This is a City-initiated application for review by the Development Review Commission (“DRC”) in its capacity as the Land Development Regulation Commission (“LDRC”). Staff requests that the LDRC make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the following text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”).

The purpose of this text amendment application is to update the Downtown Center (“DC”) Zoning District regulations in several ways that will improve the quality of development in the Downtown Center and further progress toward priority community objectives, including economic development, affordable workforce housing, advancing sustainability initiatives, improving the pedestrian experience, and expanding public art.

**APPLICANT INFORMATION**

**APPLICANT:** City of St. Petersburg  
275 5th Street North  
St. Petersburg, Florida 33701

**CONTACT:** Jennifer Bryla, Zoning Official, Development Review Services Manager  
Planning and Development Services Department  
One – 4th Street North  
St. Petersburg, Florida 33711  
Jennifer.Bryla@stpete.org  
(727) 892-5344

**COMMISSION AUTHORITY**

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.
CITY COUNCIL COMMITTEE INPUT AND REVIEW

On February 28, 2019, the Housing Land Use and Transportation Committee (HLUT) directed staff to amend the FAR bonus provisions, to prioritize the Workforce Housing bonus and to amend the Workforce Housing bonus payment-in lieu fee. Staff presented to the HLUT committee on April 25th and the HLUT committee is scheduled to discuss this item in full at their September 26, 2019 meeting.

DEVELOPMENT REVIEW COMMISSION

A workshop was held before the Development Review Commission on September 4, 2019. The commissioners expressed concern that developers would be required to provide workforce housing and about limiting the use of other bonuses that contributed to the project (e.g. public art, screening of the garage, etc).

STAFF ANALYSIS

Background
The current Downtown Center (“DC”) zoning district regulations were adopted as part of the 2007 Land Development Regulation (LDR) rewrite and have not be substantially amended since. There are five DC Districts; DC-Core, DC-1, DC-2, DC-3 and DC-P (map attached). All, except DC-P, are intense, mixed-use, urban districts intended to facilitate the development of a vibrant urban center. DC-P was created specifically to apply to downtown park resources. DC-Core and DC-1 are the most supportive of mixed-use commercial development while DC-2 is oriented toward mixed-use residential development. DC-3 is the Beach Drive and waterfront zoning district and has use, design and intensity standards to promote pedestrian vibrancy and ensure compatibility with the Downtown Waterfront Park system.

At the direction of the administration and City Council, staff has prioritized all initiatives related to affordable housing. This effort is one of three packages of LDR amendments scheduled for adoption this year. The first package which reduced multifamily parking requirements, allows accessory dwelling units (ADUs) on smaller lots and design modifications for affordable homes to reduce cost of construction was adopted on September 5, 2019. The package related to establishment of a new zoning classification, Neighborhood Traditional Mixed Residential (NTM), to allow a variety of housing types generally known as the “Missing Middle” such as duplex, quadraplex, townhomes, cottage or tiny home projects along select Major street segments, with a primary focus on the BRT corridor is currently under review. Due to the expedited timeline, this review of downtown zoning regulations will be a targeted effort to consider modifications to three specific areas of the downtown center code: FAR Bonus; Design standards; and Transportation/Parking standards. Changes also incorporate recommendations from the Integrated Sustainability Action Plan and Complete Streets Implementation Plan. A number of non-substantive, code clarification type items have also been included in the package.

StPete2050
Staff is holding in abeyance DC amendment discussions related to base, streamline, public hearing and maximum development potential FARs until after the StPete2050 process is concluded so that the entire community can weigh-in on the discussions.

Public Participation
Following the February HLUT committee, staff scheduled a series of public meetings at the Greenhouse that targeted downtown stakeholders, including resident and business groups, developers and architects. A total of
four meetings were conducted including a kick-off introductory meeting (11 attendees), two issue focused meetings and a final meeting to review changes to preliminary draft code language.

As a part of the review process, broad survey questions were asked of attendees at both focus meetings to understand priorities and preferences related to specific issues. The Focus Meeting #1 survey asked attendees (16 attendees) to rank current FAR exemptions and bonuses from most to least important. Workforce housing and historic preservation related exemptions and bonuses were ranked as the highest priorities.

The Focus Meeting #2 exercise asked attendees (15 attendees) to respond to questions about design, parking, height and construction impact issues. Strong support was given to expanding curb cut requirements, eliminating drive-thrus, requiring bulb-outs at cross walks, requiring a minimum of 6’ clear paths along sidewalks, allowing partial overhead coverage of the required 5% open space, allowing additional height on the Tropicana Site, not allowing additional height in the EDGE District and requiring construction mitigation plans prior to permit issuance. The results of the two exercises and other meeting notes are included in the attached Public Participation Documents.

Amendment Components
The primary components of the attached amendment package are described below.

Use Permissions and Parking Requirements Matrix
Drive–thrus of all kinds are changed from a special exception use in the DC-1 and DC-2 Districts to a non-conforming use. This change eliminates drive-thrus as an allowable use from all downtown center zoning districts and will assist in creating a pedestrian friendly environment.

Minimum parking requirements for Café, Neighborhood Scale, Drug Store and Pharmacy, Microbrewery, Restaurants and Bars, Indoor and Outdoor, Retail Sales and Service, Retail Neighborhood Scale, Service Establishments and Personal Service uses are proposed to be reduced by 50% to promote these uses. This reduction is not expected to significantly impact parking needs and is offset by continued expansion of public parking on-street and in garages (public and private) and shared parking efficiencies.

Purpose and Intent of the Downtown Center
New language is proposed to clarify the desired character of the Downtown Center. This language is a new addition since the DRC’s September workshop. The language is intended to assist with understanding and defining “compatibility” in the context of the Downtown Center.

Streetscape Requirement Map
The Streetscape Requirement Map identifies the “A” and “B” streets. “A” and “B” streets are assigned specified levels of streetscape and active street level use requirements for the purpose of enhancing downtown’s vibrancy and pedestrian experience. Additional “B” level street designations are proposed for all of 8th Street, and portions of 2nd Ave South, and 3rd, 2nd and 1st Streets, as shown on the proposed map.

Standards for Pedestrian Level “A” and “B” Streets
Modifications are proposed to the existing standards to ensure more active and publicly accessible uses are provided at the street level to meet the intent of creating a vibrant Downtown Center. Residential support activities such as fitness centers and leasing offices will no longer qualify as pedestrian oriented uses for compliance with the 75% requirement on Level “A” Streets. Level “B” Streets active use standards are additionally modified to be consistent with the Level “A” language and to specify a minimum of 20% linear building frontage to be occupied by such active uses. Language is also added to provide flexibility from the Plaza Parkway Design Guidelines, provided the proposed streetscape design is consistent with another City approved plan or is equivalent in quality to Plaza Parkway. Staff intends, as time and resources allow, to
Floor Area Ratio (FAR) Exemptions

FAR exemptions provide incentives to promote development of certain desired uses and urban design features. Several changes are proposed to the FAR exemptions and are primarily intended to promote workforce housing, office development and pedestrian level active uses.

FAR Bonuses

A primary driver of the DC update is the desire to update the DC bonus FAR program to prioritize Workforce Housing. Bonus FAR allows the developer to build more square feet on a property provided the requirements of the bonus provisions are met. Proposed is a major overhaul of the program that increases the emphasis on workforce housing and provides new FAR options related to sustainable building practices (LEED certification at silver or gold levels) and affordable commercial space. Other changes include eliminating the previously unused and awkward downtown mass transit bonus, changing the public art bonus to a requirement/optional pay-in-lieu fee (further detailed later in this report), and changing some design related bonuses to mandatory requirements (e.g. screening parking garages).

Workforce housing is emphasized by increasing its priority (first 1.0 FAR for all bonus requests except on historic landmark properties), and increasing the amount of the pay-in-lieu fee option from 0.25% of construction cost per 0.5 FAR to 0.50% construction cost per 0.5 FAR. The combination of these two changes significantly increase the opportunity for workforce housing revenues as shown in the following table.
The current pay-in-lieu option has generated $40,138 from completed projects for workforce housing programs, and an additional $506,250 in potential revenue from pending projects that have not been constructed.

If the proposed pay-in-lieu option had been in place since 2007, $3,218,567 would have been generated from completed projects and $7,719,414 could be generated from pending projects. The proposed pay-in-lieu would have increased the construction costs of completed projects by 0.80% and approved projects by 0.98%. Total construction value for completed and pending projects that have used the bonus FAR program since 2007 is $399,944,228 and $787,379,115 respectively. This analysis demonstrates an opportunity lost. Future workforce housing pay-in-lieu revenues would be dependent upon development activity. In addition, for projects that choose the build option, the qualifying income for workforce units is proposed to be reduced from 150% of median income to 120% of median income, consistent with recent changes to Chapter 17.5.

For projects that include on-site locally landmarked historic properties, a listing in the National Register Historic of Places, or a contributing resource to a local historic district or a National Register of Historic Places district, the first 0.5 bonus FAR would be for historic preservation. The next 1.0 FAR bonus, if requested, would be for workforce housing. For projects that require a public hearing for FAR bonuses, the first 0.5 bonus FAR would be for historic preservation.

**Height**

Amendments to the Maximum Building Heights map would increase the base height on the blocks west of Dr. Martin Luther King Jr. Street and south of 1st Avenue South, which includes the Tropicana Field site, from 125-feet to 300-feet (see proposed map height map in the draft amendments). The streamline height range would be changed from 125 feet – 150 feet to 300 feet - 375 feet and the public hearing level height would be increased from 150 feet – 200 feet to above 375 feet. These changes are proposed to allow development of the Tropicana Site Master Plan and do not include the EDGE District properties in the Central Avenue Corridor. This is consistent with feedback provided from stakeholders to maintain the current height limits for the EDGE District.

**Ground Level Open Space**

Proposed changes to ground level open space standards would allow up to 50% of the required open space to be covered by architectural features, such as balconies and awnings, at a minimum height of 12-feet above grade and expand the open space pay-in-lieu option to include DC-2 and DC-3.

**Design**

In accordance with the Complete Streets Implementation Plan, changes proposed include identifying when public sidewalk neck-outs would be required for installation by the developer and clarifying and consolidating vehicle connection standards for curb cuts and access to parking. Other design changes include clarification that parking garages have an architectural style that matches the principal building, requiring that above ground utility and service features shall be located on private property.

**Public Art**

Public art, currently offered as an optional FAR bonus, is proposed to become a mandatory development requirement for all new construction and building additions. Compliance could be attained by installing a visually accessible piece of public art valued at a minimum of 0.50% of project construction costs, up to $100,000. In-lieu of installing the public art, a developer could elect to pay into the downtown public art program 0.25% of the project’s construction costs, up to $50,000.

**Building Construction**
This is a new section that would require a “Construction Action Plan” for a project that required site plan review. The Action Plan would address mitigation of construction impacts related to construction staging, pedestrian and bicycle connections, construction worker parking, closing of streets and sidewalks, and a business/neighbor communication plan.

**Parking and Loading Design**

The distance allowance for providing off-site parking in the downtown area to meet a project’s minimum parking requirement is expanded from 300 feet to 1,000 feet. Compact parking would now be allowed for residential projects in addition to commercial projects.

**Parking Garages – EV Facilities**

A new section is proposed that would require a minimum portion of parking spaces to provide varying levels of EV charging capabilities. This requirement would apply to all parking garages, *citywide*, as follows:

1. Electric Vehicle (EV) parking spaces. For residential use parking spaces, a minimum of fifteen percent (15%) shall be EV-Ready (install electric panel with a dedicated brand circuit and a continuous raceway from the panel to the future EV parking spot) and two percent (2%) shall be EVSE-Ready (electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet). For all other uses, a minimum of twenty percent (20%) shall be EV-Ready and two percent (2%) shall be EVSE-Installed (Level 2 EV charging station).

This requirement begins to address the current and expected future demands for EV charging capabilities in residential and commercial facilities, as identified in the Integrated Sustainability Action Plan (ISAP).

**Sidewalk Cafés**

Current sidewalk café standards require a minimum 4’ unobstructed pedestrian path. Staff, when permitting sidewalk cafes, has routinely been requiring a 6’ path to accommodate the high levels of pedestrian traffic at café locations. The request is to make the minimum path width 6 feet. This change would generally reflect actual practice and better address actual minimum pedestrian access needs around and through sidewalk cafes. The new minimum requirement would be implemented during the annual sidewalk cafes permit renewal process. Staff will provide advance notice to existing sidewalk café permit holders of the new minimum requirement.

**Sidewalks**

New language would clarify that the minimum sidewalk in DC areas can be reduced from 10-feet to 8-feet for no more than 50% of a linear frontage to allow installation of landscape features and street furniture. This allows for installation of additional landscaping that improves the pedestrian environment without significantly reducing pedestrian access.

**Consistency and Compatibility (with Comprehensive Plan)**

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposal:

**Vision Element**

V1.1 Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

**Downtown Recommendations:**

- **Protect and enhance the unique character of the downtown** including the waterfront parks system, and wide pedestrian oriented streets.
• **Encourage mixed use projects** which provide appropriate densities, buildings with continuous street edges and share amenities such as parking.

• **Streets should be lively, active, pedestrian oriented, safe and clean.**

• **There should be a variety of transit opportunities** including pedestrians, trolleys, taxies, bikes and vehicles.

• **Surface parking lots should be encouraged to be redeveloped** with urban style buildings. Encourage shared parking in well designed structures featuring retail and other pedestrian activities on the first floor.

• **Civic uses should be reinforced,** protected and expanded and should be available to all members of the community.

• **Preserve noteworthy buildings** through renovation and adaptive reuse.

• **Where existing buildings are replaced, quality redevelopment shall** occur which is consistent with the context of St. Petersburg. Architecture which is generic or utilitarian should be discouraged.

• **Evaluate existing redevelopment plans** to reflect desired community form and development potential.

**Future Land Use Element**

**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.

**Policies:**

**LU2.1** To facilitate compact urban development the City shall adopt the following activity centers as part of this Land Use Plan:

1. Intown

**LU2.2** The City shall concentrate growth in the designated Activity Centers and prioritize infrastructure improvements to service demand in those areas.

**LU2.3** To attract large scale quality development and assure the proper coordination, programming and timing of City services in the activity centers the City shall continue to develop, evaluate and implement appropriate activity center development incentives.

**OBJECTIVE LU3:**
The Future Land Use Map (Map 2) shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density and intensity of development and redevelopment. All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio.

**Policies:**

**B. Commercial and Mixed Use Categories**

3. **Central Business District (CBD)** - Allowing a mixture of higher intensity retail, office, industrial, service, public school and residential uses up to a floor area ratio of 4.0 and a net residential density not to exceed the maximum allowable in the land development regulations (LDRs). In accordance with the LDRs, increased floor area ratios may be permitted as a bonus or as an exemption for developments that provide additional amenities or other improvements that achieve CBD design and development objectives. When taken together, the base FAR, bonuses and exemptions may exceed 4.0 FAR. Application of this category is limited to the Intown Sector. This category shall not be applied without development of, and CPA approval of, a special area plan.
E. Special Designations

3. Activity Center (AC) Overlay - Overlaying the future land use designations in those areas, not less than 50 acres in size, with concentrated commercial and mixed-use centers suited to a more intensive and integrated pattern of development. The maximum densities and intensities shall not exceed 2.5 times that permitted in the underlying land use plan category and zoning district except for the Downtown Center (DC) zoning districts which shall not exceed the maximum densities and intensities allowed therein. This category shall not be applied without development of, and CPA approval of a special area plan.

LU19.2 Land use patterns that impair the efficient functioning of transportation facilities shall be avoided through:
1. implementation of land development regulations that provide for site planning practices that limit curb cuts, provide for common access points and ensure safe and convenient on-site traffic circulation without adversely affecting the operational integrity of adjacent roadways;
2. locating higher intensity uses where transportation facilities can provide efficient access.

OBJECTIVE LU21:
The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy:
LU21.1 The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

OBJECTIVE LU22:
The City shall implement fiscally and environmentally sound energy conservation and GHG reduction strategies through the LDRs and the Comprehensive Plan.

Policies:
LU22.2 The City shall encourage “green” construction practices.

OBJECTIVE LU23:
The City shall support sustainable land development patterns through the LDRs and the Comprehensive Plan.

Policies:
LU23.1 The City’s development review policies and procedures shall continue to integrate land use and transportation planning so that land development patterns support mobility choices and reduced trip lengths.
LU23.2 The City’s development review policies and procedures shall acknowledge the GHG emission reduction impacts of higher density development and the negative impacts of sprawling, low-density development.
LU23.3 The City’s LDRs shall continue to support greater development intensity within the Corridor and Center zoning districts, particularly where located along fixed transit lines and around transit stops and stations.
LU23.4 The City’s LDRs shall continue to support land development patterns that make possible a mixture of land use types resulting in employment, schools, services, shopping and other amenities located near residential development and neighborhoods. The City’s mixed-use categories include:

DC: Downtown Center

OBJECTIVE LU26:
The City’s LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

Transportation Element
OBJECTIVE T3:
The City shall develop and maintain a multi-modal transportation system that increases mobility for bicyclists, pedestrians and transit users as well as motorists and users of aviation and rail facilities, and that promotes development patterns that reduce vehicle miles traveled and greenhouse gas emissions.

T10.1 The City shall support variances or code amendments for minimum parking standards where it can be demonstrated that the parking demand will be reduced through walking, bicycling, ridesharing, transit use and shared parking. Parking space reduction variances will not be supported if overflow parking in residential areas is likely to occur.

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

H3.20 The City shall offer density bonuses to developers who include on-site housing for extremely low, very low, low, and moderate-income households, within mixed income developments that include housing priced at market rate.

PROPOSED TEXT AMENDMENTS

The Draft ordinance, in strike thru and underline format, is attached.

Attached: Proposed amendments to Chapter 16, including Downtown area DC zoning map
Public Participation Documents
Workforce Housing Bonus Development Comparison Table
HOUSING AFFORDABILITY IMPACT STATEMENT

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that increase the cost of housing construction, or of housing redevelopment, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. **Initiating Department:** Planning & Development Services Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2019-06).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

   No  ____  (No further explanation required.)

   Yes  X  Explanation:

   If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be:

   Construction costs for larger market rate projects should, generally, not be increased by more than 1.25% in the downtown area, if the project utilizes the full 1.0 pay-in-lieu workforce housing FAR bonus and pays the 0.25% public art fee. EV accommodations are not expected to significantly impact project costs.

   Affordable housing initiatives will benefit from the workforce housing FAR bonus fee, resulting in additional workforce housing construction opportunities citywide.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

   No  ____  (No further explanation required)

   Yes  X  Explanation:
IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

CHECK ONE:

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance will increase housing costs in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Elizabeth Abernethy, AICP
Director, Planning & Development Services

Date

Elizabeth Abernethy, AICP
Director, Planning & Development Services (signature)

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development
Section 16.10.020.1. - Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix of the St. Petersburg City Code is hereby amended to eliminate the minimum number of parking spaces required for the following uses: Café, Neighborhood Scale; Microbrewery; Restaurant and Bar, Brewpub; Restaurant and Bar, Indoor; Restaurant and Bar, Indoor and Outdoor; Retail Sales and Service; Retail Neighborhood Scale; Service Establishment; and Service, Personal.

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<td>Microbrewery</td>
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SECTION 16.20.120. - DOWNTOWN CENTER DISTRICTS ("DC")

16.20.120.1. - Introduction to the downtown center.

The downtown is the traditional gathering center of the City. Since its inception, it has been the regional center which attracts residents and visitors for recreation, socialization, shopping and business. It is also a vibrant residential neighborhood offering a variety of housing types and locations. The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape, with its grid street pattern, wide sidewalks and buildings at a typically two- to four-story scale along its sidewalks. Although high rise buildings, including those which occupy a full City block, have been added to the downtown, the high-rise building is the exception, and most maintain the pedestrian character at the sidewalk. The 100-foot wide rights-of-way have allowed ample room for both vehicles in the street travel lanes as well as on-street parking and pedestrian sidewalks. The pedestrian scale is a key asset in the downtown. Future development should recognize and reinforce the pedestrian scale by protecting the right-of-way, through selection and location of pedestrian-oriented businesses at the street level, and building articulation providing shade, gathering areas and visual interest.

16.20.120.2. - Purpose and intent.

The downtown has been an area of purposeful growth and transition for many years and continues to evolve into a vibrant urban scale, mixed-use, walkable district. The growth and transition has been guided by redevelopment plans and the land development regulations, and incentivized by strategic public investment in infrastructure, amenities and economic development. DC development regulations allow a variety of uses, building heights, and architectural styles that promote an eclectic and dynamic development pattern.

Development regulations for the downtown require the base of all buildings to create and maintain a strongly defined street edge, while allowing and encouraging larger and taller buildings to be constructed above and stepped back into the property. By reinforcing the street edges, providing active uses, concealing parking areas, and requiring streetscape improvements, vibrant activity will continue at the street level, which reinforces the unique pedestrian scale of the downtown.

16.20.120.3. - Introduction to the DC districts.

The downtown center districts are the DC-C, DC-1, DC-2, DC-3 and DC-P districts. The districts recognize the unique flavor of each area and scale down developments as they leave the intense core of the downtown and approach the neighborhoods to the north, south and west.

16.20.120.3.1. Downtown Center-Core (DC-C).

The Downtown Center-Core District is the most intensive district in the City's schedule of regulations. The purpose of this district is to create a diverse and vibrant downtown which serves as a center for employment, entertainment and retail activity. This district, hugging Central Avenue, allows the highest densities, intensities and building height. Development in this district provides appropriate pedestrian amenities, pedestrian linkages, ground level retail, and cultural activities. The design of buildings and streetscaping (both hardscape and landscape improvements) promotes a successful people-oriented downtown area as defined in the intown redevelopment plan. Residential uses are allowed as a secondary use within the district. Uses that do not require a central location or those requiring a vehicular emphasis are less appropriate in this location and are discouraged.

16.20.120.3.2. Downtown Center-1 (DC-1).

This district provides for intense mixed-use development which creates a strong mixture of uses that enhance and support the core. Office and other employment uses are highly encouraged. Development in this district provides appropriate pedestrian amenities, pedestrian linkages, ground level retail, and cultural activities. Buildings and streetscaping (both hardscape and landscape improvements) are
designed in a manner that promotes a successful people-oriented downtown area as exemplified and defined in the intown and intown west redevelopment plans.

16.20.120.3.3. Downtown Center-2 (DC-2).

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

16.20.120.3.4. Downtown Center-3 (DC-3).

This district encourages development of residential, offices, hotels, specialty retail and permitted mixed uses compatible with the waterfront area with special emphasis for pedestrian-oriented development at the street level. Additional setbacks above the base level of the building encourage an intimate village scale along Beach Drive. Taller buildings are required to step back from the waterfront park system.

16.20.120.3.5. Downtown Center-Park (DC-P).

This district denotes Williams Park, Mirror Lake, and the lands which are public parks, or development located within public parks, east of Beach Drive. In these areas, heights and development intensities will be limited and setbacks will be generous to maintain a sense of open space adjacent to the public spaces.

16.20.120.4. Approval process.

Development projects shall be reviewed using an approval procedure which is determined by the proposed intensity of the building. There are three approval procedures available throughout the downtown center (DC) districts:

1. Base approval.
2. Bonus approval, streamline.
3. Bonus approval, public hearing.

Base approval shall be allowed by right. Bonus approval, streamline, requires compliance with specific criteria, and bonus approval, public hearing, requires compliance with specific criteria and a public hearing. All approvals must evaluate the objective criteria set forth in this section, including but not limited to, allowable FAR (with bonuses and exemptions, if requested), height, and setbacks. Additionally, bonus approvals must also evaluate the site plan review criteria in these land development regulations.

16.20.120.4.1. Base approval.

The base approval is allowed by right without public notice or public hearing if the project complies with the enhanced street requirements, maximum building height, minimum building setbacks, minimum ground level open space, building design requirements and other applicable requirements without a variance.

16.20.120.4.2. Bonus approval, streamline.

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

The bonus approval, public hearing process reviews projects that exceed the limits of the bonus approval, streamline standards allowing for an increased FAR, building height, or both. To qualify, a project shall incorporate pre-described bonus provisions above and beyond those required for the bonus approval, streamline process. After all bonuses are utilized, additional criteria is placed upon the development which will also address the secondary impacts of the project, such as public transit and workforce housing.

16.20.120.4.4. Variances.

Variances to the maximum intensity may not be approved when another mechanism is available to obtain the approval of a project, e.g., FAR bonus provisions.

16.20.120.4.5. Demolition of Buildings.

A. Purpose. Vacant lots along certain streets within the DC-C, DC-1, DC-2, DC-3, or DC-P (DC zoning districts) are detrimental to the goal of promoting a pedestrian oriented downtown area. Vacant lots which are not maintained to certain minimum standards promote visual blight, property maintenance concerns and erosion of soil into the public stormwater management system. The purpose of this section is to minimize the creation of vacant land parcels and ensure the proper treatment and maintenance of any vacant parcels resulting from voluntary demolition within the DC zoning districts.

B. Definition(s). For the purposes of this section, the term "structure of general public interest" means the existing primary or principal building or buildings on any land parcel within the DC zoning districts. Accessory structures, structures over submerged land or structures within right-of-way are not included in this definition.

C. Issuance of demolition permit for a structure of general public interest (SGPI). A demolition permit may be issued for a SGPI, if a site plan has been approved, any pre-demolition conditions of the approval have been complied with and a complete application for building permits has been submitted. However, a demolition permit may be issued without meeting any of the foregoing requirements if the Building Official determines that a building is structurally unsafe.

D. Vacant lots resulting from demolition. Vacant lots created in the DC zoning district after September 8, 2011 shall be improved and maintained subject to the following standards:

1. *Sites not fronting A or B streets*. Vacant lots resulting from a demolished building within the DC zoning district not abutting the A or B streets as designated on the Streetscape Requirements Map shall comply with the following:

   a. *Fence requirements.* A fence shall surround the entire site.

      (1) Materials. All fences shall be constructed entirely of metal with a maximum opacity of 25 percent. Alternative fencing materials, such as wood or PVC, are prohibited.

      (2) Design and height. Fences shall be either vinyl-coated, chain-link or a decorative metal design. Chain-link fences shall be a minimum height of three feet, a maximum height of four feet. Decorative metal fences shall be a minimum height of three feet and maximum height of six feet.

   b. *Landscaping.*

      (1) The applicant shall submit a scaled plan showing the vacant lot layout, the proposed landscaping and irrigation, and the proposed maintenance plan which shall include provisions for trash removal, erosion management, and landscape maintenance.

      (2) Surface shall include grass or other living ground cover, in any combination, provided that the total site is covered. A five foot wide perimeter landscape buffer shall be provided along all streets which shall consist of a continuous row of
foundation landscaping and one shade tree for every 35 feet, or portion thereof, along the street. A corner landscape feature shall be provided at each street corner which shall be a minimum of 100 square feet and shall be densely planted with trees, low shrubs and ground cover to meet the planting standards provided in the landscaping and irrigation section.

(3) Irrigation shall be provided consistent with the applicable standards for such systems as described in this chapter.

2. Sites with frontage along A or B streets. Vacant lots abutting A or B streets as designated on the Streetscape Requirements Map resulting from a demolished building within the DC zoning district shall comply with the following:
   a. Fence requirements. All fences shall be decorative and shall be a minimum height of three feet and a maximum height of six feet. Required fences shall be of an "Open" design and shall not exceed the maximum opacity standard of 25 percent as defined in the fence regulations section.
   b. Landscaping. The landscaping standards for these sites shall be the same as the standards for sites not fronting A or B streets.

3. Permit and inspections required. A permit and inspections of the required improvements to the vacant lot are required.

4. Guarantee required. Prior to and as a condition of issuance of a demolition permit, the applicant shall furnish to the City a performance bond or an irrevocable and unconditional letter of credit, cash, or a combination thereof, or other instrument acceptable to the City, in the amount sufficient to insure that the requirements set forth in this section are met.

5. Recorded notice required. Prior to and as a condition of issuance of a demolition permit, the applicant shall execute and record in the public records a notice, which shall be provided by the City, identifying the required site improvements and associated conditions of approval.

6. Posted sign. A sign identifying a 24-hour contact person's name, address and telephone number for the site shall be posted on the site. The sign shall be designed in accordance with the standards of the City's sign regulations. Such person shall be the owner or site manager and shall have the authority to make decisions concerning the property.

E. Procedure if demolition permit is denied for a SGPI. If an application for a demolition permit within the DC zoning district is denied, the applicant may request an exemption according to the procedures and criteria provided under section 16.70.040.1.9 "Exemptions, Demolition of Structures of General Public Interest within DC and CCT-2 Zoning Districts."

F. For demolition applications involving designated historic landmarks or structures within designated local landmark historic districts, where demolition requires certificate of appropriateness (COA) approval, this section 16.20.120.4.5 shall not apply.
16.20.120.5. - Permitted uses and use regulations.

16.20.120.5.1. Permitted uses.

Uses in these districts shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements.

16.20.120.5.2. Use regulations.

<table>
<thead>
<tr>
<th></th>
<th>DC-C</th>
<th>DC-1</th>
<th>DC-2</th>
<th>DC-3</th>
<th>DC-P</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General use provisions based on approval process</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base approval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced street level requirements</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced street level requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum 75 percent gross s.f. residential or hotel uses</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced street level requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonus approval, streamline</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum 25 percent gross s.f. nonresidential</td>
<td>Minimum 5 percent gross s.f. nonresidential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All approvals are base approval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonus approval, public hearing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum 50 percent gross s.f. nonresidential</td>
<td>Minimum 25 percent gross s.f. nonresidential</td>
<td>SE required for nonresidential uses above 25 percent gross s.f.</td>
<td></td>
<td>Street level plus one story liner minimum at base</td>
<td></td>
</tr>
</tbody>
</table>

For purposes of this chart, the term "gross s.f." means the total floor area of all buildings on the site, including but not limited to the floor area of all parking spaces. Parking spaces dedicated for residential uses shall count towards the residential percentage and parking spaces dedicated for nonresidential uses shall count towards the nonresidential percentage.
*** NOTE: Replace first map with second map.
16.20.120.5.2.1. Pedestrian level "A" streets within DC-C and DC-1.

Developments abutting these streets shall provide nonresidential, pedestrian-oriented uses and hardscape and landscaping improvements consistent with the landscaping and hardscape standards established for downtown St. Petersburg by the City.

1. **Uses.** Appropriate nonresidential, pedestrian-oriented uses shall include, but not be limited to, retail sales, service establishments, museums, restaurants and bars, hotel lobbies, studios, and limited residential support activities (e.g., lobbies, fitness centers). Such pedestrian-oriented uses shall be incorporated into no less than 75 percent of the linear building frontage abutting all pedestrian level "A" Streets. Each of the pedestrian-oriented uses shall have a minimum average depth of 40 feet and shall meet all requirements of the design guidelines.

2. **Streetscape improvements.** The abutting public sidewalk shall be improved in compliance with the streetscape treatment plan identified in the Plaza Parkway Design Guidelines, a city approved plan, or an equivalent improvement as determined by the POD.

16.20.120.5.2.2. Pedestrian level "A" streets within DC-2.

Developments abutting these streets shall provide nonresidential, pedestrian-oriented uses and hardscape and landscaping improvements consistent with the landscaping and hardscape standards established for downtown St. Petersburg by the City.

1. **Uses.** Appropriate nonresidential, pedestrian-oriented uses shall include, but not be limited to, retail sales, service establishments, museums, restaurants and bars, offices, hotel lobbies, studios, and limited residential support activities (e.g., lobbies, fitness centers). Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all pedestrian level "A" streets. Each of the foregoing pedestrian-oriented uses shall have a minimum average depth of 30 feet and shall meet all requirements of the design guidelines.

2. **Streetscape improvements.** The abutting public sidewalk shall be improved in compliance with the streetscape treatment plan identified in the Plaza Parkway Design Guidelines, a city approved plan, or an equivalent improvement as determined by the POD.

16.20.120.5.2.3. Pedestrian level "A" streets within DC-3.

Developments abutting these streets are required to provide nonresidential, pedestrian-oriented uses and hardscape and landscaping improvements consistent with the landscaping and hardscape standards established for downtown St. Petersburg by the City.

1. **Uses.** Appropriate nonresidential, pedestrian-oriented uses shall include, but not be limited to, retail sales, service establishments, museums, commercial recreation, restaurants and bars, hotel lobbies, studios, and limited residential support activities (e.g., lobbies, fitness centers). Such pedestrian-oriented uses shall be incorporated into no less than 75 percent of the linear building frontage abutting all pedestrian level "A" streets and 50 percent of the intersecting streets up to a 200-foot distance westward from Beach Drive. Each of the foregoing pedestrian-oriented uses shall have a minimum average depth of 40 feet and shall meet all requirements of the design guidelines.

2. **Streetscape improvements.** The abutting public sidewalk shall be improved in compliance with the streetscape treatment plan identified in the Plaza Parkway Design Guidelines, a city approved plan, or an equivalent improvement as determined by the POD.

16.20.120.5.2.4. Pedestrian level "B" streets within all districts.

Other than as allowed by the zoning district, specific types of uses are not required abutting these streets. Appropriate nonresidential, pedestrian-oriented uses shall include, but not be limited to, retail sales, service establishments, museums, commercial recreation, restaurants and bars, hotel lobbies, residential lobbies and studios in pedestrian level building facades, including office space and retail and support uses, are encouraged. Such pedestrian oriented uses shall be incorporated into no less than 20 percent of the linear building frontage abutting all pedestrian level "B" streets. Each of the foregoing pedestrian-
oriented uses shall have a minimum average depth of 20 feet and shall meet all design guidelines. The building shall provide for architectural treatments following the design guidelines.

The abutting public sidewalk shall be improved in compliance with the streetscape treatment plan as identified in the Plaza Parkway Design Guidelines, a city approved plan, or an equivalent improvement as determined by the POD.

16.20.120.5.2.5. All other streets.

The abutting public sidewalk of all other streets shall be improved in compliance with the streetscape treatment plan identified in the Plaza Parkway Design Guidelines, a city approved plan, or an equivalent improvement as determined by the POD.

16.20.120.6. - Development potential.

Development potential of property in the districts is appropriate for the character of each area. Achieving maximum development potential will depend upon market forces, such as minimum desirable unit size, and development standards, such as minimum lot size, parking requirements, height restrictions, and building setbacks.

Each property has a base intensity defined by the "base approval" row within the maximum intensity table. Development proposals may increase above the base intensity by adding allowed FAR bonuses, and certain areas of a structure may be eligible for FAR exemptions. The total FAR requested, with bonuses and exemptions, shall determine whether the project requires streamline or public hearing approval. The plan allows additional FAR pursuant to a multiplier in activity centers; however, in all the DC zoning districts, no additional FAR pursuant to the multiplier is allowed. Only the FAR specifically provided for in the following maximum intensity table, the FAR bonus table and the FAR exemptions table are allowed in the DC zoning districts.

<table>
<thead>
<tr>
<th>Maximum Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC-C DC-1 (East of Dr. Martin Luther King, Jr. St.) DC-1 (West of Dr. Martin Luther King, Jr. St.) DC-2 DC-3 DC-P</td>
</tr>
<tr>
<td>Base approval (floor area ratio)</td>
</tr>
<tr>
<td>Bonus approval, streamline (floor area ratio)</td>
</tr>
<tr>
<td>Bonus approval, public hearing (floor area ratio)</td>
</tr>
</tbody>
</table>

There shall be no minimum lot area in any downtown center district. Maximum density in any downtown center district shall be limited by FAR. Units per acre do not apply.
16.20.120.6.1. Exemptions from FAR calculations.

All areas of a structure are counted to determine the FAR including gross floor area (GFA) associated with stair and elevator towers and all enclosed common areas, unless noted otherwise. Principle Use. Stand-alone parking garages, even with mixed use on the first floor, shall also be calculated toward FAR except those floors of the garage that are entirely underground.

<table>
<thead>
<tr>
<th>FAR Exemptions</th>
<th>Maximum Exemption Up To:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Districts</strong></td>
<td></td>
</tr>
<tr>
<td>Structured parking areas are exempt from FAR; however, in the DC-2 and DC-3 districts, for any parking garage containing more than twice the minimum required number of parking spaces, the additional parking square footage shall be included in the calculation of the GFA, except those floors that are entirely underground.</td>
<td>Not limited</td>
</tr>
<tr>
<td>Square footage of a locally designated historic property which is retained and restored as part of the site is exempt from inclusion in the GFA.</td>
<td>Not limited</td>
</tr>
<tr>
<td>Square footage of workforce housing units or square footage (as set forth in the City's workforce housing program) or any inclusionary zoning requirement provided on site.</td>
<td>0.5 FAR Not limited</td>
</tr>
<tr>
<td><strong>DC-Core Only</strong></td>
<td></td>
</tr>
<tr>
<td>Retail uses located on the ground level and second floor, when each individual retail unit is over 10,000 s.f. or when 80 percent of retail units has an average size of 10,000 s.f. per unit or when the total s.f. of retail units exceeds 50,000 s.f. when not located on a pedestrian level &quot;A&quot; street.</td>
<td>0.5 FAR</td>
</tr>
<tr>
<td>Office uses lining on the exterior of structured parking which makes the parking not visible from a street. Such use shall be incorporated into no less than 75 percent of the linear parking garage frontage abutting all streets.</td>
<td>0.25 FAR per level</td>
</tr>
<tr>
<td>Hotel uses located above the ground floor.</td>
<td>1.5 FAR</td>
</tr>
<tr>
<td>Office uses if the office square footage is at least 25,000 gross square feet or 50% of the gross floor area, whichever is less.</td>
<td>Not limited</td>
</tr>
<tr>
<td><strong>DC-1 Only</strong></td>
<td></td>
</tr>
<tr>
<td>Retail or office uses located on the ground level.</td>
<td>0.5 FAR</td>
</tr>
<tr>
<td>Office or residential uses lining on the exterior of structured parking which makes the parking not visible from a street, when not located on a pedestrian level &quot;A&quot; street. Such uses shall be incorporated into no less than 75 percent of the linear parking garage frontage abutting all pedestrian level &quot;A&quot; streets.</td>
<td>0.25 FAR per level</td>
</tr>
<tr>
<td>Retail, restaurants, bars, museums, lobby entrances, hotel public function space or other publicly accessible, permitted nonresidential uses located on the ground level, when not located on a pedestrian level &quot;A&quot; street. Such pedestrian-oriented uses shall be incorporated into no less than 75 percent of the linear building frontage abutting all streets.</td>
<td>0.5 FAR</td>
</tr>
<tr>
<td>Hotel uses located above the ground floor.</td>
<td>1.5 FAR</td>
</tr>
<tr>
<td>Office uses if the office square footage is at least 25,000 gross square feet or 50% of the gross floor area, whichever is less.</td>
<td>Not limited</td>
</tr>
<tr>
<td><strong>DC-2 Only</strong></td>
<td></td>
</tr>
<tr>
<td>Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level, when not located on a pedestrian level &quot;A&quot; street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.</td>
<td>0.5 FAR</td>
</tr>
<tr>
<td><strong>DC-3 Only</strong></td>
<td></td>
</tr>
<tr>
<td>Retail, restaurants, bars, museums, lobby entrances, hotel public function space or other permitted nonresidential uses located on the ground level, when not located on a pedestrian level &quot;A&quot; street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.</td>
<td>0.5 FAR</td>
</tr>
<tr>
<td>Retail, restaurants, bars, office, or residential uses located above the ground level on the exterior of structured parking which make the parking not visible from a street. Such pedestrian-oriented uses shall be incorporated into no less than 75 percent of the linear parking garage frontage abutting all streets.</td>
<td>0.25 FAR per level</td>
</tr>
</tbody>
</table>
16.20.120.6.2. - Bonuses to FAR calculations.

All projects within the downtown center districts may utilize bonuses to receive greater development rights. These bonuses are specifically written to provide public amenities and to mitigate secondary impacts associated with the additional development rights. Sites receiving bonus FAR shall not exceed the maximum intensity allowed for the site. Certain bonuses are only applicable to specific districts.

To qualify for bonuses:

- A project shall comply with all minimum use requirements of the zoning district. (See use regulations chart.)
- New construction shall comply with the requirements of the building envelope for the district.
- New construction shall comply with the minimum parking standards.

Once a project has been determined to qualify for bonuses by the POD, for projects which provide a minimum of 50% gross floor area of office use, projects may utilize any combination of the bonus provisions listed in this subsection to attain the desired development rights, except as otherwise limited by these regulations.

For projects required to follow the streamline process for additional FAR, the following regulations apply:

- If the project involves an on-site designated local landmark, a listing in the National Register Historic of Places, or a contributing resource to a local historic district or a National Register of Historic Places district, then the first 0.5 bonus FAR shall be historic preservation, and the next 1.0 bonus FAR shall be workforce housing.
- For all other projects, the first 1.0 bonus FAR shall be workforce housing. Thereafter, any bonus or combination of bonuses is allowed. The development may utilize any combination of the bonus provisions listed in this subsection to attain the desired additional development right, except as otherwise limited by these regulations. Certain bonuses are only applicable to specific districts.
- For projects required to follow the public hearing process for additional FAR, the first 0.5 bonus FAR shall be for workforce housing and the second 0.5 bonus FAR shall be for either workforce housing, historic preservation, or downtown transit. Thereafter, any bonus or combination of bonuses is allowed.

