COMMISSION WORKSHOP MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, July 26, 2011

4:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

Redevelopment Plan Implementation

6:00PM

REGULAR MEETING

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

2. **Presentations**
   a. **Proclamation declaring September 23, 2011 as Caregiver Day**
   b. **Alley rehabilitation project close out.**

3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.

4. **Consent**
   a. **Approval of the June 28, 2011 Minutes of the City Commission Shade Meeting; the June 28, 2011 Minutes of the City Commission Regular Meeting; and the July 12, 2011 Minutes of the City Commission Regular Meeting.**
   b. **Authorization for the City Manager to grant a request of Paradise Sweets, LLC to temporarily suspend operations at the Upham Beach concession stand and reduce the monthly minimum rent paid to the City ($8,862.00) by $2,215.00 (the Upham Beach portion) for the remainder of the Upham Beach T-Groin construction project.**

5. **Action Items**
   a. **Case #20110015 Conditional Use. Applicant requests Conditional Use approval for property located at 3700 Gulf Boulevard for Outdoor Restaurant Seating in accordance with Section 14.4(g) of the Land Development Code. Applicant requests seven seats. This case requires a Quasi-Judicial public hearing.**
   b. **Case #20110017Conditional Use. Applicant requests Conditional Use approval for property located at 5300 Gulf Boulevard for modification of Stipulation for Settlement of appeal of Conditional Use Case #20090002 filed under the Florida Land Use and Environmental Dispute Resolution Act. *This case requires a Quasi-Judicial public hearing*.**
   c. **Authorization for the City Manager to proceed with closing on the acquisition of additional land adjacent to Egan Park pursuant to a lease/purchase contract with the Trust For Public Land on or about August 5, 2011. The settlement costs are estimated to be $403,955.00.**

6. **Ordinances**
   a. **Ordinance 2010-35, Final Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.**
   b. **Ordinance 2010-34, Final Reading and Public Hearing providing for amendment of the Official Zoning Map of**

the St. Pete Beach Land Development Code for property located at 113 11th Avenue. *This is a quasi-judicial hearing*.

7. Resolutions – none for this agenda.

8. Items for Discussion

a. City Commission Appointment to the Pinellas Suncoast Transit Authority Board of Directors.

9. City Manager, City Attorney and City Commission Reports

a. Department Quarterly Reports (online version only)

10. Adjournment

APPEALS

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

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

CITY OF ST. PETE BEACH

CAREGIVER DAY PROCLAMATOIN

WHEREAS, each and every day, family members and other concerned individuals in the Tampa Bay Region provide essential care and assistance to their loved ones; and,

WHEREAS, The City of St. Pete Beach is a community that includes many caregivers residing within its boundaries; and,

WHEREAS, the efforts of the caregivers, including friendship and comfort, are vital to the quality of life of seniors receiving such care; and,

WHEREAS, the innumerable hours spent caregiving can be time-intensive and a long-term responsibility; and,

WHEREAS, replacing those services offered by caregivers with formal care at home or in a facility would cost millions of dollars a year; and,

WHEREAS, caregivers in the City of St. Pete Beach deserve recognition for all they have done and will continue to do; and,

WHEREAS, many companies are impacted by the caregiver responsibilities that their employees shoulder; and,

WHEREAS, during the *New Age of Caregiving Symposium*, we will highlight the important role of caregiving ad pay tribute to the thousands of caregivers who give endlessly of themselves.

NOW, THEREFORE, I, Mayor of the City of St. Pete Beach, Florida, do hereby proclaim Friday, September 23, 2011 as CAREGIVER DAY. We urge all citizens to take time to honor caregivers for their invaluable contributions to our community's quality of life.

* ** * *

_____

Steve McFarlin, Mayor

City of St. Pete Beach

St. Pete Beach City Commission
Agenda Report

Issue Considered: Alley rehabilitation project close out.

Date: July 26, 2011

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: In an effort to be transparent and accountable to all of the tax payers in the City, staff likes to come back to City Commission after a capital improvement project is completed to report on it. This allows people to see firsthand how their tax dollars were spent and holds staff accountable for how the project was managed.

Inspections of alleys throughout the City were performed by Public Services personnel and projects were prioritized based on condition and usage. In total 21 alley projects were completed this year and the work consisted of replacing the various existing materials with shell to allow for more drainage in neighborhoods. Other advantages of installing shell included better aesthetics (a "beach" feel) and reduced maintenance costs (shell is less expensive and easier to work with). The project was completed within the approved budget and $184,140 in alley work was completed.

The City's ultimate goal remains to get all of the alleys in the City in "fair" to "good" condition and then perform routine annual maintenance to keep them at this level.

Reviewed by
City Manager: _____

ST. PETE BEACH CITY COMMISSION

ATTORNEY-CLIENT SESSION

June 28, 2011

4:30 p.m.

CALL TO ORDER

The Meeting was called to order by Mayor Steve McFarlin at 4:30 p.m.

Mayor McFarlin announced that this is an Attorney-Client Session that is being held in accordance with FS 286.011(8) regarding the following lawsuits:

Finnerty, et al., vs. Pyle, Case No. 2D11-483;
Save Our Little Village, et al., vs. Kadoura, Case No. 2D11-503;
Kadoura vs. Garnett, et al., Case No. 2D10-4253;
Anderson vs. City of St. Pete Beach, Case No. 11-1319-CI-11; and
Sowa vs. City of St. Pete Beach, Case No. 07-8781-DI-19

The Attorney-Client Session will be attended by Mayor Steve McFarlin; Mike Bonfield, City Manager; Commissioner Al Halpern; Commissioner Jim Parent; Commissioner Marvin Shavlan; Vice Mayor Beverly Garnett; Mike Davis, City Attorney; Susan Churuti, Attorney; Suzanne Van Wyk, Attorney; and an official court reporter as required by law.

The length of the Attorney-Client Session in the aggregate is estimated to be approximately one and one-half (1 ½) hours.

At 4:32 p.m., Mayor McFarlin adjourned the meeting to the closed session.

At 5:32 p.m., Mayor McFarlin reopened the public session of the Attorney-Client Session.

At 5:33 p.m., Mayor McFarlin announced the termination of the Attorney-Client session.

_____ _____
Rebecca C. Haynes, City Clerk Steve McFarlin, Mayor

Approved on: _____

ST. PETE BEACH
CITY COMMISSION MEETING

JUNE 28, 2011
6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT

Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin

ALSO PRESENT

City Attorney Mike Davis
City Manager Mike Bonfield
City Clerk Rebecca Haynes
Public Services Director Steve Hallock
Community Development Director Karl Holley
Senior Planner Catherine Hartley

1. Changes to the Agenda

Commissioner Parent asked if discussion could be added regarding parking along Gulf Winds and 64th Avenue and regarding outdoor displays throughout the city. The items were placed as Item 8.a. and Item 8.b.

Vice Mayor Garnett asked that item 5.c., Amendment of City Manager's Employment Agreement, be removed from the Agenda. A brief discussion followed and the item was removed.

2. Presentations

a. Commissioner Shavlan gave a brief report on "Walk for Wishes" and announced that they raised almost $56,000 for the charity, which doubled last year's proceeds. Next year's event will be held April 21, 2012.

b. City Manager Mike Bonfield stated that the Master Pump Station force main is now completed and asked Steve Hallock to explain what was done.

Steve Hallock, Public Services Director, gave a brief explanation of the project and reported they were well under budget.

3. Audience Comments

Harry Metz, 504 Pass-a-Grille Way, asked Mayor McFarlin and Vice Mayor Garnett to review the accuracy of their Treasurer's Reports regarding in-kind contributions.

Paul Pfister, 8090 Gulf Boulevard, asked Commissioner Shavlan to keep him posted on city related pension issues.

Tom DeYamper, 510 78th Avenue, expressed his concerns about safety in the crosswalks, particularly in District One.

Deborah Edny, 181 73rd Avenue, advised that it will be seven years since the death of her nephew, Joey, and announced there is a book out called "Justice for Joey" outlining the investigation of the accident.

Hearing no further audience comments, Mayor McFarlin called upon City Manager Bonfield to proceed.

4. Consent

a. Approval of Shade Meeting Commission Minutes of June 14, 2011 and the Minutes of the regular City Commission Meeting on June 14, 2011.

b. Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the Suntan Art Center/City of St Pete Beach 100 Artists Show.

Mayor McFarlin requested the Shade Meeting minutes be amended to reflect that the Commissioners did not discuss the Sowa vs. the City of St. Pete Beach case.

Commissioner Parent made a motion to approve the Consent Agenda with the change Mayor McFarlin requested. The motion was seconded by Commissioner Halpern and unanimously approved.

5. Action Items

a. Appointing a voting delegate for the 85th Annual Florida League of Cities Conference.

Commissioner Parent previously attended this conference on behalf of the City. **Mayor McFarlin asked Commissioner Parent if he would serve again this year and he consented. The appointment was unanimously approved.**

b. Amending the By-Laws of the Historic Preservation Board.

City Manager Bonfield explained that the current City Code provides that the Historic Preservation Board shall adopt their rules of procedure, subject to approval by the City Commission. At their last meeting, the Board Members amended their membership terms and quorum requirements.

City Manager Bonfield recommended changing the proposed wording under Article 2, paragraph one to read, "The Chair and Vice-Chair terms shall be for one year."

Commissioner Parent stated he supports the Board changing from a four member quorum to a three member quorum.

Commissioner Halpern disagrees with extending the number of terms from three to five years, but agrees that a quorum should consist of three members instead of the current four-member requirement.

Commissioner Parent made a motion to approve the proposed Amendments to the Historic Preservation Board By-Laws as amended. The motion was seconded by Vice Mayor Garnett. The motion was approved by a 3 to 2 vote; Commissioners Halpern and Shavlan voted no.

6. Ordinances

a. **Ordinance 2011-17,** Final Reading and Public Hearing amending Division 28 of the Land Development Code to provide for review of the issuance of Demolition Permits for Contributing Structures in the National Register District and providing for a waiting period of up to 30 days following board review for the issuance of a Demolition Permit for contributing Structures in the National Register and Structures Designated as Historic under the provisions of Division 28.

Vice Mayor Garnett made a motion to approve Ordinance 2011-17, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Division 28 of the Land Development Code as it relates to Historic Preservation; amending Section 28.11 to require the owners of designated and/or contributing structures to obtain a certificate of appropriateness prior to the demolition of the structure; allowing the Historic Preservation Board to stay the demolition for thirty (30) days so that alternatives to demolition can be explored; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin asked for audience comments; hearing none, the Mayor asked for Commission discussion.

After discussion, the motion was unanimously approved by roll call vote.

b. **Ordinance 2011-19**, Final Reading and Public Hearing, readopting the Plan Amendment adopted by Ordinance 2008-15.

Mr. Davis, City Attorney, presented a brief explanation of the ordinance.

Commissioner Parent made a motion to approve Ordinance 2011-19, an Ordinance of the City Commission of the City of St. Pete Beach, relating to the Community Redevelopment District Future Land Use District adopted by Ordinance 2008-15; providing for findings; re-adopting the Plan Amendment adopted by Ordinance 2008-15; providing for severability; providing for an effective date. The motion was seconded by Commissioner Halpern.

Mayor McFarlin called for audience comments; hearing none he asked for Commission discussion.

After discussion, the motion was unanimously approved by roll call vote.

b. Ordinance 2011-20, Final Reading and Public Hearing, amending Section 38-14 of the Code of Ordinances to eliminate the provision for a runoff election except to resolve a tie vote.

Commissioner Parent made a motion to approve Ordinance 2011-20, an Ordinance amending Section 38-14, St. Pete Beach City Code, to provide that if three or more candidates for office of Commissioner or Mayor Commissioner qualify for office and the persons so qualified are voted on, the candidate receiving the highest number of votes shall be deemed elected regardless of whether or not such candidate received a majority of the votes cast; eliminating provision for a runoff election except to resolve a tie vote; providing findings of fact and providing an effective date; repealing conflicting ordinances to the extent of conflict with this Ordinance; and providing for an effective date. The motion was seconded by Vice Mayor Garnett.

Mayor McFarlin then called for audience comments.

Tom (inaudible last name), 111 60th Avenue, spoke against the proposed ordinance and asked the Commission to reconsider their vote.

Rosemary Manning, 200 First Avenue, believes the City should have runoff elections and they should be held within two (2) weeks of the initial election.

Hearing no further comments, Mayor McFarlin closed the meeting to audience comments. Mayor McFarlin asked City Manager Bonfield if reducing the number of polling places from three to two would provide a savings to the City and if the runoff could be held closer to the election. City Manager Bonfield responded that there would be no cost savings with less polling places and that he will inquire if the time between the election and runoff can be reduced.

After discussion, Mayor McFarlin asked the City Clerk for roll call.

The motion was *defeated* by unanimous roll call vote.

d. **Ordinance 2011-18**, First Reading and Public Hearing amending Section 6.23 of the Land Development Code to eliminate the administrative variance provisions for dock length and to allow residential docks presently non-conforming by side setback to be reconstructed in the same location and configuration without requiring variance approval.

Mayor McFarlin called upon Karl Holley, Community Development Director, to explain the ordinance more fully.

Commissioner Parent made a motion to approve Ordinance 2011-18, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment

of Division 6 of the Land Development Code as it relates to supplemental standards for docks; amending Section 6.23, eliminating the provision for administrative variance of dock length; allowing the repair and replacement of residential docks in the same configuration without a variance for setback; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extend of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Halpern.

Mayor McFarlin then called for audience comments.

Andrew (last name inaudible), 3001 Alton Drive, is trying to repair his dock and has run into difficulties that have delayed the improvements.

Paul Pfister, 8090 Gulf Boulevard, spoke about a very large sail boat tied up in his area.

Ward Friszolowski, 3566 Belle Vista Drive, advised the Commission that the Planning Board voted 3 to 1 to recommend denial of the proposed ordinance.

Hearing no further audience comments, Mayor McFarlin asked the Commission for discussion, which centered on dock length requirements.

Commissioner Parent amended his original motion to remove the strikeouts in Section 1. (d) (3) and removing the words "by their positioning within the required area of the lot's width" in paragraph (f) (3) and further eliminating the words "This exemption shall not apply to that portion of docks which are non-conforming by virtue of length which must be brought into compliance at the time of reconstruction." The motion was seconded by Vice Mayor Garnett.

The motion was unanimously approved by roll call vote.

7. Resolutions

a. Resolution 2011-11 (the "Annual Assessment Resolution") re-imposing annual Storm Water Service Assessment associated with fixed

program costs to be levied throughout the City at a rate not exceeding last year's rate of $36 per tax parcel.

City Attorney Mike Davis advised the Commission that Mr. Mark Wasson of his Tallahassee office has been working with staff to meet the timelines for inclusion on the property tax rolls.

Steve Hallock, Public Services Director, provided further explanation on the resolution and assessment.

Commissioner Shavlan made a motion to approve Resolution 2011-11, a Resolution of the City Commission of the City of St. Pete Beach, Florida, approving the fiscal year 2011-12 non-ad valorem assessment roll for Storm Water service assessments associated with fixed program costs levied throughout the City; directing certification of the assessment roll to the Pinellas County Tax Collector; directing finalization and presentation of the supplemental funding plan for addressing and recovering variable costs associated with the Storm Water system; and providing an effective date. The motion was seconded by Vice Mayor Garnett.

The motion was unanimously approved by roll call vote.

8. <u>Items for Discussion</u>

a. Parking issues at Gulf Winds and 64th Avenue.

City Manager Bonfield presented a map where the on-street parking is problematic.

Commissioner Parent outlined the difficulties in the area with people parking their cars over the curb, on the grass, blocking access and parking too close to the stop signs. He suggested placing temporary "no parking" signs over the 4th of July weekend to determine if this solution is beneficial.

It was agreed that "no parking on grass" signs would temporarily be placed on Gulf Winds, and that the issues would be further reviewed.

b. Outdoor Displays

Mr. Bonfield explained that presently the City Code does not allow for outdoor displays but sidewalk signs, displays and sales are increasing on a regular basis. **City Manager Bonfield suggested the Commission request the Planning Board to place this matter on their agenda for consideration; meanwhile,**

the Commission agreed to hold enforcement in abeyance while staff evaluates the issues.

9. Reports

City Manager Mike Bonfield reported that fireworks will be displayed on the Fourth of July at Upham Beach. Summer Camp registration is open and Fox 13 will be live at the Community Center on Thursday, June 30th as part of an article they are doing on summer camps. Bids were opened for Horan Park and Merry Pier, and they are considerably higher than budgeted; staff is reviewing alternatives and will return with options.

City Attorney Mike Davis advised that they have a proposed settlement offer in the SOLV vs Pyle case and he recommended that the Commission *not accept* this proposal. All Commissioners were in agreement.

Vice Mayor Garnett attended a wedding at the Community Center and commented that the facility was a beautiful setting. Her monthly meeting is July 6 at the Don Vista. She encouraged everyone to support their local businesses.

Commissioner Shavlan advised that fence installation is completed on the parking lot across from the "Under Tow" and commented that it looks much better. He asked if the Planning Board could look into requiring fencing on all future vacant lots, questioned if all "beach access" signs could be consistent and wanted to know if the City's logo could be changed by adding "Sunset Capital of Florida". Commissioner Shavlan asked about the status of the City's new website and about the possibility of lowering the decibel level in the noise ordinance.

Commissioner Parent announced that Wednesday, June 29, is the BIG C Meeting and St. Pete Beach is hosting it at the Community Center. Also on Wednesday, he is holding his monthly Roundtable Meeting at the Library from 6:30 p.m. to 8:00 p.m. He noted that the Community Center is offering 50% off yearly pool passes during the month of July and that the Library has a new program whereby a patron can download three songs a week at no charge. Commissioner Parent registered for the Florida League of Cities Annual Conference where he will represent the City as their voting delegate and he has joined a Legislative Committee for Finance & Taxation again this year.

Commissioner Halpern reported that the North Beach Civic Association had a successful meeting and Steve Hallock was their guest speaker.

Mayor McFarlin reported that he will not be present for the August 9th Meeting.

10. Adjournment

There being no further business to come before the Commission, the Meeting was adjourned at 9:10 p.m.

_____ _____
Rebecca C. Haynes, City Clerk Steve McFarlin, Mayor

Minutes approved on:_____

ST. PETE BEACH
CITY COMMISSION MEETING

July 12, 2011

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Commissioner Al Halpern
Commission Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin

ALSO PRESENT

City Manager Mike Bonfield
City Attorney Susan Churuti
City Clerk Rebecca C. Haynes
Finance Director Elaine Edmunds
Community Development Director Karl Holley
Senior Planner Catherine Hartley

1. Changes to the Agenda

City Manager Bonfield advised the Commission that Item 5.a., Case #2011-0015, Conditional Use, is rescheduled to the next meeting, July 26, 2011, because an incorrect street address was advertised in the legal notice.

City Manager Bonfield suggested that Item 6.a., Ordinance #2010-13, Amending Future Land Use Plan Element, be rescheduled to August 9, 2011, with a workshop in the interim. Mayor McFarlin advised that he will not be present at the August 9th meeting but agreed with the suggestion of a workshop. City Manager Bonfield asked if they could leave item 6.a. on the agenda and discuss it further. All were in agreement.

2. Presentations

a. Proclamation for Parks and Recreation Month - July 2011

Mayor McFarlin read the Proclamation and declared the month of July 2011 as Parks and Recreation Month.

Mayor McFarlin also announced that he received a letter praising how quickly the beaches were cleaned up by the Public Works Department after the July 4th Celebration.

3. Audience Comments

Deborah Schechner, 710 Boca Ciega Isle Drive, commented that the City needs a task force to deal with the crime situation in the Corey Avenue area.

Mayor McFarlin asked for further audience comments. Hearing none, Mayor McFarlin closed Audience Comments.

4. Consent

a. Authorization for the City Manager to enter into an agreement with the Property Appraiser of Pinellas County, Florida, for a non-ad valorem assessment.

Commissioner Parent made a motion to approve the Non-Ad Valorem Assessment Agreement with the Property Appraiser of Pinellas County, Florida, to facilitate the City of St. Pete Beach non-ad valorem assessment.

The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

5. Action Items

None on this Agenda.

6. Ordinances

a. **Ordinance 2010-13,** Second Reading and Public Hearing amending the Future Land Use Plan Element of the adopted Comprehensive Plan to address issues identified by staff review.

City Manager Bonfield stated that there are a number of changes in this ordinance but the main issue of concern relates to the use of the Tourist Lodging Density Pool. In the Plan, there are 325 units in a pool that are designated for Corey Avenue. The proposal that was included in the first reading was to allow the Activity Center and Bayou Residential to also be eligible for that pool.

Mayor McFarlin called upon Senior Planner Catherine Hartley to address the Commission regarding the changes in this ordinance.

Ms. Hartley proceeded to give a brief overview of the proposed changes and answered questions from the Commission. She suggested an amendment to the amendment removing the word "stories" and instead use "maximum height".

Commissioner Halpern made a motion to approve Ordinance 2010-12, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the future land use element of the Comprehensive Plan; amending maps 1, 2, and 3 in the Community Redevelopment District to correct scrivener's errors; deleting maps 10 and 11 in the Community Redevelopment District and references thereto; allowing transient accommodations as a permitted use in the Activity Center and Bayou Residential Character Districts and establishing height and density limits; allowing the Activity Center and Bayou Residential District to pull from the TC-2 Density Pool; allowing for horizontal mixed use in the Activity Center District; clarifying height limitations in the Community Redevelopment District; clarifying that the Density Pool for the Upham Beach Village District is for the redevelopment of currently licensed transient accommodations only; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin asked for audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, wanted to know why the Commission is adding tourist units to an area that is primarily a residential area.

Robert Fleeting, 3910 Gulf Boulevard, believes that now is a perfect opportunity to bring back some of the small hotels.

Hearing no further audience comments, Mayor McFarlin asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was approved by 4 – 1 majority vote; Vice Mayor Garnett voted nay.

b. **Ordinance 2010-14,** second reading and public hearing amending the Capital Improvement Element of the Comprehensive Plan.

Senior Planner Catherine Hartley briefly described the amendment for the Commission.

Vice Mayor Garnett made a motion to approve Ordinance 2010-14, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Capital Improvements Element of the Comprehensive Plan to incorporate the school board's five year work program by reference; providing for the repeal of ordinances or part of ordinances in conflict herewith to the extent of such conflict; providing for severability' and providing for an effective date. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin asked for audience comments; none being heard he asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was unanimously approved by roll call vote.

c. **Ordinance 2010-15,** second reading and public hearing amending the Future Land Use Plan and Future Land Use Map Elements of the City's adopted Comprehensive Plan.

Catherine Hartley explained that this was primarily a "clean up" of the Plan. She added that the Community Redevelopment District (CRD) was added under Future Land Use Maps.

After discussion, Mayor McFarlin asked for audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke against the amendment.

Hearing no further audience comments, he asked for Commission discussion. Hearing none, Mayor McFarlin called for a motion..

Vice Mayor Garnett made a motion to approve Ordinance 2010-15, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the future land use, recreation and future land use map elements of the Comprehensive Plan; amending the definitions; clarifying that density is not waived for non-conforming uses but protected from catastrophic loss; deleting cross references to certain page numbers within the Plan; deleting references to specific sections of the Land Development Code; deleting police, fire, reclaimed water and library as infrastructure for purposes of concurrency management in the Community Redevelopment District; amending minimum acreage standards in the

TC-1 and TC-2 Character Districts; deleting general location descriptions of each Character District; stating the number of affordable units to be constructed in order to receive a density bonus in the large Resort District; amending the recreation level of service; adding the Community Redevelopment Districts to the Future Land Use map element; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.

The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

d. **Ordinance 2010-37,** second reading and public hearing amending the Eighth Avenue Special Area Plan.

Senior Planner Catherine Hartley presented a brief overview of the amendment and responded to questions from the Commission.

Commissioner Shavlan made a motion to approve Ordinance 2010-37, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eight Avenue Special Area Plan, as written in Exhibit A attached hereto; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.

The motion was seconded by Commissioner Parent.

Mayor McFarlin asked for audience comments.

Rick Falkenstein, 6441 – 4th Palm Point, asked what area this amendment included.

Hearing no further audience comments, Mayor McFarlin asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was approved by unanimous roll call vote.

Ordinance 2011-18, final reading and public hearing amending Section 6.23 of the Land Development Code to allow residential docks presently non-conforming to be re-constructed in the same location and configuration without variance approval if the original County permit can be produced.

City Manager Bonfield summarized the amendment for the Commission.

Community Development Director Karl Holley added that the Planning Board will be meeting to discuss the issue of how to address the administrative variances on dock length so there may be some additional modification coming back to the Commission in the near future.

Commissioner Parent made a motion to approve Ordinance 2011-18, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Division 6 of the Land Development Code as it relates to supplemental standards for docks; amending Section 6.23, allowing the repair and replacement of nonconforming residential docks in the same configuration without a variance; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Vice Mayor Garnett.

Mayor McFarlin asked for audience comments; hearing none he asked the Commission for further discussion. Hearing none, Mayor McFarlin asked the City Clerk for roll call.

The motion was approved by unanimous roll call vote.

7. Resolutions

Resolution 2011-14, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for TRIM notices.

