ST. PETERSBURG CITY COUNCIL

Meeting of June 2, 2011

TO: The Honorable James R. Kennedy, Jr., Chair, and Members of City Council

SUBJECT: City File ZM-2(A): City-initiated amendment to the Official Zoning Map for approximately 29 parcels of land, totaling an estimated 6.5 acres, generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South, to correct “glitches” or mapping errors committed by the City in the October 2006 adoption of amendments that implemented the Vision 2020 Plan and new Land Development Regulations (LDRs).

REQUEST: Ordinance _____ amending the Official Zoning Map by changing the zoning of property generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South, from IT (Industrial Traditional) to IS Industrial Suburban) and by changing the zoning of property generally located on the southwest corner of 5th Avenue South and 28th Street South, from IT (Industrial Traditional) to CCT-1 (Corridor Commercial Traditional).

A detailed analysis of the request is provided in the attached Staff Report ZM-2(A).

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Planning & Visioning Commission (PVC): The Planning & Visioning Commission (PVC) was scheduled to conduct a public hearing on May 10, 2011. Staff will provide the City Council members with a verbal summary of the PVC’s action, including the final vote.

Neighborhood Input: The subject property is within the boundaries of the Palmetto Park Neighborhood Association. No visitors or correspondence has been received. Five (5) phone calls requesting more information were received.

Recommended City Council Action: It is recommended that the City Council: 1) CONDUCT the first reading and public hearing of the proposed ordinance; and 2) SET the second reading and adoption public hearing for August 18, 2011.

Attachments: Ordinance, Maps and 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 ON THE SOUTH SIDE OF 5TH AVENUE SOUTH, BETWEEN 33RD STREET SOUTH AND 28TH STREET SOUTH AND THE WEST SIDE OF 28TH STREET SOUTH, BETWEEN 5TH AVENUE SOUTH AND THE ALLEY SOUTH OF FAIRFIELD AVENUE SOUTH, FROM IT (INDUSTRIAL TRADITIONAL) TO IS (INDUSTRIAL SUBURBAN); BY CHANGING THE ZONING OF PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 5TH AVENUE SOUTH AND 28TH STREET SOUTH, FROM IT (INDUSTRIAL TRADITIONAL) TO CCT-1 (CORRIDOR COMMERCIAL TRADITIONAL); 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

Property generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South, and legally described as follows:

Lots 5 through 8 and Lots 16 & 17 less the East 9 feet thereof, Block 1; Lots 1 through 8, Block 2; Lots 1 through 5, less the right-of-way to the north described in O.R. Book 7384, Page 904, Public Records of Pinellas County, Florida, and Lots 6, 7 & 8 less the triangle in northwest corner described in O.R. Book 7384, Page 903, Public Records of Pinellas County, Florida, Block 3; Lot 1 less the triangle in the triangle in the northeast corner described in O.R. Book 4680, Page 435, Public Records of Pinellas County, Florida, and Lot 18 & the East ½ of Lot 17, Block 6; Lots 1, 2 17 & 18, Block 12; Lots 1 and 2, Block 13, EAST ROSELAWN, according to the map or plat thereof as recorded in Plat Book 3, Page 32, of the Public Records of Pinellas County, Florida.

AND

Lots 1, 2, 3, 14, 15 & 17, and Lots 4 & 5 less the North 10 feet of each lot, and Lots 6, 7 & 8, Block 11; Lots 1 & 2 less triangle in northeast corner described in O.R. Book 8189, Page 1335, Public Records of Pinellas County, Florida, and Lot 3, less the North 7.5 feet for road right-of-way, Lot 4, less road right-of-way described in O.R. Book 7474, Page 732, Public Records of Pinellas County, Florida, Lot 5, less road right-of-way described in O.R. book 7474, Page 732, Public records of Pinellas County, Florida, Lots 6 & 7, less road right-of-way described in O.R. Book 7474, Page 732, Public Records of Pinellas County, Florida, Lot 8, less road right-of-way described in O.R. book 7474, Page 732, Public Records of Pinellas County, Florida, Block 12, ROOSEVELT PARK ADDITION, according to the map or plat there as recorded in Plat Book 5, Page 52, of the Public Records of Pinellas County, Florida.
District

From: IT (Industrial Traditional)

To: IS (Industrial Suburban)

SECTION 2. 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

Property generally located on the southwest corner of 5th Avenue South and 28th Street South, legally described as follows:

Lot 1, LESS that part of said Lot 1 deeded to the City of St. Petersburg, Florida in O.R. Book 4711, Page 1517, Public Records of Pinellas County, Florida, & all of Lots 2, 3 & 4, Block 1, EAST ROSELAWN, according to the Plat thereof as recorded in Plat Book 3, Page 32, Public Records of Pinellas County, Florida.

District

From: IT (Industrial Traditional)

To: CCT-1 (Corridor Commercial Traditional)

SECTION 3. 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 4. The provisions of this ordinance shall be deemed severable. If any portion of this ordinance is deemed invalid, it shall not affect the validity of any other part of this ordinance.

