Staff Report to the St. Petersburg Community Planning & Preservation Commission
Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on July 10, 2018
at 2:00 p.m., in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File #LGCP-2017-02

Request: City Administration requests that the Comprehensive Plan be amended as follows:

1. The Future Land Use and Coastal Management elements be amended to address the new Coastal High Hazard Area
2. General Introduction Section 1.7 (page GID 19), Definitions, re-word definition of CHHA
3. Chapter 3, Section 3.2 (page LU-23): Amend Policy LU7.1 to include new balancing criteria and delete policies 7.2 and 7.5
4. Map 15, Coastal High Hazard Area, update to 2016 version

Update: On August 8, 2017, the Community Planning and Preservation Commission ("CPPC") conducted a public hearing on this city-initiated application. Before rendering a final decision, the CPPC requested one change and then continued the item to a future date. Although the original application included the following provision, "Nothing in these policies should be construed as superseding or otherwise modifying the local plan amendment requirement of Section 163.3178(8), Florida Statutes, as may be amended," at least one Commission member requested that language from Section 163.3178(8), Florida Statutes, be included within the City’s Comprehensive Plan rather than by reference only. This application incorporates the statute language, as requested. A copy of the meeting minutes is attached.
1. **Staff Analysis**

In an effort to reduce loss of life and property caused by natural disasters, the State of Florida requires local governments to identify a Coastal High Hazard Area ("CHHA") in which public expenditures and population growth are limited (section 163.3178, Florida Statutes). The CHHA is defined as "the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." Areas included in the CHHA are governed both by state law and the policies adopted to administer those provisions in the local government comprehensive plans.

A requirement of the statute is that local governments amend their future land use map, and Coastal Management Element, to include a definition of the CHHA. They must also adopt policies regulating proposed comprehensive plan map amendments in the CHHA. While the CHHA has existed since 1985, the definition and applicable standards have changed a number of times with changes taking place in 2006, 2010, and most recently 2016. These changes have led to an expansion of the CHHA and have caused the city to re-evaluate its adopted policies.

The City adopted two policies to address the CHHA in 2008. Land Use Policy LU7.1 states that "Requests for residential density increases within the Coastal High Hazard Zone shall not be approved," and Coastal Management objective CM10B states that "The City shall direct population concentrations away from known or predicted coastal high hazard areas consistent with the goals, objectives and policies of the Future Land Use Element." These two policies clearly restrict and prohibit increases in density in the CHHA, and are quite different from the language that exists at both the state and county levels.

Florida Statute Section 163.3178 (8) states that "A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy subparagraph 1 or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan."
Countywide Plan Rules section 4.2.7.1 states that “the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the CHHA which results in an increase of density or intensity, except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment”. This criteria includes:

1. Access to Emergency Shelter Space and Evacuation Routes
2. Utilization of Existing and Planned Infrastructure
3. Utilization of Existing Disturbed Areas
4. Maintenance of Scenic Qualities and Improvement of Public Access to Water
5. Water Dependent Use
6. Part of Community Redevelopment Plan
7. Overall Reduction of Density or Intensity
8. Clustering of Uses

The above language demonstrates that the City’s adopted policy is far more restrictive than either Countywide Plan Rules, which provide balancing criteria that allow for an increase in density. While the City’s original policy in the Comprehensive Plan was a responsible attempt to protect the population from potential storm surge, the impact of the most recent map update warrants new consideration towards a more flexible policy. These changes are supported by Forward Pinellas, which in December 2016 released a memo encouraging municipalities to adopt language that more closely aligns with the Countywide Plan Rules.

As mentioned earlier, the CHHA map was modified in 2006, 2010 and most recently 2016, with each modification increasing the Category 1 storm surge area. Until July 2016, the CHHA map indicated that St. Petersburg had a total of 7,705 acres in the coastal high hazard area. This number more than doubled in 2016 to 16,328 acres (see attached maps). This larger footprint includes portions of the Skyway Marina District, USF St. Petersburg Campus, Innovation District, and portions of the city north of 54th Avenue North, including Metropointe Commerce Park and Carillon Office Park. Prohibiting increases in density for over 16,000 acres of land would hamper economic development in the city, while preventing rational land use amendments from being enacted. Therefore, city staff is recommending adopting the balancing criteria language that exists at the county level, while acknowledging that these criteria do not supersede state regulations. These changes will maintain a framework to evaluate increases in density in the CHHA, while aligning our policy with those of the state, county, and surrounding municipalities.