City Manager Bonfield explained that this resolution is required by State Statute to adopt each year prior to the City's budget hearings. The tentative rate is advertised on the TRIM notice, which can go down as a result of the budget hearings but it cannot be raised.

City Manager Bonfield recommended that the Commission tentatively adopt the millage rate which produces the same amount of tax revenues as last year.

Mayor McFarlin asked for comments from the Commission.

After discussion, Mayor McFarlin called upon Elaine Edmunds, Finance Director, to address the Commission with any additional information she may want to bring before them.

Mayor McFarlin then opened the meeting to audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, noted that she does not like the term "roll back" and asked that the Commission stop using it.

Rick Falkenstein, 6441 4th Palm Point, supports the Commission and the tax rates.

Hearing no further audience comments, Mayor McFarlin asked the Commission for further discussion. Hearing none, Mayor McFarlin called for a motion.

Commissioner Parent made a motion to approve Resolution 2011-14, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for TRIM notices.

Whereas, such millage rate for the City of St. Pete Beach is computed to be 2.8569.

The City Commission authorizes the notification of the Pinellas County Property Appraiser of the tentative millage rate of 2.8569 mills and the voted debt service millage rate of .0895 mills for a total of 2.9464 mills for use in the Truth in Millage Notices. Vice Mayor Garnett seconded the motion.

Mayor McFarlin asked the City Clerk for roll call. The motion was unanimously approved by roll call vote.

8. Items for Discussion

None for this Agenda.

9. Reports

City Manager Bonfield reported that the Planning Board had their first workshop the previous evening and discussed the Land Development Code and changes that are consistent with the recently readopted Comprehensive Plan.

City Manager Bonfield stated that he would like to have workshops on capital items and also on the implementation of the redevelopment plan. He suggested doing those before the budget review.

After discussion, it was agreed that the workshop on capital improvements would be held on July 26, 2011, at 4:00 p.m., the workshop on implementation of the re-development plan would be held on August 2, 2011 at 5:00 p.m. and the workshops on budget hearings will be held on August 3 & 4, 2011, at 5:00 p.m.

"No Parking" signs on Gulf Winds were discussed and it was decided to install temporary signs prior to the weekend.

City Attorney Churuti introduced James Lang of their firm, Bryant, Miller & Olive. Mr. Lang recently graduated from the University of Florida and will assist Ms. Churuti with some of the St. Pete Beach issues.

Ms. Churuti advised the Commission that her firm is re-opening the Chimielewski mediation on August 10, 2011 in the hopes that they can resolve that matter.

City Attorney Churuti advised the Commission that her firm is working with the City Clerk to get documents into the various appellate records indicating that the City has now adopted a Comprehensive Plan.

City Attorney Churuti further advised the Commission that the Florida Municipal Attorneys are meeting in Palm Beach this year where she will be speaking on "Sunshine Law" and "How to Negotiate High Level Contracts Outside of the Sunshine".

Vice Mayor Garnett reported that the Wall Street Journal ran a front page article about the "Tradewinds Hotel" making an American Flag with towels on the beach on the Fourth of July. She encouraged residents to support their local merchants.

Commissioner Shavlan thanked Belle Vista Condominium Association for a contribution of $200 to purchase chairs and stated that the Association is working on a "Business to Resident" event where the residents can showcase their businesses.

Commissioner Parent reported that he had received a lot of compliments on the fireworks show this year. He commented on the agenda published by the Police Pension Board and asked the Commissioners to attend the upcoming meeting on the 21st of July, 2011 to encourage a more positive atmosphere.

Commissioner Halpern reported that all is very quiet and announced that Oscar's Restaurant has permanently closed. He asked that everyone support the City's merchants particularly during July and August.

Mayor McFarlin reported that the City's beach area is becoming more popular and there is a much greater demand for beach activities. He cautioned residents about leaving garage doors open and the possibility of theft.

There being no further business to come before the Commission, the meeting was adjourned at 8:03 p.m.

_____ _____

Rebecca C. Haynes, City Clerk Steve McFarlin, Mayor

Minutes approved on:_____

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorization for the City Manager to grant a request of Paradise Sweets, LLC to temporarily suspend operations at the Upham Beach concession stand and reduce the monthly minimum rent paid to the City ($8,862.00) by $2,215.00 (the Upham Beach portion) for the remainder of the Upham Beach T-Groin construction project.

Date: July 26, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds, Director of Finance

Summary of Issue: This is a request to authorize the City Manager to grant a request of Paradise Sweets, LLC to temporarily suspend operations at the Upham Beach concession stand and reduce the monthly minimum rent paid to the City ($8,862.00) by $2,215.00 (the Upham Beach portion) for the duration of the Upham Beach T-Groin construction project.

On June 1, 2008 Paradise Sweets, LLC entered into a five year lease agreement with the City for use of the Pass A Grille and Upham Beach concession stands. The Upham Beach portion of monthly minimum rent is set at $2,215.50. This amount represents 25% of the total $8,862.00 monthly minimum rent for both properties. Section (4) Paragraph (8) of the existing lease agreement provides for periodic rent reductions when the business of the lessee is adversely affected by special circumstances such as beach re-nourishment, red tide, extended or major storm events etc.

On February 22, 2011 the City granted Paradise Sweets, LLC a monthly minimum rent reduction of $737.76 equating to 33.3% of the Upham beach portion of rent for the months of February 2011 thru May 2011 or the duration of the T-Groin construction project anticipating completion by the end of May.

Paradise Sweets, LLC reports the adverse effects created by the ongoing construction project including noise, smell, view obstructions etc. have diminished all food sales and negatively affected the overall operation at the Upham Beach concession stand to the point where it is no longer economically viable to remain open.

The restroom facilities at the Upham Beach concession stand will remain open, cleaned and maintained by Paradise Sweets, LLC staff should this request be granted.

Requested Motion: "I move the City Manager be authorized to grant a request of Paradise Sweets, LLC to temporarily suspend operations at the Upham Beach concession stand and reduce the monthly minimum rent paid to the City by $2,215.00 for the remainder of the Upham Beach T-Groin construction project.

Reviewed By:
City Manager: ___

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Conditional Use Case #20110015. Applicant requests Conditional Use approval for property located at 3700 Gulf Boulevard for Outdoor Restaurant Seating in accordance with Section 14.4(g) of the Land Development Code. Applicant requests seven seats. This case requires a Quasi-Judicial public hearing.
Date:	July 26, 2011
Prepared By:	Karl E. Holley, AICP, Community Development Director
Summary of Issue:	The applicant proposes to establish an outdoor restaurant seating area of seven seats for an existing restaurant.
Requested Motion:	**"**I move to approve Case #20110015, request for Conditional Use approval under Section 14.4(g) for outdoor restaurant seating at 3700 Gulf Boulevard."
Attachments:	Case #20110015 Application Case #20110015 Staff Analysis
Reviewed by City Manager:	_____

City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9265
www.stpetebeach.org

CONDITIONAL USE APPLICATION

Case Number: 2011 0015

APPLICANT/AGENT: JOHN PHILLIPS

Name: A. PAUL NICKLAUS
Address: 3850 GULF BLVD
City: S.P.B. State: FL
Zip: 33706 Phone: 727-647-2077

PROPERTY OWNER:

Name: A. PAUL NICKLAUS JR.
Address: 3850 GULF BLVD.
City: S.P.B. State: FL.
Zip: 33706 Phone: ~~727-647-2077~~ 727-360-9000 647-2077

PROPERTY: SMILEY'S SNACK SHACK

Address: 3700 GULF BLVD S.P.B. FL. 33706

Parcel ID: _____

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

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

The applicant is requesting outdoor seating to allow his patrons to have the option to sit on property and consume their food if they desire. The applicant expects most of his customers to purchase their food and consume it off site but would like to give them opportunity of choice

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

5-11-2011

Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

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

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

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

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

The proposed use of this property will be compatible w/ neighborhood development. The limited impact of this use will be mitigated by existing walls and setbacks and will smoothly incorporate the landscaping existing at this site to provide a comfortable and scenic business environment.

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;

The property is bordered on two sides by roads. The entire eastern boundary of the property is bordered by the city's main commercial artery. The ambient noise from Gulf Blvd. masks any sound from this location to neighboring properties. The applicant is a successful business owner in this city and prides himself in monitoring and maintaining a safe and prishine business location which he fully expects to continue at this site.

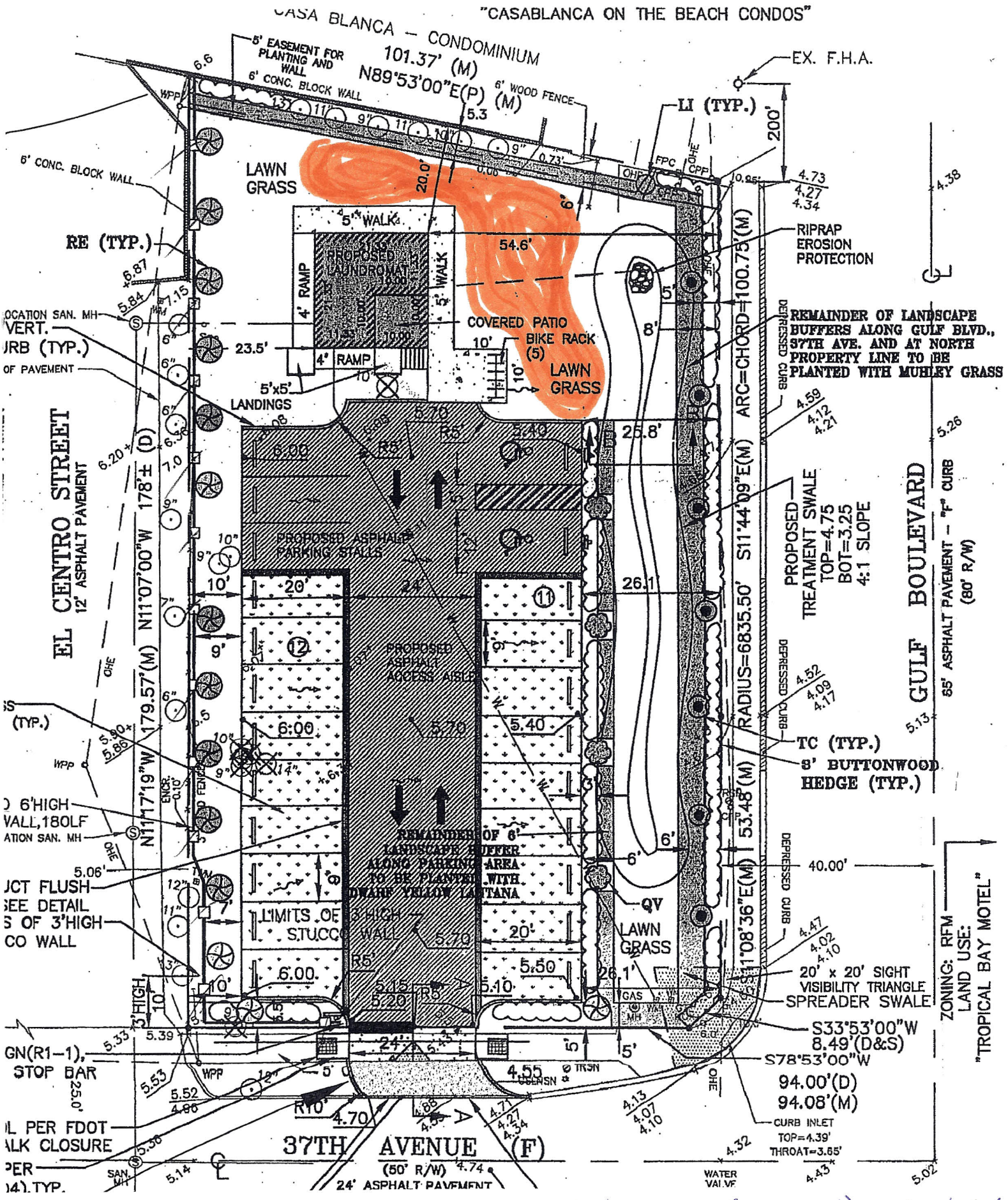
h. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and

The applicant has sufficient financial and technical support to maintain the proposed use.

i. 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.

5-11-2011

Signature of Applicant Date Signature of Authorized Agent Date



The applicants is requesting (7) seats to be placed (spread evenly) in the shaded area.
At present is considering (5) Adirondacks and (2) Hammocks

City of St. Pete Beach
Conditional Use and Variance Request
Case # 2011-0015
Staff Report
June 29, 2011
Hearing date: July 26, 2011

Application and Property Information

Owner/Applicant: Paul Nicklaus
Agent: John Phillips
Address: 3700 Gulf Boulevard
Current Zoning: RFM
Current FLUM designation: RFM
Existing Uses: Restaurant
Proposed Use: Restaurant with 7 outdoor seats
Lot characteristics: .39 Acres

Surrounding Uses:

North: Casablanca Condominium
South: Residential, separated by 37th Ave
East: Hotel (under construction), separated by Gulf Blvd.
West: Residential

Summary of Request and background information

The site currently contains a restaurant with limited seating available for its customers. The applicant is requesting Conditional Use approval for 7 outdoor seats on an existing improved open area for the patrons to utilize if they choose. No service will be provided to the area. The property currently has 23 parking spaces, two of which are handicapped spaces. The existing building is 425 square feet. Only 5 parking spaces are required.

Sec. 4.4. of the Land Development Code provides the following standards for review for conditional uses:
(a) Standards applicable to all conditional uses. When considering an application for approval of a conditional use, the city commission review shall consider the following standards:
(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;

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

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

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

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

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

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

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

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

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

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

Staff Analysis

The site is presently land used in the Boutique Hotel/Condo Future land use designation. The Boutique Hotel/Condo Future land use designation provides for the following:

Boutique Hotel/Condo District (B-HC)

(a) Location and Character. The Boutique Hotel/Condo District contains 22.5 acres and less than 2% of the total land area of the City. This District is located on the west side of Gulf Boulevard southward from the County park (46th Avenue) to just north of 38th Avenue. Several multi-family residential condominiums exist and several more are currently under construction or have been recently constructed in this District. It is anticipated that only approximately two or three boutique hotel projects potentially could be developed or redeveloped in the Boutique Hotel/Condo District that will qualify for increased height and density under this proposed plan and map amendment.

(b) Purpose and Intent; Redevelopment Incentives & Deterrents. The following policies shall govern development and redevelopment in the Boutique Hotel/Condo District and are intended to preserve the remaining inventory of Boutique Hotels to the maximum extent possible within this District by increasing density for temporary lodging uses and prohibiting height and density increases for residential condominium development.

Policies

Policy 1: Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground levels are equally important for both the street and waterside of buildings. Blank wall facades shall be prohibited.

Policy 2.1: At least one functional public beach access a minimum of seven (7) feet average width shall be provided on all new development projects that redevelop more than 75% of the buildable site unless a hardship exists resulting from a property width that is less than 150 feet.

Policy 2.2: Public beach access will be by foot traffic and wheelchair only and shall be directed to marked paths or dune walkovers in order to protect the dune system. Emergency police, fire rescue and lifeguard response vehicles, or bicycles will be allowed access in a manner that minimizes adverse impacts to the dune system to the maximum extent possible.

Policy 3: All development projects may be required to provide an easement to the City for a beach boardwalk or trail easement Gulf ward of the Florida Coastal Construction Control Line in the event the City pursues the development of a beach boardwalk or trail and the location is necessary to provide a continuous, uninterrupted pedestrian beach system.

Policy 4: Professional landscaping and design standards consistent with the standards contained in Divisions 22 and 39 of the LDC shall be the minimum required on the entire building site for new development that exceeds 75% of the buildable site, with particular emphasis on the Gulf Boulevard frontage and screening from any adjacent low-rise residential use that may include landscaping and privacy walls. Landscape design, including the type and quantity of plant material as well as creative tropical hardscape designs, shall be consistent with the quality and character of a high quality tropical resort destination

Policy 5: Increased building setbacks from Gulf Boulevard shall be required for increases to building height allowed for temporary lodging uses.

Policy 6: Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 7: All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

(a) Primary uses - Temporary lodging use – hotel, motel, resort condominium; medium density residential.

(b) Secondary uses - None.

(c) Density/Intensity and Height Standards - shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line and shall be permitted as follows:

1. Density - Shall not exceed the following:

a. 50 temporary lodging units per acre unless approved by ordinance of the City Commission to provide additional temporary lodging units from the TLU Density Pool established below; or

b. 18 residential units per acre; and

c. Any increases to temporary lodging unit density is subject to the restrictions and limitations in Section (2) below - Temporary Lodging Unit Reserve; and

d. **Variances to exceed the maximum residential density above as established in the Future Land Use Plan shall be prohibited.**

2. Temporary Lodging Unit Density Pool ("TLU Density Pool") -The City shall establish a TLU Density Pool not to exceed a total of 125 units for the entire Boutique

Hotel/Condo district and the following shall govern the allocation of density from the TLU Density Pool:

a. The TLU Density Pool shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner; and

b. Such allocation may be up to but shall not exceed twenty (20) temporary lodging units per acre and further, the cumulative allocation shall not exceed sixty (60) units per development project; and

c. The number of available temporary lodging units remaining after such project allocation shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those TLU Density Pool units remaining available to the Boutique Hotel/ Condo District shall be allocated to any subsequent temporary lodging use project; and

d. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*

(d) Intensity Standards.

1. **Temporary lodging use** shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined. For example: 50 units x 750 square feet =38,500 square feet plus 0.2 x total parcel square feet for common areas & indoor amenities = total building square footage, excluding structured parking.

2. **Variances to exceed the maximum floor area ratio above as established in the Future Land Use Plan shall be prohibited.**

(e) Height shall not exceed, but shall be permitted up to the following, subject to height limitations contained in Section 7.2(k) of the LDC:

1. Six (6) stories above parking or seventy-six (76) feet above base flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of one hundred (100) feet from Gulf Boulevard; or

2. Five (5) stories above parking or sixty-five (65) feet above based flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of seventy-five (75) feet from Gulf Boulevard; or

3. Fifty (50) feet above base flood elevation, for any buildings containing multi-

family residential dwelling units, or any temporary lodging facility that does not comply with the minimum setbacks required for additional height established in sections (e)1 and (e)2 above, subject to a minimum setback of fifty (50) feet from Gulf Boulevard; and

4. **Any increases to, including variances to increase, each of the maximum heights set forth above for this Boutique Hotel/Condo Resort character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**

(f) Impervious Surface Ratio Standards- shall not exceed:

1. 0.85 impervious surface ratio for any exclusive temporary lodging uses; or

2. 0.70 impervious surface ratio for any residential use or combined residential and temporary lodging use; and

3. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**

The site is presently zoned RFM. The RFM zoning provides for the following:

Sec. 14.1. Purpose and intent.
The RFM Resort Facilities Medium District is intended for areas designated within the RFM Resort Facilities Medium land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.
(Ord. No. 03-7, § 3, 5-1-03)

Sec. 14.2. Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RFM Resort Facilities Medium District are as follows:
(a) Clinics.
(b) Clubs, community service.
(c) Clubs, private.
(d) Eating and drinking establishments--Bar (cocktail lounge, saloon) or sit-down restaurant.
(e) Financial institutions without drive-through service.
(f) Kennels without outdoor runs.
(g) Laundries, self-service.
(h) Offices.
(i) Printing and copying services.
(j) Residential dwellings--Multifamily only.
(k) Retail sales.

(l) Services, personal/business.
(m) Social service agencies.
(n) Transient accommodations--Bed and breakfast inn, hotel or motel, or resort condominium.
(o) Veterinarians.
(Ord. No. 03-7, § 3, 5-1-03)

Sec. 14.3. Permitted accessory uses and structures.
(a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under section 14.5.
(b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
(c) Docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
(d) Temporary structures under the provisions of section 6.11, Supplemental Regulations, of this Code.
(Ord. No. 03-7, § 3, 5-1-03)

Sec. 14.4. Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:
(a) Assisted living facilities.
(b) Places of worship.
(c) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
(d) Communications facilities.
(e) Daycare centers/kindergartens.
(f) Docks, commercial--Classes A, B and C.
(g) Eating and drinking establishment--Fast food, beach bar and outdoor restaurant.
(h) Financial institutions with drive-through service.
(i) Laundry, dry cleaning.
(j) Parking lots, commercial and/or off-premise.
(k) Recreational--Commercial recreation; public parks and/or recreational facilities.
(l) Recycling centers.
(m) Schools--Public, private and/or commercial.
(n) Utility substations and/or rights-of-way.
(o) Vessel for hire businesses.
(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 03-15, § 1, 9-2-03; Ord. No. 2004-34, § 3, 12-14-04; Ord. No. 2008-33, § 1, 8-26-08; Ord. No. 2009-03, § 1, 5-10-09)

The proposed use of outdoor restaurant seating is not defined by the Comprehensive Plan policies but rather is a sub-classification of use established by the Land Development Code. Restaurant use would fall under the general provisions of the plan for commercial uses. In the Boutique Hotel/Condo designation, commercial uses are only provided for as ancillary to Transient Lodging uses in accordance with the provisions of Section 6.6 of the Land Development Code. Had this request been to initially establish the restaurant use without associated Transient Lodging, it clearly would be inconsistent with the policies of the adopted

Comprehensive Plan. However, since the request is only to reconfigure seating within an already improved area of the site for a legally established, nonconforming use, it does not violate any specific policy or criteria of the adopted Comprehensive Plan. The property is presently zoned Resort Facilities Medium which expressly provides for outdoor restaurant seating as an allowable Conditional Use.

The addition of 7 seats to the existing use is nominal and not likely to have an impact on adjacent uses or the levels of service for any public facility. There are no historic resources associated with the site. The existing building is very small, no additional permanent structures are proposed, and the site is well landscaped. Noise, transportation, and other negative impacts are not anticipated will the addition of 7 seats. There is more than ample parking for the proposed seating. The addition of 7 seats is not anticipated to have a financial burden on the applicant. The health, safety and welfare of the public is preserved by the site design requirements in the code, including but not limited to setbacks, buffering, and landscaping. The use complies with the development standards that currently exist in the land development code.

3700 Gulf Boulevard

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Conditional Use Case #20110017. Applicant requests Conditional Use approval for property located at 5300 Gulf Boulevard for modification of Stipulation for Settlement of appeal of Conditional Use Case #20090002 filed under the Florida Land Use and Environmental Dispute Resolution Act. This case requires a Quasi-Judicial public hearing.
Date:	July 26, 2011
Prepared By:	Karl E. Holley, AICP, Community Development Director
Summary of Issue:	Proposed modification would allow for the lease/rental of previously permitted Personal Watercraft consistent with applicable provisions of Florida Statutes.
Requested Motion:	**"**I move to approve Case #20110017, request for Conditional Use approval for modification of Stipulation for Settlement of appeal of Conditional Use Case #20090002 filed under the Florida Land Use and Environmental Dispute Resolution Act."
Attachments:	Case #20110017 Application Case #20110017 Staff Analysis Location map
Reviewed by City Manager:	_____

City of St. Pete Beach
Conditional Use Request
Case # 2011-0017
Staff Report
July19, 2011
Hearing date: July 26, 2011

Application and Property Information

Owner/Applicant: Sirata Beach Resort LLC
Agent: Gregg Nicklaus
Address: 5300 Gulf Boulevard
Current Zoning: LR
Current FLUM designation: LR
Existing Uses: Hotel
Proposed Use: Hotel
Lot characteristics: 10.005 Acres

Surrounding Uses:

North: Seamark Condominium
South: Grand Plaza Resort
East: Boca Sands and Bella Grande Condominiums
West: Gulf of Mexico

Summary of Request and background information

The applicant requests the modification of Stipulation for Settlement of appeal of Conditional Use Case #20090002 filed under the Florida Land Use and Environmental Dispute Resolution Act. This appeal resulted from the denial of a Conditional Use application for additional personal watercraft in January of 2009. The requested modification would allow for the lease/rental of previously permitted Personal Watercraft consistent with applicable provisions of Florida Statutes instead of being restricted to users at least 25 years of age as impose by the Stipulation for Settlement.

Sec. 4.4. of the Land Development Code provides the following standards for review for conditional uses:
(a) Standards applicable to all conditional uses. When considering an application for approval of a conditional use, the city commission review shall consider the following standards:

(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;
(2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:
a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and
d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.
(3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;
(4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;
(5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
(6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and
(7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Staff Analysis

The property is presently assigned the Large Resort land use and zoning designations and the current use of the property is completely consistent with these designations, including the use associated with this request. The nature of this request has no potential implications for any of the decision criteria of Section 4.4 of the Land Development Code as approval would not materially alter any aspect of the current physical or operational characteristics of the site.

RECEIVED
JUN 28 2011
COMMUNITY DEVELOPMENT

City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9265
www.stpetebeach.org

CONDITIONAL USE APPLICATION

Case Number: 2009002 (Previously Approved)

APPLICANT/AGENT:

Name: Sirata Beach Resort LLC
Address: 5300 Gulf Blvd
City: St. Pete Beach State: FL
Zip: 33706 Phone: 727-363-5100

PROPERTY OWNER:

Name: H. Gregg Nicklaus
Address: 5300 Gulf Blvd
City: St. Pete Beach State: FL
Zip: 33706 Phone: 727-363-5186

PROPERTY:

Address: 5300 Gulf Blvd., St. Pete Beach, FL 33706
Parcel ID: 06-32-16-80172-000-0010
Current Zoning: _____ FLUM Designation: _____ Lot Area: _____
Existing Use: _____ Proposed Use: _____

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

Applicant wishes to seek a modification of the terms to the existing Conditional Use referenced herein. Case #20090002. Specifically, we are requesting to remove the condition in the Settlement Agreement relating to the limitation to the age of operators by following the requirements of the state statute.

