VACATION OF EASEMENTS
PUBLIC HEARING

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.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on August 7, 2019 at 2:00 P.M. in the Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg, Florida.

CASE NO.: 19-33000005  PLAT SHEET: G-2

REQUEST: Approval of a vacation of two (2) 25-foot street corner radius easements at the corner of Baum Avenue North and 11th Street North and the corner of First Avenue North and 11th Street North as dedicated by Ward & Baum's G.T.E. Replat.

OWNER: 11th & Baum, LLC
1114 Central Avenue, Suite F
Saint Petersburg, Florida 33705

APPLICANT: Mark DeMaria, Principal of Devmar Development Company
600 South Adams Road, Suite 330
Birmingham, Michigan 48009

AGENT: James Pappas, President of Fusco, Shaffer, & Pappas, Inc.
550 East Nine Mile Road
Ferndale, Michigan 48220

ADDRESS: 1050 1st Avenue North
PARCEL ID NO.: 24-31-16-94850-001-0011

LEGAL DESCRIPTION: On File
ZONING: Downtown Center-1 (DC-1)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate two (2) 25-foot street corner radius easements at the corner of Baum Avenue North and 11th Street North and the corner of First Avenue North and 11th Street North. The area of the rights-of-way proposed for vacation are depicted on the attached maps (Attachments A and B) and Exhibit "A" – Sketch and Legal Description. The applicant’s goal is to consolidate the property for redevelopment of the site as a hotel, which is consistent with the DC-1 zoning regulations and the downtown center development pattern.

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

A. Land Development Regulations
Section 16.40.140.2.1E of the LDR’s contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

   This application was routed to all applicable City Departments and Private Utility Providers. Staff received correspondence from all entities and there were no letters of objection received in response to the request.

2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

   If approved, this application will not have any detrimental effects upon access to any lots of record.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

   The requested vacation will not result in adverse impacts to the existing roadway network. Allowing these obsolete rights-of-way easements to be vacated will facilitate redevelopment of the block with a new project that is consistent with the overall goals of the DC zoning district.

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

   The subject corner radii easements were dedicated to accommodate future intersection widening projects which are no longer planned. The subject rights-of-way easements are no longer necessary.
5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.

No other factors have been raised for consideration.

Comments from Agencies and the Public. The application was routed to all affected City Departments and Private Utility Providers for review and comments and no objections were received.

RECOMMENDATION. Staff recommends APPROVAL of the proposed vacation of street corner radius easements. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Existing utilities shall be relocated at the expense of the applicant.

2. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation.

3. As required City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

Scot Bolyard, Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

DATE: 7/23/19

REPORT APPROVED BY:

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

DATE: 7/23/19

Attachments: A – Parcel Map, B – Aerial Map, Exhibit A – Sketch and Legal Description
DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, WARD & BAUMS G.T.E. REPLAT, AS RECORDED IN PLAT BOOK 83, PAGE 45, OF THE PUBLIC RECORDS OF PINELLAS, COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE ALONG THE NORTH LINE OF SAID LOT 1, EAST, 25.00 FEET TO THE CUSP OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE LEAVING SAID NORTH LINE, SOUTHWESTERLY ALONG SAID CURVE 39.43 FEET THROUGH A CENTRAL ANGLE OF 90°22'20" (CHORD BEARING S.45°11'01"W., 35.47 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE, N.00°22'02"E., 25.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PORTION OF LOT 1, BLOCK 1, WARD & BAUMS G.T.E. REPLAT, AS RECORDED IN PLAT BOOK 83, PAGE 45, OF THE PUBLIC RECORDS OF PINELLAS, COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE ALONG THE WEST LINE OF SAID LOT 1, N.00°22'02"E., 25.13 FEET TO THE CUSP OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE LEAVING SAID WEST LINE, SOUTHEASTERLY ALONG SAID CURVE 39.39 FEET THROUGH A CENTRAL ANGLE OF 90°16'29" (CHORD BEARING S.44°45'56"E., 35.44 FEET) TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, N.89°54'54"W., 25.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 268 SF, MORE OR LESS.

NOTES

1. BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF FIRST AVENUE N, BEING EAST.

2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.

3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.

4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.

5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA
VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

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.

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT**, for Public Hearing and Executive Action on **August 7, 2019 at 2:00 P.M.** at the Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg, Florida.

**CASE:** 19-33000006  
**PLAT SHEET:** G-5

**REQUEST:** Approval of a vacation of a portion of 11th Street South located South of 8th Avenue South, and North of the 10-foot east-west alley in the block.

**OWNER:**  
Connie Joyce Harder  
811 11th Street South  
Saint Petersburg, Florida 33705

Lisa Denise Thomas  
1070 8th Avenue South  
Saint Petersburg, Florida 33705

**ADDRESSES AND PARCEL ID NOS.:**  
1070 8th Avenue South; 25-31-16-63612-000-0280  
811 11th Street South; 25-31-16-63612-000-0290

**LEGAL DESCRIPTION:** See Exhibit “A” for Legal Description of Vacated Area

**ZONING:** Neighborhood Suburban Single-Family-2 (NT-2)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a portion of 11th Street South located south of 8th avenue South and north of the 10-foot east-west alley in the block.

The area of the right-of-way proposed for vacation is depicted on the attached map (Attachment "A") and Description and Sketch (Exhibit "A"). The Applicants' goal is to consolidate the property located between the two subject properties, 811 11th Street South to the west and 1070 8th Avenue South to the east. The Applicants own the only two pieces of private property that the area of right-of-way proposed for vacation borders. The Applicants state two primary reasons for the vacation request; to improve the appearance of the property and to improve the availability of private parking.

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

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

A. Land Development Regulations

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

This application was routed to applicable City Departments and private utility providers. City Departments have no objection, however three departments (Engineering, Water Resources, and Transportation) have conditions of approval including easements reserved for an existing water main and sanitary sewer line.

Private providers Duke Energy, TECO, Bright House Networks, and WOW! have objected on the basis that facilities are in the area. Duke Energy objects unless an easement is provided, or the overhead utilities would need to be relocated. Duke Energy is concerned as there is a primary line located near the subject area to be vacated that services many private properties to the south and east of the subject area. TECO objects unless an easement is reserved for their access. Bright House Networks objects unless the Applicants bear the expense for relocation of any of their facilities to maintain service to customers affected by the proposed vacation. WOW! objects unless an easement is reserved for their access.

Cooperation with City Departments and private providers including Duke Energy, TECO, Bright House Networks, and WOW! will be needed moving forward.
2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or
deny access to any lot of record as shown from the testimony and evidence at the public
hearing.

This application will not deny access to any lot of record.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-
end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of
historic plats of designated historic landmarks or neighborhoods.

The vacation of the subject area should not adversely impact the existing roadway network,
substantially alter utilized travel patterns, nor undermine the integrity of historic plats. The
subject area is unimproved and does not contain any curb cuts for public vehicular access at
this time.

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

While there is no present need for the right-of-way for vehicular or pedestrian access by the
public, there is concern by City Departments and Duke Energy due to the presence of existing
utilities in or near the area proposed for vacation. The degree of future usability of the subject
area for development may be affected due to the magnitude of the utilities present.

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

No other factors have been raised for consideration.

B. Comprehensive Plan

Transportation Element Policy T2.4: The City should preserve the historical grid street pattern,
including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way
is not required for present or future public use.

The portion of the alley to be vacated is currently vacant with no public vehicular access on or
across the right-of-way. There is no future public use for this section of right-of-way.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is within the boundaries of the Campbell Park Neighborhood Association.
The proposed vacation would not affect the Campbell Park Neighborhood Plan.

Comments from Agencies and the Public

No correspondence regarding this application was received from the public. The Campbell Park
Neighborhood Association is in support of the application. As noted, three City Departments
(Engineering, Water Resources, and Transportation) as well as private providers Duke Energy,
TECO, Bright House Networks, and WOW! have concerns about facilities present in or near the area to be vacated.

RECOMMENDATION. Staff recommends APPROVAL of the proposed right-of-way vacation. Staff recommends the following eight (8) special conditions of approval:

1. Prior to recording the vacation ordinance, the Applicants shall either relocate Duke Energy facilities, provide an easement acceptable to Duke Energy, or provide a letter of no objection from Duke Energy once future use of the property is further discussed with Duke Energy. Regardless, a letter of no objection or a letter of understanding from Duke Energy is required.

2. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to TECO or provide a letter of no objection from TECO. Regardless, a letter of no objection or a letter of understanding from TECO is required.

3. Prior to recording the vacation ordinance, the Applicants shall either relocate Bright House Networks facilities, provide an easement acceptable to Bright House Networks, or provide a letter of no objection from Bright House Networks once future use of the property is further discussed with Bright House Networks. Regardless, a letter of no objection or a letter of understanding from Bright House Networks is required.

4. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to WOW! or provide a letter of no objection from WOW!. Regardless, a letter of no objection or a letter of understanding from WOW! is required.

5. Prior to recording of the vacation ordinance, the Applicants shall comply with the conditions of the Engineering Memorandum dated July 19, 2019 (Attachment “C”).

6. Prior to recording of the vacation ordinance, the Applicants shall comply with the conditions of the Water Resources Memorandum dated July 19, 2019 (Attachment “D”).

7. Prior to recording of the vacation ordinance, the Applicants shall comply with the conditions of the Transportation Email dated July 18, 2019 (Attachment “E”).

8. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.
REPORT PREPARED BY:

Michael Larimore, Planner I
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

DATE

7/31/2019


Exhibit “A” - Description and Sketch of the right-of-way proposed for vacation
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-33000006
Address: 811 11th Street South and 1070 8th Avenue South

Attachment A.
Narrative of the reasons for requesting the vacation of right of way fronting 811 11th St. S St.
Petersburg Florida 33702

The reasons for requesting a vacation of the property in question are two fold:

First is the question of appearance. The street is unimproved (unpaved), consisting of dirt and weeds, and has been that way, as far as we can determine, since the 1920's. Two residences abut this parcel, our house (811 11th St S) faces this dead end parcel, and the neighbor across the street (1075 8th Ave S, a party to this request for vacate) has their garage facing this street as well as a portion of its west facing side yard. This parcel constitutes an eyesore for the neighborhood and in particulary for the two homeowners mentioned. The lot is dirt and weeds. It is muddy when it rains and dusty when it's dry. There are no curbs along any part of the parcel in question. The city does not maintain the parcel by any means (street cleaning or weed abatement etc.). We are requesting this parcel be vacated so that we can improve the appearance of our two properties as well as the overall aesthetic of the neighborhood.

The second reason for this request is a matter of parking. 1075 8th Ave (a corner lot) has no street parking as there are signs "No Parking this side of Street" (east side of 11th street) and "No Parking Here to Corner" in the front (north side of 8th Ave S). Parking for 1075 8th Ave S would be very difficult or prevented (due to the absence of curb and therefore curb cuts) if unknown vehicles were to park on the parcel in question. The house at 811 11th St S can park on 8th Ave S but due to the nature of the jog in the intersection of 8th Ave S and 11th St., parking on 8th Ave causes difficulty for cars, trucks and especially school buses making the turn going to or from Campbell Park Elementary School (one block north on 7th Ave S). Twice a day on school days this intersection can become quite crowded and difficult to maneuver especially with children walking to/from school in the street. For these reasons we do not park on 8th Ave S.

Response as to how the following criteria are being met:

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.

The parcel in question is an extension, approximately 50 feet, of 11th St S. It is open onto 8th Ave S on the north and runs (dirt road) 50 feet further south where it dead ends onto a 10 foot wide alley. The alley does not provide any access for vehicular traffic. Crossing over the alley (if possible) would result in being stopped by the backyard fences of houses facing 9th Ave S. City utilities ( electrical, sewage etc.) run through the alley as is typical for the neighborhood. The parcel in question has water supply to 811 11th St S with a meter that is either in the street or on 811's property. It is difficult to tell with the meter in the dirt and no curb defining the limits of the property. We are not aware of other utilities
under the parcel itself, that would have to be determined by the respective utilities.

11th Street is not a "through" street at this point, is not paved, and has no sidewalks. There is no pedestrian easement impacted.

The parcel is, as mentioned, dirt. It repels or absorbs water as any similar parcel. The ultimate beautification of the property has not yet been determined. It is likely that some paving would be done as a landing zone for the cars and installation of walkways into the respective properties. The area in question is approximately 1500 square feet in total area. I don't believe the impact on storm water runoff would be significant.

We understand the need for easements for utilities and are prepared to accommodate them as required.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.

As outlined previously two properties and two properties only abut the parcel in question. Both property owners are party to and in agreement with this request to vacate. To be confident of no objections we approached the neighbors whose properties are on the other side of the alley even though they cannot enter the alley or cross onto the parcel due to their privacy fencing. We received their approval to seek to vacate and obtained their signatures attesting to that fact. Additionally we presented our request to vacate the right-of-way to members of The Campbell Park Neighborhood Association at a monthly meeting and received approval of attending members and the Association's President.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.

Being a dirt lot of approximately 50 feet in length and 30 feet wide and ending in a dead end the street provides no real driveable or useful purpose for drivers, does not infringe on anyone else's property, or alter any travel patterns. There are no historic or designated historic considerations concerning the property in question.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.
To be determined by the city. To this point we have made our request known to the city. They are appraised of the "unimproved" nature of the parcel and indications are there is no intent to pave or improve and to our knowledge have expressed no need now or in the future for right-of-way for vehicles, pedestrians or utilities.

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

Understood.
MEMORANDUM
CITY OF St. Petersburg
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Iris Winn, Administrative Clerk, Development Services
    Jennifer Bryla, Zoning Official, Development Review Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 19, 2019
SUBJECT: Vacation
FILE: 19-33000006

LOCATION AND PIN: 1070 8th Avenue South; 25-31-16-63612-000-0280
            811 11th Street South; 25-31-16-63612-000-0290
ATLAS: G-5    ZONING: Neighborhood Suburban Single-Family-2 (NT-2)
REQUEST: Approval of a vacation of a portion of 11th Street South located South of 8th Avenue South, and North of the 10-foot east-west alley in the block.

The Engineering Department has no objection to the vacation request with the following comments and conditions of approval:

1. City Utility Maps show an existing 1" water main within the area proposed for vacation. With the approval of the City Water Resources Department, the applicant will be required to either A) pay the costs for relocation of the water main and/or abandonment of the water main or B) if the water main remain active in the existing location, dedicate a 20' wide public water utility easement centered over the location of the pipe. City utility maps show the 1" water main approximately 8' from the east right-of-way line of 11th Street South. The easement would be offset with 8' on the east side and 12' on the west side of the pipe.

2. The applicant shall install City Type “A” road curb and a public sidewalk extension within the southern right of way of 8th Ave S, across the width of the vacated section of 11th Street South right of way. A section of approximately 20lf of sidewalk and road curb is missing at this location. The new sidewalk may be installed flush at it’s intersection with the roadway pavement with City approval and the issuance of a residential driveway permit through the City’s Construction Services and Permitting division if the applicant desires to retain driveway access. Sidewalk construction may require a separate permit issued by the City’s ECID unless the sidewalk is not included on an associated residential driveway permit.

3. The south 10’ of the vacated right-of-way of 11th Street South shall be dedicated as Public Utility Easement since the public sanitary sewer is contained within the adjacent narrow 10-foot wide alley.

4. 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 and Capital Improvements Department (ECID) must be obtained prior to the commencement of construction within dedicated right-of-way or public easement.

NED/MJR/

pc: Kelly Donnelly
    Correspondence File
CITY OF ST. PETERSBURG
Water Resources Department

TO: Iris Winn, Administrative Clerk

FROM: Kelly A. Donnelly, Designer II, Water Resources

DATE: July 19, 2019

SUBJECT: Approval of a vacation of a portion of 11th Street South located south of 8th Avenue South, and North of the 10 foot east-west alley in the block.

PLAT: G-5

CASE: 19-33000006

LOCATION: 1070 8th Ave S and 811 St S

REMARKS: Water Resources has no objection to the above referenced subject but must be retained as a utility easement for the existing water main the serves the above addresses.

xc: Project File 19-33000006
From: Kyle Simpson  
Sent: Thursday, July 18, 2019 3:30 PM  
To: Michael W. Larimore  
Cc: Thomas M Whalen  
Subject: RE: Incoming Case No. 19-33000006 - Vacation of a Portion of 11th Street South - 1070 8th Avenue South and 811 11th Street South  

Follow Up Flag: Follow up  
Flag Status: Flagged  
Categories: DRC

The Transportation and Parking Management Department has reviewed the case and has no objection to the proposed vacation of the portion of 11th Street South identified in Case 19-33000006 provided that the sidewalk gap on 8th Avenue South within the proposed vacation is filled per the design standards of the City’s Engineering and Capital Improvements Department.

Thanks,

Kyle Simpson, AICP  
Planner I, Transportation and Parking Management  
City of St. Petersburg  
(727) 893-7151  
Kyle.simpson@stpete.org

From: Iris L. Winn  
Sent: Wednesday, July 3, 2019 1:34 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>; Kelly A. Donnelly <kelly.donnelly@stpete.org>; Kirsten J. Corcoran <Kirsten.Corcoran@stpete.org>; Troy D. Davis <troy.davis@stpete.org>; Aaron M. Fisch <aaron.fisch@stpete.org>; Michael Dema <michael.dema@stpete.org>; Christina M. Boussias <Christina.Boussias@stpete.org>; Timothy R. Collins <Timothy.Collins@stpete.org>; Joseph J. Dente <Joseph.DenteJr@stpete.org>; Robert P Bassett <robert.bassett@stpete.org>; Bingham, Theodore C <Theodore.Bingham@charter.com>; Mackemia Harvey (mackemia.harvey@charter.com) <mackemia.harvey@charter.com>; Frazier, Jeff P. <jxfrazier@tecoenergy.com>; Stephen Waidley <stephen.waidley@ftr.com>; Brockton Bronson <Brockton.Bronson@wowinc.com>; David Hamlin <dave.hamlin@wowinc.com>; James Sandman <James.Sandman@wowinc.com>; Richard LaGanga <Richard.LaGanga@wowinc.com>; vacate@duke-energy.com; jason.caldwell@centurylink.com; xan.rypke@centurylink.com; nationalrelo@centurylink.com  
Cc: Michael W. Larimore <Michael.Larimore@stpete.org>  
Subject: Incoming Case No. 19-33000006 - Vacation of a Portion of 11th Street South - 1070 8th Avenue South and 811 11th Street South

Good afternoon all,

Please review the attached documents:
Application (including the Sketch and Legal Description), Location Map, and Routing sheet for Case no. 19-33000006.

Please return your comments to Michael Larimore (at Michael.Larimore@StPete.org) by July 18, 2019.

This application is currently scheduled to be heard by the Development Review Commission on August 7, 2019. Your comments are needed to complete the Staff Report.

Thank you,

Iris Winn
Administrative Clerk
City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org
July 17, 2019

Michael Larimore
City of St. Petersburg

RE: Vacation Right-of-Way - 11th St. South
Section 25, Township 31 South, Range 16 East, Pinellas County, Florida
Case #: 19-33000006
Address: 811 11th Street South and 1070 8th Avenue South, St. Petersburg FL

Dear Mr. Larimore,

Please be advised that DUKE ENERGY FLORIDA, LLC., d/b/a DUKE ENERGY Distribution Department and Transmission Department have "OBJECTIONS" to the vacation approval of a portion of 11th St. S. Right-of-Way as shown on enclosed Exhibit.

This is due to Overhead facilities in the area.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper
Research Specialist-Land Services
Duke Energy Florida
From: Domning, Joan <JDomning@tecoenergy.com>
Sent: Wednesday, July 10, 2019 8:37 AM
To: Michael W. Larimore
Cc: Iris L. Winn
Subject: RE: Incoming Case No. 19-33000006 - Vacation of a Portion of 11th Street South - 1070 8th Avenue South and 811 11th Street South

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: DRC

Please see our GIS map below, we object to this vacate request unless an easement is reserved in TECO-PGS’s name. The dotted line represents a gas service line connecting to the meter at 1070 8th Ave S and the yellow line is a 4” plastic PE gas distribution line. And the black lines represents retired gas lines.

Thank you,

Joan Domning
Senior Administrative Specialist
Peoples Gas
Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783
Ext. 53783

TECO
PEOPLES GAS
AN EMERA COMPANY
From: Iris L. Winn <Iris.Winn@stpete.org>
Sent: Wednesday, July 3, 2019 1:34 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>; Kelly A. Donnelly
<Kelly.Donnelly@stpete.org>; Kirsten J. Corcoran <Kirsten.Corcoran@stpete.org>; Troy D. Davis
<Troy.Davis@stpete.org>; Aaron M. Fisch <aaron.fisch@stpete.org>; Michael Dema <Michael.Dema@stpete.org>;

2
July 5-2019
RE: 19-33000006

___ Bright House Networks has no objections.

___ Bright House Networks has no objections provided easements for our facilities are
    Retained / granted

XXX Bright House has no objections provided applicant bears the expense for relocation of
    any Bright House facilities to maintain service to customers affected by the proposed
    Vacate.

___ In order to properly evaluate this request, Bright House will need detailed plans of
    facilities proposed for subject areas.

___ Bright House has facilities within this area, which may conflict with subject project
    Please call 811 for locating. SEE NOTES

___ Bright House requires 30 days written notice prior to construction start date to relocate
    their facilities.

NOTES:

Sincerely,
Ted Bingham
Bright House Networks
Field Engineer
Pinellas County
727-329-2847
July 15, 2019

Iris Winn
Administrative Clerk
City of St. Petersburg
727-892-5498
Iris.winn@stpete.org

Attn. Iris Winn

Re. Case No. 19-33000006: Vacation of a Portion of 11th St. S. – 1070 8th Ave. S. and 811 11th St. South

Thank you for contacting Wide Open West (WOW!) with the subject request.

WOW! maintains facilities within this area that conflict with the subject request. WOW! has no objections provided easements for our facilities are granted or applicant bears the entire expense for relocation of associated WOW! services.

Please refer any further questions and/or correspondence to:

WOW!
Dave Hamlin
Construction Project Coordinator
3001 Gandy Blvd. N.
Pinellas Park, FL 33782

Sincerely,

David E. Hamlin Jr.
Construction Project Coordinator
WOW!
(727) 239-0156 Office
(678) 409-8721 Cell

3001 Gandy Blvd N - Pinellas Park, FL 33782
SKETCH AND DESCRIPTION: Portion of right of way of 11th Street So. to be vacated between Lots 28 and 29, OAK VILLA, as recorded in Plat Book 1, Page 17 of the Public Records of Pinellas County, Florida, being further described as follows: Commence at the Northwest corner of Lot 28, OAK VILLA, as recorded in Plat Book 1, Page 17 of the Public Records of Pinellas County, Florida, and run South along the West boundary line of Lot 28, a distance of 43.56 feet to a Point of Beginning; thence South along the West boundary line of Lot 28 to the Southwest corner of Lot 28, a distance of 49.65 feet; thence West along the North boundary of a 10 foot alley, a distance of 30.0 feet to the Southeast corner of Lot 29; thence North along the East boundary of Lot 29 to the Northeast corner of Lot 29, a distance of 49.65 feet; thence East across the right of way of 11th Street S. a distance of 30.00 feet to the Point of Beginning.

Containing 1486.5 square feet or 0.034 acres, more or less.

PREPARED FOR:
Stephen Jones
LEGAL DESCRIPTION AND SKETCH

THIS IS NOT A SURVEY

LOT 32

LOT 31

LOT 29

LOT 28

SCALE: 1" = 20'

LEGEND:

c - CENTERLINE

R/W - RIGHT OF WAY

L.B. - LICENSED BUSINESS

FOR THE EXCLUSIVE USE OF THE HEREIN PARTIES, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH STATEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREIN MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 31-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THE SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH, SKETCH AND DESCRIPTION NOT MADE FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT ALL USES EMBOSSED WITH SURVEYOR'S SEAL.

DROP BEARINGS FOUND ARE BASED ON PLT.シェート2OF2

MURPHY'S LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
5760 11TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33710
PH. (727) 347-8740 FAX (727) 344-4640
WWW.MURPHYSLANDSURVEYING.COM

JOB NUMBER: 190242B DATE: 3/08/19

L.B. #7410

EDWARD D. MURPHY, PROFESSIONAL LAND SURVEYOR # 5333
VACATION OF EASEMENTS
PUBLIC HEARING

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.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on August 7, 2019 at 2:00 P.M. at the Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg, Florida.

CASE: 19-33000008 PLAT SHEET: F-1

REQUEST: Approval of a vacation of three 25-foot radius street corner easements located at the corner of 1st Avenue South, at 8th Street South, at 1st Avenue South, 3rd Avenue South, and at Dr. Martin Luther King Jr. Street South.

OWNER: City of St. Petersburg
P.O. Box 2842
Saint Petersburg, Florida 33731

AGENT: George F. Young, Inc.
299 Dr. ML King Street North
Saint Petersburg, Florida 33701

ADDRESS: 800 1st Avenue South

PARCEL ID NO.: 19-31-17-95365-001-0010

LEGAL DESCRIPTION: On File

ZONING: Downtown Center (DC-1)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate three 25-foot radius street corner easements located at the corner of 1st Avenue South, at 8th Street South, at 1st Avenue South, 3rd Avenue South, and at Dr. Martin Luther King Jr. Street South (at the northeast, northwest, and southwest corners of the subject property).

The City of St. Petersburg Land Development Regulations consider easements for public vehicular or pedestrian travel, including streets, alleys, walkways and public sidewalk easements as public rights-of-way. The easements proposed for vacation are depicted on the attached map (Attachment "A") and Exhibit "A" - Sketch and Legal Description. The Applicant’s goal is to consolidate the property for redevelopment. This application is solely for the purpose of vacating the three corner easements; the vacation of interior utility easements are concurrently being pursued by an administratively-reviewed application.

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

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

A. Land Development Regulations
Section 16.40.140.2.1E of the LDR’s contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

This application was routed to applicable City Departments and private utility providers. City Departments have no objection, however one department (Engineering) has a memorandum of no objection including a note that any required right-of-way improvements will be addressed when a proposed project site plan is submitted for review (Attachment "C").

Private provider TECO objects to the request to vacate unless an easement is created and reserved for their access as they have facilities in the area. Private provider CenturyLink is unsure at this time whether the vacation will affect its facilities. Providers Duke Energy, Frontier Communications, and Bright House Networks have not responded to the application.

Cooperation with City Departments and private providers including TECO, CenturyLink, Duke Energy, Frontier Communications, and Bright House Networks will be needed moving forward.
2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

This application will not deny access to any lot of record.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

The vacation of easements should not adversely impact the existing roadway network, substantially alter utilized travel patterns, nor undermine the integrity of historic plats. As stated in the Engineering Department Memorandum dated July 19, 2019, required right-of-way improvements will be addressed when a proposed project site plan is submitted for review.

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

The easements requested to be vacated are not needed for the purpose for which the City has a legal interest and there is not present or future need for the right-of-way for vehicular or pedestrian access.

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

No other factors have been raised for consideration.

B. Comprehensive Plan

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

Transportation Element Policy T2.4: The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.

The vacation of these easements will foster redevelopment of the subject property which is a goal of the Comprehensive Plan.

C. Adopted Neighborhood or Special Area Plans

The subject easements are within the boundaries of the Downtown Residents Civic Association and the Downtown Neighborhood Association. There are no neighborhood or special area plans which affect vacation of easements in this area of the City.
Comments from Agencies and the Public
One email was received requesting more information regarding the application. No other correspondence regarding this application was received from the public. The Downtown Residents Civic Association and the Downtown Neighborhood Association have been notified of the application but neither have responded with comment. As noted, no City Departments had objections and one City Department (Engineering) had a note that any required right-of-way improvements will be addressed when a proposed project site plan is submitted for review. Private provider TECO objects to the request to vacate unless an easement is created and reserved for their access as they have facilities in the area. Private provider CenturyLink is unsure at this time whether the vacation will affect its facilities. Providers Duke Energy, Frontier Communications, and Bright House Networks have not responded to the application.

RECOMMENDATION. Staff recommends APPROVAL of the proposed vacation of three corner easements. Staff recommends the following six (6) special conditions of approval:

1. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to TECO or provide a letter of no objection from TECO. Regardless, a letter of no objection or a letter of understanding from TECO is required.

2. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to CenturyLink or provide a letter of no objection from CenturyLink. Regardless, a letter of no objection or a letter of understanding from CenturyLink is required.

3. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to Duke Energy or provide a letter of no objection from Duke Energy. Regardless, a letter of no objection or a letter of understanding from Duke Energy is required.

4. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to Frontier Communications or provide a letter of no objection from Frontier Communications. Regardless, a letter of no objection or a letter of understanding from Frontier Communications is required.

5. Prior to recording the vacation ordinance, the Applicants shall either provide an easement acceptable to Bright House Networks or provide a letter of no objection from Bright House Networks. Regardless, a letter of no objection or a letter of understanding from Bright House Networks is required.

6. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.
REPORT PREPARED BY:

Michael Larimore, Planner I
Development Review Services Division
Planning & Development Services Department

DATE
7/31/2019

REPORT APPROVED BY:

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

DATE
7/31/19


Exhibit “A” – Sketches and Descriptions of rights-of-way to be vacated
June 10, 2019

To: City of St Petersburg Planning and Development Services

From: Matt Walker, P.E.

Re: UPC Headquarters Utility Easement Vacation Narrative

Dear Kathryn,

Please accept this narrative for the proposed utility easement vacations for the proposed redevelopment of the lot located between 1st and 3rd Avenues South and 8th Street South and Dr. Martin Luther King St. South (9th Street South). This application is for the removal of the existing utility easement that is located within the old 2nd Avenue South right of way as well as two other existing utility easements that are still present within the property. The removal of these utility easements will provide for a contiguous property and allow for the redevelopment of a new headquarters, hotel and parking garage on this property.

Based on City Code, there are several items the City must consider when considering a vacation request for an easement. These are:

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.
2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.
3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.
4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.
5. The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.

The following narrative will attempt to address each of these items as it relates to the proposed vacation requests for this project.

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.
There are existing utilities present within these easements that will be relocated as part of this project. Sanitary sewer, domestic water and stormwater lines are all present within the old 2nd Avenue South Right of Way (previously vacated) that will be relocated as part of this project. A new utility easement will be granted over the relocated public utility lines where they cut thru the property from west to east.

There are also existing sidewalks along the old right of way that will be removed as part of this project. The removal of these sidewalks will not have adverse impact on the pedestrian network as there will still be sidewalk connections around the perimeter of the property on all four sides.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.

These easement vacations will have no detrimental effect nor deny access upon any lot of record.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.

These easement vacations will have no impacts to the existing roadway network as the right of way has already been vacated for 2nd Avenue South. This vacation request is for the underlying utility easement that is present in the area.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

There does not appear to be a need from the City for this easement for present or future easements or right of ways.

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

Noted.

The proposed redevelopment of this parcel includes buildings that are placed within this easement and the vacation of this easement is necessary for the full development potential for this parcel. The vacation of these easements will not affect the public right of way, utilities, pedestrian facilities and connections, or any known future City needs. We respectfully request these vacations be approved so that the site plan that has been proposed for this property can move forward and the redevelopment of this lot can occur.

Thank you,
George F. Young, Inc.
Matt Walker, P.E.
Project Manager

cc: File
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services
    Jennifer Bryla, Zoning Official, Development Review Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 19, 2019
SUBJECT: Vacation
FILE: 19-33000008

LOCATION AND PIN: 800 1st Avenue South; 19-31-17-95365-001-0010
ATLAS: F-1  ZONING: Downtown Center (DC-1)
REQUEST: Approval of a vacation of a three 25-foot radius street corner easements located at the corner of 1st Avenue South, at 8th Street South, at 1st Avenue South, 3rd Avenue South, and at Dr. Martin Luther King Jr. Streets South.

COMMENTS: The Engineering Department has no objection to the vacation of the three (3) 25-foot street corner radius easements located as noted above.

1. City utility maps indicate that there is no public utility infrastructure within the easements to be vacated.

2. This site is contained within the DC-1 zoning district which requires the construction of 10-foot wide public sidewalks around the entire perimeter of the site. Adequate right of way must be maintained to assure that the sidewalk and City Standard accessible ramps fit within the right of way at each corner of the site.

3. Required right-of-way improvements for this property will be addressed when a proposed project site plan is submitted for review.

4. 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.

NED/MJR/

pc: Kelly Donnelly
Correspondence File
Michael W. Larimore

From: Domning, Joan <JDomning@tecoenergy.com>
Sent: Wednesday, July 10, 2019 8:26 AM
To: Michael W. Larimore
Cc: Iris L. Winn
Subject: RE: Incoming Case No. 19-33000008 - Vacation of Three 25-foot Street Corner Radius Easements - 800 1st Avenue South

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: DRC

Please see our GIS map below of your project area, we do have a conflict on 2nd Ave S and MLK and at 2nd Ave and 8th St S. We object to the vacate unless an easement is reserved in TECO-PGS’s name. The black lines on the map represent retired gas lines and the yellow line is an 8” coated steel distribution line.

Thank you

Joan Domning
Senior Administrative Specialist
Peoples Gas
Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783
Ext. 53783

Received
JUL 10 2019
DEVELOPMENT REVIEW SERVICES
LEGAL DESCRIPTION

That certain 25 foot radius Street Easement lying at the Northeast corner of Lot 1, Block 1, WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida, more particularly described as follows:

From the Northeast corner of Lot 1, Block 1, of said WEBB CITY REPLAT, as the POINT OF BEGINNING; thence S.00°03'17"E. along the East line of said Lot 1, said line also being the West right-of-way line of 8th Street South, 25.00 feet to a point of cusp; thence 39.27 feet along the arc of a curve to the left, concave to the Southwest, having a radius of 25.00 feet, central angle 89°59'58"., chord length 35.36 feet, chord bearing N.45°03'16"W., to a point of cusp, said point lying on the North line of said Lot 1, said line also being the South right-of-way line of 1st Avenue South; thence N.89°56'45"E. along said North lot line and said South right-of-way line, 25.00 feet to the POINT OF BEGINNING.

Containing 134 square feet, or 0.003 acres, more or less.

St. Petersburg, Florida

NOTES

1. Basis of Bearings: N.89°56'45"E. along the South right-of-way line of 1st Avenue South, as per plat of WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida.

2. NOT A BOUNDARY SURVEY.

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

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

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

6. This survey map and report (if applicable) or the copies thereof are not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.

LEGEND

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<td>P.B.</td>
<td>Plat Book</td>
<td>T.</td>
<td>Township</td>
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LEGAL DESCRIPTION

That certain 25 foot radius Street Easement lying at the Northwest corner of Lot 2, Block 1, WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida, more particularly described as follows:

From the Northwest corner of Lot 2, Block 1, of said WEBB CITY REPLAT, as the POINT OF BEGINNING; thence N.89'56"45'E. along the North line of said Lot 2, said line also being the South right-of-way line of 1st Avenue South, 25.01 feet to a point of cusp; thence 39.28 feet along the arc of a curve to the left, concave to the Southeast, having a radius of 25.00 feet, central angle 90°01'07", chord length 35.36 feet, chord bearing S.44°56'11"W., to a point of cusp, said point lying on the West line of said Lot 2, said line also being the East right-of-way line of 9th Street South; thence N.00'04"22"W. along said West lot line and said East right-of-way line, 25.01 feet to the POINT OF BEGINNING.

Containing 134 square feet, or 0.003 acres, more or less.

St. Petersburg, Florida

NOTES

1. Basis of Bearings: N.89°56'45"E. along the South right-of-way line of 1st Avenue South, as per plat of WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida.

2. NOT A BOUNDARY SURVEY.

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

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LEGEND

A  Arc length
C  Chord length
Δ  Delta (central angle)
LB  Licensed Business
LS  Land Surveyor
P.B.  Plat Book
PG.  Page
PSM  Professional Surveyor and Mapper
R.  Range
RAD.  Radius
R/W  Right-of-way
T.  Township
LEGAL DESCRIPTION

That certain 25 foot radius Street Easement lying at the Southwest corner of Lot 3, Block 1, WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida, more particularly described as follows:

From the Southwest corner of Lot 3, Block 1, of said WEBB CITY REPLAT, as the POINT OF BEGINNING; thence N.89°56'27"E. along the South line of said Lot 3, said line also being the North right-of-way line of 3rd Avenue South, 24.99 feet to a point of cusp; thence 39.26 feet along the arc of a curve to the right, concave to the Northeast, having a radius of 25.00 feet, central angle 89°59'11", chord length 35.35 feet, chord bearing N.45°03'57"W., to a point of cusp, said point lying on the West line of said Lot 3, said line also being the East right-of-way line of 9th Street South; thence S.00°04'22"E. along said West lot line and said East right-of-way line, 24.99 feet to the POINT OF BEGINNING.

Containing 134 square feet, or 0.003 acres, more or less.

St. Petersburg, Florida

NOTES

1. Basis of Bearings: N.89°56'27"E. along the North right-of-way line of 3rd Avenue South, as per plat of WEBB CITY REPLAT, as recorded in Plat Book 90, Page 74, Public Records of Pinellas County, Florida.

2. NOT A BOUNDARY SURVEY.

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

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

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LEGEND

A  Arc length
C  Chord length
Δ  Delta (central angle)
LB  Licensed Business
LS  Land Surveyor
P.B.  Plat Book
PG.  Page
PSM  Professional Surveyor and Mapper
R.  Range
RAD.  Radius
R/W  Right-of-way
T.  Township

George F. Young, Inc.
295 DR. MARTIN LUTHER KING JR. STREET N. ST PETERSBURG, FLORIDA 33704-3126
PHONE (727) 822-4317  FAX (727) 822-2919
LICENSED BUSINESS UBZ
CIVIL & TRANSPORTATION ENGINEERING-TOPOLOGY-GEOS-LANDSCAPE ARCHITECTURE
PLANNING-SURVEYING-SUBSURFACE UTILITY ENGINEERING
GAINESVILLE-LAKESWOOD RANCH-ORLANDO-ST PETERSBURG-TAMPA
For Public Hearing and Executive Action on August 7th, 2019 beginning at 2:00 P.M., at the Sunshine Center (Auditorium), located at 330 5th 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.: 19-54000045  PLAT SHEET: E-8
REQUEST: Approval of a variance to the minimum required front yard setback in an NT-3 zoning district from 23-feet to 14.88-feet to allow for the construction of an open front porch in an NT-3 zoning district.

OWNER: Patrick W. McCarthy
108 10th Avenue North
Saint Petersburg, Florida 33701

ADDRESS: 108 10th Avenue North

PARCEL ID NO.: 18-31-17-17334-001-0030

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional Single-Family-3 (NT-3)

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<th>Requested (ft)</th>
<th>Variance (ft)</th>
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<td>Front Porch</td>
<td>23</td>
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</table>
BACKGROUND: The subject property is located in the Historic Old Northeast Neighborhood. The property is zoned NT-3 (Neighborhood Traditional Single-Family). The subject property is a fully platted lot of record; Block 1, Lot 3 of the Colonial Heights and Second Addition Subdivision. This lot is 50-feet wide, 128-feet deep, and 6,400 square feet in area. NT-3 zoning districts require a minimum lot width of 60-feet and a minimum lot area of 7,620 square feet making the subject property substandard in both lot width and lot area. The required front yard setbacks for structures in NT-3 are 30-feet to the building, 23-feet to the porch, and 20-feet to the stoop. The existing residence on this lot is setback 17.91-feet to the building and covered entryway. The entry feature is 3.3-feet deep and is not elevated. The applicant is now proposing to add a 6.5-foot deep covered porch that will be elevated 6-inches above grade.

An administrative review for a Reduced Front Yard Setback Request consistent with Land Development Regulations section 16.20.010.10 was requested and denied in May of 2019. This process allows for an administrative approval of reduced front yard setbacks without a variance as long as what is approved meets or exceeds the average setback for structures on the subject blockface. In this case, the average was determined by taking a measurement of the existing setbacks for each building on either side of 10th Avenue North between 1st Street North and 2nd Street North. The subject blockface consists of eleven (11) total properties. The subject property is on the South side of the block, three (3) single-family homes lie to the West, and a multi-family residential building to the East. The North side of the block holds five (5) single-family residences and one condominium building. The established average for front porches on the blockface is 18.56-feet. Thus, the requested porch setback is 3.68-feet closer to the front property line than the average structure on the blockface.

Request: The applicant requests approval of a variance to the minimum required front yard setback in an NT-3 zoning district from 23-feet to 14.88-feet to allow for the construction of a front porch in an NT-3 zoning district. The requested setback is 3.68-feet closer to the front property line than the average porch on the blockface.

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

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

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

      The request involves an existing developed site.

   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.
This lot is 50-feet wide, 128-feet deep, and 6,400 square feet in area. NT-3 zoning districts require a minimum lot width of 60-feet and a minimum lot area of 7,620 square feet making the subject property substandard in both lot width and lot area. The subject lot is 16.67% substandard in width, and 16% substandard in area.

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

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

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

This criterion is not applicable. The subject property does not contain historic resources.

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

This criterion is not applicable. The subject property does not currently contain significant vegetation or other natural features.

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.

Two elements used in section 16.20.010 to characterize Neighborhood Traditional zoning districts are 1) homes constructed close to the street, and 2) homes often utilizing front porches or stoops to add emphasis and visual interest to the primary entrance. There is no clear development pattern in terms of front porches on the subject blockface. The subject blockface has a mix of open and enclosed front porches. Of the seven (7) total single-family properties surveyed for the Reduced Front Yard Setback Request, four (4) homes currently have open front porches, and three (3) currently have enclosed porches. The requested front porch setback is 3.68-feet closer to the property line than is the established average on the blockface.

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

This criterion is not applicable. The proposed project does not involve development of public facilities.

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

The existing conditions are not the fault of the applicant. The lot was substandard in width and area, and the home did not have a front porch when the applicant bought the property in 2014.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;
A literal enforcement of this chapter would bar the applicant from constructing a functional new front porch on the existing building. Due to the setback of the existing building, the applicant could construct a porch that is only 2.8-feet deep to align with the established average for porches on the block face. New single-family homes in Neighborhood Traditional zoning districts are required to have a front porch with a minimum of 6-feet of useable depth by today's code.

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

The applicant would retain all reasonable use of their property without the addition of a new front porch. However, the addition of a front porch on this single-family home is consistent with the development pattern of homes in the Historic Old Northeast and Neighborhood Traditional zoning districts generally.

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

The variance requested is to construct a front porch that has 6.5-feet of useable depth, where 6-feet of useable depth is the requirement of the Land Development Regulations for front porches in Neighborhood Traditional zoning districts.

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

This variance will be in harmony with the general purpose and intent of the Land Development Regulations. As stated in the code, porches are a commonly utilized strategy for adding visual interest and emphasis to the front entryway of a home. Porches also help homes create an open and inviting presence on the street.

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

The granting of this variance will not be injurious to the neighboring properties. The proposed front porch will add aesthetic value to this home and to the block.

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

The applicant reasons that the addition of the proposed front porch will be consistent with the character of homes in the neighborhood and will add visual interest to their existing home. Further, the applicant points to the parking lot of the apartment complex on the property directly East of them as an element that mitigates their request. It is staff's opinion that these reasons do justify the granting of this variance because the proposed porch will be consistent with neighborhood character, will enhance the home's visual interest, and is less disruptive to the streetscape than the abutting parking lot.

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

PUBLIC COMMENTS: The subject property is within the boundaries of the Historic Old Northeast Neighborhood Association (HONNA). The Chair of the HONNA Planning and Preservation Committee, Robin Reed, supplied an email articulating the neighborhood association’s support for the variance. The applicant provided the signatures of support from four properties owners on the blockface.

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 Development Services 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 with this application.
2. The subject porch shall never be enclosed.
3. This variance approval shall be valid through August 7th, 2023. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
4. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
5. 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.

ATTACHMENTS: aerial, survey, photo, elevation drawings, site plan, reduced setback request spreadsheet, applicant's narrative, signatures of support, Neighborhood Association Email

Report Prepared By:

Jai
Development Review Services Division
Planning & Development Services Department

Report Approved By:

Jennifer C. Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-5400045
Address: 108 10th Avenue North

(nt)

N↑
SCALE: 1" = 20'

Survey not valid for more than one (1) year from date of field work.

SEC. 18, TWP. 31 S., RGE. 17 E.
Average Setbacks as measured from (sidewalk/edge of pavement)

Site Address 108 10th Ave N  (NT-3)
Case # 19-56000006
Field verified (Date) 5/17/2019

Fill in white cells only, grey cells autocalculate.

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All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

**GENERAL INFORMATION**

**NAME of APPLICANT (Property Owner):** Patrick McCarthy  
Street Address: 108 10th Ave N  
City, State, Zip: St. Petersburg, FL 33701  
Telephone No: 207-632-1493  
Email Address: pmm.mccarthy@gmail.com

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

**PROPERTY INFORMATION:**  
Street Address or General Location: 108 10th Ave N St. Petersburg, FL 33701  
Parcel ID#(s): 

**DESCRIPTION OF REQUEST:** Reduced front setback to construct a front porch with stoop

**PRE-APPLICATION DATE:** Feb 8, 2019  
**PLANNER:** 

**FEE SCHEDULE**

<table>
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<th>Description</th>
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<td>3 or more Units &amp; Non-Residential - 1st Variance</td>
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<td>After-the-Fact</td>
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<td>Flood Elevation</td>
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Cash, credit, checks made payable to “City of St. Petersburg”

**AUTHORIZATION**

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

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

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

**Signature of Owner / Agent:**  
**Date:** 5/22/19  
**Typed Name of Signatory:** Patrick McCarthy

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

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
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<tbody>
<tr>
<td>Street Address: 10810th Ave N</td>
</tr>
<tr>
<td>Detailed Description of Project and Request: See Typed Page Following</td>
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</table>

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

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

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

Street Address: 108 10th Ave N, St. Petersburg, FL 33701
Case No:

Detailed Description of the Project and Request: Homeowner would like to construct a full front porch to replace the current overhang on their single story ranch home in order to have greater use and functionality for the family, while creating an aesthetic appeal for the neighborhood.

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

Our house is a ranch on a slab which is unique to our block on Colonial Heights. We have a mix of one and two story homes around us and we have two multiunit apartment/condo complexes on either end of our block. All except for one of the homes on our block has a front porch. We believe that constructing a front porch on our single-story ranch block home would add to the character and appeal of our neighborhood. A recent survey has been completed and is attached for closer review.

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

Front porches are very popular in our neighborhood and most of them were likely part of the original home when constructed. The newest home, located at 1010 2nd street north, also built a porch as part of the new build last year.

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

We purchased the property in April 2014 and the existing front of the house is the exact same as it was when we purchased 5 years ago. The current overhang was original with the house and has not been altered in anyway except for new shingles.
4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?

The open porch would be 6.5’ in depth from the furthest setback of the house to create a usable space for sitting and standing to allow enough room for traffic flow around seated guests. The porch would also be raised 6” to create a "step up" onto the porch, thus enhancing the space and creating an even height transition into the house. The porch would have a traditional roof with columns to create a aesthetically appealing look from the sidewalk and road.

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

We have re-landscaped the front of the property and feel that it still lacks the full functioning and usability without the front porch. The physical appearance is truly limited without changing the front porch design and dimensions.

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

On our block, 10th Ave N and NE, front porches line the street and create a very welcoming look and feel to our neighborhood. When we moved into our house 5 years ago we had the vision of constructing a new front porch to mirror the aesthetic beauty that drew our family to this neighborhood. A traditional front porch, for this one-story ranch home, will not only create a much enjoyable front yard space but will also enable us to re-envision our landscaping to bring out the tranquil and inviting look to our front property.
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

### NEIGHBORHOOD WORKSHEET

<table>
<thead>
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<th>Street Address:</th>
<th>Case No.:</th>
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<tr>
<td>109 10th Ave N</td>
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**Description of Request:** Reduced setback to construct a front porch for our house to improve usability and roadside appearance.

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

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<thead>
<tr>
<th>Affected Property Address</th>
<th>Owner Name (print)</th>
<th>Owner Signature</th>
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</thead>
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<tr>
<td>112 10th Ave N</td>
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<td>Dana Leicher</td>
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<td>109 10th Ave N</td>
<td>Ralph Cottner</td>
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<td>105 10th Ave N</td>
<td>Carol &amp; John Poulsen</td>
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<tr>
<td>101 10th Ave N</td>
<td>Mylly Barnard</td>
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</table>

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

www.cityofstpetersburg.org/dir

Page 6 of 7

[Stamp: RECEIVED MAY 29 2013] [Stamp: DEVELOPMENT REVIEW SERVICES]
Ms. Winn,

Please see the Association’s earlier email below in support Mr. McCarthy’s variance for a front porch.

Thank you,

Robin Reed

---

From: Robin Reed [mailto:rlreed@tampabay.rr.com]
Sent: Wednesday, February 27, 2019 10:58 AM
To: Iris L. Winn; pwm.mccarthy@gmail.com
Cc: Charleen McGrath; 'Kimberley Wolfe'; 'Gigi'; 'Douglas Gillespie'; Kevin Sullivan; 'Natalie DeVicente'; 'Robin Reed'
Subject: Re: 108 10th Avenue N

Re: 108 10th Avenue N

Ms. Winn,

The Historic Old NE Neighborhood Association is in support of the variance to the front yard setback for this property. The reduced setback is somewhat mitigated by the parking lot to the east of the property, and the porch should have a positive impact on the house and the neighborhood.

Sincerely,

Robin L. Reed
Chair, HONNA Planning and Preservation Committee

---

Iris L. Winn <iris.Winn@stpete.org>  
To: Robin Reed <rlreed@tampabay.rr.com>, Patrick McCarthy <pwm.mccarthy@gmail.com>  
Cc: "Michael W. Larimore" <Michael.Larimore@stpete.org>

For Public Hearing and Executive Action on August 7, 2019 beginning at 2:00 P.M., at The Sunshine Center (Auditorium), located at 330 5th 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.: 19-54000048

REQUEST: Approval of a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and lot area from 5,800 square-feet required to 5,300 square-feet for two (2) non-conforming lots in common ownership.

OWNER: Victor Laucy Dorbu
3919 70th Avenue East
Ellenton, Florida 34222

AGENT: Conor J. Green
4700 9th Avenue North
Saint Petersburg, Florida 33713

ADDRESSES AND PARCEL ID NOS.: 3734 28th Avenue South; 34-31-16-05526-008-0080
0 28th Avenue South; 34-31-16-05526-008-0090

LEGAL DESCRIPTION: Lots 8 and 9, Block 8, Bayview Terrace

ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

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<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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BACKGROUND: The subject property, located at 3734 28th Avenue South, consists of two platted lots of record (Lots 8 and 9, Block 8, Bayview Terrace) under common ownership, located within the boundaries of the Perry Bayview Neighborhood Association. The lots were previously developed with one single-family residence that was constructed in 1954 and demolished in 2011. Both lots are currently vacant.

The property has a zoning designation of Neighborhood Suburban, Single-Family (NS-1). The minimum lot width in NS-1 districts is 75-feet and the minimum lot area is 5,800 square feet. Subject Lots 8 and 9 each have a platted lot width of 50-feet and contain 5,300 square feet of site area. Therefore, they are considered to be substandard in both lot area and lot width. The subject subdivision, Bayview Terrace, was recorded in 1924.

The property is located within the South St. Petersburg Community Redevelopment Area (CRA). The South St. Petersburg CRA was first established in June 2013 when City Council approved Res. 2013-247 finding blight in South St. Petersburg pursuant to Florida’s Community Redevelopment Act of 1969 (Chapter 163, Part III). The most recent version of the redevelopment plan was adopted by City Council in May of 2015. The plan calls for revitalizing South St. Petersburg by promoting reinvestment in housing and neighborhoods, commercial corridors, business development, education and workforce development and non-profit capacity building. One specific focus of the plan is reinvigorating the housing market through rehabilitation and new construction. The plan identifies housing as potentially the most important issue facing South St. Petersburg. According to the plan, “The community redevelopment area is faced with problems related to housing condition and age, supply and marketability, and affordability that drag on efforts to improve the quality of life and investment conditions in the CRA” (South St. Petersburg Community Redevelopment Plan, pg 24).

Restrictions in the City Code were in place from 1973 through 2003 limiting development on nonconforming lots in common ownership. The land development code was changed in 2003 allowing development on any platted lot of record. On September 17, 2015, City Council amended the non-conforming lot regulations, eliminating the right to build on these substandard lots without first obtaining a variance. During the review of these regulations in 2015 the City Council made the decision to change the land development regulations back to restrict development on substandard lots, while also making clear the intent of the variance review is to determine whether such development would be consistent with the surrounding neighborhood pattern. 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 has historically developed one single-family unit on more than one platted lot could be detrimental to the neighbors and overall character of the neighborhood.

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.

Approval of the variance would allow for the redevelopment of a currently vacant site within the South St. Petersburg Community Redevelopment Area which is an area that has been targeted for redevelopment by the City.

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 individual platted lots are deficient in regards to minimum lot area and width required for the NS-1 zoning district and are therefore considered to be substandard.

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

The site is not located within a designated preservation district.

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

This criterion is not applicable.

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

There is a Grand Live Oak located in the southeast section of Lot 9 within the footprint of the home on the site plan for that lot. The plans for the single-family residences included in the applicant's submittal do not meet NS-1 design requirements and therefore will have to be revised. Staff is including a condition of approval at the end of this report that the single-family residence submitted for permitting for Lot 9 will be required to be redesigned with attention to preservation of the Grand Live Oak.

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

Staff analyzed the development pattern of the subject block and the adjacent blocks located within the same subdivision, see attached Development Pattern Analysis and study area tables below. The blocks included in the study area consist of 5 blocks platted within the Bayview Terrace Subdivision which was recorded in 1924.

Staff's development pattern analysis included review of lot area and lot width for conformance with the minimum requirements for NS-1 properties, and whether the properties typically contain one house per platted lot. The results of the analysis, provided in the tables below, show that 63% of the properties are substandard in terms of both lot area and lot width. Staff found that 54% of the properties in the study area consist of one house per platted lot. Based on the analysis, staff finds that the proposal is consistent with the prevailing development pattern in the area.
### Lot Width Analysis

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

This criterion is not applicable.

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

The lots within the Bayview Terrace Subdivision were platted in 1924. As shown in the analysis provided above within criterion 1.f, 63% of the properties analyzed are substandard in lot area and lot width with 54% being developed with one house per platted lot. This development pattern is not the result of any action of the applicant.
3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

Without approval of the requested variance the property can be redeveloped with one single-family residence. However, the applicant is proposing to develop a new single-family residence on each platted lot. Denial of the variance would be a hardship as it would not allow development of new single-family residences on platted lots of record when 63% of the surrounding properties are substandard in terms of lot area and width.

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

A majority of the properties within the surrounding blocks have been developed with one house on one platted lot of record and therefore the requested variance would allow a more consistent use of the land.

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

The requested variance is the minimum necessary to allow the development of two single-family homes on lots with a similar size to the surrounding lots with single-family homes. The lot area variance from 5,800 square feet to 5,300 square feet constitutes an 8.6% reduction and the lot width variance from 75-feet to 50-feet constitutes a 33% reduction.

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 Suburban (NS) districts state: "The regulations of the NS districts protect the single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in keeping with the scale of the neighborhood."

This application is located within the South St. Petersburg Community Redevelopment Area which is a special district that was established on June 20, 2013 to remedy blighting conditions within the area, pursuant to the authority provided by the Florida Community Redevelopment Act of 1969. The blight study that was conducted by the City found that declining property values and deteriorated sites have contributed to the area's economic underperformance. Specifically, the study cites a large concentration of demolished and vacant sites. The redevelopment program for South St. Petersburg centers on reinvigorating the housing market through rehabilitation and new construction. This application will contribute to the desired redevelopment of the area by providing new housing on land that is currently vacant as a result of demolition of the single-family residence that previously existed at this site.

The Future Land Use designation in this neighborhood is Residential Urban (RU). The following objective and policies promote redevelopment and infill development in our City:
OBJECTIVE LU2:
The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

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

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

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

The granting of the variance will not be injurious to neighboring properties as they are developed in a similar pattern as the proposed lots. The proposal for two single-family homes with one home on each platted lot is consistent with the neighborhood pattern of the surrounding blocks which are zoned NS-1.

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

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

This criterion is not applicable.

PUBLIC COMMENTS: The subject property is within the boundaries of the Perry Bayview Neighborhood Association. Staff did not receive any correspondence in support of, or in opposition to, the requested variance from the Neighborhood Association. Staff received one email, see attached, in opposition to the applicant’s request for a variance.

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

CONDITIONS OF APPROVAL: If the variance is approved the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The site plans and building plans submitted for permitting shall comply with the maximum development and design requirements for NS-1 zoned properties.

2. Plans submitted for permitting on Lot 9, and any future development, must be designed with attention to the preservation of the existing Grand Live Oak and show the location of all protected and grand trees. Prior to approval of building permits, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review, approval, and
implementation with specific attention to the Grand Live Oak located on Lot 9. The plan shall include details of methods to protect and preserve the vitality of the tree, such as but not limited to root pruning, canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within fifteen (15) feet of the tree and schedule a field review with the City Urban Forester.

