



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

**Council Chambers
City Hall**

**July 11, 2017
Tuesday, 2:00 p.m.**

Approved as written 8/8/17

MINUTES

Present: Robert "Bob" Carter, Chair
Jeff Rogo, Vice Chair
Keisha A. Bell
Will Michaels
Lisa Wannemacher, Alternate
Thomas "Tom" Whiteman, Alternate
Sharon Winters, Alternate

Commissioners Absent: Christopher "Chris" A. Burke¹ ¹ *excused*
Gwendolyn "Gwen" Reese¹
Jeffery "Jeff" M. Wolf¹

Staff Present: Derek Kilborn, Manager, Urban Planning & Historic Preservation
Larry Frey, Historic Preservationist II, Urban Planning & Historic Preservation
Laura Duvekot, Historic Preservationist II, Urban Planning & Historic Preservation
Corey Malyszka, Urban Design & Development Coord., Development Review Svcs
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 AND SWEARING IN OF WITNESSES

II. ROLL CALL

III. MINUTES

The minutes from the May 9, 2017 meeting were approved as written by a consensus vote.

IV. QUASI-JUDICIAL PUBLIC HEARINGS

Note: Commissioner Wannemacher was recused from the following item (COA 16-90200056) due to a conflict.

A. City File COA 16-90200056

Contact Person: Larry Frey, 892-5470

Request: Approval of Certificate of Appropriateness for a rooftop addition as an outdoor spa deck and lounge use on the Ponce de Leon Hotel, located at 95 Central Avenue, and approval of variances for reduced setbacks and building separation.

Staff Presentation

Larry Frey gave a PowerPoint presentation based on the staff report. Two letters of opposition were received and distributed to the Commissioners prior to the meeting.

Applicant Presentation

Savni Bakrac of Bakrac Inc. (owner) spoke briefly in support of the request stating his agreement with staff's recommendations.

Registered Opponent

Daniel Hoekenga, 1 Beach Dr SE (Bayfront Towers) and representing himself, gave a presentation in opposition of the request. He has no objection to the spa but does object to another bar & restaurant in a place where there are currently three bars (one is closed) and a restaurant on the ground level. He also stated that the plans presented today suggest that the egress (fire exit) will be built on Hampton Inn's property without their permission. He also talked about the garbage from the bars & restaurant being stored on the public right-of-way (sidewalk) emanating foul odors and this problem will only increase if another bar & restaurant is approved.

Public Hearing

Harvey Ford, attorney representing Florencia Park, LLC (Hampton Inn) spoke in opposition of the request. The Hampton Inn is opposed to the requested COA and variances; will not grant an easement under any circumstances because of the existing non-compliant uses of the alley. He also offered concerns regarding increased noise from the rooftop proposal that could affect the Hampton's guests. Hampton Inn sent a letter to the applicant about a month ago advising him of the easement not being granted.

Howard Hansen, representing St. Petersburg Preservation, spoke in support of the request.

Mark Feldman, 1 Beach Dr SE (Bayfront Towers), spoke in opposition of the request; concerned about increased noise and garbage.

Richard Hedrick, 1 Beach Dr SE (Bayfront Towers), spoke in opposition of the request; concerned about public safety (fire ingress & egress) with both sides of the alleyway obstructed with air conditioning mechanical systems, dumpsters, transformer, and a locked gate. He is also concerned about increased noise.

Cross Examination

By City Administration

Waived

By Registered Opponent

Waived

By Applicant

Waived

Rebuttal/Closing Remarks

By City Administration

Dr. Frey clarified that the original request was for a rooftop bar but today's request is for a rooftop spa deck and lounge only. An egress agreement is needed to be able to move forward with the project, no matter what the Commission decides today. If such an agreement is not made with Hampton Inn, other options will be explored. The garbage issue will need to be taken up with Codes Compliance.

