THE SUNSET CAPITAL OF FLORIDA

Notice of Public Meeting
Planning Board

Commission Chambers
155 Corey Avenue, St. Pete Beach, Florida 33706
1/21/2014
4:00 p.m.

i. **Call to Order**
ii. **Pledge of Allegiance**
iii. **Roll Call**

Regular Meeting Agenda

1. **Approval of November 19, 2013 Meeting Minutes**

2. **Action Items**

   Public Hearings-Legislative (No Items)

3. **Presentations**

   Mobility Planning (Demian Miller, Tindale-Oliver & Associates, Inc.)

4. **Discussion Items**

   A. Project Updates
   B. Pending Ordinance Items
   C. General Discussion

5. **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. 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).

PLANNING BOARD

MINUTES

NOVEMBER 19, 2013

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Ward J. Friszolowski, Chairman
Paul Cuticchia, Member
Ron Holehouse, Member

ABSENT:

Tom DeYampert, Member (excused)
Don Breitweiser, Member (excused)

ALSO PRESENT:

Mary Jo Murphy, Recording Secretary
George Kinney, Community Development Director

1. Approval of Minutes:

Member Holehouse made a motion for the approval of the minutes for October 15, 2013. The motion was seconded by Member Cuticchia and unanimously approved by a voice vote.

2. Action Items:

Public Hearings-Legislative

A. An ordinance amending Divisions 2, 6, 14, 15, 16, and 25 of the St. Pete Beach, Florida Land Development Code to modify, remove, or relocate certain beach related references.

Mr. Kinney, Community Development Department Director, stated that it had not been solidified what the replacement will be for mean high water. Therefore, the ordinance was not finalized and Item 2(a) was tabled indefinitely.

B. An ordinance updating the official zoning map for the City of St. Pete Beach.

Mr. Kinney stated this was an annual routine to recertify the zoning map for the next coming fiscal year. There were two changes on Gulf Way as noted on map page 15.

Member Holehouse moved to approve Item 2(b), an ordinance updating the official zoning map for the City of St. Pete Beach. The motion was seconded by Member Cuticchia.

Chairman Friszolowski asked for audience comments. There were no audience comments.

The motion was unanimously approved by a roll call vote (3-0).

C. An ordinance amending the City of St. Pete Beach Community Redevelopment District - Special Area Plan (CRD-SAP) for consistency with the St. Pete Beach Comprehensive Plan and the Countywide Future Land Use Plan and as required by the Pinellas Countywide Rules.

Mr. Kinney stated the City had adopted the St. Pete Beach Comprehensive Plan and included revisions made pursuant to City Ordinance numbers 2010-13, 2010-15, 2011-19 and 2012-21. The Pinellas Countywide Rules mandate that relevant revisions be reflected in the St. Pete Beach Community Redevelopment District – Special Area Plan. Planning staff had worked with staff from the Pinellas Planning Council to identify inconsistencies between the two planning documents and this Ordinance will make appropriate changes to the SAP accordingly. While preparing the SAP, the Comprehensive Plan amendment that was submitted was appealed; therefore, it will not go immediately to the City Commission. Mr. Kinney recommended proceeding with a review and Mr. Kinney will keep the recommendation until the legalities are resolved.

Member Cuticchia moved to approve Item 2(c), an ordinance amending the City of St. Pete Beach Community Redevelopment District - Special Area Plan (CRD-SAP) for consistency with the St. Pete Beach Comprehensive Plan and The Countywide Future Land Use Plan and as required by the Pinellas Countywide Rules. The motion was seconded by Member Holehouse.

Chairman Friszolowski asked for audience comments. There were no audience comments.

The motion was unanimously approved by a roll call vote (3-0).

3. Discussion Items:

A. BOA Recommendation (Sherwin Williams)

Mr. Kinney stated that this will be one of the first buildings under the new comprehensive plan and design standards. In reference to the site plan, there are a couple of issues with parking spaces and window coverage. Therefore, there is a request for a variance with the Board of Adjustment on November 20, 2013. Mr. Kinney suggested making a recommendation to the BOA.

Jack Bodziak, architect for the Sherwin Williams project, explained to the Board the issues that resulted in requesting a variance with the BOA to comply with design guidelines – clearly identify the front entry, encourage an entry off of the corner and window coverage.

After discussion with the Board, Mr. Kinney stated that there was no need for a recommendation.

B. Project Updates

Mr. Kinney updated the Board on the following projects:

Skidders is in the process of an 1800 square foot addition and are in the process of making a request for conditional use for using a parking lot and a few variances for landscaping as well. Skidders will be going to the Commission on December 10, 2013.

Mr. Kinney gave a schedule to the Board for the Community Design Week with Michael Baker Jr., Inc. and invited the Board to the work group discussions.

C. Pending Ordinance Items

Mr. Kinney discussed with the Board a possible pending ordinance for structures that are nonconforming. Over the past few months there had been some inquiries to allow for nonhabitable architectural features. The Board agreed for Mr. Kinney to bring some material to the next meeting for discussion.

D. General Discussion

There were no items presented for general discussion**.**

Chairman Friszolowski asked for audience comments. There were no audience comments.

4. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 4:40 p.m.

Attest:

_____ _____

Rebecca C. Haynes, City Clerk Ward Friszolowski, Chairman

Minutes approved on: _____

Current Comprehensive Plan LOS Standards

Concurrency Item	Standard	Comprehensive Plan Element	Provision
Potable Water	120 gallons per day per capita	Infrastructure	Policy 1.1.1
Sanitary Sewer	149.4 gallons per day per capita	Infrastructure	Policy 1.1.1
Solid Waste	1.3 tons per person per year	Infrastructure	Policy 1.1.1
Stormwater Drainage	25-year, 24-hour storm event	Infrastructure	Policy 2.2.1
Recreation and Open Space	Tennis (1 court per 2,000 population) Basketball (1 court per 5,000 population) Baseball/Softball (1 field per 6,000 population) Boat Ramps/Docks (1 ramp/dock per 5,000 population) Bicycle Trails (1 mile per 5,000 population) Fishing (1 site per 5,000 population) Picnic Area (1 acre per 6,000 population) Shuffleboard (1 court per 5,000 population)	Recreation and Open Space	Policy 1.1.1
Arterial and Collector Roads	LOS D	Transportation	Objective 1.1
Schools	Student enrollment plus vested students divided by the Florida Inventory of School Houses (FISH) School Capacity	Capital Improvements Public School Facility	Policy 1.5.1 Policy 1.2.1

St. Pete Beach, Florida, Land Development Code >> - CODE >> **DIVISION 29 CONCURRENCY MANAGEMENT** >>

DIVISION 29 CONCURRENCY MANAGEMENT [1]

Sec. 29.1. Purpose and declaration of public policy.
Sec. 29.2. Definitions.
Sec. 29.3. Levels of service adopted by reference.
Sec. 29.4. General requirements.
Sec. 29.5. Exemptions.
Sec. 29.6. Minimum requirements for concurrency.
Sec. 29.7. Action upon failure to show available capacity.
Sec. 29.8. Concurrency annual monitoring report.
Sec. 29.9. Providing for intergovernmental coordination.
Sec. 29.10. Providing for adequate funding.
Sec. 29.11. Enforcement.
Sec. 29.12. Proportionate fair share program.
Sec. 29.13. Specific regulations and procedures for school concurrency.

