

## ST. PETERSBURG CITY COUNCIL

Meeting of June 4, 2009

**TO:** The Honorable Jeff Danner, Chair and Members of City Council

**SUBJECT:** **City File ZM-1(A):** The City-owned subject property, estimated to be 10.77 acres in size, is comprised of the Al Lang stadium site and the parking lot immediately abutting to the north, generally located south of 1<sup>st</sup> Avenue SE, between 1<sup>st</sup> Street South and Bayshore Drive SE.

**REQUEST:** Ordinance \_\_\_\_ amending the Official Zoning Map designation from DC-3 (Downtown Center-3) to DC-P (Downtown Center-Park).

A detailed analysis of the request is provided in the attached Staff Report ZM-1(A).

### RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Planning & Visioning Commission (PVC): The PVC held a public hearing on this matter on March 10, 2009 and recommended approval by a vote of 6 to 0, based on consistency with the Comprehensive Plan.

Neighborhood Input: The subject property is within the boundaries of the Downtown Neighborhood Association. No phone calls, visitors or correspondence were received.

Recommended City Council Action: (1) CONDUCT the first reading and first public hearing for the attached ordinance; AND (2) SET the second reading and second public hearing for June 18, 2009.

Attachments: Ordinance, Maps, PVC Minutes, Staff Report

ORDINANCE NO. \_\_\_-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA, BY CHANGING THE ZONING OF PROPERTY GENERALLY LOCATED SOUTH OF 1ST AVENUE SE, BETWEEN 1ST STREET SOUTH AND BAYSHORE DRIVE SE, FROM DC-3 (DOWNTOWN CENTER-3) TO DC-P (DOWNTOWN CENTER-PARK); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Official Zoning Map of the City of St. Petersburg is amended by placing the hereinafter described property in a Zoning District as follows:

Property

Lot 1, Block 1, AL LANG FIELD, according to the Plat thereof recorded in Plat Book 135, Pages 95 and 96, of the Public Records of Pinellas County, Florida.

District

From: DC-3 (Downtown Center - 3)

To: DC-P (Downtown Center - Park)

SECTION 2. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. This Ordinance shall become effective upon adoption..

APPROVED AS TO FORM AND SUBSTANCE:

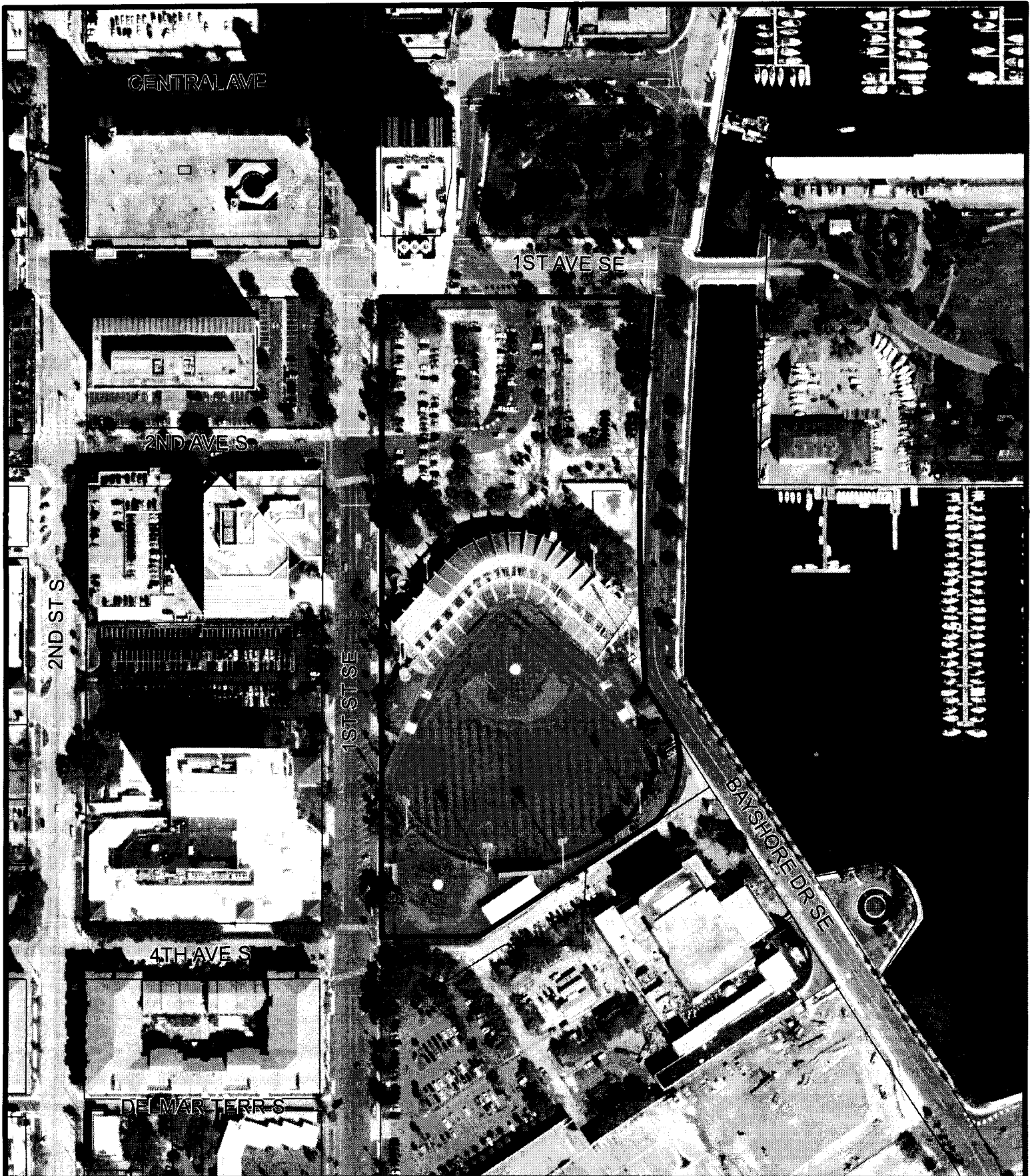
ZM-1(A)  
(Zoning)

