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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, July 10, 2012

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

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** - Presentations shall be limited to 5 minutes for non-city government related items.
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
- 4. Consent**
 - a. Authorize the City Manager to enter into a purchasing agreement with Ram Marine Services, Inc., for seawall repairs in the amount of \$75,211.**
 - b. Authorize the City Manager to sign a task order with George F. Young in the amount of \$12,050 to provide**

permitting and survey services for covering the exposed portions of the subaqueous wastewater force main.

- c. Authorize the City Manager to enter into a purchasing agreement with Bill Riley Painting for \$22,200 for caulking and painting the exterior of City Hall.**

5. Action Items

- a. Sirata Beach Resort request to construct a sundeck seaward of both the rear-yard setback line and the City Coastal Construction Excavation Setback Line.**

6. Ordinances

- a. Ordinance 2012-10, First Reading and Public Hearing, amendment to the City Charter repealing Section 4.06 which provides that the St. Pete Beach Police Department shall be established as a charter department and providing for ballot language for the November 6, 2012 election.**
- b. Ordinance 2012-11, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of section 82-260 of Division 1 of Article III of Chapter 82 of the code of ordinances, pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.**
- c. Ordinance 2012-12, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach Florida providing for an amendment of the Appendix A Fee Schedule as referenced in section 82-260 of the code of ordinances, as set forth in attachment A to this ordinance pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; and providing for an effective date.**
- d. Ordinance #2011-33, Second Reading and Public Hearing, An Ordinance of the City of St. Pete Beach, Pinellas County, Florida, Providing for an amendment to the Future Land Use Map of the Comprehensive Plan for the property located at 1307 Gulf Way, further illustrated on the map in "EXHIBIT A", changing the**

designation from Residential High with the Resort Facilities Overlay to Residential Low Medium; providing for the repeal of Ordinances or parts of Ordinances in conflict herewith, to the extent of such conflict; providing for severability and providing an effective date.

- e. Ordinance #2011-34, Second Reading and Public Hearing, An Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Official Zoning Map for the property located at 1307 Gulf Way, as illustrated on the map in "EXHIBIT A" from THD to RLM-2; providing for the repeal of Ordinances or parts of Ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date.**

7. Resolutions

- a. Resolution 2012-07, a resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for "TRIM" purposes**

8. Items for Discussion – None for this agenda

9. City Manager, City Attorney and City Commission Reports

10. Adjournment

APPEAL

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

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.

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

Issue Considered: Authorize the City Manager to enter into a purchasing agreement with Ram Marine Services, Inc., for seawall repairs in the amount of \$75,211.

Date: 07/10/2012

Prepared By: Renee Cooper, CIP Construction Manager

Through: Steven J. Hallock, Public Services Director

Summary of Issue: Previously staff had identified three seawall projects to be completed for FY2012. These include a cap replacement at McKenney Park, new seawall at 85th/86th and Boca Ciega Dr, and Rip Rap Erosion Control at 84th/85th and Boca Ciega Dr. The seawall at 85th/86th and Boca Ciega Dr is new seawall construction in order to close off what was once an old boat ramp on City Property. This required FDEP/Pinellas County permit review. The City has also entered into a temporary construction easement with the resident at 8625 Boca Ciega Dr in order to complete this project.

\$75,000 is budgeted in FY2012 for seawalls under the CIP and three bids for repairs were received on May 2nd. Bids for all three projects came in over the FY2012 budget, so we are delaying the 84th/85th and Boca Ciega Dr project until next fiscal year.

Requested Motion: "I authorize the City Manager to enter into a purchasing agreement with Ram Marine Services, Inc., for seawall repairs in the amount of \$75,211."

Attachments: Purchase Agreement
Bid Tabulation

**Reviewed by
City Manager:**

MB

CITY OF ST. PETE BEACH, FLORIDA
PURCHASING AGREEMENT
Vermont Ave. and McKenney Park Seawalls

THIS AGREEMENT is hereby executed this 10 day of July, 2012, between the CITY OF ST. PETE BEACH, FLORIDA (hereinafter "CITY") and Ram Marine Services, Inc. (hereinafter "VENDOR"), as follows:

WHEREAS, City is desirous of purchasing from Vendor the goods or services described in this agreement; and

WHEREAS, Vendor is in the business of providing the goods or services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this agreement has been properly approved by the appropriate authority of the City and the Vendor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following:

1. City hereby agrees to purchase, and Vendor hereby agrees to sell or provide, the goods or services described in the proposal attached hereto and incorporated herein.

2. Vendor shall deliver the goods, or provide the services, described herein as substantially complete no later than September 30, 2012.

3. Time is of the essence in the performance of this contract. City shall be entitled to liquidated damages in the amount of \$500 per day, for each day subsequent to the date set forth in paragraph 2 hereof that Vendor has failed to properly and completely deliver all of the goods or provide all of the services herein specified. Vendor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

4. Upon Vendor's satisfactory delivery of the goods, or full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Vendor the sum of \$75,211, as full consideration for the goods or services provided hereunder.

5. Vendor fully warrants the title to any goods provided hereunder, and agrees to defend the same against all claims whatsoever. At the time of delivery, Vendor shall furnish to the City a bill of sale absolute, with full warranties, or other evidence of title transfer satisfactory to the City, for the goods specified herein.

6. Vendor expressly warrants that all goods delivered hereunder are of merchantable quality and fit for the purpose for which the City has purchased the same. Vendor further warrants that any defects in the goods shall be properly repaired by Vendor for a period of 18 months from final delivery, including all parts and labor associated with said repairs.

7. City reserves the right to reject any defective goods, notwithstanding City's payment of the purchase price provided herein.

8. Vendor fully warrants that all services provided hereunder have been provided in a

good and workmanlike manner. Vendor guarantees said services for a period of 18 months from the date of final performance. Vendor shall provide all labor and materials necessary to repair any defective workmanship reported to Vendor within said guarantee period.

9. To the extent that this agreement requires Vendor to provide any services of any kind, Vendor and all of Vendor's subcontractors shall maintain public liability insurance in a single combined limit for bodily injury and property damage in the amount of not less than \$1,000,000.00, satisfactory to the City Manager of City, naming the City as additional insured and providing coverage up through and including the final performance of any services provided hereunder. Vendor and all of Vendor's subcontractors shall maintain in full force and effect a policy of worker's compensation insurance for all of Vendor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$100,000.00 per accident or occurrence. Vendor shall present City with a certificate for all of the foregoing insurance, at the time of executing this agreement and at such other times requested by the City.

10. In consideration of the payment of ten dollars as part of the above purchase price, Vendor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this agreement, whether caused in part by the City or not.

11. This Agreement shall be binding upon the parties, their successors, assigns, and legal representatives. Vendor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

12. This document embodies the entire agreement of the parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all parties. This agreement shall be construed according to the laws of Florida, and venue for any action arising herefrom shall be in Pinellas County, Florida.

13. The prevailing party in any action to enforce or interpret this agreement shall be entitled to reasonable attorneys fees incurred through all appellate proceedings.

14. Vendor hereby acknowledges that the person executing this agreement on behalf of Vendor has the full authority to do so and to bind Vendor to the terms hereof.

15. Any notices provided hereunder shall be sent to the parties at the following addresses and shall be considered properly delivered when placed in the U.S. mail, postage prepaid, certified return receipt requested:

As to Vendor:

Ram Marine Services, Inc.
494 Riverview Dr.
Nokomis, FL 34275

As to City:

City Manager
City of St. Pete Beach, Florida
155 Corey Avenue
St. Pete Beach, Florida 33706

16. To the extent that any terms in the attached proposal conflict with the terms of this agreement, the terms of this agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

17. The following sections, paragraphs or provisions of the attached proposal are hereby deleted from this agreement and shall be of no force or effect:

N/A

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Ram Marine Services, Inc.
Vendor

BY



David Lowell, PRESIDENT
NAME, TITLE (typed or printed)

CITY OF ST. PETE BEACH, FLORIDA

BY

CITY MANAGER

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CITY CLERK

10/1/2004



Seawall Bid Tabulation

05/02/2012

Location	Ram Marine	Bayshore Const.	Marine Contracting
Vermont Ave. (85th/86th and Boca Ciega Dr.)	\$31,172.00	\$32,765.00	\$39,700.00
Massachusetts Ave. (84th/85th and Boca Ciega Dr.)	\$7,848.00	\$8,924.00	\$8,950.00
McKenney Park	\$44,039.00	\$81,381.00	\$91,200.00

Total Repair Cost	\$83,059.00	\$123,070.00	\$139,850.00
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**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorize the City Manager to sign a task order with George F. Young in the amount of \$12,050 to provide permitting and survey services for covering the exposed portions of the subaqueous wastewater force main.

Date: 7/10/2012

Prepared By: Renee Cooper, CIP Construction Manager

Through: Steven J. Hallock, Public Services Director

Summary of Issue: The City completed an assessment of the Master Pump Station Force Main last year. The final report stated that the subaqueous pipe is in good condition; however, there is 63 LNFT of the 18" force main exposed near the City's seawall at the Master Pump Station. CardnoTBE, our engineer of record for the condition assessment, recommended that the City install a protective cover /stabilizer over the pipe in the areas of exposure in order to provide protection against anchoring or moving watercraft. Rip rap bags filled with a cement-sand mixture are to be installed to cover the pipe. The bags will set and harden during the saturation of water without mixing. For additional stability or increased wall strength, rebar is to be driven through the bags to anchor them to the bottom of the waterway. According to the Pinellas County Water and Navigation Division, a Dredge and Fill Permit would be required for these types of activities. Upon further review, a permit will also be necessary for FDEP and the ACOE due to the shift in pipe outside of the City's easement.

Dive-Tech International, Inc., was previously awarded a contract to install the rip-rap bags and will be working with George F. Young, on the completion of the permitting.

