



---

This alley was dedicated at the time of vacation of a 16 foot north-south alley that extended from mid-block south to 76th Avenue South. This alley being vacated was dedicated by the Northside Replat required at the time of that vacation. As a condition of vacating this alley, the applicant has agreed to dedicate a new 20-foot north south alley to the west of the alley portion proposed for vacation.

The parcel located along 77th Avenue (Lots 55 and 56) were recently rezoned to Corridor Residential Suburban-1.

Signatures agreeing to the initiation of the vacation were also received from the owners of the abutting parcel to the east (a portion of Lot 146 and Lot 147) Misial and Aileen Terante.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Engineering Conditions of Engineering Approval (Attachment "C"). The applicant's goal is to redevelop the site for medical office use.

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

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

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

#### A. Land Development Regulations

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

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

The application was routed to City Departments and private utility providers. There are no facilities within the alley segment proposed for vacation. The City does have facilities protected by an existing easement on the property, which is also the location of the alley to be dedicated as a condition of this vacation.

Frontier has indicated that they have facilities within the area proposed for construction. A suggested condition of approval has been added to address those concerns.

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

The vacation of this portion of the alley will not deny access to any lot of record. Access to the existing east-west alley will be protected by the granting of a new alley located just west of this existing alley.

- 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.*

This vacation will not impact the existing roadway network as equivalent access is to be provided.

- 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.*

This right-of-way is not needed for the purpose for which the City has a legal interest. The City's interest will be addressed through the dedication of a new alley segment.

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

No other factors have been raised for consideration.

#### B. Comprehensive Plan

There are no policies in the City's Comprehensive Plan which apply to this request.

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

The subject right-of-way is within the boundaries of the Fossil Park Neighborhood Association.

There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City.

**Comments from Agencies and the Public** Several calls were received from the abutting neighbor Aileen Terante at 871 76th Avenue North. These were primarily concerned with the proposed site plan of the project and whether the alley would be relocated to be further away from their property. She also was concerned with the proposed dumpster location shown on the site plan.

The Fossil Park Neighborhood Association sent an email indicating that they had no objection to the vacation.

**RECOMMENDATION.** Staff recommends **APPROVAL** of the proposed alley right-of-way vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Replat the subject property and the alley to be vacated.

2. Through the replatting process, dedicate a new 20-foot north-south alley located west of the alley being vacated.
3. Comply with the conditions of the Engineering memorandum dated February 15, 2017.
4. Prior to recording the vacation Ordinance, work with Frontier to either determine that their facilities are protected by an existing utility easement or the proposed new alley, provide a private easement, or relocate their facilities at the owner's expense. In any case a letter of no objection from Frontier must be provided.
5. Through the site plan approval process, revise the proposed site plan to relocate the dumpster further to the north and as far as practicable from the abutting residential properties. Redesign the parking to save the oak tree located between the alley being vacated and the proposed new alley, if it is not within the required twenty-foot new alley.
6. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon 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:**



4/26/17

KATHRYN A. YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official  
Planning & Economic Development Department  
Development Review Services Division

DATE

**REPORT APPROVED BY:**

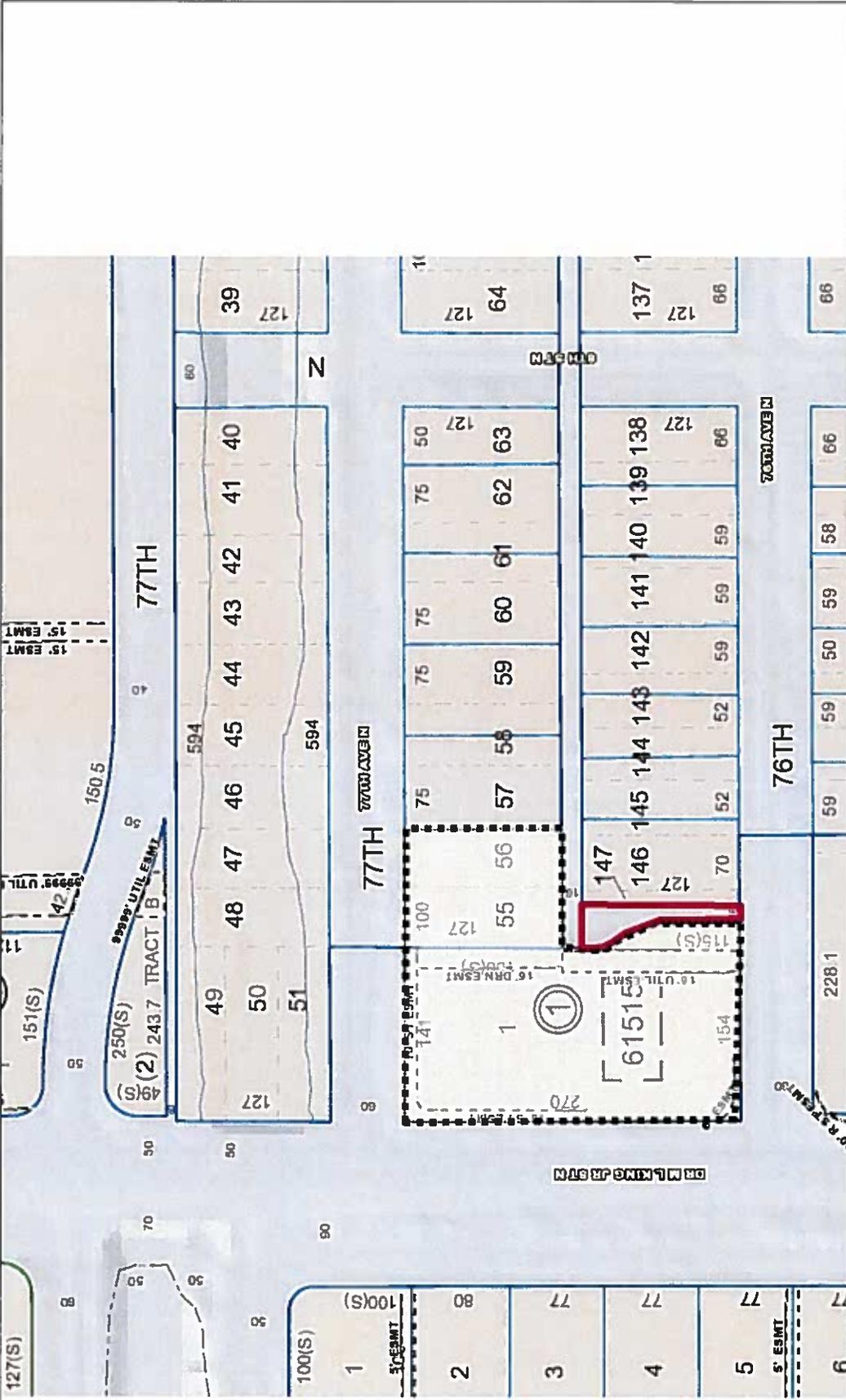


4-26-17

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

DATE

Attachments: A – Parcel Map, B – Aerial Map, C – Engineering memorandum dated February 15, 2017, D – Proposed New Alley Sketch and Legal Description, E – Proposed Site Plan Exhibits – “A” (2 pages) Sketch and Legal Description of Alley to be Vacated



Attachment A  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 17-3300003  
 Address: 7601 Dr. M. L. King Jr. Street North  
 and 0 77th Avenue North





Attachment A  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 17-33000003  
Address: 7601 Dr. M. L. King Jr. Street North  
and 0 77th Avenue North



**Attachment C**  
**Pg 1 of 2**

**MEMORANDUM**  
**CITY OF ST. PETERSBURG**  
**ENGINEERING DEPARTMENT**

---

**TO:** Pamela Jones, Development Services  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** March 24, 2017  
**SUBJECT:** Right of way - Vacation  
**FILE:** 17-33000003

---

**LOCATION:** 7601 Dr. Martin Luther King Jr. Street North; 30/30/17/61515/001/0010  
**AND PIN:** No Address; 30/30/1745666/000/0550  
**ATLAS:** F-40  
**PROJECT:** Right of Way - Vacation  
**REQUEST:** Approval of a vacation of a 16-foot north-south alley located west of the intersection of Dr. Martin Luther King Jr. Street North and 76<sup>th</sup> Avenue North.

**COMMENTS:** The Engineering and Capital Improvements Department has no objection to the vacation request provided that the following comments are added as conditions of approval:

1. Engineering would recommend that all portions of the alley within, adjacent to, or used by this site for access to parking lots be paved per current City Engineering Standards and Specifications. Public drainage conveyance easement dedication may be required upon redevelopment of this site if public alley drainage flows onto or through the private property. The cost of easement dedication and the design, permitting and construction of alley paving shall be at the sole expense of the applicant.
2. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be designed, permitted, and installed in accordance with the standards, specifications, and policies adopted by the City by and at the sole expense of the applicant.
3. Any redundant pavement surfaces or aprons associated with the vacated alley right of way shall be removed and restored with appropriate grading (with drainage toward a paved public right of way and not onto adjacent private property) and stabilized per current City Engineering Standards and Specifications, by and at the sole expense of the applicant.
4. It is noted that construction of the new parking area & new building shown on the site plan may trigger compliance with the City's Drainage and Surface Water Management Ordinance if site modifications exceed 3000 sf. Development and redevelopment shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion

**Attachment C**  
**Pg 2 of 2**

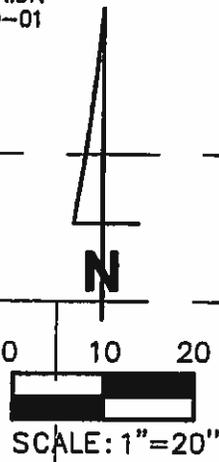
of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

NED/MJR/jw

pc: Kelly Donnelly  
Easement Vacation File 2017  
Reading File  
Correspondence File

Attachment D  
 Page 1 of 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°48'57"E	120.00
L2	N00°05'03"E	143.00
L3	S89°48'57"E	21.00
L4	S00°05'03"W	16.00
L5	N89°48'57"W	0.99
L6	S00°05'03"W	127.00
L7	N89°48'57"W	20.00



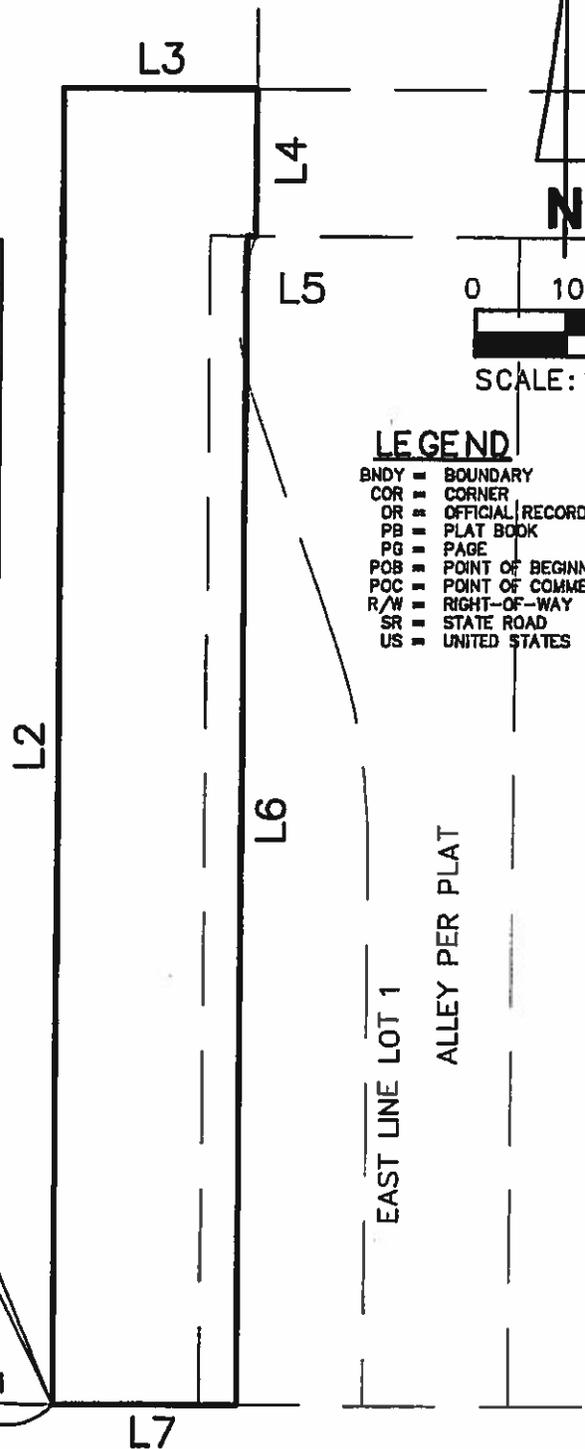
- LEGEND**
- BNDY = BOUNDARY
  - COR = CORNER
  - OR = OFFICIAL RECORDS BOOK
  - PB = PLAT BOOK
  - PG = PAGE
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - R/W = RIGHT-OF-WAY
  - SR = STATE ROAD
  - US = UNITED STATES

LOT 1, BLOCK 1,  
 NORTHSIDE REPLAT  
 PB. 67, PAGE 87

POC  
 SW CORNER  
 LOT 1, BLOCK 1

POB

NORTHERLY R/W LINE  
 PER NORTHSIDE REPLAT  
 SOUTH LINE LOT 1  
 NORTH R/W LINE



76TH AVENUE NORTH

NOT A SURVEY

SHEET 1 OF 2

ITEM	DATE	BY	QC
REVISE BOUNDARY	04-26-17	DHR	DHP
SKETCH & DESCRIPTION	01-07-17	SSS	DHR

H: \JN\4720\DWG\4720SD2REV1.DWG

EXHIBIT "A"



**POLARIS ASSOCIATES INC.**  
 PROFESSIONAL SURVEYING LB 6113  
 2165 SUNNYDALE BOULEVARD, SUITE D  
 CLEARWATER, FLORIDA 33765  
 (727) 481-6113

**DESCRIPTION**

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 30 SOUTH, RANGE 17 EAST, PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, NORTHSIDE REPLAT AS RECORDED IN PLAT BOOK 67, PAGE 87, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, S.89°48'57"E., 120.00 FEET TO THE POINT OF BEGINNING; THENCE N.00°05'03"E., 143.00 FEET S.89°48'57"E., 21.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE ALONG SAID EAST LINE, S.00°05'03"W., 16.00 FEET; THENCE N.89°48'57"W., 0.99 FEET; THENCE S.00°05'03"W., 127.00 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, N89°48'57"W., 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.066 ACRES, (2,875 SQUARE FEET) MORE OR LESS

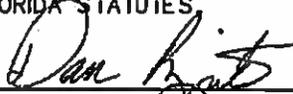
Attachment D  
 Page 2 of 2

**NOTES**

1. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, BLOCK 1, NORTHSIDE REPLAT, PLAT BOOK 67, PAGE 87, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID LINE BEING ASSUMED AS S89°48'57"E.
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 MINIMUM TECHNICAL STANDARDS 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.

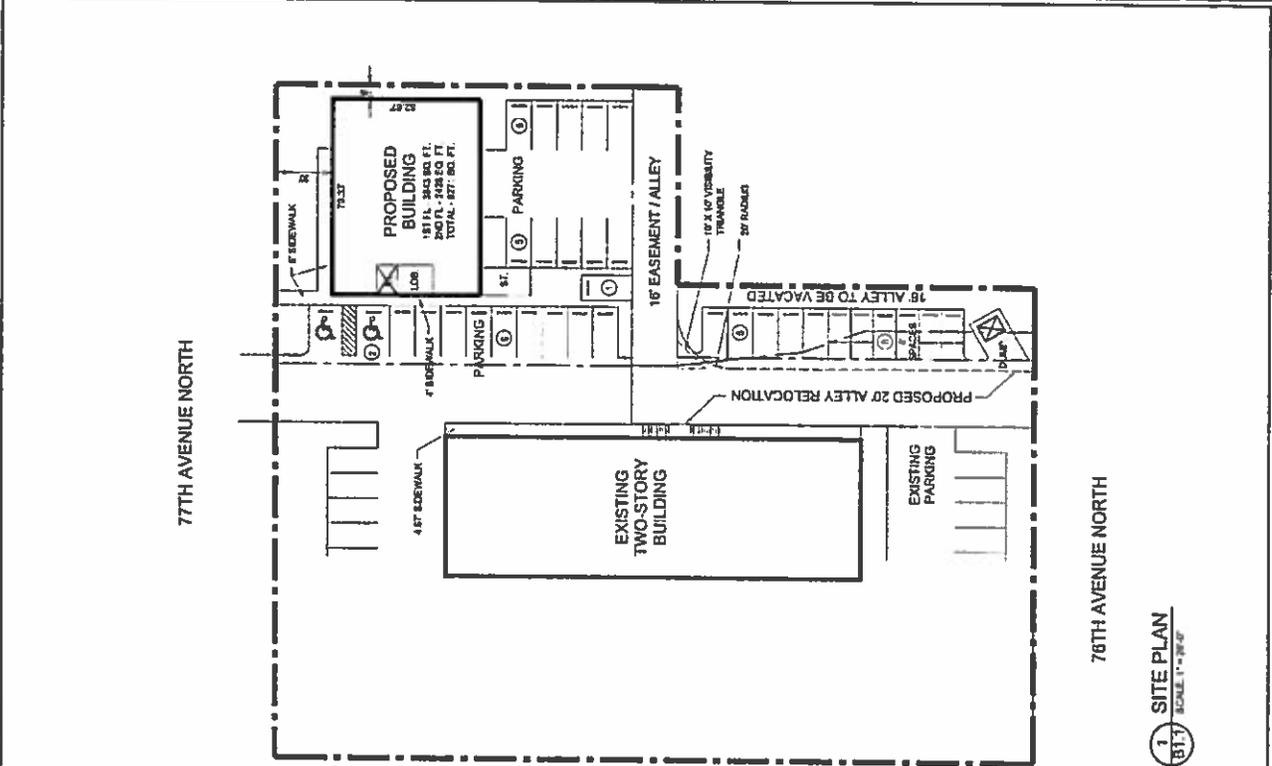
  
 \_\_\_\_\_  
 DAN H. RIZZUTO  
 PROFESSIONAL LAND SURVEYOR  
 LS 5227, STATE OF FLORIDA

**NOT A SURVEY**

SHEET 2 OF 2

ITEM	DATE	BY	QC	<b>EXHIBIT "A"</b>	 <b>POLARIS ASSOCIATES INC.</b> PROFESSIONAL SURVEYING LB 6113 2165 SUNNYDALE BOULEVARD, SUITE D CLEARWATER, FLORIDA 33765 (727) 461-6113
REVISE BOUNDARY	04-26-17	DHR	DHR		
SKETCH & DESCRIPTION	01-07-17	SSS	DHR		
H:\JN\4720\DWG\4720SD2REV1.DWG					

WS Architecture, PLLC 10000 West 11th Avenue, Suite 100 Denver, CO 80202 Phone: 303.733.8888 Fax: 303.733.8889 www.wsarch.com	7601 DR. MARTIN LUTHER KING JR. ST. N. ST. PETERSBURG, FLORIDA 33702 ROSENTHAL BUILDING	Project No.: Revision No.: Date: Scale: Drawing No.:		SITE PLAN SHEET NO. B1.1



Attachment E

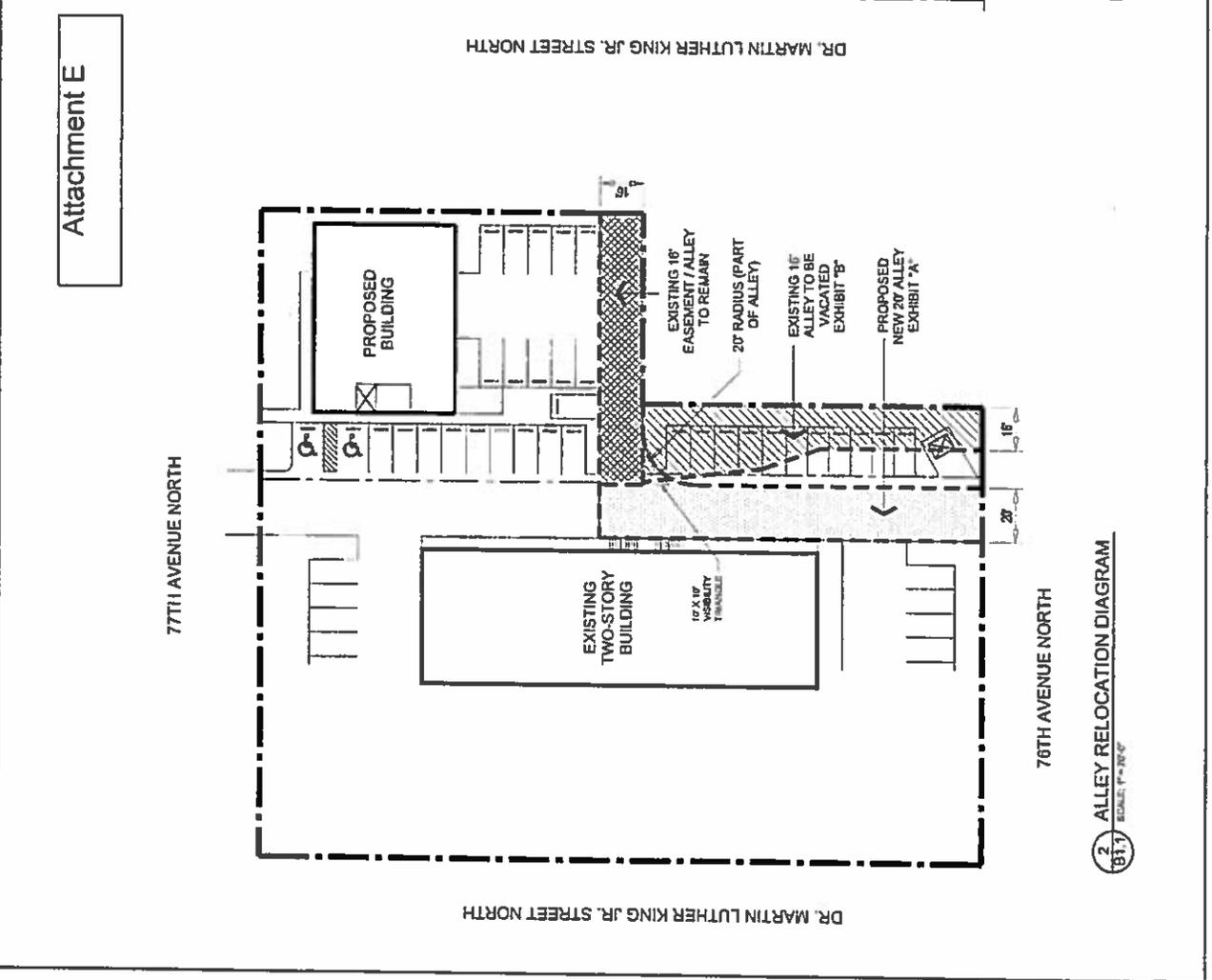
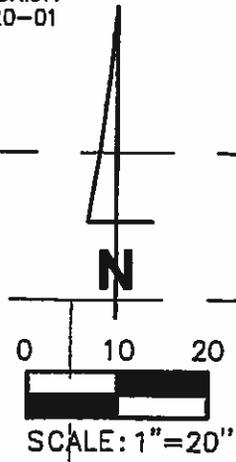


Exhibit A  
 Pg 1 of 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°48'57"E	120.00
L2	N00°05'03"E	143.00
L3	S89°48'57"E	21.00
L4	S00°05'03"W	16.00
L5	N89°48'57"W	0.99
L6	S00°05'03"W	127.00
L7	N89°48'57"W	20.00



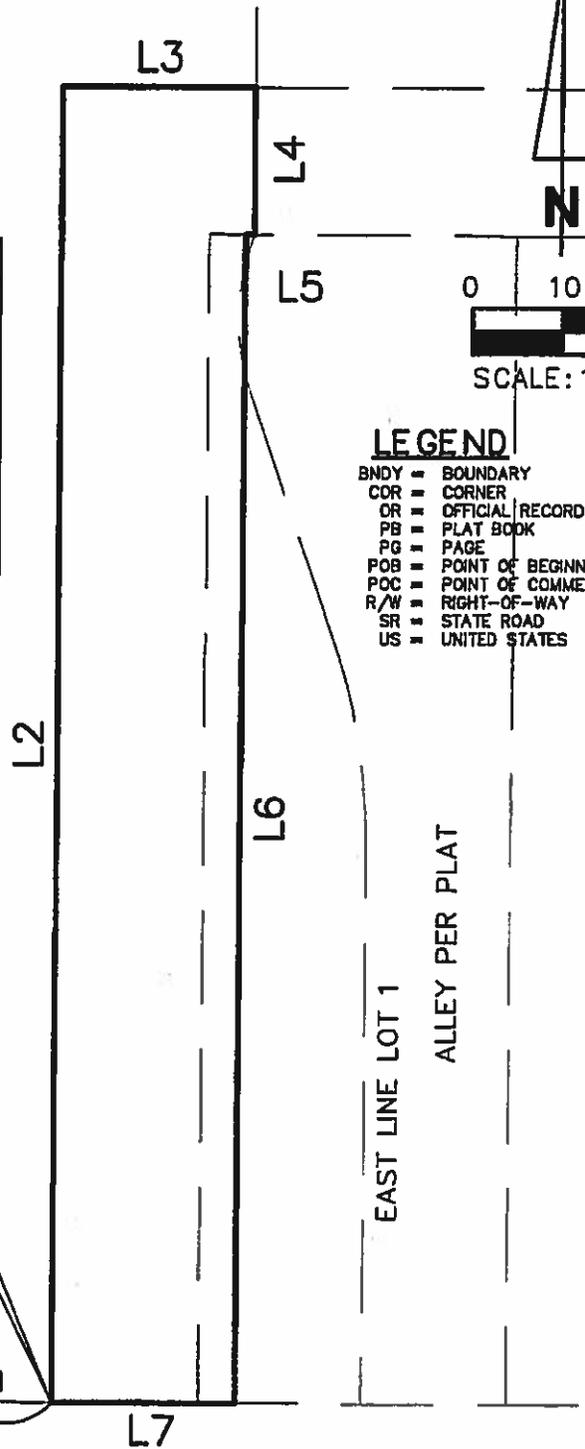
- LEGEND**
- BNDY = BOUNDARY
  - COR = CORNER
  - OR = OFFICIAL RECORDS BOOK
  - PB = PLAT BOOK
  - PG = PAGE
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - R/W = RIGHT-OF-WAY
  - SR = STATE ROAD
  - US = UNITED STATES

LOT 1, BLOCK 1,  
 NORTHSIDE REPLAT  
 PB. 67, PAGE 87

POC  
 SW CORNER  
 LOT 1, BLOCK 1

POB

NORTHERLY R/W LINE  
 PER NORTHSIDE REPLAT  
 SOUTH LINE LOT 1  
 NORTH R/W LINE



76TH AVENUE NORTH

NOT A SURVEY

SHEET 1 OF 2

ITEM	DATE	BY	QC
REVISE BOUNDARY	04-26-17	DHR	DHP
SKETCH & DESCRIPTION	01-07-17	SSS	DHR

H: \JN\4720\DWG\4720SD2REV1.DWG

EXHIBIT "A"

**POLARIS ASSOCIATES INC.**  
 PROFESSIONAL SURVEYING LB 6113  
 2165 SUNNYDALE BOULEVARD, SUITE D  
 CLEARWATER, FLORIDA 33785  
 (727) 481-8113

**DESCRIPTION**

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 30 SOUTH, RANGE 17 EAST, PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, NORTHSIDE REPLAT AS RECORDED IN PLAT BOOK 67, PAGE 87, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, S.89°48'57"E., 120.00 FEET TO THE POINT OF BEGINNING; THENCE N.00°05'03"E., 143.00 FEET S.89°48'57"E., 21.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE ALONG SAID EAST LINE, S.00°05'03"W., 16.00 FEET; THENCE N.89°48'57"W., 0.99 FEET; THENCE S.00°05'03"W., 127.00 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, N89°48'57"W., 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.066 ACRES, (2,875 SQUARE FEET) MORE OR LESS

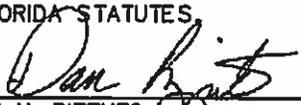
Exhibit A  
Pg 2 of 2

**NOTES**

1. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, BLOCK 1, NORTHSIDE REPLAT, PLAT BOOK 67, PAGE 87, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID LINE BEING ASSUMED AS S89°48'57"E.
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 MINIMUM TECHNICAL STANDARDS 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

NOT A SURVEY

SHEET 2 OF 2

ITEM	DATE	BY	QC
REVISE BOUNDARY	04-26-17	DHR	DHR
SKETCH & DESCRIPTION	01-07-17	SSS	DHR
H:\JN\4720\DWG\4720SD2REV1.DWG			

EXHIBIT "A"



**POLARIS ASSOCIATES INC.**  
 PROFESSIONAL SURVEYING LB 6113  
 2165 SUNNYDALE BOULEVARD, SUITE D  
 CLEARWATER, FLORIDA 33765  
 (727) 461-6113



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

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

---

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

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **May 3, 2017, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 17-33000005 PLAT SHEET: L-3

REQUEST: Approval of a vacation of the portion of 7<sup>th</sup> Avenue South located between 42<sup>nd</sup> Street South and 43<sup>rd</sup> Street South.

OWNER: Yutzy Tree Service, Inc.  
690 43<sup>rd</sup> Street South  
Saint Petersburg, Florida 33711

AGENT: Karl Yutzy  
8075 29<sup>th</sup> Avenue North  
Saint Petersburg, Florida 33710

ADDRESS: 690 43<sup>rd</sup> Street South

PARCEL ID NO.: 22-31-16-26910-022-0090

LEGAL DESCRIPTION: On File

ZONING: Industrial Traditional (IT)

**DISCUSSION AND RECOMMENDATION:**

**Request.** The request is to vacate a portion of 7th Avenue South located between 42nd Street South and 43rd Street South. The right-of-way of 7th Avenue South to the east of 42nd Street South was previously vacated through two other separate vacation cases.

A letter consenting to the initiation of the vacation of right-of-way was received from the City of St. Petersburg Transportation and Parking Management Department, which controls the parcel immediately to the south of the right-of-way to be vacated.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal Description (Exhibit "A"). The applicant's goal is to consolidate the property for redevelopment. The proposed use is for expansion of the applicant's business.

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

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

**A. Land Development Regulations**

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

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

The application was routed to City Departments and outside utility providers. The City's Water Resources and Engineering Departments indicated that they have facilities in the right-of-way to be vacated. An associated special condition of approval has been added at the end of this report.

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

The vacation of the east west portion of 7th Avenue South will not have any effect on access to any lot of record. The applicant's lots to the north can be accessed from both 42nd Street South and 43rd Street South. The property immediately south of 7th Avenue is owned by the City of St. Petersburg and can be accessed from both 42nd Street South and 43rd Street South on the east and west; and from the Pinellas Trail which is located immediately south of the City's property.

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

The vacation of the subject right-of-way will create a dead end right-of-way on the portion of 42nd Street South. The portion of 7th Avenue further to the east was previously vacated. This will not alter utilized travel patterns as the portion of right-of-way to be vacated is unimproved and has never been used for travel. The properties on both sides of 42nd Street South will continue to use that right-of-way to access their properties.

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

There is no present or future need for the right-of-way for public vehicular or pedestrian access. There is a need to retain a public utility corridor. The City utilities located in the right-of-way to be vacated will be protected by the suggested condition of approval at the end of this report.

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

No other factors have been raised for consideration.

#### B. Comprehensive Plan

There are no policies in the City's Comprehensive Plan which apply to this request.

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

This site is located within the boundaries of the South St. Petersburg CRA. The South St. Petersburg CRA Dependent Special District was established to remedy blighting conditions within the South St. Petersburg Community Redevelopment Area.

The South St. Petersburg Redevelopment Plan adopted by St. Petersburg City Council on May 21, 2015, has related policies and plans. In Chapter Three - Redevelopment Action Plan under the Manufacturing Development category there are two land Acquisition and Disposition policies that affect vacation of right-of-way:

1. When acquiring property, priority should be given to facilitating the creation of larger holdings suitable for industrial and business use.
2. Promote block consolidation through street and alley vacations as well as utility relocations.

It is also noted in Chapter Four - Redevelopment Program and Funding Strategy that:

1. Land assembly, consolidation and site preparation is essential for encouraging residential, commercial and industrial development to the South St. Petersburg CRA.
2. The land assembly effort may also involve vacating streets, alleyways and associated utilities such as water, sewer and stormwater facilities.

The subject right-of-way is within the boundaries of the Childs Park Neighborhood Association. This is also located in the Dome Industrial Park Target Employment Center. There are no neighborhood plans or policies in the Target Employment Center which affect vacation of right-of-way in this area of the City.

**Comments from Agencies and the Public.** Staff received one call and one email from the public. Neither indicated any concerns with the proposed vacation.

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

**RECOMMENDATION.** Staff recommends **APPROVAL** of the proposed street right-of-way vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by a public utility easement covering all of the right-of-way to be vacated.
2. Prior to the recording of the vacation ordinance, comply with Condition of Approval Number 1 in the Engineering Memorandum dated March 24, 2017.
3. Comply with Conditions of Approval Number 2 and Number 3 in the Engineering Memorandum dated March 24, 2017.
4. Lots 9 through 16 can no longer stand alone as separate lots. If any division of the property into more than two parcels is desired in the future, a plat and re-dedication of right-of-way will be required.

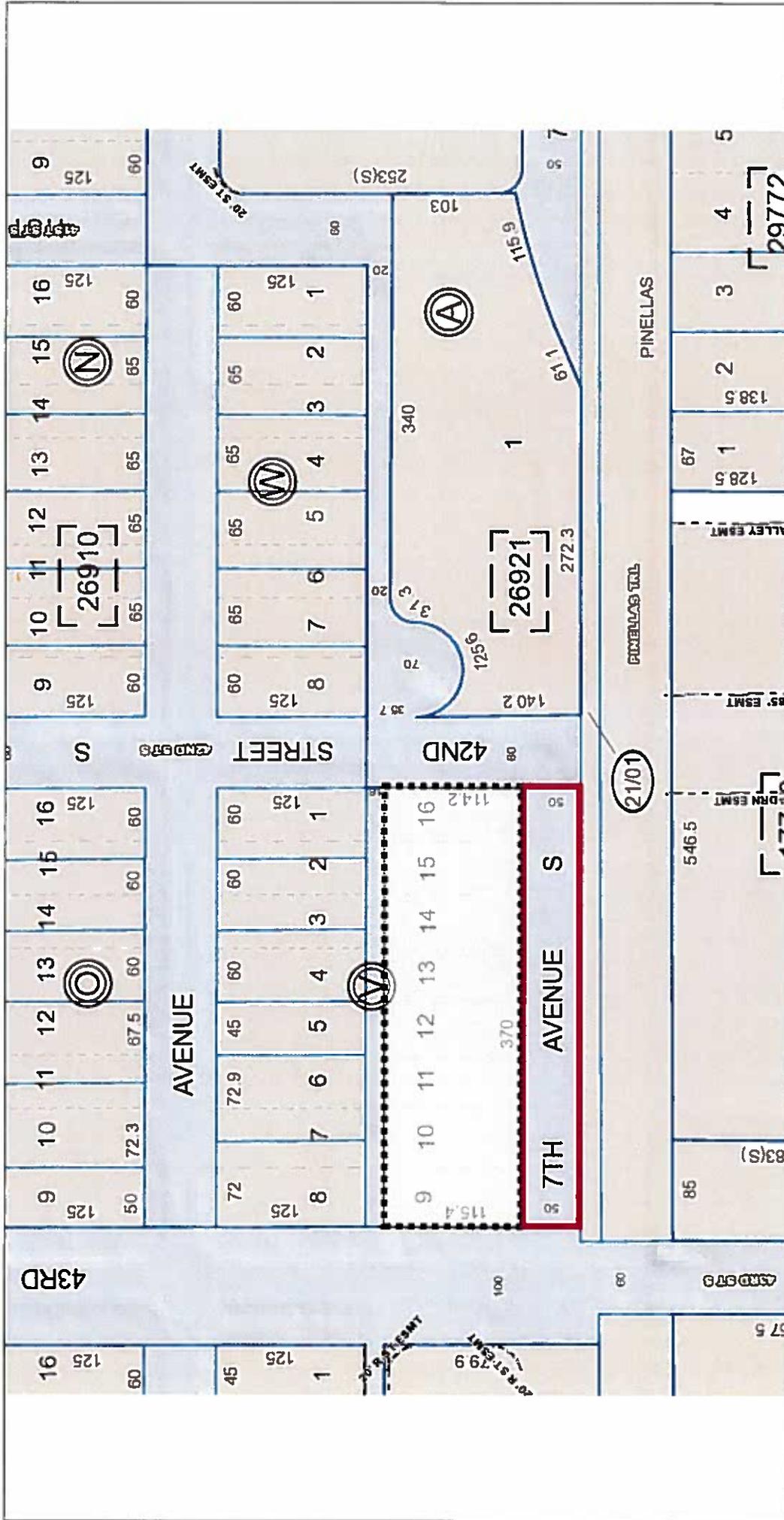
**REPORT PREPARED BY:**

  
KATHRYN A. YOUNKIN, AICP, LEED AP BD + C, Deputy Zoning Official  
Development Review Services Division  
Planning & Economic Development Department  
DATE 4/26/17

**REPORT APPROVED BY:**

  
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)  
Planning and Economic Development  
Development Review Services Division  
DATE 4-26-17

Attachments: A – Parcel Map, B – Aerial, C – Engineering Memorandum dated March 24, 2017  
Exhibit – “A” 2 pages – Sketch and Legal Description



Attachment A  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 17-3300005  
 Address: 690 43rd Street South





Attachment B  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 17-3300005  
Address: 690 43rd Street South



# Attachment C

MEMORANDUM  
CITY OF ST. PETERSBURG  
ENGINEERING DEPARTMENT

---

**TO:** Pamela Jones, Development Services  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** March 24, 2017  
**SUBJECT:** Right of way - Vacation  
**FILE:** 17-33000005

---

**LOCATION:** 690 43<sup>rd</sup> Street South  
**AND PIN:** 22/31/16/26910/022/0090  
**ATLAS:** L-3  
**PROJECT:** Right of Way - Vacation  
**REQUEST:** Approval of a vacation of a portion of 7th Avenue South located between 42<sup>nd</sup> Street South and 43<sup>rd</sup> Street South.

**COMMENTS:** The Engineering and Capital Improvements Department has no objection to the vacation request provided that the entire vacated right-of-way is retained as a utility and drainage easement.

1. The portion of 7<sup>th</sup> Avenue South requested to be vacated contains a 72" X 108" public drainage culvert; therefore the entire vacated right of way must be retained as Public Drainage and Utility easement.
2. Public access into and along the easement must be maintained as may be required for public utility maintenance or improvement. Any private fences installed across the easement must be gated to maintain direct drive through access to adjacent public right of way(s). Minimum gate width is 12-feet. The City will not be responsible for the restoration of fences placed within or across the public easement area should the City be required to remove the fence or obstruction for public purposes.
3. Any future minor encroachments into the public easement which are contemplated will require the issuance of a Minor Easement Permit pursuant to the requirements of City Code Chapter 25, Article VII. Encroachments shall not interfere with the use of the *easement* for utility purposes which includes the maintenance, installation, and replacement of underground utilities. Any obstructions to public access into the easement area must be removed by the property owner immediately upon written notice given by the City of St. Petersburg when required for infrastructure maintenance or improvements.

NED/MJR/jw

pc: Kelly Donnelly  
Easement Vacation File 2017  
Reading File  
Correspondence File

SECTION 27, TOWNSHIP 31 SOUTH, RANGE 16 EAST

DESCRIPTION AND SKETCH  
7TH AVENUE SOUTH VACATION

VACATION DESCRIPTION:

THAT PORTION OF 7TH AVENUE SOUTH LYING SOUTH OF AND ADJACENT TO BLOCK "V", FAIRMOUNT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID BLOCK "V" AND RUN THENCE N.89°45'44"E. ALONG THE SOUTH LINE OF SAID BLOCK "V" A DISTANCE OF 370.01 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK "V"; THENCE RUN S.00°41'57"E. ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID BLOCK "V" A DISTANCE OF 50.00 FEET; THENCE RUN S.89°45'44"W. ALONG A LINE 50 FEET SOUTH OF AND PARALLEL TO THE AFORESAID SOUTH LINE OF BLOCK "V" A DISTANCE OF 370.02 FEET TO A POINT ON A SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID BLOCK "V"; THENCE RUN N.00°41'01"W. ALONG SAID LINE A DISTANCE OF 50.00' TO THE AFORESAID SOUTHWEST CORNER OF BLOCK "V" AND THE POINT OF BEGINNING.

CONTAINING 18500 SQUARE FEET OR 0.424 ACRES MORE OR LESS.

Exhibit "A"  
Pg 1 of 2

7TH AVENUE SOUTH VACATING GEOMETRY IS BASED ON  
EXISTING FIELD SURVEY DATA.

PREPARED: 2/10/17

FOR: YUTZY TREE SERVICE, INC.

THIS IS NOT A SURVEY

This Legal Description and Sketch was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

NOTE: Legal Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

Job: 1701-75  
Drawn: DS

I hereby certify that the Legal Description and Sketch represented herein meets the requirements of Chapter 58-17, Florida Administrative Code.

STATE OF FLORIDA  
JOHN C. BRENDLA  
Florida Surveyor License No. 1269  
Certificate of Authorization No. 760

Prepared by:  
JOHN C. BRENDLA & ASSOCIATES, INC.  
CONSULTING ENGINEERS AND LAND SURVEYORS  
4015 82nd Avenue North  
Pinellas Park, Florida 33781  
phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 2

SECTION 27, TOWNSHIP 31 SOUTH, RANGE 16 EAST

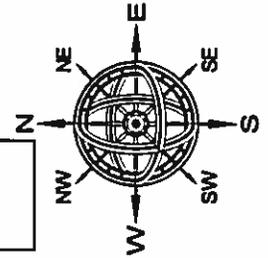
SKETCH OF DESCRIPTION

PARTIAL REPLAT OF BLOCK 'W'-FAIRMOUNT PARK  
Plat Book 75, Page 89

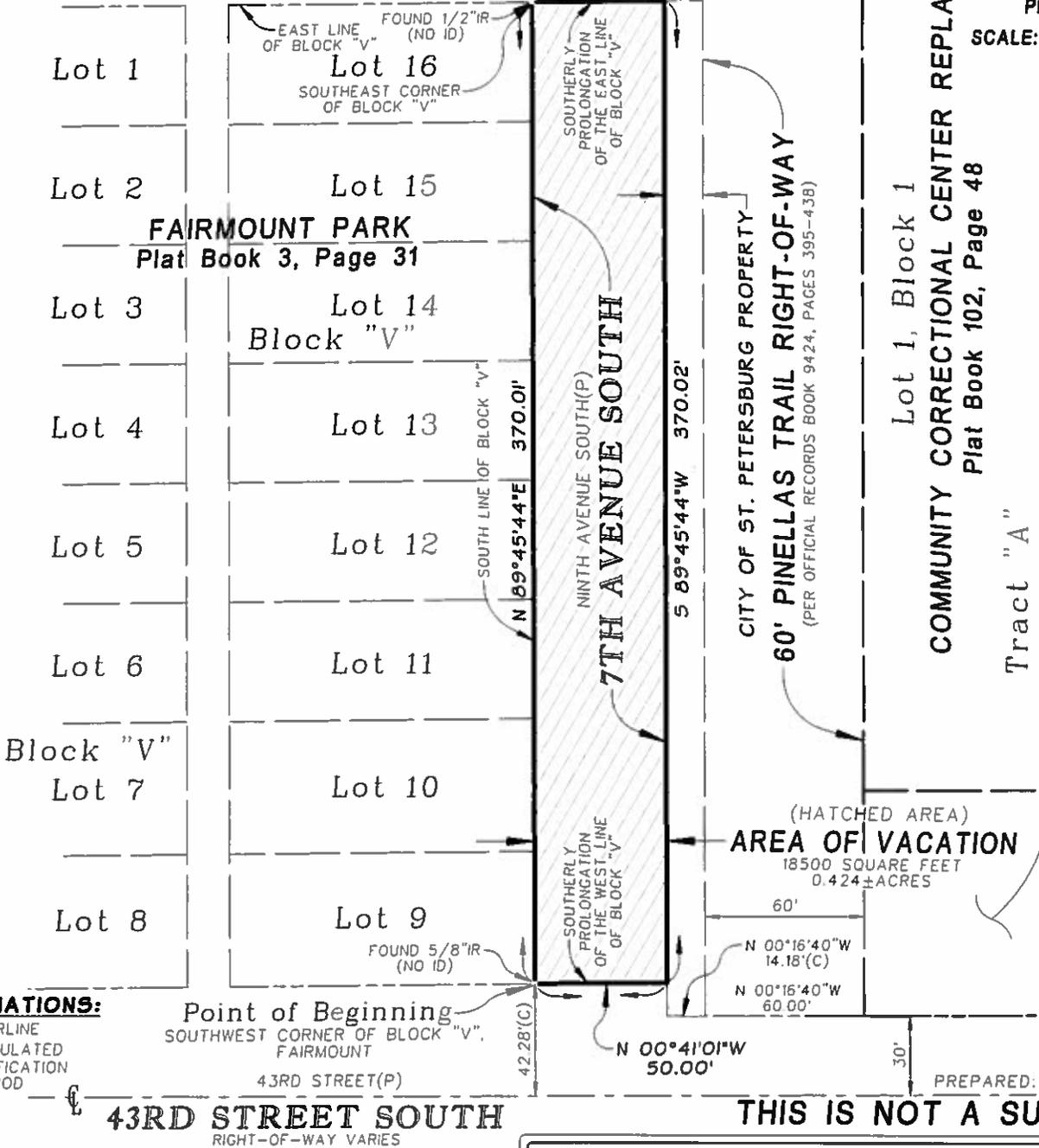
42ND STREET SOUTH  
60' RIGHT-OF-WAY(P)

Lot 1  
Block "A"

Exhibit "A"  
Pg 2 of 2



NORTH BASIS:  
PLAT  
SCALE: 1" = 60'



ABBREVIATIONS:

- (C) = CENTERLINE
- (C) = CALCULATED
- ID = IDENTIFICATION
- IR = IRON ROD
- (P) = PLAT

Point of Beginning  
SOUTHWEST CORNER OF BLOCK "V",  
FAIRMOUNT

43RD STREET SOUTH  
RIGHT-OF-WAY VARIES

THIS IS NOT A SURVEY

PREPARED: 2/10/17

Job: 1701-75  
Drawn: DS

Basis of Bearings:  
SOUTH LINE OF BLOCK "V", FAIRMOUNT PARK AS  
BEING S.89°45'44"W., ASSUMED. (NO PLAT BEARINGS)

FOR: YUTZY TREE SERVICE, INC.

