Planning Board
155 Corey Avenue
1/17/2012

4:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

Regular Meeting

1. **Acceptance of Minutes:**

   - **12/20/2011**

2. **Action Items/Public Hearings:**

   A. **Ordinance 2011-33 Change of Future Land Use designation for 1307 Gulf Way from Residential High with the Resort Facilities Overlay to Residential Low Medium.**

   B. **Ordinance 2011-34 Change of Zoning for 1307 Gulf Way from THD to RLM-2.**

   C. **Ordinance 2011-37- Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA).**

   D. **Ordinance 2011-38 - Change of Zoning designation for 701 Gulf Way from ROR to CRD-EA.**

   E. **Ordinance 2011-39 – Amending the 8th Ave Special Area Plan to add 701 Gulf Way to the Map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre.**

F. Ordinance 2011-40 Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation.

3. Discussion Items:

A. None scheduled

4. Adjourn

APPEALS

If a person decides to appeal any decision made at this Meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of Meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) the city does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

ADA

Agenda Material is available for review at City Hall on the Friday preceding the Meeting. In accordance with the American's with disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact Public Services at (727) 363-9243 no later than four (4) days prior to the meeting for assistance.

Minutes for Acceptance

PLANNING BOARD

MINUTES

December 20, 2011

4:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Don Breitweiser, Vice Chairman
Mike Lehman, Member
Ron Holehouse, Member

NOT PRESENT:

Ward Friszolowski, Chairman
Will Jacoby, Member

ALSO PRESENT:

Catherine Hartley, Senior Planner
Susan Churuti, City Attorney
Pamala Prell, Deputy City Clerk

1. <u>Approval of Minutes of September 22, 2011 and October 26, 2011</u>

Member Lehman stated that he would like the minutes to contain more detail regarding the discussion that occurred during the meetings.

Member Leman made a motion to approve the minutes of September 22, 2011 and October 26, 2011, as written. The motion was seconded by Member Holehouse and approved by a unanimous roll call vote.

2. <u>Action Items – Public Hearings</u>

Attorney Susan Churuti explained the difference in legislative action and quasi-judicial action. Attorney Churuti also explained that today's cases would need approval by a majority of the members present today, which is three. She advised that the applicant should be given the option of continuing these cases so that a full board can be present for consideration of their application.

a. Ordinance No. 2011-37, Change of Future Land Use designation of 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA) (Legislative).

Due to the fact that there were only three members present, Attorney Deborah Martohue, 2429 Central Avenue, representing the applicant, requested that this case be continued until the January 17, 2012 meeting.

Member Holehouse made a motion to continue Ordinance No. 2011-37 until January 17, 2012 at 4:00 p.m. The motion was seconded by Member Lehman and approved by a unanimous roll call vote.

b. Ordinance No. 2011-38, Change of Zoning designation for 701 Gulf Way from ROR to CRD-EA (Quasi-Judicial)

Due to the fact that there were only three members present, Attorney Deborah Martohue, 2429 Central Avenue, representing the applicant, requested that this case be continued until the January 17, 2012 meeting.

Member Holehouse made a motion to continue Ordinance 2011-38 until January 17, 2012 at 4:00 p.m. The motion was seconded by Member Lehman and approved by a unanimous roll call vote.

c. Ordinance No. 2011-39, Amending the 8th Avenue Special Area Plan to add 701 Gulf Way to the map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre. (Legislative)

Due to the fact that Cases No. 2011-37 and 2011-38 have been continued to January 17, 2012 meeting, Senior Planner Hartley recommended tabling this item until the January 17, 2012 meeting.

Member Holehouse made a motion to table Ordinance No. 2011-39 a future Planning Board meeting. The motion was seconded by Member Lehman and approved by a unanimous roll call vote.

d. Ordinance No. 2011-40, Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation. (Legislative)

Due to the fact that Cases No. 2011-37 and 2011-38 have been continued to January 17, 2012 meeting, Senior Planner Hartley recommended tabling this item until the January 17, 2012 meeting.

Member Holehouse made a motion to table Ordinance No. 2011-40 until a future Planning Board meeting. The motion was seconded by Member Lehman and approved by a unanimous roll call vote.

e. Ordinance No. 2011-42, Amending Division 26 of the Land Development Code to establish sign regulations for the TC-2, DCR, UPV, BHC, BR, AC, CC-1, and CC-2 zoning districts. (Legislative)

Senior Planner Catherine Hartley explained the changes that were made to the sign ordinance and stated that each zoning district has different sign regulations.

There was a general discussion regarding the brightness of LED signs. Ms. Hartley stated that she would explore options for regulating these types of signs. Ms. Hartley pointed out that in order to regulate the brightness of these signs the City would have to purchase special equipment to measure the brightness at a cost of approximately $500 per device. Ms. Hartley suggested that during next year's budget process a request for funding could be made, if the board desires to regulate the brightness of signs.

Member Lehman asked if Ms. Hartley could provide them a report regarding the code enforcement issues involving signs.

Ms. Hartley agreed to provide the board with a quarterly report regarding code enforcement issues and also the Board of Adjustment agendas and minutes.

Senior Planner Hartley explained that after the sign code was amended to eliminate pole signs and replace them with monument signs the Board of Adjustment has had several cases where applicants are requesting variances to the sign code.

The board held a general discussion regarding freedom of expression signs.

City Attorney Churuti explained that the board can regulate the number of signs allowed, the size of the signs and the placement of signs but not the content because it is protected by the First Amendment.

During the discussion regarding theater signs, Ms. Hartley stated that she would develop a definition of a theater sign so that it is clear in the code.

Member Holehouse made a motion to approve Ordinance 2011-42, providing for an annual review. The motion was seconded by Member Lehman and approved by a unanimous roll call vote.

3. <u>Adjournment</u>

Being no further business to come before the board, the meeting was adjourned at 5:00 p.m.

Attest:

_____ _____
Rebecca C. Haynes, City Clerk Ward Friszolowski, Chairman

Minutes approved on: _____

Ordinance 2011-33

Change of Future Land Use designation for 1307 Gulf Way from Residential High with the Resort Facilities Overlay to Residential Low Medium. *(Legislative)*

Ordinance 2011-34

Change of Zoning for 1307 Gulf Way from THD to RLM-2. *(Quasi-Judicial)*

City of St. Pete Beach
Planning Board
Public Hearing
Case # 2011-0032 (Corresponding Ordinance # 2011-33)
Case # 2011-33 (Corresponding Ordinance # 2011-34)
January 17, 2012

Property Information

Address: 1307 Gulf Way
Owner: 1307 LLLP
Agent: David Bacon
Existing Use: Vacant
Proposed Use: Residential
Parcel Size: 16,605 square feet or .38 acres
Applicant Requests: Change of Future Land Use Designation from Residential High with the Resort Facilities Overlay to Residential Low-Medium.
Change of Zoning from Traditional Hotel District (THD) to Residential Medium (RLM-2).

Background Information:

In 2009, the Future Land Use designation was changed from Residential Low Medium to Residential High with the Resort Facilities Overlay. The zoning was concurrently changed from RLM-2 to THD. The purpose of the applications, according to the owner of the property of that time, was to redevelop the existing hotel into an updated temporary lodging facility.

Since the rezoning in 2009, the Land Development Regulations regarding the Traditional Hotel District have been modified to limit the redevelopment of hotels in the THD. Specifically, the LDC was amended to only permit the rebuilding of the same square footage as the former transient use, with the allowance of a 5% increase in square footage plus square footage for accessibility requirements. Additionally, swimming pools became a prohibited use in the THD. Additionally, hotels in the THD district are prohibited from having swimming pools (See amended code section below). The property has since changed hands and the new owner has requested the property be re-designated and rezoned to a residential use.

Sec. 31.3. Permitted accessory uses and structures. The following accessory uses are permitted in the THD district:
1. Retail sales, limited to 100 square feet in area. The sales shall be located inside the principal structure and shall not have signage outside the structure advertising such retail goods for sale.
2. Office space for the administrative use of the accommodation, such as check-in, check-out areas, reservations, and accounting.
3. Meeting or conference rooms for the use of guests.
4. Fitness facilities for the use of guests.
(b) In addition to those commercial accessory structures permitted in 6.12, the flowing accessory structures are permitted in the THD District:
1. Garages;
2. A storage building

3. Decks and patios
4. Fountains
5. Gazebos
6. Trellises
***31.12 Maximum Floor Area** - No new structure shall be larger in aggregate square footage than the structures which occupied the site prior to redevelopment, except that the Building Official may allow a 5 % increase in the aggregate square footage overall, plus the minimum necessary increases in aggregate square footage in cases where such increases are reasonably necessary to implement current Building Code or other statutory requirements.*
Sec. 31.13 Additional Requirements for Spas
1) All unenclosed spas shall provide a solid screening wall or fence at least six feet in height. This requirement shall be waved in instances where an enclosed structure is positioned between the spa and the adjacent private property.
2) No spa shall be located in such a manner as to be separated from the facility it serves by any public right-of-way.
3) Any existing facility expanded under this Division which currently has a pool or spa shall not construct a spa unless such existing pool or spa is first removed.

*Staff Note: Pools were not included as a permitted accessory use, and are therefore prohibited.

Staff Analysis

Consistency of the request with the Comprehensive Plan:

The following goals, objectives, and policies are germane to the application:

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.

Objective 2.13
The City shall promote the preservation and redevelopment of temporary lodging uses.

Policy 2.1.5
Through the enforcement of the land development regulations, existing residential areas shall be protected from the encroachment of incompatible uses; likewise, other land use areas shall be protected from the encroachment of incompatible residential uses.

Policy 2.1.6
The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other

applicable City codes.

Policy 2.3.5
The City shall encourage the maintenance of tourist lodging facilities in keeping with the character of the community.

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 2.4.1
The City shall, through administration of the LDC, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Standards for review of FLUM changes:

Future Land Use Map amendments are a legislative function of local government under Florida law, which holds the governing authority to a general standard of reasonableness in making the determination. In addition, Land Use Map changes should be broadly consistent with relevant Comprehensive Plan policies. Beyond this, there are no decision making criteria specified in State statute or local ordinance beyond ensuring that Level of Service Standards shall not be degraded.

Standards for review of for changes to the Official Zoning Map:

Section 3.9 of the Land Development Code sets forth the standards for review of requests for re-zonings:

Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.
In addition, the planning board and city commission shall consider the following:
a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;
b. Compatibility with adjacent properties and the existing land use pattern;
c. Possible creation of an isolated district unrelated to adjacent and nearby districts;
d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;
e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;
f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
g. Whether changed or changing conditions make the passage of the proposed amendment necessary;

h. Whether the proposed change will adversely affect drainage.
i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and
k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Although not reflected on the zoning map, Pass-a-Grille is a mixed-use district containing a variety of land uses including single family residential, multifamily residential, temporary lodging, office, retail, restaurants and other commercial uses, recreational uses, and institutional uses such as churches and clubs. Although the zoning map represents a strict separation of land uses, the actual uses on the ground are considerably more mixed.

The change in zoning would not be inconsistent with the Land Use Plan Map if the request for a change to the Future Land Use Map is granted. There are goals, objectives, and polices in the comprehensive plan that support both the maintenance of residential areas and temporary lodging uses as quoted above.

The property immediately adjacent to the subject property is a conforming temporary lodging use in terms of both the Comprehensive Plan and the Land Development Code. It could be argued that the change from a temporary lodging use to a residential use would be incompatible with the abutting property. However, the property would not be an isolated residential district, as the properties within the surrounding blocks are designated residential.

There is no significant impact on public facilities anticipated by the change in land use or zoning, as the property was designated residential prior to 2009.

The existing boundary of the Traditional Hotel District is logical in that the property abutting the subject property is a temporary lodging use. However, the remainder of the subject property is surrounded by residential zoning.

The applicant has not identified (in writing) any changes in conditions that would warrant the change in future land use or zoning. Staff has noted above the potential for discouraging the redevelopment of temporary lodging uses via the changes to the THD ordinance that further restricted square footage and prohibited swimming pools.

Impacts to drainage are not anticipated, as any new construction will be compelled to follow any regulations regarding drainage and stormwater mitigation.

It could be argued that the change in zoning to the subject property could impede the redevelopment of the abutting property, as an additional buffer would be required on the adjacent property if redevelopment next to a residential use.

Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been

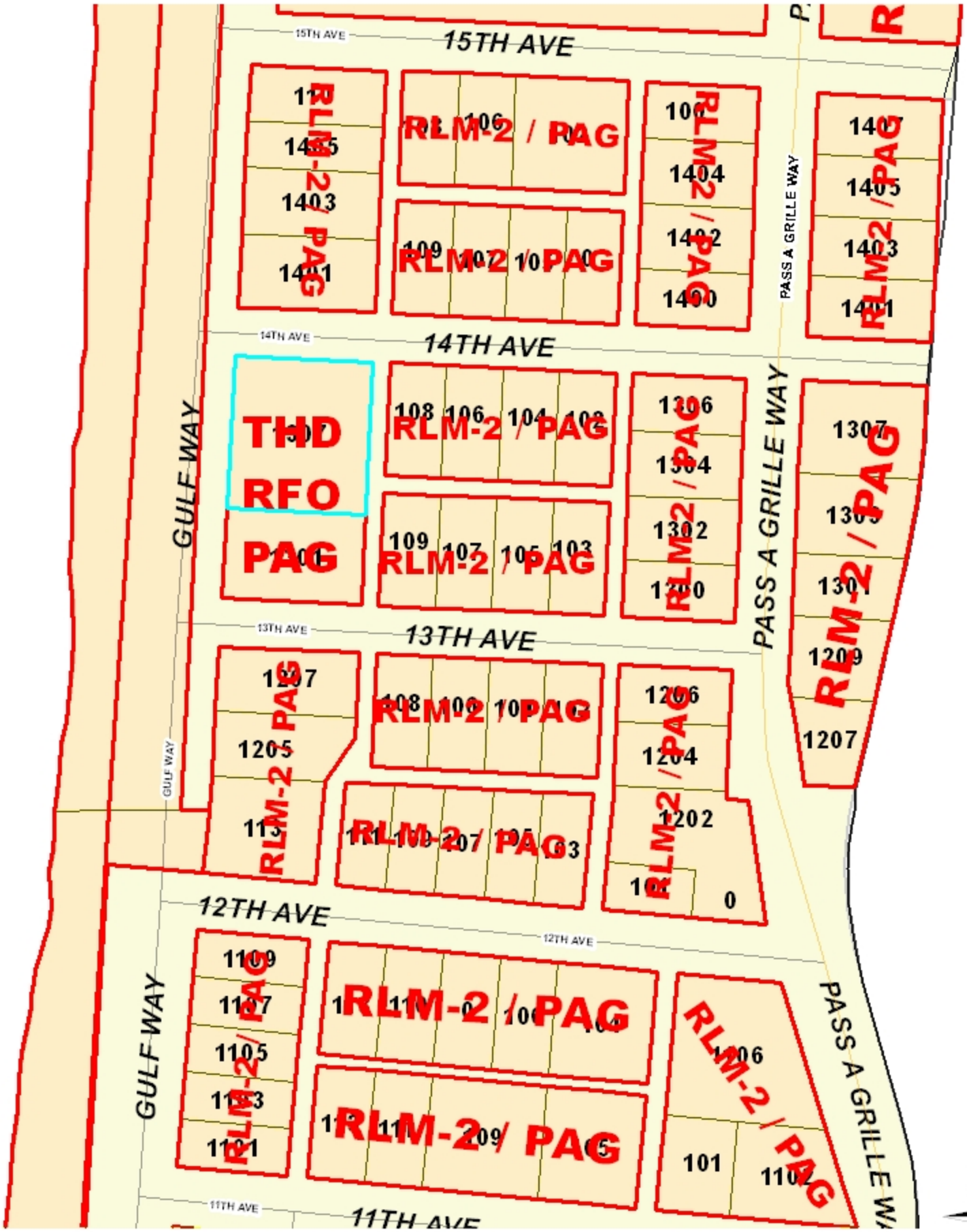
conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-Grille as opposed to residential uses.

Summary and Conclusion

Certainly, there are polices in the Comprehensive Plan that support both the maintenance of the temporary lodging uses and the maintenance of single family neighborhoods; However, there are more policies that lean towards maintaining the temporary lodging use. Multiple public meetings have been conducted over the last year in which both the public and elected officials have stated that the preferred location of temporary lodging uses are on Gulf Way and Pass-a-Grille Way versus the interior streets where single family residences are the predominate uses. However, the restrictions recently adopted that limit the redevelopment of temporary lodging uses in the Traditional Hotel District would also lend to the argument that temporary lodging uses are not a preferred use for the Pass-a-Grille neighborhood.

Respectfully submitted:
Catherine M. Hartley, AICP, CNU-a
Senior Planner

1307 Gulf Way and Surrounding Properties
Current Zoning



LAW OFFICES
OF
Bacon & Bacon, P.A.
A Professional Association

2959 FIRST AVENUE NORTH
ST. PETERSBURG, FLORIDA 33713

BACON & BACON, P.A.
ADRIAN S. BACON (1924-2001)
DAVID A. BACON

TELEPHONE: 727-327-3935
FACSIMILE: 727-323-4936

September 16, 2011

City of St. Pete Beach, Florida
Attn: Catherine Hartley, Zoning Dept.
155 Corey Avenue
St. Pete Beach, FL 33706

IN RE: Rezoning Application
Property Owner: 1307 Gulf Way, LLLP
Property Address: 1307 Gulf Way, St. Pete Beach

Dear Catherine:

I am enclosing herewith the following document in reference to the above application:

1. Rezoning Application;

2. Authorization Form;

3. Survey prepared by George F. Young; and

4. A check made payable to the City in the amount of $2,043.44, representing the following:

a.	Zoning Application Fee -	$500.00
b.	Flume (Land Use Map Change) Fee -	$1,000.00
c.	Mailing Costs -	$230.40
d.	Mailing Costs - repealing of Development Agr. -	$313.04

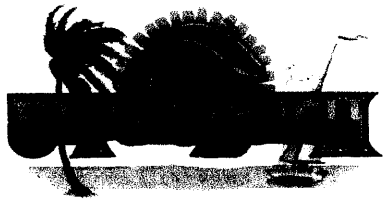
Should you require any additional information or documentation at the present time, please advise me accordingly. Thanking you for your attention to the foregoing, I am

Sincerely,
BACON & BACON, P.A.

Jodilynn Furlong,
Florida Registered Paralegal
Enclosure

cc: Client

PLEASE TYPE OR
PRINT LEGIBLY



APPLICATION

(Check appropriate boxes)

Complete the information required below, read and initial the caveats on PAGE 2 of this form, sign below where indicated and attach a recent survey of the subject property and any supporting drawings and documents you think will enhance your application.

☐ Plan change X Rezoning

APPLICANT/AGENT:

Name: Bacon & Bacon, P.A.–David Bacon Esq.

Address: 2959 First Avenue North

City: St. Petersburg State: FL

Zip: 33713 Telephone: 727-327-3935

PROPERTY OWNER:

Name: 1307 Gulf Way, LLLP

Address: 1324 S. Lakeshore Drive

City: Sarasota State: FL

Zip: 34231 Telephone: 941-358-6868

PROPERTY:

Address: 1307 Gulf Way, St. Pete Beach, FL

Parcel ID: 18-32-16-95454-004-1330

Current Zoning: THD Proposed Zoning: RLM-2 Current Land Use: Residential High Proposed land use: RLM

Lot area: _____

DETAILS OF THE REQUEST (Add additional sheets if necessary):

Property is currently zoned THD and improved with a dilapidated, non-operational building formerly operated as the Gulf Way Inn. Property owner intends to cause the existing building to be demolished and desires to change the zoning to allow the property to be three (3) single family lots for eventual improvement with single family dwellings.

1307 Gulf Way, LLLP

By: _____ - Howard A. Jacobs its President 7-21-11

Signature of Applicant & Date

For office use only:

Case Number: _____ Scheduled PB Meeting: _____ Fees: _____

PB Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

Forwarded to City Commission: Date Sent: Scheduled for:

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

File Closed: _____

Property address 1307 GULF WAY (continued)

THE FOLLOWING ITEMS MUST BE INITIALED BY APPLICANT OR AGENT:

_____ I understand that the Board's action is not final. It must be approved by the City Commission, and I further understand that the Commission may modify the conditions of approval or deny the application.

_____ 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.

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE 1307 Gulf Way, LLP
(print name of property owner)

hereby authorize BACON + BACON, P.A. - DAVID BACON
(print name of agent)

to represent me/us in an application for RE-ZONING
(type of application: variance, land use, zoning, special event, etc)

1307 GULFWAY, LLP
BY: [signature] - President
Signature of owner

HOWARD A. JACOBS - President
~~Print name of owner~~

Signature of owner

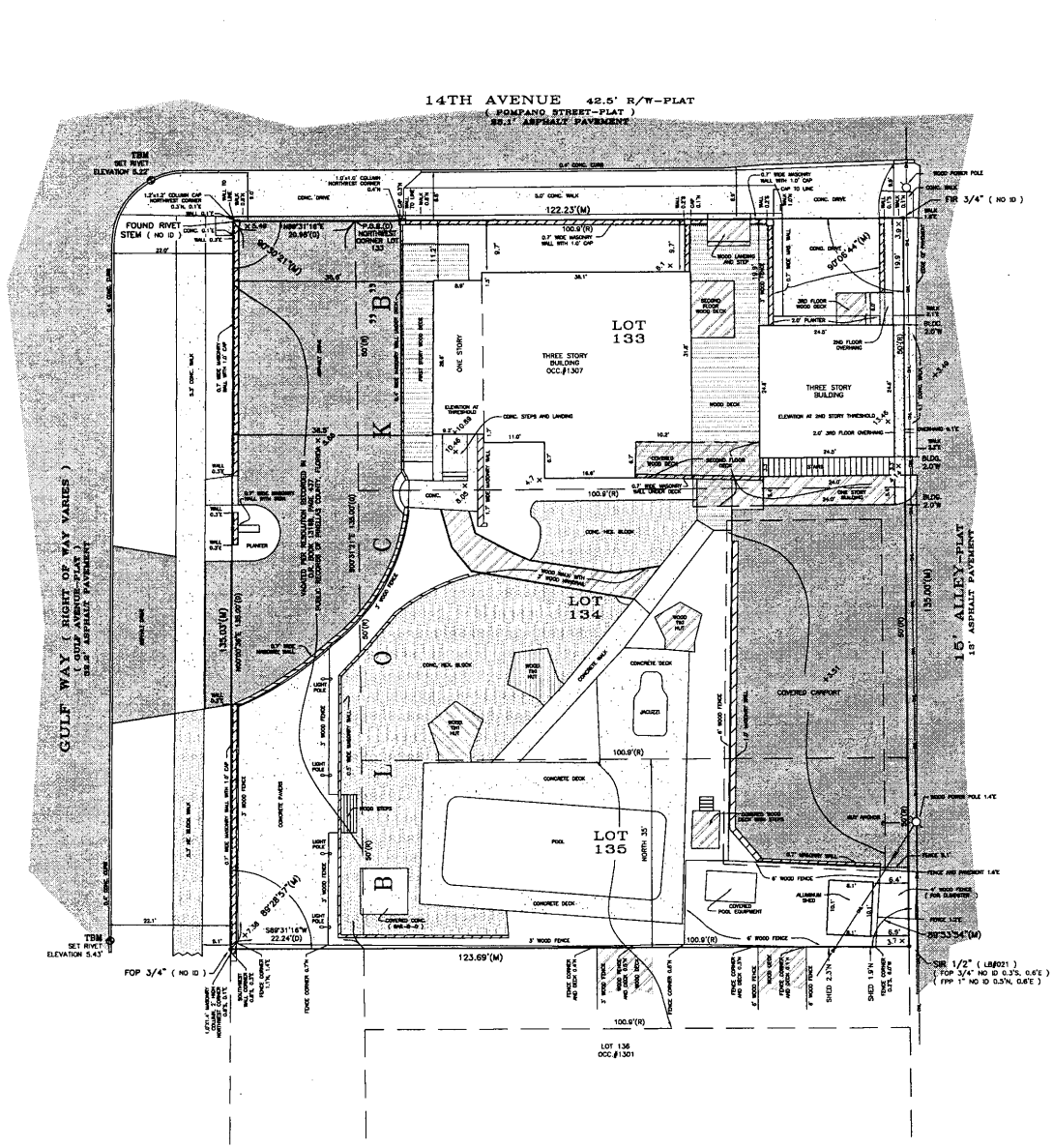
Print name of owner

The foregoing instrument was acknowledged before me this 21 **day of** July **2011, by** HOWARD A. JACOBS **who is personally known** X **or produced** ——— **as identification.**

Denise M. Wiggington 7/21/11
(Notary Signature) **(Date)**

My commission expires 1/31/15

DENISE M. WIGGINTON
MY COMMISSION #EE50459
EXPIRES: JAN 31, 2015
Bonded through 1st State Insurance



LEGEND

A	ARC	M.H.	MANHOLE
A/C	AIR CONDITIONER	NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988
BFP	BACKFLOW PREVENTER	NO	NUMBER
BLDG	BUILDING	NGVD	NATIONAL GEODETIC VERTICAL DATUM
C	CHORD	OCC	OCCUPIED
CALC.	CALCULATED	OHL	OVERHEAD LINES
CB	CHORD BEARING	O.R.	OFFICIAL RECORD BOOK
℄	CENTER LINE	(P)	PLAT
CLF	CHAIN LINK FENCE	PC	POINT OF CURVE
CLP	CONCRETE LIGHT POLE	PCC	POINT OF COMPOUND CURVE
CO	CLEAN OUT	PCP	PERMANENT CONTROL POINT
COMM.	COMMUNICATIONS	PED	PEDESTAL
CONC	CONCRETE	PI	POINT OF INTERSECTION
COR	CORNER	PLS	PROFESSIONAL LAND SURVEYOR
COSP	CITY OF ST. PETERSBURG	P.O.B.	POINT OF BEGINNING
COV	COVERED	PP	POWER POLE
CPP	CONCRETE POWER POLE	PRC	POINT OF REVERSE CURVE
(D)	DESCRIPTION	PRM	PERMANENT REFERENCE MONUMENT
DIA	DIAMETER	PSM	PROFESSIONAL SURVEYOR AND MAPPER
DIP	DUCTILE IRON PIPE	PVC	POLYVINYL CHLORIDE
ELEC.	ELECTRIC	(R)	RECORD
ELEV	ELEVATION	RAD	RADIUS
EP	EDGE OF PAVEMENT	RCP	REINFORCED CONCRETE PIPE
ESMT	EASEMENT	RCW	RECLAIMED WATER
EWPB	ELECTRIC WIRE PULL BOX	RCWV	RECLAIMED WATER VALVE
FCM	FOUND CONCRETE MONUMENT	Reg'n.	REGISTRATION
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	RLS	REGISTERED LAND SURVEYOR
		RNG	RANGE
FH	FIRE HYDRANT	R/W	RIGHT OF WAY
FIR	FOUND IRON ROD	SCM	SET CONCRETE MONUMENT
FIP	FOUND IRON PIPE	SEC	SECTION
F.L.	FLOOD LIGHT	SIR	SET 1/2" IRON ROD LB 021
FN&D	FOUND NAIL AND DISK	SN&D	SET NAIL AND DISK
FOP	FOUND OPEN IRON PIPE	SR&D	SET RIVET AND DISK
FPC	FLORIDA POWER CORPORATION	TBM	TEMPORARY BENCH MARK
FPP	FOUND PINCHED IRON PIPE	TELE.	TELEPHONE
FR&D	FOUND RIVET AND DISK	TPED	TELEPHONE PEDESTAL
GEN.	GENERATOR	TRANS.	TRANSFORMER
G.P.	GUARD POST	TYP	TYPICAL
GTE	GENERAL TELEPHONE & ELECTRONICS	TV	TELEVISION
GV	GAS VALVE	TWP	TOWNSHIP
HEX	HEXAGON	VCW	VALVE COVER WATER
ID	IDENTIFICATION	WF	WOOD FENCE
INV	INVERT ELEVATION	WPP	WOOD POWER POLE
LB	LICENSED BUSINESS	W/	WITH
LP	LIGHT POLE	WM	WATER METER
LS	LICENSED SURVEYOR	WV	WATER VALVE
(M)	MEASURED	#	NUMBER
MAS.	MASONRY		
M.E.S.	MITERED END SECTION	+ 00.00	SPOT ELEVATION

A BOUNDARY SURVEY OF

Lots 133, 134 and the North 35 feet of Lot 135, Block B, WARREN WEBSTER'S MAP, according to the plat thereof recorded in Plat Book 5, page 38, Public Records of Pinellas County, Florida. TOGETHER WITH a parcel of land lying West of and adjacent to said Lots 133, 134 and the North 35 feet of Lot 135, described as follows: From a POINT OF BEGINNING at the Northwest corner of said Lot 133, run South 00°31'21" East, 135.00 feet; thence South 89°31'16" West 22.24 feet; thence North 00°00'36" East, 135.00 feet; thence North 89°31'16" East, 20.98 feet to the POINT OF BEGINNING.

