



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

**Council Chambers
City Hall**

**April 9, 2019
Tuesday, 2:00 p.m.**

MINUTES

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

Commissioners Absent: Keisha A. Bell
Thomas "Tom" Whiteman, Alternate

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
Katherine Connell, Administrative Assistant, Planning & Development Services
Iris Winn, Administrative Assistant, Development Review Commission

The public hearing was called to order at 2:01 p.m., a quorum was present.

I. OPENING REMARKS OF CHAIR

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND SWEARING IN OF WITNESSES

IV. MINUTES

The minutes from the March 12, 2019 meeting were approved by a consensus vote.

V. PUBLIC COMMENT – None

VI. QUASI-JUDICIAL PUBLIC HEARINGS

A. City File 18-90300010

Contact Person: Laura Duvekot, 892-5451

Request: Designation of the James E. "Doc" Webb Estate as a local historic landmark to be listed in the St. Petersburg Register of Historic Places. The designation application also includes two (2) variances: 1) interior side yard setback; and 2) parking forward of the front façade.

Approved with the Condition that the lot line is moved a minimum of 3 ½ - feet to the West between Lot B and Lot C

Staff Presentation

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

Applicant Presentation

Anne Dowling and William Hess, for Allendale Terrace Neighbors United gave a presentation supporting the designation of the entire estate.

Owner Presentation

Merrill C. King, II and Jacob T. Cremer, Esq. spoke on behalf of Owner in opposition to request
NOTE: Presentation distributed to Commission and entered into Record with Clerk

Public Hearing

Support:

Jeanne Siversen, 700 37th Ave N., registered in Support of the preservation
Michael Serbanos, 775 35th Ave N., spoke in Support (designating the entire estate) of the request
Lance Olsen, 2826 4th Ave N., spoke in Support of the request, not in attendance
Emily Elwyn, 836 16th Ave NE, Preserve the ‘Burg, spoke in Support of the request
Amber Pacetti, 4220 17th Street N., spoke in Support of the request
Ray Arsnauld, 767 36th Ave. N., Preserve the ‘Burg, spoke in Support of the request
Jim Stitt, 1000 40th Ave N., spoke in Support of the request
Mary Dowd, 205 8th Ave NE, spoke in Support of the request
Thomas Nestor, 500 45th Avenue NE, spoke in Support of the request
Shannon Wright, 1289 Snell Isle Blvd. NE, spoke in Support of the request

Against:

Kathryn Howd, 842 36th Ave N., spoke Against the request
James McGoren, 820 36th Ave N., spoke Against the request
Elka Zwick, 6457 23rd St. N., spoke Against the request
John Bussey, 754 36th Ave N., spoke Against the request
Clete Gardenhoer, 751 36th Ave n., spoke Against the request
Elizabeth Schuh, 450 Roser Park Dr. S., spoke Against the request
Greg Bedore, 3611 8th St. N. spoke Against the request

Cross Examination

By Administration:

Waived.

By Applicant:

Waived.

By Owner:

Waived.

Rebuttal/Closing Remarks

By Administration Derek Kilborn:

Just a few notes I wanted to point out, the initial presentation by the Applicant included reference to the Potentially Eligible List, and an image of a recent update that we presented to the Commission. There was an audio reference to the property being included on several lists throughout the years. There is an official Potentially Eligible List that we have described before the 2006 date, please note the “Doc Webb” house was not included on that particular list. It has appeared in several different neighborhood surveys identifying its potential eligibility, it was included in our update to the Commission however since it referred to all lists, I wanted to be sure you were aware that it was not on the 2006 list.

Secondly, there was a reference to the amended boundaries, work on amended boundaries dates back to December 31, 2018. On that date, there was a conference call to discuss potential amended boundaries. That call was scheduled to include Owners counsel, the Applicant and City Staff. What that looked like in the final recommendation to you was the most recent details that are included in your Staff Report.

By Applicant Anne Dowling Hess:

At this moment I wish I was Doc Webb to wow each of you on the CPPC with my showmanship, debonair calm and the ability to spin a tail to sell you anything. Unfortunately, I am not, I am not a showman or used to the spotlight. I am simply a proud mom, wife and caring neighbor. When we filed this landmark application, we could never have imagined what would follow. We field the application to keep our community special, to keep St. Pete special. I love this City. Stepping into the harsh glare of the spotlight to speak up for Doc Webb's Estate is a small price to pay to help preserve a unique part of St. Pete's cultural and architectural history. I will try to channel Doc Webb, members of the CPPC have I got a deal for you. It is a 2 for 1 Tuesday, by voting to designate the Doc Webb Estate in its entirety you save an architectural gem and pay homage to Doc Webb, an architect of commerce and community leader. This is a deal even Doc could love. He also clearly loved his house, maintaining it in pristine condition and making it a focal point for Allendale Terrace. Opening it up for the holidays and giving the residents special cheer each holiday season with lights and spectacle, even Santa and Ms. Clause. Doc's unique and singular home matched the unique and outsized personality of this iconic yet conflicted man. Unique is the key here. This is a one-time deal, there are no other Doc Webb Estates, just this one, so please landmark it. When you have a unique property to landmark you can rely on the specifics of the facts in front of you. In fact, that is your charge. These facts, the Staff Report, the statements of so many people submitted, all support saving the one singular and unique home. The Webb Estate is a true landmark, not just for Allendale Terrace but for each neighborhood from Disston Heights to Euclid, St. Paul, from Crescent Lake to Little Five Points. Many St. Pete homes are facing demolition at record rates. Build them bland and sell them fast is not a slogan anyone should embrace, especially the CPPC and St. Petersburg a City whose codes support preservation and history. Please stick to the facts when voting, look to the code, the first Staff Report and the community who spoke today and live here. Vote to landmark the entire Webb Estate.

By Owner Representative, Jacob Cremer, Esq.

Several of the speakers today mentioned historic preservation should be a two-way street, working as a community. The Kings were caught off guard by this submission but from the day it was submitted, they started working with City Staff and attempting to work with the community. If Allendale Community Association had approached the Kings, they would have been happy to sit down and discuss this with them. There were several conversations with the Applicant including the December meeting that was mentioned, followed by a January conversation where Ms. Dowling told us any compromise was off the table, since then she has not been willing to communicate with us. I was taken aback by Preserve the 'Burg's stance on this because Mr. Peter Belmont helped us come up with this compromise. We are trying to work with the community to achieve the goal of historic preservation and the protection of property rights. Staff's Report says that the Kings have vested rights to redevelop at least a part of this property. What we ask is that the Commission think of this as an opportunity to show the community that we can find ways to work together and protect everyone's rights. One of the benefits of a neighborhood like Allendale is this is not a community where every house looks the same, we see houses of many different eras, that alone can remind us of where the City has been, and where the City is going. I urge you to adopt Staff's recommended proposal.

Executive Session

Commissioner Rogo: We must address the initial application that was presented to us.

Commissioner Winters: A question for Legal, to be clear, the buildable lot permit that was issued, with the correct process. The property is not on the Potentially Eligible List, there was no red flag, nothing to stop the process.

Attorney Dema: That is correct, it was three months prior to the acceptance of the application for designation.

Commissioner Winters: In the packet that the Kings presented, I notice the letter from the attorney in Section 4, notes approval of historic designation will subject the City to legal liability. Could you comment on that?

Attorney Dema: We do hear that a lot of the third-party, Owner objection designations. Our standard response is, largely historic preservation is a zoning overlay, you do not have a vested right into the zoning around you never changing, that applies to a property and a neighborhood. I do view this one a little differently because, first, the buildable lot letter, that was issued by the City Zoning Department. That letter and the actions that the Owners made in reliance of that letter, lead to the vested rights doctrine, where it changes the calculus that we would look at for historic designation. I am not much of a prognosticator as to the degree of the exposure the City has on this situation, it is a non-zero exposure. It would be a different case if we did not have that letter. Some vesting occurred, estoppel, where you rely on someone who is authorized to make such a representation on behalf of the City, such as that

letter. There were steps made as to the marketability and sale of the property in reliance of that letter. It is a concern for us, we did try to make sure that was addressed in the Staff Report. It is one of the factors underlying the Staff's compromise recommendation.

