



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

Council Chambers  
City Hall

May 10, 2016  
Tuesday, 3:00 p.m.

MINUTES

**Present:**

Robert "Bob" Carter, Chair  
Jeffery "Jeff" M. Wolf, Vice Chair  
Keisha A. Bell  
Christopher "Chris" A. Burke  
Will Michaels  
Gwendolyn "Gwen" Reese  
Jeff Rogo  
Arnett Smith, Jr., Alternate

**Commissioners Absent:**

Lisa Wannemacher, Alternate<sup>1</sup>  
Thomas "Tom" Whiteman, Alternate<sup>1</sup>

<sup>1</sup> *excused*

**Staff Present:**

Derek Kilborn, Manager, Urban Planning & Historic Preservation  
Rick MacAulay, Planner II, Planning & Economic Development  
Cate Lee, Planner II, Planning & Economic Development  
Larry Frey, PhD, 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 3:03 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 April 12, 2016 meeting were approved as written by a consensus vote.

**IV. QUASI-JUDICIAL PUBLIC HEARINGS**

**A. City File ZM-5**

**Contact Person: Rick MacAulay, 551-3386**

**Location:** The subject property, estimated to be 4.69 acres in size, is generally located south of 5<sup>th</sup> Avenue South and north of 6<sup>th</sup> Avenue South between Dr. Martin Luther King Jr. Street South and 10<sup>th</sup> Street South.

**Request:** To terminate a development agreement associated with the property and to amend the Official Zoning Map designation for the entire block, *except* for the hotel site, from CCT-1 (Corridor Commercial Traditional-1) back to CRT-1 (Corridor Residential Traditional-1).

### **Staff Presentation**

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

Commissioner Michaels asked about any possible impacts on Campbell Park School. Mr. MacAulay stated that there have been no specific discussions concerning the school but does not anticipate any negative impacts.

### **Applicant Presentation**

Luis Serna, AICP with Calvin Giordano & Assoc., Inc. and representing the owners, Bayboro Hoteliers, LLC; 5<sup>th</sup> Avenue Residences, LLC; and 501 MLK Land Trust, spoke in support of the request.

### **Public Hearing**

No speakers present.

### **Executive Session**

Commissioner Reese asked if a meeting was held with the Campbell Park Neighborhood Association. Mr. Serna stated that they were on the notification list but he did not have a contact name or number for that Association to schedule a meeting. Mr. MacAulay went on to say that Campbell Park NA did receive notice but unfortunately they are not as active as they once were.

Commissioner Reese asked if other efforts can be made to obtain feedback from the Campbell Park NA. Mr. MacAulay stated that they will triple their efforts to make contact before the City Council public hearing. Mr. Serna stated that they will be happy to meet with anyone from the neighborhood.

Commissioner Michaels asked if the Council of Neighborhood Associations (CONA) was notified, to which Mr. MacAulay replied, absolutely.

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

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

*Motion passed by a vote of 7 to 0.*

**B. City File FLUM-39****Contact Person: Cate Lee, 892-5255**

**Location:** The subject property is comprised of the western 0.14 acres of a 0.41 acre parcel located on the northwest corner of 17<sup>th</sup> Avenue South and 34<sup>th</sup> Street South, at 1617 – 34<sup>th</sup> Street South.

**Request:** A private application to amend the Future Land Use Map designation from Residential Medium to Planned Redevelopment Mixed-Use, and the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily-1) to CCS-1 (Corridor Commercial Suburban-1), or other less intensive use.

**Staff Presentation**

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

**Applicant Presentation**

Tiffanie Hayes, representing the property owner, Propharma of St. Pete, LLC declined to speak but was present to answer questions.

**Public Hearing**

No speakers present.

**Executive Session**

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

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

*Motion passed by a vote of 7 to 0.*

*(Note: Commission Chair Carter was recused from the following item due to a conflict.)*

**C. City File HPC 16-90300002****Contact Person: Larry Frey, 892-5470**

**Request:** Third party request for a Local Landmark designation of the former Central National Bank and former Pheil Hotel and Theater buildings, located at 400-410 Central Avenue.

Prior to the beginning of the presentations, a discussion took place regarding the applicant's request for a deferral and the applicant's request to exclude certain information and evidence. No motions were made pertaining to both requests and the Commission then proceeded with the presentations.

**Staff Presentation**

Larry Frey gave a PowerPoint presentation based on the staff report.