FAR Bonuses

<table>
<thead>
<tr>
<th>All Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make structured parking not visible from streets (not alleys) with a liner that provides uses for a minimum of the first two stories of the structured parking and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking. The width and depth of the liner shall be as prescribed for a pedestrian level “A” street in each corresponding zoning district. This bonus cannot be used in addition to the FAR exemption for liner buildings.</td>
</tr>
<tr>
<td>Make structured parking not visible from streets (not alleys) with an architecturally compatible design above the base to create an attractive and architectural screen to structured parking. Achieve LEED certification, Applicant shall submit the LEED Project Checklist prior to building permit issuance and post of a bond at permitting equal to the equivalent FAR bonus for Workforce Housing.</td>
</tr>
<tr>
<td>Achieve LEED Gold-FAR</td>
</tr>
<tr>
<td>Description</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Provide financial support to the City's streetscape improvement program equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
</tr>
<tr>
<td>Provide financial support to the City's downtown mass transit service program (when created by the City) equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
</tr>
<tr>
<td>Provide public art as an integral part of the pedestrian-level sidewalk area or required ground level open space, or as a decorative crown element of a building that includes night lighting. The value of such feature shall be equal to one-quarter of one percent or more of the total construction cost per 0.5 of FAR bonus. All public art shall be visually accessible to the public. Provide affordable commercial space in accordance with City Affordable Commercial space program.</td>
</tr>
<tr>
<td>Support the preservation of landmarks and landmark sites by using one of the following methods: • Use of transfer of development rights from a locally designated landmark or landmark site. • Relocate and restore the exterior any structure determined eligible or contributing to the National Register Downtown Historic District to a compatible site within two miles of a downtown center zoning district. Five times the gross square footage of the structure may be transferred to the site. The cost of relocation shall be credited to the total construction cost.</td>
</tr>
<tr>
<td>Support workforce housing with one or more of the following methods: • For each additional 1.0 FAR or fraction of the bonus FAR requested, five percent of the total number of housing units shall be provided, on site, as workforce housing units for people initially qualifying at 150% or less of median income. • Provide financial support to the City's housing capital improvements projects (HCIP) trust fund or its successor fund equal to one-quarter of one-half of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
</tr>
<tr>
<td><strong>DC-Core Only</strong></td>
</tr>
<tr>
<td>Provide office use equaling 25 percent or more of the gross floor area.</td>
</tr>
<tr>
<td>Limit the building to no more than 25 percent gross floor area of residential uses.</td>
</tr>
<tr>
<td><strong>DC-1 Only</strong></td>
</tr>
<tr>
<td>Provide office use equaling 25 percent or more of the gross floor area or, Limit the building to no more than 50 percent residential uses.</td>
</tr>
<tr>
<td><strong>DC-2 and DC-3 Only</strong></td>
</tr>
<tr>
<td>Provide an additional five percent ground level open space.</td>
</tr>
</tbody>
</table>
For purposes of this chart, the term "gross s.f." means the total floor area of all buildings on the site, including but not limited to the floor area of all parking spaces. Parking spaces dedicated for residential uses shall count towards the residential percentage, and parking spaces dedicated for nonresidential uses shall count towards the nonresidential percentage.

16.20.120.7. - Building envelope: Maximum height and minimum setbacks.

16.20.120.7.1. Maximum building height.

Height restrictions are based upon the approval process sought by the applicant and the location of the property. Additionally, bonus approvals must also evaluate the site plan review criteria in these land development regulations.

The height restrictions do not correlate directly to the zoning districts. They are designed to concentrate heights within the core area of the downtown and then step down toward the surrounding neighborhoods. The height map establishes the specific locations of height restrictions. In addition to the height restrictions limits specified on the map, the following criteria shall apply:

- Buildings shall not exceed FAA height limitations unless approval is obtained from the FAA.
- All buildings receiving additional height using the bonus approval, streamline process shall have a decorative crown feature compatible with the architectural style of the building.
- All buildings receiving additional height using the bonus approval, public hearing process shall have a decorative crown feature compatible with the architectural style of the building and are encouraged to have decorative up lighting and crown lighting.
Height Restrictions Map

*** NOTE: Replace first map with second map.

MAXIMUM BUILDING HEIGHT

<table>
<thead>
<tr>
<th>Area</th>
<th>Base Height</th>
<th>Streamline Height</th>
<th>Public Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>300’</td>
<td>300’ to 450’</td>
<td>Above 300’</td>
</tr>
<tr>
<td>B.</td>
<td>300’</td>
<td>300’ to 375’</td>
<td>Above 375’</td>
</tr>
<tr>
<td>C.</td>
<td>300’</td>
<td>300’ to 375’</td>
<td>Above 375’</td>
</tr>
<tr>
<td>D.</td>
<td>125’</td>
<td>125’ to 150’</td>
<td>Up to 200’</td>
</tr>
<tr>
<td>E.</td>
<td>50’</td>
<td></td>
<td>Up to 75’</td>
</tr>
</tbody>
</table>

Downtown Maximum Building Heights

MAXIMUM BUILDING HEIGHT

<table>
<thead>
<tr>
<th>Area</th>
<th>Base Height</th>
<th>Streamline Height</th>
<th>Public Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>300’</td>
<td></td>
<td>Above 300’</td>
</tr>
<tr>
<td>B.</td>
<td>300’</td>
<td>300’ to 450’</td>
<td>Above 450’</td>
</tr>
<tr>
<td>C.</td>
<td>300’</td>
<td>300’ to 375’</td>
<td>Above 375’</td>
</tr>
<tr>
<td>D.</td>
<td>125’</td>
<td>125’ to 150’</td>
<td>Up to 200’</td>
</tr>
<tr>
<td>E.</td>
<td>50’</td>
<td></td>
<td>Up to 75’</td>
</tr>
</tbody>
</table>
16.20.120.7.2. Minimum building setbacks.

A. The downtown center allows the most intensive development within the City. Conversely, the downtown retains the charm and scale of a small city. To maintain the small-scale character, all buildings should create a strong presence at the sidewalk edge consistent with development within the traditional downtown. Buildings should be constructed within a building envelope, stepping back from the street or provide for a smaller floor plate. Either method creates space between buildings to allow light and air at the sidewalk level. Buildings which create blank walls along all edges of the development, without breaks, are discouraged.

B. The massing of buildings will be regulated by setbacks, distance between buildings, maximum floor plates and in some districts building width. The rationale for each regulation is described as follows:

1. Building setbacks from public streets. The charm of downtown St. Petersburg is derived from its wide rights-of-way and small scale feel generally consisting of two- to four-story buildings. While high-rise buildings have been built throughout all development periods including the 1920's, the predominant scale respects a ratio of height to street width of no more than 1:1. To protect this ratio, larger buildings are required at certain heights to step back from the street. This break in height reinforces the pedestrian feel at the street, assists with creating a strong base to each building and furthers the charm and character that distinguishes St. Petersburg from other larger cities.

2. Distance between buildings. Buildings should be designed and situated to allow for air and light circulation between adjacent buildings on site and off site. In some cases, this separation requirement will be accommodated through existing rights-of-way, including alleys. In other cases, buildings with internal lot lines and development proposals with multiple buildings on a single site should be designed and situated accordingly.

   The width of rights-of-way shall be included within the distance between buildings measurement. The minimum distance between buildings shall be split equally along a shared property line to determine the minimum building setback required. For example, when an existing building on a neighboring property is located within its half of the split distance, the proposed building is only required to provide a minimum distance between buildings equal to one-half of the required distance between buildings regardless of whether the resulting distance between buildings is less than the requirement stated in the following table. Building and life safety regulations may require additional building setbacks. When new construction is proposed which abuts an existing structure with a window wall, facing the new construction (where window wall means a wall with more than 50% glazing), if the property owner of the existing structure provides an irrevocable, sworn statement of "no objection" to allowing the new construction to be closer to the window wall than is allowed, then no "blank wall to window wall" setback shall be required. The sworn statement, shall include the legal description of the property, shall be in a form approved by the POD, and shall be recorded in the public records.

3. The maximum floor plate. To maintain an appropriate scale conducive with quality development and within the character of the City, larger projects may require multiple towers versus a single tower of a substantially larger size.

4. Shared elevator and stair banks. Elevator banks and stair banks may be shared. Such elements shall create a visible break between buildings.
### Building Massing and Form Table

<table>
<thead>
<tr>
<th>Building Massing and Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DC-Core</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks along streets, excluding alleys</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0—200 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Above 200 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

Exemptions:
- For lots of record that are equal to or less than 50 ft. in depth or 12,000 sq. ft. in total area, the 10-foot setback above 200 ft. is not required.
- When buildings have a first floor plate of less than 16,000 sq. ft., the 10-foot setback above 200 ft. is encouraged but not required.

<table>
<thead>
<tr>
<th>Distances between buildings</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Blank wall to blank wall, up to 75 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Blank or window wall to window wall up to 75 ft. high</td>
<td>15 ft.</td>
</tr>
<tr>
<td>All conditions 75 ft. to 200 ft. high</td>
<td>40 ft.</td>
</tr>
<tr>
<td>All conditions above 200 ft.</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

Exemptions:
For all conditions above 75 ft. on lots of record with an average lot width equal to or less than 120 ft., the property shall qualify for a reduced minimum interior building setback from each interior, shared property line. The reduced setback shall be equal to 25% of the lot width, or 15 feet, whichever is greater. This setback shall be measured from the interior, shared property line. This reduction is not a substitute for the "distance between buildings" requirement when measured across public alleys or between multiple buildings on a single property and shall not be used in conjunction with the one-half "distance between buildings" measurement provided for in this Section.

<table>
<thead>
<tr>
<th>Maximum floor plate above 75 ft.</th>
<th>30,000 sq. ft. per building</th>
</tr>
</thead>
</table>

**DC-1 (East of Dr. Martin Luther King, Jr. Street)**

<table>
<thead>
<tr>
<th>Setbacks along streets, excluding alleys</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 75 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Exemptions:</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>For lots of record that are equal to or less than 50 ft. in depth or 12,000 sq. ft. in total area, the 10-foot setback above 75 ft. is not required.</td>
<td></td>
</tr>
<tr>
<td>When buildings have a first floor plate of less than 16,000 sq. ft., the 10-foot setback above 75 ft. is encouraged but not required.</td>
<td></td>
</tr>
<tr>
<td>For buildings that do not exceed 95 ft. in height, the 10-foot setback above 75 ft. is not required.</td>
<td></td>
</tr>
</tbody>
</table>

**Distances between buildings**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Blank wall to blank wall, up to 75 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Blank or window wall to window wall up to 75 ft. high</td>
<td>15 ft.</td>
</tr>
<tr>
<td>All conditions above 75 ft.</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

**Exemptions:**

For all conditions above 75 ft. on lots of record with an average lot width equal to or less than 120 ft., the property shall qualify for a reduced minimum interior building setback from each interior, shared property line. The reduced setback shall be equal to 25% of the lot width, or 15 feet, whichever is greater. This setback shall be measured from the interior, shared property line. This reduction is not a substitute for the "distance between buildings" requirement when measured across public alleys or between multiple buildings on a single property and shall not be used in conjunction with the one-half "distance between buildings" measurement provided for in this Section.

**Maximum floor plate above 75 ft.**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>30,000 sq. ft. per building</td>
<td></td>
</tr>
</tbody>
</table>

**DC-1 (West of Dr. Martin Luther King, Jr. Street) and DC-2**

**Setbacks along street, excluding alleys**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Above 50 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

**Exemptions:**

For lots of record that are equal to or less than 50 ft. in depth or 8,000 sq. ft. in total area, the 10-foot setback above 50 ft. is not required. When buildings have a first floor plate of less than 16,000 sq. ft., the 10-foot setback above 50 ft. is encouraged but not required. For buildings that do not exceed 75 ft. in height, the 10-foot setback above 50 ft. is not required.
### Distances between buildings

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blank wall to blank wall, up to 50 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Blank or window wall to window wall up to 50 ft. high</td>
<td>15 ft.</td>
</tr>
<tr>
<td>All conditions 50 ft. to 200 ft. high</td>
<td>60 ft.</td>
</tr>
<tr>
<td>All conditions above 200 ft.</td>
<td>80 ft.</td>
</tr>
</tbody>
</table>

#### Exemptions:
For all conditions above 50 ft. on lots of record with an average lot width equal to or less than 120 ft., the property shall qualify for a reduced minimum interior building setback from each interior, shared property line. The reduced setback shall be equal to 25% of the lot width, or 15 feet, whichever is greater. This setback shall be measured from the interior, shared property line. This reduction is not a substitute for the "distance between buildings" requirement when measured across public alleys or between multiple buildings on a single property and shall not be used in conjunction with the one-half "distance between buildings" measurement provided for in this Section.

### Maximum floor plate above 50 ft.

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Floor Plate</th>
</tr>
</thead>
<tbody>
<tr>
<td>All conditions above 50 ft.</td>
<td>20,000 sq. ft. per building</td>
</tr>
</tbody>
</table>

### DC-3

#### Setbacks along streets, excluding alleys

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Above 50 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Above 50 ft. and adjacent to Beach Drive: From the 20-foot setback along Beach Drive a line will be drawn at a 60 degree angle towards the setback from First Street. This line shall create the envelope in which the building must fit.</td>
<td>60 degree angle</td>
</tr>
</tbody>
</table>

#### Distances between buildings

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blank wall to blank wall, up to 50 ft. high</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Blank or window wall to window wall up to 50 ft. high</td>
<td>15 ft.</td>
</tr>
<tr>
<td>All conditions 50 ft. to 300 ft. high</td>
<td>60 ft.</td>
</tr>
<tr>
<td>All conditions above 300 ft.</td>
<td>80 ft.</td>
</tr>
</tbody>
</table>

#### Exemptions:
For all conditions above 50 ft. on lots of record with an average lot width equal to or
16.20.120.7.3. Minimum ground level open space.

A. Ground level open space shall be required in all DC districts. The minimum ground level open space shall be at least five percent of the total land area of the site. This ground level open space shall not have any portion of a building above it and shall be at least 50 percent pervious. Up to 50 percent of the required open space may be covered by architectural features (e.g., balconies, awnings, etc.), and does not require a vacation of air rights. The architectural features shall begin no lower than 12 feet above the abutting grade level. Ground level open space shall be adjacent to the right-of-way, shall be linked to the right-of-way, and shall be available for use by the public during the hours the building is accessible to the public. When a building has at least 50 percent gross floor area of residential uses, the ground level open space may be secured for the exclusive use of the occupants of the building, but shall remain visible to pedestrians along all abutting public sidewalks. Open space includes but is not limited to ground-level courtyards, plazas, sidewalks, and landscaped areas, but does not include parking spaces, driveways, alleys, and other vehicular use areas, nor does it include required vehicular use landscaping areas.

B. Instead of providing open space within the DC-C or DC-1 districts, a payment in lieu of open space of one percent of total construction cost may be made into the City's "open space" trust fund that will provide for the purchase or improvement of an existing downtown park or downtown right-of-way improvements.

16.20.120.8. Building design.

The following design criteria allow the developer to choose their preferred architectural style, building form, scale and massing, while creating a framework for good urban design practices which create a positive experience for the pedestrian.

Site layout and orientation. The City is committed to creating and preserving a network of linkages for pedestrians. Consequently, pedestrian and vehicle connections between public rights-of-way and private property are subject to a hierarchy of transportation, which begins with the pedestrian.

1. Buildings shall be constructed to the right-of-way line or create outdoor areas that integrate into the public sidewalk utilizing sound urban design.

2. Surface parking, ancillary equipment, loading and service operations shall be placed to the rear or internal to the property and shall not be visible from streets (not alleys).
3. No curb cuts shall be allowed on Central Avenue, Beach Drive or 2nd Avenue North east of Fifth Street.

3. Detention and retention ponds and drainage ditches shall be located behind the principal building to the rear of the property. Detention and retention ponds and drainage ditches shall comply with the design standards set forth in the drainage and surface water management section.

4. For any lot, public improvements (e.g. sidewalks, right of way, etc.) shall be provided to service the lot in accordance with the subdivision section.

5. Public sidewalk neck-outs shall be incorporated at street intersections for all developments that consist of a minimum of a half a block.

**Vehicle connections.**

1. No curb cuts shall be allowed on Central Avenue, Beach Drive, or 2nd Avenue North east of Fifth Street.

2. Access to parking shall be as follows:
   a. For parcels abutting an alley or secondary street, access shall be from the alley or secondary street. For all other parcels, access shall be from the primary street.
   c. For multi-unit structures, driveways shall serve the entire complex, not individual units, and shall not be wider than one lane in each direction.
   d. For parking garages located east of 1st Street between 5th Avenue North and 1st Avenue South which contain more than 100 spaces, alley access is prohibited.

**Building and architectural design standards.** All buildings should present an inviting, human scale facade to the public roadway, internal drives, parking areas and surrounding neighborhoods. The architectural elements of a building should give it character, richness and visual interest.

**Building style.**

1. New construction shall utilize an identifiable architectural style.

2. Renovations and additions shall utilize the architectural style of the existing structure or shall create a complete and compatible new architectural style. Additions to historic buildings are exempt from this regulation but shall comply with all other applicable regulations.

3. Building materials and finishes shall be consistent throughout the building.

4. Parking structures which are part of an overall project shall utilize the same architectural style, fenestration and detailing as the principal structure.

**Principal use: Parking structures and surface parking lots.**

1. Parking structures shall utilize a recognized architectural style.

Parking structures which are part of an overall project shall utilize the same architectural style, fenestration and detailing as the principal structure.

2. The ground level of all parking structures located within the Downtown Center-Core (DC-C), and the ground level of all parking structures located within any Downtown Center (DC) zoning district abutting Beach Drive or Central Avenue, shall have nonresidential, non-vehicular uses with a minimum average depth of at least 40 feet on all streets, excluding alleys. For all other locations, the ground level of all parking structures shall have nonresidential, non-vehicular uses with a minimum average depth of 20 feet on all streets, excluding alleys and vehicular entry areas.

3. Parking structures are encouraged to either encase the parking decks with a liner that provides for uses or an architecturally compatible design that creates an attractive facade to screen the structure from the streets (not alleys).
4. Surface parking lots which are visible from the street (not alleys) shall provide a solid knee wall not less than 36 inches high.

**Pedestrian building edge and store fronts (non-residential uses).**

1. The first floor of big box buildings shall be edged with a use liner containing any permitted use (e.g., retail, restaurant, residential) or the entire wall shall include architectural details such as fenestration, large false (or real) display windows, natural finishes and other architectural features to eliminate blank facades visible from the street (not alley).

2. Ground level facades along primary streets shall have at least 50 percent transparency at the ground level. Ground level facades along secondary streets shall have at least 30 percent transparency at the ground level.

3. The bottom of windows shall begin no higher than two feet above grade level, and the top of all windows and doors shall be no lower than eight feet above grade level. Taller windows are encouraged.

4. The base of buildings, where the building meets the sidewalk and entryway, should be constructed of high-quality, hardened materials. The use of high-quality materials will protect against damage caused by pedestrian traffic and thereby benefit the lifetime maintenance costs of the building.

**Building fenestration (residential and non-residential uses).**

1. Buildings shall be equally detailed on all facades visible from a street (not alleys).

2. All facades for floors above first and second floor storefronts shall have at least 30 percent total fenestration. At least two-thirds of this requirement shall be transparent (i.e., window glass). This percentage applies to all sides of buildings.

3. A zero lot line building or buildings that have interior facades or portions thereof that cannot provide glazing due to building and fire code regulations are exempt from providing fenestration on any exempt portion of the building. Portions of these facades which are not exempt shall have fenestration and architectural detailing consistent with the design style of the building which shall comprise at least 20 percent of the facade. Permanent, durable architectural features such as shutters, tile mosaics, medallions, Trompe L-oiel, or other items are acceptable.

4. No floor of any street facade shall have a blank area greater than 36 feet in width and the height of the floor. All facades shall include fenestration and/or architectural features.

5. Window fenestration on the street facades shall be organized in a rational pattern.

**Accessory structures and equipment.** Accessory structures shall reinforce the pedestrian character of the City.

1. Above-ground utility and service features shall be located on private property and designed to reduce their visual impact upon the streetscape.

2. Mechanical equipment and utility functions shall be screened if visible from the public right-of-way.

16.20.120.9. – Public Art.

Public art shall be provided as an integral part of the pedestrian-level sidewalk area for all new construction and building additions. The value shall be equal to one-half of one percent of the total construction cost up to $100,000 and shall be reviewed and approved by the POD of Cultural Affairs prior to issuance of the first certificate of occupancy. All public art shall be visually accessible to the public. In lieu of providing the public art, the applicant may provide financial support to the City's downtown public art program equal to one-quarter of one percent of the total construction cost, up to $50,000.
16.20.120.10. - Building construction.

A Construction Action Plan shall be required to be submitted to the POD for review and approval prior to initiation of construction activity requiring site plan review, which shall address construction methods, staging, pedestrian and bicycle connections, construction worker parking, closing of right(s)-of-way, business and neighbor communication plan.

SECTION 16.40.090. - PARKING AND LOADING, DESIGN STANDARDS

16.40.090.3.2. - Minimum number of parking spaces required.

2. Off-site locations. If off-street, on-site parking, in whole or in part, cannot be provided on the same lot or parcel of land as a nonresidential use, parking spaces may be located off-site, subject to the following:

   a. The off-street, off-site parking area shall be located within the same zoning district as the use or within a zoning district which permits the proposed parking area as a principle use.
   b. Where the use is subject to special exception approval, the off-site parking area shall be considered an expansion of the use and is also subject to special exception approval.
   c. The off-site parking area shall not be more than 300,000 feet in downtown center zoning districts and 300 feet in all other zoning districts serving non-residential uses from the entrance of the principle use. Off-site parking areas serving residential units shall be located within 100 feet of the entrance of the dwelling unit they will serve. The distance shall be measured along the most direct pedestrian connection.
   d. An identifiable and lighted pedestrian connection shall be provided between the off-site parking area and the use. The pedestrian connection shall require no crossing of a street, except at a controlled location intersection. The pedestrian connection may cross an alley.
   e. The continued availability of the off-site parking spaces, necessary to meet the requirements of this section, shall be ensured by a legal instrument satisfactory to the City Attorney and recorded with the Clerk of the Circuit Court of Pinellas County, Florida, providing that the parking area will not be disposed of except in conjunction with the sale or the use of the building the parking area serves, so long as the parking is required. The owner shall bear the expense of recording the instrument and agrees that the instrument shall bind all heirs, successors and assigns. Such instrument shall be recorded prior to approval of any certificate of occupancy.
   f. If the property which contains the off-site parking spaces is disposed of, or committed to some other use which displaces or reduces the required parking then the certificate of occupancy for the principal use shall be revoked.

3. Compact parking. Compact parking spaces may be provided for nonresidential uses subject to the following. Accessible parking spaces shall not be used for compact parking spaces.

   a. Ratios. Compact parking spaces may be provided for up to 25 percent of the minimum required parking for all uses. Where a particular use may have a low turn-over parking ratio, such as a corporate or industrial land use, the POD may approve up to 100 percent compact parking. Low turn-over parking, means parking that typically turns over not more than once every four hours.

   b. Dimensions. Compact parking spaces shall measure eight feet in width by 18 feet in length.

   c. Identification. Compact parking spaces shall be identified or designated as such through the use of signage or pavement markings. In order to reduce sign clutter, pavement marking is recommended.
16.40.090.3.5. - Parking garages.

1.h. Electric Vehicle (EV) parking spaces. For residential use parking spaces, a minimum of fifteen percent (15%) shall be EV-Ready (Install electric panel with a dedicated brand circuit and a continuous raceway from the panel to the future EV parking spot) and two percent (2%) shall be EVSE-Ready (electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet). For all other uses, a minimum of twenty percent (20%) shall be EV-Ready and two percent (2%) shall be EVSE-Installed (Level 2 EV charging station).

16.40.140.4.2. - Sidewalks.

A. Sidewalks are required on both sides of all major arterial and collector streets, as identified on the Future Major Streets Map and on properties located within the following zoning districts: NT, CRT, CCT, IT, DC, RC and IC/CRD. Sidewalks shall only be required on the north and west sides of all other streets. Sidewalk widths shall be not less than the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along arterial and collector streets</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Along other streets in residential and industrial zones</td>
<td>4 ft.*</td>
</tr>
<tr>
<td>Along other streets, in commercial and office zones</td>
<td>5 ft.*</td>
</tr>
<tr>
<td>Pedestrian crosswalks</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Downtown Center (DC) zoning districts</td>
<td>at least 10 ft.; Landscape features and street furniture may encroach up to two feet for no more than 50% of the linear frontage of a parcel.</td>
</tr>
</tbody>
</table>

* All sidewalks abutting curbs shall be six (6) feet.
SECTION 16.50.370. - SIDEWALK CAFÉ

16.50.370.7. - Standards and criteria for application review.

5. Sidewalk cafés shall be located in a manner that promotes efficient and direct pedestrian movement:
   a. A minimum of one unobstructed pedestrian path at least **four six** feet wide shall be maintained, parallel to the abutting business, at all times.
   b. A minimum of one unobstructed pedestrian path at least 42 inches wide shall be maintained to connect the sidewalk to the curb line of the adjacent street.
   c. Unobstructed passage shall be provided to building entrances which shall include at least a two-foot clearance on each side of any entrance.
   d. A minimum setback of at least four feet from the curb line shall be provided to maintain adequate space for pedestrian access to motor vehicles.
   e. In areas of congested pedestrian activity the POD may require a wider pedestrian path.
City File: LDR 2019-06
Text Amendments: Downtown Center ("DC") Zoning Districts Update

Public Participation Documents
Summary of Public Comments Made at the Meeting

- Please provide a summary of the past usage of FAR bonuses
- Please provide example projects that have used FAR bonuses (total approved FAR and any bonuses used of individual projects – with pictures)
- Appropriate parking amounts and shared parking allowances came up several times (concerns about requiring too much parking and not enough parking were both expressed)
- The development approval process received considerable discussion
  - Timeframe to decide to appeal a streamline case after receiving the intent to approve notice too short
  - Streamline variance appeals shouldn’t be subject to an appeal fee
- Amount of money in the “open space fund” and how that money is to be used
- Mitigating construction impacts on existing businesses (maintenance of bicycle, pedestrian and vehicular traffic/access)
- Reducing the base FAR to require the use of more public benefit bonuses
2019 Downtown LDR Update
Focus Meeting #1 - FAR Exemptions and Bonuses
July 16, 2019

Summary of Public Comments Made at the Meeting

- How is parking garage screening defined? Is there a standard?
- Where do the affordable housing pay-in-lieu payments go?
- Preference for liner buildings to promote walkability.
- How does this project relate to StPete2050?
- Tie impacts on historic resources to the mandatory use of the HTDR bonus.
- General concern about building aesthetics.
- Concern about 50’ lot depths becoming buildable because of emergence of parking elevator technology.
- Highlight the existence of the HTDRs.
- Downtown transit and streetscape improvements are good bonuses. Current payments for these bonuses are too low.
- How are construction costs calculated?
- Desire to better understand what payment-in-lieu fees should be.
- Be careful with mandating decorative tops. Not appropriate for every building type.
- Screening parking garages should remain a bonus — helps incentivize developers who are deciding where to develop.
- Active uses should be more tightly defined if a bonus us given for them.
Exemptions from FAR calculations. - Ranking Results

Please rank your top three choices, from the most important to the least important, starting with 1 as the most important and 3 as the least important.

<table>
<thead>
<tr>
<th>All Districts</th>
<th>Exemption</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structured parking areas are exempt from FAR; however, in the DC-2 and DC-3 districts, for any parking garage containing more than twice the minimum required number of parking spaces, the additional parking square footage shall be included in the calculation of the GFA, except those floors that are entirely underground.</td>
<td>Not limited</td>
<td>1 - 1</td>
</tr>
<tr>
<td>Square footage of a locally designated historic property which is retained and restored as part of the site is exempt from inclusion in the GFA.</td>
<td>Not limited</td>
<td>1 - 6</td>
</tr>
<tr>
<td>Square footage of workforce housing units or square footage (as set forth in the City's workforce housing program) or any inclusionary zoning requirement provided on site.</td>
<td>0.5 FAR</td>
<td>1 - 4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DC-Core Only</th>
<th>Exemption</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail uses located on the ground level and second floor when each individual retail unit is over 10,000 s.f. or when 80 percent of retail units has an average size of 10,000 s.f. per unit or when the total s.f. of retail units exceeds 50,000 s.f.</td>
<td>0.5 FAR</td>
<td>1 - 1</td>
</tr>
<tr>
<td>Office uses on the exterior of structured parking which make the parking not visible from a street.</td>
<td>0.25 FAR per level</td>
<td>1 - 1</td>
</tr>
<tr>
<td>Hotel uses located above the ground floor.</td>
<td>1.5 FAR</td>
<td>1 - 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DC-1 Only</th>
<th>Exemption</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail or office uses located on the ground level.</td>
<td>0.5 FAR</td>
<td>1 - 2</td>
</tr>
<tr>
<td>Office or residential uses on the exterior of structured parking which make the parking not visible from a street.</td>
<td>0.25 FAR per level</td>
<td>1 - 1</td>
</tr>
<tr>
<td>Retail, restaurants, bars, museums, lobby entrances, hotel public function space or other publicly accessible, permitted nonresidential uses located on the ground level.</td>
<td>0.5 FAR</td>
<td>1 - 2</td>
</tr>
<tr>
<td>Hotel uses located above the ground floor.</td>
<td>1.5 FAR</td>
<td>1 - 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DC-2 Only</th>
<th>Exemption</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level.</td>
<td>0.5 FAR</td>
<td>1 - 4</td>
</tr>
<tr>
<td>DC-3 Only</td>
<td>Rank-Votes</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Retail, restaurants, bars, museums, lobby entrances, hotel public function space or other permitted nonresidential uses located on the ground level.</td>
<td>0.5 FAR</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 - 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 - 0</td>
<td></td>
</tr>
<tr>
<td>Retail, restaurants, bars, office, or residential uses located above the ground level on the exterior of structured parking which make the parking not visible from a street.</td>
<td>0.25 FAR per level</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 - 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 - 0</td>
<td></td>
</tr>
</tbody>
</table>

Total ballots = 11

Total votes = 62

Votes per ballot = 5.6
### FAR Bonuses – Ranking Results

Please rank your top three choices, from the most important to the least important, starting with 1 as the most important and 3 as the least important.

<table>
<thead>
<tr>
<th>All Districts</th>
<th>Bonus</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make structured parking not visible from streets (not alleys) with a liner that provides uses for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.</td>
<td>1.0 FAR</td>
<td>1 - 2, 2 - 1, 3 - 3</td>
</tr>
<tr>
<td>Make structured parking not visible from streets (not alleys) with an architecturally compatible design above the base to create an attractive and architectural screen to structured parking.</td>
<td>0.5 FAR</td>
<td>1 - 0, 2 - 4</td>
</tr>
<tr>
<td>Provide financial support to the City's streetscape improvement program equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
<td>Up to 0.5 FAR per each street frontage</td>
<td>1 - 2, 2 - 1</td>
</tr>
<tr>
<td>Provide financial support to the City's downtown mass transit service program (when created by the City) equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
<td>Up to 2.0 FAR</td>
<td>1 - 1, 2 - 1, 3 - 3</td>
</tr>
<tr>
<td>Provide public art as an integral part of the pedestrian-level sidewalk area or required ground level open space, or as a decorative crown element of a building that includes night lighting. The value of such feature shall be equal to one-quarter of one percent or more of the total construction cost per 0.5 of FAR bonus. All public art shall be visually accessible to the public.</td>
<td>Up to 2.0 FAR</td>
<td>1 - 1, 2 - 0, 3 - 3</td>
</tr>
<tr>
<td>Support the preservation of landmarks and landmark sites by using one of the following methods: • Use of transfer of development rights from a locally designated landmark or landmark site. • Relocate and restore the exterior any structure determined eligible or contributing to the National Register Downtown Historic District to a compatible site within two miles of a downtown center zoning district. Five times the gross square footage of the structure may be transferred to the site. The cost of relocation shall be credited to the total construction cost.</td>
<td>Not limited</td>
<td>1 - 6, 2 - 4</td>
</tr>
<tr>
<td>Support workforce housing with one or more of the following methods: • For each additional 1.0 FAR or fraction of the bonus FAR requested, five percent of the total number of housing units shall be provided, on site, as workforce housing units for people initially qualifying at 150 percent or less of median income. • Provide financial support to the City's housing capital improvements projects (HCIP) trust fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.</td>
<td>Not limited</td>
<td>1 - 4, 2 - 3, 3 - 1, 4 - 1</td>
</tr>
</tbody>
</table>

### DC-Core Only

<table>
<thead>
<tr>
<th></th>
<th>Bonus</th>
<th>Rank-Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide office use equaling 25 percent or more of the gross floor area.</td>
<td>1.5 FAR</td>
<td>1 - 2, 2 - 1</td>
</tr>
<tr>
<td>Limit the building to no more than 25 percent gross floor area of residential uses.</td>
<td>3.0 FAR</td>
<td>1 - 0, 2 - 1</td>
</tr>
<tr>
<td>DC-1 Only</td>
<td>Rank - Votes</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Provide office use equaling 25 percent or more of the gross floor area or, Limit the building to no more than 50 percent residential uses.</td>
<td>1.5 FAR</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 - 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 3</td>
<td></td>
</tr>
<tr>
<td>DC-2 and DC-3 Only</td>
<td>0.5 FAR</td>
<td></td>
</tr>
<tr>
<td>Provide an additional five percent ground level open space.</td>
<td>1 - 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 - 1</td>
<td></td>
</tr>
</tbody>
</table>

Total votes = 51
Total ballots = 11
Votes per ballot = 4.63
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>No opinion or don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concerns with current design regulations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Should curb cut requirements be expanded throughout downtown?</td>
<td>9</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>2. Should there be transparency requirements for ground level residential uses?</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>3. Should above ground utilities be permitted in the ROW?</td>
<td>2</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>4. Is mechanical noise an issue?</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>5. Should there be a requirement for a low knee wall to screen vehicular head lights?</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td><strong>Enhanced design standards at the ground level</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5a. Should pedestrian level A or B street designations be expanded?</td>
<td>4</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>6. Should residential support services occupy ground level space?</td>
<td>5</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>7. Should drive throughs be eliminated?</td>
<td>12</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>8. Should pedestrian level B require the incorporation of active uses?</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>9. Should first floor active uses on A and B streets be exempt from FAR?</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>10. Should bulb-outs be required at crosswalks?</td>
<td>8</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>11. Should we require at least 6’ clear walkway along our sidewalks?</td>
<td>9</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Open space requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Can the required 5% open space be covered by architectural features, including but not limited to: balconies, awnings, roof overhangs?</td>
<td>9</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>13. Should there be a maximum depth from the public sidewalk that open space along a side of a building or located in a private court yard can be counted towards the maximum 5% open space?</td>
<td>5</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>14. Should the payment-in-lieu be expanded to include DC-2 and DC-3?</td>
<td>4</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td><strong>Minimum parking requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Hotel – 1 space per 4 rooms – appropriate?</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>16. Multifamily Residential – 1 space per dwelling unit – appropriate?</td>
<td>6</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>17. Restaurant, bar, retail and office – 1 space per 500 sq.ft. – appropriate?</td>
<td>4</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>18. Studio space – 1 space per 1,000 sq.ft. – appropriate?</td>
<td>6</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>19. Microbrewery – 1 space per 500 sq.ft. of tasting area and 1 space per 1,000 sq.ft. of brewery area – appropriate?</td>
<td>4</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td><strong>Heights</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Should heights be increased for the Tropicana Masterplan area?</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>21. Should heights be increased in the EDGE District to support BRT/TOD?</td>
<td>4</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td><strong>Construction activity impacts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Should a construction management plan be required prior to permit issuance?</td>
<td>13</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
Summary of Public Comments Received at the Meeting

- What are workforce housing funds used for? Where do they go?
- Why aren’t 1st and 2nd Streets North, north of 3rd Avenue, designated as “B” streets?
- Remove setback “waiver” for small lots.
- Require color and design compatibility.
- Require a public art appraisal to ensure value.
- How would the affordable commercial space program work?
- Could the historic TDR bonus be required within a 300’ radius of historic properties?
Good Morning,

The purpose of this email is to provide feedback on the proposed Development Code changes presented by staff on Tuesday, September 10th.

I overwhelmingly agree with the proposed amendments to the Development Code. Staff is correct in their statement that the Development Code is a living document. Living documents evolve based on events that have occurred. The following suggestions are made based on that premise.

**Bonuses to FAR calculations 16.20.120.6.2:** Work Force Housing should be placed at a higher priority than historic preservation. We desperately need to increase work force housing.

What is the risk to historical properties? There are few developable properties that are designated landmarks. Those that are designated, except the YMCA, will likely never be developed. Should any seek a FAR increase, the certificate of appropriateness process will ensure that the integrity of the landmark is preserved.

The text of the historic bonus should be modified to include “any designated local landmark within 300 feet.” This would ensure that any designated landmark that is impacted by development will receive some type of renumeration.

**Building Massing and Form table 16.20.120.7.2:** This section provides a waiver of the setback (stairstep) requirement for structures that are more then 200 feet tall. To clarify if a building is over 200 feet tall it must step-back into the property 10’ at 200’ of elevation. This stairstep avoids sidewalk shading or a “canyon effect”. However, if a lot is 50’ deep or less, this requirement is waived. From a streetscape perspective this is illogical.

The intent of this section is to enhance the pedestrian experience, something discussed numerous times in the code. The pedestrian experience is not enhanced by the shallow lot, so why allow buildings that present sheer walls that rise over 300’ along the sidewalk?

Removing this exemption will prevent another tall skinny building that is aesthetically inconsistent with the surrounding area and negatively impacts the pedestrian experience.

**Distance Between Buildings table 16.20.120.7.2:** Like the Building Massing and Form table above, this table contains a waiver for lots 50 feet or less. This exemption should be removed. The fact that a lot is shallow, does not diminish the impact on the neighboring lots.
Building Design 16.20.120.8: The newly completed marijuana dispensary on 5th Ave N was painted bright-vibrant red. A review of the Code of Ordinances and an email exchange with the director confirmed that there are no controls in the code to mandate exterior compatibility for retail, business or residential development. It should be noted that "adult businesses" must have a compatible color, so there is precedent in the code.

It would be prudent to empower staff to review that buildings have a "design, finish and color consistent with surrounding buildings."

Central Avenue has a quirky-Bohemian feeling to it. The various colors and designs work there- they are the theme of Central. Beach Drive has a sophisticated-yet friendly feeling to it. Each of these areas thrive because they are unique. Many go to one or the other depending on the experience they want that evening.

The existing code does nothing to protect the character of any of the unique areas in the city. Would the public good, and the profit of the business be properly served if someone wished to garishly redecorate their storefront on Bay Drive, or paint it in loud colors? Likewise, do we want 4th Street N or any other corridor to become littered with brightly painted buildings?

Requiring staff to review that the "design, finish and color consistent with surrounding buildings" would require little effort and protect the character of each of the neighborhoods in the city.

FAR Credit for Art: FAR credit for on-site art should be approved by the Arts Advisory Committee. This committee is best equipped to confirm both stated value of the artwork, as well as compatibility with the surrounding area. Codifying this requirement will take the burden off of staff's shoulders.

Maximum Height on 4th Ave N: 4th Ave N is the major entranceway into downtown St. Petersburg. One look at the traffic on a weekend or holiday will confirm this. The 4th Ave N corridor is lined with 2-3 story residences and, aside from Blue Lotus, lower-rise buildings. It is away from DC-C and DC-1 and per code is intended as a transition to the single-family homes north of 5th Ave N.

The existing and proposed codes allow development on 4th Ave N with a base height of 300', streamlined approval to 375' and unlimited with DRC approval. 5th Ave N is allowed to 125' base, streamlined to 150' and DRC approval to 200'.

To ensure some tapering and to avoid developers misunderstanding the intent of the entire code, 4th Ave N should be reduced to a base of 125' streamlined to 150' and a maximum height of 200'. Making the height change along Farnham Place would allow for tapering from the central part of DTSP.

Streamlined Approval: Buildings above a certain elevation become part of the image of St. Petersburg. They impact not just one block, but a large swath of the city. Structures that reach 200-250' can be seen from I-275 and become part of the signature of DTSP. While staff has generally done a good job, there are some buildings that we (and I believe staff) wish they could redo. To clarify, no one person or group should have the sole responsibility for the "brand" or image of the City of St. Petersburg.

To best serve the long-range interests of the city, buildings above 200 or 250' should all go before the DRC. That review should focused on an independent review of compatibility and not simply compliance with code. Some will say this is a development-unfriendly. But St. Petersburg is one of the most lucrative markets in the southeast. Is it more important to protect our brand to ensure we continue to attract new buyers and tourism? Or is enticing developers more important?

If we protect our brand, we will continue to see values appreciate and developers line up to do projects. If we fail to protect the brand, appreciation of property values will slow, and then developers will lose interest.
To best serve the City’s long-term best interests, it would be prudent to have the professionals at DRC review projects.

In closing, following the presentation I offered some of these suggestions and was told that they could be included in the Vision 2050 project. Unfortunately, some of the suggestions are to fix defects in the code. If we do not empower staff to review buildings for compatibility, how many more bright red establishments will be built? If we do not change the building height, will Vision 2050 be done before applications are received for the parcels on 4th Ave N that are ripe for redevelopment? Once these buildings are built, they will be permanently grandfathered.

Therefore, it would be prudent to include most, if not all, these enhancements in the current round of changes to Chapter 16.

Respectfully,

William Herrmann
130 4 Ave N #405
St. Petersburg, FL
Liz,

Thanks for you and your team’s hard work on this subject. I was out of town when your September 10 & 13 emails were sent out, but it looks like you’re making good progress given your extremely tight schedule.

Having been the City’s Planning Director from 1980 to 1985 and the City’s Development Administrator from 1987 to 2014, one of our primary initial objectives in the early 1980’s was to capitalize on and protect our wide downtown rights of way; and, to protect and enhance our pedestrian amenities with wider improved sidewalks and landscaping. I firmly believe that enhancing our pedestrian corridors was one of the primary reasons downtown St.Petersburg was revitalized.