Sec. 29.1. Purpose and declaration of public policy.

(a) The city commission declares as a matter of public policy that the concurrency requirements of the Local Government Comprehensive Planning and Land Development Regulation Act [F.S. § 163.3161 et seq.] are a public necessity, and are important in the protection and enhancement of the quality of life in the city as well as the county and the state.

(b) The purpose of this division is to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of services, as provided in the capital improvements element of the Comprehensive Plan.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptance of completed application means the application for a development order or development permit has been reviewed for completeness and found to have the adequate information necessary to allow continuing the review of the application.

Additional school capacity means school facilities that will be in place or under actual construction within three years based on the five-year work program.

Available school capacity shall include the school facilities that will be in place or under construction within three years, according to the five-year work program and shall be calculated based on the following formula:

Available Capacity =
[FISH School Capacity + Additional Capacity] — [Enrollment + Vested Students]

Capital improvement means physical assets constructed or purchased to provide, improve, or replace a public facility; generally large scale, high in cost, nonrecurring, and which may require multi-year financing.

Certificate of concurrency means the document issued by the city manager certifying the concurrent availability of required public infrastructure and services. At a minimum, the certificate of concurrency shall provide information on the following:

(1) Type of proposal.
(2) Development potential, including site acreage, number of residential units, number of transient accommodation units, nonresidential use, type of development, and building square footage.
(3) Individual public facilities reports from the concurrency management team, if required.
(4) Level of service capacity status review, if required.
(5) Permitted impacts for each public facility and service, where applicable.
(6) The date of issuance of certificate of concurrency.

CIE means the capital improvement element of the city's adopted comprehensive plan.

Concurrency means the provision of the necessary public facilities and services required to maintain the adopted level of service standards at the time the impacts of development occur.

Concurrency management system means the procedures and/or process that the city will utilize to assure that development orders and permits are not issued unless the necessary facilities are available concurrent with the impacts of development.

Concurrency management team means the city staff directed by the city manager to administer and manage the concurrency determination process.

Concurrency monitoring system means the data collection, processing, and analysis performed by the city to determine impacts on the established levels of service for potable water, sanitary sewer, drainage, solid waste, recreation and open space, roads, and mass transit. For traffic circulation: data collection, processing and analysis will be utilized to determine traffic concern areas and traffic restriction areas in addition to impacts on the established levels of service. The traffic circulation data maintained by the concurrency management monitoring system shall be the most current information available to the city.

Concurrency service area means the areas of the county within which the level of service will be measured for school concurrency purposes, as adopted in the Public School Facilities Element of the Comprehensive Plan.

Development means the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; excavation, landfill or land disturbance, and use, change of use or expansion of the use of the land.

Development order means any order granting, denying, or granting with conditions, an application for development.

Development permit means any building permit, zoning permit, subdivision approval, certification, conditional use, variance, or any other official action of local government having the effect of permitting the development of the land.

District-wide level of service standard is calculated by adding student enrollment plus vested students and dividing the total by Florida Inventory of School Houses (FISH) School Capacity plus additional capacity does not exceed 100 percent. This level-of-service standard shall apply to each type of public school facility and shall not exceed 100 percent.

Educational plant survey or the *five-year plant survey* means the systematic study of educational and ancillary plants of the school board conducted at least every five years to evaluate existing facilities and plan for future facilities to meet proposed program needs.

Enrollment means the official student enrollment count of the fall semester.

Existing level of service for school concurrency is calculated based on the following formula:

LOS = [Student Enrollment + Vested Students] / [FISH School Capacity + Additional Capacity]

FDOT means the Florida Department of Transportation.

Financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years four and five, of a five-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements. The requirement that level of service standards be achieved and maintained shall not apply if the proportionate-share process set forth in F.S. § 163.3180(12) and (16), is used.

Five-year school facilities work program or *five-year school work program* means the document created by the School District to assist it as it plans, proposes, and prioritizes its current and five-year capital outlay needs. (see F.S. § 1013.35)

FISH (Florida Inventory of School Houses) means the inventory numbering system used by the Florida Department of Education for parcels, buildings, and rooms in public educational facilities.

Level of service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Level-of-service standard for the purposes of school concurrency means the minimum service level that will be provided by public school facilities in the county. The LOS standard is applied consistently district-wide and is established within both the public schools interlocal agreement and the public school facilities element.

Proportionate fair share is a provision that allows for development projects to mitigate the impacts thereof through "fair-share" contributions to facilities identified for capacity improvements in the capital improvements element.

Public facilities and services means those facilities and services included in the St. Pete Beach Comprehensive Plan required by F.S. § 163.3177, and for which level of service standards have been adopted.

Public school facilities element (PSFE) means the element required to be adopted in local government comprehensive plans by F.S. § 163.3177(12), for those communities that are required to implement a school concurrency program.

Public schools interlocal agreement means the interlocal agreement filed with the Pinellas County Board Clerk on April 24, 2007 between the Pinellas County School Board, Pinellas County, and the 12 municipalities within Pinellas County that are required to implement school concurrency per F.S. § 163.31777(1), or as it may subsequently be amended.

Remodeling as defined in the Florida Building Code, Chapter 4, Section 423.5., means the changing of existing facilities by rearrangement of space and/or change of use.

Renovations as defined in the Florida Building Code, Chapter 4, Section 423.5., means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment. The use and occupancy of the spaces remain the same.

Residential approval means a residential site plan or a final residential subdivision approval.

School board means the elected body presiding over the schools of Pinellas County, responsible for exercising all of the powers and duties associated with the District schools, in accordance with F.S. Ch. 1001.

School capacity and level of service report means the report prepared annually by the school district to calculate the existing level of service and the available capacity within each concurrency service area.

School concurrency approval means the finding issued by the city that there is available capacity for all types of schools to serve a residential approval.

