



CITY COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, May 9, 2023
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Presentations -

a. Employee of the Second Quarter

The Mayor and City Commission will recognize the following City employees for their recent nomination for Employee of the 2nd Quarter:

Chad Adkins
Rita Bishop
Shawn Clark
Dennis Coley
Sheila Dalton
Kelly Intzes
Matthew O'Neil
Alexa Sawyer
Jay Witte

b. Good Citizen Awards

Good Citizen Awards to Jade Jung and Gavin Montgomery for the St Pete Beach After School Program

2. Approval of the Agenda -

Action Request: Motion to approve the May 9, 2023 City Commission Agenda.

3. Audience Comments -

Public participation is encouraged. If you wish to address the City Commission, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3

minutes and shall be limited to non- public hearing items on the agenda. Public comment on agenda items will be allowed when that item is called. If you plan to make a presentation as part of your public comment, the presentation must be provided to the City Clerk 24- hours in advance of the meeting.

4. Consent -

a. April 25, 2023 City Commission and Planning Board Joint Workshop Minutes and City Commission 6:00 PM Meeting Minutes

5. Action Items -

a. Vacancy on Pinellas County Medical Services Advisory Council

EMS Advisory Council Vacancy

Possible Action Request: Motion to approve the appointment of _____ on Pinellas County Emergency Medical Services Advisory Council.

b. Fire Station 22 Letter of Support

6. Ordinances -

7. Resolutions -

a. Resolution 2023-06: Confirming Appointment to Forward Pinellas

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, CONFIRMING THE APPOINTMENT OF A MEMBER TO THE PINELLAS PLANNING COUNCIL/FORWARD PINELLAS; AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to adopt Resolution 2023-06 to confirm the appointment of Mayor David Will, Redington Beach, to the Forward Pinellas Board for a two-year term.

b. Resolution 2023-03 (Conditional Use Permit 23009): The Wharf Restaurant Commercial Dock

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 15.4 OF THE LAND DEVELOPMENT CODE, FOR THE RECONSTRUCTION AND EXPANSION OF A COMMERCIAL "CLASS A" DOCK AT 2001 PASS-A-GRILLE WAY.

Action Requests:

1) Motion to approve Variance Case 23010.

2) Motion to adopt Resolution 2023-03.

8. Items for Discussion -

a. Freebee Service Analysis

b. Business Spotlight Video

Follow up from April 25, 2023 City Commission meeting

c. Egan Park Fishing Pier/Barge Discussion

Project and contract status update

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.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present, or do not feel comfortable appearing in person, due to COVID-19. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 5:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 1:00 p.m. the day of the meeting
- Upload or submit a video or audio file online by 1:00 p.m. the day of the meeting at <https://www.stpetebeach.org/PublicComment>

In your three (3) minute or less comment, please be sure to include your name and address for the record.

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.

EMPLOYEE OF THE QUARTER NOMINATION FORM - Submission #1019

Date Submitted: 3/29/2023

EMPLOYEE OF THE QUARTER NOMINATION FORM

The event that the nomination is for must have occurred within the past twelve (12) months of the quarter that the employee is being nominated for

Nomination*

2nd Quarter: January 1 - March 31

Nominee:*

Shawn Clark

Nominee's Department:*

Public Works

Describe reason for nomination:*

Utilities Technician Shawn Clark is hereby nominated for recognition as City of St Pete Beach Employee of the Quarter for the 2nd Quarter of FY2023. When faced with the loss of the only two experienced Wastewater personnel in the Public Works Department, Shawn realized the criticality of this and immediately volunteered to cross-train from Streets Division to Wastewater Division. He worked overtime, taking online courses to quickly become technically qualified with the State, while simultaneously working to receive an on-the-job pass-down from the departing Wastewater experts. He qualified in record time and quickly became proficient at his new profession. He was joined by another new Wastewater teammate, but that teammate was soon deployed as a military reservist, leaving Shawn - brand-new to Wastewater himself - alone on the staff running Wastewater's critical infrastructure for four straight months. In addition to working overtime, he remained on-call 24/7 the entire time, through every night, weekend, and holiday. He also somehow found time to qualify as a Licensed Commercial Driver (CDL) during this period, enabling him to now expertly operate the biggest piece of equipment the City owns, the vacuum waste truck. He also finished a 6-month Electrician's course in less than 3 weeks, enabling him to upgrade electronic controls at our pump and lift stations and improve operational efficiency. Not content with simply keeping things running as-is, Shawn also researched ways to improve the City's Wastewater infrastructure. His diligence led him to solving a nuisance odor control issue at the City's Master Pump Station which had previously generated neighbors' complaints, but also identified radio communication and automation areas that were causing false alarms; his improvements virtually eliminated them. The City Engineer and the Director rely heavily on his expertise, and once-common Sanitary Sewer Overflows (SSO's) have essentially been eliminated under his purview. Since Shawn started his work on this critical infrastructure system of 22 Pump and Lift Stations and miles of pipe, the system has never operated more efficiently or safely. His work has also left the City better-positioned for the addition of future lift stations as Public Works prepares the City to handle the threat of sea level rise. For his remarkable and continuing contributions to public safety and the City staff's mission, Shawn Clark is highly deserving of recognition as Employee of the Quarter for the City of St Pete Beach.

Name of Nominator:*

Andrew Butterfield

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

Agenda Report

Action Request: Presentation

Strategic Objective: Community and Neighborhoods

Date: May 9, 2023

Prepared By: Jennifer McMahon, Chief Operating Officer

Through: Alex Rey, City Manager

Summary of Issue: Each year, the staff for the St Pete Beach After School Program held at the Community Center select children who exemplify being a good citizen in society and in particular the after school program. The award recognizes the efforts of an individual in respecting others, authority and the environment.

Funding: N/A

Attachments:

DRAFT
City Commission and Planning Board Joint Workshop
April 25, 2023
3:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor
Mark Grill, Vice Mayor, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Chris Graus, Commissioner, District 1
Chris Marone, Commissioner, District 4

PLANNING BOARD MEMBERS PRESENT:

David Hubbard
Melinda Pletcher
Greg Premer

PLANNING BOARD MEMBERS ABSENT:

Rachel Ciliberti
Tom DeYampert

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Jennifer McMahon, Chief Operating Officer
Brandon Berry, Senior Planner

Mayor Petrilă called the workshop to order at 3:00 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION AND PRESENTATION

a. Comprehensive Plan

Andrew Dickman, City Attorney, introduced the topic along with City Manager, Alex Rey. They explained that the staff would like to go through the presentation and try to answer as many questions/comments as submitted to the City Clerk's Office, by the public. The questions are also made a part of the record.

The City Attorney's Office began the presentation, followed by Mr. Berry. The presentation is made a part of the record and was submitted as part of the Agenda.

After a brief question and answer session by the City Commission, Planning Board, and staff, it was decided to hold another workshop with the City Clerk gathering dates/times of availability for scheduling.

City staff will work on answering the questions as prepared this evening and post them to the City's website by Friday.

Mayor Petrilă adjourned the meeting at 5:44 p.m.

MINUTES APPROVED: MAY 9, 2023

AMBER LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

DRAFT
City Commission Meeting
April 25, 2023
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrila, Mayor
Mark Grill, Vice Mayor, Commissioner, District 2
Chris Graus, Commissioner, District 1
Ward Friszolowski, Commissioner, District 3
Chris Marone, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Vince Tenaglia, Assistant City Manager
Jim Kilpatrick, Fire Chief
Julie Anderson, Building Division Manager

Mayor Petrila called the meeting to order at 6:04 p.m., followed by the Pledge of Allegiance.

1. PRESENTATION

a. Employee of the Second Quarter

The Mayor and Commission will recognize the nominees and winner of Employee of the Second Quarter. *This item was continued to the May 9, 2023 City Commission Meeting.*

b. Evaluation Appraisal Report Update by Kimley-Horn

Philip DiMaria, Kimley-Horn, gave an update to the City's Evaluation Report to the City Commission. A copy of the presentation is made a part of the minutes.

2. APPROVAL OF THE AGENDA

Commissioner Grill requested that Consent Agenda item 4.b. be moved to item 5.b. for discussion. He also requested the addition of two discussion items: tree permit ordinance and the City Manager's annual evaluation.

Mayor Petrila requested the addition of a discussion item on the use of City consultants.

Motion: Commissioner Friszolowski moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the April 25, 2023 City Commission Agenda as modified.

3. AUDIENCE COMMENTS

Resident Pamela Paine informed the Commission of a recent issue with being asked to leave the beach in front of the Tradewinds hotel and the conversation with the Pinellas Sheriff Deputy.

Resident Deborah Schechner commented on some of the information shared during the Comprehensive Plan Joint Workshop this afternoon. She spoke of the timeline and the most recent adoption of the Comprehensive Plan from 2015 due to a settlement.

4. CONSENT

- a. March 28, 2023 and April 11, 2023 City Commission Meeting Minutes
- ~~b. Authorize the City Manager to expend funds in the amount of \$60,000 for Building Department Services provided by Joe Payne, Inc., dba JPI moved as Action Item 5.b.~~

Motion: Vice Mayor Grill moved, Commissioner Marone seconded, and the motion carried to approve the April 25, 2023 Consent Agenda item a.

5. ACTION ITEMS

a. Fire Station 22 Design

Assistant City Manager Vince Tenaglia presented this item and discussed the timeline of design as well as the current conditions of the fire station. Staff toured a few facilities that were designed by Sweet Sparkman, the architect of this project. On April 6th, both designs as presented in tonight's Agenda, were presented to the Historic Preservation Board with the unanimous recommendation made to proceed with Option A.

The City Commission and staff discussed the pros and cons of both Option A and Option B as part of the agenda packet. A variance will need to be applied for and the City will need to seek approval from the Board of Adjustment for Option A. Option B does not allow for the fire trucks to pull into the bay; rather, they will need to back in. Discussion continued.

Deb Schechner, resident, discussed her thoughts on improvements for Fire Station 22 and encouraged the Commission to approve the best design that will last years to come.

Funding was discussed. Staff stated that the City has applied for the grant funds from the State as they did last fiscal year.

Motion: Commissioner Graus moved, Commissioner Marone seconded, and the motion carried 5-0 to approve design Option A for Fire Station 22 and authorize the City to proceed with a variance request.

b. Authorize the City Manager to expend funds in the amount of \$60,000 for Building Department Services provided by Joe Payne, Inc. dba JPI moved from Consent Agenda

Julie Anderson, Building Division Manager, explained that the City Commission authorized an agreement with JPI in August 2022 with the anticipation of spending under \$25,000. Unfortunately, due to some staffing concerns and workload, the volume of work increased with JPI causing an additional expenditure of \$35,000. The City has taken steps to address this issue and hired a new Combination Building Inspector and Plans examiner who started earlier this month.

Discussion ensued with Vice Mayor Grill questioning how the expenditure increased to that level without bringing it to the Commission back in February. He opined that the City needs to monitor these contracts before they increase to this; it should have been brought forward to the Commission prior to exceeding the original term of under \$25,000.

Motion: Commissioner Marone moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to authorize the City Manager to increase the spending threshold to \$60,000 in the Agreement with Joe Payne, Inc. dba JPI for Building Department services for fiscal year 2023.

6. ITEMS FOR DISCUSSION—ALL ADDED

a. **Tree Permit Discussion**

Vice Mayor Grill discussed Ordinance 2019-18 for tree permit removals. He opined there should be a cost differential for residential versus commercial. The City Attorney's Office will review the Ordinance and other municipalities to see what can be modified appropriately.

b. **City Manager Annual Evaluation**

Vice Mayor Grill discussed the City Manager's agreement that mentions an annual evaluation shall be completed by April 1.

City Manager Rey explained that he was hoping to have a little more time to build a working relationship with the new Mayor and Commissioner Marone. The Commission discussed Mr. Rey's review and requested it is included in the June 13, 2023 City Commission agenda.

c. **City Consultants**

Mayor Petrila discussed the contracts that the City has with various consultants and any clauses that may prohibit these consultants from doing business that may be in conflict or provide an inappropriate appearance. He stated that in Sirata's presentation last week, they listed various consultants that are helping or will be helping with their redevelopment project, with Kimley-Horn listed. He inquired about a possible conflict with this.

Discussion ensued with Mr. Rey explaining that he informed Kimley-Horn that they should not be assisting with their traffic analysis as part of the project. Discussion continued. The City Attorney stated that he will be reviewing the contracts for any conflicting language and the City Manager stated that he will obtain some information from Kimley-Horn on their scope of work with the Sirata.

The Commission requested a list of all contracts/work orders with the City and Kimley-Horn for the last 24 months, the scope of those contracts/work orders, and the cost associated.

Jeff G., a resident, commented on the discussion of a possible conflict with Kimley-Horn working with the Sirata and appreciates the City looking into this.

7. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Alex Rey, City Manager—mentioned the demolition of the "old Christmas store".

He and staff have been meeting with the new owners of the Winn Dixie property who would like to turn that into a cigar warehouse.

Andrew Dickman, City Attorney—mentioned the topic of public/private beach ownership and how that is an ongoing concern in many communities.

Commissioner Marone—commented on the replanting of sea oats along a path on the beach.

There has been a lot going on in Pass-A-Grille this weekend.

Commissioner Friszolowski—announced the Belle Vista Civic Association meeting this Thursday; Chief Kilpatrick and Chief Operating Officer McMahon will be present.

He reminded everyone of the concert in the park this Friday; this is the last of the Spring series.

Vice Mayor Grill—there will be a hurricane expo in mid-May.

He will be attending the Institute of Elected Municipal Officers (IEMO) level II this weekend held by the Florida League of Cities.

Mr. Grill mentioned the current Legislative Session and the various bills on the table.

He touched on a sinkhole that has developed at Gulf Winds and 64th Avenue.

Commissioner Grill gave praise to Waste Connections for a recent issue with garbage pickup due to Duke trucks being in the way and not allowing access for pickup; he was appreciative of their quick response to come out.

Commissioner Graus—commented on the possible cigar bar and the parking lot of the old Winn Dixie, asking if there is the possibility of the City entering into a shared parking agreement. The City Manager said that is something that will be discussed.

Mayor Petrila—is working with Sarah, PIO, about doing a small business spotlight video every other week. Mayor Petrila also commented on hosting an open house at the different departments in the City so that the public can meet them, see where they're located, chat, etc. He opined this will facilitate further knowledge about how the City operates and who the staff members are.

There being no further discussion, Mayor Petrila adjourned the meeting at 7:50 p.m.

MINUTES APPROVED: APRIL 25, 2023

AMBER LAROWE
CITY CLERK

ADRIAN PETRILA
MAYOR

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Possible Action Request: I move to approve the appointment of _____ on the Pinellas County Emergency Medical Services Advisory Council.

Strategic Objective: NA

Date: May 9, 2023

Prepared By: Amber LaRowe, City Clerk

Through: Alex Rey, City Manager

Summary of Issue: One citizen representative vacancy has been announced to the Pinellas County Emergency Medical Services Advisory Council. The objectives of this Council are to study and analyze the procedures and protocols of emergency medical services throughout Pinellas County. The citizen representative must be a full-time Pinellas County resident and should represent a balanced cross-section of the population to include business and industry, civic organizations, as well as consumers and lay persons.

Funding: NA

Attachments:

1. RE_ Vacancy announced on Pinellas County Emergency Medical Services Advisory Council

From: [Adrian Petrila](#)
To: [Alex Rey](#); [Amber LaRowe](#)
Subject: RE: Vacancy announced on Pinellas County Emergency Medical Services Advisory Council
Date: Wednesday, April 26, 2023 11:05:19 AM

Please also add to the agenda commission to discuss resolution in support of Big C's recommendation to appoint David Will, mayor of Redington Beach, to forward Pinellas.

Sincerely,

Adrian Petrila
Mayor, City of St. Pete Beach
Direct: 727-500-0713
Email: apetrila@stpetebeach.org

Under Florida, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to this entity. Instead contact this office by phone or in writing.

From: Alex Rey <arey@stpetebeach.org>
Sent: Wednesday, April 26, 2023 6:33 AM
To: CityCommission <citycommission@stpetebeach.org>; Vincent Tenaglia <vtenaglia@stpetebeach.org>; Jim Kilpatrick <jkilpatrick@stpetebeach.org>
Subject: Fwd: Vacancy announced on Pinellas County Emergency Medical Services Advisory Council

Amber, please add this as an action item for the next agenda so that the commission can appoint a representative.

Alex

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From: Jim Kilpatrick <jkilpatrick@stpetebeach.org>
Sent: Tuesday, April 25, 2023 7:42 PM
To: Alex Rey <arey@stpetebeach.org>
Cc: Vincent Tenaglia <vtenaglia@stpetebeach.org>
Subject: Fwd: Vacancy announced on Pinellas County Emergency Medical Services Advisory Council

Alex,

There is a vacancy on the county EMS Advisory Committee (EMSAC). In the past Mayor Lowe sat on this board. It was beneficial to have a voice at the table in the past. If any of the commission is intersted please pass this on.

Thanks,

Jim

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From: Pinellas County Communications <pccommunications@pinellascounty.org>
Sent: Tuesday, April 18, 2023 5:57 PM
To: Jim Kilpatrick <jkilpatrick@stpetebeach.org>
Subject: Vacancy announced on Pinellas County Emergency Medical Services Advisory Council

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe



News Release

Immediate Release

April 18, 2023

Board Contact

EMS Advisory Council, Ken Grimes, (727) 582-5754

Vacancy announced on Pinellas County Emergency Medical Services Advisory Council

Applications are due by 3 p.m. on May 19, 2023

Applications are being accepted for a two-year term to the Pinellas County Emergency Medical Services Advisory Council (EMSAC).

There is one citizen representative vacancy representing Pinellas County Commission District 1.

Applicants must be registered to vote in Pinellas County. The citizen representative must be a full-time Pinellas County resident and should represent a balanced cross-section of the population to include business and industry, civic organizations, as well as consumers and lay persons.

It is not mandatory, but *highly preferred*, that the applicant reside in the commission district for the position they are applying for.

The objectives of this Council are to study and analyze the procedures and protocols of emergency medical services throughout Pinellas County. The council recommends to the Board of County Commissioners (the EMS Authority) and staff such actions as

deemed necessary to ensure high-quality emergency medical services throughout the county.

Meetings of the Emergency Medical Services Advisory Council are held quarterly.

Mandatory applications can be found at [Pinellas County Boards and Committees List](#) and must be received no later than the close of business on Friday, May 19, 2023.

The Board of County Commissioners will review all applications and make its selection at a future commission meeting.

Please Note: All materials submitted to Pinellas County government are subject to the public records law of the State of Florida.

###

Communications Department

333 Chestnut Street, Clearwater, Florida 33756

(727) 464-4600 • www.pinellas.gov

Our Vision: To Be the Standard for Public Service in America.

This email was sent to firechief@stpetebeach.org
Pinellas County Communications, 333 Chestnut Street, Clearwater, FL 33756, USA
[Unsubscribe](#)



155 Corey Avenue, St. Pete Beach, FL 33706-1839
www.stpetebeach.org

May 9, 2023

The Honorable Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee FL 32399-0001

Dear Governor DeSantis,

We are writing this letter on behalf of the City of St. Pete Beach and its residents requesting your support and approval of funding for St. Pete Beach Fire Station 22. We fully support the City's appropriation request of \$2 million for the reconstruction of Fire Station 22, located in historic Pass-a-Grille Beach, which serves St. Pete Beach and the surrounding south Pinellas County communities of St. Petersburg, Treasure Island, South Pasadena and Tierra Verde via automatic aid agreements. This project will ensure the continuity of operations for emergency services in one of the most at-risk areas of our state. In addition to the state funding request, the City has allocated \$2 million in local funding to the project. We have contracted for architectural services and look forward to building a modern, resilient station that will service our community for years to come. Trusting this request will merit your favorable action, we, the City of St. Pete Beach, and its residents extend our sincerest appreciation for your help and support.

Sincerely,

Adrian Petrila, Mayor

Ward Friszolowski, District 3 Commissioner

Christopher Graus, District 1 Commissioner

Chris Marone, District 4 Commissioner

Mark Grill, District 2 Commissioner

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: I move to adopt Resolution 2023-06 to confirm the appointment of Mayor David Will, Redington Beach, to the Forward Pinellas Board for a two-year term.

Strategic Objective: NA

Date: May 9, 2023

Prepared By: Amber LaRowe, City Clerk

Through: Amber LaRowe, City Clerk

Summary of Issue: There was a vacancy left after the March 2023 election to the Forward Pinellas Board.

As you recall, each municipality shall take formal action to nominate one of its own elected officials, support the nomination of an elected official from another community, or support the renomination of the current representative. The Barrier Islands Council of Governments (BIG-C) recently confirmed the appointment of Redington Beach Mayor David Will.

Funding: NA

Attachments: 1. Res 2023-06 Appointment to Forward Pinellas

RESOLUTION 2023-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, CONFIRMING THE APPOINTMENT OF A MEMBER TO THE PINELLAS PLANNING COUNCIL/FORWARD PINELLAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the joint Pinellas County Metropolitan Planning Organization/Pinellas Planning Council (“MPO/PPC”) was established by an amendment of the PPC's Special Act.

WHEREAS, the establishment of the new consolidated board required reappointment of the MPO membership, which must be done in conformance with Section 339.175, Florida Statutes.

WHEREAS, the Pinellas County MPO desires to reapportion the board membership to provide representation for all local governments in the County.

WHEREAS, the Pinellas County MPO has approved a membership reappointment plan which provides for the addition of two members, one representing the cities of Belleair, Belleair Bluffs, Gulfport, Kenneth City, Seminole and South Pasadena and another representing the cities of Belleair Beach, Belleair Shore, Indian Rocks Beach, Indian Shores, Madeira Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach and Treasure Island, bringing the total voting membership to 13.

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 confirms Mayor David Will, Redington Beach, appointment to the Pinellas County MPO/PPC joint board.

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 _____ DAY OF _____, 2023.

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: 1) Motion to approve Variance Case 23010.
2) Motion to adopt Resolution 2023-03.

Strategic Objective: N/A

Date: May 9, 2023

Prepared By: Brandon Berry, Planner II

Through: Alex Rey, City Manager

Summary of Issue: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 15.4 OF THE LAND DEVELOPMENT CODE, FOR THE RECONSTRUCTION AND EXPANSION OF A COMMERCIAL "CLASS A" DOCK AT 2001 PASS-A-GRILLE WAY.

Funding: N/A

Attachments:

1. Resolution 2023-03 - The Wharf Restaurant
2. CUP 23009 & Var 23010 Staff Report
3. The Wharf Mailing List Certification
4. Case 23009 Application
5. Case 23010 Application
6. Proposed Submerged Land Lease with Shoreline Distance
7. Boundary Survey - Existing Improvements
8. Property TIITF Disclaimer & Letter Context
9. Cases 23009 & 23010 Technical Review Committee Comments
10. Existing Submerged Land Lease
11. Existing Dock Permit Approval - CA21325-94

RESOLUTION 2023-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 15.4 OF THE LAND DEVELOPMENT CODE, FOR THE RECONSTRUCTION AND EXPANSION OF A COMMERCIAL “CLASS A” DOCK AT 2001 PASS-A-GRILLE WAY; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER’S ERROR AND AN EFFECTIVE DATE.

WHEREAS, Section 4.7 of the City of St. Pete Beach’s Land Development Code requires the City Commission to adopt conditional use permits by resolution.

WHEREAS, Section 15.4 of the City of St. Pete Beach’s Land Development Code provides for Commercial “Class A” docks as a conditional use in the CG-1 Commercial District zoning district.

WHEREAS, on February 3, 2023, Brian J. Aungst, Jr. for James A. Miller made application (CUP #23009) to reconstruct and expand a Commercial “Class A” dock at 2001 Pass-a-Grille Way, presently known as The Wharf restaurant, which is zoned CG-1. The application was accompanied by a companion application for variances (Variance #23010) related to dock length, width, and riparian setback encroachment.

WHEREAS, on April 5, 2023, staff held a Technical Review Committee meeting to discuss the request and companion variances.

WHEREAS, the City Commission has the authority to approve none, some, or all of the requested conditional use and companion variances.

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 approves the requested conditional use permit application number #23009 submitted by Brian J. Aungst, Jr. (agent), on behalf of James A. Miller (owner), incorporated herein by reference, and with the list of conditions enumerated in Exhibit “A” incorporated herein.

