



**CITY OF ST. PETERSBURG  
COMMUNITY PLANNING & PRESERVATION COMMISSION  
PUBLIC HEARING**

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

**November 8, 2022  
Tuesday  
2:00 P.M.**

**MINUTES**

**Present:** Sharon Winters, Chair  
Lisa Wannemacher, Vice Chair  
Valarie Nussbaum-Harris  
E. Alan Brock, Alternate  
Will Michaels, Alternate

**Commissioners Absent:** Thomas “Tom” Whiteman  
Manitia Moultrie  
Jeffery “Jeff” M. Wolf, Alternate

**Staff Present:** Derek Kilborn, Manager, Urban Planning & Historic Preservation  
Laura Duvekot, Historic Preservationist II  
Kelly Perkins, Historic Preservationist II  
Britton Wilson, Planner II  
Corey Malyszka, Zoning Official  
Heather Judd, Assistant City Attorney  
Michael Dema, Managing Assistant Attorney  
Katherine Connell, Clerk, Planning & Development Svcs.

The public hearing was called to order at 2:00 p.m., a quorum was present.

- I. OPENING REMARKS OF CHAIR**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE AND SWEARING IN OF WITNESSES**
- IV. MINUTES (Approval of 10/11 Minutes)**

The minutes from the October 11, 2022, meeting were approved unanimously

## **V. PUBLIC COMMENTS**

## **VI. LEGISLATIVE**

**A. City File No. 22-31000019**

**Contact Person: Corey Malyszka**

**Request:** Second Amendment to the Development Agreement

**City Staff Presentation:**

Corey Malyszka gave a presentation based on the Staff Report.

**Applicant Presentation:**

Kevin Reali, Sterns Weaver Law Firm, gave a presentation in support of the proposed amendment.

**Public Comment:**

None.

**Executive Session:**

Commissioner Winters: We will now move to Executive Session for comments and questions from the commission.

Commissioner Michaels: Water conservation is extremely important. We cannot seem to quite get the balance right, we either have not enough water in certain months and too much in others. I want to again, get the bigger picture, the original Development Agreement that addressed affordable and workforce housing, is my memory correct here?

Kevin Reali: Are you referring to the agreement from 2009 or what was brought back in front of you all last year?

Commissioner Michaels: The last one that is still in effect.

Kevin Reali: I am not aware of any affordable housing requirement, that approval was based on the base density of that zoning. The Development Agreement process was required because there were other requirements like the transportation improvements and other requirements existing from 2009 to be updated. Otherwise, the site development attributes comply with the zoning, and Corey might have more.

Commissioner Michaels: There is no bonus here for affordable or work force housing at play?

Corey Malyszka: No.

Commissioner Michaels: I also want to address the reason for the Development Agreement there is reference to the CCS-1, retail residential requirement was a sixty (60) forty (40) split, I assume you are going to ask for a waiver of that, is that correct?

Kevin Reali: Yes, the current approval process before the DRC (Development Review Commission) has a special exception for the CCS-1 (Corridor Commercial Traditional) that was approved. It has a redevelopment plan for the NPUD-1 (Neighborhood Planned Unit Development) portion and there was also a variance and the variance will not be affected by this, so, the approval process in front of DRC changes the redevelopment plan and modifies the special exception consistent with the request here.

Commissioner Michaels: In your judgement there is adequate retail, especially groceries, food, pharmacy and so forth to support the development.

Kevin Reali: I don't know that this specific analysis was done, but the developer looked at adding more retail in there and the restaurant there still and the number of the units still doesn't change the demand on retail that much. The density is not expected to really change demand on that type of resourcing significantly, so we left that.

Commissioner Michaels: Thank you.

Commissioner Winters: Mr. Malyszka, I have a question, is this at all, in a Coastal High Hazard Area? If not, where is it in relation to the property?

Corey Malyszka: This is in a Coastal High Hazard Area (CHHA).

Commissioner Winters: Okay, I thought there were restrictions on residential and Coastal High Hazard Areas that had to go through a lengthy process to happen.

Corey Malyszka: They will have to submit it for the evac plan as well as their graded building code requirements. I cannot think of exactly, Mr. Dema, I do not know if you recall the building code upgrades.

Attorney Dema: Yes, there is a menu that they can select from. What this differs from Chair is they are not asking for rezoning within the Coastal High Hazard Area that increases the base density. When that is the case, yes there is a lengthier process there. When it is just talking about actually using the existing density that they have within the Coastal High Hazard Area that is when the LDR, the Land Development Regulations kick in for the hardening of the structures and other things, again on a menu that they can choose from. It goes over and above what would be required outside the CHHA for building requirements.