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

4. This variance approval shall be valid through August 7, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.

ATTACHMENTS: Project Location Map, Sample Elevations with Floor Plans, Site Plans, Photographs, Variance Narrative, Bayview Terrace Subdivision Plat, Development Pattern Analysis, Public Comment

Report Prepared By:

[Signature]
Scot Bolyard, AICP, Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

Report Approved By:

[Signature]
Jennifer Brilla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

JCB/SKB:iw
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-54000048
Address: 3734 28th Avenue South

(nts)
Efficient Galley Kitchen

Total Living: 1118 sq. ft.
Foundation: Slab
Bedrooms: 3, Baths: 2
Dimensions: 30' x 60'

- Mediterranean exterior
- Covered porch
- Compact foyer
- Vaulted ceilings
- Open interior
- Patio/screened porch option
- Open kitchen
- Large pantry
- Rear master bedroom
- Private master bath
- Hall linen closet
- Garage access to foyer
- Laundry facilities in garage
- 1 1/2-car garage
Private Master Bath

- 1118 sq. ft.
- Foundation: Slab
- Bedrooms: 3, Baths: 2
- Dimensions: 30' x 60'
- 468-sq.-ft. unfinished area
- Mediterranean exterior
- Covered porch
- Dual-access foyer
- Open living areas
- Vaulted ceilings
- Open kitchen
- Large pantry
- Screened porch/patio option
- Rear master bedroom
- Private master bath
- Versatile secondary bedrooms
- 1 1/2-car garage
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

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

### APPLICANT NARRATIVE

**Street Address:** 4301 5th Avenue North, St. Petersburg, FL  
**Case No.:**

#### Detailed Description of Project and Request:

The Variance being requested is for the construction of homes on nonconforming lots in common ownership. The Variance being requested is from the minimum lot width and area requirements in the NS-1 Zoning District. Lot 8 has a Lot Width of 50' and Lot 9 has a Lot Width of 50'. The required Lot Width is 75'. The Lot Area for Lot 8 is 5,300 SF. The Lot area for Lot 9 is 5,300. The Minimum Required is 5,800. Both Lots are Lots of Record and were Platted as part of the Bay View Terrace Subdivision.

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

   The lot(s) is an existing lot of record and located in the PerryBay View Neighborhood and platted as part of the Bay View Terrace Subdivision. This subdivision consisting of twelve (12) blocks, bound by 23rd Avenue to the North, 27th Avenue South, to the South, 40th Street South to the West. All of the lots in the Bayview Terrace Subdivision are non-conforming and are consistent regarding the neighborhoods pattern. The lot pattern changes east of 37th Street South, but 37th Street South provides a demarcation between Bayview Terrace and the Subdivision to the East.

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

   The lots are platted lots of record, but are now considered non-conforming based upon the City's Current Zoning Requirements. As mentioned in Paragraph 1., above, all of the surrounding 12 Blocks and their associated lots that are part of the Bay View Terrace Subdivision are all non-conforming lots from both a width and area perspective. As noted above the homes that are being proposed are within the character of the existing neighborhood relative to proposed size. Again, as noted on the plot plans the homes that are being proposed provide entry level housing opportunities and meet all of the other NS-1 Zoning District Requirements, regarding FAR, setbacks, etc. Likewise the proposed elevations (e.g. the Architecture) are within the character of the existing housing in the neighborhood.

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

   Yes, Since the City's amended the Zoning Code, the lots are now considered non-conforming lots of record under common ownership. 16.60.030.2.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

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

As stated above, the Homes that will be constructed will meet all of the other height, area and bulk requirements in the NT-2 Zoning District (except the width and area; since they are non-conforming lots of record). The design of the proposed homes is consistent with the Character of existing neighborhood. As previously stated provide entry level housing opportunities which are needed for home buyers in St. Petersburg, FL.

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

The Lots could be combined. This would allow the construction of a 4,240 SF Home which would be grossly out of character in this neighborhood.

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

Granting the variance would allow the construction of two(2) homes that would be within the character and scale of existing homes in the neighborhood and provide new construction housing opportunities.
BAYVIEW TERRACE

BEING A SUBDIVISION

THE SLO of the NE & W4/8 THE EAST BOUNDARY OF THE NORTH 300' OF THE NW & W4/8 OF SECTION 26, FROM SE RANGE 1E.

PINELLAS COUNTY, FLORIDA

Sept 1982

File Mark 4:1985-031-001
J.B. Burtom, Clerk

Chas. E. Allardic. Inc.
Development Pattern Analysis
Site Address: 3734 28th Ave S
Zoning: NS-1    Width Required: 75    Area Required: 5800
Case #19-54000048
Revised: 18-Jul-19

Lot Width Analysis

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1 House per Platted Lot Analysis

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Dear Mr. Bolyard,

My name is Allen Angel, I own the house at 3740 28th Avenue South in St. Petersburg. I own the house directly to the right of the property at 3734 28th Avenue South. I received a letter from your office regarding a public hearing for a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and a lot area from 5800 square-feet required to 5300 square-feet for two (2) non-conforming lots in common ownership. The public hearing is scheduled to take place on August 7, 2019 at 2:00 PM.

I am unable to attend this public hearing for I will be out of the state at that time. However, I do want to let you know that I am strongly opposed to this requested change. That lot is quite small and changing the zoning to allow two houses to be built on that property will have a negative effect on the value of my property. In addition, I rent that property out and that change, if approved, will make it much more difficult for me to rent my house.

I also believe that approving such a variance will result with everybody else’s property on the street loosing value.

Also, if the variance is approved, that house built on the left of mine will be so close to my house that if by some chance there is a fire at that house, it will be much easier for that fire to spread to my house.

Furthermore, if the people in that house to be built to the left of mine are noisy, because the house is so close it will be very disturbing to the people renting my house.

Thank you for considering my request that you vote against approving this variance.

If you need to reach me I am in Rochester, NY for the summer. My home number up here is 585-662-5936 and my cell number is 727-420-1902.

I would appreciate it if you would verify that you received this email.

Thank you.

Allen Angel
SITE PLAN REVIEW
PUBLIC HEARING

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.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on August 7, 2019 at 2:00 P.M. at the Sun Shine Center (Auditorium), 330 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 19-31000006  PLAT SHEET: G-6
REQUEST: Approval of a Site Plan modification to construct a 143,000 square-foot, 90 bed tower and central energy plant expansion to an existing hospital campus.
OWNER: St Anthony’s Professional Buildings & Services
Fiscal Services (SARC)
1200 7th Avenue North
Saint Petersburg, Florida 33705
AGENT: Chris Bailey and Gizel Small
2985 Drew Street
Clearwater, Florida 33759
ADDRESS: 1200 7th Avenue North
PARCEL ID NO.: 13-31-16-77874-001-0040
LEGAL DESCRIPTION: On File
ZONING: Institutional Center (IC),
Corridor Commercial Traditional-1 (CCT-1) and
Neighborhood Traditional Single-Family-2 (NT-2)
SITE AREA TOTAL: 1,600,601 square feet or 36.74 acres
GROSS FLOOR AREA:
Existing: 1,142,777 square feet 0.71 F.A.R.
Proposed: 1,285,777 square feet 0.80 F.A.R.
Permitted: 1,687,333 square feet 1.05 F.A.R.

BUILDING COVERAGE:
Existing: 361,064 square feet 22% of Site MOL
Proposed: 398,045 square feet 25% of Site MOL
Permitted: N/A

IMPERVIOUS SURFACE:
Existing: 962,700 square feet 60% of Site MOL
Proposed: 974,783 square feet 61% of Site MOL
Permitted: 1,356,210 square feet 85% of Site MOL

OPEN GREEN SPACE:
Existing: 637,901 square feet 40% of Site MOL
Proposed: 625,818 square feet 39% of Site MOL

PAVING COVERAGE:
Existing: 601,636 square feet 38% of Site MOL
Proposed: 576,738 square feet 36% of Site MOL

PARKING:
Existing: 2,316; including 84 handicapped spaces
Proposed: 2,316; including 84 handicapped spaces
Required 1,530; including 36 handicapped spaces

BUILDING HEIGHT:
Existing: 100 feet
Proposed: 100 feet
Permitted: 100 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 hospital which is a permitted use within the IC and CCT-1 Zoning Districts.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Site Plan modification to construct a 143,000 square-foot, 90 bed tower and central energy plant expansion to an existing hospital campus. The St. Anthony's Hospital campus is generally bounded by Dr. ML King Jr. Street North, 5th Avenue North, 14th Street North and 9th Avenue North.

History:
St. Anthony's Hospital was founded in 1931 as a ministry of the Franciscan Sisters of the Allegany. Over the years, the hospital campus has expanded generally to the north, east, and
west from the original historic art deco structure along 5th Avenue North. As a not-for-profit facility, St. Anthony’s employs over 1,100 persons, and admits over 11,000 patients per year.

The most recent approval was on February 1, 2017, when the Development Review Commission (DRC) approved a site plan modification to construct a 19,214 sq. ft. addition to the existing hospital.

**Current Proposal:**
The applicant proposes to construct a new 4-story patient tower on top of the existing 3-story hospital building and a new Central Energy Plant (CEP). The plan also includes modifying an existing loading dock, lobby area and the renovation of the existing 3-story hospital building. The proposed 4-story tower addition will occur on the west side of the hospital building and will be the same height as the other two hospital towers. The new patient tower will accommodate an additional 90-beds for a total of 445-beds. The new CEP building will occur in two phases. The first phase will be approximately 16,000 square feet and the second phase will be approximately 14,000 square feet. The CEP will be located at the southwest corner of the hospital campus near the intersection of 5th Avenue North and 14th Street North. The mechanical equipment will be located inside the building, except for the wall mounted AC units, two fuel tanks and four transformers. The wall mounted AC units will be located on the east and south sides of the building. The outdoor equipment will be located in the courtyard on the east side of the building. The east side of the building is oriented towards the hospital campus and the south side of the building is oriented towards 5th Avenue North and I-375. The modified loading dock is located at the northeast corner of the existing hospital building and the modified lobby area is located on the north side of the existing hospital building. The existing ingress/egress drives, and parking areas will not be altered. The existing hospital campus has 2,316 parking spaces and code requires 1,530 parking spaces (report attached).

The proposed 4-story patient tower will be of a contemporary style of architecture and will complement the existing buildings located on the hospital campus. The renovated lobby area will have a covered drop-off area and a multi-story glass curtain wall system. The exterior of the other facades will incorporate curtain wall systems and a significant amount of glazing. The proposed CEP is designed with a split fade block. The exterior walls will not have windows, but to break up the façade, the building includes: a base that is topped with a bull nose, equally spaced pilasters, a band with a different style of split face block located in the middle and top portion of the building facades and decorative sconces.

**Public Comments:**
The applicant held a neighborhood meeting on February 5, 2019. Multiple people attended the meeting. No significant concerns were expressed. The Historic Uptown Neighborhood Association provided a letter of support for the proposed expansion.

**III. RECOMMENDATION:**

A. Staff recommends APPROVAL of the Site Plan subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:

1. The required trees to comply with the foundation landscape Code shall be evergreen understory trees.
2. Exterior lighting shall comply with Section 16.40.070.
3. Bicycle parking shall be provided for the proposed addition as required by Section 16.40.090.4.
4. Ground-mounted and rooftop mechanical equipment shall be fully shielded from the abutting rights-of-way and adjacent properties.
5. The building elevations submitted for permitted shall closely resemble the building elevations attached to the staff report.
6. The plans submitted for permitting shall be revised as necessary to comply with the Engineering and Capital Improvements Department's Memorandum that is attached to this staff report.
7. The site plan approval is valid until July 16, 2022. Substantial construction shall commence prior to the expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL

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

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

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

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

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

2. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

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

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

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

Landscaping Requirements:

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

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

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

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

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

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

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

A. The use is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   a. Water.
   b. Sewer (Under normal operating conditions).
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.

The land use of the subject property is: Institutional, Residential General Office, Planned Redevelopment Mixed-use and Planned Redevelopment Residential

The land uses of the surrounding properties are:

North: Residential General Office, Planned Redevelopment Mixed-use and Planned Redevelopment Residential

South: Interstate Right-of-way

East: Planned Redevelopment-Mixed-use

West: Planned Redevelopment-Residential
NORTH RENDERING - NIGHT

St Anthony's Hospital Phase II - 90 Bed Patient Tower Expansion

1200 7th Avenue N
St. Petersburg, FL 33705

BED TOWER RENDERING
43291.00
05/08/19
St Anthony's Hospital Phase II - 90 Bed Patient Tower Expansion

1200 7th Avenue N
St Petersburg, FL 33705

BED TOWER RENDERING
43201.00
05/08/19
St Anthony's Hospital Phase II - 90 Bed Patient Tower Expansion

1200 7th Avenue N
St Petersburg, FL 33705

CEP ELEVATIONS
43291.00
05/13/19
May 9, 2019

City of St Petersburg
Development Review Committee

RE: St Anthony’s MFP Phase II 90 Bed Patient Tower Expansion

The St Anthony’s Hospital Master Facility Expansion II includes 122,952 SF of addition and 78,504 SF of renovations to the existing hospital campus. The addition includes a vertical expansion for 90 new patient rooms and renovations to the Ground, 1st, 2nd and 3rd floors of the main hospital. The project is designed under the 2017 (6th Edition) Florida Building Code and 2014 FGI Guidelines for Design and Construction of Health Care Facilities.

The primary purpose of the project includes:
- Meet current and anticipated future demands for patient beds
- Create a new front door to the project that is welcoming and inviting by creating a new lobby experience
- Bring public services up from the Ground floor to the greatest extent possible making wayfinding simpler
- Expand support departments and services to meet current and anticipated future demand

The project includes 135,000 SF of new construction including a new 4-story patient tower and a new Central Electrical Plant, as well as 71,300 SF of renovation on the ground, first, second and third floors of the existing facility.

The project includes a major addition and interior renovation to the existing facility. The construction type and occupancy type are unaffected by this project. The addition will be built using the same construction type as the existing.

Existing Building Data (No Change Proposed):
- Building Occupancy = Group I-2
- Occupancy Type = Healthcare
- Construction Type = 1A
- Building is fully Sprinklered, Automatic, Supervised.

The following departments are included in the scope of the project:
- Clinical Education
- Dialysis
- Employee Health
- Entry Lobby
- Executive Administration
- Food Services
- Med Surg Nursing Units
- Medical Records Release of Information Offices
- Non-Invasive Cardiology
- Nursing Administration
The renovations and new addition are designed to support the organizational, technological, and building systems necessary for the delivery of patient-focused care. The design includes the clustering of related services to enhance patient care and promote effective and efficient workflow.

An energy management system has been included for temperature and air volume control. A new Electrical Plant is being constructed to support the additional load. A security system has been designed for patient, family, and staff safety.

The layout and design of the Expansion, enhances operational efficiencies and the satisfaction of patients, families and staff by supporting patient care and workflow, access and wayfinding. To the greatest extent possible, public services are being moved to the first floor and a new entry lobby is being created. Ground floor functions will predominately be back of house and staff oriented. Additional patient care services will be provided on the upper floors.

Design Process and Implementation has been accomplished through the ongoing collaboration between Hospital Administration, Physicians, Clinical and Support Department representatives, Infection Control subject matter experts, Safety and Security Officers, Architects, MEP and Structural Engineers, Construction Manager, Information Technology and Security consultants, Equipment Planners and major equipment vendors. Through a series of steps and meetings, this interdisciplinary group has defined the functional and space program for each department included in the project. Each step, beginning with the overall guiding principles and concluding with the detailed architectural design, builds on the previous step and incorporates additional levels of participation and input.

Please reach out to me directly with any questions, clarifications or concerns about the design. Thank you.

Sincerely,

[Signature]

Linaea Fidler, AIA, NCARB, LEED AP BD+C
Design Architect

Gresham Smith
Purpose for the Analysis

The purpose of this memo is to evaluate parking requirements in support of the Master Plan update for the St. Anthony’s Hospital Campus in St. Petersburg, Florida. St. Anthony’s Hospital is proposing a tower expansion to include 90 additional beds and a central energy plant. This memorandum documents the existing parking conditions and land uses, the proposed development program, and the minimum parking requirements as defined in the City of St. Petersburg’s Land Development Regulations.

Study Area

VHB reviewed parcel data available from the Pinellas County Property Appraiser’s Office in determining the extents of the study area. Property owned by St. Anthony’s Hospital and its affiliates near the hospital was first identified. VHB then identified a subset of those parcels that are currently used for hospital uses and medical office buildings or are used for parking for such facilities.

St. Anthony’s Hospital owns several parcels that support other uses, like non-profit service, assisted living, and residential. In this analysis, it is assumed that the parking provided for these uses is self-contained and sufficient; therefore, the parking supply and demand for these uses were excluded from this analysis.

Figure 1, on the following page, shows the extents of the study area used in this analysis. Identification numbers for the parcels included in the evaluation are listed below:

- 13-31-16-77876-000-0030
- 13-31-16-77876-000-0020
- 13-31-16-77876-000-0010
- 13-31-16-77879-000-0109
- 13-31-16-77879-000-0112
- 13-31-16-77879-000-0106
- 13-31-16-11197-001-0010
- 13-31-16-77879-000-0110
- 13-31-16-77876-000-0030
- 13-31-16-77876-000-0020
- 13-31-16-77876-000-0010
- 13-31-16-77879-000-0109
- 13-31-16-77879-000-0112
- 13-31-16-77879-000-0106
- 13-31-16-11197-001-0010
Existing Parking Supply

VHB supplemented available information from St. Anthony’s Hospital with a review of aerial imagery and a field review to develop an inventory of parking spaces supplied on the hospital’s campus. Figure 2, on the next page, shows the location of each of the campus parking facilities surveyed and the inventory of each of the parking spaces provided. In total, there are 2,316 parking spaces provided within the study area. A significant portion of these parking spaces are located in the two campus parking garages, the 7th Avenue Garage and the Jackson Street Garage. Together these garages account for 1,770 spaces, over three quarters of the parking in the study area. The remainder of the parking spaces in the study area are distributed amongst numerous surface parking lots scattered throughout.
### Parking Supply

<table>
<thead>
<tr>
<th>Parking Lot</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cancer Care Center</td>
<td>22</td>
</tr>
<tr>
<td>7th Avenue Garage</td>
<td>986</td>
</tr>
<tr>
<td>Bay Area Heart Center</td>
<td>24</td>
</tr>
<tr>
<td>Park Medical Office A</td>
<td>37</td>
</tr>
<tr>
<td>Park Medical Office B</td>
<td>15</td>
</tr>
<tr>
<td>5th Avenue Overflow</td>
<td>123</td>
</tr>
<tr>
<td>5th Avenue Entrance</td>
<td>31</td>
</tr>
<tr>
<td>Medical Arts Building A</td>
<td>39</td>
</tr>
<tr>
<td>Medical Arts Building B</td>
<td>28</td>
</tr>
<tr>
<td>Medical Arts Building C</td>
<td>31</td>
</tr>
<tr>
<td>Jackson Street Garage</td>
<td>784</td>
</tr>
<tr>
<td>Emergency Department</td>
<td>30</td>
</tr>
<tr>
<td>Suncoast Medical Clinic A</td>
<td>13</td>
</tr>
<tr>
<td>Suncoast Medical Clinic B</td>
<td>36</td>
</tr>
<tr>
<td>Suncoast Medical Clinic C</td>
<td>8</td>
</tr>
<tr>
<td>Suncoast Medical Clinic D</td>
<td>25</td>
</tr>
<tr>
<td>Resource Center A</td>
<td>36</td>
</tr>
<tr>
<td>Resource Center B</td>
<td>48</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,316</strong></td>
</tr>
</tbody>
</table>
Existing Land Uses

VHB consulted property appraiser data and bed count information provided by St. Anthony’s Hospital to determine the existing intensity of land use within the study area. According to the hospital, there are currently 355 beds at the hospital. Additionally, data from the Pinellas County Property Appraiser’s Office indicates there is a total of 276,264 SF of medical office uses within the study area.

Proposed Development Program

As part of the Master Plan update, St. Anthony’s hospital is proposing the addition of a 90-bed tower and a central energy plant. Neither the renovation of existing hospital use in the tower nor the new central energy plant will impact existing parking supply. However, the addition of a new 90-bed tower will likely increase the parking demand on campus and will increase the parking required per the City’s Code.

City Code Requirements

City of St. Petersburg Land Development Regulations specify minimum parking requirements for hospitals and medical office buildings. In the Institutional Center (IC) zoning district, at least 1 space should be provided for every three beds in hospital inpatient areas, and 1 space provided for every 200 SF of hospital outpatient areas and medical office buildings. Currently, the core hospital hosts 276,264 SF of medical office building/outpatient areas and 355 beds for inpatients. At the rates prescribed, the existing minimum parking requirement for the hospital is 1,500. With the 90-bed expansion of the hospital, an additional 30 beds will be required to meet code, bringing the total to 1,530. Table 1 presents this series of calculations.

<table>
<thead>
<tr>
<th>Table 1: Minimum Parking Requirement Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Parking Demand</td>
</tr>
<tr>
<td>Variable</td>
</tr>
<tr>
<td>City of St. Petersburg Land Development Regulations (Section 16.10.020.1 - Use Permissions and Parking Requirements Matrix and Zoning Matrix)</td>
</tr>
<tr>
<td>Medical Office/Hospital: Outpatient Area</td>
</tr>
<tr>
<td>Hospital: Inpatient Area</td>
</tr>
<tr>
<td>Peak Period Parking Demand for Entire Campus</td>
</tr>
</tbody>
</table>

Findings

With the proposed 90-bed tower and central energy plant accounted for, the current parking supply provided in the study area (2,316 spaces) is sufficient in meeting the City’s minimum parking requirements (1,530 spaces).
March 7, 2019

Dear Sr. Mary McNally:

Thank you for the presentation to Historic Uptown about your pending construction. The Hospital's outreach to the Neighborhood Association, the use of its facilities for our meetings, and your own membership on our Board are appreciated. The Hospital has a deep connection to the Historic Uptown community, and we want to keep that going.

This new construction will have the greatest impact on those who reside west of MLK, so I reached out to James Keane since he lives close to your construction project and he assured me that he had no problems with the addition you are proposing.

Regarding future building by St. Anthony's along MLK, we hope the hospital will embrace new urbanism, with street level or ground floor businesses accessible to the HUNA community. The property the hospital built at the corner of MLK and 5th Avenue is walled off from MLK access, and offers no ground floor commercial services, such as restaurants, coffee houses, arts spaces, home design, etc. for the residents in this area to enjoy.

We want to additionally note that while we are constantly struggling with issues relating to homeless in the Historic Uptown neighborhood, it seems there could be more that St. Anthony's could do, given that it is a hospital and offers care to those who are suffering. While the work by Catholic Charities at Pinellas Hope is commendable, exemplary, and far-reaching, we would welcome your help to improve the situation in Historic Uptown, in your own neighborhood.

Please let us know if there are any changes to the plans moving forward.

Best regards,

Kristy Andersen
President, Historic Uptown Neighborhood Association
826 Dartmoor Street N
St Petersburg, FL 33701
813-390-3582
Historic Uptown Neighborhood Association Meeting

Christy Anderson, President

Part of regular meeting

Gina Driscoll, city council is an association member and attended.

Note: Before meeting got started, Councilwoman Driscoll asked if any protests had been filed yet, and Christy Anderson responded, “not yet.” (It was sort of a joke. She did tell Sr. Mary they would write a letter of support.)

Tim’s Presentation

Tim gave update on ORs, Pharmacy and Lab.

Referenced EMS Bypass and Divert and the impact.

Looked at bed capacity for 30-40 years.

New patient tower.

Vertical expansion.

90 patient rooms.

Outside patio area will come inside.

Chapel location remains.

Expand classroom capacity.

2nd loading dock.

Minimize disruption.

Medical records moving to first floor.

PATT moving to first floor.

Patient tower starts on second level.

Mechanical room on second level.

Potential for ORs, dialysis.

Discussed design process.

Prep work in summer 2019.

2 cranes – 7th Ave and 5th Ave.

Central Energy Plant next to Cancer Center. (north of parking lot on 5th)

Completion date—2022.
Questions:

Q: Can current garage handle additional parking levels?
A: No. Referenced age of building.

Q: Gravel lot on MLK and 7th, what are plans?
A: We have been approached to partner on developing it. Will continue to be construction parking for short term. Referenced SARC building. May look to replace SARC.

Q: Will it require pile driving?
A: No, existing building has columns and structure will also be cantilevered.

Q: Will there be space for dining, other restaurants like Starbucks?
A: Mentioned the restaurants that we have coming in now on various days at the cafeteria.

Q: (Following a discussion of the Central Energy Plant location.) Does the Central Energy Plant includes solar?
A: We are always looking to reduce our carbon footprint. BayCare has developed a relationship with Patel College of Sustainability and will be bringing in 3-5 interns to work with us on sustainability including at St. Anthony’s.

Q: Will the hospital add other specialties?
A: Right now our biggest need is med/surg beds; we are constantly looking at the needs of the community in relationship to bringing on new services.

Q: Will this solve you EMS needs?
A: When complete, we’ll have up to 420+ beds. Referenced St. Pete growth. Mentioned that the Franciscan Tower was originally shell space on 3rd floor.

Q: Where is 100 foot height limit? (They’re fighting a proposed 200-ft. condo tower at Mirror Lake.)
A: Chris referenced city meeting yesterday and that the new building won’t be higher than existing hospital.

Q: Does it have to public hearing or administrative review?
A: Administrative review.
Comments

C: It's important to respect neighborhood parking.

R: We continue to remind team members not to park on 7th Avenue. Referenced requirement of construction teams to not park there either. Noted that the front entrance will close for construction and will drive people to park in the garages.

C: St. Anthony's takes up one-fourth of neighborhood association. Height is preferable to horizontal expansion.

R: Referenced height restrictions.

C: Neighborhood working on empty lots. Offered neighborhood input on empty lot on 7th Ave and MLK.

C: We encourage the hospital to provided services to homeless. Referenced the continuing issue of homeless in the neighborhood.

R: Sr. Mary referenced our work Pinellas Hope and the medical respite program, Pinellas Homeless Coalition. General discussion of needs of the homeless.

C: (To Sr. Mary’s response) We want you to support what we need. Encouraged to support other organizations.

Councilwoman Driscoll referenced SPD PATH program.

C: General comment about the large size of the hospital campus.
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services Department
Jennifer Bryla, Planning & Development Services Zoning Official, Development Services
Scot Bolyard, Deputy Zoning Official, Development Services Department

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: July 22, 2019
SUBJECT: Site Plan Review
FILE: 19-31000006

LOCATION 1201 7th Avenue North; 13/31/16/77874/001/0040
ATLAS: G-6 ZONING: Institutional Center (IC)
PROJECT: St Anthony’s Hospital Bed Tower & CEP
REQUEST: Approval of a Site Plan to construct a 143,000 square-foot, 90 bed tower and central energy plant expansion on the existing hospital campus.

The Engineering Department has no objection to the proposed site plan provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:

1. Please assure that the developer’s design professional(s) coordinate with Duke Energy prior to proceeding with further development of this site plan to assure that the design has provided adequate space for any Duke Energy equipment which may be required to be placed within the private property boundary to accommodate the building power needs. Early coordination is necessary to avoid additional expense and project delays which may occur if plans must be changed later in the building/site design stage as necessary to accommodate power equipment on-site and not within the public right of way. If you have not already done so, please initiate contact with Jeff.Baker3@duke-energy.com.

2. 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 runoff release and retention shall be calculated using the Rational formula and a 10-year 1 hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body’s impairment. The BMPTTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner's engineer of record shall verify that existing public 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.
Prior to approval of a plan, the owner's engineer of record shall verify that existing public 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.

3. Upon submittal of the plans for permitting, please have the Engineer of Record include a master drainage basin map which indicates which areas of the site currently have been provided with Water quality treatment and/or water quantity attenuation for the City’s 10 year 1 hour design storm.

4. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from 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 3000 gpd is proposed, the ADF information will be forwarded 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 for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

5. 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.

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 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. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5% with appropriate level landings. Curb ramps may only be used at driveways and intersections, not mid-block in the main public sidewalk path.
7. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the IC zoning district public sidewalks in 5th Avenue North and within 7th Avenue North must be 6-feet wide. Sidewalk in 14th Street North must be 4’ wide. 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. All required improvements shall be installed by and at the applicant’s expense in accordance with the standards, specifications, and policies adopted by the City. A right of way work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within dedicated public right-of-way or public easement.

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

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

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

All 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.

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.

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

NED/MJR/
pc: Kelly Donnelly
Correspondence File
SPECIAL EXCEPTION
PUBLIC HEARING

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.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on August 7, 2019 at 2:00 P.M. at The Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg, Florida.

CASE NO.: 19-32000006
PLAT SHEET: F-36
REQUEST: Approval of a Special Exception and related Site Plan to construct a carwash.

OWNER: 6800 4th Street Holdings, LLC
1410 Main Street
Dunedin, Florida 34698

AGENT: Michael J. Palmer
2451 McMullen Booth Road
Clearwater, Florida 33759

ADDRESS: 6800 4th Street North

PARCEL ID NO.: 31-30-17-61146-101-0120

LEGAL DESCRIPTION: On File

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

SITE AREA TOTAL: 27,500 square feet or 0.63 acres

GROSS FLOOR AREA:
Existing: 2,113 square feet 0.08 F.A.R.
Proposed: 3,653 square feet 0.13 F.A.R.
Permitted: 15,000 square feet 0.55 F.A.R.
BUILDING COVERAGE:

Existing: 2,113 square feet  8% of Site MOL  
Proposed: 3,653 square feet  13% of Site MOL  
Permitted: N/A  

IMPERVIOUS SURFACE:

Existing: 19,841 square feet  72% of Site MOL  
Proposed: 18,964 square feet  69% of Site MOL  
Permitted: 23,375 square feet  85% of Site MOL  

OPEN GREEN SPACE:

Existing: 7,659 square feet  28% of Site MOL  
Proposed: 8,536 square feet  31% of Site MOL  

PAVING COVERAGE:

Existing: 17,728 square feet  64% of Site MOL  
Proposed: 15,311 square feet  55% of Site MOL  

PARKING:

Existing: 12; including 1 handicapped spaces  
Proposed: 11; including 1 handicapped spaces  
Required: 4; including 1 handicapped spaces  

BUILDING HEIGHT:

Existing: 20 feet  
Proposed: 35 feet  
Permitted: 35 feet  

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS:  The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a carwash which is a Special Exception use within the CCS-1 Zoning District.  