School district means the unit for the control, organization, and administration of schools in Pinellas County. The responsibility for the actual operation and administration of all schools needed within the district in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by law beyond those required by the state, are delegated by law to the school officials of the Pinellas City School District.

Significantly degrade means a peak hour increase in traffic volume of five percent or a decrease in average travel speed of ten percent. This criteria shall be the means of evaluating the transportation impacts in traffic restriction areas upon roadway levels of service.

SIS means strategic intermodal system.

Traffic concern area means an area within which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to have reached a level of service D during the peak hour or is expected to reach a level of service E or

worse during the peak hour in the next five years and no construction improvements are planned in the next five years.

Traffic restriction area means an area in which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to be below the acceptable level of service adopted in this article.

Transportation concurrency means transportation facilities needed to serve new development shall be in place, or under actual construction, within three years after the city approves a building permit or its functional equivalent that results in traffic generation.

Volume-to-capacity (v/c) ratio means the rate of traffic flow of an intersection approach or group of lanes during a specific time interval divided by the capacity of the approach or group of lanes. Volume-to-capacity ratios provide a measure of traffic congestion and are utilized in the concurrency management system to identify congested road segments and to minimize the transportation impacts of development projects that affect them.

(Ord. No. 2006-04, § 1, 1-24-06; Ord. No. 2007-01, § 1, 1-23-07; Ord. No. 2009-05, § 1, 4-28-09)

Sec. 29.3. Levels of service adopted by reference.

The adopted levels of service standards, as stated in the City Comprehensive Plan, for public facilities and services are hereby adopted by reference.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.4. General requirements.

(a) A certificate of concurrency shall be required prior to the issuance of any development permit for a non-exempt development project. An applicant must prepare and complete an application for a certificate of concurrency. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial permit. Upon request by applicants, a preliminary concurrency review shall be performed and a conditional certificate of concurrency may be issued. This conditional certificate shall not be binding upon the city and shall only be effective for the year in which the annual concurrency monitoring report was issued. Only those certificates of concurrency issued for development permits shall be binding. Applicants may be charged a fee established by the city commission for certificates of concurrency.

(1) *Application for development.* The property owner, or authorized representative, must provide a complete application for development containing the required documentation for the specific development order or permit. The city manager shall then review the application for completeness in a timely manner to ensure that the required information is sufficient to accept the application and continue its review.

(2) *Development review.* When the application for development has been accepted, it shall be processed and reviewed for impacts of the development on the public facilities and services identified in this division.

(3) *Concurrency review.* The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction or

expansion that meets the requirements of section 29.6. The levels of service of all facilities and services must be sufficient before a development permit can be issued.

a. *Traffic restriction and traffic concern areas.* Traffic restriction and concern areas shall be designated on an annual basis at the time the annual concurrency monitoring report is issued. These areas will be designated based on the criteria defined in section 29.2. Applications for development permits within these areas may require detailed traffic studies.

1. If the development is found to be in a traffic restriction area, a traffic study shall be required. If the traffic study indicates that the affected roadway is not significantly degraded, the project will be found concurrent for traffic.
2. If the development is found to be in a traffic concern area, a traffic study may be required. If the traffic study indicates that the affected roadway LOS may be lowered below the adopted LOS, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the reduction of the LOS.
3. If the development is found to be in a traffic restriction or traffic concern area and the traffic study indicates that the affected roadway is significantly degraded, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the significant degradation of the affected roadway.
4. If the development is not found to be in a traffic restriction or traffic concern area but the estimated traffic volumes resulting from the development degrade the peak hour LOS below the adopted LOS standard, the project will be found concurrent for traffic only if mitigation provisions are attached as conditions to prevent the degradation of the affected roadway below the adopted LOS standard.

(4) *Certificate of concurrency.*

a. The certificate of concurrency shall indicate the date of issuance and shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that a time extension is requested prior to the expiration of the development permit, then the accompanying certificate of concurrency may be renewed upon determination by the city manager that the conditions of concurrency will still be met.

b. Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency shall be vested for the purposes of concurrency until the expiration of that development order or permit, provided that development commences within the validity period of the development order or permit and continues in good faith.

(5) *Development order or development permit compliance.*

a. Any development orders and development permits approved and issued after the effective date of this division shall be based upon and in compliance with the certificate of concurrency issued for that application.

(b) The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The city manager may require whatever documentation is necessary to make a determination.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.5. Exemptions.

The following developments are exempt from the requirements of this division in accordance with the provisions of F.S. § 163.3180:

(1) Final approved development orders relating to a development of regional impact (DRI) project, pursuant to F.S. Chapter 380.

(2) All single-family homes built upon individual zoning lots.

(3) Any development which can be demonstrated to represent no net increase in density or intensity of land use as compared to the immediately previous use of the development site.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.6. Minimum requirements for concurrency.

An application for a development permit and/or order must comply with the following minimum concurrency requirements for each of the following public facilities and services:

(a) For potable water, sanitary sewer, solid waste, and drainage one of the following are the minimum standards that must be met to satisfy the concurrency requirement:

(1) The necessary facilities and services are in place at the time a development permit or order is issued;

(2) A development permit or order is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur;

(3) The necessary facilities are under construction at the time a permit or order is issued;

(4) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.

(b) For recreation and open space, one of the following are minimum standards that must be met to satisfy the concurrency requirement:

(1) Compliance with the standards in subsections (a)(1)—(4) of this section;

(2) At the time the development permit or order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities, or the provision of services within one year of the issuance of the development permit or order;

(3) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of facilities or the provision of services within one year of the issuance of the applicable permit or order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220 or an agreement or development order issued pursuant to F.S. Chapter 380.

(c) For roads and mass transit, where the city has committed to provide the necessary public facilities and services in accordance with the five-year schedule of capital improvements, the city will satisfy the concurrency requirement by complying with the

standards in subsections (a)(1)—(4) and (b)(2) of this section and by assuring that the following provisions are met:

(1) The capital improvements element and schedule of capital improvements, in addition to meeting all of the other statutory and rule requirements, is financially feasible. The schedule of capital improvements may include those projects included in the county capital improvement element or in the first three years of the adopted state department of transportation five-year work program.

(2) The five-year schedule of capital improvements which includes both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities and services required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period.

(3) A financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities and services required to serve the development authorized by the development order and development permit and which are included in the five-year schedule of capital improvements.

(4) The five-year schedule of capital improvements includes the estimated date of commencement of actual construction and the estimated date of completion of the public facility or services.

(5) Actual construction of the road or mass transit facilities and the provision of services must be scheduled to commence in or before the third year of the five-year schedule of capital improvements.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.7. Action upon failure to show available capacity.

