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**CONSISTENCY OF CITY OF ST. PETERSBURG COMPREHENSIVE
PLAN AMENDMENT ADOPTED BY ORDINANCE NO. 739-1:
OVERVIEW OF OPINION**

**PREPARED ON BEHALF OF
PGSP NEIGHBORS UNITED, INC.**

OCTOBER 30, 2020

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Section 1: Purpose

My name is Charles Gauthier. I have been retained as an expert in comprehensive planning, land development regulation, zoning, and site planning. PGSP Neighbors United, Inc., asked that I analyze the amendment (“Amendment”) to the City of St. Petersburg (“City”) Comprehensive Plan (“Plan”), adopted by Ordinance No. 739-L, against the consistency requirements of Chapter 163, Part II, Florida Statutes (“Fla. Stat.”). The analysis and conclusions in this report are my own.

Section 2: Summary and Conclusion

The Amendment revises the Plan’s Future Land Use Map to allow high density residential development on the site of the Grace Connection Church (“Property”). The residential density approved by the Amendment represents a 400% increase over the City’s planned residential density in the area and an 880% increase over the existing density of the surrounding city neighborhoods.

Since the Amendment is not consistent with the requirement that *“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.”*, it cannot be consistent with Plan Policy LU3.4.

Since the Amendment is not consistent with the requirement that *“The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.”*, it cannot be consistent with Plan Policy LU3.8.

Since the Amendment does not provide a compatible land use transition and does not protect existing and future residential uses from incompatible uses, the Amendment it cannot be consistent with the requirement that *“Land use planning decisions shall weigh heavily the*

established character of predominately developed areas where changes of use or intensity of development are contemplated.”, and therefore cannot be consistent with Plan Policy LU3.6.

Since the Amendment is not based on relevant and appropriate data and analysis that demonstrates consistency with the objective 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.”*, it cannot be consistent with Plan Objective CM10(B).

The following provisions of Chapter 163, Part II, Fla. Stat., were cited in the Amended Complaint:

- §163.3177 (1) (f), Fla. Stat.:
“All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.”
- §163.3177 (2), Fla. Stat.:
“Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.”
- §163.3177 (6) (a) 3 (g), Fla. Stat., that the future land use plan element shall include criteria to be used to:
“Provide for the compatibility of adjacent land uses.”

- §163.3177 (6) (a) (2) (c), Fla. Stat., that the future land use plan and plan amendments must be based upon surveys, studies, and data regarding the area, as applicable, including:

“The character of undeveloped land.”

- §163.3177 (6) (a) (8) (b), Fla. Stat.: that future land use map amendments shall be based on:

“An analysis of the suitability for the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.”

Section 3: Expert Qualifications

I have worked in Florida for over 42-years as a professional planner in the areas of growth management, land use planning, environmental planning, land use regulation, zoning, and site planning. I have been a member of the American Institute of Certified Planners since 1988; in 2012, I was inducted as a Fellow for outstanding contributions as a professional planner.

My expertise is framed by substantial experience with local government, state government, and the private sector. At the local level of government, I served as Chief of Long-Range Planning for Collier County during preparation of its 1989 Growth Management Plan. As Lee County’s Zoning Manager, I presented over 300 rezoning requests to the Board of County Commissioners. I have represented private sector development clients on behalf of consulting firms. For 17 years I served as a senior state official with the Florida Department of Community Affairs overseeing implementation of statutory requirements for comprehensive planning, large-scale development, and land development regulation. During this time, I played a leadership role in the state review of over 5,100 comprehensive plan amendment packages. I have testified as an expert in over 35 legal proceedings.

For the past seven years I have provided expert land planning services as Charles Gauthier, FAICP, LLC, and worked on behalf of counties, municipalities, industries, homebuilders, community associations, public interest groups, and landowners.

Section 4: Amendment

Ordinance 739-L acted to amend the City’s Plan by increasing allowable residential density on an approximately 4.58-acre area located on the site of the Grace Connection Church, 635 64th Street South. The Amendment changed the Future Land Use Map on Parcel No. 20-31-16-47052-000-0010, as follows:

- Revised approximately 4.33-acres from the Institutional Future Land Use Category (“Category”) to the Residential Medium Category;
- Revised approximately 0.04-acres from the Residential Urban Category to the Residential Medium Category; and,
- Revised approximately 0.21-acres from the Institutional Category to the Residential Urban Category.

The initial revisions are affiliated since they designated land with the Residential Medium Category and are located outside of the known Coastal High Hazard Area (“CHHA”). Together, they encompass about 4.37-acres. This analysis focuses on the 4.37-acre area designated Residential Medium.

The third revision designated 0.21-acres with the Residential Urban Category, this area is aligned with the meandering flow-way and stream banks of Bear Creek and is located within the known CHHA. Since this area is composed of a natural water feature, and encumbered by a drainage easement, it is not likely to be buildable in accordance with state and federal regulations. Therefore, the 0.21-acres is not considered for the purpose of residential density calculations in this report.¹

¹ The Plan defines Density as: *“The number of units per buildable land area, as set forth in the Land Development Regulations.”* The City’s Land Development Code (“LDC”) defines Density and Buildable Land Area as:

“16.60.010.2. - Residential density.

A. Density means the number of residential units per buildable land area. "Buildable land area" means the total land area of the lot or parcel, including any man-made lakes, borrow pits, and right-of-way to be dedicated or vacated, and excluding:

- 1. Existing dedicated rights-of-way;*
- 2. Areas beyond the mean high water line;*
- 3. Natural water features and preservation areas; and*
- 4. Areas that are not buildable according to state and federal regulations.”*

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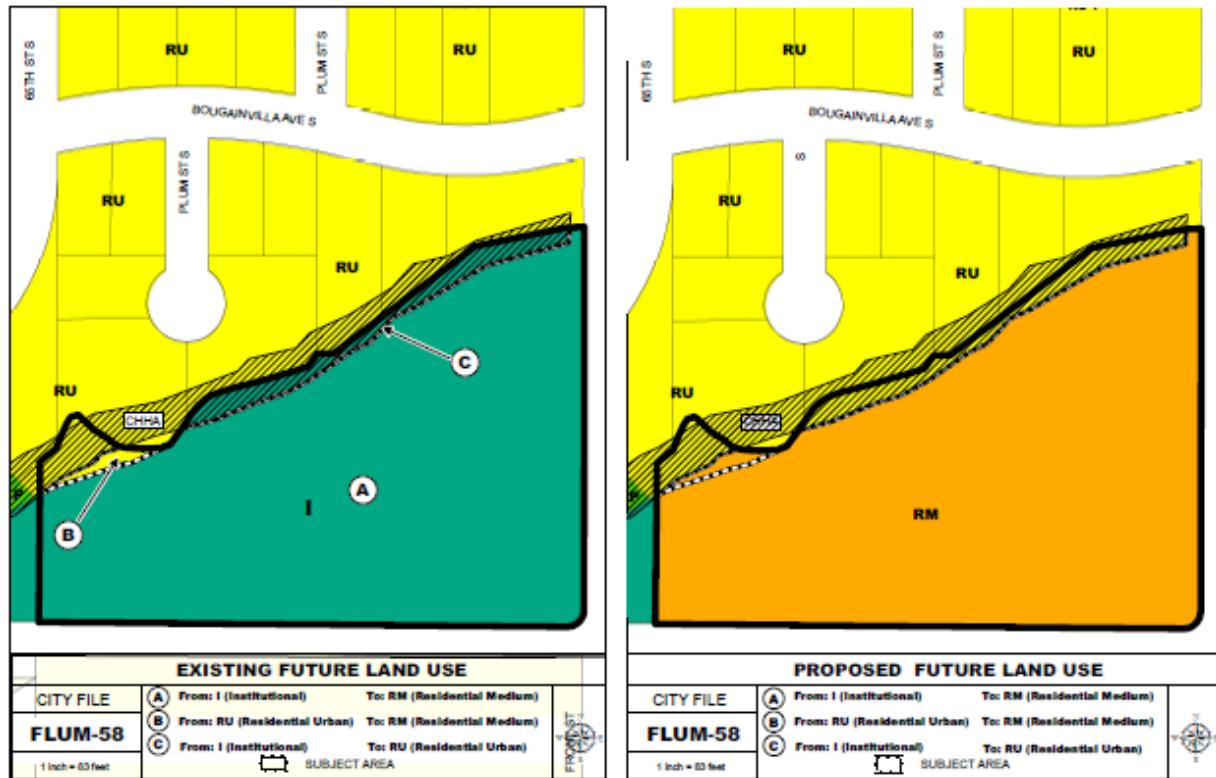


Figure 1: Amendment as depicted in Staff Report (“Staff Report”)²

Section 5: Storm Surge Hazard

The Grace Connection Church parcel is 4.66-acres in overall size of which 0.3-acres are located within the known CHHA.³ The site consists of an irregularly shaped lot that is developed with a church facility and parking aprons with a “footprint” of about 3.5-acres. Approximate elevations range from 20-feet in the southeastern corner, 22-feet at the parcel’s center point, 15-feet toward the northwest corner, and 1-foot at Bear Creek.⁴ On-site water management is rudimentary and allows runoff to drain to Bear Creek. The parcel was platted for residential lots prior to a replat in 1961 to allow for a church.

² The Staff Report for the Public Hearing of the Community Planning and Preservation Commission on February 11, 2020, was also submitted for the Public Hearing of City Council on August 13, 2020.

³ The current and proposed future land use mapping in the Staff Report for Parcel No. 20-31-16-47052-000-0010 depicts a small area that was not subject to the Amendment since it was already designated with the Residential Urban Category.

⁴ Derived from Google Earth.

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The parcel includes a portion of Bear Creek and its stream banks, this area is subject to a drainage easement. Bear Creek is separated from the upland portion of the site by a sea wall and drop-off of 10 to 12-feet more or less.⁵

A portion of the Property is located within the Plan’s Hurricane Vulnerability Area.⁶ Storm surge potential is an important issue for the Amendment since it could severely impact or destroy private buildings and site improvements, supporting public infrastructure, and human life.