SECTION 3. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 4. 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 _____ DAY OF _____, 2023.**

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

EXHIBIT “A”**Conditions**

1. Approval of the conditional use permit addressed in this resolution is dependent on approval for the three variances requested by the applicant to Land Development Code Section 6.23(e)(3)&(4) as presented.
2. As determined by the city manager or designee, the operator shall not place any buoys or other obstructions within or adjacent to the leased submerged land that could negatively impact the response time of any emergency vessel launched from the 20th Avenue street-end, and the applicant shall submit any expansion of the submerged land lease for City review prior to state application.
3. The applicant shall apply and be approved for a right-of-way utilization permit prior to commencement of construction should any temporary vehicle or material staging be proposed in the right-of-way.
4. The use of the dock shall be considered a “Class A” commercial restaurant dock as defined in the Land Development Code. Any conversion of the dock to a different use including a long-term mooring dock, whether or not the conversion is accompanied by a structural alteration, shall require additional review and be considered a new request for zoning purposes.
5. The land within the proposed submerged land lease shall be considered subject to the City’s ordinances related to nuisances, and the property owner shall be responsible for the prevention and abatement of any nuisances that arise within the lease boundaries.
6. Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit.
7. The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.



**PLANNING DIVISION
CONDITIONAL USE AND VARIANCE APPLICATION
STAFF REPORT TO THE
CITY OF ST. PETE BEACH CITY COMMISSION**

CASE NOS.: 23009 & 23010 **HEARING DATE:** May 9, 2023

APPLICANT: Brian J. Aungst, Jr. for James A. Miller

PREPARED BY: Brandon Berry

This application is a request for a Conditional Use with Variances:

REQUEST:	Applicant requests a conditional use permit to permit the reconstruction and expansion of a "Class A" commercial restaurant dock (LDC Sec. 15.4.(m)). Applicant further requests variances to permit the dock to exceed 75 percent of the width of the property at the waterfront and extend from the seawall more than 75 percent of the width of the waterfront (LDC Sec. 6.23.(e)(3)), and be located closer than ten percent of the width of the property at the waterfront to an extended side riparian line (LDC Sec. 6.23.(e)(4)). A previously-noticed request from Sec. 6.23.(c)(6), to permit the dock to project into the navigable waterway by more than 25 percent of its width, has been withdrawn due to updated calculations showing this standard to be met.
LOCATION:	2001 Pass-a-Grille Way; Parcel ID # 18-32-16-68634-000-0017
ACREAGE:	Approximately .34 acres, of which 0.075 acres is submerged land (14,800 sq. ft.). The submerged land lease encompasses a further approximately 0.14 acres (6,000 sq. ft.)
EXISTING LAND USE	CG-1 Commercial District on the Zoning Map and CG Commercial General on the Future Land Use Map
SURROUNDING FUTURE LAND DESIGNATIONS:	North – CG Commercial General South – Street-end (20 th Ave) & CG Commercial General East – Water & RU Residential Urban West – Pass-a-Grille Way & ROR Residential/Office/Retail
SURROUNDING ZONING MAP DESIGNATIONS:	North – CG-1 Commercial District South – Street-end (20 th Ave) & CG-1 Commercial District East – Water & RU-1 Residential District West – Pass-a-Grille Way & ROR/PAG – Residential/Office/Retail in the Pass-a-Grille Overlay District
SURROUNDING EXISTING USES:	North – Restaurant South – Marina East – Single-family residential West – Butcher shop & parking lot

BACKGROUND

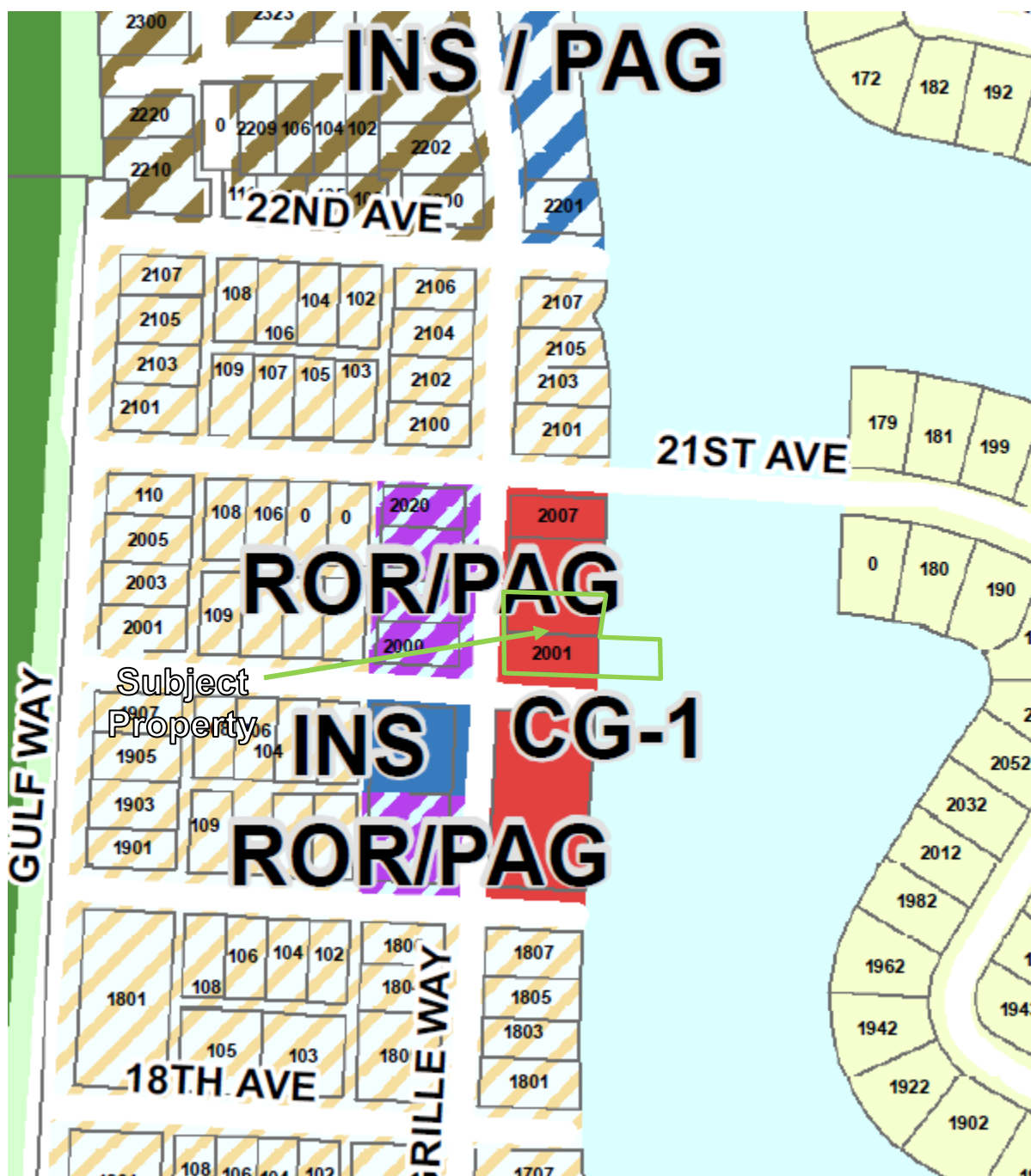
The agent for the project made application on February 3, 2023 to reconstruct and expand an existing "Class A" commercial dock at the subject property's waterfront. The applicant is seeking renewal of an existing submerged land lease through the state, last completed in April 2013, as well as reconstructing and expanding docking facilities at the property.

The project is somewhat unique among parcels in St. Pete Beach, as the submerged land over which the building is constructed has been relinquished to the owner pursuant to TIITF Disclaimer

#40207. While the docking facilities covered under this request are entirely within leased submerged land, this situation does present some unique challenges to the construction of docking facilities which are discussed further in this report.

No substantiated code enforcement violations have been cited at the property since 2003.

ZONING MAP



AERIAL MAP

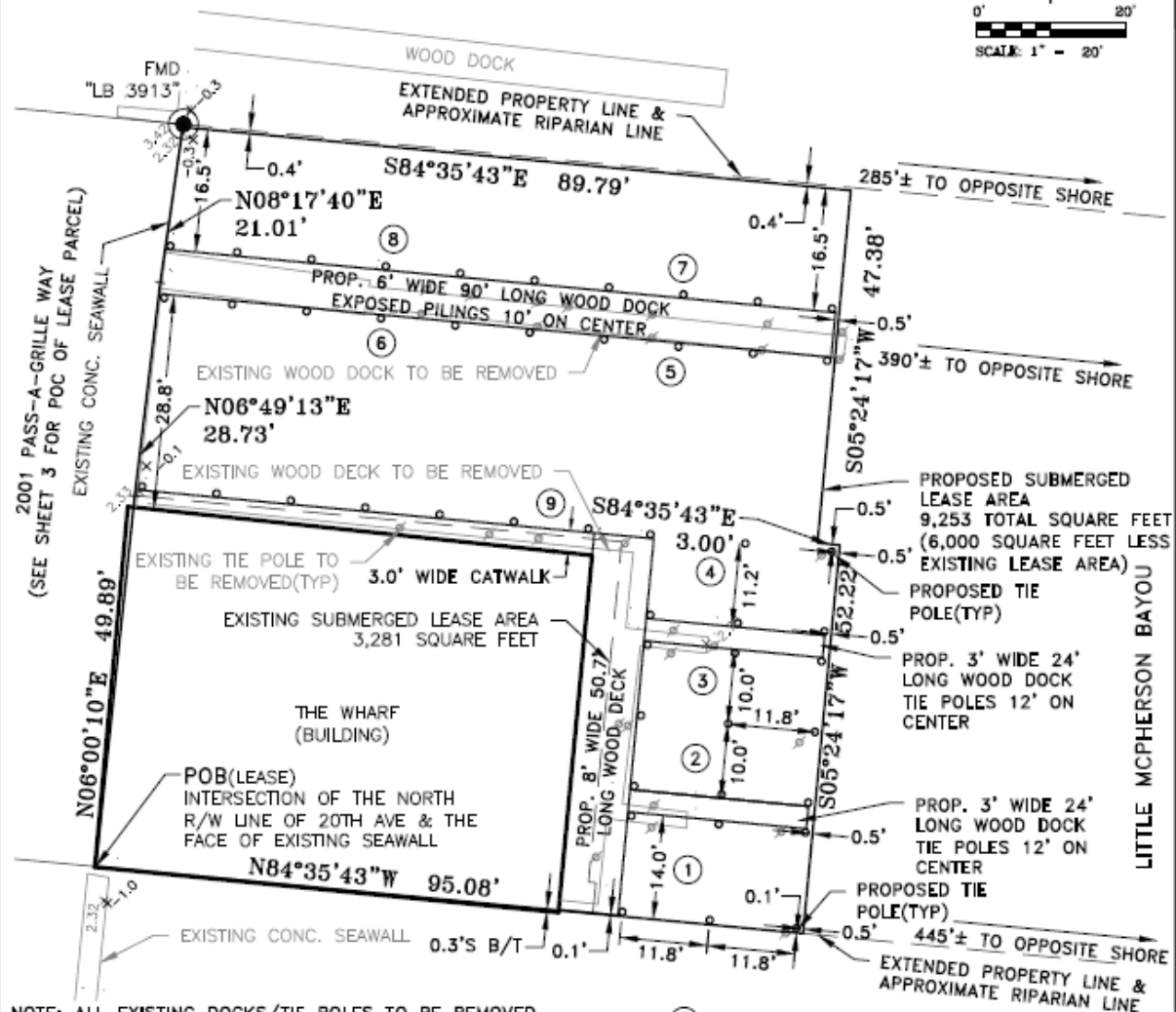


SITE SURVEY & SITE PLAN

SUBMERGED LAND LEASE SURVEY
(THIS IS A FIELD SURVEY.)

SEC. 18, TWP. 32 S., RNG. 16 E.
PINELLAS COUNTY, FLORIDA

Existing improvements are shown in grey, faded lines within the boundaries below. Black lines show proposed improvements.



NOTE: ALL EXISTING DOCKS/TIE POLES TO BE REMOVED
SEE SHEET 1 OF 4 FOR SURVEYORS REPORT.
SEE SHEET 2 OF 4 FOR UPLAND PARCEL AND LEASE AREA DESCRIPTION.
SEE SHEET 3 OF 4 FOR UPLAND PARCEL BOUNDARY.
SEE SHEET 4 OF 4 FOR LEASE AREA BOUNDARY.

⊕ BOAT SLIP

LEASE AREA BOUNDARY

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

THIS DOCUMENT IS NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 53-17.05 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBMERGED LAND LEASE SURVEY
2001 PASS-A-GRILLE WAY
FIELD SURVEY

CITY OF ST. PETE BEACH

FLORIDA

WORK ORDER	SE22.191
DATE:	5/1/2022
DRAWN:	TRM
SCALE:	1" = 20'
SHEET NO.	4 OF 4

Apr 21, 2023 - 12:04pm I:\CAD Projects\Projects\SEPT X Drive\2022\SE22.191.00 2001 Pass-a-grille Way\Survey\Asad\SE22.191-SLL.dwg

ANALYSIS

The applicant proposes to continue utilizing submerged land adjacent to the property for a reconstructed and expanded “Class A” commercial restaurant dock pursuant to Land Development Code (LDC) Sec. 13.4. The applicant is also requesting variances to permit the expansion of the reconstructed dock beyond permitted length, width, and riparian line setback requirements pursuant to LDC Sec. 6.23(e)(3)&(4).

The owner has maintained a submerged land lease with the state most recently updated in 2013, which generally follows the boundaries of the proposed renewed lease. The lease area contains the subject property’s docking facilities, of which a portion of the northern dock was built in an unknown year, with an extension and installation of the southern finger piers and tie poles completed in 1994 (Permit #CA21325-94).

Compared with existing docking facilities, the applicant is proposing the following alterations:

- 1) An existing 93-foot-long dock at the northern end of the property, with 6x28’ walkout at the seawall and 65x4’ catwalk beyond, is being reduced to 90 feet in length and relocated to 16.5 feet from the northern riparian line where 13 feet exists currently. In addition, the applicant is requesting to expand the width of the dock to six feet for the entire 90-foot length when reconstructed.
- 2) The southern docking facilities currently contain an approximately 5-to-8 foot lateral portion that runs along the rear patio of the building, two 12x3’ catwalks, and five tie poles 29 feet from the lateral portion. The applicant is requesting to expand the lateral portion to eight feet for its entire run along the patio, increase the length of the catwalks to 24 feet, and install new tie poles to maintain the four wet slips at the waterfront. In doing so, the total length of the docking facilities will expand by approximately one foot on the north side and three feet on the south side compared to the existing tie poles that currently form the furthest appurtenance of the dock.
- 3) From the lateral portion of the dock on the north side of the restaurant, the applicant is proposing a three-foot-wide catwalk that runs from the lateral dock to the seawall of the property immediately adjacent to the building.

The following variances are requested in tandem with this request:

Land Development Code Standard	Required	Current	Proposed
LDC Sec. 6.23.(e)(3) – Commercial docks shall not exceed 75% of the width of the property at the waterfront	75 feet (75%)	87 feet (87%)	83.5 feet (83.5%)
LDC Sec. 6.23.(e)(3) – Commercial docks shall not extend from the seawall more than 75% of the width of the property at the waterfront	75 feet (75%)	Approximately 93 feet (93%)	Approximately 94.5 feet (94.5%)
LDC Sec. 6.23.(e)(4) – No portion of a commercial dock shall be closer than 10% of the property width at the waterfront to the extended side riparian line	10 feet (10%)	0 feet – south side (0%)	0 feet – south side (0%)

The newspaper and mailed notices for this request referenced a variance from LDC Sec. 6.23.(c)(6), to allow the dock to project more than 25% of the width of the waterway. This request was calculated from the original building permit supplied for the dock reconstruction which referenced a 300-foot waterway width. The applicant submitted revised plans on April 21, 2023 indicating that the dock projects into a waterway that is 390 feet in length at its shortest point, meaning that the variance is no longer required. This request has been eliminated from the list of variances proposed.

Staff finds this request does not increase density or intensity, nor does it increase the number of mooring slips applied for under the submerged land lease scope. Therefore, Staff finds this request to be exempt from the concurrency management provisions of the Comprehensive Plan and LDC as provided in LDC Sec. 29.5.(3).

Land Development Code Sec. 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:

FUTURE LAND USE ELEMENT:

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

GOAL 2:

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

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

Policy 2.4.1

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

- (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; *Staff finds the overall appearance of the area will not be significantly affected. The property has possessed existing docking facilities since 1994 according to the Pinellas County Property Appraiser, and review of historic aerials indicates there were docking facilities in a different configuration at the property in 1979 or earlier. The property abuts an existing marina to the south with facilities that measure approximately 100 feet from seawall to dock head, and a restaurant to the north which possesses a greater number of docks with facilities of approximately 72 feet in length compared to the 94.5 feet proposed by the applicant. The reconstruction of the docks will not substantially increase the size or location of existing facilities, and the dock will preserve the nine slips authorized under the 2013 land lease. In review with the applicant at the April 5, 2023 Technical Review Committee, there are no boat slips proposed for the facility, nor is submerged or above-ground lighting proposed. The dock is proposed to continue operating as a restaurant dock for customers rather than long-term mooring, and overnight mooring is generally not permitted except in cases of emergency.***
- 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 in the area. The scenic waterfront has historically been used by the property for mooring and customer viewsheds, and that intent is not changing under this application. The applicant is put on notice that should any resources be discovered during the work proposed, the City shall be informed.***
- 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 finds the application to be compatible with adjacent development. The marina to the south possesses a T-dock at the northern end adjacent the 20th Ave street-end that measures approximately 100 feet in length. The property to the north possesses five docks, albeit with the longest approximately 22.5 feet shorter than the applicant is proposing. The dock is proposed to be approximately two feet longer than the existing dock on average, and is intended to remain level with the seawall.***
- 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 finds the request to be modest in scope. In the words of an agent for the project, this reconstruction is intended to address safety and comfort issues that result from customers having to crawl over outboard motors to disembark at the existing southern catwalks, and to provide additional general safety for customers through the northern dock widening. No additional boat traffic is anticipated through the expansion, nor is additional lighting proposed.

- (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; This proposal is not anticipated to create any new impacts on the road system or cause any conflicts with site access.**
- (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; This proposal is not anticipated to affect on-site parking areas. The applicant is permitted to utilize customer wet slips toward the property's required parking count as provided in the Land Development Code.**
- (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made; Staff propose limited conditions related to non-conversion of dock use and to assert owner responsibility for nuisance abatement within the lease boundaries. Staff recognizes that no complaints have been substantiated at the property for two decades, and does not find that the request will meaningfully alter the existing dock conditions in a way that would negatively impact the public health, safety or welfare.**
- (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; No site improvements are anticipated to be required to support this use, which will proceed through permitting as a building permit. The applicant is required to install a standpipe if hose lay distance exceeds 150 feet, and install fire extinguishers on piers, which will be addressed through permitting.**
- (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 require variances to width and length of the expanded dock replacement in order to construct the dock as proposed, which are addressed below.**

Variances Requested

The applicant requests the following variances from the Land Development Code:

1. Section 6.13.(e)(3) – A commercial dock with a width that exceeds 75% of property width at the waterfront;
2. Section 6.13.(e)(3) – A commercial dock with length greater than 75% of property width at the waterfront;
3. Section 6.13(e)(4) – A commercial dock that is proposed closer than 10% of the property width at the waterfront to either extended riparian line (south side only).

Division 3 - Administration of The Land Development Code, Section 3.12, General variances.

(b) *Authority and approval criteria.*

- (1) The appropriate board of authority shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by substantial competent evidence that all of the following are met and satisfied:
 - (1) **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district; *The property is unique to St. Pete Beach in that it contains a commercial structure constructed over water where the submerged land beneath it has been provided through disclaimer to the property owner (TIITF 40207). This presents a unique condition not known to be shared at other properties in the city and poses a hardship to the property both in terms of the building's relation with the existing southern side lot line, and in the accommodation of docks located to the rear of the 62-foot-long building.***
 - (2) **The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property; *The circumstances do not result from the current or prior owner of the property. The property's use preceded the 1951 repeal of the Butler Act, which the Florida Department of Environmental Protection used as justification to provide a disclaimer for the submerged land to the property at 2001 Pass-a-Grille Way in 2004.***
 - (3) **Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant; *Denial of the requests could cause a hardship to the property given existing conditions and the rights currently enjoyed by abutting properties in the same zoning district. Denial of the side riparian setback variance would reduce the number of slips that could be retained at the patio area at the rear during reconstruction, the condition of which results from building placement and logical orientation of docking facilities. It appears that there is accretion near the seawall which may prevent mooring at low tide, which would prevent reorienting the docks closer to the seawall in the center of the two existing and proposed facilities. Given the setbacks of the docks as proposed, reorienting the slips to allow mooring on the north side of the building may cause the northern dock to be oriented further north, potentially encroaching on the neighboring restaurant property.***

- (4) **The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density;** *None of the variance requested would impact development density or create a use or structure inconsistent with the Comprehensive Plan or Land Development Code.*
 - (5) **An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;** *Financial return does not form the basis of these variance requests. The applicant is requesting modest expansion of an existing dock layout during reconstruction.*
 - (6) **Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;** *Staff finds that the issuance of these variances generally affords the same treatment to the property owner as others in the vicinity. The overall square footage of docking facilities proposed appears to be lesser than the restaurant to the immediate north of which the property size is similar, and the docks proposed for the subject property appear to be no longer than those adjacent the marina to the south of the property, albeit the subject property has a lesser waterway width than the marina property due to the residential cove to the southeast of the subject property.*
 - (7) **The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure;** *Staff find that the requests are minimal. The catwalk slips at the southern end of the property are sized to accommodate Class I boats without significant projection into the abutting waterway, with the catwalks and tie poles exceeding the existing tie poles by one to three feet. The dock to the north is proposed to widen to six feet the entire length of the dock, but the dock's length is also proposed to be reduced by three feet. The applicant stated during their Technical Review Committee review that this reconstruction is intended to provide additional safety to customers, and staff finds that justification to be supported by the scope of the request.*
 - (8) **The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.** *Staff finds the variance to be in harmony with the Land Development Code and Comprehensive Plan. The request preserves the same general overall dock footprint while increasing safety for customers, and provides a dock of lesser overall footprint than the restaurant docks to the north and lesser length than the marina docks to the south.*
- (2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.
- (3) Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

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 permit for application 23009 and variances for application 23010. 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. As such, staff recommends approval of the Conditional Use for the "Class A" commercial restaurant dock, and approval of variances one through three. Should the City Commission grant the Conditional Use, the application should be subject to the following conditions:

1. Approval of the conditional use permit is dependent on approval for the three variances requested by the applicant to Land Development Code Section 6.23(e)(3)&(4) as presented.
2. As determined by the city manager or designee, the operator shall not place any buoys or other obstructions within or adjacent to the leased submerged land that could negatively impact the response time of any emergency vessel launched from the 20th Avenue street-end, and the applicant shall submit any expansion of the submerged land lease for City review prior to state application.
3. The applicant shall apply and be approved for a right-of-way utilization permit prior to commencement of construction should any temporary vehicle or material staging be proposed in the right-of-way.
4. The use of the dock shall be considered a "Class A" commercial restaurant dock as defined in the Land Development Code. Any conversion of the dock to a different use including a long-term mooring dock, whether or not the conversion is accompanied by a structural alteration, shall require additional review and be considered a new request for zoning purposes.
5. The land within the proposed submerged land lease shall be considered subject to the City's ordinances related to nuisances, and the property owner shall be responsible for the prevention and abatement of any nuisances that arise within the lease boundaries.
6. Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit.
7. The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 25 Apr 2023

Subject Parcel: 18-32-16-68634-000-0017

Radius: 500 feet

Parcel Count: 98

Note: Parcels with protected address status are not included in this report.

Total pages: 5

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

I certify that, on Monday April 24, 2023, mailed notices were sent to all addressees on the following four (4) sheets, with the exception of those that were duplicates or addressed to the City of St. Pete Beach. A notice was also delivered to Mayor Petrila and Commissioner Marone.