St. Petersburg Beach, Florida

NOTES:

1. George F. Young, Inc. and the undersigned make no representations or guarantees pertaining to easements, rights of way, set back lines, reservations, agreements and/or other matters pertaining to survey.
2. This survey is made for the exclusive use of the current owners of the property and also those who mortgage or guarantee the title thereto within one (1) year from the date hereof.
3. This survey is a graphic depiction of the current boundary and visible improvements in accordance with the legal description shown hereon and may not reflect ownership.
4. Survey prepared with the benefit of a Chicago Title Insurance Company Commitment for Title Insurance, Order No. 3322678, effective date: October 22, 2010 at 11:00 pm, issued by Shumaker, Loop & Kendrick, LLP.
5. As per above referenced Title Commitment, lands described hereon are subject to Development Agreement by and between The City of St. Pete Beach and Takvor Evrikoz, recorded February 9, 2009, in Official Records Book 16493, page 598.
6. The location of footers, foundations and structures beneath the ground surface has not been determined.
7. As per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12103C0278G, Community Number 125149, Panel 0278, Suffix G, effective date of September 3, 2003, the above-described property appears to be in Zone AE with a base flood elevation of 11 feet, and Zone AE with a base flood elevation of 12 feet (NAVD 88).
8. Elevations shown hereon refer to the North American Vertical Datum of 1988 (NAVD 88)
9. Benchmark used was "NOAA A" located at Pass-A-Grille Beach on the beach side of the refreshment concession stand at 10th Avenue, having a published, adjusted elevation of 6.94 feet (NAVD 88). Information obtained from the NGS Data Sheet, PID AG0741.
10. This map is intended to be displayed at a scale of 1" = 10' or smaller.
11. Additions or deletions to survey maps or reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
12. This Survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
13. Certification is understood to be an expression of professional opinion by the surveyor and mapper based on the surveyor and mapper's knowledge and information, and that it is not a guarantee or warranty, expressed or implied.

REVISED	NO.	BY	DATE	DESCRIPTION
	1	AJS	1/26/11	ADD ELEVATIONS, REVISE NOTES 8 AND 9
	2			
	3			
	4			
	5			

REVISED	NO.	BY	DATE	DESCRIPTION
	6			
	7			
	8			
	9			
	10			

	INITIALS	DATE
CHK'D CHK'D	FW	11/4/2010
DRAWN	ELC/JLS	11/5/2010
CHECKED	CAB	11/5/2010
FIELD BOOK		
FIELD DATE		

PREPARED FOR:
Cross Creek Ranch, LLLP, a Florida limited liability limited partnership
Tri-State Funding, LLLP, a Florida limited liability limited partnership
Chicago Title Insurance Company
Shumaker, Loop & Kendrick, LLP

George F. Young, Inc.
Since 1919
299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-2918
BUSINESS ENTITY LB21
ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES
GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE

Catherine A. Bosco PSM LS6257
November 4, 2010
DATE

1307 Gulf Way
Boundary Survey

SECTION 18, TOWNSHIP 32S., RANGE 16E.

JOB NO. 10001201SS
SHEET NO. 1 OF 1

PLOTTED: 01/20/11 11:33:37 AM BY: JOSH
FILE: I:\PROJECTS\LAT\2001\2001201SS\DWG\10001201SSSURVEY.DWG

KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2011161527 06/20/2011 at 09:32 AM
OFF REC BK: 17280 PG: 525-534
DocType:AGM RECORDING: $86.50

KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2009032931 02/09/2009 at 01:35 PM
OFF REC BK: 16493 PG: 598-604
DocType:AGM RECORDING: $61.00

DEVELOPMENT AGREEMENT

By and Between

THE CITY OF ST PETE BEACH

and

TAKVOR EVRIKOZ

0

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and executed as of this day of December, 2008, by and between the CITY OF ST PETE BEACH, a municipal corporation existing under the laws of the State of Florida, (the "City"), and TAKVOR EVRIKOZ (the "Developer").

RECITALS:

1. The Developer is developing and improving certain land situated in Pinellas County, Florida (the "County"), being more particularly described by Exhibit "A", attached hereto and incorporated herein by this reference (the "Property").

2. The Developer plans to develop a real estate project (the "Project") on the Property at an unspecified date in the future which will consist of two separate transient accommodation facilities allocated one each to the tracts of land identified as 1301 and 1307 Gulf Way. Each facility will be developed independently and at a time of the Developer's choosing.

3. The parties acknowledge that development of the Project will, result in a need for governmental services and facilities and the City has determined that it is feasible to extend into the Property municipal services, such as but not limited to police protection, fire protection, sanitary sewage collection and treatment, trash and garbage removal, street and storm drainage maintenance, water and electricity and such other governmental and municipal services as may be required or available from time to time, all in accordance with the terms of this Agreement and City, State, Federal and public utility authority rules, regulations, ordinances and procedures.

4. The City has determined that development of the Project in accordance with the conditions of approval set forth in the Development Order as amended by the terms and conditions set forth herein will be consistent with the goal of orderly growth and development of the area in which the Property is located and is consistent with the policies of the St. Pete Beach Comprehensive Plan. Development shall proceed in accordance with the existing or subsequently amended Development Order(s).

5. Both parties recognize that, because the development of the Project may occur over a number of years, each requires, for long range planning and implementation purposes (with respect to capital, marketing and the providing of governmental services), a high level of certainty, and that each party is entitled to act in reliance upon the agreements herein set forth.

6. This Agreement is intended to authorize the Developer to proceed with the development of the Project in accordance with and in reliance upon the approvals set forth in the Development Order and this Agreement.

Accordingly, for and in consideration of the terms of the agreements herein, the receipt and sufficiency of which are hereby mutually acknowledged, the City and the Developer agree as follows:

Section 1. Definitions. The following words, phrases and terms shall have the following meanings unless the context clearly requires otherwise:

A. City. The City of St. Pete Beach, Florida

B. County. Pinellas County, Florida.

C. Developer. TAKVOR EVRIKOZ

D. Development Order. All applicable Development Orders, including rezonings, variances or conditional use approvals.

E. Project. The expansion of any current development or construction of any new residential or hotel facility located on the subject property.

F. Property. The lands described by the attached Exhibit "A".

G. Density. The number of residential units permitted per acre of land in accordance with the Comprehensive Plan and Land Development Code of the City of St. Pete Beach.

Section 2. General Provisions.

A. Compliance. The Developer agrees that both it and its successors and assigns will abide by the provisions of this Agreement, the laws of the State of Florida and the applicable ordinances of the CITY OF ST PETE BEACH.

B. Property Description and Binding Covenants. The Property is the real estate described by Exhibit "A". Except as herein provided to the contrary, it is intended that the provisions of this Agreement shall constitute promises and rights which shall run with said Property and the benefits and burdens hereof shall bind and inure to the benefit of all successors in interest to the parties hereto. Provided, however, the provisions of this paragraph are not intended

to imply or require the City's consent or joinder in mortgages encumbering the Property, declarations of condominium, declarations of covenants or restrictions, executions of easements or any other instruments executed in connection with the development or sale of the Property, in whole or in part.

C. Term. The term of this Agreement shall commence upon the proper execution of this Agreement by the last party hereto and shall extend for the entire period during which the subject property is designated as Residential High on the Future Land Use Plan Map of the City, unless sooner terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto, but shall under no circumstances remain in effect for less than three years from the date of commencement. Following the expiration of this Agreement, the contractual obligations provided by this Agreement shall be deemed terminated and of no further force and effect; provided, however, the termination of this Agreement shall not have the effect of terminating any Development Order.

D. Assignment. (1) At any time during the term of this Agreement, Developer may assign or transfer this Agreement, together with all the Developer's rights, title and interest therein, to any person, firm or corporation which succeeds to the then remaining interest of the Developer in and to the Property. That is, if the Developer shall sell or transfer its rights with respect to development or the Property by direct transfer or sale, long term lease, merger, consolidation, joint venture or partnership the successor to the Developer shall receive the benefits and be bound by the provisions of this Agreement.

E. Notices. Formal written notice, demands, correspondence and communication between the City and Developer shall be sufficiently given if dispatched by postage prepaid, first class mail, return receipt requested, to the respective party at the following address or to such other persons and addresses as either party may from time to time designate to the other in writing:

If to the City:
CITY OF ST PETE BEACH
City Clerk
155 Corey Avenue
St. Pete Beach, Florida 33706

If to the Developer:
Takvor Evrikoz
1307 Gulf Way
St. Pete Beach, Florida 33706

F. Notice of Sale or Transfer. Developer shall give prior written notice to the City of any sale or transfer of the Property or any portion thereof if such transfer includes an assignment of this Agreement or any portion thereof. Such notice shall specify the name or names of the transferee, the transferee's mailing address, the location of the land so sold or transferred, and the name and address

of the entity to which any notice relating to this Agreement shall be given.

G. Amendment of Agreement.

(1) This Agreement may be amended from time to time only by the mutual consent of the parties according to the same formalities required for the execution of this Agreement.

Section 3. Development of the Property.

A. Conditions. No development shall be allowed upon the property which is inconsistent with the stated policies of the City's Comprehensive Plan, Land Development Code or any applicable Development Order. Additionally, no permanent residential development of any configuration shall be permitted in excess of 10 units per acre, irrespective of the zoning assigned to the property. Except as herein or in the Development Order specifically permitted or stated to the contrary, all development activity and construction conducted in or on the Property shall be in accordance with contemporaneously applicable local, state and federal laws, regulations and ordinances.

B. Rules, Regulations, Zoning and Official Policies.

(1) This section shall not preclude the application to the Property of changes in City ordinances, regulations, plans or policies, the terms of which are specifically mandated and required to be applied to the Property by changes in water management districts or state or federal laws or regulations. In the event such changes in state or federal laws prevent or preclude compliance with one or more provisions of this Agreement (and the Project is not otherwise entitled to a vested rights status by statute or law), the City and Developer shall take such action as may be required to modify this Agreement.

(2) This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit the future discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which would require the exercise of discretion by the City or any of its officers or officials; provided that the City is currently exercising its discretionary powers with respect to the Project in the execution of this Agreement and subsequent discretionary actions shall not prevent development of the Project for the land uses and to the density and intensity of development as provided by this nor act as a cancellation of the provisions of this Agreement.

Section 4. Development of Property as a Private Undertaking.

It is specifically understood that the development of the Property is a private undertaking. No partnership, joint venture or

other association of any kind is formed by this Agreement. The only relationship between the City and the Developer is that of a government entity regulating the development of private property and the owner of such private property.

Section 5. Miscellaneous Provisions.

A. Recording. The Developer upon the execution of this Agreement, shall pay to the City the costs of recording of this Agreement among the Public Records of Pinellas County, Florida and the Agreement shall thereafter be recorded.

B. Severability. If any sentence, phrase, paragraph, provision or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereto unless removing such sentence, phrase, paragraph, provision or portion from this Agreement would frustrate the intentions of either of the parties hereto in executing this Agreement.

C. Successors and Assigns. The rights, benefits, burdens and obligations created and imposed by this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

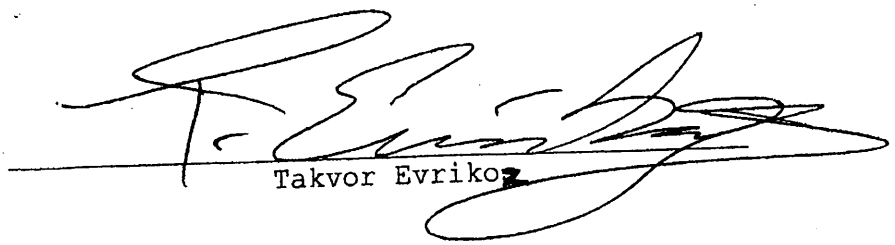
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first above written.

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Development Agreement was duly adopted in accordance with the provisions of applicable law this 14th day of January, 2009.

Theresa McMaster

Theresa B. McMaster, City Clerk

Signatures of Parties to the Agreement:



Takvor Evriko

Mike Finnerty

Michael Finnerty, Mayor
City of St. Pete Beach

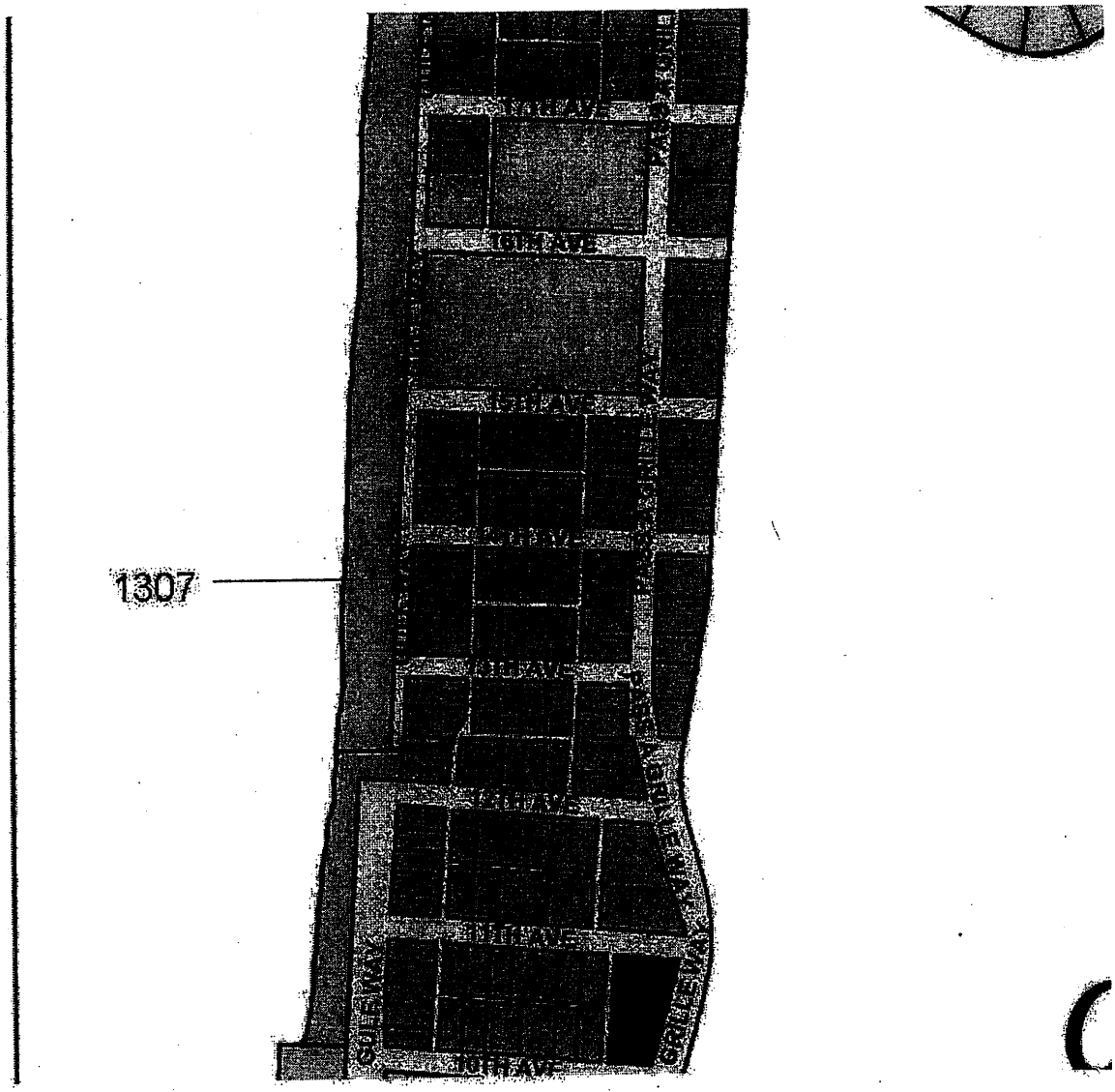
Attachment "A"

Legal Description 1307 Gulf Way

WEBSTER'S MAP, WARREN BLK B, LOTS 133 & 134 & N 35FT OF LOT 135 TOGETHER WITH THAT VAC PT OF GULF WAY DESC BEG AT NW COR OF LOT 133 TH S01DE 135FT TH W 22.24FT TH N 135FT TH E 20.98FT TO POB (PER O.R. 13168/437)

Exhibit A

1307 Gulf Way



I, Rebecca C. Haynes, City Clerk with the City of St. Pete Beach, hereby certify that the foregoing Development Agreement by and between the City of St. Pete Beach and Mr. Takvor Evrikoz re: 1307 Gulf Way, Pass-A-Grille, FL 33706, is a true and correct copy, as amended. The Development Agreement was approved by the St. Pete Beach City Commission at its regular meeting of January 14, 2009, and originally recorded on February 9, 2009 as Document #2009032931 with the Clerk of Court, Pinellas County, Florida. It is amended with the inclusion of "Exhibit A" as referred to in the Development Agreement, Page One, Section 'Recitals', Paragraph One.

Rebecca C. Haynes 6/14/2011

Rebecca C. Haynes

City Clerk

City of St. Pete Beach

MEMORANDUM

CITY CLERK'S OFFICE

June 16, 2011

Clerk of Court
County of Pinellas
ATTN: Official Records Division
315 Court Street
Clearwater, FL 33756

To Whom It May Concern:

Please record the enclosed documents as listed below:

1. Development Agreement with Mr. Joe Caruso, 1301 Gulf Way, Pass-A-Grille, FL
2. Development Agreement with Mr. Takvor Evrikoz, 1307 Gulf Way, Pass-A-Grille, FL

These documents were previously recorded on February 9, 2009 but did not include city clerk certification or the attachments referred to as Exhibit A.

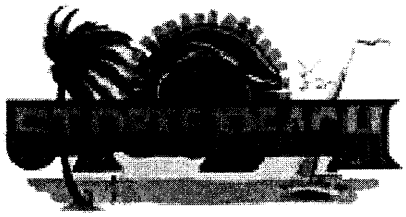
As I understand from our Finance Department, Pinellas County will invoice the City of St. Pete Beach for this transaction. The total amount is $173.00, $10.00 for the first page and $8.50 for each additional page, totaling $86.50 for each ten-page document. Please advise if this is incorrect.

Should you require additional documentation or have any questions, please give me a call at (727) 363-9220.

Cordially,

CITY OF ST. PETE BEACH

Rebecca C. Haynes
City Clerk



CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
Mailing date: October 7, 2011

Planning Board
NOTICE OF PUBLIC HEARING FOR A CHANGE OF ZONING AND CHANGE TO THE FUTURE LAND USE MAP
OCTOBER 26, 2011
4:00 p.m.

You are hereby notified that the City of St. Pete Beach has received applications requesting the following:

Ordinance 2011-33: Change to the Future Land Use Map from Residential High with the Resort Facilities Overlay to Residential Low –Medium for the property located at 1307 Gulf Way.

Ordinance 2011-34 Change to the Official Zoning Map from THD (Traditional Hotel District) to RLM-2 (Residential Low Medium 2) for the property located at 1307 Gulf Way.

The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. **It is the intent of the Planning Board to conduct a public hearing on the proposed changes on Wednesday October 26, 2011 at 4 p.m. or as soon as the agenda permits.** Interested persons are urged to examine the ordinance prior to the scheduled hearing date.

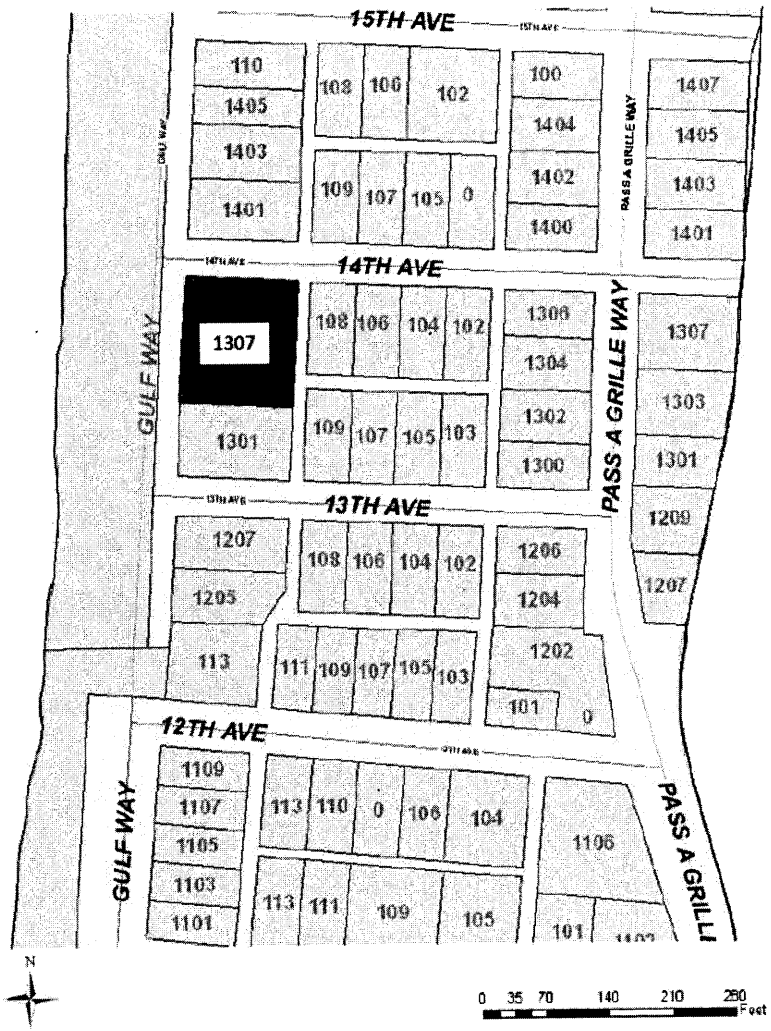
Individuals who wish to object to the future land use and zoning changes may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should specify the grounds for the objection. Written objections will be presented to the City Commission. **The Community Development Department may be contacted by telephone at 727-363-9266 or by email at c.hartley@stpetebeach.org .**

The rezoning public hearing is part of a quasi-judicial proceeding and subject to special rules and procedures relative to evidence and appeals, which include prohibited discussion with Board members. Comments should be directed to Community Development Department staff in writing prior to the public hearing, and those documents will be presented to the Board.