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a carwash. The subject property is located at the northwest corner of 4th Street North and Northmoor Avenue North. Currently, the property is developed with a fuel station. The applicant proposes to demolish the existing fuel station.  

Current Proposal:
The applicant proposes to construct a limited service carwash on the subject property. The proposed carwash building will be located in the center of the property. The east side of the carwash building will be open and a portion of the north and south sides of the building will be open where vehicles will enter. The west side of the building will be fully enclosed. Vehicular ingress to the site will be from Northmoor Avenue North and egress will from both Northmoor Avenue and 4th Street North. Vacuum stations and parking will be located along the east side of the subject property. An automatic payment station is located on the west side of the subject
property. Located behind the automatic payment station and along the west side of the property will be two stacking lanes. There will be a total of 11 vacuum stations along the east side of the building.

Customers will access the site from the proposed ingress/egress drive and proceed through one of the two stacking lanes as they approach the automated payment station. The customer will pay for the carwash and will then proceed into the carwash bay without getting out of their vehicle. Once the vehicle exits the carwash bay the customer will proceed to the egress drive. The customer can access the vacuum stations on the east side of the building either before or after getting their car washed. To mitigate for noise, the equipment for the vacuums are located within a fully enclosed concrete block room within the carwash building. Staff is also requiring that the applicant construct an 8-foot high masonry wall along the western side of the property in lieu of a 6-foot high masonry wall.

The proposed carwash building is a contemporary style of architecture. The building will have a shed styled roof, finished with metal and have an exposed metal truss system. The canopy support columns will be metal with a portion of the columns finished with stucco. There is a low knee wall along the east façade that will also be finished with stucco.

Special Exception:
A carwash in the CCS-1 zoning district is a Special Exception use that requires the Development Review Commission’s (DRC’s) review and approval. The DRC is responsible to evaluate the proposed use to ensure compliance with the applicable review criteria as outlined in City Code, with a focus on the potential for adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. The City’s Transportation Planner has reviewed the proposal and determined that the existing road network and proposed traffic circulation plan is adequate to support the proposed use. The applicant has also placed all equipment that can generate noise in the building. There is an existing 15-foot wide unimproved alley on the west side of the subject property that provides an additional buffer between the subject property and the three residential properties and nursing home that are located on the west side of the alley. Commercial properties are located to the north, south and east of the subject property. An 8-foot high masonry wall is also required along the west property line to mitigate for any potential impacts.

Public Comments:
We received an email from the president of the Fossil Park Neighborhood Association who expressed concern with increase traffic leaving the subject property and heading west. They expressed no other concerns and see that the proposed project is an improvement (email attached).

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

B. SPECIAL CONDITIONS OF APPROVAL:
1. The existing specimen tree located in-between the car wash entry lane and bypass lane along the northern side of the car wash shall be preserved. A tree barricade shall be installed around the perimeter of the specimen tree during construction.
2. The ingress/egress driveways shall be narrowed to 12-feet unless the narrower driveways impact vehicular access and/or trash pick-up.

3. The required masonry buffer wall along the western property line shall be 8-feet tall.

4. Plans shall comply with Section 16.50.050. Car Wash and Detailing, including limiting the hours of operation between 8AM to 8PM.

5. If the operation of the carwash changes from a limited service to a full-service carwash, a public hearing with public notice shall be required.

6. All mechanical equipment associated with the carwash shall be located inside the building.

7. Evergreen trees shall be installed around the exterior perimeter of the new parking lot.

8. The dumpster compound shall have opaque gates.

9. Exterior lighting shall comply with Section 16.40.070.

10. Bicycle parking shall comply with Section 16.40.090.4.1.

11. Plans shall be revised as necessary to comply with comments provided by the City’s Engineering Department, comments are provided in the attached memorandum dated July 12, 2019.

12. The special exception and related site plan approval is valid until August 7, 2022. Substantial construction shall commence prior to the expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL

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

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & DEVELOPMENT SERVICES 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. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

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 Services 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 Mixed-use**

The land uses of the surrounding properties are:

North: **Planned Redevelopment Mixed-use**

South: **Planned Redevelopment Mixed-use**

East: **Planned Redevelopment Mixed-use**

West: **Planned Redevelopment Residential**
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-32000006
Address: 6800 4th Street North
NEW BUILDING FOR:
EXPRESS CAR WASH
ST PETERSBURG FLORIDA
DATE: 06-03-2019
NEW BUILDING FOR:

EXPRESS CAR WASH
ST PETERSBURG FLORIDA
DATE: 06-03-2019

793 San Christopher Drive - Suite A - Dunedin, FL 34698
NEW BUILDING FOR:

EXPRESS CAR WASH
ST PETERSBURG FLORIDA
DATE: 06-03-2019
Project Narrative

1. ZONING:

The proposed automatic car wash is bounded as follows:

**West:** The property to the west includes city right of way (15' wide) alley which contains a public sanitary sewer. On the west side of the alley R.O.W, the zoning is residential (NT-1).

**North:** The property to the north includes a retail building. The zoning is (CCS-1).

**East:** The property to the east includes a State right of way 4th Street.

**South:** The property to the south includes a city R.O.W. 5th Street right of way Northmoor Ave. N.

The proposed development will meet all setback and landscape buffer requirements and all other zoning requirements.

2. UTILITIES:

The proposed car wash will be designed with a recycled water system. The system will contain, two reclaimed water tanks and a grease trap which will discharge in the city sanitary sewer system. Based on existing operating automatic car wash systems a 2" water service connection is being proposed. There is an existing 8" water line located along the east side of the site (4th Street R.O.W) and a 6" sanitary pipe located along the west side of the site. This proposal is to connect into the City municipal water and sewer systems. There is an existing fire hydrant located directly across for the proposed development on the south side of Northmoor Avenue. A building sprinkler system is not being proposed. City water meters and back flow prevention will be installed. The old water and sewer services will be cut and capped per city standards.

3. STORM WATER MANAGEMENT:

The proposed development will be designed to meet all state, federal and local codes with respect storm water quality and quantity. The proposed post development impervious area is less than the pre-development impervious area, therefore attenuation will not be required.

To meet the city and state water quality requirements, the volume produced by ½" of rainfall over the entire site area will be stored in a proposed retention pond. A geotechnical report and draw down calculations will be performed when submitting plans for a building permit.
4. FEMA FLOOD ZONE:

Based on the FEMA flood map 12103C0209G, dated 09-03-2003 the entire subject parcel of land is located within "AE-9" zone.

The proposed car wash building contains a vehicle drive through car wash tunnel, office and rest room area and a mechanical room. The proposal is to set the entire building slab at elevation 9 feet and flood proof the office area rest room and mechanical room, in lieu of meeting the 2' above flood elevation building code requirement.

5. TRAFFIC:

The current land use is an operating gas station with a convince market and the proposed use is an automatic car wash. Based on the ITE trip generation calculations the following existing and proposed PM peak rates are as follows:

   a. ITE CODE (945) = PM PEAK = 107 (Gas Station w/ 8 pumps)
   b. ITE CODE (948) = PM PEAK = 64 (Automatic Car Wash 4,000 S.F.)

6. OTHER PERMITTING AGENCIES:

   a. F.D.O.T. (Utility Permit)
   b. F.D.O.T. (Access permit) (Safety Upgrade)
   c. F.D.O.T. (Drainage Permit or Exemption)
   d. F.D.E.P. (10/2 Self Certification Storm Water Permit

7. CODE SECTION REVIEW:

SECTION 16.50.050. - CAR WASH AND DETAILING

Sections:

16.50.050.1. - Applicability.
   A. This section shall apply to car wash and detailing uses.

   RESPONSE: Acknowledged, this proposal is for the construction of an automatic car wash & vacuum parking area (self-service), detailing is not being proposed.

   B. This section does not apply to temporary not-for-profit car wash activities that occur on not more than three consecutive days at the same location.

   RESPONSE: Acknowledged, not applicable to this proposal.

16.50.050.2. - Purpose and intent.

These uses typically service motor vehicles and domestic equipment owned by residents in the surrounding neighborhoods. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties. Airborne mist, odors from chemicals and vehicle exhaust, and noise from vacuums, pumps, pressurized sprayers, dryers, engines and car stereos are examples of common impacts generated by these uses. The impacts can be detrimental to the quality of life for adjacent property owners. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
RESPONSE: Acknowledged, impacts are addressed in the following responses to each section of this code.

16.50.050.3. - Establishment.
   Car wash and detailing uses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements and shall comply with the development standards of the zoning district, the general development standards, and this section.

RESPONSE: The project parcel is located within the CCS-1 zoning district which allows for car wash use.

16.50.050.4. - Use-specific development standards.
16.50.050.4.1. - Setbacks.
   All structures shall be at least 20 feet from all interior side and rear property lines, unless a greater setback is required by the zoning district.

RESPONSE: This proposal meets this requirement.

16.50.050.4.2. - Minimum lot width and area.
   Sites shall be at least 100 feet in width and 10,000 square feet in area.

RESPONSE: This proposal meets this requirement.

16.50.050.4.3. - Enclosure of bays.
   Sides of car wash bays or tunnels facing a residential use or neighborhood zoning district that abuts or is across an alley from the site shall be completely enclosed by a wall. Solid windows that do not open, glass block, or other closed material may be used for the wall.

RESPONSE: This proposal meets this requirement.

16.50.050.4.4. - Vacuum stations.
A. Vacuum stations and related equipment shall comply with the setbacks for the principal structure.

RESPONSE: This proposal meets this requirement.

B. Vacuum stations and related equipment are prohibited along any side of a building facing a residential use or neighborhood zoning district that abuts or is across an alley from the site.

RESPONSE: This proposal meets this requirement.

C. Vacuum stations and related equipment visible from a street shall be screened with landscaping.

RESPONSE: This proposal meets this requirement.

D. If a variance is granted from the setbacks for vacuum stations and related equipment, a condition of the variance shall be that the overall height of the vacuum related equipment shall not exceed three feet (including any base or footer) and that the vacuum station shall be designed to resemble a typical parking space. No variance may be granted from any required green yard.

RESPONSE: This proposal meets this requirement.
16.50.050.4.5. - Buffering.
A. A solid six-foot high decorative masonry wall or vinyl fence shall be required along all sides of the site that abuts or is across an alley from a residential use or zoning district. There shall be no driveways or other non-gated opening in the wall or fence. Gates shall be as tall as the fence or wall.

**RESPONSE: This proposal meets this requirement.**

B. A landscaped buffer at least five feet in width shall be provided along the interior of the required masonry wall or vinyl fence.

**RESPONSE: This proposal meets this requirement.**

C. The buffer shall be landscaped according to the specifications for perimeter landscaping around a surface parking lot as set forth in the general development standards.

**RESPONSE: This proposal meets this requirement.**

D. The masonry wall or vinyl fence shall be designed to comply with the design standards set forth in the fences, walls and hedges regulations section.

**RESPONSE: This proposal meets this requirement.**

16.50.050.4.6. - Traffic circulation and vehicular stacking.
Circulation and stacking areas shall be subject to review for compliance with the applicable transportation standards by the POD.

1. Drive-lanes and parking spaces shall be clearly delineated.

**RESPONSE: This proposal meets this requirement.**

2. Vehicular stacking areas shall be designed to comply with the standards for drive-through facilities set forth in this chapter.

**RESPONSE: This proposal meets this requirement.**

3. A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.

**RESPONSE: This proposal meets this requirement.**

16.50.050.4.7. - Detailing or waxing areas.
No detailing or waxing (except for spray waxing) shall be conducted outside of a completely enclosed building.

**RESPONSE: Detailing and waxing is not being proposed.**

16.50.050.4.8. - Control of airborne particles.
All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust.

**RESPONSE: This proposal meets this requirement.**
16.50.050.4.9. - Noise.

No radios, stereos, or other sound amplification devices shall be played when any of the motor vehicles doors or windows are open. Sound from radios, stereos, or other sound amplification devices shall not be audible from anywhere off the site. Signs shall be conspicuously posted notifying persons of these prohibitions.

**RESPONSE:** Attendants will be onsite during normal daily operations to monitor and enforce this code requirement.

16.50.050.4.10. - Hours of operation and use.

The site shall be closed between the hours of 8:00 p.m. and 8:00 a.m. Parking or storage of vehicles and portable equipment on the site is not permitted outside of a fully enclosed structure when the site is closed.

**RESPONSE:** This proposal meets this requirement
TO: Iris Winn, Administrative Clerk, Development Review Services
    Jennifer Bryla, Planning & Development Services Department, Zoning Official
    Corey Malyszka, Planning & Development Services, Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: July 12, 2019

FILE: 19-32000006 R1

LOCATION 6800 4th Street North
AND PIN: 31/30/17/61146/101/0120
ATLAS: F-36
PROJECT: Special Exception

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

The Engineering Department has no objection to the proposed special exception provided the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:
1. 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 runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body’s impairment. The BMPTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner’s engineer of record shall verify that existing public 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.

Stormwater system outfall discharge shall be connected to the public stormwater conveyance system unless it is technically demonstrated that it is not possible to make the direct connection. If it can be technically demonstrated that it is not possible to make a direct connection to the public stormwater conveyance system, a bubbler type overflow may only be considered if discharges are properly managed since the bubbler creates a point discharge which no longer mimics existing site discharge conditions. For the City to consider approval of a bubbler type discharge, the Engineer of Record must provide a conservative drainage design using a pre-development coefficient of runoff equal to 0.20 and in no case, shall discharge from a bubbler exceed \( \frac{1}{2} \) - 1 cfs during the City’s 10-year 1-hour design storm. The Engineer of Record must also provide adequate topographical survey to verify a positive overland flow path to a public stormwater conveyance system. Bubbler discharges shall not create a point discharge over a public sidewalk, shall not cause erosion, and shall not cause a nuisance to adjacent property. A Minor Easement Permit approval is required for any bubbler system which encroaches into the public right of way to document private ownership and maintenance responsibility.
2. 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 two feet above the FEMA elevation or meet building code flood proofing requirements. 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. 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. *It is noted that meeting required building floor elevations often necessitates elevating existing public sidewalks. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5%. Ramps may only be used at driveways and intersections, not mid-block in the main sidewalk path.

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

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. A minimum 6’ wide sidewalk is required along the western parkway of 4th Street North and a 5’ wide sidewalk is required along the northern parkway of Northmoor Avenue North. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks and curb ramps must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy. Sidewalk construction within 4th Street North shall be designed to meet FDOT standards while sidewalks along Northmore Avenue shall be designed per City Engineering Standards and Specifications.

5. 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.

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

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

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

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 3000 gpd is proposed, the ADF information will be forwarded 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 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.

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

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

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

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.
Corey, To my knowledge, we don’t have any concerns, other than traffic. I did mention to Mike that we thought a right turn only from Northmoor Ave, should be considered. We are curious as to the increased traffic on Northmoor, if customers elect to exit through the Neighborhood. We already have people using Northmoor to go from 4th to MLK.

I have tried to update the neighbor that lives directly brind the site, because he will be the most affected by the change, and, he and I agree it will be an improvement.

We both are happy to see the vacuums moved to the 4th St. side of the building.

Mike Palmer has kept me informed as the plans progress.

Jerry Wooldridge
President
Fossil Park Neighborhood Association.

My Wooldridge,

Has the applicant or their representative been in contact with you to address your concerns? If so, have they been resolved?

Corey Malyszka, AICP
Urban Design and Development Coordinator, Planning and Development Services
City of St Petersburg
727.892.5453
corey.malyszka@stpete.org
Good morning Mr. Wooldridge,

Thank you for your feedback.

I am including the Staff Planner, Corey Malyszka on this email for further review.

Iris Winn
Administrative Clerk
City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org

Ms. Winn: Fossil Park Neighborhood Association is very much interested in any changes within our boundaries. I immediately responded to Mr Palmer’s email concerning the proposal for the 4th Street Car wash. I requested and received the site plans, and, they were shared and discussed at our March Meeting. I also met with our neighbor that lives directly behind the proposed site. He had questions that I forwarded to Mr Palmer, we were satisfied with his response.

Our major concern is the increased traffic on Northmoor Av. exiting on to 4th Street. My suggestion was to make the entrance to 4th Street be a right turn only, because it is difficult to turn left across traffic even now. My other concern is the possible increased traffic on Northmoor, if cars exiting the car wash turn right and continue through the Neighborhood. We might request a traffic study if we notice an increase of vehicles on Northmoor av, traveling through the Neighborhood and exiting on to 62nd av. N.

It is a mystery to me, that it was suggested that no response was received from me or the Neighborhood. We watch closely developments within our Neighborhood.

Jerry Wooldridge
President
Fossil Park Neighborhood Association
# Modification to a Previously Approved Special Exception

**Case No.:** 19-32000012  
**Plat Sheet:** C-24

**Request:** Approval of modified conditions of approval for a previously approved Special Exception for Placido Bayou. Specifically, conditions 1 and 19, to allow for private docks within the designated Common Open Space Preservation area.

**Agent:** Kathrine E. Cole, Esq.  
c/o Hill Ward Henderson  
600 Cleveland Street, Suite 800  
Clearwater, FL 33756

**Engineer:** Terri Skapik  
Woods Consulting  
4921 Memorial Highway, Suite 300  
Tampa, Florida 33624.

**Applicants:** Mr. & Mrs. Wilson, Mr. & Mrs. Geis, Mr. & Mrs. Brayer, Ms. Shamas & Mr. Tait, Mr. & Mrs. Burtis, Ms. Durello & Mr. Bosco, Mr. & Mrs. Davis.

**Address:**  
1215 Darlington Oak Circle NE – 05/31/17/71920/005/0050  
1219 Darlington Oak Circle NE – 05/31/17/71920/005/0060  
1225 Darlington Oak Circle NE - 05/31/17/71920/002/0070  
1227 Darlington Oak Circle NE - 05/31/17/71920/002/0060  
1229 Darlington Oak Circle NE - 05/31/17/71920/002/0050  
1231 Darlington Oak Circle NE - 05/31/17/71920/002/0040  
1233 Darlington Oak Circle NE - 05/31/17/71920/002/0030

**Legal Description:** On File

**Zoning:** Neighborhood Planned Unit Development (NPUD-1) and Preservation (P)
SITE AREA TOTAL: Total Site: 283 acres or 12,327,480 s.f. and 80 acres preservation land, this preservation was treated as a separate entity as it was not used to calculate density for the project.

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.70.010 of the Municipal Code for an application to modify conditions to a previously approved Special Exception, specifically Condition #1 and Condition #19, to allow private docks within designated Common Open Space Preservation area.

II. DISCUSSION AND RECOMMENDATIONS:

The Request: The agent on behalf of seven (7) property owners, seeks to modify previously approved special conditions #1 and #19 for a previously approved Special Exception for the allowance of private docks within a designated Common Open Space Preservation area for the development.

The overall subject property is the result of a request for approval of a Special Exception and Site Plan for a Special Residential Development and Multi-family development with a total of 1,162 residential units on a 283-acre site. The original plan intruded into the preservation lands on the site by 41%. The code at the time of the approval allowed for a 25% intrusion. The project was then redesigned to lower the intrusion into the on-site preservation areas to 24% with a 15 ft maintenance easement. This modified plan was approved in a public hearing by the Environmental Development Commission (EDC) on January 19, 1983. This approval was appealed to the City Council on April 7, 1983. The City Council upheld the approval by the EDC and passed Resolution #83-284 (Exhibit A) which addressed preservation area concerns brought up at the hearing.

Consistent with Code Section 16.20.160 Preservation Districts and past allowances by the City, Condition #1 of the Special Conditions states that the preservation area shall remain in its "natural state". Natural State has consistently been interpreted to mean "untouched" or "unaltered" from its natural condition and does not allow for private docks. The City does allow the removal of invasive species within preservation areas, this practice does not threaten the "natural state" of the desired plant material, nor its function as coastline protection. Please see Exhibit B, which outlines this consistent message over the years for this particular preservation area. An original determination letter was sent to a homeowner on Darlington Oaks Circle NE in 1997. A letter was again sent to 50 residents adjacent to preservation in 2015 and again to 13 new homeowners in 2017. (See Exhibit B)

Current Proposal: The agent is proposing to amend the Conditions #1 and #19, put forth in Resolution #83-284. The underline is the portion the applicant is requesting to be added to the original conditions.

Condition #1 states: The Site Plan shall be revised leaving each of the preservation area totally in its natural state, unless otherwise permissible by the E.D.C. after reviewing an accurate tree survey provided by the applicant. The tree survey shall be submitted to the Planning staff and the City's Urban Forester for review and approval. Applications for maintenance and trimming of mangroves within jurisdictional areas shall be reviewed pursuant to Section 16.40.060.5.1 or applicable state law.
Condition #19 states: The Special exception and related Site Plan shall be modified to designate the 80+ acre preservation area on the eastern portion of the site as a common open space preservation easement and shall be included in the legal disclosure package and shown on the final plats. The use of the lands shall be limited in accordance with this Site Plan, but may also allow for mangrove maintenance, trimming, or alteration under the 1996 Mangrove Trimming and Preservation Act (Fla. Stat. 403.9321 et seq) and the right to construct and maintain a single family dock in compliance with any applicable state, county, and local government criteria, including, but not limited to, the Pinellas County Mangrove Trimming and Preservation regulations, and the City's Land Development Regulations. (See Exhibit C)

STAFF ANALYSIS:
As a component of dialogue for the original application, the commitment was made that none of the 80 MOL acres “of mangrove property or submerged property has been used to calculate the permitted density and will not be developed in any way.” The applicant goes on to say that “the preservation area will not be encroached upon. They propose to leave the shore line in its existing state, not build seawalls and maintain the existing vegetation, particularly mangroves.” If the requested change is made to the conditions of approval, the change would affect all properties adjacent to preservation areas within the Placido Bayou community not just the seven (7) properties of the applicants. The total that could potentially develop docks is approximately 32 properties, with an additional 27 adjacent to preservation that could propose potential impacts to the area.

There are two other neighborhoods in close proximity to Placido Bayou with similar restrictions on preservation land that limit dock construction, they are Caya Costa and Harbor Isle.(see Exhibits D & E) The Caya Costa neighborhood was developed in the early 1980's, there was no condition imposed on this development that the adjacent preservation area remain in its natural state. There are docks on 1065, 1077 Sable Court NE and 1063 Marco Drive NE for which no permit was issued. The EDC did however approve a modification to the original site plan to allow for the construction of a dock at the east end of Gasparilla Way for the use of multiple homeowners. The stipulation to this approval is that no mangroves would be removed.

The other neighborhood in close proximity with a similar situation is Harbor Isle, a development that was created in the 1970's. Harbor Isle only allowed boat docking on lots 29-33, the remaining lots adjacent to preservation areas were required to maintain the area in its natural state. Harbor Isle was under a final judgement via case United States v. W. Langston Holland, et al., which stated that the “preservation” of the mangrove areas precludes permitting the construction of docks, piers, or other structures within the protected areas. (See Exhibit F)

The residents of Placido Bayou when purchasing property within the development are required to sign a Master Covenants which states: “Each purchaser and resident of a residence in Placido Bayou will be bound by the terms of the Master Declaration of Covenants, Conditions, Restrictions, and Easements recorded for Placido Bayou. (See Exhibit G) The covenants state that the preservation area is to remain in its natural state. As previously stated, this has been interpreted to mean no alteration or intrusion of any kind, including docks.

Placido Bayou was granted approval for development in 1983, with the understanding that the preservation area was to remain in-tact. The applicant stated that it would for the length of the
project. This requirement had no expiration date and the caveat was not made to include any items in the preservation area.

The City code section 16.70.010.10.B. says modifications to an approved application which was approved prior to 2007 shall be reviewed using the land development regulations in effect at the time of the requested modification. Section 16.20.160 of the City of St. Petersburg Land Development Regulations regulates Preservation Districts where the purpose and intent for the City is to encourage preservation of lands designated as environmental preservation areas, in a natural or near natural state. There are no permitted uses in this district other than preservation. City code 16.40.060.5.1 – Mangroves, also states that the trimming or cutting of mangroves is hereby prohibited.

The Preservation Code sec. 16.20.160.9 states: "No alteration, development, restorative action, clearing, disturbance, mitigation or enhancement (i.e., trimming, planting, etc.) of vegetation in a preservation district is allowed without the approval of the POD. The POD shall determine that there is no adverse impact on the preservation district before any approval. Any approval shall also be subject to the following requirements:

a. An application for alteration, development, improvement, restorative action, clearing, disturbing, mitigating or enhancing a preservation district shall be submitted to the POD on the appropriate forms and with the required fee and shall demonstrate compliance with the provisions of this section and all other City ordinances. An application to remove exotic or nuisance plant species from a preservation district shall not be required to pay a fee. Removal of exotic or nuisance plant species and plans for replanting those areas shall use methods which have the least impact on the remainder of the preservation district.

b. Any planting in a preservation district shall use native vegetation common to the specific category of vegetation within the preservation district.

c. Protective wooden barricades that encompass no less than the dripline of trees in the preservation district may be required to protect the preservation district from damage."

The Preservation section also requires that when unavoidable impacts occur in preservation districts mitigation must occur. Mitigation is to maintain the value of the environmental systems by compensating for any adverse change in conditions or loss of resources. Recognizing that larger environmental preservation districts provide higher quality habitat value. The property owner shall mitigate the impacts of any portion of a preservation district through the reestablishment, creation or enhancement of an appropriate ecological community.

Mitigation shall include, but shall not be limited to, the following methods which are in the order in which they should be used:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment including removing exotic and nuisance vegetation, replanting or restoring natural drainage patterns;
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact by replacing or providing substitute resources or environments.

Since 2002, there have been approximately 10 code violations for illegal treatment of Mangroves. (See Exhibit H) This fact alone is remarkable as each homeowner is aware of the restrictions covering the fragile habitat. Section 16.20.160.8 of the City code requires homeowners adjacent to Preservation area “shall maintain Preservation districts. Preservation districts shall be maintained in a viable natural condition. Any act or failure to act which results in the degradation of a Preservation district is a violation of this section and shall require restorative action or mitigation. The term degradation shall include but shall not be limited to filling, dredging, clearing, trimming, cutting, sodding, siltation, encroachment of exotic or nuisance plants, manmade change in surrounding conditions or other causes deemed to be not natural. The maintenance of the Preservation district includes removing exotic and nuisance plants. Mitigation shall be required at a rate of 2:1.”

Section 16.70.040.1(D) establishes criteria for review of consistency with the Comprehensive Plan, Staff finds that the application is as follows:

A. The request is NOT CONSISTENT with the Comprehensive Plan.

The Comprehensive Plan definition of Preservation Area is: - Areas which, because of their natural conditions such as vegetative communities, water table and flood hazard boundaries, are designated by land use or zoning by the City of St. Petersburg as preservation, limiting the location and extent of development in these areas so as to preserve the natural value of the property.

The City’s Conservation Element states the following: The City has designated approximately 3,226 acres as environmental preservation due to their vegetative, water table and 100-year floodplain characteristics. These areas are protected from adverse impact by implementation of the environmental preservation section of the Land Development Regulations. Encroachment into these areas is limited to 10%. The location and type of encroachment is reviewed by the planning department; mitigation for adverse impact may be required. The natural systems which govern hydrology, climate, vegetation and wildlife are the fragile foundation which supports all human activity. The 1988 Conservation Element Technical Support Document and the 1996 EAR provide inventory and analysis of the natural features and resources within the City of St. Petersburg. Decades of urban development had irrevocably changed the natural systems, not only within the municipal boundaries, but also in the surrounding air, waters and underground aquifers. Because human development requires natural resources of clean air, clean water, open space, and food sources, it is imperative that attention be paid to the remaining existing resources including protection from adverse development impacts, enhancement of natural communities and safeguarding natural resources for future inhabitants of this area.

GOAL-CONSERVATION (C):
The City of St. Petersburg shall protect, conserve, responsibly manage and, where appropriate, restore or enhance the quality of air, water, vegetative and land
resources and natural systems in St. Petersburg. This will be achieved through the cooperation of city, county, regional, state and federal environmental agencies and with the development community.

OBJECTIVE C6:
The City of St. Petersburg shall conserve and protect all existing preservation areas through implementation of Section 16.20.160 of the Land Development Regulations, as revised.

Policies:
C6.1 Preservation sites identified on the Future Land Use Map will be preserved to the maximum extent possible in their natural condition.

