



**CITY OF ST. PETERSBURG
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
URBAN PLANNING & HISTORIC PRESERVATION DIVISION
COMMUNITY PLANNING & PRESERVATION COMMISSION**

AGENDA

Welcome to the City of St. Petersburg City Council meeting. Every person in any City facility will be required to comply with the public safety protocols recommended by the Centers for Disease Control and Prevention and local health authorities.

**Council Chambers, City Hall
175 – 5th Street North
St. Petersburg, Florida 33701**

**August 10, 2021
Tuesday
2:00 P.M.**

COMMISSIONER MEMBERS:

C. Copley Gerdes, Chair
Sharon Winters, Vice Chair
Jeffrey “Jeff” Rogo
Thomas “Tom” Whiteman
Jeffrey M. Wolf
Vacant
Vacant

ALTERNATES

1. William “Will” Michaels
2. Lisa Wannemacher
3. Christopher “Chris” Burke

I. OPENING REMARKS OF CHAIR

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND SWEARING IN OF WITNESSES

IV. RULES OF PROCEDURE DISCUSSION & VOTE *attached

V. MINUTES (Approval of 07/08 Minutes)

VI. PUBLIC COMMENT

VII. PUBLIC HEARING

1. LGCP 2021-02
2. LGCP 2021-03

**Contact Person: Britton Wilson, 551-3542
Contact Person: Robert Gerdes, 893-7876**

VIII. QUASI-JUDICIAL HEARING

3. City File FLUM 62

Contact Person: Ann Vickstrom, 892-5807

- 4. City File 21-90200074
- 5. City File 21-90200079

Contact Person: Kelly Perkins, 892-5470
Contact Person: Laura Duvekot, 892-5451

IX. UPDATES AND ANNOUNCEMENTS

X. ADJOURN

GENERAL AGENDA INFORMATION

For your convenience, the agenda and staff reports are also posted on the City’s website at www.stpete.org/meetings and generally updated the Wednesday preceding the meeting. Closed captioning is provided during the livestream of the Community Planning & Preservation Commission meeting at www.stpete.org/meetings. If you are deaf/hard of hearing and require the services of an interpreter, please call our TDD number, 892-5259, or the Florida Relay Service at 711 as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, and every effort will be made to provide that service for you. If you are a person with a disability who needs an accommodation in order to participate in this/these proceedings or have any questions, please contact the City Clerk’s Office at 893-7448.

AGENDA ITEM VII. 1. CITY FILE NO. LGCP 2021 02

REQUEST: City-initiated application requesting to amend the Comprehensive Plan pertaining to House Bill 59, which requires local governments to adopt a new Property Rights Element for which to incorporate a model statement of private property rights into their Comprehensive Plans.

APPLICANTS: City of St. Petersburg

AGENDA ITEM VII. 2. CITY FILE NO. LGCP 2021 03

REQUEST: City-initiated application requesting to amend the Comprehensive Plan pertaining to House Bill 1339, which allows the governing body of a municipality to approve affordable housing in single-family and industrial zoning districts. 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.

APPLICANTS: City of St. Petersburg

REQUEST:

FLUM-62: An amendment to the Future Land Use Map from IL (Industrial Limited) to PR-C (Planned Redevelopment - Commercial) with a concurrent amendment to the Official Zoning Map from EC-1 (Employment Center) to CCS-2 (Corridor Commercial Suburban) for a 17.91 acre property located at the northwest corner of the Gandy Boulevard and Interstate-275 interchange.

Termination of Development Agreement: The Development Agreement entered into by and between Jabil Circuit, Inc. and the City of St Petersburg on October 1, 2010, is proposed to be terminated. The existing Development Agreement related specifically to the proposed development at that time and the development conditions were tailored accordingly. The existing Development Agreement requested for termination covers the subject property, which is generally located at the northwest corner of Gandy Boulevard and Interstate-275, east of 28th Street North, totaling 93.38 acres.

New Development Agreement: A new Development Agreement is proposed to cover the same subject property, which is generally located at the northwest corner of Gandy Boulevard and Interstate 275, east of 28th Street North, totaling approximately 93.38 acres, and includes among other items:

- 1) development under the CCS-2 designation (approximately 17.91 acres) is proposed to be limited to a maximum of 500 multifamily residential dwelling units (a density of 27.92 units per acre), a height of 84 feet, and uses which are permitted in such designation;
- 2) development under the EC-1 designation (approximately 61.10 acres) is proposed to be limited to 1,000,000 gross square feet of industrial uses (an intensity of 0.37 FAR), a height of 84 feet, and uses which are permitted in such designation; and,
- 3) no density, intensity or height is proposed to be provided for the Preservation (P) portion of the property (approximately 14.37 acres), which may be used as permitted in such designation.

