



CITY OF FORT LAUDERDALE

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
City Commission Chambers
City Hall**

**100 N Andrews Avenue, Fort Lauderdale, FL 33301
Monday, October 4, 2021 - 5:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2021 through 5/2022</u>	
		<u>Present</u>	<u>Absent</u>
Jason Blank, Chair	P	2	0
Arthur Marcus, Vice Chair	P	4	1
Donald Karney	P	5	0
Barbara Lynes	A	2	3
David Parker	P	5	0
Richard Rosa (via Zoom)	P	4	1
Veronica Sazera (via Zoom)	P	3	2
Tim Schiavone	P	5	0

City Staff

Shari Wallen, Assistant City Attorney
Trisha Logan, Historic Preservation Planner
Vasilya Allakhverdieva, Planning Assistant
Crysta Parkinson, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Schiavone, seconded by Mr. Karney:

In light of the City's Commission's inquiry of this Board concerning historic designation and the issues that we have come across today in the items that were addressed at the meeting [historic landmark designation of the New River Castle and potential designation of multiple properties], we again encourage the City Commission to dedicate more resources and more staff to historic preservation. We see repeatedly in our work here that Trisha Logan is spread so thin, we could accomplish more, the citizens of the City of Fort Lauderdale could accomplish more expeditiously, and we would be able to protect both property owners' rights and the historic preservation of the City better if there were more resources dedicated.

In a voice vote, the motion **passed 7-0**.

Motion made by Mr. Marcus, seconded by Mr. Karney:

The Historic Preservation Board requests that the City Commission ask the City Manager to have staff prepare a code amendment to include thematic historic district in the historic preservation ordinance that would enable the designation of noncontiguous historic districts.

In a voice vote, the motion **passed 7-0**.

Joe Dragon, 512 SW 7thth Street, Tarpon River, asked what was planned for the rain tree, noting it had already been permitted for removal.

Chair Blank stated the matter would be addressed by the City Commission and that would be the appropriate forum for the question.

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REQUEST: Historic Landmark Designation of New River Castle at 625 SW 5thth Place

Case Number	UDP-HPD21001	FMSF#	BD01197
Owner	Cole Properties & Land, LLC		
Applicant	Broward Trust for Historic Preservation, Michaela Conca, President		
Address	625 SW 5th Place		
General Location	Located at the northeast corner of SW 7th Avenue and SW 5th Place on the south bank of the New River		
Legal Description	RESUB BLK 36 FT LAUDERDALE 2-11 B LOT 11,12 BLK 36 TOG WITH POR OF ABUTTING SOUTH RIVER DR PER CASE NO 80-14749		
Existing Use	Residential		
Zoning	RD-15		
Applicable ULDR Sections	47-24.11.C.		
Authored By	Trisha Logan, AICP, Historic Preservation Planner		

Ms. Logan summarized the staff report and concluded with:

In accordance with Section 47-24.11.C of the ULDR, staff finds that the application for Historic Landmark Designation of New River Castle located at 625 NE 5th Place under case number UDP-HPD21001 meets criterion (a) and criterion (f) as outlined in Section 47-24.11.C.7 of the ULDR and meets criterion exception (a) as outlined in Section 47-24.11.C.8 of the ULDR.

The following condition is provided for the board to take into consideration as part of their recommendation to the City Commission:

1. Update the Historic Designation Report prior to scheduling this item for the City Commission to include the additional information concerning the later exterior alterations and update the Period of Significance to be 1927 to 1974.

Chair Blank clarified that the Board's decision was whether to make a recommendation of approval of the Historic Landmark Designation to the City Commission. Ms. Logan confirmed, and stated staff was also recommending a variation in the period of historical significance that the applicant had stated in their designation report.

Attorney Gregory McAloon, Tripp Scott, on behalf of property owner Daniel Cole, requested party status and provided a brief statement as to the affected interest of negative financial impact.

Chair Blank granted Mr. McAloon's request. He recognized parallel matters were ongoing and noted this Board's purview was only in relation to recommendation to make this property historic.

Michaela Conca, President of the Broward Trust for Historic Preservation, presented on behalf of the applicant. She reviewed the location and ownership history and discussed the historic designation criterion. She discussed cultural interest as the main point of the argument, and noted archaeological significance was also a factor. She stated her organization firmly believes the designation was deserved.

Mr. Parker announced as a member of the Broward Trust for Historic Preservation, he would be abstaining from the vote.