Appeals of the decisions are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Ordinance 2011-33 Change to Future Land Use Map
Ordinance 2011-34 Change to Zoning Map



PAM DUBOV, CFA, CAE
Pinellas County Property Appraiser
www.pcpao.org pam@pcpao.org

Run Date: 07 Oct 2011
Subject Parcel: 18-32-16-95454-004-1330
Radius: 500 feet
Parcel Count: 74
Note: Parcels with protected address status are not included in this report.
Total pages: 7

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

GILLOOLY, ROBERT C
GILLOOLY, JAMES F
104 13TH AVE
ST PETERSBURG FL 33706-4207

GILLOOLY, ROBERT C
GILLOOLY, JAMES F
104 13TH AVE
ST PETERSBURG FL 33706-4207

106 13TH AVE LLC
2662 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2733

STAPLETON, WILLIAM H III
GRIER-STAPLETON, BETTE A
108 13TH AVE
ST PETE BEACH FL 33706-4207

BEAVERS, JERRY
PO BOX 46666
ST PETERSBURG FL 33741-6666

MYRBACK, ALEXIS TRUST
MYRBACK, DOUGLAS S TRE
4515 DALE AVE
TAMPA FL 33609-3708

BODINE REAL INV
PO BOX 66024
ST PETE BEACH FL 33736-6024

CARUSO, JOSEPH V
CARUSO, JOSEPH S
1301 GULF WAY
ST PETE BEACH FL 33706-4225

BARNES, DANIEL J
PO BOX 236
SMITHVILLE TN 37166-0236

RUAS, SARAH B RESIDENCE TRUST
RUAS, ERNESTO J TRE
603 SOUTH BLVD
TAMPA FL 33606-2629

LEPORE, LINDA
1302 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4234

PERNA, GINO X
PERNA, HELEN J
107 13TH AVE
ST PETE BEACH FL 33706-4257

BRONSTEIN, JOEL D
BRONSTEIN, KAY E
1303 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4233

HAMILTON, LINDA TRE
1304 PASS A GRILLE WAY
ST PETERSBURG FL 33706-4234

PRESTON, JUDITH H
1307 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4233

DOLPHIN WATCH II LLC
3618 EL CENTRO
ST PETE BEACH FL 33706-3908

LYNN, ROBERT J LIVING TRUST
LYNN, ROBERT J TRE
4927 W MELROSE AVE S
TAMPA FL 33629-5419

CAKARNIS, IKARS A
CAKARNIS, BARBARA R
105 12TH AVE
ST PETE BEACH FL 33706-4205

NELSON, DAVE
107 12TH AVE
ST PETE BEACH FL 33706-4205

KING, ANTOINETTE P
JAMES, PENNY
109 12TH AVE
ST PETE BEACH FL 33706-4205

ERCIUS, WALTER R
ERCIUS, BRENDA
111 12TH AVE
ST PETE BEACH FL 33706-4205

HOLEHOUSE, RONALD F
113 12TH AVE
ST PETERSBURG FL 33706-4205

COLLOM, CHARLES L
COLLOM, PATRICIA C
PO BOX 46647
ST PETE BCH FL 33741-6647

LEDNER, RUTH
C/O LEDNER, LORI POA
5096 ASHMONT CT
ATLANTA GA 30338-4202

COLLOM, CHARLES L
COLLOM, PATRICIA T
2381 E VINA DEL MAR
ST PETE BEACH FL 33706-2831

THORNTON, SIRKKA N DECLARATION TRUST
THORNTON, SIRKKA N TRE
724 BOCA CIEGA ISLE BLVD
ST PETE BEACH FL 33706-2536

STANLEY, M CHRISTINE
STANLEY, RUSSELL
548 PARK ST S
ST PETERSBURG FL 33707-1135

HOLEHOUSE, RONALD F
125 28TH ST N
ST PETERSBURG FL 33713-8616

MC CORMICK-GOODHART, LEANDER PAUL
BURKE, HENRIETTA V
837 HERBERT SPRINGS RD
ALEXANDRIA VA 22308-1320

SHARP, WILLIAM M
SHIVERS, JANE E
5210 INTERBAY BLVD # 9
TAMPA FL 33611-4145

GUSTAFSON, JANET 1999 DEC OF TRUST
GUSTAFSON, JANET TRE
1424 BRAEBURN AVE
FLOSSMOOR IL 60422-1804

FLETCHER, LORRAINE L TRUST
FLETCHER, BRADLEY W TRE
4566 HARBOR HILLS DR
LARGO FL 33770-4034

ABRAHAM, CHERYL LOUIS
PO BOX 36682
TUCSON AZ 85740

FERNANDEZ, ROBERT C
FERNANDEZ, MARY L
110 12TH AVE
ST PETE BEACH FL 33706-4206

HAMM, MICHAEL REVOCABLE LIVING TRUST
HAMM, MICHAEL TRE
2890 OLE PIKE DR
GERMANTOWN TN 38138-7224

BEACH HOUSE DEV GROUP
C/O MENENDEZ, GEORGE A
1604 E 4TH AVE
TAMPA FL 33605-5110

SAWYER, KENNETH W
PO BOX 923
SPARTA NJ 07871-0923

GALINSKI, PETER M
GALINSKI, BARBARA ANN ROZEA
6123 54TH ST S
TIERRA VERDE FL 33715-2408

GRANT, ARIEL T
GRANT, DONALD L
106 14TH AVE
ST PETE BEACH FL 33706-4209

CROSS CREEK RANCH LLLP
1324 S LAKESHORE DR
SARASOTA FL 34231-3404

PUTNAM, ROBERT N II
PO BOX 18612
TAMPA FL 33679-8612

WAKSHLAG, MEKEL A REV TRUST
WAKSHLAG, MEKEL A TRE
1111 VALLEY OVERLOOK DR
ATLANTA GA 30324-5621

GILLIES, JOHN P
GILLIES, GABRIELLE G
1403 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4235

WINANS, PHYLLIS B
WINANS, CARL W
106 15TH AVE
ST PETE BEACH FL 33706-4210

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

YAREMKO, DEREK
SOTNIKOW, DARLENE
1505 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4274

DOLPHIN WATCH I LLC
3618 EL CENTRO
ST PETE BEACH FL 33706-3908

ARNOLD, DANIEL P
ARNOLD, JANICE A
307 AMBLEWOOD CIR
GREENBURG PA 15601-5901

PINES OF PASS-A-GRILLE CONDO ASSN INC
108 14TH AVE APT 4
SAINT PETERSBURG FL 33706-4219

FEINBERG, M DAVID JR
702 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4335

HAMM, MICHAEL
HAMM, JUDITH
1202 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4232

MALLORY, NORMAN D TRE
SMITH, M A RANCH TRUST
1126 SIGNATURE DR
SUN CITY CENTER FL 33573-4412

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

CRANE, CAROL F
APT 510
2800 W 44TH ST
MINNEAPOLIS MN 55410-1575

CARLSON, SUSAN W
1301 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4233

CANE, PAULA P
1404 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4236

COCONUT INN LLC
1301 GULF WAY
ST PETE BEACH FL 33706-4225

GALINSKI, PETER M
ROZEA-GALINSKI, BARBARA A
6123 54TH ST S
ST PETERSBURG FL 33715-2408

RON'S INVESTMENTS INC
C/O HOLEHOUSE, RON
125 28TH ST N
ST PETERSBURG FL 33713-8616

PAYNE, SUSAN M
108 14TH AVE # 4
ST PETE BEACH FL 33706-4219

PERNA, TERRY L
PERNA, MARGARET J
108 15TH AVE
ST PETERSBURG FL 33706-4210

THORNTON, KENNETH E
105 14TH AVE
ST PETE BEACH FL 33706-4208

RON'S INVESTMENTS INC
125 28TH ST N
ST PETERSBURG FL 33713-8616

SEA BISCUIT PROPERTIES LLC
702 1/2 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4335

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

PRUITT, J CRAYTON FAMILY TRUST
PRUITT, J CRAYTON TRE
1 BEACH DR SE SUITE 302 E
ST PETERSBURG FL 33701-3963

ROSEN, STEVEN D
ROSEN, WENDY W
81 MONTVIEW CT
COCKYSVIL MD 21030-2648

FEINSTEIN, HARRIS
FEINSTEIN, SUZETTE M
10909 VICTORIA ARBOR WAY
TAMPA FL 33617-3141

VAN DEUSEN, SANDRA
6130 PASADENA BLVD S
GULFPORT FL 33707

MORRISON, CHRISTOPHER A
MORRISON, TAMARA A
1103 GULF WAY
ST PETE BEACH FL 33706-4223

THERMENOS, MUSA S
6 EAST 35TH ST
READING PA 19606-3121

LATTIMER, AMY B
1912 COLUMBINE CT
GOLDEN CO 80401-9101

ORSINO, PHILIP S
831 BRIGHTWATERS BLVD NE
ST PETERSBURG FL 33704-3719

AEDES HOLDINGS INC
4221 45TH ST S
ST PETERSBURG FL 33711-4431

CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
Mailing date: January 4, 2011

Planning Board
NOTICE OF PUBLIC HEARING FOR A CHANGE OF ZONING AND CHANGE TO THE FUTURE LAND USE MAP
JANUARY 17, 2012
4:00 p.m.

You are hereby notified that the City of St. Pete Beach has received applications requesting the following:

Ordinance 2011-33: Change to the Future Land Use Map from Residential High with the Resort Facilities Overlay to Residential Low –Medium for the property located at 1307 Gulf Way.

Ordinance 2011-34 Change to the Official Zoning Map from THD (Traditional Hotel District) to RLM-2 (Residential Low Medium 2) for the property located at 1307 Gulf Way.

The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. **It is the intent of the Planning Board to conduct a public hearing on the proposed changes on Tuesday January 17, 2012 at 4 p.m. or as soon as the agenda permits.** Interested persons are urged to examine the ordinance prior to the scheduled hearing date.

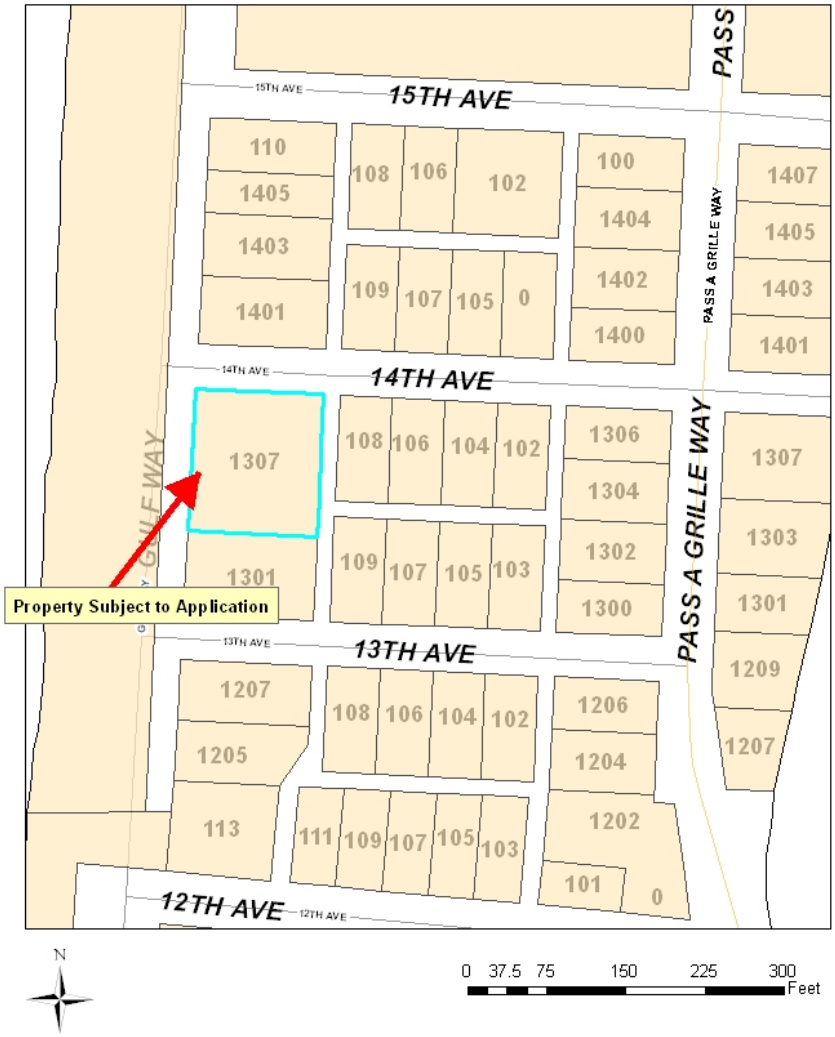
Individuals who wish to object to the future land use and zoning changes may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should specify the grounds for the objection. Written objections will be presented to the City Commission**. The Community Development Department may be contacted by telephone at 727-363-9266 or by email at c.hartley@stpetebeach.org .**

The rezoning public hearing is part of a quasi-judicial proceeding and subject to special rules and procedures relative to evidence and appeals, which include prohibited discussion with Board members. Comments should be directed to Community Development Department staff in writing prior to the public hearing, and those documents will be presented to the Board.

Appeals of the decisions are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Ordinance # 2011-33 Change of Future Land Use from Residential High with the Resort Facilities Overlay to Residential Low Medium
Ordinance # 2011-34 Change of Zoning from THD to RLM-2
1307 Gulf Way



Robert and Mary Fernandez
110 12th Avenue
St. Pete Beach, FL 33706

October 21, 2011

Attention: C. Hartley
City of St. Pete Beach
Community Development Department
City Hall – 1st Floor
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Ordinance to the Future Land Use Map from Residential High with the Resort Facilities Overlay To Residential Low—Medium for the property located at 1307 Gulf Way

Ordinance 2011-34: Change to the Official Zoning Map from THD (Traditional Hotel District) to RLM-2 (Residential Low Medium 2) for the property located at 1307 Gulf Way

Dear Sirs:

We will be out of town on October 26, 2011 and so we are writing to file our objection to the proposed future land use and zoning changes for 1307 Gulf Way.

As you know, we have vigorously opposed the expansion of a commercial property into our residential neighborhood. In this case the proposal is to convert property that has been commercial for many decades and approved for THD into residential zoning. This property is on Gulf Way and neighbors two other commercial properties. It is separated by an alley from other residential properties.

Just as we have strived to protect our neighborhood, we believe it is important to recognize the value of existing transient accommodations in the appropriate locations to the Pass-A-Grille mix. Thus we urge the Planning Board and the City Commission to reject this proposed future land use and zoning change for 1307 Gulf Way.

Sincerely,

Bob & Mary Fernandez

mjm

Ordinance 2011-37

Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA). *(Legislative)*

Ordinance 2011-38

Change of Zoning designation for 701 Gulf Way from ROR to CRD- EA. *(Quasi-Judicial)*

Note: These items were continued from the December 20, 2011 meeting. No additional mailed notices were sent.

City of St. Pete Beach
Planning Board/Local Planning Agency
Public Hearings
Ordinance # 2011-37
Ordinance # 2011-38
January 17, 2012

Property Information

Address: 701Gulf Way
Owners: Multiple – Please refer to Exhibit A submitted by applicant's agent
Agent: Deborah Martohue
Existing Use: Multifamily
Proposed Use: Temporary Lodging
Parcel Size: 7,980 square feet MOL

Applicant Requests: Change of Future Land Use Designation from Residential Office Retail to CRD-EA
Change of Zoning from ROR to CRD-EA

Background Information:

The property was formerly an 11-unit apartment complex. Between roughly 2006 and 2007, the property was renovated and the number of units was reduced to 8 units. The certificate of occupancy issued at the completion of the project states the structure was at the time of issuance "in compliance with the various ordinances of the City regarding building construction or use for the following: 8 unit apartment building". The Certificate of Occupancy is dated March 28, 2008. According to Property Appraiser public records, all of the units were sold between July - August 2008.

Shortly after the Certificate of Occupancy was issued, the City initiated a Future Land Use Map (FLUM) change to the area known as the CRD-EA or Community Redevelopment Area- 8th Avenue (Ordinance 2008-24). The area was also subject to a Special Area Plan and Countywide Land Use Map change. ***(Please note: The property subject to this application, 701 Gulf Way, was not included in the 2008 FLUM Amendment or Special Area Plan.)***

The dates of the public hearings/election for the FLUM change are as follows:
Planning Board: 5/22/2008
City Commission 1st reading: 6/10/2008
City Commission 2nd reading: 8/26/2008
Voter Approval: 3/10/2009
Pinellas Planning Council: 2/17/2010
Pinellas County Board of County Commissioners acting as the Countywide Planning Authority: 3/16/2010

A map of the CRD-EA as approved via Ordinance 2008-24 is illustrated in Figure 1 below:

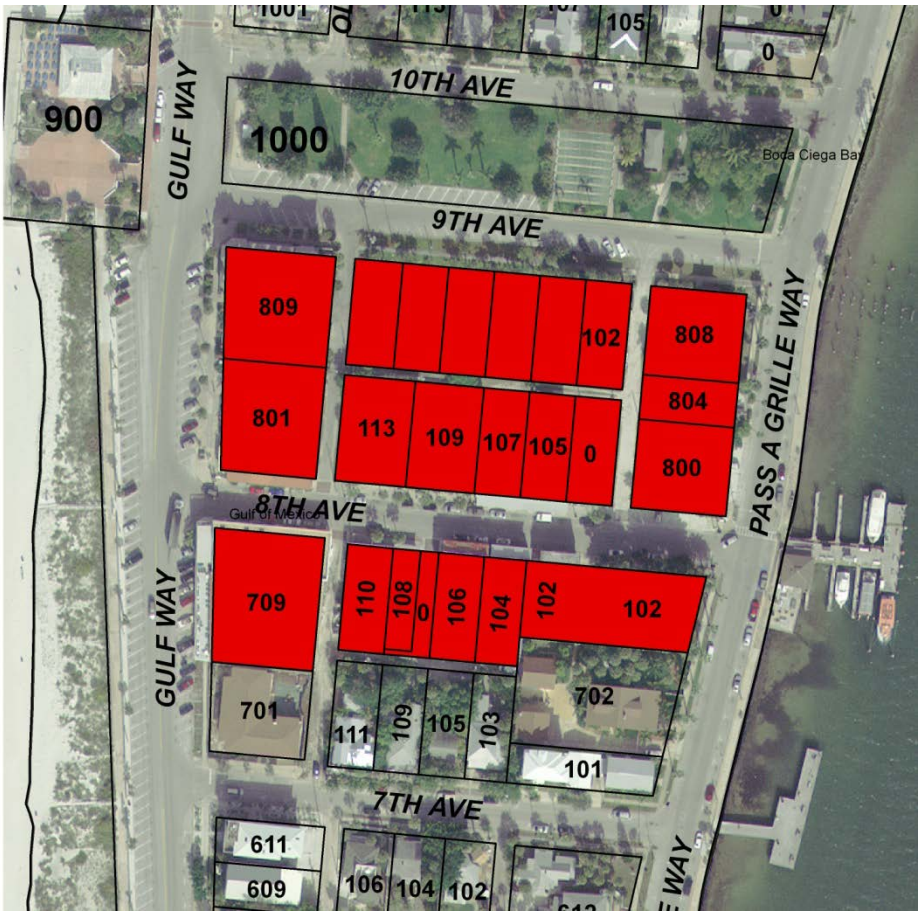


Figure One- CRD-EA Map. Area shaded in RED illustrates the area subject to the FLUM change.

The existing ROR Future Land Use category for the subject property permits both residential and transient accommodations (now known as temporary lodging). The Comprehensive Plan sets a density limit for residential uses at 18 units per acre. The Comprehensive Plan is silent regarding a density limit for transient accommodations.

The existing ROR zoning further limits the density for both residential and temporary lodging at 15 units per acre. While residential uses are permitted by right in this district, “motels and bed and breakfasts” are conditional uses. There is no record of the developer requesting a conditional use for a motel or bed and breakfast for the subject property.

Under the ROR zoning, two residential or motel/bed and breakfast units are permitted on the site.

In May 2011, one of the unit owners received a Notice of Violation for allegedly renting the unit for less than 30 days, which is in violation of the Land Development Code. The applicants have requested the change in Future Land Use and Zoning to allow for short term rentals (less than 30 days).

Under the proposed CRD-EA FLUM and zoning regulations, the site would be permitted to have 5 transient units. It should be noted that the City Commission directed Staff to initiate a change to the Eighth Avenue Special Area Plan and text of the Comprehensive Plan to allow for 50 transient units per acre, which are addressed in Ordinance numbers 2011-39 and 2011-40, respectively. This change in density, along with the change in Future Land Use and zoning, would make the property as used as a temporary lodging use both conforming by use and density. Currently, the site does not contain any off-street parking; however, pursuant to Division 23.5 of the land Development Code, transient uses in the CRD-EA zoning are exempt from providing off-street parking.

Staff Analysis

Consistency of the request with the Comprehensive Plan:

The following goals, objectives, and policies are germane to the application:

Policy 2.1.5
Through the enforcement of the land development regulations, existing residential areas shall be protected from the encroachment of incompatible uses; likewise, other land use areas shall be protected from the encroachment of incompatible residential uses.

Policy 2.1.6
The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other applicable City codes.

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 2.4.1
The City shall, through administration of the LDC, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Standards for review of FLUM changes:

Future Land Use Map amendments are a legislative function of local government under Florida law, which holds the governing authority to a general standard of reasonableness in making the determination. In addition, Future Land Use Map changes should be broadly consistent with relevant Comprehensive Plan policies, including not degrading infrastructure Levels of Service.

The applicant has not submitted evidence of meeting level of service standards pursuant to the Comprehensive Plan. As the developer had represented to the City that the building would be

residential – not temporary lodging, which would constitute a change in use – staff offers the following observations:

The existing ROR Future Land Use category currently permits transient accommodations, which is also consistent with the CRD-EA category. The only difference lies in the number of units per acre permitted.

While temporary lodging uses typically generate higher impacts on public facilities such as transportation, potable water and wastewater, the existing facilities have the capacity to handle possible increases (impacts would be negligible- St. Pete Beach is a retail customer in terms of potable water, and the St. Petersburg Sewage treatment facility has several million gallons of capacity).

Standards for review of for changes to the Official Zoning Map:

Section 3.9 of the Land Development Code sets forth the standards for review of requests for re-zonings:

Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.
In addition, the planning board and city commission shall consider the following:
a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;
b. Compatibility with adjacent properties and the existing land use pattern;
c. Possible creation of an isolated district unrelated to adjacent and nearby districts;
d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;
e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;
f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
g. Whether changed or changing conditions make the passage of the proposed amendment necessary;
h. Whether the proposed change will adversely affect drainage.
i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and
k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Although not reflected on the zoning map, Pass-a-Grille is a mixed-use area containing a variety of land uses including single family residential, multifamily residential, temporary lodging,

office, retail, restaurants and other commercial uses, recreational uses, and institutional uses such as churches and clubs. Although the zoning map represents a strict separation of land uses, the actual uses on the ground are considerably more mixed.

The change in zoning would not be inconsistent with the Future Land Use Plan Map if the request for a change to the Future Land Use Map is granted. There are goals, objectives, and polices in the comprehensive plan that support both the maintenance of residential areas and encouraging mixed use development.

The property immediately adjacent to the subject property is a conforming temporary lodging use in terms of permitted uses in both the Comprehensive Plan and the Land Development Code. It could be argued that the change from a residential use to a temporary lodging use would be compatible with the surrounding area. Although the properties east of the subject property are predominately residential in character and use, the zoning and Future Land use allow for non-residential uses.

There is no significant impact on public facilities anticipated by the change in land use or zoning, as stated above.

The applicant has identified a change in condition that would warrant the change in future land use or zoning: The owners of the existing units allegedly relied on information provided by the developer that the units could be used as short term rentals.

Impacts to drainage are not anticipated, as any new construction will be compelled to follow any regulations regarding drainage and stormwater mitigation. No new construction has been proposed for this site.

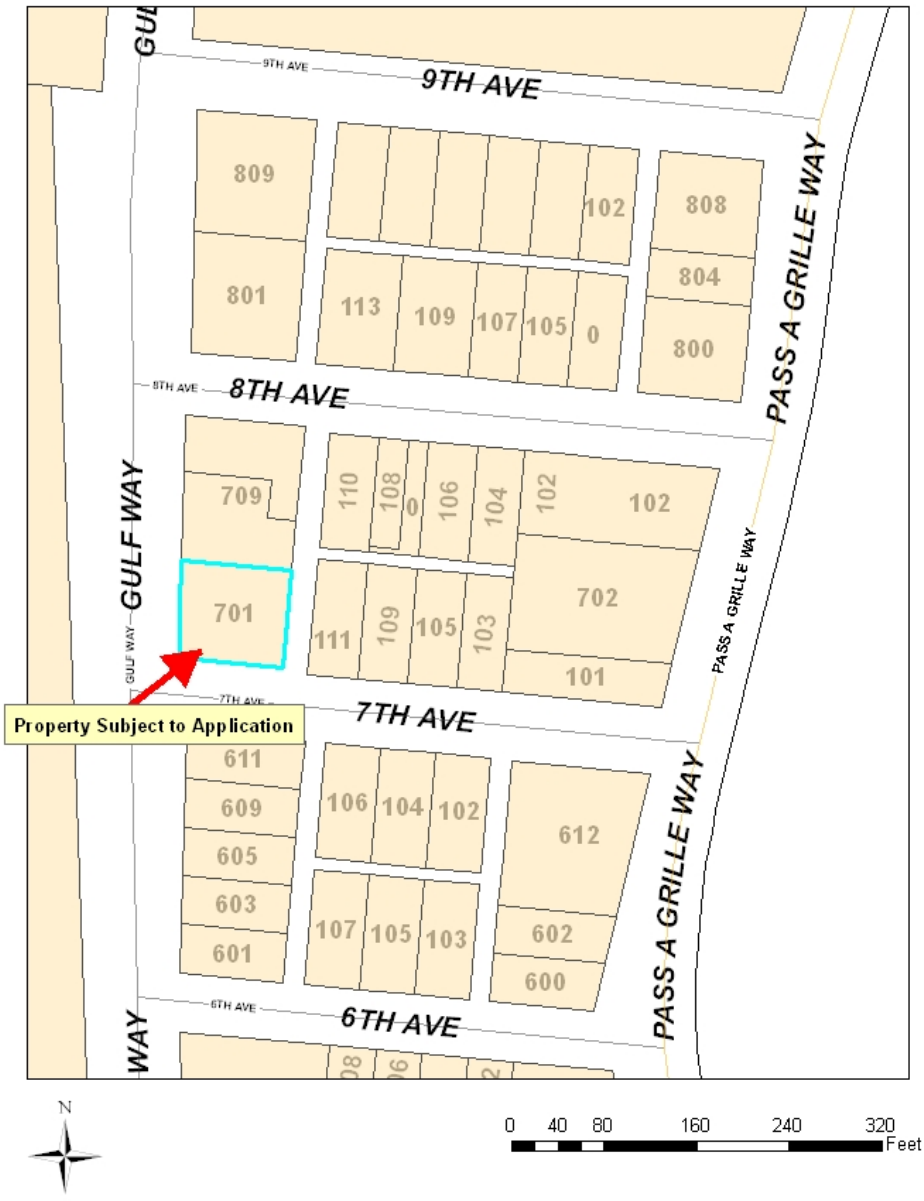
Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The mass and scale would be slightly less than what is allowed under the CRD-EA zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-Grille as opposed to residential uses.

Summary and Conclusion

Certainly, there are polices in the Comprehensive Plan that support both mixed use development and the maintenance of single family neighborhoods. However, the existing zoning and FLUM designations are mixed use. Both single family and mixed uses – including temporary lodging – are proximate to the subject property. Multiple public meetings have been conducted over the last year in which both the public and elected officials have stated that the preferred location of temporary lodging uses are on Gulf Way and Pass-a-Grille Way versus the interior streets where single family residences are the predominate uses. The only issue at hand is whether or not to allow the existing 8 units to be permitted to rent short term (less than 30 days) more than three times per year.