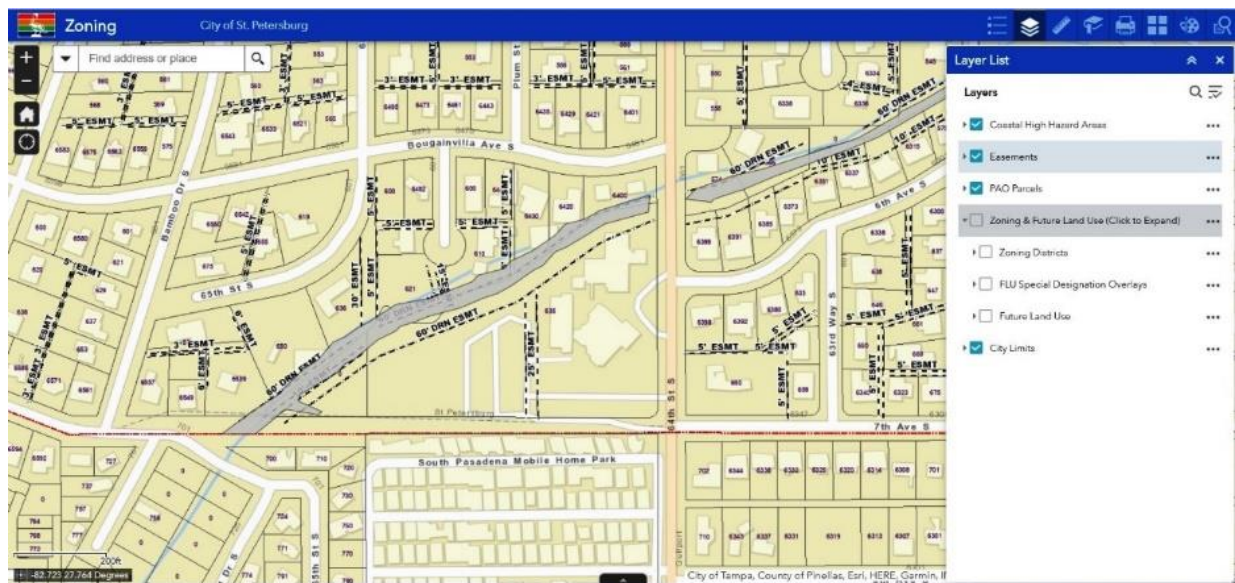


Figure 2: Known Coastal High Hazard Area⁷

At the time the Amendment was adopted the Plan defined the CHHA as:

“Coastal High Hazard Area - 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

⁵ Personal observation.

⁶ Chapter One of the Plan provides definitions including: ***“Hurricane Vulnerability Area - Area delineated by the Pinellas County Hurricane Evacuation Plan Implementation Guide produced by the Tampa Bay Regional Planning Council which will require evacuation in the event of a category 3 storm event.”***

⁷ Figure 2 from the City’s Zoning & Future Land Use GIS Viewer reflects the area that met the definition of CHHA as the definition was proposed to be updated by City Text Amendment LGCP 2019-03 in accordance with a Staff recommendation dated May 29, 2020.

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.”

Section 6: Property Appraisal

In 2018, the City commissioned an appraisal of the Property when it was considering purchase for use as affordable housing. On October 22, 2018, an Appraisal Report was issued by Fogarty & Finch, Inc., to the City reporting the following:

- The “as is” market value of fee simple title was \$1,800,000, with a land value if vacant of \$953,000, and an improvement value of \$847,000;
- The site includes 28,460 square feet of enclosed area, the overall effective overall age of buildings on the site is 45-years, the northwest corner of the fellowship hall has experienced significant settlement and cracks to the walls; and,
- In an assessment of the highest and best use the report states:

“The most reasonably legally allowed use of the site would be single family residential. This would require that the land use designation be changed from Institutional to a residential classification.”⁸

Section 7: Neighborhood Setting

The Property is bordered by Bear Creek and by single-family homes on its north side, 64th Street South and by single-family homes on its east side, and by a single-family lot and single-family homes on its west side.

To the south the Property is bordered by an undeveloped road right-of-way and by South Pasadena Mobile Home Park, a 9.6-acre cooperative licensed for 196 units at 20.4 units per acre. The mobile home park lies within unincorporated Pinellas County. Since it was developed in the 1950’s prior to adoption of the Pinellas County Comprehensive Plan it is a “grand-fathered” use that does not conform to current standards for residential development. The Pinellas County Plan prohibits future development in the area like South Pasadena Mobile Home Park.

⁸ Fogarty & Finch, Inc., Appraisal Report, page 41.

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Limited exceptions to the single-family pattern include Bear Creek Apartments about 850-feet to the east, and the Villas of Date Palm Townhomes located about 700-feet to the west, from the nearest points of the properties. Located in unincorporated Pinellas County, the Villas of Date Palm is a redeveloped site that includes 30 two-story units on 4-acres, a density of 7.5 units per acre. The two-story Bear Creek Apartments were constructed in 1975 and include 12 units on about 2.5-acres resulting in 4.8 units per acre.⁹

The surrounding neighborhoods are well-established and stable. Homes are one and two-stories in height. The neighborhoods have the characteristics of a traditional, walkable community including block lengths of 400 to 600 feet, block perimeters of 1,400 to 1,600 feet, a well-connected street network, and reasonable foot access to a diversity of destinations. Many homes were built in the 1950s, some even earlier.

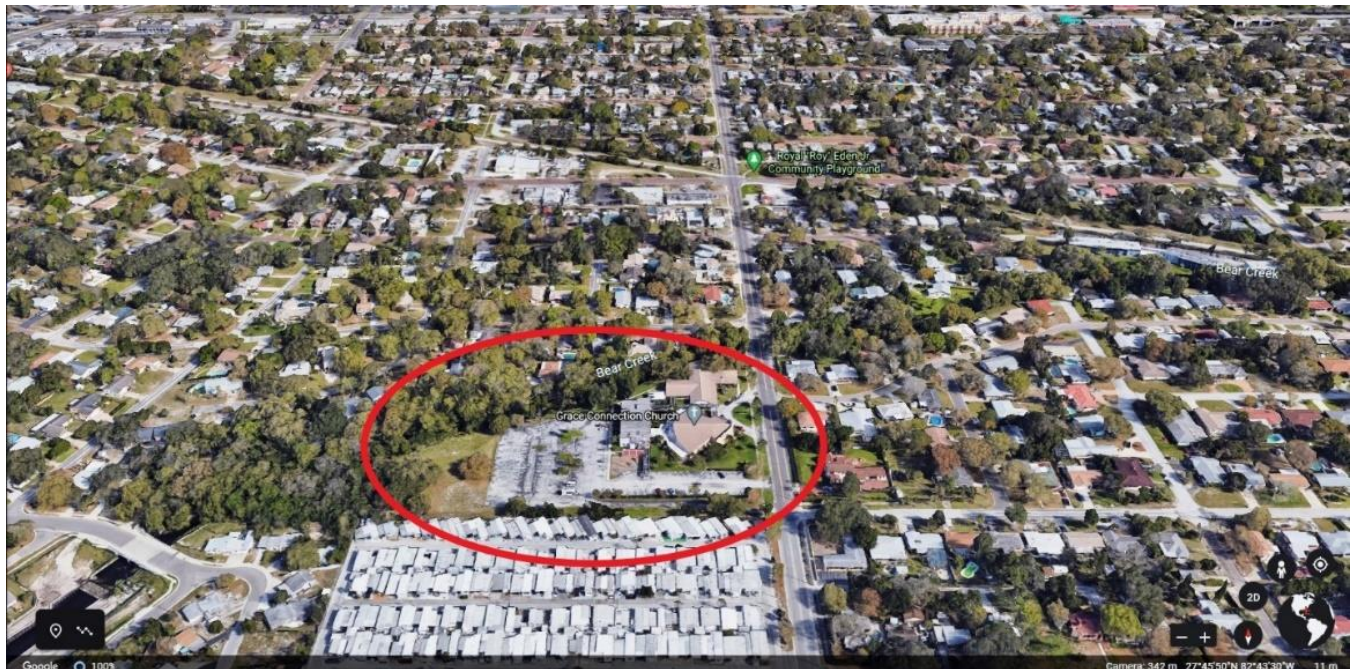


Figure 3: View of Property and Surrounding Neighborhoods

⁹ Density calculations derived from Pinellas County Tax Parcel Web Viewer.

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While some neighborhoods are laid out in a classic grid pattern with back alleys favored by urban designers, the streets proximate to the Amendment are mildly curvilinear and feature short cul-de-sacs thereby creating line-of-sight vistas and unique visually insulated “pockets” for groups of homes. Planners and developers elsewhere in Florida and across the country seek to emulate the geographic form of the City neighborhoods that surround the Amendment.

However, there are unfavorable characteristics to the design of the surrounding neighborhoods. Bear Creek itself is included within the area of residential lots and the institutional parcel, and there is limited public access to the waterway as a scenic or recreational destination. Ideally, Bear Creek would have been set-aside as open space during original subdivision platting and not included in privately owned lots, and identified for conservation or open space use by the Plan. Also, sidewalks are limited. While 64th Street South includes sidewalks only a short sidewalk segment is in place along 7th Avenue South and Bougainvillea Avenue South does not include sidewalks.

In regard to existing residential density, the neighborhood blocks to the north and west of the Property include 80 lots on about 23.8-acres for a density ratio of 3.36 units per acre; the neighborhood blocks to the east include 45 lots on about 12.7 acres for 3.5 units per acre. Combined, the neighborhoods proximate to the Property averages about 3.4 units per acre.