  
DEVELOPMENT SERVICES DEPARTMENT

5/5/09  
DATE

  
ASSISTANT CITY ATTORNEY

5-7-09  
DATE



**AERIAL**

CASE NUMBER

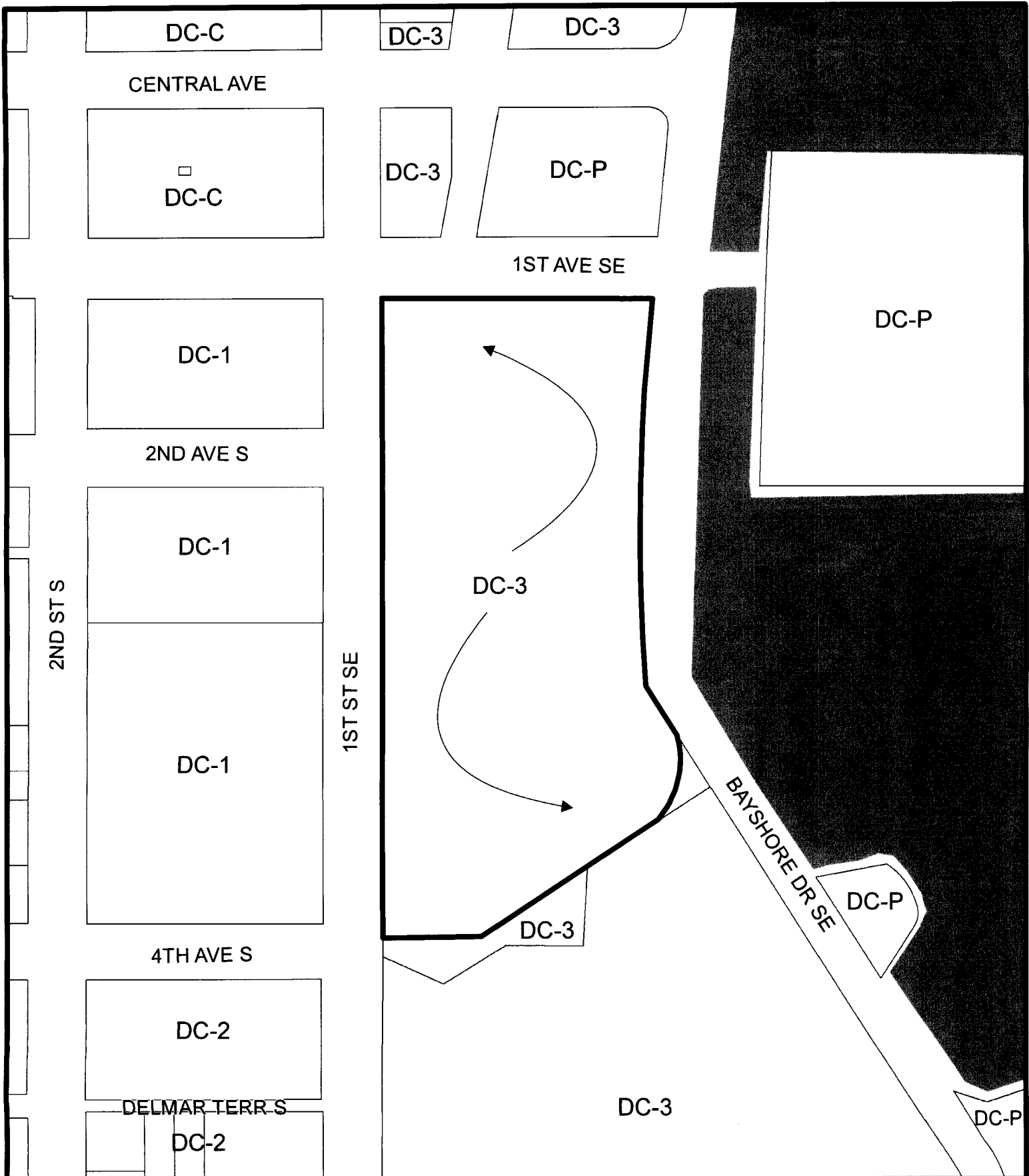
ZM-1(A)