Respectfully submitted:
Catherine M. Hartley, AICP, CNU-a
Senior Planner

Ordinance # 2011-37 Change of Future
Land Use from Residential Office Medium to
Community Redevelopment District - Eighth Avenue
Ordinance # 2011-38 Change of Zoning from
ROR to CRD-EA
701 Gulf Way



CITY OF ST PETE BEACH

CERTIFICATE OF OCCUPANCY

This Certificate is issued pursuant to the requirements of the Florida Building Code and the Land Development Code, certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City regulating building construction or use, for the following:

DESCRIPTION & ADDRESS OF BUILDING: 8 Unit Apartment Building 701 Gulf Way, St Pete Beach, FL 33706

LOT: 10 & 11 **BLOCK:** 6 **SUBDIVISION:** Morey Beach

USE CLASSIFICATION: Residential **GROUP:** R-2 **FIRE DISTRICT:** No

BUILDING PERMIT NUMBER: 20061384

OWNER OF BUILDING: S C USA Pass-A-Grille LLC **ADDRESS:** PO Box 10279, Tampa, FL 33679-0279

CONTRACTOR: Hussung Construction Inc. **ADDRESS:** 246 17th Ave NE, St Petersburg, FL 33704

NOTES: Existing 11 unit apartment renovated and converted to 8 units.

Bruce Cooper, Building Official March 28, 2008

MARTOHUE
LAND USE LAW GROUP P.A.

Village Center on Grand Central
2429 Central Avenue, Suite 203
Saint Petersburg, Florida 33713
Telephone: 727.321.5263
Facsimile: 727.321.8584
dmartohue@martohuelaw.com
www.martohuelaw.com

October 13, 2011

VIA HAND DELIVERY
Mr. Karl Holley, AICP
Director of Community Development
155 Corey Avenue
St. Pete Beach, FL 33706

RE: Joint Application for Future Land Use Map Amendment and Rezoning
Subject Property Location: 701 Gulf Way

Dear Mr. Holley:

This law firm represents Beach Club at Pass-A-Grille Condominium Association, Inc., and its eight (8) member Unit Owners representing all Unit Owners of the Association by and through its authorized representative, Robert Kilgo, the Association's President (hereinafter the "Association" or "Applicant") with respect to the captioned Property and Joint Application. The Association respectfully requests approval of a future land use map (FLUM) amendment from the existing ROR designation to the CRD-EA designation as an expansion of the existing CRD-EA district immendiately abutting the subject Property along its North property boundary. In addition, concurrent with and contingent upon the approval of the FLUM amendment, the Association requests approval of the corresponding zoning designation of CRD-EA from the existing ROR designation. The Applicant offers the following justification and enclosed documentation in support of its Application for the aforesaid requests. The Association and its members are seeking the CRD-EA FLUM and Zoning designation in order to operate transient tourist rentals in a lawful manner.

Site History

Historically the subject Property was owned and operated as an 11-unit apartment building until 2007. According to the City in 2006, the parcel and the apartment building was a grandfathered use as the improvements existed prior to the enactment of the the current zoning Code designating the property Residential Office Retail ("ROR"). In 2006, the then owner-developer of the subject Property, RPS Commercial Properties, Inc., ("Developer") converted the 11-unit apartment building to an 8-unit condominium property maintaining the ROR zoning designation. However, as part of that conversion process, the Developer sought and obtained approval of several setback variances and variance to wall height. (See enclosed Development Order#20060020, survey, renderings and site plan; additional historical information can be obtained in the property file located

in the Community Development Department). The condo conversion entailed not only a wholesale remodel of the exterior and interior of the building and property as the enclosed supporting documentation for the variance application demonstrates, it also reduced the existing intensity of the building footprint and reduced the Property density from 11 units to 8 units. The ROR zoning district permits 15 units per acre. The Property is 0.189 acres and thus the permitted density is 2.79 units or only 2 residential units would legally be permitted on the subject Property, both then and now. As a result, the Property under its current ROR FLUM and Zoning designations remains over the permitted density and thus, non-conforming.

Unbeknownst to the current owners who primarily purchased Units within the Property in 2008-09 , the City was undergoing the CRD-EA FLUM designation in 2008-09 which was eventually approved by the voters in March of 2009 (Ordinance 2008-24) after approval by the County and State. It is unknown to the current owners why the then Developer did not participate in that process during that time, one can only speculate it was because he had obtained his zoing variance approvals in 2006, implemented his redevelopment plan in 2007 and was selling the Units in 2008-09. It appears that the notices fell through the "crack" in terms of timing during the transition from the Developer to current owners. Regardless, it would be speculation to answer historical questions of why the subject Property was not included in the FLUM CRD-EA at that time but as the Application justification below will demonstrate, it makes rational planning sense to include the subject Property in the CRD-EA district now based upon compatibility and to cure existing non-conformities.

The City Commission currently has approved the CRD-EA zoning designation for the CRD-EA FLUM Special Area District upon first reading in September 2011 and final approval upon second reading is pending at the time of this application. The subject Property, although noticed for the CRD-EA rezoning, could not participate and request the same CRD-EA zoning because it did not have the CRD-EA FLUM designation in place. Thus, the need for the Joint Application requests for both the FLUM and Zoning CRD-EA designations.

Site Description

The Developer submitted a survey with its variance application in 2006 upon which Development Order #20060020 is based. The Property's physical configuration and size remains unchanged from that date of the variance application in 2006. The subject Property is slightly irregular in shape but generally rectangular, containing 8100 square feet, more or less, or 0.189 acres. The four-sided site has the following general dimensions as measured by the existing survey maintained in the City's file for the subject Property: 91.75 feet on the south property line; 84.43 feet on the west; 100.26 feet on the north; and 84.31 feet on the east. The Property is located in Flood Zone VE. Mandatory flood insurance purchase requirements apply in this zone per FEMA.

The Property was converted in 2006-07 from an 11-unit apartment building to a Condominium comprised of eight 1 and 2 bedroom units totaling 5,564 square feet of building. The conversion included remodeling the exterior elevation to include painting and balconies for the second floor 2-bedroom units, adding a new pool and pool deck, landscaping, installing a 6' high

concrete wall, central heat and air, security gates and fences, concrete walks, hurricane grade windows and doors, and upgraded electrical. In sum, the conversion resulted in a significant structural and aesthetic upgrade for the subject Property enhancing the 8th Avenue district neighborhood.

Surrounding Uses

North – CRD-EA Land Use and ROR Zoning[1]; Existing Use Transient Condominiums
East – 18' Wide Alleyway, ROR/PAG Overlay Land Use and Zoning; Existing Residence
South – 7th Avenue – 55' ROW; RLM Land Use and RLM2-PAG Overlay Zoning
West – Gulf Way (60' asphalt width – ROW width varies), Pass-A-Grille Beach

Application Requests

The Joint Application seeks to amend the FLUM and Zoning Maps from ROR to CRD-EA. These land use and zoning amendments, if approved, would remedy the non-conformity both in terms of density and use. Currently, unknown to all 8 Unit owners at the time of purchase in 2007-09 and until very recently, the ROR zoning district does not allow them to rent their condominiums on a transient basis. The 8 Units were sold to some of the current owners at the peak of the real estate boom and others were purchased in a duress bulk sale, and all were sold to out-of-state non-homesteaded owners being told they could rent the Units on a transient basis. It has recently come to the attention of the Association and its members that the ROR land use and zoning designation does not lawfully permit this type of transient rental. Thereafter, the Association sought my legal counsel as to the best option to remedy the situation so each Unit could be used in a lawful manner in accordance with local zoning ordinances and each Owner's intended use when they purchased their Unit.

After a pre-application consultation with Senior Planner, Catherine Hartley, regarding the various options available, it was mutually decided that a joint application for a FLUM and Zoning Map amendment to CRD-EA would be the logical and rational planning option as a result of:

1. The Property's location abutting the existing CRD-EA Special Area district;
2. The existing transient rentals on the property located immediately north of the subject Property located in the CRD-EA Special Area District and zoned ROR with the CRD-EA rezoning pending is operating at a higher density than the subject Property;
3. The Property's location abutting Gulf Way, the north-south throughfare, and its proximity to Pass-A-Grille Beach – the primary tourist destination in Pass-A-Grille; and
4. The City's intent to initiate an amendment to the CRD-EA to increase transient density from 30 units/acre to 50 units/acre.[2]

[1] Ordinance 2010-18 for CRD-EA zoning in the FLUM CRD-EA Special Area District is pending second reading approval by the City Commission at the time of this Application.

Upon learning of the City's intent to initiate a FLU text and map amendment to increase the allowable density in the CRD-EA district from 30 to 50 units/acre, the Applicant, in consultation with your Department Staff, is seeking to coordinate its FLUM and Zoning requests in consideration of the City-initiated density amendment to the CRD-EA. The subject Property density is 43 units/acre. This density is grandfathered but exceeds the existing ROR permitted density by 6 units. If redeisgnated under the current CRD-EA, the Property would still be non-conforming but exceed the permitted density by only 3 units, half of the current non-conformity. However, if redeisgnated as CRD-EA land use and zoning under the City's proposed density amendment, the subject property would be fully conforming both in terms of use and density.

Accordingly, the Applicant's requests would not only remedy its existing non-conforming use and density, it would be compatible with the transient rentals on the property located immediately north of the subject Property which is a more appropriate use for property across from Pass-A-Grille Beach and fronting Gulf Way, one of two north-south thoroughfares in Pass-A-Grille. In addition, by allowing the Property to be designated CRD-EA, this would allow transent rentals which creates a significantly greater economic engine to support the local retail and restaurant businesses in the 8th Ave Business District, far surpassing the economic impact generated by the occasional occupancy of out-of-state owners or seasoanl residents should the use remain strictly residential with the severe limitations on rentals that accompany that designation in the ROR district.

Based upon the foregoing and the supporting documentation enclosed, the Applicant respectfully requests favorable Staff consideration of the Joint FLUM/Zoning application requests, as well as a recommendation of approval by the Planning Board and approval by the City Commission. If you have any questions or need additional supporting information or clarification, please contact me at the email address or phone number listed at the top of this letter. I look forward to working with you, Catherine Hartley and City Manager Bonfield on this Application.

Best regards,

Deborah L. Martohue, Esq. AICP

Enclosures – Application and Supporting Documentation
Ck# 1124 - $1638.00 - Application fee
Cc: Client

[2] This City amendment was initiated by Staff at the request of the District Commissioner independent of and prior to the Applicant's inquiry as to possible land use and zoning remedies available to allow the Property to become both density and use conforming.

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/We the 8 members of the Beach Club at Pass-A-Grille Condominium Association

hereby authorize Deborah L. Mayhew Esq. of Mayhew Land Use Law Group P.A.

to represent me/us in an application for Land Use and Zoning Amendment
(type of application: variance, land use, zoning, special exception)

The Beach Club at Pass-A-Grille Condominium Association
By:

Signature of owner

Robert Kilgo
Print name of owner
It's President

Signature of owner

Print name of owner

The foregoing instrument was acknowledged before me this 11 day of October 2011, by Robert Kilgo who is personally known or produced Florida Drivers License as identification.

10/11/11
(Notary Signature) (Date)

My commission expires Sept 21, 2015

NOTARY PUBLIC
KEITH SADLOWSKI
Notary Public. State of Florida
Commission# EE132314
My comm. expires Sept. 21. 2015

PLEASE TYPE OR PRINT LEGIBLY

APPLICATION

(Check appropriate boxes)

Complete the information required below, read and initial the caveats on PAGE 2 of this form, sign below where indicated and attach a recent survey of the subject property and any supporting drawings and documents you think will enhance your application.

☒ Future Land Use Map change ☒ Rezoning

PROPERTY:

Legal Description: Morey Beach Block 6, Lots 10 and 11

Address: 701 Gulf Way, St. Pete Beach, FL 33706

Parcel ID: See Attached Exhibit A

Current Zoning: ROR Proposed Zoning: CRD-EA Current FLUM Category: ROR Proposed FLUM Category: CRD-EA

Lot area: 8100 sq.ft., mol or 0.189 acres

APPLICANT/AGENT:

Name: Martohue Land Use Law Group PA Deborah L. Martohue, Esq. AICP

Address: 2429 Central Ave., Ste 203

City: St. Petersburg State: FL

Zip: 33713 Telephone: 727-321-5263

PROPERTY OWNER:

Name: Beach Club at Pass-A-Grille Condominium Association, Inc.

Address: 4165 14th St. NE

City: St. Petersburg State: FL

Zip: 33703 Telephone: 727-434-1465

See Ex. A for List of Individual Unit Owners

DETAILS OF THE REQUEST (Add additional sheets if necessary):

See attached Letter of Intent and Justification Statement enclosing supporting documentation and survey

By: _____, Agent October 13, 2011

Signature of Applicant & Date

For office use only:

Case Number: _____ Scheduled PB Meeting: _____ Fees: _____

PB Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

Forwarded to City Commission: Date Sent: Scheduled for:

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

File Closed: _____

Property address 701 Gulf Way (continued)

THE FOLLOWING ITEMS MUST BE INITIALED BY APPLICANT OR AGENT:

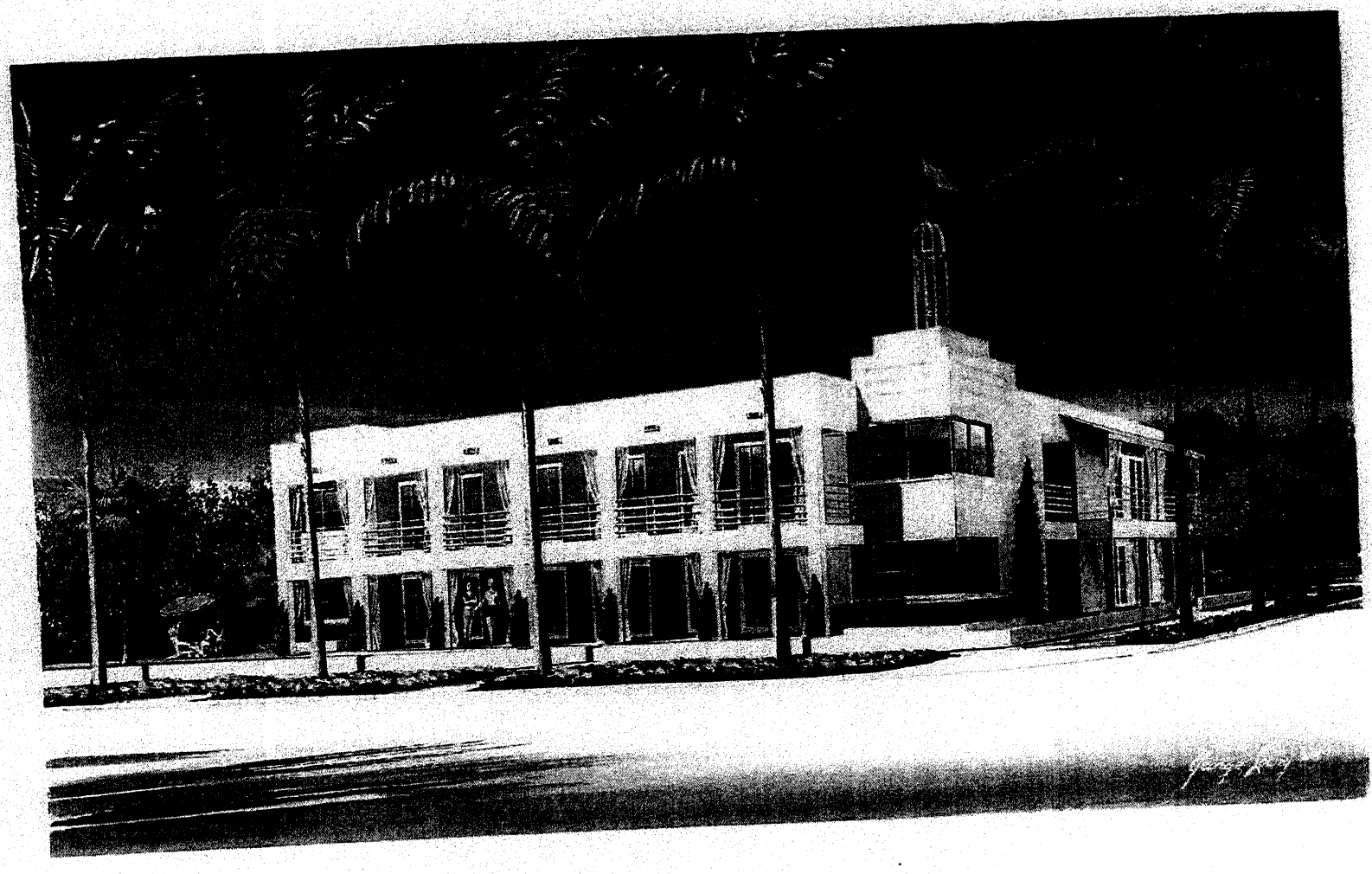
I understand that the Planning Board's action is not final. It must be approved by the City Commission, and I further understand that the Commission may modify the conditions of approval or deny the application.

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.

BEFORE CONVERSION

20060020



AFTER CONVERSION

20060020

CITY OF ST. PETE BEACH

SC USA Pass A Grille, LLC
4165 – 14th St. N.E.
St. Petersburg, Florida 33703

DEVELOPMENT ORDER #20060020

The Board of Adjustment approved your application for variances in the above-captioned case April 26, 2006.

Address: 701 Gulf Way

PIN: 193216589320060100

ORDERED:

Approve the variance to Section 13.7(a)(2) requirement of 10.0' to permit the reduction of the secondary front yard to 1.0' for a covered balcony.

Approve the variance to Section 13.7(a) (3) requirement of 8.0' to permit the reduction of the side yard setback to 1.0' for swimming pool equipment.

Approve the variance to Section 6.14 requirement of 16.0' to permit the reduction of the rear yard setback to 3.0' for swimming pool equipment.

Approve the variance to Section 6.15 requirement of a maximum 4.0' high wall to increase to a 6.0' wall within the required 10.0' secondary front yard

Any person aggrieved by this order may appeal the order to the circuit court on or before thirty (30) days from the date of the order.

Approval of a variance is valid for one year, within which time a development permit must be issued.

A copy of this Development Order was sent to Robert Sulte, SC USA Pass A Grille, LLC, 4165 – 14th St. N.E., St. Petersburg, Florida, 33703 on the 8th day of May, 2006.

Martin T. Lott

Martin Lott
Chairman

5.8.06
Date

RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

Case Number: 20060020

APPLICANT/AGENT:

Name: Robert P. Sutte
Address: 4165-14th ST. N.
City: St. Pete State: Fl.
Zip: 33703 Phone: (727) 744-7170

PROPERTY OWNER:

Name: SC USA Pass-a-Grille, LLC
Address: 4165-14th St. N.
City: St. Pete State: Fl.
Zip: 33703 Phone: 744-7170

PROPERTY:

Address: 701 Gulf Way, St. Pete Beach, Fl. 33706
Parcel ID: 19-32-16-58932-006-0100
Current Zoning: ROR Current Land Use: ROR Lot Area: 8,100 ±

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

See Attached letter

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Robert P. Sutte 3/10/06
Signature of Applicant/Authorized Agent and Date

For office use only:

Hearing Date: April 26 2006 Fees: 425.00

BOA Action: ☒ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

Community Development Department – Zoning
155 Corey Avenue
727.363.9267
email: amarr@stpetebeach.org

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

RM I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

RM On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

RM I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

RM I understand that if a variance is denied by the BOA/City Commission **no** subsequent applications seeking substantially the same or similar approval shall be filed within six (6) months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48 hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

RM 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 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

RM I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the next page.

Robert M. Smith 3/10/06
Signature of Applicant/Authorized Agent and Date

RPS COMMERCIAL PROPERTIES, INC.

March 10, 2006

RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

Board of Adjustment
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Requested Variances for 701 Gulf Way

Members of the Board of Adjustment and City Staff:

We are respectfully requesting two variances for the renovation of the 11 unit apartment building at 701 Gulf Way. Our plans entail reducing the density and square footage of the building to 8 units and reopening an enclosed breeze way. We will also be re-landscaping the entire property including the city's right of way, removing most of the masonry paving along 7th Avenue. The court yard will be replaced with a pool and deck area. The court yard will also include an exterior bath room and elevator lift system to meet ADA and Department of Health standards.

The first variance involves the replacement of an existing stairway and landing on the south elevation of the building with a balcony. The balcony will be 5 feet in width along the second floor unit. In replacing the stairway, we eliminate a secondary point of access as well as increasing the design and appeal of the building's southern elevation along 7th Avenue.

The second variance involves the placement of the pool equipment. In order to maintain a functional deck area surrounding the pool, we are proposing to place the pool equipment at the northeast corner of the site. At this location the equipment will be adjacent to the alley and the back corner of the existing co-op building. The pool equipment will have a dimension of 4 feet by 9 feet and be enclosed, substantially reducing any noise. The pool will be heated and require a heater unit with a dimension of 3 feet by 4 feet, that can be placed next to the pool equipment either to the west or south side of the pool equipment, reducing the encroachment by the heater. The equipment will be separated by a wall and will be adjacent to an existing compressor unit as well as several wall units of the co-op building hopefully further mitigating any noise intrusion.

Thank you for your consideration and I hope you will take into account that we will be renovating a property that has been minimally maintained for years, significantly enhancing the appeal of the Pass-A-Grille community.

.

Sincerely,

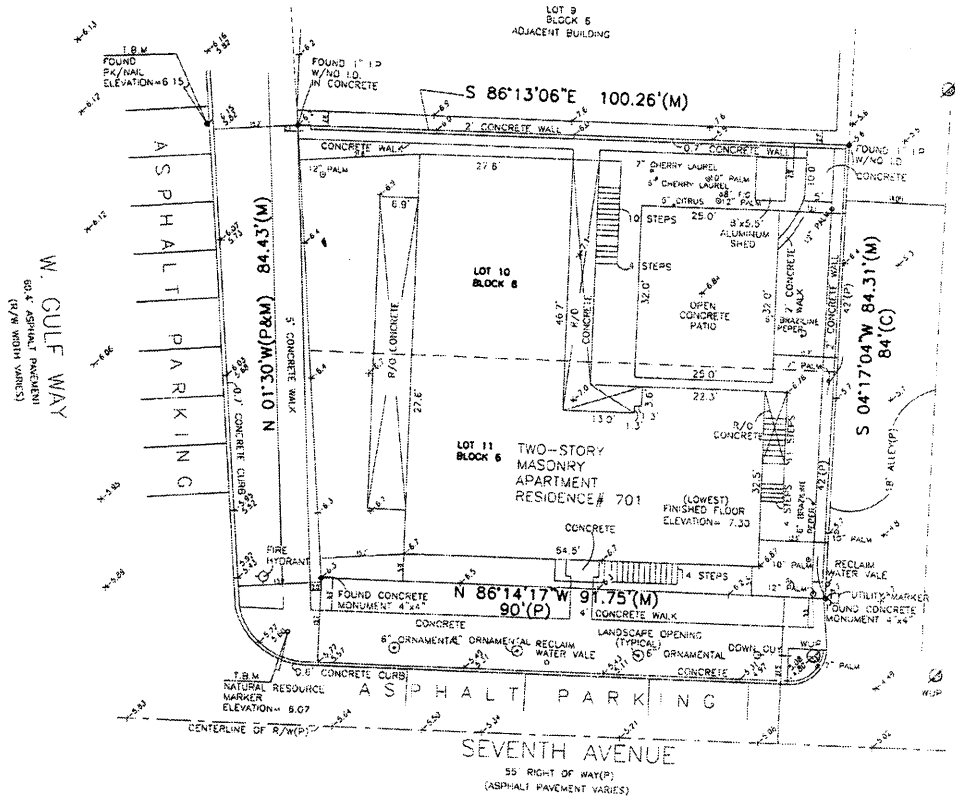
RPS Commercial Properties, Inc.

Robert P. Sulte
President

RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

200600-20

RECEIVED
MAR 1 0 2006
COMMUNITY DEVELOPMENT



EXISTING SURVEY

SCALE: 1" = 10'

SURVEYORS NOTES

- LEGAL DESCRIPTION SHOWN HEREON PROVIDED BY CLIENT.
- THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. REPRODUCTIONS OF THIS SURVEY IS PROHIBITED UNLESS AUTHORIZED IN WRITING BY THE SURVEYOR.
- ALL LINEAR AND ANGULAR DIMENSIONS SHOWN HEREON ARE IN AGREEMENT WITH RECORD DIMENSIONS AND DESCRIPTIONS UNLESS OTHERWISE NOTED.
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT OF WAY LINE OF GULF WAY, WHICH HAS AN ASSUMED BEARING OF N 01°30'00" E.
- THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "VE" (EL=12) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP OF THE PINELLAS COUNTY, FLORIDA, AND INCORPORATED AREAS, MAP NUMBER 12103C0368G, MAP REVISED 9-3-2003. PERMISSION & ASSURANCE OBTAINED AND WARRANTED BY THE SURVEYOR IS REQUIRED FOR USE OF THIS MAP FOR ZONE DETERMINATION ON ANY PROPERTY OTHER THAN THE ONE SURVEYED. FLOOD ZONE DESIGNATIONS ARE SUBJECT TO CHANGE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR OTHER FEDERAL OR LOCAL AGENCY HAVING JURISDICTION OVER SUCH MATTERS. SHOULD BE CONDUCTED PRIOR TO ANY SIGNIFICANT REAL ESTATE TRANSACTION. THE FLOOD INFORMATION SHOWN HEREON WAS TAKEN FROM THE REFERENCED FLOOD INSURANCE RATE MAP. THE FLOOD REFERENCED MAP STATES IN THE NOTES TO THE MAP THAT "THIS MAP IS FOR INSURANCE PURPOSES ONLY."
- UNLESS OTHERWISE SHOWN, IMPROVEMENTS OF UNDERGROUND UTILITIES SUCH AS FOOTINGS, ETC. WERE NOT LOCATED OR FIELD VERIFIED. ONLY VISIBLE ABOVE GROUND IMPROVEMENTS WERE LOCATED. ADJACENT WALLS OF RESIDENCE ARE NOT LOCATED UNDERGROUND.
- RE-USE OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, OR ALTERATIONS MADE TO THIS SURVEY NOT PERFORMED BY THE SURVEYOR, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. ANYONE USING THIS SURVEY FOR PURPOSES OTHER THAN INTENDED BY THE SURVEYOR SHALL BE CONSIDERED TO HAVE ACCEPTED ANY AND ALL RESPONSIBILITY AND TO HOLD THE SURVEYOR HARMLESS FROM ANY DAMAGES RESULTING THEREFROM.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN OPINION OF TITLE. THEREFORE THE UNDERSIGNED MAKES NO GUARANTEE AS TO THE ACTUAL SIZE, LOCATION OR EXISTENCE OF EASEMENTS, RIGHTS-OF-WAYS, SETBACK LINES, AGREEMENTS, OR OTHER SIMILAR MATTERS AFFECTING THE PROPERTY.
- THE ELEVATIONS SHOWN HEREON ARE BASED ON THE CITY OF TAMPA BENCHMARK B-0068, ELEVATION = 7.937 (NGVD 1929).

