



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

**Council Chambers
City Hall**

**January 10, 2017
Tuesday, 3:00 p.m.**

Approved as written 2/14/17

MINUTES

Present: Robert "Bob" Carter, Chair
Keisha A. Bell
Christopher "Chris" A. Burke
Will Michaels
Jeff Rogo
Arnett Smith, Jr., Alternate
Lisa Wannemacher, Alternate
Thomas "Tom" Whiteman, Alternate

Commissioners Absent: Jeffery "Jeff" M. Wolf, Vice Chair¹ *¹ excused*
Gwendolyn "Gwen" Reese¹

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

The public hearing was called to order at 3:01 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 December 13, 2016 meeting were approved as written by a unanimous vote.

IV. QUASI-JUDICIAL PUBLIC HEARINGS

Note: Commissioner Wannemacher was recused from the following item (HPC 16-90300003) due to a conflict.

A. **City File HPC 16-90300003**

Contact Person: Laura Duvekot, 892-5451

Request: Third party request for a Local Historic Landmark designation of the Aiken House located at 118 – 5th Avenue North.

Staff Presentation

Laura Duvekot gave a PowerPoint presentation based on the staff report. To date, 17 public comments have been received by staff in response to this case as well the following three designation cases, with 14 in support and three in opposition.

Applicant Presentation

Emily Elwyn and Howard Hanson, representing the applicant, St. Petersburg Preservation Inc., spoke in support of the designation request. A letter from Peter Belmont, Vice-President of St. Petersburg Preservation, was received by staff supporting the designation of this property and the following three designation cases. Copies of the letter were distributed to the Commissioners prior to the meeting.

Owner Presentation

In Attorney John Anthony's absence who is representing the owners, Suburban Federal Property LLC (70% ownership of Fuel Investment & Development II LLC, the listed owner) and First Street and Fifth Avenue LLC (senior mortgage holder), Allison Doucette, Attorney, gave a presentation in opposition of the designation. Ms. Doucette stated that Mr. Anthony will supply the affidavits upon his arrival.

Don Mastry, Attorney and representing the court-appointed receiver, Larry S. Hyman, gave a presentation in opposition of the designation request.

Public Hearing

Allison Stribling, representing St. Petersburg Preservation, and Sally Lawson, 135 5th Avenue North, spoke in support of the request.

Dan Harvey, Jr., 1425 Central Avenue, spoke in opposition of the request.

Cross Examination

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Rebuttal/Closing Statement

By City Administration:

Waived

By Owner:

John Anthony, Attorney representing the owners, gave a closing statement consisting of the length of time a foreclosure process takes and that this litigation has been ongoing for eight years. A motion will be filed this week by his client for a final judgement of foreclosure. Mr. Anthony stated that his client is entitled to the benefit of being able to develop the parcels just like other developments in the neighborhood. When you have \$5 million worth of property securing an \$11 million first mortgage (in addition to a second and third mortgage), the investors are due a reasonable return or at least not more than a 50% loss on their investment. It is an inordinate burden to have people who don't own his client's property or loan documents try to dictate on how these parcels can be developed. He then offered to sell the structures to the applicant stating that they can move them to an area of their choosing.

Don Mastry, Attorney representing the receivership, reiterated staff's recommendation that the subject property does not meet the conditions to be designated and then asked why designate when it is known that the property will be likely demolished under a COA. Mr. Mastry went on to say that this is confiscating development rights of this property and as the receiver object to that.

By Applicant:

Emily Elwyn stated that it is completely irrelevant to today's decision on how much these parcels are worth or to have any discussion regarding finances as well as any discussion on zoning or zoning changes. Today's hearing is only to determine if these properties meet the criteria for local landmark designation. All prior testimony needs to be disregarded. Mr. Elwyn went on to say that they respectfully disagree with staff on their recommendation for this parcel and any changes made prior to 1923 have to be considered historic; that is part of the Secretary of Interior Standards interpretation. Placing a landmark designation on a property does not prohibit redevelopment nor demolition; there is a COA process to address those issues after the property is landmarked. This house clearly meets the criteria for designation; both with the association with Grant Aiken and that there is nowhere else in the City associated with him or his wife, Maude, still in existence. Changing the porch before 1923 does not take away from its integrity nor do the replacement windows.

