



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

Council Chambers
City Hall

August 14, 2018
Tuesday, 2:00 p.m.

Approved as written 9/11/18

MINUTES

Present:

Jeff Rogo, Vice Chair
Christopher "Chris" A. Burke
Will Michaels
Gwendolyn "Gwen" Reese
Jeffery "Jeff" M. Wolf
Sharon Winters, Alternate

Commissioners Absent:

Robert "Bob" Carter, Chair¹
Keisha A. Bell¹
Lisa Wannemacher, Alternate¹
Thomas "Tom" Whiteman, Alternate¹ ¹ *excused*

Staff Present:

Elizabeth Abernethy, Director, Planning & Development Services
Derek Kilborn, Manager, Urban Planning & Historic Preservation
Laura Duvekot, Historic Preservationist II, Urban Planning & Historic Preservation
Britton Wilson, Planner 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 2:00 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 July 10, 2018 meeting were approved as amended* by a consensus vote.

* The statement from the public speaker on page 2 was clarified and Commissioner Winters' statement on page 4 was corrected (recited was changed to *cited*) and after (2) the addition of *sea level rise and stress on...*

IV. QUASI-JUDICIAL PUBLIC HEARINGS

A. City File HPC 18-90300006**Contact Person: Larry Frey, 892-5470**

Request: Owner-initiated application for a Local Historic Landmark designation of the New Redeemer Evangelical Lutheran Church (Gateway Christian Center), located at 4355 Central Avenue.

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Brett Castellucio with Design Styles Architect and representing the owner, Squarmouth LLC, gave a PowerPoint presentation in support of the request.

Public Hearing

No speakers present.

Cross Examination

Waived by both parties.

Rebuttal / Closing Remarks

By Staff: Mr. Kilborn stated that regarding the adaptive reuse portion of the application, the applicant still needs to go through the normal permit requirements to modify the space; approval would give them access to additional use-types that are otherwise prohibited within the zoning category.

By Applicant: Mr. Castellucio stated regarding the adaptive reuse, the plans shown in their presentation are just a proposal now; no construction is currently underway until they have gone through the entire historic preservation process.

Executive Session

MOTION #1: *Commissioner Wolf moved and Commissioner Winters seconded a motion to approve the Local Historic Landmark designation of the New Redeemer Evangelical Lutheran Church, located at 4355 Central Avenue, in accordance with the staff report.*

Commissioner Wolf stated that it seemed straight forward on the preservation side and can understand the adaptive reuse as an aid to encourage more preservation; it is a good thing for the City to offer.

Commissioner Michaels stated his agreement; the staff report is well reasoned for this recommendation and it is exciting to see a couple of the incentives that are being used here for historic preservation (adaptive reuse and ad valorem tax exemption).

Commissioner Winters asked why the east portion of the building was not proposed for designation. Mr. Kilborn stated that when staff initially evaluated the building, they looked only at the west end. When they

realized that the plans included the entire building, an assessment was performed on the east end. Staff felt there could be an argument for the east end, but from a timing perspective, the applicant was interested in moving forward without it.

Commissioner Winters applauded the application and the adaptive reuse piece of it; very excited that the City provides this opportunity and appreciates the pro-active approach to tackling the economic development. She is fully supportive of the request.

Commissioner Rogo asked that with approving this adaptive reuse application, would a COA come before the CPPC sometime in the future. Mr. Kilborn replied that it's possible but not necessarily required; many modifications are only required to be reviewed at the staff level. If there are major exterior modifications (e.g. new addition), a public hearing review would be required. Based on what staff has seen so far, most of the modifications will be reviewed at the Historic Preservation staff level.

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

Motion passed by a vote of 6 to 0.

MOTION #2: *Commissioner Wolf moved and Commissioner Winters seconded a motion to approve the adaptive reuse, in accordance with the staff report.*

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

Motion passed by a vote of 6 to 0.

B. City File HPC 18-90300007

Contact Person: Larry Frey, 892-5470

Request: Owner-initiated application requesting designation of 801, 823, and 829 10th Avenue South as contributing properties to the Roser Park Historic District listed in the St. Petersburg Register of Historic Places.