Mr. McAloon spoke on behalf of the property owner, along with Attorney Jenna Piotrowski, senior at Tripp Scott. He shared a copy of his presentation with the members of the Board, along with an affidavit showing the coral rock and turrets were built in 1974. He discussed the importance of getting the historical facts right and presented counterevidence to claims that the property was a part of Lewis Landing, and stated the arguments put forth did not apply to the property but may apply to much of the surrounding area. He discussed the ownership of the property and plat. Continuing, Mr. McAloon argued the evidence showed the structure was constructed in 1925 as a private residence, and not a bridge tender's house. He shared newspaper clippings showing the property for sale, fire maps, and news pieces discussing social gatherings at the home, and went on to discuss a history of criminal activity in the area.

All members of the public wishing to address the Board on any item were sworn in.

Chair Blank called for public comment.

Daniel Cole, property owner, stated he purchased the property five months ago because he thought it would be a cool place for his family to split their time. He noted that he put up a fence to protect his children from activities at the neighboring property and the result of that action had led to this discussion.

Chair Blank reiterated that the consideration of this Board was only the historic designation.

Michael Lewin, no address given, stated the structure encapsulated old Florida in a way that not a lot of structures do. He asserted opportunities to preserve structures like this should be considered and noted his support of the application.

David Murray, no address given, commented that his family had been in the neighborhood since the late 1920s and had a park named after his grandmother adjacent to the property. He stated if his grandmother were alive, she would probably chain herself to the fence.

Rebecca Murray Brooks, 1790 Via Capri, Merritt Island, stated she grew up in the neighborhood, and the castle was important to her childhood and to the history of Fort Lauderdale. She discussed locale lore and asserted she would like to see the castle preserved.

Jay Schechtman, president of the Tarpon River Civic Association, thanked Mr. McAloon for his historical presentation and stated he hoped the information presented would be added to the record. He asked for support to designate the New River Castle as historic. He stated his Board

had voted unanimously to support the designation and that the property meets the criteria. Mr. Schechtman asserted the property was the most historic in the neighborhood. He discussed lore surrounding the castle.

Lee Bacall, 1640 Riverland Road, stated he lived down the block from the castle in the 1980s and 1990s. He asserted the castle was an important part of the neighborhood and stated he especially supported maintaining this piece of property in the face of continuous development of skyscrapers in Fort Lauderdale.

Theresa Rogers, 1000 SW 12th Street, shared the story of how she had learned of the existence of the New River Castle and asked that it be preserved as historic.

Rucy Jason-Kurau, 2141 SW 23rd Avenue, stated the castle is unique and discussed the stories told about it on the Jungle Queen. She noted the property should be considered historic and asked why everything old was deemed ready for demolition.

Carolyn Larkie, 511 SW 11th Court, asserted there are few landmarks in Fort Lauderdale, and if it has to be for a knave or gambler or rumrunner, that seemed appropriate. She discussed the importance of preservation and stated this structure had remained when others had been erased, making it worthy of preservation.

Christopher Braden, 530 SW 7th Avenue, stated he was the neighbor to the castle. He stated there was something to be said for the oral history of a place and having a focal point like the castle as a reminder of the history was important as Fort Lauderdale grows quickly. He asked that the Board please recommend approval to the City Commission.

Lisa Horn, 611 SW 11th Court, explained she had lived in the neighborhood for 35 years and her grandmother raised six children in the neighborhood. She discussed her family's fight to preserve the neighborhood. She asserted the possibility of the castle being torn down was unthinkable and asked that the treasured landmark be preserved.

Abby Kanner, 809 SW 8th Terrace, shared that the castle was among the first things neighbors told her about when she moved to the area. She stated she was amazed to see it there and expressed concern that it might be destroyed. She asserted if the owner thought the castle was so cool, he could live in a historical landmark.

Kimberly Oliver, 518 SW 6th Avenue stated the castle was important to her and her husband, as well as to the neighbors in the community. She noted it was a touchstone to the community, a genuine piece of history in the neighborhood, and a marker of the past that enriches the community. She said everything possible should be done to protect it.

Gloria Reese, 627 SW 11th Court, stated she was a former Tarpon River Civic Association president among other roles in the community. She asserted you could not live in Tarpon River without being somewhat fascinated by the little castle. She noted she had read the application and found the designation to be appropriate and possibly overdue. She stated the tie to Fort Lauderdale's oldest and most influential families added to its importance and addressed the importance of preserving significant sites.