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

(a) A plan amendment which limits the adopted level of service standard for the affected facilities and/or services.

(b) A binding executed contract between the city and the applicant to provide the necessary improvements.

(c) An enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220.

(d) A change in the funding source.

(e) A reduction in the scale or impact of the proposed development.

(f) Phasing of the proposed project.

(g) Transportation management or restriction programs that reduce the traffic impact of the development by mandating the use of mass transit, increasing effective roadway capacity, shifting the effects on peak hour, etc.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.8. Concurrency annual monitoring report.

(a) On an annual basis, the city manager shall prepare a concurrency annual monitoring report. The city manager shall convey such annual report to the city commission.

(b) The city manager shall establish and maintain a concurrency monitoring system for the purpose of monitoring the status of public facilities and services, and to be used in the establishment of each annual report.

(c) The concurrency annual report shall be issued every year and will be effective for one year. Nothing herein precludes the issuance and effectiveness of more frequent concurrency reports, if updating or correction is deemed necessary, including but not limited to circumstances where: errors are noted; the impact of issued development orders, as monitored by the city manager, indicates a degradation to the adopted level of service; or where changes in the status of capital improvement projects changes the underlying assumptions of the concurrency annual report.

(d) Under no circumstances will a more frequent concurrency report divest those rights acquired by a preceding concurrency annual report, except where a known danger exists to the health, safety or welfare of the general public.

(e) The concurrency annual report shall include, at a minimum, a review of the levels of service and capacity for all the adopted levels of service standards included in the Comprehensive Plan.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.9. Providing for intergovernmental coordination.

(a) The city as the provider of public facilities or services to other government entities.

(1) The city shall provide services to other local government entities within the county in accordance with the policies included in the Comprehensive Plan. The city shall administer this division such that the development in those areas shall be consistent with the comprehensive plan and implementing ordinance.

(2) The city shall require that all proposed development within these other local government entities which require city services be submitted to the city manager to disseminate the proposal to the appropriate review personnel. A certificate of concurrency from the city shall be required for any public facility or services provided by the city to any local government in which a permit or order is proposed to be issued.

(b) The city as the recipient of public facilities or services from other government entities.

(1) The city shall recognize the level of service provided by other governmental entities who provide services or facilities to the city in accordance with the policies of the comprehensive plan. The city shall ensure that all development within its area shall be in accordance with such policies as identified in the comprehensive plan.

(2) The city shall work with other governmental entities to ensure appropriate intergovernmental coordination. Appropriate methodology for tracking concurrency will be coordinated with these other governmental entities.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.10. Providing for adequate funding.

The capital improvement element of the comprehensive plan was designed to meet requirements of the state law mandating that local governments provide sufficient capacity of public facilities concurrent with development.

The capital improvement element contains all capital improvement needs identified in the individual elements of the Comprehensive Plan, and demonstrates the fiscal feasibility of this plan.

Through annual monitoring, the capital improvement element is corrected, updated, and modified to ensure adequate sources of funding. If it is determined that a level of service standard is reduced because a project is not completed, or if projects not previously identified are added, then an amendment to the Comprehensive Plan will be required.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.11. Enforcement.

(a) Violations of this division shall be subject to prosecution and punishment pursuant to section 1-14 of the Code of Ordinances.

(b) In addition to the penalties provided by subsection (a) of this section for violation of this division, any violation of this article shall be subject to appropriate civil action in the court of appropriate jurisdiction.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.12. Proportionate fair share program.

(a) *General requirements.*

(1) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:

a. The proposed development is consistent with the comprehensive plan and applicable land development regulations; and

b. The six-year schedule of capital improvements in the St. Pete Beach CIE includes a transportation improvement(s) that, upon completion, will mitigate the transportation impacts of the proposed development in accordance with the requirements of this subsection.

(2) The applicant may also choose to satisfy transportation concurrency by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the CIE where the following apply:

a. St. Pete Beach adopts, by resolution or ordinance, a commitment to add the improvement to the CIE no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1., consistent with the comprehensive plan, and in compliance with the provisions of this subsection. Financial feasibility for this subsection means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.

b. If the funds allocated for the CIE are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the city may enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.

c.

The improvement or improvements funded by the proportionate fair-share component must be adopted into the CIE.

d. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the city, county and FDOT as applicable.

(b) *Proportionate fair share mitigation agreement.*

(1) Upon notification that a proposed development project is subject to transportation concurrency regulations and is eligible to participate in the proportionate fair share program, the applicant shall be notified in writing of such during the site plan review process pursuant to the requirements of 134-231(a).

(2) If the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the meeting.

(3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. Therefore, agreements involving improvements to SIS facilities will require approval by FDOT.

(4) After a mitigation project is identified and agreed upon by the city, the applicant and FDOT (if the project affects an SIS facility), a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city. The final agreement will become a part of the site plan submittal which will be delivered to the appropriate parties for review. Final approval of the site plan and agreement rests with the city manager.

(c) *Determining proportionate fair-share obligation.*

(1) The proportionate fair-share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that assesses the volume of traffic generated by the proposed development.

(2) A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.

(3) Should the impacted facility be operating at an LOS that meets the locally adopted LOS standard, it would not be eligible for the application of proportionate fair share provisions.

(4) Should the impacted facility be operating at a substandard LOS based on existing conditions or as a result of the impacts of a proposed development, the facility would be identified as eligible for proportionate fair share provisions and the applicant would be notified as such.

(5) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

(6) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

(7) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of

roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = σ[[(Development Trips;sub\sub;) / (SV Increase;sub\sub;)] x Cost;sub\sub;]

Where:

Development Trips;sub\sub; = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase;sub\sub; = Service volume increase provided by the eligible improvement to roadway segment "i";

Cost;sub\sub; = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

(8) For the purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE or the MPO transportation improvement program. Where such information is not available, improvement cost shall be determined using one of the methods described below.

a. An analysis by the city of construction costs that incorporates data from recent projects and is updated annually; or

b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.

(9) The value of a proportionate fair share mitigation project proposed by the applicant and accepted by the city shall be determined using one of the methods provided in this subsection.

(10) The city may also accept right-of-way dedication for the proportionate fair-share payment credit for the dedication shall be based on fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.

(d) *Impact fee credit for proportionate fair-share mitigation.*

(1) Proportionate fair-share contributions shall be applied as a credit against impact fees consistent with the terms of the impact fee section of section 41.6 of the Land Development Code.

(2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development.

Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they become due per the impact fee section of section 41.6 of the Land Development Code. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city.