Therefore, the City neighborhoods in close proximity to the Amendment were built to about 45% of the density allowed by the Residential Urban Category they are situated within (i.e., 7.5 units per acre). Looking at it another way, the residential density approved by the Amendment (i.e., 30-units per acre) is about 880% higher than the surrounding neighborhoods.

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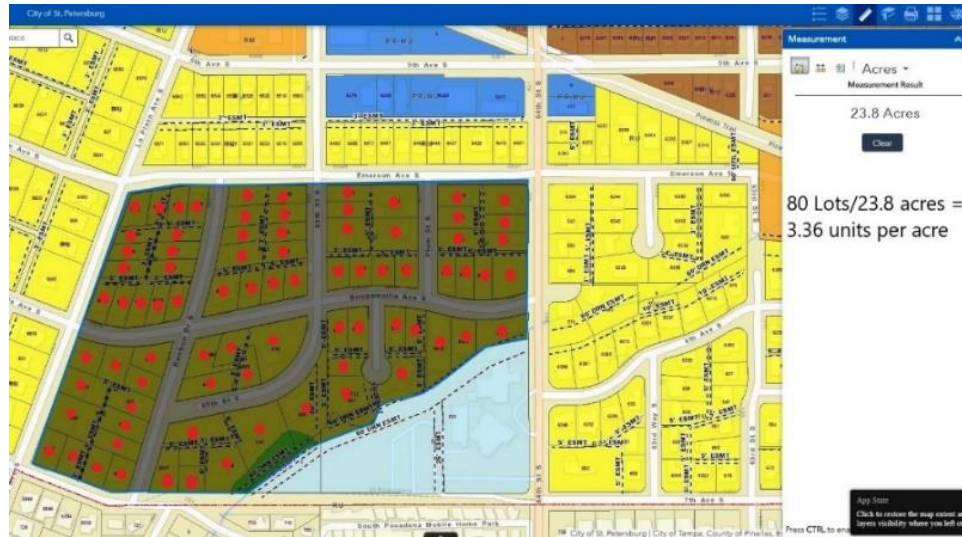


Figure 4: Residential Density in Neighborhood Blocks to the North and West



Figure 5: Residential Density in Neighborhood Blocks to the East

The Amendment is not situated in an area of transitioning or fragmented future land uses. The next graphic shows that the Amendment is within an extensive, contiguous area of Residential Urban future land use that is about 200-acres in size. The City's land use plan for the area surrounding the Amendment provides for low-density residential development on an area-wide basis.¹⁰

¹⁰ Area calculations derived from the City's Zoning & Future Land Use GIS Viewer.

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Figure 6: Contiguous Area of Residential Urban Category

In contrast to the land use planning context of the Amendment, an area that does demonstrate a transition of future land uses commences about 700-feet north of the Property and ranges from the Pinellas Trail up the Central Avenue corridor. A north-south transect of planned land uses in this area moves from Planned Redevelopment–Mixed Use, to Planned Redevelopment–Residential, and then Residential Medium until reaching Central Avenue and additional Planned Redevelopment-Mixed Use.

Section 8: Multi-Jurisdictional Context

The Property is located in the southwestern portion of the City at the intersection of three local governments. The City’s jurisdiction includes lands to its north, east, and west.

Unincorporated Pinellas County lies immediately to the south. The City of Gulfport is “kitty-corner” to the southeastern tip of the amendment site and moves away from the Property.

Therefore, analysis of the Amendment’s land use compatibility must take into account the land uses

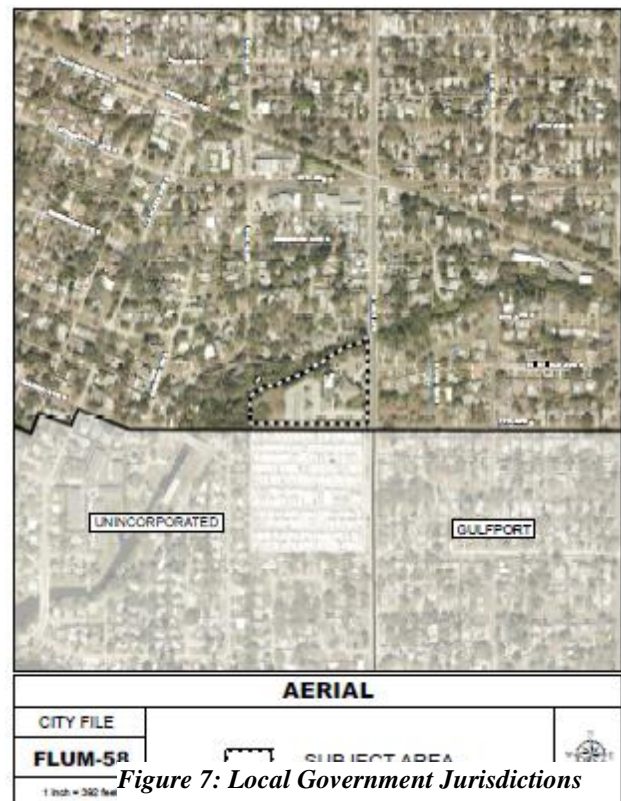
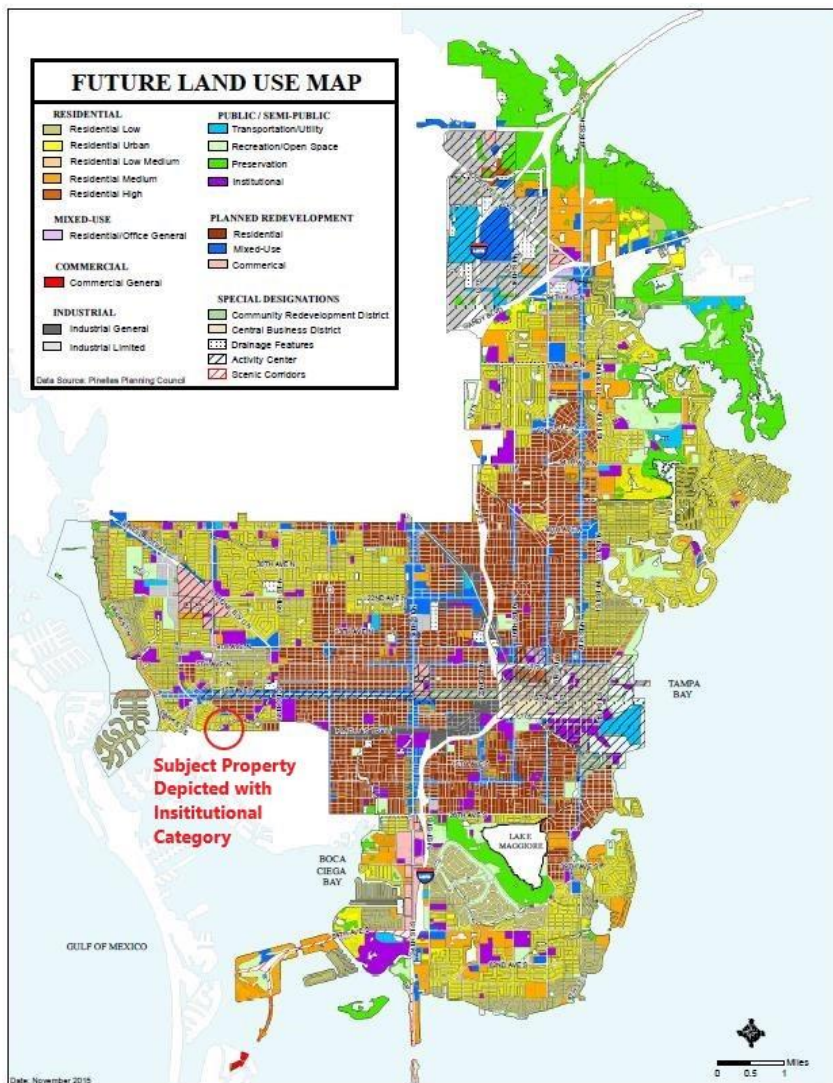


Figure 7: Local Government Jurisdictions

allowed in the area by the comprehensive plans of Pinellas County and the City of Gulfport.

Section 9: St. Petersburg Future Land Use Plan

The City’s Future Land Use Element “...is designed to preserve and protect community character and quality of life...”.¹¹ The Future Land Use Map is the centerpiece of the Element.



As a “big-picture” land use planning strategy, the Future Land Use Categories that allow the highest levels of land use density and intensity are concentrated to the central “core” of the City. Much of the central core is designated with the Planned Redevelopment Residential and Residential High Categories with some areas designated Residential Medium. The central core is situated on higher ground and is mostly outside of emergency management evacuation zones.

The Plan is designed to direct high-density residential development to the central core.

The areas of the City peripheral to the central core are designated for future

Figure 8: City of St. Petersburg Future Land Use Map

¹¹ City Plan page LU-1.

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land uses that have lower density and intensity. West toward the beaches, for example, is largely designated for the Residential Urban Category, with the exception of along heavily traveled roadways. The same is true toward northeast St. Petersburg where Residential Urban future land use is prevalent. The southeastern portion of the City is generally planned for a pattern of Residential Urban and Residential Low.

To preserve and protect community character and quality of life, the Plan is designed to direct lower density residential development toward the City's peripheral areas.

A close-up view of the Future Land Use Map illustrates that the Property is located in an extensive area planned for low-density and developed with low-density residential lots.