Prepared by:  
JOHN C. BRENDLA & ASSOCIATES, INC.  
CONSULTING ENGINEERS AND LAND SURVEYORS  
4015 82nd Avenue North  
Pinellas Park, Florida 33781  
phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 2 OF 2



**CITY OF ST. PETERSBURG, FLORIDA  
PLANNING AND ECONOMIC DEVELOPMENT DEPT.  
DEVELOPMENT REVIEW SERVICES DIVISION**

---

**STAFF REPORT  
DEVELOPMENT REVIEW COMMISSION  
REINSTATEMENT REQUEST**

For **Public Hearing** and **Executive Action** on **May 3, 2017**, beginning at 2:00 P.M.,  
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning and Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 17-52000004 PLAT SHEET: F-8

REQUEST: Approval of a reinstatement of three grandfathered dwelling units for a total of four (4) dwelling units with a variance from the required four (4) parking spaces to allow three (3) spaces.

OWNER: Rosemary Harold  
841 4<sup>th</sup> Avenue North #52  
St. Petersburg, FL 33701-2711

OWNER: Joan Riedmiller  
345 13<sup>th</sup> Avenue Northeast  
St. Petersburg, FL 33701

ADDRESS: 505 11<sup>th</sup> Avenue North

PARCEL ID NO.: 18-31-17-41544-001-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional-2 (NT-2)

**SITE DATA (Summary):**

Lot size: 4,836 square feet, or 0.11 acres  
Density: 4 units or 36 units per acre  
Permitted Units: 1 unit based on 15 units per acre

**REINSTATEMENT VARIANCES:**

*Section 16.70.040.1.14 – Reinstatement of Abandoned Uses* requires that any application to reinstate a grandfathered use made in conjunction with a request for a variance shall be reviewed by the Development Review Commission. In this case, a variance to parking is requested with the reinstatement application.

*Section 16.10.020.1 – Use Permissions and Parking Requirements Matrix and Zoning Matrix* requires multi-family uses on NT properties to provide one parking space per unit for units up to two bedrooms. The subject property contains four one-bedroom units, therefore four parking spaces are required. A detached garage with three bays provides three enclosed parking spaces.

*Section 16.60.030.1.C* states that grandfathered uses are distinguished from nonconforming uses in that a grandfathered use has been found to have a degree of compatibility with uses allowed in the zoning district. A grandfathered use shall be allowed to continue and to expand on the site until they are removed by economic or other forces.

Units	Type	Required Spaces	Existing Spaces	Variance	Magnitude
4	Parking	4	3	1	25%

**SITE AND PROPERTY CONDITION and SURROUNDING USES:**

The subject property consists of Lot 1 and a portion of Lot 2 in Block A of Hoxie's A.E. Subdivision within the Historic Uptown neighborhood. The property is zoned NT-2 (Neighborhood Traditional), which requires 50 feet of lot width and 5,800 square feet in area. The Historic Uptown neighborhood is one of the City's older neighborhoods, and is characterized by a high concentration of buildings in a traditional urban form and density. Many of the lots within the Historic Uptown neighborhood are substandard to the dimensional requirements and exceed the allowable density requirements by NT-2 standards.

The subject property is 50 feet wide but only 4,836 square feet. Therefore, the property meets the zoning district minimum width requirement but is substandard in area. The historic property card shows that four (4) dwelling units were legally constructed on the subject property in 1940. The apartment building contains four one-bedroom apartments, which requires four parking spaces.

There is no alley access for the subject property, so all vehicular access comes from 5<sup>th</sup> Street North. The garage structure is located 12 feet from the street side property line. A standard parking space is ten feet wide and 20 feet deep, therefore there is not adequate space to park any additional vehicles in front of the garage without the vehicle hanging over into the public right-of-way.

The City Business Tax for rental of four dwelling units at the property expired on September 30, 2011. The business license lapsed for a period of greater than two years, causing the property's grandfathered density to become abandoned.

---

**STAFF ANALYSIS:** Four dwelling units were legally constructed on the site. The present zoning district allows one dwelling unit; thus three units are now considered abandoned for failure to maintain business tax certificates. Evaluation of the criteria for reinstatement specified by the City Code for the Commission's review indicates that reinstatement **IS** appropriate, subject to conditions. An analysis follows, based on the City Code criteria to be considered by the Commission.

1. *The degree to which the property's proposed use and density is consistent with the City's Comprehensive Plan, the applicable adopted Neighborhood Plan goals and objectives, and the character of the density, lot sizes and building types within the surrounding blocks.*

The NT-2 zoning district allows for a single-family home on a property that is less than 5,800 square feet. The subject property was originally developed with a four-unit apartment building in 1940, which is common for the Historic Uptown neighborhood. Within the subject block, the existing land use map shows a mixture of single-family and multi-family uses (see "Attachment A").

2. *The degree to which the property is currently or was at the time of construction in compliance with the use and density/intensity regulations of Chapter 16 (current code), Chapter 29 (previous code), or then applicable zoning codes.*

The four-unit apartment building was developed in 1940. Under the Chapter 64 code, the property was zoned R-4, which allowed residential and multi-family structures up to ten units. Under the Chapter 29 code, the property was zoned RS-75, which allowed for single-family residences. The current NT-2 zoning allows for a single-family home on a property that is less than 5,800 square feet.

3. *The degree to which the property is and has been in compliance with other City Codes.*

The subject property does not have any active codes compliance cases.

4. *The degree to which the property currently has or can provide adequate provisions for parking for the proposed number of units in accordance with the City's current codes and ordinances.*

The subject property was developed in 1940 with a two-story four-unit apartment building measuring 36 feet by 36 feet and a detached single-story garage measuring 30 feet by 36 feet. There is no alley access for the subject property, so all vehicular access comes from 5<sup>th</sup> Street North. The historic property card states that the Board of Adjustments approved this garage in 1940 as a six-car garage. Accounting for today's standard parking space size of ten feet by 20 feet, the structure would only be able to accommodate three vehicles. The garage structure is located 12 feet from the street side property line. Therefore, there is not adequate space to park any additional vehicles in front of the garage without the vehicle hanging over into the public right-of-way. If this garage structure ever did accommodate six vehicles, they would have been two tandem spaces in each of the three garage bays. Today's standards state that each apartment should have access to an unencumbered parking space, so only three legal parking spaces exist. The apartment building contains four one-bedroom apartments and therefore requires four parking spaces, making the property deficient by one parking space.

5. *The degree to which the property has an adverse impact on the neighborhood as a result of the use or number of residential units on the site in excess of that allowed under the current zoning designation, lack of needed on-site parking, substandard maintenance, or other similar factors related to the property.*

Code section 16.60.030 allows grandfathered uses to continue and expand on site until they are removed by economic or other forces. There are no proposed changes to the historic use or intensity of this property; the reinstatement will allow the historic use to continue.

The Historic Uptown neighborhood is located within a mile of downtown, making the area accessible for bicyclists, pedestrians, and users of public transit. These alternative methods of transportation are taken into consideration for the parking variance request. Recommended conditions of approval include a requirement that the applicant provide covered, secured bicycle parking on-site and bring the site and building up to minimum standards. The availability of public transit is also a consideration in the request for the parking variance. The subject site is located in close proximity to public transit. There is a bus stop on 9th Avenue North, approximately 800 feet to the south, and another on Fourth Street North approximately 700 feet to the east.

6. *A structure containing previously grandfathered boarding or rooming units in a zoning district where such units are prohibited shall be converted to dwelling units. The conversion to dwelling units shall be based on the minimum gross floor area size requirements for multiple-family dwelling units of Chapter 16.*

The criterion is not applicable.

7. *The number of residential units reinstated shall be reasonably related to and accommodated by the size and design of the building(s) so that floor plans are appropriate based on the required size for multiple-family dwellings as defined in Chapter 16. No unit with a floor area of less than 375 square feet may be reinstated, and no variance to this minimum requirement shall be granted except as provided in paragraph 9 below. Except for efficiency/studio units, each residential unit shall have at least one bathroom, one bedroom, a kitchen and living room. Every room in an apartment shall have at least one window to ensure light and ventilation, however, bathrooms, kitchens and dining rooms need not have windows. At least one entrance from the exterior should be through the living room. Entrances from the exterior shall not be through bathrooms or bedrooms. Bathrooms shall not be the only entryway to any room.*

All four of the apartment units meet the size and design requirements with appropriate floor plans for multi-family dwellings as defined in Chapter 16.

8. *The minimum size per unit is as follows: 1) Efficiency/studio unit 375 square feet; 2) One bedroom unit 500 square feet; 3) Two bedroom unit 750 square feet. For a dwelling unit having more than two bedrooms, an additional 200 square feet of dwelling area is required for each additional bedroom.*

The minimum size requirements are met for all four of the apartment units. The minimum size requirement for a one-bedroom apartment is 500 square feet, and each of the one-bedroom units are over 600 square feet on the subject property.

9. *An efficiency/studio unit having not less than 220 square feet may be reinstated if the site provides at least the minimum number of off-street parking spaces for the number of units to be reinstated. No variance from this minimum size requirement may be granted.*

The criterion is not applicable.

10. *Reinstatement of units or a use shall not exceed the previously existing legally grandfathered number of units or intensity of use.*

The criterion is not applicable as the applicant is requesting to reinstate a total of four units that were legally constructed in 1940.

**PUBLIC COMMENTS:**

The applicant forwarded the application to the Historic Uptown neighborhood association, but did not receive a response. The property owner at 1116 5<sup>th</sup> Street North called to discuss the application with staff. After discussion, the property owner was amenable to the application. No objections were raised.

**RECOMMENDATION:** The Planning & Economic Development Department staff recommends Approval of the requested reinstatement of three dwelling units, for a total of four units on the site, which shall be subject to the following conditions:

1. The applicant shall contact the Construction Services and Permitting Division to apply for a Certificate of Use by August 3, 2017. After applying for the Certificate of Use, the applicant shall schedule a fire inspection and building investigation. Any noted deficiencies shall be corrected and inspected prior to the issuance of a Certificate of Use.
2. The interior and the exterior of the subject property shall be inspected by the Codes Compliance Assistance department and a Certificate of Use shall not be approved until the inspections are completed and any violations are corrected. The applicant shall contact the Codes Compliance Assistance Department at 727-893-7373 to schedule required inspections.
3. The applicant shall submit a plan for covered and secured tenant bicycle parking for Staff review and approval prior to the commencement of any related work necessary to bring the property into compliance with the requirements for multi-family properties. The plan shall depict a minimum of four (4) off-street covered and secured bicycle parking spaces connected to the main entrances of the units by two (2) foot wide paved walkways.
4. The applicant shall satisfy the above conditions by November 3, 2017. It shall be the applicant's responsibility to request and justify any necessary extensions.
5. The applicant shall contact the City's Business Tax Division and obtain all necessary Business Tax Certificates following issuance of the Certificate of Use.

6. Failure to comply with the Commission's action by the applicant or any new property owner will result in the loss of reinstatement of the abandoned units. The Commission's action is applicable to the property, regardless of ownership. When the property is sold, the new property owner must also meet the conditions of reinstatement or eliminate the abandoned dwelling units.

Report Prepared By:



---

Alexandria Hancock  
Planner II  
Development Review Services Division  
Planning & Economic Development Dept.

Report Prepared For:



---

Elizabeth Abernethy  
Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Dept.



# BOUNDARY SURVEY

ADDRESS  
505 11TH AVE N  
ST. PETERSBURG, FL  
33701

CERTIFIED TO  
JOAN A. REDMILLEN

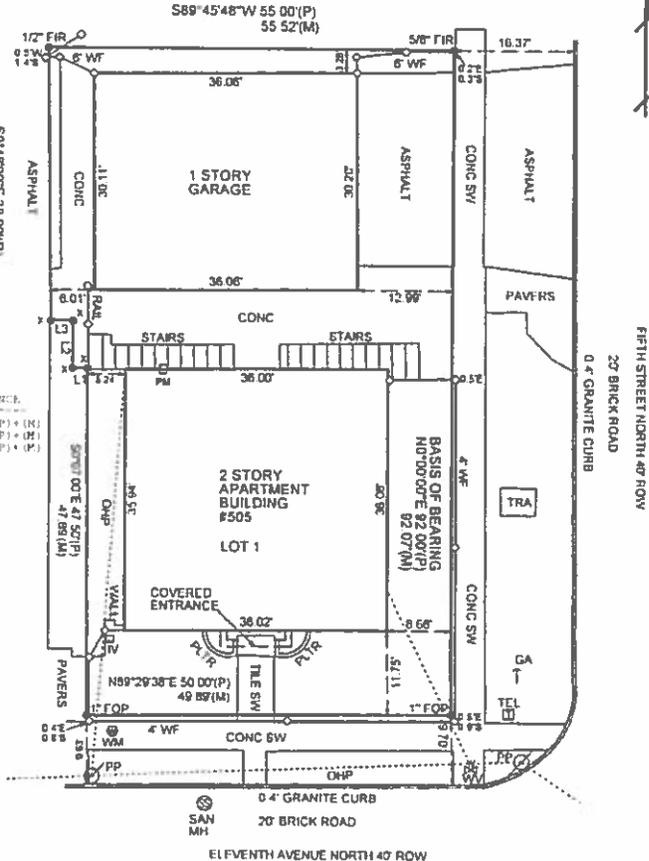
LOT 2

LEGAL DESCRIPTION  
LOT 1 AND THE EAST 8 FEET OF THE NORTH 34 FEET OF LOT 2 AND THE EAST 2 FEET OF THE SOUTH 8.9 FEET OF THE NORTH 41.8 FEET OF LOT 2 IN BLOCK A, A E HOVE'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 PAGE 30, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°43'24" E	3.00' (P) * (M)
L2	S 06°12'16" W	0.50' (P) * (M)
L3	S 88°24'43" E	2.00' (P) * (P)

- ABBREVIATIONS  
 (P) - PLAT MEASUREMENT  
 (R) - RECORD MEASUREMENT  
 (M) - FIELD MEASUREMENT  
 (PM) - PERMANENT REFERENCE MONUMENT  
 (FCM) - FOUND CONCRETE MONUMENT  
 (FIR) - FOUND IRON ROD WITH CAP  
 (FIM) - FOUND IRON ROD  
 (FOP) - FOUND OPEN PIPE  
 (FPP) - FOUND PINCHED PIPE  
 (FN) - FOUND NAIL  
 (FND) - FOUND NAIL & DISK  
 (X) - CUT IN CONCRETE  
 (ROW) - RIGHT OF WAY  
 (PP) - POWER POLE  
 (CA) - GUY ANCHOR  
 (PM) - POWER METER  
 (OHP) - OVERHEAD POWERLINE  
 (CONC) - CONCRETE  
 (SW) - SIDE WALK  
 (WV) - WATER VALVE  
 (WM) - WATER METER  
 (TRA) - TRANSFORMER  
 (PLTR) - PLANTER  
 (IV) - IRRIGATION VALVE  
 (WF) - WOOD FENCE  
 (SAN MH) - SANITARY MANHOLE  
 (TEL) - TELECOM PEDESTAL



CERTIFICATION  
I CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 63-17.03, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: *[Signature]* SURVEY DATE: 10/28/2015

I CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 63-17.03, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**MAS E. HUMA**  
Surveyor No. 12345

AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 12180C0217G, COMMUNITY NUMBER 12614R, EFFECTIVE DATE: OCTOBER 3, 2003 THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE X, DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAN.

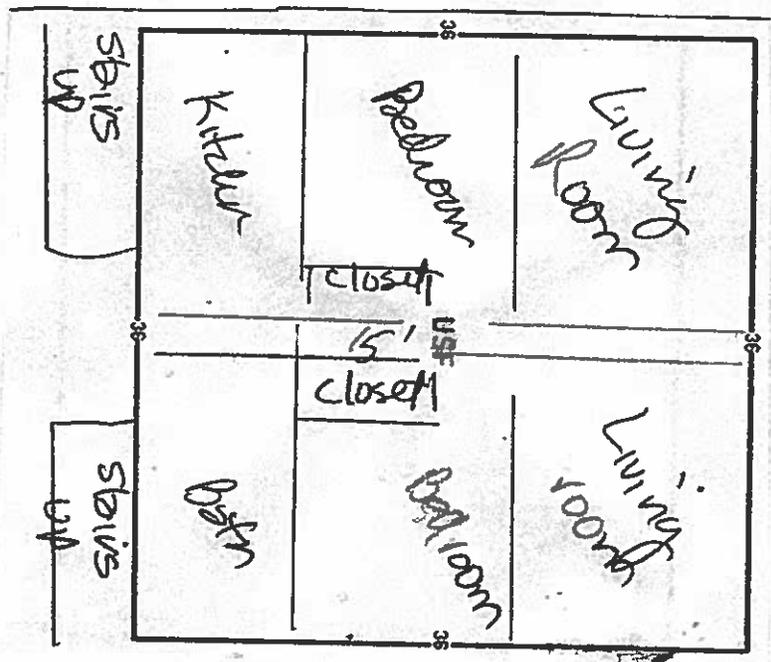
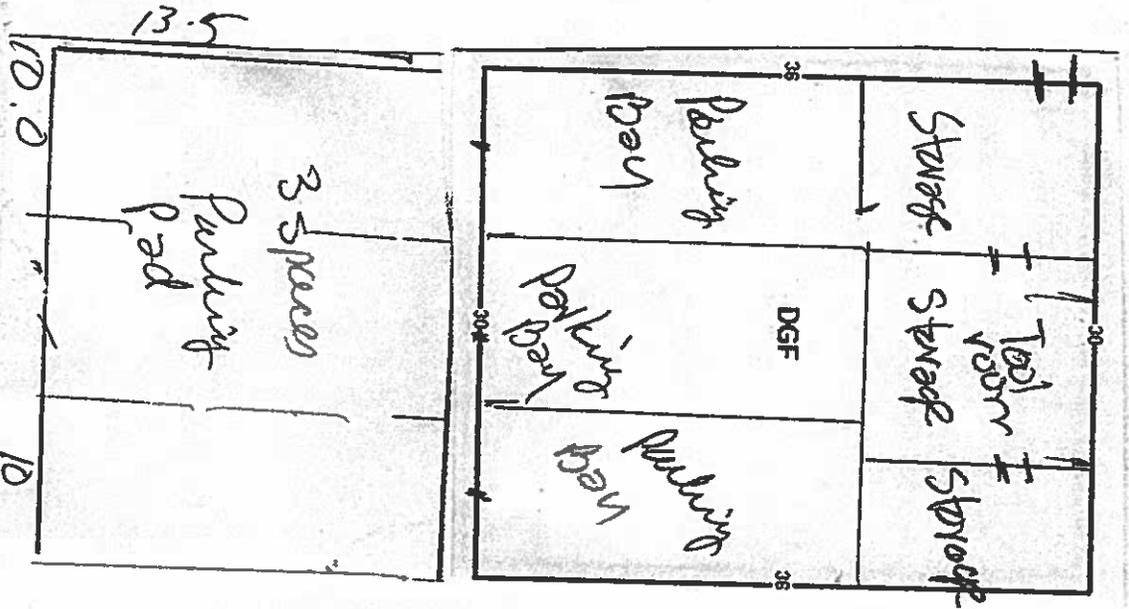
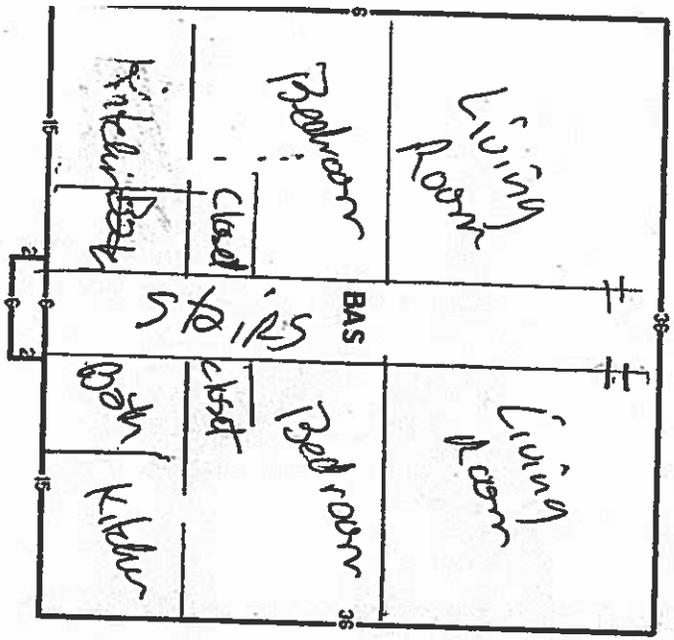
NOTE:  
IN COMPLIANCE WITH F.A.C. §17.032 (3) (4) IF LOCATION OF EASEMENTS OR RIGHT OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

ADDITIONS AND DELETIONS TO SURVEY MAPS OR REPORTS BY OTHERS THAN SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF SIGNING PARTY OR PARTIES.

IN COMPLETE ACCORDANCE WITH FLORIDA STATUTE 472.025 AND PURSUANT TO THE ELECTRONIC SIGNATURE ACT OF 1998 OR FLORIDA STATUTE TITLE XXXI, CHAPTER 688, IF THIS DOCUMENT WAS RECEIVED ELECTRONICALLY VIA PDF, THEN IT HAS BEEN LAWFULLY ELECTRONICALLY SIGNED THEREFOR. THIS SURVEY PDF, IF AUTHENTIC, IS COMPLETELY OFFICIAL AND INSURABLE.

*1 Unit 5 IT-2*

505 11<sup>th</sup> Ave. N. Apts  
 St. Petersburg, FL 33701  
 4/26/17



3



02/10/2016 15:41

**SIDE VIEW**

**Art Deco Apartments  
505 11<sup>th</sup> Avenue N  
St. Petersburg, FL 33701  
Owner: Joan Riedmiller  
Taken: Feb. 2, 2017**

**BACK STAIRWAY VIEW**

**Art Deco Apartments  
505 11<sup>th</sup> Avenue N  
St. Petersburg, FL 33701  
Owner: Joan Riedmiller  
Taken: Feb. 2, 2017**

4



02/10/2016 15:41

1



**FRONT VIEW**

**Art Deco Apartments  
505 11<sup>th</sup> Avenue N  
St. Petersburg, FL 33701  
Owner: Joan Riedmiller  
Taken: Feb. 2, 2017**

2



**GARAGE/SIDE VIEW**

**Art Deco Apartments  
505 11<sup>th</sup> Avenue N  
St. Petersburg, FL 33701  
Owner: Joan Riedmiller  
Taken: Feb. 2, 2017**



# REINSTATEMENT

**RECEIVED**  
MAR 10 2017  
DEVELOPMENT REVIEW  
SERVICES

Application No. 17-52000004

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.

GENERAL INFORMATION	
<b>NAME of APPLICANT (Property Owner):</b> <u>JOAN Riedmiller</u>	
Street Address: <u>345 13<sup>th</sup> Ave NE</u>	
City, State, Zip: <u>St Petersburg FL</u>	
Telephone No: <u>727-744-3970</u>	Email Address:
<b>NAME of AGENT or REPRESENTATIVE:</b>	
Street Address:	
City, State, Zip:	
Telephone No:	Email Address:
<b>PROPERTY INFORMATION:</b>	
Street Address or General Location: <u>565 11<sup>th</sup> Ave N. St Pete 33701</u>	
Parcel ID#(s):	
<b>DESCRIPTION OF REQUEST:</b> <u>CO Reinstatement</u>	
<b>PRE-APPLICATION DATE:</b>	<b>PLANNER:</b>

### FEE SCHEDULE

Reinstatement Administrative Review    \$200.00  
 Reinstatement Commission Review       \$500.00  
 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\*: Joan Riedmiller Date: \_\_\_\_\_  
\*Affidavit to Authorize Agent required, if signed by Agent. UPDATED 07-23-15



**st.petersburg**  
www.stpete.org

# REINSTATEMENT

**NARRATIVE** (PAGE 1)

All applications for reinstatement must provide justification for the requested reinstatement 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. A separate letter addressing the criteria may be provided as a supplement to this form.

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

APPLICANT NARRATIVE	
Street Address:	Case No.: 17-52000004
Detailed Description of Project and Request:	
1. Is the building currently occupied? <i>yes</i>	
2. How many dwelling units exist on the property? <i>4</i>	
3. Of the total number of dwelling units, how many are occupied? <i>4</i>	
4. Have you applied for an occupational license? <i>yes</i>	
5. Are you located within a "Certificate of Inspection" Area? <i>yes</i>	
<i>Information is available from the Codes Compliance Assistance Department at (727) 893-7373.</i>	
6. Have you had any recent fire or building inspections? <i>2015</i>	
7. When did you acquire the property? <i>1999</i>	
8. Do you own other rental property in the City of St. Petersburg? <i>yes</i>	
<i>If yes, please provide a list of the addresses in the space below:</i>	
<i>1046 5<sup>th</sup> St N-                      11401 3<sup>rd</sup> St. N.</i>	
<i>345 13<sup>th</sup> Ave NE                      9100 MLK Jr.</i>	
<i>1020 19<sup>th</sup> Ave. N.</i>	
9. Are any variances requested in conjunction with the reinstatement application?	
<i>If yes, please provide a completed Narrative for Variances. Staff will provide upon request.</i>	



# REINSTATEMENT

**NARRATIVE** (PAGE 2)

All applications for reinstatement must provide justification for the requested reinstatement 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.

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

APPLICANT NARRATIVE
10. Describe the consistency of the subject property with the density, building types, and general character of other properties within the surrounding blocks.
<i>ART Deco Bldg</i>
<i>multiple units</i>
<i>single family dwelling</i>
11. Are there any active Code violation cases for this property? What is the plan for bringing the property into compliance with the City Code?
<i>NO</i>
12. Does the property currently or can the property provide adequate provisions for parking in accordance with the City Code?
<i>yes</i>



# REINSTATEMENT

## FINANCIAL STATEMENT

Street Address: 505 11<sup>th</sup> Ave N. Case No.: \_\_\_\_\_

Estimate of cost for renovation or construction: N/A

Proposed method or evidence of financing: N/A

Timetable for start and completion of the work: N/A

If the subject reinstatement application is approved by the Development Review Commission, the Commission may impose Conditions of Approval that are in the best interest of the subject property and the surrounding neighborhood. These conditions may be considerable in terms of time and expense to the applicant.

By signing this Financial Statement, I affirm that I am prepared to incur the costs necessary to comply with the Conditions of Approval as levied by the Development Review Commission.

Joan Redmiller  
Signature of Property Owner

12-30-16  
Date

Joan Redmiller  
Print Name of Property Owner



Joni Riedmiller <jriedmiller1@gmail.com>

---

## Notice of Application

---

Joni Riedmiller <jriedmiller1@gmail.com>  
Draft To: hunajames@gmail.com

Thu, Feb 2, 2017 at 8:23 PM

TO: Mr. James Keane - Historic Uptown Neighborhood Association President

Hello, Mr. Keane,

My sister, Rosemary A. Harold, and I own (since 2001) an Art Deco style, four plex apartment building located at 505 11th Avenue N.

With this email, we are notifying you, as the Historic Uptown Neighborhood Association President, that we are applying to the City of St. Petersburg Development Review Services Division for Reinstatement of the Certificate of Occupancy for this building.

If you have any questions, please call me at [727-744-3978](tel:727-744-3978), or email: [jriedmiller1@gmail.com](mailto:jriedmiller1@gmail.com).

Sincerely,

Joan Riedmiller  
Rosemary Harold  
Owners  
505 11th Avenue N.  
St. Petersburg, FL 33701

Copy

SUBDIVISION: A. E. HOXIE

LOT 1

BLOCK A

BUILDING	ELECTRICAL	PLUMBING
Location: 505 - 11th Avenue North #45234 - 5/10/40 - \$9000 Owner W. F. Paulsen - Four apart- ment building with 3 rooms and bath each (36' x 36') B of A - Also 6-car garage 30' x 36' #93024-B - 6/13/52 - \$600 Owner Carrie Arbogast - Install plumbing on rear porch and glass in porch (Type D) Allen, Contractor (1116 - 5th St. No.) #29678A-D - 4/4/57 - \$200 Owner Arthur J. Hobson - Reroof. Federal Roofing & Siding, Contr. #55018A-D - 11/3/59 - \$500 Owner Mary E. Richmond - Reroof residence (Type VI) Federal Roofing & Siding Co., Contractor #61039- RM-10 - 1/28/79 - \$1,750 Owner Annie M. Hobson - remove old roofing and reroof with 4 ply built up roof on apt bldg (Type VI) Vernon Wright, Contractor	#35636 - 8/1/40 - N. F. Paulsen Southern Electric - 22c 22s 32p 3ws 6-meters 1-w. heater 4-ranges #36494 - 10/14/40 - Paulsen Southern Electric - 22-fixtures w. heater #10582-C - 6/25/52 - Arbogast Camille - 1c 1p 1sw 1-meter 1-w. heater	18-31-17 #17583 - 11/8/40 - H. F. Paulsen Perry - 4c 4-L 4-S 4-B #18125 - 1/7/41 - N. F. Paulsen Perry - ewh #16151 - 6/12/40 - H. F. Paulsen C. L. Perry - 5-C 4-L 4-S 4-B #3524A - 6/27/52 - C. B. Allen Blauvelt - 1-closet 1-shower 1-lavatory
	INSTALLATION	GAS
	SEWER	SEPTIC TANK
	#6988 - 6/4/40 - H. F. Paulsen Perry	

**BUILDING**

R5-03553-2/20/85-\$850.

Owner: Larry Beauden-furnish  
& install material to repair  
bare spots on main house roof.  
relash chimney. Contract:  
Calvin Lee Baker. Type VI.  
BLC/db.

**ELECTRICAL**

#E8700E - 8/12/74 - Lown C. Gillham  
Tillbrook Elec. - (6) 100-amps -  
1-phase - 6-meters - 18-ohm. - 24-sw.  
24-recp. - 5-ranges Separate meters

**PROPERTY CARD INTERPRETATION**

505 11TH AVENUE NORTH RCC-94-0291  
SEPTEMBER 07, 1994 FOUR (4) LEGAL  
DWELLING UNITS LAWFULLY EXIST ON  
SITE. FOUR (4) DWELLING UNITS WERE  
LEGALLY CONSTRUCTED ON SITE. 09/19/94  
SW/dah

H. F. Paulson - B of A Granted  
5/3/40



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

---

**STAFF REPORT**  
**DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST**  
**PUBLIC HEARING**

For **Public Hearing** and **Executive Action** on **May 3, 2017** beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**CASE NO.:** 17-54000012 **PLAT SHEET:** B-14

**REQUEST:** Approval of a variance to minimum lot width from 75-feet to 67-feet and 72-feet to create two (2) buildable lots on two (2) platted lots of record in common ownership to allow for development of two (2) single-family homes.

**OWNER:** Dorothy S. Denny  
8137 Elisabeth Lane  
Largo, Florida 33777-1352

**OWNER:** Olivia E. Hewell, POA  
1089 Snell Isle Boulevard Northeast  
Saint Petersburg, Florida 33704

**AGENT:** Wayne Drash  
PO Box 55062  
Saint Petersburg, Florida 33732

**REGISTERED OPPONENT:** Scott B. Youngblood  
909 Snell Isle Boulevard Northeast  
Saint Petersburg, Florida 33704

**ADDRESS:** 1089 Snell Isle Boulevard Northeast

**PARCEL ID NO.:** 08-31-17-83574-000-4410

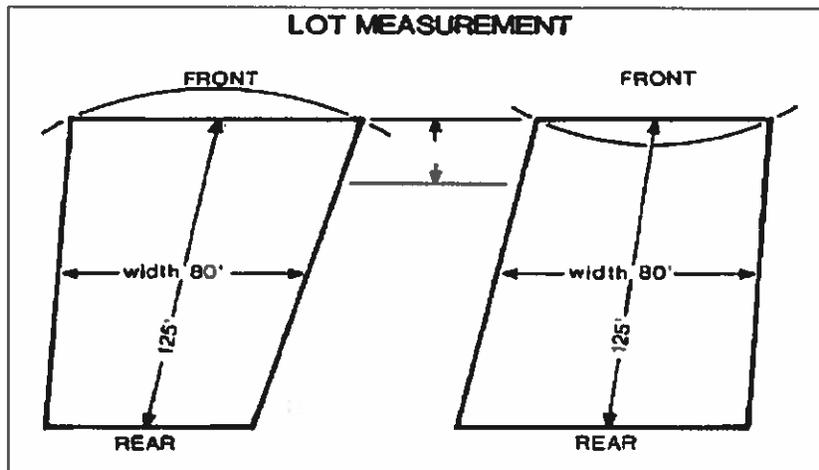
**LEGAL DESCRIPTION:** Lots 441 and 442, Snell Isle Brightbay Unit 3 subdivision in 1927, as recorded in Plat Book 20, Page 28.

**ZONING:** Neighborhood Suburban-1 (NS-1)

**BACKGROUND:** The subject property is located in the Snell Isle Neighborhood and is zoned NS-1, see Exhibit 1, location map. The existing 1,728 square foot single family home was constructed 1951, and the home straddles two platted lots of record, see Exhibit 1, survey and property card.

Many subdivisions were platted prior to adoption of the City's first zoning ordinance establishing minimum lot sizes in 1933. The subject subdivision was recorded on April 25, 1927, see Exhibit 1, Subdivision Plat. Many neighborhoods including Snell Isle were subsequently developed with one house on more than one platted lot. When zoning was established, minimum lot sizes were based on the development pattern, rather than the underlying subdivision plat. Therefore, many platted lots of record do not conform to the zoning district standards, and are considered to be substandard lots.

The minimum lot width in NS-1 zoning is 75-feet and the minimum lot area is 5,800 square feet. The subject lots are 66.75 feet (Lot 442) and 71.58 feet (Lot 441) in width (as measured at the center of the lots) and approximately 121-feet in depth. These lots meet the required area, but not the required width and are therefore considered to be substandard. Section 16.60.010.4 requires for irregular shape lots to be measured from the mid-point. In this case, due to the irregular shape lot, (refer to the image below). The platted dimension of these lots at the street front is 63.00 feet (Lot 442) and 68.75 feet (Lot 441).



Prior to 2007, the property was zoned RS-100. The current property owners purchased the property in January 1971. The RS-100 zoning district required a minimum lot area of 10,000 square feet and a minimum lot width of 80-feet.

During the review of the regulations by City Council starting in March of 2015, Council made the decision to change the code to restrict development on substandard lots, requiring a variance review to determine if development would be consistent with the surrounding neighborhood pattern. Restrictions were in place from 1973 through 2003 which limited development of non-conforming lots if the lots were in common ownership. City code was changed in 2003 to allow development on any platted lot of record. Council found that in some neighborhoods, development of substandard lots would not be consistent with the surrounding development pattern and allowing two homes in an area that historically developed on more than one platted lot could be detrimental to the neighbors and the overall character of the neighborhood. On September 17, 2015, City Council amended the non-conforming lot regulations, thereby eliminating the right to build on these substandard lots without first obtaining a variance.

The Snell Isle neighborhood is an example of this situation where homes have historically been built on more than one platted lot of record. Two map exhibits are attached to this report which demonstrate the development pattern in the Snell Isle Neighborhood (see Exhibit 2). The average lot width is 90-feet and the average lot area is 13,721 square feet. 83% of the properties in the neighborhood conform to the minimum lot width standards, and 82% of the lots are conforming to both minimum width and area.

On January 1, 2016, the Development Review Commission considered a similar request, for the property at 350 Rafael Boulevard NE, two blocks to the northeast of the subject block. In a similar analysis, Staff found that the application did not meet the stringent evaluation criteria contained within the City Code, and was not consistent with the surrounding neighborhood development pattern. The DRC motion to approve the request failed by a vote of 1-6, thereby denying the variance application.

**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 **inconsistent** 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 variance would allow redevelopment of the existing two platted lots of record with two single-family homes (one home on each lot), utilizing 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.*

**The individual platted lots are deficient regarding the minimum lot width required for the NS-1 zoning district and are therefore considered to be substandard. As previously noted, the subject parcels were platted as 63.00 feet (Lot 442) and 68.75 feet (Lot 441) wide (at the street) by approximately 120-foot deep lots as part of Snell Isle Brightbay Unit 3 subdivision in 1927, as recorded in Plat Book 20, Page 28 (see Exhibit 1). The subject lots are approximately 67-feet and 72-feet at the center (see Exhibit 3, Site Plan).**

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

**This criterion is not applicable.**

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

**This criterion is not applicable.**

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

**This criterion is not applicable.**

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

**Staff analyzed the development pattern of the subject block, the adjacent blocks and the lots within the overall Snell Isle Neighborhood Association boundary.**

**This segment of Snell Isle Boulevard between Appian Way NE and Toledo Way NE is characterized by homes on large lots, with a typical lot frontage of 83-feet. The majority of the lots facing Snell Isle Boulevard are conforming to lot width. Regarding the lots on the subject block, not including the subject property, there are 33% that are substandard. In reviewing the surrounding blocks, there is an average 31% substandard lots, see summary table of Staff’s analysis. The majority of these substandard lots are located along Snell Isle Blvd.**

**A review of the entire Snell Isle Neighborhood found that 82% of the 1,089 properties are conforming, and 18% are non-conforming, and that the average lot width in the neighborhood is 90.16 feet, see Exhibit 2. Within the study area of the subject block and surrounding blocks, the average lot width is 82.89 feet. Table 1 below provides a breakdown of the number of conforming and substandard lots in the study area, see Exhibit 2, Neighborhood Lot Exhibit for location of the noted blocks.**

**Table 1: Study Area Lot Width Analysis (Subject block and surrounding blocks)**

<b>Block</b>	<b>Location</b>	<b>Conforming</b>	<b>Substandard</b>	<b>% Substandard</b>
<b>Block 1</b>	Subject*	14	7	33.33%
<b>Block 2</b>	North	13	4	23.53%
<b>Block 3</b>	West	3	13	81.25%
<b>Block 4</b>	South	16	9	36.00%
<b>Block 5</b>	East	21	3	12.50%
<b>Block 6</b>	Northeast	8	0	0.00%
<b>Average</b>				<b>31.10%</b>

**\*Subject lots included as conforming**

**Because there is not a predominant pattern of substandard lots on the subject block, on the surrounding blocks, or generally within the Snell Isle neighborhood, Staff finds that the application is not consistent with the neighborhood character and it will not promote the established development pattern.**

- 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 majority of the lots on the subject block face were originally platted with 63 or 64 feet of lot width at the front. However, the development pattern of the subject block and surrounding blocks consist of parcels with more than one platted lot of record. The majority of the lots facing Snell Isle Blvd on the subject block face with average width of 88-feet and a typical front of 83-86 feet. The development pattern is not the result of any action of the applicant.**

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

**The property can continue to be used for one single-family home, consistent with the surrounding development pattern, therefore a literal enforcement would not result in an unnecessary hardship.**

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

**As previously noted, the property can continue to be used for one single-family home, which therefore constitutes a reasonable use of the land.**

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

**The variance request is the minimum necessary to allow the division of the property for development of two single-family homes, however, the continued use for one single-family home is considered to be a reasonable use.**

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

**Staff finds that the variance will not be in harmony with the general purpose and intent of the recently amended Land Development Regulations, based on the analysis of the development pattern of the immediate vicinity and the overall neighborhood, see response provided under 1.f. The Land Development Regulations for the Neighborhood Suburban 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." The character of the neighborhood has been identified as conforming to the current lot dimensional standards. Staff finds that the request is not consistent with Comprehensive Plan Future Land Use policy regarding the established character of the area:**

**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,*

**Staff finds that the variance to allow development of two homes on these substandard lots may be perceived as injurious to the neighbors, since the predominant pattern (82%) in the neighborhood is conforming lots, with a greater widths at the street front.**

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

**Staff finds that the reasons set forth by the applicant do not justify the granting of the variance. See Exhibit 4 for applicant's narrative and exhibits.**

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:** Scott Youngblood, a neighbor and president of the neighborhood association has registered as an opponent, see Exhibit 5. As of the date of this staff report, Staff received emails from eight residents of the Snell Isle neighborhood, recommending denial of the application, and one email in support. Copies of these emails are included in Exhibit 6. Staff received three calls in opposition, and each of these callers provided a subsequent email. Staff received one letter with signatures from seventeen residents in opposition. The applicant submitted two Neighborhood Worksheets, with a total of six signatures from property owners in support of the request, see Exhibit 6.

**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 **DENIAL** of the requested variance.

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

1. There shall be no other variances to the Land Development Regulations for development on the subject lots.
2. Site and building plans shall be revised as necessary to meet the NS requirements at time of permitting.
3. This variance approval shall be valid through May 3, 2020. Substantial construction shall commence by this expiration date or the existing structure shall be demolished and the parcels separately conveyed, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.