COUNTY COURTHOUSE
315 Court Street - 2nd Floor
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY
29269 US Highway 19 N
Clearwater, FL 33761

FAX: (727) 464-3448 TTY/TDD: (727) 464-3370

MID COUNTY
13025 Starkey Road
Largo, FL 33773

MAIL: PO Box 1957, Clearwater, FL 33757

SOUTH COUNTY
2500 34th Street N - 2nd Floor
St. Petersburg, FL 33713

CAMELOT CONDO OWNERS ASSN INC, MNG
ENT
C/O LIBERTE MGMT GROUP, INC
1801 GULF WAY
ST PETE BEACH FL 33706-4239

EDGEWATER CLL LLC
4401 W KENNEDY BLVD STE 150
TAMPA FL 33609-2000

LANCE, QUINNETH L
2005 GULF WAY
ST PETE BEACH FL 33706-4139

CULLEN, PATRICK E
CULLEN, DEBORAH JEAN
106 19TH AVE
ST PETE BEACH FL 33706-4217

ZARA, MICHAEL A
LIANG, CHIA-YI
834 S BAYSIDE DR
TAMPA FL 33609-3634

KOEHLER, DAVID
KOEHLER, DAWN
1806 PASS A GRILLE WAY APT 2
ST PETE BEACH FL 33706-4279

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

B D PROPERTIES
BERGER, FRED CO INC
1712 NORTHGLEN CIR
MIDDLEBURG FL 32068-6581

ANTINORI, JAMES V
ANTINORI, MARY BRONKEN
3060 OAK RIM LN
PARK CITY UT 84060-6803

ALFERY, MAX JR
ALFERY, RUTH D
2107 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4151

SOWA, WALTER JR
SOWA, ARISTEIA F
108 20TH AVE
ST PETE BEACH FL 33706-4102

SWISHER, KEITH
SWISHER, HOLLIE
11504 RIDGE RD
LOUISVILLE KY 40223-2445

CHASE, GEORGE R
CHASE, JEANNE M
104 19TH AVE
ST PETE BEACH FL 33706-4217

PAG SHORES HOMEOWNERS ASSN INC
103 18TH AVE
ST PETE BEACH FL 33706-4214

COMBS, LEWIS A
WHITE, KATHRYN T
3002 W GALLAHER FERRY RD
KNOXVILLE TN 37932-1021

KEL-BREN CONDOMINIUM ASSN INC
1800 PASS A GRILLE WAY UNIT 3
ST PETE BEACH FL 33706-4269

LOUGHERY, DAVID
WILLIGES, MARY ELLEN
257 S LUCERNE BLVD
LOS ANGELES CA 90004-3726

SULLIVAN, CHRISTINA
SULLIVAN, SEAN
16104 TEMGLADE DR
LITHIA FL 33547

ZAICO, TAMMY
REED, EDWARD
85 5TH AVE
SARATOGA SPRINGS NY 12866-3611

KAZBO LLC
ATTN: ALGIRDAS M BOBELIS
9 3RD ST N STE 209
ST PETERSBURG FL 33701-3858

FASANO, LENORA A
179 21ST AVE
ST PETE BEACH FL 33706-2851

HYSELL, KENNETH J
HYSELL, REBECCA J
2032 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2840

HIGBEE, TYLER
198 21ST AVE
ST PETE BEACH FL 33706-2852

CARLSON, TERRANCE L
LEEHR, JEANETTE M
2003 GULF WAY
ST PETE BEACH FL 33706-4139

HATTON, RICHARD L
558 ETON DR
NORTH BARRINGTON IL 60010-2050

WOODRUFF, E JANICE
RICE, WILLIAM T
5052 WATERSITE CIR
INDIANAPOLIS IN 46254-9616

OST, NINA A TRE
3812 E MORNINGSIDE DR
BLOOMINGTON IN 47408-4338

RIMAR, MARILYN D REVOCABLE TRUST
RIMAR, MARILYN D TRE
5404 PALI WAY
ST PETE BEACH FL 33706-2327

SHANERS LAND & SEA MARKET INC
2000 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4150

GERRISH, JEFFREY C
GERRISH, CAROLYN C
PO BOX 242120
MEMPHIS TN 38124-2120

COLBURN, MARK S
COLBURN, DEBRA A
PO BOX 67416
ST PETERSBURG FL 33736-7416

KOTCHMAN, CASEY
8442 125TH CT
SEMINOLE FL 33776-3200

COLLOM PROPERTIES LLC
2381 EAST VINA DEL MAR BLVD
ST PETE BEACH FL 33706

TRZCINSKI, RICHARD L REV LIV TRUST
TRZCINSKI, RICHARD L TRE
2103 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4151

NIFONG, CLIFTON R JR
NIFONG, JUDITH L
1942 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2838

REES, GREGORY A
KEARNEY, DANIEL J
2012 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2840

CAMELOT CONDO OWNERS ASSN INC
1801 GULF WAY
ST PETE BEACH FL 33706-4239

CAMELOT CONDO OWNERS ASSN INC
1801 GULF WAY
ST PETE BEACH FL 33706-4239

SCAGLIONE, DEE A TRE
SCAGLIONE, JACK S TRE
109 20TH AVE
ST PETE BEACH FL 33706-4101

GUESS, ILIANA R & W MARION JR REV LIV
TRUST
2038 GRAMERCY CIR
ATLANTA GA 30341-1779

PINEAPPLE HOUSE @ PAG LLC
416 13TH AVE NE
ST PETERSBURG FL 33701-1307

KADEL, CAROLYN J
KADEL, KENNETH F
5519 CRESTWOOD DR
KANSAS CITY MO 64110-2747

RIVERA, JOHN D
RIVERA, LEONORA D
4604 S ESPERANZA AVE
TAMPA FL 33611-2742

MOUNTCASTLE, DANIEL J
MOUNTCASTLE, CHERYL L
102 22ND AVE
ST PETE BEACH FL 33706-4106

GUCCIARDI, JOY
GUCCIARDI, STEPHEN
14 CITATION AVE
STONEHAM MA 02180-1906

KOEHLER, DAVID L
KOEHLER, DAWN M
1806 PASS A GRILLE WAY APT 1
ST PETE BEACH FL 33706-4279

CC BULL LLC
2381 E VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2831

COLLADO, MELINDA J TRE
COLLADO, MELINDA J LIVING TRUST
15212 TILLWOOD PL
TAMPA FL 33618-1524

WILSON, KAREN L
164 S TESSIER DR
ST PETE BEACH FL 33706-2818

ST PETERSBURG YACHT CLUB INC
11 CENTRAL AVE
ST PETERSBURG FL 33701-3919

PASS-A-GRILLE WOMAN'S CLUB
PO BOX 46763
ST PETERSBURG FL 33741-6763

DENISCO, JOHN
DENISCO, DONNA
2105 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4151

GUSTKE, LEROY K III
180 21ST AVE
ST PETERSBURG FL 33706-2852

BESHEARS, DAVID WILSON
BESHEARS, MICHELLE STEWART
190 21ST AVE
ST PETE BEACH FL 33706-2852

HARDGROVE, MARC TRE
HARDGROVE, KIMBERLY TRE
2001 GULF WAY
ST PETE BEACH FL 33706-4139

LAVALLEE, JASON
MELLACE, CHRISTINE
108 22ND AVE
ST PETE BEACH FL 33706-4106

BAILEY, JOHN WESLEY
BAILEY, CHARLENE MARIE
109 21ST AVE
ST PETE BEACH FL 33706-4103

ICELY, SUZANNE
ICELY, WILLIAM III
107 19TH AVE
ST PETE BEACH FL 33706-4216

DUFOUR, LAUREN M
DUFOUR, PATRICK J
107 20TH AVE
ST PETE BEACH FL 33706-4101

CICCARELLI, MARK V
DINOIA, DENISE
106 21ST AVE
ST PETE BEACH FL 33706-4104

WOODRUFF, E JANICE
RICE, WILLIAM T
5052 WATERSITE CIR
INDIANAPOLIS IN 46254-9616

BEL MAR VILLAS CONDO ASSN INC
1806 PASS-A-GRILLE WAY
ST PETE BEACH FL 33706-4279

TONAS, VICTOR G REV LIV TRUST
TONAS, VICTOR G TRE
1807 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4245

MOHOLLAND, OWEN JOSEPH REV LIV TRUST
MOHOLLAND, OWEN JOSEPH TRE
199 21ST AVE
ST PETE BEACH FL 33706-2851

GIBIAN, TIMOTHY A
HESLEY, KERRI L
5912 WHITE FLINT DR
FREDERICK MD 21702-2338

ROCCO, JUNE M TRUST
ROCCO, JUNE M TRE
1903 GULF WAY
ST PETE BEACH FL 33706-4138

FUEYO KOORLAND FAMILY TRUST
FUEYO, VIVIAN TRE
2103 GULF WAY
ST PETE BEACH FL 33706-4140

STOVER, CORRIE B DECLARATION TRUST
STOVER, CORRIE B TRE
223 CORDOVA BLVD N
ST PETERSBURG FL 33704-3013

POOLE, BRETT A
POOLE, SONJA R
108 19TH AVE
ST PETE BEACH FL 33706-4217

KARAITIS, SOPHIE G TRE
KARAITIS, MICHAEL B GST EXEMPT FAMILY
TRUST
11639 WALNUT CT
BURR RIDGE IL 60527-8037

SCHELLER, FRITZ
CONTRERAS, MARITA
104 20TH AVE
ST PETE BEACH FL 33706-4174

POLAR FOUNDATION
104 21ST AVE
ST PETE BEACH FL 33706-4104

ROSS, BARBARA A
3600 34TH ST S APT 458
ST PETERSBURG FL 33711-3831

KAZBO LLC
9 3RD ST N STE 209
ST PETERSBURG FL 33701-3858

COLLOM PROPERTIES LLC
2381 E VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2831

CAMELOT CONDO OWNERS ASSN INC
1801 GULF WAY
ST PETE BEACH FL 33706-4239

RON'S HOLDINGS LLC
3443 1ST AVE N
ST PETERSBURG FL 33713-8516

C M-LAND 3 LLC
PO BOX 309
BRANDENBURG KY 40108-0309

HIGGINS, RICHARD L TRE
HIGGINS, RICHARD L LIV TRUST
100 UNION AVE
SARATOGA SPRINGS NY 12866-4333

BISHOP, CHARLES C
KADEL, CAROLYN J
103 18TH AVE UNIT A
ST PETE BEACH FL 33706-4214

HOLLWEG, LESLIE F TRE
HOLLWEG REV TRUST
2401 54TH ST S
GULFPORT FL 33707-5507

FORSMAN, TIMOTHY
2101 PASS A GRILLE WAY
ST.PETE BEACH FL 33706-4151

MACRAE, DAVID D II
170 21ST AVE
ST PETE BEACH FL 33706-2852

1761464 ONTARIO INC
131 KING ST
TERRA COTTA ON L7C 1P2

SULLIVAN, SCOTT EDWARD
SULLIVAN, KATHLEEN D
1982 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2838

BUMBER, JOHN R
WALLACE, ELLEN
2052 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2840

HAURA, ERIC B
HAURA, JULIE R
2072 W VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2840

CHRISTIE, JOAN M TRE
CHRISTIE, JOAN M REVOCABLE TRUST
1905 GULF WAY APT 3
ST PETE BEACH FL 33706-4122

KAZANOWSKI, ROGER
2007 GULF WAY
ST PETE BEACH FL 33706-4139

WELLS, NANCY L
105 19TH AVE
ST PETE BEACH FL 33706-4216

CONWAY, MICHAEL A
316 17TH AVE NE
ST PETERSBURG FL 33704-3503

GERRISH, JEFFREY C
GERRISH, CAROLYN C
700 COLONIAL ROAD STE 200
MEMPHIS TN 38117-5156

LOUGHERY, AMY I
102 19TH AVE
ST PETE BEACH FL 33706-4217

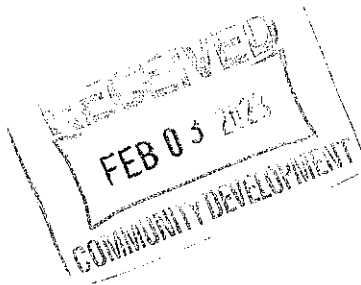
PARSONS, MICKEY
PRINCE, MICHAEL
1103 VICTORIA ST NE
BROOKHAVEN GA 30319-2340

C K J PROPERTIES LLC
219 SPORTS VILLAGE DR
HENDERSONVILLE NC 28739-0145

CASHION, JACOB R
CASHION, BROOKE W
PO BOX 1019
KERNERSVILLE NC 27285-1019

ADAMS, WILLIAM W
1805 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4245

BETZU, ROBERT
BETZU, NATALIE
2092 W VINA DEL MAR BLVD
ST PETERSBURG FL 33706-2840



CONDITIONAL USE APPLICATION

Case Number: 23009

PROPERTY OWNER: JAMES A MILLER

APPLICANT/AGENT (Attach agent authorization form)

Name: JAMES A. MILLER

Name: BRIAN J. AUNGST, JR.

Address: 3901 43RD STREET S

Address: 625 COURT STREET, SUITE 200

City: ST. PETE BEACH State: FLORIDA

City: CLEARWATER State: FLORIDA

Zip: 33711 Telephone: (631) 786-9764

Zip: 33756 Telephone: (727) 441-8966

Email: IRENE@GENERALFIBRE.COM

Email: BJA@MACFAR.COM

SUBJECT PROPERTY:

Address: 2001 PASS A GRILLE, ST PETE BEACH, FL 33706 Current Name of Business: THE WHARF RESTAURANT

Parcel ID: 18-32-16-68634-000-0017

Name of Project: RE-CONSTRUCTION OF DOCKS

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

ST PETE BEACH LAND DEVELOPMENT CODE SECTION 15.4(m) -- ALLOWABLE CONDITIONAL USES

CONCURRENT WITH:

VARIANCE APPLICATION: SECTIONS 6.23(e)(3) & (4)


Signature of Applicant/Agent

11-29-2022
Date

CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 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.

The requested conditional use is consistent with Goal 1 of Section VI--Coastal & Conservation. The re-construction of the dock currently located on the parcel will ensure that the dock and its' materials are of the highest environmental quality and minimize the impact of the structure on the waterfront (Objective 1.9). Further, the re-construction of the dock will adhere to the construction standards established by the City of St. Pete Beach and will allow the owner to utilize the parcel's commercial working waterfront (Policy 1.9.7).

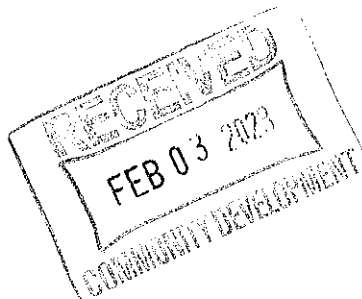
2. LDC Sec 4.4(a)(2)a-d Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available 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 appearance and function of the area will be minimally affected by the re-construction of the dock. The parcel currently has docks which it uses as a part of the business located upon it. Granting this conditional use would not significantly change the overall appearance and function of the area. The proposed design plans are for a slight increase in the size of the docks, not of a significant nature.

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

N/A



CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 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 application will be compatible with adjacent development. Located directly adjacent to the South is a commercial marina facility. Further, the property directly adjacent to the North appears to also be a restaurant and parking area with docks upon the submerged lands. This application would not be of a character which would disturb the surrounding developments.

- 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;

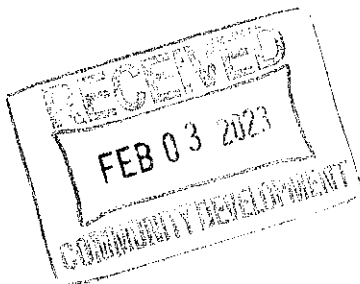
This application will not have any significant adverse impacts on the livability and usability of nearby land. As is noted above, the proposed re-construction of the docks would only see a slight increase in the size of the docks but would not produce any significant adverse impacts on the surrounding areas. Approval of this application will not create a significant increase of the current impacts the parcel creates.

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 transportation system will not be affected by this application.

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);

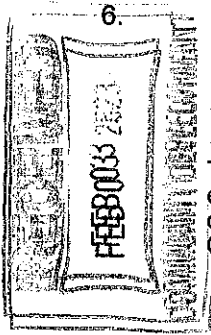
The off-street parking area will not be affected by this application.



CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 www.stpetebeach.org

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

This request will allow the applicant to better utilize the property and will provide for a safer dock facility. Approval of this application will more than preserve the public health, safety and welfare, but will improve it by allowing for better facilities to be put in place on the parcel.



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,

The applicant purchased the property for a significant sum of money in January 2022 and has hired an engineering firm and a law firm to assist with the application process. The applicant has demonstrated financial capability and possesses the technical capability to complete the improvements and any mitigation which the City may deem appropriate.

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 is not a deviation from the current use and complies with all additional standards of the City.

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.

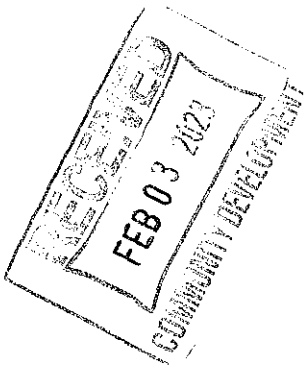
This application would allow for a much better design of the dock and a more aesthetically pleasing development.

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

N/A

CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 www.stpetebeach.org

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 maintenance of the facilities would be improved by allowing the re-construction of the docks.
7. Fire suppression and facility security.
N/A
8. Emergency management and hurricane evacuation provisions.
N/A
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
 - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
 - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.N/A



CITY OF ST. PETE BEACH, Community Development Department
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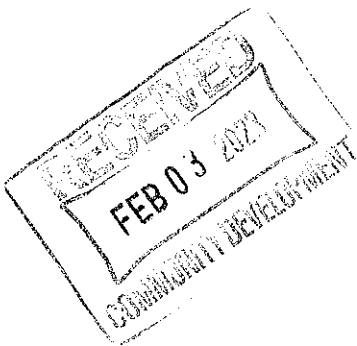
CONDITIONAL USE APPLICATION

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.

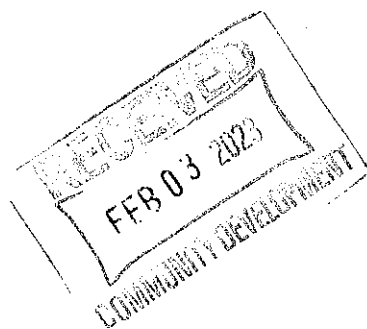
- X *SM* I understand that the City will not accept or process an incomplete application.
- X *SM* I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.
- X *SM* On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.
- X *SM* 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.
- X *SM* 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.
- X *SM* 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

J. Miller 11-29-2022
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



The Sunset Capital of Florida

Owner's Authorization for Agent

I/WE

JAMES A MILLER

(print name of property owner)

hereby authorize

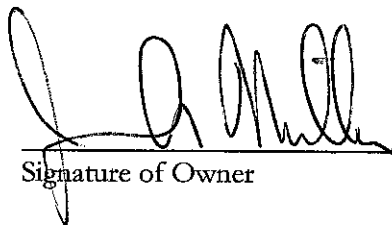
BRIAN J. AUNGST, JR.

(print name of agent)

to represent me/us in an application for

CONDITIONAL USE APPLICATION

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



Signature of Owner

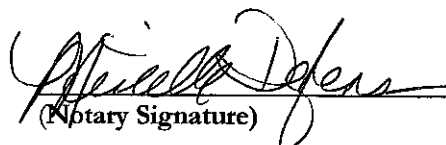
JAMES A. MILLER

Print Name of Owner

Signature of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 29 day of November 2022 by James A. Miller who is personally known FLD or produced FLD as identification.

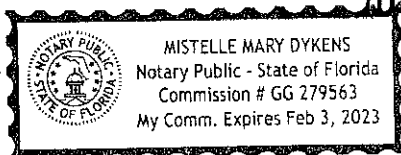


(Notary Signature)

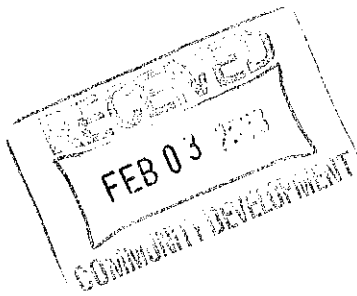
11-29-22

(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



PUBLIC HEARING SIGN POSTING AFFIDAVIT

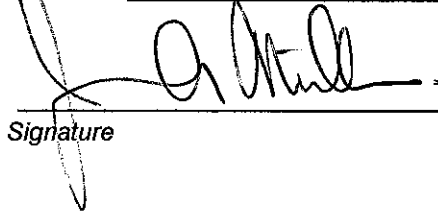
Applicant, JAMES A MILLER, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in 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): JAMES A MILLER

Address: 3901 43RD STREET S, ST PETERSBURG, FL 33711

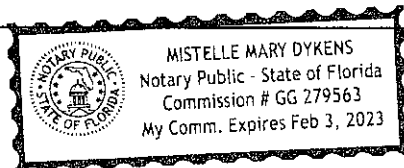

Signature

11-29-2022
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 29 day of November 20 22 by James A. Miller, who appeared before me, and is personally known to me, or has produced FDL as identification, and did take an oath.

My commission expires:



NOTARY: 
Print Name: _____
Notary Public, State of Florida
(Notarial Seal)

CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 www.stpetebeach.org

CASE #: 23010

PARCEL #: _____

SUBMITTAL DATE: 2/3/23 AMOUNT DUE: \$ 200.00 PAYMENT DATE: _____**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

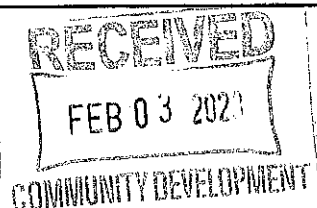
- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	JAMES A MILLER	3901 43RD STREET S ST PETERSBURG, FL 33711	(631) 786-9764
Applicant/ Agent	BRIAN J AUNGST, JR	625 COURT STREET, SUITE 200 CLEARWATER, FL 33756	(727) 441-8966
Owner Email Address: IRENE@GENERALFIBRE.COM		Applicant/Agent Email Address: BJA@MACFAR.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation COMMERCIAL GENERAL 1 (CG-1)	Future Land Use Designation COMMERCIAL GENERAL (CG)	Lot Area 0.33 ACRES
Legal Description: SEE ATTACHED		
Address: 2001 PASS A GRILLE, ST. PETE BEACH, FL 33706		
Explanation of Request: RE-CONSTRUCTION AND SLIGHT EXPANSION OF COMMERCIAL DOCK LOCATED ON THE PROPERTY. THIS WOULD BE A VARIANCE REQUEST TO SECTIONS 6.23(e)(3) & (4) OF THE ST. PETE BEACH LAND DEVELOPMENT CODE REGARDING WIDTH OF COMMERCIAL DOCKING FACILITIES NOT EXCEEDING 75% OF WIDTH OF PROPERTY LINE AND THAT ALL DOCKING FACILITIES MUST NOT BE LOCATED CLOSER TO EITHER ADJACENT EXTENDED PROPERTY LINE THAN 10% OF THE PROPERTY WIDTH AT THE WATERFRONT		



Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

The subject property is unique in that the property itself extends onto submerged lands. The restaurant which is located on the property was constructed over the submerged lands. This is special to the subject property because most parcels located on the waterfront do not extend out onto the water, but rather end at the waterfront.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

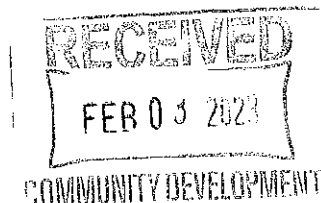
Neither the property owner nor the previous owners of the subject property were responsible for the property line extending out into the submerged lands. This extension of the property line creates a special circumstance for the subject property owner, but restricts some of the area where a dock may be placed.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

Because the property line extends out past the waterfront, the building restricts a portion of the area where docks may be placed. Further, the docks cannot extend too far out into the waterway and therefore the docks must be creatively placed upon adjacent to the subject property. The literal interpretation of the Land Development Code provisions would deprive the property owner of the ability to make up for some of this lost dock area by restricting the length of the proposed dock to 75% of the width of the property at the waterfront. Further, the subject property has the peculiar ability to allow for boats to dock directly adjacent to the property line (i.e., at the submerged lands property line). However, the portion of the property that extends out past the waterfront is abutting the neighboring property. The literal interpretation of the provisions of the Land Development Code would not allow for the subject property to utilize their unique property line by restricting the construction of any dock so that no portion is closer to either adjacent extended property line than 10% of the property width at the waterfront. These literal interpretations of the Land Development Code result in unnecessary and undue hardship for the applicant.

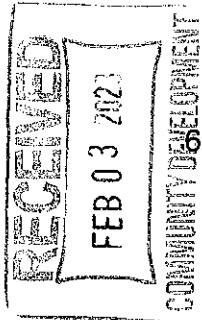
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

The applicant was unaware that such a peculiar property that extends out into the submerged lands would create such a hardship. Further, construction of the docking facilities is consistent with the Land Development Code and is not increasing the development density on the site.



5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

This Variance application has not been submitted in order to achieve greater financial return. Rather, this application would allow for safer docking facilities and for the parcel to better utilize the unique shape of the subject property which extends onto submerged lands.



6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

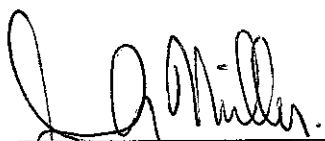
Most other lands which are located along the waterfront do not have the same characteristics as the applicant's subject property. Allowance of this variance does not convey any benefit upon the applicant which other owners in the same zoning district would receive because of the unique shape of the subject property.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The variance requested is the minimum variance that allows the applicant to most reasonably utilize the subject property.

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The requested variance is of the same character and nature as the surrounding properties and would be harmonious with the general intent and purpose of the Land Development Code and Comprehensive Plan. This requested variance would not only not be detrimental to the public safety and welfare, but would be extremely beneficial to improving the safety of the property and the adjacent waterways. Further, the requested variance would not diminish or impair any property values which are adjacent to the property or in the neighborhood.