SCALE: 1" = 208'




SUBJECT AREA

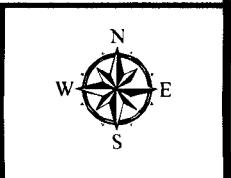


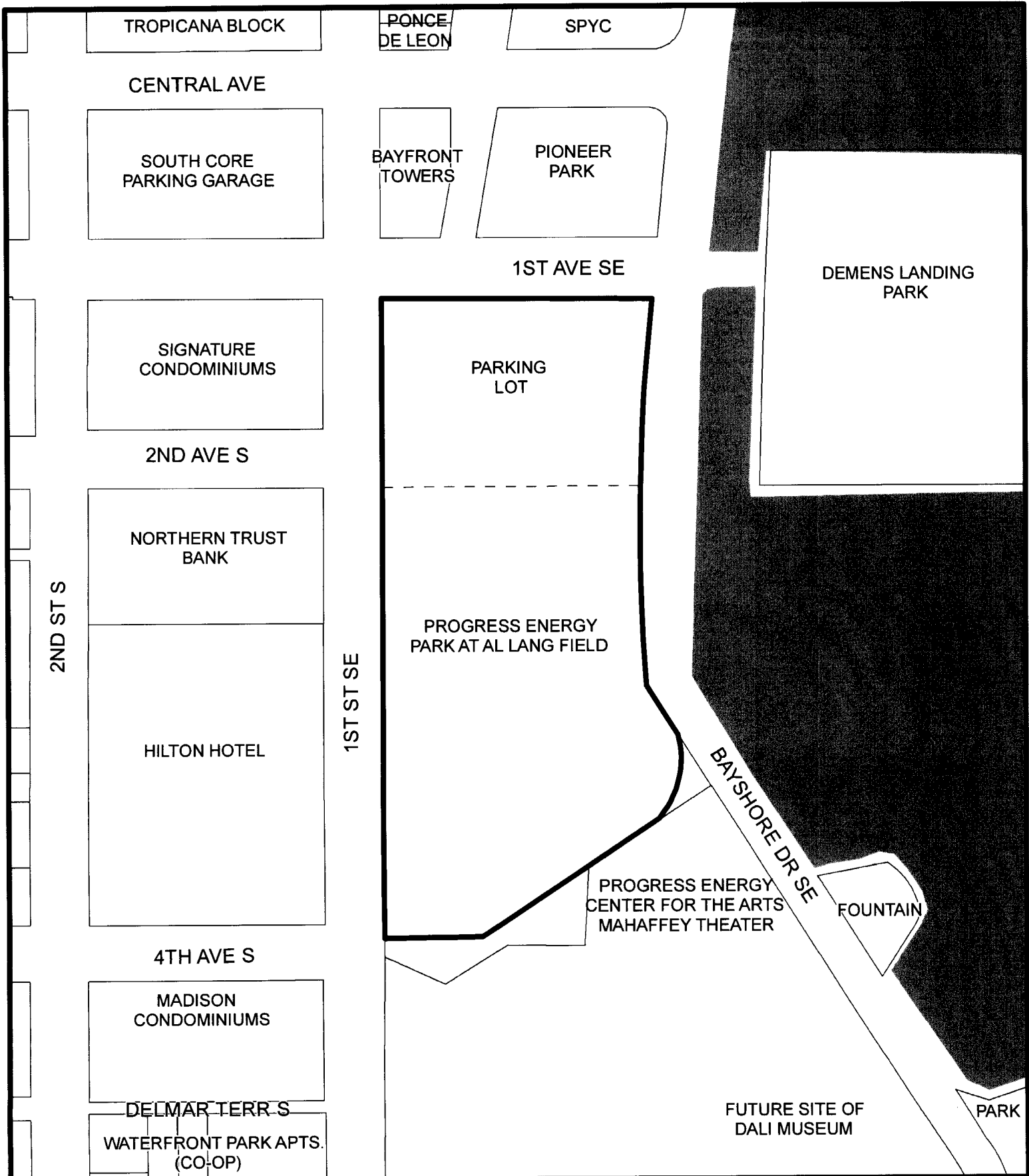


**EXISTING ZONING**

CASE NUMBER
ZM-1(A)
SCALE: 1" = 208'

<b>PRESENT ZONING:</b> DC-3	<b>REQUESTED ZONING:</b> DC-P
 SUBJECT AREA	





**EXISTING AND SURROUNDING USES**

CASE NUMBER
ZM-1(A)
SCALE: 1" = 208'



SUBJECT AREA





CITY OF ST. PETERSBURG  
PLANNING & VISIONING COMMISSION  
PUBLIC HEARING

*Approved as written 4/14/09*

**Council Chambers**  
**City Hall**

**March 10, 2009**  
**Tuesday, 3:00 p.m.**

**MINUTES**

**Present:** Robert "Lee" Nolan, Vice Chair  
Martha L. Kehm  
William E. Klein  
Ed Montanari  
Douglas E. Robison  
Thomas Whiteman, Jr.

**Commissioners Absent:** Jeff Rogo, Chair<sup>1</sup>

<sup>1</sup> *excused*

**Staff Present:** Julie Weston, Director, Development Services  
Rick MacAulay, Manager, Urban Planning, Design & Historic Preservation  
Al Galbraith, Assistant City Attorney, Legal Dept.  
Vicky Davidson, Administrative Assistant, Development Services

The public hearing was called to order at 3:02 p.m., a quorum was present.

**MINUTES**

Minutes from the February 10, 2009 meeting were approved by a consensus vote.

**PUBLIC HEARING**

**Agenda Item**

**City File ZM-1(A)**

**Contact Person: Rick MacAulay**  
**893-7283**

*Quasi-Judicial*