Commissioner Winters: I do have a comment as well, I am very concerned about process, I understand and fully support that the City has a third-party nomination process, because as Ms. Allen pointed out, sometimes, it is needed. I do think we need to be very respectful of people's property rights and we need to bring some balance to the table here. I am concerned that the Applicant made no initial attempt to speak with the Owners, I think it sets this up poorly for us and I also think the Owners have shown a good faith effort to compromise. It needs to be acknowledged that the Staff proposal, I understand the comments that have been made, but given this buildable lot letter, this is a very difficult situation and I support and would like to make a motion that we tackle this on the Staff proposal rather than the whole parcel.

Commissioner Rogo: If I understand you Commissioner Winters, you do not think we need to address the original application?

Commissioner Winters: I would like to propose that we have that discussion first, unless it makes more sense to back it out to the full parcel.

Commissioner Michaels: I would follow the original recommendation made by Staff. Which would be to designate the entire site. If that fails, then you can address the partial designation.

Attorney Dema: Dr. Michaels, if I may, I believe the original recommendation was that whichever option you chose first, if it were to be a yes, would end the conversation. If a motion was made to address either the full parcel or the one lot, that motion would be the one to take up. If that motion was a yes, that would end the conversation, if it was a no then the other option could still be considered.

Commissioner Wolf: We have heard a lot of comments about motivation and the intent of creating a designation. I have been on this Commission since the mid-nineties and we have had several instructions from well-educated attorneys both on the Commission and on Staff. As I understand it, our charge is to determine if the property meets the criteria for historic designation. The intent of the person who started the designation or what the property rights of the owner is, the Commission's charge is, we have been presented with a property, we have a certain set of guidelines under City Ordinance and City Planning, and those guidelines say, this is what is required to determine if a property is eligible for designation or worthy of designation. Our charge as a Commission is to make that determination. It is not to say, we do not like your motivation or we feel sorry for you and your property rights. I want to be sure that that's clear, because that is how I have been evaluating these applications.

Attorney Dema: Please note in Code 16.30.070.2.5.G, Commission Recommendation, the Commission shall: Recommend approval, denial or approval with modifications of the application within 60 days. What you saw here today was a recommendation for approval with modifications of the application. The recommendation was based on the criteria in the Code as well as legal factors the Staff and the City's Attorney's Office added to the calculus. The totality of the request is to review the application for contingency with the two sets of criteria. City Staff pro-offered a recommendation of approval with that modification given some of the unique legal circumstances. I do not know if it is related to intent, but it is related to a legal reality of a potential for vested rights of the owners, prior to a receipt of a completed application. All your decisions under zoning and planning, generally are to be guided by the relevant law which includes case law, state law, and federal statutes. We are required to give you the whole picture here. Whichever way the Commission decides to go with this the application, with the two sets of criteria, is tantamount to what you are going to do, I do not think it frustrates the ability of the Commission to do that in either circumstance.

Commissioner Wannemacher: I believe it is important to not lose sight of the fact that when Cade Allen platted this neighborhood, he platted the property as four individual, buildable lots. When the original structure was built in 1925 it fit comfortably on a sixty-foot-wide lot. It was only later additions that came about in the 30s and 50s that the property grew beyond the boundaries of the original platted lot. Cade Allen also set aside a very large estate sized area for a community park across the street. The fact that the estate now sits on four lots, it is important to remember what it was originally, when Cade Allen first platted the neighborhood. I am concerned about the side yard setbacks and the easements and the zero-lot line setback. When we get to the variance issues, I will have a couple other comments.

Commissioner Burke: I believe the bigger picture here is, on a regular basis we deal with issues on this Commission that are probably more impactful on the City as a whole than an issue like this, however we talk about issues like this to a full auditorium and we talk about the issues that are more impactful to an empty auditorium. I believe this type of application is going to become more and more prevalent. I believe our process is flawed, pitting people on either side of the issue, this is not a black and white issue. I have heard the word greed used twice today. That is not fair, the developer is greedy, each one of us lives in a home that was built by a developer, someone who took a financial risk to make a financial profit. Or the greed of an owner, isn't trying to sell your home and your family

asset for its highest value, isn't that just the judicious use of an asset? The other side of the argument is, you can't tell me what to do with my property, well that isn't true either, we have rules in our society. I would like us, as a City, to take a close look at the entire process. Maybe get a workshop and get City Council involved, I cannot imagine that this is going to start going away. I do have problems supporting the third-party application. I am going to have problems voting for any of the scenarios that have been presented here, based on what we have seen today.

Commissioner Reese: I share concerns voiced by two of the Commissioners. Commissioner Winters, I agree with you, I also have concerns about the process. I understand that is not what we are here to vote on, however I believe as we move forward, it is our responsibility to listen to concerns on both sides and take them into consideration, even for the primary purpose of developing a better way to move forward. The third-party designating is something I have always struggled with, that is my personal struggle, however I agree that we should be looking for a better way to address these issues and we should be concerned, and I am concerned about the Owners as well as the Applicant because most of us up here are very concerned about preservation. How that process is carried out is equally important to me although it may not be how I vote, it may not be the deciding factor in my vote, but I am very concerned. For something of this importance to be dealt with in an adversarial manner does not speak well for the process, and whether the City is responsible for that in some way, I think we need to look into that. I do agree that we need a workshop, we are going to see more of these come before us and more and more are adversarial in nature. I do not think it is our responsibility to nurture that kind of process, we should be looking for a better process.

Commissioner Wannemacher: I will second the motion that Commissioner Winters made.

Commissioner Winters: The motion is to consider the Staff proposal to designate the one parcel with the house on it.

Commissioner Wannemacher: I will second that.

Attorney Dema: Chair Rogo if I may, I think it is worthy of a discussion whether the variances should be included in this or not. I know it is not usually the purview of the Commission to be considering variances but in the context of one with a designation you all will be today. Given that these variances were set forth to potentially facilitate this compromise solution the motion could include a motion for approval of the Staff scenario with variances. You can handle it all in one motion if you choose.

Commissioner Wannemacher: In that case I would like to open a discussion about the proposed variances. First, is the 3-foot easement in addition to the future 6-foot side yard setback, on the empty side? Would the result be 9- feet from the proposed new structure to the existing lot line?

Derek Kilborn: On the opposite side of the line you would have, per the zoning category, a minimum required 6-foot setback for any new construction. The 3-foot maintenance easement would be part of the 6-foot building setback. The only thing the maintenance easement is providing is a 3-foot area for the future owner of the Webb House to access that portion of the building for maintenance reasons.

Commissioner Wannemacher: Therein lies part of my concern, if both lots had the normal 6-foot setback you would have 12 feet between structures. In this case what we will be left with is potentially on 6-feet between structures, I am not ok with that. I believe it should be a minimum of 9 and up to 12-feet and I do not know what that potentially does for future development, but I am very concerned about having only 6-feet between the structures on that one side. I would propose that it be increased to 12-feet, so it would result in what the easement would normally be 6-feet and 6-feet, 12-feet between structures.

Derek Kilborn: We did think about that, we concluded that we did this because the site that would be most impacted is the site that would be subject to new construction. Any buyer of that site is fully aware of the existence of the structure next door. This would not impact the buyer after a purchase, it would exist prior to the purchase. Requiring that additional setback was not a major concern for us. The secondary question was, what does the Florida Building Code require in terms of building separation. When we considered that question as part of a separate discussion we are having on affordable housing, we understand that the minimum requirement typically is 3-feet and 3-feet, 6-feet between walls. Again the 6-foot number did not concern us when making this recommendation. Those are the reasons and rationale we used when not requiring any more than the 6-feet.

Commissioner Wannemacher: The Florida Building Code also identifies whether the wall has openings or non-openings. If the new wall had no openings, I am concerned about the 6-feet. If you have the building wall and an eve line or an overhang, potentially you could get really close between the structures. I do believe it should be more than 6-feet.

