

Table of Contents

Agenda	3
Approval of City Commission minutes from the following meetings: 01/09/2018 and 01/23/2018.	
01-09-2018	6
01-23-2018	15
Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018	
Agenda Report	23
Special Event Application	24
Request to waive the annual increase in lease amount for Merry Pier for 2018.	
Agenda Report	29
Request by Michael P. Janecek and Rita K. Janecek, Paradise Sweets, LLC, to exercise option to renew lease for Pass-a-Grille and Upham Beach concession operations for an additional five years.	
Agenda Reprt	30
Paradise Grille Lease Agreement.	31
January 29, 2018 email from Rita Janecek	50
Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.	
Agenda Report	51
Task Order from CPWG.	52
Ordinance 2017-21 (Quasi Judicial). Final Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail to CRD-EA, Community Redevelopment District Eighth Avenue.	
Agenda Report	54
Ordinance 2017-21	55
Exhibit A	57
Staff Report	58
Countywide Maps.	68
Citywide Maps	70
Photos.	72
Application	75
Survey.	79
Written Comments	80
Written Concerns of Owners & Residents of 7th Avenue	88
Agency Comments	93
Ordinance No 2017-22 (Quasi Judicial). Final Reading and Public Hearing. An Ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.	

Agenda Report	99
Ordinance 2017-22	101
Exhibit A	105
Staff Report	106
Application	111
Existing and Proposed Zoning	115
Written Concerns of Owners & Residents of 7th Avenue	117
Resolution 2018-03: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use permit for a Class I Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road.	
Agenda Report	122
Resolution 2018-03	123
Staff Report	126



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, February 13, 2018
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
2. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Approval of City Commission minutes from the following meetings: 01/09/2018 and 01/23/2018.**
 - b. **Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018**

5. Action Items

- a. Request to waive the annual increase in lease amount for Merry Pier for 2018.**
- b. Request by Michael P. Janecek and Rita K. Janecek, Paradise Sweets, LLC, to exercise option to renew lease for Pass-a-Grille and Upham Beach concession operations for an additional five years.**
- c. Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.**

6. Ordinances

- a. Ordinance 2017-21 (Quasi Judicial). Final Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail to CRD-EA, Community Redevelopment District Eighth Avenue.**
- b. Ordinance No 2017-22 (Quasi Judicial). Final Reading and Public Hearing. An Ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.**

7. Resolutions

- a. Resolution 2018-03: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use permit for a Class I Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road.**

8. Items for Discussion – No items submitted at this time.

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

10. City Clerk, City Manager, City Attorney and City Commission Reports

11. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**

CITY COMMISSION MEETING

MINUTES

JANUARY 9, 2018

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Vince Tenaglia, Administrative Services Director
Bruce Cooper, Building Official
Catherine Porter, City Planner

1. Presentations

- a. Presentation and discussion on potential amendments to the City's Flood Ordinance in an attempt to achieve a Class "5" Community Rating System (CRS).

Bruce Cooper, Building Official, reviewed the Power Point Presentation in regard to potential amendments to the current flood ordinance and the corresponding achievable points that would enable City residents to obtain a 20% discount on flood insurance. Mr. Cooper will return to the Commission in February with suggested revisions that will allow the City to achieve a "Class 5" rating.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

Jake Holehouse, Alton Drive, Vice President with Heritage Insurance Company, spoke in support of the Community Rating System and offered his knowledge as a flood insurance advocate to help the City achieve a more favorable rating.

Mike Finnerty, Blind Pass Road, expressed his appreciation to elected officials and City staff. Mr. Finnerty was joined by his wife, Commissioner Finnerty, at the podium and offered statistics in regard to their volunteer work with Support Our Troops. Commissioner Finnerty and Mr. Finnerty requested community assistance in locating a new site to base their operation.

4. Consent

- a. Approval of City Commission minutes for the following meetings: 11/14/2017, 11/28/2017, 12/05/2017, 12/05/2017 workshop, 12/12/2017, 12/12/2017 executive session and 12/14/2017 executive session.
- b. Request approval to apply for a free historic marker for Merry Pier – Eighth Avenue within the Pass-a-Grille Historic District.
- c. Request approval of the proposal under the Continuing Engineering Services Contract with GGI, LLC in the amount of \$21,165.00 for the design and contract documents of Stormwater Improvements at 41st Avenue from Moody Street to Belle Vista Drive.
- d. Request approval of the quote from David Nelson Construction Company in the amount of \$16,225.87 for the paving of the 22nd Avenue Street End.
- e. Authorization for the City Manager to enter into an agreement with Prestige Ford to purchase a 2018 Ford Escape in the amount of \$18,490.00 that will be assigned to Code Enforcement in the Community Development Department.

Hearing no Commission comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Consent Items 4(a), (b), (c), (d), and (e) as presented. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

5. Action Items

- a. Request approval of the services agreement with Asphalt Paving Systems in an amount not to exceed the FY18 budget for Street Rehabilitation.

Wayne Saunders, City Manager, reported that the City will link its agreement with Asphalt Paving Systems through Polk County for street rehabilitation and replacement at reduced costs.

Vice Mayor Friszolowski requested the list of streets be sent to Commissioners and placed on the City's website.

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 5(a), approving the services agreement with Asphalt Paving Systems in an amount not to exceed the FY18 budget for street rehabilitation. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- b. Request approval of the services agreement with Ajax Paving Industries of Florida, LLC in an amount not to exceed the FY18 budget for Stormwater Improvements.

Mr. Saunders reported that the City will link its agreement with Ajax Paving Industries of Florida, LLC's through Hillsborough County for stormwater improvements at reduced costs.

Vice Mayor Friszolowski requested to receive the list of anticipated stormwater improvements.

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 5(b), approving the services agreement with Ajax Paving Industries of Florida, LLC in an amount not to exceed the FY18 budget for Stormwater Improvements. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

- c. Request approval of Amendment No. 1 to the design proposal from George F. Young, Inc. in the amount of \$120,505.00 to design the replacement of three sanitary sewer crossover pipes under Gulf Boulevard at approximately 45th Avenue, 50th Avenue and 55th Avenue.

Mr. Saunders stated that the current deteriorated condition of the sanitary sewer lines necessitates replacement with force mains and includes the associated lift stations. The increased design costs results in a revised project fee of \$267,000.00.

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(c), approving Amendment No. 1 to the design proposal from George F. Young, Inc. in the amount of \$120,505.00 to design the replacement of three sanitary sewer crossover pipes under Gulf Boulevard at approximately 45th Avenue, 50th Avenue, and 55th Avenue. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- d. Request approval to enter into a purchase agreement with Waste Connections of Florida in the amount of \$30,104.55 for storm debris disposal following Hurricane Irma.

Mr. Saunders noted that an alternate facility was necessary to transfer green yard waste from Hurricane Irma damage due to volume limitations at the Pinellas County location.

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Falkenstein moved to approve Item 5(d), to enter into a purchase agreement with Waste Connections of Florida, in the amount of \$30,104.55 for storm debris disposal following Hurricane Irma. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

6. Ordinances

- a. Ordinance 2017-21: First Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail, to CRD-EA, Community Redevelopment District - Eighth Avenue

Andrew Dickman, City Attorney, announced that Item 6(a), Ordinance 2017-21, is a quasi-judicial hearing and outlined the procedure to follow.

Rebecca Haynes, City Clerk, administered the oath to the applicant, City staff, witnesses, and participants wishing to speak on Item 6(a).

The Commission disclosed ex parte communication as follows:

Mayor Johnson: no communication

Vice Mayor Friszolowski:	no communication
Commissioner Finnerty:	no communication
Commissioner Falkenstein:	no communication
Commissioner Pletcher:	spoke with the applicant and business owners on 8 th Avenue, and watched the Planning Board meeting of 9/18/2017

Catherine Porter, Planner II, reviewed the applicant initiated adoption of a Future Land Use Map (FLUM) and the appropriate approvals by the required agencies. The two lots combined will total .54 acres which is in conformance with land assembly policies of the Comprehensive Plan.

Mixed use combinations and parking requirements were discussed amongst Commissioners and staff members.

Dave Feinberg, Pass-a-Grille Way, applicant for the project, reported that he intends to develop the property with commercial use on the ground floor and transient and/or non-transient use on the second floor level. Mr. Feinberg also noted that he will request the maximum number of parking spaces allowed.

Mayor Johnson opened the public hearing.

Jay-Jay (last name inaudible), 7th Avenue, requested additional information about the project and was informed to speak directly with the applicant.

Hearing no further public comments, Mayor Johnson closed the public hearing.

Mr. Feinberg stated that he would be available to answer questions from the community.

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 6(a), Ordinance 2017-21, upon first reading, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, implementing Amendment No. 02-17 of the Comprehensive Plan of the City by amending the Future Land Use Plan Map incorporated therein; providing for amendment of the Future Land Use Plan Map designation of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit "A" attached hereto and incorporated herein; providing for a change in the designation of said parcel from Residential/Office/Retail to Community Redevelopment District – Eighth Avenue on the City's Future Land Use Plan Map; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Falkenstein and approved by an individual roll call vote of 4-1 with Mayor

Johnson, Vice Mayor Friszolowski, Commissioner Finnerty, and Commissioner Pletcher voting “yes” and Commissioner Falkenstein voting “no.”

- b. Ordinance 2017-22: First Reading and Public Hearing providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

City Attorney Dickman announced that Item 6(a) is a quasi-judicial hearing and outlined the procedure to follow. Participants wishing to speak who were previously sworn in were not required to repeat the process. Ex parte communication by Commissioners remains unchanged from Item 6(a).

Ms. Porter introduced the proposed ordinance that would amend the zoning map in the Land Development Code and allow for consistency with the Comprehensive Plan.

Mr. Saunders noted that the findings are effective only if the proposed ordinance is adopted.

Mayor Johnson opened the public hearing.

Jay-Jay (last name inaudible), 7th Avenue, commented about participating in the public meeting process.

Hearing no further public comments, Mayor Johnson closed the public hearing.

Hearing no further Commission comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 6(b), Ordinance 2017-22, upon first reading, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the official zoning map for the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit “A” attached hereto and incorporated herein; from Residential/Office/Retail with Pass-a-Grille Overlay to Community Redevelopment District – Eighth Avenue; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

7. Resolutions

- a. Approval of Resolution 2018-01, Supporting the Florida League of Cities 2018 Legislative Action Agenda

The proposed resolution will formally adopt the FLC 2018 legislative priorities in addition to the top three priorities set by the Commission at their December 5, 2017 workshop.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 7(a), Resolution 2018-01, a resolution of the City Commission of the City of St. Pete Beach, Florida, supporting the 2018 Florida League of Cities Legislative Action Agenda; prioritizing agenda legislation regarding maintaining Municipal Home Rule, legislation requiring certifications with regard to Sober Homes, and legislation reforming the Communication Services Tax; and providing an effective date. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- b. Approval of Resolution 2018-02, Re-appointing the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate.

The proposed resolution appoints the current Special Magistrate, Amber Ashton, with the firm of de Beaubien, Simmons, Knight, Mantzaris and Neal to the positions.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 7(b), Resolution 2018-02, a resolution of the City of St. Pete Beach, Pinellas County, Florida, reappointing Amber E. Ashton as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer, and Special Magistrate, and to authorize the City Manager to sign the engagement letter. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

8. Items for Discussion

There were no items for discussion submitted.

9. Audience Comments 2

There were no audience comments.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following items:

- Suncoast League of Cities Business Meeting on January 19, 2018 in Oldsmar

- Chamber of Commerce Annual Dinner on January 11, 2018

City Manager Saunders reported on the following items:

- License Agreement with Duke Energy for 1.6 acres north of Lido Park
- Update on Pass-A-Grille Way Road Reconstruction, Phase 1 and a future ribbon-cutting ceremony

City Attorney Dickman reported on the following items:

- Presentation of a 2017 City Attorney Report at January 23, 2018 Commission meeting
- Update on a variance appeal

Commissioner Pletcher reported on the following items:

- Aesthetics of a municipal structure located in Sarasota

Commissioner Finnerty reported on the following items:

- Requested to reexamine potential salary increase for elected officials
- Requested an update for the movie theatre on Corey Avenue
- Land Parade route expansion
- Consideration of term length for elected officials
- Update on Corey Avenue landscaping
- Florida League of Cities Legislative Conference

Commissioner Falkenstein reported on the following items:

- Pump station fencing on 55th Avenue
- Status of Pinellas County jetty project at Upham Beach
- Status of concession stands bid proposal document
- Update on Library events

Vice Mayor Friszolowski reported on the following items:

- Status of storm drain on 46th Avenue
- Update on speeding boats and signage
- Lido Beach Civic Association meeting on January 18, 2018
- Don Cesar Homeowners Association meeting on January 19, 2018

Mayor Johnson reported on the following items:

- Consideration of "No Beach Parking" signs along 8th Avenue
- Alley dumping site on Boca Ciega Drive
- Florida Department of Law Enforcement grant application
- St. Pete Beach Classic run is January 12 – January 14, 2018

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

JANUARY 23, 2018

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director

1. Presentations

- a. Boy Scout Troop 371 presentation on Support Our Troops

Jason Weiner, member of Boy Scout Troop 371, commented on the Eagle Scout Project he completed by working with Commissioner Finnerty and the Support Our Troops project.

- b. St. Pete Beach Community Club to present a total of \$6,400 in checks to the following organizations:
- St. Pete Beach Library
 - St. Pete Beach Recreation Center
 - Gulf Beaches Historical Museum

- Gulf Beaches Elementary School
- Sea Turtle Trackers, Inc.

Mrs. Marie Friszolowski and Mrs. Josie Finch, members of the St. Pete Beach Community Club, commented that the group has been active since 1939 and all members, with the exception of two individuals, are over 90 years old. Mrs. Friszolowski presented checks totaling \$6,400 to the individual organizations listed above.

c. 2017 City Attorney Report

City Attorney Andrew Dickman provided an overview of his responsibilities and qualifications, the transition and current status of legal cases, the departmental distribution of his workload, and the 2018 goals for his office.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

Alex Carlberg, St. Pete Beach, spoke about a proposed proclamation in regard to the 200th Anniversary of the birth of the founder of the Baha' i Faith.

Maria Carlberg, St. Pete Beach, spoke about a proposed proclamation in regard to the 200th Anniversary of the birth of the founder of the Baha' i Faith.

Tamara Payne, St. Pete Beach, read a proclamation in regard to the 200th Anniversary of the birth of the founder of the Baha' i Faith.

It was the consensus of the Commission to place the item on a future agenda for discussion.

4. Consent

- a. Authorization to approve street closures and wet zone for the Island Festival on March 3, 2018.
- b. Authorization to approve special event application and street closure for Pass-a-Grille Beach Community Church Easter Sunrise Service scheduled for April 1, 2018.
- c. Request approval of the parking ticket processing services proposal from Complus Data Innovations, Inc. on a negotiated price basis.

- d. Request approval of Task Order 2017-11 under the Continuing Engineering Services Contract with GGI LLC, in the amount of \$23,315.00 for the design and contract documents of Stormwater Improvements at 59th Avenue.
- e. Request approval of a Utility Easement dedicated to Frontier Communications for the relocation of their Nitrogen Pump System and undergrounding of the associated electrical service at 3300 Gulf Boulevard
- f. Request approval of the payment of Invoice FLFLE04331217 from Frontier Communications in the amount of \$13,023.61 to underground Frontier facilities on Pass-A-Grille Way from West Maritana Drive to 19th Avenue.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Consent Items 4(a), (b), (c), (d), (e), and (f) as presented. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

5. Action Items

- a. Request approval of the proposal under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$33,420.00 for Pump Replacement Stock.

City Manager Saunders explained that an evaluation conducted by Kimley-Horn and Associates, Inc., will provide the City with a pump overhaul schedule, a pump evaluation report, updated operation & maintenance manuals, and a geodatabase for all of the City's pumps.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 5(a), approving the proposal under the continuing engineering services contract with Kimley-Horn and Associates, Inc., in the amount of \$33,420.00 for pump replacement stock. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- b. Request approval of the proposal under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$33,953.00 for Smoke Detection Services During Construction and Compliance Coordination.

The scope of services will include preparation of the construction package, observation services and post construction rehabilitation packages for each lift station in connection with the City's Inflow & Infiltration program.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 5(b), approving the proposal under the continuing engineering services contract with Kimley-Horn and Associates, Inc., in the amount of \$33,953.00 for smoke detection services during construction and compliance coordination. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- c. Request approval of the estimate from USSI, LLC in the amount of \$116,278.85 for Sanitary Sewer Smoke Testing.

City Manager Saunders reported that Item 5(c) works in conjunction with Item 5(b) and will provide the City with a report detailing the defects in the sanitary sewer system, as well as private laterals that feed into it.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 5(c), approving the estimate from USSI, LLC in the amount of \$116,278.85 for sanitary sewer smoke testing. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- d. Request approval of the sole source purchase of a Load and Pack vehicle manufactured by Broyhill, Inc. in the amount of \$175,699.00 to improve the level of service for garbage collection on the Gulf beach.

The proposed sole source purchase of a trash collection vehicle is designed to traverse the deep sand beaches and operate in salt water, and will allow for a tight turn radius for safe beach operation.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Falkenstein moved to approve Item 5(d), approving the sole source purchase of a Load and Pack vehicle manufactured by Broyhill, Inc., in the amount of \$175,699.00 to improve the level of service for garbage collection on the Gulf beach. The motion was seconded by Vice Mayor Friszolowski and unanimously approved by an individual roll call vote.

- e. Request approval of the purchase of a Ford F-350 Dump Truck from Coggin Ford in the amount of \$35,269.00.

The continuing vehicle replacement program calls for the replacement of a dump truck for use in the Parks Department.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Falkenstein moved to approve Item 5(e), approving the purchase of a Ford F-350 dump truck from Coggin Ford in the amount of \$35,269.00. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- f. Request approval of the purchase of a Ford F-450 Dump Truck from Coggin Ford in the amount of \$48,019.00.

City Manager Saunders commented that the purchase of the dump truck will be through the Pinellas County Sheriff's bid list, allowing for savings to the City budget.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(f), approving the purchase of a Ford F-450 dump truck from Coggin Ford in the amount of \$48,019.00. The motion was seconded by Vice Mayor Friszolowski and unanimously approved by an individual roll call vote.

- g. Request approval of the ranking order of Request for Qualification submittals for the design of the Sanitary Sewer Force Main North project and authorize the City Manager to enter into design fee negotiations for hydraulic modeling with Kimley-Horn and Associates, Inc.

Mr. Saunders reported that Kimley-Horn and Associates, Inc. performed the hydraulic modeling for the sewer capacity study, recommending this project. The hydraulic modeling effort is specifically required for the lateral crossover project, currently in design, that will provide the flow requirements to properly size the pumps in the new lift stations.

Vice Mayor Friszolowski commented that the project was originally slated to be funded by developers for the TradeWinds Island Resort, which would have afforded the City savings in the millions of dollars. A lawsuit filed by St. Pete Beach resident Jim Anderson prevented the TradeWinds from moving forward, thereby requiring City residents and taxpayers to fund this project instead. Additionally, a previous lawsuit by Jim Anderson required the City to do studies that would have been required to be done

by future developers. This cost St. Pete Beach citizens in excess of \$1 million for the studies.

Mayor Johnson noted that in addition to the cost of the studies, the City lost the tax base due to the lack of redevelopment.

Mr. Saunders reported that the environmental side is also heavily impacted with surcharge situations with potential sewer backups during heavy storms.

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(g), to approve the ranking order of Request for Qualification submittals for the design of the Sanitary Sewer Force Main North project and authorize the City Manager to enter into design fee negotiations for hydraulic modeling with Kimley-Horn and Associates, Inc. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

6. Ordinances

- a. Ordinance 2017-30: First Reading and Public Hearing, an Ordinance amending the City of St. Pete Beach Land Development Code pertaining to inconsistent codes or code clarity.

Mr. Saunders reported that the City-initiated ordinance amends inconsistencies with the City's Comprehensive Plan.

The following modifications were made:

- Page 165: insert 'Section' before '33.2'
- Page 185 to end: amend deletions and additions
- Page 179: Section 2.1, remove either 'and' or 'or'

Hearing no further Commissioner comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 6(a), Ordinance 2017-30, upon first reading, an ordinance of the City of St. Pete Beach, Florida providing for an amendment to the St. Pete Beach Land Development Code as follows: Section 2.1, Definitions, to provide definitions for mixed use development and special events; Section 6.12(h), Beach Concession, to provide clarity on hut placement; Section 6.22, Yards and Measurements of Required Yards, to provide for balcony encroachment; Section 6.24, Outdoor Dining and Outdoor Drinking Areas, to clarify requirements; Section 22.4(f), Groundcovers, to clarify pervious area; Section 23.4,

General Parking Requirements, to provide for backing out onto public streets; Section 33.2, CC-2 Permitted Uses, to provide for consistency with the Comprehensive Plan; Section 35.3(b), LR Permitted Conditional Uses, to allow for additional supportive commercial uses; Section 37.7(a), TC-1 Density and Intensity, to provide for consistency with the Comprehensive Plan; Section 39.8(a), CRD Design, Scale and Mass of Buildings, to provide for clarity; Section 39.10, CRD Streetscape Design Requirements, to provide clarity; Section 40.9, CRD-EA, Setbacks, to correct a Scrivener's error; Section 13.4, ROR; Section 14.4, RFM; Section 15.4, CG-1; Section 16.4, CG-2; Section 30.4, TC-1; Section 32.4, CC-1; Section 33.4, CC-2; Section 37.5, TC-1; Section 38.4, AC; to provide for additional conditional uses; providing for severability; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

7. Resolutions

There were no resolutions submitted.

8. Items for Discussion

There were no items for discussion submitted.

9. Audience Comments 2

There were no audience comments.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes: no report

City Manager Saunders reported on the following items:

- Pass-a-Grille Way paving will begin Wednesday, January 24, 2018
- Final plans and specifications for Blind Pass Road were received and will be distributed to the qualified bidders
- The lists for stormwater projects and paving projects will be distributed soon
- Placemaking signage will be available on the website for public comment

City Attorney Dickman reported on the following item:

- Update on two legal cases – Chmielewski and Anderson

Commissioner Finnerty reported on the following items:

- Boca Ciega Drive traffic routing signs have been installed
- Florida League of Cities conferences in Tallahassee

Commissioner Falkenstein reported on the following items:

- Crime statistics have decreased since last year
- Update on Upham Beach rock jetty project and beach re-nourishment project
- Library events
- Board of Adjustment appeals

Vice Mayor Friszolowski: no report

Commissioner Pletcher reported on the following items:

- Vina del Mar Homeowners Association met January 17, 2018
- Undergrounding utilities from house to the street

Mayor Johnson reported on the following items:

- Hurley Park dumpster and gate access
- Technical Review Committee and potential consultant for projects
- Short Term Rentals
- Parking passes for volunteers at Gulf Beaches Historical Museum
- St. Pete Beach Classic Run volunteers and participants

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018.

Date: January 23, 2018

Prepared By: Jennifer McMahon, Recreation Director

Through: Wayne Saunders, City Manager

Summary of Issue: St. Pete Beach resident, Tom DeYampert, is requesting to have a beach fire on the public beach on March 10, 2018 from dusk until 10pm. In addition to the fire, live music on the beach and a secured wet zone area is requested. Two officers will be secured for event. Beach fires and wet zones on public beaches require approval by the commission. The Fire Marshal will approve the wood to be used and a maximum 4ft diameter pit will be allowed with a 20ft in diameter area roped off. This event is an approved co-sponsored event.

Funding: 01-5701-521-5325

Requested Motion: "I move to authorize the approval of the special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018."

Attachments: Event application

**Reviewed by
City Manager:** 



City of St. Pete Beach Recreation
Department

Event Application

Applicant

Name of Applicant: TOM DE YAMPENT Title (if applicable): _____
Name of Organization (if applicable): AMERICAN LEGION POST 305
Tax Exempt? ☒ Yes ☐ No Non-Profit? ☒ Yes ☐ NO If yes on either, please provide documentation
Mailing Address: 6999 GULF BLVD, ST. PETE BEACH, FL 33706
Cell Phone: 727-420-2669 Email: TOMDEYAMPENT@GMAIL.COM

Event Information

Event Title: SPB SUNSET CELEBRATION Event/Organization Web Address: _____
Event Location(s): UPHAM BEACH

Event Date(s) & Time(s)

Date	Day of the Week	Start Time	End Time
<u>3-10-18</u>	<u>SATURDAY</u>	<u>5 PM</u>	<u>10 PM</u>
_____	_____	_____	_____
_____	_____	_____	_____

Set Up Date(s): 3-10-18 Time(s) 3 PM to 5 PM
Cleanup Date(s): 3-10-18 Time(s) 10 PM to 12 AM

Description of Event: BEACH FIRE + MUSIC

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): SAME WEEKEND
OF MARCH 2019

Event Logistics

Estimated Attendance 200 200
(includes event crew, participants, and spectators) This Year Last Year (if Applicable)

List all event activities: BEACH FIRE, MUSIC + BEER + WINE VENDOR

List all food and beverage vendors (Event Promoter is responsible for obtaining copies of all licenses and insurance forms from each vendor)

BEER + WINE

Will alcohol be served or sold? ☐ Served ☒ Sold ☐ No Alcohol

List all other vendors (may need to provide copy of certificate of insurance) AMERICAN LEGION

Event Equipment (include dimensions, seating, staging, tents, platforms, booths, scaffolding, truck, etc. on site map)
WOOD TRAILER + TOW TRUCK & STAGE TRAILER

All the above require a temporary structure permit. Cost for each is \$25.

Entertainment (Detail type, bands, DJs, dancers, clowns, etc.)
2 PERSON BAND

List times of music and/or amplified sound (list PA systems, microphone, speakers, amps)
6 PM to 10 PM

Electricity Needed ☒ Yes ☐ No Source: POWER POLL

Will portable restrooms be used? ☐ Yes ☒ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? ☐ Yes ☒ No If yes (include on site plan)
How Many? ☐ Size: ☐ Installation Date: ☐ Removal Date: ☐

Please list any admission charges, donations, parking, registration or other fees and how much? ☐

Does Event require any Road or Sidewalk Closures? ☐ Yes ☒ No

If yes, you must include all the details in the site plan including streets and times

Road	Start Intersection	End Intersection	Date	Times

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department within the City of St. Pete Beach may result in a denial of my request.

