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## **COMMISSION MEETING CITY OF ST. PETE BEACH**

155 Corey Avenue  
St. Pete Beach, FL 33706

Wednesday, September 09, 2020  
6:30 PM

**\*\*\* VIRTUAL MEETING \*\*\***

**PURSUANT TO FLORIDA GOVERNOR  
EXECUTIVE ORDER 20-69  
“LOCAL GOVERNMENT PUBLIC  
MEETINGS”**

### **TO PARTICIPATE:**

**Dial: US: +1 929-205-6099; use meeting ID: 869-2012-8836  
OR USE ZOOM URL  
<https://zoom.us/j/86920128836> ; meeting ID: 869-2012-8836**

Call to Order  
Pledge of Allegiance  
Roll Call

---

## **REGULAR MEETING**

- 1. Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
- 2. Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.

**3. Audience Comments– THROUGH TELECONFERENCE,  
ZOOM URL or EMAIL COMMENTS TO:  
[cityclerk@stpetebeach.org](mailto:cityclerk@stpetebeach.org)**

**4. Consent**

- a. Minutes: Commission Meeting March 31, August 18 and August 25**
- b. Authorization for street closures and wet zone on Sundays from Oct 4, 2020 – June 6, 2021 of the 200 to the 400 block of Corey Ave and Blind Pass from 73rd to the Alley just north of Corey Ave for the Corey Area Business Association Sunday Market.**
- c. Authorization for street closure on the 300 and 400 block of Corey Ave on Saturday, October 31, 2020 from 7am – 4pm for Trunk or Treat**
- d. Request to approve special event application and street closure for Buoy's Waterfront Bar and Grill Back the Blue event.**
- e. Request approval of a refund in the amount of \$20,000.00 to Mr. Cark Colburn for his contribution to the cost of relocating electrical equipment from the City right-of-way at the 17th Avenue Street End to the City-owned Warren Webster property.**

**5. Action Items**

- a. Request to approve the City Manager to execute the renewal to the Suncoast Beach Trolley Funding Agreement for Fiscal Year 2021 transit service.**

**6. Ordinances**

- a. Ordinance 2020-15: Final Reading and Public Hearing. An Ordinance of the City of St. Pete Beach, Florida, providing for an amendment of Appendix A – Fee Schedule of the Code of Ordinances, implementing a wastewater service fee increase.**

**7. Resolutions**

- a. Resolution 2020-36: Establishing the rate of stormwater service assessments; approving stormwater service non-ad valorem assessment rolls; and providing for an effective date**
- b. Resolution 2020-XX: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for**

**Burger-ish c/o Jeffrey Mercado located at 4901 Gulf Boulevard to allow for Outdoor Seating (50 seats) in front of the restaurant, not to exceed a 700-square foot patio area.**

- c. Resolution 2020-XX: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for Starbucks c/o Michael Martin located at 4901 Gulf Boulevard to allow for Outdoor Seating (30 seats) in front of the coffee shop.**
- d. Resolution 2020-XX: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for Rick McCool of United Fidelity Bank, concerning property at 3813 Gulf Blvd, to allow for a 10'x8' extension of a Class B dock.**
- e. Resolution 2020-41: A Resolution of the City Commission of the City of St. Pete Beach, Florida, Authorizing and Confirming the Declaration Proclaiming a State of Local Emergency.**

## **8. Items for Discussion**

### **a. Fisherman's Park**

## **9. City Clerk, City Manager, City Attorney and City Commission Reports**

## **10. Adjournment**

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

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

**The public is cordially invited to attend this virtual meeting.  
All agenda material is available for review at [www.stpetebeach.org](http://www.stpetebeach.org).**

**DRAFT**  
**Special City Commission Meeting—VIRTUAL**  
**March 31, 2020**  
**6:00 p.m.**

This Commission Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order.

**ELECTED OFFICIALS PRESENT:**

Al Johnson, Mayor  
Doug Izzo, Vice Mayor, Commissioner, District 2  
Ward Friszolowski, Commissioner, District 3  
Chris Graus, Commissioner, District 1  
Melinda Pletcher, Commissioner, District 4

**STAFF PRESENT:**

Alex Rey, City Manager  
Andrew Dickman, City Attorney  
Rebecca Haynes, City Clerk

Call to order 6:00 followed by the Pledge of Allegiance

**1. CHANGES TO THE AGENDA**

No changes were made.

**2. PUBLIC COMMENTS**

One public comment was sent in via email regarding the number of known cases of COVID-19 in the City. Mayor Johnson stated that he has no knowledge of any reported cases at this time.

**3. RESOLUTION 2020-08**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING AND CONFIRMING THE DECLARATION PROCLAIMING A STATE OF LOCAL EMERGENCY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND PROPERTY, BOTH PUBLIC AND PRIVATE, FROM THE HAZARDS OF THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19).

**Motion:**        **Commissioner Friszolowski moved, Vice mayor Izzo seconded, and the motion carried 5-0 to adopt Resolution 2020-08.**

Mr. Rey discussed the parking at the beach in Pass-A-Grille at the dog beach park. Different options were discussed to notify the public of social distancing; the City Manager acknowledged the limited opportunity for the public to go out right now during the pandemic and the ability to enforce social distance at the beach. The Commission discussed the closure of public beaches as directed by Pinellas County Commission and it is their interpretation that this includes dog beach park. The consensus of the Commission was to close public beaches to include dog beach park.

Mayor Johnson adjourned the meeting at 6:20 p.m.

MINUTES APPROVED:

AMBER M. LAROWE  
CITY CLERK

AL JOHNSON  
MAYOR

**DRAFT**  
**City Commission Special Meeting--VIRTUAL**  
**August 18, 2020**  
**6:00 pm**

This Commission Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order.

**ELECTED OFFICIALS PRESENT:**

Al Johnson, Mayor  
Doug Izzo, Vice Mayor, Commissioner, District 2  
Ward Friszolowski, Commissioner, District 3  
Chris Graus, Commissioner, District 1  
Melinda Pletcher, Commissioner, District 4

**STAFF PRESENT:**

Alex Rey, City Manager  
Andrew Dickman, City Attorney  
Amber LaRowe, City Clerk

Mayor Johnson called the meeting to order at 6:02 p.m., followed by the Pledge of Allegiance.

**1. Changes to the Agenda**

No changes were made to tonight's Agenda.

**2. Public Comment**

Christina Collins, resident of Pasco County, was visiting the beaches here this past weekend and responded to a drowning on the beach. She discussed her ideas regarding safety measures on the beach.

Commissioner Pletcher commented on Christina's safety concerns and ideas for the beach. Mrs. Pletcher has spoken to the Fire Chief to work on implementing ways to make the beach safer for visitors.

**3. Action Items:**

- a. Request approval of the quote from Enterprise Marine in the amount of \$49,050.00 for the replacement of the Egan Park boat ramp north and south docks.

Alex Rey, City Manager, discussed the attached quote for the replacement of the boat ramp at Egan Park for the north and south docks. He explained that the City solicited quotes and that Enterprise Marine was the lowest responsible quoter.

**Motion: Commissioner Graus moved, Vice Mayor Izzo seconded, and the motion carried 5-0 to approve the quote for Enterprise Marine in the amount of \$49,050.00 for the replacement of the Egan Park boat ramp north and south docks.**

**4. Resolutions:**

- a. RESOLUTION 2020-37  
A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing and confirming the Declaration Proclaiming a State of Local Emergency in order to protect the health, safety, and welfare of the community and property, both public and private, from the hazards of the Novel Coronavirus Disease 2019 (COVID-19).

**Motion: Vice Mayor Izzo moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to adopt Resolution 2020-37.**

Mayor Johnson discussed the bus rapid transit groundbreaking that he attended. He also mentioned the naming of the Corey Avenue Bridge.

There is a Big C meeting next Wednesday whereby three candidates are supposed to be proposed by members of the Big C to the Pinellas County Commission. The Pinellas County Commission would then select one of the nominations to serve on the Tourist Development Committee. Mayor Johnson asked if there were any volunteers; Commissioner Pletcher stated she was interested and will submit her resume.

A letter of support was mentioned by Mayor Johnson. This letter is drafted to Secretary Beshears at the Department of Business and Professional Regulation (DBPR) and is regarding a request for a six-month abatement of the license renewal fees for the bar and brewery owners due to COVID-19 and the continued closures of those establishments.

Robin Miller, Tampa Bay Chamber of Commerce, is in support of the letter on municipal letterhead signed by the Mayor. She has requested other municipalities prepare the same letter on their letterheads and send to her; she will then compile them all and send to Secretary Beshears.

The consensus of the Commission was to have the letter prepared and signed for the Chamber to distribute.

Mayor Johnson adjourned the meeting at 6:30 p.m.

MINUTES APPROVED:

ATTEST:

\_\_\_\_\_  
AMBER LAROWE, CITY CLERK

\_\_\_\_\_  
ALAN JOHNSON, MAYOR

**DRAFT**  
**City Commission Special Meeting**  
**Executive Session—Virtual**  
**August 25, 2020**  
**5:00 PM**

This Special Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order.

**ELECTED OFFICIALS PRESENT:**

Al Johnson, Mayor— (Present at opening of meeting, absent at the reopening of the public meeting)  
Doug Izzo, Vice Mayor, Commissioner, District 2  
Ward Friszolowski, Commissioner, District 3  
Chris Graus, Commissioner, District 1  
Melinda Pletcher, Commissioner, District 4

**STAFF PRESENT:**

Alex Rey, City Manager  
Amber LaRowe, City Clerk  
Andrew Dickman, City Attorney— (present at the reopening of public meeting)

Mayor Johnson called the meeting to order at 5:01 p.m.

Mayor Johnson announced that the meeting today is an Executive Session, closed meeting, to discuss labor negotiations with the International Association of Fire Fighters (IAFF) Union.

Mayor Johnson closed the meeting to the public at 5:02 p.m.

Vice Mayor Izzo reopened the public portion of the meeting at 5:54 p.m. Mayor Johnson was absent for this portion of the meeting.

Meeting adjourned at 5:56 p.m.

Minutes approved:

Amber M. LaRowe  
City Clerk

Al Johnson  
Mayor

**DRAFT**  
**City Commission Meeting—VIRTUAL**  
**August 25, 2020**  
**6:00 p.m.**

This Commission Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order.

ELECTED OFFICIALS PRESENT:

Al Johnson, Mayor  
Doug Izzo, Vice Mayor, Commissioner, District 2  
Ward Friszolowski, Commissioner, District 3  
Chris Graus, Commissioner, District 1  
Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager  
Andrew Dickman, City Attorney  
Amber LaRowe, City Clerk  
Jim Kilpatrick, Fire Chief  
Jennifer McMahon, Parks and Recreation Director  
Vince Tenaglia, Assistant City Manager  
Wesley Wright, Community Development Director

Call to order 6:10 followed by the Pledge of Allegiance

1. PRESENTATIONS

Brenda Calvente and Aubree Hershorin of the United States Army Corps of Engineers (USACE) made a presentation on the overview of the Pinellas County CSRM Feasibility Study and Environmental Assessment. A copy of this presentation is attached to the agenda and made a part of the minutes. It was mentioned that this study will be conducted first with potential of construction in 2025 to 2027 depending on Congress and the appropriation of funding.

2. CHANGES TO THE AGENDA

No changes.

3. PUBLIC COMMENT

No public comment.

4. CONSENT

- a. Request approval of minutes from the following City Commission meetings: 8/04/2020, 8/11/2020.
- b. Request to approve and execute a Facility Use Agreement with St. Petersburg College (SPC) for use of their facility for Emergency Operations Center (EOC) operations.
- c. Interlocal Agreement with the Pinellas County Sheriff's Office for law enforcement services from October 1, 2020 through September 30, 2021 in the amount of \$2,507,868.

**Motion:**        **Commissioner Friszolowski moved, Vice Mayor Izzo seconded, and the motion carried 5-0 to approve the August 25, 2020 Consent Agenda as presented by staff.**

## 5. ACTION ITEMS

~~a. Discussion with the City Commission regarding the United States Army Corps of Engineers (USACE) recommendations outlined in the Tentatively Selected Plan (TSP) for Coastal Storm Risk Management along Long Key.~~ This was conducted at the beginning of the meeting during the USACE Presentation.

## 6. ORDINANCES

### a. Public Hearing Ordinance 2020-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE AS IT RELATES TO THE LICENSING AND PERMITTING OF MOBILE FOOD ESTABLISHMENTS; AMENDING DIVISION 6-SUPPLEMENTAL REGULATIONS, SECTION 6.25-MOBILE FOOD ESTABLISHMENTS; DIVISION 30-TC-1 TOWN CENTER CORE DISTRICT, SECTION 30.2-PERMITTED USES AND SECTION 30.4-ALLOWABLE CONDITIONAL USES; DIVISION 32-CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT, SECTION 32.2-PERMITTED USES AND SECTION 32.4 ALLOWABLE CONDITIONAL USES; DIVISION 33-CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, SECTION 33.2-PERMITTED USES AND SECTION 33.4 CONDITIONAL USES ; DIVISION 37-TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.2-PERMITTED USES AND SECTION 37.5-ALLOWABLE CONDITIONAL USES, PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Rey reminded the Commission of the Occupational Freedom and Opportunity Act that was effective July 1, 2020. This Act preempts the licensing, registration, permitting, and fee-collecting associated with mobile food dispensing vehicles to the State. This Act also prohibits municipalities from prohibiting the operation of these vehicles within the entirety of their jurisdiction. This Ordinance is to ensure consistency between the City's existing mobile food truck Ordinance and State Statute. Mr. Rey stated that this Ordinance does not propose to permit the operation of food trucks on private property in any area of the City in which they are not already conditionally permitted, nor does it allow for the operation of mobile food trucks along public properties and rights-of-way except in tandem with a special event.

Discussion regarding a sunset of the Ordinance; Attorney Dickman will add language to the Ordinance stating that it will follow that of the State Statute, as amended.

**Motion: Vice Mayor Izzo moved, Commissioner Graus seconded, and the motion carried 5-0 to adopt Ordinance 2020-12.**

### b. First Read Ordinance 2020-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO PROVIDE CLARIFICATION ON RATIONALE RELATED TO AWARDED UNITS FROM THE CITY'S DENSITY POOLS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Rey discussed this item and item 6. C. together as one is to amend the Comprehensive Plan and the other is for the amend the Land Development Code. These Ordinances pertain mostly to the rationale for awarding density pool units as specified in the Comprehensive Plan and the Land Development Code.

Mr. Wright stated that the Comprehensive Plan states that these density units are to be awarded on a "first come, first serve" basis. It has been understood that the intent of this was to protect the various density caps of the City's density pools, rather than permit these units to be awarded outright to the first project

that request units from any density pool. Staff is recommending that references to the “first-come, first-serve” nature of any density pool established in the Comprehensive Plan be changed to clarify that projects are to be awarded density pool units on a “case by case” basis.

Mr. Wright also discussed the merit-based standard for the City Commission to consider for any project that request conditional use approval to draw from a district density pool, along with a list of public benefits that may be considered with the request.

The Planning Board heard this Ordinance along with the following Ordinance on July 8<sup>th</sup> and recommended approval to the City Commission.

Vice Mayor Izzo expressed his opinions regarding adopting these changes, especially during the current climate involving the pandemic and lack of construction; he opined it is better to keep status quo to encourage development.

**Motion:**        **Commissioner Pletcher moved, Mayor Johnson seconded, and the motion carried 4-1 to approve the first reading of Ordinance 2020-XX. Vice Mayor Izzo voted no.**

**c. First Read Ordinance 2020-XX**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, SECTION 2.1-WORDS, TERMS AND PHRASES DEFINED, SECTION 4.12-CRITERIA FOR REVIEW OF CONDITIONAL USE APPLICATIONS, SECTION 30.4-ALLOWABLE CONDITIONAL USES, SECTION 37.5-ALLOWABLE CONDITIONAL USES, SECTION 38.4-ALLOWABLE CONDITIONAL USES, SECTION 39.18-GENERAL RESIDENTIAL UNIT “RU” DENSITY POOL RESERVE, SECTION 42.4-ALLOWABLE CONDITIONAL USES, SECTION 46.4-ALLOWABLE CONDITIONAL USES, PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Discussion on this Ordinance was covered under item 6 B, above.

**Motion:**        **Commissioner Graus moved, Commissioner Friszolowski seconded, and the motion carried 4-1 to approve the first reading of Ordinance 2020-XX. Vice Mayor Izzo voted no.**

**d. First Read Ordinance 2020-XX:**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES, PERTAINING TO THE FEE SCHEDULE, TO SET FLAT FEES FOR CERTAIN PROJECT TYPES AND INCREASING THE COST OF PLAN REVISIONS, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rey discussed the attached Ordinance. Due to recent discussions between Commission and staff, modifications have been made to the building permit fees. Staff has created a Permit Fee Calculator that provides a more direct relationship to approve and inspect a building project, rather than the cost of the project alone. Rates are based on staff time that includes inspection and review. The fee schedule in this Ordinance pertains to Plan Review, Building Permit Base Fee, Re-Roof, Bath Remodel, and Kitchen Remodel Permits. Other permits may be added to this list once this Ordinance is implemented.

**Motion:** Commissioner Pletcher moved, Vice Mayor Izzo seconded, and the motion carried 5-0 to approve the first reading for Ordinance 2020-XX.

**e. First Read Ordinance 2020-15**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF APPENDIX A-FEE SCHEDULE OF THE CODE OF ORDINANCES, IMPLEMENTING A WASTEWATER SERVICE FEE INCREASE; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Tenaglia discussed this Ordinance for the amendment of the fee schedule for the wastewater service fee; this is the second of three 7 percent wastewater service fee increases and will go into effect on October 1, 2020.

**Motion:** Commissioner Graus moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2020-15.

**7. RESOLUTIONS**

**a. Resolution 2020-38:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING AND CONFIRMING THE DECLARATION PROCLAIMING A STATE OF LOCAL EMERGENCY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND PROPERTY, BOTH PUBLIC AND PRIVATE, FROM THE HAZARDS OF THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19).

Attorney Dickman was asked to research the need for weekly approval of these Resolutions and see if there are any alternatives.

**Motion:** Vice Mayor Izzo moved, Commissioner Pletcher seconded, and the motion carried 5-0 to adopt Resolution 2020-38.

**8. ITEMS FOR DISCUSSION**

No items.

**9. REPORTS**

- **Mrs. LaRowe:** Nothing to report.
- **Mr. Rey:** He has been speaking with the City Manager in Treasure Island regarding the use of the City's Library for Treasure Island residents. Currently, Treasure Island has an agreement with Madeira Beach for the use of their Library; however, Treasure Island residents have expressed that they prefer the St. Pete Beach Library. Mr. Rey is prepared to draft an Interlocal Agreement for the use of the Library for Treasure Island with an annual fee from Treasure Island to cover associated costs. The consensus of the Commission was for Mr. Rey to work with Treasure Island on an Agreement.
- **Attorney Dickman:** Informed the Commission of a recent lawsuit filed against the City by the Pass-A-Grille Beach Community Church. There was a Special Magistrate Order regarding the off-street parking the Church has. Mr. Dickman forwarded the information to the risk manager and outside counsel has been assigned; nothing further to report at this time. As more information is made available, he will inform the Commission.

- **Elected Officials:**

Commissioner Pletcher: Thanked the Sea Turtle Trackers Organization for being diligent. She reminded the residents of the fishing line disposal containers along the beach areas and encouraged people to use them and pay attention to the fishing line; she had a pelican under her dock that died due to being tangled in fishing line.

Commissioner Friszolowski: Stated that the Tampa Bay Lightning are in the Stanley Cup Playoffs tonight.

Vice Mayor Izzo: Agreed with Commissioner Pletcher's remarks on the Sea Turtle Trackers. He reminded everyone of the Taste of the Beaches in October. There are no large gatherings planned; therefore, attendees should plan to restaurant "hop" through the event. More information is available at [tampabaybeaches.com](http://tampabaybeaches.com).

Commissioner Graus: No comments.

Mayor Johnson: Mentioned that Treasure Island Commission will vote on a no wake zone for Blind Pass on September 3<sup>rd</sup>, this will continue the no wake zone from the City through Treasure Island.

He wished Commissioner Pletcher a Happy Belated Birthday.

Mayor Johnson Adjourned the Meeting at 7:44 p.m.

MINUTES APPROVED:

AMBER M. LAROWE  
CITY CLERK

AL JOHNSON  
MAYOR

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

**Issue Considered:** Request to approve street closures and wet zone on Sundays from Oct 4, 2020 – June 6, 2021 of the 200 to the 400 block of Corey Ave and Blind Pass from 73<sup>rd</sup> to the Alley just north of Corey Ave for the Corey Area Business Association (CABA) Sunday Market.

**Date:** September 9, 2020

**Prepared By:** Jennifer McMahon, Parks and Recreation Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Corey Area Business Association requests permission for street closure on Sundays for the Sunday Market that includes the 200 block (on occasion) to the of the 400 block of Corey Ave just west of the bank and Blind Pass from 73<sup>rd</sup> to the alley just north of Corey Ave on Sundays from Oct. 4, 2020 – June 6, 2021 from 6am – 4pm each Sunday. CDC guidelines must be met with the health and safety of the vendors and all that attend. The Tampa Bay Market has submitted a plan that fits those guidelines. The Fire Marshal is requiring the market organizers provide a 12 ft. clear lane on the blocked off street for fire truck access. All exposed electrical cords need to be covered as well as the exhaust hole (port hole) for any generator on premise. All food vendors must have fire extinguishers on site.

In addition to the street closures, CABA is requesting the blocked off area be an approved wet zone during market hours only (10am -1pm). All street closures and wet zones need the permission of the Commission.

**Requested Motion:** “I move to approve street closures and wet zone on Sundays from Oct 4, 2020 – June 6, 2021 of the 200 to the 400 block of Corey Ave and Blind Pass from 73<sup>rd</sup> to the Alley just north of Corey Ave for the Corey Area Business Association (CABA) Sunday Market.”

**Funding:** N/A

**Attachments:** Street Closure Map

**Reviewed by  
City Manager:** AR



Sunday Market street closure – 200-400 blocks of Corey Ave and Blind Pass from 73<sup>rd</sup> Ave to the Alley just north of Corey Ave. See Highlighted area.

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

**Issue Considered:** Request to approve street closure on the 300 and 400 block of Corey Ave on Saturday, October 31, 2020 from 7am – 4pm for Trunk or Treat.

**Date:** September 9, 2020

**Prepared By:** Jennifer McMahon, Recreation Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Parks and Recreation Department requests permission for street closure on Saturday, October 31, 2020 for Trunk or Treat that includes the 300 block and the 400 block east of the bank driveway. The street closure will be from 7am – 4pm. CDC guidelines will be met with the health and safety of the vendors and participants that attend. To adhere to the guidelines the number of people that are allowed in the closed off area will be limited to one at a time. Direction arrows will be in place, masks required and social distancing. Hand sanitizer stations will be spread though out the event area. All street closures need the permission of the commission.

**Requested Motion:** “I move to approve street closure on the 300 and 400 block of Corey Ave on Saturday, October 31, 2020 from 7am – 4pm for Trunk or Treat”

**Funding:** N/A

**Attachments:** Street Map

**Reviewed by  
City Manager:** AR



Trunk or Treat Street Closure – Saturday, October 31: 300 block of Corey Ave between Boca Ciega and Blind Pass Rd and the 400 block from Blind Pass Road until the bank driveway (the east half of the 400 block)

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

**Issue Considered:** Request to approve special event application and street closure for Buoy's Waterfront Bar and Grill Back the Blue event.

**Date:** September 9, 2020

**Prepared By:** Jennifer McMahon, Parks and Recreation Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** Back the Blue is an event that the Buoy's Waterfront Bar and Grill is hosting as a fundraiser. The street closure area would be used to park motorcycle bikes for the event from 9am-11pm. The street closure would be from Buoy's property line on 75<sup>th</sup> to Buoy's property line on Sunset Way.

**Funding:** N/A

**Requested Motion:** "I move to approve special event application and street closure for Buoy's Waterfront Bar and Grill Back the Blue event."

**Attachments:** Event application and street map

**Reviewed by  
City Manager:** AR



## City of St. Pete Beach Event Application 2020

### Applicant

Name of Applicant: Ken Hautmann Title (if applicable): General Manager  
 Name of Organization (if applicable): Buoys Waterfront Bar + Grill  
 Tax Exempt? ☐ Yes ☒ No Non-Profit? ☐ Yes ☒ No *If yes on either, please provide documentation*  
 Mailing Address: 678 75<sup>th</sup> Ave St. Pete Beach FL 33701  
 Cell Phone: 727-698-6014 Email: Kenbuoys@gmail.com

### Event Information

Event Title: Back The Blue Event/Organization Web Address: \_\_\_\_\_  
 Event Location(s): 678 75<sup>th</sup> Ave  
*If location is private property, a letter giving permission for the event to take place on the property must be included with the application.*

### Event Date(s) & Time(s)

| Date                            | Day of the Week | Start Time                                 | End Time        |
|---------------------------------|-----------------|--------------------------------------------|-----------------|
| <u>9-26-20</u>                  | <u>Saturday</u> | <u>11:00 AM</u>                            | <u>10:00 PM</u> |
| Set Up Date(s): <u>9-26-20</u>  |                 | Time(s) <u>9:00 AM</u> to <u>11:00 AM</u>  |                 |
| Cleanup Date(s): <u>9-26-20</u> |                 | Time(s) <u>10:00 PM</u> to <u>11:00 PM</u> |                 |

Description of Event: Bike Rally

Will this be an Annual Event? ☐ Yes ☒ No If yes, next year's date(s): \_\_\_\_\_

**EVENT LOGISTICS****Estimated Attendance**

(includes event crew, participants, and spectators)

This Year

Last Year (if Applicable)

Under City Ordinance Section 26-33 any special event which consists of 250 or more persons or the event is a sports related may require standby Emergency Medical Services (EMS) personnel, vehicle(s) and equipment. See Page 10 of the Event Guide for more on EMS service requirements.

The EMS and fire vehicle fees are listed below:

|                                                                                  |         |
|----------------------------------------------------------------------------------|---------|
| Fees for off-duty fire department personnel special detail (minimum of 3 hours): | \$50.00 |
| Special event fire vehicle per hour per vehicle (minimum of 3 hours):            | \$25.00 |

List all event activities: Bike Rally - Park on Street. Lunch / Dinner at BuoyS

Electricity Needed ☐ Yes ☒ No Source: \_\_\_\_\_

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

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

Entertainment (Detail type, bands, DJs, dancers, clowns, etc) n/a

Parking Plan (please be detailed and include on site map): Parking lots for BuoyS will be available for parking + handicap parking motorcycle parking will be on street

**Food and Beverage:**

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

Will there be food trucks? ☐ Yes ☒ No

All food trucks must be registered with the city.

If yes, please list the truck/trailer vendors

1. \_\_\_\_\_ St Pete Beach Food Truck Permit # \_\_\_\_\_
2. \_\_\_\_\_ St Pete Beach Food Truck Permit # \_\_\_\_\_
3. \_\_\_\_\_ St Pete Beach Food Truck Permit # \_\_\_\_\_
4. \_\_\_\_\_ St Pete Beach Food Truck Permit # \_\_\_\_\_

If you need additional space to list more food trucks please attached an additional sheet listing name of truck and the permit number.

Other Food Vendors that are not a truck or trailer

n/a

LIST all other vendors (art, crafts, clothes, etc) n/a

**Event Equipment** – All equipment below other than a 10x10 tent requires a temporary structure permit. Please include the temporary structure permit for each piece of equipment listed below with the event application.

**Tents:** Please list number of tents and size of each and include location on the site plan.

n/a

**Stage/Platforms:** Please list dimensions, scaffolding, etc and include location on the site plan.

n/a

All temporary structures that cover an area greater than 120 sq. ft. including connecting spaces with a common area means of egress or entrance that are used for the gathering together of 10 or more persons shall not be erected, operated, or maintained for any purpose without obtaining a permit from the Building Official. The application should include a site plan indicating the location of the structure and information delineating the means of egress and the occupant load. FBC 3103. The Building Official gives permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. All temporary power must comply with FPCA 70 NEC Article 590.

### Vehicle on the Beach Permits

Do you need to have a vehicle on the beach for your event?

☐ Yes

☒ No

If Yes, please include a vehicle on the beach permit application with the event application

### Street Closures

Does Event require any Road or Sidewalk Closures?

☒ Yes

☐ No

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

| Road              | Start Intersection | End Intersection          | Date        | Times            |
|-------------------|--------------------|---------------------------|-------------|------------------|
| <u>75th Ave</u>   | <u>Sunset Way</u>  | <u>Buys Property line</u> | <u>9-26</u> | <u>9am-711pm</u> |
| <u>Sunset Way</u> | <u>75th Ave</u>    | <u>Buys Property line</u> | <u>9-26</u> | <u>9am-711pm</u> |

**Signage/Banners** – Please list number, size and placement of each banner that you plan to use to promote the event. If requesting to hang a banner over 75th Ave, a FDOT permit is required and request must be made at least 90 days before the event

n/a

**City Equipment** – Please indicate the number needed for your event, if none, please put a zero (0).

☒ Barricades

☐ Cones

☐ Trash Bins

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

No advertising for the event shall occur until this Special Event permit has been approved by City staff and Commission.

If any information is found to be false, incomplete or misrepresented, such fact is just cause for the immediate revocation of any permit issued. In addition, failure to correct any on-site conditions or code violation as identified by City Staff will result in revocation of the permit and/or code enforcement fines.

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

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

Ken Hardman

Print Name

Signature

Toasted Too, LLC

Corporation Name (if applicable)

Date

8/24/2020

## EVENT APPLICATION FEES

Up Type IA events: St Pete Beach Resident/Business that does not require site plan review, on-site inspections or other city services, does not require additional permits from other governmental agencies and will occur for not more than three consecutive days.

Type IB events: Non-Resident/Business that does require not require site plan review, on-site inspections or other city services, does not require additional permits from other governmental agencies and will occur for not more than three consecutive days.

Type IIA events: St Pete Beach Resident/Business that does require Business that does require site plan review, on-site inspections, city services and/or additional permits from other governmental agencies.

