

Recommended Updates to St. George Historic District Protections
or
Changes Needed to Save the Historic J.C. Penney Building
and Keep Urban Renewal Downtown

Presented to the Mayor and City Council
by
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Events have transpired that have made Urban Renewal acutely aware of the lack of oversight being given to development projects within the Historic District of St. George. As a current and long-time business downtown, we have a vested interest in preventing the needless loss of properties that add value to the historic character of the area, especially within the Historic District; and especially the Historic J.C. Penney Building which we occupy.

St. George Historic District

The Historic District is a small six block area within downtown that encompasses a portion of the originally settled townsite of the city.¹ It was created in 1987 with the stated purpose of:

1. Preserving all buildings of historical significance within the district.²
2. Preventing the erosion of the scale and historic character of the neighborhood by forbidding the construction of buildings not in keeping with the distinctive identity of the area.³

To insure the first goal of preserving buildings of historical significance, the statute defines the criteria by which buildings in the Historic District are to be designated as 'significant historic buildings', the rules governing the remodeling of any 'significant historic building' and the rules meant to prevent the demolition of any 'significant historic building'.

To insure the second goal of ensuring that the character of the Historic District remains in keeping with its distinctive historical identity, the law specifies the rules governing what buildings may be built within the district as well as the rules of signage within the district.

And lastly, to ensure that the goals of the district are faithfully executed and the laws set forth are followed, the statute placed authority within the Historic Preservation Commission to execute the law. The Commission is made up of seven residents of St. George selected by the mayor.⁴ They meet on an as-needed basis.⁵

Historic District Failures

As well intentioned as the original Historic District statute of 1987 was, it has not worked as hoped. In the intervening 27 years St. George has not only continued to lose important buildings within the Historic District, the distinctive identity of the area has been eroding at an ever increasing pace.

¹ Saint George Code § 10-13C-1(A) and 10-13C-3(B)

² Saint George Code § 10-13C-1(B)(1)

³ Saint George Code § 10-13C-1(B)(2) and St. George General Plan, 2002. Section 7.2

⁴ Saint George Code § 10-24-3

⁵ Saint George Code § 10-24-7

One needs only to look at pictures of the Historic District from 25 years ago to see many buildings and rows of retailers that were sadly not protected. One needs only to stand in the center of the district to see blaring examples of buildings that were allowed to be built in the district even though they are clearly not in keeping with what was the scale and historic character of the area before they were built.

The exact reasons for these failures are unclear but a few problems with the original law might bare a great deal of the blame:

1. Clear and detailed zoning rules for new construction within the district were not established.
2. Lacking any clear zoning laws, it was left to the whim of the Historic Preservation Commission to approve or deny proposed construction projects within the district.
3. Rules preventing conflicts of interest within the commission were not specified. Given the wide latitude the commission has had in applying statutes, this issue should have been given special attention.
4. Rules requiring regular meetings of the commission were not established; nor was sufficient public notification of upcoming commission activity required.
5. In that the City of St. George is such a prominent land owner within the Historic District, further safeguards should have been put in place to ensure that undue pressure is not applied by the city to decisions made by the commission.

Proposed Updates to the Historic District

We would like to advocate for the following modest adjustments to the laws governing the Historic District. These ideas are focused on implementing rules that slow down the process of dealing with historic structures, determines ahead of time what will be allowed for new construction, improves transparency, and increases oversight.

1. Place an Immediate Moratorium on Projects within the Historic District

In that a number of projects are currently ongoing or being contemplated within the Historic District, there should be an immediate moratorium placed on all construction projects and demolition projects within the district. This moratorium should only be lifted once additional safeguards for the protection of historic buildings and the nature of the area are in place. It took 150 years for the Historic District to get it's character, we can wait a few months to move forward with these projects to insure we are making wise decisions.

2. Revamp the Historic Preservation Committee

Given that the Historic Preservation Committee has so much power and latitude in their authority over the Historic District, greater attention needs to be given to mitigating issues of perceived or real conflict of interest and undue pressure from the city or developers. The current Historic Preservation Committee should be retired with a new committee formed through a process of self nomination and election by the city council. Limitations on those allowed to be considered should include:

- a. Committee members must be a resident of St. George.
- b. Members are limited to a maximum of one four-year term every 12 years.
- c. Individuals with full or partial land ownership within the district are not allowed to serve.
- d. Individuals in the building construction, building financing or real estate investing business are not allowed to serve.

3. Establish Detailed Historic District Zoning Laws

One of the most obvious updates needed to protect the Historic District is the implementation of meaningful zoning requirements within the district's overlay zone. If one looks at any successful historic downtown's zoning laws, they include very detailed criteria for new construction; St. George has developed none. As the new and improved Historic Preservation Committee begins to push back against unacceptable projects within the district, they need to be armed with an established rule of law that they can enforce. Standard zoning requirements for similar areas in other cities include:

- a. A set maximum Gross Floor Area Ratio.
- b. An established maximum building height.
- c. A defined maximum facade height.
- c. A required setback of a set ratio beyond the facade height.
- d. Custom setbacks defined for each side of street block throughout the district.

