



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

**Council Chambers
City Hall**

**August 9, 2016
Tuesday, 3:00 p.m.**

Approved as written 9/13/16

MINUTES

Present: Jeffery “Jeff” M. Wolf, Vice Chair
Keisha A. Bell
Christopher “Chris” A. Burke
Will Michaels
Gwendolyn “Gwen” Reese
Jeff Rogo
Arnett Smith, Jr., Alternate
Lisa Wannemacher, Alternate

Commissioners Absent: Robert “Bob” Carter, Chair¹ ¹ *excused*
Thomas “Tom” Whiteman, Alternate¹

Staff Present: Dave Goodwin, Director, Planning & Economic Development
Derek Kilborn, Manager, Urban Planning & Historic Preservation
Larry Frey, PhD, Historic Preservationist II, Urban Planning & Historic Preservation
Rick MacAulay, Planner II, Planning & Economic Development
Cate Lee, Planner II, Planning & Economic Development
Brian Caper, Economic Development Analyst, Economic Development
Michael Dema, Assistant City Attorney
Vicky Davidson, Administrative Assistant, Planning & Economic Development

The public hearing was called to order at 3:00 p.m., a quorum was present.

I. OPENING REMARKS OF CHAIR AND SWEARING IN OF WITNESSES

II. ROLL CALL

III. MINUTES

The minutes from the June 14, 2016 meeting were approved as written by a consensus vote.

IV. PUBLIC HEARING

Note: Commissioner Wannemacher was recused from the following item due to a conflict.

A. City File AVT 90400004**Contact Person: Larry Frey, 892-5470**

Request: A second extension to the Ad Valorem Tax Exemption (Ridgely Residence/Sadler) for the Ridgely Residence located at 600 Beach Drive Northeast.

Staff Presentation

Larry Frey gave a presentation based on the staff report.

Commissioner Michaels asked about the statement in the staff report “circumstances beyond control.” Dr. Frey explained that the owners’ first contractor passed away which caused a delay to finish the project. The second contractor had a medical problem which again caused continual delays. The project is almost complete and staff has no concern about the owner not being able to finish by the deadline.

Commission Vice-Chair Wolf asked that to qualify for the AVT exemption the work has to be complete. Dr. Frey explained that the code states that it has to be paid for and all bills have to be tallied by time of the expiration, and at that time staff will determine whether the owner had met the qualifications of the application.

Applicant Presentation

The applicant was present but declined to speak.

Public Hearing

No speakers present.

Executive Session

MOTION: *Commissioner Rogo moved and Commissioner Michaels seconded a motion approving the second extension to the Ad Valorem Tax Exemption in accordance with the staff report.*

VOTE: *YES – Bell, Burke, Michaels, Reese, Rogo, Smith, Wolf*
NO – None

Motion passed by a vote of 7 to 0.

Note: Commissioner Wannemacher was recused from the following item due to a conflict.

B. City File AVT 90400005**Contact Person: Larry Frey, 892-5470**

Request: A second extension to the Ad Valorem Tax Exemption (Monticello Apartments / Grimes) for the Ridgely Residence located at 600 Beach Drive Northeast.

Staff Presentation

Larry Frey gave a presentation based on the staff report.

Applicant Presentation

Applicant was not present.

Public Hearing

No speakers present.

Executive Session

MOTION: *Commissioner Rogo moved and Commissioner Michaels seconded a motion approving the second extension to the Ad Valorem Tax Exemption in accordance with the staff report.*

VOTE: *YES – Bell, Burke, Michaels, Reese, Rogo, Smith, Wolf*
NO – None

Motion passed by a vote of 7 to 0.

C. City File FLUM-43**Contact Person: Derek Kilborn, 893-7872**

Location: The subject property, 8,703 square feet or approximately 0.32 acre in size, is located at 2785 Bayside Drive South.

Request: To amend the Future Land Use Map designation to apply the Resort Facilities Overlay (RFO) designation to the property. *There are no Official Zoning Map changes proposed.*

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report.

Commissioner Rogo asked if this is the first time a request had been received by the City of applying an RFO for a single-family property. Mr. Kilborn stated that this is the first time the City received an RFO request for any type of property. Properties having been cited by Codes have contacted the Planning Dept. but for different reasons have never made it to this first public hearing step.