Section N of the review criteria addresses presentation of natural features. Staff finds that this criteria has not been met because The construction of structures and the removal/alteration of the existing natural systems could have a dramatic effect on the overall fragile ecosystem which would be inconsistent with the guiding principles outlined in the City's Comprehensive Plan.

Public Comment:
As of the date of this writing the City has received 5 comments in favor of the application and 112 against the application. Those comments have been included in the packet.

III. RECOMMENDATION:
A. Based on the analysis of the existing documents, the Comprehensive Plan, and the current code Staff recommends DENIAL of the modification of the Special Exception conditions of approval. Should DRC choose to approve the modifications, Staff has the following conditions of approval:

B. SPECIAL CONDITIONS OF APPROVAL:
1. Record revised special conditions of approval
2. Per code 16.20.160.10 mitigation is required for any impact to the mangroves at a rate of 2:1. Provide a listed species survey for the preservation area. Prior to issuance of a permit to alter any of the preservation area for dock construction, the applicant should provide a mitigation plan for review and approval. Any mitigation shall be a condition of approval of any said permits.
3. Per code 16.20.160.9.1 Prior to issuance of a permit to alter any wetlands or preservation area for dock construction, the applicant should provide a mitigation plan for listed species habitat. For review and approval.

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 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 use/proposal shall be consistent with Concurrency Certificate No. 6175.
2. 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.
3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. 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.
5. 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. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

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

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

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

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

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

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

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

A. Is the project 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 and 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.
   c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. Traffic.
h. School Concurrency.

The land use of the subject property is: Residential Urban (RU)

The land uses of the surrounding properties are:

North: Preservation (P)
South: Residential Urban (RU)
East: Preservation (P)
West: Residential Urban (RU)

REPORT PREPARED BY:

JENNIFER BRYLA, AICP, Zoning Official

EXHIBITS:
Exhibit A - Resolution #83-284
Exhibit B - Letter to residents, 1997, 2015 & 2017
Exhibit C - Fla. Stat. 403.9321
Exhibit D - Caya Costa neighborhood plan and regulations
Exhibit E - Harbor Isle neighborhood plan with restrictions
Exhibit F - Directive of Papy's Bayou Mangrove Preserve, Final Decree and Final Judgement
Exhibit G - Master Declaration of Covenants, Conditions and Restrictions; Placido Bayou
Exhibit H - Code Violations
CASE #19-32000012

EXHIBIT A
A RESOLUTION APPROVING THE SPECIAL EXCEPTION AND RELATED SITE PLAN OF PLACIDO BAYOU (SE-683), INVOLVING A SPECIAL RESIDENTIAL AND MULTIFAMILY DEVELOPMENT, LOCATED ON THE 283.3 ACRE SITE BETWEEN THE CENTERLINE OF LOCUST STREET N.E. AND PLACIDO BAYOU AND 46TH AND 54TH AVENUES N.E. CANALS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the Special Exception and related Site Plan of Placido Bayou (SE-683), a Special Residential and Multifamily 1,162 unit development are approved as recommended by the Environmental Development Commission, as follows:

Special Exception Exception' Conditions:

1. The Site plan shall be revised leaving each of the preservation areas totally in its natural state, unless otherwise permissible by the E.D.C after reviewing an accurate tree survey provided by the applicant. The tree survey shall be submitted to the Planning staff and the City’s Urban Forester for review and approval.

2. Should a road be permitted through the 5.5 acre preservation area at the southwest corner of the site, (a) no curbs shall be installed in this area in order to maintain the drainage pattern in this area; (b) a Florida licensed landscape architect at the developer’s expense and a representative of City’s Department of License and Inspections (i.e., Urban Forester) shall, after review and approval of the plans by the Planning Department, supervise and actual construction of the roadway within the preservation area; and, (c) a bond in the amount to be specified by the City, in accordance with acceptable national standards, shall be posted with the City by the applicant for the purpose of replacing unauthorized destruction of trees or of vegetation within the preservation areas which may be destroyed as a result of the construction, and this bond shall be in effect one year beyond the construction of the roadway. Construction vehicles shall not intrude within the preservation area in order to traverse the site.

3. The Legal Disclosure Package is subject to Legal Department approval (The legal package shall be in accordance with revisions to the plan.)

4. The Special Residential Development shall be in compliance with Section 64.09 Subsection 16 of the Zoning Ordinance (Special Residential Development Requirements).

5. According to the zoning covenant on the land, maximum density shall be at 5.8 units to the acre (according to Code, no land beyond the mean high water line may be used for calculating density).

6. Each and every phase indicated on the phasing schedule shall be started and completed within two (2) years.

7. The applicants/owners of the property shall submit detailed site plans for each phase of development at an Engineering Scale no smaller than 1"-50 to Planning Department for approval pursuant to Section 64.23(B) (4), City Code; prior
to the issuance of building permits on each phase. All provisions of said Section 64.23(B)(4) and all other provisions applicable to site plan review under said section shall apply to each such site plan for each such phase. The City Manager or his designee shall approve a drainage plan for each phase of the project as required by the City Drainage Ordinance Chapter 32, City Code prior to issuance of building permits on each such phase.

8. The applicants/owners of the property shall be responsible for obtaining any necessary permits from other governmental agencies such as D.E.R. or Army Corps of Engineers.

9. The applicants shall meet with Planning Staff to discuss the orientation of structures and location of plantings for maximum solar access.

10. The Special Residential Development Proposal as submitted to City Council is approved.

11. Plan and profile showing all paving, drainage, sanitary sewer, and water mains (seawalls if applicable) shall be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated rights-of-way or easements. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated rights-of-way or easements.

Water service may be provided to all lots in the proposed subdivision. The developer's engineer shall provide the Water Department with their proposed plan for providing water service to the area. Information shall be included as to demand, size and location of water and fire protection requirements. The full cost of construction including the extension of the nearest adequately sized water main shall be paid by the applicant.

Sanitary sewer service shall be provided to all lots by the applicant. The developer's engineer shall provide the Engineering Department with their proposed plan for providing sanitary service to the area including collection system, mains or lift station, and pressure mains to the nearest adequately sized collection point.

The entire cost of all construction including main extensions or additional construction including additional service connections shall be paid by the applicant.

New sanitary manholes shall be constructed at the applicant's expense to provide a manhole at each end of each underwater crossing. No underwater sanitary sewer crossing shall exceed 175 feet. Sanitary sewer shall be replaced at applicant's expense with pipe as designated by the Engineering Department from manhole to manhole at and adjacent to all underwater crossings. Subaqueous sanitary sewer crossings shall have 5 ft. of earth cover. Easements, 40 feet in width, centered over the existing sanitary trunk sewers, shall be provided and these easements shall be designated on the site plan(s).

Easements, 15 feet minimum width, shall be provided for access to sewer easements that are not accessible by road and these easements shall be designated on the site plan(s).

A 20-inch and 24-inch treated wastewater main lies approximately 15 feet west of the north/south sanitary sewer trunk line in existing Walnut Street. It may be lowered at the proposed lake crossings using ball joint pipe, or rerouted around the proposed lake.
The developer's engineer shall provide the Engineering Department with their proposed plan for relocating it. The entire cost of all construction shall be paid for by the applicant. Easements shall be provided to 7.5 feet each side of centerline of pipe. Minimum 30" cover under lake.

Parcels not included in this plan shall have 24-foot minimum width access along right-of-way or easement. Easement shall be provided for future treated wastewater main to northwest corner of this plat from existing 12" valve at 53rd Avenue and Walnut Street N.E.

Drainage plans shall be submitted to Engineering Department for approval. Drainage easements are needed 15 feet from top of bank along the drainage canals at the north and south sides of this plat. (The site shall be in compliance with Drainage Ordinance #331-F).

All necessary permits shall be obtained by applicant. Stabilization is needed for new banks on salt water. Slopes on freshwater lakes shall conform to City standards.

12. A. Circular collector - The applicant has agreed to provide necessary traffic control signs, therefore, a 24' roadway is acceptable in conjunction with the placement of "No Parking" signs.

B. Corner radii shall be 25' minimum with flush header curb.

C. Traffic control signage stated above.

D. Street name designation - applicant shall comply with City regulations.

E. Sidewalk system - A contiguous sidewalk system shall be constructed throughout the development.

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

13. Intersection improvement, 1st Street - 47th Avenue North - Traffic Engineering has provided the applicant with the proposed design concept for the intersection improvement. This improvement can be constructed within the existing right-of-way.

The intersection improvement recommended by Traffic Engineering shall be completed at the expense of the property owner/developer in the first phase of development and prior to issuance of a Certificate of Occupancy.

14. The applicant shall take all necessary measure to prevent any siltation from land balancing from any existing waterways.

15. City inspectors and/or the City's Urban Forester shall inspect the Placido Bayou project site (SE-683) on a daily basis during site preparation and construction; and prior to any site preparation or construction within one-hundred (100) feet of a preservation area City staff shall assist the developer in staking and roping off said preservation areas.

16. The Placido Bayou developers shall construct a footbridge between the Placido Bayou Project and Puryear Park, and the Administration shall work with the developers in getting all necessary permits in order;
17. Approval of the Placid Bayou Project (SE-683) is subject to the applicant constructing a walkway between Shorecrest School and the new development;

18. The applicants/owners of the Placid Bayou project shall submit detailed plans for each phase of development for review. Should any phase be modified or differ from the original concept, it shall then require E.D.C. approval as a modification to Special Exception No. 683.

19. "The Special exception and related Site Plan shall be modified to designate the 80+ acre preservation area on the eastern portion of the site as a common open space preservation easement, and shall be included in the legal disclosure package and shown on the final plats."

Site Plan Conditions:

1. Signs shall be in accordance with the Sign Ordinance in the City Code. The applicant shall submit sign plans to License and Inspections for necessary permits.

2. The location and size of the trash container(s) shall be subject to the approval of the Manager of Commercial Collections, City Sanitation.

3. Plans for tree removal and landscaping shall be submitted to the City's Urban Forester, License and Inspections, for approval. Landscaping plans shall be in accordance with the following ordinances:

   #131-F (Section 64.09): Landscaping Requirements for Yards abutting Public Streets; and,

   #22-F (Section 31§): The Grounds Improvement Ordinance for Required Landscaping of Vehicular Use Areas; and,

   #73-F (Section 31.4.3): Water preservation in connection with new developments.

   This resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 7th day of April, 1983.

(Handwritten signature)
Mayor-Councilman
Chairman of the City Council

ATTEST: (Handwritten signature)
Clerk of the City Council
CASE #19-32000012

EXHIBIT B
January 17, 1997

CITY OF ST. PETERSBURG

Henry and Wyline Sayler
220 Rafael Blvd NE
St. Petersburg, FL 33704

Property Address: 1221 Darlington Oaks Circle NE

Dear Mr. and Mrs. Sayler,

In response to a recent inquiry regarding the regulation of the Mangrove Forest Preservation Area within the Placido Bayou Development, I am providing this informational letter to all property owners abutting the Preserve. The City of St. Petersburg approved the construction of the Placido Bayou development on the condition that the city-designated preservation areas abutting the privately owned residences would be protected from any disturbance or degradation in the future. The term degradation includes but is not limited to the following: trimming, cutting, filling, dredging, clearing, sodding, siltation, or encroachment of exotic or nuisance plants.

Preservation areas are protected by the City as provided in Section 29-208 of the City Code. These regulations are intended to encourage preservation of certain lands such as the mangrove forested area to the rear of your property. Preservation areas are designated in order to preserve unique environmental characteristics for their biological productivity and economic, aesthetic and safety values. Areas are determined to be preservation through a detailed site evaluation which documents the vegetation, wildlife and soil and water levels. It is the purpose and intent of these regulations to safeguard these areas from inappropriate activities which would alter their natural to near natural state if perpetual.

Property owners are responsible for maintenance of Preservation Areas. Preservation Areas must be maintained in a viable natural condition. Any act or failure to act which results in the degradation of a Preservation Area shall require restorative action or mitigation as identified or required by the Mayor. As stated above, the term degradation includes but is not limited to the following: filling, clearing, dredging, cutting, trimming, sodding, siltation, encroachment of exotic or nuisance plants, manmade change in surrounding conditions or other causes deemed to be not natural.

I hope this better explains the intent of the regulations regarding the Mangrove Swamp Preservation Area which abuts your property. Your efforts to help preserve this important natural habitat are appreciated. If you have any questions, please call me at 893-7882.

Sincerely,

Maureen Colaiuzzi
Environmental Planner
February 9, 2015

Insert name & Address

St. Petersburg, FL 33703

RE: Placido Bayou Mangrove Preservation Area

Dear Mr. & Mrs. Insert name:

I am reaching out to you, as you own a home adjacent to a unique and ecologically significant mangrove preservation area. I wanted to inform the homeowners living along this preservation area of the City standards that are in place to protect these significant environmental lands.

In 1983, when your neighborhood was being developed, the 80-acre common open space preservation easement located between your property and Placido Bayou was dedicated as preservation land, to be left "totally in its natural state". In order to preserve this natural state, the City has not allowed any docks, fences or other encroachments into the preservation area. The City requires that property owners maintain the preservation area in its natural condition, as outlined in the following City Code:

15.20.160.B. - Maintenance of preservation districts. Property owners shall maintain preservation districts. Preservation districts shall be maintained in a viable natural condition. Any act or failure to act which results in the degradation of a preservation district is a violation of this section and shall require restorative action or mitigation. The term degradation shall include but shall not be limited to filling, dredging, clearing, trimming, cutting, sodding, siltation, encroachment of exotic or nuisance plants, manmade change in surrounding conditions or other causes deemed to be not natural. The maintenance of the preservation district includes removing exotic and nuisance plants.

The City is currently investigating complaints of alterations and cutting of trees in the preservation area. No tree removal or trimming is allowed in the Preservation Area. The City will take corrective action if the preservation area has been disturbed and such activity continues.

The City does encourage the removal of exotic and invasive species such as Brazilian Peppers. If you would like to remove these species, we will meet you on site to review the proposed maintenance activities. Please contact me at (727) 892-5344, or by email, Elizabeth.Abernethy@StPete.Org, if you would like to schedule a meeting or if you have any questions regarding this correspondence. We sincerely appreciate your efforts to help preserve this important natural habitat.

Sincerely,

Elizabeth Abernethy, AICP
Chief Zoning Official
Planning & Economic Development

Cc: Placido Bayou Community Association Board of Directors
Pinellas County, Office of Watershed Management
May 19, 2017

Insert name & Address
St. Petersburg, FL 33703

RE: Placido Bayou Mangrove Preservation Area

Dear Mr. & Mrs. Insert name:

I am reaching out to you, as you own a home adjacent to a unique and ecologically significant mangrove preservation area. I wanted to inform the homeowners living along this preservation area of the City standards that are in place to protect these significant environmental lands.

In 1983, when your neighborhood was being developed, the 80-acre common open space preservation easement located between your property and Placido Bayou was dedicated as preservation land, to be left "totally in its natural state". In order to preserve this natural state, the City has not allowed any docks, fences or other encroachments into the preservation area. The City requires that property owners maintain the preservation area in its natural condition, as outlined in the following City Code:

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Sincerely,

Elizabeth Abernethy, AICP
Chief Zoning Official
Planning & Economic Development

Cc: Placido Bayou Community Association Board of Directors
Pinellas County, Office of Watershed Management
CASE #19-32000012

EXHIBIT C
The 2018 Florida Statutes

Title XXIX  
Chapter 403  
View Entire Chapter

PUBLIC HEALTH  
ENVIRONMENTAL CONTROL

403.9324 Mangrove protection rule; delegation of mangrove protection to local governments.—

(1) Sections 403.9321-403.9333 and any lawful regulations adopted by a local government that receives a delegation of the department's authority to administer and enforce the regulation of mangroves as provided by this section shall be the sole regulations in this state for the trimming and alteration of mangroves on privately or publicly owned lands. All other state and local regulation of mangrove is as provided in subsection (3).

(2) The department shall delegate its authority to regulate the trimming and alteration of mangroves to any local government that makes a written request for delegation, if the local government meets the requirements of this section. To receive delegation, a local government must demonstrate that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove-regulatory program. When a county receives delegation from the department, it may, through interlocal agreement, further delegate the authority to administer and enforce regulation of mangrove trimming and alteration to municipalities that meet the requirements of this section. In no event shall more than one permit for the alteration or trimming of mangroves be required within the jurisdiction of any delegated local government.

(3) A local government that wants to establish a program for the regulation of mangroves may request delegation from the department at any time. However, all local government regulation of mangroves, except pursuant to a delegation as provided by this section, is abolished 180 days after this section takes effect.

(4) Within 45 days after receipt of a written request for delegation from a local government, the department shall grant or deny the request in writing. The request is deemed approved if the department fails to respond within the 45-day time period. In reviewing requests for delegation, the department shall limit its review to whether the request complies with the requirements of subsection (2). The department shall set forth in writing with specificity the reasons for denial of a request for delegation. The department's determination regarding delegation constitutes final agency action and is subject to review under chapter 120.

(5) The department may biannually review the performance of a delegated local program and, upon a determination by the department that the delegated program has failed to properly administer and enforce the program, may seek to revoke the authority under which the program was delegated. The department shall provide a delegated local government with written notice of its intent to revoke the authority to operate a delegated program. The department's revocation of the authority to operate a delegated program is subject to review under chapter 120.

(6) A local government that receives delegation of the department's authority to regulate mangroves shall issue all permits required by law and in lieu of any departmental permit provided for by ss. 403.9321-403.9333. The availability of the exemptions to trim mangroves in riparian mangrove fringe areas provided in s. 403.9326 may not be restricted or qualified in any way by any local government. This subsection does not preclude a delegated local government from imposing stricter substantive standards or more demanding procedural requirements for mangrove trimming or alteration outside of riparian mangrove fringe areas.

History.—s. 4, ch. 95-299; s. 3, ch. 96-206.

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CASE #19-32000012

EXHIBIT D
MEMORANDUM

To: John Knight and all Plans Review Personnel, 
Fred Drury, Superintendent, Plum/Mech Section 
Mel Hill, Supervisor, Electrical Section 
Glenn Savell, Supervisor, Building Section

From: Med Starratt, Manager 
Construction Service Division

Date: June 16, 1987

Re: Caya Costa

All supervisors and Plans Review personnel please read the attached memo from Mike Dove to Housing and Construction Services Director.

After review please take the necessary action as follows:

a) John Knight will indicate on the Caya Costa property card to review this memo prior to any permits being issued.

b) Fred Drury and Mel Hill to take necessary action, reference page 3, item 3, with a follow-up report as to action taken.

c) All Plans Review personnel to take necessary action, reference page 3, item 4.

d) Each supervisor of inspections, please review this with all your inspection staff.

MS/hf
Attachment
MEMORANDUM
CITY OF ST. PETERSBURG

TO: Ralph Stone, Director of Planning
    Robert Holm, Ph.D., Manager, Planning and Environmental
    Programs, Public Works
    Dan Schmelzinger, Housing and Construction Services Director
    Preservation File N-27

FROM: Mike Dove, Manager, Advance Planning

DATE: June 11, 1987

RE: Recommendations for Caya Costa

On Wednesday June 3 a field meeting was held at Caya Costa to review problems with
pre-construction site preparations and current construction projects. This meeting
was the result of the informational meeting held at DER offices on May 27. Present
at the June 3 field meeting were: Dana West and Debra Kohne, DER; Bob Holm, Mike
Dove and Julie Weston, City of St. Petersburg; Bill Fehring, Greiner Engineering,
John Steinway and John Bastow, George F. Young, Inc.

Current Situation

Construction at Caya Costa has been in progress since 1982, involving a DER dredge
and fill permit to create land for single-family homes. The current situation came
to the attention of the Planning Department via a City building inspector after
inspection of a pool in April of this year. After further review, the Planning
Department notified the local DER office to determine permitted activities at Caya
Costa. Planning staff met with DER officials Dana West and Debra Kohne at the site
May 12 and May 20. A meeting with Planning staff, DER enforcement staff, Caya Costa
property owners, project engineers and former project engineers was held at DER
office May 27 to review dredge and fill permitted activities and planned mitigation.
The June 3 field meeting was scheduled subsequently to review permit conditions and
other problems.

The master site plan for Caya Costa development (see diagram 1) outlines planned
development on the 82.3-acre, mangrove-surrounded island. Site data from George F.
Young, the original project engineers, shows the City preservation area and that no
preservation area was proposed to be developed or altered (see diagram 2).

Within the DER dredge and fill permit, #520386069, several mitigation areas were to
be created in compensation for the fill activities in existing ditches. These areas
were to be excavated and planted with Spartina, with assurance of a 75% survival rate
after one growing season. (See diagrams 3 and 4.)

Problems at the Caya Costa site can be divided into three areas:

(1) docks
(2) mitigated activities
(3) mangrove encroachment and cutting

(See diagram 5 for locations of lots and Appendix 1 for property owners.)
(1) Docks

To build a dock less than 500 square feet, a permit is required from Pinellas County Water and Navigation Control Authority with the approval of the City of St. Petersburg. Dock construction must comply with the tree ordinance protecting mangroves, unless a permit is issued by the City of St. Petersburg Urban Forester, in which case mitigation for the loss is usually required. Any electrical service at a dock must also be permitted by the City of St. Petersburg. Several private homes (1065 Sable Court NE, 1077 Sable Court NE, 1063 Marco Drive NE) have docks that extend into mangroves for which Pinellas County dock permits have been issued. (Numbers P-14079-87, P-14053-86, P-13823-86, respectively). The City department handling dock permits has no record of City approval for these permits. The City has no record of permits for electrical service for the docks at 1065 Sable Court NE and 1077 Sable Court NE.

The Environmental Development Commission approved a modification to the original site plan, allowing the construction of a dock at the east end of Gasparilla Way for the use of multiple homeowners, thus avoiding the need for each property owner to build a dock. One of the conditions stipulated by the applicant was that no mangroves would be removed to build these docks. The dock at the east end of Gasparilla Way has been built, with obvious removal of white mangrove trees, up to 4" dbh. (See diagram 6 for location.)

(2) Mitigation Activities

DER is the lead agency in pursuing violations of dredge and fill permit #520386609 for the Caya Costa project. It appears that some required mitigation actions were not completed, some unpermitted actions occurred and some negative impacts occurred as a result of permitted actions. These concerns primarily involve issues of (1) incomplete grading and planting for mitigation, (2) illegal mangrove removal and encroachment, and (3) improper fill management resulting in heavy siltation. DER is preparing a consent order which will include measures to rectify problem situations, achieve compensation for violations and permit planned completion of this development. Extra measures such as the election of a conservation easement along property boundaries may be considered in lieu of or in addition to a monetary fine.

(3) Mangrove Encroachment Due to Improper Fill Management and Cutting of Mangroves

The DER dredge and fill permit allowed 9000 linear feet of mosquito ditches to be filled. On top of this, fill was added across the entire site to raise the elevation for building. In several areas, tall fill piles eroded, causing siltation into adjacent mangroves. DER will pursue correction of this situation in mitigation areas. Siltation also has occurred at two lots where new homes with pools are being built (see diagram 7 for locations). A high slope with unstabilized fill has resulted in siltation into adjacent lower elevation areas. In this case the lower elevation areas contain mangroves. The accumulation of silt can adversely affect mangroves.

No survey has been done of this preservation line and consequently mangroves inside preservation do not appear on site plans being submitted for lots where homes are being built. Along the shore, in several areas, are small stands of mangrove trees outside of preservation areas which are protected by the City of St. Petersburg's tree ordinance, amended in 1986 to read "it shall be unlawful to alter, remove or selectively trim mangroves, except with a city permit." (Ordinance #858-F, Section 29-16.d, City Code) The previous tree ordinance also stated "no mangrove tree shall be removed without a tree permit." (City Code, Section 29-16.e)
RECOMMENDATIONS

I recommend the following actions be taken in order to prevent these violations from continuing or reoccurring in the future:

1. There appear to be several violations of the mangrove ordinance where trees or limbs have been cut and where the placement of the fill (without appropriate barricades) has created severe sedimentation in the mangrove areas. I recommend that no further fill be placed in the areas adjacent to the outlined preservation areas without barricades to prevent siltation and that further activity cease where fill has been placed until barricades can be erected. Any disturbed mangroves should be mitigated by replanting in a suitable area on the same site, if possible.

2. The preservation area boundaries were never surveyed for this property. I recommend that the boundaries be surveyed or that each site plan for homes adjacent to the area marked preservation be required to show a surveyed line for the mangroves and the mean highwater line on the site.

3. The dock improvements that were constructed without permits should be required to submit permit applications for the electrical and plumbing facilities.

4. Housing and Construction services should note the locations identified on the attached maps and review these sites with extreme care to ensure that structures, accessory structures (i.e., pools), and fill areas are not in, or immediately abutting, the mangroves. If there are any questions, contact Bob Holm, Public Works, or Mike Dove, Planning.

5. The DER mitigation areas that are not identified as preservation areas on the map should be considered as equal status with the preservation areas and the same review procedures should apply.

6. In the future, all site plan approvals should specify that fill material should be used only after the preservation, mangrove, or mitigation areas on sites have been appropriately barricaded or protected. The applicant must obtain approval of the method of protection by the appropriate permitting agency prior to construction.

7. The City should record and monitor the requirements of the DER consent order, in order to encourage coordination.

Attachments

cc: Julie Weston, Planner I
    Steve Wolochowicz, Asst. Planning Director, Mgr./Zoning & Subdivisions
    Dana West, DER
    Debra Kohne, DER
    Bill Fehring, Greiner Engineering
    John Steinway, George F. Young, Inc.
CASE #19-32000012

EXHIBIT E
Mangrove Preservation Areas

25-foot wide Buffer Zone on all lots adjacent to preservation area - gentle 4'H:1'V slope required within buffer. No ingress/egress allowed into preservation area. Boat docking facilities only permitted on lots indicated with cross hatching.
CASE #19-32000012

EXHIBIT F
MEMORANDUM

To: Ralph Stone, Director, Planning
    Steve Wolochowicz, Assistant Planning Director

From: Mark A. Winn, Assistant City Attorney

Date: October 13, 1989

Re: Final Decree of the United States District Court
    for the Middle District of Florida in United States
    of America vs. W. Langston Holland, etc.
    Civil Action No. 73-623-CIV.T.K.

The Final Decree in the foregoing federal case concerning
violations of environmental laws established certain lands within
Papy's Bayou as mangrove preserve areas. The Decree states that "the
Mangrove Preserve Areas shall remain as natural environmental areas in
perpetuity." A Final Decree establishes the law as it applies to the
parties to the lawsuit and those in privity therewith and also to any
property which is the subject matter of the lawsuit. The City should
not accept or process applications for activities which are not lawful
either as a result of a local, state or federal law or as a result of a
Court Order. I would suggest that no applications be processed which
request such activities and further that any application fees or any
fees accepted pursuant to such application be refunded. If a property
owner wishes to make application for a dock permit within the mangrove
preserve area they should first seek a change in the Final Decree of
the United States District Court authorizing these type of activities.

If I can be of any further assistance, please feel free to
contact me.

Mark A. Winn
Assistant City Attorney

MAW:jlt

cc: Michael S. Davis, City Attorney
    John C. Wolfe, Chief Assistant City Attorney
This cause having come before this Court for final disposition pursuant to a stipulation and joint motion by the Government and all Defendants herein for Consent Decree, and this Court being fully advised in the premises, it is hereby, ORDERED AND ADJUDGED as follows:

1. Jurisdiction is founded upon Section 1319(b), Title 33, United States Code.

2. Defendants reside and conduct business within the Middle District of Florida.

3. The activities upon which this action is based were conducted on property known as Harbor Island Development on Papy's Bayou, St. Petersburg, Pinellas County, Florida, the boundary lines of which are shown on the attached Survey Plat No. 14021A by George F. Young, Inc. Revision dated February 1, 1974.

4. On the property described hereinabove, defendants have discharged pollutants into waters of the United States in violation of Section 1311(a), Title 33, United States Code.

5. Defendants shall perform all work necessary to allow establishment of 78.6 acres as mangrove preserve areas consistent with
proper environmental planning, preservation, restoration, and ecological considerations. The mangrove preserve areas referred to are colored green and striped with dark parallel lines on the survey plat attached hereto. Defendants shall commence to create said preserve areas within 30 days from the date of this Decree, and shall complete all necessary contouring and debris removal in those areas within three months from the date of this Decree. The dikes withholding tide waters from the preserve areas shall then be removed after consultation with and the approval of the United States Environmental Protection Agency and the United States Army Corps of Engineers.

6. A twenty-five foot buffer zone having a gentle slope no greater than one foot vertical rise to four feet horizontal shall fringe all mangrove preserve areas, except those areas which are separated from retention ponds by an earthen berm or dike.

7. The mangrove preserve areas shall remain as natural environmental areas in perpetuity. Defendant shall take the necessary legal precautions to insure that the mangrove preserve areas are properly protected from lawful destruction by present and future owners of this property.

8. Should construction activities necessitate the discharge of water from any retention pond, defendants shall insure that total suspended solids shall not exceed concentrations of 30 parts per million as a "daily average," nor shall total suspended solids exceed concentrations of 50 parts per million as a "daily maximum."