Requested Motion: "I move to authorize the City Manager to sign a task order with George F. Young in the amount of \$12,050 to provide permitting and survey services for covering the exposed portions of the subaqueous wastewater force main."

Attachments: Task Order

**Reviewed by
City Manager:** MB



George F. Young, Inc.

Turning Vision Into Reality

ARCHITECTURE ■ ENGINEERING ■ ENVIRONMENTAL ■ LANDSCAPE ARCHITECTURE ■ PLANNING ■ SURVEYING ■ UTILITIES

14 June 2012

Renee Cooper
CIP Construction Manager
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706-1839

Re: Proposal for Services
Permitting Force Main Protection

Dear Ms Cooper,

We appreciate the opportunity to assist you with the protection of your force main by providing this proposal for permitting assistance. The project will need to be permitted through the Florida Department of Environmental Protection (FDEP), the Army Corps of Engineers (ACOE), and Pinellas County. Although the project is small in scope it does not fit any of the general permits (FDEP) and will be process as a regular ERP. We anticipate that it will fit in an ACOE General Permit to minimize review time. The County review will be a normal dredge and fill permit. It is our assumption that the proposed work is not within the ICCW and a Consent of Easement from the ACOE will not be required.

The permit exhibits will be prepared using the City's design as provided to GFY. It is our understanding that the design is to fill in washouts on either side of the pipe with sand cement bags. The bags will be placed on either side of the pipe and stacked as necessary to make the pipe flush with the bottom created with the sand bags.

Reviewing the existing drawings, the existing force main lies outside the easement in the area of the project. It is possible that FDEP may require us to revise the legal and the sketch of our easement to reflect the location of the pipe. Therefore we have included this as a contingency task. This task will only be initiated if required by the FDEP.

Let us know if there are any comments or concerns following your review. If acceptable, please issue a purchase order under our annual contract as your acceptance and our authorization to proceed.



If you have any questions, feel free to contact me at 727-822-4317.

Sincerely,

Jeff Churchill
Principal Ecologist

Attachments: Exhibit A

GJC:bms



Exhibit A
Scope of Services
City of St. Pete Beach
Permitting Protection of the Force Main

Task I – Data collection, hydrographic survey and preapplication meetings

This task includes establishing horizontal and vertical control, hydrographic survey, mapping of existing structures and biological features, and property ties. It also includes collection of biological data. Preapplication meetings will be held with the Florida Department of Environmental Regulation and Pinellas County to discuss the proposed project.

Lump Sum Fee \$ 4000.00 expenses included

Task II – Preparation of Permit Applications and Exhibits

This task includes the preparation of an ERP permit application, a Pinellas County Water and Navigation Authority application, and exhibits showing the proposed. The exhibits will include a plan view, show the existing conditions including water depths, location of force main, and the proposed plan for the placement of sand cement bags. Other exhibits will include a profile and vicinity map. A project narrative will be prepared describing the proposed work and any environmental impacts expected. The permit package will be collated and submitted to the Florida Department of Environmental Protection, Pinellas County, and the Army Corps of Engineers.

Lump Sum Fee \$ 4000.00

Task III – Permit Application Assistance

This task includes working with you to prepare and process your permits toward approval through the Pinellas County Water and Navigation Authority, Florida Department of Environmental Protection, and the Army Corps of Engineers. This task may include responding to agency requests for additional information, conducting agency field reviews, meeting with agency staff or yourself, and negotiating permit conditions.

Probable estimated fee \$ 2250.00 to be billed hourly plus expenses



Contingency

Task IV – Submerged Land Easement

This task includes the revising the existing legal description and sketch for the Board of Trustees in accordance with FDEP standards for obtaining a Public Easement for the project. It also includes processing the easement modification through the Division of State lands and noticing the easement if necessary.

Probable estimated \$ 1800.00 fee to be billed hourly plus expenses

George F. Young, Inc.

CLIENT AND CONSULTANT PROFESSIONAL SERVICES TASK ORDER AGREEMENT MASTER CONTRACT NO. 10Y01900SC

This task assignment is authorized this _____ day of _____, 2011,
the effective date, for the Scope of Services and associated fees bound by the Agreement by and between George F. Young, Inc. and
the City of St. Pete Beach executed on January 27, 2010:

I. CONSULTANT:

George F. Young, Inc.

Address:

299 Dr. Martin Luther King Jr. St. N.
St. Petersburg, FL 33701

Telephone: 727-822-4317

Email: mrisman@georgefyoung.com

Fax: 727-822-2919

II. CLIENT:

City of St. Pete Beach, Florida

Attn.: Renee Cooper

Address:

155 Corey Avenue
St. Pete Beach, FL 33706

Telephone: 727-363-9243

Email: rcoper@stpetebeach.org

Fax: 727-367-2736

Project Name: Force main Protection

Name and Address of Record Owner of Property (if other than Client):

The property upon which the services hereinafter described are to be performed is located at:

St. Pete Beach

Client intends to Inspect and permitting for bagged sand/cement mix protection for an existing exposed force main

(“the project”)

ACCEPTANCE

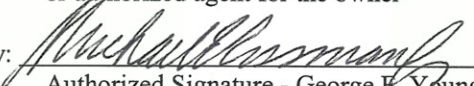
By execution of this agreement Client accepts the scope of services and associated fees hereof, acknowledges receipt of a copy hereof, including all exhibits, and authorizes Consultant to proceed with the work.

IN WITNESS THEREOF, the parties hereby execute this agreement upon the terms and conditions of the Agreement stated hereon and on the date first above written.

Accepted by: _____

Authorized Signature - Client, as owner
or authorized agent for the owner

Date: _____

Accepted by:  _____

Authorized Signature - George F. Young, Inc.

Date: 6-18-12

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

Issue Considered: Authorize the City Manager to enter into a purchasing agreement with Bill Riley Painting for \$22,200 for caulking and painting the exterior of City Hall.

Date: 07/10/12

Prepared By: Renee Cooper, CIP Construction Manager

Through: Steven J. Hallock, Public Services Director

Summary of Issue: City Hall has, for some time, experienced water leaks through the exterior walls and windows. After a consultant review, a recommendation was made to remove and replace the caulking at the windows in order to form a proper seal around the windows. Additionally, the exterior of the building needs to be cleaned, disinfected, sealed, primed, and painted. By this process, any cracks that may be present in the stucco, wood, or masonry will be sealed to keep water from further intruding into the facility.

Quotes from contractors were obtained for this work. Bill Riley Painting has quoted the best option for the exterior of the facility which included cleaning, patching, caulking, sealing, and multiple coats of paint.

Tropical Storm Debby underlined the need to get this project done as quickly as possible to avoid future water damage. Funding for the project is budgeted under the Public Services Building Maintenance operating budget.

Requested Motion: "I move to authorize the City Manager to enter into a purchasing agreement with Bill Riley Painting for \$22,200 for caulking and painting the exterior of City Hall."

Attachments: Purchasing Agreement
Bill Riley Painting Quote

**Reviewed by
City Manager:** MB

CITY OF ST. PETE BEACH, FLORIDA
PURCHASING AGREEMENT
City Hall Painting & Caulking

THIS AGREEMENT is hereby executed this 10 day of July, 2012, between the CITY OF ST. PETE BEACH, FLORIDA (hereinafter "CITY") and Bill Riley Painting (hereinafter "VENDOR"), as follows:

WHEREAS, City is desirous of purchasing from Vendor the goods or services described in this agreement; and

WHEREAS, Vendor is in the business of providing the goods or services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this agreement has been properly approved by the appropriate authority of the City and the Vendor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following:

1. City hereby agrees to purchase, and Vendor hereby agrees to sell or provide, the goods or services described in the proposal attached hereto and incorporated herein.

2. Vendor shall deliver the goods, or provide the services, described herein no later than September 1st, 2012.

3. Time is of the essence in the performance of this contract. City shall be entitled to liquidated damages in the amount of \$500 per day, for each day subsequent to the date set forth in paragraph 2 hereof that Vendor has failed to properly and completely deliver all of the goods or provide all of the services herein specified. Vendor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

4. Upon Vendor's satisfactory delivery of the goods, or full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Vendor the sum of \$22,200, as full consideration for the goods or services provided hereunder.

5. Vendor fully warrants the title to any goods provided hereunder, and agrees to defend the same against all claims whatsoever. At the time of delivery, Vendor shall furnish to the City a bill of sale absolute, with full warranties, or other evidence of title transfer satisfactory to the City, for the goods specified herein.

6. Vendor expressly warrants that all goods delivered hereunder are of merchantable quality and fit for the purpose for which the City has purchased the same. Vendor further warrants that any defects in the goods shall be properly repaired by Vendor for a period of 18 months from final delivery, including all parts and labor associated with said repairs.

7. City reserves the right to reject any defective goods, notwithstanding City's payment of the purchase price provided herein.

8. Vendor fully warrants that all services provided hereunder have been provided in a good and workmanlike manner. Vendor guarantees said services for a period of 18 months from

the date of final performance. Vendor shall provide all labor and materials necessary to repair any defective workmanship reported to Vendor within said guarantee period.

9. To the extent that this agreement requires Vendor to provide any services of any kind, Vendor and all of Vendor's subcontractors shall maintain public liability insurance in a single combined limit for bodily injury and property damage in the amount of not less than \$1,000,000.00, satisfactory to the City Manager of City, naming the City as additional insured and providing coverage up through and including the final performance of any services provided hereunder. Vendor and all of Vendor's subcontractors shall maintain in full force and effect a policy of worker's compensation insurance for all of Vendor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$100,000.00 per accident or occurrence. Vendor shall present City with a certificate for all of the foregoing insurance, at the time of executing this agreement and at such other times requested by the City.