Commissioner Burke asked if this type of code problem exists in traditional-type neighborhoods. Mr. Kilborn stated that any property in the City can request an RFO but the precedent set by this discussion and the potential subsequent discussion by City Council will provide guidance to staff as well to the community about how these types of applications will be evaluated in the future.

Commissioner Burke asked if there are hundreds or possibly thousands of single-family homes in the City violating the code with short-term rentals. Mr. Kilborn stated that there are possibly hundreds.

Commissioner Wannemacher asked if the City code addresses the special short-term events (parties, weddings, receptions, etc.). Mr. Kilborn stated that in a direct association with the RFO, it does not, but in the same way the code does not regulate a special dinner party that someone may host in their home. Mr. Kilborn went on to say that, in this case, the home may be used for some type of commercial purpose (short-term renter hosting a for-profit event in the home), and this would require a temporary use permit.

Commission Vice-Chair Wolf stated that he has seen overlays applied for many different purposes and all have been for larger scale applications to multiple properties or to a geographic area to accomplish the intent of code or economic development. He has never seen an overlay applied to a single-family sized property and is somewhat surprised by this request which seems to him to be contrary to what the normal overlays accomplish. Mr. Kilborn stated that the code allows for anyone to apply for the overlay to be considered for any type of property; however, staff does share the same concerns about applying this overlay for one single-family property. Staff have expressed the willingness to support for multi-family complexes or for whole communities, like Isla Del Sol for example, that are designed in a way that could accommodate the issues. Internal discussions also included if there would ever be an instance where a neighborhood association would ask the City for this overlay for the entire neighborhood, which would be a more appropriate request in the sense that an entire district is coming forward asking for that type of designation. Once the overlay goes on the map, it stays on the map permanently.

Commissioner Wannemacher asked if the public notice was sent to property owners across the bayou from the subject property because noise travels extremely well over water. Mr. Kilborn stated that notices were sent to property owners within 300-feet to the northwest and northeast of the subject property and did not stretch across the bayou.

Commissioner Michaels asked if staff is looking at the two criteria as stated in the staff report; one was the multi-family unit home and the other criteria on page 6 that states that the City acknowledge that “certain locations may have significant tourist and resort destination amenities, uniquely qualifying them for a mix of transient accommodation and other residential uses.” Mr. Kilborn replied, yes, that is correct.

Applicant Presentation

Nikki Williams with Burr and Foreman, LLP and representing the applicant, Alex Petro, Jr., gave a presentation in support of the request. Ms. Williams stated that the owner would be willing to place conditions on the RFO designation allowing additional control of what could happen on the property addressing the issues of parking, sound, and if special events could take place and, if so, with certain criteria. Ms. Williams also proposed a development agreement in conjunction with the RFO.

Commissioner Bell stated that an owner or manager is required to reside on the premises of a bed & breakfast establishment and asked if this was the case for this property. Ms. Williams replied that the RFO designation does not have the same requirement.

Opponent Presentation

Samuel Wismer gave a presentation in opposition of the request for many of the same reasons stated in the staff report; will negatively impact and degrade the nature of the neighborhood’s character; does not believe it would be consistent with the City’s comprehensive plan policy, specifically as referenced in LU3.7 and LU3.8; and the neighborhood is not suitable for a tourist-oriented transient accommodation.

Public Hearing

Bill Wear, 2781 Bayside Drive S, spoke in support of the request.

Tony Carreno, 2781 Bayside Drive S, spoke in support of the request.

Shepherd Grimes, 2500 Florida Avenue S, spoke in opposition of the request.

Louise Diesbrock, 2734 Bayside Drive S, spoke in support of the request.

Cross Examination

By City Administration:

Waived.

By Registered Opponent:

Waived.

By Applicant:

Waived.

Rebuttal / Closing Remarks

By City Administration:

Mr. Kilborn pointed out that the reference to standards of review was specific to the types of site impacts that may be seen (number of parking spaces, hours of operations, etc.). Mr. Kilborn went on to say that he wanted the Commission to understand that there are standards of review that are used to determine whether or not to approve a rezoning or future land use amendment; they are listed in Section 16.70 of the City code and outlined in the staff report, itself. As for the development agreement, the City tends to be very conservative when placing a development agreement with a property and is usually very specific addressing a site concern. City staff is concerned about the number of development agreements coming forward if this type of tool is used in conjunction with the RFO and could also raise the questions of crossing over into contract zoning undermining the character of single-family zoning of these neighborhoods. Mr. Kilborn concluded with staff recommending that the Commission deny the RFO request.