THOMAS K. de YAMPENT
Print Name

Thomas K. de Yampent
Signature

Corporation Name (if applicable)

1-5-18
Date



BEACH FIRE PERMIT APPLICATION

Application must be submitted 14 days in advance of event date

COMPLETE AND RETURN TO:

St Pete Beach Recreation Department
7701 Boca Ciega Dr.
St. Pete Beach, FL, 33706
(727) 363 - 9245

Date of Beach Fire: 3/10/18 Hours: 5:30 (AM/PM) to 10:00 (AM/PM)

Beach Fire Location: UPHAM BEACH Property Owner Sign-
(Authorization is required from the property owner)

Event Coordinator/Applicant: THOMAS K. de JAMPAY Phone: 727-420-2669

Organization: AMERICAN LEGION

Summary of Event Activities: BAND & BEACH FIRE

Estimated Attendance: 200

Obtaining a Beach Fire Permit

- Beach fire permit cost \$25.00
- No permits shall be issued from May 1st through October 31st due to sea turtle nesting season
- Each facility is limited to five (5) beach fires per month
- A Site Plan of area in which open fire is to held shall be attached to this permit application
- Fires must be extinguished by 10:30p.m.

Rules regarding the Beach Fire

- Only clean, dry, non-pressure treated wood will be used
- Beach fires must be a maximum diameter of 4 feet
- Roped off area 20 feet in diameter around the fire
- No sea oats within 75 feet of pit area. Please protect our dunes and keep the fire away from dunes.
- Beach fires shall not be left unattended and shall be extinguished by the applicant at the completion of the event. All fire debris shall be removed to a disposal container and the site shall be restored to its natural condition.
- If wind conditions are greater than 15 miles per hour, a beach fire permit will not be issued. Also, any time the state or county has issued a red flag warning, no permits will be issued. Adverse conditions may cause the revocation of this permit.
- Extinguisher must be present (either pressurized H2O or 2A 10-BC dry powder)
- Permit must be displayed on site or in-hand during the beach fire activity

DO YOU HAVE PROOF OF PERMISSION FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THIS EVENT?

YES ☐ NO ☒ (Required during the turtle nesting season, May 1st. through Oct.31st.)

DO YOU HAVE PROOF OF LIABILITY INSURANCE FOR THIS EVENT? Yes ☒ No ☐ (The City may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the Risk Management according to the intensity of the event.)

I HEREBY CERTIFY THAT I/WE WILL BE RESPONSIBLE FOR THE PRESERVATION, SANITATION, AND CLEANUP OF THE AREAS USED FOR THIS EVENT. ADDITIONALLY, I/WE CERTIFY THAT THERE IS NO MISREPRESENTATION IN THE FOREGOING STATEMENTS AND ANSWERS.

Thomas K. de Jampay 510 78th Ave, SPIB 727-420-2669
(Applicant Signature) (Address) (Phone)

Applications for beach fires on the Public Beach REQUIRES approval by the City of St Pete Beach, City Manager and/or the City Commission.

APPROVED: () DENIED: ()

(Signature of City Manager or his/her designee & Date)

(Signature of designee for the City Commission & Date)

BEACH FIRE PERMITS MAY BE REVOKED BY ANY CITY OFFICIAL WHEN CONDITIONS BECOME A NUISANCE OR A PUBLIC SAFETY HAZARD DUE TO SMOKE, FUMES OR ADDITIONAL FIRE OR LIFE/PUBLIC SAFETY HAZARDS, INCLUDING A "BURN BAN" ISSUED BY THE FLORIDA DIVISION OF FORESTRY.

FLORIDA FIRE PREVENTION CODE

F.S.S. 633

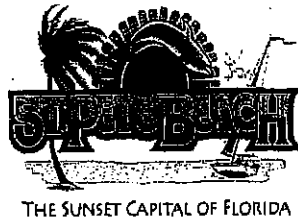
ST. PETE BEACH CITY ORDINANCE: Sec 58-27, Sec 94-69, Sec 98-161. PINELLAS COUNTY ORDINANCE: ARTICLE V-OPEN BURNING

BY ORDER OF:

(Signature of: Fire Chief or Fire Marshal and/or his/her designee)

(DATE)

St. Pete Beach Fire Dept. Ver. 1.5 - rev Oct 2017



155 Corey Avenue
St. Pete Beach, FL 33706
(727) 363-9214

I hereby certify that Thomas K. de YAMPENT will be responsible for the preservation, sanitation and cleanup of the beaches as required in connection with the above referenced activities. Additionally, I will comply with regulations set forth by the City Manager and or City Commission.

Application process: This application, along with the required map and proof of insurance shall be submitted to the Community Development Department at least two (2) weeks prior to the date requested for vehicle usage. Upon final approval by the City Manager, a permit fee of \$15.00 shall be due for each vehicle(s) in question. An identification sticker will be issued for each permitted vehicle.

Special Conditions: Special Conditions may be imposed on the applicant to ensure safety and compliance with the City of St. Pete Beach regulations.

GULF

CONDO

FIRE

STAGE

DUNE LINE

PARADISE
GRILL

ACCESS
ROAD

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request to waive the annual increase in lease amount for Merry Pier for 2018.

Date: February 13, 2018

Prepared By: Wayne Saunders, City Manager

Summary of Issue: Merry Pier is operated by Merry Pier Partners, LLC under a lease agreement with the City dated February 1, 2011. The lease provides for an annual increase in the lease amount paid to the City of 2.5% or the increase in the Consumer Price Index, whichever is higher. The current annual lease amount is \$40,357.44. The 2.5% increase would amount to \$1,008.94 for 2018. The leasee is requesting that the City waive this year's (2018) increase due to the negative impact the Pass a Grille road construction project has had and will continue to have on their business during 2018.

Funding: N/A

Requested Motion: "I move that the City Commission waive the annual increase for the Merry Pier lease for 2018."

Attachment: N/A

**Reviewed by the
City Manager:** 

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request by Michael P. Janecek and Rita K. Janecek, Paradise Sweets, LLC, to exercise option to renew lease for Pass-a-Grille and Upham Beach concession operations for an additional five years.

Date: February 13, 2018

Prepared By: Wayne Saunders, City Manager

Summary of Issue: The City and Paradise Sweets LLC entered into a lease agreement in 2008 for the operation of the Pass a Grille and Upham Beach concession stands with an initial five (5) year term commencing June 1, 2008. In 2013, the first of three options to extend the lease for and additional (5) years was agreed to with the new term commencing June 1, 2013 and ending May 31st, 2018. The Lessee is requesting the City approve their request to extend the lease for the second option period of five (5) years commencing June 1, 2018 ending May 31, 2023. Section 3. LEASE TERM of the lease agreement states that extensions are available upon mutual agreement of both parties.

Funding: N/A

Recommendation: Staff recommends that the City not renew the lease and proceed with advertising a Request for Proposals for the operation of the two concession stands.

Requested Motion: “I move to deny the request for extension of the lease between the City and Paradise Sweets, LLC.”

Attachments: January 29, 2018 email from Rita Janecek
Lease agreement

**Reviewed by the
City Manager:** WS

LEASE AGREEMENT

FOR THE
CITY OF ST PETE BEACH CONCESSION STANDS

THIS AGREEMENT is made and entered into by and between the CITY OF ST. PETE BEACH, a municipal corporation hereinafter referred to as "Lessor" and PARADISE SWEETS LLC, a Florida limited liability company, hereinafter referred to as "Lessee" for the purposes set forth hereafter:

WITNESSETH:

WHEREAS, the Lessor is the owner of certain premises commonly known as the Pass-A-Grille and Upham Beach Concession Stands located within the City of St. Pete Beach and as more particularly described in **Exhibit "A" and "B"** which are attached and incorporated herein as and for the description of the leased premises, and

WHEREAS, Lessee desires to lease said premises, and NOW THEREFORE, the parties agree as follows:

1. **PREMISES:** The Lessor hereby leases to the Lessee and Lessee hereby leases from the Lessor, subject to the terms and conditions set forth in the scope of work and herein, that certain premises described in **Exhibit "A" and "B"** attached and incorporated herein. Said premises located within the City of St. Pete Beach, Pinellas County, Florida.
2. **INSPECTIONS:** The leased premises have been inspected by both parties and by the execution of this Lease accept property in their present condition.
3. **LEASE TERM:** The term of this Lease shall be for five (5) years, and shall commence on June 1, 2013. The lease will expire on May 31, 2018. Two (2) additional five (5) year extensions are available upon mutual agreement of both parties. Lessee shall notify the City at least one hundred twenty (120) days prior to the expiration of the current term and whether Lessee wishes to extend the term as provided above. The City Manager reserves the right to re-bid this lease, should it be in the best interest of the City. Lessor will notify the Lessee within 60 days of Lessee's notice to extend, of their acceptance or not.
4. **RENT:** Lessee, in consideration of the leasing of the premises and the performance of Lessor of the covenants and agreements herein provided to be performed by it, hereby covenants and agrees to pay rent to Lessor at the office of the Finance Director of the City of St. Pete Beach, in accordance with the following provision:
 - A. Minimum rent. For each and every year of the term hereof the Lessee shall pay the Lessor a minimum rent (hereinafter called "Minimum Rent") as hereafter provided.
 - (1) Each monthly installment beginning June 1, 2013 through December 1, 2013 is \$9,262.97. The first payment is due June 1, 2013.

- (2) For each successive year through the term of this Lease, the minimum rent shall be the sum as provided in preceding paragraph, payable in twelve (12) equal monthly installments, plus an increase equivalent to the rise in the cost of living from April 1st of the previous year through March 31st of the current year as established by the United States Department of Labor, Bureau of Labor Statistics, All Urban Consumers Price Index, or 3% whichever is greater.
 - (3) In the event the United States Department of Labor ceases to publish the above mentioned Consumer Price Index then; in that event, Lessor and Lessee shall agree on a substitute index within forty-five (45) days after either party has notified the other that said index is no longer published. In the event the parties fail to agree upon a substitute index, then, in that event, the Lessor shall substitute an index recognized by the United States Government of equal quality, which gathers economic information and which is published as an index reflecting increases or decreases in the cost of living in the United States.
 - (4) For any fractional calendar month the minimum rent herein provided for a full calendar month shall be payable on a proportional basis.
 - (5) All minimum rent payments shall be due and paid on or before the first of each month.
 - (6) At any time during the term of this Lease, should the facility become inoperable for any length of time and where the business of the lessee is obviously affected, the monthly rent may be reduced by an amount negotiated by the Lessor and the Lessee. This may include acts of nature such as red tide and major storm events.
 - (7) In addition to rent the Lessee agrees to upgrade the existing restroom facilities.
- B. License Fees. In addition to the rents above specified, Lessee shall obtain all permits and licenses required by any and all laws of any Federal, State, or local governmental agency and the ordinances of the City of St. Pete Beach and pay all fees therefore.
- C. Sales Tax. Lessee shall pay seven percent (7%) sales tax, if applicable, on the monthly rental of the leased premises from Lessor. Provided, however, if during the term of this Lease, the sales tax is increased or decreased then, in that event, the Lessee shall pay the applicable sales tax.
- D. Additional Rent. Lessee shall be obligated to pay to Lessor as "Additional Rent" fifty percent (50%) of the gross rental revenue generated from the rental of the patio area, to be paid monthly along with all required Minimum Rent payments to

Lessor. In no event shall Lessee's annual Additional Rent payments for the patio area be less than Six Thousand and No/100 (\$6,000.00).

E. Beer/Wine Sales Additional Rent. During each year of this Agreement, annual beer and wine sales for the previous year, January 1st through December 31st, will be reviewed. If ten percent (10%) of the net beer and wine sales (total sale price of beer and wine minus the direct invoice cost to Lessee of purchase of such beer and wine) exceeds \$15,000, then the Lessee agrees to pay the Lessor an amount equal to ten percent (10%) of the amount by which all such net beer and wine sales during the preceding calendar year exceeded \$15,000 (the "Beer/Wine Sales Additional Rent"). Such Beer/Wine Sales Additional Rent, if any, will be determined and paid in the following manner:

- (1) Determination of Beer/Wine Sales Additional Rent. On or before fourteen (14) calendar days of December 31, the Lessee shall deliver to Lessor a written declaration containing the total direct invoice cost charged by the vendors to Lessee for sale of beer or wine to Lessee during the prior calendar year and the total amount of beer and wine sales by Lessee during such time period. Such declaration shall be accompanied by copies of supporting documentation.
- (2) Lessee shall pay Lessor the Beer/Wine Sales Additional Rent in equal monthly installments, commencing with the March payment or, if delivery of the written declaration is delayed as provided for in this Section, commencing with the April payment..
- (3) Lessor may audit and inspect the books and records of Lessee. If Lessor and Lessee do not agree on the amount of money owed by Lessee under this provision, the amount not in dispute will be paid pending resolution of the dispute.
- (4) If the written declaration cannot be delivered in the time frame listed in 4E(1), delivery may be delayed for up to thirty (30) days.
- (5) Lessee agrees to post signs informing customers that alcoholic beverages must be consumed on the leased premises and make every effort to assure compliance.

5. BOOKS, RECORDS AND AUDITS:

A. Books and Records. Lessee agrees to keep accurate books and records in accordance with recognized accounting practices concerning all gross receipts from sales as herein defined and to keep and preserve in the City of St. Pete Beach for a period of seven (7) years following the end of each lease year full, complete and true records thereof. All books and records maintained by Lessee relating to gross receipts shall be available at all reasonable hours for inspection and copying by Lessor and its agents.

- B. Report. On or before the ninetieth (90th) day after the end of each calendar year, Lessee shall deliver to the office of the Finance Director a certified statement prepared by Lessee's independent certified public accountant showing gross receipts for the preceding year.
- C. Finality of Report. Unless Lessor or Lessee shall serve notice of dissatisfaction within thirty (30) days after the receipt of any statements submitted by Lessee as herein provided, such statement shall be deemed final and binding upon the parties, fraud and violations of law excepted.

6. USE OF PREMISES BY LESSEE:

- A. Required Uses. The Lessee is required to provide full restroom facilities, including hot water and they shall be open to the public each day of the year from 6:00 a.m. until dusk regardless of weather conditions.

- B. Permitted Uses. The Lessee may use the premises until thirty minutes (30) after sunset as follows:

- (1) Sale of clothing, souvenirs, sundries, and gifts;
- (2) Sale of food products, prepared on the premises and/or packaged;
- (3) Other merchandise as specifically approved by the City Commission.
- (4) The Lessee shall also cooperate with Lessor in all civic and special events including patio rentals which are conducted on or in the vicinity of leased premises, e.g., Beach Fest, Concerts, Weddings, Non-Profit Events, etc.
- (5) All rental properties such as cabanas, umbrellas, chairs, etc. shall be secured from the general public at the close of each workday.
- (6) Bicycle rentals. All equipment associated with the rental of bicycles shall be secured from the general public at the daily close of business.
- (7) Beach wheelchair and Hoyer lift shall be made available upon request, cleaned and secured by the Lessee.
- (8) Sale of beer and wine subject to: (i) Lessee's compliance with all Federal, State and Local laws, codes and regulations for the sale of beer and wine; and, (ii) upon Lessee obtaining all valid licenses, permits and insurance for the sale of beer and wine.
- (9) Lessee hereby agrees that all beer and wine served at the Premises shall only be served in single disposable "biodegradable" cups, as that term is commonly used in the food and beverage industry, and not in any glass, metal cans or other non-biodegradable materials, whether such materials are recyclable or not, and in no event as package sales. All beer and wine served at the Premises shall be served for consumption on the Premises only and may only be served prior to thirty minutes after sunset Monday through Sunday.

- C. Prohibited Uses. The Lessee shall not:

- (1) Engage in any unlawful, improper or offensive uses.
- (2) Engage in any residential use on the property.
- (3) Use the premises in any manner which would cause damage or injury to the leased Premises.

- (4) Remote facilities are prohibited, except in conjunction with an approved special event, and all sales must be conducted from the premises shown on both **Exhibit "A" and Exhibit "B"**.
- (5) Conduct any use or activity, which the City determines is not consistent with the character of the permitted uses as, set forth above. If the Lessor determines a use or activity is inconsistent with the permitted uses and activities, the Lessor shall issue a written notice to the Lessee to discontinue the use or activity and the Lessee shall have thirty (30) days from the receipt of said notice to discontinue the use or activity.
- (6) Rental of Property, except for one (1) block vicinity of the premises on the sandy beach area. At the option and discretion of the City Commission, the rental of cabanas or other properties may be terminated at any time during the term of this lease.

7. RESPONSIBILITIES OF LESSEE:

- A. Operation. The Lessee shall provide all equipment and merchandise necessary for the operation of the concession stands. The Lessee shall be responsible for keeping the leased premises free of all trash, garbage, and other debris and shall be responsible for picking it up and depositing it in trash containers. The Lessee understands that the Lessor expects the premises and concession to be maintained and operated as a first class facility with modern/working equipment; and in that regard, throughout the term of this Lease, the Lessee is expected to operate the facility in a manner consistent with said expectations and objective of the Lessor. The City Manager or his designee shall make the responsibility for the determination of whether the Lessee has met the standards set by this paragraph.
- B. Responsible Lessee Agent. Lessee shall provide Lessor with a written list of responsible agent(s). Such list shall include pertinent data as address, telephone numbers, etc., where said agent(s) may be contacted at any time of the day or night. The agent(s) shall be clothed with full authority to act for the Lessee in all cases and to carry out any instructions relative to the Lease, which may be given, by Lessor or its agent.
- C. Lessor Access. Lessor, its agents, and employees, or any person duly authorized by it shall be given free access to the leased premises for the purposes of making inspections to ascertain whether the premises are maintained and operated to the standards heretofore specified.
- D. Public Restrooms. Restrooms shall be open to the public from 6:00 a.m. until dusk every day regardless of the hours of concession operation or weather conditions. Lessor, its agents, or employees shall closely monitor the maintenance of the restroom facilities. Daily cleaning is required as well hourly checks for cleanliness. Paper goods and restroom supplies are to be furnished by the Lessee. Lessee shall also be responsible to lock the restroom doors each evening thirty (30) minutes after sunset. Restroom facilities must be maintained in accord with

conditions required by any City, County, State and/or Federal law. Plumbing repairs to these public restroom facilities and outside showers shall be the responsibility of the Lessor.

E. Additional Obligation of Lessee.

- (1) Lessee shall purchase any Occupational License or licenses required by the City of St. Pete Beach.
- (2) Lessee shall pay all taxes which may be levied on the Lessor's property and its contents, when due.
- (3) Lessee shall not assign this lease or sublet the premises or any part thereof. The Lessee may enter into management agreements with third parties. In the event the Lessee enters into such management agreements, it is agreed that such third parties do not have any rights or privileges under this Lease.
- (4) Lessee shall quit the leased premises at the end of the term or any renewal thereof, in as good condition as said premises now are, ordinary wear, decay and damage excepted.
- (5) Before Lessee can erect any sign or make any change in the appearance of the buildings or improvements located on the premises, including a change in the color of the paint and/or stain used on said improvements, Lessee shall obtain the written approval of the Lessor.
- (6) Lessee and Lessor mutually understand and agree that nothing contained in this Lease is intended, or shall be construed, as creating or establishing the relationship of joint venture partners, agents, or representatives of the Lessor for any purpose or in any manner whatsoever
- (7) Lessee agrees to use its best efforts in every proper manner to maintain and develop the business conducted by it under this Lease and increase same, and not to divert or cause, or allow to be diverted any business from the concession.
- (8) Lessee shall assume all risks incident to or in connection with its business to be conducted hereunder and shall be solely responsible for all accidents or injuries of whatever nature or kind to persons or property caused by its operations at leased premises and shall indemnify, defend and save harmless the Lessor, its authorized agents and representatives, from any penalties for violation of any law, ordinance or regulation affecting its operations, and from any and all claims, suits, losses, damages or injuries to persons or property of whatsoever kind or nature arising directly or indirectly out of the operation of such business, or resulting from the carelessness, negligence, or improper conduct of the Lessee or any of its agents or employees.
- (9) Lessee shall provide a money exchange with a supply of appropriate denominations of money for purchase by the public for parking meters/parking pay stations.
- (10) Lessor shall provide two (2) parking spaces that are reserved for the lessee. The spaces shall be located as close to the concession stand as reasonably possible. Additional parking permits may be purchased at the customary rate.

8. MAINTENANCE OF LEASED PREMISES:

A. Lessor Responsibilities. The Lessor shall continually maintain and be responsible for:

- (1) All exterior and structural repairs to the concession buildings other than what's being proposed in the agreement.
- (2) Water service, drainage and waste pipes in connection with the public restrooms.
- (3) Lights, wires, and conduits, ventilating fans associated with the restrooms facilities.
- (4) Exterior decorative security pole lights.
- (5) All seawall repairs and maintenance.

B. Lessee Responsibilities.

- (1) The Lessee shall provide the necessary management, labor and materials, for janitorial and custodian services, trash and garbage removal services and for any and all other related services necessary to maintain the leased premises in a clean sanitary condition and safe throughout the term of this Lease.
- (2) Such maintenance shall be at the Lessee's sole expense and shall be subject to general inspection by the Lessor to insure a continuing quality of maintenance and appearance and physical condition of the leased premises, including the area of the dumpsters, commensurate with maintenance, health, and safety standards established by the Lessor.
- (3) Waste pipes and grease traps providing and leading from the premises, which are located both interior and exterior of the facility and those portions of all utility lines supplying said premises which are located outside the premises unless such utility lines are maintained or repaired by utility companies.
- (4) All repair and maintenance for air conditioning, ventilating and exhaust equipment, including wiring, pipes, conduits and other associated equipment with the concession and gift shop business.
- (5) Maintain hot and cold water services to the concession business.
- (6) Lessee must maintain and repair concession serving windows, screens, doors and shutters.
- (7) The lessee will be responsible for the necessary pest exterminating services needed to keep premises clean and sanitary.

Such maintenance shall be at the Lessee's sole expense and shall be subject to general inspection by the Lessor to insure a continuing quality of maintenance and appearance and physical condition of the leased premises, including the area of the dumpsters.

C. Property Damages. The Lessee shall be responsible for all damage or injury to property caused by the use of the leased premises, ordinary wear and accepted. Lessee shall be responsible for repairs to plumbing, electrical and the food serving shutters in concession area.

- D. Miscellaneous. Lessee shall keep all equipment and fixtures, furnishings and other property installed by it in good operating condition and repair.

9. IMPROVEMENTS:

Upon prior written approval by Lessor, Lessee shall have the right to make alterations to the leased premises in conformity with the general architectural and design criteria established by the Lessor for the premises.

10. UTILITIES:

Lessee shall furnish all utilities including electricity, gas, telephone, sewer and water, which may be required on the leased premises. A default by the Lessee in the payment of any utility bill shall constitute a default under the terms of this Lease.

11. INSURANCE:

- A. Fire, Property Damage and Other Hazard. The Lessee shall, at its expense, carry fire insurance, property damage insurance and such other hazard insurance as may be deemed necessary to protect the Lessor's interest in the leased premises from any loss or damage occasioned by the Lessee's use of the leased premises. The Lessee shall defend any action instituted against the City as a result of any such property damage or personal injury. Provided, however, that the City may, at its option determine to employ its own counsel.
- B. Liability and Property Damage. Lessee, at its own expense, shall keep in force during the term of this Lease, insurance issued by responsible insurance companies and in form acceptable to the Lessor, for the protection of Lessor against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or recovered from Lessor, by reason of damage to the property of, injury to or death of any person or persons on account of any matter or thing which may occur on the leased premises, in a policy or policies in the amount of One Million Dollars, (\$1,000,000.00) and naming the City as additional insured, provided that such coverage may be limited by the usual and customary limitations and additions contained in standard owners-landlord-and tenant policies written by the majority of stock or mutual insurance companies doing business in the City of St. Pete Beach and provided such policies shall protect the Lessor against products liability in the amounts set forth above.
- C. Workers' Compensation. Lessee shall procure and obtain Workers Compensation insurance during the term of this Lease in the maximum amounts required by law.
- D. Payment of Insurance. Said insurance shall be procured by the date of the execution of this Lease and shall be kept and shall be maintained in full force and effect throughout the entire term of this Lease or any extension thereof at the sole expense of the Lessee. Copies of all such policies shall be delivered to Lessor and the Lessor shall receive copies of any notices of termination of said insurance.

12. INDEMNIFICATION AND HOLD HARMLESS/NON-WAIVER OF SOVEREIGN IMMUNITY.

- A. Indemnification and Hold Harmless. Lessee covenants and agrees that it will indemnify and hold harmless the Lessor and all of the Lessor's officers, agents and employees from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by Lessee during the performance of this Lease, whether direct or indirect, and whether to any person or property to which Lessor or said parties may be subject, except that neither Lessee nor any of its sub-Lessees will be liable under this section for damages arising out of injury or damage to person or persons directly caused or resulting from the sole negligence of Lessor or any of its officers, agents or employees.
- B. Non-Waiver of Immunity. Notwithstanding anything in this Lease, or any amendments thereto to the contrary, nothing contained in this Lease or any amendments thereto shall be construed as modifying, limiting, restricting, waiving or otherwise adversely affecting any sovereign immunity defenses and limitations available to Lessor under Florida law.
13. LESSOR'S RIGHT OF ACCESS: Lessee shall allow Lessor, through its designated agents, free access to the leased premises for the purpose of examining the same to ascertain if they are in safe, sanitary and good repair, to make repairs, renewals or restorations to the extent required to be made by Lessor under other sections of this Lease and to inspect the leased premises from time to time, in order to assure itself of compliance with the terms and conditions of this Lease. With respect to the operation and use of the premises, Lessee shall comply immediately with any recommendation made by Lessor regarding cleanliness, sanitation, maintenance, as well as compliance with any local, state or federal law.
14. NONDISCRIMINATION: Lessee shall not discriminate against any person, employee or applicant for employment because of race, color, religion, sex, age or national origin.
15. SECURITY DEPOSIT: As security for the faithful performance of Lessee's obligations as created hereunder or as provided by law, the Lessee shall deposit with Lessor Five Thousand (\$5,000) dollars or an amount equivalent to one month's rent which ever is greater. Lessor shall hold as a Security, Said security deposit and shall be returned to the Lessee within thirty (30) days of the expiration of the Lease, provided Lessee furnishes Lessor with proof of compliance with all terms of this Lease, including the payment of all utilities and improvements. Lessor has also inspected the premises and finds no defaults of Lessee's obligations requiring forfeiture of all or part of said security deposit. The security deposit is also subject to an increase equivalent to the rise in the cost of living.
16. DISPOSITION OF STRUCTURE AND IMPROVEMENTS: Upon the termination of this Lease by a lapse of time or otherwise, including Lessee's default, the entire facility, including improvements made thereto, shall become the property of the Lessor and shall not be removed by the Lessee.