By Registered Opponent

Mr. Hoekenga stated that Appendix D of the COA states "Restaurant" and "Other Bar Seating" area; it does not state spa. The original drawing when this was first filed had been altered with the tables crossed out. The current drawing in Appendix G shows a space and does not show the spa furniture that was indicated in staff's presentation.

By Applicant

Mr. Bakrac stated that a meeting was held with the owner of the Hampton Inn at which time an easement was agreed upon. Since then, another person with Hampton Inn decided against the easement and he then pursued another way with the Fire Dept. at which time the bar/restaurant use was changed to spa/lounge. He is no longer looking for an easement agreement with Hampton Inn. The A/C equipment was placed in the alley at Hampton Inn's request to lessen the noise for their clients. The roof is in bad condition needing to be replaced and he is trying to utilize the new roof with the best uses. It cannot be a restaurant due to the lack of kitchen facilities as well as the requirement of bigger space and better access. The noise will not be an issue due to the needs of the guests renting rooms wanting quiet sleep.

Executive Session

Commissioner Rogo asked why this Commission is dealing with the variance issue. Mr. Kilborn replied that the code directs, when processing a COA with variances, that this Commission would be empowered to make those decisions for efficiency reasons so the property owner would not have to go to two separate Boards for two separate reviews.

Commissioner Michaels stated that from these discussions, one of the major issues is whether or not a bar or restaurant will be on the roof and then ask the owner if he would be agreeable to a special condition restricting a restaurant or bar from the roof, to which Mr. Bakrac agreed.

Commissioner Whiteman asked about the outside speakers. Mr. Bakrac stated that if speakers were used, they would comply with the City's ordinance as well as being aware of the people renting rooms in the Ponce de Leon Hotel also wanting to sleep.

Commissioner Whiteman asked about the outside walls around the rooftop. Mr. Bakrac stated that they will remain as is at 3-feet.

Commissioner Bell stated her concern with the speakers and then asked how they would coincide with the spa atmosphere (calm & tranquil). Mr. Bakrac replied that the speakers will be smaller catering to the clients taste in music; they will not be the big heavy speakers.

Commission Chair Carter stated his concerns about garbage, the placement of garbage, and the fire health & safety access, and then asked Dr. Frey how these elements were taken into consideration. Dr. Frey stated that the garbage and trash bins are not part of what he reviews and has little to do with the architecture. In regards to the egress, they are now looking at the north side which appears is not going to happen. If the owner can get the Fire Dept. to approve another form of egress either on the east, west or south elevation, which will be required, he asked the Commission to allow staff to look at to ensure compatibility. It would be no problem if an existing entrance is used; however, if it is a new opening, then it would be determined at staff level if they could review the egress and, if not, it would be brought back to the Commission.

Commission Chair Carter stated that he would like the motion to include asking staff to check into the garbage and health & safety issues which are two legitimate concerns of the Hampton Inn and the residents of Bayfront Tower.

Commissioner Bell asked Mr. Ford the position of Hampton Inn of the proposal since the owner is not asking for an easement from them. Mr. Ford stated that the dumpsters are the problem; the Hampton Inn built an enclosure for their dumpsters hiding them from public view. The Ponce is leveraging their development onto his client's property with not just leaving the garbage bins half open but with graffiti as well. They also have concern with the orientation of the speakers (facing north toward the Hampton or facing south toward the Bayfront Tower). He commended Mr. Bakrac for bringing an old building back to life and being a gentleman throughout the process, but feels there will be a negative impact on the Hampton Inn business if this request is approved. The Hampton Inn is opposed to the easement and to the variances.

Commissioner Whiteman asked staff for the definition of the word lounge. Dr. Frey stated that he looked throughout the code and was unable to find anything related to bar and all he could find related to lounge was a resting area, place to rest, relax.