Report Prepared By:

*Elizabeth Abernethy*

*4-27-17*

---

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

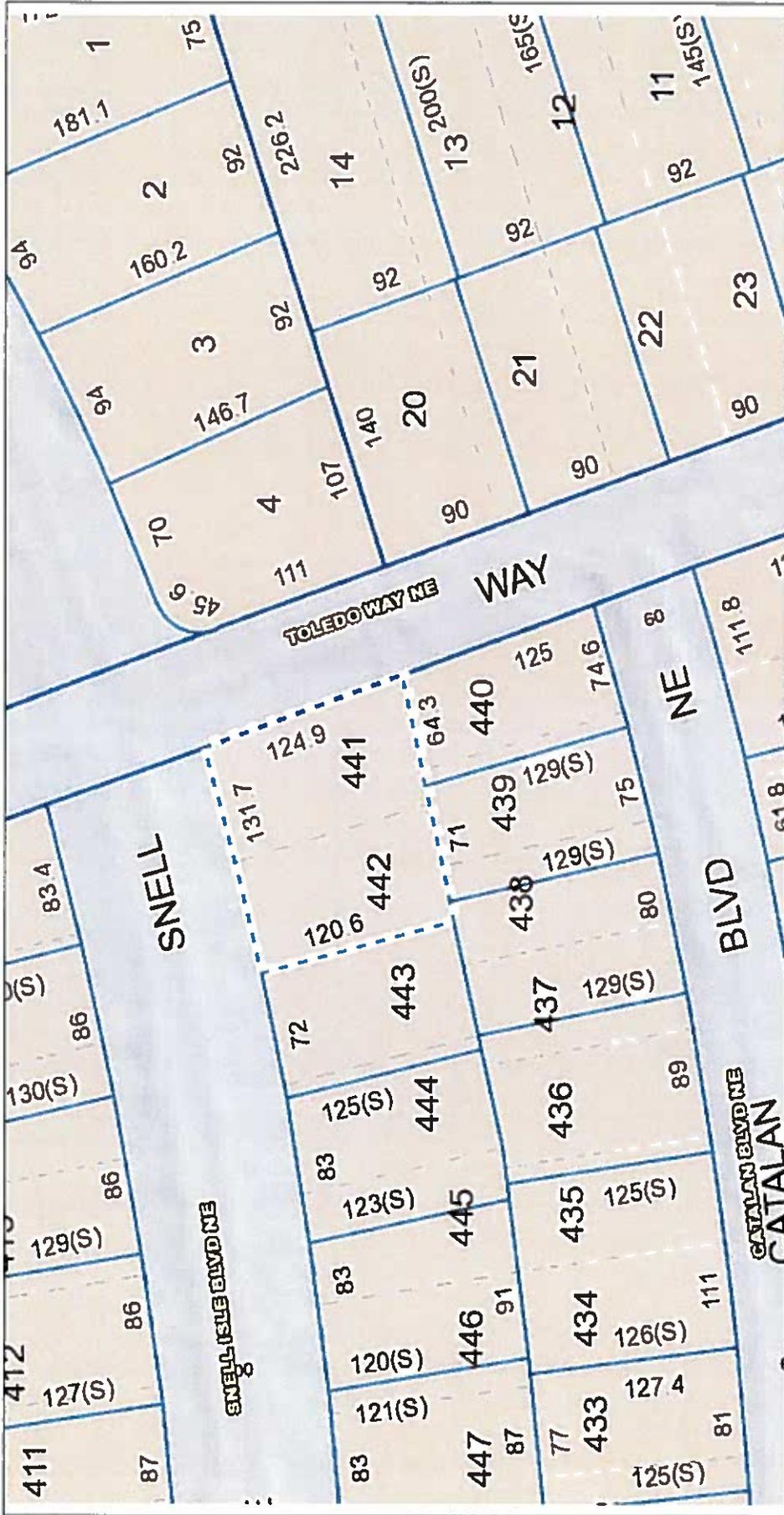
List of Exhibits:

- Exhibit 1: Project Location Map, Survey, Subdivision Plat, Property Card
- Exhibit 2: Neighborhood Lot Exhibits, Snell Isle Neighborhood Exhibit
- Exhibit 3: Floor Plans, Elevations and Site Plan
- Exhibit 4: Applicant's Narrative and Exhibits
- Exhibit 5: Registered Opponent Form and Correspondence
- Exhibit 6: Correspondence from surrounding property owners
- Exhibit 7: Photographs

# Exhibit 1

## Case #17-54000012

Project Location Map, Survey,  
Subdivision Plat, Property Card



City of St. Petersburg, Florida  
 Development Review Services

Case No.: 17-54000012

Address: 1089 Snell Isle Boulevard Northeast

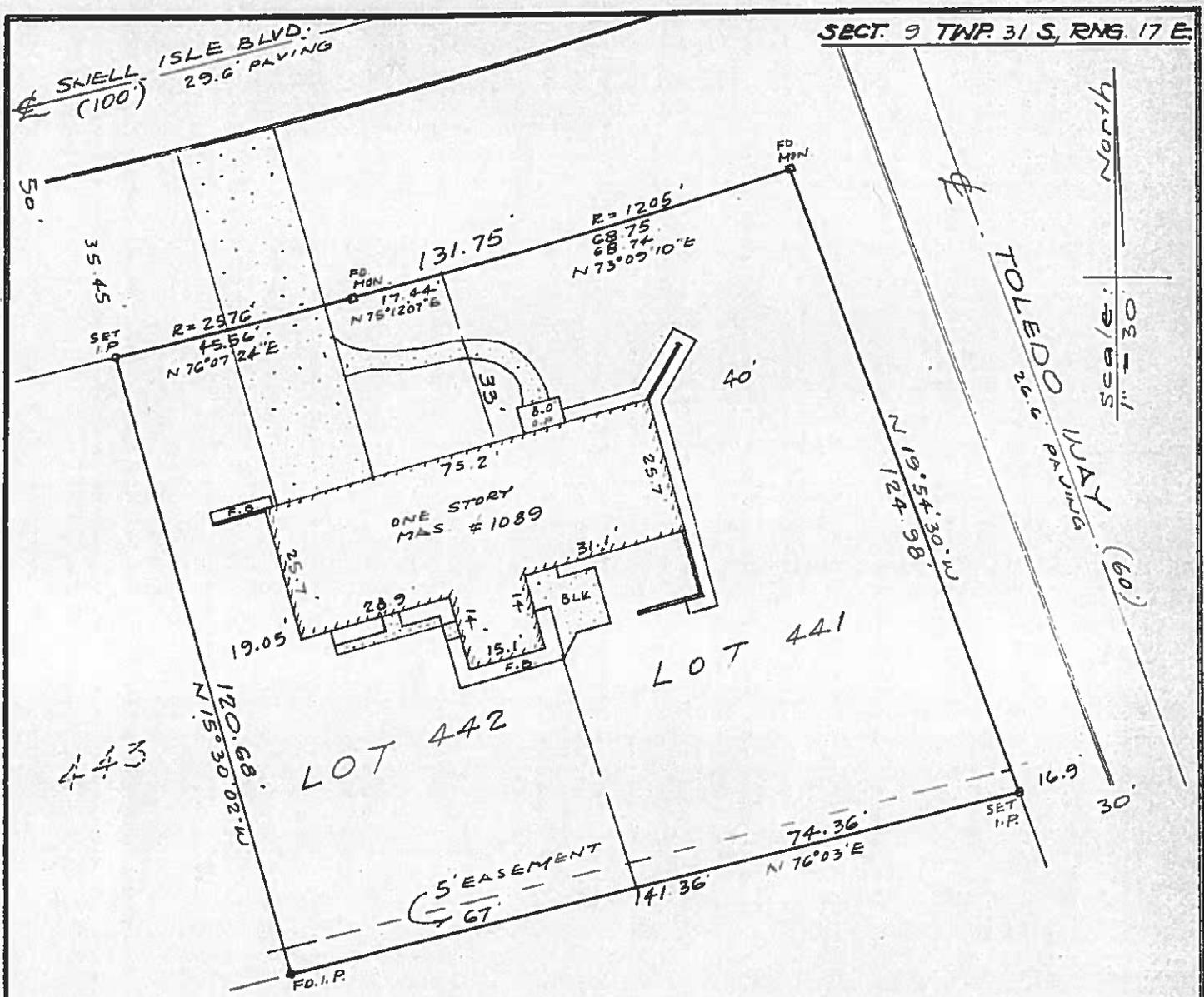


**st.petersburg**  
[www.stpete.org](http://www.stpete.org)



(nts)

507795



SURVEY OF  
 LOTS 441 and 442  
 BRIGHTBAY UNIT THREE OF SNELL ISLE  
 as recorded in Plat Book 20, Page 28, Records of Pinellas County, Florida  
 St. Petersburg, Florida

Survey for: Lee Brechbugl  
 september 23, 1965  
 Order No. 2521A

*Certified as to Survey*  
**GEORGE F. YOUNG, INC**

I HEREBY CERTIFY THAT THE SURVEY  
 REPRESENTED HEREON MEETS  
 THE MINIMUM REQUIREMENTS ADOPTED  
 BY THE F.S.P.L.S. AND THE F.L.T.A.

*[Signature]*  
 FREG.  
 FLORIDA SURVEYOR'S REG. NO. 263  
 FLORIDA ENGINEER'S REG. NO. 9815

511



SUPERVISION BRIGHTBAY UNIT #3

LOT 441-442

BLOCK

BUILDING

ELECTRICAL

PLUMBING

Location: 1089 Snell Isle Blvd #84874-C1 - 2/13/51 - \$14,000  
Owner Eden Homes Corp. - Six room and two bath residence with attached garage and patio (39'8" x 71'1") (Type C)  
Stageberg, Architect #79096A-R1 - 6/28/62 - \$100  
Owner P. L. Kirkwood - Spray-paint roof of existing residence (Type V) Orange State Roofing, Contr.

9-31-17 #2956C - 3/23/51 - Eden Home Johnston - 15c 14sw 25p 2b  
3ws 2-meters 1-range 1-w.h.  
2-wall heaters

8-14 #15706 - 2/23/51 - Eden Homes D.McGhan - 2-closets 1-sink 2-lavatories 2-baths 1-ewh 1-tray

GAS

Roof PERMIT # 205958  
ISSUED 4/15/87 TILE REPAIR  
Hardyman Service Co

SIGNS

SEWER

SEPTIC TANK

#13236E - 3/12/58 - Smith Sheffield Plbg. - \$5.00 tap

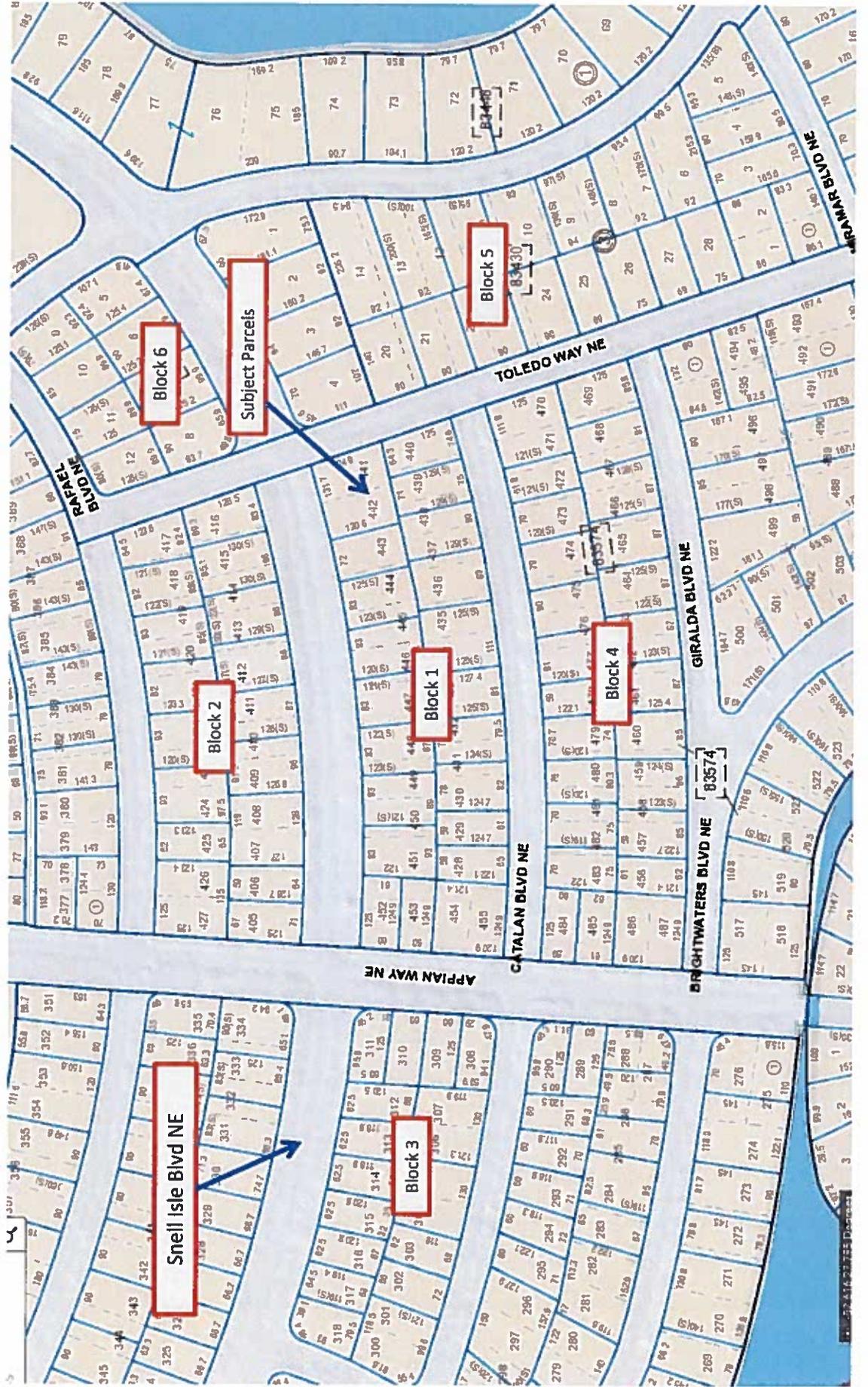
#7824 - 3/27/51 - Eden Homes J.H.Morris - 3 tanks

# Exhibit 2

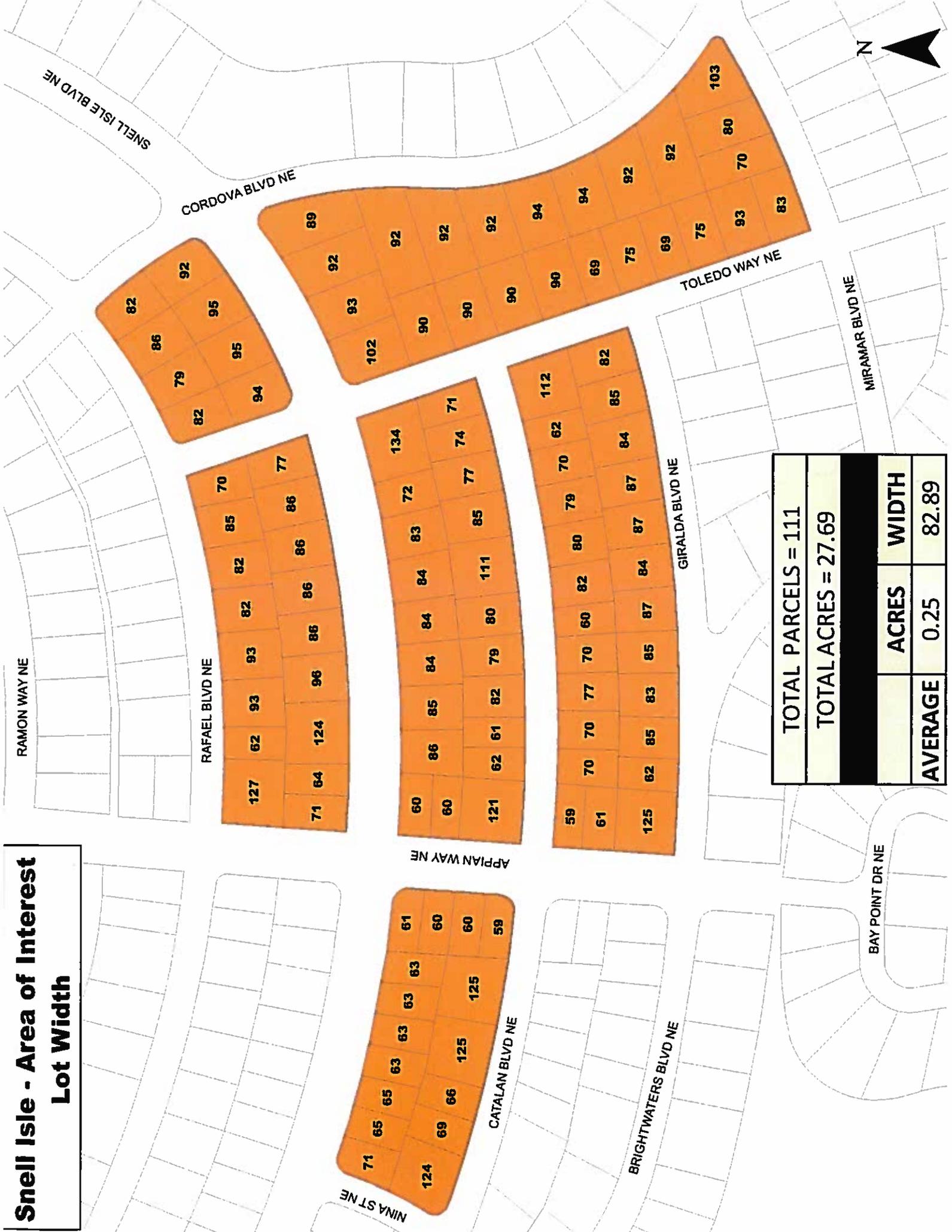
**Case #17-54000012**

Neighborhood Lot Exhibits  
Snell Isle Neighborhood Exhibit

# Neighborhood Lot Exhibit



# Snell Isle - Area of Interest Lot Width

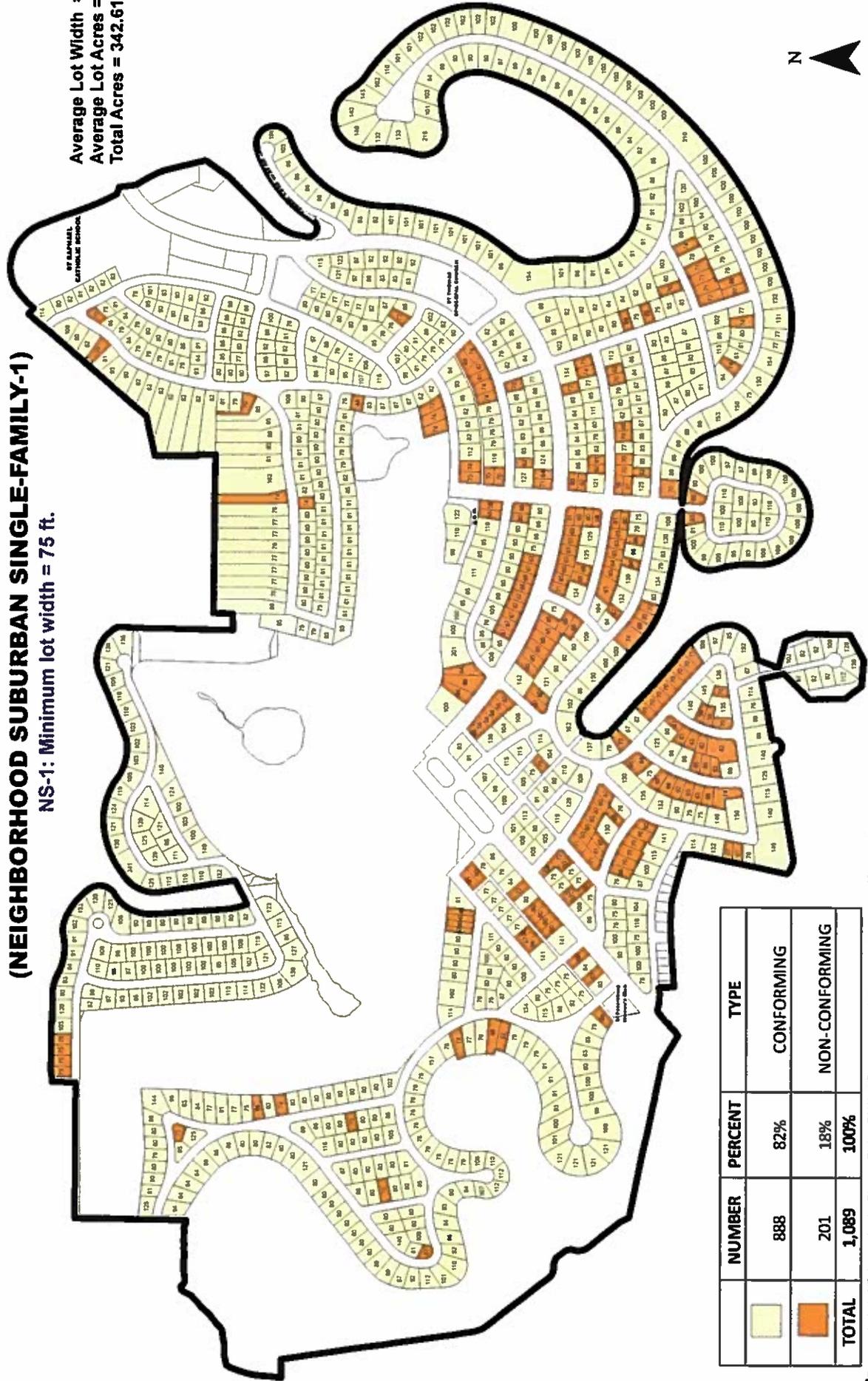


TOTAL PARCELS = 111	
TOTAL ACRES = 27.69	
AVERAGE	0.25
ACRES	WIDTH
0.25	82.89

# SNELL ISLE NEIGHBORHOOD LOTS (NEIGHBORHOOD SUBURBAN SINGLE-FAMILY-1)

NS-1: Minimum lot width = 75 ft.

Average Lot Width = 89.83  
Average Lot Acres = 0.315  
Total Acres = 342.61



\*Does not include NS-1 parcels with Church, Rights-Of-Way, Clubs/Lodges Halls or Vacant Land w/XFSB uses.

# Exhibit 3

Case #17-54000012

Floor Plans, Elevations and Site Plan

## Elizabeth Abernethy

---

**From:** Wayne Drash <wdrash@yahoo.com>  
**Sent:** Wednesday, March 29, 2017 1:20 PM  
**To:** Elizabeth Abernethy  
**Subject:** Lot 442 House Plan  
**Attachments:** 5727 Drawings.pdf

Hi Liz,

I have attached plans for a home that would be similar to what is proposed for Lot 442 (plans you can read!). I am calculating Lot 442 as 8,804 SF (71.58' x 123'), The FAR at 50% would allow 4,401 SF. This home is designed with 4,893 SF A/C living. The building coverage is 3,213 SF, so we are at a 36.5% building coverage ratio, which would be acceptable. With a driveway and pool, we will be well under the 60% impervious surface ratio.

Are the covered porches - balconies included in the FAR calculation? If so, then this home plan will need to be downsized quite a bit. Although the redesign could include elements to capture the FAR bonuses. Also, the 3rd story observation deck could be removed if it exceeds height restrictions (although it would provide a nice view of Tampa Bay!).

As far as Lot 441, I am calculating the SF at 8,205 (66.71' x 123'), so the FAR would be 4,102.5 SF. This home was designed with 3,070 SF A/C living. The concept for this home is to design it with garage/storage on the first floor with a 250 SF finished entry/stairwell, with 2nd and 3rd story living space. The footprint of this home is 29' x 70', so let's say the garage/storage is 29' x 40' (1,160 SF) and the back half of the 1st floor is a covered outdoor space (29' x 30') - would that area be included in the FAR (3,070 living + 1,160 garage = 4,230 SF - 500 for garage exclusion would calculate to a FAR of 3,730 SF (without the 870 SF outdoor living space at grade)? If so, I may need to rethink the garage/storage plans for the 1st floor.

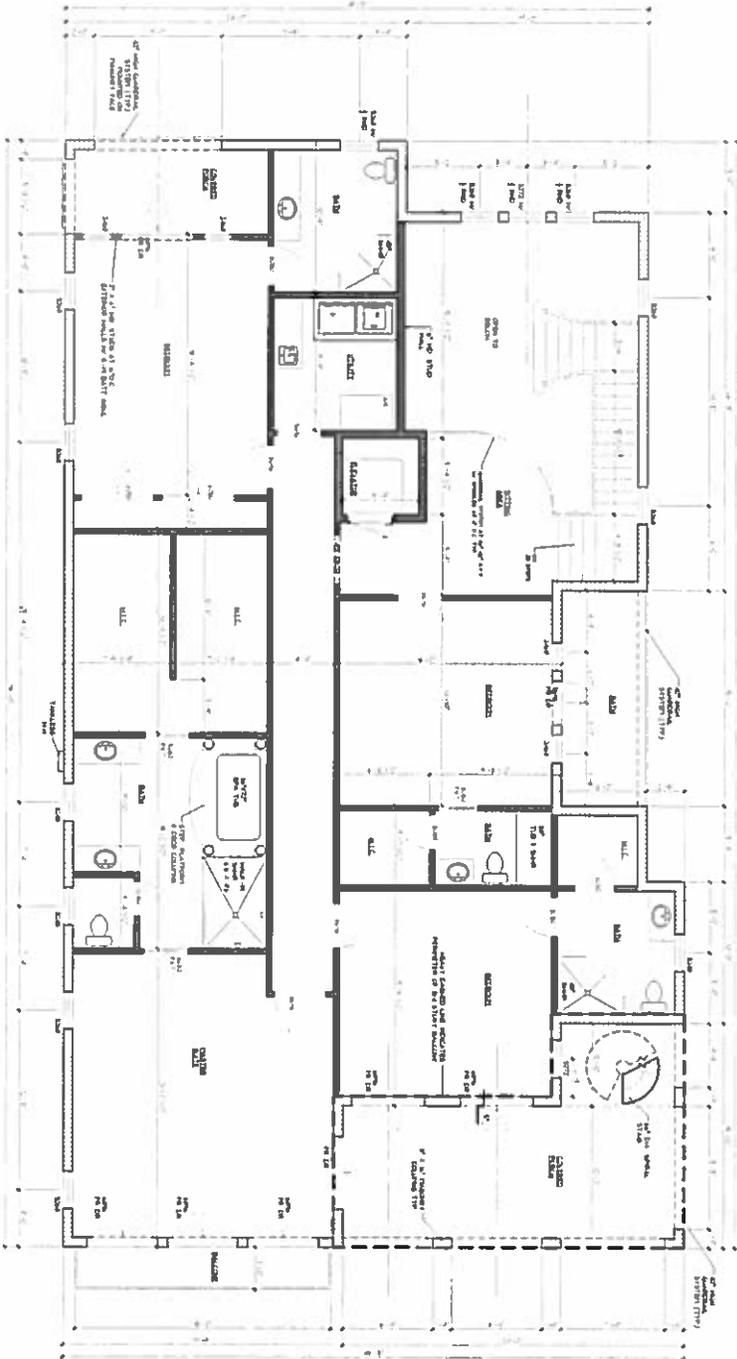
All that being said, the vision for Lots 441 and 442 is to build homes with Mediterranean Revival style architecture (accurate period detail) and to build homes that are appropriate to the lots and nearby redevelopment. I am in support of the proposed LDR changes and appreciate any suggestions that you or other Staff may have in regards to home design and the new LDRs.

Thanks.

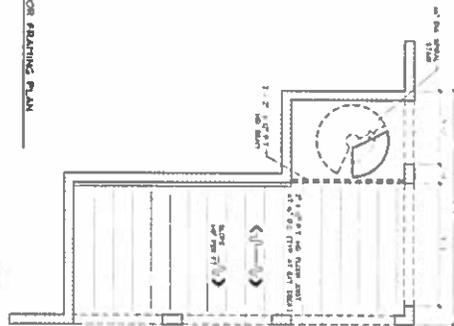
Wayne



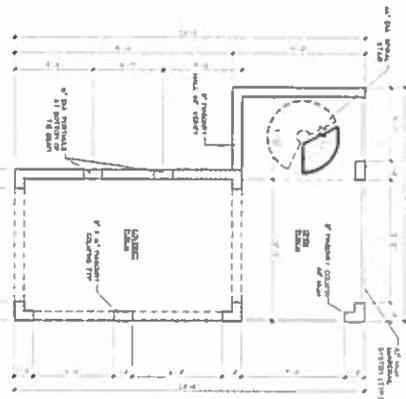
SECOND FLOOR PLAN



THIRD FLOOR FRAMING PLAN



THIRD FLOOR BALCONY PLAN



AR

**ARCHITECT**

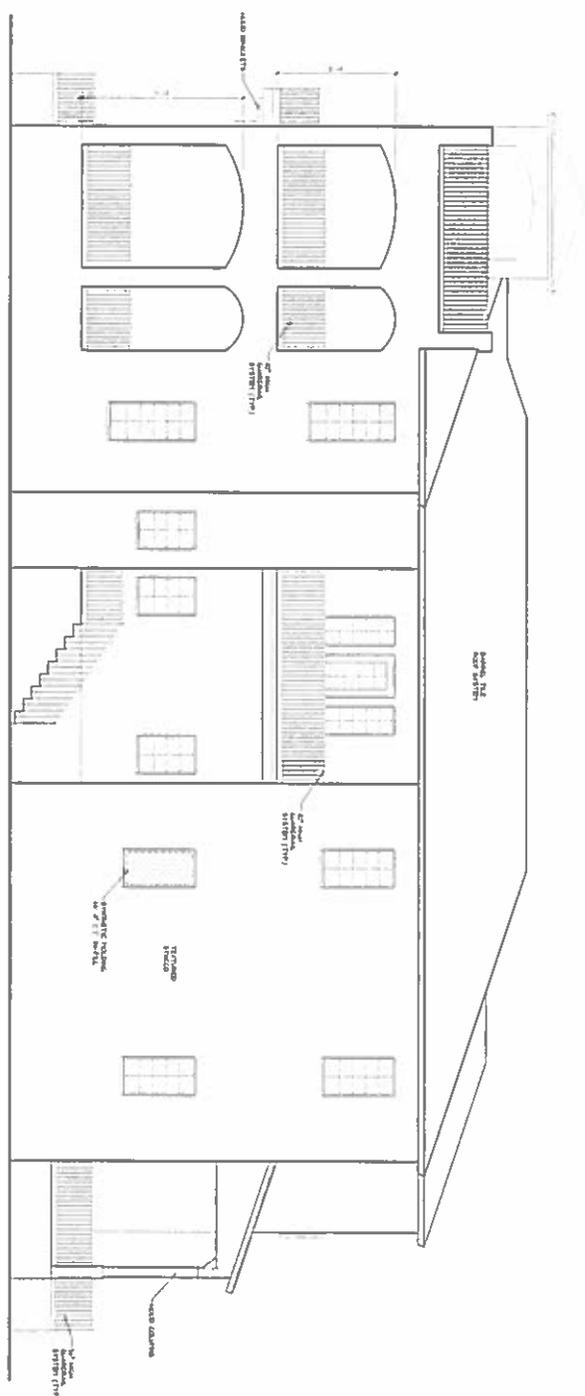
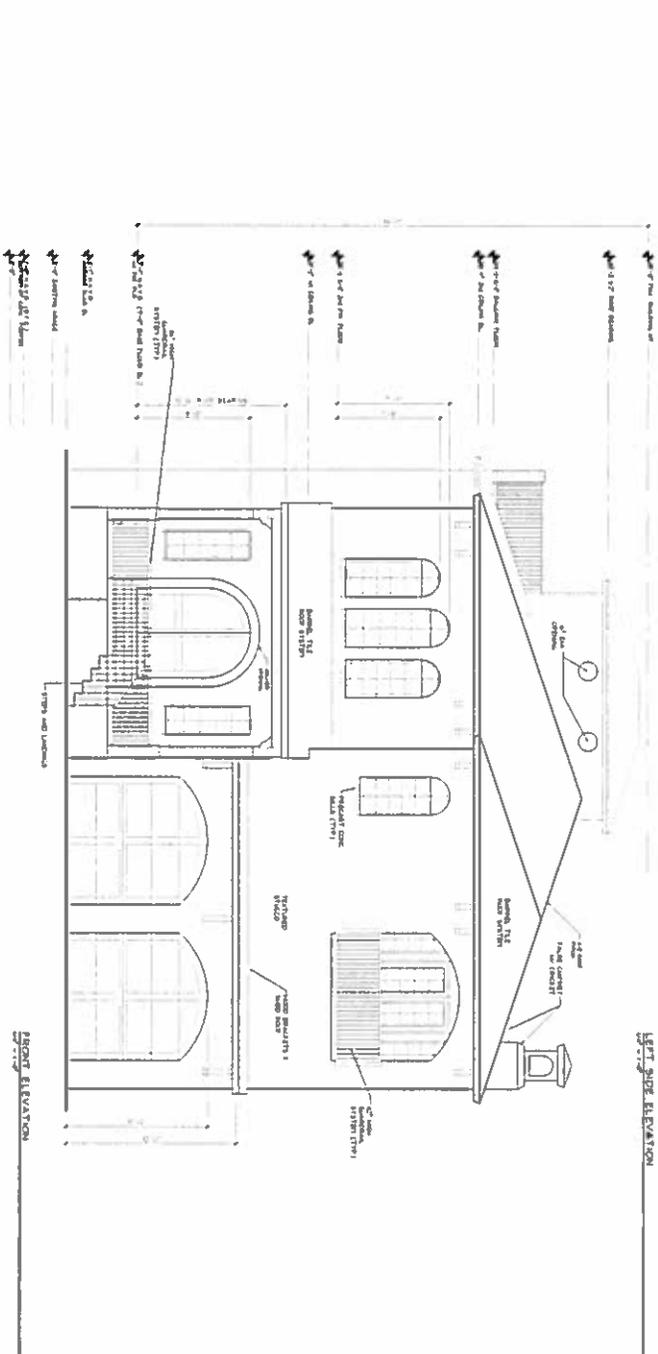
1909 West Patterson St Tampa, FL 33604  
813-310-8556  
Registration Number AR 11654

WAYNE CRASH

5727 BAYOU GRANDE BLVD  
ST PETERSBURG, FLORIDA

**SCOTT K. SMITH**

RESIDENTIAL & COMMERCIAL DRAFTING  
1011 - 428 - 1100



43

**ARCHITECT**  
 1909 West Patterson St Tampa, FL 33604  
 813-310-8856  
 Registration Number AR 11656

DATE: 11/11/11  
 SCALE: 1/8" = 1'-0"

WAYNE DRASH  
 5727 BAYOU GRANCE BLVD  
 ST PETERSBURG FLORIDA

**SCOTT K. SMITH**  
 RESIDENTIAL / COMMERCIAL DRAFTING  
 707 - 403 - 8646

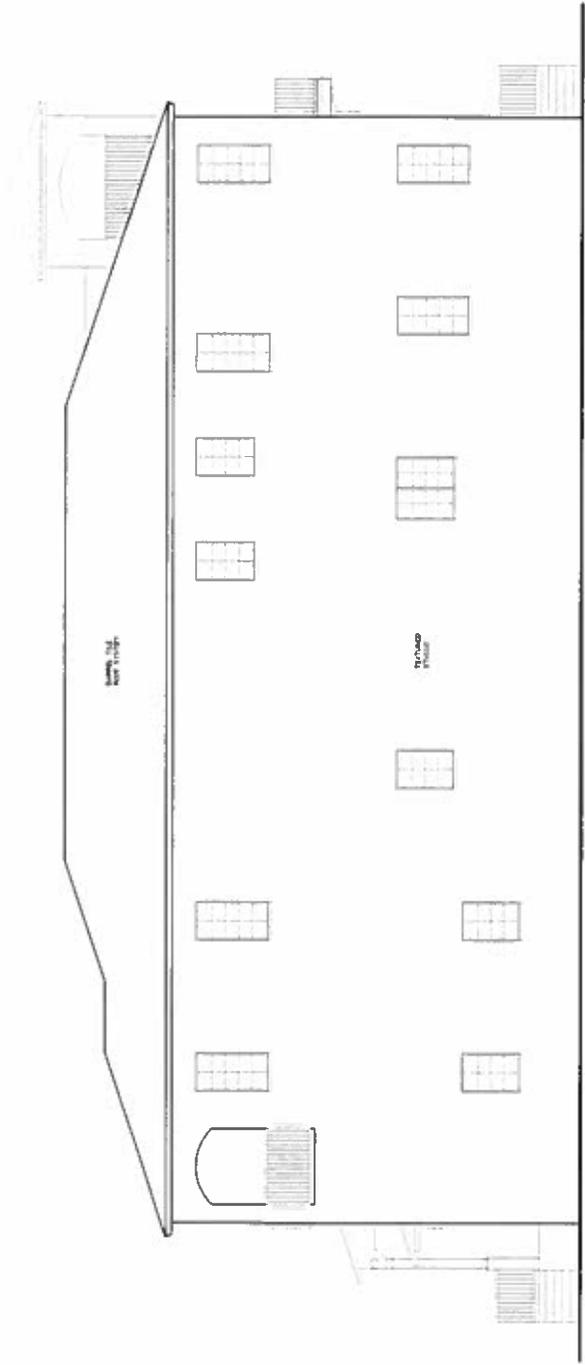
**ARCHITECT**  
 1909 West Patterson St. Tampa, FL 33604  
 813-310-0558  
 Registration Number AR 11556

DATE: 11/11/11  
 DRAWN BY: J. J. [unreadable]  
 CHECKED BY: [unreadable]  
 PROJECT: [unreadable]

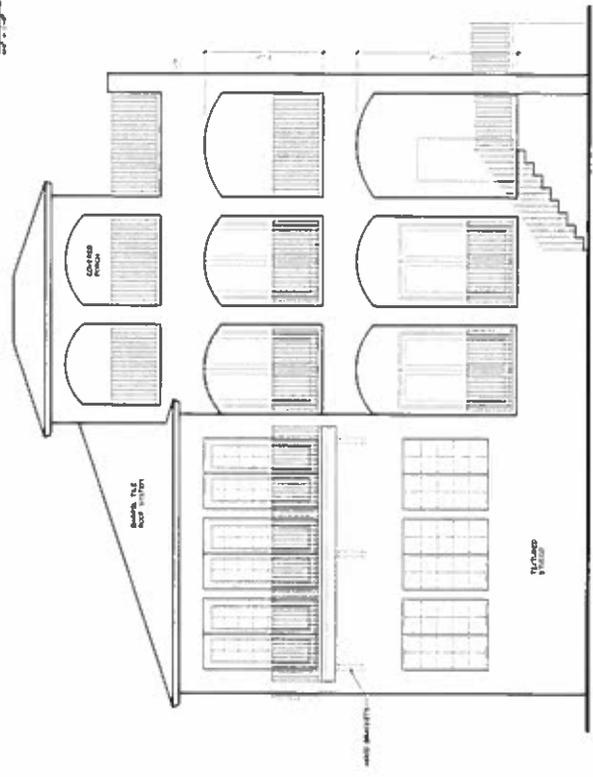
WAYNE DRASH  
 5775 BAYOU GRANDE BLVD  
 ST. PETERSBURG, FLORIDA

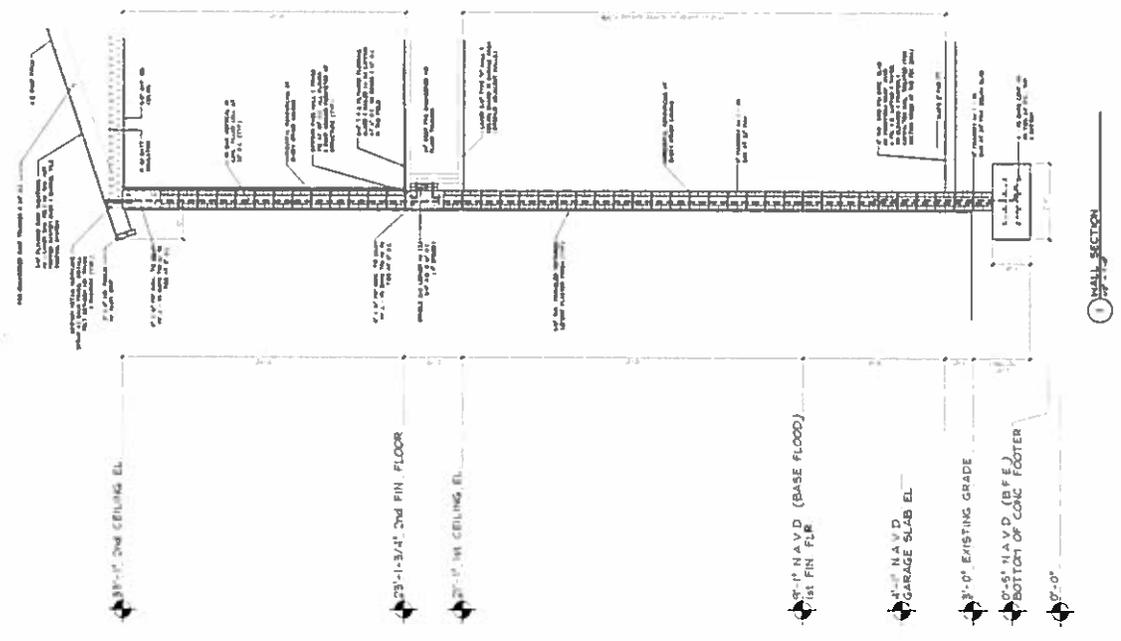
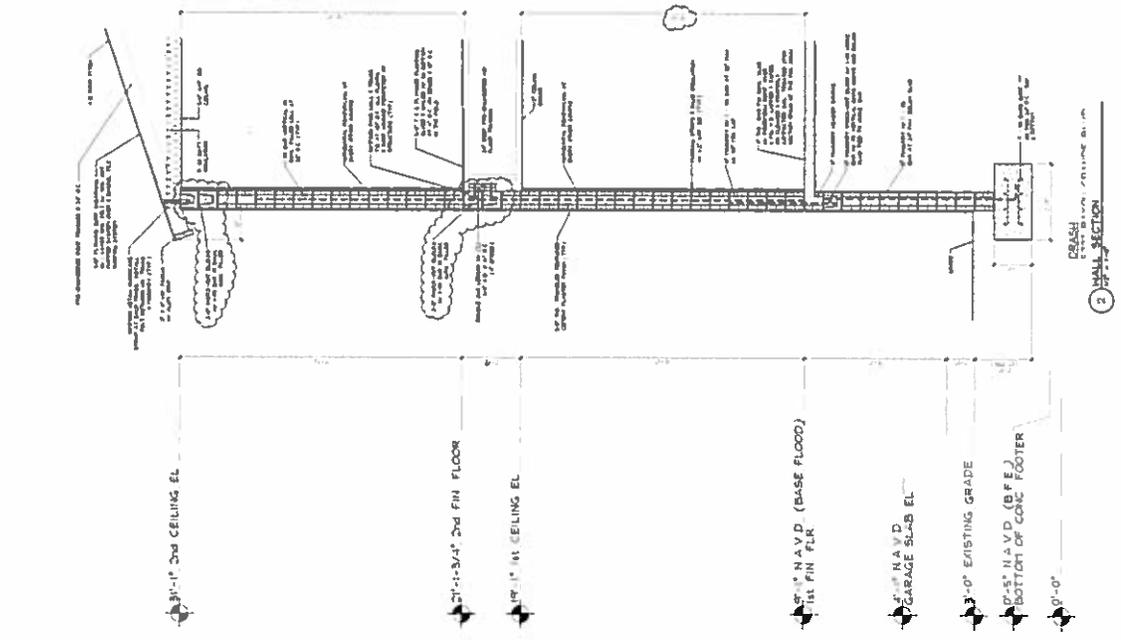
**SCOTT R. SMITH**  
 ARCHITECTURAL ENGINEER  
 1111 10th St. S. St. Petersburg, FL 33705  
 727-329-1665

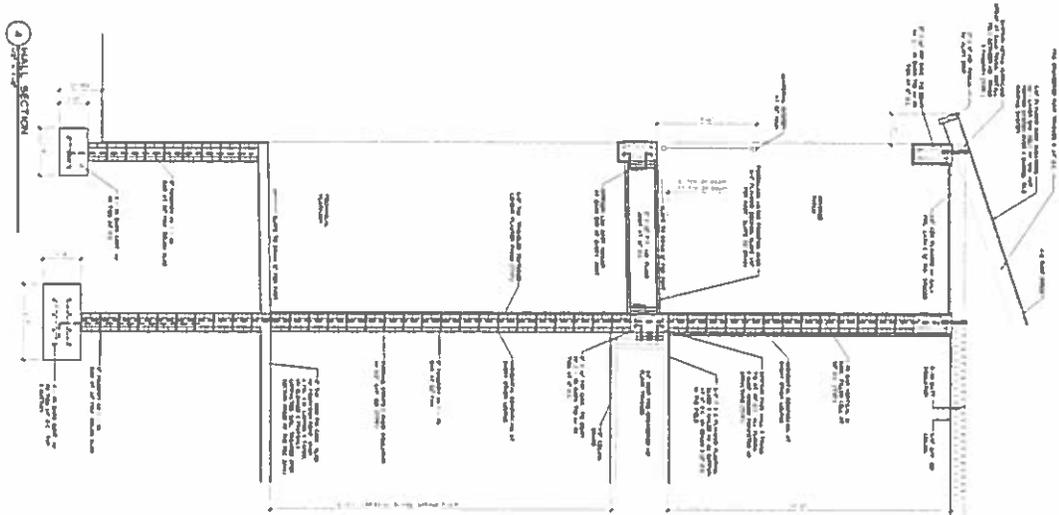
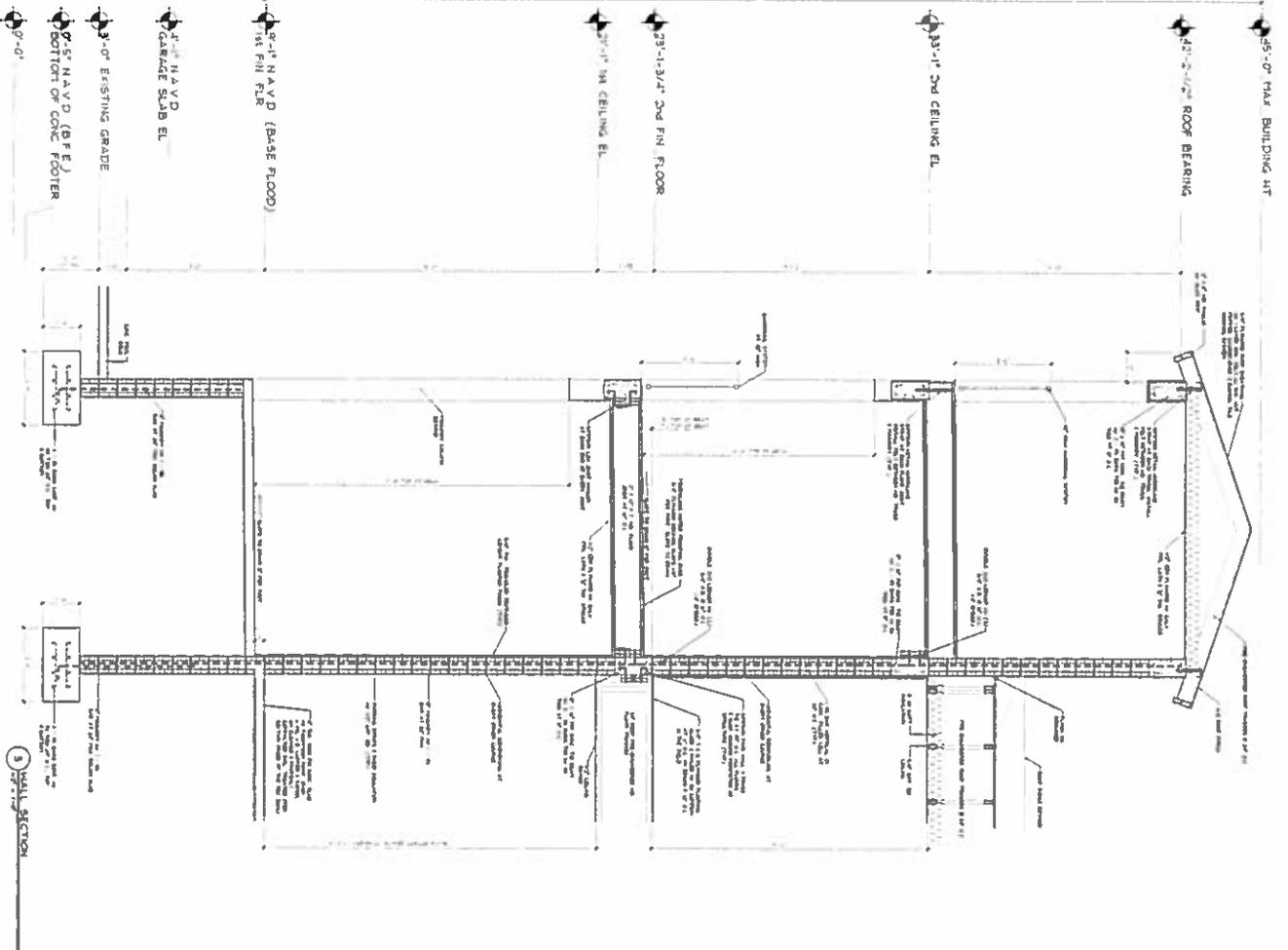
RIGHT SIDE ELEVATION