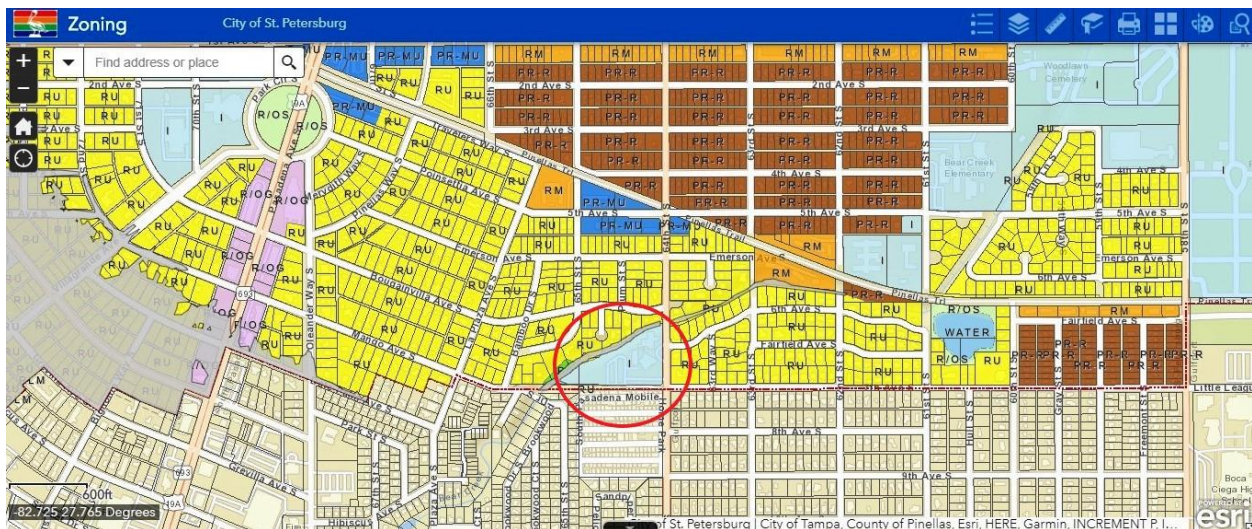


Figure 9: Close-Up View of Future Land Use Map and Residential Lots

In the context of the City, the geographic dimensions of the Residential Urban Category (depicted in yellow above) surrounding the Amendment are substantial, estimated as follows:¹²

- The Residential Urban designation forms a contiguous area of over 200-acres;

¹² Distance estimates derived from the City's Zoning & Future Land Use GIS Viewer.

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- Residential Urban extends about 700-feet to the north of the Property prior to reaching a Planned Redevelopment–Mixed Use future land use designation;
- Residential Urban extends about 2,600-feet to the east of the Property before reaching a Planned Redevelopment designation; and,
- Residential Urban extends about 2,200-feet to the west of the Property prior to reaching a Residential-Office General designation.

Section 10: Pinellas County and City of Gulfport Future Land Use Plans

The Future Land Use Map for the unincorporated county is consistent with the City’s Plan for the area. Lands adjacent to and extending from the southern boundary of the Property are designated with the County’s Residential Urban Category. The purpose of the County’s Residential Urban Category is to depict areas that are appropriate to develop in an urban low-density manner. Residential use may not exceed 7.5 units per acre in this Category.



Figure 10: Pinellas County Future Land Use Map

The planned land uses in the City of Gulfport, to the southeast, allow a residential density that is lower than the Residential Medium Category adopted for the Property. Gulfport’s Future Land Use Map depicts its Residential Low Medium Category in the area.

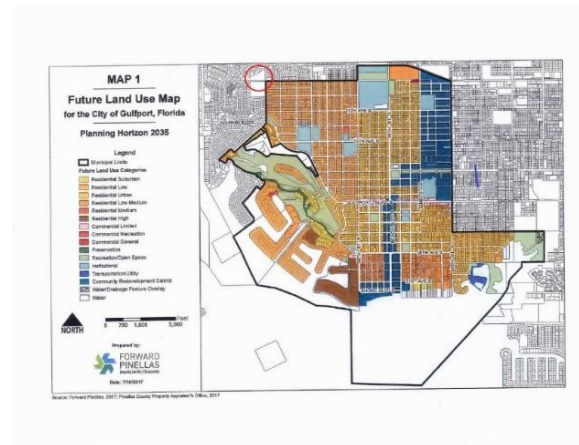


Figure 11: Gulfport Future Land Use Map

Section 11: Institutional Category

Prior to the Amendment, the Institutional Category applied to about 4.54-acres of the site. Of this, about 4.37-acres is buildable area. Institutional is a “Public/Open Space” Category under

Policy LU3.1(D) of the City’s Plan which describes the allowable land use types and densities and intensities of use as follows:

“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 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.”

The description of the Institutional Category indicates that “...*public buildings and grounds, cemeteries, hospitals, churches and religious institutions and educational uses...*” are the primary land uses within the Category. Residential land use is also allowed at “...*a density not to exceed 12.5 units per acre...*” as a use ancillary to the primary land use.¹³

A reasonable estimate of the Property’s ancillary residential development potential under the Institutional Category is important since provides a basis for analysis of compatibility and impacts on public facilities resulting from the Amendment.

Since the Property is developed with a church, and residential is an ancillary land use, the calculation of residential development potential is logically based on the land area that is not developed with the institutional use. This area constitutes the Net Residential Acreage. Chapter One of the Plan defines that term as follows:

“Net Residential Acreage - Buildable residential acres used to calculate the allowable number of units on a site.”

Under existing conditions, roughly one-acre of the Grace Connection Church site is available for ancillary residential use since that is the area not used for institutional development. Since ancillary residential density fits under the definition of Net Residential Acreage, the residential

¹³ City staff agrees that residential use is allowed as ancillary to a primary use in the Institutional Category, page 4 of Staff Report. The term ‘ancillary’ is used in the description of several future land use categories for secondary, dependent land uses.

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development potential would be about 13 units based on existing conditions (i.e., one-acre x 12.5 units per acre).

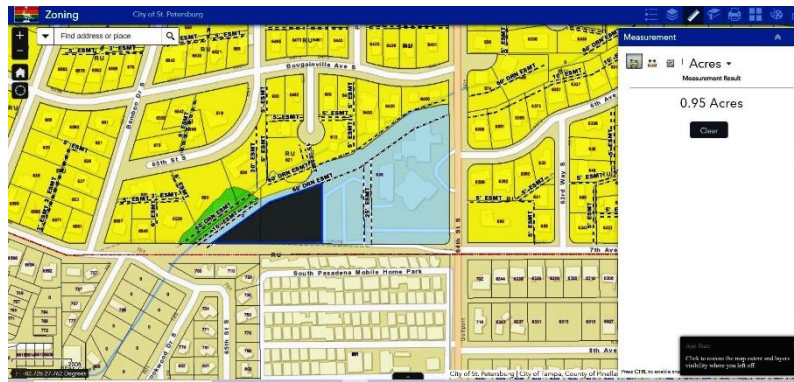


Figure 12: Net Residential Acreage based on Existing Site Development¹⁴

It is important to keep in mind the composition of the residential development is restricted because as an ancillary land use residential it is subordinate to the primary institutional use and must serve the purposes of the primary use. Residential use within the Institutional Category is not for “stand-alone”, independent development.

A theoretical estimate of the potential for ancillary residential development in the Institutional Category could be based on use of slightly less than half of the area for residential uses, in accord with its status as a secondary, dependent land use. In that scenario 28 residential units would be available (i.e., 2.2-acres x 12.5 units per acre).

In contrast, the Staff Report appears to calculate ancillary residential density based on the overall site area irrespective of the footprint of primary institutional land use. The Staff Report suggests the subject property would yield 56 units.¹⁵

¹⁴ Area estimate derived from the City’s Zoning & Future Land Use GIS Viewer.

¹⁵ The Staff Report states the overall parcel is 4.66-acres in size, where a 0.3-acre portion is in the CHHA. It appears to rely on the 4.66-acres (including unbuildable area) as the basis for calculation of ancillary residential development at a density of 12 units per acre (the Institutional Category allows 12.5 units per acre). While the full methodology and yield of residential units was left unstated, the Staff Report included a conclusion that the “current buildout population” is 97 people assuming 1.74 persons per household. Both the apparent methodology to calculate available density and the buildout population indicate that staff concluded a maximum of 56 residential units.
(footnote cont’d)

Section 12: Residential Density Continuum

Plan Policy LU3.1(A) (1–5) sets forth five Residential Categories including Residential Low, Residential Urban, Residential Low Medium, Residential Medium, and Residential High. The five categories progressively step-up in allowable residential density.

Table 1: Residential Category Density Continuum

Residential Categories	
Residential Low	5 Units per Net Acre
Residential Urban	7.5 Units per Net Acre
Residential Low Medium	10 Units per Net Acre
Residential Medium	30 Units per Net Acre
Residential High	30 Units per Net Acre

Section 13: Residential Urban Category

Residential Urban is considered a low-density future land use category and is described as follows:

“Residential Urban (RU) - Allowing low density residential uses not to exceed 7.5 units per net acre; Residential equivalent uses not to exceed 3 beds per dwelling unit; non-residential uses allowed by the land development regulations up to a floor area ratio of 0.40. Accessory units are permitted and may be excluded from the residential density calculation when accessory to a single-family dwelling unit, in accordance with the Land Development Regulations (LDRs). An ancillary non-residential use which exceeds three (3) acres, a transportation/utility use which exceeds three (3) acres, or an institutional use (except public educational facilities which are not subject to this threshold) which exceeds five (5) acres, whether alone or when added to existing contiguous like use(s), shall require a Future Land Use map amendment that shall include such use and all contiguous like uses.”

units were available under the Institutional Category (4.66-acres x 12 units per acre, and 97 people/1.74 persons per household lead to the same outcome). Staff Report pages 2, 6, and 7.

The Residential Urban Category extends to the north, east, and west of the Property. The Amendment site is surrounded by an extensive area planned for low-density residential development; the area surrounding the Property is limited by the Plan to 7.5 units per buildable acre.

Had Residential Urban been assigned to the approximately 4.37-acres, instead of Residential Medium, about 33 residential units would be yielded from the site area (i.e., 4.37-acres x 7.5 units per acre).