Defendants shall measure total suspended solids concentrations at the point of discharge on at least one day in every two week period. Sample analysis shall be in compliance with methods of analysis specified in 40 CFR §136.3, 38 Fed. Register 28759. Any violation of the effluent limitations provided in this paragraph shall be reported immediately to
the Director of Enforcement Division, United States Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30303.

The "daily average" concentration means the arithmetic average (weighed by flow) of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighed by flow value) of all the samples collected during that calendar day.

The "daily maximum" concentration means the daily determination of concentration for any calendar day.

9. Within 30 days from the date of this Decree defendants shall apply to the appropriate Federal agency or agencies for any necessary permits for contemplated discharge during construction activities and shall meet the conditions outlined in paragraph 8, until such permits are issued or denied.

10. The temporary restraining order heretofore entered by this Court on December 21, 1973, and the preliminary injunction heretofore entered by this Court on January 11, 1974, are hereby dissolved.

11. Defendants are hereby authorized and permitted, from this date forward, to proceed with development activities on the property described hereinabove in any manner not inconsistent with the terms of this Final Decree. This Decree shall not be interpreted to affect, excuse, relieve, or modify any legal obligation of the defendants to comply with any requirements validly imposed by any applicable Federal or State laws or any local ordinances.

12. The provisions of this Decree shall apply to and be binding upon the parties to this action, their officers, agents, servants, employees,
successors, and assigns, and upon all those in active concert or participation with those who receive actual notice of this Decree by personal service or otherwise.

13. Jurisdiction is retained for the purpose of enabling any party to this Decree to apply to this Court at any time for such further orders and directions as may be necessary for the construction or, carrying out of this Decree, or for the modification or termination of any of the provisions herein, or for the enforcement of compliance herewith.

Entered this 27th day of March, 1974.

[Signature]
UNITED STATES DISTRICT JUDGE
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

W. LANGSTON HOLLAND; ROBERT D. WRAY; KIRK T. PIERCE; LEWIS H. KENT; ROBERT D. WRAY CONSTRUCTION COMPANY; GEORGE F. YOUNG, INC.; C. E. PIERCE
CONSTRUCTION COMPANY,

Defendants.

Civil Action No. 73-623-Civ.T.

This cause having come before this Court for final disposition pursuant to a stipulation and joint motion by the Government and all Defendants herein for Consent Judgment, and this Court being fully advised in the premises, it is hereby, ORDERED AND ADJUDGED as follows:

1. Jurisdiction is founded upon Section 1319(b), Title 33, United States Code.

2. Defendants reside and conduct business within the Middle District of Florida.

3. The activities upon which this action is based were conducted on property known as Harbor Island Development on Papy's Bayou, St. Petersburg, Pinellas County, Florida, the boundary lines of which are shown on the attached Survey Plat No. 14021A by George F. Young, Inc. Revision dated February 1, 1974.

4. On the property described hereinabove, Defendants have discharged pollutants into waters of the United States in violation of Section 1311(a), Title 33, United States Code.
5. Defendants shall perform all work necessary to allow establishment of 78.6 acres as mangrove preserve areas consistent with proper environmental planning, preservation, restoration, and ecological considerations. The mangrove preserve areas referred to are colored green and striped with dark parallel lines on the survey plat attached hereto. Defendants shall commence to create said preserve areas within 30 days from the date of this order, and shall complete all necessary contouring and debris removal in those areas within three months from the date of this order. The dikes withholding tide waters from the preserve areas shall then be removed after consultation with and approval of the United States Environmental Protection Agency and the United States Army Corps of Engineers.

6. A twenty-five foot buffer zone having a gentle slope no greater than one foot vertical rise to four feet horizontal shall fringe all mangrove preserve areas, except those areas which are separated from retention ponds by an earthen berm or dike.

7. The mangrove preserve areas shall remain as natural environmental areas in perpetuity. Defendants shall take the necessary legal precautions to insure that the mangrove preserve areas are properly protected from lawful destruction by present and future owners of this property.

8. Should construction activities necessitate the discharge of water from any retention pond, Defendants shall insure that total suspended solids shall not exceed concentrations of 30 parts per million as a "daily average," nor shall total suspended solids exceed concentrations of 50 parts per million as a "daily maximum."
Defendants shall measure total suspended solids concentrations at the point of discharge on at least one day in every two week period. Sample analysis shall be in compliance with methods of analysis specified in 40 C.F.R. §136.3, 38 Fed. Reg. 28759. Any violation of the effluent limitations provided in this paragraph shall be reported immediately to the Director of Enforcement Division, United States Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

The "daily average" concentration means the arithmetic average (weighed by flow) of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighed by flow value) of all the samples collected during that calendar day.

The "daily maximum" concentration means the daily determination of concentration for any calendar day.

9. Within 30 days from the date of this order Defendants shall apply to the appropriate Federal agency or agencies for any necessary permits for discharges of pollutants during construction activities and shall meet the conditions outlined in paragraph 8, until such permits are issued or denied.

10. The temporary restraining order heretofore entered by this Court on December 21, 1973, and the preliminary injunction heretofore entered by this Court on January 11, 1974, are hereby dissolved.
11. Defendants are hereby authorized and permitted, from this date forward, to proceed with development activities on the property described hereinabove in any manner not inconsistent with the terms of this Final Judgment. This decree shall not be interpreted to affect, excuse, relieve, or modify any legal obligation of the Defendants to comply with any requirements validly imposed by applicable Federal or State laws or any local ordinances.

12. The provisions of this Decree shall apply to and be binding upon the parties to this action, their officers, agents, servants, employees, successors, and assigns, and upon all those in active concert or participation with those who receive actual notice of this Decree by personal service or otherwise.

13. Jurisdiction is retained for the purpose of enabling any party to this Decree to apply to this Court at any time for such further orders and directions as may be necessary for the construction or carrying out of this Decree, or for the modification or termination of any of the provisions herein, or for the enforcement of compliance herewith.

DATED:

We hereby consent to the entry of the foregoing Final Judgment.

THE UNITED STATES OF AMERICA, Plaintiff

BY:

WALLACE H. JOHNSON
Assistant Attorney General
Department of Justice
JOHN L. BRIGGS
United States Attorney

By: 
ANTHONY J. LESPADA
Assistant United States Attorney

W. LANGSTON HOLLAND, et al,
Defendants

By: Thomas W. Clark
CASE #19-32000012

EXHIBIT G
The community will also provide 650 attached condominium units in two groups. The first group of 400 units will contain 800 - 1100 square feet and will consist of two bedrooms and one bathroom. A second type consisting of 250 condominium units will offer the resident the option of maintaining the yard area immediately surrounding his unit. These residences will be from 950 to 1250 square feet and will contain two or three bedrooms and two bathrooms.

DESCRIPTION OF COMMON FACILITIES AND AREAS

The Developer will provide open "green areas" for the use of all residents at locations throughout the community. These green areas, in addition to the roads within the community will be owned by the Placido Bayou Community Association, which is comprised of the owners of the dwellings within the development. One large lake with connecting waterways will be created on the property for the use of all residents. Additionally, a path system is planned which can be utilized for walking, jogging, and cycling.

The Developer will also provide pool areas scattered throughout the community. Use of a particular pool area will be limited to those residents whose dwelling is located in the individual section in which the pool is located.

ANTICIPATED COMPLETION

The date of anticipated completion of all facilities is January 1, 1997. The Developer is committed to build all of the facilities described in the paragraph next above.

RESTRICTIONS

Each purchaser and resident of a residence in Placido Bayou will be bound by the terms of the Master Declaration of Covenants, Conditions, Restrictions, and Easements recorded for Placido Bayou. A copy of this Master Declaration is attached hereto as Exhibit "A". Each purchaser and resident of a condominium unit in Placido Bayou will also be bound by the Declaration of Condominium for the particular condominium in which his unit is located. In addition, the use of the land is restricted by local zoning ordinances, utility easements, and Contract for Mutual Easements, dated September 5, 1957, between Garden Grove Villas, Inc., Irving Green, joined by his wife, Beatrice Green and Arthur D. Miller, as Trustee, recorded in Official Record Book 172, Page 241, Public Records of Pinellas County, Florida.

UTILITY SERVICES

Utility services for Placido Bayou will be provided to each home as follows:

- Telephone - General Telephone Company
- Electricity - Florida Power Corporation
- Sewer - City of St. Petersburg
- Water - City of St. Petersburg
- Garbage - City of St. Petersburg or private company
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TO

MASTER DECLARATION OF COVENANTS, CONDITIONS
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PLACIDO BAYOU

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MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS

OF

PLACIDO BAYOU

THIS DECLARATION made this ______ day of __________, 19_____, by LLOYD E. WILLIAMS, JR., J.K. FINANCIAL CORPORATION, a Florida corporation, and ROBERT P. CRISP, doing business as CRISP/WILLIAMS JOINT VENTURE, a Florida joint venture (collectively the "Developer").

W I T N E S S E T H:

WHEREAS, Developer is the owner of the real property described in Article II of this Declaration and desires to create thereon a residential community with open spaces, and other common facilities for the benefit of such community, which community has been named "Placido Bayou" by the Developer; and

WHEREAS, Developer desires to provide for the preservation of the values and amenities in the community and for the maintenance of the common properties; and to this end, the Developer desires to subject the real property described in Article II to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of such property and each owner of such property; and

WHEREAS, Developer has deemed it desirable, for the efficient preservation of the values and amenities in the community, to create an entity to which should be delegated and assigned the powers of maintaining and administering the community properties and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created and

WHEREAS, the Developer has incorporated under the laws of the State of Florida as a not for profit corporation PLACIDO BAYOU COMMUNITY ASSOCIATION, INC. for the purposes of exercising the functions stated above, which Association is not intended to be a "Condominium Association" as such term is defined and described in the Florida Condominium Act (Chapter 718 of the Florida Statutes).

NOW, THEREFORE, the Developer declares that the real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth.

ARTICLE I

DEFINITIONS

The following words when used in this Master Declaration of Covenants, Conditions, Restrictions, and Easements of Placido Bayou (hereinafter called "Declaration") shall have the following meanings:

(a) "Articles" shall mean and refer to the Articles of Incorporation of the Association.
(b) "Association" shall mean and refer to the Placido Bayou Community Association, Inc., its successors and assigns, whose purpose is to administer The Properties in accordance with the provisions of this Declaration and the governing documents of the Association.

(c) "Board" shall mean and refer to the Board of Directors or other representative body responsible for administration of the Association.

(d) "By-Laws" shall mean and refer to the By-Laws of the Association.

(e) "Common Properties" shall mean and refer to those areas of land shown on any recorded subdivision plat of The Properties and intended to be devoted to the common use and enjoyment of the owners of The Properties. Common Properties on the Plat shall include, but not be limited to, the following: security shelter and/or equipment, common dock areas, green spaces, lakes, roads, common parking areas, paths, as well as any additional parcels of land on the Plat as the Developer may from time to time designate as Common Properties. Notwithstanding the above, no portion of the Condominium Properties, as that term is defined hereinbelow, shall be deemed to be Common Properties.

(f) "Condominium Unit" shall mean and refer to a Living Unit which is located in a Section of The Properties which has been submitted to the condominium form of ownership.

(g) "Condominium Unit Owner" shall mean and refer to the Owner of a Condominium Unit.

(h) "Developer" shall mean and refer to LLOYD E. WILLIAMS, JR., J.K. FINANCIAL CORPORATION, a Florida corporation, and ROBERT P. CRISP, doing business as CRISP/WILLIAMS JOINT VENTURE, a Florida joint venture, and its successors and assigns.

(i) "First Mortgagee" shall mean and refer to an Institutional Lender who holds a first mortgage on a Lot and who has notified the Association in writing of its holdings.

(j) "Institutional Lender" shall mean and refer to one or more commercial or savings banks, savings and loan associations, mortgage companies, insurance companies, pension funds, or business trusts, including but not limited to real estate investment trusts, and any other lender engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such lender, or any private or governmental institution which has insured the loan of the lender or any combination of the foregoing entities.

(k) "Lakes" shall mean and refer to those certain areas shown as lakes on the Plat.

(l) "Land Use Documents" shall mean and refer to this Declaration, the Articles, the By-Laws, the Rules, and any additional easements recorded as to The Properties.

(m) "Limited Common Properties" shall mean and refer to those areas which are reserved for the use of a certain Living Unit or Living Units to the exclusion of other Living Units as more particularly described in Article IV hereinbelow.

(n) "Living Unit" shall mean and refer to any portion of a building situated upon The Properties designed
and intended for use and occupancy as a residence by a Single Family. By way of example but not limitation, the term "Living Unit" shall include a Townhouse Unit, Patio Unit, and a Condominium Unit.

(o) "Lot" shall mean and refer to that portion of land shown upon any recorded subdivision of The Properties which has been designated by the Developer to contain a Living Unit. For purposes of this Declaration and the other Land Use Documents, whenever more than one Living Unit is located upon a Lot, the term "Lot" shall mean "Living Unit".

(p) "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article III, Section 1 hereof.

(q) "Notice" shall mean and refer to:

(1) Written notice delivered personally or mailed to the last known address of the intended recipient, in the manner set forth in the By-Laws of the Association; or

(2) Notice published at least once each week for two consecutive weeks in a newspaper having general circulation in Pinellas County; or

(3) Notice given in any other manner provided in the By-Laws of the Association.

(r) "Open Space" shall mean and refer to those areas of The Properties which constitute open area, clear from the ground upward, devoid of residential and commercial buildings, accessory structures and impervious areas.

(s) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a vested, present interest in any Living Unit but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to a mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

(t) "Patio Unit" shall mean and refer to a Living Unit which is located in a Section designated for single family detached dwellings.

(u) "Periodic Assessment" shall mean and refer to a share of the funds required for the payment of expenses properly incurred by the Association for construction, installation, improvement, maintenance, repair, and such other obligations as are required by this Declaration.

(v) "Plat" shall mean and refer to the plat(s) referred to in Exhibit "A".

(w) "The Properties" shall mean and refer to all property which is subject to this Declaration under the provisions of Article II hereof.

(x) "Roads" shall mean and refer to those private streets, roads, terraces, drives, cul-de-sacs, courts, and avenues including the entire rights-of-way as designated and set forth on the Plat.

(y) "Rules" shall mean and refer to any and all rules and regulations of the Association promulgated by the
Board pursuant to its powers under this Declaration or any other "Land Use Document".

(z) "Section" shall mean and refer to the division of The Properties into the parcels which are designated and labelled on Exhibit "B" attached hereto and by this reference made a part hereof, and as Exhibit "B" may be amended from time to time.

(aa) "Special Assessment" shall mean and refer to an assessment, other than a Periodic Assessment, made for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a capital improvement, or for other purposes deemed appropriate by the Association.

(bb) "Single Family" shall mean and refer to either a single person occupying a Living Unit and maintaining a household, or two (2) to six (6) persons related by blood, marriage, or adoption occupying a Living Unit and living together and maintaining a common household, or not more than four (4) unrelated persons occupying a Living Unit.

(cc) "Townhouse Unit" shall mean and refer to a Living Unit which is located in a Section designated for townhouse dwellings.

(dd) "Turnover" shall mean and refer to that date on which the Turnover meeting described in Article III, Section 3 hereinbelow is conducted.

(ee) "Unimproved Lot" shall mean and refer to a Lot owned by the Developer for which a certificate of occupancy or completion for a Living Unit has not been issued by the appropriate governmental authority and which has not been conveyed by the Developer to a Class "A" Member or a Class "B" Member.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

The real property which initially is, and shall be, held, transferred, sold, conveyed and occupied subject to this Declaration is located in the City of St. Petersburg in Pinellas County, Florida, and is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof. Developer reserves the right to make such changes and/or modifications to the Plat as are required by appropriate governmental authorities.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS IN
THE ASSOCIATION; TURNOVER

Section 1. Membership. Every person or entity who is a record owner of a recorded vested interest in any Lot which is subject by covenants of record to assessment by the Association shall be a Member of the Association, provided that any such person or entity who holds an interest merely as security for the performance of an obligation shall not be a Member.

Section 2. Voting Rights. The Association shall have three (3) classes of voting membership:

(a) Class "A" - Class "A" Members shall be all those owners as defined in Section 1 with the exception of the Devel-
operand the Condominium Unit Owners. Class "A" Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Section 1. When more than one person holds such interest or interests in any Lot, all such persons shall be Members, and the vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such Lot. The By-Laws may establish procedures for voting when the title to a Lot is held in the name of a corporation or other entity.

(b) Class "B" - The Class "B" Members shall be the Condominium Unit Owners. Class "B" Members shall be entitled to one vote for each Condominium Unit in which they hold the interest required for membership by Section 1. When more than one person holds such interest or interests in any Condominium Unit, all such persons shall be Members and the vote for such Condominium Unit shall be exercisable as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any such Condominium Unit. The Bylaws may establish procedures for voting when the title to a Condominium Unit is held in the name of a corporation or other entity.

(c) Class "C"

(i) The Class "C" Member shall be the Developer. The Class "C" Member shall be entitled to one (1) vote for each Lot in which it holds the interest required for membership by Section 1.

(ii) Notwithstanding any provision in this Declaration to the contrary, the Developer shall have the right to elect or appoint a majority of the Board until the occurrence of either of the following events:

(1) All Lots in the Development have been sold and conveyed by the Developer to third parties.

(2) The Developer in its sole discretion relinquishes its right to elect or appoint a majority of the Board.

(3) When some of the Lots have been sold and conveyed by the Developer to third parties and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business.

Upon the occurrence of either (1), (2), or (3) of this Subsection (c)(ii), the then existing Members shall be obligated to elect the Board and assume control of the Association.

Section 3. Turnover. Prior to ninety (90) days after the happening of the earlier of the events described in Subsection (c)(ii)(1), (2), or (3) hereinabove, the Association shall conduct a special meeting of the Membership (the "Turnover Meeting") for the purpose of electing officers and directors. Provided, however, that so long as the Developer is the Owner of one Lot, the Developer shall be entitled to appoint one (1) member of the Board.

Section 4. Additional Membership Categories. The By-Laws may provide for additional membership categories, which categories shall not have any voting privileges. The term "Member" or "Membership" as used in the Land Use Documents shall not apply to any such additional membership categories.
The By-Laws shall provide for the rights and obligations of any additional membership categories.

ARTICLE IV

PROPERTY RIGHTS IN THE COMMON PROPERTIES

Section 1. Title to Common Properties. The Developer may retain the legal title to the Common Properties until such time as it has completed improvements thereon and until such time, as in the opinion of the Developer, the Association is able to maintain the Common Properties; but notwithstanding any provision herein, the Developer hereby covenants for itself, its successors and assigns that it shall convey (and the Association shall accept such conveyance) the Common Properties to the Association no later than the date upon which Turnover of the Association takes place.

Section 2. Members' Easements of Use and Enjoyment. Subject to the provisions of Section 3 and the additional provisions of this Declaration, every Member, his agents, and invitees, shall have a permanent and perpetual easement for the use and enjoyment of the Common Properties, and each easement shall be appurtenant to and shall pass with the title to every Lot. Such easements of use and enjoyment shall include but not be limited to the Members' right of ingress and egress over the Roads and walkways on the Common Properties for purposes of access to a Lot or Living Unit, which right of ingress or egress shall not be subject to suspension as described in Section 3(b) below.

Section 3. Limitation of Members' Easements. The rights and easements of use and enjoyment created hereby shall be subject to the following:

(a) the right of the Developer and of the Association, in accordance with its Articles and By-Laws, to make Periodic Assessments and Special Assessments for maintaining and improving The Properties and to mortgage the Common Properties and Limited Common Properties for the purpose of raising funds for the maintenance and improvement of The Properties; and

(b) the right of the Association, as provided in the Articles and By-Laws, to suspend the use and enjoyment rights of any Member for any period during which any assessment remains unpaid, or for a period that may be determined by the Board for any violation of this Declaration, the Articles, the By-Laws or the Rules; and

(c) the right of the Association to dedicate or transfer all or any part of the Common Properties or Limited Common Properties to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the Members; provided that no such dedication or transfer, determination as to purposes or as to the conditions thereof, shall be effective unless an instrument is executed by the appropriate officers of the Association certifying that a special or regular meeting of Members called for such purpose was held; that thirty (30) days Notice was provided to each Member; and that a vote of two-thirds (2/3) of the Members present, either in person or by proxy, was obtained, agreeing to such dedication or transfer; and

(d) the right of the Developer, without approval of the Association or the Membership, to add to or delete parts of the Common Properties and the Limited Common Properties and
to dedicate easements and rights-of-way over the Common Properties and Limited Common Properties in accordance with the terms of this Declaration; and

(e) the right of the Association to adopt and enforce at any time rules and regulations governing the use of the Common Properties or the Limited Common Properties and all facilities situated thereon, including the right to fine Members as provided in Article V of this Declaration. Any rule or regulation so adopted shall apply until rescinded or modified as if originally set forth in this Declaration.

(f) the reservation of use of the Limited Common Properties to certain Living Units as specified in Section 4 next below.

Section 4. Limited Common Properties. The Limited Common Properties shall be the pool areas as shown in Exhibit "B" ("Pools"). Use of the Pools is reserved to the exclusive use and enjoyment of the Owners of Lots in the Section in which the Pool is located, their guests, invitees, lessees, successors and assigns. Notwithstanding anything to the contrary contained herein, the Pools located in the Condominium Properties, as defined in Article VII hereinbelow, shall not be deemed Limited Common Properties. Certain other areas may be designated by the Developer to be Limited Common Properties, in which case use of such areas will be reserved to the exclusive use and enjoyment of the Owners designated by the Developer, their guests, invitees, lessees, successors and assigns.

Section 5. Utility, Drainage, and Irrigation Easements. There is reserved unto the Developer so long as it owns any portion of The Properties and to the Association the right to grant reasonable easements for the installation and maintenance of temporary roads, cable television services, security system services, public utilities (including but not limited to water, sewer, electric, gas and other utility services, both publicly and privately operated), irrigation systems (including the installation of irrigation pumps) and drainage systems (including the installation of drainage pipes and ditches) on The Properties.

Section 6. Easement for Governmental, Health, Sanitation and Emergency Services. A non-exclusive easement is hereby granted to the appropriate governmental authorities and to the appropriate private organizations supplying health, sanitation, police services and any emergency services such as fire, ambulance and rescue services, for purposes of ingress and egress over the Common Properties and the Limited Common Properties.

Section 7. Easement for Security Services. The Developer so long as it owns any portion of The Properties and the Association shall have the right to construct, improve, repair, and maintain a security guardhouse at the entranceway of The Properties to insure access to The Properties solely by the persons or entities permitted under this Declaration. The Developer and the Association shall likewise have the authority to hire security personnel or contract with a security firm to provide security services throughout The Properties, and in that regard the Developer, the Association, and any such security firm or personnel shall have a right of access throughout The Properties, except the Living Units, to provide such security services.

Section 8. Construction, Maintenance, and Repair of Easements. The Association shall assess the Members to provide the Association with sufficient funds to enable the Associa-
tion to repair, maintain and, where applicable, construct the improvements to be constructed incident to the easements provided for herein and any other easements hereafter granted pursuant to this Declaration. All construction, improvements, maintenance or repairs of the easement areas shall be made in a first class manner and shall be in keeping with the general aesthetic standards of The Properties. The Association shall have a right of ingress and egress over The Properties to perform any such construction, maintenance, or repairs.

Section 9. Restricted Use. The use of any easement created hereunder and any other easements hereafter granted pursuant to this Declaration shall be subject to any and all rules and regulations of the Association and to the terms and provisions of this Declaration. The restrictions set forth in the preceding sentence shall not affect the Developer in any manner whatsoever, except as the Developer shall specifically permit in writing.

Section 10. Construction. The parties acknowledge that the Developer is presently developing and improving The Properties, including without limitation, the facilities contemplated by the various easements provided for in this Declaration; but such development and improvement will not be completed for a considerable period of time. The Association, on its own behalf and on behalf of the Owners, agrees that such construction is specifically consented to in such manner that the Developer shall determine in its sole discretion, and without the right of the Association or Owners to give any guidance or instruction thereto. The absolute right of the Developer to so develop The Properties shall include, without limitation, the right to develop and construct any facilities within the easement areas in the manner in which the Developer deems appropriate. In no event shall the Association or the Owners have the right to restrict or prevent such construction or development, whether under a theory of public or private nuisance or otherwise.

Section 11. Right to Obstruct Easements.

(a) The Developer so long as it owns any portion of The Properties and the Association shall have the right to obstruct any easement for a reasonable period of time incident to any construction, improvement, repair or maintenance performed by them on The Properties; provided that the Developer and the Association shall, in such event, use their best efforts to minimize the inconvenience or disruption of use of such easement by others entitled to use such easement.

(b) Except as provided in Subparagraph (a) hereinafter, in no event shall the persons or entities in whose favor easements are created or may be created under this Declaration permit obstruction of any easement or use of any easement for other than the permitted purposes.

Section 12. Relocation of Easements. The Developer so long as it owns any portion of The Properties and the Association shall have the right to relocate any easement (or portion thereof) created hereunder or which may be created at a later date pursuant to this Declaration, provided that the following conditions are met:

(a) In the event that the initial easement area was improved, said area shall be restored to its natural state at the cost and expense of the relocating party;
(b) In the event that the initial easement area was improved, the relocated easement area improvements shall be constructed in a comparable state and condition as that which existed in the initial easement area;

(c) The relocation of the easement shall not unreasonably prevent the use of the easement, as relocated, for the purposes for which it was initially created;

(d) The benefit of the easement, as relocated, for which it was initially created shall not be adversely affected;

(e) The prior written consent of the City of St. Petersburg shall be obtained as to any easement created under this Declaration which is in favor of the City of St. Petersburg; and

(f) The Developer or the Association, as applicable, shall execute an appropriate instrument in recordable form wherein it is agreed and specified that the particular easement is relocated from the initial area to an area described in such instrument, and such instrument shall be recorded in the public records of Pinellas County, Florida.

There shall be no legal necessity or requirement for the Owners, or their respective lessees, tenants, patrons, guests and invitees to execute or approve the legal format of the instrument referred to in Subparagraph (f) next above. Rather, the execution of such instrument solely by the Developer or the Association, as applicable, shall be conclusively and irrefutably sufficient to cause the applicable easement to be relocated to the relocated area described in such instrument, and the initial area for the easement shall no longer be affected in any manner whatsoever by such easement as relocated. The recordation of such instrument in the public records of Pinellas County, Florida, shall constitute constructive notice and knowledge to all third parties to the effect that all of the above conditions have been complied with and that such easement has been relocated as aforesaid. There shall be no limitation as to the number of times an easement may be relocated, provided that the conditions set forth in this Section 12 shall be complied with in each instance in which the easement is relocated.

Section 13. Nonexclusive Easements. Each easement created hereunder shall be (without the necessity of restating such herein) nonexclusive and perpetual for the limited purposes set forth herein and subject to all of the terms and conditions of this Declaration. The Developer so long as it owns any portion of The Properties or the Association shall have the right to grant any other easement over the same area so long as it does not unreasonably interfere with the easement first granted.

Section 14. Additional Easements. In the event that the Developer creates additional easements in The Properties in the future, it shall be conclusively presumed by virtue of the Association executing this Declaration that the Association has assumed all of the obligations and duties set forth in such easement which are designated in the easement to be performed by the Association.
ARTICLE V
COVENANT FOR ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. Except as hereinafter more fully provided, the Developer, for each Lot owned by it within The Properties, hereby covenants and each Owner of any Lot, by acceptance of delivery of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) Periodic Assessments; (2) Special Assessments for capital improvements and other expenditures that the Association deems appropriate, such assessments to be fixed, established, and collected from time to time as hereinafter provided; (3) Extraordinary Special Assessments as more specifically described hereinbelow. The Periodic, Special Assessments and Extraordinary Special Assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall also be the personal obligation of the owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents of The Properties and in particular for the improvement and maintenance of properties, services and facilities devoted to this purpose and related to the use and enjoyment of the Common Properties, the Limited Common Properties, the Lots and Living Units situated upon The Properties, including but not limited to, the payment of taxes and insurance on the Common Properties and the Limited Common Properties, and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

Section 3. Date of Commencement of "Periodic Assessments": Due Dates; Assessment Period. The Periodic Assessments provided for herein shall commence as to a Lot on the date of conveyance of such Lot by the Developer to a Class "A" Member or a Class "B" Member (hereinafter called the "Commencement Date"), and shall thereafter be due on the first day of every "Assessment Period" as this term is defined in the By-Laws of the Association.

Section 4. Periodic Assessments.

(a) In General - From the Commencement Date of Periodic Assessments until the Turnover Meeting, the initial Periodic Assessments for all Class "A" Members and Class "B" Members shall be established by the Developer. Except as hereinafter provided, no assessment shall be payable by the Class "C" Member.

