

ST. PETERSBURG CITY COUNCIL

Meeting of June 18, 2009

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

SUBJECT: **City File LDR-2009-01:** Amending City Code Chapter 16, Land Development Regulations.

REQUEST: Ordinance _____ amending the land-use type "office, general" from *nonconforming* to *accessory* within the Downtown Center-Park (DC-P) zoning classification.

A detailed analysis is provided in the attached staff report prepared for the Development Review Commission (DRC).

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Development Review Commission: In Executive Action on May 6, 2009 the Development Review Commission (DRC) voted unanimously (7 to 0) to recommend APPROVAL, based on consistency with the Comprehensive Plan.

Citizen Input: No input has been received, to date, from the public.

City Council Action: On June 4, 2009, the City Council conducted the first reading and public hearing, and set the second reading and public hearing for June 18, 2009.

Recommended City Council Action: 1) CONDUCT the second reading and second public hearing; and 2) APPROVE the proposed ordinance.

Attachments: Proposed Ordinance, DRC Minutes, Staff Report, Housing Affordability Impact Statement

AN ORDINANCE OF THE CITY OF ST. PETERSBURG
AMENDING SECTION 16.10.020.1 OF THE ST.
PETERSBURG CITY CODE, TITLED "MATRIX: USE
PERMISSIONS AND PARKING REQUIREMENTS," TO
ESTABLISH THE "OFFICE, GENERAL" USE AS AN
ACCESSORY USE WITHIN THE DOWNTOWN
CENTER - PARK (DC-P) ZONING DESIGNATION;
AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section One. In Section 16.10.020.1 of the St. Petersburg City Code, the use "office, general" in the DC-P zoning district is hereby amended to change the designation from "nonconforming" to "accessory."

Section Two. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section Three. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City File: LDR 2009-01



City Attorney (designee)



CITY OF ST. PETERSBURG
DEVELOPMENT REVIEW COMMISSION
PUBLIC HEARING
May 6, 2009

PUBLIC HEARING

Non Quasi-Judicial

Land Development Regulations (LDRs) Code Amendments

Derek Kilborn
893-7872

Agenda Item #7

Request: LDR 2009-01 It is requested that the Development Review Commission (DRC) review and recommend approval of a proposed ordinance amending Chapter 16 of the City Code of Ordinances, more commonly referred to as the Land Development Regulations. Specifically, this proposal relates to Section 16.10.020.1 titled "Matrix: Use Permissions and Parking Requirements" and shall amend the land-use type "office, general" from "nonconforming" to "accessory" within the Downtown Center-Park (DC-P) zoning classification.

Agenda Item #8

Request: LDR 2009-02 It is requested that the Development Review Commission (DRC) review and recommend approval of a proposed ordinance amending Chapter 16 of the City Code of Ordinances, more commonly referred to as the Land Development Regulations. This proposal relates to Section 16.20.120.7.1 titled "Maximum Building Height" and shall amend the maximum building height for the Progress Energy Park – Home of Al Lang Field. Specifically, the height district shall be reclassified from District A to District E effectively reducing the maximum building height from more than 300 feet to 75 feet.

Agenda Item #9

Request: LDR 2009-03 It is requested that the Development Review Commission (DRC) review and recommend approval of a proposed ordinance amending Chapter 16 of the City Code of Ordinances, more commonly referred to as the Land Development Regulations. This proposal relates to Section 16.20.120.7.1 titled "Maximum Building Height" and shall amend the maximum building height for the Progress Energy Center for the Arts. Specifically, the height district shall be reclassified from District A to District D effectively reducing the maximum building height from more than 300 feet to 200 feet.

Staff Presentation

Mr. Kilborn began his presentation, based on the staff report, by giving general background information and then talked specifically about the three requests:

Commissioner Eichler asked for an explanation of why one area has a proposed designation as Area A and another area proposed as Area D, and then commented that with Area D closer to the residential properties, it

should be lower not higher based on Mr. Kilborn's presentation. Ms. Weston replied that with City Council's meeting in November 2008, the original discussion was solely about the Al Lang property. At that time, an additional motion was made by Council to consider changing the height of the Center for the Arts portion of that site as well as the Al Lang property. Council had discussions about this because of their concern about height restrictions placed on the Dali site and how it will affect the lease; however, it did not receive the months of discussions by Council as the Al Lang property had received nor the significant public input.

Commissioner Eichler stated for clarification that the reason for the different height proposals was because of the existing buildings of the site and possible leases, to which Ms. Weston stated that was what Council expressed at their November meeting.

Commission Chair Punzak stated that he understands the proposed height restriction for the office site but thought it was unusual that the City would down-zone its own property. Ms. Weston explained that discussions were held during Council workshops and City meetings regarding how the downtown zoning would apply to the Al Lang property. The reason this property received the zoning designation that it did was because staff intended to change out the previous zoning (CBD-3) for the compatible new zoning designation (DC-3). In November 2008, Council's direction was that they wanted the zoning map change and these related text amendment changes that staff had pointed out to be brought back to them for their consideration.