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Applicant was not present.

Public Hearing

No speakers present.

Executive Session

MOTION: *Commissioner Winters moved and Commissioner Wolf seconded a motion to approve the designation of 801, 823, and 829 10th Avenue South as contributing properties to the Roser Park Local Historic District listed in the St. Petersburg Register of Historic Places, in accordance with the staff report.*

Commissioner Burke stated his concern about designating small parcels; a hodgepodge of districts will be confusing to future home buyers. Mr. Kilborn acknowledged the concern but pointed out that the three subject properties are adjoined and an addition to an existing boundary. There is discussion among the neighborhood about looking at the existing National Register boundary and the Local Historic boundary (they are not the same); did not make sense why some of the properties were excluded and if a new analysis was done today, it would make sense to extend the district boundary to 11th Avenue South. Staff is providing backup information to the residents to help with their discussion which they will need to take the leadership on.

Commissioner Michaels stated that the staff report is very well written and researched outlining a very thorough case for the designations. He then asked why significant criteria D did not apply; it speaks to a master City builder and he feels that Charles Roser fits that category (developed one of the most splendid neighborhoods in the City and pioneered the use of brick for neighborhood development such as Roser Park). Mr. Kilborn stated that Charles Roser was important to the development of Roser Park but does not have documentation of him constructing the three subject properties. Because no documentation was found in the initial assessment, that may be why Mr. Roser was not included as one of the criteria. The report research and determination were made by Dr. Larry Frey, not in attendance.

Commissioner Michaels stated that many of the early developers did not actually build the homes, they platted out the neighborhoods, streets, utilities, etc.; Mr. Roser was an exception where he did build some of the homes in Roser Park but not all.

Commissioner Rogo stated that he is supportive of the request because there may be others to follow suit and is happy to hear about the discussion Roser Park residents are having about the boundary line.

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

Motion passed by a vote of 6 to 0.

C. City File COA 18-90200038

Contact Person: Larry Frey, 892-5470

Request: Approval of Certificate of Appropriateness of a variance for setback reductions to add a bungalow-style front porch to an existing home, located in the Southeast Kenwood Local Historic District at 2050 Burlington Ave North.

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Autumn Stacy, owner, spoke in support of the request.

Commissioner Burke asked if she had any objection to narrowing the porch, to which Ms. Stacy replied, no. She just wants it to fit in with the rest of the neighborhood.

Commissioner Michaels asked if condition #1 referred to narrowing the width as well as reducing the length of the porch. Mr. Kilborn stated that the width is across the house; not referring to the depth of the porch. Staff would like these homes to have functional front porches so that they are actually used, and the requested extra dimension is a minimum of what staff looks to for property owners to have those functional front porches.

Commissioner Rogo asked if they felt that they could do the concrete stoop, to which Ms. Stacy replied, yes.

Public Hearing

No speakers present.

Executive Session

MOTION #1: *Commissioner Wolf moved and Commissioner Winters seconded a motion to approve the Certificate of Appropriateness with the condition of reducing the width of the front porch and comply with the City's request for the stoop materials, located in the Southeast Kenwood Local Historic District at 2050 Burlington Avenue North, in accordance with the staff report and recommendations.*

Commissioner Michaels asked staff about criteria #7 (not relating to the character of the original recessed porch), criteria #8 (proposed gable represents a miscue), and criteria #11 (incompatibility of Craftsman type of roof design). Mr. Kilborn stated that staff had some challenges when they were evaluating this request; its minimal Traditional design structure in a district predominately built with Craftsman style bungalows. In this case, there are some Craftsman style elements to it (e.g. the flaring of the porch column bases). On balance, staff felt the proposal was compatible enough to recommend approval as well as the owners' timeline from the result of Hurricane Irma.

Commissioner Winters asked about the replacement of windows. Ms. Stacy stated that the front wall had to be rebuilt due to the damage from Hurricane Irma and the replacement double hung windows (hurricane-resistant impact required by code) will be more aligned with the other houses in the neighborhood.