Commissioner Winters: Okay, so will anything related to the CHHA come back to this commission because the density is not..?

Attorney Dema: I do not think so.

Commissioner Winters: Okay, it does continue to be a concern.

Commissioner Michaels: Again, are we building to a Category 3 hurricane, is that the standard?

Kevin Reali: I do not know what category the standard is, what the regulations are, what Michael was talking about earlier, we have to, in order to build higher we have to meet the, whatever the building code is, I do believe it is a Cat 5 wind but that cannot be held out as evidence because I do not know the number off the top of my head for sure. It is a higher elevation, it is a more hardened structure and then there is a requirement for the evacuation plan, which is actually a very lengthy process. We have been working with Staff on that for six (6) months on the current one and now before that one is even done, we are looking to update based on this and what that does is identify how the property will be hardened for a storm, what will the residents be expected to do, how will the residents be communicated with, at what point will the residents be required to evacuate, etcetera. Those rules get implemented as part of the lease and part of the contract that the apartment owner has with the residents. In certain situations, it could also affect how the residents physically evacuate. I do not know if this development is big enough for that, but I have not reviewed the final version of the report, that is some of the things that will be in there.

Attorney Dema: Commissioner I can shed a little bit more light on what the building requirements are, as Mr. Reali stated, yes there is an additional four (4) feet above FEMA design elevation whatever is required in them FEMA flood maps, that is coming from the City, through technical amendments to the building code at the local level. The building design has to go to the next higher risk category classification, that is where some of the wind mitigation is going to come in, when you are looking at the tiers within the Florida Building Code. We have a menu here, this project contains two hundred (200) units or more, they have to choose two things in addition to those, and there is a whole list here and if you are interested, we can point you to that direction, I am not going to go through them now. There is a bunch of different things that talk about the hardening of the building and its resiliency during and after a storm, generators, that kind of stuff.

Commissioner Winters: Thank you, so this goes through a staff review process in Codes Compliance, or building codes?

Attorney Dema: It will go through, after zoning, it will go through building permits, they will have to have all this incorporated.

Commissioner Wannemacher: If I can add a few things, yes there will be an extremely rigorous review process for the building permit, when that time comes, they are a long way from probably applying for a permit. The base flood elevation that they will need to design their first occupiable level to will probably be thirteen (13) feet above sea level, it might even be higher than that by the time they apply for their building permits. I assume you are also going to be completely upgrading and strengthening the seawall all along that edge, correct?

Kevin Reali: The seawall will be completely re-built and then with those slips, that is actually one of the more challenging permitting processes to try and get the docks and the slips approved. I do not work with that part of it, but I do know that started before and will continue after we are done working with the project.

Commissioner Wannemacher: And that will be through the Army Corp. of Engineers. That can take a year and a half, a year, year and a half, to two years to get a permit from them.

Commissioner Winters: Thank you, thank you for that Commissioner Wannemacher and Mr. Dema for that clarification. I know there have been long discussions about construction in those areas and clarification is appreciated.

Commissioner Winters: Are there any other comments or questions from Commissioners? Okay, can I entertain a motion?

***Motion: Commissioner Brock moved approval of the Second Amendment to the Snug Harbor Development Agreement.***

***Commissioner Wannemacher, Second.***

***YES – 5 – Winters, Wannemacher, Nussbaum-Harris, Michaels, Brock***

***NO – 0***

**B. City File No. LGCP-CIE-2022**

**Contact Person: Britton Wilson**

**Request:** City-initiated application to modify the Comprehensive Plan for the purpose of implementing legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element (CIE) for fiscal years 2023 to 2027.

**City Staff Presentation:**

Britton Wilson gave a presentation based on the Staff Report.

**Executive Session:**

Commissioner Winters: We will move into executive session for comments and questions from the commissioners.

Commissioner Michaels: I have some questions about the stormwater drainage section. The various standards that are referred to, one is the design storm remains a ten (10) year return frequency one hour duration storm I think when we had the briefing about two years ago we were informed that this standard has been there since about the 1990s. I am wondering do you have any information whether or not that standard is being increased?

I also took a look at some of the standards for the county, the county has a 25 year 24 hour storm standard for areas of the floodplain which would be the Coastal High Hazard Area (CHHA) and I am not aware that we have anything similar to that.

Britton Wilson: I can speak to the Stormwater Master Plan. They are still working on that, that is expected to be completed by next year and the city's Engineering Department is working closely

with Southwest Florida Water Management District (SWFWMD) to go ahead and get that plan updated and approved by council.

Commissioner Michaels: Well last time I was told it was going to be completed by the end of this year, is there a particular reason for it?