OWNER:

Jabil, Inc.
John Matzke
10560 Dr. Martin Luther King Jr St North
Saint Petersburg, Florida 33716

BUYER:

Greystar Development East, LLC
David King
788 East Las Olas Boulevard
Fort Lauderdale, Florida 33301

AGENT: **Trenam Law**
R. Donald Mastry
200 Central Avenue, Suite 1600
Saint Petersburg, Florida 33701

ADDRESS: Northwest corner of the Gandy Boulevard and Interstate-275 interchange

PARCEL ID NO.: 23-30-16-30373-000-0010

AGENDA ITEM VII. 4. CITY FILE NO. 21 90200074

REQUEST: Review of a Certificate of Appropriateness for the after-the-fact alterations and proposed window replacement at 2610 Burlington Ave. N., a contributing resource to a local historic district.

OWNER: South Florida Consulting, LLC.

AGENT: Hussung Construction

ADDRESS: 2610 Burlington Avenue North

PARCEL ID NO.: 23-31-16-35082-014-0020

LEGAL DESCRIPTION: HALL'S CENTRAL AVE. NO. 1 BLK 14, LOT 2

ZONING: NT-2

AGENDA ITEM VII. 5. CITY FILE NO. 21 90200079

REQUEST: **21-90200079:** Review of a Certificate of Appropriateness for window replacement at a contributing property to a local historic district.

OWNERS: Liza Conrad and Brian Conlin

ADDRESS: 3100 9th Ave N

PARCEL ID NO.: 14-31-16-463650-013-0011

LEGAL DESCRIPTION: KENWOOD SUB ADD BLK 13, E ½ OF LOTS 1 AND 2

ZONING: NT-2

HISTORIC RESOURCE: Kenwood Section – Northwest Kenwood Local Historic District (18-90300008)

COMMUNITY PLANNING & PRESERVATION COMMISSION
City of St. Petersburg, Florida

RULES OF PROCEDURE
Including Rules for Quasi-Judicial Proceedings

I. Introduction

The members of the Community Planning & Preservation Commission are appointed by the Mayor and their appointments are confirmed by the City Council.

Number of members:	7 regular members 3 alternate members
Quorum:	5 members
Vote to take action:	4 concurring votes

The qualifications for membership, appointment of members, and terms of office of the members of the Commission are set forth in Sections 16.80.010 and 16.80.040 of the City Code. The powers and duties of the Commission are set forth generally in Section 16.80.010 and more specifically in other provisions of the City's Land Development Regulations.

When the Commission sits as the Local Planning Agency (LPA) for the City, the powers and duties of the Commission shall include those established by Chapter 163, Florida Statutes.

II. Officers

A. The officers of the Commission shall be Chairperson and Vice-Chairperson, and such other officers as the Commission may determine to be necessary.

B. The officers shall be regular members of the Commission. The officers shall be nominated and elected by the members of the Commission at the Annual Meeting.

C. The officers shall serve for a term of one (1) year beginning on February 1 and ending the following January 31, or at such later date as their successors are elected, and shall be eligible to succeed themselves.

D. If a Chairperson is unable to serve a full term, the Vice-Chairperson shall serve as Chairperson for the remainder of the term, and a new Vice-Chairperson shall be elected as soon as is practicable.

III. Duties of Officers

- A. The Chairperson shall preside at all meetings of the Commission and is eligible to vote on all matters coming before the Commission. The Chairperson shall appoint all committees.
- B. The Vice-Chairperson shall perform all the duties and assume all the responsibilities of the Chairperson in the Chairperson's absence.
- C. If the Chairperson and Vice-Chairperson are not present and a quorum of members is present, the meeting will be chaired by the member present who has the longest previous service as Chairperson. If no member present has had previous service as Chairperson, the member present who has the longest cumulative service as a member of the Commission shall serve as Chairperson for the meeting

IV. Clerk.

A recording secretary, to be furnished by the City, shall serve as Clerk of the Commission. The duties of the Clerk shall include preparation of minutes, keeping files and records of the Commission including but not limited to attendance and voting records, administering the oath to witnesses, and accepting papers required by law or ordinance to be filed with the Clerk. Provided, however, that the City Clerk of the City shall be deemed to be the official records custodian for all records of the Commission.

