

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 All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.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

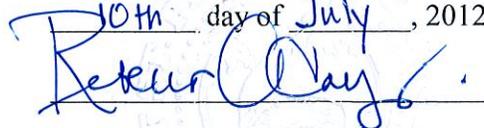
FIRST READING: 3/27/2012

PUBLISHED : 3/14/2012

SECOND READING/ADOPTION HEARING: 7/10/2012

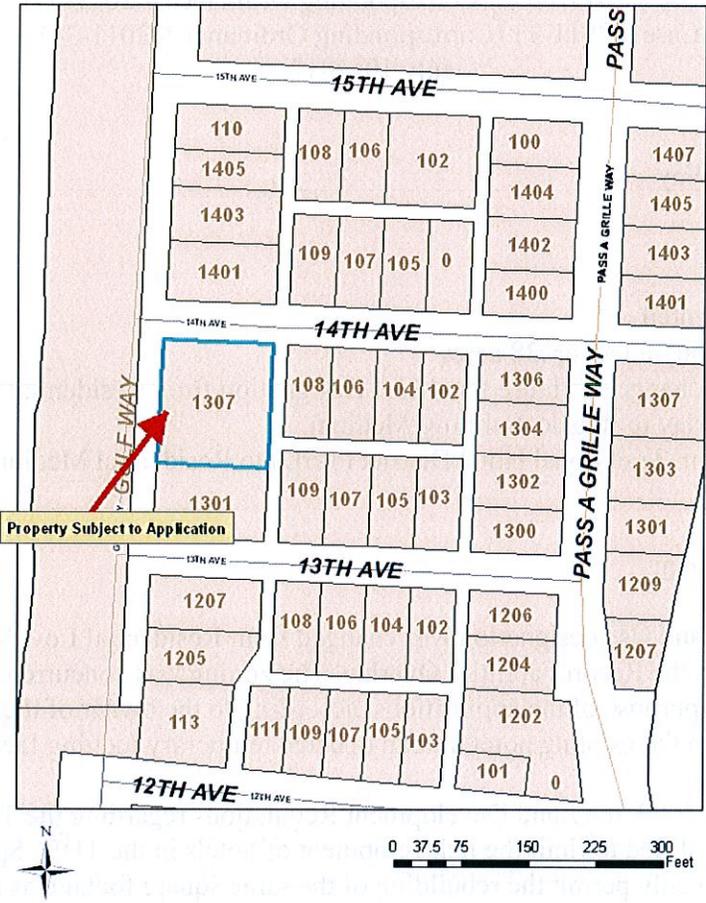
PUBLISHED: 6/30/2012; 7/1/2012

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

10th day of July, 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 waived 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 polices 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.

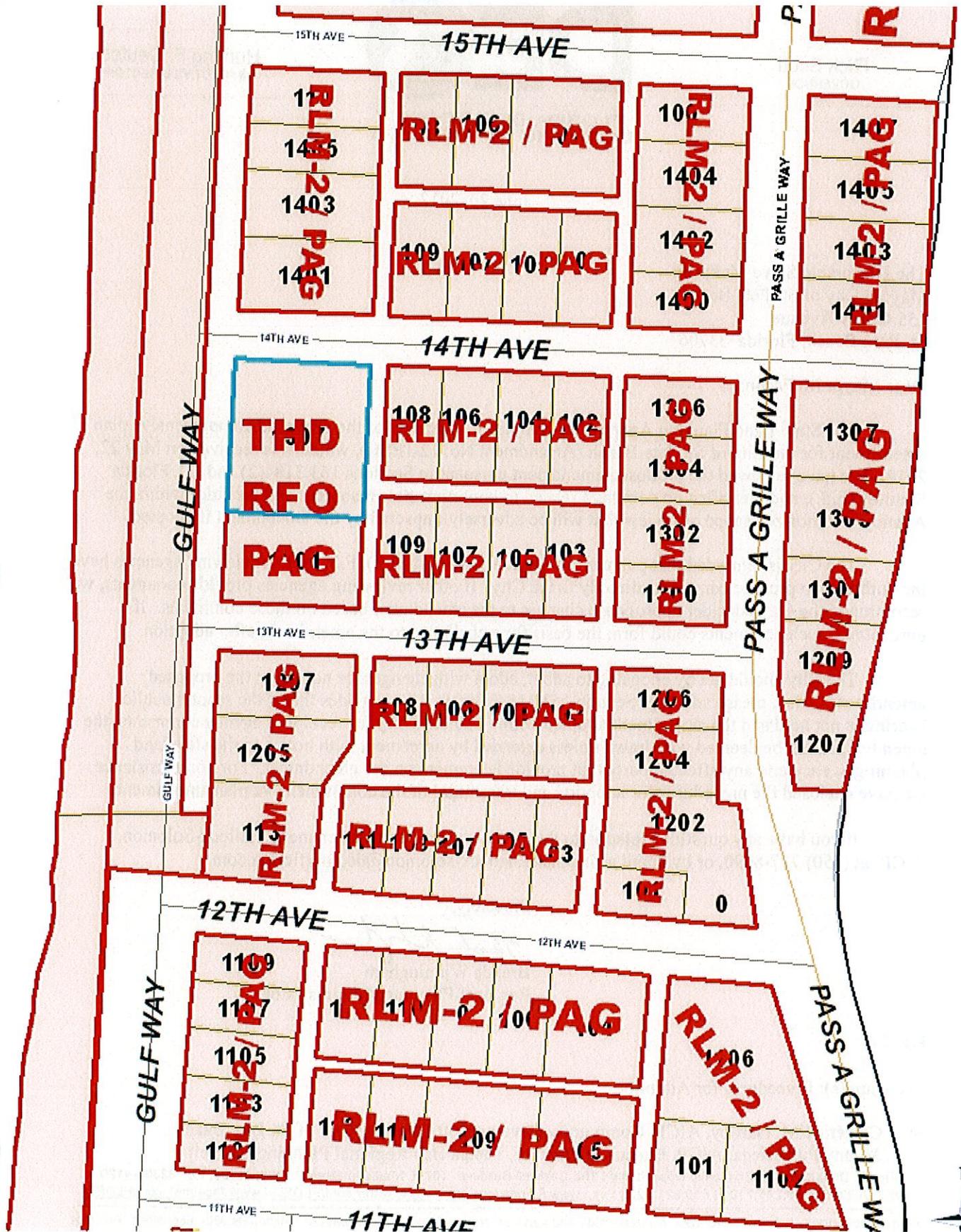
Conclusion

Certainly, there are polices 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