REAR ELEVATION







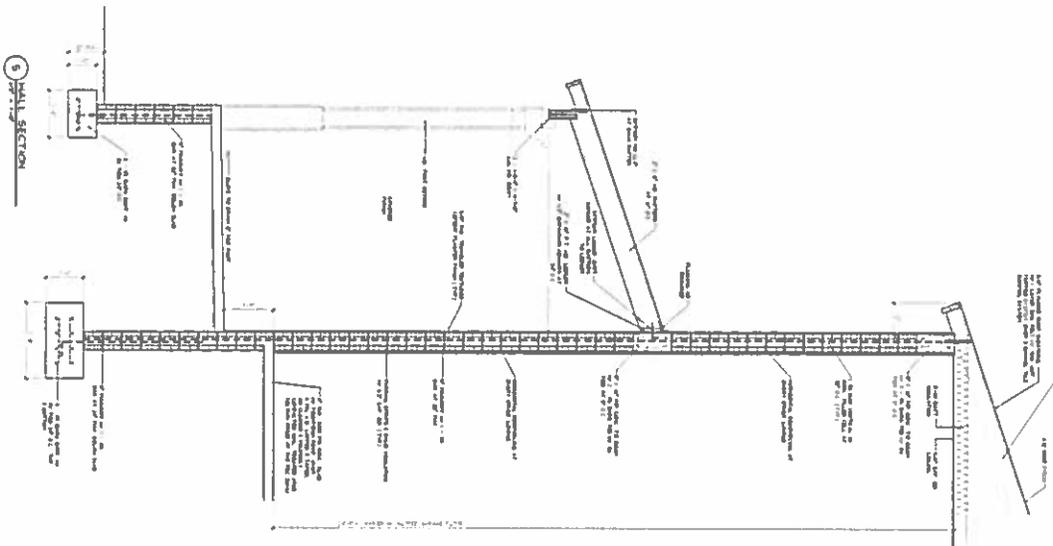
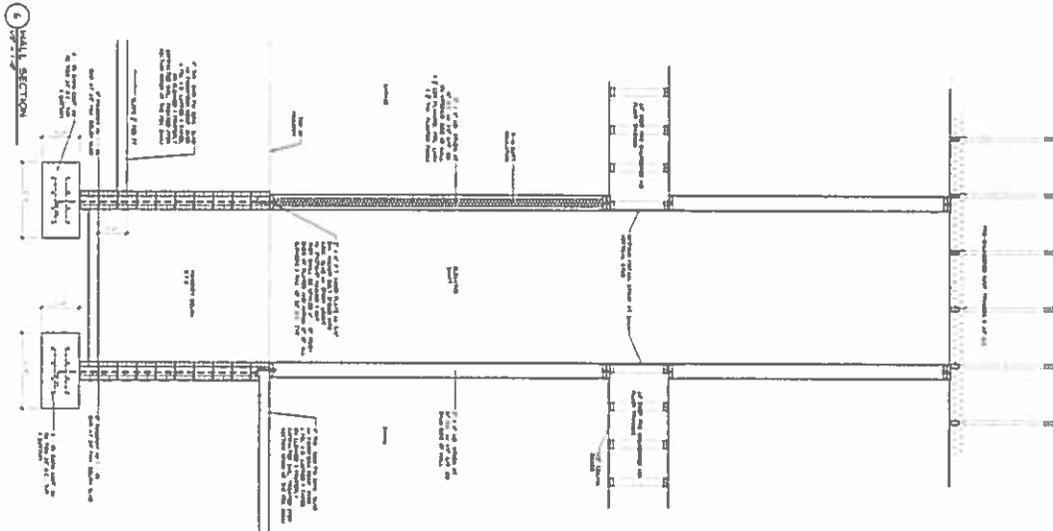
A6

**ARCHITECT**  
 1909 West Patterson St. Tampa, FL 33604  
 813-310-9856  
 Registration Number AR 11656

DATE: 11/11/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

WAYNE CRASH  
 5707 BAYOU GRANCE BLVD  
 ST PETERSBURG FLORIDA

**SCOTT K. SMITH**  
 RESIDENTIAL / COMMERCIAL DRAFTING  
 707 - 408 - 7676



A7

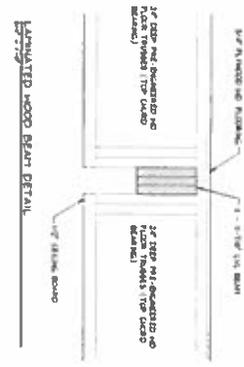
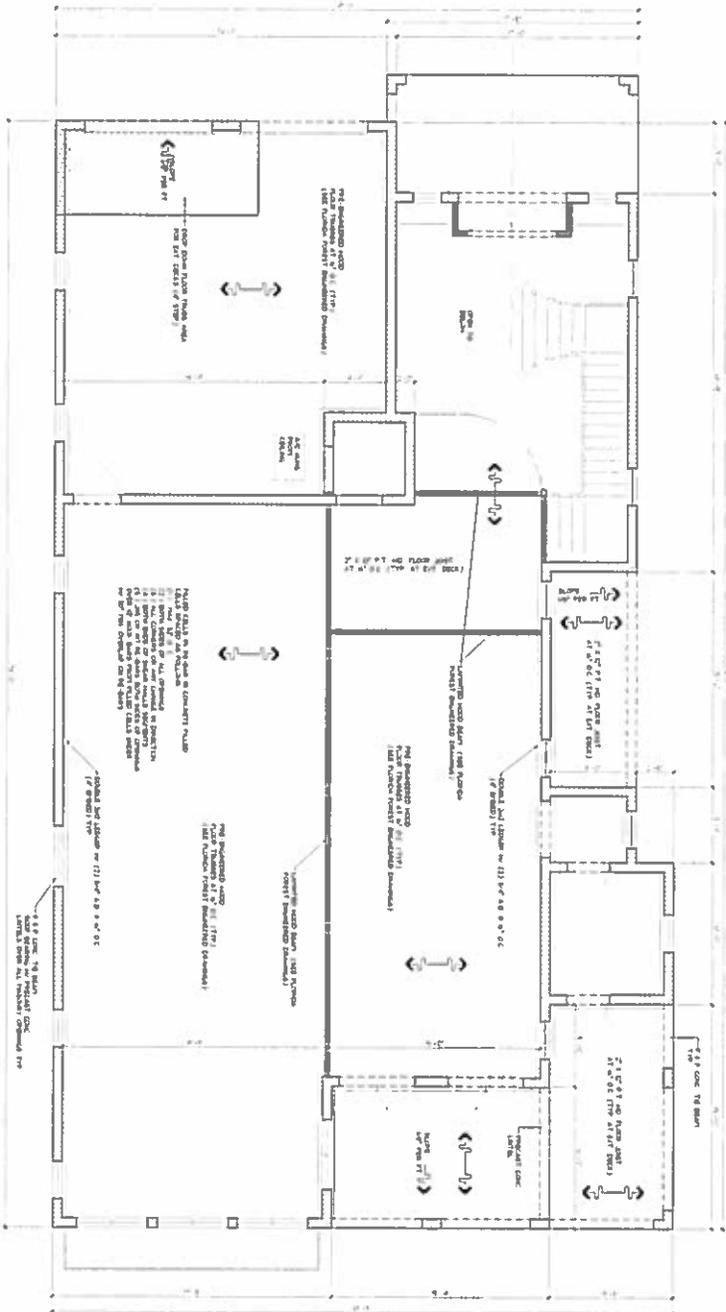
**ARCHITECT**  
 1909 West Patterson St. Tampa, FL 33604  
 813-310-9856  
 Registration Number AR 11656

DATE: 11/11/11  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 PROJECT: [illegible]

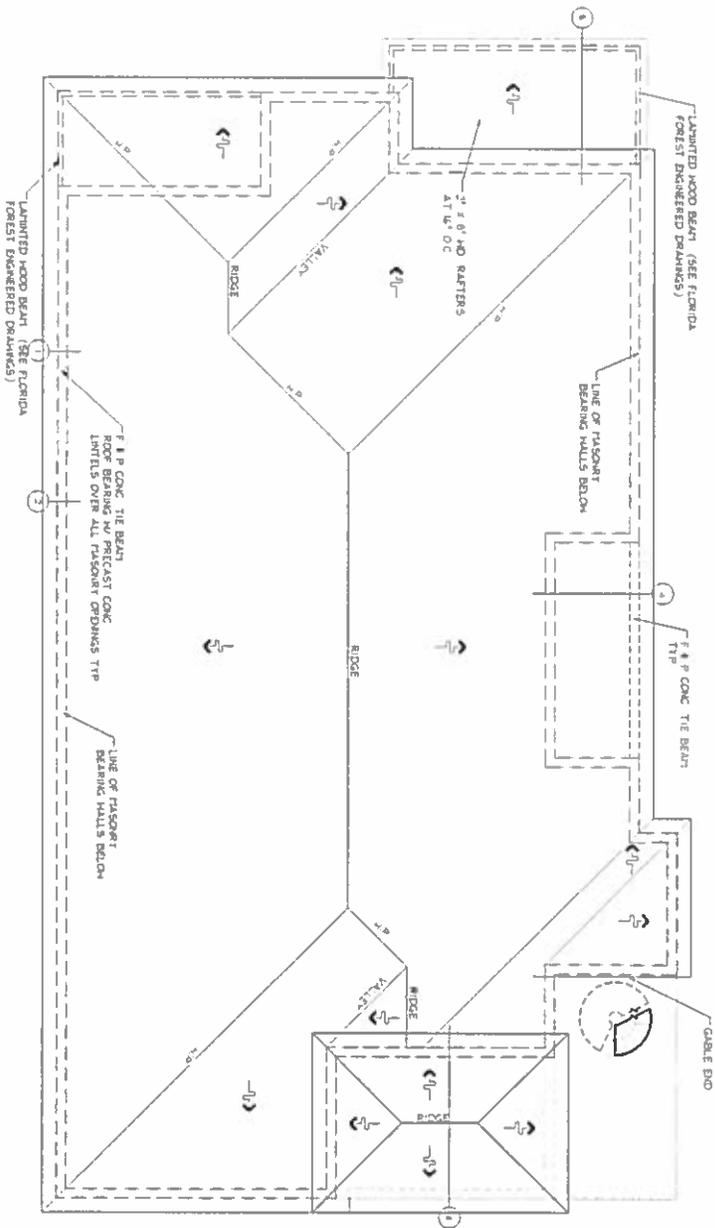
WAYNE DRASH  
 5727 BATOU GRANDE BLVD  
 ST. PETERSBURG, FLORIDA

**SCOTT K. SMITH**  
 RESIDENTIAL & COMMERCIAL DRAWING  
 1111 W. 4th St. - CLEAR





FLOOR PLAN



SCOTT K. SMITH

53

**ARCHITECT**  
 1409 West Patterson St Tampa, Fl 33604  
 813-310-9856  
 Registration Number AR 11656

DATE: 11/11/11  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 PROJECT: [illegible]

WAYNE DRASH  
 5727 BAYOU GRANDE BLVD  
 ST. PETERSBURG, FLORIDA

**SCOTT K. SMITH**  
 ARCHITECT - COMMERCIAL DRAWING  
 727 - 428 - 8888



Proposed rear elevation of home to be built on Lot 441:



110 Palmera Blvd. NE  
60' x 147' nonconforming lot  
Permit issued 7/2016



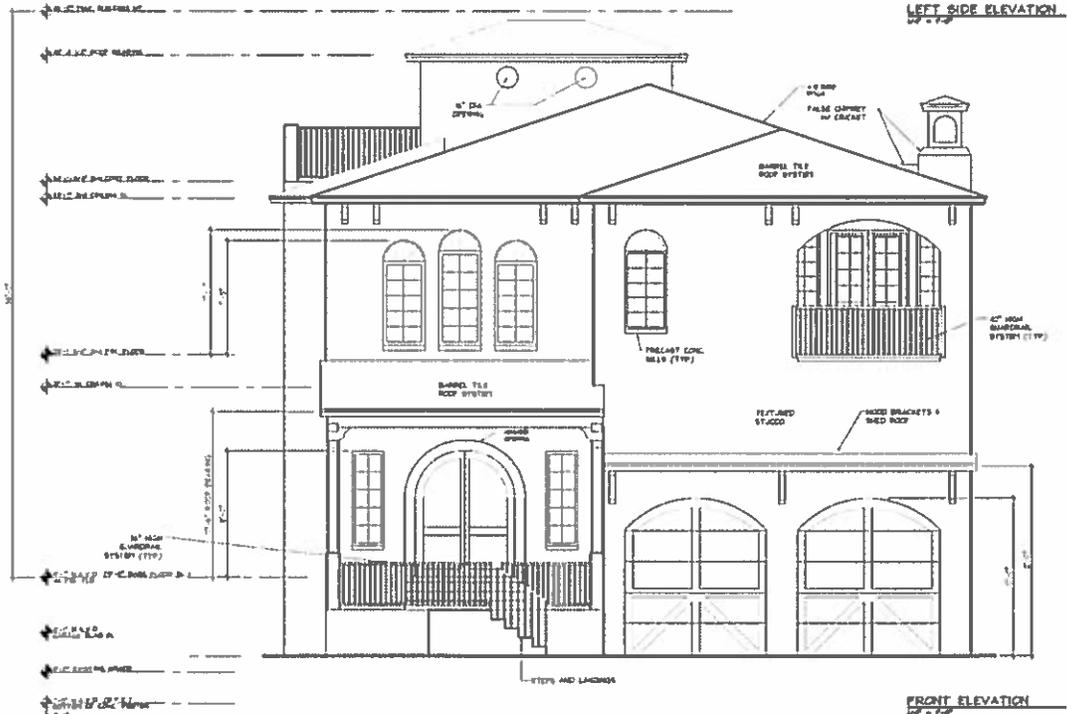
Proposed front elevation of new home to be built on Lot 441:



Elevations:

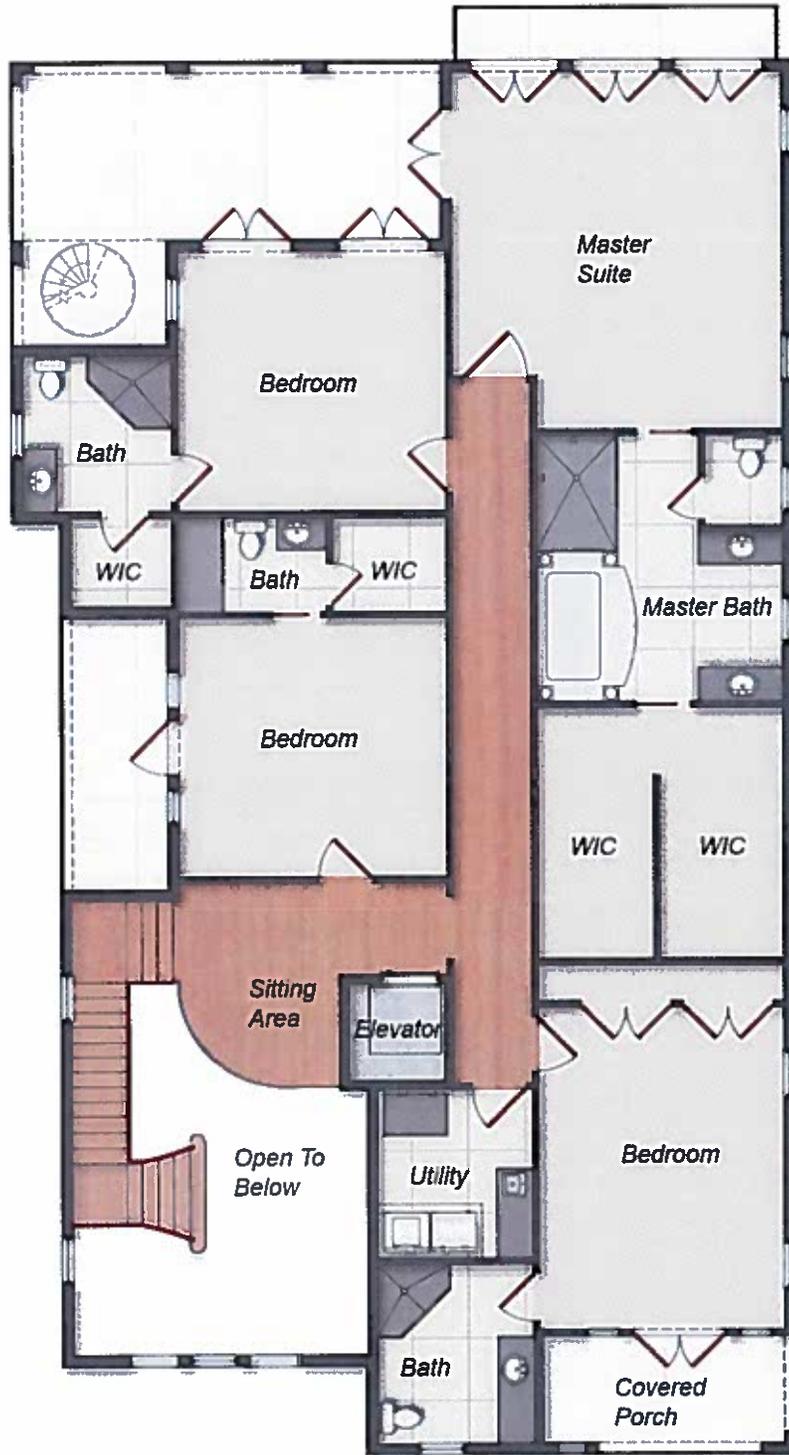


LEFT SIDE ELEVATION  
02 - 12

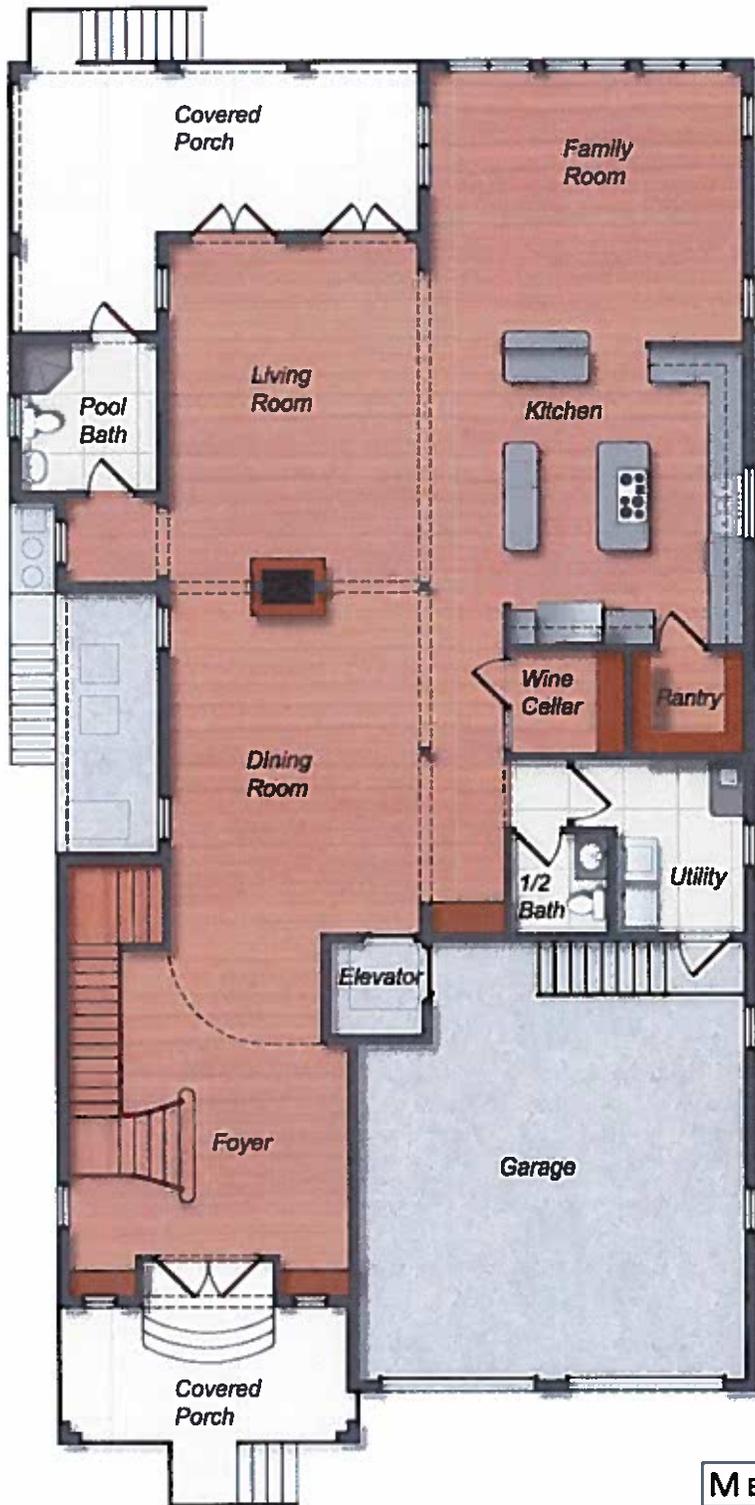


FRONT ELEVATION  
02 - 13

Proposed second story floor plan:



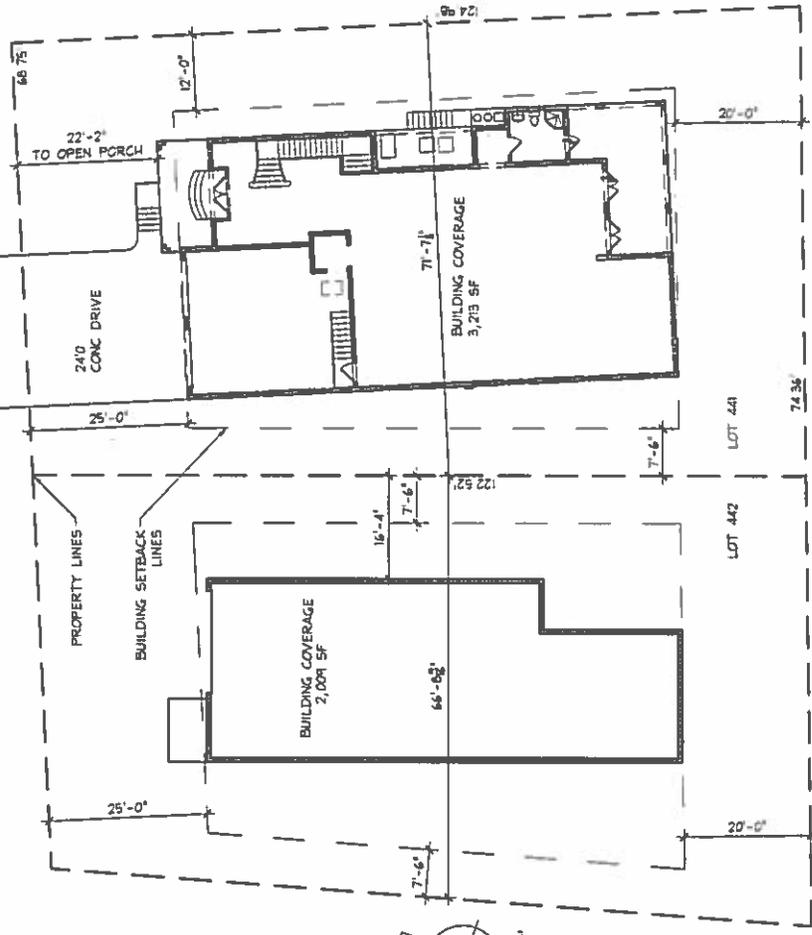
Proposed 1<sup>st</sup> story floor plan:



SNELL ISLE BLVD

LOTS 441 & 442, BRIGHTBAY UNIT 3 OF SNELL ISLE, PLAT BOOK 20, PAGE 28, PINELLAS COUNTY PUBLIC RECORDS

TOLEDO BLVD



N  
SCALE 1"=20'-0"

# Exhibit 4

Case #17-54000012

Applicant's Narrative and Exhibits

# VARIANCE

## NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses 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	
<b>Street Address:</b> 1089 Snell Isle Blvd. NE	<b>Case No.:</b> 17-5400012
<b>Detailed Description of Project and Request:</b>	
<p>This request is for a variance to the required minimum lot width of 75' for NS-1 zoning in order to create two buildable lots on the originally platted lots of record - Lot 441 and Lot 442, or an 11% reduction in width. Two new homes will be built - one home on each platted lot.</p>	
<p>1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?</p> <p>The subject property is unique in the fact that it consists of two (2) originally platted lots - Lot 441 and Lot 442. The original historical intent of C. Perry Snell when platting these two lots was that one home would be built on each lot. The parcel measures 134' x 123' and is 16,482 SF or .38 of an acre. While the two platted lots are 11% less than the required 75' width per lot (150' width for two lots), this deficiency is more than compensated for by the fact that the minimum lot square footage (5,800 SF minimum per lot or 11,600 for both lots) is exceeded by 42%. Additionally the maximum density for the NS-1 Zoning is 7.5 single family residential units per acre - this parcel calculates to a density of 5.3 units per acre which is 30% less than the maximum density. Lastly, this parcel is contiguous to three (3) parcels that are all substandard in width and all have been or will be redeveloped with new two story homes.</p>	
<p>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.</p> <p>Yes. To the west and adjacent to the subject property, a new two story home was built in 2013 (1079 Snell Isle Blvd. NE) on a lot that is substandard in width - 72' wide. To the southeast and adjacent to the subject property, a new two story home was built in 2008 (292 Catalan Blvd. NE) on a lot that is substandard in width - 71' wide. To the southwest and adjacent to the subject property, a new two story home is scheduled to be built this year (288 Catalan Blvd. NE) on a lot that is substandard in width - 74' wide. To the southeast and one block away from the subject property a new two story home was built in 2008 (301 Toledo Way NE) on a substandard lot in width - 69' wide. To the southeast and one block away from the subject property a home is being sold for "lot value" (225 Toledo Way NE) and a new home will be built on a substandard lot in width - 69' wide. Two blocks away, a new two story home was built in 2016 (832 Snell Isle Blvd. NE) on a lot that is substandard in width - 67' wide. Other examples will be attached on an addendum.</p>	
<p>3. How is the requested variance not the result of actions of the applicant?</p> <p>The Denny family purchased the 1951 ranch style home in January of 1971 which was located on two platted lots. At that time nonconforming platted lots under common ownership could be developed individually by right. From 1973 to 2003, restrictions were in place to limit development of nonconforming lots under common ownership. From 2003 to 2015 restrictions were removed allowing the development of any platted lot. On 9/17/15 the Nonconforming Lots in Common regulation was adopted which now requires a variance to develop nonconforming lots under common ownership. Also, the subject lots were platted at a width which is deficient in width for the current zoning district and the deficiency impairs the use of the property in comparison to other similarly platted lots in the same subdivision that have been developed or redeveloped with single family homes. The neighborhood development plan and subsequent zoning changes are not the result of actions of the applicant.</p>	



# VARIANCE

**NARRATIVE** (PAGE 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
<p>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?</p> <p>The variance request is the minimum necessary to allow the development of two new single-family homes on lots of similar size that are contiguous to the subject parcel. Additionally there have been multiple new homes built on nonconforming lots in terms of width on Snell Isle (see addendum). This variance request is consistent with the redevelopment pattern of lots adjacent to the subject property as well as recent redevelopment on Snell Isle.</p>
<p>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</p> <p>The other alternatives are to sell the home "as is" to a re-modeler, or to sell the property as one parcel for the construction of one new home. Neither alternative is an economically viable solution for Ms. Denny. The home is substandard and functionally obsolete. It would require significant remodeling, which would be restricted by FEMA regulations due to the elevation, thereby reducing the value of the home to potential purchasers. Additionally, there will be three new two story homes adjacent and contiguous to the subject property (1079 Snell Isle Blvd. NE; 292 Catalan Blvd. NE; 288 Catalan Blvd. NE). All three of these redeveloped properties are nonconforming lots in terms of width. One new home on Lot 441 and one new home on Lot 442 will be consistent with the development pattern of the adjacent properties. Restricting redevelopment of this parcel to one home is not consistent with the immediate redevelopment pattern, nor is it consistent with recent and current redevelopment throughout Snell Isle.</p>
<p>6. In what ways will granting the requested variance enhance the character of the neighborhood?</p> <p>A 1951 ranch style home that is substandard and functionally obsolete will be replaced with two new homes that are architecturally pleasing and consistent with other redevelopment projects on Snell Isle. Secondly, the new homes will be built to current flood elevation requirements, replacing a home that was built at grade and subject to flooding. Thirdly, the construction of new homes will create jobs and have a positive economic impact on the City of St. Petersburg. Fourthly, the construction of two new homes will increase the property tax base and benefit the City. Lastly, the construction of two new homes will most likely attract two new families to the City and Snell Isle with children that will fill our schools and parents who will contribute to the Snell Isle neighborhood and our City.</p>

Addendum to Variance Application

A. Photos of Subject Property - 1089 Snell Isle Blvd. NE

<p>1089 Snell Isle Blvd. NE Front elevation.</p>	 A photograph showing the front elevation of a single-story house with a light-colored exterior and a dark roof. The house is set back from a paved road by a grassy lawn. There are trees and a utility pole visible in the background under a clear blue sky.
<p>Picture of mature oak tree that will be preserved as part of this redevelopment plan located on the corner of Snell Isle Blvd. NE and Toledo Way NE.</p>	 A photograph of a large, mature oak tree with dense green foliage. The tree is situated on a grassy area next to a paved road. In the background, other trees and a building are visible under a clear blue sky.

B. Nonconforming Parcels Contiguous to Subject Property

<p>1079 Snell Isle Blvd. NE (west) 72' x 122' nonconforming lot New construction permitted 05/13</p>	 A photograph of a two-story brick house with a gabled roof and a large front porch. The house is surrounded by a well-maintained lawn and trees. A paved driveway leads to the house. The sky is blue with some clouds.
<p>292 Catalan Blvd. NE (southeast) 71' x 127' nonconforming lot New construction in 2007</p>	 A photograph of a two-story white house with a prominent arched entrance and a balcony. The house is surrounded by trees and a lawn. A white van is parked in the driveway. The sky is blue with some clouds.

288 Catalan Blvd. NE (southwest)  
74' x 129' nonconforming lot – currently vacant, but new construction planned for 2017.



288 Catalan Blvd. NE (southwest)  
Proposed elevations for new construction to be permitted this year.



C. 43 Other Nonconforming Parcels in Terms of Lot Width Located On or Cornering Snell Isle Blvd. NE

<u>#</u>	<u>Address</u>	<u>Street</u>	<u>Lot Width</u>
1	101	Bandera Way NE	56
2	126	Snell Isle Blvd NE	67
3	130	Raphael Blvd. NE	63
4	144	Snell Isle Blvd NE	69
5	215	Nina St. NE	71
6	234	Snell Isle Blvd NE	60
7	235	Snell Isle Blvd NE	50
8	243	Snell Isle Blvd NE	50
9	252	Snell Isle Blvd NE	60
10	262	Snell Isle Blvd NE	60
11	266	Snell Isle Blvd NE	60
12	280	Snell Isle Blvd NE	72
13	401	Appian Way NE	71

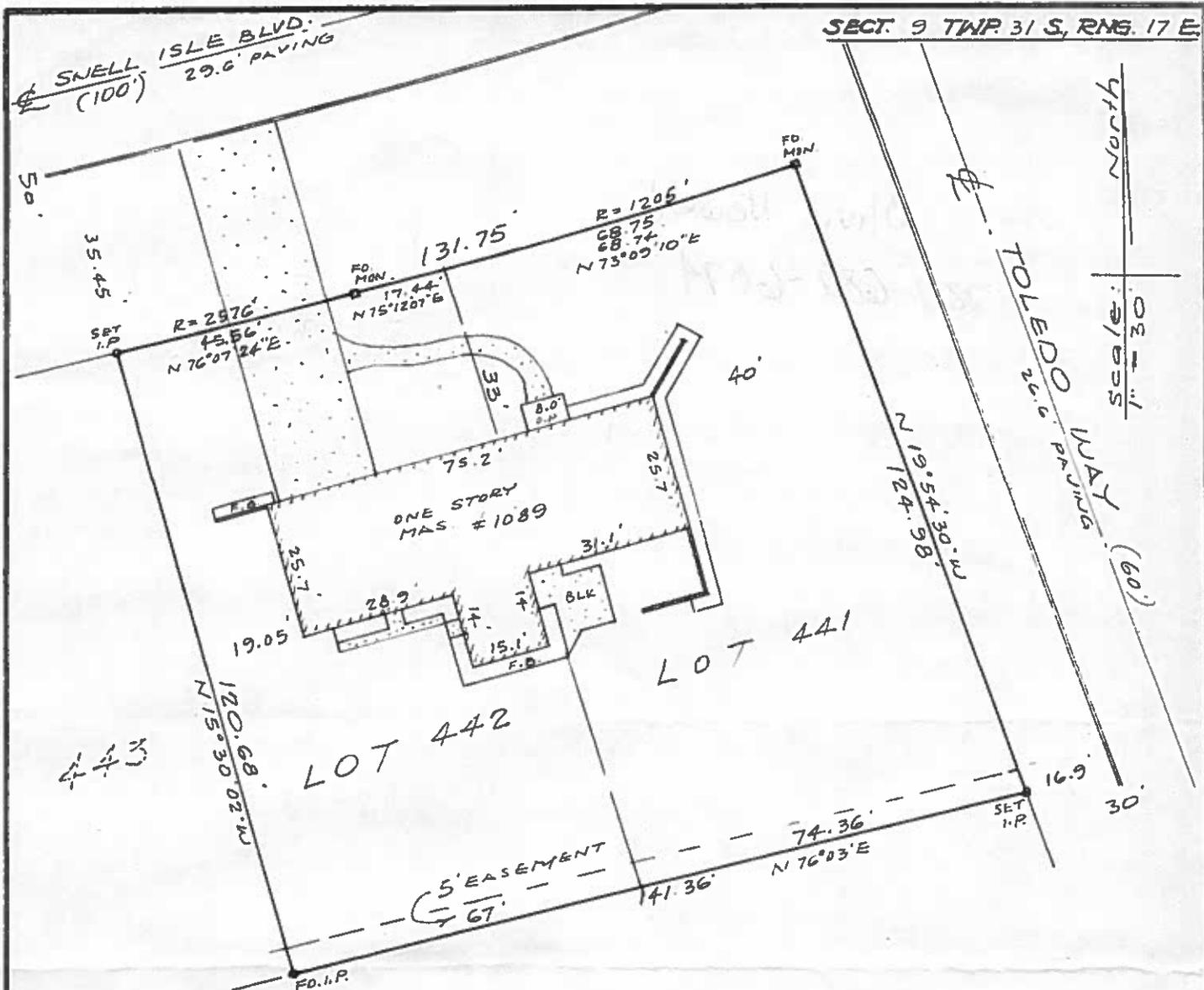
14	525	Lamara Way NE	56
15	711	Snell Isle Blvd NE	56
16	718	Snell Isle Blvd NE	48
17	721	Snell Isle Blvd NE	56
18	725	Snell Isle Blvd NE	56
19	735	Snell Isle Blvd NE	56
20	821	Snell Isle Blvd NE	65
21	822	Snell Isle Blvd NE	67
22	826	Snell Isle Blvd NE	67
23	827	Snell Isle Blvd NE	65
24	832	Snell Isle Blvd NE	67
25	835	Snell Isle Blvd NE	65
26	842	Snell Isle Blvd NE	67
27	845	Snell Isle Blvd NE	65
28	851	Snell Isle Blvd NE	65
29	852	Snell Isle Blvd NE	67
30	859	Snell Isle Blvd NE	65
31	860	Snell Isle Blvd NE	66
32	900	Snell Isle Blvd NE	66
33	909	Snell Isle Blvd NE	65
34	910	Snell Isle Blvd NE	67
35	918	Snell Isle Blvd NE	67
36	919	Snell Isle Blvd NE	65
37	929	Snell Isle Blvd NE	63
38	937	Snell Isle Blvd NE	63
39	945	Snell Isle Blvd NE	63
40	951	Snell Isle Blvd NE	63
41	1001	Snell Isle Blvd NE	60
42	1010	Snell Isle Blvd NE	64
43		Snell Isle Blvd NE	69

**D. Recent Redevelopment of Nonconforming Lots on Snell Isle**

832 Snell Isle Blvd. NE  
 67' x 125' nonconforming lot  
 Permit issued 7/2016



507795



SURVEY OF  
 LOTS 441 and 442  
 BRIGHTBAY UNIT THREE OF SNELL ISLE  
 as recorded in Plat Book 20, Page 28, Records of Pinellas County, Florida  
 St. Petersburg, Florida

Survey for: Lee Brechbugl  
 September 23, 1965  
 Order No. 2521A

Certified as to Survey  
**GEORGE F. YOUNG, INC**

I HEREBY CERTIFY THAT THE SURVEY  
 REPRESENTED HEREON MEETS  
 THE MINIMUM REQUIREMENTS ADOPTED  
 BY THE F.S.P.L.S. AND THE F.L.T.A.

*[Signature]*  
 PRES.  
 FLORIDA SURVEYOR'S REG. NO. 663  
 FLORIDA ENGINEER'S REG. NO. 4815

5A

3/7/17

Ms. Elizabeth Abernethy, AICP  
Zoning Official, Development Review Services Manager  
Planning & Economic Development Department  
City of St. Petersburg  
P.O. Box 2842, St. Petersburg, FL 33731

RE: 1089 Snell Isle Blvd NE Variance Request

Dear Elizabeth,

Thank you for your email dated 2/28/17. I respectfully request that Staff reconsider its position on recommending denial of my variance request. While I do not disagree with the statistical information that you have provided me, I do believe that there are other factors for Staff to consider that could support a recommendation of approval regarding this Variance Application.

Additional factors:

1. Immediate neighbor support of the variance request. I have surveyed the adjacent home owners and the following have signed the Neighborhood Worksheet:
  - a. Gilbert Sperling – 1101 Snell Isle Blvd. NE (East)
  - b. Patrick Nixon – 1086 Snell Isle Blvd. NE (North)
  - c. Theresa Roache – 327 Toledo Way NE (Southeast)
2. The following neighbors have been contacted and have indicated that they will support the variance request: Gayle Moore – 1079 Snell Isle Blvd. NE (West)
  - a. John Barger – 288 Catalan Blvd. NE (South)
  - b. Greg MacLaren – 292 Catalan Blvd. NE (South)

I will continue to contact other neighbors in the immediate vicinity and solicit their support for the variance, but it does not appear that there is any opposition from the immediate neighbors that are directly impacted by the variance request. I will also ask that the neighbors in support of the Variance speak in favor of it at the 5/3/27 DRC Hearing.

3. Mixed use development on Snell Isle Blvd. NE. Snell Isle Blvd. NE is not a pristine interior neighborhood street with every parcel conforming to NS-1 standards. On the contrary, Snell Isle Blvd. NE is a high traffic thoroughfare connecting Shore Acres to the Old Northeast. Snell Isle Blvd. NE has mixed use development located on it: a women's club;

a 10 unit apartment building; a golf club with banquet facility; multi-family rental units; townhomes; a marina; high rise condominiums, churches; schools; and single family residential. Of the single family homes, forty (40) parcels do not conform to the NS-1 minimum lot width requirement of 75'. So an average citizen travelling from one end of Snell Isle Blvd. to the other observes a wide variety property development use and parcel size. Adding two more non-conforming residential lots (in terms of lot width) will not significantly alter the character of Snell Isle Blvd. NE or the Snell Isle neighborhood, By approving this variance, 42 parcels located on Snell Isle Blvd. NE would be substandard to the NS-1 minimum lot width requirement instead of the current 40 parcels (an insignificant 5% increase).

4. Historical context. Lots 441 and 442 were originally platted for the purpose of building one single family home on each parcel. Redeveloping each lot today with one single family home on each lot is consistent with the historical vision of Perry Snell and the initial developers of Snell Isle. If I design and build homes with architecturally accurate Mediterranean Revival detail, the new homes will add to the historical character of Snell Isle and predominant architectural style in replacement of a 1950's ranch style home.
5. Flood/FEMA issue. The existing home was constructed slightly above grade and well below BFE. The ranch style home is subject to damage from flooding. New homes would of course be built to current FEMA and City elevation requirements.
6. Lot size metrics. NS-1 zoning has three standards for determining minimum lot size: minimum lot width (75'); minimum lot square footage (5,880 SF); and maximum density per acre (7.5 single family units per acre). While the two platted lots located at 1089 Snell Isle Blvd. NE (originally platted lots 441 and 442) do not meet the minimum required 75' lot width, the parcel is 134' wide for an average of 67' per lot or 89% of the required width (11% deficient). In terms of lot area the combined parcel size is 134' x 123' or 16,482 SF. The minimum SF of two lots is 11,760, so the two lots average 140% more square footage than the minimum required. The maximum residential density for NS-1 is 7.5 single family units per acre. The variance request for this parcel (.38 acre - 16,482/43,560) equates to 5.7 single family residential units per acre, which is significantly below the maximum density allowed (30% below maximum density). The fact that this parcel far exceeds minimum lot area and is well below maximum density compensate for an 11% deficiency in lot width. Restricting this subject .38 acre parcel to one (1) single family residential unit is an overly burdensome regulation when the parcel would support 2.85 single family residential units under the maximum density rule.
7. Preservation of trees. 1079 Snell Isle Blvd. NE has 4 mature trees that will be preserved as a part of this redevelopment proposal. The neighbor to the west (Gayle Moore - 1079 Snell Isle Blvd. NE) has indicated that his support of this variance request is contingent upon the tree (unknown species) located near the property line being preserved. There is a mature Oak located at the NE corner of the property that will be preserved. Additionally, there are two large pines located near the rear of the property that will be preserved.
8. Context of redevelopment immediately adjacent to 1089 Snell Isle Blvd. NE.

- a. 1079 Snell Isle Blvd. NE (west); Lot size 72' x 122' (substandard in terms of lot width)



- b. 292 Catalan Blvd. NE (south); Lot size 71' x 127' (substandard in terms of lot width)



- c. 288 Catalan Blvd. NE (south); Lot size 74' 129' (substandard in terms of lot width)  
This lot is currently vacant, but Mr. and Mrs. Barger intend to build a new home and the architect's elevations are below as well:

9. Inequity of parcel development rights. Currently any single lot on Snell Isle with a house on it can be redeveloped even if it is non-conforming to current zoning. For example, 225 Toledo Way NE is located one block away from the subject property:



This parcel is 69' x 140' and is currently listed in MLS as a "tear down." It is being sold at \$385,000 for lot value and the status in MLS is "Sale Pending." Even though this lot does not meet the NS-1 minimum 75' lot width requirement, a developer could obtain a "Buildable Lot Letter" and redevelop the property with a new home. There are currently 40 individual parcels located on Snell Isle Blvd. NE that are similar to the above referenced parcel in terms of substandard lot width. They can all potentially be redeveloped with new homes. It seems that the subject property is being penalized due to the fact that Ms Denny purchased two (2) platted lots instead of one (1) platted lot under the Nonconforming Lots in Common Ownership Regulation (16.60.030.2 (B)). When Ms. Denny purchase the two platted lots in 1970, she had the right to build two homes - one on each platted lot. The City has changed Land Use Regulations over the years and subsequently taken away Ms. Denny's right to develop two homes, which has created a hardship for Ms. Denny.

In summary, while this Variance request is similar to the Raphael Blvd. NE application that was denied in January of 2016, it is different for the following reasons:

- there is immediate neighbor support for this variance request
- Snell Isle Blvd. NE has 40 parcels located on it that are also substandard in lot width
- Snell Isle Blvd. NE has mixed use development located on it
- Snell Isle Blvd. NE is a high traffic thoroughfare as opposed to an interior neighborhood street
- three parcels directly adjacent to 1079 Snell Isle Blvd. NE are substandard in lot width and have been redeveloped (or will be) in a similar fashion to this proposed redevelopment.