Commissioner Michaels congratulated staff on a very detailed, comprehensive and sensitive staff report for a complicated project. He then asked about the integrity factors and if all of those elements should receive equal weight when the CPPC looks at them or, if not, what is the most important element and is it restorable. Dr. Frey stated that, at times, those are subjective issues, and what he had done was take elements of the architecture and looked at those based upon the present building versus how the building appeared in 1959 and came up with a percentage of those elements. Because it can be subjective as to how a person views a building, he was reluctant to give any of them individualized weight but is something that would be open for discussion amongst the CPPC. Most of the elements from the 1923 building are gone thus would have no integrity so, therefore, the reason for going to 1959 and even then there are a lot of elements missing.

Commissioner Michaels stated that there seems to be a narrow reading of the integrity factor of setting and does not understand why the buildings across the street such as the Snell and others seem to be dismissed as not being applicable to setting and limiting this factor to immediately adjacent buildings within a particular block. Dr. Frey stated that that was one of the reasons for seven factors of integrity because a lot of buildings would not be preserved if based on one factor such as setting. Dr. Frey went on to say that he did look at the entire block and at individual buildings, and how the block was constructed during the period of significance with the adjoining buildings that proceeded down Central Avenue and what was perhaps across 4<sup>th</sup> Street; those buildings are no longer extant. He did not expand out due to the loss of the immediate adjacent buildings and it is up to the CPPC, if they so desire, to include the buildings across the street.

Commissioner Burke asked if it was staff's decision in determining the period of significance from 1912 to 1959, to which Dr. Frey answered that it was his determination.

Commissioner Rogo stated that maybe they should consider the cheese grater siding as historically significant; it is more than 50 years old and is certainly unique. Dr. Frey stated that any historic preservation planner expert would have to consider that, whether you like it or not is irrelevant, and there are no other buildings in the City with that kind of technology applied to it. From his understanding, most people do not like it but at the time it was applied (1960) people probably loved it; things have changed, the technology is outdated and doubts it would meet today's code.

### **Applicant Presentation**

Peter Belmont and Howard Hanson, representing the applicant, St. Petersburg Preservation, gave a presentation in support of the requested designation.

### **Owner Presentation**

Don Mastry and Rob Wedding, representing the owners, First States Investors 3300, LLC and Pheil, Clarence E Bypass Trust, gave a presentation in opposition of the requested designation.

### **Public Hearing**

The following people spoke in support of the designation request:

Thomas Nestor, 500 – 45<sup>th</sup> Ave NE  
Parisrice Robinson, 146 – 2<sup>nd</sup> St N  
Laurie Macdonald, 103 Wildwood Lane SE  
Robin Reed, 705, 16<sup>th</sup> Ave NE

Dan Harvey, 1425 Central Ave

The following people spoke in opposition of the designation request:

James King, 1401 – 42<sup>nd</sup> Ave N

Duane Kaufhold, 1200 Monterey Blvd NE

Mark Stroud, 2087 Kansas Ave NE and broker for the Pheil Family

Baird Lefter, 136 – 22<sup>nd</sup> Ave SE and representing the Pheil Family

Paul Carder, 341 – 5<sup>th</sup> St S

Albert Scafati, 1 Beach Dr SE

Travis Norton, 100 – 2<sup>nd</sup> Ave N and representing the St. Petersburg Chamber

Joni James, 233 – 2<sup>nd</sup> Ave N and representing St. Petersburg Downtown Partnership

Douglas Dozark, 345 – 12<sup>th</sup> Ave NE

Jesse Landis, 400 – 4<sup>th</sup> Ave S

Susan Bradley, 1207 E. Park Circle, Tampa, did not speak but submitted a card in opposition

Mr. Kilborn stated for the record that staff received up to the beginning of today's hearing 10 e-mail messages for demolition, 594 e-mail messages through St. Petersburg Preservation for preservation, and an additional 165 postcards supporting preservation of the buildings.

Commissioner Michaels asked Mr. Lefter why the property has not been maintained. Mr. Lefter stated that the lease required that the property be maintained in first-class condition but in order to enforce it, they would have to terminate the lease and sue for damages, and the Pheil family was unwilling to do that. The problem is that First States always had the option to demolish the building or to restore it and if they do that before the termination of the lease, the Pheil family would have no real damages so they were unable to enforce the maintenance contract during the term of the lease.

Commissioner Rogo asked Mr. Lefter that if money were no object is there anything on the block that the Pheil family would like to see preserved. Mr. Lefter stated that preserving the buildings is not realistic and the Pheil family current needs are more basic; thus restoring their income when the lease terminates. They would have preferred to leave the lease undisturbed continuing to receive the rent but this does not appear to be a viable option. First States came up with a settlement offer that happened to coincide with St. Petersburg's upturn in development and the Pheil family saw this as an opportunity that they might be able to replicate the income by acquiring the entire block with some additional cash and then selling the property. Mr. Lefter went on to say that they would be happy to entertain any offer to restore the property; however, all of the offers received are for the entire block for a single project.