Section 14: Residential Medium Low Category

The Residential Medium Low Category, at 10 units per acre or less, is the next step up the density continuum of residential categories. Although closer to the maximum residential density in Residential Urban, Residential Low Medium was not requested by the applicant or approved by the City.

Had Residential Low Medium been assigned to the approximately 4.37-acres, instead of Residential Medium, a maximum of about 44 residential units would have been allowed (i.e., 4.37-acres x 10 units per acre).

Section 15: Residential Medium Category

About 4.37-acres of the approximately 4.58-acre site was designated Residential Medium by the Amendment.

“Residential Medium (RM) - Allowing medium density residential uses not to exceed 15 units per net acre; however, when located outside of the Coastal High Hazard Area, and only when abutting a major street as depicted on the Future Major Streets Map (Map 20), Missing Middle Housing at a maximum density of 30 units per net acre is permitted in accordance with the Land Development Regulations (LDRs). Residential equivalent uses not to exceed 3 beds per dwelling unit; non-residential uses allowed by the land development regulations up to a floor area ratio of 0.5. Accessory units are permitted and may be excluded from the residential density calculation when accessory to a single-family dwelling unit, in accordance with the Land Development Regulations (LDRs). An ancillary non-residential use which exceeds three (3) acres, a transportation/utility use which exceeds three (3) acres, or an institutional use (except public educational facilities which are

not subject to this threshold) which exceeds five (5) acres, whether alone or when added to existing contiguous like use(s), shall require a Future Land Use map amendment that shall include such use and all contiguous like uses.”

Residential Medium nominally allows up to 15 units per acre which is considered by the Plan as medium-density. However, up to 30 units per acre is allowable in the category with the Missing Middle Housing density bonus when located outside the CHHA and along a Future Major Street.¹⁶ The 4.37-acre portion of the site is located outside of the known CHHA and 64th Street South is identified as a Future Major Street on Map 20 of the Plan.

The Plan defines Missing Middle Housing as follows:

“Missing Middle Housing – Housing that encompasses a range of smaller, multi-unit or clustered housing types (such as shotgun, skinny, duplex, triplex, fourplex, courtyard apartment, bungalow court, townhouse, multiplex, and live/work units), which are compatible in scale and design with single-family homes, and are designed to encourage walking, biking, and transit use. A density bonus of up to 30 units per acre is being offered to incentivize Missing Middle housing in the Residential Medium (RM), Planned Redevelopment – Residential (PR-R) and Planned Redevelopment – Mixed Use (PR-MU) land use categories.”

At the nominal residential density of 15 units per acre, the buildable area would yield up to 66 residential units (i.e., 4.37-acres x 15 units per acre). By use of the Missing Middle Housing density bonus up to 30 units per acre is allowed resulting in a maximum of 131 residential units (i.e., 4.37-acres x 30 units per acre). Therefore, pursuant to the Residential Medium Category 131 residential units could be constructed on the Property.

The Staff Report is based on development of 94 residential units on the Property and does not consider potential ancillary non-residential uses.¹⁷ The number of residences was based on the

¹⁶ The Residential High Category considers 30 units per acre as high-density. Since Residential Medium allows up to 30 units per acre with a Missing Middle Housing density bonus the Amendment is characterized as allowing high-density residential development in this report.

¹⁷ The Staff Report assumes the 4.37-acres site area yields 66 units based on the NSM-1 Zoning District (4.37-acres x 15 units per acre), a Workforce Housing Density Bonus of 26 units (4.37-acres x 6 units per acre), and adds the
(footnote cont'd)

density allowed in the RSM-1 Zoning district, density allowed by in the NS-1 Zoning District, and an anticipated Workforce Housing density bonus.¹⁸

The accommodation of 131 residential units on 4.37-acres requires multi-family construction greater than two-stories in height. Potential building height depends on variables including: the area of the site that must be used for water management purposes; the area of the site designed for open space and amenities, parking, and accessory buildings; and the floor area of the residential units. Site development standards for maximum building coverage, setbacks, and height in the LDC apply on an implementation level; however, those standards are outside of the Plan and can change in accordance to the zoning district that is in place without the need for a Plan Amendment.¹⁹

A model to help understand the building height necessary to accommodate 131 units can be derived from a rendering of a preferred site plan that the applicant presented to the City Council at its Public Hearing on August 13, 2020. The rendering showed a four-story building with 85 units. Since 131 units represents a total that is 154% greater than 85 units, the building height to accommodate 131 units would extrapolate to six stories (i.e., 154% x four-stories).

Section 16: Future Land Use Scenarios

The following table summarizes calculations of residential development potential on the Property in the Institutional, Residential Urban, Residential Low Medium, and Residential Categories.

density yield from 0.29-acres of Residential Urban (0.29-acres x 7.5 units per acres), to reach a total of 94 units. Staff Report pages 7 and 18.

¹⁸ A Workforce Housing Density Bonus is recognized by Housing Element Policies H1.4, H3.12, and H3.7. However, the bonus is not defined by the Plan or structured into the Future Land Use Element in relation to eligible future land use categories and additional density that is available. §17.5-98 of the LDC indicates the bonus density applies to zoning districts. Consequently, the Workforce Housing bonus allows for additional density above that nominally allowed by the Residential Medium Category only to the extent the additional density also meets the definition of Missing Middle Housing.

¹⁹ §16.50.290.2 of the LDC authorizes deviations from development standards within Neighborhood Planned Unit Development Zoning Districts.

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Table 2: Future Land Use Scenarios

Scenario	Future Land Use Category	Area-Basis and Net Density	Maximum Number of Residential Units		Maximum Floor Area Ratio for Ancillary Non-Residential Uses ²⁰
			Overview of Opinion	Staff Report	
Current Conditions	Institutional	One-acre of Net Residential Area at 12.5 Units per Acre	13	56	N/A
Consistent with Surrounding Future Land Use	Residential Urban	4.37-acre Net Area at 7.5 Units per Acre	33		Non-residential uses allowed up to a floor area ratio of 0.40. ²¹
One Category Increase Over Surrounding Future Land Use	Residential Medium Low	4.37-acre Net Area at 10 Units per Acre	44		Non-residential uses allowed up to a floor area ratio of 0.50.
As Adopted	Residential Medium	4.37-acre Net Area at 30 Units per Acre	131	94 ²²	Non-residential uses allowed up to a floor area ratio of 0.50.

Table 2 demonstrates that the Amendment represents a 400% increase in residential density relative to the Residential Urban Category that surrounds the Property. Instead of the 33 residential units available under the Residential Urban Category, at a planned density that is

²¹ LU3.1(D) limits the area of ancillary non-residential land use within Residential future land use categories as follows: “*Ancillary non-residential uses and transportation/utility uses are limited to 3-acres, institutional use (except public educational facilities which are not subject to this threshold) are limited to 5-acres.*”

²² The calculation in the Staff Report includes two units from the 0.29-acre Residential Urban designation.

consistent with surrounding areas, up to 131 units may be constructed on 4.37-acres of the Property.

Similarly, the floor area ratio for ancillary non-residential land uses rises from 0.4 in Residential Urban to 0.5 in Residential Medium. These are relatively high floor area ratios. For example, a typical suburban shopping center might have a floor area ratio of 0.2 or 0.25 square feet of gross floor area per acre.

The Application to Amend the Future Land Use Map did not propose to increase allowable residential density by moving one-step up from the surrounding Residential Urban (i.e., 7.5 units per buildable acre) to the Residential Low Medium Category (i.e., 10 units per buildable acre). Instead, the amendment “leap-frogged” up the residential density continuum, bypassing Residential Low, Residential Urban and Residential Low Medium, thus enabling densities of up to 30 units per acre in the Residential Medium Category.

Section 17: Policy Analysis

In addition to the Future Land Use categories described by Plan Policy LU3.1, the following definitions, principles, policies, and objective are pertinent to my review of the consistency of the Amendment:

Table 3: Analysis of Comprehensive Plan Provisions

Comprehensive Plan Provision	Analysis
Chapter One Definitions	
<i>“Coastal High Hazard Area - 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.”</i>	CHHA definition in effect at the time the Amendment was adopted.
<i>“Compatible - Not having significant adverse impact. With limited variation from adjacent uses in net density, in type</i>	The definition of Compatible establishes factors that must be

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<p><i>and use of structures (unless highly complementary), and with limited variation in visual impact on adjacent land uses. In the instance of certain adjacent or proximate uses, compatibility may be achieved through the use of mitigative measures.”</i></p>	<p>considered when applying land use compatibility policies.</p>
<p><i>“Density - The number of units per buildable land area, as set forth in the Land Development Regulations.”</i></p>	<p>The definition of Density provides that buildable land area is the basis for calculation of residential density.</p>
<p><i>“Hurricane Vulnerability Area - Area delineated by the Pinellas County Hurricane Evacuation Plan Implementation Guide produced by the Tampa Bay Regional Planning Council which will require evacuation in the event of a category 3 storm event.”</i></p>	<p>The Amendment includes Hurricane Vulnerability Area.</p>
<p><i>“Missing Middle Housing – Housing that encompasses a range of smaller, multi-unit or clustered housing types (such as shotgun, skinny, duplex, triplex, fourplex, courtyard apartment, bungalow court, townhouse, multiplex, and live/work units), which are compatible in scale and design with single-family homes, and are designed to encourage walking, biking, and transit use. A density bonus of up to 30 units per acre is being offered to incentivize Missing Middle housing in the Residential Medium (RM), Planned Redevelopment – Residential (PR-R) and Planned Redevelopment – Mixed Use (PR-MU) land use categories.”</i></p>	<p>The Missing Middle Housing density bonus allows up to 30 units per acre in the Residential Medium Category.</p> <p>The definition of Missing Middle Housing is generally stated, the density bonus is available for the forms of residential development that it identifies.</p>
<p><i>“Net Acres - Total developable acreage.”</i></p>	<p>By excluding undevelopable acreage, the definition of Net Acres is consistent with the definition of Density.</p>
<p><i>“Net Residential Acreage - Buildable residential acres used to calculate the allowable number of units on a site.”</i></p>	<p>The definition of Net Residential Acreage fits the circumstance of the Institutional Category where residential is an ancillary use.</p>
<p>Chapter Two Vision Element</p>	
<p><i>ISSUE: St. Pete Vision 2020 “Planning and Land Use decisions shall implement the principles (Citizen Based Themes) and recommendations developed in the Vision Element of the Comprehensive Plan.”</i></p>	<p>The Vision Element guides the implementation of the Plan.</p> <p>The Neighborhood Recommendation is relevant to the Amendment: <i>“Protect and reinforce the unique character of each</i></p>
<p><i>“Neighborhood Recommendations: Protect and reinforce the unique character of each neighborhood, develop rules and regulations which allow</i></p>	<p><i>neighborhood...allow infill and redevelopment that is compatible with</i></p>