Type IIB events: Non-Resident/Business that does require Business that does require site plan review, on-site inspections, city services and/or additional permits from other governmental agencies.

Type III Events: include any event which cannot be reviewed under subparagraphs (a) or (b) of this section.

| Attendance | Type IA  | Type IB  | Type IIA | Type IIB   | Type III |
|------------|----------|----------|----------|------------|----------|
| Up to 249  | \$25.00  | \$50.00  | \$75.00  | \$100.00   | TBD      |
| 250-500    | \$50.00  | \$100.00 | \$250.00 | \$350.00   | TBD      |
| 501-999    | \$75.00  | \$150.00 | \$500.00 | \$650.00   | TBD      |
| 1000+      | \$100.00 | \$200.00 | \$750.00 | \$1,000.00 | TBD      |

## OTHER FEES

Temporary Structure, Outdoor Cooking and Beach Fire permits are \$25 per permit.

Vehicle on the Beach permits is \$15. Food Truck/Trailer permit is \$170 annually

Fire Department stand – by is \$125 per hour with a minimum of 3 hours (1 crew and vehicle)

$\Delta$  = Emergency access

P = Parking

$\star$  = local traffic only

Google Maps

Buoys Waterfront Bar and Grill

— = Road closed



Map data ©2020

100 ft



## Buoys Waterfront Bar and Grill

4.7 ★★★★★ (117)

Restaurant



You manage this Business Profile



20,617 views this month

Start advertising in a few minutes

**Public Health Plan:**

Signs will be posted explaining social distancing guidelines and mask requirements.

Hand sanitizing stations will be available.

No touch trash cans will be available

# City of St. Pete Beach Event Application Checklist

## Please Include:

- ☒ Site Plan: Maximum Size of 8.5" x 11" including the following information
  - ☒ Location of food vendor area (s)
  - ☒ Tent locations and sizes
  - ☒ Location of food truck/trailers
  - ☒ Location of stage
  - ☒ Fuel storage/dispensing areas
  - ☒ Emergency access routes for LEO and Fire
  - ☒ Location of vending booths
  - ☒ Location of fire extinguishers & other life safety equipment
  - ☒ Description of sound amplification facilities or equipment
  - ☒ Location of alcoholic beverage consumption areas and vending
  - ☒ Location of Generators
  - ☒ Identify any fences/gates around the event
  - ☒ Table, chair and equipment layout
  - ☒ Location of portable restrooms
  - ☒ Location of designated protest area (if applicable)
- ☒ Traffic & Parking Plan and Map that includes: vendor parking, handicap parking, shuttle routes and times, shuttle drop off/pick up, and ride share drop off and pick up.
- ☒ Public Health Plan: Address plans for hand washing, signs and messaging regarding public health (social distancing, wash hands etc), face coverings, cleaning, disinfection, food service, shared objects and adequate supplies like soap, water, hand sanitizer containing at least 60 percent alcohol, paper towels, tissues, disinfectant wipes, cloth face coverings (as feasible), and no-touch trash cans.
- ☐ Safety Plan that includes vendor load in and out times
- ☐ Certificate of Insurance
- ☐ Copy of Impact Letter if closing streets for an event
- ☐ Written authorization from all private properties that are included in the event plan
- ☒ Outdoor Cooking Permit Application (if applicable)
- ☒ Temporary Structure Permit Application (if applicable)
- ☒ Building Permit Application (if applicable for stages)
- ☒ Vehicle on the Beach Permit Application (if applicable)
- ☒ Beach Fire Permit Application (if applicable)
- ☒ Tax Exempt Documentation (if applicable)
- ☒ Non-Profit Documentation (if applicable)

## **Please send completed application to:**

**City of St. Pete Beach**  
**Jennifer McMahon, Parks and Recreation Director**  
**155 Corey Ave**  
**St. Pete Beach, FL 33706**

Or email to: [Rddirector@stpetebeach.org](mailto:Rddirector@stpetebeach.org)  
777-363-9274 or fax at 777-363-9246

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

**Issue Considered:** Request approval of a refund in the amount of \$20,000.00 to Mr. Cark Colburn for his contribution to the cost of relocating electrical equipment from the City right-of-way at the 17<sup>th</sup> Avenue Street End to the City-owned Warren Webster property.

**Date:** September 9, 2020

**Prepared By:** Mike Clarke, Public Works Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** At the May 22, 2018 Commission Meeting , the Commission approved Change Order 8 to the Pass-a-Grille Way Road Reconstruction project with Gibbs & Register in the amount of \$54,872.35 to relocate Duke Energy equipment located in the 17<sup>th</sup> Avenue Street End City right-of-way to the southeast corner of the City -owned Warren Webster property. A share of the cost was provided by the property owner of the northwest corner of PAGW and 17<sup>th</sup> Ave. However, not all of the equipment could be relocated as the resident expected and therefore, the owner has requested reconsideration of the decision leading to his participation in the cost of the equipment relocation. Upon further consideration City Staff concludes that it is appropriate to request approval of a refund of the property owner's contribution.

**Funding:** 301.8000.590.0044

**Requested Motion:** "Request approval of a refund in the amount of \$20,000.00 to Mr. Mark Colburn for his contribution t the cost of relocating electrical equipment from the City right-of-way at the 17<sup>th</sup> Avenue Street End to the City-owned Warren Webster property."

**Attachment:** None

**Reviewed by the  
City Manager:** AR

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

**Issue Considered:** Authorize the City Manager to execute the First and Second Addendum to the Suncoast Beach Trolley Agreement for Fiscal Year 2020 and Fiscal Year 2021 transit service.

**Date:** September 9, 2020

**Prepared By:** Michelle Gonzalez, Transportation and Parking Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Pinellas Suncoast Transit Authority (PSTA) has proposed two Addendums to the Suncoast Beach Trolley Agreement. The first addendum provided by PSTA is to address the service changes that occurred between the period of April 1, 2020 through June 6, 2020. PSTA was forced to make changes and reductions to the Fixed Route Services in response to the COVID-19 emergency. Accordingly, the City's regular monthly payment for the Fixed Route Services for April 2020 and May 2020 was reduced by 29.6% to account for the reduction in Fixed Route Services. With the phased reopening of the state, PSTA resumed regular service for the Fixed Route Services within the City as of June 7, 2020. The first addendum also addresses the modification to the Central Avenue Trolley (CAT) service, which effective June 7, 2020 the last stop to for the CAT service is at the County Beach Access Park. Lastly, the addendum clarifies that the revised FY 2020 annual service hours shall not-to-exceed a cost of \$406,912, providing the City additional savings of for transit services in FY 2020 of about \$34K.

The second addendum proposed by PSTA is for the renewal of the Suncoast Beach Trolley Agreement for FY 2021. The second addendum and renewal agreement define the levels of services and operating routes for beach trolley and Demand Response Transportation (DART) paratransit service. The City of St. Pete Beach cost for FY 2021 is \$366,856 a reduction in cost allocation in the amount of \$73,848 compared to FY 2020. This reduction accounts for service changes made to the CAT service in FY 2020. Due to the service changes and negotiations between the City and PSTA, the City is expected to pay \$218,990 in FY 2021 for the CAT service. Lastly, the hourly rate has increased by 8% compared to last year due to

PSTA entering a new union contract. During the negotiations with PSTA, City staff requested documentation to verify the hourly rate increase.

**Funding:** Administrative Services-Transportation- Bus Service Support

**Requested Motion:** “I move to authorize the City Manager to execute the First and Second Addendum to the Suncoast Beach Trolley Agreement for Fiscal Year 2020 and Fiscal Year 2021 transit service.”

**Attachment:** First Addendum to Suncoast Beach Trolley Agreement  
Second Addendum and Renewal to Suncoast Beach Trolley Agreement

**Reviewed by the City Manager:** AR

FIRST ADDENDUM TO  
SUNCOAST BEACH TROLLEY AGREEMENT  
CITY OF ST. PETE BEACH

THIS FIRST ADDENDUM TO SUNCOAST BEACH TROLLEY AGREEMENT (“First Addendum”) is made and entered into \_\_\_\_\_, 2020 (“Effective Date”), to modify and amend that certain Suncoast Beach Trolley Agreement entered into by and between the PINELLAS SUNCOAST TRANSIT AUTHORITY, an independent special district of the State of Florida (“PSTA”), and the CITY OF ST. PETE BEACH, a Florida municipal corporation (the “City”)(collectively, the “Parties”) on October 1, 2019 for trolley services along the Suncoast Beach Trolley (SBT) route, the Central Avenue Trolley (CAT) route, and Route 90 Commuter Service (the “Agreement”).

RECITALS

WHEREAS, unless otherwise defined herein, all capitalized terms used in this First Addendum shall have the meaning as defined in the Agreement.

WHEREAS, due to the public health emergency and state and local declarations of emergency as a result of the novel coronavirus disease (COVID-19), including but not limited to the Pinellas County Board of County Commissioners’ issuance of a “COVID-19 – SAFER AT HOME” order by Resolution 20-20, advising all residents and visitors in Pinellas County that it is necessary that they remain in their respective home or place of dormitory, except for essential activities and services, the Parties anticipate a service reduction in the Fixed Route Services provided pursuant to the Agreement; and

WHEREAS, recognizing the unique and unprecedented situation with COVID-19 as opposed to fluctuations in ridership generally, the Parties desire to amend the Agreement to provide for reduced Fixed Route Service and corresponding payments under the Agreement for services provided from April 1, 2020 through June 6, 2020; and

WHEREAS, as of June 7, 2020, the County Beach Access is constructed and open to the public, therefore the Parties desire to acknowledge that the CAT route will end at the County Beach Access and the adjustment in service hours and total cost pursuant to section 1(b) of the Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Recitals Acknowledged. The above recitals are true and correct and are incorporated in this Agreement by reference.
2. Service and Cost Reduction due to COVID-19. The Parties acknowledge and agree that from April 1, 2020 through June 6, 2020, PSTA was forced to make changes and reductions

to the Fixed Route Services in response to the COVID-19 emergency. Accordingly, the City's regular monthly payment for the Fixed Route Services for April 2020 and May 2020 shall be reduced by twenty-nine and 6/10 percent (29.6%) to account for the reduction in Fixed Route Services. With the phased reopening of the state, PSTA will resume regular service for the Fixed Route Services within the City as of June 7, 2020. PSTA will continue to monitor the CDC guidelines and, at its sole discretion, may add additional vehicles to routes to ensure limited passenger loads as recommended for social-distancing. The City will not be invoiced for these adhoc additional plug vehicles to account for social-distancing.

3. County Beach Access. The County Beach Access is constructed and open to the public as of June 7, 2020. Therefore, pursuant to section 1(b) of the Agreement, the Parties acknowledge and agree that the CAT route shall end at the County Beach Access effective June 7, 2020. The revised FY20 annual service hours and corresponding revised not-to-exceed cost shall be \$406,912 as shown in the table below.

| FY20 Rate/Revhr |               | \$40.50 |         |
|-----------------|---------------|---------|---------|
|                 | Revenue Hours | Cost    |         |
| CAT             | 6,682         | \$      | 270,606 |
| SBT             | 3,109         | \$      | 125,915 |
| Route 90        | 243           | \$      | 9,842   |
| DART            |               | \$      | 550     |
|                 | TOTAL         | \$      | 406,912 |

4. Conflicts. All other provisions of the Agreement not specifically amended by this First Addendum shall remain in full force and effect. To the extent that this First Addendum directly conflicts with the Agreement, the provisions of this First Addendum shall govern.

THE PARTIES have executed this Agreement as of the Effective Date.

PSTA:

THE CITY:

\_\_\_\_\_  
Brad Miller, CEO

\_\_\_\_\_  
Alex Rey, City Manager

Attest:

Attest:

\_\_\_\_\_  
Chief Executive Assistant

\_\_\_\_\_  
City Clerk

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Alan S. Zimmet, General Counsel

\_\_\_\_\_  
City Attorney

SECOND ADDENDUM AND RENEWAL TO  
SUNCOAST BEACH TROLLEY AGREEMENT

CITY OF ST. PETE BEACH

THIS SECOND ADDENDUM AND RENEWAL TO SUNCOAST BEACH TROLLEY AGREEMENT ("Second Addendum") is made and entered into effective October 1, 2020 ("Effective Date"), to modify, amend, and renew that certain Suncoast Beach Trolley Agreement entered into by and between the PINELLAS SUNCOAST TRANSIT AUTHORITY, an independent special district of the State of Florida ("PSTA"), and the CITY OF ST. PETE BEACH, a Florida municipal corporation (the "City")(collectively, the "Parties") on October 1, 2019 for trolley services along the Suncoast Beach Trolley (SBT) route, the Central Avenue Trolley (CAT) route, and Route 90 Commuter Service as amended and supplemented by that certain First Addendum dated \_\_\_\_\_, 2020 (the "First Addendum")(collectively, the "Agreement").

RECITALS

WHEREAS, unless otherwise defined herein, all capitalized terms used in this Second Addendum shall have the meaning as defined in the Agreement; and

WHEREAS, the Parties desire to renew the Agreement and continue the Fixed Route Services through September 30, 2021; and .

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Recitals Acknowledged. The above recitals are true and correct and are incorporated in this Agreement by reference.
2. Renewal. The Parties hereby renew the Agreement for an additional term commencing on the Effective Date and expiring on September 30, 2021 ("Renewal Term") on the same terms and conditions except as specifically modified by the First Addendum dated \_\_\_\_\_ and by this Second Addendum.
3. Cost, Billing and Payments. Section 2 of the Agreement is hereby amended to read as follows:

The City shall pay PSTA for the Fixed Route Services by billable hours of service in the City, plus a pro-rated share of twenty-three percent (23%) of layover time for each of the three routes serving the City as follows:

|          |                 |      |         |
|----------|-----------------|------|---------|
|          | FY21 Rate/Revhr | \$   | 43.94   |
|          | Revenue Hours   | Cost |         |
| CAT      | 4,984           | \$   | 218,990 |
| SBT      | 3,109           | \$   | 136,617 |
| Route 90 | 243             | \$   | 10,678  |
| DART     |                 | \$   | 571     |
|          | TOTAL           | \$   | 366,856 |

- a. The Parties agree that billable hourly rate is forty-three and 94/100 dollars (\$43.94).
  - b. The City shall pay the actual annual costs of any and all Demand Response Transportation (DART) paratransit services provided to residents of the City based on PSTA's current contracted rate for DART paratransit services. This rate shall be computed each year based on the actual expenses of the prior year. For this Renewal Term the DART paratransit services payment shall be five hundred seventy-one 00/100 dollars (\$572.00).
  - c. The total annual amount of all payments due to PSTA under this Agreement, excluding any additional shuttle services requested by the City pursuant to section 1(a) of the original Agreement, shall be three hundred sixty-six thousand eight hundred fifty-six 00/100 dollars (\$366,856.00). PSTA shall invoice the City in monthly installments on the 1st of each month. All invoices shall be paid in accordance with the Florida Prompt Payment Act, section 218.72, et. seq., Florida Statutes.
4. COVID-19 Service. PSTA will continue to monitor the CDC guidelines and, at its sole discretion, may add additional vehicles to routes to ensure limited passenger loads as recommended for social-distancing. The City will not be invoiced for these adhoc additional plug vehicles to account for social-distancing.

Any service reduction due to COVID-19 stay at home orders or direction by local, state, and federal authorities, including the PSTA Board, that results in a service reduction in the City may result in a lower cost to the City based on the allocated service reduction.

5. Conflicts. All other provisions of the Agreement as amended by the First Addendum not specifically amended by this Second Addendum shall remain in full force and effect. To the extent that this Second Addendum directly conflicts with the Agreement or First Addendum, the provisions of this Second Addendum shall govern.

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THE PARTIES have executed this Agreement as of the Effective Date.

PSTA:

THE CITY:

\_\_\_\_\_  
Brad Miller, CEO

\_\_\_\_\_  
Alex Rey, City Manager

Attest:

Attest:

\_\_\_\_\_  
Chief Executive Assistant

\_\_\_\_\_  
City Clerk

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Alan S. Zimmet, General Counsel

\_\_\_\_\_  
City Attorney

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

**Issue Considered:** Ordinance 2020-15: Final Reading and Public Hearing. An Ordinance of the City of St. Pete Beach, Florida, providing for an amendment of Appendix A – Fee Schedule of the Code of Ordinances, implementing a wastewater service fee increase.

**Date:** September 9, 2020

**Prepared By:** Vincent Tenaglia, Assistant City Manager

**Through:** Alex Rey, City Manager

**Summary of Issue:** Ordinance 2020-15 requests authorization to implement a wastewater service fee increase of approximately 7%, as reflected in the fiscal year (FY) 2021 proposed budget:

Residential base rate: ~~\$36.28~~ \$38.82 for the first 3,000 gallons, or fraction thereof, of potable water used per residential unit.

Residential excess rate: ~~\$11.97~~ \$12.81 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the residential base rate.

Commercial base rate: ~~\$36.28~~ \$38.82 for the first 3,000 gallons, or fraction thereof, of potable water used by the customer.

Commercial excess rate: ~~\$11.97~~ \$12.81 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the commercial base rate.

The FY 2021 fee is intended to be the second of three, successive 7% wastewater service fee increases (FY 2020, FY 2021, FY 2022). Authorization of the requested fee will increase Wastewater Fund revenue by approximately \$500,000, as needed to fund current and future maintenance, debt service, and capital expenditures.

**Funding:** If approved, the fee increase will take effect October 1, 2020.

**Requested Motion:** “I move to approve Ordinance 2020-15 (read title) on final reading.”

**Attachment:** Ordinance 2020-15  
Appendix A – Fee Schedule (Exhibit A)

**Reviewed by the  
City Manager:**

AR

## **Ordinance 2020-15**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AN AMENDMENT OF APPENDIX A – FEE SCHEDULE OF THE CODE OF ORDINANCES, IMPLEMENTING A WASTEWATER SERVICE FEE INCREASE; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's wastewater collection system infrastructure provides public health benefits to the community; and

**WHEREAS**, the operation of the City's wastewater collection system infrastructure requires adequate levels of revenue to provide for maintenance, improvements, and reserves; and

**WHEREAS**, the maintenance, improvements, and reserves anticipated for fiscal year 2021 are predicated upon a wastewater service fee increase; and

**WHEREAS**, the City Commission authorizes a wastewater service fee increase.

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

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

SECTION 2. Appendix A of the Code of Ordinances is hereby amended as illustrated in Exhibit A, which is attached and made part of this Ordinance.

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

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

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

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

SECTION 7. Effective Date. This ordinance shall take effect October 1, 2020.

FIRST READING: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
PUBLIC HEARING: \_\_\_\_\_

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

\_\_\_\_\_  
Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Andrew Dickman, City Attorney

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## Exhibit A

## APPENDIX A - FEE SCHEDULE

This appendix includes fees and charges that do not appear in other sections of the Code of Ordinances.

| Description                                                                             | Amount                     |
|-----------------------------------------------------------------------------------------|----------------------------|
| Chapter 2. Administration                                                               |                            |
| <i>Miscellaneous fees:</i>                                                              |                            |
| Photocopy charges:                                                                      |                            |
| Per side of page                                                                        | 0.15                       |
| Per two-sided duplicated page                                                           | 0.20                       |
| Reprint of color photos up to 5" x 7"                                                   | 3.00                       |
| Reprint of color photos larger than 5" x 7"                                             | Actual cost of duplication |
| DVD or CD of meetings                                                                   | 5.00                       |
| <i>Administrative fees:</i>                                                             |                            |
| Returned Check fee                                                                      | 25.00                      |
| Credit Card Processing Fee                                                              | 2.50%                      |
| Notarization of documents, per document                                                 | No charge                  |
| Preparation of declaration and notarization of domicile, per preparation                | 7.00                       |
| Temporary street banners permitted by chapter 122 pertaining to signs:                  |                            |
| Erection by city employees                                                              | 184.00                     |
| City civic associations or charitable special events, no fee                            |                            |
| Certification of city records by city clerk's office (F.S. § 119.07.1(a)), per document | 1.00                       |

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| Fees for off-duty fire department personnel special detail work per person (minimum three hours)                                                                                                  | 50.00  |
| Special event fire vehicle charge per hour per vehicle (minimum three hours)                                                                                                                      | 25.00  |
| Chapter 10. Amusements and Entertainment                                                                                                                                                          |        |
| <i>Article II. Adult Entertainment Establishments</i>                                                                                                                                             |        |
| Permit fee for employee of licensed adult entertainment establishment                                                                                                                             | 25.00  |
| Permit renewal fee for employee of licensed adult entertainment establishment                                                                                                                     | 25.00  |
| Replacement of lost permit for employee of licensed adult entertainment establishment                                                                                                             | 25.00  |
| Adult use business fees:                                                                                                                                                                          |        |
| Adult use establishment license; fee for zoning review                                                                                                                                            | 375.00 |
| Adult use establishment nonrefundable license fee                                                                                                                                                 | 25.00  |
| Annual licensing regulatory fees for adult entertainment establishments:                                                                                                                          |        |
| Adult theater:                                                                                                                                                                                    |        |
| Having only adult booths, for each booth                                                                                                                                                          | 450.00 |
| Having only a hall or auditorium, for each seat                                                                                                                                                   | 450.00 |
| Having only an area outdoors designed to permit viewing by customers seated in vehicles, for each parking space                                                                                   | 450.00 |
| Having a combination of two or more of the items listed in subsections (a)(1)a—(1)c of this section, the cumulative license fee applicable to each under subsections (a)(1)a—(1)c of this section |        |
| Special adult cabaret                                                                                                                                                                             | 450.00 |
| Adult photographic studio                                                                                                                                                                         | 450.00 |
| Physical culture establishment                                                                                                                                                                    | 450.00 |

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| Adult bookstore/video store                                                                                                                                                                                                                                                                               | 450.00          |
| Change of name of adult use establishment                                                                                                                                                                                                                                                                 | 5.00            |
| Appeal of denial, suspension or revocation of adult entertainment license or permit                                                                                                                                                                                                                       | 25.00           |
| Plus, deposit for costs of administrative hearing officer                                                                                                                                                                                                                                                 | 250.00          |
| Certified mail/postage/handling                                                                                                                                                                                                                                                                           |                 |
| Per certified letter (depending on the weight of letter)                                                                                                                                                                                                                                                  | Time & Material |
| Per noncertified letter (depending on the weight of letter)                                                                                                                                                                                                                                               | Time & Material |
| Copies, per copy per letter                                                                                                                                                                                                                                                                               | 0.15            |
| Administrative costs for letters of violation/notices of hearing/hearing agenda/hearing minutes per hour for preparation of each of the following documents: Notice of violation letter, notice of hearing letter, agenda, findings of fact letter, minutes, notary fee, lien filing fee, courier service | 15.00           |
| Chapter 26. Businesses                                                                                                                                                                                                                                                                                    |                 |
| Regulatory fee for unlicensed businesses                                                                                                                                                                                                                                                                  | 15.00           |
| Special Event Administrative Regulations and Fees                                                                                                                                                                                                                                                         |                 |
| Event fees:                                                                                                                                                                                                                                                                                               |                 |
| <i>Type IA Event:</i> St. Pete Beach Resident/Business event that does not require site plan review, on-site inspections, other city services, permits from other governmental agencies and are limited to three consecutive days                                                                         |                 |
| <i>Type IB Event:</i> Non-Resident/Business event that does not require site plan review, on-site inspections, other city services, permits from other governmental agencies and are limited to three consecutive days                                                                                    |                 |
| <i>Type IIA Event:</i> St. Pete Beach Resident/Business event that requires any of the following: site plan review, on-site inspections, other city services or additional permits from other governmental agencies                                                                                       |                 |

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| <i>Type IIB Event:</i> Non-Resident/Business event that requires any of the following: site plan review, on-site inspections, other city services or additional permits from other governmental agencies                                                           |  |
| <i>Type III Event:</i> Any event that the City Manager or his/her designee determines cannot be permitted as a Type IA, IB, IIA, or IIB due to complexity of event or other impacts of the event. The fee shall be determined following review of the event impact |  |

| Special event fees:                                                    |          |          |          |            |          |  |
|------------------------------------------------------------------------|----------|----------|----------|------------|----------|--|
| Attendance                                                             | Type IA  | TypeIB   | Type IIA | Type IIB   | Type III |  |
| Up to 249                                                              | \$25.00  | \$50.00  | \$75.00  | \$100.00   | TBD      |  |
| 250—500                                                                | \$50.00  | \$100.00 | \$250.00 | \$350.00   | TBD      |  |
| 501—999                                                                | \$75.00  | \$150.00 | \$500.00 | \$650.00   | TBD      |  |
| 1,000+                                                                 | \$100.00 | \$200.00 | \$750.00 | \$1,000.00 | TBD      |  |
| Non-Permitted Event Fee - 3 times event fee plus cost incurred by City |          |          |          |            |          |  |

| Description                                                                                       | Amount   |
|---------------------------------------------------------------------------------------------------|----------|
| <i>Beach Wedding:</i>                                                                             |          |
| St. Pete Beach Resident                                                                           | \$100.00 |
| Non-Resident                                                                                      | 250.00   |
| Beach Wedding with no Commercial support (i.e., no equipment, chairs, etc.) limited to 20 people: |          |
| St. Pete Beach Resident                                                                           | 50.00    |

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| Non-Resident                                                                                                                                                       | 75.00  |
| Business permit for fire and other altered goods sale or going out of business sale:                                                                               |        |
| First 60 days                                                                                                                                                      | 20.00  |
| Additional 15 days                                                                                                                                                 | 5.00   |
| Chapter 38. Elections                                                                                                                                              |        |
| Candidate guidebook administrative costs                                                                                                                           | 10.00  |
| Qualifying fee for position of mayor-commissioner or city commissioner                                                                                             | 40.00  |
| Chapter 42. Emergency Services                                                                                                                                     |        |
| <i>Article II. Alarm Systems</i>                                                                                                                                   |        |
| Response to fourth or succeeding false alarm                                                                                                                       | 150.00 |
| Chapter 46. Environment                                                                                                                                            |        |
| <i>Article II. Nuisances</i>                                                                                                                                       |        |
| Lot clearing or mowing by city:                                                                                                                                    |        |
| Administrative fee                                                                                                                                                 | 200.00 |
| Lot mowing charges for vacant or improved lots in an amount equal to the city cost for mowing, in addition to administrative fee in subsection (1) of this section |        |
| Tree trimming in an amount equal to the city cost for trimming, in addition to administrative fee in subsection (1) of this section                                |        |
| Clerical work, secretarial services and all other notification costs at rate equivalent to actual city cost. Attorney's fees equal to actual charge to the city    |        |
| <i>Article III. Junked, Wrecked, Abandoned Property</i>                                                                                                            |        |

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|--------------------------------------------------------------------------------------------|-------------------|
| Storage of abandoned or unclaimed property, per day                                        | 10.00             |
| Chapter 50. Library                                                                        |                   |
| Special, temporary "tourist" card for visitors from outside the Tampa Bay Area             |                   |
| Up to 90 days                                                                              | 25.00             |
| 90—180 days                                                                                | 50.00             |
| Over 180 days                                                                              | 100.00            |
| Books returned in such condition that they cannot be returned to circulation               | Replacement value |
| 50-3 becomes 50-3-2                                                                        |                   |
| 50-3 becomes 50-3-3                                                                        |                   |
| 50-3 becomes 50-3-4                                                                        |                   |
| Copies from the self-service photocopy machine                                             | 0.20              |
| Print-outs from the public computers, per page                                             | 0.20              |
| Chapter 58. Parks and Recreation                                                           |                   |
| Fees and Memberships:                                                                      |                   |
| Resident daily use (visitor) fees for multi-facilities (gym, arts studio, fitness room)    | 1.00              |
| Non-resident daily use (visitor) fees for multi-facilities (gym arts studio, fitness room) | 2.00              |
| Warren Webster                                                                             | 60.00             |
| Park/pool pavilion                                                                         | 25.00             |
| All Don Vista Rooms: Mary Nabors, Mary Tracy, Don Vista "A", "B" and "C"                   | 25.00             |

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|----------------------------------------------------|----------|
| Gymnasium                                          | 75.00    |
| Raymond Room                                       | 75.00    |
| Boca Ciega Room (entire floor)                     | 200.00   |
| ½ Boca Ciega Room                                  | 100.00   |
| Balcony Room and Board Room                        | 20.00    |
| Under the CC Building and Courtyard                | 60.00    |
| Friday/Saturday/Sunday rental of Community Center: |          |
| 4 hours:                                           |          |
| Standard (Friday & Sunday)                         | 1,000.00 |
| Premium (Saturday)                                 | 1,500.00 |
| 6 hours:                                           |          |
| Standard (Friday & Sunday)                         | 1,500.00 |
| Premium (Saturday)                                 | 2,000.00 |
| 8 hours:                                           |          |
| Standard (Friday & Sunday)                         | 2,000.00 |
| Premium (Saturday)                                 | 2,500.00 |
| 10 or more:                                        |          |
| Standard (Friday & Sunday)                         | 2,500.00 |
| Premium (Saturday)                                 | 3,000.00 |
| Additional Rental Charges:                         |          |
| Pool umbrella—Party rental                         | 25.00    |

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| Staff Cost:                                                                                                 |              |
| Staff (min. two hours)                                                                                      | 20.00        |
| Staff holiday pay (min. two hours)                                                                          | 45.00        |
| Rental of park property based on the number of anticipated attendees:                                       |              |
| Residents:                                                                                                  |              |
| 50—100                                                                                                      | 150.00       |
| 101—250                                                                                                     | 250.00       |
| 251—500                                                                                                     | 350.00       |
| Nonresidents:                                                                                               |              |
| 50—100                                                                                                      | 250.00       |
| 101—250                                                                                                     | 350.00       |
| 251—500                                                                                                     | 400.00       |
| Deposit                                                                                                     | 50.00—500.00 |
| Rental deposit for facilities:                                                                              |              |
| Under 50 people                                                                                             | 100.00       |
| Over 50 people                                                                                              | 500.00       |
| The resident hourly and time block room rental fees will be ten percent less than the standard fee schedule |              |
| Pool (151—180 guest)                                                                                        | 200.00       |
| Additional Rental Charges:                                                                                  |              |
| Pool Umbrella - Party Rental                                                                                | 25.00        |