The City’s first F.S. Chapter 163 redevelopment plan (the IRP) included our first TIF District to generate funding for our Plaza Parkway streetscape Improvement program, which was intended to provide safer and enhanced pedestrian experiences. This also was one of our objectives to help jump start new development in what was a relatively dormant downtown development area (including a boarded up Vinoy Hotel). I should also note that the Jamestown and the Gas Plant Redevelopment Plans pre-dated the Intown Redevelopment Plan, but the two former plans did not include tax increment financing districts because the legality of Chapter of Chapter 163’s TIF legislation was being challenged by the City of Miami Beach. Once that legal challenge was overcome the legislation’s TIF funding clause was sustained and cities could begin implementing redevelopment plans with TIF as a funding source.

We started by the City establishing a funding source to enhance our pedestrian corridors and to encourage developers to improve our streetscapes by helping to fund these public improvements. Tax increment funding was the City’s primary source of funding for our program. Creating and enhancing pedestrian corridors, along with quality landscaping improvements (e.g. adding oak trees), was a key to the beginning of our downtown renaissance. I’m glad that the City team continues to make our streetscape program a priority in your efforts to update the City’s LDR’s.

Thanks,
Rick

Sent from my iPhone

Begin forwarded message:

From: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Date: September 10, 2019 at 2:34:11 PM EDT
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Subject: DC Code update - Draft LDR documents
Input on the DC

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Jake Zimmerman <jake.zimmerman@gmail.com>
Sent: Friday, September 20, 2019 11:19 AM
To: Jennifer C. Bryla <Jennifer.Bryla@stpete.org>
Subject: Downtown Core zoning meetings

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer,
I reviewed the proposed changes to the LDC in the DC zoning districts. There was only one comment that I wanted you to consider. In section 16.20.120.7.3.A - Minimum ground level open space the clearance to overhead obstructions is listed at 12'. That height will not allow the use of trees or palms. In your presentation on the subject you had verbally proposed a higher clearance. I thought you said 30' which will allow for small scale palms. You might be able to go to 25' but that is the limit to where Landscape Architects would worry about the palms outgrowing the space. I am also a little worried that the wording of section allowing a developer to propose 50% of the open space as impervious surface and 50% with an overhang which leaves you with no trees/palms on the parcel. On the positive side - the requirement in another section where the City is requiring neck-outs at intersections will help add some tree planting locations downtown.

Thank you and the rest of the Staff for putting on the public involvement sessions! The things that I learned in the meetings helped me understand what the City was requiring of the developers. I previously had lots of questions about what was being allowed but after listening to your presentations I am now comfortable that your office is doing a great job. The session where you asked the audience to write comments was very effective in limiting interruptions by one or two people with opinions on every subject. That might be an effective strategy for the 2050 meetings.

Keep up the good work and never be afraid to ask more of the developers
Jake Zimmerman
### Downtown Workforce/Affordable Housing Bonus Development Programs

**September 4, 2019**

<table>
<thead>
<tr>
<th>Program Features</th>
<th>St. Petersburg</th>
<th>Miami</th>
<th>Orlando</th>
<th>Portland</th>
<th>Austin</th>
<th>Denver Program</th>
<th>Bonus Height</th>
<th>Seattle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prioritized?</td>
<td>Depends – for public hearing level bonus approvals only: 1/2% 0.5 bonus FAR must be for workforce housing, 2% 0.5 bonus FAR must be for workforce housing, historic preservation or downtown transit</td>
<td>No</td>
<td>No</td>
<td>Yes – Unless vested, mandatory inclusionary housing rules apply to residential projects with 20 or more units. The affordable units for voluntary/bonus area option is not specifically prioritized.</td>
<td>Yes – minimum of 50% of bonus area, up to 100%, must be through affordable housing bonus. Office and hotel development are effectively exempt from this requirement.</td>
<td>Yes - All developments pay mandatory affordable housing linkage fee or build affordable units per an affordable unit formula. Bonus height can be allowed for constructing additional affordable units or paying a multiple of the mandatory linkage fee.</td>
<td>Yes. Unless vested, mandatory housing affordability (MHA) requirements apply to all development and can be satisfied through building affordable units or payment of a MHA fee or a combination.</td>
<td></td>
</tr>
<tr>
<td>Targeted Income Levels</td>
<td>≤70% AMI for bonus FAR. Units that meet City's affordable housing program, units at ≤80% and ≤120% (must be split 50/50), are exempt from FAR calculation, up to 0.5 FAR</td>
<td>40% of units @ 60% AMI, remainder of units must be workforce, or 20% of units @50% AMI and the remainder of units must be workforce (80% to 140% of AMI)</td>
<td>&quot;Low or very low&quot; income – waiting for response from City of Orlando about definition of these income levels</td>
<td>10% of units @ 60% MFI and 20% of units @ 80% MFI</td>
<td>Owner occupied &lt;120% MFI Rental &lt;80% MFI</td>
<td>≤20% AMI</td>
<td>Rents that are 50% of the ≤60% AMI, 30% of 40% AMI if unit size is ≤400 sq. ft. For owner occupied, annual housing costs that are 35% of ≤65% AMI, resales are restricted</td>
<td></td>
</tr>
<tr>
<td>Onsite Build Option</td>
<td>Every 5% of units that meet the ≤150 AMI, or fraction of bonus requested = 1.0 FAR with no limit up to the max FAR</td>
<td>Each sq.ft. of AWPH, including shared space such as parking and circulation = 2 sq.ft. of bonus floor area</td>
<td>Bonus FAR must be used for low and very low income housing, max bonus = 0.5</td>
<td>Mandatory - projects that trigger the mandatory inclusionary housing ordinance (&gt;20 units) are allowed bonus height and FAR up to the maximum. Only area of building that triggers inclusionary ordinance can be included in bonus area.</td>
<td>10 sq.ft. for each 1 sq.ft. of onsite affordable space (≤150 sq. ft. for each family friendly bedroom On-Site for 5% of housing required in Rainey Street Subdistrict</td>
<td>Bonus height can be achieved by building affordable housing on-site per a &quot;build alternative unit multiplier&quot; that varies by zoning district (4 to 6 X affordable unit formula calculation)</td>
<td>Percentage of units to be set-aside as affordable: 2.1% to 7.0% for downtown areas depending on zone</td>
<td></td>
</tr>
<tr>
<td>Offsite Build Option</td>
<td>None</td>
<td>Each sq.ft. of AWPH, including shared space such as parking and circulation = 1 sq.ft. of area</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>May execute &quot;build alternative&quot; within 3/4 mile radius of project site.</td>
<td>Onsite option may be executed offsite</td>
<td></td>
</tr>
<tr>
<td>Pay-in-lieu Option</td>
<td>Each 0.25% of construction costs = 0.5 FAR with no limit up to the maximum FAR</td>
<td>Based on 4% of the market value per sq.ft. being charged for units at projects within the market area of the project. Calculation assumes a land value per salesable or rentable sq.ft. within market area to equate to between 10 to 15 percent of market area's weighted average sales price per sq.ft.</td>
<td>2.0% of project construction costs for full 0.5 FAR bonus. Lesser payment will get a proportionally less FAR bonus.</td>
<td>Currently $27/SGF in downtown area</td>
<td>Pay multiple of mandatory affordable housing linkage fee. Multiplier varies by zoning district (4 to 6 X the base fees below)</td>
<td>Fee per chargeable sq. ft.</td>
<td>Downtown area fee per chargeable sq. ft. 1/19 to 2/29/20</td>
<td></td>
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<tr>
<td>Pay-in-lieu Fee update calculation</td>
<td>Fluctuates with construction costs</td>
<td>Annually adjusted to reflect market conditions.</td>
<td>Fluctuates with construction costs</td>
<td>Updated every three years. Waiting for response from City of Portland about method used to update.</td>
<td>Fixed</td>
<td>Linkage fee is annually updated based on CPI-U</td>
<td>Annually adjusted based on CPI</td>
<td></td>
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<tr>
<td>Affordability Time Commitment</td>
<td>30 years</td>
<td>30 years</td>
<td>30 years</td>
<td>Waiting for response from City of Orlando</td>
<td>99 years</td>
<td>Owner occupied - resale restricted w/shared equity agreement; Rental – 40 years</td>
<td>60 years</td>
<td>75 years for rental</td>
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<tr>
<td>Results</td>
<td>Program began in 2014. Two residential projects have been completed to date, paying $1,355,375 in affordable housing fees-in-lieu.</td>
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**Notes**
- 1 – Program is focused on TODs near rail stations and areas adjacent to downtown but can be implemented citywide
DEVELOPMENT REVIEW COMMISSION

For Public Hearing on Wednesday, October 2, 2019
at 2:00 p.m. in the Sunshine Center,
330 5th St North, St. Petersburg, Florida.

COMMUNITY PLANNING & PRESERVATION COMMISSION

For Public Hearing on Tuesday, October 8, 2019
at 2:00 p.m. in the Sunshine Center,
330 5th St North, St. Petersburg, Florida.

Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

City File: LDR 2019-07
Public Notice Amendments

This is a City-initiated application requesting that the Development Review Commission ("DRC") in its capacity as the Land Development Regulation Commission ("LDRC") and the Community Planning & Preservation Commission (CPPC) in its capacity as the Local Planning Agency ("LPA"), make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the following text amendments to the City Code, Chapter 16, Land Development Regulations ("LDRs").

The purpose of this text amendment application is to update the public notice process in the LDRs for both general development applications and applications for the preservation of historic properties. Due to overlapping and related subject matter, this single staff report addressed to both commissions provides an overview of the update in its entirety with topics delineated by appropriate authority review and recommendation.
<table>
<thead>
<tr>
<th>APPLICANT INFORMATION</th>
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<tbody>
<tr>
<td><strong>APPLICANT:</strong></td>
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<td><strong>CONTACT:</strong></td>
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<th>COMMISSION AUTHORITY</th>
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<tr>
<td>Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.</td>
</tr>
<tr>
<td>Pursuant to Section 16.80.010.1 of the City Code of Ordinances, the CPPC, acting as the LPA, is responsible for reviewing and making a recommendation to the City Council on all historic matters, including acting as the LDRC for the purposes of and as required by the Community Planning Act to review and evaluate proposed modifications to the Land Development Regulations related to historic and archeological preservation.</td>
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<th>BACKGROUND</th>
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<td>On May 16, 2019, City council instituted a six-month moratorium on third-party applications for designation of historic landmarks, which expires on November 16, 2019 and on August 8, 2019, City Council and the Community Planning and Preservation Commission met jointly during a Committee of the Whole (COW) session focused on the third-party application process. Staff was directed to amend the historic preservation notice requirements to allow owners and applicants additional opportunities to communicate prior to the public hearing.</td>
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<td>In addition to updating the local landmark designation process, staff has identified several text amendments to update the public notice process and procedures for all applications requiring streamline review or public hearing review. The amendments are intended to address staff concerns as well as comments and concerns periodically received from stakeholders including the Council of Neighborhood Associations (CONA) regarding the public notice process during public hearings, workshops and stakeholder meetings.</td>
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<tr>
<th>PROPOSED LDR TEXT AMENDMENTS</th>
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<td>The proposed amendments are set forth below in order of review by commission.</td>
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</table>

**Development Review Commission (DRC) topic items:**

1. Update to the supplemental mail notice process:
   a) distance increased from 200 to 300 feet; eliminating the exclusion of right(s)-of-way and water bodies or publicly owned land under 400-feet in the measurement.
   b) information and materials to be included are only those that have been provided by the POD;
c) eliminate hand delivery option;
d) increase the mail notice days from 10 to 15 days prior to hearing; and
e) failure to provide supplemental notice.

2) Update to the posted notice requirements:
a) increase in posted notice dates from 10 to 15 days prior to hearing; and
b) proof of posted noticed to be provided within seven days prior to hearing.

c) proof of posted noticed to be provided within seven days prior to hearing.

3) Update notice process to neighborhood and business associations, the Council of Neighborhood Associations (CONA) and the Federation of Inner-City Community Organizations (FICO):
a) applicant to provide a notice of intent to file an application to neighborhood and/or business associations within 300-feet of the subject property, the Council of Neighborhood Associations (CONA) and the Federation of Inner-City Community Organizations (FICO) at least ten days prior to filling;
b) filed application package to be forwarded by staff to same parties; and
c) mailed notice to be provided by the applicant to same parties.

4) Update to the dock permit side setback variance process.
a) change variance to waiver process, consistent with Pinellas County;
b) require Notice of Intent to File letter be sent to owners within 200-feet thirty days prior to filing of the permit, with a detailed set of plans;
c) require notarized signature from the owner of abutting property affected by request; and
d) allow administrative approval by the POD if no objections are received.

5) Update of the planning and zoning decision process:
a) eliminate joint commission/staff site field trip;
b) amendments to the public participation report requirements; and
c) to the notification of modifications to site plans.

Community Planning and Preservation Commission (CPPC) topic items:

6) Update to the third-party notification requirements and process:
a) new “Notice of Intent to File” process;
b) establish 30-day notice requirement;
c) notice to all registered owners;
d) notice to City Council representative; and

e) coordination with emergency actions procedures for City Council.

7) Update to the local historic district procedures:
a) add public information meeting; and
b) update notification and balloting procedures.

8) Update to the application procedure for a COA:
a) new submittal requirements for revisions and supplemental information.

9) Update of definitions
a) new definition of City issued ballot;
b) new definition of Date stamp; and
c) amended definition of Owner of record or property owner.
Staff Analysis:

Development Review Commission (DRC) topic items:

1) Update to the supplemental mail notice process:
   a) distance increased from 200 to 300 feet;
   b) information and materials to be included are to be approved by the POD;
   c) eliminate hand delivery option;
   d) increase the mail notice days from 10 to 15 days prior to hearing; and
   e) failure to provide supplemental notice.

Section 16.70.010.4. Supplemental Notice, currently requires a supplemental mailing notification to property owners within 200 feet measured by a straight line from the subject property not including right-of-way, water bodies and publicly owned land if such land is less than 400 feet wide. The amendment proposes to increase the notice area to 300 feet inclusive of the right-of-way, water bodies and publicly owned land. Additionally, the mail notice can only contain materials and information approved by the POD, the option to hand deliver the notice is struck and the notice timeframe is increased from 10 to 15 calendar days prior to the public hearing date not including the day of the hearing.

Expanding the notice area from 200 to 300 feet is more inclusive of potentially affected neighbors while removing the exclusion of right-of-way, water bodies and publicly owned land brings greater predictability and less room for error in identifying the notification area. Pinellas County and the City of Tampa require a 250-foot notice without exclusion and the City of St. Pete Beach and Pinellas Park require a 300-foot notice without exclusion.

Elimination of the option to hand deliver the notice reduces the potential for confrontation of opposing parties, and in practice is not often implemented. Increasing the minimum required notice time by adding an additional five calendar days is intended to address comments and concerns periodically received during public hearings, workshops and stakeholder meetings of too short a notice for neighbors to prepare for and attend public hearings. Mail notices for City-initiated applications is unchanged requiring 30 calendar days prior to the scheduled hearing.

Section 16.70.010.4.C. Failure to provide supplemental notice is amended to clarify the public hearing process when supplemental notice is found to be incomplete during the hearing. The board, commission or City Council hearing the application may continue the public hearing to another day if it determines that circumstances warrant a continuance. For appeals, if the appellant has failed to provide the required notice, the board, commission or City Council hearing the appeal shall automatically dismiss the appeal at the time the failure is discovered. If the failure is discovered prior to the hearing, this section of the code remains unchanged and allowing the POD, to cancel the public hearing, reschedule the public hearing and require new notice to be given.

2) Update to the posted notice requirements:
   a) increase in posted notice dates from 10 to 15 days prior to hearing; and
   b) proof of posted noticed to be provided within seven days prior to hearing.
Section 16.70.010.4.B.3 *Posted Notice* currently requires posted noticed on the subject property at least 10 days prior to the public hearing. This section is updated to require posting of rezoning or land use changes where currently none is required. A posted notice exception is provided for application projects involving multiple parcels that exceed 10 acres, consistent with state statutes. This section is also updated to require proof of posted notice on the subject property to the POD at least seven days prior to the public hearing where proof was not previously required.

Increasing the timeline requirement of the posted noticed by five calendar days is in keeping with the written notice timeline update and allows affected neighbors more time to prepare for and attend the public hearing. State statutes does not require posted notice of zoning or land use changes but notice is included here to provide further transparency to affected neighbors. Requiring proof of posted notice further demonstrates at the public hearing that the applicant followed procedural requirements.

3) **Update notice process to neighborhood and business associations and the Council of Neighborhood Associations (CONA) and the Federation of Inner-City Community Organizations (FICO):**

   a) applicant to provide a notice of intent to file an application to neighborhood and/or business associations within 300-feet of the subject property, the Council of Neighborhood Associations (CONA) and the Federation of Inner-City Community Organizations (FICO) at least ten days prior to filling;
   b) filed application package to be forwarded by staff to same parties; and
   c) mailed notice to be provided by the applicant to same parties.

The various sections regarding notice to associations are updated so that the notice is provided in the following chronological order:

- applicant provides a Notice of Intent to file an application to neighborhood and/or business associations within 300-feet of the subject property, the Council of Neighborhood Associations (CONA), and the Federation of Inner-City Community Organizations (FICO) at least ten days prior to filling via email or standard mail;
- the complete filed application package is forwarded by staff to same parties via email; and
- mailed notice to be provided by the applicant to same parties, at least 15-days prior to the hearing.

More specifically, Section 16.70.040.1.F.4.b *Signature or affidavit of compliance* is retitled to *Notice of intent to file* and strikes the current process of requiring the applicant to obtain a signature from the president of the neighborhood association. The updated process requires a minimum of ten days prior to filling an application for a decision requiring streamline or public hearing approval, the applicant shall send a copy of the application by email or certificate of mail to all neighborhood associations and/or business associations within 300 feet of the subject property, along with CONA and FICO. Evidence of such notice must then be filed with the POD.

Section 16.70.040.1.F.3.c. *Target area* for the public participation process and report is updated to reflect the neighborhood and/or business association target area to include those located within 300-feet of the subject property, where previously it did not specify if the notification only applied to the neighborhood association that the project was located within. It also now specifies CONA and FICO as well.

Section 16.70.010.4.B.5 *Complete copy of application* is retitled to *Neighborhood and business association notice* and changes the responsible party to notify to neighborhood and business associations, CONA and FICO from the applicant to the POD, where one complete copy of each application is to be provided by the POD, after the applicant files.
4) **Update to the dock permit side setback waiver process.**
   a) change variance to waiver process, consistent with Pinellas County;
   b) require Notice of Intent to File letter be sent to owners within 200-feet thirty days prior to filing of the permit, with a detailed set of plans;
   c) require notarized signature from the owner of abutting property affected by request; and
   d) allow administrative approval by the POD if no objections are received.

Section 16.70.030.1.2.E **Variances-Waivers** for dock permits is retitled to **Side Setback-Waivers**. This section is updated to clarify that the side setback reduction is a waiver, rather than a variance, similar to Pinellas County and to remove the requirement to provide notarized letters from all neighbors within 200-feet of the side where the side setback is requested. It is replaced with the process of requiring the applicant to send a notice of request for a side setback waiver with a copy of the dock permit application with a plan clearly depicting the dock and lift improvements, with detailed measurements to the projected property line to those owners by certificate of mailing at least 30 days prior to filing such application and provide a notarized letter of support from the abutting property owner. If the letter is provided and no objections are received by the POD, the POD may administratively approve the request. Requests for variances will continue to be reviewed by the DRC.

5) **Update of the planning and zoning decision process:**
   a) eliminate joint commission/staff site field trip;
   b) amendments to the public participation report requirements; and
   c) to the notification of modifications to site plans.

Under Section 16.70.040.1 **Planning and zoning decisions generally**, subsection B. **Procedure** is updated to remove the option of the POD and commission to jointly take a field trip to the site under consideration. This is an outdated step of the process that has potential to conflict with the Sunshine Law.

Subsection F. **Public participation process and report** encouraging applicants to meet with residents of the surrounding neighborhoods prior to filing an application for public hearing review is updated to clarify that this process is required for any applications requiring streamline or public hearing review and that if no actions have been taken to invite public participation and/or no concerns or issues with the application have been expressed, then such inaction or non-response shall be indicted on the report. As stated above in item 3.a) the target area for the public participation process and report is also updated to reflect inclusion of both neighborhood and business associations within 300-feet of the subject area, CONA and FICO. Notice must be sent via email or hard copy by the applicant at least ten days prior to filing of an application, with proof of notice provided to the POD at time of application.

Subsection H. **Modifications** states that to any request for modification to a special exception or a site plan review previously approved by the POD or the commission shall be subject to review and approval in the same manner as a new application, except that the POD may approve minor modifications, provided that the basic purpose and intent of the Commission’s action is met or effectuated. The procedure subsection of the modifications process states that in lieu of obtaining the required authorization from all the property owners subject to the previous approval, the applicant shall provide proof of notice describing the modification supplied to the other property owners 30 days prior to a final decision. This timeline is updated to now require this notification no more than 90 days and no less than 15 days prior to filling the application, rather than prior to the hearing, to provide additional time for response.
Community Planning and Preservation Commission (CPPC) topic items:

1) Update to the third-party notification requirements and process:
   a) create “Notice of Intent to File” process;
   b) 30-day notice requirement;
   c) notice to all registered owners;
   d) notice to City Council representative; and
   e) coordination with emergency actions procedures for City Council.

Section 16.30.070.2.5.C Designation of local landmarks, Additional requirements is updated for a non-owner initiated, individual designation application to add a new “Notice of Intent to File” process. The purpose of this new section is to require dialogue between a potential third-party applicant and the registered owner(s) of the subject property prior to the submission of a formal designation application. Under the current regulations, an individual may file a third-party designation application without preliminary notice to the affected property owner(s).

The proposed text amendment will first require a third-party applicant to provide preliminary notice of their intentions to file a designation application. The “Notice of Intent to File” shall be sent to the affected property owner(s) at least 30-days prior to formally submitting an application.

In addition to owner notification, the third-party applicant shall also contact the district representative on City Council to inquire whether said City Council Member will City-initiate the application, an alternative process to the third-party application procedures.

The third-party applicant shall complete the following:

1. Invite all property owner(s) (or any legal person of interest) as shown in the Public Records of Pinellas County, by certified and regular mail to a meeting to determine if the owners are willing to become co-applicants.

2. Meet with the City Council Member of the district in which the property is located to determine if the City Council Member will make a motion to request that the City initiate a designation application.

3. Provide a complete copy of a designation application for the individual property to each property owner (a courtesy copy may be provided to any legal person of interest) as shown in the Public Records of Pinellas County by certified and regular mail.

4. Proof of compliance with this subsection shall be provided to the POD, and the POD shall not process the application for public hearing until all required materials are received.

2) Update to the local historic district procedures:
   a) add requirement for a public information meeting; and
   b) update notification and balloting procedures.

Section 16.30.070.2.5 Designation of local landmarks is updated to add the requirement for a public information meeting prior to the distribution of ballots when considering a potential local historic district. Although not code required, historic preservation staff has begun conducting a public information meeting prior to the distribution of ballots; the public information meeting is advertised with a direct mail invitation sent directly from the Urban Planning and Historic Preservation Division and to all registered owners of property within the proposed designation boundary. After establishing the ballot process in 2015, the first local historic district application under the then-new balloting requirements did not include a public information meeting. It was alleged afterwards that certain registered owners of property, the known opponents, were not aware of the neighborhood’s intentions
prior to the distribution of ballots. This amendment will codify the existing policy to conduct a public information meeting prior to the distribution of ballots thereby providing preliminary notice to all affected property owners.

The balloting process for the designation of local historic districts is updated to outline how to intake ballots that have been returned with a signature but for which no choice is indicated. During a recent ballot procedure, several property owners remitted their signed ballots, but the signor did not indicate their vote in support or opposition to the ballot question. The proposed language will explicitly state that a blank ballot received with a signature does not reflect an official position of the signor; the City reserves the right to notice the owner of this potential oversight, and the owner shall have the duration of the balloting period to rectify the blank ballot. Ballots that remain blank at the end of the 60-day balloting period shall be counted as a non-response.

3) Update to the application procedure for a COA:
   a) new submittal requirements for revisions and supplemental information.

Section 16.30.070.2.6.B Applications for procedures for a COA is updated to address current processing challenges with last-minute building plan and site data revisions. In some cases, these revisions have been submitted after distribution of the City staff report and only days before the scheduled public hearing. While City staff has tried to reasonably accommodate last minute changes, this creates an unfair burden on historic preservation staff who perform the analysis and recommendation, administrative staff who receive and distribute public hearing materials, and neighboring property owners who are trying to prepare their responses. Specifically, this amendment will establish that building plan and site data revisions must be submitted to City staff a minimum of 15 days prior to the scheduled public hearing. Any revisions after such date shall require a postponement to the next scheduled hearing. Minor revisions may be allowed subject to approval by the POD.

4) Update of definitions
   a) new definition of City issued ballot
   b) new definition of Date stamp
   c) amended definition of Owner of record or property owner

Section 16.90.020.3 Definitions is amended by adding the terms City issued ballot and date stamp and amending owner of record or property owner. The changes are intended to address updates to the local landmark designation process:

“City issued ballot means a ballot on a form that has been approved for use by the POD. Acceptable City issued ballots shall include photocopies of original approved ballot forms if the vote itself and the required signature are original ink and properly received by the POD in accordance with this Code.” During recent ballot procedures for a local historic district, the question has been raised whether a photocopy of the original approved ballot could be accepted if the vote itself and required signature are original ink and properly received. This proposed clarification will memorialize the current interpretation.

“Date stamp means a record of receipt of a document or item by the City and shall include, but not be limited to, a physically or digitally produced stamp or seal upon the document or item itself or inclusion in a filing or record for which metadata is recorded.” During recent ballot procedures for a local historic district, the meaning of a date stamp has been questioned. The
proposed clarification will explicitly state that in addition to a physical stamp, metadata relating to a digital record may also be used in certifying this threshold requirement.

Owner of record or property owner shall have the same meaning as the definition of “owner” in Section 1-2. For the purposes of notices or balloting required by this chapter, owner of record or property owner means the person having legal responsibility for the payment of taxes on said property as shown by the Official Records of Pinellas County. If the ownership is held by a trust, then notice is required to be provided to the trustee(s).

**CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposal:

- **LU8.1** - Pursuant to the requirements of Section 163.3202 F.S. the land development regulations (Chapter 16, City Code of Ordinances) will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

- **LU20.3** - The City will adopt Land Development Regulations which provide for notice of requests for rezoning, land use plan amendments and special exceptions for any property located within approximately 1/4 mile of a neighboring government to the neighboring government and, for any property located within approximately 1/4 mile of a public educational facility, to the School Board for comments pertaining to the request in relation to their respective plans.

- **LU20.4** - The City will adopt Land Development Regulations which provide for notice of requests for variances and site plans requiring commission approval, as designated in the LDRs, for any property located within approximately 1/4 mile of a neighboring government to the neighboring government for comments pertaining to the proposed action in relation to their respective plans.

- **H1.3** - Review ordinances, codes, regulations and the permitting process for the purpose of eliminating excessive and overlapping requirements and resolving conflicting requirements and amending or adding other requirements in order to increase private sector participation in meeting housing needs, while continuing to insure the health, welfare and safety of the residents.

- **LU21.1** - The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

**PUBLIC HEARING PROCESS**

The proposed ordinance associated with the amendment to the Land Development Regulations requires one (1) public hearing before the Development Review Commission (DRC), one (1) public hearing before the Community Planning and Preservation Commission (CPPC) and one (1) public hearing before City Council.
Based upon the analysis contained in this report, City staff finds the proposed amendments to the Land Development Regulations to be consistent with the Comprehensive Plan. The proposed amendments clarify various aspects of the Land Development Regulations bringing further transparency and predictability to the development review process.

**RECOMMENDATION**

Staff recommends that the Development Review Commission (“DRC”) in its capacity as the Land Development Regulation Commission (“LDRC”) and the Community Planning & Preservation Commission (CPPC) in its capacity as the Local Planning Agency (“LPA”), make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the amendments to the Land Development Regulations.
City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that increase the cost of housing construction, or of housing redevelopment, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1–June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. **Initiating Department:** Planning & Development Services Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2019-07).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

   No  **X** (No further explanation required.)
   Yes  ____  Explanation:

   If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: $______________________.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

   No  **X** (No further explanation required)
   Yes  ____  Explanation:
IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

CHECK ONE:

☒ The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance will increase housing costs in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Manager, Urban Planning and Historic Preservation Division (signature) ___________ Date

Manager, Urban Planning and Historic Preservation Division (signature) ___________ Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development
16.70.010.4. - Supplemental notice.

A. Notice requirements. The City Council, Development Review Commission, and Community Planning and Preservation Commission shall provide the supplemental notice set forth in this section for public hearings shall be provided for all hearings before the City Council, Development Review Commission, and Community Planning and Preservation Commission. For those applications which the POD has the authority to review and approve and which are made appealable to a board or commission of the City or City Council, the POD shall comply with the written and posted supplemental notice requirements set forth in this section. Such supplemental notice shall only apply to decisions of the POD which are made concerning a written request or application for which the applicant has paid a fee and for which the POD gives a written approval or denial. For applications for which an appeal may only be made by the property owner, such notice shall only be required to be made to the property owner.

Such supplemental notice shall only apply to decisions of the POD which are made concerning a written request or application for which the applicant has paid a fee and for which the POD gives a written approval or denial.

B. Notification. No notice other than the notice required by Florida Statutes shall be required; however, the City Council recognizes the importance of community involvement in many proceedings for which notice is not required by Florida Statutes (see development agreement section for other notice requirements). In an attempt to facilitate such involvement, and to provide courtesy notification of such proceedings to property owners and residents in affected neighborhoods and to other interested parties, it is the intent of the City Council to provide the following supplemental notice. This notice is directory and not mandatory. The failure to provide any supplemental notice shall not invalidate any action by the Mayor, or the POD, any boards or commissions of the City or City Council nor shall it create any right in any person to receive such supplemental notice.

1. Written notice. Notice shall be mailed by the applicant to all neighborhood associations and business association representatives within 300-feet of the subject application, the Council of Neighborhood Associations (CONA), the Federation of Inner-City Community Organizations (FICO) and the owners of property as listed by the county property appraiser's office, any portion of which is within 200 300 feet of any portion of the subject property measured by a straight line, property line to property line. For applications to vacate rights-of-way, easements, and walkways, mailed notice shall also include all property owners within the blocks abutting the requested vacation and property owners within 200 feet of such blocks.

   a. A body of water, right-of-way, or publicly owned land located within the 200 feet notification distance, shall be excluded from the calculation of the 200 feet measurement unless the body of water, right-of-way, or publicly owned land cumulatively exceeds 400 feet, measured along a straight line from the property line of the subject property to any other property which is not a body of water, right-of-way, or publicly owned land, in which case the body of water, right-of-way, and publicly owned land shall be included in the measurement of the 200 feet distance.

   b. Any request to receive notice by any person not an owner of property as described above must be in writing, must specifically identify the notices the person wishes to receive, must be delivered to the POD, and must contain a mailing address.

Updated September 26, 2019
Such requests, when not related to a specific application, shall only be valid for the specifically identified notices for not more than one year after receipt by the POD and may be renewed on an annual basis.

be. The applicant shall obtain from the POD a copy of the notice and the procedures for notification of property owners who must receive notice. The applicant shall not include any information in the notice other than that which is required by the POD. For the purposes of this chapter, the term, the "applicant," shall also include the appellant in an appeal.

cd. Not less than ten fifteen days prior to the date of the scheduled public hearing, the applicant shall deliver or mail a copy of said notice to all persons listed on the notification list and the owners of property within the distance described in this section. Notice shall be either delivered or mailed by U.S. mail with a U.S. postal service certificate of mailing returned to the City. If said notice is hand delivered to persons on the notification list, the receipt therefor shall be acknowledged by the signature of the person on the notification list and the applicant shall file a sworn statement thereof in a form acceptable to the POD. If said notice is hand delivered to a property, the applicant shall file a sworn statement thereof in a form acceptable to the POD.

de. The applicant shall file proof that the notices were mailed or delivered with the POD not less than seven days prior to the date of the scheduled public hearing or the POD decision.

ef. For property in condominium or cooperative ownership which falls within 200 300 feet, only the association shall be notified if the current or proposed use of the property which is the subject of the application is a single-family, duplex, or triplex residential use. If the current or proposed use of the property is any other use, then the owner of each unit in the structure shall be provided notice, in addition to the association.

2. Published notice. Notice of the public hearing shall be published by the applicant in a newspaper of general circulation in the City at least ten days prior to the public hearing. Published notice shall only be required for public hearings concerning special exceptions and site plans. There are additional State law requirements for ordinances. The applicant shall file an affidavit of publication provided by the newspaper with the POD not less than seven days prior to the date of the scheduled public hearing or the POD decision.

3. Posted notice. Notice of the public hearing shall be posted on the subject property by the applicant at least ten fifteen days prior to the public hearing. Posted notice is not required for rezoning or land use plan changes for applications related to individual parcels, but is not required for applications involving multiple parcels where the combined acreage of all parcels exceeds 10 acres. The applicant shall provide proof of posted notice on the subject property to the POD at least seven days prior to the public hearing. For non-owner initiated individual historic designation applications, required public notice may be placed in the adjacent non-vehicular right-of-way if access to the property is denied by the property owner.

4. Identify the property. The written, published and posted notices shall identify the property upon which the request for action is made, the date and location of the public hearing, the phone number and address where information regarding the proposal can be obtained, and the type of action requested (e.g., variance, lot line adjustment, site plan). The notice need not specify any details of the proposed request.
5. **Complete copy of application Neighborhood and Business Association notice.** One complete copy of each application to the Development Review Commission (DRC) and Community Planning and Preservation Commission (CPPC) shall be provided by the applicant POD to the Council of Neighborhood Associations (CONA), the Federation of Inner-City Community Organizations (FICO) and the neighborhood and business association representatives within 300-feet of the subject property listed by the POD. The term, "complete" includes one copy of the information required and any additional information (including studies) required by the POD to review the request. The application shall be either delivered or mailed by U.S. mail with a U.S. Postal Service Certificate of Mailing returned to the POD. Proof that a copy of the application was mailed or delivered shall be delivered to the POD within seven days of application submittal. The POD shall not process the application until receipt of such proof of mail or delivery.

6. **Governmental notice.**
   
a. For rezoning, land use plan amendments and special exceptions, mailed notice shall be provided to the neighboring government for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a neighboring government. Mailed notice shall also be provided to the Pinellas County School Board for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a public educational facility.

b. For variances and site plan reviews requiring CPPC or DRC approval, mailed notice shall be provided to the neighboring government for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a neighboring government.

c. For the establishment or expansion of a community redevelopment area, community development block grant target area or historic preservation district, mailed notice shall be provided to the neighboring government for comment, where the subject area or district is located within one mile (5,280 linear feet) of a neighboring government. Mailed notice shall also be provided to the Pinellas County School Board for comment, where the subject property is located within one mile (5,280 linear feet) of a school.

C. **Failure to provide supplemental notice does not invalidate any action.** Failure to provide any supplemental notice shall not invalidate any action by the Mayor or the POD, any boards or commissions of the City or City Council. If any supplemental notice as described herein is not provided for any hearing, the Mayor, POD, board or commission or City Council may take the following action:

1. Failure of an appellant to provide any supplemental notice or failure to file proof of written or published notice as required shall result in the automatic dismissal of the appeal at the time the failure is discovered.

2.  If the POD is notified of or discovers a failure to provide supplemental notice before noon on the day at least 36 hours before the scheduled start of the public hearing, the POD may cancel the public hearing, reschedule the public hearing and require new notice to be given. The POD should only take this action if:

a. It appears from the information provided that the holding of the hearing would work a substantial hardship on the person who did not receive notice;

b. Such substantial hardship is different from the hardship the person would have suffered had he received the notice;

C. Such hardship cannot be corrected or mitigated prior to the scheduled public hearing; and
d. Rescheduling would not work a substantial hardship on other persons who received notice or the applicant. Should the POD determine not to cancel the public hearing, the board, commission or City Council hearing the application may continue the public hearing to another day if it determines that circumstances warrant a continuance.

23. If the POD is not notified of or does not discover a failure to provide supplemental notice until after the time set forth above then the POD shall not cancel the public hearing. The board, commission or City Council hearing the application may, at the public hearing, weigh the effect the failure to provide supplemental notice may have and may choose to continue the public hearing if circumstances so warrant.

3. If any supplemental notice as described herein is not provided for any hearing before a board or commission or City Council:
   a. The board, commission or City Council hearing the application may continue the public hearing to another day if it determines that circumstances warrant a continuance.
   b. For appeals only, if the appellant has failed to provide the required notice, the board, commission or City Council hearing the appeal shall automatically dismiss the appeal at the time the failure is discovered.

4. If the POD is not notified of or does not discover a failure to provide supplemental notice until after the public hearing has been held and a decision rendered, then none of these actions shall be taken. Failure to provide any supplemental notice shall not invalidate any action by the POD, any boards or commissions of the City, or City Council.

SECTION 7. Section 16.70.030.1.2.E of the St. Petersburg City Code related to Dock Permits is hereby amended to read as follows:

E. **Variances Side Setback Waivers.** The POD shall have the power to grant variances to the side setback requirements by following the criteria established for the granting of variances generally. Notice is not required if notarized letters of approval from the owners of all lots within 200 feet of the side where a side setback variance is requested are provided. The applicant shall send a Notice of Intent to File a Dock Permit Application with a plan clearly depicting the dock and lift improvements with detailed measurements to the project property line to all owners of lots within 200 feet as measured along the seawall on the side where a side setback waiver is being requested by regular mail (with certificate of mailing provided to the POD) 30 days prior to filing of such application. The applicant shall also provide a notarized letter of support from the owner of the abutting lot on the side where a side setback waiver is being requested. If no objections are received by the POD, the POD may administratively approve the request. Those letters are evidence that the variance criteria have been met. Requests for other variances shall be reviewed by the commission designated in the Decisions and Appeals Table.
SECTION 8. Section 16.70.040.1 of the St. Petersburg City Code is hereby amended to read as follows:

16.70.040.1. - Planning and zoning decisions, generally.
   A. **Application and fee.**
      1. Applications for planning and zoning decisions shall be submitted in a form promulgated by the POD. The information provided on the form shall be supplemented by the information outlined below for the type of planning and zoning decision sought.
      2. The application shall be accompanied by a fee in the amount required by the City Council.
   B. **Procedure.** In addition to the procedures for a planning and zoning decision outlined hereafter, any commission may hold a preliminary meeting with the POD to review the agenda items prior to the scheduled public hearing. The preliminary meeting may include a field trip to the site under consideration. Notice shall be given of the preliminary meeting and field trip in the same manner as notice for the regular general meeting of the Commission except no mailed, published or posted notice is required to be provided.
   C. **Initiation.** Applications for a planning and zoning decision may be initiated by the property owner. A duly authorized agent may file an application on behalf of a property owner with the appropriate authorization of the property owner. The ability to initiate an application for planning and zoning decisions shall be supplemented by the information outlined below for the type of planning and zoning decision sought.
   D. **Public hearing.** If a public hearing is required, it shall be held within 90 days from the date of receipt of a completed application. If an applicant defers a required public hearing for two consecutive scheduled public hearing dates, the application shall be deemed to be automatically denied for failure to timely process the request, and the application and file shall be closed by the POD. An applicant may reapply after paying the normally required fee.
   E. **Standards for review.** In reviewing the application for a planning and zoning decision in addition to the standards of review applicable to the decision, the POD, commission or the City Council shall consider whether the proposed amendment is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the plan.
   F. **Public participation process and report.**
      1. **Purpose.** The public participation process may not produce complete consensus on all applications, but encourages applicants to be good neighbors and allows for informed decision making. The level of public interest and area of involvement will vary depending on the nature of the application and the location of the site. The purpose of the public participation process is to:
         a. Encourage applicants to pursue early and effective communications with the affected public in conjunction with applications, giving the applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community and to educate and inform the public;
         b. Provide residents and owners of property in potentially impacted areas with an opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
         c. Facilitate ongoing communication between the applicant, interested residents, property owners, and City staff throughout the application review process.
2. **Applicability.** 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 decision requiring a streamline review and or 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, (except when the application is for a local historic district) 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.

3. **Target area.** The target area for the public participation process shall include the following:
   a. Property owners within the public hearing notice area required by this section;
   b. The neighborhood in which the subject property is located, as identified in an accepted neighborhood plan;
   c. The potentially affected neighborhood associations and/or business associations, within 300-feet of the subject property and the Council of Neighborhood Associations (CONA) and Federation of Inner-City Community Organizations (FICO). If the property is in a DC district, the St. Petersburg Chamber of Commerce and the downtown partnership shall be included.

4. **Documentation.**
   a. **Report on implementation of the public participation process.** The applicant shall provide a written report on the results of their public participation effort prior to filing the application, and such report may be updated and resubmitted up to 10-days prior to the scheduled public hearing. If no actions have been taken to invite public participation and/or no concerns or issues with the application have been expressed, then such inaction or non-response shall be indicated on the report. The report will be attached to the POD’s public hearing report. At a minimum, the public participation report shall include the following information:
      1. Details of techniques the applicant used to involve the public, including:
          (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;
          (d) A list of persons contacted and invited to any neighborhood meeting; and
          (e) The number of people who participated in the process;
      2. A summary of concerns, issues and problems expressed during the process;
      3. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
      4. Concerns, issues and problems the applicant is unable to address. This statement shall indicate why the concerns cannot or should not be addressed.
5. **Notice of Intent to File.** A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email or certified mail to Council of Neighborhood Associations (CONA), the Federation of Inner-City Community Organizations (FICO) and all Neighborhood Associations and/or Business Associations within 300 feet of the subject property. The applicant shall file evidence of such notice with the application to the POD. This subsection shall not apply to applications for historic districts or individual designations which shall be governed by the Historic Preservation Overlay.

b. **Signature or affidavit of compliance.** The public participation report shall include one of the following:
   1. The signature of the president or vice-president of any neighborhood associations contacted certifying that a neighborhood meeting was conducted at which this request was presented. The signature need not certify agreement with the applicant as to any issue raised at the neighborhood meeting; or
   2. 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, if known; or
   3. A statement that the subject property is not located within a neighborhood for which there is an accepted neighborhood plan.

