



**CITY OF ST. PETERSBURG  
PLANNING & DEVELOPMENT SERVICES DEPT.  
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

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**VACATION OF RIGHT-OF-WAY  
PUBLIC HEARING**

According to Planning & Development Services Department records, **no Commission** member or his or her spouse has a direct or indirect ownership interest in real property located within 2,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). 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 **Wednesday, September 7, 2022 at 10:00 A.M.** at Council Chambers, City Hall, located at 175 5<sup>th</sup> Street North, St. Petersburg, Florida.

CASE NO: 22-33000011

PLAT SHEET: E-15

REQUEST: Approval to vacate the southernmost 8,043 square feet of Driftwood Road South, between 2680 and 2700 Driftwood Road South, to Big Bayou in the Second Addition to Driftwood Subdivision.

OWNER/APPLICANT: Timothy and Janna Ranney  
4600 Waterford Court NE  
St. Petersburg, FL 33703

ADDRESS: 2700 Driftwood Road South

PARCEL ID NUMBER: 31-31-17-00000-130-0200

ZONING: Neighborhood Suburban - 2 (NS-2)

## **DISCUSSION:**

**Request.** The request is to vacate the southernmost 8,043 square feet of Driftwood Road South, between 2680 and 2700 Driftwood Road South, to Big Bayou in the Second Addition to Driftwood Subdivision in the Neighborhood Suburban - 2 (NS-2) Zoning District (see Attachment A - Location Map and Attachment B - Legal Description and Sketch).

The abutting neighbor to the north, Christopher Keller (2680 Driftwood Road South), has consented to the application. According to the Application Narrative, the purpose of the vacation is to discourage vagrants from congregating in the subject right-of-way, eliminate corresponding crime, drug use and littering associated with those vagrants, promote neighborhood safety, and protect Big Bayou from further litter and foreign debris (see Attachment C - Application). Staff asked the Police Department whether any illegal activity was reported in the area. Since 9/15/21, no events including trespassing, littering or drug use have been recorded (see Attachment D – Police Event Search Summary).

The applicant's property at 2700 Driftwood Road South is the subject of a Codes Enforcement case (22-00007780). The applicant has installed 6-foot-tall fencing in the City right-of-way along their frontage up to the area that is impeded by heavy vegetation near the water (see Attachment E - Photos). It is our understanding that the case has yet to be resolved.

The applicant's attorney was informed at the pre-application meeting and thereafter that the vacation request would not be supported by Staff because it is inconsistent with policies in the Comprehensive Plan. It was suggested that the applicant contact Community Services about the issues in the area and the possibility of fencing off the end of the street. The applicant decided to proceed with the vacation 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.

### **A. Land Development Regulations**

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

#### ***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 application was routed to City Departments and Private Utility Providers. Stormwater infrastructure has been identified in the right-of-way. The existing roadway also conveys surface runoff from public roadways outside the area proposed for vacation. Engineering has no objection to the vacation, however requests that a public utility easement be placed back over the right-of-way after it is vacated, and that a site plan be submitted showing how the abutting landowners propose to use the right-of-way (landscaping, fencing, etc.) because fencing will not be allowed to be installed directly over the public storm pipes (see Review Memo dated August 11, 2022). These comments are a recommended Condition of Approval (see Attachment F – Engineering Memo).
- Private utilities have been identified in the right-of-way. The applicant will be required to obtain a Letter of No Objection from Duke Energy before the vacation ordinance is recorded.

2. ***Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.***
  - Access will not be substantially impaired or denied to any lot of record, however will be denied to the waterfront in this area.
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.***
  - The Fire Department has indicated they do not support the vacation of the paved portion of the right-of-way vacated because it could be a potential staging area for fire equipment (see Attachment G – Fire Marshal Comments). The area has narrow streets, and this portion of the street system could be valuable for the staging of emergency response equipment.
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.***
  - Waterfront right-of-way is typically held by the City for present or future pedestrian access and public utility corridor regardless of whether it is currently physically accessible.
5. ***The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.***
  - No other factors were considered.

## **B. Comprehensive Plan**

The City's current Comprehensive Plan contains Goals, Objectives and Policies related to land use and transportation. Those applicable to the subject application have been identified below in italics. Commentary regarding whether the application advances the Goals, Objectives and Policies, or hinders achievement of same is provided after.

