

# **ADMINISTRATION COMMISSION AGENDA**

**November 9, 2010**

**Attachments to the items below can be viewed at the following link:**  
[http://www.myflorida.com/myflorida/cabinet/adcom/20101109\\_index.html](http://www.myflorida.com/myflorida/cabinet/adcom/20101109_index.html)

1. **Approval of the minutes of the January 26, 2010, meeting.**
2. **Approval of the minutes of the May 25, 2010, meeting.**
3. **Consideration of the 2010 Statewide Emergency Shelter Plan.**

Pursuant to section 1013.372(2), Florida Statutes, the Department of Community Affairs is responsible for preparing a Statewide Emergency Shelter Plan to guide local planning and provide consultative assistance with the construction of educational facilities to provide public shelter space. The Plan is prepared and submitted for approval on a biennial basis and, once approved by the Governor and Cabinet, will determine which regional planning council regions and counties will need to construct new school facilities that must comply with the public shelter design criteria. In accordance with the statute, the Plan must:

- Identify the general location and square footage of existing shelters by regional planning council regions;
- Identify the general location and square footage of needed shelters by regional planning council regions for the next five years;
- Identify the types of facilities which should be constructed to comply with the public shelter design criteria; and
- Recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within those public facilities.

A comparison table is provided that highlights the key points of the 2008 and 2010 Statewide Emergency Shelter Plans.

## **Staff Recommendation:**

Approve the 2010 Statewide Emergency Shelter Plan.

## **Back-Up**

2010 Statewide Emergency Shelter Plan and Comparison Table of the Key Points of the 2008 and 2010 Statewide Emergency Shelter Plans.

4. **Consideration of a Recommended Order Issued by the Division of Administrative Hearings in the Proceeding of Tierra Verde Community Association, Inc., Maura J. Kiefer, and Michael Mauro vs. City of St. Petersburg, Florida. (AC Case No. ACC-10-002).**

Issue:

The issue in this proceeding is whether the City of St. Petersburg's amendment to its Comprehensive Plan, adopted by Ordinance No. 2009-689-L (Plan Amendment), is in compliance as defined by Section 163.3184(1)(b), Florida Statutes.

Background:

On May 21, 2009, the City of St. Petersburg (City) adopted a Plan Amendment amending the Future Land Use Map (FLUM) of the City's Comprehensive Plan to assign future land use designations to 18.25 acres that were annexed from Pinellas County into the City in 2008. The 18.25 acres are located on a barrier island in Boca Ciega Bay known as Tierra Verde. Tierra Verde consists predominantly of single-family and multi-family residential developments. Most of the multi-family developments, comprising condominiums and townhouses are located along the North-South Pinellas Bayway (State Road 679). The subject properties include 13 parcels with multiple owners. Existing development on the subject properties include the Tierra Verde Marina, the Tierra Verde Marina High and Dry, a yacht broker, a beauty parlor, a post office, a bait shop, a hardware store, a convenience store with gas dispensers, a dental office, a dry cleaner, a real estate office, a medical office, and a resort/timeshare building that is no longer in use. Currently, there are two Pinellas County land use designations on the subject properties: 17.28 acres are designated Commercial General (CG) and five vacant lots on 0.97 acres are designated as Residential Low (RL). The City's Plan Amendment would designate the same labels to the subject properties – CG for the 17.28 acres and RL for the five vacant lots. The City's RL designation is essentially the same as Pinellas County's, but the City's CG designation differs from the County's CG designation. The City's CG designation on the 17.28 acres allows:

- a potential maximum of 414,000 square feet of commercial uses;
- 24 residential units per acre - 415 new dwelling units (518 units, if qualifying workforce housing units were added);
- up to 40 rooms per acre of transient (hotel) units, for a total of 691 hotel units; or
- a combination thereof.

The County's special overlay policies and criteria for Tierra Verde will no longer apply to the subject properties if the Plan Amendment becomes effective. These policies and criteria address development compatibility with existing structural bulk and height, require commercial uses to serve the island's residents, and restricts single-family development to 35 feet in height and multi-family development to five stories.

This proceeding is governed by the special procedures established in Section 163.32465, Florida Statutes, which provides for reduced state oversight of local comprehensive planning in urban areas. Therefore, the Department of Community Affairs did not issue a Notice of Intent relating to the Plan Amendment. Petitioners filed their petition with the Division of Administrative Hearings (DOAH) challenging the Plan Amendment on June 22, 2009.

On March 23 through March 25, 2010, DOAH Administrative Law Judge Bram D.E. Cantor conducted an administrative hearing in the City of St. Petersburg, Florida. Judge Cantor issued a Recommended Order on June 30, 2010, recommending the Administration Commission find the Plan Amendment adopted by City Ordinance No. 2009-689-L is not in compliance. The Recommended Order addresses several subjects: hurricane evacuation and shelter capacity; residential and commercial need; roadway capacity; internal inconsistencies with the City's Comprehensive Plan; and inconsistencies with state statutes and rules to include areas of intensity, density, compatibility, intergovernmental coordination, and the reaction to best available existing data and analysis.

On July 13, 2010, the City filed exceptions to the DOAH Recommended Order. Petitioners, Tierra Verde Community Association, Inc., Maura J. Kiefer, and Michael Mauro, filed a response to the City's exceptions to the DOAH Recommended Order on July 22, 2010.

**Staff Recommendation:**

Authorize the Secretary of the Commission to enter the Draft Final Order.

**Back-Up**

DOAH's Recommended Order received on July 7, 2010.

City of St. Petersburg's Exceptions to the Recommended Order filed on July 13, 2010.

Tierra Verde Community Association, Inc., Maura J. Kiefer, and Michael Mauro's response to the City's exceptions filed on July 22, 2010.

Draft Final Order.