SECTION 19 TOWNSHIP 32 SOUTH, RANGE 16 EAST

* * * TREE NOTE * * *
ALL TREE LOCATIONS INFORMATION SHOULD BE FIELD VERIFIED IF CRITICAL TO DESIGN. TREES BY NATURE ARE IRREGULAR IN SIZE AND SHAPE AND EVERY EFFORT IS MADE TO ACCURATELY LOCATE THE TREES SHOWN HEREON. THE TREE SIZE IS DETERMINED AT THE DIAMETER OF TREE AT BREAST HEIGHT.

LEGEND

LEGAL DESCRIPTION:

LOTS 10 AND 11, BLOCK 6, HONEY BEACH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

BOUNDARY, TOPOGRAPHIC & TREE SURVEY
Prepared For: THOMAS EVERETT LAMB
DATE OF FIELD SURVEY: 10-18-05

JOB NO. 05-435

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"

THOMAS EVERETT LAMB
DESIGN AND DEVELOPMENT
HOME PLANS
DECORATING
CONSTRUCTION

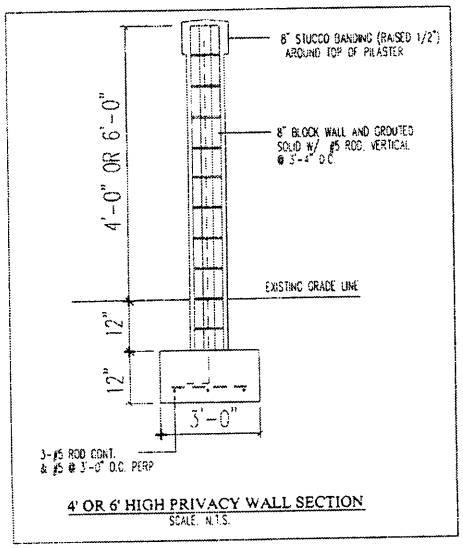
BEACH CLUB AT PASS-A-GRILL
701 GULF WAY
ST. PETERS. BEACH, FLORIDA

SUR

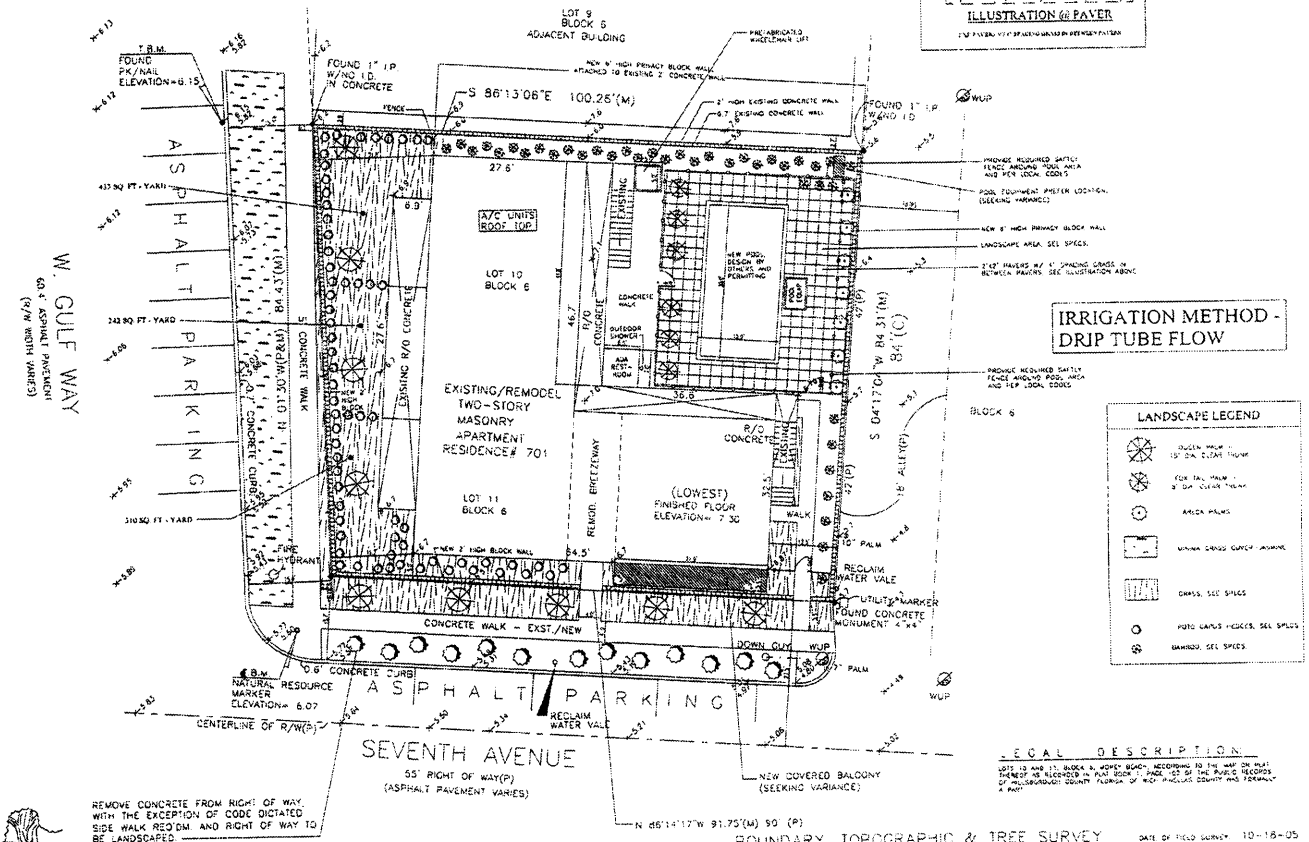
99

2006020

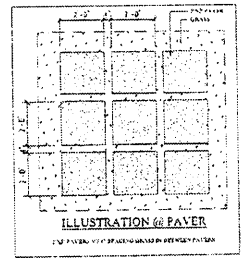
RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT



4' OR 6' HIGH PRIVACY WALL SECTION
SCALE: N.T.S.



EXISITNG/REMODEL SITE PLAN
SCALE: 1"=10'-0"



IRRIGATION METHOD - DRIP TUBE FLOW

LANDSCAPE LEGEND
QUEEN PALM 15' DA. CLEAR TRUNK
FOX TAIL PALM 8' DIA. CLEAR TRUNK
ARECA PALMS
LIRIOPE SPICATA CURVY JASMINE
GRASS, SEE SPECS
PUTO CAIRO FICUS, SEE SPECS
BAMBOO, SEE SPECS

LEGAL DESCRIPTION
LOTS 10 AND 11, BLOCK 6, MOREY BEACH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 157 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA BY WHICH HILLSBOROUGH COUNTY WAS FORMERLY A PART

BOUNDARY, TOPOGRAPHIC & TREE SURVEY
Prepared For: THOMAS EVERETT LAMB
DATE OF FIELD SURVEY: 10-18-05
JOB NO. 05-435

SURVEYORS NOTES
1. LEGAL DESCRIPTION SHOWN HEREON PROVIDED BY CLIENT
2. THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THE UNDERSIGNED SURVEYOR AND MAPPER HAS NOT BEEN INSTRUCTED TO LOCATE UNDERGROUND UTILITIES OR FOUNDATIONS. ONLY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.
4. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT OF WAY LINE OF GULF WAY, SAID LINE BEARS S 01°30'00" E. (PER PLAT).
5. THE SITE APPEARS TO BE IN FLOOD ZONE "AE" (EL=12) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP OF THE PINELLAS COUNTY, FLORIDA AND INCORPORATED AREAS MAP NUMBER 12103C0063C, AND REVISED BY F.I.R.M. DATED 9-3-2003. ROBERTSON & ASSOCIATES SURVEYING AND MAPPING, INC. AND THE SIGNING SURVEYOR AND MAPPER HEREON ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS ZONE DETERMINATION. THE PREPARER OF THIS MAP, THE FEDERAL GOVERNMENT AND THE NATIONAL FLOOD INSURANCE PROGRAM DO NOT EXERCISE ANY REGULATORY JURISDICTION OVER LOCAL ZONING. SHOULD BE CONTACTED PRIOR TO ANY IMPROVEMENTS BEING MADE FROM THIS INFORMATION. THE ABOVE REFERENCED MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR INSURANCE PURPOSES ONLY."
6. UNLESS OTHERWISE SHOWN, ENCROACHMENTS OF UNDERGROUND UTILITIES, FOUNDATIONS AND/OR FOOTINGS WERE NOT RESPONSIVE TO THE FIELD SURVEY. THE SURVEYOR ARE NOT TO SCALE DIMENSIONS OF FENCES AND/OR WALLS OF PROPERTIES ARE NOT FOR REFERENCE.
7. ACCURACY OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, INCLUDING WRITTEN VERIFICATION, WILL BE AT THE PLAINTIFF'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THOSE SURVEYING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYOR.
8. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES AS TO THE ACTUAL LOCATION OR EXISTENCE OF EASEMENTS, RIGHTS-OF-WAYS, SETBACK LINES, AGREEMENTS OR OTHER SIMILAR MATTERS.
9. THE SURROUNDING TOPOGRAPHY WAS BASED ON THE CITY OF TAMPA BENCHMARK B-2006, ELEVATION =11.373 (NGVD 1929).

SECTION 19, TOWNSHIP 32 SOUTH, RANGE 16 EAST

* * * TREE NOTE * * *
ALL TREE LOCATIONS INFORMATION SHOULD BE FIELD VERIFIED IF CRITICAL TO DESIGN. TREES BY NATURE ARE IRREGULAR IN SIZE AND SHAPE, AND EVEN BY EFFORT IS MADE TO ACCURATELY LOCATE THE TREES SHOWN HEREON, THE TRUE SIZE IS DETERMINED AT THE DIAMETER OF TREE AT BREAST HEIGHT.

LEGEND

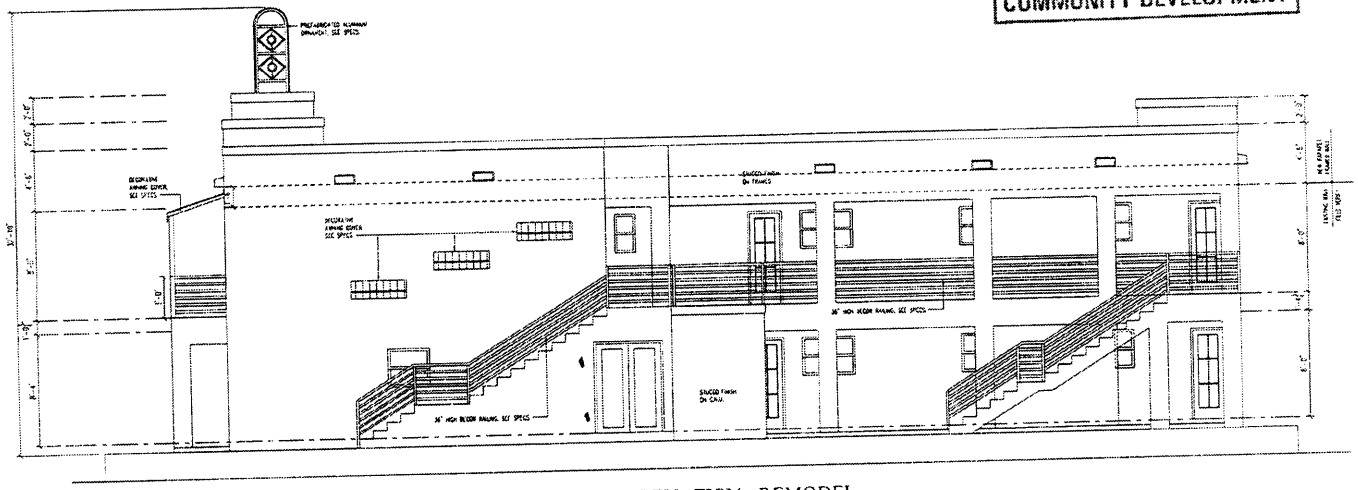
THIS WORK WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND IS DEDICATED TO THOMAS EVERETT LAMB FOR THE PROPERTY DESCRIBED HEREON ONLY. THIS DRAWING IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THOMAS EVERETT LAMB
DESIGN AND DEVELOPMENT INC.
BEACH CLUB AT PASS-A-GRILL
701 GULF WAY
ST. PETERS BEACH, FLORIDA

A2.1

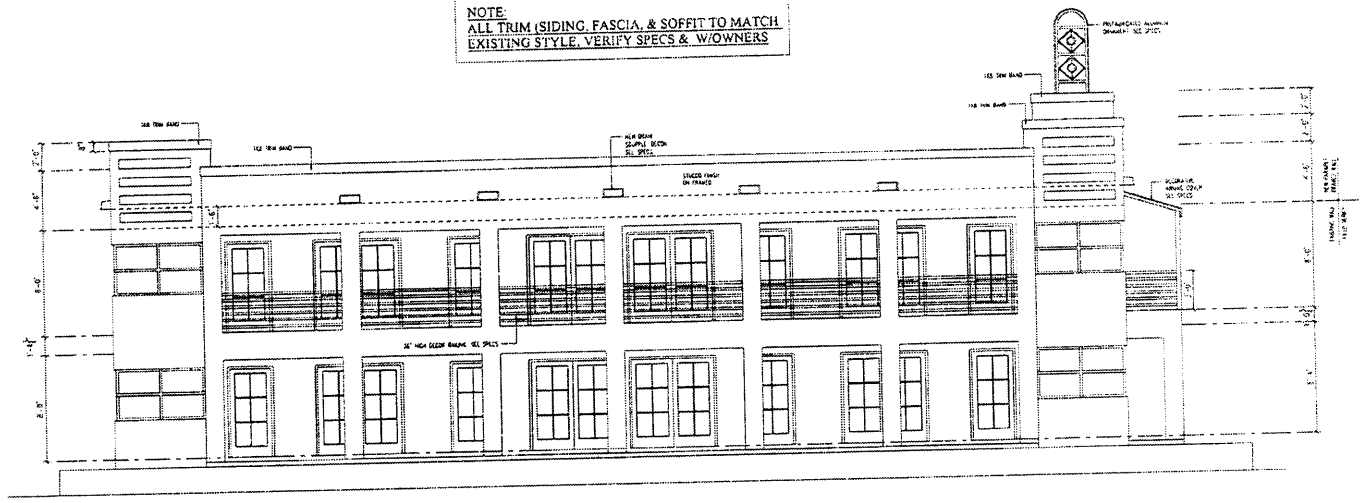
67

RECEIVED
MAR 1 0 2006
COMMUNITY DEVELOPMENT



EXTERIOR (EAST) ELEVATION - REMODEL

NOTE:
ALL TRIM (SIDING, FASCIA, & SOFFIT TO MATCH EXISTING STYLE, VERIFY SPECS & W/OWNERS



EXTERIOR (WEST) ELEVATION - REMODEL

GENERAL NOTES

THOMAS EVERETT LAMB
DESIGN AND DEVELOPMENT INC

HOME PLANS
DECORATING
CONSTRUCTION

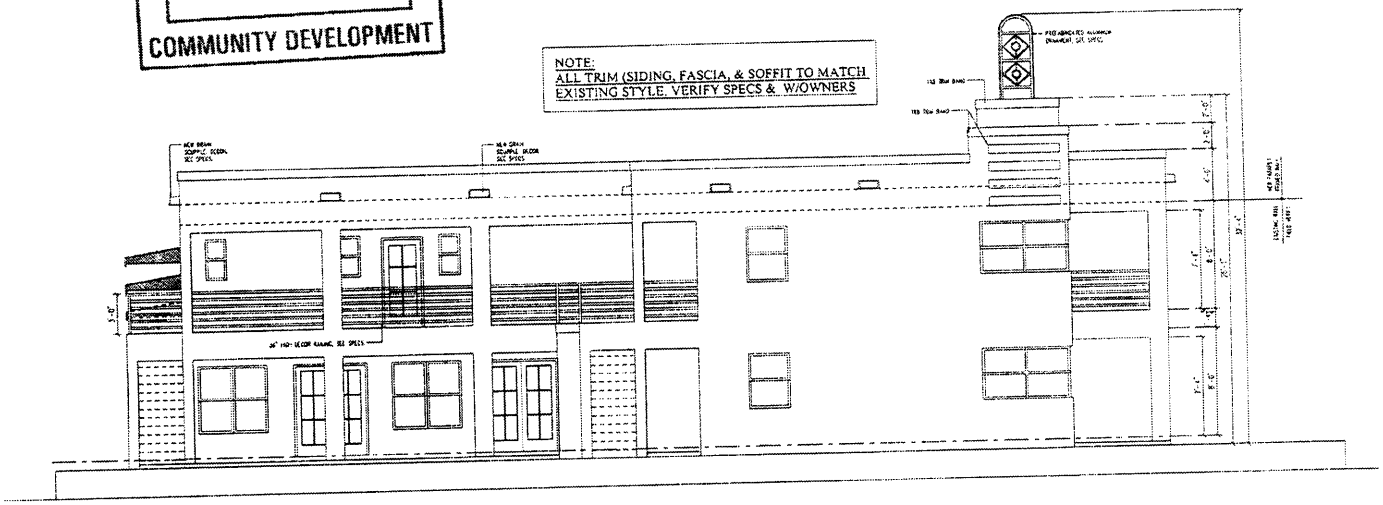
BEACH CLUB AT PASS-A-GRILL
701 GULF WAY
ST. PETE BEACH, FLORIDA

A5.1

2000020

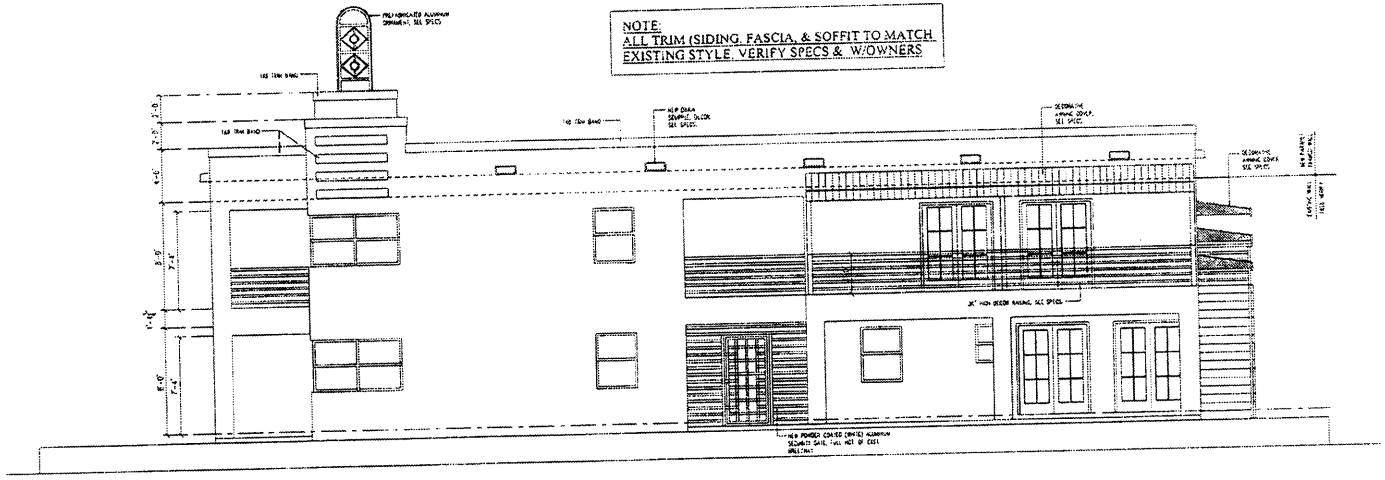
RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

NOTE:
ALL TRIM (SIDING, FASCIA, & SOFFIT TO MATCH EXISTING STYLE. VERIFY SPECS & W/OWNERS



EXTERIOR (NORTH) ELEVATION - REMODEL

NOTE:
ALL TRIM (SIDING, FASCIA, & SOFFIT TO MATCH EXISTING STYLE. VERIFY SPECS & W/OWNERS



EXTERIOR (SOUTH) ELEVATION - REMODEL

GENERAL NOTES

BEACH CLUB AT PASS-A-GRILL
701 GU
ST PETERSB
BEACH, FLORIDA

THOMAS EVERETT LAMB
DESIGN AND DEVELOPMENT
HOME PLANS & DECORATING CONSTRUCTION

A5.2

Pinellas County Address Query

Click on the 18 digit parcel number to see General Information.
Click on the "X" to view the map or short legal description

[redacted] "701 GULF WAY ST PETE BEACH 33706-", records 1 through 8 of 8 [5:07 pm Monday September 12]

New Search: Owner Address Parcel Number Sub or Condo/PUD Plat Book/Page Advanced/Sales Criteria OR Book/Page

Property Address	Parcel Info	Ownership	Property Use	Map	Subdivision/Condo Name	Plat Book/Page	OR Book/Page	Tax Dist	Short Legal
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0010	HOBBINS, MICHAEL H / HOBBINS, MARIAN G	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16327/0597 [redacted]	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0080	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383 [redacted]	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0020	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383 [redacted]	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0060	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383 [redacted]	SPB	X
701 GULF	19-32-	VERNA,	Condo Conversion -	X	BEACH CLUB AT	153/079	16339/1675 [redacted]	SPB	X

Ex. A

WAY ST PETE BEACH 33706-	16-05874-000-0040	ANTHONY / VERNA, ANGELINA	apartments/Platted Condo with apartment use		PASS-A-GRILLE				
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0030	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0070	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0050	SKAGEN, CLAYTON / SKAGEN, JAMIE	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16289/0155	SPB	X

2002 St Pete Beach Business Tax Receipt

License Number
20021229
Date Paid
5/7/2002
Amount Paid
$46.00
Expires 9/30/2002

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
GREEN CASTLE APTS (INAC)
2167 GORDON DR
JOSEPH JANDSCIK
MISSISSAUGA ONTARIO, CN L5B1S6

Catagory	Fee	Note
☐ Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	
☐ Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
☐ Laundromats or self-service laundries. Washers and dryers Each machine	$10.00	2 MACHINES

This occupational tax license does not permit the holder to operate in violation of any city law, ordinance or regulation. Any change in location or ownership must be approved by city license department, subject to zoning restrictions. This occupational tax does not constitue an endorsement, approval or disapproval of the holder's skill or competence or non-competence of the holder with other laws, regulations or standards.

Every person required to have a city license shall at all times from the issuance of such license by the city, conspicuously display such license in his place of business, and where the licensee dose not have a place of business he shall be prepared at all times while engaged in his occupation to present his license for inspection by any police officer or license officer of the city when requested to do so.

Licensee copy

2002 City of St Pete Beach Paid Certificate

License Number
20021229
Date Paid
5/7/2002
Amount Paid
$46.00
Expires 9/30/2002

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City Copy

2003 St Pete Beach Business Tax Receipt

License Number
20030987
Date Paid
8/22/2002
Amount Paid
$80.50
Expires 9/30/2003

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
GREEN CASTLE APTS (INAC)
2167 GORDON DR
JOSEPH JANDSCIK
MISSISSAUGA ONTARIO, CN L5B1S6

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Licensee copy

2003 City of St Pete Beach Paid Certificate

License Number
20030987
Date Paid
8/22/2002
Amount Paid
$80.50
Expires 9/30/2003

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

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2167 GORDON DR
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City Copy

2004 St Pete Beach Business Tax Receipt

License Number
20041148
Date Paid
8/6/2003
Amount Paid
$57.50
Expires 9/30/2004

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
GREEN CASTLE APTS (INAC)
2167 GORDON DR
JOSEPH JANDSCIK
MISSISSAUGA ONTARIO, CN L5B1S6

Catagory	Fee	Note
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Licensee copy

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License Number
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Date Paid
8/6/2003
Amount Paid
$57.50
Expires 9/30/2004

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

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GREEN CASTLE APTS (INAC)
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☐ Laundromats or self-service laundries. Washers and dryers Each machine	$10.00	2 MACHINES

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City Copy

2005 St Pete Beach Business Tax Receipt

License Number
20050902
Date Paid
8/5/2004
Amount Paid
$46.00
Expires 9/30/2005

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
GREEN CASTLE APTS (INAC)
2167 GORDON DR
JOSEPH JANDSCIK
MISSISSAUGA ONTARIO, CN L5B1S6

Catagory	Fee	Note
☐ Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	
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City Copy

2006 St Pete Beach Business Tax Receipt

License Number
20061334
Date Paid
8/5/2005
Amount Paid
$46.00
Expires 9/30/2006

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

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City Copy

2007 St Pete Beach Business Tax Receipt

License Number
20070417
Date Paid
8/10/2006
Amount Paid
$0.00
Expires 9/30/2007

GREEN CASTLE APTS (INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

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GREEN CASTLE APTS (INAC)
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City Copy

2007 St Pete Beach Business Tax Receipt

SC USA PASS-A-GRILLE LLC
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to

SC USA PASS-A-GRILLE LLC
4165 14TH ST NE

ST PETERSBURG, FL 33703

License Number
20071617
Date Paid
9/25/2006
Amount Paid
$46.00
Expires 9/30/2007

Catagory	Fee	Note
☐ Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	
☐ Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
☐ Application Fee	$10.00	ONE TIME FEE

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City Copy

2008 St Pete Beach Business Tax Receipt

License Number
20081222
Date Paid
8/31/2007
Amount Paid
$36.00
Expires 9/30/2008

SC USA PASS-A-GRILLE LLC
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
SC USA PASS-A-GRILLE LLC
4165 14TH ST NE

ST PETERSBURG, FL 33703

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City Copy

2009 St Pete Beach Business Tax Receipt

License Number
20091341
Date Paid
7/15/2008
Amount Paid
$0.00
Expires 9/30/2009

SC USA PASS-A-GRILLE LLC(INAC)
701 GULF WAY

ST PETE BEACH, FL 33706

Mail to
SC USA PASS-A-GRILLE LLC
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ST PETERSBURG, FL 33703

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PASS-A-GRILLE--Do We Really Want to Change It?

