

COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 07-07-2009 AGENDA ITEM: R-02

COMMISSION REPORT NO: 09-0830

PREPARED BY: Greg Brewton 06-04-2009 09:49:18

DEPT: Planning and Zoning

DEPARTMENT DIRECTOR'S SIGNATURE

Patricia Garbe-Morillo, Preservation Planner, 954-828-8958
AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

George Gretsas 07-02-2009 12:04:55
CITY MANAGER'S SIGNATURE

TITLE 1: APPEAL - HISTORIC PRESERVATION BOARD - CASE 11-H-08

TITLE 2: DEMOLITION - 716 SW 4 PLACE- SAILBOAT BEND HISTORIC DISTRICT

SUBJECT:
Applicant: City of Fort Lauderdale
Location: 716 SW 4 Place
Zoning: Residential Single Family Low Medium Density RS-8
Appeal of Historic Preservation Board decision to deny Certificate of Appropriateness for demolition of a single family home.
Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and mke them part of the record.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Introduce: 1) resolution upholding Historic Preservation Board decision; OR 2) resolution setting a de novo hearing immediately; OR 3) resolution setting de novo hearing within sixty days.

- REGULAR AGENDA
- CONFERENCE
- Motion
- Motion for Discussion
- Old/New Business
- City Commission Reports
- Public Hearing
- Ordinance
- Exec Closed Door
- City Manager Reports
- Resolution
- Presentation
- Conference Reports
- Purchase
- Citizen Presentation
- Advisory Boards
- Consent Resolution

Public Notice Advertised: Not required.

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):
No budgetary impact.

FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:
BIDS SOLICITED/RECEIVED: WBE: LATE BID:
Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

HPB - DEC 1, 08
Unsafe structures - July 17, 08
CC March 17, 09
April 7, 09
July 7, 09 - "deferred indefinitely"
(Chankrupy)

Description of Exhibits:

- | | | |
|---------------------------|-----------------------|-------------------------|
| 1. Demolition Application | 2. 120108 HPB Minutes | 3. Neighborhood Exhibit |
| 4. Consultant's Memo | 5. Appeal Request | 6. 031709 CC Minutes |
| 7. 040709 CC Minutes | 8. | 9. |

EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s:

PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)

On December 1, 2008, the motion to approve the application for demolition failed by a vote of 0-9 at the Historic Preservation Board Meeting.

BACKGROUND/DETAIL:

Sec. 47.26.B.1 of the City's Unified Land Development Regulations states, in part, that when an application for development permit is filed by the City, and such application is denied by the Historic Preservation Board, the City may appeal this decision to the reviewing body (City Commission) and the application will be considered in a de novo proceeding, with the denial of the Historic Preservation Board acting as a recommendation.

Staff is forwarding the record of this case to the City Commission, including the HPB (Historic Preservation board) application package (Exhibit 1), HPB minutes (Exhibit 2), Neighborhood input at the HPB meeting (Exhibit 3), the Historic Preservation Consultant Memo (Exhibit 4), and the letter from the City's Code Enforcement Division to the City Clerk requesting an appeal (Exhibit 5).

At the March 17, 2009 City Commission meeting this item was deferred to the April 7, 2009 meeting (Exhibit 6). At the April 7, 2009, CC hearing it was deferred to the July 7, 2009, hearing (Exhibit 7).

Attorney's Initials:

Which resolution was read by title only. Roll call showed: Roll call showed: YEAS: Commissioners DuBose, Rogers, and Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

Appeal – Historic Preservation Board – Case 11-H-08 (R-02)
Demolition – 716 SW 4 Place – Sailboat Bend Historic District

No budgetary Impact.

Applicant: City of Fort Lauderdale
Location: 716 SW 4 Place
Zoning: Residential Single-Family Low-Medium Density RS-8

Motion made by Commissioner Rogers and seconded by Vice Mayor Rodstrom to defer this item until April 7, 2009 at 6:00 p.m. Roll call showed: YEAS: Commissioners DuBose, Rogers, and Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

Advisory Board /Committee Appointments (OB)

No appointments made.

Commissioner Roberts announced the date and location of the District I pre-agenda meetings.

Commissioner Rogers announced the date and location of the District IV pre-agenda meetings.

Some discussion ensued about the new leadership, the quality of staff and the City's future.

There being no other matters to come before the Commission, the meeting was adjourned at 6:28 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Site Plan Level II – Extension of Time – Heights At
Flagler Village – 730 NE 4 Avenue – Case 71-R-07**

(R-03)

No budgetary impact.

Applicant: Samuel Poole III/Berger Singerman
Location: 730 NE 4 Avenue
Zoning: Regional Activity Center – Urban Village RAC-UV
Future Land Use: Regional Activity Center

In response to Commissioner Rodstrom's question, Sam Poole, on behalf of the Applicant, explained that they applied for the extension prior to the expiration date, which was March.

Commissioner Rodstrom disclosed that she had visited the site. The site is being kept clean. In further response to Commissioner Rodstrom, Mr. Poole committed to keeping the site clean.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 09-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 730 N.E. 4TH AVENUE IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. (36 MONTHS)

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Appeal – Historic Preservation Board – Case 11-H-08
Demolition – 716 SW 4 Place – Sailboat Bend Historic District**

(R-04)

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 716 SW 4 Place
Zoning: Residential Single Family Low Medium Density RS-8

Commissioner Rogers commented that there are many issues to sort out on this matter.

Mayor Seiler was concerned that the public was notified through an email from the City Clerk that there would be a motion to defer this evening. He had many communications from people, but told them it was going to be deferred. He thought the property owner wanted the deferral. He felt it would be unfair to vote this evening.

Mayor Seiler asked what action happened first, the Unsafe Structures Board or the Historic Preservation. The City Attorney clarified that action was first taken by the Unsafe Structures Board. He outlined the actions taken. There needs to be answers to how it would be moved, who would have the financial wherewithal to get it moved and whether the City would withdraw its appeal in order to get the certificate of appropriateness. If there is a place to put it or it is reattached to the ground where it now sits, the City would withdraw its appeal.

Further discussion ensued about the judgment of foreclosure and title.

Mr. Jordan wished he had been notified about the Unsafe Structures Board action in order to prove that the structure is not unsafe. The notification was improper.

Valerie Bohlander, Director of Building Services, said that appropriate notice was made to Mr. Jordan. Mr. Jordan disagreed.

In response to Mayor Seiler, the City Attorney advised that the matter could not be addressed earlier than July 7 without 15-day notice.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

CITIZEN PRESENTATIONS

Robert Walsh – Embryonic Stem Cell Research

(CIT-01)

Robert Walsh said he has been working on embryonic stem cell research for a long time. He was happy to hear of President Obama just signing an executive order on this topic including federal funding.

Vicki Eckels – Plastic Recycling

(CIT-02)

Vicki Eckels discussed recycling, specifically taking exception to certain materials not being recycled but burned or buried at the landfill which impacts the environment. She indicated that Plastic Pallet Solutions in South Bay, Florida, is the only business in the United States capable of processing all types of plastic. Waste Management has indicated that they make more money burning the materials than selling them for recycling. She urged the City demand Broward County change this practice and demand all recyclable materials be recycled.