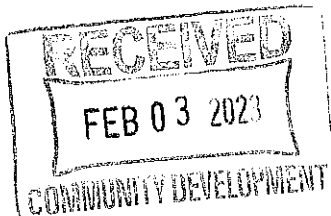

Signature of Applicant

11-29-2022.

Date

Signature of Authorized Agent

Date



VARIANCE APPLICATION

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

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

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

X fm On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

X fm I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.

X fm I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

X fm I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative 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.

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

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

J. Miller
Signature of Applicant

11-29-2022.
Date

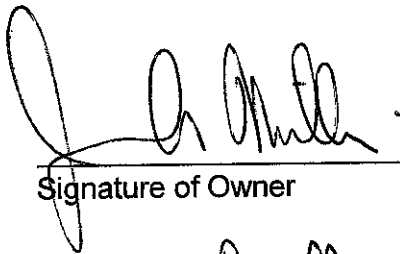


Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE JAMES A MILLER
(print name of property owner)

hereby authorize BRIAN J AUNGST, JR
(print name of agent)

to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)



Signature of Owner

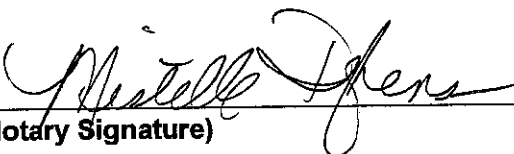
JAMES A. MILLER.

Print Name of Owner

Signature of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 29 day of
November 2022 by James A. Miller or who is
personally known _____ produced
FIDL as identification.

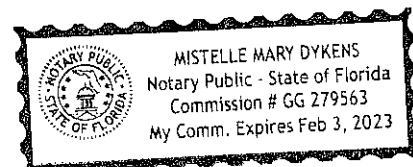


(Notary Signature)

11-29-22

(Date)

My Commission Expires _____





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, JAMES A MILLER, 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): JAMES A MILLER

Address: 3901 43RD STREET S, ST PETERSBURG, FL 33711

[Signature]
Signature

11-29-2022.
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 29 day of November 2022 by:
James A. Miller who appeared before me, and is personally known to me, or has produced
Full as identification, and did take an oath.

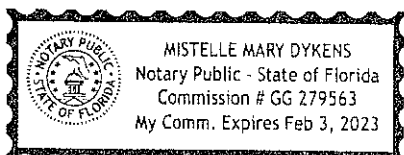
My commission Expires:

NOTARY:

Print Name: Mistelle Mary Dykens Notary

Public, State of Florida

(Notarial Seal)





PROJECT ADDRESS: 2001 PASS-A-GRILLE WAY
ST. PETE BEACH, FL 33706

CERTIFIED TO:
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (TIIF)
JAMES A. MILLER

NOTES:
1. THIS SPECIFIC PURPOSE FIELD SURVEY PREPARED FOR:
JAMES MILLER, 3901 43RD STREET SOUTH, ST. PETERSBURG, FLORIDA.

2. PUMP-OUT FACILITIES: NONE

3. FUELING FACILITIES: NONE

SHORELINE VEGETATION: NONE

POINT OF BEGINNING LATITUDE/LONGITUDE: 27°41'47.6" N, 82°34'07.3" W (NAD83/WGS84)
OBTAINED FROM "GOOGLE EARTH"

UPLAND STRUCTURES: COMMERCIAL/RESTAURANT

ADJOINERS NOT FURNISHED

SHORELINE LENGTH: APPROXIMATELY 100 FEET

SHORELINE CONDITION: NORTHERLY OF PROJECT = 1000' SEAWALL
SOUTHERLY OF PROJECT = 1000' SEAWALL

DOCKS WITHIN 100 FEET OF LEASE AREA: SHOWN ON SHEET 3 OF 4
MEAN HIGH WATER ELEVATION = 0.36 FEET NAVD 88 (PROVIDED BY M. KEVIN MEARS, FDEP ON 6/17/2022)
MEAN LOW WATER ELEVATION = (-1.26 FEET) NAVD 88 (PROVIDED BY M. KEVIN MEARS, FDEP ON 6/17/2022)

SEE SHEET 1 OF 4 FOR SURVEYORS REPORT.
SEE SHEET 2 OF 4 FOR UPLAND PARCEL AND LEASE AREA DESCRIPTION.
SEE SHEET 3 OF 4 FOR UPLAND PARCEL BOUNDARY.
SEE SHEET 4 OF 4 FOR LEASE AREA BOUNDARY.

THIS REPORT IS NOT FULL AND COMPLETE WITHOUT
THE ATTACHED MAP AND ALL ACCOMPANYING SHEETS.

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

ALBERT P. CARRIER, PSM 6488

I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.05 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBMERGED LAND LEASE SURVEY
2001 PASS-A-GRILLE WAY
FIELD SURVEY

CITY OF ST. PETE BEACH

FLORIDA

PROJECT NO.	SE22.191
DATE:	6/1/2022
DRAWN:	TBM
SCALE:	N/A
SHEET NO.	1 OF 4

UPLAND PARCEL DESCRIPTION: (PER OR 21900, PG 237)

PARCEL 1:

THE STRIP OF LAND LYING EAST OF LOTS 27 AND 28, BLOCK "I" AND LYING BETWEEN THE NORTH AND SOUTH LINE OF SAID LOT 27 AND LOT 28 AS EXTENDED EAST TO THE WATER AND LYING BETWEEN THE EAST LINE OF FLORIDA AVENUE AND THE WATER. ALL AS SHOWN ON THE PLAT OF THE REVISED MAP OF PHILIPS DIVISION OF PASS-A-GRIFFE CITY, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SUBMERGED LAND LEASE DESCRIPTION:

A PARCEL OF SOVEREIGN SUBMERGED LAND LYING IN LITTLE MCPHERSON BAYOU, IN SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 27, BLOCK I, THE REVISED MAP OF PHILIPS DIVISION OF PASS-A-GRIFFE CITY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S84°35'43"E, ALONG THE NORTH RIGHT-OF-WAY LINE OF 20TH AVENUE, A DISTANCE 165.13 FEET TO A POINT ON THE FACE OF AN EXISTING SEAWALL, ALSO BEING THE MEAN HIGH WATER LINE OF LITTLE MCPHERSON BAYOU, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID FACE OF SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING THREE (3) COURSES: 1) N06°00'10"E, A DISTANCE OF 49.89 FEET; 2) N06°49'13"E, A DISTANCE OF 28.73 FEET; 3) N08°17'40"E, A DISTANCE OF 21.01 FEET; THENCE DEPARTING SAID FACE OF SEAWALL AND MEAN HIGH WATER LINE, S84°35'43"E, A DISTANCE OF 89.79 FEET; THENCE S05°24'17"W, A DISTANCE OF 47.38 FEET; THENCE S84°35'43"E, A DISTANCE OF 3.00 FEET; THENCE S05°24'17"W, A DISTANCE OF 52.22 FEET; THENCE N84°35'43"W, A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,253 SQUARE FEET (0.212 ACRE), MORE OR LESS.

SEE SHEET 1 OF 4 FOR SURVEYORS REPORT.
SEE SHEET 2 OF 4 FOR UPLAND PARCEL AND LEASE AREA DESCRIPTION.
SEE SHEET 3 OF 4 FOR UPLAND PARCEL BOUNDARY.
SEE SHEET 4 OF 4 FOR LEASE AREA BOUNDARY.

**UPLAND PARCEL
& LEASE AREA
DESCRIPTION**

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

THIS DOCUMENT IS NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.05 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**SUBMERGED LAND LEASE SURVEY
2001 PASS-A-GRIFFE WAY
FIELD SURVEY**

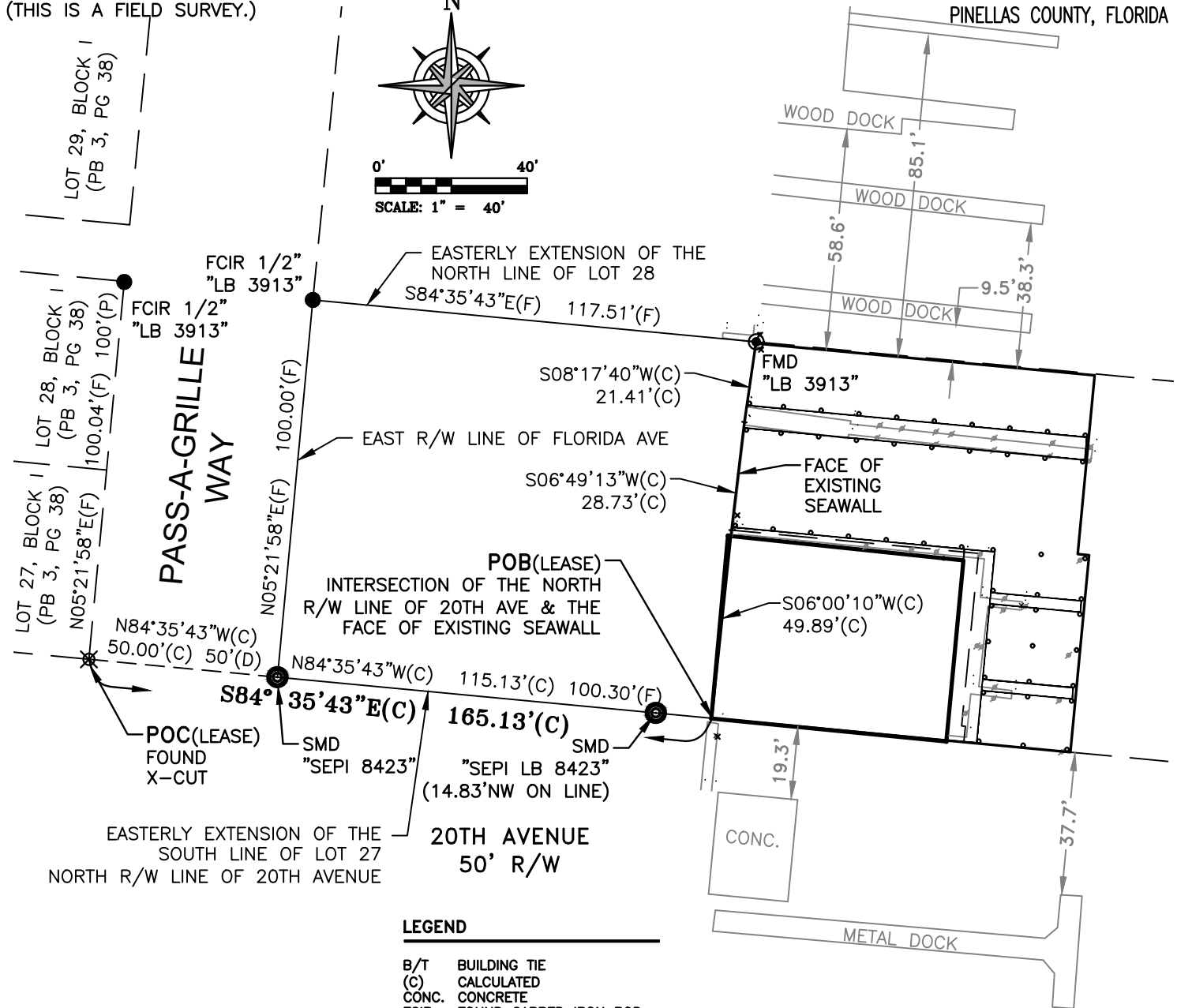
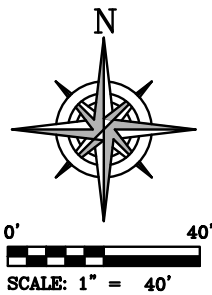
CITY OF ST. PETE BEACH

FLORIDA

WORK ORDER	SE22.191
DATE:	6/1/2022
DRAWN:	TBM
SCALE:	N/A
SHEET NO.	2 OF 4

SUBMERGED LAND LEASE SURVEY
(THIS IS A FIELD SURVEY.)

SEC. 18, TWP. 32 S., RNG. 16 E.
PINELLAS COUNTY, FLORIDA



LEGEND

B/T BUILDING TIE
(C) CALCULATED
CONC. CONCRETE
FCIR FOUND CAPPED IRON ROD
LB LICENSED BUSINESS
MHWL MEAN HIGH WATER LINE
No. NUMBER
OR OFFICIAL RECORD BOOK
(P) PLAT BOOK 3, PAGE 38
PB PLAT BOOK
PG PAGE/PAGES
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
PSM PROFESSIONAL SURVEYOR & MAPPER
RNG. RANGE
SEC. SECTION
TWP. TOWNSHIP
(TYP) TYPICAL

SYMBOL LEGEND

●	IRON ROD (FOUND)
⊙	NAIL & DISK (FOUND)
X	X-CUT (FOUND)

SEE SHEET 1 OF 4 FOR SURVEYORS REPORT.
SEE SHEET 2 OF 4 FOR UPLAND PARCEL AND LEASE AREA DESCRIPTION.
SEE SHEET 3 OF 4 FOR UPLAND PARCEL BOUNDARY.
SEE SHEET 4 OF 4 FOR LEASE AREA BOUNDARY.

UPLAND PARCEL BOUNDARY

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

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SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

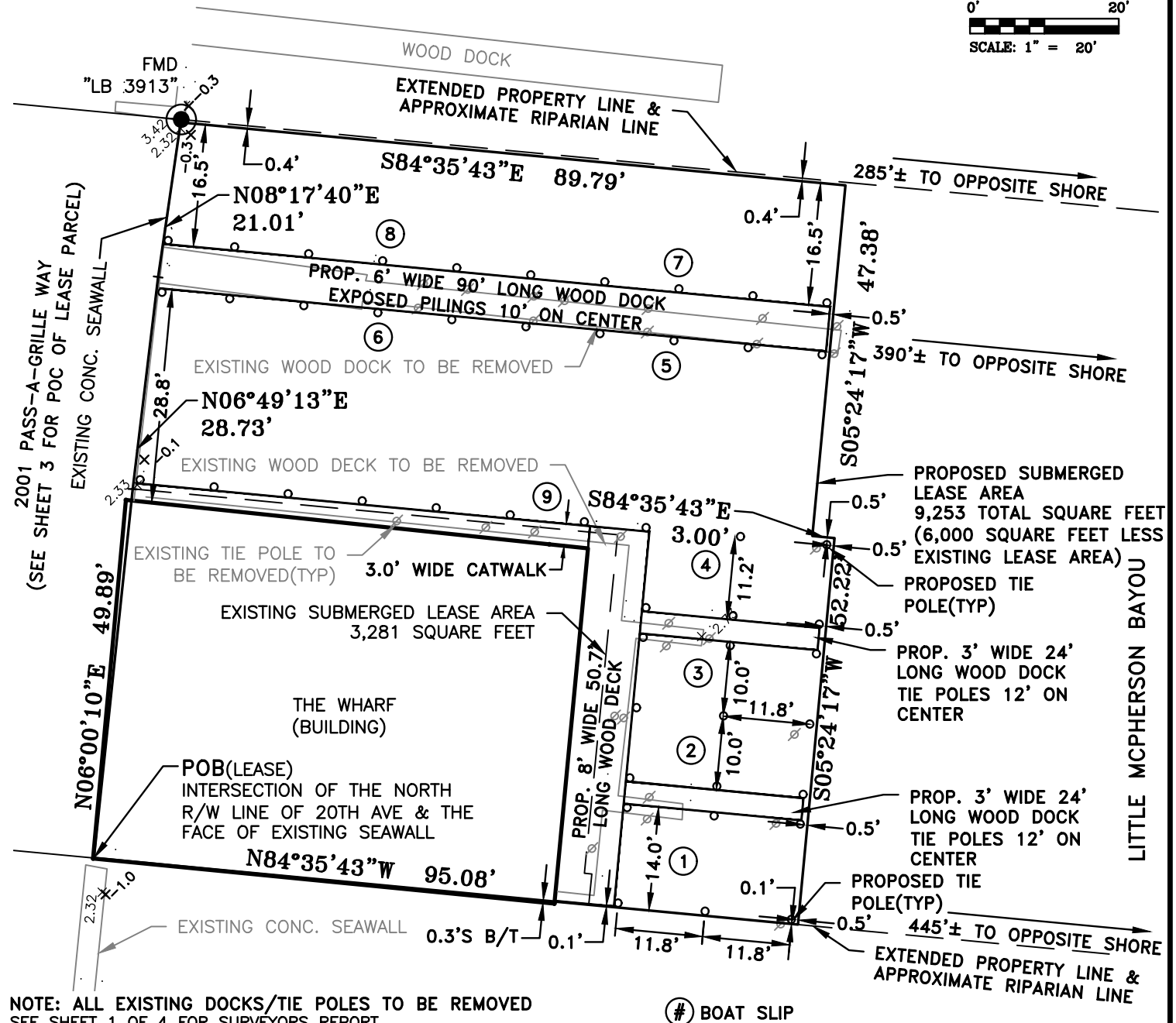
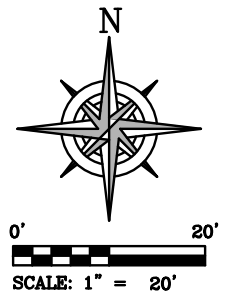
I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.05 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBMERGED LAND LEASE SURVEY 2001 PASS-A-GRILLE WAY FIELD SURVEY

CITY OF ST. PETE BEACH

FLORIDA

WORK ORDER	SE22.191
DATE:	6/1/2022
DRAWN:	TBM
SCALE:	1" = 40'
SHEET NO.	3 OF 4



NOTE: ALL EXISTING DOCKS/TIE POLES TO BE REMOVED
SEE SHEET 1 OF 4 FOR SURVEYORS REPORT.
SEE SHEET 2 OF 4 FOR UPLAND PARCEL AND LEASE AREA DESCRIPTION.
SEE SHEET 3 OF 4 FOR UPLAND PARCEL BOUNDARY.
SEE SHEET 4 OF 4 FOR LEASE AREA BOUNDARY.

LEASE AREA BOUNDARY

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

THIS DOCUMENT IS NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.05 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBMERGED LAND LEASE SURVEY
2001 PASS-A-GRILLE WAY
FIELD SURVEY

WORK ORDER	SE22.191
DATE:	6/1/2022
DRAWN:	TBM
SCALE:	1" = 20'
SHEET NO.	4 OF 4

CITY OF ST. PETE BEACH

FLORIDA

PARCEL 1:

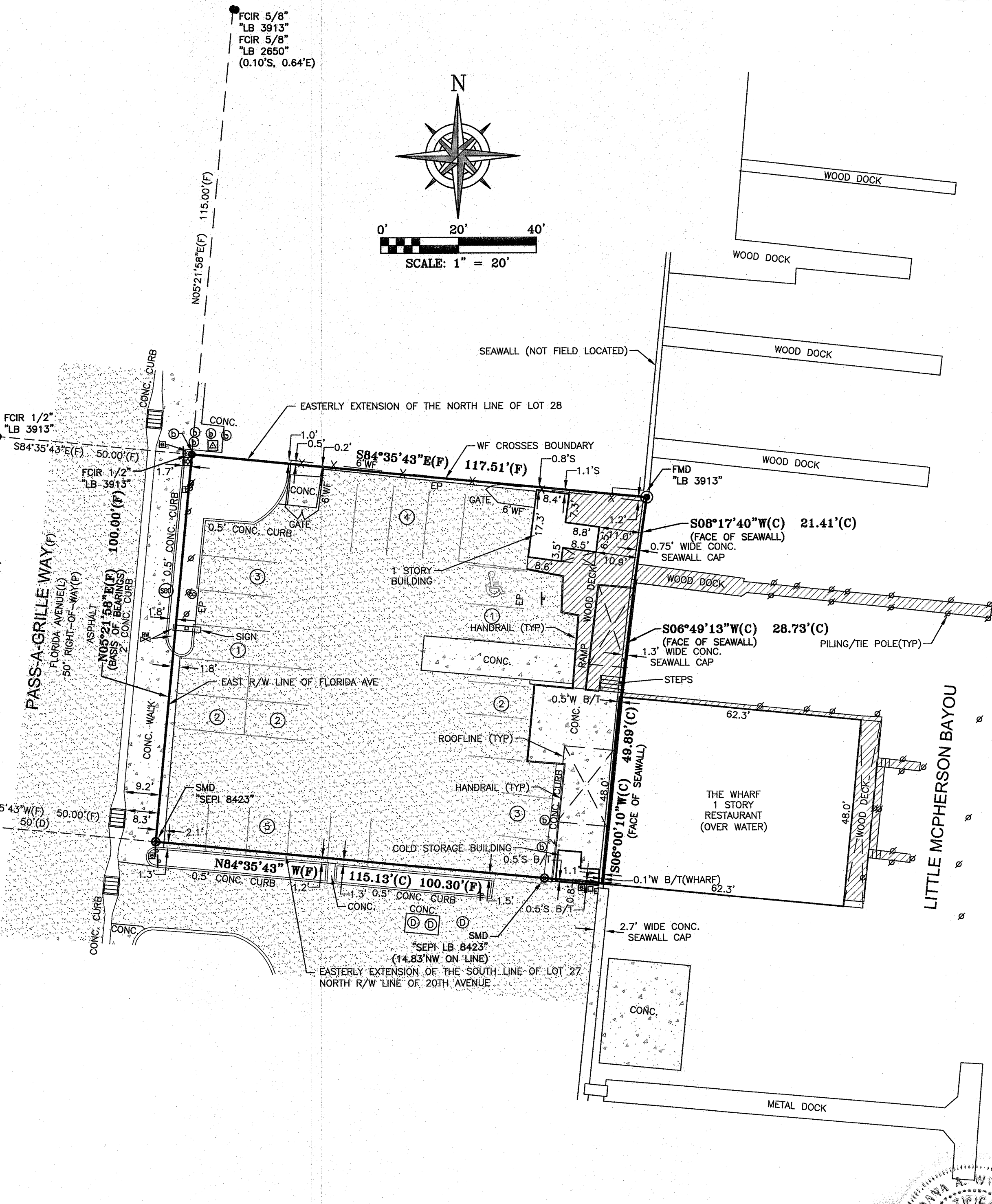
THE STRIP OF LAND LYING EAST OF LOTS 27 AND 28, BLOCK "I" AND LYING BETWEEN THE NORTH AND SOUTH LINE OF SAID LOT 27 AND LOT 28 AS EXTENDED EAST TO THE WATER AND LYING BETWEEN THE EAST LINE OF FLORIDA AVENUE AND THE WATER. ALL AS SHOWN ON THE PLAT OF THE REVISED MAP OF PHILIPS DIVISION OF PASS-A-GRIFFE CITY, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SURVEYOR'S REPORT:

- BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF FLORIDA AVENUE AS SHOWN ON THE PLAT OF THE REVISED MAP OF PHILIPS DIVISION OF PASS-A-GRIFFE, RECORDED IN PLAT BOOK 3, PAGE 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING ASSUMED AS N05°21'58"E.
- THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.052(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
- NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITIES, ENCROACHMENTS, IMPROVEMENTS, STRUCTURES OR FOUNDATIONS. UNDERGROUND UTILITY LINE LOCATIONS (IF SHOWN HEREON) ARE ASSUMED BASED UPON VISIBLE SURFACE EVIDENCE.
- RE-USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE TO WHOM CERTIFIED.
- THIS SURVEY IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
- THE SITE APPEARS TO BE IN FLOOD ZONE AE (EL. 10), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) 12103C0278H, COMMUNITY NUMBER 125149, EFFECTIVE DATE 8/24/2021. DEUEL & ASSOCIATES AND THE SIGNING SURVEYOR HEREON ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS DETERMINATION. ELEVATIONS ON FIRM ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88). THE AUTHOR OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENTAL AGENCY HAVING JURISDICTION OVER SUCH MATTERS SHOULD BE CONTACTED PRIOR TO ANY JUDGMENTS BEING MADE FROM THIS INFORMATION. THE ABOVE REFERENCED MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM" AND "THAT BASE FLOOD ELEVATIONS (BFEs) SHOWN REPRESENT ROUNDED WHOLE-FOOT ELEVATIONS AND THEREFORE MAY NOT EXACTLY REFLECT THE FLOOD ELEVATION DATA PRESENTED IN THE FLOOD INSURANCE STUDY (FIS) REPORT". THE FIS REPORT WAS NOT CONSULTED FOR THIS SURVEY. FLOOD ZONE LIMITS AND LIMIT OF MODERATE WAVE ACTION SHOWN HEREON, IF ANY, WERE SCALED FROM SAID MAP AND ARE APPROXIMATE ONLY.
- SHOWN ANYWHERE ON THIS SURVEY, THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF A PROFESSIONAL OPINION BASED UPON THE SURVEYOR'S BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT THUS CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY.
- UNLESS OTHERWISE INDICATED, THE PROPERTY DESCRIPTION AND EASEMENTS SHOWN WERE FURNISHED TO DEUEL & ASSOCIATES AND ARE PRESUMED TO BE CORRECT. NO SEARCH OF ANY PUBLIC RECORDS, FOR EASEMENTS, DEEDS, ETC., WAS PERFORMED BY THIS FIRM FOR THE COMPLETION OF THIS SURVEY AND THERE MAY BE ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.
- INFORMATION FOR ADJOINING PROPERTIES WAS OBTAINED FROM PINELLAS COUNTY PROPERTY APPRAISERS WEB SITE AT WWW.PCPAO.ORG ON 8/1/2022.
- THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/20 OR SMALLER.
- THIS SURVEY IS BASED ON THE U.S. SURVEY FOOT.
- THE SUBJECT PARCEL CONTAINS 11,593 SQUARE FEET, (0.266 ACRE) MORE OR LESS.

