



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD  
 CITY OF FORT LAUDERDALE  
 TUESDAY, JANUARY 2, 2018 - 5:00 P.M.  
 FIRST FLOOR COMMISSION CHAMBER  
 100 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2017 through 5/2018</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	A	6	1
George Figler, Vice Chair	P	6	1
Jason Blank [arrived 5:06]	P	2	0
Brenda Flowers	P	7	0
Marilyn Mammano	P	6	1
Donna Mergenhagen [arrived 5:03]	P	6	1
Phillip Morgan	P	6	1
Arthur Marcus	P	7	0
David Parker	P	1	0

**City Staff**

Gustavo Ceballos, Assistant City Attorney  
 Teresa Wright, Administrative Aide  
 Trisha Logan, Planner III  
 Lisa Edmondson, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

**Motion** made by Ms. Mergenhagen, seconded by Mr. Figler, to:

1. Thank the Commission for supporting the position for which Ms. Logan was hired and to acknowledge the good job Ms. Logan was doing, and
2. To alert the Commission to the fact that there is a trend in applications from the City to the HPB that are inferior to those from private citizens regarding compliance.

In a voice vote, motion passed unanimously.

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1. Call to Order/Pledge of Allegiance

Vice Chair Figler called the meeting of the Historic Preservation Board to order at 5:00 p.m.

**II. Determination of Quorum/Approval of Minutes**

Roll was called and it was determined a quorum was present.

**Motion** made by Mr. Morgan, seconded by Mr. Marcus, to approve the minutes of the Board's November 2017 meeting. In a voice vote, motion passed unanimously.

**III. Public Sign-in/Swearing-In**

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

Board members disclosed communications and site visits they had regarding each case.

**IV. Agenda Items:**

1.

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<b>Case</b>	H17035	<b>FMSF#</b>	
<b>Owner</b>	Andrew Jimenez		
<b>Applicant</b>	Andrew Jimenez		
<b>Address</b>	725-727 W. Las Olas Blvd		
<b>General Location</b>	Approximately 106 feet east of the northeast corner of SW 8 <sup>th</sup> Avenue and Las Olas Boulevard intersection.		
<b>Legal Description</b>	Lot 32, Block 22, of BRYANS SUBDIVISION OF BLOCKS 21 and 22, FT. Lauderdale, according to the plat thereof, as recorded in Plat Book 1, Page 29 of the Public Records of Miami-Dade County, Florida; said lands situate, lying and being in. Lying and being situated in Broward County, Florida.		
<b>Existing Use</b>	Residential		
<b>Proposed Use</b>	Residential		
<b>Zoning</b>	RML-25		
<b>Applicable ULDR Sections</b>	47-24.11.C.3.c.i, 47-17.7.B		
<b>Request(s)</b>	<p><b>After-the-fact</b> modifications to the previously issued Certificate of Appropriateness (HPB case number H14018).</p> <p>Certificate of Appropriateness for Minor Alteration</p> <ul style="list-style-type: none"> <li>Amendment to original Certificate of Appropriateness application issued under HPB case number H14018 on</li> </ul>		

	December 1, 2014, to address the <b>after-the-fact</b> change in design to the original garage door presented before the HPB.
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[See staff report attached hereto]

Ms. Logan read the staff report and concluded with:

In accordance with Sections 47-17.7.B and 47-24.11.C.3.c.i of the ULDR staff recommends that the application for an amendment to original Certificate of Appropriateness application issued under HPB case number H14018 on December 1, 2014, to address the after-the-fact change in design to the original garage door presented before the HPB be **Approved**.

Andrew Jimenez, owner, said the lengthy process for a request as simple as this illustrated the problems with the ordinance as it was currently written. He felt staff should be able to approve simple changes such as this and asked the Board to work toward revising the ordinance. Mr. Mergenhagen informed Mr. Jimenez that the Board had done everything in its power toward this end and he should speak to the City Commission.

Mr. Jimenez explained that he had changed the doors due to the appearance and cost. He said he had not realized that this would be an after-the-fact modification, because the design was one of those included in the original packet.

Vice Chair Figler opened the public input portion of the meeting. There being no one present wishing to address the Board on this matter, Vice Chair Figler closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Flowers, seconded by Ms. Mammano, to approve the request for an After-the-Fact Certificate of Appropriateness for Minor Alterations under case number H17035 located at 725-727 W Las Olas Boulevard for an amendment to the original Certificate of Appropriateness application issued under HPB case number H14018 on December 1, 2014, to address the after-the-fact change in design to the original garage door presented before the HPB based on a finding this request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines, as outlined in the above staff memorandum. In a roll call vote, motion passed 8-0.