17. DEFAULTS: A default shall occur in the event the Lessee fails and/or refuses to comply with any of the terms and conditions contained in this Lease; or if the Lessee fails and/or refuses to comply with any applicable law, code or ordinance. In any of the following events Lessor, at any time hereafter, shall have the right at Lessor's election immediately to terminate this Lease Agreement:

- A. Failure to pay rent. In the event Lessee shall fail to pay the rent in the amounts and at the time and in the manner herein provided and such failure shall continue for thirty (30) or more days;
- B. Violations of covenant. In the event Lessee shall fail to keep and perform or shall violate the terms, covenants and conditions of this Lease on its part to be kept and performed, and Lessee shall not have cured or corrected such failure or violation within thirty (30) days after written notice thereof shall have been given to Lessee;
- C. Insolvency. If Lessee shall make an assignment for the benefit of creditors, or shall file a petition in bankruptcy or insolvency, or shall be adjudged a bankrupt, or in the interest of Lessee under this Lease shall be levied upon and sold upon execution or shall by operation of law become vested in another person, firm or corporation because of the insolvency of Lessee; or in the event that a receiver or trustee shall be appointed for Lessee or the interest of Lessee under this Lease.
- D. Abandonment. In the event Lessee shall vacate or abandon said premises, or, shall permit the same to remain vacant or unoccupied without the consent of Lessor.
- E. Maintenance. In the event said premises shall not be maintained by Lessee as herein required, Lessor may enter said premises (without such entering, causing or constituting a termination of this Lease or any interference with the possession of the leased premises by Lessee) and may cure the default of Lessee. Should such event occur, Lessee agrees to pay Lessor in addition to the rent hereby reserved all reasonable costs and expenses incurred by Lessor in curing such default. Such maintenance shall be at the Lessee's sole expense and shall be subject to general inspection by the Lessor to insure a continuing quality of maintenance and appearance and physical condition of the leased premises commensurate with maintenance, health and safety standards established by the Lessor.
- F. Insurance. In the event of the failure of the Lessee to maintain such insurance as provided herein, the City shall have the right to terminate the Lease immediately and to take such other steps as the City deems appropriate in order to cancel and terminate said Lease.

18. REMEDIES.

- A. Repossession by Lessor. Upon the occurrence of any one or more of the events of default specified in Section 17 hereof, Lessee's rights to possession of the leased premises shall terminate and Lessee shall surrender possession thereof immediately. In such event Lessee hereby grants to Lessor full and free license to

enter into and upon said premises, or any part thereof, to take possession thereof with or without process of law, and to expel and remove Lessee or any other person who may be occupying the said premises, or any part thereof, and Lessor may use such force in and about expelling and removing Lessee and said other person as may reasonably be necessary; and Lessor may repossess said premises, but said entry of said premises shall not constitute a trespass or forcible entry or detainer, nor shall it cause a forfeiture of rents due by virtue hereof, nor a waiver of any covenant, agreement or promise in said lease contained, to be performed by Lessee. Lessee shall make no claim of any kind against Lessor, its agents and representatives by reason of such termination or any act incident thereto.

- B. Dispute Resolution. This contract shall be construed under Florida Law. The parties agree that all controversies, claims and other matters in question between the parties arising out of or relating to this Contract or its breach shall be resolved through mediation. Upon notice of any party to the contract of a dispute, question or controversy, the parties shall agree to the appointment of a qualified mediator. A qualified mediator is a person who has received at least 40 (forty) hours of mediation training and has actual experience as a mediator in resolving contract disputes. If the dispute, question or controversy is not resolved through mediation within 60 (sixty) days of a notice of the dispute between the parties, in that event, the parties may proceed with a civil action in the state court with Jurisdiction over the dispute.
- C. Damages. In any action brought to enforce the Lease, the successful party may recover reasonable court costs and attorneys' fees for bringing the action.
- D. Other Remedies. Lessor may, if it so elects, pursue any other remedies provided by law for the breach of this Lease or any of its terms, covenants, conditions or stipulations. No right or remedy herein conferred upon, or reserved to Lessor or Lessee is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder, or now or hereafter existing at law or at equity or by statute.
- E. Removal of Property. Any and all property which may be removed from the leased premises by Lessor pursuant to the provisions hereof or of law, may be handled, removed or stored by Lessor at the sole risk, cost and expense of Lessee, and Lessor shall in no event be responsible for the value, preservation or safekeeping thereof. Lessee shall pay to Lessor upon demand any and all storage charges against such property so long as the same shall be in Lessor's possession or control.
- F. Security Deposit. In addition to the foregoing, in the event of default, Lessee shall forfeit any right to the security deposit and Lessor shall be entitled to said security deposit as payment for any damages resulting from Lessee's breach.

19. WAIVER DEFAULT: The acceptance of rent by Lessor, whether in a single instance or repeatedly, after it falls due, or after knowledge of any breach hereof by Lessee, or the giving or making of any notice or demand, whether according to any statutory provision or not, or any act or series of acts except an express waiver in writing, shall not be construed as a waiver of Lessor's right to act or of any other right hereby given Lessor, or as an election not to proceed under the provisions of this Lease.
20. EFFECTS OF DEMANDS: The obligation of Lessee to pay the rent reserved hereby during the balance of the term hereof, or during any extension hereof, shall not be deemed to be waived, released or terminated by the service of any thirty (30) day notice, other notice to collect, demand for possession, or notice that the tenancy hereby created will be terminated on the date therein named, the institution of any action of forcible detainer or ejectment or any judgment for possession that may be rendered in such action, or any other act or acts resulting in the termination of Lessee's right to possession of the leased premises. Lessor may collect and receive any rent due from Lessee, and payment or receipt thereof shall not waive or affect any such notice, demand or suit, or in any manner whatsoever waive, affect, change, modify or alter any rights or remedies which Lessor may have by virtue hereof.
21. NOTICES:
- A. Lessor. In every case where, under the provisions of this Lease, it shall be necessary or desirable for Lessee to give to or serve upon Lessor any notice or demand, it shall be sufficient to send a written or printed copy of said notice or demand by registered mail, postage prepaid, addressed as follows:
- Michael Bonfield, City Manager
City of St. Pete Beach, a Municipal Corporation
155 Corey Ave.
St. Pete Beach, Florida 33706
- B. Lessee. In every case where under the provisions of this Lease it shall be necessary or desirable for Lessor to give to or serve a written or printed copy of said notice or demand by registered mail, postage prepaid, or by personal service, addressed as follows:

Michael P. Janecek, Owner
Rita K. Janecek, Owner
Paradise Sweets, LLC
709 Gulf Way, Suite 100
St. Pete Beach, FL 33706

IN WITNESS WHEREOF, the parties have signed their hands and set their seals this
9th day of April 2013.

CITY OF ST. PETE BEACH

BY: Michael P. Bonfield
Michael P. Bonfield, City Manager

ATTEST:

Rebecca Wayne
City Clerk

(Seal)

PARADISE SWEETS, LLC, a Florida limited
liability company

BY: Michael P. Janeczek
Michael P. Janeczek, Manager/Member

BY: Rita K. Janeczek
Rita K. Janeczek, Manager/Member

Approved as to form:

[Signature]
City Attorney

EXHIBITS A & B

EXHIBIT "A"

Depiction of the Existing Premises

[See Attached Page]

Exhibit 'A'

GULF OF MEXICO

74
feet

BEACH

122'

CONCESSION
STAND

100'

PATIO

BEACH

PASS-A-GRILLE

Alfred
G. Smith
Surveyor
June 25th 1944
Per City Clerk

Exhibit "A"

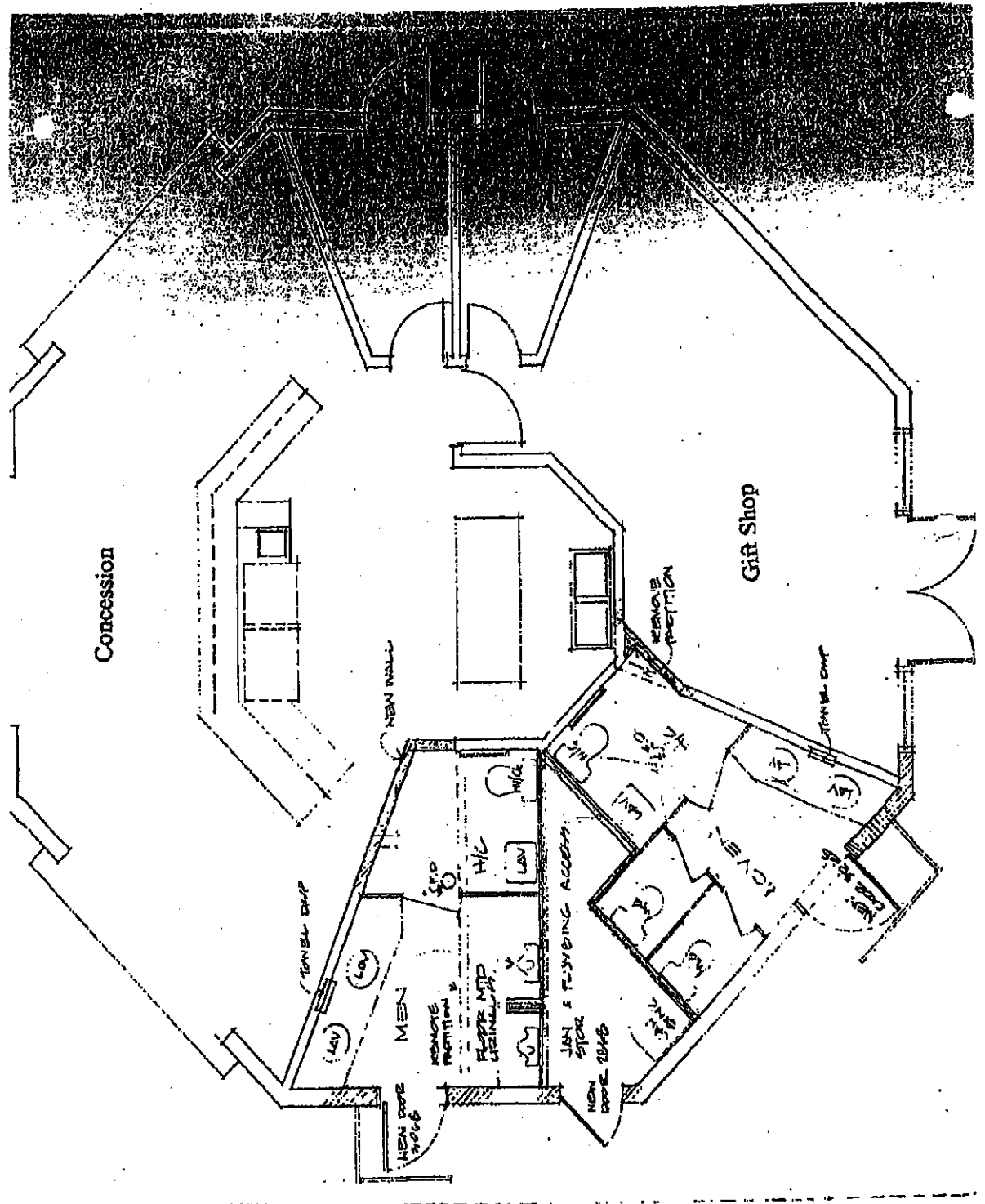


Exhibit "B"

SEA OTS

PAVING

90'

BEACH

OUTDOOR
SHOWER

DRINK
FOUNTAIN

WALKWAY

WALKWAY

GRASS
AREA

6850
BEACH PLAZA

CONCESSION
STAND

DECK

DECK

WALKWAY

TRASH

WALKWAY

SEA OTS

PAVING

SEA OTS

BEACH



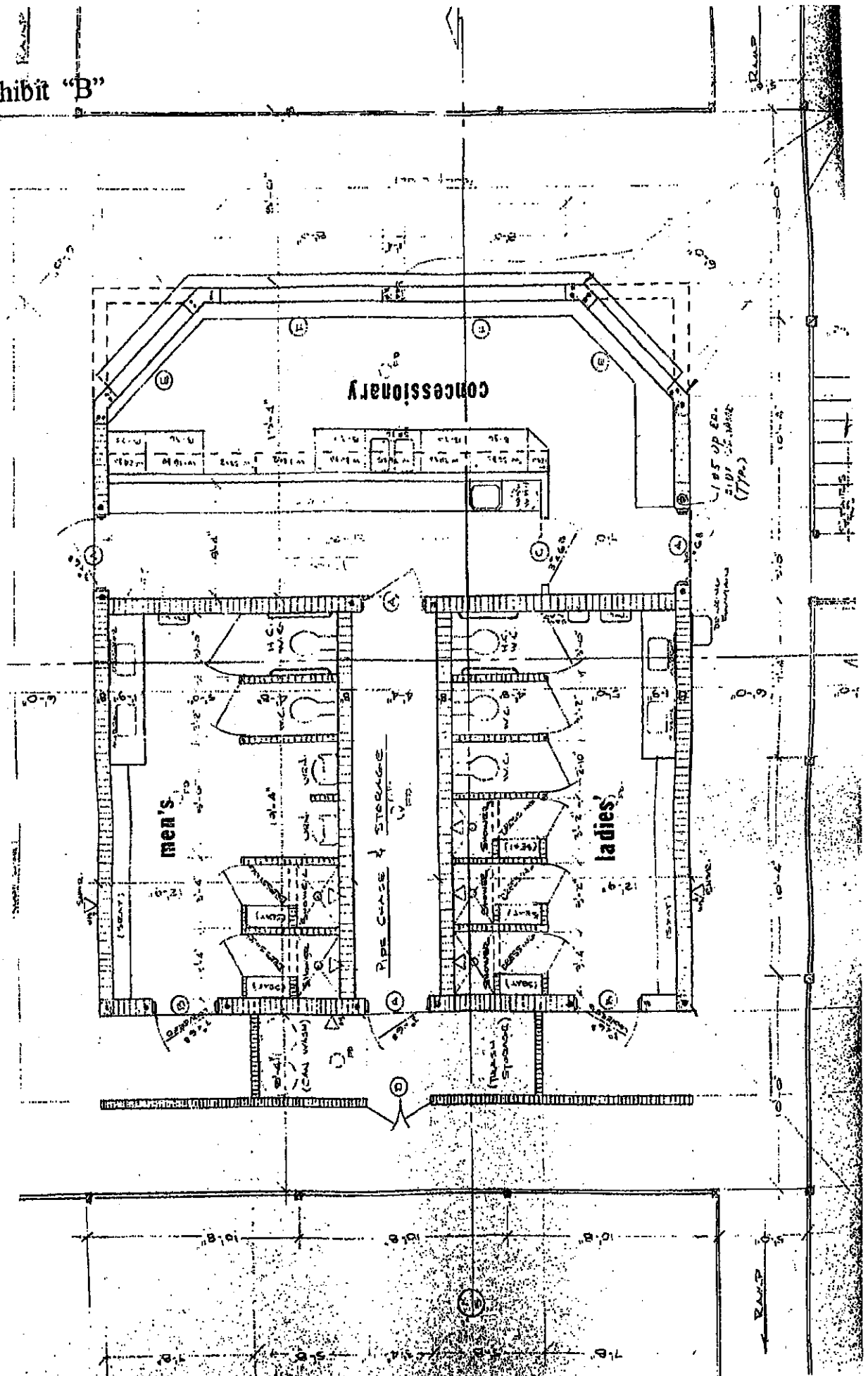
Long Vision Precision Measurements

002934.051406154557-1, d=2405, Jan-51, 6

Exhibit "B"



Exhibit "B"



Wayne Saunders

From: Rita Janecek <rkjanecek@gmail.com>
Sent: Monday, January 29, 2018 6:27 AM
To: Wayne Saunders; Eileen Torres
Subject: Paradise Grille Lease Renewal

Dear Mr. Saunders;

This letter is to inform you of our intention to exercise our option to renew our lease with the City of St. Pete Beach for an additional five years.

We have spent the past ten years building a successful business and we want to continue to grow and develop Paradise Grille another five years.

Together with the partnership and support of the City of St. Pete Beach we will succeed.

Please advise as to when this matter will be set on the City Commission agenda.

Sincerely,
Michael P. Janecek
Rita K. Janecek
Paradise Sweets LLC

Sent from my iPhone

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.

Date: February 13, 2018

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: The City of St. Pete Beach had requested CPWG to provide a task order for Construction Inspection Services of the Pass-A-Grille Way Reconstruction Phase I. Due to the complexity of the project, the City requested the CPWG continue to provide inspection support for the remainder of the project in order to ensure continuity and limit the loss of key project specific information.

Scope of services for this task order include daily inspections of the project, meeting attendance, field changes, pay application review, change order review and coordination, weekly progress reporting, and project scheduling.

Funding: CIP – Pass-A-Grille Way Reconstruction, Phase I
(301-8000-590-5650)

Requested Motion: “I move to approve task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.”

Attachment: Task Order from CPWG

**Reviewed by the
City Manager:**

WS



Exhibit "B"

**TASK ORDER FORM - CONTINUING CONTRACT FOR
PROFESSIONAL DESIGN SERVICES**

<i>Date of Task Order Request</i>	05 January 2018
<i>Firm Selected for Task</i>	CPWG
<i>Task (Project) Name</i>	PAGW PH I Construction Inspection Services
<i>Task Description (and other relevant details)</i>	Continue inspection duties as needed; attend meetings as needed; meet with contractor and other third party personnel as needed. Review pay applications. Write a weekly progress report including an anticipated two week look ahead on major tasks. This Task Order covers services from 7/29/17 through 2/15/18
<i>Task Budget</i>	Not to exceed \$68,850

<i>Task Proposal Due Date</i>	As soon as possible to continue project services.
-------------------------------	---

Thank you for your efforts on behalf of the City of St. Pete Beach. If there are any questions or additional information needed, please contact the City Public Services Department at 727.363.9243.

Michael F. Clarke

Mike Clarke
Public Works Director
City of St. Pete Beach

Acknowledgement of Task Order: _____ (Name)

_____ (Firm)

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2017-21 (Quasi Judicial). Final Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail to CRD-EA, Community Redevelopment District Eighth Avenue

Date: February 13, 2018

Prepared By: Planning Department

Through: Wayne Saunders – City Manager

Summary of Issue This is the final reading for the applicant initiated adoption of a Future Land Use Map change for the property located at 702 Pass-a-Grille Way. The Applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development. This 14,481 square foot (.33 Acre) parcel has a Residential/Office/Retail (ROR) City and a Retail and Services (R&S) County-wide land use designation. It is adjacent to ROR(R&S) to the south and Pass-a-Grille Way to the east. Should the two lots in joint ownership be combined, the .54 acreage resulting would be greatly suited to redevelopment, and in keeping with the land assembly policies of the Comprehensive Plan.

The application has been reviewed by the required governmental entities as outlined in Chapter 163.3184 and their comments have been incorporated into the data and analysis of the Staff Report.

Requested Motion: “I move to approve Ordinance 2017-21 for CPA 02-17 on final reading (read title).”

Attachment: Ordinance 2017-21
Exhibit A
Staff Report
Existing and Proposed Maps
Photographs
Application
Survey
Written comments
Agency comments

Reviewed by the City Manager: WS

ORDINANCE 2017-21

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, IMPLEMENTING AMENDMENT #02-17 OF THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE PLAN MAP INCORPORATED THEREIN; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE PLAN MAP DESIGNATION OF THE PROPERTY GENERALLY LOCATED AT 702 PASS-A-GRILLE WAY, LOT 17, BLOCK 6, MOREY BEACH, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCEL FROM RESIDENTIAL/OFFICE/RETAIL TO COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE ON THE CITY'S FUTURE LAND USE PLAN MAP; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has received an application for the amendment of the Future Land Use Designation of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board sitting as the Local Planning Agency has reviewed this ordinance, found it to be consistent on September 18th, 2017 with the City's adopted comprehensive plan and has recommended approval to the City Commission; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein by changing the land use designation of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more particularly described in Exhibit

"A" attached hereto and made a part hereof, from Residential/Office/Retail to Community Redevelopment District-Eighth Avenue.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

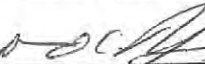
Andrew Dickman, City Attorney

7

PASS A GRILLE WAY IRRG. R/W
PAVEMENT ③



A BOUNDARY SURVEY OF LOTS 1, 2 AND 17, BLOCK 6, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART; TOGETHER WITH THE VACATED ALLEY LYING BETWEEN SAID LOTS 1 AND 2.

JOB NUMBER: MMXVII300B	DAVID C. HARNER	FLOOD ZONE: "AE"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 9/03/03
DATE OF FIELD SURVEY: 7/12/17	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL. 33706	PANEL NUMBER: 0286 G
DRAWN BY: DLP	SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO: DAVID FEINBERG		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027. NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON. 7/13/17  DAVID C. HARNER P.L.S. REGISTRATION NUMBER 2650 LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE E.P.=EDGE OF PAVEMENT EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD 5/8" WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P/S=PAVERSTONE D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE.=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT V.F.=VINYL FENCE *NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER*		



St. Pete Beach City Commission

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

2/13/18

CPA #02-17

Applicant/Agent

David Feinberg, Owner/
Applicant

Location

702 Pass-a-Grille Way

Commission

District

District 4

Staff Representative

Planning Department

Related Cases

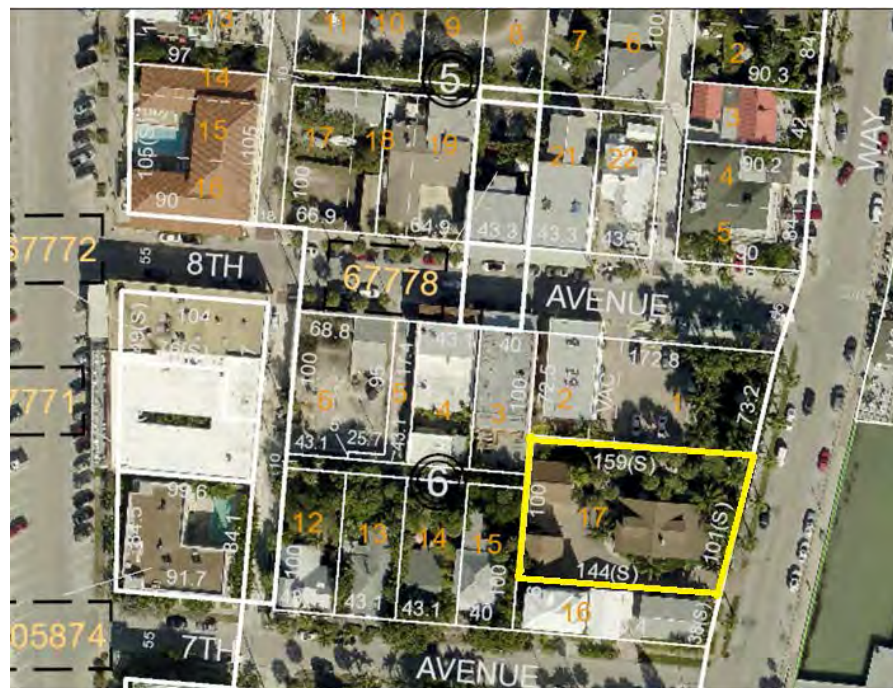
ORD 2017-22

Findings:

In its review of the
proposed application,
staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas Countywide Plan Rules.
3. The proposed application is consistent with the intent of the Goals and Objectives of the St. Pete Beach Comprehensive Plan.

ITEM SUMMARY



The Applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development. In a related case, the applicant is also requesting a Zoning Map amendment from Residential/Office/Retail with Pass-a-Grille Overlay (ROR-PAG) to Community Redevelopment Area-Eighth Avenue for consistency with the Comprehensive Plan amendment. Should the Comp Plan amendment not move forward, the zoning map change will also not move forward as the two are traveling together.

PUBLIC NOTICE

Notice of public hearing has been advertised as required by State Statutes. As of the time of this report, no written comments have been received. Oral and written comments may be presented at the public hearing.

TRC Review:

8/2/17

**Comments incorporated
into analysis.****Planning Board Review:**

9/18/17 anticipated.

City Commission**Review:**10/10/17 Transmittal
anticipated.**Staff****Recommendation**

Approval as presented.

PROJECT DESCRIPTION / BACKGROUND

This 14,481 square foot (.33 Acre) parcel has a Residential/Office/Retail (ROR) City and a Retail and Services (R&S) County-wide land use designation. It is adjacent to ROR(R&S) to the south and Pass-a-Grille Way to the east. The subject parcel is abutted on the north and west sides by the City Community Redevelopment-Eighth Avenue (CRD-EA) and Countywide Activity Center (AC) land use categories. It is adjacent to another parcel owned by the applicant, 102 Eighth Avenue, which is in the CRD-EA category and is temporarily used for greenspace and parking. Currently, the subject parcel has a single family residence, a detached garage and a second detached garage with an apartment on the second floor. All three structures are considered contributing structures to the District. The applicant intends for the two detached garages to remain on the lot intact. The applicant is in the process of relocating the single family home to another lot in Pass-a-Grille. Should the two lots in joint ownership be combined, the .54 acreage resulting would be greatly suited to redevelopment, and in keeping with the land assembly policies of the Comprehensive Plan.

JUSTIFICATION / TECHNICAL REVIEW

1. Consistency with the City of St. Pete Beach Comprehensive Plan

FUTURE LAND USE ELEMENT

Quality Community- Planning to Stay (General Provisions)

...

(c) Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions beginning on the next page, are hereby adopted for the purpose of serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

Analysis: The proposed Plan amendment is consistent with and will further these provisions by leaving the door to redevelopment open to and supportive of both quality residential living and the tourist-based economy.

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- **Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.**

- **Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.**
- **Maintaining the community's recreation, open space and beaches.**

Objective 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.14

The City shall adopt land development regulations that encourage parcel assembly to remedy defective or inadequate street layout and parking facilities; improve traffic flow on roadways; faulty site design layout and inadequate buffering, open space and drainage in relation to size, adequacy, usefulness; unsanitary or unsafe conditions; deterioration of a site or other improvements; inadequate and outdated building patterns.

Analysis: The proposed land use designation will maintain the integrity and quality of life in the Pass-a-Grille neighborhood of the City while encouraging the assembly of a lot of sufficient size to enable quality redevelopment. The mixed use nature of the proposed designation will support redevelopment of residential, commercial and transient accommodation uses.