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| Staff Cost:                                                                                                                                                                   |        |
| Staff (Min. 2 hrs)                                                                                                                                                            | 20.00  |
| Staff Holiday pay (Min. 2 hrs)                                                                                                                                                | 45.00  |
| Pass-a-Grille Patio Rental:                                                                                                                                                   |        |
| City operated markets: \$25.00 + tax per vendor                                                                                                                               |        |
| 4 p.m. - 10 p.m.: \$450.00 for three hour rental (minimum) + tax; additional \$100.00 for each additional hour after three hours; \$200.00 deposit due at time of booking.    |        |
| Chapter 62. Peddlers and Solicitors                                                                                                                                           |        |
| <i>Article II. Commercial Solicitations</i>                                                                                                                                   |        |
| Solicitation permit fee, per individual, yearly                                                                                                                               | 100.00 |
| Chapter 78. Taxation                                                                                                                                                          |        |
| <i>Article IV. Business License Tax</i>                                                                                                                                       |        |
| Business tax license application fee                                                                                                                                          | 10.00  |
| Transfer of business tax license to another person:                                                                                                                           |        |
| Transfer of business tax license from one location to another:                                                                                                                |        |
| Not less than                                                                                                                                                                 | 3.00   |
| Not more than                                                                                                                                                                 | 25.00  |
| Chapter 82. Traffic and Vehicles                                                                                                                                              |        |
| Parking decals:                                                                                                                                                               |        |
| Employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza | 25.00  |

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| City resident or nonresident owning property within city                                                                                          | 20.00           |
| Parking permits:                                                                                                                                  |                 |
| Gulf Way and Eighth Avenue area:                                                                                                                  | Below           |
| Houses and apartments having street addresses on Gulf Way from First Avenue to 22nd Avenue and Eighth Avenue                                      | Below           |
| "A" Permit purchase by record title owner of each unit                                                                                            | 20.00           |
| On-premises businesses in Pass-a-Grille                                                                                                           | Below           |
| One-day permits for operators of commercial watersports businesses at Merry Pier, for resale at same price to legitimate customers                | 4.00            |
| Gulfwinds Condominium, Friendly Native Condominium and Ramar Apartments and Starlight Towers Condominium                                          | Below           |
| "E" Permit Purchase by record title owner of unit, each                                                                                           | 20.00           |
| Hanging meter permits for Pass-a-Grille business owners to be used by customers                                                                   | 35.00 per yr.   |
| Parking meter rates for coin-operated parking meters per hour                                                                                     | 2.00            |
| Parking meter rates for parking pay stations                                                                                                      | 2.75 per hour   |
| Parking meter rates County Park Beach Access parking pay stations                                                                                 | 2.75 per hour   |
| "C" and "D" Controlled parking residential parking annual permit                                                                                  | 5.00            |
| "C" and "D" Controlled parking residential temporary parking permit                                                                               | 3.00 per mo.    |
| Daily parking permits:                                                                                                                            |                 |
| Daily B permit for city metered parking spaces and non-metered city streets requiring, parks and lots requiring B permit (other than County Park) | \$27.00 per day |

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| Temporary non-metered B permit—Must provide proof of owning or residing at an address fronting a city non-metered B Permit only zone                                     | \$3.00 per month                |
| Temporary one-day non-metered B permit—Must provide proof of owning or residing at an address fronting a city non-metered B permit only zone. Cannot be consecutive days | Up to 20 one-day permits \$3.00 |
| Storage charge for impounded motor vehicle, per day                                                                                                                      | 35.00                           |
| Chapter 86. Utilities                                                                                                                                                    |                                 |
| Identification or location of sanitary sewer tap-in                                                                                                                      | 25.00                           |
| Fats, Oils and Grease annual inspection fee                                                                                                                              | 100.00                          |
| Fats, Oils and Grease re-inspection fee                                                                                                                                  | 50.00                           |
| Chapter 90. Vehicles for Hire                                                                                                                                            |                                 |
| Permit fees for taxicabs and public conveyances:                                                                                                                         |                                 |
| Each vehicle                                                                                                                                                             | 50.00                           |
| Each driver                                                                                                                                                              | 10.00                           |
| Driver's permit fee                                                                                                                                                      | 10.00                           |
| Chapter 94. Waterways                                                                                                                                                    |                                 |
| <i>Article IV. Water Taxis</i>                                                                                                                                           |                                 |
| Fee for water taxi permit, per year                                                                                                                                      | 100.00                          |
| Renewal fee, per year                                                                                                                                                    | 100.00                          |
| Chapter 98. Buildings and Building Regulations                                                                                                                           |                                 |
| General site development/Site plan review—Fire:                                                                                                                          |                                 |
| Plan review (developments less than 15,000 sq. ft. and no higher than three stories in height)                                                                           | 250.00                          |

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| Plan review for buildings greater than 15,000 sq. ft. or three stories in height                                                      | 350.00                  |
| Re-submittals                                                                                                                         | 100.00                  |
| Building construction:                                                                                                                |                         |
| Plan review (developments less than 15,000 sq. ft. and no higher than three stories in height)                                        | 250.00                  |
| Plan review for buildings greater than 15,000 sq. ft. or greater than three stories in height                                         | 350.00                  |
| Building four stories or higher add additional fee per floor                                                                          | 50.00                   |
| Re-submittals                                                                                                                         | 100.00                  |
| Fire protection/Life safety systems:                                                                                                  |                         |
| Plan review, inspections and acceptance test                                                                                          | 250.00                  |
| Re-submittals                                                                                                                         | 100.00                  |
| Re-inspections and Red tag                                                                                                            | 50.00                   |
| Fire prevention inspections:                                                                                                          |                         |
| Certificate of occupancy inspection                                                                                                   | No charge               |
| Periodic-inspection                                                                                                                   | 50.00                   |
| Business tax inspection (For fire inspection of new occupancy)                                                                        | 50.00                   |
| Hotels                                                                                                                                |                         |
| - Small (< 15,000 sq. ft.)                                                                                                            | 100.00                  |
| - Large (> 15,000 sq. ft.)                                                                                                            | 150.00                  |
| Restaurants (each restaurant within a hotel or business will be charged individually in addition to hotel or business inspection fee) | 75.00<br>(Less than 50) |

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|                                                                                                                                | 150.00<br>(More than 50) |
| Apartments, condominiums and transient occupancies buildings                                                                   | 50.00 per floor          |
| Apartments, condominiums hotels and transient occupancies building four stories or higher add additional fee per floor         | 25.00                    |
| Assisted living facilities—Per floor                                                                                           | 50.00                    |
| Foster homes                                                                                                                   | 50.00                    |
| Daycares                                                                                                                       | 50.00                    |
| Other (Specialty facilities: Marina, boat repair, auto repair type facilities and other facilities/business types not covered) | 150.00                   |
| Special events—Fire-Permits and inspections:                                                                                   |                          |
| Temporary structure permit                                                                                                     | 25.00                    |
| Beach fire permit                                                                                                              | 25.00                    |
| Outdoor cooking permit                                                                                                         | 25.00                    |
| Fireworks permit—Application fee and site inspection                                                                           | 150.00                   |
| Special events/Temporary use                                                                                                   | 100.00                   |
| Chapter 106. Flood Control                                                                                                     |                          |
| Chapter 118. Planning and Development                                                                                          |                          |
| <i>Planning and Zoning Fees</i>                                                                                                |                          |
| Site Plan Review (initial and one revision)                                                                                    |                          |
| Not located In CRD Lot less than 5,000 sq. ft.                                                                                 | 500.00                   |

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| Lot greater than 5,000 sq. ft.                       | 1,000.00 plus<br>100.00 for each additional 5,000 sq. ft. or<br>portion thereof |
| Each re-submittal review                             | 250.00                                                                          |
| Within CRD:                                          |                                                                                 |
| Lot less than 5,000 sq. ft.                          | 1,200.00                                                                        |
| Lot greater than 5,000 sq. ft.                       | 1,200.00 plus<br>125.00 for each additional 5,000 sq. ft. or<br>portion thereof |
| Each re-submittal review                             | 350.00                                                                          |
| Zoning Review (where no building permit is required) | 50.00                                                                           |
| Preliminary Plat                                     | 500.00 plus<br>direct costs for review                                          |
| Final Plat                                           | 300.00 plus<br>any direct costs and recording fees                              |
| Required Mailing                                     | 0.20 per piece plus associated mailing costs                                    |
| Planned Development Review                           | 1,000.00                                                                        |
| Each re-submittal review                             | 125.00                                                                          |
| Temporary Use approval                               | 100.00 plus<br>direct mailing costs                                             |
| Vacation of Easement/ROW request                     | 375.00 plus<br>direct mailing costs                                             |
| Conditional Use Permit                               | 500.00 plus<br>direct mailing costs                                             |
| Conditional Use Permit with Variance Request         | 700.00 plus<br>direct mailing costs                                             |

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| Conditional Use Permit with Planning Board Review            | 1,000.00 plus<br>direct mailing costs                                                                                                                                    |
| Administrative Appeal to City Manager                        | 250.00                                                                                                                                                                   |
| Administrative Appeal to Special Magistrate                  | 500.00                                                                                                                                                                   |
| Concurrency Review                                           | 75.00 plus<br>direct costs (includes consulting engineer<br>charges for review of utility capacity,<br>transportation analysis and other required<br>concurrency issues) |
| Certificate of Appropriateness                               | 50.00                                                                                                                                                                    |
| With FEMA Variance                                           | 100.00 plus<br>direct mailing costs                                                                                                                                      |
| Land Development Code Text change                            | 800.00 plus<br>direct mailing costs                                                                                                                                      |
| Land Development Code Map change                             | 2,000.00 plus<br>direct mailing costs                                                                                                                                    |
| Comprehensive Plan Amendment (not in CRD)                    | 2,500.00 plus<br>direct mailing costs                                                                                                                                    |
| Comprehensive Plan Amendment (in CRD)                        | 3,000.00 plus<br>direct mailing costs                                                                                                                                    |
| Sign Permit                                                  | 25.00 plus<br>building permit fee                                                                                                                                        |
| Variance Request (Unnecessary hardship/Practical difficulty) | 500.00 plus direct mailing cost                                                                                                                                          |
| Variance Request (Administrative)                            | 250.00 plus direct mailing cost                                                                                                                                          |
| <i>Mobile Food Establishment Permit</i>                      |                                                                                                                                                                          |
| Class I—Mobile kitchens                                      | 85.00                                                                                                                                                                    |
| Class II—Canteen trucks                                      | 35.00                                                                                                                                                                    |

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|---------------------------------------------|----------------------------------------------------------------------|
| Class III—Ice cream trucks                  | 35.00                                                                |
| <i>Renewal of Mobile Food Permit</i>        |                                                                      |
| Class I—Mobile kitchens                     | 85.00                                                                |
| Class II—Canteen trucks                     | 35.00                                                                |
| Class III—Ice cream trucks                  | 35.00                                                                |
| <i>Building Permit Fees:</i>                |                                                                      |
| Plan Review                                 | ½ of Building Permit Fee                                             |
| Building Permit Base fee                    | 50.00 plus<br>16.00 per \$1,000.00 of project valuation              |
| Plan Revisions                              | 15.00 per sheet                                                      |
| Certificate of Occupancy                    | 100.00                                                               |
| Conditional Certificate of Occupancy        | 100.00 for each 30 days of portion thereof                           |
| Certificate of Completion                   | 100.00                                                               |
| Permit placard replacement                  | 15.00                                                                |
| Penalty fee for failure to post permit card | 50.00                                                                |
| Re-inspection fee                           | 50.00                                                                |
| Stop Work Order                             | 100.00                                                               |
| Permit Extension                            | 50.00                                                                |
| Permit Reinstatement                        | 50% of original permit fee applied to remaining work to be completed |
| Transfer of Permit                          | 15.00 or 10% of original permit fee whichever is greater             |
| Commencement of work without permit         | 3 times permit fee                                                   |

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|                                                  |        |
|--------------------------------------------------|--------|
| Chapter 130. Vegetation                          |        |
| Tree removal permit application filing fee       | 25.00  |
| Tree removal permit appeal fee                   | 20.00  |
| Commencement of work without tree removal permit | 100.00 |

### WASTEWATER CONNECTION FEES

**Residential:** Single-family, single condominium, single apartment ..... \$2,668.00

**Commercial:** Fee for commercial structures (other than units) will be based on water meter size.

5/8 " or ¾" .....\$2,668.00

1" .....6,670.00

1½" .....13,340.00

2" .....21,344.00

3" .....42,688.00

4" .....66,700.00

6" .....133,400.00

8" .....213,440.00

### WASTEWATER USER FEES

Monthly wastewater (sewer) rates shall be charged to all customers using the wastewater (sewer) utility system of the city. The rate is based on a base component, flow component (3,000 gallons), rate for usage (1,000 gallons) over flow component, purchased wastewater (sewer) treatment pass-through, and annual index adjustment. Each wastewater (sewer) customer shall be billed as follows:

Residential base rate: ~~\$36.28~~ \$38.82 for the first 3,000 gallons, or fraction thereof, of potable water used per residential unit.

Residential excess rate: ~~\$11.97~~ \$12.81 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the residential base rate.

Commercial base rate: ~~\$36.28~~ \$38.82 for the first 3,000 gallons, or fraction thereof, of potable water used by the customer.

Commercial excess rate: ~~\$11.97~~ \$12.81 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the commercial base rate.

(Ord. No. 98-16, § 1, 5-5-98; Ord. No. 98-24, § 1, 5-1-98; Ord. No. 98-27, attch., 7-7-98; Ord. No. 99-11, § 1, 3-16-99; Ord. No. 99-17, § 6, 3-2-99; Ord. No. 99-20, § 2, 4-6-99; Ord. No. 99-

Ordinance 2020-15

Exhibit A

31, § 2, 5-18-99; Ord. No. 99-48, § 2, 9-7-99; Ord. No. 00-34, § 1, 8-1-00; Ord. No. 00-44, § 2, 10-17-00; Ord. No. 00-48, § 3, 11-21-00; Ord. No. 01-07, § 1, 2-20-01; Ord. No. 01-22, § 1, 6-19-01; Ord. No. 01-36, § 1, 10-2-01; Ord. No. 01-45, § 1, 12-4-01; Ord. No. 02-09, § 2, 2-19-02; Ord. No. 03-03, § 2, 2-18-03; Ord. No. 03-05, § 3, 2-18-03; Ord. No. 03-20, § 1, 10-7-03; Ord. No. 04-22, § 4, 11-23-04; Ord. No. 05-04, § 2, 2-8-05; Ord. No. 05-05, § 2, 2-8-05; Ord. No. 05-10, § 2, 2-22-05; Ord. No. 07-12, § 1, 6-12-07; Ord. No. 07-36, § 1, 10-23-07; Ord. No. 07-46, § 1(Att. A), 11-27-07; Ord. No. 08-30, § 6, 8-12-08; Ord. No. 09-26, § 1, 10-27-09; Ord. No. 09-27, § 1, 10-27-09; Ord. No. 09-18, 9-21-09; Ord. No. 10-05, § 1(Att. A), 4-13-10; Ord. No. 10-08, § 1(Att. A), 5-25-10; Ord. No. 10-33, Att. A, 10-12-10; Ord. No. 10-39, § 4, 1-11-11; Ord. No. 11-25, § 1(Att. A), 9-27-11; Ord. No. 11-26, § 1(Att. A), 9-27-11; Ord. No. 11-31, § 1(Att. A), 10-25-11; Ord. No. 12-03, § 1, 2-14-12; Ord. No. 12-04, § 1, 2-28-12; Ord. No. 12-12, § 1, 7-24-12; Ord. No. 13-10, §§ 1, 2, 3-26-13; Ord. No. 15-23, § 1, 9-22-15; Ord. No. 16-12, § 1(Exh. A), 6-14-16; Ord. No. 16-16, § 1, 9-20-16; Ord. No. 16-21, § 1(Exh. A), 10-25-16; Ord. No. 17-05, § 2(Exh. A), 4-11-17; Ord. No. 17-08, § 2(Exh. A), 7-11-17; Ord. No. 17-12, § 3(Exh. A), 11-28-17; Ord. No. 18-05, § 2(Exh. A), 6-26-18; Ord. No. 18-10, § 2(Exh. A), 9-25-18; Ord. No. 19-12, § 1, 9-3-19; Ord. No. 2019-18, § 3(Exh. A), 12-10-19; Ord. No. 2019-20, § 3(Exh. A), 12-10-19; Ord. No. 2019-23, § 3(Exh. A), 1-28-20)

## St. Pete Beach City Commission Agenda Report

**Issue Considered:** Resolution 2020-36: Establishing the rate of stormwater service assessments; approving stormwater service non-ad valorem assessment rolls; and providing for an effective date.

**Date:** September 9, 2020

**Prepared By:** Vincent Tenaglia, Assistant City Manager

**Through:** Alex Rey, City Manager

**Summary of Issue:** The City of St. Pete Beach annually imposes non-ad valorem property assessments for the operation and maintenance of the City's stormwater infrastructure. The assessments are included as a component of the property tax bill and the annual requirements for imposing the assessments are similar to those of the millage and budget adoption process.

The assessment structure includes two billing tiers. Tier 1 is assessed on a per-parcel basis and is imposed to fund the program costs associated with the City's stormwater system (e.g., establishing funding sources and managing the Stormwater Fund). Tier 2 is assessed based upon impervious surface area, with higher costs imposed on properties with physical characteristics that place a greater burden on the stormwater drainage system. The equivalent residential unit (ERU) for Tier 2 is 3,813 square feet, based upon the typical impervious surface area of a single-family parcel, as calculated for the City in 2011 by Woolpert, Inc. Both tiers are assessed on each parcel. No changes are proposed for fiscal year 2021.

| Non-ad valorem assessment | FY 2021         |
|---------------------------|-----------------|
| Tier 1 (per parcel)       | <b>\$62.45</b>  |
| Tier 2 (per ERU)          | <b>\$111.62</b> |

Approval of Resolution 2020-36 provides direction to staff to certify the non-ad valorem assessment roll to the Pinellas County Property Appraiser's Office.

**Requested Motion:** "I move to approve Resolution 2020-36 (read title)."

**Attachment:** Resolution 2020-36

**Reviewed by the City Manager:** AR

## **RESOLUTION 2020-36**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA ESTABLISHING THE RATE OF STORMWATER SERVICE ASSESSMENTS; APPROVING STORMWATER SERVICE NON-AD VALOREM ASSESSMENT ROLLS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:**

SECTION 1. Authority. This Annual Assessment Resolution of the City of St. Pete Beach, Florida (the "City") is adopted pursuant to Chapter 166, Florida Statutes, City Ordinance No. 2009-30 (the "Assessment Ordinance"), City Resolutions Nos. 2010-07, 2010-08, 2011-18 and 2011-19, as amended and supplemented (collectively, the "Stormwater Resolutions"), and other applicable provisions of law.

SECTION 2. Definitions. All capitalized terms used in this Annual Assessment Resolution shall have the meanings defined in the Assessment Ordinance and Stormwater Resolutions.

SECTION 3. Findings. It is hereby ascertained, determined and declared as follows:

(A) Pursuant to the Assessment Ordinance, the City adopted the Stormwater Resolutions imposing Stormwater Service Assessments against real property burdening the City's Stormwater System, and thus specially benefited by, the City's Stormwater Management Services.

(B) The imposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Management Service among parcels of property that are burdening the City's Stormwater System and thus specially benefited by provision of the Stormwater Management Service.

(C) The City desires to reimpose the Stormwater Service Assessments using the tax bill method for the Fiscal Year beginning on October 1, 2020.

(D) In order to reimpose Stormwater Service Assessments for the Fiscal Year beginning October 1, 2020, the Assessment Ordinance requires the City to adopt an Annual Stormwater Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of Stormwater Service Assessments and approves the Stormwater Service Assessment Rolls for the upcoming Fiscal Year, with such amendments as the City deems appropriate, after hearing comments and objections from all interested parties.

(E) The updated Stormwater Service Assessment Rolls have heretofore been made available for inspection by the public, as required by the Assessment Ordinance.

(F) As required by the terms of the Assessment Ordinance, notice of a public hearing has been published and mailed to each property owner whose Stormwater Service Assessment has been increased or which will be charged for the first time and notifying such property owner of the opportunity to be heard. The proof of publication and an affidavit of mailing are attached hereto as EXHIBIT A and B, respectively.

(G) A public hearing has been duly held on September 9, 2020, and comments and objections from all interested persons have been heard and considered as required by the terms of the Assessment Ordinance.

(H) The Stormwater Service Assessments contemplated hereunder are imposed by the City, not the Pinellas County Property Appraiser or the Pinellas County Tax Collector. Any activity of the Pinellas County Property Appraiser or the Pinellas County Tax Collector under the provisions of this Annual Assessment Resolution shall be construed solely as ministerial.

(I) The legislative determinations and findings set forth in the Stormwater Resolutions are hereby ratified, confirmed and incorporated herein by reference.

SECTION 4. Reimposition of Stormwater Service Assessments; Approval of Stormwater Service Assessment Rolls. The Tax Parcels of Assessed Property described in the Stormwater Service Assessment Rolls, as updated, are hereby found to be specially benefited by the City's Stormwater Management Services in the amount of the Stormwater Service Assessments, copies of which were present or available for inspection at the above referenced public hearing and are incorporated herein by reference and are hereby approved. The table below describes the rate of Stormwater Service Assessments approved for Fiscal Year 2021.

| <b>Description</b>            | <b>Fiscal Year Beginning October 1, 2020</b> |
|-------------------------------|----------------------------------------------|
| Tier 1 (fixed) per tax parcel | \$62.45                                      |
| Tier 2 (variable) per ERU     | \$111.62                                     |

It is hereby ascertained, determined and declared that the estimated revenue to be derived for Fiscal Year 2021 from the imposition of Stormwater Service Assessments at the rates shown above does not exceed the budgeted Stormwater Management Service Costs, which includes a pro rata share of collection and administration costs and amounts necessary to account for the maximum discount for early payment of non-

ad valorem assessments on the same bill as ad valorem taxes. Stormwater Service Assessments in the amounts set forth in the Stormwater Service Assessment Rolls are hereby levied and reimposed on all Tax Parcels described in the Stormwater Service Assessment Rolls. Adoption of this Annual Stormwater Resolution constitutes a legislative determination that all parcels charged derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Stormwater Resolutions from the City's Stormwater Management Services, and that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that burden the Stormwater System and thus receive the special benefit.

SECTION 5. Confirmation of Stormwater Resolutions. The Stormwater Resolutions are hereby ratified and confirmed.

SECTION 6. Collection of Stormwater Service Assessments. The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in the Assessment Ordinance and the Stormwater Resolutions. The City Manager is hereby authorized and directed to certify and deliver, or cause the certification and delivery of, the Stormwater Service Assessment Rolls for the Stormwater Service Assessments to the Tax Collector by September 15, 2020, in the manner prescribed by the Uniform Assessment Collection Act. The Stormwater Service Assessment Rolls for the Stormwater Service Assessments, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the same form as attached hereto as EXHIBIT C.

SECTION 7. Stormwater Service Assessment Liens. Such Stormwater Service Assessments imposed within the City listed on the Stormwater Service Assessments Rolls described in Section 4 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims until paid. The lien for Stormwater Service Assessments shall be deemed perfected upon adoption of this Annual Stormwater Resolution. Upon perfection, the lien for Stormwater Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the Stormwater Service Assessments Rolls as of January 1, 2020, the lien date for ad valorem taxes.

SECTION 8. Effect of Adoption of Annual Stormwater Resolution. The adoption of this Annual Stormwater Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of the special assessments and the adoption of the Stormwater Service Assessments Rolls), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the effective date of this Annual Stormwater Resolution.

SECTION 9. Conflicts. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10. Severability. If any clause, section, other part or application of this Annual Stormwater Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or by application, it shall not affect the validity of the remaining portions or applications of this Annual Stormwater Resolution.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

\_\_\_\_\_  
Alan Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Andrew Dickman, City Attorney

**EXHIBIT A**  
**PROOF OF PUBLICATION**

# NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF STORMWATER RELATED NON-AD VALOREM SPECIAL ASSESSMENTS IN THE CITY OF ST. PETE BEACH

The City Commission (the "Commission") of the City of St. Pete Beach (the "City") is considering adoption of an Annual Assessment Resolution for Fiscal Year 2021 pertaining to the annual special assessments against tax parcels within the City limits to fund costs associated with the City's stormwater system. The special assessment for each parcel of property consists of two tiers: (1) a per parcel amount imposed to fund the fixed costs associated with the City's stormwater system, and (2) an amount based upon the amount of impervious area attributable to each parcel as measured by "Equivalent Residential Units" (ERUs) imposed to fund the variable costs associated with the City's stormwater system. A more specific description of the stormwater assessments, the method of computing the assessment for each tax parcel, together with a mitigation credit procedure providing for limited reduction in the amount of the assessment for property owners with certain private stormwater mitigation facilities, are set forth in City Resolution No. 2010-07, 2010-08, 2011-18, and 2011-19, as amended and supplemented (collectively, the "Stormwater Resolutions").

The Commission will hold a virtual public hearing at 6:00 p.m., or as soon thereafter as the matter may be heard, on September 9, 2020 for the purposes of receiving public comment on the proposed assessments and considering a resolution approving stormwater non-ad valorem assessment rolls. If imposed, the stormwater assessments for Fiscal Year 2021 and each fiscal year thereafter will be collected on the annual property tax bill issued each November by the Pinellas County Tax Collector, in which case failure to pay the stormwater assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

## Hearing date/location:

**September 9, 2020**

**Virtual meeting: <https://bit.ly/spbmeetings>**

All affected property owners are invited to participate in the September 9, 2020 public hearing and may also file written objections with the City Commission prior to or during the hearing. Anyone wishing to appeal a decision made by the Commission with respect to any matter considered at the hearing will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is made.

The stormwater assessment will be imposed at a maximum rate of \$62.45 per tax parcel for tier 1 plus \$111.62 per equivalent residential unit or "ERU" for tier 2. Such amounts include a pro rata share of administrative and collection costs associated with the stormwater assessments (including fees imposed by the property appraiser and tax collector) and have been increased to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes. The stormwater assessment is an annual assessment which will continue from year to year. Until paid, the stormwater assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments.

Copies of the Stormwater Resolutions, the Annual Assessment Resolution and the preliminary stormwater non-ad valorem assessment roll are available for inspection at the Finance Office, located at City

**EXHIBIT B**  
**AFFIDAVIT OF MAILING - STATE OF FLORIDA, PINELLAS COUNTY**

BEFORE ME, the undersigned authority, personally appeared Vincent M. Tenaglia, who, after being duly sworn, deposes and say:

I, Vincent Tenaglia, have been designated by the City of St. Pete Beach, Florida, to mail the notices required by Sections 2.06 and 2.08 of City Ordinance 2009-30 (the "Assessment Ordinance"). On or before August 20, 2020, I mailed or directed the mailing of, a notice in accordance with Sections 2.06 and 2.08 of the Assessment Ordinance by first class mail, to each owner of property included on the Stormwater Service Assessment Rolls in conformance with the requirements of the Assessment Ordinance, at the address shown on the real property assessment tax roll maintained by the Pinellas County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. An exemplary form of such notice is attached hereto.

FURTHER AFFIANTS SAYETH NOT.

\_\_\_\_\_  
Vincent M. Tenaglia, Affiant

**Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by (name of person making statement).**

**(NOTARY SEAL)**

\_\_\_\_\_  
**Signature of Notary Public**

\_\_\_\_\_  
**Name of Notary (typed, printed, or stamped)**

☐ **Personally Known or ☐ Produced Identification**  
**Type of Identification Produced: \_\_\_\_\_**

**EXHIBIT C - FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the City Manager of the City Commission of the City of St. Pete Beach, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non ad valorem assessment roll for stormwater management services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Pinellas County Tax Collector by September 15, 2020.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pinellas County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this \_\_\_\_ day of September, 2020.

**CITY OF ST. PETE BEACH, FLORIDA**

By: \_\_\_\_\_  
Alex Rey, City Manager

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

**Issue Considered:** Resolution 2020-xx: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for Burger-ish c/o Jeffrey Mercado located at 4901 Gulf Boulevard to allow for Outdoor Seating (50 seats) in front of the restaurant, not to exceed a 700-square foot patio area.

**Date:** September 9, 2020

**Prepared By:** Wesley T. Wright, Community Development Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Applicant, Jeffrey Mercado, is requesting a CUP, pursuant to Section 38.4(f) of the Land Development Code, in order to to allow for Outdoor Seating.

Staff recommends approval of the CUP (with 5 conditions).

**Funding:** N/A

**Requested Motion:** “I move to approve Resolution 2020-xx (read title), with the following Conditions (state conditions).

**Attachment:** Resolution 2020-xx  
Application of request  
Staff Report  
Site Location  
Site Plan

**Reviewed by the  
City Manager:** AR

## **RESOLUTION 2020-xx**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING BURGER-ISH TO OPERATE AN OUTDOOR SEATING AREA (700 SF) IN THE FRONT OF THE RESTAURANT LOCATED AT 4901 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Burger-Ish desires to add an outdoor seating (50 seats) area within the front of the restaurant; and,

**WHEREAS**, Jeffrey Mercado filed with the City an Application on July 14, 2019, for a Conditional Use for the property located at 4901 Gulf Boulevard, St. Pete Beach, Florida; and,

**WHEREAS**, the application for Conditional Use Permit was reviewed by the Technical Review Committee on December 18, 2019, and the recommended conditions appropriate to mitigate potential impacts imposed by the use were determined and are outlined in the associated staff report submitted to the City Commission; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing on September 9, 2020, to consider the Conditional Use Permit Application in accordance with all the criteria listed in the City of St. Pete Beach Land Development Code; and

**WHEREAS**, while the Conditional Use Permit application was reviewed, pursuant to City Land Development Code, this Resolution is for only the Conditional Use Permit approval.