SECTION 5. This ordinance shall become effective upon adoption.

APPROVED AS TO FORM AND SUBSTANCE: CITY FILE: ZM-2(A)
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 5-5-11

ASSISTANT CITY ATTORNEY 5/6/11
PUBLIC HEARING

Agenda Item #4 City File ZM-2(A) Contact Person: Paul Geisz 551-3396

Location: The subject property, comprised of 29 parcels of land, totaling an estimated 6.5 acres, is separated into Amendment Areas “A” and “B.”

* Area “A” is generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South.

* Area “B” is located at 2800 – 5th Avenue South (Andy’s Automotive, Inc.).

Request: This is a City-initiated request to amend the Official Zoning Map designations as follows:

* Area “A” from IT (Industrial Traditional) to IS (Industrial Suburban).

* Area “B” from IT (Industrial Traditional) to CCT-1 (Corridor Commercial Traditional).

Staff Presentation

Paul Geisz gave a presentation based on the staff report.

Public Hearing

Benjamin Harrell, 3132 – 5th Avenue South, asked how this proposal will impact his home and the loan he is acquiring through the City. Mr. MacAulay explained that his single-family residence remains grandfathered with no affect to the loan proceedings. Mr. MacAulay went on to say that the City department working on Mr. Harrell’s loan should be aware of the zoning issue.

Executive Session

MOTION: Commissioner Rogo moved and Commissioner Eschenfelder seconded to approve the request in accordance with the staff report.

VOTE: YES – Rogo, Whiteman, Klein, Eschenfelder, Montanari

NO - None

Motion was approved by unanimous vote of 5 to 0.
Commissioner Eschenfelder, as a follow-up to this item, asked if it is the best public policy as an economic standpoint to be giving home improvement loans to a non-conforming structure when it will eventually go away because it is non-conforming. Mr. MacAulay responded that they were surprised that a single-family home is located in the amendment area and equally surprised that the owner is working with the City in terms of improving a grandfathered structure. Mr. MacAulay went on to say that staff will follow-up and report back to the Commission.
According to Planning & Economic Development Department records, there are no Planning & Visioning Commission members who reside or 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 subject property, comprised of 29 parcels of land and totaling an estimated 6.5 acres, is separated into Amendment Areas “A” and “B”:

- Area “A” is generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South; and

- Area “B” is located at 2800 – 5th Avenue South (Andy’s Automotive, Inc.).

**LEGAL DESCRIPTION:** The legal descriptions are attached.

**REQUEST:** This is a City-initiated request to amend the Official Zoning Map designations as follows:

- Area “A” from IT (Industrial Traditional) to IS (Industrial Suburban); and

- Area “B” from IT (Industrial Traditional) to CCT-1 (Corridor Commercial Traditional).

**PURPOSE:** The purpose of this City-initiated application is to amend the Official Zoning Map designations for the parcels described herein. These amendments are being proposed because in
October 2006 the City *incorrectly* designated the parcels following the adoption of City-wide land use and zoning amendments that implemented the St. Pete Vision 2020 Plan and the new Land Development Regulations (LDRs). The City inadvertently/mistakenly designated the property in Areas “A” and “B” with IT (Industrial Traditional) zoning. The requested action will correct the City’s mapping error and make the Future Land Use and Zoning designations consistent.

It should be noted that this amendment is being processed concurrently with City File: FLUM-10(A).

**BACKGROUND:** In October 2006 the City Council adopted several significant ordinances directly related to the implementation of the St. Pete Vision 2020 Plan and the Land Development Regulation (LDR) Update. Two of the ordinances that were adopted included Future Land Use Map amendments (Ordinance 675-L) and the rezoning of the entire City except the downtown area (Ordinance 696-Z). The foundation for these amendments was the Vision 2020 Plan, adopted by the City Council in October 2002, the Vision 2020 Special Area Plan (SAP) and the LDR Update. In all instances, the amendments were proposed and adopted for one or more of the following reasons: 1) The amendment recognized an existing use; 2) The amendment was consistent with the existing development pattern; and 3) The amendment was consistent with the desired redevelopment efforts within a particular “neighborhood,” “corridor” or “center.”

The amendments adopted by the City Council in 2006 became effective in September 2007. In the weeks and months that followed, City staff recognized that mapping errors were made. Subsequently, in February 2008, the City Council adopted “glitch” amendments to correct the known mapping errors. Specifically, City File PC-707(A) addressed amendments to the Future Land Use Map or the Future Land Use Map and zoning designations for 582 parcels, totaling 211 acres; and City File ZO-94(A) addressed amendments to the zoning designation for 239 parcels, totaling 431 acres.