It is proposed that the Future Land Use Element, and the Coastal Management Element be amended as outlined below.
a) General Introduction Section 1.7

Coastal High Hazard Area (CHHA) also referred to as the Coastal High Hazard Zone (CHHZ) – The Area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes ("SLOSH") computerized storm surge model as reflected in the most recent Statewide Regional Evacuation Study for the Tampa Bay Region, Storm Tide Atlas Volume 7 prepared by the Tampa Bay Regional Planning Council and approved in August 2010.

b) Future Land Use Element Section 3.2 policies amended as follows:

Policy LU 7.1 Requests for residential density increases within the Coastal high hazard one shall not be approved.

The City shall consider flood potential and hurricane hazards when processing map amendment requests in the Coastal High Hazard Area (“CHHA”). The City shall deny any request to amend the Future Land Use Map for property within the CHHA that results in an increase of residential density, except that the City may, at its sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment.

A. Nothing in this section shall be construed as superseding or otherwise modifying the local plan amendment requirement of Section 163.3178(8), Florida Statutes, as follows:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy subparagraph A or subparagraph B. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. The City and a developer shall enter into a binding agreement to memorialize the mitigation plan.

B. Access to Emergency Shelter Space and Evacuation Routes – The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times.
C. Utilization of Existing and Planned infrastructure – The requested amendment will result in the utilization of existing infrastructure, as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms.

D. Utilization of Existing Disturbed Areas – The requested amendment will result in the utilization of existing disturbed areas as opposed to natural areas that buffer existing development for coastal storms.

E. Maintenance of Scenic Qualities and Improvement of Public Access to Water – The requested amendment will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay), and Tampa Bay.

F. Water Dependent Use – The requested amendment is for uses which are water dependent.

G. Part of Community Redevelopment Plan - The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statutes for a downtown or other designated redevelopment areas.

H. Overall Reduction of Density or Intensity – The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CHHA.

I. Clustering of Uses – The requested amendment within the CHHA provides for the clustering of uses on a portion of the site outside the CHHA.

J. Integral Part of Comprehensive Planning Process – The requested amendment has been initiated by the local government as an integral part of its comprehensive planning process, consistent with the local government comprehensive plan.

Policy LU 7.2 All approval of new proposed development will consider the hurricane evacuation level/location of the proposed development, and provide appropriate mitigation.

Policy LU 7.3 The City will prohibit the new construction of hospitals, nursing homes, and convalescent homes in Evacuation Level A zones, discourage the siting or expansion of these facilities in Evacuation Level B zones and limit the expansion of existing sites in these zones to the boundaries of the currently developed lot.

Policy LU 7.4 The City will prohibit the siting of new mobile home parks within the Evacuation Level A zone and limit the expansion of existing sites in these zones to the boundaries of the currently developed lot.
Policy LU 7.5 When establishing Future Land Use Plan designations through a Comprehensive Plan amendment for annexed properties located within the Coastal High Hazard Area there shall be no net increase in residential density as compared to the Future Land Use Plan of Pinellas County designation(s) existing at the time of annexation of a property without prior written approval of the state Land planning Agency and Pinellas County.

Policy LU 7.6 7.4 Opportunities to decrease residential development potentials on the remaining vacant tracts in the CHHA through plan amendments to less intensive uses, land purchase or transfer of development rights shall be considered.

Policy LU 7.7 7.5 The City will review the Tampa Bay Regional Planning Council’s (TBRPC) Hurricane Evacuation Study for issues that pertain to requests for residential density increases and the general application of residential future land use densities in coastal high hazard areas.

c) Map 15, Coastal High Hazard Area, to be deleted and replaced with the updated 2016 map.

### 2. Consistency with the Comprehensive Plan

The amendment is making direct changes to the Coastal High Hazard Section of both the Future Land Use Element, and the Coastal Management Element. The proposed Comprehensive Plan text changes presented here are consistent with the following objectives and policies:

- **LU 3.5** The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.