Janet Scraper, 401 SW 4th Avenue, stated she was a former Tarpon River Civic Association president, and thanked the applicant for starting the process. She asserted the castle was a joyful part of the neighborhood with significant historical value. She called it a special place and said now there could be a whole new set of history as people go by it and tell its stories. She stated it was important to keep it intact.

Melinda Bowker, 511 SW 5th Avenue, asked that the historic preservation be granted. She noted her involvement in local organizations and asserted the landmark needed to be preserved. She shared a written comment from Christina Curry, president of the neighboring Rio Vista Civic Association, in support of the designation to preserve the castle for future generations.

Diane Lade, 620 SW 6th Avenue, stated she lived in an old house in the neighborhood and discussed the value of the area for understanding what Fort Lauderdale is all about. She added the Board had a unique opportunity to help save a piece of the neighborhood and preserve history with the designation.

Katie O'Reilly, 1436 SW 16th Terrace, stated she had collected stories of the property and shared some of those stories briefly. She noted the most interesting were from boat captains stating the castle was how they knew they were almost home. She asked that the Board seriously consider recommending the property for historic designation.

Michael Stone, 701 SW 8th Terrace, Vice President of the Tarpon River Civic Association, shared the importance of the site to the history of the neighborhood and stated Mr. McAloon's presentation made the property even more representative of the area and interesting to preserve.

Jacqueline Scott, 1626 SE 1st Street, discussed her activity in the community and stated she understood why the neighborhood wanted to preserve the little castle in the middle of their neighborhood. She noted she had looked at the listing and the property was not sold for redevelopment, but as a landmark without historical designation. She asserted she did not buy the argument regarding losing property value. She stated she thought recommending approval was the right decision.

Connie Christianson, 1141 SW 8th Terrace, added that there are two places she encourages visitors to Fort Lauderdale to visit, and the castle was one. She noted she would love to know what inspired the exterior façade, and stated it was impressive and a labor of love. She asserted she appreciated the castle's contribution to the neighborhood and felt it should be preserved.

Joe Krutel, 807 SW 7th Street, stated he had lived in the community 43 years, and agreed the castle was a place he always brings visitors. He asserted too much of the history of Fort Lauderdale had disappeared over the years. He spoke in support of the application and asked the Board and Commissioners to follow their conscience.

Brucie Cummings, 830 SW 9th Street, explained she is a sailboat captain and tour boat director, and the castle is among the precious few places in the community people go back to visit and remember old times. She stated Fort Lauderdale should be more than high rises and money, because there were a lot of people there that are neighbors and neighborly.

Brian Engle, 842 SW 9th Street, stated he shared the passion to preserve the site, but his focus was on the cultural and architectural aspects, and the criteria for designation. He asserted nothing

else designated in the City shared this architecture, and for that reason alone it deserved to be protected.

Carolyn Earhart, no address given, discussed her work to share the history of Fort Lauderdale and past efforts to preserve the history. She asked for the Board's support in continuing the work of the community's pioneers in preserving this and other sites.

Chair Blank closed the public hearing and invited questions to the applicant and staff from the Board. He explained the process that would be followed.

Chair Blank asked the applicant had applied for status on the National Register of Historic Places. Ms. Conca stated the application would happen through the State, and to her knowledge it had not been made. She noted anyone could make that application.

Chair Blank asked Ms. Logan to explain why the exception, subsection (g), applied in this case. Ms. Logan stated it was applied because the alterations had occurred less than 50 years ago.

Chair Blank asked how much the coral made or broke the staff recommendation. He stated as he understood it, the 50-year exception would apply only to the alteration, but not to the property itself. He asked for additional clarification. Ms. Logan stated in this case, the alteration had occurred to the structure in its entirety and was not just a portion of the building.

Chair Blank stated his understanding was that the Board was determining whether the property qualified under subsection (a), its value as a significant reminder of the cultural or archaeological heritage of the City, State, or Nation, or under subsection (f), distinguishing characteristics of an archaeological style valuable for the study of a period, method of construction, or use of indigenous materials. He noted his understanding was that the exception under subsection (g) was that the coral stone, which would seemingly qualify it under subsection (f), had occurred less than 50 years ago. He asked Ms. Logan if this was correct.

Ms. Logan stated this was in addition to the other two criteria. She noted there are seven criteria within the ordinance that could be designated under, and the property only needed to meet one. She added that under certain circumstances, there also has to be a criteria consideration, and when something is less than 50 years old, criterion (g) is applied.

Chair Blank stated Mr. McAloon had provided a lot of information and asked him to explain the relevance of the criminal history he had shared.

