

PLANNING BOARD MEETING MINUTES

May 15, 2023 4:00 PM

PRESENT: Greg Premer, Chair
David Hubbard, Member
Melinda Pletcher, Member

EXCUSED: Tiffany Secka, Member
Tom DeYampert, Vice Chair

STAFF PRESENT: Jennifer McMahon, Chief Operating Officer
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner

Chair Premer called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance and Roll Call.

1. Approval of the Agenda – Chief Operating Officer Jennifer McMahon announced that Rachel Ciliberti needed to step down from this Board due to time conflicts and thanked her for her service; Commissioner Graus appointed Tiffany Secka as her replacement.

Motion: Member Pletcher moved, and Member Hubbard seconded the approval of the agenda as presented; the motion carried unanimously.

2. Audience Comments - There were no audience comments.

3. Approval of Minutes

a. Meeting Minutes 4/17/2023

Assistant City Attorney Matthew McConnell pointed out that City Attorney Dickman had attended the last meeting, rather than himself.

Motion: Member Pletcher moved, and Chair Premer seconded the approval of the minutes from the April 17, 2023 meeting with change; the motion carried unanimously.

4. Action Items – Sitting as Local Planning Agency

At 4:03 PM, Chair Premer adjourned the meeting as the Planning Board and reopened as the Local Planning Agency (LPA).

a. Ordinance 2023-xx; Lot Assembly in single-family zoning districts

Senior Planner Brandon Berry opened the item, as a continuation from the previous meeting. He reviewed a presentation of the process of lot assembly in single-family districts, which is part of the meeting record. His presentation included the elements of the proposed ordinance – possible combinations and setback adjustments for interior and corner lots, exemptions, staff report of Comprehensive (Comp) Plan consistency. This would pertain to assembly of more than two lots. Staff recommendation was to find this ordinance consistent with the Comp Plan and recommend approval to the City Commission.

Member Pletcher asked Mr. Berry questions about the administrative process. Mr. McConnell added comments to explain that combining two lots that result in double the minimum, or three lots, would require replatting and going before the City Commission to determine compatibility with the surrounding neighborhood.

Motion: Member Hubbard moved, and Member Pletcher seconded the recommendation of the approval of Ordinance No. 2023-xx to the City Commission, finding it consistent with the City's Comprehensive Plan as stated in the staff report; the motion carried unanimously.

5. Discussion Items –

a. Fines for tree removal without a permit

Ms. McMahon introduced this item. Previous City Commission discussion on Ordinance 2018-19 regarding tree removal found that the Ordinance was not strong enough. Tree permits are currently offered (in lieu arborist approval, as required by state law), and an 'after the fact' permit is \$100. Staff researched the matter to look at potential adjustments for residential vs. commercial and alignment with state laws. Brandon reviewed presentation (which is part of meeting record) that included the current LDC tree protection (22.11) ordinance, tree replacement requirements, current penalty for failure to obtain a permit, and how other nearby communities address unpermitted removal. He requested Board evaluation, input questions.

The Board discussed appropriate fines for commercial properties, possibly using a Code Enforcement element, and finding ways to keep the public informed of requirements.

Deborah Schechner of 710 Boca Ciega Isle Drive commented on the importance of trees for climate and shade, and a business that removed nearly every tree without an arborist or permit and was in favor of stronger fines.

Bill Schwinghammer of 64th St. commented that once cut, a particular tree cannot be brought back. They are like landmarks and irreplaceable in some ways. Please take this seriously.

Assistant City Attorney McConnell summarized the Board's recommendations of a \$100 fine per tree removed without a permit (residential or commercial), and in the future revisit the current tree diameter requirements, and the addition of Code Enforcement language to make the fines more meaningful with statutory requirements.

b. 2023 Florida Legislative Update

Chair Premier mentioned lack of action on insurance during the recent legislative session.

Mr. Berry explained that this information and the presentation were brought forth to the Board for informational purposes. His presentation, which is part of the meeting record, briefly reviewed Bills that were enacted.

- SB 102 provides funding and incentives for building Affordable Housing and requires municipalities to approve affordable housing in any mixed-use, commercial, or industrial zone if at least 40% of units are affordable to families making 60-120% of the state or MSA median income. Height and density were discussed. Must be approved administratively, not through the City Commission.

- SB1605 Land Use Development Regulations extends the required Comp Plan horizon to 10-20 (from 5-10 years), requires municipalities to go through the EAR (evaluation and approval) process every seven years (St. Pete Beach is already in process), strengthens State preemption on local governments requiring “building design elements” for SFR and duplex development.

Legislation not yet signed was reviewed - SB 1170 Flooding and SLR Vulnerability Studies, SB 170 Local Ordinances (requiring cities to prepare a “business impact estimate” prior to passing an ordinance), SB 718 Local Government (requiring a feasibility study for any annexation), SB 540 Local Government Comprehensive Plans (allowing the prevailing party in an administrative challenge to a comprehensive plan adoption or amendment to recover attorney fees, and limits challenges of development orders to material alterations to use, density and intensity in a manner not consistent with the Comprehensive Plan).

Lastly, Mr. Berry reviewed SB 250 Natural Emergencies, (retroactive to 9/28/22) which applies to any municipality within 100 miles of the impact site of Hurricane Ian (St. Pete Beach is 80 miles NW of that landfall). The Bill automatically tolls development approvals after a state of emergency by 24 months with a maximum of four years. He provided additional details. He will bring further applicable legislative updates as they occur.

Member Pletcher inquired about the priorities of this Board; Mr. McConnell explained that the agenda is currently driven by the City Commission, although members may ask to include items.

5. Adjournment – The next regular meeting will be held on June 26, 2023 at 4:00 PM. There being no further business, Chair Premier adjourned the meeting at 5:23PM.

These minutes were approved at the June 26, 2023 Planning Board meeting.