



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

Council Chambers
City Hall

December 11, 2018
Tuesday, 2:00 p.m.

MINUTES

Present: Robert “Bob” Carter, Chair
Jeff Rogo, Vice Chair
Keisha A. Bell
Christopher “Chris” A. Burke
Will Michaels
Gwendolyn “Gwen” Reese
Jeffery “Jeff” M. Wolf
Lisa Wannemacher, Alternate
Thomas “Tom” Whiteman, Alternate
Sharon Winters, Alternate

Commissioners Absent: None ¹ *excused*

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

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 November 13, 2018 meeting were approved as written by a consensus vote.

IV. QUASI-JUDICIAL PUBLIC HEARINGS

A. City File COA 18-90200052 Contact Person: Laura Duvekot, 892-5451

Request: Approval of a Certificate of Appropriateness for alterations, including replacement of ground-floor windows and creation of an outdoor area with pool and covered bar, for Mari-Jean Hotel, a local historic landmark, located at

2349 Central Ave.

Staff Presentation

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

Applicant Presentation

Dennis Lang, representing the owners, Mari Jean Hotel LLC, Mari Jean Boutique LLC and Elizabeth Street Lofts Inc, gave a presentation in support of the request.

Public Hearing

Robert Jeffrey, 2302 1st Ave N and representing Grand Central Lofts, spoke in support of the request.

Cross Examination

By Administration:

Waived.

By Applicant:

Waived.

Rebuttal/Closing Remarks

By Administration:

Waived.

By Applicant:

Waived.

Executive Session

Commissioner Wolf suggested changing the wording of condition #1 to “the appearance of the surface shall not be metallic.” Ms. Duvekot replied that was the intention and thanked Commissioner Wolf for the clarification.

Commissioner Wannemacher asked about lowering the knee wall at the two locations along the south elevation and is there anything inside the building preventing the knee wall to be lowered. Mr. Lang stated that there is no existing condition inside preventing lowering the knee wall but was looking to minimize the amount of glazing that needs to be done and try to control the openings in a way that is aesthetically balanced. They can certainly lower to 36 inches; lowering to 24 inches would be unsuitable because they want more of a counter rail versus table height.

Commissioner Wannemacher stated that looking back at the original building, the original sill height of those two openings was much lower than what is being proposed and would appreciate taking another look to see if there is a more appropriate level for that sill height. Mr. Lang stated that he had no objections to that and feels that it would be appropriate and appreciates her comments.

Commissioner Michaels congratulated the owners/applicants for an excellent proposal; it is exactly what they want in terms of historic preservation in the City using this building in a vibrant way as well as the economic benefits that an historic building will accrue from this proposal. Mr. Lang stated that Ms. Duvekot had explained to him the tax benefits that will be available to him and is very excited about that.

MOTION: *Commissioner Wolf moved and Commissioner Michaels seconded a motion to approve the Certificate of Appropriateness with the conditions of approval in accordance with the staff report.*

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

B. City File ZM-8

Contact Person: Robyn Keefe, 892-5255

Location: The subject property, estimated to be 19.79 acres in size, is located at 5475 3rd Lane North.

Request: To amend the Official Zoning Map designation from NMH (Neighborhood Suburban Mobile Home) to NSM-1 (Neighborhood Suburban Multi-Family-1), or other less intensive use.

Staff Presentation

Robyn Keefe gave a PowerPoint presentation based on the staff report.

Applicant Presentation

Don Mastry, Attorney and representing the owner/applicant, St. Pete 454. LLC, gave a presentation in support of the request.

Registered Opponent Presentation

Raymond Moulton gave a presentation in opposition of the request; increased traffic, loss of pine trees, wants a wall built around the perimeter; prefers the ingress and egress off 54th Avenue North only.

Public Hearing

The following people spoke in opposition to the request:

Ken Jensen, 150 SE Lincoln Circle N; concerned with crime, trash, trespassers & dog owners not cleaning up after pets.

Karen Jensen, 160 SE Monroe Circle N; concerned with traffic and cut-throughs.

Michelle Knight, 5645 Manchester St; concerned with traffic, crime, currently too many non-affordable apts.; wants a 10-foot wall around the perimeter.

Forrest Mixon, 5710 Pacific St N; needs traffic calming and wants a wall around perimeter.

Cross Examination

By Administration:

Waived.

By: Registered Opponent

Waived.

By Applicant:

Waived.