Mr. McAloon explained Sheriff Walter Clark lived a few blocks away, and this was a known house where telephone operations occurred. He stated John Elliott was known to reside at the property and discussed his arrest in 1953. He asserted the staff report was completely wrong and misinterpreted, and argued at the very least there should be a delay to obtain the correct facts.

Chair Blank responded that in his mind, the argument of Sheriff Clark and Mr. Elliott being tied to the property helped to establish the property as a cultural or archaeological heritage site. He stated that counsel would not bring information that made the opponent's argument and asked that Mr. McAloon further explain in order to rectify the confusion in that regard.

Mr. McAloon asserted Sheriff Clark ran a reign of terror and was the person responsible for a culture of crime and fear across the community. He stated applauding this man without knowing who he was made him question what preservation of Fort Lauderdale history truly was about.

Mr. McAloon stated the only way under which he believed the property qualified was under subsection (g), as the architectural features being discussed were less than 50 years old. He discussed the significance of the coral stone and stated it was animals being placed on the exterior of a building and compared it to placing ivory tusks out in the open. He argued the material was the result of dredging and was used because it was cheap, not placed by hand. He noted the company which had done the work was out of Pompano.

Chair Blank clarified it was Mr. McAloon's position that in 1924 the structure was mostly likely not yet in existence. Mr. McAloon confirmed this was correct, as the structure was not shown on the Sandborn Fire Insurance Map from 1924.

Chair Blank asked Ms. Logan to discuss the discrepancy regarding the conveyance of title. Mr. McAloon provided additional clarification regarding the history of the mortgage, second mortgages, and conveyance of title in the late 1970s. He stated he had copies of the documents available.

Chair Blank asked if that title was cleared at the time of purchase by the current owner. Mr. McAloon stated that it was.

Chair Blank asked Ms. Logan to confirm that there was no discrepancy as to the coral façade being placed on in 1974. Ms. Logan stated there was a building permit dated 1973, and a newspaper article from 1974 referenced the completed façade. She clarified that any discrepancies past 1974 would not be pertinent to the application, as that was the end of the period of significance proposed.

Chair Blank asked Mr. McAloon if he agreed with the date. Mr. McAloon noted the permit expired and was never closed out. He agreed with the timeframe.

Vice Chair Marcus asked for clarification on the permit for the façade. He stated he had never seen that as constituting a new building and asked why the original date of the building was not being honored. Ms. Logan stated the original date of the building was being honored, but the façade was being used as additional piece of information and an additional layer of history to expand on the reason the structure is significant.

Vice Chair Marcus asked how staff gets past the building only being 48 years old, if using the 1973 date. Ms. Logan explained there was an aerial photo showing the footprint prior, and the only difference was the application of the coral rock material.

Vice Chair Marcus stated siding was just a renovation, not building a new home. Ms. Logan asserted in this case, the use of indigenous material applied in 1973 supported the applicant's assertion that the property was significant as it stands today. She noted the property was being looked at in its entirety, including the application of the material, the craftsmanship that went into it, and all of the details that are present. She noted the appearance was significantly altered by the change.

Vice Chair Marcus responded to a previous comment, stating this material was used in South Florida on significant public and private buildings because it was a local alternative and shipping other materials from up north was expensive.

Chair Blank reiterated that Mr. Parker had abstained from the conversation.

Mr. Parker thanked the community for their activism.

Chair Blank noted Mr. Parker's commentary would not be considered by the Board in making their decision on the application.

Mr. Rosa stated he appreciated the detail and context that had been put into the application and the rebuttal. He noted it was one of the most detailed applications he had seen. He asked counsel to clarify whether the Board considers whether a diminution in value were to occur in such a circumstance as in the application. Attorney Wallen stated that was not the listed criteria, and there was case law which held that diminution in value alone was not a taking.

Mr. Schiavone asked Ms. Logan if the castle had ever had an application submitted before. Ms. Logan responded not to her knowledge.

Mr. Schiavone clarified this was the first time since this property was built that anyone had suggested it should be historically designated. Ms. Logan responded there had been previous suggestions, but not application.

Mr. Karney asked the owner to describe the nature of the sale. Mr. Cole stated the property was publicly advertised as zoned RD-15 with the castle, but also with the availability to develop the property.

Mr. Karney asked how long the property was on the market. Mr. Cole stated he did not think it was very long. He noted he saw it while biking and called the realtor, and she told him it was not designated historic, and that the previous applicant had defended against an application.