V. Meetings; attendance

- A. Regular meetings of the Commission shall be held on the second Tuesday of each month beginning at 2:00 p.m., in the Council Chambers.
- B. The Commission may, at any time, choose to have public hearings or special meetings on other days, times or locations within the City; provided, that not less than 48 hours notification shall be given to the members and to the public; provided, further, that the meeting location shall be accessible by all members of the public including persons with physical disabilities.
- C. The Annual meeting shall be held on or after the second Tuesday in January, but not later than January 31.
- D. Members who are unable to attend a meeting of the Commission shall notify the Clerk in advance of the meeting. (Reference: Section 2-338. City Code, regarding absenteeism.)

VI. Order of Business

- A. At each regular meeting, the order of business shall be:
 - 1. Chairperson's opening statement
 - 2. Roll Call

3. Swearing-in of witnesses
4. Public Comment
5. Public hearings, non-quasi-judicial matters
6. Public hearings, quasi-judicial matters
(See “Quasi-Judicial Proceedings” below)
7. Other business or Report Items
8. Next meeting date
9. Adjournment

B. The order of business may be changed by the Chairperson or by a majority of the members present and voting.

C. Members must be recognized by the Chairperson prior to speaking.

VII. Voting and Participation

A. Voting shall be by roll call and all members’ votes shall be recorded as “yes” or “no.” Each member who is present shall vote on each motion and may not abstain except in case of a voting conflict. (Reference: Chapter 286.012 F.S.) In the event of a voting conflict pursuant to Chapter 112 F.S., the member shall announce his or her conflict, shall refrain from participating and voting in the matter, shall leave the dais for the duration of the matter, and shall file a voting conflict disclosure form with the Clerk. (References: Part III of Chapter 112, Florida Statutes; Resolution No. 2013-527 of the City Council, as may be amended.) In the event of a voting conflict pursuant to City Council resolution, the member shall announce his or her conflict, shall refrain from participating and voting in the matter, and shall leave the dais for the duration of the matter.

B. Alternate members may participate in any discussion. An alternate member may vote only if a regular member is absent or abstains from participating and voting because of a voting conflict and the alternate member has taken the seat of the regular member. The Clerk shall establish a procedure to try to assure that alternate members may participate as regular members equally.

C. Votes on procedural matters not relating to an application (e.g. approval of minutes, confirmation of officers) may be made by acclamation. However, any member may request a roll call vote and, if so requested, a roll call vote shall be taken.

D. In the event of a tie vote, the motion shall fail. Failure to obtain the required four (4) votes for approval means that the motion fails.

VIII. Committees

The Commission may establish such committees as are necessary to carry out its purposes. The Chairperson shall appoint the members of such committees.

IX. Rules of Parliamentary Procedure

If a procedural issue cannot be resolved by reference to these rules or to the City Code, the Commission may be governed by any generally accepted guide to the rules of parliamentary procedure including but not limited to Robert's Rules of Order.

X. Amendments to Rules of Procedure

A. Any member may propose amendments to the Rules of Procedure, including the Rules for Quasi-Judicial Proceedings. Each Commissioner shall be furnished a copy of the proposed amendments at least 13 days prior to any vote by the Commission on the proposed amendments.

B. The affirmative vote of a majority of the members present shall be deemed sufficient to adopt any amendment to the Rules of Procedure, provided that a quorum is present and further provided that other provisions of these Rules have been complied with.

XI. Quasi-Judicial Proceedings

A. If a proceeding of the Commission is quasi-judicial in nature, then the procedures set forth below shall be followed by the staff, applicants and the public. In such cases the Commission acts in the role of a judge and is required to follow these procedures and base its decision on evidence presented to the Commission during the hearing.

B. The following proceedings are *quasi-judicial* in nature, and are subject to these rules of procedure:

- Historic designations
- Certificates of Appropriateness
- Rezoning parcels of property, regardless of the size of the property.
- Amendments to the future land use map of the Comprehensive Plan with respect to individual parcels of property less than 10 acres in size.
- Appeals

The following proceedings are *legislative* in nature, and are not subject to these rules of procedure:

- Amendments to the future land use map of the Comprehensive Plan with respect to individual parcels of property of 10 acres or greater in size.
- Amendments to the Comprehensive Plan other than the future land use map;

C. In these rules, "Application" means an application to rezone a parcel of property or to amend the future land use map of the Comprehensive Plan with respect to an individual parcel of property less than 10 acres in size, or an application for historic designation or Certificate of Appropriateness. "Applicant" means the owner or anyone acting on behalf of the owner, but

does not include the City Administration in cases initiated by the City Administration.