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.4.3

The City shall, while emphasizing residential uses in residential neighborhoods, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.

Analysis: The proposed Plan amendment is consistent with and will further these provisions by providing the means through which an orderly and aesthetic mixture of land uses can occur on a single development site.

TRANSPORTATION ELEMENT

GOAL 1:

Provide for a safe, convenient and energy efficient multimodal transportation system shall be available for all residents and visitors to the city, that serves to increase mobility, reduce the incidence of single-occupant vehicles and efficiently utilize roadway capacity.

Objective 1.1

In accordance with this Comprehensive Plan, as amended, the operational Level of Service (LOS) D peak hour shall be the minimum standard for all arterial and collector roads within the City.

Policy 1.1.1

The City shall review all proposed development or redevelopment for consistency with this element and any potential impacts upon the adopted LOS standards.

Policy 1.1.2

All new development and redevelopment proposals shall be reviewed under the City's Mobility Management System through the application of Transportation Element policies and site plan review processes. Such policies are listed below:

All development projects generating new trips shall be subject to payment of a multimodal impact fee.

- a. Development projects that generate between 51 and 300 new peak hour trips are designated as Tier 1.**
 - i. Developers of Tier 1 projects located within deficient road corridors are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.**
 - ii. The cost of transportation management strategies implemented for Tier 1 projects are creditable toward their multimodal impact fee assessment. If the cost of the improvement exceeds the assessment, the development project would not be subject to the payment of a multimodal impact fee.**
- b. Development projects that generate more than 300 new peak hour trips are designated as Tier 2.**
 - i. Developers of Tier 2 projects within deficient road corridors are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to address the impacts of the project.**
 - ii. The cost of transportation management strategies implemented for Tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment or payment of the fee could be included as part of a transportation management plan.**

Policy 1.1.3

The City shall assess new development or redevelopment an equitable pro rata share of the costs to provide road-way improvements to serve the development or redevelopment, as

established by the Pinellas County impact fee schedule.

Analysis: The proposed Plan amendment will be subject to the Multimodal Impact Fee as described above. According to the Countywide Rules, the standard for calculating typical traffic impacts for the current land use category (ROR/R&S) shall be 433 trips per day per acre, and shall be 202 trips per day per acre for the proposed land use category (CRD-EA/AC). Since the subject parcel is 0.33 acres, the proposed designation would result in 76 fewer trips per day than the current designation, thus having a lesser impact on the traffic circulation system than if the site were to redevelop under the current designation.

INFRASTRUCTURE PLAN ELEMENT

GOAL 1:

The City shall ensure that needed sanitary sewer, solid waste and potable water services be provided by a safe and efficient system which maintains adequate facilities and provides for orderly growth and expansion.

Objective 1.1

The City of St. Pete Beach shall continue to implement procedures, in cooperation with its sewage, solid waste and potable water system providers to ensure that development permits are issued only when adequate facility capacity is available to serve the development.

Policy 1.1.1

Level of service standards shall be:

Facility	Level of Service Standard
Sanitary Sewer	149.4 gallons per day per capita
Solid Waste	1.3 tons per person per year
Potable Water	120 gallons per day per capita

Policy 1.1.3

The City shall maintain formal agreements with Pinellas County to provide potable and reclaimed water, with the City of St. Petersburg to provide sewage treatment, and with a qualified private company to provide solid waste services consistent with the City's adopted levels of service

Policy 1.1.4

Prior to the issuance of a building permit for future development and/or redevelopment activities, the City shall consult with Pinellas County Utilities to ensure that adequate potable water supplies and facilities will be available by the anticipated issuance date of the certificate of occupancy.

Policy 1.1.5

The land development regulations and development review procedures shall be used to ensure that all adopted levels of service are maintained. All new

development and redevelopment proposals shall be reviewed under the city's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

GOAL 2: An efficient Master Drainage system which protects human life, minimizes property damage, and improves storm water quality and on-site retention shall be provided.

Objective 2.1

In accordance with this plan, the St. Pete Beach's land development regulations shall include provisions for requiring compliance with the master drainage plan.

Policy 2.1.1

The St. Pete Beach's master drainage plan shall require new development to meet the design requirements (level of service) of the 25-year frequency, 24- hour storm event. Post development runoff shall not exceed pre-development drainage peak discharge rates.

Policy 2.1.6

In support of the master drainage plan, the land development regulations shall contain provisions which, at a minimum, protect natural drainage features found within the City as follows:

- The flood -carrying and flood storage capacity of the 100-year flood plain shall be maintained;
- The prevention of erosion, retardation of runoff and protection of natural functions and values of the flood plain be considered while promoting public usage; and
- The City shall require development or development proposals to be consistent with the performance standards regulating development within the designated flood plain.

Objective 2.2

Establishment of a level of service for drainage.

Policy 2.2.1

Drainage Level of Service: Drainage facilities shall accommodate the twenty-five (25) year, twenty-four (24) hour storm event. Unless the City provides a community-wide stormwater facility or utility, retention must be on-site and accommodate the greater of (a) the first one-half (1/2) inch of stormwater within the boundaries of the project or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces and parking areas. The project must also provide detention for all storm flows. Detention must prevent peak flows after development from exceeding the peak flow prior to development. All drainage facilities shall

meet all applicable local, State and federal water quality standards.

Policy 2.2.2

All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Policy 2.2.3

The following stormwater management techniques shall be used: Regular maintenance of retention swales adjacent to City roadways. Use of front, rear and side lot line swales in new development. Use of erosion and runoff control devices during construction; Where necessary, the City shall consider construction of drainage retention areas in the public right-a-way; and Where existing waterways are not sea-walled, native marine vegetation shall be used for shoreline stabilization where technically feasible.

Policy 2.2.5

In accordance with the water quality standards established by sections 62-301 and 62-4, Florida Administrative Code, the City shall regulate storm water discharge.

Analysis: While no project is proposed for this parcel at this time, any project will be subject to the above goals, objectives and policies. Sanitary and stormwater capacity for the City is currently being improved. Solid waste removal will be by a private provider, and potable water, provided through an agreement with Pinellas County, is available to the site. In keeping with the Comprehensive Plan and directive of the City Commission, no development will be permitted on the site without adequate infrastructure in place prior to or concurrent to support such development.

Water supply need for the existing and proposed land uses are identified below. These calculations are based upon the determination that the highest and best use for the parcel is Transient Lodging Density. It should also be noted that where there is a discrepancy between the Land Development Code and the Comprehensive Plan, the Comprehensive Plan governs. In addition, to the information in the table below, the figure of 1.83 persons per residential unit was used, based upon BEBR population estimates. These calculations are for highest and best and not an estimate of what may actually be proposed. These calculations will be generated once again during the approval process for development.

	ROR / PAG (existing)	CRD-EA (proposed)
Use	Residential, Office, Light Commercial	Retail, Restaurant, Transient Lodging, Mixed Use
Residential Density	18 (Comprehensive Plan), 15 (LDC)	24
Transient Lodging Density	30 (Comprehensive Plan), 15 (LDC)	50

Current: 30 TLD Units x 1.83 persons/unit x 120 gal/per capita/per day = 6,588 gallons per day for the parcel

Proposed: 50 TLD Units x 1.83 persons/unit x 120 gal/per capita/per day = 10,980 gallons per day

Resulting Potential Increase if FLUM is changed from ROR/PAG to CRD-EA: 4,392 gallons per day

CAPITAL IMPROVEMENTS ELEMENT

GOAL 1:

The City shall undertake fiscal actions necessary to provide and maintain public facilities for all residents, within its jurisdiction, at the adopted levels of service.

Objective 1.3

The City shall utilize its fiscal resources to eliminate any identified existing deficiencies and ensure the provision of needed capital improvements at adopted levels of service as specified in the elements of the comprehensive plan.

Policy 1.3.4

The City shall issue development permits only when required capital facilities are present or will be available concurrent with the impact of development. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Policy 1.3.6

The adopted levels of service for public facilities within the jurisdiction of the City of St. Pete Beach shall be those adopted in the other elements of the comprehensive plan.

Measure: Maintenance of Levels of Service

Analysis: Any development arising from the change in land use due to the proposed amendment will be subject to the above objective and policies and adherence to the provisions of the Land Development Code. In keeping with the Comprehensive Plan and directive of the City Commission, no development will be permitted on the site without adequate infrastructure in place prior to or concurrent to support such development

FUTURE LAND USE MAPS

(Information from the Mixed Use Land Use Categories has been consolidated into the following table.)

	ROR	CRD-EA
Use	Residential, Office, Light Commercial	Retail, Restaurant, Transient Lodging, Mixed Use
Residential Density	18	24
Transient Accommodations Density	30	50

FAR	0.40	1.0 Res, 1.5 Mixed
ISR	0.85	0.90

Analysis: As can be seen in the table, under the proposed change in land use category, the residential density could increase by 6 units per acre. Since the subject parcel is 0.33 acres, the increase could be 2 units, or de minimis. The density for transient accommodations could increase by 20 units per acre or 7 units under the proposed change. This potential density is consistent with the goals and objectives and policies of the Comprehensive Plan supporting City as a top tier transient destination.

Should the property develop as a transient accommodation, it must comply with the evacuation provisions of both the Land Development Code and the Comprehensive Plan. As discussed above, it is anticipated that redevelopment under the proposed designation would have a lesser impact on the traffic circulation system than redevelopment under the current designation. No development could proceed without infrastructure capacity adequate to serve the new development being in place prior to or concurrent with the development.

It should also be noted that the floor area ratio (FAR) could increase substantially due to this amendment, from 0.40 to 1.5 under a mixed used scenario. However, a FAR of 1.5 would be in keeping with the FAR, scale and massing of the existing buildings along Eighth Avenue. The properties on the South side of 8th Avenue have an average FAR of 1.1, the North side of 8th has an average FAR of 0.7 and properties adjacent on Gulf Way have a 1.7 FAR. As such, the increased FAR would be appropriate for redevelopment of the site.

The proposed density is in keeping with the vision and goals expressed by Quality Community-Planning to Stay (General Provisions) as well as Land Use Element Goal 2, Objectives 2.1 and 2.4 and Policies 2.1.14 and 2.4.3 as discussed above.

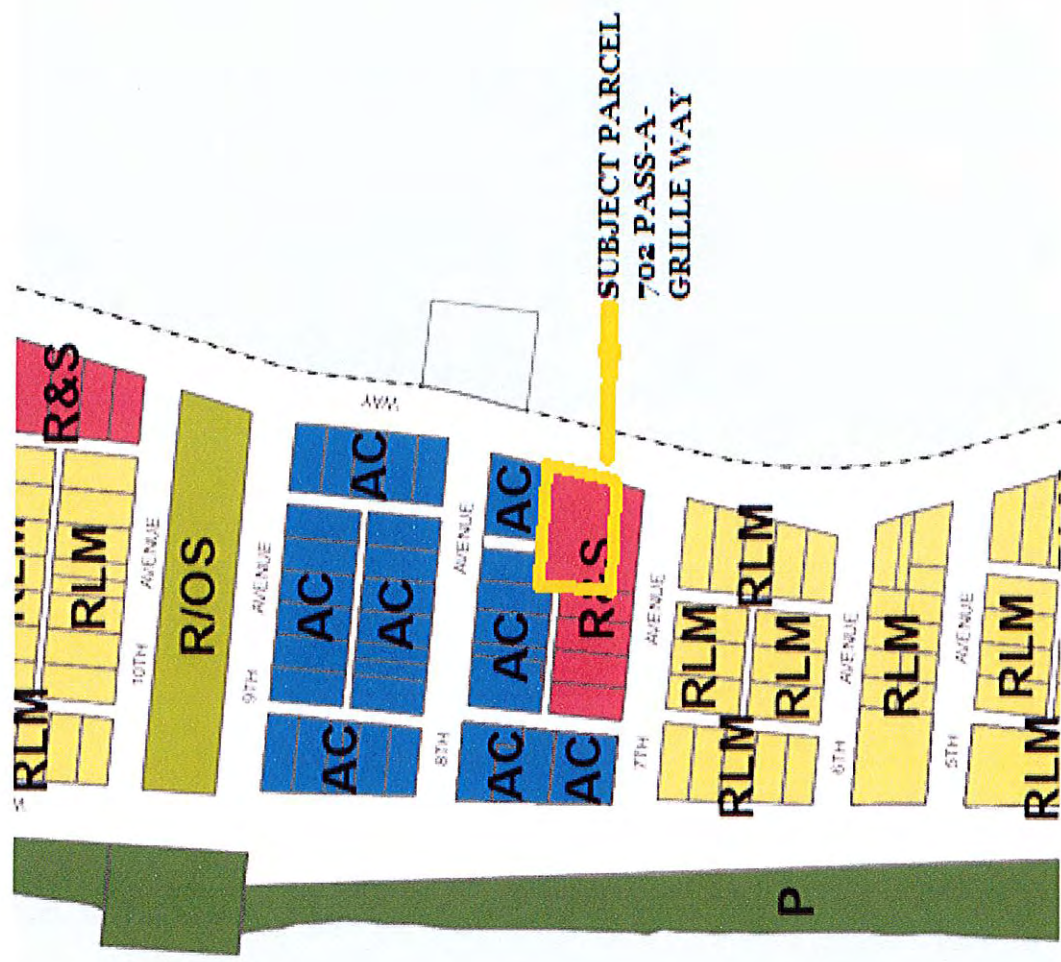
2. Compatibility with Adjacent Uses

The subject parcel is currently adjacent to infrastructure (Pass-a-Grille Way) to the east and City designation ROR (Residential/Office/Retail) and Countywide designation R&S (Retail and Services) to the south. To the north and west is the City designation CRD-EA (Community Redevelopment Area-Eighth Avenue) and County-wide designation of AC (Activity Center). Should this request be approved, the adjacent designations would remain the same, and thus maintain their compatibility. In simplest terms, this single-parcel amendment would expand the CRD-EA/AC district and decrease the ROR/R&S district.

3. Consistency with Florida Statutes (F.S.)

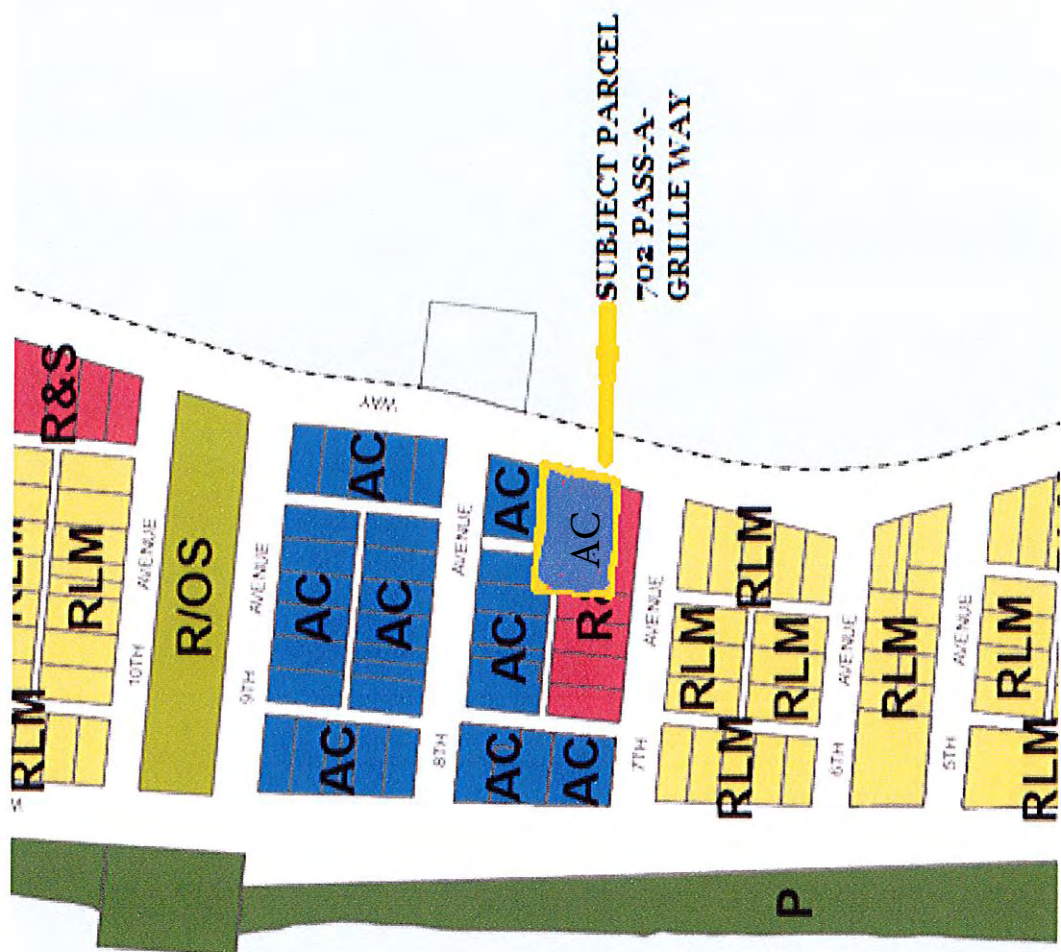
The proposed Comprehensive Plan Amendment application will follow the requirements for comprehensive plan amendments as specified in ss. 163.3174 and ss.163.3184, F.S. The amendment will be heard by the Planning Board, acting as the Local Planning Agency, on September 18, 2017. Their recommendation for transmittal will be presented to the City Commission at their meeting of October 10, 2017. Upon approval by the City Commission, the item will be transmitted to the Florida Department of Economic Opportunity and other reviewing agencies as per state statutes.

	4. Reviewing Agency Comments The proposed Comprehensive Plan Amendment application was distributed to the required State and Local Agencies for review and comment. The following information was received: Department of Environmental Protection: No Comment Florida Department of Transportation: No Comment Southwest Florida Water Management District: Comments incorporated into Staff Analysis Department of Economic Opportunity: No Comment STAFF RECOMMENDATION Upon review of the Comprehensive Plan, staff is of the opinion that the proposed land use amendment meets the requirements and intent of the Comprehensive Plan. The amendment is also in keeping with generally accepted planning practices in that it does not create a “spot” designation, but allows enough land area in both designations to allow them to fulfill their respective purposes. Based on this analysis, staff is supportive of the change from ROR to CRD-EA and R&S to AC.



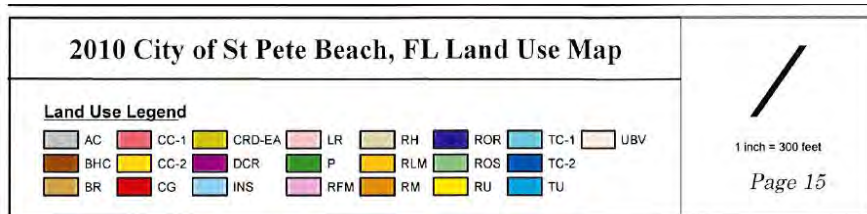
FUTURE LAND USE

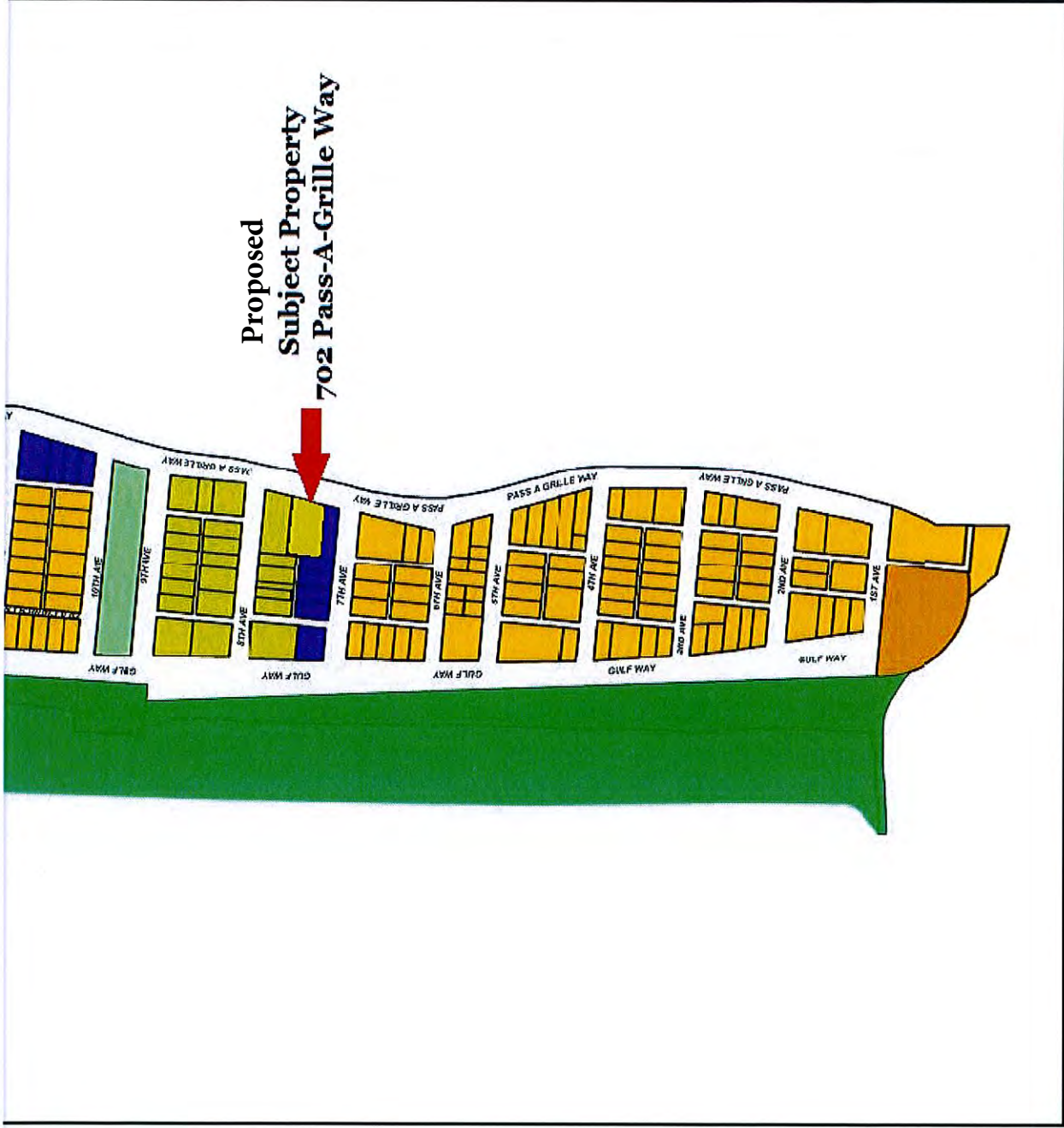
County Wide Plan



PROPOSED FUTURE LAND USE

Countywide Plan





2010 City of St Pete Beach, FL Land Use Map

Land Use Legend

AC	CC-1	CRD-EA	LR	RH	UBV
BHC	CC-2	DCR	P	ROR	TC-1
BR	CG	INS	RFM	ROS	TC-2
				RU	TU

1 inch = 300 feet



702 PASS-A-GRILLE WAY

101 7TH AVENUE



STREET VIEW 101 SEVENTH AVENUE TO LEFT; SUBJECT TO RIGHT.

7/26/2017 12:44



STREET VIEW LOOKING TOWARD SUBJECT PARCEL: PASS-A-GRILLE WAY TO LEFT; EIGHT AVENUE TO RIGHT.

7/26/2017 12:41



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



APPLICATION FOR TEXT/MAP AMENDMENT

(Check appropriate boxes)

☐ Comprehensive Plan Text Amendment
☒ Future Land Use Map Amendment

☐ Land Development Code Text Amendment
☒ Zoning Map Amendment

Case Number: PLN 17-00014

SUBJECT PROPERTY (N/A for text amendments):

Legal Description: LOT 17 BLOCK 6 MOREY BEACH

Address: 702 PASS-A-GRILLE WAY

Parcel ID: 19-32-16-58932-006-0170

Current Zoning Category:	Proposed Zoning Category:	Current Zoning Category:	Proposed Zoning Category:
<u>ROR</u>	<u>CRD-EA</u>	<u>FLUM</u>	<u>FLUM</u>

Lot area: 15,386 SQ FT

APPLICANT:

Name: DAVID AND HELEN FEINBERG

Address: 2701 SUNSET WAY

City: S.P. BEACH State: FL

Zip: 33706 Telephone: 727-643-6007

Email: DAVEFEINBERG@ME.COM

AGENT (must have agent authorization):

Name: _____

Address: _____

City: _____ State: _____

Zip: _____ Telephone: _____

Text to be stricken and/or added (Add additional sheets if necessary):

APPLICATION FEES

Land Development Code Text change	\$800.00 plus direct mailing costs
Land Development Code Map change	\$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD) ●	\$2,500.00 plus direct mailing costs ✓
Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

- ✓ ☒ I understand that the Planning Board's action is not final. It must be approved by the City Commission.
- ✓ ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision; otherwise, the decision shall be final.
- ✓ ☒ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

X 
 Owner / Agent Signature



7-6-17
 Date

**City of St. Pete Beach**

155 COREY AVENUE

ST. PETE BEACH, FL 33706

Telephone: 727.363.9265

Receipt No.: **1057**Receipt Date: **07/06/2017**

RECEIPT

RECORD & PAYER INFORMATION

Record ID: PLN17-00014
Record Type: Rezoning
Property Address: 702 - 0 PASS A GRILLE WAY, ST PETE BEACH, FL 33706
Description of Work: Future Land Use Map Change & Rezoning of 702 Pass-A-Grille Way from current "ROR" future land use category and "ROR/PAG" zoning district to proposed "CRD-EA" future land use category and zoning district.
Payer: Sea Biscuit Properties LLC
Applicant: FEINBERG HELEN HOUGH
702 PASS A GRILLE WAY
ST PETE BEACH, FL 33706-4335

PAYMENT DETAIL

Date	Payment Method	Reference	Cashier	Comments	Amount
07/06/2017	Check	4234	MLARIMORE		\$2,500.00

FEE DETAIL

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Comprehensive Plan Amendment - Not in CF	910	2,500.00	\$2,500.00	\$2,500.00
			\$2,500.00	\$2,500.00

Mike Larimore

From: Mike Larimore
Sent: Monday, July 10, 2017 7:54 AM
To: 'Maurice Feinberg'
Subject: RE: 702 zoning

Mr. Feinberg,

Yes, the application has both your name and your wife's as the applicant. The receipt provided was generated through our internal permit system that simply listed your wife as a property owner. I will redline the application to have just your name as the applicant, as requested.