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

Motion passed by a vote of 6 to 0.

MOTION #2: *Commissioner Winters moved and Commissioner Wolf seconded a motion to approve the variance request for the three-foot setbacks for the front porch and stoop, in accordance with the staff report.*

Registered Opponent Presentation

Philip Garret and Helen Simon gave a presentation in opposition of the request. Pictures were submitted of the most recent three houses built in Lakewood Estates on parcels that were previously rezoned by the Country Club and sold to a developer; they are out of character for the neighborhood. A delay in the zoning change to explore alternatives was requested. The Lakewood Estates CA did not give the residents any advanced notice of this proposal; application was submitted on May 30th and the residents were advised when notices were received on August 4th. The City purchased 35 acres of Country Club land for \$1.1 million in 2015 to expand Boyd Hill. However, in exchange, it was agreed that there would be support of the Country Club's bid to sell more other valuable property along the golf course to developers; this was not transparent. They believe the application process was not followed; the residents were not given ample time to understand the process and the effects of the proposal. Concerned about the effects from the controlled burns by Boyd Hill to the future property owners of the parcel across the street (Area D) and asked to have this area removed from the application until further research/analysis is done. There is no data on how 21 new homes will affect the aging sewer system and the run-off drainage. The City's comprehensive plan is based on the preservation of the residents in the community, not on the County Club's financial situation.

Public Hearing

The following people spoke in opposition of the request:

Lori Burke, 2140 Catalonia Way S. Concerns: impact on signature trees and bushes that house gopher tortoises; future houses not in character with the neighborhood around the proposed parcels; and environmental damage. Requested to delay action until additional information is obtained and to have an Urban Forester identify the type of trees on the proposed parcels.

Debbie Garrett, 2030 Caesar Way S. Concerns: Proper notice was not given and did not understand the notice; aging sewer line; wildlife nature in the area; and traffic flow.

Jason Cowen, 2564 62nd Ave S and representing Friends of Boyd Hill (against Area D). Concerns: controlled burns and the proximity (across the street) to the Preserve which is an uplands habitat consisting of some smaller imperiled habitats that house federally-endangered species of plants as well as state-threatened gopher tortoises; and no notice was received, the information about this proposal was obtained from a resident of the neighborhood.

Jim House, 3033 39th Ave N and representing the Sierra Club (against Area D). Concerns: proximity the Preserve which is a fire-dependent habitat and must have controlled burns on an almost yearly basis; and lack of transparency

The following people spoke in support of the request:

Judy Ellis, 1874 Juarez Way S and representing Lakewood Estates CA. This was not put out for a vote to the membership because this not an issue that falls within the Association's purview but did send out an email to all members (461) to make them aware of the situation; three people contacted the Association with questions. She believes the new homes intended for these parcels will increase the property values of Lakewood Estates and the residents benefit from the Country Club. To her knowledge, there is no more land along the golf course available for residential construction without impacting the course, itself.

Mike Kiernan, 615 20th Ave NE and representing the St. Petersburg Country Club. These are the final parcels identified for rezoning and the proposed construction is for single-family residences; The Country Club is currently doing well but does have future capital needs and this plan will help with those needs.

The following person was not present but registered against the request:
Kay Smith, Catalonia Way S

Cross Examination

By City Administration:

Waived

By Registered Opponent (Mr. Garrett):

Is the application approved already? Mr. Kilborn replied, no.

Has the City Attorney reviewed it? Mr. Dema replied, that is why we are here today; this is the process.

But have you reviewed it? Mr. Dema replied, I looked at the procedural requirements; I do not have approval authority.

Do you feel that it could be approved? Mr. Dema replied, my opinion on that doesn't matter, I am here for procedural safeguards and to make sure that the Commission follows the substantive requirements of the law and our comprehensive plan and our land development regulations.

We all have concerns and opinions. Mr. Dema replied, it cannot be approved before it goes through the CPPC and City Council; it cannot be approved yet.