4. Improve Transparency Surrounding Historic Preservation Commission Decisions

In that the Historic Preservation Committee makes such important decisions on behalf of the residents of St. George. And due to the fact that many of these decisions can never be undone. There needs to be set rules for the commission on how it does business to give ample time and reasonable disclosure of upcoming projects under its consideration. These rules should include:

- a. Meetings should take place at set dates.
- b. Require publically announced meeting agendas.
- c. Require public notification of all projects under consideration.
- d. Public notification should be given with plenty of time for concerned residents to become informed and mount an advocacy against projects they feel are inappropriate.
- e. Meetings should include public hearings and meeting notes should be made public.

A Case in Point

About Urban Renewal

Urban Renewal is what we like to call a modern-day department store. Like a traditional department store we retail men and womens clothing and shoes, furniture, housewares, music recordings, and gifts. But unlike the department store of old, we retail vintage, antique, and hand-crafted items as well as new merchandise. It is this mix of eras and styles that makes shopping at Urban Renewal such a rich experience for our customers.

This new form of retailing has caught on. We are now the largest downtown St. George retailer by square footage, sales volume and foot traffic. We have fans all over the country who love the store, many of whom travel to St. George just to visit us. From the movie stars from Los Angeles who come to shop our high-end furniture, to the young Dixie students hunting through our vintage clothing, we have many fans. We are proud of what we have built over the past 13 years, we are excited about our big plans for the future, and we take seriously the high level of service we offer to our customers. And in this we feel we are doing our part in contributing to the vitality of the city as a whole and the downtown in particular.

The Historic J.C. Penney Building

Urban Renewal does business in the the Historic J.C. Penney Building located in the center of the Historic District on the northeast corner of St. George Boulevard and Main Street. Due to its age and architecture, the building has been designated by the Historic Preservation Commission as a 'significant historic building'. Built prior to World War II, the building is a great example of the Art Deco style⁶. Though very popular at the time, no other significant building of this style has survived to this day in St. George.

The Plan to Tear Down our Building

In a meeting with the owner of our building in late March of this year, we were told of his intention to redevelop the corner our building occupies. The plans we were shown included a three story building with a retail lower floor, a second floor grocery store, and a third floor restaurant and pub as well as a four story parking garage to allow parking and access to the structure. The building owner believed that the city would fund the construction of the parking structure to make the new building viable.

The building owner has represented to others that he intends to add two stories atop our building rather than demolishing the structure and building something new in its place. Perhaps this is his attempt to portray the project as preserving this 'significant historic building'. In reality, such a plan is impossible.

⁶ According to the St. George Historical Preservation Commission.

First, it is questionable if the current building could handle the addition of two upper floors. But more importantly, the lease we have with the building owner specifically states that we “shall be granted peaceable and quiet enjoyment of the Premises free from any eviction or interference” until the lease ends in 2032; 18 and a half years from now. Clearly the project being considered would not be allowed under our lease.

However, there is one condition by which the building owner can get around this. The lease is able to be terminated early if the building owner “has obtained permission from the City of St. George to demolish the buildings upon the Commercial Property and construct a new building on the same”. In pursuing this project the owner of our building either believes such permission from the city can be obtained, or has quietly obtained it already.

Full Support of the City

Upon hearing about the plans, we followed up with the city in April to discuss the situation.

The city voiced nothing short of excitement for the project. Moreover, we were surprised to find out that the city council and the mayor had already been briefed about the plans for our building in a closed-door session. This happened without our knowledge of the meeting and before we were told about the project.

We were also informed at that time that the city had already begun looking for the funding mechanisms that would allow them to build the \$1.5 Million parking structure for the new building, in that without the parking structure the project would not be viable.

Moreover, it is our understanding that the Historic Preservation Commission is also in support of the project; proactively so. This might not be too surprising in that the architect for the new building sits on the commission (he is it's chairman) as does the owner of our building.

In that it is the responsibility of the commission to faithfully enforce the laws and goals set forth for the Historic District, the commission's support for the project is startling in that it not only demolishes a 'significant historic building' but also constructs a building and parking structure that clearly is not the scale and historic character of the neighborhood. Both of which are specifically forbidden in the statute.

We are disheartened that throughout our discussions with the city we never heard a word spoken in regards to the preservation of this amazing building or the effects that its demolition might have on Urban Renewal's ability to stay downtown or willingness to remain in St. George if dislodged from our current location.

Due to this situation we feel that strong advocacy is needed to not only save our building and our ability to remain downtown, but protect other historical buildings and downtown character from arbitrary and capricious development.