1. Goals, Objectives and Policies from the Coastal Management Element applicable to the subject application include:

*Obj. CM7: CM9.2 The City shall provide and improve opportunity for recreational and passive enjoyment of coastal resources.*

*Policy CM7.5 The City shall require the retention of public right-of-way adjacent to the waterfront in the platting and replating (sic) of land unless comparable waterfront access is provided.*

Privatization of the waterfront in this location would be inconsistent with the foregoing policies.

2. Goals, Objectives and Policies from the Recreation and Open Space Element applicable to the subject application include:

*Obj. R2.2 Waterfront access points will be well marked; additional waterfront public access points will be provided in the future while private property rights will be protected.*

*R2.9 The City shall continue to maintain and further develop access points to the Blueways network within Pinellas County, which is comprised of a saltwater*

*paddling trail designed in conjunction with Pinellas County and the State of Florida Office of Greenways and Trails.*

Privatization of the waterfront in this location would be inconsistent with the foregoing policies and would not allow for the future provision of a public access point at this location.

3. Goals, Objectives and Policies from the Land Use Element applicable to the subject application include:

*Land Use Element Goals:*

- *(1) Protect the public health, safety and general welfare;*
- *(2) Protect and enhance the fabric and character of neighborhoods;*
- *(4) Assure that services and facilities are provided at the adopted level of service concurrent with existing and future demand; and*

Privatization of the right-of-way would not assure that facilities are provided for existing and future demand. The Fire Department has indicated that they may need the asphalt portion of the right-of-way as an emergency equipment staging area. The waterfront access may be needed for future recreation and is part of the City's open space system.

4. Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:

*Obj. T2: The City shall protect existing and future transportation corridors from encroachment.*

*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.*

Approval of the vacation would be inconsistent with the foregoing Objective and Policy because it has not been determined that the right-of-way is not required for present or future public use.

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

The subject area is not located in the area covered under an approved Neighborhood Plan.

### **D. Comments from Organizations and the Public**

As of August 24, 2022, City Staff received the following objections from the public:

- Peter Belmont of 102 Fareham Place North
- Samuel and Suzanne E. Wismer of 2764 Bayside Drive South
- Kim O'Brien and Robert Morey of 2635 Florida Avenue South
- Bruce and Mary Foltz of 2675 Driftwood Road South
- Maureen Sheedy of 2515 Oakdale Street South

No comments were received from the public, the Big Bayou Neighborhood Association, the Council of Neighborhood Associations (CONA) or the Federation of Inner-City Community Organizations (FICO).

**RECOMMENDATION:** Staff recommends **DENIAL** of the vacation. If the vacation is approved, the following conditions of approval are recommended:

1. The Applicant shall comply with the Engineering Review Memo dated August 11, 2022.
2. Applicant shall obtain a letter of no objection from Duke Energy before the vacation ordinance is recorded.
3. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
4. As required by 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:**

/s/Cheryl Bergailo

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II  
Development Review Services Division  
Planning & Development Services Department

8/24/22

DATE

**REPORT APPROVED BY:**

/s/ Corey Malyszka

Corey Malyszka, AICP, Zoning Official (POD)  
Development Review Services Division  
Planning & Development Services Department

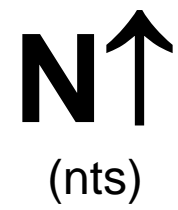
8/24/22

DATE

Attachments: A – Location Map, B – Legal Description and Sketch, C - Application, D – Police Event Search Summary, E – Photos, F - Engineering Memo, G – Fire Marshal Comments, H - Objection



ATTACHMENT A  
 Project Location Map  
 City of St. Petersburg, Florida  
 Planning and Development Services Department  
 Case No.: 22-33000011  
 Address: 2700 Driftwood Road S.





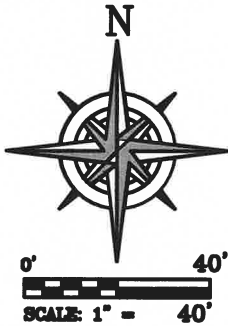
# ATTACHMENT B - Legal Description & Sketch

THIS IS NOT A SURVEY.

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SEC. 31, TWP. 31 S., RNG. 17 E.

