

PLANS AND POLICIES COMMITTEE MEETING

August 9, 2023

12:00 p.m.

Councilman Denny Whayne Conference Room (Busch Building, 4th Floor)
840 Boonville Avenue

MEMBERS

PRESENT: Abe McGull, Chair; Callie Carroll; Craig Hosmer; and Derek Lee.

MEMBERS

ABSENT: None.

COUNCIL/

STAFF

PRESENT: Monica Horton, Zone 1 Councilmember; Brandon Jenson, Zone 3 Councilmember; Jason Gage, City Manager; Maurice S. Jones, Deputy City Manager; Collin Quigley, Deputy City Manager; Rhonda Lewsader, City Attorney; Brock Rowe, Director of Building Development Services; Kevin Pierce, Code Administrator; Brendan Griesemer, Interim Director of Planning and Development; Matt Schaefer, Senior City Planner; Kyle Tolbert, Assistant City Attorney; Anita Cotter, City Clerk; and Lauren Fischer, City Clerk Administrative Specialist.

GUEST: Jack McGee, *Springfield Daily Citizen*.

Councilman Abe McGull, Chair, called the meeting to order at approximately 12:03 p.m., and roll call was conducted. Present: Craig Hosmer, Callie Carroll, Derek Lee, and Abe McGull. Absent: None.

Councilman McGull welcomed everyone to the meeting. He noted the November 17, 2022, Plans and Policies meeting minutes were provided for the Committee members' consideration. He suggested the Committee members take more time to review the minutes. He suggested suspending the approval of the minutes until the September 13, 2023, Plans and Policies Committee meeting.

Councilman Hosmer moved to suspend the approval of the November 17, 2022, minutes until the September 13, 2023, Plans and Policies Committee meeting. Councilwoman Carroll seconded the motion, and it was approved by the following vote: Ayes: Carroll, Lee, Hosmer, and McGull. Nays: None. Absent: None. Abstain: None.

Jason Gage, City Manager, introduced Kyle Tolbert, Assistant City Attorney, to present regarding demolition by neglect.

Mr. Tolbert explained demolition by neglect happens when an owner allows a historic building, structure, or site to deteriorate to the point that demolition becomes necessary. He noted the City has historic preservation laws that prohibit demolition of historic buildings, except when necessary to ensure public safety or if the repair would create an economic hardship.

Mr. Tolbert noted demolition by neglect can either be intentional or unintentional. He explained intentional demolition by neglect is when the owner allows the building to deteriorate for the purpose of necessitating demolition in the future. He noted unintentional demolition by neglect happens due to the lack of financial means to maintain the building, absentee ownership, outdated or irrelevant use, or changes in development patterns. He further noted it is difficult to prove whether neglect was intentional or unintentional and would need to be reviewed on a case-by-case basis.

Mr. Tolbert noted demolition by neglect cases are subject to the same legal constraints as zoning cases. He noted demolition by neglect cases have limited regulatory power under the Zoning Enabling Act and the City Charter provisions. He explained the City can be proactive towards the legal constraints, but cannot impose a prohibition on use of public funding for private benefits and is limited to certain restrictions on the use of eminent domain.

Mr. Tolbert reviewed the City's general demolition process. He noted the property owner must obtain a demolition permit from Building Development Services. He explained if the property is a historic landmark or within a historic district, the property owner must also apply to the Landmarks Board to obtain either a Certificate of Appropriateness or a Certificate of Economic Hardship.

Mr. Tolbert explained the Certificate of Appropriateness is subject to the Landmarks Board review guided by criteria outlined by the Secretary of the Interior and their standards of rehabilitation. He noted for demolitions, the Landmarks Board must consider additional criteria to determine if the demolition has a detrimental effect on the historical landmark or district. He noted if the Landmarks Board determines the demolition is detrimental, the members can deny the request. He explained if the Certificate of Appropriateness is denied, the applicant can change the proposal and resubmit it within 15 days, apply for a Certificate of Economic Hardship, or file an appeal with the Board of Adjustment within 15 days.

Mr. Tolbert reviewed the process to apply for a Certificate of Economic Hardship. He noted the Landmarks Board can solicit expert testimony about the property or require the applicant to provide economic information which includes the estimated cost of demolition, engineering reports, appraisals, and alternative profitable uses for the property. He noted if the request is denied, the property owner can appeal to the Board of Adjustment within 15 days of the decision. He further noted the Board of Adjustment may affirm, reverse, or modify the decision of the Landmarks Board.

Mr. Tolbert noted Springfield uses design guidelines, demolition permit review processes, incentive zoning, and affirmative maintenance measures to address demolition by neglect. He noted the affirmative maintenance requirements are limited to the downtown area and Commercial Street (Exhibit A). He explained as part of the affirmative maintenance, the City

requires property owners to keep buildings structurally sound. He noted it gives the Building Development Services Director authorization to enter and survey all vacant premises. He further noted these guidelines allow for City abatement of violations, revocation of permits, and issuance of special tax bills for the recovery of fees and costs.

Councilman Lee asked how often the City repairs historic buildings. Brock Rowe, Director of Building Development Services, responded the City currently does not have the type of contractor needed to address repairs of historic buildings, but he would like to discuss hiring one in the future.

Mr. Tolbert compared Springfield and St. Louis demolition by neglect measures. He noted both cities have a board of individuals devoted to historic preservation, which is required to review the proposed construction, alteration, and demolition of historic buildings. He further noted both cities impose an obligation to preserve certain buildings, and both have enforcement mechanisms (Exhibit A).