Executive Session

Commissioner Michaels asked for confirmation that criteria "G" and "H" only apply to an historic district designation, not to an individual property, to which Ms. Duvekot confirmed as correct.

Commissioner Michaels stated, in regards to criterion "C," that Maude Aiken, whom he believes left a cultural imprint on this community with the opening of the City's first open air school, is the association that would be a reason to designate this building. Ms. Duvekot explained that Maude Aiken was not residing at the subject property when she formed the open air school; she had since moved from the subject property, therefore, did not meet the National Register criteria, of which this recommendation is based upon.

Commissioner Michaels asked in regards to criterion "E" if other buildings have been landmarked with the Japanese style bungalows, to which Ms. Duvekot replied that she is not aware of any in the City.

Commissioner Michaels asked about the alterations made prior to 1923. Ms. Duvekot stated that because of the presence of other craftsman in the area and the way this home had been altered made it difficult to read the original footprint. Ms. Duvekot went on to say that there is certainly some historic importance to this building and it contributes to an important stretch of properties but, in her opinion, the alterations and the current conditions did not warrant individual nomination.

MOTION: *Commissioner Michaels moved and Commissioner Burke seconded a motion approving the Local Landmark designation of the Aiken House located at 118 5th Avenue North.*

VOTE: *YES – Michaels
NO – Bell, Burke, Rogo, Smith, Whiteman, Carter*

Motion failed by a vote of 6 to 1.

Note: Commissioner Wannemacher was recused from the following item (HPC 16-90300004) due to a conflict.

B. City File HPC 16-90300004

Contact Person: Laura Duvekot, 892-5451

Request: Third party request for a Local Historic Landmark designation of the Pricer House located at 126 – 5th Avenue North.

Staff Presentation

Laura Duvekot gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Emily Elwyn and Howard Hanson, representing the applicant, St. Petersburg Preservation Inc., spoke in support of the designation request.

Owner Presentation

John Anthony, Attorney and representing the owners, Suburban Federal Property LLC (70% ownership of Fuel Investment & Development II LLC, the listed owner) and First Street and Fifth Avenue LLC (senior mortgage holder), gave a presentation in opposition of the designation.

Don Mastry, Attorney and representing the receivership, Larry S. Hyman, gave a presentation in opposition of the designation request.

Public Hearing

Allison Stribling, representing St. Petersburg Preservation, and Sally Lawson, 135 5th Avenue North, spoke in support of the request.

Dan Harvey, Jr., 1425 Central Avenue, spoke in opposition of the request.

Cross Examination

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Rebuttal/Closing Statement

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Executive Session

MOTION: Commissioner Rogo moved and Commissioner Michaels seconded a motion approving the Local Landmark designation of the Pricer House located at 126 5th Avenue North in accordance with the staff report.

Commissioner Burke asked what is being built across the street from the subject property, to which Ms. Duvekot replied that she did not know.

Commissioner Burke asked Ms. Duvekot if her thinking changes in any way about the location, feeling, and setting criteria being met with some residential homes being taken down, a convenience store on the corner and some non-residential properties nearby. Ms. Duvekot replied, no, and that there are still a number of homes that face 5th Avenue and it still reads as a very historic, relatively intact corridor; it is really the last remaining stretch of homes of that type on 5th Avenue.

Commissioner Michaels stated that he will support the motion and then cited criterion "E" as a very powerful statement.

***VOTE: YES – Bell, Burke, Michaels, Rogo, Smith, Whiteman, Carter
NO – None***

Motion passed by a vote of 7 to 0.

Note: Commissioner Wannemacher was recused from the following item (HPC 16-90300005) due to a conflict.

C. City File HPC 16-90300005

Contact Person: Laura Duvekot, 892-5451

Request: Third party request for a Local Historic Landmark designation of the Burnside House located at 136 – 5th Avenue North.