**Location:** The City-owned subject property, estimated to be 10.77 acres in size, is comprised of the Al Lang stadium site and the parking lot immediately abutting to the north, generally located south of 1<sup>st</sup> Avenue SE, between 1<sup>st</sup> Street South and Bayshore Drive SE.

**Request:** A City-initiated amendment to the Official Zoning Map designation from DC-3 (Downtown Center-3) to DC-P (Downtown Center-Park), or other less intensive zoning designation.

**Staff Presentation**

Rick MacAulay gave a presentation based on the staff report.

Commissioner Klein commented that the proposed DC-P zoning is what the property is currently be used for.

Mr. MacAulay stated that all of the development seen today south of 5<sup>th</sup> Avenue North and east of 1<sup>st</sup> Street was developed under the City's Waterfront Zoning District (i.e. high rises and street-level retail/office). The Al Lang stadium property and parking lot have always been designated consistent with the City's Waterfront Zoning District; i.e. in prior years CBD-3 and since 2007 DC-3. Under the proposed DC-P, a stadium could continue as well as under the present DC-3 zoning designation. The future use of the property could remain an active park.

Commissioner Klein asked if someone wanted to change the use of the property, then they would have to go before City Council. Mr. MacAulay replied that if there is a substantial change of the use on the property or if the property is to be leased for a certain period of time or sold, it would not only go before City Council but would probably have to go to a City referendum.