G. **Conceptual plan approval.**
   1. **Purpose.** The purpose of the conceptual plan approval process is to:
      a. Recognize that preparation of specific construction details and diagrams, in advance of any formal approval, is costly and therefore creates risk for the property owner;
      b. Recognize that applications for development or redevelopment may precede the final determination of any property owner or tenant who may have a specific floor plan and other requests that need to be accommodated;
      c. Facilitate flexibility in the development process by acknowledging the influence of risk on property owners, developers and lending institutions.

   2. **Applicability.** The applicant may include conceptual plan approval as a preparatory step in the development process, which allows an applicant to receive conceptual plan approval for a project and return with a fully developed package for final plan review and approval. The conceptual plan review process may be utilized for the following types of applications: Bonus approval, public hearing (downtown center), site plan review and special exception applications.

   3. **Procedures.**
      a. **Staff review and recommendation.** After the POD has reviewed the application, the POD shall send a report to the commission designated in the Decisions and Appeals Table, with a copy to the applicant, recommending whether the application should be approved, approved with conditions or denied and the grounds for such recommendation. While this is a preliminary approval based on a conceptual plan, the applicant shall submit all information necessary to demonstrate compliance with the Land Development Regulations and any bonus provisions.
b. *Commission review and decision.* Upon receipt of the recommendation from the POD, the Commission shall conduct a public hearing on the application and shall approve, approve with conditions or deny the requested conceptual plan, applying the standards for whichever application is being considered.

c. *Final plan approval.* At any time prior to expiration of the approval, the applicant may fully develop the plans and return for final approval. The application shall be revised to comply with any code amendments that have been adopted since the conceptual approval. If the final plans are consistent with the conceptual plan approval, the application shall be placed on the consent agenda of the commission designated in the Decisions and Appeals Table for final approval. The applicant may return to the commission designated in the Decisions and Appeals Table at any time prior to expiration to amend an approved conceptual plan.

H. *Modifications.* Any request for modification to a special exception or a site plan review previously approved by the POD or the commission designated in the Decisions and Appeals Table, shall be subject to review and approval in the same manner as a new application, except that the POD may approve minor modifications, provided that the basic purpose and intent of the Commission's action and the ordinances of the City are met and effectuated.

A. *Minor modifications.* "Minor modification" shall mean the following:

1. Any modifications that reduce density, building square footage or degree of variance, or modifications not involving an increase of more than ten percent of the gross floor area and in no event more than 6,000 square feet in the case of buildings or five percent of the lot area in the case of parking or landscaping modifications. Public notice of these minor modifications is not required.

2. Any modifications involving an increase of more than ten percent, but not more than 20 percent, of the gross floor area and in no event more than 15,000 square feet in the case of buildings or 20 percent of the lot area in the case of parking or landscaping modifications. Mailed notice should be provided as set forth in the notices section.

3. Minor modifications shall not cause a variance from any provisions of the City Code, shall not involve a change in principal use or an increase in residential density, shall not waive any condition or conditions expressly specified by the Commission, and shall not change the basic intent of the approved site plan.

B. *Procedures.*

1. An applicant that seeks a modification to a special exception or site plan previously approved by the POD or the commission designated in the Decisions and Appeals Table shall be required to obtain the required authorizations from all owners of property subject to the previous approval for which modification is sought, except as set forth in subsection 2 below.

2. An applicant that seeks a modification to a previously approved special exception or site plan may be exempt from obtaining the required authorizations from the other property owners subject to the previous approval for which modification is sought, if all of the following conditions are met:

   a. The previously approved special exception or site plan, which may or may not be expired, applies to a subject property that is currently owned by multiple owners who are separate entities; and

Updated September 26, 2019
b. The applicant is seeking to modify the special exception or site plan approval for only those portions of the subject property that the applicant owns.

In lieu of obtaining the required authorizations from the other property owners, upon meeting the conditions set forth in this subsection, the applicant shall demonstrate proof of that notice describing the modification was supplied to the other property owners 30 no more than 90 days and no less than 15 days prior to filing of the application, a final decision made by the POD, or, if required, 30 days prior to a public hearing by the commission designated in the Decisions and Appeals Table. Modifications to site plans with multiple owners shall be reviewed to address overall impacts on the entire site plan in accordance with the applicable development standards in the Land Development Regulations.
VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

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

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

CASE NO.: 19-33000009  PLAT SHEET: G-60
REQUEST: Approval of a vacation of 116th Circle North from Dr. Martin Luther
King Jr. Street North, extending West approximately 783-feet.

OWNERS:
Mid Atlantic at Gateway, LLC
11600 9th Street North
Saint Petersburg, Florida 33716-2320

L M P 118th Avenue Lagoon LLC
11600 Dr. Martin Luther King Jr. Street North
Saint Petersburg, Florida 33716-2320

Power Design, Inc.
11600 Dr. Martin Luther King Jr. Street North
Saint Petersburg, Florida 33716-2320

AGENT:
Maria Musolino
11600 9th Street North
Saint Petersburg, Florida 33716

ADDRESSES AND
PARCEL ID NOS.:
11500 Dr. ML King Jr. Street North; 13-30-16-30369-001-0010
11600 Dr. ML King Jr. Street North; 13-30-16-76529-001-0010
1010 118th Avenue North; 13-30-16-76534-001-0010
1020 118th Avenue North; 13-30-16-76537-001-0011
1020 116th Circle North; 13/-30-16-76535-002-0050

P.O. Box 2842
St. Petersburg, FL 33731-2842
T: 727-893-7111
LEGAL DESCRIPTION: On File  
ZONING: Employment Center (EC-1)  

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate the entirety of 116th Circle North west of Dr. ML King Jr. Street North. This portion of 116th Circle north includes an 80-foot wide east/west road, 783-feet in length. The roadway is surrounded to the north, south, and west by land owned by Power Design, Inc. and its subsidiary companies and to the east by Dr. ML King Jr. Street North. The Applicant's goal is to consolidate property surrounding the right-of-way of 116th Circle North in order to secure the campus by limiting the public access to the facilities, parking and ponds located within the Power Design Inc. property and allowing pedestrian traffic associated with their campus to flow without interference from vehicular traffic on 116th Circle North. The existing road will remain for private access.

The road proposed for vacation, 116th Circle North, is adjacent to Gateway Business Center Lot 1 Block 1 and Roosevelt Centre Replat 6th Addition Lot 5 along the southside, the Roosevelt Center Second Replat Lot 1 Block 1 along the north and west sides, and the Roosevelt Centre Replat 1st Addition Block 1 Lot 1 along the north side. The road is generally located from Dr. ML King Jr. Street North to a point 783-feet west containing 1.396 acres (60,819 s.f.). The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments A and B) and the Sketch and Legal Description (Attachment C).

The roadway currently provides access to a lift station at the west end of the roadway and to four (4) fire hydrants along the 116th Circle North. Other existing facilities within the right-of-way include a reclaimed water main, potable water main, sanitary sewer force main, sanitary sewer gravity pipe and a sanitary sewer lift station. In addition, drainage structures are within the vacation area that are part of two (2) 50-feet drainage and utility easements that run north/south through the 116th Circle North right-of-way, which includes the lift station access. Two drainage and utility easements are located within the north side of the 116th Circle North right-of-way, one is 15-feet in width and the second is 18-feet in width (Attachment D).

In addition, the City of St. Petersburg Complete Streets Implementation Plan, approved by City Council in May 2019, has a proposed bicycle/pedestrian trail connecting Roosevelt Boulevard to Dr. ML King Jr. Street North by way of 116th Circle North. The Complete Streets Implementation Plan is part of the City's Trail system as noted in the Comprehensive Plan to introduce additional public access to the public roadway rights-of-way. This future bicycle/pedestrian trail connects from Roosevelt Boulevard at 16th Court North northeast to a 20 ft. wide utility easement that connects at the east end to the west end of 116th Circle North (See Attachment E). The proposed trail then follows 116th Circle North east to Dr. ML King Jr. Street North. A portion of the proposed trail between 16th Court North and 116th Circle North is also on private land owned by Power Design, Inc. Power Design, Inc has indicated that the intent of vacating the 116th Circle right-of-way is to secure their campus, a public pedestrian/bicycle easement for the trail through the 116th Circle North vacated corridor would prevent their ability to secure the campus. At this time there are other potential routes to the south through land owned by Power Design and through property which Power Design may purchase in the near future.
Other improvements proposed which may be affected by the vacation includes the addition of a traffic light at the intersection of Dr. ML King Jr. St. North with 116th Circle North and 116th Avenue. The City's Transportation and Parking Management Department conducted a signal warrant study and determined that this intersection would meet warrants for a signal because of a significantly high number of angle, sideswipe and rear end crashes. A total of 19 crashes have occurred in the time period between March 21, 2015 to December 15, 2017. The City has not currently programmed the installation of the signal in the five-year Capital Improvements Program due to insufficient funding but is seeking to install the traffic signal to improve safety for motorists. A signal would also provide a safer crossing of Dr. ML King Jr. Street for pedestrians and bicyclists as part of a larger trail network. The Power Design, Inc. Executive Committee has stated an interest in participating in the funding of this traffic signal at the intersection of Dr. ML King Jr. Street with 116th Circle North and 116th Avenue North. A private sector contribution provides a unique opportunity to fund the installation of the signal in a more expedient manner than would normally be possible. The Transportation Department will continue to work with Power Design, Inc. on this initiative.

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. All City Departments have no objections; however, there were requests for easements or Conditions of Approval from some City Departments as addressed below:

1. **Engineering and Stormwater Department** – Engineering and Stormwater have no objections to the vacation provided the Conditions identified in the Memorandum dated July 22, 2019 are met (see attached Memorandum). These conditions have been addressed in the Conditions of Approval at the end of this report.

2. **Water Resources Department** – The Water Resources Department has requested that the area of vacation (116th Circle North right-of-way) be retained as a utility easement. This request has been addressed as a Condition of Approval.
3. **Transportation & Parking Management Department** – Transportation has concerns about the loss of the use of 116th Circle North as part of the approved St. Petersburg Complete Streets Implementation Plan, a major transportation effort for the City. The Complete Streets Implementation Plan has a proposed bicycle/pedestrian trail along 116th Circle North as part of a connector route between Dr. ML King Jr. St. North and Roosevelt Boulevard. The Transportation and Parking Management Department has requested that as part of the replat, Power Design, Inc provide an easement for public access to implement the trail connection as shown on the Complete Streets Plan or the applicant shall provide an alternative alignment or mitigation acceptable to the Transportation & Parking Management Department. This request has been addressed as a Condition of Approval to allow Power Design, Inc to start securing their campus as desired. Power Design Inc is currently negotiating land acquisitions that may provide an alternative pedestrian trail route for the City. It is important to note that Power Design, Inc is working diligently with the City staff to provide an alternative pedestrian/bicycle trail or provide mitigation or a combination of both.

4. **Fire Department** – The Fire Department has no objections and requires perpetual access to 116th Circle North with a road to support heavy apparatus and access to all hydrants. A condition has been provided requiring a perpetual access easement to the fire hydrants and to the roadway with any new roadway to meet the requirements necessary for heavy equipment.

The utility providers have no objections to the vacation with the exception of Bright House Networks. Bright House Networks has not responded to numerous requests. In order to preserve the use of any utilities within the 116th Circle North right-of-way a Condition of Approval has been added requiring an easement to Bright House Networks should utilities be identified within the area of vacation.

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 area of vacation is surrounded by Power Design, Inc. and its subsidiary companies. The existing roadway will remain for private use. The existing access driveways from 116th Circle North to the adjacent Power Design, Inc. properties will remain though the locations may be modified. However, access will be limited to employees and visitors.

The properties to the north and south also have frontage on Dr. ML King Jr. St. North which is maintained by Pinellas County, who utilizes strict access requirements along arterial roads and may not provide additional access points on Dr. ML King Jr. St. North to these properties. There is also access to the conglomerate properties via 118th Avenue North.

Conditions of Approval require that the applicant provide the City of St. Petersburg with access, maintenance, utility and drainage easements on the vacated right-of-way and for the associated public facilities. Conditions are also provided for the affected utility companies to have easements for their respective utilities.
The vacation will not deny access to any lot of record.

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

The vacation of 116th Circle North will not impact the existing roadway network or 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 existing roadway will remain and become a private roadway with limited access to the public. The vacation will not impact the vehicular travel patterns for any surrounding 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.**

The 116th Circle North provides access to the Power Design, Inc. campus. It is the intent of Power Design, Inc. to keep the roadway as a private road, providing access to employees and designated visitors in order to secure the campus allowing for a safer campus.

All utility companies with facilities within the right-of-way require easements for maintenance and access to their utilities. In addition, the City will require access, drainage, maintenance, and utility easements over the entire vacation area. Private access will remain to 116th Circle North.

While the St. Petersburg Complete Streets Implementation Plan has a proposed bicycle/pedestrian trail along 116th Circle North as part of a connector route between Dr. ML King Jr. St. North and Roosevelt Boulevard, the City is requiring that as part of the replat, Power Design, Inc. provide an easement for public access to implement the trail connection as shown on the Complete Streets Plan or provide an alternative alignment or mitigation acceptable to the Transportation & Parking Management Department. This request has been addressed as a Condition of Approval

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

A condition of the vacation is to submit a replat application for all parcels that are owned by Power Design, Inc. and its subsidiary companies to identify and document the parcels and easements. No other factors have been raised for consideration.

**B. Comprehensive Plan**

The City Comprehensive Plan contains Goals Objectives and Policies to guide the community to address the concerns of the community related to growth management and the preservation of the City’s character and preserve and protect the resources of the community through the
guidance of growth and redevelopment while continuing to provide quality services concurrent
with the impacts of development (or redevelopment). The Policies identified below (italics)
address development concerns for the Gateway area of the Plan. The staff findings follow the
Policies.

The Land Use Element Policy LU16.1: "Development planning for the Gateway shall include
consideration of the following issues:
1. promotion of industrial and office park development to diversify the City's economic base and
generate employment;
2. preservation of significant historic, environmental and archaeological areas;
3. integration of land uses with existing and future transportation facilities recognizing the
special transportation conditions within a regional activity center;
4. creation of an aesthetically pleasing development that provides a positive visual image at the
City's "Gateway;"
5. assuring the proper coordination, programming and timing of City services concurrent with
the needs of new development;
6. providing housing opportunities in close proximity to the Gateway employment center;
7. allowance of multi-family residential uses to provide housing opportunities within close
proximity to employers."

Response to Policy LU16.1.3. The St. Petersburg Complete Streets Implementation Plan has a
proposed bicycle/pedestrian trail along 116th Circle North as part of a connector route between
Dr. ML King Jr. St. North and Roosevelt Boulevard. In addition, the city has determined that the
intersection of 116th Circle North and Dr. ML King Jr. St. North warrants a traffic signal. These
are recognized transportation needs within the Gateway Activity Center. Power Design, Inc. is
working with the City to provide an alternate alignment for the trail connection or provide
mitigation acceptable to the Transportation & Parking Management Department. In addition, the
Power Design, Inc. Executive Committee has stated an interest in participating in the funding of
a traffic signal at the intersection.

Response to Policy LU16.1.4. Power Design, Inc. is creating a secure and safe campus and
environment for its employees to be pedestrian-friendly and mobile throughout the campus
without interfacing with vehicles along public roads. With their provision of
pedestrian/recreational facilities, the campus provides an aesthetic and positive workplace
within the Employment Center and Gateway Activity Center.

The Land Use Element Policy LU3.24: "The City shall encourage non-polluting industrial and
research facility uses, through the use of incentives that may include land assembly assistance
and provision of infrastructure and amenities."

Response Policy LU3.24: The right-of-way and utilities are existing. While Power Design, Inc. is
an established company within St. Petersburg, the City strives to retain its commitment to
companies that bring continued employment opportunities. Power Design, Inc. currently has
800 employees with an increase to 1,300 employees by 2023. Power Design, Inc. seeks to
vacate this right-of-way to provide a safe and secure campus limiting the public to access to
their properties.
C. Adopted Neighborhood or Special Area Plans

The subject vacation is located within the Gateway area, which includes The Gateway Regional Activity Center, located at the center of the Tampa Bay regional market and contains the remaining large tracts of vacant land in the City. This area is planned for intense development as it is an Employment Center. The geographic location of the area makes it highly accessible to regional transportation assets including airports, seaports, and major roadways.

Comments from Agencies and the Public. The City Staff has received 6 phone calls from property owners of the condominiums on the east side of Dr. ML King Jr. St. North. The property owners were inquiring about the vacation but had no objections.

RECOMMENDATION. Staff recommends APPROVAL of the proposed 116th Circle North vacation. Staff recommends the following special conditions of approval:

1. Any relocation of existing utilities shall be at the expense of the applicant.

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

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

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

5. Prior to recording of the vacation ordinance, the Applicants shall comply with the conditions of the Engineering Memorandum dated July 22, 2019 (Attachment "C") which shall include provision of a Public Utility & Maintenance Access Easement for all water, sanitary sewer, fire hydrants, reclaimed water facilities and drainage facilities as well as provide access for heavy vehicles and equipment for maintenance and public safety purposes.

6. A replat of the existing parcels with the easements is required prior to the vacation ordinance recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.
7. As part of the replat, the Applicants will provide an easement for public access to implement the trail connection as shown on the Complete Streets Plan or the Applicants shall provide an alternative alignment or mitigation acceptable to the City's Transportation & Parking Management Department.

REPORT PREPARED BY:

Anh Vickstrom, Planner II
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

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

Attachments: A - Parcel Map, B - Aerial Map, C - Legal Description and Sketch, D - Surrounding Easements, E-Complete Streets Plan, Engineering Memorandum dated July 22, 2019,
Attachment A
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-33000009
Addresses: 11500 and 11600 Dr. ML King Jr. Street North, 1010 and 1020 118th Avenue North, and 1020 116th Circle North
PROPOSED VACATION

DESCRIPTION A parcel of land lying in Section 13, Township 30 South, Range 16 East, Pinellas County, Florida, also being a portion right of way dedicated in ROOSEVELT CENTRE REPLAT recorded at Plat Book 81, Page 18 thru 20 inclusive, and being more particularly described as follows:

BEGIN at the Southeast corner of Lot 1, Block 1 of the ROOSEVELT CENTRE REPLAT 1ST ADDITION, according to the official plat thereof recorded in Plat Book 81, Page 44, Pinellas County Florida Records, thence along the South boundary of said Lot 1, also being the North right-of-way line of 116th Circle, N 89°46’53”W., 550.51 feet to the Southeast corner of Lot 1, Block 1, ROOSEVELT CENTRE SECOND REPLAT, according to the official plat thereof recorded in Plat Book 107, Page 73, Pinellas County Florida Records, thence along the South, Northwesterly and East boundary of said Lot 1 the following three (3) courses 1) N 89°46’53”W., 163.43 feet 2) S 52°47’44”W., 88.56 feet 3) S 00°13’07”W., 27.49 feet to the North boundary of Lot 5, ROOSEVELT CENTRE REPLAT 6TH ADDITION, according to the official plat thereof recorded in Plat Book 119, Page 46, Pinellas County Florida Records, thence along said North boundary, also being the South right-of-way line of 116th Circle, S 89°46’39”E., 223.82 feet to the Northeast Corner of said Lot 5, thence continue along said South right-of-way line of 116th Circle, also being the North boundary of Lot 1, Block 1, GATEWAY BUSINESS CENTER, according to the official plat thereof recorded in Plat Book 100, Page 92, Pinellas County Florida Records, S 89°46’33”E., 558.86 feet to the West right of way line of 9th Street according to aforesaid ROOSEVELT CENTRE REPLAT, thence along said West right-of-way line N 00°13’07”E., 80.02 feet to the POINT OF BEGINNING.

Containing 50,816 Square Feet or 1.196 acres, more or less.

NOTES
1) Bearings shown hereon are based on the North boundary Lot 1, Block . Gateway Business Center as shown on the official plat thereof recorded at Plat Book 100 Page 92, Pinellas County Florida Records. Having a grid bearing of S 89°46’53”E
2) See sheet 1 for legal description, sheet 2 for sketch
3) Information shown hereon is incomplete without an accompanying sketch
Attachment D- Existing Easements
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-33000009
Addresses: 11500 and 11600 Dr. ML King Jr. Street North, 1010 and 1020 118th Avenue North, and 1020 116th Circle North
TO: Iris Winn, Administrative Clerk, Development Services  
Jennifer Bryla, Zoning Official, Development Review Services  
Kathryn Younkin, Development Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: July 22, 2019

SUBJECT: Vacation

FILE: 19-33000009

LOCATION AND PIN:  
11500 Dr. ML King Jr. Street North; 13-30-16-30369-001-0010  
11600 Dr. ML King Jr. Street North; 13-30-16-76529-001-0010  
1010 118th Avenue North; 13-30-16-76534-001-0010  
1020 118th Avenue North; 13-30-16-76537-001-0011  
1020 116th Circle North; 13-30-16-76535-001-0010

ATLAS: G-60  
Zoning: Employment Center (EC-1)

REQUEST: Approval of the vacation of 116th Circle North from Dr. Martin Luther King Jr. Street North, extending West approximately 783-feet.

COMMENTS: The Engineering & Capital Improvements Department (ECID) has no objection to the vacation request provided the following are conditions of the approval.

1. The entire vacated right-of-way of 116th Circle must be retained as a Public Utility & Maintenance Access Easement for the purpose of maintaining the existing reclaimed water main, potable water main, sanitary sewer force main, and sanitary sewer gravity pipe, and sanitary sewer lift station. Drivable public access for heavy vehicles and equipment must be maintained to these existing utilities by the applicant along the entire length of the vacated right of way.

2. Maintenance access to the public lift station must be guaranteed 24 hours per day. The applicant must work out an access plan/agreement/arrangement and have it approved by the City’s Water Resources Department director prior to final approval of this vacation. Contact John Palenchar, John.Palenchar@stpete.org.

3. Modification of the two (2) 50-foot wide Public Drainage and Utility Easements to include Lift Station Access (for public maintenance purposes) through the northern parking lot is acceptable but does not eliminate the need for public maintenance access along the vacated 116th Circle North from Dr. ML King Street North.

4. The two (2) 50-foot wide north/south Public Drainage and Utility Easements must be extended across the vacated right of way to encompass the box culvert and Roosevelt Creek and to connect to the similar easements on the north and south side of the vacated right of way.

5. The 116th Circle roadway shall be transferred to the private ownership and private maintenance of the applicant/property owner. As a condition of this vacation, it shall be the responsibility of the applicant/property owner to maintain a paved access road designed for heavy equipment to access to and along all existing public utilities along the length of the public easement to be retained. There will be a need for zoning to coordinate with the City’s CADD/GIS division all information regarding the transfer of selected infrastructure to private maintenance and ownership as a result of this vacation so that City utility maps are updated.
6. The three (3) catch basins and associated drainage piping (other than the box culvert) which are contained within the right of way to be vacated shall be transferred to the private ownership and private maintenance of the applicant/property owner as a condition of approval of this vacation. There will be a need for zoning to coordinate with the City’s CADD/GIS division all information regarding the transfer of these selected public utilities to private maintenance and ownership as a result of this vacation so that City utility maps are updated.

7. No building or other structure 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. All costs involving repairing of hard surfaces, removal and replacement of fences, walls, trees, shrubbery, hedges or any other private encroachments into public easements shall be the responsibility of the property owner. A Minor Easement Permit approval per City Code Article VII shall be required prior to any future proposed encroachment into public easements. Minor Easement Permits are issued by the City’s ECID.

8. Any improvements necessary to meet the conditions of this vacation and any easement dedications shall be at the expense of the property owner. We ask that a survey be provided showing all existing utilities and the boundaries of each of the easements to be dedicated for review of all impacted City departments prior to final easement dedication.

9. ECID asks that Zoning determine & clarify if a replat is required for this full right of way vacation or if necessary easement dedications/modifications will occur via instrument.

NED/MJR/

pc: Kelly Donnelly
Correspondence File
SUBDIVISION DECISION

Application No. ____________

List of Required Submittals
Only complete applications will be accepted:

☑ Completed application and narrative
☑ Pre-application Meeting Notes
☑ Affidavit to Authorize Agent, if Agent signs application
☑ Application fee payment (fee schedule on application)
☑ Public Participation Report (not required for Lot Line Adjustment, Lot Splits, Lot Refacing or Easement Vacations as long as no variance is requested)

☑ For Lot Refacing applications: documentation showing that the notice of the application and a request for a letter of consent were sent to the abutting property owners.

☑ Lot Line Adjustments, Lot Splits and Lot Refacing
  • 3 copies of Site Plan or Survey of the subject property
  • To scale on 8.5" x 11" or 11" x 17" paper
  • North arrow
  • Setbacks of structures to the property lines
  • Dimensions and exact locations of all property lines, structures, parking spaces, and landscaping
  • 3 copies of a Legal Description and Sketch of each new parcel being requested

☑ Vacations - Sketch and Legal Description of the area to be vacated prepared by a licensed surveyor
☑ Narrative of the Request
☑ PDF of all above drawings (may be emailed to Staff Planner)

The following items are optional, but strongly suggested:

☐ Neighborhood Worksheet
☐ Photographs of the subject property and structure(s)

Completeness review by city staff: ____________
VACATION OF PUBLIC RIGHT-OF-WAY
116TH CIR N. ST. PETERSBURG, FLORIDA
SKETCH OF PROPOSED VACATION:
116TH CIR N. ST. PETERSBURG, FLORIDA
Description Sketch
EXHIBIT "A"

PROPOSED VACATION

DESCRIPTION: A parcel of land lying in Section 13, Township 30 South, Range 16 East, Pinellas County, Florida, also being a portion right of way dedicated in ROOSEVELT CENTRE REPLAT recorded at Plat Book 81, Page 18 thru 20 inclusive, and being more particularly described as follows:

BEGIN at the Southeast corner of Lot 1, Block 1 of the ROOSEVELT CENTRE REPLAT 1ST ADDITION, according to the official plat thereof recorded in Plat Book 81, Page 44, Pinellas County Florida Records; thence along the South boundary of said Lot 1, also being the North right-of-way line of 116th Circle, N.89°46'53"W., 550.51 feet to the Southeast corner of Lot 1, Block 1, ROOSEVELT CENTRE SECOND REPLAT, according to the official plat thereof recorded in Plat Book 107, Page 73, Pinellas County Florida Records; thence along the South, Northwesterly and East boundary of said Lot 1 the following three (3) courses: 1) N.89°46'53"W., 163.43 feet; 2) S.52°47'44"W., 86.56 feet; 3) S.00°13'07"W., 27.40 feet to the North boundary of Lot 5, ROOSEVELT CENTRE REPLAT 6TH ADDITION, according to the official plat thereof recorded in Plat Book 118, Page 46, Pinellas County Florida Records; thence along said North boundary, also being the South right-of-way line of 116th Circle, S.89°46'53"E., 223.82 feet to the Northeast Corner of said Lot 5; thence continue along said South right-of-way line of 116th Circle, also being the North boundary of Lot 1, Block 1, GATEWAY BUSINESS CENTER, according to the official plat thereof recorded in Plat Book 100, Page 92, Pinellas County Florida Records, S.89°46'53"E., 558.86 feet to the West right-of-way line of 9th Street according to aforesaid ROOSEVELT CENTRE REPLAT; thence along said West right-of-way line N.00°13'07"E., 60.02 feet to the POINT OF BEGINNING.

Containing 60,816 Square Feet or 1.396 acres, more or less.

NOTES:
1) Bearings shown hereon are based on the North boundary Lot 1, Block, Gateway Business Center as shown on the official plat thereof recorded at Plat Book 100, Page 92, Pinellas County Florida Records. Having a grid bearing of S.89°46'53"E.

2) See sheet 1 for legal description, sheet 2 for sketch.

3) Information shown hereon is incomplete without an accompanying sketch.
ROOSEVELT CENTRE
SECOND REPLAT
Lot 1, Block 1
(P.B. 107, PG 73)
South boundary Lot 1, Block 1
(PB 107, Pg 73)

Street & Utility Easement
(PB 107, PG 73)

S 52'47"44" W
86.56'

Former 116th Circle
(vacated PB 107, PG 73)

S 00'13'07" W
27.40'

North boundary Lot 5
(PB 118, Pg 46)

ROOSEVELT CENTRE
REPLAT 6TH ADDITION
Lot 5
(P.B. 118, PG 46)

ROOSEVELT CENTRE
REPLAT 1ST ADDITION
Lot 1, Block 1
(P.B. 81, PG 44)
South boundary Lot 1, Block 1
(PB 81, Pg 44)

Proposed Vacation
60,819 S.F./1.396 Acres ±

South boundary Lot 1, Block 1
(PB 81, Pg 44)

N 89'46'53" W
163.43'

S 89'46'39" E
550.51'

North boundary Lot 5
(PB 118, Pg 46)

N 00'13'07" E
80.02'

558.86'

116th Circle
(90' right-of-way)(PB 81, PG 18)

GATEWAY
BUSINESS CENTER
Lot 1, Block 1
(P.B. 100, PG 92)
North boundary Lot 1, Block 1
(PB 100 Pg 92)

9th Street
(200 right-of-way)(PB 81, Pg 18)
PROJECT NARRATIVE:

RIGHT-OF-WAY VACATION OF:
116TH CIR N. ST. PETERSBURG, FLORIDA
May 1, 2019

City of St. Petersburg Development Review Decision
PO Box 2842
St. Petersburg, Florida 33731

RE: Vacation of Right of Way of 116th Circle North

The area under consideration is 116th Circle North, St. Petersburg, Florida, 33716. This east-west 720-foot strip of road is currently only used to access office building space owned by Power Design Inc. and/or its subsidiaries. Power Design Inc. and/or its subsidiaries recently acquired the adjacent properties surrounding 116th Circle North, therefore making it the public aspect of the road not necessary.

All neighbors, while not affected by and not utilizing this road, are in agreement with or did not object to the vacation. The current application ownership along this proposed vacation is 100%.

REQUIRED MATTERS FOR CONSIDERATION:

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

Response: A lift station is located at the end of 116th Circle North. Therefore an easement for utilities and waste management may need to be kept intact. A pedestrian easement is not necessary due to the fact that all surrounding property is commercial property owned by one owner.

Emergency vehicles or garbage trucks do not utilize this road. Its only use is to access commercial property space owned and operated by Power Design Inc.

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

Response: No other property owner access denied. Nearby landowners have access to their properties via Dr. Martin Luther King Jr. Blvd., 112th Circle North, 118th Avenue North, Roosevelt Blvd. North, and 116th Court North.

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

Response: No impact on existing roadway network. There is not a connecting or continuation passage from 116th Circle North. This area is not a designated
historical area of St. Petersburg. Further, plats for this area have been changed and modified over the years.

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

Response: This road is not necessary for any future right-of-ways. This road is not needed to public vehicular or pedestrian access. The lift station has been in place for several years and the land around the road is fully developed.

The road has existing power lines along the southern curb line. Easements for Duke Energy and the City of St. Pete Water will be granted required easements to allow maintenances and access as a condition of the vacation.

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

Response: Vacating the right-of-way of 116th court will result in limiting public access to the facilities, parking and ponds located on Power Design's property. It will allow for expansion of Power Design's campus to both the north and south of the road. This vacation will enhance the safety of employees walking between different buildings on campus by reducing vehicular and pedestrian conflicts along an unnecessary roadway. As Power Design grows its campus it will further employment and occupation in the city of St. Petersburg.
PROPOSED UTILITY EASEMENT INFORMATION:

RIGHT-OF-WAY VACATION OF:
116TH CIR N. ST. PETERSBURG, FLORIDA
EXISTING DRAINAGE AND UTILITY EASEMENT TO BE MODIFIED TO INCLUDE LIFT STATION ACCESS.

MODIFIED LIFT STATION ACCESS

PROPOSED 75' UTILITY EASEMENT AT THE LIMITS OF THE EXISTING R.O.W.
PRE-APP MEETING COORDINATION:

RIGHT-OF-WAY VACATION OF:
116TH CIR N. ST. PETERSBURG, FLORIDA
Pre-Application
Meeting
Notes

Meeting Date: April 9, 2019

Address/Location: Via Email (attached)

Type of Application: Vacation of ROW of 116th Circle North, St. Petersburg, FL

Staff Planner: Maria Musolino and Chris Cianfaglione

Staff Contact Info: Maria Musolino 727-278-5406 / mariaemusolino@gmail.com

Chris Cianfaglione

Neighborhood Association(s)

N/A

Neighborhood Association President Name(s) & Contact Info

N/A

Issues/Concerns:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Hi Maria,

The pre-application required is a meeting with me and you as the participants. The public participation report is required, the neighborhood worksheet is encouraged. Normally you would be required to reach out to the Neighborhood Association prior to submittal, there is not one for this area, so this is not required. During the process abutting property owners are noticed, sometimes it is helpful if you have reached out to them in advance. I understand this is not a typical site and is surrounded by other office and commercial properties.

You will need a Sketch and Description of the portion of right-of-way to be vacated, prepared by a licensed surveyor. As noted in the attached Guidelines, the vacation of ROW process takes approximately 16 weeks, and there will be requirements in the vacation Ordinance which will have to be met prior to recording. As you and I discussed, this would trigger a replat. The Development Review Commission (DRC) meeting is the first Wednesday of the month, followed by City Council 1st reading which is typically the first Thursday of the following month (no need to attend) and a Public Hearing the third Thursday.

As you and I have discussed the process, this email can serve as the required pre-application meeting, if you attach a copy of this email to your application.

Thank you,

Kathryn A. Younkin, AICP, LEED AP BD+C
Subdivision Coordinator
City of St. Petersburg, Planning and Development Services
1 Fourth Street North, St. Petersburg, FL 33701
727-892-5958 / Fax: 727-892-5557
Kathryn.Younkin@stpete.org

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Please note all emails are subject to public records law.

Just wanted to follow up on these questions.

Thanks,

Maria
On Tue, Apr 2, 2019 at 2:28 PM Maria Musolino <mariaemusolino@gmail.com> wrote:

Kathryn:

Thank you for the information. In regard to the vacation of the right-of-way, it states it requires pre-application meeting notes. Is this a client internal meeting for PDI, a telecom meeting between PDI and City of St. Pete prior to submitting the application, or the first meeting (public hearing before the DRC) as stated in the guidelines? Further, as PDI owns all the surrounding properties, I do not believe a public participation report or neighborhood worksheet is necessary, correct?

Thanks,
Maria

On Wed, Mar 27, 2019 at 4:50 PM Kathryn Younkin <Kathryn.Younkin@stpete.org> wrote:

Hi Maria,

Both corporations could be applicants (Two Application Forms and two Affidavit to Authorize Agent forms) and both corporations would then have to have an authorized person for the corporation sign the plat Mylars at the end of the process. Or they could be under one ownership at time of application or become one during the process (would require new Title Opinion) if they wish.

Thank you,
Kathryn

From: Maria Musolino [mailto:mariaemusolino@gmail.com]
Sent: Wednesday, March 27, 2019 2:43 PM
To: Kathryn Younkin <Kathryn.Younkin@stpete.org>
Subject: Re: Vacation of ROW for PDI 116th Ave N - 11600 DR ML KING JR ST N

Kathryn:

Thank you very much for this valuable information. In regard to the replatting, do all the parcels need to be under the same name? For instance, as you saw yesterday, some of the parcels are owned by LMP 118th Ave (a holding company) while others are owned by Power Design directly. Should they all be titled in either the name of the holding company or PDI?

Thanks,
Maria

On Mon, Mar 25, 2019 at 4:53 PM Kathryn Younkin <Kathryn.Younkin@stpete.org> wrote:

Hi Maria,

In follow up to our conversation attached are our Guidelines and applications. Please be advised that there is a fee of $850 for the final plat which is not yet reflected in the application. Please let me know if you have any questions.

Thank you,
Kathryn A. Younkin, AICP, LEED AP BD+C
Subdivision Coordinator
City of St. Petersburg, Planning and Development Services
Maria Musolino [mailto:mariaemusolino@gmail.com]
Sent: Monday, March 25, 2019 2:23 PM
To: Kathryn Younkin <Kathryn.Younkin@stpete.org>
Subject: Vacation of ROW for PDI

Kathryn:

It was a pleasure speaking with you today and I appreciate you taking time out of your day for me. As we discussed, I am looking to vacate 116th Circle N on behalf of Power Design Inc. Any checklists or information you could please provide me would be greatly appreciated.

Thanks,
Maria E. Musolino
727-278-5406

Your Sunshine City

4 attachments
- Vacation of Public ROW GUIDELINES.pdf 309K
- Platting GUIDELINES.pdf 72K
- Subdivision Decision 07-25-17.pdf 340K
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

**Application Type:**
- Lot Line Adjustment
- Lot Split
- Lot Refacing
- Street Name Change
- Vacating - Street Right-of-Way
- Vacating - Alley Right-of-Way
- Vacating - Walkway Right-of-Way
- Vacating - Easement
- Vacating - Air Rights
- Lot Split & Lot Refacing
- Street Refacing
- Street Closing
- Street Name Change
- Vacating - Street
- Vacating - Alley
- Vacating - Walkway
- Vacating - Easement
- Vacating - Air Rights

**GENERAL INFORMATION**

- **NAME of APPLICANT (Property Owner):** LMP 118th Avenue Lagoon LLC
- **Street Address:** 11800 9th St N.
- **City, State, Zip:** St. Petersburg, FL 33716
- **Telephone No:** (727) 210-0492
- **Email Address:**

- **NAME of AGENT or REPRESENTATIVE:** Maria Musolino
- **Street Address:** 11800 9th St N.
- **City, State, Zip:** St. Petersburg, FL 33716
- **Telephone No:** (727) 276-5406
- **Email Address:** MariaMusolino@gmail.com

**PROPERTY INFORMATION:**
- **Street Address or General Location:** 118th Circle North, St. Petersburg, FL
- **Parcel ID#(s):** 13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-0010; 13-30-16-76534-001-0010

**DESCRIPTION OF REQUEST:** Vacate HOW access to 118th Circle North as surrounding properties are owned by same owners.

**PRE-APPLICATION DATE:** 5/17/19

**PLANNER:** Kathryn Younkin

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

Cash, credit, and checks made payable to the "City of St. Petersburg"

**AUTHORIZATION**

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Code 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 INACCURATE INFORMATION MAY INVALIDATE YOUR APPROVAL.

**Signature of Owner/Agent:** ______________________

**Date:** 6-7-2019

**Typed name of Signatory:** David Redden

*Affidavit to Authorize Agent required, if signed by Agent*
I am (we are) the owner(s) and record title holder(s) of the property noted herein
LMP 118th Avenue Lagoon LLC

This property constitutes the property for which the following request is made
11600 9th St N., St. Petersburg, FL, 33716

Property Address: 13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-
Parcel ID Number: Vacate ROW access to 116th Circle North as surrounding properties are owned by
Request: same owners.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute
any application(s) or other documentation necessary to effectuate such application(s)
Maria E. Musolino
Agent's Name(s):

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and
act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.
Signature (owner): ____________________________

Printed Name

Sworn to and subscribed on this date
Identification of personally known:

Notary Signature: (Print): ____________________________
Commission Expiration (Stamp or date):

Date: 6-7-2019
SUBDIVISION DECISION
Application

Application No. ____________

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:
Per: 16.40.140 &
16.70.050

Lot Line Adjustment
Lot Split
Lot Refacing
Street Name Change
Street Closing
Vacating – Street Right-of-Way
Vacating – Alley Right-of-Way
Vacating – Walkway Right-of-Way
Vacating – Easement
Vacating – Air Rights

GENERAL INFORMATION

NAME of APPLICANT (Property Owner): LMP Ninth Street Real Estate LLC
Street Address: 11600 9th St N.
City, State, Zip: St. Petersburg, FL 33716
Telephone No: (727) 210-0492

NAME of AGENT or REPRESENTATIVE: Maria Musolino
Street Address: 11600 9th St N.
City, State, Zip: St. Petersburg, FL 33716
Telephone No: (727) 278-5406

PROPERTY INFORMATION:
Street Address or General Location: 116th Circle North, St. Petersburg, FL
Parcel ID(s): 13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-0010; 13-30-16-76534-001-0010

DESCRIPTION OF REQUEST: 13-30-16-30369-001-0001; and 13-30-16-76534-001-0010

Vacate HOW access to 116th Circle North as surrounding properties are owned by same owners.

PRE-APPLICATION DATE: 5/1/19

PROGRAM PLAN: Kathryn Younkin

FEE SCHEDULE

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

Cash, credit, and checks made payable to the "City of St. Petersburg"

AUTHORIZATION

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

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

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

Signature of Owner/Agent:
Affidavit to Authorize Agent required, if signed by Agent:
Typed name of Signatory:

Date 6-7-2019

Page 3 of 6
I am (we are) the owner(s) and record title holder(s) of the property noted herein

LMP Ninth Street Real Estate LLC

Property Owner’s Name: ____________________________

This property constitutes the property for which the following request is made

11600 9th St N., St. Petersburg, FL, 33716

Property Address: ________________________________

13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-

Parcel ID Number: ________________________________

Vacate ROW access to 116th Circle North as surrounding properties are owned by

same owners.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute

any application(s) or other documentation necessary to effectuate such application(s)

Maria E. Musolino

Agent’s Name(s): ________________________________

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and

act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): ________________________________

David Redden

Printed Name

Sworn to and subscribed on this date

Identification or personally known: ____________________

Notary Signature: (Print): ________________________

Commission Expiration (Stamp or date): 6-7-2019

Page 4 of 6
SUBDIVISION DECISION
Application

Application Type: Lot Line Adjustment
Per: 16.40.140 & 16.70.050

Vacating - Street Right-of-Way
Vacating - Alley Right-of-Way
Vacating - Walkway Right-of-Way
Vacating - Easement
Vacating - Air Rights

GENERAL INFORMATION
NAME of APPLICANT (Property Owner): Mid Atlantic at Gateway LLC
Street Address: 11600 9th St N.
City, State, Zip: St. Petersburg, FL 33716
Telephone No: (727) 210-0492
Email Address:

NAME of AGENT or REPRESENTATIVE: Maria Musolino
Street Address: 11600 9th St N.
City, State, Zip: St. Petersburg, FL 33716
Telephone No: (727) 278-5406
Email Address: MariaEMusolino@gmail.com

PROPERTY INFORMATION:
Street Address or General Location: 116th Circle North, St. Petersburg, FL
Parcel ID(#s): 13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-0010;

DESCRIPTION OF REQUEST: 13-30-16-30369-001-0010; and 13-30-16-76534-001-0010
Vacate ROW access to 116th Circle North as surrounding properties are owned by same owners.