10. In consideration of the payment of ten dollars as part of the above purchase price, Vendor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this agreement, whether caused in part by the City or not.

11. This Agreement shall be binding upon the parties, their successors, assigns, and legal representatives. Vendor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

12. This document embodies the entire agreement of the parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all parties. This agreement shall be construed according to the laws of Florida, and venue for any action arising herefrom shall be in Pinellas County, Florida.

13. The prevailing party in any action to enforce or interpret this agreement shall be entitled to reasonable attorneys fees incurred through all appellate proceedings.

14. Vendor hereby acknowledges that the person executing this agreement on behalf of Vendor has the full authority to do so and to bind Vendor to the terms hereof.

15. Any notices provided hereunder shall be sent to the parties at the following addresses and shall be considered properly delivered when placed in the U.S. mail, postage prepaid, certified return receipt requested:

As to Vendor:

Bill Riley Painting
7833 - 9th Ave. South
St. Petersburg, FL 33707

As to City:

City Manager
City of St. Pete Beach, Florida
155 Corey Avenue
St. Pete Beach, Florida 33706

16. To the extent that any terms in the attached proposal conflict with the terms of this agreement, the terms of this agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

17. The following sections, paragraphs or provisions of the attached proposal are hereby deleted from this agreement and shall be of no force or effect:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Billy Riley Painting

Vendor

BY



PARTNER JAMES H. BURKE
NAME, TITLE (typed or printed)

CITY OF ST. PETE BEACH, FLORIDA

BY

CITY MANAGER

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CITY CLERK

10/1/2004

**BILL RILEY
PAINTING**

**7833 - 9th Avenue South
St. Petersburg, Florida 33707**

May 9, 2012

**(727) 381-1975
P.C.C.L.B.# C-4183**

Mike Maxemow
City of St. Pete Beach
7581 Boca Ciega Dr.
St. Pete Beach, Fla.
363-9247
Fax-367-2736

We hereby submit specifications and estimates for :
Prep and Repaint the Exterior of the St. Pete Beach City Hall Building Complete.

1. Pressure wash and disinfect the exterior of the building. Including the window frames, vinyl soffitt and fascia board. Note : Window frames and vinyl soffitt and fascia will be chemically cleaned with low pressure.
2. Trench below the ground level around the building to seal and paint below ground.
3. Dig and/or cut out all cracks throughout all masonry surfaces being repainted.
4. Repair all cracks using a textured elast-o-meric patching compound.
5. Scrape off any loose paint or peeling paint.
6. Apply a full coat of a chalky surface bonding sealer to all surfaces being repainted.
7. Apply a coat of primer to all bare surfaces, wood, metal or masonry previously painted.
8. Recoat the exterior of the building. Two full coats in desired colors.
Note : Previously painted surfaces only.
 - A. Two coats. 100% acrylic satin finish paint.
\$ 13,400.00 (Thirteen Thousand Four Hundred Dollars)
 - B. Two coats. Elast-o-meric coating applied
\$ 17,500.00 (Seventeen Thousand Five Hundred Dollars)
9. Clean up job site when complete. Including the exterior side of the windows.

Payment to be arranged.
Price includes all labor and materials.

Bill Riley

Bill Riley

Date 5-10-12

Date _____

Acceptance of proposal

**BILL RILEY
PAINTING**

7833 - 9th Avenue South
St. Petersburg, Florida 33707

May 9, 2012

(727) 381-1975
P.C.C.L.B.# C-4183

Mike Maxemow
City of St. Pete Beach
7581 Boca Ciega Dr.
St. Pete Beach, Fla.
363-9247
Fax-367-2736

We hereby submit specifications and estimates for :
Prep and recaulk the exterior of all window frames of St. Pete Beach City Hall.

1. Cleaning will be completed with painting prep of building.
 2. Cut out and remove all previous caulk jobs.
 3. Apply a chalky surface sealer to all areas being caulked to assure a tight bond.
 4. Recaulk all joints and seams throughout window frames.
 5. Recaulk all joints where windows come into contact with masonry of the building itself.
 6. Clean up windows.
- Note : All caulking will be done using a Vulcom Urethane based caulking/sealant.
Color is white.

\$ 8,800.00 (Eighty Eight Hundred Dollars)

Payment to be arranged.

Price includes all labor and materials.



Bill Riley

Date 5-10-12

Acceptance of proposal

Date _____

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

Issue Considered: Public Hearing for Variance 2012-0016, requesting the construction a sundeck seaward of the City Coastal Construction Excavation Setback Line.

Date: July 10, 2012

Prepared By: George Kinney, AICP, Community Development

Summary of Issue: Applicant/owner desires to construct a sundeck seaward of the City Coastal Construction Line. The structure is proposed at approximately 3,500 square feet (35'x100') and would be located toward the end of an unimproved parking area and adjacent the controlled beach area that compliments and/or serves Rum Runners bar and grill. Section 3.12(b) of the Land Development Code requires any such variance request to the city's coastal control line shall be made directly to the city commission. (Quasi-Judicial)

Requested Motion: "I move to approve Variance 2012-16"

Attachments: Staff report, site and aerial photographs, site plan, landscape plan, variance application, legal ad, hearing notice, and property owner notice.

Reviewed by City Manager: MB

City of St. Pete Beach, Florida
Variance Application No. 2012-0016
City Commission Public Hearing - July 10, 2012

I. Property Information

Address: 5300 Gulf Boulevard – Sirata Beach Resort
Owner: Nicklaus of Florida, Inc.
Agent: Harry Gregg Nicklaus, President

Existing Use: Hotel Resort and Conference Center
Zoning: LR (Large Resort District)

II. Request/Code Requirements

Applicant/owner desires to construct a sundeck resulting in the following Variance request:

- A. Section 25.5(a) of the Land Development Code – no person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCSBL.
- B. Section 35.9(a)(4) of the Land Development Code – The rear-yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line or St. Pete Beach Coastal Construction Excavation Setback Line, whichever is more restrictive.

III. Background Information

Applicant/owner desires to construct a sundeck seaward of the City Coastal Construction and Excavation Setback Line. The structure is proposed at approximately 3,500 square feet (35'x100') and would be located toward the end of an unimproved parking area and adjacent the controlled beach area that compliments and/or serves Rum Runners bar and grill (see photos).

The sundeck has been partially constructed and a 2009 aerial photograph suggests that a substantial amount of vegetation existed in this location prior to the partial construction of the deck. Applicant/owner has provided a planting plan with the submission which includes 60 (1 gallon sea oat), 60 (1 gallon dune sunflower), 60 (4" railroad vine), 34 (3 gallon petite oleander), 4 (3 gallon red oleander), and 2 (7 gallon cardboard palm).

Applicant/owner has articulated in his rationale for variance a desire to use more of the resort land for guest enjoyment and that this sundeck would replace another existing one that is currently being re-purposed.

IV. Analysis/Summary

Section 3.12 of the land Development Code sets forth the conditions that an applicant must meet in order for a variance to be granted. In addition, staff would offer the following observations for Commission consideration and deliberation:

1. The walls constructed to define and control the beach area adjacent to the proposed sundeck are currently constructed seaward of the City Coastal Construction Excavation Setback Line and should be included in this request.
2. The sundeck has been partially constructed and the 2009 aerial photograph suggests that a substantial amount of vegetation existed in this location prior to the partial construction of the deck.
3. It is not known if any dunes have been impacted by the partial construction of the sundeck. Additional land development code provisions may apply pending this determination.

Site Photos



Seaward from unimproved parking area across partially constructed sundeck



Toward resort past Captain Dave jet ski corral



Toward unimproved parking area



Toward resort through controlled beach area



Toward resort

Relevant Code Provisions

Division 3 – Administration of the Land Development Code

Sec. 3.12. - Variances.

(a) *Authority and approval criteria.*

- (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
 - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
 - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
 - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
 - (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
 - (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Division 3 – Administration of the Land Development Code

Sec. 25.5. - Prohibitions.

- (a) Except as otherwise provided herein, no person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCSBL.

Division 35 – (LR) Large Resort District**Sec. 35.9. - Setbacks.**

- (a) Any conforming use or structure built prior to the adoption of these regulations is exempt from the setback requirements of [section] 35.9. Additions to existing structures and all new construction shall comply with the required setbacks below:
- (4) Rear yards. The rear yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line or St. Pete Beach Coastal Construction Excavation Setback Line, whichever is more restrictive. Buildable sites that do not abut the Gulf beaches shall provide a minimum rear setback of 20 feet.

5300 Gulf Boulevard
Commission Variance Case #2012-0016



Proposed Sundeck – Red
City CCCL – Green



5300 Gulf Boulevard
Commission Variance Case #2012-0016



Type	Quantity
Sea Oats (<i>Uniola Paniculata</i>)	60 (1 Gallon)
Dune Sunflower (<i>Helianthus Deblis</i>)	60 (1 Gallon)
Railroad Vine (<i>Ipomoea Paes-Capre</i>)	60 (4")
Petite Oleander	34 (3 Gallon)
Red Oleander	4 (3 Gallon)
Cardboard Palm	2 (7 Gallon)



C.
UNDERGROUND PARKING

VARIANCE APPLICATION

Case Number: 2012-16

PROPERTY FOR PROPOSED VARIANCE

Legal Description: See attached
Parcel ID: 06-32-16-80172-000-0010
Address: 5300 Gulf Boulevard, St. Pete Beach, FL 33706
Current Zoning: LR FLUM Designation: LR Lot Area: _____
Existing Use: Resort Proposed Use: _____

APPLICANT/AGENT:

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

PROPERTY OWNER:

Name: Nicklaus of Florida, Inc.
Address: Same
City: _____ State: _____
Zip: _____ Phone: _____

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary)

Sirata is requesting a variance to the City Coastal Construction line. Sirata would like to improve a section of its property at the end of the parking lot to create a sundeck for its patrons.