PINELLAS COUNTY, FLORIDA



## DESCRIPTION:

BEGIN AT THE WESTERNMOST CORNER OF LOT 3, DRIFTWOOD 2ND ADDITION, AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 29, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WARD AVENUE S., AS SHOWN ON SAID PLAT OF DRIFTWOOD 2ND ADDITION, NOW KNOWN AS DRIFTWOOD ROAD SOUTH, TO THE WATERS OF BIG BAYOU; THENCE MEANDER SOUTHWESTERLY ALONG THE WATERS OF BIG BAYOU TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID WARD AVENUE S.; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 3; THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 3 TO THE POINT OF BEGINNING.

CONTAINING 8,043 SQUARE FEET (0.185 ACRE), MORE OR LESS

## LEGEND

LB	LICENSED BUSINESS
No.	NUMBER
OR	OFFICIAL RECORD BOOK
(P)	PLAT BOOK 37, PAGE 47
(P2)	PLAT BOOK 22, PAGE 29
PB	PLAT BOOK
PG	PAGE/PAGES
POB	POINT OF BEGINNING
PSM	PROFESSIONAL SURVEYOR & MAPPER
R/W	RIGHT-OF-WAY
RNG.	RANGE
SEC.	SECTION
TWP.	TOWNSHIP

## NOTES:

1. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
2. THIS SKETCH OF DESCRIPTION IS BASED ON U.S. SURVEY FEET.
3. THIS SKETCH OF DESCRIPTION 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. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.
4. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/40 OR SMALLER.

# DEUEL & ASSOCIATES

A SEPI COMPANY

565 SOUTH HERCULES AVENUE  
CLEARWATER, FL 33764  
PHONE 727.822.4151  
WWW.DEUELENGINEERING.COM  
LICENSED BUSINESS NUMBER 8423

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN HEREON.



Digitally signed by Dana A Wyllie  
Date: 2022.06.02 08:17:13 -04'00'

DANA A. WYLLIE, PSM, LS 5874

## SKETCH OF DESCRIPTION PORTION OF DRIFTWOOD AVENUE S. ST. PETERSBURG

CITY OF ST. PETERSBURG

FLORIDA

PROJECT NO.	2016-167
DATE:	5/8/2022
DRAWN:	TBM
SCALE:	1" = 40'
SHEET NO.	1 OF 1

# ATTACHMENT C - Application



## SUBDIVISION DECISION Application

Application No. 22-3300011

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 1<sup>st</sup> floor of the Municipal Services Building, One 4<sup>th</sup> Street North.

**Application Type:**

Per: 16.40.140 &  
16.70.050

- ☐ Lot Line Adjustment  
☐ Lot Split  
☐ Lot Refacing  
☐ Street Name Change  
☐ Street Closing

- ☒ Vacating – Street Right-of-Way  
☐ Vacating – Alley Right-of-Way  
☐ Vacating – Walkway Right-of-Way  
☐ Vacating – Easement  
☐ Vacating – Air Rights

GENERAL INFORMATION	
<b>NAME of APPLICANT (Property Owner):</b> Timothy R. Ranney and Janna P. Ranney	
Street Address: 4600 Waterford Court NE	
City, State, Zip: St. Petersburg, FL 33703	
Telephone No: 727-598-3200	Email Address: david@phlfirm.com
<b>NAME of AGENT or REPRESENTATIVE:</b> David R. Phillips, Esq.	
Street Address: 19321 US Highway 19 North, Suite 301	
City, State, Zip: Clearwater, FL 33784	
Telephone No: 727-300-1399	Email Address: david@phlfirm.com
<b>PROPERTY INFORMATION:</b>	
Street Address or General Location: 2700 Driftwood Road S	
Parcel ID#(s): 31-31-17-00000-130-0200	
<b>DESCRIPTION OF REQUEST:</b> Vacation of a portion of public right-of-way commonly known as Driftwood Road S situated adjacent to and between 2700 Driftwood Road S and 2680 Driftwood Road S	
<b>PRE-APPLICATION DATE:</b> 4/21/2020	<b>PLANNER:</b>

### FEE SCHEDULE

Lot Line & Lot Split Adjustment Administrative Review	\$200.00	Vacating Streets & Alleys	\$1,000.00
Lot Line & Lot Split Adjustment Commission Review	\$300.00	Vacating Walkway	\$400.00
Lot Refacing Administrative Review	\$300.00	Vacating Easements	\$500.00
Lot Refacing Commission Review	\$500.00	Vacating Air Rights	\$1,000.00
Variance with any of the above	\$350.00	Street Name Change	\$1,000.00
		Street Closing	\$1,000.00

Cash, credit, and checks made payable to the "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: David R. Phillips, Agent

Date: 4/12/21


\*Affidavit to Authorize Agent Required, if signed by Agent.

