



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

**Council Chambers
City Hall**

**February 13, 2018
Tuesday, 2:00 p.m.**

Approved as written 3/13/18

MINUTES

Present: Robert "Bob" Carter, Chair
Jeff Rogo, Vice Chair
Keisha A. Bell
Christopher "Chris" A. Burke
Will Michaels
Gwendolyn "Gwen" Reese
Thomas "Tom" Whiteman, Alternate
Sharon Winters, Alternate

Commissioners Absent: Jeffery "Jeff" M. Wolf¹ *excused*
Lisa Wannemacher, Alternate¹

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

The public hearing was called to order at 2:07 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 January 9, 2018 meeting were approved as amended* by a consensus vote.

**The Demolition by Neglect Committee that was established at the end of the January 9th meeting to be included in the minutes.*

IV. QUASI-JUDICIAL PUBLIC HEARINGS

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

A. City File HPC 17-90300005

Contact Person: Laura Duvekot, 892-5451

Request: Owner-initiated application for the designation of a local historic district to the St. Petersburg Register of Historic Places.

Location: The proposed district includes all parcels at the southern edge of 19th Avenue Northeast between 1st Street North and Bay Street Northeast.

Staff Presentation

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

Applicant Presentation

Guy Keirn, property owner within the proposed district, gave a brief presentation in support of the designation request.

Public Hearing

Robin Reed, 705 16th Ave NE and representing Historic Old Northeast NA, spoke in favor of the request.

Emily Elwyn, 836 16th Ave NE and representing Preserve the Burg, spoke in favor of the request.

Cross Examination

Waived by both parties.

Rebuttal / Closing Remarks

Waived by both parties.

Executive Session

Commissioner Burke asked pertaining to size when it is no longer a district. Derek Kilborn stated that in researching this application in conjunction with staff working on some minimum size standard language, it was decided that the current language should remain so opportunities, like this type of application, can be submitted and at least be considered for designation. Mr. Kilborn admits that this application is small (1/2 of a block) and a past conversation pertained to establishing a minimum of both sides of a block; however, this is such a perfect example of why you do not want to set an area size in the regulation. If the Commission has some discomfort about the area being too small, the existing criteria can be used to vote against the designation, but again, this is a perfect example, along with probably others like this in the community, of why staff backed off from changing the language to keep the door open for other areas to be considered.

Commissioner Michaels recalled the history of the Historic Old Northeast effort a few years ago to be designated an historic district area; out of the 1,000 residents that had voted, 85% voted in favor of the historic district designation but it did not reach the threshold (a non-vote constitutes a no vote). The way the policy is currently set up is disincentive and is forcing people to approach special districts on a smaller basis rather than

on a neighborhood-wide basis. He agrees that this is a pristine block and you don't find this kind of collection intensity of homes that are in such great condition and so appealing. He will support the designation request.

MOTION: *Commissioner Reese moved and Commissioner Bell seconded a motion to approve that the North Shore Section-Welch's Mediterranean Row Local Historic District to be added to the St. Petersburg Register of Historic Places in accordance with the staff report.*

VOTE: *YES – Bell, Burke, Michaels, Reese, Whiteman, Winters, Rogo
NO – None*

Motion passed by a vote of 7 to 0.

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

B. City File COA 17-90200047 Contact Person: Laura Duvekot, 892-5451

Request: Approval of Certificate of Appropriateness for new residential construction located at 736 18th Avenue Northeast in the North Shore Section – 700 Block of 18th Avenue Northeast Local Historic District.

Staff Presentation

Laura Duvekot gave a PowerPoint presentation based on the staff report and Derek Kilborn concluded by explaining the material that was distributed to the Commissioners prior to the meeting.

Commissioner Michaels asked about how to address special condition #5 (the wrought-iron railing should be considered by the CPPC) if all of the conditions are approved. Mr. Kilborn stated that he believes that this is a request for the CPPC to consider today and if the Commission is inclined to include this condition in the final vote and then, if need to, the language could be revised to explicitly state that requirement.

Applicant Presentation

Richard McGinniss, property owner, gave a PowerPoint presentation in support of the request.