In the application the Lakewood Estates Civic Association as well as the applicant stated that the homes will be conforming; is that correct? Mr. Kilborn replied that at this point right now we do not have a proposal for home construction but this would be an appropriate time to remind the Commission that any proposal for construction would go through the normal permitting process and would be evaluated at that time for compliance with all of the different zoning standards related to the zoning category and any other engineering or other items that are typically part of a single-family permit review.

Have you been informed, or have you advised or talked to the applicant regarding conformity at any point in time? Mr. Kilborn replied not in the context of your question; our evaluation here was to determine compatibility with the City's comprehensive plan and our recommendation in the report was that it is consistent with the City's comprehensive plan.

In that comprehensive plan, it requests and asks that the public be informed as early as possible; would you say that the public was informed as early as possible in this process? Mr. Kilborn replied that there are regulations prescribed in Chapter 16 of the City Code that requires when an application is submitted, that notification also be provided to the registered neighborhood association if there is a neighborhood association for the subject area; that would have been done in this case. Then there is a requirement to send mailed notification to property owners within 200 linear feet of what is described as the subject property.

Would you say that the president of the neighborhood association would have been a good reference when, in fact, she is a part of the application and historically has been a part of the application which would give me the indication and others the indication that she's in concurrence with these applications so she couldn't possibly be representing the people of the community at the same time. Mr. Kilborn replied that I would say that City staff does not make character judgements; we follow the regulations prescribed by Code which is to notice the registered contact for the neighborhood association.

It is not a character judgement, it's a judgement of the process and whether it was followed or not, and at this point I reiterate that the City didn't follow the process when it came to informing the community; we have a lot of issues that need to be addressed regards to new construction – 21 units and we don't know how big they are, we don't know anything about these units, so we have to take our time with this.

By Applicant (Don Mastry):

Were the notice requirements met by the applicant in this matter? Mr. Kilborn replied, it is our understanding that they were, yes.

Isn't it the normal situation that you send out a notice to everybody within 200 feet of the parcels? Mr. Kilborn replied, we, actually as a function of being careful, do more than that but that is the Code requirement of 200 feet, correct.

But, in this case you asked us to do more than that, didn't you? Mr. Kilborn replied, in this case the subject area is a small section around the County Club main building, itself; however, the entire golf course is registered under one parcel ID number so there was a determination internally that rather than just notice 200 linear feet around those four subject areas, we noticed 300 linear feet of the entire golf course parcel ID. When we prepared the mailout material for the applicant to pick up, there were more than 777 separate addresses that were identified for mailing.

We're here today on changing the zoning and land use and if this Commission grants that, does that give us any right to construct any specific building or home? Mr. Kilborn replied I am going to correct that by saying that the Commission is making a recommendation to City Council, the City Council will make a decision, then that will have to go to the county for review and approval at the county level.

Alright, when that process is gone through, does it give the right to build any specific building? Mr. Kilborn replied, it does not because that construction will be subject to the normal permit review process.

Right, and that's when these people would be able to question the size and the appearance, and other aspects relative to any proposed development; is that correct? Mr. Kilborn replied that there will be an application made for permit review. If the application complies with the requirements of the zoning district, I don't know that there would be a public opportunity for comment unless they're asking for a specific variance.

We have heard today that there have been regularly scheduled burns at the Preserve; that's nothing new is it? Mr. Kilborn replied, no.

Do you have any knowledge of that? Mr. Kilborn replied I don't know the frequency of controlled burns, which are a part of the park's normal management practice.

I went to parcel 4, the fourth parcel, and I noticed that the property line is about 50 feet from the pavement, then there is the pavement and then there is about a 50-foot buffer to a fence that goes entirely around the Preserve; is that consistent with the City's understanding? Mr. Kilborn replied that the survey work that was done shows at least 100-feet of public right-of-way that is Country Club Way South. So, there is at least 100-feet there of separation from the subject area to the opposite side of the right-of-way.

And, there is a requirement from the property line to have a setback when you build a home or any other building; is that correct? Mr. Kilborn replied, that is correct.