Thank you in advance for reviewing this information and reconsidering Staff support of the variance request.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Wayne F. Drash

Authorized Agent for Dorothy Denny

POB 55062

St. Petersburg, FL 33732

727-342-9146

wfdrash@yahoo.com

CC: Ron Denny

# Exhibit 5

Case #17-54000012

Registered Opponent Form and  
Correspondence



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION

## REGISTERED OPPONENT FORM

### Contact Information

Name	Scott B. Youngblood
Street Address	909 Snell Isle Blvd NE
City ST ZIP Code	Saint Petersburg, FL 33704
Telephone	(813) 546-4541
Email Address	ScottYoungblood1@hotmail.com
Signature	<i>Scott B. Youngblood</i> Date 4-24-17

### Date of Hearing

Date of Hearing	May 3 <sup>rd</sup> , 2017 2PM
-----------------	--------------------------------

### Case No.

Case No.	17-54000012
----------	-------------

### Case Address

Case Address	1089 Snell Isle Blvd NE
--------------	-------------------------

### Special Requirements

--

### Information on Procedures for Hearing

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

Return form to Clerk of DRC Commission, [pamela.jones@stpete.org](mailto:pamela.jones@stpete.org), at least one week prior to the hearing.

## Elizabeth Abernethy

---

**From:** Scott Youngblood <ScottYoungblood1@hotmail.com>  
**Sent:** Wednesday, March 08, 2017 10:09 PM  
**To:** Wayne Drash  
**Cc:** Elizabeth Abernethy  
**Subject:** RE: Variance Request Application for 1089 Snell Isle Blvd. NE

Mr. Drash,

As a neighbor of this lot, President of Snell Isle Property Owners Association and a Committee Member of the City Beautiful Commission, I am opposed to your variance request.

The request for approval is for the sole purpose of making money. The association has taken a very strong stance against these type of requests and will be notifying the City in writing and possibly attend any hearings scheduled to hear your case.

I respectfully request that you withdraw your application.

Sincerely,

Scott B. Youngblood  
President Snell Isle Property Owners Association

Sent via the Samsung Galaxy Mega® 2, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Date:** 3/7/2017 11:21 AM (GMT-05:00)  
**To:** scottyoungblood1@hotmail.com  
**Cc:** Elizabeth Abernethy <elizabeth.abernethy@stpete.org>  
**Subject:** Variance Request Application for 1089 Snell Isle Blvd. NE

Hi Scott,

I met with Elizabeth Abernathy this morning regarding an upcoming Variance Request Application. Elizabeth informed me that prior to submitting an application, the Neighborhood Association must be notified. I am the Authorized Agent for the property owner - Dorothy Denny.

The request is a variance to the minimum lot width to create two buildable lots. The property with an address of 1089 Snell Isle Blvd. NE consists of 2 originally platted lots (Lots 441 and 442) with a parcel dimension of 134' x 123'. The variance, if approved, would create 2 - 67' wide lots which are 11% less in width than the required minimum NS-1 lot width of 75'. The lots however do exceed the minimum lot area (5,800 SF) by 140% and are well within the single family residential density requirement (30% under maximum density). There are 40 other substandard parcels located along

Snell Isle Blvd. NE with an average width of 62', so this variance request is not inconsistent with the development pattern.

Feel free to contact me with any questions. Thank you.

Wayne Drash  
7274-342-9146

## Elizabeth Abernethy

---

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Sent:** Thursday, March 09, 2017 1:46 PM  
**To:** Scott Youngblood  
**Cc:** Elizabeth Abernethy  
**Subject:** Re: Variance Request Application for 1089 Snell Isle Blvd. NE

Mr. Youngblood,

Thank you for your response and I understand your opinion on the matter. I am well aware of the fact that there will be opposition to this variance request and have been informed as well by Ms. Abernethy that Staff will be recommending denial of the variance request.

There are, however, residents of Snell Isle that are in favor of the variance request. There will be opinions on both sides of this issue. What this really comes down to is an issue of property rights. For example, you live in a house that was developed on a substandard lot in terms of width - 65' as opposed to the minimum required width of 75' for NS-1 zoning. Your lot is nonconforming just like Ms. Denny's two lots are nonconforming. However, you have the right to demolish your house and build a new "McMansion" (as long as the new home meets NS-1 setback requirements) on your parcel. You are simply required to pay \$40 and obtain a "Buildable Lot Letter" from the City in order to do this.

As a matter of fact, this scenario played out next door to you (919 Snell Isle Blvd. NE) in 2014 - a large two story home was built on a substandard 65' lot. This same situation is going to occur one block away from Ms. Denny's property at 225 Toledo Way NE; it has happened all over Snell Isle (and other parts of the City of St. Petersburg) and it will continue to happen. There are 43 substandard, nonconforming lots located on or cornering Snell Isle Blvd. NE. All of them can be redeveloped with new homes, if they haven't been already (as in the case of your next door neighbor).

The inequity of the situation is that the City passed the "Nonconforming Lots in Common Ownership" rule 16.60.030.2 B (2). This rule penalizes Ms. Denny for owning two adjoining platted lots that are not 75' wide even though the lots were originally platted that way. Unlike 43 of Ms. Denny's neighbors on Snell Isle Blvd. NE, she cannot build one house on each of her platted lots. The City Code is simply unfair to Ms. Denny. If the DRC denies our variance request, we will appeal to Circuit Court and believe that we will prevail. The City cannot allow one property owner the right to redevelop on a single substandard lot while denying another property owner the right to redevelop a parcel because it consists of two adjoining substandard parcels.

On a human level, your neighbor, Ms. Denny is a 98 year old widow and has been placed in a nursing home. She is selling her property on Snell Isle in order to pay for her long term care. Like many Americans, Ms. Denny's primary residence is her greatest asset and investment. Ms. Denny paid property tax and maintained her home for 30 years hoping that her investment would pay off for her and support her in retirement. We all hope to maximize the return on our investments and there is nothing wrong with Ms. Denny seeking the greatest return on her Snell Isle investment. Two buildable lots are worth more than one and Ms. Denny should be allowed to sell her property as two buildable lots.

Sincerely,

Wayne F. Drash

---

**From:** Scott Youngblood <ScottYoungblood1@hotmail.com>  
**To:** Wayne Drash <wfdrash@yahoo.com>  
**Cc:** Elizabeth Abernethy <elizabeth.abernethy@stpete.org>  
**Sent:** Wednesday, March 8, 2017 10:09 PM  
**Subject:** RE: Variance Request Application for 1089 Snell Isle Blvd. NE

Mr. Drash,

As a neighbor of this lot, President of Snell Isle Property Owners Association and a Committee Member of the City Beautiful Commission, I am opposed to your variance request.

The request for approval is for the sole purpose of making money. The association has taken a very strong stance against these type of requests and will be notifying the City in writing and possibly attend any hearings scheduled to hear your case.

I respectfully request that you withdraw your application.

Sincerely,

Scott B. Youngblood  
President Snell Isle Property Owners Association

Sent via the Samsung Galaxy Mega® 2, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Date:** 3/7/2017 11:21 AM (GMT-05:00)  
**To:** scottyoungblood1@hotmail.com  
**Cc:** Elizabeth Abernethy <elizabeth.abernethy@stpete.org>  
**Subject:** Variance Request Application for 1089 Snell Isle Blvd. NE

Hi Scott,

I met with Elizabeth Abernathy this morning regarding an upcoming Variance Request Application. Elizabeth informed me that prior to submitting an application, the Neighborhood Association must be notified. I am the Authorized Agent for the property owner - Dorothy Denny.

The request is a variance to the minimum lot width to create two buildable lots. The property with an address of 1089 Snell Isle Blvd. NE consists of 2 originally platted lots (Lots 441 and 442) with a parcel dimension of 134' x 123'. The variance, if approved, would create 2 - 67' wide lots which are 11% less in width than the required minimum NS-1 lot width of 75'. The lots however do exceed the minimum lot area (5,800 SF) by 140% and are well within the single family residential density requirement (30% under maximum density). There are 40 other substandard parcels located along

Snell Isle Blvd. NE with an average width of 62', so this variance request is not inconsistent with the development pattern.

Feel free to contact me with any questions. Thank you.

Wayne Drash  
7274-342-9146

## Elizabeth Abernethy

---

**From:** Scott Youngblood <ScottYoungblood1@hotmail.com>  
**Sent:** Thursday, April 06, 2017 9:45 PM  
**To:** Wayne Drash  
**Cc:** Elizabeth Abernethy; Ron Denny C.  
**Subject:** RE: Snell Isle Neighborhood Association Meeting on 4/13/17

Hello Wayne,

I certainly understand your efforts.

However, because SIPOA is completely opposed to your variance request, we do not have an interest in providing you a platform to speak on this issue.

Scott

Sent via the Samsung Galaxy Mega® 2, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Date:** 4/5/2017 2:58 PM (GMT-05:00)  
**To:** Scott Youngblood <scottyoungblood1@hotmail.com>  
**Cc:** Elizabeth Abernethy <elizabeth.abernethy@stpete.org>, "Ron Denny C." <rdenny@bighthouse.com>  
**Subject:** Snell Isle Neighborhood Association Meeting on 4/13/17

Hi Scott,

Would you like me to make a brief presentation regarding Ms. Denny's Variance Application at your monthly meeting next Thursday? I would be happy to address any concerns that the Board or members may have. The Variance notification yard sign and corresponding mailing will go out by Monday 4/10/17, so the information would be timely. Thank you.

Wayne Drash  
727-342-9146

# Exhibit 6

**Case #17-54000012**

Correspondence from surrounding  
property owners

## Elizabeth Abernethy

---

**From:** Gregg MacLaren <greggmaclaren@hotmail.com>  
**Sent:** Tuesday, March 28, 2017 4:57 PM  
**To:** Elizabeth Abernethy; DAWN MacLaren  
**Subject:** Lot development on Snell Isla Blvd.

Dear Ms. Abernethy

As the owner of 292 Catalan Blvd, which is adjacent to 1089 Snell Isle Blvd, I would like to voice my opposition to the proposed division of property address 1089. I was approached by a Mister Wayne Drash, who was looking for support from neighboring property owners with the intent to bisect the property to create 2 lots for development purposes. I expressed my objection to Mr. Drash at the time of his introduction and would like to, again express my objection to you at this time, prior to any official ruling.

I appreciate the phone call earlier in the month, and thank you again for listening to my concerns.

Regards  
Gregg MacLaren  
813-546-9716

Sent from [Mail](#) for Windows 10

## **Elizabeth Abernethy**

---

**From:** Del Vecchio & Associates <info@dvalaw.com>  
**Sent:** Thursday, April 13, 2017 8:47 AM  
**To:** Elizabeth Abernethy; Kathryn Younkin  
**Subject:** Notice of Public Hearing; 1089 Snell Isle Blvd. NE

Good morning:

We received the Notice of Public Hearing in yesterday's mail. We oppose such a variance. Please provide us with information regarding the applicant's request.

Kind regards,

David L. Del Vecchio  
Robin Smith  
299 Catalan Blvd. NE  
St. Pete, FL

## Kathryn Younkin

---

**From:** Susan HALTTUNEN <hal26@mac.com>  
**Sent:** Friday, April 14, 2017 5:31 PM  
**To:** Kathryn Younkin  
**Subject:** Re: variance to split property on Snell Isle

1157 Eden Isle Blvd. NE

> On Apr 14, 2017, at 5:29 PM, Kathryn Younkin <Kathryn.Younkin@stpete.org> wrote:

>

> We will add your comments to the case file. Would you please advise your address?

> Thank you,

>

> Kathryn A. Younkin, AICP, LEED AP BD+C Deputy Zoning Official City of

> St. Petersburg, Planning and Economic Development

> 1 Fourth Street North, St. Petersburg, FL 33701

> 727-892-5958 / Fax: 727-892-5557

> Kathryn.Younkin@stpete.org

>

> Please note all emails are subject to public records law.

>

>

>

> -----Original Message-----

> From: Susan HALTTUNEN [mailto:hal26@mac.com]

> Sent: Friday, April 14, 2017 5:28 PM

> To: Kathryn Younkin <Kathryn.Younkin@stpete.org>

> Subject: variance to split property on Snell Isle

>

> I may not be able to be at the meeting on May 3 want would like to sign a petition against splitting the property at 1089 Snell Isle Blvd.

>

> Susan Halttunen

>

> Your Sunshine City<<http://www.stpete.org/vision>>

>

## Elizabeth Abernethy

---

**From:** dotgogirl@magicomp.com  
**Sent:** Friday, April 14, 2017 2:24 PM  
**To:** Elizabeth Abernethy  
**Subject:** 1089 Snell Isle Boulevard NE., St. Petersburg, FL 33704

Ms. Abernethy:

As Vice President of the Snell Isle Property Owners Association and also a homeowner on Maple Street NE for 52 years I would like to implore the "Powers that Be" to strongly deny the request to build two homes on this property.

Snell Isle is being ruined with builders coming in and buying up single family dwellings (of which there are many) and developing them into large mansions. The entire area established by Perry Snell is being torn to pieces. For example take a look at the new home now being built on Palmera which once housed one of the first two homes to be built on Snell Isle. The home next to it is still the original but the new one has absolutely taken over the block of four homes. Also take a look at Ricardo Way NE - there they are taking a duplex and turning it into two homes so close together they can almost share an entry way. There are still many duplex buildings on Ricardo and Mateo. Are they also going to be turned into individual side by side houses?

P L E A S E help us out here if you possibly can.

Sincerely,

Dot Admire

## Elizabeth Abernethy

---

**From:** Hargrett Bonnie <bonniehargrett@gmail.com>  
**Sent:** Saturday, April 15, 2017 5:53 PM  
**To:** Elizabeth Abernethy  
**Cc:** Ed Montanari  
**Subject:** Snell Isle Lot Splitting

Ms. Abernethy,

My husband and I moved to Snell Isle in the early 90's to enjoy the wonderful neighborhood - full of history, nice-sized lots and the beautiful waterfront. Until recently, folks built homes commensurate with their lot sizes and had nice space between their homes and their lot lines. Today, that seems to have gone by the wayside! In many cases, it appears Snell is being overrun by zero lot-line properties with little, if any, green space! Many homes don't even have enough green space to build a spa, much less a pool...very little front yard, virtually no back yard and embarrassingly small side yards! What formerly was a 2500-3000 square foot home on a nice sized lot is now being torn down, the lot is being split - and gerrymandered at that - and two 7000 square foot homes are replacing it. Drainage and flooding issues are surely going to become issues with so little green space...most of the space is covered in concrete!

St Petersburg already has an infrastructure problem with older pipes, cables and electrical equipment on the poles having to be enhanced and replaced with higher level equipment to serve an ever-growing population. But where is the quality when homes are squeezed on the tiny lots? Please help stop the trend to just keep building lot-line to lot-line. Just ride to the Monterey/Almedo area and LOOK at what your Committee approved after we appeared before the DRC objecting to the lot splitting. It's embarrassing to think this is MY neighborhood. The homes are too large for the lots and are built so close together there's hardly room for shrubbery. We cannot go back and change what's already been done but you can certainly stop the madness by ending the splitting of normal sized lots.

I thank you for your help!

~Bonnie Hargrett  
BonnieHargrett@gmail.com  
1140 Monterey Blvd NE  
St Petersburg, FL

## Elizabeth Abernethy

---

**From:** Gayle Moore <gem.moore@live.com>  
**Sent:** Tuesday, April 18, 2017 10:25 AM  
**To:** Elizabeth Abernethy  
**Cc:** Pamela Jones  
**Subject:** Variance request for 1089 Snell Isle Blvd. NE

Reference: St. Petersburg letter to me dated April 10, 2017

I talked to Pamela during your absence and wanted to follow up with this email.

I live at 1079 Snell Isle Blvd. NE, which is next door to the subject property involved. My wife and I strongly object to the request to build two very large houses, totaling approximately 8500 square feet where a house of about 2200 sq. ft. now exists.

I have meet Wayne Drash, the "developer" who is requesting this variance. He seems like a very nice man but it is obvious he is only interested in money and profit from his request. Once the homes are built and sold he will have no further interest in this neighborhood or the quality of life he has altered.

We moved here three years ago fully expecting this home to be our last. We would like the neighborhood and our surroundings to remain as they are.

This, and the quietness of the isle, coupled with the quality of life, is what attracted us to move here from downtown St. Pete.

Please help us to maintain things as they are by rejecting the variance request.

I have asked Scott Youngblood, President of our Snell Isle Property Owners Association, to speak on our behalf at the hearing, as we will be out of the country on May 03.

Thank you,  
Marian & Gayle Moore  
821-7380

## **Elizabeth Abernethy**

---

**From:** Kyran Carey <kyrancarey@gmail.com>  
**Sent:** Monday, April 24, 2017 12:33 AM  
**To:** Elizabeth Abernethy  
**Subject:** Case No 17-54000012 - Man claiming to be City worker knocking on doors and discussing splitting 1089 Snell Isle Blvd.

Anne Smith at 415 Toledo told me a man dressed in a suit stopped by on Thursday afternoon, 04-20-2017, and rang their doorbell. When she answered, he introduced himself very politely, asked if she was aware the Denny family was requesting permission to split their mother's double lot and she answered they had received a letter to that effect. He asked if they were in favor of it and she said absolutely not. She said he gave her the impression he did not like that answer at all.

Apparently he went on awhile about the case, dropped some names like Olivia and Dorothy as though he was familiar with the family. Olivia is the daughter who is the applicant in this case and Dorothy Denny owns the property. Anne was very clear with him why they object to developments that have become commonplace with zero lot line building and she felt it was ruining the neighborhood. She felt he was very unhappy with her opinion when he left. This couple, Clark and Anne Smith, have lived in their home at 415 Toledo for over 10 years and invested a lot in it. I have known them 10 years. Please relay this to Ms. Abernethy for the record on this case.

Thank you  
Kyran Carey

## Elizabeth Abernethy

---

**From:** Diane McKinstry <mckinst@mail.usf.edu>  
**Sent:** Monday, April 24, 2017 5:13 PM  
**To:** Elizabeth Abernethy  
**Subject:** 1089 Snell Isle Boulevard Objection to zoning variance

April 24, 2017

Development Review Commission  
City of St. Petersburg, FL  
RE: Case No.: 17-5400012

Dear Commissioners,

As a resident of Snell Isle for over twenty-five years, I strongly object to the request for a variance to the 75-foot minimum lot width creating two lots on the property at 1089 Snell Isle Boulevard. This proposed development is not in keeping with the character of Snell Isle. The two proposed houses would replace a single story house which is roughly 2,000 sq. ft. with properties that together are close to 10,500 sq. ft. These enormous crammed-together houses would look completely out of place compared to the adjacent homes on Snell Isle Boulevard and would damage the aesthetics of the neighborhood.

To residents on Catalan Boulevard, the impact of these houses would be even more dreadful. The prospect of a house that is roughly 3½ stories tall looming over the back yard of my single story house feels, to me, like an architectural assault. The third floor “viewing deck” at the rear of the house on Lot 441 is both frivolous and intrusive.

Additionally, I am concerned about how this development would damage the landscaping that Ms. Denny valued so highly while she lived here. The agent in for this variance request, Mr. Wayne Drash, assured me that three mature trees on the property would be preserved. However, he did not mention a fourth tree, a rare 40 ft. crape myrtle on the west side of the property that certainly would be at risk. Although the tree’s main trunk is on the property line and well away from the proposed house, the canopy of the tree is easily 45 ft. in diameter. Most likely the tree would be severely pruned to keep the branches from the house and could be damaged or killed by this process.

I recognize why the variance request is attractive to the property owner and the developer as it maximizes the profit that could be gleaned from the property. This self-interest makes sense since these people have no interest in the neighborhood, its history or its future.

However, the City of St. Petersburg recognizes the value of its neighborhoods to the quality of life of the city and it has determined that the minimum lot width is 75 feet. Please enforce your zoning rules and deny this variance.

Sincerely,

Diane L. McKinstry

**Diane L. McKinstry, Ph.D**

April 24, 2017

RECEIVED

APR 25 2017

DEVELOPMENT REVIEW SERVICES

April 25, 2017

Case No. 17-54000012

Dear Elizabeth Abernethy, Chief Zoning Officer, Official Development Review Services, City of St. Petersburg, regarding 1089 Snell Isle Blvd. NE.

Preserving the Snell Isle neighborhood should create a sense of community, enhance the City of St. Petersburg's brand, and attract residents who seek to preserve their neighborhood's character and protect its aesthetic and natural beauty. But to deny neighbors who live more than 200 feet from the subject property the right to file an opinion leaves one to wonder what did the state legislature have in mind by enacting the 200 foot rule so only those residing within 200 feet can file their opinion as to the property development issue at hand. Nonetheless, the City Notice of Public Hearing does state that "you may have an interest in the land in question."

We do.

We as neighbors in the Toledo Way, Catalan Blvd., Appian Way, and Snell Isle Blvd. block that includes the subject property have noticed the empty lot at 288 Catalan Blvd owned by developer John Barger since December 2014. That lot directly abuts the back side of one-half of the land at 1089 Snell Isle Blvd. If the City Council votes to divide 1089 Snell Isle Blvd. now, that could open the door for the development of a number of imposing homes such as were built recently at Monterey and Almedo where four houses were built on two lots, lot-line-to-lot-line. These large, imposing structures are oversized for the lots on which they were built, and are not in keeping with the area's character.

Our group of neighbors desires not to encourage such development. We object to the lot splitting that is being proposed for 1089 Snell Isle Blvd. into two parcels that individually would measure less than 70 feet wide. Nearly all of the other lots on Snell Isle Blvd. measure at least 80 feet and most measure more than 80 feet wide. Most homes on the block are one story structures. To envision several potentially imposing homes built lot-line-to-lot-line on these 3 or more lots, is against our values. To stack the cards in favor of this type of development causes irreversible damage.

Below are signatures of neighbors who collectively object to splitting this lot because of the likely development that is not in keeping with our area character.

Name	Address
Kyrán Carey	1033 Snell Isle Blvd NE
Whitney Anderson	310 Appian Way NE
Debbie Gjerman	225 Catalan Blvd NE
Joseph Thompson	225 Catalan Blvd NE
Clark E. Davis	415 Toledo Way NE
Samuel	1015 Snell Isle Blvd NE
KPM	201 Catalan Blvd NE
Cheryl	240 Catalan Blvd NE

DK  
 Shwren Eldon 1023 Snell Isle Blvd NE  
 Lisa Morry 1023 Snell Isle Blvd NE  
 Jonathan Miller 210 Catalan Blvd. NE  
 Pat Mason 219 Catalan Blvd. N.E.  
 [Signature] 248 Catalan Blvd NE  
 [Signature] 211 Catala Blvd NE  
 [Signature] 273 Catalan Blvd NE  
 Roy & Vicki Meredith 243 Catalan Blvd NE

Thank you for this opportunity to present our view on this important subject.

Sincerely,

Neighbors on Toledo Way, Catalan Blvd., Appian Way and Snell Isle Blvd. NE



## Elizabeth Abernethy

---

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Sent:** Tuesday, April 04, 2017 2:03 PM  
**To:** Elizabeth Abernethy  
**Subject:** Fw: Variance Request for 1089 Snell Isle Blvd.

FYI:

Hi Liz,

Here is another immediate neighbor (across the street to the NW) that is not opposed to the variance request and redevelopment. Thanks.

Wayne

----- Forwarded Message -----

**From:** Madelaine Cabrera <madelaine471@yahoo.com>  
**To:** Wayne Drash <wfdrash@yahoo.com>  
**Sent:** Tuesday, April 4, 2017 1:30 PM  
**Subject:** Re: Variance Request for 1089 Snell Isle Blvd.

Hello Wayne,

I am not opposed to these plans.  
Good luck!

Madelaine Cabrera  
1076 Snell Isle Blvd NE

Sent from my iPhone

On Apr 4, 2017, at 12:18 PM, Wayne Drash <[wfdrash@yahoo.com](mailto:wfdrash@yahoo.com)> wrote:

Hi Madelaine,

Thanks for talking with me this morning. Please reply to this email with any questions and whether or not you are opposed to the variance request and redevelopment plans. Thank you.

Wayne Drash  
727-342-9146

<blob.jpg>

<blob.jpg>

<blob.jpg>

## Elizabeth Abernethy

---

**From:** Wayne Drash <wfdrash@yahoo.com>  
**Sent:** Tuesday, April 25, 2017 11:48 AM  
**To:** Elizabeth Abernethy  
**Cc:** Ron Denny C.  
**Subject:** Case No. 17-54000012  
**Attachments:** 20170425110812616.pdf

Hi Liz,

Please find attached to this email an additional Neighborhood Worksheet with 3 additional signatures of neighbors not opposed to the Variance Request and redevelopment. You should now have a record of 7 neighbors that have indicated that they are not in opposition to the request.

Also, I want to specifically address an email from Kyran Carey (1033 Snell Isle Blvd. NE) dated 4/24/17. Ms. Carey asserted that I have claimed to be a City worker and was dressed in a suit as I knocked on neighbor doors with the Neighborhood Worksheet. First of all, I never dressed in a suit and typically was casually dressed in blue jeans and a cotton shirt (it is too warm to walk door to door in a suit). Secondly, I never claimed to be a City worker to anyone. My typical introduction went something like this: "Hi my name is Wayne Drash and I am working with your neighbor Dorothy Denny located at the corner of Toledo Way and Snell Isle Blvd. Dorothy is attempting to sell her two platted lots as buildable lots so that 2 new homes can be built." I would then show them the survey, proposed site plan and elevations. I would then ask if they were opposed and if not, would they sign the Variance Application Neighborhood Worksheet. Since this Variance Application is controversial, I have made sure to present myself as polite and professional to the neighbors.

Ms. Carey's assertions are a fabrication and I wonder why the Smith's (415 Toledo Way NE) cannot speak for themselves and are relying on Ms. Carey to do so on their behalf. Thank you.

Wayne Drash  
Authorized Agent for Dorothy C. Denny  
727-342-9146



# VARIANCE

## 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	
Street Address:	Case No.: 17-54000012
Description of Request:	
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:	1101 Snell Isle Blvd NE (EAST)
Owner Name (print):	Gil Sperling
Owner Signature:	X
2. Affected Property Address:	292 Catalan Blvd NE (SOUTH)
Owner Name (print):	
Owner Signature:	
3. Affected Property Address:	1086 Snell Isle Blvd NE (NORTH) ✓
Owner Name (print):	David Nixon
Owner Signature:	
4. Affected Property Address:	1079 Snell Isle Blvd
Owner Name (print):	Gaule Moore
Owner Signature:	
5. Affected Property Address:	327 Toledo Way NE
Owner Name (print):	Theresa Rouch
Owner Signature:	X
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:	



**st.petersburg**  
www.stpete.org

# VARIANCE

## 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	
Street Address:	1089 Snell Isle Blvd. NE
Case No.:	17-51000012
Description of Request:	Variance to the minimum lot width of 75' for NS-1 zoning.
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:	288 Catalan Blvd. NE
Owner Name (print):	John Bargee
Owner Signature:	<i>[Signature]</i>
2. Affected Property Address:	407 TOLEDO WAY NE
Owner Name (print):	AMANDA DELEON
Owner Signature:	<i>[Signature]</i>
3. Affected Property Address:	350 Rafael Blvd. NE
Owner Name (print):	Tom (F) Kuley
Owner Signature:	<i>[Signature]</i>
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:	

# Exhibit 7

Case #17-54000012

Photographs



**Subject Property**



**Subject Property**



Surrounding Properties  
To the northwest, along Snell Isle Blvd. NE



Surrounding Properties  
To the northwest along Snell Isle Blvd. NE



Surrounding Properties  
Across Snell Isle Blvd. from subject parcel

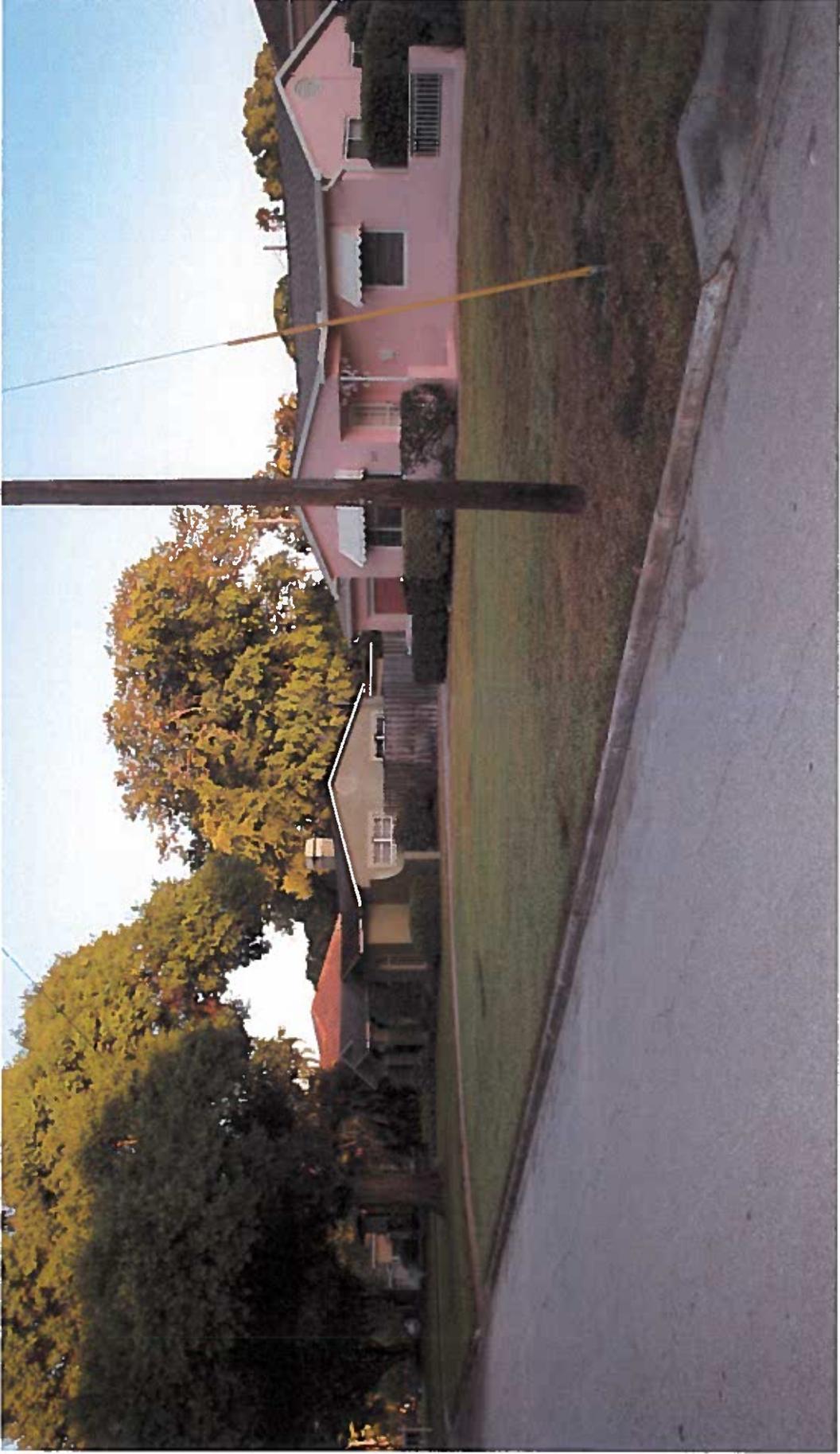


### Surrounding Properties

To the southwest of the subject parcel, on the corner of Catalan Blvd NE & Toledo Way NE



**Surrounding Properties**  
**To the rear of the subject parcels, along Catalan Blvd NE**



Surrounding Properties  
North side of Catalan Blvd NE, subject block



Surrounding Properties  
North side of Catalan Blvd NE, subject block



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

---

## **STAFF REPORT**

### **DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST PUBLIC HEARING**

For **Public Hearing** and **Executive Action** on **May 3, 2017**, beginning at 2:00 P.M.,  
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**CASE NO.:** 17-54000015      **PLAT SHEET:** P-43

**REQUEST:** Approval of a variance to allow for a new liquor store in existing shopping center where the zoning of the block face across the street is not commercial.

**OWNER:** TV Investment Holdings, LLC  
5300 West Cypress Street #101  
Tampa, FL 33607-1764

**ADDRESS:** 128 Pinellas Bayway

**PARCEL ID NO.:** 17-32-16-90828-023-0010

**LEGAL DESCRIPTION:** On File

**ZONING:** County Zoning (C-2)

**BACKGROUND:** The subject property is located on the island of Tierra Verde and was annexed into the City of St. Petersburg on 11/21/08 (Ordinance #867-G). The property retains the County zoning designation of C-2 (General Retail Commercial and Limited Services District). The Future Land Use classification is CG, Commercial General. The C-2 zoning classification allows a variety of commercial uses, including retail sales. Adjacent properties to the east and west of the subject property remain within the unincorporated boundaries of Pinellas County and retain County zoning designations. In 2015 a minor site plan modification was approved for the site to allow the establishment of a boat sales use with outside display and construction of a restaurant and marina office.

Sec. 138-1332 of Pinellas County regulations regarding alcoholic beverages specifies that the dispensing of alcoholic beverages for off-premise consumption is permitted in the C-2 zoning

district, and furthermore specifies minimum distance separation requirements from protected uses which would allow for a liquor store to be located at the subject site without requiring a variance. Due to the fact that the property was annexed into City boundaries in 2008, the application is subject to Section 16.40.010 of the City of St. Petersburg's Land Development Regulations.

**REQUEST:** Section 16.40.010.3 of the City's Land Development Regulations requires that for establishments selling packaged alcoholic beverages for off-premise consumption, the zoning of the block face and block face across the street shall be entirely commercial (unless sales are incidental to a principal retail use). At the subject location, the zoning of the block face across the street is RM-15 (Residential Multiple-Family), a Pinellas County zoning designation. The primary affected properties are the existing condominiums located on the eastern side of the Pinellas Bayway. These properties were not included as part of the aforementioned annexation and remain under the jurisdiction of Pinellas County.

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

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

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

The subject site involves the redevelopment of an existing shopping center which has been undergoing major renovations. The proposed liquor store will comprise 1,039 square feet of the 91,315 square feet of total proposed floor area of the commercial development (about 1.1%). The proposed use and overall commercial development will serve an underserved area of the City/County which largely relies on traveling off of the island for such amenities.

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

The site does not involve a substandard lot.

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

The site does not contain a designated preservation district.

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

The site does not contain historical resources.

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

The site does not contain vegetation or natural features that are relevant to this application.

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

The proposed retail use would be located in an existing commercial shopping plaza. Adequate parking and access exist at the subject location to support the retail use. The existing state road (Pinellas Bayway) and adjacent rights-of-way located to the east of the property act as a buffer between the proposed use and the multi-family zoning district to the east.

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

The project does not involve the development of public facilities.

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

The location of the property adjacent to a multi-family zoning district is not the result of the actions of the applicant.

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

Literal enforcement of the Code would result in an unnecessary hardship. The purpose of requiring the zoning of the block face across the street to be entirely commercial is to protect residential land uses from nuisances that may arise from the sale of packaged alcoholic beverages. The existence of the major road (Pinellas Bayway) and landscaped portions of the right-of-way constitute a separation of approximately 350 feet between the proposed liquor store use and the nearest condo and will provide an adequate buffer between the two uses.

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

Strict application of the Code would deprive the property owner of reasonable use of the land given the commercial nature of the site, the existence of surrounding properties (some within the same shopping center) which currently sell packaged beer and wine, and the large right-of-way acting as a buffer between the proposed use and existing multi-family properties.

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

---

The request is found to be reasonable and not excessive as the subject property is an existing commercial shopping center. Packaged sales of beer and wine are already permitted within the shopping center, and the proposed use will be incidental to the operations of the overall shopping center.

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

Staff finds that the request is consistent with the purpose and intent of the Code to accommodate reasonable use of the property, and does not find that there is any compelling public benefit in denial of the variance.

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

The granting of the variance will not be injurious to neighboring properties which consist of other commercial establishments and multi-family developments which are found to be generally compatible with commercial development. The proposed use is not located within 400 feet of a protected land use, which is a requirement of the City's Land Development Regulations Section 16.40.010.3.B – Minimum distances and other required mitigation. "Protected land use" means a school (public, pre-K through 12, governmental), house of worship or child care facility. Pinellas County regulations require a distance from schools of 500 feet (Sec. 138-1332.e). In addition, County regulations specify that alcoholic beverages may not be sold within 150 feet of any residential zoning district boundary line. The subject property is located outside of all of these minimum required boundaries.

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

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

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

This criteria is not applicable.

**PUBLIC COMMENTS:** E-mail correspondence was received from neighboring property owners, one in support of and three in opposition to the request (see attached e-mails).

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

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

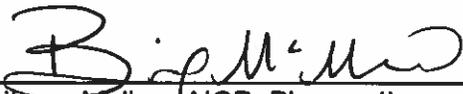
1. The establishment shall abide by City Code regulations regarding to prohibited hours for establishments dealing in alcoholic beverages (Sec. 3-11), which specifies that alcoholic

---

beverages in sealed containers for consumption off the premises shall not be sold from 3:01 a.m. to 8:00 a.m. any day of the week except Sunday. Alcoholic beverages in sealed containers for consumption off the premises shall not be sold on Sunday from 3:01 a.m. to 11:00 a.m.

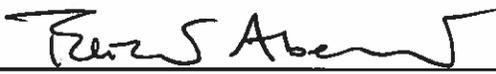
2. This variance approval shall be valid through May 3<sup>rd</sup>, 2020. The applicant shall apply for the required alcoholic beverage license prior to this expiration date unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

Report Prepared By:

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

4/25/17  
Date

Report Approved By:

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

4-25-17  
Date

ATTACHMENTS: Aerial map, County Zoning map, site plan, floor plan, applicant narrative and attachments, public participation report, e-mails from neighboring property owners.

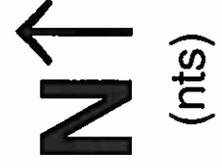


City of St. Petersburg, Florida  
Development Review Services  
Case No.: 17-5400015  
Address: 128 Pinellas Bayway





Pinellas County Zoning Exhibit  
Development Review Services  
Case No.: 17-54000015  
Address: 128 Pinellas Bayway



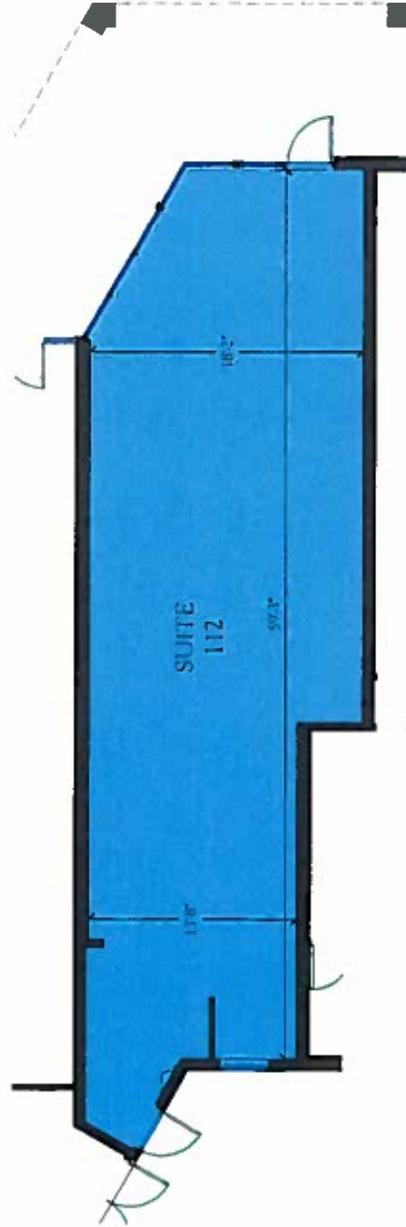


TIERRA VERDE MARINA  
 RETAIL CENTER  
 Suite 112  
 BOMA Area Analysis

Gross Leasable Area = 1,039 SF

STATEMENT OF COMPLIANCE

This plan complies with the Retail Buildings Standard Methods of Measurement (ANSI/BOMA Z65.5 - 2010), for the measurement of BOMA Gross Leasable Area (GLA).



- Ceiling Heights - 9' - 11' unless otherwise noted.
- Dimensions rounded to the nearest inch. See CAD file for precise dimensions.



101

CLIENT:  
 GREENLEAF CAPITAL, LLC  
 3500 West Green Knight  
 Tampa, FL 33607

**DIMENSIONS** *plus*  
 a service of LLC  
 1033 Northdale Boulevard, Suite 360  
 Tampa, Florida 33614  
 Toll Free: 1-800-971-2682  
 Internet: www.DimensionsPlus.com

DRAWING TITLE:  
 TIERRA VERDE MARINA RETAIL CENTER  
 Suite 112  
 BOMA Compliance Area Plan

SHEET NO. 1  
 SCALE: 1/8" = 1'-0"  
 DRAWING NUMBER  
 T-112



# VARIANCE

NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses 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:	Case No.: 17-54000015
Detailed Description of Project and Request:	
Approval of liquor store in existing shopping center.	
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 Tierra Verde Marina Retail Center seeks approval to add an in-line retail tenant to operate a small liquor store (approx. 1,000 sq ft). The store would be over 300' from the condominiums across Pinellas Bayway, over 400' from the nearest house. The busy Pinellas Bayway, which is 4 lanes wide, acts as a buffer between the store and the condominiums. Also, new bridge will elevate roadway between liquor store and residential, by 25' approx.	
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 Tierra Verde Marina Retail Center has multiple commercial tenants serving the public. No development is necessary. Adequate parking and access exist.	
Alcohol is already sold by 2 tenants: gas station / convenience store and bait store.	
7-Eleven (adjacent) also sells alcohol.	
3. How is the requested variance not the result of actions of the applicant?	
Nearest condominium building is approx. 330 feet away across Pinellas Bayway, which is 4 lanes wide and acts as a buffer. New bridge will elevate Pinellas Bayway by 25' or more, making it an impassable buffer.	



# VARIANCE

NARRATIVE (PAGE 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? <i>The retail center is almost far enough to allow the liquor store. The variance is small. The variance distance would be essentially the same for all available retail suites. A liquor store would provide convenient shopping for Tierra Verde residents and visitors.</i>
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? <i>Vacant suites have been vacant for years, with minimal interest. No alternative tenant exists.</i>
6. In what ways will granting the requested variance enhance the character of the neighborhood? <i>Convenient shopping for Tierra Verde residents and visitors. There is only one other liquor store on Tierra Verde, and it is inside a bar which many people do not prefer.</i>

# TV Investment Holdings, LLC

5300 West Cypress Street, Suite 100  
Tampa, Florida 33607  
Writer's Direct: 813-405-3607

March 13, 2017

City of St. Petersburg  
Planning and Economic  
Development Department



Re: Variance Application for 100 Pinellas Bayway, Tierra Verde

This narrative accompanies the Variance Application, under which we are seeking a variance to allow the placement of a small liquor store tenant (approx. 1,200 sf) into our existing in-line retail shopping center. This would be a package store for off-premises consumption.

A variance is necessary because zoning requires the block face across the street to be entirely commercial, whereas across the street from our shopping center is residential ("The Village" condominium complex).

The street in question is the main thoroughfare through Tierra Verde, Pinellas Bayway, which at the point in question is 4 lanes wide between our shopping center and the condos. Please see the attached "Exhibit A" which shows the width of the street. In addition, the liquor store and the nearest condo building are also both set back a considerable distance from the street (127' and 161' respectively). Because of these distances, we feel Pinellas Bayway serves as an effective buffer between the location of the liquor store in our shopping center and the residential area.

In the near future, after the currently planned Tierra Verde bridge is constructed, this street will serve as an even greater buffer since the street will be elevated as much as 25 feet in this section.

Alcohol is already sold by other tenants in our shopping center. The corner gas station and convenience store on our property sells beer and wine, and the bait store in our center also sells beer. The 7 Eleven adjacent to our center (but still across from the same condos) also sells alcohol already.

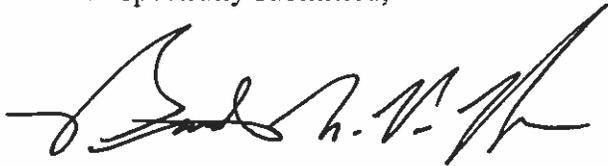
Bringing in a liquor store tenant is not a new use that would adversely change the character of our center. The proposed liquor store will be open regular business hours only; it will not provide 24-hour service.

We believe our neighbors would welcome the addition of a liquor store. The only other package sales liquor store in Tierra Verde is located in a bar. The Tierra Verde Community Association has approved, and we have reached out to The Village condominium complex.