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting documents, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date. If any materials are missing or any part of this application is left blank, staff may refuse the application until such time as it is completed by the applicant.

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

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.

The Sirata has significant amount of land west of the City Coastal Construction line and east of the State Coastal Construction line. The neighbors to the north and south each have improvements out beyond the State line and Sirata would like to be able to utilize more of its land for guest enjoyment..

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

Yes, the land is currently restricted from being improved.

3. The peculiar conditions and circumstances are not the result of the actions of the applicant.

The two Coastal Construction lines were arbitrarily created years ago by City and the State.

4. The proposed variance will not have the effect of changing any district boundary on the zoning map.

Correct

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

This is a permitted use.

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

It will not.

7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

It is specifically identified as permitted use in the Comp Plan.

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

The area is being created to replace an existing sun deck that is being modified.

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



Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9266
email: c.hartley@stpetebeach.org

VARIANCE APPLICATION

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

GHM

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

GHM

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

GHM

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

GHM

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.

GHM

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

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

GHM
Signature of Applicant

3/10/12
Date



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

I/WE Nicklaus of Florida, Inc.

(print name of property owner)

hereby authorize

Harry Gregg Nicklaus

(print name of agent)

to represent me/us in an application for

Variance

(type of application: variance, land use, zoning, etc)

Signature of owner

H. Gregg Nicklaus

Print name of owner

Signature of owner

Print name of owner

The foregoing instrument was acknowledged before me this 11th day
of May 2012, by H. Gregg Nicklaus, Pres. who
is personally known ☒ or produced _____ as
identification.

(Notary Signature)

My commission expires _____

5/11/12

(Date)



George Kinney

From: George Kinney
Sent: Friday, June 15, 2012 7:55 AM
To: 'Gregg Nicklaus'
Subject: RE: Sirata Variances

Thank you Mr. Nicklaus,

Unless I hear otherwise, I will presume that you wish to apply the same rationale to the this additional rear yard request as was applied to the coastal line request. I will advertise the amended request immediately and in anticipation of the July 10 meeting. Thank you again.

George K.

From: Gregg Nicklaus [<mailto:GNicklaus@sirata.com>]
Sent: Thursday, June 14, 2012 2:41 PM
To: George Kinney
Cc: James Dickson
Subject: Sirata Variances

Dear Mr. Kinney,

After review of the most recent information re the need for a second variance, (set back and city ccl line), I am hereby requesting that you amend our application for the Sirata patio deck variance to include both requests and publish the appropriate notices ASAP. It would be our desire to be on the July 10th agenda, if possible.

Thanks again for your assistance in this matter.

H. Gregg Nicklaus
Owner/Manager
Sirata Beach Resort & Conference Center
5300 Gulf Boulevard
St. Pete Beach, FL 33706
727.363.5186
727.363-5187 Fax
gnicklaus@sirata.com
www.sirata.com

St. Pete Beach, #1 US Beach Destination
- 2012 TripAdvisor Travelers Choice Awards

LEGAL DESCRIPTION: PARCEL 1
TRACT 1

The Southeastery 75 feet of Tract "A" of SERATA REPLAT, according to plat thereof recorded in Plat Book 31, page 17, Public Records of Pinellas County, Florida, being a strip of land extending from the shores of the Gulf of Mexico to the West boundary of State Road No. 699 between parallel lines 75 feet apart at right angles to the Southeastery boundary of said strip being the Southeastery boundary of said Tract "A" of SERATA REPLAT; all being and lying in Section 6, Township 32 South, Range 16 East, Pinellas County, Florida.

TRACT 2

That certain tract of land in Government Lot 2, Section 6, Township 32 South, Range 16 East, extending from the Shores of the Gulf of Mexico to the Westery line of State Road No. 699, formerly known as State Road No. 233 as described in Official Records Book 1363 page 90 (Clerk's Instrument No. 921433A), Pinellas County Records lying between parallel lines 250 feet apart at right angles, the Southeastern boundary of which lies parallel to and 200 feet at right angles in a Northwesterly direction from the Northwesterly boundary of BENNETT BEACH UNIT "A", as recorded in Plat Book 16, page 106, Public Records of Pinellas County, Florida, and as extended in a straight line to the Shores of the Gulf of Mexico and to said Westery line of said State Road No. 699;

TRACT 3

The Northerly 75 feet of the following described Parcel: From the intersection of the Westery boundary of Gulf Boulevard (an 80 foot right of way) with the North boundary of UNIT "A", BENNETT BEACH, according to the plat thereof recorded in Plat Book 16, page 106, Public Records of Pinellas County, Florida, as a POINT OF BEGINNING, run South 57°14'46" West 524.44 feet, more or less, along said North boundary of UNIT "A", BENNETT BEACH to a point on the mean high water Mark of the Gulf of Mexico, said point being designated as Point "A" for convenience, return to the POINT OF BEGINNING AND Thence North 22°54'18" West 203.49 feet along said Westery boundary of said Gulf Boulevard; thence South 57°14'46" West 524.44 feet, more or less to the said mean high water mark; thence Southerly along said mean high water mark 203.49 feet, more or less to Point "A".

LEGAL DESCRIPTION: PARCEL 2

Tract "A", SERATA REPLAT, LESS the Southeastery 75 feet thereof, according to plat thereof recorded in Plat Book 31, page 17, Public Records of Pinellas County, Florida, (being a strip of land extending from the shores of Gulf of Mexico to the West boundary of State Road No. 699, between parallel lines 321 feet apart at right angles, the Northwesterly boundary of said strip being the Northwesterly boundary of said Tract "A", SERATA REPLAT).

THE ABOVE PARCELS ARE CONTIGUOUS ALONG THEIR RESPECTIVE COMMON LINES WITHOUT GAP, GORE OR HIATUS.

10/02/98

6/10/03

104 -

CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach **City Commission** will conduct public hearing on **Tuesday July 10, 2012 at 6:00 P.M.** at City Hall, 155 Corey Avenue, to receive comments on the following case:

Case 2012-0016: Applicant; Greg Nicklaus. Subject Property; Sirata Beach Resort, 5300/5390 Gulf Boulevard. Applicant requests a variance from Section 25 and Section 35.9 of the Land Development Code to construct a patio seaward of the City's Coastal Construction and Excavation Setback Line.

Copies of the application are available at City Hall in the Community Development Department. Written comments on the proposed ordinances may also be submitted to the above City department. For further information regarding any advertised public hearing, please contact the Community Development staff at (727) 363-9265.

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

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

George Kinney, AICP, Senior Planner

To be published one time only in the Times Neighborhood/Beaches Section on or before Sunday June 26, 2012.



**CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

June 23, 2012

**St. Pete City Commission
NOTICE OF PUBLIC HEARING
Hearing Date: July 10, 2012 at 6:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706**

Case No: 2012-0016
Address: 5300/5390 Gulf Boulevard
Owner: Greg Nicklaus
Request: Applicant requests variance from Section 25 and Section 35.9 of the Land Development Code to construct a sundeck seaward of the City Coastal Construction and Excavation Setback Line.

You are hereby notified that a variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 300 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach.

Interested persons are urged to examine the application materials prior to the scheduled hearing date. Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the City Commission for consideration.

The Community Development Department may be contacted by telephone at 727-363-9265 or by email at cddirector@stpetebeach.org. This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member will be disclosed at the public hearing. Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. The City does not provide verbatim transcripts.

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

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

Issue Considered: Ordinance 2012-10, amendment to the City Charter repealing Section 4.06 which provides that the St. Pete Beach Police Department shall be established as a charter Department and providing for ballot language for the November 6, 2012 election.

Date: July 10, 2012

Prepared By: Michael P. Bonfield, City Manager

Summary of Issue: This ordinance provides for a referendum question to be placed on the November 6, 2012 ballot to repeal Section 4.06 of the City Charter which provides that the St. Pete Beach Police Department shall be established as a Charter Department. Such a change would allow the City Commission to consider a contract with the Pinellas County Sheriff's Office to provide law enforcement services in the City of St. Pete Beach.

Requested Motion: "I move to approve Ordinance 2012-10. . . (read title)."

Attachments: Ordinance 2012-10

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2012-10**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO THE CITY CHARTER REPEALING SECTION 4.06 OF THE CITY CHARTER WHICH PROVIDES THAT THE ST. PETE BEACH POLICE DEPARTMENT SHALL BE ESTABLISHED AS A CHARTER DEPARTMENT OF THE CITY OF ST. PETE BEACH AND ALL LAW ENFORCEMENT ACTIVITIES SHALL BE PERFORMED BY EMPLOYEES OF THE DEPARTMENT, AND THAT NO LAW ENFORCEMENT ACTIVITY SHALL BE TRANSFERRED BY CONTRACT OR OTHER PROCESS TO ANY DEPARTMENT OR EMPLOYEE NOT ADMINISTERED BY THE CITY MANAGER OF THE CITY OF ST. PETE BEACH; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 6, 2012; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the current City Charter requires in Section 4.06 that the St. Pete Beach Police Department shall be established as a Charter Department of the City of St. Pete Beach and all law enforcement activities shall be performed by employees of the department, and that no law enforcement activity shall be transferred by contract or other process to any department or employee not administered by the City Manager of the City of St. Pete Beach; and

WHEREAS, in March, 1998, the City electors approved a ballot issue to add this requirement to the charter; and

WHEREAS, the City wishes to consider contracting with the Pinellas County Sherriff's Office for some or all law enforcement activities; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance, propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

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

SECTION 1: The City Commission hereby proposes an amendment to the City Charter repealing Section 4.06 of the City Charter.

SECTION 2: Section 4.06 of the City Charter is repealed.

