



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

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**SPECIAL EXCEPTION
PUBLIC HEARING**

According to Planning & Development Services Department records, **Commission members Calvin Samuel and Tim Clemmons**, reside or have 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 rescheduled to Wednesday, May 20, 2020 at 9:00 A.M., by means of communications media technology pursuant to Executive Order 20-69 issued by the Governor on March 20, 2020, and Executive Order 2020-12 issued by the Mayor on April 9, 2020. Everyone is encouraged to view the meetings on TV or online at www.stpete.org/meetings.

CASE NO.: 20-32000004 PLAT SHEET: K-6

REQUEST: Approval of a Special Exception to allow a Birthing Center use in a CRT-1 zoning district.

OWNER: Gary and Kimberly Parker
603 Rye Road East
Bradenton, Florida 34212

AGENT: Jessica Willoughby
1656 Anastasia Way South
Saint Petersburg, Florida 33712

ADDRESSES AND PARCEL ID NOS.: 3511 5th Avenue North; 15-31-16-45648-008-0140
3521 5th Avenue North; 15-31-16-45648-008-0150

LEGAL DESCRIPTION: On File

ZONING: Corridor Residential Traditional (CRT-1)

SITE AREA TOTAL: 11,300 square feet or 0.26 acres

GROSS FLOOR AREA:

Existing:	1,705 square feet	0.15 F.A.R.
Proposed:	1,705 square feet	0.15 F.A.R.
Permitted:	11,300 square feet	1.0 F.A.R.

BUILDING COVERAGE:

Existing:	2,816 square feet	25% of Site MOL
Proposed:	2,816 square feet	25% of Site MOL
Permitted:	N/A	

IMPERVIOUS SURFACE:

Existing:	9,562 square feet	85% of Site MOL
Proposed:	9,562 square feet	85% of Site MOL
Permitted:	8,475 square feet	75% of Site MOL

OPEN GREEN SPACE:

Existing:	1,738 square feet	15% of Site MOL
Proposed:	1,738 square feet	15% of Site MOL

PAVING COVERAGE:

Existing:	6,746 square feet	60% of Site MOL
Proposed:	6,746 square feet	60% of Site MOL

PARKING:

Existing:	13; including 2 handicapped spaces
Proposed:	13; including 2 handicapped spaces
Required	9; including 1 handicapped spaces

BUILDING HEIGHT:

Existing:	14 feet
Proposed:	14 feet
Permitted:	14 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 birthing center which is a Special Exception use within the CRT-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:**The Request:**

The applicant seeks approval of a Special Exception and related site plan to change the use of two existing office buildings into a Birthing Center with 3-beds. Section 16.10.02.1 allows a Birthing Center as a Special Exception use in the CRT-1 zoning district with the following stipulations: "Establishments with no more than six beds providing inpatient and outpatient services related to prenatal, labor, delivery, postpartum and other related medical care, under the guidance and supervision of active practitioners of obstetrics, as licensed by the State of Florida."

The subject property is located on north side of 5th Avenue North between 35th and 36th Streets North. There are two existing buildings located on the subject property that have been recently used as offices.

Current Proposal:

The applicant seeks to remodel the existing office buildings for a 3-bed Birthing Center, to be known as "The Birth Center of St. Pete". This facility will be staffed by licensed midwives and will offer prenatal and postpartum care by appointment during standard business hours (M., W. and F. 8 a.m. to 5 p.m.). The midwives attend low-risk laboring women at either the women's home or at the birth center in accordance with Florida Midwifery Law and Rule (Chapter 467 and 64B24-7). It is expected that there will be 5-10 births per month. There will be two employees on the largest shift. The applicant provided data regarding the frequency of hospital transfers from their location on Dr. ML King Jr. Street North. Last year there were over 65 births at the center. Of the births that occurred, there was one occasion for a transfer via ambulance from the birth center. The transfer did not require the use of a siren.

Public Comments:

No comments or concerns were expressed to staff at the time this report was prepared.

III. RECOMMENDATION:

A. Staff recommends APPROVAL of the Special Exception and related site plan for a Birthing Center, subject to the Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:

- 1. Submit documentation to demonstrate that the establishment is under the guidance and supervision of active practitioners of obstetrics, as licensed by the State of Florida.**
- 2. The site plan shall be modified as necessary to comply with the comments in the Engineering Department's memorandum dated March 9, 2020 (copy attached).**

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

2. 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.
3. 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. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
5. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
6. 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: **Planned Redevelopment Mixed-use**

The land uses of the surrounding properties are:

North: **Planned Redevelopment Residential**
South: **Planned Redevelopment Mixed-use**
East: **Planned Redevelopment Mixed-use**
West: **Planned Redevelopment Mixed-use**

REPORT PREPARED BY:



Corey Malyszka, AICP, Urban Design and Development Coordinator,
Development Review Services Division
Planning and Development Services Department

3.26.20

DATE

REPORT APPROVED BY:



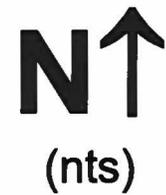
Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department