If you have any other questions or concerns, please let me know.

Best,
Mike Larimore
Zoning Tech II
City of St. Pete Beach
727-363-9253



-----Original Message-----

From: Maurice Feinberg [<mailto:davefeinberg@me.com>]
Sent: Saturday, July 08, 2017 7:19 AM
To: Mike Larimore
Subject: 702 zoning

Hi Mike this is Dave Feinberg. Our application for 702 refining should have my name as a applicant instead of my wife.

I think Jennifer said there were more questions for me to answer before the committee meets.

Please let me know I will do that ASAP :)

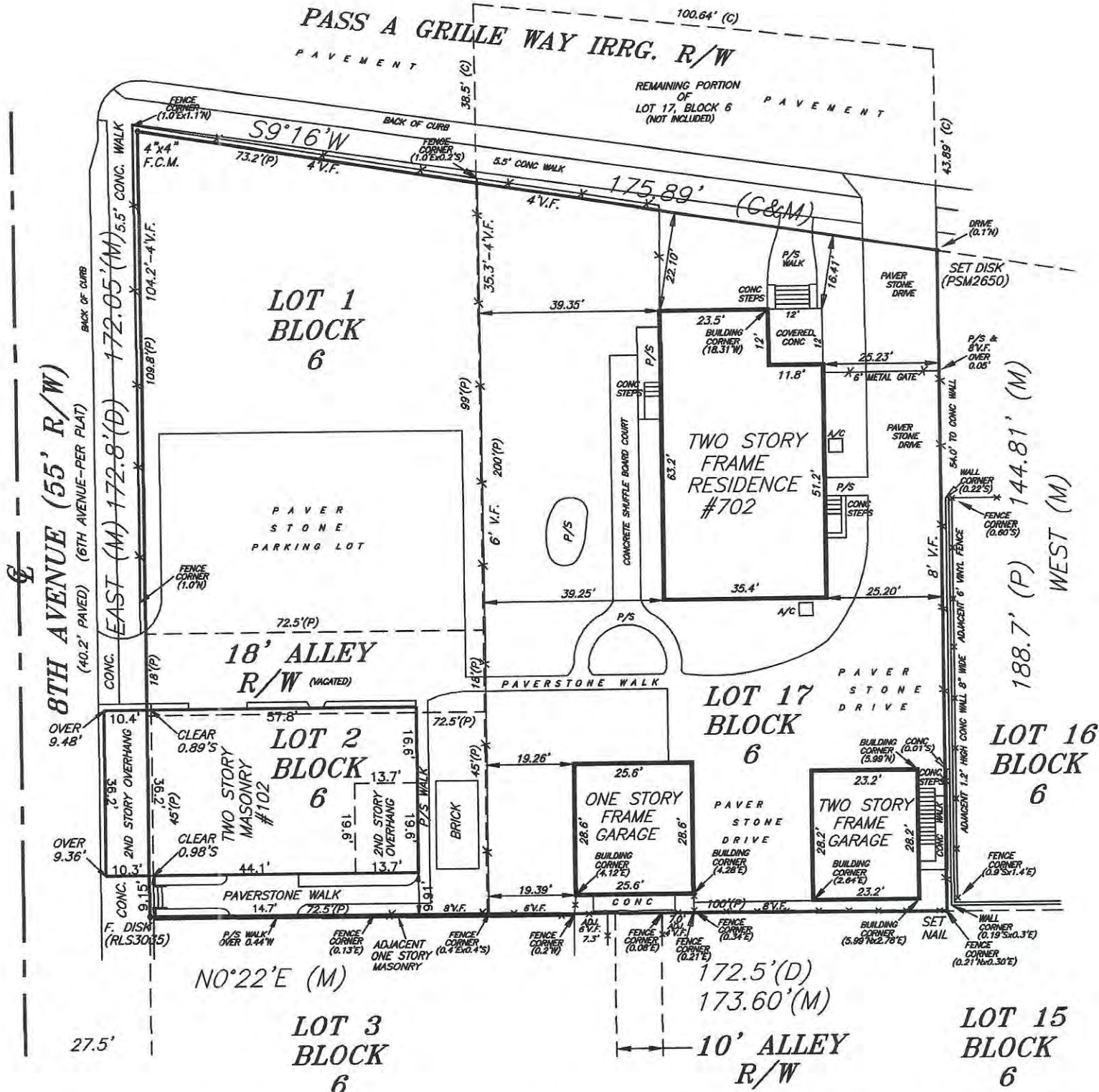
Thankyou so much. Dave Feinberg

Sent from my iPhone

PASS A GRILLE CHANNEL



PASS A GRILLE WAY IRRG. R/W
PAVEMENT



A BOUNDARY SURVEY OF LOTS 1, 2 AND 17, BLOCK 6, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART; TOGETHER WITH THE VACATED ALLEY LYING BETWEEN SAID LOTS 1 AND 2.

JOB NUMBER: MMXVII300B TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 7/12/17 SCALE: 1 INCH = 30 FEET DRAWN BY: DLP	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0286 G CHECKED BY: DCH
CERTIFIED TO: DAVID FEINBERG		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE E.P.=EDGE OF PAVEMENT EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD 5/8" WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P/S=PAVERSTONE D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT V.F.=VINYL FENCE		
7/13/17 DAVID C. HARNER P.L.S. REGISTRATION NUMBER 2650		
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		

Jennifer Bryla

From: kcurry@rrsells.com
Sent: Monday, September 18, 2017 12:49 PM
To: Jennifer Bryla
Cc: Mary Curry
Subject: 702 Pass a Grille Way

Jennifer,
I wanted to let you know that I am in favor of the changes that Mr. David Feinberg is asking for at 702 Pass a Grille Way. I have a business on 8th Avenue and have resided at 1003 Gulf Way for 21 years. Mr. Feinberg has always had the best interest of the community.
Regards,
Kate Curry
Kate Curry
Realty Resources
102 8th Avenue
St.Pete Beach, FL 33706
727-215-3321
kcurry@rrsells.com

Jennifer Bryla

From: Suzie Jacques <stalbalan@gmail.com>
Sent: Monday, September 18, 2017 12:07 PM
To: Jennifer Bryla; lictondesign@version.net
Subject: Mr. Dave Feinberg's re-zoning request

J. Bryla,

This is to inform you that I have no objection to Mr. Feinberg's request to re-zone his property on 8th Avenue and Pass-A-Grille Way.

Sincerely,

Alan L. Stalb
103 7th Avenue
Pass-A Grille Way

Sent from my iPad

Jennifer Bryla

From: guy yovan <brobroyo@hotmail.com>
Sent: Monday, September 18, 2017 1:05 PM
To: Jennifer Bryla
Subject: rezoning 702PAG Way

Good afternoon Jennifer,

My name is Guy Yovan and I am a homeowner at 102 25th avenue in Passe a Grille. I wanted to relay to you that I am 'In favor' of the proposed rezoning of 702 Passe a Grille way. Thank you for your time.

Guy L. Yovan

Jennifer Bryla

From: Harry Metz <hmetz@tampabay.rr.com>
Sent: Monday, September 18, 2017 1:41 PM
To: Jennifer Bryla
Cc: Rebecca Haynes
Subject: 701 PAG Way

Ms. Bryla,

I am in favor of the 701 PAG Way changes to support Mr. Feinberg request to change to the area's Comp. Plan Amendment and Zoning change.

I have lived in PAG for over 70 years and believe the changes would benefit the residents and the area as a whole. Thank you for your time and effort in this project.

Harry Metz

Jennifer Bryla

From: eileen s guenther <rfp@flabids.net>
Sent: Monday, September 18, 2017 2:07 PM
To: Jennifer Bryla
Subject: 702 Passagrille Way - zoning

Good afternoon, Ms. Bryla. Please accept this email as support to allow the requested change to zoning for the property located at 702 Passagrille Way. The zoning change requested is appropriate for that immediate area of shops, hotels, restaurants and apartments. My only concern, as we continue to develop 8th and 9th Avenues, is parking on 10th Avenue remain D permitted for the residents and Passagrille Park remain a green space. Thank you for your consideration.

Eileen Guenther
111 10th Avenue
St. Pete Beach, FL 33706

Jennifer Bryla

From: David Crippen <dwcrippen@msn.com>
Sent: Monday, October 09, 2017 11:27 AM
To: Jennifer Bryla
Subject: 702 Pass-A-Grille Way re-zoning plan

We have been out of town since before the hurricane and will return to FL from NH next week, but wanted to let you know that we are fully supportive of Dave Feinberg's re-zoning plans. Since our property is contiguous to his on the south (700 Pass-A-Grille Way, 101 7th and 101 ½ 7th Ave), we are interested in working with him and the city to find the best use for this combined area. Please contact me at 901-488-0809 or dwcrippen@msn.com if you need any additional information. Barbara and David Crippen

Sent from Mail for Windows 10

Jennifer Bryla

From: Russ Alba <rtalba@blackswanlegal.com>
Sent: Sunday, October 08, 2017 8:13 AM
To: Jennifer Bryla
Subject: 702 Pass A Grille Way Zoning Request



October 6, 2017

Dear Jennifer and Al:

As you might recall, I'm a partner in The Berkeley Beach Club project now under construction on 8th Avenue. I am writing today to express our support Dave and Helen Feinberg's rezoning request for their property located at 702 Pass a Grille Way.

Dave and Helen are great people who truly love our community. I can assure you that whatever the final use of their property will be, it will be something that we can all be proud of.

Pass A Grille is a gem and, frankly, we've stopped treating it like the amazing place it is. We at The Berkeley Beach Club are committed to raising the bar in terms of attracting tourists to our sunny island, bringing its residents an unprecedented level of hospitality, and enhancing the quality of life (and the consumer experience) here.

Please let me know if there's anything else I can do in this regard.

Thanks.

Russ

Russell T. Alba, Esq.
Black Swan Legal Counsel, PLLC
101 South Franklin Street, Suite 202 | Tampa, Florida 33602
813.224.0900 Phone | 813.786.0416 Mobile | 813.224.0922 Fax

www.blackswanlegal.com

This electronic communication may contain information that is privileged, confidential or protected by law and is intended for the exclusive use of the party to whom it is addressed. If you are not the intended recipient, (a) be advised that any dissemination, copying, distribution or other use of this e-mail or its contents is strictly prohibited, (b) notify us

Jennifer Bryla

From: Gary Renfrow <garyrenfrow5@gmail.com>
Sent: Monday, October 09, 2017 5:29 PM
To: Jennifer Bryla
Subject: David Feinberg Application

Dear Jennifer:

I understand David Feinberg has a pending zoning application on Pass-a-Grille, specifically for his properties at the corner of 8th Ave and Pass a Grill Way.

Although I don't have great detail on his redevelopment plans, I do have great detail on his track record and level of real estate development expertise. Whatever Dave sets his mind to, he does 100% and does not sacrifice quality.

I jokingly call him the "Pope of Pass a Grill" since he has done so much to enhance that district with excellent quality developments and re developments.

I have no doubt that this new endeavor will prove to be of the same excellent quality and beyond the City's expectations on keeping with the character of Pass a Grille.

Just letting you know that I have full confidence in his plans...

Thanks for listening,

Gary Renfrow, President

Alden Suites
5900 Gulf Blvd
St. Pete Beach, FL 33706
727-867-3960 office
727-698-3599 cell
Garyrenfrow5@gmail.com
www.aldenbeachresort.com

SUBJECT: Ordinances 2017-21 and 2017-22



SUBJECT: Concerns of the Owners and Residents of 7th Avenue.

1. Procedural and Legal Concerns.

A. The hearing and the record in support of these two ordinances contain an error in fact which, in part, was the basis upon which the voting was based. It was stated often (at the hearing and in the record) that 702 Pass-A-Grille Way is abutted on the West side by CRD/EA zoning/use property. This is very misleading and erroneous. In fact, the maps indicate that over half of that property's boundary abuts 7th Avenue ROR property on the West.

B. Notwithstanding the brief comments by the City Attorney and others during the meeting, it is not clear that the vote was taken based upon the proposed change in land use and zoning (with all of the legally allowed impacts) from ROR to CRD/EA, as opposed to the "intended use" (which is not legally binding) of the "present" owner. A great deal of time and emphasis were focused upon those "intentions" during the discussions.

Recommendation: To assure legal sufficiency, the first vote should be retaken after clarifying the above facts regarding the West side abutting land and the necessity of the Commission to focus solely on the legally permitted impacts, instead of the "intended use," of the proposed change when voting.

2. Maintaining the Integrity of Historical Pass-A-Grille.

A. 8th Avenue and commercial CRD/EA District. It was advanced as a supposition that 8th Avenue requires support to remain viable in the future. It next was supposed that enlarging that CRD/EA zone would help to improve the viability of 8th Ave. Even assuming that these suppositions are valid, would each and every possible (legally permitted and allowed) use under CRD/EA zoning

actually enhance viability? If the answer is no, then in order to maintain the historical, primarily noncommercial nature of Pass-A-Grille, why not have a further binding limitation that restricts allowed/permitted uses to only those that specifically have been shown to be necessary to enhance the viability?

B. 7th Avenue. A part of the historic Pass-A-Grille that we all love and want to preserve is its primarily residential nature, with limited commercial intrusion. Any discussion of enlarging the CRD/EA zone MUST include the impacts to the other, equally important areas that give Pass-A-Grille its uniqueness. The residential area directly impacted by the negative aspects of increased commercializing should be protected whenever seeking to expand the CRD/EA. Currently, all of the 7th Avenue property is residential. The "rules of the game" should NOT be altered against these residents of 7th Avenue after they purchased property and established their homes relying upon existing zoning and use. Indeed, changing those rules now could create legal issues with which we voters are very tired of dealing.

C. CRD/EA Creep. As is clearly demonstrated by the Proposed Zoning Map on page 187 of the package for the Commission meeting of January 9, 2018, this creep of the CRD/EA now surrounds all of the residences on the North side of 7th Avenue on the North and West sides (8th Avenue and Gulf Way property) because, over strenuous objections from residents on 7th Avenue, the condominiums at the corner of Gulf Way and 7th Avenue were rezoned. Now it is proposed that 702 Pass-A-Grille Way be added to the creep into 7th Avenue. The owner of 700 Pass-A-Grille Way (who also owns 101 and 101 1/2 7th Avenue) submitted a letter in support of the two proposed ordinances (2017-21 and 2017-22) changing zoning and use. Where will this creep stop? The undersigned can assure you that there will be legal challenges if this creep extends any further into 7th Avenue.

(To avoid the need for a reply on the point, it is acknowledged that ROR zoning for the North side of 7th Avenue could presents some concerns that are somewhat similar to but much less than the CRD/EA zoning. That ROR zoning has not been an issue to date.)

Recommendation: That members of the Commission make a strong and unequivocal statement for the record, that this is the last expansion of the 8th Avenue CRD/EA to the South.

Dayn 7. Beam

Submitted by Dayn Beam, 106 7th Avenue

Endorsed by:

Susan Cameron
[105 7th Ave & 108 PASS-A-GUILT WAY] FR C

Evander Preston Evander Preston

FRASER SMITH FRASER SMITH

(To avoid the need for a reply on the point, it is acknowledged that ROR zoning for the North side of 7th Avenue could presents some concerns that are somewhat similar to but much less than the CRD/EA zoning. That ROR zoning has not been an issue to date.)

Recommendation: That members of the Commission make a strong and unequivocal statement for the record, that this is the last expansion of the 8th Avenue CRD/EA to the South.

Dayn P. Beam 1/15/2018

Submitted by Dayn Beam, 106 7th Avenue [owner]

Endorsed by:

Margaret M. McElroy
108 7th Ave.

Jeff Catanzano
109 7th Ave

Margaret M. McElroy
Trustee/owner 104 7th Ave.

[Signature]
111 7th Ave.

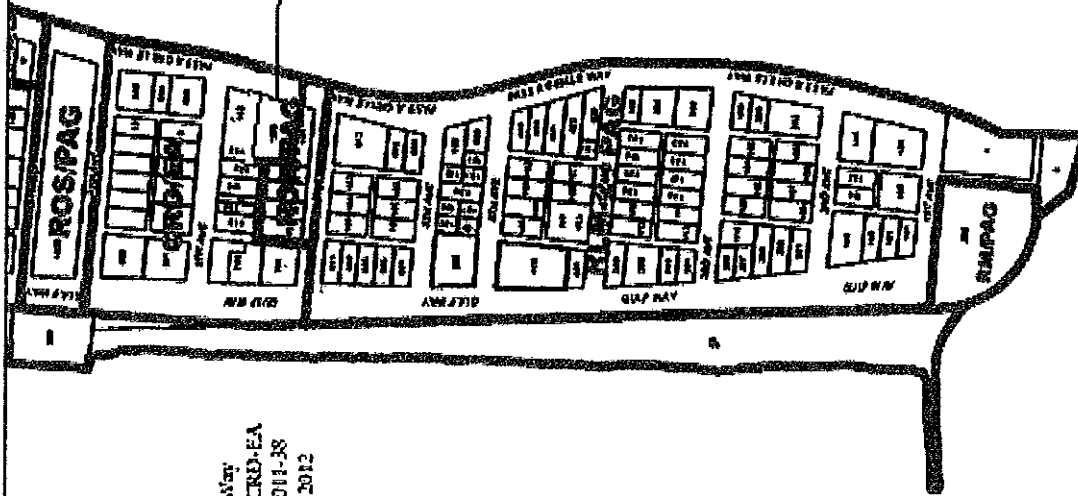
Maria Lucas
Resident 104 7th Ave

[Signature] owner
111 7th Ave

Diane V. Beam
106 7th Avenue
[owner]

701 Gulf Way
RORPAG to CRD-EA
Ordinance 2011-38
August 28, 2012

Subject Parcel
702 Pass-a-Grill
Rd



City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

[illegible]

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

November 16, 2017

The Honorable Alan Johnson
Mayor, City of St. Pete Beach
Community Development Office
155 Corey Avenue
St. Pete Beach, Florida 33706-1839

Dear Mayor Johnson:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of St. Pete Beach (Amendment No. 17-1ESR), which was received on October 17, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

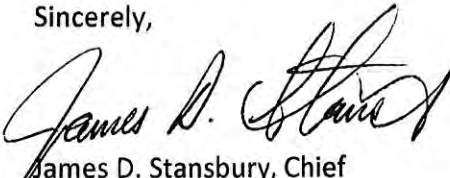
The Honorable Alan Johnson

November 16, 2017

Page 2 of 2

If you have any questions concerning those reviews, please contact Valerie James, at (850) 717-8493, or by email at valerie.james@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/vj

Enclosure(s): Procedures for Adoption

cc: Jennifer Bryla, AICP, Director, Community Development, St. Pete Beach
Sean T. Sullivan, Executive Director, Tampa Bay Regional Planning Council



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

John Henslick
Manatee

James G. Murphy
Polk

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Joel Schleicher
Charlotte, Sarasota

Rebecca Smith
Hillsborough, Pinellas

Mark Taylor
Hernando, Marion

Michelle Williamson
Hillsborough

Brian J. Armstrong, P.G.
Executive Director

November 9, 2017

Ms. Jennifer Bryla
City of St. Petersburg Beach
Community Development Office
155 Corey Avenue
St. Petersburg Beach, Florida 33706

Re: **St. Petersburg Beach 17-01ESR**

Dear Mr. Bryla:

The Southwest Florida Water Management District (District) has reviewed the referenced land use map amendment. This amendment proposes to change the land use from Residential/Office/Retail to Community Redevelopment. The following technical assistance comment is offered:

Regional Water Supply

1. Calculations were not provided indicating whether there is an increase in potable water demand under the proposed future land use map (FLUM) designation compared to the existing FLUM designations. If the amendment involves an increase in potable water demand, a potable water analysis should be provided as per Chapter 163.3177(6)(a)8.a., F.S., and Department of Economic Opportunity (DEO) guidelines (see DEO's publication entitled *A Guide To The Data And Analysis To Support Comprehensive Plan Amendments*). A copy of the Guide is available at the following link:

<http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/comp-plan/guidedataanalysis.pdf?sfvrsn=4>

Floodplains and Floodprone Areas

2. No comments.

Wetlands and Other Surface Waters

3. No comments.

Sincerely,

Trisha Neasman, AICP
Planning Lead

TN

cc: Ray Eubanks, DEO

Suzanne Ray, DEP

Joel Brown, SWFWMD



Florida Department of Transportation

RICK SCOTT
GOVERNOR

11201 N. McKinley Drive
Tampa, Florida 33612

MIKE DEW.
SECRETARY

October 19, 2017

Ms. Jennifer Bryla, AICP, Director
Community Development Office
155 Corey Avenue
St. Pete Beach, FL 33706

Re: City of St. Pete Beach Comprehensive Plan Amendment 17-1 ESR

Dear Ms. Bryla:

We have reviewed the City of St. Pete Beach proposed Comprehensive Plan (the Plan) Amendment 17-1 ESR (CPA 02-17) according to Chapter 163, Florida Statutes, and our review guidelines. The Department is providing the following assessment.

Background: St. Pete Beach is the southernmost barrier island community in Pinellas County. The 2010 estimate of population was 9,346 (US Census). The City (approximately two square miles) is composed mostly of residential, commercial, recreation/open space and public/semi-public land uses. SR 682 (Pinellas Bayway), SR 693 (75th Avenue) and SR 699 (Gulf Boulevard) are the only three state facilities in the city.

Proposal: The City proposes Future Land Use Map amendment on 0.33 acres from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eight Avenue located at 702 Pass-A-Grille Way. The purpose of the application is to improve compatibility between the zoning regulations and existing development in the subject area. Furthermore, there is a potential this lot could combine with an adjacent lot to provide a 0.54 acreage to integrate better suited uses within the community.

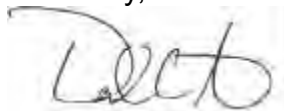
Comments: The amendment fronts onto Pass-A-Grille Way, a local two-lane facility. Pinellas Bayway/Gulf Boulevard (SR 699) is the nearest facility of state importance and approximately 1.5 miles from the subject parcel. Staff finds trip distribution of future development on the subject parcel will have minimal impacts on facilities of state importance. Future development can promulgate walkability to nearby boating, dining and beaches due to the communities existing grid pattern and neighborhood serving land use pattern. And in lieu of vehicular travel, prospective development can take advantage of the daily Central Avenue Trolley system along Pass-A-Grille Way.

Ms. Jennifer Bryla, AICP, Director
Page 2
October 19, 2017

Also for your information, FDOT is incorporating context-based design into how we plan, design and operate our state transportation system. We are embarking on a new direction - one that fosters community building by creating a context sensitive system of Complete Streets. Complete Streets will promote safety, quality of life, and economic development by serving the transportation needs of transportation system users of all ages and abilities. This can help local governments to maintain their existing or proposed land use contexts of areas served consistent with their transportation projects (e.g. Pass-A-Grille Way). A hyperlink to the guidelines is attached to provide technical assistance - <http://www.fdot.gov/roadway/CSI/files/FDOT-context-classification.pdf>.

Thank you for the opportunity to review this amendment. Please ensure that we receive a copy of the adopted amendment. Should you have any questions please do not hesitate to contact me at 813-975-6429 or at Daniel.santos@dot.state.fl.us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Santos', is written over a light gray rectangular background.

Daniel C. Santos, AICP
Transportation Planning Supervisor

cc: Ray Eubanks, Plan Processing Administrator, DEO
Waddah Farah, PDA Administrator, FDOT District 7
Lindsey Mineer, LGCP Coordinator, FDOT District 7

Jennifer Bryla

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, November 15, 2017 3:03 PM
To: Jennifer Bryla; DCPexternalagencycomments
Cc: Plan_Review
Subject: St. Pete Beach 17-1ESR Proposed

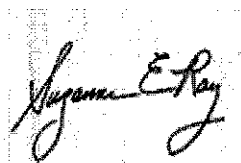
To: Jennifer Bryla, Director

Re: St. Pete Beach 17-1ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.



**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2017-22 (Quasi Judicial). Final Reading and Public Hearing. An Ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

Date: February 13, 2018

Prepared By: Planning Department

Through: Wayne Saunders, City Manager

Summary of Issue: The Applicant is requesting a Zoning Map amendment from Residential/Office/Retail with Pass-a-Grille Overlay (ROR-PAG) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development.

This 14,481 square foot (.33 Acre) parcel is zoned Residential/Office/Retail and its current use is as a single family home, with two detached garages, one of which has an apartment on the second floor. The applicant is in the process of relocating the single family home to another lot in Pass-a-Grille. The subject parcel is adjacent to lands zoned ROR and occupied by a single family home to the south and Pass-a-Grille Way to the east. The subject parcel is abutted on the north and west sides by the Community Redevelopment-Eighth Avenue (CRD-EA) zone and occupied by apartments and related parking and green space. In simplest terms, this single-parcel rezoning would expand the CRD-EA zone and decrease the ROR zone, keeping all adjacent parcels in their current zones, thus maintaining compatibility.

In a related case (CPA #02-17) the applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA).

Requested Motion: "I move to approve Ordinance No. 2017-22 on final reading (read title)."