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

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

SECTION 2. The City Commission hereby incorporates the following conditions into the Conditional Use permit:

1. Any new amplified speakers installed to accommodate this outdoor seating area shall be disabled between the hours of 10 pm and 7 am, and amplified noise shall comply with the city's noise standards at all times. Any amplified speakers shall be directed toward the outdoor seating area;

2. Any new lighting installed to accommodate this request shall be shielded and directed toward the outdoor seating area, and away from adjacent properties;
3. At least one trash can shall be installed in the outdoor seating area;
4. Upon issuance of a tropical storm or hurricane warning, all tables, chairs, and other temporary equipment shall be securely stored inside.
5. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use.

SECTION 3. Effective Date. This resolution shall take effect immediately upon adoption.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 9TH DAY OF SEPTEMBER, 2020.**

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

---

Alan Johnson, Mayor

ATTEST:

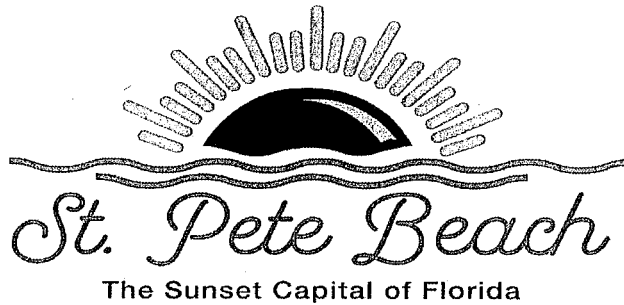
---

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

---

Andrew Dickman, City Attorney



50 SEATS  
→ OUTDOOR.

## INFORMATION ON THE CONDITIONAL USE

**What is a Conditional Use?** A conditional use is a use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that compliments or may otherwise be compatible with the intended overall development within a district, provided the specified standards are met.

**How do I apply for a Conditional Use?** An applicant for conditional use must submit the following documents to the Community Development Department:

- A complete and signed application. Incomplete applications will not be processed and will be returned. As such, all applicants are **STRONGLY ENCOURAGED** to meet with Community Development staff prior to submission deadlines to discuss plan submissions and the review process. Appointments can be made by calling 727.363.9266.
- A completed and signed agent authorization form if someone else will be representing the property owner at the public hearing.
- An accurate, legible, and appropriately scaled survey of the property including all existing and proposed improvements. The survey shall have been performed not more than one (1) year prior to the date of application and not less than two (2) 11"x17" copies of the survey are required for submittal.
- Scaled drawings depicting the request. The drawings can be sized from 8.5"x11" to a maximum of 24"x36" in size. These drawings are necessary to assist staff and the BOA or City Commission in the review of the request. Seven (7) copies of the drawings must be submitted if larger than 11"x17". Two (2) are acceptable for 11"x17" or under.
- Cash or check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. The application fee is \$500. The mailing fee can be calculated for you when you turn in your application, or you can calculate it yourself by searching for your property on the Pinellas County Property Appraiser's office website ([www.pcpao.org](http://www.pcpao.org)), clicking on radius search at the top of the page, typing in 500 feet for the radius, and multiplying the number of properties times 0.68. For example, if 40 properties are within 500 feet of you, then the mailing fee would be \$27.20. The City is not equipped to accept Debit or Credit card transactions at this time.
- A completed Sign Posting Affidavit.
- Staff may request additional information, if necessary.

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

**Can I ask for Variance with my Conditional Use application?** It is not uncommon for projects that require conditional use approval to also seek variance approvals. The City Commission is authorized to hear both types of requests at the same time. Accordingly, variance requests may be included as part of the Conditional Use request. An additional application form is included in this packet for this purpose.

**Who decides if the Conditional Use should be granted?** The City Commission is authorized to hear and make final determinations on all conditional use requests. Conditional use applications may also include variance requests as part of a conditional use application. In those cases, the City Commission also makes the final determination.

**What is the City Commission and when do they meet?** The City Commission is the elected body of officials who have overall responsibility for establishing policies and procedures for the operations of the City of St. Pete Beach. The Commission meetings are normally held two times a month on the second and fourth Tuesday at 6:00pm, in the City Commission Chambers at 155 Corey Avenue (City Hall).

**What do I do after my Conditional Use is granted?** You will receive a notice from the City immediately following your hearing. This notice is called a Development Order (DO) and it will summarize the results of the hearing including the decision to deny, approve, or approve with conditions. If approved, the owner/applicant will have one (1) year from the date the development order is signed to obtain a building permit for the proposed work. The permit must remain active during the life of the project. If a permit is not obtained within a year or if a permit does not remain active, the conditional use will expire.

**What happens if my approved Conditional Use is appealed?** Although rare, sometimes a neighbor or other affected party will appeal the Commission decision to the Circuit Court. Any such appeal must be taken within 30-days from the date of the decision. Should this occur, the City is normally removed from the appeal process and has no control over the timeframe or decision of the Court. The one-year timeframe for permit issuance noted above would begin from the Court's final decision date provided the applicant has properly advised the City of said appeal.

**What can I do if my Conditional Use is not granted?** You may correct your plans to meet current code requirements or you may file an appeal to the Pinellas County Circuit Court with 30-days of the final decision.

**How are my application fees used?** The application fee is primarily used to cover staff review costs. A conditional use application will typically involve reviews from multiple City agencies and may include County, State, or even Federal reviews depending on the nature of the request. All conditional use applications are required to be properly advertised and require notification to adjacent property owners. The mailing fees are used offset the cost incurred in meeting these requirements including the preparation of a legal ad and mailing costs associated to adjacent property owner notice. The City shall re-advertise a request, at no expense to the applicant, if a scheduled application is not heard due to an error by the City (i.e. lack of a quorum). Otherwise, the applicant will be responsible for any additional costs incurred as a result of his or her own (in)action.

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

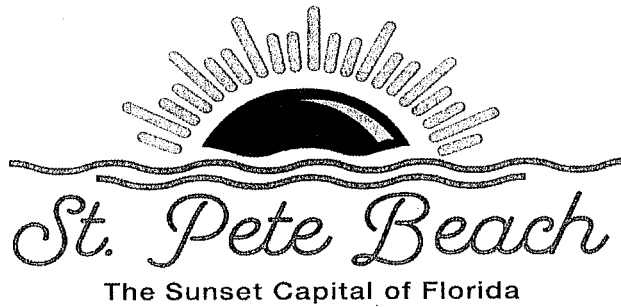
## Technical Review Committee Deadlines

The TRC meets the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 10:00am in the Community Development Department conference room. The following applications must be reviewed by the TRC:

- (1) Site Plans
- (2) Subdivisions
- (3) Conditional Uses
- (4) Amendments to the Zoning Map
- (5) Amendments to the Future Land Use Map
- (6) Variances on property being used for other than single-family detached residential purpose
- (7) Vacations of Streets, Plats or other property
- (8) Temporary Uses
- (9) All other applications assigned by the City Manager

| <b>Application Due Date<br/>By 12:00pm</b> | <b>Meeting Date</b> |
|--------------------------------------------|---------------------|
| December 10, 2018                          | January 2, 2019     |
| December 21, 2018                          | January 16, 2019    |
| January 14, 2019                           | February 6, 2019    |
| January 28, 2019                           | February 20, 2019   |
| February 11, 2019                          | March 6, 2019       |
| February 25, 2019                          | March 20, 2019      |
| March 11, 2019                             | April 3, 2019       |
| March 25, 2019                             | April 17, 2019      |
| April 8, 2019                              | May 1, 2019         |
| April 22, 2019                             | May 15, 2019        |
| May 13, 2019                               | June 5, 2019        |
| May 24, 2019                               | June 19, 2019       |
| June 10, 2019                              | July 3, 2019        |
| June 24, 2019                              | July 17, 2019       |
| July 15, 2019                              | August 7, 2019      |
| July 29, 2019                              | August 21, 2019     |
| August 12, 2019                            | September 4, 2019   |
| August 26, 2019                            | September 18, 2019  |
| September 9, 2019                          | October 2, 2019     |
| September 23, 2019                         | October 16, 2019    |
| October 14, 2019                           | November 6, 2019    |
| October 28, 2019                           | November 20, 2019   |
| November 11, 2019                          | December 4, 2019    |
| → November 25, 2019                        | → December 18, 2019 |
| December 10, 2019                          | January 2, 2020     |

CITY OF ST. PETE BEACH, Community Development Department  
 155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



## CONDITIONAL USE 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.

     I understand that the City will not accept or process an incomplete application.

     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 conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.

     On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.

     I understand that if a conditional use is approved by the 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 City Commission becomes voided.

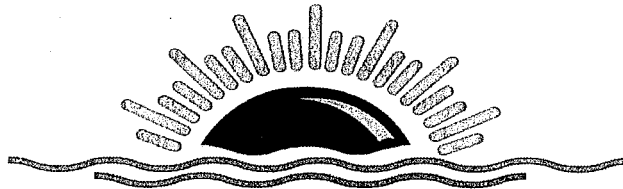
     I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

     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 following pages

Jeffrey V. Mercader 11/18/19  
Signature of Applicant Date

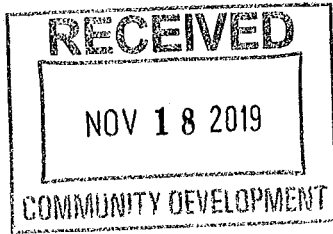
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St. Pete Beach

The Sunset Capital of Florida

4901



## CONDITIONAL USE APPLICATION

Case Number: 19067

PROPERTY OWNER: \_\_\_\_\_

APPLICANT/AGENT (Attach agent authorization form)

Name: Jeffrey V. Mercado

Name: \_\_\_\_\_

Address: 4755 GULF BLVD.

Address: \_\_\_\_\_

City: ST PETE BEACH State: FL

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: 33706 Telephone: 407-227-2391

Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: JAVADO@IDICLOUD.COM

Email: sendigs@hotmail.com

SUBJECT PROPERTY:

Address: <sup>4901</sup>  
4755 GULF BLVD  
ST PETE BEACH FL 33706

Current Name of Business: BURGERIM.

Parcel ID: \_\_\_\_\_

Name of Project: BURGERIM

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

CONSTRUCT AND OPERATE OUTDOOR BAR & EATING ENVIRONMENT  
WITH MUSIC ON THUR-SAT.

[Signature]  
Signature of Applicant/Agent

7-14-19  
Date

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

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

*In compliance with current land use.*

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

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

*the Area will Not Change Elevations were  
Grass Area will be Removed and Area will be  
Combine with the other Out Door Areas.*

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

*None*

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

*None I will be Compatible*

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

*there will be trash cans and waiters (staff)  
keeping area clean and debris free. Legitim cars will  
will be directed away from parking lot.*

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

*Not Near Street in Shopping Center*

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

*Well over 200 cars.*

5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;  
*Yes they have will be preserving in Sunny Area*
6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,  
*Yes I do have the financial and technical capacity.*
7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.  
*In compliance*

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

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services:  
*no negative impacts*
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways. *no negative impacts*
3. Hydrological features and storm water management infrastructure. *provided according to plans*
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas. *no negative impacts*
5. Site landscaping, open space provision and impervious surface limitations.  
*Stormwater runoff is addressed in plans*

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6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance. *no negative impacts*
7. Fire suppression and facility security. *fire suppression included & security as well*
8. Emergency management and hurricane evacuation provisions. *NA*
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
  - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
  - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

*NA*



### Owner's Authorization for Agent

I/WE

Jeffrey Mercado

(print name of property owner)

hereby authorize

\_\_\_\_\_

(print name of agent)

to represent me/us in an application for

\_\_\_\_\_

(type of application: variance, conditional use, zoning, etc.)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name of Owner

\_\_\_\_\_  
Print Name of Owner

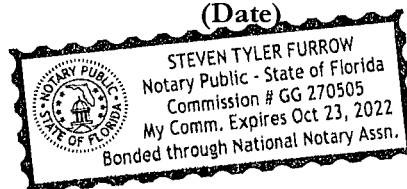
The forgoing instrument was acknowledged before me this 18 day of November 2019, by Jeffrey Mercado who is personally known \_\_\_\_\_ or produced Driver's license as identification.

Steven Tyler Furrow  
(Notary Signature)

11-18-19

(Date)

My Commission Expires 10/23/22



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**PUBLIC HEARING SIGN POSTING AFFIDAVIT**

Applicant, JEFFREY MERCADO, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

**Applicant/Agent (must fill-out agent authorization form):**

Name(print):

Jeffrey Mercado

Address:

1473 Pinellas Bayway S 301 Tierra Verde  
33715

Signature

Date

STATE OF FLORIDA )

) SS:

PINELLAS COUNTY )

The foregoing instrument was acknowledged before me this 18 day of November 20 19 by

Jeffrey Mercado

, who appeared before me, and is personally known to me, or has

produced

Drivers license

as identification, and did take an oath.

My commission expires:

10/23/22

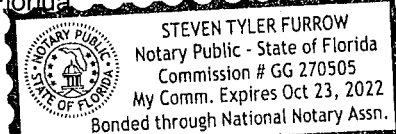
NOTARY:

Print Name:

Steven T. Furrow

Notary Public, State of Florida

(Notarial Seal)



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DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
CONDITIONAL USE APPLICATION  
STAFF REPORT TO THE  
CITY OF ST. PETE BEACH CITY COMMISSION**

**APPLICATION NUMBER:** 19067 Jeffrey Mercado for B R E Mariner Dolphin Village LLC  
**PREPARED BY:** Community Development Department Staff  
**MEETING DATE:** September 9, 2020

This application is a request for a Conditional Use Permit:

|                                              |                                                                                                                                                                                         |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                              | Applicant requests a Conditional Use Permit to establish a 700 square foot outdoor seating (50 seats) area for the eating and drinking establishment (LDC Sec. 38.4(f)).                |
| <b>LOCATION:</b>                             | 4901 Gulf Blvd; Parcel ID # 06-32-16-00000-330-0500.                                                                                                                                    |
| <b>ACREAGE:</b>                              | Approximately 9.87 acres (Dolphin Village Shopping Center)                                                                                                                              |
| <b>EXISTING ZONING AND LAND USE</b>          | AC – Activity Center within the Gulf Boulevard Redevelopment District on the Zoning Map; AC – Activity Center on the Future Land Use Map                                                |
| <b>SURROUNDING FUTURE LAND DESIGNATIONS:</b> | North – AC – Activity Center<br>South – AC – Activity Center<br>East – RM – Residential Medium and Boca Ciega Bay<br>West – Gulf Blvd, LR – Large Resort and BHC – Boutique Hotel/Condo |
| <b>SURROUNDING ZONING MAP DESIGNATIONS:</b>  | North – AC – Activity Center<br>South – AC – Activity Center<br>East – RM – Residential Medium<br>West – Gulf Blvd, LR – Large Resort and BHC – Boutique Hotel/Condo                    |
| <b>SURROUNDING EXISTING USES:</b>            | North – Four-plex multifamily<br>South – Apartments, condominiums, and 46 <sup>th</sup> Avenue<br>East – Townhomes and Boca Ciega Bay<br>West – Resort and beach access parking         |

## **BACKGROUND**

The applicant is currently undertaking the renovation of a restaurant unit in the Dolphin Village Shopping Center and is requesting to construct an approximately 700-square-foot outdoor seating (50 seats) area for use by their guests in an existing grass patch at the northwest side of the shopping center. Pursuant to Land Development Code Section 38.4(f), all eating and drinking establishments seeking to establish outdoor seating in the Activity Center district are required to acquire a conditional use permit.

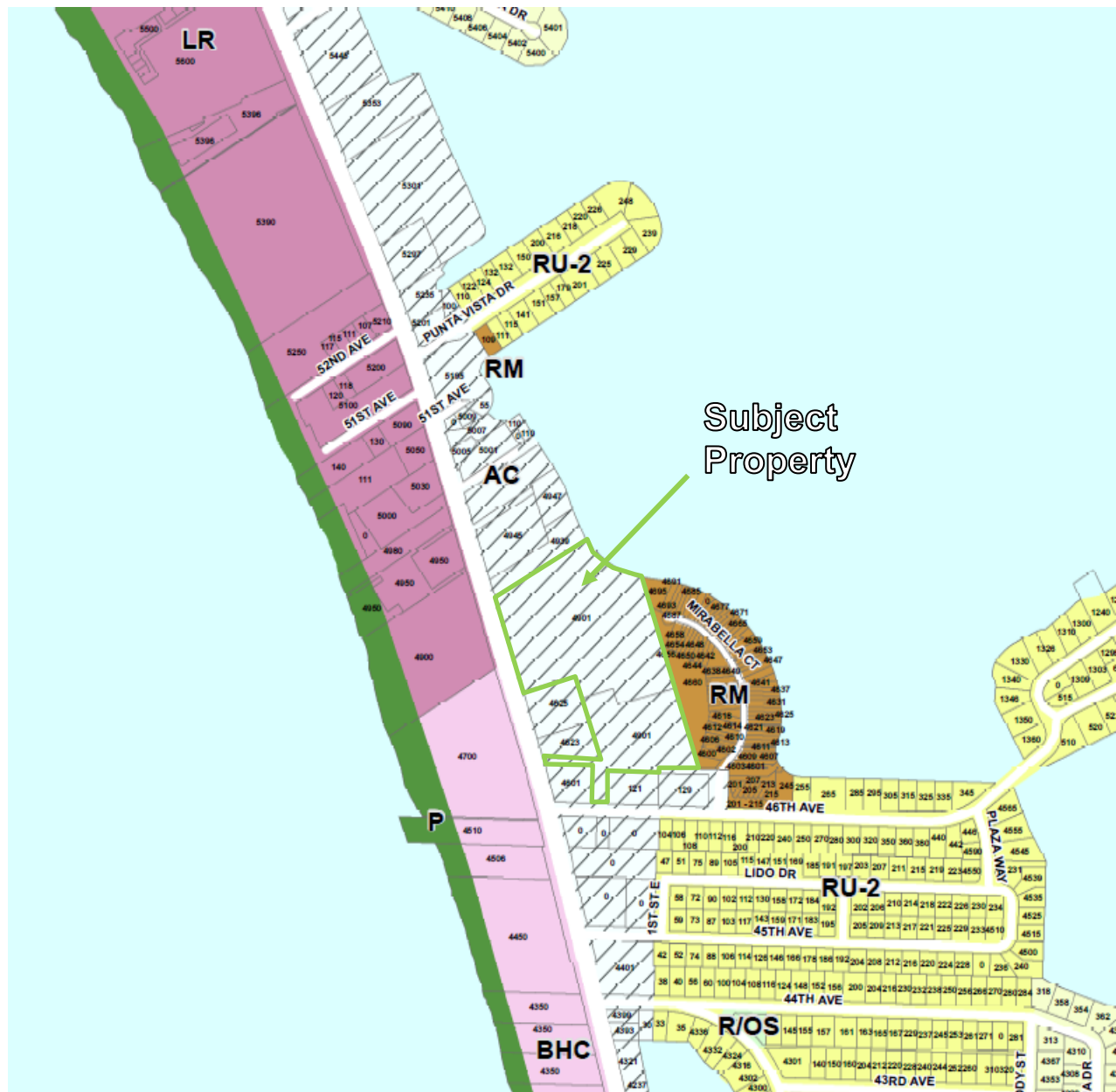
## **ANALYSIS**

Restaurants with outdoor seating are required to provide additional parking only for the portion of the outdoor seating area that exceeds 500 square feet. At approximately 700 square feet in size, two parking stalls are required to accommodate this area. The applicant has installed two additional parking spaces on the site to accommodate this request.

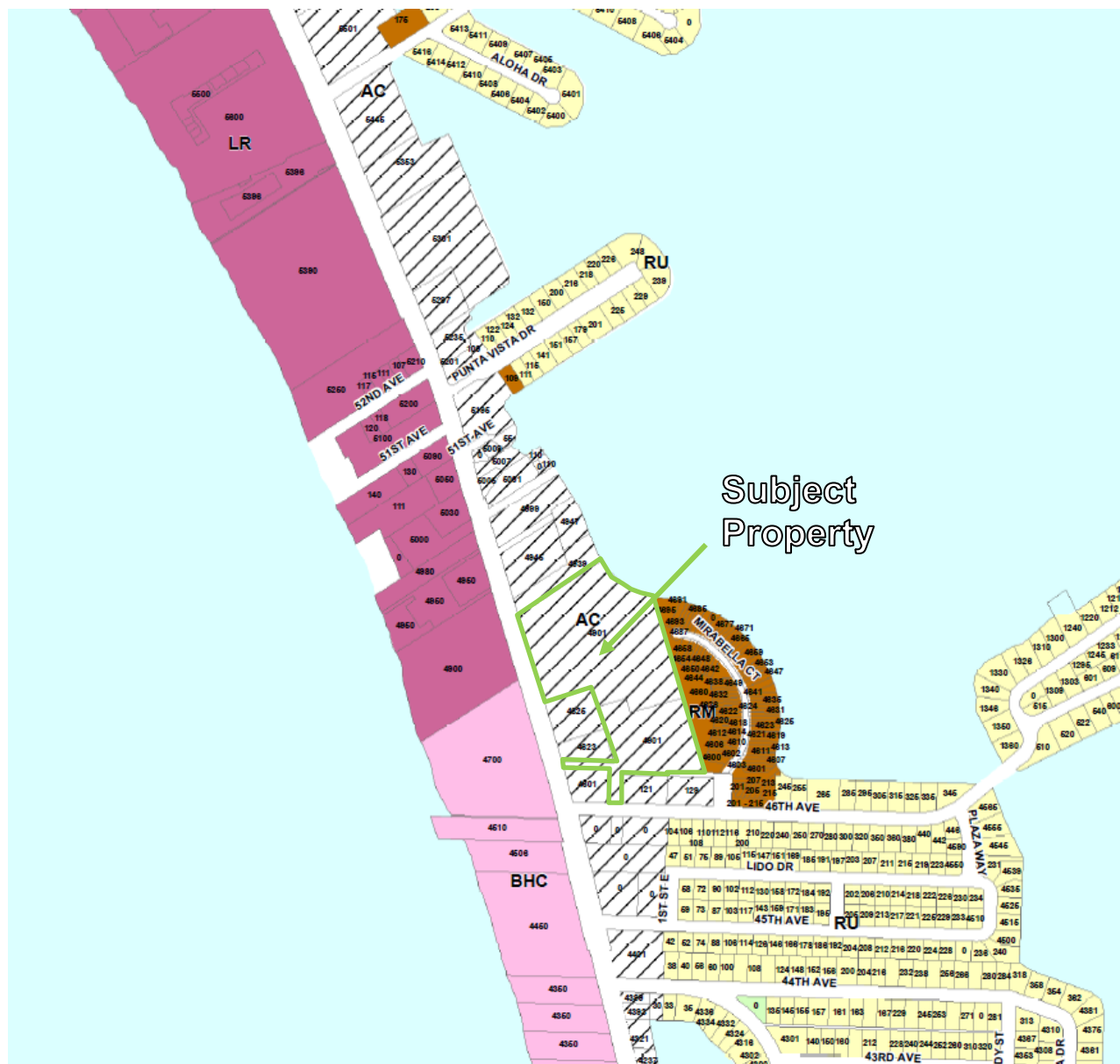
The applicant is also replacing approximately 900 square feet of greenspace to accommodate the outdoor seating addition. This area represents approximately 0.2% of the site that has not been outparceled. As the site appears to currently exceed the district impervious surface ratio, the applicant has chosen to install permeable pavers to mitigate stormwater runoff. The pavers chosen are in the “very rapid” permeability classification, which staff find is sufficient to maintain the existing permeability of this area.<sup>[1]</sup>

[1] Chavez, Clarence. *Soil Infiltration*. USDA & NRCS. Retrieved from [https://prod.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs144p2\\_068436.pdf](https://prod.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_068436.pdf).

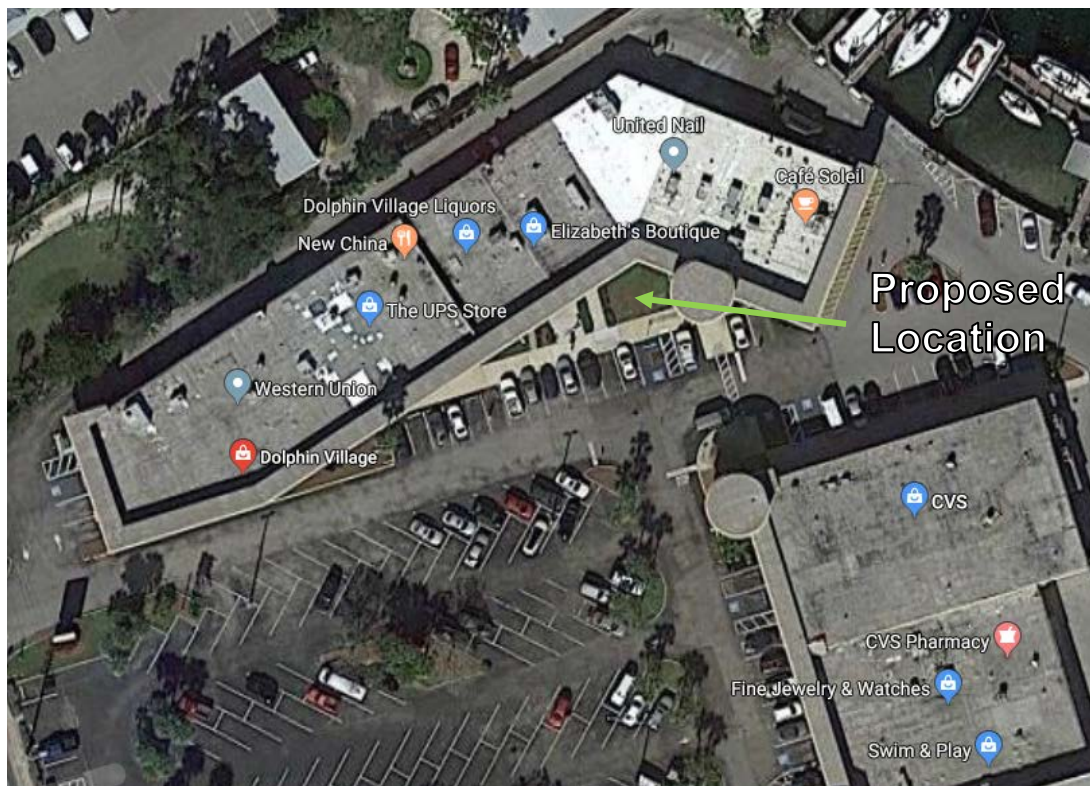
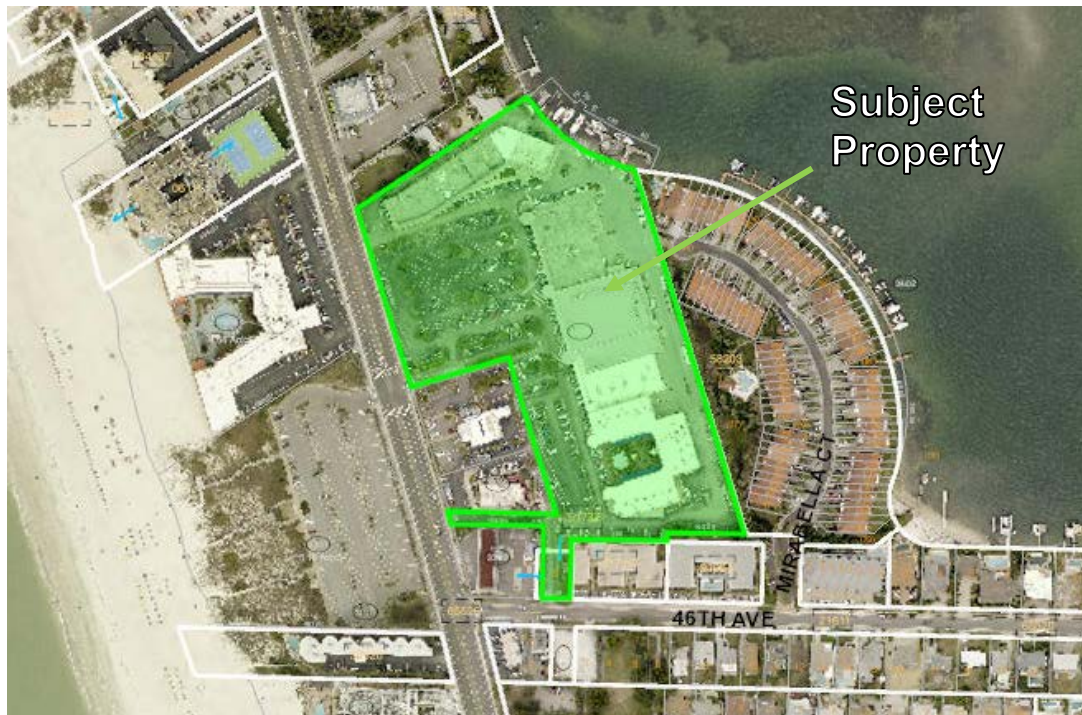
## ZONING MAP



## FUTURE LAND USE MAP



## AERIAL MAP



**CONDITIONAL USE PERMITS- 4.4 STANDARDS FOR REVIEW**

**When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:**

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**

The conditional use request is consistent with the Comprehensive Plan in the following ways:

**Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District**

**GOAL 1:**

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

**Objective 1.1**

All development and redevelopment within the Gulf Boulevard Redevelopment District shall further the goals, objectives and policies of the Community Redevelopment District, this District and each character district within which development occurs; and shall comply with the design guidelines and the applicable land development regulations for the respective character district.

**GOAL 3:**

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

**Objective 3.3**

Redevelopment is encouraged to create a vibrant Gulf Boulevard core resort environment containing a variety of building forms and styles of exceptional architectural design and high quality finishes that respect the Gulf Boulevard resort character and heritage, increase Green space, reduce paved surface parking, increase side yard setbacks, increase setbacks from Gulf Boulevard, and provide amenities, retail services, restaurants and waterfront beach bars that serve guests and residents alike.