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

6/27/11

Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

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

   The rental of jet skis has been a complete success with harmonious operations on the beach for the first year. We feel that limiting therental to those over 25 is an unnecessary restriction based on the training and experience of the operator.

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;

   N/A The change in rental criteria will not have any impact to the character of the area.

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

N/A The change in rental criteria will not have any impact to the historic, scenic, archaeological or cultural resources.

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

N/A The change in rental criteria will not have any impact to compatibility with adjacent development.

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

N/A The change in rental criteria will not have any impact to livability or usability of nearby land.

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

N/A The change in rental criteria will not have any impact to transportation systems within the city.

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

N/A The change in rental criteria will not have any impact to parking on or about the site.

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

N/A The change in rental criteria will not have any impact to public, safety or welfare of the community.

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

The modification will not in any way create a financial or technical incapacity of the applicant.

i. 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.

Conditional use standards are being modified under this application, but in conformity of state laws.

10/27/11

Signature of Applicant Date Signature of Authorized Agent Date

SIRATA
BEACH RESORT &
CONFERENCE CENTER

July 27, 2009

City of St. Pete Beach
Attn: Terry McMaster, City Clerk
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Conditional Use Stipulation/Commission Consent Documents

Dear Ms. McMaster;

Pursuant to my conversation with the City Attorney, Michael S. Davis, enclosed I am returning two (2) sets of the executed Stipulation for Settlement between the Sirata Beach Resort LLC and the City of St. Pete Beach.

Should you have any questions concerning this or any other matter, please don't hesitate to contact me.

Very truly yours,

H. Gregg Nicklaus

HGN;dlp
Enclosures
Cc: Michael S. Davis

STIPULATION FOR SETTLEMENT
BETWEEN THE SIRATA BEACH RESORT LLC AND
THE CITY OF ST. PETE BEACH

The SIRATA BEACH RESORT LLC, a Florida limited liability company, a/k/a SIRATA BEACH RESORT AND CONFERENCE CENTER, INC., a Florida corporation (the "Sirata") and the CITY OF ST. PETE BEACH (the "City") hereby enter into this Stipulation for Settlement for the purpose of resolving the issues set forth herein.

WHEREAS, the Sirata is a waterfront luxury hotel and resort located on approximately 700 feet of beachfront along the Gulf of Mexico, whose address is 5300 Gulf Boulevard, St. Pete Beach 33706 (the "Property"); and

WHEREAS, the Sirata filed an application and request for a modification of its existing Commercial Waters Sports Conditional Use approval to allow rental use of four personal watercraft on November 21, 2008 ("Sirata's Application"), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, there are approximately 9,000 registered personal watercraft (jet skis) in Pinellas County, Florida; and

WHERAS, the Sirata is located in an RFM Resort Facilities Medium District; and

WHEREAS, Sirata's Application was subject to the City's Land Development Code (the "City Code") regarding allowable activities for a "Commercial Water Sports Conditional Use" then in existence; and

WHEREAS, the City Code Sections 14.1 and 2.1 provide that the use of personal watercraft, under the classification of Commercial Water Sports, was an appropriate and compatible use in the "Resort Facilities Medium" zoning district, provided certain specified standards are met; and

WHEREAS, the applicable City Code in November 2008 provided for the right to obtain approval for use of personal watercraft upon compliance with the standards for such conditional use and such requests were to be considered by the City Commission in a quasi-judicial proceeding; and

WHEREAS, the City has previously approved three other conditional use applications submitted by three existing resorts located within the Resort Facilities

Medium zoning district and along the Gulf of Mexico for rental use of a total of fourteen (14) personal watercraft. The prior approvals were for four (4) rental personal watercraft at the Don Cesar Resort, six (6) rental personal water craft at the Gulf Gate and four (4) rental personal watercraft at the Tradewinds Resort. None of the forgoing approvals provided for any operational restrictions or imposed any additional operational conditions beyond compliance with state or local law except that the approval for the Tradewinds Resort was limited to one year at which time it was to be subject to review; and

WHEREAS, on January 27, 2009, the City Commission denied the Sirata's Application and Request to Modify Its Existing Water Sport Conditional Use Approval to allow rental use of four (4) personal watercraft, as provided by Order 20090002, dated February 9, 2009 (the "Development Order"); and

WHEREAS, the Sirata filed a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, § 70.51 Florida Statutes (the "Act") arising from the Development Order; and

WHEREAS, the Sirata has asserted in its Request for Relief that the hearing on the Sirata Application and the City's denial in connection therewith was in direct violation of its due process and property rights under Florida law. The City has denied the Sirata's assertions. The underlying positions of the Sirata and the City are contained in documents filed with the City Clerk and are available for review; and

WHEREAS, the City is concerned about potential adverse impacts from use of jet skis on its beach, which may include but are not limited to noise and danger to the beach going public; and

WHEREAS, the City desires to protect the public from such possible adverse impacts while recognizing the needs of the Sirata; and

WHEREAS, the Act provides for a process for resolution of disputes over Development Orders by Mediation and for a non-binding recommendation by a third party Magistrate and further tolls the time for a filing of a Petition of Certiorari to challenge the Development Order; and

WHEREAS, the City Commission has amended its City Code in a manner which will preclude any new applications for rental use of personal water craft at a Gulf beach resort so that resolution of this matter shall not have a precedential impact of future applications for rental use of personal watercraft; and

WHEREAS, the City and the Sirata participated in a Mediation pursuant to the Act; and

WHEREAS, the City and the Sirata through the efforts of the Magistrate desire to resolve this dispute in an amicable manner without further resort to litigation and the expenditure of attorney fees, in the manner prescribed below; and

WHEREAS, the Magistrate selected pursuant to the Act has issued a Recommended Order as contemplated by the Act which is subject to the acceptance or rejection by the City Commission, a copy of which is attached hereto and incorporated herein as **Exhibit B**; and

WHEREAS, this Settlement Stipulation is subject to City Commission approval and if this Settlement Stipulation is not approved by City Commission, then this Settlement Stipulation shall be deemed to be void and of no further effect and treated as if it never existed. In such circumstance it may not be admitted into evidence of any legal proceedings; and

WHEREAS, consideration of this Settlement Stipulation by City Commission shall be noticed in accordance with all requirements of the City Code and the Act; and

WHEREAS, the City and Sirata have agreed to resolve their disputes relating to the 70.51 Actions and to forgo Sirata's right to file a Petition for Writ of Certiorari pursuant to the terms of this Settlement Stipulation.

NOW, THEREFORE, in consideration of the recitals, the resolution of the pending disputes between the parties, and the good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, the City and the Sirata hereby agree as follows:

A. The recitals set forth above are true and correct and hereby incorporated into the body of this Settlement Stipulation.

B. Subject to the terms of this Settlement Stipulation, the City Commission shall grant the Sirata's Application to modify its existing Water Sport Conditional Use Approval to allow rental use of four (4) personal watercraft in accordance with the following conditions for approval (the "Conditional Approval"):

1. Operation of personal watercraft shall be only between 10:00 AM and 6:00 PM or thirty minutes before sundown whichever is earlier.
2. There will be only one beach access channel 75 feet in width, properly marked and located in the southern third of the Sirata property.
3. Personal watercraft will have 4 stroke engines and shall be produced in 2007 or later.
4. Operators must provide proof of being at least 24 years of age by presentation of a driver's license or other approved governmental identification. The facility operator shall maintain a record of each rider's name. address and driver's license or other government issued I.D. number (if the driver has no driver's license) which record shall be available to the City upon request.
5. Training will be provided to operators as required by law and shall be in any event no less than 30 minutes.
6. In addition to the four (4) personal watercraft approved for use pursuant to this Settlement Stipulation, one chase watercraft and an operator shall be available at all times to provide assistance to any rental operator which requires aid or assistance.
7. All maintenance shall be performed at a designated location away from the beach.

C. The Conditional Approval may be revoked and the penalties not otherwise available listed herein may be imposed under the following conditions and procedures:

1. The penalties or revocation shall only be available for violation of one or more of the conditions for approval set forth in Section B. herein or violation of any requirement imposed by law.
2. Reasonable efforts to administratively resolve any issues or potential violations of this Settlement Stipulation and related Conditional Approval may be undertaken by the City, in the discretion of the City Manager.
3. In the event that the City Manager decides to cite the holder of the Conditional Approval for a violation of this Settlement Stipulation and the Conditional Approval, the following procedures shall be followed:

    a. The City Manager shall notify the Sirata, in writing, of the alleged violation and a hearing shall be scheduled before the special magistrate at which time the City and the Sirata may present evidence and be heard.
    b. The special magistrate shall issue a recommended order containing findings of fact and of law. The Sirata and the City may file

exceptions to that order, which shall be transmitted to the City Commission. The City Commission shall issue a final order based on the recommended order and exceptions. The City Commission shall be bound by the findings of fact of the special magistrate.

D. The penalties shall be as follows:

1. A minor offense shall be any violation of the Conditional Approval. A minor offense shall result in an order requiring remediation of the violation and a plan and agreement for correction which shall specify that repetition within a specified period of time or violation of the remedial plan and agreement shall result in a major offense and revocation of the Conditional Approval. There shall also be imposed a requirement to pay the cost of prosecution and enforcement together with a fine of not to exceed the amounts specified in Code Section 22-273.
2. A major offense which may result in revocation of the Conditional Approval shall be failure to correct or repetition of a minor offense within the time period specified in the order issued for violation of a minor offense or violation of the remedial plan and agreement or failure to pay costs or fine imposed for a minor violation.
3. For purposes of this Settlement Stipulation, the Conditional Approval, including any revocation thereof pursuant to this section, shall only apply to approve conditional use of the four (4) rental watercraft.

E. This Settlement Stipulation and the Conditional Approval shall run with the land to the same extent any such approvals are vested.

[SIGNATURES ON NEXT PAGE]

Exhibit A

CONDITIONAL USE APPLICATION

CASE NO. 20090002

Applicant: Greg Nicklaus (Sirata Beach Resort)

Owner: Greg Nicklaus

Property: 5300 Gulf Blvd **Lot area:** N/A

Request: Modification of an existing commercial watersport conditional use by adding 4 wave runners/jet skis.

GENERAL INFORMATION:

FLUP map category: Resort Facilities Medium

Current zoning: RFM

Current use: Tourist Lodging

Proposed use: Tourist Lodging

Surrounding properties:

Location:

	Zoning:	**Land use:**
North:	RFM	Commercial
South:	RFM	Commercial
East:	RFM	Commercial
West:	Gulf of Mexico	Gulf of Mexico

ADDITIONAL COMMENTS AND INFORMATION:

The property currently has an existing approved conditional use for commercial water sport activities. A conditional use stays with the property and any modification of the use requires a review by the City Commission.

The Sirata Beach Resort and the Quality Inn Resort were combined into one development parcel many years back. The commercial watersport activities are now combined into one operation.

The commercial watersport business was approved for 1 power vessel over 16.0' for parasailing/charter activities and 5 non-motorized vessels under 16'. (Past history indicates that 3 jet skis had been utilized from 1980 – 1982, however, the use was abandoned per BOA Case 1229)

The applicant is requesting to modify the existing approval by the addition of 4 wave runners/jet skis.

Conditional use means a use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that complements or may otherwise be compatible with the intended over-all development within a district, provided that specified standards are met.

Section 1.8(d) **Existing special exceptions (conditional uses).** When a lot is used lawfully on the effective date of these regulations and the district regulations of this chapter classifies such use as a "conditional use" in the zoning district in which it is located, such use is hereby deemed to be a lawful conditional use for the purposes of these regulations. If the use was approved as a special exception prior to the effective date of these regulations and if the approval of such special exception was subject to one or more conditions, those conditions shall continue in full force and effect unless a new conditional use approval is obtained in accordance with Division 4 of these regulations. Such previously approved special exceptions shall not be subject to the revocation provision of Section 4.11.

Section 1.8 (f) **Additions to, expansions or alterations of, or changes of use in existing special exception uses.** Any addition to or expansion of a previously approved special exception, which is now considered a conditional use, shall require new conditional use approval in accordance with the procedures and standards set forth in Division 4 of these regulations for new conditional uses.

CONDITIONAL USE APPLICATION

Case Number:

APPLICANT/AGENT:

Name: Property owner

Address:

City: State:

Zip: Phone:

PROPERTY OWNER:

Name: H. Gregg Nicklaus

Address: 5300 Gulf Boulevard

City: St. Pete Beach State: FL

Zip: 33706 Phone: 727-363-5186

PROPERTY: Sirata Beach Resort, LLC

Address: 5300 Gulf Boulevard, St. Pete Beach, FL 33706

Parcel ID: 06 / 32 / 16 / 80172 / 000 / 0010

Current Zoning: RFM Current Land Use: RFM Lot Area:

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

Four (4) personal motorized watercraft

* See attached narrative for further explanation of the submittal under Section 4.4 of the Conditional Use Application Guidelines.

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

Signature of Applicant/Authorized Agent and Date 11/21/08

For office use only:

Hearing Date: Fees:

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

☐ Denied ☐ Continued

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

CONDITIONAL USE APPLICATION

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

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

_____ I understand where no additional construction is necessary to implement the conditional use failure to obtain an Occupational License for the approved conditional use within 6 months from the date of the decision shall invalidate the approval.

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

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

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

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

_____ For Sigrid Bell
Signature of Applicant/Authorized Agent and Date

The Sirata Resort (the "Sirata") attaches this background information to its request to the City of St. Pete Beach for an expansion to its existing approved conditional use for commercial water sport activities. In particular, the Sirata seeks to expand its conditional use to allow the use of up to 4 waverunners or jet skis. The City's code provides specific standards for consideration applicable to all conditional uses. The Sirata outlines these standards and their application to the request as follows. The City Code provision is listed first. The Sirata analysis is in ***italics/bold***.

Section 4.4 Standards for Review

(a) Standards applicable to all conditional uses. When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:

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

Application of Standard 1. The City has previously granted a conditional use for commercial water sport activities to the Sirata Resort. The consistency of a conditional use for water sports has thus already been determined. Other properties in the City have been previously granted use of jet skis. The Sirata is one of the larger resort complexes in the City limits. It is thus one of the larger generators of tourism in the area and tax dollars for local government. The use of jet skis is a normal part of water sports available at a resort such as the Sirata. A denial of the right of the Sirata to be able to provide a limited number of jet skis for its occupants would be inconsistent with the existing conditional use for water sports that it currently retains and the recognition that jet skis are allowed at other sites.

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

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

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

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

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

Application of Standard 2a to d. The analysis of this standard involves similar factors as applicable to the first standard.

The consistency of a conditional use for water sports has already been determined. The use of jet skis is a proper activity in a conditional use for commercial water sports area as evidenced by other propertiesalong the beach that have been previously granted use of jet skis. As noted above, the Sirata is one of the larger resort complex in the City limits and one of the larger generators of tourism in the area and tax dollars for local government. The use of jet skis is a normal part of water sports available at a resort such as the Sirata. A denial of the right of the Sirata to be able to provide a limited number of jet skis for its occupants would be inconsistent with the existing conditional use for water sports that it currently retains and the recognition that jet skis are allowed at other sites.

a) No new structures will be required. No new service facilities will be required. Jet skis are already allowed at other smaller sites as a permitted activitiy in a conditional use for commercial water sports designation. The availability of four jet skis will not intensity and scale of the area development.

b) The conditional use is already designated. The allowance of four more jet skis will not impact any City, state or federally designated historic, scenic, archaeological, or cultural resources.

c) No new structures or new service facilities will be required. There will thus be no incompatibility with adjacent development based on characteristics such as size, building style and scale.

d) The use of 4 jet skis will not impact traffic, parking odors or any other material adverse impacts on the livability and usability of nearby land. The channel for access to the beach is in the center of the Resort property is thus not near any of its neighbors. Use of the skis beyond the swim zone is no different than the use by multiple private owners of jet skis in the community.

STP:909202:1

(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;

Application of Standard 3. The approval of 4 jet skis will not impact the area transportation system. There will be no increase in needs for street capacity, level of service, access to arterials, transit availability, on-street parking etc.

(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;

Application of Standard 4. The approval of 4 jet skis will not impact off-street parking or space needed for loading or unloading of trucks.

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

Application of Standard 5. The approval of 4 jet skis will not impact the public health, safety or welfare. The City has already approved jet skis at a number of locations as part of its conditional use for commercial waterfront sports. Many City residents also own and use jet skis. The additional of four more skis at a resort the size of the Sirata will not have any adverse impact on the community.

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

Application of Standard 6. No development improvements of mitigation are required by this request. None of the factors of Standard 5 are thus applicable.

(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.

Application of Standard 7. The approval of 4 jet skis at the Sirata will not violate any other regulations or requirements of the City.

Based on the application of the forgoing standards, there would appear to be no reasonable basis for the denial of the application.

Objections by other jet ski vendors should not be a factor. A vendor has no property right in a condition use issued by the City. Notwithstanding this lack of basis to object, vendors always attempt to minimize competition. That is not a reasonable basis to deny the application.

Objections over allowing additional jet skis near the beach are also not a reasonable basis for denial. The City has granted the property a condition use for water commercial water sports designation and it has recognized at other locations that jet skis are a proper activity in such conditional use area.

STP:909202:1

Minutes of the Board of Adjustment Meeting held Wednesday, October 10, 1973, 2:00 P.M.

Present: Chairman Kartman; Members Wilkinson and Manthos. Acting Building Inspector Cockerham and Secretary to the Board Louise Spence.
Absent: Member Lasley.
The minutes of the last meeting were approved as submitted.

Mr. Kartman stated that the record should now show that the Board here notes the recent death of Mr. Ted Suber who has been a member of the Board for quite a number of years. He performed his duties here diligently and conscientiously and his only reward was the satisfaction of knowing that he performed his duties in that manner.

Mr. Kartman went on to explain that due to the death of Mr. Suber and the absence of Mr. Lasley who is out of town on personal business, there is not a sufficient number of members to act on the various applications before the Board. The Ordinance requires the concurring vote of four members of the Board in order to grant an application or to reverse the order of the Building Inspector. There are two cases which are regarded as routine and non-controversial and Mr. Lasley has authorized Mr. Kartman, by letter on file, to vote for him as proxy on these two cases. All other cases will have to be postponed so that the applicants have a full hearing. This is not to imply that the other cases will be approved or disapproved, but they will be held in abeyance and will come up at the next meeting of the Board, the second Wednesday in November. These cases are; Eugene Mastry, Elizabeth Bloomfield, Ann Crain, John Anderson and Beach Resorts International, plus the two cases which were carried over from the September meeting.

Case No. 272 - Richard Hannahs - 2853 W. Vina Del Mar

This property has conforming setback in front and rear and has a conforming setback on the south side. It is 18' plus from the northerly lot line, which was not contrary to any provision of the Ordinance at the time the house was erected. The applicant wishes to square off the south and east side for an additional room and the only reason that he had to come before this Board is that the setback on the northerly side, which is a corner lot, is approximately one and one-half feet less than is required by the Ordinance.

Mr. Manthos made the MOTION to grant the application, seconded by Mr. Wilkinson and unanimously carried with Mr. Lasley voting "aye" by proxy.

Case No. 271 - Herbert Harris - 5300 Gulf Blvd.

This is an application for Special Exception to operate a sailboat concession at Holiday Inn, on the beach. This will be the same type of operation as Mr. Harris was granted at the El Sirata.

Mr. Harris stated that he was limited at the El Sirata to a 12' boat and there is a 14' boat which he would like to be able to use at the Holiday Inn. Other locations

on the beach have 14' and 16' boats and he felt it would not be out of line to ask for the 14' boat. He would also like to include peddle-boats for use at this location.

Mr. Manthos made the MOTION to approve the Special Exception to permit a sailboat and non-powered boat concession on the beach at the Holiday Inn, subject to the same restrictions as imposed at the El Sirata location, except that boats up to 14' in length are permitted. Motion seconded by Mr. Wilkinson and unanimously carried with Mr. Lasley voting "aye" by proxy.

Louise M. Spence
LOUISE M. SPENCE
Secretary

could make an investigation of the facts and ordinances to determine if there is a violation.

Mr. McCrory- asked for comments from the audience.

Mr.Willis- stated that he is representing various neighbors from which this property is located. He went on to say that there has been a lot of activity at the residence in question, and they did not know why. He said that using the property as a church property is illegal. He then submitted a letter and petition from the neighbors. (17 signatures-copy in the file) He went on to say that there is a tenant in the house who is paying $300.00/month. Mr. Rundo is disabled at this time, and would not be able to live on the second floor. He stated that those on the petition are completely opposed to the granting of this variance, because they do not want the neighborhood to become anything other than purely residential. (Mr. Willis address-115 Punta Vista Drive)

Mr. McCrory- asked why the applicant was unable to attend?

Mr. Springer- responded that he had to go to the Bayfront for graduation of a close friend.

Mr. Willis- returned to the podium to say that Mr. Rundo was unable to attend the meeting because he is physically impaired and this would demonstrate that he could not use the second floor. He went on to say that he is not sure of the nature of the disability.

MOTION: Mr. Morachnick moved to deny the variance.
SECOND: Mr. Williams
VOTE: Mr. McCrory and Mr. Murasso voted NO,all others voted YES
MOTION FAILED

MOTION: Mr. Murasso moved to continue the case to hear from the applicant at the next meeting and allow time for the Building Official to make an investigation by talking to the applicant and neighbors, and gathering facts, reviewing ordinance to apply those facts.
SECOND: Mr. Gionet
VOTE: Mr. Williams and Mr. Morachnick vote NO,all others voted YES
MOTION FAILED

APPLICATION DENIED FOR LACK OF MOTION

Case 762: Resort Pools Inc., Owner - Application for a Special Exception to allow sailboat rentals at 5300 Gulf Blvd. HOLIDAY INN.

Mr. Peter Poriotis- representing Resort Pool Enterprises, presented the case saying that they are hotel concessionaires on the west coast. They are before the Board to apply for a license to rent sailboats from the Holiday Inn, at their request. When they started working at the Holiday Inn, there was already a sailboat rental business in existence, however they did not have a license. The Holiday Inn would provide sailboat rentals to keep pace with the other hotels which offer this to their guests. When the boats are not in use they are stored off the beach. They are pulled up the beach, at least 200', and locked up at night. During the day they do not run after 4:30 in the afternoon, or before 9:00 in the morning. These rentals are strictly for the guests of the Holiday Inn. The boat types are Sunfishes and Hobbie's, 16' and under. He said they mostly rent Sunfish.

Mr. McCrory- asked if they would want to rent both Sunfish and Hobbies?

Mr. Poriotis- answered that they would want to rent both. They would have 3 Sunfish and 2-14' Hobbies.

Mr. McCrory- asked that the record show these numbers.

Mr. Poriotis- went on to say that they have 3 experienced people operating at the hotel at all times.

Mr. Stone- provided the Board with a list of existing commercial sport businesses, and also an ordinance draft designating certain safety zones within the Gulf waters and the regulation of watercraft within those zones. He also provided a map showing the two zones: Zone 1 and Zone 2. Zone 1 would be prohibited from any water craft, and Zone 2 would only allow watercraft at very low speeds to come perpendicular to the shore line. Zone 1 includes Pass-a-grille Beach, Blocks M and N of Don Cesar and the beach at the north end of the City from the Shark World property, including the land in front of Shark World, to Blind Pass.

Mr. McCrory- asked about restrictions about storing watercraft when not in use, and if this is addressed in the Ordinance.

Mr. Stone- responded that the Ordinance does not address this particular issue.

Mr. McCrory- suggested that this be considered as an additional subject for the proposed ordinance to address.

Mr. Stone- said that this has been inserted into the Administrative regulations by the Occupational Licensing officer, JoAnne Neri.

Mr. Poriotis- added that they do not leave the boats down by the water.

Mr. McCrory- asked the applicant if they would be having a bouy entrance access to the operation.

Mr. Poriotis- responded, that they would if the Board requests it.

Mr. Stone- added that this is required of all boat concessions at this time. He further stated that Mrs. Neri and Lt. Kelley have established quite strict regulations and that the concessions must maintain a $1,000,000 insurance policy.

Mr. Ken Kilgore, 5396 Gulf Blvd.- from the audience, stated that he had read in the file about the insurance required.

Mr. McCrory- indicated that a copy of the insurance papers is in the file.

Mr. Charles Willis-115 Punta Vista Drive, said that all three cases before the Board tonight, having to do with concessions on the beach, bring to mind the fact that the area is becoming too crowded, with too much commercial activity. He further stated that some of the operators are very rude to the citizens. He then asked if the public beach belonged to the City or to the State. Does the City take responsibility for injuries which might occur during the rentals of these various concessions. The $1,000,000 insurance might not be enough, if someone were injured or killed. He further

said that he and other residents are opposed to these businesses on the public beaches. He then presented a petition with signatures to the Board.