Pass-A-Grille is a unique part of St. Pete Beach (SPB). Unlike Treasure Island (which emphasizes a "party" atmosphere) and the Traditional Hotel District of SPB (which has a large (and growing?) number of temporary lodging units), Pass-A-Grille is a quiet family beach and residential area. Such areas are fast becoming extinct from Clearwater Beach all the way down the island chain to Pass-A-Grille. Where else on this island chain can you sleep at night with windows open to the Gulf breezes and not be disturbed by traffic sounds and late-night partying? We feel that Pass-A-Grille needs to be preserved for both the sake of its permanent residents who came here for its quiet family atmosphere and for its uniqueness which attracts visitors to Pass-A-Grille and to SPB as a whole.

DO WE REALLY WANT TO CHANGE PASS-A-GRILLE?

The idea of allowing one property to be rezoned from an apartment/condo complex to a temporary lodging complex may, in isolation, seem to have a limited impact. However, the actual impacts and long-term impacts need to be examined very closely.

1. **Where will the rezoning stop if the City starts allowing such changes?** The City has the right to vote against this rezoning request on any reasonable basis, to include the objections of the neighbors and to preserve the uniqueness of Pass-A-Grille. However, once any one rezoning request is approved, the City is legally required to approve all such rezoning requests from similarly situated apartment/condo owners. Any rejection by the City of the second such request or the 50th such request may well result in lawsuits alleging unequal treatment. So once this rezoning starts, where does it end? (Of course, if the property is rezoned, the City is likely to be sued for the decrease in land values or other issues by property owners who object to allowing the rezoning.) The key distinction between a lawsuit by the property owners of the first such rezoning request and potential lawsuits by all others (subsequent requesters seeking equal treatment and owners affected by any approval of the first such rezoning request) is that any lawsuit by the first rezoning requesters should be easily won by the City (perhaps even summarily dismissed) if the decision to reject that request is made in good faith and in the best interests of the citizens of SPB.

2. **If the rezoning does not stop with 701 Gulf Way, how far might it go?** There are between 209 and 467 units on properties zoned "Apartment/Condominium" between 20th Avenue and 1st Avenue in Pass-A-Grille. All arguably are within walking distance of 8th Avenue and arguably (absent a lawsuit to establish otherwise) are similarly situated to 701 Gulf Way. Attachment 1 lists these properties by address. **On what legally defensible basis would subsequent requests to rezone these properties be denied by the City if the first such rezoning request is approved?** That question should to be answered before the City takes an irreversible step down the rezoning path to destroying Pass-A-Grille. How would properties zoned for "duplex, triplex, or fourplex" be

classified in this discussion? (See Attachment 3 for a partial listing of such properties.)

3. **Even if SPB were willing to accept the risks of altering the uniqueness of Pass-A-Grille forever, what benefit exists to outweigh such damage or even just the chance of damage?** Apartment/condo units are not inconsistent with the uniqueness of Pass-A-Grille. Any significant increase in temporary lodgings would be inconsistent. So it appears that the current rezoning request would benefit solely the owners of the property at 701 Gulf Way at the expense of the others who live and own property in Pass-A-Grille. Certainly the argument will be made that the higher traffic that comes from short-term tourists would better support the businesses on 8th Avenue, and no doubt "opinions" and speculation will be offered on that issue. Even if it were true, does it outweigh the damage that would be caused by unlimited rezoning within Pass-A-Grille or the likely lawsuits that would result from the City's denial of subsequent rezoning requests from similarly situated property owners on the attached list? There already are many temporary lodging units within Pass-A-Grille and just north in the rest of SPB. (Attachment 2 documents the properties presently zoned as temporary lodgings within Pass-A-Grille. No doubt the City has some count of the hotel/motel rooms available within the entire City of SPB)

4. **If the City were to begin allowing such rezoning, how aggressively would the City deal with tourists who disrupt the peace and quiet and other enforcement issues?** Has anyone considered these issues and the likely costs to the taxpayers? What is the per capita crime rate in the current traditional hotel district versus Pass-A-Grille? What would be the cost and other impacts if Pass-A-Grille's crime rate got as high? The neighbors near 701 Gulf Way can, and have, documented that short-term renters are not conducive to our quiet neighborhood atmosphere. These issues of enforcement and costs should be properly studied and documented before ANY consideration is given to any request to rezone any Pass-A-Grille property from apartment/condo units to temporary lodging units.

5. **Consideration of tourist issues.** Tourists (short-term visitors) to SPB should and do have temporary lodgings where they can drink, party, and be boisterous if they so choose. However, such activities are not appropriate for a residential "front porch" neighborhood such as Pass- A-Grille. These tourists can stay within the Traditional Hotel District and make the short ride to Pass-A-Grille to enjoy its restaurants, beaches, and shops.

We as property owners and residents of Pass-A-Grille strongly object to the rezoning of 701 Gulf Way for the reasons given above.

NAME	ADDRESS
Cathleen Nystrom	100 6th Ave. St. Pete Beach
Jean Cattanzaro	109 7th Ave St. Pete Beach

	111 7TH AVE
WILLIAM J CURRY	ST PETE BEACH
HARRY Metz	504 Pass-a-Grille Way
Dayn T. Beam	106 7th Ave., SPB
Diane V. Beam	106 7th Avenue, SPB

more signature will be provided at meeting of Planning Board

original document submitted 11/14/2011

Additional Concerns Regarding the Application for Rezoning of 701 Gulf Way January 11, 2012

The application for Rezoning of 701 Gulf Way was accompanied by a letter from the Martohue Land Use Law Group, P.A. Both documents were dated October 13, 2011, and signed by Deborah Martohue as applicant/agent.

This letter accompanying the application contains statements and assumptions favorable to the applicant's position which, absent further clarification, could be erroneous or misleading. Before the Board allows any such statements within this letter to be considered in its decision, the Board should consider obtaining clarification to assure that the process is based upon fair and accurate information.

Issue # 1. The Martohue letter claims that the timing of ownership changes and inaction by the developer may have been the reason that the owners of 701 Gulf Way did not seek timely inclusion into the 8th Avenue project. However, the facts do not appear to be as asserted in the letter.

The Martohue letter states that "the current owners ... primarily purchased Units within the Property in 2008-09" (second paragraph under "Site History" on page 2), that "all 8 Unit owners ... purchase[d] in 2007-09"and that "[t]he 8 Units were sold to some of the current owners at the peak of the real estate boom and the others were purchased in a duress bulk sale, and all were sold to out-of-state non-homesteaded owners ..." (first paragraph under "Application Requests," on page 3 of the letter).

The "City of St. Pete Beach Planning Board/Local Planning Agency Public Hearings" document dated December 20, 2011 ("City document"), in the first paragraph under "Background Information" on the first page, recognizes that "[a]ccording to Property Appraiser public records, all of the units were sold between July-August 2008." The records on the websites for the Pinellas County Property Appraisal and the Pinellas County Clerk of Court indicate that of the eight units at 701 Gulf Way, three were sold to out-of-state individual owners and five were sold to Courtland Holdings LLC in 2008. The five units sold to Courtland Holdings LLC later were sold to Courtland Realty Partners II by quit claim deed filed 10/29/2008, but no other transfers of these eight units appear in the documents described above. No transfers (to current owners) occurred in 2007 and none in 2009. The five units sold to a legal entity (and then resold to an apparently related legal entity) have had local Pinellas County addresses, management, and registered agents according to documents available on line from

the Florida Department of State records. All of the owners should have been able to verify the zoning and land use restrictions at the time of purchase, and at least the local managers/agents for five of the eight units should have been aware of the current zoning and land use restrictions at the time of purchase and the proposed changes to zoning and land use in 2008 through 2011. Any failure of the developer to act or misrepresentations by the developer do not appear to be valid justification for the current request.

Issue # 2. The Martohue letter argues that rezoning is an appropriate method of resolving nonconforming uses. However, to rezone every property in Pass-A-Grille with grandfathered use, in order to eliminate the nonconforming grandfathered use, would be unnecessarily costly, time-consuming, and counter-productive.

The Martohue letter states that the application seeks "land use and zoning amendments" to "remedy the non-conformity both in terms of density and use" (first paragraph under "Application Requests," on page 3 of the letter) because "[t]he subject Property density is 43 units/acre ... [which] is grandfathered but exceeds the existing ROR permitted density.... If redeisgnated (sic) under the current CRD-EA, the Property would still be non-conforming.... However, if redeisgnated (sic) as CRD-EA land use and zoning..., under the City's proposed density amendment the subject property would be fully conforming both in terms of use and density" (third paragraph under "Application Requests" on page 4 of the letter).

The letter seems to indicate that curing non-conformances, even those that are grandfathered, is a justified reason to rezone. However, it is assumed that non-conformances that are "grandfathered" do not require curing before an owner may use such property consistent with the grandfathered uses or the currently zoned uses. Therefore, any proposed rezoning to "cure" nonconformance must be justified independently of this "curing" argument.

Issue # 3. The Martohue letter refers to 701 Gulf Way as part of "the 8th Avenue district neighborhood" (second paragraph under "Site Description," on page 3 of the letter). However, the subject property at 701 Gulf Way does not appear to be a part of the 8th Avenue district.

The property is adjacent to, is visible to, and significantly affects the residents of 7th Avenue but not 8th Avenue.

Issue # 4. The Martohue letter states that "the Applicant's requests ... would

be compatible with the transient rentals on the property located immediately north of the subject Property which is a more appropriate use for property across from Pass-A-Grille Beach and fronting Gulf Way ..." (fourth paragraph under "Application Requests," on page 4 of the letter). However, this does not justify rezoning every such property on Gulf Way.

Each rezoning request should be evaluated on its own merits, weighing the concerns of the entire community, including the nearby single family residences, against those requesting the rezoning.

Issue # 5. The Martohue letter assumes significant economic benefit from the requested rezoning and uses such assumption as its primary justification. This conclusion should not be considered unless and until it is supported by proper documentation.

The Martohue letter states that "by allowing the Property to be designated CRD-EA, this would allow transent (sic) rentals which creates a significantly greater economic engine to support the local retail and restaurant businesses in the 8th Ave Business District, far surpassing the economic impact generated by the occasional occupancy of our-of-state owners or seasoanl (sic) residents should the use remain strictly residential with the severe limitations on rentals that accompany that designation in the ROR district" (fourth paragraph under "Application Requests," on page 4 of the letter).

The "City document," in the seventh paragraph on the fifth page, recognizes that "[n]o studies have been conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-Grille as opposed to residential uses." Before accepting the Martohue letter's conclusion, the appropriate studies should be conducted and properly documented. The impact to the local residents* should be considered as well as the hypothetical impact to restaurants and other businesses.

*In the agenda for the December Planning Board meeting attached to the "City document," on page 63, is a paragraph within the City of St. Pete Beach, Florida, Eighth Avenue Commercial District Special Area Plan (dated December 2011) titled "Plan Issues and Objectives" which states that "[w]hen the comprehensive plan for the City was written in 1989, the Pass-A-Grille neighborhood (south of 32nd Avenue) was considered to be "primarily residential in character...with neighborhood commercial and some seasonal tourist facilities.... This character is important to the residents of St. Pete Beach, and maintaining it is a major goal of this plan."

Transient rentals were not even acknowledged as a significant characteristic of this "primarily residential" neighborhood. Approval of this rezoning request (and those likely to follow by similarly situated owners in Pass-A-Grille) is inconsistent with the already approved 8th Avenue plan and the interests of the owners and residents who choose to purchase homes in a "primarily residential" neighborhood. The impact from the already authorized rezoning on 8th Avenue, part of 9th Avenue, and 709 Gulf Way has yet to be experienced. It would seem to be advisable to wait and assess the impacts from the already rezoned properties before increasing the unknown impacts from additional rezoning.

Issue # 6. The Martohue letter requests addition of the property to an already approved 8th Avenue project without going through the extensive review, study, analysis, and impact assessments process used for that 8th Avenue project. It is not clear that the attempt to incorporate new properties into the already processed and approved 8th Avenue project is legally valid.

The rezoning request should be considered upon its merits and not the merits of the 8th Avenue project. The 8th Avenue project underwent extensive study, analysis, assessment, reporting and approval. Any attempt to add new properties (with their additional impacts to all those issues addressed during formal consideration of the 8th Avenue project) appears to circumvent the full process requirements. It is recommended that legal advice be obtained regarding this.

Dayn T. Beam

Dayn T. Beam 1/11/2012
106 7th Avenue

Clarification/Authorship of Objections to the Rezoning of 701 Gulf Way

This document is to confirm the authorship of the two prior submissions which stated objections to the rezoning of 701 Gulf Way.

The first document (Exhibit 1) was initiated by the owners of two of the three properties that face (directly or diagonally) the property at 701 Gulf Way. (The third owner is out of state, and that owner's position is unknown to the undersigned.) The owners of 111 7th Avenue (William Curry) and of 106 7th Avenue (Dayn and Diane Beam) initiated the statement of objections to which many other owners and residents of the area have added their signatures.

The second document (Exhibit 2) was initiated in a discussion between the below signed owners and then discussed with other owners and residents. Its submission was in response to the file publicly posted (to the web) the day prior to the scheduled meeting on December 20. Given the need to submit this second document immediately (to supplement the first document based upon new information in the posted file), additional signatures were not solicited. Please consider it as having been signed by the owners below.

Owner of 111 7th Avenue, William Curry

Dayn T Beam Diane Beam 1/3/2013

Owners of 106 7th Avenue, Dayn and Diane Beam

PASS-A-GRILLE--Do We Really Want to Change It?

Pass-A-Grille is a unique part of St. Pete Beach (SPB). Unlike Treasure Island (which emphasizes a "party" atmosphere) and the Traditional Hotel District of SPB (which has a large (and growing?) number of temporary lodging units), Pass-A-Grille is a quiet family beach and residential area. Such areas are fast becoming extinct from Clearwater Beach all the way down the island chain to Pass-A-Grille. Where else on this island chain can you sleep at night with windows open to the Gulf breezes and not be disturbed by traffic sounds and late-night partying? We feel that Pass-A-Grille needs to be preserved for both the sake of its permanent residents who came here for its quiet family atmosphere and for its uniqueness which attracts visitors to Pass-A-Grille and to SPB as a whole.

DO WE REALLY WANT TO CHANGE PASS-A-GRILLE?

The idea of allowing one property to be rezoned from an apartment/condo complex to a temporary lodging complex may, in isolation, seem to have a limited impact. However, the actual impacts and long-term impacts need to be examined very closely.

1. **Where will the rezoning stop if the City starts allowing such changes?** The City has the right to vote against this rezoning request on any reasonable basis, to include the objections of the neighbors and to preserve the uniqueness of Pass-A-Grille. However, once any one rezoning request is approved, the City is legally required to approve all such rezoning requests from similarly situated apartment/condo owners. Any rejection by the City of the second such request or the 50th such request may well result in lawsuits alleging unequal treatment. So once this rezoning starts, where does it end? (Of course, if the property is rezoned, the City is likely to be sued for the decrease in land values or other issues by property owners who object to allowing the rezoning.) The key distinction between a lawsuit by the property owners of the first such rezoning request and potential lawsuits by all others (subsequent requesters seeking equal treatment and owners affected by any approval of the first such rezoning request) is that any lawsuit by the first rezoning requesters should be easily won by the City (perhaps even summarily dismissed) if the decision to reject that request is made in good faith and in the best interests of the citizens of SPB.

2. **If the rezoning does not stop with 701 Gulf Way, how far might it go?** There are between 209 and 467 units on properties zoned "Apartment/Condominium" between 20th Avenue and 1st Avenue in Pass-A-Grille. All arguably are within walking distance of 8th Avenue and arguably (absent a lawsuit to establish otherwise) are similarly situated to 701 Gulf Way. Attachment 1 lists these properties by address. **On what legally defensible basis would subsequent requests to rezone these properties be denied by the City if the first such rezoning request is approved?** That question should to be answered before the City takes an irreversible step down the rezoning path to destroying Pass-A-Grille. How would properties zoned for "duplex, triplex, or fourplex" be

classified in this discussion? (See Attachment 3 for a partial listing of such properties.)

3. **Even if SPB were willing to accept the risks of altering the uniqueness of Pass-A-Grille forever, what benefit exists to outweigh such damage or even just the chance of damage?** Apartment/condo units are not inconsistent with the uniqueness of Pass-A-Grille. Any significant increase in temporary lodgings would be inconsistent. So it appears that the current rezoning request would benefit solely the owners of the property at 701 Gulf Way at the expense of the others who live and own property in Pass-A-Grille. Certainly the argument will be made that the higher traffic that comes from short-term tourists would better support the businesses on 8th Avenue, and no doubt "opinions" and speculation will be offered on that issue. Even if it were true, does it outweigh the damage that would be caused by unlimited rezoning within Pass-A-Grille or the likely lawsuits that would result from the City's denial of subsequent rezoning requests from similarly situated property owners on the attached list? There already are many temporary lodging units within Pass-A-Grille and just north in the rest of SPB. (Attachment 2 documents the properties presently zoned as temporary lodgings within Pass-A-Grille. No doubt the City has some count of the hotel/motel rooms available within the entire City of SPB)

4. **If the City were to begin allowing such rezoning, how aggressively would the City deal with tourists who disrupt the peace and quiet and other enforcement issues?** Has anyone considered these issues and the likely costs to the taxpayers? What is the per capita crime rate in the current traditional hotel district versus Pass-A-Grille? What would be the cost and other impacts if Pass-A-Grille's crime rate got as high? The neighbors near 701 Gulf Way can, and have, documented that short-term renters are not conducive to our quiet neighborhood atmosphere. These issues of enforcement and costs should be properly studied and documented before ANY consideration is given to any request to rezone any Pass-A-Grille property from apartment/condo units to temporary lodging units.

5. **Consideration of tourist issues.** Tourists (short-term visitors) to SPB should and do have temporary lodgings where they can drink, party, and be boisterous if they so choose. However, such activities are not appropriate for a residential "front porch" neighborhood such as Pass- A-Grille. These tourists can stay within the Traditional Hotel District and make the short ride to Pass-A-Grille to enjoy its restaurants, beaches, and shops.

We as property owners and residents of Pass-A-Grille strongly object to the rezoning of 701 Gulf Way for the reasons given above.

NAME ADDRESS .

[After reviewing the just published agenda for the 12/20/2011 Planning Board meeting, the owners and residents objecting to this rezoning request wish to submit the following additional objections to the request for rezoning.]

Why Is 709 Gulf Way Different From 701 Gulf Way on The Issue of Impacts From Rezoning?

1. **709 Gulf Way** was rezoned (as was all of 8th Avenue and the South side of 9th Avenue) as part of a larger project related to the existing commercial/business nature of 8th Avenue. The rezoning request for **701 Gulf Way** is an isolated request that could open the flood gates to many more such requests in residential areas throughout Pass-A-Grille.

(The owners of **701 Gulf Way** could have sought to be included in the rezoning resulting from Ordinance 2010-18. They were notified, as required by law, as to its scope and purpose. Because they failed to argue their case for inclusion within the 8th Avenue project at that time, the owners of **701 Gulf Way** should be barred from claiming any unequal treatment based upon any rezoning resulting from that Ordinance. Their failure to act in a timely manner should not entitle them to a "do-over." The City developed Ordinance 2010-18, reviewed it at the various boards, voted upon it, and determined that these two properties were different regarding the purpose of that Ordinance. Any request for rezoning of **701 Gulf Way** at this point in time should be considered solely as an isolated rezoning request based only upon its own merits.)

2. **709 Gulf Way** DOES NOT face or abut any residential properties. **701 Gulf Way** has two sides facing residential properties. The main entrance for many units and the fenced portion of the complex is on 7th Avenue. The fenced courtyard/pool area (with accompanying noises) is across the alley and street from 7th Avenue residences. Even the presently authorized "lower traffic" uses (apartment/condo) of **701 Gulf Way** have generated noise issues and complaints from the local full-time residents on 7th Avenue.

3. The **709 Gulf Way** complex presently is structurally enclosed, with the units completely surrounding an inner courtyard and no real impact on neighbors on 7th Avenue. In contrast, the **701 Gulf Way** complex has balconies facing outward for every unit on the second floor and outside "patio" areas for each ground floor unit facing 7th Avenue (as well as Gulf Way), and a pool and courtyard area across the alley and street from 7th Avenue residences. The negative impacts to the local neighborhood from **701 Gulf Way** becoming a hotel/motel are clearly far greater than from **709 Gulf Way**.

Ordinance 2011-39

Amending the 8th Ave Special Area Plan to add 701 Gulf Way to the Map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre. *(Legislative)*

Ordinance 2011-40

Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation. *(Legislative)*

MEMORANDUM

January 17, 2012

To: Planning Board

From: Catherine Hartley, ACIP, Senior Planner

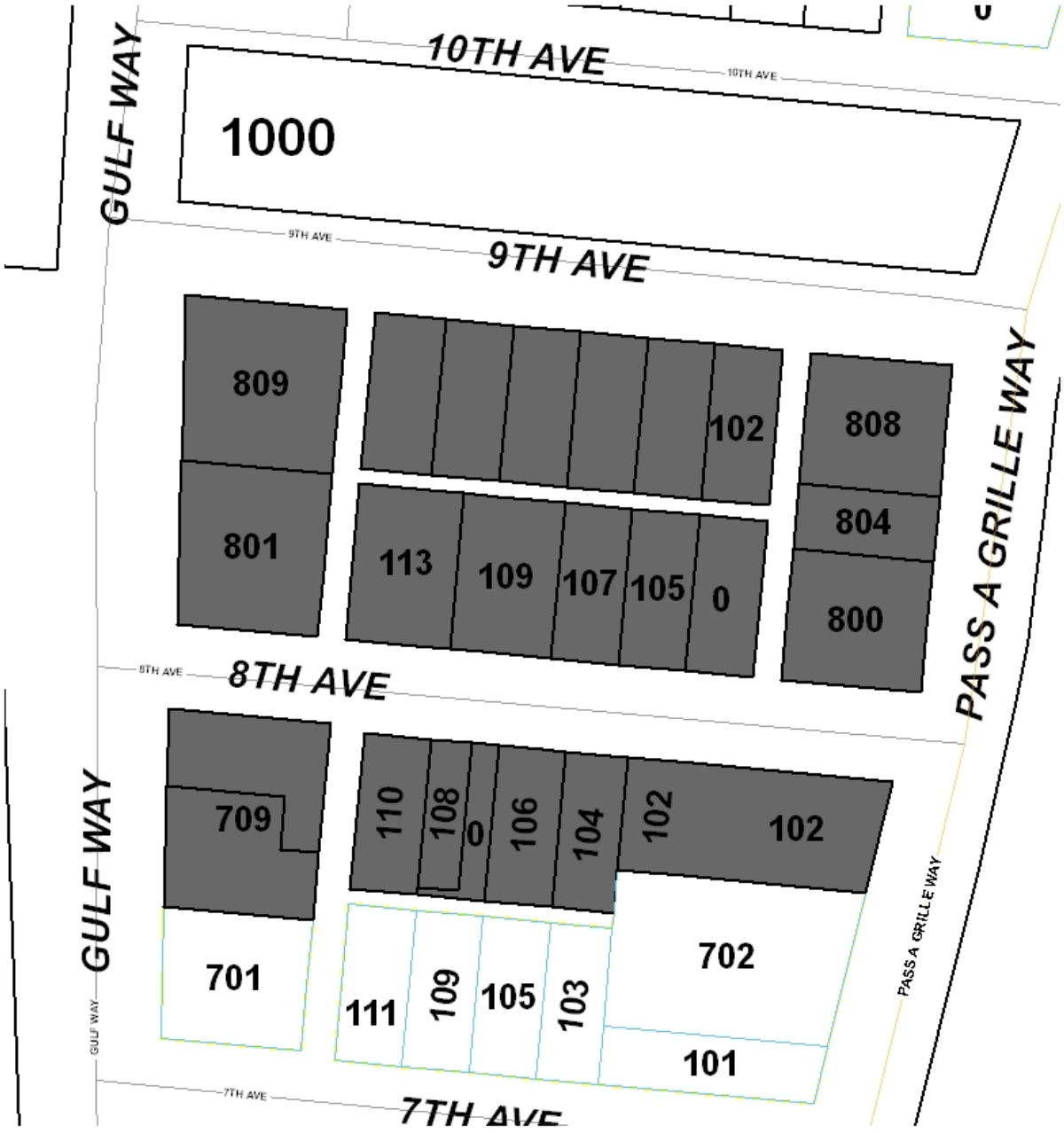
RE: Changes to the Eighth Avenue Special Area Plan and Comprehensive Plan regarding the Eighth Avenue CRD Future Land Use Map and category (Ordinances 2011-39 and 2011-40, respectively).

On November 8, 2011, the City Commission adopted Ordinance 2010-18 which adopted land development regulations and changed the official zoning map for the Eighth Avenue district. The map was changed from ROR to CRD-EA (see map, below). At the public hearing for the adoption of this ordinance, the City Commission requested the following changes be brought forward in the near future:

1. Amend the Special Area Plan to allow single family residential as a permitted use based on the existing Black residence on Pass-a-Grille Way. The owners testified at the first public hearing that they were opposed to their single family residence becoming a non-conforming use).
2. Changing the Temporary lodging density from 30 to 50 units per acre.

Staff has subsequently received an application to change the Future Land Use Map for 701 Gulf Way, which in turn requires an amendment to the Special Area Plan maps. This proposed change is also reflected in Ordinance 2001-39.

Ordinance 2010-18
Change of Zoning from
ROR to CRD-EA



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Shaded area is subject to the rezoning

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CITY OF ST. PETE BEACH, FLORIDA
EIGHTH AVENUE COMMERCIAL DISTRICT
SPECIAL AREA PLAN

DECEMBER 2011

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OVERVIEW

This Special Area Plan is intended to address the unique planning goals for the mixed-use area within the City of St. Pete Beach known as the Eighth Avenue Commercial District in Pass-a-Grille. This Planning Area encompasses the north and south sides of Eighth Avenue, as well as the south side of Ninth Avenue.

Concerns regarding the ability to maintain the current physical character of Eighth Avenue while potentially attracting new development to fill in vacant parcels have been an ongoing issue of both the City's Historic Preservation Board and the Planning Board. These Boards held several joint meetings over the past few years (2006 and 2007) to discuss options for achieving their joint goals. Additionally, in 2006 City Staff gave two presentations to outline these objectives and possible solutions to the citizens of Pass-a-Grille.