Commissioner Montanari asked about the National Professional Baseball League building addressed on page 3 of the staff report and what the implications would be for this building if the DC-P designation is approved. Mr. MacAulay replied that the existing office use on the property would become non-conforming. Currently, under DC-3 it is a permitted use. Staff is working on a code amendment to go before the Development Review Commission (DRC) in May related to changing an office use in DC-P from non-conforming to accessory. Another amendment which will also go before DRC in May will be related to height which is separate and apart from the zoning map change. These changes will be reviewed by City Council.

Commissioner Montanari asked about the implications to the National Professional Baseball League facility if the accessory use code amendment was not approved. Mr. MacAulay replied that it could continue as a legal non-conforming use.

**Public Hearing**

The following people spoke in support of the request:

Marilyn Olsen, 100 Beach Drive NE and representing the Downtown NA

Hal Freeman, 1 Beach Drive SE

Barbara Heck, 106 Giralda Blvd. NE and representing CONA

Peter Belmont, 102 Fareham Place N

Gail Eggeman, 104 Fareham Place N

**Executive Session**

**MOTION:** *Commissioner Kehm moved and Commissioner Robison seconded to approve the request in accordance with the staff report.*

**VOTE:** *YES – Kehm, Klein, Montanari, Robison, Whiteman, Nolan  
NO - None*

*Motion was approved by unanimous vote of 6 to 0.*

**ANNOUNCEMENTS**

Julie Weston informed all interested parties that this case will be going before City Council in June.

With no further items to come before the Commission, the public hearing was adjourned at 3:25 p.m.



## **Staff Report to the St. Petersburg Planning & Visioning Commission**

Prepared by the Development Services Department,  
Urban Planning, Design and Historic Preservation Division

For Public Hearing and Executive Action on March 10, 2009  
at **3:00 p.m.**, in the City Council Chambers, City Hall,  
175 Fifth Street North, St. Petersburg, Florida.

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**City File #ZM-1(A)**  
Agenda Item #1

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According to Development Services Department records, there are no Planning & Visioning Commission members who own property located within 2,000 feet of the subject property. All other possible conflicts should be declared upon announcement of the item.

**APPLICANT:** City of St. Petersburg

**SIZE/**

**LOCATION:** The City-owned subject property, estimated to be 10.77 acres in size, is comprised of the Al Lang stadium site and the parking lot immediately abutting to the north, generally located south of 1<sup>st</sup> Avenue SE, between 1<sup>st</sup> Street South and Bayshore Drive SE.

**LEGAL/PIN:** The subject property is legally described as Lot 1, Block 1, AL LANG FIELD, according to the Plat thereof recorded in Plat Book 135, Pages 95 and 96, of the Public Records of Pinellas County, Florida. The parcel identification number (PIN) is 19/31/17/00225/001/0010.

**REQUEST:** On November 6, 2008 the St. Petersburg City Council adopted Resolution 2008-558, initiating a change to the Official Zoning Map designation for the subject property from DC-3 (Downtown Center-3) to DC-P (Downtown Center-Park).

**ZONING HISTORY:** The zoning designation for the subject property was Central Business District-3 (CBD-3) from 1977 until 2007, when the entire downtown area was rezoned. On August 9, 2007 the subject property was rezoned from CBD-3 to DC-3 (Downtown Center-3) as part of the downtown area rezoning, related to the implementation of the Vision 2020 Plan and update of the City's land development regulations or LDRs (Ordinance 704-Z, City File ZO-93-A).

City File ZM-1(A)  
Page 1

## **STAFF ANALYSIS:**

As stated above, the subject property has been designated either CBD-3 or DC-3 on the City's Official Zoning Map since 1977. The property's present DC-3 zoning is consistent with the designation for all of the *developed property* located east of 1<sup>st</sup> Street, between 5<sup>th</sup> Avenue North and Bayshore Drive/Dali Boulevard SE. The proposed DC-P zoning is equally consistent with the designation for all of the City-owned *parkland* located east of 1<sup>st</sup> Street, between 5<sup>th</sup> Avenue North and Bayshore Drive/Dali Boulevard SE, including North and South Straub Park, Pioneer Park, Demen's Landing and Albert Whitted Park.

Chapter 21 of the City Code of Ordinances (titled Parks and Recreation) identifies the subject property as an "active park." Specifically, the property is identified as Al Lang Field at Progress Energy Park and is designated #39 on the Park and Waterfront Property Map, as contained in the City Charter. Thus, in addition to Chapter 16 of the City Code (LDRs), the provisions of Chapter 21 are applicable regarding the zoning designation and a change of use on the property. It cannot be *emphasized enough* that the subject property is protected by the City Charter. Any sale, lease or substantial change of use of the property, no matter the zoning, is subject to a City Council public hearing and possibly a City-wide referendum.