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<p><i>infill and redevelopment that is compatible with the surrounding neighborhood context.”</i></p>	<p><i>the surrounding neighborhood context.”</i></p>
<p>Policy V1.1 <i>“Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.”</i></p>	
<p>Policy LU1.1 <i>“When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.”</i></p>	
<p>Chapter Three Future Land Use Element</p>	
<p>Objective LU1 <i>“The City shall take into account the citizen based themes noted in the Vision Element when considering development decisions.”</i></p>	
<p>Policy LU1.1 <i>“When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.”</i></p>	<p>The Amendment is not consistent with the Neighborhood Recommendation to protect the unique character of each neighborhood.</p>
<p>Policy LU2.4 <i>“The City may permit an increase in land use intensity or density outside of activity centers where available infrastructure exists and surrounding uses are compatible.”</i></p>	<p>The Property is outside of an activity center, however, the increase in residential density is not compatible with surrounding uses.</p>
<p>Policy LU3.4 <i>“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”.²³</i></p>	<p>This policy concerns the <u>configuration</u> of future land use designations.</p> <p>The Amendment does not provide for a compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.</p> <p>The Amendment is not consistent with Policy LU3.4.</p>

²³ Inconsistencies plead in Amended Complaint boxed with blue borders.

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<p>Policy LU3.6²⁴ <i>“Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.”</i></p>	<p>Since the Amendment is not compatible with surrounding uses and fails to create a compatible land use transition, approval of the Amendment does not demonstrate that the character of predominately developed areas was weighed heavily.</p> <p>The Amendment is not consistent with Policy LU3.6.</p>
<p>Policy LU3.7 <i>“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.”</i></p>	<p>The Amendment results in an illogically drawn land use plan boundary in relation to existing and expected future conditions.</p>
<p>Policy LU3.8²⁵ <i>“The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.”</i></p>	<p>This policy concerns protection of existing and future residential uses from incompatible land uses and resulting <u>intrusions</u>.</p> <p>The Amendment does not protect existing residents from incompatible uses and intrusions that detract from the long-term desirability of the surrounding neighborhoods.</p> <p>The Amendment is not consistent with Policy LU3.8.</p>
<p>Policy LU3.13 <i>“Less intensive residential uses (less than 7.5 units per acre) shall continue as the predominant density in St. Petersburg.”</i></p>	<p>The Residential Medium Category allows up to 30 units per acre. Thus, the Amendment is not consistent with continuing less intensive residential uses as the predominant density in the City.</p>
<p>Policy LU3.13 <i>“Areas designated Medium Density Residential that are predominately single family in character shall be considered favorably for a land use plan amendment to Low density Residential where so doing would help to stabilize and upgrade the condition of the neighborhood.”</i></p>	<p>This policy encourages plan amendments that would down-designate areas with Medium Density Residential to low-density residential where it would help stabilize and upgrade a</p>

²⁴ Ibid.

²⁵ Ibid.

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	neighborhood. The Amendment moves in the opposite direction.
Policy LU7.1 <i>“Requests for residential density increases within the Coastal High Hazard Zone shall not be approved.”</i>	The known CHHA coincides with Bear Creek and its stream banks and is considered unbuildable and therefore outside the definition of Density.
OBJECTIVE CM10(B)²⁶ <i>“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.”</i>	This objective requires that population concentrations are directed <u>away from</u> the known or predicted CHHA. Directed away means to avoid Future Land Use Map amendments that enable population increases in proximity to the CHHA. The <u>predicted</u> CHHA requires consideration of areas projected to be subject to qualifying storm surge in the future.

Section 18: Definition of Compatible

The Plan defines Compatible as:

“Compatible - Not having significant adverse impact. With limited variation from adjacent uses in net density, in type and use of structures (unless highly complementary), and with limited variation in visual impact on adjacent land uses. In the instance of certain adjacent or proximate uses, compatibility may be achieved through the use of mitigative measures.”

This definition establishes factors that must be considered in conjunction with relevant policies to determine land use compatibility, as follows:

- The central factor is whether the variation of adjacent uses in net density, in type and use of structures (unless highly complementary) is limited; and, whether the variation in visual impact on adjacent land uses is limited;
- The meaning of limited variation is further explained as not having significant impacts; and,

²⁶ Ibid.

- The definition allows that mitigative measures may be used to alleviate significant impacts resulting from variations from adjacent uses in net density, in type and use of structures, and variation in visual impact from adjoining uses.

Section 19: Land Use Compatibility

The compatibility policies most important to the amendment are as follows:

- **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 LU3.8**

“The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.”

I have reached the following conclusions based on the data and analysis summarized herein and the policy requirements of the Plan:

- Contrary to the design of the City of St. Petersburg Comprehensive Plan from both big-picture and local area perspectives, the Amendment revises Future Land Use Map to allow high density residential development on the Property.
- The high-density residential development is placed in the “heart” of low-density neighborhoods that have been in place for 60+ years. The surrounding neighborhoods demonstrate the characteristics of a traditional walkable community. Unique, visually insulated pockets with groups of homes are situated close to the Amendment.

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- The Amendment allows up to 30 units per acre, surrounding lands are planned for 7.5 units per acre, and surrounding neighborhoods in the City are constructed to a density of about 3.4 units per acre. The residential density allowed by the Amendment represents a 400% increase over the City’s planned residential density in the area and an 880% increase over the existing density of the surrounding neighborhoods.
- The residences in the surrounding neighborhoods are one and two-stories in height, accommodation of 131-units on the Property extrapolates to a six-story building.
- The compatibility defects resulting from the Amendment have nothing to do with the nature of two-story multi-family development, missing middle housing, or workforce housing. The compatibility defects result from a high-density future land use designation surrounded by a low-density future land use category and one and two-story, low-density neighborhoods.
- The Amendment is not justified by the existing density in the mobile home park to the south. The mobile home park is a grand-fathered development that is contrary to the Pinellas County and City Plans as they apply to the area. Perpetuating a 20.4 unit per acre non-conforming density that is contrary to the land use plans by approving a 30 unit per acre future land use is not an appropriate basis for the Amendment.
- The magnitude of the high-density residential development and its placement in a well-established, low-density neighborhood does not provide a “... *compatible land use transition through an orderly land use arrangement...*”.
 - The Amendment does not result in a future land use configuration that provides a compatible transition in residential density. A compatible land use transition means, for example, an appropriately located “stair-stepped” transition from low, to medium low, to high density.
 - The Amendment does not result in an orderly land use arrangement; instead of a providing a transitional land use in an appropriate location it leap-frogs up the Plan’s

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continuum of planned residential densities and imposes an abrupt density spike in a low-density future land use category within well-established low-density neighborhoods.

- An attempt at “...*proper buffering*...” is not featured as a part of the Amendment. Even though this is an extraordinary land use approval, the Amendment relies only on standard provisions in the LDC for buffering.
- The Amendment is not supported by “...*use of physical and natural separators*.” Bear Creek does not serve as a land use separator since it is included as a part of the lot areas of adjoining residences and the Property and is not set aside by the Plan for conservation or open space. The visual screening provided by vegetative growth along Bear Creek may be removed by property owners in the future and negate what advantage it might currently offer within its limited width.
- The Amendment results in “... *incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area*...”. High-density residential development on the Property is out of character and incompatible with the surrounding neighborhoods and will result in uncustomary, elevated levels of noise, traffic and other intrusions, including diminished residential privacy. To achieve high-density on the Property it is necessary to construct a significantly taller building than the homes in the surrounding neighborhoods. A tall building, whether four or six stories, would tower over the neighborhoods and conflict with their character, visual enjoyment, and privacy. Consequently, the Amendment detracts from the long-term desirability of the area.
- Through the lens of the definition of Compatible, the Amendment does not constitute a “...*limited variation from adjacent uses in net density*...”, and will not have a “...*limited variation in visual impact on adjacent land uses*...”. An 400% increase in planned residential density over the surrounding area, and an 880% increase over the built environment, is not a limited variation in net density. A six-story building in the midst of one and two-story buildings results in not a limited variation in visual impact. Due to the

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extreme differences in density and potential building height, the Amendment has “...*a significant adverse impact...*” on the surrounding neighborhoods.

- The Amendment does not achieve compatibility “...*through the use of mitigative measures...*”. No mitigative measures in the form of site-specific development controls to promote compatibility were adopted as part of Ordinance No. 739-L. Instead, the detail of future development is left to a conventional zoning district and future site plan. The failure to adopt appropriate development controls as a part of the Amendment that stipulate an appropriate level of residential density, the location and height of buildings, and buffering, is a missed opportunity to move toward consistency with Plan Policies LU3.4 and LU3.8, and satisfy Policy LU3.6.
- It cannot be reasonably concluded that the Amendment is consistent with Policies LU3.4 and LU3.8.
- Citizen participation and the review recommendation of Community Planning & Preservation Commission provide further evidence that the Amendment is incompatible and will result in significant adverse impacts on the surrounding neighborhood and that it detracts from the long-term desirability of the area.
 - The record shows that prior to and immediately following the Community Planning & Preservation Commission’s Public Hearing on February 11, 2020, City Staff received approximately 35 comments by telephone and email. Of these, none were supportive, three were general inquires, and 32 were opposed to the land use and zoning change. At the Commission’s Public Hearing, 18 individuals spoke of which 17 were opposed.²⁷
 - A motion that the Community Planning & Preservation Commission recommend approval of the Amendment failed; therefore, the matter went before the City Council with a recommendation of denial from the City’s Local Planning Agency.