Rebuttal/Closing Remarks

By Administration:

Mr. Kilborn explained that this is a discontinuation of a mobile home park and because the Future Land Use and Zoning is tailored to such, City staff had to figure out a solution to rezoning this property to another category. In this case, staff felt that the proposed rezoning to NSM-1 (Neighborhood Suburban Multi-Family) was the most compatible transition away from the mobile home park category. He felt that some very good comments for the site review process were received and will be relayed to the zoning staff as well.

By Registered Opponent:

Waived

By Applicant:

Mr. Mastry stated his agreement with Mr. Kilborn’s remarks and he will relay the comments he had heard to the applicant’s design

team; however, it has not been decided at this time if this project will be a rental apartment complex but will be multi-family of some type. Traffic will be considered at the DRC with the expectations of providing a traffic report but pointed out that these are three

major streets with all operating at LOS “C.” He urged the CPPC to support because it does meet every condition of the rezoning requirement.

Executive Session

Commissioner Winters asked about the grandfathered status; eight or 11. Ms. Keefe stated that a mobile home park is a use that is permitted in the Neighborhood Mobile Home category at a base density of eight units per acre and the subject mobile home park is grandfathered because it has more units than what would be permitted by right in the zoning category.

Commissioner Winters asked if it is 11 units per acre under the grandfathered status. Ms. Keefe replied, yes, in terms of density but 225 units are currently recognized under that grandfathered status and will remain with the property throughout time.

Commissioner Winters voiced her concern about the Coastal High Hazard Area (CHHA) of which the subject property is part of and appears to her an increase in density from 11 to 15 units per acre (158 units to 197 units).

Ms. Keefe stated that the increase in density in the CHHA is referring to the allowable density of the Future Land Use category which currently allows, and will continue to allow, up to 15 units per acre by right.

Commissioner Winters wanted her concern noted about adding density to a CHHA and feels that this is a safety issue in terms of evacuation, especially for the lower income people, and then asked how about the height. Mr. Kilborn replied that they do not have a site plan for reference but gave the maximum allowable height for the proposed zoning category of 36-feet for beginning of roof line, 48-feet for top of roof peak, plus whatever the flood plain requirement is.

Commissioner Michaels asked if LU7.1 refers to land use changes and not zoning, to which Ms. Keefe replied, yes.

Commissioner Michaels asked if CM10.B pertaining to directing population concentrations away from CHHA also apply to land use as opposed to zoning, to which Mr. Kilborn replied, yes.

Commissioner Michaels asked if these two policies are still in effect and has not been changed by City Council, to which Ms. Keefe stated, that is correct.

Commissioner Michaels stated that mobile home parks are a very high hazard for CHHA and this proposal is a big plus in trying to correct. He also noticed that the wording for LOS under stormwater management is different from all other level of service; a push for a standard change as it relates to stormwater management would be very much in the public interest.

Commissioner Winters asked what a less intensive zoning use would be as stated in the staff report. Mr. Kilborn replied that there are multiple single-family categories that would be less intensive use.

MOTION: *Commissioner Wolf moved and Commissioner Whiteman seconded a motion to approve the rezoning request in accordance with the staff report.*

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

Motion passed by a vote of 7 to 0.

V. PUBLIC HEARINGS

A. Potentially Eligible List

Contact Person: Derek Kilborn, 893-7872

Request: Approval of the updated list of potentially eligible properties for local designations, including 2016 recommendations.

- Cade Allen Houses
- Glenn Johnson’s “Birdcage Houses” located in Pinellas Point area, plus 800 49th Street North
- Church of the Beatitudes located at 2812 8th Street North in Crescent Heights
- William Harvard Properties

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report. Additional comments received in opposition were forwarded to the Commissioners prior to the meeting. Mr. Kilborn made clear to everyone that this discussion today was not about local landmark designation; it is about properties that are potentially eligible for future designations.

Commission Chair Carter commented about not seeing any properties on the south side. Mr. Kilborn stated that the map represents completed surveys; staff is aware of historic resources in the south part of the City but do not have the formal surveys classified like the groupings that are on the list. They hope to have some survey work in this area completed in the future. An updated survey of the Edge District had been completed recently but was not included on the map.

Commissioner Rogo asked how the staff evaluation of one property on the list differs from the others. Mr. Kilborn explained that one property at 4700 Sunrise Drive South is where Historic Preservation staff aided the property owner and there was extensive material prepared that was reliable. The other property is St. Bartholomew Cemetery on 22nd Avenue South where staff analysis had contributed to that list. Mr. Kilborn went on to say that the work that was done on these two properties would usually result in an Historic Structure Form which can be filed through the Florida Master Site File Program. Anyone can prepare historic background on a piece of property and submit to the state for archives that memorializes the analysis of that property at that time. There is a layer maintained by City staff on the City's Historic Preservation Map identifying all the Master Site File forms that are on record.