SECTION 3: The following measure shall be placed on the ballot for the general election of November 6, 2012 ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

BALLOT TITLE:

NO. ____

REFERENDUM QUESTION

BALLOT SUBTITLE:

**Repeal of Charter Requirement for Establishment of
Police Department as Charter Department**

BALLOT SUMMARY:

Charter Section 4.06 entitled "Police Department" requires the St. Pete Beach Police Department to be established as a Charter Department and prohibits law enforcement activity to be transferred by contract or any other process to any department or employee not administered by the City Manager. Shall Charter Section 4.06 be repealed?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and certification of approval of the measure provided for in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption.

Steve McFarlin, MAYOR

FIRST READING : _____
PUBLISHED : _____
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 _____, 2012.

Rebecca Haynes, City Clerk

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

Issue Considered: First reading of Ordinance 2012-11 providing for amendment of Section 82-260 of Division 1 of Article III of Chapter 82 of the code of ordinances, pertaining to the issuance of metered and non metered parking space permits.

.Date: July 10, 2012

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance 2012-11 provides for amendment of Section 82-260 of Division 1 of Article III of Chapter 82 of the code of ordinances, pertaining to the issuance of metered and non metered parking space permits.

This amendment will provide for the authorization of the City Manager to issue of daily and or monthly non metered only “B” parking permits.

Requested Motion: “I move for the adoption of Ordinance 2012-11 . . . (read title).”

Attachments: Ordinance 2012-11

Reviewed By: MB
City Manager:

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SECTION 82-260 OF DIVISION 1 OF ARTICLE III OF CHAPTER 82 OF THE CODE OF ORDINANCES, PERTAINING TO THE ISSUANCE OF METERED AND NON METERED PARKING SPACE PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to improve the traffic and parking control permit regulations pertaining to city streets and city controlled parking areas within the city; and

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

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

SECTION 1. Section 82-260 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to the issuance of metered and non metered parking space permits, is hereby amended thereto as follows:

The city manager shall be authorized to issue daily **or monthly** parking permits, which shall authorize the parking of a motor vehicle without the payment of meter fees at any city metered parking space **except the "County Beach Access Lot" during the hours of 8:00 a.m. to 5:00 p.m. or any non metered city parking space requiring the display of a "B" permit** on the date(s) indicated on the permit. A "metered parking space" means any parking space for which payment is required by a parking meter or parking pay station. In order for the permit to be valid, it must be displayed prominently in the driver-side front window and be visible to the city enforcement officer. The fee for said permit shall be as provided in appendix A to this Code.

SECTION 2. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 4. This Ordinance shall become effective immediately upon final passage as provided by law.

Steve McFarlin, MAYOR

FIRST READING	: _____
PUBLISHED	: _____
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 _____, 2012.

Rebecca Haynes City Clerk

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

Issue Considered: First reading of Ordinance 2012-12 providing for the amendment of the Appendix A Fee Schedule of the Code of Ordinances as set forth in Attachment A pertaining to the issuance and rates for daily and monthly metered and non metered “B” Permit parking space permits.

Date: July 10, 2012

Prepared By: Dan O’Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance 2012-12 provides for an amendment of the Appendix A fee schedule of the Code of Ordinances pertaining to the issuance and rates for daily and monthly metered and non metered “B” Permit parking space permits as referenced in Section 82-260 of the Code of Ordinances.

The City currently offers for sale to anyone daily “B” permits that authorize parking without meter fees in city metered and pay station spaces except at the County Park Beach Access and parking in city non metered “B” permit spaces at a rate of \$12.00 per day.

This amendment will change the Appendix A fee schedule to reflect the fee for daily and or monthly non metered only “B” permit(s) available to those providing proof of owning or residing at an address fronting a city non metered “B” permit only zone. This rate mirrors the rate of temporary “D” permits issued for use in Pass A Grille along with the ownership/residence proof requirements for issuance.

	Chapter 82 Traffic and Vehicles	Amount
82-260	Daily parking permits: Daily B Permit for city metered parking spaces and non metered city B Permit only streets / parks and lots. except County Park. Temporary NON METERED B Permit – Must provide proof of owning or residing at an address fronting a city non metered B Permit only zone. Temporary ONE DAY NON METERED B Permit – Must provide proof of owning or residing at an address fronting a city non metered B Permit only zone. Cannot be consecutive days.	 \$12.00 Per day \$3.00 Per month Up to 20 one day permits \$3.00

Requested Motion: “I move for the adoption of Ordinance 2012-12 . . . (read title).”

Attachments: Ordinance 2012-12

Amended Appendix A Fee Schedule

Reviewed By:
City Manager:

MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO 2012-12**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA PROVIDING FOR AN AMENDMENT OF THE APPENDIX A FEE SCHEDULE AS REFERENCED IN SECTION 82-260 OF THE CODE OF ORDINANCES, AS SET FORTH IN ATTACHMENT A TO THIS ORDINANCE PERTAINING TO THE ISSUANCE OF METERED AND NON METERED PARKING SPACE PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's rates pertaining to the issuance of city metered and non metered parking permits; and

WHEREAS, the City Commission has found that this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City of St. Pete Beach;

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

Section 1. The portion of Appendix A, as referenced in Section 82-260 of the Code of Ordinances, City of St. Pete Beach, Florida is hereby amended to include non metered city parking spaces requiring the display of a "B" permit, authorized by the City Manager, as set forth in attachment "A" to this Ordinance.

Section 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon final adoption as provided by law.

Steve McFarlin, MAYOR

FIRST READING	: _____
PUBLISHED	: _____
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 _____, 2012.

Rebecca Haynes, CITY CLERK

ATTACHMENT A

CODE OF ORDINANCES SECTION 82 APPENDIX A FEE SCHEDULE

	Chapter 82 Traffic and Vehicles	Amount
82-260	Daily parking permits: Daily B Permit for city metered parking spaces and non metered city B Permit only streets / parks and lots. except County Park. Temporary NON METERED B Permit – Must provide proof of owning or residing at an address fronting a city non metered B Permit only zone. Temporary ONE DAY NON METERED B Permit – Must provide proof of owning or residing at an address fronting a city non metered B Permit only zone. Cannot be consecutive days.	\$12.00 Per day \$3.00 Per month Up to 20 one day permits \$3.00

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

Issue Considered: Second and Final Reading and Public Hearing of Ordinance 2011-33

Date: July 10, 2012

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: Applicant requests change of Future Land Use Map designation for 1307 Gulf Way from Residential High with the Resort Facilities Overlay to Residential Low Medium.

The Planning Board conducted a public hearing on the above-mentioned ordinance on January 17, 2012, and unanimously voted to recommend approval of the request. The City Commission approved the ordinance on 1st reading on April 10, 2012. The Pinellas Planning Council approved the change to the Countywide Future Land Use Map on June 5th, 2012. The Department of Economic Opportunity (formerly DCA) issued a letter of “no comment” on June 20, 2012.

Requested Motion: “I move to approve Ordinance 2011-33 (read title)”

Attachments: Ordinance 2011-33.

Reviewed by City Manager: MB

ORDINANCE # 2011-33

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE PROPERTY LOCATED AT 1307 GULF WAY, FURTHER ILLUSTRATED ON THE MAP IN “EXHIBIT A”, CHANGING THE DESIGNATION FROM RESIDENTIAL HIGH WITH THE RESORT FACILITIES OVERLAY TO RESIDENTIAL LOW MEDIUM; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach Comprehensive Plan encourages the preservation of residential neighborhoods and recommends minimizing the impacts of commercial uses adjacent to residential uses; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on January 17, 2012, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Tuesday March 27, 2012 and July 10, 2012, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this change to the Future Land Use Map to be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

WHEREAS, the City Commission finds this amendment to the Future Land Use Map to be in the best interest of the citizens of the City of St. Pete Beach.

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

Section 1. The Future Land Use Map of the City of St. Pete Beach Comprehensive Plan is hereby amended, changing the designation for the property located at 1307 Gulf Way, illustrated in “Exhibit A”, from Residential High with the Resort Facilities Overlay to Residential Low Medium.

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 within 30 days of the Florida Department of Economic Opportunity issuance of a final statement of “no objection”.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 1/17/2012

PUBLISHED: 12/7/2011

FIRST READING: 3/27/2012

PUBLISHED : 3/14/2012

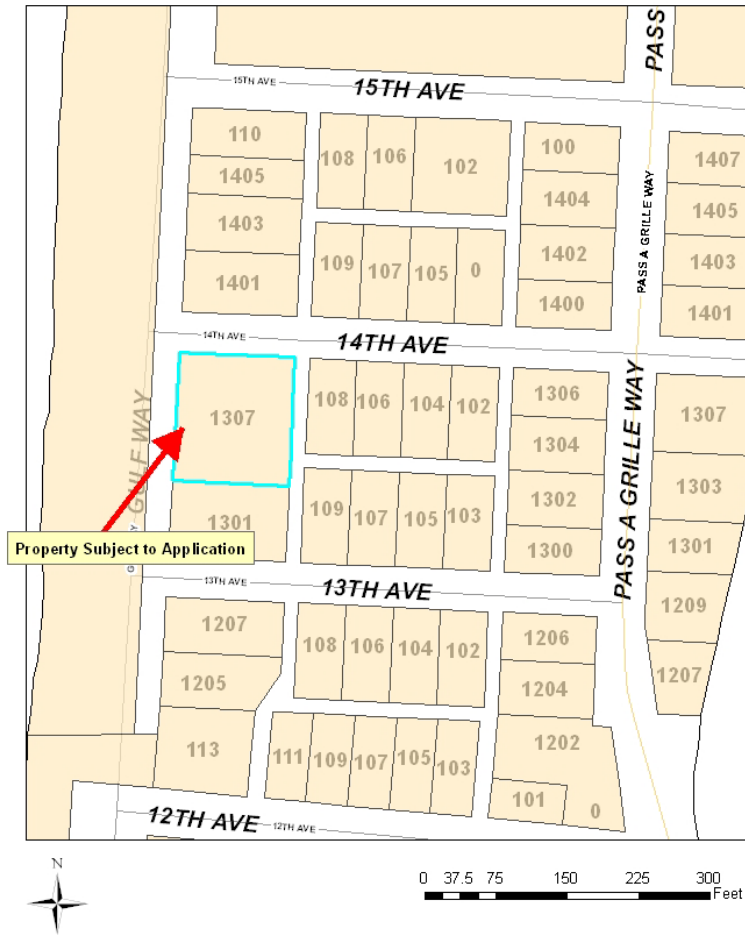
SECOND READING/ADOPTION HEARING: 7/10/2012

PUBLISHED: 6/30/2012; 7/1/2012

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 _____, 2012.