Mr. Karney asked if the applicant had made any attempt to purchase the property while it was publicly offered for sale. Ms. Conca stated the Broward Trust for Historical Preservation had not tried to purchase the property. She added that the Trust is a non-profit, non-governmental agency. She added they could have but did not.

Attorney Wallen suggested time be given to the applicant and owner to make rebuttal comments for due process purposes.

Mr. McAloon asserted he greatly appreciated everyone's intentions and the discussion. He explained Mr. Cole had made offers to donate the castle, and had made other efforts to have a conversation, but no one would speak to him. Continuing, Mr. McAloon argued the specific set of criteria was not met. He stated based on the conversation, they had heard how people feel, and it sounded as though the entire Tarpon River District should be historic. He noted the importance of protecting property rights while also preserving the community's history.

Mr. Cole added that the significance of the property was that it was a regular house like any other up until 1973 when someone made it into a castle. He asserted the original footprint had not been

used and pointed to the turrets as evidence. He apologized if he had come across as defensive and explained his experience since purchasing the property.

Ms. Conca stated she had done her due diligence and spent many hours researching and writing the application. She briefly reviewed the materials she had presented and read from the application regarding platting of the Tarpon River settlement and ownership. Ms. Conca stated the owner's representative had not argued any of the subject criteria and said she stands by it. She asserted the structure was there in the 1920s and addressed the property owner's rights briefly.

Chair Blank thanked the public for their involvement and asked the Board to bring forward comments and general discussion.

Vice Chair Marcus stated it was wonderful to hear how many people had lived in the neighborhood or had long-term ties in the neighborhood. He noted he thought the castle was emblematic of an important part of cultural and social history. Mr. Marcus stated the building would be called an architectural folly and read the dictionary definition. He asserted he would vote in favor and stated he hoped that historic designation would prove to raise the property value.

Mr. Rosa posited that designating the property as historic would unfortunately not improve the property value. He stated he had never had an application where he felt more split, and noted he was reviewing the criteria and would need more time in order to make it fit. He noted both the applicant and owner had put forth information that was important. Mr. Rosa asked why the owner's good faith effort to preserve the castle without deeming it historical was not being presented as a middle ground. He asserted this might be a way of accomplishing a means to an end and benefiting both ways.

Mr. Rosa stated that he appreciated the intensity the item was being presented with, but he was struggling with the active desire of the owner to participate in the preservation while not tagging it with a historical designation, he would be open to hearing more about that from the Board.

Mr. Schiavone stated he too was struggling with the decision. He noted he had a great respect for the preservation of history, but also had a respect for the owner and his right to do something with a property he bought. He stated somewhere between the two ideas, a bridge needed to be built. He stated at the end of the day, in order for designation to preserve the castle, it had to be funded.

Mr. Karney stated the owner's attorney had said it well. He asserted he too has an old house, and God forbid someone come along and tell him what to do with his house. He noted he understood the need for historical preservation and said old Fort Lauderdale was on its last legs, but at the same time, what counts to him the most is the value of private property rights. Mr. Karney asserted the owner had spent \$1.5 million on the property and if he wanted to tear it down or burn it down, it was his right. He stated this was the reason he had asked if any historical society or preservation trust had made any attempt to purchase the property. He added it would have been different if it were sold on the hush-hush, but it was not.

Ms. Sazera asserted this decision was difficult for her, even as someone who lived in a historical house in a historical neighborhood. She noted as a volunteer on the Historical Preservation Board, she wanted to say that what they were there to do was to suggest the property be put up before

the experts for designation. Ms. Sazera stated she felt bad for the owner, but it was obvious looking at the castle that it was special and had historical value. She stated she believed Mr. Cole had purchased the property recognizing that it was historic. She noted the Board did not have an easy decision.

Mr. Cole stated he bought the property five months ago and it had been hard since. He asserted he had no intention to tear it down.

Chair Blank reminded the Board of the purpose of the hearing, which was to determine whether the property as a whole met either of the two criterion under which the applicant was seeking historic designation. He read the criteria and noted the property rights of the owner were not to be considered when making a decision to recommend the designation. He stated the case law cited by the City Attorney strengthened this argument and asserted the property rights were something to be argued to the City Commission.

Chair Blank stated he also found himself going back and forth, but to him a few interesting points made. He noted the Board had consistently looked to public position and to members of the community in attempting to make its decisions, and all 30 residents who had spoken at the meeting had noted the value as a significant reminder of the architectural and cultural heritage of the City. Chair Blank stated he recognized the potential financial harm established by the owner's attorney, but the case law determined that was not something the Board could consider. He recognized that Mr. Cole had stated he was not looking to tear the building down, which meant he recognized it was a significant reminder of the cultural or archaeological heritage of the City.