Commission Rogo asked if the William Harvard structures that they are considering today are designed by William Harvard, himself, and not necessarily by the Harvard Jolly Firm. Mr. Kilborn replied that that was correct and that most of the addresses on the list reflect the transition in the City's development period from the more historic and traditional architectural styles to a more modern representation as described in the materials provided.

Commission Chair Carter asked staff how they consider the Driftwood Neighborhood. Mr. Kilborn stated that they did not include Driftwood on the list because there is an active local historic district application at this time. Mr. Kilborn went on to say that procedurally, the Historic Preservation Division plans to report to this Commission on an annual basis to either present additional properties for consideration or to recommend removing properties from the existing list due to modifications since the previous update making those properties no longer eligible for designation.

Public Hearing

The following people spoke against the list and want their property taken off:

Gisele Garcia, 211 4th Ave N; loss of air rights.

Kathryn Sole, Attorney representing Gisele Garcia; not enough time to review. Submitted 23 letters in opposition & a copy of a public records request.

Robert Blackerby, 357 3rd St S

Susie Goren, 411 Cordova Blvd NE

David Kramer, 1140 14th Ave N

Anthony Amico, Jr., "various" listed as address

Elizabeth Knowles, 1307 41st Ave NE and representing 1st United Methodist Church

Jeff Jones, 725 34th Ave NE and representing 1st United Methodist Church

Chris Furlong, Attorney representing owner of 655 2nd Ave S LLC

John Barkett, 219 55th Ave, St Pete Beach and representing 2nd Ave S LLC

Mary Patricia Moore, 240 Driftwood Rd SE

Lee Allen, no address listed

Kent Malone, 915 41st Ave N

Richard Jensen, 116 14th Ave NE; asked for a postponement to give more time to study.

The following people spoke in support of the list:

Peter Belmont, 102 Fareham Place N and representing Preserve the Burg

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

The following person was not present but had submitted a card without indicating "for" or "against:"

Steven Barkfield, 780 69th Ave S and representing Bird Cage Homeowners

Commissioner Wolf stated for clarification that it is his understanding that an owner does not lose their air rights if the property is designated; actually, they may be able to sell some rights that they have to another developer if they elect not to change the use of their property. If the property is designated, then a COA is needed for anything that may actually use those rights or for demolition. Mr. Kilborn agreed.

Commission Chair Carter asked Legal for financial impact clarification. Mr. Dema explained that the Commission is looking at this potentially eligible list which under the Historic Preservation Element of the City's Comprehensive Plan requires an update by the CPPC only, and inclusion on the Potentially Eligible List does nothing more than subject the listed building(s) to a 30-day stay on demolitions. Unless a designation application is initiated, and designation is obtained, there is no financial impact for being on the list. The financials are not looked at during the first act of becoming a local landmark; however, the City Council has a slightly different purview where they may consider the existing and future plans of the City; not quite an economic analysis but they are not as strictly bound by the several criteria and the two-tiered look that the CPPC takes as a technical advisory board. Once the property is designated, a COA is required for exterior alterations/modifications including demolition. A demolition allows the CPPC to consider financial evidence as to the undue burden that not getting a demolition would place on the property owner

Executive Session

Commissioner Wolf stated for clarification that there is no requirement to show financial hardship for being on the list but there is a 30-day stay for demolitions and if a third-party application for designation is not received within those 30 days, then a permit for demolition would be granted. In general, there will be minimal impact for most of these properties on the list.

Commissioner Wannemacher stated that, as an architect, she would generally be in favor of designating a large swath of buildings/structures done by master builders/architects but clearly there are some structures/buildings are worthier than others. She is concerned that, as a Board, they have not been able to specifically look at each individual address as she, herself, has look at several of them and have found a few that, in her opinion, would not vote to be in the list; a structure built or designed by a master builder/architect does not alone make the property worthy of being on the list. She is also concerned about some structures in the Downtown Core and the potential devaluation of the property because of the onerous that does come with applying for a demolition permit and then a designation application is submitted shortly thereafter. Maybe there is a more informal way

to pre-identify those properties that would potentially be eligible and those that are not; she is concerned about taking a large list like this and just approving it.