- **LU 3.6** Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

- **LU 3.11** More dense residential uses (more than 7.5 units per acre) may be located along (1) passenger rail lines and designated major streets or (2) in close proximity to activity center where compatible.

- **LU 3.17** Future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan.

- **LU 5.3** The Concurrency Management System shall continue to be implemented to ensure proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development.
The City shall support high-density mixed-use development and redevelopments in and adjacent to Activity Centers, redevelopment areas and locations that are supported by mass transit to reduce the number and length of automobile trips and encourage transit usage, bicycling and walking.

The City shall require new development and redevelopment along the coastal shoreline to be located and designed to protect or enhance beach shoreline and native vegetation historically represented in St. Petersburg including, mangroves, salt marsh and seagrasses, so that there are no further losses of coastal wetlands related to development, as documented by the Florida Department of Environmental Protection.

For development and redevelopment on the coastal shoreline, the City will give higher priority to siting water-dependent uses over other uses. The order of priority is listed below.

1. Water-dependent uses;
2. Water-related uses;
3. Water-enhanced uses;

The approximately 9 linear miles and approximately 1471 acres of publicly accessible waterfront sites, as inventoried in the coastal element, shall be maintained or improved.

The City shall cooperate with state, regional and county agencies to maintain or reduce hurricane evacuation times, and actively work with the Red Cross in the identification of emergency shelters to provide space for the population in Evacuation Zone A, B and C.

The City shall implement the strategies identified in Coastal Management Element Subsection 6.6, “Measures to Maintain or Reduce Evacuation Times.”

3. Recommended Action

City Administration respectfully requests that the Community Planning & Preservation Commission APPROVE the Comprehensive Plan amendments addressed in this staff report, and recommends that the City Council approve and adopt the amendments.

Attachments:

1: Map 15: Coastal High Hazard Area 2010 boundary
2: Map 15: Coastal High Hazard Area 2016 boundary
3: Combined: Coastal High Hazard Area 2010 and 2016 boundary
4: CPPC Meeting Minutes, August 8, 2017
CITY OF ST. PETERSBURG  
COMMUNITY PLANNING & PRESERVATION COMMISSION  
PUBLIC HEARING  
August 8, 2017

Approved as written 10/10/17

PUBLIC HEARING

A. LGCP-2017-02

Request: City-initiated amendments to the Comprehensive Plan pertaining to Chapter 1, General Introduction; Chapter 3, Future Land Use Element; Chapter 5, Coastal Management Element; and Map 15, Coastal High Hazard Area.

Staff Presentation

Luis Teba gave a PowerPoint presentation based on the staff report.

Public Hearing

No speakers present.

Executive Session

Commissioner Winters voiced her concern about public safety and feels that this is not a responsible action on the part of the City; ill prepared for damage from a storm surge or hurricane and not thinking about the realities of climate change. She went on to say that she understands it is doubling the amount of acreage that would be restricted in its growth and density; however, that is the reality of where we live and it is the history of the City to be threatened, more so now with the climate change. She stands opposed to this change.

Commissioner Burke asked staff if they have any comments on Commissioner Winters’ concerns. Derek Kilborn replied, no, they are well articulated concerns and it will be up to the Commission and Council to approve the text change. From a planning perspective, there are very significant concerns about the impact of the new map which now pulls into its effective boundary areas of critical importance in terms of redevelopment strategies (i.e. most of the Skyway Marina District and a significant part of the northern part of the City). They do feel that a number of protections are in place; language at the Forward Pinellas level and the County-Wide Plan rules. Staff is basically taking that county-wide language and recommending that it be adopted here so there are some checks in place. When a future land use map change is presented to this Commission in the future, you will have the ability to weigh each request against those criteria and decide whether it is responsibly addressing the concerns that Commissioner Winters highlighted.

Commissioner Burke asked if the definition of “disturb area” defines an area that had some development versus an undeveloped area. Mr. Teba replied, yes, that was how is understood it.