**Community Redevelopment District general redevelopment guidelines, standards and initiatives**

- (a) 2.** Ensure that a comprehensive redevelopment strategy can be and shall be implemented through land development regulations that maintain the City's heritage of quality residential

living complemented by resort facilities and supported by a tourist-based economy that includes temporary lodging uses, local retail, restaurants and local pubs and bars;

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

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

*The overall appearance of the area will not be significantly impacted. The outdoor seating area is proposed in an open design, with tables and umbrellas instead of a permanent roof. The shopping center currently has other eateries in the strip that possess outdoor seating. The layout and acreage of the shopping center provides some buffering from adjacent uses, especially those less traditionally-compatible with commercial uses such as residential.*

- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;**

*There are no known historic, archaeological or cultural resources on this site. The seating area is oriented toward a jog in the exterior of an existing one-story building and should not impact water views.*

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

*The outdoor seating area appears to be generally compatible in terms of design with the rest of the shopping center. The applicant will be required to provide suitable protective barriers around the seating area as determined by the Building Official.*

- (3) **Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;**

*The restaurant is occupying a unit in the strip center previously used for a restaurant and the applicant has no plans for outdoor food preparation, which should not result in increased dust, fumes, smoke, or odors. Transportation of alcohol outside the designated outdoor seating area is prohibited and the seating area will be required to be fitted with signs noting such, which will mitigate outside activities. Staff are recommending that trash cans be installed in the outdoor seating area for customer use, and the applicant will be required to shield all lighting installed to support the seating area. Staff are further recommending that amplified speakers associated with the outdoor seating area be limited to the hours of 7 am to 10 pm, and any amplified sound be directed toward the outdoor seating area. The outdoor seating area is anticipated to result in a minor increase in vehicular traffic, and will have no impact on the abutting sidewalks, which should result in maintaining pedestrian safety.*

- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;**

*No space for the loading and unloading of trucks is anticipated to be needed. The applicant has supplied two additional parking spaces to accommodate the outdoor seating area.*

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

*Staff find that the general public health, safety and welfare will be preserved. The outdoor seating area will be required to comply with City standards for delineation from the abutting sidewalks and drive lanes. Staff are recommending that the seating area be equipped with trash cans to reduce risk of trash exiting the seating area.*

- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;**

*The applicant is operating this outdoor seating area as accessory to the primary restaurant located behind it, which has already been substantially renovated. The design of the area is expected to result in minimal costs to the project, and the applicant has supplied staff with evidence that several of the materials required to create this area have already been purchased.*

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

*The applicant will be required to comply with all standards related to outdoor seating areas as established in the Land Development Code.*

**Sec. 4.12. - Criteria for review of conditional use applications.**

**(a) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:**

- (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;**

*No additional utility infrastructure is expected to be required to accommodate this request.*

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

*This request is not anticipated to have a noticeable impact on local transportation infrastructure, or affect vehicular circulation or local parking areas. The private sidewalks abutting the seating area will be maintained.*

- (3) Hydrological features and storm water management infrastructure;**

*The applicant is proposing permeable pavers for the seating area, which meet the "very rapid" classification for permeability as established the USDA. Staff find that the stormwater impact to the site, if present, will be negligible.*

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

*The only permanent above-ground installation associated with this request is a bar that will be located at the western (back) side of the seating area. This bar will not negatively impact the existing massing or scale of the strip center. There is no anticipated additional advertising associated with this seating area, and no directional signage is anticipated to be required.*

**(5) Site landscaping, open space provision and impervious surface limitations;**

*The site appears to be above the district maximum impervious surface ratio at present. The applicant will be installing permeable pavers in the seating area, which staff find will maintain the permeability of the area where the outdoor seating area is proposed.*

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

*Staff are recommending that any new amplified speakers associated with this use be disabled between the hours of 10 pm and 7 am daily. A lighting plan for the use has not been provided, but staff recommend that any lighting associated with the request be directed toward the seating area and away from adjacent properties.*

**(7) Fire suppression and facility security;**

*Any fire suppression required by the fire marshal shall be in place prior to operation of the outdoor seating area.*

**(8) Emergency management and hurricane evacuation provisions; and**

*Suitable protective barriers shall be installed around the outdoor seating area. Upon issuance of a tropical storm or hurricane warning, all tables, chairs and other temporary equipment shall be securely stored inside.*

**(b) Any of the foregoing elements may be omitted from the conditional use application upon agreement of the city commission.**

**(c) Content additional to the foregoing may be included in the application, so long as such content is consistent with the applicable requirements of this Code.**

In addition per LDC Division 4, Conditional Use Permits, Section 4.11, Conditional uses in designated community redevelopment district:

It is the intent of the city that the aesthetic and functional characteristics of new development shall be regulated to insure consistency with the stated objectives of city redevelopment policy and that all new development is undertaken in a manner consistent with the best interests of the community. In instances of development projects which are of significant density or intensity, the complexity of the construction and operation of such projects require a higher than usual level of public security and technical review prior to permitting, and necessitate the articulation of specific requirements on the part of both the developer and the city to ensure that such developments are in harmony with community character and consistent with the policies of the community redevelopment plan. The provisions of this section are intended to supplement the stated requirements of this division and other divisions of the Land Development Code and provide for

the incorporation of provisions into conditional use approvals which address issues of public concern.

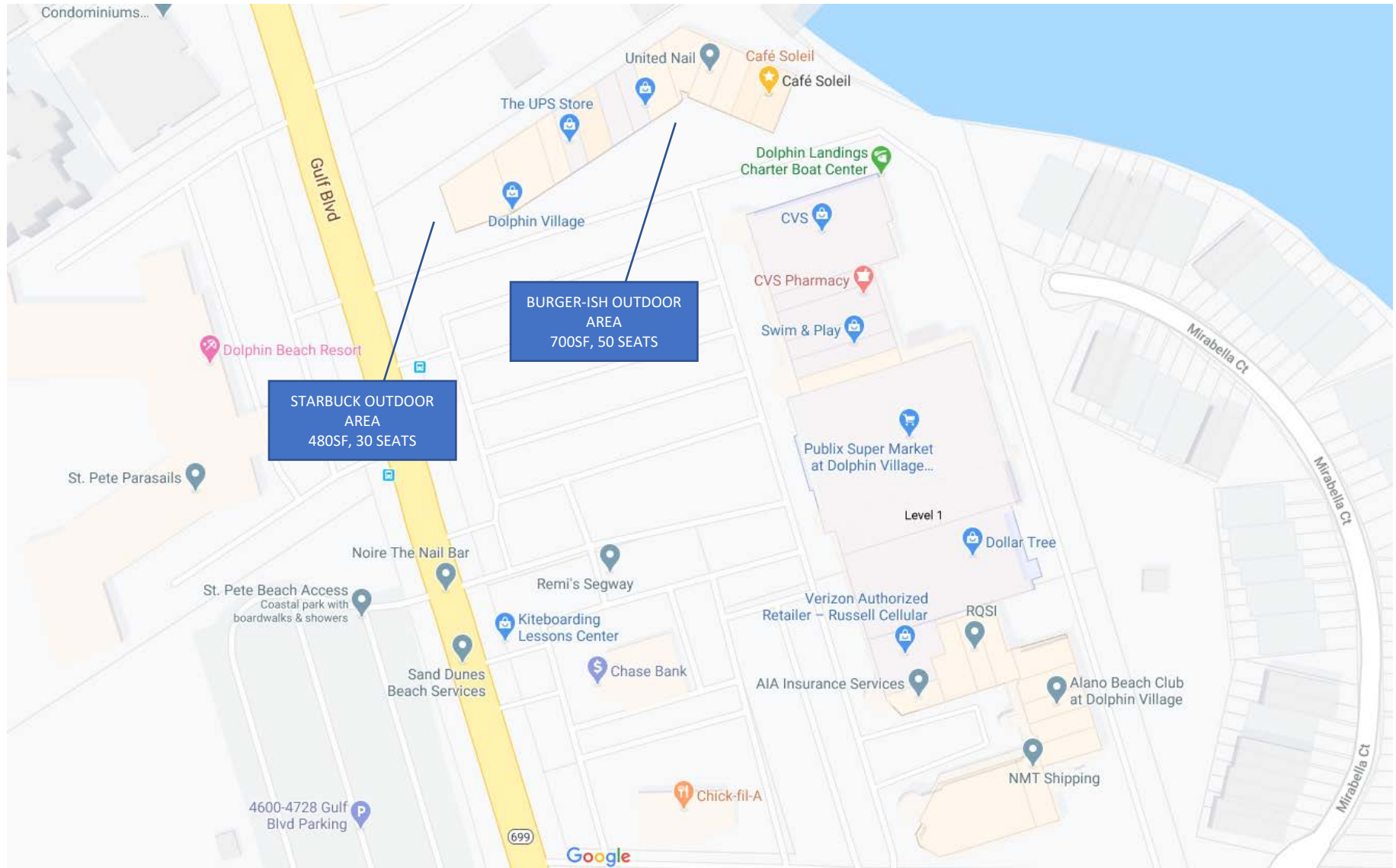
### **STAFF RECOMMENDATION**

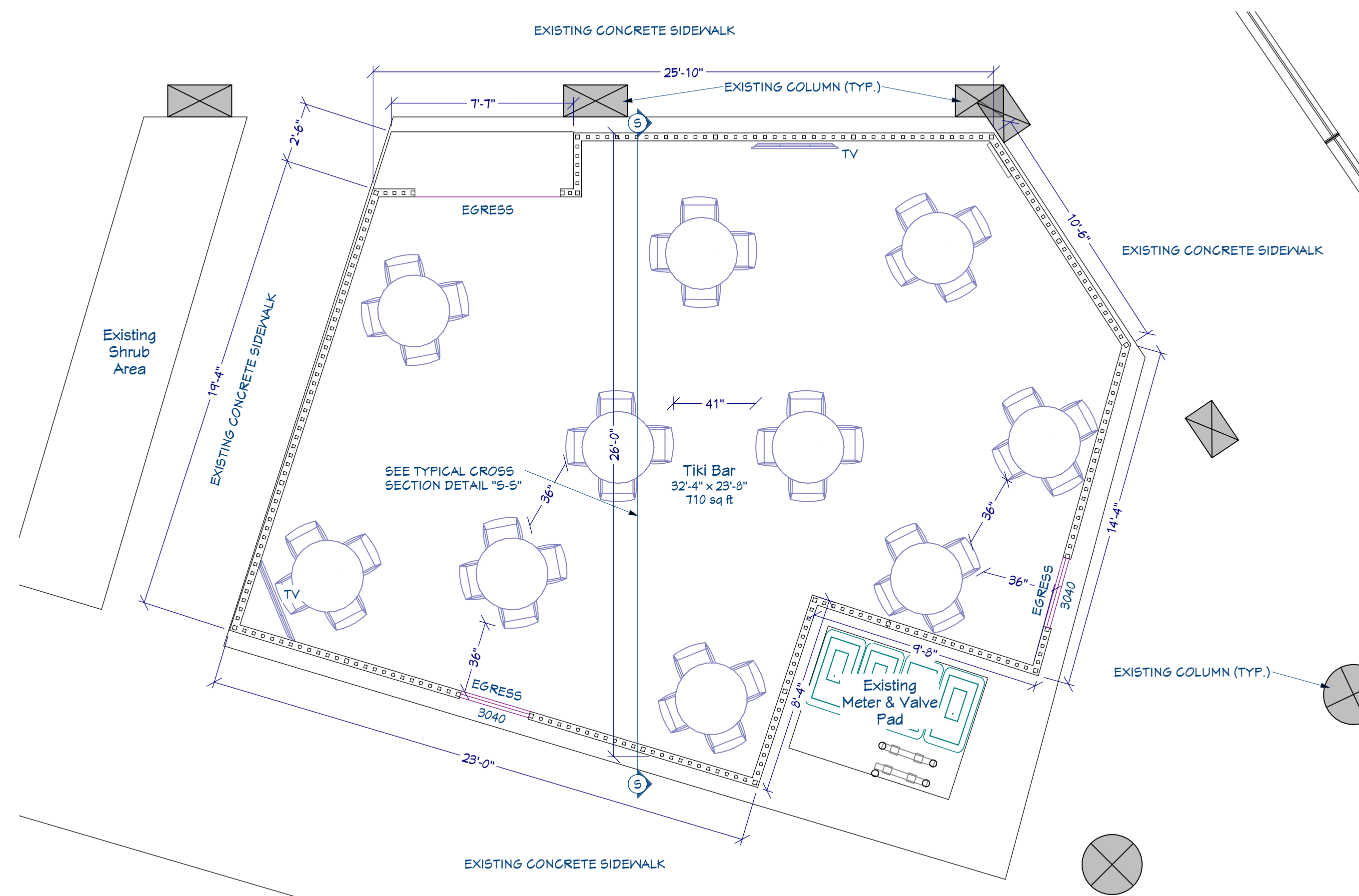
It has been determined that the reviewing body (City of St. Pete Beach City Commission) is empowered under the LDC to grant a Conditional Use for application #19067. Granting this request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district provided the conditions as proposed by staff are adhered to. Should the City Commission grant the Conditional Use, the application should be subject to the following five (5) conditions:

1. Any new amplified speakers installed to accommodate this outdoor seating area shall be disabled between the hours of 10 pm and 7 am, and amplified noise shall comply with the city's noise standards at all times. Any amplified speakers shall be directed toward the outdoor seating area;
2. Any new lighting installed to accommodate this request shall be shielded and directed toward the outdoor seating area, and away from adjacent properties;
3. At least one trash can shall be installed in the outdoor seating area;
4. Upon issuance of a tropical storm or hurricane warning, all tables, chairs, and other temporary equipment shall be securely stored inside.
5. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use.

## DOLPHIN VILLAGE

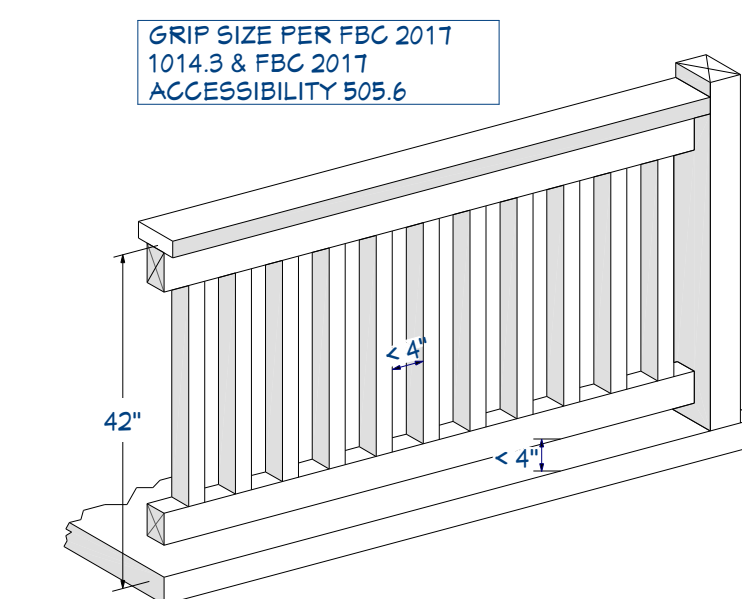
### BURGER-ISH & STARBUCKS, 4901 GULF BLVD, PROPOSING OUTDOOR EATING AND DRINKING





PROPOSED TIKI BAR FLOOR PLAN

SCALE: 1/4" = 1'



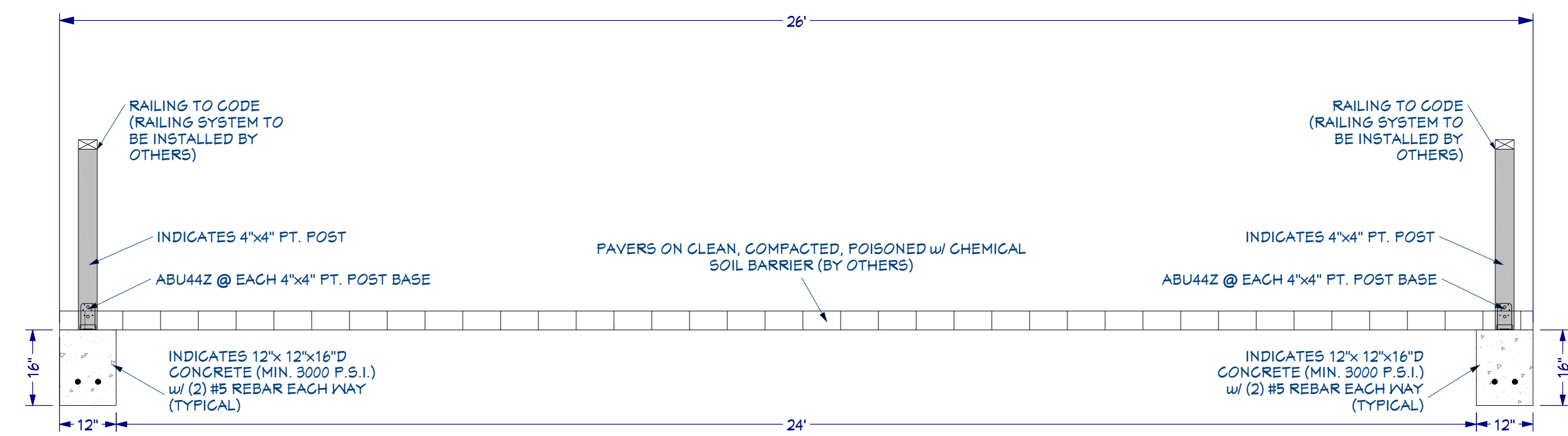
GRIP SIZE PER FBC 2011 1014.3 & FBC 2011 ACCESSIBILITY 505.6

GUARDRAILS SHALL NOT BE LESS THAN 42" HIGH (MEASURED VERTICALLY) PER FBC 2011 1015.3.

GUARDRAIL MEMBERS SHALL BE SPACED SO A SPHERE 4" IN DIAMETER WILL NOT PASS THROUGH PER FBC 2011 1015.4.

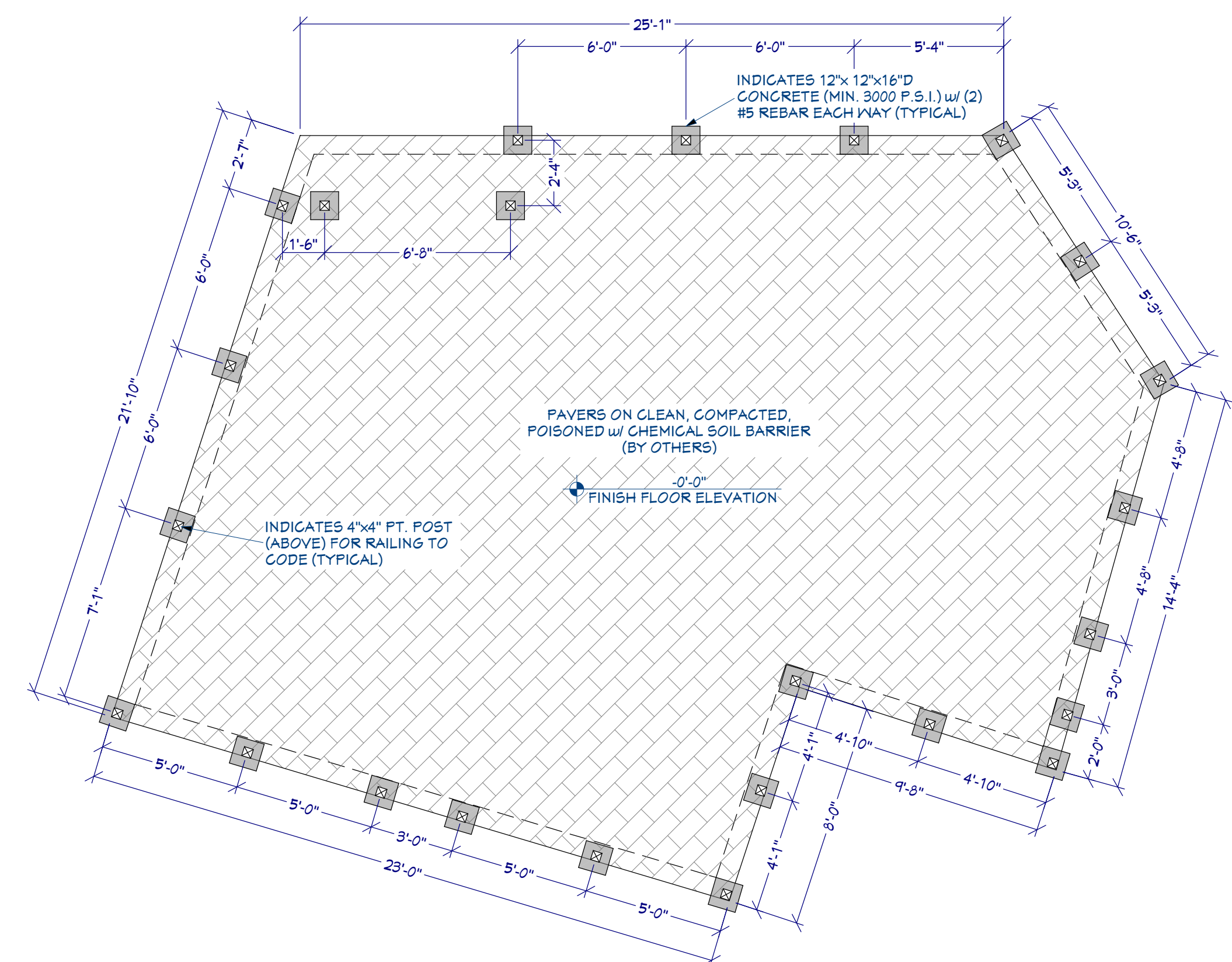
(REFER TO FBC 2011 RESIDENTIAL CHAPTER 311 TO 312 FOR ADDITIONAL INFORMATION)

TYPICAL RAILING DETAIL



TYPICAL CROSS SECTION DETAIL "S-S"

SCALE: 1/2" = 1'



PROPOSED TIKI FOUNDATION PLAN

SCALE: 1/4" = 1'

COPYRIGHT  
© 2020

Tiki For:  
**BURGER IM**

4755 Gulf Blvd.  
St. Pete Beach, Florida 33706

WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THESE DRAWINGS, THE DESIGNER MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AGAINST HUMAN ERROR. PRIOR TO THE COMMENCEMENT OF ANY WORK, THE CONTRACTOR MUST VERIFY ALL DIMENSIONS, DETAILS, AND INFORMATION PROVIDED IN THESE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES ON THE DRAWING PRIOR TO THE COMMENCEMENT OF ANY WORK.

**R&S PROFESSIONAL ENGINEERS, LLC**  
420 PALM AVENUE, ELLENTON, FL 34223  
PH: 941-417-2034 E-MAIL: PED@PEDFL.COM

COA #: 29251

☒ LUIS A. ROSARIO, P.E. FL# 61923  
☐ MILAN SLOVAK, P.E. FL# 61623

SEAL:

DATE: MAY 6, 2020  
PROJECT STATUS: FINAL  
DRAWN BY: ALBERT V.  
JOB #: 19092  
SHEET:

1 of 1

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

**Issue Considered:** Resolution 2020-xx: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for Starbucks c/o Michael Martin located at 4901 Gulf Boulevard to allow for Outdoor Seating (30 seats) in front of the coffee shop.

**Date:** September 9, 2020

**Prepared By:** Wesley T. Wright, Community Development Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Agent, Michael Martin, is requesting a CUP, pursuant to Section 38.4(f) of the Land Development Code, in order to allow for Outdoor Seating.

Staff recommends approval of the CUP (with 6 conditions).

**Funding:** N/A

**Requested Motion:** “I move to approve Resolution 2020-xx (read title), with the following Conditions (state conditions).

**Attachment:** Resolution 2020-xx  
Application of request  
Staff Report  
Site Location  
Site Plan

**Reviewed by the  
City Manager:** AR

## **RESOLUTION 2020-xx**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING STARBUCKS TO OPERATE AN OUTDOOR SEATING AREA IN THE FRONT OF THE COFFEE SHOP LOCATED AT 4901 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission supports maintaining Gulf Blvd as an environment that provides amenities that serve guests and residents alike; and,

**WHEREAS**, Starbucks desires to add an outdoor seating (30 seats) area within the front of the coffee shop; and,

**WHEREAS**, Michael Martin, c/o BRE Mariner Dolphin Village LLC, filed with the City an Application on June 8, 2020, for a Conditional Use for the property located at 4901 Gulf Blvd, St. Pete Beach, Florida; and,

**WHEREAS**, the application for Conditional Use Permit was reviewed by the Technical Review Committee on July 15, 2020, and the recommended conditions appropriate to mitigate potential impacts imposed by the use were determined and are outlined in the associated staff report submitted to the City Commission; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing on September 9, 2020, to consider the Conditional Use Permit Application in accordance with all the criteria listed in the City of St. Pete Beach Land Development Code; and

**WHEREAS**, while the Conditional Use Permit application was reviewed, pursuant to City Land Development Code, this Resolution is for only the Conditional Use Permit approval.

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

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

SECTION 2. The City Commission hereby incorporates the following conditions into the Conditional Use permit:

1. Any new amplified speakers installed to accommodate this outdoor seating area shall be disabled between the hours of 10 pm and 7 am, and amplified noise shall comply with the city's noise standards at all times. Any amplified speakers shall be directed toward the outdoor seating area;

2. Any new lighting installed to accommodate this request shall be shielded and directed toward the outdoor seating area, and away from adjacent properties;
3. At least one trash can shall be installed in the outdoor seating area;
4. Upon issuance of a tropical storm or hurricane warning, all tables, chairs, and other temporary equipment shall be securely stored inside.
5. A six-foot tall hedge shall be installed along the northern side of the property abutting the outdoor seating area, except that the hedge may be reduced to four feet in height if it conflicts with required front property setbacks for hedges;
6. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use Permit.

SECTION 3. Effective Date. This resolution shall take effect immediately upon adoption.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 9TH DAY OF SEPTEMBER, 2020.**

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

---

Alan Johnson, Mayor

ATTEST:

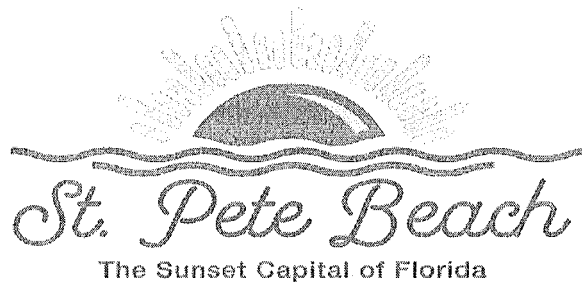
---

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

---

Andrew Dickman, City Attorney



## CONDITIONAL USE 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.



I understand that the City will not accept or process an incomplete application.



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 conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.



On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.



I understand that if a conditional use is approved by the 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 City Commission becomes voided.



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.



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

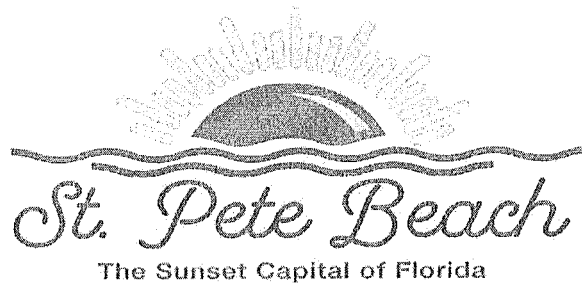
After acknowledgement of these conditions, complete the application form on the following pages

**Michael Martin** Digitally signed by Michael Martin  
Date: 2020.06.08 09:50:26 -05'00'

Signature of Applicant

Date

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



## CONDITIONAL USE APPLICATION

Case Number: 20032

PROPERTY OWNER: B R E Mariner Dolphin Village LLC

APPLICANT/AGENT (Attach agent authorization form)

Name: Matthew Ryan

Name: Michael Martin

Address: PO Box 4900

Address: 319 Elaines Court

City: Scottsdale State: AZ

City: Dodgeville State: WI

Zip: 85261 Telephone: 813-907-8000

Zip: 53533 Telephone: 608-407-9090

Email: \_\_\_\_\_

Email: mike@permit.com

### SUBJECT PROPERTY:

Address: 4811 Gulf Blvd Current Name of Business: \_\_\_\_\_

Parcel ID: 063216000003300500 Name of Project: Starbucks Coffee Co

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

Request for operation of outdoor seating for new Starbucks Coffee store that will require Conditional

Use approval.

Michael Martin  
Signature of Applicant/Agent

6/05/2020  
Date

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155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

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

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

Yes, the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan any adopted area plan.

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

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

No, the overall appearance and function of the area will not be significantly affected.

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

There are no designated historic, scenic, archaeological, or cultural resources at this location.

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

Yes, this application and work will be compatible with the adjacent development.

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

No, this application and work will not have any significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, etc.

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

N/a to proposed outdoor seating work

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

The minimum off-street parking area will continue to meet current code.

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

Yes, the public health, safety and welfare will be preserved for this work.

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

Yes, Starbucks will demonstrate the financial and technical capacity to complete improvements.

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

Yes, the proposed use complies with all additional standards imposed on it.

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

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.
3. Hydrological features and storm water management infrastructure.
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.
5. Site landscaping, open space provision and impervious surface limitations.

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6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.
7. Fire suppression and facility security.
8. Emergency management and hurricane evacuation provisions.
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
  - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
  - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

*CITY OF ST. PETE BEACH, Community Development Department*  
*155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)*



### Owner's Authorization for Agent

I/WE

Matthew Ryan  
(print name of property owner)

hereby authorize

Michael Martin  
(print name of agent)

to represent me/us in an application for

Conditional Use  
(type of application: variance, conditional use, zoning, etc.)

[Signature]  
Signature of Owner

Signature of Owner

Matthew Ryan  
Print Name of Owner

Print Name of Owner

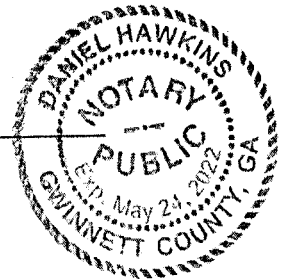
The foregoing instrument was acknowledged before me this 11 day of May 2020, by Matthew Ryan who is personally known GA Diver's License or produced as identification.