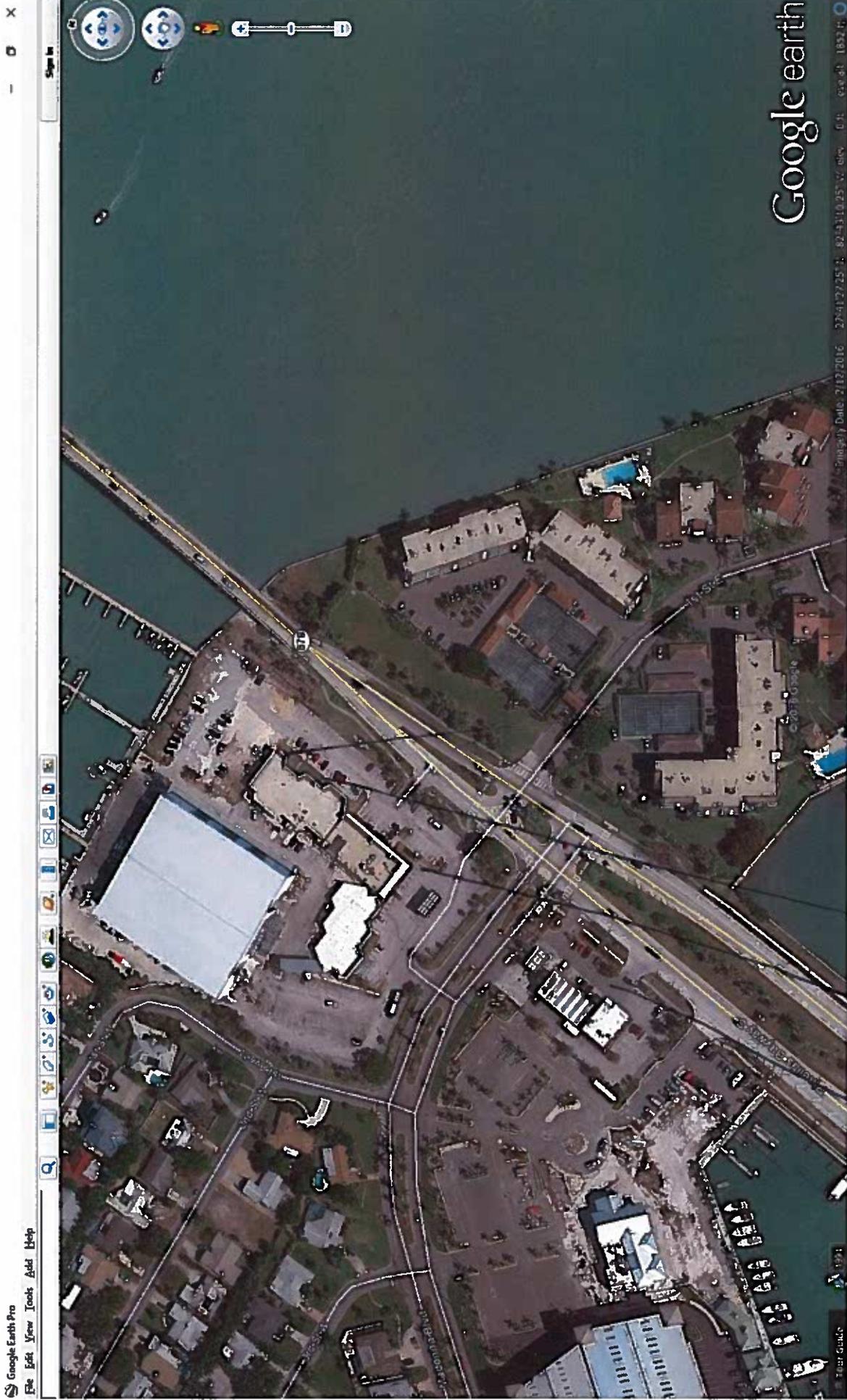
The addition of this liquor store will provide a needed service to the residents of Tierra Verde.

The Variance Application is enclosed with this letter. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brent N. Von Horn". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Brent N. Von Horn  
TV Investment Holdings, LLC  
d/b/a Tierra Verde Marina & Retail Center



Condos

Proposed  
liquor store

Gas station\*

7 Eleven\*

bait store\*

\* sites which already  
call alcohol







# 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	
<b>Street Address:</b>	
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	
<p><i>- Multiple telephone conversations with Tierra Verde Community Association. No objection to liquor store.</i></p> <p><i>- Likewise, no objection to liquor store from The Village condos.</i></p>	
(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications	
<i>Notices to be mailed.</i>	
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located	
<i>Tierra Verde</i>	
2. Summary of concerns, issues, and problems expressed during the process	
<i>None</i>	
3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations	
Check one: <input type="checkbox"/> Proposal supported	
<input type="checkbox"/> Do not support the Proposal	
<input type="checkbox"/> Unable to comment on the Proposal at this time	
<input type="checkbox"/> 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.	

## Brittany McMullen

---

**From:** Marlies Fischer <marliesfischer@earthlink.net>  
**Sent:** Sunday, April 23, 2017 4:40 PM  
**To:** Brittany McMullen  
**Subject:** Notice of Public Hearing - Variance for a new liquor store at 128 Pinellas Bayway in Tierra Verde

Brittany,

I am opposing the variance very strongly; I own a condo and live across the street in the Village of Tierra Verde and suffer already from very loud noise from the Island Grille Restaurant - I had to call police once (gave up on that as that does not make any difference) and call in at least once a week complaining (that also does not help). Living conditions became very bad since that restaurant opened.

Also a large sign was put up which is flashing in bright neon colors day and night. My balcony with window is facing that direction; I am not able to open balcony door or the blinds without being disturbed by the conditions across the street.

I am opposing another business which creates noise and nuisance in this area. There is no need for a liquor store, as there are other stores offering beer and wine and a package store offers other liquor on the island. Also it would create more traffic with boaters going in and out of the plaza and the alcohol would be brought into Ft.DeSoto. People fishing along the waterfront would have easy access to get a drink. It is a nuisance already with all the people standing at our fence for fishing at night.

Citizens like me living on the island go for groceries and other shopping needs off the island anyway as we also leave the island for work. The liquor store would cater more to tourists and transient customers and leave us with the noise and litter.

It is not fair from the City of St. Petersburg to permit for profit in the annexed part of the island as we living next to it go by County rules and our life and businesses have to suffer.

Marlies Fischer  
106 1st St. E # 213  
Tierra Verde, FL 33715  
727.804.2204  
marliesfischer@earthlink.net

## **Brittany McMullen**

---

**From:** debb627 <debb627@bellsouth.net>  
**Sent:** Monday, April 17, 2017 4:02 PM  
**To:** Brittany McMullen  
**Subject:** Liquor store in Tierra Verde

Brittany,  
Greg and I own property at 115 1st Street East Unit 1012 in Tierra Verde. We received notice of the proposed liquor store. We both feel very strongly that a liquor store is a bad idea on many fronts.

First on a personal note it has been shown, in many ways, that such an establishment brings down property value. I found many studies in my search and was going to copy them, but decided that since it was such a well established fact that I was sure you have read most of the information I found in these studies. If you want me to forward them to you I will do so.

Second there is an increase in crime when any form of adult only establishments are installed. Greg and I drink, but we have no problem going to the liquor stores that are already establish.  
Third, if one feels there is a great need for a liquor store (which we do not agree with), there are certainly better suited areas on the island. The center that houses Billy's already has a small store that sells liquor and it removes the traffic pattern from an area that already has more traffic then it deals effectively with. Especially with the new Island Grill and the new bridge.

Lastly on a personal note again, Greg and I find Tierra Verde a quaint, quiet area. That was the draw for us when we purchased our property four years ago. We would love to see it stay that way.

Thanks,  
Debbie Stevens  
502-417-0750

## **Brittany McMullen**

---

**From:** Vicki Brennan <vmbrennan@bellsouth.net>  
**Sent:** Monday, April 24, 2017 4:46 PM  
**To:** Brittany McMullen  
**Subject:** Re: Variance request for 128 Pinellas Bayway S.

I just think you won't hear from people who don't mind it being there, so I would caution the board not to assume that the few opposed to it represent any sort of consensus of the neighbors.

Vicki

**From:** Brittany McMullen  
**Sent:** Monday, April 24, 2017 3:19 PM  
**To:** Vicki Brennan  
**Subject:** RE: Variance request for 128 Pinellas Bayway S.

Thank you Vicki. I have received a few e-mails in opposition to the request, yours is the first e-mail in support. I will include your correspondence in my Staff Report to the Development Review Commission. The City is recommending approval of the request.

Best regards,

Brittany McMullen, AICP  
Planner II, Development Review Services  
City of St. Petersburg  
One 4th Street North, St. Petersburg, FL 33701  
727-892-5807 / Fax: 727-892-5557  
Brittany.McMullen@stpete.org

**From:** Vicki Brennan [mailto:vmbrennan@bellsouth.net]  
**Sent:** Monday, April 24, 2017 2:18 PM  
**To:** Brittany McMullen <Brittany.McMullen@stpete.org>  
**Subject:** Variance request for 128 Pinellas Bayway S.

Hello,

I'm writing to express my support for the variance to allow a liquor store in the plaza just to the south of the Structure E bridge. I live across the Bayway in the Village of Tierra Verde.

I won't be coming to the hearing. My guess is that you will hear from people who are strongly opposed to this use.

I just want to let you and the board know that my husband and I and many of our friends actually like the idea of a liquor store expanding the retail offerings on the island, and I hope you will approve this variance.

Thank You,  
Vicki Brennan  
126 First St. E.  
Tierra Verde, FL 33715

## **Brittany McMullen**

---

**From:** Meghan <meghan\_nolin@yahoo.com>  
**Sent:** Tuesday, April 25, 2017 10:04 PM  
**To:** Brittany McMullen  
**Subject:** Liquor store in Tierra Verde

Hi Brittany,

I'm definitely opposed to the liquor store going into the plaza. The property managers have repeatedly not landscaped the west side of their property which brings the property value down. What good could come from a liquor store? As a resident I don't want the neighborhood being brought down any further. It's bad enough we have to look at fork lifts all day on the south side of property. They also have a cell tower. There has been zero effort to try to help keep our neighborhood look good. This management company needs to address the issues we already have before asking for favors.

Meghan Nolin

Sent from my iPhone



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

## STAFF REPORT

### DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST PUBLIC HEARING

For **Public Hearing and Executive Action** on **May 3, 2017**, beginning at 2:00 P.M.,  
 Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 17-54000019 PLAT SHEET: H-25

REQUEST: Approval of a variance to minimum lot width from 100-feet required to 69.9-feet and a variance to minimum lot area from 8,700 sq. ft. required to 6,905 sq. ft and 7,426 sq. ft. for two (2) platted lots under common ownership to allow for the construction of one (1) additional single-family home.

OWNER: Julie Maynard  
 Big Tucker Holdings, LLC  
 700 7<sup>th</sup> Avenue North  
 Saint Petersburg, Florida 33701

AGENT: Bennett Andrews  
 PO Box 143  
 Saint Petersburg, Florida 33731

ADDRESS: 2120 Barcelona Way South

PARCEL ID NO.: 01-32-16-49428-074-0070

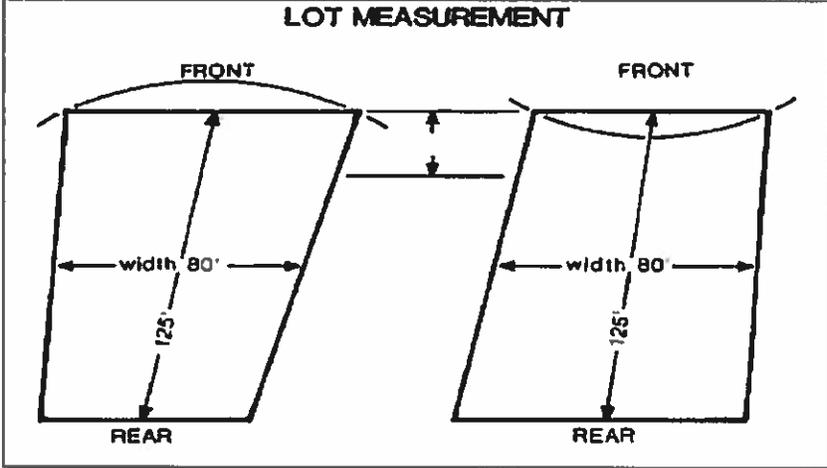
LEGAL DESCRIPTION: Lots 6 and 7, Lakewood Estates, Section B

ZONING: Neighborhood Suburban-2 (NS-2)

Structure	Required	Requested	Variance	Magnitude
Lot Area (Lot 6)	8,700 sq.ft.	6,905 sq.ft.	1,795 sq.ft.	21%
Lot Area (Lot 7)	8,700 sq.ft.	7,426 sq.ft.	1,274 sq.ft.	15%
Lot Width (Lots 6 & 7)	100 ft.	69.9 ft.	30.1 ft	30%

**BACKGROUND:** The subject property is located in Lakewood Estates subdivision on Barcelona Way South and is in the NS-2 (Neighborhood Suburban Single-Family) zoning district. The subject property was built with a one single-family home with an attached one car garage in 1973 and an addition in 1984 consisting of a bedroom, bath and alterations to the existing garage on two platted lots of record, Lots 6 and 7, of Lakewood Estates, Section B, see attachments for survey, property card, and plat map.

The applicant is seeking approval of variances to lot width and lot area in order to divide an existing 14,076 square foot parcel, with a front lot width of 150 feet, creating two buildable lots from two platted lots of record. According to the applicant, the existing single-family home on Lot 7 will remain and based on the survey, meets all setbacks for this zoning district. The intent of the applicant is to build a new one story single-family home on Lot 6, which will meet all setbacks for this zoning district (refer to attached plans). Section 16.60.010.4 requires for irregular shape lots to be measured from the mid-point. In this case, due to the irregular shape lot, the lot width of the two subject lots will be 69.9 feet (refer to the image below). Once the lots are divided, the lot width at the front of both lots will be 75-feet, which will be consistent with the majority of the neighborhood pattern for existing lot widths. Please refer to the attached site plan for further information (site plan attached).



Lakewood Estates Section "B" subdivision was established in 1924 and was subdivided with 13 blocks. The original subdivision reveals that the majority of the lots of record were subdivided with lot width to the front of 75-feet (refer to Plat Map attached).

During the review of the regulations by City Council starting in March of 2015, Council made the decision to change the code to restrict development on substandard lots, requiring a variance review to determine if development would be consistent with the surrounding neighborhood pattern. Restrictions were in place from 1973 through 2003 which limited development of non-conforming lots if the lots were in common ownership. City code was changed in 2003 to allow development on any platted lot of record. Council found that in some neighborhoods, development of substandard lots would not be consistent with the surrounding development pattern and allowing two homes in an area that historically developed on more than one platted lot could be detrimental to the neighbors and the overall character of the neighborhood. On September 17, 2015, City Council amended the non-conforming lot regulations, thereby eliminating the right to build on these substandard lots without first obtaining a variance.

An analysis was conducted for this variance application taking into account the surrounding properties on the adjacent blocks to determine the consistency in the neighborhood pattern for lot width and area. The data reveals that the majority of lot widths are consistent with the proposed project, however, the lot area will not be consistent.

On March 31, 2016, a substantially similar variance (#16-54000009) was approved for minimum lot width to create two buildable lots for a property located one block north, at 1824 Bonita Way South. During a field inspection, staff visited this site, where a new single-family home has been built. Staff finds that the new single-family home blends in with the surrounding homes and provides an upgrade to the existing house stock. The proposed one-story house for the subject application is substantially similar in size and mass, and staff finds that the proposed home will be consistent with the neighborhood pattern.

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

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

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

The proposed application does involve a development project for the construction of a new single-family home on a vacant platted lot of record, which will meet all setbacks and development standards of the zoning district. The remaining existing single-family home will also meet the zoning district setbacks.

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 regarding the minimum lot width and area required for the NS-2 zoning district, and are therefore considered to be substandard. The subject parcels were platted as 75-foot wide (at the street) as part of Lakewood Estates, Subdivision B in 1924, as recorded in Plat Book 7, Page 26 (see attached exhibit).

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

This criterion is not applicable.

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

This site is located in an Archaeological Sensitive Area. At the time of development the owner will need to obtain a letter with recommendations from the City's Historic Preservation Division.

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

A field inspection verified that there are trees at the front of Lot 6, including unprotected Norfolk Island Pines and protected Red Cedars trees (see attached photo). The applicant will be required to apply for a separate tree removal permit for the protected trees on site, if they are to be removed. This is a suggested condition of approval within this report.

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

The proposed project will be consistent with the neighborhood development pattern. Lakewood Estates, Subdivision B was platted to have a majority of lots with a deficient lot width. The majority of the subject block face contains lots with 75-feet of frontage, including the two subject lots. Furthermore, the proposed new one-story home will comply with the zoning district development standards and therefore be in harmony with the neighborhood development pattern.

Staff has conducted an analysis taking into account surrounding properties and blocks adjacent to the subject site to determine if there is a predominant neighborhood pattern. The analysis below demonstrates that the majority of the lots, surrounding the subject property, are deficient in lot width. The subject block, for example, has only two lots which meet the minimum lot width standard of 100-feet, while the adjacent block to the north of the subject site has zero (0) lots in conformity to lot width. The final result demonstrates that 86.64% of the lots, taking into account 9 blocks surrounding the subject site, are deficient in lot width (refer to Table 1).

**Table 1: Percentage Lot Width**

Block	Location	Conforming Width	Substandard Width	% Substandard
<b>Subject Block 74</b>		2	33	94.29%
<b>Adjacent Block 76</b>		0	31	100.00%
<b>Block 77</b>	North	7	26	78.79%
<b>Block 78</b>	West	2	9	81.82%
<b>Block 79</b>	Southeast	3	19	86.36%
<b>Block 73</b>	Southwest	4	17	80.95%
<b>Block 75</b>	Northeast	1	17	94.44%
<b>Block 71 &amp; 72</b>	East	8	26	76.47%
<b>Average</b>				<b>86.64%</b>

The analysis also took into account the percentage of homes developed on one lot platted of record. The data below reveals that the majority of the development pattern is one house per lot, which is the predominant neighborhood development pattern (please refer to Table 2). The variance application is consistent with this development pattern, as it will allow one house on each lot and will have the same appearance of the other homes on the block face, with 75-foot front width.

**Table 2: Percentage of House per Lot**

Block	Location	1 House on Lot	More than 1 lot for house	% of 1 house per lot
<b>Subject Face 74</b>		28	3	90.32%
<b>Adjacent Block 76</b>	East	31	0	100.00%
<b>Block 77</b>	North	29	4	87.88%
<b>Block 78</b>	West	11	0	100.00%
<b>Block 79</b>	Southwest	18	3	85.71%
<b>Block 73</b>	Southeast	17	4	80.95%
<b>Block 75</b>	Northeast	18	0	100.00%
<b>Block 72</b>	East	17	3	85.00%
<b>Block 71</b>	East	14	2	87.50%
<b>Total</b>		<b>183</b>	<b>19</b>	<b>90.82%</b>

Staff further finds that the proposed development is appropriately sized for lot widths and the proposed setbacks to add to the compatibility with the surrounding development pattern.

- 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 majority of the surrounding lots, to the subject property, were originally platted to have a front lot width front of 75-feet, which established the current development pattern. The development pattern is not the result of any action of the applicant.

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

Without approval of the requested variance, the owner has the ability maintain the existing single-family home. The applicant is proposing to divide one parcel into two lots, maintain the existing house and develop a new single-story single family home on the new lot. Denial of the variance would be a hardship as it would not allow development of a new home on a platted lot of record, when 91% of the surrounding homes are on one platted lot.

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 intent of the proposed application is to create two buildable lots from two platted lots of record to build a new single family home on the vacant lot. A majority of properties in the surrounding blocks have developed on single platted lots that are substandard to the 100-foot minimum lot width under current code, 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 variance request is the minimum necessary to allow a new home to be constructed on one of the platted lots, while preserving the existing home. The proposed variance request will be consistent with the majority of the neighborhood pattern in lot width and setbacks within Lakewood Estates Subdivision B, and therefore allows a reasonable use of the land.

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

The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. The Land Development Regulations for the Neighborhood Suburban 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." The character of the subdivision has been identified as one house per platted lot of record, most of which are substandard in regard to the currently existing Code requirements. The following objective and policies promote redevelopment and infill development in the City:

**OBJECTIVE LU2:**

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

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

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

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

The granting of the variance will not be injurious to the neighboring properties since the proposed new home and existing single family home will meet the setback requirements for the zoning district and be consistent with the surrounding development pattern as detailed under staff response to criteria 1.F.

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, see attached applicant narrative.

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

Non-conforming uses and non-conforming buildings have not been considered in staff's analysis.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the Lakewood Estates Neighborhood Association. Communication was established by the applicant to the home owners association (HOA), but according to the president of Lakewood Estates HOA there was no email received. Therefore, according to the Lakewood Estates Neighborhood Association, there is no approval for this project on their behalf. As of the date of this report, staff has received 33 emails from surrounding property owners in opposition this request, and two phone calls in opposition. There were two phone calls in favor of the project. The Neighborhood Worksheet indicated support of the neighbors.

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

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

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application and shall comply with NS zoning district requirements at the time of permitting.
2. This variance approval shall be valid through May 3, 2020. Substantial construction shall commence prior to this expiration date, or the parcels shall be separately conveyed unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.
3. There shall be no other variances to the Land Development Regulations for the subject lots.
4. Maximum impervious surface on the site must not exceed 60%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
5. A tree permit shall be filed for the removal of any trees, which will require review and approval.

**ATTACHMENTS:** Map, aerial, site plan, survey, floor plan, elevation drawings, GIS Exhibit of Lot Widths, Attachment A, photographs, Lakewood Estates Section B Plat, applicant's narrative, property card, building permit history, survey, signatures of support, and emails in opposition.

---

Report Prepared By:



4/27/17

---

Cristian Arias  
Development Review Services Division  
Planning & Economic Development Department

Date

Report Approved By:



4-27-17

---

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

Date

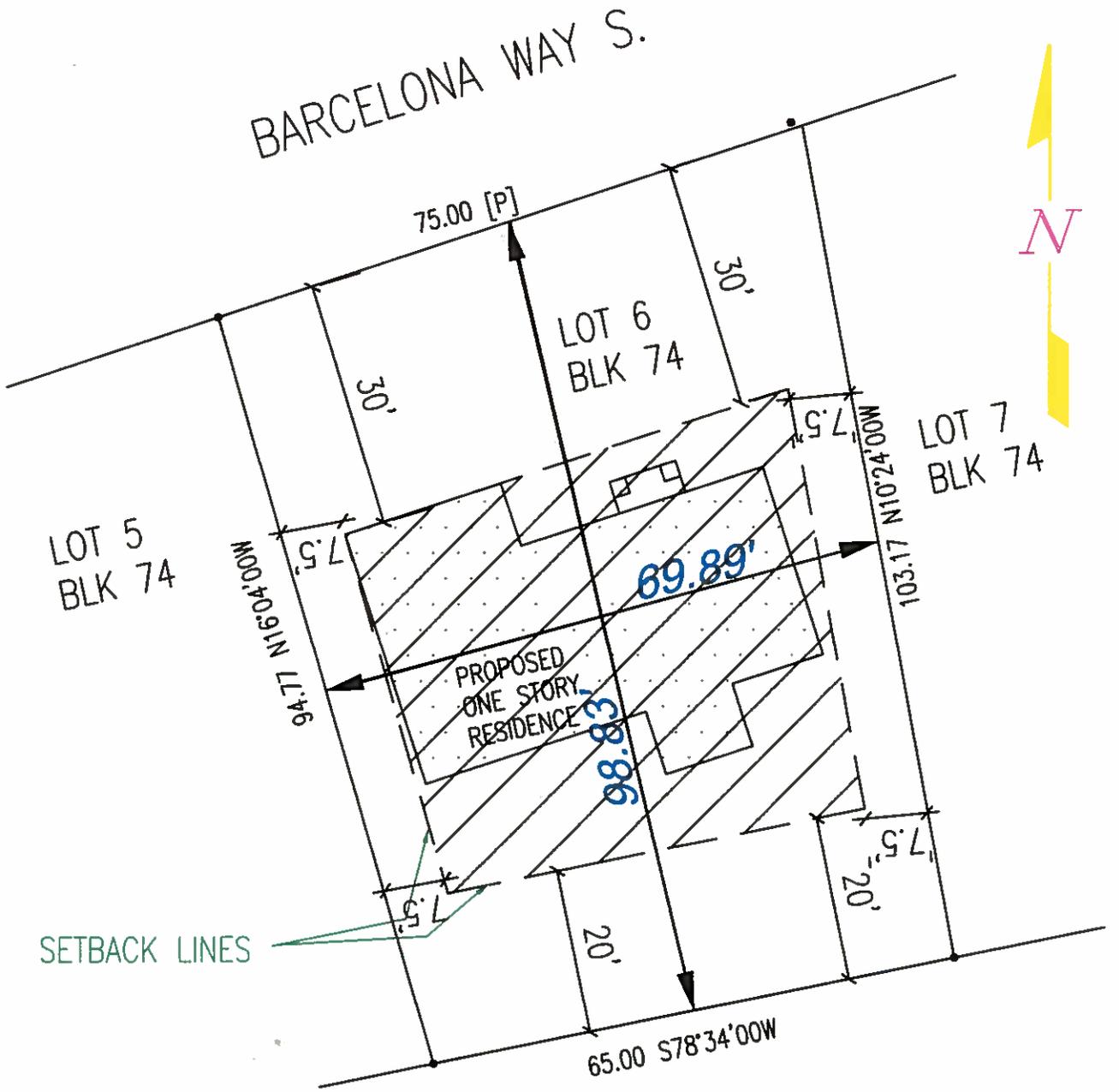
EA/CIA:pj





Attachment B (Aerial)  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 17-54000019





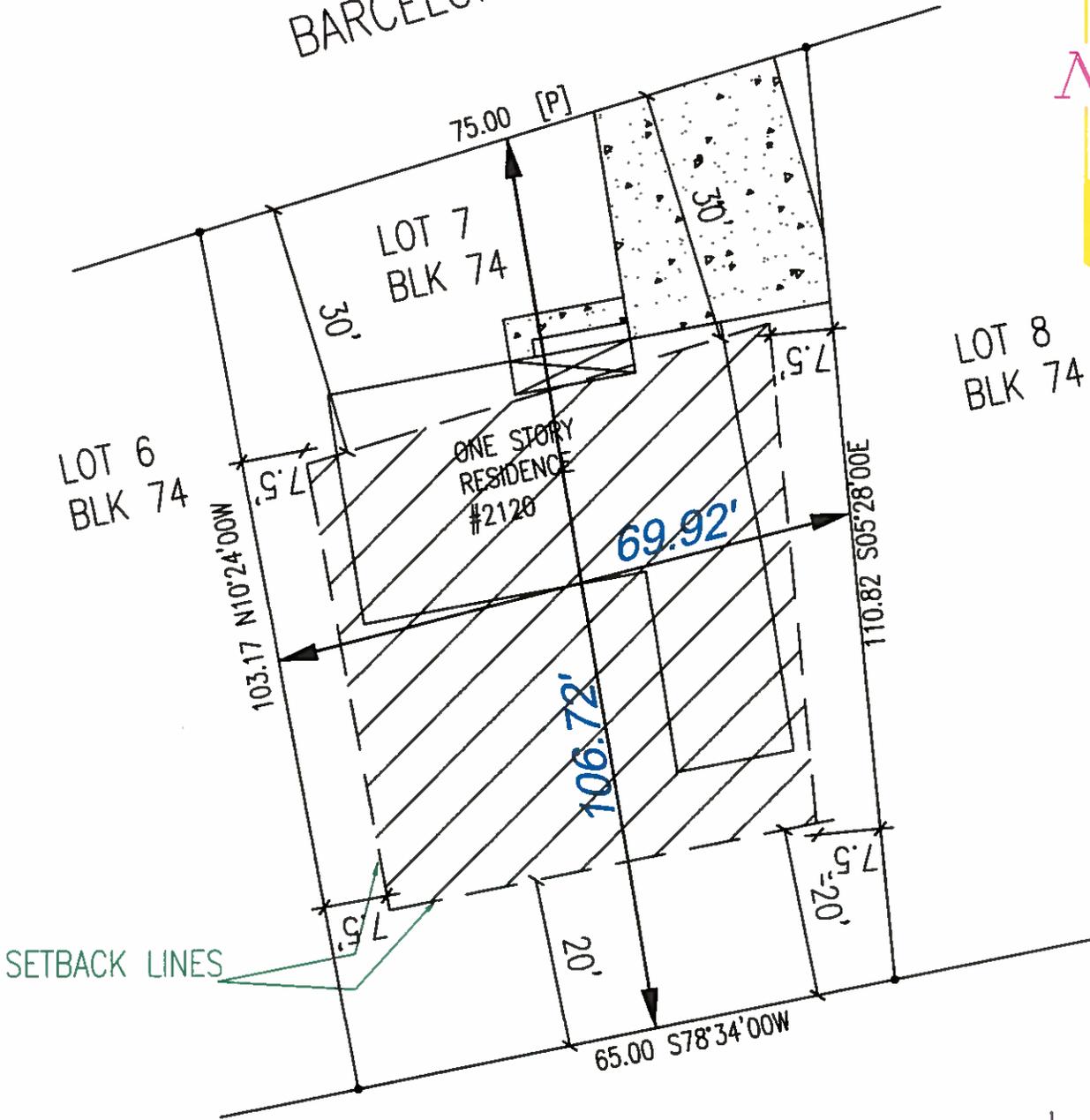
LOT 6 AREA = 6,905.15 sf

*Dennis M. Simpson*  
4/8/17

## SITE PLAN

DRAWING TITLE		Julie Maynard/Big Tucker Holdings LLC	SCALE	DWG. No.
		2120 Barcelona Way S, St Petersburg, Florida 33712	1" = 20'	
DESIGN BY	FILE REF.	DATE	1 OF 1	
DENNIS M. SIMPSON P.E.		APRIL 2017		

BARCELONA WAY S.



LOT 7 AREA = 7,426.23 sf

*Dennis M. Simpson*  
4/8/17

# SITE PLAN

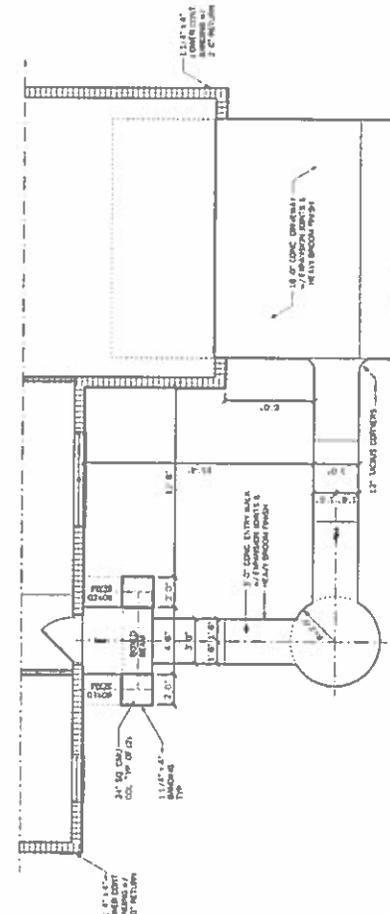
DRAWING TITLE	Julie Maynard/Big Tucker Holdings LLC 2120 Barcelona Way S, St Petersburg, Florida 33712	SCALE	1" = 20'	DWG. No.	
DESIGN BY	DENNIS M. SIMPSON P.E.	FILE REF.	DATE	1 OF 1	
			APRIL 2017		





**GENERAL NOTES:**

VENTILATION CALCULATION	ROOF CRITERIA
FORMULA 5.7, 5.8, 5.9, 5.10 AND 5.11 PER ASHRAE 62.1-2010	ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR
* 1/4" TO CORNER TO 3/4" TO FACE	ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR
ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR	ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR
ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR	ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR
ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR	ROOF PENETRATIONS SHALL BE SEPARATELY VENTED TO THE EXTERIOR



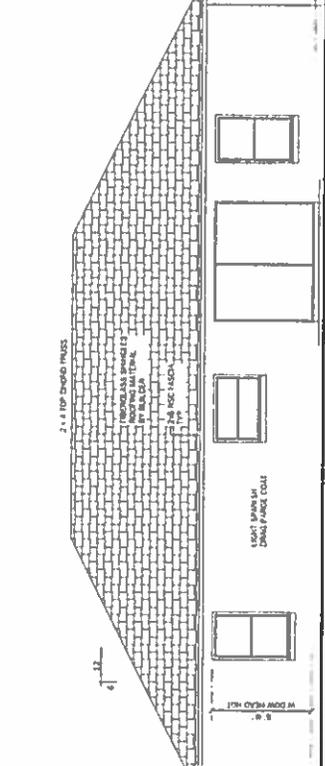
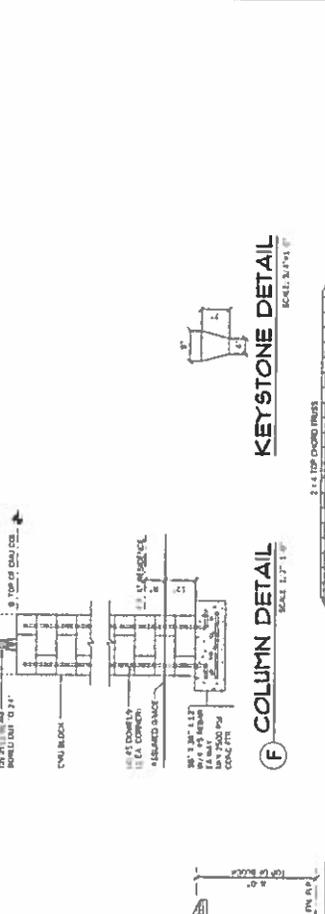
**PARTIAL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**KEYSTONE DETAIL**  
 SCALE: 3/4" = 1'-0"

**COLUMN DETAIL**  
 SCALE: 1/2" = 1'-0"

**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"

**FRONT ELEVATION "A"**  
 SCALE: 1/4" = 1'-0"



**GENERAL NOTES:**

1. All elevations are shown in black and white.
2. All elevations are shown in black and white.
3. All elevations are shown in black and white.
4. All elevations are shown in black and white.
5. All elevations are shown in black and white.
6. All elevations are shown in black and white.
7. All elevations are shown in black and white.
8. All elevations are shown in black and white.
9. All elevations are shown in black and white.
10. All elevations are shown in black and white.
11. All elevations are shown in black and white.
12. All elevations are shown in black and white.
13. All elevations are shown in black and white.
14. All elevations are shown in black and white.
15. All elevations are shown in black and white.
16. All elevations are shown in black and white.
17. All elevations are shown in black and white.
18. All elevations are shown in black and white.
19. All elevations are shown in black and white.
20. All elevations are shown in black and white.

# Parcel Width

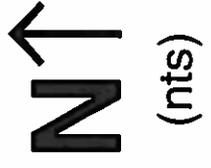


TOTAL PARCELS = 203  
 TOTAL ACRES = 55.69

AVERAGE	ACRES	WIDTH
0.27	81.85	



Attachment A  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 17-5400019

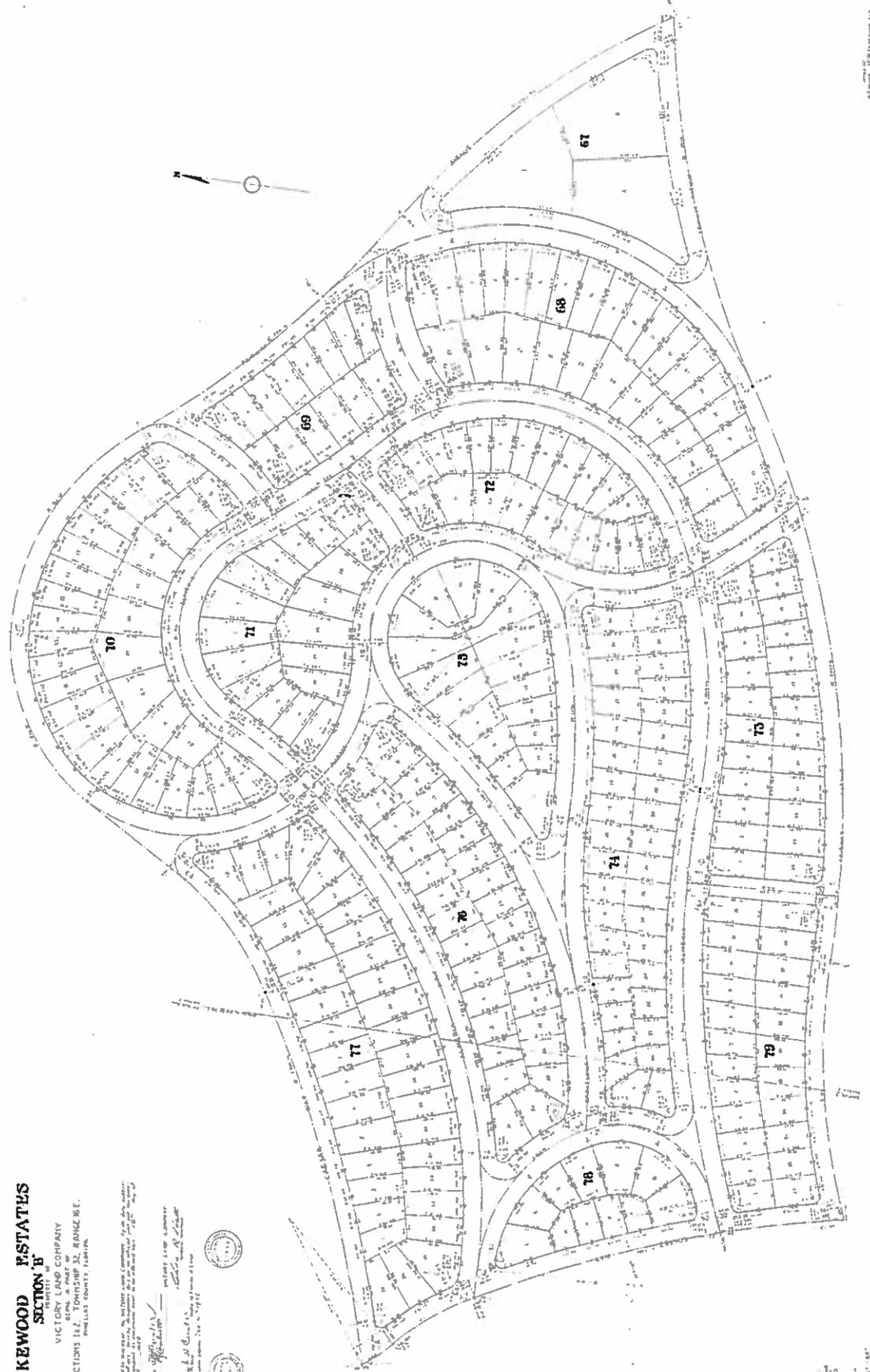






**LAKewood ESTATES**  
**SECTION B**  
 VICTORY LAND COMPANY  
 SECTIONS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

THESE LOTS ARE OFFERED FOR SALE BY THE VICTORY LAND COMPANY, INC., 1000 BROADWAY, NEW YORK 10, N.Y. THE COMPANY HAS BEEN ORGANIZED FOR THE PURPOSE OF OFFERING THESE LOTS FOR SALE. THE COMPANY HAS BEEN ORGANIZED FOR THE PURPOSE OF OFFERING THESE LOTS FOR SALE. THE COMPANY HAS BEEN ORGANIZED FOR THE PURPOSE OF OFFERING THESE LOTS FOR SALE.



Map No. 11, 1957

BUILDING	ELECTRICAL	PLUMBING	H-25
<p>Location: 2120 Barcelona Way South                      #21324-R1 - 10/12/73 - \$13,282                      Owner W &amp; W Investment Corporation,                      Five room one bath residence (961                      sq ft) with one porch and one car                      garage (350 sq ft) F.E. Wolf,                      Contractor.                      C.O. TO FLA. POWER 2/22/74</p>	<p>E5748E - 12/27/73 - W&amp;W                      Hogan Elec. - 100-amps 1-phase lmtr.                      5-c 3-b 10-sw 15-p 1-range 1-oven-                      hood 1-wh 1-2hp cen A/C 1-10kw                      #E1734J-2/9/84- R. A. Wahrenberger                      Elec.- relocate meter and add 2 cu.                      BH/MER/mer</p>	<p>1-32-16                      P5205B - 11/21/73 - W&amp;W                      B &amp; O Plbg. - 1-tub 1-lav 1-shower                      1-sink 1-closet 1-ewh 1-wtr. serv.                      L-washer                      #P1657E- 2/8/84- Rocco Builder                      (L Schmeyer)AI's Plumb- 1-tub- 1-                      lav- 1-hair wash sink- 1-w/c (All                      rgh &amp; set) (GL/tmm)</p>	
<p>#00096-RS100- 1/31/84- \$17,000                      Owner Luther Schmeyer- Bedroom                      addition with bath and alterations                      to existing garage (Type V) Rocco                      Bldrs Inc, Contr (BLC/tmm)                      #00433 - RS-100 - 2/9/84 - \$1200.                      Owner L. Schmeyer - 213 feet of 6'                      stockade fence &amp; one gate (Type V),                      Howard Dorr, Contr.                      #00946 - RS-100 - 2/27/84 - \$1200.</p>			
<p>Owner LutherSchmeyer - 16'x20'                      utility shed to accommodate                      storage on side lot (Type V),                      Rocco Bldrs., Inc. Contractor                      Q607366 RS-100/6/4/86 \$1,572.90                      Owner Gayle Schmoyer - Install                      20'x4' high above ground swimming                      pool (Type IV) Cont. Mr. Pool</p>			

<p><b>INSTALLATION</b></p> <p>M3647B - 12/21/73 - W&amp;W Investment Economy Htg. &amp; A/C - ducted A/C &amp; Heating 2-ton        #M8940C- 3/7/84- Rocco Constr. Pioneer A/C-split unit duct central heat &amp; a/c w/3 supplies-1 return- 1 1/2 ton unit (GL/mb)</p>	<p><b>GAS</b></p>	<p><b>SEWER</b></p> <p>P5205B - 11/21/73 - W&amp;W B &amp; O Plbg. - sewer connection under 100'</p>
<p><b>SIGNS</b></p>	<p><b>SEPTIC TANK</b></p>	

SUBDIVISION LAKEWOOD ESTATES SECTION B

LOT 6 & 7 BLOCK 74

CARL # #2 FL. ZONE: FILM BOX # ZONE: RS-100 SEC. 1 TWN. 32 RGE. 16 PLAT PAGE: H-25 BUILDING BUILDING BUILDING

LOCATION: 2120 BARCELONA WAY SOUTH

SE - SPR - 26-11-063 BAX

B OF A MEETING 11/21/86 Request permission to park six (6) vehicles in the front driveway. VARIANCE GRANTED THESE SIX (6) VEHICLES ONLY.

155 7/27/85

2120

Barcelona

way So.

Dbl. Roof.

Andy Man

Srvc:

L. Hartman

L1-74 672

Back

PLUMBING (SEWER/SEPTIC/GAS)

ELECTRIC

MECHANICAL (INSTALLATION)



**st.petersburg**  
www.stpete.org

# VARIANCE

**NARRATIVE (PAGE 1)**

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses 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	
<b>Street Address:</b>	2120 BARCELONA WAY S, ST PETE FL 33710
<b>Case No.:</b>	
<b>Detailed Description of Project and Request:</b>	
DIVIDE LOTS 6 AND LOT 7 INTO TWO SEPARATE PARCELS	
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 CURRENTLY EXISTING PARCEL CONTAINS TWO ORIGINALLY PLATTED LOTS. A SINGLE FAMILY HOME WAS BUILT ON LOT 7, WHILE LOT 6 REMAINS VACANT.	
ALTHOUGH THE PROPERTY EXISTS IN A NS-2 ZONING THAT REQUIRES A MINIMUM LOT WIDTH OF 100' AND MINIMUM LOT AREA OF 8700SQFT, THE 4 CONTIGUOUS / ADJACENT HOMES ARE BUILT ON LOTS THAT ARE NONCONFORMING AS WELL.	
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.	
<del>2136 BARCELONA WAY S - LOT 71x93</del>	
2136 BARCELONA WAY S - LOT 71x93	
2146 BARCELONA WAY S - LOT 71x91	
2112 BARCELONA WAY S - LOT 71x113	
2150 BARCELONA WAY S - LOT 80x100	
3. How is the requested variance not the result of actions of the applicant?	
TWO ORIGINALLY PLATTED LOTS ARE NON-COMPLIANT WITH REQUIRED LOT SIZES FOR NS-2 ZONING	



# VARIANCE

NARRATIVE (PAGE 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?
THE PROPERTY IS CURRENTLY ZONED AND PLATTED FOR TMO NS ZONED SINGLE FAMILY HOMES.
NEW CONSTRUCTION WITHIN LAKEWOOD ESTATES WILL IMPROVE CURB APPEAL OF THE SUBJECT PROPERTY'S STREET, AND POTENTIALLY INCREASE VALUE OF ADJACENT HOMES.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
A VARIANCE IS REQUIRED IN ORDER TO BUILD A NEW SINGLE FAMILY HOME. IF A VARIANCE IS NOT GRANTED, IT WILL REMAIN VACANT.
6. In what ways will granting the requested variance enhance the character of the neighborhood?
LAKEWOOD ESTATES IS A DESIRABLE NEIGHBORHOOD THAT OFFERS A POPULAR STYLE OF SUBURBAN HOMES. THE VARIANCE WILL ALLOW THE HIGHEST & BEST USE OF THE 2 PLATTED LOTS BY ALLOWING A NEW SINGLE FAMILY HOME TO BE CONSTRUCTED.