Commissioner Michaels stated that he has some of the same concerns as Commissioner Winters given that we are one of the areas in the country that is most vulnerable to flooding and hurricane damage. He understands
what staff is trying to do; build some flexibility into this. It is important to have a balance but not make it easier to build in areas that are high hazard for flooding. When he looks at the proposed criteria, he wonders whether or not that criteria really is consistent with the policy 11.7 (Site plan review criteria shall consider flood potential in hurricane hazards...). He did not see anything in the nine criteria that specifically addresses the high likelihood of flooding in this coastal area which would be, to him, an obvious criteria. If this were added, he thinks he would support this.

Commission Chair Carter asked Legal if this meets legal criteria. Michael Dema stated that he was not involved in the drafting process but what he has reviewed, he agrees that this does make it more consistent with practice in other jurisdictions, particularly the County-Wide Rules and what is allowable under Chapter 163 and under the Community Planning Act. In terms of the minutia of this request, he has not had a chance to break it down.

Commissioner Chair Carter stated his agreement with Commissioner Michaels about not making it easier for people to build in those specific areas which this Commission would not look favorably upon.

Commissioner Rogo stated that he is comfortable with three of the criteria allowing development to go forward; A - the access to evacuation routes is key and addresses part of the flood concern that have been discussed, B – utilization of existing and planned infrastructure as opposed to requiring the expenditure of public funds for new additional unplanned infrastructure, and C – the utilization of existing disturbed areas so areas that are already developed as opposed to taking pieces of undeveloped property that might fall within the CHHA boundary. He has concerns with two of the criteria; D – the maintenance of scenic qualities and improvement of public access to water, and F – part of the Community Redevelopment Plan just because we would like to see an area redeveloped doesn’t mean it should outweigh some of the concerns they have about flooding and the hazard of being located in a coastal zone.

Commissioner Burke asked his fellow commissioners if any weight is given to criteria #1 (the access to emergency shelter space and evacuation route); does it in anyway alleviate their concern about increasing development in a potential flood zone. Commissioner Winters stated that she thinks that it is a lot of acreage and a lot of people that could be evacuated and is skeptical about the ability to leave this peninsula quickly. She went on to say that staff needs to look at the liability issues (citing another state that was sued when, a few years ago, a number of people had died that were allowed to live along a river that had flooded); public safety issues drive a lot of public decision-making.

Commissioner Michaels suggested to table this request and to have staff return with revisions reflecting the comments made.

**MOTION:** Commissioner Michaels moved and Commissioner Rogo seconded a motion to defer action and return at a later date with the requested revisions.

Commissioner Rogo stated that he feels that bringing this back with the incorporation of concerns expressed in 11.7 is balanced by the following criteria, so he is thinking that what is returned to them for consideration states that they will always be driven by Section 11.7 and here is some criteria that balances that, he would feel more comfortable with the amendment to the Comprehensive Plan.
Commissioner Burke asked staff if they believe that the current language insists that this new amendment be driven by Section 11.7. Mr. Kilborn replied that he did not think so and what they are presenting today is a Comprehensive Plan text amendment that needs to be found consistent and compatible with the other polices. Because of the state statute requirement and the inclusion of mitigating circumstances, staff feels that they are in compliance with CM 11.7 as presented today, but if there are concerns, staff can go back and see other additional text amendment to incorporate in order to bring it down to the City level document rather than to say it is at the Florida statute level.

Commissioner Burke asked staff that if this were deferred today, if what they are asking would be doable to incorporate. Mr. Kilborn stated that he does and what will they will see is similar language to the state statute requirement for mitigation incorporated into the last criteria for the balancing test.

Commissioner Burke stated he will support the deferment.

Commissioner Winters asked if a stricter standard than the state could be incorporated. Mr. Kilborn stated that what is being presented today just allows for an opportunity of a discussion to happen. The alternative is just to definitely say there can be no amendment to increased residential which is what we have currently, so consideration cannot be given whether there are mitigating factors or options that could permit some change to occur. Right now it is outright prohibited and what staff is trying to do is create some space to have a discussion as each instance comes up for review.

VOTE: 

**YES** – Burke, Michaels, Rogo, Winters, Carter

**NO** – None

*Motion passed by a vote of 5 to 0.*