²⁷ City Council Agenda Package for Public Hearing on August 13, 2020, Page 67 of 200.

- Citizen objections continued to be heard at the video-hosted City Council Public Hearing on August 13, 2020.
- It cannot be concluded that the City’s actions are consistent with the Policy LU3.6 directive to “...weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated...”.

Section 20: Coastal High Hazard Area

The Amendment is not supported by relevant and appropriate data and analysis that responds to the requirements of Objective CM10(B), which are as follows:

“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.”

Objective CM10(B) requires that:

- Population concentrations must be directed away from (not just from within) the CHHA; and,
- Population concentrations must be directed away from both the known CHHA and areas predicted to meet the definition of coastal high hazard area in the future.

The known CHHA is subject to change. Based on advances in storm surge modeling, a 2016 supplement to the Statewide Regional Evacuation Study projected elevated levels of maximum storm surge in the Tampa Bay region. As a result, the CHHA more than doubled in the City from 7,705-acres to 16,328-acres, the CHHA now encompasses about

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41% of the City’s land area.²⁸ The trend of rising sea level will expand the geographic extent of the CHHA in the future.

Table 9: Potential Tide Height(s) ** By County
(In Feet above NAVD88)

*Storm Strength	Citrus	Hernando	Hillsborough	Manatee	Pasco	Pinellas
Category 1	Up to 10.7'	Up to 8.9'	Up to 7.5'	Up to 6.2'	Up to 9.3'	Up to 8.1'
Category 2	Up to 19.5'	Up to 16.5'	Up to 14.9'	Up to 11.8'	Up to 15.4'	Up to 13.7'
Category 3	Up to 25.1'	Up to 23.8'	Up to 21.2'	Up to 16.2'	Up to 21.0'	Up to 19.4'
Category 4	Up to 32.3'	Up to 30.0'	Up to 28.6'	Up to 22.3'	Up to 27.1'	Up to 25.6'
Category 5	Up to 41.3'	Up to 35.5'	Up to 33.3'	Up to 28.2'	Up to 34.0'	Up to 29.0'

** Based upon the category of storm on the Saffir-Simpson Hurricane Wind Scale*

*** Surge heights represent the maximum values from SLOSH MOMs*

Figure 13: Projected Maximum Storm Surge Heights²⁹

The Pinellas County Emergency Management Department provides an on-line hurricane storm surge visualizer tool that illustrates storm surge risk for individual properties. The figures below show the projected maximum storm surge heights at the center point of the Property at storm Evacuation Levels “A” and “D”.

²⁸ Based on CHHA Frequently Asked Questions Pamphlet, dated July 9, 2020, prepared by the City to inform the public about a pending CHHA amendment.

²⁹ 2016 Supplemental Summary Statewide Regional Evacuation Study.

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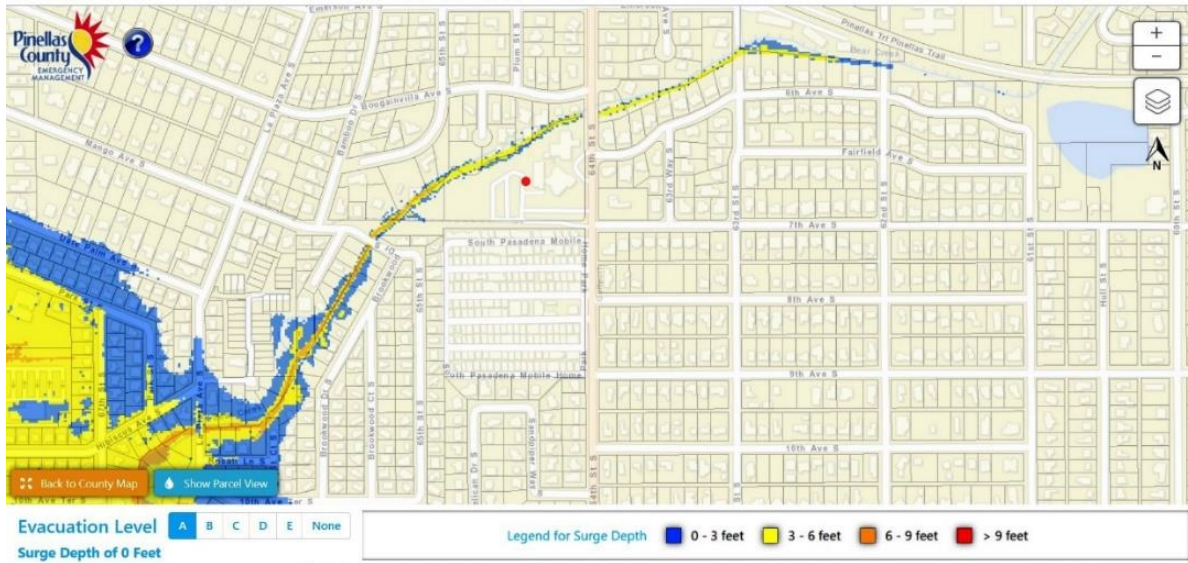


Figure 14: Projected Storm Surge in a Level “A” Evacuation

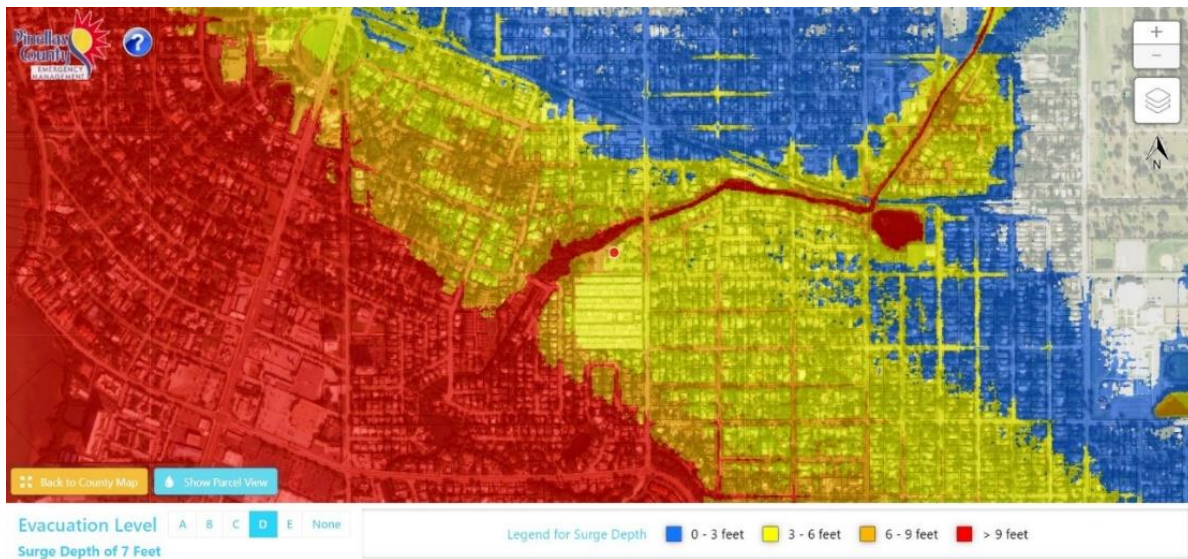


Figure 15: Projected Storm Surge in Level “D” Evacuation

As is evident, the projected maximum storm surge radically increases in height and affected area as the Evacuation Level moves from “A” up to “F”.

The big jump for the Property would occur in a Level “D” Evacuation when storm surge will fully overtake the sea wall and reach seven-feet in depth at the center point of the site. Storm surge depth does not include waves on top of the surge.

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This is especially significant due to the trend of rising sea levels. Scientists have published a forecast of sea level rise for the City as shown below.

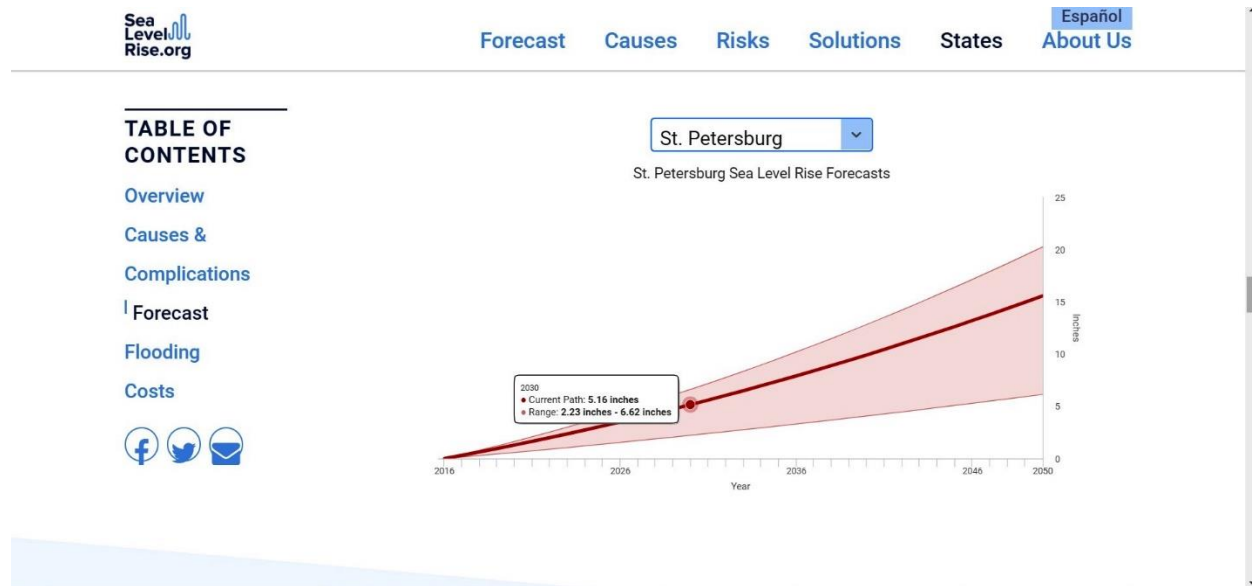


Figure 16: Projected Sea Level Rise for St. Petersburg³⁰

At the mid-range of the forecast, sea level is expected to rise in St. Petersburg by over five-inches by the year 2030. A rise of about 16-inches is expected by the year 2050. Sea level rise should be expected to increase the geographic extent of the CHHA over time. The life span of existing homes in the neighborhood – 60+ years and counting – adds perspective about the rate of sea level rise, duration of buildings, and long-term surge risk for high density residential development on the Property.