Commissioner Michaels: I would like to suggest a possible alternative to try and strike the right balance to what is being proposed. Rather than considering just Parcel C, Lot 13, another option would be to approve Parcels C and D. If we do that it addresses the

conversation we just had, and addresses concerns about the elimination of part of the structure, the porte-cochere, we would exclude Parcels A and B and keep Parcels C and D.

Commissioner Rogo: We do have a motion on the floor and if this is a suggested amendment, I wonder if the maker of the motion is open to the amendment.

Commissioner Winters: I am looking at the plats, if Parcel C was made larger to accommodate the setback, that would make Parcel B a non-buildable lot, correct?

Commissioner Michaels: Correct you would have two buildable lots and two that would be preserved.

Attorney Dema: Chair, I would like to communicate to the board, the Owner would be willing to add an additional 3 ½ -feet making it 9 ½ -feet from the lot line.

On behalf of Owner, Jacob Cremer, Esq.: Our proposal is the lot line between Parcels B and C would be adjusted 3 ½ - feet to the West. The easement on Parcel B would not be needed anymore and there would be 9-feet between structures instead of the normal 12.

Commissioner Winters: Parcel B would be a buildable lot at that point?

On behalf of Owner, Jacob Cremer, Esq.: I would like to double check with Staff, but B would be buildable if the lot line was adjusted West 3 ½ - feet.

Attorney Dema: The minimum lot width is 50, Derek?

Derek Kilborn: 52 feet, and they have 60 right now so they would be above the minimum lot width, allowable for that district

Attorney Judd: What you are seeing on the request for the variances is if you designate just Parcel C without the variance you would be creating a non-conforming condition. With the variances you are creating a Code compliant condition. As Mr. Cremer stated, the Staff would go back later, if there were requested lot line adjustments, they could still be made to create more space and preserve the buildability of the other lot. The variances are recommended to be packaged with the designation, if you so choose the single parcel to prevent the non-code conformity.

Commissioner Winters: My motion would stand with the extra 3 ½ - feet, we will call Parcel C plus 3 ½ - feet to the West.

Commissioner Rogo: You are including the variances as part of your motion.

Commissioner Winters: I am.

Commissioner Wannemacher: Right, the variances as proposed by the City Staff allow for the Owner to adjust that lot line in the future, which they have just agreed to do. With that I will continue to second that motion.

Commissioner Wolf: We need to clarify, is that variance 6-feet now?

Commissioner Wannemacher: I do not think so, the variance stands as it is proposed, and the Owner has agreed to adjust the lot line 3 ½ - feet to the West, from that point there is also a 6-foot building setback.

Commissioner Wolf: If you only approve a 3 ½ - foot variance at this point the lot line is not adjusted. Potentially it could end up with a 6-foot space between the structures until the lot line is moved. Do we need to adjust that variance?

Attorney Dema: I suggest we add an addition of approval; the lot line adjustment is a process that is administrative in nature. If you add a condition of approval that the lot line is adjusted 3 ½ - feet to the West between Parcels C and B then the variance becomes 2 ½ - feet. Lot C is still subject to the normal setback requirements of the zoning district which is 6-feet on the side yard.

Commissioner Wolf: The motion as presented an additional condition of approval would be the relocation of a lot line. Is that correct?

Commissioner Winters: I thought I did that by calling out the 3 ½ - feet, I will make that a condition that the lot line needs to be moved, and I would like to thank the Owner for bring that up.

On behalf of Owner, Jacob Cremer, Esq.: If I may, can we make it a minimum of 3 ½ - feet because we will try to move the lot line further, we just do not know where the utilities are, we will commit to that being a minimum and we try to move the line further.

Commissioner Rogo: To be sure we are discussing the designation of Parcel C, proposing two variances, and one condition on one of the two variances, and we have a motion and a second.

Commissioner Wolf: I believe absent the buildable lot interpretation, I would strongly support designation of the whole property. I think designating just this portion even with the extra lot area is going to make a difficult situation. I agree with what other Commissioners have said, the problem is, we have an established development pattern of houses on multiple lots. Owners have rights to develop those lots, the City has not done anything in zoning to correct the lot widths to match the established pattern of development. Someone can own three lots and build on three lots. In my opinion that destroys the character of the neighborhood or substantially impairs it. In practicality if the City has opened the door for a potential reversal because of a lot line interpretation this may be the best outcome we can seek, and we are not pursuing this in court to an uncertain outcome. I do think we have an issue with large lot developments that overlap multiple lot lines that will invite development that is not in character with the neighborhood. I think that is something we are going to need to address, so it does not leave us up here with third-party designations. What I am hearing from counsel is this might be the best way to protect some portion instead of going to court and having an uncertain outcome.

Commissioner Michaels: I am still uncomfortable not designating the entire site or the two parcels to the right of the diagram. We have established the entire site meets three of the criteria and six of the seven integrity factors, I think that is a substantial reason for supporting designation of a large site.

Commissioner Rogo: Do you wish to make a motion to that effect?

Attorney Dema: I think a friendly amendment was declined, one substitute motion is available, under the rules of order. You do have the parliamentary option of making a substitute motion and if it were seconded it would get a vote, if not we would go back to the original motion.

Commissioner Wolf: At the risk of opening it up again, I agree with you, I believe the evidence does support the site should be declared historic. This may fail on a vote, my thought is absent issues with the City, that would be the appropriate course for us. I will second for the purposes of discussion, comments that have been made, it may fail.

Commissioner Michaels: I move as a substitute motion we designate Parcels 13 and 14 as part of the historic boundaries for the Webb property.

Commissioner Rogo: If Staff would help me with our parliamentary procedure. We have a substitute motion that has been introduced and seconded. We need to take it up before we can.

Attorney Dema: Go back to the original, that is correct.

Commissioner Rogo: We now have a substitute motion that addresses Parcels C and B

Commissioner Wolf: Are we saying all four?

Commissioner Michaels: No, all of Parcels C and D.

Commissioner Wolf: That leaves, Parcel B is non-conforming, I could see you want to increase that area but if you only do C and D you leave the non-conformity of the lot line.

Commissioner Michaels: Lets reword the motion to allow for the lot line as well.

Attorney Dema: Your substitute motion is for the approval of a designation for Parcels C & D with a 3 ½ - foot westward lot line adjustment of Parcel C onto what is currently depicted as Parcel B?

Commissioner Michaels: Yes.

Attorney Dema: Does that still have your second Commissioner Wolf?

Commissioner Wolf: I agree with the concept but, if at that point we do not have a buy in by the Owner we back to where we were.

Attorney Dema: I believe this would require a super majority.

Commissioner Wolf: As much as I would like to support that, I do think the whole sight should be designated, I don't think I can support that.

Commissioner Rogo: We are back to our original motion.

Commissioner Winters: For many of you who spoke to the historic character and the history of this site, I understand and hear your concerns. You may have discussed this recently as a neighborhood association, I strongly urge you to do a historic district. That is how you are going to have control over the new design of construction. It is not going to happen unless you do a historic district. I have a historic property that we put on the register several years ago and I live next to a small historic district. If you stay for the next item on the Agenda, there is an owner in that district who has a Certificate of Appropriateness being proposed. Anyone who would like to speak to that issue there has to be design review of any new construction or alterations to existing structures. If you do not have the district status, you are in a very tough situation, so please consider that.

Commissioner Burke: Based on the Owners willingness to compromise, I can support Commissioner Winters' motion. Even when this leaves this Commission this is still a live issue, for us to speak in the hallway about this or to speak over coffee about this matter outside of the public forum is a violation of the Sunshine Law.