Mr. Poriotis- responded to Mr. Willis saying that Mr. Willis is speaking of one thing and they are applying for something different. He said that of the 23 hotels from which they operate, they have submitted many letters of recommendation which are in the case folder. They have never had an accident in all their years of business. He also said that he maintains the beaches which they use, picking up trash and raking the beach. The employees take care of this maintenance, not the local residents.

Rick Childs-from the audience, added that some hotels renting only to their guests do not have occupational licenses.

Mr. Stone- responded that they are required to have licenses.

Mr. Childs- added that the Hilton and the Don Cesar are presently operating without licenses, to his knowledge.

Mr. McCrory- asked Mr. Poriotis if they would be renting to the general public?

Mr. Poriotis- responded, no that they just rent to the guests of the hotel.

Mrs. Willis,115 Punta Vista Drive, added that the concession people do not clean up the beach. She stated that she had tripped over bottles and cans and picked them up herself. She referred to the Hilton, and seeing people deposit trash on the beach from that location. She added that the hotels are not picking up the trash, the citizens are doing it.

MOTION: Mr. Gionet moved to deny the application.
SECOND: Mr. Williams
VOTE: Mr. McCrory, Mr. Williams, & Mr.Morachnick voted NO
all others voted YES
MOTION FAILED

MOTION: Mr. Morachnick moved to accept the Special Exception
SECOND: Mr. Gionet
VOTE: Mr. Gionet voted NO, all others voted YES
APPLICATION GRANTED

Mr. McCrory- advised Mr. Poriotis to keep in touch with the Licensing Department to keep abreast with the proposed new ordinance.

Case 763: Sue Ferry, Owner - An application for a variance to permit an existing 7-unit motel, and a variance of 2' to the east side yard setback, and 10' to the rear setback for existing buildings. 618 73rd Ave.

Bill Weiss- agent for Mrs. Ferry, stated that they are requesting a variance to bring the units into conformance with the existing zoning regulations. Mrs. Ferry lives in one of the units and would like to build a private parking garage for her personal vehicle. The existing units must be brought into compliance before this garage can be built. The only construction would be that of a garage.

Mr. Stone- commented that they are asking for a variance of the non-conformities in

converted into a second dwelling unit with separate kitchen facilities. This would be a violation of the single-family residential zoning requirements and a condition stipulating no additional dwelling units is recommended. **END SUMMARY.**

Mr. Rimar asked who would do the work to reduce the balcony, if the Board approved it. Jim Mayfield, representing the Thorntons, stated that a contractor had not been selected yet, however, upon approval someone would be hired and the balcony would meet the required codes.

Mr. Mayfield also stated that if the Board was concerned, they could add a stipulation that the second floor would not be used for another family. He added that the stairs are needed for use as a fire escape.

Mr. Miller read a letter dated January 26, 1990, from Frank and Dorothy Harp, 1741 Gulf Crest Court, Stone Mountain, Georgia, 30088. A copy of this was not given to the City Clerk's office for filing, but was read into the record showing their objection to the requested variance.

Mr. Rimar made the **MOTION TO APPROVE THE EIGHT (8') VARIANCE, WITH A STIPULATION THAT THIS SHOULD BE ONLY A SINGLE FAMILY RESIDENCE, AND THE UNIT UPSTAIRS NEVER BE CONVERTED TO AN ADDITIONAL DWELLING UNIT; ALSO THAT THE PRESENT BALCONY BE REDUCED IN SIZE BY A LICENSES CONTRACTOR; Seconded** by Mr. Nevels, **And Approved by Unanimous Roll Call Vote.**

Curotto:	YES
Mathers:	YES
Nevels:	YES
Rimar:	YES
Armstrong:	YES

CASE 1229

Nicklaus of Florida, Inc., Owner, requests a special exception to reinstate a commercial amusement to operate a jet ski rental. Sirata Beach Resort. 5390 Gulf Boulevard.

Mr. Miller read the Staff Summary regarding this item stating that "The applicant is requesting a special exception in order to increase the intensity of the existing commercial amusement (parasail operation) on the beach to the west of the tourist lodging facility. The property is located within the C-2, Tourist Residential (TR) Zoning District with a land use designation of

Tourist Residential (TR). The property is bordered to the south by other tourist lodging facilities, to the east by Gulf Boulevard and to the west by the waters of the Gulf of Mexico and to the north by a condominium.

Presently, the applicant is licensed to operate one (1) boat over sixteen (16) feet. Should the Board of Adjustment approve the request for the modification of the special exception; the applicant would be allowed to operate three (3) motorized boats, and two (2) non-motorized boats under 16' feet and retain the one (1) parasail operation. The total number of boats on site would be six (6).

The unique condition surrounding this application is that the City had not given a special exception to the original jet ski operation. The applicant has submitted copies of previous Occupational Licenses which show that in 1980-1982 these were active licenses. However, since that time they have not been reactivated, and are presumed to be abandoned. This case is the first one of this type to come before the Board of Adjustment. The policy to require Board action when a change is made to increase the intensity of the special exception has been in effect for approximately ten (10) years. Before a special exception can be granted the following criteria must be met:

a. Excessive vehicular traffic is not generated on minor residential streets.

b. A vehicular parking or traffic problem is not created.

c. Appropriate drives, walks and buffers are installed.

d. The proposed use will make a substantial contribution to the neighborhood environment and not infringe upon the rights or properties in the vicinity of the excepted use.

e. The requirements of the district in which the use is to be located shall be complied with.

f. The plat plan for the use has been approved by the Board of Adjustment and incorporates any additional requirements that may be set down by the Board of Adjustment.

Particular attention should be given to issue "d", that is, whether the proposed use will make a substantial contribution to the neighborhood environment and whether or not the rights of properties within the vicinity will be infringed. To assist the Board in making this determination, the following list of existing commercial boating operations is provided. Mr. Miller added that this list is updated each time a case like this is heard.

BOATS FOR HIRE

Merry Pier - 801 Pass-A-Grille Way:

1 over 16' (charter fish)	PAG Party Boats
1 over 16' (charter sail)	Island Charter
1 over 16' (charter power)	Northern Dancer
1 over 16' (charter Power)	Splash
1 over 16' (charter power)	Bay Area Charter
1 over 16' (charter power)	Alva Sholty
4 under 16' (wave runners)	Fun Times

Don Ce Sar Hotel - 3400 Gulf Boulevard:

11 under 16' (Sunfish, Hobies, Kayaks, Aqua Cycles, 4 Jet Skis)	Don CeSar Rentals

Cadillac Motel - 3825 Gulf Boulevard:

1 over 16' (charter pontoon)	Albert Nicklaus

Mariner Beach Club - 4220 Gulf Boulevard:

1 over 16' (charter sail/power)	Innovative Charter

Dolphin Landing - 4737 Gulf Boulevard:

8 over 16' (charter sail/power)	Dolphin Landing

Dolphin Beach Resort - 4900 Gulf Boulevard:

6 under 16' (non-power)	St. Pete Parasail
2 over 16' (parasail operator)	

Gulfgate Resort - 115 59th Avenue South:

7 under 16' (Hobies, Jet Skis)	Rick's Rentals

Hilton Inn - 5250 Gulf Boulevard:

3 under 16' (non-power)	Hilton Inn

Holiday Inn - 5300 Gulf Boulevard:

5 under 16' (non-power)	M & M Beach Services

El Sirata - 5390 Gulf Boulevard:

1 over 16' (parasail)	Flying High

Tradewinds - 5500 Gulf Boulevard:

15 under 16' (non-power)	Westcoast Mgmt.

Breckenridge - 5700 Gulf Boulevard:

3 under 16' (non-power)	Westcoast Bch Mgmt
2 over 16' (1 chart pow/1 sail)	Mike Bowmar

Alden Motel - 5900 Gulf Boulevard:

4 under 16' (non-power)	Westcoast Mgmt.

Days Inn Island Beach Resort - 6200 Gulf Boulevard:

10 under 16' (non-power)	Westcoast Bch Mgmt
1 over 16' (charter non-power)	Westcoast Bch Mgmt.

Colonial Inn - 6300 Gulf Boulevard:

6 under 16' (non-power)	St. Pete Parasail
1 over 16' (parasail)	St. Pete Parasail

Leverocks - 50 Corey Avenue:

1 over 16' (charter sail)	Charter Florida

Bay Winds - 7345 Bay Street:

2 over 16' (1 sail/1 power)	Innovative Charter
3 under 16' (power/jet ski)	Jano Brothers

Winston Marine - 9540 Blind Pass Road:

5 over 16' (power)	Winston Marina
3 under 16' (jet ski)	Winston Marina

Marina - 9555 Blind Pass Road:

10 under 16' (power)	Blind Pass Jet Skis
1 over 16' (power)	Blind Pass Jet Skis
2 over 16' (sail/power)	Island Cruises

END SUMMARY

Greg Nicklaus spoke in behalf of the El Sirata. He stated that a letter the hotel management had sent to the Board Members (copy not received by the City Clerk's office) addressed all of the Board's concerns as well as meeting the requested criteria for a special exception. He added that they believed they were an

"exception to the exception" as they had this concession in the past. Mr. Nicklaus added that the management had just completed the renovation of the hotel, including adding 90 new units and a restaurant.

Mr. Nicklaus stated that he felt there is not an excess of commercialization of the beach. He added that this is a tourist environment, and the area depends heavily on the return of the tourists. He also added that the El Sirata own the property to the high water line, and is always concerned with the safety of their customers as well as their happiness. The request from the hotel is to reinstate a license that they previously had so that services could be expanded to their guests. He added that the concession would not be used for other than hotel guests and would not be solicited as such.

The criteria listed by Bill Miller, Director of L.I.P., was addressed by Mr. Nicklaus, who stated that traffic and congestion could be reduced by approving this application as their guests would not have to travel to rent jet skis. He added that vehicular parking would go hand in hand with this, as their concession is for in-house guests.- Drives, walks, and buffers are to provide for ingress and egress of customers and are already provided by the hotel for guests. A buffer zone has also been created by the parasail operation which helps to protect swimmers in the area.

Mr. Rimar stated that according to the record, the last year for the jet ski license was 1981. He added that the permit for 1982 was for jet propulsion equipment, under sixteen feet. He also asked who would be operating this concession for the hotel. Mr. Nicklaus stated it would be hotel management, which is his family.

Mr. Rimar also asked why Mr. Nicklaus felt that they met the requirements when the past two applicants had been turned down. Mr. Nicklaus stated that he felt the addition of this concession was an enhancement to the business. He added that the business is well known and reputable, and should be allowed the use of their facilities. Mr. Rimar added that other businesses in the City are reputable as well, and have operated jet skis for some time. He asked why Mr. Nicklaus' application should be approved when more experienced people were turned down for the same request. Mr. Nicklaus stated that they shouldn't have been turned down.

Mr. Nevels asked why the license was dropped in 1981 rather than being renewed. Mr. Nicklaus stated that because of management changes and hotel renovations it was necessary to do so. He added that now that the renovations are complete, they want to reinstate both the license and the service.

Mr. Rimar asked who operates the present beach concessions for the hotel. Mr. Nicklaus stated that Flying High operates the parasail

operation and Power Beach Rentals operates the other concessions. He added that the jet skis would be operated by the hotel management mainly due to the liability involved.

Mr. Curotto asked what the boundaries for operation would be, to which Mr. Nicklaus stated approximately 75 feet past either end of the property line. Mr. Neyels asked who the nearest competitor would be, and was told by Bill Miller that it was the concession at the Don CeSar.

Mr. Rimar asked why the request was for jet skis, rather than wave runners. Mr. Nicklaus stated that at this time either one would be fine. He added that all they plan to operate are two units.

Arthur Giullardi, 5396 Gulf Boulevard #703, Sea Mark Condominiums, spoke against the operation of jet skis in the area. He stated that he has seen operators abuse this equipment in different ways, and endanger bathers in the area. He also stated that he felt that the El Sirata Hotel is responsible for littering the beaches, as well as excessive noise.

Roy Siegle, 5396 Gulf Boulevard #704, stated that a number of condo owners from the Sea Mark were present to oppose the El Sirata's request for jet skis. He spoke against the commercialization of the beaches and the dangers that this presents to property owners. He also stated that in some cities jet skis have either been banned, or restricted to certain areas in order to protect swimmers.

He also said that when the El Sirata first opened Harry's Bar, it too was for "in-house" customers. However, it wasn't long before this was opened to the general public. He expressed concern that this would happen with the jet skis as well, and create a new public nuisance in the area. He also stated that as the water gets warmer, it also attracts more boats. With the jet skis intermingling with other boats, the danger for swimmers is increased dramatically.

Mr. Rimar stated that when commercial and residential intermingle there are always problems present. He added that with the limited amount of space on the beach, when violations are noted they should be reported to the proper authorities. Mr. Siegle stated that this is done, but the jet skis are often gone by the time that police arrive.

John White, 3941 Moody Street, stated that he has constantly spoke against jet skis being allowed on the beach. He added that there should be a balancing between commercial and personal uses of the beaches. He also added that at present, the area is pretty well balanced, but with the addition of five more jet skis it would not be.

Mr. White also expressed concern that the jet skis now on the beach are not well supervised, and felt that this could happen with the El Sirata as well.

Walter Chappel, 154 Tessier Drive S., stated that he enjoys jet skis and feels that there aren't many on the beach at present. He added that some people do abuse them, but people also abuse cars.

Ron Baugh of Winston Water Sports, 9540 Blind Pass Road, stated that his company operated 1500 rental hours last year and only had two accidents. He added that the City of St. Petersburg Beach is going to be using a wave runner, which has been donated by the Yamaha corporation, to patrol the beaches.

Mr. Baugh also stated that there are approximately 6,000 rooms for rent on the Beaches. He added that if you multiply this by 365 days, that brings the total to almost 2 million visitors. He stated that 16 units among all those people is not a lot. He emphasized how tourism is the main attraction here, and it was important to cater to the needs of the tourists.

In reference one again, Mr. Baugh stated that the donated wave runner will do 45 miles per hour, while the standard models will only do approximately 35. He also spoke briefly about the safety of the equipment and ease of maintenance.

Ken Kilgore, 5396 Gulf Boulevard, stated that he felt that most of the residents at Sea Mark are opposed to the operation of jet skis. He added that tune ups and maintenance on these vehicles are noisy, and he doesn't want to be bothered with them.

Mr. Rimar stated that he felt the requests for wave runners and jet skis were not going to stop. He felt, however, that St. Petersburg Beach is a family oriented community, and that he is opposed to wave runners. He suggested that a referendum should be held to decide if the residents really want these around.

Mr. Rimar made the **MOTION TO DENY THE APPLICANT'S REQUEST**; Seconded by Mr. Armstrong, **and Carried by a 3 - 2 Vote to deny.**

MR. CUROTTO	NO
MR. NEVELS	NO
MR. MATHERS	NO
MR. RIMAR	YES
MR. ARMSTRONG	YES

Mr. Armstrong informed the applicant that a majority of four is needed to approve a request, and since he did not have that his request has been denied.

Exhibit B

SPECIAL MAGISTRATE'S REPORT
PURSUANT TO SECTION 70.51
FLORIDA STATUTES

IN RE:

REQUEST FOR RELIEF PURSUANT TO SECTION 70.51, FLORIDA STATUTES (2007) SIRATA BEACH RESORT, LLC and THE CITY OF ST. PETE BEACH, FLORIDA DEVELOPMENT ORDER NO. 20090002	David P. Persson, Esq.

RECOMMENDATION OF SPECIAL MAGISTRATE

I. PRELIMINARY STATEMENT

Sirata Beach Resort, LLC ("Sirata") is a resort occupying approximately 13 acres and over 700 feet of beachfront along the Gulf of Mexico located at 2300 Gulf Boulevard, St. Pete Beach, Florida. Sirata has filed a request for relief pursuant to Section 70.51, Florida Statutes, following the denial of a request by the City of St. Pete Beach ("the City") to modify an existing water sport conditional use approval to allow the operation of up to four (4) personal watercraft. Sirata maintains that there is no competent substantial evidence of record to support the decision made by the City as required by Florida law and that Sirata's procedural and substantive due process rights under Florida law have been impermissibly violated by the action of the City.

The City responds that there was competent substantial evidence of record to support the decision.

Sirata filed this Chapter 70.51 proceeding and the parties selected the undersigned to perform the duties of Special Magistrate as set forth in this chapter for land use dispute resolution.

As provided by the Statute, the proceeding conducted by the Special Magistrate was open to the public in accordance with Chapter 70.51(17) during which time informal mediation occurred between the parties and among the parties' representatives.

II. SUMMARY OF FINDING

The parties met on June 15, 2009, in an attempt to formulate a settlement that would resolve the issues of this pending matter and grant the City greater control over the conditional use permit if granted. After several hours of consideration and discussion, the parties have agreed upon a set of settlement conditions that, if approved and implemented by the City, will resolve this matter. Failing approval by the City or a successful challenge by any third party, this matter will be returned for further proceedings pursuant to Chapter 70.51, Florida Statutes, for a formal hearing and additional proceedings.

The settlement conditions agreed upon by the representatives of the parties are attached to this recommendation as Exhibit "A" and are given without either party conceding its position as set forth in the Request for Relief or the Response.

III. CONCLUSION

Accordingly, based upon the facts, law and circumstances presented so far in this matter, and the desire of the parties to avoid not only further costs and delays but also to grant further assurances and controls as to the utilization of the Conditional Use Permit, it is the Special Magistrate's recommendation to the City that it approve the settlement agreement.

In accordance with Section 70.51(27), a copy of this recommendation will be sent to the State of Florida, Department of Legal Affairs.

Respectfully submitted,

DAVID P. PERSSON
FLORIDA BAR NO. 622486
Hankin, Persson, Davis, McClenathen
& Darnell
1820 Ringling Boulevard
Sarasota, Florida 34236
Telephone: (941) 365-4950
Facsimile: (941) 365-3259

DATED this _____ day of _____, 2009.

WITNESSES:

Signature

Deborah L. Nicklaus

Print Name

Signature

Deborah L. Perry

Print Name

SIRATA BEACH RESORT, LLC, a Florida limited liability company
a/k/a SIRATA BEACH RESORT AND CONFERENCE CENTER, INC., a Florida corporation

By:

Print Name: H. Gregg Nicklaus

Title: Owner

Date: 7/24/09

WITNESSES:

Signature

Colette Graston

Print Name

Signature

Theresa McMaster

Print Name

CITY OF ST. PETE BEACH

By:

Print Name: Michael P. Bonfield

Title: City Manager

Date: July 20, 2009

SIRATA
BEACH RESORT &
CONFERENCE CENTER

April 5, 2011

Mike Bonfield, City Manager
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Sirata Beach Resort
Wave Runner Rental/Florida Statutes

Dear Mr. Bonfield;

Please accept this notice as our request to modify the stipulated Conditional Use Agreement currently in place for Wave Runner rental at our facility.

In an effort to conform to existing Florida Law and be similarly treated, like the other four Wave Runner operators on St. Pete Beach, we are requesting a change to the minimum age requirement of our conditional use watercraft permit. Specifically, we are asking that our permit be amended to align with State Statutory provisions regulating personal watercraft that provides for rental to persons 22 years of age to operate a rental personal watercraft, or 18-21 should the operator possess a valid Safe Boaters License.

Thank you for your consideration in this matter and I look forward to your response.

Very truly yours,

H. Gregg Nicklaus

HGN;dlp

Tel: (727) 363-5100 • Fax: (727) 363-5195 • 5300 Gulf Boulevard • St. Pete Beach, Florida 33706 • www.sirata.com

5300 Gulf Boulevard

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorization for the City Manager to proceed with closing on the acquisition of additional land adjacent to Egan Park pursuant to a lease/purchase contract with the Trust For Public Land on or about August 5, 2011. The settlement costs are estimated to be $403,955.00.

Date: July 26, 2011

Prepared By: Dan O'Connor – Administrative Services Supervisor

Through: Elaine Edmunds – Director of Finance

Summary of Issue: This is a request to authorize the City Manager to proceed with closing on the acquisition of additional land adjacent to Egan Park pursuant to a lease/purchase contract with The Trust For Public Land on or about August 5, 2011.

On September 30, 2009 the city entered into a three year lease/purchase agreement with The Trust For Public Land to acquire additional land adjacent to Egan Park in the amount of $875,000.00.

On February 22, 2011 the City entered into a one year agreement with The Florida Department of environmental Protection accepting a matching Land and Water Conservation Fund program grant to be used for land acquisition adjacent to Egan Park in the amount of $200,000.00.

The DEP-LWCF Contract Agreement requires the City to own the subject property for funds to be distributed. To proceed with the project and receive the award the City must:

a. Submit a copy of the buyer-seller closing statement.
b. Submit a copy of the deed to the subject property.

The final costs associated with purchase and closing on the property with the Trust for Public Land is estimated to be $403,955.00.

Within three years from the completion of this acquisition project the City must agree to construct public outdoor recreation facilities or improvements to the subject property in accordance with development elements related to boating, fishing, picnic, water view and or other related support facilities. Eligibility to apply for additional Department of Environmental Protection grant funding through the Florida Recreational Development Assistance Program will be made available to the City as a result of this acquisition project.

Requested Motion: "I move to authorize the City Manager to proceed with closing on the acquisition of additional land at Egan Park pursuant to a lease/purchase contract with the Trust For Public Land on or about August 5, 2011."

Attachments: Pre Closing Draft Settlement Statement

Reviewed by
City Manager: ___

PRE-CLOSING DRAFT

A. Settlement Statement

U.S. Department of Housing and Urban Development

HUD-1 (3/86) OMB No. 2502-0265

B. Type of Loan	6. File Number	7. Loan Number	8. Mortgage Insurance Case Number
1. ☐ FHA 2. ☐ FmHA 3. ☐ Conv. Unins. 4. ☐ VA 5. ☐ Conv. Ins.	53411-531C		

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower	E. Name and Address of Seller	F. Name and Address of Lender
City of St. Pete Beach, Florida 155 Corey Avenue St. Pete Beach, Florida 33706	The Trust for Public Land, a nonprofit California corporation 306 N. Monroe Street Tallahassee, Florida 32301	NONE

G. Property Location	H. Settlement Agent	
9901 Blind Pass Road St. Pete Beach, FL 33706	Daniel D. Akel, Esq., for The Trust for Public Land	
	Place of Settlement	I. Settlement Date
	Holbrook Akel Cold Stiefel & Ray One Independent Drive Suite 2301 Jacksonville, Florida 32202	08/05/11

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		**400. Gross Amount Due To Seller**	
101. Contract sales price	875,000.00	401. Contract sales price	875,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	10,592.24	403.	
104.		404.	
105. Interest 11/1/10 - 8/5/11	14,032.00	405. Interest 11/1/10 - 8/5/11	14,032.00
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due From Borrower	**899,624.24**	**420. Gross Amount Due To Seller**	**889,032.00**
200. Amounts Paid By Or In Behalf Of Borrower		**500. Reductions In Amount Due To Seller**	
201. Deposit or earnest money	485,000.00	501. Excess deposit (see instructions)	485,000.00
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	77.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower	**485,000.00**	**520. Total Reduction Amount Due To Seller**	**485,077.00**
300. Cash At Settlement From/To Borrower		**600. Cash At Settlement To/From Seller**	
301. Gross Amount due from borrower (line 120)	899,624.24	601. Gross amount due to seller (line 420)	889,032.00
302. Less amounts paid by/for borrower (line 220)	(485,000.00)	602. Less reductions in amt. due seller (line 520)	(485,077.00)
303. Cash ☒ From ☐ To Borrower	**414,624.24**	**603. Cash ☒ To ☐ From Seller**	**403,955.00**

L. Settlement Charges

	Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
700. Total Sales/Broker's Commission based on price $ @ % =		
Division of Commission (line 700) as follows:		
701. $ to		
702. $ to		
703. Commission paid at Settlement		
704.		
800. Items Payable In Connection With Loan		
801. Loan Origination Fee %		
802. Loan Discount %		
803. Appraisal Fee to		
804. Credit Report to		
805. Lender's Inspection Fee		
806. Mortgage Insurance Application Fee to		
807. Assumption Fee		
808.		
809.		
810.		
811.		
812.		
813.		
814.		
900. Items Required By Lender To Be Paid In Advance		
901. Interest from to @ $ /day		
902. Mortgage Insurance Premium for months to		
903. Hazard Insurance Premium for years to		
904. years to		
905.		
1000. Reserves Deposited With Lender		
1001. Hazard Insurance months @ $ per month		
1002. Mortgage Insurance months @ $ per month		
1003. City property taxes months @ $ per month		
1004. County property taxes months @ $ per month		
1005. Annual assessments months @ $ per month		
1006. months @ $ per month		
1007. months @ $ per month		
1008. Aggregate adjustment months @ $ per month		
1100. Title Charges		
1101. Settlement or closing fee to Holbrook Akel Cold Stiefel & Ray	50.00	50.00
1102. Abstract or title search to Holbrook Akel Cold Stiefel & Ray	100.00	
1103. Title examination to		
1104. Title insurance binder to		
1105. Document preparation to		
1106. Notary fees to		
1107. Attorney's fees to		
(includes above items numbers:)		
1108. Title insurance to Holbrook Akel Cold Stiefel & Ray	2,655.00	
(includes above items numbers:)		
1109. Lender's coverage $		
1110. Owner's coverage $		
1111.		
1112.		
1113.		
1200. Government Recording and Transfer Charges		
1201. Recording fees: Deed $27.00 ; Mortgage $; Release $		27.00
1202. City/county tax/stamps: Deed $; Mortgage $		
1203. State tax/stamps: Deed $; Mortgage $		
1204.		
1205.		
1300. Additional Settlement Charges		
1301. Survey to		
1302. Pest inspection to		
1303.		
1304. Property Tax Deposit 1/1-8/5/11 to Pinellas County Tax Collector	7,751.24	
1305. Stormwater Fees to Pinellas County Tax Collector	36.00	
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	**10,592.24**	**77.00**

I have carefully reviewed this Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

Borrower(s) City of St. Pete Beach, Florida

By:_____ 08/05/11
Michael P. Bonfield, City Manager

Seller(s) The Trust for Public Land, a nonprofit California corporation

By:_____ 08/05/11
Peter Fodor, Southern Division Legal Director

The Settlement Statement which I have prepared is a true and accurate account of funds received and funds disbursed or to be disbursed for this transaction.