PRE-APPLICATION DATE: 5/7/19
PLANNER: Kathryn Younkin

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

Cash, credit, and checks made payable to the "City of St. Petersburg"

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

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

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

Signature of Owner/Agent: ____________________________ Date: 6-7-2017
*Affidavit to Authorize Agent required, if signed by Agent.

David Redden
Typed name of Signatory:______________________________
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Mid Atlantic at Gateway LLC

Property Owner's Name: _______________________

This property constitutes the property for which the following request is made

11600 9th St N., St. Petersburg, FL, 33716

Property Address: _______________________

13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-

Parcel ID Number: _______________________

Vacate ROW access to 116th Circle North as surrounding properties are owned by

Request: ___________________________

same owners.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Maria E. Musolino

Agent's Name(s): _______________________

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _______________________

Printed Name

Date: __ (6-7-2019)
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner(s) Name: Power Design Inc. US

This property constitutes the property for which the following request is made

Property Address: 11600 9th St N., St. Petersburg, FL, 33716

Parcel ID Number: 13-30-16-76535-002-0050; 13-30-16-76537-001-0011; 13-30-16-76529-001-

Request: Vacate ROW access to 116th Circle North as surrounding properties are owned by

same owners.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute
any application(s) or other documentation necessary to effectuate such application(s)

Agent(s) Name(s): Maria E. Musolinog

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and
act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): __________________________

Printed Name: David Redden

Sworn to and subscribed on this date

Identification or personally known

Notary Signature: (Print): __________________________

Commission Expiration (Stamp or date):

Date: 06/07/2019

Page 4 of 6
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

**NEIGHBORHOOD WORKSHEET**

<table>
<thead>
<tr>
<th>Street Address: 116th Circle N., St. Pete</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request:</td>
<td></td>
</tr>
<tr>
<td>Vacate ROW access to 116th Circle North as surrounding properties are owned by same owners.</td>
<td></td>
</tr>
</tbody>
</table>

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:**
   Owner Name (print): 
   Owner Signature:

2. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

3. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

4. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

5. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

6. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

7. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:

8. **Affected Property Address:**
   Owner Name (print): 
   Owner Signature:
PUBLIC PARTICIPATION REPORT

Application No. __________

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

APPLICANT REPORT

Street Address: 116th Circle N., St. Pete
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
   Letters sent to nearby properties, none abutting ROW, to inform of intent to vacate ROW.

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

   Copies of letters are attached to application.

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

       No

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

       N/A

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

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

   Association Name: N/A
   President or Vice-President Signature: N/A

   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.

City of St. Petersburg – One 4th Street North – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/idr
NOTICE OF VACATION TO ABUTTING PROPERTIES:
116TH CIR N. ST. PETERSBURG, FLORIDA
May 28, 2019

DAN (FL) QRS 15-7 INC
50 ROCKEFELLER PLAZA, 2ND FL
NEW YORK, NY 10020

RE: Vacation of Right-Of-Way for 116th Circle North, St. Petersburg, FL

To Whom It May Concern:

This letter is in regard to Power Design Inc.'s (“PDI”) application for vacation of the right-of-way for 116th Circle North in St. Petersburg, Florida. Due to the fact that DAN (FL) QRS 15-7 INC (“you” or “your”) owns the nearby property of 11101 ROOSEVELT BLVD N. ST PETERSBURG, PDI wanted to inform you of its intent to vacate the right-of-way prior to doing so.

As you can see from the enclosed map, 116th Circle North does not abut your property (in green) and the vacation of the right-of-way for 116th Circle North will not affect your access to your property. This notice is simply a courtesy and should you have any questions or concerns, please feel free to contact Maria Musolino at 727-278-5406 or MariaEMusolino@gmail.com.

Sincerely,

[Signature]
David Redden
Vice President and General Counsel
Power Design, Inc.
727.497.3787 office
817.719.6666 cell
dredden@powerdesigninc.us

cc: CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525
May 10, 2019

QUALIFIED PROPERTY MANAGEMENT
5901 U.S. HIGHWAY 19
SUITE 7Q
NEW PORT RICHEY, FL 34652

RE: Vacation of Right-Of-Way for 116th Circle North, St. Petersburg, FL

To Whom It May Concern:

This letter is in regard to Power Design Inc.'s (“PDI”) application for vacation of the right-of-way for 116th Circle North in St. Petersburg, Florida. Due to the fact that QUALIFIED PROPERTY MANAGEMENT (“you” or “your”) owns the nearby property of PEPPERTREE VILLAGE CONDOMINIUM ASSOCIATION, PDI wanted to inform you of its intent to vacate the right-of-way prior to doing so.

As you can see from the enclosed map, 116th Circle North does not abut your property (in green) and the vacation of the right-of-way for 116th Circle North will not affect your access to your property. This notice is simply a courtesy and should you have any questions or concerns, please feel free to contact Maria Musolino at 727-278-5406 or MariaEMusolino@gmail.com.

Sincerely,

[Signature]

David Redden
Vice President and General Counsel
Power Design, Inc.
727.497.3787 office
817.719.6666 cell
dredden@powerdesigninc.us
May 10, 2019

PREFCO VI LTD PARTNERSHIP
C/O FIS REAL ESTATE OPERATIONS
2001 SUMMIT PARK DR
ORLANDO FL 32810-5902

RE: Vacation of Right-Of-Way for 116th Circle North, St. Petersburg, FL

To Whom It May Concern:

This letter is in regard to Power Design Inc.’s (“PDI”) application for vacation of the right-of-way for 116th Circle North in St. Petersburg, Florida. Due to the fact that PREFCO VI LTD PARTNERSHIP (“you” or “your”) owns the nearby property of 11601 ROOSEVELT BLVD, ST PETERSBURG, PDI wanted to inform you of its intent to vacate the right-of-way prior to doing so.

As you can see from the enclosed map, 116th Circle North does not abut your property (in green) and the vacation of the right-of-way for 116th Circle North will not affect your access to your property. This notice is simply a courtesy and should you have any questions or concerns, please feel free to contact Maria Musolino at 727-278-5406 or MariaEMusolino@gmail.com.

Sincerely,

David Redden
Vice President and General Counsel
Power Design, Inc.
727.497.3787 office
817.719.6666 cell
dredden@powerdesigninc.us
PARCEL MAP USE DISCLAIMER

PINELLAS COUNTY PROPERTY APPRAISER PARCEL MAP is not a substitute for a TITLE SEARCH or LAND SURVEY. The PARCEL MAP is maintained solely for the purpose of creating the annual PROPERTY TAX ROLL pursuant to Florida law, and may not be appropriate for her use. The PARCEL MAP should not be relied upon by any individual or entity for determining property boundaries, property ownership, or the state of title, liens, encumbrances, easements, zoning, property use, or taxes. Any such reliance is at the user's own risk. While the PINELLAS COUNTY PROPERTY APPRAISER makes every effort to produce and publish the most current and accurate information possible, it makes no warranties, expressed or implied, as to the accuracy, completeness, suitability, or timeliness of the information contained on the PARCEL MAP. The PINELLAS COUNTY PROPERTY APPRAISER assumes no responsibility for any private use, misuse, or interpretation of the information provided on the PARCEL MAP or any loss resulting therefrom. For complete PINELLAS COUNTY PROPERTY APPRAISER website and PARCEL MAP terms of use, see http://www.pcpao.org/Terms_of_Use.html.
May 10, 2019

MANAGEMENT SVCS GROUP INC.
784 LYNNHAVEN PKWY
VIRGINIA BEACH VA 23452-7315

RE: Vacation of Right-Of-Way for 116th Circle North, St. Petersburg, FL

To Whom It May Concern:

This letter is in regard to Power Design Inc.'s ("PDI") application for vacation of the right-of-way for 116th Circle North in St. Petersburg, Florida. Due to the fact that MANAGEMENT SVCS GROUP INC. ("you" or "your") owns the nearby property of 11200 DR MARTIN LUTHER KING JR ST N. ST PETERSBURG, PDI wanted to inform you of its intent to vacate the right-of-way prior to doing so.

As you can see from the enclosed map, 116th Circle North does not abut your property (in green) and the vacation of the right-of-way for 116th Circle North will not affect your access to your property. This notice is simply a courtesy and should you have any questions or concerns, please feel free to contact Maria Musolino at 727-278-5406 or MariaEMusolino@gmail.com.

Sincerely,

[Signature]

David Redden
Vice President and General Counsel
Power Design, Inc.
727.497.3787 office
817.719.6666 cell
dredden@powerdesigninc.us
The PARCEL MAP should not be relied upon by any individual or entity for determining property boundaries, property ownership, or the state of title, liens, encumbrances, easements, zoning, property use, or taxes. Any such reliance is at the user's own risk. While the PINELLAS COUNTY PROPERTY APPRAISER makes every effort to produce and publish the most current and accurate information possible, it makes no warranties, expressed or implied, as to the accuracy, completeness, suitability, or timeline of the information contained on the PARCEL MAP. The PARCEL MAP USE DISCLAIMER

http://www.pcpae.org/Terms_of_Use.html
May 10, 2019

GOLDEN COAST CORP
C/O MEADOWS APTS
785 117TH TER N
ST PETERSBURG FL 33716-2438

RE: Vacation of Right-Of-Way for 116th Circle North, St. Petersburg, FL

To Whom It May Concern:

This letter is in regard to Power Design Inc.'s ("PDI") application for vacation of the right-of-way for 116th Circle North in St. Petersburg, Florida. Due to the fact that GOLDEN COAST CORP. ("you" or "your") owns the nearby property of 11725 DR MARTIN LUTHER KING JR ST N. ST PETERSBURG, PDI wanted to inform you of its intent to vacate the right-of-way prior to doing so.

As you can see from the enclosed map, 116th Circle North does not abut your property (in green) and the vacation of the right-of-way for 116th Circle North will not affect your access to your property. This notice is simply a courtesy and should you have any questions or concerns, please feel free to contact Maria Musolino at 727-278-5406 or MariaEMusolino@gmail.com.

Sincerely,

[Signature]

David Redden
Vice President and General Counsel
Power Design, Inc.
727.497.3787 office
817.719.6666 cell
dredden@powerdesigninc.us
Golden Coast

PARCEL MAP USE DISCLAIMER

The PINELAS COUNTY PROPERTY APPRAISER PARCEL MAP is not a substitute for a TITLE SEARCH or LAND SURVEY. The PARCEL MAP is maintained solely for the purpose of cross-referencing the annual PROPERTY TAX ROLL pursuant to Florida law, and may not be appropriate for any other use. The PARCEL MAP should not be relied upon by any individual or entity for determining property boundaries, property ownership, or the state of title, liens, encumbrances, assessments, zoning, property use, or taxes. Any such reliance is at the user's own risk. While the PINELAS COUNTY PROPERTY APPRAISER makes every effort to produce and publish the most current and accurate information possible, it makes no warranties, expressed or implied, as to the accuracy, completeness, or suitability, or timeliness of the information contained on the PARCEL MAP. The PINELAS COUNTY PROPERTY APPRAISER assumes no responsibility for any private use, misuse, or interpretation of the information provided on the PARCEL MAP, or any loss resulting therefrom. For complete PINELAS COUNTY PROPERTY APPRAISER website and PARCEL MAP usage of, see http://www.pcpao.org/privacy_of_Use.html.
VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

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

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

CASE NO.: 19-33000014 PLAT SHEET: F-14
REQUEST: Approval of a vacation of all rights-of-way and easements between Lots 1-3 of Caruthers Subdivision and Lots 10-12 of Caruthers 2nd Subdivision.

OWNER: Ramnarace Jagdeo
4000 12th Street Northeast
Saint Petersburg, Florida 33703

APPLICANT: Michaelann Murphy
Armstrong Redevelopment Properties
1138 Nikki View Drive
Brandon, Florida 33511

AGENT: Mitch Lal
3820 Northdale Blvd, Suite 3303
Tampa, Florida 33624

ADDRESSES AND PARCEL ID NOS.: 2436 4th Street North; 07-31-17-13806-000-0010
415 24th Avenue North; 07-31-17-13822-000-0110

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional (CRT-1)
Neighborhood Traditional Single-Family (NT-2)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate all rights-of-way and easements between Lots 1-3 of Caruther’s Subdivision and Lots 10-12 of Caruther’s 2nd Subdivision. The applicant's goal is to vacate the rights-of-way and easements to redevelop the property with a 15,275 square foot commercial building. The applicant will be dedicating a 20-foot alley through Lot 10 in order to continue to provide access to residential properties on the block. On June 5, 2019 the Development Review Committee approved a Special Exception and related Site Plan Review (DRC Case #19-32000001) to construct a surface parking lot on the residentially zoned properties located on Lots 3 and 10 of the subject property.

The area of the rights-of-way and easements proposed for vacation are depicted on the attached maps (Attachments A and B).

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

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

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (Attachment C) does provide background or analysis supporting a conclusion that vacating the subject rights-of-way and easements 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 for review and comment. The City's Engineering Department and Water Resources Department, along with Duke Energy and TECO (Peoples Gas), indicated that they have facilities in the area that will require easements to be dedicated. A condition of approval has been included at the end of this report that easements are to be provided over each of the public utilities and private facilities.

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 applicant will be dedicating a new 20-foot wide alley running north-south that will connect the remaining alley to 24th Avenue North through Lot 10, this has been included as a condition of approval at the end of this report. Dedication of the new alley ensures that this vacation, if approved, will not deny access to any lot of record.
3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

   The applicant will be dedicating a new alley through Lot 10 to ensure that the vacation will not create a dead-end alley, which is included as a condition of approval.

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 a present and future need for the alley and easements which provide public vehicular access and serve as utility corridors. The applicant is proposing alternate access via a 20-foot alley running north-south through Lot 10, this will ensure that public vehicular access remains. The Engineering Department, in their Memorandum dated September 17, 2019 (see attached), is requiring a 20-foot wide Public Utility Easement be provided that is centered over the existing sanitary sewer main that runs from the existing alley through the property to 4th Street North. Dedication of the 20-foot alley and the 20-foot easement are included as conditions 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

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

   Preservation of the alley connection within the historical grid street pattern will be complied with through a newly dedicated alley that will connect to 24th Avenue North. Dedication of the new alley is included as a condition of approval.

C. Adopted Neighborhood or Special Area Plans

   The subject right-of-way and easement are within the boundaries of the Crescent Heights Neighborhood Association. There are no neighborhood or special area plans which affect vacation of rights-of-way in this area of the City.

Comments from Agencies and the Public. Staff did not receive any calls or correspondence from the public regarding the requested vacation of rights-of-way.

   The request to vacate the alleys was routed to City Departments and Private Utility Providers for comments. The Engineering Department's Memorandum dated September 17, 2019 (Attachment D) states that they have no objection to the vacation request provided that conditions of approval are included requiring the dedication of a 20-foot wide public utility easement over the existing sanitary sewer main, dedication of 20-foot wide north/south alley right-of-way along the western property line extending from 24th Avenue North to the northern boundary of the east/west alley that is being requested for vacation, and pave the new north/south alley in conformance with City requirements. Compliance with Engineering's conditions is included as a condition of approval.
Staff received a letter of objection from Duke Energy due to overhead facilities in the area. As a condition of approval, Staff will require the applicant to work with Duke Energy, as well as others that have not yet provided comments, to obtain letters of objection as a part of the replat process.

RECOMMENDATION. Staff recommends APPROVAL of the proposed vacation of rights-of-way and easements. If the DRC is inclined to recommend approval of the vacation to City Council then Staff recommends the following special conditions of approval:

1. Prior to the recording of the vacation ordinance the vacated rights-of-way, along with the abutting properties owned by the applicant, shall be replatted.

2. Prior to recording the vacation ordinance, as a part of the replat process, the applicant shall obtain letters of no objection from the following City Departments: Sanitation, Legal, Surveying, Police, and Fire; and, from the following private utility providers: Bright House, TECO, and Duke Energy.

3. Prior to recording the vacation ordinance, the applicant shall comply with the conditions in the Engineering Memorandum dated September 17, 2019, including: dedication of a minimum 20-foot wide north/side alley right-of-way along the western property line from 24th Avenue North to the north boundary of the east/west alley to be vacated; and, dedication of a minimum 20-foot wide public utility easement centered over the existing sanitary sewer main from the western property boundary to the western right-of-way boundary of 4th Street North.

4. As required City Code Section 16.70.050.1.1.F, 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:

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

DATE 9/22/19

REPORT APPROVED BY:

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

DATE 9.22.19

Attachments: A - Project Location Map, B - Legal Description and Sketch, C - Applicant's Narrative, D - Engineering Memorandum dated September 17, 2019
Legal Description:

Beginning at the Southeast corner of Lot 10, Caruther's 2nd Sub'd, according to the map or plat thereof as recorded in Plat Book I, Page 8, of the Public Records of Pinellas County, Florida, thence S.89°25'16"W. along the North right of way line of 24th Avenue North a distance of 3.0 feet, thence N.00°00'43"E. 3.0 feet West and parallel to the East line of said Lot 10 a distance of 123.57 feet, thence S.89°42'09"W along a line parallel and 3.0 feet South of the North line of said Lot 10 a distance of 46.94 feet to the westerly boundary of said Lot 10, thence N.00°02'22"W. a distance of 21.90 feet to a point on the westerly boundary of Lot 3 in said Caruther's Subdivision as recorded in Plat Book I, Page 2, of the Public Records of Pinellas County, Florida, thence S.89°35'11"E. along a line parallel and 3.0 feet north of South boundary of said Lot 3 a distance of 47.00 feet, thence N.00°00'35"E. along a line parallel and 3.0 feet West of the east boundary of said Lot 3 a distance of 124.16 feet to a point on the South right of way line of 25th Avenue North, thence S.88°58'55"E. along said line a distance of 21.72 feet, thence S00°01'32"E. along a line parallel and 9.0 feet East of the West boundary of Lots 1 and 2 in said Caruther's Subdivision a distance of 142.72 feet to a point 19.0 feet East of the Northwest corner of Lot 12 of Caruther's 2nd Sub'd, thence continue along a line parallel and 19.0 feet East of the West boundary line of Lot 11 of said Caruther's 2nd Sub'd a distance of 127.30 feet to a point on the North right of way line of 24th Avenue North, thence N.87°58'37" along said North line a distance of 19.09 feet to the Point of Beginning.

Parcel contains 6,929 sq. ft.

Notes:

1. BEARINGS ARE BASED ON THE EAST LINE OF LOT 10, Caruther's 2nd Sub'd AS N00°04'43"E. (ASSUMED)
2. ALL MEASUREMENTS ARE IN U.S. FEET
3. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT OF WAY, SETBACK LINES, AGREEMENTS OR OTHER SIMILAR MATTERS OF PUBLIC RECORD NOT DEPICTED ON THIS SURVEY
4. THIS IS NOT A SURVEY
5. INFORMATION NOT COMPLETE WITHOUT THE ACCOMPANYING SKETCH

Certified to:
Bohler Engineering
June 10, 2019

Corey D. Malyszka
City of St. Petersburg
One 4th Street
St. Petersburg, FL 33915-0027

Subject: Alley Vacation Narrative
Proposed 4th Street Shoppes
415 24th Ave North, St. Petersburg, FL
Parcel ID: 07-31-17-13824-000-0010, 07-31-17-13806-000-0010

Dear Mr. Malyszka,

With regards to the referenced project, we are applying for vacation of the north-south alley located on
the subject property as well as a portion of the east-west alley.

The purpose of vacating the alleys are due to current land development code requirements and
commentary received from the adjacent neighbors as it relates to the subject project. In order for the
project to proceed, a special exception is required for commercial parking within the NT-2 zone. However, the neighborhood does not want through traffic generated by the commercial development to utilize the alley. It is therefore proposed to redirect the east-west alley to run adjacent to our property with no through access. The north-south alley shall be rededicated to the City upon completion of construction as a 20’ wide alley that aligns with ingress/egress points and meets the City’s current alley requirements.

We believe the proposed alternatives satisfy the intent of the land development code, neighborhood
wishes, and respectfully request the vacation to proceed.

Should you have any questions or require additional information, please contact us at (813) 812-4100.

Sincerely,

BOHLER ENGINEERING

Michael Costello, PE
Project Manager
TO: Iris Winn, Administrative Clerk, Development Services
Jennifer Bryla, Zoning Official, Development Review Services
Scott Bolyard, Development Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: September 17, 2019

SUBJECT: Easement Vacations

FILE: 19-33000014

LOCATION AND PIN: 2436 4th Street North; 07/31/17/13806/000/0010
415 24th Avenue North; 07/31/17/13824/000/0110

ATLAS: F-14

Zoning: Corridor Commercial Traditional (CRT-1)
Neighborhood Traditional Single-Family (NT-2)

REQUEST: Approval of a vacation of all rights-of-way and easements between Lots 1-3 of Caruther’s Subdivision and Lots 10-12 of Caruther’s 2nd Subdivision.

COMMENTS: The Engineering & Capital Improvements Department (ECID) has no objection to vacation request provided the following comments are included as conditions of the approval:

1. Dedicate a minimum 20-foot wide Public Utility Easement centered over the east/west 8” sanitary sewer main which exists in the east/west alley to be vacated. The new easement shall extend from the western property boundary to the western right of way boundary of 4th Street North. The new easement must be centered on the actual sewer location.

*No portion of a building, building structural overhang/roof, or continuous concrete slab can be built within or over the public utility easement containing the public sanitary sewer main which bisects this property. These types of facilities will unreasonably impair the City’s ability to maintain the sanitary sewer main in the future. Asphalt pavement, a normal width concrete sidewalk, pavers, or removal non-structural awning may be considered with approval of a Minor Easement Permit to assure removal of the structure is so requested by the City and to document private ownership, maintenance and restoration of the privately owned encroachments in the future by the private property owner. Construction details will be reviewed and considered when submitted to the City Engineering & Capital Improvements department. Note that Minor Easement applications are routed to various City departments and utility companies for comments and all outstanding issues must be resolved by the applicant prior to City approval of a Minor Easement Permit.

2. The applicant is required to dedicate a new 20-foot wide north/south alley right of way along the western property line extending from the north right of way boundary of 24th Avenue North to the north boundary of the east/west alley right of way to be vacated. Dedicate additional alley radius right of way at the 90 degree bend in the alley as may be necessary to allow a sanitation truck to maneuver and operate through the alley and around the corner. The Engineer of Record must provide the CADD version of the travel/turning path for the largest sanitation vehicle to the Engineering & Capital Improvements department to allow City verification of sufficient right of way to allow the sanitation vehicle to maneuver and operate through the alley and around the corner prior to easement dedication.
3. The applicant is required to pave the new north/south alley in conformance with current City Engineering and Capital Improvements Department (ECID) standard details and technical specifications. Topographical information must be provided in the remaining east/west alley to the west, extending to its intersection with 5th Street, and on all properties and right of way adjacent to the new alley construction to assure that no existing or proposed surface drainage pattern is negatively impacted by the new alley construction. The alley design, permitting, and construction shall be by and at the sole expense of the applicant. A City Engineering right of way permit must be obtained prior to construction within public right of way or public easement areas.

NED/MJR/meh

pc: Kelly Donnelly
Correspondence File
LOT LINE ADJUSTMENT
PUBLIC HEARING

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

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

CASE NO.: 19-1100024

PLAT SHEET: S-20

REQUEST: Approval of a Lot Line Adjustment and a variance to the minimum lot width from the required 75-feet to 67.5-feet to allow for the development of two (2) single-family lots in the NS-1 zoning district.

OWNER: Clearwater Capital Partners USA, LLC
11109 Zealand Avenue North
Champlin, Minneapolis 55316

AGENT: Ryan Whitefield
11109 Zealand Avenue North
Champlin, Minneapolis 55316

ADDRESS: 3639 81st Street North

PARCEL ID NO.: 12-31-15-44946-040-0130

LEGAL DESCRIPTION: On File

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

The applicant is requesting approval of a Lot Line Adjustment with a variance to the minimum lot width from the required 75-feet to 67.5-feet for lots in common ownership to allow for the development of two (2) single-family lots in the NS-1 zoning district. In addition, the lots will be refaced with frontage along 81st Street North.

Variance:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>75 ft.</td>
<td>67.5 ft.</td>
<td>7.5 ft.</td>
<td>10%</td>
</tr>
</tbody>
</table>

Discussion

The application includes two platted lots of record under common ownership, Lots 13 and 14 of Block 40 Jungle Terrace Section D subdivision (See Exhibits A.1 and A.2). The property is located on the east side of 81st Street North and north of 36th Avenue North between Park Street North and Tyrone Boulevard North (See Exhibit B). The property is zoned Neighborhood Suburban (NS-1) as is the surrounding properties (See Exhibit C).

The minimum lot size for NS-1 is 75 feet in width. With the lot line adjustment, the lot widths are proposed to be 67.5 feet, which is 7.5 feet (10%) less than the required width. The lots are considered substandard in lot width, requiring a variance.

The property currently has a 1-story, single-family home on Lot 13, with Lot 14 vacant and part of the large fenced yard. The neighborhood is developed with similar one-story homes. The lot sizes generally range in size from 50-feet width to 125-feet width. The following Table 1 indicates the percentage of lots with less than 75-feet width in the surrounding Jungle Terrace subdivision within approximately 500 feet (See attached Exhibit D). Table 1 indicates that 64 of the 132 total properties, or 48.5%, are less than 75 feet in width. This indicates that the lots range in sizes with only 51.5% of the lots meeting the minimum lot width requirements for the NS-1 zoning district.

Table 1 Lot Widths of Residential Properties in Jungle Terrace Section D Subdivision

<table>
<thead>
<tr>
<th>Block</th>
<th>Total Houses</th>
<th>Conforming: 75-feet width and greater</th>
<th>Percent Conforming</th>
<th>Substandard: Less than 75-feet width</th>
<th>Percent Substandard</th>
</tr>
</thead>
<tbody>
<tr>
<td>38th Ave N southside</td>
<td>12</td>
<td>8</td>
<td>67%</td>
<td>4</td>
<td>33%</td>
</tr>
<tr>
<td>37th Ave N N/S sides</td>
<td>27</td>
<td>22</td>
<td>81.5%</td>
<td>5</td>
<td>18.5%</td>
</tr>
<tr>
<td>36th Ave N N/S sides</td>
<td>25</td>
<td>14</td>
<td>56%</td>
<td>11</td>
<td>44%</td>
</tr>
<tr>
<td>35th Ave N N/S sides</td>
<td>26</td>
<td>7</td>
<td>27%</td>
<td>19</td>
<td>73%</td>
</tr>
</tbody>
</table>
Restrictions in the City Code were in place from 1973 through 2003 limiting development on nonconforming lots in common ownership. The land development code was changed in 2003 allowing development on any platted lot of record. On September 17, 2015, City Council amended the non-conforming lot regulations, eliminating the right to build on these substandard lots without first obtaining a variance. During the review of these regulations in 2015 the City Council made the decision to change the land development regulations back to restrict development on substandard lots, while also making clear the intent of the variance review is to determine whether such development would be consistent with the surrounding neighborhood pattern. This was done to determine whether the development of substandard lots would be consistent with the surrounding development pattern and allowing one home on one platted lot in an area that has historically developed one single-family unit on more than one platted lot could be detrimental to the overall character of the neighborhood.

In this neighborhood, there is not a clear consistency in the lot widths. One reason for this is that the lots in the subdivision were originally platted with 50-feet lot widths. Today, the properties range in sizes and only 51.5% meet the minimum lot width requirements for the NS-1 zoning district.

The applicant is also requesting a lot refacing for the property. The lot refacing will move the lot line from north south to east west and the lots will face 81st Street rather than 36th Avenue. The refacing will allow for the lots to be 67.5 feet in width rather than 50-feet in width as platted, minimizing the variance to the lot width. It is important to note that both proposed lots meet the minimum lot area requirements for the NS-1 zoning district.

VARIANCE CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following variance 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, the DRC’s decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought, and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:
a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

The applicant proposes to build a single-family unit on each of the lots for a total of two single family units. The development will meet all setbacks and development standards of the NS-1 zoning district. This is consistent to the neighborhood character.

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.

Lots 13 and 14 are platted lots of record as part of the Jungle Terrace Subdivision established in 1924. The platted lots are substandard to the NS-1 lot width standard requiring a minimum lot width of 75-feet. The proposed lot widths are 67.5-feet, a deficit of 7.5 feet or 10%.

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

This criterion is not applicable as it is not in a preservation district.

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

This criterion is not applicable as it is not in a historic district.

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

Lots 13 and 14 have several trees located around the edges of the lot which allows for preservation when redeveloping on the lot. There is a palm tree on the northern boundary along with a Mango tree, and 3 Laurel Oak trees (10" dbh, 18" dbh, and 25" dbh) a large Banyan tree (over 50" dbh) is identified on the eastern property and is considered a protected species. In the southeast corner of the site are several palm trees and a Pine (25" dbh). A 45" dbh Oak tree is centrally located on Lot 14 and is considered a Grand Tree. Based on the site plans submitted, many of the trees can be protected during construction. The palms and pines are along the edges and should not interfere with the location of the proposed houses. The Banyan tree is centrally located on the eastern side of Lot 14 and preliminarily, it appears that the proposed house on Lot 1 has a clear radius of 10 feet from the tree. However, it appears that the 45" dbh Live Oak is located within the garage footprint of the proposed southernmost house (Lot 2). The City Arborist has determined that the trees are in healthy condition and both the Banyan tree and Oak tree are considered Grand Trees and that preservation of the trees are warranted during redevelopment of the lots. It is recommended that the applicant work with their architect and City Arborist to protect the tree and modify the site plan to address the location of the Grand Live Oak. The applicant will be required to apply for a separate tree trimming permit for any trimming of branches over 9" diameter for the protected trees on site. This is included as a proposed condition of approval as part of 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.

Historically, this area has one-story, single-family homes setback 25 feet from the property line with driveways accessing the front yard from the street because there are no alleys.

Staff’s development pattern analysis includes a review of the Jungle Terrace Section D subdivision plat area for conformance with the minimum lot width requirements for NS-1 properties. This evaluation included typical width of properties within the subdivision. The results of the analysis provided in the Table1 below and Exhibit D below indicate that the lot widths are varied throughout the subdivision with 51.5% of the properties meeting the NS-1 lot width minimum requirements of 75-feet and 48.5% falling below the minimum lot width requirements. There is no substantial development pattern identified based on lot width within the subdivision.

<table>
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<td>7</td>
<td>27%</td>
<td>19</td>
<td>73%</td>
</tr>
<tr>
<td>34th Ave N North side</td>
<td>11</td>
<td>6</td>
<td>54.5%</td>
<td>5</td>
<td>45.5%</td>
</tr>
<tr>
<td>Boca Ciega Dr E/W side</td>
<td>14</td>
<td>6</td>
<td>43%</td>
<td>8</td>
<td>57%</td>
</tr>
<tr>
<td>Park St N East side</td>
<td>13</td>
<td>4</td>
<td>31%</td>
<td>9</td>
<td>69%</td>
</tr>
<tr>
<td>81st St N E/W side</td>
<td>4</td>
<td>1</td>
<td>25%</td>
<td>3</td>
<td>75%</td>
</tr>
<tr>
<td>Overall Average</td>
<td>132</td>
<td>68</td>
<td>51.5%</td>
<td>64</td>
<td>48.5%</td>
</tr>
</tbody>
</table>

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 as no public facilities are being proposed.
2. The special conditions existing are not the result of the actions of the applicant;

In 1924 the lots were platted with 50-feet lot widths, while many lots have been combined, there is not a clear established neighborhood development pattern regarding the lot width. This development in the Jungle Terrace subdivision indicates that just less than half the properties in this neighborhood have 50-feet lot widths. Refacing the lot will minimize the extent of the lot width with a 67.5-feet width rather than 50-feet width.

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 can maintain the existing single-family home. However, the application supports the infill and redevelopment policies of the Comprehensive Plan.

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 reestablish two buildable lots from two platted lots of record to build a new single-family home on both Lots 13 and 14. The analysis on Table 1 demonstrates that 48.5% of the properties with the study area are deficient in lot width.

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

The request represents a ten percent reduction in lot width and allows a reasonable use of the land. Please see attached site plans and elevations that are in conformance to the NS zoning requirements.

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: “Typically, lots are a minimum of 60-feet in wide with the majority of lots having a minimum width of 75-feet. Buildings are setback from the property line to allow gracious front yards and landscaping opportunities. Parking and garages are typically accessed from the street creating driveways in the front yards as a common feature.” The Future Land Use designation in this neighborhood is Residential Urban – (RU) with a density not to exceed 7.5 units/acre. The following objective and policies promote redevelopment and infill development in our City:

**OBJECTIVE LU2:**
The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.
LU2.5 The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.

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

The granting of the variance will not be injurious to neighboring properties as many of the properties are developed in a similar pattern. Properties to the south across 36th Ave N have lots that are 50-feet in width and those to the west also have the same size lots.

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 justify the granting of the variance based on the analysis provided and the recommended special conditions of approval.

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

No nonconforming use of neighboring lands, buildings or other structures were considered as grounds for issuance of a variance.

LOT LINE ADJUSTMENT/LOT REFACING CONSISTENCY REVIEW COMMENTS: The lot refacing means the reorientation of abutting platted lots that are situated on a street intersection, in order to change the location of the front yard and includes the accompanying lot line adjustment. Per City Code Section 16.40.140.2.3. Lot Refacing, DRC’s decision shall be guided by the following standards for review:

1. Applications for a lot refacing shall, at a minimum, include two platted lots.

The lot refacing includes two platted lots, Lots 13 and 14, of Jungle Terrace Section D subdivision.

2. In the NT and NS zoning districts, no refacing from a local street to a collector or arterial, or through street, as shown on the major street map, shall be approved.

The proposed lot refacing is from a local street (36th Avenue North) to a local street (81st Street North).

3. No lot having less area than the smallest of the lots included in the application shall be created.

The lots created have the same lot area as the original lots with 6,750 s.f. each, meeting the minimum 5,800 s.f. lot size requirement for the NS-1 zoning district.
4. Easements for public utilities, storm drainage, and corner right-of-way easements shall be provided as required. The applicant shall pay any costs of utility adjustments, extensions, relocations, and connections.

The Lot Line Adjustment will not create the need for any public utility easements. The applicant shall pay for any costs of utility adjustments, extensions, relocations and connections.

5. Any unpaid outstanding liens and assessments owed to the City shall be satisfied as a condition of lot refacing.

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

6. Consistency with the established neighborhood pattern shall be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services.

Historically, this area has one-story single-family homes setback 25 feet from the front property line with driveways accessing the front yard because there are no alleys. The lot widths are varied throughout the subdivision ranging from 50-feet to 125-feet. The lots wet originally platted in 1924 with lot widths of 50-feet. Today, 51.5% of the lots meeting the NS-1 lot width requirement of a minimum 75-feet and 48.5% of the lots fall below the minimum lot width requirements. The lots must meet all other NS-1 zoning requirements including the requirements for City sanitation services. The new lot line shall be formed of one straight line.

Public Comments: Five neighbors signed the Neighborhood Worksheet in support of the Lot Line Adjustment and Variance request. Staff received several correspondences from neighbors. One neighbor indicated that though not opposed to the proposal, the lots were too small. The other call came from a neighbor who supported the redevelopment of the lots with either one or two houses. A third neighbor requested to review site plans. The Jungle Terrace Neighborhood Association Vice President signed the Public Participation Report in support of the Variance and Lot Line Adjustment.

RECOMMENDATION:

Staff recommends APPROVAL of the applicant's request for a lot line adjustment and refacing with variances to the lot width from 75-feet to 67.5-feet, subject to the following conditions:

1. Any outstanding liens, assessments or property taxes shall be paid.

2. Provide the City with an approved sketch and legal description of each of the two modified lots.

3. A new parcel I.D. must be obtained before zoning approval for development on the two lots.
4. Pursuant to Section 16.40.060.2.1. - Landscaping. Florida native plant material shall be given priority for preservation in the development and redevelopment of a property and existing healthy native trees and palms and other vegetation should be protected, preserved, and integrated into landscape plans. Site plans for development must be modified and indicate the location of all protected and grand trees. In addition, the Applicant must work with the City Arborist, a certified Arborist, and their architect to modify the site plans in order to protect and preserve the Grand Oak and Banyan tree on the proposed Lots 1 and 2.

Removal of any trees other than the Grand Oak and Banyan trees must comply with Section 16.40.060.5.3. and Section 16.40.060.5.4 at time of permitting, including submittal of any necessary reports. Separate tree removal permits shall be required for the removal of any tree.

5. Existing trees to be preserved shall be protected from construction-related impacts by placement of suitable protective wood barriers which shall remain in place until the construction is complete and CO is authorized. It is unlawful to place solvents, material, construction machinery, or temporary or permanent soil deposits within six feet of the trunk or within two-thirds of the drip line, whichever is greater, of any tree identified on the landscape plan which is to remain on the site. No attachments or wires shall be attached to any protected tree. Barricade details shall be shown on the landscape plan and installed prior to the commencement of construction.

6. Trimming permits for Grand trees shall be subject to the condition that all related work be done in a manner consistent with ANSI A300 standards. The POD may allow variations from these standards if the variation reduces the amount of trimming otherwise required pursuant to ANSI A300 standards and will not adversely affect the health of the tree being trimmed or the public health safety or welfare.

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

8. Development shall comply with the conditions in the Engineering Department’s memorandum dated September 11, 2019.

9. This variance approval shall be valid through October 3, 2022. Substantial construction shall commence prior to this expiration date or parcels shall be conveyed into separate ownership, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.
REPORT PREPARED BY:

Ann Vickstrom, AICP, RLA, Planner II
Development Review Services Division
Planning and Development Services Department

REPORT APPROVED BY:

Jennifer Bylya, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department
Exhibit A.2 Plat – Block 40 of
Original Jungle Terrace Subdivision D
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-11000024
Address: 3639 81st Street North
Exhibit B - Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-11000024
Address: 3639 81st Street North
Zoning Designations

- CCS-1 Corridor Commercial Suburban
- NS-1 Neighborhood Suburban
- NS-2 Neighborhood Suburban
- NSE Neighborhood Urban Estate

Exhibit C  Zoning Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-11000024
Address: 3639 81st Street North

(nta)
TO: Iris Winn, Administrative Clerk, Development Review Services
Jennifer Bryla, Zoning Official, Development Review Services Division, Planning and Development Services Department
Ann Vickstrom, Development Review Services Division

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: September 11, 2019

SUBJECT: Lot Line Adjustment
ADDRESS & PIN: 3639 81st Street North
12/31/15/44946/040/0130

FILE: 19-11000024 ATLAS: S-20

REQUEST: Approval of a Lot Line Adjustment and a variance to the minimum lot width from the required 75-feet to 67.5-feet to allow for the development of two (2) single-family lots in the NS-1 zoning district.

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

SPECIAL CONDITIONS:

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

a. City utility map S20 indicates existing sanitary sewer service laterals extending from the 8" public sanitary sewer main which exists within the east/west public easement which parallels the north boundary of existing lots 13 and 14. The laterals are at locations approximately 91' and 123' east of public manhole S20-130 (located in the western parkway of 81st Street North). The northernmost lot could make connection to either of these service laterals. A public clean out must be installed over the service lateral just inside the public easement boundary. The service lateral downstream of the clean out shall be maintained by the City.

b. City utility map S20 indicates that a sanitary sewer service lateral is not currently available to service the southern most lot. Extension of a service lateral to this lot can occur in one of two ways.

i. Option 1 - Extend a new north/south 6" PVC service lateral approximately 70 LF in the eastern parkway of 81st Street North from the east/west 8" main to the proposed southernmost lot. A terminal cleanout is required over the new service lateral just inside the right of way of 81st Street North, at the northwest corner of the southernmost lot. A clean out is also required at any change in pipe direction within the public right of way which is approved by ECID. The service lateral must be installed at a minimum slope of 1%. This is the City preferred option.

ii. Option 2 - Extend a 6" PVC service lateral approximately 47 LF from the north/south 8" sanitary sewer collection main which exists in the west parkway of 81st Street North. A public clean out is required over the new service just inside the right of way of 81st Street North and is located at the northwest corner of the southernmost lot. The service lateral will be maintained by the City.
Street North. The service lateral downstream of this clean out shall be maintained by the City. This is not a City preferred option because this will require roadway disturbance and associated roadway restoration.

3. The applicant is required to provide a public sanitary sewer clean out over each existing or proposed sanitary sewer service lateral, to be located just inside the public right of way or public easement boundary. All construction shall be in conformance with current City Engineering Standards and Specifications. The cost for design, permitting, and construction of required new sanitary sewer service lateral clean out(s) shall be by and at the sole expense of the applicant.

4. The applicant is required to provide potable water service to each proposed lot if not existing. The City shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the expense of the applicant/property owner. Public easement may be required as may be necessary to extend the potable water main to each lot of record. The applicant is responsible for the cost of any necessary easement dedication.

5. A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement including connection to the public sanitary sewer system and public clean out construction. All work within right of way shall be in compliance with current City Engineering Standards and Specifications.

