the following three (3) conditions:

1. The dock plan submitted for City approval shall be substantially similar to that approved with this application. Plans shall be submitted to the Development Review Services Division for approval prior to the issuance of permits by the Pinellas County Water and Navigation Section.

2. The variance shall be limited to the construction of the dock extension and boat lift as depicted in the plans. No other structures or roof cover shall be allowed without approval of variances.

3. This variance approval shall be valid through November 8, 2021. Substantial construction shall commence by this expiration date unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.
Item F-5: LDR Amendment – Appeal Amendments

Draft Ordinance

11-01-18
AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, AMENDING SECTION 16.70.010.6 OF THE CITY CODE; CODIFYING PROCEDURAL PRACTICES REGARDING THE PROCESSING OF MULTIPLE APPEALS; CLARIFYING HEARING NOTICE AND SCHEDULING REQUIREMENTS; REMOVING DUPLICATIVE LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 16.70.010.6 of the City Code establishes procedures applicable to any appeal expressly authorized under Chapter 16; and

WHEREAS, Chapter 16 of the City Code is silent regarding the processing of multiple appeals filed in response to the same board, committee, or commission decision; and

WHEREAS, it has been the general practice in original proceedings to require multiple third-party registered opponents wishing to utilize the time provided to the registered opponent for presentation, cross-examination, rebuttal and closing to agree on a single representative, or otherwise share the time allotted; and

WHEREAS, the City desires to codify this current practice in order to provide this same certainty and predictability in the appeal process to City Administration, the applicant, and the appellant(s); and

WHEREAS, the City further desires to codify this current practice in order to promote its interest in administrative function and efficiency by reducing the potential for an unlimited number of appellant presentations in one hearing wherein all third-party appellants’ interests are generally aligned; and

WHEREAS, the City has also identified and wishes to address issues related to accommodating the schedules of the parties when setting a hearing; inconsistencies between sub-sections concerning notice of hearing requirements; and unnecessary duplicative language in Section 16.70.010.6 of the City Code; now, therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 16.70.010.6 (C) of the St. Petersburg City Code is hereby amended to read as follows:

C. Who may appeal. Any appeal allowed by this chapter may only be made by any resident of the City unless otherwise specifically provided by this chapter. If the appellant was the applicant before the decision-making body whose decision is being appealed, that appellant shall be the only appellant. If the appellant is not the applicant, and more than one appeal is filed in response to any
one decision, the appellants shall attempt to agree on a single representative to participate in the appeal proceeding. If the appellants cannot agree on a single representative, then each appellant’s representative shall share equally the time allotted to the appellant for initial presentation, cross-examination, rebuttal and closing. Appellants sharing time may make a request for additional initial presentation time to the POD no later than ten (10) days after notice of the appeal is posted pursuant to Section 16.70.010.6 (H). The appellant(s) requesting additional time must do so in writing, and must state reasonable grounds for the extension. In no event shall the time for initial presentation by the multiple appellants be extended in excess of five (5) additional minutes for multiple appeals. If additional time is allotted to the appellants, the same amount of additional time shall be allotted to the applicant and to City Administration for initial presentation. There shall be no extension of time allotted to the multiple appellants for cross-examination, rebuttal and closing. City Council shall have the power on its own motion to review on appeal a decision of any Commission concerning any matter upon which a commission has acted within ten days preceding the City Council’s decision.

Section 2. Section 16.70.010.6 (H) of the St. Petersburg City Code is hereby amended to read as follows:

H. Notices of hearing of appeal.
   1. Written notice of the date, time and place of the hearing of an appeal shall be provided by hand-delivery or by mail to the applicant, owner and appellant if the appellant is not also the applicant.
   2. Written and posted notice shall be provided by the appellant City.
   3. Notice costs for all appeals shall be borne by the appellant(s).
   4. Failure to give such notice, except notice to the applicant, owner and appellant, shall not affect the action of a Commission or the City Council.

Section 3. The first sentence of Section 16.70.010.6 (J) (3) of the St. Petersburg City Code is hereby amended to read as follows:

3. An appeal shall be heard within 60 days of the filing of a notice of appeal; provided, however, that the POD may extend the time period within which an appeal shall be heard for no more than thirty (30) additional days for the purpose of accommodating the schedules of the decision-making body hearing the appeal and all parties involved in the appeal proceeding.

Section 4. Section 16.70.010.6 (I) of the St. Petersburg City Code is hereby deleted in its entirety.

Section 5. Coding. As used in this ordinance, language appearing in struck through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. The City intends that the provisions of this ordinance shall be made a part of the St. Petersburg City Code and that sections and subsections of the City Code may be renumbered or relettered in order to accomplish such intentions.
Section 6. Severability. The provisions of this ordinance shall be deemed severable. If any provision of this ordinance is determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 7. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

___________________________
City Attorney or designee
00410690