Commissioner Bell asked if a property was on the list then taken off for some reason, could it be again added to the list at any time in the future. Mr. Kilborn stated that once an action is taken by City Council, the property will have to come off the Potentially Eligible List. At this time there are two properties that were on the list, have been evaluated by Council and voted not to designate. These were removed from the list.

Commissioner Bell asked if there is a procedure in place guaranteeing that that property will not be placed on the list again, ever. Following a City Council vote, Mr. Kilborn stated that the only way a property could go back on the list is if the property owner, him or herself, requests it.

Commissioner Whiteman asked about the third-party designation process. Mr. Kilborn explained that a third-party designation is totally separate from what they are considering today. If an application is presented to City Council and Council denies designation of that property, there is a five-year period where a subsequent designation application cannot be filed.

Commissioner Whiteman stated that St. Petersburg is one of the few places in the country where a third-party can apply for historic designation. Mr. Kilborn replied that that was not an accurate representation on how historic preservation programs work nationwide. Third-party is not accepted everywhere but it is much more common than Commissioner Whiteman's characterization.

Commissioner Whiteman stated that he thought it was unfair for a 10-day notice to be received around the holidays and would like to postpone this item at least six months to give all the parties more time.

Commissioner Winters asked if there are any deed restrictions that would come along with being on the list, to which Mr. Kilborn replied, no.

Commissioner Winters stated that the origination of this list was about being proactive about identifying the assets in the City that are

worth consideration for preservation and the intent was to really provide information to the owners of the benefits; educate people about the value and economic benefit of preservation. In response to the concern of property rights voiced by the public speakers, Commissioner Winters went on to propose some kind of process to remove properties that have been modified/alterd and a process for a potential buyer to be made aware that the property is on the list worthy of historic designation (proforma process). She is not in favor of postponing for six months; this list is valuable in identifying the City's assets and where more survey work is needed but feels that there should be some delay to consider some proposals (e.g. proforma idea) to help alleviate the concerns of the property owners.

Commission Chair Carter suggested that maybe it could be included on a property card where the public can view.

Commissioner Reese stated that the concerns they had heard today are valid and feels that staff did not give enough education about the process to the property owners; concerned about individual homes being placed on the list without the owners' understanding of why; the selection process needs to be improved so it includes the property owners; likes the process of the property owners ascertaining if their properties are eligible for historic preservation (yes, it stays on the list and no, it comes off); she has always been troubled with third-party

designation. She is in favor of a delay (not six months) if they can come up with a way that individual property owners would be able to have a chance to review their placement on the list with City staff to have a better understanding which will take away some of their confusion/anxiety/anger. She believes a list of eligible properties is needed but feels this list is comprehensive with many individual property owners without the CPPC knowing why and believes the process needs to be improved. Commissioner Reese stated that if she was making the motion today, she would be in favor of finding a way that individual property owners to review with City staff of why their property was placed on the PEL.

Commissioner Michaels thanked the staff for the effort they had put into this and is something that is long overdue; has not been updated annually since 2006. He likes the idea of the PEL and one of the big advantages, especially for the downtown development, is that it does give developers and potential new property owners a certainty or at least know in advance that a piece of property that are interested in does have a historic dimension to it and that there is a possibility of a landmark application being made. He knows that staff followed due process and notified all parties concerned, held a public information session and many phone conversations trying to educate the public on this; however, taking more time to allow a better understanding on the part of the community would be appropriate. In the interim, perhaps the CPPC could hold a workshop session to talk about how this process could be modified to garner more support addressing some of the rights issues that have surfaced here today.

Commissioner Rogo stated his agreement about taking more time to make sure that the PEL is clearly defined, that the owners and properties on the list have a clear understanding as well as the CPPC needs a clearer understanding of some of the issues. Commissioner Rogo then asked the following questions: (1) If I own a home that is on the PEL and I wanted to demolish, do I need a COA, to which Mr. Dema replied, no. (2) If I own a home that is on the PEL and I want to add a second floor to my home, do I need any kind of historic review, to which Mr. Dema and Mr. Kilborn both replied, no. (3) If I own a garage that is on the property of a home that is on the PEL and I want to demolish my garage, will the 30-day clock be started with my request to demolish my garage, to which Mr. Kilborn replied that the code is not clear; what his office would look to do is focus on the principal structure (which is likely the reason the property is on the list) but the code is not clear on accessory structures.

Commissioner Rogo stated that anyone who purchases a home in Allendale or in some of these other neighborhoods that have already been surveyed, certainly has a hint that their home has some value because it is old (has some age and character, and something worth preserving). With hearing the public comments about losing property rights, he feels that they need to make sure that they are qualifying that by going on this PEL, a preliminary step which may very well lead to designation at some time in the future.