Registered Opponent

Dr. W.T. (Britt) Cobb, Jr., representing himself and other property owners, gave a PowerPoint presentation in opposition of the request. A copy of the presentation was distributed to the Commissioners.

Public Hearing

The following people spoke in opposition of the request:

- Elizabeth Skidmore, 746 18th Avenue NE and representing the 700 Block of 18th Avenue Northeast
- Robin Reed, 705 16th Ave NE and representing the Historic Old Northeast NA
- John Barie, 2121 1st St NE
- Matthew Grecsek, 756 18th Ave NE and representing the 700 Block of 18th Avenue Northeast

Doug Gillespie, 145 10th Ave NE

Emily Elwyn, 836 16th Ave NE and representing Preserve the Burg

Mary Anne Boston, 745 18th Ave NE and representing the 700 Block of 18th Avenue NE (declined to speak)

The following people spoke in favor of the request:

Dr. Donna Jamieson, 736 18th Ave NE

Arnie Cummings, 715 18th Ave NE

Cross Examination

By City:

Waived

By Registered Opponent:

Question to Mr. McGinniss: What are the specific design features or design details that make this house a Monterey style home, and can you compare and contrast those features or details to the previous “Island Inspired Dutch Colonial,” or “Informal Cottage Style” designs?

Response: I am not the architect. I hired a guy who is well-known, well regarded and famous for these kinds of traditional designs. So, from day what I have said to my neighbors and staff that if they do not like what I am proposing, tell me what you do like. This man (Dr. Cobb) sat at the hearing for the historical designation and he said “I see nothing wrong with what he is proposing.” So, we had a major turn since then. When I had met with staff and asked them what it was, they have coached me and have met on multiple occasions to come up with a design that meets the criteria that also applies to the 10% FAR.

Commission Chair Carter interjected with he believes what the opponent is asking is what is the design and knows that the applicant is not the architect but asked if he knew the answer.

Response: I don’t know. I think that the response I have is that it is an eclectic home just like many homes we have on the block; none of which are the same. We defined it as Monterey but also have other elements to it.

Question to Mr. McGinniss: Can you describe your criteria used for evaluating the compatibility (beyond the initial hurdle of zoning maximums) of the proposed house with the surrounding contributing historic properties, specifically relative to “COA guidelines for new construction” 1, 2 and 8?

Response: As we have identified, we are in a flood zone, can’t change that, so the building is going to be higher; by nature the first floor will be higher than all the other homes in the area and what we have done is try to reduce our plate heights and reduce the pitch of the home to be the best comprise that is available. The only issue here, in my humble opinion, is height; we have 10-foot floor plate heights, 9 feet on the second floor. We are trying our best to come up with a design that addresses that fundamental discrepancy in the streetscape, which is the flood, and we can’t be penalized for that.

Question to Mr. McGinniss: Can you give me an example of a 20-foot tall window structure in an historic district or in the immediately surrounding Old Northeast area in a residential building?

Response: We invited all of our neighborhood to go down to Don Cooper's office in Tampa to have a workshop so that Don could show examples in his office of historic examples of where exactly that is taking place. That attempt has been rejected just like all of the other attempts to reach out to these people have been rejected.

By Applicant:

Question to Elizabeth Skidmore: What are the plate heights (ceiling heights) of your home?

Response: Why do you need to know them?

Response by Mr. McGinniss: Because if you have something, why can't I have it?

Comment to the CPPC: They have plate heights, they have height and they don't want me have it.

Question to Elizabeth Skidmore: What are the ceiling heights?

Response: My ceiling heights are 8 feet.