Commissioner Rogo: I am very pleased with the motion that has been presented. It was indeed a quandary. We are charged with determining the designation based on historic significance criteria, historic integrity criteria. The four lots met those criteria, enough that we could approve all four lots and I think we have enough criteria in place to justify designating one of the lots. I think it was Mr. Bedore who made the comment, what is the City going to do to save that house. I have to second what Commissioner Winters just said, by designating the home we are not necessarily saving it. Demolition by neglect is something we speak about a lot here, concerns us greatly and we do not have an answer for that yet. I do not have an answer as of to what happens to the house after the Kings choose to sell their property. Will that home be sold to someone, maybe it will maybe not?

MOTION: *Commissioner Winters moved on approval of the Staff recommendation with Amendments to Parcel C
Commissioner Wannemacher seconded*

VOTE: *YES – 6
NO – 1*

Motion passed by a vote of 6 to 1.

B. City File 19-90200008 Contact Person: Laura Duvekot, 892-5451

Request: Certificate of Appropriateness for alteration and construction of an addition to 745 18th Avenue Northeast, a contributing property to North Shore Section – 700 Block of 18th Avenue Northeast Local Historic District.

Commissioner Winters stepped away due to a conflict.

Staff Presentation

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

Applicant Presentation

Donald Strobel spoke on the design of the addition.

Public Hearing

Arnold “Arnie” Cummings, 715 18th Ave NE 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 Burke: Approval with a fourth condition that Staff have a final review to be sure the windows do not significantly differ from what was presented in the application.

MOTION: *Commissioner Wolf moved on approval of the Staff recommendation
Commissioner Wannemacher seconded*

VOTE: *YES – 6
NO – 0*

Motion passed by a vote of 6 to 0.

C. City File 19-90200006 Contact Person: Laura Duvekot, 892-5451

Request: Certificate of Appropriateness for alterations to the courtyard and ground floor restaurant at the Detroit Hotel, individually-listed Local Historic Landmark.

Commissioner Wannemacher stepped away due to a conflict.

Staff Presentation

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

Applicant Presentation

Carlos Mulnar, SOL Design Studio, LLC. gave a PowerPoint presentation

Public Hearing - None

Cross Examination

By Administration:
Waived.

By Applicant:
We would like to know specifically; what elements are of concern to the 1946 structure and how we can work to remedy them.

Response by Administration:

The elements of the 1946 addition that seem to be distinctive, the porthole window, the stucco exterior, originally there was a wrap window, but a lot of it has been changed dramatically. I am not sure how feasible it would be to bring some of it back. Those were the main elements, the exterior cladding and the fenestration configuration.

Rebuttal/Closing Remarks

By Administration:

The only closing remark we have is in the presentation there were some demonstrations of garage doors that had been previously approved for installation. I would like to point out those garage doors were not on designated local landmarks, so they were not

reviewed subject to a Certificate of Appropriateness. We would have had a different opinion about the installation of those if they were in fact designated. The most recent example we have for you is the Mari-Jean Hotel that was reviewed by this Commission just recently and we had a discussion about storefront windows and we had a request for garage doors that would have substituted for the installation of nanawalls or pivot windows, we did make a similar change with that application.

Commissioner Wolf: Would Staff be amenable to some conditions, something that would be acceptable to Staff.

Laura Duvekot: I think the restoration of the historic material and the window and door configurations is something that would be reviewed at Staff level, if it were a true restoration. I do believe it can be appropriately conditioned within your recommendation.

Commissioner Rogo: Instead of denying the 1946 portion and appropriateness we might add some conditions.

Commissioner Wolf: Subject to the conditions in the Staff Report and final review and approval on the Staff level.

Derek Kilborn: From the Certificate of Appropriateness position it is probably going to have a significant impact on the proposed configuration of openings. If it is a restoration as Laura Duvekot described to you then we would be going back to a window door configuration and that is represented on pages 9 and 10 of the Staff Report. This shows the historic door and large window to the right of the door and then a smaller window to the left. I do not know if that is the plan they would commit to today. We have had previous discussions with them and the design that is proposed has not moved in that direction. If it is not a true restoration, similar to what is proposed in the historic drawing, we would not describe this as a restoration and believe it is important for this Commission make a decision whether or not the Certificate of Appropriateness should approve something that significantly changes the openings along the street façade and then wrapping around the corner. I think the question about whether the window should be a roll up garage door or a pivot type window is an easy answer. The bigger question for you is the openings and the configuration of the windows themselves and the surface materials. Is the Commission comfortable approving the surface material being proposed or the historic material proposed in the Staff Report?

Attorney Judd: I suggested the bifurcation of the report into the separate periods. Most of the other periods with conditions were acceptable under the review criteria. The breadth of the criteria that was not acceptable centered on 1946, if it was a question of just a garage door versus another door that would be something you could approve and add conditions. Unfortunately, it seemed we were a little too far away from that. Adding a simple condition to go back to Staff was difficult for us because it would require decisions that would normally come here because of the scope of the changes.

Commissioner Rogo: In denying one portion of the certificate application are we requiring the Applicant to come back to us with an entirely new request for a COA for that portion of a new project.

Attorney Judd: I think we are looking for a deferral of this part.

Derek Kilborn: I think Heather described accurately how we got here. Our belief is that where there are issues there is agreement that the Commission can render individual motions and decisions today and the Applicant can proceed with permitting on those items. The 1946 item where there is disagreement, that one item could be deferred, and brought back to the Commission next month with any changes that might be discussed between now and then or the Commission can choose to deny.

By Applicant:

I would agree to take some time to go over that. That parcel has seen many facades, significant changes over the years. How do you define something that has been modified so many times throughout the years? We understand the quandary we are challenged with multiple time periods and styles within one piece of architecture. I would agree in speaking with our client a little bit of time because I am confident in working with Staff we can come to a mutually agreed upon resolution. The parcel isn't clean it isn't straight forward it has seen many different lives which has led us to ask what it is truly, what is left of the stucco box once everything is removed. I agree a little bit of time would help and we will come to a mutually agreeable design.

Executive Session

Commissioner Rogo: Would you like to try and clearly define a motion for us?

Commissioner Wolf: I think we can structure a motion to approve the first two sections in accordance with the Staff Report and to defer the third section. I believe the biggest question is, what information do we want to see coming back so we can review which period is most important to be compatible with. What do we want to see, I would like to see a larger drawing of that section to identify what the openings are and what openings are proposed to be, after review by Staff and to ask if they have a recommendation? Given that, I move approval of items one and two in accordance with the conditions given in the Staff Report and that we defer on item three subject to review with the Applicant and Staff with the intent we come back with larger scale drawings of that element. Specifically address fenestration of that section to be compatible.

Commissioner Michaels: I would like to commend the Applicant in the direction they are going. The sensitivity you are showing to this landmark. This is really a precious cultural resource that we have in the City, virtually the first building to be built in the City, certainly the 1888 portion of it. Our founding folks, John C. Williams, Peter Demens and William's wife built this three and half story structure out in the middle of nowhere back in 1888, before the Vinoy, this was the cultural center. It deserves to get the attention you are giving it and the sensitivity you are showing here. Anything you can do to help educate the community on this underappreciated landmark about the importance of this building and the people who have gone through it, Babe Ruth, William Jennings Bryan, Eleanor Roosevelt John Kennedy. I think the signage could be looked at as well to better represent the landmark.

Attorney Dema: In reviewing the request we were discussing three subjects, there is a fourth subject, the courtyard. You bifurcated this into two getting approved, 1888 and 1911. The 1946 being deferred, we would like the motion to include the courtyard.

Commissioner Rogo: In the Staff report it was recommended to approve the courtyard.

Attorney Dema: I think we are all in agreement, if you can add that to the motion, that is acceptable to Commissioner Michaels who seconded the motion.

Commissioner Winters: I want to be attentive to Ms. Duvekot's request that we speak about the period of significance for the item that has been deferred. I would like to hear a little advice from a Preservationist here, my understanding is we should be attentive to the 1946 period because that is when this addition was constructed, we are not trying to replicate the original structure and we want the 1946 addition stand out, it seems like that would be appropriate, but what are best practices here, when you have three different periods of significance?