Commissioner Burke commented about not needing a COA to add a second story to a home on the PEL; however, is a 30-day delay needed for a third-party designation, to which Ms. Judd replied, no; only with a demolition.

Commissioner Burke stated that a delay of any time is not going to change anyone's mind; he does not feel that there is an advantage to a homeowner to be on the PEL as they can apply for historic designation if they so choose. An overwhelming response from property owners not happy being on the list was received and the question is do we want a PEL or not which is what all this boils down to (now 12 years later after it was first created with no annual updates).

Commissioner Wolf first stated that the PEL is a requirement of the City's Comprehensive Plan; however, he could see this vote being delayed for one to two meetings due to the notification timing (not giving some of the owners enough time to address) as well as for

the City's efficiency, giving staff time to review the properties to ascertain if they qualify and the non-qualifying properties should be removed from the list. Mr. Kilborn replied regarding evaluating properties, that an updated assessment of the properties proposed in

2016 was performed by the Historic Preservation staff. Since then, staff looked at permitting records identifying properties that have been demolished since 2016 and in terms of coming off the list, as I indicated in my opening presentation that staff is trying to establish an annual effort in evaluating the list in ascertaining what properties should be added and what properties should be taken off. As part of that annual update to the CPPC, staff will be recommending properties that may have been significantly altered to come off the list.

Commissioner Wolf asked for Legal to talk about the requests by so many people wanting their property taken off the list. Mr. Dema stated that they may be interested in exploring some kind of procedural mechanism to more quickly evaluate and maybe give someone a chance to have that opportunity. With that being said, historic preservation is zoning, it's not inherently a taking; there are very few cases and certainly not a placement on a list with a 30-day stay would rise to the level of a taking. Our zoning code looks at this as an overlay, a subset of a zoning district that has certain duties and responsibilities, and benefits as well as part of one of those overlays. The law is very clear that historic preservation is akin to zoning and is part of this Commission's purview as well as City Council.

Commission Chair Carter stated his agreement with some kind of "opt out" clause is in order as well as some kind of notice on a property card and feels that delaying action for a month or two is appropriate.

Commissioner Winters stated that she did not like the term "opt out" and to use something like "re-assess" particular properties; she likes the idea of having a workshop with having some representatives from today's group to try to work through the concerns. She also agrees with a delay for two months.

Commissioner Wolf asked staff if they thought there would be an appropriate time for a deferment to look at two issues; (1) coming up with a process of indicating on property cards or somewhere in public record that it is a potentially eligible property, and (2) to look at procedures for removing a property from the list. Mr. Kilborn stated that staff would need comfortably three months to do some of the analysis CPPC is asking for (January through March would be work months with the update presentation in April).

Commissioner Reese asked about holding a workshop during this time and Commissioner Michaels stated that another community public meeting should also be held to receive further information and to answer questions.

MOTION: *Commissioner Wolf moved and Commissioner Rogo seconded a motion to defer until the April meeting and for staff in the interim to work on some of the items brought up today including to create a way for public notification (i.e. property cards), to create a process to re-assess properties for placement on the list, and, if possible, to hold a CPPC and/or public workshop either combined together or separate.*

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

Motion passed by a vote of 7 to 0.

B. CPPC Rules of Procedure

Heather Judd, Assistant City Attorney

Request: Vote on Amendments to CPPC Rules of Procedure

Staff Presentation

Heather Judd gave a presentation on the proposed changes to the Rules of Procedures.

Public Hearing

No speakers present.

Executive Session

MOTION #1: *Commissioner Michaels moved and Commissioner Rogo seconded a motion approving amending the Rules of Procedures allowing an opponent to register 48 hours in advance of a meeting.*

VOTE: *YES – Bell, Burke, Michaels, Reese, Rogo, Wolf, Carter*

Motion passed by a vote of 7 to 0.

MOTION #2: *Commissioner Burke moved and Commissioner Wolf seconded a motion to strike-through the second half of the first sentence under VII.B pertaining to allowing alternate members making and seconding motions, to remain consistent with the DRC.*

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

Motion passed by a vote of 5 to 2.

MOTION #3: *Commissioner Wolf moved and Commissioner Reese seconded a motion adopting the CPPC Rules of Procedures as amended.*

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

Motion passed by a vote of 7 to 0.

VI. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

No comments/announcements.

VII. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 5:35 p.m