(e) *Proportionate fair-share agreements.*

(1) Upon execution of a proportionate fair-share agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to apply for a development permit in accordance with section 29.4(1), then the agreement shall be considered null and void, and the applicant shall be required to reapply.

(2) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section 29.11(c) and adjusted accordingly.

(3) All proportionate fair share mitigation improvements authorized under this subsection must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.

(4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.

(5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

(6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.

(7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(f) *Appropriation of fair-share revenues.*

(1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

(2) In the event a scheduled proportionate fair share improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the same corridor or planning sector that

would mitigate the impacts of development pursuant to the requirements of section 29.11(a)(2)b.

(3) Where an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking the developer contributions for this purpose.

(4) Where an applicant constructs a transportation facility that exceeds their proportionate fair-share obligation calculated under section 29.11(c)(7), the city shall reimburse them for the excess contribution using one or more of the following methods:

a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the city.

b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.

c. The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.

(g) *Cross jurisdictional impacts.*

(1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the methodology in this subsection to address the cross jurisdictional transportation impacts of development.

(2) A development application submitted subject to transportation concurrency requirements and meeting all of the criteria listed below shall be subject to this subsection.

a. All or part of the proposed development is located within an area or corridor designated by an adjacent local government where development projects are subject to transportation concurrency requirements in accordance with their respective land development codes.

b. If the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted multi-jurisdictional facility").

c. The impacted multi-jurisdictional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.

(3) Upon identification of an impacted multi-jurisdictional facility pursuant to section 29.11 (g)(2)(a), the city shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

(4)

The adjacent local government shall have up to 90 days in which to notify the city of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180(16). Should the adjacent local government decline proportionate fair-share mitigation under this subsection, then the provisions of this subsection would not apply and the applicant would be subject only to the proportionate fair share requirements of the city.

(5) If the subject application is subsequently approved by the city, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied.

(Ord. No. 2007-01, § 2, 1-23-07)

Editor's note—

Ord. No. 2007-01, § 2, adopted January 23, 2007, amended the Code by adding provisions designated as a new § 29.11. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 2007-01 have been included herein as § 29.12 at the discretion of the editor. See also the Table of Amendments.

Sec. 29.13. Specific regulations and procedures for school concurrency.

(a) *Purpose and intent.* The purpose of school concurrency is to assure that there is available capacity for the anticipated students in each concurrency service area where residential units are created at the time those students need to go to school.

(b) *Application for school concurrency review.* The development tracking system is accessed by the city when an application for school concurrency review ("application") is submitted to the city. A city representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for school concurrency review.

(c) *Review of application.*

(1) When the application has been accepted, it shall be processed and reviewed in accordance with procedures adopted in subsection 29.13(d).

(2) If the application is not reviewable as submitted, then the application shall be returned to the property owner or representative clearly stating what the deficiencies are and why the application cannot be further reviewed.

(d) *School concurrency applied.*

(1) When the review process for an application is initiated, the city shall consider the most current adjusted information on available capacity provided by the county. If this information reveals that there is available capacity within each of the concurrency service areas where the proposed residential approval would be located, then the city shall proceed under subsections (2)a.—d. below. If the information reveals that there is not available capacity within a concurrency service area where the proposed residential approval would be located, then a school concurrency application shall be submitted by the city to the school district and the county for all residential approval, regardless of size, and shall proceed under subsection (2)e. below.

(2) Development review process.

a.

The city is authorized to issue a school concurrency approval for a residential site plan or final subdivision approval of less than 25 dwelling units without submitting a school concurrency application to the school district.

b. A school concurrency application for residential site plans or residential final subdivisions of 25 dwelling units or greater shall be submitted by the city to the school district and the county on a form provided by the school district.

c. Within 25 days of receipt from the city of a completed school concurrency application, the school district will review the application and shall render a school concurrency determination stating whether there is available capacity for all types of schools to accommodate the estimated number of students that would be generated by the proposed residential approval and maintain the adopted level-of-service standard. The school district may request assistance from the county in reviewing applications.

d. If the school district determines that there is available capacity within the concurrency service areas where the proposed residential approval would be located, then an adequate level of service would be provided within the concurrency service areas and the residential approval shall be issued a school concurrency approval by the city.

e. If the school district determines that there is not available capacity within an affected concurrency service area and the adopted level-of-service standard would be exceeded, then the school district shall consider whether there is available capacity in the contiguous concurrency service area(s).

1. If the school district determines that, in the aggregate, there is available capacity in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would be provided and the residential approval shall be issued a school concurrency approval by the city.

2. If the school district determines that, in the aggregate, there is not available capacity in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would not be provided for that type of school and the residential approval shall not be issued a school concurrency approval by the city.

3. If the school district determines that, in the aggregate there is not available capacity, then within 25 days after receiving the completed school concurrency application from the city, the school district shall identify the required proportionate share mitigation and recommend acceptable form(s) of mitigation in writing to the city and the applicant.

4. When the school district determines that there is not adequate capacity for a residential approval, then the city may only issue a school concurrency approval after the execution of a legally binding development mitigation agreement between the applicant, the city, and the school board.

(3) The city shall provide documentation of all school concurrency approvals to the county within 30 days of issuance.

(4) Continued validity of a school concurrency approval: A school concurrency approval shall be valid for purposes of the issuance of development orders or permits for 12

months from the date of issuance by the city. If the developer has not begun construction within 12 months of issuance of the development order, then the approval shall expire and the developer shall re-apply for school concurrency approval.

(d) *Mitigation.*

(1) If capacity is not available, the applicant may choose to satisfy the public school facilities concurrency requirements of the city by making a proportionate fair share contribution, pursuant to the following requirements:

a. Acceptable forms of mitigation may include, without limitation, the following:

1. Contribution of land;
2. The construction of public school facility;
3. Expansion of an existing public school facility;
4. Payment for land acquisition or the expansion or construction of a public school facility;
5. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits;
6. Charter schools will be recognized as public school facilities and will serve to expand the capacity of the school district. Charter schools are a potential option for mitigating the impact that new residential approvals may have on public school facilities.

b. The following standards shall apply to any mitigation required by the school district:

1. Proposed mitigation must be directed toward a permanent school capacity improvement identified in the five-year work program, with the exception of charter schools, that satisfies the estimated demands created by the proposed residential approval;
2. Relocatable classrooms will not be accepted as mitigation;
3. Mitigation shall be proportionate to the demand for public school facilities estimated to be created by the proposed residential approval;

c. The proportionate share mitigation amount shall be calculated using the following formula for each school level: Multiply the number of additional new student stations required for mitigation of the estimated demand for public school facilities created by the proposed residential approval by the average cost per student station using the actual construction cost being experienced by the school district for student stations at the time when proportionate share mitigation is accepted plus the inclusion of land costs, if any.

d. Development mitigation agreement.