Rebecca Haynes, City Clerk

“Exhibit A”



City of St. Pete Beach
City Commission Public Hearings
Case # 2011-0032 (Corresponding Ordinance # 2011-33)
Case # 2011-33 (Corresponding Ordinance # 2011-34)
July 10, 2012

Property Information

Address: 1307 Gulf Way

Owner: 1307 LLLP

Agent: David Bacon

Existing Use: Vacant

Proposed Use: Residential

Parcel Size: 16,605 square feet or .38 acres

Applicant Requests: Change of Future Land Use Designation from Residential High with the Resort Facilities Overlay to Residential Low-Medium.

Change of Zoning from Traditional Hotel District (THD) to Residential Medium (RLM-2).

Background Information:

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

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

Sec. 31.3. Permitted accessory uses and structures. The following accessory uses are permitted in the THD district:

- 1. Retail sales, limited to 100 square feet in area. The sales shall be located inside the principal structure and shall not have signage outside the structure advertising such retail goods for sale.*
- 2. Office space for the administrative use of the accommodation, such as check-in, check-out areas, reservations, and accounting.*

3. Meeting or conference rooms for the use of guests.

4. Fitness facilities for the use of guests.

(b) In addition to those commercial accessory structures permitted in 6.12, the following accessory structures are permitted in the THD District:

- 1. Garages;*
- 2. A storage building*
- 3. Decks and patios*
- 4. Fountains*

5. Gazebos

6. Trellises

31.12 Maximum Floor Area - No new structure shall be larger in aggregate square footage than the structures which occupied the site prior to redevelopment, except that the Building Official may allow a 5 % increase in the aggregate square footage overall, plus the minimum necessary increases in aggregate square footage in cases where such increases are reasonably necessary to implement current Building Code or other statutory requirements.

Sec. 31.13 Additional Requirements for Spas

1) All unenclosed spas shall provide a solid screening wall or fence at least six feet in height. This requirement shall be waved in instances where an enclosed structure is positioned between the spa and the adjacent private property.

2) No spa shall be located in such a manner as to be separated from the facility it serves by any public right-of-way.

3) Any existing facility expanded under this Division which currently has a pool or spa shall not construct a spa unless such existing pool or spa is first removed.

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

Staff Analysis

Consistency of the request with the Comprehensive Plan:

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

Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions, beginning on the next page, are hereby adopted for the purpose of serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

Objective 2.13

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

Policy 2.1.5

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

Policy 2.1.6

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

Policy 2.3.5

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

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.4.1

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

Standards for review of FLUM changes:

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

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

Section 3.9 of the Land Development Code sets forth the standards for review of requests for rezonings:

Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.

In addition, the planning board and city commission shall consider the following:

- a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;*
- b. Compatibility with adjacent properties and the existing land use pattern;*
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts;*
- d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;*
- e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;*
- f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;*
- g. Whether changed or changing conditions make the passage of the proposed amendment necessary;*
- h. Whether the proposed change will adversely affect drainage.*

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

Based on the standards in the code, Staff makes the following observations:

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

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

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

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

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

The applicant has not identified (in writing) any changes in conditions that would warrant the change in future land use or zoning. The applicant's testimony at the Planning Board public hearing was that it is not financially feasible to construct a new hotel use on the property. Staff has noted above the potential for discouraging the redevelopment of temporary lodging uses via the changes to the THD ordinance that further restricted square footage and prohibited swimming pools.

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

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

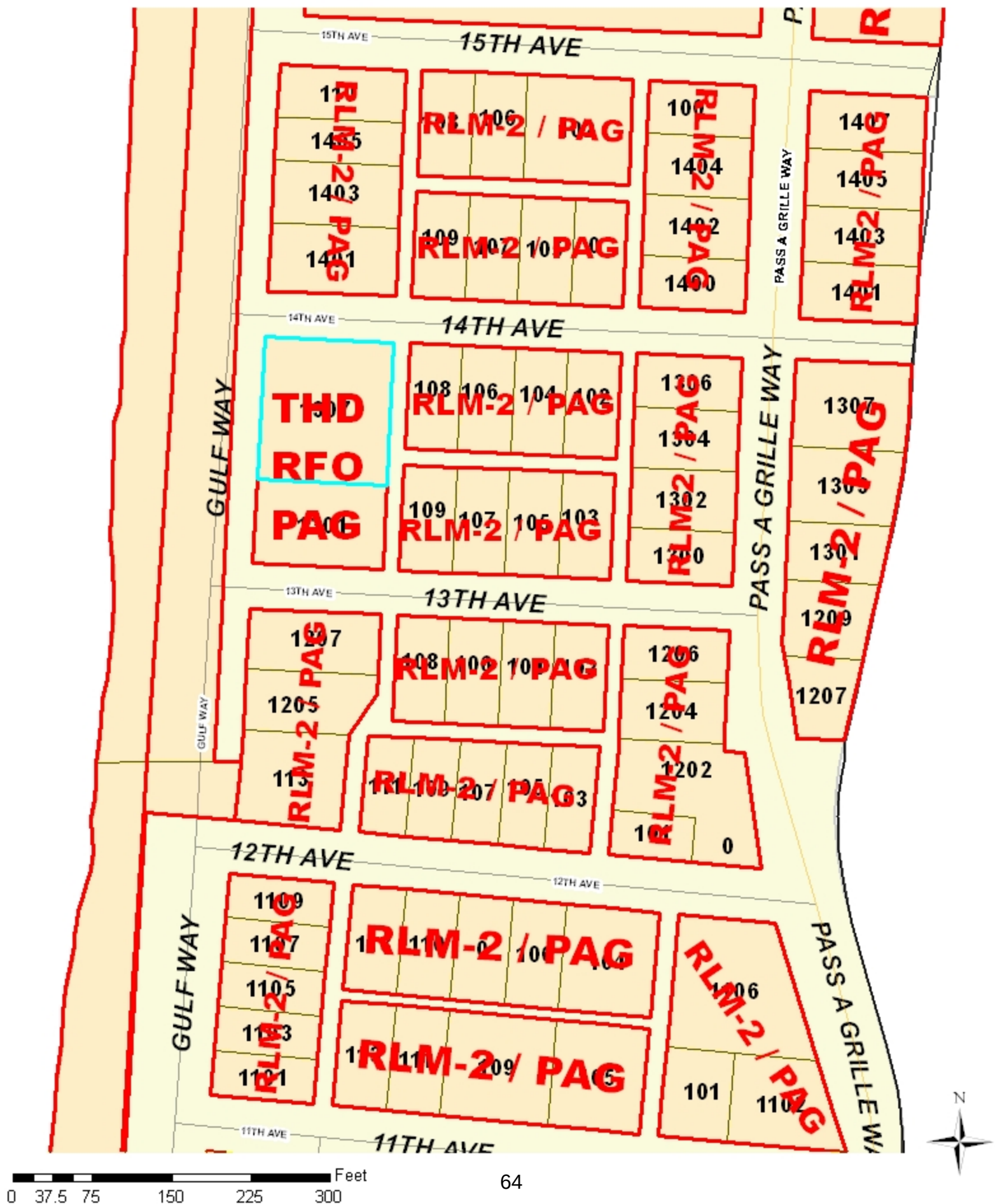
Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been conducted which clearly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

Conclusion

Certainly, there are policies in the Comprehensive Plan that support both the maintenance of the temporary lodging uses and the maintenance of single family neighborhoods; However, there are more policies that lean towards maintaining the temporary lodging use. Multiple public meetings have been conducted over the last year in which both the public and elected officials have stated that the preferred location of temporary lodging uses are on Gulf Way and Pass-a-Grille Way versus the interior streets where single family residences are the predominate uses. However, the applicant has argued that the restrictions placed on the Traditional Hotel District, in addition to the location (not directly on the beach) and the small size of the property make a hotel use not financially feasible. The applicant has argued that the highest and best use of the property is single family residential.

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

1307 Gulf Way and Surrounding Properties Current Zoning



Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

June 20, 2012

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

Dear Mayor McFarlin:

The State Land Planning Agency has completed its review of the proposed comprehensive plan amendment for the City of St. Pete Beach (Amendment No. 12-1ESR), which was received on May 22, 2012. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions relating to this review, please contact Jeannette Hallock-Solomon, AICP, at (850) 717-8490, or by email at Jeannette.hallock-solomon@deo.myflorida.com.

