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

For Public Hearing on Tuesday, September 10, 2019
at 2:00 p.m. in the Sunshine Center,
330 5th St North, St. Petersburg, FL 33701.

According to the Planning and Development Services Department records, Commission member alternate Lisa Wannemacher owns property located within 2,000 feet of the subject property. All other possible conflicts should be declared upon announcement of the item.

City File: ZM-10
The St. Petersburg Pier

This is a City-initiated application requesting that the Community Planning and Preservation Commission (“CPPC”), in its capacity as the Local Planning Agency (“LPA”), make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the proposed amendment to the official zoning map from Downtown Center - 3 (DC-3) to Downtown Center – Park (DC-P) for a portion of former right-of-way located at the St. Pete Pier.
APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33712

STAFF CONTACT: Britton Wilson, AICP, Planner II
Urban Planning and Historic Preservation Division
Planning and Development Services Department
One – 4th Street North
St. Petersburg, Florida 33711
Britton.Wilson@stpete.org
(727) 551-3542

REQUEST

The City is requesting an amendment to the official zoning map to change the zoning designation of City owned property from the Downtown Center - 3 (DC-3) zoning district to the Downtown Center - Park (DC-P) zoning district. This request is a condition of approval for Ordinance 1114-V (attached), approved by City Council on July 18, 2019 for the vacation of right-of-way at the St. Pete Pier, 2nd Avenue NE within the east boundary of Bayshore Drive NE and the main ship channel of Tampa Bay.

SITE DESCRIPTION

Street Address: 2nd Ave NE, approximately 1.5 acres within the east boundary of Bayshore Drive NE to the main ship channel of Tampa Bay
Parcel ID Number: Portions of 20-31-17-00000-240-0100; 19-31-17-74466-000-004; and 19-31-17-74466-000-0030; See map
Acreage: 1.5 acres MOL
Existing Zoning: Downtown Center - 3 (DC-3) and Downtown Center - Park (DC-P)
Proposed Zoning: Downtown Center - Park (DC-P)
Future Land Use: Institutional (I)
Countywide Plan Map: Activity Center (AC)
Existing Use: Within the limits of the St. Pete Pier (Pier), currently under construction
Neighborhood Association: Downtown Neighborhood Association
Downtown Residents Civic Association
No associated neighborhood plan

BACKGROUND

The subject property consists of former right-of-way that is now contained within portions of three separate parcels owned by the City of St. Petersburg, which is the location of the new St. Pete Pier (Pier). The former right-of-way of 2nd Avenue Northeast was vacated in order for the City to streamline activities and operations of the Pier by making all areas of the Pier subject to uniform rules and procedures while also allowing permanent structures in the vacated right-of-way.

Section 16.90.020.4 of the Land Development Regulations (LDRs) states that zoning district boundaries extend to the centerline of the roadway. Therefore, the vacationing of the right-of-way resulted in split zoning with approximately two-thirds of the vacating area designated Downtown Center - Park (DC-P) and one-third designated Downtown Center - 3 (DC-3).
Following the first public hearing of the vacation before the Development Review Commission, the Waterfront Parks Foundation expressed concerns regarding potential uses and heights allowed within the vacated right-of-way that is now zoned DC-3. In response to these concerns, a special condition of approval was added to the vacation ordinance, which requires the rezoning of all portions of the over-land section of the vacated right-of-way currently zoned DC-3 to DC-P. Prior to recording the ordinance, the City is required to initiate the rezoning process.

**PROPOSED AMENDMENT TO THE OFFICIAL ZONING MAP**

The subject property is within the existing boundaries of the St. Pete Pier, owned by the City of St. Petersburg. The purpose of the proposed change in zoning to Downtown Center - Park (DC-P) is to provide a consistent zoning designation to all portions of the vacated right-of-way, consistent with the uses and intensity of the approved Pier master plan. This area of the Pier district is primarily devoted to pedestrian movement, open space and the market place, with limited vertical improvements, see attachment 2, Pier Master Plan exhibits.

The Land Development Regulations (LDRs) identify a series of downtown center zoning districts consisting of the Downtown Center-Core (DC-C), Downtown Center-1 (DC-1), Downtown Center-2 (DC-2), Downtown Center-3 (DC-3) and the Downtown Center-Park (DC-P). Individual districts recognize the unique flavor of each area and scale down developments as they leave the intense core of the downtown and approach the neighborhoods to the north, south and west.

The subject property’s current zoning designation is DC-3, which is a downtown center district that “…encourages development of residential, offices, hotels, specialty retail and permitted mixed uses compatible with the waterfront area with special emphasis for pedestrian-oriented development at the street level, with taller buildings required to step back from the waterfront park system.” The proposed zoning designation of DC-P is a downtown center district that “…denotes Williams Park, Mirror Lake, and the lands which are public parks, or development located within public parks, east of Beach Drive. In these areas, heights and development intensities will be limited and setbacks are generous to maintain a sense of open space adjacent to the public spaces.” A change in zoning from DC-3 to DC-P is consistent with the intent and implementation of the new Pier District and master plan.