By Registered Opponent:

Waived.

By Applicant:

Ms. Williams addressed the following: (1) a development agreement would place additional restrictions dictating what happens at the house, parking requirement, etc. (2) the owner submitted the photo shown with all of the parked cars in the driveway to illustrate how many cars the property can accommodate without using the street but generally there are not that many cars at one time; (3) the home is unique in size and location - not many single-family homes are the size of the subject property which is located at the end of the neighborhood; (4) easier to address or evict a short-term bad renter versus a long-term bad renter; (5) in regards to the noise over water, there will be no motorized watercrafts available; and (6) they have had no traffic problems. Ms. Williams concluded by saying that they feel the request is compatible with the neighborhood and consistent with the comprehensive plan.

Executive Session

Commissioner Michaels recognized and acknowledged that the facility was well-managed; however, the decision is based on policy (which may need a little more polishing to make it abundantly clear). He does agree with the staff report's criteria and will not support the request.

Commissioner Rogo commended the property owner for going through the process and for the good management of the property. He also stated his agreement with Commissioner Michaels about not having enough definition of what an RFO should require (compatible uses and neighborhood impact, established character, allowable uses under the RFO, densities, intensities, parking, buffers, etc.). He also voiced his concern about the number of people per bedroom with hearing testimony of 15 to 25 people at the house at one time. Commissioner Rogo went on to say that he will not support the request.

Commissioner Burke stated that he lives in a neighborhood with several short-term rental homes as well as vacationed in a neighborhood where he rented a home by the week. From his personal experience, he lives across the water from a home that is rented on a weekly basis and with one exception, has had no issues. He also rents a house in the Florida Keys where the neighborhood is uniquely set up for short-term rentals (code violations are dealt with immediately) unlike St. Petersburg where it takes weeks or months to address a code violation with the renter having already left. In today's world, the City will have to figure out how to address these issues soon because short-term rentals are becoming more popular. He will not support the request at this time.

Michael Dema interjected the following: (1) The applicant's counsel requested a conversation on a potential deferral of the application on the grounds of reaching out to City staff in talking about a development agreement for the property and it is in the purview of the CPPC to consider; and (2) There is a State statute that pre-empts the City which means if City regulations were in place prior to July 1, 2011, they were grandfathered in but there is a two year old statute that essentially prohibits the regulation of vacation rentals in the state and Legal is concerned is that in the absence of a change in that statute, they are pre-emptive of touching the City's code at all on this in response to this emergence economy.

Commission Vice-Chair Wolf commented that it speaks highly of the owner with this property so well managed but feels that this is a policy issue and that this overlay is not the appropriate method for single-family properties. He has a major problem with once the overlay is in place, it is permanent. He feels that the City needs to address this by code and not by an overlay, and he will not support the request.

Commission Vice-Chair Wolf then stated that they had heard a request for deferral but feels that a development agreement would not change his feelings about the RFO.

Michael Dema weighed in about the concern of a development agreement: (1) With an expected high demand for development agreements for each individual property requesting an RFO it would be approaching contract zoning which is viewed unfavorable in the Florida courts; (2) He would not want this to be an end-around to the comprehensive plan which states what the RFO is for; and (3) The land use objectives cited previously, while they may be addressed in part, they still have a potential for incompatibility of a use in a residential zone. Mr. Dema went on to say that City staff would be available to work with an applicant on this but there is not a precedence in the City of a development agreement for a small parcel in a residential zone and could potentially

open a flood gate of vacation rentals asking for the same which would result in a burden for Legal staff to deal with.

No motion was made by the Commission to defer.

MOTION: *Commissioner Rogo moved and Commissioner Michaels seconded a motion approving the RFO designation in accordance with the staff report.*

VOTE: *YES – None*
NO – Bell, Burke, Michaels, Reese, Rogo, Wannemacher, Wolf

Motion failed by a vote of 7 to 0.

V. QUASI-JUDICIAL PUBLIC HEARING

Note: The following item (FLUM-42) was taken next at staff's request.

B. City File FLUM-42

Contact Person: Cate Lee, 892-5255

Location: The subject property, estimated to be 0.91 acre in size, is generally located on the northeast corner of Dr. Martin Luther King Jr. Street South and 6th Avenue South at 556 Dr. Martin Luther King Jr. Street South.