Staff Presentation

Laura Duvekot gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Emily Elwyn, representing the applicant, St. Petersburg Preservation Inc., spoke in support of the designation request.

Owner Presentation

John Anthony, Attorney and representing the owners, Suburban Federal Property LLC (70% ownership of Fuel Investment & Development II LLC, the listed owner) and First Street and Fifth Avenue LLC (senior mortgage holder), gave a presentation in opposition of the designation.

Don Mastry, Attorney and representing the receivership, Larry S. Hyman, gave a presentation in opposition of the designation request.

Public Hearing

Allison Stribling, representing St. Petersburg Preservation, spoke in support of the designation request.

Cross Examination

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Rebuttal/Closing Statement

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Executive Session

Commissioner Michaels noted that, in the opinion of staff and the applicant, this property meets three of the significant factors and all of the integrity factors.

MOTION: *Commissioner Michaels moved and Commissioner Rogo seconded a motion approving the Local Landmark designation of the Burnside House located at 136 5th Avenue North in accordance with the staff report.*

VOTE: *YES – Bell, Burke, Michaels, Rogo, Smith, Whiteman, Carter
NO – None*

Motion passed by a vote of 7 to 0.

Note: Commissioner Wannemacher was recused from the following item (HPC 16-90300006) due to a conflict.

D. City File HPC 16-90300006

Contact Person: Laura Duvekot, 892-5451

Request: Third party request for a Local Historic Landmark designation of the Henry House located at 142 – 5th Avenue North.

Staff Presentation

Laura Duvekot gave a PowerPoint presentation based on the staff report.

Commissioner Rogo stated that in regards to using the word “intact” for supporting the recommendation, he pointed out from a photo that the support for the left-hand side dormer is missing as well as there is a demolition notice for this structure and asked how this enters into the integrity and significance of this particular house. Ms. Duvekot replied that there are conditions issue; however, there are beautiful hand-carved details with more tiny and fine details that pop out each time she visits the building and believes it shows enough of the historical appearance that could be brought back to life.

Applicant Presentation

Emily Elwyn and Howard Hanson, representing the applicant, St. Petersburg Preservation Inc., spoke in support of the designation request.

Owner Presentation

John Anthony, Attorney and representing the owners, Suburban Federal Property LLC (70% ownership of Fuel Investment & Development II LLC, the listed owner) and First Street and Fifth Avenue LLC (senior mortgage holder), gave a presentation in opposition of the designation.

Don Mastry, Attorney and representing the receivership, Larry S. Hyman, gave a presentation in opposition of the designation request.

Public Hearing

Allison Stribling, representing St. Petersburg Preservation, and Sally Lawson, 135 5th Avenue North, spoke in support of the request.

Dan Harvey, Jr., 1425 Central Avenue, spoke in opposition of the request.

Cross Examination

By City Administration:

Waived

By Owner:

Waived

By Applicant:

Waived

Rebuttal/Closing Statement

By City Administration:

Waived

By Owner:

John Anthony, Attorney and representing the owners, gave a closing statement stating that litigation is the reason his client has been unable to develop this property. Once settled, jobs will be created with the development and no money will be needed from the City nor state. It takes foresight when assembling five parcels and it is not right for someone to block development, jobs and the downtown tax base by looking from the road thinking that this may be a neighborhood with buildings with structural integrity; they don't buy it.

By Applicant:

Emily Elwyn and Howard Hanson, gave closing statements stating that according to the ordinance a determination of being worthy of preservation and meeting the criteria is needed prior to determining if there is economic viability; the process needs to be followed. Rehabbing properties also create jobs and what is bringing people to this area is the combination of new and old; it's that unique sense of place that people want in St. Petersburg.

Executive Session

Commissioner Whiteman asked if there is a requirement to make the repairs after being designated. Mr. Kilborn stated that they will continue to be processed through the City's maintenance requirement and violations will continue to be processed through the Code Enforcement Board.