LEGEND	
B/T	BUILDING TIE
(C)	CALCULATED
CBW	CONCRETE BLOCK WALL
C	CENTERLINE
CONC.	CONCRETE
EP	EDGE OF PAVEMENT
EL	ELEVATION
(F)	FIELD
FB	FIELD BOOK
FCIR	FOUND CAPPED IRON ROD
FFE	FINISHED FLOOR ELEVATION
FN&D	FOUND NAIL AND DISK
ID.	IDENTIFICATION
(L)	LEGAL DESCRIPTION
LB	LICENSED BUSINESS
NGS	NATIONAL GEODETIC SURVEY
NO.	NUMBER
OH	OVERHEAD WIRES
OR	OFFICIAL RECORD BOOK
(P)	PLAT BOOK 3, PAGE 38
PB	PLAT BOOK
(PCPAO)	PINELLAS COUNTY PROPERTY APPRAISER'S WEB SITE DATA
PG	PAGE/PAGES
PID#	PERMANENT IDENTIFIER NUMBER
PLS	PROFESSIONAL LAND SURVEYOR
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRM	PERMANENT REFERENCE MONUMENT
PSM	PROFESSIONAL SURVEYOR & MAPPER
RNG.	RANGE
R/W	RIGHT-OF-WAY
SEC.	SECTION
SCO	SANITARY CLEAN-OUT
SMD	SET "MAG" NAIL AND DISK
TYP	TYPICAL
TWP.	TOWNSHIP
WF	WOOD FENCE
	ASPHALT
	BRICK
	CONCRETE

SYMBOL LEGEND	
⊙	BOLLARD
⊕	CLEANOUT
⊞	CONCRETE LIGHT POLE
⊞	ELECTRIC BOX
⊞	ELECTRIC METER
⊞	ELECTRIC TRANSFORMER
⊞	ELEVATION
⊞	ELEVATION BACK OF CURB
⊞	ELEVATION BACK OF CURB
⊞	ELEVATION FLOW LINE
⊞	ELEVATION EDGE OF PAVEMENT
⊞	FIRE HYDRANT
⊞	GAS VALVE
⊞	GRATE INLET
⊞	GUY WIRE ANCHOR
⊞	HANDICAP PARKING SPACE
⊞	IRON PIPE (FOUND)
⊞	IRON ROD (FOUND)
⊞	IRON ROD (SET)
⊞	IRRIGATION CONTROL VALVE
⊞	LIGHT POLE
⊞	NAIL AND DISK (SET)
⊞	NAIL & DISK (FOUND)
⊞	PARKING SPACES
⊞	PILING/TIE POLE
⊞	RECLAIMED WATER METER
⊞	RECLAIMED WATER VALVE
⊞	SANITARY MANHOLE
⊞	SANITARY SEWER CLEANOUT
⊞	SIGN
⊞	STORM SEWER MANHOLE
⊞	TELEPHONE PEDESTAL
⊞	WATER METER
⊞	WATER VALVE
⊞	X-CUT (FOUND)



DEUEL & ASSOCIATES
A SEPI COMPANY
565 SOUTH HERCULES AVENUE, CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION # 26320 LICENSED BUSINESS # 8423

BOUNDARY SURVEY
2001 PASS-A-GRIFFE WAY
ST. PETE BEACH
CITY OF ST. PETE BEACH
FLORIDA

PREPARED FOR:
JAMES MILLER
3901 43RD STREET SOUTH
ST. PETERSBURG, FL 33711

DEUEL & ASSOCIATES
NO. 5874
DATE: 8/3/2022
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, LS 5874

WORK ORDER NO. SE22.191.00
FIELD DATE: 7/29/2022
DRAWN: TBM/BS: 255 PG: 69
SCALE: 1" = 20'
SHEET NO. 1 OF 1

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

DISCLAIMER

No. 40207(5216-52)

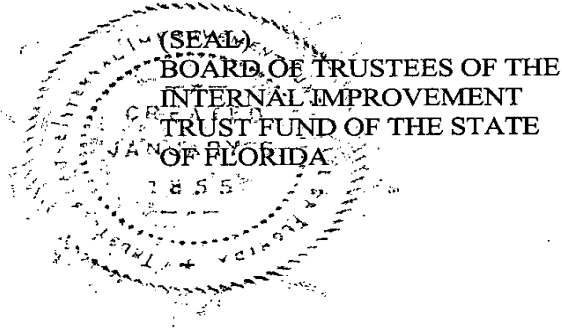
THIS DISCLAIMER made by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA as Grantor, and Robert P. Bell, as Trustee of the Robert P. Bell Declaration of Trust dated the 11th day of April, 1995, as Grantee;

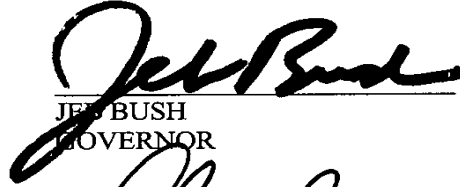
WITNESSETH, that the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida pursuant to the provisions of Section 253.129, Florida Statutes, subject to any inalienable trust under which the State holds such lands, has released, relinquished, surrendered and disclaimed, and by these presents does hereby release, relinquish, surrender, and disclaim to said Grantee, whose address is 641 64th Avenue, St. Petersburg, FL, 33706, his heirs and assigns, any and all right, title or interest, in and to the following described parcel of land located in Pinellas County, Florida, to-wit:

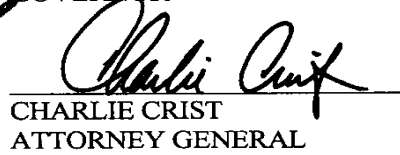
(Footprint of Fish House)

A parcel of submerged land lying in Boca Ciega Bay, in Section 18, Township 32 South, Range 16 East, Pinellas County, Florida, being described as follows:
Commencing at the Southeast corner of Lot 27, Block I, THE REVISED MAP OF PHILLIP'S DIVISION OF PASS-A-GRILLE CITY, as recorded in Plat Book 3, Page 38, Public Records of Pinellas County, Florida, proceed S.84°35'43"E., (an assumed bearing system), 165.75 feet along the North right-of-way line of 20th Avenue (a 50 foot right-of-way) for a Point of Beginning; thence N.05°36'31"E., 49.75 feet along the face of the existing seawall, thence S.84°35'43"E., 65.64 feet; thence S.05°36'31"W., 45.75 feet; thence S.84°23'29"E., 1.00 foot; thence S.05°36'31"W., 4.00 feet to the extension of the North right-of-way line of 20th Avenue; thence N.84°35'43"W., 66.64 feet to the Point of Beginning. Containing 3269 square feet, or 0.075 acre, more or less.

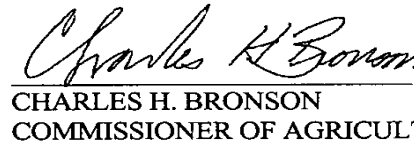
IN TESTIMONY WHEREOF, the members of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA have hereunto subscribed their names and have caused the official seal of said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA to be hereunto affixed in the City of Tallahassee, Florida, on this the 6TH day of MAY, A.D., 2004.



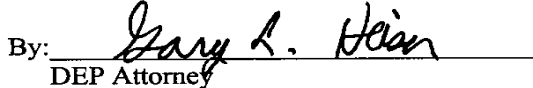

JEB BUSH
GOVERNOR


CHARLIE CRIST
ATTORNEY GENERAL


TOM GALLACHER
CHIEF FINANCIAL OFFICER

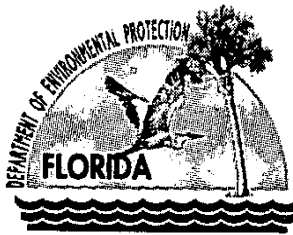

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

APPROVED AS TO FORM & LEGALITY

By: 
DEP Attorney

As and Constituting the
BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

This Instrument Prepared by
Jody Miller
Department of Environmental
Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

MEMORANDUM

DATE: March 16, 2004

TO: The Board of Trustees of the Internal Improvement Trust Fund

FROM: Eva Armstrong
Director
Division of State Lands

SUBJECT: Trustees' Disclaimer No. 40207 (5216-52)
Robert P. Bell, Trustee
Pinellas County

In accordance with the authority delegated to the DEP Division of State Lands at the January 25, 2000, Cabinet Meeting, attached is Trustees' Disclaimer No. 40207 (5216-52) for your signature.

At the January 25, 2000, Cabinet Meeting, the Board of Trustees approved the use of the following delegated authority by the Director of the Division of State Lands, or her designee: (1) to deny disclaimer applications for dredged areas; (2) to issue disclaimers for wharves or fill where appropriate and deliver the disclaimer document(s) to the Board of Trustees for execution; and (3) to place those applications that are controversial or questionable on the Board of Trustee's agenda for formal consideration. Pursuant to this delegated authority, the Division of State Lands has issued the attached disclaimer, which is herewith forwarded to you for execution.

Mr. Robert P. Bell, as Trustee of the Robert P. Bell Declaration of Trust dated April 11, 1995, has requested a disclaimer for the footprint of an area under a structure as "permanent improvements" pursuant to the Butler Act (Chapter 8537, Acts of 1921) and Section 253.129, Florida Statutes. District Court of Appeal decisions (e.g., Jacksonville Shipyards and Industrial Plastics) have held that various wharves and docks constructed prior to the repeal of the Butler Act constitute "permanent improvements". The Florida Supreme Court has neither confirmed nor rejected these holdings, but stated in the recent City of West Palm Beach decision that permanently improved "...denotes, at the very least, significant structures which are the functional equivalent of the 'wharves . . . warehouses, dwellings, or other buildings . . .'". Staff recommends until such time as the law is clarified or changed that disclaimers be issued in such situations unless controversial or questionable factors exist, in which case, staff will present such applications to the Board of Trustees for formal consideration.

"More Protection, Less Process"

Printed on recycled paper.

Memorandum to the Governor and Cabinet
Page 2
March 16, 2004

Two affidavits executed by disinterested parties evidencing the date of construction of the structure described in the subject disclaimer as prior to 1951. An aerial photograph dated January 31, 1943, and a current survey corroborate this. The date of repeal of the Butler Act in Pinellas County is May 29, 1951. This structure was constructed in aid of commerce within the meaning of the Butler Act, and is still in existence and in current use. The structure is "substantial".

Please execute the attached disclaimer and return to Ms. Avis Lockett of DEP, Division of State Lands.



MEMORANDUM

To: James A. Miller, Owner
Brian J. Aungst, Jr., Agent

From: Brandon Berry, Planner
Community Development Department
City of St. Pete Beach - (727) 363-9229

Date: April 3s, 2023

Re: Applicant requests a conditional use permit to expand an existing commercial "Class A" restaurant docking facility within submerged lands pursuant to LDC Sec. 15.4(m) (Case #23009). Applicant further requests hardship variances to permit an expanded docking facility that is longer and wider than 75 percent of the seawall width, and encroaches closer than 10 percent of the seawall width to a side riparian line, pursuant to LDC Sec. 6.23(e)(3)&(4) (Case #23010).

The City's Technical Review Committee will meet on April 5th, 2023 at 10:00 AM to discuss the following comments regarding the application. Additional comments may be shared at the meeting.

Public Works:

St. Pete Beach has no part in the state's submerged land lease program. Please coordinate with the Florida Department of Environmental Protection.

Building:

Comments have not been shared, but may be shared at the meeting.

Code Enforcement:

Comments have not been shared, but may be shared at the meeting.

Recreation:

Comments have not been shared, but may be shared at the meeting.

Fire:

- 1) **Provide measurement from fire department apparatus to most remote point on South dock.**

NFPA 1 2018ed Section 28.1.6.3* Fire Standpipe Systems. 28.1.6.3.1 Class I standpipe systems shall be provided for piers, bulkheads, and buildings where the hose lay distance from the fire apparatus exceeds 150 ft (45 m). [303:6.4.1]

- 2) **Fire extinguishers on all docks will be required per NFPA 1 2018ed Section 28.1.6.1 NFPA 1 2015ed Section 28.1.6.1 Portable Fire Extinguishers.**

28.1.6.1.1 Placement.

28.1.6.1.1.1 Placement of portable fire extinguishers shall be in accordance with 13.6.2 unless otherwise permitted by 28.1.6.1.1.1.1, 28.1.6.1.1.1.2, and 28.1.6.1.1.1.3. [303:6.2.1.1]

28.1.6.1.1.1.1 Placement of portable fire extinguishers on piers and along bulkheads where vessels are moored or are permitted to be moored shall meet the following criteria:

(1) Extinguishers listed for Class A, Class B, and Class C fires shall be installed at the pier/land intersection on a pier that exceeds 25 ft (7.62 m) in length.

(2) Additional fire extinguishers shall be placed such that the maximum travel distance to an extinguisher does not exceed 75 ft (22.86 m). [303:6.2.1.1.1]

28.1.6.1.1.1.3 All extinguishers installed on piers shall meet the rating requirements set forth in 13.6.2 for ordinary (moderate) hazard type. [303:6.2.1.1.3]

28.1.6.1.2 Maintenance. All portable fire extinguishers shall be maintained in accordance with 13.6.3 and shall be clearly visible and marked. [303:6.2.2]



Transportation:

Comments have not been shared, but may be shared at the meeting.

Planning & Zoning:

- 1) Is the length extension of the two catwalks on the southern side of the dock due to safety as referenced in the application, or for another purpose?

- 2) How many boats can currently utilize the existing layout and how many will be accommodated with the modification?
- 3) Is there an increase in number or size of boat that can utilize the new layout?
- 4) Are there plans for any additional above-ground or submerged lighting at the property to accommodate the request? Are there future plans for boat lifts to be installed in any of the wet slips?
- 5) Are there to be any operational changes to the dock to accommodate the reconfiguration if approved? Is the dock to be reserved solely for restaurant customers? Are boats currently permitted to moor overnight?

CSL Cover Sheet

DM ID

Document Type: Current Submerged Land Leases

Instrument: ☒ Parent Lease ☐ Amendment to Lease ☐ Assignment of Lease

☐ Release ☐ Partial Release ☐ Easement ☐ Use Agreement ☐ Sublease

☐ Amendment to Sublease ☐ Assignment of Sublease ☐ Release of Sublease

☐ Partial Release of Sublease ☐ Other

Lease Number: 520027063

PA Number:

Document Date: 4/2/13

Submerged: X (Y) _____ (N)

Water Body: Boca Ciega Bay

Original County: Pinellas

Section: 18

Township: 32 S

Range: 16 E

Total Area / Area Unit: 5,979 (A) Acreage (S) Square Feet

County Book / Page / Type: _____ / B _____ / P _____ / O _____

OR Instrument Number:

Comments:

Date Prepped 4/15/13

The information on this page was collected during the prep phase of scanning and is an aid for data entry. Please refer to the document for actual information.

This Instrument Prepared By:
Mary K. Thurmond
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT FILE NO. 520027063
PA NO. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Robert P. Bell, as Trustee of the Robert P. Bell Declaration of Trust dated the 11th day of April 1995, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 18, Township 32 South, Range 16 East, in the Boca Ceiga Bay, Pinellas County, containing 5,979 square feet, more or less, as is more particularly described and shown on Attachment A, dated February 8, 2005.

TO HAVE THE USE OF the hereinabove described premises from December 30, 2012, the effective date of this lease renewal, through December 30, 2017, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing 4-slip commercial docking facility and a marginal dock for 5 vessels to be used exclusively for the temporary mooring of recreational vessels in conjunction with an upland non-water dependent restaurant on private submerged lands, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 27 as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of \$ 957.80 plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of this lease shall be adjusted pursuant to provisions of Rule 18-21.011, Florida Administrative Code. The State of Florida Department of Environmental Protection, Division of State Lands (the "Division") will notify the Lessee in writing of the amount and the due date of each subsequent annual lease payment during the remaining term of this lease. All lease fees due hereunder shall be remitted to the Division as agent for the Lessor.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(31), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder. (C) The Lessee shall submit to the Lessor each instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party annually at the same time the Lessee submits the required Annual Wet Slip Revenue Report to the Lessor.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late payment assessment for lease fees or other charges due under this lease which are not paid within 30 days after the due date. This assessment shall be computed at the rate of twelve percent (12%) per annum, calculated on a daily basis for every day the payment is late.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease renewal plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain the interest in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto, and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of this lease, current management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

12. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Robert P. Bell
c/o Wharf seafood Restaurant & Bar
641 64th Avenue
St. Petersburg Beach, Florida 33706

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

13. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

14. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

15. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

16. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

17. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

18. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

19. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B, which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

20. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 12 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

21. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 20 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

22. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease renewal in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. book and pages at which the lease is recorded.

23. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

24. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the docking facility.

25. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

26. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

27. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

28. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

29. FINANCIAL CAPABILITY: To assure the Lessor that the Lessee has the financial capability to undertake and operate the project authorized by this lease, the Lessee certifies to the Lessor as follows: (i) the Lessee is not the subject of a pending bankruptcy proceeding; (ii) the Lessee has no unsatisfied judgments entered against it; (iii) the Lessee has satisfied all state and local taxes for which it is responsible; and (iv) no other matters are pending or threatened against or affecting the Lessee or the Lessee's interest in the riparian upland property that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease. Any breach of this lease condition shall constitute a default under this lease.

30. SPECIAL LEASE CONDITION:

A. Should a field survey acceptable to the Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to the Lessee by the Lessor for overages, and no charge shall be imposed by the Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

(SEAL)

BY:

Jeffery M. Gentry, Operations and Management Consultant
Manager, Bureau of Public Land Administration, Division
of State Lands, State of Florida Department of Environmental
Protection, as agent for and on behalf of the Board of Trustees of
the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 2nd day of April, 2013, by
Jeffery M. Gentry, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State
Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the
Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

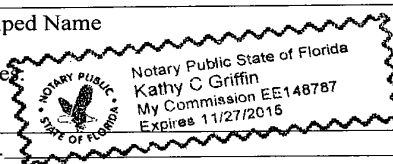
APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Printed, Typed or Stamped Name

My Commission Expires

Commission/Serial No.



WITNESSES:

Original Signature

Typed/Printed Name of Witness

Original Signature

Typed/Printed Name of Witness

STATE OF Florida

COUNTY OF Pinellas

Original Signature of Robert P. Bell, as Trustee of the
Robert P. Bell Declaration of Trust dated the 11th day of April
1995

"LESSEE"

The foregoing instrument was acknowledged before me this 25th day of March, 2013,
by Robert P. Bell, as Trustee of the Robert P. Bell Declaration of Trust dated the 11th day of April 1995, who is personally known
to me or who has produced a Drivers License, as identification.

My Commission Expires:

Signature of Notary Public

Notary Public, State of Florida

Commission/Serial No. EE 861442

Printed, Typed or Stamped Name

Page 6 of 12 Pages

Sovereignty Submerged Land Lease No. 520027063

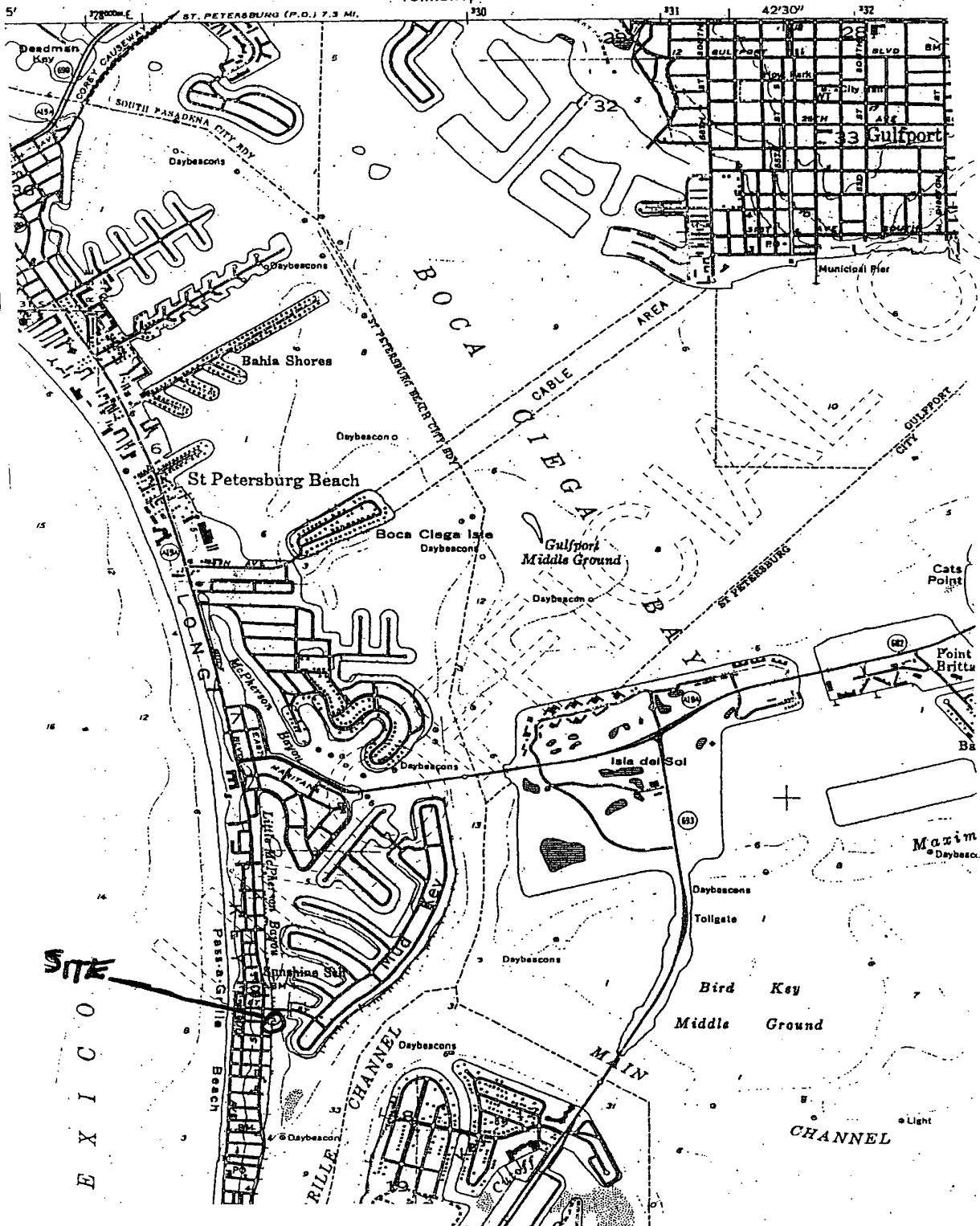


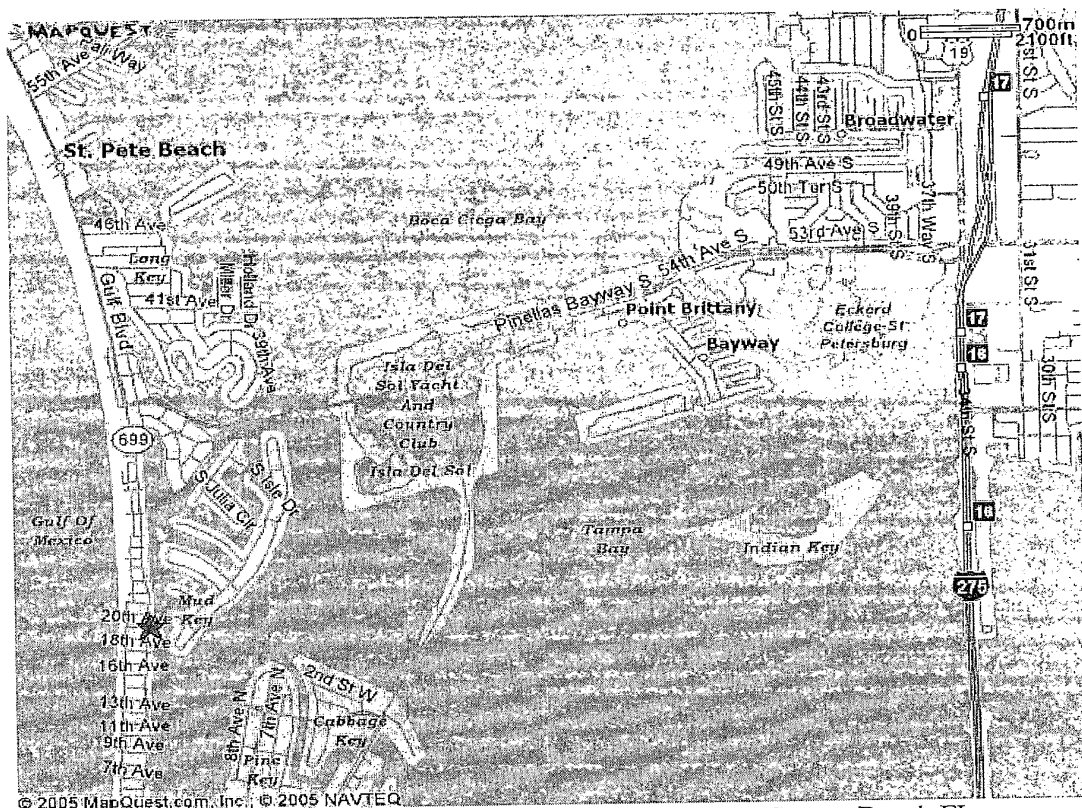
DANIEL G. MUSCIANO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE861442
Expires 12/30/2016