### **Land Development Regulations**

The following is a brief summary of the purpose and intent of the existing DC-3 zoning district and the proposed DC-P zoning district, excerpted from Chapter 16, City Code (a.k.a., the LDRs):

#### **Zoning**

- **Downtown Center – 3 (DC-3)**

This sub-district encourages development of residential, offices, hotels, specialty retail and permitted mixed uses compatible with the waterfront area, and with special emphasis for pedestrian oriented development at the street level. Additional setbacks above the base level of the building encourage an intimate village scale along Beach Drive. Taller buildings are required to step back from the waterfront park system. The base floor-area ratio in the DC-3 district is 2.0 with a potential to achieve an f.a.r. of 4.0, which is the maximum.

- **Downtown Center – Park (DC-P)**

This sub-district denotes the lands which are public parks, or development located within public parks east of Beach Drive and surrounding Mirror Lake. In these areas, heights and development intensities will be limited and setbacks will be generous to maintain a sense of open space adjacent to the public spaces. The base (and maximum) floor-area ratio in the DC-P district is 0.20.

### **Dimensional Regulations**

The DC-3 zoning district provides specific setbacks along streets and distances between buildings. These are similar limits specified for the DC-C, DC-1 and DC-2 zoning districts but not for the DC-P zoning district. The DC-P regulations do not provide any minimum building setbacks, nor are there minimum distance requirements between buildings or maximum floor plate standards.

### **Design Criteria**

City Code Section 16.20.120.5 provides design criteria which apply to all DC districts; these criteria would apply to development on the subject property with both the DC-3 and DC-P zoning districts. The design criteria include site layout and orientation, building style, pedestrian building edge and building fenestration.

### **Existing and Proposed Uses**

The subject property is presently developed with a baseball stadium, a 357 space parking lot, and an office building. As stated above, the subject property is designated as an “active park.” The Use Matrix in the LDRs identifies “active park” as a permitted principal use in both the DC-3 and DC-P zoning districts. The existing triangular-shaped office building located on the site (along Bayshore Blvd. SE) is leased to the National Association of Professional Baseball Leagues, Inc. (NAPBL). NAPBL, Inc. has occupied the building since 1977. The lease was recently renewed through December 31, 2009. While office uses are a permitted principal use in the DC-3 district, they are nonconforming in the DC-P district.

Pursuant to the directive of City Council at their November 6, 2008 meeting, a City-initiated application is being processed concurrently, requesting to amend the Use Matrix in the LDRs, specifically to change office uses in DC-P from “nonconforming” to “accessory” (City File LDR-2009-01).

As stated above, the proposed DC-P zoning is consistent with the designation for all of the City-owned *parkland* located east of 1<sup>st</sup> Street, between 5<sup>th</sup> Avenue North and Bayshore Drive/Dali Boulevard SE, including North and South Straub Park and Pioneer Park to the north, Demen’s Landing to the east, and Albert Whitted Park to the south.

### **Height**

Building height in the Downtown Center area is not regulated based on the zoning but by a separate section of the City Code (Section 16.20.120.7.1), which includes a Maximum Building Height Map. The Downtown Center building height regulations and height map are designed to concentrate heights within the core area of the downtown, and then “step down” toward the surrounding

neighborhoods.

At meetings and a workshop during the months of August, September and November 2008, the City Council discussed the fact that the maximum height for a structure on the subject property was 300-feet. On November 6, 2008 the City Council adopted Resolution 2008-559, initiating a change to the Maximum Building Height Map designation for the subject property from "A" (300-feet) to "E" (50-feet). Due to the fact that the existing stadium is approximately 66-feet tall, such a change to the height map would result in a nonconformity. The City Code, however, provides for a public hearing process for "bonus" height approval in Area "E" up to 75-feet, which, if approved, would eliminate the potential nonconforming status. If the change to the Maximum Building Height Map designation is approved by City Council, it is anticipated that the Development Review Commission (DRC) will hold a public hearing on July 1, 2009 related to height approval up to 75-feet on the subject property (City File DRC-2009-01).

With regard to the stadium lights, which are approximately 130-feet tall, the City Code provides for "height encroachments" in all zoning districts, and specifically states that *site lighting* has no height limit.