Commissioner Rogo asked if the lounge will provide alcohol to those people that are resting. Dr. Frey stated that a hotel guest could conceivably bring a drink from another location (e.g. restaurant) unless the owner could somehow prohibit it. Dr. Frey went on to say that it is their understanding that liquor sales from the rooftop lounge would not be approved without additional review. Staff is looking at the lounge in terms of a spa, not for selling alcohol.

Commissioner Rogo asked staff about reduced setbacks and building separation. Corey Malyszka stated that the existing building is non-conforming and the proposed setbacks are along the three street sides which the

code requires 20-feet and they are at 0, and the code requires distances between buildings at 15-feet and they are currently at 5-feet.

Commission Chair Carter asked if the Hampton Inn got a setback variance when they built. Mr. Malyszka stated that he could not answer definitely because that was done under a different code and predated his time with the City.

Commissioner Whiteman asked if the condition of no live outdoor performances include a DJ, to which Mr. Malyszka replied, yes.

MOTION #1: *Commissioner Michaels moved and Commissioner Bell seconded a motion to amend staff's recommendation to add that there shall be no bar or restaurant on the roof.*

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

Motion passed by a vote of 5 to 1.

MOTION #2: *Commissioner Michaels moved and Commissioner Bell seconded a motion approving the request as amended.*

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

Motion passed by a vote of 5 to 1.

B. City File COA 17-90200023

Contact Person: Larry Frey, 892-5470

Request: Approval of Certificate of Appropriateness for new residential construction located at 888 Roser Park Drive South in the Roser Park Historic District.

Staff Presentation

Larry Frey gave a PowerPoint presentation based on the staff report. No responses from the public have been received.

Applicant Presentation

Judith Turner (owner) gave a brief presentation in support of the request and stated her agreement with staff's recommendations.

Public Hearing

Howard Hansen, representing St. Petersburg Preservation, spoke in support of the request; however, he personally feels a new building should be a new building and not a replication (e.g. craftsman style in this case) and is baffled by the proposed metal crimped roof. He also has concerns about the location in a sensitivity 2

level archaeological zone and feels that with any type of construction a COA should include the owner to automatically go to the public archeology non-profit group at USF in Tampa who will then come out to test the site for free enabling a graduate student to gain experience. Roser Park was a major aboriginal village site which, unfortunately, has been demolished and any remnants would be very important. He suggested holding a workshop sometime in the future about new in-fill and what is appropriate; it is a complex issue.

Cross Examination

By City Administration

Waived

By Applicant

Waived

Rebuttal/Closing Remarks

By City Administration

Dr. Frey stated, in regards to the roof, that he personally likes the metal roof but he did suggest to the owner about maybe coming up with a more historical looking type of metal and then stated that one or two streets south of the subject site, there is a house with a tin roof that maybe could be copied. Dr. Frey went on to say that he has not completely closed the door on the metal roof but is not sure the proposed roof is appropriate in this district, especially on a house that is a portal to the district, but is open to suggestions from the architect.

By Applicant

Ms. Turner stated that she thought her architect did find some examples and maybe had not forward to staff and did show her one example in the area that has a metal crimped roof. Her reason for using a metal roof is the simplicity of installation as well as in the event a second floor was installed, a metal roof could be dismantled and reused, unlike a shingled roof. She will be happy to go along with whatever is recommended.

Dr. Frey stated that two metal roofs were found but were outside of the district and also mentioned that if the roof composition is changed then the roof pitch will have to change as well.

Executive Session

Commissioner Whiteman asked about the difference between conditions #1 and #6 listed in the staff report. Dr. Frey stated they are a duplicate and #6 could be eliminated.