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

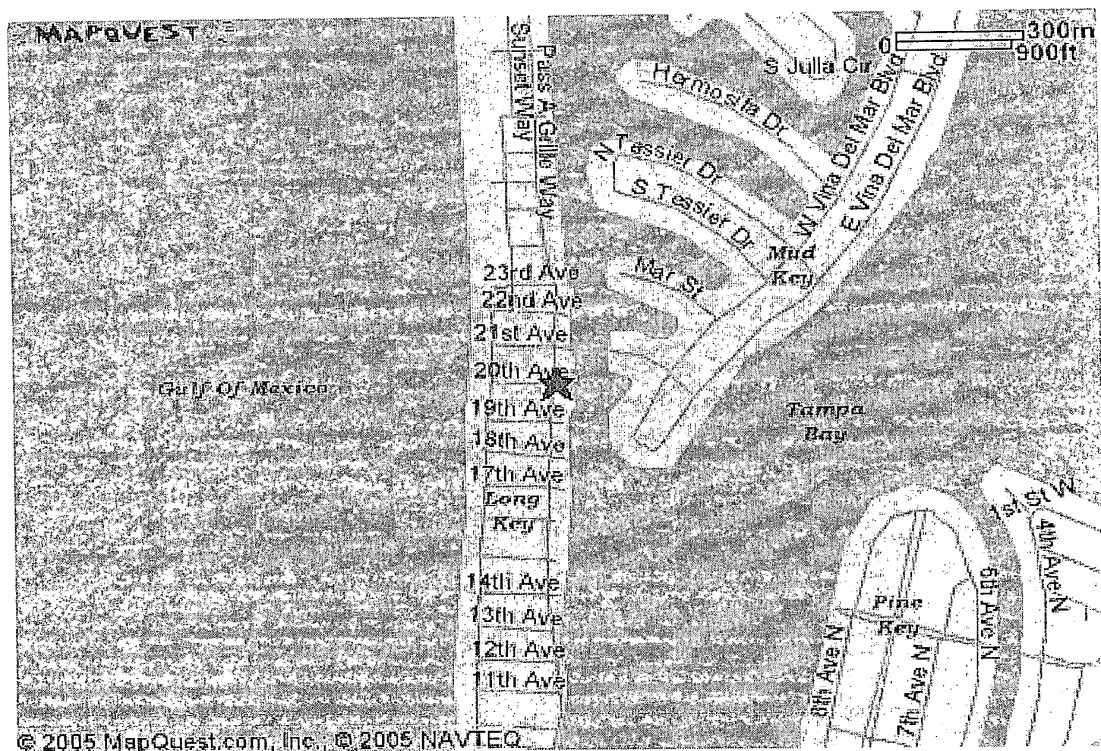
County-Pinellas
Township-32

Section-18
Range-16





© 2005 MapQuest.com, Inc. © 2005 NAVTEQ
Location of si the Wharf Restaurant at 2001 Pass-a-grille way, St pete Beach FL



© 2005 MapQuest.com, Inc. © 2005 NAVTEQ

Lease Area Description

A parcel of submerged land located in Section 18, Township 32 South, Range 16 East, Pinellas County, in Boca Ciega Bay, containing 5,979 square feet, more or less, as shown on the attached sketch labeled as Exhibit A and dated February 8, 2005, located immediately waterward of that property with the following attached legal description:

THAT STRIP OF LAND LYING EAST OF LOTS 27 AND 28, BLOCK "I" AND LYING BETWEEN THE NORTH AND SOUTH LINES OF SAID LOT 27 AND 28 AS EXTENDED EAST TO THE WATER AND LYING BETWEEN THE EAST LINE OF FLORIDA AVENUE AND THE WATER. ALL AS SHOWN ON PLAT OF THE REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRILLE CITY, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



Signature of Upland Owner/ Authorized Entity

ROBERT BELL

Print Name

OWNER FEB 15, 2005

Title Date

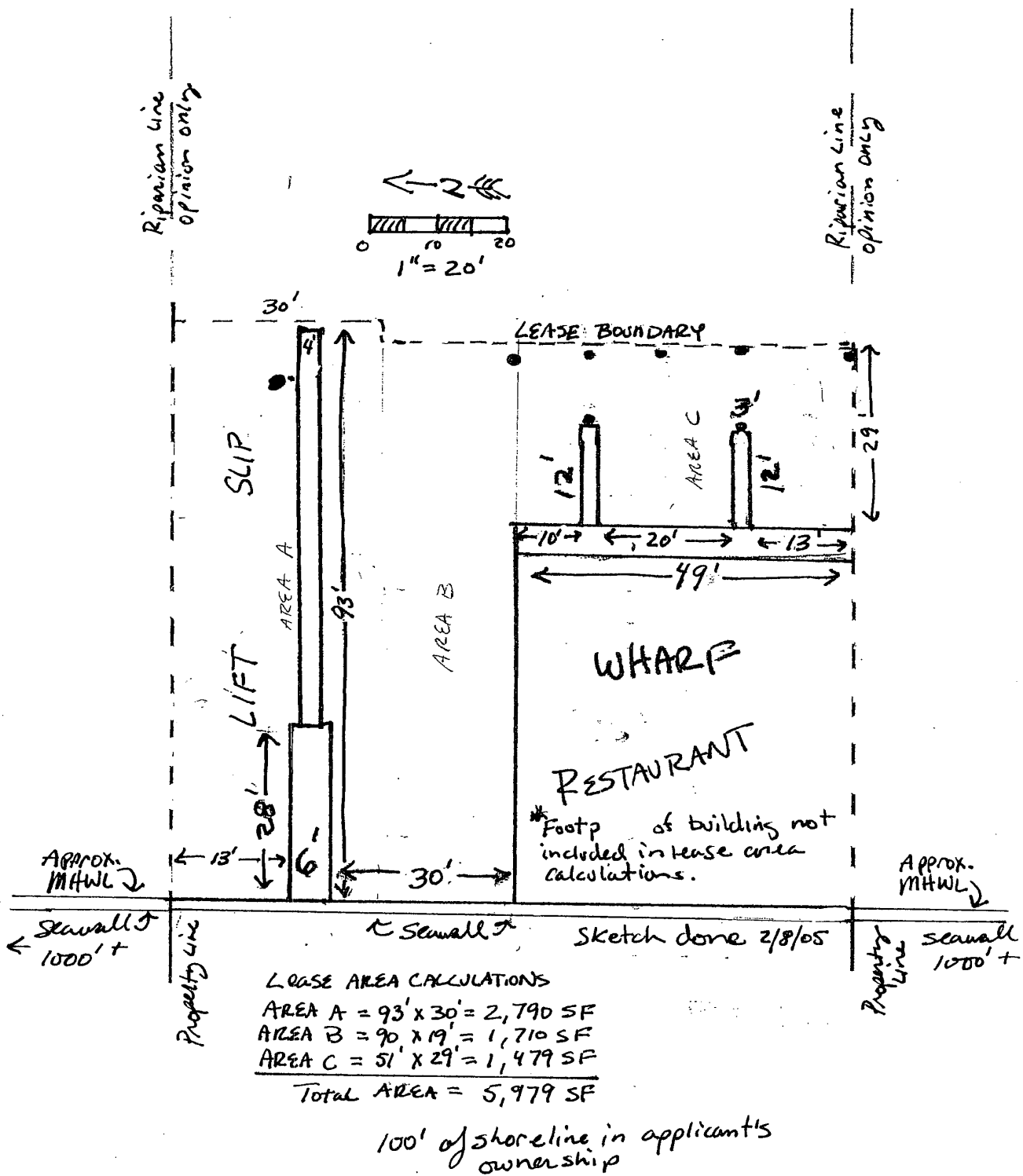


Exhibit A
Lease sketch for BOT # S20027063

00-048268 FEB-18-2000 4:28pm
PINELLAS CO BK 10817 PG 1893

KARLEEN F. DE BLAKER, CLERK OF COURT
PINELLAS COUNTY, FLORIDA

01 Cash 11 Chg
40 Rec 10.50
41 DS
43 Int
Tot 10.50

81089254 02-18-2000 16:28:46 JFB
51 DED-BELL
0000000000
IA: BK: SPG: EPG:
RECORDING 002 PAGES 1 \$10.50

TOTAL: \$10.50
P CHECK AMT. TENDERED: \$10.50
CHANGE: \$0.00
IV DEPUTY CLERK

FEE SIMPLE DEED

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: Harry H. Bell & Sons, Inc.
641 - 64th Avenue
St. Pete Beach, Florida 33706

The word "I" or "me" as hereafter used means each Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is: Robert P. Bell, as Trustee of the Robert P. Bell
Declaration of Trust dated the 11th day of April, 1995,
with full power and authority to protect, conserve, sell,
lease, encumber, or otherwise manage and dispose of the
real property.
641 - 64th Avenue
St. Pete Beach, Florida 33706

The word "you" as hereafter used means each Grantee.

Grantee's Social Security No.:

3. MEANINGS OF TERMS

The terms "I," "me," or "you" shall mean and include the masculine, feminine, singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed is described as follows:

That strip of land lying East of Lots 27 and 28, Block "I" and lying between the North and South lines of said Lot 27 and Lot 28 as extended East to the water and lying between the East line of Florida Avenue and the water. All as shown on plat of THE REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRILLE CITY, according to plat thereof recorded in Plat Book 3, page 38, Public Records of Pinellas County, Florida.

Prepared by and Return to:
Robert Kapusta, Jr., Esq.
Fisher & Sauls, P.A.
100 Second Avenue S. #701
St. Petersburg, FL 33701

together with all tenements, hereditaments, easements and appurtenances belonging to or benefiting such property.

Property Appraiser's Parcel No.: 18/32/16/68634/000/0017

5. **CONSIDERATION**

That the Grantor, for and in consideration of the liquidation of the corporation, the sum of \$10.00 and other valuable considerations, hereby acknowledges receipt. This transfer is made to the shareholder of the corporation as part of its liquidation.

6. **CONVEYANCE OF REAL PROPERTY**

For the consideration described in Paragraph 5, I grant, bargain, sell and convey to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendibility) forever.

7. **EXECUTION**

I have executed this instrument as of the February 17, 2000.

HARRY H. BELL & SONS, INC.,
a dissolved Florida corporation

By: Robert P. Bell
Robert P. Bell, as President and as
Director

Alice B. Sherman
Signature of Witness
ALICE B. SHERMAN
Printed Name of Witness

Robert Kapusta, Jr.
Signature of Witness
Robert Kapusta, Jr.
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 17th day of February, 2000 by Robert P. Bell as President and Director of Harry H. Bell & Sons, Inc., a dissolved Florida corporation.

☒ Personally known
☐ Florida Driver's License
☐ Other Identification Produced

Robert Kapusta, Jr.
Notary Public

Robert Kapusta, Jr.
Print or type name of Notary

(SEAL)

157680

2



Robert Kapusta, Jr.
MY COMMISSION # CC883876 EXPIRES
November 23, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

COMMERCIAL AND MULTI-USE DOCK PERMIT APPLICATION *# 106.20 Cash*
PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY

Please type, or hand print in **BLACK** ink

I. PROPERTY OWNER INFORMATION:

- A. Applicant's Name: HARRY H. BELL & SONS - "WHARF"
B. Mailing Address: 2001 PASS-A-GRIFF WAY
City: ST. PETERSBURG BEACH State: FLA Zip: 33706
C. Telephone No.(s): 367-9469

II. AGENT INFORMATION:

- A. Name: HERITAGE DOCKS, INC.
B. Address: 7398 46TH AVENUE NORTH
City: ST. PETERSBURG State: FLA Zip: 33709
C. Telephone No.(s): 344-7274

III. SITE INFORMATION:

- A. Construction Site Address: 2001 PASS-A-GRIFF WAY
City: ST. PETERSBURG BEACH
B. Intended Use: COMMERCIAL - TEMPORARY MOORINGS FOR RESTAURANT PATRONS
C. Parcel ID Number: 18132161602634 1000 10017
D. Incorporated: ☒ Unincorporated: ☐ ST. PETERSBURG BEACH - PASS-A-GRIFF CHANNEL
E. Previous Permits: NONE
F. Date applicant assumed property ownership: 2/92 month/year
G. Obstructions: (dogs, fences, etc.) NONE
H. Attach 8-1/2" X 11" vicinity map showing specific project location.
I. All other information pursuant to P.C.O. 90-19 (amended), Section 10.8, as needed.
J. Does the project abut residentially zoned property? Yes ☐ No ☒
K. For projects requiring a public hearing, attach a copy of the complete legal description.

MAY 25 1994

MAY 24 1994

D:\B\Wd\ar\ENV\MG\MNT\ComB\B01.02803

ENVIRONMENTAL

Pinellas County Water and Navigation Control Authority

Page 78 of 108

(OFFICIAL USE ONLY)

IV. PROJECT DESCRIPTION: MULTI-USE ☐ COMMERCIAL ☒

A. Nature and Size of Project: CONSTRUCT 2-2 1/2' x 12' CATWALKS, 1-8' x 12' CATWALK
INCREASE EXISTING 87' CATWALK FROM 2.5' TO 3' WIDE - 5 TIE PILING
AND 2 FENDER PILING Square feet: 125 NEW

B. Variance: Yes ☒ No ☐
 Amount in variance: Length: 30' Width: _____
 Setbacks: L _____': R _____'
 Other: _____

NOTE: It is the applicant's responsibility to clearly demonstrate that any requested variances are consistent with the variance criteria of the Pinellas County Water and Navigation Control Authority Regulations. The applicant must submit a written variance request outlining the nature of and need for any variances. The applicant must demonstrate that a literal enforcement of the regulations would result in an extreme hardship due to the unique nature of the project and the applicant's property. The hardship must not be created by action(s) of the property owner(s). The granting of the variance must be in harmony with the general intent of the regulations and not infringe upon the property rights of others. The variance requested must be the minimum possible to allow for the reasonable use of the applicant's property. Should the applicant fail to demonstrate that any variance request is consistent with the criteria outlined in the regulations, staff cannot recommend approval of the application.

V. CONTRACTOR INFORMATION:

I, MARK SPEELER, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority, and in accordance with the attached drawings which accurately represent all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either remove the dock or correct the deficiency.

Signed: [Signature] Cert. No.: C-4180
Company Name: HERITAGE DOCKS, INC. Telephone No.: 344-7274
Address: 7398 46th AVENUE NORTH, S. PETERSBURG, FLORIDA 33709

VI. OWNER'S SIGNATURE:

I hereby apply for a permit to do the above work and state that the same will be done according to the map or plan attached hereto and made a part hereof, and agree to abide by the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority for such construction and, if said construction is within the corporate limits of a municipality, to first secure approval from said municipality. I further state that said construction will be maintained in a safe condition at all times, should this application be approved, that I am the legal owner of the upland from which I herein propose to construct the improvements, and that the above stated agent/contractor may act as my representative. I understand that I, not Pinellas County, am responsible for the accuracy of the information provided as part of this application and that it is my responsibility to obtain any necessary permits and approvals applicable for the proposed activities on either private or sovereign owned submerged land.

May 5, 1994
Date

Robert D. Bell
Legal Owner's Signature

MULTI-USE/COMMERCIAL DOCK

Application #

CA 21325-54

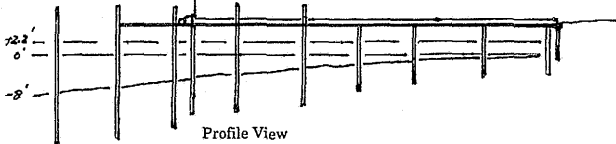
(OFFICIAL USE ONLY)

EXISTING BLDG. OVER WATER

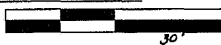
MHW

MLW

BOTTOM



ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET 362
WATERWAY WIDTH 100
WATERFRONT WIDTH 100.01

Plan View
(applicant and adjacent docks)

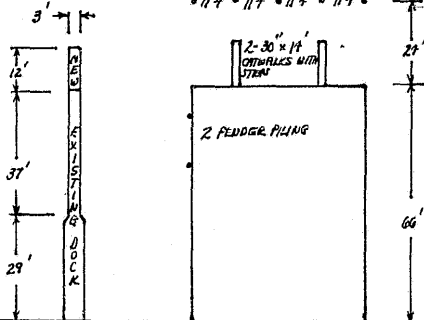
ALL OUTSIDE STRINGERS TO BE
DOUBLE 2"x8"
ALL 2"x6" DECKING
DESIGN CRITERIA - TO P.S.F.

PLAN REVIEWED

BY: TPL

DATE: 5-28-94

5 TIE PILING
• 11' • 11' • 11' • 11' •



16.5' 8' 30' 48.61'

SHORELINE

Municipality Approval

Water and Navigation Approval

Engineer's Seal

OK Building
5/12/94

APPROVED
PINELLAS COUNTY
ENVIRONMENTAL MANAGEMENT
David L. Wilbur 6-1-94
FOR WILLIAM M. DAVIS/DIRECTOR

Robert C. Larson
5/17/94

D:\8\DW\1\ENV\MG\INT\COM\BB13.7\20\93

Page 80 of 108

DISCLOSURE FORM

In order to alleviate any potential conflict of interest with Pinellas County staff, it is required that the Authority be provided with a listing of PERSONS being party to a trust, corporation, or partnership, as well as anyone who may have beneficial interest in the application which would be affected by any decision rendered by the Authority. (Attach additional sheets if necessary.)

A. PROPERTY OWNERS:

Name: HARRY H BELL & SONS, INC. Name: _____
 Address: 766 - 28th St. South Address: _____
St. Petersburg, FL 32712

Name: _____ Name: _____
 Address: _____ Address: _____

B. REPRESENTATIVES:

Name: _____ Name: _____
 Address: _____ Address: _____

Name: _____ Name: _____
 Address: _____ Address: _____

C. OTHER PERSONS HAVING OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interest is: contingent ☐ absolute ☐

Name: _____ specific interest held _____

D. DOES A CONTRACT FOR SALE EXIST FOR THE SUBJECT PROPERTY? YES ☐ NO ☐

If so, the contract is: contingent ☐ absolute ☐

Name of parties to the contract: _____

E. DOES AN OPTION TO PURCHASE EXIST FOR THE SUBJECT PROPERTY? YES ☐ NO ☐

Name of parties to the option: _____

F. OWNER'S SIGNATURE:

I hereby certify that the information stated above is complete, accurate, and true to the best of my knowledge.

X Robert J. Bell Pres. Date May 6, 1994
HARRY H. BELL & SONS, INC.

VARIANCE REQUEST FOR

Application #

CA 21325-94

(OFFICIAL USE ONLY)

Left Lot Owner's Name: WARREN SCHOLL

Mailing Address: 2005 PASS-A-GRIFFIN WAY SFB Zip: 33706

I certify that I am the owner of Lot _____ which adjoins the property owned by the applicant who proposes to construct a Commercial ☒ Multi-use ☐ Private ☐ dock at the following address:

2001 PASS-A-GRIFFIN WAY ST. PETE BEACH, FLORIDA 33706

I have seen the plans of the proposed structure(s) with any requested variances (see Section IVB of Application) and therefore: DO OBJECT ☐ DO NOT OBJECT ☐ to the construction.

OWNER'S SIGNATURE:

X Warren Scholl Date May 11th, 1994

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, BEFORE ME, the undersigned authority, personally appeared WARREN SCHOLL, well known to me, or who provided a valid Florida Driver's License to be the person who executed the foregoing instrument and that he/she acknowledged to me, under oath, that he/she signed the same freely and voluntarily for the purposes expressed therein.

Witness my hand and official seal this 11th day of May, 1994.

Vivian M. Pittman
VIVIAN M. PITTMAN
MY COMMISSION # 06 229348 EXPIRES
October 16, 1996
BOUNDED THRU TROY FARM INSURANCE, INC.

My commission expires:

Right Lot Owner's Name: CITY OF ST. PETE BEACH EASEMENT

Mailing Address: 7701 BOCA CIEGA DRIVE S.P.B. Zip: 33706

I certify that I am the owner of Lot _____ which adjoins the property owned by the applicant who proposes to construct a Commercial ☒ Multi-use ☐ Private ☐ dock at the following address:

2001 PASS-A-GRIFFIN WAY ST. PETE BEACH, FLORIDA 33706

I have seen the plans of the proposed structure(s) with any requested variances (see Section IVB of Application) and therefore: DO OBJECT ☐ DO NOT OBJECT ☐ to the construction.

OWNER'S SIGNATURE:

X Debra B. [Signature] Date May 6, 1994

NOTARY:

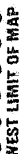
STATE OF FLORIDA, PINELLAS COUNTY, BEFORE ME, the undersigned authority, personally appeared _____, well known to me, or who provided a valid Florida Driver's License to be the person who executed the foregoing instrument and that he/she acknowledged to me, under oath, that he/she signed the same freely and voluntarily for the purposes expressed therein.

Witness my hand and official seal this 6th day of May, 1994.

Kay S. Dunn
Notary Public

My commission expires:



**PM**

735

Note to File: 5/25/94
P21326-94

I am accepting this application per D. Walker instruction. I totally am against accepting an application so confusing, incomplete and questionable. We are making exception to the rule we make all contractors adhere to: -

"No incomplete or inaccurate applications will be accepted - the application will be given back to contractor."

I have not verified anything regarding the information on square footage etc. for this application.

Thanks
Laird Fales

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: N/A

Strategic Objective: Improve access to public transportation, small trolleys, and user-friendly mass transit.

Date: May 9, 2023

Prepared By: Michelle Gonzalez, Community Development Director

Through: Alex Rey, City Manager

Summary of Issue: Discussion of the history and performance of the Freebee microtransit service.