Rebuttal / Closing Remarks

By City Administration:

Mr. Kilborn made some clarifications based on previous testimony. He believed that the first item regarding the notification comments had been covered. The second item relating to the management of the Country Club, the Commission was reminded that in staff's evaluation and recommendation, they look at the comprehensive plan goals, policies and objectives and not making judgments on Country Club management. In their evaluation, staff felt it met the goals, policies and objectives in the comprehensive plan which is the sole basis for staff's recommendation. The third item was a reference to an agreement or a characterization of an agreement and he did not know what that was referring to other than to simply say that there was a similar application in 2007 that made findings of consistency with the comprehensive plan and that occurred years before the more controversial case which was referenced in that description. A precedent was already established for City staff and the City making a finding of consistency on similar single-family requests along the golf course. The reference to tree removal was sort of addressed with comments, but any proposal to remove a tree is bound by the tree removal requirements of Chapter 16 and would have to go through the normal prescribed steps to obtain a permit to remove a tree. Today's decision will not change the procedure.

By Registered Opponent:

Ms. Simon read a statement made earlier by the LECA president (looking out for interests of the residents to make sure the new development complies with the neighborhood) and wondered why this did not occur when the three "mcmansions" were built. She also wanted to know why the LECA president's only communication to all the members of LECA came one day after receiving the public notice. With no more land to sell, she wants to know the Country Club's financial ability for future capital improvements. She feels that the City should ensure that the Country Club has a long-term plan for survival; by being proactive they are trying to avoid the club selling all the land to a developer and not end up in the same position as the Seminole Country Club. The following are some suggestions given: (1) lower club rates so more people will join, but will not help if people are not interested in playing golf; (2) the City could buy the land and incorporate into the existing parks system; (3) expand the Lakewood Recreation Complex and Boyd Hill with a swimming facility that goes with the existing soccer fields and serve as the neighborhood pool, and add on the tennis courts; (4) create a trail throughout the golf course incorporating the history of the Country Club; (5) create a Museum of Golf with a plaque at each hole commemorating some kind of an event; (6) promote native trees and plants, like a botanical garden, in lieu of using chemicals to maintain the course; (7) create food forests or gardens; or (8) have a private company turn it into a cemetery.

Mr. Garrett passed a copy of a Corporate Warranty Deed around to the Commissioners pertaining to the sale of the subdivision in 2014 and stated that they are here to ensure that the citizens are considered in this process and

this is not just a business transaction. There have been previous approvals of the County Club and it is becoming a pattern; building \$500,000 homes is not conforming to Lakewood Estates.

By Applicant:

Mr. Mastry stated that the Club does have financial needs for capital improvements, operational needs and payments of debts. The Club is an asset to the neighborhood and no one wants it to go away. There is a demand for housing sites in St. Petersburg and the subject property is not needed for golfing purposes. In respect to the notices, they mailed over 770 notices on August 2nd; that is far more than any requirement of the City with an expense to the Club of \$700. He feels that the number of opponents here today out of the number of notices that were mailed is minimal. The proposed changes will not result in any change in how Boyd Hill is managed; will not reduce its size nor will it be infringed upon. It is at least, if not more than 100-feet apart and is separated by a road. The controlled burns will continue as they have in the past with the smoke going into the neighborhood. He does not feel that the opponents understand the process; they are here to determine that the land use and zoning amendments are consistent with the Comprehensive Plan; not to approve a certain house, not to approve limiting the size of the house, giving anyone permission of what kind of building to build. In summary, the request is, in fact, consistent with the goals, objectives, policies and guidelines of the Comprehensive Plan. The amendment will not impact any environmentally sensitive lands; the proposal will only slightly alter the population in Lakewood Estates by 1/100th of a unit per acre. The proposed change will not have any significant impact on the City's adopted Level of Service (LOS); there is excess capacity according to staff. The proposed parcels are both appropriate and adequate for single-family uses; the proposed change will permit residential development which is consistent, without question, with the established land use pattern in Lakewood Estates.

Executive Session

Commissioner Michaels suggested taking Areas A, B and C as a group, and take Area D separately, which has a separate issue. Mr. Dema stated his agreement and felt it would be appropriate.

