

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

**APPEAL OF THE HISTORIC PRESERVATION BOARD JULY 26, 2017
APPROVAL OF DEMOLITIONS AND RELOCATIONS
ASSOCIATED WITH MIDTOWN DELRAY
(FORMERLY KNOWN AS SWINTON COMMONS)**

1. This is an appeal of the July 26, 2017 decision by the Historic Preservation Board ("HPB") approving the Certificates of Appropriateness for multiple demolitions and relocations associated with Midtown Delray (formerly known as "Swinton Commons") which came before the City Commission at its meeting on February 6, 2018.

2. Documentary evidence and testimony was presented to the City Commission pertaining to the appeal of the approval of Certificates of Appropriateness for multiple demolitions and relocations associated with Midtown Delray (formerly known as "Swinton Commons"). Required findings are made in accordance with Subsections I, II, III, and V.

I. DEMOLITIONS:

Pursuant to LDR Section Sections 4.5.1 (E)(5) and 4.5.1(F), finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Is the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 (**Building 'H'**), to same property located slightly north of its current site on Block 70 facing SE 1st Street consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a non-contributing structure (**Building 'T'**) located at 52 W. Atlantic Avenue, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land

Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a non-contributing structure (**Building 'U'**) located at 20 W. Atlantic Avenue, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a contributing structure/accessory structure (**Building 'V'**) located at 35½ SW 1st Avenue, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a contributing structure (**Building 'W'**) located at 14 SE 1st Street, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a contributing structure (**Building 'X'**) that has lost its character defining features of its Mission Revival style located at 18 SE 1st Street, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a contributing structure/accessory structure (**Building 'Y'**) located at 18½ SE 1st Street, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the demolition of a contributing structure (**Building 'Z'**) located at 48 SE 1st Avenue, Old School Square Historic District, consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

II. RELOCATIONS:

Pursuant to LDR Section Sections 4.5.1 (E)(5) and 4.5.1(F), finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Is the relocation of the contributing structure on the property located at 21 SW 1st Avenue (**Building 'D'**) in the Old School Square Historic Arts District, to the property located at southwest section of the Sundry Block (address to be determined), consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

Is the relocation of the contributing structure on the property located at 44 South Swinton Avenue (**Building 'G'**) in Old School Square Historic Arts District, to the property located south central on the Sundry Block (address to be determined), consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Yes _____ No _____

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original site plan was submitted.

4. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

5. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition/relocation/reconstruction of the contributing structure on the

property located at 10 SE 1st Street on Block 70 (**Building 'H'**), to same property located slightly north of its current site on Block 70 facing SE 1st Street.

6. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a non-contributing structure (**Building 'T'**) located at 52 W. Atlantic Avenue.

7. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a non-contributing structure (**Building 'U'**) located at 20 W. Atlantic Avenue.

8. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a contributing structure/accessory structure (**Building 'V'**) located at 35½ SW 1st Avenue.

9. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a contributing structure (**Building 'W'**) located at 14 SE 1st Street.

10. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a contributing structure (**Building 'X'**) at 18 SE 1st Street.

11. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a contributing structure/accessory structure (**Building 'Y'**) located at 18½ SE 1st Street.

12. Based on the entire record before it, the City Commission approves ____ / denies ____ the demolition of a contributing structure (**Building 'Z'**) located at 48 SE 1st Avenue.

13. Based on the entire record before it, the City Commission approves ____ / denies ____ the relocation of the contributing structure on the property located at 44 South Swinton Avenue (**Building 'G'**) to the property located south central on the Sundy Block (address to be determined).

14. Based on the entire record before it, the City Commission approves ____ / denies ____ the relocation of the contributing structure on the property located at 21 SW 1st Avenue (**Building 'D'**) to the property located at southwest section of the Sundy Block (address to be determined).

15. The City Commission hereby adopts this Order this 6th day of February, 2018, by a vote of _____ in favor and _____ opposed.

ATTEST:

Cary D. Glickstein, Mayor

Katerri Johnson
City Clerk

R. Max Lohman, Esq.
City Attorney