08/05/11 _____ Daniel D. Akel, Esq., Settlement Agent

WARNING: It is a crime to knowingly make false statements to the United States on this form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Final Reading and Public Hearing for Ordinance 2010-35, providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.
Date:	July 26, 2011
Prepared By:	Karl E. Holley, AICP, Community Development Director
Summary of Issue:	The proposed amendment would change the Future Land Use designation for 113 11th Avenue from its present designation of Residential Low Medium to Residential High with the Resort Facilities Overlay. This proposed change is brought forward at the property owners' request and is intended to establish a Future Land Use classification for the properties which will be consistent with the requirements of the Traditional Hotel District zoning. These amendments were recommended for denial by the Planning Board at their meeting of April 19, 2011.
Requested Motion:	**"**I move to approve Ordinance 2011-35 (read title)"
Attachments:	Copy of Ordinance 2011-35 Attachment "A", Location Map Copy of staff analisis
Reviewed by City Manager:	_____

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2010-35

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE PLAN MAP INCORPORATED THEREIN; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE PLAN MAP DESIGNATIONS OF PROPERTY GENERALLY LOCATED AT 113 11TH AVENUE AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCELS FROM RESIDENTIAL LOW MEDIUM TO RESIDENTIAL HIGH WITH THE RESORT FACILITIES OVERLAY ON THE CITY'S FUTURE LAND USE PLAN MAP; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Planning Board, as the City's Local Planning Agency, has reviewed this ordinance, found it to be consistent with the City's adopted Comprehensive Plan and has recommended approval thereof; and

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

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

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

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

Section 1. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein by changing the land use designation of the property generally located 113 11th Avenue and more particularly described in Exhibit "A" attached hereto and made a part hereof, from Residential Low Medium to Residential High with the Resort Facilities Overlay.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This ordinance shall become effective immediately upon adoption.

_____
STEVE MCFARLIN, MAYOR

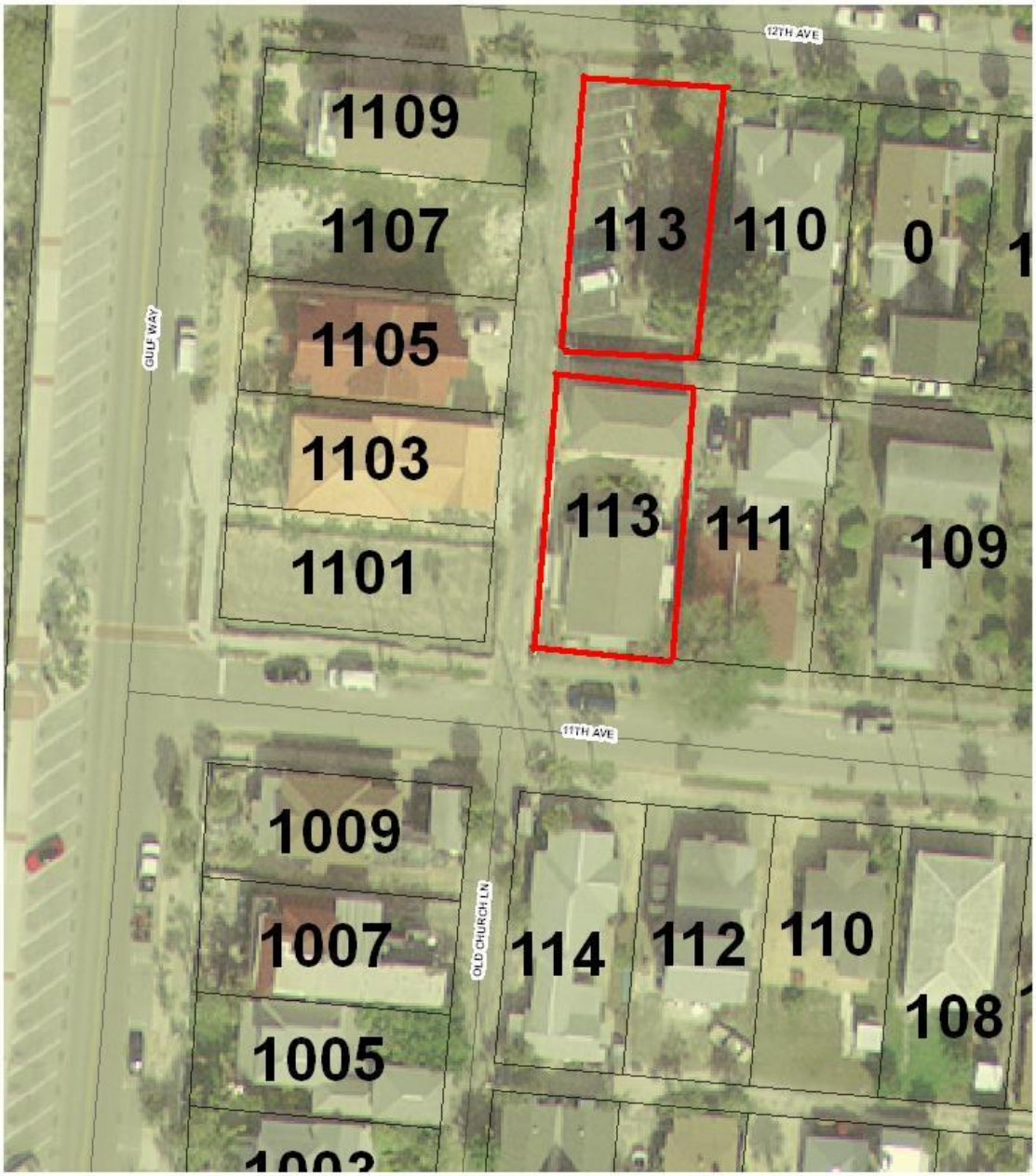
LPA HEARING	**: APRIL 19, 2011**
PUBLISHED	**: APRIL 3, 2011**
FIRST READING	**: JULY 26, 2011**
PUBLISHED	**: JULY 18, 2011**
SECOND READING	**: _____**
PUBLIC HEARING	**: _____**

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____day of _____ , 2011.

_____
Rebecca Haynes, City Clerk

Exhibit "A"

Change of Zoning from RLM-2 to THD
Change of FLUM Designation from RLM to RH with the Resort Facilities Overlay
113 11th Avenue



0 15 30 60 90 120 Feet

City of St. Pete Beach
Planning Board Public Hearing
Case # 2010-0035 (rezoning)
Case # 2010-0039 (FLUM change)
LPA Hearing Date: April 19, 2011

DRAFT

Property Information

Address: 113 11th Ave St Pete Beach, Fl
Legal Description: Block 3, Lots 11 and 17, Morey Beach Subdivision
Owner: Joe Caruso
Existing Use: 11 Unit Transient Lodging
Proposed Use: 11 Unit Transient Lodging
Requests:

1. Change of Future Land Use Designation on the Future Land Use Map from RLM to RH with the Resort Facilities Overlay.
2. Change to the Official Zoning Map from RLM-2 to THD

FLUM change would permit a ratio of 1.67 temporary lodging units to underlying residential units. Residential High would permit 30 units per acre.
30*1.67 = 50.1 units per acre
50.1 units per acre * .234 acres = 11.7 units (11 units – cannot round density up).

Adjacent property information:

North:	RLM-2	Single-family residential
South:	RLM-2	Single-family residential
East:	RLM-2	Two-family residential/Single-family residential
West:	RLM-2	Vacant/Single-family residential

Within 1/8 mile radius from the center of the property, there are 14 single family residential properties, 5 transient lodging facilities, (not including the subject property), 6 commercial properties, one institutional property, 16 residential properties with two units, and 20 residential properties with 3 or more units.

Background Information:

The subject property was formerly known as the Le Roy Motel. This establishment has been in existence as a motel since at least 1985. (City records indicate that occupational licenses began in 1985. Sanborn maps from 1971 show that the structures were "dwellings".)

Comparison of Impacts between permitted use and existing (proposed) use:

Use	Vehicle Trips	Water	Sewer
2 Single Family Units	19.14	560 gallons/ day	448 gallons/ day
11 unit Motel	61.93	990 gallons/day	946 gallons/day

The existing/proposed use is currently being served within the confines of the City's level of service for infrastructure. No additional impacts are anticipated by the use or a possible future use of two single family homes if the requested Future Land Use and Zoning are not granted.

Assumptions: Vehicular trips based on the Institute of Transportation Engineers Trip Generation Manual, 2007 edition. Week day daily trips for Single Family Detached units, Code 210. Motel Code 320. Water and Sewer impacts estimated based on values contained in the Planner's Estimating Guide: Projecting Land Use and Facility Needs by Arthur C. Nelson, FAICP, 2004.

Permitted Size comparison:

Existing Use Total Interior square footage: 3,911 Square feet (per Pinellas County Property Appraiser).

Permitted square footage if redeveloped as temporary lodging use under THD zoning: 4,106 Square feet (5% larger than existing pursuant to Section 31.12 of the LDC.)

Permitted square footage if redeveloped as two single family residences under current RLM-2 zoning: Range of possibility – 8,400 Sq. Ft. – 11,200 Sq. Feet per home, or 16,800 Sq. Ft. – 22,400 Sq. Ft. for both homes.

Assumptions: Base Flood is 11'; Elevation is 5'; Ceiling height 8', interstitial space 1', front yard setback 10' with front yard averaging applied for single family residential, rear yard setback 20', side yard setbacks 10% of lot width. Variables are roof height and whether or not a garage is constructed.

Staff Analysis

Land use Change Request:

Land Use Map amendments are a legislative function of local government under Florida law, which holds the governing authority to a general standard of reasonableness in making the determination. In addition, Land Use Map changes should be broadly consistent with relevant Comprehensive Plan policies. Beyond this, there are no decision making criteria specified in State statute or local ordinance.
The application before the City seeks to modify the existing land use classification of residential Low Medium, a single-family residential designation, to Residential High, with the application of the Resort Facilities Overlay. The Residential High classification is intended for higher density residential development which for the most part exceeds densities currently established in the general area of the request. The Resort Facilities Overly is intended to allow for the operation of tourist lodging facilities in otherwise residential areas and is therefore broadly consistent with the conditions found in the area of the request.

In the Citywide Land Use Goals, Objectives and Policies of the Planning to Stay element of the Comprehensive Plan, Goal 2 states that "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." This indicates that both preservation of residential quality of life and maintenance of the City's tourist lodging facilities are important. Policy 2.3.5 of the Future land use element states that "the City shall encourage the maintenance of tourist lodging facilities in keeping with the character of the community." This again implies that while preservation of tourist lodging facilities is important, protection of community character is a primary objective of the Comprehensive Plan.

The relevant policies of the Plan and the general Plan language give no guidance on how to resolve the question of priorities in cases where the preservation or redevelopment of tourist lodging facilities may negatively impact the integrity or stability of established residential areas. In this instance, the Commission will need to rely on its understanding of the character of the subject area and the relative impact of potential redevelopment to determine whether approval of the request would support the public interest. Since the requested zoning specifically requires the proposed land use classification change, the applicant has no alternatives in pursuing the proposed change. The proposed land use would also not allow for any other use of the property than that of the proposed zoning district. In this context, approval of the requested land use change would imply the suitability of the requested zoning and staff would strongly recommend that the Commission review the proposed land use change in this light.

Zoning Change Request:

Section 3.9 (b) (5) of the Land Development Code sets forth the conditions for rezoning a property. However, review of the proposed rezoning can only be made in the context of an assumed approval of the requested land use change. If the land use change were not to be approved, the requested zoning would be wholly inconsistent with the adopted Comprehensive Plan and therefore approval of the requested zoning would not be recommended. The standards for review of the requested rezoning are as follows:

(5) Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.
In addition, the planning board and city commission shall consider the following:
a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;

Regarding consistency with the Plan:

The current future land use category is Residential Medium which allows for the following:

Residential Medium (RM)
Primary uses - Residential
Secondary uses - Residential equivalent; public/semi-public; public educational facility; ancillary non-residential; recreation/open space
Density/Intensity Standards - Shall include the following:
o Residential use - Shall not exceed 15 dwelling units per acre.
o Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 15 dwelling units per acre.
o Non-residential use - Shall not exceed a floor area ratio (FAR) of .50 nor an impervious surface ratio (ISR) of .75. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .30 and an ISR of .56.

While the current Future Land Use category allows for bed and breakfast uses and limited commercial, it does not permit temporary lodging such as hotels, motels, etc. However, if the Commission approves the applicant's request to change the land use from RM to RH with the Resort Facilities Overlay, the zoning will be consistent with the Future Land Use Category. Several policies in the adopted comprehensive plan support the protection and maintenance of temporary lodging facilities, while also requiring measures such as landscaping and buffering and use restrictions to reduce the possible negative impacts of a commercial or temporary lodging use adjacent to a residential use:

> **Policy 2.1.13**
> **The land development regulations shall contain minimum buffering standards which will protect single-family residential uses from new abutting residential projects developed in excess of 15 units per acre and any new abutting non-residential projects. Such buffering regulations shall contain the following minimum standards:**
> **o Construction of an ornamental wall sufficient in height according to the provisions of the land development regulations to provide for sound and aesthetic buffering;**
> **o Minimum setback requirements;**
> **o Minimum landscaping requirements sufficient to provide visually aesthetic shielding.**

Policy 2.1.9
All temporary lodging units shall be prohibited from seeking homestead exemption and home occupational licensing.

Policy 2.3.3
In order to minimize incompatibilities when residential and non-residential land uses share a common boundary, buffering shall be required, as appropriate.

Approval of the requested rezoning would only be consistent with these policy provisions if adequate conditions were imposed to ensure appropriate buffering and use restrictions.

b. Compatibility with adjacent properties and the existing land use pattern;

Although not reflected on the zoning map, Pass-a-Grille is a mixed-use district containing a variety of land uses including single family residential, multifamily residential, temporary lodging, office, retail, restaurants and other commercial uses, recreational uses, and institutional uses such as churches and clubs. Although the zoning map represents a strict separation of land uses, the actual uses on the ground are considerably more mixed. The applicant is requesting a zoning and land use change in order to establish an existing facility as a conforming use. In this instance, compatibility of the proposed rezoning with the established land use pattern may be evident from the use history of the existing facility.

While temporary lodging use could be judged to be incompatible with a neighboring residential use in terms of traffic and noise, the comprehensive plan does provide for landscaping and buffering to potentially reduce the impacts of such use on adjacent residential properties(see policy 2.3.3 above).

c. Possible creation of an isolated district unrelated to adjacent and nearby districts;

There is a possibility of creating an "isolated" district in that the zoning map shows that it is currently a strictly residential district; however, as discussed above, the surrounding area, especially in close proximity to the subject property, has a variety of uses including other motels. In this context, the "isolated" nature of the proposed district would be related to the extent to which the proposed zoning would allow for redevelopment inconsistent with the other established tourist lodging facilities in the immediate area.

d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;

Based on the restrictions in the THD district, the use will not create the need for additional public services. No additional units are proposed.

e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;

Based on the restrictions in the THD district, the use will not create the need for additional infrastructure. No additional units are proposed.

f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing zoning district boundaries do not reflect the actual land uses that currently exist in the immediate area. Rezoning the subject property would allow the recognition of the mixed use nature of the area without entitling existing residential properties with temporary lodging redevelopment opportunities. However, the Commission should consider whether granting the requested rezoning will establish a precedent for facilitating intrusion of non-residential uses into areas designated exclusively for residential use.

g. Whether changed or changing conditions make the passage of the proposed amendment necessary;

There are no changing conditions in the area which dictate the necessity for the proposed rezoning. The existing land use pattern is stable and well established.

h. Whether the proposed change will adversely affect drainage.

If any new construction is proposed for the site, the applicant is required to comply with required pervious surface standards as well as providing for management of stormwater drainage on site.

i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

Most adjacent properties are already developed at a higher density than the Comprehensive Plan currently allows. The change would likely not be a deterrent to improvement of the adjacent property, as the proposed use already exists.

j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and

Several polices in the Comprehensive Plan, as noted above, illustrate that keeping the temporary lodging stock is a policy priority of the City and is not in contrast with the public welfare; The regulations for the proposed zoning district are likely restrictive enough that special privileges will not be granted to the owner.

k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-

Grille, although there is substantial anecdotal evidence that they do contribute to the support of nearby businesses.

The Land Development Code provides for specific findings before a zoning application to the Traditional Hotel District can be approved. They are as follows:

This district shall only be established on those lots which lie south of 15th Avenue and for which the owner(s) can demonstrate said lots were utilized as temporary lodging facilities with five or more units as of December 31, 2010, and which were at that time, and have since remained, properly permitted and/or licensed by all applicable regulatory authorities. Such authorities shall include the City of St. Pete Beach, the Florida Department of Business and Professional Regulation and the Florida Department of Revenue. Any facility which cannot demonstrate that proper license fees and taxes have been paid throughout the required period of operation to the proper licensing or taxing authority, including the State of Florida and Pinellas County, shall not be eligible for application to this district.

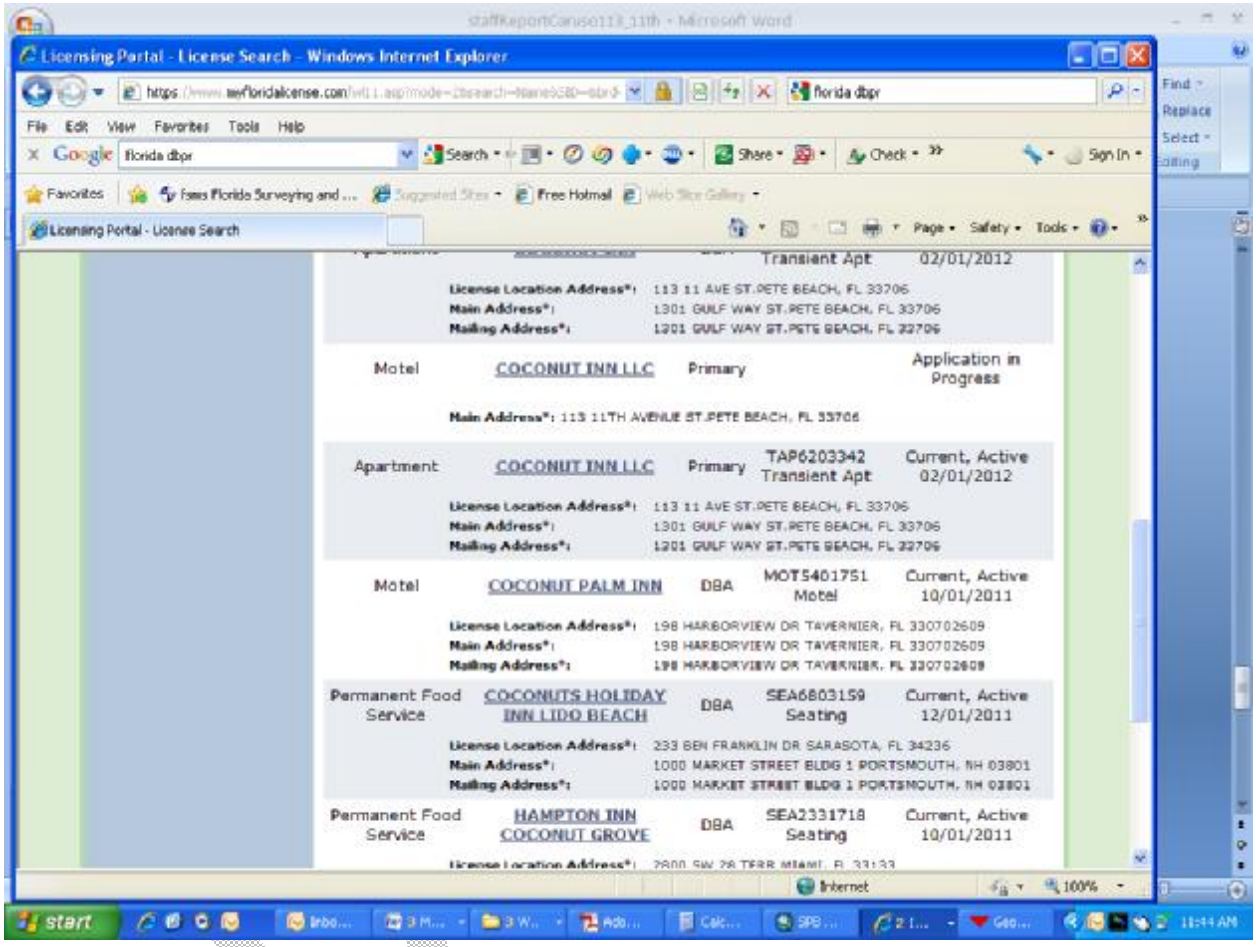
The applicant has provided sufficient documentation that he is eligible to apply for the zoning district. Please refer to the attachments; map showing property is located south of 15th Avenue; Current City of St. Pete Beach Business Tax Invoice; Completed Pinellas County Tourist Development Tax Return; Staff verified DBPR license on 4/1/2011.

Summary

While the proposed use could be considered incompatible to neighboring residential properties in terms of traffic impacts, noise and other operational characteristics, there are multiple polices in the comprehensive plan that encourage the retention of the City's temporary lodging stock. On balance, the plan policies seem to favor promoting retention of tourist lodging facilities as opposed to favoring a strict separation of land uses to protect residential neighborhoods, but both are indicated as policy priorities of the Plan. The relevant question is whether rezoning of the property to the THD is necessary to facilitate preservation of the existing tourist lodging facility, and that remains a debatable issue predicated largely on the assumed economic viability of the existing facility as presently constituted. The standards of the Traditional Hotel Distinct have been designed to be restrictive enough to provide protection to adjacent or nearby residential properties in most instances, but due consideration should be given to the unique location of the proposed rezoning and the potential impacts of redevelopment of the site.