Rebuttal / Closing Remarks

By City:

Derek Kilborn stated that it has been a very busy week for staff with a lot of new revisions coming in and as we moved through some other presentations with revised elevations, we have tried to keep the process moving but based on differences in the material presented today, if the Commission is inclined to defer this case for one month to solidify some of these points and come back to you with a clear record of what is being proposed, staff will support. It is going to be important for everyone involved to get some clear direction today and the concerns of the Commission can be addressed by all parties (applicant, opponent & City staff). The architectural style was discussed; he did not know the exact origin of the reference to Monterey but does not believe it is entirely on the applicant or the applicant's architect. Staff has used reference to the Monterey form in the staff report; you have seen it is not a clear representation of the Monterey and staff said as much in the opening description where it is also referenced as including Dutch and English Colonial influences. This is not a pure architectural style being presented to you but for the purposes of helping with the analysis, staff did try to look at the form of the structure and some of the finer details to help the Commissioners move into a certain line which is, in Staff's mind, the Monterey, Dutch and English Colonial. The height and scale, as reference by the opponent, has been consistently the feedback that City staff has provided to the applicant throughout this entire process, even predating the demolition application. Complaints from neighborhood residents have consistently been about scale and height and how that compatibility matches with the surrounding neighborhood. There are a lot of finer design details to consider but the one thing staff has always advised the applicant is when you get to the point of new construction and you're presenting to the Commission, it will be really important to have a solid narrative about how your scale and height is consistent with the surrounding neighborhood. This type of narrative was not provided by the applicant until very recently (within the last week or so) when it was clear that many of the neighbors in the surrounding area were going to oppose the proposal at which time staff saw a lot of evolution on the site plan design. Finally, in the cross examination there was a reference of meeting

multiple times with staff; this is what they had talked about – scale and height. Staff knew this would be the critical issue for the applicant to deal with and staff tried to encourage a focus on those two elements throughout the entire process. Mr. Kilborn stated again that if the Commission is inclined to defer, to please have that detail discussion today to provide direction for everyone involved of what to bring back that would be more agreeable

By Registered Opponent:

The style is not of great concern to us; it is the scale and height of the building. There is a long record talking about height and scale. Mr. McGinniss had asked in a meeting over and over what can we do to make it smaller; we have used every trick in the book to make it smaller. However, at the same time this is same house he had shown them a year ago. I suggested in that meeting that perhaps a way to make it look smaller is to make a smaller house; that did not go very far. On February 5th after that meeting, Mr. McGinniss came back with three designs of the same house to address the main concerns of height, design and scale, and basically the house remains the same; it is much too big for the district. I disagree with deferring this to next month because basically there is no way to make this design fit what we feel is acceptable on scale. It is not a detail issue. It has been brought up over and over, it is in City records clearly that that is the case and it is not being addressed. All we get is “You can work on the façade, everything else is zoning.” I also had that clarified that zoning is a minimum hurdle and that there is the COA requirement and what I got back was “You can’t tell us what size house we can build; you know we can have the same size ceiling as you have.” We are the majority of the historic district. We did extend a hand across the aisle to say we realize the house is in tough shape and could be removed and replaced. All we asked is to maintain the character of the block; maintain the scale, the presentation, everything else. I think Mr. McGinniss took that as an opening to build exactly what he wants anywhere else; I did not flip over. I don’t think the look of the house is inappropriate; I think it is way too big. He has pushed the FAR calculation to its absolute limit and I think Council will have to reconsider over time because it’s really not a good measure of the scale and size of the house on the block which is very important for an historic district. It must be designed to be appropriate for the block; that comes down to scale and size. This purely about building an over-scaled spec house beside us and selling it.

By Applicant:

If you look at the diagram and the FARs, there are examples in that neighborhood that have used FARs on larger lots. If you exclude the two lots at the end, we’re at a comparable size, certainly within range. When you talk about the status, the differential between zoning and historic, it was made very clear and discussed at great length at the hearing when establishing the district when Commissioner Nurse made it very clear that zoning would dictate and that the process shouldn’t be burdensome. They have taken the recommendations to heart and have implemented every single one of them and is more than happy to continue that dialogue. The fundamental problem we have here relative to scale, which you can’t ask me to be penalized for, is my building has to be higher than everybody else’s because it is in a flood zone. If you take that down, it’s exactly the same height as the buildings next door; it’s the same plate heights, the same height. So, what’s the solution? Do I make my ceiling height 7 feet; that’s outrageously punitive. All we are asking for is a very minimal, average height of a building that is unfortunately elevated because of flood. We have done everything that we can and hired a lot of smart people to try to mitigate that. I spent \$50,000 going through this process and that’s what I call burdensome. I have done studies upon studies upon architectural studies to make sure that we are addressing the issues that the staff has brought up. I was told time and again that the design you have may be fine and to leave it to staff to make the recommendations and to guide the process; they’ve done that. We got a