[Signature]  
(Notary Signature)

5/11/20

(Date)

My Commission Expires May 24, 2022



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155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



## PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Michael Martin, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

### Applicant/Agent (must fill out agent authorization form):

Name(print): Michael Martin

Address: 4811 Gulf Blvd., St. Pete Beach, FL 33706

Michael Martin  
Signature

6/05/2020  
Date

STATE OF <sup>WISCONSIN</sup> ~~FLORIDA~~ )  
<sup>IOWA</sup> ) SS:  
PINELLAS COUNTY )

The foregoing instrument was acknowledged before me this 5 day of JUNE 20 20 by Erika Aultman, who appeared before me, and is personally known to me, or has produced \_\_\_\_\_ as identification, and did take an oath.

My commission expires: 1-22-2021

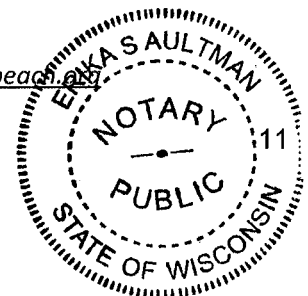
NOTARY:

Print Name: Erika Aultman

Notary Public, State of Florida WI

(Notarial Seal)

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)





**DEPARTMENT OF COMMUNITY DEVELOPMENT  
CONDITIONAL USE APPLICATION  
STAFF REPORT TO THE  
CITY OF ST. PETE BEACH CITY COMMISSION**

**APPLICATION NUMBER:** 20032 Michael Martin for Matthew Ryan of B R E Mariner Dolphin Village LLC

**PREPARED BY:** Community Development Department Staff

**MEETING DATE:** September 9, 2020

This application is a request for a Conditional Use Permit:

|                                              |                                                                                                                                                                                         |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                              | Applicant requests a Conditional Use Permit to establish a 30-seat outdoor seating area for the eating and drinking establishment (LDC Sec. 38.4(f)).                                   |
| <b>LOCATION:</b>                             | 4901 Gulf Blvd; Parcel ID # 06-32-16-00000-330-0500.                                                                                                                                    |
| <b>ACREAGE:</b>                              | Approximately 9.87 acres (Dolphin Village Shopping Center)                                                                                                                              |
| <b>EXISTING ZONING AND LAND USE</b>          | AC – Activity Center within the Gulf Boulevard Redevelopment District on the Zoning Map; AC – Activity Center on the Future Land Use Map                                                |
| <b>SURROUNDING FUTURE LAND DESIGNATIONS:</b> | North – AC – Activity Center<br>South – AC – Activity Center<br>East – RM – Residential Medium and Boca Ciega Bay<br>West – Gulf Blvd, LR – Large Resort and BHC – Boutique Hotel/Condo |
| <b>SURROUNDING ZONING MAP DESIGNATIONS:</b>  | North – AC – Activity Center<br>South – AC – Activity Center<br>East – RM – Residential Medium<br>West – Gulf Blvd, LR – Large Resort and BHC – Boutique Hotel/Condo                    |
| <b>SURROUNDING EXISTING USES:</b>            | North – Four-plex multifamily<br>South – Apartments, condominiums, and 46 <sup>th</sup> Avenue<br>East – Townhomes and Boca Ciega Bay<br>West – Resort and beach access parking         |

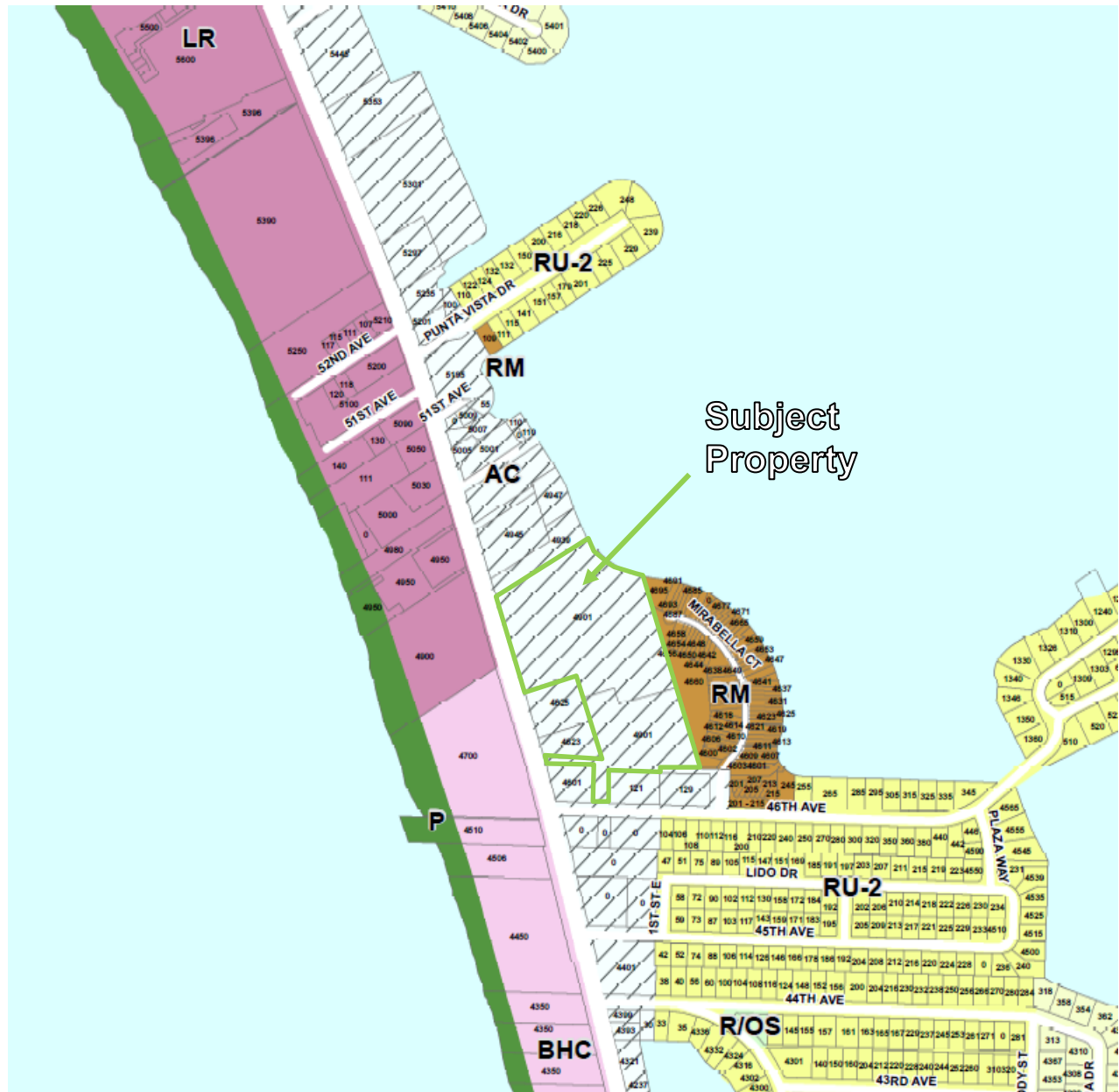
## **BACKGROUND**

The applicant is currently undertaking the renovation of a former office space for a new coffee shop tenant.

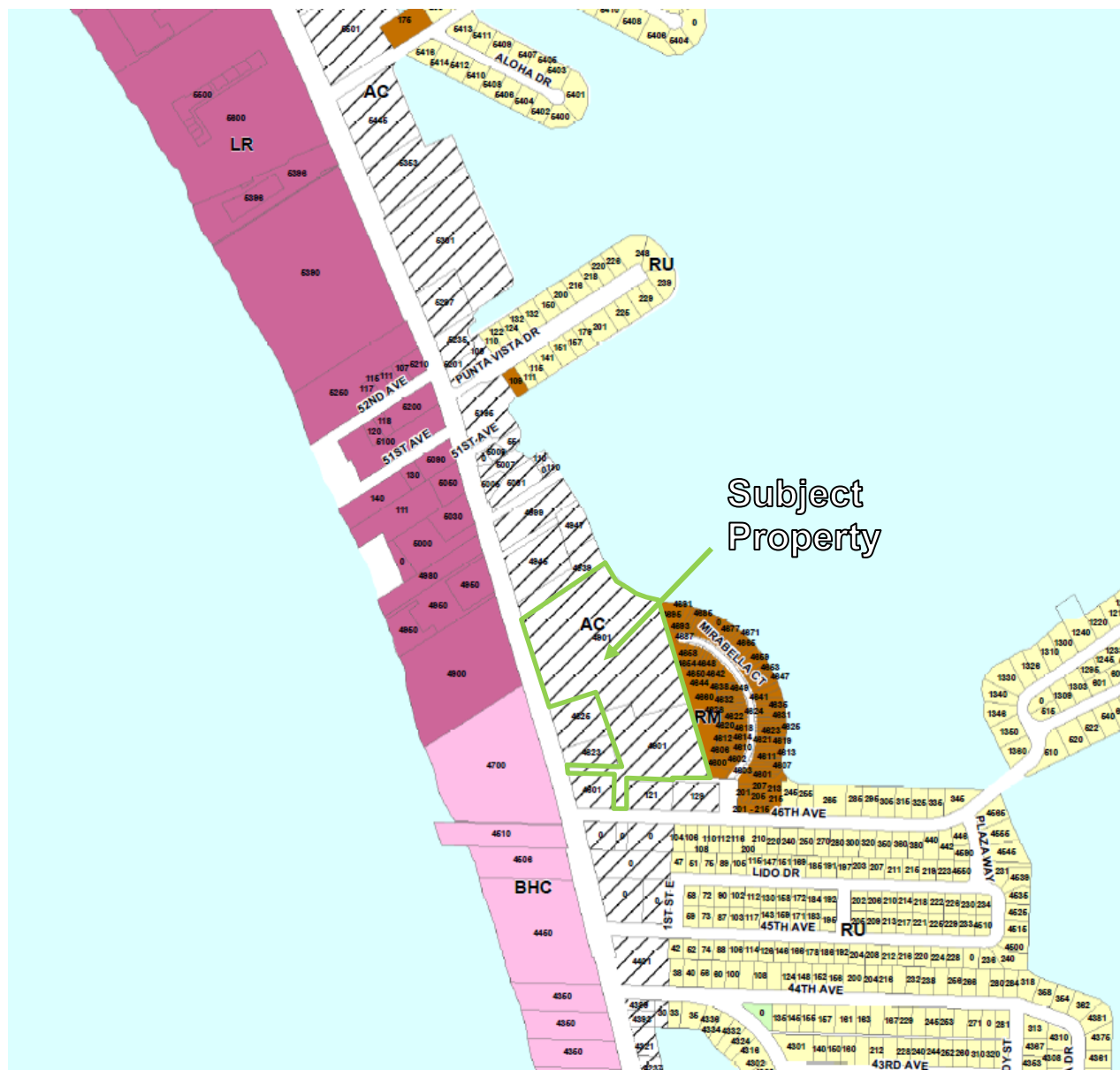
## **ANALYSIS**

This request accompanies other permitted renovation work to alter the unit's façade to create additional seating area under an existing overhang, along with interior renovation work. As this property is located within the Activity Center district, all outdoor seating associated with an eating and drinking establishment requires the issuance of a conditional use permit. The outdoor seating area is generally defined at 40x12' (480 SF), so additional parking is not required to accommodate this request. The applicant is providing additional parking spaces on site to accommodate the spaces required under the interior unit conversion.

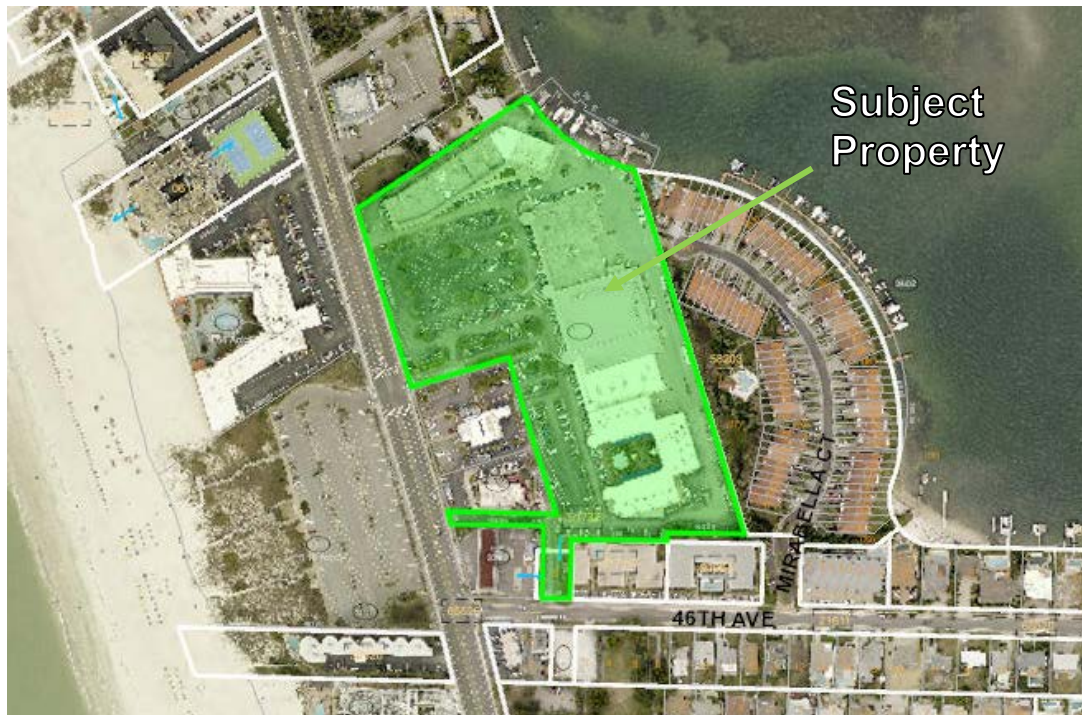
## ZONING MAP



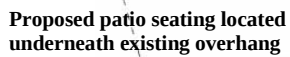
## FUTURE LAND USE MAP



## AERIAL MAP







#### **CONDITIONAL USE PERMITS- 4.4 STANDARDS FOR REVIEW**

**When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:**

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**

The conditional use request is consistent with the Comprehensive Plan in the following ways:

#### **Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District**

##### **GOAL 1:**

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

##### **Objective 1.1**

All development and redevelopment within the Gulf Boulevard Redevelopment District shall further the goals, objectives and policies of the Community Redevelopment District, this District and each character district within which development occurs; and shall comply with the design guidelines and the applicable land development regulations for the respective character district.

##### **GOAL 3:**

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

##### **Objective 3.3**

Redevelopment is encouraged to create a vibrant Gulf Boulevard core resort environment containing a variety of building forms and styles of exceptional architectural design and high quality finishes that respect the Gulf Boulevard resort character and heritage, increase Green space, reduce paved surface parking, increase side yard setbacks, increase setbacks from Gulf Boulevard, and provide amenities, retail services, restaurants and waterfront beach bars that serve guests and residents alike.

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

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

*The overall appearance of the area will not be significantly impacted. All renovation work associated with the unit is taking place within the existing building footprint. Dolphin Village contains a number of tenants that provide outdoor seating for their customers.*

- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;**

*There are no known historic, archaeological or cultural resources on this site.*

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

*The outdoor seating area appears to be generally compatible in terms of design with the rest of the shopping center. The number of seats and general size of the seating area is similar in scale and size to another request within the same plaza. Several other properties within the Activity Center district contain outdoor seating.*

*A four-unit multifamily complex exists to the immediate north of this property. While an existing landscape buffer exists on the opposite side of a fence abutting this seating area to the north, staff are recommending that the applicant install sufficient landscaping to visually mitigate the view of the seating area from the abutting property. The applicant has proposed a six-foot hedge along this portion.*

- (3) **Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;**

*The coffee shop is occupying a portion of the strip center that contains a number of other restaurants and eateries with outdoor seating. No outdoor food preparation is proposed, and staff are not anticipating any increase in dust, fumes, smoke or odors due to the use. If alcohol is available for sale at the shop, signs noting that they are*

*prohibited from being taken outside of the outdoor seating area will be installed. Staff are recommending that at least one trash can be installed outside for customer use, and all lighting installed to support the outdoor seating area be shielded as well as oriented toward the outdoor seating area. The restaurant is occupying a unit in the strip center previously used for a restaurant and the applicant has no plans for outdoor food preparation, which should not result in increased dust, fumes, smoke, or odors. Transportation of alcohol outside the designated outdoor seating area is prohibited and the seating area will be required to be fitted with signs noting such, which will mitigate outside activities. Staff are recommending that trash cans be installed in the outdoor seating area for customer use, and the applicant will be required to shield all lighting installed to support the seating area. Staff are further recommending that amplified speakers associated with the outdoor seating area be limited to the hours of 7 am to 10 pm. The applicant states that the volume level of the speakers will be limited from being heard more than 20 feet away from the outdoor seating area, which staff finds is appropriate given the distance of abutting uses from the tenant location.*

- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;**

*No space for the loading and unloading of trucks is anticipated to be needed. The applicant is supplying additional on-site parking spaces to accommodate the conversion of the unit, but no additional spaces are required to support the outdoor seating area.*

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

*Staff find that the general public health, safety and welfare will be preserved. The outdoor seating area will be required to comply with City standards for delineation from the abutting sidewalks and drive lanes. Staff are recommending that the seating area be equipped with trash cans to reduce risk of trash exiting the seating area.*

- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;**

*The applicant is operating this outdoor seating area as accessory to the primary coffee shop located behind it, which is in the process of being renovated. The design of the area is expected to result in minimal costs to the project.*

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

*The applicant will be required to comply with all standards related to outdoor seating areas as established in the Land Development Code.*

**Sec. 4.12. - Criteria for review of conditional use applications.**

**(a) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:**

- (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;**

*No additional utility infrastructure is expected to be required to accommodate this request.*

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

*This request is not anticipated to have a noticeable impact on local transportation infrastructure, or affect vehicular circulation or local parking areas.*

- (3) Hydrological features and storm water management infrastructure;**

*No new impervious surface will be created to accommodate this request.*

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

*The footprint of the building in the tenant's location is not being altered to accommodate this request. The façade of the unit facing Gulf Boulevard is being somewhat recessed to create additional outdoor patio area, but the proposed space will be underneath of an existing awning. The applicant has supplied separate sign permits that meet the standards of the Land Development Code. Work proposed is not anticipated to impact Gulf and Bay views and vistas.*

**(5) Site landscaping, open space provision and impervious surface limitations;**

*No additional impervious surface is proposed to be created to accommodate this request. The applicant has agreed to install a 6' hedge along the northern side of the lot to buffer the seating area from the abutting multifamily property.*

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

*Staff are recommending that any new amplified speakers associated with this use be disabled between the hours of 10 pm and 7 am daily. A lighting plan for the use has not been provided, but staff recommend that any lighting associated with the request be directed toward the seating area and away from adjacent properties.*

**(7) Fire suppression and facility security;**

*Any fire suppression required by the fire marshal shall be in place prior to operation of the outdoor seating area.*

**(8) Emergency management and hurricane evacuation provisions; and**

*Suitable protective barriers shall be installed around the outdoor seating area. The applicant is proposing wheel stops. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment shall be securely stored inside.*

**(b) Any of the foregoing elements may be omitted from the conditional use application upon agreement of the city commission.**

**(c) Content additional to the foregoing may be included in the application, so long as such content is consistent with the applicable requirements of this Code.**

In addition per LDC Division 4, Conditional Use Permits, Section 4.11, Conditional uses in designated community redevelopment district:

It is the intent of the city that the aesthetic and functional characteristics of new development shall be regulated to insure consistency with the stated objectives of city redevelopment policy and that all new development is undertaken in a manner consistent with the best interests of the community. In instances of development projects which are of significant density or intensity, the complexity of the construction and operation of such projects require a higher than usual level of public security and technical review prior to permitting, and necessitate the articulation of specific requirements on the part of both the developer and the city to ensure that such developments are in harmony with community character and consistent with the policies of the community redevelopment plan. The provisions of this section are intended to supplement the stated requirements of this division and other divisions of the Land Development Code and provide for

the incorporation of provisions into conditional use approvals which address issues of public concern.

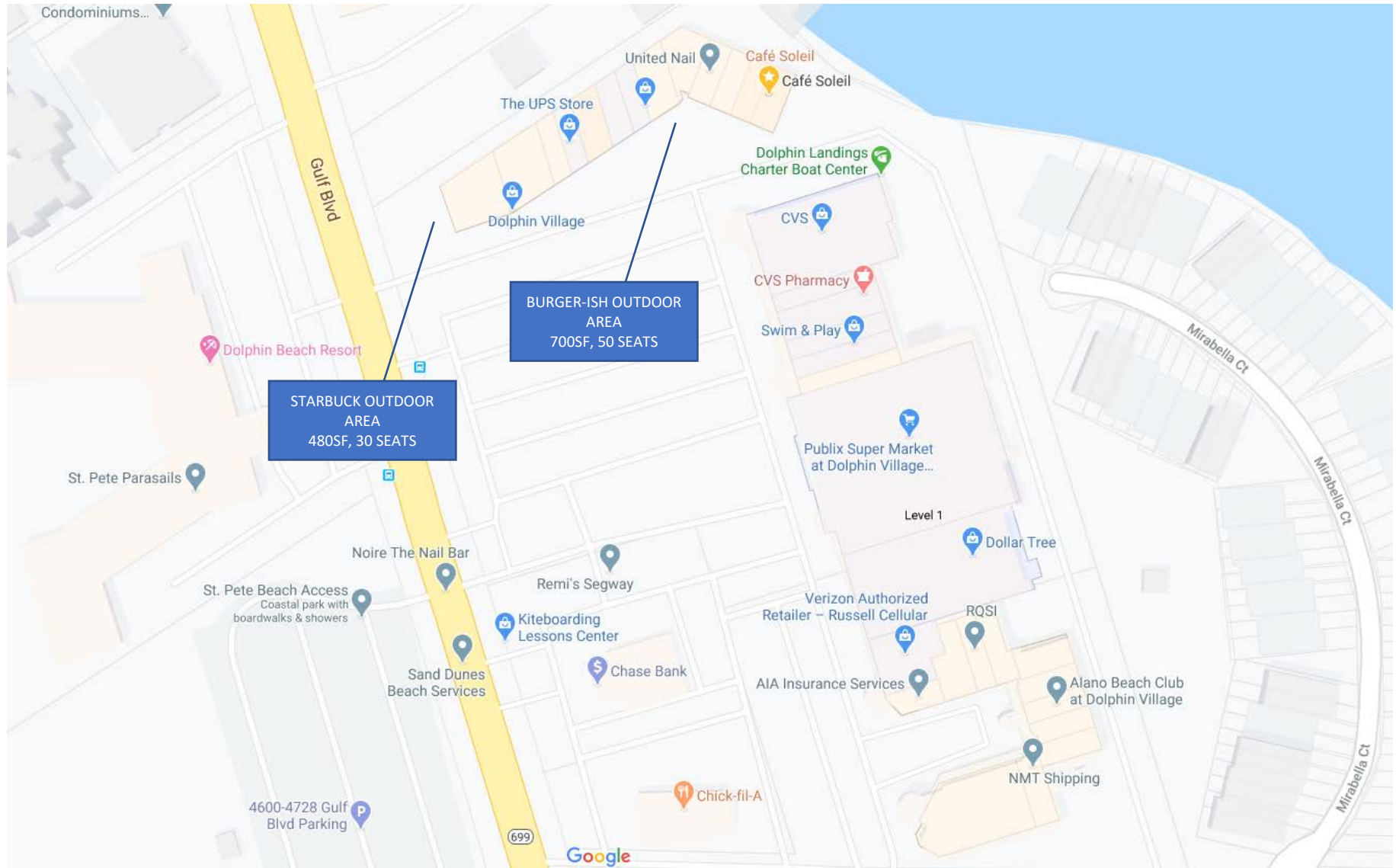
### **STAFF RECOMMENDATION**

It has been determined that the reviewing body (City of St. Pete Beach City Commission) is empowered under the LDC to grant a Conditional Use for application #20032. Granting this request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district provided the conditions as proposed by staff are adhered to. Should the City Commission grant the Conditional Use, the application should be subject to the following six (6) conditions:

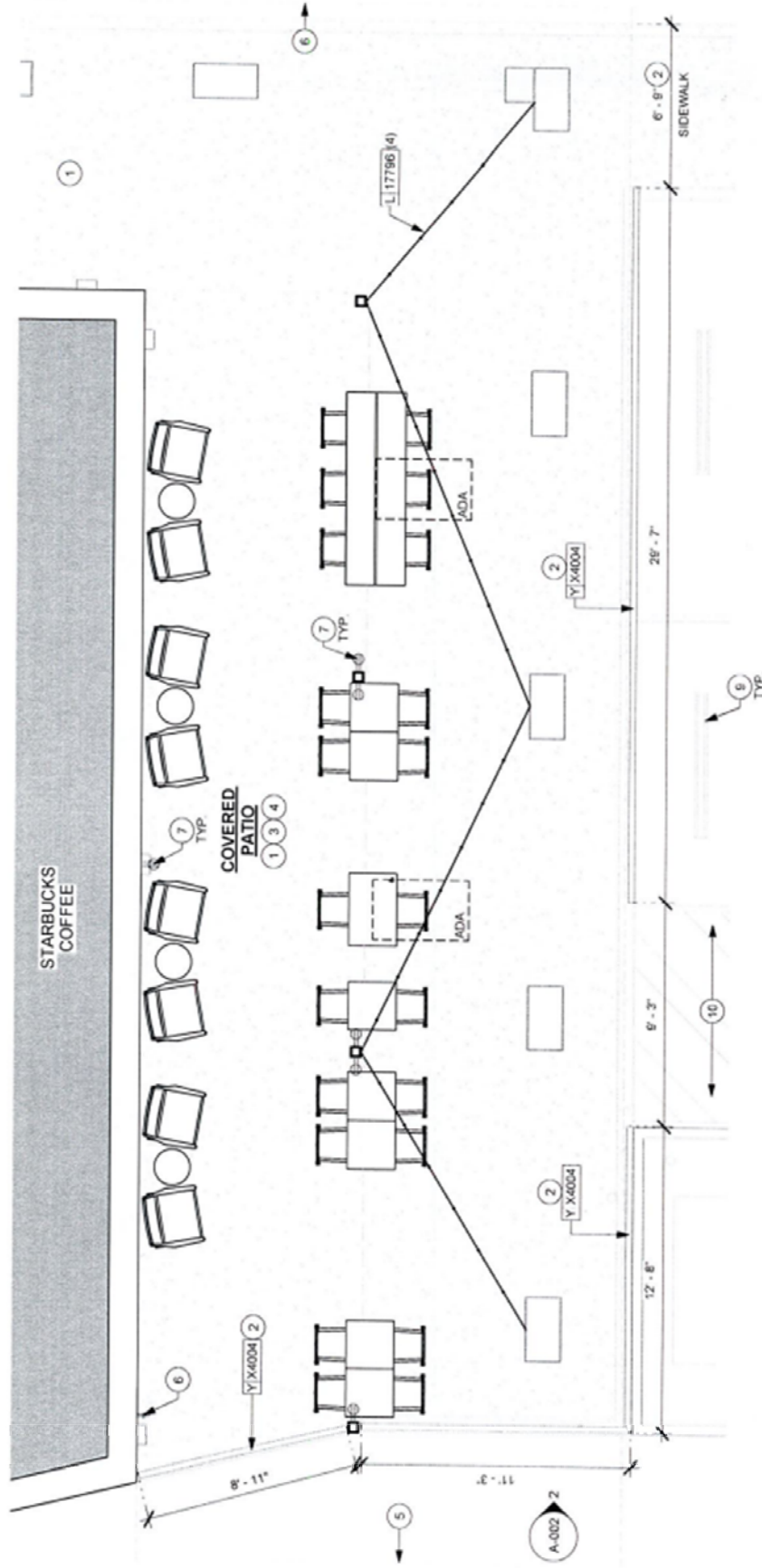
1. Any new amplified speakers installed to accommodate this outdoor seating area shall be disabled between the hours of 10 pm and 7 am, and amplified noise shall comply with the city's noise standards at all times. Any amplified speakers shall be directed toward the outdoor seating area;
2. Any new lighting installed to accommodate this request shall be shielded and directed toward the outdoor seating area, and away from adjacent properties;
3. At least one trash can shall be installed in the outdoor seating area;
4. Upon issuance of a tropical storm or hurricane warning, all tables, chairs, and other temporary equipment shall be securely stored inside.
5. A six-foot tall hedge shall be installed along the northern side of the property abutting the outdoor seating area, except that the hedge may be reduced to four feet in height if it conflicts with required front property setbacks for hedges;
6. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use Permit.

## DOLPHIN VILLAGE

### BURGER-ISH & STARBUCKS, 4901 GULF BLVD, PROPOSING OUTDOOR EATING AND DRINKING







1 ENLARGED PATIO PLAN  
Scale 1/8" = 1'-0"

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

**Issue Considered:** Resolution 2020-xx: A Resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use Permit (CUP) for Rick McCool of United Fidelity Bank, concerning property at 3813 Gulf Blvd, to allow for a 10'x8' extension of a Class B dock.

**Date:** September 9, 2020

**Prepared By:** Wesley T. Wright, Community Development Director

**Through:** Alex Rey, City Manager

**Summary of Issue:** The Applicant, Rick McCool, is requesting a CUP, pursuant to Section 42.4(c) of the Land Development Code, in order to allow for a Class B dock extension.

Staff recommends approval of the CUP (with 4 conditions).

**Funding:** N/A

**Requested Motion:** "I move to approve Resolution 2020-xx (read title), with the following Conditions (state conditions).

**Attachment:** Resolution 2020-xx  
Application of request  
Staff Report  
Site Plan

**Reviewed by the City Manager:** AR

## **RESOLUTION 2020-xx**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE CONSTRUCTION OF CLASS B DOCK EXTENSION (8'X10') TO THE EXISTING DOCK LOCATED AT 3813 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission supports waterfront recreation that serves residents and visitors; and,

**WHEREAS**, Rick McCool of United Fidelity Bank requests to extend an existing Class B dock to provide an expanded resident amenity; and,

**WHEREAS**, the Applicant filed with the City an Application on June 22, 2020, for a Conditional Use for the property located at 3813 Gulf Blvd, St. Pete Beach, Florida; and,

**WHEREAS**, the application for Conditional Use Permit was reviewed by the Technical Review Committee on July 15, 2020, and the recommended conditions appropriate to mitigate potential impacts imposed by the use were determined and are outlined in the associated staff report submitted to the City Commission; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing on September 9, 2020, to consider the Conditional Use Permit Application in accordance with all the criteria listed in the City of St. Pete Beach Land Development Code; and

**WHEREAS**, while the Conditional Use Permit application was reviewed, pursuant to City Land Development Code, this Resolution is for only the Conditional Use Permit approval.