Typed name of Signatory: Timothy R. Ranney and Janna P. Ranney



# NEIGHBORHOOD WORKSHEET

Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD WORKSHEET	
<b>Street Address:</b> 2700 Driftwood Road S	<b>Case No.:</b>
<b>Description of Request:</b>	
Vacation of a portion of public right-of-way commonly known as Driftwood Road S situated adjacent to and between 2700 Driftwood Road S and 2880 Driftwood Road S	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
1. Affected Property Address: 2880 Driftwood Road S	
Owner Name (print): Christopher Keller	
Owner Signature: 	
2. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
3. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
4. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
5. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
6. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	



# PUBLIC PARTICIPATION REPORT

Application No. \_\_\_\_\_

In accordance with LDR Section 16.70.040.1.F.2. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

## APPLICANT REPORT

Street Address: 2700 Driftwood Road S

### 1. Details of techniques the applicant used to involve the public

#### (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

No meetings were conducted prior to the date of submittal.

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

Copies of the Subdivision Application and the Pre-Application Meeting Notes were sent to the following on April 15, 2021:

1. Council of Neighborhood Associations (CONA)
2. Federation of Inner-City Community Organizations (FICO)
3. Big Bayou Neighborhood Association

#### (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

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

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

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

Association Name

President or Vice-President Signature

If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.

## **APPLICATION NARRATIVE**

### **Vacation of Right-of-Way Application**

**Property Address:** Portion of the public right-of-way situated adjacent to and between 2700 Driftwood Road S. and 2680 Driftwood Road S.

**Parcel ID Nos.:** 31-31-17-00000-130-0200 and 31-31-17-22608-000-0030

## **OVERVIEW**

Timothy R. Ranney and Janna P. Ranney (collectively, the “Applicants”) seek approval of this Application requesting to vacate the unimproved, public right of way, between their respective properties where Driftwood Road South terminates into dense mangroves and ultimately Big Bayou (the “Subject Right-of-Way”). The area of the Subject Right-of-Way proposed for vacation is depicted on the enclosed Survey prepared by Deuel & Associates dated February 16, 2021 under Work Order No. 2016-167 (the “Survey”). Also enclosed are (i) photographs of the Subject Right-of-Way and (ii) a sketch of the Subject Right-of-Way. Christopher Keller, the owner of the parcel opposite the Ranney’s parcel on the northeast side of the Subject Right-of-Way, has acknowledged his support of this Application by signing the Neighborhood Worksheet included with the Application.

The Applicants’ goal in seeking vacation is to discourage vagrants from congregating in the Subject Right-of-Way, eliminate corresponding crime, drug use and littering associated with those vagrants, promote neighborhood safety and protect Big Bayou from further litter and foreign debris. To be clear, the Subject Right-of-Way will not be improved and will be maintained by the Applicants for the benefit of the City’s remaining easement rights.

## **COMPLIANCE WITH APPLICABLE CITY CODE AND REGULATIONS**

### **A. Land Development Regulations (“LDR”)**

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 how the Applicants’ Application complies with the subject LDR:

***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.***

There are no improvements or infrastructure in the Subject Right-of-Way proposed for vacation. Moreover, while the Comprehensive Plan contains a policy which directs the applicant to provide comparable pedestrian access to the waterfront, there is no access. Indeed, the natural vegetation and overgrowth of mangroves in the Subject Right-of-Way impede any reasonable pedestrian access as well as riparian view. In short, there is no view of the water of Big Bayou and the only pedestrians that are ever in the area are akin to the pedestrians that crawl beneath the mangroves at low tide along the north part of Vinoy Park to drink alcohol, use drugs and sleep off the effects of such drugs and alcohol.

***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.***

Approval of the vacation would not deny access to any lot of record. While not all of the lots in this neighborhood have direct waterfront access, as noted above there is no waterfront access in the Subject Right-of-Way to begin with.

***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.***

Approval of this application would not adversely impact the existing road network or travel patterns. In fact, as it is currently situated the Subject Right-of-Way is a road to nowhere. Any vehicle accessing the dead-end street has no cul-de-sac to turn around in but rather has to reverse the same street. This creates a point of confusion and a safety risk for drivers unfamiliar with the area, as well as the residents/pedestrians who walk these streets (which have no sidewalks) that may come into contact with said drivers. In sum, it is worthless piece of asphalt that causes the neighborhood and City more harm than good (i.e., maintenance, paving, sealing, safety concerns).