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

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

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

Development plans shall include a grading plan to be submitted to the City 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 for City approval with any building construction permit application.
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg’s Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:  
- Lot Line Adjustment
- Lot Split
- Lot Refacing
- Street Name Change
- Street Closing

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

NAME of APPLICANT (Property Owner): Clearwater Capital Partners USA, LLC
Street Address: 11109 Zaaland Ave N
City, State, Zip: Champlin, MN, 55311
Telephone No: 812-214-2608
Email Address: ryan@cobwoldhomes.us

NAME of AGENT or REPRESENTATIVE: Ryan Whitefield
Street Address: 11109 Zaaland Ave N
City, State, Zip: Champlin, MN, 55311
Telephone No: 812-214-2608
Email Address: ryan@cobwoldhomes.us

PROPERTY INFORMATION:
Street Address or General Location: 3639 81st Street N, St Petersburg, FL
Parcel ID(s): 12-31-15-4144-040-0130

DESCRIPTION OF REQUEST: Changing the current split of lot 13 and 14 so both lots are an equal 87.5 (width) X 100 (depth)

PRE-APPLICATION DATE: 8/1/19
PLANNER: Ann Vickstrom

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

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

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

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

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

Signature of Owner/Agent: ___________________________ Date: 6/9/19
*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: Ryan Whitefield
Meeting Date: 8/1/19  
Zoning District: NS-1  
Address/Location: 3239 81st St W  
Request: lot reface and variance to lot width  
Type of Application: lot reface + variance  
Staff Planner for Pre-App: Ann Vickstrom  
Attendees: Jessica, Ryan, Whitefield, Jennifer Bryla, Shervin Chambliss  
Neighborhood Association(s) & Contact Info: Jungle Terrace Civic Assoc. John Sweeney, jsweeney.tampabayrr.com  
Notes: John will submit 2 applications: variance, lot reface + subdivision.  
- Bringing lot width closer to the standards of the zoning district  
- Proprietary pattern that has occurred to north of the road  
- Theres a previous analysis support
**NEIGHBORHOOD WORKSHEET**

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>4624 81st St N</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request:</td>
<td>CHANGE LOT SIZES TO TWO 67.5' X 100' LOTS</td>
<td></td>
</tr>
</tbody>
</table>

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:** 4620 81st St N  
   **Owner Name (print):**  
   **Owner Signature:**

2. **Affected Property Address:** 4612 81st St N  
   **Owner Name (print):**  
   **Owner Signature:**

3. **Affected Property Address:** 4634 80th Ave N  
   **Owner Name (print):**  
   **Owner Signature:**

4. **Affected Property Address:** 4660 80th Ave N  
   **Owner Name (print):**  
   **Owner Signature:**

5. **Affected Property Address:** 4640 80th Ave N  
   **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:**
Here is the list of addresses of homeowners who did not come to the door.

8109 36th Ave N
8090 36th Ave N
3535 81st St N
8074 36th Ave N
8050 36th Ave N
8051 36th Ave N
8067 36th Ave N
In accordance with LDR Section 1670.040.1 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

<table>
<thead>
<tr>
<th>Street Address: 2236 81ST ST N</th>
</tr>
</thead>
</table>

1. Details of techniques the applicant used to involve the public:
   - Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

2. Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications

3. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

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

3. Signature or affidavit of compliance

   - President or vice-president of any neighborhood associations

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

   - Association Name: JUNGLE TERRACE C.A. President or Vice-President: Signature: John A. Sweeney

   - 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:

   - John A. Sweeney
BOUNDARY AND TOPOGRAPHIC SURVEY
SECTION 12, TOWNSHIP 31S, RANGE 16E, PINELLAS COUNTY

PROPERTY ADDRESS:
3639 81ST ST N,
ST PETERSBURG, FL 33719

DESCRIPTION:
LOT 13 AND 14 OF BLOCK 48 OF "ANGLE TERRACE, SEC D," ACCORDING TO THE PLATS THEREOF AS RECORDED BY PLA BOOK 5, AT PAGE 8, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
COMMUNITY CITY OF ST PETERSBURG-123144
PROPERTY NO. 71607100081
BUFF: 6
FEMA: 8
300 YEAR FLORIDA FLOOD ZONE: X

HEREIN IS THE SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND ANY ADDITIONAL INFORMATION IS PROVIDED TO THE FACT THAT SAD DRAWINGS MAY BE ALTERED IN SCALE BY THE PRODUCTION PROCESS

THE SURVEY WAS CONDUCTED FOR THE PURPOSE OF A TOPOGRAPHIC SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY AREAS OF ANY FEDERAL, STATE, REGIONAL, OR LOCAL AGENCY BOARD OR OTHER ENTITY

THE ELEVATIONS OF WELL IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAPS WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITONAL ACCURACY OF 1/8 OF A FOOT FOR NATURAL GROUND SURFACE AND 1/16 OF A FOOT FOR HARDSCAPE SURFACES. INCLUDING PAVING, CURB AND OTHER MARKED FEATURES AS SHOWN

BENCH MARK: OSPAHA, ELEVATION: 15.27 FEET (NGVD 1988)

LEGAL DESCRIPTION PUBLISHED BY THE CLIENT

WELL IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAPS WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITONAL ACCURACY OF 1/8 OF A FOOT UNLESS OTHERWISE SHOWN.

BENCHMARKS SHOWN VARY IN ELEVATION BASED ON AN ASSUMED VALUE OF 1/8 OF A FOOT FOR THE EAST END OF 81ST ST. M AS DEPICTED ON THE MAP OF SURVEY

LEGAL DESCRIPTION SUBJECT TO ANY EXCLES, EASEMENTS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS

THE SURVEYOR MAKES NO REPRESENTATION AS TO THE OWNERSHIP OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL

SUBSURFACE IMPROVEMENTS AND/OR ENCroachMENTS WITHIN ARCHIVES, BUILDING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN

NOT VALID WITHOUT THE SIGNATURES AND ORIGINATION OF A FLORIDA LICENSED SURVEYOR AND THE ORIGINAL MARKS AND DEEDS TO THIS MAP OF SURVEY BY OTHER THAN THE SURVEYOR WITHOUT THE WRITTEN CONSENT OF THE BENCHMARK PARTY

THE SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITLES NAMED HERIN AND THE SURVEYOR DOES NOT EXTEND TO ANY OTHER PARTY

NO TREES FOUND 20 FEET FROM PROPERTY UNLESS DEPICTED ON THIS MAP

CERTIFY TO:
WILLIAMS, JAMES G ANISHA MORA
SURVEYOR'S REPORT:
I HEREBY CERTIFY THAT THIS "TOPOGRAPHIC SURVEY" AND THE MAP OF SURVEY HEREIN CONCERNING THERE FROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND belief AND FURNISHES THAT THIS "TOPOGRAPHIC SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA" PUBLISHED TO RULE 63-17 OF THE FLORIDA ADMINISTRATIVE CODE, AND ITS IMPLEMENTING RULE, CHAPTER 471.357 OF THE FLORIDA STATUTES.

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

GPS LEGAL PROFESSIONAL SURVEYORS AND WAPPERS
3903 SPRUCE ST, ST. PETERSBURG, FL 33712
PHONE: 727-387-2445
FAX: 727-387-1811
WWW.GPSFLORIDA.NET

DRAWN: CAM
DATE: 11/2/2019
SHEET: 1/1

DIGITALLY SIGNED BY: JAMES G WILLIAMS
LICENSE NO: 18-1391
SIGNATURE: EMAIL: JG.WILLIAMS@GPSFLORIDA.NET

DIGITALLY SIGNED BY: ANISHA MORA
LICENSE NO: 18-1391
SIGNATURE: EMAIL: ANISHA.MORA@GPSFLORIDA.NET

Date: 2019/11/27 16:16:42

PROFESSIONAL SURVEYORS AND WAPPERS
3903 SPRUCE ST, ST. PETERSBURG, FL 33712
PHONE: 727-387-2445
FAX: 727-387-1811
WWW.GPSFLORIDA.NET

DRAWN: CAM
DATE: 11/2/2019
SHEET: 1/1

DIGITALLY SIGNED BY: JAMES G WILLIAMS
LICENSE NO: 18-1391
SIGNATURE: EMAIL: JG.WILLIAMS@GPSFLORIDA.NET

DIGITALLY SIGNED BY: ANISHA MORA
LICENSE NO: 18-1391
SIGNATURE: EMAIL: ANISHA.MORA@GPSFLORIDA.NET

Date: 2019/11/27 16:16:42
VARIANCE

Application No. ____________

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

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME of APPLICANT (Property Owner): Clearwater Capital Partners USA, LLC</td>
</tr>
<tr>
<td>Street Address: 11109 Zealand Avenue N</td>
</tr>
<tr>
<td>City, State, Zip: Champlin, MN, 55316</td>
</tr>
<tr>
<td>Telephone No: 6122142908 Email Address: <a href="mailto:ryan@coastwoldhomes.us">ryan@coastwoldhomes.us</a></td>
</tr>
<tr>
<td>NAME of AGENT or REPRESENTATIVE: Ryan Whitefield</td>
</tr>
<tr>
<td>Street Address: 11109 Zealand Ave N</td>
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<tr>
<td>Telephone No: Email Address: <a href="mailto:ryan@coastwoldhomes.us">ryan@coastwoldhomes.us</a></td>
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<td>PROPERTY INFORMATION:</td>
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<tr>
<td>Street Address or General Location: 3639 81st street N, St. Petersburg</td>
</tr>
<tr>
<td>Parcel ID#(s): 12-31-15-44646-040-0130</td>
</tr>
<tr>
<td>DESCRIPTION OF REQUEST: Splitting the lots in to two 67.5' x 100' lots</td>
</tr>
<tr>
<td>PRE-APPLICATION DATE: 8/1/19 PLANNER: Ann Vickstrom</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FEE SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 &amp; 2 Unit, Residential - 1st Variance $350.00</td>
</tr>
<tr>
<td>3 or more Units &amp; Non-Residential - 1st Variance $350.00</td>
</tr>
<tr>
<td>Each Additional Variance $100.00</td>
</tr>
<tr>
<td>After-the-Fact $500.00</td>
</tr>
<tr>
<td>Docks $400.00</td>
</tr>
<tr>
<td>Flood Elevation $300.00</td>
</tr>
</tbody>
</table>

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

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<td>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.</td>
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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*: Ryan Whitefield

*Affidavit to Authorize Agent required, if signed by Agent

Typed Name of Signatory: Ryan Whitefield

Date: 8/9/19
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

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

<table>
<thead>
<tr>
<th><strong>APPLICANT NARRATIVE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 3830 81st Street N</td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong></td>
</tr>
<tr>
<td>Currently a distressed home on a double lot. We plan to take down the distressed home allowing for 2 new homes to be built. The variance is to allow us to split the lots in to 2 equal sizes of 67.5 (width) X 100' (Depth)</td>
</tr>
</tbody>
</table>

1. **What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**
   - The property is made up of lots 13 and 14 and sits on the corner of 81st street N and 36th Ave N. The current dwelling is distanced beyond repair.
   - By taking down the existing dwelling and splitting the lots evenly, the widths of 67.5 will be closer to the current requirements that the existing split of 80' width per lot.

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.**
   - 3860 and 3850 81st street N has been refaced and has the same lot dimensions for the variance we are requesting 67.5' (width) X 100' (depth)
   - 3331 and 3335 81st Street N has been refaced and dimensions of 75' and 80' (widths) X 100' (Depth)

3. **How is the requested variance not the result of actions of the applicant?**
   - Lots 13 & 14 are existing lots and dimensions and not as a result of any actions we have made.
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.**

### APPICANT NARRATIVE

<table>
<thead>
<tr>
<th><strong>4.</strong> 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?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The variance will allow for 2 lots and 2 new homes to closer meet the required 75' lot widths. The homes will cosmetically blend with the neighborhood and be of similar size and lots. The current distressed dwelling has become an eye sore and safety concern for the residents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5.</strong> What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</th>
</tr>
</thead>
<tbody>
<tr>
<td>We considered requesting 75' and 60' lot split but with the addition set backs for the corner lot felt it was better to keep the lots even and unified so the homes can also be of a similar size</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th><strong>6.</strong> In what ways will granting the requested variance enhance the character of the neighborhood?</th>
</tr>
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<td>The homes will cosmetically blend with the neighborhood and be of similar size and lots. The current distressed dwelling has become an eye sore and safety concern for</td>
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</tbody>
</table>

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Page 7 of 9  
City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471  
www.stpete.org/st
# 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.

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Description of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>3640 81st St N</td>
<td>CHANGE LOT SIZES TO TWO 67.5' X 100' LOTS</td>
</tr>
</tbody>
</table>

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: 3640 81st St N
   - Owner Name (print): Paul Higdon
   - Owner Signature: 

2. Affected Property Address: 3640 81st St N
   - Owner Name (print): Paul Higdon
   - Owner Signature: 

3. Affected Property Address: 3640 81st St N
   - Owner Name (print): Paul Higdon
   - Owner Signature: 

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   - Owner Signature: 

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   - Owner Signature: 

City of St. Petersburg – One 4th Street North – PO Box 8842 – St. Petersburg, FL 33731-8842 – (727) 893-7471
www.stpete.org/arb
Here is the list of addresses of homeowners who did not come to the door.

8109 36th Ave N
8090 36th Ave N
3535 81st St N
8074 36th Ave N
8050 36th Ave N
8051 36th Ave N
8067 36th Ave N
In accordance with LDR Section 18.70.040.1 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

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

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

3. Signature or affidavit of compliance. President or vice president of any neighborhood associations
   Check one: [ ] Proposal supported
   [ ] Do not support the Proposal
   [ ] Unable to comment on the Proposal at this time
   [ ] Other comments.

Association Name: JUNGLIE TERRACE CAP
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.
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION
REINSTATEMENT REQUEST

For Public Hearing and Executive Action on October 2, 2019 beginning at 2:00 P.M.,
at the Sunshine Center (Auditorium), located at 330 5th Street North.

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

CASE NO.: 19-52000010 PLAT SHEET: J-3
REQUEST: Approval of a Reinstatement of an abandoned commercial
grandfathered use in the NT-1 zoning district.
OWNER: Trust 2826
Rick Lewis TRE
P.O. Box 1005
Saint Petersburg, Florida 33731

Rick Lewis
2826 Fairfield Avenue South
Saint Petersburg, Florida 33712

ADDRESS: 2826 Fairfield Avenue South
PARCEL ID NO.: 23-31-16-24138-013-0030
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Traditional Single-Family (NT-1)

SITE DATA (Summary):
Lot size: 3,780 square feet, or .09 acres
Density: 1 unit
Permitted Units: 1 unit
REQUEST: The applicant is requesting approval of a Reinstatement of an abandoned grandfathered commercial use in the NT-1 zoning district. The request relates to an existing two-story structure that is currently vacant. The applicant can utilize the entire structure as a single residential unit by right. This request is to utilize the first floor as a neighborhood scale retail store (grocery store) and to utilize the second floor as a residential dwelling unit.

BACKGROUND: The subject property consists of a two-story structure with historical commercial space on the ground floor and one residential unit on the second floor. This structure was previously home to the “Nixon Hi Hat Jazz Club”, a grocery store, and a one-bedroom dwelling unit. Per section 16.10.020.1 of the Land Development Regulations, Restaurant and Bar use is a grandfathered use that requires an active Business Tax License as well as occupancy to retain its grandfathered status. The jazz club was addressed, 2824 Fairfield Ave S. The grocery store was addressed 2826 Fairfield Ave S. The dwelling unit was is addressed 2822 Fairfield Ave S. Reference the attached Property Card Interpretation completed in 2007 (07-41000047) for more information. The building is currently vacant and has not maintained its Business Tax License for more than two (2) years. Therefore, the grandfathered commercial use in this building is considered abandoned resulting in this request.

WORK PLAN: Interior construction work was completed under building permit number 19-03000245. Renovations included work to convert the ground floor of the structure into a commercial shell space, and the upstairs to a single residential unit with two (2) bedrooms and one (1) bathroom. No further renovations are planned.

STAFF ANALYSIS: One (1) dwelling unit and two (1) commercial unit was legally constructed on this site. The present zoning district allows one (1) dwelling unit by right; thus one commercial unit is now considered abandoned for failure to maintain business tax certificates and occupancy. 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 use of this structure as both residential and Neighborhood Scale Retail is compatible with the surrounding neighborhood. This property is within the South St. Petersburg Community Redevelopment Area, is zoned NT-1 and has a Future Land Use Designation of Planned Redevelopment - Residential. The property directly East is zoned Industrial Suburban, has a Future Land Use of Industrial Limited, and is within the Warehouse Arts District and Target Employment Center Overlay District. The Warehouse Arts District includes many neighborhood scale art cooperatives, breweries, and restaurants.
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 current structure has 2,724 square feet of gross floor area according to the Pinellas County Property Appraiser. 1,362 square feet of the building is residential and 1,362 square feet of the is commercial space. Thus, this property has a residential intensity of .36, a non-residential intensity of .36 and a total lot intensity of .72. A lot in NT-1 would be permitted a maximum residential intensity of .5 or maximum non-residential intensity of .50 making the lot non-conforming to allowable lot intensity by .22.

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

This property has had 19 total Code Enforcement cases opened since 1997. These infractions were mainly due to overgrowth and lack of property maintenance. This structure has been vacant for at least two years. There is currently one open Code Enforcement case (no. 19-0007566). This case is a result of work commenced within the building that was completed without approved permits and a lack of vegetative ground cover in the right-of-way abutting the property. Building permit 19-03000245 was pulled after-the-fact in result of this Codes case, but the case has not yet been closed.

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.**

A single-family residence in NT-1 zoning districts requires two (2) parking spaces for a dwelling with three (3) bedrooms or less. A Neighborhood Scale Retail (grocery store) requires one (1) parking space for a space of 1,342 square feet. Three (3) total parking spaces are required for the proposed use of the property. The site contains 6 parking spaces in the rear that are accessed from the alley, which meets the parking requirements for both the residential and commercial space on the site.

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.**

The subject neighborhood borders the Warehouse Arts District, making this proposal making the proposed use compatible with the surrounding neighborhood. There is an existing commercial use on the lot directly to the East of the subject property. The required parking is provided from the alley and traffic on the residential street should not be impacted as it is expected that vehicles will utilize the alley in the rear, while pedestrians and bicyclists will enter the building from the front.
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.

This criterion is not applicable as the structure does not contain grandfathered rooming units.

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

The single dwelling unit on site is allowed by right and is not subject to this reinstatement criteria.

RECOMMENDATION: The Planning & Development Services Department staff recommends Approval of the requested reinstatement of one Neighborhood Scale Retail space, 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 for both the residential dwelling unit and neighborhood scale retail space by November 2nd, 2019. After applying for the Certificate of Use, an exterior and interior inspection shall be conducted by the Codes Compliance Assistance department. Any violations found shall be corrected prior to approval of a Certificate of Use. Please contact Codes Compliance Assistance at 727-893-7373 to schedule an inspection. Any noted deficiencies shall be corrected and inspected prior to the issuance of a Certificate of Use.

2. The applicant shall submit fenestration and glazing calculations to Staff. If it is found that the structure does not meet the requirements, the front (North) façade shall be altered to meet required fenestration and glazing requirements for the NT-1 zoning district found in section 16.20.010.11 of the Land Development Regulations.

3. The applicant shall submit a parking and landscaping plan for Staff review and approval prior to the commencement of any related work necessary to bring the property into compliance with the requirements for residential and commercial storefront properties. The plan shall depict:
   a. A minimum of three (3) paved off-street parking spaces connected to the entrances of the building by a minimum two (2) foot wide paved walkway(s). Acceptable surfaces include concrete, asphalt, or brick pavers;
   b. Hedge material and trees of an acceptable type and size around the perimeter of parking area(s);

4. The applicant shall satisfy the above conditions by January 2, 2020. It shall be the applicant’s responsibility to request and justify any necessary extensions. In no case shall extensions be granted beyond six (6) months of the date of this approval.

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 POD's action by the applicant or any new property owner will result in the loss of reinstatement of the abandoned units. This 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:

Jaime Jones
Planner I
Development Review Services Division
Planning & Development Services Dept.

Report Prepared For:

Jennifer Bryla, AICP
Zoning Official (POD)
Development Review Services Division
Planning & Development Services Dept.
BOUNDARY SURVEY
2826 FAIRFIELD AVENUE S.
ST. PETERSBURG, FLORIDA
33712

FAIRFIELD AVE. S.
60' RW

2' VALLEY CURB

NOTE BUILDING CORNERS HAS DECO STONE FACE ON IT.

NOTE: I-PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY; 2-MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C); 3-CEMETATIONS OF LINES AND OR DATA NOT FOUND ART SHOWN AS (C); 4-ACCURACIES OBTAINED IN THIS SURVEY IS GREATER THAN (RURAL) 1' IN 5000', (SUBURBAN) 1' IN 7500', (COMMERCIAL) 1' IN 10,000'. 5-PRIOR TO BE LACE ON FILE. THE OR ORIG SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

LEGAL DESCRIPTION:
LOT 3, BLOCK 13, EAST ROSELAWN, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 32, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CONC AND ASPHALT
LOT 3 BLOCK 13

CONC AND ASPHALT
LOT 2 BLOCK 13

ASPHALT ALLEY

NOTE: 1-PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY; 2-MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C); 3-COMETATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C); 4-ACCURACIES OBTAINED IN THIS SURVEY IS GREATER THAN (RURAL) 1' IN 5000', (SUBURBAN) 1' IN 7500', (COMMERCIAL) 1' IN 10,000'. 5-PRIOR TO BE LACE ON FILE. THE OR ORIG SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CURRENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THEREIN WITHIN ONE YEAR OF THE FIELD DATE NOTED ON THIS SURVEY.

(C) 2018

CERTIFIED EXCLUSIVELY TO THE BELOW PARTIES

Know It Now, Inc.
Florida Business Certificate Of Authorization Number 03-19-006

CERTIFIED EXCLUSIVELY TO THE BELOW PARTIES

Rick Lewis, as Trustee of TRUST 2824
Advantage Title Services, Inc.
Old Republic National Title Insurance Company

FLORIDASURVEYOR@AOL.COM BILL HYATT

DATE OF FIELD WORK: 11/05/2018
DATE SIGNED: 11/12/2018
FAIRFIELD AVENUE SOUTH

LOCATION PLAN

SCALE: 1" = 20'-0"
1st FLOOR PLAN

SCALE: 3/16" = 1'-0"
Parcel Miscellaneous Information Inquiry

Location ID/subdivision: 85451 PALMETTO PARK NBRHD ASSN
Parcel Identification Nbr: 23/01/16/04138/013/0030/
Old account number:
Location address: 2826 FAIRFIELD AVE S
Primary related party: TRUST 2826

<table>
<thead>
<tr>
<th>Code</th>
<th>App</th>
<th>Date</th>
<th>Note</th>
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<tbody>
<tr>
<td>ADNO</td>
<td>LM</td>
<td>8/22/19</td>
<td>address notes: upstairs apt was 2822/</td>
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<td></td>
<td></td>
<td></td>
<td>bar was 2824/grocery was 2826, ATF</td>
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<td>permit combined 2824/2826 into one</td>
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<td>shell space and converted upstairs to</td>
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<td>shell space for storage(2822)/kf</td>
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<td>ALCH</td>
<td>LM</td>
<td>12/05/03</td>
<td>2824 - Fairfield Avenue South - (Lots 2)</td>
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<td>&amp; 3, blk 13) &quot;Turning Point Bar&quot;</td>
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<td>Approval of transfer of 2-COP alcoholic</td>
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<td>beverage license to allow the sale of</td>
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<td>beer &amp; wine for on-premise consumption</td>
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Special notes
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<th>No.</th>
<th>Date</th>
<th>flutter - 20-22 Fairfield</th>
<th>ELEC. PER. NO.</th>
<th>DATE</th>
<th>OWNER</th>
<th>CONTRACTOR</th>
<th>FIXTURES</th>
<th>O.K. DATE</th>
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<tr>
<td>1322</td>
<td>12-15</td>
<td>Geo. Holmes</td>
<td>27918-11-2k-58 Mastry (2826 - Grocery)</td>
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<td>Lee Elec. 60 kw 3p 3w 70amp #41</td>
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<td></td>
<td>#27928-11-2k-50 Mastry (2824 - Bar)</td>
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<td>Lee Elec. 90 kw 6p 3w 70amp #14</td>
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<td></td>
<td>#27830-11-2k-58 Mastry (2822 - upstairs)</td>
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<td>Lee Elec. 120 kw 19p 3w 100amp 70amp 2-1 meter</td>
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**CONTRACTOR**

- #29465 Prather 10-14-32
- To move House 5 rm fr
- to Lot 128 Prathers 2nd Roy.
- 2377 - 9 Ave. S.

**OWNER**

- Mike Mastry - General repair to porches (Type V1) By Owner
- Willie Nixon

**CONTRACTOR**

- Protane Gas
- 1-range

**SEPTIC TANK PER. NO.**

- #66594-16-4/7/83 $700
- Owner Charles L. Rocker - Erect single face bldg. sign 72 sq. ft.
- Metropolitan Adv. Co., Contractor

**OWNER**

- Mike Mastry

**CONTRACTOR**

- Johnnie Jones Plbg. - $10.00 tap (285)

**O.K. DATE**

- $10.00 tap (286)
- #71994-16-6/5/61 - Ed Mastry
- McGehean Plbg. - $10.00 tap
BUILDING

#49048 - LM - 8/2/77 - $100
Owner Joe Brown - repair floor
and door - as per fire letter
7/21/77 (Type V) by owner
(2822)

CLOSED TO HOUSING
5/3/79
2824 - Fairfield Ave. So. Res.

#96739 - 9/20/83 - 300.00
Owner: Charles Rocker
Repair existing roof. Patch.
Owner = Contr. Stewarts Roofing
(Type V) MER/hj

9/23/85 PERMIT # B310/38
ISSUED MAINT. REPAIRS + WINDOW
REPLACEMENT

10/12/86 PERMIT # B607699
Owner Outside of
Bldg. Decorate storefront jams
October 4, 2007

GEORGE NIXON
2319 HIGHLAND ST S
SAINT PETERSBURG, FL, 33705-3042

Dear Mr. Nixon:

RE: PROPERTY CARD INTERPRETATION: 07-41000047

Property Generally Located At: Legally Described As:
2826 FAIRFIELD AVE S 23/31/16/24138/013/00 30/
2824 FAIRFIELD AVE S 23/31/16/24138/013/0020

A Property Card Interpretation letter has been completed for the above-referenced property. The following findings have been made:

1. The property is zoned NT-1 and IT.
2. The portion of the property where the two-story structure exists is zoned NT-1.
3. The portion of the property where the parking lot exists is zoned IT.
4. A parking lot is a permitted accessory use in IT.
5. The structure consists of one (1) accessory dwelling unit on the second floor and a drinking establishment (bar) on the first floor. The accessory dwelling unit is in very poor condition and is vacant.
6. The first floor of the building was legally permitted as a drinking establishment.
7. A drinking establishment is a grandfathered use in the NT-1 district.

LEGAL STATUS OF DRINKING ESTABLISHMENT USE

1. To maintain legal status for a grandfathered use, the subject use must be 1) occupied, 2) have active utilities, and 3) have a valid certificate of occupancy. Failure to maintain any one of these three conditions for a minimum period of two (2) years will result in the loss of the grandfathered unit(s).
2. To maintain a valid certificate of occupancy, the property owner must maintain a valid occupational license for the rental of two (2) or more dwelling units. A valid occupational license is one that is issued, not one that is on hold.
3. For the subject property, there has not been an active occupational license for a drinking establishment since September 30, 2004.
4. Therefore, the drinking establishment use has lost its grandfathered status and is abandoned.
5. It is important to note that reinstatement of the use does not include reinstatement of the alcoholic beverage license. However, in this case, if the reinstatement of the drinking establishment is approved, a 2-COP license can be approved by the city since variances to the requirements for the license have previously been granted by City Council (Ordinance NO. 052-AB).

Property owners who operate a use without a certificate of occupancy and an occupational license are in violation of the City's Municipal Code. Violations can result in fines and liens against the property. Therefore, it is very important that you take action to correct this violation as soon as possible.

The Community Preservation Commission (formerly Board of Adjustment) may, at its discretion and subject to specific review criteria, reinstate or re-establish an abandoned grandfathered use. An application for reinstatement has been attached to this application. Please be advised that applicants seeking reinstatement are routinely required to bring their properties into compliance with current codes, including paved parking, landscaping, irrigation, building improvements, and improvements to correct other deficiencies that may be present on the property.

If you have evidence that the findings of this interpretation are incorrect, you may submit an appeal within 30 days of this letter, and your request will be scheduled for the next available meeting of the Community Preservation Commission. Please be advised that an appeal is different from the reinstatement application discussed earlier. An appeal is a statement on your part that you do not believe that the finding of abandonment is correct and that you have evidence to refute the finding. For an appeal, you must submit a cover letter and whatever evidence is referenced in your letter.

If you have questions about the appeal, reinstatement application, or the Community Preservation Commission, please feel free to contact 727.892.5344.

Sincerely,

Robert M. Gerdes, Planner II
Development Review Services

pc: Philip Lazzara, Deputy Zoning Official
    Todd Yost, Director, Codes Compliance Assistance
    Reginald Smith
    2826 Fairfield Avenue South
    St. Petersburg, FL 33711
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 by 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.**

<table>
<thead>
<tr>
<th><strong>APPLICANT NARRATIVE</strong></th>
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<tbody>
<tr>
<td><strong>Street Address:</strong> 2826 Fairfield Ave S</td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong> Reinstatement Commercial uses ground floor only</td>
</tr>
</tbody>
</table>

1. Is the building currently occupied? **No**

2. How many dwelling units exist on the property? **One**

3. Of the total number of dwelling units, how many are occupied? **0**

4. Have you applied for an occupational license? **No**

5. Have you had any recent fire or building inspections? **Yes**

6. When did you acquire the property? **12/12/2018**

7. Do you own other rental property in the City of St. Petersburg? **No**

   *If yes, please provide a list of the addresses in the space below:*

8. Are any variances requested in conjunction with the reinstatement application? ?

   *If yes, please provide a completed Narrative for Variances. Staff will provide upon request.*
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.**

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<tr>
<td>10. Describe the consistency of the subject property with the density, building types, and general character of other properties within the surrounding blocks.</td>
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<tr>
<td>The property is on the edge of the Warehouse Arts District</td>
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</table>

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?

All code issues have been corrected

12. Does the property currently or can the property provide adequate provisions for parking in accordance with the City Code?

Yes we have 6 parking spaces on the Alley side of the building. Plus 2 parking spaces front side of building.
All applications to the Commission for reinstatement of abandoned uses are required to provide a work program of all work to be completed, per Section 16.70.040.1.14 of the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted.

Street Address: 2826 Case No.: __________

The following work program should consider the following improvements needed to bring the subject property into compliance with the City Code:

- Parking (minimum of one paved, off-street space per one-bedroom or efficiency unit and an additional one-half space per additional bedroom)
- Landscaping & irrigation (per Section 16.40.060 of the City Code)
- Sidewalks (minimum of four [4] feet wide, paved sidewalks connecting parking spaces to the door of each unit)
- Any outstanding Codes Compliance issues
- Other work required to obtain a Certificate of Occupancy (it is recommended that applicants retain the services of a licensed general contractor to determine if any additional work must be completed per the Florida Building Code).

<table>
<thead>
<tr>
<th>Work to be Done</th>
<th>Cost Estimate</th>
<th>Estimated Time to Complete</th>
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</thead>
<tbody>
<tr>
<td>Plumbing</td>
<td>$1,000</td>
<td>5 days</td>
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<tr>
<td>Electric</td>
<td>$1,000</td>
<td>5 days</td>
</tr>
<tr>
<td>General Finish Work</td>
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<td>10 days</td>
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</tbody>
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<tr>
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<th>Cost Estimate</th>
<th>Estimated Time to Complete</th>
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Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

### NEIGHBORHOOD WORKSHEET

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Case No.:</th>
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</table>

**Description of Request:**

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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:** 534 28th St S  
   Owner Name (print): Rossi Bonvelli  
   Owner Signature: [Signature]

2. **Affected Property Address:** 2672 Emerson Ave  
   Owner Name (print): Michael Antoniades  
   Owner Signature: [Signature]

3. **Affected Property Address:** 2680 5th Ave S  
   Owner Name (print): Louis Albano  
   Owner Signature: [Signature]

4. **Affected Property Address:** 2828 Fairfield Ave South 33712  
   Owner Name (print): William Jones  
   Owner Signature: [Signature]

5. **Affected Property Address:** 855 28th St S  
   Owner Name (print): Richard Alexander  
   Owner Signature: [Signature]

6. **Affected Property Address:** 545 28th St S 33712  
   Owner Name (print): Stephen Chambers  
   Owner Signature: [Signature]

7. **Affected Property Address:** 2562 Emerson Ave South 33712  
   Owner Name (print): Andrew Fanton  
   Owner Signature: [Signature]

8. **Affected Property Address:**  
   Owner Name (print):  
   Owner Signature: [Signature]
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

<table>
<thead>
<tr>
<th>Street Address:</th>
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<tbody>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
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</tr>
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</tr>
</tbody>
</table>

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

| 3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations |
| Check one: ☑ Proposal supported |
| ( ) Do not support the Proposal |
| ( ) Unable to comment on the Proposal at this time |
| ( ) Other comment(s): Looking forward to seeing new use of an old building |

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) is required as to why they were unable or unwilling to sign the certification.

---

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/ldr
RE: EXTERNAL: 2826 Fairfield Ave South St Pete FL 33712
4 messages

Alexander, Richard <Richard.Alexander@fisglobal.com>  Thu, Aug 15, 2019 at 12:50 PM
To: Rick Lewis <emailricklewis@gmail.com>

I support the change requested below.

Rich Alexander

695 28th St. South

From: Rick Lewis <emailricklewis@gmail.com>
Sent: Thursday, August 15, 2019 12:48 PM
To: Alexander, Richard <Richard.Alexander@fisglobal.com>
Subject: EXTERNAL: 2826 Fairfield Ave South St Pete FL 33712

Aloha Richard,

We completed the reinstatement application to the commercial zoning of the ground floor, leaving the second-floor residential. The application asks us to reach out to the neighborhood and confirm the change,

Could you confirm your support or lack of this change via email?

If so please include your physical address.

Thank you for your help & support.

Rick Lewis
727-557-7007

The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message addressed to our domain is subject to archiving and review by persons other than the intended recipient. Thank you.

Alexander, Richard <Richard.Alexander@fisglobal.com>  Thu, Aug 15, 2019 at 1:01 PM
To: Rick Lewis <emailricklewis@gmail.com>

William, the guy building the house to the West of you is at this email address: Rosa Jackson <jacksonrosa12@yahoo.com>
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on October 2, 2019 beginning at 2:00 P.M.,
at the Sunshine Center (Auditorium), 330 5th Street North, St. Petersburg, Florida.

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

CASE NO.: 19-54000063          PLAT SHEET: K-17
REQUEST: Approval of a variance to Section 16.40.140.4.2 to remove the
requirement to construct a new sidewalk with the construction of a
new single-family residence in the NS-1 zoning district.

OWNER: Habitat for Humanity of Pinellas County
13355 49th Street North
Clearwater, Florida 33762

AGENT: Ralph Grau
13355 49th Street North
Clearwater, Florida 33762

ADDRESS: 3743 31st Avenue South

PARCEL ID NO.: 34-31-16-05526-012-0180

LEGAL DESCRIPTION: On File

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

BACKGROUND: The subject property is a currently vacant parcel located in the NS-1 zoning
district. The proposed use of the property is a new single-family residence. The Applicant
requests a variance to the standard that requires the installation of a new four-foot wide
sidewalk on the north side of the street. The primary reasons for the request are that there are
no sidewalks in close proximity to the subject property and that there is a utility pole present
preventing the installation of a sidewalk.
CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is 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 requested variance does not affect the developmental capacity of the subject property.

   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 subject property is not substandard per NS-1 zoning district minimum lot width or lot area requirements.

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

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

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

      The subject property is vacant and does not have historical significance.

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

      The subject property does not have significant vegetation or other natural features.

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

      The request does not promote the established development pattern of the block face. While there are no existing sidewalks on the block face, the intent of the Land Development Regulations is to promote the establishment of a sidewalk as the block is redeveloped.
g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

The proposed use of the site does not involve public parks, facilities, schools, utilities, nor hospitals.

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

The existing conditions are not the result of the Applicant. However, the Applicant can address and correct the primary reason for the request, by relocating the utility facilities obstructing the path for a sidewalk.

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

The literal enforcement of this Chapter would not result in unnecessary hardship. The Applicant can relocate the utility pole.

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;

Reasonable use of the land is still possible. The development of the vacant property for a single-family residence is possible.

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 to eliminate a requirement brought about by developing the property is not the minimum variance to make possible the 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 granting of the variance will not be in harmony with the general purpose and intent of the Land Development Regulations. The intent of the sidewalk requirement is to establish a sidewalk on a block face as the block is redeveloped over time. The granting of the variance would hamper the block’s prospects of establishing a continuous sidewalk.

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 would deprive the neighboring properties on the block of the opportunity for a continuous sidewalk in the future, consistent with the policies in the Comprehensive Plan for complete streets. The intent of the Code requirement is to create a continuous sidewalk as properties along the block are redeveloped over time.

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

The reasons set forth in the application do not justify the granting of a variance. While the added cost of addressing the utility pole is a concern, the establishment of a sidewalk on the
block is a benefit to the future owners of the subject property and owners of property on the block.

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 to the variance request.

PUBLIC COMMENTS: The subject property is within the boundaries of the Clam Bayou Neighborhood Association. The Association has been notified, but no response has been received by Staff. There has been no public comment received regarding this variance request.

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

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

1. The plans submitted for permitting should substantially resemble the plans submitted with this application.
2. This variance approval shall be valid through October 2, 2020. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Location Map, Variance Application, Applicant’s Narrative, Site Plan, Site Photographs

REPORT PREPARED BY:

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

REPORT APPROVED BY:

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

9/24/19
9/25/19
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg’s Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

### GENERAL INFORMATION

**NAME of APPLICANT (Property Owner):** Habitat for Humanity of Pinellas County  
Street Address: 13355 49th St. N.  
City, State, Zip: Clearwater, FL 33762  
Telephone No: 727-536-4755  
Email Address: rgrau@habitatpinellas.org  
**NAME of AGENT or REPRESENTATIVE:** Ralph Grau  
Street Address: 13355 49th St. N.  
City, State, Zip: Clearwater, FL 33762  
Telephone No: 727-510-5878  
Email Address: rgrau@habitatpinellas.org

### PROPERTY INFORMATION

Street Address or General Location: 3424 31st Ave. S, St. Petersburg, FL 33711  
Parcel ID#: 24-31-16-055-26-012-0180  
**DESCRIPTION OF REQUEST:** Sidewalk Exemption/Variance

### PRE-APPLICATION DATE: **

**PLANNER:**

### FEE SCHEDULE

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 &amp; 2 Unit, Residential – 1st Variance</td>
<td>$300.00</td>
</tr>
<tr>
<td>3 or more Units &amp; Non-Residential – 1st Variance</td>
<td>$300.00</td>
</tr>
<tr>
<td>Each Additional Variance</td>
<td>$100.00</td>
</tr>
<tr>
<td>After-the-Fact</td>
<td>$500.00</td>
</tr>
<tr>
<td>Docks</td>
<td>$400.00</td>
</tr>
<tr>
<td>Flood Elevation</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

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

### AUTHORIZATION

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

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

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

**Signature of Owner / Agent:** Ralph Grau  
**Date:** 8-9-19  
**Typed Name of Signatory:** Ralph Grau  
**Updated:** 09-30-16
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: Habitat for Humanity of Pinellas County

This property constitutes the property for which the following request is made

Property Address: 3743 31st Ave. S, St. Petersburg, FL 33711

Parcel ID No.: 34-31-16-05520-018-0180

Request: Sidewalk Exemption/Variance

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): Ralph Gran

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I(we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): Ralph Gran

Sworn to and subscribed on this date

Identification or personally known:

Notary Signature: [Signature]

Commission Expiration (Stamp or date): 8-9-19
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address: 3749 31st Ave. S, 33711</td>
</tr>
<tr>
<td>Detailed Description of Project and Request:</td>
</tr>
</tbody>
</table>

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

There are no other sidewalks installed on 31st Ave. S.

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.

No. There are no sidewalks in the neighborhood on either side of the street.

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

Presence of facilities in the right of way prevents uninterrupted sidewalk due to items such as the power pole and guy wire.
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.

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<tr>
<td>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?</td>
</tr>
<tr>
<td>It will allow a new constructed single-family residence that will enhance and increase the value of the neighborhood.</td>
</tr>
</tbody>
</table>

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

| There is no other alternative. Sidewalk adds to the overall cost of the project which is not in the budget for affordable housing in this neighborhood. |

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

| It will allow another homeowner the privilege of ownership. It will increase the tax base of the city and it will increase the overall value of the neighborhood. |
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**

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

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</tr>
</thead>
<tbody>
<tr>
<td>Do not support the Proposal</td>
<td></td>
</tr>
<tr>
<td>Unable to comment on the Proposal at this time</td>
<td></td>
</tr>
</tbody>
</table>

**Other comment(s):** please see attached ample.

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.
Good afternoon Mr. Weingart,

My name is Ralph Grau and I am with Habitat for Humanity of Pinellas and West Pasco Counties. I am sending you as the president of the association this email to notify you that we are applying for a sidewalk variance at 3743 31st Ave. S. in St. Petersburg. We are planning to build a new affordable home in this neighborhood and are asking the City of St. Petersburg to exempt us from having to install a sidewalk in front of the home. The reason is because presence of facilities in the Right of Way prevents uninterrupted sidewalk due to important items such as the power pole and gye wire.

If you have any questions or concerns about this, please do not hesitate to contact me.