Mr. Tolbert provided examples of other municipalities and how they address demolition by neglect (Exhibit A). He noted Delray Beach, Florida, adopted incentive zoning to encourage the use of historic structures without discouraging development. He noted St. Petersburg, Florida, uses transfer of development rights to encourage the property owner to keep the historic structure intact. He further noted Albany, New York, uses eminent domain which allows the city to directly acquire and protect a structure from future neglect.

Mr. Gage asked for clarification on transfer of development rights. Mr. Tolbert explained if a developer purchases the developmental rights from the property owner of a historic building, they would be able to apply those rights to their own development in a different area or zone. He further noted the property owner of the historic building has restrictive covenants applied to their property to ensure the building remains in good repair.

Mr. Tolbert asked if there were any questions or comments.

Councilwoman Horton explained the idea behind this topic was to reflect on the different types of changes impacting Springfield. She spoke about the Forward SGF Comprehensive Plan and the effects it has on redevelopment in the City. She noted historic preservation is part of the quality of place initiative. She explained the City's vision is to be a pedestrian-friendly place, but public safety is a concern for historic neighborhoods with buildings that appear dangerous. She emphasized the importance of using the historic structures and architectural staples within the community to help economic development.

Councilman McGull spoke regarding the municipal issues faced with historic preservation. He noted historic preservation includes private entities and financial components that can sometimes involve the U.S. Supreme Court. He provided the Committee members with a document titled Taking Decisions of the U.S. Supreme Court: A Chronology (Exhibit B) to review. He expressed his opinion if the City required a private historic property owner to preserve and maintain the historic structures or land, the City should consider adding a historical preservation fund to assist those landowners with maintaining the building.

Councilman Lee asked Mr. Tolbert to expand on the types of economic factors that can affect a historic property owner. Mr. Tolbert explained sometimes historic preservation may be too expensive for the property owner to have a return on investment. He explained there are different factors that can affect historic property owners' finances if the building is too far into a state of deterioration. Councilman Lee asked if the property owner must adhere to the most updated code standards. Broke Rowe, Director of Building Development Services, replied a building does have a life cycle. He explained there are levels of alterations in the building codes that a property owner must meet if they are going to do any renovations.

Councilman Hosmer spoke about out-of-state developers who purchase land or properties for the purpose of allowing them to deteriorate and keeping others from renovating the property. He noted concern for properties along Commercial Street that share walls and are not being maintained due to developers that allow their properties to purposely deteriorate. He expressed his opinion there should be a more aggressive inspection process for vacant buildings in the historic districts. He suggested meeting with the Landmarks Board to discuss ways to inventory and inspect those historical structures to ensure they are preserved in a manner that will eventually allow the structures to be in active use in the future.

Councilman Lee noted he has spoken with constituents who own properties on Commercial Street. He noted these owners wanted to open a small business in the area but were unable to do so because of the cost of bringing the buildings up to current regulations.

Councilman McGull suggested creating a historic preservation fund as a type of incentive to give a landowner motivation to conserve the historic nature of the property. He suggested looking at the City's funds to see if it would be possible to use some of the rainy-day fund to help create an incentive program or low-interest loan for those who are working to preserve these historic buildings.

Councilman Hosmer asked about the façade loan program, which was used to preserve the shell of the building. Mr. Rowe replied those have not been used in several years. Councilman Hosmer suggested advertising the façade loan program to those who want to preserve buildings in the historic district. Councilman McGull agreed and noted the City should add money into the budget to help preserve these historic districts.

Councilwoman Carroll asked about the number of historic buildings or old buildings that are deteriorating. Mr. Rowe explained many historic buildings located in the downtown area have been rehabilitated. He noted there are buildings on the east side of Commercial Street that need attention to the façade and one building that is set for demolition. He further noted he does not have an exact number of structures that are deteriorating because many older buildings are not registered as a historic building but are in historic districts.

Mr. Gage explained when communities look at preserving historic buildings or structures, a comprehensive evaluation is completed to determine if it qualifies for the historic national registry. He asked if a comprehensive survey of historic buildings and structures has been completed for the City. Brenden Griesemer, Interim Director of Planning and Development,

replied a comprehensive survey has not been completed for the City, but they have used a consultant to conduct studies on smaller areas and specific types of historic buildings.

Councilman McGull expressed his opinion the City should do an inventory of historic buildings in the Commercial Street and downtown districts to see the extent of the problems that need to be addressed.

Mr. Gage spoke about the City ordinance that covers the historic Commercial Street district and emphasized the need for the City to have a good definition for historic structures. Mr. Tolbert noted the St. Louis ordinance has a demolition by neglect process that does not apply to every building in their historic district. He explained an older building located in a historic district does not automatically gain the same protections as an identified historic structure.

Councilman McGull discussed whether the Committee members wanted an inventory of historic sites conducted for the City. Mr. Gage noted he would research a cost estimate for an outside consultant to conduct the study.

Councilwoman Horton commented the St. Louis demolition by neglect ordinance is used as a preventative measure to preserve their buildings before they are in a state of disrepair. She emphasized the need for Springfield to adopt an ordinance that protects newly-developed buildings and historic buildings in the City before they reach the point of deterioration.

Councilman McGull asked if Mr. Gage could provide an inventory of historic buildings in each district and information about the façade program for the next Plans and Policies meeting. Mr. Gage responded he would work to gather that information for the September 13, 2023, meeting.

Councilman McGull thanked Mr. Tolbert for his presentation.

Councilman Lee moved to adjourn. Councilman Hosmer seconded the motion, and it was approved by the following vote: Ayes: Hosmer, Carroll, Lee, and McGull. Nays: None. Absent: None. Abstain: None.

There being no further business to come before the Plans and Policies Committee, the meeting was adjourned at approximately 1:03 p.m.

Prepared by Lauren M. Fischer