***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 Right-of-Way is not currently needed or used for public access (vehicular or pedestrian) or for utilities. Moreover, there is no foreseeable possibility of development that could ever occur in the area. The only legal interest the City might have is for utility easements or drainage easements, which the vacation would be subject to.

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

As noted above, all of the other factors for consideration are in favor of vacating the Subject Right-of-Way. Specifically, doing so will promote public health, safety and welfare as noted above.

**B. Comprehensive Plan ("CP")**

The CP provides additional criteria for reviewing proposed vacations. The criteria are provided below in *italics*, followed by how the Applicants' Application complies with the subject CP's:

***1. Coastal Management Element Policy 7.5 of the CP provides "The City shall require the retention of public right-of-way adjacent to the waterfront in the platting and replatting of land unless comparable waterfront access is provided."***

Here, the Applicants have prepared comparable waterfront access: none. That is because no access exists in the current Subject Right-of-Way. Thus, approval of this Application, as submitted, would be clearly consistent with this policy of the City's Comprehensive Plan. A similar vacation application in the Greater Pinellas Point neighborhood was reviewed by the Environmental Development Commission (EDC) in 2005 (Case No. 05-33000028). In that case, the applicant offered to provide an alternative point of public access to the waterfront in another area of the property. That particular application complied with this section of the CP and was ultimately

approved by City Council. Here, the Applicants propose to do the same by offering the same, non-existent access. An exchange for nothing is nothing. However, as noted extensively above the more important criteria are met, including public health, safety and welfare.

### **CONCLUSION**

Failure to grant the requested vacation of the Subject Right-of-Way would result in an exceptional hardship on the Applicants as well as the adjacent homeowners for the public health, safety and welfare issues noted above. Absent the requested vacation, vagrants will continue to loiter and use the Subject Right-of-Way as their trap house, outhouse and trash can, causing further litter and debris to spoil Big Bayou. Likewise, failure to grant the Application will maintain the status quo of the road to nowhere, which the City continues to maintain for no public benefit. In the same vein of no public benefit, vacation will not result in the loss of any public benefit vis-à-vis access to the waterfront for the simple reason that foliage and overgrowth (which are protected from removal) all forms of riparian access already (i.e., view, swimming, navigation are not possible).



# ATTACHMENT D - Police Event Search Summary

## Event Search Summary

Agency	Group	S	P	Date	Time	Event Num	Type	Subtype	Location	AL
SPPD	D1	A	3	09/15/21	11:11:25	E2021174024	HANGUPN		2660 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	1	02/02/22	13:21:06	E2022022419	MWGUN N		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	9	02/09/22	12:52:22	E2022027753	PWT Z		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	9	02/09/22	12:56:14	E2022027755	PWT Z		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	7	02/14/22	13:48:51	E2022031400	CON N		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	9	03/19/22	03:41:02	E2022055600	PROST Z		2736 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	3	03/23/22	13:54:29	E2022058676	ODOOR N		2600 DRIFTWOOD RD S STP SP	0
SPPD	D2	A	3	04/02/22	11:14:20	E2022066098	MARINE N		2600 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	7	05/09/22	16:33:41	E2022094258	CON N		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	2	05/10/22	12:48:47	E2022094888	BURGV J		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	8	05/10/22	13:15:05	E2022094927	TECH N		2700 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	4	05/30/22	14:26:03	E2022109480	MVABN N		2680 DRIFTWOOD RD S STP SP	0
SPPD	D1	A	2	06/28/22	20:00:45	E2022129947	ALARMBN		2700 DRIFTWOOD RD S STP SP	0

### Key:

MWGUN = Man with Gun

PWT = Park Walk Talk (Officer initiated)

CON = Citizen Contact (Officer initiated)

PROST = Prostitution

ODOOR = Open Door (to a residence, usually an alarm call)

MARINE = Marine incident or a Marine Officer checking the area

BURGV = Burglary to a Vehicle

TECH = Technician Call for the Burglary to a Vehicle

MVABN = Abandoned Vehicle

ALARMB = Alarm



View looking south toward the subject right-of-way.





View farther down right-of-way towards the waterfront.