The 2008 amendments should have, but did not, include the property in Areas “A” and “B.” *The rezoning of Area “A” to Industrial Suburban and Area “B” to Corridor Commercial Traditional will correct the City’s mapping error.*

**ANALYSIS**

As previously stated, the subject property is comprised of 29 parcels of land totaling an estimated 6.5 acres. All of the subject property is designated IT (Industrial Traditional) on the City’s Official Zoning Map.

**Area “A”**

In 2006, Area “A,” which is comprised of 28 parcels of land, was designated Industrial Limited on the City’s Future Land Use Map, subsequent to the implementation of the St. Pete Vision 2020 Plan and the Land Development Regulation (LDR) Update. The conforming zoning for the Industrial Limited map category is Industrial Suburban (IS). The City inadvertently/mistakenly designated the parcels in Area “A” with Industrial Traditional (IT) zoning. *The rezoning of Area “A” to Industrial Suburban will correct the City’s mapping error and make the Future Land Use and Zoning designations consistent. This change of zoning will not create any nonconforming uses.*
Area “B”

In 2006, Area “B,” which is comprised of one parcel of land, was designated Planned Redevelopment-Mixed Use on the City’s Future Land Use Map, subsequent to the implementation of the St. Pete Vision 2020 Plan and the Land Development Regulation (LDR) Update. The conforming zoning for the Planned Redevelopment-Mixed Use map category, at this location, is Corridor Commercial Traditional (CCT-i). The City inadvertently/mistakenly designated the parcel in Area “B” with Industrial Traditional (IT) zoning. *The rezoning of Area “B” to Corridor Commercial Traditional will correct the City’s mapping error and make the Future Land Use and Zoning designations consistent. This change of zoning will not create a nonconforming use, i.e., the existing automotive repair business is conforming in the CCT-I zoning district.*

It should be noted that the requested CCT-I zoning is consistent with the zoning on the other three corners of the 28th Street South and 5th Avenue South intersection.

**Consistency with the Comprehensive Plan**

The rezoning of Area “A” to Industrial Suburban and Area “B” to Corridor Commercial Traditional to correct the City’s mapping error is consistent with Policy LU3.3, which states that “each land use plan category shall have a set of different zoning districts that may be permitted within that land use category, and zoning that is not consistent with the plan category shall not be approved. The zoning ordinance shall include a table which sets forth the different zoning districts which are permitted within each land use plan category, and designations which are not consistent with the table shall not be approved.”

The proposed Industrial Suburban (IS) zoning in Area “A” is consistent with the Industrial Limited plan category and the proposed Corridor Commercial Traditional (CCT-I) zoning in Area “B” is consistent with the Planned Redevelopment-Mixed Use plan category.

**RECOMMENDATION:** City staff recommends APPROVAL of the proposed Official Zoning Map amendments for Area “A,” from IT (Industrial Traditional) to IS (Industrial Suburban) and for Area “B,” from IT (Industrial Traditional) to CCT-I (Corridor Commercial Traditional), 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 policy from the Comprehensive Plan is applicable:

Policy LU3.3 Each land use plan category shall have a set of different zoning districts that may be permitted within that land use category, and zoning that is not consistent with the plan category shall not be approved. The zoning ordinance shall include a table which sets forth the different zoning districts which are permitted within each land use plan category, and designations which are not consistent with the table shall not be approved.

b. Whether the proposed amendment would impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

The proposed amendment will not impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

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

Not applicable.

d. 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 proposed changes will not impact the City’s adopted LOS for public services and facilities.

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; moreover, the proposed Industrial Suburban (IS) zoning in Area “A” will conform to the Industrial Limited plan category, and the proposed Corridor Commercial Traditional (CCT-1) zoning in Area “B” will conform to the Planned Redevelopment-Mixed Use plan category.

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

The existing IT zoning district boundaries are not illogically drawn in relation to existing conditions on the property, however, the IT zoning is incorrect given Industrial Limited plan category in Area “A” and the Planned Redevelopment-Mixed Use plan category in Area “B.”

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.**

Not applicable. The subject parcels are not located within the 100-year flood plain or the CHHA.

k. **Other pertinent information.**

None.
LEGAL DESCRIPTION

The subject property, comprised of 29 parcels of land and totaling an estimated 6.5 acres, is separated into Amendment Areas “A” and “B.” (The parcel identification numbers are on file.)

- Area “A” is generally located on the south side of 5th Avenue South, between 33rd Street South and 28th Street South and the west side of 28th Street South, between 5th Avenue South and the alley south of Fairfield Avenue South, legally described as follows:

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- Area “B” is the property generally located on the southwest corner of 5th Avenue South and 28th Street South at 2800 – 5th Avenue South (Andy’s Automotive, Inc.), legally described as follows:

Lot 1, LESS that part of said Lot 1 deeded to the City of St. Petersburg, Florida in O.R. Book 4711, Page 1517, Public Records of Pinellas County, Florida, & all of Lots 2, 3 & 4, Block 1, EAST ROSELAWN, according to the Plat thereof as recorded in Plat Book 3, Page 32, Public Records of Pinellas County, Florida.