Commission Chair Carter asked about the City's role in regards to the citations and fines assigned to this property and why, even in foreclosure, there was no visible enforcement of the maintenance of these properties. Mr. Kilborn stated that this is something that the Historic Preservation office struggles with and the condition of a building should have no bearing on the designation. It is the responsibility of the owner to maintain the property consistent with the maintenance requirement of the code; however, the enforcement is challenging and

there are limits at the state-level on how much staff can do in terms of punitive assessments for negligence. There is an ongoing conversation with the City Attorney's Office about other tools that they may be able to use, particularly as it relates to existing landmarks or properties that are potentially eligible for designation. Commission Chair Carter stated for the record that further dialog/meetings on this topic are needed.

Commissioner Michaels asked staff to talk about the perception that the DC-2 zoning designation somehow trumps the preservation ordinance. Mr. Kilborn stated that this has been talked about before with cases involving downtown property asserting that the zoning is the prevailing consideration and staff, in each of those cases, has disagreed by citing the City's Vision element within the Comprehensive Plan which identifies 15 citizen-based themes. One of those themes regarding recommendations for downtown states "Preserve noteworthy buildings through renovation and adaptive reuse." The second thing that is looked at is the Future Land Use element and for downtown, it is the Central Business District (CBD) which has an Activity Center Overlay, the categories implemented by the Intown Redevelopment Plan. When looking at the history of historic preservation within the Intown Redevelopment Plan when it was first instituted in 1982, there was reference to the importance of historic preservation, even at that time, predating the City's historic preservation ordinance by four years (created in 1986). Since that time, there have been approximately 20 landmarks identified within the Intown Redevelopment Plan and in each of those evaluations, there was a determination that designation was entirely appropriate with the Intown Redevelopment Plan and the Future Land Use element; the Vision element did not come into effect until 2007.

Commissioner Rogo stated that according to the staff report there is a demolition notice for the big building, deeming it unfit and unsafe; therefore, having a hard time finding the integrity. Preservation is a noteworthy goal for a noteworthy structure; he is not sure if this is a noteworthy structure so he will not support the designation for 142 5th Avenue North.

Commissioner Michaels asked to hear staff's response to Commissioner Rogo's objection. Ms. Duvekot pointed out that some of the condition problems that have been brought up relate to what they consider in Preservation as sacrificial material (i.e. roofs will be replaced). What really makes this building significant and distinct is that the fine and intricate details defining the character of this Craftsman house still remain; the distinct design is still there.

Commissioner Whiteman stated that in hearing "sacrificial," why would the City move forward with a demo if it is sacrificial. Ms. Duvekot stated that all of the code violation details were unknown to her and she did not have access to inside the building, but from her observation the details of the house have remained and are visible.

Commissioner Michaels stated that he feels there is not enough information on the demolition issue to make a decision today and then made the following motion.

MOTION #1: *Commissioner Michaels moved and Commissioner Bell seconded a motion to defer this item until next month asking staff to give a full report on the building's condition and the meaning of the demolition.*

Commissioner Whiteman asked staff to respond to the motion. Mr. Kilborn stated that a copy of the demolition violation notice was included in the staff report. In May 2016, a citation by the City's Code Compliance office was given; some of the violations being based on the physical appearance of the building observed from outside

and perhaps some safety concerns related to the missing column from the front projection. When a designation application is filed (as in this case), an ongoing dialog begins between the two departments with Codes putting their case on hold until the designation process is complete.

Commissioner Rogo stated that he would not support the motion to defer; he thinks they have enough information to make a decision today.

VOTE: *YES – Michaels*
 NO – Bell, Burke, Rogo, Smith, Whiteman, Carter

Motion failed by a vote of 6 to 1.

MOTION #2: *Commissioner Michaels moved and Commissioner Whiteman seconded a motion approving the Local Landmark designation of the Henry House located at 142 5th Avenue North in accordance with the staff report.*

VOTE: *YES – Burke, Michaels, Smith, Carter*
 NO – Bell, Rogo, Whiteman

Motion failed by a vote of 4 to 3. A super-majority vote needed.

