



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Tim Stillings, Director of Planning, Zoning and Building  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** February 6, 2018

CITY COMMISSION APPEAL OF THE HISTORIC PRESERVATION BOARD APPROVALS OF CERTIFICATES OF APPROPRIATENESS FOR MULTIPLE DEMOLITIONS AND RELOCATIONS ASSOCIATED WITH THE SWINTON COMMONS PROJECT (NOW REFERRED TO AS MIDTOWN DELRAY) GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ATLANTIC AND SWINTON AVENUES (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

The recommendation is to approve the Certificates of Appropriateness (COA) for Buildings D, G, H, T, U, V, W, X, and Y, more specifically described below.

### **RELOCATIONS:**

Approve the COA (2016-072) for the relocation of the contributing structure on the property located at 21 SW 1<sup>st</sup> Avenue (Building 'D') in the Old School Square Historic Arts District (OSSHAD) to the property located at southwest section of the Sundry Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and 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.

Approve the COA (2016-061), a.k.a. Yellow House, for the relocation of the contributing structure on the property located at 44 South Swinton Avenue (Building 'G') in OSSHAD to the property located south central on the Sundry Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and 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.

Approve the COA (2016-057), a.k.a. White House, for the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1<sup>st</sup> Street on Block 70 (Building 'H'), to same property located slightly north of its current site on Block 70 facing SE 1<sup>st</sup> Street., OSSHAD (address likely to be the same) by adopting the findings of fact and law contained in the staff report, and 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.

### **DEMOLITIONS:**

Approve the COA (2016-065) for the demolition of a non-contributing structure (Building 'T') located at 52 W. Atlantic Avenue Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-068) built in 2001 for the demolition of a non-contributing structure (Building 'U') located at 20 W Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-058) for the demolition of a contributing structure/accessory structure (Building 'V') located at 35½ SW 1<sup>st</sup> Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-062) for the demolition of a contributing structure (Building "W") located at 14 SE 1<sup>st</sup> Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1 (F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-06)6 for the demolition of a contributing structure (Building 'X') that has lost its character defining features of its Mission Revival style located at 18 SE 1<sup>st</sup> St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-067 for the demolition of a contributing structure/accessory structure (Building 'Y') located at 18½ SE 1<sup>st</sup> Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-059 for the demolition of a contributing structure (Building 'Z') located at 48 SE 1<sup>st</sup> Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

### **Background:**

At its meeting of June 26, 2017, the Historic Preservation Board (HPB) approved the relocations and demolition of the structures referenced above in the "Recommended Action" section of this report. The HPB voted to deny the Class V site plan application and the additional COAs for five structure relocations and two structure demolitions. At its meeting of July 18, 2017, the City Commission

appealed the HPB approvals of the relocations and demolitions of the structures, which are those referenced above and now under consideration by the City Commission. It is noted that applicant submitted a request to appeal the HPB denials of proposed relocations and demolitions. The applicant withdrew the appeal (see attached letter dated October 4, 2017 from Dunay Miskel Backman, LLP). On September 6, 2017, the applicant submitted a new site plan application for a mixed use project known as "Midtown Delray". The proposed relocation/reconstruction of buildings "D," "G," and "H" are in the same proposed locations as presented in the COAs. Thus, approval of these relocations/reconstruction would not be in conflict with the Midtown Delray application. Further, the demolition approvals would not be in conflict with the current Midtown Delray project since these structures would be demolished and removed under both projects.

The staff report for each COA is included along with the Class V site plan for Swinton Commons.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The City Commission considered the appeal at a hearing in November 2017. At that hearing, the City Commission postponed the item until such time as a new site plan incorporating these requests was considered by the HPB. The HPB considered a new site plan and associated requests at their December 19, 2017 hearing and denied all respective requests. The HPB denials are on this same agenda for consideration as an appeal by the applicant.