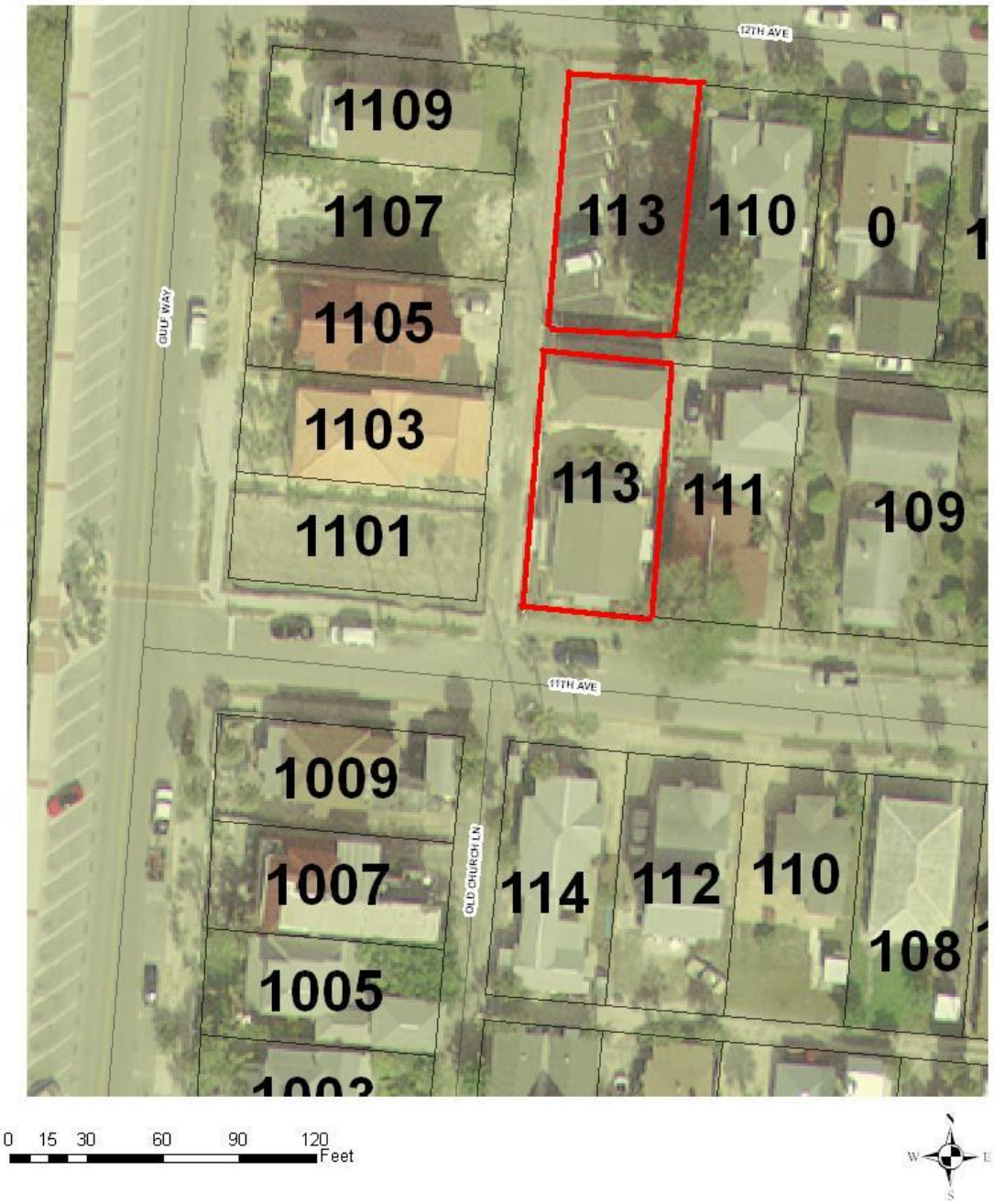
DRAFT

Attachment 1: DBPR license verification:
https://www.myfloridalicense.com/wl11.asp?mode=2&search=Name&SID=&brd=&typ=

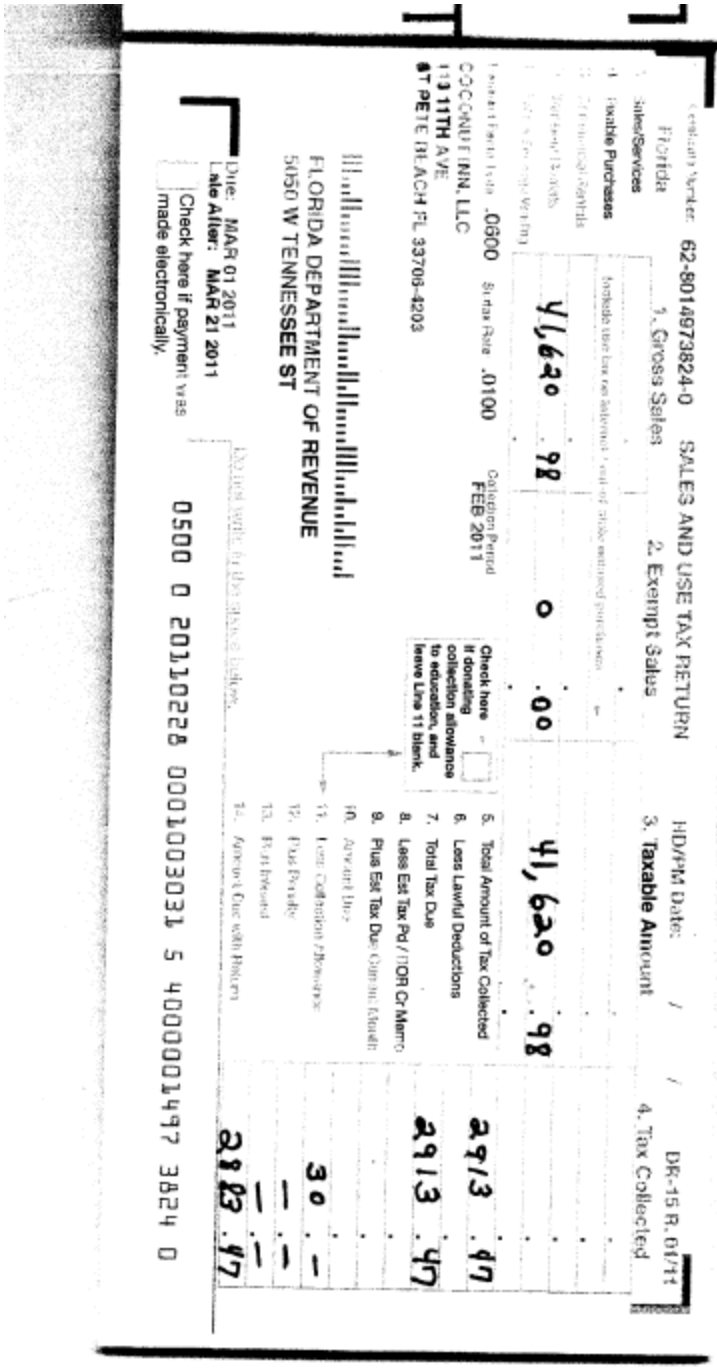


Attachment 2: Map

Change of Zoning from RLM-2 to THD
Change of FLUM Designation from RLM to RH with the Resort Facilities Overlay
113 11th Avenue



Attachment 3: Sales Tax and Tourist Development Tax Returns



Certificate Number: 62-8014973824-0 SALES AND USE TAX RETURN HD/MM Date: / / DR-15 R. 01/11

Florida Sales/Services

1. Gross Sales 2. Exempt Sales 3. Taxable Amount 4. Tax Collected

1. Taxable Purchases

Taxable Use Tax on Internet Cost of Tangible Personal Property

Total Taxable Sales

Sales Tax Rate Withheld

41,620 .98 0 .00 41,620 .98

Tax Rate .0600 Surtax Rate .0100 Collection Period FEB 2011

Check here if donating collection allowance to education, and leave Line 11 blank.

5. Total Amount of Tax Collected 2913 .47

6. Less Lawful Deductions

7. Total Tax Due 2913 .47

8. Less Est Tax Pd / TOR Cr Memo

9. Plus Est Tax Due Current Month

10. Amount Due

11. Less Collection Allowance 30 .—

12. Plus Penalty — .—

13. Plus Interest — .—

14. Amount Due with Return 2883 .47

COCONUT INN, LLC
13 11TH AVE
ST PETE BEACH FL 33706-4203

FLORIDA DEPARTMENT OF REVENUE
5050 W TENNESSEE ST

Due: MAR 01 2011
Late After: MAR 21 2011

Check here if payment was made electronically.

Return with Payment Below

0500 0 20110228 00010030315 4000001497 3824 0

SEE REVERSE SIDE FOR INFORMATION

Diane Nelson, CFC
Pinellas County Tax Collector
www.taxcollect.com
Customer Service, Anytime, Any Place

INSTRUCTIONS FOR COMPLETING TAX RETURN

1. GROSS RENTAL RECEIPTS: Enter the total dollar amount of short term rentals (six months or less).
2. EXEMPT RENTAL RECEIPTS: Enter the dollar amount of any rentals covered by State and/or Federal Certificates of Exemption.
3. TAXABLE RENTAL RECEIPTS: Enter the dollar amount of taxable rental receipts (line 1 minus line 2).
4. TOTAL TAX: Enter total Tourist Development Tax Collected - 5% of line 3.
5. COLLECTION ALLOWANCE: It is 2.5% (.025) of the first $1200.00 of tax due from line 4, not to exceed $30.00. After the 20th day following the reporting period, there is no entitlement to a collection allowance, and penalty & interest will apply.
6. PENALTY: After the 20th day following the reporting period, enter 10% of the amount on line 4, but in no case shall the penalty be less than $50.00.
7. INTEREST: After the 20th day following the reporting period, contact (727) 464-8007 for the current interest rate.
8. TOTAL AMOUNT DUE: Line 4 less line 5. If late, add line 4, 6, 7 (line 5 will be zero).

PINELLAS COUNTY TOURIST DEVELOPMENT TAX RETURN

YOUR COPY

REPORTING PERIOD FEB2011

Delq. After March 20, 2011

TD TAX NO. 8845

PHYSICAL LOCATION
113 11TH AVE.
ST. PETE BEACH FL 33706

MAKE CHECK PAYABLE TO:
DIANE NELSON, CFC
PINELLAS COUNTY TAX COLLECTOR
P.O. BOX 2943
CLEARWATER, FL 33757-2943

1. Gross Rental Receipts:	41,620.98
2. Exempt Rental Receipts:	0.00
3. Taxable Rental Receipts:	41,620.98
4. Total Tax 5%:	2081.05
5. Less - Collection Allowance:	30.00
6. Plus Penalty:	—
7. Plus Interest:	—
8. Total Amount Due:	2081.05

TELEPHONE NO. (800) 770-4853
MAILING ADDRESS
COCONUT INN, LLC
1301 GULF WAY
ST. PETE BEACH FL 33706

YOUR COPY

Your account will be delinquent if you fail to file and pay on or before the 20th day of each month following collection. If your account is delinquent, penalty and interest may be imposed as described above. Tax returns MUST be filed monthly, unless you are authorized to file less frequently, even when there is no rental activity. Notice: If your account is habitually delinquent, which is defined as more than two late filings in a 12 month period, our Enforcement action to collect the amount due may include, without delay or additional notice, placing a lien on the property of your business and/or freezing your bank account(s) pursuant to Florida Statutes, Sections: 212.03(5), 212.04(7), 212.14(1), 212.15(4) and 213.731

THIS RETURN IS SUBJECT TO AUDIT BY THE PINELLAS COUNTY TAX COLLECTOR.

Attachment 4: St Pete Beach Business Tax Receipts

2010 *St Pete Beach Business Tax Receipt*

License Number
20100337
Date Paid
9/29/2009
Amount Paid
$36.00
Expires 9/30/2010

COCONUT INN

113 11TH AVE
ST PETE BEACH, FL 33706

Mail to
JOSEPH CARUSO
COCONUT INN
326 MONTE CRISTO BLVD
TIERRA VERDE, FL 33715

Catagory	Fee	Note
Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	

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

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

Licensee copy

2010 *City of St Pete Beach Paid Certificate*

License Number
20100337
Date Paid
9/29/2009
Amount Paid
$36.00
Expires 9/30/2010

COCONUT INN

113 11TH AVE
ST PETE BEACH, FL 33706

Mail to
JOSEPH CARUSO
COCONUT INN
326 MONTE CRISTO BLVD
TIERRA VERDE, FL 33715

Catagory	Fee	Note
Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
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Every person required to have a city license shall at all times from the issuance of such license by the city, conspicuously display such license in his place of business, and where the licensee dose not have a place of business he shall be prepared at all times while engaged in his occupation to present his license for inspection by any police officer or license officer of the city when requested to do so.

City Copy

2009 St Pete Beach Business Tax Receipt

License Number
20091653
Date Paid
2/12/2009
Amount Paid
$91.00
Expires 9/30/2009

COCONUT INN

113 11TH AVE
ST PETE BEACH, FL 33706

Mail to
JOSEPH CARUSO
COCONUT INN
326 MONTE CRISTO BLVD
TIERRA VERDE, FL 33715

Catagory	Fee	Note
Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	
Fire Inspection	$45.00	ONE TIME FEE
Application Fee	$10.00	ONE TIME FEE

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

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

Licensee copy

2009 City of St Pete Beach Paid Certificate

License Number
20091653
Date Paid
2/12/2009
Amount Paid
$91.00
Expires 9/30/2009

COCONUT INN

113 11TH AVE
ST PETE BEACH, FL 33706

Mail to
JOSEPH CARUSO
COCONUT INN
326 MONTE CRISTO BLVD
TIERRA VERDE, FL 33715

Catagory	Fee	Note
Apartment Hotel Motel Guest House Each additional unit over 10	$6.00	11 UNITS
Apartment Hotel Motel Guest House - 6 to10 units inclusive	$30.00	
Fire Inspection	$45.00	ONE TIME FEE
Application Fee	$10.00	ONE TIME FEE

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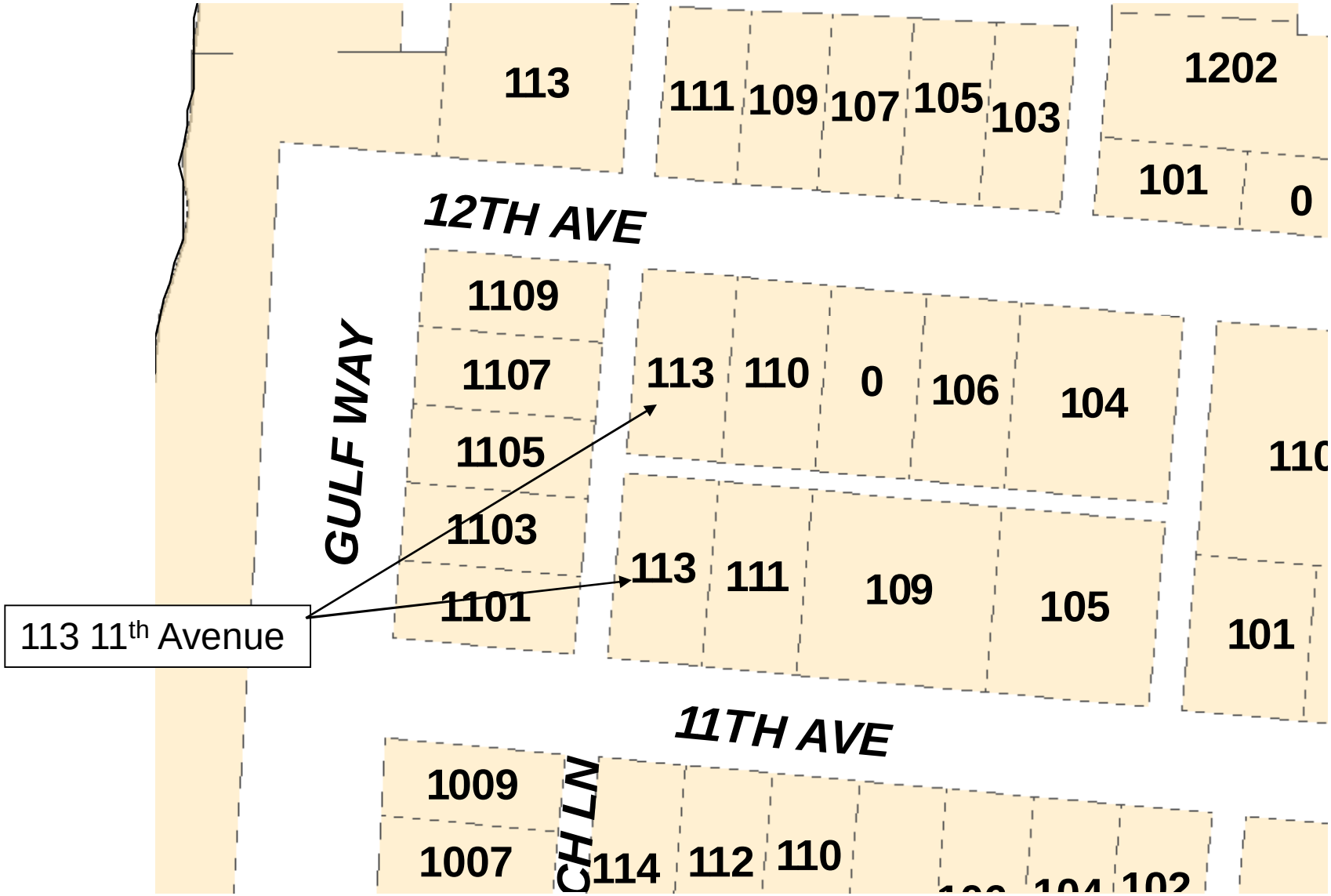
City Copy

113 11th Avenue – Coconut Inn LLC



St. Pete Beach City Commission
Agenda Report

Issue Considered:	Final Reading and Public Hearing for Ordinance 2010-34, providing for amendment of the Official Zoning Map of the St. Pete Beach Land Development Code for property located at 113 11th Avenue. This is a quasi-judicial hearing.
Date:	July 26, 2011
Prepared By:	Karl E. Holley, AICP, Community Development Director
Summary of Issue:	The proposed amendment would change the Zoning designation for 113 11th Avenue from its present designation of Residential Low Medium 2 to Traditional Hotel District. This proposed change is brought forward at the property owners' request and is intended to provide for continued operation of the existing hotel as well as potential future redevelopment of the site consistent with its current use. Following the first reading of the ordinance, the applicant and representatives of the opponents to the rezoning initiated a series of meetings in an attempt to resolve concerns about the application. It is anticipated that this will result in a set of mutually agreeable stipulations which could be incorporated into any approval by the Commission. It was the objective of the parties to have the agreement available for the July 26 hearing date. Failing such an agreement, the Commission may choose to reschedule the hearing to a date certain or hear the case as submitted.
Requested Motion:	**"**I move to approve Ordinance 2010-34 (read title)"
Attachments:	Copy of Ordinance 2010-34 Copy of Staff Analysis Attachment "A", Location Map
Reviewed by City Manager:	_____

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2010-34

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY BY AMENDING THE OFFICIAL ZONING MAP INCORPORATED THEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DESIGNATION OF PROPERTY GENERALLY LOCATED AT 113 11TH AVENUE AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCEL FROM RESIDENTIAL LOW MEDIUM 2 TO TRADITIONAL HOTEL DISTRICT ON THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received application for rezoning of the subject property from the owner of said property; and

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

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

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

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

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

Section 1. The Land Development Regulations of the City of St. Pete Beach, Florida are hereby amended by amending the Official Zoning Map incorporated therein by changing the zoning designation of the property generally located at 113 11th Avenue and more particularly described in Exhibit "A" attached hereto and made a part hereof, from Residential Low Medium 2 to Traditional Hotel District.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This ordinance shall become effective upon adoption of the amendment of the Future Land Use designation for the subject property on the Future Land Use Plan Map of the City of the St. Pete Beach Comprehensive Plan to Residential High with the Resort Facilities Overlay in accordance with all applicable requirements of State, County and local law.

_____

STEVE MCFARLIN, MAYOR

LPA HEARING	**: APRIL 19, 2011**
PUBLISHED	**: APRIL 3, 2011**
FIRST READING	**: JULY 26, 2011**
PUBLISHED	**: JULY 18, 2011**
SECOND READING	**: _____**
PUBLIC HEARING	**: _____**

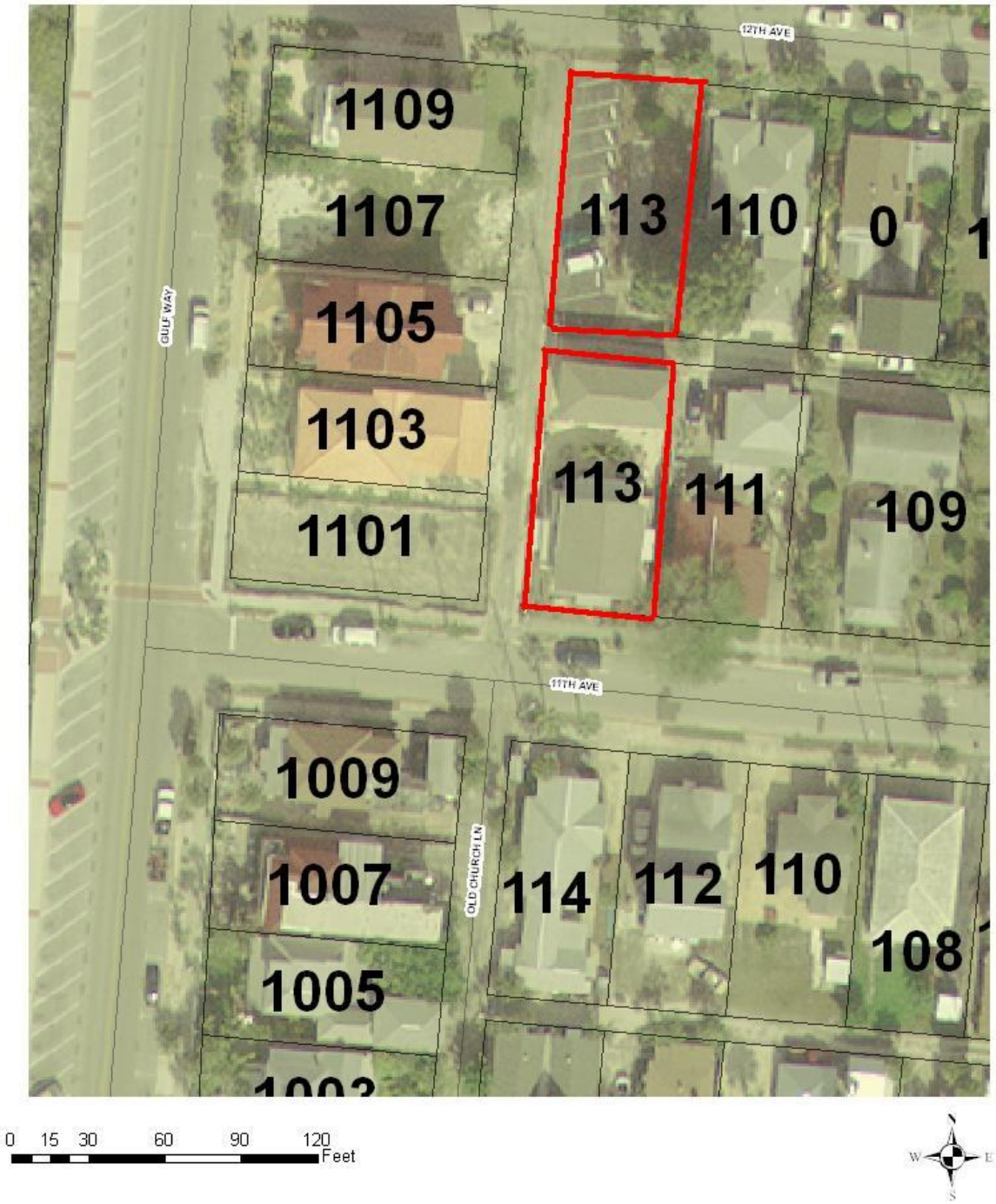
I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____day of _____ , 2011.

_____

Rebecca Haynes, City Clerk

Exhibit "A"

Change of Zoning from RLM-2 to THD
Change of FLUM Designation from RLM to RH with the Resort Facilities Overlay
113 11th Avenue



Pinellas Suncoast Transit Authority

July 1, 2011

The Honorable Steve McFarlin
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

RECEIVED
JUL 06 2011
CITY CLERKS OFFICE

Dear Mayor McFarlin:

The municipalities 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 have one joint appointment to the governing board of the Pinellas Suncoast Transit Authority. Per the State Statute, the next official term on the PSTA Board of Directors starts on October 1, 2011 and expires September 30, 2014 and we are requesting that an appointment be made for that term. Indian Rocks Beach Mayor, R. B. Johnson is the current appointee, serving since October 1, 2002.

According to the State Statute, the appointment must be made from the membership of the municipal governing bodies. Each appointed member of the Authority shall be a person who is a qualified elector of the county with an outstanding reputation for civic pride, interest, integrity, responsibility, and business ability. No person who is an officer or employee of any city or of the county in any capacity, except elected officials, shall be an appointed member of the Authority. Further, no member shall have any private financial interest, directly or indirectly, in any contract, work, or business of the Authority or any public transit system subject to regulation by the Authority; or, be in the employ of or hold any stock, bond, investment, or other financial interest or private business relationship to any operator of a public transit system in the area.

The Board holds its monthly meetings at PSTA headquarters (3201 Scherer Drive) at 9:00 AM on the fourth Wednesday of each month with one exception. The November and December meetings are combined and held on a designated date in either late November or early December. For 2011, the Board decided to hold a meeting in both months: November 16th and December 14th. Workshops, public hearings, and committee meetings are held on an as needed basis.

Thank you for your attention to this appointment request.

Sincerely,

Denise Skinner

Denise Skinner
Interim Executive Director

cc: R.B. Johnson, PSTA Chairperson
Alan Zimmet, PSTA General Counsel

3201 Scherer Drive St. Petersburg, FL 33716
www.PSTA.net 727.540.1800 fax 727.540.1913

MEMORANDUM

CITY CLERK'S OFFICE

TO: Mike Bonfield, City Manager

FROM: Rebecca C. Haynes, City Clerk

SUBJECT: Second Quarter Report – BY 2011

DATE: July 20, 2011

This Quarterly Report covers the activities in the Office of the City Clerk beginning on my first day of employment, which is May 16, 2011.