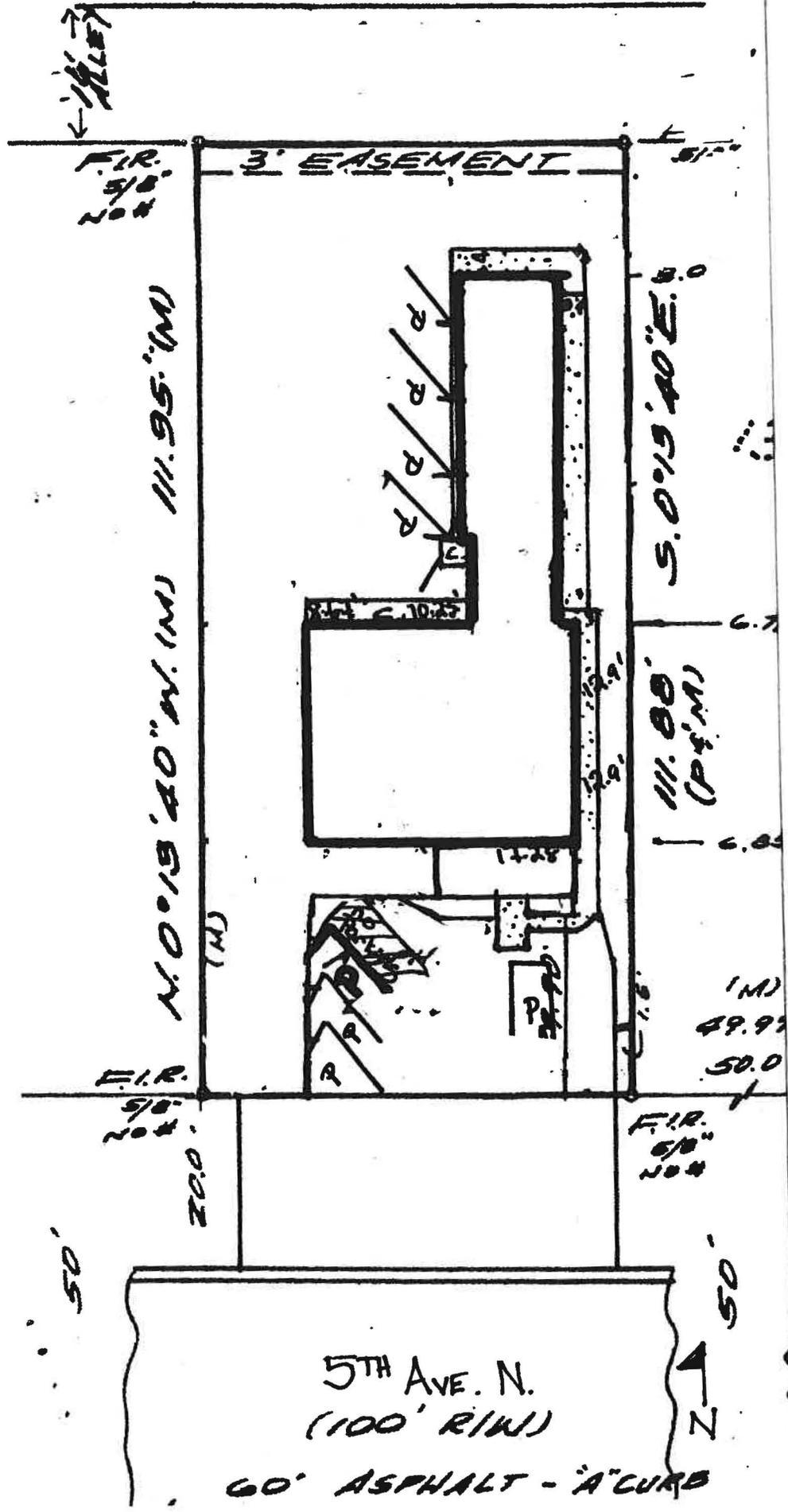
3.26.20

DATE



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 20-32000004
Address: 3511 and 3521 5th Avenue North





← ALLEY →

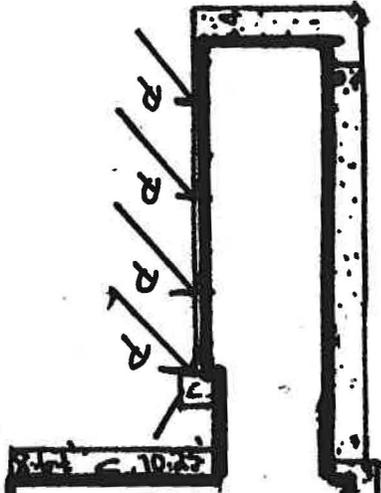
F.I.R.
5/8'
204'

3' EASEMENT

F.I.R.
5/8'
204'

N. 0° 19' 40" W. (M) 111.95' (M)

S. 0° 19' 40" E. 6.0



111.00'
(P & M)

F.I.R.
5/8'
204'

F.I.R.
5/8'
204'

50'

50'

5TH AVE. N.
(100' RIW)

60' ASPHALT - 4" CURB

N →



Ned Willis
(727) 823-1230 Ext. 230



Doug Studer
(727) 823-1230



3511 and 3521 5th Avenue North
2 Office Properties Offered at \$399,900 in Saint Petersburg, FL



Front

N ↑

Special Exception Narrative:

Proposed plan is to obtain special exception for birth center zoning for the properties at 3511 and 3521 5th Avenue North for a birth center. Our plan is to move The Birth Center of St. Pete from its current location at 1405 Dr. MLK Jr. St. N. to the 5th Avenue location.