### **Cross Examination**

#### **By City Administration:**

Waived

#### **By Owner:**

Mr. Mastry – *(unable to hear, too far from microphone)* Was an offer made?

Mr. Stroud – Yes.

Mr. Mastry – How much was it?

Mr. Stroud – It was \$7 million lower than their top offer.

Mr. Mastry - Is there any difference between the successfully renovated Pennsylvania Hotel building than what they are dealing with here?

Mr. Wedding – There is a major difference in floor plate size; the Pheil Hotel is less than 1/3 of the floor plate of the Pennsylvania Hotel. And there is a major difference in structure floor-to-floor; the Pennsylvania Hotel has 11-feet floor-to-floor with 9-foot ceilings and the Pheil building has under 8-feet floor-to-floor.

**By Applicant:**

Waived

**Rebuttal**

**By City Administration:**

Waived

**By Owner:**

Mr. Mastry gave a closing statement in opposition of the designation request.

**By Applicant:**

Mr. Belmont gave a closing statement in support of the designation request.

**Executive Session**

Commissioner Burke commented about how he feels it is impossible to determine the integrity without environmental factors, structural integrity and design limitations which he feels are the very core of determining the integrity of this application. He gives great weight to the City staff report but disagrees because of these factors and what is there now does not meet the integrity standards. As for why the façade that was put up in 1960 was not considered historic, two of the reasons are: 1) nobody likes it, which to him is the feel and part of the integrity; and 2) it does not meet current code, which is a structural integrity issue. He does not support the application at this point based on the lack of meeting the integrity issues.

Commissioner Michaels asked staff if there was anything they would reconsider in their report since hearing the architect's report that was presented by the owner or is staff still standing by their findings regarding the criteria and integrity factors. Mr. Kilborn stated that the architectural report and supplemental information received was considered in the final draft prepared for the CPPC. Dr. Frey stated that he still stands by his report and he has mentioned more than once in the report that their access was limited. Dr. Frey went on to say that questions were proposed at the beginning of the staff report that answer some of the questions being discussed right now (e.g. Is only one façade of a building enough to pull the whole building into a historic designation category?). He does acknowledge that there are those issues that need to have an open debate but does stand by the integrity decisions and determinations that were made as part of the staff report. He believes that all of the integrity factors can be debated; however, he thinks that location is pretty self-evident (based on where the building is and where the historic activity occurred) which differs from setting, where no integrity was found, so staff feels that there is sufficient integrity for determining location as factor. Dr. Frey concluded by saying that based on tonight's testimony, he will not change his recommendation unless he has closer access to the building and is able to perform the structural analysis referenced in the staff report which could then influence further determinations.

Commissioner Smith asked why staff did not have full access to the building. Dr. Frey stated that they had an on-site visit and he used the hundreds of photographs that were taken during that visit. He never asked for additional access because that would also involve getting an opinion from an architect or engineer, which came later.

Commissioner Reese asked staff to address how important the building today is not what it was historically 50 years ago and how much of a part it has to do with the staff's recommendation as well as with the CPPC's decision. Dr. Frey stated that he thinks that 50 years have been established as they looked at the buildings as they appeared in 1958 and 1959. The façade had been applied on the building longer than 50 years ago but that was not on the designation application which only referenced the date of 1959 or earlier. As a staff person bound to review and make comments on the application, he did not look at nor address the screen façade as historic. In making his determination, he only looked at how the buildings appeared in 1958 and 1959 compared to how they may look now if the screen façade was removed.

Commissioner Reese asked the owner to elaborate on the percentage of historic significance remaining. Mr. Wedding explained that when they redid the Pheil Hotel in 1983, it was a complete demolition of every interior and all the exterior windows in the entire west wall of the building. The rebuilding process had to replace the wall, put a new stair and elevator on the west side so it could resist wind loads, replaced every system in the building, new roof, new windows, new interior development, new finishes, new fire protection, new mechanical, electrical and plumbing. So, technically 68.2% of the Pheil Hotel is only 33 years old (built in 1983). Those pieces of the exterior perimeter walls (sans the windows, sans the west wall, sans the south wall which was modified in 1960 when the bank took over the Pheil Hotel space and added 30,000 sq. ft. to the south) remain as it once was, primarily the north wall of the building. The remaining parts of the building are less than 33 years old.

Commissioner Rogo stated that their job is to determine if there is criteria for designating historic significance and he believes there is that contextual significance, that historic significance. He went on to say that they are also asked to weigh if that historic significance equal the apparent lack of physical integrity of the two subject buildings. Staff states that three criteria have been met, location, design and workmanship but he feels that throughout today's debate and deliberations along with the testimony heard from Mr. Wedding that he is having concerns about the three criteria being met. He does not feel that the subject buildings are like the hotels that have been restored (Pennsylvania Hotel, the Vinoy Hotel, etc.), he is not convinced that the integrity criteria is met and could not vote for the designation.