- Attended regular and shade meetings for the following boards:
  - City Commission (5)
  - Board of Adjustment (1)
  - Code Enforcement Board (2)
  - Finance and Budget Committee (3)
  - Fire, General Employees and Police Pension Boards (1)
  - Historic Preservation Board (2)
  - Library Advisory Board (2)
  - Planning Board (2)
  - Recreation Advisory Board (2)
- Transcribed and submitted for approval 20 sets of minutes
- Transcribed and submitted for approval 36 sets of minutes from previous years
- Processed 17 ordinances and four resolutions
- Attended Pre- and Post-Agenda Meetings with City Staff (8)
- Attended Bi-Weekly Meetings with City Manager (4)
- Established bi-weekly department meetings to set department goals, prioritize workloads, evaluate schedules and responsibilities
- Review/assess current job descriptions and compare with actual tasks completed
- Toured City Public Services and Recreation facilities, recent and on-going public improvement projects and notable areas throughout city limits to learn about recent/future development plans

- Attended legislative update webinar and records management conference
- Updated website with current contact information, board memberships and upcoming meetings
- Review formats and documents that will enhance department information available to the public once the City's new website is finalized, such as ordinances, resolutions, public records request policy, election information, FAQ's, etc., and links/website address to voter registration, legislative contacts, etc
- Contacted records management system firm to review current proposal and schedule in-house training dates
- Trained and completed scanning project that included resolutions, ordinances, minutes and legal notices from 2007 through 2010; will include in records plan
- Initiated process to inventory all department files for inclusion in records plan
- Commenced review of all Code of Ordinance books to update with either paper copy or e-file; once tracked, we will gather all books no longer in use, catalog the books & locations, and distribute regular updates
- Provide full time assistance to the public by staffing the front counter at City Hall
- Assist residents with notarizing documents, certifying Declaration of domicile, voter registrations and public records requests

To: Mike Bonfield, City Manager

From: Dan Graves, Fire Chief

Date: July 15, 2011

Subject: 3rd Quarter Report FY 2011 – Fire Department

The following is a summary of Fire Department activities for the 3rd Quarter of FY2011:

- Chief Graves finished the Budget.
- Five people were saved in a Water Rescue from B Shift.
- Crews are participating in a countywide search and rescue fire training.
- Paramedics completed their International Trauma Life Support (ITLS) course.
- One small apartment fire and a fence fire were handled along with an assortment of medical calls.
- Special details for Sports Fest 2011, Beach-Goes-Pop, and a bonfire with fireworks on the beach.
- Promotional Exams being worked on for applicants.
- Working on the hiring process to replace a Lieutenant's position from Station #22. The department is also in the process of a promotional exam for the position of Lieutenant.
- The department had 161 applicants for the open position of Fire Fighter/EMT. Twenty-three people were tested and six were interviewed.
- Drafted, completed and provided a Comprehensive Emergency Management Plan (CEMP) to the City Manager.
- Back-up EOC emergency power tests were performed.
- Annual pump testing of fire apparatus.
- All Fire Fighters attended countywide training on gas emergencies.
- Reminder to all employees to keep extra food on hand and make a personal plan for your family for the Hurricane Season.
- New flooring was installed at Station #23.

- Two Fire Fighters were promoted to Lieutenant. Mike Handoga's promotional date is June 23, 2011. Phil Milner's promotional date is July 1, 2011. Congratulations to both of them.
- The Department received our Insurance Services Office (ISO) rating and we remain at a Public Protection Class (PPC) Four.
- Structural Engineers visited both stations to develop a structural integrity and renovation cost report.
- The Fire Department responded to a total of 584 call for service: 470 EMS Calls, 43 Single Engine/Miscellaneous Fire Calls, 6 Structure Fires, 28 Vehicle Crashes, 24 Fire Alarms/Unconfirmed Structure Fires, 7 Water Rescues and 6 Fire Investigations.

Public Services Department
Quarterly Report (April, May and June 2011)

"The Public Services Department oversees the efficient and effective operations of the Public Properties, Recreation and Utilities Divisions in order to consistently deliver the highest quality of life and infrastructure to our island community."

City Commission Agenda Items

- Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the October "Concert in the Park" Series.
- Proclamation to urge all citizens to celebrate Arbor Day on April 29th 2011.
- Authorize City Manager to enter into a 3-year unit cost agreement with Neel-Shaffer for Disaster Debris Monitoring for Storm Events.
- Authorize the City Manager to enter into a professional services agreement with Genesis Group for $31,000 for Landscape Design per FDOT Landscape Grants.
- 2nd Quarter Department Report.
- Don Cesar area street/sidewalk improvement project close out.
- Street and sidewalk assessment project close out.
- Presentation to City Commission on the Stormwater Utility Rate Study.
- Authorize the City Manager to expend $14,540.00 to American International Motors, Inc. for emergency repairs to wastewater lift station #2.
- Authorize the City Manager to sign a proposal from George F. Young, Inc. in the amount of $18,920 to provide engineering services for the rehabilitation of Lift Station #4.
- Ordinance 2011-13, First Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances to provide formal rules and regulations for dog parks.
- Ordinance 2011-14, First Reading and Public Hearing, amending Chapter 94 - Waterways of the Code of Ordinances to update the 1986 map to a current one, eliminate verbiage related to "special occasion permits" that are no longer used, and make other minor changes as needed.
- Annual Holiday Boat Parade route to travel north to south in 2011 and then every other year the route be reversed.
- Letter of Appreciation for WSI employee Mr. Ruben Howard.
- Project close out for Lightning Protection and Cascading Equipment Transient Voltage Surge Suppression (TVSS) for the Reclaimed Water Booster Station.
- Landscape planning for Gulf Blvd, the Bayway and Blind Pass Road.
- Authorize the City Manager to enter into a 3-year, unit cost agreement with Ashbritt, Inc., for Disaster Debris Removal for Storm Events.
- Ordinance 2011-13, FINAL Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances to provide formal rules and regulations for dog parks.
- Ordinance 2011-14, FINAL Reading and Public Hearing, amending Chapter 94 - Waterways of the Code of Ordinances to update the 1986 map to a current one, eliminate verbiage related to "special occasion permits" that are no longer used, and make other minor changes as needed.
- Waive the bid requirement and authorize the City Manager to enter into a purchase agreement with Kloote Contracting for $87,862 for Alley Rehabilitation.
- Project close out for the new tennis court fencing, concrete block backboard and dog park fencing at Vina Del Mar Park.
- Authorization for the City Manager to sign a proposal from George F. Young, Inc. in the amount of $26,800 to provide engineering design and permitting for six (6) seawall projects.
- Master Pump Station force main and jointly owned force main limited condition assessment project update.

- Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the Suntan Art Center/City of St Pete Beach 100 Artists Show.
- Resolution 2011-11 (the "Annual Assessment Resolution") re-imposing annual Stormwater Service Assessment associated with fixed Program Costs to be levied throughout the City at a rate not exceeding last year's rate of $36 per tax parcel.

Administration

- Commission and Committee Meetings – prepared for, attended and followed up on City Commission and Recreation Advisory Committee meetings.
- FY 12 Budget Preparation – Large amount of time spent working on and preparing Department budget: Administration, Buildings, Streets, Parks, Recreation, Wastewater, Reclaimed, Stormwater, CIP, Vehicle Replacement, and Non-Programmed Projects.
- Stormwater Utility - The Annual Assessment Resolution re-imposing annual stormwater service assessment associated with fixed program costs was approved and is moving forward. The goal is to have future variable stormwater service management costs more heavily weighted toward physical characteristics and demands of the various parcels, and provide a mitigation credit for stormwater service assessments imposed to recover variable costs. This supplemental funding program should be refined and finalized over the next several months.
- Upham Beach T-Groin Repair – The project schedule currently shows completion by August 15th.
- Wastewater True-Up – Finished negotiations and reached a settlement. The review of the FY2009 True-up highlighted a formula error. As a result we will be receiving a total of $180,423.95 from the City of St Petersburg. This erases the $110,941.52 they originally tried to invoice us, and they will be sent us a check in the amount of $69,482.43.
- One-Way Couplet Traffic Study – LPA Group has completed the traffic study and is ready for review with FDOT. Technical meeting has been scheduled for July with FDOT to go over the traffic model results.
- Wastewater Force Main Projects – Report has been received and reviewed and the subaqueous line and force mains are in good condition with no leaks or gas pockets. We will need to seek to cover the exposed pipe, investigate the obstruction in the valve box and resolve some other matters in the coming months.
- FDOT Pedestrian Improvement Project – FDOT has bid and selected a contractor to complete the pedestrian improvement project. No estimated start date has been given.
- Blind Pass Road Reconstruction – FDOT continued the design engineering throughout this quarter; answered questions and provided information as needed.
- Energy Efficiency Project – This project is ongoing. New HVAC units have been installed in City Hall. New thermostats have been installed in Recreation, Public Services, and City Hall. New light fixtures have been installed in the gym and City Hall, with new fixtures for the Police Department still to be completed. Occupancy sensors have yet to be installed. Retrofit of the existing control system at the library is underway. Project completion is estimated for August.
- Pavement Marking – Pavement marking has been completed for this fiscal year. Remaining roadways will be completed during next fiscal year.
- LAP Certification – Awaiting final staff training to complete the certification process. Once training is complete, we can submit the paperwork to begin the full certification process.
- Sidewalk and Curb CIP – L.S. Curb Service has completed numerous sidewalk and curb projects citywide. A few more projects have been identified and are under consideration.

- Hurricane Debris Monitoring – Met with consultants Neel-Schaffer and Ashbritt on pre-event coordination.
- Alley Rehabilitation – Completed a second round of alleyways. This fiscal year, 21 alleyways were completed.
- Horan Park Lighting and Electrical – This project has bid and is now under some re-design. We are still optimistic that work can be completed by October.
- Vina Del Mar Park Tennis Court and Dog Park Fencing – Fencing was completed and the tennis courts and dog park opened to the public.
- Lift Station #4 – Lift Station #4 is under design. 90% drawings have been delivered. This project is expected to be out for bid by August.
- FDOT Landscaping Grant – Drawings and variances are currently under review.
- Seawalls – Seawall projects are currently in design.

Public Properties Division

- Constructed new street end park at 79th Ave/Boca Ciega Drive, including cleanup and removal of invasive and other plants, grading, fencing, irrigation installation, tree and shrub planting, sod installation, shell path and parking area installation.
- Installed mobile book drop at Library.
- Installed buoys along beach.
- Installed new concrete pads and pilings for new AC units at City Hall.
- Assisted contractor in AC and lighting installation for energy efficiency grant.
- Installed flags on poles along Blind Pass Road and Gulf Blvd, removed after July 4th holiday.
- Implemented recycling on the beach by installing 35 recycle cans paired with normal trash cans. Will install nearly 40 more in the coming weeks. Waste Services contractor stated the program is working very well.
- Planted annuals, removed dead or hazardous trees and planted new ones.
- Prepared ball fields for adult softball and Little League games.
- Conducted routine playground safety inspections and made repairs.
- Ongoing maintenance of irrigation, turf, plants, trees, flags, lighting, play courts, ball fields, park amenities and equipment.
- Issued and inspected tree removal permits and fielded several calls from residents regarding a variety of horticulture issues.
- Ongoing maintenance of street signage, beach accesses, ROWs, potholes and alleys.
- Ongoing cleanup of parks, streets, and beaches, including graffiti removal and vandalism cleanup.
- Continued operation of new beach cleaner.
- Routine maintenance and repairs of all City buildings and facilities, including plumbing, electrical, lighting, air conditioning, outdoor lighting and flag maintenance.
- Provided assistance and support for special events including art shows, sidewalk sales, Beach Goes Pops, Easter Sunrise Service, Belle Vista Easter egg hunt, Tour of Homes by hanging banners and providing cones and barricades.
- Installed 4 memorial benches on beach and in parks.
- Ongoing sidewalk and curb repairs and sign replacement.

Utility Division

- 142 wastewater taps located this quarter (Sunshine One-Call).
- Lift Station checks were performed daily, the run times are logged and entered into our computer.
- Responded to 11 reports of wastewater blockages.

- Responded 48 times to various lift stations for an alarm during or after work hours.
- Purchased a new DVR recorder and a flat screen monitor for our CCTV equipment.
- Cleaned the crossover lines on Gulf Blvd and also all other areas of the City where heavy grease builds up in the lines.
- Several wastewater lines were cleaned and televised throughout the City.
- All lift stations were cleaned to remove the grease buildup.
- Lift Station # 4 - met with George F Young on several different site visits. This Lift Station is the next on our CIP list to get upgraded this year.
- Lift Station #6 - repaired the 4" discharge pipe inside of the wet well.
- Lift Station # 8 - repaired a broken 4" pipe inside of the wet well.
- We repaired numerous cleanouts that were damaged by the contractor while they were doing the alley rehabilitation.
- Pump Station #2 - On Easter Sunday Progress Energy had a faulty transformer which kept sending over & under voltage to the pump station. This caused damage to the pump that was running at the time. The pump was sent out for repairs & I believe we a submitting a claim with Progress Energy.
- Pinellas County is upgrading the potable water lines and adding fire hydrants throughout the Bella Vista Subdivision. This required us to locate all wastewater laterals & wastewater lines on 39th Ave, Belle Point Dr, Belle Vista Dr E, Clearview Way, and Holland Dr. We also had to locate & expose forcemain #8 for the contractor.
- Every even month we have to take the water meter from the jet truck to the Pinellas County Maintenance yard in Largo to be read for billing purposes.
- Attended several site visits with contractors that will be working within the City's ROW discussing utility conflicts.
- Attended one Utilities employee's annual evaluation.

Master Pump Station

- Both wet wells were cleaned and the grease buildup was removed.
- The generator had its yearly maintenance service.
- A new computer and software was purchased for the operation of the Master Pump Station.
- Rocha controls did a test from the Public Services Building to the Master Pump Station and established the connection between the two computers. We are putting up two antennas one will be at the Public Services Building and the other will be at the Master Pump Station.
- Cleaned and organized the ground floor and disposed of parts and materials no longer needed.

Reclaimed Water

- Made several inspections and repairs to reclaim water boxes throughout the City for residents.
- Responded to numerous reports of reclaimed or potable water leaks and took the appropriate action.
- Installed several reclaimed water hose bib adapters for residents.
- Located and exposed several RCW boxes. Residents are letting grass grow over the boxes.
- Installed new curb markers for stormwater and reclaimed water when we notice they are missing.

Stormwater

- Stormwater grates were cleaned after rain events.
- Dug out 1st & 2nd Ave storm water lines several times to ease street flooding.

- Several catch basins and stormwater lines were cleaned throughout the city to ease flooding.
- French drains were cleaned throughout the City.
- Televised several stormwater lines where we discovered barnacles built up in the pipes. It's our hope the new stormwater utility will provide the resources needed to start addressing.
- 64th Ave & Bay St - replaced a broken storm drain grate.
- E Maritana & Grenada - made a repair to a catch basin that was damaged during a car accident.
- Replaced all the old wooden storm screen structures along Maritana Dr. We replaced the old rotten wooden structures with new PVC.

Recreation Division

Marketing/Rentals

- Finalized design and ordered comment cards to distribute at various events
- Met with director of local Condo Alliance to bring their next meeting here. Marketing & Rental Leader speaking and giving out information packets to all in attendance
- Finished April-September "Program Guide," printed and inserted in 20,000 St. Pete Times Weekender Edition, April 14th
- Speaking engagement and information handed out at Don CeSar Homeowners Association
- Print ad for our summer camps ran in St. Pete Times/TBT "101 Things to Do This Summer" issue; online banner ads running currently on both websites
- Designed VIP punch cards and created posters, flyers, press releases and Facebook/Twitter posts to promote pool's 50% off membership drive
- Wrote letter of support for Clear Channel Outdoor so they can continue to offer non-profits free ad space on their digital billboards
- Our event updates being re-tweeted by important community organizations to aide in getting the word out
    - WhatsUpTampaBay, To Do St. Pete, Visit St. Pete/Clearwater, Family Events FL, Tradewinds Resorts, Pinellas County Development office, etc.
- Added the St. Pete Beach Video Tour Book to our Facebook page
- Created October Concert in the Park Series sponsorship packets with new tiers and benefits to begin soliciting sponsors
- Commissioned graphic designer to create brand new full-color concert series logo for further branding of the series
- Full-page color ad featuring all summer activities in The Gabber
- Secured Fox 13's Good Day Tampa Bay for a live on-site news broadcast to promote our summer camp; composed full time-line and schedule of filming, did on-air interview
- Purchased and designed full-color ads promoting pool's summer activities and 50% off membership drive in the entire Tampa Bay Newspapers line of papers (Beach beacon, Seminole Beacon, Bellaire Bee, Clearwater Beacon, Largo Leader) and Paradise News
- Coordinated Cool Juice promotional visit to distribute products and host small "launch party" with our summer camp
- 15 Boca Ciega rentals, 19 Warren Webster rentals, 54 Park rentals for the quarter

Community Center

- Spring Break Camp - Monday – Friday, March 28th-April 1st, 7:30am-5:30pm
- TWEEN Night - Friday, April 1st, 7:00pm-10:00pm
- Summer Camp - Staff began taking Summer Camp registrations
- Senior Excursion - Hard Rock Casino scheduled for April 8th

- Movie in the Park - Special event on April 8th. Volunteers from FoSPB will be on site helping staff serve refreshments
- Interviews for Summer Camp
- Elections – Tuesday, Warren Webster and Gymnasium
- Recreation Advisory Committee Meeting
- Senior Excursion to Ybor City – Friday, 9:00am-4:00pm
- Senior Excursion to Downtown St Pete, Friday, April 29th, 9:00a.m.-4:00p.m.
- Yard Sale Sign Up – Monday, May 2nd - $15.00 residents - all spaces; $17.50 non-residents
- TWEEN Night – Friday, May 6th, 7:00pm-10:00pm
- Men's Softball spring seasons both came to a close. Summer leagues will start up the week of May 23rd.
- All office staff going to get fingerprinted and complete background checks
- Met with staff from Madeira Beach regarding summer camp games and joint activities
- Tuesday, May 17, 2011 - Meeting with FoSPB to finalize Music in the Afternoon event
- Tuesday – Friday - No Use of the Gymnasium due to New Lighting construction – No: Pickle ball, Men's Basketball, Open Gym, Afterschool Program
- Sunday, May 22 - Music in the Afternoon event with FoSPB
- Fabulous Final Friday, Friday, May 27th, 6:00pm-9:00pm, Gym
- Tuesday, May 31st - Summer Camp staff meeting - 6:00pm
- Pasadena Fundamental Graduation held in gymnasium with 200+ guests in attendance
- Staff mulched all flower beds at the center assisting Public Properties crew with necessary improvements to the grounds.
- Summer Camp Pre Camp – going on this week
- Field trip to Treasure Island Fun Center
- Yard Sale on Saturday, June 18th was a success with approximately 600 shoppers throughout the day
- Summer Camp Week 1 starts with over 75 kids registered
- Field trip for the week is Seminole Lanes
- Special Event for the week is Water Day

Aquatic Center

- Spring Break Week – Extended Pool Hours 7am-6pm, Monday-Friday
- Lifeguard Classes offered:
    - March 28th - April 1st, April 2nd - April 21st, May 2nd – May 16th
- Spring Swim Lessons offered:
    - April 18th - June 9th (Four Sessions offered)
- Summer Swim Lessons offered:
    - June 13th - August 18th (Five Sessions offered)
- Water Safety Instructor Class offered:
    - April 8th - May 6th
- Scuba Camp offered:
    - June 20th - June 24th
- Kiwanis Every Child a Swimmer offered:
    - May 9th - May 26th, Monday-Thursday from 5pm-6:30pm. 30 participants
- Underwater Egg Hunt was held on Saturday, April 18th from 10am-11am. The Pool was free from Noon-3pm. Over 600 participants
- Promotion on 1 Year Family Membership 50% off : Promotion ran from April 1st - April 31st. 15 Family Membership were sold at this time
- Spring Pool Hours – May 1st - June 12th 7am-6pm, Now open Saturdays and Sundays
- Keswick Sports program came to the pool May 4th from 10am-3pm with 46 students
- Water Exercise Class meets on Tuesday/Wednesday/Thursday from 10am-10:45am with continued high attendance

- The Pool was open Memorial Day: Monday, May 30th from Noon-3pm with 90 admissions
- Shore Crest School had its annual end of the year party on June 1st with 90 participants
- North Side Christian Camp used the pool on June 2nd and 3rd with 45 campers
- Pasadena Elementary School had its end of the year party at the pool on June 8 with over 100 participants
- Summer Pool Hours – June 13th - August 21st with at twilight swim on Monday and Wednesday Night from 7pm-8:30pm
- Camps: St Pete Beach Camp, Madeira Beach Camp, Treasure Island Camp, Gulfport Camp using the pool weekly throughout the summer
- Girls Inc. of Pinellas camp come to the pool twice a week throughout the summer
- Camp Lessons: Gulfport Camp, June 27th - July 8th
- Events and Adventure Rented the pool on June 7th with 20 participants
- Dive-In Movies offered:
    - June 10th: Finding Nemo with 204 participants
    - June 17th: Toy Story with 166 participants
- First-ever Friday Night Fever offered for grades 5th and up
    - June 22nd: Never Say Never with 70 participants
- 37 pool rentals for the quarter

ST. PETE BEACH POLICE DEPARTMENT
200 76th AVENUE
ST. PETE BEACH, FL 33706
CHIEF DAVID ROMINE

TO: Mike Bonfield; City Manager

FROM: David Romine; Chief of Police

SUBJECT: 3rd Quarter Report – FY 2011

DATE: Friday, July 15, 2011

This third quarterly report for FY 2011 covers select Police Department activities for the months of April, May and June 2011.

** NOTATION: CAD Calls for service and analysis for June are not available for this report. The new system is being modified to be able to extrapolate this information. This information will be included in the next Quarterly Report.

April

April 4-8th:
Captain Dean Horianopoulos attended a one week homicide school. This was for enhancement of Captain Horianopoulos' responsibilities related to his supervision of the investigative unit.

April 5th:
The Chief of Police and staff meet with the City Manager to review the proposed budget.

April 10th-14th:
The Chief responded to Tallahassee as part of a legislative delegation for the Florida Police Chiefs Association. The Chief, as part of the delegation, addressed various legislative issues being proposed.

13th: April:
Captain Dean Horianopoulos participated in the graduation ceremony of the Policy Academy held at the South Eastern Public Safety Institute.

April 14th:

The Chief, Captain Horianopoulos, Administrative Assistant Kati Bradley and Records Supervisor Mollie Taaffe attended the Tampa Bay Area Chief's Association Administrative Assistant Appreciation Day.

April 15th: Captain Dean Horianopoulos participated in 2011 Gulf Beaches Relay for Life in Treasure Island as a member of the City of St. Pete Beach's team.

April 20th:
Administrative Assistant Kati Bradley's resignation became effective this date. Kati has decided to move back to her hometown of Baltimore, Maryland to be closer to her family.

April 22nd:
The deadline for applications for the Police Department Administrative Assistant's position closed on this date. 240+ applications were received.

April 29th and 30th:
The Police Department assisted with the facilitation of the Annual Beach Goes Pop Festival in Pass a Grille.

<u>May</u>

May 4th:
Chief Romine attended training put on by the FBI, related to Police Officers killed in the line of duty.

May 5th:
Chief Romine met with and discussed IT needs with other city senior staff.

May 9th-26th:
Chief Romine (as President of the Gulf Beach Kiwanis Club and Chairman of the Every Child a Swimmer Program) participated in and facilitated the Every Child a Swimmer Program. This program was conducted at the city pool and in partnership with the City of St. Pete Beach.

May 9th:
Chief Romine attended and participated in pension discussions with city senior staff and the Fraternal Order of Police.

May 10th:
Chief Romine was the luncheon and key note speaker for the National Center for Science, Technology and the Law, Stetson Law School. Dr. Carol Henderson (a resident at St. Pete Beach) requested that Chief Romine speak before this association.

May 11th:
Chief Romine along with senior police staff and elected officials attended the very moving and emotional Police memorial service held annually in Pinellas County.

May 16th:
Chief Romine gave the welcoming address to the new Police Academy class at St. Pete College.

May 17th, 18th, 19th:
Police Department Staff and Human Resources Administrator Gary Behnke conducted Administrative Assistant applicant interviews.

May19th:
St. Pete Beach Department hosted the Regional Florida Department of Law Enforcement Intelligence working group meeting at the City Rec. Center.

May 21st:
Chief Romine assisted and participated in the Make a Wish Beach Walk.

June

June 1st:
Captain Dean Horianopoulos assisted Gulfport PD in their Sergeants promotional process. Captain Horianopoulos was an assessor for their oral board interview phase.

June 6th:
As per policy and practice a five year rotation in the Detective Division resulted in Detective Scott Collins being rotated out of CID and Detective Dennis Curtin rotated in to that assignment.

Officer Dennis Curtin was laterally transferred into the investigative division replacing Detective Scott Collins, who was promoted to Sergeant. Congratulations to Detective Curtin and Sergeant Collins.

June 13th:
Mrs. Marie Hegland started employment at the City of St. Pete Beach as the Police Department Administrative Assistant. Marie comes to us with a plethora of experience, training and skills. She is a welcome addition to our staff.

June 15th:
Chief Romine and Public Services Director Steve Hallock met with representatives of Progress Energy to discuss options related to the E.O.C. emergency generator.

June 16th:
Chief Romine participated in a review of the incident that occurred in St. Petersburg Police Department jurisdiction that resulted in the death of two SPPD Officers. This review was at the request of Chief Chuck Harmon of the St. Petersburg Police Department and occurred at St. Petersburg College.

June 22nd:
Captain Dean Horianopoulos attended the training advisory board for the South Eastern Public Safety Institute.

June 27th, 28th, 29th:
Chief Romine attended the Florida Police Chiefs Association Summer Conference in Orlando.

As always, I am available to answer any questions.