# VARIANCE

## 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>	<b>Case No.:</b>
<b>Description of Request:</b> <i>Variance to minimum lot width and area to build one new single-family home.</i>	
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: <i>2131 Almeria St, St. Petersburg, FL 33712</i>	
Owner Name (print): <i>Sophia Thornton</i>	
Owner Signature: <i>[Signature]</i>	
2. Affected Property Address: <i>2120 Barcelona Way S, St Petersburg, FL 33712</i>	
Owner Name (print): <i>BENNETT ANDREWS AS MGR OF BIG TUCKER HOLDINGS LLC</i>	
Owner Signature: <i>[Signature]</i>	
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:	

PLEASE SEE ATTACHED EMAIL

# PUBLIC PARTICIPATION REPORT

TO JUDY ELLIS  
(PRESIDENT LECA)

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	
<b>Street Address:</b>	
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	
(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications	
(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:	<input type="checkbox"/> Proposal supported
	<input type="checkbox"/> Do not support the Proposal
	<input type="checkbox"/> Unable to comment on the Proposal at this time
	<input type="checkbox"/> 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.	

*See Attached Email*



Derek Andrews <info@stpete4rent.com>

## Fwd: 2120 Barcelona Way S Variance Application

1 message

**Bennett Andrews** <stpetehousing@gmail.com>  
 To: Derek Andrews <info@stpete4rent.com>

Mon, Mar 13, 2017 at 1:05 PM

----- Forwarded message -----  
**From:** Bennett Andrews <stpetehousing@gmail.com>  
**Date:** Wed, Dec 28, 2016 at 4:48 PM  
**Subject:** 2120 Barcelona Way S Variance Application  
**To:** Lecapresident@gmail.com

Good Afternoon Judy,

I hope you're having a fantastic week. My name is Bennett Andrews, and I am emailing you in regards to the property located at 2120 Barcelona Way S, which I am under contract to purchase next week.

As an ardent supporter of St Pete's economic recovery and its subsequent growth, I wanted to use this introduction to share my appreciation for your efforts in maintaining Lakewood Estates as one of St Pete's most desirable and unique neighborhoods. When I began my career in the St Pete real estate market 6 years ago (nearly the bottom of the Recession), I witnessed your dedication as a community leader and diligent service on behalf of the local homeowners. The payoff is undeniably apparent today as property values continue to appreciate, new homes are under construction, and previous eyesores are being renovated to meet the well-manicured standard of surrounding neighbors.

The collective result of these factors is a growing demand for updated, turn-key single family residences that complement the neighborhood's scenic golf course setting. Beginning with the aforementioned property, I would like to develop a relationship with LECA (and its residents) while providing potential new homeowners with remodeled and newly constructed residences that enhance the overall community. I am confident that our initial project will reinforce these intentions, which I hope will garner the neighborhood's support and ultimately create a referral network for additional properties.

My subject property consists of 2 legally platted lots (Lots 6 & 7 of

Block 74, survey attached). The existing residence is built upon Lot 7, which we will be considerably renovating/ updating. I am meeting with the City tomorrow morning to discuss a variance that would allow the lots to be split into independent parcels, and then construct a new SFH upon Lot 6. I am currently reviewing floorplans/ designs, but it is just preliminary until I receive feedback at my meeting tomorrow. With your knowledge and familiarity with the neighborhood, I would sincerely appreciate any feedback/ suggestions you can provide as well.

If you would prefer to discuss any details onsite or over the phone, please feel free to call/ text me at anytime (727-385-5586). I sincerely appreciate your time thus far and I look forward to speaking soon!

Thank you,  
Bennett Andrews

---

 **big2120v12413.pdf**  
423K

**Cristian I. Arias**

---

**From:** frank tillman <wayne4117@gmail.com>  
**Sent:** Monday, April 10, 2017 11:44 PM  
**To:** Cristian I. Arias  
**Subject:** Varience Request

I would like to make my opinion known as regards the Varience Request for 2120 Barcelona Way South, St. Petersburg. As a resident of the Lakewood Estates neighborhood I am opposed to the construction of homes with less frontage than the norm for my neighborhood. I believe the granting of this varience will create a trend that will damage property values in Lakewood Estates. I am therefore opposed to this request for varience.

Thank You  
Frank W. Tillman  
4117 Narvarez Way So.  
St.Petersberg, Fl. 33712

## Cristian I. Arias

---

**From:** Shirley DeLoach <sheathdeloach@outlook.com>  
**Sent:** Monday, April 10, 2017 10:28 PM  
**To:** Cristian I. Arias  
**Subject:** Variances less than 100'

Hello. I am firmly against variances to the existing 100' frontage for Lakewood properties. Please keep me updated.

Shirley C and Herschel DeLoach  
Sent from my iPhone

## **Cristian I. Arias**

---

**From:** Jack williams <willisj1209@gmail.com>  
**Sent:** Monday, April 10, 2017 11:15 PM  
**To:** Cristian I. Arias  
**Subject:** Variance request in Lakewood

We are opposed and would like to go on record against the request for a variance for lots on Barcelona Way S. In Lakewood.

Willis J. and Margaret Williams  
1656 Anastasia Way S.  
St. Pete, Florida 33712

**Cristian I. Arias**

---

**From:** Shobna Rai <srail57@yahoo.com>  
**Sent:** Monday, April 10, 2017 6:40 PM  
**To:** Cristian I. Arias  
**Subject:** Re: Proposed Construction on lot 2120 Barcelona Way

I vote NO to proposal to build 2 new homes on Barcelona Way. Thank you.

## **Cristian I. Arias**

---

**From:** Mj Sutcliffe <zom7124@gmail.com>  
**Sent:** Monday, April 10, 2017 8:09 PM  
**To:** Cristian I. Arias; Judy Ellis  
**Subject:** Re: Developing two houses on a single lot on Barcelona in Lakewood

As a resident of Lakewood, I am opposed to putting two homes on one lot in Lakewood Estates. Comfortable sized lots are a hallmark of Lakewood and many people intentionally live here because they want "breathing room", garden space, privacy, an area to add a pool, entertain friends etc. With our hectic pace and increased stress, people want to come home and feel at ease on their own property. Friends who visit always remark on two things: the size of our lots and the number of mature trees.

This type of planning is best for brand new development areas or areas closer to downtown where the lots are already smaller.

Thank you for your consideration.  
mj sutcliffe

## Cristian I. Arias

---

**From:** LECA Mail <lecapresident@gmail.com>  
**Sent:** Monday, April 10, 2017 2:32 PM  
**To:** Cristian I. Arias  
**Subject:** Re: 2021 Barcelona Way variance request

I need to send a letter to about 14 of the property owners affected by this (200', more or less), and put out a blast to our membership, so you will soon be hearing from a few folks. One or more of our board members will probably attend the DRC hearing so we'll watch to see if it makes it for 5/3.

On Mon, Apr 10, 2017 at 2:09 PM, Cristian I. Arias <[Cristian.Arias@stpete.org](mailto:Cristian.Arias@stpete.org)> wrote:

This process has not changed, you may send emails to me opposing or supporting the project.

My advice is to wait for the letter which has further instructions, but if you know this procedure, you may start now expressing your concerns.

Cristian I. Arias

City Planner I – Planning and Economic Development

City of St. Petersburg

[727-892-5096](tel:727-892-5096) / Fax: [727-892-5557](tel:727-892-5557)

[Ciarias@Stpete.org](mailto:Ciarias@Stpete.org)

**From:** LECA Mail [mailto:[lecapresident@gmail.com](mailto:lecapresident@gmail.com)]  
**Sent:** Monday, April 10, 2017 2:00 PM  
**To:** Cristian I. Arias <[Cristian.Arias@stpete.org](mailto:Cristian.Arias@stpete.org)>  
**Subject:** Re: 2021 Barcelona Way variance request

In the past, our members have called, emailed or written to your office to get into the "no" pile when we are opposed to something, so that when you put the variance before the DRC, the DRC is informed, or has before them, a count of yea's and nay's. Has anything changed?

The Association formally advises that it is opposed but we cannot of course speak for the residents in the 200' range, and you will be hearing from them, or some of them.

OK?

On Mon, Apr 10, 2017 at 1:39 PM, Cristian I. Arias <[Cristian.Arias@stpete.org](mailto:Cristian.Arias@stpete.org)> wrote:

Hello Judy,

Per our phone conversation today, there are ways you may become a registered opponent. You will receive notice by the end of this week with instructions of how to do this.

I will include your comments in my staff report that there is no support on behalf of the neighborhood association.

Please let me know if you have any other question.

Cristian I. Arias

City Planner I – Planning and Economic Development

City of St. Petersburg

[727-892-5096](tel:727-892-5096) / Fax: [727-892-5557](tel:727-892-5557)

[Ciarias@Stpete.org](mailto:Ciarias@Stpete.org)

**From:** LECA Mail [mailto:[lecapresident@gmail.com](mailto:lecapresident@gmail.com)]  
**Sent:** Monday, April 10, 2017 1:01 PM  
**To:** Cristian I. Arias <[Cristian.Arias@stpete.org](mailto:Cristian.Arias@stpete.org)>  
**Subject:** Fwd: 2021 Barcelona Way variance request

I am consulting with our 'real estate' board member about this but I believe we are going to object. 69.9' lot line is unacceptable - Lakewood is known for its large lots and these two properties will not conform.

Written objection will be going out today or tomorrow - can I email it to you?

**Tx**

--

Judy Ellis

, President

[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

--

Judy Ellis

[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

[Your Sunshine City](#)

--

Judy Ellis

[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

--

Judy Ellis

[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

## **Cristian I. Arias**

---

**From:** bgodden@oaspaversandpools.com  
**Sent:** Monday, April 10, 2017 5:08 PM  
**To:** Cristian I. Arias  
**Cc:** Hailey Godden  
**Subject:** Oppose variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I oppose the possible variance to build 2 structures on 2120 Barcelona Way, that will result in front lot lines of less than 100', the current city standard.

Thank you,

Brian Godden  
1911 Anastasia Way S  
727-504-9514

OasisPaversAndPools.com

## Cristian I. Arias

---

**From:** Lois Kaleel <lekaleel@aol.com>  
**Sent:** Monday, April 10, 2017 5:39 PM  
**To:** Cristian I. Arias  
**Subject:** Not in favor

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent from my iPad

## Cristian I. Arias

---

**From:** Melanie Henson <melsmail3@earthlink.net>  
**Sent:** Monday, April 10, 2017 5:08 PM  
**To:** Cristian I. Arias  
**Subject:** NO Vote...

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I vote" NO" to the variance request on the lot on Barcelona Way (2120)...

Melanie Henson  
4133 Narvarez Way S  
Lakewood Estates 33712

**Cristian I. Arias**

---

**From:** dlriiska11 <dlriiska11@gmail.com>  
**Sent:** Monday, April 10, 2017 7:28 PM  
**To:** Cristian I. Arias  
**Cc:** 11 Laura Riiska; Judy Ellis  
**Subject:** Lot line variance in Lakewood Estates

Dear sir / madam,

I am a resident of the Lakewood Estates neighborhood. My address is 1671 Lakewood Dr South. Saint Petersburg, FL.

I am formally notifying your office that as a resident of this neighborhood I am against the proposed variance a developer wants to have to build two houses on a (1) lot on Barcelona Way (2120) in Lakewood Estates that will result in front lot lines of less than 100', the current city standard.

Thank You

Dana Riiska

Sent on a Virgin Mobile Samsung Galaxy S9 III

## Cristian I. Arias

---

**From:** Carlene Daggett <daggettcarlene@gmail.com>  
**Sent:** Monday, April 10, 2017 8:08 PM  
**To:** Cristian I. Arias  
**Subject:** Lakewood Estates

I would like to voice my concern about a variance on the property at 2120 Barcelona in Lakewood Estates. Please list me as a big NO for this variance. This does not conform with the other lots in our neighborhood.

Thank you for your time.

Carlene Daggett  
5001 Cordova Way South  
33712

**Cristian I. Arias**

---

**From:** LECA Mail <lecapresident@gmail.com>  
**Sent:** Monday, April 10, 2017 1:01 PM  
**To:** Cristian I. Arias  
**Subject:** Fwd: 2021 Barcelona Way variance request

I am consulting with our 'real estate' board member about this but I believe we are going to object. 69.9' lot line is unacceptable - Lakewood is known for its large lots and these two properties will not conform.

Written objection will be going out today or tomorrow - can I email it to you?

Tx

--  
Judy Ellis  
, President  
[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

--  
Judy Ellis  
[www.lakewoodstpete.com](http://www.lakewoodstpete.com)

## Cristian I. Arias

---

**From:** Earline Gilbert <ergill7464@verizon.net>  
**Sent:** Monday, April 10, 2017 7:15 PM  
**To:** Cristian I. Arias  
**Subject:** Christian

Dear Mr Arias,

Please be advised that I oppose the building of two houses on Barcelons Way South. The property is too small and distorts the character of akewood Estates.

Earline Gilbert

Earline Gilbert  
ergill7464@verizon.net

## Cristian I. Arias

---

**From:** Bob Sanders <bob@systemsuphelpdesk.com>  
**Sent:** Monday, April 10, 2017 6:48 PM  
**To:** Cristian I. Arias  
**Subject:** Barcelona Way (2120)

Cristian,  
Please mark down my wife and myself as NO on any lot dividing issues that come along for Lakewood.

It is why we moved into this area 4 years ago.

Thanks  
Robert Sanders  
2500 Desoto Way South.

Cathy Lynch.

## **Cristian I. Arias**

---

**From:** Codys <tnrcody@Tampabay.rr.com>  
**Sent:** Monday, April 10, 2017 10:04 PM  
**To:** Cristian I. Arias  
**Subject:** against a variance to build two houses on a single lot in Lakewood Estates

Dear Mr. Arias,

We have been notified that a developer wants to build two houses on a lot on Barcelona Way (2120) that will result in front lot lines of less than 100', the current city standard, but not the Lakewood Estates standard. This is the second time in about 18 months that Lakewood has seen a request to divide a lot this way. This proposal clashes with the large lots and open feeling that give Lakewood

its character. This openness is one of the reasons that my husband I moved here along with many of the residents that we know. We all agree that Lakewood is a gem in part, due to the large lots and open space. Although there are many popular neighborhoods on the North side of St. Pete where houses are practically piled upon one another, they are cramped and crowded. We should preserve the character of Lakewood and the quality of life. We hope that you will vote no, for this variance request.

Sincerely,  
Theresa Cody and Richard Cody  
2038 Almeria Way S  
33712  
727-515-8354

## Cristian I. Arias

---

**From:** jellis5610 <jellis5610@gmail.com>  
**Sent:** Monday, April 10, 2017 7:46 PM  
**To:** Cristian I. Arias  
**Subject:** 2120 Barcelona

I'm hearing that your voice mailbox is full. I imagine that a lot of people in Lakewood have gone off the deep end over this proposal. If you believe that you have enough input, just let me know and I'll call off the cavalry.

Judy

Sent via the Samsung Galaxy S@ 6, an AT&T 4G LTE smartphone

**Cristian I. Arias**

---

**From:** Thomas Doyle <thomasdoylefla@gmail.com>  
**Sent:** Monday, April 10, 2017 9:10 PM  
**To:** Cristian I. Arias  
**Cc:** Eric Peak  
**Subject:** 2120 Barcelona Development

As a long time home owner in Lakewood Estates, I strongly oppose the variance approval to split the lot at 2120 Barcelona so a developer can put 2 houses on a lot meant for one. The attractiveness of Lakewood Estates our our large lots with ONE home on them. Please note my opposition.

Tom Doyle  
1217 Fairway Circle South  
Saint Petersburg FL 33705

**Cristian I. Arias**

---

**From:** Pat Lambert <pachka12@gmail.com>  
**Sent:** Tuesday, April 11, 2017 1:08 PM  
**To:** Cristian I. Arias  
**Subject:** VARIANCE: 2120 Barcelona Way/Lakewood Estates

I strongly OPPOSE granting a variance that will result in lot lines of less than 100 feet at 2120 Barcelona Way. I live in Lakewood Estates and do not want to see degradation of our neighborhood's green space or its character.

I say NO to this variance.

Patricia Lambert  
2150 Fairway Ave. S.  
St. Petersburg, FL 33712

## **Cristian I. Arias**

---

**From:** Travis Riggs <riggst17@yahoo.com>  
**Sent:** Tuesday, April 11, 2017 7:05 AM  
**To:** Cristian I. Arias  
**Subject:** 2120 Barcelona Way

Good Morning,

As a home owner in the Lakewood Estates community of St. Petersburg, I just wanted to let you know that I am against breaking up the lot at 2120 Barcelona for two homes. I think this type of development is contrary to the overall look and feel of the neighborhood and will encourage overbuilding. Lakewood has beautiful lots and homes that blend in accordingly. Please reject the variance that was applied for.

Thank you for your time,  
-Travis Riggs  
4201 Cardinal Way S.

**Cristian I. Arias**

---

**From:** jennifer garcia <littleolme6@gmail.com>  
**Sent:** Tuesday, April 11, 2017 4:19 PM  
**To:** Cristian I. Arias  
**Subject:** NO to building variance in Lakewood

I am writing to vote NO and formally opposing the variance request for a developer to build 2 homes at 2120 Barcelona way.

I ask as a homeowner and resident of Lakewood Estates that you oppose the granting of the variance. This is the second time in about 18 months that we have seen a request to divide a lot this way. This proposal clashes with the large lots that give Lakewood

its character & appeal.

We strongly object to this as we know it will snowball & we will see more and more of these proposals because our distinct large lots are very tempting to developers.

Thank you,

Jennifer Trujillo  
1246 Alcazar Way S

**Cristian I. Arias**

---

**From:** Full Circle <wackygirls@msn.com>  
**Sent:** Tuesday, April 11, 2017 10:34 AM  
**To:** Cristian I. Arias  
**Subject:** Variance Request

As a resident on Barcelona Way S., I wish to state my opposition to the variance being requested for division of lots at 2120 Barcelona Way S.

The proposed request, with adjusted front lines, these homes will not reflect the uniformity of the block and compliance with City code. The 100' variance benefit no one but the builder who is trying to maximize profits while bending building codes. We appreciate the City's effort to maintain core standards and ask that this variance be denied.

Thank you for the consideration.

Pauline Cordeiro  
2159 Barcelona Way S.  
St Petersburg, FL 33712

## **Cristian I. Arias**

---

**From:** Kathryn Ellis <Kathryn.Ellis@ultra-ft.com>  
**Sent:** Tuesday, April 11, 2017 11:26 AM  
**To:** Cristian I. Arias  
**Cc:** lecapresident@gmail.com  
**Subject:** Proposal for Variance 2120 Barcelona Way S, St. Pete 33712

Dear Cristian Arias,

I come to with the sincere hope you will not approve the variance sought for the land at 2120 Barcelona Way S.

While our neighborhood's average lot size is quite large, they wouldn't be large if we allowed developers to gobble up the real estate here and build two houses where there once was only one house.

My husband and I saved for years to afford the down payment on a house in Lakewood Estates. It would be almost criminal to allow for a variance that could spiral into a trend and negatively impact the value of our property. (And that of the others here.)

Help us preserve the Lakewood Estates community we have here in South St. Pete. We don't need these houses constructed close together, fueling real estate professionals driving our streets hunting their next deal and constructing newer homes built in a style that doesn't go with the style of Lakewood.

I hope you are the person who can help us. Please vote against the variance. The entire Lakewood Estates depends on you.

Sincerely,  
Kathryn Oliver  
1811 Anastasia Way S.  
St. Pete, 33712

**Kathryn Ellis**  
Global Tier 1 Services Manager  
Forensic Technology, Inc.  
Part of Ultra Electronics Forensic Technology Inc.  
T +1 727 826 7235 x1058 | M +1 727 235 1050  
[www.forensictechnology.com](http://www.forensictechnology.com)

**Cristian I. Arias**

---

**From:** audrey gibson <audgib2000@yahoo.com>  
**Sent:** Tuesday, April 11, 2017 12:28 PM  
**To:** Cristian I. Arias  
**Subject:** Houses inlakewood

NO TO 2 HOUSES ON BARCELONA.

## **Cristian I. Arias**

---

**From:** Melissa <m1bancroft@aol.com>  
**Sent:** Tuesday, April 11, 2017 9:16 AM  
**To:** Cristian I. Arias  
**Subject:** Barcelona Way Variance

Greetings-

Please accept this e-mail as my notice of opposition to the variance request submitted for 2120 Barcelona Way, located in Lakewood Estates.

Allowing for lots to be split, re-parceled or reducing the current lot size requirements in my neighborhood will cause the character of my neighborhood to be altered. The size of lots in this neighborhood was a primary consideration when making a decision to purchase a home in Lakewood Estates.

In addition, homes that could be constructed on lots with frontage less than current ordinance, will not meet the current architectural style that currently exists in this neighborhood. I also feel this type of variance approval will have a negative effect on my property value.

It is my sincere hope that the Development Review Committee, Staff and Council will uphold the current requirements in my neighborhood, respecting my property rights as they are currently.

Please feel free to contact me, via email, if any additional information is required to insure my opposition to the variance request is known to you.

Thank you,

Melissa Bancroft  
Homeowner in Lakewood Estates  
1152 Alhambra Way South

Sent from my iPhone

## **Cristian I. Arias**

---

**From:** Peak, Eric (F) <Eric.Peak@marriott.com>  
**Sent:** Tuesday, April 11, 2017 8:29 AM  
**To:** Cristian I. Arias  
**Subject:** 2120 Barcelona

As a long time home owner in Lakewood Estates, I strongly oppose the variance approval to split the lot at 2120 Barcelona so a developer can put 2 houses on a lot meant for one. The attractiveness of Lakewood Estates our our large lots with ONE home on them. Please note my opposition.

Eric Peak  
1217 Fairway Circle South  
Saint Petersburg FL 33705

Eric Peak | Director of Sales  
St. Petersburg Marriott Clearwater  
12600 Roosevelt Blvd | St. Petersburg FL 33716  
d: 727.456.1421 | f: 727.572.5700

[eric.peak@marriott.com](mailto:eric.peak@marriott.com)

Follow the St. Petersburg Marriott Clearwater:

Visit our website at: [www.marriott.com/tpasb](http://www.marriott.com/tpasb)

P We're Green! Marriott St. Petersburg/Clearwater is a Florida Green Hotel.  
Please consider the environment before printing this email.

**Cristian I. Arias**

---

**From:** Pat Lambert <pachka12@gmail.com>  
**Sent:** Tuesday, April 11, 2017 1:14 PM  
**To:** Cristian I. Arias  
**Subject:** 2120 Barcelona Way, VARIANCE

Please do **NOT GRANT A VARIANCE** to the developer who seeks one for 2120 Barcelona Way in Lakewood Estates. Cramming houses together in this fashion will degrade the character of our neighborhood, where green space is treasured by all of us who live here.

I say **NO** to this variance.

Susan Neville  
2150 Fairway Ave. S.  
St. Petersburg, FL 33712

**Cristian I. Arias**

---

**From:** Laurin Weir <weirhere@tampabay.rr.com>  
**Sent:** Wednesday, April 12, 2017 12:56 PM  
**To:** Cristian I. Arias  
**Subject:** Lakewood Est. Variance

Cristian, Our vote is no on this variance in Lakewood Est. We live a 4627 Columbus way so.

We have been informed that a developer wants to build two houses on a lot on Barcelona Way (2120) that will result in front lot lines of less than 100', the current city standard.

*Laurin Weir Broker GRI  
BnL Homes LLC  
cell 727-432-1718  
fax 727-683-9224  
Weirhere@tampabay.rr.com*



Virus-free. [www.avast.com](http://www.avast.com)

## Cristian I. Arias

---

**From:** Shirley DeLoach <sheathdeloach@outlook.com>  
**Sent:** Wednesday, April 12, 2017 6:40 AM  
**To:** Cristian I. Arias  
**Subject:** Fwd: Variances less than 100'

Hi,  
I forgot to give you my address. It is 2697 Granada Circle West. Saint Petersburg Fl 33712  
Sent from my iPhone

Begin forwarded message:

**From:** <[sheathdeloach@hotmail.com](mailto:sheathdeloach@hotmail.com)>  
**Date:** April 10, 2017 at 10:27:55 PM EDT  
**To:** <[cristian.arias@stpete.org](mailto:cristian.arias@stpete.org)>  
**Subject:** Variances less than 100'

Hello. I am firmly against variances to the existing 100' frontage for Lakewood properties. Please keep me updated.

Shirley C and Herschel DeLoach  
Sent from my iPhone

## **Cristian I. Arias**

---

**From:** Joel Zaitz <donnaz@me.com>  
**Sent:** Wednesday, April 12, 2017 8:24 AM  
**To:** Cristian I. Arias  
**Cc:** LECA Mail  
**Subject:** 2120 Barcelona Way South

Hi Cristian,

I'm writing to you to let you know that I am apposed to the variance for allowing two houses to be built on the lot at 2120 Barcelona Way South.

I have lived in Lakewood for over 30 years and have enjoyed the way it has evolved. However allowing developers valencies for this type of development, I feel will erode our property values and quality of life.

I don't mind development, but building two houses instead of one serves only one purpose, to make as much money as possible and then move on.

Thanks,  
Joel and Donna Zaitz

## Cristian I. Arias

---

**From:** Bonnie Rocks <brocks@knology.net>  
**Sent:** Thursday, April 13, 2017 9:37 AM  
**To:** Cristian I. Arias  
**Subject:** 2120 Barcelona WAY S. property

Dear Mr. Arias,

I own and live at 2113 Barcelona way south, just across the street from the property in question. Please DO NOT let these People build 2 houses on this property. It surely would take away from the esthetics of the properties on this street and of Lakewood. We have beautiful large properties in this community and we do not want people shoving a house in here and there and ruining what we have or having an effect on the value of property. Please say no to these people.

Thank you.

Ms. Yvonne Rocks

**Cristian I. Arias**

---

**From:** bevwhite99 <bevwhite99@aol.com>  
**Sent:** Thursday, April 13, 2017 9:12 AM  
**To:** Cristian I. Arias  
**Subject:** Lakewood Estates variance request on Barcelona Way S (2120)

We live at 2700 DeSoto Way S. In Lakewood Estates and stand very opposed to allowing the division of the one lot into two. This is very contrary to the visual makeup of Lakewood Estates which is known for our huge lots.

Sent from my Galaxy Tab® E

## **Cristian I. Arias**

---

**From:** Sheila Riase <sheilaroxann@yahoo.com>  
**Sent:** Thursday, April 13, 2017 9:24 AM  
**To:** Cristian I. Arias  
**Cc:** lecapresident@gmail.com  
**Subject:** Opposition to proposed building in Lakewood Estates

Dear Mr Arias,

My family and I have resided in Lakewood Estates for over nineteen years and we are opposed to the proposed building on Barcelona Way in our

community. We are asking that this be rejected as this will decline our property values and degrade the beautiful landscape of Lakewood Estates.

Please consider the voices of Lakewood Estates property owners moving forward with your future decisions on this matter.

Sincerely,

Mrs. Sheila R Riase

727-639-2977  
1322 Alhambra Way South  
St Petersburg, FL 33705



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

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

---

**CHANGE OF USE  
APPEAL**

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

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT, for Public Hearing and Executive Action on May 3, 2017, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.**

**CASE NO.:** 17-31000001 **PLAT SHEET:** Q-18

**REQUEST:** Approval of a change of use from a grandfathered convenience store to a grandfathered restaurant use.

**OWNER:** Citrus Property Investment, Inc.  
PO Box 12729  
St. Petersburg, FL 33733-2729

**AGENT:** Chuck Flynt  
Arvana Property Management  
PO Box 12729  
St. Petersburg, FL 33733-2729

**APPELLANT:** Barbara Forker Fincher  
3082 70<sup>th</sup> Lane North  
Saint Petersburg, Florida 33710

**ADDRESS:** 7073 - 7079 30<sup>th</sup> Avenue North

**PARCEL ID NO.:** 07-31-16-90198-000-0010

**LEGAL DESCRIPTION:** On File

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

---

**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 restaurant which is a grandfathered use within the NSM-1 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

**The Request:**

The subject property is located at the northeast corner of 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street North, in the Jungle Terrace neighborhood. Based on the Property Card, the subject building was constructed in 1966 as a three-unit commercial building, with a 7-Eleven convenience store, a coin laundry and beauty salon. Zoning was "C" commercial at time of development. Zoning was changed in the 1970's to a multi-family classification, RM-12/15, and the classification under the current code is also multi-family, NSM-1. The convenience store is no longer in operation, and there is beauty salon and a martial arts studio currently occupying the other two spaces.

The commercial uses are considered grandfathered uses in the NSM-1 zoning district. The applicant has requested to convert the 2,225 square foot convenience store space to a restaurant, which is also a grandfathered use. A grandfathered use may be changed to another grandfathered use of equal or lesser intensity, per Section 16.60.030.7 of the City Code. Staff has determined that the proposed use will be of equal or less intensity as the previous use. Factors used to determine intensity of use include traffic generation, service use (loading, unloading, and delivery activity), adverse impacts such as odors and noise, resident and client base, and hours of operation. City Code allows the Zoning Official to approve the change of use subject to providing public notice. Public notice of this request was sent to property owners within 200 feet of the subject property.

On April 14, 2017, an appeal of the Zoning Official's decision was received. The appeal to the Development Review Commission was submitted by property owners who reside to the north and east of the subject property.

**THE APPEAL:** The City Clerk's office received one appeal. The appeal was submitted by Barbara Forker Fincher of 3025 70<sup>th</sup> Lane North, on behalf of herself and four other homeowners, Aimee and Jeffrey Burke of 3074 70<sup>th</sup> Lane North, Jody Michalec of 3066 70<sup>th</sup> Lane North, Christopher and Linda Pallini of 3090 70<sup>th</sup> Lane North and Peggy McClung of 3025 70<sup>th</sup> Lane North. Staff's analyses of the appeal is addressed in this report.

**STAFF'S ANALYSIS:** Staff has reviewed the arguments set forth in the attached appeal letter. The Administration recommends that the Development Review Commission deny the appeal and uphold the Zoning Official's decision to approve the change of use based on the following analysis. Appellants' issues are outlined below followed by Staff analysis and response.

**Issue No#1: The change of use from a convenience store to a restaurant is not a change of use that is of equal or less intensity.**

*The city code lists multiple factors in determining the intensity of the use. The appellant contends the change of use is not of equal or lesser intensity.*

**Staff Response:**

City staff finds the change of use to be of an equal or lesser intensity:

Section 16.60.030.7(2) (a.) list the following factors in determining the intensity of use, the factors are: traffic generation, service use (loading, unloading and delivery activity), adverse impacts such as odors and noise, resident or client base and hours of operation.

Traffic Generation: The City's Transportation Department in an email dated February 16, 2017 and a memorandum dated April 21, 2017, both included in this report, compared the previous use as a convenience store open 24 hours without gas pumps to a new sit-down restaurant that is 2,225 square feet. The total trip generation and new trips for the PM peak hour were used. The City's Transportation Planner calculated the convenience store generated 45 to 46 new PM peak hour trips and the sit-down restaurant will generate 12 to 23 new PM peak hour trips based on ITE data. The Transportation Planner concluded that the new restaurant use is not anticipated to have as large an impact on the road network as the previous convenience store use.

Service use (loading, unloading and delivery activity): The land development code does not regulate the amount of deliveries that can or cannot occur for a commercial use. The existing and proposed use could have multiple deliveries a day. Any activity will need to comply with the City's noise ordinance.

Adverse impacts such as odors and noise: A convenience store is considered a retail use and a restaurant without seats for dining or a take-out restaurant is also considered a retail use. If the applicant were to switch the use from a convenience store to a take-out restaurant, they would be able to proceed without public notice. A convenience store could cook food on-site, potentially generating food odors. A take-out restaurant will cook food on-site, potentially generating food odors. Both a convenience store and a take-out restaurant will have food waste. Any noise generated from the site, either from the existing use or the proposed use, will need to comply with City's noise ordinance.

Resident or client base: Not applicable.

Hours of operation: The existing and proposed use can both be open 24 hours a day. It is common for a convenience store to be open 24-hours, or until late in the evening. It is not common for restaurants to be open past dinner hours.

**Issue No#2: The proposed use is simply not compatible with the character of the existing wholly residential neighborhood.**

*Appellant argues that a request to expand the preexisting grandfathered use should be made only after consideration as to whether the character of the proposed use would conform to the nature and character of the property's original use and characteristics of the neighborhood. If the proposed use has a negative effect to the surrounding community should be non-conforming. The relevant determination between a permitted grandfathered use and a nonconforming use is the degree of compatibility the proposed use would have with uses allowed in the zoning district per Section 16.60.030.1(C) (1).*

Section 16.60.030.1(C) (1), states, "A grandfathered use is distinguished from a non-conforming use in that a grandfathered use has been found to have a degree of compatibility with uses allowed in the zoning district". Section 16.10.020.1 Matrix: Use permissions, parking and zoning, classify both a retail use (convenience store) and a restaurant use as grandfathered uses in the

Neighborhood Suburban Multi-family-1 (NSM-1) zoning district. Therefore, the restaurant use has been determined to have a degree of compatibility with permitted uses in the NSM-1 zoning district.

**Issue No#3: The convenience store is an amenity for its residents, providing goods to surrounding residents and the proposed use serves a greater clientele.**

*The appellant notes the following: The existing use "was not visible to any major street", the existing owners did not advertise "and therefore did not seek to bring in traffic. On the other hand, it is safe to assume that Ms. Prather ..., will advertise", bringing in additional traffic. The appellant also argues that the existing streets are not designed for high levels of traffic, "it consists of two small, two lane streets, intersecting on a diagonal, and includes a sharp hairpin turn and a blind curve. The corner of 71<sup>st</sup> Street North and 30<sup>th</sup> Avenue North" is not conducive to increased traffic. The city has also installed a speed bump on 71<sup>st</sup> Street North, just south of 38<sup>th</sup> Avenue North to slow downtown traffic. They also express concerns about overflow parking from new businesses along the Tyrone Boulevard Frontage Road.*

Advertising a business is not one of the factors used to determine the intensity of a use. As stated above, the City's Transportation Planner has determined that the proposed use will generate less PM peak hour trips.

The city's Transportation Planner in a memorandum dated April 21, 2017, which is attached to this report, provided the following: the City has a traffic plan for the Jungle Terrace Civic Association that includes a number of traffic calming measures that have been implemented. There are four speed humps on 71<sup>st</sup> Street between 30<sup>th</sup> Avenue North and 38<sup>th</sup> Avenue North and a traffic circle is located on 30<sup>th</sup> Avenue North at 68<sup>th</sup> Street. The speed limit on 71<sup>st</sup> Street and 30<sup>th</sup> Avenue North in the vicinity of the property is 25 MPH. The City completed design plans for a sidewalk improvement project at 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street (attached) in December 2015 and has constructed this improvement. The improvement consists of new sidewalks along 30<sup>th</sup> Avenue North, as well as curb ramps and striped crosswalks across 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street. These improvements and the stop signs on the Tyrone Boulevard frontage road and 30<sup>th</sup> Avenue North promote safety and help distinguish between areas designed for motorists and pedestrians. In the past five years there were no crashes at the intersection of 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street North.

**Issue No#5: The POD (Zoning Official) must analyze the adverse effects of delivery activity, odors and noise per Section 16.60.030.7(2).**

*The appellant states that the convenience store posed little to no harmful effects on the surrounding neighborhood. "Deliveries were regular, there were no foul aromas emanating from the prepackaged, non-perishable food items, and the one or two customers present in the store at a time hardly created any sound nuisance". The appellant has concerns over the potential impacts of increase in deliveries and in noise levels due to additional cooking equipment.*

As stated above, the land development code does not regulate the amount of deliveries that can or cannot occur for a commercial use. The existing and proposed use could have multiple deliveries a day.

A convenience store is considered a retail use and a take-out restaurant is also considered a retail use. If the applicant were to switch the use from a convenience store to a take-out restaurant, they would be able to proceed without public notice. A convenience store could cook food on-site,

potentially generating food odors. A take-out restaurant will cook food on-site, potentially generating food odors. Both a convenience store and a take-out restaurant will have food waste.

Any noise generated from the site, either from the existing use or the proposed use, will need to comply with City's noise ordinance.

Staff has determined that the proposed restaurant use will not be more intense than the existing convenience store use.

**Issue No#6: The disposal of waste.**

*The appellant notes that "The food refuse you will be disposed of in dumpsters that abut single-family homes and backyards. Will the waste sit there for multiple days or will there be multiple pick-ups, thus increasing the days on which residents are awoken?"*

The location of the dumpster is not a factor in determining the intensity of a use. The location of the dumpster will need to comply with the setbacks as required by the Land Development Code.

The time of trash pick-ups will need to comply with the City's noise ordinance.

The frequency of trash pick-ups is not a factor in-determining the intensity of a use.

**Issue No#7: Potential for grease fires.**

*Appellant argues that the large range and griddle will require the use of more oil, creating more grease than any of the immediate neighbors, that a grease fire is the most common cause of a restaurant to come down and that the probability of a grease fire poses an unnecessary and potentially deadly risk to the surrounding residents.*

The potential for grease fires is not a factor in determining the intensity of a use. The proposed restaurant will need to comply with applicable Building and Fire Codes.

**Issue No#8: Rats and vermin.**

*Appellant states that the rotting food will attract rats and vermin. These rats and vermin will infect resident's pets who will infect their children.*

The restaurant use is subject to health department regulations and to regular inspections by the state.

**Issue No#9: Violation of privacy.**

*Appellant argues that "Traffic will take place behind the building, such as staff breaks, numerous trips to the dumpster and deliveries."*

Violation of privacy is not a factor in determining intensity of use. The applicant has the ability to use the property subject to compliance with the Land Development Regulations.

**Issue No#10: Reduced property values**

*The appellant argues that this change of use opens the door to for any such use in the indeterminate future, regardless of its damages to the surround property. The damages include property values.*

Reduced property values in not a factor in determining intensity of use. The applicant has not provided any evidence to support this argument.

**III. RECOMMENDATION:**

**A. Staff recommends APPROVAL of the Change of Use from a retail use (convenience store) to a restaurant use, subject to the Special Conditions of Approval.**

**B. SPECIAL CONDITIONS OF APPROVAL:**

- 1. This Change of Use shall be valid through May 3 2020. Either a restaurant certificate of use shall be approved or substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.**
- 2. Outdoor eating and drinking as outlined in Section 16.50.310 and 16.50.320 shall be prohibited.**
- 3. Outdoor music shall be prohibited.**

REPORT PREPARED BY:



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

4/26/17  
DATE

DATE

REPORT APPROVED BY:



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

4-26-17  
DATE

DATE



City of St. Petersburg, Florida  
Development Review Services  
Case No.: 17-31000001  
Address: 7097 30<sup>th</sup> Avenue North





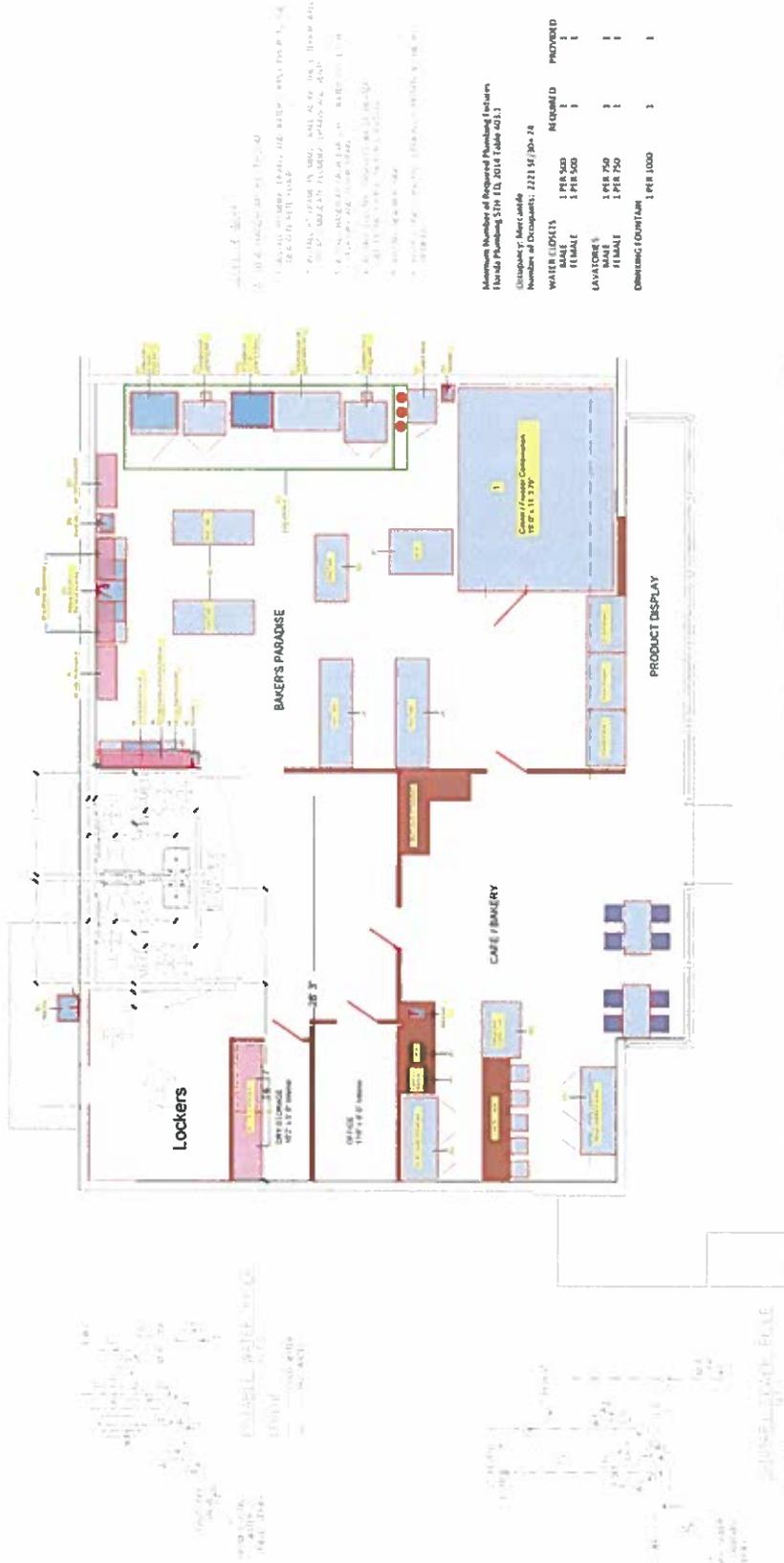


RETAIL/OFFICE SPACE CONVERSION  
 7097 30TH AVE N  
 ST PETERSBURG, FL 33710-3045

ARVANA, INC  
 P.O. BOX 12729  
 ST PETERSBURG, FL 33733-2729

SHEET  
**P2**  
 8 OF 8

**PROPOSED  
 PLUMBING PLAN**



Minimum Number of Required Plumbing Fixtures  
 Florida Plumbing SPM 11.2014 Table 02.1

Category	Male	Female	Nonseparated	Provided
Water Closets	1 per 500	1 per 500	1	1
Urinals	1 per 750	1 per 750	1	1
Drinking Fountains	1 per 1000	1 per 1000	1	1

Robert H. Gursaulius P.E.  
 1611 MOOREWOOD COURT  
 PALM BEACH, FLORIDA 33415  
 PHONE: (561) 851-1111  
 FAX: (561) 851-1112  
 email: RGursaulius@rhgpe.com

ENGINEER  
 REG NO 13491 DATE



## **Corey D. Malyszka**

---

**From:** Thomas M Whalen  
**Sent:** Thursday, February 16, 2017 11:25 AM  
**To:** Chuck Flynt  
**Cc:** Corey D. Malyszka  
**Subject:** RE: 7097 30th Ave N

Hi Chuck,

I did a trip generation comparison using the latest ITE data from the 9<sup>th</sup> Edition of their "Trip Generation" manual. The spreadsheet is useful but it is based on the 8<sup>th</sup> Edition of the manual and new data is available for high-turnover (sit-down) restaurants in the 9<sup>th</sup> Edition. I compared the previous use as a convenience store open 24 hours per day without gas pumps to a new sit-down restaurant that is 2,225 square feet. I calculated total trip generation and new trips for the PM peak hour. New trips are trips that aren't already on the road network.

I calculated that the convenience store generated 45 to 46 new PM peak hour trips based on the ITE data. I calculated that a sit-down restaurant will generate between 12 and 23 PM peak hour trips based on the ITE data. I agree that the proposed restaurant use is not anticipated to have as large an impact on the road network as the previous convenience store.

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

**From:** Chuck Flynt [mailto:Chuck@arvanapropertymanagement.com]  
**Sent:** Thursday, February 16, 2017 10:44 AM  
**To:** Thomas M Whalen  
**Cc:** Corey D. Malyszka  
**Subject:** 7097 30th Ave N

Hi Tom,

Corey forwarded your questions to me regarding the proposed changes at 7097 30<sup>th</sup> Ave N. I represent the owner of the commercial building, and I am also the contractor that just finished the renovation of the space.