### **Consistency with the Comprehensive Plan**

The proposed rezoning of the subject property from DC-3 to DC-P is consistent with the Comprehensive Plan.

- The Comprehensive Plan (or Future Land Use Map) designation for the southern area of the subject property containing the stadium will remain Recreation/Open Space, reflecting the "park use." The designation for the northern area containing the parking lot will remain Institutional, reflecting the City's ownership.
- The rezoning will not impact the City's adopted level of service (LOS) standards for public facilities, including potable water, sanitary sewer, solid waste and roadways.
- The rezoning supports the City's waterfront park system, which is also protected by Section 1.02 of the City Charter regarding the sale, lease and change of use of park property.
- Finally, the subject property is located within the Intown redevelopment area, as set forth in the Intown Redevelopment Plan (IRP). The property is also located within the Intown Activity Center and the Intown Areawide Development of Regional Impact. A rezoning of the subject property from DC-3 to DC-P will not affect any of these designations.

**RECOMMENDATION:** City Administration recommends **APPROVAL** of amending the Official Zoning Map designation from DC-3 to DC-P, based on consistency with the Comprehensive Plan.

**RESPONSES TO RELEVANT  
CONSIDERATIONS ON AMENDMENTS  
TO THE OFFICIAL ZONING MAP:**

**a. Compliance of probable use with goals, objectives, policies and guidelines of the City's Comprehensive Plan.**

The following objectives and policies from the Comprehensive Plan are *applicable*:

Objective LU3            The Future Land Use Plan Map shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density and intensity of development and redevelopment. All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio. All density, intensity and impervious surface standards and regulations shall be consistent with the standards of this Future Land Use Element and with the Countywide Future Land Use Plan.

Policy LU3.31            The Land Use Plan shall provide adequate locations for recreation/open space activities within the City in accordance with the goals, objectives and policies of the Recreation/Open Space Element of the St. Petersburg Comprehensive Plan.

Objective LU5            The City shall coordinate the provision of the following facilities and services concurrent with the needs of the existing and future land uses consistent with the adopted minimum level of service standards contained in this Comprehensive Plan: 1) Drainage, 2) Solid Waste, 3) Potable Water, 4) Sanitary Sewer, 5) Recreation/Open Space, 6) Roadways and 7) Mass Transit.

Objective LU17A:        Maintain and enhance the City's Waterfront Park system.

Policy LU17A.1         Opportunities to establish a continuous waterfront park system from Coffee Pot Bayou to Lassing Park shall be pursued.

Policy LU17A.2         The waterfront park system should provide a variety of passive and active recreational and cultural uses as identified in the Waterfront Master Plan.

**b. Whether the proposed change would alter population or the population density pattern and thereby impact residential dwelling units and or public schools.**

Not applicable.

- c. Impact of the proposed amendment upon the following adopted levels of service (LOS) for public services and facilities including but not limited to: water, sewer, sanitation, traffic, mass transit, recreation, stormwater management.**

The rezoning of the subject property from DC-3 to DC-P will not impact the City's adopted levels of service for potable water, sanitary sewer, solid waste, traffic, mass transit, stormwater management and recreation.

- e. Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansion.**

The land area is appropriate, adequate and sufficient to accommodate the anticipated use of the property.

- f. The amount and availability of vacant land or land suitable for redevelopment shown for similar uses in the City or in contiguous areas.**

Not applicable.

- g. Whether the proposed change is consistent with the established land use pattern.**

The established land use pattern will not be affected.

- h. Whether the existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change.**

The existing DC-3 zoning district boundaries are logically drawn in relation to existing conditions on the property.

- i. If the proposed amendment involves a change from a residential to a nonresidential use, whether more nonresidential land is needed in the proposed location to provide services or employment to the residents of the City.**

Not applicable.

- j. Whether the subject property is located within the 100-year flood plain or Coastal High Hazard Area (CHHA) as identified in the Coastal Management Element of the Comprehensive Plan.**

According to the FEMA Flood Insurance Rate Map (FIRM), the subject property is located in the 100-year flood plain. The majority of the property is located in Special Flood Hazard Area AE, Flood Zone 8-feet, which requires that the top of the lowest habitable floor be at or

above 8-feet NAVD (North American Vertical Datum). Portions of the eastern perimeter of the subject property are located in the CHHA (Coastal High Hazard Area).

**k. Other pertinent information.** None.