**ATTACHMENT F**  
**MEMORANDUM**  
**CITY OF ST. PETERSBURG**  
**ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)**

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**TO:** Cheryl Bergaglio, Planner II, Development Review Services  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** August 11, 2022  
**SUBJECT:** Vacate Driftwood Road South  
**FILE:** 22-33000011

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**LOCATION AND PIN:** 2690 - 2700 Driftwood Road South; 31/31/17/00000/130/0200

**ATLAS:** E-15                      **Zoning:** NS-2

**REQUEST:** Approval to vacate the southernmost 8,043 square feet of Driftwood Road S., between 2680 and 2700 Driftwood Road S., to Big Bayou in the Second Addition to Driftwood Subdivision.

The Engineering and Capital Improvements Department (ECID) has the following concerns which must be addressed prior to approval of this vacation request:

1. The right of way proposed for vacation leads to the waterfront. ECID recommends that zoning request and carefully consider input from the neighborhood association and surrounding property owners prior to supporting the vacation request.
2. The right of way to be vacated contains a 30" RCP stormwater outfall pipe with two curb inlets and associated 15" piping which conveys stormwater runoff from the surrounding drainage basin to its outfall to Big Bayou. The existing roadway also conveys surface runoff from public roadways outside the area proposed for vacation. The entire vacated right of way must be retained as Public Drainage Easement.
3. Prior to the vacation approval, ECID recommends the applicant be required to submit to the City for review and approval a drawn to scale signed and sealed Engineer's plan showing the existing right of way boundary, the future property line separating the vacated right of way between the two adjacent private properties, the field verified location of the 30" storm drainage pipe, 15" drainage pipe and curb inlets within the vacated right of way, and a delineation of the surface water drainage basin boundary which is directed to and conveyed over and through the vacated right of way to discharge to Big Bayou. The applicant must also provide the intended use of the vacated right of way for City review and approval, which is agreed upon by each of the two property owners (showing how they intend to secure the vacated area, what landscaping, fencing, or other features they plan to install, and what they plan to do with the existing asphalt roadway) for City ECID review and approval prior to the vacation. The intent is for the City and the applicants to agree upon the intended use prior to the vacation with the following additional ECID stipulations:



- a. The applicant's Engineer must show how the surface drainage flow directed to and through the vacated right of way will be preserved and not block historical surface flow.
- b. Walls on foundations and/or other substantial permanent structures shall not be placed within the public easement to be retained.
- c. Any fence (wood, PVC, aluminum, or similar easily removable material) which can be approved by the City within the public easement to be retained shall not be installed directly over the public storm pipes (present or future, to assure that if the City installs future pipes in the easement the same conditions apply).
- d. Any fence which can be approved by the City within the vacated right of way retained as public easement will need to maintain a minimum horizontal distance 5-feet of horizontal clearance from the edge of the existing public stormwater conveyance system so City forces may easily view and access the area above the pipes if necessary. Note that depending on the actual location of the pipes, this could mean the fence could not be installed at the future property line (centerline of the vacated right of way). To avoid creating a strip of "no man's land" over the pipe between the fences (which would still be the responsibility of the property owners to maintain), the property owner's would need to agree upon a location for a shared fence on one side of the resultant property line since the vacated right of way would be split down the middle, likely directly over or very near the 30" pipe location.
- e. A 12-foot wide gated access shall be provided which allows public maintenance vehicles full access to the retained public utility easement (on both sides of any City approved fence).
- f. Any City approved fence within the retained public utility easement shall remain the property owner's responsibility and a minor easement permit must be obtained by each property owner to document and clarify private ownership of the fence. The minor easement permit will stipulate that the fence must be removed and replaced by the property owner(s) upon notice by the City for any public infrastructure need in the future. A minor easement permit is a recorded document. The minor easement permit application may be obtained via email to [ROW\\_Permitting@stpete.org](mailto:ROW_Permitting@stpete.org).
- g. Maintain a minimum 15-foot wide unobstructed level (maximum 1:12 slope) maintenance path along each side of the centerline of the public stormwater drainage pipes (present or future), sufficient for public maintenance equipment to access along the length of the drainage pipe for inspection and possible future pipe maintenance, excavation, or replacement. Landscaping in this 15' area shall be limited to placement of sod or other surface sufficient that allows maintenance vehicles a drivable path. Any other surfaces other than sod which can be approved by City ECID shall also be subject to approval of a minor easement permit per the requirements of City Code Chapter 25, Article VII.