Our Engineer, Robert Gunsallus, designed the renovation of the space, which he shows as consisting of 2225sf. He ran the traffic calculations based upon the current use as a convenience store(coded 851), generating 1771 trips, and the proposed use as a restaurant space with 40 seats, generating 193 trips. He also ran calcs based upon a combination of high turnover restaurant and Quality restaurant combination, which created 370 trips. The combination of the two uses still only generated a maximum of 370 trips. This would be well below the 1771 trips generated by the convenience store use based upon the county provided trip generation tables.

I am currently working with an operator that proposes to have 18 seats as part of their restaurant operation. The engineer used 40 seats in his calculations since he was not aware of the seat count proposed by the operator.

To answer your question, this will not be split into two restaurants. The engineer was just running some additional comparisons to see how it would affect traffic generated. In his review of the proposed use of this space he said that the only use he sees that could possibly increase the traffic trips generated based upon the county tables, is if it remains used as a convenience store, and adds gas pumps(coded 853).

Please feel free to call or email me if you have any additional questions.

Thank you,

Chuck Flynt  
727-526-5450



**CITY OF ST. PETERSBURG**

**Transportation and Parking Management Department**

**MEMORANDUM**

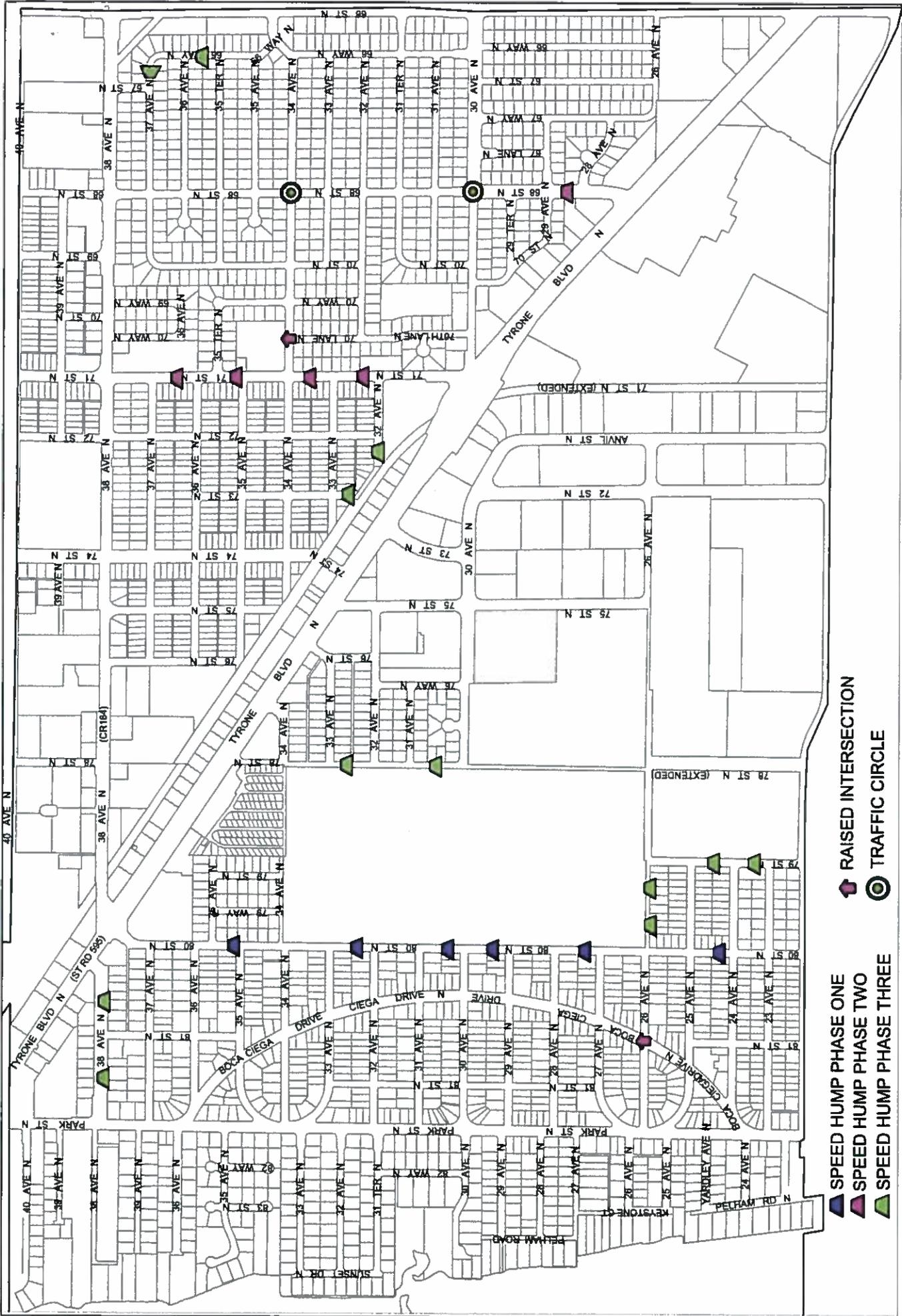
**TO:** Pamela Jones, Administrative Clerk  
**FROM:** Tom Whalen, Planner III  
**DATE:** April 21, 2017  
**SUBJECT:** Proposed Restaurant at 7097 30<sup>th</sup> Avenue North  
**CASE:** 17-31000001

---

It has been proposed that the former convenience store located at 7097 30<sup>th</sup> Avenue North be converted into a sit-down restaurant. I did a trip generation comparison using the Institute of Transportation Engineers' (ITE') "Trip Generation" manual (9<sup>th</sup> Edition). I compared the previous use as a convenience store open 24 hours per day without gas pumps to a new high-turnover (sit-down) restaurant that is 2,225 square feet. I calculated total trip generation and new trips for the PM peak hour. New trips are trips that are not already on the road network and are generated because of the land use at the site, such as customers that drive from their home to the store or restaurant as their primary destination and then return home. The remaining trips are pass-by trips that are already on the road network, such as customers that enter or leave the site on the way from home to work or work to home. The convenience store generated an estimated 45 to 46 new PM peak hour trips based on the ITE data. The sit-down restaurant is estimated to generate between 12 and 23 new PM peak hour trips based on the ITE data. Consequently, the proposed sit-down restaurant is not anticipated to have as large an impact on the road network as the previous convenience store based on the ITE data.

I read in the appeal documentation that there is a concern about the ability of the intersection of 71<sup>st</sup> Street and 30<sup>th</sup> Avenue North to accommodate an increased number of visitors due to its design. The City has a traffic plan for the Jungle Terrace Civic Association that includes a number of traffic calming measures that have been implemented in the vicinity of the subject property (attached). There are four speed humps on 71<sup>st</sup> Street between 30<sup>th</sup> Avenue North and 38<sup>th</sup> Avenue North and a traffic circle is located on 30<sup>th</sup> Avenue North at 68<sup>th</sup> Street. The speed limit on 71<sup>st</sup> Street and 30<sup>th</sup> Avenue North in the vicinity of the property is 25 MPH. The City completed design plans for a sidewalk improvement project at 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street (attached) in December 2015 and has constructed this improvement. The improvement consists of new sidewalks along 30<sup>th</sup> Avenue North, as well as curb ramps and striped crosswalks across 30<sup>th</sup> Avenue North and 71<sup>st</sup> Street. These improvements and the stop signs on the Tyrone Boulevard frontage road and 30<sup>th</sup> Avenue North

promote safety and help distinguish between areas designed for motorists and pedestrians. I checked crash statistics and there were no crashes at this intersection during the last five years. Please let me know if you have any questions.



-  SPEED HUMP PHASE ONE
-  SPEED HUMP PHASE TWO
-  SPEED HUMP PHASE THREE
-  RAISED INTERSECTION
-  TRAFFIC CIRCLE

<b>CITY OF ST PETERSBURG</b> <b>DEPARTMENT OF</b> <b>TRANSPORTATION &amp; PARKING</b>		<b>TITLE:</b> JUNGLE TERRACE CIVIC ASSOCIATION PHASES I, II & III TRAFFIC PLAN	
		<b>DRAWN BY:</b> NANCE	<b>DATE:</b> 07 MAY 01
		<b>REV NO:</b> 03	<b>REV DATE:</b> Jan. 08, 2014
		<b>APPROVED BY:</b>	<b>DRAWING NO:</b> NAT-001TP



BUILDING	ELECTRICAL	PLUMBING
Location: 7097 - 7085 - 7073 - 30th Avenue North #3208B-CID - 11/12/65 - \$26,000 Owner Timmon Inc. - Erect three store; store building (See plans for plumbing (105' x 50') (Type V) R. E. Beckner, Contractor B of A - 3/25/66 - Granted to erect prime pole sign <u>only</u> providing it is oriented in such a way so that the lettering does not face the R-3 Residential zone on the East; also no permit will be issued for this prime sign until the laundry signs painted on the East side of the building are removed; also the pylon sign will not be permitted to be erected (#18) (7097 - 30th Ave. No.) #B-758-CID - 3/7/67 - \$1000 Owner Blecker Beauty Shops, Inc. - Install owners booth units and miscellaneous storage and shelving (15' x 40') (Type V) Roger Beckner, Contractor (add to permit 3208B)	#8933H - 12/1/65 - 7-11 Store Bldg. Store #1 - Wallis - 8c lsw 10p 3ws 150amp 1-meter 1-W.H. 1-bath fan 1-sign circuit #8935H - 12/1/65 - 7-11 Store Wallis - 24c lsw 14p 3ws 200amp 1-meter 1-W.H. 1-sign circuit (2) 1/2-HP motors (1) 1 1/2-HP Motor <del>#8936H - 12/1/65 - 7-11 Store Wallis - 24c lsw 14p 3ws 200amp 1-meter 1-W.H. 1-sign circuit</del> #8937H - 3/28/66 - Coin Laundry Wallis - 7-gas dryers 20-washers 1-boiler (Add to H8933) (7073) #E1152-3/27/67 - Roger Beckner - Wallis - 4-recp. 1 2HP Room A/C - 6 hair dryer outlets	#6803M - 11/19/65 - Timmons, Inc. Gill & Stephens Plbg. - 4-closets 4-lavatories 3-floor drains 2-w. heaters 1-slop sink 2-hub drains 1-2" water service - See #7022M #6837M - 11/23/65 - Timmons, Inc. Gill & Stephens Plbg. - 3-floor drains 20-washing machines 1-lint trap - add to #6803M See #6803M & (7073 - 30th Ave. No.) 6837M #6838M - 11/23/65 - Timmons, Inc. Gill & Stephens Plbg. - 2-3/4" water services - add to #6803M (7097 & 7085 - 30th Ave. No.) #6981M - 12/9/65 - Timmons, Inc. Gill & Stephens Plbg. - 1-2" opening 1-3" hub add to #6803M (7073 - 30th Ave. No.) See #7022M #7022M - 12/15/65 - Timmons, Inc. Gill & Stephens - 2-closets 1-floor drain 2-lavatories 20-washing machines 4-hub drains 1-lint filter 1-2" water service - correction on permits #6803M & 6981M (7073 - 30th Ave. No. - Laundry) #7023M - 12/15/65 - Timmons, Inc. Gill & Stephens Plbg. - 1-lavatory 1-closet 1-w. heater 1-2" opening 1-3/4" water service - add to #7022M (7085 - 30th Ave. No.) correction on #6803M & 6837M

INSTALLATION	GAS	SEWER
	<p>#1549E - 12/16/65 - Timmons, Inc. Gill &amp; Stephens Plbg. - 1-boiler l-dryer, piping (70 73 - 30th Ave. No.)</p>	<p>#6803M - 11/19/65 - Timmons, Inc. Gill &amp; Stephens Plbg. - 1-tap</p>
	<p>SIGNS</p> <p>#2120A - 1/20/66 - \$1200 - 7 -11 Store - Erect plain illuminated metal plastic marquee sign - Patrick Neon Display</p> <p>#2207A - 2/5/66 - \$250 - Timmon Inc erect plain metal electric illuminated sign - Patrick</p> <p>#4574A - CLD - 3/28/73 - \$600 Owner 7-11 Store - Erect an electric 108 sq ft wall sign on 60' building - Ace Neon Sign Co., Contractor.</p>	<p>SEPTIC TANK</p>

SUBDIVISION TERESA GARDENS 1st ADDITION PARTIAL REPIAT LOT Tract A BLOCK  
 BUILDING 7-31-16 PLUMBING Q-18

BUILDING	ELECTRICAL	PLUMBING
<p>                             Location: 7097-7085-7073 - 30th Avenue North *                              #B-1964A- CLD 2/14/69 \$2700                              Owner 7-11 stores- Remodel store front;(Type V) Logan Construction Contractor(7097 30 Ave. N.)                              #18284-CLD - 5/15/73 - \$3,900                              Owner 7-11 Food Stores - Install mansard type trim across front and 15' on one side (Type V) J.O. DeLotto &amp; Son, Contractor. Gordon Hackworth, Architect.                              2/20/74 - Business C.O.                              Appl: Albert T. Lavallee - "Molly's Beauty Salon" (beauty shop)                              #958557- 8/22/80- Business C.O. - applicant Ricky L. Hazen - "West Coast Fitness Center" - retail store with bodybuilding installed as sideline (7097) approved 8/29/80                              #958640 - 9/12/80 - Business C.O. applicant Miles A. Nelson - "Postal Instant Press" - retail instant printing (7073)                         </p>	<p>                             #628J - 3/15/66 - 7-11 Store                              D'Andrea - 3-HP Motor (Comp)                              1-HP Comp (2) 1/2-HP fans (7097)                              #656J - 3/18/66 - 7-11 Store                              Wallis - 3c 3sw 27-fixtures 1/4-HP exhaust fan motor (Add to 8933H) (7097)                              #683J - 3/21/66 - 7-11 Store                              D'Andrea - (7) 1/8-HP Motors (2) 1/2-HP Motors (7097)  <del>XXXXXXXXXX(66)XXXXXXXXXXXX</del>  <del>XXXXXXXXXX(66)XXXXXXXXXXXX</del>  <del>XXXXXXXXXX(66)XXXXXXXXXXXX</del>                              #E5184A - 2/20/69 - 7-11 Store                              D'Andrea - 300amp 1-meter                              3-HP Cen. A/C (2) 5-KW Heat Strip (1) 4-HP Cen. A/C                              #E631E 1/2 2/26/73 - General Teleph Allcorn - 602amps 1-meter 1-air dryer(7097)                         </p>	<p>                             #7024M - 12/15/65 - Thmmons, Inc. Gill &amp; Stephens Plbg. - 1-lavatory 1-closet 1-w. heater 3-floor drains 2-hub drains 1-3/4" water service add to #7022M - correction on permits #6803M &amp; 6838M (7097 - 30th Ave. No. - 7-11 Store)                              #P411-3/10/67- Roger Beckner- Sam Burnett- 4-lav. 1-sink 1-ewh. (Add to permit #B 3203)                              #P5595D-6-5-81-Richard Arnold Dan Davis-2-shampoo sink-1-lav-1-sink-1-wc(7085 30 A/N)                         </p>

INSTALLATION	GAS	SEWER
<p>#4320D - 1/24/66 - Roger Beckner            Charles Sheet Metal - Vent 7-dryers            1-boiler (7073 - 30th Ave. No.)            #M5967 - 2/25/69 - 7-11 Stores            B &amp; D Htg. &amp; A/C - 2-packaged units            (1) 3-Ton (1) 4-Ton (2) 5-KW Heat            Strips (7097)</p>		
	SIGNS	SEPTIC TANK
	<p>#4649A - CLD - 5/22/73 - \$1,200            Owner 7-11 Stores - Erect 170 sq ft            prime ID sign - Ace Neon Sign Co.,            Contractor.            #7120A-06- 5/12/80- \$2000            Owner Postal Instant Press-Erect &amp;            alter 1 prime I.D. sign 144 sq.ft.            Signs By Design of Fl., Contractor            (7097 - 30 Ave. No.)</p>	

SUBDIVISION TERESA GARDENS FIRST ADDITION PARTIAL REPLAT

Tract A

BLOCK

Card #3 BUILDING C-2 ONE

7-31-16

PLUMBING

Q-18

Location: 7097-7085-7073- 30  
 Avenue North  
 #78278-12/15-6/5/81- \$1000  
 Owner: Anne E Gwarrer- Interior  
 alterations to beauty salon; fur-  
 ing strip wall (right of entry) to  
 cover pipe short walls. Repetition  
 install 2 sinks (shampoo) 1 dis-  
 pensing sink, replace toilet and  
 sink in bathroom; no add w/c  
 (Type 6) By owner (7085)  
 Check List #646 (7085)  
 #Waiver of C. O.-Business-6-2-81  
 Appli: Anne Gwarrer-"Zac's" beauty  
 salon(7085 30th A/N)

ELECTRICAL 2. M 12/17

#E3742H - 6/11/81 - Ed Smith -  
 Randy's Elec - gen'l lighting  
 (3-circuits)  
 #E709334 - 9/30/87 - Anne G. Warner  
 Sam's Electric - Combine 2 meters  
 into one, 200 amp service, 3/0 wire  
 1 CAN meter, 10 KW heater, 1 A.C.  
 15 circuits.  
 SEA/frm

INSTALLATION

GAS

SEWER

SIGNS

SEPTIC TANK

~

~

SUBDIVISION

BUILDING

ELECTRICAL

LOT

BLOCK

PLUMBING

Location: 7097-7085-7073 - 30 Ave. No.

(See 3000 - 70 Lane No.)

(On Same Tract of Land)

INSTALLATION	GAS	SEWER
SIGNS		SEPTIC TANK

To: Planning & Economic Development Dept.  
City of St. Petersburg  
175 5<sup>th</sup> Avenue North  
St. Petersburg, FL 33701

From: Barbara Forker Fincher  
3082 70<sup>th</sup> Lane North  
St. Petersburg, FL 33710



RE: Case No. 17-31000001  
7097 30<sup>th</sup> Avenue North, St. Petersburg

Please allow this document to serve as an appeal of the intended approval of the change of use from a grandfathered convenience store to a grandfathered restaurant use in regards to the property located at 7097 30<sup>th</sup> Avenue North in St. Petersburg.

Lisa Prather, d/b/a "A Fresh Connection," has requested the subject change in use through her intended property management company, Citrus Property Investment. Pursuant to Section 16.60.030(2) of the City's municipal code, a change in use "must be of equal or lesser intensity." St. Petersburg, Florida, Municipal Code § 16.60.030.1(C). To determine whether a proposed change is "of equal or lesser intensity," the POD relies on a list of enumerated factors. *See* § 16.60.030(2)(a). Applying the factors delineated in the municipal code, it is clear that Ms. Prather's request should not be approved, as a change in use from a convenience store to a restaurant is not a change of "equal or lesser intensity." Furthermore, rezoning the property for a grandfathered restaurant use to satisfy Ms. Prather's specific request will permanently and substantially alter the character and composition of the residential neighborhood in which she seeks to open her restaurant, catering business, and cooking instruction facility. Accordingly, the POD should not approve the requested change.

A request to expand a property's preexisting grandfathered use should be made only after careful consideration as to whether the character of the proposed use would conform to the nature and character of the property's original use and the particular characteristics of the neighborhood in which the property sits. If the proposed use is antithetical to the surrounding community, the use should be designated as non-conforming. The relevant determinant between a permitted grandfathered use and a non-conforming use, then, is "the degree of compatibility" the proposed use would have "with uses allowed in the zoning district." Section 16.60.030.1(C)(1). Ms. Prather's proposed business (which, it appears, is designed to provide a multitude of services including, but not limited to: a café, a restaurant, a bakery, a take-out facility, a culinary instruction facility, and a full-scale catering preparation facility, all within a 2221 square foot space) is simply incompatible with the character of the existing wholly residential neighborhood.

The preexisting use of the property, namely as a convenience store, was not incompatible with the neighborhood. A convenience store exists in a neighborhood as an amenity for its residents, providing household sundries for the individuals immediately adjacent to its location. Rarely would a stranger venture into an unknown neighborhood for the sole purpose of seeking out a particular convenience store. With regards to the

convenience store that existed at 7097 30<sup>th</sup> Avenue North, its location especially required knowledge of its existence: it was not visible from any major street and was blocked from view by the Tyrone overpass and the businesses operating in the corridor along Tyrone Boulevard. None of the owners of the convenience store businesses that operated from the property advertised their location or services, and therefore did not seek to bring in traffic from outside the immediate area. On the other hand, it is safe to assume that Ms. Prather will not be relying on patronage from only the residents directly surrounding the property; rather, it is highly likely she will be advertising her business(es) in an attempt to draw customers from the greater community. If Ms. Prather's advertising is successful, it is also highly likely there will be an increased level and a different nature of traffic to the corner on which the property sits. The property is not designed for high levels of traffic: it consists of two small, two-lane streets, intersecting on a diagonal, and includes a sharp hairpin turn and a blind curve. The corner of 71<sup>st</sup> Street and 30<sup>th</sup> Avenue is hardly conducive to an increased number of visitors unaccustomed to the peculiarities of the intersection. The traffic-related hazards unique to the streets on which the subject property sits have not been overlooked by the City in the past; in fact, the large speed tables installed on 71<sup>st</sup> Street, just south of 38<sup>th</sup> Avenue, appear to have been specifically designed to slow and reroute non-local traffic from the neighborhood. This brings up the concern of overflow parking especially considering the new businesses on the Tyrone Boulevard Frontage Road such as Hamburger Mary's and Budget Storage.

Concerns for safety and continuity in all forms underlie all the considerations the POD must make before approving a change to a grandfathered use. In addition to changes to traffic safety, the POD must analyze the adverse effects of delivery activity, odors, and noise of the new use. *See* § 16.60.030.7(2). Previously, the convenience stores operating out of 7097 30<sup>th</sup> Avenue North posed little to no deleterious effects on the surrounding neighborhood. Deliveries were regular; there were no malodorous aromas emanating from the prepackaged, non-perishable food items sold there; and the one or two customers present in the store at a time hardly created any sound nuisance. The proposed restaurant use, on the other hand, creates quite a different scenario.

First, as to deliveries, it is not clear the level of business Ms. Prather will be doing on a daily basis. Will she need daily deliveries of the (most often perishable) ingredients to be used in her cooking classes? Will she be expecting to fill a large order of doughnuts for a company's breakfast meeting she will be catering bright and early one morning? Or, with regards to noise levels, will she need to add another machine to keep up with the demand for her espresso, or will she venture into juicing, the equipment for which is hardly silent? These examples may seem weak, as they are merely hypothetical at this stage in Ms. Prather's business plan. But, in fact, the unknown qualities of Ms. Prather's proposed business only leave us able to speculate. And the question of whether to change the use of a property should not rest solely on speculation.

A safety consideration unique to the discussion of a restaurant is the disposal of waste and the resultant problems. One component of Ms. Prather's multi-faceted business proposal is the operation of a cooking instruction class. As anyone who has watched an episode of *Top Chef* can attest, cooking demonstrations create an inordinate amount of waste. There is the refuse from multiple chefs to dispose of, not to mention multiple students' mistakes. Such refuse will be stored in a dumpster that directly abuts a single-family home and backyard. Will the rotting vegetables and meat sit, cooking or baking in

their own way in the Florida summer? Or will Ms. Prather kindly be arranging for multiple trash collections, thereby increasing the number of days on which residents are abruptly awoken by the garbage truck?

In the same vein, what will happen to all the grease Ms. Prather will be creating to make her treats or the oil that her students will be using to attempt to emulate Ms. Prather's reputed mastery? In the floor plan attached to the application for use change, it appears a 10-burner range will be installed next to a three-foot-wide griddle. Surely, with such plans, Ms. Prather expects to be using more oil and creating more grease than any of her immediate neighbors do in their single-family homes. A grease fire is the most common cause of a restaurant to come down. (Well, second only to a bad review.) The probability of a grease fire starting in Ms. Prather's kitchen poses an unnecessary and potentially deadly risk to the families in the homes immediately surrounding the subject property. Such a risk cannot be a perpetual concern for those families so that Ms. Prather can follow her singular dream of owning a bakery/café/restaurant/catering business/take out business/cooking instructional facility at this very specific property.

Another problem unique to the operation of a restaurant is the problem of rats and other vermin coming out of the woodwork, attracted to the stench of rotting food waste. This one is simple to explain. Rats are nuisances. Rats carry fleas. Rats and their fleas carry diseases. Fleas (and, at times, rats) feed on pets. Pets live in homes that often have children. Pets, infested with disease from rats attracted to excessive, non-consumer levels of food waste, can pass these diseases on to the children with whom they live. The easiest way to prevent this logical sequence: do not allow places with excessive, non-consumer levels of food waste to operate next to homes with pets and children.

Approval of the requested change of use will create a significant violation of privacy to the single family home(s) which abut this property by the traffic that will take place behind the building. This includes, but is not limited to, staff breaks, numerous trips to the dumpster and deliveries.

As outlined above, it is clear that Ms. Prather's request, made through her proposed property manager, should not be approved. What makes a grandfathered use unique is that, while it is technically an unlawful use of a property, it is a permitted use because the use is otherwise compatible with the zoning of the surrounding area. Section 16.60.030.1(C). The danger of approving a request for a grandfathered use is that it opens the door for any such use in the indeterminate future, regardless of its damage to the surrounding community, based solely on the current application. This damage includes the negative impact on the current residential property values. The proposed use of the property at 7097 30<sup>th</sup> Avenue North as a restaurant is simply incompatible with the character of the residential neighborhood in which it sits, as a restaurant – any restaurant – is neither safe nor desirable at that location.

With all of the neighborhoods throughout the city available to the residents, it is not an accident they chose the area of Jungle Terrace in which they currently live. They did not choose downtown. They did not choose any other mixed-use neighborhood. Not only would the use of the property as a restaurant be incompatible here, it would be dangerous. And it should not be permitted. Residents of the immediate area chose a quiet and safe neighborhood for themselves and their families. And they would like to keep it that way. Accordingly, we ask that this Commission reevaluate the subject application and deny it outright. In the event the Commission does not outright deny the application, we ask that it

provides the appellant any feasibility studies and all other studies, applications, business plans, floor plans upon which the Commission has relied to arrive at its intention to approve the subject request, and allow the appellant an opportunity to review the documents and amend its appeal accordingly within a reasonable period of time.

**Additional respondents:**

**Aimee & Jeffrey Burke**  
3074 70<sup>th</sup> Lane North  
St. Petersburg, FL 33710

**Jody Michalec**  
3066 70<sup>th</sup> Lane North  
St. Petersburg, FL 33710

**Christopher & Linda Pallini**  
3090 70<sup>th</sup> Lane North  
St. Petersburg, FL 33710

**Peggy McClung**  
3025 70<sup>th</sup> Lane North  
St. Petersburg, FL 33710



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

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

---

**SITE PLAN REVIEW  
PUBLIC HEARING**

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **May 3, 2017, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

**CASE NO.:** 17-31000002 **PLAT SHEET:** D-54

**REQUEST:** Approval of a modification to a previously approved site plan for a mixed-use project (SPR #08-31000023) to remove commercial component and allow construction of an additional 54 multi-family residential units, utilizing Transferable of Development Rights.

**OWNER:** St. Tropez Investments, LLC  
1141Abbeys Way  
Tampa, Florida 33602-5958

**ARCHITECT:** John Bodziak  
2325 Ulmerton Road #21  
Clearwater, Florida 33762

**ADDRESS and  
PARCEL ID NOS.:** 10491 Gandy Boulevard North; 17-30-17-18270-000-0012 & 0013

**LEGAL DESCRIPTION:** On File

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

**SITE AREA TOTAL:** 714,503 square feet or 16.4 acres

**GROSS FLOOR AREA:**

Existing:	325,589 square feet	0.46 F.A.R.
Proposed:	427,589 square feet	0.60 F.A.R.
Permitted:	N/A	

**BUILDING COVERAGE:**

Existing:	116,501 square feet	16% of Site MOL
Proposed:	149,889 square feet	21% of Site MOL
Permitted:	N/A	

**IMPERVIOUS SURFACE:**

Existing:	298,320 square feet	42% of Site MOL
Proposed:	383,600 square feet	54% of Site MOL
Permitted:	543,047 square feet	76% of Site MOL

**OPEN GREEN SPACE:**

Existing:	416,183 square feet	58% of Site MOL
Proposed:	330,903 square feet	46% of Site MOL

**PAVING COVERAGE:**

Existing:	181,819 square feet	25% of Site MOL
Proposed:	233,711 square feet	33% of Site MOL

**PARKING:**

Existing:	744; including 13 handicapped spaces
Proposed:	844; including 17 handicapped spaces
Required	718; including 17 handicapped spaces

**BUILDING HEIGHT:**

Existing:	48 feet
Proposed:	48 feet
Permitted:	48 feet

**APPLICATION REVIEW:**

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.70.040.1.4 of the Municipal Code for a development with an excess of 60 dwelling units and a request for transfer of development rights.

II. **DISCUSSION AND RECOMMENDATIONS:**

**The Request:**

The applicant seeks approval of a modification to a previously approved site plan for a mixed-use project to remove the commercial component and allow construction of an additional 54 multi-family residential units, utilizing Transferable of Development Rights. The subject property is located on the north side of Gandy Boulevard North, west of Brighton Bay Boulevard Northeast.

**Current Proposal:**

The site is currently developed with 295 dwelling units in three buildings. The applicant proposes to eliminate 16,700 square feet of retail space and 33,300 square feet of office space that was previously approved, but never constructed and construct 54-dwelling units.

As illustrated by the site plan, the 54-dwelling units will be housed in a 3-story building located at the southwest corner of the subject property.

The entrance road leading into the development will not be altered. The applicant proposes to located parking on the south side of the existing entrance drive and around the east, north and west sides of the 3-story building. The applicant proposes a sidewalk around the east, north and west sides. The proposed sidewalks will need to connect to the existing sidewalks in the development. A condition has been added to this report. Two dumpster enclosures are proposed to serve the new development. The site plan identifies a second freestanding sign, the sign is proposed on the east side of the entrance drive. This sign is not allowed by code. There is an existing freestanding sign that was designed to accommodate both the residential and commercial signage for the development. Any additional signage will need to be incorporated on the existing freestanding sign.

The proposed 3-story building will have an art deco style of architecture. This style of architecture is define by using rectangular forms, decorative motifs, and vertically oriented architectural elements. The proposed building incorporates these features. The building is finished with stucco and the walkways will have metal railings. The southern façade, which faces Gandy Boulevard is an entirely blank facade. This façade will need to incorporate glazing to comply with the CCS-1 design regulations. A condition of approval has been added to this report to address this concern.

#### Transfer of Development Rights

A property owner who utilizes transfer of development rights must receive approval of a site plan by the Development Review Commission (DRC) before the transfer of development rights can occur. The applicant is seeking to transfer 54 units to the subject property. The city code allows the transfer of nine (9) units per acre to the CCS-1 zoning district. Based on the size of the CCS-1 zoned portion of the property, this will allow the transfer of 95 units. The DRC is responsible to review the proposed site plan modification and transfer of development rights for any possible adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility.

#### Public Comments:

No comments or concerns were expressed at the time this report was prepared.

### **III. RECOMMENDATION:**

#### **A. Staff recommends APPROVAL of the following:**

1. Transfer of Development Rights; and
2. The modified site plan, subject to the Special Conditions of Approval.

#### **B. SPECIAL CONDITIONS OF APPROVAL:**

1. The applicant shall submit the original signed Transfer of Development Rights certificate equal to 54 development credits at the time of submission for any building permits.
2. The site plan shall be revised as follows:
  - a) The proposed sidewalks around the perimeter of the new 3-story building shall connect to the existing sidewalks in the existing development.
  - b) Crosswalks shall be delineated with a different pavement material or color from the vehicular pavement material;

- c) Pedestrian scale lighting shall be installed in or adjacent to all sidewalks, except the sidewalk along Gandy Boulevard North.
3. The site plan and building elevations shall be revised as necessary to comply with the building design criteria for the CCS-1.
4. The dumpster(s) shall be located in a concrete block dumpster enclosure with opaque gates. The enclosure shall be finished to match the building.
5. The plans shall comply with Section 16.40.070 Lighting.
6. The plans shall comply with Section 16.40.090.4 Bicycle Parking.
7. The plans shall comply with Section 16.40.120.
8. The plans shall comply with the email from the City's Transportation Department that is dated April 19, 2017.
9. The plans shall comply with the memorandum from the City's Engineering Department that is dated April 18, 2017.
10. This Site Plan approval shall be valid through May 3, 2020. Substantial construction shall commence prior to this expiration date, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

#### **B. STANDARD CONDITIONS OF APPROVAL**

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

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

##### **Building Code Requirements:**

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

##### **Zoning/Planning Requirements:**

1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.

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

**Engineering Requirements:**

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

**Landscaping Requirements:**

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

The land uses of the surrounding properties are:

North:	<b>Residential Urban/Preservation</b>
South:	<b>Commercial General/Commercial Recreation</b>
East:	<b>Commercial General/Preservation</b>
West:	<b>Residential Medium</b>

---

REPORT PREPARED BY:

*Corey Malyszka*

---

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

*4/25/17*  
DATE

REPORT APPROVED BY:

*Elizabeth Abernethy*

---

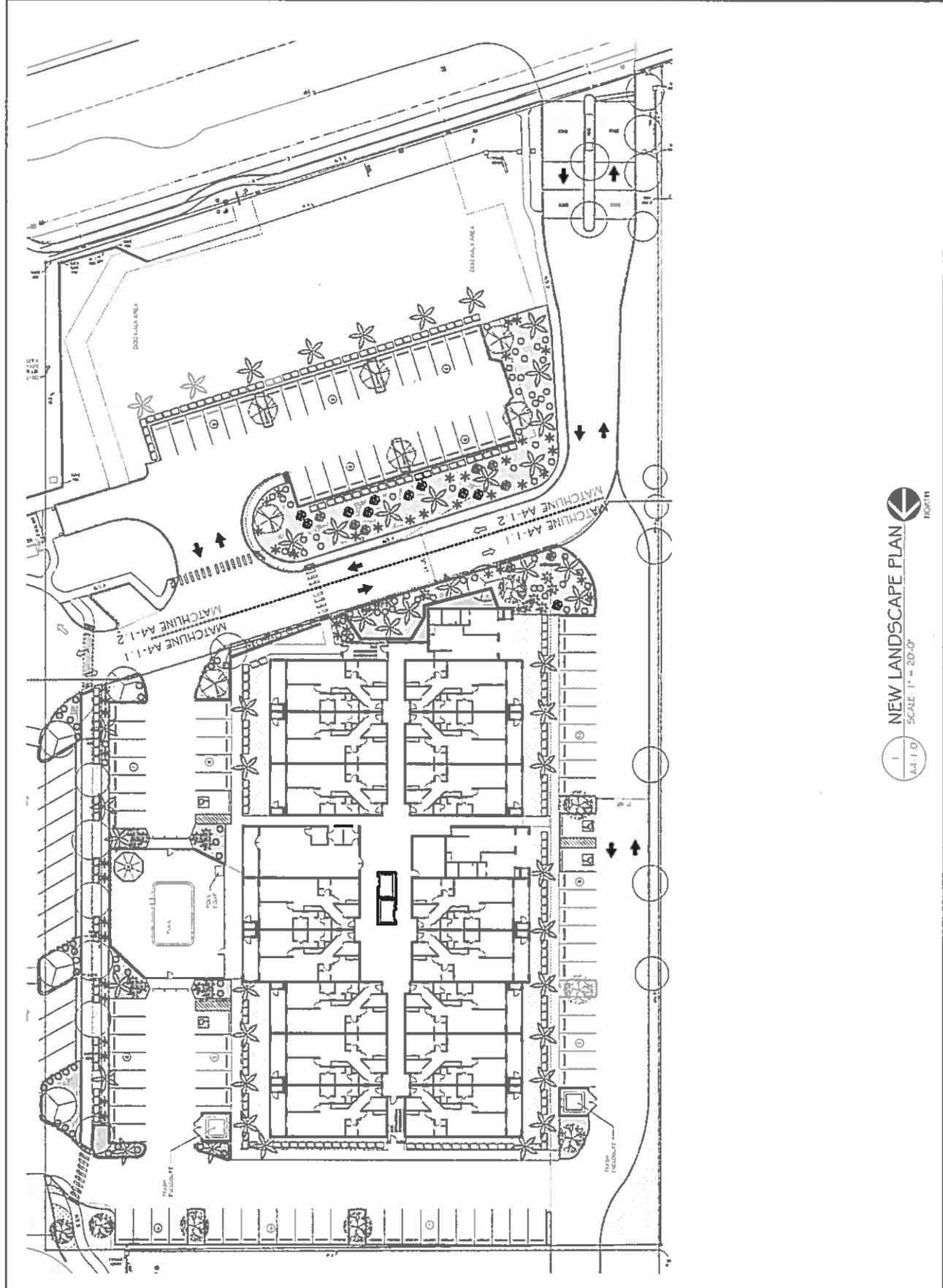
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)  
Planning and Economic Development  
Development Review Services Division

*4-26-17*  
DATE

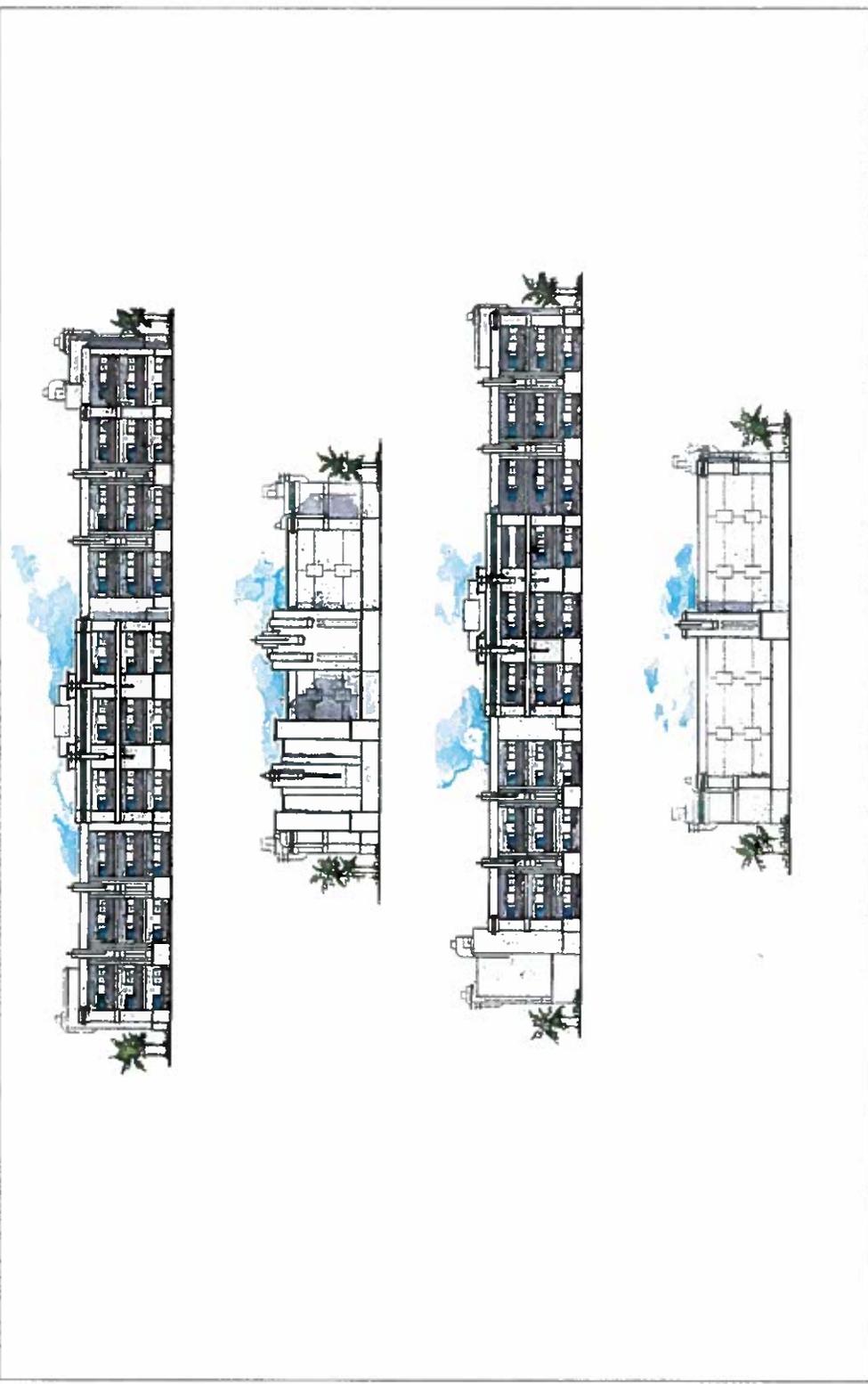


City of St. Petersburg, Florida  
Development Review Services  
Case No.: 17-31000002  
Address: 10491 Gandy Boulevard North





1  
A-5.1.2  
RENDERED DRAWING  
SCALE: NONE



**JOHN A. BODZIAK**  
ARCHITECT, M.A., P.A.  
1000 N. W. 10th St., Suite 1000  
Fort Lauderdale, FL 33304  
Phone: 754.561.1234  
Fax: 754.561.1235  
www.jabodziak.com

NOUVEAU APARTMENTS  
1000 N. W. 10th St., Suite 1000  
Fort Lauderdale, FL 33304  
RENDERED DRAWING

87 THOMAS  
CORPORATION  
1000 N. W. 10th St., Suite 1000  
Fort Lauderdale, FL 33304

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT

A5-1.2

## **Pamela Jones**

---

**From:** Thomas M Whalen  
**Sent:** Wednesday, April 19, 2017 9:17 AM  
**To:** Pamela Jones; Corey D. Malyszka  
**Cc:** Michael J. Frederick; Kyle Simpson; Nancy Davis  
**Subject:** RE: Comments due 4/18 - Case No. 17-31000002 - 10491 Gandy Boulevard North

The Transportation and Parking Management Department has reviewed the proposed site plan modification. The proposed change from office and retail to multifamily residential is projected to result in fewer PM peak hour trips on the road network than the previously approved site plan, so we do not have a concern about the traffic impact. The applicant meets the code requirements for vehicle parking spaces, but needs to provide at least 54 long-term and four short-term bicycle parking spaces to meet the code requirements for bicycle parking. We did not see bicycle parking on the site plan.

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

**From:** Pamela Jones  
**Sent:** Tuesday, March 28, 2017 10:30 AM  
**To:** Jill S. Wells; Kelly A. Donnelly; Kirsten J. Corcoran; Kyle Simpson; Mark Riedmueller; Michael J. Frederick; Nancy Davis; Richard F Kowalczyk; Thomas M Whalen  
**Cc:** Corey D. Malyszka  
**Subject:** Comments due 4/18 - Case No. 17-31000002 - 10491 Gandy Boulevard North

Good morning,  
Would you all please review the attached and return your comments to me by April 18<sup>th</sup>. The applicant is seeking approval of a modification to a previously approved site plan for a mixed-use project (SPR #08-31000023) to remove commercial component and allow construction of an additional 54 multi-family residential units, utilizing transferable development rights.

Thank you,

Pamela Jones  
Administrative Clerk, Development Review Services  
City of St. Petersburg  
One 4th Street North, PO Box 2842  
St. Petersburg, FL 33731-2842  
Office (727) 892-5498/Fax (727) 892-5557  
[Pamela.Jones@stpete.org](mailto:Pamela.Jones@stpete.org)

MEMORANDUM  
CITY OF ST. PETERSBURG  
ENGINEERING DEPARTMENT

---

**TO:** Barbara Race, Development Services Department  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** April 18, 2017  
**SUBJECT:** Site Plan Review  
**FILE:** 17-31000002



---

**LOCATION:** 10491 Gandy Boulevard North  
**PIN:** 17/30/17/18270/000/0012, 0013  
**ATLAS:** D-54

**PROJECT:** 54 unit Apartment Homes  
(formally Gandy Apartment Homes application #07-31000045 and Tortuga Point Apartments application #08-31000023)

**REQUEST:** Approval of a site plan modification to a previously approved site plan for a mixed use project SPR 08-31000023 to remove commercial component and allow construction of an additional 54 unit multi-family residential unit apartments, utilizing Transferable Development Rights.

**SPECIAL CONDITIONS OF APPROVAL:** The Engineering Department has no objection to the proposed Site Plan modification.

1. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance to address any increase in design flow which may result from the changes to the site plan and increase in density. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). *If an increase in flow of over 1000 gpd is proposed*, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the proposed civil utility connection plan, 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public conveyance system is found insufficient, the conveyance system must be upgraded to provide adequate capacity and condition. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from a proposed service or an increase in projected flow) as required to provide connection to a public collection system of

adequate capacity and condition, shall be performed by and at the sole expense of the applicant.

**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](mailto:kelly.donnelly@stpete.org). All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

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

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

Development and redevelopment shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

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.

Per land development code 16.40.140.4.6 (9), habitable floor elevations for commercial projects must be set per building code requirements to at least one foot above the FEMA elevation. Habitable floor elevations for projects subject to compliance with the Florida Building Code, Residential, shall be set per building code requirements to at least two feet above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

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

NED/MJR/sks

pc: Kelly Donnelly  
Reading File  
Correspondence File  
SUBDIV FILE: Corrigan Survey