



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

Approved as written 10/10/17

**Council Chambers
City Hall**

**August 8, 2017
Tuesday, 2:00 p.m.**

MINUTES

Present: Robert "Bob" Carter, Chair
Jeff Rogo, Vice Chair
Christopher "Chris" A. Burke
Will Michaels
Sharon Winters, Alternate

Commissioners Absent: Keisha A. Bell¹ ¹ *excused*
Gwendolyn "Gwen" Reese
Jeffery "Jeff" M. Wolf¹
Lisa Wannemacher, Alternate¹
Thomas "Tom" Whiteman, Alternate¹

Staff Present: Derek Kilborn, Manager, Urban Planning & Historic Preservation
Luis Teba, Planner II, Urban Planning & Historic Preservation
Laura Duvekot, Historic Preservationist II, Urban Planning & Historic Preservation
Michael Dema, Assistant City Attorney
Vicky Davidson, Administrative Assistant, Planning & Economic Development

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. MINUTES

The minutes from the July 11, 2017 meeting were approved as written by a consensus vote.

IV. PUBLIC HEARINGS

A. LGCP-2017-02

Contact Person: Luis Teba, 551-3386

Request: City-initiated amendments to the Comprehensive Plan pertaining to Chapter 1, General Introduction; Chapter 3, Future Land Use Element; Chapter 5, Coastal Management Element; and Map 15, Coastal High Hazard Area.

Staff Presentation

Luis Teba gave a PowerPoint presentation based on the staff report.

Public Hearing

No speakers present.

Executive Session

Commissioner Winters voiced her concern about public safety and feels that this is not a responsible action on the part of the City; ill prepared for damage from a storm surge or hurricane and not thinking about the realities of climate change. She went on to say that she understands it is doubling the amount of acreage that would be restricted in its growth and density; however, that is the reality of where we live and it is the history of the City to be threatened, more so now with the climate change. She stands opposed to this change.

Commissioner Burke asked staff if they have any comments on Commissioner Winters' concerns. Derek Kilborn replied, no, they are well articulated concerns and it will be up to the Commission and Council to approve the text change. From a planning perspective, there are very significant concerns about the impact of the new map which now pulls into its effective boundary areas of critical importance in terms of redevelopment strategies (i.e. most of the Skyway Marina District and a significant part of the northern part of the City). They do feel that a number of protections are in place; language at the Forward Pinellas level and the County-Wide Plan rules. Staff is basically taking that county-wide language and recommending that it be adopted here so there are some checks in place. When a future land use map change is presented to this Commission in the future, you will have the ability to weigh each request against those criteria and decide whether it is responsibly addressing the concerns that Commissioner Winters highlighted.

Commissioner Burke asked if the definition of "disturb area" defines an area that had some development versus an undeveloped area. Mr. Teba replied, yes, that was how it is understood.

Commissioner Michaels stated that he has some of the same concerns as Commissioner Winters given that we are one of the areas in the country that is most vulnerable to flooding and hurricane damage. He understands what staff is trying to do; build some flexibility into this. It is important to have a balance but not make it easier to build in areas that are high hazard for flooding. When he looks at the proposed criteria, he wonders whether or not that criteria really is consistent with the policy 11.7 (Site plan review criteria shall consider flood potential in hurricane hazards...). He did not see anything in the nine criteria that specifically addresses the high likelihood of flooding in this coastal area which would be, to him, an obvious criteria. If this were added, he thinks he would support this.

Commission Chair Carter asked Legal if this meets legal criteria. Michael Dema stated that he was not involved in the drafting process but what he has reviewed, he agrees that this does make it more consistent with practice in other jurisdictions, particularly the County-Wide Rules and what is allowable under Chapter 163 and under the Community Planning Act. In terms of the minutia of this request, he has not had a chance to break it down.

Commission Chair Carter stated his agreement with Commissioner Michaels about not making it easier for people to build in those specific areas which this Commission would not look favorably upon.