Request: To amend the Future Land Use Map designation from Institutional/Activity Center to Planned Redevelopment-Mixed Use/Activity Center and the Official Zoning Map designation from IC/I (Institutional Center/Institutional) to CRT-1 (Corridor Residential Traditional-1), or other less intensive use.

Administration Presentation

Cate Lee gave a PowerPoint presentation based on the staff report.

Commissioner Michaels asked what would happen if the developer fails to develop the site. Ms. Lee stated that this is a policy-level decision, changing from an Institutional Activity Center category to more of a Mixed-Use Activity Center category and this does not obligate the property owner to develop a specific use on the site.

Commissioner Michaels asked if it would be a more orderly way of accomplishing this by looking at the entire district, identifying all properties that merit changing rather than on a piece by piece basis. Ms. Lee stated that this is something they are considering through the Innovation District planning process that they are currently undergoing. However, the applicant came to them with this proposal which supports the broad vision of the Innovation District and staff felt it was important enough to bring forward now in order not to hold up development in an area that is gaining momentum.

Commissioner Michaels asked if affordable housing is being considered on this site or anywhere in the District. Mr. Lee deferred to the applicant or to Brian Caper, the Project Manager to answer. Brian Caper stated that City staff is considering changing the land use for the entire District, with timing being part of the issue. They are trying to align the District's overall land use change with the expiration (in a few years) of the CRD designation associated with the Bayboro Harbor CRA Plan, which the Innovation District overlaps, and that is

why this request was brought forward today. The Innovation District has requested affordable housing and is a concern of the institutions, themselves, that make up the District; however, no consideration has been given to specific requirements.

Applicant Presentation

Christian Yepes with Belleair Development Group and authorized agent, gave a presentation in support of the request.

Public Hearing

Dave Grice, 861 5th Terrace S, spoke in opposition of the request.

Executive Session

Commissioner Michaels asked staff to address the medical gateway concern mentioned during the public hearing and what coordination has occurred with the hospital regarding their plans of future development. Mr. Caper stated that both hospitals (John Hopkins All Children's and Bayfront) are part of the Innovation District and members of the Innovation District Board; they participated in the visioning summary that concluded September 2015, with the need for mixed-use was the Board's first conclusion (a need for additional uses than what is currently there). They have not heard of any concerns from the hospitals regarding the scarcity of land or the inability for them to implement their master plans of the future.

Commissioner Wannemacher pointed out that Mr. Yepes stated that they are considering a mixed-use development which could possibly encompass a medical office on the ground floor with residential above. She feels the mixed-use is very compatible for the area and will support the application.

Commissioner Rogo made a motion inadvertently stating approval for the wrong City file. This motion was seconded by Commissioner Wannemacher, and passed by a vote of 5 to 2.

After Commissioner Rogo realized his mistake, a motion to reconsider the previous motion was moved by Commissioner Rogo, seconded by Commissioner Wannemacher, and passed by a vote of 7 to 0.

A new motion was then made:

MOTION: *Commissioner Rogo moved and Commissioner Wannemacher seconded a motion approving to amend the Future Land Use Map designation from Institutional/Activity Center to Planned Redevelopment-Mixed Use/Activity Center and the Official Zoning Map designation from IC/1 (Institutional Center/Institutional) to CRT-1 (Corridor Residential Traditional-1), or other less intensive use.*

VOTE: *YES – Burke, Michaels, Rogo, Wannemacher, Wolf*
NO – Bell, Reese

Motion passed by a vote of 5 to 2.

A. City File FLUM-40**Contact Person: Rick MacAulay, 551-3386**

Location: The subject property pertaining to St. Petersburg Commerce Park, estimated to be 3.69 acres in size, is generally located south of 6th Avenue South and north of 8th Avenue South and I-275, between 22nd Street South and 23rd Street South.

Request: To amend the Future Land Use Map designation from Industrial General/Target Employment Center Overlay to Planned Redevelopment-Mixed Use/Target Employment Center Overlay and the Official Zoning Map designation from IT (Industrial Traditional) to CCT-1 (Corridor Commercial Traditional), or other less intensive use.

Administration Presentation

Rick MacAulay gave a PowerPoint presentation based on the staff report.