Commissioner Rogo stated his agreement with Mr. Hansen regarding an archaeological study to be done on the subject site and if the City and owner are in agreement, he would like to amend the motion adding that there be an archaeological study of the property prior to the beginning of construction. Mr. Kilborn replied that staff is looking at implementing the certificate of procedure requirement of properties located in sensitivity level areas. With sensitivity level 1 properties, there should be an archaeologist involved for ground disturbing activities on the property because there have been artifacts previously identified with that location. With sensitivity level 2

properties, the property owner is encouraged do the same things as in a level 1 area but not required. Staff had talked with representatives from the USF office that Mr. Hansen referred to and the feedback was when they were constructing the maps, sensitivity level 2 was based only on predicted modeling; no artifacts found nor any study done at that location, simply predicted modeling based on what is known about the cultures living at that time and how they may have located themselves geographically. Staff has been advising people that for sensitivity level 2 properties to seek out archaeological assistance but because the Management Plan does not require that, staff is not requiring it.

Commissioner Michaels supports having an archaeologist or someone trained in identifying archaeological artifacts on site to observe as the ground is broken.

Commissioner Wannemacher stated that the existing lot is non-contributing and then asked if the new structure will be contributing after construction, to which Dr. Frey replied, no.

Commissioner Wannemacher stated she personally has no issue with the crimped metal roof and pointed out that the roof color may play more into the determination of whether it is compatible or not; staff should evaluate the color. Commissioner Wannemacher went on to say that she feels the condition of the roof cladding should be eliminated. She expressed her concern about the cost associated with an archaeologist on-site and she is not in favor to mandate it to the owner if not required.

Commissioner Rogo pointed out that there would be no cost to the owner if they go through USF.

Commissioner Wannemacher responded by asking what is being recommended; an archaeological report or a presence of an expert on-site during ground disturbing activities which could extend over a couple of weeks and if the student really understands what their role would be. She feels that there will be cost associated with that and it would not be insignificant. Mr. Kilborn explained that this has not been done with sensitivity level 2 properties but with sensitivity level 1 properties, it has been handled two different ways; (1) an architect was hired to be on-site during the time of the ground disturbing activities, and (2) an archeologist was hired to come out to survey the property before the ground disturbing activities began with a report filed with the City of the findings.

Commission Chair Carter commented that color is not in the purview of the Commission's decision. Dr. Frey stated that he believes that the Commission could make it a condition; however, because metal was not taken out staff will work with the architect to help make it less conspicuous. Commission Chair Carter stated that that would be a great idea.

Commissioner Michaels suggested, as a compromise, to at least notify the USF Resource Center of the dig and leave it up to them to whether or not they want to come.

Commissioner Whiteman asked Commissioner Wannemacher if she is suggesting to change condition #2, to which Commissioner Wannemacher replied that she would like to have it stricken believing the crimped roof could become compatible and she would like to have that worked out at the staff level.

MOTION #1: *Commissioner Wannemacher moved and Commissioner Whiteman seconded a motion to eliminate staff's required condition of approval #2.*

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

Motion passed by a vote of 7 to 0.

MOTION #2: *Commissioner Michaels moved and Commissioner Rogo seconded a motion to notify the USF Resource Center of the planned dig at this site.*

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

Motion passed by a vote of 7 to 0.

MOTION #3: *Commissioner Rogo moved and Commissioner Whiteman seconded a motion to eliminate staff's required condition of approval #6.*

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

Motion passed by a vote of 7 to 0.

MOTION #4: *Commissioner Michaels moved and Commissioner Bell seconded a motion approving the request as amended.*

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

Motion passed by a vote of 7 to 0.

V. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

The Heritage Tourism Stakeholders meeting was held on June 29th; it was a very productive meeting.

An LDR text amendment pertaining to the CHHA will be coming before the Commission in August.

The Design Guidelines are coming before the City Council for approval this Thursday, July 13th.

Ballots were mailed for the 300 block of 16 Ave NE Local Historic District and an update will be given at the August meeting.

Birdcage House Multiple Property Landmark Designation application forthcoming.

Survey results of the South St. Petersburg CRA will be forwarded to the National Register listing.

VI. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 3:50 p.m.

For additional information, please telephone 893-7871 or visit the St. Petersburg Planning & Economic Development Department on the 8th floor of the Municipal Services Building at One Fourth Street North.