Commissioner Rogo stated that he is comfortable with three of the criteria allowing development to go forward; A - the access to evacuation routes is key and addresses part of the flood concern that have been discussed, B - utilization of existing and planned infrastructure as opposed to requiring the expenditure of public funds for new additional unplanned infrastructure, and C - the utilization of existing disturbed areas so areas that are already developed as opposed to taking pieces of undeveloped property that might fall within the CHHA boundary. He has concerns with two of the criteria; D - the maintenance of scenic qualities and improvement of public access to water, and F - part of the Community Redevelopment Plan just because we would like to see an area redeveloped doesn't mean it should outweigh some of the concerns they have about flooding and the hazard of being located in a coastal zone.

Commissioner Burke asked his fellow commissioners if any weight is given to criteria #1 (the access to emergency shelter space and evacuation route); does it in anyway alleviate their concern about increasing development in a potential flood zone. Commissioner Winters stated that she thinks that it is a lot of acreage and a lot of people that could be evacuated and is skeptical about the ability to leave this peninsula quickly. She went on to say that staff needs to look at the liability issues (citing another state that was sued when, a few years ago, a number of people had died that were allowed to live along a river that had flooded); public safety issues drive a lot of public decision-making.

Commissioner Michaels suggested to table this request and to have staff return with revisions reflecting the comments made.

MOTION: *Commissioner Michaels moved and Commissioner Rogo seconded a motion to defer action and return at a later date with the requested revisions.*

Commissioner Rogo stated that he feels that bringing this back with the incorporation of concerns expressed in 11.7 is balanced by the following criteria, so he is thinking that what is returned to them for consideration states that they will always be driven by Section 11.7 and here is some criteria that balances that, he would feel more comfortable with the amendment to the Comprehensive Plan.

Commissioner Burke asked staff if they believe that the current language insists that this new amendment be driven by Section 11.7. Mr. Kilborn replied that he did not think so and what they are presenting today is a Comprehensive Plan text amendment that needs to be found consistent and compatible with the other polices. Because of the state statute requirement and the inclusion of mitigating circumstances, staff feels that they are in compliance with CM 11.7 as presented today, but if there are concerns, staff can go back and see other additional text amendment to incorporate in order to bring it down to the City level document rather than to say it is at the Florida statute level.

Commissioner Michaels asked if ballots were mailed for City-initiated districts as stated under the 5-year provision for the City which reads "A new application shall not be initiated for five years from the date of the mailing of ballots for the previously failed effort." Mr. Kilborn replied, no, and that it should read "...mailing of ballots and/or the date that City Council passed a resolution initiating the City-initiated process." This is another minor revision to be included in the report presented to Council.

Commissioner Michaels asked what the reason for the 5-year limit on Council was. Mr. Kilborn stated that that is what the code says today and then cited on page 9 under subsection 5 (strikethrough) which states "If a ballot process to initiate a designation application for a historic district has failed, no ballot process to designate the same or a substantially similar district may be undertaken by the City for five years from the date of the initiation of the prior failed ballot." In staff's interpretation today, reference to "the City" means the City of St. Petersburg and specifically the City Council. So, regardless if it is a private application or City-initiated application, this provision is interpreted to mean that they cannot take up that application for a period of five years. On the front end, staff is trying to clarify; (1) when does the five years begin, and (2) what happens when you have an individual property within the boundary of the district. The back end question about taking up an application (private or City) is already prohibitive by this provision.

Commission Chair Carter asked if an application is slightly different would the 5-year rule still apply (e.g. district of 10 properties fail and then reapply with only 8 properties). Mr. Dema stated that a reasonable argument could be made that a substantially different application is the one that removes the dissenting property owners but would have to be sensitive to the dissent(s).

Commission Chair Carter asked why not take the approach of accepting applications until something is triggered placing the 5-year rule in effect instead of prohibiting everyone for five years. Mr. Dema stated that this could be looked into.