Commissioner Kotaiche asked if a City-wide referendum is still required if they want to do any changes to these parks. Ms. Weston stated that physical changes in the park as opposed to the regulations they are talking about today could require a referendum depending on what the situation is; the sale or lease situations may require a referendum.

Commissioner Cravey asked if the zoning change had already occurred because typically this comes after the zoning change, not before. Ms. Weston replied, no, the zoning change had not already occurred. The zoning map change had already been reviewed by the Planning & Visioning Commission; however, it will be brought before City Council on June 18th for their final action. It is unusual in the downtown district to have a zoning district and uses and then separately having a maximum building height map. However, this was done during the LDRs to address the concerns regarding "uses" versus "land area" versus "height" in the pattern that was accepted by this community. The height change is really a text change in the LDRs and it was Council's request that they be able to consider all of these items at the same time.

Commission Chair Punzak asked what would happen if the DRC said no. Ms. Weston replied that the DRC's advisory recommendation with the details and reasons would be included in the staff report to Council for their consideration.

Commissioner Silverman asked what the benefit of limiting the height is because it could be restricting options that may benefit the community. Ms. Weston stated that the proposed height is perceived to be more consistent with the requested zoning designation of DC-P. In every other part of the City, the height regulations are part of the zoning district; however, the downtown area is separated for reasons that are unique to St. Petersburg and the waterfront character along Beach Drive.

Commission Chair Punzak asked why the lower height restriction on the property closer to downtown and then going up on the Mahaffey Theater property. Ms. Weston stated that more discussions had occurred about the Al Lang site than about the Center of the Arts, which was discussed at the November City Council meeting.

Ms. Weston went on to say that if this is part of DRC's recommendation, she will include this observation in the analysis of the staff report to Council.

Commissioner Kotaiche asked if the properties adjacent these parks would be subject to the proposed height limits, to which Ms. Weston replied, no.

Commissioner Vickstrom stated that she feels the zoning designation should be changed first so it can support the height change and is very hesitant to approve or support the two proposed height restriction items.

Commissioner Silverman stated her agreement with Commissioner Vickstrom, and went on to say that placing one height restriction on the Al Lang location and a higher height restriction on the southern property is counter intuitive and does not follow the vision of the City. Commissioner Silverman went on to say that it appears to her that these proposals are fashioned to the buildings that are currently there and not thinking about if these buildings were torn down and replaced in the future.

Commission Chair Punzak stated that he has no problem with the first request regarding the Matrix but the two height restriction requests do not make sense to him because of the reasons already stated.

Commissioner Kotaiche stated that these are public parks and restricting the height would help ensure that they would remain as such. Ms. Weston stated that this property has a series of layers of regulations such as charter restrictions and the zoning is just one piece of it.

Executive Session

Agenda Item #7 - LDR 2009-01

MOTION: *Commissioner Canerday and Commissioner Eichler seconded to approve the request in accordance with the staff report.*

VOTE: *YES – Eichler, Canerday, Vickstrom, Silverman, Kotaiche, Cravey, Punzak
NO - None*

Motion was approved by unanimous vote of 7 – 0.

Agenda Item #8 - LDR 2009-02

MOTION: *Commissioner Canerday and Commissioner Eichler seconded to approve the request in accordance with the staff report.*

Commissioner Canerday stated that anytime he has the opportunity to vote to reduce the height along the waterfront, he will do it.

Commissioner Eichler stated that the property along the waterfront being of a lower height balances out the extreme height along Beach Drive, and should remain an open public space. It is one of the best features of downtown and should be preserved.

Commission Chair Punzak stated his agreement with Commissioner Eichler but did not like the manner in which it was presented to them.

VOTE: *YES – Eichler, Canerday, Kotaiche*
 NO - Vickstrom, Silverman, Cravey, Punzak

Motion was denied by a vote 3 - 4.

Agenda Item #9 - LDR 2009-03

MOTION: *Commissioner Canerday and Commissioner Eichler seconded to approve the request in accordance with the staff report.*

Commissioner Silverman stated that the higher allowance in Area D makes sense to her because of the existing Mahaffey Theater, Dali Museum as well as the property being adjacent to the airport.

VOTE: *YES – Eichler, Canerday, Kotaiche*
 NO - Vickstrom, Silverman, Cravey, Punzak

Motion was denied by a vote 3 - 4.



EXECUTIVE ACTION

Staff Report to the St. Petersburg Development Review Commission

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

For Executive Action on May 6, 2009
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

Subject: City File LDR 2009-01: Amendments to the Land Development Regulations (LDRs), Chapter 16, City Code of Ordinances.

Request: This application relates to Section 16.10.020.1 titled "Matrix: Use Permissions and Parking Requirements" (Use Matrix) and proposes to amend the land-use type "office, general" from "nonconforming" to "accessory" within the Downtown Center-Park (DC-P) zoning classification.

Authority: Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (LDRC), is responsible for reviewing and making a recommendation to the City Council on all proposed LDR amendments.

Background: From 1977 until 2007, the downtown area was zoned Central Business District (CBD) and subcategorized into five (5) zoning designations including CBD-Core, CBD-1, CBD-2, CBD-3 and CBD-4. On August 9, 2007 the downtown area was rezoned from CBD to Downtown Center (DC) and reorganized into five (5) zoning designations including DC-C, DC-1, DC-2, DC-3 and DC-P. These changes occurred as part of 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).