Continuing, Chair Blank pointed out that Mr. Cole had stated he was not looking to tear the castle down "right now" or "yet," which did not lend itself to a lot of comfort that this property would be otherwise protected if historical designation was not granted. He stated he had also noticed the comment on rebuttal in which Mr. Cole noted he was told of previous attempts to place the property on the historical register and had purchased it with that knowledge. Chair Blank stated he gives no weight to the argument that Mr. Cole was an unknowing purchaser. He stated the Board frequently addresses people purchasing historical properties unknowingly, but this owner was put on notice.

Chair Blank stated there was a lot of discussion regarding the coral on the façade and whether it was outside the 50 years, but it was undisputed the property and the building were there prior to 1973 when the façade was put on. He recognized the coral was a distinct characteristic which lends itself to the strengthening of staff's position, but even without that, there is a longstanding oral history which speaks to the value as a significant reminder of the cultural heritage of the City. He stated when he thinks to the challenge of the Board to make a recommendation to the City Commission, he urges the Board to keep in mind what its job.

Chair Blank asserted the Board does a good job of setting personal feelings aside and following the guidelines, acknowledging that what they like or don't like it. He stated it was his position the site does meet the criteria. He noted he loved the additional "dirty nature" to the property shared by the owner's attorney and stated that helped to establish the historical value of a property in Fort Lauderdale. Chair Blank stated he was in favor of the recommendation but would be curious to see the discussion before the City Commission, as the arguments made spoke more to the

Commission's discretion in granting the designation, as opposed to the Board's role of following the criteria.

Vice Chair Marcus stated he respected exactly what Chair Blank had said and he made a very good point, however the declaration of public policy as it speaks to historic designation addresses health, safety, general welfare, and economic well-being of the residents. He stated the Board was not splitting hairs by trying to come to an understanding. He noted he did not disagree with the interpretation of the job of the Board, but noted he was cautious of the ways in which the designation had been used in the past to stop development.

Mr. Rosa stated Chair Blank had said it as well as anyone could, and asked whether, in the event the castle does receive a historical designation, it would render the entire site subject to any additional historical overlay if Mr. Cole were to bring forward an application for development of what is now vacant land. Attorney Wallen explained the application included the entire site the castle is on.

Mr. Rosa asked if there would be a way to bifurcate that and solely designate the structure as historical while leaving the remaining property free from the designation.

Chair Blank asked a follow up question to clarify whether that would be a distinction the Board could make, or whether that was something to bring before the City Commission. Attorney Wallen reiterated that the application before the Board was for the entire site, unless they made a finding that the other parts of the property do not meet the criteria.

Attorney Wallen clarified the role of the Board and stated there was no discretion for the Board to not process the application at this time. She explained under State law, local governments have to approve or deny this type of application within 180 days. She reviewed those who could make an application for historical designation, including:

- Historic preservation board; or
- City Commission; or
- Property owner; or
- Simple majority of property owners in a proposed district; or
- Corporate resolution made by a non-profit.

Attorney Wallen noted the non-profit that had filed was entitled to a decision and reviewed the criteria for designation, pointing out property value was not something the Board could consider. She stated it was the obligation of the Board to make findings based on the criteria as discussed in the application and staff report.

Mr. Rosa stated in the past applicants had tabled their agendas to subsequent agendas to allow more time for a finding. He asserted that Chair Blank's comments had helped to clear up for him why it had cultural and archaeological significance to the City, but what he was not getting was why the entire 18,000 square feet on the river would be encompassed within the designation.

Attorney Wallen clarified the Code in Section 47-24.11 said a historical designation automatically encompassed the site under which a property was located. She stated if the Board believed the other parts of the property did not meet the criteria laid out, they could make that finding and recommendation to the City Commission.

Chair Blank read the referenced Code and asked Attorney Wallen whether the City Commission could parse it out that way, regardless of the Board's recommendation. Attorney Wallen stated they could, however if that was the recommendation of the Board, it should be included in the finding.

Mr. Schiavone asked whether a recommendation to approve with the condition that the land not be included would be appropriate. Attorney Wallen stated they could make that recommendation, so long as they provide a basis for the finding and stated on the record as to the findings of fact to support the recommendation.

Vice Chair Marcus suggested a motion to continue the application based on the fact that the application details were in question. Discussion ensued regarding when the application was filed.