list of recommendations, we're willing to implement them; case closed. We need zoning and we are willing to comply with historical. We have tried in our own way to try to figure out some way to have some kind of dialogue; that has not happened. It's not because we haven't reached out, it's because it has not been reciprocated. In closing, the key points here are we met with zoning staff, met with historical staff, we've gone through multiple meetings to make sure we complied with all of the new very strict FAR requirements; we've met all of those thresholds. We have a consistent FAR with the other houses in the area which is the metric of choice for the City St. Petersburg. We meet all of the setbacks; we are 6-feet below the maximum height of the building should be. We have accomplished all of the objectives that staff has told use, we have gone through the process, we have met all of the zoning requirements; we demand approval.

Executive Session

Commission Chair Carter stated that the goal of this Commission is not to split up neighborhoods but to join neighborhoods together and this is what they try do with each and every case. The decisions made by the Commission may not be liked by everyone but they have to make the calls on these decisions. They applaud neighborhoods that want to come together by a legitimate process to become historical. They are not saying it is right or wrong, but saying it complies. This applied to the North Shore Section-700 Block of 18th Avenue Northeast when they received their historical designation; they did the process by the book, obtained the signatures, they talked with their neighbors and they got the historical designation done. If they are going to treat historically-designated areas like every other district in the City then why be historically designated. Don't think of it as just a negative but carries with it a lot a pluses, not only with the credits but to the value of everyone's house.

Commissioner Whiteman asked about the roof peak heights of the other houses in the neighborhood. Mr. Kilborn stated that they did have extensive discussions about building height and the ability to demonstrate to the Commission in their application the height of their proposed building in relationship to the other structures on the block. Only the last week that we received an elevation drawing showing the proposed building in relationship to the other buildings around it and given the timing, we don't know how accurate that image it but have no reason not believe its accuracy. This is said only as a precaution. On page 14 of 35, there is some height information; the approximate height beginning peak from ground level and that is showing the properties that are on the same side of this block face.

Commissioner Whiteman observed that this property is 10 feet higher than any of these. Mr. Kilborn replied yes, you are correct based on the numbers you can see 24 feet 6 inches, 25 feet 4 inches, 21 feet 8 inches, and 27 feet 4 inches. At the time the staff report was being written, it was 33 feet 4 inches. You heard today that in the last few days, there was a modified elevation submitted that cut down the overall height of the roof peak.

Commissioner Whiteman stated that 33 feet 4 inches is after allowing 2 feet 4 inches for the fill. Mr. Kilborn stated that's correct and that the other thing to remember is we do have flood zone requirements which complicates this part of the discussion because the applicant has to comply. You have base flood elevation line and then you have the City's building requirement adding an additional 2 feet above that.

Commissioner Whiteman stated that as he looks at the COA and what staff is recommending on page 8 pertaining to the St. Petersburg Historic and Secretary of Interior Standards, he does not understand how this case got this far; everything he is reading is wrong. Mr. Kilborn stated that there was an evaluation done at the

proposal and based on the assessment of the minimum criteria, staff felt it could be brought to the Commission with some conditions of approval, expecting that from the discussion there might be additional conditions added. This is new territory for everybody; we're considering new infill construction in local historic districts. It's not something that we see often; it is something we will start to see more as these new local historic districts come on line. So the only experience that this Commission has in reviewing these types of applications are a couple of applications from the Granada Terrace neighborhood. Staff felt that based on the proposal, it met the minimum requirements with the conditions that staff is suggesting.

Commissioner Rogo stated that he had heard several different numbers for the height of the proposed structure; 30 feet, 34 feet, and 39 feet. He wants to know what is considered the height which will include the FEMA requirements. He understands that 36 feet is the highest allowed within this area. Mr. Kilborn stated that for the zoning, 36 feet is correct.