The existing Future Land Use designation of the subject property is Institutional (I), which is consistent and appropriate for both the existing and proposed zoning designations. As set forth in the Comprehensive Plan, the Institutional (I) designation is “limited to the designation of Federal, State and local public buildings and grounds, cemeteries, hospitals, churches and religious institutions and educational uses.” Furthermore, LDR Section 16.10.020.2., which identifies compatible zoning districts and future land use categories, states that all Federal, State and local government buildings and grounds, and cemeteries, hospitals, houses of worship and schools in any zoning district are also compatible with the Institutional (I) land use category. The subject property is owned and operated by the City of St. Petersburg, therefore a concurrent Future Land Use amendment is not required or necessary.

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

1. **Compliance of the proposed use with the goals, objectives, polices and guidelines of the Comprehensive Plan;**

   The Comprehensive Plan adopts by reference the Downtown Waterfront Master Plan, which identifies the Pier as an element of the waterfront’s preserved and enhanced open space accessible to the public. The continued use of the subject property as a portion of the St. Pete Pier is in conformance with the Downtown Waterfront Master Plan acting as a focal point of the City’s waterfront parks system.

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The proposed change in zoning to allow for the continued use and operation of the Pier is applicable to the following Comprehensive Plan objectives and policies:

- **Policy LU 2.5**: The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.

- **Policy LU3.1(I)(2)**: Institutional (I) - Limited to designation of federal, state and local public buildings and grounds, cemeteries, hospitals, churches and religious institutions and educational uses. Residential uses having a density not to exceed 12.5 dwelling units per acre, are also allowed. Residential equivalency uses are not to exceed 3 beds per dwelling unit. Non-residential uses permitted in the land development regulations are not to exceed a floor area ratio of 0.55.

- **Policy LU3.4**: The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.

- **Policy LU3.6**: Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

- **Policy LU3.7**: Land use planning decisions shall include a review to determine whether existing Land Use Plan boundaries are logically drawn in relation to existing conditions and expected future conditions.

- **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 Downtown Waterfront Master Plan.

- **Objective LU17C**: The City shall continue to implement a downtown waterfront zoning district (DC-3) that enhances the waterfront park system, preserves view corridors and ensures pedestrian oriented, human scale development and redevelopment.

- **Policy CM7.3**: Development of waterfront locations shall give preference to uses which service and provide access to the public.

- **Policy CM7.5**: The City shall require the retention of public right-of-way adjacent to the waterfront in the platting and replating of land unless comparable waterfront access is provided.

- **Objective CM9**: 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.

- **Policy CM9.2**: The City shall provide and improve opportunity for recreational and passive enjoyment of coastal resources.

- **Objective CM10B**: The City shall direct population concentrations away from known or predicted coastal high hazard areas consistent with the goal, objectives and policies of the Future Land Use Element.
2. **Whether the proposed amendment would adversely affect environmentally sensitive lands or properties which are documented as habitat for the listed species as defined by the conservation element of the Comprehensive Plan;**

The subject property is within the boundaries of the St. Pete Pier, which has been in operation since 1889, originally functioning as a railroad trestle devoted to the delivery of goods into the city from Tampa Bay. The proposed amendment will not result in a change of use but supports the redevelopment of the Pier based on the master plan, which is currently under construction, with a planned completion in Spring of 2020. The amendment will not further impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan. All current construction activities are being conducted in conformance with state and local environmental regulations and permits.

3. **Whether the proposed changes would alter the population density pattern and thereby adversely affect residential dwelling units;**

The proposed change will not alter the City’s population or affect residential dwelling units. The proposed change decreases allowable intensity while allowing for the planned use and operation of the St. Pete Pier, which upon completion, will provide for a variety of passive and active recreational and cultural uses for residents and visitors.

4. **Impact of the proposed amendment upon the adopted level of service (LOS) for public services and facilities including, but not limited to: water, sewer, sanitation, recreation and stormwater management and impact on LOS standards for traffic and mass transit. The POD may require the applicant to prepare and present with the application whatever studies are necessary to determine what effects the amendment will have on the LOS;**

The proposed rezoning significantly decreases development potential, as the allowable FAR is reduced from 2.0 to .20 and therefore there will be no impact to any public facility as a result of the amendment.

5. **Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansions;**

The subject property is located within the new Pier District, planned and designed to connect the City’s downtown core to its waterfront. The Downtown Waterfront Master Plan and the Pier District have identified the subject area as appropriate in supporting the overall operations and expansions of the waterfront park system.

6. **The amount and availability of vacant land or land suitable for redevelopment for similar uses in the City or on contiguous properties;**

Not applicable. The subject property is City owned land that will continue to function and operate as a portion of the St. Pete Pier within the waterfront park system.