2.

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<b>Case</b>	H17036	<b>FMSF#</b>	
<b>Owner</b>	City of Fort Lauderdale, Sandy Leonard, Program Manager, Public Works		
<b>Applicant</b>	City of Fort Lauderdale, Sandy Leonard, Program Manager, Public Works		
<b>Address</b>	1300 W. Broward Blvd		
<b>General Location</b>	On the south side of West Broward Boulevard between NW 14 <sup>th</sup> Avenue and NW 12 <sup>th</sup> Avenue.		
<b>Legal Description</b>	VALENTINES SUB B-29 D LOT 7 N 855 LESS RD LOT 8 N 900 LESS RD, & LOT 9 N 850 LESS RD & TOGETHER WITH BLKS 117, 118 & LOT 5 TO 28 BLK 125 & VAC ALLEYS WITHIN SAID BLKS 117 & 118 & LOTS 5 TO 28 BLK 125 & THAT POR OF VAC SW 1 ST & SW 2 ST BETWEEN SAID BLKS IN OF SUB WAVERLY		
<b>Existing Use</b>	Community Facility		
<b>Proposed Use</b>	Community Facility		
<b>Zoning</b>	CF		
<b>Applicable ULDR Sections</b>	47-24.11.C.3.c.i, 47-17.7.B		
<b>Request</b>	Certificate of Appropriateness for Minor Alteration <ul style="list-style-type: none"> <li>• Installation of new green vinyl coated chain link gates and fencing with mesh, and replacement of existing chain link gate and fencing with new green vinyl coated chain link gate and fencing with mesh.</li> </ul>		

[See staff report attached hereto]

Ms. Logan read the staff report and concluded with:

In accordance with Sections 47-17.7.B and 47-24.11.C.3.c.i of the ULDR, staff recommends that the application for a Certificate of Appropriateness for minor alterations to install a new green vinyl coated chain link gate and fencing with mesh and replace an existing gate and fencing with new green vinyl coating chain link with mesh be **Approved with the following Conditions:**

1. The new chain link gate and fencing must be green vinyl coated with a mesh cover. The same mesh cover material shall also be applied to all street-facing portions of the existing chain link fencing along SW 14<sup>th</sup> Avenue.
2. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

Sandy Leonard, Fort Lauderdale Public Works Fleet Manager, asked to be permitted to use galvanized fencing (not green vinyl) to keep it the same as the existing fence. If the green vinyl was required, he said additional time would be needed to budget for it. Vice Chair Figler wanted to specify that the replacement fence would be green vinyl.

Ms. Mammano wanted the City to upgrade this fence to the better quality vinyl mesh around the entire area. Mr. Leonard said the east side of the property on 14 Avenue would be exposed. Ms. Mammano wanted the mesh to be used to hide the vehicles on the lot. Mr. Marcus wondered how any chain link could be permitted in the historic district and Ms. Logan replied that per the guidelines, the vinyl-coated chain link was allowed only in appropriate circumstances.

Ms. Mergenhagen remarked that the "Broward-facing fence is a mess." She assumed it had been damaged in the recent hurricane and said public buildings in a historic district should set a standard for private properties. It was visually alarming to her that a public building on such a major corridor was in such disrepair.

Ms. Logan confirmed that her recommendation would be for green vinyl-coated wire where it was being replaced. She explained that over time, as the fencing was replaced, it would be aligned with what the design guidelines allowed.

Mr. Blank noted that the application stated it was for galvanized, not vinyl-coated fencing and he believed the Board should vote on that request as it was presented, not the recommendation from Ms. Logan that the fence be vinyl-coated.

Mr. Leonard stated he had not priced the green mesh, but said the main intention was to add the gates for security and this was approximately 60 feet.

Vice Chair Figler was not certain about the "green mesh" they were discussing and needed more information to consider it. He stated the mesh should be detailed on the drawings.

Ms. Logan clarified that the north gate existed and was permanently closed and the south gate was missing. Mr. Leonard agreed this was a security issue that had existed for years.

Mr. Blank suggested that rather than approve the application as presented or amended, the Board could defer it for additional information to address the Board's concerns. Mr. Marcus noted that the Board often approved requests with modifications. Ms. Logan confirmed that the green vinyl coating and/or the mesh could be conditions of approval. She stated the applicant had checked the box for green vinyl fencing, so that was how she had written her report. Mr. Leonard said the application said, "Chain Link (vinyl)," and this had not been clear to the contractor.

Ms. Mammano asked if the application, without any conditions, was for a green vinyl fence with mesh and Ms. Logan stated it was not: it was for the galvanized chain fencing with mesh. The description said green, vinyl coated and the drawings showed a mesh covering.