1. The development mitigation agreement shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities.
2. Upon notification by the school district that a proposed development project is subject to public school facilities concurrency regulations and is eligible to participate in the proportionate share program, the applicant and the city shall be notified within 21 days in writing of such during the site plan review process.
3. In order to move forward in the development process, if the applicant chooses to exercise this concurrency option, a meeting shall be held to

discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The applicant and the school district shall attempt to negotiate a development mitigation agreement which shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities. The city shall be a party to this agreement.

4. After a mitigation project is identified and agreed upon by the applicant and the school district, a development mitigation agreement will be prepared by the applicant with direction from the school district. The final agreement, after approval by the school board, will become a part of the final site plan submittal. Final approval of the site plan and agreement rests with the city manager or his/her designee. If the applicant and the school board are unable to agree on an acceptable form of mitigation, the conflict resolution provision provided in Section 14 of the Public Schools Interlocal Agreement may be utilized.
5. The development mitigation agreement shall include the applicant's commitment to continue to renew the development mitigation agreement until the mitigation is completed as determined by the school board or as determined through the conflict resolution procedures provided for in Section 14 of the Public Schools Interlocal Agreement, if applicable.
6. Upon execution of a development mitigation agreement, the applicant shall receive public school facilities concurrency approval or functional equivalent.
7. If the applicant chooses to not continue with their project, the applicant may submit a letter to the school district to withdraw from the development mitigation agreement at any time prior to the execution of the agreement.
8. A development mitigation agreement can be amended or cancelled by mutual consent of the parties to the agreement or by their successors in interest.

e. Cross jurisdictional impacts.

1. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city will notify the other local government in writing if the proposed mitigation is located in a different jurisdiction, and allow the opportunity for the other local government to comment on mitigation proposals.

(e) *Vesting.* For the purposes of meeting the level-of-service standard, residential approvals, development orders, and permits approved for any property prior to the effective date of this ordinance shall be vested and shall not require a school concurrency approval.

(f) *Credits.*

(1) After the effective date, any property with existing dwelling units that are demolished or destroyed shall receive a credit for the estimated number of students generated from existing dwelling units. Credits may not be transferred to another property but may be used on abutting property if part of the same residential approval. The applicant will be required to provide proof of such existing uses in a form acceptable to the city manager or his/her designee.

(2) The application of credits for public school capacity attributable to the number of student seats generated by a previous and existing on-site residential use may be

used for a new residential approval, in the place of the capacity which would be generated by the new residential approval, in perpetuity from the effective date.

(g) *Modifications to site plans.*

(1) Minor modifications may be made to an already submitted site plan. A minor modification will not result in any extension to the validity time frame associated with a school concurrency approval issued for the initial site plan, and will not justify the issuance of a new school concurrency approval. Modifications in demand on available capacity will be reflected in the development tracking system. If the city manager determines that such modifications do not constitute a minor change from the original site plan, as described in section 5.1 of the Land Development Code, submittal of a new site plan will be required. In such instances, the school concurrency approval issued for the original site plan submittal will no longer be valid, and the new site plan will be subject to the school concurrency review.

(h) *Review and appeals.*

(1) The review and appeal of a school concurrency determination issued by the city will be carried out in accordance with section 3.14 of the LDC.

(i) *School capacity and level of service report:*

(1) Each year, the school district shall prepare a school capacity and level of service report (the "report") to calculate the existing level of service and the available capacity within each concurrency service area.

(2) Available capacity shall include the school facilities that will be in place or under construction within three years, according to the five-year work program and shall be calculated based on the following formula:

Available Capacity =
[FISH School Capacity + Additional Capacity] - [Enrollment + Vested Students]

(3) The county shall be notified by the local governments when new dwelling units have received certificates of occupancy and when the school concurrency approval for a residential approval has expired. The county shall provide this information to the school district for inclusion in the annual report.

(Ord. No. 2009-05, § 1, 4-28-09)

FOOTNOTE(S):

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Editor's note— *Ord. No. 2006-04, § 1, adopted Jan. 24, 2006, amended Div. 29, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Div. 29 pertained to similar subject matter. See also the Table of Amendments.* *(Back)*

FDOT

Florida Department of Transportation

RICK SCOTT
GOVERNOR

11201 North McKinley Drive
Tampa, FL 33612

ANANTH PRASAD, P.E.
SECRETARY

December 20, 2013

Ms. Chelsey Welden
Urban Planner
St. Pete Beach Community Development Department
155 Corey Avenue
St. Pete Beach, FL 33706

RE: Section 15100, SR 699, Gulf Blvd Sidewalks

Dear Ms. Welden,

As we discussed the Department standard sidewalk width is 5 feet, however this is based upon a 2 feet separation from the back of curb. If the sidewalk is located adjacent to the curb, our current minimum width of sidewalk is 6 feet. The primary concern of the Department in reviewing sidewalk for new site development is to bring the sidewalk to current ADA compliance.

The City's Ordinance to widen sidewalks to 10 feet along Gulf Blvd is not in conflict with the broad position of the Department for wider sidewalks in business districts, however the design and implementation needs to be as a corridor plan. This would be constructed in a manner that provides continuity to the pedestrian traversing the route free of obstructions and of a standard width within at least a one block segment.

If the construction is of non-standard concrete surface (paver block, texture concrete or stain), we would require a maintenance agreement for the sidewalk in the state right of way.

Sincerely,

Lance H. Grace

Lance H. Grace, P.E.
District Maintenance Engineer

Tindale-Oliver & Associates, Inc.
Planning and Engineering

Tampa Office - Headquarters
1000 N. Ashley Drive, Suite 400
Tampa, FL 33602 | (813) 224-8862

May 27, 2013

Mr. George Kinney
Community Development Director
155 Corey Avenue
St. Pete Beach, FL 33706

Re: St. Pete Beach Concurrency Management System Update and Multimodal Plan

INTRODUCTION/PROJECT UNDERSTANDING

The City of St. Pete Beach is substantially built-out both in terms of land use and its roadway network. Currently the City implements a transportation concurrency management system which requires that roadway facilities, adequate to maintain adopted levels of service, are available concurrent with the traffic impacts of new development. Since the passage of SB 360, in 2009, the State has eliminated its requirement that the City of St. Pete Beach implement transportation concurrency. HB 7207, in 2011, puts limits on how local governments may implement transportation concurrency. Given these changes in State law, it is appropriate for the City to evaluate its transportation review and mitigation policies to:

a) consider whether the City's existing transportation concurrency management process is the most suitable method to evaluate and mitigate for developer traffic impacts and

b) provide for consistency with current State law.