Commission Chair Carter suggested omitting the 5-year rule and if that gets abused, then add the additional language limiting when applications can be re-submitted.

Commissioner Michaels stated that he would be more comfortable without the 5-year limitation knowing the City or City Council would have good reason for bringing it back. He then asked if this language was retroactive to the First Block. Mr. Dema stated that, generally speaking, at adoption the code would be applied going forward and it would apply to First Block. Commissioner Michaels stated that he would be more comfortable with this if it were not retroactive.

Commissioner Burke asked staff if they would be comfortable with an amended motion to eliminate that 5-year provision on City Council. Mr. Dema stated that they can make a motion recommending that change and it would be formally relayed to City Council. Mr. Kilborn stated that procedurally there are no concerns at all.

Commissioner Rogo stated that one of the reasons for the 5-year limit is to protect the property and/or business owners in a district turned down for historic preservation from constantly defending themselves against what they feel is some kind of a problem to operate their business or live in their residence. He also stated that the individual landmarks within First Block (or within any other failed district) are still protected and for these reasons, he is very much in support of the 5-year limit. He also feels that the time it takes to put together an application for designation combined with the fact that there will be some turnover of council members also weighs in favor of the 5-year rule.

MOTION #1: *Commissioner Burke moved and Commissioner Michaels seconded a motion to recommend to City Council to amend the ordinance removing the five-year prohibition on City-initiated designation applications.*

VOTE: *YES – Burke, Michaels, Winters, Carter
NO – Rogo*

Motion passed by a vote of 4 to 1.

Commissioner Michaels commented about the length of time (over three years) it took First Block from the City-initiation designation to actually being brought back to City Council for a decision, and then suggested that consideration should be given to a reasonable limit for action on City-initiated applications. He also mentioned the archeological Sensitivity Level 2 issue. Mr. Kilborn stated that staff is working on an archeological handout that will describe mitigating options for Sensitivity Level 2 properties which will be reviewed by some of the local archeologists and groups staff have been talking with to ensure their comfort level with the information and is consistent with the Archeological Management Plan.

Commission Chair Carter asked staff if other cities, that may have similar archeological concerns, have been contacted to ascertain what they have done as part of the research. Mr. Kilborn stated that a detailed outreach to other communities has not yet been done but it is something tasked to do with completion of the handout. Staff did hear from the individual representing the USF group.

Commission Chair Carter stated his interest in hearing if other cities have been contacted such as St. Augustine and other places that may have similar concerns. Mr. Kilborn stated that this would be great to bring back as a workshop item so staff can present the completed document with information about archeology in the City, walk through the history of the plans and present what other communities are doing.

MOTION #2: *Commissioner Rogo moved and Commissioner Michaels seconded a motion finding the text amendments consistent with the Comprehensive Plan and recommend approval of the text amendments, including the amendment just approved, in accordance with the staff report.*

VOTE: *YES – Burke, Michaels, Rogo, Winters, Carter
NO – None*

Motion passed by a vote of 5 to 0.

V. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

A brief update was given regarding the Elder Jordon home located at 758 3rd Ave S. Staff has been working over a year behind the scenes with the owner/developer and with interested entities regarding the possibility of moving the home. The structure is historically important but not on the potentially eligible list due to being located in an area that had not been surveyed. With staff's initial evaluation of the site, they found that after relocation, it would still qualify for designation.

A demo by neglect workshop will be scheduled either prior to or after the October 10th public hearing, depending upon the agenda.

Notices for an August 8th Local Historic District public meeting were sent to owners of the 200 block of 10th Avenue NE.

Local Historic District ballots were mailed to the owners of the 300 block of 16th Avenue NE (due back by 8/26) and to the owners of the Seminole Park in the Kenwood Section (due back by 9/25).

This week is the anniversary of the filing of the original plat for downtown.

September is the 100th anniversary of the Open Air Post Office.

VI. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 3:25 p.m.