This process will entail numerous steps, including:

- Updating the City's Comprehensive Plan to include a Community Redevelopment District (CRD) category and to define specific density and intensity standards for the proposed Eighth Avenue Commercial District (CRD-EA)
- Amending the City's Future Land Use Map (FLUM) to designate the CRD-EA boundaries
- Amending the Countywide Future Land Use Plan Map to incorporate these changes
- Developing this Special Area Plan to address the planning aspects and impacts of the CRD-EA area
- Adopting land development regulations (LDRs) to apply specific standards to the proposed district.

These steps will be completed concurrently where possible in order to expedite this process. The remainder of this document comprises the Special Area Plan and will detail the provisions of the plan, address anticipated impacts on the City's system capacities if any, and discuss relevant Countywide considerations as required by the Countywide Plan Rules administered by the Pinellas Planning Council.

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Figure 1 Existing Community Redevelopment District - Eighth Avenue (CRD-EA)

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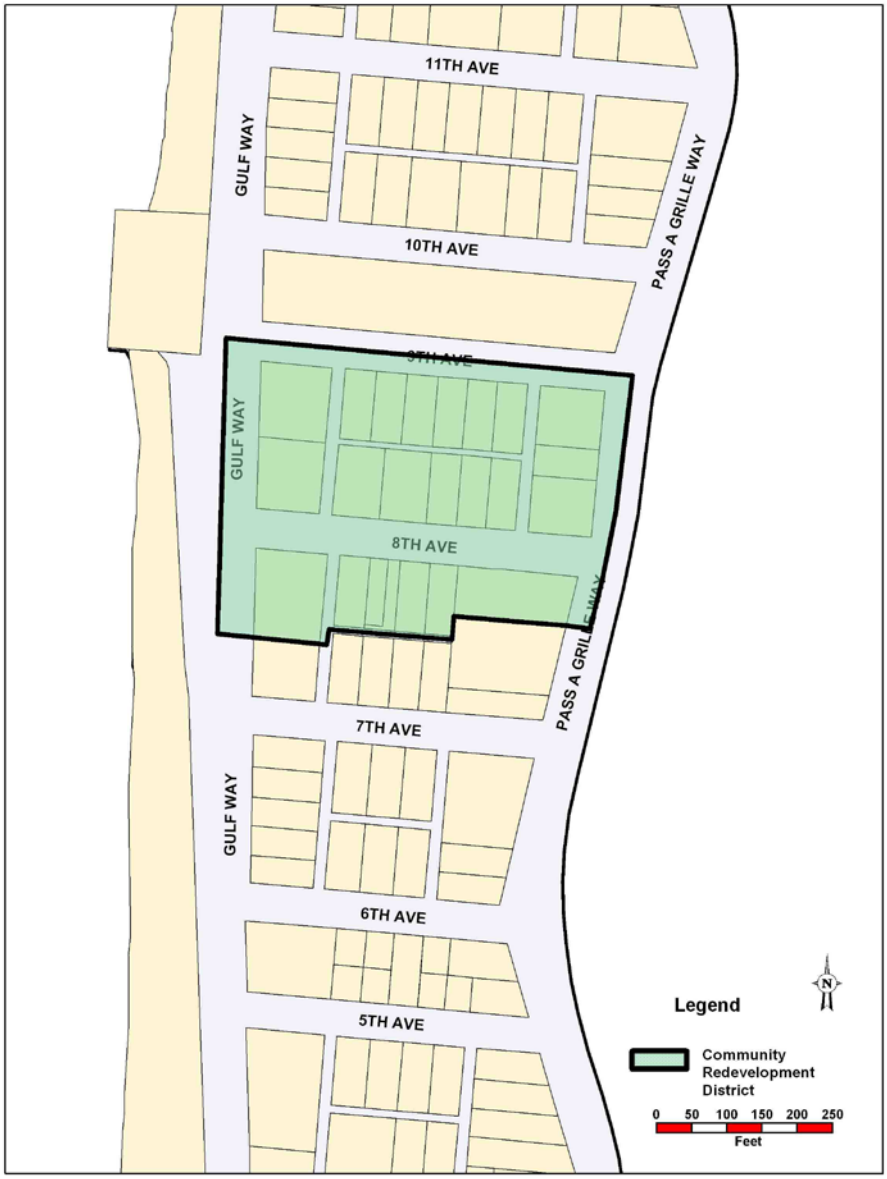

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HISTORY OF PLANNING AREA

Although the Spanish explored much of what is now Pinellas County in the 16th Century, the first settler in Pass-a-Grille was Zephaniah Phillips in 1884. In 1895, the first platting of a subdivision, Morey Beach, occurred in Pass-a-Grille. The expected population boom, however, did not happen because the island was isolated and accessible only by infrequent ferry service.

Passage to Pass-a-Grille became easier by 1905 when the St. Petersburg and Gulf Electric Railroad extended its tracks to Gulfport, just across Boca Ciega Bay from Pass-a-Grille. From there, a shallow draft steam launch, the Althea, a 70-foot boat which carried about 50 passengers, made three trips a day to coordinate trips between Pass-a-Grille and Gulfport and connections with the railroad.

By 1911, Pass-a-Grille was incorporated as one of nine municipalities in the newly designated Pinellas County. The property owners of the town were eligible to vote and held elections, passed ordinances and established zoning regulations.

By 1930, the population of Pass-a-Grille was 233 people and was a community that reached across the spectrum of economic strata. Some of the population consisted of the fairly wealthy while others were commercial fishermen and about 15 percent of the resident population was black. In addition, the town was host to many visitors throughout the period.

In 1957, the Town of Pass-a-Grille merged with the other incorporated cities on the island (St. Petersburg Beach, Belle Vista Beach and Don CeSar Place) into the new municipality of St. Petersburg Beach, and in 1994, the voters agreed to change the name from St. Petersburg Beach to St. Pete Beach in hopes of coming out from under the shadow of St. Petersburg.

The Eighth Avenue Commercial District in Pass-a-Grille has historically been home to hotels, general stores, a Post Office, and a pavilion to serve tourists. The Post Office remains, surrounded by a mixed-use area of restaurants, stores, offices, and second floor residential. Many of the buildings along Eighth and Ninth Avenues were identified as contributing structures within the Pass-a-Grille Historic District, listed on the National Register of Historic Places.

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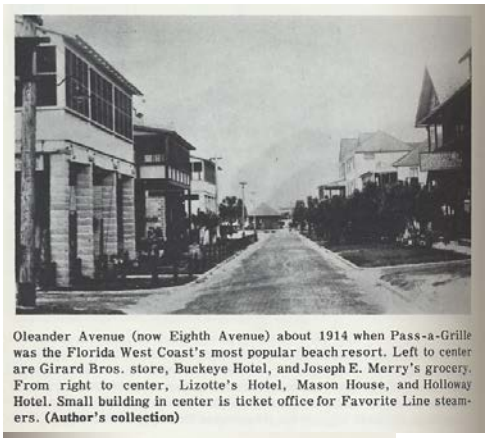
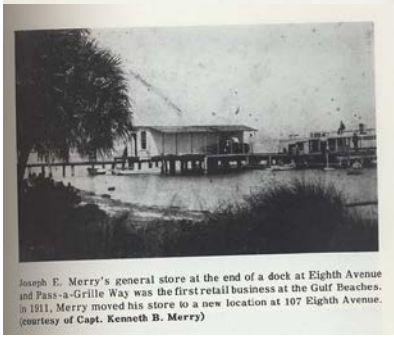
Figure 2 Images of Historic Eighth Avenue



Oleander Avenue (now Eighth Avenue) about 1914 when Pass-a-Grille was the Florida West Coast's most popular beach resort. Left to center are Girard Bros. store, Buckeye Hotel, and Joseph E. Merry's grocery. From right to center, Lizotte's Hotel, Mason House, and Holloway Hotel. Small building in center is ticket office for Favorite Line steamers. (Author's collection)



Joseph E. Merry's general store at the end of a dock at Eighth Avenue and Pass-a-Grille Way was the first retail business at the Gulf Beaches. In 1911, Merry moved his store to a new location at 107 Eighth Avenue. (courtesy of Capt. Kenneth B. Merry)

Source: Surf, Sand, & Post Card Sunsets by Frank T. Hurley, Jr.

PLAN ISSUES AND OBJECTIVES

When the comprehensive plan for the City was written in 1989, the Pass-a-Grille neighborhood (south of 32nd Avenue) was considered to be "primarily residential in character … with neighborhood commercial and some seasonal tourist facilities" (City of St. Pete Beach Comprehensive Plan, 1989). As detailed previously, the Eighth Avenue Commercial District has historically been a mix of uses that support the neighborhood, other residents of the City and visitors to Pass-a-Grille Beach. This character is important to the residents of St. Pete Beach, and maintaining it is a major goal of this plan.

Existing Land Use and Related Characteristics of the Area

When future land uses were assigned within the City as part of the comprehensive planning process, it was the intent of the City to maintain the mix of residential and commercial uses existing within the Eighth Avenue district. Thus, the district is part of a slightly larger portion of Pass-a-Grille currently designated Residential/Office/Retail (ROR) on the City's

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Future Land Use Map (Figure 4) and current Zoning Map (Figure 5). Additional pockets of ROR areas exist further north within Pass-a-Grille, as well as on the northern portion of the island along Blind Pass Road.

The Eighth Avenue Plan Area consists of 24 parcels, totaling 3.58 acres of land. Over half of the lots within the area are between 40 to 45.3 feet wide by 100 feet deep (4,000 – 4,530 s.f.), although the lots along Gulf Way and Pass-a-Grille Way are larger. The majority of the existing structures along Eighth Avenue are built to the lot line, creating a pedestrian arcade and a traditional, walkable downtown feel (Figure 3).

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Figure 3 Images of Eighth and Ninth Avenues

As shown on the Existing Land Use Map (Figure 6), the majority of the parcels are classified as commercial by the Pinellas County Property Appraisers Office. These commercial properties within the District include several mixed use properties that are ground floor commercial with residential above, one operating motel (northwest corner of Eighth Avenue and Gulf Way), two vacant lots (Eighth Avenue, adjacent to eastern and western alleys

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connecting Eighth and Ninth Avenues), and several cleared lots on the south side of Ninth Avenue serving as parking for the Hurricane Restaurant (see Aerial, Figure 7). Several other restaurants, both freestanding and part of mixed-use properties, and a post office also serve the residents and visitors within the vicinity.

In St. Pete Beach, the ROR land use designation (within the Comprehensive Plan) allows for a maximum residential density of 18 units per acre, a maximum floor area ratio (FAR) of .40, and a maximum impervious surface ratio (ISR) of .85. The land development regulations (LDRs), however, currently limit the residential density to 15 units per acre, and the ISR for residential and transient accommodation uses to .70. The LDRs further establish minimum lot area and width standards that make it difficult to redevelop within the area without consolidating properties. Although the Eighth Avenue Commercial District Plan Area lies within the Pass-a-Grille Overlay District, established by the LDRs, most of the standards within the overlay defer to those established by the underlying zoning district.

Beyond making it difficult to redevelop any currently vacant lots within the district, the current regulations also would make it impossible for the current structures to be rebuilt in the same manner as they currently exist, so should a catastrophic event cause severe damage to this area, the resulting construction would be vastly different from the existing character the residents value and want to maintain.

The goal of this plan is to establish standards that are meaningful to this district, taking into account the existing conditions and the limited lot sizes.

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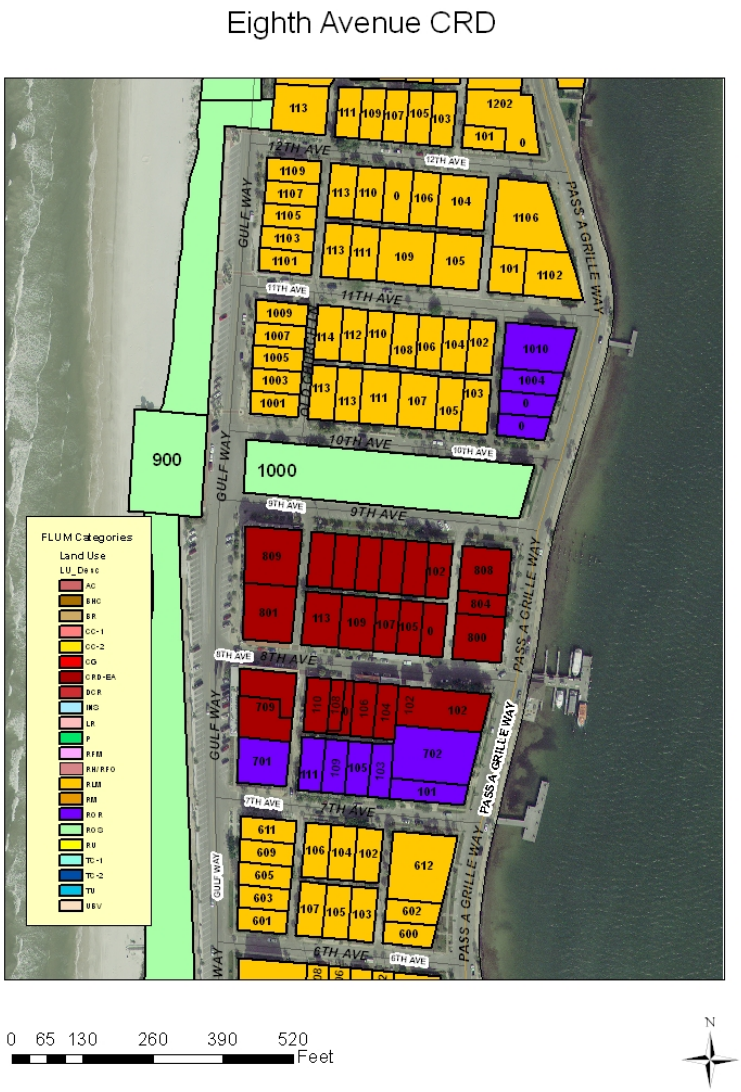
Figure 4 Current Future Land Use Classifications, Eighth Avenue and Surrounding Area



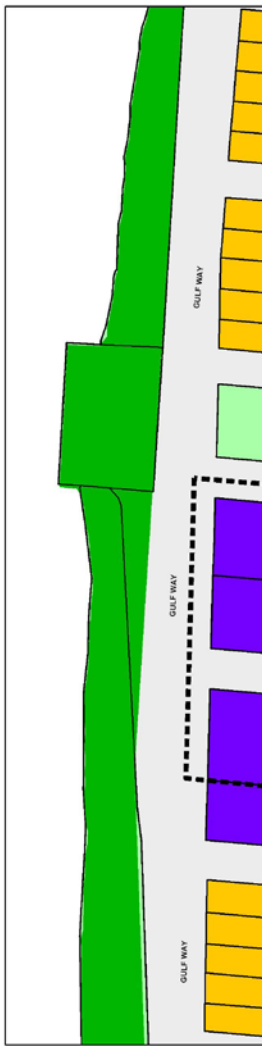


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Figure 5 Current Zoning, Eighth Avenue and Surrounding Area (Change of Zoning to CRD-EA will become effective 12/22/2011).

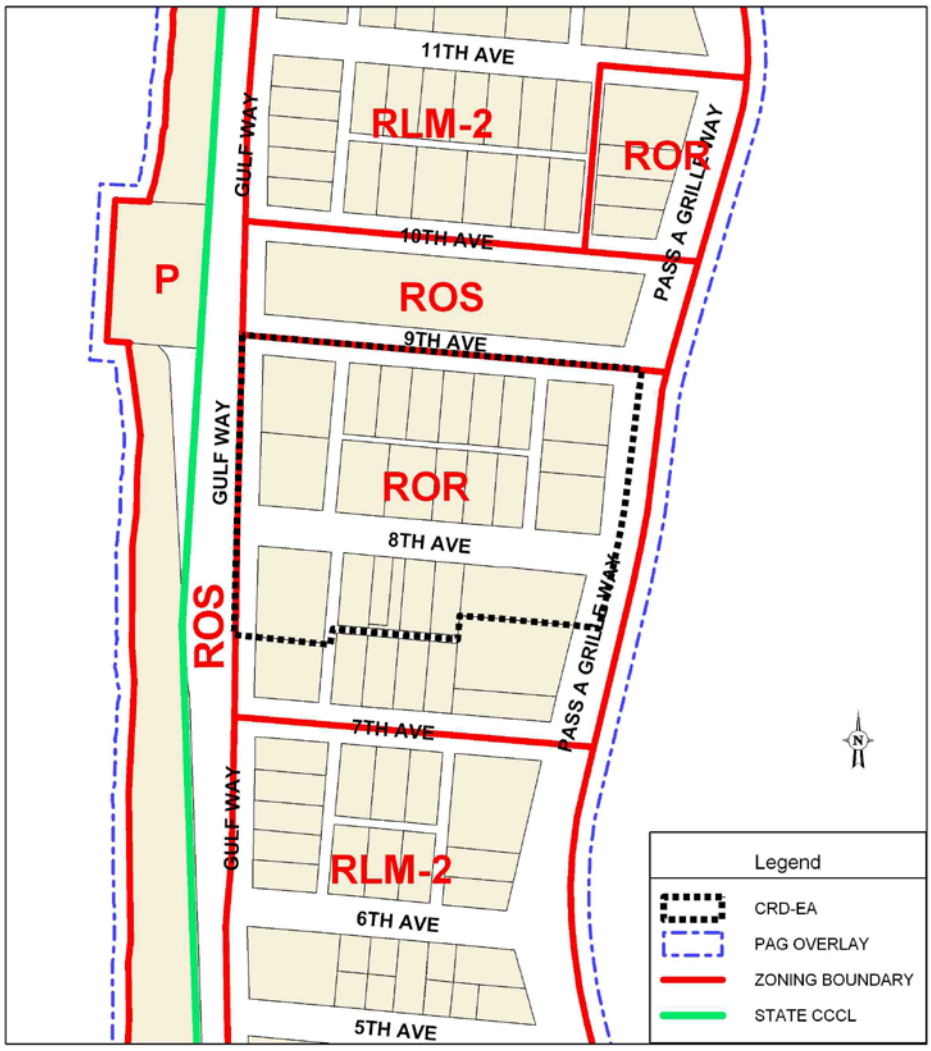

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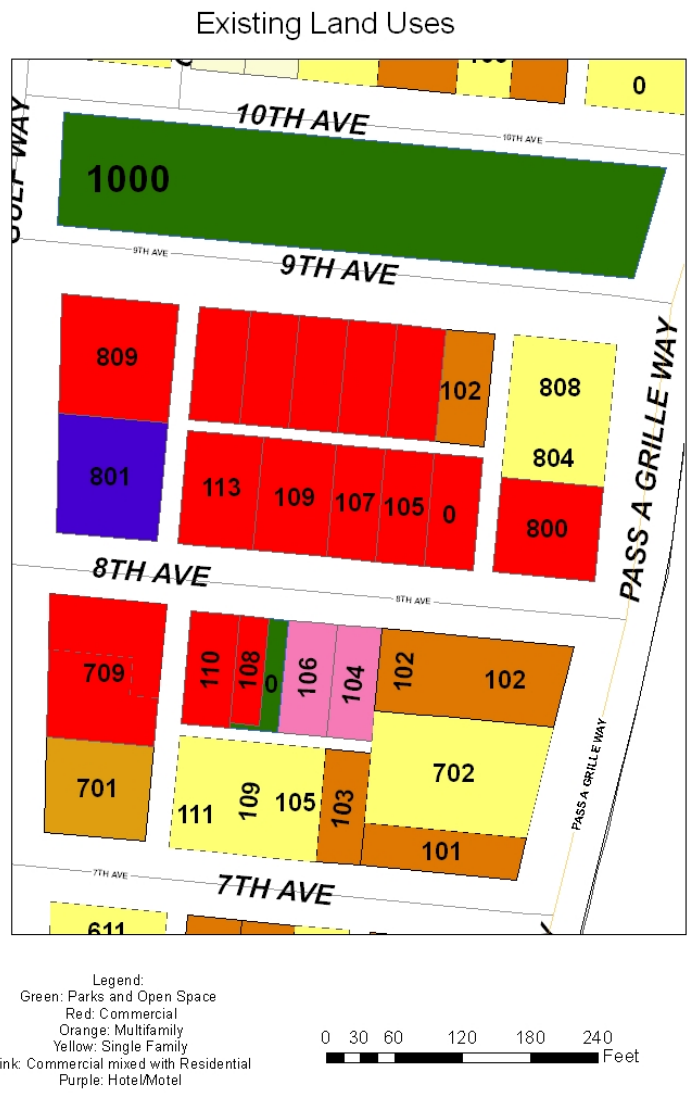
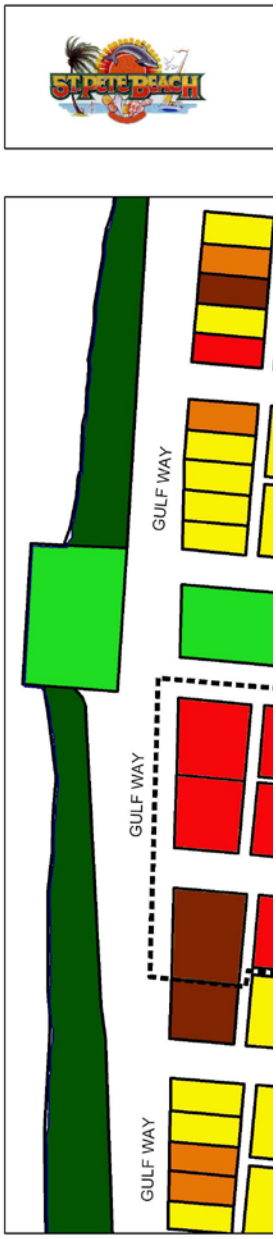
Figure 6 Existing Land Uses, Eighth Avenue and Surrounding Area



Data Source: Pinellas County Land Use Classifications



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Special Area Plan Issues

The following section outlines the overall issues and objectives of this Special Area Plan. This Planning Area encompasses the north and south sides of Eighth Avenue, as well as the south side of Ninth Avenue (Figure 1).

- Preserve and promote the continuance of the existing development pattern within the Eighth Avenue district in Pass-a-Grille
- Perpetuate the character of the community by preserving the architectural aesthetic of the district
- Promote the viability of the businesses which form the Eighth Avenue Commercial District.
- Attract additional investment into existing structures and new development.
- Ensure that all development is in scale with Pass-a-Grille and supportable by existing infrastructure.

The City wants to maintain the unique quality of the mixed use commercial/residential focus of this area, especially for those properties already developed within Eighth Avenue. As previously discussed, the current Future Land Use classification and zoning regulations make it difficult to promote infill development. The developed and vacant properties within this area are very small and the current land use classification and regulations such as setbacks, FAR, and ISR prohibit reasonable use of the land. Compliance with existing regulations would erase the unique quality and character of the area such as the existing streetwall and pedestrian arcade that forms the cohesive design of the district.

The creation of this plan allows the City to move forward on the creation of land development regulations for the district that would not only reflect what was built before the City's Comprehensive Plan was adopted, but would also increase the economic viability of the District by allowing infill development that is appropriate for the smaller lot sizes within the area.

Plan Objectives in Relationship to St. Pete Beach Comprehensive Plan and Pinellas by Design: An Economic Development and Redevelopment Plan for the Pinellas Community

City of St. Pete Beach, Florida 2010 Comprehensive Plan

The City's Comprehensive Plan has been amended to incorporate the Community Redevelopment District land use category within its Future Land Use Element. All use limitations and other standards have also been included within the Future Land Use Map section of the Plan under a new Community Redevelopment District – Eighth Avenue (CRD-EA), which applied only to those parcels within the defined district shown in Figure 1. These standards provided for the increased Density, FAR and ISR needed to address the issues identified in this Special Area Plan.

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The amendment is consistent with the following Goals, Objectives, and Policies of the Future Land Use Element:

Objective 1.4 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 uses

Policy 1.4.1 The City shall, through administration of the land development regulations, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Policy 1.4.2 The City shall, through administration of the land development regulations, encourage the adaptive re-use of no longer viable commercial properties.

Policy 1.4.3 The City shall, while emphasizing residential uses, 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.

Objective 1.6 As of the effective date of this comprehensive plan, as amended, development activities shall be required to ensure the protection of historic and architecturally significant structures and resources.

Policy 1.6.3 The City shall adopt procedures to be incorporated into the land development regulations which ensure that new development does not adversely impact designated historic or architecturally significant structures and resources.

Pinellas by Design: An Economic Development and Redevelopment Plan for the Pinellas Community

Pinellas by Design recognizes that new development will take place only through infill construction and redevelopment of older properties. This Special Area Plan seeks to create a district, which will be smaller than those examples within *Pinellas by Design* but consistent with the intent described within the document.

Pinellas by Design also recognizes that "The rehabilitation and redevelopment of properties in the county have potentially been hampered by inappropriate or misapplied land development regulations and processes" (*Pinellas by Design,* p.4). It further emphasizes the need for flexibility while maintaining sensitivity to the characteristics of existing development. The City will review its existing regulations and make the necessary modifications to create more consistent standards for the development existing and desired within the Eighth Avenue Commercial District.

Chapter 7 of *Pinellas by Design* identifies many strategies that local governments might use in order to address the issues identified within the plan. St. Pete Beach is utilizing the following strategies in this process:

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"Preserve and protect, through neighborhood preservation plans and other proactive measures, existing neighborhoods in order to maintain their general character."

Specifically, in the process of developing this Special Area Plan, the city has held public meetings in advance of public hearings, allowing for the identification of issues in advance. Additionally, the use of the Special Area Plan is allowing the City to address neighborhood concerns and to ensure that any redevelopment projects have a positive impact on the existing neighborhood.

"Develop special area plans that incorporate desired redevelopment land use patterns and design characteristics"

This Plan has intended to promote compact, mixed use development that is walkable, while still enhancing and preserving the historic architecture and cultural area of the Eighth Avenue Commercial District.

"Promote compact, mixed-use redevelopment land use patterns that include residential development as a component."

One component of this process is to amend the Comprehensive Plan and LDRs to allow for residential use as part of mixed use developments, but with the caveat that the ground floor must be commercial use only. This mixture of uses is present within the District today, and is an integral part of the Plan to maintain the character in the future.

PLAN COMPOSITION

It is the intent of this plan to create a new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification with uses that are similar to the current ROR land use, but that will allow for a level of development consistent with the existing density and intensity already developed within the district. This process will require a comprehensive plan amendment.