The City of St. Pete Beach also wishes to enhance its transportation system—especially multimodal transportation options. Currently, most local residential streets and some "neighborhood collector" streets lack complete sidewalks and few roads in St. Pete Beach have designated bicycle facilities (bike lanes, shared lane arrow markings, or multi-use pathways). The St. Pete Beach is well served by PSTA's Central Avenue Trolley Route as well as Route 90 and the Suncoast Beach Trolley; however, opportunities may exist to enhance transit stops, improve access to transit, or implement a reduced fare zone for circulation within the City.

To address these needs, Tindale-Oliver & Associates, Inc. (TOA) has prepared a Scope of Services that includes three principal tasks:

- Task 1 – Development or Traffic Review and Mitigation Recommendations
- Task 2 – Multimodal Mobility Plan Development
- Task 3 – Project Meetings, Public Workshops/ and Hearings

TASK 1.0 – DEVELOPMENT TRAFFIC REVIEW AND MITIGATION RECOMMENDATIONS

This task will provide the City with a range of options and a recommendation for modification of the City's transportation concurrency policy/process based on the timing/phase of the development request (e.g., land use plan amendment, rezoning, or concurrency/building permitting). To accomplish this, the following sub-tasks will be completed:

1.1 Review of State and Local Policies

TOA will review the following pieces of recent and proposed growth management legislation and will summarize any corresponding legislative legal opinions (e.g., the Florida Association of Counties Attorney's opinion regarding HB 7207, etc.):

- SB 360 (passed in 2009)
- HB 7207 (passed in 2011)
- Proposed 2013 legislation (HB 319/SB 972, HB 321)

This review will document relevant changes, considerations, and issues that the City should be aware of with regards to transportation concurrency. The results of this task will be summarized in an easy to read matrix format, providing an assessment of the key topics from each item, any relationship between them, and the applicable findings/implications to be considered.

TOA will also review and assess the City's current transportation concurrency policy/process in order to identify potential conflicts with current State law and will evaluate up to 10 past traffic impact studies (to be provided by the City's Project Manager) to assess how the City's concurrency system is being implemented.

Deliverable(s)

- Draft Technical Memorandum 1.1

1.2 Traffic Impact Scenario Evaluation

Many urban, substantially "built-out" communities are opting to simplify the transportation review/mitigation process for smaller scale developments—especially those that do not require significant changes to the adopted future land use plan or zoning map. To understand the potential traffic impacts of development within the City, TOA will coordinate with City staff to identify potential infill and redevelopment scenarios based on the City's economic development objectives. Example scenarios include:

- redevelopment and intensification of a low-rise hotel,
- mixed use development of property east of City Hall on Corey Ave,
- downtown infill or commercial out-parcel development)

These scenarios will used to consider the traffic impacts of potential developments that could occur within the City's current Land Use and Zoning Plans to understand the potential implications of reducing requirements for technical traffic impact studies. TOA will also perform a general evaluation of major roadway traffic volumes and capacities to help qualify how much development the City can absorb without significant impacts to overall roadway levels-of-service.

Deliverable(s)

- Draft Technical Memorandum 1.2

1.3 Traffic Impact Study/Mitigation Recommendations

As part of the Project Management Meeting Process, TOA will meet with City staff to discuss the findings of Tasks 1.1 and 1.2 and, based on the feedback from staff, will draft recommendations to update the City's transportation concurrency policy/process. These recommendations will be presented as a draft Technical Report incorporating technical memorandum's 1.1 and 1.2 as appendices. TOA will revise the report based on staff comments.

Deliverable(s)

- DRAFT Recommendations for Updates to the City's Transportation Concurrency Policy/Process
- Final Recommendations for Updates to the City's Transportation Concurrency Policy/Process

TASK 2.0 – MULTIMODAL MOBILITY PLAN DEVELOPMENT

2.1 Inventory

Using available GIS data and the most recent available aerial imagery, TOA will inventory bicycle, pedestrian, and transit stop facilities along the following roadways:

- Gulf Boulevard
- Gulf Way
- 21st Avenue
- Vina Del Mar Boulevard
- Belle Vista Drive
- 44th Avenue
- 46th Avenue
- Gulf Winds Drive
- Blind Pass Road
- Sunset Way
- Coquina Way
- Boca Ciega Drive
- Bay Street
- 71st Avenue
- 72nd Avenue
- 73rd Avenue
- Corey Avenue
- 75th Avenue
- 87th Avenue

Additionally, TOA will review:

- FDOT District 7's Gulf Boulevard mid-block crossing study to identify additional planned mid-block crosswalks
- PSTA transit stop volume and facilities data
- Available traffic crash data from the Pinellas MPO crash data management system
- Downtown one-way pair/couplet concept
- Property appraiser parcel map data (to be provided by the City Project Manager)
- Available FDOT resurfacing plans along Gulf Boulevard
- PSTA Transit Development Plan and Central Avenue BRT Concepts

Deliverable(s)

- GIS inventory and base map (s) of bicycle, pedestrian, and transit facilities

2.2 Bicycle and Pedestrian Facilities Plan

Based on the Facilities Inventory developed in Task 2.1, discussion of needs and priorities with City staff, and feedback from Public Workshop #1 (Task 3.2), TOA will identify potential multimodal mobility projects to enhance mobility options within the City and will summarize these as Draft Technical Memorandum 2.2 which shall include concept maps and a table describing potential projects on a segment-by-segment basis along with "planning-level" cost estimates.

Deliverable(s)

- Draft Technical Memorandum 2.2

2.3 Transit System Enhancement Plan

Based on discussion with City staff, and feedback from Public Workshop #1 (Task 3.2), TOA will identify potential options to improve the attractiveness of transit service within the City, including consideration of a reduced fare zone. Options will be summarized as Draft Technical Memorandum 2.3 which shall include a summary of potential transit enhancement strategies and estimated capital and operating costs.

Deliverable(s)

- Draft Technical Memorandum 2.3

2.4 Draft and Final Mobility Plan Reports

TOA will incorporate deliverables from tasks 2.1, 2.2, and 2.3 along with City staff feedback to develop a Draft Mobility Plan Report. Key concepts from the report will be presented as part of Public Workshop #2 in order to evaluate public buy-in and potential project prioritization. Following synthesis of workshop input and staff comments, the Draft Report will be finalized.