Laura Duvekot: I see the 1939/1940 alterations of most of the building and that 1946 addition are stylistically similar. I think there is a possibility to keep the flow by preserving what material from the 1940 alterations remain at the ground level with the restoration of the 1946 addition, seems to be a good approach to the changes and the material that is still there.

Commissioner Winters: My only guidance around the discussion, what happens on the redesign of this, that we look at that period and the wrap window seems appropriate the fenestration needs to really work for that period and I think it could actually add some funkiness to the site to have this '40s structure hanging out there. I think it is a special place to people who live in this City and those funky little things stand out. I think from a design perspective it could be a lot of fun.

Laura Duvekot: One more thing to note, to the best of my knowledge the 1946 appearance of that addition was retained until the late 1970s. There have been a lot of changes to the building in recent years but the 1940s aesthetic was there until outside the historic period as we know it.

****Staff recommended approval of the portions of the Application relating to the 1888 original Detroit Hotel; 1911 addition; and Courtyard. The 1946 patio restaurant was deferred to the May 14th CPPC meeting.***

***MOTION: Commissioner Wolf moved on approval of the Staff recommendation
Commissioner Michaels seconded***

***VOTE: YES – 6
NO – 0***

Motion passed by a vote of 6 to 0.

D. City File 19-90200057

Contact Person: Laura Duvekot, 892-5451

Request: Certificate of Appropriateness for alteration to the State Theater, a local historic landmark.

Commissioner Wannemacher stepped away due to a conflict.
Commissioner Winters excused herself from the remainder of the meeting.

Staff Presentation

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

Applicant Presentation

Kevin Chadwick, Owner gave a presentation
Jack Bodziak, Registered Agent, spoke on the plans to restore the State Theater and the proposed sign.

Public Hearing - None

Cross Examination

By Administration:
Waived.

By Applicant:
Waived.

Rebuttal/Closing Remarks

By Administration:
Waived.

By Applicant:
Waived.

Executive Session

Commissioner Wolf: I do like the design and see the need for the electronic sign. I am not sure how that ties in to our historic preservation. From a preservation side, although it is not what was there when I first saw it, it seemed to me it tied in with the design intended with the original building, perhaps better than the blade sign did. From a design element and as an element of the City I would be comfortable recommending approval the way it is designed. There are two issues, first, we have some strict regulations on the electronic messaging boards, I would like to know if that is that a problem separate from the Historic Preservation Act. Second, to get some feedback from Laura Duvekot on how far of a stretch it will be to leave the crown element on the top and bottom of the blade sign.

Laura Duvekot: The challenge here, to construct the blade and the marquis, the sizes that are being proposed, the sign would have to be designated a replica sign, under the signs of historic significance policy. I measured the street frontage with a Planner who reviews signs, his evaluation was the storefront would be allowed 102 sq. ft. of sign face. The proposal is approximately 150 sq. ft., considering what is being proposed a replica, is a bit of a stretch. The sign includes new technology and new design references. I do disagree it is a historically sympathetic design that does have some references to the building, however, considering it a replica as to what was there historically, based on the evidence, due to the technology and the design is not accurate.

Commissioner Wolf: That is separate issue from the historic, if it wasn't a replica sign, they would fall under different requirements for signs?

Attorney Judd: The design of the sign can be evaluated based on the normal COA criteria. If it is approved, we would not consider that a replica sign for purposes of Chapter 16. Under the Code a replica sign must use historical materials and technology or use contemporary materials and technology that visually match historical ones. The electronic messaging sign is taking us out of that criteria. What Laura is referencing is if you approve the design fitting the building, permitting would require the sign to be smaller because it would not conform with the replica criteria, therefore it is not exempt from the sign Code. The sign would have to be approximately 50 sq. ft. smaller. If the 1950s design was matched, it would be a replica sign and it would be exempt from the height and size calculation, because of the sign Code. You are correct, it is a bifurcated issue.

Commissioner Wolf: One other question, because that is area 102 versus 153 sq. ft. The second question, under the current sign Ordinance, if they were to scale it back, could they have the electronic board?

Derek Kilborn: Yes.

Commissioner Wolf: Visually I can see the electronic board could look like the blade sign because the image could be made to look anyway they want. From a historic perspective, I do not have an issue with the sign. If the graphics were set up to look like the original sign, it just allows the graphics to be changed remotely instead of having to put letters up. From a historic perspective, what I saw of the design does not bother me, that doesn't mean we can approve it and then they go to City Council and the City requires a variance.

Derek Kilborn: The answer to your question is yes, there is a provision in the sign section under EMCs that says, digital or electronic message center signs are prohibited within the boundary of a locally designated historic structure or site, performing arts venues are exempt from this prohibition with approval of a Certificate of Appropriateness. Step one is the request would qualify under this Section of the Code, for us to review because we have spoke to zoning to confirm that this proposed use would be interpreted as a performing arts venue. When you review the EMC Regulations the EMC Regulations limit the size of the EMC portion to no more than 50% of the overall sign area. The EMC sign shall not exceed 32 sq. ft. in area. The EMC is subject to those regulations and what Heather previewed for you, you have two options. You can approve the sign under the Signs of Historic Significance which is a program to incentivize the preservation, conservation and or replication of historic signs, or you can review the sign outside of the incentive program as a regular sign proposal subject to the normal sign regulations. The normal sign regulations would reduce the allowed size and they would still qualify for the EMC consideration under that.

Commissioner Wolf: Would the option of either placing it under the Signs of Historic Significance or conforming with the signage requirement with a COA saying that the COA is acceptable, the electronic messaging board can qualify under the performing arts venue. That would allow them to come back let them try a smaller scale or they cannot, and we will have to go back to the blade sign.

Derek Kilborn: The Code made a special carve out for EMC consideration with local landmarks, there is authority here to do that.

Commissioner Wolf: We would have to say, under the COA we find it appropriate to have an electronic sign but if they go to the electronic sign they will fall under the City requirements of size. At that point they would have to make a decision, got to the electronic sign with the current design, scaled down, or replacing the sign under Signs of Historic Significance, but then the sign would have to go back to mechanically applied letters and the original sign.

Derek Kilborn: Unless the Commission decides that an EMC proposal is compatible with the Signs of Historic Significance and make a decision to that respect. If there is an approval based on normal sign regulations, there is no variance that was packaged with this, so the sign would have to be downsized. They could come back later and include variances requests. I do not know if Staff would recommend approval for those, but it is another option at a later date. We would have to properly notice and go through the normal steps of variance procedure.

Commissioner Burke: Thanks for going down that path because it really clarifies, we are down to three. I would love to see that big sign up there, but I do not think I can override the sign code. You will have to meet the historic criteria or the sign code.

Commissioner Wolf: Something Derek said, you said we could find that the design they have submitted is appropriate? That would allow them to use that design under the Signs of Historic Significance? I do not want to get into a situation where we get cross with the electronic messaging issue, if we can find it appropriate, I think that would be worth a discussion, frankly I like the design.

Commissioner Rogo: While Derek is reviewing the code, Mr. Chadwick you have a comment?

Applicant: I have been listening and I appreciate all of your thoughts. If I am understanding this correctly, under Signs of Historic Significance and relates to an entertainment venue, the Commission does have the ability to grant the approval if I am willing to comply with the size requirements and the messaging board. I can tell you that if you love the sign I am willing to go that distance with you. The main blade sign and size is important, I understand the regulations on the messaging board. Correct me if I am wrong, I am willing to accept the size requirements on the messaging board if you are willing to if you are willing to grant me the historic replica, I am willing to do it.

Commissioner Burke: If we call it historic replica then the size is no longer a restriction. He can go to the 150 sq. ft., however if we do not call it a historic replica he has to stay within the sign code. He would then have to reduce the size to approximately 102 sq. ft. but then can use the electronic messaging board. I think you do not want to take advantage of historic replica section of that code you

would want to scale it down in size to meet the current code, correct?

Applicant Chadwick: Help me understand this, I would prefer you deem the sign as historically appropriate and in our COA in turn, it would allow us to build what is truly the replica of the sign, the sign size. I believe in the same exception it does allow for electronic messaging board because the venue is an entertainment venue, we are simply restricted on size. What I am proposing is I am willing to comply completely with the messaging board sign size, as long as we are still considered for the COA a historic sign.