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

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

SECTION 2. The City Commission hereby incorporates the following conditions into the Conditional Use permit:

1. The applicant shall install a standpipe and fire extinguishers as directed by the fire marshal unless otherwise waived;
2. Any dock lighting shall be shielded and directed away from adjacent properties;

3. Future requests to enlarge this dock, or add additional dock amenities such as boat lifts or tie poles, shall require amendment of this conditional use permit by the City Commission provided that Class B docks remain conditional uses within this property's district;
4. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use Permit.

SECTION 3. Effective Date. This resolution shall take effect immediately upon adoption.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 9TH DAY OF SEPTEMBER, 2020.**

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

---

Alan Johnson, Mayor

ATTEST:

---

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

---

Andrew Dickman, City Attorney

## CONDITIONAL USE 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 the City will not accept or process an incomplete application.

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 conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.

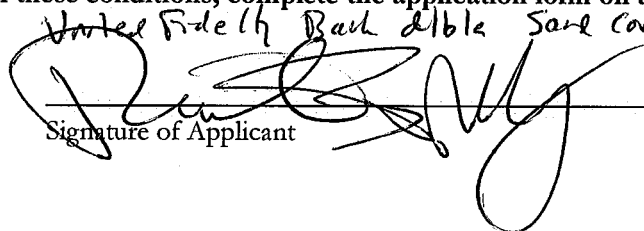
RM On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.

RM I understand that if a conditional use is approved by the 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 City Commission becomes voided.

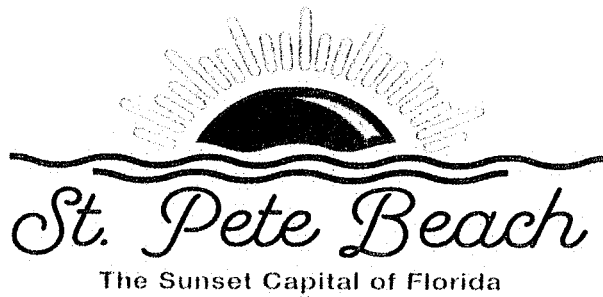
RM I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation 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 following pages

United Fidelity Bank 21616 Sand Cove Apartments by  
  
Signature of Applicant  
6/5/20  
Date

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



## CONDITIONAL USE APPLICATION

Case Number: \_\_\_\_\_

PROPERTY OWNER: United Fidelity Bank

APPLICANT/AGENT (Attach agent authorization form)

Name: Rick McCool Name: \_\_\_\_\_

Address: 770 3rd Avenue Address: \_\_\_\_\_

City: Carmel State: IN City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: 46032 Telephone: 317-587-1692 Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: rmccool@pedcor.net Email: \_\_\_\_\_

### SUBJECT PROPERTY:

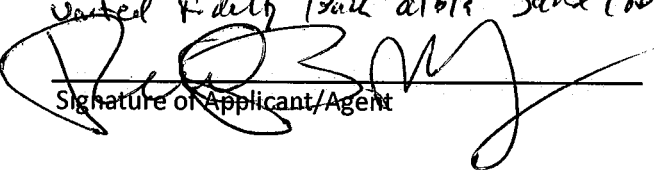
Address: 3813 Gulf Blvd Current Name of Business: Sand Cove

Parcel ID: \_\_\_\_\_ Name of Project: \_\_\_\_\_

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

The request is to extend the existing pier 10 feet to the right. This is an amenity for  
the residents residing in Sand Cove. The applicable code section is  
LDC Sec 42.4C.

United Fidelity Bank at/bk Sand Cove Agent Rick McCool

 Signature of Applicant/Agent

6/5/20 Date

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

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

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

Multifamily housing is allowed in this district. This dock will be for the residents of this multifamily housing to use as an amenity.

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

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

The overall area will not be significantly affected by the dock extension. This is a small extension on an already existing dock. It will be the same size or smaller than other docks in the area.

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

Our original request was to extend the dock 20ft but the site was reviewed and cited for sea grass that needed to be preserved. We were told we could only extend 10ft to preserve the sea grass.

*CITY OF ST. PETE BEACH, Community Development Department*  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

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

The dock will be the same or smaller to the other docks in the area.

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

No, there will not be significant adverse impacts of the usability of the nearby land.

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

The dock is for residents only residing at Sand Cove. There will be no increase of traffic.

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

No.

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

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

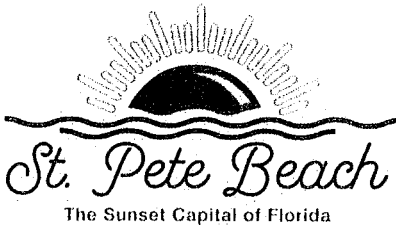
7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.  
Yes.

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

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.  
N/A
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways. N/A
3. Hydrological features and storm water management infrastructure. N/A
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas. N/A
5. Site landscaping, open space provision and impervious surface limitations.  
N/A

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6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance. N/A
7. Fire suppression and facility security. N/A
8. Emergency management and hurricane evacuation provisions. N/A
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered: N/A
  - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
  - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.



## PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, United Fidelity Bank at/bk Sand Cove Apts., agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

### Applicant/Agent (must fill out agent authorization form):

Name(print): Richard B. McCool

Address: 770 3rd Ave SW Camel IN 46032

Signature

Date

STATE OF FLORIDA

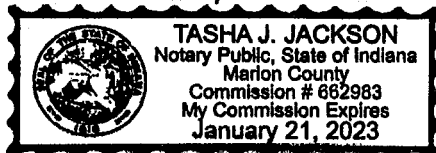
PINELLAS COUNTY

)  
) SS:  
)

The foregoing instrument was acknowledged before me this 5 day of June 2020 by Rick McCool, who appeared before me, and is personally known to me, or has produced \_\_\_\_\_ as identification, and did take an oath.

My commission expires:

January 21, 2023



NOTARY:

Print Name:

Notary Public, State of Florida Indiana

(Notarial Seal)

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)

DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.

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155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



### Owner's Authorization for Agent

I/WE

\_\_\_\_\_  
(print name of property owner)

hereby authorize

\_\_\_\_\_  
(print name of agent)

to represent me/us in an application for

\_\_\_\_\_  
(type of application: variance, conditional use, zoning, etc.)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name of Owner

\_\_\_\_\_  
Print Name of Owner

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_  
\_\_\_\_\_ who is personally known \_\_\_\_\_ or produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Date)

My Commission Expires \_\_\_\_\_

CITY OF ST. PETE BEACH, Community Development Department  
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 [www.stpetebeach.org](http://www.stpetebeach.org)



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
CONDITIONAL USE APPLICATION  
STAFF REPORT TO THE  
CITY OF ST. PETE BEACH CITY COMMISSION**

**APPLICATION NUMBER:** 20038 Rick McCool of United Fidelity Bank

**PREPARED BY:** Community Development Department Staff

**MEETING DATE:** September 9, 2020

This application is a request for a Conditional Use Permit:

|                                              |                                                                                                                                                                               |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                              | Applicant requests a Conditional Use Permit for a 10x8' Class B dock extension (LDC Sec. 42.4(c)).                                                                            |
| <b>LOCATION:</b>                             | 3813 Gulf Blvd; BELLE VISTA BEACH 1ST ADD BLK A, LOTS 24, 25 & 26 LESS RD R/W; Property ID # 07-32-16-07398-001-0240.                                                         |
| <b>ACREAGE:</b>                              | Approximately 1.62 acres (70,700 SF)                                                                                                                                          |
| <b>EXISTING ZONING AND LAND USE</b>          | BR – Bayou Residential within the Gulf Boulevard Redevelopment District on the Zoning Map; BR – Bayou Residential on the Future Land Use Map                                  |
| <b>SURROUNDING FUTURE LAND DESIGNATIONS:</b> | North – BR – Bayou Residential<br>South – BR – Bayou Residential<br>East – Boca Ciega Bay and RU – Residential Urban<br>West – Gulf Blvd and BHC – Boutique Hotel/Condo       |
| <b>SURROUNDING ZONING MAP DESIGNATIONS:</b>  | North – BR – Bayou Residential<br>South – BR – Bayou Residential<br>East – McPherson Bayou and RU-1 – Residential District<br>West – Gulf Blvd and BHC – Boutique Hotel/Condo |
| <b>SURROUNDING EXISTING USES:</b>            | North – Off-site unimproved parking lot<br>South – Condominiums<br>East – McPherson Bayou and single-family residences<br>West – Gulf Blvd and condominiums                   |

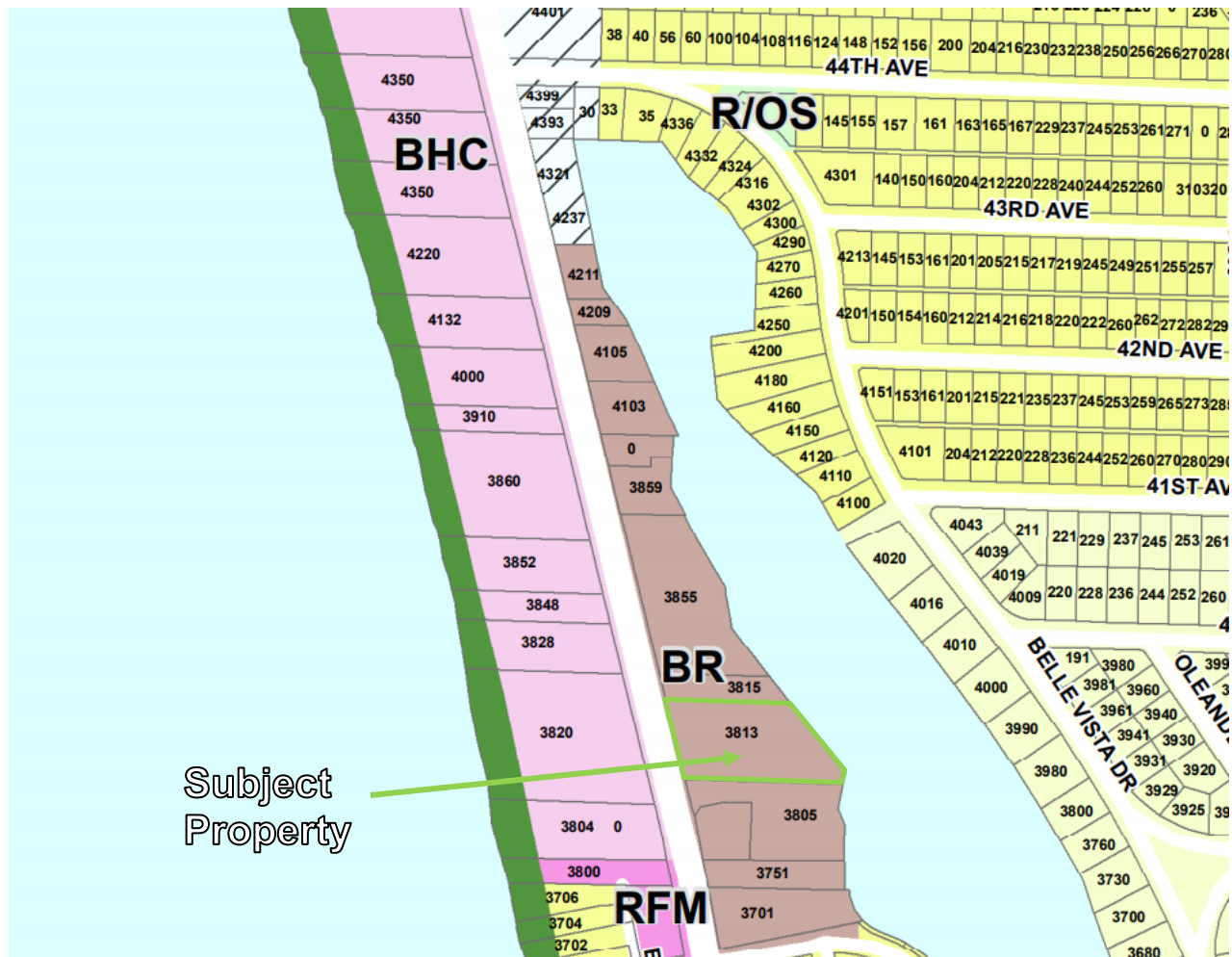
## **BACKGROUND**

The property contains an existing dock originally constructed in 1973 according to the Pinellas County Property Appraiser. The city's code defines any multi-family dock associated with a development of three residential units or greater, such as this one, to be a "Class B" dock.

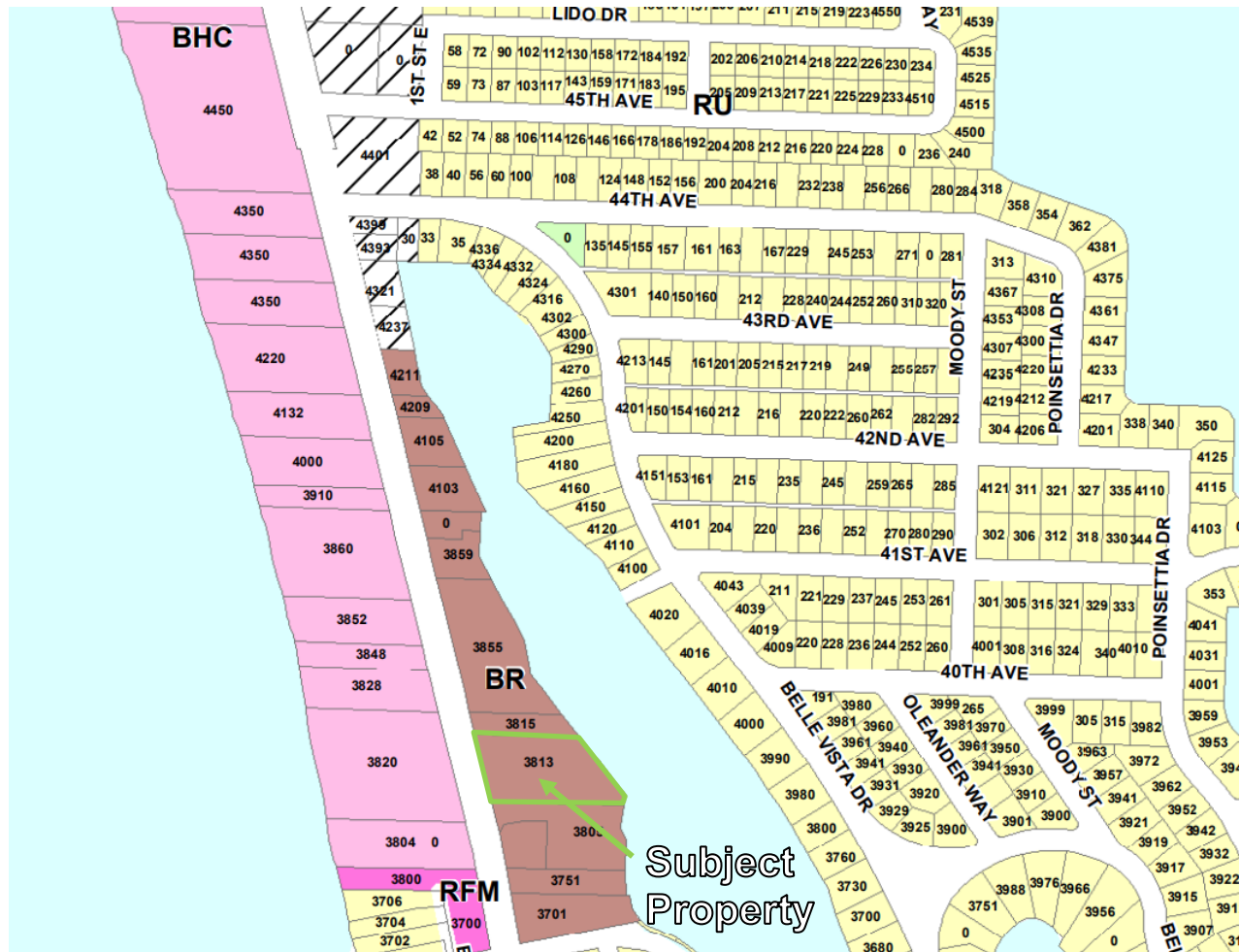
## **ANALYSIS**

Class B docks are conditional uses in the Bayou Residential District in which this property is located, necessitating the issuance of a conditional use permit for any dock expansion.

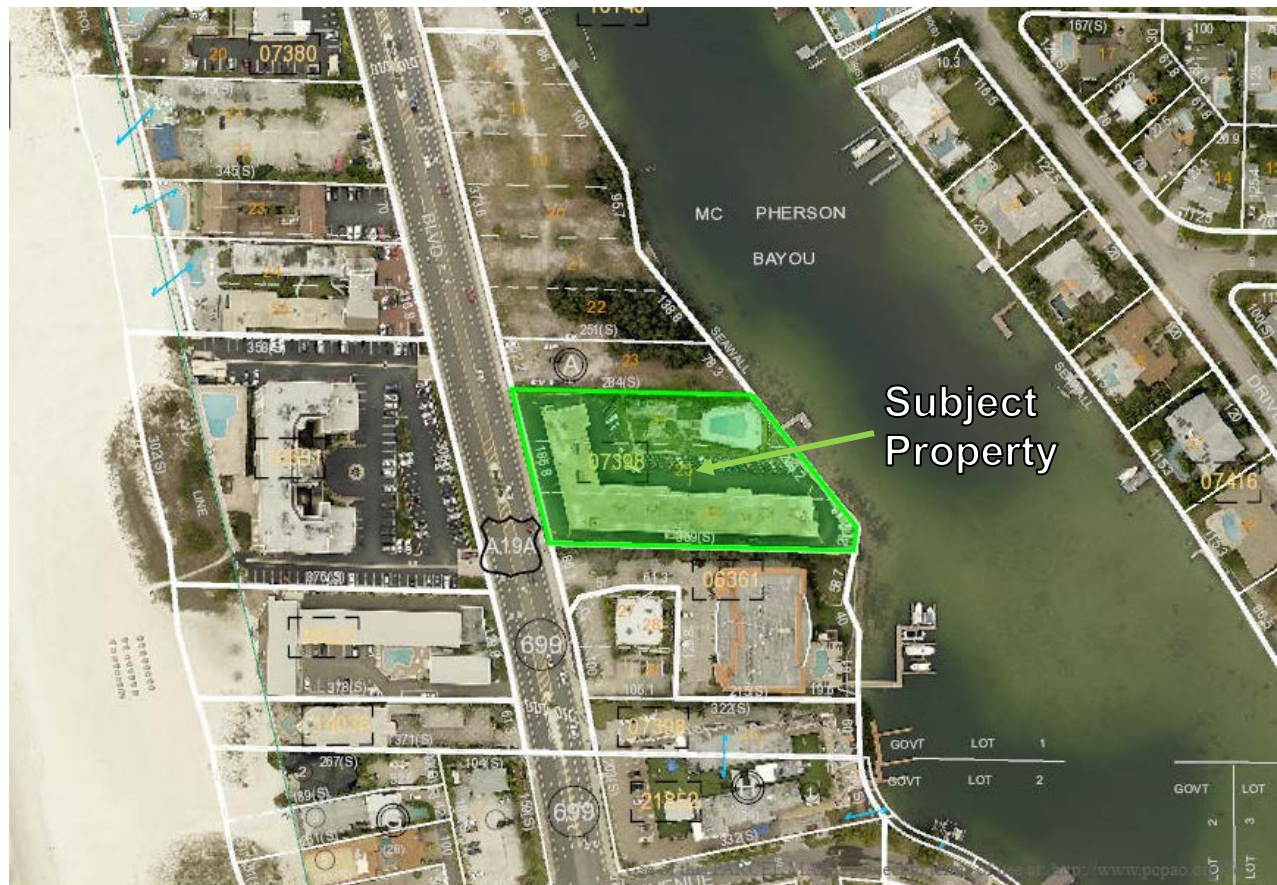
## ZONING MAP



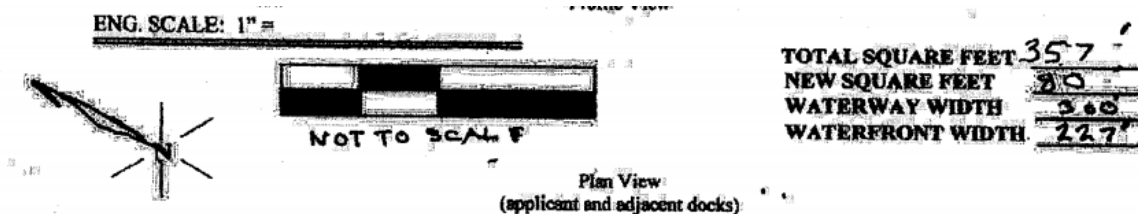
## FUTURE LAND USE MAP



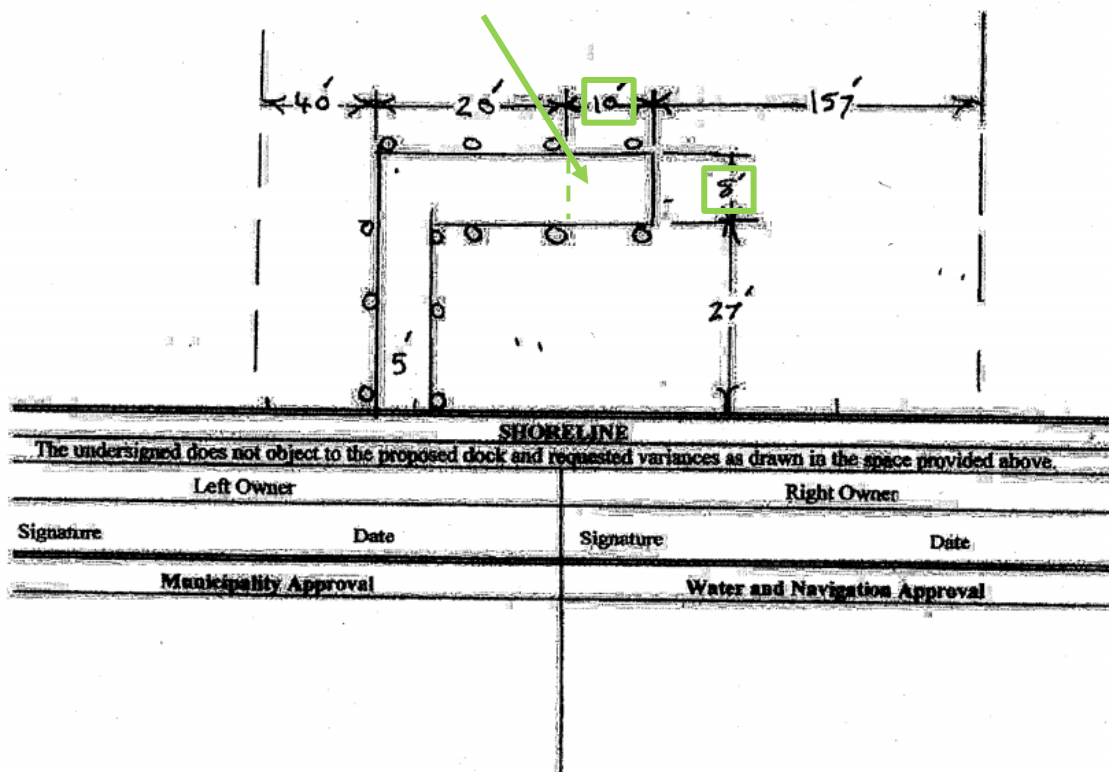
## AERIAL MAP

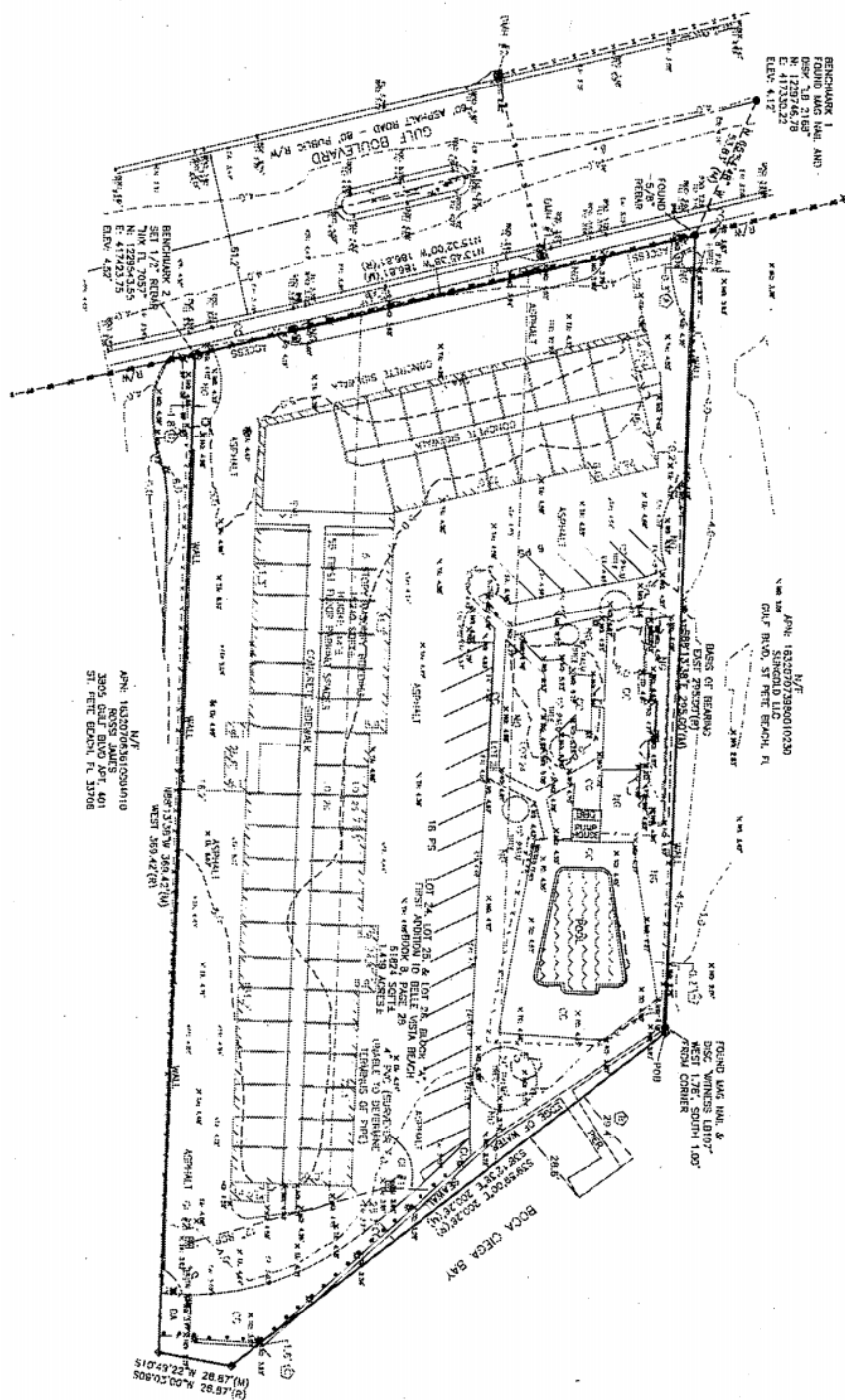


## DOCK PLAN



Proposed 10'x8'  
 dock extension





#### **CONDITIONAL USE PERMITS- 4.4 STANDARDS FOR REVIEW**

**When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:**

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**

The conditional use request is consistent with the Comprehensive Plan in the following ways:

#### **II. – Future Land Use Plan Element, Special Designation – Community Redevelopment District, C. Gulf Boulevard Redevelopment District, Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District**

##### **GOAL 1:**

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

##### **Objective 1.3**

The Gulf Boulevard Redevelopment District shall maintain, and where practical, expand parks and recreational activities, including waterfront recreation that serves residents and visitors.