Ms. Mammano pointed out that they had asked the City to upgrade the lights in a park and the sign at the Police Department. For this application, she was concerned about the security aspect and wanted to approve the application as soon as possible. If the gates were green, vinyl coated, she would approve them. Mr. Marcus wanted the green vinyl with mesh to be the standard for this fence and to set a neighborhood precedent.

Mr. Blank believed that the "4-inch mesh" listed on the drawings was actually just vinyl coated chain link; there was no additional mesh. He said because of this confusion, he felt the Board would be remiss to take action. Ms. Mammano agreed that the drawings did not include mesh, but thought the Board would include this as an additional requirement for approval.

Mr. Ceballos stated the applicant could request a deferral and return to the Board with a modified/new set of plans for no additional fee.

The Board and staff discussed interpretations of the specifications, i.e., "mesh" and "vinyl coated," in the application.

Mr. Leonard said he would leave his request for vinyl coated chain link fencing, as was written in the application (no mesh) and for the specific areas included in the application. Ms. Logan stated this would be allowed per the code.

Vice Chair Figler opened the public input portion of the meeting.

Justin Beecham, Sailboat Bend resident, said a nearby business had installed a chain link fence without a permit. He agreed that chain link was good for security but stated it was an incredible eyesore and he wanted the City to set a precedent for other property owners. He distributed photos of the nearby fence he discussed.

There being no one else present wishing to address the Board on this matter, Vice Chair Figler closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Marcus, seconded by Ms. Mammano to approve the request for a Certificate of Appropriateness under case number H17036 located at 1300 W. Broward Blvd for minor alterations to install a green vinyl coated chain link gate and fencing with fabric mesh attached, based on a finding the request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines.

Mr. Blank stated this motion was out of order because it imposed an additional

requirement on the applicant which was not required per the design guidelines. It was therefore outside the scope of the Board.

Mr. Ceballos advised the Board to follow the standards set forth in the code but said he would not dictate what motions they made. Mr. Blank reiterated his belief that the motion was out of order and said Mr. Ceballos should provide a better opinion. He insisted that the Board was “not permitted to impose additional requirements on an applicant except those that would otherwise be required to bring the applicant’s request within the guidelines.” Mr. Ceballos stated the Board had created additional conditions on several occasions and these had been held to be valid. He stated this typically happened when something outside the norm was being granted.

Mr. Marcus restated his motion:

To approve the request for a Certificate of Appropriateness under case number H17036 located at 1300 W. Broward Boulevard for minor alterations to install a new green vinyl coated chain link gate and fencing, and replacement of an existing chain link gate and fencing with new green vinyl coated chain link gate and fencing, based on a finding the request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines with the following condition:

1. The green vinyl coated chain link gates and fencing shall have a fabric mesh to obscure visibility into the site.

In a roll call vote, motion passed 5-3, with Vice Chair Figler, Ms. Mergenhagen and Mr. Blank opposed.

## **VI. Good of the City**

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Mr. Marcus requested an update on the Times Square Shopping Center. Ms. Logan had no additional information but agreed to look into it and report back to the Board.

Mr. Ceballos reported the applicant for the Towers project had submitted a plan with a significant increase in development capacity, which had been denied by the Department of Sustainable Development. The applicant was now working on a more reasonable project. Mr. Ceballos said the application had been brought forth as part of the mediation process. He stated the applicant was positing that because of the burden of historic designation, they should receive some additional benefit. Mr. Ceballos explained that according to the mediation procedure, the applicant could make minor changes to exceed the original zoning but they had submitted a “very unreasonable” request, with three times the allowed density.

Ms. Logan reported Ms. Coffey had resigned from the Board. She thanked Ms. Coffey for her service.

Ms. Logan introduced new Board member David Parker. Mr. Parker stated he was an activist in Sailboat Bend and he was delighted to participate.

**V. Communication to the City Commission**

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**Motion** made by Ms. Mergenhagen, seconded by Mr. Figler, to:

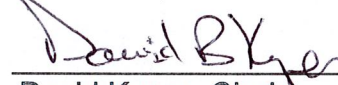
1. Thank the Commission for supporting the position for which Ms. Logan was hired and to acknowledge the good job Ms. Logan was doing, and
2. To alert the Commission to the fact that there is a trend in applications from the City to the HPB that are inferior to those from private citizens regarding compliance.

In a voice vote, motion passed unanimously.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 6:33 p.m.

Chairman,

  
\_\_\_\_\_  
David Kyner, Chair

Attest:

  
\_\_\_\_\_  
ProtoType Inc. Recording Secretary

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.