Thank you,

Ralph Grau
Construction Services Coordinator
rgrau@habitatpinellas.org
Habitat for Humanity of Pinellas and West Pasco Counties
13355 49th St. N., Clearwater, FL 33762 (Administrative Offices)
1350 22nd Street South, St Petersburg, FL 33712 (St Pete Resource Center)
4131 Madison Street New Port Richey, FL 34652 (New Port Richey Office)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.
Habitat for Humanity of Pinellas & West Pasco Counties
The Holmes Family New Three Bedroom Home
3743 31st Avenue South St Petersburg

Prepared by
Daniel R. Stowers P.E.
July 2019 - Revised August 5, 2019

Design Criteria
1. Importance Factor = 1.0
2. Height & Exposure Coefficient = 1.0
3. Exposure B
4. Design Wind Speed = 145 mph
5. Building is an Enclosed Structure
6. Internal Pressure Coefficient = 0.18
7. Wind Loading from ASCE 7-10
   and 2017 Florida Residential Code

Roof Zone 1 = -34.7 psf
Roof Zone 2 = -60.4 psf
Roof Zone 3 = -89.3 psf
Wall Zone 4 = -41.1 psf
Wall Zone 5 = -50.7 psf
8. The Structure is Category (II)

Notes
1. Soil around the house shall be a minimum of 16" below the finished floor and shall slope away from the house.
2. Concrete driveway within the city right-of-way shall be 3000 psi, 6" thick w/ WWF.
3. Landscaping shall be in accordance with the City of St. Petersburg.
4. Provide two outside hose bibs.
5. Repair all damage to street and curbs within the street right-of-way.

Index to Sheets
1. Cover Sheet & Site Plan
2. Plan Notes
3. Floor Plan
4. Foundation Plan
5. Electrical Plan
6. Electrical Notes
7. HVAC Plan
8. 9 Elevations
9. Pluming Isometric & Column Detail
10. Kitchen Elevations & Door Window Schedule
11. Typical Wall Sections
12. Roof Plan
13. Window & Porch Beam Details
14. Blocking
15. Timber Landing

Sheet # 1
Above: Subject Property, facing east. August 15, 2019
Above: Subject Property, facing west. August 15, 2019
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on October 2, 2019 beginning at 2:00 P.M., at the Sunshine Center (Auditorium), 330 5th Street North, St. Petersburg, Florida.

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

CASE NO.: 19-54000064
PLAT SHEET: H-8

REQUEST: Approval of a variance for a reduced front yard setback from 15-feet required to 8.9-feet for a new bed and breakfast in the CRT-1 zoning district.

OWNER: Mark Hunter
268 15th Street North
Saint Petersburg, Florida 33705

APPLICANT: 1619 9th Avenue North, LLC
1619 9th Avenue North
Saint Petersburg, Florida 33705

AGENT: Mark Lombardi
318 4th Street South
Saint Petersburg, Florida 33701

ADDRESS: 1625 9th Avenue North

PARCEL ID NO.: 13-31-16-51390-000-0260

ZONING: Corridor Residential Traditional (CRT-1)

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required (ft)</th>
<th>Requested (ft)</th>
<th>Variance (ft)</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>15</td>
<td>8.6</td>
<td>6.4</td>
<td>42%</td>
</tr>
</tbody>
</table>
BACKGROUND: The subject property is not within the boundaries of a Neighborhood Association. The property is zoned CRT-1 (Corridor Residential Traditional), which allows for high intensity residential uses, as well as limited office and retail uses. The subject lot is a fully platted lot of record; Lot 26 of the Lewis and Burkhard subdivision. This lot is 45-feet wide, 100-feet deep and 4,500 square feet in lot area. This lot currently holds a one-story single-family residence. The applicants also own the property directly East of the subject property; Lot 25 of the Lewis and Burkhard subdivision. This lot is also 45-feet wide, 100-feet deep, and 4,500 square feet in lot area. This lot currently contains a two-story structure with a 8.9-foot front yard setback.

REQUEST: The applicant requests approval of a variance for a reduced front yard setback from 15-feet required to 8.9-feet for a new bed and breakfast in the CRT-1 zoning district. The applicants of this variance are proposing a single development across the two existing parcels described above that will be used for a Bed and Breakfast use. The requested variance is to allow a future single-story building to align at a 8.9-foot setback with the existing structure on its sister lot. These buildings will not be connected, but the properties will have a common courtyard and shared parking.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is 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 subject lot is currently vacant.

   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 subject lot meets all requirements to be a standard lot in the CRT-1 zoning district.

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

   This criterion is not applicable as the lot is not within a preservation district.

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

   This criterion is not applicable as the lot is not within a historic district.
e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

This criterion is not applicable as, to the best of Staff's knowledge the request does not affect significant vegetation. If a protected tree that is not deemed by a Certified Arborist to be a danger to structures or people is proposed to be removed, a Tree Removal permit will be required to be processed through the Planning and Development Services Department.

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 Land Development Regulations seeks to establish a standard setback from the street over time as new buildings are constructed in an area. In this case, the required 15-foot setback in the CRT-1 zoning district can be met for the proposed newly constructed building. There are two vacant lots on the North side of the block face that will be required to meet a 15-foot setback when developed.

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 as this request is not related to Public Facilities.

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

The applicant is requesting the subject variance in support of a proposed development across two parcels. In this case, it is possible for the applicant to meet the required 15-foot setback.

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

A literal enforcement of this chapter would not result in an unnecessary hardship because there is no identifiable hardship related to this case.

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;

No, the strict application of this provision is typical for new construction on standard lots in the CRT-1 zoning district.

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

The applicant would retain all reasonable use of their property without the granting of this variance.
6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

The Land Development Regulations seeks to establish a standard setback from the street over time as new buildings are constructed in an area. The proposed variance is not in harmony with this intent.

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

The granting of this variance will not be injurious to the neighboring properties. The proposed building will add a newly constructed building to the block.

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

The application points out that the fact that the proposed development will be an investment into the neighborhood and will align with the existing building at 1619 9th Avenue North, their sister property, which they plan to utilize for a joint Bed and Breakfast use. This does not justify the granting of this variance because it does not amount to a hardship.

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

No nonconforming uses or structures on neighboring properties were considered in this review.

PUBLIC COMMENTS: Staff has received no comments related to this variance request.

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

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

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through October 2, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
ATTACHMENTS: Map, aerial, site plan, floor plan, elevation drawings, photographs, applicant's narrative,

REPORT PREPARED BY:

Jaime Jones, Planner I
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

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

JCB/JTJ:iw
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-54000064
Address: 1625 9th Avenue North
(nts)
A BOUNDARY SURVEY OF: Lot 26, LEWIS & BURKHARD'S SUB'D., as recorded in Plat Book 1, Page 9 of the Public Records of Pinellas County, Florida, LESS lands Deeded to the City of St. Petersburg in O.R. Book 4501, Page 1095.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: X

Comm. Panel No.: 125148 0219

Map Date: 9/03/03

Base Flood Elev: NA

LEGEND:
- P.D. = FOUNDATION POINT
- P.L. = POINT OF LANDMARK
- P.M. = PERMANENT REFERENCE MARKER
- N.A.D. = NORTH AMERICAN DATUM
- N.D. = NORTH DIRECTION
- S.D. = SOUTH DIRECTION
- E.D. = EAST DIRECTION
- W.D. = WEST DIRECTION
- P.F. = PERMANENT FOUNDATION
- D.P. = DEEP POINT
- G.P. = GROUND POINT
- P.G. = PRIMARY FEATURE
- P.F. = POINT OF FEATURES
- P.D. = POINT OF DESIGN
- P.M. = POINT OF MARK
- P.R. = POINT OF REFERENCE
- P.I. = POINT OF INTERSECTION
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TRANSVERSE
- P.B. = POINT OF BEARING
- P.O. = POINT OF ORIGIN
- P.R. = POINT OF REVERSE CURVATURE
- P.I. = POINT OF INTERSECTION
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TRANSVERSE
- P.B. = POINT OF BEARING
- P.O. = POINT OF ORIGIN

BEARINGS SHOWN ARE ASSUMED

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

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

Survey valid for more than one (1) year from date of field work.
A BOUNDARY SURVEY OF: Lot 25, Less the South 8 feet thereof for street, LEWIS & BURKHARD'S SUB'D., as recorded in Plat Book 1, Page 9 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: X

FOR THE EXCLUSIVE USE OF THE RECIPIENT PARTIES, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS) AND THAT THE SURVEY REPRESENTED HEREIN MEETS THE MINIMUM REQUIREMENTS OF Chapter 553, Florida Administrative Code, to the best of my knowledge, information, and belief. This survey has been done without the benefit of reviewing a current title search. Survey not valid for more than one year from date of field work. UNLESS SEAL BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED. 

* BEARINGS SHOWN ARE ASSUMED
15' ALLEY
10' DIRT

#1625
1 STORY FRAME RESIDENCE
BUILDING #2

#1619
2 STORY FRAME RESIDENCE
BUILDING #1

9TH AVENUE N
55' R/W ASPHALT RD

EXISTING SITE PLAN
SCALE: 1" = 15'-0"

1619-1625 9th AVE N.
ST. PETERSBURG, FL

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

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

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 1625 9th Ave N 2-1123</td>
</tr>
</tbody>
</table>
| **Detailed Description of Project and Request:**
Owner respectfully requests a variance to construct an addition to align the front property line with the adjacent property line |

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

   - This property has a sister property with different front property lines based on the current setback. These specific characteristics should allow for a match at the current property line to be able to use the property for its desired use.

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.**

   - Yes, based on the average alignment of the front façades. A similar property is 1641 9th Ave N, St Pete, FL 33705. This property would meet the required 15’ setback if it were not for the street setback allowing the property line for use of the sidewalk and street facade.

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

   - The owner secured this lot as originally platted and has no role in the current shape of the property. Without this variance, the owner can not enjoy the same benefits either lot owners do through no fault of their own.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
</tr>
<tr>
<td>The addition proposed is an integral to the continued mission of serving the community through means of a bright, creative, affordable housing project that would enhance the overall character of the neighborhood as a whole.</td>
</tr>
</tbody>
</table>

| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? |
| As shown on the documents attached for our proposed plan, we would not be able to construct the addition without zoning relief. We are completing this as a dual project, and they would need to meet our standards to be able to continue with the project. |

| 6. In what ways will granting the requested variance enhance the character of the neighborhood? |
| This addition will continue to ennoble the essence of St. Petersburg, while also bringing recognition to the neighborhood with the impact we want to make with our projects. It will serve as a major and significant as well as hold integrity for who we are as a city. |
For Public Hearing and Executive Action on October 2, 2019 beginning at 2:00 P.M.,
at The Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg,
Florida.

According to Planning & Development Services Department records, Commissioner Joseph
Griner 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.

<table>
<thead>
<tr>
<th>CASE NO.</th>
<th>19-58000002</th>
<th>PLAT SHEET:</th>
<th>J-8</th>
</tr>
</thead>
</table>
| APPEAL:      | Approval of an after-the-fact design variance to the CCT-1 zoning
districts' Transparency Requirement. |             |     |
| APPELLANT:   | Vadankumar Patel             |             |     |
| ADDRESS:     | 2240 Caesar Way South         |             |     |
|              | Saint Petersburg, Florida 33712 |             |     |
| PARCEL ID NO.:| 14-31-16-28152-001-0010     |             |     |
| LEGAL DESCRIPTION: | On File        |             |     |
| ZONING:      | Corridor Commercial Traditional-1 (CCT-1) |             |     |

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fenestration Requirement</td>
<td>50%</td>
<td>0%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
BACKGROUND:

The subject property is located on the northwest corner of the intersection of 9th Avenue North and 28th Street North, in the North Kenwood Neighborhood. The applicant submitted an after-the-fact design variance to the CCT-1 (Corridor Commercial Traditional) zoning districts transparency requirement, in response to a Code Enforcement citation 18-0013902, for work without permits. The application sought to allow the enclosure of existing window and door openings along the 28th street, side yard façade of the existing one-story masonry building.

The subject property was developed with the existing 1,715 square foot building in 1952. The CCT-1 zoning district regulations are intended to protect the traditional commercial character of the existing stock of commercial structures in a manner that encourages walkable streetscapes. The structure in question is in a "commercial node" located at the intersection of 9th Avenue North and 28th Street North. This node extends out from the intersection by one row of platted lots in all directions and then is surrounded by Neighborhood Traditional (NT-2) zoning. This node plays an important part in creating small scale residential commercial uses within walking distance of residential structures. Four window openings and one doorway were enclosed and painted over.

The Corridor Commercial Traditional development pattern includes design aesthetics, densities and uses found in the various neighborhood shopping districts of the early 20th Century Main Street. The applicants have attempted to beautify the street side of the façade with a professional painted mural, this enhancement does not alleviate the code requirement. CPTED (Crime Prevention through Environmental Design) standards require additional glazing in neighborhood settings to provide more "eyes on the street" and provide a greater sense of security for the walkability of the street.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.10 Variances, design standards the DRC's decision shall be guided by the following factors:

1. Where a design standard is related to a building or architectural element, the variance shall reinforce a unique condition of an identifiable architectural style lending to the design intent of that style;

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

As stated the existing commercial structure was constructed in 1952. These structures often exhibit architecture of the early 20th Century, indicative of the Commercial Storefront architectural style shown in the St. Petersburg's Design Guidelines for Historic Properties. The applicants intend to use the structure for a commercial business.

While it is understandable and appreciated that the applicants wanted to "clean-up" the site of the structure, doing so within the parameters of the code could have taken place. There is no hardship related to the property that would require the removal of the fenestration along the 28th Street side of the building.
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 lot is conforming to the required CCT-1 lot size requirements. The minimum lot area for CCT-1 is 4,500 sf and a non-residential intensity of 1.0. The subject property lot area is 6,563 sf with a building square footage of 1,893 sf. This equates to a 0.29 FAR (Floor Area Ratio) intensity. The lot meets and exceeds the minimum lot size and intensity.

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

The lot is not within a Preservation District.

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

There are no known historical resources associated to this site.

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 of significance.

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 existing conditions of the development did contribute to the historic pattern of the neighborhood. The alteration of the structure deters from that historical pattern, the massing and placement of the structure on the block still support these foundational concepts of the CCT-1 District.

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

The proposed project does not involve the development of public parks, public facilities, schools, public utilities or hospitals.

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

Any alteration that has occurred regarding the structure are the direct actions of the applicant. The design variance is a self-imposed hardship. While the alterations the applicants have made could be construed as improvements to the property; that would be irrelevant as the changes were not code compliant. If the applicants had come to the City to meet with Staff to determine solutions to the situation, a code compliant solution may have been found.

The applicant has not shown Staff a code compliant alternative solution.

3. **Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;**
Literal interpretation of the code should not provide an unnecessary hardship to the applicant, as the structure has operated in its previous configuration since 1952.

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

   The property owners still have reasonable use of their land with the incorporation of the code compliant fenestration requirements.

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

   As stated, the applicant can have reasonable use of the land with the incorporation of the code compliant fenestration requirements.

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

   The **Comprehensive Plan Land Use Element** indicates that Neighborhoods should follow the general design guidelines:

   LU3.8 The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.

   LU3.18 All retail and office activities shall be located, designed and regulated so as to benefit from the access afforded by major streets without impairing the efficiency of operation of these streets, and with proper facilities for pedestrian convenience and safety.

   LU3.26 Land development regulations shall provide performance standards that ensure compatibility with surrounding uses.

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

   Should the variance be granted, the inconsistency with the Land Development Regulations could set precedence with further redevelopment opportunities within the node. This could set a mixed result in product and provide inconsistency for developers.

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

   The applicant has indicated that the entry door and the glazing were a safety concern in their adjacency to the existing bus stop along 28th St. The applicant have indicated that the door was non-functioning at the time of the renovations and that the windows along 28th were in some way dangerous to pedestrians, Staff does not find any evidence to support this statement. The property was apparently in need of renovation. Historically
renovation and revival of historical architecture alleviates the loitering tendencies of pedestrians.

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

No other neighboring lands were considered in this recommendation.

PUBLIC COMMENTS: The subject property is within the boundaries of the North Kenwood Neighborhood Association. The applicant submitted 26 letters of support.

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

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

1. Bike racks shall be installed in the adjacent area of the sidewalk
2. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
3. Parking on site must not encroach onto the sidewalk area.

ATTACHMENTS: Exhibits 1-10, Applicant's Narrative and Variance Application (with Neighborhood Participation Report), codes compliance letter.

Report Prepared By:

[Signature]

Date: 9.23.19

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

JCB/iw
Design Variance Narrative

Street address: 2801 9th Ave North St Petersburg Fl, 33713

Case # 18-00013902

Description – we are requesting a variance in order to obtain an after the fact permit for work completed to the property in order to establish public safety and the safety of the above mentioned property. Including the enclosure of dangerous nonfunctioning doors and windows on the 28th street facing side of the building.

1. By utilizing traditional methods of construction and materials such as stucco, which were common place during the original construction of the building in the 1950s we have created a more visually impressive look for the building. A look which is far more in keeping with the original architectural style in which the building and the neighborhood as a whole was built from the 1920s to the 1950s. It is beyond a doubt that the new and improved stucco wall is far more in keeping with the “Craftsman” style of architecture prevalent in the neighborhood than were the non-functioning 1980s doors (that were spray foamed in place and unhinged,) the dangerous non-code compliant access ramp (that derelicts utilized to use drugs and loiter about directly on 28th street in plain view of all passersby including a continuous flow of children walking to and from the high school two blocks away,) as well as the extremely dangerous single pane glass and plastic windows that were barely in place prior to the improvements made.

2. Do to the building's close proximity to the major thoroughfare of 28th street and 9th avenue north and the dangerous nature of having a doorway directly opening onto a bus stop causing a public safety concern as well as the dangerous nature of the previous windows as evidenced in photos provided it is plain to see why the variance requested is justifiable.

3. In the immediate neighborhood itself there are numerous buildings that have exactly the same solid walls which face major roads. Photos have been provided which depict our neighbors directly across 28th street at the Circle K/marathon gas station on the northeast corner of 28th street and 9th ave north, as well as the RaceTrack and Chile Verde restaurant on the northwest and northeast corners of 28th street and 22nd ave north as well as the Kenwood Market on the northeast corner of 28th street and 5th ave north, as well as numerous other properties in the immediate area.

4. The variance requested is directly resulting from a need to provide immediate action for the safety of the general public, the neighborhood and the building itself. The doorway which posed a danger to the public (having been a direct opening interfering with the safety of local transit users as well as general pedestrians,) was a popular spot for junkies and derelicts to congregate and use illegal drugs and consume alcohol openly in public. The doors had been pried open in an attempt to break and enter into the building. While working in the shop in the late morning/early afternoon a junkie hanging around the bus stop, that was completely trashed out of their mind fell thru the plastic window into the property. I still to this day am thankful to the good Lord above that they fell thru the plastic window and not the adjacent single pane glass window. If that had been the case there most certainly could have been a loss of life and would have had extremely negative effects on the neighborhood as a whole.

5. By employing traditional building techniques and materials, we implemented the minimum amount of changes necessary to make reasonable use of the property. While staying with the original stucco style of wall familiar throughout a majority of the neighborhood we were also able to strengthen the entirety
of the 28th street facing wall. By choosing to utilize more period correct materials we were able to more closely mimic the spirit of the surrounding historic neighborhood, and in doing so we have also created yet another amazing space for beautiful mural style artwork to be displayed in our beloved city.

6. As we are applying now for an after the fact variance. We are at this time unaware of any reasonable alternatives to the structure that would be as safe for the public and the business at this major intersection in the city that would also create an image anywhere near as aesthetically appealing to the neighborhood and retain stylistically the architectural heritage prevalent within the area.

7. By granting the requested variance we will be able to carry on unhindered in the process of reclaiming the neighborhood from the expressly criminal/derelict element that has saturated this area for a generation. This variance will have a directly positive effect thereby enhancing the neighborhood thru providing a safer bus stop, a safer thoroughfare for children going to school, pedestrians and motorists alike. It will continue on with the improvement of the property and reflect the continued support I have received from the neighborhood at large for not only directly increasing property values overall but more importantly by ensuring a safer, drug free area which is no longer a safe haven for law breakers and other sorts of nefarious undesirable characters that a mere 6 months ago were commonplace.
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg’s Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

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**GENERAL INFORMATION**

**NAME of APPLICANT (Property Owner):** Vadan Kumar Patel / Dhruv (Drew) Patel  
Street Address: 2801 9th Avenue North 
City, State, Zip: St. Petersburg, FL 33713  
Telephone No: 727-543-7157 
Email Address: Neelkumar@yahoo.com

**NAME of AGENT or REPRESENTATIVE:** Contact John Pecchi 727 323 9827  
Qualitytattoos@gmail.com

**PROPERTY INFORMATION:**  
Street Address or General Location: 2801 9th Avenue North 
Parcel ID(s): 14 31/116/28 152/001/0010

**DESCRIPTION OF REQUEST:**  
After the Final Permit For Design Variance For property at 2801 9th Avenue North 2801 S1.05 Facina Wall

**PRE-APPLICATION DATE:** 1/23/19  
**PLANNER:** Scot Bolyard

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**FEE SCHEDULE**

1 & 2 Unit, Residential – 1st Variance $300.00  
Cash, credit, checks made payable to “City of St. Petersburg”

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**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*: Vadan Kumar Patel Date: 2/17/19

*Affidavit to Authorize Agent required, if signed by Agent.
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

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

   **PUBLIC WAS INVOLVED THROUGH CANVASSING THE NEIGHBORHOOD IN PERSON WHERE LOCAL RESIDENTS, HOME OWNERS, AND BUSINESS OWNERS WERE NOTIFIED AND DISCUSSED ABOUT THE OBLIGATORY CONDITION AND GIVING VISUAL EXAMINATION OF THE OVERALL IMPROVED STATUS OF THE 78TH STREET WALK.**

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

   **ALL DONE IN PERSON**

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

   **ALL DONE IN PERSON**

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

   **OVERWHELMING SUPPORT WAS EXPRESSED BY THE NEIGHBORHOOD FROM RESIDENTS AND BUSINESS OWNERS ALIKE FOR HOW HAPPY THEY WERE TO HAVE A LOCAL BOY WHO CARES ABOUT THE NEIGHBORHOOD AND CITY AS A WHOLE, WHO IS DEDICATED TO MAKING IT A SAFER PLACE.**

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

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

   **SEE ATTACHED STATEMENT**

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.
Dear Mr. Patel:

This application for administrative approval of a design variance has been denied based on the findings described below. The applicant submitted an after the fact design variance to the CCT-1 (Corridor Commercial Traditional) zoning districts transparency requirement, in response to a Code Enforcement citation 18-00013902, for work without permits. The subject property is located on the northwest corner of the intersection of 9th Avenue North and 28th Street North, in the North Kenwood Neighborhood. The application sought to allow code required, prior existing window openings along the 28th street, side yard façade of an existing one-story masonry commercial building to remain enclosed in violation of Section 16.20.080.7.

The subject property was developed with the existing 1,715 square foot building in 1952. The applicant performed alterations to the property, preparing to convert the use of the property from a retail space to a service establishment (a tattoo parlor). Citation 18-00013902, was initiated via See-Click-Fix, noting alterations without permits which encompassed four windows openings and one doorway enclosed. The openings along the building's street side facade were blocked in to match the original concrete masonry block building and was painted over creating a street side yard mural (see photographic attachments).

In an attempt to receive an after the fact permit (Building Permit 18-11000458) for the enclosure of all street side yard openings, staff could not approve the permit because the enclosures were non-compliant with the CCT-1 district required transparency regulations. Subsequently the applicant applied for a design variance with the intent to have the blank street side facade remain. The existing style of the building is more of a 1940's commercial vernacular building. The style of the building does not contain dominating architectural features of visual interest. The front of the commercial building has large glass storefront windows facing 9th Avenue North. The primary entrance of the building consists of a shallow roof line projection, supported by several metal columns. At the rear of the building are three aluminum trimmed windows and one glass door, which are all clearly visible from the right-of-way. The artwork provided along the street side yard is intended to provide a form of visual interest in the absence of the openings by increasing the street level fenestration. Although, the building does not contain many architectural features, each of the existing exterior walls contained window breaks which more closely conformed to code than the resulting unpermitted blank wall.
In consideration of the conditions of the building prior to the enclosures and the district design standards, the request was found to be inconsistent with the purpose and intent of the Land Development Regulations.

You have a right to appeal staff's decision to deny the design variance within 10 days from the date of this letter. Appeals are heard before the Development Review Commission. An appeal is a statement on your part to that you do not believe the findings of staff determination are correct and you have evidence to refute the denial. For an appeal, you must submit a cover letter to the Development Review Services Division, 1 4th Street North.

Please feel free to contact Shervon Chambliss at 727-893-4238 with any questions.

Sincerely,

[Signature]

Jennifer C. Bryla, AICP
Zoning Official/Development Review Manager
Development Review Services Division
Planning and Development Services Department

JCB/SAC:iw

c: Design Variance, Application Narrative, Code Enforcement History, Photographs, Property Card

cc: John Frey
2801 9th Avenue South
St. Petersburg, FL 33713
VIOLATION NOTICE

September 25, 2019

PATEL, VADANKUMAR

2240 CAESAR WAY S
SAINT PETERSBURG FL 337124241

RE: Property Owner(s): PATEL, VADANKUMAR -
Case No. 18-00013902 (VN)
2801 9TH AVE N
FLORAL VILLA ESTATES
BLK 1, LOT 1

An inspection of the above mentioned property occurred on October 07, 2019. At the time of the inspection the property was in violation of the St. Petersburg City Code. The violation detail provided below specifically state the violation(s) found on the property

If the violation(s) are not corrected before , the City will proceed with further legal action. Further legal action may include: the issuance of a Civil Citation, a hearing before the Code Enforcement Board, or a Notice to Appear in the Pinellas County Courts. Any of these legal actions may result in a lien against your property and/or a fine up to $500 per day.

If you have questions about this Notice of Violation, please leave a message at the telephone number provided below. I hope you can remedy the violation(s) on the property within the time provided so no further action will be necessary.

Sincerely,

ZONE SEVENTEEN 893-7373
Codes Investigator / Telephone Number (Area Code 727)

Codes Compliance Assistance Department
P. O. Box 2842
St. Petersburg, FL 33731
727-893-7373
VIOLATION DETAIL

Violation Description

Chapter 8, Sec. 8-169 (a) All buildings or structures shall be maintained in sound condition, good working order, and in a safe and sanitary manner. All devices or safeguards which are required by this article in a building when erected, altered or repaired shall be maintained in good working order. The owner shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this division. The occupant shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this division.

(1) It shall be unlawful for any person to construct, add to, alter, repair, move, or demolish any building, structure, or any part thereof, or to cause any such work to be done without first obtaining a permit from the POD as required by law or ordinance.

(2) It shall be unlawful for any person who has obtained a permit to construct, add to, alter, repair, move, or demolish any building, structure, or any part thereof, and who has commenced such work, to fail to prosecute the work to completion, pass the final inspection, and obtain a certificate of occupancy for such work as required by law or ordinance. Work commenced under a permit which expires before the work is completed shall be deemed to be work done without a permit.

(3) It shall be unlawful for any owner to allow any construction, alteration, addition to, or repair of any structure to remain on any property owned by such owner or, if the structure has been moved, to allow the structure to remain on any property owned by such owner, if the construction, alteration, addition, repair or movement of the structure was performed without having first obtained the proper permit for such work or, if a permit for such work was obtained, the permit expired prior to completion and final inspection of the work and the permit has not been reissued, as required by law or ordinance.
Violation Text
WORK ACTIVE AND/OR COMPLETED WITHOUT A VALID PERMIT AND/OR APPROVED FINAL INSPECTION(S) INCLUDING:
1) ENCLOSURE, REMOVAL, AND/OR ALTERATION OF VARIOUS DOORS/WINDOWS

Case No. 18-00013902
2801 9TH AVE N
Property Information

Address: 2801 9TH AVE N
SAINT PETERSBURG, FL 33713

Location ID: 51575
Parcel identification Nbr: 14/31/16/28152/001/0010/
Old account number: 76953380
Zoning: Subdivision: NORTH KENWOOD NBRHD ASSN

Case General Information

Case status: AC ACTIVE
Status date: 6/06/2018
Case type: PERM PERMIT(S)
Reported date: 6/06/2018
Origination: SC SEE CLICK FIX
Default inspector: 217 ZONE SEVENTEEN 893-7373
Credit balance: 0.00
Disposition: Public
Pin number: 948896

Owner Information

Owner name: PATEL, VADANKUMAR
Address: 2240 CAESAR WAY S
City: SAINT PETERSBURG, FL 33712
Phone: 948896
Notice: Y

Violations

<table>
<thead>
<tr>
<th>Type</th>
<th>Status</th>
<th>Location</th>
<th>Quantity</th>
<th>Date Established</th>
<th>Date Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMITS</td>
<td>AC</td>
<td></td>
<td>1</td>
<td>7/05/2018</td>
<td></td>
</tr>
</tbody>
</table>

Case Data

Description | Data
-------------|------------------
TYPE USE     | SINGLE BLDG STORE
PLAT SHEET   | J-8
OFFICIAL RECORDS BOOK/PA | 09251/2280
CEB AGENDA ITEM NUMBER | 67
CEB ORDER DAYS | CEB ORDER FINE AMOUNT/DA
CEB ORDER COMPLIANCE DAT | CEB ORDER MAILED DATE
SPEC MAGISTRATE SCHED DA | SPEC MAGISTRATE AGENDA N
SPEC MAGISTRATE AGENDA N | 045
SPEC MAG LAST CERT LIEN | SPEC MAG TOTAL CERT LIEN
SPEC MAG ORDER MAILED DA | SPEC MAGistrate MEETING 01/23/2019
CEB MEETING DATE | SPEC MAGistrate MEETING 01/23/2019

Active Inspections
<table>
<thead>
<tr>
<th>Type</th>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>REINSPECTION</td>
<td>6/06/2018</td>
<td>SCF# 4528879-Construction without permit</td>
</tr>
</tbody>
</table>

Violation comments

PERMITS - ACTIVE

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/05/2018</td>
<td>WORK ACTIVE AND/OR COMPLETED WITHOUT A VALID PERMIT AND/OR APPROVED FINAL INSPECTION(S) INCLUDING:</td>
</tr>
<tr>
<td>7/05/2018</td>
<td>1) ENCLOSURE, REMOVAL, AND/OR ALTERATION OF VARIOUS DOORS/WINDOWS</td>
</tr>
</tbody>
</table>

Inspection comments

001 - INITIAL INSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
</table>

002 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
</table>

003 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
</table>

004 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/31/2018</td>
<td>October 31, 2018 1:32:21 PM S1COLAND. AT TIME OF RE-INSPECTION NOTED VIOLATION REMAINS.</td>
</tr>
</tbody>
</table>

005 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/17/2019</td>
<td>January 17, 2019 9:08:56 AM ehhamilt. DURING INSPECTION, NOTED PERMIT #18-11000458 IS &quot;IN PROCESS.&quot; WILL PROCEED WITH ENFORCEMENT PROCESS.</td>
</tr>
</tbody>
</table>

006 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
</table>

007 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
</table>

008 - REINSPECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Text</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>(Continued)</td>
<td>April 11, 2019 1:08:11 PM ehhamilt. DURING INSPECTION, NO CHANGE IN STATUS NOTED. WILL CONSULT WITH SUPERVISOR.</td>
</tr>
<tr>
<td>009 - REINSPECTION</td>
<td>April 22, 2019 3:15:48 PM ehhamilt. DURING INSPECTION, NOTED VARIANCE APPLICATION DENIED. WILL RESUBMIT TO CODE ENFORCEMENT BOARD PROCESS.</td>
</tr>
<tr>
<td>010 - REINSPECTION</td>
<td>June 13, 2019 2:21:36 PM ehhamilt. During inspection, noted violation(s) remain(s).</td>
</tr>
<tr>
<td>011 - REINSPECTION</td>
<td>June 19, 2019 9:24:50 AM ehhamilt. During inspection, noted violation(s) remain(s).</td>
</tr>
<tr>
<td>013 - REINSPECTION</td>
<td>September 6, 2019 1:20:19 PM nywells. During inspection, no work in process noted. Two in process permits on file. Per last note, case is hold for a development review. Will follow up Planner for case 19-58000002.</td>
</tr>
<tr>
<td>014 - REINSPECTION</td>
<td>September 12, 2019 2:41:18 PM nywells. The development review case was deferred. The case should be heard on October 2, 2019 by the DRC.</td>
</tr>
<tr>
<td>015 - REINSPECTION</td>
<td></td>
</tr>
<tr>
<td>Board meeting comments</td>
<td></td>
</tr>
<tr>
<td>Other action comments</td>
<td></td>
</tr>
<tr>
<td>001 - RECORD CHECK</td>
<td>July 5, 2018 9:44:37 AM ehhamilt. ACCORDING TO PINELLAS COUNTY OFFICIAL PUBLIC RECORDS, OWNER OF RECORD: PATEL, VADANKUMAR 2240 CASSAR WAY S ST PETERSBURG FL 33712-4241 BOOK/PAGE: 09251/2260 HOMESTEAD: NO</td>
</tr>
<tr>
<td>002 - ELECTRONIC MAIL</td>
<td>July 30, 2018 7:15:21 AM ehhamilt. RECEIVED EMAIL FROM JOHN FREY, <a href="mailto:QUALITYTATTOOING@GMAIL.COM">QUALITYTATTOOING@GMAIL.COM</a>: *Hello Mr. Hamilton, I am writing you to ask for a 30 day extension for case #18-00013902 the property at 2801 9th ave</td>
</tr>
</tbody>
</table>
July 30, 2018 7:18:01 AM

EMAIL SENT TO JOHN FREY, QUALITYTATTOOING@MAIL.COM:

"Hello,

Thank you for your attention to this matter. An extension has been granted on case 18-13902 through 8/28/18. If you have any further questions or concerns, please feel free to contact me any time.

Earle Hamilton
Codes Investigator, Codes Compliance Assistance Department
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731
727-892-5471 / Fax: 727-892-5558
Earle.Hamilton@StPete.org

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

August 21, 2018 9:15:46 AM

EMAIL RECEIVED FROM VANDANKUMAR PATEL, NEXTCOSTAS@YAHOO.COM:

"This is the Landlord Vadankumar Patel. We appreciate the original extension granted and are diligently trying to meet our requirements to comply with the notice. We have secured a Licensed Contractor who is able to pull the proper permits and have an appointment with an architect next week. Both have made us aware that because of all of the Building going on in the city and due to their process and other obligations that it would behoove us to apply for an additional 60 day extension so that we can properly meet deadline with sufficient time. Therefore we are at this time requesting an additional 60 day extension for the work cited at the property at 2801 9th ave north StPetersburg Florida. Thank You for your consideration and help in this matter. Vadankumar Patel: Cell Number: (727) 543-7715."

August 30, 2018 10:31:56 AM

ACCORDING TO PINELLAS COUNTY OFFICIAL PUBLIC RECORDS, OWNER OF RECORD:

PATEL, VADANKUMAR
2240 CAESAR WAY S
<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>006 - RETURN RECEIPT RCD</td>
<td>RETURN RECEIPT RECEIVED FOR THE CODE ENFORCEMENT BOARD</td>
<td>10/02/2018</td>
</tr>
<tr>
<td></td>
<td>NOTICE OF HEARING ADDRESSED TO: VADANKUMAR PATEL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SIGNED BY: DHARV V. PATEL</td>
<td>10/02/2018</td>
</tr>
<tr>
<td></td>
<td>DATED: 09/19/2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OCTOBER AGENDA ITEM #62</td>
<td>10/02/2018</td>
</tr>
<tr>
<td></td>
<td>October 2, 2018 10:19:13 AM</td>
<td>10/02/2018</td>
</tr>
<tr>
<td>007 - POSTING</td>
<td>October 8, 2018 3:00:26 PM</td>
<td>10/08/2018</td>
</tr>
<tr>
<td></td>
<td>POSTED BI AT PROPERTY</td>
<td></td>
</tr>
<tr>
<td>008 - TAKE PHOTOGRAPHS</td>
<td>October 18, 2018 9:22:43 AM</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>PHOTOS TAKEN FOR CODE ENFORCEMENT BOARD HEARING.</td>
<td></td>
</tr>
<tr>
<td>009 - RECORD CHECK</td>
<td>October 18, 2018 9:23:06 AM</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>ACCORDING TO PINELLAS COUNTY OFFICIAL PUBLIC RECORDS, NO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CHANGE IN OWNERSHIP. OWNER OF RECORD:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PATEL, VADANKUMAR</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>2240 CAESAR WAY S</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>ST PETERSBURG FL 33712-4241</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>BOOK/PAGE: 09251/2280</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>HOMESTEAD: NO</td>
<td>10/18/2018</td>
</tr>
<tr>
<td></td>
<td>RELEVANT PERMITS: NONE</td>
<td>10/18/2018</td>
</tr>
<tr>
<td>010 - CODES ENFORCEMENT MEE</td>
<td>COMPLIANCE DATE 12/22/2018. FINE $100.00/DAY.</td>
<td>10/26/2018</td>
</tr>
<tr>
<td></td>
<td>****</td>
<td>10/26/2018</td>
</tr>
<tr>
<td></td>
<td>OWNER/REP PRESENT. BOARD GAVE 60 DAYS.</td>
<td>10/26/2018</td>
</tr>
<tr>
<td>011 - CODES ENFORCEMENT MEE</td>
<td>CERTIFIED LIENS TOTAL $0.00. POTENTIAL LIENS NOT CERTIFIED</td>
<td>10/26/2018</td>
</tr>
<tr>
<td>012 - CEB ORDER MAILED</td>
<td>October 31, 2018 1:32:52 PM</td>
<td>10/31/2018</td>
</tr>
<tr>
<td></td>
<td>PROPERTY POSTED WITH FINDINGS OF FACT AND CONCLUSION OF LAW.</td>
<td></td>
</tr>
<tr>
<td>013 - POSTING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>014 - RETURN RECEIPT RCD</td>
<td>RETURN RECEIPT RECEIVED FOR THE ORDER OF THE BOARD ADDRESSED TO:</td>
<td>11/27/2018</td>
</tr>
<tr>
<td></td>
<td>VADANKUMAR PATEL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SIGNED BY: DHARV V. PATEL</td>
<td>11/27/2018</td>
</tr>
<tr>
<td></td>
<td>DATED: 11/3/18</td>
<td>11/27/2018</td>
</tr>
<tr>
<td></td>
<td>OCTOBER AGENDA ITEM #62</td>
<td>11/27/2018</td>
</tr>
<tr>
<td></td>
<td>November 27, 2018 3:38:41 PM</td>
<td>11/27/2018</td>
</tr>
<tr>
<td>015 - ELECTRONIC MAIL</td>
<td>December 12, 2018 2:30:28 PM</td>
<td>12/12/2018</td>
</tr>
<tr>
<td></td>
<td>EMAIL RECEIVED FROM JOHN FREY, <a href="mailto:QUALITYTATTOOING@GMAIL.COM">QUALITYTATTOOING@GMAIL.COM</a>:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dear Mr. Hodges,</td>
<td>12/12/2018</td>
</tr>
</tbody>
</table>
This email is in regards to case number 18-00013902 for the property at 2801 9th Ave North. I am writing you to inquire about the procedure we need to follow to be placed on the docket for this months (DECEMBER) code enforcement hearings. Since our last meeting we have gone forth with the process of applying for the after the fact permit. We have met yet another obstacle in that a zoning issue has now arisen and the codes/aiming office is not allowing for the permit until we are approved for an architectural variance, a process which in itself requires more time to be processed adequately. We would like to appear before the committee again and be able to briefly explain the newest situation, our intents to go forth and proceed in correcting these issues and to petition for a continuance on our deadline date so that we are not in violation of the prior agreement with yourself and the committee.

Thank you for your time Sir,
John Frey"

---

December 12, 2018 2:39:40 PM ehhamilt.
EMAIL SENT TO JOHN FREY, QUALITYTATTOOING®G MAIL.COM:
"Hello Mr. Frey,

Thank you for the update. The next opportunity for this case to be heard would be at the Special Magistrate hearing scheduled for 1/23/19. In the meantime, if a permit is acquired and fully active, the case will be closed. If this is not accomplished prior to the next hearing, the property owner or their representative would have the opportunity to speak to the magistrate and request an extension of time. Hopefully this information has been helpful. Please feel free to contact me with any further questions or concerns.