Attachment: Ordinance No. 2017-22
Exhibit A
Staff Report

Application
Existing and Proposed Zoning Map

**Reviewed by the
City Manager:**

WS

ORDINANCE 2017-22

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP FOR THE PROPERTY GENERALLY LOCATED AT 702 PASS-A-GRILLE WAY, LOT 17, BLOCK 6, MOREY BEACH, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; FROM RESIDENTIAL/OFFICE/RETAIL WITH PASS-A-GRILLE OVERLAY TO COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has received an application for the amendment of the Official Zoning Map of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Official Zoning Map incorporated therein by changing the zoning district of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more particularly described in Exhibit "A" attached hereto

and made a part hereof, from Residential/Office/Retail with Pass-a-Grille Overlay to Community Redevelopment District-Eighth Avenue.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

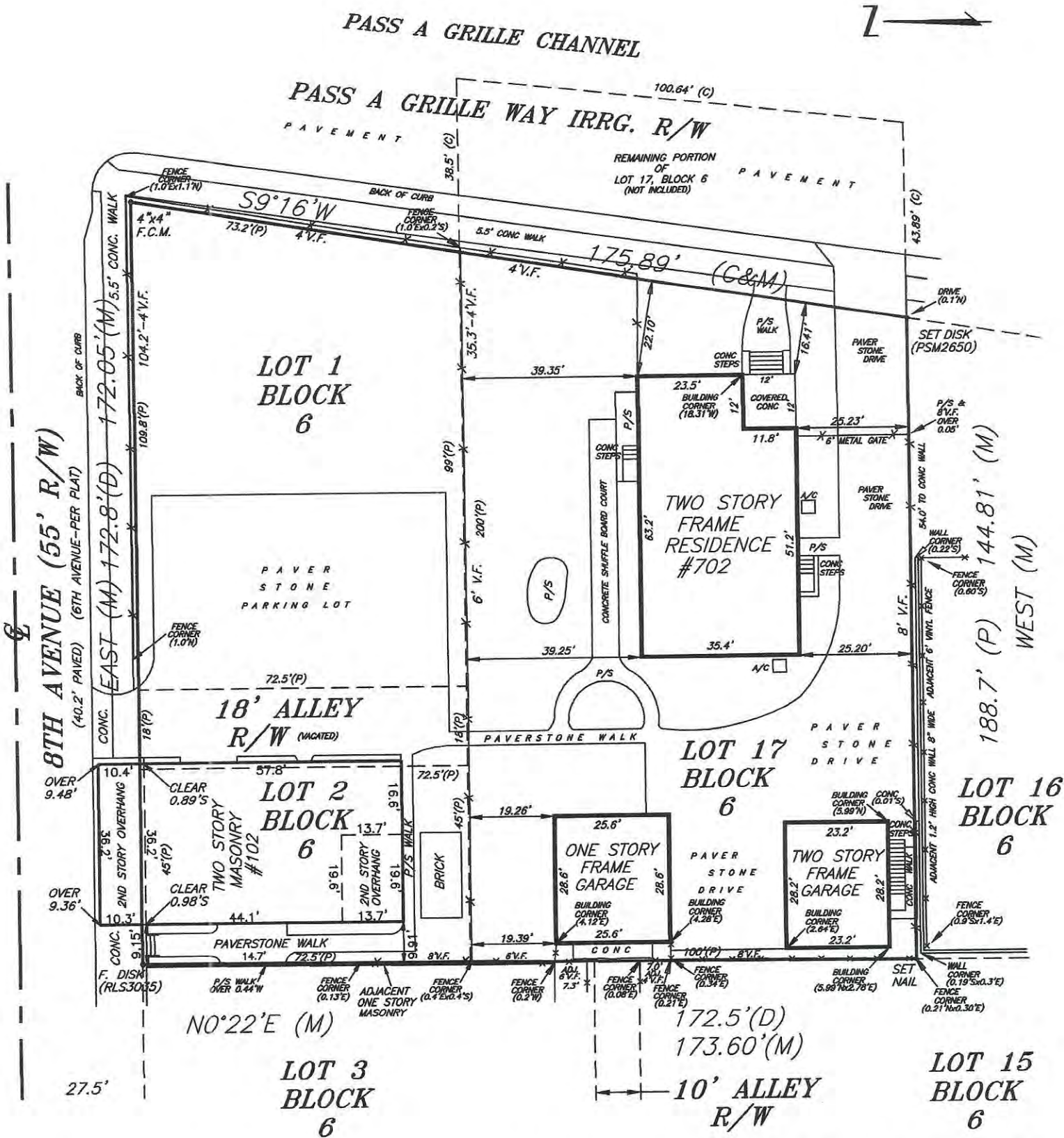
Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

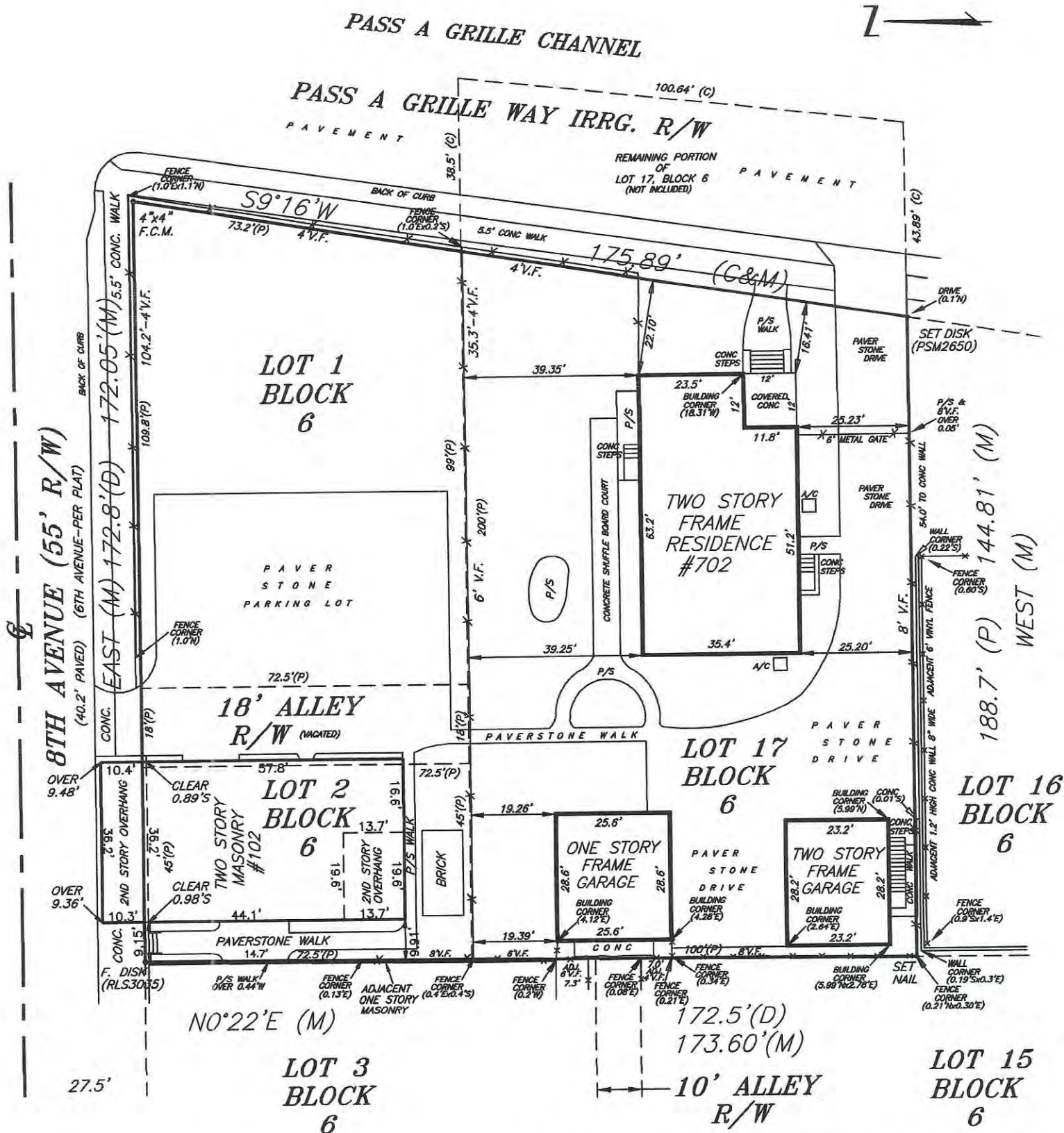
Andrew Dickman, City Attorney



A BOUNDARY SURVEY OF LOTS 1, 2 AND 17, BLOCK 6, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART; TOGETHER WITH THE VACATED ALLEY LYING BETWEEN SAID LOTS 1 AND 2.

JOB NUMBER: MMXVII300B TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 7/12/17 SCALE: 1 INCH = 30 FEET DRAWN BY: DLP	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0286 G CHECKED BY: DCH
CERTIFIED TO: DAVID FEINBERG		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE E.P.=EDGE OF PAVEMENT EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD 5/8" WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P/S=PAVERSTONE D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT V.F.=VINYL FENCE		
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		

ORDINANCE 2017-22 EXHIBIT "A"



A BOUNDARY SURVEY OF LOTS 1, 2 AND 17, BLOCK 6, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART; TOGETHER WITH THE VACATED ALLEY LYING BETWEEN SAID LOTS 1 AND 2.

JOB NUMBER: MMXVII300B TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 7/12/17 SCALE: 1 INCH = 30 FEET DRAWN BY: DLP	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0286 G CHECKED BY: DCH
CERTIFIED TO: DAVID FEINBERG		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE E.P.=EDGE OF PAVEMENT EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD 5/8" WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P/S=PAVERSTONE D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT V.F.=VINYL FENCE		
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		



St. Pete Beach City Commission

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

2/13/18

ORD 2017-22

Applicant/Agent

David Feinberg, Owner/
Applicant

Request

Zoning Map change from
ROR/PAG to CRD-EA

Location

702 Pass-a-Grille Way

Commission

District

District 4

Staff Representative

Planning Department

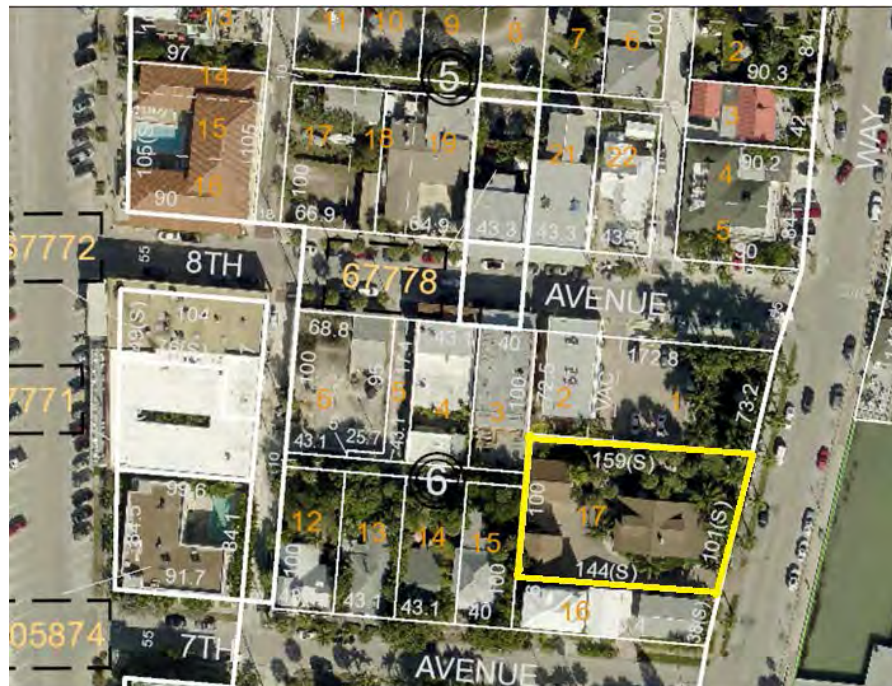
Related Cases

CPA #02-17

Findings:

In its review of the
proposed application,
staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas Countywide Plan Rules.
3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed application



ITEM SUMMARY

The Applicant is requesting a Zoning Map amendment from Residential/Office/Retail with Pass-a-Grille Overlay (ROR-PAG) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development.

In a related case (CPA #02-17) the applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA)

This 14,481 square foot (.33 Acre) parcel is zoned Residential/Office/Retail and its current use is as a single family home, with two detached garages, one of which has an apartment on the second floor. The applicant is in the process of relocating the single family home to another lot in Pass-a-Grille. The subject parcel is adjacent to lands zoned ROR/PAG and occupied by a single family home to the south and Pass-a-Grille Way to the east. The

is consistent with the intent of the St. Pete Beach Land Development Code. TRC Review: 8/2/17 Comments incorporated into analysis. Planning Board Review: 9/18/17 Provided a recommendation of approval 5-0 City Commission Review: 1/9/18 anticipated. Final review 2/13/18 anticipated. Staff Recommendation Approval as presented.	subject parcel is abutted on the north and west sides by the Community Redevelopment-Eighth Avenue (CRD-EA) zone and is occupied by apartments and related parking and green space. In simplest terms, this single-parcel rezoning would expand the CRD-EA zone and decrease the ROR/PAG zone, keeping all adjacent parcels in their current zones, thus maintaining compatibility. The adjacent parcel to the north, 102 Eighth Avenue, is owned by the applicant. Should the two lots in joint ownership be combined, the .54 acreage resulting would be greatly suited to redevelopment, and in keeping with the land assembly policies of the Comprehensive Plan. PUBLIC NOTICE Notice of public hearing has been advertised and notice has been provided as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE 1. Consistency with the City of St. Pete Beach Comprehensive Plan FUTURE LAND USE ELEMENT GOAL 2: The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while: • Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike. • Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation. • Maintaining the community's recreation, open space and beaches. Objective 2.1 The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.
--	---

Policy 2.1.14

The City shall adopt land development regulations that encourage parcel assembly to remedy defective or inadequate street layout and parking facilities; improve traffic flow on roadways; faulty site design layout and inadequate buffering, open space and drainage in relation to size, adequacy, usefulness; unsanitary or unsafe conditions; deterioration of a site or other improvements; inadequate and outdated building patterns.

Analysis: The proposed zoning change will maintain the integrity and quality of life in the Pass-a-Grille neighborhood of the City while encouraging the assembly of a lot of sufficient size to enable quality redevelopment. The mixed use nature of the proposed district will support redevelopment of residential, commercial and transient accommodation uses.

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.4.3

The City shall, while emphasizing residential uses in residential neighborhoods, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.

Analysis: The proposed change in zone is consistent with and will further these provisions by providing the means through which an orderly and aesthetic mixture of land uses can occur on a single development site.

2. Consistency with the City of St. Pete Beach Land Development Code (LDC)

As indicated, the Applicant wishes to rezone from ROR/PAG to CRD-EA. Following is a comparison table of the two zones:

	ROR / PAG	CRD-EA
Use	Residential, Office, Light Commercial	Retail, Restaurant, Transient Lodging, Mixed Use
Setbacks (Front, Side, Rear)	20, 10% width, 20	0,0,10; On PAGW: 0 primary/5; 0 primary/5; 10
Height	28 average, 32 maximum	35 maximum
FAR	0.40	1.0 Res, 1.5 Mixed
ISR	0.85	0.90
Landscaping	LDC Sec. 22	Exempt from LDC Sec. 22

Design	Historic Pass-A-Grille District	Existing Architectural Aesthetic of District
--------	---------------------------------	--

JUSTIFICATION / TECHNICAL REVIEW

Analysis: It should be noted that the proposed density as shown in the above table is in keeping with Land Use Element Goal 2, Objectives 2. 1 and 2.4 and Policies 2.1.14 and 2.4.3 as discussed in Section 1. As can be seen in the table, under the proposed change in zoning districts, the residential density could increase by 6 units per acre. Since the subject parcel is 0.33 acres, the increase could be 2 units, or a minimal amount. The density for transient accommodations could increase by 20 units per acre or 7 units under the proposed change. This minimal increase in density will not appreciably increase the demand for potable water, sanitary sewer, stormwater management facilities, law enforcement, nor fire suppression, although no development will be permitted until infrastructure is in place or concurrent with development. Stormwater drainage will be accommodated should development ensue. An analysis of the typical traffic impacts as expressed by the Countywide rules indicates that the change in land use designation that supports this rezoning would result in 76 fewer trips per day than the current designation, thus having a lesser impact on the traffic circulation system than if the site were to redevelop under the current zoning and land use designation. In addition, no development could proceed without infrastructure capacity adequate to serve the new development being in place prior to or concurrent with the development.

Should the rezoning be adopted, the change in maximum height from 32 feet to 35 feet is minimal, as is the increase Impervious Surface Ratio (ISR) from 0.85 to 0.90.

Under the proposed rezoning, the parcel would be exempt from the landscaping requirements of Section 22 of the LDC. All required setbacks would be decreased should the rezoning be adopted. However, both the reduction in landscaping and required setbacks is in keeping with the buildings along Eighth Avenue. It should also be noted that after the primary building located on the subject parcel is relocated, that there will be only one building that faces Pass-a-Grille Way in this block. Maintenance of the required rear yard setback on the subject parcel will provide a measure of separation from that building and any redevelopment of the subject parcel.

The subject parcel is currently adjacent to infrastructure (Pass-a-Grille Way) to the east and the ROR/PAG (Residential/Office/Retail with Pass-a-Grille Overlay) zone to the south. To the north and west is the CRD-EA (Community Redevelopment Area-Eighth Avenue) zone. Should this request be approved, the adjacent zones would remain the same, and thus maintain their compatibility with the subject parcel.

PLANNING BOARD

The Planning Board sitting as the Local Planning Agency reviewed the Zoning Map change request at the public hearing on September 18th, 2017 and provided a recommendation of approval 5-0 to the City Commission, as presented.

	STAFF RECOMMENDATION Staff is supportive of the rezoning due to the opportunity it presents for assembly of a parcel large enough for redevelopment along Eighth Avenue.
--	---



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



APPLICATION FOR TEXT/MAP AMENDMENT

(Check appropriate boxes)

☐ Comprehensive Plan Text Amendment
☒ Future Land Use Map Amendment

☐ Land Development Code Text Amendment
☒ Zoning Map Amendment

Case Number: PLN 17-00014

SUBJECT PROPERTY (N/A for text amendments):

Legal Description: LOT 17 BLOCK 6 MOREY BEACH

Address: 702 PASS-A-GRILLE WAY

Parcel ID: 19-32-16-58932-006-0170

Current Zoning Category:	Proposed Zoning Category:	Current Zoning Category:	Proposed Zoning Category:
<u>ROR</u>	<u>CRD-EA</u>	<u>FLUM</u>	<u>FLUM</u>

Lot area: 15,386 SQ FT

APPLICANT:

Name: DAVID AND HELEN FEINBERG

Address: 2701 SUNSET WAY

City: S.P. BEACH State: FL

Zip: 33706 Telephone: 727-643-6007

Email: DAVEFEINBERG@ME.COM

AGENT (must have agent authorization):

Name: _____

Address: _____

City: _____ State: _____

Zip: _____ Telephone: _____

Text to be stricken and/or added (Add additional sheets if necessary):

APPLICATION FEES

Land Development Code Text change	\$800.00 plus direct mailing costs
Land Development Code Map change	\$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD) ●	\$2,500.00 plus direct mailing costs ✓
Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

- ✓ ☒ I understand that the Planning Board's action is not final. It must be approved by the City Commission.
- ✓ ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision; otherwise, the decision shall be final.
- ✓ ☒ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

X 
 Owner / Agent Signature



7-6-17
 Date

**City of St. Pete Beach**

155 COREY AVENUE

ST. PETE BEACH, FL 33706

Telephone: 727.363.9265

Receipt No.: **1057**Receipt Date: **07/06/2017**

RECEIPT

RECORD & PAYER INFORMATION

Record ID: PLN17-00014
Record Type: Rezoning
Property Address: 702 - 0 PASS A GRILLE WAY, ST PETE BEACH, FL 33706
Description of Work: Future Land Use Map Change & Rezoning of 702 Pass-A-Grille Way from current "ROR" future land use category and "ROR/PAG" zoning district to proposed "CRD-EA" future land use category and zoning district.
Payer: Sea Biscuit Properties LLC
Applicant: FEINBERG HELEN HOUGH
702 PASS A GRILLE WAY
ST PETE BEACH, FL 33706-4335

PAYMENT DETAIL

Date	Payment Method	Reference	Cashier	Comments	Amount
07/06/2017	Check	4234	MLARIMORE		\$2,500.00

FEE DETAIL

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Comprehensive Plan Amendment - Not in CF	910	2,500.00	\$2,500.00	\$2,500.00
			\$2,500.00	\$2,500.00

Mike Larimore

From: Mike Larimore
Sent: Monday, July 10, 2017 7:54 AM
To: 'Maurice Feinberg'
Subject: RE: 702 zoning

Mr. Feinberg,

Yes, the application has both your name and your wife's as the applicant. The receipt provided was generated through our internal permit system that simply listed your wife as a property owner. I will redline the application to have just your name is the applicant, as requested.

If you have any other questions or concerns, please let me know.

Best,
Mike Larimore
Zoning Tech II
City of St. Pete Beach
727-363-9253



-----Original Message-----

From: Maurice Feinberg [<mailto:davefeinberg@me.com>]
Sent: Saturday, July 08, 2017 7:19 AM
To: Mike Larimore
Subject: 702 zoning

Hi Mike this is Dave Feinberg. Our application for 702 refining should have my name as a applicant instead of my wife.

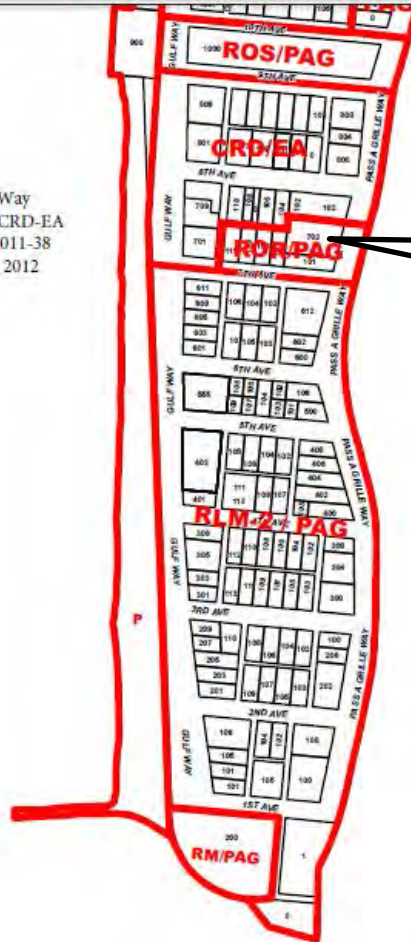
I think Jennifer said there were more questions gor me to answer before the committe meets.

Please let me know I will do that ASAP :)

Thankyou so much. Dave Feinberg

Sent from my iPhone

701 Gulf Way
ROR/PAG to CRD-EA
Ordinance 2011-38
August 28, 2012



Subject
Parcel
702 Pass-a-
Grille Way

City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

Zoning, Zoning Description

AD, Activity Center
BHC/P, Boutique Hotel Condo/Preservation
BR, Bayou Residential
CC-1, Commercial Corridor Blind Pass
CC-2, Commercial Corridor Gulf Blvd
CC-2B/C, Commercial Corridor Gulf Blvd/Upham Beach Village
CC-3, Commercial District
CC-3, Commercial District
CRD-EA, Community Redevelopment District/Eighth Avenue

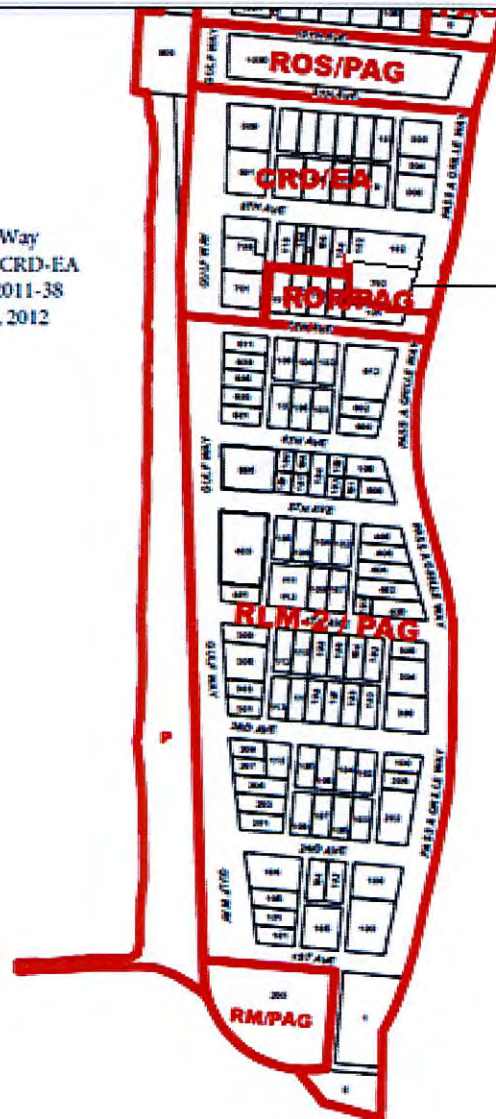
DCR, Downtown Core Residential
IS, Institutional
ND/PAG, Institutional/Pass A Grille Overlay
LR, Large Resort
LRF, Large Resort/Preservation
P, Preservation
R/O/S, Recreational/Open Space
R/O/S/P, Recreational/Open Space/Preservation
R/O/S/PAG, Recreation/Open Space/Pass A Grille Overlay
RFM, Resort Facilities Medium District

RFM, Resort Facilities Medium District
RFMR, Resort Facilities Medium District/Preservation
RLM-1, Residential District
RLM-2, Residential District
RLM-2/PAG, Residential District/Pass A Grille Overlay
RLM-2B/PAG, Residential District / Resort Facilities Overlay
RM, Residential District
RMP, Residential District/Preservation
RMPAG, Residential District/Pass A Grille Overlay
RMPAG/P, Residential District/Pass A Grille Overlay/Preservation

ROR, Residential Office Retail District
ROR/PAG, Residential Office/Retail/Pass A Grille Overlay
RU-1, Residential District
RU-2, Residential District
RU-2/PAG, Residential District/Pass A Grille Overlay
TC-2, Town Center Corridor
TC-2, Town Center Corridor C/O and C/O/Ina West
THD/RP/PAG, Tourist Hotel District/Resort Facilities Overlay/PAG
TU, Transportation Utilities
URV, Urban Beach Village



701 Gulf Way
ROB/PAG to CRD-EA
Ordinance 2011-38
August 28, 2012



Subject Parcel
702 Pass-a-Grille
Way

Proposed Zoning Map

City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

Zoning, Zoning Description

AC, Activity Center
BHC-P, Boutique Hotel/Condo/Preservation
BR, Bayfront Residential
CC-1, Commercial Center Street Front
CC-2, Commercial Center Gulf Blvd
CC-3/URC, Commercial Center Gulf Boulevard Beach Village
CG-L, Commercial District
CO-2, Commercial District
CRD-EA, Community Redevelopment District/Eight Avenue

CCR, Overlook Core Residential
IM, Institutional
IRPAG, Institutional Pass A Grille Overlay
LR, Large Resort
LRF, Large Resort/Preservation
P, Preservation
RCS, Recreation/Open Space
RCS-P, Recreation/Open Space/Preservation
RCS/PAG, Recreation/Open Space/Pass A Grille Overlay
RPM, Resort Facilities Medium District

RPM, Resort Facilities Medium District
RPM-P, Resort Facilities Medium District/Preservation
RLM-1, Residential District
RLM-2, Residential District
RLM-2-PAG, Residential District/Pass A Grille Overlay
RLM-3/PD, Residential District / Resort Facilities Overlay
RM, Residential District
RM-P, Residential District/Preservation
RM/PAG, Residential District/Pass A Grille Overlay
RM/PAG-P, Residential District/Pass A Grille Overlay/Preservation

ROB, Residential Office Retail District
ROB/PAG, Residential Office Retail/Pass A Grille Overlay
RU-1, Residential District
RU-2, Residential
RU-2/PAG, Residential District/Pass A Grille Overlay
TC-1, Town Center Corridor
TC-2, Town Center Corridor and Coastal Front
TH/PAG, Tourist Hotel District/Pass A Grille Overlay
TD, Transportation District
UBV, Urban Beach Village



SUBJECT: Ordinances 2017-21 and 2017-22



SUBJECT: Concerns of the Owners and Residents of 7th Avenue.