Until the time of Turnover of the Association, the Developer shall not pay any Periodic Assessments or Special Assessments, but the Developer shall pay the difference in cost between the sum of all Periodic Assessments collected from Class "A" Members and Class "B" Members and the actual cost of operation of the Association. In the event of an increase in the actual cost of operation of the Association, the Developer may increase the Periodic Assessments prior to Turnover. Notwithstanding any provision that may be contained to the contrary in this Declaration, the Developer may at any time commence paying assessments as to Lots that it owns and thereby automatically terminate its obligation to fund deficits, but at any time thereafter the Developer may again elect
to follow the procedures specified in the two preceding sentences.

The Board, in accordance with the requirements for a change of a Periodic Assessment as provided in this Article V, may change the budget and level of Periodic Assessments at a duly constituted meeting of the Board which occurs after the Turnover. For each twelve-month period thereafter, commencing on the first day of January (hereinafter called the "Assessment Year"), the Periodic Assessments may be adjusted by vote of the Board as set forth in Section 6 of this Article.

(b) Class "A" Members - The Class "A" Members shall be responsible for paying Periodic Assessments as to the Common Properties and as to the Limited Common Properties which they are entitled to use. The Class "A" Members who are Owners of Lots in the Townhouse Properties shall also be responsible for paying Periodic Assessments as to the Townhouse Properties, exclusive of the Limited Common Properties.

(c) Class "B" Members - The Class "B" Members shall be responsible for paying Periodic Assessments as to the Common Properties. The Class "B" Members shall also be responsible for paying Periodic Assessments as to the Limited Common Properties which they are entitled to use.

Section 5. Special Assessments. Other than as provided in Section 11, in addition to the Periodic Assessments authorized by Section 3 hereof, the Board may levy in any Assessment Year a Special Assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a capital improvement upon the Common Properties, including the necessary fixtures and personal property related thereto, or for other purposes deemed appropriate by the Association. The due date of any Special Assessment under this Article shall be fixed in a resolution authorizing such assessment. Notwithstanding anything contained herein to the contrary, the Developer shall not be assessed for capital improvements without its written consent.

Section 6. Change in Amount of Periodic Assessment. Subject to the limitations of Sections 3 and 4 hereof and to the requirements of the Bylaws, and for the periods therein specified, the Board may change the amount of the assessments fixed by Section 4 hereof prospectively for any such period; provided a copy of the new budget outlining the assessment change is sent to all Members at least thirty (30) days prior to the effective date of the assessment change.

Section 7. Duties of the Board of Directors. The Board of Directors of the Association shall prepare a roster of The Properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any Owner. The Board shall mail or deliver to each Owner or other person designated in writing to receive such notice, a statement regarding the assessment for each Assessment Year at least thirty (30) days prior to the commencement of the Assessment Year. The Association shall, upon demand at any time, furnish to any Owner liable for said assessment a certificate in writing signed by an officer of the Association setting forth whether said assessment has been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8. Effect of Non-Payment of Assessment; the Personal Obligation of the Owner; the Lien; Remedies of Association.
tion; Late Fees; Resale Certificate. If the assessments are not paid on the date when due (being the dates specified in Section 3, Section 5 and Section 12 hereof), then such assess­ment shall become delinquent and shall, together with such in­terest thereon and cost of collection thereof as hereinafter provided, thereupon become a continuing lien on the property which shall bind such property in the hands of the then Owner, his heirs, devisees, personal representatives, and assigns. The personal obligation of the then Owner to pay such assess­ment, however, shall remain his personal obligation for the statutory period. Provided, however, no voluntary sale of any Living Unit shall be effective, nor shall any unencumbered title be conveyed unless and until the Seller has obtained from the proper officers of the Association a certificate, in recordable form, attesting to the fact that the Seller has paid all assessments to date. The Owner requesting the certi­ficate shall pay to the Association a reasonable sum to cover the costs of examining records and preparing the certificate. If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate established by the Board of Directors not to exceed the maximum legal rate of interest, and the Association may bring an action at law against the Owner personally obligated to pay the outstanding assessments and/or bring an action to foreclose the lien against the prop­erty; and there shall be added to the amount of such assess­ment all costs of collection, including, but not limited to, the cost of preparing and filing the complaint in such action, the cost of any and all attorneys' fees incident to collection whether or not suit is brought, including attorneys' fees on appeal, post judgment, or bankruptcy proceedings. In the event a judgment is obtained, such judgment shall include in­terest on the assessments as provided above and a reasonable attorneys' fee to be fixed by the Court, together with costs incident to the action. In addition to the foregoing remedies, the Board of Directors may assess a "Late Fee" of twenty per­cent (20%), compounded monthly, of the delinquent assessment for each Periodic, Special Assessment, or Extraordinary Spe­cial Assessment which is more than ten (10) days delinquent, for the purposes of helping defray collection costs.

Section 9. Subordination of the Lien to Mortga~es. The lien of the assessments provided for in this Declaration shall be subordinate to the lien of any First Mortgage now or here­after placed upon the property subject to assessment; pro­vided, however, that if a First Mortgagee of record, or othe­r purchaser, obtains title to such property as a result of fore­closure of the lien of such First Mortgagee or as a result of a deed given in lieu of foreclosure thereof, such acquirer of title and his successors and assigns shall not be liable for the assessments by the Association chargeable to the former Owner of such property which became due and payable prior to the acquisition of title as a result of the foreclosure or deed given in lieu of foreclosure, unless such assessments are secured by a claim of lien for assessments that is recorded prior to the recording of such mortgage. Such sale or tranfer shall not relieve such property from liability for any assess­ments thereafter becoming due, or from the lien of any such subsequent assessment; provided, however, that any such assess­ment shall be subordinate to the lien of a First Mortgage placed upon the property prior to the time of the recording of such subsequent assessment lien.

Section 10. Exempt Property. The following property sub­ject to this Declaration shall be exempt from the assessments charges and liens created herein: (a) all properties to the extent any easement or other interest therein is dedicated and
accepted by the local public authority and devoted to the public use; (b) and any Unimproved Lot retained by the Developer after Turnover of the Association to the Class "A" Members and Class "B" Members.

Section 11. Special Assessment for Capital Improvements. Funds in excess of $10,000.00 in any one case which are necessary for the addition of capital improvements (as distinguished from repairs and maintenance) relating to the Common Properties or Limited Common Properties under the jurisdiction of the Association and which have not previously been collected as reserves or are otherwise available to the Association shall be levied by the Association as Special Assessments only upon approval of a majority of the Board or upon approval by two-thirds (2/3) favorable vote of the Members voting at a duly constituted meeting of the Association.

Section 12. Extraordinary Special Assessments. In the event of unforeseen occurrences, emergencies or casualty loss indangering The Properties or any part of it or improvements thereon or the health, welfare, or safety of the Members and/or occupants of The Properties, the nature and extent of which require remedial action to be undertaken by the Association, the Board may impose an assessment to defray the costs thereon (herein referred to as an "Extraordinary Special Assessment"). The powers and authority herein granted are in contemplation and recognition of the fact that provisions to respond to such unforeseen occurrences, emergencies, or casualty loss may not have been anticipated or provided for in the budget of the Association upon which regular assessments are based. The due date of any Extraordinary Special Assessment shall be fixed in the resolution authorizing such assessment.

ARTICLE VI

INSURANCE

Property and Casualty Insurance on the Common Properties, the Limited Common Properties and the exterior of the Townhouse Units shall be maintained through the Association in the manner set forth in the Bylaws. All damaged property shall be repaired and restored to its condition immediately prior to the casualty loss using the proceeds of the insurance. In the event that the insurance proceeds are inadequate to cover the costs of such repair and restoration, a Special Assessment shall be assessed against each Owner as provided for in this Declaration. In the event that the insurance proceeds are greater than the amount required to repair and restore the damage, the excess shall be deposited with the Association for the operation of the Association and/or maintenance of The Properties.

The Association shall maintain public liability and property damage insurance covering the Common Properties and the Limited Common Properties in such amount as the Board may determine from time to time. The Association shall also purchase such other insurance as may be necessary on The Properties and for purposes of properly operating the Association. The Association may also purchase liability insurance covering the Association's directors and officers.

The premiums for all insurance policies purchased by the Association shall be deemed to be general expenses for the Association and shall be paid by the Members through the Periodic Assessments against each Lot, as provided in this Declar-
ation. The method of allocation of the insurance premiums among the Owners shall be determined by the Board.

Each Owner may obtain and shall be responsible for the payment for any additional insurance such Owner desires on his Lot or Living Unit or on any personal property contained within such Living Unit or on such Lot.

ARTICLE VII
MAINTENANCE RESPONSIBILITIES OF THE ASSOCIATION AND THE OWNERS

Section 1. Allocation of Maintenance Responsibilities. For the purpose of allocation of the responsibility for maintenance of The Properties, The Properties shall be divided into four (4) groups. The groups are as follows:

(a) Common Properties - The extent of these areas is defined in Article I, Section 1 hereinabove. The Association shall be responsible for maintenance of the Common Properties.

(b) Townhouse Properties - The "Townhouse Properties" are defined as the Sections containing Townhouse Units, exclusive of the Common Properties. As to the Townhouse Properties the Association shall be responsible for maintenance of the Limited Common Properties, the grounds, and the exterior of the Living Units as it deems necessary in its sole discretion, including but not limited to the following: painting, repairs, replacement and care of roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks and exterior improvements. The Association shall also have the responsibility for maintaining all fences and gates. Notwithstanding the above, the Owner, not the Association, shall have the responsibility for the maintenance of any ground or yard which is enclosed by any wall or fence on a Lot.

(c) Patio Home Properties - The "Patio Home Properties" are defined as the Sections containing Patio Units, exclusive of the Common Properties. As to the Patio Home Properties the Association shall be responsible for maintenance of the Limited Common Properties. The Owner, not the Association, shall have the responsibility for maintenance of his own Lot and the exterior of his own Patio Unit, including but not limited to the following: painting, repairs, replacement and care of roofs, shrubs, grass, walks, exterior improvements, walls, or fences.

(d) Condominium Properties - The "Condominium Properties" are defined as the Sections containing Condominium Units, exclusive of the Common Properties. The maintenance of the Condominium Properties shall be provided for in the declaration of condominium for each particular condominium.

Section 2. Access at Reasonable Hours. For the purpose solely of performing the maintenance authorized by this article, the Association, through its duly authorized agents or employees shall have the right to enter upon any Lot and the exterior of the Townhouse Units at reasonable hours on any day, all without liability or responsibility, criminal or civil, for trespass or other action.

Section 3. Maintenance of Common Properties. The Association shall provide maintenance of the Common Properties as it deems necessary in its sole discretion, including but not limited to, the following:
Section 4. Management Services. The Association may contract for the management of all or part of The Properties for purposes of carrying out all or a portion of the maintenance services provided for in this Declaration.

Section 5. Standard of Maintenance. The Owners shall perform their maintenance responsibilities as provided for herein so that any areas for which they have responsibility are preserved in a condition equal to the general condition of The Properties. The Association shall ensure that the Owners meet their maintenance responsibilities by utilization of the enforcement procedures provided hereinbelow.

Section 6. Enforcement of Maintenance by Owner.

(a) Architectural Control Group - The proper maintenance of Living Units by Owners in cases in which the Owner is responsible for such maintenance shall be enforced by the Architectural Control Group ("ACG"). The Association may contract with a management company for the purposes of enforcing the Owners' maintenance responsibilities, in which case the ACG shall consist of no less than three (3) persons, none of whom must be Owners, appointed by such management company. In the event that the Association does not contract with a management company or in the interim period between the termination of one management contract and the commencement of a subsequent management contract, the Board shall constitute the ACG. In addition to the responsibilities described in this Article VII, the ACG shall have the responsibilities described in Article VIII hereinbelow. The ACG shall meet from time to time as necessary to perform its duties hereunder. The ACG may from time to time, by resolution unanimously adopted in writing, designate an ACG representative (who may, but need not, be one of its members) to take any action or perform any duties for and on behalf of the ACG, except the granting of variances pursuant to Article VIII, Section 5 hereinbelow. In the absence of such designation, the majority vote of the ACG shall constitute an action of the ACG.

(b) Enforcement by the ACG - If the ACG finds that an Owner is not complying with his maintenance responsibilities as to his Living Unit, the ACG shall notify the Owner in writing of such noncompliance, specifying the particulars of the noncompliance, and requiring the Owner to remedy the same. The Owner shall remedy the noncompliance within thirty (30) days of the notice of noncompliance. If the Owner does not comply with the ACG's order, the ACG shall proceed to remedy the noncompliance, and the Owner shall reimburse the Association upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the
Owner to the Association, the Board shall levy a Special Assessment against the Owner for reimbursement.

Section 7. Aesthetic Easement. Each Owner of a Patio Unit shall have an aesthetic easement as to any wall of another Owner's Patio Unit if such wall is contiguous and parallel to the lot line between their Lots, and if such wall is meant to complement the benefited Lot's Patio Unit. The aesthetic easement shall include only the right to paint and make surface changes in the affected wall. No structural changes to the affected wall shall be made. Prior to affecting any changes pursuant to this Section 7, the Owner shall submit any proposed changes to the ACG. The ACG shall apply the procedures described in Article VIII hereinbelow to any proposed or completed changes.

Section 8. Utility Services. The Association may contract with public or private utility companies for purposes of supplying utility services to The Properties and may assess the costs and expenses charged by such utility companies as part of the Periodic Assessments or as a Special Assessment.

ARTICLE VIII
ARCHITECTURAL CONTROL

Section 1. Review of Proposed Construction. Subject to Section 6 hereinbelow, no building, fence, wall or other structure or improvement (including landscaping, except landscaping on areas enclosed by fences or walls on a Lot) shall be commenced, painted or maintained on The Properties, nor shall any addition, change or alteration visible from the exterior be made, nor shall any awning, canopy or shutter be attached to or placed upon outside walls or roofs of buildings or other improvements, until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to, and approved in writing by the ACG. The ACG shall approve proposals or plans and specifications submitted for its approval only if it deems that the construction, alterations or additions contemplated thereby in the locations indicated will not be detrimental to the appearance of The Properties as a whole, and that the appearance of any structure affected thereby will be in harmony with the surrounding structures and is otherwise desirable. The ACG shall take into consideration the aesthetic aspects of the architectural designs, placement of buildings, landscaping, color schemes, exterior finishes and materials, and similar fixtures. However, the ACG shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformity with building or other codes. The ACG may condition its approval of proposals, plans, and specifications as it deems appropriate, and may require submission of additional plans and specifications or other information prior to approving or disapproving material submitted. The ACG may also issue rules or guidelines setting forth procedures for the submission of plans for approval. The ACG may require such detail in plans and specifications submitted for its review as it deems proper. Until receipt by the ACG of any required plans and specifications, the ACG may postpone review of any plans submitted for approval. The ACG shall have thirty (30) days after delivery of all required materials to approve or reject any such plans, and if not rejected within such 30 day period, said plans shall be deemed approved. All changes and alterations shall also be subject to all applicable permit requirements and to all applicable govern-
mental laws, statutes, ordinances, rules, regulations, orders and decrees. Any decision of the ACG pursuant to this Section 1 or Section 5 hereinbelow may be appealed to the Board within fifteen (15) days from the date of rendition of the decision of the ACG pursuant to procedures established by the Board; provided that when the Board is acting as the ACG, its decisions may not be appealed.

Section 2. No Waiver of Future Approvals. The approval by the ACG of any proposals, or plans and specifications, or drawing for any work done or proposed, or in connection with any other matter requiring the approval and consent of the ACG, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or other matters subsequently or additionally submitted for approval or consent.

Section 3. Services of Professionals. The ACG shall have the power to engage the services of professionals for compensation for purposes of aiding the ACG in carrying out its functions.

Section 4. Inspection of Work. Inspection of work and correction of defects therein shall proceed as follows:

(a) Upon the completion of any work for which approved plans are required under this Article VIII, the applicant (the "Applicant") shall give written notice of completion to the ACG.

(b) Within sixty (60) days thereafter, the ACG or its duly authorized representative may inspect such improvement. If the ACG finds that such work was not effected in substantial compliance with the approved plans, it shall notify the Applicant in writing of such noncompliance within said sixty (60) day period, specifying the particulars of noncompliance, and shall require the Applicant to remedy the same.

(c) (1) If a management company is acting as the ACG the following procedures shall be applicable:

If, upon the expiration of thirty (30) days from the date of such notification, the Applicant shall have failed to remedy such noncompliance, the ACG shall notify the Board in writing of such failure. The Board shall then determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Applicant shall remedy or remove the same within a period of not more than forty-five (45) days from the date of announcement of the Board ruling. If the Applicant does not comply with the Board ruling within such period, the Board, at its option, may remove the noncomplying improvement or remedy the noncompliance, and the Applicant shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Applicant to the Association, the Board shall levy a Special Assessment against such Applicant for reimbursement.

(2) Alternatively to Subsection (1) nextabove, if the Board is acting as the ACG the following procedures shall be applicable:
If a noncompliance exists, the Applicant shall remedy or remove the same within a period of not more than forty-five (45) days from the date of the notice of noncompliance. If the Applicant does not comply within such period, the Board, at its option, may remove the non-complying improvement or remedy the noncompliance, and the Applicant shall reimburse the Association upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Applicant to the Association, the Board shall levy a Special Assessment against such Applicant for reimbursement.

(d) If for any reason the ACG fails to notify the Applicant of any noncompliance within sixty (60) days after receipt of said written notice of completion from the Applicant, the improvement shall be deemed to have been made in accordance with said approved plans.

Section 5. Variance. The ACG may authorize variances from compliance with any of the architectural provisions of this Declaration when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations require. The granting of such a variance must be evidenced in a writing which must be signed by at least two (2) members of the ACG. If such variances are granted, no violation of the covenants, conditions, and restrictions contained in this Declaration shall be deemed to have occurred with respect to the matters for which the variances were granted. The granting of such a variance shall not, however, operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provisions thereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting his use of the premises, including, but not limited to, zoning ordinances and set-back lines or requirements imposed by any governmental or municipal authority.

Section 6. Exemptions. The Developer shall be exempt from the provisions hereof with respect to alterations and additions desired to be effected by the Developer, and the Developer shall not be obligated to obtain ACG approval for any construction or changes in construction. The Condominium Unit Owners shall be exempt from the provisions of this Article VIII, but only so long as the condominium documents governing their Condominium Unit provide for review of proposed alterations and additions by a responsible committee or group similar in nature and functions to the ACG. If at any time such committee or group is abolished or ceases to function for a significant period, then the Condominium Unit Owners shall no longer be exempt from the provisions of this Article VIII. The governing body of each condominium, whether designated the condominium association, homeowners' association, or any other name, including any management company to which responsibility is delegated, shall not be exempt from the provisions of this Article VIII to the extent that it wishes to make alterations and additions to The Properties.

Section 7. Attorneys' Fees. For all purposes necessary to enforce this article, the Association shall be entitled to collect reasonable attorneys' fees, court costs and other expenses against the Owner of a Lot, including expenses of appellate review, whether or not litigation is instituted, and the Board may assess such amounts in the form of a Special Assessment.
ARTICLE IX

PERMITTED AND PROHIBITED USES

Section 1. Clothes and Drying Facilities. No outside clothesline or other outside clothes drying facility shall be permitted on the Lots either inside or outside of any fenced area.

Section 2. Trash Containers. All trash containers and the contents thereof shall be stored underground or in a screened-in area not visible from the street or adjoining Lots, or as otherwise required by the City of St. Petersburg. No Lot shall be used or maintained as a dumping ground for rubbish. For purposes of periodic trash removal, however, an Owner, within twenty-four (24) hours prior to pick-up, may place the covered trash containers at locations convenient for pick-up. All such covered trash containers shall be removed from the pick-up location by the Owner within twelve (12) hours of pick-up.

Section 3. Exterior Antenna. No exterior radio, television or other electronic device antenna shall be permitted on any Lot or Living Unit without the prior written approval of the ACG.

Section 4. Parking. The parking and storage of automobiles and other motor vehicles shall be limited to the driveways of Lots, parking garages, parking lots, and other paved surfaces designated by the Association. No commercial or recreational vehicle of any variety shall be parked or stored overnight on The Properties, unless approved by the ACG. By way of example but not limitation, this provision shall apply to boats, campers, trailers and vans, except those types of vans used as an everyday vehicle other than for commercial purposes. The Board is specifically authorized to promulgate additional rules and regulations pertaining to parking, and the Board is specifically granted by this Declaration the right to enforce this Declaration and the rules and regulations of the Board pertaining to parking by the towing of vehicles which are in violation.

Section 5. Signs. No sign of any nature whatsoever shall be erected or displayed upon any Lot or Living Unit except where express prior written approval of the size, shape, content and location thereof has been obtained from the ACG, which approval may be arbitrarily withheld, except that withholding of consent by the ACG for advertising and promotion of The Properties shall not be arbitrary or unreasonable.

Section 6. Additional Temporary or Permanent Structures. No structure of a temporary or permanent character, including but not limited to, basements, tents, shacks, garages, barns, or other out buildings shall be used or erected on any Lot without prior approval of the ACG.

Section 7. Animals. No animals of any kind shall be raised, bred or kept on any Lot or in any Living Unit; except that dogs, cats or other household pets may be kept subject to the following limitations: a) No dog, cat or other household pet may exceed twenty (20) pounds; b) Only two (2) household pets may be kept in each Living Unit, except that resulting litters may be kept for up to eight (8) weeks after birth; c) Animals may not be commercially bred or raised for sale; d) No dogs may be kept in any Condominium Unit.
Section 8. Commercial Activities. No Lot shall be used or occupied for any purpose other than as a residential dwelling by a Single Family, its household servants and guests. No business or commercial building shall be erected on any Lot, nor shall any business be conducted on any part thereof. This provision, however, shall not be deemed to prohibit the Association from acquiring any Lot within The Properties for such purpose as may be deemed necessary or beneficial for the Members, including, but not limited to, recreational purposes.

Section 9. Air Conditioning Units and Reflective Materials. No window or wall air conditioning units shall be permitted to be placed in a Living Unit unless the consent of the ACG is obtained. No Living Unit shall have aluminum foil placed in any window or glass door or any reflective substance placed on any glass, except as may be approved by the ACG for energy conservation purposes.

Section 10. Leases. No portion of a Lot or Living Unit (other than an entire Lot or Living Unit) may be rented. All leases shall be restricted to occupancy by a Single Family. All leases shall be on forms approved by the Association and shall provide that the Association shall have the right to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Articles, the ByLaws, or the Rules. Leasing of Lots and Living Units shall also be subject to the prior written approval of the Association, which approval shall not be unreasonably withheld. Owners wishing to lease their Lots and Living Units shall be required to place in escrow with the Association a sum as determined by the Board which may be used by the Association to repair any damage to The Properties resulting from acts or omissions of tenants. The Owner will be jointly and severally liable with the tenant to the Association for any amount in excess of such sum which is required by the Association to effect such repairs or to pay any claim for injury or damage to property caused by the negligence of the tenant. Any balance remaining in the escrow account, less an administrative charge as determined by the Board, shall be returned to the Owner within ninety (90) days after the tenant and all subsequent tenants permanently move out. The Association is hereby deemed the agent of the Owner for purposes of bringing any eviction proceedings deemed necessary by the Association. The Association and the Owner shall both have the right to collect attorneys' fees against any occupant or tenant in the event that legal proceedings must be instituted against such occupant or tenant for his eviction or for enforcement of the Land Use Documents, including fees for appellate review and post judgment proceedings. The Developer is exempt from the provisions of this section.

Section 11. Destruction of a Living Unit. In the event that any Living Unit is destroyed or removed for any cause whatsoever, any replacement must be with a Living Unit of a similar size and type. The plans and specifications for any new Living Unit must be approved, in writing, by the ACG.

Section 12. Mailboxes. The ACG shall approve the location, size, design and material of any mailbox, paperbox or other receptacle of any kind for use in the delivery of mail, newspapers, magazines or similar material to a Living Unit. In the event the United States Postal Service makes available delivery service of mail to individual Living Units the ACG may require that all mailboxes, paperboxes, or other such receptacles previously utilized by Owner be attached to dwellings in a form and manner acceptable to the ACG.
Section 13. Prohibition of Nuisances. No nuisance shall be allowed upon The Properties, nor shall any practice be allowed which is an unreasonable source of annoyance to Owners and occupants of Living Units or which will interfere with the peaceful possession and proper use of The Properties by the residents.

Section 14. Hazardous Materials. The Association may make reasonable rules and regulations restricting and prohibiting where necessary the use and storage of materials and equipment upon any portion of The Properties which under the circumstances may be considered hazardous.

Section 15. Variances. The ACG may grant variances to use restrictions 1 through 14 of this Article IX, in accordance with Article VIII.

Section 16. Additional Rules and Regulations. The Developer, until Turnover, and thereafter the Board, may establish such additional rules and regulations as may be deemed in the best interests of the Association and the Members.

Section 17. Right to Abate Violations. The Association or the Developer, prior to Turnover, and the Association thereafter, after reasonable notice and opportunity to cure a violation given to an Owner, may enter upon a Lot for the purpose of curing the violation. The cost thereof shall be charged against the Owner as a Special Assessment.

Section 18. Exemption for Developer; Developer’s Easements. The Developer, provided that it owns any Lot or Living Unit in The Properties shall be exempt from the provisions of this Article IX. In addition to the property rights granted in this Declaration to the Developer, as an Owner or otherwise, the Developer and its agents are extended the right to enter upon The Properties at any time and in any way reasonably necessary to allow the Developer to construct, sell, or promote The Properties, or to carry out any responsibility of the Developer to Owners in The Properties, including without limitation the right to maintain promotional signs, sales offices, and sales personnel on The Properties.

ARTICLE X
ENFORCEMENT PROVISIONS

Section 1. Rules and Regulations. The Board is specifically granted the power to pass rules and regulations for purposes of enforcing this Declaration.

Section 2. Enforcement - General. Failure of an Owner to comply with a provision in this Declaration or a provision in the By-Laws, Articles, or Rules shall provide the Association with the right to bring legal action in law or in equity, including but not limited to an action for injunctive relief, damages, or a combination thereof. All costs and expenses incurred by the Association in terminating or resolving a violation of this Declaration, inclusive of attorneys' fees for all services rendered (whether or not litigation and/or appeals are instituted) shall be the responsibility of the Owner determined by the Association to be in violation.
ARTICLE XI
GENERAL PROVISIONS

Section 1. Duration. The covenants, restrictions, and easements of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Association, or the Owner of any land subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of thirty (30) years from the date this Declaration is recorded, after which time the covenants and restrictions contained in this Declaration shall be automatically extended for successive periods of ten (10) years unless prior to the end of such thirty (30) year period, or each successive ten (10) year period, an instrument signed by the then Owners of two-thirds (2/3) of the Lots agreeing to terminate the covenants and restrictions at the end of such thirty (30) year or ten (10) year period has been recorded in the Public Records of Pinellas County; provided, however, that no such agreement to terminate the covenants and restrictions shall be effective unless Turnover shall have occurred and unless made and recorded at least ninety (90) days in advance of the effective date of such change.

Section 2. Enforcement. Enforcement of these covenants and restrictions shall be permissible by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 3. Severability. Invalidation of any one of these covenants or restrictions, or judgment, or court order shall in no wise affect any other provisions, which shall remain in full force and effect.

Section 4. Amendment. This Declaration may be amended from time to time by recording among the Public Records of Pinellas County, Florida, an instrument executed by the President and attested to by the Secretary of the Association, indicating that a meeting called for purposes of amendment was held, and that majority of the votes of all Members of the Association approved of such amendment; provided, however, that so long as the Developer owns a Lot in The Properties, no such amendment may be made without the consent of the Developer; and provided further that no such amendment shall affect or interfere with vested property rights previously acquired by an Owner or a First Mortgagee. The complete termination of the covenants and restrictions of this Declaration is governed by Section 1 of this article. Notwithstanding any provision contained in this Declaration to the contrary, the Developer, without the joinder or approval of the Association, the Board, the Membership, or any mortgagee of The Properties may record any amendment to this Declaration which is permitted by this Declaration to be made by the Developer without the approval of the Association, the Board, the Membership, or any mortgagee of The Properties.

Section 5. Temporary Committee. The Developer, prior to Turnover of the Association, at its sole discretion, may create temporary committees for the purpose of aiding in the transition of the Association from Developer control to control by the Membership.
Section 6. Conflict. This Declaration shall take precedence over conflicting provisions in the Articles and By-Laws, and the Articles shall take precedence over the By-Laws. In the event of a conflict between the provisions of this Declaration and the documents governing the Condominium Properties, the documents governing the Condominium Properties shall take precedence over this Declaration.

Section 7. Withdrawal. Anything herein to the contrary notwithstanding, the Developer reserves the absolute right to amend this Declaration at any time prior to Turnover, without prior notice and without the consent of any person or entity, for the purpose of removing certain portions of The Properties from the provisions of this Declaration.

Section 8. Indemnity. The Association hereby agrees to indemnify and hold the Developer harmless from any and all loss, damage, cost, claims, suits, liability or expenses, including reasonable attorneys' fees, by virtue of any of the following:

(a) Any default or breach by the Association of any of its obligations or responsibilities under this Declaration.

(b) Any injury or death of persons or damage to property caused by or arising out of any act or omission of the Association or the Owners or their respective lessees, tenants, patrons, guests or invitees on The Properties.