Britton Wilson: I know that they are working with Water Management District...

Commissioner Michaels: Is it workload?

Britton Wilson: I know that is a lengthy process and yes, they were hoping to have it done this fiscal year, but it is continuing into the next.

Commissioner Michaels: Okay, another item was the report states, due to the back log of municipal stormwater drainage system improvements and the time required to implement improvements, existing conditions are adopted as the level of service, again that language has been in the presentations here for probably as long as I have been on the Planning Commission. Can you give us any, I mean I understand what existing conditions refers to, but is the various water management facilities that have been recommended and that this language was used because there was not budget to accomplish the plans that were formulated, I am wondering where we are in that process, how much more do we have to do?

Britton Wilson: It was adopted in the City's Comprehensive Plan, and once the Master Plan, the Stormwater Master Plan is adopted it is going to look at updating this language again with the Southwest Florida Water Management District because they have to approve it as well, when it states the existing conditions are adopted as a level of service, basically it means improvements will be made as new development gets improved. The existing development is grandfathered in but as new development comes in they will be required to meet the current Water Management standards, we are not requiring a development that was built 100 years ago to meet current standards but as new development comes forward they must meet the requirements.

Commissioner Michaels: Okay, that is not my reading of the plan, as I recall there was reference to a scheduled needed planned infostructure improvements in the city and that this language, at least in part, was used because the city was not in the position to fully fund the various recommended infostructure improvements.

Britton Wilson: I guess I was reading this from the viewpoint of private development. Not what the city would like to plan to do in the future. That is what the Stormwater Master Plan may very well change all this language.

Commissioner Michaels: Okay, another item here is the peak wet weather wastewater treatment capacity is set at 157 mgd, again has there been any consideration given to change that? That was on page 7 I believe.

Britton Wilson: That was just increased recently, forty percent (40%) in peak flow capacity at the three (3) different treatment plants. Their temporary peak flow capacity can go up to an extra forty percent (40%) then what it could a few years ago.

Commissioner Michaels: That was after the issues that we had with the 2016/2017 storm, so I understand that I am just wondering, do you have if a Category 4 almost Category 5 storm hit the Tampa Bay Area is that still considered to be adequate? The 157?

Britton Wilson: The city engineers at this time, they do feel that is appropriate.

Commissioner Michaels: Okay, thank you. I am going to vote for this but I do have a very strong concern that we complete a thorough review of the standards that we have to be sure that they are adequate, with all, what is that Supreme Court phrase, with all due speed, all due deliberate speed, thank you.

Commissioner Winters: Thank you, any additional comments or questions?

Commissioner Winters: I do have a question Ms. Wilson. How are the Level of Standards developed, are they regularly revised?

Britton Wilson: Under best management practices depending on the industry, but some of it is local policy, for instance the park Level of Service, the city developed a parks plan and they decided what we thought would make for a quality community. How many acres were we looking for per person, that is a local decision, but most of it is best management practices for particular industries.

Commissioner Winters: When the industry revises those best practices, the city follows? The Level of Service standards are actually called out in the Comp. Plan, correct?

Britton Wilson: Yes, they are adopted in the city's Comp. Plan.

Commissioner Winters: So, they just get revised only as the industry revises them only unless the city decides to, for quality of life issues or whatever, raise the standard?

Britton Wilson: Yes, we can do it on an as needed basis and we have to be compliant with the state's Comprehensive Plan so we have to at least meet the state standards or we can go above.

Commissioner Winters: Okay, and then the county has standards too? Commissioner Michaels mentioned it was different here than the county.

Britton Wilson: Unincorporated Pinellas County is a separate jurisdiction with their own Comprehensive Plan.

Commissioner Michaels: That was one of the suggestions that I had with respect to the briefing that we were hoping to have on flood planning and that was an interplay between the city standards and county standards.

Commissioner Winters: It sounds like we would appreciate some more discussion on that maybe. Any other questions or comments? Can I entertain a motion?

**Motion:** *Commissioner Wannemacher moved approval of the City-initiated application to modify the Comprehensive Plan for the purpose of implementing legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element (CIE) for fiscal years 2023 to 2027.*

*Commissioner Brock, Second.*

**YES – 5 – Winters, Wannemacher, Nussbaum-Harris, Brock, Michaels**  
**NO – 0**

**Motion passed unanimously.**

**B. City File No. COA Matrix Update**

**Contact Person: Derek Kilborn**

**Request:** City-initiated application to amend the Certificate of Appropriateness (“COA”) Approval Matrix, updating procedural requirements and approval authorizations for the processing of COA applications.