The predictability and frequency of hurricanes and storm surge events and the phenomena of rapid intensification are other factors to consider.³¹ Recent trends indicate that there will be more major hurricanes that could generate the higher levels of storm surge. Rapid intensification

³⁰ SeaLevelRise.org.

³¹ See “Recent Trends in Tropical Cyclone Intensification Rates”, 2019 National Oceanic and Atmospheric Administration Hurricane Workshop Presentation, 2019 National Weather Service Presentation, 2017 National Hurricane Center Presentation, and 2012 National Hurricane Center Presentation.

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exacerbates the difficulties of public evacuation and protection of property and supporting public infrastructure.

The Amendment includes known CHHA along Bear Creek. However, relevant and appropriate data and analysis was not provided addressing whether the Amendment directs population concentrations away from the known CHHA or that it considers sea level rise and how it may be predicted to change the area of the CHHA in the future.

The data and analysis did not consider flood potential, sea level rise and hurricane hazards. Other issues that are relevant and appropriate to the Amendment that were not addressed by the Staff Report include:³²

- Whether the Amendment is supported by access to emergency shelter space and evacuation routes;
- Whether the Amendment will maintain the out-of-county evacuation time for a Category-Five storm;
- Whether the Amendment will maintain evacuation time to shelter for a Category-Five storm at 12-hours;
- Whether the Amendment will be supported by existing and planned infrastructure;
- Whether the Amendment will utilize existing disturbed areas;
- Whether the Amendment will maintenance of scenic qualities and improve public access to the water;
- Whether the Amendment is for a water dependent use;
- Whether the Amendment is part of a Community Development Plan;
- Whether the Amendment results in an overall reduction of density or intensity;
- Whether the Amendment clusters uses on a portion of the site outside the CHHA;

³² These data and analysis considerations are based on a proposed amendment to the City Plan to allow Future Land Use Map amendments to increase residential density in the CHHA. As recommended by Staff on May 29, 2020, such amendments should be based on a balancing of the identified considerations. See pdf pages 8 - 10 of transmittal package for City Text Amendment LGCP 2019-03.

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- Whether the amendment has been requested by the City and is an integral part of the planning process;
- Whether the Amendment is located within an Activity Center, Target Employment Area, Special Area Plan or Multi-Modal Corridor;
- Whether the Amendment implements the goals and policies of the Integrated Sustainability Plan, Complete Streets and Health in All Policies; and,
- Whether the Amendment reduces the number of storm vulnerable structures.

There is no evidence in the record demonstrating that the Amendment complies with Objective CM10(B), to direct population concentrations away from the known or predicted CHHA.

Section 21: Data and Analysis

The Staff Report indicates that consistency and compatibility are the primary issues associated with the application. However, data pertaining to land use compatibility is insufficient, and the analysis is based on poorly founded development assumptions and does not adequately consider consistency with pertinent policies in the Plan. The Staff Report does not rely upon professionally acceptable methodologies and does not address relevant data and analysis appropriate to the Amendment.

In contrast, the Amendment does not respond appropriately to the data and analysis provided herein.

The Amendment is not based on a reasonable estimate of residential development potential available to the Property under the Institutional Category. Instead of 13-units the Staff Report assumed 56-units.

The Amendment is not based on the maximum residential development potential available to the Property under the Residential Medium Category. Instead of 131-units the Staff Report assumed 94-units based on a conventional zoning district and preferred site plan.

The disparity in the residential development assumptions under-cuts and invalidates the analysis of compatibility and transportation impacts.

The traffic analysis in the Staff Report addressed only 64th Street South, and does not take the impacts to traffic congestion and public safety on neighborhood streets such as 7th Avenue South (i.e., eastbound) and Bougainvillea Avenue South (i.e., westbound) into account. Adverse impacts to local streets in relation to congestion and the safety of pedestrians is a relevant consideration for a high-density amendment situated in a low-density, “walkable” neighborhood.

Relevant and appropriate data and analysis was not provided in relation to whether more of the Property will be located within the CHHA in the future or whether the Amendment responds appropriately to the Plan’s objective to direct population concentrations away from the known and predicted CHHA. The Staff Report did not consider flood potential, sea level rise and hurricane hazards, or evacuation. These are matters public safety that are relevant and appropriate to the Amendment.

For the reasons above, the data and analysis provided with the Staff Report is not relevant and appropriate and does not support the Amendment.

Section 22: Relationship of Comprehensive Plan Amendment and Zoning

The Staff Report intermixes the data and analysis, and review, of the comprehensive plan amendment and companion rezoning action.

The rezoning and the preferred site plan for “Elderly Apartments” presented by the applicant’s representative at the City Council Hearing on August 13, 2020, provide only a tentative understanding of potential development of the Property as currently anticipated by the applicant.

The rezoning and preferred site plan are not relevant to the question of whether the Amendment is internally consistent with the City’s Plan or consistent with the requirements of State Law. A comprehensive plan amendment must be consistent with the requirements of Chapter 163, Part II, Fla. Stat., on a “stand-alone” basis.

Once a comprehensive plan amendment becomes effective a zoning district may be changed without the need for a further plan amendment provided the zoning district is consistent with the comprehensive plan as it was amended. The preferred site plan presented to City Council is not a part of the Amendment and has no binding effect at all yet it is a basis for the City's data and analysis.

Section 23: Spot Planning

The designation of an isolated area of the Residential Medium Category within an extensive, contiguous area of Residential Urban is "spot planning". Spot planning is analogous to spot zoning, which means the zoning of an isolated parcel that is at odds with the larger zoned area and which does not advance the general public purpose in land use.

The City Plan designates extensive areas of Planned Redevelopment-Residential, Residential High and Residential Medium Categories to the central core of the jurisdiction. Instead of allowing the Plan to direct high-density residential development to suitable, planned areas; in this instance high-density residential development is directing the Plan. The Amendment is at odds with the neighborhood and violates its integrity.

Section 24: Information Sources

I have reviewed information from the following sources to assist with preparation of this report:

- Application for a Future Land Use Plan Change, December 16, 2019.
- Staff Report for St. Petersburg Community Planning & Preservation Commission Public Hearing, February 11, 2020.
- Video recording of St. Petersburg Community Planning & Preservation Commission Public Hearing, February 11, 2020.
- Agenda Package for St. Petersburg City Council Public Hearing, August 13, 2020.
- Video recording of St. Petersburg City Council Public Hearing, August 13, 2020.
- City of St. Petersburg Ordinance No 739-L.
- City of St. Petersburg Comprehensive Plan.

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- Pinellas County Comprehensive Plan.
- City of Gulfport Comprehensive Plan.
- City of St. Petersburg LDC at:
https://library.municode.com/fl/st._petersburg/codes/code_of_ordinances?nodeId=PTIIS_TPECO_CH16LADERE
- Fogarty & Finch, Inc, Appraisal Report, October 22, 2018.
- CHHA Frequently Asked Questions Pamphlet, July 9, 2020.
- Transmittal package for City Text Amendment LGCP 2019-03, dated August 21, 2020.
- Pinellas County Hurricane Preparedness Guide 2020.
- Florida Statewide Regional Evacuation Study Program, Storm Tide Atlas, Pinellas County, June 2010.
- 2016 Supplemental Summary Statewide Regional Evacuation Study.
- “Recent increases in tropical cyclone intensification rates”, Nature Communications, 2019.
- National Oceanic and Atmospheric Administration Hurricane Workshop Presentation, 2019.
- National Weather Service Presentation on Hurricane Rapid Intensification for the Florida Keys, 2019.
- National Hurricane Center Presentation on Water Impacts from Recent U.S. Landfalling Tropical Cyclones, 2019.
- National Hurricane Center Presentation on Tropical Cyclone Intensity Forecasting, 2017.
- “Will Global Warming Make Hurricane Forecasting More Difficult, Kerry Emanuel, 2017.
- National Hurricane Center Presentation on Forecast Accuracy, 2012.
- City of St. Petersburg Zoning & Future Land Use GIS Viewer at:
<https://egis.stpete.org/portal/apps/webappviewer/index.html?id=f0ff270cad0940a2879b38e955319dfa>
- Pinellas County Emergency Management GIS Viewer at:
<http://egis.pinellascounty.org/apps/StormSurgeProtector/>

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- Pinellas County Tax Parcel Viewer at: <https://www.pcpao.org/PaoTpv/>
- Google Earth Website at: <https://earth.google.com/web/@27.76331726,-82.72470789,13.47188209a,847.0939743d,35y,0h,0t,0r>
- SeaLevelRise.org Website at: <https://sealevelrise.org/states/florida/>
- PGSP Neighbors United, Inc., Website at: <https://www.pgsp-neighbors.org/>
- On October 6, 2020, I viewed the Property and drove the surrounding neighborhoods.