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

Hunting F. Deutsch
EXECUTIVE DIRECTOR

June 20, 2012

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

Dear Mayor McFarlin:

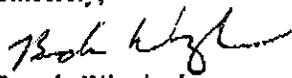
The State Land Planning Agency has completed its review of the proposed comprehensive plan amendment for the City of St. Pete Beach (Amendment No. 12-1ESR), which was received on May 22, 2012. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and 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 Pumariaga, 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

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**BOARD OF COUNTY
COMMISSIONERS**

Nancy Bostock
I 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,

A handwritten signature in cursive script that reads "Gordon Beardslee".

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



ORDINANCE NO. 12-_____

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:

PROPERTY OWNER:

Name: Bacon & Bacon, P.A.-David Bacon Esq. Name: 1307 Gulf Way, LLLP
 Address: 2959 First Avenue North Address: 1324 S. Lakeshore Drive
 City: St. Petersburg State: FL City: Sarasota State: FL
 Zip: 33713 Telephone: 727-327-3935 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: RLM-2 Current Land Use: Residential High Proposed land use: RLM
 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] - David J. Jones
ITS PRESIDENT 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 GOLF 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. - DAVID 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

[Signature]
Signature of owner

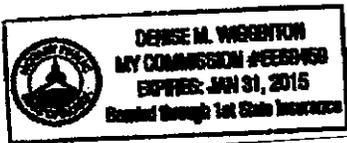
HOWARD A. JACOBS - President
Print name of owner

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 or produced _____ as
identification.

[Signature] _____ 7/21/11
(Notary Signature) (Date)

My commission expires 1/31/15



KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2011161527 06/20/2011 at 09:32 AM
OFF REC BK: 17280 PG: 525-534
DocType:AGM RECORDING: \$86.50

KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2009032931 02/09/2009 at 01:35 PM
OFF REC BK: 16493 PG: 598-604
DocType:AGM RECORDING: \$61.00

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 Evrikoz
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.

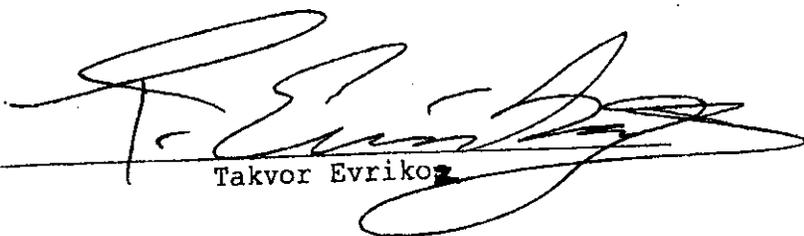
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first above written.

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.

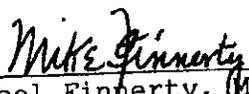


Theresa B. McMaster, City Clerk

Signatures of Parties to the Agreement:



Takvor Evrikov



Michael Finnerty, Mayor
City of St. Pete Beach

Attachment "A"

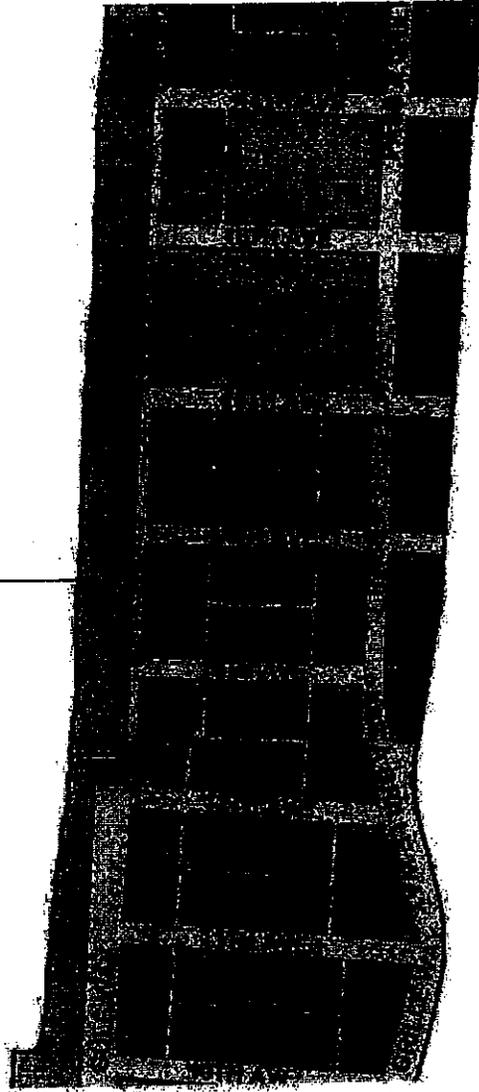
Legal Description 1307 Gulf Way

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)

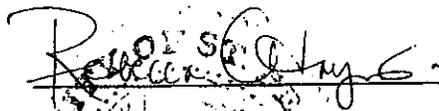
EXHIBIT A

1307 Gulf Way

1307



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