Funding: N/A

Attachments:

1. Freebee Service Report 2023
2. Freebee Contract Memo



Freebee

Service Report

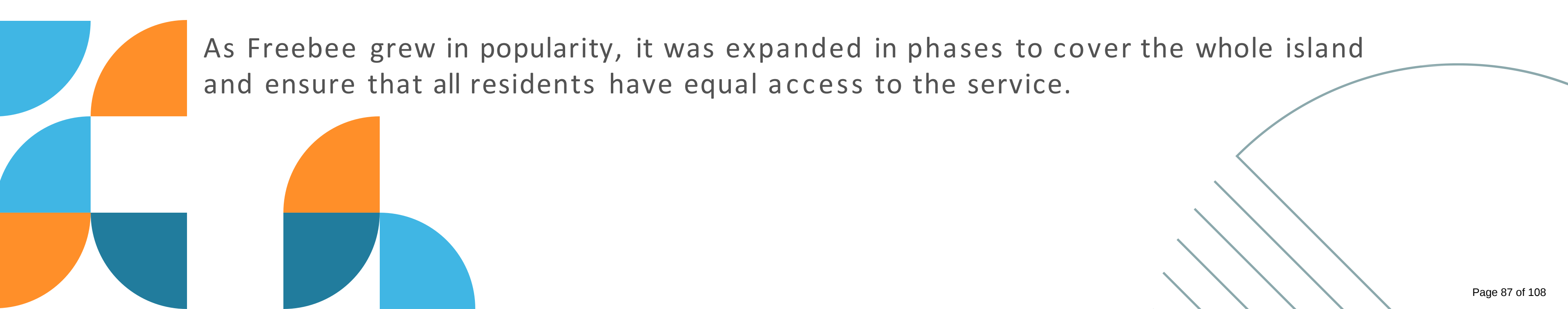
St. Pete Beach Micro-transit





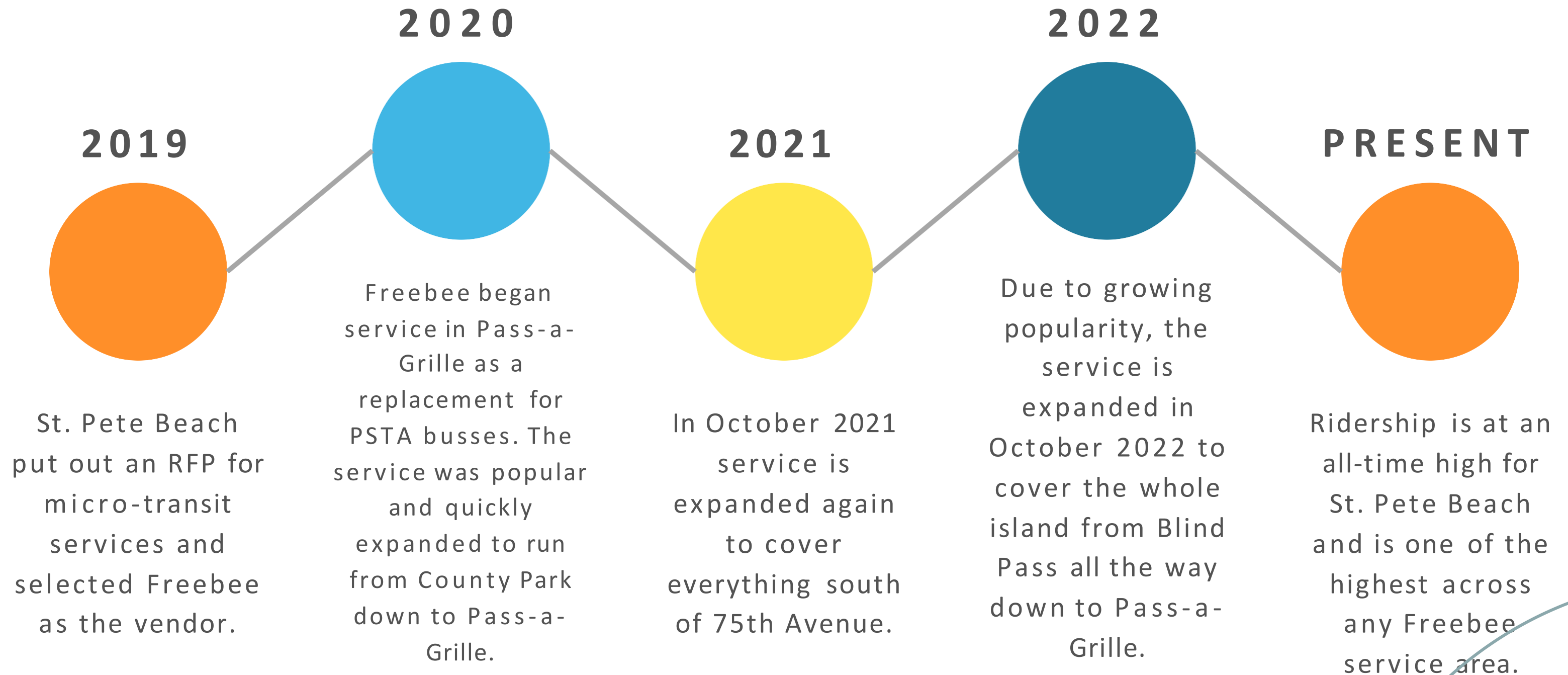
BACKGROUND

In 2019 the City opened an RFP to acquire micro-transit services as a replacement for PSTA bus service being cut in Pass-a-Grille. Freebee was selected as the vendor with a 3 year contract and 2 options to renew for an additional year. Initially, the service was limited to just Pass-a-Grille, but it was quickly expanded up to County Park to ensure that bus riders were able to make first and last mile connections to their destinations.



As Freebee grew in popularity, it was expanded in phases to cover the whole island and ensure that all residents have equal access to the service.

FREEBEE TIMELINE



CURRENT OPERATIONS

HOURS

Monday - Sunday
6:00am - Midnight

VEHICLES

2 Cars 14 hours a day
2 Cars 10 hours a day

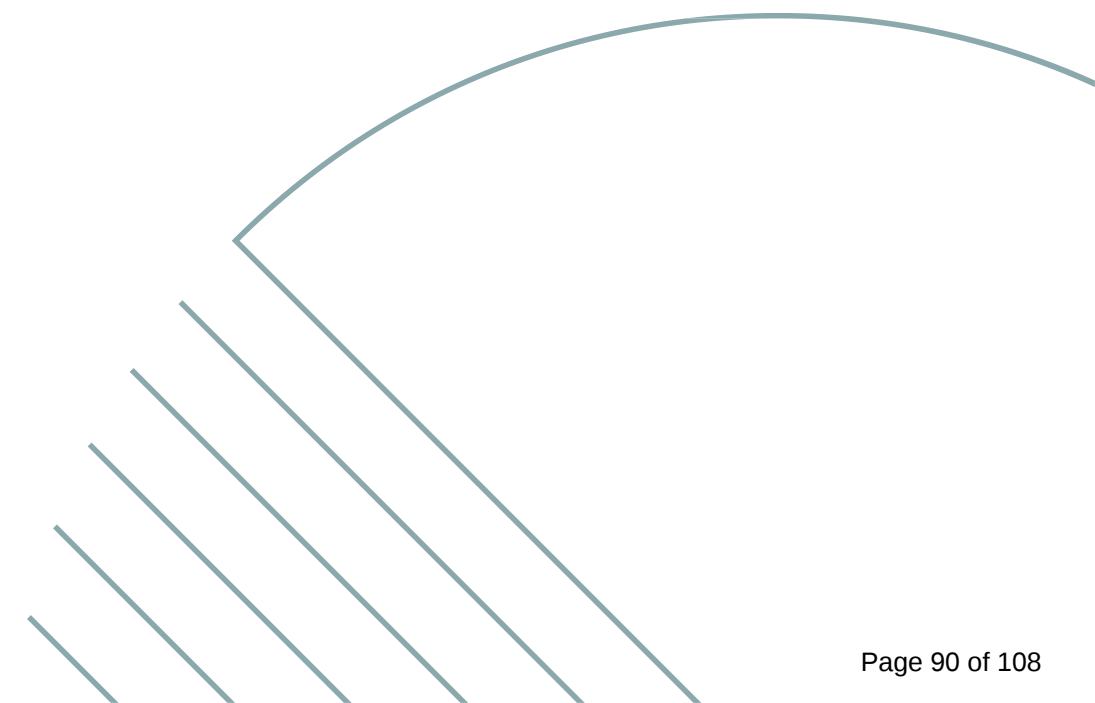
COST

\$536,000

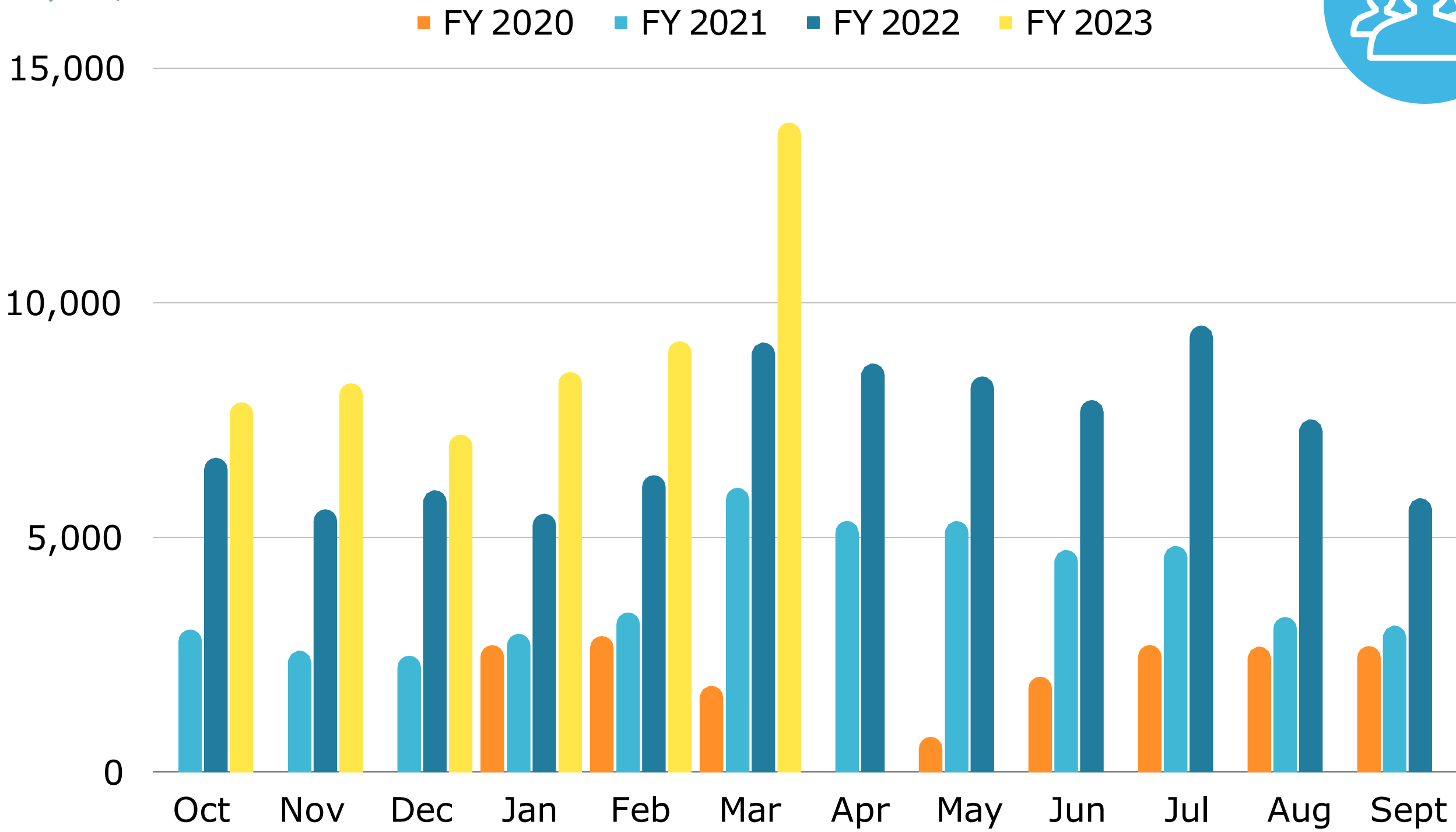


RIDERSHIP STATS

Ridership is steadily increasing year-over-year due to rising popularity and the service area expansion.



TOTAL PASSENGERS



As the service area has expanded, so has ridership! March 2023 was an all time high for St. Pete Beach with nearly 14,000 riders. Rides are pooled to maximize efficiency, leading to fewer cars on the road.

FY20 - 18,320 Passengers in 11,237 Rides

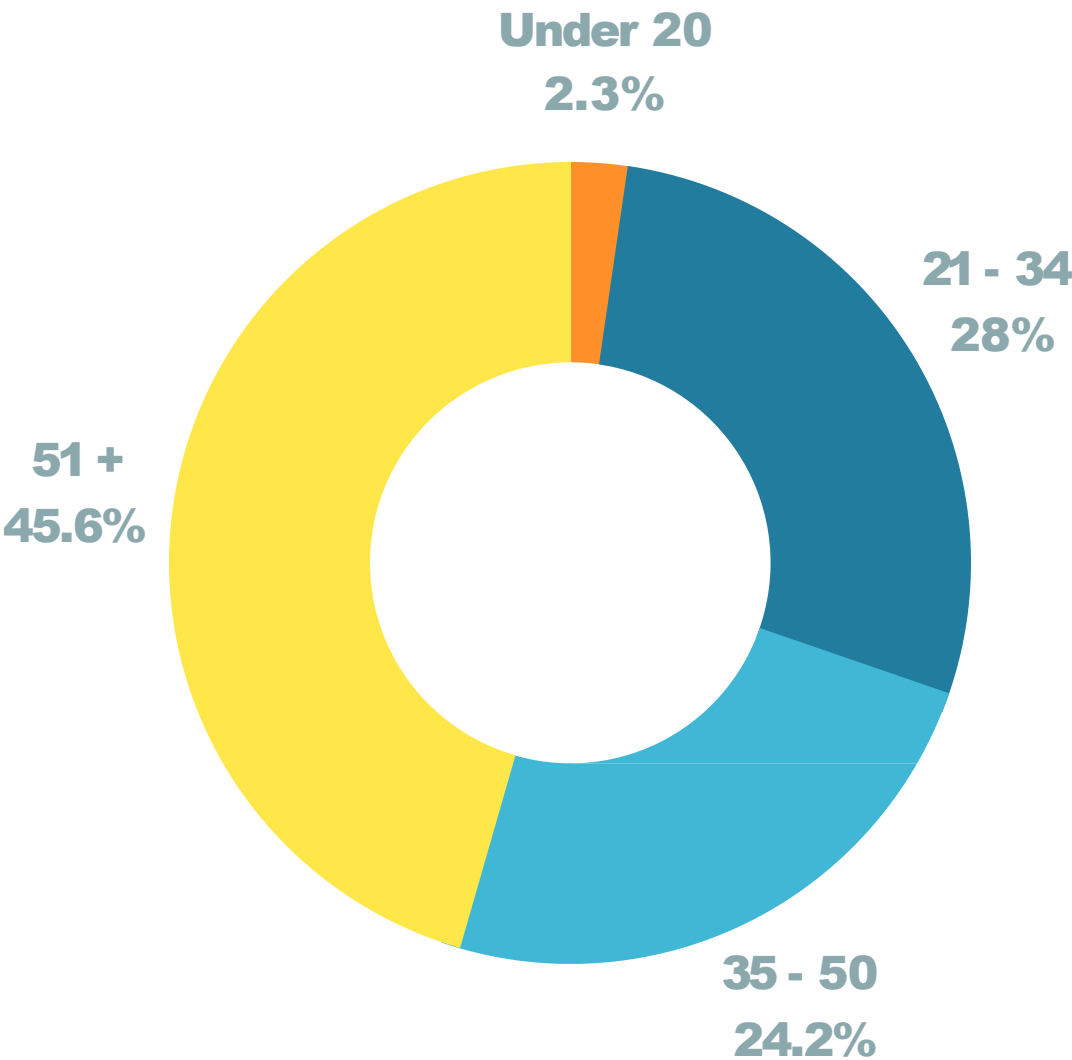
FY21 - 47,189 Passengers in 26,965 Rides

FY22 - 87,208 Passengers in 43,287 Rides

FY23 - 54,857 Passengers in 26,020 Rides

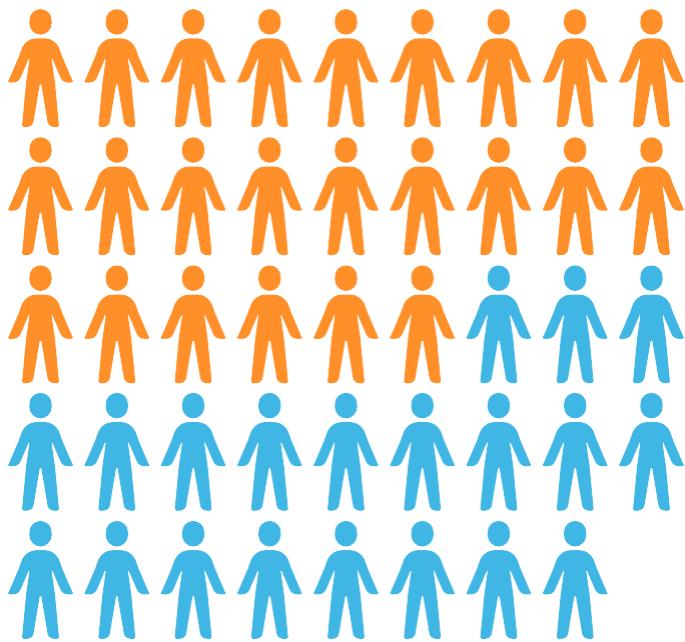
RIDER DEMOGRAPHICS

Age



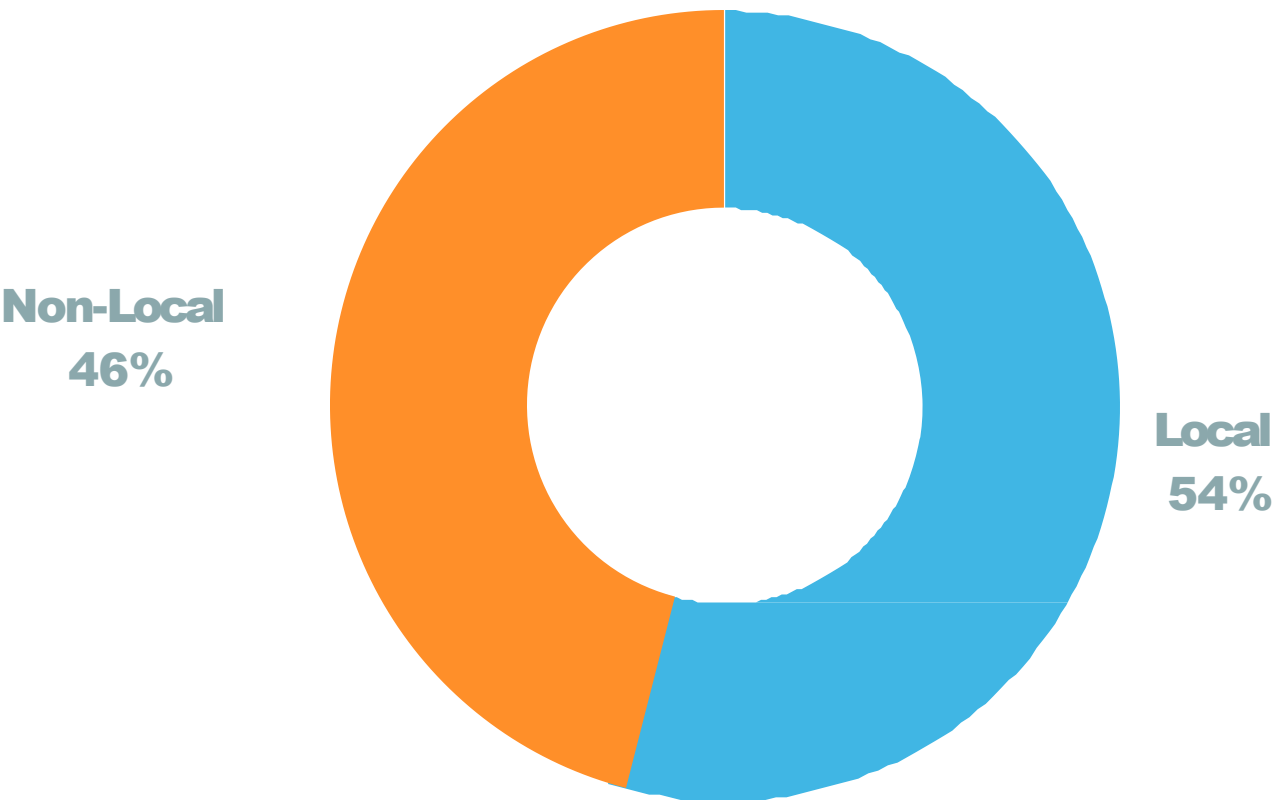
Gender

54% Women / 46% Men



Local vs. Non-Local Riders

Local vs Non-Local ridership was determined by the zip code listed in the rider profile.



Approximately 20% of all rides are used as first/last mile transit connections.



SERVICE DELIVERY

Freebee is available to anyone who requests the service! Rides can be request via the Freebee app, by calling in to their dispatch center, or by flagging down a driver.



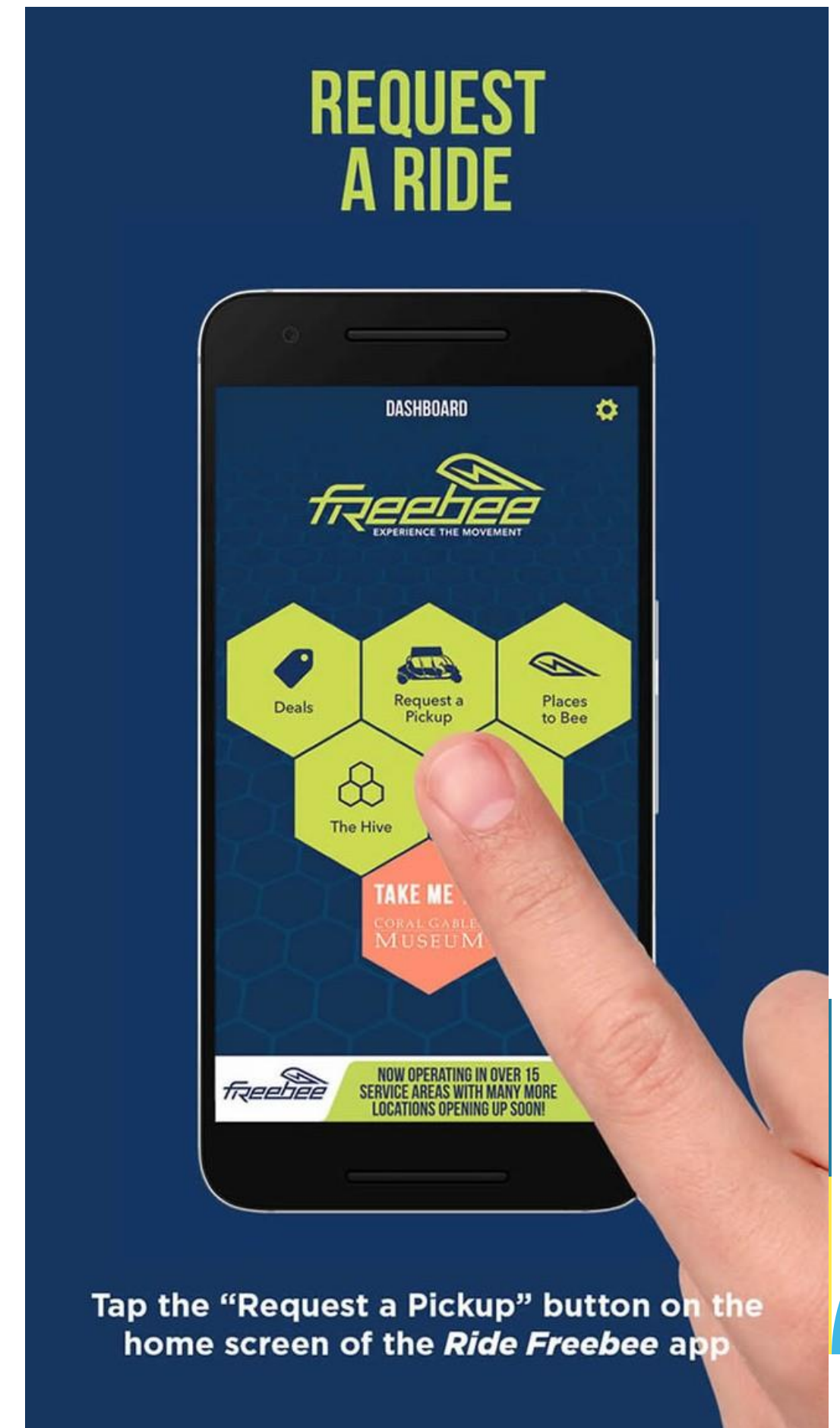


RIDE REQUESTS

The majority of riders use the app to request a ride, but users have the ability to flag down or call-in for rides as well. About 10% of all completed rides were flag down / call-in rides.



DRIVE RATING: 4.96



Tap the “Request a Pickup” button on the home screen of the *Ride Freebee* app

WAIT TIMES

Wait times tend to vary depending on time of day, day of the week, and even month of the year. Daily, Freebee sees peak demand in the late morning and again during a typical dinner rush. Weekly, the highest demand days are Friday - Sunday. Yearly, the service sees peak demand beginning in February and running through May, with March usually being the highest.

Out of the 26,117 completed rides since the last expansion, there were only 12 total rides that waited over 1 hour.