V. PUBLIC HEARING

A. **EDGE District Improvement Plan**

Contact Person: Gary Jones, 893-7877

Request: Review of the EDGE District Improvement Plan for consistency with the Comprehensive Plan.

Staff Presentation

Gary Jones began the presentation and then introduced the following representatives, David Crawley and Paul Kurtz with AECOM and Frank Pallini with Lambert Advisory who then continued with a PDF presentation based on the staff report.

Commissioner Michaels suggested in regards to the sensitivity to history preservation that they may want to consider the potential landmarks in the EDGE District and be proactive in terms of evaluating whether or not there are buildings there that should be landmarked and, if so, identify those buildings and determine how they may best fit in with the overall Plan.

Commissioner Wannemacher praised the Plan and then asked why not eliminate the vehicular traffic completely along Baum Avenue which seems to be very redundant to have another parallel roadway between 1st and Central Avenue with service vehicles being allowed during designated hours; turn this area into a beautiful pedestrian experience. Mr. Pallini stated that they had considered that early on but that would have eliminated a significant amount of parking spaces (approximately 60) used by employees and that was major with the business owners.

Commissioner Wannemacher stated that those 60 parking spaces may not be needed in the future as more people are using alternate transportation to work (Uber, bicycles, skateboards, etc.) and asked that the Plan somehow address the future vehicular use; be proactive so the vehicles can be eliminated from the roadways and parkways. Mr. Pallini stated that this is a flat space and can be closed off at any time; however, he agreed with the way transportation is going in the future. Gary Jones stated that staff is open to this concept but it is up to the District; maybe transition to closing down for periods of time when needed or maybe closing down a part of Baum Avenue, not all. Mr. Jones agreed that Baum Avenue has great potential.

Commissioner Burke asked about the status of the police station. Mr. Jones stated that he knows it is moving forward but does not have a timeframe.

Commissioner Burke asked about the proposed public and private parking area talked about earlier. Mr. Jones explained that once the new police station is constructed, then the property will be redeveloped. The new police station will have on-site parking.

Public Hearing

Barbara Voglewede, Executive Director of the EDGE District, and Dan Harvey, Jr., 1425 Central Avenue spoke in support of the Plan.

Executive Session

MOTION: *Commissioner Michaels moved and Commissioner Whiteman seconded a motion finding the EDGE District Improvement Plan being consistent with the Comprehensive Plan.*

VOTE: *YES – Bell, Burke, Michaels, Rogo, Wannemacher, Whiteman, Carter
NO – None*

Motion passed by a vote of 7 to 0.

VI. REPORTS

- A. Annual Update, Historic Preservation** **Contact Person: Derek Kilborn, 893-7872**
Presentation on the Certified Local Government (CLG) filing for 2016.

Derek Kilborn gave the Historic Preservation Annual Update based on the material provided to the Commissioners prior to the presentation.

- B. St. Petersburg Preservation Annual Update**
Presentation by St. Petersburg Preservation.

Emily Elwyn and Allison Stribling with St. Petersburg Preservation gave their annual update with a PowerPoint presentation.

C. Draft Heritage Tourism Study

Presentation by Commission Member Michaels for discussion.

This item was deferred until the February 14th meeting.

VII. NOMINATION & ELECTION OF CHAIR AND VICE-CHAIR

Nominations will be taken for the Chair and Vice Chair for the term February 1, 2017 through January 31, 2018.

Commissioner Michaels nominated Commissioner Carter as Chair for the term running February 1, 2017 through January 31, 2018. The nomination was approved by a unanimous vote.

Commission Chair Carter nominated Commissioner Rogo as Vice-Chair for the term running February 1, 2017 through January 31, 2018. The nomination was approved by a unanimous vote.

VIII. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

A plaque was presented to outgoing Commissioner Arnett Smith recognizing his dedicated service to the City of St. Petersburg by serving on various boards since 1998.

IX. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 7:07 p.m.