Earle Hamilton
Codes Investigator, Codes Compliance Assistance Department
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731
727-892-5471 / Fax: 727-892-5558
Earle.Hamilton@StPete.org

---

December 20, 2018 10:17:01 AM mrvold.
While at Code Enforcement Board, two men representing this property came into City Hall to let know are working on getting the plans approved before the deadline. I explained to them that if they get the permit before their next scheduled herring date of 1/23/19, they should be good, if not they would need to attend the hearing.
<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>019 - CASE REMOVED FROM CEB</td>
<td>January 17, 2019 9:11:25 AM  ehhhamilt.  CASE REMOVED FROM HEARING DUE TO MAX LIENS ($13,800).</td>
<td>1/17/2019</td>
</tr>
<tr>
<td>020 - ELECTRONIC MAIL</td>
<td>January 24, 2019 7:18:28 AM  EHHAMILT.  EMAIL RECEIVED FROM JOHN FREY, <a href="mailto:QUALITYTATTOOING@GMAIL.COM">QUALITYTATTOOING@GMAIL.COM</a>: &quot;Hello Mr Hamilton, (Property over at 2801 9th Ave North) just a reminder e-mail for what we talked about this morning at the courthouse we had our pre-application meeting today are and our scheduled meeting date will be April 3rd. We also were able to get some of the lien information secured and I'm going back tomorrow morning to speak with Miss Loni Jones about how to make payments.  Hope you have a good rest of the day. Sincerely, John Frey&quot;</td>
<td>1/24/2019</td>
</tr>
<tr>
<td>021 - MISCELLANEOUS INFORMA</td>
<td>January 24, 2019 7:19:33 AM  EHHAMILT.  PER OPERATIONS MANAGER, JOE WAUGH, WILL POSTPONE ENFORCEMENT PROCESS UNTIL AFTER SCHEDULED ZONING HEARING DATE.</td>
<td>1/24/2019</td>
</tr>
<tr>
<td>022 - RECORD CHECK</td>
<td>April 22, 2019 3:16:50 PM  ehhhamilt.  ACCORDING TO PINELLAS COUNTY OFFICIAL PUBLIC RECORDS, NO CHANGE IN OWNERSHIP. OWNER OF RECORD: PATEL, VADANKUMAR 2240 CAESAR WAY S ST PETERSBURG FL 33712-4241 BOOK/PAGE: 09251/2280 HOMESTEAD: NO</td>
<td>4/22/2019</td>
</tr>
<tr>
<td>023 - RETURN RECEIPT REC'D</td>
<td>RETURN RECEIPT RECEIVED FOR THE CODE ENFORCEMENT BOARD NOTICE OF HEARING ADDRESSED TO: VADANKUMAR PAREL SIGNED BY: DHRVY A PATEL DATED: 05/14/2019 JUNE AGENDA ITEM # 67 June 5, 2019 3:11:40 PM</td>
<td>6/05/2019</td>
</tr>
<tr>
<td>024 - POSTING</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(Continued)

025 - TAKE PHOTOGRAPHS
Posted BI at property.
6/13/2019

026 - RECORD CHECK
Photos taken for code enforcement board hearing.
6/19/2019

According to Pinellas county official public records, no change in ownership. Owner of record:
PATEL, VADANKUMAR
2240 CAESAR WAY S
ST PETERSBURG FL 33712-4241
Book/page: 09251/2280
Homestead: no
6/19/2019

027 - ELECTRONIC MAIL
June 20, 2019 8:43:32 AM ehhamilt.
Received email from John Frey, qualitytattooing@gmail.com:
"Hello Mr Hamilton,
Hope all is well with you. Writing because we received notice on the door today at 2801 9th Ave North informing us to appear in just a few short days on the 26th. We received notification of our denial just last month for our request for variance we submitted in February we immediately took action and filed for an appeal date. We were told such date would be in August. Contacting you today to see if you had been notified of our appeal or any information related to this case and how we can go about proceeding. Thank you Sir for your time and consideration.
Sincerely,
John Frey"
6/20/2019

028 - MISCELLANEOUS INFORMATION
June 20, 2019 8:44:58 AM ehhamilt.
DRC appeal hearing scheduled for 8/7/19. 19-53000002 (J-0).
6/20/2019

029 - CASE REMOVED FROM CEB
June 20, 2019 8:56:44 AM ehhamilt.
Case removed due to city process.
6/20/2019

030 - ELECTRONIC MAIL
June 20, 2019 8:56:30 AM ehhamilt.
Email sent to John Frey, qualitytattooing@gmail.com:
"Hello Mr. Frey,
Thank you for the update. Case #18-13902 has been removed from the Code Enforcement Board hearing scheduled for 6/26/19. Attendance at this hearing is not required for this case. We will continue to monitor the progression of this case, and will postpone code enforcement proceedings until a decision is rendered at the DRC appeal hearing scheduled for 8/7/19. Thank you for your attention to this matter. If you..."
<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Continued)</td>
<td>have any further questions or concerns, please feel free to contact me any time.</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>Earle Hamilton</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>Codes Investigator</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>City of St. Petersburg</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>727-892-5471 Office</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>727-892-5558 Fax</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:Earle.Hamilton@StPete.org">Earle.Hamilton@StPete.org</a></td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 2842</td>
<td>6/20/2019</td>
</tr>
<tr>
<td></td>
<td>St. Petersburg, FL 33731-2842</td>
<td>6/20/2019</td>
</tr>
<tr>
<td>031 - ELECTRONIC MAIL</td>
<td>September 6, 2019 1:21:12 PM nywells.</td>
<td>9/06/2019</td>
</tr>
<tr>
<td></td>
<td>Emailed Shervon ChamBliss with Planning and Engineering to follow on up on Variance 19-58000002, regarding hearing on 9/4/19.</td>
<td>9/06/2019</td>
</tr>
<tr>
<td>032 - ELECTRONIC MAIL</td>
<td>September 12, 2019 2:39:01 PM nywells.</td>
<td>9/12/2019</td>
</tr>
<tr>
<td></td>
<td>Email received from Shervon:</td>
<td>9/12/2019</td>
</tr>
<tr>
<td></td>
<td>Case has been deferred. Hearing is scheduled for October 2nd.</td>
<td>9/12/2019</td>
</tr>
</tbody>
</table>

Land Management information
Legal description
FLORAL VILLA ESTATES
BLK 1, LOT 1

Lien information
SPECIAL EXCEPTION
PUBLIC HEARING

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

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

CASE NO.: 19-32000015  PLAT SHEET: R-4
REQUEST: Approval of a Special Exception in the NT-3 zoning district to convert an existing single-family residence into a bed and breakfast.
OWNER: Ronald and Rachelle Whaley
7409 Burlington Avenue North
Saint Petersburg, Florida 33710
ADDRESS: 7409 Burlington Avenue North
PARCEL ID NO.: 19-31-16-20484-024-0090
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Traditional Single-Family (NT-3)
SITE AREA TOTAL: 9,525 square feet or 0.17 acres
GROSS FLOOR AREA:
| Existing: | 2,275 square feet | 0.23 F.A.R. |
| Proposed: | 2,275 square feet | 0.23 F.A.R. |
| Permitted: | 3,810 square feet | 0.4 F.A.R. |
BUILDING COVERAGE:
| Existing: | 2,275 square feet | 23% of Site MOL |
| Proposed: | 2,275 square feet | 23% of Site MOL |
| Permitted: | 5,715 square feet | 60% of Site MOL |
IMPERVIOUS SURFACE:

Existing: 3,491 square feet 36% of Site MOL
Proposed: 3,890 square feet 40% of Site MOL
Permitted: 6,191 square feet 60% of Site MOL

OPEN GREEN SPACE:

Existing: 6,034 square feet 63% of Site MOL
Proposed: 5,635 square feet 60% of Site MOL

PAVING COVERAGE:

Existing: 688 square feet 7% of Site MOL
Proposed: 1,224 square feet 12.5% of Site MOL

PARKING:

Existing: 4; including 0 handicapped spaces
Proposed: 4; including 0 handicapped spaces
Required 4; including 1 handicapped space

BUILDING HEIGHT:

Existing: 16-feet
Proposed: 16-feet
Permitted: 36-feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a Bed and Breakfast which a Special Exception use within the NT-3 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicants seek approval of a Special Exception and related Site Plan to convert an existing single-family residence into a Bed and Breakfast. The subject property is located on the north side of Burlington Avenue between 74th Avenue North and 75th Avenue North, in the Historic Park Street Neighborhood. The subject property was developed with the existing single-family residence in 1950.

Current Proposal:
The applicants are proposing to live on-site in the master bedroom as the owner/managers of the Bed and Breakfast. Daily breakfast will be provided to the guests. The applicants seek to utilize two of the existing three bedrooms within the residence as room rentals. One of the three bedrooms will be a suite with a private bathroom. The two remaining bedrooms will have cross hall access to bathroom facilities. Outdoor seating areas will be accessible to the guests staying in the Bed and Breakfast through interior congregate rooms. The owner/managers will continue to access on-site parking via the 16-foot wide rear platted alley. Two additional guest parking spaces will be provided on-site which will also be accessible via the alley.
**Special Exception:** The proposed use is a Special Exception in the NT-3 zoning district. The DRC is required to review the project for any possible adverse impacts such as noise, light, traffic circulation, traffic congestion, and compatibility.

The subject property is located on Burlington Avenue North, which is a local street as defined by the Comprehensive Plan. The proposed conversion seeks to utilize the existing single-story three-bedroom residence to maintain the existing neighborhood character while allowing small scale transient accommodation. The project will be compliant with the code required parking standards for Bed and Breakfasts. Section 16.50.040. of the City Code requires a Bed and Breakfast use to meet certain use specific development standards regarding on-site management and allowances for special functions.

**Public Comments:**
The applicants have provided multiple signatures from surrounding properties and from the Historic Park Street Neighborhood Association. Staff received one email and three phone calls regarding the proposal. Comments received expressed concerns for future expansions, operations, and parking provisions. No objection was received from the City’s Transpiration Department.

**III. RECOMMENDATION:**

A. Staff recommends APPROVAL of the Special Exception and related Site Plan to convert an existing single-family residence into a Bed and Breakfast, subject to the Special Conditions of Approval:

B. **SPECIAL CONDITIONS OF APPROVAL:**
1. Future development of the property shall comply with all applicable NT-3 single-family zoning district regulations required by Section 16.20.010. Should future expansions be proposed (additional lands or bedrooms) for the Bed and Breakfast, the Special Exception shall require a public rehearing by the Development Review Commission.
2. The property shall comply with Section 16.50.040. Use Specific Development Standards for Bed and Breakfasts.
3. Special functions hosted at the property shall comply with Section 16.50.040.4.2. which states:
   A. **Outdoor activity hours.** Special functions conducted outdoors, and outdoor activities related to special functions, are prohibited after 10:00 p.m. on Sunday through Thursday nights, except evenings before national holidays, and are prohibited after 11:00 p.m. on Friday or Saturday nights and the evenings before national holidays.
   B. **Frequency.** No more than one outdoor special function shall occur at any bed and breakfast in any calendar month. There shall be no limit to the number of indoor special functions.
   C. **Attendees.** There shall be a maximum of 75 attendees at an outdoor special function, not including employees of the bed and breakfast and not including persons employed to provide services for the function, such as but not limited to caterers, musicians, and disc jockeys.
   D. **Noise.** At an outdoor special function, there shall be no amplified sound. At an indoor special function, there shall be no amplified sound plainly audible from inside any off-premises residential use.
4. Special Functions on-site and off-site parking arrangements shall comply with Section 16.050.040.4.4.
5. The applicant shall coordinate with the City's Sanitation Department to determine the method of trash pick-up. If a commercial container is required, it shall be placed on private property and shielded from view according to applicable visual mitigation codes.

6. This Special Exception/Site Plan approval shall be valid through October 2, 2022. Permits shall be approved prior to this expiration date unless an extension has been approved by the POD. A request for an extension must be filed in writing prior to the expiration date.

C. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

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

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

Zoning/Planning Requirements:

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

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

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

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

Engineering Requirements:

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

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

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

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

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

Landscaping Requirements:

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

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

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

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

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

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

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.
IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW
(Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).
P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
   a. Water.
   b. Sewer (Under normal operating conditions).
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.

The land use of the subject property is: Residential Urban

The land uses of the surrounding properties are:
   North: Residential Urban
   South: Residential Urban
   East: Residential Urban
   West: Residential Urban

REPORT PREPARED BY:

Shervon Chambliss, Planner I
Planning and Development Services Department
Development Review Services Division

REPORT APPROVED BY:

Jennifer Brilla, AICP, Zoning Official (POD)
Planning and Development Services Department
Development Review Services Division
All applications are to be filled out completely and correctly. The application shall be submitted to the Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

**GENERAL INFORMATION**

**NAME of APPLICANT (Property Owner):** Ronald & Rachelle Whaley  
Street Address: 7409 Burlington Ave N.  
City, State, Zip: St Petersburg FL 33710  
Telephone No: 727-575-8018  
Email: ronald.whaley@aciworldwide.com

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

**NAME of ARCHITECT or ENGINEER:**  
Company Name:  
Contact Name:  
Telephone No:  
Website:  
Email:

**PROPERTY INFORMATION:**  
Address/Location: Same as above  
Email:  
Parcel ID#(s): 1s 13 111s120454ro24,0090

**DESCRIPTION OF REQUEST:** Convert existing house to a Bed and Breakfast

**PRE-APP MEETING DATE:** 7-22-19  
**STAFF PLANNER:** Jennifer C. Bryla, Scott J.  
**STAFF PLANNER:** Corey D. Maylozka

**SPECIAL EXCEPTION (SE)**  
Special Exception (SE), General Application: $1,000.00  
Special Exception (SE), Modification: $ 500.00  
Concurrency $ 25.00

**VARIANCES**  
Each Variance Requested for SE/SPR $ 200.00

**SITE PLAN REVIEW (SPR)**  
Site Plan Review (SPR), General, By Commission $1,000.00  
Site Plan Review (SPR), General, By POD $ 500.00  
Site Plan Review (SPR), General, Related to SE $ 0.00  
Site Plan Review (SPR), Modification, By Commission $ 500.00  
Site Plan Review (SPR), Modification, By POD $ 250.00

*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*: Ronald Whaley  
*Affidavit to Authorize Agent required, if signed by Agent.  
**Date:** 7-22-2019  
**Updated 08-10-17**
## SPECIAL EXCEPTION
### SITE PLAN REVIEW

**DATA SHEET**

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FAILURE TO COMPLETE THIS FORM WILL RESULT IN DEFERRAL OF YOUR APPLICATION.

<table>
<thead>
<tr>
<th>DATA TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Zoning Classification:</strong> Residential</td>
</tr>
<tr>
<td><strong>2. Existing Land Use Type(s):</strong> Residential</td>
</tr>
<tr>
<td><strong>3. Proposed Land Use Type(s):</strong> Bed and Breakfast</td>
</tr>
<tr>
<td><strong>4. Area of Subject Property:</strong> Historic Park Street &quot;DaVista&quot;</td>
</tr>
<tr>
<td><strong>5. Variance(s) Requested:</strong> NA</td>
</tr>
<tr>
<td><strong>6. Gross Floor Area</strong> (total square feet of building(s))</td>
</tr>
<tr>
<td><strong>Existing:</strong> 1,718 Sq. ft.</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 1,718 Sq. ft.</td>
</tr>
<tr>
<td><strong>Permitted:</strong> 3,810 Sq. ft. Entire site 9,525 sq ft</td>
</tr>
<tr>
<td><strong>7. Floor Area Ratio</strong> (total square feet of building(s) divided by the total square feet of entire site)</td>
</tr>
<tr>
<td><strong>Existing:</strong> .18 Sq. ft.</td>
</tr>
<tr>
<td><strong>Proposed:</strong> .18 Sq. ft.</td>
</tr>
<tr>
<td><strong>Permitted:</strong> .40 Sq. ft. Entire site 9,525 sq ft</td>
</tr>
<tr>
<td><strong>8. Building Coverage</strong> (first floor square footage of building)</td>
</tr>
<tr>
<td><strong>Existing:</strong> 1,424 Sq. ft. 15% % of site</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 1,424 Sq. ft. 15% % of site</td>
</tr>
<tr>
<td><strong>Permitted:</strong> 40% % of site</td>
</tr>
<tr>
<td><strong>9. Open Green Space</strong> (include all green space on site; do not include any paved areas)</td>
</tr>
<tr>
<td><strong>Existing:</strong> 2,285 Sq. ft. 24% % of site</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 2,285 Sq. ft. 24% % of site</td>
</tr>
<tr>
<td><strong>10. Interior Green Space of Vehicle Use Area</strong> (include all green space within the parking lot and drive lanes)</td>
</tr>
<tr>
<td><strong>Existing:</strong> 0 Sq. ft. % of vehicular area</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 0 Sq. ft. % of vehicular area</td>
</tr>
<tr>
<td><strong>11. Paving Coverage</strong> (including sidewalks within boundary of the subject property, do not include building footprint(s))</td>
</tr>
<tr>
<td><strong>Existing:</strong> 1,125 Sq. ft. 12% % of site</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 1,125 Sq. ft. 12% % of site</td>
</tr>
</tbody>
</table>
### DATA TABLE (continued page 2)

<table>
<thead>
<tr>
<th>12. Impervious Surface Coverage (total square feet of all paving, building footprint and other hard surfaced areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing: 3,089 Sq. ft.</td>
</tr>
<tr>
<td>Proposed: 3,089 Sq. ft.</td>
</tr>
<tr>
<td>Permitted:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Density / Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Units</td>
</tr>
<tr>
<td>Existing: 0</td>
</tr>
<tr>
<td>Proposed: 0</td>
</tr>
<tr>
<td>Permitted: 7.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14 a. Parking (Vehicle) Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing: 4</td>
</tr>
<tr>
<td>Proposed: 4</td>
</tr>
<tr>
<td>Permitted: 4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14 b. Parking (Bicycle) Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing: 2 Spaces</td>
</tr>
<tr>
<td>Proposed: 2 Spaces</td>
</tr>
<tr>
<td>Permitted: Spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15. Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing: 16 Feet</td>
</tr>
<tr>
<td>Proposed: 16 Feet</td>
</tr>
<tr>
<td>Permitted: 36 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16. Construction Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the estimate of the total value of the project upon completion? $ Zero</td>
</tr>
<tr>
<td>No new construction is planned.</td>
</tr>
</tbody>
</table>

**Note:** See Drainage Ordinance for a definition of "alteration." If yes, please be aware that this triggers Drainage Ordinance compliance. Please submit drainage calculations to the Engineering Department for review at your earliest convenience. The DRC must approve all Drainage Ordinance variances.
June 8, 2019

City of St Petersburg:

My wife Rachelle and I moved to St Petersburg in October of 2016 and selected the city based on its culture, historic neighborhoods, proximity to the ocean and all-around healthy lifestyle vibe including bicycles friendliness. I am a director of professional services in the international electronic payment industry and work from home managing system implementation projects around the world. My wife is primarily a homemaker presently but is very experienced in the hospitality business having her own catering service before moving to St Petersburg. We have been married for 38 years and reign from the Omaha NE area.

We choose the west end of St Petersburg to buy a house because of its proximity to the beach and quick access to downtown, both of which we frequently patronize. Our house is a classic Florida bungalow built solidly in 1950 and we absolutely love our neighborhood, St Petersburg and Florida in general. The Historic Park Street area where we live has cobblestone streets and our street in particular is very wide with very little auto traffic. We bought the home having a Bed and Breakfast in mind and now is that time for us to initiate our dream. We are experienced Bed and Breakfast hosts as we made our prior homes available for guests in the Midwest for 9 years before moving to St Petersburg. We have hosted in St Petersburg (monthly room rental) since moving here and have been successful but now we desire to provide short term rental with an official Bed and Breakfast.

Our home is a three-bedroom three bath one story and we plan to have two of the bedrooms available for occupancy with a limit of 3 guests total. The house features “old school” front sitting porch, large lanai with entertainment area, seating and dining table. The house has a remodeled kitchen, two remodeled baths, restored wood floors and new HVAC along with other improvements that we have made in the past three years. There is ample parking on concrete in the back off the alley way (four stalls) and the landscaping has been updated with native Florida plants, palms and grasses. We receive many compliments from passersby on our home’s curb appeal and even more compliments on our interior and decorations from our visitors.

All the adjacent properties have either privacy fencing or privacy landscaping including our home. In conducting our public participation report for the Bed and Breakfast application, most of the neighbors had no idea that we even provided long term rentals as there has been no disruption to the neighborhood tranquility with typically only one additional vehicle in the vicinity.

Our establishment will be in the tradition of a boutique Bed and Breakfast and we will live on the premises. We also thoroughly enjoy interacting with our guests. We will be providing a continental
breakfast, housekeeping and high curb appeal of the property inside and out. We will continue to provide concierge services to our guests with tips and arrangements for restaurants, fishing trips, events/festivals and tourism in general.

We already have a track record of bringing repeat business to St. Petersburg by being ambassadors to the area that we love so much. We have encouraged patronizing establishments in the local vicinity and keeping tourist money in St. Petersburg.

We will offer a great alternative to the more expensive hotels/motels with a much friendlier environment, homely feeling and quality interaction with our guests. There are no other boutique Bed and Breakfasts on the west end of town and many of our previous guests, friends and family have noted so and are looking forward to our establishment being in business.

Sincerely

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

### Applicant Report

**Street Address:**

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
   
   Applicants went to each home within 300 feet (Google Maps) of the Bed and Breakfast property and presented the plan for the Bed and Breakfast using the presentation highlights. Risk avoidance and mitigation strategies for potential disruptions to the neighborhood were discussed. Questions from the residents were answered and any considerations and concerns were noted. Door to door meetings were conducted from June 29 through July 8. Twenty-three residences were contacted directly.

   (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

   Only one neighbor had concerns at the time of the door-to-door meetings. They noted that if one Bed and Breakfast is allowed that others will follow and wreck the tranquility of the area. They also mentioned that they did not want strangers in the area or people in the alleys or smoking in the area.

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

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

   ![Signature](Image)

   Association Name: Historic Park Street

   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.
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.

<table>
<thead>
<tr>
<th>NEIGHBORHOOD WORKSHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 7409 Burlington Ave N</td>
</tr>
<tr>
<td><strong>Description of Request:</strong></td>
</tr>
</tbody>
</table>

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:** 7430 3rd Ave
   - **Owner Name (print):** Heather Brooks
   - **Owner Signature:** [Signature]

2. **Affected Property Address:** 7410 Burlington Ave N
   - **Owner Name (print):** Charles Lloyd
   - **Owner Signature:** [Signature]

3. **Affected Property Address:** 7405 Ave N
   - **Owner Name (print):** Michele Cebolla
   - **Owner Signature:** [Signature]

   Owner: Scott Samuel's remains neutral

4. **Affected Property Address:** 7420 Burlington Ave N
   - **Owner Name (print):** Cynthia & John Bohl
   - **Owner Signature:** [Signature]

5. **Affected Property Address:** 7401 Burlington Ave N
   - **Owner Name (print):** Tim Ellis
   - **Owner Signature:** [Signature]

6. **Affected Property Address:** 7419 Burlington Ave N
   - **Owner Name (print):** William A. Roberts
   - **Owner Signature:** [Signature]

7. **Affected Property Address:** 7400 Burlington Ave N
   - **Owner Name (print):** David Lackore
   - **Owner Signature:** [Signature]

8. **Affected Property Address:** 7400 3rd Ave N
   - **Owner Name (print):** Jason Cov
   - **Owner Signature:** [Signature]

   Owner: Gene until Aug 14th
<table>
<thead>
<tr>
<th>Location: 7409 Burlington Ave</th>
<th>Building</th>
<th>Electrical</th>
<th>Lot</th>
<th>Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>#79618-C - 4/20/50 - $8000</td>
<td>N. #3932B - 5/8/50 - R. Chaffee</td>
<td>R-5100</td>
<td>9</td>
<td>24</td>
</tr>
<tr>
<td>Owner Robert A. Chaffee - Five room and bath residence with B/W and attached garage (40' x 58')(Type )</td>
<td>Brinson - 14c 26sw 35p 2b 3wp C. Wiebel - 2-closets 1-ewh 2-meters 1-range 1-w.heater Kitchen Fan - Attic Fan - 6 space heaters - Wesix load reg.</td>
<td>#11891 - 5/9/50 - Grounds 1-lavatory 1-sink 2-baths</td>
<td>1931-16</td>
<td>PLUMBING R-4</td>
</tr>
<tr>
<td>Owner, John Ross - Convert garage into sleeping room (necessary plumbing &amp; electrical work) (Type V)</td>
<td>#2751H - 8/8/57 - M. Strong</td>
<td>#972M - 12/16/66 - Martin Ross</td>
<td>Owner - 1-ton air cond.</td>
<td></td>
</tr>
<tr>
<td>#87053 - 9-24-62 - 588.00</td>
<td>#6215J - 12/16/66 - M.J. Roess</td>
<td>Owner - 6c 5sw 6p 6-circuit sub-panel 1-tray</td>
<td>Owner - 1-ton air cond.</td>
<td></td>
</tr>
<tr>
<td>Owner, A. Sanchez, Utility Bldg. 10 x 9. (Type IV) J. Soutar, Contr.</td>
<td>#6249J - 12/20/66 - M.J. Roess</td>
<td>Owner - gas furnace - 1½-HF A/C</td>
<td>Owner - relocate 1-laundry tray - 1-lavatory</td>
<td></td>
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<tr>
<th>Signs</th>
<th>Sewer</th>
<th>Septic Tank</th>
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Apologies for the delay,

A condition of approval has been placed requiring a rehearing in the event the bed and breakfast were to expand with additional bedrooms or lands. A new building would require a rehearing under current code to expand the bed and breakfast.

Regards,

Shervon Chambliss, Planner I
Planning and Development Services
City of St. Petersburg
1 Fourth St N, St. Petersburg, FL 33701
727-893-4238

From: Judy DiLucchio <JDILUCCHIO@tampabay.rr.com>
Sent: Saturday, September 21, 2019 4:38 PM
To: Shervon A. Chambliss <shervon.chambliss@stpete.org>
Subject: FW: Case No. 19-32000015

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Chambliss:

We spoke today (9/10/19) regarding the above case number re: B&B on 7409 Burlington Avenue North.

While you answered my questions, and I thank you, I just would like this one explained to me in a return email should I decide to attend the Oct. 2nd meeting.

If the Whalen's decided to purchase the lot next to them 7419 Burlington Avenue North and build a new structure (code permits and code enforcement rules, etc.) Can they open the new building into Bed and Breakfast or do they need to apply for another zoning "Special Exception".
This is my concern and appreciate your response in advance.

Thank you, Judy DiLucchio
Ms./Mrs. DiLucchio,

*If the Whalen's decided to purchase the lot next to them 7419 Burlington Avenue North and build a new structure (code permits and code enforcement rules, etc.) Can they open the new building into Bed and Breakfast or do they need to apply for another zoning "Special Exception".*

- The proposed Special Exception approval would be for the Bed and Breakfast use on the property within the properties current defined boundary lines. The acquisition of a neighboring to expand the proposed Bed and Breakfast use to my knowledge would require a rehearing.

Regards,

Shervon Chambliss, Planner I
Planning and Development Services
City of St. Petersburg
1 Fourth St N, St. Petersburg, FL 33701
727-893-4238
shervon.chambliss@stpete.org

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Thank you, Judy DiLucchio
SPECIAL EXCEPTION
PUBLIC HEARING

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

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

CASE NO.: 19-32000016 PLAT SHEET: G-18

REQUEST: Approval of a Special Exception and related Site Plan to construct an accessory surface parking lot on a residentially zoned lot adjacent to an existing commercial use in the CCT-1 and NT-2 zoning district.

OWNER: Americ Food Group 5, LLC
8750 64th Street North
Pinellas Park, Florida 33782

AGENT: Sarah Ferfoglia and Dennis Lang
Lang and Ferfoglia Architecture
6 Bellevue Drive
Saint Pete Beach, Florida 33706

ADDRESSES AND PARCEL ID NOS.: 3336 Dr. ML King Jr. Street North; 12-31-16-26334-000-0110
920 34th Avenue North; 12-31-16-26334-000-0130

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional (CCT-2)
Neighborhood Traditional Single-Family (NT-2)

SITE AREA TOTAL: 19,425 square feet or 0.45 acres
GROSS FLOOR AREA*:

Existing: 2,302 square feet 0.18 F.A.R.
Proposed: 2,302 square feet 0.18 F.A.R.
Permitted: 13,125 square feet 1.0 F.A.R.

*Gross floor area based only on the CCT-1 zoned portion of the property.

BUILDING COVERAGE:

Existing: 2,302 square feet 12% of Site MOL
Proposed: 2,302 square feet 12% of Site MOL
Permitted: N/A

IMPERVIOUS SURFACE:

Existing: 11,579 square feet 60% of Site MOL
Proposed: 15,310 square feet 79% of Site MOL
Permitted: 15,934 square feet 82% of Site MOL

OPEN GREEN SPACE:

Existing: 7,846 square feet 40% of Site MOL
Proposed: 4,115 square feet 21% of Site MOL

PAVING COVERAGE:

Existing: 9,277 square feet 48% of Site MOL
Proposed: 13,008 square feet 67% of Site MOL

PARKING:

Existing: 15; including 1 handicapped spaces
Proposed: 25; including 1 handicapped spaces
Required: 15; including 1 handicapped spaces

BUILDING HEIGHT:

Existing: 18 feet
Proposed: 18 feet
Permitted: 42 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.010 of the Municipal Code for a surface parking lot on a residential-zoned property which is a Special Exception use within the NT-2 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a surface parking lot on a residential-zoned property for an existing restaurant. The subject property is located at the southwest intersection of Dr. Martin Luther King Jr. Street North and 34th Avenue North. Commercial parking on a NT-2 zoned parcel is a Special Exception use requiring approval by the Development Review Commission (DRC).
Current Proposal:
The applicant is seeking to construct a new parking lot to provide additional parking for an existing 2,302 square foot restaurant. The existing restaurant was constructed in 1978 on the eastern half of the subject property. The existing restaurant is located along the southern half of the lot, with 15 vehicle parking spaces located along the northern portion of the lot. Access to the existing parking lot is from Dr. Martin Luther King Jr. Street North and 34th Avenue North. Pedestrians can access the restaurant from the public sidewalk along Dr Martin Luther King Jr. Street North.

In April of 2019, the applicant purchased the western half of the subject property. The western half of the subject property was developed with a single-family residence. In May of 2019, the applicant demolished the existing residence. The applicant is proposing to construct nine vehicle parking spaces and six motorcycle spaces (four motorcycle spaces equal one vehicle parking spaces). Access to the proposed parking lot will be from the existing north-south alley that bisects the subject property.

Special Exception:
As mentioned above, the parking spaces on the NT-2 zoned parcel is a Special Exception use that requires the DRC's review and approval. The DRC is responsible to evaluate the proposed use to ensure compliance with the applicable review criteria as outlined in City Code, with a focus on the potential for adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. Currently, there are 15 parking spaces. The applicant is seeking to provide an additional 10 parking spaces for their customers, for a total of 25 parking spaces. The properties located to the west and south of the new parking lot are single family residences. The applicant will be required to install a six-foot tall fence or wall and landscaping along the west and south sides of the parking lot adjacent to residences. The properties north of the proposed parking lot are development with a multi-family residence and a post office. The applicant will be required to install a four-foot tall fence or wall and landscaping along the northside of the parking lot. The proposed parking lot is located along a two-lane roadway that is classified as a major street in the City's Comprehensive Plan.

Staff has suggested several special conditions of approval for the DRC's consideration. The special conditions are intended to promote compatibility and minimize negative impacts on the adjacent residential neighborhood consistent with the applicable standards in the City's Land Development Regulations for these types of uses. If the request is approved consistent with the suggested special conditions, Staff does not anticipate a significant impact to the surrounding area.

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

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

B. SPECIAL CONDITIONS OF APPROVAL:
1. The applicant and any future property owner(s) shall be responsible for restricting vehicular use of the portion of the parking lot zoned NT-2 between the hours of 10 p.m. and 7:00 a.m. The method to block the parking spaces shall be noted on the site plan submitted for permitting and shall be subject to review and approval by the Fire Department.
2. The applicant and any future property owner(s) shall be responsible for ensuring that the NT-2 portion of the parking lot is not utilized for any sales or service activities, long term parking, storage of dumpsters, heavy vehicles or similar equipment.

3. When the principal use is not open for business, the parking lot shall not be used for parking, except by employees.

4. The hedge that is required to screen the parking lot along the north side of the property shall be installed on the exterior perimeter of the fence or wall and be a height of 24 inches at planting.

5. Prior to approval of the building permit, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review, approval, and implementation. The Plan shall include details of methods to protect and preserve the vitality of the Grand Tree, such as but not limited to root pruning, canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within 20-feet of the tree and schedule a field review with the City Urban Forester.

6. The existing China Berry trees shall be removed.

7. A six (6) foot high vinyl fence or wall shall be constructed along the west and south property lines of the new parking lot.

8. A minimum four (4) foot high fence or wall shall be constructed along 34th Avenue North, located a minimum of 10 feet back from the front property line.

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

10. One evergreen shade tree shall be installed every 30 linear feet in the 34th Avenue North right-of-way. Evergreen understory trees can be substituted with shade tree at a ratio of 1.5 to 1 if there is a conflict with existing utilities.

11. A minimum of 25 percent of the 34th Avenue North right-of-way shall be landscaped with ground cover or accent plants.

12. The surface of the parking lot shall be asphalt, concrete or brick pavers. Turf-block or a similar semi-pervious paver shall be used in lieu of asphalt or concrete when within 10 feet of the trunk of the existing 14, 30 and 36 inch oak trees and approved by the City Arborist.

13. Exterior lighting shall comply with Section 16.40.070.

14. Bicycle parking shall be coordinated with the City's Bicycle and Pedestrian Coordinator and comply with Section 16.40.090.4.1.

15. Plans shall be revised as necessary to comply with comments provided by the City's Transportation Department's email dated September 21, 2019.

16. Plans shall be revised as necessary to comply with comments provided by the City's Engineering Department's memorandums dated September 10, 2019. The existing sidewalk along Dr. Martin Luther King Jr. Street North is five-feet wide but is required to be six-feet wide. At the discretion of the DRC, the existing five-foot sidewalk can remain.

17. The special exception and related site plan approval is valid until October 2, 2022. Substantial construction shall commence prior to the expiration date, unless an extension has been approved by the POD. A request for an extension must be received in writing prior to the expiration date.
C. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

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

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

Zoning/Planning Requirements:

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

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

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

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

Engineering Requirements:

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

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

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

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

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

**Landscaping Requirements:**

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

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

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

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

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

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

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

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

A. The use is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
   1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
   2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

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

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

The land use of the subject property is: **Planned Redevelopment Mixed-use and Planned Redevelopment Residential**

The land uses of the surrounding properties are:

North: **Institutional and Planned Redevelopment Residential**

South: **Planned Redevelopment Mixed-use and Planned Redevelopment Residential**

East: **Planned Redevelopment Mixed-use**

West: **Planned Redevelopment Residential**

REPORT PREPARED BY:

Corey Malyszka, AICP, Urban Design and Development Coordinator
Planning and Development Services Department
Development Review Services Division

REPORT APPROVED BY:

Jennifer Bryla, AICP, Zoning Official (POD)
Planning and Development Services Department
Development Review Services Division
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-32000016
Address: 920 34th Avenue North and 3336
Dr. ML King Jr. Street North
PROPOSED PROJECT FOR:
Surface Parking Lot
920 34th Avenue N, St Petersburg, FL 33704

SCOPE OF WORK:

1. Proposed construction of a new surface parking lot located at 920 34th Avenue N, St Petersburg, FL 33704.
2. Construction of the parking lot shall be in accordance with all relevant codes, standards, and regulations.

BUILDING CODE SUMMARY:

- Structural:
  - Load-bearing walls
  - Non-load-bearing walls

- Electrical:
  - Wiring systems
  - Lighting fixtures

- Plumbing:
  - Water supply
  - Waste disposal

INDEX OF DRAWINGS:

- AERIAL: SITE PLAN
- VICINITY MAP: VICINITY MAP

AREA OF WORK: New surface parking lot for Surface Parking Lot located at 920 34th Avenue N, St Petersburg, FL 33704.
GENERAL IRRIGATION NOTES:

1. The contractor shall provide a data component automatic irrigation system according to the irrigation specifications. All other automatic irrigation specifications are the same as the proposed automatic irrigation system.

2. All questions concerning specifications are to be directed to the engineer.

3. Sprinkler heads shall be installed in various positions, making sure that all heads are properly aligned with the cross-section of the irrigation area. All heads shall be installed in such a way that the water spray pattern shall be directed to the proper area. If heads are to be located on any of the structural members, the contractor shall be responsible for the proper installation and proper alignment of the heads.

4. All heads shall be installed in such a way that the water spray pattern shall be directed to the proper area. If heads are to be located on any of the structural members, the contractor shall be responsible for the proper installation and proper alignment of the heads.

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6. Pipe size and other irrigation equipment may be shown in brackets, which will be the actual size of the pipe. The actual size of the pipe shall be installed in all other cases.

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21. All heads shall be installed in such a way that the water spray pattern shall be directed to the proper area. If heads are to be located on any of the structural members, the contractor shall be responsible for the proper installation and proper alignment of the heads.

22. All heads shall be installed in such a way that the water spray pattern shall be directed to the proper area. If heads are to be located on any of the structural members, the contractor shall be responsible for the proper installation and proper alignment of the heads.
REQUEST: Approval of a Special Exception and related Site Plan to construct an accessory surface parking lot in a residentially zoned lot adjacent to an existing commercial use in the CCT-1 and NT-2 zoning district.

SPECIAL CONDITIONS OF APPROVAL: The Engineering and Capital Improvements Department has no objection to the Special Exception and related Site Plan provided that the following special conditions and standard comments are added as conditions of approval:

1. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. The BMP Trains model shall be used to verify compliance with Impaired Water Body and TMDL criteria.

Prior to approval of a plan, the owner's engineer of record is responsible to verify that existing public stormwater infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

2. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions or unless a sidewalk variance is approved through the City's Zoning division. Within the NT zoning district, a 4-foot wide sidewalk is required along the southern parkway of 34th Avenue North and a 6-foot wide sidewalk is required along Dr. ML King Jr Street North. Existing sidewalks which do not meet the width required by City Land Development code must be completely removed and replaced per current City Engineering Standards and Specifications.
Sidewalks 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 & alleys that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

3. Since this site plan includes both the restaurant site and the new parking lot, it is noted that there are a significant number of right-of-way improvements which are necessary to bring the surrounding rights of way up to current City Engineering Standards. ECID requests that Zoning clarify (in the staff report) if the extent of required right of way improvements should be considered for just the perimeter of the parking lot site at this time since no improvements are currently proposed on the restaurant site OR if right of way improvements for the perimeter of the entire property be required at the time of parking lot construction. The following is a list separates the right of way improvements which are applicable to the restaurant portion of the site and those applicable to the parking lot site:

RESTAURANT SITE:
   a. The sidewalk in the Dr. ML King Jr. Street right of way does not appear to meet the 6-foot width requirement of the City’s Code. To meet the code the sidewalk must be removed and replaced with a new 6-foot wide sidewalk.
   b. Existing curb ramps at the southwest corner of 34th Avenue and Dr. ML King Jr. St North are not ADA compliant and would need to be removed and reconstructed to meet current City and ADA standards.
   c. Road curb along the south side of 34th Avenue North adjacent to the restaurant is missing and/or lowered at the location of an abandoned/redundant driveway approach. Redundant driveway approaches must be removed with the road curb replaced and raised to have a standard 6” reveal. Granite curb must be restored and raised per City Engineering Standard detail S20-50 to match existing adjacent curb type. Granite curb must be preserved and cannot be replaced with concrete curb.
   d. Once the redundant driveway approach to 34th Avenue North is removed, the existing grate inlet must be modified to have a standard curb inlet top per City Engineering Standards and Details.
   e. Similarly, there is an existing grate inlet along the road edge of Dr. ML King Street North which should be converted to a curb inlet and all road curb with less than a 4” curb reveal on this side should be raised to the standard 6” curb reveal prior to new sidewalk construction.
   f. Existing driveways to remain to access the restaurant site require the installation of truncated dome tactile surfaces per City Engineering Standard Detail S20-24, placed in the first sidewalk panel on each side of the approaches.

PARKING LOT SITE:
   g. Truncated dome tactile surfaces are required in the public sidewalk on each side of the alley approach to 34th Avenue North.
   h. ECID recommends that Zoning evaluate the condition of the alley pavement since access to the commercial parking lot is proposed from the alley.

4. Submit a completed Stormwater Management Utility Data Form to ECID with the submittal of construction plans for permitting. Form available upon request from the City Engineering & Capital Improvements Department front counter, phone 727-893-7238, email Martha.Hegenbarth@stpete.org.

5. A work permit issued by the City ECID must be obtained prior to the commencement of construction within dedicated right-of-way or public easement, however this permit requirement is waived when
associated with an ECID project. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

STANDARD 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.

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.

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

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

It is the developer's responsibility file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

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

All work shall be done in compliance with City Engineering Standards and Specifications by and at the sole expense of the applicant. An Engineering permit is required for work within public right of way or public easement areas.

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, SWFWMD and Pinellas County, as required for this project. Plans specifications are subject to approval by the Florida state board of Health.
From: Thomas M Whalen  
Sent: Saturday, September 21, 2019 2:11 PM  
To: Corey D. Malyszka  
Cc: Kyle Simpson; Michael J. Frederick  
Subject: Incoming Case No. 19-32000016 - Special Exception and Related Site Plan to Construct Accessory Surface Parking Lot - 920 34th Avenue North and 3336 Dr. ML King Jr. Street North

The Transportation and Parking Management Department has reviewed the special exception and related site plan to construct an accessory parking lot and has several comments. We recommend that the developer be responsible for repairing the sidewalk on 34th Avenue North through the new site to Dr. Martin Luther King Jr. Street, including through the alley. The old driveway apron should be removed. The alley should be resurfaced through the site. A new alley hump should be added at the southern end of their site and built to the City standard.

Tom Whalen, AICP CTP, ENV SP  
Planner III  
City of St. Petersburg  
727-893-7883
Corey,  

I have attached an alternative design for the parking lot that Mike provided. I didn’t have this at home this weekend when I sent the initial comments. The design would promote better traffic flow through the parking lot and would enable the applicant five extra parking spaces.  

Tom  

From: Michael J. Frederick  
Sent: Monday, September 23, 2019 9:00 AM  
To: Thomas M Whalen <Tom.Whalen@stpete.org>; Corey D. Malyszka <Corey.Malyszka@stpete.org>  
Cc: Kyle Simpson <Kyle.Simpson@stpete.org>  
Subject: RE: Incoming Case No. 19-32000016 - Special Exception and Related Site Plan to Construct Accessory Surface Parking Lot - 920 34th Avenue North and 3336 Dr. ML King Jr. Street North  

Tom,  

What about aligning the driveways across the alley? - Mike  

From: Thomas M Whalen  
Sent: Saturday, September 21, 2019 2:11 PM  
To: Corey D. Malyszka <corey.malyszka@stpete.org>  
Cc: Kyle Simpson <Kyle.Simpson@stpete.org>; Michael J. Frederick <michael.frederick@stpete.org>  
Subject: Incoming Case No. 19-32000016 - Special Exception and Related Site Plan to Construct Accessory Surface Parking Lot - 920 34th Avenue North and 3336 Dr. ML King Jr. Street North  

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