Commissioner Rogo observed that the actual height, including FEMA's regulations requiring 2 feet above grade, brings it to 34 feet roughly of the height of the proposed structure. Mr. Kilborn stated that what staff has is an elevation received in the last couple of days with option 4 (called today and seen in the material) showing 30 feet from main floor plus an additional 4 feet 5 inches to the street, so that will be 34 feet 6 inches. Maybe this is a question for the applicant who can provide additional narrative about the building height and how it is reflected in the amendments that were just recently submitted to staff.

Commissioner Rogo asked the applicant if he felt 34 feet is a fair number. Mr. McGinniss stated that initially when the first plan submitted it was about 34 feet high and after discussing with staff, it was reduced to 30 feet. They looked at some other lower pitch options and his architect did not feel they were appropriate, so what they are currently proposing is 30 feet; reduced to 6 feet below flood (allowed by zoning) with an elevation around 6 feet at the curb which will add about 4 feet. 34 feet would be the total height from curb to top of peak. The actual structure is 30 feet using 10-foot, 9-foot ceiling heights and a pitch normal for this type of construction. The only thing left to do is decrease the ceiling heights, make the pitch smaller or use a flat roof which he feels would not appropriate for the neighborhood.

Commissioner Rogo asked if there is a character or style that dominates this area or in this block, to which Ms. Duvekot replied, no.

Commissioner Burke asked staff that when they are formulating their recommendation, are they allowed to use visual compatibility of height and scale in addition to zoning. Mr. Kilborn replied, yes. In the case of the floor area ratio, when we start to look in detail at this district and how we are going to assess that staff looks at the various FARs for the different properties in the district. The way these particular FARs were calculated, the numbers were pulled from the Property Appraiser Office website for the lot area and building area, excluding the open porch features because they are not typically calculated in the FAR. When you move to the center of this particular block, which is where this property is located, you begin to see some higher FAR numbers. The applicant is requesting .60 which is definitely high for the district but when you run the numbers from across the street, they are .50, .64, and .57. In staff's opinion, the applicant's request meets the criteria on a very minimal level. Mr. Kilborn went on to say that in the North Shore District, you have a much broader blending of styles which makes it challenging and begins to move toward that gray area regarding architectural integrity. Staff acknowledges that there are legitimate concerns about scale and height and how they relate to the other visual compatibility and elements of the surrounding district.

Commissioner Burke asked what is included in the FAR. Mr. Kilborn stated that the FAR is enclosed living space including a garage; carports are not included.

Commissioner Michaels stated his agreement with the suggestion of taking more time for this and to defer for the benefit of additional thought and perhaps the parties can come back with something more agreeable to everyone and still address the guidelines that they need to consider. He is concerned about the height and scale and needs to be focused on. He does not think that the building may automatically be built 2 feet higher because the flood requirement calls for 2 feet. He is also concerned about the style; to him what is being proposed does not seem to fit the Monterey style, is kind of a hybrid and would stand out on the block, is too dominant as presented. He would like clarified the facts as they pertain to the law; if zoning negates the compatibility requirements under the preservation ordinance. Michael Dema stated its both, not one over another; zoning is a threshold consideration and in a historic district, you also have to assess it under the 13 criteria for COA for new construction.

Commissioner Reese asked that if this item is deferred for 30 days, would it cause an undue burden on the applicant. Mr. Kilborn stated that it would not cause a burden for staff but should ask the applicant. Mr. McGinniss stated that they felt they have done that already. We have gone through the process, received recommendations from staff and agreed to implement those recommendations, and we have been at this for a year and a half spending an insane amount of money; it is an undue burden on him. He feels that they have met all of the criteria.

Commissioner Reese stated that for her to be able to vote either way, she would like to have clear information and then made the following motion:

MOTION: *Commissioner Reese moved and Commissioner Michaels seconded a motion to defer for 30 days for additional information.*

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

Motion was approved by a vote of 4 to 3.

V. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

Michael Dema introduced Heather Judd, Assistant City Attorney. She will be working with the CPPC moving forward.

VI. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 4:37 p.m.