MOTION #1: *Commissioner Michaels moved and Commissioner Wolf seconded a motion to approve the amendment to the Future Land Use Map designation from Recreation/Open Space to Residential Low and the Official Zoning Map designation from NSE (Neighborhood Suburban Estate) to NS-2 (Neighborhood Suburban Single Family-2) of three parcels, located in Areas A, B & C, that are part of the perimeter of the St. Petersburg Country Club, or other less intensive use, in accordance with the staff report.*

Commissioner Reese voiced her concern about the accountability and transparency. People were given notification but was it sufficient; she feels residents should be given as much notice as possible when it affects where they live. Resident should be able to have face-to-face time to ask questions to alleviate their concerns. Lakewood Estates is an older neighborhood full of beauty and nature, and she is concerned about impacting habitats as well as placing people closer to the controlled burns. The residents are just as important as the County Club membership/golf course. She is in favor to defer to give the people an opportunity to meet, have a mutual and respectful discussion, to ask questions and to have their concerns voiced. There are too many questions, too many concerns, and people are feeling too uncomfortable.

Commissioner Burke asked staff about a possible remedy pertaining to the controlled burns. Mr. Kilborn stated that the Parks Dept. wanted to ensure that any new owner should not expect to have any influence over the

decisions of controlled burns in the park; it was added in the presentation as a first mark in the timeline putting everyone on notice that controlled burns are a matter as best practices of the park across the street. There have been internal discussions of what could be done in the City's permitting management system; if today's request is ultimately approved, a disclaimer flag could possibly be placed in the system on these newly created parcel IDs so when a new construction permit is submitted there will be notice on that permit as it goes out that controlled burns are a common practice across the street and that is not going to change because of the new construction.

Commissioner Burke asked if staff was confident that that could be done. Mr. Kilborn stated that those are the most basic procedural steps that staff can take, yes.

Commissioner Michaels stated that he would support a substitute motion to defer. Lakewood Estates is a great neighborhood and if there is a possibility of further communication, exchange of information, and coming up with a more unified position regarding of what is really needed there, he would support that. Commissioner Michaels then asked regarding page 4 of the staff report (*The NSE designation is the least dense of all the zoning districts permitting residential development, which is why the NSE designation is typically applied to all Recreation/Open Space parcels in the City.*) why there is not a zoning designation for parks or for recreation in the City like in the downtown waterfront (DC Parkland). Mr. Kilborn stated that he did not have a solid answer about why NSE is used but can say that there has been discussion over the years about creating a Park category to better reflect the nature of this question but has not yet been done.

Commissioner Michaels commented about Policy LU3.6 (*Land planning should weigh heavily the established character of the predominantly developed areas...*) In this case, the proposed development areas of A, B and C are on recreational space, and with area D, there is a P (Preservation) designation across the street. When they are weighing heavily the subject areas, he does not see this policy addressed in the staff's evaluation; seems to be comparing of what is being proposed with NSE but not really thinking that it is recreational space or, in the case of the area across from Area D, preservation. He feels, especially with area D, that as much weight would be given of what is across the street as you would to the area to the south of Country Club Way; should keep in line with the preservation designation. He then asked why weight is only given to the residential designations and not to the Recreation/Open Space and Preservation designations. Mr. Kilborn stated a general review and assessment of the proposal was done against the criteria, and in this neighborhood, there is a combination of NSE with NS-2; on a general level staff concluded that it satisfied this policy of the City's Comprehensive Plan. There is some merit to the distinction made; there is no NS-2 on the north side of Country Club Way but in staff's general assessment, they felt it was consistent with the general characteristics of the neighborhood which is NSE and NS-2.