Commissioner Wolf: Basically, your blade sign would stay the same your messaging board would shrink.

Derek Kilborn: I agree that the Applicant has accurately conveyed what they are asking for. What Staff is trying to be clear about is the distinction between regular sign review and Signs of Historic Significance. The Signs of Historical Significance program was created with certain exemptions and benefits, to encourage people to continue preserving and conserving existing signs or recreating what we have documentation for showing historic signs. If someone is not replicating a historic sign, that is okay, but then it should not come with the benefits and exemptions that come with that portion of the Sign Ordinance. In this case you have a request to take advantage of the benefits and exemptions that come with the Signs of Historic Significance Program but not be subject to the design requirements of the Signs of Historic Significance Program. Staff is prepared to recommend approval for the alternative option which is the design that has been presented to you with the EMC which would be subject to your COA review, it would be subject to the normal regulations of the sign ordinance, which means they must scale it down. We do not believe there should be benefits and exemptions granted for something that is not exactly replicating the historic sign, as prescribed by code.

Commissioner Burke: Would you mind reading the section that allows for the EMC sign on historic properties?

Derek Kilborn: Section 16.40.120.15 Digital or Electronic Message Centers (EMC) Subsection 1 (A): Digital or electronic message signs are prohibited within the boundary of a locally designated historic structure or site; performing arts venues are exempt from this prohibition with approval of a Certificate of Appropriateness (COA). This is part of the normal sign ordinance for all EMCs generally. This is not unique to the Signs of Historic Significance Section, this is part of the regular sign code.

Commissioner Wolf: The question becomes if you reduce the size of the electronic messaging board, providing a COA appropriate and we are allowing the exemption, if the electronic messaging board shrunk so the whole sign was only 102 sq. ft., blade sign stays the same, messaging board shrinks, does that solve the issue? If you shrunk it 50 sq. ft., 25 sq. ft on each board, messages coming out of the electronic board, it may not be practical. Would that follow our guidelines?

Derek Kilborn: The EMC portion of the sign would be limited to 50% of the overall sign area, If the overall sign shrunk the EMC area would have to potentially shrink as well to stay under the 50% and the EMC could not exceed more than 32sq. ft. in area. I think the two options you have are to take action under the Historic Signs of Significance or make a decision that recommends an action on the proposal as just a generic Certificate of Appropriateness sign subject to the normal regulations and requirements for signs.

Commissioner Wolf: In the 153 sq. ft. calculation is that the blade and the message board?

Derek Kilborn: That number is an estimate based on preliminary review.

Commissioner Wolf: It seems to me the blade can stay the same size you would have to take the 50 sq. ft. out of the electronic messaging board in order to get to 102 sq. ft. and at the same time by shrinking the electronic messaging board and reducing the total area of the sign you then comply with the maximum size of the electronic messaging board maybe you have to go smaller.

Derek Kilborn: We would not prescribe how they reduce the size, they would make the decisions on what was the appropriate balance.

Kendra on behalf of the Applicant: the recommended minimum for visual is the 8x4 which is the recommended 32 feet. The actual screen size is how they come. How someone who was driving or walking by would visually be able to read the sign.

Commissioner Wolf: That is a "V", does that count as two? Is that 64 sq. ft. or is that 32?

Kendra on behalf of the Applicant: We do not know how the calculations are done.

Commissioners: Well, we need to know how they calculate.

Laura Duvkot: This is not exact, I did not measure the curbs. The numbers that I used, the blade was approximately 64 sq. ft. and the marquis, each side was about 44 ½.

Commissioner Wolf: Each side counts?

Attorney Judd: Each side would have to be shrunk to the 32 sq. ft.

Applicant: We discussed this issue with Thomas Signs, a blade sign is one sign, that you can view from both sides, you only count one side. You do not count both sides against you for sq. footage, it is still under the same sign. The idea would be the same for the marquis. As long as the signs are contiguous and are attached, part of the same structure, the viewing area would be considered on one of the sides, not both of the sides. That is coming from a sign person.

Commissioner Burke: Does the City agree with that assessment.

Derek Kilborn: I would defer to the input you just received from the Applicant. Based on what I believe to be conversations with City Staff in the Development and Review Services Division pertaining to sign regulation.

Commissioner Wolf: I would go back to my original idea to provide an option, either, the sign is placed under Signs of Historic Significance in which case it has to comply with Staff Report conditions or the Applicant has the option of to be subject to the sign ordinance. Then they can choose which way is going to function for them better.

Derek Kilborn: You would be certifying as part of your COA review consent for either Option A or Option B and then it would go back to the Owner/Applicant and the City's Development Review Services Division based on the decision that they make.

Commissioner Reese: This Agenda Item was joyful to me, although we have gotten into a lot of discussion. The State Theater was renovated in 1949, which was the year I was born. Nineteen years later there was sit-in demonstration to desegregate that theater. In the 90s my husband and I attended a Tuck and Patti concert, I too share in the historical significance of that theater and the role it has played in the community at large. I am really enjoying the discussion and seeing what you are going to do with the theater, I commend you and thank you for your efforts and your work.

Commissioner Rogo: I have one comment, I would not wish to impose upon anybody a manually changed marquis in the year 2019. I hope we can find a good solution and I think Commissioner Wolf you have put us through a process that may have gotten us there.

Commissioner Wolf: I would like to say, we talked around it but I find that design to be appropriate.

MOTION: *Commissioner Wolf moved on approval of the Staff recommendation with conditions
Commissioner Michaels seconded*

Staff recommended partial Approval of the Certificate of Appropriateness with the following conditions:

1. *Window openings at first and third bays be extended upward to align with round arches as shown in photographs taken following the subject property's 1950 renovation;*
2. *Windows and doors are to be set back in wall plane and run behind columns, as shown historically;*
3. *Sign to be modified to more accurately reflect a replication of the historic 1950 "State" blade and marquee:*
 - a. *Use straight rectangular shapes at both blade sign and marquees, rather than curved signs;*
 - b. *Eliminate upper and lower "Sunburst" flourishes;*
 - c. *Eliminate "chaser bulb" borders of white lights surrounding each sign face;*
 - d. *Employ more streamlined sans-serif typeface at "State" blade;*
 - e. *Restrict overall footprint, as seen historically:*
 - i. *Blade shall extend no more than 12 inches above existing roofline and make use of existing historic frame where possible;*
 - ii. *Marquee shall not extend beyond front or side edges of awning;*
 - iii. *Marquee shall use interchangeable letters, rather than EMCs.*
4. *All work, especially masonry cleaning and repairs, undertaken in the course of this rehabilitation to employ the gentlest means possible;*

Any additional work necessary, including the need for exterior work that results from continued interior rehabilitation, to be discussed with staff for possible COA or further Commission review.

VOTE: *YES – 5*

NO – 0

Motion passed by a vote of 5 to 0.

E. City File 19-90300001 Contact Person: Laura Duvekot, 892-5451

Request: Designation of the Wilmarth Apartments / Holiday Motel, located at 415 24th Avenue North and 2436 4th Street North, as an individually-listed Local Historic Landmark.

Staff Presentation

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

Applicant Presentation

Emily Kline Elwyn on behalf of Preserve the ‘Burg spoke in Support of the request

Owner/Registered Opponent Presentation

Katherine E. Cole, Esq. and Ramnarace Jagdeo, Owner spoke on behalf of Owner and Against the request
Steven D. Lange spoke on behalf of Registered Opponent, Armstrong Redevelopment Properties, LLC.