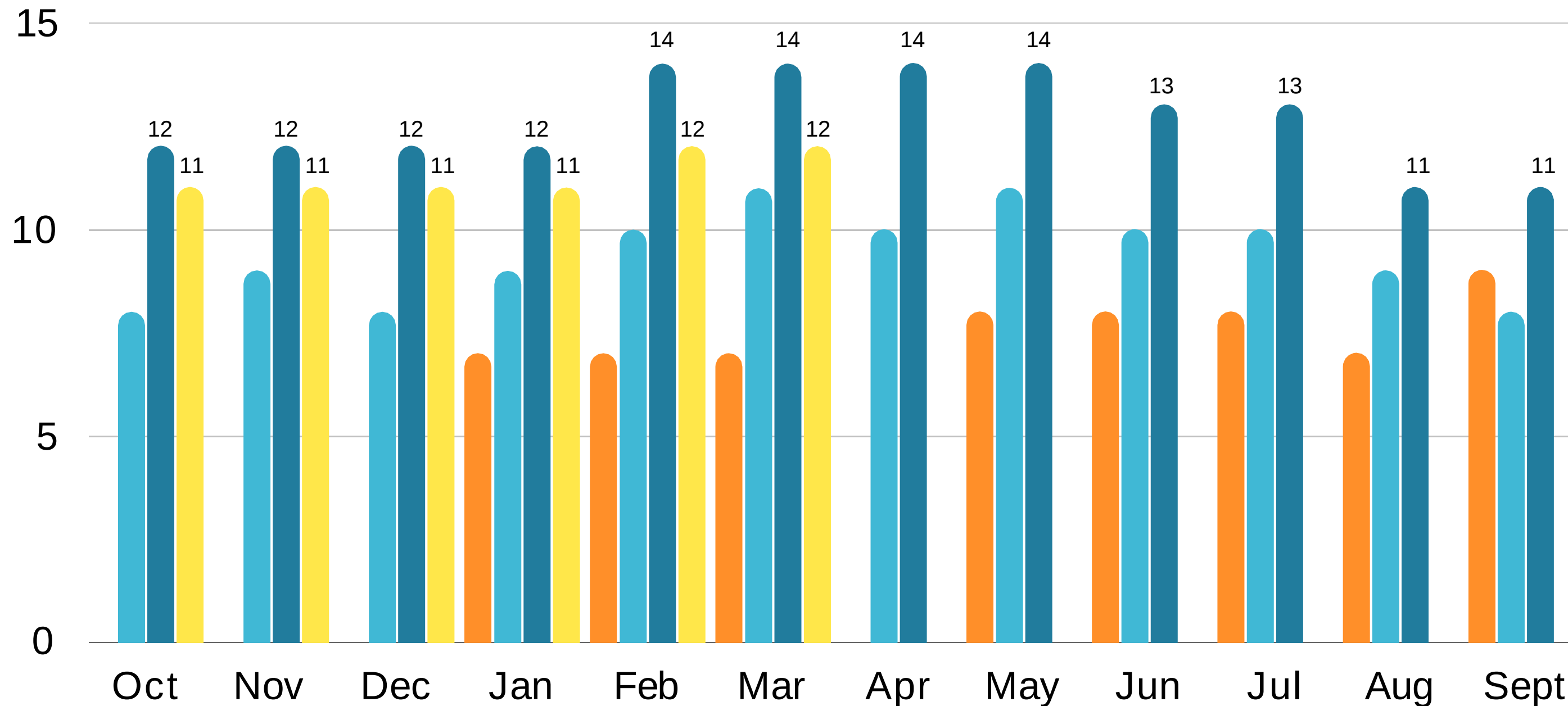


The City's goal is to keep average wait times below 15 minutes to ensure the service remains efficient. Current wait times are averaging 12 minutes or less.

WAIT TIME ANALYSIS

MONTHLY AVERAGE WAIT TIMES

■ FY 2020 ■ FY 2021 ■ FY 2022 ■ FY 2023



WAIT TIME BREAKDOWN

FY 22

53% Under 10 Minutes
19% 10-15 Minutes
12% 15-20 Minutes
11% 20-30 Minutes
5% 30+ Minute

FY 23

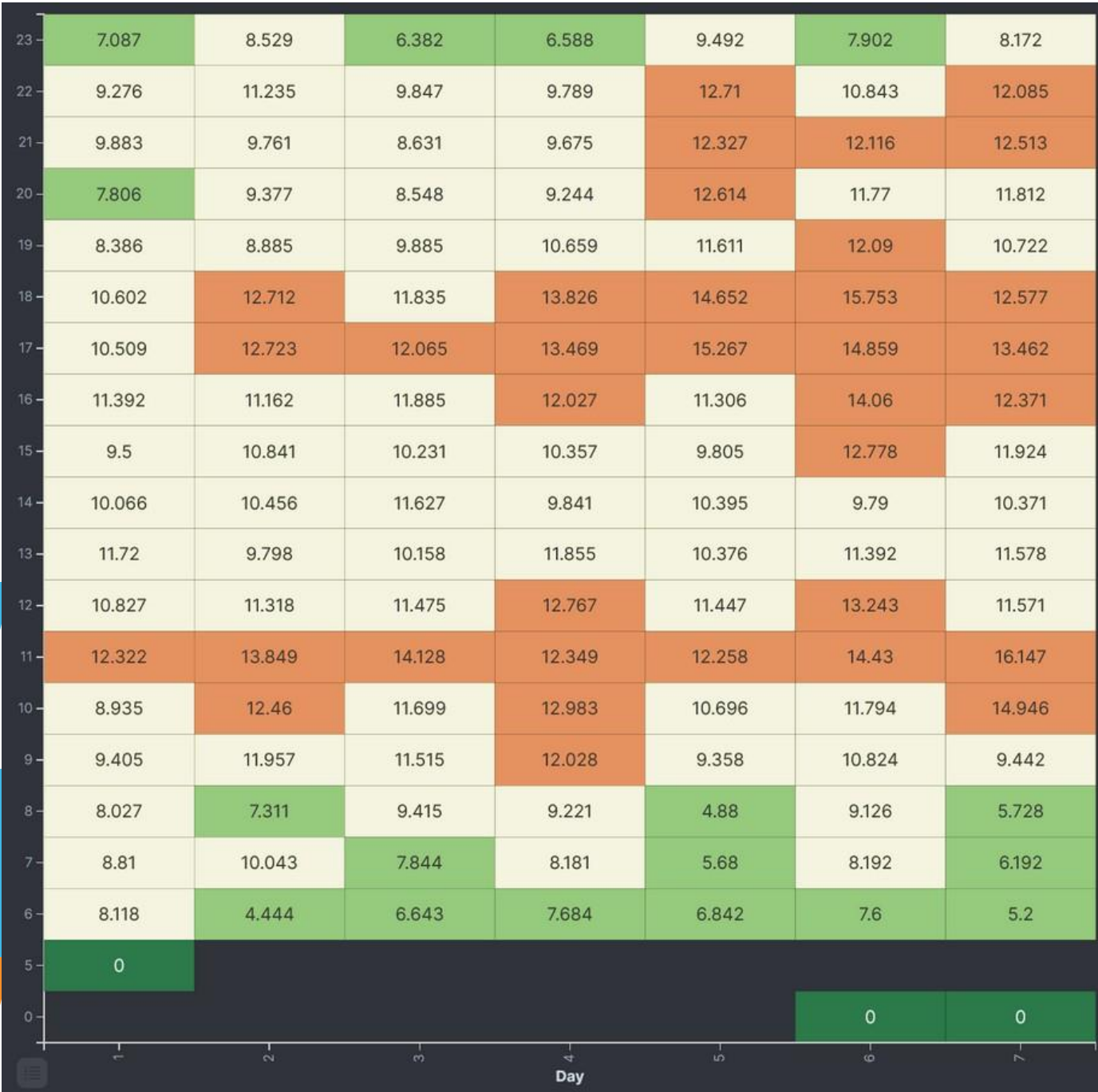
55% Under 10 Minutes
20% 10-15 Minutes
12% 15-20 Minutes
10% 20-30 Minutes
3% 30+ Minutes

CURRENT WAIT TIMES

As indicated by the charts below, wait times can vary throughout the year based on demand. Freebee uses a variety of methods to maximize efficiency such as ride pools, route planning, and keeping an extra fully charged vehicle ready to swap out when the other carts start to run low. All of these efforts ensure that there is no interruption in service.

AVERAGE PEAK WAIT TIMES

Spring Break (February 23 to March23) -- By Day and Hour



AVERAGE TOTAL WAIT TIMES

October 2023 to March 2023 -- By Day and Hour



RIDES REQUESTED VS COMPLETED

Freebee makes every effort to keep service efficient, but requested rides cannot always be completed. Usually, they are cancelled by the rider due to long wait times, high demand, or other factors. Below is a chart showing rides requested vs completed on a slower day, Monday, versus a busy day, Saturday, during March.

RIDE REQUEST MONDAY



RIDE REQUEST SATURDAY



ELECTRICITY CONSUMPTION AND CHARGING STATIONS

The Freebee vehicles are built with a Lithium Ion 12.4 kwh battery and when fully charged obtain a range of 70 miles.

Given that Duke Energy charges 15 cents per kwh of consumption. Based on this information, the estimated cost to run four vehicles is \$7.44 per day, or \$2,701 per year.

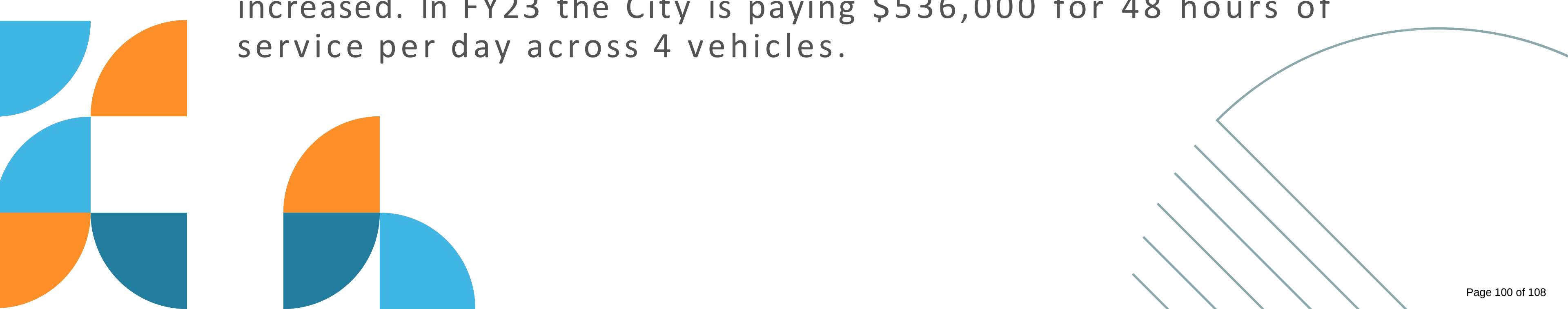
Upon the initiation of the Freebee service, they provided the fast chargers, paid for an electrician to install the chargers and have been responsible for maintenance of the chargers throughout the life of the program. Drivers also use the Duke Energy charging stations located at the Library, Community Center, and 9th Ave. When they use these chargers, they pay the standard rate of \$0.15 per kWh + a 6% fee.





COST OF SERVICE

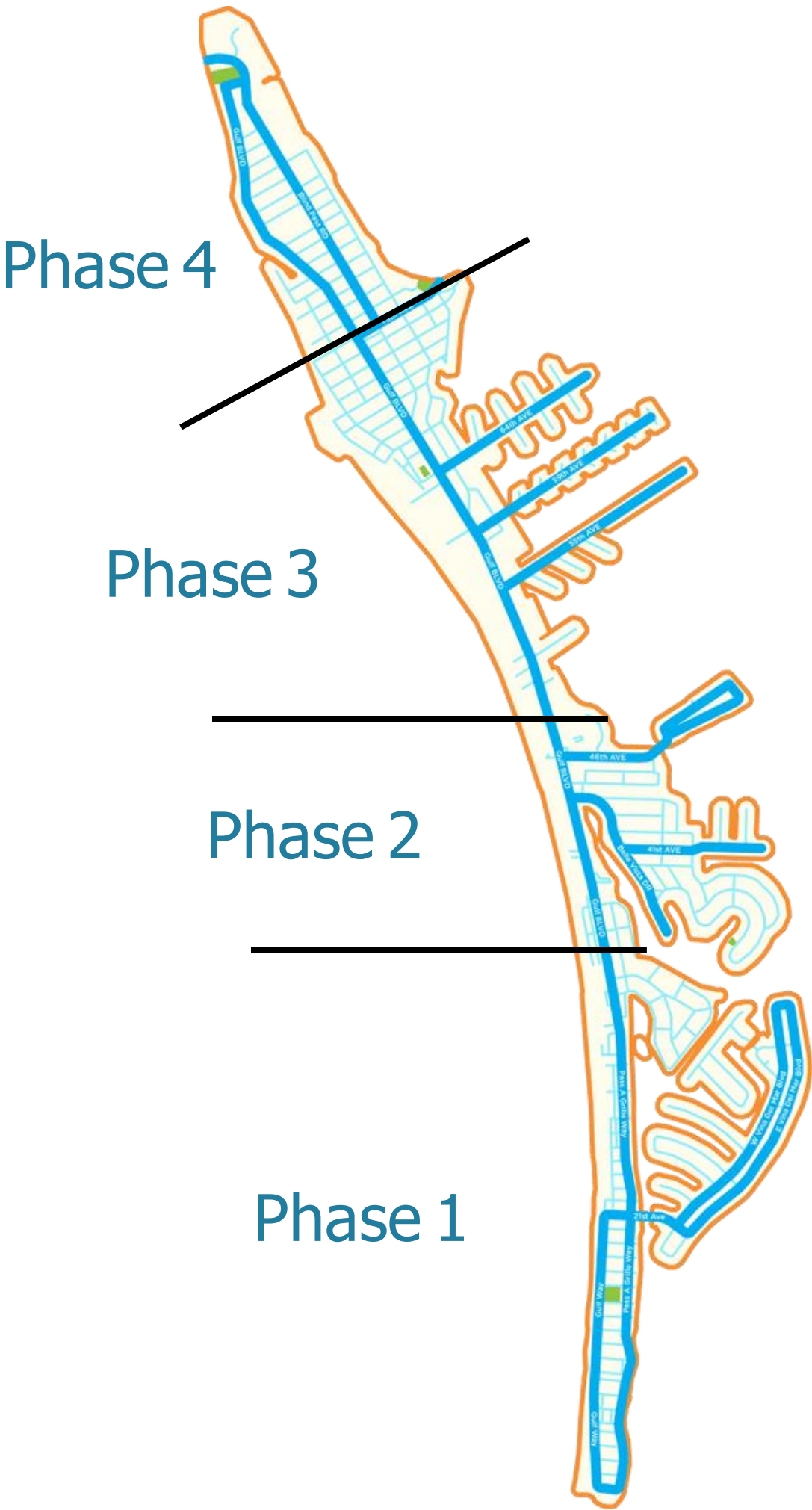
Initial funding for the Freebee came from cost savings generated by cutting back PSTA bus service. As the service area expanded and additional vehicles were added, the cost of the service increased. In FY23 the City is paying \$536,000 for 48 hours of service per day across 4 vehicles.



PHASED EXPANSION

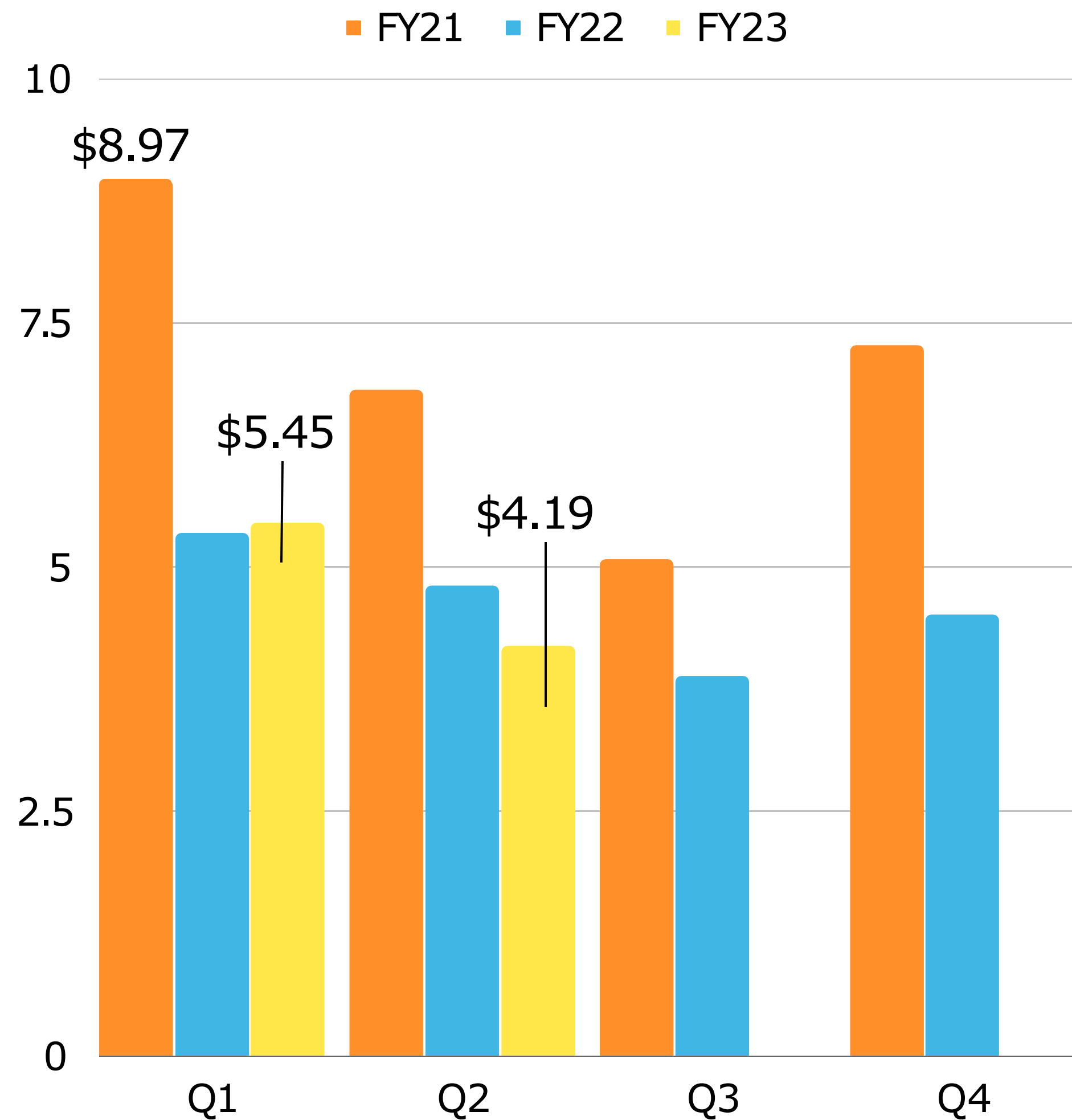
The City's Freebee service was expanded each fiscal year, starting from the south and working north. As the service area was expanded, more vehicles were added to ensure that service remained efficient.

FY 2020	FY 2021	FY 2022	FY 2023
\$159,026.00	\$312,732.00	\$393,400.00	\$536,000.00
1 Vehicle (Jan '20) 14 hrs / day +1 Vehicle (Jun '20) 28 hrs / day	2 Vehicles 28 hrs / day	3 Vehicles 35 hrs / day	4 Vehicles 48 hrs / day
South of the Bayway	County Park to Pass-a-Grille	75th Ave to Pass-a-Grille	Blind Pass to Pass-a-Grille



COST PER PASSENGER

Ridership has steadily increased as the service area expanded, which drives down the cost per passenger despite the increasing overall costs. With the highest recorded ridership to date in March 2023, the cost per rider was only \$4.19.





CONTRACT ANALYSIS

The City's contract with Freebee was originally negotiated in 2019 for three years with two options to renew.

ADVERTISEMENT REVENUE

The 2019 agreement with Freebee provided for Freebee to sell advertisement on the vehicles and revenues were to be split on a 50%-50% basis between the contractor and the City. The value of the advertisement is \$30k per vehicle and would total to \$120K revenue per year for the four vehicles.

When the service first began, the city changed its policy with respect to advertising and has not allowed Freebee to advertise. This change in policy represents an annual impact up to \$60k for Freebee. Freebee accepted this change without re-opening the contract. Reversing this policy could provide a source of revenue to help fund the service.



Image: Palm Beach Post - Delray Beach Freebee



Image: Trip Advisor - Miami Beach Freebee

CONTRACT COMPARISON

Many other cities in Florida use Freebee as a micro-transit service. The most recent cities to add or renew the service are Dunedin and Delray Beach. Miami Lakes and Miami Beach both negotiated their contracts prior to the City of St. Pete Beach, but have similar rates.

- **City of Dunedin**

- Negotiated in 2022
- 6-month Pilot
- No Ad Guarantees
- \$39.64 /hour/vehicle

- **City of Delray Beach**

- Negotiated in 2022
- \$30k ad revenue guarantee
- Equivalent to \$8.20/vehicle/hour
- \$39.72/hour/vehicle (gross)
- \$31.52/hour/vehicle (net)
- Larger fleet, more hours

- **City of Miami Beach**

- Negotiated in 2019
- No Ad Guarantees
- \$30.26/hour/vehicle
- Larger fleet, similar hours

- **Town of Miami Lakes**

- Negotiated in 2017
- No Ad Guarantees
- \$33.88/hour/vehicle
- Similar fleet, restricted hours

freebee on the beach



Freebee Contract Review

Electric Charging and Service Cost Memo

Background

In 2019, the City advertised a contract for micro-transit services and in September of that year, it entered into an agreement with Freebee for these services. The City initially operated one vehicle in the southern end of the island but over the years the service area has grown to cover the entire island and we currently operates four vehicles. Two vehicles operate 14 hours per day and two operate 10 hours per day. The vehicles operate at staggered hours to maximize cost and efficiencies in the service, since the city operates the Freebee service from 6 am to midnight, Monday through Sunday. Based on the number of hours and vehicles, the annual operating cost to the city is \$536,000. The contracted hourly rate for the Freebee service is based on the 2019 bid price of \$30.60 per hour per vehicle.

Advertisement Issue

The 2019 agreement with Freebee provided for Freebee to sell advertisement on the vehicles and revenues were to be split on a 50%-50% basis between the contractor and the City. The value of the advertisement is \$30k per vehicle and would total to \$120K revenue per year for the four vehicles; however, the city changed its policy with respect to advertising and has not allowed Freebee to advertise, this change in policy represents an annual impact up to \$60k to Freebee. Freebee accepted this change without re-opening the contract.

Contract Value Comparison

Staff has reviewed and compared rates across several municipalities offering Freebee services. Below is a summary of staff's findings:

Upon this evaluation, staff found that Freebee's prices have increased to cover increases in operating and labor costs. Two of the most recent contracts Freebee has entered with are the City of Delray Beach and the City of Dunedin.

The **City of Delray Beach** contract with Freebee was renewed in December 2022. This agreement renewal includes a \$30,000 advertising guarantee built into each vehicle, in which Freebee keeps 100% of the advertising revenue. The City of Delray operates 18,200 hours per year with 5 vehicles, the advertising component is equivalent to \$8.2/hour. The net contracted hourly rate paid by the City of Delray Beach to Freebee is \$31.52 per hour which translates into a gross rate per hour of \$39.72.

The **City of Dunedin** is planning to conduct a 6-month pilot for Freebee service through their downtown. The agreement with Freebee which does not have any advertising guarantees, like the City's current agreement will be at an hourly rate of \$39.64 per vehicle per hour.

Other cities reviewed were the City of Miami Beach and the Town of Miami Lakes. These cities entered into agreements with Freebee in 2019 and 2017 respectively. The City of Miami Beach has the most comparable rate to St. Pete Beach. They pay Freebee \$30.26 per hour per vehicle. It is slight less than the city's current rate, but the City of Miami Beach operates a larger fleet and more service hours than St. Pete Beach. The Town of Miami Lakes has an hourly rate of \$33.88 per hour per vehicle. They

operate similar size Fleet to St. Pete Beach but offer limited hours of service. Both cities do not have advertising guarantees negotiated in their contracts.

Freebee Charging Stations and Electric Consumption:

The agreement entered between the City and Freebee outlines the responsibilities between the City and the Contractor (Freebee). One of the items addressed under the Contractor's responsibilities relates to electric vehicle charging stations. Section 4.4 of the contract states "*CONTRACTOR shall be responsible for installation and maintenance of the fast chargers and any costs associated therewith at all times.*"

The City has interpreted this as Freebee is responsible for paying for all installation and maintenance costs related to the charging stations designated for charging their vehicles. However, it does not preclude the City, based on the language above, from recovering all costs associated with the fast chargers including the costs associated with charging the vehicles. For example, upon the initiation of the Freebee service, they provided the fast chargers, paid for an electrician to install the chargers and have been responsible for maintenance of the chargers throughout the life of the program. Should any of the chargers go bad or have issues with the electrical connection Freebee would be responsible for all costs associated with getting the chargers fixed and operational.

The Freebee vehicle started operating at Hurley Park and there was no separate meter at the park, the cost of adding a separate meter was \$3,000. Furthermore, the City has provided free electric vehicle charging services to all residents and visitors alike since 2013. **No other municipality reviewed requires Freebee to pay electrical charging fees.**

The Freebee vehicles are built with a Lithium Ion 12.4 kwh battery and when fully charged obtain a range of 70 miles. Freebee operates four vehicles within the city and operate 363 days out of the year. The only two days Freebee does not operate is Thanksgiving Day and Christmas Day.

Given that Duke Energy charges 15 cents per kwh of consumption. Based on this information, the estimated cost per day to run four vehicles is \$7.44, totaling to \$2,701 per year.

Given that the City has modified its policy of providing free EV charging that existed since 2013, we can now begin charging Freebee for electrical services at the locations where we can meter them, such as the library, and the community center.

Beyond that, given the advertisement issue and the latest hourly rates, I would not recommend re-opening the contract at this point.

The City's contract with Freebee expires in August of 2023, and it has one more year option to renew in August, at that point, the City's new RFP could clearly define that they pay for the electrical consumption.