1. Procedural and Legal Concerns.

A. The hearing and the record in support of these two ordinances contain an error in fact which, in part, was the basis upon which the voting was based. It was stated often (at the hearing and in the record) that 702 Pass-A-Grille Way is abutted on the West side by CRD/EA zoning/use property. This is very misleading and erroneous. In fact, the maps indicate that over half of that property's boundary abuts 7th Avenue ROR property on the West.

B. Notwithstanding the brief comments by the City Attorney and others during the meeting, it is not clear that the vote was taken based upon the proposed change in land use and zoning (with all of the legally allowed impacts) from ROR to CRD/EA, as opposed to the "intended use" (which is not legally binding) of the "present" owner. A great deal of time and emphasis were focused upon those "intentions" during the discussions.

Recommendation: To assure legal sufficiency, the first vote should be retaken after clarifying the above facts regarding the West side abutting land and the necessity of the Commission to focus solely on the legally permitted impacts, instead of the "intended use," of the proposed change when voting.

2. Maintaining the Integrity of Historical Pass-A-Grille.

A. 8th Avenue and commercial CRD/EA District. It was advanced as a supposition that 8th Avenue requires support to remain viable in the future. It next was supposed that enlarging that CRD/EA zone would help to improve the viability of 8th Ave. Even assuming that these suppositions are valid, would each and every possible (legally permitted and allowed) use under CRD/EA zoning

actually enhance viability? If the answer is no, then in order to maintain the historical, primarily noncommercial nature of Pass-A-Grille, why not have a further binding limitation that restricts allowed/permitted uses to only those that specifically have been shown to be necessary to enhance the viability?

B. 7th Avenue. A part of the historic Pass-A-Grille that we all love and want to preserve is its primarily residential nature, with limited commercial intrusion. Any discussion of enlarging the CRD/EA zone MUST include the impacts to the other, equally important areas that give Pass-A-Grille its uniqueness. The residential area directly impacted by the negative aspects of increased commercializing should be protected whenever seeking to expand the CRD/EA. Currently, all of the 7th Avenue property is residential. The "rules of the game" should NOT be altered against these residents of 7th Avenue after they purchased property and established their homes relying upon existing zoning and use. Indeed, changing those rules now could create legal issues with which we voters are very tired of dealing.

C. CRD/EA Creep. As is clearly demonstrated by the Proposed Zoning Map on page 187 of the package for the Commission meeting of January 9, 2018, this creep of the CRD/EA now surrounds all of the residences on the North side of 7th Avenue on the North and West sides (8th Avenue and Gulf Way property) because, over strenuous objections from residents on 7th Avenue, the condominiums at the corner of Gulf Way and 7th Avenue were rezoned. Now it is proposed that 702 Pass-A-Grille Way be added to the creep into 7th Avenue. The owner of 700 Pass-A-Grille Way (who also owns 101 and 101 1/2 7th Avenue) submitted a letter in support of the two proposed ordinances (2017-21 and 2017-22) changing zoning and use. Where will this creep stop? The undersigned can assure you that there will be legal challenges if this creep extends any further into 7th Avenue.

(To avoid the need for a reply on the point, it is acknowledged that ROR zoning for the North side of 7th Avenue could presents some concerns that are somewhat similar to but much less than the CRD/EA zoning. That ROR zoning has not been an issue to date.)

Recommendation: That members of the Commission make a strong and unequivocal statement for the record, that this is the last expansion of the 8th Avenue CRD/EA to the South.

Dayn 7. Beam

Submitted by Dayn Beam, 106 7th Avenue

Endorsed by:

Susan Cameron
[105 7th Ave & 108 PASS-A-Gullie Way]

Fraser

Evander Preston

Evander Preston

FRASER SMITH

Fraser

(To avoid the need for a reply on the point, it is acknowledged that ROR zoning for the North side of 7th Avenue could presents some concerns that are somewhat similar to but much less than the CRD/EA zoning. That ROR zoning has not been an issue to date.)

Recommendation: That members of the Commission make a strong and unequivocal statement for the record, that this is the last expansion of the 8th Avenue CRD/EA to the South.

Dayn P. Beam 1/15/2018

Submitted by Dayn Beam, 106 7th Avenue [owner]

Endorsed by:

Margaret M. McElroy
108 7th Ave.

Jeff Catanzano
109 7th Ave

Margaret M. McElroy
Trustee/owner 104 7th Ave.

[Signature]
111 7th Ave.

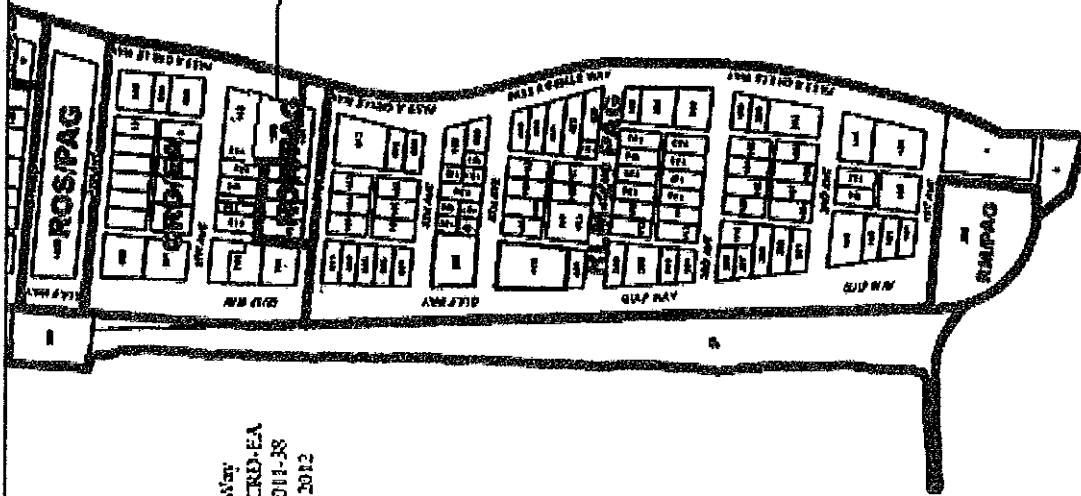
Maria Lucas
Resident 104 7th Ave

[Signature] owner
111 7th Ave

Diane V. Beam
106 7th Avenue
[owner]

701 Gulf Way
RORPAG to CREEA
Ordinance 2011-38
August 28, 2012

Subject Parcel
702 Pass-a-Grille
Rdwy



City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

[illegible]

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Resolution 2018-03: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use permit for a Class I Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road.

Date: February 13, 2018

Prepared By: C.W. Porter, Planner II, AICP, CFM

Through: Wayne Saunders, City Manager

Summary of Issue: Applicant requests a Conditional Use Permit pursuant to Section 6.25 and Section 32.4(f) of the City's Land Development Code (LDC) for Mobile Food Trucks to be located at Mastry's Brewery Company, 7701 Blind Pass Road. Staff recommends approval with conditions.

Funding: N/A

Requested Motion: "I move to approve Resolution 2018-03 (read title)."

Attachment: Resolution
Staff Report with attachments

Reviewed by the City Manager: WS

RESOLUTION 2018-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING A CONDITIONAL USE PERMIT FOR A CLASS I MOBILE FOOD TRUCK USE ON THE PREMISES OF AN EXISTING BUSINESS LOCATED AT 7701 BLIND PASS ROAD; INCORPORATING THE CONDITIONS OUTLINED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission supports independently owned businesses within the City; and,

WHEREAS, John Altman, the property owner and Matthew Dahm, the applicant and agent for Mastry Brewing Company) filed with the City an Application on November 29, 2017, for a Conditional Use Class I Mobile Food Truck Use on the premises of an existing business located at 7701 Blind Pass Road, St. Pete Beach, Florida; and,

WHEREAS, the application for Conditional Use including the site plan prepared by Robert Reid Wedding, Inc. and dated February 16, 2017 (stamped by the city December 14, 2017) was reviewed by the Technical Review Committee on January 17, 2018, and the recommended conditions appropriate to mitigate potential impacts imposed by the use were determined and are outlined in the associated staff report submitted to the City Commission; and

WHEREAS, the City Commission held a quasi-judicial public hearing on February 13, 2018, to consider the Conditional Use Application and reviewed the application in accordance with all the criteria listed in the City of St. Pete Beach Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Pete Beach, that:

Section One: The above recitals are true and correct and are incorporated herein by reference.

Section Two: The City Commission hereby incorporates the following conditions into the Conditional Use permit:

- 1) If any of the stated conditions are violated, the applicant understands and agrees that the City Commission may modify or revoke this Conditional Use Permit by resolution following a public hearing.
- 2) Applicant understands and agrees that no grandfather status is granted with this Conditional Use Permit and further understands and agrees that the applicant must comply, within six (6) months of adoption, with any and all amendments to the Code of Ordinances and Land Development Code regarding this use including prohibition of use.
- 3) Due to the variance granted to reduce parking spaces from 41 spaces to 13 spaces (VARIANCE Case #2015-0066), no food trucks may be placed in any parking spaces on the premises. This prohibition includes no placement of food trucks on the north side of the property as shown on the approved site plan.

- 4) Food trucks may be placed only in the front yard along Blind Pass Road as shown on the approved site plan.
- 5) The applicant must meet all requirements included in Ordinance 2017-12 pertaining to Mobile Food Establishments and Mobile Food Trucks and conditions stated in this Conditional Use Permit, whichever is more restrictive.
- 6) The applicant may only have food trucks located on their property that comply with all Mobile Food Truck requirements as established by the City and other applicable regulatory agencies.
- 7) A minimum of one week in advance, the applicant shall provide the City with a schedule of days that food trucks will be on the property in order to provide for required inspections by the Fire Marshall.
- 8) The applicant must ensure that NFPA food truck safety guidelines are followed.
- 9) In order to protect public safety the applicant shall provide high visibility cones or other approved delineates along the curb line of Blind Pass Road at the location of the food trucks in order to prevent ingress and egress.
- 10) This conditional use is not transferable to another business or location.

Section Three: The effective date of this conditional use resolution shall be upon rendition of this resolution by the City Clerk with all signatures required below.

The Conditional Use Resolution is hereby approved, subject to the conditions contained herein, this 13th day of February 2018, by the City Commission of the City of St. Pete Beach, Florida.

Passed this 13th day of February 2018, by the City Commission of the City of St. Pete Beach, Florida.

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Resolution was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney



St. Pete Beach City Commission

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

2/13/18

PLN17-00043
(Conditional Use)
(Food Truck, Mastry's
Brewing Company)

Owner/Agent
Altman Properties I,
LLC/Matthew Dahm

Location
7701 Blind Pass Road

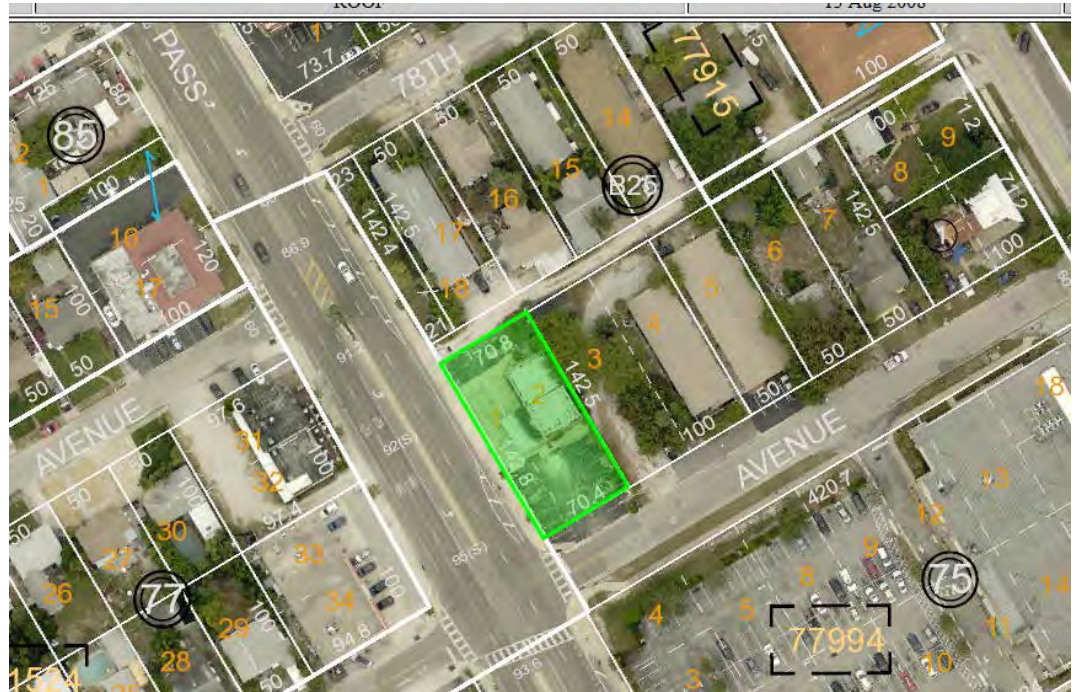
Commission
District
District 1

Staff Representative
Catherine W. Porter,
AICP, CFM, Planner II
Community
Development

Findings

In its review of the
proposed application,
staff has determined:

1. The proposed application is consistent with Florida Statutes and the St. Pete Beach Comprehensive Plan.
2. The proposed application is compatible with the character of the existing area.



ITEM SUMMARY:

Applicant requests conditional use approval for a Class I Mobile Food Truck, pursuant to Section 6.25 and Section 32.4(f) of the City's Land Development Code (LDC).

Existing Use: Eating and Drinking Establishment

Proposed Use: Eating and Drinking Establishment with Mobile Food Establishment

Adjacent Uses:

North: Infrastructure (alley) and Multi-family Residential

South: Infrastructure (77th Avenue)

East: Multi-family Residential

West: Infrastructure (Blind Pass Road)

3. The proposed plans will not have a negative impact on off-street parking or transportation.
4. The proposed plans will not negatively affect public health, safety, or welfare.

Staff

Recommendation

Approval with conditions

PUBLIC NOTICE:

Notice of public hearing has been advertised and notice has been provided as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is zoned CC-1 (Commercial Corridor Blind Pass Road District), which allows eating and drinking establishments as a permitted use.

The subject property has a future land use designation of CC-1 (Commercial Corridor Blind Pass Road District) in the Comprehensive Plan, which allows for commercial uses as a permitted use. While the Comprehensive Plan does not specifically list eating and drinking establishments as a permitted use, they are not prohibited.

The subject property is located in the Community Redevelopment District (CRD), which is also regulated by the Comprehensive Plan and the LDC. The CRD provisions are not applicable to mobile food establishments, and do not affect this application.

PROJECT DESCRIPTION:

The request is to allow mobile food trucks located on the property occupied by Mastry's Brewing Company pursuant to Ordinance 2017-12. The applicant desires to place the mobile food establishment on the north or west side of the property.

JUSTIFICATION / TECHNICAL REVIEW:

The proposed conditional use application is in compliance with the regulations set forth in Section 32.4(f) of the LDC, which pertains to allowable conditional uses in the Commercial Corridor Blind Pass Road District as well as Division 4 of the LDC which pertains to conditional use permits. The application is also in compliance with Section 6.25 of the LDC, Mobile Food Establishment. Section 6.25(l)(6) stipulates that Mobile Food Trucks shall not be required to provide additional parking on the principal business site, and furthermore, that if a Mobile Food Truck parks in the required off-street space(s) of a principal business, then the principal business shall provide evidence, in the form of a site plan indicating that on-street parking exists within 800 feet of the establishment. Since the Applicant has indicated that one of the locations he may utilize for a food truck would result in the food truck parking in three of the required parking spaces for his business, he has provided an aerial map indicating that on-street parking exists within 800 feet of his establishment. This map is attached as Exhibit E.

The Technical Review Committee reviewed the application on January 17, 2018, and had the following departmental comments:

Recreation: No Comment.

Building: No Comment.

Fire: Ensure that NFPA food truck safety guidelines are followed as per the attached document (NFPA Food Truck Safety Fact Sheet). Food trucks must be inspected by the Fire Department to ensure safety requirements are met prior to set-up on site.

Public Works: No Comment.

Code Enforcement: No Comment.

Planning & Zoning:

1. Applicant shall indicate the location of the loading area for the premises pursuant to Sec. 4.4(4) of the LDC on site plan.
2. When redeveloping the site to the current use, Applicant received a parking variance from 41 spaces to 13 spaces and an 8 space bike rack, with condition that "Applicant continues to further explore additional parking options". (Variance Case #2015-0066). The proposed addition of the food truck to the premises would reduce the 13 spaces to 10, or 24% of the required parking pursuant to Division 23 of the LDC.
3. The following goals, objectives and policies of the *St. Pete Beach Comprehensive Plan* are supportive of this application:

Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.

4. The following goals, objectives and policies of the *St. Pete Beach Comprehensive Plan* should be considered when evaluating this application, and the Applicant should state how his project meets them:

Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories

GOAL 2:

Policy 2.3.2

Neighborhood commercial facilities shall be located so as to serve residential areas without disrupting the residential quality of the area.

Policy 2.3.7

The City shall, through the LDC, ensure that commercial areas are located and designed so as to enhance safety by providing adequate off-street parking and loading areas and by separating pedestrian and vehicular traffic.

Applicant Responses to the Comments:

Planning

1. Applicant indicated that deliveries occur approximately twice a month for grain. Other deliveries are UPS or FEDEX. Deliveries go through the front door. In most instances the delivery truck parks in the front. In other instances they may park in the alley to the north or on 77th Avenue. He also has internal controls: deliveries are allowed in a.m. only, while food trucks are not allowed before noon and usually don't arrive until 2:00 pm; food trucks are allowed 3 days per week and he can make sure deliveries do not occur on those days.
2. Applicant's first choice for location of a food truck would be in the front so that no parking will be eliminated. He has a yellow chain he strings across the apron to let people know it cannot be used for ingress or egress. He has a monthly Saturday market (allowed by Special Use Permit) and puts up signs directing people to on-street parking; he intends to do the same for food truck days.
3. No Discussion.
4. Policy 2.3.2. This was regarding possibility of nuisance customers looking for their cars when they leave. Applicant stated that in the past 1 ½ years he has had no complaints from the neighbors. Policy 2.3.7: See comments in 1. and 2. above.

Fire Marshal

Applicant indicated that the food trucks on his premises would comply.

STAFF RECOMMENDATION:

Staff recommends approval with the following conditions:

1. If any of the stated conditions are violated, the applicant understands and agrees that the City Commission may modify or revoke this Conditional Use Permit by resolution following a public hearing.
2. Applicant understands and agrees that no grandfather status is granted with this Conditional Use Permit and further understands and agrees that the applicant must comply, within six (6) months of adoption, with any and all amendments to the Code of Ordinances and Land Development Code regarding this use including prohibition of use.
3. Due to the variance granted to reduce parking spaces from 41 spaces to 13 spaces (VARIANCE Case #2015-0066), no food trucks may be placed in any parking spaces on the premises. This prohibition includes no placement of food trucks on the north side of the property as shown on the approved site plan.

	4. Food trucks may be placed only in the front yard along Blind Pass Road as shown on the approved site plan. 5. The applicant must meet all requirements included in Ordinance 2017-12 pertaining to Mobile Food Establishments and Mobile Food Trucks and conditions stated in this Conditional Use Permit, whichever is more restrictive. 6. The applicant may only have food trucks located on their property that comply with all Mobile Food Truck requirements as established by the City and other applicable regulatory agencies. 7. A minimum of one week in advance, the applicant shall provide the City with a schedule of days that food trucks will be on the property in order to provide for required inspections by the Fire Marshall. 8. The applicant must ensure that NFPA food truck safety guidelines are followed. 9. In order to protect public safety, the applicant shall provide high visibility cones or other approved delineates along the curb line of Blind Pass Road at the location of the food trucks in order to prevent ingress and egress. 10. This conditional use is not transferable to another business or location. Attachments: - Exhibit A. – Land Development Code Sections - Exhibit B. – Conditional Use Application - Exhibit C. – Site Plan/Survey - Exhibit D. – Photographs - Exhibit E. - Aerial of On-Street Parking Within 800 Feet
--	--

EXHIBIT A - LAND DEVELOPMENT CODE SECTIONS

Sec. 32.4. -Allowable conditional uses

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC I Commercial Corridor Blind Pass Road Districts-are as follows:

- (f) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

Sec. 6.25 - Mobile Food Establishment

It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section.

- a) Vehicle Requirements. A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any local, state and federal agency having jurisdiction over the mobile food truck or products sold therein.
- b) Insurance Requirements.
 - 1) Operating in rights-of-way. The permittee, owner or operator shall at all times maintain any insurance which the City determines to be necessary, which may include but is not limited to, General Liability Insurance, Commercial Automobile Liability Insurance, Worker's Compensation Insurance, and Environmental Liability Insurance, issued by an insurance company licensed to do business in the State of Florida, in the amounts established by the City which shall be reasonable, based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Pete Beach shall be named as an additional insured on the certificate of insurance. The permittee, owner or operator shall furnish the City with a certificate of insurance which shall be accepted by the City only after approval by the City Commission. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of the City is obtained and a new certificate of insurance is provided to the City.
 - 2) Operating in all other locations, not in rights-of-way. A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
 - 3) City issued permit (as defined herein). In addition to the insurance requirements set forth in this section, a mobile food truck shall obtain any additional insurance which may be required to obtain a city issued permit (as defined herein).
- c) Open Flame Cooking. Open flame cooking is prohibited; except that such activity may take place if permitted by the City Fire Marshall.
- d) Noise Limitations. Amplified music shall be prohibited; any other sounds from any mobile food truck shall comply with the noise requirements of the City.
- e) Waste Collection. The operator shall provide a waste receptacle for public use within 100 ft. of the truck. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- f) Improved Surface. Food trucks shall only operate from and be located on an improved surface at least 5 feet off the public right of way.

- g) Signage. All signage must comply with the sign section of the Land Development Code. In no case shall "A-frame" signs be permitted.
- h) Alcohol sales. Mobile food trucks are prohibited from selling alcoholic beverages, except as may be specifically allowed by a City issued permit in conjunction with a special event.
- i) Business Tax Receipt. A Mobile Food Establishment Permit is issued concurrent with the business tax receipt (BTR) confirmation. If an applicant is a resident of the City of St. Pete Beach, they will be required to obtain a BTR from the City.
- j) Restroom facility. Class I mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by the City, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- k) Grease disposal. Class I mobile food trucks shall have a current written agreement for the proper disposal of grease, available upon request by the City.
- l) Location. The vending of products from a Class I mobile food truck on public rights-of-way shall be prohibited unless in conjunction with a special event permit. The vending of products from a Class I mobile food truck on private lands shall be subject to the following conditions:
 - 1. Private property. The vending of products from a Class I mobile food truck on private property, in conjunction with an established business is permitted only as a Conditional Use in zoning districts of the City as outlined herein.
 - 2. Vacant property Operation of a Class I mobile food truck is prohibited on vacant and unimproved property.
 - 3. Permission. A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall accompany application for the Mobile Food Truck Permit.
 - 4. Frequency. Except as may be allowed as part of a special event permit, mobile food trucks are permitted on each property, a maximum of no more than three (3) days per calendar week. Class I mobile food trucks may operate at different locations as allowed herein.
 - 5. Maximum Number of Mobile Food Trucks. No more than two (2) mobile food trucks shall operate on any property at any one (1) time, except as may be allowed by a special event permit.
 - 6. Parking. Mobile Food Trucks shall not be required to provide additional parking on the principal business site. If a Mobile Food Truck parks in a principal business required off-street provided space(s), then the principal business shall provide evidence, in the form of a site plan indicating that on-street parking exists within 800 feet of the establishment.

7. Access. A Class I mobile food truck shall not be placed in any location that impedes the ingress or egress or building entrances or emergency exits.
 8. Hours of Operation. Class I mobile food trucks shall be permitted to operate after 7:00 a.m. and before 10 p.m. The request for extended hours must be reviewed and approved by the City subject to the criteria contained in the Application.
 9. Power. Power for all Class I mobile food trucks will be evaluated on a case by case basis during the Conditional Use process but in no case shall a generator be used within 200 feet of a residential district.
- m) CUP Expiration. The Conditional Use permit shall automatically expire if the principal business does not hold a valid Business Tax Receipt from the City.

Sec. 4.4. – Conditional use application standards for review.

- a) *Standards applicable to all conditional uses.* When considering an application for approval of a conditional use, the city commission review shall consider the following standards:
- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;
 - (2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:
 - a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
 - b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
 - c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and
 - d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.

- (3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;
- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;
- (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and
- (7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

EXHIBIT B

PLN 17-00043

Conditional Use Application



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
(727) 367-2735
www.stpetebeach.org

Case Number: _____

PROPERTY OWNER:

Name: John Altman
Address: 7701 Blind Pass Rd.
City: St. Pete Beach State: FL
Zip: 33706 Telephone: _____
Email: Altman326@gmail.com

APPLICANT/AGENT (Attach agent authorization form):

Name: Matthew Dahm
Address: 2844 67th Way N
City: St. Petersburg State: FL
Zip: 33710 Telephone: 727-452-0378
Email: Matt@Mastys Brewing Co., Inc.