As part of these significant changes, the property commonly referred to as Progress Energy Park – Home of Al Lang Field and Progress Energy Center for the Arts – Mahaffey Theater was rezoned from CBD-3 to the equivalent DC-3 designation. During the review process and following its adoption, the rezoning from CBD-3 to DC-3 remained the subject of much discussion and debate. In response, the St. Petersburg City Council adopted Resolution 2008-558 on November 6, 2008 initiating a change to the Official Zoning Map

designation for the property from DC-3 to Downtown Center – Park (DC-P).

The Progress Energy Park – Home of Al Lang Field property is presently developed with a baseball stadium, a 357 space parking lot and an office building. 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. Consequently, the offices for NAPBL, Inc. exist as a legal, nonconforming use following the rezoning to DC-P.

Pursuant to the directive of City Council at their November 6, 2008 meeting, this City-initiated application to amend the Use Matrix to change office uses in DC-P from “nonconforming” to “accessory.”

This application includes two (2) companion applications resulting from the City Council meeting on November 6, 2008. The first application, LDR 2009-02, proposes to reduce the maximum building height for structures located within Progress Energy Park - Home of Al Lang Field. The second application, LDR 2009-03, proposes to reduce the maximum building height for structures located on the Progress Energy Center for the Arts – Mahaffey Theater property.

Analysis:

This City-initiated application amends the Use Matrix to change office uses in DC-P from “nonconforming” to “accessory.” An “accessory” use is defined within the LDRs as a “use which is customarily subordinate or incidental to the lawful principal use of a building or premises.”

The following parks are designated DC-P and will be affected by the proposed change:

- Albert Whitted Park
- Demens Landing
- Mirror Lake Park
- North Straub Park
- Pioneer Park
- ~~Progress Energy Center for the Arts~~
- Progress Energy Park – Home of Al Lang Field
- South Straub Park
- Spa Beach Park
- Williams Park

Demens Landing, Progress Energy Park – Home of Al Lang Field and ~~Progress Energy Center for the Arts~~ are the only parks with existing buildings that could immediately accommodate the “office, general” land-use type. Proposals in any of the remaining parks will require new construction.

Prior to the effective date of the new LDRs in September 2007, these park properties were zoned primarily CBD-3, with some zoned CBD-2 and CBD-Core. In each instance, however, "office, general" was allowed as a permitted, "principal" or "accessory" use.

With the exception of the ~~Progress Energy Center for the Arts~~ and the Progress Energy Park – Home of Al Lang Field properties, these park properties were rezoned to DC-P when the new LDRs took effect. While "office, general" was previously allowed, the new DC-P zoning prohibits this land-use type by classifying it as a "non-conforming" use.

If approved, this application will again allow "office, general" as an "accessory" use. Limiting "office, general" to an "accessory" use guarantees that any proposed office shall remain subordinate or incidental to the natural and man-made conditions that contribute to the active and passive open space character and recreation use of these park properties.

Regarding Progress Energy Park – Home of Al Lang Field, Chapter 21 of the City Code of Ordinances (titled Parks and Recreation) identifies the park property as an "active park." Specifically, the property is designated No. 39 on the Park and Waterfront Property Map, as contained in the City Charter. If this code amendment is approved, the offices for NAPBL, Inc. would become "accessory" to the "active park" thereby removing the "non-conforming" status that would be imposed by the zoning change from DC-3 to DC-P.

It should be noted herein and cannot be emphasized enough that the Progress Energy Park – Home of Al Lang Field is protected by the City Charter. Any change of use on the property that may result from adoption of this amendment, is subject to a City Council public hearing and possibly a City-wide referendum.

Housing
Affordability
Impact
Statement:

The proposed amendments will have a no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

Compliance
with the
Comprehensive
Plan:

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

Policy LU7.1: Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Objective LU20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the

achievement of Comprehensive Plan Objectives.

Recommendation: The Development Services Department finds that the proposed amendment to Section 16.10.020.1, Chapter 16, City Code of Ordinances, is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Attachments: Proposed Ordinance
Housing Affordability Impact Statement



City of St. Petersburg Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million dollars in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that **increase the cost of housing construction, or of housing redevelopment**, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1 - June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. Initiating Department:

Development Services.

II. Policy, Procedure, Regulations, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed ordinance (City File LDR-2009-01).

III. Impact Analysis:

- A. Will the proposed policy, procedure, regulation, or plan amendment (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fee, require more infrastructure costs up from, etc.)

No (No further explanation required)
Yes Explanation:

If yes, the **per unit cost increase** associated with this proposed policy change is estimated to by \$_____.

- B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No Further explanation required)
Yes Explanation:

IV. Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare and, therefore, its purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

- The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development Department.)

Richard W. McArdley, Manager
Department Director (signature)

4/27/09
Date

OR

- The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development Department.)

Department Director (signature)

Date

Copies to: Eva Andujar, City Clerk
Joshua A. Johnson, Director of Housing & Community Development