We would like to seek zoning for 3 birth rooms.

A birth center is a freestanding healthcare facility where low risk woman can obtain prenatal care, postpartum care and delivery their babies outside of the hospital.

Our website is bcofstpete.com

Our hours of operation are typically by appointment, however, we have open clinic days Monday, Wednesday and Saturday from 8am-5pm. Births happen at anytime 24/7. The birth center is not staffed 24/7, however, a midwife is on call 24/7 and available to meet families at the birth center when labor does occur.

Corey D. Malyszka

From: Jessica Willoughby, LM <jessica@bcofstpete.com>
Sent: Wednesday, March 11, 2020 3:51 PM
To: Corey D. Malyszka
Subject: Re: RECEIPT (Case no. 20-32000004)

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.

Here are our statistics from last year:

65 babies were born with our midwives, out of the hospital
35 at home
30 at the birth center
and of those, 40 were born in the water (61.5%)
No newborn or maternal deaths.

I am asking for three births rooms so I don't have to ask again in the future but right now we will only be having one birth room at the 3511 address with an option to use the other room as a "back up" birth room in the event that have two births at a time. Everything for now will be done in the 3511 house.

We did a total of 65 births last year. It's hard to say exactly how many a month because it varies but we do about 5-10 births a month and 50% of our births are home births so I would say 2-5 birth center births a month.

We called one ambulance last year for a retained placenta (no lights and sirens just a postpartum transfer and we always go by ambulance postpartum).

Usually it is just the midwife at the birth center for clinic days and an office person but not always an office person because they also work remotely. So 2 staff most at a time.

Does this answer your questions?

Jessica

On Wed, Mar 11, 2020 at 9:27 AM Corey D. Malyszka <Corey.Malyszka@stpete.org> wrote:

Jessica,

I have a few questions as I wrap up the staff report. Are you seeking a total of 3-beds split between both buildings or is it 3 beds in one building and "x" in the other? What will be the maximum number of staff on-site at a time? Do you provide at home births? How many births do you handle in a month? How many in a year? How many ambulance transfers have you had?

Thank you,

Corey

From: Jessica Willoughby, LM <jessica@bcofstpete.com>
Sent: Monday, March 09, 2020 8:56 AM
To: Iris L. Winn <Iris.Winn@stpete.org>
Cc: Corey D. Malyszka <Corey.Malyszka@stpete.org>
Subject: Re: RECEIPT (Case no. 20-32000004)

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.

Great, thank you so much! I have a mom in labor but I plan to be down today to bring the letter that the post office had to sign for me.

Thank you

Jessica

On Mon, Mar 9, 2020 at 8:53 AM Iris L. Winn <Iris.Winn@stpete.org> wrote:

Good morning, Ms. Willoughby –

We have received this documentation.

Thank you,

Iris Winn

Administrative Clerk

Planning and Development Services

City of St. Petersburg

727.892.5498

Iris.Winn@stpete.org

From: Jessica Willoughby, LM <jessica@bcfstpete.com>
Sent: Friday, March 6, 2020 11:16 AM
To: Iris L. Winn <Iris.Winn@stpete.org>
Subject: Fwd: RECEIPT

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.

Sent from my iPhone

Begin forwarded message:

From: Jill Harrison <jharrison@tampabay.com>
Date: March 6, 2020 at 11:06:40 AM EST
To: jessica@bcfstpete.com
Subject: RECEIPT

[Your Sunshine City](#)

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

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

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: March 9, 2020

FILE: 20-32000004

LOCATION 3511 5th Avenue North; 15/31/16/45648/008/0140
AND PIN: 3521 5th Avenue North; 15/31/16/45648/008/0150
ATLAS: K-6
PROJECT: Special Exception

REQUEST: Approval of a Special Exception to allow a Birthing Center use in a CRT-1 zoning district.

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

SPECIAL CONDITIONS OF APPROVAL:

1. Per City Land Development regulation 16.40.090, if the parking lot is to be restriped, resurfaced or redesigned to meet parking or landscaping requirements, the parking lot layout shall be designed to allow vehicles to enter and exit 5th Avenue North in a forward motion and shall be striped in conformance with the dimensional requirements of 16.40.090.3.4(B)(3).
2. Note that the adjacent 5th Avenue North is a State controlled right of way. Any proposed changes within this right of way will require permitting approval through the Florida Department of Transportation (FDOT).

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

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

Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's wastewater Concurrency Form (ECID Form Permit 005), available upon request from the City Engineering department, phone 727-893-7238. If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed wastewater Concurrency Form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

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

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

Any future development shall be in compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

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

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62- 21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

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

NED/MJR/meh
pc: Kelly Donnelly
Correspondence File