Permitted Uses and Any Differentiation by Locations

The following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Temporary Lodging

Secondary uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

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Density/Intensity Standards for Permitted Uses

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The following standards are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

- Density and Intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without proration.
- Residential use - Shall not exceed 24 dwelling units per acre.
- Residential equivalent use (Bed and Breakfasts) - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
- Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
- Transient accommodation use - Shall not exceed 50 units per acre.
- Public/semi-public; ancillary non-residential use - Shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

Design Guidelines

Over the last 3 years, the Historic Preservation Board has discussed the adoption of design guidelines for Pass-a-Grille, including the Eighth Avenue area. However, no guidelines other than the Secretary of the Interior's Standards for Rehabilitation have been adopted.

Affordable Housing Provisions

There is no intention to include any affordable housing provisions within the context of this plan.

Mixed-Use Provisions

The Eighth Avenue Commercial District is a mixed-use area where many buildings have second floor residential or commercial over first floor commercial/retail/office space. It is the intent of this plan to continue to encourage this type of development pattern, in a scale that is consistent with the existing development. The City's Comprehensive Plan and LDRs allow a variety of compatible uses, while the higher FAR and ISR will encourage implementation of such a mixture. Specific provisions currently allow residential only above a commercial use and only as part of a mixed-use project, in order to maintain the street-level commercial use important to such a district. However, as there are a few signle family residential homes on Pass-A-Grille Way, the City will allow those uses to be conforming uses. Bed and Breakfasts and the adaptive re-use of existing residential structures are permitted.

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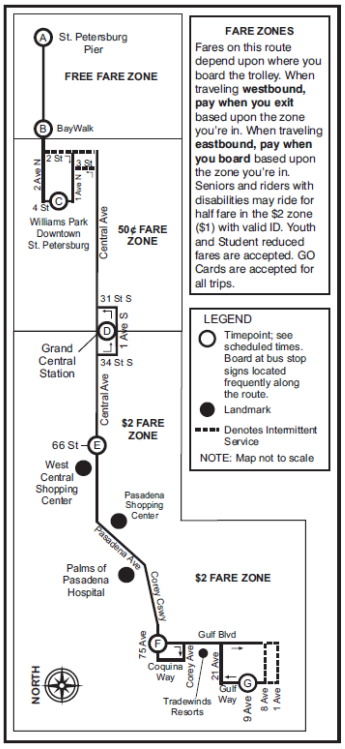
Special Provision for Mobility and Circulation (Mass Transit, Access Management, Parking, Pedestrians, and Bicycles)



The mixed-use nature of the Eighth Avenue Commercial District creates a pedestrian oriented area with shops and restaurants that are primarily visited by neighbors and tourists within the Pass-a-Grille beach area. Maintaining this mixture of uses as well as the building arcade and street wall formed by the near zero-lot line development pattern of the buildings promotes the continuance of pedestrian activity within the area.

Pinellas Suncoast Transit Authority's (PSTA) Suncoast Beach Trolley services all of the City and a stop is located within the CRD-EA plan area, connecting it to the other beach communities and providing tourists with public transportation access to Pass-a-Grille.

Parking standards will be addressed within the LDRs that are developed for the District; surface parking will have to support whatever new development or redevelopment occurs. The City has established minimum requirements for the placement of bicycle racks as part of its efforts to become more "bicycle friendly".

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Land Development Regulations that Implement Plan

Land Development Regulations (LDRs) have been developed specific to this area consistent with the new CRD-EA land use classification. These LDRs will allow for the increased FAR and ISR needed to allow new development consistent with the existing structures, as well as allowing current buildings to be rebuilt at the same density they currently have.

Figure 8 identifies issues with the existing Residential/Office/Retail (ROR) zoning as applied to the Eighth Avenue Commercial District.

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Figure 7 Current Zoning Standards (ROR), Eighth Avenue Commercial District

Standard	Value	Problem	Potential Solution
Front	20 Feet	Moves buildings too far from sidewalk; not consistent with much of the existing pattern of development.	Set buildings closer to the front property line. Amend LDR's to allow some flexibility for recessed doorways, outdoor seating, etc
Secondary Front	10 Feet	Moves buildings too far from alleys; not consistent with existing structures	Amend LDR's to allow for minimal to no setbacks required for secondary front yard.
Side	10 Percent of Lot Width	Requires building separation; not consistent with existing structures	Allow zero or minimal setbacks (minimal setbacks allow for reduced cost of fire retardant materials in that will allow for building separation, and allows for courtyard areas).
Rear	20 Feet	Inconsistent with current building pattern; however current standard provides some room for surface parking.	Keep Standard to allow for parking or reduce rear yard setbacks.

In St. Pete Beach, the ROR zoning classification limits residential density to 15 units per acre. The LDRs further establish minimum lot area and width standards that make it difficult to redevelop within the area without consolidating properties.

Because many of the existing structures include several residential units above the existing ground floor commercial space, the new LDRs allow for enough residential density to permit at least two residential units per lot. This is a challenge when the smallest lot is 4,300 square feet. In order to support two units on a 4,300 square foot lot, slightly more than 20 units an acre in residential density must be allowed.

Additionally, consistent with most of the existing development in the area, front and side setback requirements will be reduced in order to allow new construction to mimic the historic pattern of development, while allowing for some flexibility for some architectural interest including features such as recessed doorways and small outdoor seating areas.

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Public and/or Private Improvements, Contributions and/or Incentives

None.

Local Government Plan Approval Process

The first phase of this process is to concurrently develop this Special Area Plan, and to adopt the comprehensive plan text and map amendments required to create the CRD category. The City's Comprehensive Plan will be amended to develop the basic standards for the Eighth Avenue (CRD-EA) district, and to apply them to the appropriate area on the Future Land Use Map. These comprehensive plan amendments will be submitted to the Department of Community Affairs to begin the review process, according to the procedures of the Growth Management Act. After DCA's review and finding of compliance, the City of St. Pete Beach citizens will have to approve these changes to the comprehensive plan by voter referendum (proposed for March 2009).

The Special Area Plan will serve not only as the accompanying data and analysis for the Comprehensive Plan amendment, but will accompany the application to amend the Countywide Future Land Use Plan Map according to the Countywide Plan Rules administered by the Pinellas Planning Council.

The required LDRs will be developed while the comprehensive plan amendment is proceeding through the review process. The development of these LDRs will be based on previous and new public input and will require public hearings of the City's Planning Board and Commission to adopt. They will not result in any changes of allowed use, since the intent is to maintain the character of the existing district but allow for the needed infill development on vacant lots.

PLAN IMPACTS

The Eighth Avenue Commercial District currently contains a mixture of temporary lodging, residential and non-residential uses. The intent of this plan is to maintain the existing character and to allow for the continuance of buildings at the same density and intensity as is already built today. The CRD-EA district will not create any significant impact on the City's overall system capacities (water, sewer, stormwater) or impact the respective adopted levels of service. Discussion regarding roadways is included under Relevant Countywide Considerations.

In accordance with accepted practices from the Florida Department of Community Affairs (DCA) and other review agencies, an impact comparison analysis of the proposed amendment has been completed. The analysis is based on the theoretical maximum development potential under the current future land use designation, versus the requested future land use designation (Figure 9). The existing future land use designation allows for mixed-use development of a residential/office/retail character consistent with surrounding uses, transportation facilities, and natural resource characteristics of the area[1]. Given the

[1] The Countywide Plan Rules, Amended through March 19, 2007

Deleted: The LDRs will regulate building height by a limitation on the maximum number of stories within a higher overall height limitation. A builder would get a maximum of three stories within a maximum building height of 40 feet over flood elevation. Building heights would tend to be below maximum due to the limited functional requirements of each floor of the building. Commercial space can be flood-proofed at grade, further reducing the necessary for building height.¶

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overall size of the area (3.4 acres), a theoretical maximum of 214,751 square feet of non-residential and 81 residential units could be constructed if part of a mixed-use development within the proposed CRD-EA area. This "worst case" scenario would only result from a complete redevelopment of the proposed area, which is not the intent of this plan.

Figure 8 Evaluation of Densities and Maximum Impacts

	Density		Max Allowed to be Built (3.4 acres)		
	Current (ROR)	**Proposed (CRD-EA)***	**Current (ROR)**	**Proposed (CRD-EA)***	**Potential Increase**
Residential	18	24	61	81	20
Non-Residential	.40 FAR .85 ISR	1.0 FAR** / 1.5 FAR*** .90 ISR	59,241 ft^2	148,104 ft^2 / 214,750 ft^2	88,863 ft^2 / 155,509 ft^2
Transient	0****	30	0	102	102

* Density and Intensity of use for commercial and residential components inclusive (i.e. the same land area may be used to support both use types without proration

** Single use commercial structures

*** Mixed-use development

**** No standard within comprehensive plan, limited to 15 units per acre in ROR zoning, use restricted to bed & breakfast inns and motels

The remaining analysis on the impact to infrastructure is based on the assumed development at maximum residential and non-residential build out (mixed use, 1.5 FAR) with a mixture of restaurant and office uses allowed under the proposed CRD-EA standards, compared with two development scenarios allowed under the current ROR land use designation (100 percent residential, or 100 percent commercial). Commercial use was estimated to be half restaurant and half office, to reflect the mix of non-residential uses currently existing within the Eighth Avenue Commercial District.

Water

Overall System Capacity

Tampa Bay Water, the regional authority that supplies most of the wholesale potable water for Pinellas County, the City of St. Petersburg, and all other municipalities within Pinellas County, provides all the potable water needed by its six member governments (Hillsborough, Pasco, and Pinellas Counties, and the Cities of New Port Richey, St. Petersburg and Tampa). Since Oct. 1, 1998, Tampa Bay Water has been the sole and exclusive water provider to the six governments it serves.

Pinellas County is authorized to provide St. Pete Beach with water under Chapter 126 of the Pinellas County Code of Ordinances, which states:

> That the board of county commissioners of Pinellas County, State of Florida, are hereby authorized and empowered to construct, own, maintain and operate a water supply and distribution system for the purpose of supplying drinkable water to the inhabitants of that certain chain of islands bordering

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on the Gulf of Mexico in said county, extending from Pass-a-Grille to Indian Rocks, and to furnish water to other districts or communities within said county. (Laws of Fla. Ch. 17644(1935), § 1).

Tampa Bay Water, therefore, provides the wholesale potable water supply to Pinellas County, and the Pinellas County Utilities Department owns and maintains the distribution system. The City is a retail customer of the Pinellas County Utilities Department and has no responsibility regarding the supply of potable water to its citizens.

According to the most current concurrency test statement, adopted by Pinellas County Ordinance #07-49, Tampa Bay Water is currently able to meet annual demand (existing LOS) within the Pinellas County Water Demand Planning Area (WDPA). Based on current population estimates and projections provided by Pinellas County Planning Department, the total population of St. Pete Beach comprises approximately 3 percent of the population served within the WDPA. St. Pete Beach's Comprehensive Plan includes policies to ensure potable water services to its residents, and to review all new development and redevelopment proposals under the City's Concurrency Management System Ordinance so there are no issues with maintaining LOS.

A rough calculation indicates that the percentage of water used by the City as a whole is approximately 3.5 percent of the total use by Pinellas County Utility customers. This is not expected to change throughout the planning horizon of the comprehensive plan.

Impact of Proposed Land Use Change

The current future land use designation would allow either 61 residential units (assumed to be multifamily residential) **or** 59,241 square feet of commercial space (assumed to develop at 50 percent restaurant and 50 percent office). Using standard City figures[2], the anticipated potable water usage would be 0.012 million gallons per day (mgd) if redeveloped at 100 percent residential, or 0.023 mgd if developed at 100 percent commercial under the current ROR land use designation.

The proposed future land use designation would allow a maximum of 81 residential units **and** 214,750 square feet of commercial space to be built concurrently on the site. Using the appropriate figures, the anticipated potable water usage would potentially be 0.099 mgd.

Figure 9 Potential Water Demand

	Development Potential (units or square feet)		Demand - Water (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	0.012	0.016
100% Commercial	59,241	214,750	0.023	0.083
50% Restaurant	29,621	107,375	0.020	0.072
50% Office	29,620	107,375	0.003	0.011

[2] Pinellas County Water/Sewer Factors for use in Calculating Water/Sewer Demand, 10/10/00

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See Attachment A for additional details on these calculations.

Sewer

Overall System Capacity

St. Pete Beach currently contracts with the City of St. Petersburg to provide its wastewater treatment. The adopted level of service within the 1998 Comprehensive Plan is 149.4 gallons per day per capita (GPCD). Wastewater from St. Pete Beach is treated in St. Petersburg's Northwest water reclamation facility located at 7500 26th Avenue NW.

The Northwest facility has an adopted LOS of 170 GPCD. This facility has the capacity to process 20 mgd, and in 2007 was handling an average daily flow of 9.72 mgd, leaving an excess capacity of 10.28 mgd.

Impact of Proposed Land Use Change

Using the same maximum development potential figures as before, the anticipated sewer discharge would be 0.009 mgd if redeveloped at 100 percent residential, or 0.015 mgd if developed at 100 percent commercial under the current ROR land use designation. If all 3.4 acres within the proposed CRD-EA area were redeveloped at maximum residential and commercial densities and intensities, the anticipated potable sewer discharge would potentially be 0.066 mgd.

Figure 10 Potential Sewer Demand

	Development Potential (units or square feet)		Demand - Sewer (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	0.009	0.012
100% Commercial	59,241	214,750	0.015	0.054
50% Restaurant	29,621	107,375	0.012	0.043
50% Office	29,620	107,375	0.003	0.011

Stormwater Drainage

Stormwater drainage in the City of St. Pete Beach must be designed to accommodate and treat the 25-year, 24-hour storm event without causing flooding or polluting the receiving water bodies. Any new development will be required to design and construct an approved stormwater facility, and will be assessed during the site plan review process.

Storm drainage in the lower Pass-a-Grille area south of 12th Avenue is a sheet flow from West to East. Once the runoff waters reach the west side of Pass-a-Grille Way the water falls into curb inlets and catch basins and proceeds east through pipe under Pass-a-Grille

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Way and outfalls through the seawall or bulkhead into Boca Ciega Bay. Eighth Avenue has a catch basin on both the northwest and southwest corner of PAG Way connected by pipe and then proceeds to drain under PAG Way east through the seawall to Boca Ciega Bay.

RELEVANT COUNTYWIDE CONSIDERATIONS

Consistency with Countywide Rules

The Community Redevelopment District future land use plan category is being established consistent with the Countywide Rules. The Comprehensive Plan amendment includes the use and locational characteristics and other standards for the CRD future land use category within the descriptions of the plan categories of the Future Land Use Map as required. Additionally, the Community Redevelopment Area – Eighth Avenue future land use plan category is within the "special designation" plan classification, consistent with the Countywide Plan Rules. The Pinellas Planning Council has reviewed the Comprehensive Plan Amendments for consistency and the recommended changes were made prior to the transmittal hearing to ensure consistency. Overall consistency with the application of the CRD-EA future land use category is contingent on the approval of this special area plan, as required by the Countywide Rules.

Adopted Roadway Level of Service (LOS)

The current minimum standard for all arterial and collector roads within the city is LOS D. The Pinellas County Metropolitan Planning Organization (MPO) prepares a report identifying operating conditions for these roads and identifies deficient roadways within the county. Within St. Pete Beach, the MPO is concerned with segments of Blind Pass Road and Gulf Boulevard that are part of State Road 699, which in 2007 were operating at an overall level of service of A, B, or C.

The Eighth Avenue Commercial District does not lie within this area. The entire district (3.4 acres), under its current ROR future land use designation, would generate approximately 336 trips per day per acre[3]. The subject area would therefore theoretically generate 1,143 trips per day. In order to compare this with the traffic potentially generated by same acreage under the CRD-EA future land use category, the mixture of actual uses is considered.

Figure 11 LOS, St. Pete Beach, Florida

Source: Pinellas County MPO, Level of Service '07

[3] Traffic Generation Characteristics contained within the Pinellas Planning Council's *Countywide Plan Rules,* amended through March 19, 2007

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The intent of the CRD-EA land use category is to allow the existing structures to remain at their current densities. The mixture of residential, office, retail and restaurant uses creates a pedestrian friendly environment that draws foot traffic in addition to vehicles. As previously discussed, the PSTA Suncoast Beach Trolley line also serves the area. It is not anticipated that the application of the new land use category would dramatically increase the number of vehicle trips within the area.

Scenic/Noncommercial Corridors

Not Applicable.

Coastal High Hazard Area (CHHA)

The Eighth Avenue Commercial District lies within the Coastal High Hazard Area, as defined in the City's Comprehensive Plan as the area inundated from a category one hurricane as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model and reflected in the most recent *Regional Evacuation Study, Storm Tide Atlas,* as does the majority of the City of St. Pete Beach. The small size of the amendment area and the existence primarily commercial properties within should have little to no impact on emergency shelter space or evacuation routes. The requested amendment will not require the expenditure of public funds for the construction of new infrastructure within the area, and will have no impact on the natural areas that buffer existing development from coastal storms.

The application of the CRD-EA future land use category is not intended to dramatically increase residential densities within the area, as the primary intent of the district is to maintain the commercial downtown district as an economically viable area. This is part of a longer-term vision for the area, requiring the City's Comprehensive Plan and Future Land Use Plan Map to be amended accordingly.

Designated Development/Redevelopment Areas

This Plan establishes a Community Redevelopment District (CRD) and Special Area Plan in accordance with the Countywide Plan Rules as administered by the Pinellas Planning Council. The Eighth Avenue Commercial District would be the first CRD within St. Pete Beach (CRD-EA). Use, locational, and other characteristics will be applied specifically to the Eighth Avenue Commercial District. Should additional CRDs be proposed in the future, individual Special Area Plans with details regarding use, locational characteristics, density/intensity standards, and other standards would be developed at that time.

Public Education Facilities

The application of the CRD-EA future land use category to the Eighth Avenue Commercial District (3.58 acres) is not expected to have any impact on the Public Schools system.

The number of school age children in St. Pete Beach is not expected to increase significantly over the next 15 years. The Pinellas County School Board tracks the enrollment of school

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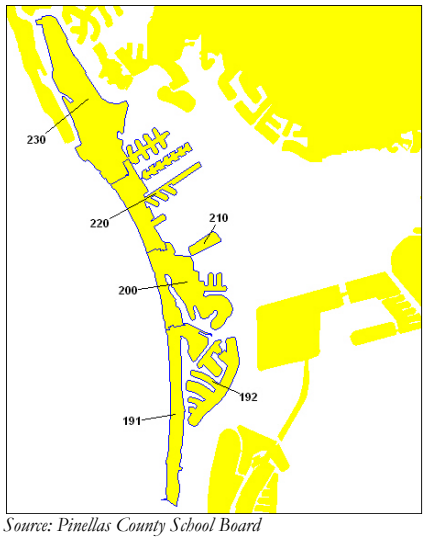
age children in grids (Figure 13). In the 2000/01 school year, there were 430 total school age children residing within St. Pete Beach, 63 of whom lived in Grid 191 in which the Eighth Avenue Commercial District lies. This overall number fluctuated somewhat over the last eight years for which this data is available, but in the most recent school year (2007/08), the number of school age children residing in Grid 191 has declined to 51 (Figure 14).

Consistent with previously made comments, Marshall Touchton, demographer for the school board, indicated that based on trends of the past few years including rising home costs and the types of units being developed (condominiums and townhomes versus rental apartments and single-family homes), the population of school age children may not increase over the next planning period.

Figure 12 School Enrollment Grids (2008)



Source: Pinellas County School Board

Figure 13 St. Pete Beach, FL School Enrollment (2000/01 to 2007/08)

	191*	192	200	210	220	230	StPeteBeach Total
Elementary 2000/01	33	25	53	10	14	75	210
Elementary 2001/02	32	29	59	6	17	85	228
Elementary 2002/03	32	30	56	6	18	90	232
Elementary 2003/04	26	42	42	9	14	101	234
Elementary 2004/05	23	38	45	7	13	78	204
Elementary 2005/06	20	43	42	7	14	91	217
Elementary 2006/07	21	40	50	8	17	88	224
Elementary 2007/08	20	36	41	4	14	72	187

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Middle 2000/01	13	5	40	2	8	28	96
Middle 2001/02	12	7	41	1	6	33	100
Middle 2002/03	13	7	29	2	6	41	98
Middle 2003/04	14	13	25	3	3	38	96
Middle 2004/05	9	15	22	3	4	42	95
Middle 2005/06	11	15	22	4	5	40	97
Middle 2006/07	13	19	16	3	3	41	95
Middle 2007/08	14	23	18	6	8	41	110

High 2000/01	17	8	35	4	14	46	124
High 2001/02	17	9	37	4	13	41	121
High 2002/03	20	13	44	4	12	52	145
High 2003/04	15	15	46	6	11	45	138
High 2004/05	15	12	41	6	10	50	134
High 2005/06	16	10	43	8	7	54	138
High 2006/07	16	17	36	8	9	59	145
High 2007/08	17	19	36	5	4	62	143

KG-12 2000/01	63	38	128	16	36	149	430
KG-12 2001/02	61	45	137	11	36	159	449
KG-12 2002/03	65	50	129	12	36	183	475
KG-12 2003/04	55	70	113	18	28	184	468
KG-12 2004/05	47	65	108	16	27	170	433
KG-12 2005/06	47	68	107	19	26	185	452
KG-12 2006/07	50	76	102	19	29	188	464
KG-12 2007/08	51	78	95	15	26	175	440

*Proposed Redevelopment is in Grid 191

Source: Pinellas County School Board

The City completed an amendment to its Comprehensive Plan to create a Public School Facilities Element (adopted by City Ordinance 2007-32 on April 8, 2008 and approved by voters on June 3, 2008). As part of that amendment, an extensive analysis of the capacities and levels of service (LOS) of the Pinellas County school system was completed. The level-of-service standard (LOSS), for purposes of implementing school concurrency, is achieved when student enrollment plus vested students divided by existing FISH school capacity plus the additional capacity scheduled to be constructed in the next three years does not exceed 100%.

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For the 2006/2007 school year, the existing LOS condition for each school type, within its Concurrency Service Areas, was less than the adopted LOSS of 100 percent. CSA overcrowding is not anticipated in the Pinellas County School District because of the additional capacity currently available and the practically 'flat' projections for student enrollment. Projected enrollment for public school facilities for the next five years is based on birth rate information provided by the Department of Health. The Pinellas County School District anticipates only a slight increase in the number of students within the District, although infill development and redevelopment may create areas of higher densities and additional residents, the School District Facilities Ten and Twenty Year Long Range Plan projects that there will be 3,460 existing student stations removed between 2006 and 2025.

The Eighth Avenue Commercial District lies within CSA 'A' for elementary and middle schools. The most recent data included within the Public School Facilities Element for the 2007/2008 school year indicates that Attendance Area 'A' is at 80 percent utilization for Elementary and 70 percent utilization for middle school, and has a surplus capacity of over 3,600 students and almost 3,000 students respectively. Utilizing the student generation multiplier provided by the Pinellas County School Board (provided by Pinellas County Planning on July 22, 2008), the change in land use for the Eighth Avenue Commercial District might yield an additional six students (Figure 15).

Figure 14 Potential Public School Demand

	Development Potential (units or square feet)		Demand - Public Schools (students in KG-12)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	20	26
Elementary			9	12
Middle			4	6
High School			6	8
100% Commercial	59,241	214,750	N/A	N/A
50% Restaurant	29,621	107,375		
50% Office	29,620	107,375		

The City will follow the terms of the Interlocal agreement on public school concurrency to ensure coordination with the School Board for any development agreements entered into within this district in the future.

Adjoining Jurisdictions

There are no anticipated impacts on the jurisdictions surrounding St. Pete Beach (St. Petersburg, Treasure Island, South Pasadena, or unincorporated Pinellas County).

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ATTACHMENT A

Figure 15 Calculation of Potential Water Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Water (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	**61**	**81**	**0.012**	**0.016**
	(3.4 ac * 18 du/ac)	(3.4 ac * 24 du/ac)	(61 units * 200 gal/unit)	(81 units * 200 gal/unit)
100% Commercial	**59,241**	**214,750**	**0.023**	**0.083**
50% Restaurant	29,621	107,375	0.020	0.072
			(29,621 sqft * 0.67 gal/sqft)	(107,375 sqft * 0.67 gal/sqft)
50% Office	29,620	107,375	0.003	0.011
			(29,621 sqft * 0.1 gal/sqft)	(107,375 sqft * 0.1 gal/sqft)

Figure 16 Calculation of Potential Sewer Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Sewer (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	**61**	**81**	**0.009**	**0.012**
	(3.4 ac * 18 du/ac)	(3.4 ac * 24 du/ac)	(61 units * 150 gal/unit)	(61 units * 150 gal/unit)
100% Commercial	**59,241**	**214,750**	**0.015**	**0.054**
50% Restaurant	29,621	107,375	0.012	0.043
			[(29,621 sqft / 50 sqft/seat) * 20 gal/seat]	[(107,375 sqft / 50 sqft/seat) * 20 gal/seat]
50% Office	29,620	107,375	0.003	0.011
			(29,621 sqft * 0.1 gal/sqft)	(107,375 sqft * 0.1 gal/sqft)

Figure 17 Calculation of Potential Public Schools Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Public Schools (students in KG-12)	
	Existing ROR	**Proposed CRD-EA**	**Existing ROR**	**Proposed CRD-EA**
100% Residential	**61** (3.4 ac * 18 du/ac)	**81** (3.4 ac * 24 du/ac)	**20** (61 units * 0.32 student multiplier*)	**26** (81 units * 0.32 student multiplier)
Elementary			9 (61 units * 0.15 Elementary Student multiplier)	12 (81 units * 0.15 Elementary Student multiplier)
Middle			4 (61 units * 0.07 Middle Student multiplier)	6 (81 units * 0.07 Middle Student multiplier)
High School			6 (61 units * 0.1 High School Student multiplier)	8 (81 units * 0.1 High School Student multiplier)
100% Commercial	**59,241**	**214,750**	**N/A**	**N/A**
50% Restaurant	29,621	107,375		
50% Office	29,620	107,375		

* Student generation multiplier for first year, provided by PCSB; County average of 0.32 public school students per Residential Unit in Pinellas County

"Exhibit A"

Future Land Use Maps Element Proposed Changes:

- **CRD- Eighth Avenue (EA) -** The following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Temporary Lodging

Secondary uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

Density/Intensity Standards shall include the following:

- Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without pro-ration.
- Residential use - Shall not exceed 24 dwelling units per acre.
- Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
- Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
- Transient accommodation use - Shall not exceed 50 units per acre.

- Other standards shall include the following:

- Public/semi-public; ancillary non-residential use – shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

Deleted: Transient Accommodation

Deleted: 30

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