**City Staff Presentation:**

Derek Kilborn gave a presentation based on the updates of procedural requirements and authorizations for processing COA applications.

**Executive Session:**

Discussion was had regarding some concerns about the new procedures, how COA applications currently in the process might be affected, including how the Kenwood neighborhood would be affected by the modifications. Porch and balcony changes in the Matrix and the difference between a screened porch or an enclosed porch, and the separation of screened in and enclosed in the Matrix. If the hardware or the tract will damage the existing porch or obscure any character defining features of the building the default position should be the screening in would start at the staff level. There are instances where the screen can be installed behind the existing features of the building. Primary and street side elevations changes to the Matrix coming to CPPC and secondary elevation coming before the CPPC only if serious change to the secondary elevation, otherwise staff level approval. Changes to the Matrix regarding walls and fences behind the front façade, language left as is but setting a minimum standard. How this change will be good for the residents and the city. The appeal process change to the Matrix, any formal appeal to staff determination will be acted upon first by the CPPC. If staff denies a COA application the property owner can appeal the decision to the commission and staff can recommend a matter come before the CPPC if a project requires public deliberation, putting it before the CPPC. Instead of a denial on staff level, staff will bring the proposed project before the CPPC.



**Motion:** *Commissioner Michaels moved approval of the City-initiated application to amend the Certificate of Appropriateness (“COA”) Approval Matrix, updating procedural requirements and approval authorizations for the processing of COA applications.*

*Commissioner Wannemacher, Second.*

*YES –5 – Winters, Wannemacher, Nussbaum-Harris, Brock, Michaels*  
*NO – 0*

*Motion passed unanimously.*

## **VI. QUASI-JUDICIAL HEARING**

### **A. City File 22-90200098**

**Contact Person: Kelly Perkins 892-5470**

**Request:** Review of a Certificate of Appropriateness application for the new construction of an Accessory Dwelling Unit with the following characteristics:

- A one-story side-gabled form,
- Approximately 600 square feet of living space,
- Wood siding and asphalt shingle roof materials, and
- A total height of approximately 17 feet to roof peak

### **City Staff Presentation:**

Kelly Perkins gave a presentation based on the Staff Report.

### **Applicant/Agenda Presentation:**

The homeowner spoke in support of the project and was available for questions.

### **Public Comment:**

None.

### **Cross Examination:**

City Staff and Applicant waived

### **Rebuttal/Closing Remarks:**

City Staff and Applicant waived

### **Executive Session:**

The Commission discussed the shingles on the proposed project matching the asphalt shingles on the existing home. The homeowner discussed having everything, including windows, doors and

shingles match the existing home. The excellent care the homeowners taking care of their property and how nice the project is. The square footage of the addition, 127 ft deep x 80 ft wide, and how many other parcels in the historic district qualify for an accessory dwelling unit (ADU), all lots have the accessibility to add an ADU, however not many lots are as large as the subject property. The minimum required lot size was changed in 2019 to 4,500 square feet. Other considerations can be included in determining if a property is eligible for and ADU. The amount of greenspace still available was appreciated.

**Motion:** *Commissioner Wannemacher moved approval of a Certificate of Appropriateness for the new construction of an Accessory Dwelling Unit subject to Staff conditions.*

*Commissioner Brock, Second.*

*YES – 5 – Winters, Wannemacher, Nussbaum-Harris, Brock, Michaels*  
*NO – 0*

*Motion passed unanimously.*

**B. City File 22-90200099**

**Contact Person: Laura Duvekot 892-5451**

**Request:** Review of a Certificate of Appropriateness application for the replacement of 15 historic wood and non-historic aluminum awning windows with vinyl single-hung sash and horizontal sliding windows in existing openings.

**Staff Presentation:**

Laura Duvekot gave a presentation based on the Staff Report.

**Applicant Presentation:**

Barry Williamson, trustee, spoke in support of the project and the permit and windows.

**Registered Opponent:**

None.

**Public Hearing:**

None.

**Cross Examination:**

City Staff and Applicant Waived

**Rebuttal/Closing Remarks:**

City Staff and Applicant Waived

**Executive Session:**

Discussion was had regarding deferral of the matter to the December 13<sup>th</sup> CPPC meeting for the staff and applicant to work through some matters.

***Motion: Commissioner Brock moved to defer the matter to the December 13<sup>th</sup> CPPC meeting.***

***Commissioner Michaels, Second.***

***YES – 5 – Winters, Wannemacher, Nussbaum-Harris, Brock, Michaels***  
***NO – 0***

***Motion passed unanimously.***

**VIII. UPDATES AND ANNOUNCEMENTS**

**IX. ADJOURN**