Commissioners Michaels asked staff to address the points 2, 3 and 4 in the letter received from Boyd Hill (non-native seed sources, increased mortality for gopher tortoises, and may result in disturbances to nesting birds). Mr. Kilborn cited his agreement with Policy C4.4 (*The City shall support on-going education programs about native plants and animal species. Endangered threatened species are of special concern in the diversity of natural communities.*); he thinks this is a great initiative of the City and it is in the programming at Boyd Hill but does not think the policy supporting on-going education translates to an evaluation of land use and zoning on a piece of property. Policy C6.11 (*The Parks Department will prepare a comprehensive wildlife and habitat management plan for the environmental preservation area surrounding Lake Maggiore designated on the biological resources map as a large tract wildlife area.*); this is being done now and is a management strategy for the park. That strategy was the basis for the City's recommendation several years ago to rezone Boyd Hill

to Preservation area which was justified due to the Management Plan and the strategies that are happening inside the park boundary; staff felt that this did not necessarily apply to a rezoning request outside of the park boundary for property that is not already a preservation area. Policy C4.2 (*The City shall maintain and seek to expand the City's inventory of green permeable open space so as to provide maximum area for shallow aquifer recharge.*) He felt that this policy as well as C10 were important to the Commissioners evaluation and consideration of the request because they do relate to land use considerations. Policy LU.6 (*The City's natural resources shall be protected and, where physically and environmentally practical, enhanced and future land uses shall be properly integrated with the natural environment.*) This is now happening within the park, it is happening in the City's designated Preservation areas and in other areas designated environmentally sensitive lands. In this particular case, we have parcels of property currently functioning as bumpers to the fairway, in many cases it is mowed lawn which not providing a natural undisturbed environment.

Commissioner Michaels asked if houses were built along Country Club Way, would it not increase the disturbance, to which Mr. Kilborn replied, it would create a physical presence there, that is correct.

Commissioner Rogo reminded everyone that the motion includes only Areas A, B and C, and try to focus the discussion on these three parcels.

Commissioner Wolf stated his agreement that Areas A, B and C have the least to do with the environmental concerns. He felt that the legal requirement for public notification was met in excess and then stated that this Commission does not regulate size and appearance of houses which is done at the permitting level, only consistency with the Comprehensive Plan. He does not see a big problem with the request for Areas A, B and C, but does have a concern with Area D.

Commissioner Winters stated her agreement with Commissioner Wolf. She would like to pull Area D from consideration given the expressed concerns. She can support deferral for the following reasons: (1) concerned with LOS on page 7 pertaining to the wastewater, not much of a buffer; (2) concerned about the stormwater management issue not really getting addressed at this stage but at the permitting stage; and (3) suggested that staff review with residents what the NS-2 designation actually means pertaining to lot size and floor-area-ratio.

Commissioner Burke stated his inclination of not to defer and his inclination to vote approval of all four parcels today. He felt that they are reading too much into Area D and the effect of Boyd Hill; the biggest impediment to wildlife movement is a six-foot chain link fence and the houses across the street from the park land is consistent with over 50% of Country Club Way.

Commissioner Reese asked if a motion to defer should go first, to which Mr. Dema replied, yes.

SUBSTITUTE

MOTION #1: *Commissioner Reese moved and Commissioner Michaels seconded a motion to defer all four parcels.*

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

Substitute Motion failed due to a tied vote of 3 to 3.

MOTION #1

VOTE: YES – Burke, Michaels, Wolf, Winters, Rogo
NO – Reese

Motion passed by a vote of 5 to 1.

MOTION #2: *Commissioner Wolf moved and Commissioner Michaels seconded a motion to approve the amendment to the Future Land Use Map designation from Recreation/Open Space to Residential Low and the Official Zoning Map designation from NSE (Neighborhood Suburban Estate) to NS-2 (Neighborhood Suburban Single Family-2) of the one parcel, located in Area D, or other less intensive use, in accordance with the staff report.*

Commissioner Wolf stated about the comments made about conservation are valid and should be addressed. He is concerned about houses being built across the street and owners coming back to the City saying their homes are in danger with the controlled burns and, if approved, he agrees with a notation being placed on the properties about having controlled burns across the street. As for the notification, he believes the applicant did a good job; however, there are no residents in the park to receive such a notice. In the future, he suggested at the staff level, to ensure notices goes out. Mr. Kilborn stated pertaining to the controlled burns that if this application is approved, these individual properties will have to be platted with the condition added to the plat noting the controlled burns across the street; this will give more legal weight than just flagging the permitting system.