7. **Whether the proposed change is consistent with the established land use pattern of the areas in reasonable proximity;**

The subject property is a portion of the City’s continuous waterfront park system from Coffee Pot Bayou to Lassing Park. The proposed change in zoning to Downtown Center - Park (DC-P) is consistent with the area’s established land use pattern and furthers Comprehensive Plan Objective LU17A that calls for maintaining and enhancing the City’s waterfront park system by providing for a variety of passive and active recreational and cultural uses as identified in the Downtown Waterfront Master Plan.

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

The subject property is within the existing boundaries of the St. Pete Pier, owned and operated by the City of St. Petersburg. The purpose of the proposed zoning change is to bring the site into conformance with the DC-P zoning, which reflects the uses and intensity of the approved master plan.

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

Not applicable.

Whether the subject property is within the 100-year floodplain, hurricane evacuation level zone A or coastal high hazard areas as identified in the coastal management element of the Comprehensive Plan;

The subject property supports water dependent recreational uses within the new Pier District and has functioned historically as a focal point within City’s waterfront park system. As such, the use is appropriately located within the 100-year floodplain and coastal high hazard area. Redevelopment of the Pier is bringing all structures and improvements into compliance with current building and flood codes.

Other pertinent facts.

The proposed amendment to the official zoning map is a condition of approval for Ordinance 1114-V (attached), approved by City Council on July 18, 2019 for the vacating of right-of-way at the St. Pete Pier, 2nd Avenue NE within the east boundary of Bayshore Drive NE and the main ship channel of Tampa Bay. The Waterfront Parks Foundation expressed concerns regarding potential uses and heights allowed within the vacated right-of-way, now zoned DC-3. In response to these concerns, a special condition of approval was added to the vacation ordinance, which requires the rezoning of all portions of the over-land section of the vacated right-of-way currently zoned DC-3 to DC-P. Prior to recording the ordinance, the City is required to initiate the rezoning process.

The Community Planning and Preservation Commission and City Council may bring up other pertinent information as necessary.

PUBLIC NOTICE

Mail notices were sent to affected neighbors within 200 feet of the subject property, the Downtown Neighborhood Association and the Downtown Residents Civic Neighborhood Association.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the amendment to the Official Zoning Map requires one (1) public hearing before the Community Planning and Preservation Commission (CPPC) and one (1) public hearing before City Council.

SUMMARY

Based upon the analysis contained in this report, City staff finds the proposed amendment to the Official Zoning Map to be consistent with the Comprehensive Plan. Additionally, a change in zoning from Downtown Center-3 (DC-3) to Downtown Center-Park (DC-P) is consistent with the intent and implementation of the
new Pier District, while assuring that high intensity uses allowed within the DC-3 zoning district will not encroach into the surrounding waterfront system of parks.

**RECOMMENDATION**

Staff recommends that the Community Planning and Preservation Commission, in its capacity as the Local Planning Agency, make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the amendment to the Official Zoning Map described herein.

**ATTACHMENTS**

1. Map Series
2. Pier Master Plan exhibits
3. Ordinance 1114-V: St. Pete Pier Right-of-Way Vacation
ATTACHMENT NO. 1

Map Series
EXISTING ZONING

CITY FILE

ZM-10

SCALE: 1" = 350'

From: DC-3
(Downtown Center-3)

To: DC-P
(Downtown Center-Park)

SUBJECT AREA
ATTACHMENT NO. 2

Pier Master Plan Exhibits
ATTACHMENT NO. 3

Ordinance 1114-V: St. Pete Pier Right-of-Way Vacation
ORDINANCE NO. 1114-V

AN ORDINANCE APPROVING A VACATION OF 2ND AVENUE NORTHEAST RIGHT-OF-WAY FROM THE EAST BOUNDARY OF BAYSHORE DRIVE NORTHEAST TO THE MAIN SHIP CHANNEL OF TAMPA BAY; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration. (City File No. 19-33000002):

Attached Sketch and Legal Description - Exhibit “A” – 1 page.

Section 2. The above-mentioned right-of-way is not needed for public use or travel.

Section 3. The vacation is subject to and conditional upon the following:

1. Prior to recording the vacation ordinance, the applicant shall grant a specific easement to TECO Peoples Gas, Frontier Communications, Bright House and Duke Energy or obtain a letter of no objection from these utility providers.

2. As required by City Code Section 16.70.050.1.1 F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the commission designated in the Decisions and Appeals Table or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one year. The vacation ordinance shall be recorded after any conditions precedent have been compiled with.

3. Prior to recording of the vacation ordinance, the applicant shall file an application to rezone all vacated street right-of-way westerly of the waterline to Downtown Center – Parks (DC-P).

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of 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 become effective 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.

First reading conducted on 11th day of July 2019.

Adopted by St. Petersburg City Council on second and final reading on the 18th day of July 2019.

Charlie Gerdes, Chair-Councilmember
Presiding Officer of the City Council

ATTEST:
Chan Srinivasa, City Clerk

Title Published: Times 1-t 7/5/19

Not vetoed. Effective date July 25, 2019 at 5:00 p.m.