Link to City Code:



[https://library.municode.com/fl/st.\\_petersburg/codes/code\\_of\\_ordinances?nodeId=PTIISTPECO\\_CH25STSIMIPUPL\\_ARTVIIMIEN](https://library.municode.com/fl/st._petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH25STSIMIPUPL_ARTVIIMIEN)

- h. If the roadway pavement and curb within the vacated right of way is to be removed, the applicant will need to provide an Engineer's signed and sealed plan to properly terminate the remaining roadway and to properly grade and stabilize areas where roadway pavement is to be removed. The design shall include but not be limited to the following:
  - i. Show existing and proposed topographic elevations and design to assure that historical surface drainage and pipe flows from the surrounding drainage basin are maintained over and through the vacated right of way, all the way to the discharge to Big Bayou.
  - ii. The Engineer's plan must show adjustment of the public storm system as necessary to accommodate the final grading plan with adequate surface restoration and surface stabilization to prevent erosion and water quality violations.
  - iii. The Engineer's plan shall include design to permanently terminate the remaining public roadway west of the vacated right of way with road curb installation, any applicable drainage improvements, and appropriate dead-end signage and warnings at the west end of the proposed vacation per MUTCD requirements all to be installed by and at the sole expense of the applicant.
- 4. A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within City controlled right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed by and at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

Engineering Standard Details are available at the City's Website at the following link:  
[https://www.stpete.org/business/building\\_permitting/forms\\_applications.php](https://www.stpete.org/business/building_permitting/forms_applications.php)

City infrastructure maps are available via email request to [ECID@stpete.org](mailto:ECID@stpete.org). All City infrastructure adjacent to and within the site must be shown on the development project's construction plans.

NED/mk

cc: Sean McWhite – WRD  
Kayla Eger – Development Review Services

# ATTACHMENT G - Fire Marshal Comments

**Cheryl L. Bergailo**

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**From:** Michael F. Domante  
**Sent:** Thursday, July 14, 2022 3:53 PM  
**To:** Cheryl L. Bergailo  
**Cc:** Robert P Bassett  
**Subject:** FW: 22-33000011 - 2700 Driftwood Rd S - ROW vacation  
**Attachments:** 22-33000011 Application.pdf; 22-33000011 Legal Description & Sketch.pdf; 22-33000011 Location Map.pdf; 22-33000011 Routing.doc

Cheryl,

Could you please provide more information regarding the need to vacate this section of road? I drove to this location and have some concerns about giving up this area that could be needed for emergency vehicle placement. Several roads around this area are less than adequate in width and could present some additional challenges to firefighting in the area. A very large home has been constructed adjacent to this road. A large- scale firefighting effort could be made more difficult by allowing this vacation of roadway. Thank you!

Michael F. Domante  
Division Chief / Fire Marshal, Fire Rescue  
City of St. Petersburg  
400 Dr. M.L.K. Street South, St. Petersburg, FL 33701-4472  
[727-893-7064](tel:727-893-7064) / Fax: 727-892-5011  
[michael.domante@stpete.org](mailto:michael.domante@stpete.org)