Mr. Mastry stated that they have no objections to that suggestion; the applicant is willing to put a provision in the deed that conveys the property rights. Mr. Dema stated that that would be the highest level of notice that could be given is a notice within a deed.

Commissioner Michaels stated that he will be voting against Area D giving weight to what he has heard from Boyd Hill Nature Preserve and hopes the applicant will meet with them and return to the CPPC with a proposal satisfactory to both sides.

Commissioner Wolf asked about a deferral of Area D. Mr. Dema stated that they need to get the input from the applicant and then Mr. Dema explained to Mr. Mastry the two directions that the Commission is contemplating.

Mr. Mastry asked about the timeline for the deferral of Area D. Mr. Dema stated that it would come back within 60 days, per City Code (September or October meeting). Mr. Mastry stated that they are willing to meet with anyone and they are willing to defer Area D.

SUBSTITUTE

MOTION #2: *Commissioner Winters moved and Commissioner Michaels seconded a motion to defer the one parcel located in Area D for additional information regarding level of service, environmentally sensitive areas, the meaning of NS-2, and the four points of concern by Friends of Boyd Hill.*

Commissioner Rogo asked if there are homes directly across the street at any point on Country Club Way South. Ms. Judd stated that there are houses located across the street from the Boyd Hill maintenance area but

they are not included in the original plat for Lakewood Estates or the golf course; they are simply platted neighborhood.

Commissioner Michaels stated that the homes across the street from Boyd Hill's main entrance are set back quite a way with a lot of vegetation around them.

Commissioner Burke clarified his previous statement by saying that there are homes to the north that are buffered by a fairway but believes as you travel south on Country Club Way there are home across from what the public perceives as Boyd Hill.

Commissioner Wolf stated that he would like to see addressed the concerns of conservation issues from Boyd Hill and a date certain for the return of this item. Mr. Dema stated that the code specifies 60 days is allowed for a deferral but can come back earlier if all concerns have been addressed.

Commissioner Winters stated that she accepts the amendment to the motion that focuses on the issues identified in the letter by the Friends of Boyd Hill which were solely environmental issues with no date certain.

AMENDED

SUBSTITUTE

MOTION #2:

Commissioner Winters moved and Commissioner Michaels seconded a motion to defer the one parcel located in Area D for additional information regarding the conservation and environmental issues raised by the Friends of Boyd Hill.

VOTE:

YES – Burke, Michaels, Wolf, Winters Rogo

NO – Reese

Motion passed by a vote of 5 to 1.

Mr. Kilborn informed the Commissioners that due to the size and expense of the mailing, the City Council public hearing date was also included in the CPPC notification. An effort will be made to bring this item back to the CPPC next month to remain on schedule; otherwise, a new notice will need to be mailed.

V. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

Reminder to staff - the timeline for action of the Innovation District's southern portion will be provided at the September 11th meeting.

Discussion notes from the recent Demolition by Neglect meeting with staff are as follows: (1) revisit the Potentially Eligible List and to look at the state and local inventories in the National Register of individual properties; (2) nominations of Glen Johnson, Cade Allen, and Bill Harvard buildings, and potential multiple property listing nomination (Laura Duvekot) and, hopefully, CPPC should see in a month or so; (3) to help increase awareness and to take a proactive approach, receive a code compliance update either quarterly or semi-annually on code issues with registered listed properties - individual properties, contributing structures in

historic districts and potentially eligible buildings; (4) City Attorney's office checking on the strength of the Demolition by Neglect language currently in Code – will receive a report; (5) holding CPPC workshop on code compliance process from the City Attorney so all is clear on how it works – follow-up from Rob Gerdes' presentation; and (6) updating the building inventories and neighborhood surveys. Ms. Judd stated that the notes from the Demolition by Neglect meeting were sent to Mr. Kilborn and can be included with the minutes. Ms. Judd also stated that the codes compliance update is being worked on in stages and Stage 1 should be ready this fall. If the agenda is not large, then that would be a good coincide time to talk about code enforcement options, the steps and the evaluations, or a separate workshop could be scheduled.

VII. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 5:20 p.m.