Section 9. Terms. As used herein the singular shall include the plural, the plural shall include the singular, and each gender shall include the others where the context so requires.

Section 10. Florida Contract. This Declaration shall be construed according to the laws of the State of Florida, regardless of whether this Declaration is executed by any of the parties hereto in other states or otherwise. In the event of litigation incident to this Declaration or any of the other Land Use Documents, the forum shall be in the appropriate court in the State of Florida.

Section 11. Acceptance. The Association by its execution of this Declaration acknowledges and agrees to abide by all of the terms and provisions of this Declaration.

IN WITNESS WHEREOF, this Declaration of Covenants, Conditions, Restrictions, and Easements has been signed by Developer, joined by the Association, the day and year first above set forth.

Signed, sealed and delivered in the presence of: CRISP/WILLIAMS JOINT VENTURE, a Florida joint venture

BY: LLOYD E. WILLIAMS, JR., a Partner

As to Lloyd E. Williams, Jr.
BY: J.K. FINANCIAL CORPORATION, a Florida corporation, a Partner

As to J.K. Financial Corporation

By Its President
Attest Its Secretary
(CORPORATE SEAL)

As to Robert P. Crisp

BY: ROBERT P. CRISP, a Partner

As to Placido Bayou Community Association, Inc.

By Its President
Attest Its Secretary
(CORPORATE SEAL)

STATE OF FLORIDA )
COUNTY OF PINELLAS )

The foregoing instrument was acknowledged before me this day of 1986, by LLOYD E. WILLIAMS, JR., as a partner of CRISP/WILLIAMS JOINT VENTURE, a Florida joint venture, on behalf of the joint venture.

Notary Public
(SEAL)

My Commission Expires:
CASE #19-32000012

EXHIBIT H
## Property Information
- **Address:** 1203 DARLINGTON OAK CIR NE
- **Location ID:** SAINT PETERSBURG, FL 33703-315
- **Parcel Identification Nbr:** 05/31/17/71920/005/0020
- **Zoning:** PLACIDO BAYOU COMMUNITY ASSN

## Case General Information
- **Case status:** CL CASE CLOSED
- **Reported date:** 11/07/2002
- **Default inspector:** LG LARRY GARMIZE 892-5153
- **Credit balance:** .00

## Owner Information
- **Owner name:** SHAMAS, EDWARD F *
- **Address:** 1203 DARLINGTON OAK CIR NE
- **City:** SAINT PETERSBURG, FL 33703-3132
- **Phone:** 0
- **Notice:** Y

## Violations
No violations exist

## Case Data

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## Active Inspections
No scheduled inspections exist

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<td>SPOKE WITH HOUSEKEEPER, JOHN PEAK, #528-1070 AT SITE, TRIED TO LEAVE MY CARD. HE DID NOT WANT IT. HE ALSO STATED SOMEONE FROM CITY HAS ALREADY INSPECTED FOR MANGROVES BEING TRIMMED, FOUND THAT THEY HAVE BEEN TRIMMED. TOOK (1) PHOTO.</td>
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<td>CALLED PAT CRISTY WITH COUNTY AT #464-4761, REPORTED MANGROVES CUT BEHIND THIS ADDRESS, LEFT THIS MESSAGE ON HER MACHINE.</td>
<td>12/24/2002</td>
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Property Information
Address: 1215 DARLINGTON OAK CIR NE
SAINT PETERSBURG, FL 337036315
Location ID: 158481
Parcel Identification Nbr: 05/31/17/71920/005/0050/
Old account number:
Zoning:
Subdivision: PLACIDO BAYOU COMMUNITY ASSN

Case General Information
Case status: CL CASE CLOSED
Status date: 5/01/2007
Case type: PERM PERMIT(S)
Reported date: 4/25/2007
Origination: CC CITIZEN COMPLAINT
Default inspector: IF IVAN FOUNTAIN 922-5472
Credit balance: .00
Disposition: Public
Pin number: 013461

Owner Information
Owner name: CARLSON, TIMOTHY P
Address: 1215 DARLINGTON OAK CIR NE
City: SAINT PETERSBURG, FL 337036315
Phone: 0
Notice: Y

Violations
Type: Status Location Quantity Date Established Date Resolved
No violations exist

Case Data
Description: TYPE USE SINGLE FAMILY
Plat sheet: C-26
Official records book: 09495/2215

Active Inspections
No scheduled inspections exist

Case narrative

COMPLAINT OF TREE REMOVAL WITHOUT PERMITS. NO OTHER INFORMATION PROVIDED. Time Stamp: 04/25/2007 03:13 PM

CDKOLBA

Violation comments

001 - INITIAL INSPECTION

UNABLE TO SEE ANY VIOLATION. LEFT DOOR HANGER. Time Stamp: 05/01/2007 08:08 AM

Board meeting comments

001 - TELEPHONE CONVERSATION

SPOKE WITH OWNER MARY WHO ADVISED THAT SHE HAD PEPPER TREES REMOVED. SHE ADVISED THAT CODES WAS CALLED OUT APPROX 10 YEARS AGO WHEN THEY LAST HAD PEPPER TREES REMOVED. Time Stamp: 05/01/2007 08:09 AM

Other action comments

002 - MISCELLANEOUS INFORMATION

Responding to an additional complaint about why the case was closed, Development Services staff Jimette Cook, Planner I, visited the property on 5/8/07 to investigate whether there was a violation. She spoke with the property owner and resident Marianne Carlson, who stated she had a professional contractor remove some Brazilian Pepper trees, just as a neighbor had this same service. She expressed a strong desire to maintain the preservation area by the removal of exotic and invasive plants and thought she was doing the right thing. The preservation area edge includes a large area of healthy Black Mangroves closer to the yard, and Red Mangroves further toward the water’s edge. It appeared that only Brazilian Pepper trees had been removed and cut down, leaving stumps about 2-3 inches above the ground. The branches were chipped and the mulch scattered on the ground. No herbicide was applied, but the cut edges were painted with black tar. Some re-sprouting has already begun. There was no disruption of the mangrove areas. The owner said that she has outdoor flood-lights for her dog and that might be what the complainant is seeing. She also related a recent incident where a neighbor across the water, perhaps the complainant, verbally accosted her husband who was kayaking in the water near the mangroves. Staff provided some written information on Brazilian Pepper management, along with a list of approved herbicides for use in and around water, and that without a follow-up of herbicide, the plants would quickly reemerge. The only issue is the City code requirement to obtain a permit PRIOR
<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Continued)</td>
<td>to any maintenance or activity in the preservation area. Obtaining the approval may have prevented the city getting involved in a complaint. She said she would most certainly contact us before she took any action in the preservation area again. There is no need for restorative action, other than the proper application of herbicide to prevent re-emergence. (JDM)</td>
<td>5/09/07</td>
</tr>
<tr>
<td>Land Management information</td>
<td></td>
<td>5/09/07</td>
</tr>
<tr>
<td>Legal description</td>
<td>PLACIDO BAYOU UNIT 6 BLK 5, LOT 5</td>
<td>5/09/07</td>
</tr>
<tr>
<td>Lien information</td>
<td></td>
<td>5/09/07</td>
</tr>
</tbody>
</table>
Property Information
Address: 1219 DARLINGTON OAK CIR NE
Location ID: SAINT PETERSBURG, FL 337036315
Parcel Identification Nbr: 05/31/17/71920/005/0060/
Zoning:
Subdivision: PLACIDO BAYOU COMMUNITY ASSN

Case General Information
Case status: CL CASE CLOSED
Status date: 1/30/2008
Case type: PROP PROPERTY MAINTENANCE
Reported date: 12/17/2007
Origination: IF IVAN FOUNTAIN 892-5472
Credit balance: .00
Disposition: Public
Pin number: 521668

Owner Information
Owner name: Houghton, Beth A
Address: 1219 DARLINGTON OAK CIR NE
City: SAINT PETERSBURG, FL 337036315
Phone: 0
Notice: Y

Violations
Type Status Location Quantity Date Established Date Resolved
No violations exist

Case Data
Description Data
TYPE USE SINGLE FAMILY
PLAT SHEET C-26
OFFICIAL RECORDS BOOK/PA 11225/0077
CEB AGENDA ITEM NUMBER
CEB ORDER DAYS
CEB ORDER FINE AMOUNT/DA
CEB ORDER COMPLIANCE DAT
CEB ORDER MAILED DATES
SPEC MAGISTRATE SCHED DA
SPEC MAGISTRATE AGENDA N
SPEC MAG LAST CERT LIEN
SPEC MAG TOTAL CERT LIEN
SPEC MAG ORDER MAILED DA
CEB MEETING DATE
SPEC MAGISTRATE MEETING

Active Inspections
No scheduled inspections exist

<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case narrative</td>
<td>COMPLAINT OF TRIMMING AND REMOVAL OF VEGETATION FROM PRESERVATION AREA. NO FURTHER INFORMATION PROVIDED.</td>
<td>12/17/2007</td>
</tr>
<tr>
<td>Inspection comments</td>
<td>001 - INITIAL INSPECTION unable to view violation. left door hanger.</td>
<td>12/19/2007</td>
</tr>
<tr>
<td></td>
<td>002 - TELEPHONE CONVERSATIO Left message for Sharon requesting</td>
<td>12/20/2007</td>
</tr>
<tr>
<td></td>
<td>information regarding her case on this property. Time Stamp:</td>
<td>12/20/2007</td>
</tr>
<tr>
<td></td>
<td>003 - TELEPHONE CONVERSATIO Received message from Sharon with the</td>
<td>1/30/2008</td>
</tr>
<tr>
<td></td>
<td>county advising that they have already fined the property owner for</td>
<td>1/30/2008</td>
</tr>
<tr>
<td></td>
<td>the violation. Time Stamp: 01/30/2008 08:48 AM IIFOUNTA</td>
<td>1/30/2008</td>
</tr>
</tbody>
</table>

Land Management information
Legal description
PLACIDO BAYOU UNIT 6
BLK 5, LOT 6

Lien information
### Property Information

- **Address:** 1219 DARLINGTON OAK CIR NE, SAINT PETERSBURG, FL 337036315
- **Location ID:** 15B483
- **Parcel Identification Nbr:** 05/31/17/71920/005/0060/
- **Old account number:**
- **Zoning:**
- **Subdivision:** PLACIDO BAYOU COMMUNITY ASSN

### Case General Information

- **Case status:** IC INVALID COMPLAINT
- **Status date:** 10/19/2017
- **Reported date:** 10/04/2017
- **Default inspector:** MN MARGIE NICHOLS 892-5168
- **Credit balance:** 0.00
- **Disposition:** Public

### Owner Information

- **Owner name:** BURTS, STEPHEN L JR
- **Address:** 1219 DARLINGTON OAK CIR NE, SAINT PETERSBURG, FL 337036315
- **Phone:** 0
- **Notice:** Y

### Violations

<table>
<thead>
<tr>
<th>Type</th>
<th>Status</th>
<th>Location</th>
<th>Quantity</th>
<th>Date Established</th>
<th>Date Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

No violations exist

### Case Data

- **TYPE USE:** SINGLE FAMILY
- **PLAT SHEET:** C-26
- **OFFICIAL RECORDS BOOK/PAGE:** 11225/0077
- **CEB AGENDA ITEM NUMBER:**
- **CEB ORDER DAYS:**
- **CEB ORDER FINE AMOUNT/DATE:**
- **CEB ORDER COMPLIANCE DATE:**
- **CEB ORDER MAILED DATE:**
- **SPEC MAGISTRATE SCHED DAT:**
- **SPEC MAGISTRATE AGENDA N:**
- **SPEC MAG TOTAL CERT LIEN:**
- **SPEC MAG ORDER MAILED DA:**
- **CEB MEETING DATE:**
- **SPEC MAGISTRATE MEETING:**

### Active Inspections
(Continued)

<table>
<thead>
<tr>
<th>Type</th>
<th>Inspect ID</th>
<th>Schedule Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case narrative</td>
<td></td>
<td></td>
<td>SCF# 3748628-Citizen called to report that someone is cutting mangroves at 1219 Darlington Oak Cir 10/04/2017</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NE.-Preservation area 10/04/2017</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>October 4, 2017 2:08:00 PM knsmith. 10/04/2017</td>
</tr>
</tbody>
</table>

Violation comments

<table>
<thead>
<tr>
<th>Inspection comments</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>001 - INITIAL INSPECTION</td>
<td></td>
<td></td>
<td>October 9, 2017 2:53:41 PM mlnichol.</td>
</tr>
<tr>
<td>Results status</td>
<td></td>
<td></td>
<td>INSPECT!</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Inspected property on Thursday afternoon and not able to see cutting or workers present at time of inspection. Noted neighboring property had cut some plants. Not able to tell from the street/right-of-way what kind of plants. Took photos. Please have complainant call investigator to allow into their rear yard to view a violation. This would be public record. 10/09/2017</td>
</tr>
</tbody>
</table>

| 002 - REINSPECTION          |            |               |                                                                       |
| Results status              |            |               | INSPECT!                                                              |
|                             |            |               | October 19, 2017 3:09:44 PM mlnichol.                                 |
|                             |            |               | No evidence from the street or right-of-way. Will close at this time. 10/19/2017 |
Property Information
Address: 1215 DARLINGTON OAK CIR NE
Location ID: 158481
Parcel Identification Nbr: 05/31/17/71920/005/0050/
Old account number:
Zoning: 
Subdivision: PLACIDO BAYOU COMMUNITY ASSN

Case General Information
Case status: CL CASE CLOSED
Status date: 3/19/2018
Case type: PROP PROPERTY MAINTENANCE
Reported date: 3/07/2018
Origination: CC CITIZEN COMPLAINT
Default inspector: MN MARGIE NICHOLS 892-5168
Credit balance:.00
Disposition: Public
Pin number: 798184

Owner Information
Owner name: DAVIS, RAE CHELLE R
Address: 1215 DARLINGTON OAK CIR NE
City: SAINT PETERSBURG, FL 337036315
Phone: 0
Notice: Y

Violations
Type | Status | Location | Quantity | Date Established | Date Resolved
--- | --- | --- | --- | --- | ---
No violations exist

Case Data
Description | Data
--- | ---
TYPE USE | SINGLE FAMILY
PLAT SHEET | C-26
OFFICIAL RECORDS BOOK/PA | 19355/2589
CEB AGENDA ITEM NUMBER
CEB ORDER DAYS
CEB ORDER FINE AMOUNT/DA
CEB ORDER COMPLIANCE DAT
CEB ORDER MAILED DATE
SPEC MAGISTRATE SCHED DA
SPEC MAGISTRATE AGENDA N
SPEC MAG LAST CERT LIEN
SPEC MAG TOTAL CERT LIEN
SPEC MAG ORDER MAILED DA
CEB MEETING DATE
SPEC MAGISTRATE MEETING

Active Inspections
### No scheduled inspections exist

<table>
<thead>
<tr>
<th>Type</th>
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<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case narrative</strong></td>
<td>Received complaints of trimming of a protected preservation area. Sending contact letter.</td>
<td>3/07/2018</td>
</tr>
<tr>
<td><strong>Inspection comments</strong></td>
<td>March 7, 2018 9:18:17 AM</td>
<td>3/07/2018</td>
</tr>
<tr>
<td><strong>Violation comments</strong></td>
<td>mlnichol.</td>
<td>3/07/2018</td>
</tr>
<tr>
<td><strong>Board meeting comments</strong></td>
<td>March 19, 2018 12:07:57 PM</td>
<td>3/19/2018</td>
</tr>
<tr>
<td><strong>Other action comments</strong></td>
<td>mlnichol.</td>
<td>3/19/2018</td>
</tr>
</tbody>
</table>

### 001 - RECORD CHECK

<table>
<thead>
<tr>
<th>Land Management information</th>
<th>Legal description</th>
<th>Lien information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Management information</strong></td>
<td>PLACIDO BAYOU UNIT 6</td>
<td></td>
</tr>
<tr>
<td><strong>Legal description</strong></td>
<td>Blk 5, Lot 5</td>
<td></td>
</tr>
</tbody>
</table>
Property Information
Address: 1219 DARLINGTON OAK CIR NE
SAINT PETERSBURG, FL 337036315
Location ID: 158483
Parcel Identification Nbr: 05/31/17/71920/005/0060/
Old account number:
Zoning:
Subdivision: PLACIDO BAYOU COMMUNITY ASSN

Case General Information
Case status: CL CASE CLOSED
Status date: 12/11/2018
Case type: PROP PROPERTY MAINTENANCE
Reported date: 3/07/2018
Origination: CC CITIZEN COMPLAINT
Default inspector: MN MARGIE NICHOLS 892-5168
Credit balance: 0.00
Disposition: Public
Pin number: 016722

Owner Information
Owner name: BURTS, STEPHEN L JR
Address: 1219 DARLINGTON OAK CIR NE
City: SAINT PETERSBURG, FL 337036315
Phone: 0
Notice: Y

Violations
<table>
<thead>
<tr>
<th>Type</th>
<th>Status</th>
<th>Location</th>
<th>Quantity</th>
<th>Date Established</th>
<th>Date Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>No violations exist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Active Inspections
<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 - INITIAL INSPECTION</td>
<td>March 7, 2018 9:22:33 AM  mlnichol. Received complaints of trimming of a protected preservation area. Sending contact letter.</td>
<td>3/07/2018</td>
</tr>
<tr>
<td>002 - REINSPECTION</td>
<td>March 19, 2018 12:13:29 PM  mlnichol. Per supervisor, has had contact with the owner and in process of researching complaint and meeting with the building department this week to determine possible violation. Will await result.</td>
<td>3/19/2018</td>
</tr>
<tr>
<td>003 - REINSPECTION</td>
<td>March 29, 2018 8:46:53 AM  mlnichol. No response as of yet.</td>
<td>3/29/2018</td>
</tr>
<tr>
<td>004 - REINSPECTION</td>
<td>April 4, 2018 4:02:18 PM  mlnichol. Spoke to Joe Waugh and he has been in contact with Shane Largent and Shane will be scheduling with the owner to meet at the property to view.</td>
<td>4/04/2018</td>
</tr>
<tr>
<td>005 - REINSPECTION</td>
<td>April 12, 2018 4:23:14 PM  mlnichol. Awaiting determination by building dept/Shane Largent.</td>
<td>4/12/2018</td>
</tr>
<tr>
<td>006 - REINSPECTION</td>
<td>April 30, 2018 5:41:34 PM  mlnichol. No answer regarding results of Shane Largent's inspection yet.</td>
<td>4/30/2018</td>
</tr>
<tr>
<td>007 - REINSPECTION</td>
<td>May 22, 2018 11:33:01 AM  mlnichol. No change. Spoke to Joe Waugh and he is still awaiting answers from zoning.</td>
<td>5/22/2018</td>
</tr>
<tr>
<td>008 - REINSPECTION</td>
<td>June 26, 2018 9:22:45 AM  mlnichol. No change and no answer from director.</td>
<td>6/26/2018</td>
</tr>
<tr>
<td>009 - REINSPECTION</td>
<td>July 26, 2018 4:57:14 PM  mlnichol.</td>
<td>7/26/2018</td>
</tr>
<tr>
<td>Type</td>
<td>Text</td>
<td>Date</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>010 - REINSPECTION</td>
<td>No end results as to which direction to proceed. Will consult supervisor. Results status INSPECTED. August 13, 2018 8:06:32 AM mlnichol. Not able to see anything from the street. Will e-mail Joe.</td>
<td>7/26/2018</td>
</tr>
<tr>
<td>011 - REINSPECTION</td>
<td>Results status INSPECTED. September 13, 2018 5:57:36 PM mlnichol. No answer or response to e-mail at this time.</td>
<td>8/13/2018</td>
</tr>
<tr>
<td>012 - REINSPECTION</td>
<td>Results status INSPECTED. October 15, 2018 7:52:50 AM mlnichol. No response at this time.</td>
<td>9/13/2018</td>
</tr>
<tr>
<td>013 - REINSPECTION</td>
<td>Results status INSPECTED. November 13, 2018 8:46:33 AM mlnichol. Viewed property from a neighboring property across the water with Shane Largeant a week/week and a half ago and at time of inspection, it did not appear that trimming has been done on this property for quite some time. Awaiting answer from zoning/Shane on how to proceed.</td>
<td>10/15/2018</td>
</tr>
<tr>
<td>014 - REINSPECTION</td>
<td>Results status INSPECTED. December 11, 2018 9:07:26 AM mlnichol. Consulted with supervisor and closing this case as not enough evidence to move forward. Also no additional cutting has been noted.</td>
<td>11/13/2018</td>
</tr>
</tbody>
</table>

Board meeting comments

Other action comments

001 - RECORD CHECK

BURTS, STEPHEN L JR
BURTS, JOYCE D
1219 DARLINGTON OAK CIR NE
ST PETERSBURG FL 33703-6315
ST PETERSBURG

002 - MISCELLANEOUS INFORMATION

May 31, 2018 5:10:52 PM J1WAUGH.
Received additional complaint of light trespass from property due to removal of vegetation from preservation area. Inspected property, took photographs and received photographs from complainant. At the time of inspection, light trespass was not in violation of the code. Arborist will be scheduling inspection with homeowner to review trimming of preserve area and provide potential mitigation plan.

003 - ELECTRONIC MAIL

August 13, 2018 8:09:13 AM mlnichol.
Hello Joe,
Has anything transpired on this case or am I continuing to monitor it. It's regarding the trimming of the protected area.

Margie Nichols
Codes Investigator
727-892-5168

<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Management information</td>
<td>PLACIDO BAYOU UNIT 6</td>
<td>8/13/2018</td>
</tr>
<tr>
<td>Legal description</td>
<td>BLK 5, LOT 6</td>
<td>8/13/2018</td>
</tr>
<tr>
<td>Lien information</td>
<td></td>
<td>8/13/2018</td>
</tr>
</tbody>
</table>
Property Information
Address: 1221 DARLINGTON OAK CIR NE
SAINT PETERSBURG, FL 337036315
Location ID: 05/31/17/71920/005/0070/00
Parcel Identification Nbr: 158485
Old account number:
Zoning: PLACIDO BAYOU COMMUNITY ASSN
Subdivision:

Case General Information
Case status: AC ACTIVE
Status date: 10/25/2018
Case type: ZONE ZONING VIOLATIONS
Reported date: 10/25/2018
Origination: IC INTERNAL COMPLAINT
Default inspector: MN MARGIE NICHOLS 892-5168
Credit balance: .00
Disposition:
Pin number: 234735

Owner Information
Owner name: SAYLER, HENRY B TRUST
Address: 1221 DARLINGTON OAK CIR NE
City: SAINT PETERSBURG, FL 337036315
Phone: 0
Notice: Y
Flip:

Violations
Type Status Location Quantity Date Established Date Resolved
No violations exist

Case Data
Description Data
TYPE USE SINGLE FAMILY
PLAT SHEET C-26
OFFICIAL RECORDS BOOK/PA 09414/1035
CEB AGENDA ITEM NUMBER
CEB ORDER DAYS
CEB ORDER FINE AMOUNT/DA
CEB ORDER COMPLIANCE DAT
CEB ORDER MAILED DATE
SPEC MAGISTRATE SCHED DA
SPEC MAGISTRATE AGENDA N
SPEC MAG LAST CERT LIEN
SPEC MAG TOTAL CERT LIEN
SPEC MAG ORDER MAILED DA
CEB MEETING DATE
SPEC MAGISTRATE MEETING

Active Inspections
<table>
<thead>
<tr>
<th>Type</th>
<th>Case narrative</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>REINSPECTION</td>
<td>October 25, 2018 4:39:35 PM jlwaugh. Complaint of mangroves in preserve area being cut.                                                                ---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>10/25/2018</td>
</tr>
<tr>
<td></td>
<td>October 29, 2018 2:41:05 PM jlwaugh. Mr. Moody (727-215-6374) contacted the office and advised that he would allow access to his rear yard to view the area of trimmed mangroves. Mr. Moody was notified that information would become part of public record and he agreed.</td>
<td>10/29/2018</td>
</tr>
<tr>
<td></td>
<td>October 31, 2018 8:22:36 AM mlnichol. Met with supervisor, Shane Largaent and the complainant, Mr. Moody. Noted a visible clearing in the center of the trees. Took photos.</td>
<td>10/31/2018</td>
</tr>
<tr>
<td></td>
<td>November 13, 2018 8:42:04 AM mlnichol. Met with neighbor again regarding trimming on neighboring property. Awaiting an answer on how to proceed. Operations manager, Joe Waugh is in contact with zoning and Shane Largaent.</td>
<td>11/13/2018</td>
</tr>
<tr>
<td></td>
<td>December 11, 2018 9:08:38 AM mlnichol. Consulted with operations manager. Pinellas county has met with the owner of the property and confirmed area has been trimmed. They have supplied us with the additional photos. We have given zoning this evidence and they will come up with a mitigation plan for the owner to comply with. Shane Largaent will let us know when this mitigation plan is complete.</td>
<td>12/11/2018</td>
</tr>
<tr>
<td></td>
<td>January 3, 2019 2:51:28 PM mlnichol. No change from visual view of the front. Can not see if any additional work/trimming has been done. Still awaiting direction from zoning department.</td>
<td>1/03/2019</td>
</tr>
<tr>
<td>Type</td>
<td>Text</td>
<td>Date</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>006</td>
<td>- REINSPECTION Results status INSPECTI February 4, 2019 8:40:10 AM mlnichol. Will check with operations manager to see if there is an update from Shane Largent/zoning.</td>
<td>2/04/2019</td>
</tr>
<tr>
<td>007</td>
<td>- REINSPECTION Results status INSPECTI February 25, 2019 8:21:58 AM mlnichol. Still waiting direction from zoning.</td>
<td>2/25/2019</td>
</tr>
<tr>
<td>008</td>
<td>- REINSPECTION Results status INSPECTI March 14, 2019 5:42:58 PM mlnichol. No response from zoning. Spoke with my supervisor regarding case and also complainant that has called several times wanting to know what has been done.</td>
<td>3/14/2019</td>
</tr>
<tr>
<td>009</td>
<td>- REINSPECTION Results status INSPECTI April 4, 2019 4:55:14 PM mlnichol. Will enter Shane's notes.</td>
<td>4/04/2019</td>
</tr>
<tr>
<td>010</td>
<td>- REINSPECTION Results status INSPECTI May 20, 2019 8:36:21 AM mlnichol. No change and no further information from zoning, etc.</td>
<td>5/20/2019</td>
</tr>
<tr>
<td>011</td>
<td>- REINSPECTION Results status INSPECTI June 17, 2019 9:21:12 AM mlnichol. No feedback from zoning at this point, that they are out of compliance.</td>
<td>6/17/2019</td>
</tr>
<tr>
<td>012</td>
<td>- REINSPECTION Results status INSPECTI July 22, 2019 9:02:28 AM mlnichol. No new information at this time.</td>
<td>7/22/2019</td>
</tr>
<tr>
<td>013</td>
<td>- REINSPECTION Board meeting comments Other action comments 001 - ELECTRONIC MAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>October 31, 2018 8:26:13 AM mlnichol. Margie, The neighbor who called in the complaint contacted the office and provided his name and telephone number and agreed to become part of public record to access his property and view the mangroves. His name is Mr. Moody and his number is 215-6374. Please reach out to him today or tomorrow to schedule an inspection. I would like Andrea to join you and Shane if possible. Thank you, Joe Waugh Operations Manager</td>
<td>10/31/2018</td>
</tr>
</tbody>
</table>
October 31, 2018 8:27:06 AM  mlnichol.
Hello Shane,
Here are the pictures from yesterday. Please let me know what I should do. Am I sending out a violation letter now?
Thank you,
Margie Nichols
Codes Investigator
10/31/2018

March 13, 2019 4:00:29 PM  mlnichol.
Returned call to Daryl Moody/C#215-6374 and explained to him that Andrea did e-mail him in December. She explained to him that we are awaiting the mitigation plan from zoning/city arborist. I re-iterated to him that Pinellas county did go out there and supplied us with photo evidence that there had been some cutting. We supplied this evidence to the city zoning department. They were working on a mitigation plan to present to the owner.
He is very upset that the owner's of these properties continue to cut back the mangroves every year and no one, including Pinellas County does anything about it. Soon they will all be gone and then they will be putting in docks, which are not allowed.
He intends to call Shane and e-mail and also talk to the area counsel member.
3/13/2019

April 4, 2019 4:57:31 PM  mlnichol.
Hello everyone,
As a follow up to our on-site meeting on February 14th, please find the following summary:
Approximately 900 SF of Mangrove area was pruned within the Preservation District. (My notes from Connor's measurement. I defer to his notes for accuracy as appropriate.)
The remedy to the Violation is both a Consent Order to be issued by Pinellas County including a Civil Penalty and mitigation as described below. 4 Buttonwoods (1.5 caliper, 8 height, Florida Grade 1) are required to be planted 3 feet on center behind the Oleanders and forward / upland of the budding Mangroves. Maintenance and monitoring per Pinellas County Code will be required.
I hope we can all work to help resolve this situation.
Thanks to all.
Shane Largent
4/04/2019
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Lien information