Sincerely,

Brenda Winningham
Regional Planning Administrator

BW/jhs

Enclosure(s): Procedures for Adoption

cc: Catherine M. Hartley, AICP, Community Development Director, City of St. Pete Beach
Manny Pumariega, AICP, Executive Director, Tampa Bay Regional Planning Council

Florida Department of Economic Opportunity : The Caldwell Building - 107 E. Madison Street Tallahassee, FL 32399-4120
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax : www.FloridaJobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

**BOARD OF COUNTY
COMMISSIONERS**

Nancy Bostock
Neil Brickfield
Susan Latvala
John Morroni
Norm Roche
Karen Williams Seel
Kenneth T. Welch



June 12, 2012

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

Dear Mayor McFarlin:

At its June 5, 2012 meeting, the Board of County Commissioners, acting as the CPA, took action to approve Case #CW 12-11, which was initiated by your City. The Ordinance associated with this action is attached. In addition, the CPA continued Case #CW 10-01 (SAP Change No. 2-2012) to its July 10, 2012 meeting.

Sincerely,

Gordon Beardslee, General Planning Administrator
Pinellas County Planning Department

GB:ck

cc: Planning Department

CPA\Corresp.ck.pg 49.

PLEASE ADDRESS REPLY TO:
600 Cleveland Street
Suite 750
Clearwater, Florida 33755
Phone: (727) 464-8200
Fax: (727) 464-8201
Website: www.pinellascounty.org



AN ORDINANCE AMENDING THE COUNTYWIDE FUTURE LAND USE PLAN OF PINELLAS COUNTY, FLORIDA, BY ACTION ON CASE NUMBER CW 12-11 INITIATED BY THE CITY OF ST. PETE BEACH AND TRANSMITTED TO THE BOARD IN ACCORDANCE WITH THE SPECIAL ACT; PROVIDING FOR AMENDMENT TO THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a proposed amendment to the Countywide Future Land Use Plan, which is an element of the Countywide Comprehensive Plan of Pinellas County, Florida, has been presented at a public hearing to the Board of County Commissioners in their capacity as the Countywide Planning Authority; and

WHEREAS, notices of public hearings have been accomplished as required by Chapter 73-594, Laws of Florida, as amended; and

WHEREAS, procedures of the Special Act and County Charter have been followed concerning the Pinellas Planning Council and the Countywide Planning Authority for proposed amendment to the Countywide Future Land Use Plan; and

WHEREAS, the City of St. Pete Beach initiated a proposed amendment which was considered at a public hearing by the Pinellas Planning Council on May 16, 2012, with recommendations made by the Council that are documented in the Council reports referred to as Exhibit A; and

WHEREAS, the Board has conducted a public hearing and taken action that is documented by ordinance for approvals or partial approvals and partial denials and by resolution for denials, with both documents including the relevant Council reports as attached; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, acting as the Countywide Planning Authority in regular meeting duly assembled on June 5, 2012, as follows:

Section 1 - Amending the Countywide Future Land Use Plan

The Countywide Future Land Use Plan for Pinellas County adopted in Section 3(a) of Ordinance 89-4 is amended to reflect the changes adopted as follows:

#CW 12-11 0.4 acre located at 1307 Gulf Way from Residential High with Resort Facilities Overlay to Residential Low Medium.

Section 2. Severability If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by a Court of Competent Jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Filing of Ordinance; Effective Date A certified copy of this ordinance shall be filed with the Secretary of State with the Ordinance and Exhibit A to be filed with the Clerk of the Circuit Court. This Ordinance shall take effect upon filing with the Department of State.

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

2959 FIRST AVENUE NORTH
ST. PETERSBURG, FLORIDA 33713

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

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

September 16, 2011

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

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

Dear Catherine:

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

1. Rezoning Application;
2. Authorization Form;
3. Survey prepared by George F. Young; and
4. A check made payable to the City in the amount of \$2,043.44, representing the following:

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

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

Sincerely,
BACON & BACON, P.A.

Jodilynn Furlong,
Florida Registered Paralegal
Enclosure

cc: Client

PLEASE TYPE OR
PRINT LEGIBLY



APPLICATION

(Check appropriate boxes)

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

☐ Plan change ☒ Rezoning

APPLICANT/AGENT:

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

Address: 2959 First Avenue North

City: St. Petersburg State: FL

Zip: 33713 Telephone: 727-327-3935

PROPERTY OWNER:

Name: 1307 Gulf Way, LLLP

Address: 1324 S. Lakeshore Drive

City: Sarasota State: FL

Zip: 34231 Telephone: 941-358-6868

PROPERTY:

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

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

Current Zoning: THD Proposed Zoning: LLM-2

Current Land Use: Residential High

Proposed land use: LLM

Lot area: _____

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

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

1307 GULF WAY, LLLP
By: [Signature] - THOMAS A. JACOBS 7-21-11
Signature of Applicant & Date

For office use only:

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

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

Forwarded to City Commission: Date Sent: _____

Scheduled for: _____

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

File Closed: _____

Property address 1307 GUP WAY (continued)

THE FOLLOWING ITEMS MUST BE INITIALED BY APPLICANT OR AGENT:

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

 I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision, otherwise, the decision shall be final.

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



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

I/WE 1307 GULF WAY, LLLP
(print name of property owner)

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

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

1307 GULF WAY, LLLP
By: [Signature] - President
Signature of owner

HOWARD A. JACOBS - President
Print name of owner

[Signature]
Signature of owner

[Signature]
Print name of owner

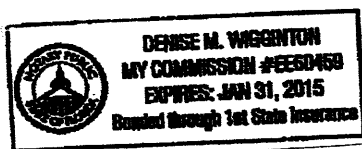
The foregoing instrument was acknowledged before me this 21 day
of July 2011, by HOWARD A. JACOBS who
is personally known X or produced _____ as
identification.

[Signature]
(Notary Signature)

7/21/11

(Date)

My commission expires 1/31/15



DEVELOPMENT AGREEMENT

By and Between

THE CITY OF ST PETE BEACH

and

TAKVOR EVRIKOZ

DEVELOPMENT AGREEMENT

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

RECITALS:

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

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

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

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

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

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

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

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

- A. City. The City of St. Pete Beach, Florida
- B. County. Pinellas County, Florida.
- C. Developer. TAKVOR EVRIKOZ
- D. Development Order. All applicable Development Orders, including rezonings, variances or conditional use approvals.
- E. Project. The expansion of any current development or construction of any new residential or hotel facility located on the subject property.
- F. Property. The lands described by the attached Exhibit "A".
- G. Density. The number of residential units permitted per acre of land in accordance with the Comprehensive Plan and Land Development Code of the City of St. Pete Beach.

Section 2. General Provisions.

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

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

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

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

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

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

If to the City:

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

If to the Developer:

Takvor Evrikov
1307 Gulf Way
St. Pete Beach, Florida 33706

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

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

G. Amendment of Agreement.

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

Section 3. Development of the Property.

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

B. Rules, Regulations, Zoning and Official Policies.

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

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

Section 4. Development of Property as a Private Undertaking.

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

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

Section 5. Miscellaneous Provisions.

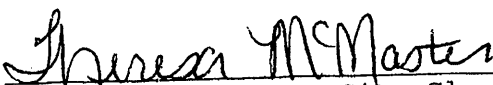
A. Recording. The Developer upon the execution of this Agreement, shall pay to the City the costs of recording of this Agreement among the Public Records of Pinellas County, Florida and the Agreement shall thereafter be recorded.

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

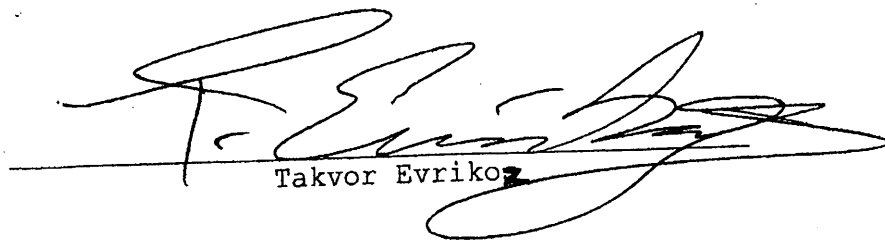
C. Successors and Assigns. The rights, benefits, burdens and obligations created and imposed by this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

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

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


Theresa B. McMaster, City Clerk

Signatures of Parties to the Agreement:



Takvor Evrikov



Michael Finnerty, Mayor
City of St. Pete Beach

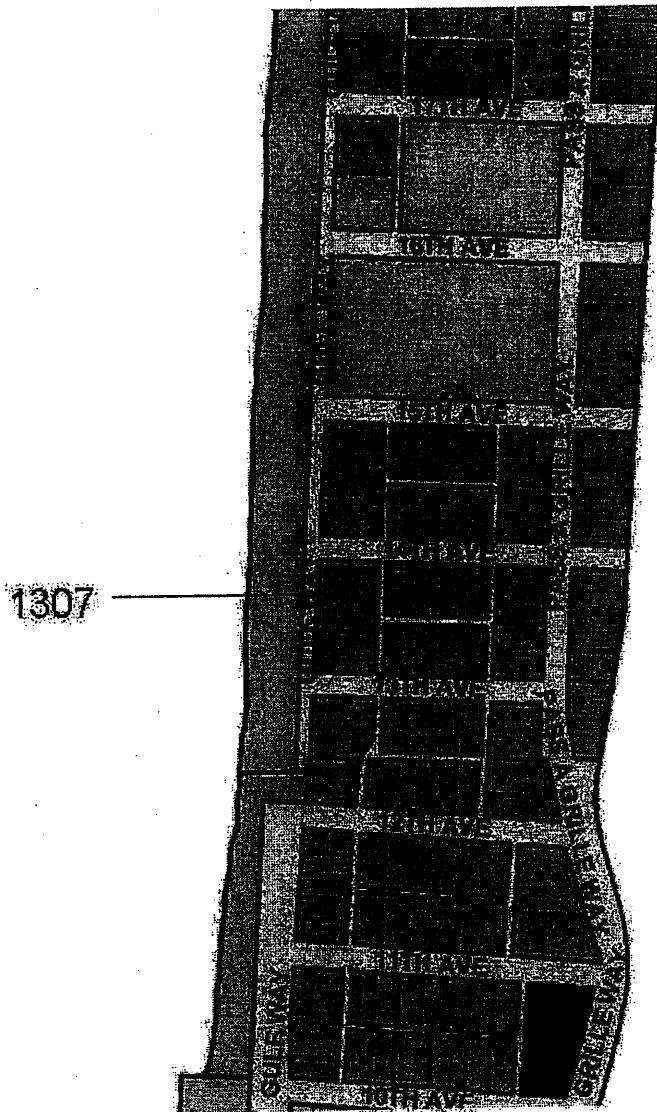
Attachment "A"