NOTE: Presentation distributed to Commission and entered into record with Clerk

Public Hearing

Support:

Cassandra Bradshaw, 3754 1st Ave. N., spoke in Support of the request
Elka Zwick, 6457 23rd St. N., did Not speak, registered in Support of request
Thomas Nestor, 500 45th Ave NE, spoke in Support of the request
Mimi Reilly, 242 Martin Luther King, Jr. St. N., spoke in Support of the request
Denise Deja, 528 Dartmoor St. N., did Not speak requested the record reflect she was in Support of the request

Against:

Arnold “Arnie” Cummings, 715 18th Ave. NE, spoke Against the request
Brian Treby, 617 25th Ave N., spoke Against the request
Jennifer Wright, 737 26th Ave. N., Crescent Heights Neighborhood Assoc. not in attendance, registered Against the request
Brandon Huskins, 9672 2nd St. N., spoke Against the request

Cross Examination

By Administration:

Waived.

By Applicant:

One question, what was the total number of public input emails received?
In Support 112 and 14 Against.

By Owner/Opponent:

To both the Applicant and City Staff:

Regarding your application and Staff Report, did you conduct an analysis or an inspection of the actual structures on the property regarding the alterations that have occurred over the course of time?

Applicant:

Yes, as a Historic Preservationist, I visually inspected the properties and the alterations, we expect a property to be altered over the course of time. We anticipate alterations, this is a building that is a vernacular structure, in no way did the alterations diminish the historic integrity of the property.

Yes, I went there and looked at it, the exterior, there are some alterations there, the building has been maintained and evolved

somewhat, overall the integrity is very visible.

Rebuttal/Closing Remarks

By Administration, Derek Kilborn:

We have two, it is an extension of the questions that was just asked. There was a comment on the depth of Staff's analysis. The report was a bit light in content, the reason, May of 2016, we received inquiries regarding redevelopment of the site. We were providing feed back that the site was listed on the potentially eligible list. There was a requirement for a demolition delay. In July of 2016, Laura Duvekot prepared a review and determination of eligibility on the property to assist us in our communication with the individuals who were coming in with inquiries. Since the submitted application mostly included content prepared by City Staff, we did not duplicate we simply referred to that Application in the beginning of the Staff Report. We believe there has been appropriate analysis preformed on this site.

The other point I want to make is that the gentleman who just spoke can locate in this building today. The building is operating as a motel today, there is nothing that prevents conversion of the motel use into some other accommodation such as an office or salon or some other type of personal service. The building is available for adaptive reuse. We in historic preservation prefer to see a building continue to operate in its historic function but this building does qualify for adaptive reuse, it could be converted today under existing conditions, with or without landmark designation.

By Applicant:

First, I want to stress this is not high style architecture this is the architecture of the everyday. I think it is important as a community we do not just value high style, elite architecture. We need to find value in the everyday physical history of St. Pete. It is this vernacular architecture that forms the backdrop of our everyday lives. I would like to remind in closing that we are evaluating these historic properties and as a Historic Preservationist I would remind you that we allow properties to change and evolve over time, we know we are not going to have a pristine property. It is your job to determine, does this property meet the criteria for local landmark designation. Our criteria is set forth, it clearly has the criteria and the has the integrity. I would also like to say, we did work with The Armstrong Group which is the Registered Opponent and we did try to reach the Owner as well. Armstrong has been great working with us, we have worked closely with them.

By Owner/Registered Opponent; Katherine Cole, Esq.:

Regarding the four-page Staff Report Mr. Kilborn brought up because it was basically attached to the application as evidence. The application only discusses the historical significance, it never discusses the numerous alterations and wholesale loss of the historic integrity that is evidenced by Mr. Lange's testimony in the evidence presented and by the visual settings when you visit the property. The code requires both the historical significance and the integrity to be proven and the Applicant has the burden of proof that this is done. This very high level non-specific and not detailed application and Staff Report offers no specific evidence why three different buildings with three different architectural settings that happen to be located on the same property should be designated historic. There is a lot of discussion about character and charm but there is no discussion about the actual integrity of these structures, which is the criteria in the code upon which your decision must be based. If we are looking at charm and character then there are over a dozen roadside motels and all of them should be designated historic, but yet this is the one that was on the potentially eligible list by the City without any acknowledgement of the significant alterations which we have listed in our packet, that show this should not be historic and the maintenance of these properties over the course of the past several years, 30 years, a fire in '85, which completely destroyed one of the buildings and had to be built up. The significant changes to the manager's house, which was built as a single-family home relocated on the site enclosed, the interior and exterior had significant modifications. None of this has been addressed by the Applicant or in the Staff Report. The setting has changed, this is no longer a quaint roadside path from Tampa to the beaches or to Downtown St. Pete. This is a major commercial corridor, it is not where tourist will come to stay, and it has never operated as a nightly tourist hotel. The Staff back-up talks about when the facility was first built it was the Wilmarth Apartments because it was not a nightly rental. This is a building that happened to be constructed on 4th Street has been continually altered those alterations have been evidenced.

The only competent substantial evidence before you is the testimony of Steve Lange stating that the numerous alterations have caused the Holiday Motel to lose all the historic integrity it once had. I do not mean to imply that these are not qualified historians, they are, but the analysis simply is not there. They want you to say this is a historic structure because of a feeling without any acknowledgement of the actual integrity of the structure. Jennifer Wright, who Mr. Rogo called to speak, but was not here is the President of the adjacent neighborhood association. The neighborhood association has been intimately involved in this process. She did have to leave because of time. Prior to leaving she did speak with Mr. Kilborn, they strenuously object to the designation of this as a historic structure and would like to have the opportunity to see this property redeveloped without the obstacles that designation produces. Ms. Wright has worked closely with Mr. Belmont and Ms. Owen and I know trying to come up with what really is the issue here. Armstrong Development the contract purchaser and the Owner have been working with the neighborhood to say, we want to do this well and we are respectful of your opinions. The bottom line is, this is a quasi-judicial hearing, there are criteria in the code, and there is an abundance of evidence that this designation does not meet the criteria in the code and we would respectfully request that you deny this application.

Executive Session

Commissioner Wannemacher: I do have several comments, at the very beginning of our meeting one of our speakers went back to the Vision 2020 document that the City prepared. I too went back to that when I started to formulate my ideas about this application. I just want to read one paragraph:

The citizens that participated in Vision 2020 believe St. Petersburg's corridors, which include the 4th Street corridor, are the City's worst asset and have the most potential for re-development. These corridors are highly automobile orientated, under developed and create intrusions into abutting neighborhoods.

The document also talks about important aspects being historic preservation, however two bullet points down, the development and re-development of the 4th Street Corridor. In the same document we have competing interests. I am very sensitive to this type of architecture, I am conflicted on how to vote. The arguments that were prepared by the Applicant are very compelling, I also believe that the buildings lack of association with a significant architect, builder, civic leader, might be a missing link in this application. I also believe some of the buildings perceive ascetic or architectural value, the "feeling", is maybe due to its unique paint scheme. If it was all monochromatic beige it might not have the same value. Again, this is a difficult agenda item for me, I believe the adjacent neighborhood in the community could actually benefit from redevelopment of this property rather than preserving it as is.

Commissioner Burke: I agree with Commissioner Wannemacher and because of her comments I am not struggling with my vote, I just do not think that this is a property that meets the criteria.

Commissioner Michaels: I understand the arguments that have been presented, I am not sure that the 4th Street corridor argument applies here. There is a distinction between what the Commission can do and the City Council. There are additional criteria that the City Council may also consider in relationship of the proposed designation to the existing and future plans for the development of the City, which we cannot do, that is not something that is before us. The major point that I am seeing in the Staff recommendation is the sentence at the top of page 3, which describes this property as "one of the few remaining and most intact examples of the cottage typology of the American motel." I would invite the parties, the Staff, the Applicant Preserve the 'Berg to comment on that, the other question that goes along with that, are there any motels that have been designated as landmarks in the City?

Attorney Dema: Dr. Michaels can you provide a specific question?

Commissioner Michaels: My last comment was, whether or not there are any motels that have been designated as landmarks within the City?

Laura Duvekot: I do not believe there are any motels, one story auto centric motels. There are remnants of one or two cottage courts, but they are not quite as visible. I believe there is one on 4th Street South that has been partially removed or might have been demolished. I know in 2016 when we first started looking at Holiday we were looking for others and this property, to my knowledge is the example.