**From:** "Cheryl L. Bergailo" <[Cheryl.Bergailo@stpete.org](mailto:Cheryl.Bergailo@stpete.org)>  
**Date:** July 13, 2022 at 3:13:47 PM EDT  
**To:** Thomas M Whalen <[Tom.Whalen@stpete.org](mailto:Tom.Whalen@stpete.org)>, Nancy Davis <[Nancy.Davis@stpete.org](mailto:Nancy.Davis@stpete.org)>, Martha Hegenbarth <[Martha.Hegenbarth@stpete.org](mailto:Martha.Hegenbarth@stpete.org)>, "Kyle J. Hurin" <[Kyle.Hurin@stpete.org](mailto:Kyle.Hurin@stpete.org)>, Ljudmila Knezevic <[Ljudmila.Knezevic@stpete.org](mailto:Ljudmila.Knezevic@stpete.org)>, WRDUtilityReview <[WRDUtilityReview@stpete.org](mailto:WRDUtilityReview@stpete.org)>, "Troy D. Davis" <[Troy.Davis@stpete.org](mailto:Troy.Davis@stpete.org)>, "Aaron M. Fisch" <[aaron.fisch@stpete.org](mailto:aaron.fisch@stpete.org)>, "Christina M. Boussias" <[Christina.Boussias@stpete.org](mailto:Christina.Boussias@stpete.org)>, "Timothy R. Collins" <[Timothy.Collins@stpete.org](mailto:Timothy.Collins@stpete.org)>, "Michael J. Kovacsev" <[Michael.Kovacsev@stpete.org](mailto:Michael.Kovacsev@stpete.org)>, Robert P Bassett <[Robert.Bassett@stpete.org](mailto:Robert.Bassett@stpete.org)>, "Domning, Joan" <[JDomning@tecoenergy.com](mailto:JDomning@tecoenergy.com)>, "Avila, David" <[David.Avila@charter.com](mailto:David.Avila@charter.com)>, "Mixer, Brian C" <[Brian.Mixer@charter.com](mailto:Brian.Mixer@charter.com)>, "Holtzhouse, Andrew J" <[Andrew.Holtzhouse@charter.com](mailto:Andrew.Holtzhouse@charter.com)>, Stephen Waidley <[stephen.waidley@ftr.com](mailto:stephen.waidley@ftr.com)>, Brockton Bronson <[Brockton.Bronson@wowinc.com](mailto:Brockton.Bronson@wowinc.com)>, Dave Hamlin <[dave.hamlin@wowinc.com](mailto:dave.hamlin@wowinc.com)>, James Sandman <[James.Sandman@wowinc.com](mailto:James.Sandman@wowinc.com)>, Richard LaGanga <[Richard.LaGanga@wowinc.com](mailto:Richard.LaGanga@wowinc.com)>, [vacate@duke-energy.com](mailto:vacate@duke-energy.com), [relocations@centurylink.com](mailto:relocations@centurylink.com), "Cheryl N. Stacks" <[Cheryl.Stacks@stpete.org](mailto:Cheryl.Stacks@stpete.org)>, "Elisabeth M. Staten" <[Elisabeth.Staten@stpete.org](mailto:Elisabeth.Staten@stpete.org)>, "Karen E. Freggens" <[Karen.Freggens@stpete.org](mailto:Karen.Freggens@stpete.org)>  
**Subject:** RE: 22-33000011 - 2700 Driftwood Rd S - ROW vacation

Hello-

Please review the attached documents and return comments or a letter of no objection by **August 3, 2022** to [Cheryl.Bergailo@stpete.org](mailto:Cheryl.Bergailo@stpete.org).

# ATTACHMENT H - Objection

August 22, 2022

RE: Case No.22-33000011 Vacation of Waterfront Access in 2<sup>nd</sup> Addition Driftwood Subdivision.

To Whom It May Concern;

I have received a letter of public hearing concerning case # 22-33000011 regarding the vacation of city property in the 2<sup>nd</sup> Addition of the Driftwood Subdivision. I strongly disapprove of the vacation of this property . I am a lifelong resident of Driftwood save the few years of college and career that took me out of the St. Petersburg

The following reasons will explain my objections and recommendations:

1. Residents and neighbors have not had access to Big Bayou because of overgrowth in the easement in question. The 'open gate' policy of the former Mullet Farm owners allowed residents to gain access upon request while allowing the overgrowth to keep problematic visitors in check during the decades when crime was an issue for the community. Thankfully, that has been greatly reduced.
2. The applicants do not live in the Driftwood subdivision and therefore, should not be able to take it away from Driftwood.
3. On the other side of the applicants property, is another public park with open access to the water. Located at the base of Bayside Drive, it belongs to the applicants neighborhood and is also positioned directly next to the applicants property . To my knowledge , no request has been made to vacate this park although it provides the same access to the shore and is completely open to the public. On our side in question, a seemingly impenetrable 6 foot fence (directly on the curb with no easement) already fortifies the applicants property from the area in question. Good lighting, a more open view, or a gate would mitigate problems with prostitution and other nefarious activities which are not definitely NOT exclusive to this strip of land.

There is a precedent for residents of Driftwood to share deeded access to a slice of waterfront . Please consider either properly deeding this area to the Driftwood property owners association or fixing it up as a park similar to the one on the next block ( Bayside Drive) . If properly deeded to Driftwood, we , the residents would be in charge of its maintenance as established by the president set by the existing Driftwood beach walkway near Wildwood Lane and Driftwood Road.

Either of these models would afford residents the ability to share the unique character of the shoreline. After all, this community, the oldest settlement in Pinellas County, was founded here because of it's sheltered bayou which was meant to be utilized by all.

Sincerely,

Kim O'Brien and Robert Morey  
2635 Florida Ave. S.  
727-631-6842