Legal Description 1307 Gulf Way

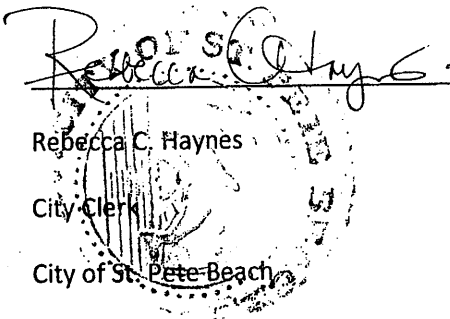
WEBSTER'S MAP, WARREN BLK B, LOTS 133 & 134 & N 35FT OF LOT 135
TOGETHER WITH THAT VAC PT OF GULF WAY DESC BEG AT NW COR OF
LOT 133 TH S01DE 135FT TH W 22.24FT TH N 135FT TH E 20.98FT TO POB (PER
O.R. 13168/437)

Exhibit A

1307 Gulf Way



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

 6/14/2011
Rebecca C. Haynes
City Clerk
City of St. Pete Beach

MEMORANDUM



CITY CLERK'S OFFICE

June 16, 2011

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

To Whom It May Concern:

Please record the enclosed documents as listed below:

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

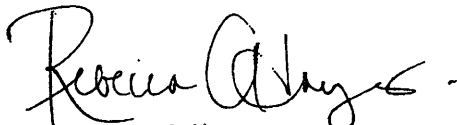
These documents were previously recorded on February 9, 2009 but did not include city clerk certification or the attachments referred to as Exhibit A.

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

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

Cordially,

CITY OF ST. PETE BEACH


Rebecca C. Haynes
City Clerk

City of St. Pete Beach

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

October 21, 2011

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

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

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

Dear Sirs:

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

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

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

Sincerely,

Bob & Mary Fernandez

mjm

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

Issue Considered: Second and Final Reading and Public Hearing of Ordinance 2011-34

Date: July 10, 2012

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: Applicant requests change of zoning designation for 1307 Gulf Way from THD to RLM-2.

The Planning Board conducted a public hearing on the above-mentioned case on January 17, 2012, and unanimously voted to recommend approval of the request. The City Commission approved the ordinance on 1st reading on April 10, 2012.

Requested Motion: “I move to approve Ordinance 2011-34 (read title)”

Attachments: Ordinance 2011-34.

Reviewed by City Manager: MB

ORDINANCE 2011-34

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED AT 1307 GULF WAY, AS ILLUSTRATED ON THE MAP IN “EXHIBIT A” FROM THD TO RLM-2; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach Comprehensive Plan encourages the preservation of residential neighborhoods and recommends minimizing the impacts of commercial uses adjacent to residential uses; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on January 17, 2012, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Tuesday March 27, 2012 and July 10, 2012, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this change to the Zoning Map to be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

WHEREAS, the City Commission finds this amendment to the Zoning Map to be in the best interest of the citizens of the City of St. Pete Beach.

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

Section 1. The Zoning Map of the City of St. Pete Beach is hereby amended, changing the zoning for the property located at 1307 Gulf Way, further illustrated in “Exhibit A”, from THD to RLM-2.

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 within 30 days of adoption.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 1/17/2012

PUBLISHED: 12/7/2011

FIRST READING: 3/27/2012

PUBLISHED : 3/14/2012

SECOND READING/ADOPTION HEARING:

PUBLISHED : 6/30/2012; 7/1/2012

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 _____, 2012.

Rebecca Haynes, City Clerk

Ordinance 2011-34 – 1307 Gulf Way Rezoning

Please see Ordinance 2012-33 1307 Future Land Use Map change for back up materials.

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

Issue Considered: Resolution 2012-07, establishing the FY 2012/2013 tentative millage rate.

Date: July 10, 2012

Prepared By: Elaine Edmunds, Finance Director

Summary of Issue: The rate as proposed will be used in the TRIM (Truth in Millage) notices sent to each property owner in the city. This rate may not be increased, but can be decreased when the City Commission adopts the final millage rate. The City must also notify the property appraiser's office of the date and time of the first public hearing for adoption of the millage rate and budget which may not conflict with Pinellas County or the School Board's budget hearings. The proposed date is Wednesday, September 12, 2012.

The original budget submittal was prepared using the current millage rate of 2.8569 which resulted in an increase in ad valorem tax revenue of \$4,303. The budget as submitted requires the use of \$939,566 of reserves. This amount was based on an estimated taxable value of \$1,980,778,381. Since that time, the certified taxable value has been received from the property appraiser of \$1,986,229,143. The revision results in a slight decrease in the millage rate of .0036 mills for a roll-back rate of 2.8533 mills. Since revenue is budgeted at approximately 96% of total tax revenue (due to discounts for early payments), the difference is negligible.

Attached is a worksheet providing an outline of the various thresholds when considering the millage rate. The City Commission can set the millage at any rate they desire below the maximum threshold. Alternatives three and four and five are only given as a guide for informational purposes. Should the City Commission desire to discuss items that will add costs to the proposed budget a higher tentative rate should be established to provide the necessary funding.

Requested Motion: "I move to approve Resolution 2012-07 . . . (read title)."

Attachments: Resolution 2012-07
Summary of Millage Alternatives

MB

RESOLUTION NO. 2012-07

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE RATE FOR TRIM NOTICES

The Board of Commissioners of the City of St. Pete Beach, Pinellas County, Florida, in a meeting held July 10, 2012, resolves as follows:

WHEREAS, a tentative budget has been prepared for the City as contemplated by s. 200.065(2)(a)1, Fla. Stat.; and

WHEREAS, the City Commission wishes to comply with the requirements of s. 200.065(2)(a)1, Fla. Stat.; and

WHEREAS, the proposed millage rate for the City of St. Pete Beach, as described in s. 200.065(2)(a)1, Fla. Stat. is computed to be a rate of _____ mills and a voted debt service millage rate of .0878 mills.

NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, DOES RESOLVE:

The City Commission specifies a proposed millage rate as described in s. 200.065(2)(a)1, Fla. Stat.; of _____ mills and a voted debt service millage rate of .0878 mills and authorizes notification of the Pinellas County Property Appraiser of the proposed tentative millage rate of _____ mills and the voted debt service millage rate of .0878 mill for a total of _____ mills for use in the Truth in Millage Notices.

INTRODUCED AND PASSED by the City Commission of the City of St. Pete Beach, Florida, on the 10th day of July 2012.

Mayor Steve McFarlin

Rebecca Haynes, City Clerk

City of St. Pete Beach
Millage Alternatives

		Budgeted Ad Valorem	Increase Over Current Amnt Budgeted	Required Advertised Tax Increase	Cost per \$100K to Taxpayer	Increase over Current
Total Taxable Value:	\$1,986,229,143					
One Tenth of a Mill	0.1000	\$191,075				
Current Millage - FY 2012	2.8569					
Alternative 1:						
Keep Millage the same	2.8569	\$5,460,825	\$0	No	\$ 285.69	\$ -
Alternative 2:						
Adopt Roll-Back Rate	2.8533	\$5,451,950	-\$8,875	No	\$ 285.33	\$ (0.36)
Alternative 3:						
Increase millage to cover budget shortfall	3.3484	\$6,397,963	\$937,138	Yes	\$ 334.84	\$ 49.15
Alternative 4:						
Increase millage to get to 25% reserve	3.3971	\$6,491,017	\$1,030,192	Yes	\$ 339.71	\$ 54.02
Alternative 5:						
Increase millage to cover additional cost of maintaining city Police Dept.	3.5628	\$6,807,629	\$1,346,804	Yes	\$ 356.28	\$ 70.59
Alternative 6:						
Simple Majority Vote						
Adopt Roll-Back Rate plus Florida Personal Income Growth Index (4.47%)	3.6057	\$6,889,600	\$1,428,775	Yes	\$ 360.57	\$ 74.88
Alternative 7:						
Super Majority Vote						
Adopt Roll-Back Rate plus Florida Personal Income Growth Index (4.47%) plus 10% (maximum allowed)	3.9663	\$7,602,251	\$2,141,426	Yes	\$ 396.63	\$ 110.94
ANYTHING ABOVE THIS WOULD REQUIRE VOTER REFERENDUM						
\$100,000 taxable value	0.1000	\$ 10.00				

Note: Above does not include voted debt service of .0878

City of St. Pete Beach
Undesignated Fund Balance Projection

	General Fund FY 12	General Fund FY 13
Beginning Balance	\$3,229,855	\$3,466,887
Repayment from Wastewater Fund	\$285,270	\$324,640
Repayment from Reclaimed Fund	\$0	\$71,176
Budgeted Increase/Decrease	<u>-\$48,238</u>	<u>-\$939,566</u>
Projected balance 9/30	<u>\$3,466,887</u>	<u>\$2,923,137</u>
Budgeted Expenses	<u>\$14,830,992</u>	<u>\$15,821,126</u>
Projected % of Reserve to Operating	<u>23%</u>	<u>18%</u>
Reserve Target (25%)	<u>\$3,707,748</u>	<u>\$3,955,282</u>
Excess/ (Shortfall)	<u>-\$240,861</u>	<u>(\$1,032,145)</u>