Attorney Wallen stated the Statute required the applicant's consent for continuance. Ms. Conca asserted she did not agree. Discussion continued regarding the possible separation of the land from the structure in the application for historic designation.

Chair Blank stated he was intrigued by the possibility of sectioning off the structure from the property, because he certainly heard much less information as to the significance of the land. He asserted when looking at the four corners of the application before them, it was for the full piece of property. Chair Blank stated there was no evidence heard that the property was of significant historically. He asserted there was prevalent evidence regarding the building, and he liked the idea of compromise, but did not think that was the job of the Board.

Chair Blank asserted the building met criterion (a) by the evidence of both the applicant and the owner, though criterion (f) was more questionable. He noted the City Commission would have an opportunity to review the record and see the concerns raised.

Vice Chair Marcus asked whether a motion could be made to approve the project with communication regarding the idea of bifurcating the castle from the property.

Chair Blank stated it was appropriate to communicate items to be taken under consideration.

Vice Chair Marcus explained the most historic portion of the property was that where the castle was and argued criterion (f) did not apply as it was an architectural folly.

Motion made by Vice Chair Marcus:

To approve the request for Historic Landmark Designation of New River Castle located at 625 SW 5th Place with the condition that the designation apply only to the building, not the property, to the City Commission under case number UDP-HPD21001 based on a finding this request meets criterion (a), as outlined in Section 47-24.11.C.7 and criterion (g) as outlined in Section 47-24.11.C.8 of the ULDR.

The **motion failed** for lack of a second.

Mr. Schiavone stated he did not believe the application met the criteria. He argued there was a great distance between the explanations by staff and the attorney of the owner, and noted he was not comfortable with a recommendation to approve based on the information received. He stated he was having a difficult time coming to a decision he could sleep with.

Chair Blank stated he thought a motion to deny was a mistake, and it had clearly been proven based on evidence of the applicant and the owner's counsel that it was a significant reminder of the cultural heritage of the City. He agreed there was a lot of information, but the Board's job was to say whether or not it hit the mark. He noted he had liked Vice Chair Marcus' motion which died for lack of a second.

Ms. Sazera stated she had wanted to second Vice Chair Marcus' motion but had not understood the language utilized.

Mr. Rosa asserted the difficulty was that there was a factual dispute with the application. He stated the applicant had pulled a few things out to show it met the criteria, but in the context of the quasi-judicial hearing, the owner's attorney had artfully articulated why it was not culturally significant. He noted the very condensed ownership of land in early Fort Lauderdale, significance of the bridge that may or may not have lasted, and other items meant there was too much to just slice it in so that the application absolutely met criterion (a). Mr. Rosa added that with all that said, he agreed with Chair Blank that the City Commission needed to be delicate in approaching the matter. He stated he feared the City Commission would not have the multiple hours to review the matter that the Board had.

Mr. Rosa stated he was concerned the Board did not know enough about the history to put an undue oppression on the owner. He questioned which facts were right, and stated he did not know, as they were just dealing with the information presented.

Mr. Marcus stated granted there were some conflicts in the historical understanding of the property, and he understood that, but the Board was looking at the social heritage of the property. He argued the City Commissioners were the correct people to make the decision, because the purview of the Board was narrow.

Motion made by Mr. Schiavone, seconded by Mr. Karney:

To deny the request for Historic Landmark Designation of New River Castle located at 625 SW 5th Place with the condition that the designation apply only to the building, not the property, to the City Commission under case number UDP-HPD21001 based on a finding this request does not meet criterion (a) and criterion (f) as outlined in Section 47-24.11.C.7. of the ULDR.

In a voice vote, the motion **failed 3-3**. Ms. Sazera, Mr. Marcus, and Mr. Blank voted no. Mr. Parker abstained.

Ms. Sazera stated it was difficult, and she did have empathy for the owner, but also noticed that the realtor had said it was a landmark on the listing, and the owner mentioned he knew the designation had been discussed before, so he was not completely in the dark. She added that she wanted the item to go before the City Commission.

Motion made by Mr. Marcus, seconded by Ms. Sazera:

To approve the request for Historic Landmark Designation of New River Castle located at 625 SW 5th Place to the City Commission under case number UDP-HPD21001 based on a finding this request meets criterion (a) as outlined in Section 47-24.11.C.7 and criterion (g) as outlined in Section 47-24.11.C.8 of the ULDR, with the condition that the designation apply only to the building, not the property, as it had not been found the rest of the property met the criteria.