D. The Commission will adhere to the following procedures in quasi-judicial proceedings:

1. Anyone who wishes to speak on any item must be sworn in prior to testifying. The swearing in of witnesses will be done en-masse at the beginning of this meeting but late arrivals may take the oath prior to testifying. Anyone wishing to speak must fill out a green card and present the card to the Clerk. The following oath or affirmation shall be administered by the Clerk:

“Do you swear (or affirm) that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?”

Persons who submit cards to speak after the administration of the oath or affirmation, who have not been previously sworn, will be sworn prior to speaking. No cards may be submitted after the close of the Public Hearing. Each party and speaker is limited to the time limits set forth herein or as may be established by the Commission. If the Commission allows additional time for any Party, the Commission shall allow the same amount of additional time for any other Party.

2. At any time during the proceeding, Commission members may ask questions of any speaker or party. The time consumed by Commission member questions and answers to such questions shall not count against the time frames allowed herein.

3. Burden of proof: In rezoning cases and Comprehensive Plan land use change cases for properties less than 10 acres in size, the Applicant bears the burden of proof except in cases initiated by the City Administration, in which event the City Administration bears the burden of proof.

4. Registered Opponents.

a) If anyone wishes to utilize the time provided for an initial presentation by a Registered Opponent, the person shall register with the City Clerk or the Clerk of the Commission at least one week prior to the scheduled public hearing or within 48 hours after the City staff report for the public hearing has been published (whichever is later). Neither an Appellant, an Applicant, nor the Owner may register as an Opponent. For Appeals a Registered Opponent is only allowable if the Appellant is also the Owner or Applicant. There shall be no Registered Opponent allowed for 3rd party appeals. If more than one person wishes to utilize the time provided for the Registered Opponent and if persons opposed to the application cannot agree on a single representative, the Commission shall by motion determine who shall represent the opponents. The Registered Opponent may also utilize the time provided for cross-examination and rebuttal (see below). Persons who wish to speak in opposition who have not so

registered may speak during the Public Hearing subject to the time limit for speakers during the Public Comment portion of the hearing.

- b) If a person wishes to utilize the time provided for cross examination as a Registered Opponent, and no one has previously registered with the City Clerk or the Clerk of the Commission as a Registered Opponent, the person shall notify the Clerk of the Commission before the beginning of the initial presentations for an appeal or application and shall be recognized by the Chair as the Registered Opponent for the purposes of cross examination of witnesses speaking after the notice is provided and rebuttal and closing.

5. Initial Presentation. Staff, the Appellant (if the case is an Appeal), the Applicant, and the Registered Opponent (if applicable and otherwise qualified pursuant to these Rules.) will have a total of ten (10) minutes each to present their case. Each Party shall be allowed ten (10) minutes for their initial presentation except as provided herein.

- c) When hearing an Application, “Party” means the Applicant, City Administration, and the Registered Opponent if applicable. If the City is the Applicant, the term “Party” shall include the Owner of the property if the Owner objects to the Application; if the Owner does not object to the Application, the Owner may participate to the limited extent provided herein.

- d) If the City is the Applicant, the property owner may have five (5) additional minutes to present the property owner’s case, but in such event the Registered Opponent (if any) shall have time equal to that used by City staff and the property owner. However, if the property owner objects to the application, the property owner shall have ten (10) minutes to present the property owner’s case, and the Registered Opponent shall not make an initial presentation.

- e) When hearing an appeal, “Party” means the Appellant, the Owner if the Appellant is not the Owner, City Administration, and the Registered Opponent (if applicable). In an appeal brought by anyone other than the Owner, the Appellant and the Owner shall each have ten (10) minutes.

6. The order of the initial presentations shall be:

- (a) In the case of an Application:

- (1) Presentation by City Administration.

- (2) Presentation by the Applicant. If the City Administration is the

Applicant, the City Administration shall not for that reason be given additional time. In such cases, if the Owner is not opposed to the application, the Owner may make an initial presentation but the time limit shall be five (5) minutes. However, if the Owner objects to the application, the Owner shall have ten (10) minutes to present the property owner's case.