Commissioner Michaels: I am going back to the statement in the Staff Report, it is one of the few remaining and most intact, that is a superlative statement, example of the cottage typology of the American hotel. Is there disagreement with that on the part of any of the parties?

Applicant: I would say it is rare to find anywhere one of these cottage style motels, cottage style tourist accommodations still extant around the country, this is something that has been studied nationally. We know that the 4th Street corridor contains several motel types, and this is actually really significant that this early motel type still exists here in St. Pete and it still exists readable as an early tourist apartment court. This is something that when the Society for Commercial Archeology came to St. Pete this was an important stop for them. This really is a very important type of early roadside architecture and we have it intact and readable.

Katherine Cole, Esq. for Owner/Registered Opponent: I think from the Owner's standpoint the pertinent part of that statement is that it is intact, I think that the alterations that have occurred the quality of the buildings, while there are three buildings that are physically present, one has been relocated and the carport is almost falling. I think that is the struggle with that statement. Is it a roadside court motel that was developed yes but is it intact and a good example of one, I do not know.

Applicant: I think the condition of the motel can be addressed in the COA process as well.

Commissioner Michaels: I would like to ask one other question, there seems to be a conflict of information. We have the architect's report and we have the Staff Report, in the Staff Report we have six of seven integrity factors as being met. My question to Staff

would be based upon the information that has been presented today, do you want to reconsider any of those integrity factors that you have made a positive finding that this application meets?

Laura Duvekot: I do not disagree that the building might need some maintenance and repair but that does not detract from integrity to a point that it becomes ineligible as a landmark, no.

Derek Kilborn: If I may, I have some additional information on the question that was asked about the number of motels on the St. Petersburg Register of Historic Places, there are currently zero motels, there are eleven hotels. I think some of that comes down to timing as well. The roadside motels we are looking at or thinking about tend to be mid-century that just came into qualification based on the 50-year standard. It is a newer concept that post dates many of the buildings that have historically been taken up for the City's Register of Historic Places which is very heavy on buildings that are 1920s. It is a different era that is starting to come into discussion and qualification for designation, nonetheless the answer is 11 hotels and zero motels.

Commissioner Burke: The nuisance abatement board, how many cases come before that board because of motels? I have not looked at it lately but my gosh all these motels in the City are causing these problems and now we have one here that is not causing a problem. One that someone has maintained law and order on the site and maintained the appearance of the site and now being singled out. If this was something similar to one of the hotels we in the nuisance abatement board you would not have 112 copy and paste emails sent to you, you would have people in here saying tear it down get rid of it. I think it is too big of a stretch to talk about a significant reminder of cultural and architectural heritage and that it has significant design elements, I think that is too much of a stretch. I cannot support this at all.

Commissioner Rogo: Do we have a motion in the affirmative?

Commissioner Michaels: I will move approval of the Staff recommendation.

Commissioner Wolf: For purposes of discussion I will second the motion.

Commissioner Rogo: Do you have further discussion?

Commissioner Wolf: Only that this echoes what I said earlier, we have an issue of application over the objection of the Owner which makes it extremely difficult. I would have liked to have seen would have been some conversation prior to this hearing about the possible adaptive reuses of the appearance of the frontage that could be tied into something that would be rebuilt to maintain the appearance of that courtyard. I am struggling with this one in terms of, I have known the building since 1975, when I moved here, and I recognize it. It does meet some of the criteria for preservation, but I am not sure about the feasibility of restoring the individual structures and it being a functional property used as it is. The only thing I see is a future COA process that incorporates the appearance of the units into commercial development.

Commissioner Rogo: I believe it was Mr. Treby who made the comment earlier, he complimented the owners for maintaining the Holiday Motel in its excellent condition. I also harken back to some comments that Commissioner Reese made earlier, several hours ago, by our process we have put the Owners in the position of trying to downgrade their own property, which I am sure they are still proud of. It is a shame that his process makes you pull out all the flaws instead of focusing on what we have and what its history has been.

MOTION: *Commissioner Michaels moved on approval of the Staff recommendation
Commissioner Wolf seconded*

VOTE: *YES – 2
NO – 4*

Motion denied by a vote of 2 to 4.

F. City File 19-9020005 Contact Person: Laura Duvekot, 892-5451

Request: Certificate of Appropriateness for replacement of shingle roof with metal at 809 Prospect Court South, contributing property to Roser Park Local Historic District.

Staff Presentation

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

Applicant Presentation

Stephanie Smart spoke on behalf of the request.

Public Hearing - None

Cross Examination

By Administration:
Waived.

By Applicant:
Waived.

Rebuttal/Closing Remarks

By Administration Derek Kilborn:

I want to apologize to the property owners, we knew the discussion would have been brief but we were advised by the company Laura is working with on the application that they were not going to be here, so we moved the application to the back end of the Agenda.

By Applicant:
Waived.

Executive Session

Commissioner Wolf: I am glad there doesn't need to be much discussion on this, thank you for your patience.

Commissioner Rogo: I hope you get to enjoy your home for the rest of your lives.

MOTION: *Commissioner Wolf moved on approval of the Staff recommendation
Commissioner Michaels seconded*

VOTE: *YES – 6
NO – 0*

Motion passed by a vote of 6 to 0.

VII. PUBLIC HEARINGS

A. City File SNC-19-01 Contact Person: Laura Duvekot, 892-5255

Request: Rename a portion of 37th Street South, from 38th Avenue South to 54th Avenue South, Skyway Marina Blvd.

Staff Presentation

Robyn Keefe a PowerPoint presentation based on the staff report.

Applicant Presentation

Public Hearing

Maurice O'Connell, 4300 37th St. S., spoke Against the request
Erkki Taada, 3997 45th Ave. S., spoke Against the request
Jack Dougherty, 4601 34th St. S., spoke in Support of the request

Executive Session

Commissioner Wannemacher: Something that just occurred to me is a lot of the street names like Coffee Pot Blvd., Country Way or Shore Acres, they are meandering, circular large places to get lost. 37th Street is North/South it is linear, it seems to me a lot of the cons that have been identified far outweigh the pros, there are pros but I think there are ways around it. I do not think I can support this application.

Commissioner Wolf: I fully support trying to get marketing and the dedication for the Marina District. What various neighbors have done is to take various monuments, specific to their neighborhood, and say the entry to their neighborhood or various streets in their neighborhood there is some sort of monument to say you are now entering into the Granada Terrace District. I think you would get the same or even more recognition from that kind of monument as you enter the street where people can see visual representations of the district.

Commissioner Rogo: I do not mean to cut you short, the district does have monuments. I live in Isla del Sol, there is a monument at the southern end of 54th and 34th Street South and they have another one at 30th, I am sorry I did not mean to cut you off.

Commissioner Wolf: I just think this is going to cause a lot of confusion.

Commissioner Rogo: I agree with Commissioner Wolf, there are ways to build on the identity that those monuments do create, as I mentioned, I live in Isla and I am thrilled with all the work that you are doing to upgrade what I consider to be part of my neighborhood. I certainly do most of my shopping and dining in the district and I know there is more coming. Congratulations on doing all that you are doing, so positively. I think we would join you in fighting the good fight on 34th with co-naming or honorary signs that could be attached to the 34th Street signs. I do not think I can support 37th as being the entry or gateway to the district. I have some trouble with that street, I have particular trouble with the changing of the grid because it is a straight North/South.

Commissioner Wolf: Besides this street, I really think we need to avoid setting precedent for other people to start con-naming other streets or renaming other streets. I think it is bad policy for the City.

MOTION: *Commissioner Wannemacher moved on approval of the Staff recommendation
Commissioner Wolf seconded*

VOTE: *YES – 0
NO – 6*

Motion denied by a vote of 0 to 6.

VIII. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

Derek Kilborn: There have been no plans added to the Potentially Eligible List. We will be getting a workshop together to work on the Potentially Eligible List soon.

IX. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 8:14 P.M.