In a voice vote, motion **passed 4-2**. Mr. Schiavone and Mr. Karney voted no. Mr. Parker abstained.

Chair Blank called for a break at 8:49 p.m.

Chair Blank called the meeting to order at 8:58 p.m.

Attorney Wallen made a correction to the address of the property as stated in UDP-HPD21001. She noted it should be 625 SW 5th Place, not 625 NE 5th Place as was stated verbally.

V. Communication to the City Commission

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~~Mr. Rosa asked for a Board discussion regarding potential communication. He stated he found the procedural sequence of this application to be troubling, noting the Board had received the information from the applicant well in advance but did not receive anything from the owner until the flurry of response at the meeting. He asserted this was difficult to review and asked that when receiving a unique application like this, where there is a designation being put forth, there should be an extension of notice or some additional time to rebut it and then allow that information to be circulated to the Board for additional consideration rather than see it for the first time during the presentation.~~

~~Chair Blank stated he could not agree more. He noted he wished they had gotten the packet from the owner's attorney a week before. He asked if the process as followed was codified and whether there were timeframes for the owner to get information to the Board. Attorney Wallen stated there was nothing preventing them from communicating with the Board, and they could have submitted the information earlier if they wanted to.~~

~~Mr. Rosa stated he was comfortable with that explanation.~~

~~Chair Blank noted a packet was distributed on the dais, but the Board members participating online did not have the benefit of reviewing it. Discussion ensued regarding leaving the matter without a time restriction.~~

~~**Motion** made by Mr. Schiavone, seconded by Mr. Karney:~~

~~In light of the City's Commission's inquiry of this Board concerning historic designation and the issues that we have come across today in the items that were addressed at the meeting [historic landmark designation of the New River Castle and potential designation of multiple properties], we again encourage the City Commission to dedicate more resources and more staff to historic preservation. We see repeatedly in our work here that Trisha Logan is spread so thin, we could accomplish more, the citizens of the City of Fort Lauderdale could accomplish more expeditiously, and we would be able to protect both property owners' rights and the historic preservation of the City better if there were more resources dedicated.~~

~~In a voice vote, the motion **passed 7-0**.~~

~~Attorney Wallen provided clarification on how a thematic district would be addressed. She pointed out the Board was recommending a Code amendment. She suggested the Board designated a member to attend the City Commission meeting to explain the request.~~

~~Chair Blank designated Vice Chair Marcus to attend the meeting on behalf of the Board.~~

~~**Motion** made by Vice Chair Marcus, seconded by Mr. Karney:~~

~~the Board's time into the matter. He addressed the financial impacts and asserted the Board needed to look at the matter practically.~~

~~Chair Blank asked whether there was some way to expedite this type of request. Attorney Wallen responded that they could send communication to the City Commission asking them to put it on their agenda and initiate the request, but the Historic Preservation Board meeting might come faster.~~

~~Mr. Schiavone conceded it was better to follow this process and do the legwork for the City Commission ahead of time.~~

~~Chair Blank stated this was yet another example of why the Board needed to ask the City Commission to hire additional staff for the department. He asserted to Mr. Schiavone's point, the financial impacts of the decision are so great, the Board owes it to the City to try to address these issues as expeditiously as possible.~~

~~Ms. Sazera added that the public would come out in support of saving these buildings if they knew they were being considered for demolition. She encouraged Mr. McKirahan's son get the matter out of social media, setting up a GoFundMe, and other efforts, arguing people were not speaking up because they were in their bubbles and did not know it was an issue.~~

~~**Motion** made by Mr. Rosa, seconded by Vice Chair Marcus:~~

~~To place the consideration to initiate applications for historical designation to the three (3) properties (Time Square Shopping Center (at the southeast corner of E. Oakland Park Boulevard and N. Federal Highway); Castro Convertibles (2860 N. Federal Highway); and the Bayview Building (1040 Bayview Drive) on the November Historic Preservation Board agenda and for staff to send a letter to all property owners of each location to invite them to the meeting.~~

~~In a voice vote, the motion **passed 7-0.**~~

~~Vice Chair Marcus asked whether the item could be placed further up on the November agenda so they were not the final item discussed.~~

~~Chair Blank asked that the items be the first three items on the November agenda.~~

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:37 p.m.

Attest:



Prototype Inc. Recording Secretary

Chairman:



Jason B. Blank, Chair

The City of Fort Lauderdale maintains a website for the Historic Preservation Board Meeting Agendas and Results:

<http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board>

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.