Commissioner Reese voiced her concern about the public notice procedure, specifically regarding how effective it is in reaching people that really need to know what is going on. She had attended a Deuces Live meeting last month and nothing was mentioned about this application and she believes that this rezoning will move the area toward a more industrial-type area. Commissioner Reese went on to say that 22nd Street is historical (not for industrial reasons) and many are concerned about preserving the arts, culture and history of this area; what does it mean to the community and to the Deuces to have increased industrial use? She feels that the City cannot use a cookie-cutter type of notice, and expect the people to understand and respond. Commissioner Reese then asked staff if it was possible to reach out to these communities that have not responded, likely because they did not receive or understand the notice, regardless, the rezoning will have a big impact on them. She strongly suggested and highly recommended that staff make another attempt, with her assistance, to reach out to the Southside CRA community with opportunities for them to come out and talk with City staff and the applicants about what is being intended for this very historical and significant area of the City.

Mr. MacAulay stated that this item is anticipated to go before City Council September 8th and gave his assurance that they will reach out to these organizations and entities. Commissioner Reese stated that she would like to have this item deferred because September 8th is less than a month away not giving enough time for the people to give input and understand what this rezoning means.

Dave Goodwin stated his understanding of Commissioner Reese's concerns and then assured her that the all have had the opportunity to be involved in the process. Mr. Goodwin then explained the steps taken to this point: (1) the issuance of the RFP to develop this property; (2) several proposals were made that were reviewed by various people in the community including Deuces Live; and (3) the proposals were taken to City Council on two occasions with hearings from both developers and their development projects. Mr. Goodwin went on to say that this rezoning and plan amendment is the first step enabling the developers to move forward with their development and to get jobs created. The community and stakeholders, including Deuces Live, have been involved with this for at least a year and, in fact, Deuces Live submitted a proposal, themselves, to develop this area.

Commissioner Reese stated that she was aware of the RFP process/background but feels that it is her responsibility, as a Commission Member, an African-American, and as a concerned citizen, that she does as much as she can to make sure that the processes are open to everyone and then offered her assistance to staff to

reach out to all affected entities, organizations and people to help them understand these proposals. Mr. Goodwin agreed to Commissioner Reese's assistance.

Commissioner Michaels echoed Commissioner Reese's comments with not having the stakeholders showing support and maybe in addition to the notice letter being sent, the stakeholders need to be motivated to send a letter of support and, if possible, attend the meetings to speak. This will assure him that the community is, in fact, involved and supportive.

Commission Vice-Chair Wolf stated that regarding the concern of industrial, that they, in fact, will be going away from industrial to a more laboratory-type of business with the approval of this request. He feels that there does seem to be a fair amount of notice of this process over time but ongoing maybe look at other ways to reach out to the community so that they will take notice and respond.

Commissioner Michaels stated that, personally, he likes the development that is proposed but it is important that the people who actually live in the area are supportive.

Mr. Goodwin stated that there is a Citizens Advisory Committee associated with the South St. Petersburg CRA and they were intimately involved in this process; they reviewed the initial four proposals as well as the actual lease and development agreements; recommended approval of those going before City Council; and City Council unanimously approved without a single objector showing up. There were some people who were concerned in the early stages but by the time the proposals went before City Council, folks were reasonably satisfied. Mr. Goodwin went on to say that just because no one showed up, he feels it is wrong to infer that they were not informed but feels that, in this case, it may be better to say that the folks are very aware of this, the process has been long and arduous, and they just want it over so building can begin.

Commissioner Reese reiterated that she was not saying that the people did not know or that notice was not given, but is concerned that many of the ways that people are noticed are not effective in every community. She is not against what is being proposed but will always be for inclusion and making sure that all affected parties are informed and have the opportunity to share their opinion.

Applicant Presentation

Steve Chumbris, Attorney with Fisher & Sauls and representing the applicants, St. Petersburg Commerce Park, LLC and MSCP Holdings, LLC, gave a presentation in support of the request.

Public Hearing

No speakers present.

Executive Session

MOTION:

Commissioner Rogo moved and Commissioner Michaels seconded a motion approving to amend the Future Land Use Map designation from Industrial General/Target Employment Overlay to Planned Redevelopment-Mixed Use/Target Employment Center Overlay and the Official Zoning Map designation from IT (Industrial General) to CCT-1 (Corridor Commercial Traditional-1), or other less intensive use, in accordance with the staff report.