Commissioner Michaels gave the Vinoy Hotel as an example of successfully renovating an historic structure and should not discount the potential of the subject property. He is conflicted because of the planning issue; the idea was rejected that the CPPC making a statement on the subject property fitting in with City's economic plans which he believes is an issue that needs to be considered by City Council. He believes that the law needs to be followed and he then cited the policies in the staff report (LU10.1 and paragraph D in ordinance). He will support the designation request.

Commissioner Wolf echoed Commissioner Burke's comments; looking at the report and knowing the history of the structure he wonders if it really meets the integrity aspect of the criteria. The owner's professionals state that the integrity has been compromised to the point that it does not meet the criteria and the applicant feels that it does. With limited knowledge of structural and construction issues, he has to rely on the photos and documentation submitted, and were they to try to restore the elevations which seem to be the primary elements

that have some worth, they would end up with a building that would be probably more new content trying to match existing rather than have existing content. He feels that they are at the point where there is more “bond-o than sheet metal” and is concerned about holding up some significant progress for the City on a building that is dubious as to meeting the criteria for integrity. He is very torn about which way to go on this.

Commissioner Wolf asked if it is stated in the preservation ordinance that if one red brick is left in the building and the rest have been restored that it’s still historic or is there some point of which integrity is said to be lost. Dr. Frey stated that there is no formula and that it really depends upon the other factors that the Board weigh and consider (the importance of the building and its history). An important question to ask is if the façade screen is taken off, would most people still recognize it as an old, historic, important building based on what is there now.

**MOTION #1:** *Commissioner Michaels moved and Commissioner Bell seconded a motion approving the third party request for a Local Landmark designation of the former Central National Bank building.*

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

*Motion failed by a vote of 5 to 2.*

**MOTION #2:** *Commissioner Michaels moved and Commissioner Bell seconded a motion approving the third party request for a Local Landmark designation of the former Pheil Hotel and Theater building.*

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

*Motion failed by a vote of 5 to 2.*

## V. INFORMATIONAL ITEM

*(Note: the following item was extended from the 4/12/16 meeting.)*

**Potentially Eligible Designation List  
Task Force Identification**

**Contact Person: Derek Kilborn, 893-7872**

### Staff Presentation

Derek Kilborn informed the Commissioners that conversations were held with different groups and does have a more complete list. Three recommendations were received from the Chamber of Commerce, the St. Petersburg Preservation is putting a group together of three, he reached out to a couple of private residential property owners with one a City resident and owner of a property that just went through the designation process, and also approached a downtown commercial owner to provide a different perspective as an owner of a commercial building identified as potentially eligible but has not received a call from him confirming his participation.



Commissioner Michaels suggested adding the Council of Neighborhood Associations (CONA) to the list representing the City-wide, to which Mr. Kilborn agreed.

### **Public Hearing**

Laurie Macdonald, Driftwood resident, stated her pleasure about the upcoming workshops. The residents in her neighborhood are strongly considering applying for district designation and would like information about the process. Mr. Kilborn stated that they would like to schedule a time to meet with the Driftwood residents exclusively to talk about the process as well as the benefits and advantages. He will meet with Ms. Macdonald after today's meeting to schedule a time.

Robin Reed voiced her concern about the three neighborhood meetings scheduled so close together because of residents away on vacation and to consider spreading the meetings out. Commission Chair Carter stated his agreement with Ms. Reed and suggested have the meetings on different days and at different times.

Mr. Kilborn stated that the three neighborhood meetings will be tailored to each of those districts so there was not as much concern as usual with scheduling these meetings in a row.

### **VI. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS**

The Detroit Hotel/Jannus Landing Block designation application will be coming before the CPPC in June.

The kick-off public meeting pertaining to the Design Guidelines of Historic Properties will be held on Wednesday, May 25<sup>th</sup> in the Sunshine Center at 6:30 p.m. Subsequent meetings will be held for each of the Local Historic Districts (Granada Terrace, Lang's Bungalow Court, and Roser Park) on June 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> also in the Sunshine Center at 6:30 p.m. Each of these meetings will involve City staff but more importantly the consultant that the City contracted with to help prepare the update to those design guidelines with the hopes of significantly improving the visual representation of the design elements for each of the architectural styles generally seen in the City.

Commissioner Burke thanked Michael Dema and Derek Kilborn for refusing to answer his questions at the beginning of the meeting regarding the designation item, thus, forcing him to keep an open mind and to listen to everything enabling him to make a good decision.

### **VII. ADJOURN**

With no further items to come before the Commission, the public hearing was adjourned at 6:52 p.m.