SUBJECT PROPERTY:

7701 Blind Pass Rd.
Address: St. Pete Beach, FL Current Name of Business: Mastys Brewing Co.
Parcel ID: _____ Name of Project: _____

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

- Food Truck - Conditional Use Permit -


Signature of Applicant / Agent

11/29/17
Date



In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development Code (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. **LDC Sec. 4.4(a)(1)** Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

2. **LDC Sec. 4.4(a)(2)a-d** Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:
 - a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

 - b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

 - c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;
3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);
4. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);
5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,

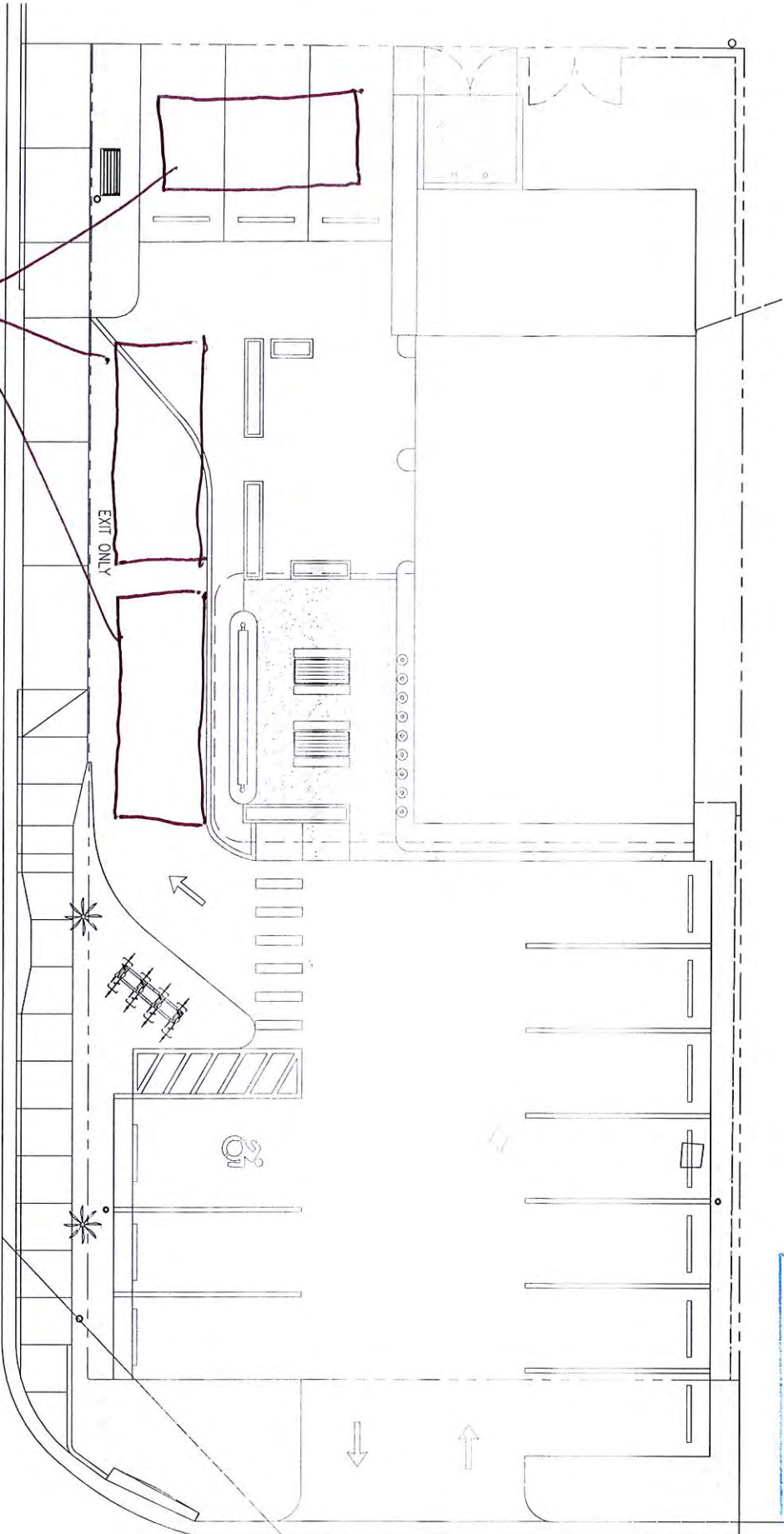
7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Sec. 4.12 of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services.
2. Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.
3. Hydrological features and storm water management infrastructure.
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.
5. Site landscaping, open space provision and impervious surface limitations.
6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.
7. Fire suppression and facility security.
8. Emergency management and hurricane evacuation provisions.

9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
- a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
 - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

RECEIVED
NOV 29 2017
COMMUNITY DEVELOPMENT



Potential Locations for Food Truck

Blind Pass Rd.

77th Ave¹⁴¹

Hand Delivered By Doherty

Conditional Use Application



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
(727) 367-2735
www.stpetebeach.org

Case Number: _____

PROPERTY OWNER:

Name: _____ Address: _____
City: _____ State: _____ Zip: _____ Telephone: _____
Email: _____

APPLICANT/AGENT (Attach agent authorization form):

Name: _____ Address: _____
City: _____ State: _____ Zip: _____ Telephone: _____
Email: _____

SUBJECT PROPERTY:

Address: _____ Current Name of Business: _____
Parcel ID: _____ Name of Project: _____

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

Signature of Applicant / Agent

Date



In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development Code (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. **LDC Sec. 4.4(a)(1)** Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

- meets

2. **LDC Sec. 4.4(a)(2)a-d** Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:

- a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

No effect

- b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

N/A

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;

- meets ordinance & zoning

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;

- meets outlined ordinance

3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);

- no additional impact

- meets ordinance.

4. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

N/A

5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

- meets outlined ordinance.

6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,

N/A

7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

-meets outlined ordinance.

Sec. 4.12 of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services.

has no affect

2. Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.

no major affect. meets all requirements.

3. Hydrological features and storm water management infrastructure.

N/A

4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.

meets ordinance.

5. Site landscaping, open space provision and impervious surface limitations.

N/A

6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.

meets ordinance.

7. Fire suppression and facility security.

N/A

8. Emergency management and hurricane evacuation provisions.

N/A

9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and

N/A

b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

N/A

EXHIBIT C

STORM WATER RUN OFF FROM THE SITE WILL BE REDUCED. THE SITE IS CURRENTLY DEVELOPED TO AN ISR OF 91. THE PROPOSED DESIGN REMOVES SOME OF THE EXISTING IMPERVIOUS PAVING TO ALLOW FOR INCREASED INFILTRATION OF RAINFALL. THE NEW ISR IS 86 FOR A NET INCREASE OF PERMEABLE SURFACE OF 5.0%.

1) TOPOGRAPHIC POINTS SHOWING ELEVATIONS AT THE BUILDING AND PERIMETER OF THE SITE HAVE BEEN INCLUDED ON THIS SHEET ALONG WITH ORANGE ARROWS SHOWING THE ANTICIPATED FLOW OF WATER ON THE SITE.

2) THE EXISTING DOWNSPOUTS ARE LOCATED ON THE EAST SIDE OF THE BUILDING, AND NO CHANGES TO THE LOCATIONS OR DISCHARGE OF THE EXISTING DOWNSPOUTS ARE PROPOSED.

H1 STORM WATER NARRATIVE

SCALE: N.T.S.

PER SECTION SEC. 32.10, THE MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) IS SHOWN TO BE 0.70 FOR ALL LOTS IN THE CO-1 DISTRICT.

SITE AREA: 9,892 SQUARE FEET (PER SURVEY)
EXISTING SITE IMPERVIOUS AREA: 9,019 SQUARE FEET
EXISTING ISR: 0.91
PROPOSED IMPERVIOUS REDUCTION: 483 SQUARE FEET
NET PROPOSED IMPERVIOUS AREA: 8,536 SQUARE FEET
PROPOSED ISR: 0.86

G1 SITE "ISR" RATING

SCALE: N.T.S.

PER SECTION SEC. 32.9 THE SETBACKS ARE AS FOLLOWS:
SIDE YARD: 10% OF THE LOT WIDTH 7'-1" (70' X 10)
FRONT YARD: 10% OF LOT WIDTH 7'-1" (70' X 10)
REAR YARD: 20 FEET (ADJUTS ALLEY)

EXISTING BUILDING TO REMAIN ENCLOSED 1'-10" INTO THE SIDE YARD SETBACK ALONG THE LASTER ACCESSORY STRUCTURE (WALK-IN COOLER) THAT IS SHOWN TO THE PROPOSED ACCESSORY STRUCTURE (WALK-IN COOLER). THE ENCROACHMENT IS ALIGNED WITH THE EXISTING BUILDING EAST ELEVATION. THE ENCROACHMENT IS 1'-11" INTO THE SIDE YARD SETBACK AND 4'-10" INTO THE REAR YARD SETBACK.

A VARIANCE (CASE# 2015-0068) WAS REQUESTED AND APPROVED ON 12-16-2015 FOR THE PROPOSED ENCROACHMENT INTO THE REAR AND SIDE YARD SETBACKS FOR THE ACCESSORY STRUCTURES (TO INCLUDE THE COOLER).

F1 SET BACK - ENCROACHMENT

SCALE: N.T.S.

THE EXISTING SITE PARKING HAS BEEN DEVELOPED TO THE PROPERTY BOUNDARY AND AVAILABLE PARKING IS ALREADY AT A HANDSHIP FOR THE PROPOSED USE. A VARIANCE (CASE# 2015-0068) WAS APPROVED ON 12-16-2015 TO REDUCE THE 5' TYPE A BUFFER ALONG 7TH AVENUE NORTH AND BLIND PASS ROAD.

LANDSCAPING AND BUFFERS HAVE BEEN SHOWN ON SHEET LS-1 HEREWITH.

E1 LANDSCAPING BUFFER

SCALE: N.T.S.

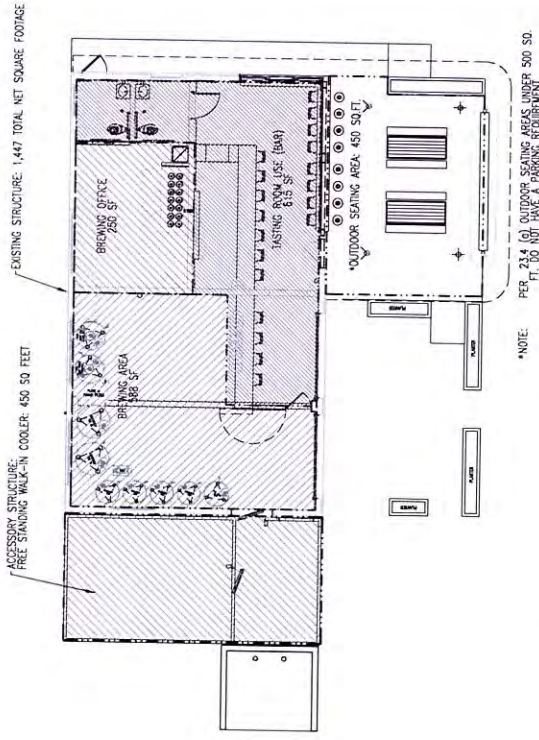
E2 USE DIAGRAM

SCALE: N.T.S.

H3 UTILITY NOTES

SCALE: N.T.S.

1) ALL EXISTING UTILITIES ARE TO REMAIN.
2) WATER METER WITH DOUBLE CHECK VALVE ASSEMBLY (BACKFLOW PREVENTER) HAS BEEN SHOWN ON SITE PLAN, AND IS LOCATED ALONG THE BLIND PASS ROAD. WATER SERVICE IS NOT BEING UP-SIZED.
3) SANITARY SEWER SERVICE IS PROVIDED OVERHEAD FROM THE POWER POLE SHOWN ON THE EAST SIDE OF THE BUILDING. EXISTING METER IS TO REMAIN, AND IS LOCATED ON THE EAST SIDE OF THE BUILDING.
4) PER UTILITY MARKINGS, SEWER IS ASSUMED TO BE INTO THE PUBLIC SEWER UNDER 7TH AVENUE. EXISTING SEWER CONNECTION IS TO BE RETAINED.



*NOTE: PER 214.6) OUTDOOR SEATING AREA UNDER 500 SQ. FT. DO NOT HAVE A PARKING REQUIREMENT.

SITE SCHEDULE

LOT AREA	9,892 SQUARE FEET
LOT WIDTH	70.75 FEET
LOT DEPTH	142.5 FEET
DIMENSIONAL STANDARDS	
ALLOWABLE BUILDING HT	
SETBACKS PER SEC. 32.9	
FRONT YARD (7TH AVENUE)	10 FEET PROVIDED: 58'-11"
SIDE YARD: 10% OF LOT WIDTH (70.75 X 10%)	7'-1" FEET PROVIDED AT WEST SIDE: 34'-8" TO BUILDING
REAR YARD: 20 FEET	PROVIDED AT EAST SIDE: 5'-1" PROVIDED: 15'-0"

NOTE: ACCESSORY STRUCTURE (WALK-IN COOLER) ENCLOSED 5'-0" INTO REAR YARD SET BACK AND 2'-1" INTO THE SIDE YARD SETBACK. THE DUMPSTER ENCLOSURE IS SITUATED WITHIN THE REAR YARD SETBACK ALONG THE ALLEY. A VARIANCE (CASE# 2015-0068) WAS REQUESTED FOR THE ENCROACHMENT OF THESE ITEMS INTO THE SETBACKS ON 12-16 AND WAS APPROVED.

BUILDING COVERAGE: GROSS SQ. FOOTAGE OF EXISTING STRUCTURE: 1,560 SF
GROSS SQ. FOOTAGE OF PROPOSED ACCESSORY STRUCTURE: 420 SF
TOTAL BUILDING COVERAGE: 1,980 SF
ALLOWABLE FAR = 70 (MAX). PROVIDED FAR = 20
BUILDING COVERAGE

ISR: THE ALLOWABLE ISR FOR CO-1 IS .70
THE EXISTING ISR OF .90 IS BEING REDUCED TO .86
A VARIANCE (CASE# 2015-0068) FOR INCREASED ISR WAS APPROVED UNDER SECTION 32.10 ON 12-16-2016

PARKING SCHEDULE

PER SECTION SEC. 23.3 THE PARKING REQUIREMENT FOR BAR USE IS 1 SPACE PER 50 SQ. FT. OF GROSS SQ. FOOTAGE. THE CODE FOR A CRAFT BREWING USE, APPLYING A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE, RESULTS IN A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE. THE CODE FOR A CRAFT BREWING USE, APPLYING A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE, RESULTS IN A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE. THE CODE FOR A CRAFT BREWING USE, APPLYING A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE, RESULTS IN A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE.

EXISTING SPACES ON SITE: 10 SPACES
PROPOSED SPACES ON SITE: 13 SPACES
TOTAL REQUIRED SPACES: 23 SPACES
1 SPACE PER 500 SQ. FT. DO NOT HAVE A PARKING REQUIREMENT.

A VARIANCE (CASE# 2015-0068) FOR A REDUCTION IN PARKING REQUIREMENT PER SECTION 23.3 WAS REQUESTED AND RECEIVED ON 12-16-2015. PER THE REQUEST OF THE VARIANCE COMMITTEE, THE PARKING REQUIREMENT SHALL BE 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE. THE CODE FOR A CRAFT BREWING USE, APPLYING A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE, RESULTS IN A COUNT OF 1 SPACE PER 500 SQ. FEET OF GROSS SQ. FOOTAGE.

KEYNOTES

- EXISTING DECK OR ASSEMBLY TO REMAIN
- NEW CONSTRUCTION
- EXISTING CANOPY
- EXISTING WOODEN PRIVACY FENCE
- EXISTING TREE (SABAL PALM)
- EXISTING WATER METER
- EXISTING OVERHEAD POWER DISTRIBUTION
- EXISTING LIGHT/POWER POLE
- EXISTING WALK-IN COOLER (ACCESSORY STRUCTURE)
- EXISTING SITE BENCH
- EXISTING WALK-IN COOLER (ACCESSORY STRUCTURE)
- EXISTING SITE LIGHTING
- EXISTING PAVEMENT STRIPING
- EXISTING 6" WOOD PRIVACY FENCE
- EXISTING LANDSCAPE AREA (SEE LANDSCAPE PLAN FOR PROPOSED PLANTING)
- EXISTING DUMPSTER ENCLOSURE (DUMP WELLS WITH STUCCO FINISH AND VINYL GATES)
- EXISTING CONCRETE CURB RAMP - MAINTAIN 1:20 MAXIMUM SLOPE
- EXISTING ACCESSIBLE PATH - MAINTAIN 1:20 MAXIMUM SLOPE & 1:60 MAXIMUM CROSS-SLOPE, PROVIDE CROSSWALK MARKINGS ACROSS DRIVE AISLE

PARKING NOTES:

- 1) PARKING SPACES
- 2) ALL STANDARD SPACES SHALL BE 9'-0" WIDE BY 20'-0" DEEP (MINIMUM). THE ACCESSIBLE SPACE SHALL BE 12'-0" WIDE BY 20'-0" DEEP (MINIMUM) WITH A 5'-0" WIDE ACCESS AISLE.
- 3) PER DISCUSSION WITH THE ZONING DEPARTMENT, THE PARKING SPACES IN THE OUTDOOR SEATING AREA AND TO EXTEND THE SIDEWALK ALONG THE SOUTH OF THE BUILDING TO IMPROVE HANDICAP ACCESS TO THE BUILDING. LANDSCAPE SCREENING VIA A "LIVING WALL" ON WEST ELEVATION OF ACCESSORY STRUCTURE (WALK-IN COOLER) SHALL BE PROVIDED. THE SCREENING SHALL BE 5'-0" HIGH AND 10'-0" WIDE. THE SCREENING SHALL BE 5'-0" HIGH AND 10'-0" WIDE. THE SCREENING SHALL BE 5'-0" HIGH AND 10'-0" WIDE.
- 4) THE TOTAL PROVIDED PARKING COUNT IS 13 SPACES. THIS COUNT REFLECTS AN INCREASE OF 3 SPACES FROM THE EXISTING 10 SPACES.

GENERAL NOTES:

- 1) INSTALL 5" CONCRETE DECK OVER EXISTING CONCRETE PAVING UNDER CANOPY IN THE OUTDOOR SEATING AREA AND TO EXTEND THE SIDEWALK ALONG THE SOUTH OF THE BUILDING TO IMPROVE HANDICAP ACCESS TO THE BUILDING.
- 2) LANDSCAPE SCREENING VIA A "LIVING WALL" ON WEST ELEVATION OF ACCESSORY STRUCTURE (WALK-IN COOLER) SHALL BE PROVIDED. THE SCREENING SHALL BE 5'-0" HIGH AND 10'-0" WIDE. THE SCREENING SHALL BE 5'-0" HIGH AND 10'-0" WIDE.
- 3) MODIFICATIONS TO THE EXISTING STRUCTURES SHALL STAY BELOW SOE OF THE VALVE OF THE STRUCTURE PER FEMA REQUIREMENTS.



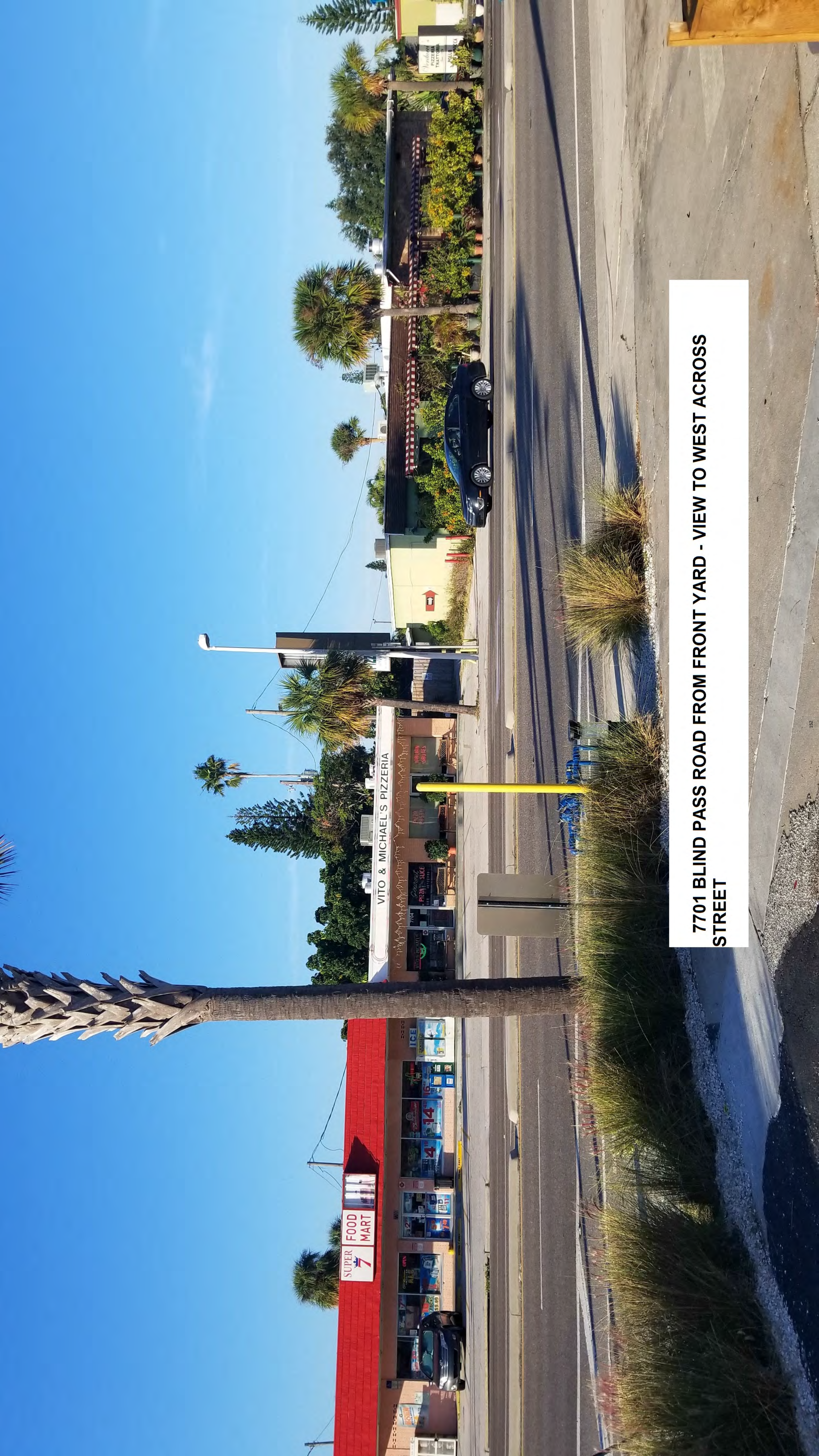
EXHIBIT D



7701 Blind Pass Road - Front - Looking South



7701 BLIND PASS ROAD - WEST SIDE OF BUILDING FROM ALLEY



7701 BLIND PASS ROAD FROM FRONT YARD - VIEW TO WEST ACROSS STREET



7701 BLIND PASS ROAD - SOUTH SIDE OF
BUILDING

EXHIBIT E



Figure 1: 400ft radius from Mastry's Brewing Co.



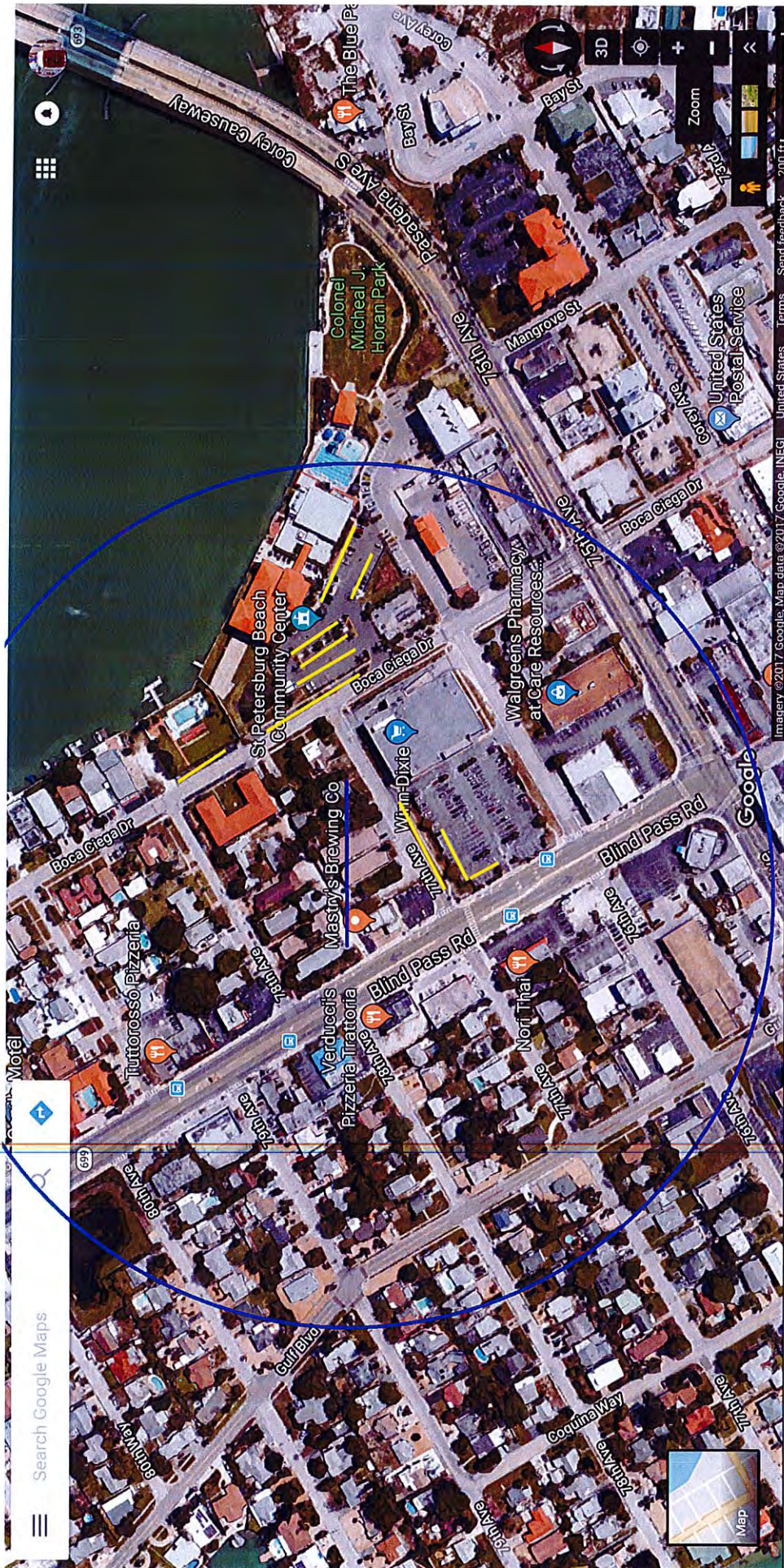


Figure 2: 800ft radius from Mastry's Brewing Co.