Sincerely,

David Romine
Chief of Police

cc: Captain Horianopoulos
Police Department Sergeants

ST. PETE BEACH POLICE DEPARTMENT

To: **Mike Bonfield**

From: **Chief David Romine**

Date: **July 15th**

Sub: **3rd Quarterly Report - FY 2011**

CALLS FOR SERVICE

Quarter 1 2010	Quarter 1 2011	Quarter 2 2010	Quarter 2 2011	Quarter 3 2010	Quarter 3 2011	Quarter 4 2010	Quarter 4 2011	YTD 2010	YTD 2011
3,663	3,810	3,547	3,313	4,455	3,537	4,373		3,663	3,810

POLICE WRITTEN REPORTS

Quarter 1 2010	Quarter 1 2011	Quarter 2 2010	Quarter 2 2011	Quarter 3 2010	Quarter 3 2011	Quarter 4 2010	Quarter 4 2011	YTD 2010	YTD 2011
1,624	1,401	1,496	1,565	2,105	1,242	1,668		1,624	1,401

TRAFFIC ENFORCEMENT

TRAFFIC CRASHES

Quarter 1 2010	Quarter 1 2011	Quarter 2 2010	Quarter 2 2011	Quarter 3 2010	Quarter 3 2011	Quarter 4 2010	Quarter 4 2011	YTD 2010	YTD 2011
75	60	70	87	107	78	83		75	60

SPEEDING CITATIONS

Quarter 1 2010	Quarter 1 2011	Quarter 2 2010	Quarter 2 2011	Quarter 3 2010	Quarter 3 2011	Quarter 4 2010	Quarter 4 2011	YTD 2010	YTD 2011
177	77	54	71	105	41	78		177	77

TRAFFIC CITATIONS (ALL)

Quarter 1 2010	Quarter 1 2011	Quarter 2 2010	Quarter 2 2011	Quarter 3 2010	Quarter 3 2011	Quarter 4 2010	Quarter 4 2011	YTD 2010	YTD 2011
531	357	410	442	815	703	362		531	357

*****Remember, subtract DUI Arrests from Misdemeanor Arrests***

ST. PETE BEACH POLICE DEPARTMENT

ARRESTS

FELONY ARRESTS

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
32	30	14	28	40	33	41		32	30

FELONY WARRANT ARRESTS

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
4	2	4	1	5	8	5		4	2

MISDEMEANOR ARRESTS

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
58	57	55	62	87	72	71		58	57

MISDEMEANOR WARRANT ARRESTS

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
12	10	14	9	12	6	8		12	10

D.U.I. ARRESTS

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
26	23	16	21	26	12	15		26	23

LOCAL ORDINANCE VIOLATIONS

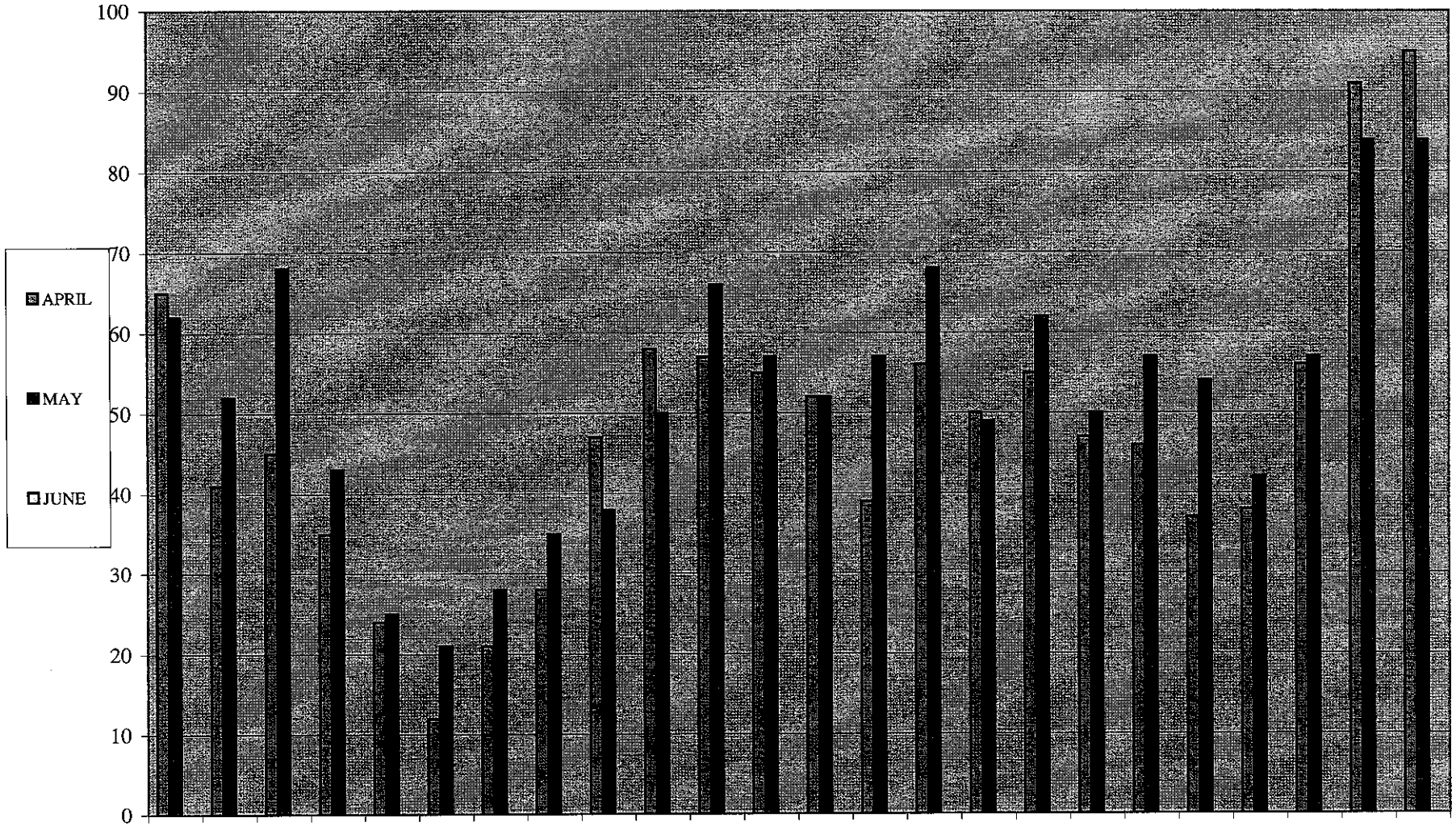
Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
11	12	25	13	128	45	31		11	12

TOTAL ARRESTS *(Including LOVs)*

Quarter 1 *2010*	Quarter 1 *2011*	Quarter 2 *2010*	Quarter 2 *2011*	Quarter 3 *2010*	Quarter 3 *2011*	Quarter 4 *2010*	Quarter 4 *2011*	YTD *2010*	YTD *2011*
143	134	128	134	298	178	171		143	134

ST. PETE BEACH POLICE DEPARTMENT

Calls for Service by Hour of Day for 3rd Quarter 2011



ST. PETE BEACH POLICE DEPARTMENT 3RD QUARTER TOTAL CALLS FOR SERVICE

APRIL	MAY	JUNE
65	62	
41	52	
45	68	
35	43	
24	25	
12	21	
21	28	
28	35	
47	38	
58	50	
57	66	
55	57	
52	52	
39	57	
56	68	
50	49	
55	62	
47	50	
46	57	
37	54	
38	42	
56	57	
91	84	
95	84	
1150	**1261**	**0**

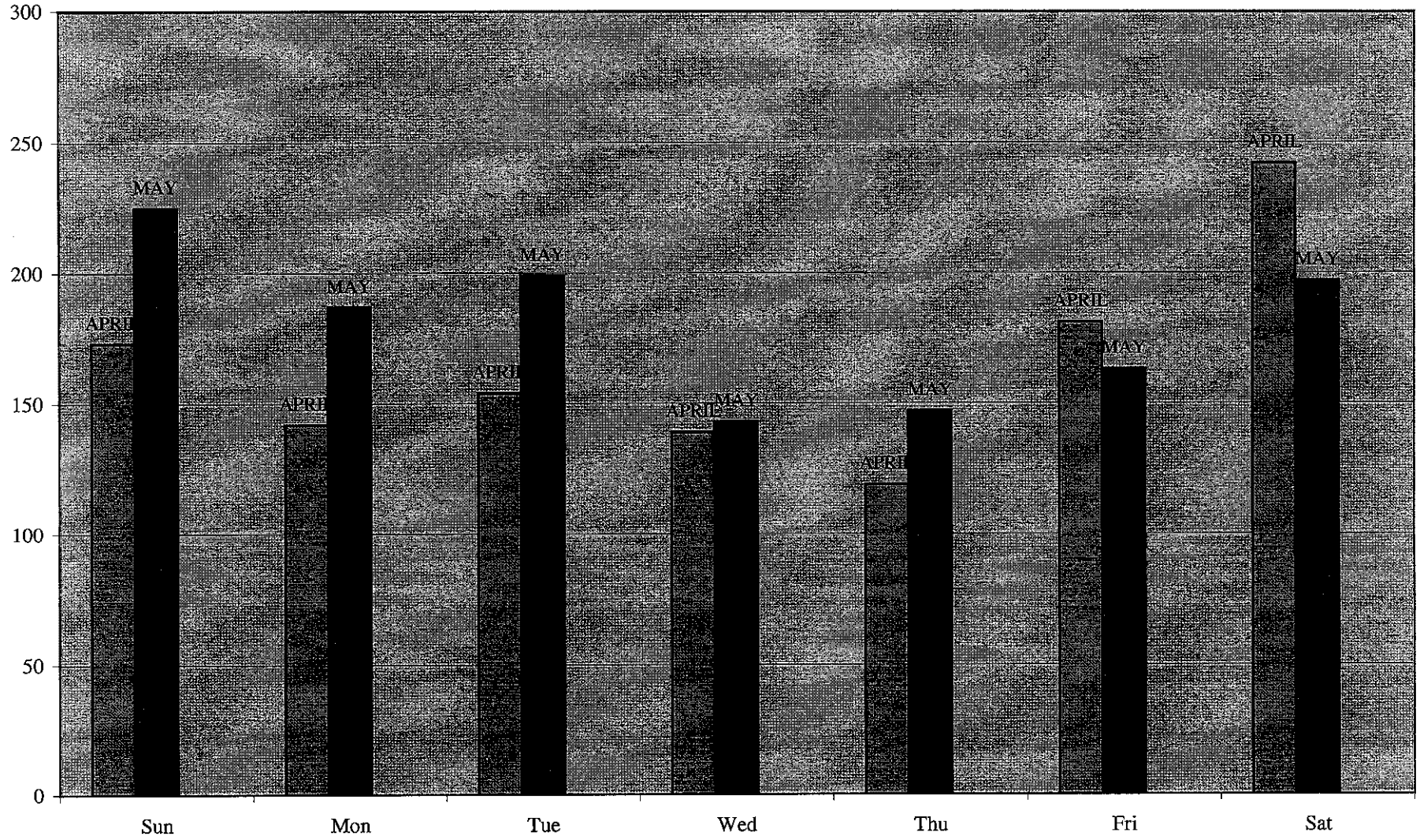
ATTACHMENT 2

ST. PETE BEACH POLICE DEPARTMENT 3RD QUARTER TOTAL CALLS FOR SERVICE

ATTACHMENT 2

ST. PETE BEACH POLICE DEPARTMENT

Calls for Service by Day of Week for 3rd Quarter 2011



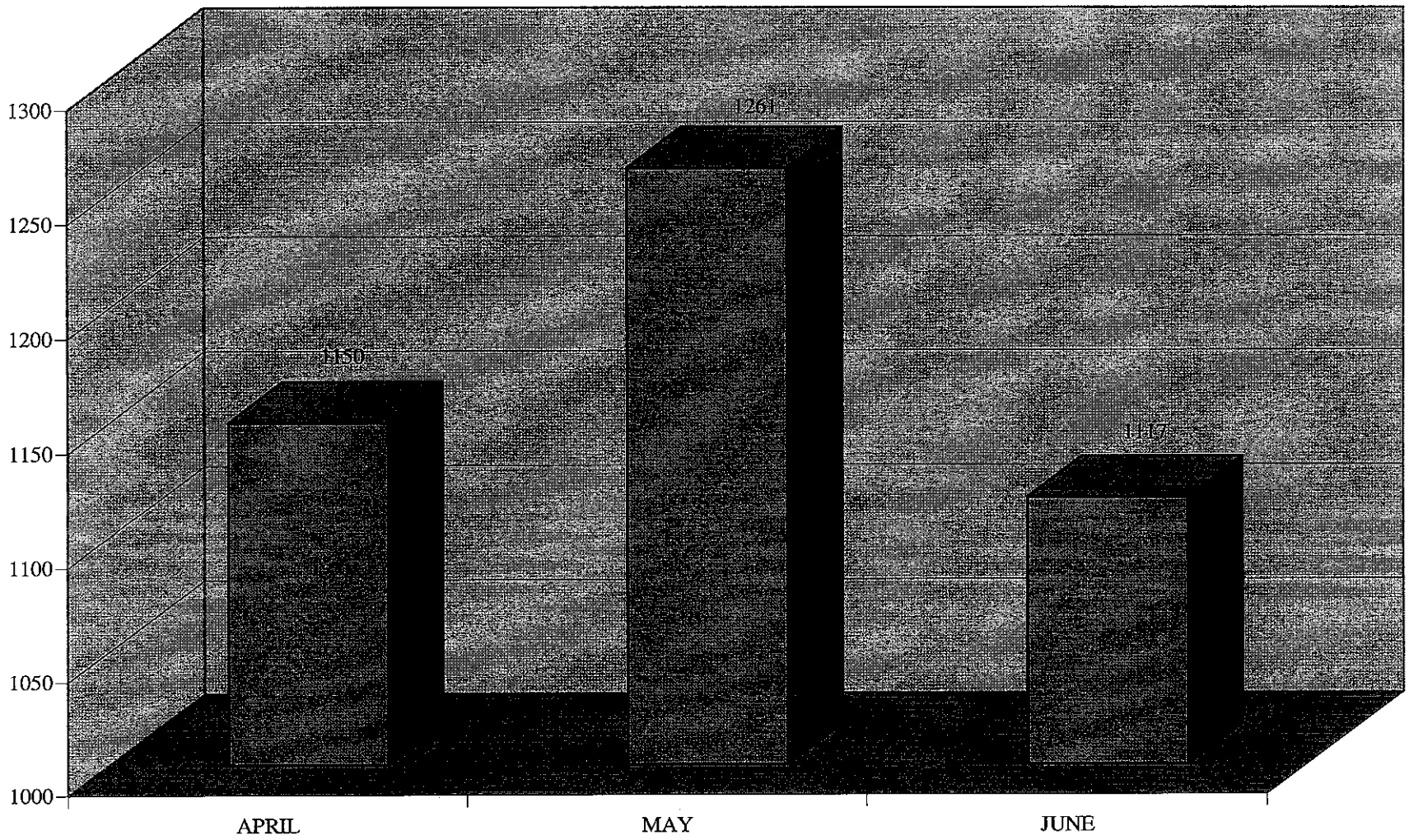
ST. PETE BEACH POLICE DEPARTMENT

Calls for Service by Day of Week
3rd Quarter 2011

	APRIL	MAY	JUNE
Sun	173	225	
Mon	142	187	
Tue	154	199	
Wed	139	143	
Thu	119	147	
Fri	181	163	
Sat	242	197	
	1150	**1261**	**0**

ATTACHMENT 2

ST. PETE BEACH POLICE DEPARTMENT
Total Calls for Service for 3rd Quarter 2011



ST. PETE BEACH POLICE DEPARTMENT

Total Calls For Service - 3rd Quarter 2011

	APRIL								MAY								JUNE							
Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	TOTAL	Sun	Mon	Tue	Wed	Thu	Fri	Sat	TOTAL	Sun	Mon	Tue	Wed	Thu	Fri	Sat	TOTAL
0000	8	8	9	9	8	13	10	65	10	15	10	5	8	5	9	62								0
0100	8	4	4	8	2	8	7	41	9	10	8	6	5	7	7	52								0
0200	7	7	7	8	3	3	10	45	12	3	10	19	7	7	10	68								0
0300	6	5	5	2	2	2	13	35	11	6	0	5	4	10	7	43								0
0400	2	4	2	3	2	3	8	24	5	2	5	3	4	3	3	25								0
0500	0	1	2	2	5	1	1	12	3	4	4	4	1	4	1	21								0
0600	1	3	6	3	2	3	3	21	2	4	9	1	5	5	2	28								0
0700	5	4	5	2	0	5	7	28	6	6	8	2	11	1	1	35								0
0800	5	7	12	7	4	3	9	47	11	6	3	1	7	1	9	38								0
0900	13	8	12	6	4	4	11	58	10	7	12	6	6	4	5	50								0
1000	8	15	8	7	2	9	8	57	18	11	9	5	8	9	6	66								0
1100	6	9	10	9	6	5	10	55	9	7	6	12	5	6	12	57								0
1200	10	7	7	4	5	7	12	52	8	9	20	3	2	2	8	52								0
1300	8	2	3	3	4	7	12	39	13	8	7	10	7	4	8	57								0
1400	8	6	6	5	7	9	15	56	13	16	7	13	6	1	12	68								0
1500	13	2	8	7	5	10	5	50	15	7	6	8	2	5	6	49								0
0011	11	4	5	5	8	9	13	55	9	9	5	5	8	13	13	62								0
1700	9	2	4	7	1	6	18	47	10	6	5	4	5	9	11	50								0
1800	7	2	2	4	8	7	16	46	8	6	13	3	6	13	8	57								0
1900	2	5	1	8	4	8	9	37	8	7	6	8	6	12	7	54								0
2000	5	4	3	4	4	10	8	38	5	4	8	3	3	9	10	42								0
2100	6	13	8	10	4	7	8	56	7	9	17	8	4	5	7	57								0
2200	10	8	13	12	12	17	19	91	12	15	14	4	11	12	16	84								0
2300	15	12	12	4	17	25	10	95	11	10	7	5	16	16	19	84								0
TOTAL	173	142	154	139	119	181	242	1150	225	187	199	143	147	163	197	1261	0	0	0	0	0	0	0	0

APRIL	1150
MAY	1261
JUNE	1117

Cad Calls for Service Analysis

St. Pete Beach Police Department — Date: 7/15/2011

200 76th ave

St. Pete Beach FL 33706 — Report From: 04/01/2011 00:00 — To: 05/31/2011 23:59

Hour	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
0	18	23	19	14	16	18	19
1	17	14	12	14	7	15	14
2	19	10	17	27	10	10	20
3	17	11	5	7	6	12	20
4	7	6	7	6	6	6	11
5	3	5	6	6	6	5	2
6	3	7	15	4	7	8	5
7	11	10	13	4	11	6	8
8	16	13	15	8	11	4	18
9	23	15	24	12	10	8	16
10	26	26	17	12	10	18	14
11	15	16	16	21	11	11	22
12	18	16	27	7	7	9	20
13	21	10	10	13	11	11	20
14	21	22	13	18	13	10	27
15	28	9	14	15	7	15	11
16	20	13	10	10	16	22	26
17	19	8	9	11	6	15	29
18	15	8	15	7	14	20	24
19	10	12	7	16	10	20	16
20	10	8	11	7	7	19	18
21	13	22	25	18	8	12	15
22	22	23	27	16	23	29	35
23	26	22	19	9	33	41	29

Cad Calls for Service Analysis

St. Pete Beach Police Department — Date: 7/15/2011

200 76th ave

St. Pete Beach FL 33706 — Report From: 04/01/2011 00:00 — To: 05/31/2011 23:59

Hour	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
0	18	23	19	14	16	18	19
1	17	14	12	14	7	15	14
2	19	10	17	27	10	10	20
3	17	11	5	7	6	12	20
4	7	6	7	6	6	6	11
5	3	5	6	6	6	5	2
6	3	7	15	4	7	8	5
7	11	10	13	4	11	6	8
8	16	13	15	8	11	4	18
9	23	15	24	12	10	8	16
10	26	26	17	12	10	18	14
11	15	16	16	21	11	11	22
12	18	16	27	7	7	9	20
13	21	10	10	13	11	11	20
14	21	22	13	18	13	10	27
15	28	9	14	15	7	15	11
16	20	13	10	10	16	22	26
17	19	8	9	11	6	15	29
18	15	8	15	7	14	20	24
19	10	12	7	16	10	20	16
20	10	8	11	7	7	19	18
21	13	22	25	18	8	12	15
22	22	23	27	16	23	29	35
23	26	22	19	9	33	41	29

Cad Calls for Service Analysis

St. Pete Beach Police Department
200 76th ave
St. Pete Beach FL 33706

Report From: 04/01/2011 00:00 To: 04/30/2011 23:59

Date: 7/15/2011

Hour	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
0	8	8	9	9	8	13	10
1	8	4	4	8	2	8	7
2	7	7	7	8	3	3	10
3	6	5	5	2	2	2	13
4	2	4	2	3	2	3	8
5	0	1	2	2	5	1	1
6	1	3	6	3	2	3	3
7	5	4	5	2	0	5	7
8	5	7	12	7	4	3	9
9	13	8	12	6	4	4	11
10	8	15	8	7	2	9	8
11	6	9	10	9	6	5	10
12	10	7	7	4	5	7	12
13	8	2	3	3	4	7	12
14	8	6	6	5	7	9	15
15	13	2	8	7	5	10	5
16	11	4	5	5	8	9	13
17	9	2	4	7	1	6	18
18	7	2	2	4	8	7	16
19	2	5	1	8	4	8	9
20	5	4	3	4	4	10	8
21	6	13	8	10	4	7	8
22	10	8	13	12	12	17	19
23	15	12	12	4	17	25	10

Cad Calls for Service Analysis

St. Pete Beach Police Department
200 76th ave
St. Pete Beach FL 33706

Date: 7/15/2011
Report From: 05/01/2011 00:00 To: 05/31/2011 23:59

Hour	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
0	10	15	10	5	8	5	9
1	9	10	8	6	5	7	7
2	12	3	10	19	7	7	10
3	11	6	0	5	4	10	7
4	5	2	5	3	4	3	3
5	3	4	4	4	1	4	1
6	2	4	9	1	5	5	2
7	6	6	8	2	11	1	1
8	11	6	3	1	7	1	9
9	10	7	12	6	6	4	5
10	18	11	9	5	8	9	6
11	9	7	6	12	5	6	12
12	8	9	20	3	2	2	8
13	13	8	7	10	7	4	8
14	13	16	7	13	6	1	12
15	15	7	6	8	2	5	6
16	9	9	5	5	8	13	13
17	10	6	5	4	5	9	11
18	8	6	13	3	6	13	8
19	8	7	6	8	6	12	7
20	5	4	8	3	3	9	10
21	7	9	17	8	4	5	7
22	12	15	14	4	11	12	16
23	11	10	7	5	16	16	19

CAD Call Analysis

St. Pete Beach Police Department
200 76th ave
St. Pete Beach FL 33706

Date: 7/15/2011

Report From: 04/01/2011 00:00 To: 05/31/2011 23:59

Call Type	Number of Calls	Calls Generating Case Reports
911 Cell Phone	10	9
911 Hang Up	61	58
Abandoned Vehicle	3	3
Administrative Task	10	0
Alarm	53	53
Animal Complaint	18	13
Area Check	58	2
Arrest	1	1
Assault	3	3
Assault in Progress	1	0
Assist Citizen	67	49
Assist Other Agency	63	44
B.A.	2	1
Bar Check	19	2
Battery	37	33
Battery in Progress	3	3
Beach patrol	66	0
Boating Complaint	8	6
Buisness Check	5	0
Burglary	28	27
Burglary in Progress	2	2
Civil Matter	5	3
Coffee Break	4	0
Contact Message	1	0
Criminal Mischief	19	18
Death	2	2
Defrauding Innkeeper	7	7
Disabled Vehicle	13	2
Disturbance	28	24
Domestic - Verbal	28	27

Call Type	Number of Calls	Calls Generating Case Reports
Domestic Battery	7	7
Drowning	1	1
DUI Driver Being Followed	2	2
Eviction	3	3
Fight	14	14
Follow up	58	2
Foot Patrol	52	1
Forgery	1	1
Found Property	18	14
Fraud	10	10
Harrassing Phone Calls	6	6
Harressment	4	4
Hazard	4	3
Indecent Exposure	2	2
Intoxicated Subject	34	30
Juvenile Complaint	14	14
Landlord/Tenant	8	5
Lost Child / Person	4	3
Lost Property	23	20
Marchman Act	1	1
Meal Break	27	0
Missing Adult	2	1
Missing Person / Runaway	8	6
Narcotics Violation	9	9
Neighborhood Check	192	0
Neighborhood Dispute	3	3
Noise Complaint	79	75
Open Door	5	4
Ordinance Check / Violation	43	40
Other Police Call	6	3
Other Police Task	2	0

Call Type	Number of Calls	Calls Generating Case Reports
Out at Court	5	0
Out of City	18	0
Out of Vehicle	148	5
Out with Subject	75	11
Out With Vehicle	9	0
Overdose	2	2
Parking Problem / Violation	37	28
Police Information	8	7
Property Damage	12	10
Prowler	2	2
Reckless / Careless Driving	7	7
Reckless/ Aggressive Vehicle	8	8
Robbery	2	2
Screaming	1	1
Special Detail	46	1
suicide	4	4
Suspicious Circumstances	27	25
Suspicious Person	35	33
Suspicious Vehicle	23	20
Theft	76	74
Theft in Progress	1	1
Traffic Crash	88	80
Traffic Detail - Directed Patrol	14	0
Traffic Stop	327	10
Training	2	0
Transporting Prisoner / Civilian	28	0
Trespass	26	25
Trouble with Individual	93	83
Unwanted Patron	1	1
Vacation House Check	7	0

Call Type	Number of Calls	Calls Generating Case Reports
Warrant	3	3
Welfare Check	18	17
Totals	2420	1136