(3) Presentation by Registered Opponent, if applicable. If the City is the Applicant and the Owner is not opposed to the application but uses any of the additional minutes allowed for the Owner, the time for the Registered Opponent shall be extended to equal the time actually used by the City Administration and the Owner. However, if the Owner objects to the Application and utilizes all or any part of the time available to the Owner, the Registered Opponent shall not make an initial presentation.

(b) In the case of an appeal:

(1) Presentation by City Administration.

(2) Presentation by the Appellant.

(3) Presentation by the Applicant/Owner, if the Appellant is not the Applicant/Owner.

(4) Presentation by Registered Opponent, if applicable and Opponent has duly registered.

7. Public Comment. Upon the conclusion of initial presentations, the Commission shall conduct the public comment section of the public hearing. Any person who did not speak during Initial Presentations may speak for not more than three (3) minutes during the time for public comment. Speakers should provide information relevant to the subject matter of the hearing. The opportunity to speak during this time may not be assigned or yielded to, or shared with, any other person, or otherwise aggregated. The Commission may by motion extend the time for an individual speaker provided that all other speakers are given the same time extension. If anyone wishes to speak, a card must be filled out and submitted to the Clerk. When called on to speak, speakers are to come to the podium and state their name and address. Remarks are asked to be kept brief and not repetitious of prior testimony, and provide factual information. Once the public comment section is closed, no one from the public may speak.

8. Cross Examination.

The Cross Examination phase allows each participant (staff, applicant, the property owner if the owner objects to the application, and Registered Opponent, if applicable) five (5) minutes each to ask questions of each other and persons who testified. All witnesses must stay through the end of cross examination or their testimony may not be relied upon. If a party intends to rely on the testimony of a witness, the party should make sure the witness stays through this cross-examination phase. All questions shall be directed to the Chair, who will direct the question to the appropriate person.

(a) Any person who testifies in any hearing shall be subject to cross-examination at

the conclusion of his or her testimony. Any Party may ask to cross-examine a witness before the witness is excused. "Cross Examination" means questions by a Party concerning any statement made by any person who has testified. Questions by members of the Commission are not subject to the time limits set forth in these rules.

- (b) Cross examination by Parties: Each Party may cross-examine any witness. All questions shall be addressed to the Chair and then, at the discretion of the Chair, asked either by the Chair or by the Party conducting the cross examination of the speaker or of the appropriate representative of the Party being cross examined. One (1) representative of each Party shall conduct the cross examination for that Party.
- (c) Cross examination by Registered Opponent, if applicable: If there is no registered opponent, there shall be no cross examination by persons speaking in opposition.
- (d) The order of cross-examination shall be:
 - (1) Cross examination by City Administration.
 - (2) Cross examination by Registered Opponent, if applicable.
 - (3) Cross examination by Appellant, in an appeal.
 - (4) Cross examination by Applicant.
 - (5) Cross-examination of a speaker during the public hearing shall be in the order set forth above, and shall be conducted upon the conclusion of the speaker=s presentation before the speaker is excused.

9. Rebuttal and Closing.

The Rebuttal and Closing phase allows each participant (staff, applicant, the property owner if the owner objects to the application, and Registered Opponent) to make a closing argument.

- a. Each Party shall have five (5) minutes to provide a rebuttal, including closing argument.
- b. The order of rebuttal shall be:
 - (1) Rebuttal by City Administration
 - (2) Rebuttal by Registered Opponent, if applicable.
 - (3) Rebuttal by Applicant. If the City is the Applicant, and if

the Owner objects to the application, the Owner may also provide a rebuttal. However, if the Owner does not object to the application, the Owner shall not provide a rebuttal unless the City Administration has yielded all of its time to the Owner for such purpose.

(4) Rebuttal by Appellant, in an appeal, if different than Applicant or Owner.

10. Deliberation and Decision.

Upon the conclusion of rebuttal and closing by the Parties, the Commission shall close the hearing, and the Commission shall deliberate among themselves and shall reach a decision. The Commission members may ask questions of any party and any person who has spoken at any time during the quasi-judicial process. No member of the public may speak during this portion of the proceeding unless a member directs a question to them. The decision shall be based upon substantial competent evidence presented during the proceedings and the applicable provisions of law.

The Land Development Regulations establish whether a decision of the Commission is final, subject to rehearing or to an appeal to the City Council, or is a recommendation which may be considered by the City Council in due course, depending upon the subject matter of the decision.

XII. Procedural compliance

A failure to comply with any rule of procedure shall not be a basis for declaring a decision of the Commission invalid unless such failure constitutes a violation of law or the City Code.