##### **GOAL 3:**

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

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

*The overall appearance of the area will not be significantly impacted. The dock is existing, and the applicant is proposing a 10x8' (80 SF) lateral addition to the structure. The dock appears to be substantially smaller than other*

*commercial docks in the same zoning district, and will not have any defined slips or boat lifts present.*

- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;**

*There are no known historic, archaeological or cultural resources on this site.*

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

*Staff find that the proposal is consistent with adjacent development. While the presence of seagrass limits the ability of the applicant to extend the dock more than proposed, the dock is substantially smaller than what may be proposed under Land Development Code standards. The dock is proposed to remain smaller than other docks in the same zoning district.*

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

*Staff do not find that the application will have significant adverse impacts on nearby land. The dock is not proposed to extend any further into McPherson Bayou, and the applicant is not proposing to install any boat lifts or other devices that may cause visibility issues for abutting neighbors. Staff do not find that additional traffic will result from the approval of this request.*

- 2 **Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;**

*Staff do not find that the transportation system will be negatively impacted by this request. The applicant states that this dock is intended to remain an amenity for residents of the upland apartments.*

- 3 **Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;**

*No space for the loading and unloading of trucks is anticipated to be needed.*

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

*Staff find that the general public health, safety and welfare will be preserved. The dock extension proposed should not negatively impact the navigability of McPherson Bayou or result in additional boat or vehicular traffic.*

- 5 **Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;**

*The applicant had previously applied for a permit to extend the dock. The limitations to issue the permit stemmed from the county requiring the extension being shortened to avoid seagrass and the city's requirement to obtain a conditional use permit.*

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

*The applicant will be required to comply with all other standards related to commercial docks as established in the Land Development Code.*

#### **Sec. 6.23 – Docks**

(e) *Additional requirements for commercial docks.* A commercial dock shall be permitted only as a conditional use. In addition to the requirements of [Division 4](#), the following standards shall be met prior to the issuance of any development order for any commercial docking facility by the city:

- 1 **The applicant shall demonstrate that the waterfront use is in compliance with this Code or can be brought into compliance to accommodate both the current use and the proposed dock, as it relates to parking, drainage, utilities and other facilities necessitated by the development. This provision shall also apply to a property which is already developed with docking facilities and where the owner wishes to add ancillary facilities;**

*The dock is existing and is intended as a resident amenity. The applicant will be required to install fire suppression devices and adhere with the Land Development Code standards for commercial docks, as stated below.*

- 2 **All commercial dock installations must be consistent with the zoning of the adjacent upland property;**

*The zoning of the property is BR Bayou Residential, which permits Class B docks as a conditional use permit.*

- 3 **Commercial docking facilities constructed in the waters of the county shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront;**

*The property has a 227'-wide waterfront; the dock is proposed to be 30' wide (from 20' existing), or occupy 13 percent of this waterfront. The length is proposed to be 35 feet, or have a length equal to 15 percent of the waterfront width.*

- 4 All docking facilities must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront;**

*The dock will be set back 40 feet (17.5 percent) from the northern extended side property line and 157 feet (69 percent) from the southern extended side property line.*

- 5 Commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived administratively provided that signed statements of "no objection" from the affected property owners has been submitted;**

*The use of the property to the north is a temporary parking lot and the use to the south is condominiums. The setback on the southern side is proposed to be 157 feet, or 69 percent of the waterfront property width.*

- 6 Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;**

*The dock extension will not increase the length of the dock from the seawall more than it is currently.*

- 7 Would have a material adverse effect upon the natural beauty and recreational advantages of the city;**

*The applicant is not proposing any additional defined boat spaces for permanent docking, and the proposed width of the extension has been reduced to avoid seagrass. Staff finds that the proposal will not have an adverse effect upon the natural beauty and recreational advantages of the city.*

- 8 Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest;**

*Staff find that the proposal has been reviewed by the county's Water and Navigation department and is being constructed to avoid adverse impacts to natural resources.*

- 9 Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development; or**

*Staff find that the dock would remain a resident amenity.*

- 10 Would have a material adverse effect on the safety, health and welfare of the general public.**

*Staff find that the request is reasonable and should not have an adverse effect on the safety, health and welfare of the general public.*

**Sec. 4.12. - Criteria for review of conditional use applications.**

**(a) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:**

- (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;**

*No additional utility infrastructure is expected to be required to accommodate this request. The fire department requires a standpipe be installed due to hose lay distance, which has been made a condition of this approval.*

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

*This request is not anticipated to have any impact on local transportation infrastructure, or affect vehicular circulation or local parking areas.*

- (3) Hydrological features and storm water management infrastructure;**

*This request is not anticipated to impact hydrological features or increase demand for storm water management infrastructure.*

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

*The applicant is not proposing to add any boat lifts or other features that may impact Bay views and vistas. The addition proposed will be level with the rest of the dock.*

- (5) Site landscaping, open space provision and impervious surface limitations;**

*This request concerns the waterfront and will not impact open space or impervious surface.*

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

*The applicant is proposing this dock extension as an amenity for residents.*

**(7) Fire suppression and facility security;**

*The applicant is required to install a standpipe and include fire extinguishers on the dock, which have been made conditions of this approval.*

**(8) Emergency management and hurricane evacuation provisions; and**

*The applicant will be required to provide fire suppression as required by the fire marshal.*

**(b) Any of the foregoing elements may be omitted from the conditional use application upon agreement of the city commission.**

**(c) Content additional to the foregoing may be included in the application, so long as such content is consistent with the applicable requirements of this Code.**

In addition per LDC Division 4, Conditional Use Permits, Section 4.11, Conditional uses in designated community redevelopment district:

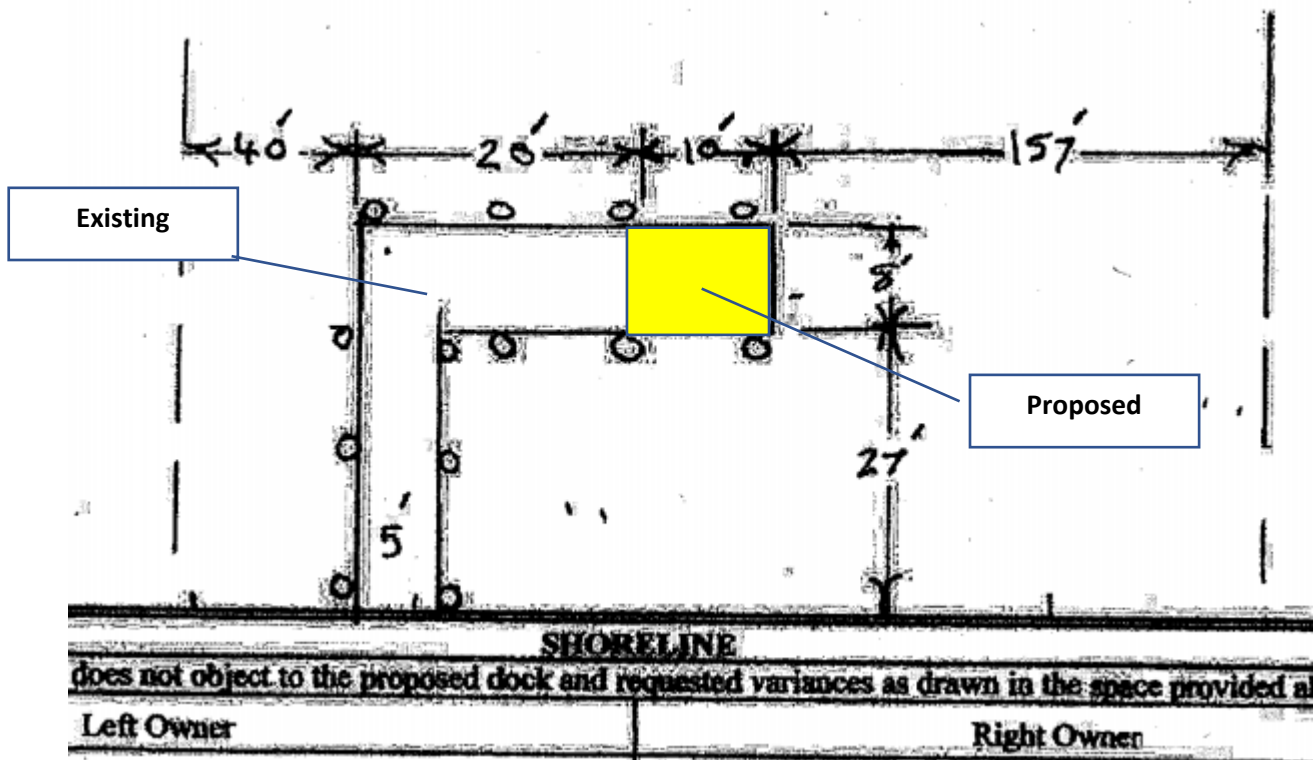
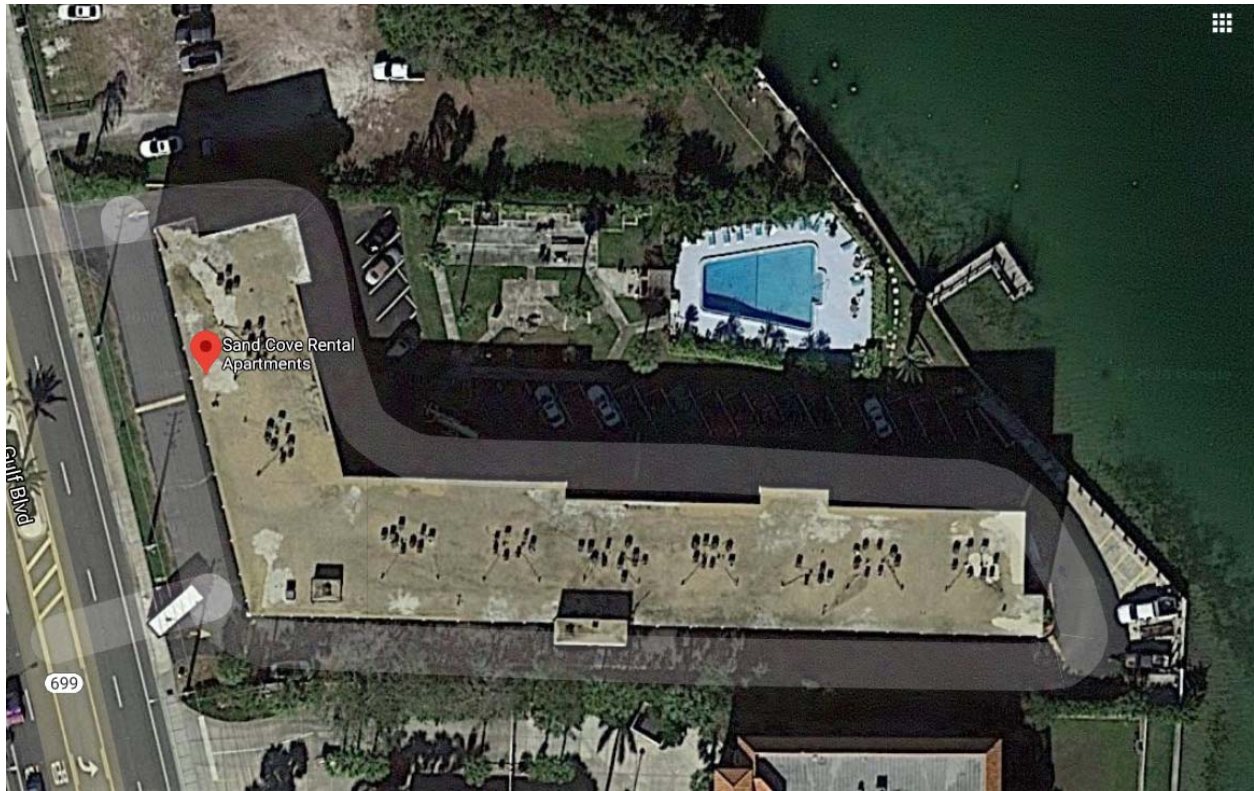
It is the intent of the city that the aesthetic and functional characteristics of new development shall be regulated to insure consistency with the stated objectives of city redevelopment policy and that all new development is undertaken in a manner consistent with the best interests of the community. In instances of development projects which are of significant density or intensity, the complexity of the construction and operation of such projects require a higher than usual level of public security and technical review prior to permitting, and necessitate the articulation of specific requirements on the part of both the developer and the city to ensure that such developments are in harmony with community character and consistent with the policies of the community redevelopment plan. The provisions of this section are intended to supplement the stated requirements of this division and other divisions of the Land Development Code and provide for the incorporation of provisions into conditional use approvals which address issues of public concern.

## **STAFF RECOMMENDATION**

It has been determined that the reviewing body (City of St. Pete Beach City Commission) is empowered under the LDC to grant a Conditional Use for application #20038. Granting this request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district provided the conditions as proposed by staff are adhered to. Should

the City Commission grant the Conditional Use, the application should be subject to the following four (4) conditions:

- 1 The applicant shall install a standpipe and fire extinguishers as directed by the fire marshal unless otherwise waived;
- 2 Any dock lighting shall be shielded and directed away from adjacent properties;
- 3 Future requests to enlarge this dock, or add additional dock amenities such as boat lifts or tie poles, shall require amendment of this conditional use permit by the City Commission provided that Class B docks remain conditional uses within this property's district;
- 4 Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use Permit.



## **RESOLUTION 2020-41**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING AND CONFIRMING THE DECLARATION PROCLAIMING A STATE OF LOCAL EMERGENCY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND PROPERTY, BOTH PUBLIC AND PRIVATE, FROM THE HAZARDS OF THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19).**

**WHEREAS**, the COVID-19 has the potential for causing a serious public health risk to the citizens and visitors of the City of St. Pete Beach; and

**WHEREAS**, on March 9, 2020, Florida Governor, Ron DeSantis issued executive order 20-52 ("Emergency Management COVID-19 Public Health Emergency"), followed by numerous additional Executive Orders (collectively "Executive Orders") allowing in part for the suspension of formalities and procedures of political subdivisions of the state articulated under Chapter 252.38, Florida Statutes; and

**WHEREAS**, on March 13, 2020, Pinellas County commissioners unanimously approved a local state of emergency, followed by additional approvals ("County Declarations"), that delegates authority to the county administrator, allowing him to take measures to keep residents safe and help mitigate and contain the spread of COVID-19; and

**WHEREAS**, Chapter 252.38, Florida Statutes, and Article II, Sec. 34-38 of the City of St. Pete Beach Code of Ordinances authorized the proclamation declaring a state of local emergency which was initially executed by Mayor Alan Johnson on March 16, 2020, and thereafter has been renewed in seven (7) day increments in accordance with state law (Exhibit "A"); and

**WHEREAS**, in accordance with Chapter 252.38, Florida Statutes, and Article II, Sec. 34-38 of the City of St. Pete Beach Code of Ordinances, the City Commission desires to renew its confirmation of the Mayor's proclamation dated September 9, 2020 (Exhibit "B") declaring a state of local emergency, which shall remain in effect for seven (7) days from the date of the proclamation; and

**WHEREAS**, the City Commission desires to authorize the City Manager, through this resolution confirming the Mayor's renewed proclamation, to take any and all legal, appropriate and reasonable measures, described in more detail below, to protect the public health, safety and welfare of the citizens, city employees and visitors of the City of St. Pete Beach, Florida to help mitigate and contain the spread of COVID-19.

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

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

**Section Two:** COVID-19 poses a serious threat to the residents of the City of St. Pete Beach and the Mayor's renewed proclamation declaring a State of Local Emergency executed on September 9, 2020 is necessary and is hereby confirmed and shall be in effect for all territory within the corporate boundaries of the City of St. Pete Beach for seven (7) days in accordance with state law and the City's code of ordinances.

**Section Three:** The City Commission authorizes the City Manager of the City of St. Pete Beach to take any and all legal, appropriate and reasonable measures ("Emergency Measures") to protect the public health, safety and welfare of the citizens, city employees and visitors of the City of St. Pete Beach, Florida to help mitigate and contain the spread of COVID-19, including but not limited to the actions listed in

- a) Sec. 34-38, St. Pete Beach Code of Ordinance;
- b) 252.38, Florida Statute; and
- c) Resolution 2020-13, as amended.

**Section Four:** Such Emergency Measures entrusted to the City Manager include the duties and responsibilities required of him by the City's charter, code, and other laws, policies, rules, and regulations.

**BE IT FURTHER RESOLVED THAT** the enforcement of the provisions of this Resolution and the associated proclamation shall be in effect until terminated or expiration in accordance with State law.

Passed this 9<sup>th</sup> day of September 2020 by the City Commission of the City of St. Pete Beach, Florida.

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Alan Johnson, Mayor

ATTEST:

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Amber LaRowe, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

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Andrew Dickman, City Attorney



**RENEWED PROCLAMATION  
DECLARING STATE OF LOCAL EMERGENCY  
September 9, 2020**

WHEREAS, the COVID-19 has the potential for causing a serious public health risk to the citizens and visitors of the City of St. Pete Beach; and

WHEREAS, on March 9, 2020, Florida Governor, Ron DeSantis issued executive order 20-52 ("Emergency Management COVID-19 Public Health Emergency"), followed by numerous additional Executive Orders (collectively "Executive Orders") allowing in part for the suspension of formalities and procedures of political subdivisions of the state articulated under section 252.38, Florida Statutes; and

WHEREAS, on March 13, 2020, Pinellas County commissioners unanimously approved a local state of emergency, followed by additional approvals ("County Declarations"), that delegates authority to the county administrator, allowing him to take measures to keep residents safe and help mitigate and contain the spread of COVID-19; and

WHEREAS, Chapter 252.38, Florida Statutes, and Article II, Sec. 34-38 of the City of St. Pete Beach Code of Ordinances authorized the proclamation declaring a state of local emergency which was initially executed by the undersigned on March 16, 2020, was confirmed by the City Commission by Resolution Number 2020-07, and successively renewed as the State of Local Emergency every seven (7) days thereafter, and is in effect for seven (7) days in accordance with state law; and

WHEREAS, even though both the Governor of the State of Florida and the Pinellas Board of County Commissioners have issued orders and initiated Phase Two of a gradual reopening for normal activities; there remains a necessity for emergency directives in the city; and

WHEREAS, in accordance with Chapter 252.38, Florida Statutes, and Article II, Sec. 34-38 of the City of St. Pete Beach Code of Ordinances, I desire to renew the proclamation declaring a state of local emergency, which shall be submitted to the City Commission for confirmation.

NOW, THEREFORE, I, Alan Johnson, Mayor of the City of St. Pete Beach, Florida do hereby proclaim a State of Local Emergency shall be declared, effective immediately, for all territory within the corporate boundaries of the City of St. Pete Beach.

IT IS FURTHER PROCLAIMED THAT the City of St. Pete Beach hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Chapter 252.38(2), Florida Statutes.

IT IS FURTHER PROCLAIMED THAT the enforcement of the provisions of emergency ordinances, actions, policies, rules and procedures, pursuant to the City Code of Ordinances, Article II, Emergency Management, shall be in effect until the termination of the local State of Emergency or seven (7) calendar days from the date of this proclamation, whichever comes first. The City Manager is hereby ordered to take whatever lawful and prudent actions necessary to protect the health, safety, and welfare of the community, including but not limited to the actions listed in Sec. 34-38, St. Pete Beach Code of Ordinance, Sec. 252.38, Florida Statutes, and any other actions later expressed by the City Commission by resolution confirming this proclamation.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of The City of St. Pete Beach, Florida to be affixed this 9<sup>th</sup> day of September 2020.

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Alan Johnson, Mayor

# WEST END OF COREY AVE DESIGN OPPORTUNITIES

SEPTEMBER 9, 2020

# Vision Plan: Create public space and a west side anchor.

*Create a much-needed public space and mixed-use development anchor on the west side of Corey Avenue and along waterfront, providing a destination for visitors.*



## From "Sunset" to Gulf Boulevard

This section spans the west end of Corey Avenue ("Sunset") to Gulf Boulevard.

Enhancements in this area will:

- **Create public space and a west side anchor.** Create a much-needed public space and mixed-use development anchor on the west side of Corey Avenue and along waterfront, providing a destination for visitors.
- **Integrate streetscape elements to improve the user experience.** Fulfill the intent of the Comprehensive Plan and Land Development Code for sidewalks, landscaping, shade, visual interest, etc.
- **Encourage pedestrian activity along Corey Avenue.** Visitors will find a more pedestrian-friendly environment near the waterfront. Plus, visitors will find a more consistent streetscape and pedestrian-friendly environment along the west side of Corey Avenue.
- **Preserve vehicular access from 75th Avenue to Corey Avenue and Corey Avenue to Sunset Way.** A new two-lane alley preserves vehicular access from 75th Avenue to Corey Avenue, and a flexible pedestrian/vehicle plaza at Sunset Way and Corey Avenue preserves vehicular access to Sunset Way.
- **Provide additional on-street parking along Corey Avenue.** The proposal installs on-street parking along the west end of Corey Avenue.
- **Enhance Corey Avenue streetscape and hide on-site parking from public view through structured parking or strategic infill development.** Structured parking would be provided within the proposed mixed-use building, making it more visually appealing than an open surface lot. Incorporating infill development along Corey Avenue would enhance the main street character of Corey Avenue, create a more consistent building edge, and hide on-site surface parking lots from public view.



From "Sunset" looking toward Gulf Boulevard



Provide a major open space

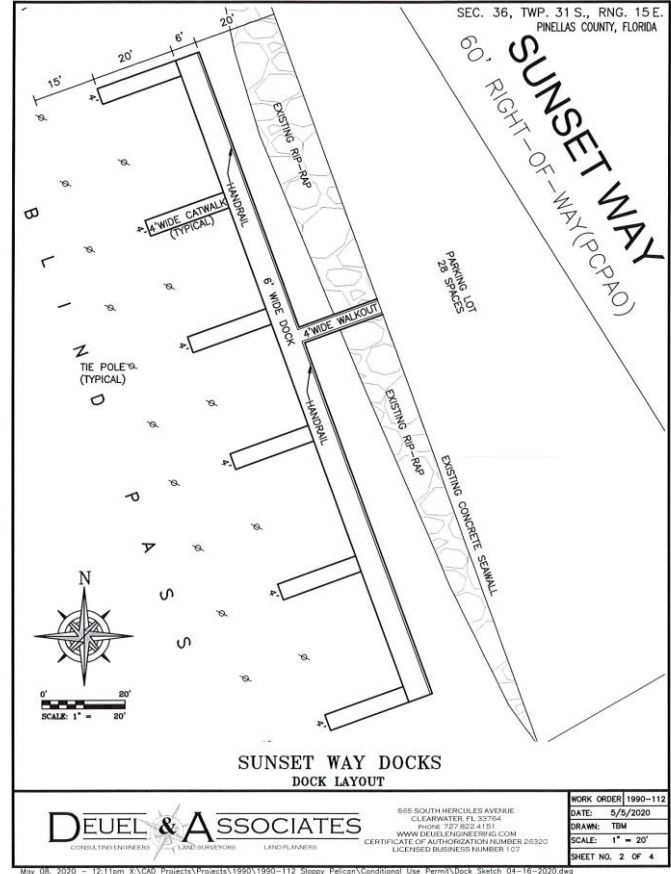
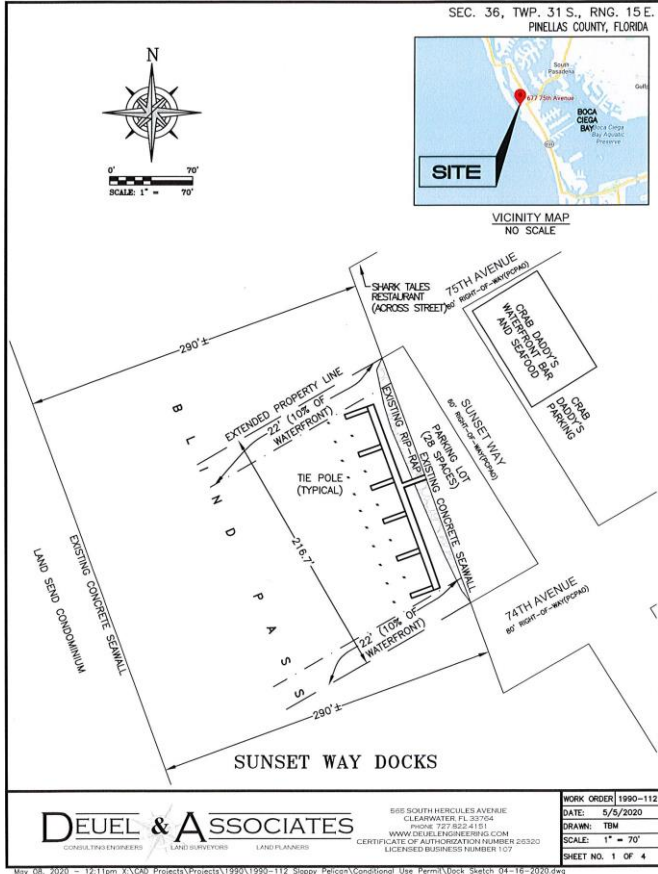


Encourage new hotel, retail, and restaurants

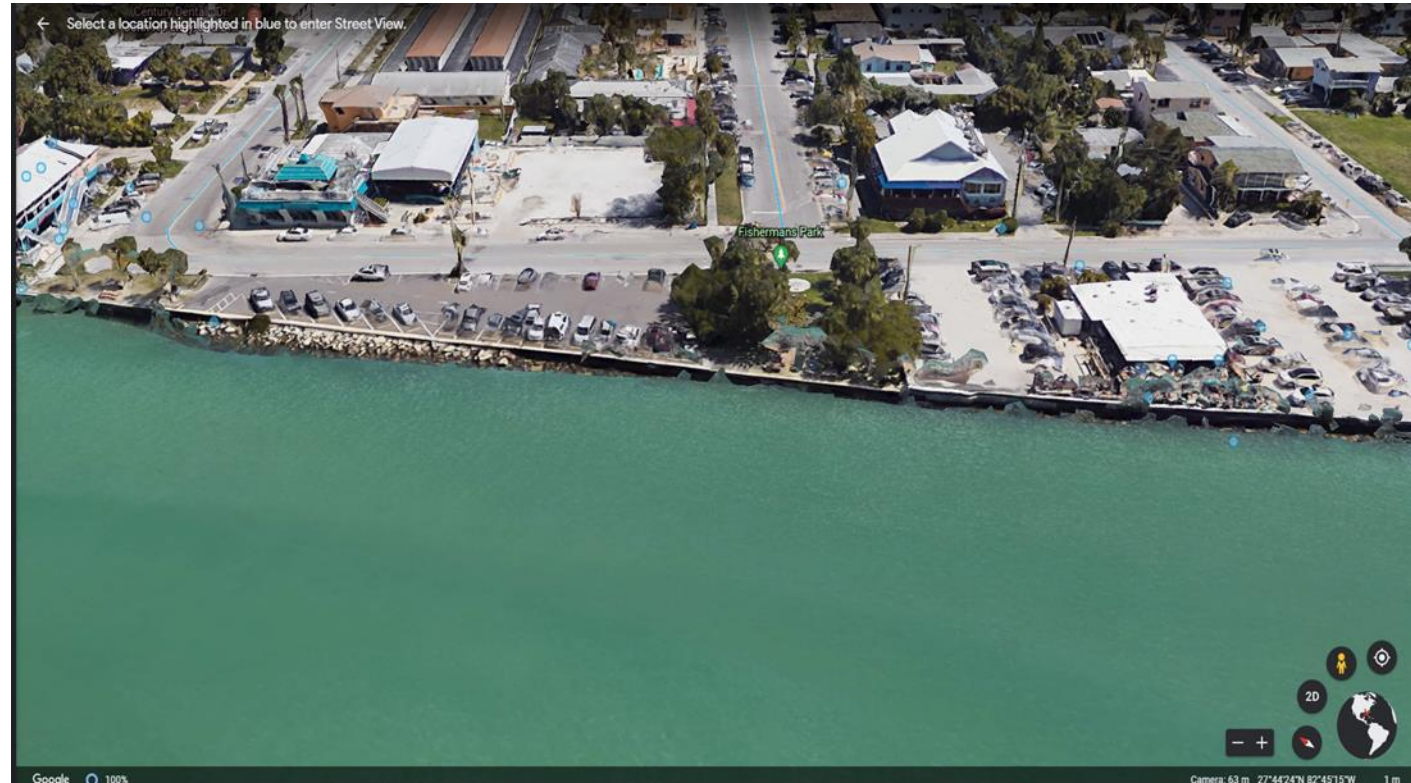


Create an activated public gathering area

# Development Opportunity creating Sunset Way Docks

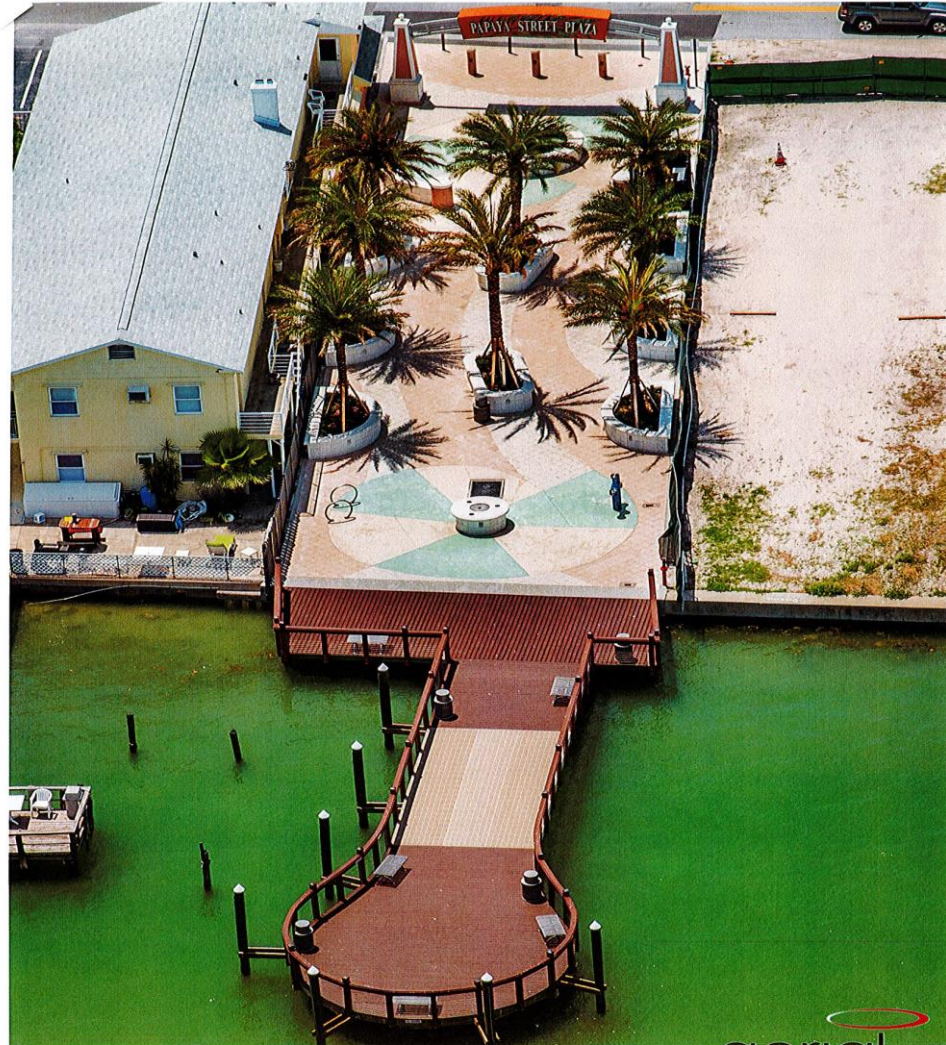


# Today's Fisherman's Park



# Opportunity to add a fishing pier at Fisherman's Park

Papaya Street Pier in Clearwater  
Beach



# Rendering from 2015 Vision Plan



- Lowers the cost of the project to the city
- Faster process combining permitting using same contractor and timeline
- Meets the desire of the community to build an anchor on the west end of Corey with a small marina and a fishing pier
- Builds community relations with new developers and owners

## Benefits of this Public Private Partnership