Deliverable(s)

- Draft Mobility Plan Report
- Workshop Exercises
- Final Mobility Plan Report

TASK 3.0 – TEAM MEETINGS, PUBLIC WORKSHOPS/ PUBLIC HEARINGS

3.1 Project Meetings

TOA will attend one (1) comprehensive kickoff meeting with the City for the purpose of

- Reviewing the project scope and general schedule
- Reviewing data provided in advance pursuant to data requests for Tasks 1 and 2
- Reviewing the Draft Public Engagement Plan

Additionally, during the course of the project TOA will prepare for, facilitate, and summarize up to three (3) project meetings with City staff to review progress, discuss regulatory and mobility planning concepts, prepare for the Public Workshop and City Commission Meetings, and review City comments on interim deliverables. TOA shall also participate in project-related conference calls as needed.

Deliverable(s)

- Kick-off and project meeting agenda packets, meeting attendance (4 meetings total), and meeting summaries.

3.2 Public Engagement Activities

TOA will prepare a Draft Public Engagement Plan for review/discussion as part of the project kick-off meeting. The plan will summarize the following public engagement activities:

- Development of a project webpage to broadcast project information and to allow residents and other stakeholders to sign-up for email bulletins.
- Online surveys to help understand mobility needs and preferences
- Project brochures (to be distributed by City staff) to provide an overview of the project issues, advertise planned workshops, and direct interested parties to the project website
- Facilitation of two (2) public workshops
    - Workshop #1 will occur early in the project and will be used to inform the public and other stakeholders about the project objectives and gain input from the public on mobility needs and perceptions of congestion
    - Workshop #2 will occur toward the end of the project and will brief the public on draft project recommendations and provide an opportunity for the public to weigh-in prior to finalizing the project recommendations and presenting to the City Commission
    -

All meeting logistics (e.g., location, legal notice, materials and equipment, etc.) will be the responsibility of the City.

Deliverable(s)

- Public Engagement Plan
- Project Webpage
- Project Informational Brochure
- Online Survey
- Two (2) Public Open House Workshops
- Public Engagement Summary

3.3 City Commission Hearing

TOA will make two (2) presentations to the St. Pete Beach City Commission to:

- Provide a summary of the project objectives, principal project issues, and provide a summary of the input received from public workshop #1
- Present a summary of the project recommendations

Deliverables(s)

- PowerPoint presentations to support City Commission Briefings
- Attend and present at two (2) City Commission Meetings

Project Schedule

TOA is prepared to begin work on the project immediately upon receipt of this executed proposal. Upon receipt of the data from the City, TOA will complete the tasks documented within this scope within approximately 4 months of notice to proceed. A Draft Task Schedule is included as Attachment 1.

This timeline assumes the following:

- The City will be able to schedule all required meetings (including any required County Commission Meetings) and public workshops and deliver written comments in a timely manner that will allow TOA ample time to complete the draft.
- The City will provide all requested data in a timely fashion in order to facilitate the planning

Project Budget

TOA shall complete the tasks described above for a **Lump Sum Fee of: $53,043.39** .

An effort estimate by staff category and task is included as **Attachment 2**

Invoices indicating project/task percent completion and written progress reports will be submitted on a monthly basis.

Sincerely,

Tindale-Oliver and Associates, Inc.

Bill Ball, AICP
Chief Operating Officer
Tindale-Oliver and Associates

In agreement with Scope and Fee,

The City of St. Pete Beach, Florida

By: _____

As Its: _____

Attachment #1 - Draft Schedule:

	NTP + Week #															
Tasks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Task 1.0 – Development Traffic Review and Mitigation Recommendations																
1.1 Review of State and Local Policies	■	■														
1.2 Traffic Impact Scenario Evaluation			■	■	■											
1.3 Traffic Impact Study/Mitigation Recommendations									■	■	■					
Task 2.0 – Multimodal Mobility plan development	■	■														
2.1 Inventory																
2.2 Bicycle and Pedestrian Facilities Plan					■	■	■	■								
2.3 Transit System Enhancement Plan							■	■								
2.4 Draft and Final Mobility Plan Reports									■	■	■	■				
Task 3.0 – Team Meetings, Public Workshops/ Public Hearings																
3.1 Project Meetings	■				■				■				■			
3.2 Public Engagement Activities		A			B						C					
3.3 City Commission Hearing							#1									#2
A = Website, Brochure																
B = Workshop #1																
C = Workshop #2 and Survey																

Attachment #2 - Budget Worksheet:

Tasks	Principal	Senior Planner	Sr. Engineer	Project Manager	Project Planner	Engineer	Planner	Graphics Designer	Admin/ Clerical	Hours	Budget
	$ 222.16	$ 175.67	$ 153.24	$ 151.45	$ 108.85	$ 103.22	$ 79.85	$ 77.16	$ 62.22	**481**	**$ 53,043.39**
Task 1.0 – Development Traffic Review and Mitigation Recommendations	**2**	**17**	**16**	**0**	**80**	**20**	**0**	**2**	**2**	**139**	**$ 16,933.83**
1.1 Review of State and Local Policies	0	5	0	0	40	0	0	0	0	45	$ 5,232.41
1.2 Traffic Impact Scenario Evaluation	0	4	8	0	0	20	0	0	0	32	$ 3,992.97
1.3 Traffic Impact Study/Mitigation Recommendations	2	8	8	0	40	0	0	2	2	62	$ 7,708.45
Task 2.0 – Multimodal Mobility plan development	**0**	**22**	**8**	**0**	**30**	**0**	**128**	**16**	**0**	**204**	**$ 19,811.47**
2.1 Inventory	0	2	0	0	0	0	24	0	0	26	$ 2,267.72
2.2 Bicycle and Pedestrian Facilities Plan	0	10	6	0	0	0	52	12	0	80	$ 7,754.22
2.3 Transit System Enhancement Plan	0	4	0	0	20	0	20	0	0	44	$ 4,476.69
2.4 Draft and Final Mobility Plan Reports	0	6	2	0	10	0	32	4	0	54	$ 5,312.83
Task 3.0 – Team Meetings, Public Workshops/ Public Hearings	**0**	**44**	**0**	**0**	**40**	**0**	**40**	**10**	**4**	**138**	**$ 16,298.09**
3.1 Project Meetings	0	16	0	0	8	0	8	0	0	32	$ 4,320.38
3.2 Public Engagement Activities	0	16	0	0	32	0	16	10	4	78	$ 8,592.04
3.3 City Commission Hearing	0	12	0	0	0	0	16	0	0	28	$ 3,385.67
	2	83	24	0	150	20	168	28	6	481	
	$ 444	$ 14,581	$ 3,678	$ -	$ 16,328	$ 2,064	$ 13,415	$ 2,160	$ 373		
	1%	27%	7%	0%	31%	4%	25%	4%	1%		